

BY-LAW #461-15
Village of Cremona Water Wastewater
Amended February 20, 2018

BEING a Bylaw of the Village of Cremona in the Province of Alberta, respecting Water and Wastewater Services in the Village of Cremona.

WHEREAS, pursuant to the *Municipal Government Act*, Chapter M-26 2000 and amendments thereto, provide for the passing of a Bylaw by a Municipal Council respecting Public Utilities within the Village; and

WHEREAS, Water and Wastewater Services are defined as a Public Utility;

NOW THEREFORE, Council of the Village of Cremona duly assembled and Pursuant to the *Municipal Government Act*, Chapter M-26 of the Revised Statutes of Alberta enacts as follows:

SHORT TITLE: This Bylaw may be referred to as the Water and Wastewater Bylaw of the Village of Cremona.

1. USE AND CONTROL

- 1.1 The use and control of all public waterworks, water treatment systems, and common sewers and of any sewage disposal works connected therewith shall be in accordance with this by-law.

2. AREA OF RESPONSIBILITY

- 2.1 All waterworks, sanitary sewers, storm sewers, drains, and sewage disposal works belonging to the Village and now laid down, or hereafter laid down, shall be under the direct control of the Village.

3. DEFINITIONS

- 3.1 **Authorized Person** means any representative appointed by the Village of Cremona.
- 3.2 **Bylaw Officer** means a person appointed by Council of the Village of Cremona or a Special Constable or a Peace Officer appointed by the Solicitor General of Alberta employed by the Village of Cremona or a member of the Royal Canadian Mounted Police.
- 3.3 **Meter** means a water meter used measure the amount of water used in either imperial or metric measurements.
- 3.4 **New Customer** means any owner, partnership or corporation.
- 3.5 **Owner or Person** means a person, firm, corporation, or any other entity that is registered under the Land Titles Act as the owner of the land receiving water and wastewater services.
- 3.6 **Service Line** means that line extending from the main in the street to the building being serviced.
- 3.7 **Street Main** means that portions of water and/or sewer line that is laid for the service of more than one person.

4. WATER WORKS

- 4.1 No person except those authorized by the Village shall make any connection with any of the public pipes or mains in the Village of Cremona.
- 4.2 All new customers requesting water service in the village must submit a deposit as set out the current *Village of Cremona Establishment of Fees for Services Bylaw* within 30 days of purchasing the property. This deposit will be used to offset any account arrears following final billing. If there are no arrears the deposit will be refunded in full to the customer. Refunds of deposits will be processed on written request only. Unclaimed deposits will be handled according to the *Municipal Government Act*.
- 4.3 All water service pipes laid on either private or public property shall be C.S.A. approved and meet the current construction standards of the Village of Cremona.
- 4.4 All water users require meters and remote reading devices to be installed on their premises. The cost of the meter and the remote reading device is to be borne by the Village of Cremona. Readers shall be installed towards the front of the building where convenient access is, and will be at all times, available to personnel from the Village.
- 4.5 Water meters must be installed in such a manner, and allow access to Village personnel for the purpose of reading, sealing, installing, replacing or shutting off the meter.
- 4.6 No connection may be made to the water service pipes between the property line and the meter.
- 4.7 Any person permitting any meter to be damaged by frost shall be liable for all costs incurred in the repair or replacement of the meter.
- 4.8 *All owners, tenants or occupiers shall give access to an authorized Village employee to:*
 - 4.8.1 *Install, service or seal a water meter and shall be liable for any damage which may occur to said meter;*
 - 4.8.2 *Shut off and seal a water line for non-payment.*
- 4.9 Should any person claim a meter is not working and requests that the meter be removed and tested, the said person shall deposit with the Village of a sum as stated in the current *Village of Cremona Establishment of Fees for Services Bylaw*. The property owner shall then bring the meter to the Village office and the public works department shall have the meter tested. If the meter is found to be over reading by more than three percent (3%) the deposit shall be refunded. Any meter meeting the three per cent (3%) guideline shall be considered adequate, and the deposit shall be forfeited along with any additional costs involved in the testing or reinstallation of the meter.
- 4.10 No person shall interfere with, cut or remove the wire seal on a meter, valve or outside readout except for the purpose of installation of the meter or reader.
- 4.11 To maintain adequate water supply within the Village, the Council or Management Staff of the Village may impose restrictions on the use of water.

- 4.12 No person shall disconnect a meter or do anything which may prevent or impede the flow of water through a meter, or which may affect the proper operation of the meter unless authorized by the Village.
- 4.13 Interference with hydrants and valves – except as hereinafter provided, no person other than authorized employees of the Village shall open, close, operate or interfere with any valves, stop cocks, hydrant or fire plug to draw water therefrom.
- 4.14 The Chief of the Cremona Fire Department, their assistants and officers, and member of that department, are authorized to use the hydrants or plugs for the purposes of testing or fire protection. All actions shall be under the direction of the Chief or his or her duly authorized officers.
- 4.15 No person shall in any manner obstruct the free access to any hydrant, valve or stop cock. No vehicle, building, rubbish or any other matter which would cause such obstruction of the street in which the hydrant is located, may be within (20) feet of the hydrant in the direction parallel with the said property line.
- 4.16 The Village shall assume the full responsibility and costs for any water service line which may hereinafter be frozen between the property line and the main line. Any water line frozen between the property line and the meter shall be the sole responsibility of the person owning the said property. Any costs incurred by the Village in thawing out a frozen line on behalf of the person, shall be recoverable and subject to the same penalties as taxes.
- 4.17 The Village shall assume the full responsibility and costs for any water service line which may hereinafter be broken between the property line and the main line. Any water line broken between the property line and the meter shall be the sole responsibility of the person owning the said property. Any costs incurred by the Village in repairing the water line on behalf of the person, shall be recoverable and subject to the same penalties as taxes.
- 4.18 No person shall throw or deposit any injurious, offensive or any substance into the water or waterworks which would detract from the quality of the water within the system. Nor shall any person commit any willful damage or injury to the works, pipes, or water quality or encourage it to be done.

5. WASTEWATER

- 5.1 No person other than those authorized by the Village shall make any connection to the Village's wastewater lines, mains or system.
- 5.2 No person shall throw, deposit, or leave in/or upon any Village sewer, or any trap, basin, grading, manhole, or other appurtenance of any Village sewer, any injurious, or offensive matter. Nor shall any waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly discharged to any sewer without such previous treatment as shall be prescribed by the Village for each such case. The necessary treatment works so prescribed shall be completely installed by the applicant at that person's expense, prior to the construction of the sewer connection and thereafter shall be continuously maintained and operated by the owner.
- 5.3 Any person claiming that any wastewater service line located on Village property is plugged or is plugged because of a problem with the village main, or not laid according to good practice, the said person shall deposit with the Village according to

the current *Village of Cremona Establishment of Fees for Services Bylaw*. The Village will then be authorized to open the said wastewater service line by any method it considers necessary.

- 5.4 Should the said service line be found properly laid according to good work practice and no problem with the main found, that person shall forfeit the said deposit and shall be liable to pay all costs incurred by the Village to open the line and/or determine the problem. Such costs so incurred shall be subject to the same penalties and are collectible by the same practices as taxes levied by the Village.
- 5.5 No person shall permit to be discharged into any wastewater line, any liquid or liquids or steam, condensed water, or heated water of a higher temperature than 77 degrees Celsius or 170 degrees Fahrenheit.
- 5.6 Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries, and such other places as the Village, under advisement may direct.
- 5.7 Sumps of sufficient size and approved design shall be placed on the waste pipes from all car washes and any other building which may cause excess dirt and debris to pass into the wastewater system.
- 5.8 Unless permitted by the Village, no person shall connect any roof downspout, weeping tile, exterior foundation drain or areaways drain, or collect or direct other sources of surface runoff or ground water, to a building sewer system, or building drain this in turn is connected directly or indirectly to a sanitary line.
- 5.9 Where a dispute exists as to the responsibility for wastewater service failures or blockage, a video inspection or an electronic line location may be performed in an attempt to determine the location of the problem. All costs associated with such determination shall be borne by the party responsible for maintaining the portion of the building sewer where the problem is found to exist.
- 5.10 No person shall lift, turn, remove, raise or otherwise tamper with the cover of any manhole, or other appurtenance of any sewer except where authorized by the Village.
- 5.11 No person shall cut, break, pierce or tap any Village sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any Village sewer, except where duly authorized by the Village.
- 5.12 No person shall interfere with the free discharge of any town sewer, or part thereof, or do any act or thing which may impede or obstruct the flow or clog up any Village sewer or appurtenance thereof.
- 5.13 An authorized Village employee or Plumbing Inspector shall have the right at all reasonable times to enter houses or other places which have been connected with Village sewers, and facilities must be given to him to ascertain whether or not any improper material or liquid is being discharged into the sewers, and he shall be authorized to stop or prevent from discharging into the sewer systems, any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of sewage.

- 5.14 The persons occupying any premises connected to a street main by a sewer line shall be required to keep the said sewer service line in operating condition at all times and shall be fully responsible for the operation of the said sewer service line.
- 5.15 All sewer connections intended for mobile home use are required to provide an outside clean out as specified by the Village.

6. RIGHT OF ENTRY

- 6.1 Any duly authorized employee or agent of the Village, bearing proper credentials and identification, may enter upon any property for the purpose of inspection, observation, measurement, sampling or testing in accordance with the provisions of this Bylaw. If such an inspection discloses any failure, omission, or neglect respecting any water or wastewater services upon the property, or discloses any defect in the location, construction, design or maintenance of any facility or connection, the person making such inspection may, in writing, notify the consumer, owner, proprietor or occupier to rectify the cause of complaint within a reasonable time as determined by the Village Manager. Such person shall, within the time specified in the notice; rectify the complaint stated in the notice.

7. LIABILITY FOR DAMAGE

- 7.1 The Village will not be liable for any damages whether direct or indirect, suffered by any person or premises as a result of any obligation of the Village pursuant to this by-law or the failure of the Village to discharge any of its obligations pursuant to this by-law unless the Village is proven grossly negligent.

8. PROVISIONS FOR OPERATIONS

- 8.1 The Village may provide, supervise, and operate the facilities and equipment necessary for the construction, maintenance, control and operation of the water and sewer systems of the Village.
- 8.2 The Village may enter into a contract with any person for the construction and/or operation of the whole or a portion of the water and sewer system within the Village.
- 8.3 The Village may:
 - 8.3.1 supervise the construction, control and operation of water and sewer systems.
 - 8.3.2 direct the days, times and ways that the water and sewer system shall be utilized by designation area of the Village.
 - 8.3.3 decide as to the quantities and classes of sewage to be accepted in the system from any premises.
- 8.4 Subject to the provisions of this by-law, the decision of the Village as to:
 - 8.4.1 that amount of water supplied to any person and/or premises and
 - 8.4.2 the amount and types of sewage which the Village is obliged to accept from any person and/or premises shall be final and conclusive subject only to the superior statutory of another entity.

9. MISUSE OF SERVICES – GENERAL

- 9.1 No person shall hinder or interrupt or cause or procure to interrupt, the Village or its contractors, agents, employees, in the exercise of powers and duties related to the water and sewer services and authorizations contained in the by-law.
- 9.2 No person shall let off or discharge water so that it runs waste or in a useless manner.

10. DANGEROUS GOODS

- 10.1 No person shall place or mix any dangerous goods, hazardous waste or biological waste in either the water or sewer system of the Village.
- 10.2 Any person or like enterprise breaching any part of the hazardous waste section including but not limited to spills, leaks, or dumping upon Village right-of-ways, shall be responsible for all costs incurred in the elimination of any pollution or contamination of the sites involved in the Village and shall make payment of the same to the
- 10.3 Village on demand, such restitution will not exempt the person or organization from prosecution for contravention of this by-law.
- 10.4 The owner or person responsible for the existence or accumulation of hazardous waste or an agent of the owner or responsible person shall cause the hazardous waste to be transplanted to a disposal site and disposed of as prescribed by the Executive Officer of the Local Board of Health and in a special disposal area designated by the Province of Alberta.

11. RATES AND FEES

- 11.1 Every utility account customer being the owner of the property shall pay a rate and consumption charge for the service and supply of water and or sewer collection in accordance with by-laws established by the Village.
- 11.2 Landowner/Property Owners who rent their property must have the utility account in their name. The owner may request a duplicate copy of their utility bill by signing an authorization at the Village Office.
- 11.3 The liability for utility payment will reset with the Landowner/Property Owner.

12. BULK WATER

- 12.1 The Village may provide bulk water service at a rate established by resolution or by-law of Council.
- 12.2 The Village is responsible for the maintenance and facility for bulk water purchases and therefore may close the facility for maintenance or when water is not available for sale.

13. PAYMENT & PENALTIES)

- 13.1 Should any combined water and wastewater account or portion thereof remain unpaid for more than sixty (60) days following the date of the billing, the Village of Cremona shall have the right to enforce payment by transfer of the unpaid amount to the property tax account or the right to disconnect the water supply to the property.

- 13.2 Where it has become necessary to transfer the unpaid amount to the property tax account, it shall be subject to the same penalties and shall be collectible by the same procedures as taxes levied by the Village of Cremona.
- 13.3 Where it becomes necessary to discontinue service for non-payment of an account, reconnection will not be made until all arrears are paid in full and in addition, a reconnection charge as specified in the Village of Cremona Establishment of Fees for Services Bylaw will be payable in advance.
- 13.4 That in the case of default of payment of the combined water and wastewater charges, or each in any of them, the Village of Cremona may enforce payment by action in a court of competent jurisdiction or alternatively by distress upon seizure of good and chattels of the owner or occupant or alternately by making the water and wastewater charges in default, a charge against or lien upon the properties served by these utilities, and in the event the charge of lien is so made it shall be subject to the same penalties and shall be collectively by the same procedure as taxes levied by the Village of Cremona.
- 13.5 NSF Cheques: A penalty as stated in the current Village of Cremona Establishment of Fees for Services Bylaw will be imposed on any customer issuing an NSF cheque to the Village of Cremona.

14. ENFORCEMENT PROCEDURES

- 14.1 Where a Bylaw Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.
- 14.2 Notwithstanding Section 14.1, a Bylaw Officer may, in lieu of prosecution, issue to any person by personal service or regular or registered mail, a Bylaw Violation Tag in a form as approved by the Chief Administrative Officer.
- 14.3 A person who has been issued a Bylaw Violation Tag in respect of a contravention of this Bylaw and who has fully paid the penalty in lieu of prosecution prescribed thereon within the time allowed for payment shall not be liable to prosecution for the contravention.

15. PENALTIES

- 15.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500.00) and not less than SEVENTY-FIVE DOLLARS (\$75.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- 15.2 The specified penalty in respect of a contravention of a specific provision of this Bylaw is the amount provided in the current Village of Cremona Establishment of Fees for Services Bylaw.
- 15.3 The penalty in lieu of prosecution payable for a specific contravention of this Bylaw is the amount provided for in the current Village of Cremona Establishment of Fees for Services Bylaw.

- 15.4 Where any person contravenes the same provision of this Bylaw twice within a twelve (12) month period, the specified penalty payable in respect of the second contravention shall be double the amount provided for in the current Village of Cremona Establishment of Fees for Services Bylaw.
- 15.5 Where any person contravenes the same provision of this Bylaw three or more times within a twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount provided for in the current Village of Cremona Establishment of Fees for Services Bylaw.
- 15.6 A contravention of this Bylaw proceeded with in lieu of prosecution shall be deemed to be a contravention for the purposes of Sections 15.4 and 15.5.
- 15.7 The payment of any penalty or the imprisonment for any period as imposed pursuant to this Bylaw shall not relieve a person from the payment of any fees, charges or costs for which he is liable under the provisions of this Bylaw.

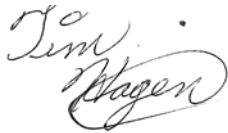
16. MISCELLANEOUS

- 16.1 The amendments to this Bylaw shall come into force and effect on the date of the final passing thereof.

Amended and Read a first time this 20 day of February, 2018.

Amended and Read a second time this 20 day of February, 2018.

Amended and Read a third time this 20 day of February, 2018.



Tim Hagen, Mayor



Luana G. Smith, Chief Administrative Officer