

CYPRESS COUNTY

BYLAW 2009/23

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) “Council” means the Municipal Council of Cypress County.
- (2) “County” means Cypress County.
- (3) “Occupant” means the person or persons authorized by the owner to occupy land and is contracted to purchase water and/or sewer services from the County.
- (4) “Owner” means the person or persons shown on the tax roll of the County as having an interest in land serviced by a water or sewer system.
- (5) “Developer” means the person or persons applying for a Development Permit pursuant to the County’s Land Use Bylaw.

2. GENERAL

- (1) Every water service connection where the County operates a water system shall be metered.
- (2) All new water or sewer accounts must be applied for by the owner of the land to be serviced prior to the issuance of a Development Permit pursuant to the County’s Land Use Bylaw.
- (3) Billing for water and sewer services shall commence upon the start of construction or placement of a dwelling or structure designed or intended to be used for human habitation or occupation.
- (4) The County Manager 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

- (1) Rates and charges for water and sewer services provided by the County shall be as described and set out in Schedule “A” attached.
- (2) Base fee and consumption charges as set out in Schedule “A” are for a two (2) month period and will be invoiced bimonthly.
- (3) Owners of land not zoned residential (ie. public service, commercial, industrial) may request once each year that their water consumption rate be set at the Tier 2 level, for a minimum period of one year, as shown in Water Rates Table “A” of Schedule “A”. After a period of at least one full year, the owner may request a change to the three (3) Tier rate structure.

4. HYDRANTS AND VALVES

- (1) No person shall open, close or interfere with any hydrant or valve of a water works system without the permission of the County.
- (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 Schedule “A” be left with the County for permission to use a hydrant for a designated period.
- (3) No deposit will be refunded for hydrant use exceeding the designated period.
- (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 Schedule “A”.
- (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

- (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.

- (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.
- (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

- (1) All accounts shall be forwarded to the owner and to the occupant and shall be due and payable when rendered with payment to be made at the office of the County or at a pre authorized financial institution. Failure to receive an account shall in no way affect the liability of the owner to pay the account.
- (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 written notices to be sent by regular mail to the delinquent owner and occupant advising that the water service will be shut off 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.
- (3)
 - (a) If, after the date specified in the notice, as provided for in sub-section (2) above, the account remains unpaid the service shall be disconnected. Extenuating circumstances may be referred to the Manager (or Assistant Manager or designate in the absence of the Manager) Council for decision.
 - (b) Notwithstanding sub-section (3)(a), after review of the payment history of an account, staff may allow an outstanding balance to be carried over providing:
 - i) The balance does not exceed \$15, and
 - ii) A balance has not been carried over in the last 6 months
- (4) In the event County staff attend any property to disconnect a water service or payment has not been received by the date specified for shut off, as provided for in Sub-section (3)(a) by reason of non-payment, a disconnection fee as set out in Schedule "A" will be charged and shall be payable in advance for the turning on of the service.
- (5) Withdrawal from or cancellation of a Utility Payment Equalization Plan Agreement shall be subject to the provisions under subsections (2), (3) and (4).

7. WATER SERVICE DISCONNECTION

- (1) In the event a water service has been disconnected upon the request of a owner or occupant, a disconnection fee as set out in Schedule “A” will be charged and shall be payable in advance for the turning on of the service.

8. METERS, REMOTE READING DEVICES AND CURB STOPS

- (1) Supply of Meters - The County will provide the owner with a standard 5/8-inch water meter and remote reading device per service upon receipt of a copy of both the Plumbing Installation Permit and the Private Sewage Installation Permit as issued by a Permit and Compliance Monitoring Agency authorized by Alberta Labour. Prior to receiving a water meter, the owner will pay to the County the Water Meter Initial Installation fee as set out in Schedule “A”. The County will provide a 3/4-inch water meter upon payment by the owner of the Initial Installation fee plus the cost the 3/4-inch meter exceeds the cost of a 5/8-inch water meter. 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.
- (2) Care and Custody of Meters - The owner and occupant 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 or occupant. Payment of costs for improper care of water meters and remote reading devices shall be added to the water account and shall be payable in the same manner as bi-monthly water consumption charges.
- (3) Access for Water Services - The owner and occupant 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 or occupant 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.

- (4) Tampering with Meters - No owner or occupant shall tamper with, or allow a meter, remote reading device or curb stop on his property to be tampered with. Every owner and occupant 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.
- (5) Testing of Meters - An owner who feels his meter is incorrect may apply to the County to have his meter tested. The request must be accompanied by a Testing Meter Deposit fee as set out in Schedule "A", which, if the meter is proven incorrect, will be refunded, otherwise will go to the general revenue of the County.
- (6) Refundable Meter Deposit - A Developer shall be charged a refundable meter deposit in the amount set out in Schedule "A" of this 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

- (1) No owner or occupant 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

- (1) The County Manager or his 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.
- (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.
- (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 County Manager or his designate.

11. OFF-SITE LEVY

- (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.
- (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

- (1) No owner, occupant 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.
- (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

- (1) The County will allow direct connection of weeping tile to a sanitary sewer system providing connection is installed in accordance with the requirements of the Safety Codes Act.
- (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

- (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.

15. This Bylaw shall come into effect on final reading.
16. Bylaw 2007/29 and Bylaw 2009/02 are hereby rescinded.

Read a first time this 7th day of July, 2009.

Read a second time this 7th day of July, 2009.

Read a third time, and finally passed this 7th day of July, 2009.

Reeve

Designated Officer

CYPRESS COUNTY
BYLAW 2009/23

SCHEDULE 'A'

WATER RATES

A. Water Rates - base fee plus per cubic metre consumed

Level	m ³	Rate
Base		\$16.00
Tier 1	0 - 40.00	\$0.89
Tier 2	40.01-140	\$1.09
Tier 3	>140	\$1.29

B. Water Co-ops (South Dunmore Water Co-op and East Cypress Water Co-op) - base fee plus per cubic metre consumed as per "A" above, based on the number of users in the Co-op.

Interpretation: if the Co-op has 10 users and the bimonthly consumption is 700 cu metres, the invoice is: base fee \$16.00 + tier 1 of 10 users x 40 cu metres (400) x \$0.89 = \$356.00 + tier 2 of 300 cu metres x \$1.09 = \$327.00 for total of \$699.00.

C. Bulk Water - per cubic metre with minimum charge from fire hydrants

Rate	\$1.70
Min.	\$90.00

D. Untreated Raw Water (Walsh Water Line) - annual rate for up to 648 cubic metres regardless whether water used or not, plus per cubic metre charge over the 648 cubic metres

Annual	\$165.00
Over	\$0.20

SEWER RATES

A. Residential and Commercial Sewer Rate - base fee

Res.	\$30.00
Comm.	\$60.00

MISCELLANEOUS FEES, RATES AND CHARGES

A. Fire Hydrant Meter Deposit - \$200.00

B. Refundable Meter Deposit - \$500.00

C. Testing Meter Deposit - \$50.00

D. Existing Systems Service Connection Fee - excluding those properties where an offsite levy is applicable:
Water system - \$1,500.00 per new parcel created
Sewer system - \$750.00 per new parcel created

E. Water Disconnection Fee - for office and non office hours

Office	\$60.00
Non Off	\$120.00

F. Water Meter Initial Installation - paid for first meter (5/8") installed in a new water service

Meter	\$325.00
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G. Private Fire Suppression System (ie. sprinkler system, wall hydrant) - bimonthly service charge

Charge	\$24.00
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