

VILLAGE OF CLIVE

BY-LAW #509-16

WATER & SEWER BY-LAW

A By-law of the Village of Clive, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, RSA 2000, Chapter M-26, and amendments thereto, to provide for the supply of water and sewer services to the residents and owners of the Village enacts as follows:

Part I:

SHORT TITLE

- 1). This By-law may be cited as the “Water and Sewer By-law”.

DEFINITIONS

- 2). In this by-law:

Act

means the Municipal Government Act, RSA 2000, c. M-26 and amendments thereto.

Application

means the application made by the registered owner of property located within the Village, for the supply of water and sewer services, which will be a contract between the registered owner and the Village of Clive.

Commercial

shall include any building into which a person comes for the sole purpose of business.

Consumer or Customer

means any person who has entered into a contract with the Village for utility services.

Council

means the Municipal Council of the Village of Clive.

Municipal Administrator

means the designated officer that has been appointed by Council.

Residential

means any residence used solely for the purpose of living.

Village

shall, depending on its context, mean either: the Municipal Corporation of the Village of Clive, its administration and staff, agents or representatives; or the territory contained within the corporate boundaries of the Village of Clive.

DELEGATION OF AUTHORITY

- 3). Council hereby delegates to the authority to do all things necessary in order to fulfill the responsibilities and duties under the Act and this By-law.
- 4). The Municipal Administrator will be in charge and responsible for the operation of the Water and Sewer System in accordance with:
 - a). Provincial and Federal Statutes and Regulations;
 - b). this by-law and related regulations and policies, and
 - c). the direction of Council.
- 5). The Municipal Administrator may delegate the performance of certain duties to assigned staff, agents or contractors in so far as such delegation is not inconsistent with Provincial or Federal Legislation, this By-law, related regulations or policies thereof.

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PART II:

CONSTRUCTION & REPLACEMENT OF WATER & SEWER WORKS

- 1). The Village shall operate a water supply and distribution system for the purpose of supplying the owners and occupants within the Village with potable water and adequate fire protection.
- 2). The Village shall operate a sewer disposal system for the purpose of disposing sewage produced by residents and other consumers of water within the Village.
- 3). Council may by resolution enter into agreements with other municipalities, private corporations or citizens for the supply of water or sewer services beyond the corporate limits of the Village, adopting such provisions, regulations or rates as may be deemed appropriate.
- 4). Council may, as it becomes necessary, authorize the construction, replacement or upgrading of the water supply system or sewage disposal system with funding for such projects obtained from whatever sources may be appropriate.
- 5). Where it is necessary to replace the water or sewer mains because of deterioration of the condition of a pipe to a point where the ability of the pipe to function is significantly impaired, the reliability of the pipe is seriously reduced, or where because of planned major street upgrading it is deemed desirable to replace a main, prior to upgrading to prevent subsequent damage to a new road surface from anticipated main repairs or replacements, Council may initiate the replacement of water or sewer mains or both.
- 6). Council may include the replacement of additional mains to improve the financial viability and cost effectiveness of a planned replacement project.
- 7). The cost of the replacement of water and sewer mains shall be funded where possible from related water and sewer revenues, reserves, or applicable government grants; or if necessary, may be funded through debenture borrowing.

WATER & SEWER SERVICE CONNECTIONS

- 8). Where the Village undertakes work pursuant to this part the costs to be charged to the registered owners of property shall be calculated in accordance with costs and charges as may be adopted from time to time by resolution of Council.
- 9). No source of water including wells other than the Village Water Distribution System shall be used for any purpose within the Village except where specifically authorized by resolution of Council.
- 10). Such exemption may be permitted by Council or the Village Municipal Planning Commission (MPC) if the property for which water service is required is:
 - a) located in relation to an existing main such that the extension of that main is precluded because of excessive cost or engineering difficulty.
 - b) adjacent to an existing main which is insufficient in terms, size and capacity and the upsizing of the main is deemed excessive in cost.

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- c) projected to use a volume of water which would strain the Village's water supply capacity.
- 11). Where a property is using an alternate water source pursuant to Section 9 and where a water main is constructed or upgraded such that the supply of water from the Village system is now practical, the owner of the property shall discontinue the use of the alternate water source and make connection to the Village water main within one (1) year of the completion of the installation or upgrading of the water main.
- 12). All properties which generate sewage, shall be connected to the Village's sewer system except where exempted by Council or the Village Municipal Planning Commission (MPC) in the Development Permit Application process. Such exemption may be allowed for the following reasons:
- a) location of the property to an existing sewer main is such that the extension of that main is precluded because of excessive cost or engineering difficulty.
- b) the sewer main adjacent to the property is of insufficient size and capacity to handle the proposed effluent and upsizing of the main deemed excessive in cost.
- c) the type of wastes to be generated by the property are not permitted by this By-law or Provincial Regulation to be disposed of through the Village's sewer system.
- 13). An alternative sewage disposal installation permitted under Section 12 may include a sewage pump-out tank or septic tank and field, such installations subject in all cases to applicable Provincial Regulations.
- 14). Where an alternate sewage disposal installation has been permitted pursuant to Section 12 (a) & (b) and where subsequent to that installation a sewage main is constructed or upgraded such that the disposal of sewage from the property to the Village system is now practical, the owner of the property shall discontinue the use of the alternate sewage installation and make connection to the Village sewage main within one (1) year of the installation or upgrading of the sewer main.

INSTALLATION OF NEW SERVICE LINES

- 15). Each lot or parcel and each principle building or occupancy where feasible shall be provided with a separate water and sewer service.
- 16). When a registered owner requests the installation of a service, an agreement shall be completed.
- 17). The Municipal Administrator is hereby authorized on behalf of the Village to execute any agreement required pursuant to this policy.
- 18). The Village shall install service lines to the front property boundary and shall charge the owner of the property the costs incurred.
- 19). The registered owner may at their option choose to have the installation performed by a Village approved contractor in accordance with specified standards at the time of installation.
- 20). Permission will not be granted to supply two (2) or more commercial or residential businesses fronting on the same street with one (1) single service. Each business must have it's own service line equipped with a shut off valve.

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- 21). The Village Foreman, designated staff (this includes designated emergency personnel) or administration, appointed agents or representatives of the Village, can operate a curb shut-off valve for the purpose of:
- a) testing any piping in the case of new installations;
 - b) replacing or renewing of a service line;
 - c) fire control & emergency situations.

REPAIR & MAINTENANCE OF EXISTING WATER SERVICE LINES

- 22). The Village shall be responsible for the maintenance and repair of the water service line including the thawing of frozen lines from the main up to and including the curb stop valve.
- a) Should the damage to the line be caused by improper action of the occupant the costs for repairing or thawing lines will be charged to the owner.
- 23). The property owner shall be responsible for the repair of the water service line within their own property.
- 24). Where the exact location of a problem cannot be determined to be either clearly within the Village street or on private property, the Village will undertake to determine the location of the problem.
- a) If the problem exists within the street, the Village will continue to complete repairs.
 - b) If it is found to exist on private property, the owner shall be responsible for the costs incurred by the Village to that point and shall be responsible for the completion of the repairs.
- 25). Where the owner undertakes the repair of the service line on their own property and finds that the problem exists on the portion of line for which the Village is responsible, the Village will complete the repairs and compensate the owner for costs incurred to that point.
- 26). The owner or occupant of a premise shall ensure that the water service curb stop valve remains accessible and exposed and where the owner or occupier damages or causes the curb stop to become inoperative, they shall be responsible for repair or replacement costs.

REPAIR & MAINTENANCE OF EXISTING SEWER SERVICE LINES

- 27). The owner shall be responsible for clearing any blockages including tree roots in the sewer service line from the building on their property, to the main.
- a) If a blockage occurs, the owner or occupant shall firstly contact a plumber to clear the line.
 - b) If the plumber cannot clear the blockage, the Village will undertake to clear the line using such equipment as may be necessary.
- 28). Where a blockage is located on the owner’s property and cannot be cleared the owner shall be responsible for arranging and paying for any work required to restore the operation of the service line.
- 29). Where a blockage is located within the street, the Village shall undertake the repair of the service line and shall bear the cost of the repairs only if the

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blockage was caused by physical damage to the service line due to faulty installation, substandard materials or ground settlement or movement.

- a) The owner shall be responsible for repair costs where the blockage has occurred for any other reason.

30). If an owner believes that the service is performing poorly or that it repeatedly causes problems, the owner may request the Village to repair or replace the line within the street.

- a) If problems with the line cannot be attributed to the specific causes identified in Section 29 above, then the owner shall be responsible for the costs.

REPLACEMENT OF EXISTING SERVICE LINES

31). If the owner of a property wishes to replace a water or sewer service line it shall be at the owner's expense.

- a) Where a service line needs replacement because it can no longer be economically repaired the replacement must be undertaken and the costs assessed to the owner.
- b) Installation of replacement service lines shall be governed by those provisions in Sections 16 through 26.

RATES, BILLING AND COLLECTION

32). The Village will provide water and sewer service to a parcel of land, when it is able to do so and subject to any terms, costs or charges established by Council, at the request of the registered owner or developer.

33). Charges for Village water and sewer service provided to a parcel of land are an amount owing to the Village by the registered owner of the parcel.

- a) The registered owner of a parcel shall enter into an agreement with the Village as prescribed on ***Schedule "A"*** when they wish to obtain water and sewer services.
- b) Where services are being provided and no application has been made, the registered owner is deemed to be the consumer and utility billings shall be addressed to them.

34). The Village will not provide municipal water and sewer services to a parcel of land on the request of an occupant of the parcel who is not the registered owner. Charges for the water and sewer service provided to the parcel are an amount owing to the municipality by the registered owner and not the occupant.

35). Various rates may be charged to the registered owners, on a usage basis, for the purchase of water and the disposal of sewage provided under this Bylaw will be established by Council and set out in the Village of Clive's Master Rates & Fees Bylaw #511 – 16, as amended.

36). A utility bill showing the value of water and sewer services provided by the Village for a two month period shall be calculated in accordance with the prescribed rates as soon as it is practical after the end of the billing period and mailed to the person registered as the owner of the property.

37). The water service charge shall be combined on the same utility bill with the sewer service charge and garbage service charge, but separate entries identifying each charge shall be made on the utility bill.

38). Utility bills are due and payable upon receipt of billing with payment of utility accounts to be made at the Village Municipal Office.

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- 39). Where a utility account remains unpaid for a period of sixty (60) days, a notice shall be mailed to the consumer giving a warning that disconnection will occur if payment of the full account is not received by a specified date.
- 40). If payment is not received within the time period specified or if the consumer has failed to make other arrangements, the water service shall be disconnected. It will not be turned on until such time as the utility account including arrears and a disconnection fee and a connection fee is paid in full. Council will set rates by resolution from time to time as required.
- 41). In the event an NSF cheque has been received for payment on arrears, water services will be turned off immediately and an NSF service charge will be applied, as well, the Village disconnection fee and connection fee will also apply.
- 42). In lieu of Section 39, where a consumer is unable to pay the entire amount of the outstanding utility account the Municipal Administrator may upon negotiation of a satisfactory repayment schedule, postpone the disconnection of water services pending the successful payment of the account.
- 43). Council may add to the tax roll of a parcel of land and collect as a tax owing to the municipality in accordance with Section 553 of the Act, the amount of unpaid utility charges and other charges and fees under this By-law owing by the registered owner of the parcel.
- 44). Where an outstanding account cannot be collected as a result of disconnection of water services or if it cannot be added to the tax roll, the Municipal Administrator shall undertake collection by any means provided by law.
- 45). Any person intending to vacate any premises that have been supplied with water from the waterworks or who is desirous of discontinuing the use of, shall give forty-eight (48) hours, two (2) working days prior notice of the same at the Village office.
- 46). In lieu of section 45, the Village will not disconnect a water service request by a registered owner, unless the owner or their representative is present at the time of disconnection.
- 47). Where a service to a customer is to be disconnected, a final billing will be calculated to the closest date to the middle or the end of the month of the request.
- 48). Where it has been determined that a customer has been paying an amount less than that which should have been paid because of errors of the Village such as:
- a) Improper meter placement, sizing or specification.
 - b) Improper rate application, or
 - c) Improper meter reading or bill calculation
- a charge of the difference between what was paid and what should have been paid shall be paid by the customer for the period between January 1st of the year previous to the current year and the date on which the error was discovered.
- 49). Where it has been determined that a customer has been paying an amount greater than that which should have been paid because of errors of the Village such as:
- a) Improper meter placement, sizing or specification.
 - b) Improper rate application, or

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c) Improper meter reading or bill calculation

A refund of the difference between what was paid and what should have been paid shall be given to the customer for the period between January 1st of the year previous to the current year and the date on which the error was discovered. Notwithstanding the above, Council may, at its sole discretion authorize a refund exceeding the amount determined in this Section.

PROVISIONS GOVERNING USE OF WATER AND WATER SERVICES

- 50). In the case of making repairs or in construction of new works, or in connecting or repairing service pipes, the Village shall have the right to shut off the water from any consumer, however, the Village will attempt to provide notice to consumer of such interruptions of service and shall seek to minimize the inconvenience as long as may be necessary and reasonable.
- 51). Except where authorized by the Village, no person shall open, close or interfere with any valve connected to the Village water system.
- 52). No person being the registered owner, occupant or tenant of any dwelling, which is supplied with water from the Village owned waterworks system, shall vend, sell or dispose of water there from or give away or permit the same to be taken or carried away from the property.
- 53). The Village may sell bulk water at the discretion of Council or the Municipal Administrator. The rate will be set out from time to time by resolution of Council.
- 54). The Village may have water shut off to the property of any registered owner or customer infringing any of the rules and regulations of the Village and in cases where the water has been shut off for allowing repairs of leaks, defects in pipes or connections, the Village may, refuse to restore water service until the defects have been repaired.
- 55). Water shall be shut off at the curb stop valve and no person shall turn on or attempt to turn on the water except where authorized by the Village.
- 56). When an emergency in the water supply occurs, the Municipal Administrator or the Village Foreman, may restrict the use of water from the Village supply system.
 - a) When said restrictions are in effect, no person shall water any lawns, gardens, streets, yards, grounds or use a hose or similar device to wash the exteriors of houses, buildings or vehicles except at commercial car washes, during such times that may be fixed by the authority, provided that notice of the times during which the use of water for the purposes specified herein as prohibited, shall be given to the public in an announcement in the local newspaper, radio, public address system or such other means as is deemed appropriate.
- 57). The foregoing restrictions do not apply to a person using an ordinary sprinkling can or pail, where said water is used only for the watering of plants or shrubs.
- 58). The Municipal Administrator or Village Foreman, in fixing restrictions on the use of water for the purpose set out in this Section, may vary the hours and days of use of differing portions of the Village or may attach other conditions as they deem necessary.

GENERAL PROVISIONS GOVERNING USE OF SEWER SERVICES

- 59). No person shall throw, deposit, leave in or upon any Village sewer, grating, manhole or other appurtenance, any garbage, litter, manure, rubbish, stones, dirt, gravel, refuse matter of any kind, papers, rags cinders, ashes to discharge through the Village sewer system.

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- 60). No person shall permit any discharge through the sewer system of any trade liquid or waste, inflammable or explosive material, which might adversely affect the system.
- 61). No person shall allow water collected from weeping tile sumps, roof drains, eaves troughs, yard drains or roof spouts to enter the sewer system of the Village of Clive.
- 62). No person shall discharge the contents of any privy vault, manure pit or cesspool, directly or indirectly, into any Village sewer or house drain connected therewith.
- 63). No person shall turn, lift remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of any Village sewer, except where authorized by the Village.
- 64). No person shall cut, break, pierce or tap any Village sewer or appurtenance thereof, or introduce any pipe, tube, trough or conduit into any Village sewer.
- 65). No person shall interfere with the free discharge of any Village sewer or part thereof, or do any act or thing which may impede or obstruct the flow and clog up any Village sewer or appurtenance thereof.
- 66). The Village shall have the right, at reasonable times and notice, to enter houses or other places which have been connected to Village sewer, to ascertain whether or not any improper material or liquid is being discharged into the sewer system and the Village shall have the power to use any test or other means necessary to determine compliance with this By-law and to stop or prevent the discharge of any substances which are liable to injure the sewer or obstruct the flow of sewage.
- 67). No waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly released to any Village sewer without previous treatment, as prescribed by the Village in each case.
- a) The necessary treatment works so prescribed shall be completely installed by the applicant at their expense, prior to the construction of the sewer connection and thereafter shall be continuously maintained and operated by the applicant.
- 68). Grease traps of sufficient size and approved design shall be placed on the sewer pipes from all hotels, motels, restaurants, laundries and such other places as the Village, under advisement, may direct.
- 69). Sumps of sufficient size and approved design shall be placed on the sewer pipes from all car washes and any other building which may cause excess dirt and debris to pass into the sewer system.

HYDRANTS

- 70). No person shall obstruct the free access to any hydrant, valve or curb stop. No vehicle, building, rubbish or any other matter that would cause obstruction shall be placed near a hydrant location.
- 71). Except where authorized by the Village, no person shall open, close or interfere with any hydrant connected to the Village water system.

PENALTIES, ENACTMENT AND OTHER PROVISIONS

- 72). Any person who contravenes any provision of this By-law shall be guilty of an offense and is liable upon summary conviction to a fine of not less than the voluntary penalty, plus all solicitor and court costs and not more than fifteen hundred dollars (\$1,500.00) plus all solicitor and court costs incurred by the Village of Clive:

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- a) Obstructing access to a hydrant - \$300.00 violation ticket
(No Offence Warning Issued)
- b) First Offence - Offence warning issued
- c) Second Offence - \$ 75.00 violation ticket
- d) Third & Subsequent Offences - \$150.00 violation ticket

- 73). The Village is not liable for damages
 - a) caused by the break of any sewer main or service line.
 - b) caused by the interference or interruption in the supply of water or sewer services necessary in connection with the repair or proper maintenance of the water and sewer system.
 - c) generally for any accident due to the operation of the water and sewer system unless that action has been shown to be directly due to the negligence of the Village.
- 74). Council, from time to time by resolution, may establish other service charges, rates and tolls for the supply of water and sewer utility services.
- 75). By-law #505-15 is hereby rescinded.

SEVERABILITY

Should any section or part of this By-law be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of the By-law and the By-law remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this By-law.

This By-law shall take effect on the date of the third and final reading.

READ a first time this 8th day of ***February, 2016.***

READ a second time this 8th day of ***February, 2016.***

READ a third time & passed this 8th day of ***February, 2016.***

Mayor

Chief Administrative Officer

Schedule “A”

VILLAGE OF CLIVE

UTILITY CONNECTION/DISCONNECTION
AGREEMENT

New Service _____(yes) _____ (no)

CONNECTION
REQUEST DATE: _____

DISCONNECTION
REQUEST DATE: _____

NAME OF APPLICANT: _____

NAME OF
PREVIOUS OWNER: _____

MAILING ADDRESS: _____

MAILING ADDRESS: _____

CIVIC ADDRESS: _____

CIVIC ADDRESS: _____

PHONE #: _____ (Hme.)
_____ (Wrk.)

PHONE #: _____ (Hme.)
_____ (Wrk.)

TERMS AND CONDITIONS:

THE UNDERSIGNED HEREBY REPRESENTS that they are the applicant or an authorized agent for the applicant, and that they have the authority to sign this contract for utility services. The applicant agrees to pay for all utility services supplied by the Village of Clive to the above service address until the applicant, or authorized agent requests by letter or in person, that the contract be terminated. It is understood that in the event of late or non-payment specified and after one warning letter to pay outstanding utility charge, disconnection of water services will take place without further notification. If disconnection occurs, a \$50.00 connection fee *must* be paid along with the outstanding utility charge prior to water utilities being turned on. The applicant acknowledges that the failure to receive or loss of a utility bill will not be accepted as a reason for non-payment.

THE APPLICANT HEREBY AGREES TO ABIDE BY THE TERMS AND CONDITIONS SPECIFIED IN THE VILLAGE OF CLIVE WATER/SEWER/GARBAGE UTILITY BY-LAW #434-00.

Applicant’s Signature
Connection Request

Previous Owner’s Signature
Disconnection Request

OWNER #: _____ ROLL #: _____
BILL CARD #: _____

OWNER #: _____ ROLL #: _____
BILL CARD #: _____

OFFICE USE ONLY:

Residential: _____ / Commercial: _____ / RSH: _____ / Industrial: _____
Entered in Computer: _____ Utilities: _____ (yes) _____ (no) Taxes: _____ (yes) _____ (no)

Village Employee Signature