

## BYLAW NO. 424-21

### **BEING A BYLAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA, RESPECTING WATER WORKS, SEWER WORKS, WASTE MANAGEMENT AND STORM WATER SYSTEMS AND PROVIDING FOR THE SETTING AND COLLECTION OF UTILITY RATES AND CHARGES.**

**WHEREAS** Council may pass bylaws for municipal purposes respecting services provided by or on behalf of the Town of Coalhurst,

**AND WHEREAS** Council may pass bylaws for municipal purposes respecting public utilities.

**NOW THEREFORE**, pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments, the Council of the Town of Coalhurst, in the Province of Alberta, duly assembled, **HEREBY ENACTS AS FOLLOWS:**

This Bylaw is hereby cited as the Town of Coalhurst "**UTILITY BYLAW**".

#### **1.1 DEFINITIONS:**

- a. **"ADMINISTRATOR"** means the Chief Administrative Officer for the Town of Coalhurst or his/her designate;
- b. **"ASHES"** means cold residue from the burning of wood, coal and other like material for the purpose of cooking, heating buildings and disposition of combustible materials;
- c. **"AUTHORIZED PERSON"** means any employee of the Town of Coalhurst or outside contractor authorized by the Administrator for the purpose of providing water, sewer or waste management service;
- d. **"COMMERCIAL PREMISES"** means the site, including any building erected thereon, of any cafe, restaurant, hotel, store, warehouse, wholesale or retail business place, office building, factory, industry, or any other site or building except one that is used or intended to be used for residential purposes;
- e. **"CONSUMER"** shall be understood and construed as including the owner of the land and premises in, on or at which any water service line or sewer service line is installed by the Town;
- f. **"DESIGNATED OFFICER"** means a person appointed to that office pursuant to section 210 of the Municipal Government Act, or an authorized delegate thereof;
- g. **"DISPOSAL SITE"** means any premises designated by the CAO or designate for the disposal of waste or any other premises which is approved by Alberta Environment for the disposal of waste;
- h. **"HEALTH INSPECTOR"** means a health inspector for the Chinook Regional Health Authority or a health inspector appointed by the Town;

- i. **"HOUSEHOLDER"** means any owner, occupant, lessee or tenant or any other person in charge of any building or other dwelling used or intended for use as residential premises, including a multiple family dwelling but excluding commercial premises;
- j. **"MULTIPLE FAMILY DWELLING"** is deemed to be a dwelling place comprised of more than one self contained dwelling unit, and without restriction the generality of the foregoing, includes apartment buildings, duplex houses, and single family homes with basement suites containing cooking, living, dining, sleeping and toilet facilities, whether or not such basement suite have a private out-side entrance;
- k. **"MUNICIPAL GOVERNMENT ACT"** means the Municipal Government Act, RSA 2000, c M-26, as amended and any regulations thereunder;
- l. **"MUNICIPAL TAG"** means a notice issued by the Town pursuant to the Municipal Government Act for the purpose of providing a Person with an opportunity to acknowledge a contravention of this Bylaw and to pay a penalty directly to the Town, in order to avoid prosecution for the contravention;
- m. **"ORDER"** means an order described in Section 545 of the Municipal Government Act;
- n. **"OWNER"** shall mean the owner of the serviced property as registered with the Alberta Land Titles Registry;
- o. **"PEACE OFFICER"** means a member of the Royal Canadian Mounted Police or a special constable or Bylaw Enforcement Officer or Peace Officer of the Town of Coalhurst;
- p. **"PERSON"** means firm, corporation, owner, occupier, lessee or tenant;
- q. **"PROPRIETOR"** means the owner, occupant, lessee, tenant or any other person in charge of commercial premises;  
  
**"PROVINCIAL PROCEDURES AND PROCEDURES ACT"** means the Provincial Offences Procedure Act. RSA 2000, c P-34, as amended and any regulations thereunder;
- r. **"REFUSE"** includes garbage, ashes, trade refuse and any other waste matter, including bottles, metals, cans or tins, crockery, glass, metal scraps, grass cuttings and other garden waste, cloth, paper, wrappings, sweepings and all other similar items that accumulate in the household or result from commercial or industrial operations, but does not include human or animal excrement or stable refuse;
- s. **"REFUSE COLLECTOR"** means the person or persons authorized by the Town of Coalhurst to collect, remove and dispose of refuse;

- t. **"RESIDENTIAL PREMISES"** means any site including any building that exists thereon that is used or intended for use for residential purposes including both single family and multiple family dwellings;
- u. **"SEWER SERVICE LINE"** means the sanitary sewer line from the building to the street main;
- v. **"STREET MAIN"** means any water and/or sewer main line laid for the service of more than one person;
- w. **"TRADE REFUSE"** means every type of refuse from a commercial premises including refuse resulting from the construction, repair, decorating, clearing or grading of a commercial premise;
- x. **"UTILITY"** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
  - i. water
  - ii. sewage disposal
  - iii. storm water drainage
  - iv. waste management
- y. **"TOWN"** means the Town of Coalhurst;
- z. **"VIOLATION TICKET"** means a ticket issued pursuant to the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended;
- a.a. **"WATER SERVICE LINE"** means the water line from the building to the street main.

## 2.1 GENERAL PROVISIONS

- 2.1.1 No person, company or business other than the Town shall provide the same or similar type of utility as is outlined in this Bylaw in any part of the Town except where special permission is given by the Administrator.
- 2.1.2 The Town will supply utility service to the owner of the property that is a residential premises or commercial premises regardless of the fact that it may be rented or leased.
- 2.1.3 The owner of the property shall be responsible for the construction, maintenance and repair of the portion of the water service line and sewer service line from the property line service connection to the main line of the system or works.
  - a. Despite section 2.1.3 the owner of the property is not responsible for the repair of the portion of the water service line and sewer service line from the property line service connection to the main line of the system or works if the service line infrastructure has failed due to no fault of the owner of the property being serviced.

### **3.1 WATER-WORKS**

- 3.1.1 No person without first having obtained a permit to do so, shall make connection or communication whatsoever with any of the service lines or street mains. The applicant for the said permit shall be totally liable for any damage caused while making such connections and also shall provide adequate safety provisions during said construction.
- 3.1.2 No permit shall be issued to any person except licensed plumbers or authorized employees of the Town.
- 3.1.3 All properties are required to have an approved water meter. The owner of the property shall be responsible for all water registered by the water meter as having been drawn from the water system.
- 3.1.4 No person shall waste any water supplied by the Town in any way, whether by improper or leaky service pipes, fixtures or taps, or by permitting water to run to prevent taps or pipes from freezing, or by improper or excessive use of water.
- 3.1.5 No person being an owner, occupier, tenant, or inmate of any house, building or other premises which is supplied with water from the water system shall vend, sell or dispose of water therefore, or give away, or permit the same to be taken or carried away, or use, or supply it to the use or benefit of others or to any other use and benefit, or shall wrongfully or negligently waste any water.
- 3.1.6 The Town may shut off the water supplied to the land or premises of any consumer for any purpose that, in the opinion of the Town, it may be expedient to do so.
- 3.1.7 It is hereby declared that no person shall have any claim for compensation or damages as the result of the Town shutting off the water without notice or from the failure of the water supply from any cause what so ever.
- 3.1.8 No person shall interfere with or damage any water meter or interfere with, damage or make inaccessible any curb stop due to the construction of walks, driveways, or in any other way.
- 3.1.9 If it is required to make any repairs or construction changes due to the inaccessibility or damage to a curb stop, the owners of the property serviced by said curb stop shall, in addition to the penalties of this Bylaw, be required to assume all costs involved.
- 3.1.10 The Town reserves the right to enter any land or building for the purpose of constructing, maintaining or repairing any water meter or water service line or sewer service line after giving reasonable notice. Costs associated with these construction, maintenance or repair services are an amount owing to the Town by the owner of the land.

## **4.1 SANITARY SEWER**

- 4.1.1 No person shall throw, deposit or leave in or upon any Town sewer or trap, basin grating or manhole or other appurtenance of any Town sewer, any butcher's offal, garbage, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers, rags, cinders, ashes, or refuse matter of any kind, except feces, urine, the necessary closet paper, water and slops properly discharged through a sewer service line into the street main.
- 4.1.2 No person shall permit to be discharged into any sewer, any liquid or liquids which would prejudicially affect the sewers, or other trade waste, or any waste steam, condensing water, heated water or other liquids of a higher temperature than 77 degrees Celsius (170 degrees Fahrenheit).
- 4.1.3 No person shall make or cause to be made any connection with any Town sewer line, or house drain, or appurtenance thereof for the purpose of conveying, or which may convey, into the same any inflammable or explosive material.
- 4.1.4 No person shall discharge the contents of any privy vault, manure pit or cesspools, directly or indirectly, into any Town sewer or house drain connected therewith.
- 4.1.5 No person except duly authorized employees of the Town, shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of any Town sewer.
- 4.1.6 No unauthorized person shall cut, break, pierce or tap any Town sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any Town sewer.
- 4.1.7 No person shall interfere with the free discharge of any Town sewer, or part thereof or do any act or thing which may impede or obstruct the flow or clog up any Town sewer or appurtenance thereof.
- 4.1.8 Any authorized Town employee or Plumbing Inspector shall have the right at all reasonable times to enter houses or other places which have been connected with Town sewer. Cooperation must be given to him to ascertain whether or not any improper material or liquid is being discharged into the sewers and he shall have the power to stop or prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewer or obstruct the flow of sewage.
- 4.1.9 No person other than duly authorized employees of the Town, shall make any connection to, or shall cut or otherwise tamper in any way with a public or Town sewer without first having obtained a permit to do so. The applicant for the said permit shall be liable for any damages caused while making said connections and shall also be responsible for providing adequate safety facilities and signs to meet the

minimum standards as set by Alberta Infrastructure and Transportation during the time of construction.

- 4.1.10 Should the Town be required to clear any plugged sewer line, the person making such request shall be liable to all costs incurred by the Town in clearing the said plugged sewer. The rates charged by the Town shall be the actual costs of labour and equipment plus an administration fee as set in the Town of Coalhurst Policy & Procedure Manual.
- 4.1.11 The person occupying any premises connected to a street main by a sewer service line, shall be required to keep the said sewer service line in operational condition at all times, and shall be fully responsible for the operation of the said sewer service line.

## **4.2 STORM WATER DRAINAGE**

### **4.2.1 Definitions**

- a. “Downspout” means a pipe that conveys water from the Roof Run-off Collection System of a building to near the ground surface.
- b. “Drainage Extension” means a pipe or impermeable trough that conveys water from the lowest end of a Downspout or Sump Pump Discharge to the ground surface.
- c. “Foundation Drain” means that system of underground tile or pipe laid around the exterior of a building at the bottom of the foundation intended to intercept water in the soil.
- d. “New Construction” means the construction of any Residential Premises or Commercial Premises commenced after the enactment of Utility Bylaw No. 319-06.
- e. “Roof Run-off Collection System” means that system of drainage of building roofs, which directs Storm Water or snow (melt-water) to a Downspout
- f. “Storm Water” means surface run-off water that is the result of natural precipitation.
- g. “Sump Pump Discharge” means a system, including sump, sump pump and related piping used to convey water collected by a Foundation Drain.

- 4.2.2 All building Downspouts and Sump Pump Discharges shall have a Drainage Extension securely fastened or placed to direct drainage from a Roof Run-off Collection System or Foundation drain toward a street, land or right-of-way.
- a. Drainage Extensions shall extend a minimum of 1.8 meters (6 feet) from the exterior wall of the building.

- 4.2.3 The Owner shall be solely responsible for ensuring the Roof-Run-off Collection System, including Downspouts and Extensions and Sump Pump Discharge is properly designed, installed, operated and maintained.
- 4.2.4 All New Construction shall discharge Storm Water by either:
- a. **Sump To Surface:**  
Sump will be permitted to discharge to the surface, in a manner as identified in the Town of Coalhurst Engineering Standards and Design Guidelines.
  - b. **Sump To Storm Sewer:**  
Foundation Drain to a sump discharging to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Town's Development Officer
- 4.2.5 No sump pump is permitted to discharge to any part of the sanitary sewer collection system, including piping or floor drains.

## **5.1 WASTE MANAGEMENT**

### **5.1.1 GENERAL PROHIBITIONS**

- a. No person shall collect, dispose of or remove refuse except in accordance with the provisions of this Bylaw;
- b. No person other than a householder, proprietor or the Refuse Collector shall open any refuse receptacle or in any way disturb the contents thereof or handle, interfere with or disturb any refuse put out for collection or removal;
- c. No person shall deposit any dead animal, manure, excrement, refuse, liquid waste or other filth upon or into any street, service lane, alley, highway, ditch, well, lake, pond, river, stream or water course or onto any land except with the written consent of the Health Inspector;
- d. No person shall directly or otherwise dispose of or permit any person to dispose of any explosive, volatile, noxious or dangerous device, substance or thing, including hot ashes or burning matter in any garbage can, plastic bag or refuse receptacle and no person shall directly or otherwise dispose of or permit any person to dispose of any unwrapped wet garbage in any garbage can or refuse receptacle;
- e. No person shall operate within the Town a vehicle transporting refuse unless the refuse is completely enclosed or securely covered or secured so as to prevent any portion of the refuse from falling off of or out of the vehicle while in transit;

### **5.1.2 AUTOMATED COLLECTION CONTAINERS**

- a. Residential dwellings that are eligible for automated collection of solid waste material will be delivered and assigned an automated collection container.
- b. The number of automated collection containers required and the size of the automated collection containers required will be determined by the CAO or designate, or that person's designate.
- c. Automated collection containers assigned to a residential dwelling shall remain with that residential dwelling.
- d. Automated collection containers shall remain the property of the Town and may be removed by the Town, its contractor or agents at the direction of the CAO or designate or that person's designate.
- e. Owners of residential dwellings are responsible for all automated collection containers assigned to the residential dwelling and shall ensure that the containers are:
  - i. kept clean;
  - ii. secured against theft or loss;
  - iii. maintained in good condition;
  - iv. not altered in any way, including any alteration of the exterior;
  - v. used only for waste material if the container is an automated collection container for waste material;
  - vi. available to the Town, its contractors or agents within a reasonable time frame for the purposes of inspection, maintenance or repair.
- f. An owner of a residential dwelling may be responsible for automated collection containers that are lost, stolen or damaged due to neglect on the part of the property owner, at the discretion of the CAO or designate or that person's designate.

### 5.1.3 RESTRICTIONS ON WASTE

- a. Except as otherwise provided, an owner shall ensure that the following types of waste are not set out for collection from his premises:
  - i. industrial or hazardous waste;
  - ii. biomedical waste;
  - iii. general medical waste;
  - iv. sharp objects such as glass, nails, knives, metal or wood splinters;
  - v. dead animals or animal parts;
  - vi. sawdust and powdered materials;
  - vii. automobile waste including but not limited to, automobile parts, tires and batteries;
  - viii. building materials and furniture
  - ix. individual items that are larger than 1.25 metres in any dimension or items that weigh more than 20 kilograms;



- x. liquids; and
- xi. waste that is unsafe for the collector to access or handle.

5.1.4 RESIDENTIAL SOLID WASTE

- a. Solid waste collection is provide to all residential dwellings.
- b. Owners of residential dwellings, other than dwellings with more than one self-contained suite must ensure there is a single waste storage location for the residential dwelling which is directly accessible from a street.
- c. No owner of a residential dwelling shall set out for collection any waste that is not generated from the residential dwelling.
- d. The owner of a residential dwelling must ensure that waste generated at the residential dwelling is set out for collection in the provided black automated garbage cart.
- e. Waste not placed in the provided black automated garbage cart will not be picked up and left in its location.
- f. An owner shall ensure that solid waste from the owner’s premises is set out for collection no later than 7:00 a.m. on the day of collection.
- g. An owner with solid waste collection shall:
  - i. set automated collection containers out for collection no earlier than 5:00 p.m. on the day before collection; and
  - ii. remove automated collection containers from the collection location before 8:00 a.m. on the day following the scheduled collection day.
  - iii. in the case of a statutory holiday follow alternate collection days advertised on the Town web site.

5.1.5 COLLECTION OF SOLID WASTE IN AUTOMATED COLLECTION CONTAINERS

- a. Waste shall be placed in the appropriate automated collection container for pick up.
- b. If the automated collection container is full, any additional solid waste on top of or set beside the collection container will not be picked up.
- c. An owner shall ensure that automated collection containers used at the owner’s premises are filled so that the total weight of the container and its contents does not exceed one hundred (100) kilograms.
- d. The Town shall own all solid waste collection carts used in automated collection.

- e. Unless an owner has written approval from the CAO or designate to set an automated collection container for solid waste out for collection at a specific location, the owner shall ensure that an automated collection container filled with waste:
  - i. is located at least one (1) metre from any object on all sides of the container;
  - ii. is located at least thirty (30) centimetres from any object behind the container;
  - iii. has an overhead clearance above the top of the automated collection container of three (3) metres;
  - iv. if intended for front street collection, is:
    - located in front of the residential dwelling that generated the solid waste materials;
    - located on the street at the curb; or on the driveway at the street; and
    - placed in an upright position with the lid closed and the front of the cart facing the street;
  - v. is not obstructing traffic in the street.
- f. Where more than one automated collection container is set out for automated collection:
  - i. the minimum amount of space between individual automated collection containers shall be thirty (30) centimeters; and
  - ii. a minimum of one (1) metre of space from any object shall exist on both sides of the grouping of containers or additional waste.
- g. Notwithstanding Section 5.1.4(c), an owner may set out one or more automated collection containers for waste on the street for automated collection in accordance with the requirements of Subsections 5.1.5.e.iv. and 5.1.5.e.v. of this Section.

#### 5.1.6 COMMERCIAL WASTE

- a. Except as provided in Section 5.1.6., the owner of commercial premises must ensure waste generated at the premises is set out in a commercial bin for collection.
- b. The CAO or designate may give the owner of commercial premises written approval to set waste out for collection in waste containers.
- c. The owner of commercial premises must ensure sufficient commercial bins or waste containers are available to hold and retain all waste from the premises.
- d. The owner of premises using commercial bins must ensure that:
  - i. the bins are located in a central place that allow direct vehicular access to the bins;

- ii. snow and ice does not accumulate near the bins such that vehicle access to the bins is impeded; and
- e. The owner of commercial premises shall ensure there are sufficient litter receptacles on the premises.
- f. The owner of commercial premises shall ensure that all litter receptacles on the premises are:
  - i. maintained in good condition;
  - ii. weighted or anchored so they cannot be inadvertently overturned;
  - iii. of suitable and at sufficient locations to discourage litter; and
  - iv. emptied into a commercial bin when full.

#### 5.1.7 WASTE DISPOSAL

- a. A person carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in such manner as to not permit building material or building waste material to remain loose, free or uncontrolled on the property.
  - i. The main contractor and/or property owner on the building site shall be responsible for the actions of any subcontractor or tradesman who fail to comply with Section 5.1.7.
  - ii. Any building material or building waste material which blows free from the building site shall be recaptured, returned to the building site and deposited in a waste bin.
  - iii. The main contractor and/or property owner on a building site shall be responsible for the term of the construction in providing a suitable waste bin capable of receiving all building waste material and maintaining the same in a safe contained manner.
  - iv. Where the contractor and/or property owner is working on more than one building site and they are adjoining, he **must** provide one building waste bin for each building site.
  - v. The main contractor and/or property owner on a building site shall be responsible for having all unused building material and building waste material disposed of.
  - vi. The CAO or designate may direct the person carrying out the construction or alteration of a building to provide a fence of a type that will trap any building material or building waste material in such a manner as to prevent it from escaping from the building site.

#### 5.1.8 COMMUNITY RECYCLING DEPOTS

- a. No person shall deposit or dispose of materials at a community recycling depot other than those materials described as permitted materials by signage located at the depot.

- b. No person shall deposit materials of any kind at a community recycling depot except in the receptacles or bins provided.
- c. Every owner of a vehicle used in the commission of an offence described in Section 5.1.8 commits an offence unless the owner establishes that;
  - i. the person who was, at the time of the contravention, in possession of the motor vehicle was not entrusted by the owner with possession, or
  - ii. the owner exercised reasonable care and diligence when the person entrusted the motor vehicle to the person who was, at the time of the contravention, in possession of the motor vehicle.
- d. Every person who operates or has care and control of a motor vehicle while it is used in the commission of an offence described in Section 5.1.8 commits an offence.
- e. For the purpose of Section 5.1.8.d., a vehicle is presumed to, while it is used in the commission of an offence described in Section 5.1.8, be operated by or under the care and control of its owner.

#### 5.1.9 FAILURE TO COMPLY

- a. Where a householder or proprietor is alleged to have breached any of the provisions of Sections 5.1.1 or 5.1.2. of this Bylaw, the Town may serve upon such householder or proprietor a written notice specifying the breach and requiring that the breach be rectified within fourteen (14) days;
- b. Should the problem not be rectified within the time limit specified a surcharge, the amount of which is set out in the Town of Coalhurst Policy & Procedure Manual, will be added to the next utility billing;
- c. If the problem has not been rectified within the billing period referred to in section 5(b) a surcharge, the amount of which is set out in the Town of Coalhurst Policy & Procedure Manual, will be added to the following and any subsequent utility billing until the problem is rectified;
- d. The surcharge shall become part of the charge for garbage services and be subject to the same penalties as the regular charge for garbage collection;
- e. This surcharge shall be considered as part of the utility charge and subject to the collection procedure as specified in Section 7.1 of this Bylaw.
- f. Owners of the mobile home park(s) shall be responsible for ensuring that renters comply with the provisions of this Bylaw and will be issued with the notice set out in Section 5.1.3(a). Failure to correct the problem will result in the surcharge being added to the utility billing sent to the mobile home park owner. All action will be subject to Section 5.1.3(a)(b)(c)(d)(e)(g) except that each infraction within the park will be counted as a separate incident;

- g. Any written notice issued under the provisions of Section 5.1.3(a). of this By-Law shall be deemed to be sufficiently served if served personally upon the owner or if mailed by regular mail to the address of the owner.

## **6.1 APPLICATION FOR A SERVICE CONNECTION**

- 6.1.1 Utility service shall be supplied to the owner of the property. No utility service will be supplied to any renter, lessee or other persons not considered the owner of the property.
- 6.1.2 Any owner who desires utility service from the Town of Coalhurst shall apply in writing to the Administrator on the form supplied by the Town for that purpose.

## **7.1 RATES AND BILLING**

- 7.1.1 Rates for all utility services will be established by Council in the Town of Coalhurst Policy & Procedure Manual.
- 7.1.2 A utility bill, showing the current service charge for water, sewer, waste management and storm sewer, shall be mailed to the owner of the property every month. Payment for the utility bill shall be payable on the billing date. Payment will be accepted at the Town Office or at such other place as may be designated from time to time. Failure to receive a utility bill shall in no way affect the liability of the consumer to pay the account.
- 7.1.3 In the event that any part of such utility bill remains unpaid after the last day of the month, there shall be added thereto a penalty in the amount of 2.5% on the unpaid balance. This penalty is part of the arrears and subject to collection in the same manner as all other charges.
- 7.1.4 In the event any part of a utility bill remains unpaid for two months, the Administrator shall cause a written notice to be served on the delinquent consumer advising that the water service will be discontinued unless that account is paid in full, or a satisfactory payment arrangement has been made, within ten (10) working days of the date on the notice.
- 7.1.5 In the event the householder or proprietor claims extenuating circumstances, the Administrator may make allowance for the situation and grant a time extension.
- 7.1.6 If after the ten (10) working days described in Section 7.1.4 any part of the account remains unpaid, the Administrator shall order the service to be discontinued. The utility is considered to be discontinued when the discontinue order is issued.
- 7.1.7 When a service is discontinued, the flat rates for all utility services shall still be charged to all Town related accounts and to any rural (acreage) accounts for all utility

services, with the exception of rural (acreage) accounts for waste management, as the flat rates are for infrastructure capital and maintenance purposes.

7.1.8 In the event a water service has been discontinued, by reason of non-payment, a reconnection fee, the amount of which is established in the Town of Coalhurst Policy & Procedure Manual, shall be charged and shall be payable in advance of the turning on of the service.

7.1.9 Any person intending to vacate any premises that have been supplied with water from the waterworks or who is desirous of discontinuing the use thereof shall give written notice of the same at the office, otherwise the rates shall be charged until such notice is given or the water turned off, but no rebate shall be made for any fractional part of a month in which any such notice is given.

## **8.1 WATER RESTRICTIONS**

- 8.1.1. (a) The Administrator may at any time make orders restricting the use of water either by all consumers or by any particular class of consumers and either throughout the Town or in any particular area or areas of the Town. The order may specify that such restricted use of water shall apply during such hours of any day of the week as may be specified in the order. The orders may be cited as identified in the Stages shown in attached Schedule “B”. Emergency water rationing order prohibitions may also be imposed as directed by the Administrator.
- (b) No person shall use any water from the water works system in contravention of the terms of any order made by the Administrator under this section and, without limiting the generality of the forgoing, specifically:
- i. No person shall use water in contravention of a Stage 1 Outdoor Water Rationing Order;
  - ii. No person shall use water in contravention of a Stage 2 Outdoor Water Rationing Order;
  - iii. No person shall use water in contravention of a Stage 3 Outdoor Water Rationing Order;
  - iv. No person shall use water in contravention of a Stage 4 Outdoor Water Rationing Order;
  - v. No person shall use water in contravention of an Emergency Water Rationing Order

## **9.1 ENFORCEMENT**

### **INSPECTION**

9.1.1 A Designated Officer may, in accordance with the requirements of Section 542 of the Municipal Government Act, enter on to any property to carry out an inspection for the purpose of ensuring that the provisions of this Bylaw are being complied

with.

- 9.1.2 Prior to exercising his authority to enter onto property, the Designated Officer shall provide the Owner with reasonable notice as required by Section 542 of the *Municipal Government Act*, unless, in the opinion of the Designated Officer, an emergency or extraordinary circumstances exist, pursuant to Section 542(3) of the *Municipal Government Act*.

### ORDER

- 9.1.3 If a Designated Officer considers any Person to have contravened any part of this Bylaw, the Designated Officer may issue an Order to remedy the contravention to the Owner or other Person responsible, or both.

- 9.1.4 An Order includes the requirements of the *Municipal Government Act*, including, but not limited to the following:

- (a) Section 545 of the *Municipal Government Act* under which the Order is issued;
- (b) A description of the property, including
  - (i) name, if any;
  - (ii) the municipal address; and
  - (iii) legal description;
- (c) particulars of the contravention under this Bylaw;
- (d) a description of the remedial or other actions required to be made;
- (e) the time within which the remedial or other actions are to be done;
- (f) a statement that if the actions are not done within the time specified, the Town may carry out the actions required and charge the cost thereof against the Person to whom the Order is directed and if such Person does not pay the costs, the costs shall be charged against the tax roll for the property concerned as taxes due and owing in respect of that property, and recovered as such;
- (g) a statement that the Person named in the Order may by written notice request a review of the Order to Council in accordance with Section 547 of the *Municipal Government Act*.

- 9.1.5 A Person who receives an Order may by written notice request Council to review the Order within 14 days after the date the Order is received.

### SERVICE OF ORDER

- 9.1.6 An Order issued for a contravention of this Bylaw may be served:

- (a) in the case of an individual:
  - (i) by delivering it personally to the individual;
  - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least eighteen (18) years of age; or

- (iii) by registered mail addressed to the individual at their apparent place of residence or to any address for the individual listed on the tax roll of the Town; and
- (b) in the case of a corporation or partnership:
  - (i) by delivering it personally to any director or officer of the corporation, or partner of a partnership;
  - (ii) by delivering it personally to a Person apparently in charge of an office of the corporation or partnership at an address held out by the corporation or partnership to be its head-office; or
  - (iii) by registered mail addressed to the registered office of the corporation or partnership; and
- (c) In the event that the methods of service listed under subsections (a) and (b) prove, in the opinion of the Designated Officer, to be impractical or not likely to be successful, service can be effected by any other means that the Designated Officer determined to be appropriate, including but not limited to:
  - (i) posting to the Property;
  - (ii) issuance by regular mail; or
  - advertising in a local newspaper or similar publication.

#### FAILURE TO COMPLY WITH ORDER

- 9.1.7 If a Person to whom an Order is issued fails to remedy the Property:
- (a) as directed in the Order; or
  - (b) as required by Council following a review pursuant to Section 547 of the Municipal Government Act; or
  - (c) within the time specified, as determined by the Town in its sole discretion acting reasonably;
- the Town may, through its Designated Officer, employees, agents or contractors, enter onto the property in accordance with Section 549 of the Municipal Government Act to remedy the contravention, as specified under the Order, and to otherwise prevent the continuing contravention of this Bylaw.
- 9.1.8 Notwithstanding the above, the Town may commence an application for a permanent injunction or other orders pursuant to Section 554 of the Municipal Government Act, instead of, or before proceeding to enter onto the property to remedy the contraventions on the property as contemplated by Section 9.7.1.
- 9.1.9 The Town shall not be responsible for any incidental damage that may occur to the property subject of an Order as a reasonable consequence of the Town exercising its rights under this Bylaw.

#### MUNICIPALITY'S COSTS



- 9.1.10 Any expenses or costs of any enforcement action or measure taken by the Town under this Bylaw, including but not limited to the receipt of legal advice, are amounts owing to the Town by the Owner or any other Person responsible for the contravention of this Bylaw, or any or all of them, and may be collected as a civil debt or added to the tax roll for the subject property pursuant to the Municipal Government Act.

#### OFFENCE

- 9.1.11 Regardless of whether an Order has been issued pursuant to this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a specified penalty as set out in Schedule "A" herein.
- 9.1.12 Any person who fails to comply with an Order issued pursuant to this Bylaw is guilty of an offence and is liable, upon conviction, to a specified penalty as set out in Schedule "A" herein.
- 9.1.13 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

#### AUTHORITY OF PEACE OFFICERS

##### MUNICIPAL TAGS

- 9.1.14 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.1.15 A Municipal Tag may be served in accordance with the same procedure set out for service of an Order in Section 9.1.6.
- 9.1.16 The Municipal Tag shall be in a form approved by the Administrator and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued, if known;
  - (b) a description of the offence and the applicable Bylaw section;
  - (c) the specified penalty for the offence as specified in Schedule "A" of this Bylaw;
  - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag in order to avoid prosecution; and
  - (e) any other information as may be required by the Administrator.
- 9.1.17 Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
- 9.1.18 A Person to whom a Municipal Tag has been issued may pay the penalty specified

on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

### VIOLATION TICKETS

9.1.19 Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.

9.1.20 Notwithstanding the above, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

9.1.21 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the Provincial Offences Procedure Act.

9.1.22 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount for the offence as established in Schedule “A” of this Bylaw; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

9.1.23 A Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if a Violation Ticket specifies the fine amount for the offence established in Schedule “A” of this Bylaw;  
make a voluntary payment equal to the specified fine.

9.1.24 When a clerk records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

## **9.2 UTILITY CHARGES ADDED TO TAXES**

9.2.1 Any utility charges in arrears for services supplied by the Town or any other charges for utility service supplied by the Town to any land or premises may be added to the taxes assessed against the real property to which the utility has been supplied, and may be collected in any of the ways provided for in the collection of taxes, including the sale of the said property.

9.2.2 In addition to the methods outlined herein for the recovery of outstanding rates of charges, the Town reserves the right to discontinue service to any property where any charges for service or work remain outstanding for a period of more than thirty (30) days.

## **10.1 FINES AND PENALTIES**

- 10.1.1 A Person who is guilty of an offence is liable upon conviction to a fine in an amount:
- (a) not less than the specified penalty established in Schedule “A”; and
  - (b) not exceeding \$10,000.00; and
  - (c) to imprisonment for not more than 1 year for non-payment of a fine.
- 10.1.2 Without restricting the generality of Section 10.1.1 a Person found guilty of an offence against this Bylaw for which no specified penalty has been specifically provided in Schedule “A” is liable on conviction to a minimum fine of \$250.00 dollars.
- 10.1.3 If a person, following the provision of ten (10) working days’ notice, persists in failing to discharge their liabilities owing to the municipality for utility services supplied to a parcel of land, the municipality may suspend the provision of utility services to this parcel of land until the liabilities owing are discharged.

## **10.2 GENERAL**

### SCHEDULE

- 10.2.1 Schedule “A” and Schedule “B” attached hereto shall form part of this Bylaw.

### REMEDIES NOT RESTRICTED TO BYLAW

- 10.2.2 A Peace Officer may pursue any and all remedies set out in this Bylaw, the Municipal Government Act and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit or preclude the Town from taking multiple steps to remedy a contravention of this Bylaw.

### OBSTRUCTION

- 10.2.3 No Person shall obstruct, hinder or impede any Peace Officer, Designated Officer, or Town employee, contractor or agent in the exercise of any of their powers or duties under this Bylaw.

### VICARIOUS LIABILITY

- 10.2.4 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred while the employee is in employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

### CORPORATIONS AND PARTNERSHIPS

- 10.2.5 When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 10.2.6 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

### **11.1 RESCINDING BYLAWS**

- 11.1.1 This Bylaw hereby rescinds Bylaw No. 319-06, Bylaw No. 368-14 and Bylaw No. 408-19.

This Bylaw comes into force and effect upon the date of the passing of the third and final reading thereof.

READ A FIRST TIME THIS 18<sup>th</sup> DAY OF MAY, A.D. 2021

READ A SECOND TIME THIS 7<sup>th</sup> DAY OF SEPTEMBER, A.D 2021.

READ A THIRD TIME AND FINALLY PASSED THIS 7<sup>th</sup> DAY OF SEPTEMBER, A.D 2021.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE "A"****SPECIFIED PENALTIES**

<b>Section No.</b>	<b>Description</b>	<b>Specified Penalty</b>
2.1.1	No Person other than the Town shall provide any type of Utility	\$250.00
3.1.1	No Permit to connect to Water Service Line or street main	\$250.00
3.1.3	No approved water meter installed	\$250.00
3.1.4	Person wasting Town supplied water	\$250.00
3.1.8	Person interfere with or damage water meter or curb stop	\$250.00
4.1.1	Improper disposal of solids into Town sewer	\$250.00
4.1.2	Improper disposal of liquids into Town sewer	\$250.00
4.1.5	Unauthorized Person handling manhole cover, ventilator, or other appurtenance of Town sewer	\$250.00
4.1.7	Interfere with free discharge of flow of Town sewer	\$250.00
4.1.9	No permit to work on Town sewer	\$250.00
4.2.2	Drainage Extension improperly secured or placed in the manner required	\$250.00
4.2.3	Owner failing to ensure proper Storm Water drainage system designed, installed operated or maintained	\$250.00
4.2.4	Failure to discharge Storm Water in manner required	\$250.00
4.2.5	Sump pump discharging to sanitary sewer	\$250.00
5.1.1(b)	Unauthorized Person open or disturb contents of Refuse Receptacle	\$250.00
5.1.1(c)	Unauthorized disposal of Refuse in manner required	\$250.00
5.1.1(d)	Unauthorized disposal of explosive, volatile, noxious or dangerous goods	\$250.00
5.1.1(e)	Transport of refuse in unsecured manner	\$250.00
5.1.2(e)	Failure to maintain and not alter Refuse Receptacle	\$250.00
5.1.3(a)	Setting out restricted waste for collection	\$250.00
5.1.4(b)	Failure to provide single waste storage collection	\$125.00
5.1.4(c)	Set out waste not generated on premises	\$250.00
5.1.4(d)	Fail to set out solid waste in automated collection container	\$125.00
5.1.4(e)	Use improper solid containers	\$125.00
5.1.4(f)	Set solid waste collection container out no later than 7:00 a.m. on the day of collection	\$50.00
5.1.4(g)	Set or remove solid waste automated collection containers	\$50.00
5.1.5(a)	Fail to use automated collection container	\$125.00
5.1.5(b)	Additional waste on top of or beside automated collection container	\$125.00
5.1.5(c)	Filled automated collection container exceeds 100 kilograms	\$125.00

5.1.5(e)	Fail to properly locate automated collection containers for collection	\$250.00
5.1.6(a)	Fail to use commercial bin	\$250.00
5.1.6(c)	Fail to provide sufficient bins	\$250.00
5.1.7(a)ii	Allowing building material or building waste material to remain loose, free or uncontrolled on the construction site	\$250.00
5.1.7(a)iii	Failure to provide a suitable waste bin capable of receiving all building material on site	\$250.00
5.1.7(a)iv	Failure to provide a suitable waste bin at each construction site	\$250.00
5.1.8 (a)	Unauthorized disposal of materials not permitted	\$250.00
5.1.8(b)	Deposit of materials except in receptacles or bins provided	\$250.00
5.1.8(c)	Owner of vehicle involved in offence guilty of offence subject to conditions	\$250.00
5.1.8(d)	Operator of vehicle involved in commission of an offence commits an offence	\$250.00
8.1.1(b)	Stage 1 Water Rationing Order	\$100.00
8.1.1(b)	Stage 2 Water Rationing Order	\$200.00
8.1.1 (b)	Stage 3 Water Rationing Order	\$300.00
8.1.1(b)	Stage 4 Water Rationing Order	\$400.00
8.1.1(b)	Non-compliance with any and all water use prohibitions and restrictions associated with the declaration of a Water Emergency Rationing Order	\$500.00
10.2.3	Obstruction of Peace Officer, Designated Officer or Town Employee, Contractor or Agent	\$250.00
	Any other offence under this Bylaw not specified herein	\$250.00
	Any subsequent offence with two (2) years of conviction of prior offence	Double the specified penalty

**SCHEDULE "B"**

# Water Rationing Stages

Determine what stage we are in.  Determine what the stage restrictions are.  Keep informed.

## Long Term Water Rationing (Stage 1 through 4)

Watering Activity	Stage 1 Demand Reduction Target: 10%	Stage 2 Demand Reduction Target: 20%	Stage 3 Demand Reduction Target: 30%	Stage 4 Demand Reduction Target: 40%+
<b>Runoff</b> down sidewalks, driveways and streets	<b>Not Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>
Washing down <b>outdoor surfaces</b>	<b>Not Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>
Water for <b>decorative features or fountains</b>	<b>Not Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>
<b>Irrigation sprinkling</b> for Residential and Commercial lawns	Up to 2 hours between 6 pm & 10 am Residential—Garbage Collection Days Commercial—Saturdays Regional—Mondays	Up to 1 hour between 6 pm & 10 am Residential—Garbage Collection Days Commercial—Saturdays Regional—Mondays	<b>Not Allowed</b>	<b>Not Allowed</b>
<b>Hand watering</b> for flower beds, gardens, trees, and shrubs	<b>Allowed</b>	<b>Allowed</b>	<b>Hand watering only,</b> between 6 pm & 10 am Residential—Garbage Collection Days Commercial—Saturdays Regional—Mondays	<b>Not Allowed</b>
<b>Newly planted</b> grass, trees, and shrubs <i>Note: If Stage 2 is reached, it is recommended that NO NEW planting occur</i>	<b>Allowed</b>	Refer to the Water Rationing Action Plan for details	Refer to the Water Rationing Action Plan for details	<b>Not Allowed</b>
Water for <b>pools, ponds, and hot tubs</b>	<b>Allowed</b>	<b>Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>
Water for <b>construction purposes</b>	<b>Allowed</b>	<b>Allowed</b>	<b>Allowed</b>	<b>Not Allowed</b>
Washing vehicles at <b>car washes</b> <i>Note: washing vehicles at locations other than car washes is prohibited under Bylaw 5594; use car washes sparingly</i>	<b>Allowed</b>	<b>Allowed</b>	<b>Discouraged</b>	<b>Discouraged</b>
<b>Indoor Water Suggestions</b> <i>To reach reduction targets</i>	REDUCE the use of washers and dishwashers. FULL loads only.	REDUCE the use of washers and dishwasher (FULL load only), shower time and bath levels	REDUCE flushing of toilets by ½, shower time and bath levels by ½, use dishwashers and washers sparingly	REDUCE flushing of toilets to only, when necessary, shower times and bath levels by ¾, use dishwashers and washers sparingly

## Short Term Water Rationing

<b>WATER EMERGENCY</b> Demand Reduction Target - 40%+
Why are we experiencing an emergency? 1. Mechanical Issues/Failures 2. Water Quality Concerns 3. Infrastructure Threats
Find out what areas are affected.
Get informed of the situation.
Reduce water use, immediately.
Keep informed and updated.
Emergency Water Rationing will require an IMMEDIATE reduction in water use. **including indoor and outdoor use

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