



## BYLAW 2024-98

### BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, REGARDING PROVISION OF WATER AND WASTEWATER UTILITY SERVICES IN AND FOR THE TOWN OF DIAMOND VALLEY

**WHEREAS** pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass bylaws respecting the municipality, including services provided by or on behalf of the municipality;

**AND WHEREAS** the Council of the Town of Diamond Valley deems it desirable to pass a bylaw for the purpose of provision, operation and regulation of water and Wastewater utility services;

**THEREFORE, BE IT RESOLVED THAT** the Council of the Town of Diamond Valley, duly assembled in Council Chambers in Diamond Valley, Alberta, enacts as follows:

#### 1.0 TITLE AND PURPOSE

1.1 This bylaw may be cited as the "Water and Wastewater Utility Bylaw".

1.2 The purposes of this Bylaw are to:

- (a) to protect the water supply in the Town;
- (b) to protect the water and Wastewater Systems from damage, unauthorized use, or illegal operation;
- (c) to protect the public;
- (d) to manage the supply of water within the Town;
- (e) to manage the collection of Wastewater within the Town;
- (f) to provide for the treatment of Wastewater;
- (g) to provide a system of fees, rates, and other charges for the provision of water, Wastewater treatment and other related services; and
- (h) to provide a system of authorizations for those making use of the water and Wastewater Systems.

#### 2.0 INTERPRETATION AND DEFINITIONS

2.1 In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations have the following meanings:

- (a) **Adverse Effect** means impairment of or damage to the environment, human health or safety or property;
- (b) **Billing Period** means a period of any two calendar months as determined by the CAO;
- (c) **Biochemical Oxygen Demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of matter within a five (5) day period at a temperature of 20 degrees Celsius as determined by the procedures set forth in the Standard Methods.
- (d) **Biological Waste** means Waste from a hospital, medical clinic, medical laboratory, dental laboratory, dental clinic, health care facility, necropsy facility, research laboratory, or biological research facility which contains or may contain one or more of the following:
  - (i) pathogenic materials, substances or agents which will not or cannot be treated to acceptable levels by the Wastewater treatment process, or
  - (ii) experimental biological materials, substances or agents which will not or cannot be treated to acceptable levels by the Wastewater treatment process and may be hazardous to human health, or cause an Adverse Effect;

Elected Official Initial 

CAO Initial 

- (e) **BTEX** means the total of benzene, toluene, ethyl benzene, and xylenes;
- (f) **Bulk Water** means water that is provided to a Customer through part of the Water System but not through a service Connection;
- (g) **Chemical Oxygen Demand** means a measure of the oxygen equivalent of the organic content of a sample susceptible to oxidation by a chemical oxidant as set forth in the Standard Methods;
- (h) **Chief Administrative Officer (CAO)** means the person appointed to the position of Chief Administrative Officer for the Town of Diamond Valley, within the meaning of the *MGA* and the Town of Diamond Valley CAO Bylaw, or their delegate;
- (i) **Commercial or Industrial Wastewater** means Wastewater discharged from Premises principally used or proposed to be used for the conducting of some profession, business, industry or trade;
- (j) **Common Wastewater Service** means a Wastewater service connected to two (2) or more Premises and draining to the Wastewater collection system;
- (k) **Connection** means a pipe or conduit installed between the Premises and the Water System, storm drainage system or Wastewater collection system;
- (l) **Council** means the Mayor and Councillors of the Town of Diamond Valley duly elected pursuant to the provisions of the *Local Authorities Election Act* RSA 2000, c L-21, as amended, or any legislation in replacement or substitution thereof;
- (m) **Cross Connection** means an actual or potential connection between the Water System and any other Water System or source of pollution or contamination, whether temporary or permanent;
- (n) **Cross Connection Control Device** means a device to protect the Water System from the reverse flow of water from the Customer's plumbing system;
- (o) **Cross Connection Control Device (Testable)** means a testable Cross Connection device of one of the following types, or such other type as may be approved by the CAO from time to time:
  - (i) double check valve type assemblies (DCVA); or
  - (ii) reduced pressure principle type assemblies (RP); or
  - (iii) pressure vacuum breaker assemblies (PVB/ SRPVB);
- (p) **Customer** means a Person who receives water, Wastewater or related services from the Town;
- (q) **Discrete Wastewater Stream** means Wastewater from an individual process or part thereof within a Premises;
- (r) **Domestic Wastewater** means Wastewater that is discharged from Premises principally used as a dwelling unit or units for residential purposes;
- (s) **Engineering and Construction Standards Policy** means the Engineering and Construction Standards Policy adopted by the Town, and amended from time to time, to establish standards for construction within its boundaries;
- (t) **Flammable Liquid** means a substance that is a liquid, a mixture of liquids or a liquid containing solids in solution or suspension that has a flash point not greater than 61 degrees Celsius as determined by the American Society for Testing Materials (A.S.T.M.) method D93-08 for flash point by Pensky-Martens closed cup tester;
- (u) **Grab Sample** means a sample collected at a particular time and place used for the analysis of water or wastewater;
- (v) **Grease** means total oil and Grease extracted from aqueous solution or suspension according to the laboratory procedures set forth in Standard Methods, and includes, but is not limited to, hydrocarbons, esters, oils, fats, waxes and high molecular fatty acids;

- (w) **Hauled Wastewater** means Septage which is transported by vehicle to a designated site for disposal to the Wastewater System;
- (x) **Hazardous Waste** means Waste defined as Hazardous Waste under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12, as amended or replaced from time to time;
- (y) **Indoor Water Conservation Features** means water efficient and low flow plumbing, fixtures and appliances and designs as identified in Schedule "A" of this Bylaw;
- (z) **Interceptor** means a receptacle approved by the CAO and designed to prevent oil, Grease, sand or other matter from passing from the source thereof into the wastewater collection system;
- (aa) **Manual Water Meter Reading Program** means a program by which the Water Meter for a Premises is physically read instead of being read through the use of a Remote Reading Device;
- (bb) **Master Control Valve** means the water valve within a Premises which, when closed, does not allow the flow of water from the Water System;
- (cc) **Municipal Government Act (MGA)** means the *Municipal Government Act*, RSA 2000, c M-26, and any regulations thereunder, as amended or replaced from time to time;
- (dd) **Once Through Cooling System** means cooling, air conditioning or refrigeration systems which rely upon the temperature of the water for cooling, and do not recycle the water, but does not include emergency or backup cooling systems;
- (ee) **Peace Officer** means:
  - (i) a member of the Royal Canadian Mounted Police;
  - (ii) a Community Peace Officer as appointed by the Solicitor General of Alberta; or
  - (iii) a Bylaw Officer appointed by the Town to enforce bylaws of the Town;
- (ff) **Permit** means a Permit issued by the CAO;
- (gg) **Person** means any individual, partnership or corporation and includes heirs, executors, administrators or legal representatives of a Person;
- (hh) **pH** means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution as set forth in the Standard Methods;
- (ii) **Premises** means any parcel of land, building or both or a part thereof supplied with water or wastewater services by the Town;
- (jj) **Premises-Isolating Device** means a Cross Connection Control Device installed on a Service Connection (Private);
- (kk) **Provincial Offences Procedures Act** means the *Provincial Offences Procedures Act*, RSA 2000 c P-34, and any regulations thereunder, as amended or replaced from time to time;
- (ll) **Radioactive Substance** means a nuclear substance as defined in the *Nuclear Safety and Control Act*, S.C. 1997 c. 9, as amended from time to time;
- (mm) **Rates and Fees Bylaw** means the Town of Diamond Valley Bylaw which establishes the fees, rates, and charges for services provided by the Municipality;
- (nn) **Remote Reading Device** means a device which transmits measurement information from the Water Meter with which it is associated;
- (oo) **Safety Codes Act** means the *Safety Codes Act*, RSA 2000, c S-1, and any regulations thereunder, as amended or replaced from time to time;
- (pp) **Septage** means wastewater removed from a cesspool, septic tank system, privy vault, privy pit, chemical toilet, portable toilet, or other Domestic Wastewater holding structure;

- (qq) **Service Connection** means the part of the Water System or Wastewater System which runs from the Water Main or Wastewater Main to a building or other place on a Premises for the purpose of providing water or utility service to the Premises and includes the Service Connection (Private), the Service Connection (Town), and any other components of the water or Wastewater System which meet the definition of a Service Connection as defined in the *MGA*;
- (rr) **Service Connection (Private)** means the portion of a service connection located above, on or underneath a Premises, bounded by the property line or boundary of an easement or right of way granted to the Town;
- (ss) **Service Connection (Town)** means the portion of a service connection which runs from the Water Main or Wastewater Main to the boundary of the road or easement in which the Water Main or Wastewater Main is located;
- (tt) **Standard Methods** means the analytical and examination procedures:
- (i) set out in the current edition of "Standard Methods for the Examination of Water and Wastewater" published jointly, from time to time, by the American Public Health Association, the American Water Works Association and the Water Environment Federation, and
  - (ii) includes those procedures approved by the CAO in writing. In the event of a conflict between those procedures described in (i) and the procedures approved by the CAO the procedures approved by the CAO shall prevail;
- (uu) **Sump** means a device that traps large, heavy solids from the Wastewater before the Wastewater is released into the Wastewater System or storm drainage system;
- (vv) **Test Manhole** means a manhole or other facility suitable to the CAO for obtaining flow measurement and Wastewater samples of any and all discharges to the Wastewater collection system;
- (ww) **Total Suspended Solids (TSS)** means solid matter that can be removed by filtration through a standard filter as set forth in the Standard Methods;
- (xx) **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta, or where the context so requires, its municipal boundaries.
- (yy) **Utility Bill** means a Customer's billing statement for Town utilities;
- (zz) **Violation Tag** means a notice or tag in a form as approved by the CAO, issued in respect of an offence allowing a voluntary payment option of a specified penalty established under this Bylaw;
- (aaa) **Violation Ticket** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*;
- (bbb) **Waste** means an unwanted substance or mixture of substances and includes refuse and garbage;
- (ccc) **Wastewater** means water after it has been used in a variety of applications, usually leaching, flushing, or washing away wastes from locations where those wastes were generated or placed;
- (ddd) **Wastewater Main** means the Town's Wastewater pipe, in a public roadway, utility right of way or easement granted to the Town, which forms part of the Wastewater System and which collects Wastewater from Premises through Service Connections.
- (eee) **Wastewater Service Fee** means a fee or a rate, set forth in the Town's Rates and Fees Bylaw, charged in accordance with the provisions of this Bylaw, but does not include a Wastewater Service Surcharge;
- (fff) **Wastewater Service Surcharge** means the additional charge levied on Wastewater in accordance with this Bylaw;

- (ggg) **Wastewater System** means the system owned and operated by the Town, or its agent, for the collection, transmission, treatment and disposal of Wastewater;
- (hhh) **Water Main** means the Town's water pipe in a public roadway, utility right of way or easement granted to the Town, which forms part of the Water System and which provides water to Premises through service Connections;
- (iii) **Water Meter** means a device approved by the CAO which is designed to measure the quantity of water provided to a Premises through a service Connection, and which includes any Remote Reading Device associated with such device;
- (jjj) **Water Related Services** means any service provided in relation to the provision of water;
- (kkk) **Water Service Fee** means the fee or rate, appearing on a Customer's Utility Bill relating to their water consumption over a Billing Period, charged in accordance with the provisions of this Bylaw, and in accordance with the Town's Rates and Fees Bylaw;
- (lll) **Water Service Valve** means a water valve on the Service Connection (Town) which can turn on or off the water supplied to a Customer's Premises; and
- (mmm) **Water System** means the entire infrastructure owned by the Town for the purpose of the collection, production, treatment, storage, supply, and distribution of water, or any part of any such works.

## **WATER SYSTEM**

### **3.0 TOWN WATER SYSTEM**

- 3.1 The Town, having constructed, operated and maintained a Water System as a public utility shall continue, in so far as there is sufficient capacity and sufficient supply of water available, to supply water to any Premises within the municipality that are adjacent to any roadway, utility right of way, or easement containing a Water Main:
  - (a) where a service currently exists on that Premises; or
  - (b) upon a written request from a Person in charge of a Premises that has been authorized by the CAO to establish a service Connection for that Premises;in accordance with the terms and conditions of this Bylaw.
- 3.2 When the Town shall install or cause to have installed, a Water Main, that is within any street or easement of Town property, which runs to the property line of the street or the boundary of an easement granted to the Town for its Water System, the owner may apply to for a service Connection. The costs of construction from the Premises to the property line shall be the property owner's expense and these costs are an amount owing to the Town by the owner.
- 3.3 If the Town does not have a Water Main installed in any roadway, utility right of way, or easement adjacent to an unserved property, the owner may not apply for a service Connection.
- 3.4 Where a service Connection is continued or initiated pursuant to this Bylaw, the Town shall supply water to the Premises, subject to the terms and conditions contained in this Bylaw.



- 3.5 The Town, as a 90% shareholder of the Sheep River Regional Utility Corp., shall obtain its potable water supply from the Sheep River Regional Utility Corp. for local distribution.
- 3.6 The Town does not guarantee or warrant the continuous supply of potable water and the Town reserves the right to change the operating pressure, restrict the availability of water or to disconnect water, in whole or in part, with or without notice, in accordance with this Bylaw.
- 3.7 The Town shall not be liable for damages or losses suffered by any Person arising directly or indirectly from the operation or non-operation of the Water System unless such damages or loss are caused by the intentional misconduct or negligence of the Town or a Person for whom the Town is responsible at law.

#### 4.0 ALTERNATE WATER SUPPLY

- 4.1 No Person other than the Town may supply water to any property or parcel of land within the Town that is adjacent to any roadway, utility right of way, or easement containing a Water Main without the prior authorization of the CAO. If the CAO grants such authorization:
- (a) the CAO may impose such terms and conditions as the CAO deems necessary or desirable, including but not limited to limiting the period of time for which such alternate supply of water may be supplied; and
  - (b) the owner of the Premises and the Person who has been given permission to provide an alternate source of water shall ensure that the alternate source is not connected either directly or indirectly to the Water System and that no Cross Connection occurs between the alternate source of water supply and the Water System.
- 4.2 If a condition is found to exist, which is contrary to any terms set out in section 4.1 of this Bylaw, the Town may notify the Provincial regulating bodies for the Plumbing and Gas disciplines under the *Safety Codes Act*, requesting an immediate inspection and any order or orders required to obtain compliance with section 4.1 of the Bylaw. The costs of such inspections and orders shall be charged to the Customer's Utility Bill.
- 4.3 Notwithstanding section 4.1, the CAO's authorization is not required for a Person collecting rainwater and utilizing the collected water for the limited purposes of outdoor water use on the property at which it was collected, provided that the rainwater collection system is not connected directly or indirectly to the Water System and that no Cross Connection occurs between the rainwater collection system and the Water System.

#### 5.0 REQUIREMENTS FOR SERVICE CONNECTIONS

- 5.1 The owner of a Premises shall, at their own expense, construct, maintain, and repair the Service Connection (Private) for that Premises, including:
- (a) ensuring that it complies with all applicable provisions of this Bylaw;
  - (b) ensuring that it complies with the *Safety Codes Act*;
  - (c) if the Service Connection (Private) includes a pressure reducing valve, ensuring that valve complies with the *Safety Codes Act*;

- (d) ensuring that any permits, inspections or approvals required pursuant to the *Safety Codes Act*, any applicable bylaw or any other applicable legislation are conducted or obtained prior to Connection to the Water System and as otherwise required prior to such Connection;
  - (e) ensuring that it and all plumbing to which it is connected is in good condition, maintained in a state of good repair, free of leakage or other water loss and protected from damage including but not limited to damage caused by freezing, heat, and physical damage; and
  - (f) ensuring that it does not interfere with the operation of the Water System.
- 5.2 Notwithstanding section 5.1, if an owner fails to maintain any Service Connection (Private) in good repair, the Town may require the owner to repair the Connection or any connected plumbing to the Town's satisfaction, or repair the Service Connection (Private). The costs of such repairs shall be the sole responsibility of the owner, and may be collected in the same manner as unpaid Utility Bills under this Bylaw.
- 5.3 A Customer applying for Connection to the Water System shall, if their application is approved, pay the applicable installation fees established by the Town's Rates and Fees Bylaw.
- 5.4 All service Connections shall have a Master Control Valve immediately inside the outer wall of the building being serviced and on the inlet side of the Water Meter to enable a Customer to shut off the supply of water. The Master Control Valve shall be maintained in good mechanical condition by the Customer and easily accessible at all times to ensure that it is operable in case of emergency.
- 5.5 Each Premises shall be serviced by a maximum of one service Connection, of a size sufficient in the opinion of the CAO to deliver an adequate supply of water. If the CAO approves an application for a larger service Connection or to relocate a service Connection, the Customer shall pay for all costs of relocating the Service Connection (Town), prior to the Town commencing any work.
- 6.0 APPLICATIONS**
  - 6.1 The CAO may establish a system or systems for applications for new service Connections, the provision of water services, and any other administrative matters pursuant to this Bylaw.
  - 6.2 In making an application pursuant to this Bylaw, no Person shall give false information.
  - 6.3 No Person shall use or obtain water unless an account has been opened in the name of the property owner.
- 7.0 PROVISION OF WATER SERVICES TO OCCUPANTS OF PREMISES**
  - 7.1 The Town will only provide water, Wastewater or Water Related Services to a Premises upon written approval of the owner of the Premises. The CAO may impose any conditions deemed necessary or desirable in granting such approval.

**8.0 REQUIREMENT FOR INDOOR WATER CONSERVATION FEATURES**

- 8.1 Every Person responsible for the construction of:
- (a) new residential construction, regardless of the number of dwelling units contained in a structure;
  - (b) new industrial, commercial and institutional construction; and
  - (c) any renovation project regarding a residential, industrial, commercial or institutional structure that requires a plumbing permit;
- must ensure that all plumbing fixtures and appliances installed in that construction or renovation use the fixtures and meet the requirements of the Indoor Water Conservation Features set forth in Schedule "A" of this Bylaw unless otherwise approved in writing by the CAO.
- 8.2 Once Through Cooling Systems are not permitted to be installed in any:
- (a) new residential, industrial, commercial or institutional construction, or
  - (b) renovation project that requires a plumbing permit.

**9.0 INSTALLATION AND OPERATION OF WATER METERS**

- 9.1 No Premises shall access water from the Water System except through a service Connection affixed with a Water Meter that meets the requirements of this Bylaw.
- 9.2 All Water Meters shall be supplied, installed, maintained, repaired, tested, and replaced by the Town unless otherwise approved in writing by the CAO. The CAO may, from time to time or at any time, authorize a contractor or other Person to perform such work on behalf of the Town.
- 9.3 The Customer, in respect of a Premises, shall provide a suitable site for a Water Meter inside the building to be serviced near the point of entry of the water service Connection, in accordance with the Town's Engineering and Construction Standards Policy. If a Water Meter cannot be installed in a building, the Customer shall provide and maintain in good condition a structure to house the Water Meter on the Premises, at the Customer's expense, and in accordance with the Town's Engineering and Construction Standards Policy.
- 9.4 All Water Meters supplied by the Town shall at all times be the property of the Town. Payment of an installation fee or other fee does not constitute a sale.
- 9.5 The Customer shall pay the cost of supplying, installing, maintaining, repairing, testing, and replacing the Water Meter in respect of their Premises as per the Rates and Fees Bylaw.
- 9.6 If a Premises requires a fire service type Water Meter, a Water Meter without a Remote Reading Device, or other special type of Water Meter, such approval is subject to the approval of the CAO and the Customer shall pay the additional costs for supplying and installing such Water Meters. Notwithstanding the payment of such additional costs, the Water Meter shall remain the property of the Town.



- 9.7 Notwithstanding section 9.1:
- (a) the CAO may permit one or more service Connections or classes of service Connections used for private fire protection to not have a Water Meter affixed to them provided that in the event of a fire, the CAO shall estimate the amount of water used, and where the estimate is in excess of 30 cubic meters, the CAO may require the Customer to pay for the water at the rate for Bulk Water sales in accordance with the Rates and Fees Bylaw; and
  - (b) the CAO may permit a service Connection to be used temporarily without a Water Meter, in which event the CAO shall estimate water consumption for the purposes of billing.
- 9.8 Any submeters, piping, or valves installed by a Customer to measure or control the distribution of water within a Premises:
- (a) must comply with this Bylaw;
  - (b) must be installed on the downstream side of the Water Meter supplied and installed by the Town; and
  - (c) in the case of submeters, submeter measurements shall not be definitive, and the Town shall invoice, and the Customer shall pay for water based on the Water Meter installed by the Town.
- 9.9 If requested by a Customer, the CAO may agree to supply and install two or more Water Meters for a single service Connection, in which event all Water Meters shall be installed adjacent to each other as close as possible to the place where the service Connection enters the building on the Premises.
- 9.10 Any bypass valves on Water Meter installations must be approved and sealed by the CAO and no one shall open or operate such valves except for emergency use or maintenance as approved by the CAO.
- 9.11 No Connection to the Water System shall be made prior to the Water Meter.
- 10.0 PROTECTION OF WATER METERS**
- 10.1 The Customer in respect of a Premises must ensure that the Water Meter associated with that Premises is:
- (a) protected from damage including but not limited to damage caused by freezing, heat, and physical damage; and
  - (b) accessible to the Town where it can be installed, maintained, repaired, tested, replaced, and read.
- 10.2 No Person shall damage, remove, alter, relocate, or tamper with a Water Meter except with the prior written authorization of the CAO.
- 10.3 A Customer must notify the Town immediately whenever a Water Meter or remote readout is not operating or if any part of it becomes damaged or broken.

- 10.4 If a Water Meter is damaged or removed, including by theft, the Customer is required to pay the cost of replacing the Water Meter including installation. If not paid, the cost may be collected in the same manner as unpaid Utility Bills under this Bylaw.

#### **11.0 RELOCATION OF METERS AND/OR SERVICE CONNECTIONS**

- 11.1 If the CAO is dissatisfied with the location of any Water Meter due to alterations to a building, the CAO may require the Customer to relocate the Water Meter to a more suitable location. All costs associated with relocating the Water Meter, including Town costs, shall be paid for by the Customer.

#### **12.0 METER READING**

- 12.1 Each Water Meter shall be read at such times or intervals as the CAO may designate.
- 12.2 If any Water Meter has, in the opinion of the CAO, failed to accurately register the flow of water through the meter since the last reading, or in the event that the Town is unable to read the Water Meter for a Premises for any reason, the CAO shall estimate and establish the charges based on:
- (a) the average water consumption of the Premises for the previous three (3) Billing Periods. If there are not three (3) Billing Periods of information available, then;
  - (b) the consumption charge for an individual unit without a Water Meter or where a Water Meter is not registering accurately as set out in the Rates and Fees Bylaw; or
  - (c) the average water consumption for other Premises similar to the Premises, and payment of an estimated amount shall not excuse the Customer from liability for payment of a greater amount which may be owing after a meter is read.
- 12.3 A Customer may apply by written notice to the CAO to have their water consumption measured and billed under the Manual Water Meter Reading Program. If the application is approved, the following provisions will apply:
- (a) the Customer must pay the fees set out in the Rates and Fees Bylaw including any fees or charges for participation in the Manual Water Meter Reading Program;
  - (b) the CAO may impose such time limits and other conditions as deemed necessary or desirable; and
  - (c) the Town will read the Customer's Water Meter in accordance with the Manual Water Meter Reading Program until the approval of the application expires or is terminated.
- 12.4 A Customer may request the Town to test a Water Meter located on the Customer's Premises. If the Water Meter is found to be measuring within two (2) percent of accuracy, the Customer shall pay the meter testing fee established by the Rates and Fees Bylaw, otherwise the Town shall not charge the Customer for the meter test.
- #### **13.0 DISCONTINUATION OF WATER SERVICES**
- 13.1 If a Customer wishes to temporarily discontinue water supply to their Premises, the following shall apply:
- (a) the Customer must give at least 72 hours notice in writing to the CAO requesting that the Town shut off the water supply;

- (b) the Customer must pay the shutoff fee as set out in the Rates and Fees Bylaw;
- (c) throughout the period during which the water supply is discontinued, the Customer shall continue to pay all flat rates, administrative fees and other charges for water, Wastewater and Water Related Services for the Premises;
- (d) if notice pursuant to paragraph 13.1(a) is not given, the Customer will be liable for any accruing rates and charges until such time as proper written notice is given and will also be liable for any and all damages suffered or sustained by the Town caused by the Customer's failure to give notice to obtain the disconnection; and
- (e) when the Customer requests that the water supply is reconnected, the Town will not reconnect the water supply unless the Customer is present.

#### **14.0 CROSS CONNECTIONS**

- 14.1 No Person shall connect, cause to be connected, or permit to remain connected to the Water System, a Cross Connection that has not been approved by the CAO.
- 14.2 All irrigation systems, including residential irrigation systems, shall be installed with a Cross Connection Control Device which meets the requirements of the *Safety Codes Act*.

#### **15.0 PREMISES ISOLATING DEVICES**

- 15.1 Every Person responsible for the construction of:
- (a) new residential construction, regardless of the number of dwelling units contained in a structure, with the exception of dwelling units which are separately serviced;
  - (b) new industrial, commercial, and institutional construction; and
  - (c) any renovation project regarding a residential, industrial, commercial, or institutional structure that requires a plumbing permit;
- must ensure that a Premises-Isolating Device is installed on the plumbing system where the service enters the building, or in a location approved in writing by the CAO, prior to the Connection of any branch lines which distribute the water to more than one water line within the Premises and any plumbing fixture.
- 15.2 No Person shall use water from the Water System via a temporary water Connection for constructing, altering, or repairing a building except with the approval of the CAO. If approved, the temporary water Connection shall have a Premises-Isolating Device or a Cross Connection Control Device installed in a location approved by the CAO.
- 15.3 In addition to section 15.1, the CAO may require the installation of a Premises-Isolating Device on any existing Customer's plumbing system from time to time as a condition of continuing to supply water to the Premises, at a location approved by the CAO.

#### **16.0 MAINTENANCE AND TESTING OF CROSS CONNECTION CONTROL DEVICES**

- 16.1 Customers shall ensure that any testing of any Cross Connection Control Devices (testable) associated with their Premises is performed by Persons holding a current certification from an association as approved by the CAO from time to time.

- 16.2 Every Customer shall, at their own expense, have any Cross Connection Control Device (Testable) associated with their Premises tested:
- (a) at the time of installation of the device;
  - (b) annually or as required by the CAO;
  - (c) at any time if directed to do so by the CAO;
  - (d) in accordance with the manufacturer's recommendations;
  - (e) whenever the device is relocated;
  - (f) whenever the device is cleaned, repaired, or overhauled; and
  - (g) in the case of a device installed on an irrigation system, at the time the system is turned on at the beginning of each irrigation season.
- 16.3 Every Customer with a Cross Connection Control Device (Testable) associated with their Premises shall retain test report records on site and shall provide such records to the CAO upon request.
- 16.4 Every Customer with a Cross Connection Control Device (Testable) associated with their Premises shall submit a test report to the CAO in a form approved by the CAO within 30 days of each test of the Cross Connection Control Device (Testable) where the tester:
- (a) discovers that the Cross Connection Control Device (Testable) is in good working order; or
  - (b) discovers that the Cross Connection Control Device (Testable) is not in good working order but repairs or replaces and re-tests the Cross Connection Control Device (Testable) immediately and, upon retesting, finds that the Cross Connection Control Device (Testable) is in good working order.
- 16.5 Every Customer with a Cross Connection Control Device (Testable) associated with their Premises shall submit a report in writing to the CAO in a form approved by the CAO within two (2) business days of a test of a Cross Connection Control Device (testable) where the tester discovers that the Cross Connection Control Device (Testable) is not in good working order unless the tester repairs or replaces and re-tests that Cross Connection Control Device (Testable) immediately and upon re-testing finds that the Cross Connection Control Device (Testable) is in good working order.
- 16.6 Where a Cross Connection Control Device (Testable) fails a test, the Customer shall have the Cross Connection Control Device (Testable) repaired or replaced and re-tested within five (5) business days.

## **17.0 ACCESS AND INSPECTIONS**

- 17.1 As a condition of providing a water service and as operational needs dictate, the CAO shall have free access to all parts of a Premises in which water is delivered through a service Connection, at reasonable hours of the day and upon reasonable notice, for the purpose of:
- (a) installation, maintenance, repair, and removal of the Water System and service Connections;
  - (b) installation, testing, repair, and removal of Water Meters or other parts of the Water System including Water Service Valves;
  - (c) inspection of Cross Connection Control Devices or other equipment and works associated with the Water System and the Customer's plumbing system;

- (d) reading of Water Meters;
- (e) inspections for compliance with this Bylaw; and
- (f) all other activities authorized pursuant to this Bylaw.

## **18.0 HYDRANTS**

- 18.1 No Person shall operate or interfere with any hydrant or valve connected with the Water System except members of the Fire Department engaged in providing fire services or as authorized in writing by the CAO.
- 18.2 Subject to the provisions of the *Alberta Fire Code*, no Person shall obstruct access to a fire hydrant or interfere with the operation of a fire hydrant.
- 18.3 No Person shall, without the written permission of the CAO, and excepting Town employees in completing their assigned duties, use water from a fire hydrant for a purpose other than emergency fire protection. The CAO may authorize such other use upon such terms and conditions and subject to payment of such fees as determined by the CAO.
- 18.4 Any Person who wishes to have a fire hydrant located on Town owned property relocated or raised or lowered in elevation may apply in writing to the CAO. If the CAO agrees to relocate the hydrant, the applicant shall pay the actual costs of the relocation. Upon approval of the application, the applicant shall pay, in advance of any work being undertaken, a deposit equal to the estimated cost as calculated by the CAO, and the applicant shall:
- (a) in the event the actual costs are greater than the estimated cost, pay to the Town the difference; or
  - (b) in the event the actual costs are less than the estimated cost, receive a refund of the difference from the Town.
- 18.5 The Town may require that a fire hydrant be installed on private property at the expense of the owner of the property. Fire hydrants located on private property must be approved, installed, used, and maintained in accordance with the *Safety Codes Act* and all Town bylaws.
- 18.6 No owner, Customer, or occupant of a parcel or Premises on which a private fire hydrant is situated shall paint such hydrant or allow such hydrant to be painted any colour except the colour(s) approved by the CAO as described in the Engineering and Construction Standards Policy.
- 18.7 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 permitted.
- 18.8 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 hydrant gate valve, a Water Meter, and a Cross Connection Control Device prior to use.

## **19.0 BULK WATER SALES**

- 19.1 Any Bulk Water sales shall be at the discretion and direction of the CAO.



- 19.2 The rates for any Bulk Water sales shall be in accordance with the Rates and Fees Bylaw.
- 19.3 Bulk Water users must set up and maintain accounts in good standing or provide payment on-site where available.

## **WASTEWATER SYSTEM**

### **20.0 TOWN WASTEWATER SYSTEM**

- 20.1 The Town, having constructed, operated and maintained a Wastewater System as a public utility shall continue, in so far as there is sufficient capacity to collect Wastewater from any Premises within the municipality that are adjacent to any roadway, utility right of way, or easement containing a Wastewater Main:
- (a) where a service currently exists on that Premises; or
  - (b) upon a written request from a Person in charge of a Premises that has been authorized by the CAO to establish a service Connection for that Premises;
- in accordance with the terms and conditions of this Bylaw.
- 20.2 When the Town shall install or cause to have installed, a Wastewater Main, that is within any street or easement of Town property, which runs to the property line of the street or the boundary of an easement granted to the Town for its Wastewater System, the owner may apply to for a service Connection. The costs of construction from the Premises to the property line shall be the property owner's expense and these costs are an amount owing to the Town by the owner.
- 20.3 If the Town does not have a Wastewater Main installed in any roadway, utility right of way, or easement adjacent to an unserved property, the owner may not apply for a service Connection.
- 20.4 The Town does not guarantee or warrant the continuous collection and treatment of Wastewater and the Town reserves the right to change the Wastewater System or to disconnect Wastewater services, in whole or in part, with or without notice, in accordance with this Bylaw.
- 20.5 The Town shall not be liable for damages or losses suffered by any Person arising directly or indirectly from the operation or non-operation of the Wastewater System unless such damages or loss are caused by the intentional misconduct or negligence of the Town or a Person for whom the Town is responsible at law.

### **21.0 DISPOSAL OF WASTEWATER**

- 21.1 The owner of a building shall ensure that Wastewater from the plumbing system in the building is disposed of into the Wastewater collection system or a private sewage treatment and disposal system approved by the CAO.

- 21.2 The owner of a building, where the plumbing system is to be connected to the Wastewater collection system, shall ensure that the plumbing system is not used for the disposal of any material prior to Connection to the Wastewater collection system.
- 22.0 CONNECTIONS**
- 22.1 No Person shall:
- (a) make, alter or remove, or suffer or permit the making, alteration or removal of, any Connection to the Wastewater collection system without written approval of the CAO;
  - (b) allow or permit any storm drainage to be placed, directed or released into the Wastewater collection system; or
  - (c) connect to an existing service Connection.
- 22.2 Applications for the installation, alteration or removal of a Connection shall be made in writing to the CAO. Where storm water is:
- (a) directed into the Wastewater collection system without approval of the CAO, upon direction of the CAO, the owner of the land shall forthwith discontinue directing storm water into the Wastewater collection system;
  - (b) has been connected to the Wastewater collection system without approval of the CAO, upon direction of the CAO, the owner of the land shall forthwith disconnect the storm water drainage Connection from the Wastewater collection system.
- 22.3 The CAO may approve the installation, alteration or removal of a Connection upon such terms and conditions as the CAO considers necessary and the payment in advance of the cost or estimated cost of the installation, alternation or removal of the Connection.
- 22.4 The installation, alteration or removal of a Connection shall be carried out at the cost of the applicant, and may be subject to inspection.
- 22.5 No Person shall reuse a Connection without first obtaining the written consent of the CAO.
- 22.6 Where the use of a Connection is discontinued, the owner of the Premises which was serviced by such Connection shall forthwith notify the CAO in writing and the owner shall pay to the Town, in advance, the cost of disconnecting such Connection.
- 22.7 The property owner is responsible for maintaining a clear Wastewater service Connection from the property line to the Town's Wastewater Main. Should the property owner require a service repair to clear the service line to the main to ensure adequate flow, the owner is responsible to pay for all costs to ensure adequate flows are maintained between the owner's property and the main, unless any blockage or obstruction is caused by or results from corrosion, deterioration, or frost damage to the service line between the property line and the Town's Wastewater Main. In such event the Town would be responsible for the costs to repair the service line from the property line to the Town's Wastewater Main.
- 22.8 Should a private sanitary sewer system require cleaning, the owner is responsible to ensure that no other services or Wastewater Mains are impacted. The owner must notify the Town of their intent to clean, to ensure public property is not damaged.

**23.0 COMMERCIAL OR INDUSTRIAL WASTEWATER**

- 23.1 Any Person who proposes to develop, alter or expand any Premises which are connected or are proposed to be connected to the Wastewater collection system and which Premises shall be generating Commercial or Industrial Wastewater shall, prior to commencing expanding or altering such activity or making any Connection to the Wastewater collection system, provide to the CAO a report certified by a Professional Engineer indicating:
- (a) the daily volumes and peak discharges of Wastewater from the Premises;
  - (b) a description of the industrial or commercial activity to be carried on within the Premises, including the particulars of any expansion or addition;
  - (c) the anticipated Biochemical Oxygen Demand and Chemical Oxygen Demand of Wastewater to be discharged from the Premises;
  - (d) the amount of Total Suspended Solids and fats, oil and Grease in the Wastewater;
  - (e) the type of Waste to be processed or discharged on or from the Premises, including information as to whether or not any of the substances described in Schedule "B" are included in such waste;
  - (f) the proposed pre-treatment, flow equalization or mixing facilities to be utilized on the Premises;
  - (g) the location of Test Manholes for Wastewater to be discharged from the Premises;
  - (h) the monitoring equipment to be utilized on the Premises, and
  - (i) such other information as the CAO may request.
- 23.2 For the purposes of section 23.1, "alter or expand" means "the alteration or expansion of an activity on the Premises such that the quantity, Biochemical Oxygen Demand, Total Suspended Solids concentration or oil and Grease concentration of Commercial or Industrial Wastewater from the Premises is increased or contravenes any provision of this Bylaw" and "expanding or altering" has a similar meaning.
- 23.3 Notwithstanding section 23.1, the CAO may, by approval given in writing, allow Premises to be developed, expanded or altered and a Connection to be made without the provision of the report referred to in section 23.1 if the CAO is satisfied on the basis of the information available that the proposed activity will not adversely impact the Wastewater collection system.

**24.0 STORM DRAINAGE**

- 24.1 Except as otherwise provided in this Bylaw, no Person shall direct, allow or suffer any storm drainage to be placed in the Wastewater collection system.
- 24.2 Where storm drainage on any land is directed into or connected to the Wastewater collection system, the owner of that land shall forthwith, upon being so directed by the CAO disconnect the storm drainage from the Wastewater collection system and connect it to the storm drainage collection system, if available, or shall dispose of the storm drainage in a manner satisfactory to the CAO.
- 24.3 Notwithstanding section 24.2, the CAO may approve Connection or direction of storm drainage to the Wastewater collection system.

**25.0 TEST MANHOLES**

- 25.1 A Person who carries on an industrial or commercial activity on a premise which is connected, or which is to be connected, to the Wastewater collection system shall provide to the Town, at no cost to the Town, Test Manholes for the testing of Wastewater from the Premises at an accessible location satisfactory to the CAO.
- 25.2 If a Test Manhole has not been provided for a Premises on which an industrial or commercial activity is occurring, or if the Test Manhole provided for such Premises is for any reason not accessible to the CAO, the CAO by notice in writing may require the owner or occupier of the Premises to pay to the Town that amount of money which the CAO deems necessary to cover the cost of constructing and installing a Test Manhole and upon receipt of such notice, the owner or occupier of the Premises as the case may be, shall forthwith pay such amount to the Town.

**26.0 PROHIBITED MATERIALS**

- 26.1 Except as otherwise provided in this Bylaw, no Person shall release or discharge, or permit the releasing or the discharge, of any Waste described in Schedule "B" into the Wastewater collection system.
- 26.2 Except as otherwise provided in sections 26.3 and 26.4, no Person shall cause or allow to be discharged into the Wastewater collection system Wastewater which:
- (a) has a Biochemical Oxygen Demand greater than 300 milligrams per litre;
  - (b) has a Chemical Oxygen Demand greater than 600 milligrams per litre;
  - (c) contains total phosphorus in excess of 10 milligrams per litre;
  - (d) contains a total Kjeldahl nitrogen (TKN) content greater than 50 milligrams per litre;
  - (e) contains Total Suspended Solids in excess of 300 milligrams per litre; or
  - (f) contains more than 100 milligrams per litre of fats, oil and Grease.
- 26.3 Section 26.2 does not apply to prevent the discharge of human excrement and urine.
- 26.4 Where the CAO is satisfied that Wastewater which does not meet the requirements of sections 26.1 and 26.2 will not damage the Wastewater collection system the CAO may, by written approval, allow such Wastewater to be deposited into the Wastewater collection system upon such terms and conditions as the CAO may specify, including but not limited to periodic testing of the Wastewater and the payment of surcharges in accordance with the requirements of this Bylaw.
- 26.5 No Person shall, for the sole purpose of meeting any concentration limits set out in this Bylaw, dilute any Wastewater intended to be deposited in the Wastewater collection system.

**27.0 UNLAWFUL, UNAUTHORIZED AND ACCIDENTAL RELEASES**

- 27.1 Any Person who releases or discharges, causes or permits the release or discharge of, any Waste into the Wastewater collection system or the storm drainage collection system in contravention of this Bylaw shall immediately notify:

- (a) the 9-1-1 emergency service number if there is any immediate danger to human health and/or safety; or
- (b) if there is no immediate danger:
  - (i) the CAO by contacting the 24-Hour Emergency Number as posted on the Town's website, and
  - (ii) the owner of the Premises where the release occurred, and
  - (iii) any other Person whom the Person reporting knows or ought to know may be directly affected by the release.

27.2 The Person reporting the release or discharge pursuant to section 27.1 shall supply the CAO with the following information:

- (a) location where the release occurred,
- (b) their name and a telephone number where they may be reached,
- (c) time of the release,
- (d) type of material released and any known associated hazards,
- (e) volume of the material released, and
- (f) corrective action being taken, or anticipated to be taken, to control the release.

27.3 No dumping of Septage or Hauled Wastewater is permitted.

## **28.0 TESTING OF WASTEWATER**

28.1 Should testing of the Wastewater being discharged into the Wastewater collection system be required for the purpose of determining the Wastewater Service Surcharge, such testing shall be conducted by the CAO using automated sampling devices or in accordance with the following manual sampling protocol:

- (a) samples from the effluent produced at a location will be collected each day for a minimum of two days;
- (b) a minimum of four Grab Samples of equal volume shall be taken each day, such samples to be taken at least one hour apart;
- (c) the analysis shall be conducted on a composite sample made of each day's Grab Samples;
- (d) the respective results of these tests shall be averaged to determine the characteristics and concentration of the effluent being discharged into the Town Wastewater collection system.

28.2 Where a Common Wastewater Service pipe connects different industrial and commercial Premises served by separate Water Meters to the Wastewater collection system and only one Test Manhole is maintained pursuant to this Bylaw, the results of tests performed on samples collected from such Test Manholes shall be used to determine a Wastewater Service Surcharge which shall be used for all Premises connected to the Common Wastewater Service.

28.3 Any single Grab Sample may be used to determine compliance with any provision of this Bylaw.



- 28.4 The CAO may, from time to time, conduct tests at the Test Manhole, or, where there is not a Test Manhole located at a place satisfactory to test the Wastewater being discharged, the CAO may enter upon the Premises from which the Wastewater originates and conduct the tests as deemed necessary.
- 28.5 For the purpose of determining compliance, the CAO may test Discrete Wastewater Streams within a Premises.
- 28.6 Where there is more than one Test Manhole servicing a site, the CAO may estimate proportions of samples collected from each Test Manhole for the purpose of determining a Wastewater Service Surcharge.

## **29.0 MONITORING EQUIPMENT**

- 29.1 Where, in the opinion of the CAO, any source of Wastewater connected to the Wastewater collection system may produce Wastewater not in compliance with this Bylaw, the CAO may order the testing of the characteristics and concentrations of the Wastewater being discharged.
- 29.2 Should any testing undertaken pursuant to section 29.1 disclose that the Wastewater is not in compliance with this Bylaw, the CAO may direct the owner of the Premises from which the Wastewater originates to comply with this Bylaw, and the owner shall forthwith take all action necessary to ensure that the Wastewater complies with the requirements of this Bylaw.
- 29.3 In addition, the CAO may direct the owner described in section 29.2 to install and utilize such monitoring equipment as the CAO deems necessary. The owner, at the expense of such owner, and without delay, must install and utilize all such equipment. The results of such monitoring shall be supplied to the CAO.

## **30.0 INTERCEPTORS**

- 30.1 An owner or occupier of any Premises upon which industrial or commercial activity is carried on and which discharges into the Wastewater collection system Wastewater containing oil, grit, Grease, sand or inflammable material shall provide an Interceptor on the Premises in the location directed by the CAO.
- 30.2 The owner or occupier of the Premises described in section 30.1 shall:
- (a) keep the Interceptor in good working condition at all times; and
  - (b) service the Interceptor often enough so that it does not become overloaded and/or per the manufacturer's specifications.
- 30.3 No Person shall deposit, or cause or allow, any Interceptor residue to be deposited into the Wastewater collection system.

## **31.0 PROVISION OF WASTEWATER PRE-TREATMENT**

- 31.1 Where Wastewater discharged into the Wastewater collection system is harmful to the Wastewater collection system, the CAO may, by notice in writing, require the owner or

occupier of the Premises to construct and maintain such Wastewater pre-treatment facilities so as to ensure compliance with this Bylaw, and the owner or occupier shall immediately comply with such requirements.

31.2 Where Wastewater is discharged into the Wastewater collection system in volumes which, in the opinion of the CAO are highly variable or unusual, the owner or occupier thereof shall take such steps as are required by the CAO to equalize the discharge into the Wastewater collection system.

31.3 Such pre-treatment or flow equalization equipment shall be maintained continuously by the owner or occupier of such Premises in a manner satisfactory to the CAO.

### **32.0 WASTEWATER SERVICE FEES**

32.1 Except as otherwise provided in this Bylaw, the owner or occupier of Premises connected to the Wastewater collection system shall pay to the Town Wastewater Service Fees as per the current Rates and Fees Bylaw:

- (a) Wastewater Service Fees consist of a bi-monthly fixed rate and a consumption charge based on the metered water consumption;
- (b) when a Billing Period is required to end prior to the regular Billing Period, such as for a property sale, fixed charges are pro-rated for the actual number of days in the Billing Period, and consumption charges will result from a meter reading amount;
- (c) in the case of Premises served in part with water from any source other than the Town water supply, in addition to any charge that may be due under paragraph 32.1(a) or 32.1(b), a charge for unmetered Wastewater, as described in the Town's Rates and Fees Bylaw.

32.2 Should Premises served in part from water other than the Town water supply not contain a Water Meter to measure the supply of water from either or both of such water supplied in a manner satisfactory to the CAO, the CAO may make an estimate of the quantity of water consumed for the purposes of the charges imposed pursuant to this Bylaw.

32.3 Where a premise is served with water from a source other than the Town water supply, a Town Water Meter may be installed prior to such water being deposited to the Wastewater collection system to determine the quantity of water consumed for the purposes of the charges imposed pursuant to this Bylaw.

32.4 Should the information upon which any Wastewater utility charges are based prove to be in error, the CAO may estimate sewer utility charges for the affected period and make appropriate billing.

### **33.0 WASTEWATER SERVICE SURCHARGE**

*This section is intentionally left blank.*

### **34.0 BILLING FOR AND PAYMENT OF WASTEWATER SERVICE SURCHARGE**

*This section is intentionally left blank.*

**35.0 IRRIGATION****35.1 Water Used Solely for Irrigation:**

- (a) Where a water line that is metered in a manner which is satisfactory to the CAO is used exclusively for irrigation purposes the water supplied through such line shall be exempted from all Wastewater service charges and Wastewater surcharges.

**36.0 INSPECTION**

- 36.1 The CAO may inspect, observe, measure, sample and test the Wastewater on any Premises in order to determine whether or not this bylaw is being complied with.

**37.0 DISCONNECTION OF WASTEWATER SERVICE****37.1 Where Wastewater which:**

- (a) is hazardous or creates an immediate danger to any Person;
- (b) endangers or interferes with the operation of the Wastewater collection system; or
- (c) causes or is capable of causing an Adverse Effect;

is discharged to the Wastewater collection system, the CAO may, in addition to any other remedy available, disconnect, plug or seal off the Wastewater Main discharging the unacceptable Wastewater into the Wastewater collection system or take such other action as is necessary to prevent such Wastewater from entering the Wastewater collection system.

- 37.2 The Wastewater may be prevented from being discharged into the Wastewater collection system until evidence satisfactory to the CAO has been produced to assure that no further discharge of hazardous Wastewater will be made to the Wastewater collection system.

- 37.3 Where the CAO takes action pursuant to section 37.1, the CAO may by notice in writing, advise the owner or occupier of the Premises from which the Wastewater was being discharged, of the cost of taking such action and the owner or occupier, as the case may be, shall forthwith reimburse the Town for all such costs which were incurred.

## **RATES and FEES**

**38.0 RATES AND FEES**

- 38.1 Customers must pay, when due, the applicable amounts for water, Wastewater and related services set forth in the Town's Rates and Fees Bylaw including, but not limited to:

- (a) Water Service Fees;
- (b) Wastewater Service Fees;
- (c) water related service fees;
- (d) Water Meter supply, repair and data log or testing fees;
- (e) Manual Water Meter reading charges;
- (f) Bulk Water charges;
- (g) late payment penalties;
- (h) insufficient funds, returned payment and collection fees;

38.2 No reduction or postponement will be made any Customer's Utility Bill for any water or Wastewater service interruption or any delay in the supply of water or Water Related Services by the Town.

38.3 No reduction will be made to any Customer's Utility Bill for any late payment, leakage, water loss or misuse of water supplied to the Customer's Premises.

#### **39.0 BILLING AND COLLECTION OF FEES**

39.1 The CAO may establish a system for the billing and collecting of all amounts payable pursuant to this Bylaw.

39.2 Customers shall pay all amounts payable pursuant to this Bylaw on the date specified in their Utility Bill or other invoice issued pursuant to this Bylaw.

39.3 If errors are identified in Utility Bills or Water Meter readings which occurred at no fault of the Customer and which are not a result of any breach of this Bylaw:

- (a) which resulted in the Customer being under billed, the Town shall not retroactively bill the Customer; or
- (b) which resulted in the Customer being overbilled, the Town will reimburse the overbilled amount retroactively for up to one (1) year from the date of notice of the error being given in writing by the Town to the Customer or by the Customer to the Town.

No interest shall be payable in respect of such under billed or overbilled amounts by the Town.

39.4 If a Customer's breach of this Bylaw or a Premises being in breach of this Bylaw results in a Customer not being billed or being underbilled for any of water, Wastewater or water-related services, the Customer will be retroactively billed for up to two (2) years.

39.5 If a Customer's breach of this Bylaw or a Premises being in breach of this Bylaw results in loss of water, the CAO may estimate the volume of water lost and invoice the Customer for such loss and the Customer shall pay such amount promptly.

39.6 Non-receipt of a Utility Bill will not exempt the Customer from payment of such Utility Bill when due.

39.7 If a Customer fails to pay any amount owing when due, pursuant to this Bylaw, the CAO may:

- (a) impose the penalty rates, arrears charges, interest, and other administrative charges set forth in the Rates and Fees Bylaw;
- (b) transfer the unpaid amount(s) to the property tax roll for the Premises;

## **PROHIBITIONS, PENALTIES AND ENFORCEMENT**

#### **40.0 GENERAL PROHIBITIONS**

40.1 No Person shall enter any fenced area, building, property or infrastructure which forms part of the Water System or Wastewater System without the permission of the CAO.

- 40.2 No Person shall climb upon or enter any structure which forms part of the Water System or Wastewater System.
- 40.3 No Person shall:
- (a) damage, destroy, remove, or interfere in any way with any part of a service Connection or any other pipe, pipe Connection, valve, or other appurtenance forming part of the Water System or Wastewater System;
  - (b) interfere in any way with or cause any interference with the use of the water or Wastewater System by another Customer, and without limiting the generality of the foregoing, shall not attach any device to any water pipe which may create noise, a pressure surge, a Cross Connection, backflow of water, or contamination of the Water System;
  - (c) use any boosting device on any service Connection, on the upstream side of a Water Meter or Master Control Valve for the purpose of increasing water pressure;
  - (d) use any boosting device on any service Connection without the use of an approved Cross Connection Control Device located upstream of the boosting device;
  - (e) install branch supply lines, outlets, or fixtures on the upstream side of a Water Meter or Master Control Valve, except for fire protection purposes as approved by the CAO;
  - (f) install branch supply lines, outlets, or fixtures on the upstream side of a Premises-isolating device;
  - (g) 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 Connections or Water Meters except in an emergency;
  - (h) attach or connect any pipe to any pipe or main of the Water System or in any other way obtain or use any water thereof without the written consent of the CAO;
  - (i) obstruct, or cause to be obstructed any employee of the Town or its contractors, servants, agents, or workers in the exercise of any of the powers or duties relating to the Water System or Wastewater System as authorized or required in this Bylaw;
  - (j) operate a Water Service Valve or any other valve or valves in the Water System or Wastewater System intended to be operated by the Town without the authorization of the CAO;
  - (k) contaminate the water in the Water System or do any act which causes or results in or may cause or result in the contamination of the water in the Water System; or
  - (l) resell water from the Water System without the written consent of the CAO, excepting the sale of water by the glass by restaurants for onsite consumption.
- 40.4 In the event a Person breaks a seal, lock-out device, or lock-out tag pursuant to paragraph 40.3(g) in order to obtain a supply of water for emergency purposes, that Person must notify the CAO within 24 hours.

#### **41.0 PENALTIES AND ENFORCEMENT**

- 41.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 or, in default of payment of such fine, to imprisonment for a period not exceeding one (1) year, or to both fine and imprisonment in such amounts.



- 41.2 Where a Peace Officer believes that a Person has committed an offence pursuant to this Bylaw, the Peace Officer may commence proceedings by issuing a Violation Tag or a Violation Ticket.
- 41.3 Where there is a minimum penalty listed for an offence in Schedule "C" to this Bylaw, this amount is the minimum penalty for the offence.
- 41.4 Where there is a specified penalty listing for an offence in Schedule "C" of this Bylaw, that amount is the specified penalty for the offence.
- 41.5 Notwithstanding sections 41.3 and 41.4 of this Bylaw, the minimum and specified penalties for a second offence against this Bylaw within a one (1) year period shall be double the amounts listed in Schedule "C" for the offence, and the minimum and specified penalties for a third or subsequent offence against this Bylaw within a one (1) year period shall be triple the amounts listed in Schedule "C" for the offence.
- 41.6 If an offence is of a continuing or recurring nature, each instance of the offence or each day or part of a day on which the offence occurs constitutes a separate offence.
- 41.7 Nothing in section 41.2 shall prevent a Peace Officer from issuing a Violation Ticket requiring a court appearance of a Person the Peace Officer believes may have committed an offence pursuant to this Bylaw or from laying an information in lieu of issuing a Violation Ticket.
- 41.8 The levying and payment of any fines or penalties or imprisonment for any period shall not relieve a Person from the necessity of paying any fees, charges, or other amounts for which that Person is liable under the provisions of this Bylaw.
- 41.9 No Person shall obstruct, hinder or interfere with a Peace Officer in the enforcement of the provisions of this Bylaw.
- 41.10 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.
- 41.11 If a Customer fails to comply with this Bylaw or if a Premises is not in compliance with this Bylaw, the CAO may remedy the defect and bring the Premises into compliance with this Bylaw at the Customer's expense.
- 41.12 The penalties and remedies for the Town set forth in this Bylaw are in addition to and do not detract from the Town's powers pursuant to the MGA.
- 41.13 All amounts payable pursuant to this Bylaw are amounts owing to the municipality for municipal utility services.

## **GENERAL**

### **42.0 GENERAL PROVISIONS AND COMING INTO FORCE**

- 42.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition must not be affected and remains in force and effect.
- 42.2 Nothing in this Bylaw relieves any Person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 42.3 In the event of a conflict between this Bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment must prevail to the extent of the conflict.
- 42.4 The headings in this Bylaw do not form part of this bylaw and do not affect its interpretation.
- 42.5 Any references in this Bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.
- 42.6 The Schedules referenced in this Bylaw form part of this Bylaw.
- 42.7 Within the text of this Bylaw;  
(a) use of a pronoun or determiner which indicates one gender includes all genders, unless the context requires otherwise, and  
(b) use of the singular includes the plural and the plural includes the singular, as the context requires.
- 42.8 The word “may,” when used in this Bylaw, is to be construed as permissive and empowering, and the words “must” or “shall” when used in this Bylaw, are to be construed as imperative.
- 42.9 This Bylaw repeals the following bylaws, each in its entirety, and including all amendments thereto:  
Black Diamond Bylaw 18-01, Water and Sewer Utility Bylaw;  
Black Diamond Bylaw 08-14, Water Conservation Measures Bylaw;  
Turner Valley Bylaw 19-1098, Utility Bylaw;  
Diamond Valley Bylaw 2023-36, amends Bylaw 18-01; and  
Diamond Valley Bylaw 2023-37, amends Bylaw 19-1098.
- 42.10 This Bylaw comes into force and effect on January 1, 2025 and upon third and final reading.

**READ A FIRST TIME** on the 18<sup>th</sup> day of December, 2024

**READ A SECOND TIME** on the 18 day of December, 2024

**READ A THIRD AND FINAL TIME** on the 18 day of December, 2024

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

## SCHEDULE "A" INDOOR WATER CONSERVATION

The efficiency limits set herein provide a minimum standard of water efficient fixtures, which Customers may be able to exceed when installing new fixtures.

WaterSense<sup>1</sup> labelled fixtures:

- (a) achieve water efficiency through technology options,
- (b) meet the US Environmental Protection Agency specifications for water efficiency and performance,
- (c) can be purchased anywhere in Canada, and
- (d) meet or exceed the minimum standards set herein.

*WaterSense does not provide an efficiency label for kitchen faucets, but provides the standard shown below.*

Residential Plumbing Fixtures	Minimum Standard
Toilets	6 litres per flush (1.6 US gallons per flush). Most single or dual-flush toilets will meet or exceed this standard.
Showerheads	Maximum flow rate of 7.6 litres per minute (2 US gallons per minute). For showerheads offering different modes, all modes must meet this rate.
Bathroom Faucets	Maximum flow rate of 5.7 litres per minute (1.5 US gallons per minute).
Kitchen Faucets	Maximum flow rate of 6.8 litres per minute (1.8 US gallons per minute).
Commercial, Industrial and Institutional Plumbing Fixtures	
Commercial or Flushometer-valve Toilets	Single or dual-flush flushometer-valve toilets must meet the most current EPA <i>WaterSense Specification for Flushometer-Valve Water Closets</i> criteria.
Commercial Urinals	Must meet the most current EPA approved <i>WaterSense specification for Flushing Urinals</i> criteria.
Public Bathroom Faucets	Canadian Standards Association (CSA) B125.1 Plumbing Supply Fittings requirement of a maximum flow rate of 1.8 litres per minute (.05 US gallons per minute).
Commercial Showerheads	Maximum flow rate of 7.6 litres per minute (2 US gallons per minute). For showerheads offering different modes, all modes must meet this rate.

<sup>1</sup> (US Environmental Protection Agency, 2024) [WaterSense](#) | [US EPA](#)

## SCHEDULE "B"

The following shall not be discharged into the Wastewater collection system:

- a) Waste which causes or will cause an Adverse Effect;
- b) Any Flammable Liquid or explosive material;
- c) A solvent or petroleum derivative including but not limited to gasoline, naphtha or fuel oil;
- d) Any matter, other than Domestic Wastewater, which by itself or in combination with another substance is capable of creating odours related to but not limited to hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia outside or in and around the Wastewater collection system;
- e) Any pesticides or herbicides;
- f) Wastewater containing materials which by themselves or in combination with other materials become highly coloured and pass through the Wastewater collection system discolouring the effluent;
- g) Wastewater containing wastes from oil or petroleum;
- h) Wastewater containing the following materials in excess of the following concentrations:

Aluminium:	50 milligrams per litre
Antimony:	5.0 milligrams per litre
Arsenic:	1.0 milligrams per litre
Benzene:	0.5 milligrams per litre
Beryllium:	1.0 milligrams per litre
Bismuth:	5.0 milligrams per litre
Boron:	5.0 milligrams per litre
BTEX:	1.0 milligrams per litre
Cadmium:	0.7 milligram per litre
Chromium:	3.0 milligrams per litre
Cobalt:	5.0 milligrams per litre
Copper:	2.0 milligrams per litre
Cyanide:	1.2 milligrams per litre
Ethylbenzene:	0.5 milligrams per litre



Fluoride:	10.0 milligrams per litre
Hydrocarbons:	50 milligrams per litre
Iron:	50 milligrams per litre
Lead:	0.7 milligrams per litre
Manganese:	5.0 milligrams per litre
Mercury:	0.01 milligrams per litre
Molybdenum:	5.0 milligrams per litre
Nickel:	2.0 milligrams per litre
Phenol Compounds:	1.0 milligrams per litre
Selenium:	1.0 milligrams per litre
Silver:	0.5 milligrams per litre
Sulphate:	1500 milligrams per litre
Sulphides:	1.0 milligrams per litre
Tetrachloroethylene:	0.06 milligrams per litre
Thallium:	0.5 milligrams per litre
Tin:	5.0 milligrams per litre
Titanium:	5.0 milligrams per litre
Toluene:	0.5 milligrams per litre
Vanadium:	5.0 milligrams per litre
Xylenes (total):	0.5 milligrams per litre
Zinc:	2.0 milligrams per litre

- i) Wastewater having a pH of less than 5.5 or greater than 10.0;
- j) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, cloth, wipes, rags, feathers, tar, plastics, wood, unground garbage, animal guts or tissues, paunch manure, and whole blood;
- k) Radioactive Substances in excess of concentrations greater than that specified under the *Nuclear Safety and Control Act*, S.C. 1997, c.9, and the regulations made thereunder, or amended versions thereof;
- l) Wastewater having a temperature in excess of seventy-five degrees Celsius;

- m) Grit removed from commercial or industrial Premises including but not limited to grit removed from car washing establishments, automobile garages and restaurant sumps or from Interceptors;
- n) Any corrosive or toxic Wastewater or other wastes which could adversely affect the Wastewater collection system;
- o) Wastewater which will be discharged in layers or will form layers upon interaction with other Wastewater;
- p) Wastes which will interfere with the disposal of biosolids resulting from municipal Wastewater treatment;
- q) Wastes which will cause a violation or non-compliance event in the operating approval for the Wastewater treatment plants;
- r) Biological Wastes;
- s) Hazardous Waste or hazardous materials;
- t) Unused pharmaceuticals;
- u) Carbon disulphide, hydrogen sulphide, sulphur dioxide, or formaldehyde;
- v) Any other solid, liquid or gas, or combination of them, which could, as determined by the CAO, adversely affect the Wastewater System.

## SCHEDULE "C"

### PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
6.2	Falsify application for water/Wastewater services	\$100.00	\$200.00
6.3	Fail to open an account for water/Wastewater services	\$100.00	\$200.00
9.1	Access water without a Water Meter	\$1,500.00	\$3,000.00
9.10	Open or operate sealed bypass valve without approval	\$1,000.00	\$2,000.00
9.11	Connecting to Water System prior to Water Meter	\$1,500.00	\$3,000.00
10.2	Damage, remove, alter or tamper with a Water Meter	\$500.00	\$1,000.00
14.1	Connect or permit a Cross Connection to Water System while unauthorized	\$1,500.00	\$3,000.00
16.2	Fail to test Cross Connection Control Device	\$250.00	\$500.00
18.1	Operate or interfere with Hydrant or valve connected to Water System without authorization	\$2,500.00	\$5,000.00
18.6	Paint Hydrant without authorization	\$1,000.00	\$2,000.00
22.1(a)	Make, alter or remove Connection to Wastewater collection system	\$2,000.00	\$4,000.00
22.1(b)	Place, direct or release storm drainage into Wastewater collection system	\$1,000.00	\$2,000.00
22.1(c)	Connect to an existing Wastewater service Connection	\$2,000.00	\$4,000.00
26.1	Discharge or permit discharge of prohibited materials into Wastewater System	\$2,500.00	\$5,000.00
26.2	Discharge Wastewater in contravention of limits	\$1,000.00	\$2,000.00
27.3	Dumping of Septage or Hauled Wastewater	\$5,000.00	\$7,500.00
30.3	Deposit, cause or allow Interceptor residue to be deposited into Wastewater collection system	\$2,000.00	\$4,000.00
40.1	Unauthorized entry onto Water System or Wastewater System	\$500.00	\$1,000.00
40.2	Unauthorized entry into any structure forming part of the Water System or Wastewater System	\$500.00	\$1,000.00
40.3(a)	Damage, destroy, remove or interfere with any part of a service Connection forming part of the Water System or Wastewater System	\$2,000.00	\$4,000.00
40.3(b)	Interfere with the use of the Water System or Wastewater System by another Customer	\$1,000.00	\$2,000.00
40.3(c)	Use a boosting device upstream of a Water Meter	\$1,000.00	\$2,000.00
40.3(d)	Use a boosting device without approved Cross Connection	\$1,500.00	\$3,000.00
40.3(e)	Install branch supply lines, outlets or fixtures upstream of Water Meter or Master Control Valve while unauthorized	\$1,500.00	\$3,000.00
40.3(f)	Install branch supply lines, outlets or fixtures upstream of Premises-Isolating Device	\$1,500.00	\$3,000.00
40.3(g)	Tamper with, break or remove any seal, lock-out device or lock-out tag installed by the Town	\$2,500.00	\$5,000.00

40.3(h)	Attach or connect to any pipe or main of the Water System without authorization	\$2,500.00	\$5,000.00
40.3(i)	Obstruct or cause obstruction to any employee of the Town exercising powers or duties relating to Water System or Wastewater System	\$1,000.00	\$2,000.00
40.3(j)	Unauthorized operation of valves in Water System or Wastewater System	\$2,500.00	\$5,000.00
40.3(k)	Contamination of water in the Water System	\$5,000.00	\$7,500.00
40.3(l)	Unauthorized resale of water	\$1,000.00	\$2,000.00