

Town of Raymond

Potable Water Service Bylaw Bylaw #1019-15

A BYLAW OF THE TOWN OF RAYMOND, IN THE PROVINCE OF ALBERTA TO REGULATE THE DISTRIBUTION OF POTABLE WATER FOR MUNICIPAL PURPOSES WITHIN THE TOWN OF RAYMOND.

WHEREAS it is expedient to make provisions for management and control of the Potable Water Works System of the Town of Raymond and to establish a tariff of water rates and charges;

NOW THEREFORE the Council of the Town of Raymond, duly assembled, thereby enacts as follows:

1. This Bylaw may be cited as the "Water Service Bylaw" of the Town of Raymond. Where the terms of this Bylaw conflict with the provisions of any other Bylaw of the Town of Raymond, this Bylaw shall prevail.

DEFINITIONS

2. In this Bylaw unless the context otherwise requires:
 - (a) "Account" means an agreement between the Applicant and the Town of Raymond for the provision of Utilities.
 - (b) "Application" shall mean the application made by an Applicant to the Town for the supply of Utilities.
 - (c) "Applicant" means the owner or occupier of a specific property for which Utilities are requested or provided.
 - (d) "Town" means the corporation of the Town of Raymond or the area contained within the boundaries thereof, as the context requires.
 - (e) "Commercial Consumer" is the owner or occupier of a multi-family dwelling with a shared water meter, or any commercial establishment or a dwelling unit containing a commercial establishment other than a house occupation where the property is connected to the waterworks system.
 - (f) "Customer" shall mean any person, corporation or organization who has entered into a contract with the Town for Potable Water Service at a particular premises, or who is the owner or occupant of any premises connected to or provided with a Potable Water Services.
 - (g) "Domestic Customer" means the owner or occupier of a residence containing one or two dwelling units that are connected to the Potable Water Works System and where the total water consumption is measured by one water meter.
 - (h) "Engineer" means the Director of Operational Services of the Town of Raymond or their duly authorized agent or representative.

- (i) "Manager" means the Chief Administrative Officer of the Town of Raymond as appointed by Town Council and includes any person authorized by him or the Town to act for or carry out the duties of the Town Manager to the extent that authorization is given.
- (j) "Penalty Date" shall mean the date the combined Potable Water Services billing is due and payable for a given month.
- (k) "Premises" means any land, building or part of a building supplied with Potable Water Service by the Town.
- (l) "Property" means a sub-divided lot or a parcel of land or portions of the same.
- (m) "Retail Services Agent" means the Town of Raymond Potable Water Services as pertaining to customer services, billing and accounts receivable.
- (n) "Service Connection" means the portion of water or sewer service between the main and the outer limit of the public right-of-ways or easements.
- (o) "Town of Raymond" means the corporation of the Town of Raymond as pertaining to customer services, billing and accounts receivable.
- (p) "Treasurer" shall mean the Director of Corporate Services of the Town, or an agent or Town employee authorized by such Director to act on behalf of the Director.
- (q) "Potable Water Provision" shall mean the supply of potable water.
- (r) "Potable Water Services" shall mean the provision of retailing, billing and customer care services on behalf of the Town.
- (s) "Potable Water Works System" means the system of water works owned and operated by the Town of Raymond and all accessories and appurtenances thereto contained within public right-of-ways or easements.

ADMINISTRATION

3. The Engineer, subject to the control of the Manager shall have charge of all the various properties and works required for the supply of the Town and its inhabitants with water, and of the inspection and rating of all buildings and premises supplied with water.
4. No extension of mains shall be constructed except as may be authorized from time to time by the Town Council.
5. The Engineer may order that the water be shut off from any consumer or consumers without notice for such length of time as may be necessary to permit the construction or repairs or the connection of services to the system.

The Engineer may have the water shut off the premises of any owner or consumer infringing any of the rules and regulations or amendments thereto made by the Town.

RESTRICTIONS AND PROHIBITIONS

6. (a) The Manager may at any time make orders restricting the use of water either by all consumers or by any particular class of consumers and either throughout the Town or in any particular area or areas of the Town. The order may specify that such restricted use of water shall apply during such hours of any day of the week as may be specified in the order.

(b) No person shall use any water from the Potable Water Works System in contravention of the terms of any order made by the Manager under this section.

(c) The Manager shall take such steps as he deems necessary to publicize the terms of an order made pursuant to this and the preceding section.
7. No person except members of the Fire Department shall open, close or interfere with any hydrant, gate or valve connected with the water works system and located within public right-of-ways without the permission of the Engineer.
8. No person shall place or deposit any injurious, noxious or offensive matter in the vicinity of the intake to the Potable Water Works System.
9. No person being an occupant, tenant or inmate of any house, building or other place supplied with water from the Potable Water Works System shall lend, sell or dispose of the water thereof, or give away or permit the same to be taken or carried away or used or apply it to the use or benefit of others than his, her or their own use and benefit or shall increase the supply of water beyond that agreed for with the Town or wrongfully, negligently or improperly waste any water supplied from the Potable Water Works System.

DAMAGES AND LIABILITIES

10. In all cases where any pressure vessel or equipment is supplied with Potable Water from the Potable Water works system, the Town shall not be responsible for damage to such vessel or equipment, person or premises when the Potable Water supply is shut off or when there is failure of the Potable Water supply due to any cause whatsoever, even where no notice is given. No deduction from the Potable Water bills shall be made in consequence thereof.
11. The Town is not liable for damages:
 - (a) caused by the breaking of any Potable Water service main, Potable Water service pipe or attachment, or any sewer main; or
 - (b) caused by the interference with the supply of any Potable Water service or sewer necessary in connection with the repair or proper maintenance of the Potable Water service or sewers, or
 - (c) generally for any accident due to the operation of the Potable Water works system of the Town unless such accident is shown to be directly due to the negligence of the Town, its employees or agents.

APPLICATION FOR SERVICE CONNECTIONS

12. (a) Owners of property within the Potable Waterworks service area may apply to the Engineer and request that the boundary of their property be connected to the Town Potable Waterworks system.
- (b) The owner or his authorized agent shall provide the Engineer with a site plan on which the size and location of each requested service is shown.
- (c) Application may be made for a Potable Water service to be used for fire protection purposes. Valves on said Potable Water service pipes shall be sealed, as instructed by the Engineer. The said seal shall not be broken except in case of emergency. The Engineer shall be notified within 24 hours if a seal is broken. Should said Potable Water service pipe not be maintained as required, the same may be disconnected by order of the Engineer.
- (d) All Potable Water service connections shall be installed by the Town in public right-of-ways.
- (e) The expense of installing each requested service connection shall be paid by the applicant prior to installation.
- (f) The monthly service charge set forth in Schedule "A" for service shall be paid by the applicant to the Town of Raymond commencing on the date of installation and continuing until the account for the Potable Water service is terminated. The monthly service connection charge for each service eligible under Clause 13 shall be as charge set forth in Schedule "A". The rates specified in the Schedule shall apply whether or not any Potable Water was used during the billing period.
- (g) The public portion of a service connection to a property shall be maintained by the Town and when necessary, renewed at the discretion and expense of the Town.
- (h) Existing service connections may be reused for redevelopment purposes without charge. The Town shall charge the full cost of installing any required new service connection in the event that reuse is not possible.
- (i) In the event the Town has, subsequent to the issuance of a demolition permit, removed a service connection, the Town shall reinstall at its expense the public portion of the service connection of lesser or equal capacity without charge to the applicant. In the event that the applicant requires a service connection of a capacity larger than that removed, the Town shall charge the full cost of installing the required new service connection.

POTABLE WATER SERVICE CONSTRUCTION

13. The Potable Water service pipe from the main to the property line shall be a $\frac{3}{4}$ inch pipe of municipal grade pvc or other material approved by the Engineer and connected by fittings and materials approved by the Engineer, and such Potable Water service pipe shall be laid at least 1.8 meters below the surface of the ground.
14. The Town will place on each Potable Water service pipe a service shut off valve either at the main or near the property line for the purpose of turning on the Potable Water supply or shutting it off. Over each service shut off valve the Town shall place a valve box from which the service shut off valve may be operated by the Town. The limit of

Town responsibility with respect to the installation, maintenance and repairs of all Potable Water services shall be:

- (a) to the downstream edge of the service shut off valve when the service shut off valve is located near or at the property line, or
 - (b) the property line when the service shut off valve is located at the main.
15. No person shall extend service piping from one lot to another.
16. No person shall in any way interfere with the Potable Water works appliance outside his own premises. No person except a person authorized by the Engineer, shall tap or make any connection whatsoever with any public Potable Water pipes or mains, either in the streets, or in the lanes.
17. Where any consumer discontinues the use of Potable Water service furnished by the Town or the Town lawfully refuses to continue any longer to supply the same, the Engineer or any person authorized by him may at all reasonable times and shut off or disconnect the service from the Towns Potable Water Works.
18. A consumer wishing to discontinue Potable Water services and the associated charges shall advise the Town of Raymond's offices.
19. Charges for Potable Water service shall be made in accordance with the provisions of the Schedule attached to this Bylaw and any amendments and additions thereto. The charges as set out in the Schedule are subject to change by Council without notice.
20. Where a contract for the supply of Potable Water is in existence and subject to the other provisions of this Bylaw the owner or occupier of property connected to the Potable Water supply system of the Town shall pay to the Town:
 - (a) The "Potable Water Flat Service Charge" as specified in Schedule "A" for each Town Potable Water Service to the property, and
 - (b) General Account provisions for each account receiving water from the Town of Raymond are set out in Schedule "B".
 - (c) A Potable Water Service shall only be used to supply a property with water for municipal consumption which includes watering a lawn or garden on the specified property.
21. The Engineer and persons duly authorized by him may inspect the Potable water works system on property of any Potable Water user at any reasonable time to examine the pipes and fixtures to ascertain the quantity or integrity of the system and the manner of its use, and in the case of fraudulent representation on the part of any Potable Water user or of unnecessary waste of Potable Water, the supply may be cut off.
22. When at any time the Potable Water supply is disconnected for breach of contract, a fee as set out in Schedule "A" will be charged prior to the Potable Water service being reconnected.

CROSS CONNECTIONS AND BACKFLOW PREVENTION

23. No person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container, device or appliance to the Potable Water system:
 - (a) in a manner which, under any circumstances, may allow Potable Water, or any liquid or substance of any kind to enter the Potable Water system; and
 - (b) without using and maintaining a cross connection control device which has been approved by the Engineer.
24. Where the Engineer believes that a cross connection exists in contravention of section 23, the Engineer may carry out an inspection:
 - (a) upon reasonable notice to the consumer, or
 - (b) without notice to the consumer where the Engineer has determined, that an immediate threat of contamination to the Potable Water system exists that may endanger public safety or property.
25. If it is determined that section 23 has been contravened, the Engineer may issue such written order or orders to the owner or consumer requiring a remedy to the contravention.
26. Where a person fails to comply with an order issued under section 23, the Engineer may:
 - a) upon reasonable notice to the consumer, shut off Potable Water service; or
 - b) without notice to the consumer, shut off Potable Water service, where the Engineer has determined that an immediate threat of contamination to the Potable Water system exists that may endanger public safety or health.
27. Notwithstanding subsections 24 and 25, where in the opinion of the Engineer a situation exists that creates a risk of contamination of the Potable Water system, the Engineer may require premise isolation. Premise isolation is achieved by a cross connection control device installed on the consumer's main Potable Water service connection at or near the property line in addition to any existing cross connection control devices. The required installation shall be at the consumer's sole expense.
28. Where a cross connection control device has been installed, the consumer shall:
 - (a) have all cross connection control devices inspected and tested by personnel approved by the Engineer to determine whether such devices are in good working condition, at the time of installation and thereafter annually, or as required by the Engineer, at the sole expense of the consumer;
 - (b) submit a report in a form approved by the Engineer within 30 days of the testing date, containing the results of any and all tests performed;
 - (c) display a record card issued by the Engineer on or adjacent to the cross connection control device containing the following information:

- (i) name and address of the owner of the device;
- (ii) the location, type, manufacture, serial number and device size;
- (iii) the test date;
- (iv) the tester's initials;
- (v) the tester's name, the name of the tester's employer; and
- (vi) the tester's license number.

- 29. When the results of a test referred to in section 29 of this Bylaw show that a cross connection control device is not in good working condition, the consumer shall make repairs or replace the device within four (4) working days. If the consumer fails to comply with the direction given by the Engineer, the Engineer may shut off the Potable Water service or Potable Water services.
- 30. If a consumer fails to have a cross connection control device tested, the Engineer may notify the consumer that the cross connection control device must be tested within four (4) working days of the consumer receiving the notice. After which, the Engineer may shut off the Potable Water service or Potable Water services until the cross connection control device has been tested and approved as required by section 29 of this Bylaw.
- 31. Any person who contravenes any provision of this Bylaw or any order made thereunder is guilty of an offence and is liable upon summary conviction to a fine not exceeding TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and in default of payment of the fine to imprisonment for a period not exceeding SIX (6) months.
- 32. It is the intention of Town Council that each provision of this bylaw shall be deemed independent of all other provisions herein and it is further the intention of Town Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

This bylaw rescinds Bylaw 941-07.

This bylaw will come into force on the date of third and final reading.

READ a first time this 2nd day of June, 2015.

READ a second time this 16th day of June, 2015.

READ a third time this 16th day of June, 2015.



Mayor
George Bohne



Chief Administrative Officer
Scott Barton

SCHEDULE "A"
FEES AND DEPOSITS

<u>DESCRIPTION</u>	<u>FEE</u>
Monthly Distribution Fee – Residential	\$15.45
Monthly Consumption Fee – Residential (per cubic meter)	\$0.85
Monthly Distribution Fee – Commercial	\$30.90
Monthly Consumption Fee – Commercial (per cubic meter)	\$0.85
Monthly Distribution Fee – Institutional	\$77.25
Monthly Consumption Fee – Institutional (per cubic meter)	\$0.85
Monthly Distribution Fee – Rural Residential	\$46.35
Monthly Consumption Fee – Rural Residential (per cubic meter)	\$0.85
Water Turn-Off Fee	\$56.65
Water Turn-On Fee	\$56.65
New Water Service Fee - 3/4" line	\$1545.00
New Water Service Fee – Rural Property	\$8400.00

SCHEDULE "B"
CUSTOMER ACCOUNT TERMS AND CONDITIONS

General Provisions

1. The application when accepted by the Retail Services Agent shall be a contract between the customer and the Town by which the customer agrees to be bound by all the provisions of this bylaw or any other bylaws or regulation of the Town in connection with the supply of Potable Water Service within the Town of Raymond. The said contract shall not be transferable.
2. The property owner shall apply for Potable Water Services and will be considered the Customer. Fixed charges will not be discontinued for short term vacancies or during the period of a temporary disconnect of services.
3. Where the applicant is indebted to the Town for any municipal utility services previously provided by the Town, the applicant may not be allowed to complete their application, or be entitled to receive Potable Water Services, until satisfactory arrangements have been made for payment of such outstanding account and any deposit required.

PAYMENT OF POTABLE WATER SERVICES ACCOUNTS

4. Invoices for Potable Water Services shall be forwarded monthly to the customer and shall be payable at the office of the Retail Services Agent and such other places as may be designated by him.
5. Invoices shall be deemed rendered and other notices duly given when delivered to the customer personally, when mailed to or left at the premises where the Utilities are provided, or the last known address of the customer, or when e-mailed to the customer.
6. All charges and rates payable under this Bylaw shall be paid to the office of the Retail Services Agent and the collection of all disbursements connected with the operation of the Potable Water Services and supervision of books of account shall be under the immediate control and direction of the Retail Services Agent.
7. The Retail Services Agent shall be promptly notified of all connections made or of any discontinuance of Potable Water Services so that the proper charges or allowances may be made against or to any person or persons liable to pay for the Potable Water Services consumed or who is entitled to a refund where the Potable Water Services are disconnected. The Retail Services Agent may base the final charge for service on an estimated meter reading which will be prorated from the time of an actual meter reading.
8. The entire Potable Water Services account invoice is due and payable when rendered.
9. If the Potable Water Services account invoice is not paid on or before the penalty date the account is deemed to be in arrears.
10. Failure to receive a Potable Water Services account invoice will not entitle the customer to any delay in the settlement of each account or to any extension of the penalty date after which a penalty charge becomes applicable.
11. In the case of a dispute between the customer and the Town, the customer shall be expected to make payment or settlement as originally arranged and agreed to, pending the resolution of the dispute.
12. A customer who has not paid the full Potable Water Services account invoice on or before the penalty date may have the supply of all or any Potable Water Services discontinued without notice and such service will not be reinstated until all arrears and charges owed to the Town are paid.

LATE PAYMENT PENALTY

13. When the customer pays the Potable Water Services account invoice after the penalty date, the customer shall pay a penalty charge of 1.5% of the total amount due. Payments must be received by the Retail Services Agent on or before the penalty date in order for the customer to avoid the penalty. Payments made at a financial institution must be received by the Retail Services Agent on or before the penalty date in order for the customer to avoid the penalty.
14. For greater certainty, a customer is obliged to pay for utilities when the invoice is rendered and it is a breach of the Potable Water Services agreement to make a late payment. The late payment penalty is not to be construed as permission for the customer to pay late but is rather a penalty for breaching the terms of the Potable Water Service agreement.

ENFORCEMENT

15. A customer who fails to make payment on time will be subject to normal credit action, which may include, but is not limited to:
 - a. Disconnection Notice;
 - b. Notification by telephone;
 - c. Use of collection agencies;
 - d. Requiring prepayment before additional service;
 - e. Withholding of additional service and
 - f. Legal action
16. The payment of any rates, charges, tolls, fares, or rents as provide by this Bylaw may be enforced by all or any of the following methods, namely:
 - a. By action in any Court of competent jurisdiction.
 - b. By suspending the delivery of Potable Water Services
 - c. By distress and sale of the goods and chattels of any persons owing such rates, charges, tolls, fares, or rents wherever the same may be found in the Town.
17. Where the customer is the owner or purchaser of a building lot or part of a lot served by Utilities, the sum payable by him for the Potable Water Services Service supplied by the Town to him or for his use, and all rates, costs and charges or loans made to him imposed under this Bylaw are a preferential lien and charge on the building, lot or part of a lot, and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes recoverable.
18. Where the customer to whom the Potable Water Services has been supplied is a person other than the owner or purchaser of the building, lot or part of a lot, the sum payable by the person is a debt due by him and shall be a preferential lien and charge on his personal property and may be levied and collected with costs by distress.

ARREARS

19. Any Potable Water Service expenses, rates or rents that may be charged as taxes against a person may be entered on the assessment and tax roll at any time.

TERMINATION BY TOWN

20. The Town may discontinue the supply of all Potable Water Services for any of the following reasons:

- a. Non-payment of any Potable Water Services accounts; or
- b. Inability of the Town to obtain access to a residential premises to read any meter for a period of six months, or inability to access a non-residential premises to read any meter for a period of three months; or
- c. Failure by, or refusal of, a customer to comply with any provision of this bylaw; or
- d. Failure by, or refusal of, a customer to comply with any provisions of any Provincial Acts, the Building code, or any regulations thereunder; or
- e. At the owner's request to have services discontinued, provided the premises are not lawfully occupied; or
- f. In any other case provided for in this bylaw.

TURN OF/OFF SERVICE

- 21. If a potable water customer requests that their service be shut off for a period of time or if the Town initiates a water turn off notice due to breach of contract, a fee will be charged to the customer each time the Town has to turn the service on or off. This fee will be set forth in Schedule "A" of this bylaw or as amended by Council in their Fees and Charges Schedule.

