



CITY OF FORT SASKATCHEWAN

WATERWORKS BYLAW

BYLAW NO. C10-20

A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE OPERATION AND REGULATION OF A DISTRIBUTION AND SUPPLY SYSTEM FOR POTABLE WATER.

The Council of the City of Fort Saskatchewan, duly assembled enacts the Waterworks Bylaw, as follows:

1. SHORT TITLE

This Bylaw shall be referred to as the "Waterworks Bylaw".

2. DEFINITIONS

For the purpose of this Bylaw:

- a. "Abandonment" means the permanent discontinued use of Private Waterworks, in whole or in part, and, if applicable, the physical removal of any component.
- b. "Account Holder" means the person named on a Utility Account.
- c. "Applicable Standard" means specifications, standards, guidelines, and codes in relation to engineered infrastructure; industry recognized standards (such as those published by the Canadian Standards Association, American Water Works Association, etc.); and instructions or specifications published by a manufacturer.
- d. "Arrears" means an amount owing on a Utility Account for 2 or more billing cycles.
- e. "Backflow Preventer" means a device that is designed to prevent flow backwards into the Waterworks System from a premises.
- f. "Bleeder Valve" means a device that allows a continuous trickle flow for the purpose of mitigating the freezing of standing water in a pipe.
- g. "Bulk Water" means water dispensed from the Water Supply to a vehicle-carried container for transport for use at another location or on board the transport vehicle but excluding water collected and transported by a person from their place of residence for personal use.
- h. "Bypass" means a connection, spout, tap, or device between a Water Main and a Meter that could allow water from the Water Supply to be supplied to a premises without being measured.

- i. "City Manager" means the City's Chief Administrative Officer or designate.
- j. "City" means the municipal corporation and administration of the City of Fort Saskatchewan or, by context, the geographic limits of Fort Saskatchewan.
- k. "Clinic/Personal Service Facility" means a building, part of a building, or a land-use purposed for providing:
 - i. medical, surgical, or dental treatment to humans or animals;
 - ii. services related to the grooming or cosmetic care of humans or animals;
 - iii. animal boarding; or
 - iv. laundry or dry cleaning service.
- l. "Commercial Kitchen/Food Facility" means a building, part of a building, or a land-use purposed for the preparation, cooking, or service of food:
 - i. to be sold;
 - ii. as a service for sale; or
 - iii. at an industrial, commercial, or institutional premises.
- m. "Connection Permit" means a written authorization from the City governing the connection of Private Waterworks to the Waterworks System or a written authorization or agreement from the City governing the alteration or expansion of any component of the Waterworks System to accommodate the connection or future connection of Private Waterworks.
- n. "Construction" means work to construct or renew a building or infrastructure, which creates a temporary condition that would limit the practical installation or use of a Meter at the work site.
- o. "Council" means the municipal Council for the City of Fort Saskatchewan.
- p. "External Shut-off" means a valve or similar device accessible from outside a building that allows for the isolation of all or part of the Private Waterworks on a premises and may include, but not be limited to, a Property Valve. For clarity, an External Shut-off is typically underground and operable from the surface.
- q. "Fees and Charges" means monies to be paid or owing to the City established through bylaw, policy, invoice, or other agreement.
- r. "Fire Suppression" means a system or activity to douse a fire or mitigate its spread.
- s. "General Industrial Facility" means a building, part of a building, or a land-use purposed for the:
 - i. processing, distribution, or storage of materials;
 - ii. fabrication, manufacturing, assembly, or alteration of products; or
 - iii. cleaning, servicing, repairing or testing of materials, goods, parts, machinery, and equipment.

- t. “Hydrant” means a water dispensing device that is connected to a standpipe and is typically used for Fire Suppression.
- u. “Incident” means an adverse event that:
 - i. results in damage to any part or component of the Waterworks System;
 - ii. disrupts or has the potential to jeopardize the Water Supply, the Waterworks System, or any Private Waterworks.
- v. “Legal Owner” means a person who is a registered owner of a premises, and may include:
 - i. the registered owner under the Alberta *Land Titles Act*;
 - ii. a person granted legal representation of the registered owner; or
 - iii. a person specified and authorized by the registered owner or legal representative as responsible for the custody of the premises.
- w. “Looped Connection” means a multiple points of the Waterworks System being connected through Private Waterworks on a property.
- x. “Meter” means a device that measures water supplied by the City to a premises, and, additionally, means the equipment to record or transmit measurements from the device and any connecting wire or security seal.
- y. “Municipal Tag” means a tag or similar document issued by the City pursuant to the Alberta *Municipal Government Act* (MGA) for the purpose of notifying a person that an offence has been committed and which fine or prosecution may follow.
- z. “Order” means a written order pursuant to the MGA to remedy a contravention of this Bylaw.
- aa. “Owner” means a person who is:
 - i. a registered owner of a premises under the Alberta *Land Titles Act*;
 - ii. responsible for a system, property, or premises including a tenant; or
 - iii. authorized to act on behalf of a person defined above.
- bb. “Peace Officer” means a Peace Officer as defined in the Alberta *Provincial Offences Procedure Act*.
- cc. “Private Waterworks” means, in whole or in part, any pipe, fixture, valve, or other works or any Water Source contained within the limits of a parcel of land or private right-of-way, crossing, or encroachment, purposed for providing water to or within a property or premises, but excluding a Water Service, Property Valve, or Meter.
- dd. “Property Valve” means an External Shut-off located within 1 metre of the property line or utility right-of-way boundary.
- ee. “Public Fountain” means a device or outdoor spout owned and maintained by the City that dispenses water for drinking, decoration, recreation, or irrigation.

- ff. "Unmetered Water" means water used, consumed, or lost from the Water Supply without being measured.
- gg. "Utility Account" means an agreement for the City to provide services, which may include a Water Subscription or other services, to an Account Holder and to record related transactions including consumption, Fees and Charges, and payments.
- hh. "Vehicle Service Facility" means a building, part of a building, or a land-use purposed for providing service to vehicles or heavy equipment, including but not limited to:
 - i. mechanical maintenance, repairs, and alterations;
 - ii. painting or structural repair or modification;
 - iii. cleaning and washing; and
 - iv. fueling.
- ii. "Violation Ticket" means a Violation Ticket as defined in the Alberta *Provincial Offences Procedure Act*.
- jj. "Water Main" means a City owned and maintained pipe that is designed and constructed for the distribution of the Water Supply to multiple properties or for providing water for Fire Suppression.
- kk. "Water Service" means the pipe connecting Private Waterworks to a Water Main.
- ll. "Water Source" means a surface water body, groundwater aquifer or spring, well, other location where water can be obtained or a constructed system purposed for the collection, treatment, storage, or provision of water.
- mm. "Water Subscription" means an agreement allowing an Account Holder to draw from the Water Supply in consideration of Fees and Charges paid to the City.
- nn. "Water Supply" means potable water provided through or contained within the Waterworks System.
- oo. "Water Use Advisory" means a directive related to the use of the Water Supply, including instructions to cease or reduce consumption, to boil before consumption, or to take other actions as necessary; such directive being in effect at a specified time for a specified duration and announced through means at the City's discretion.
- pp. "Waterworks System" means, in whole or in part, the network of pipes, facilities, and other works owned by the City pursuant to the MGA, purposed for the storage and distribution of potable water or water for Fire Suppression, including, but not limited to, any Water Main, Water Service, Property Valve, and Meter, but excluding any Private Waterworks.

3. GENERAL

3.1. Intent:

- a. The Waterworks System is intended to distribute potable water for consumption within the City, and to supply water for Fire Suppression.
- b. The City shall be exclusively responsible for the distribution and supply of water through the Waterworks System. Any Private Waterworks intended to distribute or supply water to multiple properties shall be:
 - i. constructed only as authorized by the City and in accordance with all Applicable Standards and related legislation and regulations;
 - ii. fully isolated from the Waterworks System or have only 1 point of connection to the Waterworks System;
 - iii. governed by an agreement, to be filed with the City, between the Owners of all the properties serviced by such Private Waterworks, except where governance by other applicable legislation takes precedent; and
 - iv. operated and maintained in accordance with any agreement between Owners and all Applicable Standards, legislation, regulation, and codes and to the satisfaction of the City.
- c. The City shall have the authority to dictate Applicable Standards for any part of the Private Waterworks on a property between the Waterworks System and a Meter and for any device or infrastructure installed on a premises pursuant to this Bylaw.
- d. All components of the Waterworks System and any Private Waterworks shall be designed, constructed, operated, and maintained to the satisfaction of the City and in accordance with this Bylaw and Applicable Standards.

3.2. Interference:

- a. Except as authorized pursuant to this Bylaw or as otherwise authorized by the City, no person shall connect to, install, uncover, alter, remove, tamper with, operate, or draw water from any component of the Waterworks System.
- b. No person shall alter, remove, tamper with, or operate any component of a Meter, Backflow Preventer, Bleeder Valve, External Shut-off, or other device on a premises required by the City to control, measure, monitor, or protect flow from the Water Supply, unless due to an emergency, for maintenance in accordance with Applicable Standards, or otherwise authorized by the City.
- c. No person shall connect to, disturb, obstruct, tamper with, operate, or draw water from any Private Waterworks without authorization from the applicable Owner.
- d. A Public Fountain shall only be used for a purpose authorized by the City and in accordance with any applicable instructions provided by the City.

3.3. Access:

- a. When required pursuant to this Bylaw, the Owner of a premises shall be responsible to:
 - i. provide the City with unobstructed access to any Meter, External Shut-off, or any other device required by the City to be installed on a premises to control, measure, monitor, or protect flow from the Water Supply; and
 - ii. provide reasonable access to a premises for a Peace Officer or the City Manager to carry out any authorized powers or duties.
- b. No person shall cover, park a vehicle over, or otherwise obstruct any component of the Waterworks System or any External Shut-off whether private or public, in a manner that hinders its use or inspection by the City.
- c. Any person who is found to be obstructing access pursuant to this Bylaw shall remove the obstruction and provide access upon request.

4. **SUPPLY OF WATER**

4.1. Accountability for Consumption:

- a. The City shall not authorize the use of the Water Supply at a property or premises without a Utility Account that includes a Water Subscription pursuant to Section 10.
- b. The Owner of a premises where Private Waterworks are connected to the Waterworks System shall be responsible for consumption from the Water Supply at the premises, whether intentional or not.
- c. Water drawn from the Water Supply shall be measured by a Meter, except where the City approves the supply of Unmetered Water for Construction, Fire Suppression, a Public Fountain, or maintenance.
- d. The City may refuse the supply of Unmetered Water or impose conditions on its supply. Any person supplied with Unmetered Water shall comply with any conditions and the City may shut-off the supply of Unmetered Water or require the installation of a Meter if any such conditions are not met.
- e. In the event of Unmetered Water loss due to any faulty component of Private Waterworks on a property, the property Owner shall be responsible to:
 - i. notify the City of the loss; and
 - ii. make repairs or otherwise mitigate further loss, to the satisfaction of the City.

4.2. Water Source:

- a. No Water Source other than the Waterworks System shall be constructed or used without authorization from the City and all applicable permits and licenses required by all regulations which apply to that Water Source.

- b. The Owner of a property containing a Water Source other than the Waterworks System shall be responsible to:
 - i. verify the quality of the Water Source for its intended use;
 - ii. construct, operate, and maintain the Water Source in accordance with all plumbing and health codes and other Applicable Standards and legislation; and
 - iii. ensure such Water Source is fully isolated from the Waterworks System.

4.3. Protection of the Water Supply:

- a. Every person shall take all necessary measures to prevent any contaminant from directly or indirectly entering the Waterworks System.
- b. The Owner of a premises connected directly or indirectly to the Waterworks System shall install a Backflow Preventer to mitigate the risk of Contaminants from entering the Waterworks System when:
 - i. the premises contains or could contain a:
 - 1) Commercial Kitchen/Food Facility;
 - 2) Vehicle Service Facility;
 - 3) Clinic/Personal Service Facility;
 - 4) General Industrial Facility; or
 - 5) Fire Suppression system;
 - ii. the premises uses a Water Source other than the Waterworks System; or
 - iii. required by the City due to another risk.
- c. The City may waive installation of a Backflow Preventer at a premises referred to in Section 4.3.b only if the Owner is able to demonstrate to the City's satisfaction that the activities at the premises do not create any risk to the Water Supply. The waiver shall be revoked upon any change in activity or Owner, or if the Owner fails to comply with any condition of the waiver.
- d. Any Backflow Preventer required shall be installed downstream of the Meter on the premises and shall comply with all Applicable Standards.
- e. The Owner of a premises where a Backflow Preventer is installed shall:
 - i. ensure the Backflow Preventer is designed, operated, and maintained according to Applicable Standards and industry best practices;
 - ii. ensure that objectives for protecting the Water Supply are achieved; and
 - iii. accurately document tests and maintenance for the Backflow Preventer, keep records for 2 years, and submit copies to the City upon request.

4.4. Bulk Water:

- a. No person shall collect Bulk Water except at a location that is specifically permitted, designed, constructed, and maintained for Bulk Water applications.

- b. Any person using a Bulk Water station within the City shall:
 - i. be responsible for payment of any applicable Fees and Charges;
 - ii. maintain the receiving hoses and tanks and transport system in a condition satisfactory to the City; and
 - iii. comply with all instructions and regulations with respect to the collection and transport of Bulk Water established by the City or other legislation.

5. CONSTRUCTION, OPERATION, MAINTENANCE, AND REPAIR

5.1. Responsibility:

- a. The City shall be responsible to construct, operate, maintain, and repair the Waterworks System within those road allowances, utility rights-of-way, or public properties within the City's jurisdiction, including any Water Service and Property Valve, subject to Section 5.1.d.
- b. The City shall own and be responsible for Meters and the City may, as a condition of a Connection Permit pursuant to Section 5.2.d, require the Owner of a premises to be responsible for installing components of the Meter.
- c. The Owner of a property shall be responsible to construct, operate, maintain, and repair any Private Waterworks on the property, including but not limited to any External Shut-off on the property that is not a Property Valve, and the connection to the Property Valve or Water Service, subject to Section 5.1.d.
- d. For clarity and to provide for construction tolerances or unusual conditions:
 - i. a Property Valve shall delineate the limits of responsibility between the City and the property Owner pursuant to Section 5.1.a and c; and
 - ii. where a Property Valve cannot be found within 1 metre of a property line or utility right-of-way, the applicable legal boundary shall delineate the limits of responsibility.
- e. The Owner of any Private Waterworks shall not permit any component thereof to extend beyond the property connected to the Waterworks System without authorization from both the City and any adjacent Owner affected. Where an unauthorized encroachment is found, the Owner of the applicable Private Waterworks shall remedy the encroachment.
- f. The Owner of any Private Waterworks within a right-of-way, crossing, or encroachment or of Private Waterworks installed pursuant to Section 3.1.b shall be responsible to:
 - i. construct, operate, maintain, and repair the Private Waterworks;
 - ii. obtain any permissions and clearances to carry out such work; and
 - iii. resolve any dispute arising with an Owner of an adjacent or connected property.

- g. Notwithstanding the foregoing:
 - i. the City shall not be responsible for any costs of:
 - 1) construction, upgrade, relocation, or alteration of any component of the Waterworks System, including any Meter or other component on or near a premises, required or wanted as a result of a subdivision, rezoning, redevelopment, or modification of private property;
 - 2) any construction, upgrade, relocation, alteration, or repair required or wanted as a result of Abandonment, failure, or expiry of agreement involving Private Waterworks installed pursuant to Section 3.1.b; or
 - 3) work required as a result of a contravention of this Bylaw; and
 - ii. if the City deems it necessary or in the public interest, the City may inspect, maintain, repair, or construct a component of Private Waterworks or may assist an Owner in arranging for such work. Such work or assistance shall not transfer responsibility for any Private Waterworks to the City and the City may enter into an agreement with the Owner to recover the cost of any such work or assistance.
- h. Pursuant to this Bylaw, an Order may be issued or amended to require the Owner of any Private Waterworks to, within a specified timeframe, repair, maintain, or disconnect any part of the Private Waterworks that is found to be in contravention of this Bylaw, or preventing the enforcement of this Bylaw.

5.2. Connection to the Waterworks System:

- a. An Owner may be required to connect Private Waterworks on a premises to the Waterworks System and discontinue the use of any other Water Source.
- b. A property Owner shall obtain a Connection Permit from the City, prior to:
 - i. connecting Private Waterworks to the Waterworks System;
 - ii. performing work that would require the alteration of an existing component of the Waterworks System; or
 - iii. making additions or alterations to a component of the Private Waterworks underground or between the Water Service connection and a Meter.
- c. The Owner shall be responsible for any Fees and Charges associated with obtaining a Connection Permit, and for providing any necessary information or meeting any conditions required for the City to issue a Connection Permit.
- d. The City may issue a Connection Permit to a property Owner subject to any conditions deemed necessary and the Owner shall ensure that any such conditions are met.
- e. The Owner shall keep accurate records in relation to a Connection Permit for 2 years from the date of Connection Permit issuance, and shall submit copies to the City upon request.
- f. The City may refuse to issue a Connection Permit to a person who is in contravention of this Bylaw.

5.3. Abandonment:

- a. The Owner of a premises where the Abandonment of any connection to a Water Service, underground component of the Private Waterworks, or Water Source other than the Waterworks System is planned or occurs shall:
 - i. notify the City of the Abandonment;
 - ii. take any and all actions in order to eliminate associated hazards and prevent contamination or erosion of soil; and
 - iii. complete the Abandonment in a manner acceptable to the City.
- b. The Owner shall keep accurate records of an Abandonment for 2 years from the date of disconnection, and shall submit copies to the City upon request.

5.4. Looping:

- a. A Looped Connection shall not be constructed except where authorized by the City, subject to any conditions deemed necessary.
- b. The Owner of a premises with a Looped Connection shall comply with the any conditions or instructions specified by the City in relation to the protection of the Water Supply pursuant to Section 4.3.

5.5. Bleeder Valves:

- a. Where the Water Service or the Private Waterworks between the Property Valve and the Meter on a premises is prone to freezing, the City may require or authorize the installation of a Bleeder Valve.
- b. The Bleeder Valve shall be installed downstream of the Meter.
- c. The City shall have the authority to set the dates and durations for the use of any Bleeder Valve.
- d. The City may require an Owner to remove a Bleeder Valve at any time.
- e. Where a Bleeder Valve is required or otherwise authorized, the City may provide a credit on the consumption used to determine billing, in accordance with any applicable policy.

6. WATER METERS

6.1. Meters:

- a. Any premises connected to the Waterworks System shall be equipped with a Meter except where approved pursuant to Section 4.1.
- b. The City shall provide a single Meter for each connection to the Waterworks System if the applicable Property Valve is accessible and operable and the Owner of the applicable premises has met all requirements specified by the City to accommodate the installation of the Meter.

- c. The City may, subject to any conditions deemed necessary, provide a Meter for a connection within a Private Waterworks if an accessible and operable External Shut-off exists on the connection.
- d. The City shall determine the size and type of Meter to be provided to a premises, except where the Owner has demonstrated to the City's satisfaction that an alternate size or type is required.
- e. The Owner of a premises connected to the Waterworks System shall:
 - i. be responsible for any Fees and Charges related to the Meter installation;
 - ii. provide a location for the placement of any required Meter in accordance with Applicable Standards;
 - iii. provide access to the City to install, repair, or replace any Meter;
 - iv. maintain any Meter location free from obstructions;
 - v. protect any Meter from potential damage; and
 - vi. notify the City of any Incident which has, or could have, resulted in damages to a Meter.
- f. In the absence of other Applicable Standards or requirements, the Meter location shall be within 1 metre of where the supply pipe enters a building and shall provide for a 1 metre working clearance on 3 sides around the Meter.

6.2. Bypass:

- a. No Bypass, connection, or fixture may be installed between a Water Service and a Meter except where authorized by the City, subject to any conditions deemed necessary.
- b. The Owner of a premises that may require a Bypass shall be responsible to demonstrate the need for a Bypass and request authorization.
- c. No person shall connect to, tamper with, operate, or draw water from a Bypass unless due to an emergency or otherwise authorized by the City.
- d. The City may revoke any permit or authorization for a Bypass and require the Owner of the premises to remove the Bypass, at any time for any reason.
- e. The Owner of a premises with a Bypass shall notify the City within 15 minutes if the Bypass is opened or operated for any reason.

6.3. Meter Reading:

- a. The City shall have the authority to determine or change the schedule and method for taking Meter readings.
- b. If a reading cannot be obtained from a Meter on a premises when scheduled, the City may estimate consumption from the Water Supply. The Owner of a premises for which the City has made more than 3 consecutive estimates shall provide the City with access to inspect, repair, or replace the Meter.

6.4. Meter Testing:

- a. If an application to review the accuracy of a Meter is made, the City may remove and test the Meter in accordance with Applicable Standards. The Meter shall be deemed accurate if it is found to register in accordance with manufacturer specifications, or, where a published specification is not available, within plus or minus 2% of the test volume.
- b. If a Meter is tested and deemed accurate pursuant to this Section, unless otherwise approved by the City, the Meter shall be reinstated at its original location and the applicant shall forfeit any deposit paid.
- c. If a Meter is tested and not deemed accurate or found to have otherwise failed, any deposit shall be returned to the applicant and the Meter shall be removed from inventory. The consumption used to determine billing shall be adjusted in accordance with any applicable policy.

7. **HYDRANTS**

7.1. Operation:

- a. No person shall alter, remove, tamper with, operate, or draw water from a City or private Hydrant unless due to an emergency, for maintenance in accordance with Applicable Standards, or otherwise authorized by the City.
- b. No person shall operate a Hydrant in a manner which does not adhere to Applicable Standards and any instructions provided by the City.

7.2. Private Hydrants:

- a. The Owner of a premises with a private Hydrant shall, for each Hydrant:
 - i. ensure that the Hydrant is designed, operated, and maintained according to Applicable Standards and industry best practices;
 - ii. test and maintain the Hydrant, keep related records for 2 years, and submit copies to the City upon request; and
 - iii. notify the City in advance of any planned flow of water from the Hydrant and within 15 minutes following any unplanned flow.

7.3. Clearance

- a. No person shall place any debris, sign, snow, structure, or other material within 1.5 metres of a Hydrant in a manner that, in the opinion of a Peace Officer or the City Manager, obstructs access to a Hydrant.
- b. The Owner of a premises adjacent to a Hydrant shall prevent any vegetation or material on the premises from impeding access within an area 1.5 metres around the Hydrant.

8. DISRUPTIONS, RESTRICTIONS, AND TEMPORARY CONDITIONS

8.1. Interruption of Service:

- a. Flow, pressure, or quality from Water Supply may be altered, disrupted, or restricted with or without notice, due to operation or failure of a valve, control, equipment, pipe, or other component.
- b. The Owner of a premises shall be responsible for precautionary measures to mitigate any impact that could result from a change in the Water Supply.
- c. The City may shut-off the Water Supply to a premises upon the request of the Owner, subject to any Fees and Charges; however the City shall not shut-off the Water Supply to a premises as a means to enforce any private dispute including any landlord and tenant dispute.
- d. The City does not guarantee the continuous availability of the Water Supply and the City shall not be liable for damages or losses resulting from a change in the Water Supply, nor shall any reduction in Fees and Charges levied on a Utility Account be made unless in accordance with any applicable policy.

8.2. Water Use Advisories:

- a. The City may issue, amend, or cancel a Water Use Advisory, in the interest of protecting the Water Supply or public health.
- b. The City may impose specific instructions or restrictions under a Water Use Advisory that may be dependant of date, time, or location.
- c. No person shall use the Water Supply in a manner that is in contravention of a Water Use Advisory that is in effect, or any conditions imposed subsequent to such Water Use Advisory.
- d. All persons are responsible for determining whether a Water Use Advisory is in force. Failure to receive notice of a Water Use Advisory shall not constitute a valid defence for any contravention of such Water Use Advisory.
- e. The foregoing restrictions do not apply to a person using a Water Source other than the Waterworks System.

8.3. Temporary Service

- a. The City may authorize the installation and use of a temporary service to supply water to a premises during a disruption. No person shall connect to, install, uncover, alter, remove, tamper with, operate, or draw water from any temporary service without authorization from the City.
- b. A temporary service could be created by connecting 1 or more disrupted premises to another unaffected premises or an unaffected Hydrant or by another means as may be applicable.

- c. Where the City installs a temporary service by connecting one premises to another, the City shall provide a credit on the consumption used to determine billing, in accordance with any applicable policy
- d. Any person responsible for a temporary service shall ensure that it is installed, operated, and maintained in accordance with this Bylaw and all Applicable Standards.

8.4. Incidents:

- a. In the event of an Incident, any person able to control and manage the Incident shall do everything reasonably possible to protect human health, safety, and the environment and to minimize damage to property.
- b. The person causing or controlling the Incident shall, upon taking appropriate action to reduce harm, immediately notify and provide any requested information to the City and, if applicable, emergency dispatch.
- c. The City may take action as necessary to protect the Waterworks System and to prevent or control any release from the Water Supply.
- d. An Owner or any person causing an Incident, whether by deliberate act or through negligence shall be responsible for:
 - i. clean up resulting from the incident including contaminated residue;
 - ii. restoration of the affected area to its prior condition;
 - iii. all resulting costs and damages including the costs of water loss;
 - iv. any applicable penalties specified in Schedule "A" of this Bylaw; and
 - v. any other resulting repair or remedy required.
- e. In the event of an Incident involving any known or potential contamination:
 - i. all provisions of Section 8.4.a through 8.4.d shall apply; and
 - ii. the person causing the Incident and, if applicable, the Owner of the premises where the Incident occurred shall, to the satisfaction of the City, provide a written report detailing the causes of the Incident and any controls and response plans to be implemented as a result.

9. **MONITORING**

- 9.1. The City shall have the authority to carry out any inspection, on a premises or otherwise, that is reasonably required to ensure compliance with this Bylaw, including but not limited to the authority to:
 - a. inspect and measure flow in any Private Waterworks;
 - b. inspect and test any Backflow Preventer, Bleeder Valve, Bypass, External Shut-off, Meter, or any other device which controls or measures the flow from the Water Supply to a premises from the Waterworks System, including any such privately owned facility on a premises;

- c. inspect and request information on the types and quantities of materials and equipment on a premises, in relation to the potential of these to cause an Incident;
- d. inspect a premises where an Incident has, or is suspected to have occurred, and to sample and test any or all matter, materials, or equipment that could reasonably have contributed to the contamination; and
- e. require a person to provide any reasonable information concerning a matter in relation to this Bylaw.

9.2. The Owner of a premises shall be responsible to provide the access to the City when required to conduct any authorized inspection or test.

10. UTILITY ACCOUNT

10.1. Opening a Utility Account and Adding a Water Subscription:

- a. Only the Legal Owner may open a Utility Account for a premises, except that a Utility Account for Construction pursuant to Section 10.2 may be opened by a person who is responsible for the Construction and is defined as an Owner of the premises pursuant to this Bylaw.
- b. The Legal Owner shall request to open a Utility Account that includes a Water Subscription or shall request a Water Subscription on a Utility Account when:
 - i. taking possession or custody of a premises with Private Waterworks connected to the Waterworks System or fitted with a Meter;
 - ii. Private Waterworks on a property is connected to the Waterworks System and all requirements of the Connection Permit are completed; or
 - iii. an Account Holder who is not the Legal Owner closes a Utility Account that includes a Water Subscription for a premises.
- c. The City may create a Utility Account with a Water Subscription in the name of the Legal Owner, should the Legal Owner fail to adhere to the conditions set out in Section 10.1.b., and the Legal Owner shall not be exempt from the Account Holder responsibilities.
- d. A Water Subscription shall not be added to a Utility Account without a subscription for use of the City's sewers unless:
 - i. the Water Subscription is required for Unmetered Water or Bulk Water; or
 - ii. the applicable premises is not connected to the City's sewage collection system and is in compliance with the City's Sewer Bylaw.
- e. A Utility Account may be opened and a Water Subscription may be added in person, in writing, electronically, or by telephone. The Account Holder shall provide current contact information and provide a deposit.

- f. The City may refuse to open a Utility Account or add a Water Subscription at a premises if any Legal Owner of or Owner responsible for Construction at the premises is in contravention of this Bylaw or has Arrears with the City for water or other services provided pursuant to this Bylaw.

10.2. Construction Water:

- a. Where an Owner responsible for Construction on a premises requires use of the Water Supply, the Owner shall request to open a Utility Account for Construction and add a Water Subscription for Unmetered Water.
- b. A Utility Account for Construction shall remain open until all of the following conditions are met:
 - i. Construction is complete and the premises can be legally occupied;
 - ii. all conditions of any Connection Permit and any conditions of the City in relation to the supply of Unmetered Water have been met;
 - iii. a Meter has been installed at the premises; and
 - iv. any outstanding balance has been paid in full.
- c. Fees and Charges shall be levied for the opportunity to use Unmetered Water regardless of whether or not any consumption occurred until a Meter has been installed pursuant to Section 6.1.
- d. Upon installation of a Meter, the Water Subscription shall be updated and any additional subscriptions added pursuant to City bylaws and the applicable Fees and Charges shall be levied.

10.3. Account Holder Responsibility:

- a. An Account Holder shall be responsible for:
 - i. all Fees and Charges levied to the Utility Account while open;
 - ii. ensuring that payment of all Fees and Charges are made by the specified due date, and in accordance with any other conditions of the City;
 - iii. informing the City of changes in contact information; and
 - iv. adherence to the requirements of this Bylaw.

10.4. Closing a Utility Account and Removing a Water Subscription:

- a. A Water Subscription shall be removed from a Utility Account for a premises only upon the Abandonment of the connection to the Waterworks System.
- b. A Utility Account may be closed only if:
 - i. the City has permanently stopped all services under the Utility Account; or
 - ii. the Account Holder is not the Legal Owner and there are no outstanding conditions pursuant to Section 10.2.b.

- c. Provided that the conditions of Section 10.4.b have been met, a Utility Account for a premises shall be closed only upon:
 - i. Account Holder request to close the Utility Account;
 - ii. request of the Legal Owner to open a new Utility Account; or
 - iii. the event any condition under Section 11.1 exists that would permit the City to suspend service to a premises.
- d. Any deposit on the Utility Account shall be applied as a credit to the final balance on the Utility Account. The City shall refund any amount of the deposit in excess of the final balance.
- e. The Account Holder shall be responsible for payment of any balance that remains after the deposit has been applied and any unpaid amount shall become a debt recoverable pursuant to Section 11.3.
- f. No interest shall be payable by the City on the deposit.

10.5. Variable and Fixed Rates:

- a. Fees and Charges levied for consumption from the Water Supply shall be determined based on the set variable rate and:
 - i. the quantity measured by the Meter at the premises; or
 - ii. an estimated quantity, if a reading from a Meter is not available.
- b. Fees and Charges set at a fixed rate shall be levied regardless of whether or not any consumption occurred at the premises.

11. CONTRAVENTION, NON-PAYMENT, AND SERVICE SUSPENSION

11.1. Suspension of Service:

- a. The City may, without prejudice to any of the City's other remedies, upon notice suspend service and then shut-off the Water Supply to a premises if:
 - i. the Utility Account falls into Arrears or an Account Holder fails to comply with any payment arrangements;
 - ii. the Legal Owner of a premises has failed to open a Utility Account or add a Water Subscription pursuant to this Bylaw; or
 - iii. a person at the premises is in contravention of any provision of this Bylaw, including any conditions of any authorization, Connection Permit, or Order issued pursuant to this Bylaw.
- b. The City may, without prejudice to any of the City's other remedies, upon notice suspend a person's use of a Bulk Water station or Public Fountain if the person is in contravention of any provision of this Bylaw.
- c. Notice required pursuant to this Section may be provided in person or by telephone, or in writing and sent electronically or delivered or mailed to the last known address of the applicable Account Holder or person.

11.2. Restoration of Service

- a. Before the City restores service suspended pursuant to Section 11.1, the Account Holder shall, as applicable:
 - i. make payment arrangements subject to the City's approval for:
 - 1) any amount owing on the Utility Account; and
 - 2) any Fees and Charges for service restoration and any other penalty levied on the Utility Account; and
 - ii. ensure, to the satisfaction of the City, that the cause of any contravention has been remedied.

11.3. Non-Payment

- a. If an Account Holder fails to make any outstanding payments, any unpaid amount shall constitute a debt owing to the City and shall be recoverable by:
 - i. action in a court of competent jurisdiction;
 - ii. collecting in a like manner as accounts receivable; or
 - iii. if the Account Holder for the applicable premises is the Legal Owner, adding the amount to the property tax roll of the Legal Owner.

12. **ENFORCEMENT**

12.1. Orders to Remedy Contraventions:

- a. If the City Manager finds that a person is contravening this Bylaw, the City Manager may by written Order in accordance with the MGA, require any person responsible for the contravention to remedy it.
- b. The Order may:
 - i. direct a person to stop doing something, or to change the way in which they are doing it;
 - ii. direct a person to take any action necessary to remedy the contravention of this Bylaw to prevent a re-occurrence of the contravention;
 - iii. state a specified time to comply; and
 - iv. state that if the person does not comply within a specified time, the City shall take necessary action, at the expense of the person.
- c. The expenses and costs resulting from action taken by the City under Section 12, are due and payable by the person in contravention of this Bylaw.
- d. The City may in accordance with the MGA, add outstanding amounts for unpaid expenses and costs referred to in Section 12.1.c to a property tax roll, if the contravention of this Bylaw occurred on all or part of the Owner's premises.

12.2. Service of Order:

- a. In the case of an individual, an Order issued in accordance with this Bylaw may be served by:
 - i. delivering it personally to the individual's apparent place of residence; or
 - ii. registered mail addressed to the individual at their apparent place of residence, or to any address for the individual on the property tax roll of the City.
- b. In the case of a corporation, an Order issued in accordance with this Bylaw may be served by:
 - i. delivering it personally to any representative of the corporation or to the corporation's place of operation; or
 - ii. registered mail addressed to the registered office of the corporation.

12.3. Review by Council:

- a. A person who receives an Order under this Bylaw may submit a written request for Council to review Order within 14 days after the date it was received.
- b. After review, Council may confirm, vary, substitute or cancel the Order.

12.4. Offence:

- a. A person who contravenes any provision of this Bylaw is guilty of an offence.
- b. A person shall not interfere with a Peace Officer or the City Manager in the exercise of their powers and duties under this Bylaw.

12.5. Vicarious Liability:

- a. For the purpose of this Bylaw, an act or omission by the Owner or another person acting on their behalf is deemed to be an act or omission of the Owner, if the act or omission occurred in the course of exercising the powers or performing any duties on behalf of the Owner.

12.6. Corporations and Partnerships:

- a. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission, or agreed or participated in the act or omission that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted.
- b. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act, who agreed or participated in the act or omission that constitutes the offence, is guilty of the offence.

12.7. Fines and Penalties:

- a. A person who is guilty of an offence is liable for a fine pursuant to Schedule "A" of this Bylaw, not to exceed \$10,000.00 or for the imprisonment of not more than 6 months for non-payment of a fine, as per the MGA.
- b. Without restricting the generality of Section 12.7.a, the penalties specified in Schedule "A" of this Bylaw are established for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.

12.8. Municipal Tag:

- a. A Peace Officer is hereby authorized to issue a Municipal Tag to any person who the Peace Officer believes has contravened any provision of this Bylaw.
- b. A Municipal Tag may be issued:
 - i. personally; or
 - ii. by mailing a copy to such person at their last known municipal address.
- c. The Municipal Tag shall be in a form approved by the City Manager and shall state:
 - i. the name of the person;
 - ii. the offence;
 - iii. the specified penalty established by this Bylaw for the offence;
 - iv. that the penalty shall be paid within 7 days of the issuance; and
 - v. any other information as may be required by the City Manager.

12.9. Payment in Lieu of Prosecution:

- a. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom it is issued may, in lieu of being prosecuted for the offence, pay the penalty to the City, specified within the prescribed time indicated on the Municipal Tag.

12.10. Violation Ticket:

- a. Where a Municipal Tag has been issued and the specified penalty has not been paid within the prescribed time, a Peace Officer is authorized to issue a Violation Ticket pursuant to the *Alberta Provincial Offences Procedure Act*.
- b. Notwithstanding Section 12.10.a, a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to the *Alberta Provincial Offences Procedure Act* to any person who the Peace Officer believes has contravened any provision of this Bylaw.
- c. Where a Violation Ticket is issued in respect of an offence, it may:
 - i. specify the fine amount established by this Bylaw for the offence; or
 - ii. require a person to appear in court, without the alternative of making a voluntary payment.

12.11. Voluntary Payment:

- a. A person who commits an offence may submit the voluntary payment noting the specified penalty to the Provincial Court Clerk, on or before the initial appearance date indicated on the Violation Ticket, if the Violation Ticket:
 - i. is issued with respect to the offence; and
 - ii. specifies the fine amount established by this Bylaw for the offence.

13. POWERS OF THE CITY MANAGER

Without restricting any other power, duty, or function granted by this or any other Bylaw, the City Manager may:

- a. carry out inspections to determine compliance with this Bylaw;
- b. take steps or carry out actions required to enforce this Bylaw;
- c. take necessary steps or carry out actions required to remedy a contravention of this Bylaw;
- d. establish forms for the purposes of this Bylaw; and
- e. delegate powers, duties, or functions under this Bylaw to an employee of the City.

14. INTERPRETATION

- 14.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed to not be gender specific.
- 14.2. Wherever the provisions of this Bylaw are, or are deemed to be at variance with each other, the more restrictive of the two provisions shall apply.
- 14.3. Any reference in this Bylaw to provisions of statute, rules, or regulations shall be deemed to include references to such provisions as amended, modified, or re-enacted from time to time.
- 14.4. Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation, or enactment.
- 14.5. The use of headings is for convenience of reference only and shall not be construed so as to affect the interpretation of this Bylaw.

15. SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must then be severed and the remainder of the Bylaw is deemed valid.

16. EFFECTIVE DATE

This Bylaw becomes effective upon third and final reading.

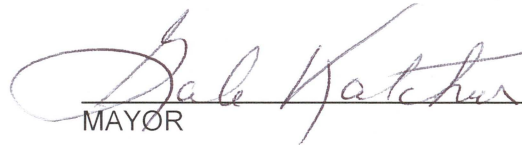
17. PRIOR BYLAWS

Bylaws 1648 and 1711 and all amendments thereto are hereby repealed.

READ a first time this 10th day of March 2020.

READ a second time this 10th day of March 2020.

READ a third and passed this 10th day of March 2020.


MAYOR


DIRECTOR, LEGISLATIVE SERVICES

Date Signed: March 11, 2020

BYLAW C10-20
SCHEDULE “A” SPECIFIED PENALTIES

Section	Offence	Penalty 1st Offence	Penalty 2nd and Subsequent Offence
3.1 (b)	Construction or operation of an unauthorized water distribution system	\$1,000	\$2,000
3.1 (d)	Failure to properly design, construct, operate, or maintain a component of the Waterworks System or of any Private Waterworks	\$500	\$1,000
3.2 (a)	Interference with the Waterworks System	\$500	\$1,000
3.2 (b)	Interference with a device that controls, monitors, or protects the Water Supply	\$1,000	\$2,000
3.2 (c)	Interference with Private Waterworks	\$500	\$1,000
3.2 (d)	Unauthorized use of a Public Fountain	\$100	\$200
3.3 (a) 3.3 (b)	Obstruction of a component of the Waterworks System, External Shut-off, or other device	\$250	\$500
3.3 (c)	Failure to remove an obstruction or provide access when required	\$500	\$1,000
4.1 (a)	Unauthorized use of the Water Supply	\$250	\$500
4.1.(c) 4.1 (d) 4.1 (e.ii)i	Unauthorized use of Unmetered Water or failure to mitigate loss of Unmetered Water	\$500	\$1,000
4.1 (e.i)	Failure to notify the City of Unmetered Water loss	\$500	\$1,000
4.2	Unauthorized use of a Water Source other than the Waterworks System	\$500	\$1,000
4.3 (a)	Failure to take measures to prevent contamination of the Water Supply	\$2,500	\$7,500
4.3 (b - e)	Failure to properly install, operate, or maintain a Backflow Preventer	\$750	\$1,500
4.4	Unauthorized collection of Bulk Water	\$500	\$1,000
5.1 (b)	Failure to install Meter components when required	\$750	\$1,500
5.1 (c)	Failure to take responsibility for Private Waterworks on a premises	\$750	\$1,500

5.1 (e)	Unauthorized encroachment of Private Waterworks or failure to remedy an encroachment	\$750	\$1,500
5.1 (f)	Failure to take responsibility for any Private Waterworks not confined to a single property	\$1,500	\$3,000
5.1 (h)	Failure to comply with an Order to repair, maintain, or disconnect	\$1,000	\$2,000
5.2 (a)	Failure to connect any Private Waterworks to the Waterworks System when required	\$1,000	\$2,000
5.2 (b - e)	Failure to obtain or comply with the requirements of a Connection Permit	\$500	\$1,000
5.3	Failure to properly abandon any component of Private Waterworks	\$500	\$1,000
5.4	Unauthorized Looped Connection or failure to comply with any condition of authorization	\$1,000	\$2,000
5.5	Unauthorized installation or use of a Bleeder Valve or failure to remove a Bleeder Valve when required	\$100	\$200
6.1 (e.ii - e.iv)	Failure to provide a suitable and accessible location for a Meter	\$250	\$500
6.1 (e.v)	Failure to protect a Meter from damage	\$500	\$1,000
6.2 (b)	Unauthorized connection prior to a Meter	\$500	\$1,000
6.2. (c)	Unauthorized use of or interference with a Bypass	\$750	\$1,500
6.2 (d)	Failure to remove a Bypass when required	\$1,000	\$2,000
6.2 (e)	Failure to notify the City of the use of a Bypass	\$750	\$1,500
7.1 (a)	Interference with a Hydrant	\$1,500	\$4,000
7.1 (b) 7.2 (a.i) 7.2 (a.ii)	Failure to properly install, operate, or maintain a Hydrant	\$750	\$2,000
7.2 (a.iii)	Failure to notify the City of the use of a Hydrant	\$750	\$1,500
7.3	Obstruction of a Hydrant or failure to maintain adequate clearance around a Hydrant	\$500	\$1,500
8.1 (b)	Failure to take measures to mitigate against a change in the Water Supply	\$250	\$750
8.2 (c)	Failure to comply with any Water Use Advisory	\$250	\$750
8.3 (a)	Unauthorized installation of or interference with a temporary service	\$250	\$500

8.3 (d)	Failure to properly install, operate, or maintain a temporary service	\$500	\$1,000
8.4 (a)	Failure to take measures to protect health, safety, the environment, or property in the event of an Incident	\$2,500	\$7,500
8.4 (b)	Failure to notify the City or to provide information about an Incident	\$500	\$1,000
8.4 (d)	Failure to complete any clean-up, repair, or remedy required as a result of an Incident	\$2,000	\$4,000
8.4 (e.i)	Failure to properly respond to an Incident involving known or potential contamination of the Water Supply	\$2,500	\$7,500
8.4 (e.ii)	Failure to provide a written report or plan when required	\$1,000	\$2,000
10.3 (a.iii)	Failure update Utility Account contact information	\$50	\$100
12.4 (b)	Interfering with the duty of a Peace Officer or the City Manager	\$500	\$1,000