



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta
WATER BYLAW
02 /2020

Whereas the Municipal Government Act, RSA2000, Chapter M-26 (as amended) provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people, services provided by or on behalf of the municipality, public utilities and the enforcement of bylaws;

And whereas, Council deems it desirable to manage water utilities within the Town of Bowden in compliance with environmental and regulatory guidelines;

Now therefore, the Municipal Council of the Town of Bowden hereby enacts as follows;

1 SHORT TITLE

This Bylaw may be known as, and cited as, the “Water Bylaw”

2 PURPOSE

To establish and to provide for the regulation, control, operation and maintenance of a water utility supply and distribution system that;

- a) provides potable water to residents
 - b) provides water for fire protection
 - c) protects the water utility system and its infrastructure from malfunction, damage, obstruction, contamination, or loss of efficiency or use
 - d) allows for testing, maintenance & repair
 - e) establishes a system for billing (rates, charges, fees and penalties)
-

3 DEFINITIONS

In this Bylaw (and the attached Schedules) the following definitions apply;

Authorized Person

Means any person appointed to act on behalf of the Town of Bowden.

Backflow Preventer (or Cross Connection Control Device)

Means a device that prevents the backflow of water or other liquids, mixtures, or substances into the Water System and which is capable of being inspected and tested in accordance with the National Plumbing Code of Canada (as amended or replaced over time).

Bulk Water

Means potable water supplied by from the Town’s bulk water station.

CAO (Chief Administrative Officer)

Is the person appointed by the Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA (or his / her designate) and is the administrative head of the Municipality.

Council

Means the duly elected Municipal Council of the Town of Bowden.

Cross Connection

Means any actual, temporary, or potential connection made via piping, fixture, fitting, container, or appliance that might allow, by backflow, water contaminants to adversely affect the water quality in the Water System.

Curb Stop

Means a Town owned water service shut off valve located in a water service line located between the water service main and a premise.

Customer

Means any person who is the owner of a premise which receives a water service, and, in whose name, a utility account has been opened.

Environmental Protection and Enhancement Act (EPEA)

Means the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12 and all regulations adopted under the Environmental Protection and Enhancement Act (as amended over time).

Malfunction

A crack, break, breach, blockage or issue within a water service main or water service line

Matter

Means any solid, liquid or gas.

Water Meter

Means a mechanical and / or electronic device used to measure the amount of water supplied to a premise or property.

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).

Occupant

A person (other than an owner) occupying or exercising control over, or having right to occupy or exercise control over, land or property or buildings (not owned by the Municipality) either as a tenant or lessee for the purpose of residential or commercial activity under agreement with the owner of the land or property or buildings.

Owner

Means a person who is one or more of the following:

- a) the registered owner of the property
- b) recorded as the owner of the property on the assessment roll of the Town
- c) a person in control or development of a property or premise under construction

Person

Means any of the following;

- a) an individual
- b) a legal entity or business entity, including a firm, developer, contractor, association, partnership, society or corporation
- c) a trustee, executor, administrator, agent or employee of either a) or b)

Potable Water

Means safe treated water, suitable for human consumption.

Premise

Means any of the following;

- a) private land
- b) any building or a structure (either occupied or unoccupied)
- c) both or part of a) & b)

Property

Means a parcel of land as registered with Alberta Land Titles.

Property Line

The legal boundary between a premise and a municipally owned street or municipal land (eg; a public right of way or easement)

Provincial Offences Procedure Act

Means the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 (as amended over time)

Rates and Fees Bylaw

A Bylaw passed by Council to allow Town Administration to set fees, rates and charges for the provision of services and information within the Municipality.

Remedial Order

An order to remedy contraventions issued in accordance with section 545 of the MGA.

Town

Means the municipal corporation of the Town of Bowden.

Water Service Line

A pipe that connects the water main to the property being serviced.

Water Service Main

Is that part of the Water System laid down in Town owned property, street, public thoroughfare, or easement areas for the purpose of distributing potable water to more than one premise.

Water Service Valve / Main Valve

Means a Town owned water valve located on the Town owned portion of the water service main installed for the purpose of permitting the Town to isolate the water supply to a street or to a number of premises.

Water Shut Off Valve / Curb Stop

Means the water valve within premise, usually located near a water meter or point of entry of the water service line, which when closed does not allow the flow of water into the property.

Water System

Means the Town's infrastructure for the purpose of storage, distribution, and transmission of potable water or bulk water (including hydrants, valves, reservoirs, pump stations, feeder mains, pipes, appurtenances and associated equipment).

4 OBLIGATIONS & LIABILITIES

4.1 Obligations of the Town

The Town is responsible for meeting its responsibility to supply & test potable water in accordance with the following Provincial Acts, Regulation & Codes;

- i. The Environmental Protection & Enhancement Act (EPEA)
- ii. The Potable Water Regulation
- iii. EPEA registration 447-02-00

4.2 Limitation on Liability

The Town is not liable for damages or loss suffered by any person due to the operation / non-operation of the Water System.

5 WATER SERVICE LINE CONNECTIONS

Any contract between the Town and a person for the supply of water services and water service connections will be subject to the terms contained within this Bylaw and / or any agreement or contract entered into with the CAO.

The Town will only supply water services to the owner of a property or premise.

5.1 Obligations of Town

The Town will install that portion of the water service line which is on Town property and which runs from the water service main to either the property line or curb stop of the property or premise to be serviced.

The Town shall remain the owner of the water service line after installation, with the Town being responsible for the control, maintenance, repair, and replacement of that portion of the water service line (up to the property line or curb stop) thereafter.

The Town is the owner of all curb stops / water valves.

Water main lines and curb stops owned by the Town shall be controlled, maintained, repaired and replaced by the Town.

5.2 Obligations of Owner

5.2.1

Owners of a premise must ensure that their plumbing systems and water service lines meet the requirements contained within this Bylaw, any other relevant Bylaw and / or Provincial Regulation or Code, including, but not limited to;

- i. Environmental Protection & Enhancement Act
- ii. Alberta Safety Codes Act
- iii. National Plumbing Code of Canada
- iv. Canadian Standards Association B64 (relevant to backflow prevention devices)

No person will carry out any action that harms or potentially harms the Town's Water System.

No person will carry out any act which contravenes any approval, requirement, direction or order issued by Alberta Environment or any other enforcement agency, or the CAO, with respect to the operation or distribution or risk to the potable water supply.

5.2.2

Any part of the water service line, pipes or private plumbing system on an owner's property or premise through which the supply of potable water is conveyed from the Town's Water System shall be installed, maintained, repaired and replaced by the owner at the owner's expense.

5.3 Installation of New Service Lines

The owner of a property or premise is responsible for the construction of a water service line (sections 37(1), 37(2) and 37(3) of the MGA applies).

5.3.1

- i. Developers of all residential, commercial or industrial buildings must submit design plans to the Town for review and approval prior to the construction start date.
- ii. The developer will provide adequate safety provisions in accordance with any Provincial health & safety, construction, building or safety regulation and codes during installation.
- iii. The Town may request a printed and digital copy of the "as built" plans, within 30 days of the completion of the build and notification that the private water connection and plumbing system is installed and fully operational.
- iv. Where the Town does not install the water service line the Town shall have the right of inspection. The owner and / or developer shall advise the Town in good time to allow reasonable opportunity to inspect the installation (at least 24 hours notification is required). If the installation has been backfilled prior to inspection, then the owner and / or developer may be required to expose the installation at their own cost.

5.3.2 Water Service Lines (number & location)

Where the principle building occupies the frontage of a property and other buildings are located to the rear of the frontage building, application must be made to the Town to supply all of the buildings from one service.

Permission will not be given to service more than two buildings or building units fronting on the same street with a single water service line unless the water service line is divided within the Town land and a separate water service valve is provided for each water service line.

Unless approval has been given by the Town, water service lines shall not be located under driveways, private walkways, or structures of a permanent nature.

No connection may be made to the water service line between the water service valve and the water meter.

5.4 Temporary Service

Any person who requires a temporary water service must;

- i. obtain written approval from the CAO
- ii. comply with all conditions or requirements as required by the CAO for the installation and operation of the temporary water service, including the installation and removal cost of the temporary water service
- iii. if required by the CAO, install a water meter

5.5 Temporary Shut Off Requests

Only the owner of a property or premise may request a temporary disconnection of the water supply.

An owner who requires a temporary water shut off shall pay the appropriate fee as set in the Rate & Fees Bylaw or any additional fee or charge deemed appropriate by the CAO.

5.6 Replacement, Repair & Maintenance of Existing Service Lines

The owner of a property or premise is responsible for the maintenance and repair of a water service line (sections 37(1), 37(2) and 37(3) of the MGA replies).

Any owner wishing to relocate, replace, alter or disconnect an existing water service line must make application and receive approval from the CAO prior to commencing such work.

Where a change has been approved by the CAO and where the owner has to have work performed on the Town owned portion of the water service line this must be done either by a Town approved contractor or by the Town.

An owner of a property or premise that is serviced by a water connection must notify the CAO when the water connection is being discontinued and requires disconnection. The cost of any such request will be borne by the owner as stated in the Rates Bylaw or as deemed appropriate by the CAO according to circumstance.

An owner shall maintain in good repair (with sufficient protection from freezing, leaks and deterioration) the water service line from the private side of the property line including all parts of the owner's private plumbing system.

5.7 Water Wells

5.7.1

Where a utility service is available to the owner of a property situated on land that abuts or has a common boundary to a Town water main (or wastewater main), the owner shall, at the owner's expense, connect the property to the water (and wastewater) system in accordance with the standards set out in the Water Act and any other applicable Provincial Act, Regulations and Code or Bylaw.

The property owner should make such connection within a timescale no later than 10 years from the date of this Bylaw (unless repealed). There is no provision in this Bylaw for acquired rights of exemption ("grandfather rights").

The property owner should contact the CAO in order to establish any agreement with regard to any connection incentives or payment terms.

5.7.2

The Town may allow the use of a private water supply (eg; a well) for the following reasons;

- i. the location of the property or premise in relation to an existing water service main is such that the extension of the water service main is precluded because of excessive cost or engineering difficulty
- ii. the water service main adjacent to the property is of insufficient size or capacity to handle the proposed water supply and enlarging the water service main is deemed excessive in cost
- iii. the subject property is located within an area of the Town that has received approval authorization by Alberta Environment for the long-term use of a private water system in accordance with any applicable Provincial Act, Regulations and Code.

5.8 Information & Obligation to Report

A person is required to report to the CAO any connections or equipment located on a premise or property that does not comply with the requirements of any Provincial Act, Regulation or Code or any Bylaw.

No person shall supply false information or make inaccurate or untrue statements in a document or information that is required to be submitted to the Town.

No person shall knowingly withhold information about the use of their property or premises that could affect utility rates, or charges or any other requirement.

It is the responsibility of the owner to notify the Town when any changes or modifications are made to the premises or property that may or will affect water service charges or the water utility infrastructure. Failure to provide notice constitutes a violation of this Bylaw.

6 WATER METERS

6.1 General Service

It is a condition of the provision of a water service to any property or premise that the service shall be connected to a water meter unless;

- i. in the opinion of the CAO it is impractical to do so
- ii. the service connection is a fire service connection not used for any other purpose

For the provision of any temporary water service, it is a condition of service that the service connection will be connected to a water meter.

All water meters must be supplied by the Town only, in accordance with the Town's specifications and preferences for installation and for meter reading requirements.

The owner of a property or premise must provide unrestricted access to the water meter and to the remote read unit in the case of inspection or repair.

6.2 Multi Occupation Premises

Where water is supplied through a single meter to a multi occupied residential or commercial building, condominium or mobile home park, the owner shall pay a charge comprised of the sum of all of the meters installed (plus the corresponding flat rate fee per meter) plus the water usage as indicated by the water meter(s).

6.3 Costs

The CAO may charge for, and recover from, the owner (or contractor / developer) of a property or premises the cost of supplying, installing, testing, altering, repairing, relocating or replacing a water meter.

If a water meter is removed, wilfully damaged, tampered with or stolen, the owner of a property or premise shall pay the cost of replacing the water meter, including any installation costs. A fee or charge may be levied in accordance with the Rates and Fees Bylaw.

Notwithstanding the payment of any costs, all water meters, connections and remote reading devices, shall remain the property of the Town.

6.4 Location of Water Meters

6.4.1

As a condition of service, the CAO may;

- i. determine the size, type and number of water meters to be supplied and installed in a premise
- ii. determine the location that a water meter or water meters are to be installed
- iii. in the case of installation of two or more water meters, require their installation adjacent to each other and as close as possible to any master control valve or place where the water service line enters the building
- iv. require a water meter to be either tested on site or removed for testing by the Town or any person authorized by the CAO
- v. require a water meter to be relocated, if the building to which it was initially installed, has been altered, to a location near to the point of entry of the water service line

6.4.2

It is the owners' responsibility to provide a suitable site for the installation of a water meter (usually near to the point of entry of the water service line and inside a building). The CAO may refuse to provide a water service if the owner fails to provide an acceptable location.

6.5 Shut Off Valves

All water service lines must have a water shut off valve installed immediately before the inlet side of a water meter.

This is intended to enable an owner to shut off the supply of water in case of an emergency, for the repair or protection of the building, pipes or fixtures, or to prevent flooding of the property or premise, or in the event the property or premise is permanently or temporarily vacated.

An owner shall ensure that;

- i. all water shut-off valves on their premises are maintained in good mechanical condition
- ii. all water shut-off valves easily accessible at all times to ensure that such valves are operable in the case of emergency

6.6 Meter Readings

6.6.1

The CAO may;

- i. require a water meter to be read at any time
- ii. determine the frequency and time at which water meters shall be read
- iii. estimate a water meter reading if required in response to any abnormal situation

6.6.2

A water meter reading may be estimated by the CAO based on either previous consumption patterns or a daily average consumption for the property or premise, if;

- i. the Town is unable to obtain a water meter reading
- ii. water supplied through a water meter has not, for any reason, registered either on the water meter or a water meter remote read device or the water utility software

Any estimated amount remains subject to the terms within this Bylaw.

Payment of an estimated amount does not excuse the owner from liability for payment of any greater amount which may be owing after the actual water consumption has been determined.

6.6.3

If an owner experiences abnormal water consumption, Town Council may decide to adjust the owner's consumption charge taking into consideration any or all of the following;

- i. the probable cause or nature of the abnormal water consumption
- ii. any evidence of action taken by the owner to abate the abnormal consumption
- iii. any other factor or factors that the CAO considers relevant

6.7 Water Meter Testing

6.7.1

If an owner claims that a water meter is not working correctly the owner may request to have the meter removed and tested / calibrated.

6.7.2

In such cases the Town will appoint a person / organization to test / calibrate the meter and the owner will deposit a sum as set out in the Rates & Fees Bylaw.

6.7.3

If the water meter is found to be accurate within 2% then the deposit will not be refunded.

6.7.3

If the water meter is found to be inaccurate, (ie; "over reads" by more than 2%) then the water meter will either be repaired or replaced at the Town's expense.

6.7.4

Where a water meter has been found to "over read" the Town will refund a payment equivalent to the overcharged amount for a period up to a maximum of 12 months (prior to the date of the water meter removal).

7 GENERAL PROVISIONS ON THE USE OF WATER SERVICES

7.1 CROSS CONNECTION (or BACKFLOW)

7.1.1 Backflow Preventer

No person, owner or occupant shall connect, cause to be connected, or allow to remain connected to the Water System any piping, fixture, fittings, container or appliance, in a manner which might under any circumstance allow contaminated matter and / or wastewater and / or any other liquid, chemical or substance to enter the Water System.

Where in the opinion of the Town the configuration / connection of any water connection causes or could cause a risk of contamination to the water system the person / owner / occupant shall install on their premise an approved backflow preventer at their expense at all identified sources of potential contamination.

The CAO may issue a Remedial Order to the person / owner / occupant as may be required to obtain compliance.

Where the Town has reason to believe that a cross connection exists in contravention of this Bylaw the CAO may carry out an inspection;

- i. upon reasonable notice to the owner / occupant / customer, or

- ii. without notice where the CAO believes that an immediate threat or serious potential threat of contamination to the Water System exists.

Upon inspection, where the CAO continues to believe that a cross connection exists in contravention of this Bylaw the CAO may cut off the water service to that premise with reasonable notice, and where there is a belief that a cross connection poses an immediate threat of contamination of the Water System, the CAO may cut off the water service without notice.

No person / owner / occupant may turn on a water service valve to provide water to any newly renovated, constructed or reconstructed premise until the private water system in the premise has been inspected (for cross connections) by the CAO.

7.1.2 Testing

All persons & owners shall, at their own expense, have any backflow preventer tested:

- i. at the time of installation of a new backflow preventer
- ii. annually or as required by the CAO
- iii. at the time that a backflow preventer is relocated
- iv. at the time that a backflow preventer is cleaned, repaired or overhauled; and
- v. in the case of an irrigation system, at the time the system is turned on at the beginning of each irrigation season.

All persons & owners shall retain all test report records and make these available to the CAO upon request.

An approved tester must submit a test report to the CAO within 30 days of each test of a backflow preventer where the tester;

- i. discovers that the backflow preventer is in good working order; or
- ii. discovers that the backflow preventer is not in good working order and immediately repairs or replaces and re-tests the backflow preventer

An approved tester must submit a report in writing to the CAO within 2 business days of every test of a backflow preventer where the tester discovers that a backflow preventer is not in good working order and where the tester does not immediately repair or replace that backflow preventer immediately.

Where a backflow preventer fails a test and the person / owner / occupant does not have it immediately replaced then the person / owner / occupant must have the backflow preventer repaired or replaced and re-tested within 5 business days.

As a condition of service, the CAO may issue a Remedial Order to a person / owner / occupant requiring the installation, testing or repair of a backflow preventer and that order may specify a date and time by which the person / owner / occupant must comply with the terms of the order.

Where a person / owner / occupant fails to comply with a Remedial Order issued by the CAO, then the CAO may shut off the water services until the situation has been remedied.

7.1.3 Premise Isolating Backflow Preventer

Every newly constructed, reconstructed or renovated industrial or commercial premise (with the exception of residential dwelling units separately serviced from a Town water main) shall have a premises isolating backflow preventer installed on the premise where the service enters the building, or in any location as required by CAO.

Where it is proposed to use potable water from the Town's Water System for temporarily constructing, altering, or repairing a building, the temporary water connection shall have a premises isolating backflow preventer installed on the temporary water connection, or in any location as approved or required by the CAO.

7.2 FIRE HYDRANTS

7.2.1

No person (except as authorized by the CAO) shall:

- i. open or operate a fire hydrant or hydrant valve
- ii. connect, or allow to remain connected, any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance
- iii. do anything to obstruct access to a fire hydrant or hydrant valve
- iv. use water from a fire hydrant, regardless of whether that hydrant is located on private or public property, for any purpose other than fire protection
- v. paint, damage or remove any part of any fire hydrant

7.2.2

Where a water service line branches off from a water service line that provides water to a hydrant, water may be used for purposes other than fire protection as long as the branch line providing water for purposes other than fire protection is equipped with a town supplied water meter.

7.2.3

All fire hydrants (except fire hydrants situated on private property) are the property of the Town.

7.2.4

Fire hydrants located on a private property must be approved, installed, operated and maintained (by the Owner) in accordance with the Alberta Fire Code and all relevant sections of this Bylaw at the owners' expense.

Hydrants must be tested annually in accordance with the Alberta Fire Code.

If the owner of a private property requests that the Town should maintain or inspect a private fire hydrant the Town may charge a service fee as set out in the Rates & Fees Bylaw.

Access to a fire hydrant on a private property must not be restricted in any way that prevents its normal operation, inspection and maintenance.

7.2.5

The Town may require (in special circumstances or at the request of the Fire Department, or in order to satisfy any building code or regulation) that a fire hydrant be installed on private property, at the owners' expense.

7.2.6

No person, owner or occupant;

- i. shall allow access to a fire hydrant located on, or adjacent to, the premise to be obstructed in any manner, including the building or erection of anything or the accumulation of any building material, rubbish or other obstruction
- ii. shall allow anything on the property or premise to interfere with the operation of a fire hydrant located on or adjacent to the premise.

7.2.7

All persons or owners of a property on which a fire hydrant is located, shall;

- i. maintain a two (2) meter clearance on each side of a fire hydrant
maintain a one (1) meter clearance on the back side of a fire hydrant farthest from the nearest adjacent street
- ii. not permit anything to be constructed, erected, grown or placed within the clearance stated above
- iii. not allow anything but grass to be planted within the clearance stated above

7.2.8

The CAO may authorize the use of fire hydrants and the use of water from fire hydrants on a temporary basis where no other supply of water can be conveniently obtained.

The CAO may, as a condition for the use of fire hydrants and the use of water from fire hydrants, require that the water pass through a water meter and backflow preventer prior to use.

The CAO may require that any person authorized to use a fire hydrant shall enter into a contractual agreement with the Town.

7.2.9

No part of this Bylaw pertaining to the use of fire hydrants shall apply to any members of a Fire Department acting in the normal course of their duties or any Town employee conducting activities associated with the flushing of a water main or the inspection and maintenance of a fire hydrant.

7.3 WATER CONSERVATION

7.3.1

No person shall allow potable water to run off a property or premise such that there is a stream or spray of water running onto or falling onto any public land including a street, easement, sidewalk, swale or alley.

7.3.2

The CAO may authorize the discharge of potable water onto a street or sidewalk for the purposes of:

- i. health and safety
- ii. the installation and maintenance of infrastructure, including the flushing of water mains, fire hydrants and water service connections
- iii. preventing the freezing of water mains, hydrants and water service connections
- iv. conducting water flow tests
- v. installation and testing of permanently installed irrigation systems
- vi. training programs for the Fire Department
- vii. any other purpose or operational requirement as deemed necessary by the CAO subject to any condition he / she deems appropriate

7.4 ALTERNATE SOURCES OF WATER

7.4.1

No person shall use any source of Town water to supply water to any other person, residential, commercial, industrial or institutional premise without the authorization of the CAO.

The CAO may authorize the use of an alternate source of water subject to such terms and conditions as he / she deems necessary.

7.4.2

Unless authorized by the CAO, no person shall provide or supply water from a property or premise, by pipe or hose or any other means either with or without charge, to any other property or premise which could be supplied with water from the Town's water system and / or through its own water service connection.

7.5 EMERGENCIES

7.5.1

In the event of an emergency, (ie; a situation in which there is actual or perceived imminent danger to public safety or risk of serious harm to property or to the Town's Water System) the CAO may shut off any part of the Town's Water System, without prior notice, to;

- i. a person, customer / owner / occupant
- ii. a group of persons / customers / owners / occupants
- iii. a geographical area
- iv. the whole of the Town

The CAO will endeavour to provide notice of any interruption to the water supply and will attempt to minimize any inconvenience or disruption to service levels.

7.5.2

The Town reserves the right to change operating water pressure within the Water System as deemed necessary in response to any emergency or water conservation situation or maintenance requirement.

7.6 MANDATORY OUTDOOR WATER USE RESTRICTIONS

7.6.1

In the event that the CAO believes there is a reason to implement measures to reduce water usage, the CAO may decide to declare an outdoor water use restriction.

A decision may be made based on advice or direction given by Alberta Environment, Mountain View Regional Water Services Commission or through consultation with other communities.

Any restriction may prevent the use of water for watering lawns, gardens and trees, washing vehicles, filling of pools and hot tubs.

The declaration of an outdoor water use restriction may apply to;

- i. the entire Town
- ii. specific zone(s) or geographic area(s)
- iii. specific properties alternating between addresses either odd or even in number
- iv. any other specific location(s) as defined and mandated by the CAO

If there is reason to declare a mandatory outdoor water use restriction, the CAO may declare such restriction effective immediately.

7.6.2

The CAO may implement water restrictions in response to any emergency or water conservation situation in order to maintain adequate water supply within the Town's reservoir.

7.7 INTERFERENCE

No person;

- i. shall turn a water service valve on or off except as authorized by the CAO
- ii. attach or connect any pipe or appurtenance to any part of the Water System
- iii. shall cut, break, pierce, or tap any pipe or appurtenance in any part of the Water System
- iv. shall interfere with any permanent or temporary device installed in or on the Water System for the purpose of flow measuring, sampling, testing or contamination prevention
- v. shall interfere with the free flow any water service main or service line or do any act which may impede or obstruct the free flow of any water appurtenance.
- vi. use any boosting device on any water service line, on the upstream side of a water meter or control valve for the purpose of increasing water pressure unless authorized by the CAO
- vii. install branch supply lines, outlets or fixtures on the upstream side of a water meter or control valve

- viii. install branch supply lines, outlets or fixtures on the upstream side of a cross connection control device
- ix. tamper with, break or remove any seal, lock-out device or lock-out tag installed by the Town on any valves or flanged outlets on water service lines or water metering devices
- x. use water in any unauthorized manner

The penalties for interference will either be set by Council in the Rates Bylaw and / or determined by the CAO in accordance with the powers granted in this Bylaw.

8 DESIGNATION OF AUTHORITY

8.1

Council authorizes the CAO to do all actions necessary in order to fulfill the responsibilities and duties under the MGA, Provincial and Federal Statutes and Regulations, this Bylaw and any municipal policies.

8.2

The CAO shall have the responsibility for the day to day operation of the Water System in accordance with;

- i. Provincial and Federal Statutes and Regulations and Codes
- ii. this Bylaw and any related regulations and policies
- iii. the direction of Council.

8.3

Without limitation, the CAO is empowered to provide for;

- i. the establishment of standards, guidelines and specifications for the design, construction and maintenance of the Water System
- ii. the operation, installation, maintenance and management of the Water System
- iii. the procedure or requirements that a person must comply with before any water services are installed or activated
- iv. the measurement of water consumption, billing and collecting of fees & penalties
- v. administering or enforcing the provisions of this Bylaw
- vi. the recovery any costs associated with the provision of a water service

8.4

The CAO may delegate powers to other authorized persons, organizations, contractors, inspectors or employees of the Town as deemed appropriate.

8.5

The CAO upon giving reasonable notice of time to the owner or occupier, may enter any private or commercial premise to;

- i. carry out the inspection, enforcement, remedy, or any action authorized or required by this bylaw (in accordance with sections 541 to 546 of the MGA)
- ii. determine the operational state of the water service line or a water meter device or a backflow preventer or a private plumbing system (including wells).

8.6 Right of Appeal

Any person who considers themselves to be aggrieved by a decision of the CAO made under this Bylaw may appeal the decision to Council, in accordance with the procedures outlined in the Council Procedural Bylaw (section titled Delegations and Requests to Council).

9 RATES, FEES & BILLINGS

9.1 Authority of Council

Council will set commercial and residential service fees as set out in the Rates and Fees Bylaw for the following;

- i. water usage rates (per m³) and service charges
- ii. account fees
- iii. water meters
- iv. bulk water
- v. general service charges

9.2 Authority of the CAO

The CAO may establish further rates, charges or fees for other services provided including any or all of the following;

- i. engineering services, inspections, service connections, reconnections and disconnections & miscellaneous public works services
- ii. equipment rentals, or replacement or relocation of equipment
- iii. site visits, repairs, maintenance, cleaning, thawing and testing
- iv. penalties for infractions of any part of this Bylaw

The CAO may establish rates, charges or fees for any work done or service or material supplied for the construction, installation, inspection, testing, connection, disconnection or replacement of any of the following;

- i. any part of the Water System
- ii. any part of an owner's water service line located on private property
- iii. any device (eg; backflow preventer, filter etc) that maintains or safeguards the quality of potable water or the Town's Water System.

Where rates have not been established for a particular service, the CAO may establish and levy charges for services on a cost recovery basis for services provided.

9.3 Billings

Water utility billings will be made monthly and are due and payable on or before the date indicated on the utility bill as the "Last Date Before Penalty". Thereafter penalty fees apply as set out in the Rates and Fees Bylaw

Water utility billing will commence at the time water is supplied to a property or premise.

Non receipt of a utility bill does not exempt the owner from payment for the service provided.

9.4 Recovery of Overdue Accounts

If an owner of a property or premise defaults on payment of an account that is due (for water services provided or for any liability or fine pursuant to this Bylaw) the CAO may enforce the collection of monies by taking one or more of the following actions;

- i. shutting off or disconnecting the water service line to the owner's property
- ii. entering the unpaid amount on the assessment and tax roll of the owner's premises
- iii. bringing an action against the person in a court of relevant jurisdiction

10 APPLICABILITY

This Bylaw applies to all persons, owners, customers, or occupants within the Town of Bowden Municipal boundaries.

All Schedules attached to this Bylaw form part of this Bylaw.

Any person who contravenes any provision of this Bylaw, by doing any act or thing which is prohibited, or by failing to do any act or thing that is required, is guilty of an offence in accordance with this Bylaw. Nothing in this Bylaw relieves any person from complying with any provisions of any other Federal or Provincial legislation or regulatory body or any other Bylaw of the Town.

Under Provincial legislation (Provincial Offences Procedures Act), the provisions of the Criminal Code extends liability beyond the person who committed the offence as follows;

Everyone is a party to an offence who;

- i. actually commits it
- ii. does anything for the purpose of aiding a person to commit an offence, or;
- iii. abets any person in committing an offence

11 SEVERABILITY

Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Nothing in this Bylaw relieves a person from complying with any provision of any Federal, Provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

12 BYLAW PRECEDENCE

This Bylaw supersedes and takes precedence over all previously passed Bylaws that make reference to water utilities, water supply or water use.

Bylaw **02/2012** and all amendments thereto are hereby repealed.

This Bylaw and the schedules listed below will come into effect on the final day of passing and signature thereof.

Schedules attached to this Bylaw;

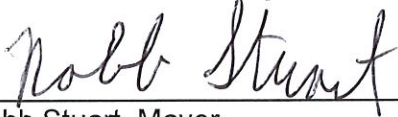
Schedule A	Penalties
Schedule B	Water Service Lines Maintenance & Repair
Schedule C	Diagrams

Read a first time in open council this _9th_ day of __ March 2020__,

Read a second time in open council this _9th_ day of __ March 2020__,

and finally passed by unanimous consent of the councillor's present.

Read a third time in open council this _13th_ day of __ April 2020__,



Robb Stuart, Mayor



Greg Skotheim, Chief Administrative Officer

Water Bylaw SCHEDULE A Penalties

A1

Any contravention of any provision of this Bylaw may be enforced by the provisions contained within the Municipal Government Act (Division 4 Enforcement of Municipal Law) the Provincial Offences Procedures Act, R.S.A. 2000 C. P-24 or any other Provincial or Federal regulation where valid and enforceable.

A2

Any person who;

- i. contravenes a provision of this Bylaw is guilty of an offence
- ii. fails to do any act or thing the person is required to do is guilty of an offence

A3

This may lead to the issue of;

- i. a written warning
- ii. a specific penalty listed for an offence as identified within the Rates Bylaw
- iii. an unspecified penalty of not less than \$50 up to a maximum of \$15000 for any offence of this Bylaw
- iv. the issue of a Remedial Order to remedy the infraction in accordance with section 545 of the Municipal Government Act
- v. any or all of i) to iv) above

A4

The amount of any penalty will be determined and applied at the discretion of the Town dependent upon the context, nature and severity of the offence as determined by the CAO.

A5

Any person in contravention of this Bylaw may be liable to compensate the Town for all costs associated with the cost of repair or replacement of any part or parts of the Water System that the person damaged or harmed or for any adverse effect or damage or harm to the Water System resulting from that person's contravention of the requirements of this Bylaw.

The levying and payment of any fine provided in this Bylaw does not relieve a person from the necessity of paying any additional charges or costs for which that person is liable under the provisions of this Bylaw or any other Bylaw including any compensation due for damages or fees for remedial work.

A6

All persons are responsible for all costs associated with any of the following;

- a) the implementation of any measures taken, or required to be taken, by a person to meet the requirements of this Bylaw
- b) damage or harm to the Water System resulting from that person's contravention of the requirements of this Bylaw.

A7

Any person in contravention of this Bylaw may be liable to compensate the Town for all costs associated with the release, containment, sampling, testing, removal, cleanup and disposal of any contamination as a result of the release of unauthorized matter into the Water System.

A8

Notwithstanding the penalty provisions included this Schedule, or the Rates & Fees Bylaw any person who contravenes any provision of this Bylaw may forfeit the right to be supplied with potable water from the Water System.

A9

In accordance with section 553 of the MGA any unpaid costs owed by the owner of a parcel of land may be added to the tax roll of the property.

A10

The CAO may issue a Remedial Order to order compliance with the provisions of this Bylaw and in accordance with section 545 of the MGA

Where a Remedial Order is issued to either an owner or an occupant of a premise pursuant to this Bylaw and if the person to whom the Remedial Order is issued fails to comply with the Remedial Order or fails to comply with the order within the time specified in the Remedial Order, the CAO may cut off water service to the premises.

Where a Remedial Order is issued to the owner of a premise and if that person to whom the Remedial Order is issued fails to comply with the Remedial Order within the time specified, then the Town may do anything as required by the Remedial Order including the recovery of costs.

Water Bylaw

SCHEDULE B Water Service Lines Maintenance & Repair

B1

The purpose of this schedule is to provide clarity on the responsibility of parties with regard to the maintenance and repair of water service lines

B2

Owner Responsibilities

Potable water is supplied to a property or premise through a water service line (also known as a water service connection) from the water service main.

An owner shall maintain in good repair (with sufficient protection from freezing, leaks and deterioration) the water service line from the private side of the property line including all parts of the owner's private plumbing system.

If a malfunction occurs in any part of the water service line the following procedures apply;

- i. The owner shall be responsible for notifying the Town when a malfunction occurs
- ii. In response the Town will investigate and check the Water System in order to determine that the water service main is operating normally and to determine whether or not the problem is isolated to a single property or a number of properties
- iii. If the Town Water System appears to be operating normally the Town will notify the owner of their responsibility to obtain the services of plumbing contractor in order to investigate the operation on the private side of the water service line and / or the owners' private plumbing system
- iv. The owner is responsible for sourcing the services of a plumbing contractor and for the negotiation and settlement of any contractual agreement including all payments due to the contractor. The owner is responsible for all costs incurred for the maintenance / inspection of the water service line from the property line to their property / premise(s).
- v. It is the responsibility of the owner's contractor to investigate the water service line and / or the owners private plumbing system to determine the cause and location of any malfunction
- vi. The contractor shall be responsible for the necessary maintenance / inspection of the whole of the water service line to the water service main
- vii. Where a malfunction can be proved to be on municipal property the Town will determine if the malfunction is caused by physical damage to, or a failure of, the service connection due to faulty installation or ground settlement or deterioration due to the age of the water service line. In such cases the malfunction will be repaired at no cost to the owner
- viii. If any part of the Town municipal infrastructure (including easements, sidewalks, gutters and road) is likely to be impacted the Town must be notified prior to any work being done
- ix. The cost of any malfunction or damage caused by the owner will be the responsibility of the owner (this includes any damage to the sidewalk, boulevard, curb, gutter, street or the water service main or its connection and any other utility service or infrastructure including the Water System)
- x. Once the malfunction is repaired the contractor and / or the property / premise owner must report the outcome and findings to the Town. Another inspection may be made of the water service main if required to determine that the water service is operating as normal.
- xi. If it can be accurately determined (without doubt) that the Town has any liability the CAO will consider payment in full or part of any costs incurred by the owner.

B3

Procedures for Conducting Repairs

In the case of any repair (physical damage) required to a water service line there may be a shared responsibility between the owner and the Town.

The service line is then divided at the point of the property line to portion the responsibility for the cost of the repair (refer to diagram in Schedule C)

- i. The property / premise owner in conjunction with the Town will liaise together in order to determine an appropriate plan of work in order to conduct any repair to the water service line
- ii. In some cases, the whole of the repair work will be conducted by the Town or its approved subcontractor. This decision will be made solely at the discretion of the CAO
- iii. The Town will be responsible for the shared cost of any repair as determined by the CAO.
- iv. If a repair is solely on the owner's property or premise, then the liability for the repair remains solely with the owner.

B4

In all cases, in the interest of minimizing any misunderstanding and maintaining harmonious relationships, the owner should liaise directly with the Town of Bowden on any matter relating to a disruption of the water service or the maintenance, repair or malfunction of a water service line.

B5

Other Damages

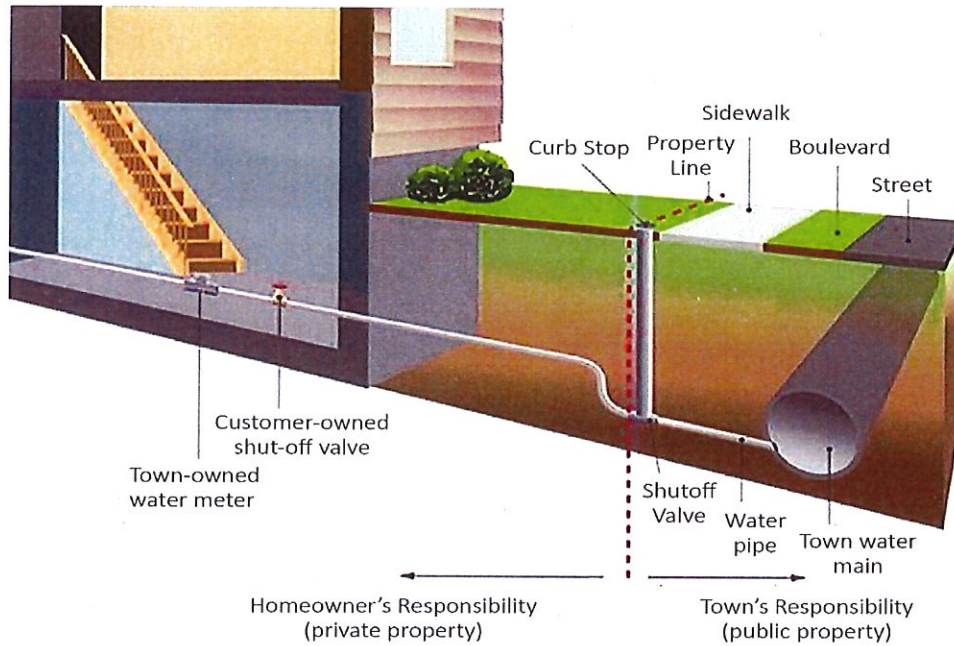
If the damage affects any other utility service the Town shall, at the owner's expense, conduct any repair required (this includes wastewater service lines).

If it determined that a repair is needed caused by a tree or shrub located on municipal property, then the cost of any remedial work will be at the Town's expense.

Water Bylaw SCHEDULE C Diagrams

C1

Diagram illustrating Town and Owners responsibility for maintenance & repair of water service lines.



C2

Diagram illustrating clearances required around fire hydrants

