

**TOWN OF BON ACCORD
BYLAW 2012-01
WATER BYLAW**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR A WATER SYSTEM INCLUDING THE SETTING OF RATES, CHARGES AND CONDITIONS OF SERVICE.

WHEREAS the Municipal Government Act, RSA 2000, c. M-26 provides that a Council may pass bylaws respecting public utilities; and

WHEREAS it is deemed necessary and expedient to establish a waterworks system for the Town of Bon Accord and to set out the terms, costs and charges upon which the service will be provided;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 – SHORT TITLE

- 1.1 This Bylaw may be referred to as "The Water Bylaw".

SECTION 2 – DEFINITIONS

- 2.1 "Abut" means, in relation to a physical object, to be next to or to have a common boundary with.
- 2.2 "Account" means an agreement between a Consumer and the Town for the supply of water;
- 2.3 "Active Utility Account" means the commencement and turning on of water service for occupancy of a building or property;
- 2.4 "Approved" means, unless otherwise provided, approved by the Public Works Supervisor, or their delegate;
- 2.5 "Appurtenance" means anything that is attached to the Water System or Water Utility.
- 2.6 "Arrears Administration" means, the action and cost associated with sending registered mail and sending to a Collection Agency, per the attached Schedule of Other Water Rates and Charges;
- 2.7 "Basic Service" means the level of service that the town provides to its consumers that is included in the Water Rates and Charges as attached in Schedule "B" and is comprised of, but not limited to, the provision of water via the transmission and distribution systems and the operation and maintenance of same;
- 2.8 "Bulk Water Outlet" means the Town overhead standpipe capable of dispensing potable water;
- 2.9 "CC" or "Curb Cock" means a shut off valve constructed in line on the Water Service enabling shutting off water supply to a property;
- 2.10 "Chief Administrative Officer" means the Chief Administrative Officer for the Town of Bon Accord;
- 2.11 "Commercial" includes stores, warehouses, and commercial facilities;
- 2.12 "Community Peace Officer" means a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act, RSA 2000, c. M-26, to enforce the Town

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- Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized, a Special Constable;
- 2.13 “Consumer” means any Person who has applied for an Account or Service Connection, has received any Water Service or is otherwise responsible for paying for the Water Services;
- 2.14 "Council" means the Municipal Council of The Town of Bon Accord;
- 2.15 “Facilities” means any physical facilities and infrastructure including transmission and distribution pipelines, valves, reservoirs, pumping stations, fire hydrants, chambers and pressure reducing valves, meters, and measurement devices owned and operated by the Town, used to supply potable water;
- 2.16 "Fees and Charges" means the Town's Fees and Charges as set out in Schedule “B” of this bylaw;
- 2.17 “Householder" means any owner, occupant, lessee or tenant or any other Person in charge of any Dwelling;
- 2.18 Hydrant User” means any person obtaining water from a fire hydrant for any purpose other than emergency fire protection;
- 2.19 “Institutional” shall mean a hospital, nursing home, hotel, or school;
- 2.20 “Master Control Valve” means the privately owned valve typically installed on the water service line inside a building;
- 2.21 “Meter Pit” means a pit-like enclosure that protects Water Meters installed outside of buildings and allows access for reading the Meters;
- 2.22 “Municipal Servicing Standards” means the Town’s engineered servicing standards as approved by Council;
- 2.23 "Owner" means the person who is registered under the Land Titles Act, RSA 2000 c. L-4, as amended or replaced from time to time, as the owner of the fee simple estate in land, or a Person who is recorded as the Owner of the property on the tax assessment roll of the Town;
- 2.24 "Person" means any Person, Householder, firm, partnership, association, corporation, company or organization of any kind;
- 2.25 “Planning and Development Services” means the Town representatives responsible for the approval of plumbing and gas installations within the Town;
- 2.26 “Point of Delivery” means the point where the Service Connection occurs, which is, in most cases, at or near the property line that defines the point that the owner has the responsibility for ownership, maintenance and repair to the Private Service Line;
- 2.27 “Private Service” means all the water facilities serving the premises downstream of the Point of Delivery and includes the pipes, fittings, valves and Appurtenances owned by the Owner but does not include the Meter;
- 2.28 “Public Health Inspector” means the medical health officer of the Capital Health Authority, or their authorized representative;
- 2.29 “Publication” means publication of a notice in a newspaper in general circulation with the Town or the mailing or delivering of a notice to a Person or Persons.
- 2.30 “Remote Meter Reading Device” means equipment installed to remotely read the Water Meter without obtaining access into the premise.

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- 2.31 "Residential" means any detached single family dwelling or residence, duplex, or Multi-Family Complex designed for individual family living;
- 2.32 "Service" means the provision of water;
- 2.33 "Service Pipe" means a pipe which carries water from the Town Water System onto or across private property - from and within the Owners premise to the CC;
- 2.34 "Town" means The Town of Bon Accord;
- 2.35 "Turn Off" means the cessation or turning off of water service for a building or a property and may include a final meter reading;
- 2.36 "Turn On" means the process where the delivery of potable water to the private system is activated;
- 2.37 "Urban Service Area" means the service area within the Town of Bon Accord;
- 2.38 "Utility Bill" means a bill which sets out the fees levied by the Town on an annual, monthly, bi-monthly or quarterly basis for utility services provided by the Town;
- 2.39 "Water Demand Management Measures" means restrictions upon the use of water for non-essential purposes, including but not limited to irrigation, washing of vehicles, driveways or sidewalks, and any other purpose where water is utilized externally to a residence, place of business or any other premise located within the Town on any certain day for a certain period of time;
- 2.40 "Water Main" means a water pipe in the street, public thoroughfare or easement area granted to the Town, which forms part of the Town water distribution network and delivers the water supply to the Water Service Connections;
- 2.41 "Water Meter" or "Meter" means any Approved device installed by the Town which is designed to measure the quantity of water used by a Consumer and which may have attached to it a Remote Reading Device;
- 2.42 "Water Service" means the provision of water to Consumers and associated services contemplated by the Fees and Charges, as provided for in Schedule B, offered to the Consumer under this Bylaw;
- 2.43 "Water Service Connection" means the lateral Water Service Pipe which connects an Owner's premises to the Towns Water System with the Owner owning that portion of the Service Pipe lying within the boundaries of the Owner's premises excluding any Service Pipe lying within the boundaries of any easement area granted to the Town for its Water System;
- 2.44 "Water System" or "Water Utility" means a system of water reservoirs, treatment plants, pumping stations, feeder mains, distribution mains, service connections, valves, fittings, hydrants, meters, and all other equipment, machinery, owned by the Town and which is required to supply and distribute water to all Owners and which is deemed to be a Public Utility within the meaning of the Municipal Government Act RSA 2000, C M-26.

SECTION 3 – ADMINISTRATION

- 3.1 The Chief Administrative Officer may delegate the administration of this Bylaw to the following employee positions:
- 3.1.1 Public Works Supervisor, or their delegate,
- 3.1.2 Utilities Billing Clerk; or position similar thereof

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SECTION 4 – GENERAL

- 4.1 The Town, having constructed, operated and maintained a Water System as a public utility shall continue, insofar as there is sufficient capacity and supply of water, to supply water, upon such terms as Council considers advisable, to any Owner within the Town's Urban Service Area or situated along the Town's Water Main.
- 4.2 In providing a Service Connection to Town Water Mains, the Town shall provide and install all Facilities up to the Point of Delivery or Water Service Connection point subject to the terms of this Bylaw. The Town shall remain the owner of all Facilities provided by the Town for a Service Connection unless the Town and the Consumer have expressly agreed in writing otherwise. Any payment made by the Consumer reimbursing costs incurred by the Town in installing Facilities does not entitle the Consumer to ownership of any such Facilities unless an agreement in writing between the Town and the Consumer specifically provides otherwise.
- 4.3 An Owner is responsible for providing such facilities as considered necessary in order to have a continuous and uninterrupted supply of water for the Owner's specific needs provided such facilities are approved by Planning and Development Services and provided that such facilities do not interfere for the operation of the Water System.
- 4.4 The Town's employees, agents and other representatives shall have the right to enter a Consumer's premises at all reasonable times for the purpose of installing, maintaining, inspecting, sampling, replacing, testing, monitoring, reading or removing the Town's Facilities and for any other purpose incidental to the provision of a Service Connection. The Consumer shall not prevent or hinder the Town's entry.
- 4.5 The Town has the right to enter a Consumer's premises at any reasonable hour (i.e. 7:00 a.m. to 8:00 p.m.) in order to:
- 4.5.1 Install, inspect, test, repair or remove Town Facilities or equipment
 - 4.5.2 Perform necessary maintenance to Town Facilities or equipment
 - 4.5.3 Investigate a Consumer complaint or query
 - 4.5.4 Conduct a surprise inspection of a concern with unauthorized use of water or tampering with the Water System including but not limited to the Meter and Service.
- 4.6 Before entering premises, the Town will make reasonable effort to notify the Consumer or other responsible Person who is at the premises and who appears to have sufficient authority to permit entry except:
- 4.6.1 In the case of emergency,
 - 4.6.2 Where entry is permitted by order of a court or administrative tribunal,
 - 4.6.3 Where otherwise legally empowered to enter,
 - 4.6.4 Where the purpose of entry is in accordance with Sections 4.5.3 or 4.5.4
- 4.7 The Town shall not be liable for damages, including building losses;
- 4.7.1 Caused by a break within the Town's Water System or
 - 4.7.2 Caused by the interference or cessation of water supply necessary in connection with the repair or proper maintenance of the Town Water System; or
 - 4.7.3 Generally for any accident due to the operation of the Town Water System, unless such action has been shown to be directly due to the negligence of the Town or its employees.

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- 4.8 No Person shall connect or cause to connect any other source of water to the Water System, either directly or indirectly.
- 4.9 No Person shall use an alternate source of water supply other than the Water System without submitting a written application and obtaining the consent of the Public Works Supervisor, or their delegate; provided that:
 - 4.9.1 The Public Works Supervisor, or their delegate, may give consent to an Owner using an alternate source of water, subject to such terms and conditions as the Public Works Supervisor, or their delegate, deems necessary and, notwithstanding the generality of the foregoing, he/she may set a limit on the period of time for which an alternate supply of water may be used.
- 4.10 No Person who has been granted permission to use an alternate source of water supply shall allow the alternate source of water to be connected to the Water System.
- 4.11 In all cases where boilers or equipment of a nature similar to that of a boiler are supplied with water from the Water System, the Owner of the boilers or other equipment shall equip such with at least one safety valve, vacuum valve or other proper device to prevent the collapse or explosion thereof in the event the water supply is shut off.

SECTION 5 – DUTIES AND MANAGEMENT

- 5.1 The Chief Administrative Officer is responsible for the administration and enforcement of this Bylaw including:
 - 5.1.1 The general installation, maintenance and management of the Water System;
 - 5.1.2 The distribution and use of the water from the Water System;
 - 5.1.3 Enforcing terms and conditions under which water from the Water System is supplied to or made available for use by an Owner, and for shutting off the water or discontinuing the Water Service until the Owner complies with the terms and conditions so designated.
- 5.2 In addition to the Municipal Servicing Standards, the Town may establish standards, guidelines and specifications for the design, construction and maintenance of the Water System.
- 5.3 For the purposes of administering or enforcing the provisions of this Bylaw, the Chief Administrative Officer may delegate their powers to one or more employees of the Town, including the Public Works Supervisor, or their delegate.

SECTION 6 – CONSTRUCTION AND INSTALLATION OF SERVICE PIPE

- 6.1 No person, without first filing an application for construction and for installation to obtain permission to do so from the Town of Bon Accord, shall make connection whatsoever to any of the Town's Water Mains.
- 6.2 All applications for construction and for all installations contemplated under this Bylaw shall be done or made in accordance with the provision of the Safety Codes Act, RSA 2000, c. S-1 and regulations made there under and the Municipal Servicing Standards. The applicant shall be totally liable for any damage caused while making such connections.
- 6.3 No person shall install or permit to be installed an additional Service Pipe between a Water Meter and the CC, located at or near the property line.

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- 6.4 The Owner of multiple housing and commercial developments shall submit service design plans, duly signed by a Professional Engineer, to Public Works Supervisor, or their delegate, for review and approval prior to construction start.
- 6.5 An Owner shall furnish to the Public Works Supervisor, or their delegate, two (2) sets of "As Built" plans, together with a letter, duly signed by a Professional Engineer, indicating that the Private Service is fully operational and satisfactory bacteria sampling results have been provided.

SECTION 7 – SERVICE PIPE FOR DOMESTIC PURPOSES

- 7.1 Neither the Town employees, nor their agents, shall carry out any work pertaining to the construction or repair or renewal of Service Pipe on private property, except with the authority of the Public Works Supervisor, or their delegate, or Chief Administrative Officer and then only after satisfactory arrangements have been made with the Owner for payment for doing such work.
- 7.2 Unless the Public Works Supervisor, or their delegate, determines otherwise, at the request of the Owner, a Service Pipe shall be constructed only to those properties, which Abut directly on the Town Water System.
- 7.3 A Service Pipe shall not be extended from one lot to another.
- 7.4 Upon notice to any Owner that an existing Private Service fails to meet the requirements of the Bylaw or for any reason is unsatisfactory to the Public Works Supervisor, or their delegate, the Owner shall effect the changes required in the notice by the date specified in the notice at the expense of the Owner.
- 7.5 All additional construction costs on the Service Pipe and after Point of Delivery due to development on private property, including additional costs required for repairing of disturbed streets, shall be borne by the Owner on whose property development is occurring.
- 7.6 An Owner shall be responsible to thaw out frozen Service Pipes, including and up to the distribution main. The Town may provide the service and the Owner shall pay for the thawing of the Service Pipe.
- 7.7 When a Service Pipe passes through an excavation or backfill, or through a basement way, finished or unfinished, or through a retaining wall, the Town shall not be responsible for any damage due to displacement, settlement, or any cause due to the Owner's operations, whether the damage occurs during construction or afterwards.
- 7.8 In the event that mains are required in order to provide services for the applicant, the applicant will be required to pay the cost of the said mains.
- 7.9 The Council may refuse to make any new connection or install any new or change any existing service at any time for any reason, which it may consider sufficient.

SECTION 8 – INSTRUCTIONS FOR PLUMBING AND MECHANICAL CONTRACTORS

- 8.1 Conditions in this section apply to the portion of a Service Pipe from the CC through to the Meter and apply to both new construction and to any renewal, alteration or change in old construction. Plumbers and Contractors shall comply with the provisions of the Safety Codes Act, RSA 2000, c. S-2, and its regulations.

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- 8.2 The Point of Delivery to private property, as agreed to at the time of application, for a Service Pipe shall be strictly adhered to; costs arising from non-adherence shall be borne by the Owner.
- 8.3 Construction specifications of all new construction or repair/replacement of old construction will adhere to Municipal Servicing Standards as deemed by the Town.
- 8.4 All contracts formed by the filing of an application for water and the acceptance thereof by the Town are hereby declared to be subject to all the terms and conditions of this bylaw, which shall be understood as forming part of all contracts for the supply and distribution of water.

SECTION 9 – WATER METERS

- 9.1 The Town shall remain the owner of all metering facilities it provides to serve the Consumer, unless the Town and the Consumer have expressly agreed in writing otherwise the Public Works Supervisor, or their delegate, shall determine the size and type and number of Water Meters to be supplied and installed by the Town. The Public Works Supervisor, or their delegate, shall approve the Metering requirements where water is supplied for fire protection purposes.
- 9.2 The Town shall supply, install, own and maintain all Water Meters and Meter Pits in accordance with manufacturers' specifications, except those privately owned or in a separate agreement for ownership and operation with the Town on the understanding that the owner shall give every facility for the introduction, placing, and inspection of such water meter and meter pit and the reading of such water meter.
- 9.3 No person, other than an employee or representative of the Town shall install, test, remove, repair, replace, or disconnect a Water Meter.
- 9.4 No person shall interfere with or tamper with the operation of any Water Meter or Remote Meter Reading Device, subject to 9.3. Any person interfering with or tampering with any meter seal, meter reading equipment, or water shut-off equipment, shall be liable to a penalty as laid down in the Fees and Charges Schedule "B" of this Bylaw.
- 9.5 The Town may charge for and recover from the Owner the cost of supplying, installing, altering, repairing, relocating or replacing a Water Meter. Any such charge may be collected in the same manner as water rates.
- 9.6 All Water Service Connections must be constructed and installed in an approved manner. Should the Water Service Connection not be constructed according to the approved application the Town:
 - 9.6.1 May enter the premises to construct, maintain or repair the Water Service Connection; or
 - 9.6.2 Shall have the right to refuse to supply water to the premises
- 9.7 No Owner shall relocate, alter, or change any existing Water Metering facilities. The Owner shall submit plans and specifications for any proposed relocation of Water Metering facilities and, if approved by the Public Works Supervisor, or their delegate, the Owner shall pay the entire cost, including any costs incurred by the Town, in making such relocation, alteration, or change.
- 9.8 The Owner of a premise in which a Meter is located shall;
 - 9.8.1 Comply with all directions of the Town to prevent Meter damage due to frost, heat, or other causes.

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- 9.8.2 Promptly notify the Town of any condition or event which has resulted in any meter damage due to frost, heat or other causes.
- 9.9 If a meter is damaged or destroyed, the Owner of the premise in which the Meter is located shall pay for the entire cost of the Meter removal, repair and re-installation or for the cost of replacing the Meter.
- 9.10 Should the Public Works Supervisor or their delegate, determine that a Meter should not be positioned inside a premise to which Service is provided; the Owner shall construct a Meter Pit on the Owner's property near the property line at the Owner's expense and in accordance with the Municipal Servicing Standards.
- 9.11 Unless otherwise determined by the Public Works Supervisor or their delegate, for single-family dwellings and for single unit commercial or industrial buildings, a single Water Service Connection shall be constructed, and a single Meter shall be installed by the Town.
- 9.12 Water Meters shall be read at the discretion of the Public Works Supervisor, or their delegate. Notwithstanding 4.4 and 4.5, if a Meter reader cannot gain access to a premise to read the Water Meter, he/she may leave a notice requesting the Owner to notify the Town as soon as possible of the Water Meter reading. In the event a Consumer refuses to allow a Meter to be read for a period in excess of six (6) months, the Public Works Supervisor, or their delegate, may shut off the supply of water to that Meter.
- 9.13 No Person shall do, or shall cause to be done, or shall permit to be done, any act which may obstruct or impede direct safe and convenient access to a Meter for the purpose of installation, inspection, removal, repair, replacement, reading or the like at all times.
- 9.14 If access to a Meter cannot be obtained, the Town will send estimated bills.
- 9.15 If required for any reason, Town employees may request to have a Town Bylaw Enforcement Officer accompany them to any Consumer's residence or business for any reason.
- 9.16 In the event of a discrepancy between the Remote Meter Reading Device and the Meter, the Meter shall be deemed correct.
- 9.17 If an Owner doubts the accuracy of a meter installed in a building s/he owns or occupies, a written notice must be given to notify the Town and a deposit in accordance with Schedule "B" - Meter Testing (refer to Schedule "B") shall accompany the written notice. The Town shall have the Meter tested by an Approved external agency, after the written/s notice and deposit is received
- 9.18 If the test shows the Meter is recording between 98.5% and 101.5% of true consumption, the Owner shall forfeit the deposit to cover the cost of the testing, including the cost of the meter change-out by a Town employee or agent. If the test shows the Meter is not recording between 98.5% and 101.5% of true consumption, the consumer will be credited back the deposit, the meter will be repaired or replaced by another meter and the expense shall be borne by the Town, and the rates for the previous two (2) meter reading periods shall be adjusted by the same percentage as the meter found to be in error, provided however, that no rate shall be reduced below a minimum rate normally charged, if one exists.
- 9.19 The Owner may be notified of test results and receive a copy of the test results.

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SECTION 10 – HYDRANTS AND VALVES

- 10.1 No person(s) other than Town employees or persons authorized by the Town shall open, close, or interfere with any valve, hydrant or fireplug, or draw water therefrom.
- 10.2 The Chief of the Town Fire Department, his/her assistants , officers and members of that Department, are authorized to use the hydrants or plugs for the purpose of extinguishing fires, for fire protection, for equipment testing, and for fire training practices, but all such uses shall be under the direction and supervision of the said chief or his/her duly authorized assistants, and in no event shall any inexperienced or incompetent person be permitted to manipulate or control in any way, hydrants or plugs.
- 10.3 No person(s) shall in any matter whatsoever obstruct or interfere with the free access to any hydrant, valve or curb stop. No vehicle, building, rubbish or any other matter which would cause such obstruction or interference shall be placed nearer to a hydrant than the property line of the street where the hydrant is located nor within five (5) meters of either side of the hydrant in a direction parallel with the property line. Costs of repairs required as a result of obstruction or damage to any hydrant, valve or curb stop are the responsibility of the person who caused the obstruction or damage.

SECTION 11 – UNAUTHORIZED USE, INTERFERENCE OR OBSTRUCTION

- 11.1 Any person obtaining water service from the Town shall only use the water supplied for that person's own use and that person shall not vend, sell, dispose or distribute the water supplied to third parties.
- 11.2 No Person, other than Town employees or agents, or those authorized to complete new installations or repairs to existing services shall operate, handle or interfere with the Town's provision of a Service including the Town's CC's, valves, and pipes; nor shall any unauthorized Person operate, handle or interfere with a Town meter, meter seal, or meter reading equipment.
- 11.3 No Person, other than Town employees or agents, or those authorized by the Public Works Supervisor, or their delegate, shall make, keep, use or dispose of any key or wrench, the purpose of which is to operate any valve, CC, fire hydrant, Meter Pit, or any other Appurtenances on the Towns water system.
- 11.4 No Person shall obstruct or impede direct and free access to the Towns Water System. Costs of removing obstructions or impediments shall be borne by the offending party, and may be added to a monthly utility bill.
- 11.5 Any Person found in violation of 11.1, 11.2, or 11.3 is subject to Interference, Tampering, or Unauthorized use penalty as provided for in Schedule "B" of this bylaw.

SECTION 12 – AUTHORITY TO RESTRICT OR SHUT OFF SUPPLY

- 12.1 The Public Works Supervisor, or their delegate, may without notice shut off the water supply to any part of the Town should he/she decide an emergency situation makes such action necessary.
- 12.2 The Public Works Supervisor, or their delegate, may in a non-emergent situation shut off water supply to any part of the Town provided reasonable notice of such intended shut off

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- is given to all affected Owners, except in the event of routine maintenance with shut off not to exceed thirty (30) minutes. The Public Works Supervisor, or their delegate, shall have the sole discretion to determine what reasonable notice in the circumstance is.
- 12.3 The Public Works Supervisor, or their delegate, may restrict and regulate the hours or time during which water may be used for any purpose other than for fire fighting.
- 12.4 The Public Works Supervisor, or their delegate, may, by Publication upon reasonable notice, implement Water Demand Management Measures.
- 12.5 After Publication of any Water Demand Management Measures, it shall be an offence for a person to use water in contravention of the declared Water Demand Management Measures.
- 12.6 No Person shall allow the wastage of water.
- 12.7 If the Public Works Supervisor, or their delegate, determines that water is being wasted, he/she may give notice to the Owner of their intent to discontinue Service.
- 12.8 In giving notice to discontinue a Service, the Public Works Supervisor, or their delegate, shall bear in mind all the circumstances of the particular case including, but not limited to the estimated rate of wastage, the age of piping, the possibility of damage to adjacent property and the season of the year. The time allowed for stopping the wastage shall be reasonable but at the discretion of the Public Works Supervisor, or their delegate.

SECTION 13 – BULK WATER

- 13.1 The Public Works Supervisor, or their delegate, may, at their discretion and with just cause, restrict or deny use of a Bulk Water Outlet to any Person if receiving tanks, trucks, or hoses are in a condition deemed not sanitary for the transference of water or misuses facilities and surrounding area.
- 13.2 A minimum air gap of twice the pipe diameter of the downspout piping shall be maintained at all times while transferring water from the Bulk Water Outlet.
- 13.3 Commercial tanks and vessels used for bulk water transportation to offsite locations for human consumption must be inspected approved and have a permit issued by the local Public Health Inspector.

SECTION 14 – WATER RATES AND CHARGES, OPENING AND CLOSING OF ACCOUNTS

- 14.1 The rates and charges to be charged for the provision of Water Service shall be as set out from time to time in the Fees and Charges Schedule “B” of this Bylaw.
- 14.2 The Town of Bon Accord requires that new account requests or changes for utility services, provided by the Municipality, be placed in the name of the owner(s) registered on the property title only, other than those accounts specific to Bulk Water use.
- 14.3 Where an Owner has setup an Account for Water Service, an Owner may request that the invoice for the Account be sent directly to the service and or mailing address as identified by the owner. Notwithstanding this section, the Owner remains the Account holder responsible for all debts incurred under that Account.
- 14.4 An Account must be opened and an application fee, plus a Utility Service Security fee must be paid, with fees being outlined in the Fees and Charge Schedule attached to this Bylaw, before water is used and the application must be made in writing to the Town.

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- 14.5 Utility Service Security Fee is fully refundable, less outstanding Account balances, upon termination of Account.
- 14.6 That the Council shall have the right to determine into which classification any service belongs and the Council's decision shall be final and binding on all persons concerned.
- 14.7 Persons who use water without opening an Account will be liable for the cost of water consumed as estimated by the Towns Utility Billing Clerk.
- 14.8 All Utility Bills will be due and payable when rendered by the Town and payments will be made at the address indicated on the Utility Bill or to an agent of the Town.
- 14.9 A Consumer shall:
- 14.9.1 Pay all charges, fees and bills for Water Services performed by the Town in accordance with the Fees and Charges schedule of this Bylaw;
- 14.9.2 Adhere to the requirements of this Bylaw;
- 14.9.3 Promptly pay their Account or any penalties assessed.
- 14.10 That in the event a Utility Bill remains unpaid after the date fixed for payment, a penalty as the Council may establish by resolution from time to time will be added to the principal outstanding amount thereto and form part of the rates levied.
- 14.11 The Chief Administrative Officer, or designate, may cancel Water Services to a Householder in the event that a Utility Bill remains unpaid as described in section 14.9 of this Bylaw.
- 14.12 Consumer may contact the Town for temporary or permanent Turn Off (service disconnection) of Water Service; charges may apply per Schedule "B" attached.
- 14.13 The Public Works Supervisor, or their delegate, may Turn Off Service without notice for any of the following reasons:
- 14.13.1 Failure to open an account,
- 14.13.2 Neglects or refuses to pay when due any charges levied pursuant to this Bylaw,
- 14.13.3 If, in the opinion of the Public Works Supervisor, or their delegate, an emergency exists,
- 14.13.4 The Consumer's facilities are unsafe or defective, leak excessively or cause contamination or deterioration to the Water System,
- 14.13.5 For the purposes of repairing and maintaining the Water System,
- 14.13.6 The Consumer fails to provide the Town adequate access to the Water System on private property or access to the premises for the purposes of reading, verification, testing, repairing, replicating or inspection of the meter as required,
- 14.13.7 If, in the opinion of the Public Works Supervisor, or their delegate, it is reasonable to do so.
- 14.14 No person shall have any claim for compensation or damages as the result of the Town shutting off the water without notice or from failure of the water supply from any cause whatsoever.
- 14.15 The Public Works Supervisor, or their delegate, may at any time, upon endeavoring to provide Forty-eight (48) hours notice to a Consumer and without any further notice Turn Off a Water Service or refuse to open an Account, if the Consumer;
- 14.15.1 Fails to perform any term of an Account,

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- 14.15.2 Contravenes any other section of this Bylaw,
- 14.15.3 Fails to comply with notice to discontinue water use during Water Demand management Measures or,
- 14.15.4 Fails to comply with notice to discontinue wastage of water.
- 14.16 If Service to a Consumer results in Turn Off for non-payment of an Account at one location, the Town may Turn Off Service to the same Consumer at another location or at any other locations.
- 14.17 A reconnect fee as specified in the Fees and Charges schedule of this Bylaw will be levied before reconnection of a Service.
- 14.18 All Consumers shall pay for their water consumption and all other rates and charges as provided for in the Billing Regulation attached as Schedule "A" and the Fees and Charges Schedule "B" attached to this Bylaw.
- 14.19 No reduction in rates will be made in the monthly charge for water supplied to or made available for use by any Consumer because of any interruption due to any cause whatsoever of the water supply.
- 14.20 All rates and charges shall be included in a monthly water bill, provided to the Consumer on the Utility Bill, and shall be due and payable monthly in the manner herein provided.
- 14.21 In the event a Utility Bill, in which water billing is a part of, remains unpaid after the date fixed for payment, a penalty of two percent (2%) shall be added to the principal outstanding amount thereto and form part of the rates levied.
- 14.22 In the event that the water bill remains unpaid for a period of forty-five (45) days after the date of mailing of the Utility Bill, the Town may Turn Off the Service.
- 14.23 Any Utility Bill remaining unpaid under this Bylaw will constitute a debt owing to the Town and is recoverable by any or all of the following methods, namely:
 - 14.23.1 by action in any court of competent jurisdiction;
 - 14.23.2 by shutting off or discontinuing any Water Service being supplied Owner without notice;
 - 14.23.3 by collecting in a like manner as municipal rates and taxes.
- 14.24 Consumers wishing to close their Account must request a Turn Off order at least two working days before the order is to become effective.
- 14.25 The Town may continue to levy Water Service charges in accordance with the Fees and Charges Schedule of this Bylaw until the Account is closed.

SECTION 15 – SEVERABILITY

- 15.1 Should any provision of this bylaw be invalid then such provision shall be severed and the remaining bylaw shall be maintained.

SECTION 16 – MISCELLANEOUS

- 16.1 Nothing in this Bylaw will operate to relieve any Person from complying with any Federal, Provincial or other Town of Bon Accord law, order, regulation or Bylaw.

**TOWN OF BON ACCORD
BYLAW 2012-01
WATER BYLAW**

- 16.2 The power to do any of the things provided for in this Bylaw, for the purpose of enforcing payment of any Utility Bill as may be deemed necessary, is hereby delegated to the Chief Administrative Officer.
- 16.3 That Bylaw 2011-01 is hereby repealed.

This Bylaw will come into force and effect after receiving third reading, having been signed, and upon the day in which Council has deemed to be effective.

THIS BYLAW WILL COME INTO EFFECT upon the approved effective date of January 1, 2012.

READ A FIRST TIME THIS 15th DAY OF November, 2011.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A SECOND TIME THIS 6th DAY OF December, 2011

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A THIRD TIME THIS 6th DAY OF December, 2011.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

**TOWN OF BON ACCORD
BYLAW 2012-01
WATER BYLAW**

SCHEDULE 'A'

BILLING REGULATIONS

1. That a utility bill showing the current service charges to the owner(s) shall be mailed to the owner(s) and payment for the amount due for water service charges shall be due and payable when the account is rendered with payment to be made at the office of the Chief Administrative Officer or at such other place as may be designated from time to time by the Council, and failure to receive an account shall in no way affect the liability of the owner(s) to pay the account.
2. That in the event that any such utility bill remains unpaid, there will be added thereto a penalty, and that this penalty be part of the arrears and subject to collection in the same manner as all other rates and charges as set out in Schedule 'B'.
3. If in accordance with clause 2 of this schedule the account remains unpaid for a period of 45 days after the billing period, the Chief Administrative Officer or Utility Clerk shall order the service turned off unless it is considered there are extenuating circumstances then the overdue amount will be put on the tax roll.
4. That in the event a water service has been shut off, as provided for in clause 3 of this schedule by reason of non-payment, a re-connection fee as set out in Schedule 'B' attached hereto shall be payable in advance for turning on of the service as well as the outstanding bill.
5. That in the event a water service has been shut off upon the request of the owner(s), a re-connection fee set out in Schedule 'B' attached hereto shall be payable in advance for the turning on of the service.
6. Any accounts that cannot have the water shut off (i.e. Condominiums, malfunctioning CC) will be exempt from clause 3 of this schedule and will have unpaid billings put to taxes
7. Any person intending to vacate any premises that have been supplied with Utility services (i.e. water, wastewater, and garbage services) by the Town of Bon Accord or who is desirous of the discontinuing the use thereof shall give notice of the same at the office, otherwise the rates therefore shall be charged until such notice is given or the water turned off, but no rebate shall be made for any fraction part of a month in which such notice is given.
8. Any person wishing to disrupt the regular water service, for more than a one month period shall pay a fee as set in Schedule 'B'.
9. No reduction in rates shall be made for interruption of the service.

**TOWN OF BON ACCORD
BYLAW 2012-01
WATER BYLAW**

SCHEDULE 'B'

DEFINITION OF WATER RATES AND CHARGES:

Service Charge:

A flat fee charge that is intended to recover costs for such things as: billing and other related charges, customer service, energy related charges, communication, facilities, and administration of customer accounts.

Capital Rate Rider:

A flat fee charge that is intended to reflect each customer's share of costs of capital program related assets; such as equipment and replacement of defective pipe or installation of new pipe – may be used in place of tax levy.

Consumption Charge:

A variable volumetric charge, unless water is un-metered, that reflects the cost of supply for water consumed.

SCHEDULE OF WATER RATES AND CHARGES:

	Billing Item	Charge	Application
Residential	Service Charge	\$10.00	per billing month per utility account
	Capital Rate Rider	\$0.00	per billing month per utility account
	Consumption Charge	\$3.60 \$56.88	per cubic meter consumed during each billing period per un-metered Seniors Complex – based on flat water charge (service charge still applies)

	Billing Item	Charge	Application
Commercial	Service Charge	\$15.00	per billing month per utility account
	Capital Rate Rider	\$0.00	per billing month per utility account
	Consumption Charge	\$3.55	per cubic meter consumed during each billing period

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	Billing Item	Charge	Application
Institutional	Service Charge	\$20.00	per billing month per utility account
	Capital Rate Rider	\$0.00	per billing month per utility account
	Consumption Charge	\$3.55	per cubic meter consumed during each billing period

	Billing Item	Charge	Application
Bulk Water (Truckfill) Direct Billed	Service Charge	\$5.00	per billing month per utility account
	Capital Rate Rider	\$0.00	per billing month per utility account
	Consumption Charge	\$2.32	per cubic meter consumed during each billing period

	Billing Item	Charge	Application
Bulk Water (Truckfill) Pre-paid	Consumption Charge	\$2.30	per cubic meter consumed during each billing period

DEFINITION OF OTHER WATER RATES AND CHARGES:

Application Fee:

A one-time flat fee applicable to new service account requests and split between water and wastewater services.

Arrears Administration:

A combination of a flat fee charge and variable charge that is intended to reflect the cost of managing and processing the administration and collection of utility accounts that are deemed to be in payment arrears and require extraordinary collection means (e.g. registered letter(s), or collections).

Late Payment Penalty:

A Utility Bill which remains unpaid after the date fixed for payment, a penalty of two percent (2%) shall be added to the principal outstanding amount.

**TOWN OF BON ACCORD
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Security Fee:

A one time flat fee, refundable payment, applicable to new utility account holders', payable prior to commencement of service. Fee is refundable, less any outstanding amounts owed upon termination of service.

Service Calls:

A per hour charge applicable to those consumers who require service over and above that of the Basic Service provided for non emergent issues.

Service Disruption:

Provides an option for consumers who wish to have their service temporarily disconnected. The charge includes the cost of a Service Call and the Consumer is required to pay the monthly Service Charge for each and every month the premise has access to the Water System.

Meter Testing:

A flat fee charge that is intended to reflect the cost of removing, testing and re-installation of a meter that the consumer believes is faulty. If the meter is found faulty the consumer will be credited back the Meter Testing charge.

Reconnection Charge:

A flat fee charge that is intended to reflect the cost of re-installing utility service to a consumer that was previously disconnected due to a default in utility account.

Interference or Tampering Penalty:

A flat fee charge that is issued to anyone who has been found to have interfered with or tampering with any meter seal, meter reading equipment, or water shut-off equipment.

Connection Charge:

New service requests where a new physical connection is required to accommodate the service will have a fixed charge to offset the construction cost.

**TOWN OF BON ACCORD
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WATER BYLAW**

SCHEDULE OF OTHER WATER RATES AND CHARGES:

Billing Item	Charge	Application
Application fee	\$30.00	per new utility account – applied and due at time of service application, split between water and wastewater
Arrears Administration	\$20.00 plus cost	Per utility account (non-cumulative by service) for use in extraordinary instances of collection
Late payment penalty	2%	Applicable to outstanding current balance – after the date due
Security Fee	Cost determined at time of Utility service application – based on water meter size ½" up to 1" meter \$200.00 1.5" meter \$400.00 2" meter \$500.00	per new utility account, of which is refunded upon service termination less any monies outstanding
Service Calls	\$65.00 if required during regular business hours \$100.00 if required outside of regular business hours	per hour plus any additional costs that may be incurred in attending to non-emergent issues
Service Disruption	Service Call Charge plus Monthly Service Charge	per notification or event, per utility account
Meter Testing	Flow through of costs	per Consumer request, flow through of testing charge plus Service Call
Re-connection Charge	\$65.00	per request or event
Interference, Tampering or Unauthorized Use Penalty	\$500.00	per event
Connection to main	\$100.00 Residential \$150.00 Commercial & Institutional	tapping into main for new service