

## CYPRESS COUNTY

### BYLAW 2019/02

A Bylaw for the levying and collection of water and sewer service charges.

PURSUANT to the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Council of Cypress County, duly assembled, ENACTS AS FOLLOWS:

#### 1. DEFINITIONS

In this Bylaw:

- 1.1 “CAO” means the Chief Administrative Officer for the County.
- 1.2 “Master Rates Bylaw” means a bylaw passed by Cypress County for fees for information, goods, and services provided by the municipality.
- 1.3 “Land Use Bylaw” mean a bylaw passed by Cypress County may prohibit or regulate and control the use and development of land and buildings in the Municipality.
- 1.4 “Council” means the Municipal Council of Cypress County.
- 1.5 “County” means Cypress County.
- 1.6 “Developer” means the person or persons applying for a Development Permit pursuant to the County’s Land Use Bylaw.
- 1.8 “Owner” means the person or persons shown on the title of the land serviced by a water or sewer system and is contracted to purchase water and/or sewer services from the County.

#### 2. GENERAL

- 2.1 Every water service connection where the County operates a water system shall be metered.
- 2.2 New developments requiring water or sewer service must be applied for by the owner or developer and accompanied by the respective refundable deposits as described and set out in the Master Rates Bylaw prior to the issuance of a Development Permit pursuant to the Land Use Bylaw.

- 2.3 Billing for new water and sewer services shall commence on the date the water is turned on by the County.
- 2.4 An owner must accept responsibility for payment of all utilities consumed and services rendered.
- 2.5 The C.A.O. will determine into which classification any service belongs and, in the case of a dispute, the matter shall be referred to the Council whose decision shall be final and binding on all persons concerned.

3. RATES AND CHARGES

- 3.1 Rates and charges for water and sewer services provided by the County shall be as described and set out in the Master Rates Bylaw.
- 3.2 Base fee and consumption charges as set out in the Master Rates Bylaw are for a two (2) month period and will be invoiced bimonthly.
- 3.3 Water meters shall be read every two months prior to billing. If a meter read cannot be obtained for any reason an estimate can be used.

4. HYDRANTS AND VALVES

- 4.1 No person shall open, close or interfere with any hydrant or valve of a water works system without the permission of the County.
- 4.2 The County may permit water to be taken from a hydrant during construction or otherwise, provided that a deposit in the amount set out in the Master Rates Bylaw be left with the County for permission to use a hydrant for a designated period.
- 4.3 No deposit will be refunded for hydrant use exceeding the designated period.
- 4.4 Water taken from a hydrant may be measured by a meter supplied by the County and shall be charged for at the rates set out in the Master Rates Bylaw.
- 4.5 Any person or persons causing damage to a hydrant or valve shall be responsible for the cost of repairs as a result of any damage caused to the hydrant or valve.

5. SERVICE CONNECTIONS

- 5.1 The owner of any parcel of land shall pay the full costs for connection from the nearest suitable main service line to the parcel(s) requiring services, or, such sum or sums set out in a Servicing or Development Agreement. All such connections and installations shall be supervised and approved by the County.

- 5.2 Unless otherwise expressly approved in writing by the County, the owner of any parcel of land shall connect a dwelling or other structure designed or intended to be used for human habitation or occupation to a community water or sewer system where one is available.
- 5.3 Once a dwelling is connected to the County sewer system, the property owner is responsible for maintenance of the service line from the building to the street main.

6. COLLECTION AND ENFORCING PAYMENT

- 6.1 All accounts shall be forwarded to the owner and shall be due and payable when rendered with payment to be made at the office of the County or at a preauthorized financial institution. Failure to receive an account shall in no way affect the liability of the owner to pay the account.
- 6.2 In the event an account remains unpaid for a period of thirty (30) days after the final date of the billing period, the County shall cause a written notice to be sent by regular mail to the delinquent owner advising that the delinquent balance will be transferred to the taxes unless the account is paid in full by the date specified in the notice. A notice shall be deemed to have been received seven (7) days after it is sent.
- 6.3 (a) If, after the date specified in the notice, as provided for in sub-section 6.2 above, the account remains unpaid, a non-payment fee as set out in the Master Rates Bylaw will be added to the taxes.  
  
(b) Notwithstanding sub-section 6.3(a), after review of the payment history of an account, the CAO may allow an outstanding balance to be carried over providing the balance does not exceed \$54.00.
- 6.4 Withdrawal from or cancellation of a Utility Payment Plan Agreement shall be subject to the provisions under subsections 6.2 and 6.3.

7. WATER SERVICE DISCONNECTION

- 7.1 In the event a water service has been disconnected or reconnected upon the request of an owner the respective Shut off or Turn on fee as set out in the Master Rates Bylaw will be charged to the owner's account and shall be payable in the same manner as bimonthly water consumption charges.

## 8. METERS, REMOTE READING DEVICES AND CURB STOPS

- 8.1 Supply of Meters - The County will provide the owner with a standard 3/4 inch water meter and remote reading device. Prior to receiving a water meter, the owner will pay to the County the Water Meter Initial Installation fee as set out in the Master Rates Bylaw. A water meter greater than 3/4 inches shall not be permitted unless the owner provides proof satisfactory to the County that such over sized water meter is required and the owner pays the full cost of the water meter.
- 8.2 Care and Custody of Meters - The owner shall have care, custody and control of water meters and any remote reading device once provided by the County and the consumer may, at the discretion of the County, be required to pay costs to repair or replace meters or reading devices improperly cared for by the owner. Payment of costs for improper care of water meters and remote reading devices shall be added to the owner's water account and shall be payable in the same manner as bimonthly water consumption charges.
- 8.3 Access for Water Services - The owner of a property with a water service connection shall provide free and convenient access to a meter, a remote reading device, and a curb stop at all reasonable times. In the event a meter, a remote reading device, or a curb stop cannot be accessed, the County may request access be provided. If the owner fails to comply within fourteen (14) days of a request made by the County, the water service may be disconnected without further notice, and any obstruction may be removed at the owner's expense. In the event of an emergency the obstruction may be moved immediately.
- 8.4 Tampering with Meters - No owner shall tamper with, or allow a meter, remote reading device or curb stop on their property to be tampered with. Every owner shall be responsible to ensure a meter, remote reading device or curb stop on their property is not tampered with. If a meter, remote reading device or curb stop is found tampered with and the person responsible cannot be identified, the County may charge the owner with tampering.
- 8.5 Testing of Meters - An owner who feels his meter is incorrect may apply to the County to have his meter tested. If the meter is proven correct a Testing Meter fee as set out in the Master Rates Bylaw will be charged to the owner's account and shall be payable in the same manner as bi-monthly water consumption charges.
- 8.6 Refundable Utility Deposit - A Developer shall be charged a refundable utility deposit in the amount set out in the Master Rates Bylaw at the time a Development Application is received by the County. This deposit, less any amount expended by the County to repair, replace, install, re-install or relocate a meter, remote reading device or curb stop, shall be refunded to the Developer upon the installation, care and custody being completed to the County's satisfaction.

9. UNAUTHORIZED USE OF WATER

9.1 No owner shall lend, sell, dispose, give away or permit water supplied by the County to be taken, carried away, used or apply it to the use or benefit of others or to any other than his, her or their own use or benefit or wrongfully, negligently or improperly waste water.

10. RESTRICTIONS AND INTERRUPTION OF SERVICE

10.1 The C.A.O. or their designate is hereby authorized to order that water be shut off with or without notice for such length of time as may be necessary to permit the construction or repairs to a water or sewer system.

10.2 The County shall not be responsible for damage to any vessel, equipment, person or premises when there is a failure of any system due to any cause whatsoever, even where no notice is given. No deduction from billing shall be made in consequence thereof.

10.3 Water restrictions in all or part of the County may be set out by any method and during any period upon such notice as determined by the C.A.O. or his designate.

11. OFF-SITE LEVY

11.1 The owner of any parcel of land subject to development or subdivision that will create additional parcels of land for connection to an existing water or sewer system shall be required to pay an off-site levy in respect of each parcel of land that is to be developed or subdivided.

11.2 The owner or developer of any parcel of land subject to an off-site levy shall enter into a Servicing or Development Agreement. The sum or sums to be imposed and collected shall be as set out in the Off-Site Levy Bylaw.

12. BACKFLOW PREVENTION

12.1 No owner, or other person shall connect, cause to be connected, or allow to remain connected to a County water system any piping, fixture, fitting, container, appliance or usage which under any circumstances may allow any liquid, chemical or other substance to enter a County water system.

12.2 Where, in the opinion of the County, a risk of contamination to a water system exists an owner shall upon request install on his water service a C.S.A. approved backflow prevention device installed in accordance with the requirements of the Canadian Plumbing Code and in a manner acceptable to the County.

13. DRAINAGE CONNECTIONS TO SEWER

13.1 The County will not allow direct connection of weeping tile to a sanitary sewer system.

13.2 Connection of eaves troughs or other surface drainage devices connected directly or indirectly to a sanitary sewer system shall not be permitted.

14. PENALTY PROVISIONS

14.1 Any person who contravenes or fails to comply with the provisions of this Bylaw is guilty of an offense and liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00) and costs, and, in addition, a fine of not more than five hundred dollars (\$500.00) and costs for every day the offense continues.

Where an Enforcement Officer believes on reasonable and probable grounds that an offense has taken place consisting of a breach or contravention of this Bylaw, they may commence proceedings by issuing a Part 2 summons or a Part 3 offence notice, by means of a violation ticket in accordance with the provisions of the Provincial Offenses Procedure Act, R.S.A. Chapter P-34, 2000.

15. Bylaw 2016/43 is hereby repealed.

16. This Bylaw shall come into this 5<sup>th</sup> day of February, 2019.

Read a first time this 5<sup>th</sup> day of February, 2019.

Read a second time this 5<sup>th</sup> day of February, 2019.

Read a third time and finally passed this 5<sup>th</sup> day of February, 2019.

*Original Signed*

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Reeve

*Original Signed*

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Chief Administrative Officer