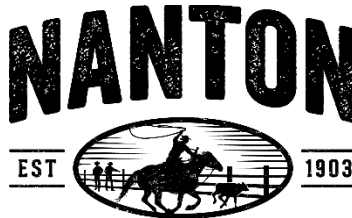




UTILITIES BYLAW 1283/17

UNOFFICIAL CONSOLIDATED BYLAW (INCORPORATING ADOPTED AMENDMENTS)



DECEMBER 1, 2022
TOWN OF NANTON

Amendments Table		
Bylaw Number/Year	Reason	Section(s)
1335/20	Introduction of leniency measures on billing.	Addition of section 12.
1367/22	Water Conservation restriction levels amended.	8.1, 8.2, 8.3 amended, addition of Schedule 'B'.
Amended or new content is highlighted in yellow.		
<p>Other notes:</p> <ul style="list-style-type: none"> Section 9.1 of this bylaw is aligned with section 3.2.3 of bylaw 1349/21 (Public Tree Management) with respect to public trees impacting sewer service lines and the protocols around removal. Some powers under section 8.3 of this bylaw (Level 3 'Critical') are dependent upon Council-determined changes to the Fees and Rates Bylaw. 		

Further direction to staff: if it is determined that the present bylaw (as amended) should be repealed and/or replaced by Council, this consolidated bylaw is typically the starting point for drafting or re-drafting.

The Chief Administrative Officer certifies that this is the correct unofficial consolidated bylaw on the following date:

December 2nd 2022



CHIEF ADMINISTRATIVE OFFICER



BYLAW

Bylaw Number: 1283/17

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA RESPECTING THE MUNICIPAL UTILITY SYSTEM FOR THE TOWN OF NANTON.

PURPOSE:

WHEREAS the Municipal Government Act, being the Revised Statutes of Alberta 2000, Chapter M-26, and amendments thereto, authorizes a Municipal Council to pass Bylaws pertaining to public utilities, and

WHEREAS, the Town of Nanton has deemed it appropriate to provide for the establishment and operation of certain public Municipal Utility Services, including provision for the terms and conditions under which such utilities will be provided,

NOW THEREFORE, the Council of the Town of Nanton, in the Province of Alberta, in Council assembled enacts as follows:

1. ENACTMENT:

The Town of Nanton hereby establishes the following Municipal Utility System Bylaw regarding the Water, Wastewater and Storm water systems, and this Bylaw will be known as the "Municipal Utilities Bylaw".

2. DEFINITIONS:

In this bylaw where the terms he or she or him or her are used, the association shall be gender neutral.

- 2.1 **Application** is the application made by the customer to the Town for the supply of utility services.
- 2.2 **Authorized Person** is any person employed, contracted or approved by the Town to perform works relative to this bylaw.
- 2.3 **Billing** shall mean the rates, costs and/or charges associated with the provisions of the Bylaw which shall be levied on a bimonthly basis to the Customer.
- 2.4 **Bulk Water** shall mean the supply of water by the Town of Nanton through a delivery system including, but not limited to, the bulk water station, located on a portion of Lot 11, Block 4, Plan 43621.
- 2.5 **CSA** means Canadian Standards Association.
- 2.6 **Chief Administrative Officer** is the person appointed to the position by Council in accordance the Municipal Government Act, and is referred to throughout this Bylaw as the CAO.



- 2.7 **Customer** is any person who has entered into a contract with the Town of Nanton for Municipal Utility Services, or who is the owner or occupant of any property connected to or provided with a Municipal utility system and service.
- 2.8 **Council** is the Council of the Town of Nanton elected pursuant to the provisions of the Municipal Government Act.
- 2.9 **Curb Stop** is the device on a Water Service Line used to shut off, control, interrupt or discontinue the supply of water to a customer.
- 2.10 **Department** is the department of the Town of Nanton authorized by the CAO, charged with the responsibility of constructing, operating and maintaining the Municipal Utility System.
- 2.11 **Director of Operations** is the person with authority to supervise and have charge of the Department, subject to the powers delegated to him by the CAO.
- 2.12 **Due Date** is the billing date shown on the Town of Nanton Utility bill.
- 2.13 **Meter** is a calibrated mechanical and/or electronic measuring device used to measure the amount of water consumed on the premises where the meter is installed, and shall include the device utilized for the reading of the meter.
- 2.14 **Municipal Utility System** includes, as the context may require, the Municipal Water System, Municipal Wastewater System and the Municipal Storm Water System. The term also describes and includes all aspects of manufacture (treatment), supply and distribution of treated water and the provision for wastewater and storm water collection, treatment and disposal, as follows:
- a. **Municipal Water System** means the system of water reservoirs, treatment plants, pumping stations, transmission mains, distribution mains, service lines and connections, valves, fittings, hydrants, meters, backflow prevention device and all other equipment and machinery of whatever kind owned by the Town and which is required to supply and distribute water to all Customer and which is deemed to be a part of the Public Utility within the meaning as stated in the MGA.
 - b. **Municipal Wastewater System** means the treatment facility, pipes, manholes and all related structures designed exclusively for wastewater collection, treatment and disposal.
 - c. **Municipal Storm Water System** means the pipes, ditches and all related structures designed exclusively for storm water collection, treatment and disposal.
 - d. **Distribution / Collection Main** is that portion of the water and/or wastewater system installed in Town owned right of ways and/or land for the purpose of providing municipal utility services for more than one property
- 2.15 **Municipal Utility Services:**
- a. **Municipal Water Service** is that part of the Municipal Utility system from the distribution main to the property, by which by the Town supplies water to Residential and Non-Residential Customers.
 - b. **Municipal Wastewater Service** is that portion of the wastewater system from the collection mains to the property line of the land or building being serviced.
 - c. **Municipal Storm water Service** is the provision of the Public Utility for the purpose of drainage.

- 2.16 **New Lawn** shall mean newly laid sod or newly planted grass seed.
- 2.17 **Non-Residential Service** is a utility service connected to a property used for commercial or industrial purposes and will include, without limiting the generality of the foregoing, lodges, schools, churches, halls and apartments or residential units beyond a duplex or semi-detached dwelling.
- 2.18 **Peace Officer** means any person appointed as a Peace Officer under another enactment who is designated by the regulations as a Peace Officer to whom all or part of the Province of Alberta Peace Officer Act and regulations apply.
- 2.19 **Penalty Date** is the date stated on a Utility Bill, which will not be less than 17 days from the **Due Date**; however, if the 17th of the month which the Utility Bill is due falls on a weekend or holiday, the penalty date will be moved to the next regular business day.
- 2.20 **Person** means an individual, firm, corporation, entity, owner, occupier, lessee or tenant.
- 2.21 **Plumbing Inspector** or **Inspector** is any person with the authority to supervise and inspect plumbing works requiring a permit under the Provincial Safety Codes Act and regulations thereto.
- 2.22 **Privy Vault** is that portion of a building or structure used for the purposes of holding human feces and urine that is otherwise not connected to the **Municipal Utility** system.
- 2.23 **Property Owner** is the registered owner of the property or building, as per Alberta Land Titles notification received by the Town, and is referred to throughout this Bylaw as “Owner”.
- 2.24 **Property** is land or buildings or both.
- 2.25 **Public Utility**, defined within the MGA, means the Municipal system or works used to provide services for public consumption, benefit, convenience, or use, refers to those Utilities provided by the Town of Nanton, including, but not limited to: water, wastewater disposal and drainage and waste management. In this bylaw, the term is also referred to as Utility or Utilities.
- 2.26 **Raw Water** is water that has not been processed via the Town of Nanton Water Treatment Plant.
- 2.27 **Residential Service** is a utility service supplied to a Single family, duplex or semi-detached or residential Condominium units, which are individually owned units for residential use, and does not include Mixed Use Residential use in conjunction with an approved Commercial land use.
- 2.28 **Services and Rates Bylaw** is the bylaw which established the fees and rates relative to the Town of Nanton Municipal Utility Services.
- 2.29 **Shut off** is an interruption in or discontinuation of the supply of water.
- 2.30 **Temporary Construction Service** means an application to the Town for a temporary connection to the Municipal Utility Services for a building that is in the process of new construction, which may requires any or all of the Services, prior to the final connection and inspection by an Authorized Person.
- 2.31 **Tenant** means a person who is entitled to use or occupy a premises within the Town of Nanton under agreement with the Property Owner, or as per the Town of Nanton Tenant Authorization Agreement signed prior to the passing of this bylaw.
- 2.32 **Town** is the Municipality of the Town of Nanton in the Province of Alberta.

- 2.33 **Utility Bill** is a bill, invoice or statement of account for fees, rates, charges or other amounts payable to the Town of Nanton pursuant to the Municipal Utility Services, including, but not limited to, water, wastewater, and storm sewer, and the charges in conjunction to the property for garbage and recycling charges as per the bylaw pertaining to these services.
- 2.34 **Utility rates** are based on two elements: a basic charge to cover fixed customer related costs (i.e. routine maintenance, accounting, fire protection hydrant systems and debt payments), and a consumption charge for each measurement of water used or wastewater discharged.
- 2.35 **Violation Ticket** is a ticket issued pursuant to Part 2 of the Provincial Offences and Procedures Act, R.S.A. 2000 c, P-34, as amended and Regulations thereunder.
- 2.36 **Wastewater Service connection** means the point at which the collection main of the municipal wastewater system provides the services to a property.
- 2.37 **Water Service Connection** means the curb stop valve from which the municipal water services are provided to a property.
- 2.38 **Water Service Line** is that portion of the water line from the distributing street mains to the property line of the land or building being serviced.

3. GENERAL MATTERS – MUNICIPAL UTILITY SYSTEM:

3.1 Authority:

- 3.1.1 Alberta Environmental Protection and Enhancement Act, Regulations and Guidelines are the authorities of precedence in all matters pertaining to the Town of Nanton's Municipal Utility Services, including but not limited to, water, wastewater and storm water, and will be the authority which sets the standards for all matters relating to discharge into the Municipal Utility Services.
- 3.1.2 The use and control of all municipal public utility services must be in accordance with this bylaw.
- 3.1.3 All municipal public utility services laid down, constructed or built, will be under the direct control of the Town.
- 3.1.4 The Council of the Town of Nanton hereby delegates to the CAO the authority to implement the provisions and requirements set out in this bylaw, any new directions provided by Council, and any amendments to directions provided under this bylaw, to ensure compliance with the use of municipal utility services provided by the Town.
- 3.1.5 In addition to Section 3.1.4, Council hereby delegates to the CAO the power to establish the times and places where rates, charges and fees, under this Bylaw are payable.
- 3.1.6 Council or the CAO may, at any time, make orders to conserve or restrict the use of water either by all consumers or by any particular class of consumers and either throughout the Town or in any particular area or areas of the Town. The order may specify that such use of water shall apply during such hours of any day of the week as may be specified in the order.
- 3.1.7 The CAO will have the right to determine whether a service will be classified Residential or Non-Residential.

3.2 Access and Authorization to Enter a Premises:

- 3.2.1 In accordance with the Municipal Government Act, The Town may, after giving reasonable notice to the Property Owner or occupier of the Property, enter any Property upon which a meter or shut-off valve is situated for the purpose of providing, maintaining or terminating the supply of a Municipal Utility Service to that Property.
- 3.2.2 The Customer is responsible to provide the Town reasonable access to the meter, shut-off valve and other Town infrastructure for the purpose of providing, maintaining or terminating the supply of a Municipal Utility Service.
- (a) The Town has the right at reasonable times to have an authorized person enter houses or other places which have been connected with municipal utility service, and entrance must be given to him to ascertain whether or not any improper substance or liquid is being discharged into the Municipal Wastewater System. The Town has the power to stop or prevent from discharging into the Municipal Wastewater System any private sewer or drain through which substances are discharged that are liable to injure the Municipal Wastewater System or obstruct the flow of sewage.
- 3.2.3 The Town may remove obstructions that are interfering with the performance of providing, maintaining or terminating the supply of a Utility Service and may charge the Customer the costs associated with such removal.
- 3.2.4 An authorized person may in accordance with this Bylaw and the Municipal Government Act:
- (a) enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Bylaw.
- (b) take samples of Wastewater, Storm Water, clear-water Waste and Subsurface Water being released from the premises or flowing within a private drainage system;
- (c) perform on-site testing of the Wastewater, Storm Water, clear-water Waste and Subsurface Water within or being released from private drainage systems, Pre-treatment Facilities and Storm Water management Facilities;
- (d) make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
- (e) require information from any Person, inspect and copy documents or remove documents from premises to make copies, concerning any potential violation of this bylaw;
- (f) inspect chemical storage areas and Spill containment Facilities and request Material Safety Data Sheets (MSDS) for materials stored or used on site;
- (g) inspect the premises where a release of prohibited or restricted Wastes or of water containing prohibited or restricted Wastes has been made or is suspected of having been made, and to sample any or all matter that in their opinion could have been part of the release.
- (h) perform other such tasks as deemed necessary in the provision and maintenance of the Public Utility Service.
- 3.2.5 Where an inspection discloses any failure, omission, or neglect respecting any Utility Service upon the Customer's premises, or discloses any defect in the location, construction, design or

maintenance of any facility or any connection there from to the Utility Service, the Authorized Person making such inspection shall, in writing, notify the Customer, Property Owner, proprietor or occupier to rectify the cause of complaint within a reasonable time as determined by the Town. Such notified Customer shall within the time limited rectify such cause of complaint stated in the notice.

- 3.2.6 No Person shall hinder or prevent the Inspector or designated officer of the Town from carrying out any of their powers or duties.

3.3. Service Connection:

- 3.3.1 All applications for connections to the Municipal Public Utility Service must be made in writing. The application must be filed in the Town office and must be signed by the owner of the property to be serviced, or by an authorized agent. (Note: In the context of this Bylaw, **agent** means every person who, by mutual consent, acts for the benefit the Customer.)
- 3.3.2 No person will be authorized to connect to the municipal utility service, except licensed plumbers or authorized employees of the Town.
- 3.3.3 No person, without first having obtained all applicable provincial and municipal permits and approvals, will make connection with any of the Municipal Utility System mains. The person so authorized will be fully liable for any damage caused while making such connection and will also provide all required safety provisions during the connection.
- 3.3.4 All service lines, installed on private property, between the property line and the meter, will be constructed as per the Provincial Plumbing code with Canadian Standards Association (CSA) approved material of equal quality to, and compatible with, the service lines in the street between the distribution main and the property line.
- 3.3.5 The Town or any of its employees will not be liable for any damage whatsoever in nature caused either directly or indirectly by any municipal utility service connection. The owner will be responsible for backfill, surface replacement, safety, and, without limiting the generality of the foregoing, matters of like nature.
- 3.3.6 The Town may revoke or cancel permission that may have been granted to connect with the Town municipal utility system if it finds that any of the work is not being done in accordance with the provisions of this Bylaw. The owner making said connection, will have no right to demand or claim any damages in consequence of such permission being revoked or cancelled.
- 3.3.7 Each property will have only one (1) service line from the main. A duplex dwelling shall require a separate service connection to the Municipal Utility System distribution main for each unit and each shall be controlled by a separate curb stop.
- 3.3.8 Within one year after a Municipal Utility Service becomes available, or upon the completion of a development on a property, the owner of every building situated on land abutting on any street in which there is a Water Main or a Wastewater Sewer, shall, at the owner's expense, connect such building to the water (and wastewater) systems, in accordance with the requirements and standards set out in the Alberta Building Code and elsewhere in this Bylaw.

3.4. Billing:

- 3.4.1 Utility billing will be issued for a two month (bimonthly) period.

- 3.4.2 Failure to receive a Utility bill shall in no way affect the liability of the Customer to pay the account.
- 3.4.3 Every property owner, who is served by a connection to the Municipal Utility Service of the Town of Nanton, will pay bimonthly to the Town, the regular Utility rates set out in the Town of Nanton Fees and Rates Bylaw.
- 3.4.4 A utility bill is due and payable to the Town on the due date.
- 3.4.5 The bimonthly Utility bill will be addressed to the registered property owner, as per the Town of Nanton Tax Roll. The Town will not re-direct Utility Bills to tenants or other persons.
- 3.4.6 A penalty will be added to all accounts not paid by the penalty date. If the penalty date falls on a weekend or a holiday, the penalty date will be moved to the next regular business day. Such penalty will be at the rate of two percent (2%) of the unpaid balance of the most recent billing period levy.
- 3.4.7 All payments shall be made at the Town Office or by mailing to the Town of Nanton, P.O. Box 609, Nanton, Alberta, T0L 1R0. Payments may also be made at any financial institution that accepts the Town's corporate creditor identification number for processing of bill payments, or via internet or phone banking systems. Such payments will be deemed received on the date of payment at the financial institution.
- 3.4.8 The Utility Customer in the Town of Nanton will have the option to enter into an agreement with the Town to provide for the payment of Utility levies by way of pre-authorized debit payments providing a written agreement in a form provided by the Town is filed with the CAO.
- 3.4.9 Remote reading of water meters will be conducted on a regular basis, for the purpose of the issuance of the utility account billing. Interim readings may be conducted for the purpose of change of owner during a billing period, or as required by the Town.
- 3.4.10 If the Town cannot obtain a reading, or gain access to read the meter, the consumption of the Utility Service shall be estimated upon such basis as the Town considers to be fair and equitable and the account rendered in accordance with such estimate. The estimate will be based on:
- (a) The average consumption of the previous three (3) billing periods, or
 - (b) The minimum rate for utility services supplied to that premises, whichever is greater.
- 3.4.11 Payment of an estimated amount shall not excuse the customer from liability for payment of a greater amount which may be owing after a meter is read.
- 3.4.12 When a Utility service is inactive, the basic bimonthly Utility Service Rate billing will continue to apply.
- 3.4.13 A Customer must report any billing discrepancies to the Town within six months of the billing date, where the error occurred.
- 3.4.14 The Town will consider corrections for the billing errors for up to a maximum of three billing periods prior to the date the error was discovered.
- 3.4.15 A Customer is responsible for all charges accruing to the Customer's account until such time as the account is closed.
- 3.4.16 If a Customer fails to give notice to the Town that the Customer's account is to be closed, the Customer shall remain responsible for all rates, charges, or costs associated with the municipal

utility service until such time as the Customer notifies the Town of the close of account, or a new Customer assumes responsibility of the services.

- 3.4.17 When a Customer gives notice to the Town that the Customer's account is to be closed, the Town shall obtain a final reading of any meter within five (5) business days and the customer shall be liable for and pay for all services supplied prior to such reading.

4. MUNICIPAL WATER SERVICE:

4.1 The property owner is responsible for the water service line from the curb stop connection to the premises.

- 4.2 After any new construction, reconstruction, alteration, change, or the completion of any work requiring permission from the Town, pursuant to this Bylaw, water will not be turned on to any property until the Customer has provided the Town with access to the premises to which the work was conducted in order for the Town to inspect the physical connections for the Utility and to obtain an initial meter reading for all metered Municipal Utility Services.

- (a) Only after the all of the above-mentioned work has been completed to the satisfaction of the Department, ~~with~~ (will) the Service be turned on.
- (b) The municipal utility service shall only be turned on or off by an authorized employee of the Town. To turn municipal utility service on or off requires a minimum of two working days' notice to the Town, by the property owner, except in emergency situations, as determined by the Town.

- 4.3 In all cases where boilers are supplied with water, the Town is not liable for any damages which may result to any person or property from shutting off the distribution main or device, or from failure of the water supply, for any purpose or cause whatsoever, even where no notice is given. All users of steam or hot water boilers must protect themselves by installing a storage tank, sufficient to provide at least a twelve-hour supply for each steam or hot water boiler. No deduction from a utility bill will be made as a consequence of any damages referred to in this paragraph.

- 4.4 The Town does not guarantee the pressure nor the continuous supply of water and reserves the right at any and all times without notice to change operating water pressures and to shut off water. The Town and its officers, employees and agents shall not be liable for any damages of any kind due to changes in water pressure, the shutting off of water, or by reason of the water containing sediments, deposits or other foreign matter.

- 4.5 Customers depending upon a continuous and uninterrupted supply of water and constant pressure, or pressure of water or having processes or equipment that require particularly clear or pure water shall provide such facilities as they consider necessary to ensure a continuous and uninterrupted supply or pressure or quality of water required for their use.

- 4.6 No Customer shall be permitted the unauthorized use of the municipal water service, including, but not limited to:

- 4.6.1 selling water supplied hereunder;
- 4.6.2 using or applying any water to the use or benefit of others or to any other than the Customer's own use and benefit;



4.6.3 increasing the usage of water beyond that agreed upon with The Town; or

4.6.4 extracting or removing any water from any hydrant within the Town;

without first obtaining written permission from the Town and subject to such reasonable conditions as the Town may impose with respect to the quantity, price and times of withdrawal of the water so used.

4.7 No well or other source of water except the Town water mains shall be used in the Town without permission having first been obtained from the Town.

4.7.1 All persons having charge of or being owners or occupiers of premises containing a well or other source of supply of water other than the water mains of the Town may apply to the Town for permission to use the water in such well or other source of supply of water other than the water mains of the Town. The Town may impose such conditions on the use of such well or source, as the Town deems necessary, including but not limited to, inspection for cross-connection or possible cross contamination.

4.7.2 Upon complying with the conditions prescribed, the applicant may be granted permission to use the water in the said well or other source of supply of water; however, no permission granted under the provisions of this Bylaw will give or be construed to give the holder of such permission the right to sell or distribute water within the Town of Nanton.

4.7.3 If the use of any such well or other source of supply of water is continued contrary to the provisions of this Bylaw forty eight (48) hours after notice to discontinue the use of same has been given by the CAO, to the owner or occupier of the premises on which it is situated, such well or other source of supply of water may be declared to be a nuisance and dangerous to the Public Health and Safety and shall be removed, plugged, filled up, or otherwise abated.

4.7.4 The Town of Nanton is not responsible for the property owners' use of the well water.

4.8 No person who has been granted permission to use any alternate source of water supply shall allow that alternate source of water supply to be connected to the Municipal Water System.

5. WATER METERS:

5.1 Ownership of all water meters and related equipment is vested in the Town of Nanton.

5.2 Any owner requiring a water service from the Municipal Utility System will be required to install a water meter prior to any service being initiated. The owner is required to install or change any and all the necessary plumbing required for installation of the meter.

5.2.1 For the purposes of supply of Municipal Water Services during construction, a fee for unmetered water will apply. Application for such services must be approved by the CAO, which may be subject to conditions as imposed by the CAO, pursuant to this bylaw.

5.3 Unless otherwise approved by the Town, all water supplied through temporary and seasonal water service connections shall pass through a water meter. The owner shall pay the cost of each installation and each removal of the water meter for such connections, in addition to the charge of the water supplied to the premises and for the cost of any damage to the water meter and related metering facilities from causes within the owner's control.

- 5.4 The Town will be the sole supplier of all meters used in the Municipal Utility System. The owner is responsible for any or all of the costs of any meter larger than the meter regularly supplied by the Town.
- 5.5 The property owner will be responsible for the installation of the meter entirely at his or her own cost and to the specifications required by the Town.
- 5.5.1 Each meter installation shall have a shut off valve installed before and after the meter itself.
- 5.5.2 The property owner will protect the meter from interference or injury by frost or otherwise, and are liable for any damage which may occur to the meter.
- 5.5.3 The meter must be installed with sufficient clearance surrounding the location, as determined by the Town, to ensure ease of access to the meter.
- 5.6 On an existing single water service line to a property, the Town shall provide only one water meter for registering water consumption of all units within a property. Upon written request to Council, an additional meter may be approved. Should such approval be granted by the Town, the meters shall be supplied, at the property owner's cost, by the Town.
- 5.7 Each water meter shall be read at such times or intervals as the Town may designate as are reasonable and practicable under the circumstances.
- 5.8 A Customer shall permit the Town to perform meter reading using automated monitoring equipment. Additional fees may apply for on-site meter reading, as set out in the Town of Nanton Fees and Rates bylaw.
- 5.9 The Town may shut off the water supply to a Customer who refuses to provide a water meter reading or provide access to perform a water meter reading after notice has been given pursuant to the section of this bylaw regarding, "Access and Authorization".
- 5.10 The Town may require a water meter to be either tested on site or removed for testing by a Person authorized by the Town at any time. The Town may discontinue any or all Utility Services supplied to the premises until such time as a Person authorized by the Town is able to obtain access to test the meter or remove it for testing.
- 5.11 If, upon the reading of a meter, it is determined that the meter has failed to accurately record the consumption of the Municipal Utility Service supplied, then the consumption charges will be estimated upon such basis that the Town considers to be fair and equitable and the account rendered in accordance with such estimate.
- 5.12 A customer shall notify the Town immediately whenever a water meter is not operating or if any part of it becomes damaged or broken.
- 5.13 An owner who claims a meter is not working properly will deposit with the Town an amount in accordance with the Fees and Rates bylaw. The meter will then be removed from service by the Town and calibrated.
- 5.13.1 Should the meter be found to over read the owner will be refunded his/her deposit.
- 5.13.2 Should the meter be found to over read or under read, the water and sewer billings, where applicable, charged for the preceding two (2) meter reading periods will be adjusted by the same percentage as the meter was found to be in error, providing however, that no rate will be less than the minimum rate normally charged.

- 5.14 Any meter which is found to be calibrated within acceptable limits will be considered adequate, and the owner will:
 - 5.14.1 forfeit the deposit to the Town; and
 - 5.14.2 pay all other costs of removal, shipment and testing of the meter.
- 5.15 The Town will replace any meter that stops working due to normal wear and tear at no cost to the owner.
- 5.16 No person will interfere with, cut or remove the wire seal on a meter.
- 5.17 No person will disconnect a meter or do anything which will bypass, or prevent, or impede, the flow of water through the meter, or which may affect the proper operation of the water meter.
- 5.18 If a water meter is removed or stolen, the owner of the premises shall pay the cost of replacing the water meter including installation.
- 5.19 Where any owner, occupant or customer discontinues the use of the water utility service furnished by the Town or the Town refuses to continue to supply water, any authorized person may at all reasonable times enter the premises in or upon which such owner, occupant or customer was supplied with the water utility for the purposes of removal there from any fittings, machines, apparatus, meters, pipes, outside readouts or other things that are the property of the Town in or upon such premises and may remove them from there.

6. HYDRANTS AND MAIN VALVES & CURB STOPS:

- 6.1 Except as hereinafter provided, no persons other than those authorized by the Town will operate, draw water from or interfere with any valve or hydrant or curb stop.
- 6.2 No person will in any manner obstruct the free access to any hydrant, valve or curb stop.
- 6.3 No person will interfere with, change, damage or make inaccessible, any curb stop. The owner of the property where the curb stop is located upon will be required to pay all costs, in addition to the penalties in this Bylaw, involved in the repair or restoration of the curb stop, including remediation of the grounds affected by the repairs or restoration.

7. TERMINATION OR DISCONNECTION OF SERVICE:

- 7.1 The water service, pursuant to this Bylaw, may be shut off by the Department at the curb stop at the request in writing of the owner of the premises being serviced.
- 7.2 The supply of water to any Residential and Non-Residential Customer may be shut off for any or all of the following reasons:
 - 7.2.1 Repair;
 - 7.2.2 Lack of water supply;
 - 7.2.3 Non-payment of utility accounts rendered for any reason;
 - 7.2.4 Defective piping;
 - 7.2.5 Failure to comply with any provisions of this bylaw; and
 - 7.2.6 For any reason which the CAO or the Director of Operations considers sufficient.



7.3 The rates charged by the Town for work undertaken pursuant to this 7.1 and 7.2 above, will be in accordance with the Town of Nanton Fees and Rates Bylaw. These rates will also apply when the owner requests and the Town agrees that the water service be reconnected.

8. WATER CONSERVATION:

8.1 Level 1 Water Conservation, as set out in Schedule 'B', shall be always complied with by all Town of Nanton water users.

8.2 When the Chief Administrative Officer or designate has imposed Level 2 Mandatory Restrictions, as set out in Schedule 'B', no person shall use Town-supplied water to the contrary.

8.3 When the Chief Administrative Officer or designate has imposed Level 3 Critical Restrictions, as set out in Schedule 'B', no person shall use Town-supplied water to the contrary.

8.4 No person shall use any water from the water works system in contravention of the terms of any order made by the CAO under this section.

8.5 The conservation or restrictions may include the regulation, restriction or prohibition of the use of water supplied by the Town for consumers, raw water or bulk users, by any method including but not limited to restricting amounts supplied on an ongoing basis, closing off the water supply during certain times of the day, or totally prohibiting use of water by permanent closure of water supply valves for extended periods of time.

8.6 All plumbing fixtures, supply fitting and shower heads will be installed for either residential or non-residential premises in accordance with the current water efficiency requirements of the Canadian National Energy Code for Buildings, National Building Code and National Plumbing Code.

8.7 All consumers or persons are prohibited from wasting water at any time. Wasting water shall be defined as the unnecessary and/or excessive use of water, for any purpose whatsoever, as deemed by the Chief Administrative Officer, and may include, without limiting the generality of the foregoing, these examples:

- Permitting an irrigation system to run during a rainstorm;
- Permitting water to pool or run-off any lawn, garden, or other outside plant;
- Directing water onto a paved surface, including driveways, sidewalks, or roadways during irrigation;
- Operating a fountain or pond without re-circulating water;
- Washing any vehicle or the outside of a building with the use of a hose not equipped with a shut-off nozzle;
- Use of flowing water instead of dry sweeping to remove loose debris from a residential driveway.

8.8 Any consumer or person who in the opinion of a Peace Officer charged with the enforcement of this Bylaw, wastes water supplied by the Town will be guilty of an offense under this bylaw. In determining if an activity constitutes wasting water, consideration will be given to the following:

- The volume of water reasonably required to perform the activity undertaken;
- The length of time that water has been allowed to run;
- The degree of control exercised over the flow of water;
- The purpose to which the water is being put;
- The degree of restriction on water consumption presently in place; and

- The existence of any other factors reasonably suggesting that waste of water is occurring or has occurred.
- 8.9 Exceptions to provisions, all or in part, of the conservation section of this Bylaw may be granted by Council by resolution.
 - 8.9.1 The Town of Nanton Fire Department is exempted from the provisions of this conservation section of the bylaw in all cases excepting non-emergencies.
- 8.10 Consumers must possess a new lawn permit to be exempt from the water conservation or restriction provisions of this bylaw.
 - 8.10.1 Applications for new lawn watering permits must be made in writing.
 - 8.10.2 New lawn watering permits may be issued at the Town Office upon inspection and approval of the site by the Town.
 - 8.10.3 New lawn watering permits will be valid for a maximum of six (6) weeks.
 - 8.10.4 New lawn watering permits immediately become null and void upon imposition of any water restriction.
 - 8.10.5 The CAO may revoke a new lawn permit at any time if it is deemed unnecessary in the opinion of the CAO.

9. MUNICIPAL WASTEWATER SYSTEM:

- 9.1 **The property owner is responsible for the wastewater services line from the premises to the wastewater service connection at the collection main.**
- 9.2 It is the property owner's responsibility to contact a licensed plumber should any plumbing services be required. The property owner shall notify the Town of any issues so that the Department can check its portion of the main for flows.
- 9.3 Should any owner claim that any wastewater service line between the wastewater main and the property line is plugged because it is not installed according to good practice - proof (physical or video evidence) must come from the property owner, at the property owner's expense, before consideration by the Town.
 - 9.3.1 The Director of Operations is authorized to open the wastewater service line by any method he considers necessary. Should the wastewater service line between the wastewater main and the property line be found properly laid according to good work practices, all costs are to be the responsibility of the property owner.
 - 9.3.2 Should the wastewater service line between the wastewater main and the property line be found not properly laid according to good work practices, the Town will then repair the wastewater service line at no cost to the owner.
- 9.4 No person will throw, deposit or leave in or upon any Town sewer grate, trap, basin, manhole or other riser, or any other related surface opening, any material whatsoever, except feces, urine, necessary toilet tissue, wastewater and slops, properly discharged through a house sewer into a Town sewer.

- 9.5 No person will permit to be discharged into any sewer any liquid or substance which would prejudicially affect the sewers or impede the carriage of permitted wastes, nor introduce any substance whatsoever which is not approved as acceptable for treatment in the Town Wastewater Treatment Plant.
- 9.6 Fat, Oil and Grease (F.O.G.) traps of sufficient size and approved design must be placed on the waste pipes from all hotels, restaurants, laundries and such other places as the Town may direct. Such traps shall be installed prior to any connection to the Town's wastewater system.
- 9.7 No waste or discharge resulting from any trade, industrial or manufacturing process will be directly discharged to any Town sewer without such previous treatment as will be prescribed by the Town or applicable legislation and regulations, such as the Alberta Environmental Protection and Enhancement Act of Alberta and Regulations, thereto for each such case. The necessary treatment works so prescribed will be completely installed by the owner at his expense, prior to the construction of the sewer connection and thereafter will be continuously maintained and operated by the owner.
- 9.8 No person will discharge the contents of any privy vault, manure pit or cesspool, directly or indirectly, into any Town wastewater main or premises service line connected, to the Municipal Utility System, therewith.
- 9.9 No person shall discharge a holding tank from a recreational vehicle or other effluent tank into any portion of the Municipal Wastewater or storm water system, except at an approved sanitary dumping station.
- 9.9.1 No person shall discharge a holding tank at an approved sanitary dumping station unless the discharge can be made through an approved pipe attached to the holding tank and inserted into the proper dumping inlet.
- 9.10 No person, except duly authorized employees of the Town, will turn, lift, remove, raise or tamper with the cover of any manhole, ventilators or other appurtenances of the Town Municipal wastewater system.
- 9.11 No person, except duly authorized employees of the Town, will cut, break, pierce, or tap any Municipal wastewater system or appurtenance thereof, or introduce any pipe, conduit or tube, through or into any Municipal wastewater system.
- 9.12 No person will make or cause to be made any connection with, or convey into, any Town wastewater main or house drain, or appurtenance thereof, any flammable or explosive material, storm water from roof drainage cistern, tank overflow, sump, or condensing/cooling water.

10. MUNICIPAL STORM WATER SYSTEM:

- 10.1 No person will discharge or cause to be discharged any storm water or natural water to the Municipal Wastewater System; only to a storm water collection main or to a natural ditch /outlet approved by the Town.
- 10.2 No person shall, without the Town's written consent, release matter of any kind listed below into or in land drainage works, drains or connections to any storm water system, any matter which because of its type, temperature, quantity or quality may:
- Interfere with the proper operation of the Storm Water system;
 - Result in a hazard to any person, animal, property or vegetation;

- Impair the quality of the water in any well, lake river, pond, stream, reservoir or other water or water course; or
 - Result in the contravention of any Federal, Provincial, or Municipal legislation including any approval, requirement, direction or other order issued by Alberta Environment or other enforcing agency with respect to the Storm Water system or its discharge.
- 10.3 Weeping tile must be installed below all basement footings and must drain to an approved sump as per the current approved provincial plumbing code, Canadian Safety Association (CSA) standards and Alberta Safety Codes or to the municipal storm water system if available.
- 10.4 Sumps must be installed as per the current approved plumbing code, CSA standards and Alberta Safety Codes.
- 10.5 Discharge from the sump pump may be through a garden hose to a surface sprinkler for the summer months. Discharge to a “dry pit” during late fall and winter may be done using a buried line controlled by a two-way valve. No sump line shall discharge within 0.6 meters (2 feet) of the property line on an adjacent property. No sump shall discharge within 3 meters of the front or rear of the building.
- 10.6 Down spouts must be installed on all buildings. Downspouts from eaves troughs and discharge hoses from sump pumps shall not discharge within 0.6 meters from the property line. All grading, sump pump discharges and down spouts shall be located so that they do not affect any other lot. Sump pump discharge lines shall not discharge within 3 meters of the back of any walkway or within 6 meters of the back of any curb and discharged a minimum of 3 meters (10 feet) away from the building.
- 10.6.1 To ensure that there is proper drainage along the sideyards between houses, there is a requirement to provide adequate slope for drainage away from buildings that will meet the minimum requirements of the Alberta Building Code. The Town of Nanton Land Use Bylaw sets minimum sideyard slope standards.
- 10.7 No roof drains will be connected to weeping tiles, or Municipal Utility systems.
- 10.8 All weeping tile and Storm Water fixtures set below the level of the highest ground surface adjacent to the premises shall be protected from backflow by an approved Storm Water Backflow Prevention Valve.
- 10.9 No person shall obstruct any drain, ditch, culvert or water course in the Town.
- 10.10 Any person who releases or causes or permits the release into any Storm Water system any matter contrary to the provisions of this Bylaw shall:
- Notify the Town immediately upon becoming aware of the release;
 - Provide the Town with information respecting the release, to the satisfaction of the Town; and
 - Be liable for all costs incurred by the Town respecting the release for containment, sampling, testing, removal, clean-up, disposal and any other related activity.

11. PENALTIES AND OFFENCES:

- 11.1 Unpaid utility bills for amounts payable to the Town under this bylaw will be subject to a penalty at the rate of two percent (2%) of the unpaid balance of the most recent billing period levy.

- 11.2 Any rates, costs or charges in arrears for utility services supplied by the Town to any property may be added to the taxes assessed against the real property to which the utility services have been supplied, either directly or indirectly, and may be collected in any of the ways provided by the collection of taxes, including tax recovery.
- 11.3 In addition to the methods outlined in Section 11.2 above for the recovery of outstanding rates, costs or charges, the Town may discontinue service to any property where any charges for utilities or work remains outstanding for a period of more than sixty (60) days.
- 11.4 Any Person who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing which the Person is required to do;
- is guilty of an offence.
- 11.5 Any Person who is convicted of an offense pursuant to the Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.
- 11.6 Where the CAO has reason to believe that a person has contravened any provision of this Bylaw, and that it is in the best interest of the Town to compel the person to appear in front of a Provincial Court, he may direct a Peace Officer to commence proceedings to issue a Part 2 Summons pursuant to the Provincial Offense Procedure Act of Alberta.
- 11.7 Where the CAO has reason to believe that a person has contravened any provisions of this Bylaw, notice shall be served in accordance with the Municipal Government Act allowing payment of the specified penalty, as specified per Schedule "A" attached to this Bylaw, in lieu of prosecution for the offense.
- 11.7.1 This section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provision of the Provincial Offences Procedures Act.
- 11.8 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw of the Town of Nanton.
- 11.9 Notwithstanding the provisions of this Section of the Bylaw, any Person who contravenes any provision of this Bylaw may forfeit the right to be supplied with Municipal Utility Services.

12.0 Customer Leniency Requests

- 12.1 A Customer may request leniency in regards to a Utility bill which can be proven to be partly attributable to a private plumbing or infrastructure leak upon the premises of the subject Utility account.
- 12.2 Leniency will only be considered for a single Utility Billing Period where the metered amount reflects more than double the Customer's average Municipal Water Service use from the preceding 6 billing periods.

12.3 Customer Leniency requests shall only be considered once every two years (from the date of the first request) for a Property.

12.4 Upon receipt of a Customer Leniency Request, Council authorizes the CAO to either:

- Refuse the request as unsubstantiated; or
- Authorize a payment plan for the Customer to ensure full payment of the Utility bill; or,
- Waive a portion of the Water and/or Wastewater service consumption charges, or
- Reimburse the Customer for account payment in an amount, not to exceed \$2000, above the average amount calculated from the previous 6 billing periods.

12.5 The Leniency request must be received within 60 days of both:

- A repair being completed by a certified plumber or replacement parts being purchased by the Customer;
- the Customer receiving the bi-monthly Utility bill that becomes subject of the Leniency Request.

12.6 Plumber's invoices or receipts for parts purchased by the Customer must be provided to the CAO or designate in support of the request or it shall not be considered.

12.7 The period for which Leniency is requested or considered shall not exceed one bi-monthly Billing period.

12.8 Leniency requests shall not be considered for significant water loss on private property or infrastructure for any reason other than an attributable leak that has been demonstrably repaired by the Customer.

Consult the amendments table for details with respect to when particular bylaws were read/ adopted.

Bylaw #1283/17 Schedule "A"

The specified penalties for any contravention of this Bylaw #1283/17 are specified for the calendar year, as follows:

First Offense:	\$250.00
Second Offense:	\$500.00
Third Offense:	\$1000.00



**Bylaw No. 1367/22
Town of Nanton**

Schedule 'B'

LEVEL 1 – WATER CONSERVATION

All Outdoor Water Use is permitted as follows:

Odd numbered addresses may water lawns: (Addresses ending in 1,3,5,7,9)

Thursdays, Sundays

Even numbered addresses may water lawns: (Addresses ending in 0,2,4,6,8)

Wednesdays, Saturdays

Watering of lawns, gardens, trees and shrubs may occur only during the following hours:

6:00 AM - 9:00 AM or
7:00 PM - 11:00 PM

Requests for site and condition specific irrigation scheduling for commercial or industrial operations using a metered irrigation system may be approved in writing by the Chief Administrative Officer.

Requests for water conservation exemption permit for newly seeded lawns or freshly planted sod may be applied for at the Municipal Office.

LEVEL 2 – MANDATORY RESTRICTIONS

All Outdoor Water Use, including watering lawns, non-commercial washing of vehicles, sidewalks, pads, exteriors of building, filling of hot tubs/Jacuzzis, recreational use of sprinklers and like water toys, is restricted to the following schedule:

Odd numbered addresses may water lawns:

Thursdays, Sundays

Even numbered addresses may water lawns:

Wednesdays, Saturdays

Watering may occur only during the following hours:

6:00 AM - 9:00 AM or
7:00 PM - 11:00 PM

Flowerbeds and vegetable gardens may be watered by hand, during prescribed times, using a watering can or a hose with a nozzle trigger shut off to restrict water flow.

Existing irrigation or watering permits for metered commercial/ industrial irrigation or new residential lawns may be suspended; no new approvals will be issued.

Bulk water sales, if operating, are suspended.

LEVEL 3 – CRITICAL RESTRICTIONS

All outdoor water use is strictly prohibited.

Household and non-residential use may be controlled through district flow restrictions.

The Chief Administrative Officer or designate may require reduction of water consumption by major non-residential water consumers.

Bulk water sales, if operating, are suspended.

A special metered rate to discourage wasteful water consumption by residential and non-residential consumers, **as set by Council in the Town of Nanton Fees and Rates bylaw**, may come into effect after two weeks (fourteen days) following the commencement of Level 3 Critical Restrictions*.

**If such a rate is specified in the current Town of Nanton Fees and Rates Bylaw, as amended.*