

**BYLAW 1084**  
**OF THE TOWN OF CASTOR**

A BYLAW TO PROVIDE FOR THE LEVYING AND COLLECTING OF CHARGES AND RATES FOR WATER SERVICE, SEWER SERVICE, GAS SERVICE, AND GARBAGE SERVICE.

**WHEREAS**, the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended from time to time, (hereinafter referred to as the "M.G.A.") provides for Municipal Councils to pass bylaws, and;

**WHEREAS**, the Municipal Council ("Council") of the Town of Castor (the "Town") deems it necessary to raise such funds as required in order to finance these services;

**NOW THEREFORE**, the Council of the Town, duly assembled, enacts as follows:

**1. General**

**1.1 Short Title**

This bylaw may be cited as the "Utilities Bylaw".

**1.2 Rate Setting**

That the rates set forth in this Bylaw are subject to review and adjustment from time to time as Council sees fit.

**1.3 Consumer**

The Owner of the property, whether they are the occupant or the landlord, shall be responsible for the amount owing for any utility service provided by the Town or through a service contracted by the Town.

**1.4 Shut Off**

The Owner of the property, whether they are the occupant or the landlord, may not request utilities shut off to a residence or business if the building is occupied.

**1.5 Terms of Service**

In addition to the terms, conditions and requirements contained within the body of this Bylaw, every person, firm or corporation being registered owner or purchaser entitled to possession under an agreement for sale, or the occupant of the property served directly or indirectly by any of the utility services contemplated within this Bylaw (the "Consumer") shall be subject to and bound by the terms of service provided for within Schedule "A" attached to this bylaw.

**2. Default of Payment**

**2.1 Default Process**

All utility invoices unpaid after a period of Thirty (30) days, the following procedures will take place:

- (a) A letter to be sent warning of the cut-off of utility services for unpaid invoices if not paid within ten (10) days.
- (b) A telephone call will be made warning of cut-off on (1) day prior to cutoff.
- (c) Cut-off to occur at the end of the ten (10) unpaid days.
- (d) A penalty of 2% interest shall be charged on the outstanding balance on account each month, on a cumulative basis.
- (e) Outstanding utility charges shall be transferred to taxes pursuant to the MGA, Section 553 (1)(b).

**2.2 Discontinuance/Reconnection**

Utility services herein provided may be discontinued on default of payment of the Consumer's account. The charge for disconnection shall be in accordance with the schedules outlined in this bylaw.

**2.3 Areas Debt Due and Owing**

Utility service charges in default shall constitute a debt owing to the Town and shall be subject to collection by any legal process the Town deems necessary to recover said debt.

### **3. Delegation of Authority**

#### **3.1 Delegation**

The Council of the Town hereby delegates to the C.A.O. the power to:

- (a) Establish regulations for the general maintenance or management or conduct, of any employee of the utilities and of any other employees employed in connection with the utility services;
- (b) Collect the rates or charges in connection with any utility;
- (c) Enforce payment of those rates or charges by all or any of the following methods, namely:
  - (i) By shutting off the service being supplied to the Consumer or discontinuing the service thereof;
  - (ii) By transfer to taxes pursuant to Section 553 (1)(b) of the MGA;
- (d) Enforce the terms and conditions under which the utility is supplied either:
  - (i) By enforcing this bylaw; or
  - (ii) By enforcing any agreement made between the Town as supplier and Consumer;
  - (iii) By enforcing Provincial regulations

Including discontinuing the utility being supplied to the Consumer or discontinuing the service thereof until the Consumer complies with the terms and conditions of this Bylaw or provincial regulations.

### **4. Water System**

#### **4.1 Water Supply**

- (a) Unless otherwise directed by Council for the Town, the source of treated water for the Town shall be the Shirley McClellan Regional Water Services Commission ("SMRWSC").
- (b) All Residential, Commercial, Institutional and Industrial facilities using water will be required to connect to the Town's water system (the "Water System").

#### **4.2 Distribution**

- (a) That all water consumed from the Water System shall be recorded through a meter of sufficient size to meet the type of service being used.
- (b) That the Town shall install such meters, as are required, supplied by any manufacturer which the Town deems reputable.
- (c) That upon installation each meter shall be sealed by means of lead seal fastened securely to the meter and leaving stamped upon thereon the letters "CWW".
- (d) No person shall tamper with, break or remove any seal installed by the Town on any valve or flagged outlet on water service connections or water metering facilities except in the case of an emergency.

#### **4.3 Installation**

- (a) The installation charges for new construction are covered under the Alberta Building Code.
- (b) For each subsequent installation connection carried out at the request of a resident or owner, the charge shall be in accordance with the schedules outlined in this bylaw.
- (c) Costs to relocate a water meter will be incurred by the owner of the property and will be inspected by the Town and shall be charged in accordance with the

schedules outlined in this bylaw.

- (d) All new and replacement water line, whether public or private property must use municipal grade pipe and fittings.

#### **4.4 Water Connection Fees/Costs**

Every Consumer requesting connection of any property to the Water System of the Town shall pay the connection fees and/or costs provided within Schedule "B" attached to this Bylaw. Unless otherwise agreed to by the Town. All applicable connection fees/costs shall be paid prior to connection to the Water System and/or commencement of the delivery of water services.

#### **4.5 Water Rates and Service Fees**

- (a) Invoices for water consumption will be made out and sent to Consumers on a monthly basis.
- (b) All water Consumers shall pay to the Town upon receipt of their invoice, which shall be calculated using the rates provided within Schedule "B" attached to this Bylaw.
- (c) All water Consumers shall pay an additional amounts per thousand gallons or 4.54 cubic metres in excess of the minimums set out in Schedule B).
- (d) All water Consumers shall pay a Water System capital reserve fee set out in Schedule B
- (e) These rates shall not be subject to GST.

#### **4.6 Water Meters/Water Readings/Maintenance/Testing**

- (a) Unless otherwise approved by Council, all water supplied to a Consumer through the Town's water Service shall pass through a Water Meter Approved and supplied by the Town, at the sole expense of the Owner.
- (b) One Water Meter shall be supplied, installed and maintained by the Town, at the sole expense of the Owner, for multi use residential properties, including a Property that contains several buildings, a mobile home park, a Condominium or a seasonal park with no permanent buildings.
- (c) All Consumers shall have a Water Meter connected to the Water Service and shall pay to the Town all regular billing charges for consumption whether an alternative source of water is used or not.
- (d) All Water Meters supplied to and installed by a Consumer shall, at all times, remain the property of the Town, notwithstanding that the Consumer may have paid an installation fee or any other charge for the provision or installation of the Water Meter.
- (e) All Water Meters shall be installed in accordance with Town specifications and standards.
- (f) The Consumer shall pay the cost of installation or removal of a Water Meter pursuant to this Bylaw, in addition to any charge for Water Service or any charge for the provision of the Water Meter by the Town. The cost of installation or removal shall be that amount set out at Schedule "B" of this Bylaw.
- (g) No Person other than the Public Works & Utilities Foreman or his designate, shall install, test, remove, repair, replace or disconnect a Water Meter unless that Person has been granted the authority to do so in writing by Public Works and Utilities Foreman.
- (h) For the purpose of protecting, testing or regulating the use of any Water Meter, the Public Works & Utilities Foreman or his designate may, after having given reasonable notice to the Consumer, enter onto the Property, and take any action necessary to protect, test or regulate the use of the Water

Meter including setting or altering the position of the Water Meter.

- (i) Notwithstanding any other section, the Public Works & Utilities Foreman or other Designated Officer may rely upon the provisions of section 544 of the *Municipal Government Act* to seek Court authority to enter and inspect a Water Meter without notice, where the CAO or other Designated Officer believes that a Water Meter has been tampered with.
- (j) For the purpose of testing water quality on a periodic basis, the Public Works & Utilities Foreman or his designate, after having given reasonable notice to the Consumer, enter onto the Property, and take any action necessary to test the water quality. A Consumer shall not be reimbursed for any costs or charges associated with water usage associated with testing water quality.
- (k) A Consumer that has reasonable grounds to believe that a Water Meter is not operating correctly, or is damaged or broken, shall immediately notify the Town of the condition, the location of the Water Meter and the estimated length of time that the Water Meter has been inoperable, damaged or broken.
- (l) Water Meters may be removed by the Town for the purpose of maintenance and testing on a periodic basis. The Town may require that a Water Meter be tested on site, or that the Water Meter be removed from the Property for the purpose of testing.
- (m) A Consumer may request that the Town test a Water Meter located on the Consumer's Property. If the Water Meter is found to be measuring correctly within two (2) per cent of the actual amount of flow as determined by the Town, the Consumer shall pay the testing fee as set out in Schedule "B" of this Bylaw. Where the Water Meter is registering in excess of three (3) per cent accuracy, the Consumer shall not be charged for the cost of testing the Water Meter.
- (n) A Town employee who is charged with reading a Water Meter may enter the Property of a Consumer on a periodic basis for the purpose of reading the Water Meter.
- (o) Where the Town employee charged with reading a Water meter, is unable to access the Property of a Consumer, the employee may leave a notice at the Property advising of the need to conduct a Water Meter reading, and requesting the Consumer notify the Town of the Water Meter reading within a time period specified.
- (p) In the event that a Consumer refuses to allow a Water Meter to be read or fails to provide a Water Meter reading as requested by the Town, for a period in excess of three (3) months, the CAO, may direct that the Water Service to the Property be shut off, after providing forty-eight hours written notice of the Consumer.
- (q) Where the Town is unable to obtain a Water Meter reading, or where a Water Meter fails to properly register the volume of water consumed within a Property, the amount of water consumed during the time period in which the Town has been unable to obtain a Water Meter reading or the Water Meter has failed to properly register, may be estimated by the CAO or his designate based on the average daily consumption for the Property for a period of three (3) months, if known or, in the event that such information is not available, on the basis of the average daily consumption over a three (3) month period, for a comparable Property within the Town.
- (r) No Person shall construct or alter a Service Connection so as to bypass a WaterMeter.
- (s) Where a Water Meter is installed without the authority of the Town, or stolen, the Owner of the Property in which the Water Meter is or was located shall be responsible for paying the replacement cost of the Water Meter,

including installation. Where costs pursuant to this section are not paid within sixty (60) days of the date on which the Owner is notified of the amount owing, the costs may be added to the tax roll of the Property pursuant to the *Municipal Government Act*.

- (t) No Person shall interrupt, interfere or tamper with the operation of a Water Meter, reading device or seals placed by the Town on Water Service components, including but not limited to removal of a Water Meter head.
- (u) An Owner, at his own cost, may install a Secondary Water Meter between the Water Meter supplied by the Town and the point of use of the water supplied, upon receipt of written approval from the Town and shall in no manner interfere with the Water Meter installed by the Town. All secondary Meters shall be owned and maintained by the Owner. An Owner shall immediately relocate a secondary Water Meter upon request of the CAO or his designate, if in the opinion of the CAO or his designate, the secondary Water Meter is interfering in the operation of the Water Meter supplied by the Town.
  - (i) If any water meter has, in the opinion of the Town, failed to accurately register the flow of water through the meter since the last reading, the water charge shall be adjusted to the greater of the recorded amount or the minimum rate for water supplied to the premises.
  - (ii) In the event that the Town is unable to read the water meter due to the inaccessibility of the water meter, or for any other reason, the Town shall estimate and establish the charges based on:
    - i. The average consumption of the previous three (3) billing periods, or
    - ii. The minimum rate for water supplied to that premises, whichever is greater.
  - (iii) Payment of an estimated amount shall not excuse the Consumer from liability for payment of a greater amount which may be owing after a meter is read. Water meters may be removed by the Town for maintenance and testing on a periodic basis. The Town may require that a water meter be tested on site or be removed and tested.
  - (iv) In the event of an emergency, the Town may shut off the water, without prior notice.
  - (v) Any other terms and conditions as set out in Schedule "A".

#### **4.7 Liability for Damages Incurred**

Except as provided for in the MGA, or other relevant legislation, the Town is not liable for damages:

- (a) Caused by the break of any Town water main, water service connection or other pipe for the settlement of any excavation or trench made for the installation or repair of any part of the water utility, or
- (b) Caused by the disruption of any supply of water from the water utility when such disruption is necessary in connection with the repairs or proper maintenance of Water System.

#### **4.8 Cross Connections and Backflow Prevention**

Any new principle building (commercial, industrial, residential, or other) utilizing Town water must have a vacuum breaker device on all hose bibs as required by Canadian Plumbing Code as amended.

#### **4.9 Willful Act Prohibitions**

- (a) No person or persons shall:

- (i) Willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the Town or its' contractor, servants, agents, workmen or any of them in the exercise of any of the powers and duties related to the Water System and authorized by or contained in this Bylaw;
- (ii) Throw or deposit any injurious, noxious or offensive matter or water contaminant into the water or Water System, or in any way foul the water or commit any willful damage or injury to the water or Water System or encourage the same to be done;
- (iii) Willfully alter or tamper with, in any way, any water meter so as to lessen or alter the amount of water registered thereby, unless specifically authorized by the Town for that particular purpose;
- (iv) No person shall install branch supply lines, outlets, or fixtures on the upstream side of a water meter or shut-off valve.

#### **4.10 Delegation of Authority**

The Council of the Town hereby delegates to the C.A.O. the power to:

- (a) Establish regulations for the general maintenance or management or conduct, of any employee of the water utility and of any other employees employed in connection with the water utility services;
- (b) Collect the rates or charges in connection with the water utility;
- (c) Enforce payment of those rates or charges by all or any of the following methods, namely:
  - (i) By shutting off the water being supplied to the Consumer or discontinuing the service thereof;
  - (ii) By transfer to taxes pursuant to Section 553 (1)(b) of the MGA;
- (d) Enforce the terms and conditions under which the water utility is supplied either:
  - (i) By enforcing this bylaw; or
  - (ii) By enforcing any agreement made between the Town as supplier and Consumer;
  - (iii) By enforcing Provincial regulations

Including shutting off the water utility being supplied to the Consumer or discontinuing the service thereof until the Consumer complies with the terms and conditions of this Bylaw or provincial regulations.
- (e) The C.A.O. in consultation with the Public Utilities Committee for the Town and the SMRWSC deems it necessary they may order the following:
  - (i) That those persons occupying even numbered houses shall be permitted to use water for the purpose of watering gardens, trees, shrubs, flowers, or lawns from 6:00p.m. to 9:00p.m. on Mondays, Wednesdays, and Fridays only.
  - (ii) That those persons occupying odd numbered houses shall be permitted to use water for the purpose of watering gardens, trees, shrubs, flowers, or lawns from 6:00p.m. to 9:00p.m. on Tuesday, Thursdays, and Saturdays only.
- (f) That in an emergency of extreme proportions any means of conserving water may be ordered by the Mayor or, in his absence the Deputy Mayor in consultation with Council.
- (g) Any person failing to comply with any order made pursuant to Section i)(v)(a.) and (b.) of this Bylaw shall be liable upon summary conviction of a fine not exceeding One Hundred (\$100.00) dollars exclusive of costs or any other charges and convictions as set out in this bylaw.

## **5. Sewer System**

### **5.1 Sewage Connection Fees/Costs**

Every Consumer requesting connection of any property to the sewage system of the Town (the "Sewage System") shall pay the connection fees and/or costs provided within Schedule "C" attached to this Bylaw. Unless otherwise agreed to by the Town. All applicable connection fees/costs shall be paid prior to connection to the Sewage System and/or commencement of sewer services.

### **5.2 Sewage Rate and Service Fees**

Every Consumer of the Sewage System of the Town shall pay the sewage service charges provided within Schedule "C" attached to this Bylaw.

### **5.3 GST**

These rates shall not be subject to GST.

## **6. Waste Collection and Disposal System**

### **6.1 Waste Collection/Disposal**

(a) That all domestic, commercial, industrial, and institutional places of residential and commercial use shall be charged the monthly service fee for the collection and disposal of solid waste provided within Schedule "D" attached to this Bylaw.

(b) That the terms and conditions of Waste Collection shall be provided within the Waste Collection and Disposal Bylaw.

### **6.2 Waste Collection/Disposal Rates and Service Fees**

The solid waste fees charged shall be based on which type of service is provided and shall be billed on a monthly basis in the same manner as water, sewage and natural gas utility service.

### **6.3 GST**

These rates shall not be subject to GST.

## **7. Natural Gas Transmission and Distribution System**

### **7.1 Natural Gas Connection Fees/Costs**

Every Consumer requesting connection of any property to the natural gas distribution system of the Town (the "Gas System") shall pay the connection fees and/or costs provided within Schedule "E" attached to this Bylaw. Unless otherwise agreed to by the Town. All applicable connection fees/costs shall be paid prior to connection to the Gas System and/or commencement of gas services.

### **7.2 Natural Gas Service Fees**

Every Consumer of the Gas System of the Town shall pay the fixed charges and commodity charges provided within Schedule "E" attached to this Bylaw.

### **7.3 Additional Terms**

- (a) The rates set out in Schedule "C" apply to and shall commence with the monthly billing scheduled for January 1<sup>st</sup>, 2021 for all natural gas consumption for the period forward.
- (b) That a charge, set out in this bylaw shall apply to any new construction or subsequent connection at the request of the owner or occupier.
- (c) No new construction such as a deck, stairway, or addition shall impede the servicing of the gas meter, riser, or gas line. Proper placement of gas services will be determined by the Town staff. Any work to relocate meters is at the owner's cost.
- (d) Should a natural gas Consumer wish to keep a natural gas service in place, but not actively using natural gas, a monthly charge of \$75.00 shall be levied. Should a Consumer become in default of payment the Town shall have the right

to remove the service for non-payment.

**7.4 Disconnection/Reconnection**

In the event that the owner elects to have the idle riser service removed, then later applies to have the natural gas service re-installed, the owner shall pay the current year's connection fee/cost as contemplated within Section 7.1 of this Agreement. The cost to remove the service shall be charged to the Consumer.

**7.5 GST**

These rates shall be subject to GST.

**8. Effective Date**

**8.1 Effective Date of Connection Fees/Costs, Rates and Service Fees**

The rates herein provided shall apply to all utilities delivered from the 1st day of January, 2021 with scheduled billing date of February 15, 2021.

**9. Enforcement**

**8.1 Offences, Fines and Costs**

Any person contravening the provisions of this Bylaw, or failing to comply any order made pursuant to this Bylaw, is guilty of an offence and shall be liable to fines and/or costs as provided for within Schedule "F" attached to this Bylaw.

**10. Repeal**

**9.1 Bylaw number 1071**

Bylaw 1071 is hereby repealed and replaced by this Bylaw upon third reading.

Introduced and read a first time on the \_\_\_\_ Day of March, 2021.

Read a second time on the \_\_\_\_ Day of March, 2021.

Third and final reading given on the \_\_\_\_ Day of March, 2021.

**Original Signed**  
**Mayor**

**Original Signed**  
**Chief Administrative Officer**



## Schedule "A"

### Definition and Terms of Service

- (a) **"Account"** means an account created pursuant to this Bylaw relating to the provision of Utility Service;
- (b) **"Bylaw Enforcement Officer"** means a Bylaw Enforcement Officer appointed by Council and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer;
- (c) **"CAO"** means the Chief Administrative Officer of the Town or his designate, regardless of the specific title that may be conferred on that officer by Council from time to time;
- (d) **"Consumer"** means any Person who has entered into a contract with the Town for the provision of Utility Service or who is the Owner of any Property connected to or provided with Utility Service;
- (e) **"Council"** means the Municipal Council of the Town of Castor;
- (f) **"Cross Connection"** means any temporary, permanent or potential connection to a Service Connection or appurtenance of a Service Connection that may allow back flow to occur and includes, but is not limited to swivel or change over devices, removable sections, temperature connections and bypass arrangements.
- (g) **"Curb Cock"** means a valve located on the municipally owned portion of the Utility Service Connection, located between the Utility Main and the Property line installed for the purpose of enabling the municipality to turn on or shut off the supply of Utility to the Property and may also be referred to as "Stop Cock Valve";
- (h) **"Designated Officer"** means the CAO, Infrastructure, Planning & Development Director, Public Works & Utilities Manager, Public Works and Utilities Foreman, Bylaw Enforcement Officer or any individual designated by Council to be a designated officer for the purpose of enforcing the provisions of this Bylaw;
- (i) **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, and any regulations thereunder;
- (j) **"Occupant"** means any Person other than the Owner who is in possession of the Property, including, but not limited to, a licensee, tenant or agent of the Owner;
- (k) **"Owner"** means:
  - (i) any person registered as the Owner of the Property under the *Land Titles Act*;
  - (ii) any person who is recorded as the Owner of the Property on the Assessment Roll of the Town;
  - (iii) any Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired directly from the Owner or from another purchaser, and who has not yet become the registered Owner thereof;
  - (iv) any Person holding himself out as the Person exercising the power or authority of ownership or, who for the time being exercises the powers and authority of

ownership over the Property; or

- (v) any Person in control of Property under construction;
- (l) **“Person”** means a corporation, partnership or individual, and the heirs, executors, administrators or other legal representative of an individual;
- (m) **“Property”** means land, buildings, excavations, stockpiles, structures and appurtenances, or any personal property located thereupon, located within the Town;
- (n) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, and any regulations thereunder;
- (o) **“Safety Codes Act”** means the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time, and any regulations thereunder;
- (p) **“Service Connection”** means the part of the system or works of a Utility that runs from the Utility Main of the Utility to a building or other place on a parcel of land for the purpose of providing Utility Service to the parcel and includes parts or works such as the pipes, wires, couplings, meters and other apparatus;
- (q) **“Special Consumer”** means a person who lives outside the boundaries of the Town of Castor and who does not pay taxes to the Town of Castor
- (r) **“Stop Valve”** means a valve located on the Owner portion of the Utility Service Connection, located on the inflow side for the purpose of enabling the Owner to turn on or shut off the supply of Utility to the Property;
- (s) **“Town”** means the Town of Castor;
- (t) **“Utility”** means the system or works of a public utility operated by or on behalf of the Town, and/or means those services, whether it be Water, Sewer or Gas provided by the Town to any property located within, throughout or outside the Town’s boundaries.
- (u) **“Utility Main”** means those pipes, wires or other apparatus installed for the delivery of Utility within the Town to which a Service Connection may be connected;
- (v) **“Utility Meter”** means any device supplied, used or authorized by the Town for the purpose of measuring the volume of a Utility consumed on a Property;
- (w) **“Utility Service”** means the Utility provided by the Town to provide any Utility to Property located within the Town through a Utility Main to a Service Connection;
- (x) **“Violation Tag”** means a tag or similar document issued by the Town pursuant to the *Municipal Government Act*;
- (y) **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;

## SECTION 1 - UTILITY SERVICE

- 1.1 The Town shall, in accordance with the terms and conditions prescribed in this Bylaw, be responsible for the operation and management of all Utility Service facilities and equipment utilized for the distribution of a Utility.
- 1.2 The use and control of the Utility Service shall be in accordance with this Bylaw.
- 1.3 The Utility Service shall be under the direct control and management of the CAO, subject to the provisions of this Bylaw and all applicable policies of the Town.

- 1.4 The Town shall supply a Utility Service so far as there is sufficient capacity, upon such terms, costs or charges as established by Council to any owner.
- 1.5 The Consumer shall:
- i. pay all charges and rates for the Utility Service provided by the Town in accordance with this Bylaw;
  - ii. adhere to the requirements of this Bylaw;
  - iii. be responsible for the condition and protection of all facilities located on the Consumer's Property. The Consumer shall be liable for any destruction of or damage to the Utility Service facilities located on the Consumer's Property unless the destruction or damage is caused by the act of an agent or employee of the Town;
  - iv. not extend a service from one lot to another without the prior written consent of the Town; and
  - v. at the request of the Town, grant, or cause to be granted to the Town, such easements or rights-of-ways over, upon or under the Property owned or controlled by the Consumer as the Town reasonably requires for the construction, installation, maintenance, repair, inspection and operation of the facilities required for the Utility Service to the Consumer, and for the performance of all other obligations required to be performed by the Town to maintain the Utility Service.
- 1.6 No Person shall:
- i. Remove, operate, connect to or alter any portion of the Utility Service owned by the Town, except as authorized by the Town, and in accordance with the standards and policies established by the Town. A Consumer shall be responsible for all damage to the Utility Service resulting directly or indirectly from a breach of this section;
  - ii. use the Utility Service in any manner that causes any interference or disturbance to any other Consumer's use of the Utility Service;
  - iii. obstruct or impede free and direct access to the Utility Service, Utility Main, Curb Stop or any other aspect of the Utility Service;
  - iv. install or allow to be installed any temporary or permanent structures or objects that could interfere with the Property and safe maintenance and operation of the Utility Service or result in any damage to the Utility Service.
- 1.7 The Town shall, so far as is reasonably possible, endeavor to provide regular and uninterrupted operation of the Utility Service. However, breaks to Utility Mains and other facilities are inherent to the normal operation of the Utility Service.
- 1.8 The Town shall provide no work until such time as the landowner has determined, through certified inspection, that their system of works is clear and in working order, as determined by the Town.

## **SECTION 2 - RIGHT OF ENTRY**

- 2.1 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property, in accordance with section 542, 543 or 544 of the *Municipal Government Act*, as applicable, in order to carry out an

inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or any other statute.

- 2.2 Before conducting an inspection pursuant to section 2.1, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the *Municipal Government Act*. For the purposes of this Bylaw, a notice period of FORTY EIGHT (48) HOURS before commencement of the inspection, is deemed to be reasonable notice.
- 2.3 Notwithstanding section 2.1 and 2.2, a Designated Officer may enter and have access to all parts of a Property in which Utility Service is provided by the Town, or intended to be provided by the Town, at any reasonable hour for:
- i. the purpose of constructing, repairing, maintaining or inspecting the system or works of the Utility Service, including but not limited to the Utility Main, the Service Connection or the Meter;
  - ii. reading Utility Meters where the Owner or Occupant has provided written permission for the Town to inspect the Meter at any time; or
  - iii. investigating a Consumer complaint or query where the Owner or Occupant has provided verbal permission for the Town to investigate the complaint, including entering the Property at any reasonable time.
- 2.4 The Designated Officer will make reasonable efforts to notify the Owner or Occupant of when he intends to enter the Property, or other Person who is at the Property and appears to have sufficient authority to permit entry except:
- i. in case of emergency;
  - ii. where entry is permitted under Order of the Court; or
  - iii. where entry is authorized under a statute or other enactment.

### **SECTION 3 - LIABILITY OF THE TOWN**

- 3.1 The Town shall not be liable for any loss, injury, damage, expense, charge, cost or liability of any kind, whether direct, indirect, special or of a consequential nature (except only as specifically provided for in this section) arising out of or in any way connected with any failure, defect, fluctuation, reduction or interruptions in the provision of Utility Service by the Town to Consumers, howsoever caused, including that which is caused by or related to:
- i. the break, blockage, stoppage or failure of any portion of the Utility Service within the Town;
  - ii. the interference with or cessation of Utility Service in connection with repair or proper maintenance of the Utility Service;
  - iii. direct or indirectly as a result of the Town approving any Service Connection; or
  - iv. accident or incident due to the operation of the Utility Service, unless such costs of damages have been shown to be directly due to an act of bad faith, gross negligence or willful misconduct of the Town or its employees, agents or other authorized representative.
- 3.2 All limitations, protections and exclusions of liability contained in any provincial or federal legislation shall be applicable to the Town.

## SECTION 4 - WATER SERVICE

- 4.1 No Person shall connect, cause to be connected or permit a Cross-Connection to the Water Service, or allow an existing Cross-Connection to remain.
- 4.2 Where a Designated Officer suspects that a Cross-Connection exists in contravention of section 4, the Designated Officer may carry out an inspection:
- i. upon reasonable notice to the Consumer; or
  - ii. without notice to the Consumer, where the Designated Officer has reasonable grounds to believe, in his sole discretion, that an immediate threat of contamination exists so as to pose a danger to public safety.
- 4.3 No Person shall open a Curb Cock to provide Water Service to the occupants of any newly renovated, constructed or reconstructed Property, until the Service Connection and plumbing in the Property has been inspected for Cross-Connections and approved by a Designated Officer and the appropriate *Safety Codes Act* Officer.

## SECTION 5 - DISPOSAL AND USE OF WATER AND WASTE WATER

- 5.1 No Person shall allow water or waste water whether from the Water Service or an alternative source of water, to run off the Property such that there is:
- i. an excessive stream of water, as determined in the sole discretion of a Designated Officer, running into a street or swale for a distance of 30 metres or more from the property line of the Property;
  - ii. an excessive Stream of water, as determined in the sole discretion of a Designated Officer, running into a street or swale and directly into a catch basin, or
  - iii. an excessive stream or spray of water, as determined in the sole discretion of a Designated Officer, running into or falling onto a street.
  - iv. The person shall be responsible for any wastewater contamination and subsequent clean up at the discretion of the Town.
- 5.2 Except as otherwise provided for in this Bylaw, no Person shall use water:
- i. in an illegal manner;
  - ii. in a manner that will impede its use by others;
  - iii. unless an account for Water Service has been opened if the Property is connected to the Water Main; and
  - iv. unless the water first passes through a Water Meter, if the Property is connected to the Water Main unless otherwise approved in writing by the Town and may include new construction.
- 5.3 The Town may, upon finding an unauthorized use of water, including the tampering with a Water meter, Service Connection or Water Main or any part of the Water Service, take corrective measures to repair or remedy the unauthorized use.

- 5.4 Any Person who contravenes section 4 or 5 may be responsible for all charges for water consumed in accordance with the water rates set out in this Bylaw and all charges incurred by the Town in repairing or remedying the unauthorized use pursuant to section 5.3.
- 5.5 A consumer, Owner or occupant shall be responsible for all cost associated with camera work, water bombs, or any other method to clear clogged sewer lines to the main. If such obstruction, in the opinion of the CAO, was caused by the actions or results of the Consumer, Owner or occupant.

## **SECTION 6 - FROZEN WATER LINES/SEWER**

- 6.1 A Consumer, Owner or occupant of the Property shall be responsible for the costs associated with frozen water and sewer lines, including but not limited to, thawing the line or repairing the line when the portion of the line frozen is between the property line and the Water Meter or when, although the location of the frozen line is between the Water Main and the property line, in the opinion of the CAO, was caused by the actions or results of the Consumer, Owner or occupant.
- 6.2 An Owner shall be responsible to keep all Water Meters free of frost and shall be responsible for the costs associated with any damage to the Water Meter caused by allowing frost to accumulate on or in the Water Meter.

## **SECTION 7 - APPLICATION FOR UTILITY SERVICE**

- 7.1 Any Person who requires Utility Service shall make an application to the Town on such form as utilized by the Town from time to time and shall pay to the Town the applicable application fee as set out in Schedule "B".
- 7.2 Upon the acceptance of the application, an Account shall be set up in the name of the Consumer, provided that the Consumer is the Owner of the Property or the Owner's authorized agent. Where the Owner or the Owner's authorized agent makes the request in writing, the utility billings under the Account may be submitted directly to the tenant of the Property as identified by the Owner in writing.
- 7.3 There shall be a separate Utility Service Account for each Utility Meter located on a Property, the Town reserves the right to combine utility accounts and billing.
- 7.4 The application shall be supported by such evidence as is sufficient to identify the Consumer and the status of the Consumer, as the CAO may require.
- 7.5 A Consumer may be required at the time of the application to pay a non-refundable fee for the use of the Utility Meter, in addition to the cost of installation of the Utility Meter, if determined to be necessary by the CAO.

## **SECTION 8 - ACCOUNTS**

- 8.1 No Person shall construct or install any manner of connection, whether on a permanent or temporary basis, to any part of the Utility Service, without first having submitted an application for Utility Service and opening an account with the Town for Service.
- 8.2 No Account can be transferred to any Occupant or opened in the name of any Person except the Owner.
- 8.3 All Consumers receiving Utility Service pursuant to the provisions of this Bylaw, shall pay the required charges, levies and fees set out in Schedule "B" to this Bylaw.

- 8.4 The Town may prepare and issue invoices for Utility Service supplied to Consumers on a monthly basis, unless an alternate billing period had been agreed to between the Consumer and the Town in writing.
- 8.5 The invoices prepared and issued by the Town pursuant to section 8.4, may include all services for which fees and charges apply, including but not limited to Water Service, Sewer Service, Gas Service and Garbage Disposal, provided by the Town to the Consumer. If the Town includes the fees and charges for more than one service on a single invoice, the invoice shall provide information on the fees and charges due by the Consumer for each service.
- 8.6 Utility Service charges issued pursuant to this Bylaw to a Consumer shall be issued to the address for service provided by the Consumer at the time of the application for Utility Service and shall be deemed to have been received seven (7) days of the date of mailing.
- 8.7 The Consumer shall remit the applicable Utility Service charge issued pursuant to section 8.4 to the Town within thirty (30) days of the last day of the billing period for which the Utility Service charge was issued. In the event that the end of the thirty (30) day period is not a business day, Utility Service charges must be remitted no later than the next business day.
- 8.8 A Consumer is not relieved from paying the applicable Utility Service charge by reason of non-receipt of an invoice for that charge. A Consumer who does not receive an invoice for an applicable billing period shall contact the Town as soon as the Consumer is aware, or ought to have been aware, that the Utility Service charge has become due and payable.
- 8.9 Utility Service charges which are not paid within the thirty (30) day period set out in section 1.80, may be subject to a late penalty as set out in Schedule "B" of this Bylaw.
- 8.10 A Consumer, who wishes to discontinue receiving Utility Service as a result of that Consumer's intention to vacate the Property, shall provide the Town with prior written notice on a form prescribed by the Town, of the intention to discontinue the service.
- 8.11 A Consumer who fails to provide written notice pursuant to section 8.10, shall be liable for those charges in relation to the provision of Utility Service to the Property, notwithstanding that the Consumer no longer occupies the Property, that accrue up to the date that notice is provided by the Consumer pursuant to section 8.10.
- 8.12 A Consumer may be required to pay a disconnection fee as prescribed under Schedule "B" of this Bylaw, for the disconnection of the Property from the Utility Service.

#### **SECTION 9 - Special Consumer Class**

- 9.1 A Consumer, who has a primary residence outside of the Town of Castor boundaries, and who does not pay municipal taxes to the Town of Castor, is responsible for all costs incurred in repair or service of the utility works to service their lot, herein referred to as a "Special Consumer"
- 9.2 A Special Consumer shall pay to the Town all costs incurred in the repair of utility works including, but not limited to, water and sewer works
- 9.3 A special consumer may request the Town does not repair the utility service, but waives any future right, privilege or legal course to hold the Town accountable for provision of this service at a later date
- 9.4 A special consumer acknowledges that the Town of Castor has no obligation to maintain or provide a system of utility works outside of its boundaries.

9.5 A special consumer shall find those rates set out in schedule “B and C” which accounts for the Town’s increased cost in utility delivery to locations outside its boundaries.

**Schedule “B”**

**Water Connection Fees/Costs, Rates and Service Fees**

| <b>CONNECTION FEES/COSTS*:</b>                          |                          |  |
|---|--------------------------|--|
| <b>CONSUMER/CLASS/METER SIZE</b>                        | <b>RATE</b>              | <b>APPLICATION</b>   |
| <b>20 mm(5/8 Inch)</b>                                  | <b>\$9,000</b>           | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>25 mm(¾ inch)</b>                                    | <b>\$9,000</b>           | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>1 Inch</b>   | <b>\$10,000</b>          | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>38 mm(1½ Inch)</b>                                   | <b>\$10,500</b>          | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>50 mm(2 Inch)</b>                                    | <b>\$12,000</b>          | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>75 mm(3")</b>  | <b>\$To be estimated</b> | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| * Subject to Special Consumer Classes                   |                          |  |
| <b>SPECIAL CONSUMER CLASSES - CONNECTION FEES/COSTS</b> |                          |  |
| <b>CONSUMER/CLASS/METER SIZE</b>                        | <b>RATE</b>              | <b>APPLICATION/SERVICE LIMIT</b>   |
| <b>Out of Town Consumers</b>                            |                          | related addition cost of _____   |
| All Sizes   | To be estimated          | Must be approved by council  |
| <b>WATER RATES*</b>                                     |                          |  |
| <b>CONSUMER/CLASS/METER SIZE</b>                        | <b>RATE</b>              | <b>APPLICATION/SERVICE LIMIT</b>   |



|  |                           |   |
|--|---------------------------|---|
| <b>20 mm(5/8 Inch)</b>   | <b>\$60.00 / month</b>    | for the first 3,000 gallons or 13.63 cubic metres                                 |
| <b>25 mm(¾ inch)</b>   | <b>\$120.00 / month</b>   | for the first 6,000 gallons or 27.27 cubic metres                                 |
| <b>1 Inch</b>  | <b>\$240.00 / month</b>   | for the first 12,000 gallons or 54.55 cubic metres                                |
| <b>38 mm(1½ Inch)</b>  | <b>\$480.00 / month</b>   | for the first 24,000 gallons or 109.10 cubic metres                               |
| <b>50 mm(2 Inch)</b>   | <b>\$960.00 / month</b>   | for the first 48,000 gallons or 218.20 cubic metres                               |
| <b>75 mm(3")</b>   | <b>\$1,920.00 / month</b> | for the first 96,000 gallons or 436.22 cubic metres                               |
| <b>Excess over service limits</b>  | <b>\$15.00</b>            | per thousand gallons or 4.54 cubic metres in excess of the minimums set out above |
| * Subject to Special Consumer Classes  |                           |   |
|  |                           |   |
|  |                           |   |
| <b>DISCONNECTION/RE-CONNECTION FEES</b>  |                           |   |
| <b>CHARGE</b>  | <b>RATE</b>               | <b>APPLICATION</b>  |
| <b>Disconnection</b><br>Applicable to All Discontinued Service Locations and/or terminated Utility Accounts  | \$100.00                  | per Lot/Service Location  |
| <b>Re-Connection</b><br>Applicable to All Discontinued Service Locations and/or terminated Utility Accounts  | \$100.00                  | per Lot/Service Location  |
| <b>Service Kill (curbstop activation/shut off)</b>   | \$100.00                  | per Lot/Service Location  |
| <b>OTHER</b>   |                           |   |
| <b>CHARGE</b>  | <b>RATE</b>               | <b>APPLICATION</b>  |
| <b>Default Interest</b>  | __24__% per annum         | from due date for payment to date of receipt of payment                           |
| <b>Special Meter Reading</b>   | \$100                     | per Lot/Service Location  |
| <b>Additional Inspection</b>   | \$100                     | during construction of service connection   |
| <b>Water Meter Installation</b>  | \$200.00                  | per Lot/Service Location  |
| <b>Water Service Exterior Connection</b>   | \$50.00                   | per Lot/Service Location  |
| <b>Water Meter Testing</b>   | \$100.00                  | per Lot/Service Location  |
| <b>Fire Hydrant Use</b>  | \$50.00                   |   |
| <b>Fire Hydrant Use Damage Deposit</b>   | \$250.00                  |   |
| * All Rates and Charges stated do not include GST, if applicable, and are subject to any rate set by council |                           |   |

**Schedule "C"**

**Sewer Connection Fees, Rates and Service Fees**

| <b>CONNECTION FEES/COSTS*:</b>                          |                          |  |
|---|--------------------------|--|
| <b>CONSUMER/CLASS/METER SIZE</b>                        | <b>RATE</b>              | <b>APPLICATION</b>   |
| <b>25 mm(¾ inch)</b>                                    | <b>\$9,000</b>           | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>1 Inch</b>   | <b>\$10,000</b>          | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>38 mm(1½ Inch)</b>                                   | <b>\$10,500</b>          | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>50 mm(2 Inch)</b>                                    | <b>\$11,000</b>          | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| <b>75 mm(3")</b>  | <b>\$13,000</b>          | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| 100 mm  | \$13,800                 | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| 150 mm  | \$14,600                 | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| 200 mm  | <b>\$To be estimated</b> | per Lot/Service Location – includes application fee, one inspection, and curb stop activation. Does not include hydrovac or ditching over 90meter. |
| * Subject to Special Consumer Classes                   |                          |  |
| <b>SPECIAL CONSUMER CLASSES - CONNECTION FEES/COSTS</b> |                          |  |
| <b>CONSUMER/CLASS/METER SIZE</b>                        | <b>RATE</b>              | <b>APPLICATION/SERVICE LIMIT</b>   |

|  |                        |   |
|--|------------------------|---|
| <b>Out of Town Consumers</b>   |                        | related addition cost of  |
| All sizes  | To be estimated        | Must be approved by council   |
| <b>SEWER RATES*</b>  |                        |   |
| <b>CONSUMER/CLASS/METER SIZE</b>   | <b>RATE</b>            | <b>APPLICATION/SERVICE LIMIT</b>                                      |
| <b>Domestic Service</b>  | <b>\$30.00 / month</b> | N/A   |
| <b>Commercial Service</b>  | <b>25%</b>             | of total monthly water service charges to a minimum charge of \$30.00 |
| <b>1 Inch</b>  | <b>25%</b>             | of total monthly water service charges to a minimum charge of \$30.00 |
| <b>38 mm(1½ Inch)</b>  | <b>25%</b>             | of total monthly water service charges to a minimum charge of \$30.00 |
| <b>50 mm(2 Inch)</b>   | <b>25%</b>             | of total monthly water service charges to a minimum charge of \$30.00 |
| <b>75 mm(3")</b>   | <b>25%</b>             | of total monthly water service charges to a minimum charge of \$30.00 |
| * Subject to Special Consumer Classes  |                        |   |
| <b>DISCONNECTION/RE-CONNECTION FEES</b>  |                        |   |
| <b>CHARGE</b>  | <b>RATE</b>            | <b>APPLICATION</b>  |
| <b>Disconnection</b><br>Applicable to All Discontinued Service Locations and/or terminated Utility Accounts  | \$200.00               | per Lot/Service Location  |
| <b>Re-Connection</b><br>Applicable to All Discontinued Service Locations and/or terminated Utility Accounts  | \$200.00               | per Lot/Service Location  |
| <b>OTHER</b>   |                        |   |
| <b>CHARGE</b>  | <b>RATE</b>            | <b>APPLICATION</b>  |
| <b>Default Interest</b>  | __24__% per annum      | from due date for payment to date of receipt of payment               |
| <b>Additional Inspection</b>   | \$__50.00/hour__       | during construction of service connection. Minimum of one hour.       |
| * All Rates and Charges stated do not include GST, if applicable, and are subject to any rate set by council |                        |   |

Schedule "D"

Solid Waste Disposal Rates and Service Fees

| <b>SOLID WASTE RATES*</b>   |                         |                                    |
|---|-------------------------|------------------------------------|
| <b>CONSUMER/CLASS/METER SIZE</b>  | <b>RATE</b>             | <b>APPLICATION/SERVICE LIMIT</b>   |
| <b>Commercial, Industrial and Institutional</b>   | <b>\$100.00 / month</b> | receiving five (5) weekly pick-ups |
| <b>Commercial, Industrial and Institutional</b>   | <b>\$50.00 / month</b>  | receiving two (2) weekly pick-ups  |
| <b>Residential and Commercial</b>   | <b>\$23.00 / month</b>  | receiving weekly pick-ups          |
|   |                         |                                    |
|   |                         |                                    |
| <p>* All Rates and Charges stated do not include GST, if applicable. Special Consumers are not eligible for solid waste disposal. These rates are a reference to the Solid Waste Management bylaw and do not supersede that bylaw. Any discrepancy in this bylaw in rates or terms between this bylaw and the Solid Waste Management bylaw, the Solid Waste Management bylaw is deemed to be correct.</p> |                         |                                    |

**Schedule "E"**

**Natural Gas Connection Fees, Rates and Service Fees**

| <b>CONNECTION FEES/COSTS*:</b>  |   |  |
|---|---|--|
| <b>CONSUMER/CLASS/METER SIZE</b>  | <b>RATE</b>   | <b>APPLICATION</b>   |
| <b>3/4, 1 &amp; 1 Inch of single line</b>   | <b>\$4.90/meter</b>   | per Lot/Service Location – equipment and labour rates as per equipment rate schedule and quotation |
| <b>1 ½, 2 &amp; 2 ½ inch of single line</b>   | <b>\$5.10/Meter</b>   | per Lot/Service Location – equipment and labour rates as per equipment rate schedule and quotation |
| <b>3 &amp; 4 inch of single line</b>  | <b>\$6.00/Meter</b>   | per Lot/Service Location – equipment and labour rates as per equipment rate schedule and quotation |
| * Subject to Special Consumer Classes   |   |  |
| <b>GAS RATES*</b>   |   |  |
| <b>CONSUMER/CLASS/METER SIZE</b>  | <b>FIXED MONTHLY RATE</b>   | <b>APPLICATION/SERVICE LIMIT</b>   |
| <b>All Consumers</b>  | <b>\$__30.00__ / month</b>  | PER GAS METER AT LOCATION  |
| * Subject to Special Consumer Classes   |   |  |
| <b>CONSUMER/CLASS/METER SIZE</b>  | <b>COMMODITY CHARGE</b>   | <b>APPLICATION/SERVICE LIMIT</b>   |
| <b>All Consumers</b>  | <b>Cost of Gas Supplied to Town by Gas Alberta / GJ, plus \$__1.90__ / GJ</b>           | all gas measured at the gas meter, gas supplied by Gas Alberta                                     |
| <b>All Consumers</b>  | <b>Market price listed in the Intra-Alberta Monthly Gas Price, plus \$__1.90__ / GJ</b> | all gas measured at the gas meter, gas supplied by other source                                    |
| * Subject to Special Consumer Classes   |   |  |
| <b>DISCONNECTION/RE-CONNECTION FEES</b>   |   |  |
| <b>CHARGE</b>   | <b>RATE</b>   | <b>APPLICATION</b>   |
| <b>Disconnection</b><br>Applicable to All Discontinued Service Locations and/or terminated Utility Accounts | \$100.00  | per Lot/Service Location   |
| <b>Re-Connection</b><br>Applicable to All Discontinued Service Locations and/or terminated Utility Accounts | \$100.00  | per Lot/Service Location   |
| <b>Service Kill (curbstop activation/shut off)</b>  | \$100.00  | per Lot/Service Location   |
| <b>OTHER</b>  |   |  |
| <b>CHARGE</b>   | <b>RATE</b>   | <b>APPLICATION</b>   |

|                              |                  |   |
|------------------------------|------------------|---|
| <b>Default Interest</b>      | __24_% per annum | from due date for payment to date of receipt of payment         |
| <b>Special Meter Reading</b> | \$__50.00__      | per Lot/Service Location  |
| <b>Additional Inspection</b> | \$__50.00/hour__ | during construction of service connection Minimum 1 hour charge |
|                              |                  |   |

\* All Rates and Charges stated do not include GST, if applicable, and are subject to any rate set by council

## Schedule "E"

### Offences, Fines and Costs

1. **Offences** – Any person who violates or contravenes any provision of this Bylaw is guilty of an offence.
2. **Strict Liability** – It is the intention of Council that all offences created under this Bylaw be interpreted to be strict liability offences.
3. **Continuing Offences** – Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.
4. **Prohibition** – No person shall hinder or interrupt or cause or procure to be hindered or interrupted, the Town, or any of its respective employees, officers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and duties related to and authorized by or contained in this Bylaw.
5. **Remedial Orders** – If the Chief Administrative Officer determines that a person is contravening this Bylaw, the Chief Administrative Officer may issue a Remedial Order to that Person. The Remedial Order may:
  - (a) direct the Person to stop doing something or to change the way in which the Person is doing it;
  - (b) direct the Person to take any action or measures necessary to remedy the contravention of this Bylaw;
  - (c) state a time within which the Person must comply with the Chief Administrative Officer's directions and provide proof of compliance to the Chief Administrative Officer; and
  - (d) state that if the Person does not comply with the directions within a specified time, the Town may take the action or measure at the expense of the Person.
6. **Request Review** – Any person who receives an order issued pursuant to Section 545 of the Municipal Government Act and this Bylaw ("Remedial Order"), may request a review of the Remedial Order by Council in accordance with Section 547 of the Municipal Government Act by filing a written request for review of the Remedial Order together with a fee of \$50.00 with the Chief Administrative Officer within 14 days of receipt of the Remedial Order. The request for review shall set out the grounds for the request.
7. **Council Review** – Within thirty (30) days after receipt of the request for review, Council shall review the Remedial Order and may confirm, vary, substitute or cancel the Remedial Order and shall issue a written decision, including reasons for the decision, to the Person who requested the review.
8. **Appeal** – Any person affected by the decision of Council may appeal the decision to the Court of Queen's Bench in accordance with Section 548 of the Municipal Government Act.
9. **Notice of Remedial Order** – In any case where the Chief Administrative Officer is required to issue a notice or Remedial Order to any person pursuant to this Bylaw, the Chief Administrative Officer shall effect such service either:
  - (a) by causing a written copy of the notice or Remedial Order to be delivered to and left in a conspicuous place at or about the service location within which the utility service was being supplied to the Owner or Consumer affected by such notice or where the Bylaw contravention which is the subject of the Remedial Order has occurred or is occurring;
  - (b) by causing a written copy of the notice or Remedial Order to be mailed or delivered to the last known address of the Owner as disclosed in the land registry system established by the Land Titles Act of Alberta as shall appear to the Chief Administrative Officer most appropriate in the circumstances; or
  - (c) by causing a written copy of the notice or Remedial Order to be mailed or delivered to the last known address of the Consumer and/or Owner as set out in the utility account for the service location within which the utility service was

being supplied to the Consumer affected by such notice or where the Bylaw contravention which is the subject of the Remedial Order has occurred or is occurring.

- 10. Inspection** – The Chief Administrative Officer is a designated officer for the purpose of Section 542 of the Municipal Government Act and is authorized to enter onto and into Premises to carry out inspections, remedies, enforcement or other actions with respect to this Bylaw in accordance with the Municipal Government Act.
- 11. Major Violation/Penalties** – A person who violates any of requirement of Section 1 and 4 of Schedule A or Sections 4.6, 4.9, 5, 6, 7.3 of this Bylaw shall be liable to pay:
  - (a) for a first offence, a Specified Penalty of \$500.00;
  - (b) for a second offence, a Specified Penalty of \$500.00;
  - (c) for a third or subsequent offence, a Specified Penalty in the sum of not less than \$500.00 and not more than \$2,500.00.
- 12. Minor Violation/Penalties** – A person who violates any of requirement of Section 1 and 4 of Schedule A or Sections 4.6, 4.9, 5, 6, 7.3 of this Bylaw shall be liable to pay
  - (a) for a first offence, a Specified Penalty in the sum of \$50.00, or upon summary conviction, a fine of not less than \$50.00 and not more than \$2,500.00;
  - (b) for a second offence, a Specified Penalty in the sum of \$100.00, or upon summary conviction, a fine of not less than \$100.00 and not more than \$2,500.00;
  - (c) for a third or subsequent offence, a Specified Penalty in the sum of \$200.00, or upon summary conviction, a fine of not less than \$200.00 and not more than \$2,500.00.
- 13. Violation Tag** – A bylaw enforcement officer, peace officer and member of the Royal Canadian Mounted Police (“Officer”) is hereby authorized and empowered to issue a violation tag as defined within the MGA (“Violation Tag”) to any person whom the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 14. Service of Violation Tag – Individual** – A Violation Tag may be served on such person who is an individual, either:
  - (a) by delivering it personally to such person; or
  - (b) by leaving a copy for such Person at his/her last known premises with an individual at the Premises who appears to be at least 18 years of age;and such service shall be adequate for the purposes of this Bylaw.
- 15. Service of Violation Tag – Corporation** – A Violation Tag may be served on a person which is a corporation, either:
  - (a) by sending it by registered mail to the registered office of the corporation, or
  - (b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address,and such service shall be adequate for the purposes of this Bylaw.
- 16. Form** – The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - (a) the person's name;
  - (b) the offence;
  - (c) the appropriate voluntary penalty for the offence as specified in this Bylaw;
  - (d) that the voluntary penalty shall be paid within (10) days of issuance of the Violation Tag in order to avoid further prosecution; and
  - (e) any other information as may be required by the Chief Administrative Officer.
- 17. Continuing Offences** – Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Officer provided, however, that no more than



one Violation Tag shall be issued for each day that the contravention continues.

18. **Voluntary Payment** – Where a Violation Tag has been issued in accordance with this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town cashier the penalty within the time frame specified in the Violation Tag.
19. **Voluntary Penalty** – The voluntary penalty for a first offence shall be 50% of the specified penalty for a first offence of that particular offence. The voluntary penalty for a second and each subsequent offence shall be 50% of the Specified Penalty for a second and subsequent offence of that particular offence.
20. **Violation Ticket** – Nothing in this Bylaw shall prevent an Officer from immediately issuing a violation ticket as defined in the Provincial Offences Procedures Act (Alberta) (“Violation Ticket”).
21. **Issuance** – An Officer is hereby authorized and empowered to issue a Violation Ticket to any Person whom the Officer has reasonable and probable grounds to believe a Person has contravened any provision of this Bylaw.
22. **Service of Violation Ticket – Individuals** – A Violation Ticket may be served on such person who is an individual, either:
  - (a) by delivering it personally to such Person, or
  - (b) by leaving a copy for such Person at his/her last known Premises with an individual at the Premises who appears to be at least 18 years of age,and such service shall be adequate for the purposes of this Bylaw.
23. **Service of Violation Ticket – Corporations** – A Violation Ticket may be served on a person which is a corporation, either:
  - (a) by sending it by registered mail to the registered office of the corporation, or
  - (b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address,and such service shall be adequate for the purposes of this Bylaw.
24. **Recovery of Enforcement Costs** – The expenses and costs of any action or measures taken by the Town under this Bylaw are an amount owing to the Town by the Person in contravention of this Bylaw.
25. **Additions to Tax Roll** – Where the Owner contravened this Bylaw and the contravention occurred on the Owner's Premises, any unpaid expenses or costs may be added to the tax roll of that Premises in accordance with the Municipal Government Act.
26. **Debt Due and Owning** – The costs and expenses incurred by the Town in the enforcement of this Bylaw may be collected as a civil debt.