

**BYLAW 12-003
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA RESPECTING WATERWORKS WITHIN THE MUNICIPALITY.

WHEREAS under the authority and pursuant to the Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, Lac La Biche County may provide municipal public utility services subject to any terms, costs or charges established by Council;

AND WHEREAS, it is deemed necessary and expedient to establish a system of waterworks to parts of Lac La Biche County and to set out the terms, costs and charges upon which the service will be provided;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Government Act, and by virtue of all other enabling powers, the Council of Lac La Biche County, duly assembled, hereby enacts as follows:

1. DEFINITIONS

Whenever in this Bylaw the following words appear they shall mean the following:

- (a) "Authorized Person" shall mean an employee or employees of Lac La Biche County designated by the Chief Administrative Officer of Lac La Biche County ("CAO"), or his or her designate, as an Authorized Person for the purpose of this Bylaw.
- (b) "Commercial Account" shall mean an account for a Commercial Consumer.
- (c) "Commercial Consumer" shall mean a Person who is provided with water or water services by Lac La Biche County who is not a Residential Consumer. Without restricting the generality of the foregoing, persons obtaining water services for apartment buildings, condominiums, or bare land condominiums which contain more than four (4) dwelling units, leasehold interests, condominium units or lots, shall be Commercial Consumers.
- (d) "Council" shall mean the Council of Lac La Biche County as constituted from time to time.
- (e) "County" shall mean Lac La Biche County.
- (f) "Municipal Servicing Standards" shall mean those servicing standards adopted by the County, or failing the adoption of such standards, those service standards that are generally adopted or applied by municipalities in the Province of Alberta.

- (g) "Person" shall mean any person who applies for or obtains water service from the County, and without restricting the generality of the foregoing shall mean any firm, partnership, individual, individuals, incorporated company or other body corporate or politic and the heirs, executors, administrators and assigns or other legal representatives of such Person to whom the context may apply.
- (h) "Residential Account" shall mean an account for a Residential Consumer.
- (i) "Residential Consumer" shall mean a Person who is provided with water or water services by Lac La Biche County solely for the domestic purposes of a residence containing no more than four (4) dwelling units, leasehold interests, condominium units or lots.
- (j) "Water Service Line" shall mean that private water line from the water supply main to a meter or the meter vault as the case may be on the private property.

2. AGREEMENTS

- (a) Every Person that wishes to obtain water service from any water distribution system within Lac La Biche County shall apply in writing to Lac La Biche County for water service from the said water distribution system. The County will only provide water services to Persons who are owners of the parcel of land receiving the water services, and all water service accounts shall be and remain in the name of the owner.
- (b) Every Person that applies in writing to the County pursuant to Section 2 (a) of this Bylaw shall supply the CAO, or his or her designate, with such plans and specifications and any such other information as shall be required by the said CAO, or his or her designate.
- (c) No Person shall proceed with the construction of a Water Service Line or any installation to provide that Person with water from a Water Supply Main within the County until such time as that Person's application for water service shall have been approved by the CAO, or his or her designate, together with the plans and specifications for the water service line or other installation, and a permit issued therefore (Permit) by the CAO, or his or her designate.
- (d) Upon the issuance of a Permit for water service the Person whose application has been approved shall be responsible for and shall pay for the cost of construction of the water service line and any other installations required to provide that Person with water service and the water service line and any other installations associated therewith shall only be constructed in accordance with the Permit granted and the provisions of this Bylaw.

3. TAPPING WATER SUPPLY MAINS

- (a) No Person without first having obtained a Permit to do so shall make any connection whatsoever with any water supply main. The Person obtaining the Permit shall be totally liable for any damages caused while making such connection.

- (b) All water service lines shall conform to Municipal Servicing Standards as approved by the CAO, or his or her designate, or the water and sewer engineer and consultant for Lac La Biche County at the time.
- (c) All water service lines greater than 150 mm in size shall have a meter vault of a size, and design approved by the CAO, or his or her designate, installed in a location approved by the CAO, or his or her designate, and shall be provided at the sole cost and expense of the applicant, and in a location approved in writing by the CAO, or his or her designate.
- (d) No connection shall be made to a water service line between the water supply main and the meter without the consent in writing of the CAO, or his or her designate.
- (e) The Landowner of a particular parcel receiving water service is responsible for the maintenance, repairs and cost of the water service line from the parcel curb stop to the water meter fittings and all water service lines located on private property. This includes private connections to the curb stop, the landowner-side portion of the water service line on public property (if the parcel curb stop is located on public property), all water service lines on private property and any pressure reducing valve or meter vault.

4. WATER METERS

- (a) Upon installation every meter, and or remote meter and every piece of meter reading equipment installed shall become the property of Lac La Biche County. Meters and related equipment shall be installed in a manner which adequately provides for future installation, inspection and for the reading of the meter, and shall protect the meter from interference, injury, or damage, and the Permit holder shall be liable for any damage which may occur to the meter or the meter reading equipment.
- (b) The CAO, or his or her designate, may, between the hours of 9:00 A.M. and 8:00 P.M., enter any dwelling, or structure or property to read, service or inspect any water meter or meter reading equipment.
- (c) The Person who wishes to receive water service shall pay a water meter deposit to Lac La Biche County in the amount of \$125.00, or if any water meter requested is larger than (2 inches) 55mm a deposit equivalent to the purchase price of such water meter. No Person shall be allowed to use any other meter other than those supplied by Lac La Biche County. No interest shall be payable on the deposit unless the County deposits the deposit in an interest bearing account, in which case, any interest earned shall form part of the deposit.
- (d) Should a Person move or sell a property where a meter is located the meter is to be left in the premises or returned to Lac La Biche County. If the meter and its connections are in good working order, upon request the deposit will be returned to the Person who provided the deposit together with any interest that may have accrued thereon, if any. However, if any repairs are required, or the meter requires replacement, the deposit is forfeited to the extent required to pay for the repairs or replacement.
- (e) Any person who fails to request the return of a deposit within one year of being entitled to do so forfeits the deposit absolutely to the County.

5. METER READINGS

- (a) Meters will be read by an Authorized Person on the last day of every month or as close to the last day of the month as may be practical. Meters will also be read when notification is given to Lac La Biche County of a transfer of ownership, in which case, the final reading of this property shall then become the initial reading for the new owner of the property.
- (b) In the event that a Person is absent and an Authorized Person cannot take readings, the reading will be estimated based on the average of the two previous readings. In the event that a Person's meter readings cannot be obtained for two consecutive readings the County may serve a written notification to make arrangements to have the meter read, failing which the Person's water may be turned off. The cost to re-connect the water shall be \$50.00. The service will not be re-connected until all previous invoices have been paid.
- (c) In the event that a meter shall fail to register accurately since its last reading, the water rates for the said period shall be adjusted and shall be charged on the basis of the average charge during the preceding two (2) meter readings or such shorter periods as may be available.
- (d) Should any Person claim that a meter supplied by Lac La Biche County is over-read; the said Person shall deposit with Lac La Biche County the sum of one hundred dollars (\$100.00). The County shall then remove the meter and shall test the meter for accuracy. In the event that the said meter shall be found to over-read by more than three percent (3%), the said Person shall be refunded the said one hundred dollars (\$100.00) deposit. In the event the said meter shall over-read by less than three percent (3%) the said meter shall be considered to be accurate, and the said deposit shall be forfeited. Should the meter be found to over read or under read by more than (3%) three percent then the meter will immediately be adjusted to record accurately and the Person's account for the previous (3) months will be adjusted by the same margin as the error as found for the meter.
- (e) Any Person that interferes with or tampers with any meter seal, meter reading equipment or water shut-off equipment shall be charged a fee of up to \$500.00 per event and the water shall be shut off until the payment of the fee is received by Lac La Biche County. Unless it is proven by the owner, to the satisfaction of the County, that the interference or tampering was not caused by the owner, an occupant, or an invitee of the owner or occupant, the owner shall be invoiced for all costs associated with the repair of the equipment up to a maximum of the said \$500.00.

6. WASTE OF WATER

No Person shall waste any water supplied by Lac La Biche County. Lac La Biche County may shut off water service where the County deems there to be a waste of water.

7. TURNING ON WATER

Water service to a Person shall only be turned on by an Authorized Person and no one else. Any applicant who turns on water or causes the water service to be turned on by other than the Authorized Person of Lac La Biche County shall be charged a fee of \$500.00 and the water shall be shut off until the payment of the fee is received by Lac La Biche County.

8. RIGHT TO SHUT OFF WATER

- (a) Any Authorized Person may shut off the water supply to any Person who has breached or is in non-compliance with any of the provisions of this Bylaw or the Public Health Act or its Regulations and may refuse to turn on the water until such time as the Authorized Person is satisfied that the Person intends to and will comply with this Bylaw or the Public Health Act or its Regulations.
- (b) Lac La Biche County hereby reserves the right to shut off water without notice to any Person who is in breach or in non-compliance of any provision of this Bylaw or the Public Health Act or its Regulations.
- (c) No Person shall have any claim for compensation or damages as a result of the County shutting off or restricting water without notice or from failure of the water supply from any cause whatsoever.
- (d) A \$100.00 re-connection fee is payable for re-connection where service has been interrupted or discontinued due to breach or non-compliance, including non-payment of accounts, unless this Bylaw otherwise provides for a larger fee.
- (e) No Person shall damage, interfere with or make inaccessible any curb stops due to construction of walkways, driveways or any other installations.
- (f) In the event that Lac La Biche County is required to make any repairs or construction changes to the inaccessibility of or damage to a curb stop, the Person serviced by the said curb stop shall be required to pay all costs incurred in repairing or making construction changes for the said curb stop if it is proven to be caused by this Person or any of this Person's contractors or associates.

9. HYDRANTS AND VALVES

- (a) No Person other than an Authorized Person shall open, close, operates or interfere with any valve, hydrant or fire plug, or draw water there from.
- (b) No Person shall in any manner whatsoever obstruct or interfere with the free access to any hydrant, valve curb stop or meter.

10. WATER RESTRICTIONS

- (a) In the event of emergency, water shortage, construction, maintenance, repair or provincial or regulatory requirement, Lac La Biche County shall be at liberty to restrict the use of water by Persons provided with water service. When the said restrictions are in effect, no Person shall water any lawns, gardens, streets, yards or grounds or use a hose or similar device to wash vehicles, or the exteriors of houses or other building during such times that may be fixed by the CAO, or his or her designate. Notice of the times during which the use of water for the purposes specified herein shall be deemed sufficient notice if given by ordinary mail, hand delivered announcements, placards, by local newspaper, radio, television, by public address systems, or by any similar means.
- (b) In the event of such restrictions, the CAO, or his or her designate, may vary the hours and days of use of water or apply such other conditions as may be deemed appropriate.

11. ADDING OUTSTANDING CHARGES TO TAX ROLL

- (a) Any water rates in arrears for water supplied by Lac La Biche County or any other charges for services supplied by the County to any land or premises may be added to the taxes assessed against the land or premises to which the water or other services have been supplied, Lac La Biche County may collect the said amounts in any of the ways provided for the collections of taxes, including the sale of the said property.
- (b) In addition to the methods outlined herein for the recovery of outstanding rates or charges, Lac La Biche County reserves the right to discontinue water service to any property where any charges for services or work remain outstanding for a period of more than sixty (60) days.

12. RENTER RESIDENT OR BUSINESS

- (a) All utility accounts will remain in the name of the property owner and forwarded to the address of the property owner. When a property owner rents or leases a premise to which the County provides services, all utility accounts shall remain in the name of the property owner. When services are provided to a mobile home situated in a mobile home park, the utilities shall remain in the name of the owner of the mobile park.

13. CONTRACTS SUBJECT TO THIS BYLAW

All contracts formed by the filing of an application for water and the acceptance thereof by Lac La Biche County are hereby declared to be subject to all the terms and conditions of this Bylaw as amended from time to time.

14. WATER RATES

- (a) All consumers shall pay the fees, rates and charges levied on all lands served by or connected to the Water System of the County (hereinafter referred as the "Water Service Charges"), as per Lac La Biche County's Schedule of Fees and Charges which are set annually by Council as part of the budget development process and included in the Schedule of Fees and Charges Policy.

- (b) Water accounts are due 30 days from billing date. Any water account remaining unpaid by the end of the month following the month invoiced for shall have all unpaid totals together with interest at the rate of (2.5%) two and one half percent per month (30% per annum) added to their next utility bill.
- (c) All accounts which remain unpaid after the last day of the month following the month in which the account is rendered, shall be subject to being discontinued. A reconnection fee as stated in Subsection 8 (d) of this Bylaw, plus all outstanding rates or charges must be paid in full before service is restored.

15. BULK WATER ACCOUNTS

- a) The Bulk Water Accounts used to receive bulk water shall be on a first come first serve basis. Should there be no accounts available, the applicant shall be placed on a priority list and issued an account when one is available.
- b) Bulk Water Accounts held by residents of Lac La Biche County shall not be required to pay a minimum monthly service charge to have the account.
- c) Those residents which reside outside Lac La Biche County will not be allowed to open accounts but may use the coin operated outlets.
- d) All those Bulk Water Haulers wishing to set up an account with Lac La Biche County shall be required to pay those rates as established by Council from time to time, for all volumes metered. However, upon the passage of a resolution of Council approving the same, a Bulk Water Hauler who provides documented records to the satisfaction of the County that prove those volumes were delivered to Lac La Biche County residents, shall be charged the residential rate for those volumes.

16. LIABILITY AND ENFORCEMENT

- (a) Any Person who fails to comply with the provisions of this Bylaw or who fails or neglects to comply with any lawful order given by Lac La Biche County or the CAO, or his or her designate, may have their water service terminated and shut off, and may be required to pay such amounts, fees or charges as are provided for by this Bylaw.
- (b) Any Person who by themselves or others, or their servants or agents, by act of default, neglect or omission occasions any loss, damage or injury to the County's water distribution system, or any part thereof, is liable to the County for or in respect thereof.
- (c) Any Community Peace Officer is authorized to issue a violation ticket pursuant to the Provincial Offences Procedure Act in regard to any possible offence, infraction, breach or non-compliance with this Bylaw, or issue a notice, order or municipal violation tag in regard thereto.
- (d) Unless otherwise specifically provided in this Bylaw any person who contravenes any part of this Bylaw is guilty of an offence and is liable to pay a fine not exceeding \$2,500.00 exclusive of costs.

17. DISCLAIMER

Lac La Biche County is not able to and does not guarantee an uninterrupted supply of domestic water or a sufficient source of water at a pressure or flow sufficient for any particular purpose, including that which would enable fire hydrants within the municipal distribution systems to operate at normally accepted fire flows. Anyone who requires an uninterrupted supply of water is advised to make other arrangements.

18. Lac La Biche County Bylaw No. 10-026 is hereby repealed, at January 24, 2012 at 11:59 PM.

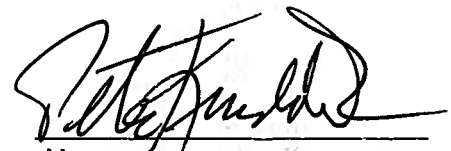
19. This Bylaw shall be referred to as the "Waterworks Bylaw", and shall become effective January 24, 2012 at 12:01 AM by Lac La Biche County Council.

MOTION BY COUNCILLOR SIEBOLD THAT BYLAW 12-003 BE GIVEN FIRST READING THIS 24TH DAY OF JANUARY, 2012.

MOTION BY COUNCILLOR PIQUETTE THAT BYLAW 12-003 BE GIVEN SECOND READING THIS 24TH DAY OF JANUARY, 2012.

MOTION BY COUNCILLOR KUMPULA THAT BYLAW 12-003 BE SUBMITTED FOR THIRD AND FINAL READING THIS 24TH DAY OF JANUARY, 2012.

MOTION BY COUNCILLOR UGANECZ THAT BYLAW 12-003 BE GIVEN THIRD READING THIS 24TH DAY OF JANUARY, 2012.



Mayor



Chief Administrative Officer