

**TOWN OF PEACE RIVER
BYLAW NO. 2041**

BEING A BYLAW OF THE TOWN OF PEACE RIVER IN THE PROVINCE OF ALBERTA TO REPEAL BYLAW NO. 2020 AND BYLAW NO. 1911 BYLAWS TO GOVERN THE SUPPLY OF POTABLE WATER AND THE OPERATION OF THE SEWER SYSTEM INCLUDING THE FIXING OF RATES, CHARGES, AND CONDITIONS FOR THE SUPPLY OF POTABLE WATER AND THE SUPPLY OF SEWER SERVICES

WHEREAS the *Municipal Government Act*, R.S.A. 2000, C. M-26, as amended, provides for the provision of municipal public utilities by the municipality subject to any terms, costs or charges established by the municipal Council.

WHEREAS Council passed Bylaw No. 1911 to set out the terms, costs and charges upon which the potable water service and sewer service will be provided by the Town; and

WHEREAS it is deemed necessary to repeal Bylaw No. 1911; and

WHEREAS it is deemed necessary to repeal Bylaw No. 2020;

NOW THEREFORE the Council of the Town of Peace River, duly assembled, hereby enacts as follows:

TITLE

1. This bylaw may be cited as the "Town of Peace River Utility Rate Bylaw".

DEFINITIONS

2. In this Bylaw
 - (a) "Account" means an agreement between a Customer and the Town for the provision of Utility Services;
 - (b) "Applicant" means any person, firm, partnership, corporation, organization, government or other association that has applied for Utility Services from the Town;
 - (c) "Customer" means a Person who receives Utility Services from the Town and who is responsible for payment of the Utility Bill; the same Person may be both an Owner and a Customer;
 - (d) "Customer's Premises" means a Customer's land and any structure on that land to which the Utility Services are being provided;
 - (e) "Hazardous Substance" means a substance or mixture of substances, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity, including, without limitation, any substance that is designated as a hazardous substance within the meaning of the

- Environmental Enhancement and Protection Act*, R.S.A. 2000, C. E-12 and regulations under that act;
- (f) "Owner" means:
- (i) The person registered under the Land Titles Act, R.S.A. 2000, C. L-4, as the owner of the fee simple estate in a parcel; and
 - (ii) In respect of a designated manufactured home; the owner of the designated manufactured home and not the person in lawful possession of it;
- (g) "Person" means an individual, partnership, corporation, trustee, executor or administrator;
- (h) "Renter" means a Person occupying a property under the terms of a lease, license or permit;
- (i) "Sewer Service" means the provision of sewer services to a Customer;
- (j) "Sewer Service Connection" means the sewers, pipes and appurtenances that connect the sewer or drainage system in or on a Customer's Premises to the Town Sewer System;
- (k) "Sewer System" means the Town's system of a sewer or a system of sewers or any plant, structures, equipment, pipes, appurtenance or any other things for or incidental to the collection of Wastewater or storm water, treatment or disposal of Wastewater;
- (l) "Town" means the Town of Peace River;
- (m) "Utility Bill" means a billing statement for utilities provided by the Town which includes the Utility Service Charge;
- (n) "Utility Services" means collectively Water Service and Sewer Service and Utility Service means either one;
- (o) "Utility Service Charge" means the total of:
- (i) Consumption and use charge calculated in accordance with the rate set out in section 14(a); and
 - (ii) the late penalty charge, where applicable;
- (p) "Water Meter" or "Meter" means an approved device installed by the Town which measures the quantity of water used by or supplied to a Customer;
- (q) "Water Service" means the provision of water to a Customer; water may be provided for residential or non-residential purposes and includes the provision of water in bulk;
- (r) "Water Service Connection" means the pipes and appurtenances that connect the water system in or on a Customer's Premises to the Town Water System;
- (s) "Water System" means the Town's system of water reservoirs, treatment plants, pumping stations, feeder mains, distribution mains, service connections, valves, fittings, hydrants, meters, cross connection control devices and all other equipment and machinery of whatever kind owned by the Town and which is required to supply and distribute water to all Owners and Customers and which is deemed to be a public utility within the meaning of the *Municipal Government Act*; R.S.A 2000, C. M-26;

- (t) "Wastewater means household, commercial and industrial waste conveyed in water.

APPLICATION FOR SERVICES

3. An applicant may apply to set up an Account for Utility Services by contacting the Utility Department of the Town of Peace River in person, by telephone or in writing.
4. Notwithstanding Section 3 of this Bylaw, as of the date that this Bylaw is passed, a new account shall only be entered into for the provision of Utility Services to a parcel of land with the Owner of the parcel of land or, in the case of a designated manufactured home, the owner of the designated manufactured home. Renters shall not be permitted to set up Accounts in their own name.
5. Existing Utility Accounts in the name of a Person other than the Owner shall be maintained but cannot be assigned or transferred to any Person other than the Owner.
6. An application for Utility Services must include:
 - (a) The name of the Applicant which, in the case of Utility Services that are to be provided to a parcel of land or a designated manufactured home, the name of the owner or, if the application is for bulk water services only, the name must be the name of the person that will be responsible for payment of the Utility bill if the application is approved;
 - (b) the contact telephone number(s) for the Customer;
 - (c) the mailing address of the Customer;
 - (d) the address of the parcel of land to which the Utility Services will be provided;
 - (e) the date when Utility Services are to be commenced; and,
 - (f) the fee for opening the Account as specified in Schedule A.

APPROVAL OF AN APPLICATION FOR UTILITY SERVICES

7. An application for Utility Services to a parcel of land will not be approved by the Town unless:
 - (a) the parcel to which Utility Services are to be provided has an approved connection to the Town's Water System and the Town's Sewer System; and,
 - (b) a Water Meter is located on the parcel; or,
 - (c) arrangements have been made with the Town

- (i) for the connection of the water and sewer systems on the parcel of land to the Town's Water and Sewer Systems; and,
- (ii) the installation of a Water Meter

8. An application for Bulk Water Service may be approved without the Customer having a connection to the Town's Water and Sewer System.

OBLIGATIONS OF THE CUSTOMER THAT RECEIVES UTILITY SERVICES

9. A customer must:

- (a) promptly pay the Utility Bill and any other charges imposed under this Bylaw;
- (b) give the Town access to the Customer's Premises for the purpose of
 - (i) installing, inspecting, repairing or replacing components of the Water System which includes Water Meters and any remote Water Meter reading device;
 - (ii) taking a consumption reading from the Water Meter;
 - (iii) ensuring the authorized use and operation of the Town's Water System;
 - (iv) ensuring the safe operation of the Customer's Water Service and the Town's Water System;
 - (v) installing, inspecting, repairing or replacing components of the Sewer System;
 - (vi) inspecting the Sewer Service Connection;
 - (vii) ensuring the authorized use and operation of the Town's Sewer System; and,
 - (viii) ensuring the safe operation of the Customer's Sewer Service and the Town's Sewer System; and,
- (c) comply with the requirements of this Bylaw and any conditions imposed by the Town with respect to the provision of Utility Services.

10. The Customer shall maintain the Water and Sewer Connections and all required devices such as grease interceptors required in the Sewer Service Connection in a good state of repair, at the Customer's expense. Any Person failing to comply with the terms of this section shall be guilty of an offence and liable for penalties in accordance with Schedule B attached to this Bylaw.

11. A Customer shall be responsible for all costs arising as a result of work done to:

- (a) remove blockages from their Sewer Service Connection;
- (b) repair leaks within the Sewer Service Connection whether such leaks arise from the shifting of sewer pipes or the separation, breakdown

or corrosion of sewer pipes that form a part of the Sewer Service Connection.

BILLINGS

12. Monthly Bills will be provided to the Customer by the Town of Peace River Utility Department.
13. Upon request of the Owner, a copy of the monthly utility bill will be provided to the Renter of the parcel.

RATES

14. Customers receiving Utility Services from the Town of Peace River System shall be charged and shall pay the Town for those Utility Services in accordance with the following:

(a) Consumption and Use Charge (Water & Sewer)	\$5.40 per cubic meter of water;
(b) Consumption and Use Charge (Water Co-ops existing outside Municipal Boundaries)	\$3.80 per cubic meter of water;
(c) Minimum Monthly Charge	\$7.57
(d) Bulk Water Charge	\$5.65 per cubic meter of Water
(e) Sewage Dumping Charge at Authorized Location	Weekdays 8:00 a.m. – 5:00 p.m. Closed at lunch \$150.00 per ten cubic meter load
	Evenings, Weekends and Holidays \$300 per ten cubic meter load

15. In addition to the rates set out in section 14, the Customer shall be charged and shall pay the Town additional charges in relation to their Utility Services as specified in Schedule A.
16. Where a service has been habitually disconnected and reconnected due to the failure of the owner to comply with Section 30 in excess of three (3) times in a one (1) year time frame, a deposit amount determined by the Town will be imposed on the Account.

RIGHTS OF THE TOWN

17. The Town has the right to enter a Customer's Premises at any reasonable hour in order to:
- (a) Install, inspect, repair or remove components of the Town's Water or Sewer Systems;
 - (b) Perform necessary maintenance to the Town's Water and Sewer Systems;
 - (c) Investigate a Consumer complaint or query;
 - (d) Conduct an inspection when there is concern with possible unauthorized use of, or tampering with, the Town's Water or Sewer System; or,
 - (e) Inspect the Sewer Service Connection.
18. A Customer shall not prevent or hinder the Town's entry to perform an inspection or required repair. Any Person failing to comply with the terms of this section shall be guilty of an offence and liable for penalties in accordance with Schedule B attached to this Bylaw.
19. Before entering a Customer's Premises, the Town will make reasonable effort to notify the Customer or other responsible person who is at the Customer's Premises and who appears to have sufficient authority to permit entry except:
- (a) In the case of emergency;
 - (b) Where entry by the Town is permitted by order of a court of administrative tribunal;
 - (c) Where the Town is otherwise legally empowered to enter; or,
 - (d) Where the purpose of the entry is in accordance with Section 17(d) of this Bylaw.

WATER METERS

20. The Town shall remain the owner of all Water Meters provided to serve Customers unless the Town and the Customer expressly agree otherwise.
21. The Town shall supply, install, own and maintain all Water Meters. The Town's cost of installing and calibrating of a Water Meter shall be paid by the Customer as specified in Schedule A.
22. No Person shall:
- (a) Interfere with or tamper with the operation of any Water Meter; or,
 - (b) Do anything to cause water to bypass a Water Meter.

Any Person failing to comply with the terms of this section shall be guilty of an offence and liable for penalties in accordance with Schedule B attached to this Bylaw.

23. No Person, other than an employee, agent or a person authorized by the Town shall install, test, remove, repair, replace or disconnect a Water Meter.
24. If a Water Meter is lost, damaged or destroyed through the actions of neglect, the Customer shall pay the cost for the removal, repair and re-installation of the Water Meter or pay for a replacement Water Meter.
25. Water Meters shall be read by the Town as required. Meters shall either be read directly by the Town, or, if installed and operational, through the use of remote Water Meter reading devices.
26. In the event that the Town does not obtain a Water Meter reading the Town may either request the Customer provide a Water Meter reading or the Town may estimate the water consumption of the Customer.
27. In estimating a Customer's water consumption the Town may base that estimate on:
 - (a) The Customer's previous consumption; or,
 - (b) The consumption of similar Customers.
28. Remote Water Meter reading devices may be installed by the Town.
29. A Customer may request that the Town check the accuracy of the Water Meter that monitors the Customer's water consumption.
30. The Town shall charge the fee, as specified in Schedule A for testing a Water Meter.

PAYMENT OF CHARGES AND PENALTIES

31. The Customer shall pay the Utility Service Charge in full within thirty (30) days of the date of the Utility Bill.
32. If a Customer does not pay the Utility Service Charge within thirty (30) days of the date of the Utility Bill a late penalty charge shall be assessed against the unpaid amount for that billing period. The penalty shall be equal to one and one-half percent (1 ½ %) of the unpaid balance.
33. A late penalty charge added under Section 32 of this Bylaw forms a part of the outstanding Utility Service Charge for all purposes and shall be subject to collection in the same manner as all other rates and charges.

34. Pursuant to the *Municipal Government Act*, R.S.A., C. M-26, Section 553(1), any overdue balances will be applied to the municipal tax roll assigned for the property.

DISCONTINUATION OF SERVICE

35. A Customer may contact the Town to arrange for the temporary or permanent discontinuation of their Utility Services and the closure or suspension of their Utility Services Account.
36. Notwithstanding a request that Utility Service be discontinued a Customer shall remain liable for all Utility Service Charges up to and including the date upon which the Utility Service is discontinued or deemed to be discontinued.
37. A Customer shall provide the Town with no less than two (2) business days' notice of a request for temporary or permanent discontinuance of Utility Services. If the Customer fails to give the required two (2) days the Water Service shall be deemed to be discontinued two (2) business days after the notice is given.

TOWN MAY DISCONTINUE SERVICE

38. The Town may without notice shut off the Water or Sewer Service to any part of the Town if the Town determines that an emergency situation makes such action necessary.
39. The Town may in a non-emergent situation shut off Water or Sewer Service to any part of the Town provided reasonable notice of such intended shut off is given to all affected Owners.
40. The Town may shut off a Water or Sewer Service without notice for any of the following reasons:
- (a) Failure to open an Account;
 - (b) If the in opinion of the Town an emergency exists;
 - (c) The Customer's facilities are unsafe or defective, leak excessively or have the potential to cause contamination or deterioration to the Water or Sewer System. Any Person failing to comply with the terms of this Section shall be liable for fees for sewer reconnection in accordance with Schedule A attached to this Bylaw;
 - (d) Any Person failing to comply with the terms of this section shall be guilty of an offence and liable for penalties in accordance with Schedule B attached to this Bylaw; or,
 - (e) For the purposes of repairing and maintaining the Water or Sewer System.

41. The Town may at any time, upon endeavouring to provide forty-eight (48) hours' notice to a Customer and without any further notice, shut off a Sewer Service or refuse to open an Account, if the Customer:
- (a) Neglects or refuses to pay when due any charges levied pursuant to this Bylaw;
 - (b) Fails to perform any term of an Account;
 - (c) Contravenes of any other Section in this Bylaw; or,
 - (d) Fails to comply with a notice to discontinue actions which waste water.
42. A reconnection fee as specified in Schedule A will be levied before the Town will recommence providing Utility Services to a Customer where the Utility Service has been shut off as a result of non-payment of an Account.

WASTAGE OF WATER

43. No Person shall waste water.

RESTRICTIONS ON THE USE OF WATER

44. No Person shall use water from the Town's Water Service without first opening an Account.
45. Persons who use water without opening an Account will be liable to the Town for the cost of water consumed. The Town shall estimate the amount of water consumed in order to determine the amount owing to the Town. The Town shall invoice the Person the Town believes responsible for the unauthorized use of the water. The costs may be recovered as a debt due and owing to the Town.
46. The Town may restrict and regulate the hours or time during which water may be used for any purpose other than for firefighting.
47. No Person, other than a Town employee or member of the Fire Department shall operate a Fire Hydrant without the express written consent of the Town. Any Person failing to comply with the terms of this Section of the Bylaw shall be guilty of an offence and liable for penalties in accordance with Schedule B attached to this Bylaw.

RESTRICTIONS ON CONNECTION TO THE SEWER SYSTEM

48. No Person shall connect any piping to the Town's Sewer Service without having obtained the consent of the Town for the connection.
49. Must meet minimum design requirements as outlined in the Town of Peace River's General Municipal Servicing Standards.

50. The Town may require a Person seeking to connect to the Town's Sewer Service to provide drawings showing:
- (a) The proposed connection, associated piping, fittings and installations;
 - (b) Size and type of materials of the piping, fittings and installations;
 - (c) Depth at which piping will be buried;
 - (d) The grade at which the piping will be installed; and,
 - (e) Such other information that the Town may consider necessary to ensure that the connection will not hamper the effective operation of the Town's Sewer System.

RESTRICTION ON NON-CONNECTED DISCHARGES

51. No one shall discharge water from a source other than the Town's Water System or sewage from any system not connected to the Town's Sewer Service unless:
- (a) The Town has agreed to allow the water or sewer to be discharged into the Town's Sewer Service; and,
 - (b) The Person responsible for the discharge has agreed to pay the amount specified in the approval given by the Town.

SPILLS

52. In the event of a spill of a Hazardous Substance, including but not limited to, hydrocarbons, fuel or liquid pesticides that enters into or has the potential to enter into the Town Sewer System the Person responsible for the spill shall notify the Town Public Works Department and the Peace River Fire Department as to:
- (a) The location of the spill;
 - (b) The nature of the substance spilled;
 - (c) The volume of the substance spilled;
 - (d) Whether the substance spilled has entered the Town Sewer System; and,
 - (e) The work completed and underway to contain the spilled material.
53. The reporting requirement in Section 52 is in addition to, and not in substitution of, any requirements to report an incident to other regulatory agencies.
54. Any Person failing to comply with the terms of Section 52 shall be guilty of an offence and liable for penalties in accordance with Schedule B attached to this Bylaw.

55. Costs incurred by the Town in responding to the spill and taking such steps as may be necessary to:
- (a) Protect the Sewer System from the spill;
 - (b) Monitor the spill and the presence of the Hazardous Substance in the Sewer System;
 - (c) Repair or remediate damage to the Sewer System caused by the spill; and,
 - (d) Remove the spilled Hazardous Substance from the Sewer System,
- shall be paid by the Person responsible for the spill. The Town shall invoice the person responsible for the spill for the costs. The costs may be recovered as a debt due and owing to the Town.
56. Nothing in this Bylaw relieves any Person from obligations to report the spill of a Hazardous Substance or any other material of any nature or kind in accordance with any and all applicable federal and provincial laws or regulations.

OFFENCES AND PENALTIES

57. Any Person who contravenes any provision or requirement of this Bylaw is guilty of an offence and is liable under the *Provincial Offences Procedural Act*, R.S.A. 2000, C. P-34 to a fine as specified in Section B attached to this Bylaw.
58. Except as otherwise provided in this Bylaw and subject to the provisions of Section 54, a Person who contravenes any provision of this Bylaw and any other Person liable for such contravention shall, where no specified fine has been assessed, upon summary conviction before a Court, be liable to a fine of two thousand five hundred dollars (\$2,500.00).
59. Whenever a Town Bylaw Enforcement Officer has reason to believe or does not believe a Person has contravened any provision of this Bylaw, as listed on the attached Schedule B, the Bylaw Enforcement Office may issue a violation ticket for each offence.
60. Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

VIOLATION TAGS

61. A Town Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation tag to any person who the Town Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

62. A violation tag may be issued to such person:
- (a) Either personally; or,
 - (b) By mailing a copy to such person at his/her last known post office address.
63. The violation tag shall state:
- (a) The name of the Person;
 - (b) The offence;
 - (c) The appropriate penalty for the offence as set out in this Bylaw; and,
 - (d) That the penalty shall be paid within thirty (30) days of the issuance of the violation tag.
64. Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by the Town Bylaw Enforcement Officer, provided that no more than one violation tag shall be issued for each day that the contravention continues.
65. Where a violation tag is issued pursuant to this Bylaw, the Person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.

VIOLATION TICKET

66. If the penalty specified on a violation tag is not paid within the prescribed time period, then a Town Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A 2000, C. P-34.
67. Notwithstanding Section 61 of this Bylaw, a Town Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000, C. P-34, as amended, to any Person who the Town Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

REPEAL OF FORMER BYLAWS

68. Bylaws 1911 and 2020 are hereby repealed.

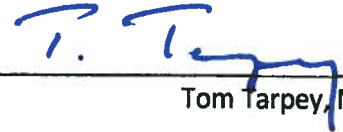
This Bylaw comes into effect on February 16, 2019.

READ a first time this 28 day of January, 2019.

READ a second time this 28 day of January, 2019.

READ a third and final time this 28 day of January, 2019.

SIGNED by the Mayor and Chief Administrative Officer this 29 day of
January, 2019.



Tom Tarpey, Mayor



Christopher J. Parker, CLGM, CAO

SCHEDULE A

FEES AND CHARGES

Fee	Charge
Account Set Up Fee	\$25.00
Installation of a Water Service	1.5 hours x Machine Operator II wages
Water System Synchronization	1.5 hours x Machine Operator II Wages
Reconnection of Water Service	1.5 hours x Machine Operator II Wages
Disconnection of Water Service	1.5 hours x Machine Operator II Wages
External Meter Calibration	No Cost Cost to Town + \$50.00
- Faulty Meter - Within normal parameters	
Reconnect a Sewer Service pursuant to Sections 40 and 42.	Discretion of Town Administration. Charges will include Equipment, Material, Manpower and Administration Costs.

SCHEDULE B

Offences and Penalties

Offense	Specified Penalty
Failure to Install and Maintain all required devices in a state of good repair pursuant to Section 10.	\$250.00 Per Incident and \$75.00 per day that offence continues.
Obstruction of a Town Employee or Representative pursuant to Section 18.	\$500.00 Per Incident
Tampering with, Bypassing or otherwise rendering a Water Meter to inaccurately record pursuant to Section 22.	\$250.00 Per Incident
Tampering with or the Unauthorized Activation of Water or Sewer Services pursuant to Section 40.	\$250.00 Per Incident
Tampering with or Unauthorized Use of a Fire Hydrant pursuant to Section 47.	\$500.00 Per Incident
Failure to Report a Discharge or Spill Involving Dangerous Goods pursuant to Section 52.	\$1000.00 Per Incident