

**Town of McLennan
Water and Wastewater Bylaw
BYLAW NO. 2022-08**

A BYLAW OF THE TOWN OF MCLENNAN IN THE PROVINCE OF ALBERTA TO REGULATE AND PROVIDE FOR THE SUPPLY AND USE OF WATER AND WASTEWATER WITHIN THE TOWN OF MCLENNAN.

WHEREAS, pursuant to the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000, as amended, including Section 7 and Section 8, and Part 3, Division 3, and amendments thereto, the Council of the Town of McLennan may pass Bylaws for the purpose of operating a public utility, subject to any terms, costs or charges which may be established by Council;

WHEREAS, the Council of the Town of McLennan deems it necessary and desirable to establish a Utility Services Bylaw to govern the management and operations of the Utilities;

NOW THEREFORE, the Council of the Town of McLennan in the Province of Alberta, duly assembled, enacts as follows:

DEFINITIONS:

BACKFLOW VALVE shall mean a device to prevent flow reversal in a stormwater or Wastewater Sewer connection.

CHIEF ADMINISTRATIVE OFFICER shall mean the person appointed by Council in accordance with Section 205 of the Municipal Government Act and is referred to throughout this Bylaw as "CAO".

COUNCIL shall mean the Council of the Town of McLennan elected pursuant to the provisions of the Municipal Government Act.

CURB STOP means a control valve located on a Service at or near the property line which can turn on or off the water to the building or residence.

CUSTOMER shall mean a *Person* that has entered into an account agreement with the Town for the supply of Utility Services or who is the Owner or occupant of any premises connected to or provided with a Utility service.

METER shall mean a mechanical and/or electronic device used to measure the amount of water consumed on the premises upon which such meters are situated.

SEWAGE SERVICE LINE shall mean that portion of the sewer line from the collecting street mains to the property line of the land or building being serviced.

STORM WATER shall mean surface water in abnormal quantity resulting from heavy falls of rain or snow.

TOWN shall mean the Town of McLennan.

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TOWN FOREMAN shall mean the person with authority to supervise and have charge of the Water and Sewer Department, subject to the powers delegated to him through the Chief Administrative Officer of the Town of McLennan.

WATER SERVICE LINE shall mean that portion of the water line installed on private property connecting the Service at the property line to the Control Valve inside the building Upstream of the Water Meter

VIOLATION TICKET means a ticket or similar document issued by the Town pursuant to the Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow.

WATER SERVICE CONNECTIONS

- 1.1 No person, except authorized employees/contractors of the Town shall make any connection to any of the Town public water lines or mains.
- 1.2 Any water service line on private property from the water meter to the curb stop shall be installed, maintained, repaired and replaced by the Owner of the property on which it is located in.
- 1.3 The Town shall be responsible for the costs of installation and repair of a water service line from the main line to the curb stop. All water service lines laid down on private property between the property line and the water meter shall be of the same size as the service line installed in the street between the water main and the property line and constructed of material approved by the Town.
- 1.4 The Town may with due notice shut off the water supplied to the land or premises of any customer who may be guilty of a breach of non-compliance with any of the provisions of the By-law and may refuse to turn on the water until satisfied and assured that the customer intends to comply with the By-law.
- 1.5 No person shall extend a private water service line from one lot to another.
- 1.6 When the connecting, disconnecting or repairing of a private water line between the property line and the building is done an employee of the Town shall cause the work to be inspected and the connection, disconnection or repair of the private service line shall be left uncovered until it has been inspected and approved.
- 1.7 No person shall interfere with, damage or make inaccessible any curb stops due to the construction of sidewalks, fences, pathways, driveways etc. If it is required to make any repairs or changes to inaccessibility to or damage to curb stops, the owners of the property being serviced by said curb stop shall, in addition to the penalties of this By-Law, be required to assume all costs involved in said repair.

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SEWAGE SERVICE CONNECTIONS

- 2.1 No person, except authorized employees/contractors of the Town shall make any connection to any of the Town public sewage lines or mains.
- 2.2 No person shall extend a private sewage service line from one lot to another.
- 2.3 The Town shall be responsible to maintain that portion of the private sewage line that is located on Town property unless the faulty line is due to negligence of the Property Owner.
- 2.4 Where no sanitary sewer mains are constructed to the outer line of the Street adjacent to the Owner's property, the Owner may have the option to pay in advance the sum required to construct a sewer main from the nearest available main to the outer line of the Street adjacent to the Owner's property plus the cost of connecting the Owner's property to the sewer main.
- 2.5 When the connecting, disconnecting or repairing of a private sewage line between the property line and the building is done an employee of the Town shall cause the work to be inspected and the connection, disconnection or repair of the private service line shall be left uncovered until it has been inspected and approved.
- 2.6 Where premises are subject to backflow, all plumbing fixtures and floor drains set below the level of the ground surface or the adjoining street or property shall be protected from the backflow by an approved Storm Water Backflow Valve.
- 2.7 All new construction shall be protected from backflow by an approved Storm Water Backflow Valve.
- 2.8 No waste or discharge resulting from any trade, industrial or manufacturing process shall be directly discharged into any Town sewer without such previous treatment as approved by Council and Alberta Environmental Protection for each case.

SEWAGE LINE BLOCKAGE

- 3.1 If in the case of an emergency, the Town Foreman or designate is requested to respond to an initial call, and if it is found that the blockage was not caused by the Town main line, the owner and/or user will then be directed to contact a plumber.
- 3.2 When the plumber has determined that a blockage is caused by tree roots from a tree situated on Town property, he shall then advise the Town Foreman or designate prior to commencing any further action. This will enable the plumber and Town Foreman to make a proper evaluation of the problem, and recommend a solution.
- 3.3 The Property Owner shall be responsible to contact a plumber and shall be responsible for all costs incurred due to blockages in the Owner's portion of the Sewage line for the clearing of same and all costs incurred due to blockages outside the Owner's portion of

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the Sewage System and for clearing of same, where the blockage can be shown to be as a result of negligence on the part of the Owner or occupier. Should the blockage thought to be on the town side of the property line, the plumber will contact the Town Foreman or designate to inspect the line and to confirm the location of the blockage.

- 3.4 When it has been determined that a blockage is caused by tree roots situated on the boulevard or that the problem exists in the main line, the Town shall make the arrangements and cover the cost of clearing the private line from the house to the main.
- 3.5 The Town may remove any tree on a boulevard that is deemed to be causing or potentially causing root problems in the sewer line.

EMERGENCY RESTRICTIONS AND PROHIBITIONS

- 4.1 When possible, reasonable notice will be provided to all customers, however the Town reserves the right to turn off water service without notice to any or all customers in an emergency. It is hereby declared that no person shall have any claim for compensation or damages as a result of the Town turning off the water service in an emergency situation without notice or from the failure of water supply system from any cause whatsoever.
- 4.2 To maintain an adequate supply of water and adequate water pressure within the Town, or in emergency situations, the Council or CAO may authorize restrictions on the use of water.

DISPOSAL OF STORM WATER & STORM DRAINAGE

- 5.1 Except as otherwise provided herein, no person shall direct, allow or suffer any storm water to be placed in the Sewage System.
- 5.2 Where storm water on any land is directed into or connected to the Sewage System, the Owner of that land shall forthwith, upon being so directed by the CAO, disconnect the storm water drainage connection from the Sewage System and connect it in a manner satisfactory to the Town Storm Sewer system if available, or shall dispose of the storm drainage in a manner satisfactory to the Town Foreman.
- 5.3 No person shall discharge, release or cause to be placed, any substance other than storm water into a Storm Sewer.

HYDRANTS AND VALVES

- 6.1 Except as hereinafter provided, no person other than authorized employees of the Town shall open or close or operate or interfere with any valve, curb stop, hydrant or draw water therefrom.
- 6.2 No person shall in any manner obstruct the free access to any hydrant or valve or curb stop. No vehicle, building or any other matter which would cause such obstruction shall be placed nearer to

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a hydrant than the property line of the street in which the hydrant is located, not within five (5) meters of the hydrant in a direction parallel with the said property line.

- 6.3 The Fire Department Chief, Officers and members of the Department are authorized to use the hydrants for the purpose of filling fire trucks, training exercises and testing hoses, but all such uses shall be under the direction and supervision of the Chief or his duly authorized members and in no event shall any inexperienced or incompetent person be permitted to manipulate or control any such hydrant.
- 6.4 All fire hydrants, except fire hydrants situated on private property, are the property of the Town.

FROZEN SERVICES

- 7.1 The Town shall assume the full responsibility and cost one time in each calendar year, for any water service line which may hereinafter be frozen between the property line and the main line. Any water service line frozen between the property line and the water meter shall be the responsibility of the person owning the property. In addition, should the water service line be frozen between the street main and the property line as the result of the negligence of the customer, the customer will be held responsible for costs associated with unthawing said line.
- 7.2 The Owner may, at his own expense, shall install a freeze protection device approved by the Town and the Owner shall be responsible for and shall be liable for any damage which may result from the improper or negligent operation and maintenance of the freeze protection device.

METERS

- 8.1 Each property will be supplied with the first meter at no charge.
- 8.2 For the purpose of installing, servicing or reading the meter, the customer shall ensure that access to the meter is safe, well lit, and free of hazards.
- 8.3 Meters shall be read monthly and applicable water charges shall be levied and collected based on the actual consumption of water received directly from a connection with the Town's water distribution system, except as otherwise stated in this Bylaw.
- 8.4 Except where otherwise provided in this Bylaw, all water supplied pursuant to this Bylaw shall be measured by a Water Meter including a remote reading device, of a design and capacity approved by the Town.
- 8.5 All development serviced directly or indirectly by a connection to the water supply system shall acquire a meter from the Town and the meter shall be installed at the developer's expense.

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- 8.6 An owner shall provide adequate protection for the meter supplied by the Town against freezing, heat or any other internal or external damage, failing which the customer shall pay the Town all costs associated with the repair of such meter which amount shall be recoverable in the same manner as all other costs and charges provided for under this bylaw.
- 8.7 Should a water meter or remote reading device be damaged or destroyed on the property of an owner, the cost of repairing or replacing the water meter or remote reading device shall be paid by the owner.
- 8.8 No person, other than an employee of the Town or a person authorized in writing by the CAO, shall test, remove, repair or disconnect a water meter or a remote reading device.
- 8.9 Except where otherwise provided in this Bylaw, no person shall do or allow to be done any act or thing that results in a use or flow of water from the water system that is not measured by a water meter of a design and capacity approved by the CAO unless the CAO has authorized that use or flow.

METER READING

- 9.1 If upon the reading of a meter, it is determined by the Town that the meter is not recording the consumption of a utility, the Town, with reasonable notice to the customer, must be allowed to enter the premises to replace, repair or inspect the meter.
- 9.2 In the event that the Town is unable to obtain access to the premises to obtain a meter reading or replace the meter within two weeks of written notice to the owner water charges for those billing periods will be billed on estimated consumption and the Town shall terminate water service to the property.
- 9.3 All water which passes through the water meter and is recorded thereon is to be charged as water consumed by the person responsible for the account unless otherwise directed by resolution of Council.
- 9.4 A customer who disputes a meter reading shall give written notice to the Town within 14 days of receiving the utility bill.
- 9.5 In the event a meter has been determined to have been altered or tampered with in any way, a customer forgoes the right to dispute a meter reading.
- 9.6 Following receipt of written notice, but not more than once during each calendar year, the water meter situated on the customer's premises shall be removed and tested and if the meter is found to register within three (3%) percent of the water passing through same, the meter shall be deemed to be measuring correctly and the cost for meter removal, testing and re-installation shall be borne in full by the customer;
- 9.7 In the event the said meter is found not accurate within the said limits of three (3%) percent of the water passing through same, the meter handling and testing fees paid by the customer shall be refunded, and the billings adjusted to fully take into account such error. Unless such an

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examination of past meter readings or other information disclosed the time at which such an error commenced, then such error shall be deemed to have commenced three months prior to such testing of the meter or from the date upon which the meter was installed, whichever, is the lesser. The amount so determined shall be deemed accepted by the customer and the Town as settlement in full of all claims on account of the inaccuracy of such meter.

- 9.8 The meter shall remain the property of and shall be maintained by the Town. The Town will replace any meter that stops working due to normal wear and tear at no cost to the owner.

TAMPERING WITH METERS

- 10.1 No person shall tamper in anyway with a water meter or remote-reading device.
- 10.2 Where a water meter is found to be damaged or tampered with, the utility charge rate shall be set based on the highest monthly rate of consumption of water used within a prior 12-month period for that premise.

DETERMINING CONSUMPTION WHEN METER INOPERATIVE

- 11.1 If a meter cannot be read on the required month, the water consumption readings shall be an estimated volume based on prior usage for each water utility customer.
- 11.2 If no records exist for the customer a fair estimate shall be set.

SERVICE UPGRADE

- 12.1 A new development or a request to upgrade a water line from ½ inch line to ¾ inch or 1-inch line or upgrade a sewer line, the property owner will be required to pay for installation and all materials to service from the water or sewer main to the development. The Town will replace the water meter at the owner’s expense if required.

AFTER HOUR CALL OUT

- 13.1 The Customer shall pay the applicable afterhours fee as set forth in Schedule A for service calls after 4:00 p.m. or before 7:30 a.m., Monday through Friday, or on a Saturday, Sunday, or statutory or civic holiday. The afterhours fee shall also apply if a meter is required to be installed or connected, or should a Utility Service be required to be disconnected or reconnected during such times.

ACCOUNT DEPOSIT

- 14.1 A deposit is required on residential and commercial accounts as per set out in Schedule “A” of this bylaw.

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- 14.2 A deposit shall be refunded upon the discontinuance of water service to the premises and upon payment in full of the utility account for such services. In default of such final payment in full, any amount owing may be debited from the deposit account and credited to the delinquent utility account.
- 14.3 A deposit is required for Bulk Water Account holders for an access key to the Water Treatment gate for after hour services.

ACCOUNTS

- 15.1 When a property owner rents or leases a premise to which the Town provides utility services, all new utility accounts shall be in the name of the property owner only or both the property owner and renter. Invoices will be sent to both if the account is in the name of the property owner and renter.
- 15.2 An invoice showing all service charges to the user, shall be delivered to the customer/property owner monthly. The garbage service charge will be combined on the same invoice as the water service charge, recycling service charge and the wastewater service charge; but each shall be calculated separately, and separate entries shall be made.
- 15.3 Invoices will be mailed or emailed to the required persons. Standard procedure will be to mail invoices until permission is obtained from necessary parties in order to email invoices. Recipients can choose between mailed or emailed invoices; however, they cannot choose both methods.
- 15.4 All water meters supplied by the municipal water system are to be read on the last business day of every month, and billed accordingly.
- 15.5 The minimum charges applicable to new accounts and accounts being closed shall be prorated according to the days of occupancy in any given billing period.
- 15.6 The flat monthly utility rate will apply to all serviced properties on which a structure exists regardless of service use including water, garbage, sewer and recycling.
- 15.7 No reduction in rates shall be made for:
- a) Interruption of the service on account of any service or main piping becoming frozen or out of order as a result of frost; or
 - b) Interruption of service due to repair work.
- 15.8 Utility billings shall be due and payable when rendered and if not paid on or before the due date stated on the Utility Invoice, it is deemed to be in arrears, and a late payment charge of four percent (4%) will then be added to the outstanding balance. Failure to receive a Utility Invoice does not relieve an account holder of liability for its payment.

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OFFENCES, PENALTIES, VIOLATION TICKET PROCEDURE AND POSECUTIONS

- 16.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine as set out in Schedule B attached hereto.

- 16.2 Where an offence ticket is issued, pursuant to this Bylaw, the following procedures shall apply:
 - (a) every offence ticket shall provide for the payment to be made to the Town of McLennan within thirty (30) days from the date of issue of the offence ticket, if payment is made within the time limit, such payment shall be accepted in lieu of prosecution;

 - (b) if the penalty amount is not paid within thirty (30) days from the date of issue of the offence ticket, the right of the person named on the offence ticket as a violator of this Bylaw to pay the penalty amount in lieu of prosecution shall expire.

 - (c) in those cases where an offence ticket has been issued and if the penalty specified on an offence ticket has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to Par II of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-21.5 as amended.

- 16.3 An Offence Tag shall be deemed to be sufficiently served:
 - 15.3.1 If served personally on the accused; or
 - 15.3.2 If mailed to the last known address of the accused customer.

- 16.4 In default of any person not complying with this Bylaw, the Town may remedy the situation and the cost thereof shall be paid to the Town upon demand and failing payment of such cost shall be charged against the property as a special assessment to be recovered in like manner as other taxes.

- 16.5 Except as otherwise provided in this Bylaw, a person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable to a fine of not less than \$200.00 and not more than \$10,000.00.

SEVERANCE

If any section in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

REPEAL

That Bylaw 2019-16 is hereby repealed.

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That this bylaw shall take effect on January 1st, 2023.

READ a first time this 14th day of November,2022.

READ a second time this 14th day of November,2022.

READ a third time and finally passed this 14th day of November,2022.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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SCHEDULE "A"
Service Fees

After Hour Call Out Fee - Per Hour	\$120.00
Water Account Deposit	\$200.00
Water Disconnection	
December 1 – March 30	\$250.00
April 1 – November 30	\$125.00
Water Reconnection	
December 1 – March 30	\$250.00
April 1 – November 30	\$125.00

SCHEDULE "B"
Penalties

Section	Description	Amount
HYDRANTS AND VALVES		
6.1	Opening, closing or interfering with any hydrant, curb stop or valve of the Water System without permission	\$200.00
WATER METERS		
8.7	Install, test, remove, repair, replace or disconnect a Water Meter without authorization	\$200.00
TAMPERING WITH METERS		
10.1	Tamper with a meter or remote reading device	\$200.00
EMERGENCY RESTRICTIONS AND PROHIBITION		
4.2	Using water from the Water System in contravention of the Terms of any or order made by the Council or CAO	\$200 plus Water used

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