

BYLAW NO. 1356/21

A BYLAW OF LACOMBE COUNTY IN THE PROVINCE OF ALBERTA RESPECTING WATER SERVICES IN LAKEVIEW ESTATES.

The Council of Lacombe County, duly assembled, enacts as follows:

SHORT TITLE

This Bylaw may be referred to as the “**WATER BYLAW of Lakeview Estates**”.

1. USE AND CONTROL

- 1.1 The use and control of all Public Waterworks and Water Treatment Systems shall be in accordance with this Bylaw.

2. AREA OF RESPONSIBILITY

- 2.1 All communal waterworks located in Lakeview Estates and belonging to Lacombe County now laid down, or hereafter laid down shall be under the direct control of the Lacombe County.

3. DEFINITIONS

- 3.1 “Agent” means any representative of Lacombe County authorized by the County Manager.
- 3.2 “County” means Lacombe County.
- 3.3 “County Manager” means the Chief Administrative Office of Lacombe County or his designate.
- 3.4 “Customer” means an individual, partnership or corporation that is the owner of the property to which water services are provided.
- 3.5 “Lakeview Estates” means the Lakeview Estates subdivision as identified in Schedule “C”.
- 3.6 “Meter” means a water meter used to measure the amount of water consumed in metric measurement.
- 3.7 “Person” means firm, corporations, owner, occupier, lessee or tenant.
- 3.8 “Water Main” means that portion of water line that is laid for the service of more than one person.
- 3.9 “Water Service Line” means that line extending from the main in the street to the property line of the building being serviced.

4. WATERWORKS

- 4.1 No person except those authorized by the County Manager shall make any connection with any of the water pipes or mains in any public property, roadway or easement.
- 4.2 Except as hereinafter provided, no persons other than agents of the County shall open, close, operate, interfere, or draw water from any water main, valve, hydrant or fire plug.
- 4.3 The Fire Chief and members of those fire departments providing fire services in Lakeview Estates are authorized to use the valves, hydrants or fire plugs of the water system for the purpose of extinguishing fires, for fire protection or for any other activities related to the Fire Department.
- 4.4 No person shall in any manner obstruct the free access to any hydrant, valve or stopcock. 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 five (5) meters of the hydrant in a direction parallel with the said property line.

- 4.5 The County shall assume the full responsibility and costs for any water service line which may be frozen between the water main and the property line. The owner of the property shall be responsible for any costs associated with thawing a water service between the property line and the dwelling. Any costs incurred by the County in thawing frozen lines on behalf of any person shall be recoverable as per Schedule "A".
- 4.6 All water service pipes laid in private property, between the property line and the water meter, shall be C.S.A. approved material of not less than the quality to the service pipes in the street between the water main and the property line.
- 4.7 The County requires that all water service customers have meters and remote reading devices for each separate water service line provided to their property and building premises at the costs as stated in Schedule "A".
- 4.8 The owner of the property shall be responsible for damage to the water meter, its appurtenances which may result from abuse other than normal wear.
- 4.9 No connection may be made to the water service line between the property line and the meter.
- 4.10 All owners, tenants, or occupiers of property shall give access to an agent of the County to:
 - (a) Install service or seal a water meter and shall be liable for any damage that may occur to said meter.
 - (b) Shut off and seal a water line for non-payment of an account relating to the property.
- 4.11 Any person permitting any meter to be damaged by frost shall be liable for all costs incurred in the repair of said meter. Repair costs shall include the costs for any agent of the County required to complete the repair, the costs for County equipment, contracted services and goods purchased. The said charges so made shall be added to the utility bill.
- 4.12 Should any person claim a meter is not working properly and is over reading, said person shall deposit with the County the sum as stated in Schedule "A". The meter will then be removed from service and given a bench test.
 - (a) Should the meter be found to over read by more than three (3%) percent the said person shall be refunded their deposit.
 - (b) Any meter which does not over read by more than three (3%) percent shall be considered adequate, and the said person shall forfeit the deposit to the County to cover costs of removal and test of said meter.
- 4.13 No person shall interfere with, cut or remove the wire seal on a meter, valve or outside reader, and no person shall disconnect a meter or do anything which may prevent or impede the flow of water through a meter or the recording of the flow of water through the meter, or which may affect the proper operation of the water meter.
- 4.14 Where interference with, or obstruction, of the water meter, its appurtenances or the outside reader occurs the County Manager may order action to correct the interference or obstruction, such action to be carried out to the satisfaction of the County Manager, with costs charged to the customer. The said charges so made shall be added to the utility bill.
- 4.15 Where a meter has been interfered with, an estimate of water consumption shall be made in accordance with this Bylaw as a basis for water service charges, but this charge shall be in addition to other penalties that may be charged under this Bylaw.
- 4.16 To maintain an adequate water supply within Lakeview Estates, the County Manager may impose restrictions on the use of water.

5. WELLS AND OTHER SOURCES OF SUPPLY OF WATER

- 5.1 No well or other source of water except the Lakeview Estates water mains shall be used in Lakeview Estates without permission obtained from the Council of Lacombe County.
- 5.2 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 Lakeview Estates may apply to the County for permission to use the water in such well or other source of supply of water other than the water mains of Lakeview Estates. The Council of Lacombe County may impose such conditions on the use of such well or source, as the Council deems necessary.
- 5.3 Upon complying with the conditions prescribed in Section 5.2, the applicant may be granted a permit to use the water in the well or other source of supply of water. Any such permit may be withdrawn by resolution of the Council at anytime without notice, and no person shall use a well or other source of supply of water after a permit for use of same has been withdrawn.
- 5.4 If the use of any 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 County Manager 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.

6. WATER CONNECTORS

- 6.1 A private water connection cannot be made to the Lakeview Estates water system until approval is granted by the County Manager. Permission can be obtained only after the owner or his agent has entered into an agreement with Lacombe County that establishes standards for construction practices and materials in accordance with Schedule "B". A fee as prescribed in Schedule "A" shall be paid to the County to recover the cost of processing and reviewing each agreement.
- 6.2 The County Manager may revoke or cancel any permit that may have been granted to connect with the water system if he shall find that any work is not being done in accordance with the provisions of the Bylaw, and the person or persons make such connections or their successors in interest, shall have no right to demand or claim any damages in consequence of such permits being revoked or cancelled.

7. RATES, BILLING, DEPOSITS AND COLLECTION

The various rates to be charged to customers for the purchase of water shall be prescribed in Schedule "A" of this bylaw.

- 7.1 A utility bill showing actual or estimated amounts for all service charges to the customer shall be prepared and mailed monthly. The water service charges and any other charge authorized by a bylaw of Lacombe County may be combined on a single customer bill, but each charge shall be shown separately.
- 7.2 The billing for water service charges shall be based on meter readings taken within the last seven (7) days of each month, or as soon as practical thereafter, or following a change in the ownership of the property.
- 7.3 Where a meter cannot be read by an agent of the County on the normally scheduled date for meter reading services, or where the meter or its appurtenances have been interfered with or obstructed, consumption amounts shall be estimated by the County based on past and current consumption information.
- 7.4 No reduction in rates or charges shall be made for any interruption of water services during a billing period.
- 7.5 Where a registered owner or occupant wishes to obtain water services he shall make application to the County.

- 7.6 Customers opening a new account who are indebted to the County for utility services previously supplied shall not be entitled to receive utility services until payment of such outstanding account has been made in full.
- 7.7 Every applicant for the supply of water services shall, before the service is turned on, deposit with the County a deposit as prescribed in Schedule "A".
- 7.8 Customers opening a new utility account due to a change of residence within Lakeview Estates shall not have to pay a deposit if 1) the customer has an existing utility account established for at-least two (2) years; 2) the existing account is not in arrears; and 3) the new account is in the same name as the existing account.
- 7.9 Interest shall not be paid for the period of time which the deposit is held by the County.
- 7.10 Deposits shall be returned as follows:
 - a) Where customers have made payment of all utility bills rendered them on or before the due date stated on the bill during the most recent two (2) year period, and have maintained their utility account in good standing during that time.
 - b) When the water service has been discontinued after deducting any unpaid account at the time of such discontinuance of service.
- 7.11 All utility bills are due and payable upon receipt of billing with payment to be made at the Lacombe County office or at such other place as may be designated from time to the time by the County Manager.
- 7.12 Non-receipt of a utility bill shall not exempt the customer from payment of the services rendered.
- 7.13 Any water account balance which remains unpaid after the last day of the month in which the County office is regularly open shall have added by way of penalty, a charge as specified in Schedule "A" based on the combined account balance including other services and charges included on the utility bill by Lacombe County.
- 7.14 Where a utility account has been outstanding for a period of sixty (60) days, a notice shall be mailed to the customer and the registered owner of the property if the customer is not the registered owner, warning that water service may be shut off unless full payment of the account is received within seven (7) days of the notice. If payment is not received within the seven (7) day period, the County will hand deliver, or post a final notice on the property, warning that water service shall be shut off unless full payment of the account is received within two (2) days of the final notice. Payment must be by cash, certified cheque, debit card or internet banking.
- 7.15 Where water service has been shut off for non-payment of a utility account in accordance Section 7.15, the water service shall not be turned on until such time as the account, including penalties and a reconnection fee as prescribed in Schedule "A" has been paid and an account deposit, as prescribed in Schedule "A", has been provided. Payment must be by cash, certified cheque, debit card or internet banking.
- 7.16 Notwithstanding Section 7.15, where the customer is unable to pay the entire amount of the outstanding utility account the County Manager may, upon negotiation of a satisfactory repayment schedule, postpone the shut-off of water services.
- 7.17 Where the registered owner of the property is the customer and where a utility account and other charges under this bylaw remain unpaid, the County Manager may add the unpaid utility and other charges to the tax roll account of the property.
- 7.18 Where an outstanding account cannot be collected as a result of shutting off the water or if it cannot be added to the tax roll, the County Manager may undertake collection by any means provided by the law.

7.19 Any person wishing to discontinue receiving water service from the County shall give two (2) working days notice of the same to the County office, otherwise the rates will continue until such notice is given or the water is turned off.

7.20 Where water service is to be discontinued a final billing will be calculated on a prorated basis from the date of the last billing to the date of discontinuance of service.

7.21 Where it has been determined that a customer has been paying an amount lesser than that which should have been paid because of errors of the County such as:

- i) improper meter placement, sizing or specification
- ii) improper rate application
- iii) improper meter reading or bill calculation

a charge of the difference between what was paid and what should have been paid shall be paid by the customer for the period between January 1st of the year previous to the current year and the date on which the error was discovered.

7.22 Where it has been determined that a customer has been paying an amount greater than that which should have been paid because of errors of the County such as:

- i) improper meter placement, sizing or specification
- ii) improper rate application
- iii) improper meter reading or bill calculation

a refund of the difference between what was paid and what should have been paid shall be given to the customer for the period between January 1st of the year previous to the current year and the date on which the error was discovered. Notwithstanding the above, Council may, at its sole discretion, authorize a refund exceeding the amount determined in this Section.

8. PENALTIES

8.1 A penalty as prescribed in Schedule "A" will be imposed on any customer issuing a non-sufficient funds (N.S.F.) cheque to Lacombe County for payment towards a utility bill and that penalty shall be added to their account.

8.2 Any person who violates a provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) and not less than Three Hundred Dollars (\$300) exclusive of costs, and in each and every case in default of payment said person shall be liable to imprisonment for a period not exceeding six (6) months, unless the fine and costs be sooner paid.

9. MISCELLANEOUS

9.1 This Bylaw repeals Bylaw No. 1312/19.

9.2 This Bylaw comes into full force and effect on the date of passing.

Reeve

County Manager

SCHEDULE "A"
RATES

1. Water Service - Fixed charge of \$130.72 per month plus a consumption charge of \$1.85 per cubic meter.
2. Account Deposits

Residential Customers – Homeowners	\$200
Residential Customers – Renters	\$300
Non-Residential Customers	\$300
3. New homeowners connecting to the system after the signing of this bylaw shall pay a \$1,806 connection fee to Lacombe County prior to the connection.
4. Any person who requests that water services be turned off for an extended period of time may request that the County disconnect and reconnect the water service on the dates they request. Charges to the utility bill for this service shall be \$50.
5. The deposit for the testing of a water meter under this Bylaw shall be \$100.
6. Water meters will be provided for new connections at County cost plus 10%, but the water meter remains the property of Lacombe County.
7. There shall be no charge for the cost of processing and reviewing agreements regarding the installation of private water connections.
8. Where this Bylaw provides for the recovery of costs, the charge to the utility bill shall be at cost plus 25%.
9. Penalties on unpaid utility bill balances as prescribed by the Bylaw shall be 2% (24% per annum) on the outstanding balance as calculated after the last day of the month in which the Lacombe County office is regularly open.
10. The penalty to any customer who submits a non-sufficient funds (N.S.F.) cheque to Lacombe County for payment towards a utility bill shall be \$25 in each instance, and such amounts shall be added to the utility account balance.
11. Where services are discontinued for non-payment of an account, a reconnection charge of \$50 shall be payable in advance of the reconnection of the services.

SCHEDULE "B"
STANDARDS & SPECIFICATIONS

1. Water Service Connections

All work must be done in compliance with current Occupational Health & Safety regulations for safe trenching.

Polyethylene Municipal Tubing, PE 3406, Series 160 to CAN3-B137.1.

Polyethylene pipe joints to be thermal butt fusion welded, or by use of compression fittings.

Curb Stops: to be installed at grade on the property line and marked.

For direct connection to service mains double stainless-steel strap water service saddles must be used.

A traffic accommodation plan, which is to include, but is not limited to road detours and signage must be submitted to and approved by the County.

Affected customers are to be notified at least 24 hours prior to any anticipated interruptions in their water service. Where possible, interruptions are to be scheduled during non-peak hours. If an interruption is to last longer than 8 hours temporary water service using hoses connected to outside taps of each house is to be provided.

Pipes and fittings must be cleaned of accumulated debris and water before installation. An inspection for defective materials must be conducted and defective materials must be removed from the site.

2. Trenching, Backfilling and Installation

On Roads or Lanes

Minimum depth of cover shall be 2.75 meters (9 feet).

Disturbance on the road or lane surface shall not exceed 2.4 meters (8 feet) in width.

All reasonable precautions to protect and safeguard the lives and property of the traveling public during construction must be taken.

The road or lane must be returned to its pre-construction condition.

Trench backfill must be well compacted. The maximum lift is to be 15 centimeters per layer.

Dry material to be used for backfilling.

On Property

A minimum depth at connection to the service main of 2.75 meters (9 feet) must be maintained.

For sewer lines, a minimum grade of 2% from the service main to the residence must be maintained.

Deflections in sewer lines will be limited to 2 – 22.5 degree elbows per service. Where possible lines are to be installed without deflections.

Obstacles in the trench must be removed before laying pipe.

No backfilling is to be done prior to inspection by the County.

A pressure test of the line must be conducted before backfilling.

3. Construction Security

In cases where the installation of water connections will require the excavation or crossing of County roads or lanes, security in the amount prescribed below must be placed with Lacombe County.

For gravel surfaced roads or lanes, security in the amount of \$1,000 will be held by Lacombe County until such time as the work is completed and the road or lane surface is reclaimed to the satisfaction of the County.

For asphalt or oil surfaced roads, security in the amount of \$2,000 will be held by Lacombe County until such time as the work is completed and the road or lane surface is reclaimed to the satisfaction of the County.

4. Inspection

All water connection works must be inspected by the County prior to backfilling.

The installer must provide 24 hours notice to the County of the inspection.

Inspections will only be completed during Lacombe County regular business hours (8:30 a.m. to 4:30 p.m. Monday to Friday, excluding statutory holidays).

SCHEDULE "C"
LAKEVIEW ESTATES

