

VILLAGE OF GLENWOOD

BYLAW # 242-2017

Municipal Utility Bylaw

A BYLAW OF THE VILLAGE OF GLENWOOD IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING MUNICIPALLY PROVIDED UTILITIES WITHIN THE MUNICIPALITY OF THE VILLAGE OF GLENWOOD.

WHEREAS, the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, permits the municipality to pass Bylaws regarding the provision of public utilities; and

WHEREAS, all waterworks, sanitary sewers, drains and sewer disposal works belong to the Village and shall be under the direct control and management of the Village;

NOW THEREFORE under the authority of the *Municipal Government Act*, the Council of the Village of Glenwood, in the Province of Alberta, enacts as follows:

1. TITLE AND DEFINITIONS:

- 1.1 **Title** – This bylaw may be cited as the “Municipal Utility Bylaw”.
- 1.2 **Definitions** – In this bylaw unless the context otherwise requires:
- (a) **Administrator** – Chief Administrative Officer of the Village.
 - (b) **Commercial** – As determined by the municipal property assessment.
 - (c) **Council** – Village council, duly assembled, serving in its legal capacity.
 - (d) **Domestic Use** – Water used for human consumption within the home and includes bathing, washing and toilet flushing.
 - (e) **Emergency** – Any situation defined as an emergency as determined by the Administrator or delegate.
 - (f) **Fee Schedule** – A schedule of all fees charged by the Village as set by Council resolution on a yearly basis.
 - (g) **Industrial** – As determined by the municipal property assessment.
 - (h) **Irrigation Water** – Water which is not treated, safe or suitable for human consumption that is supplied by the Village through an underground system originating in the United Irrigation District canal adjacent to the Village.
 - (i) **Main Line** – Village owned main Water and/or Sewer lines within the streets for the conveyance of Water and/or Sewer throughout the Village to which Service Lines may be connected.
 - (j) **Multi-Unit Residential** – Includes townhomes, apartment buildings, duplexes, triplexes, or any Residential dwelling designed to accommodate more than one family.

- (k) **Owner** – Person registered as owner of a property according to the *Land Titles Act*, or a person, firm, or corporation being the registered owner or purchaser entitled to possession under an Agreement for Sale of Property.
- (l) **Penalty** – A charge imposed by the Village for a violation of this bylaw.
- (m) **Residential** – A single family detached dwelling.
- (n) **Rural Account** – Utility account serving property outside the Village boundaries.
- (o) **Sewer or Sewage Service** – System of removal of sewage from buildings via underground pipes to its ultimate disposal in the Village sewage settling pond.
- (p) **Service Line** – A line which runs from the Main Line to a building or other place on a parcel of land for the purpose of providing the Utility Service to the parcel.
- (q) **Service Connection** – The part of the system or works of a Utility that runs from the Main Lines of the Utility to a building or other place on a Property for the purpose of providing the Utility Service to the Property and includes parts or works such as the pipes, wires, couplings, curb-cocks, Meters and other apparatus.
- (r) **Solid Waste** – Non-hazardous garbage or refuse typically generated by households and Commercial establishments.
- (s) **Utility Invoice** – An invoice rendered to a property Owner for rates/charges payable according to this Bylaw.
- (t) **Utility Service/Services** – Includes, as the context requires:
 - (i) Supply of Water.
 - (ii) Provision of Sewage waste water collection/disposal.
 - (iii) Provision of Solid Waste services at local transfer station.
 - (iv) Irrigation Water.
- (u) **Village** – Corporation of the Village of Glenwood; the area contained within its boundaries.
- (v) **Water** – Potable water that has been treated in the Village water treatment system so that it is safe and suitable for human consumption.

2. RATES:

- 2.1 Every property Owner shall pay to the Village of Glenwood the rates as established by Village Council and outlined in Schedule “A”.
- 2.2 The Administrator shall have the right to determine into which classification any service belongs. Disputes can be appealed to Council; Council’s decision will be final and binding.
- 2.3 Rates charged by Council shall cover all the costs of operating and maintaining the Water, Sewer, Solid Waste, and Irrigation Water systems.

3. WATER & SEWER SERVICE:

- 3.1 Service Connections located within the property boundaries of a property are owned by the Owner of the property, and the Owner shall be responsible for the construction, maintenance and repair of that portion of the Service Connection. Work done to connect to Village utilities shall be done in coordination with, and the approval of, the Village.
- 3.2 Any property Owner who desires a Water and/or Sewer Service Connection, from the Village, shall apply to the Administrator and pay the required Service Connection fee(s) as indicated in Schedule "A" before work on either Connection commences.
- 3.3 Any site inside the Village which is provided with a Water Service Connection must also be provided with a Sewer Service Connection.
- 3.4 Council may refuse to change any existing services at any time for any reason which it may consider sufficient.
- 3.5 Water and Sewer rates will be charged to each property with an existing service based on the fees indicated in Schedule "A".
- 3.6 A reconnection fee as outlined in Schedule "A" may be charged whenever the Water is required to be turned off or reconnected.
- 3.7 Rural Account property Owners with delinquent accounts, as outlined in Section 5, will be charged a fee to turn off the Water and an additional fee to reconnect.
- 3.8 The maintenance of the Service Line from the Main Line to the property boundary is the responsibility of the Village. The Village will ensure the maintenance of the Main Lines of the distribution system and those lines up to the property boundary.
- 3.9 The maintenance of the Service Line within a property's boundaries is the responsibility of the property Owner. The cost of any Water lost within the property line (if determined) shall be the responsibility of the property Owner.

4. WATER METERS:

- 4.1 Every Rural Account property which is provided with Water via the Village Water distribution system is required to have a Water meter which is approved by the Village as soon as the Village can provide them and have them installed.

- 4.2 Water meters remain the property of the Village, and the Village retains the right to access properties for the purpose of reading, calibrating, repairing, or replacing, meters as permitted for by the *Municipal Government Act* Division 4, Sections 541 to 544(1).
- 4.3 Every meter must have attached to it, an approved electronic device which duplicates the meter reading including the meter serial number, and the volume of Water which has gone through the meter. The electronic device may be attached to a radio sending unit provided by the Village. The cost of the electronic units is the responsibility of the Village.
- 4.4 Any damage to the meter or to Village owned plumbing upstream from the meter caused by any form of neglect by the property Owner, including but not limited to allowing the installation to freeze, is the responsibility of the property Owner to have repaired promptly by a licensed plumber. Any costs associated to the repair or replacement of the meter or plumbing are the responsibility of the building Owner.
- 4.5 If a meter, or Village owned plumbing, upstream from the meter is damaged or fails to maintain Water tight integrity, it is to be immediately reported to the Village.

5. BILLING REGULATIONS:

- 5.1 A Utility notice showing the service charges to property Owners shall be sent to the property Owner on a **bi-monthly basis by the 14th day of the month of bill issuance**, and payment of these accounts shall be due and payable by the last business day of the **following month**. The Water Service charge shall be combined on the same Utility Invoice with the irrigation charges, Sewer charges, and the Solid Waste charges, but each of these charges shall be calculated separately and separate entries shall be made on the Utility Invoice.
- 5.2 All rates and charges found in Schedule "A" are based on whole units or charges. A partial unit or charge shall be invoiced as a whole unit. Marginal use beyond the first unit or charge, defined as 10% or less, shall not be invoiced.
- 5.3 All Schedules attached form part of this bylaw and may be amended from time to time by simple resolution of Council.
- 5.4 All property Owners are responsible for the Utility payments for their primary residences and for any other of their properties within the Village, rentals or otherwise. The Village will not cancel any outstanding amounts owing on properties due to tenants not paying for their utilities.

- 5.5 In the event that any Utility Invoice remains unpaid beyond the payment due date, a Penalty shall be applied to any outstanding arrears and subject to collection in the same manner as all other rates and charges. The Penalty shall be in the form of an interest rate as contained in Schedule "A".
- 5.6 Those Rural Account customers whose accounts are delinquent in excess of four (4) months will be served notice of disconnection of Water service. Those property Owners who do not pay their account in full will have their Water service disconnected two weeks after receiving notice of disconnection. Residents who have unpaid Utility charges on their account will have the outstanding charges transferred to their respective tax accounts during the month of February of the current year. Any amounts transferred will be subject to the same penalties as tax arrears on that account.
- 5.7 Payment of Utility accounts is to be made at the office of the Administrator, in person, by mail, via the Village drop box or by Internet Banking. Accounts submitted by mail shall be deemed to be received on the postmark date shown on the envelope. Failure to receive an account billing shall in no way affect the liability of the property Owner to pay the account.
- 5.8 Post-dated cheques will not be accepted in payment of any account.
- 5.9 Any property Owner intending to vacate any premises that has been supplied with Water from the waterworks or who is desirous of discontinuing the use thereof shall pay the disconnection fee; give two (2) days notice of the same at the Village Office and the Water and Sewer charges will be discontinued. Otherwise the established rates may be charged until such notice is given and the Water turned off.
- 5.10 Utility billings will not be charged on a prorated basis.
- 5.11 The said Utility charges and or penalties shall be:
- (a) A debt recoverable by action, and
 - (b) A lien upon the property and subject to the same penalties, and
 - (c) Collectible in the same manner as taxes due and owing.
- 5.12 Notwithstanding any other provision of this bylaw or rate schedules forming part hereof, any property Owner who feels aggrieved in respect of rate charged to him under this bylaw on the ground that such rates are unfair, unreasonable or discriminatory may, by notice in writing delivered to the Village office, specifying the grounds of complaint, appeal such rates. Such appeal shall in the first instance be heard and determined by the Administrator, provided that if such property Owner is not satisfied with such determination they may, by notice in writing to be

delivered to the Village office within 30 days of the date of such determination, further appeal the matter to Council.

- 5.13 In the event an error has occurred in the Utility billing:
- (a) And the Village is responsible, the account will be adjusted for up to 6 months billing periods, plus the current period.
 - (b) And the property Owner is responsible, it shall be adjusted from the date notification is received.

6. IRRIGATION SERVICE:

- 6.1 Any property Owner who desires an irrigation Service Connection from the Village shall apply to the Administrator and pay the required Service Connection fee as indicated in Schedule "A", as well as any associated construction costs.
- 6.2 Irrigation service rates shall be charged to each property with an existing service based on the fees indicated in Schedule "A".
- 6.3 Irrigation Water is obtained from the United Irrigation District, and the Village is not responsible for either the quantity or the quality of water provided for irrigation within the Village.

7. SOLID WASTE SERVICE:

- 7.1 No one shall deliver to the Solid Waste Transfer Station operated by Chief Mountain Regional Solid Waste Authority, any Solid Waste which has not been generated on his or her property in the Village.
- 7.2 Solid Waste rates will be charged to each developed property based on the fees indicated in the current Schedule "A".

8. VIOLATIONS:

- 8.1 No person or corporation in the Village, whether a property Owner or an occupant of a premises, shall have installed a device or a connection between the potable Water system and the Village irrigation system for any purpose.
- 8.2 No Owner or person in charge of a premises in which Sewer Service is being provided, is to place, or allow to be placed in the Sewer system anything other than human waste, toilet tissue, and grey water residue from bathing, dishwashing and

other Domestic Uses. No toxic or potentially environmentally damaging substance may be placed in the Village Sewer system.

- 8.3 Curb stops and fire hydrants shall be operated only by those authorized by the Administrator to do so. Any person violating this section will be subject to a Penalty and be liable for the cost of repairing any damage resulting from the operation of the curb stop or fire hydrant.
- (a) If a person or corporation or property Owner violates Section 8c of this bylaw during an Emergency, the Village may waive any Penalty and costs involved.
- 8.4 No property Owner shall wrongfully or improperly waste Water. Village Water may not be used for any resale purposes. The Water provided by each service shall only be used to service that property.
- 8.5 No person shall interfere with the operations of the Village's Main Line system or be subject to the Penalty indicated in Schedule "A".
- 8.6 Each Village owned Irrigation Water connection is contained in an irrigation box adjacent to the properties serviced. Each irrigation box contains two connections for standard domestic or "garden" hoses, one for each adjacent lot. No person shall, alter, adjust, remove, or otherwise modify the Village-owned irrigation connection.
- 8.7 Any property Owner or occupant of a premises in the Village who allows Water from the Village irrigation system to flow from that property Owner's or occupant's property onto adjacent property whether privately or publicly owned shall pay a Penalty as indicated in Schedule "A" and have their irrigation system shut off without notice.
- 8.8 Any tampering of the Water meter of any kind by the property Owner will result in a fine as outlined in Schedule "A".
- 8.9 The cost to repair a damaged Water meter for a Rural Account property that in the opinion of the Village is the result of neglect by the property Owner will be repaired by the Village and billed to the property Owner.

9. ACCESS TO PROPERTY:

- 9.1 Access to property shall be governed by the *Municipal Government Act* Division 4, Sections 541 to 544(1).

10. GENERAL:

- 10.1 No further potable Water connections shall be allowed by the Village to any residence or other place located outside the boundaries of the Village unless Cardston County obtains licence and the Village sells Water to the County for distribution.
- 10.2 No Water or Sewer Service will be extended to any vacant lot until such time as an approved housing type as outlined within the Land Use Bylaw has been approved by the Municipal Planning Commission and is in the process of being constructed.
- 10.3 To maintain an adequate Water supply within the Village, the Village Council or the Administrator, as the case may be, may impose restrictions on the use of Water. Such restrictions shall state the day or days and periods of time within the day or days that Water may be consumed.
- 10.4 Any property Owner who pays for their year's utilities charges by the end of February of that year will receive one month's credit to their account.
- 10.5 The Village does not guarantee pressure, continuous supply or potability of Water and shall have the right to shut off, without notice, Water, Sewer, or Irrigation lines for the purpose of making repairs or in constructing new work for as long as may be necessary. The Village shall not be considered liable for any damage that may occur to any property as a result of the service being temporarily disconnected while making the necessary repairs or extensions.
- 10.6 Any Residential buildings newly constructed or newly moved into the Village must be connected to the Village Water distribution system, and must also be connected to the Village Sewer system within one week of the completion of construction, and before occupancy.
- 10.7 Property Owners desiring to build on lots that are not currently serviced with Utility Main Line extension along the frontage of their property shall do either of the following options:
 - (a) Wait for the extension of the Main Line to the property as paid for by the Village as part of the Village Council's capital infrastructure priorities.
 - (b) Pay for the extension at their expense and allow for the Village to take ownership of the line. The extension of the main must be engineered and project managed by the Village's engineering firm to ensure that consistent standards are achieved throughout the distribution system. There will be no compensation to the property Owner who paid for the line to be installed should another property Owner choose to connect to the new line at a later date.

- 10.8 Developed but vacant premises without Water Service currently turned on shall not be invoiced for Water, Sewer or Solid Waste disposal charges; however they will still be subject to irrigation charges. Premises under construction shall be invoiced for Solid Waste disposal charges, which will be payable by the property Owner.
- 10.9 Utility accounts outside of the municipal limits of the Village of Glenwood are subject to a flat charge fee plus consumption based billing once a Water meter is installed to monitor the property. Service, conditions, and billing regulations are the same as those inside the Village.
- 10.10 Should a major repair or upgrade be required to the Village Water treatment system, or Water delivery system, the costs associated to the repair or upgrade may be apportioned pro rata to all users of the system.
- 10.11 Property Owners of the Village of Glenwood may have their pro rata portion of the repair or upgrade added to the property tax payable on each property. The Village may, in lieu of adding the cost of a repair or upgrade to Village property taxes, choose to pay from general revenue or from an applicable grant, the amount owing by Village property Owners for the repair or upgrade.
- 10.12 Any situation with respect to utilities which is not addressed in this bylaw shall be governed by the *Municipal Government Act*.
- 10.13 All Fees and Penalties outlined in Schedule "A" of this bylaw shall be updated from time to time at Council's discretion in the current Fees and Charges Schedule of the Village. The fees outlined in the Fees and Charges Schedule shall be considered current.

11. SEVERABILITY:

- 11.1 If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

12. RESCINDING BYLAW:

- 12.1 Bylaw 242-2015 is hereby repealed.

13. DATE OF COMMENCEMENT:

13.1 This bylaw shall come into effect upon third and final reading.

Read a FIRST time this 8th day of November, 2017.

Read a SECOND time this day of , 2017.

Read a THIRD time and finally passed this day of , 2017.

Gerry Carter
Mayor

Chad Parsons
Chief Administrative Officer

DRAFT

SCHEDULE "A"

FEES:

Relevant Fees can be found in the Village of Glenwood Fees, Rates & Charges Bylaw.

PENALTIES:

1. If any invoice remains unpaid beyond the payment due date, a Penalty of 2% per month compounded monthly shall be added to the amount owing.
2. Penalties levied under this bylaw are to be paid by the last business day of the month as indicated upon the Utility billing invoice.
3. Any unpaid penalties outlined in this bylaw that are permitted by the *Municipal Government Act* (MGA) to be transferred to a tax roll of the property Owner, shall be transferred and shall be eligible for additional tax arrears penalties until they are paid in full.
4. Any Utility bill that remains outstanding past the due date shall be subject to a 2% interest charge per month (24% per annum).
5. Any person, corporation or property Owner found to be in violation of Section 8.1, 8.3, 8.5, or 8.6 of this bylaw shall be liable for a first violation fine of \$500.00 and for a second or subsequent violation fine of \$1000.00.
6. Any person, corporation or property Owner found to be in violation of section 8.2, 8.4, 8.7, or 8.8 of this bylaw shall be liable for a first violation fine of \$100.00 and for a second or subsequent violation fine of \$200.00.