

TOWN OF CALMAR

BYLAW #2023-11

BEING A BY-LAW OF THE TOWN OF CALMAR, IN THE PROVINCE OF ALBERTA, THAT REGULATES THE USE OF WATERWORKS, WASTEWATER AND PLUMBING; AND TO ESTABLISH RATES FOR WATER, WASTEWATER, SOLID WASTE REMOVAL AND RECYCLING SERVICES IN THE TOWN OF CALMAR; AND TO SET FORTH THE TERMS AND CONDITIONS FOR THE COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE, AND THE PROVISION OF RECYCLING SERVICES THROUGHOUT THE MUNICIPALITY.

WHEREAS, under the authority and subject to the provisions of the Municipal Government Act, 2000, Chapter M-26, Revised Statutes of Alberta, as amended (hereinafter the "MGA").

AND WHEREAS, all water works, wastewater lines, storm sewers, drains and garbage disposal works belonging to the town now laid down or future public works constructed or built shall be under the direct control and management of the Chief Administrative Officer or Designate, subject to the authority of the Town Council.

NOW THEREFORE, the Council of the Town of Calmar, duly assembled, hereby enacts as follows:

1. **TITLE**

This bylaw shall be known as the "Water, Wastewater, Solid Waste and Recycling Bylaw.

2. **DEFINITIONS:**

- a) **"Department"** – shall mean the department or departments authorized to have control of water works, wastewater, garbage, and recycling.
- b) **"Consumer"** – shall mean the owner of lands and premises therein or on to which any water or wastewater service pipes are installed to service any land or premises therein or on; and to which solid waste removal and recycling services are provided.
- c) **"Person"** – shall mean every person, firm, corporation, or owner.
- d) **"Foreman"** – shall mean the person with authority to supervise and have charge of the water and wastewater department subject to the powers delegated to him by the Chief Administrative Officer.
- e) **"Meter"** – shall mean a mechanical and/or electrical device used to measure the amount of water consumed in either imperial or metric measurement.
- f) **"Street Mains"** – shall mean the portion of the water and/or wastewater system laid down in town land or crown land for the purpose of servicing more than one person.
- g) **"Wastewater Services"** – shall mean the line from the collecting street mains to the property line of the land or building being serviced.

3. **WATER WORKS**

a) **TAPPING WATER WORKS**

- i. No person without having first obtained a permit to do so and submitting payment for said permit in accordance with the Fees and Charges Bylaw, shall make connection or communication whatsoever with any of the public pipes or mains. The applicants for said



permit shall be totally liable for any damages caused while making such connections and also shall provide adequate safety provisions during said construction.

- ii. No permit shall be issued to any person except a licensed plumber or qualified contractor approved by the town, or an employee of the town.
- iii. All water service pipe laid in private property between the property line and the water meter shall be of the same material as the service pipe in the street between the water main and the property line, or a material approved by the Town. No connection may be made to the water service pipe between the property line and the meter.

b) **CROSS CONNECTIONS**

- i. No customer shall install or allow to exist any connection or Cross Connection that could cause or allow drinking water in any part of the Waterworks System to become contaminated or polluted in any way.
- ii. Where the Town determines that there exists a connect or Cross Connection prohibited by the Section, the Town shall give notice to the Customer to correct the connect to or Cross Connection at the expense of the Customer within the time specified in the notice.
- iii. Where the Customer fails to correct the connection or Cross Connection in the Service Connection for such time as the prohibited connection or Cross Connection continues.

c) **METERS**

- i. Every meter installed on any service by the town shall remain the property of the town and is installed on the understanding that all owners shall give access to each facility for the placing, inspection, and reading of such meter; and shall protect it from interference or damage by frost or other means. Any person permitting any meter to be damaged by frost or other means shall be liable for all costs incurred in the repair or replacement of said meter. Minimum repair costs shall be at the rate set out in Fees and Charge Bylaw.
- ii. All new or replacement meters installed to designated manufactured homes, shall be sighted inside the designated manufactured home where possible.
- iii. All meters shall be read, and a water billing rendered every two months in accordance with the Fees and Charge Bylaw.
 - 1. Where a reading cannot be obtained during regular reading schedules, the department may arrange a special reading by appointment. Should the department be unable to make appropriate arrangements for meter readings, estimated consumption shall be used for billing purposes.
 - 1.1. If any meter has failed to register accurately since the last reading, water rates for the said period shall be adjusted and charged on the basis of the average charge for water supplied to the said premises during the preceding two-meter reading periods.
 - 1.1.1. If a meter has failed to read accurately for the consumer, and there is no previous record of water usage, that water rate for the period in question shall be charged at the minimum applicable rate in accordance with Fee and Charges Bylaw.
- iv. Should any person claim that a meter is not working properly and is over-reading, at the request of a customer, the Town shall arrange for a meter to be tested by a person qualified to perform such work. If, upon verification and/or testing, the meter is found to be recording

accurately (which for this purpose is defined as recording between 97% and 103% of actual consumption) then the customer shall pay all applicable fees and charges for this service as per Fees and Charges Bylaw.

- v. If the Meter is found to be recording inaccurately as defined above the Town will:
 - 1. Repair or replace the meter and the cost, along with the costs of verification and/or testing, shall be borne by the town; and
 - 1.1 The account based on the readings of that meter during the period of 4 months immediately preceding the date of the test or calibration shall be corrected to reflect the error in the meter and the customer shall pay, or shall be refunded, as the case may be, the amount so determined, which payment or refund shall be accepted by both the town and the customer in full settlement of any claim that may arise out of the error in the meter.
- vi. The Town may at any time inspect or test any meter, on its own initiative, regardless of whether the customer has requested inspection or testing. In such case no fees or charges are payable by the customer.
- vii. Any person interfering with the seals or tampering with any meter shall be liable to penalties as set out in Schedule "A" of this Bylaw
- viii. Ownership of all water meters shall be vested in the Town of Calmar.

4. WATER USAGE

- a) No person shall waste any water supplied by the department in any way whether by improper service pipes, fixtures or tapes or by permitting water to run to prevent taps or pipes from freezing or otherwise; or by improper or excess use of water.
- b) During the appropriate months, **MAY TO SEPTEMBER EACH YEAR**, all persons are required to practice water conservation for outdoor watering, whereby properties with a municipal address ending in an odd number may water on odd numbered days only, and properties with a municipal address ending in an even number may water on even numbered days only. Persons contravening this section of the bylaw shall be liable to penalties as set out in Schedule "A" of this Bylaw.

5. TURNING ON WATER

- a) After any construction, reconstruction, alteration or change, or the completion of any work requiring a permit, water shall not be turned on to any building or premises until after the whole of the work has been done to the satisfaction of the water department. Water shall be turned on or off only by an authorized employee to the Town.
- b) Where water is turned off and on for the purpose of construction, alteration or change, such work shall only be done upon application to the Town and the prepayment of the fee as per the Fees and Charges Bylaw.
- c) When construction water is required for any building under construction, the Town shall be notified 24 hours prior to turning on of water.

6. **DISPOSAL OF WATER**

- a) Unless a permit is obtained from the Town, no person, being an owner, occupier, tenant or inmate of any house, building or other premises, which were supplied with water from the water system, shall sell or dispose therefrom, or give away or permit the same to be taken off, carried away or use or supply it to the use of benefit of others.
- b) No person being an owner, occupier, tenant or inmate of any house, building or other premises, shall increase the supply of water beyond the fixed rating of the premises, or wrongfully or negligently waste any water.

7. **RIGHT TO DISCONNECT AND CONNECT WATER SUPPLY**

- a) The Town may shut off the water supply to the land or premises of any consumer who may be guilty of a breach of or non-compliance with any of the provisions of this by-law or Board of Health regulations and may refuse to turn on the water until satisfied and assured that the consumer intends to comply with this bylaw or health regulation.
- b) Any persons about to vacate any premises that are being supplied with water and who are desirous of discontinuing the use of, must give notice in writing to the Town of Calmar, approval to shut off the water at the said premises; otherwise they will be held liable for the accruing rates therefore and for all damages suffered or sustained by the Town and caused by failure to give such notice.
- c) The Town hereby reserves the right to shut off the water without notice to the consumer for any purpose that, in the opinion of the Town, it may be expedient to do so.
- d) It is hereby declared that no person shall have any claims or compensation or damages as the result of the Town shutting off the water without notice or from the failure of the water supply from any cause whatsoever.
- e) Any rates, costs or charges in arrears for water service supplied by the department to any land or premises shall be added to the taxes assessed against the property to which the water or other services have been supplied and may be collected in any of the ways provided by the collection of taxes, including the sale of the property.
- f) In addition to the methods outlined in the above for recovery of outstanding rates or charges, the Town reserves the right to discontinue services to any property for charges for services or work remaining outstanding for a period of more than sixty (60) days. In the case of construction water cost or required work/services or water will be deducted from development damage deposit.
- g) No person shall interfere with, damage or make inaccessible any curb stops due to the construction of walks, driveways, etc. Any person found doing so will be subject to the costs and fines as set out in Schedule "A" of this Bylaw.
- h) If it is required to make repairs or construction due to inaccessibility, or damage to curb stops, the owner of the property serviced by said curb stops shall, in addition to the penalties of this bylaw, be required to assume all costs involved.
- i) To maintain an adequate supply of water and adequate water pressure within the Town of Calmar, the Town Council or the Chief Administrative Officer, as the case may be, may impose restrictions on the use of water.

- j) All contracts formed by the filing of an application for water and acceptance thereof by the said department on behalf of the Town, are hereby declared to be subject to all the terms and conditions of the bylaw which shall be understood and construed by the said department as forming part of all contracts for the supply and distribution of the water by the said department on behalf of the Town.
- k) In all cases where boilers are supplied with water, the Town shall not be liable for any damages which may result to any person or premises from shutting off the water main or service or from failure of the water supply for any purpose or cause whatsoever, even where no notice is given and no deduction from water bills made in consequence thereof. All users of steam or hot water boilers must protect themselves by installing a storage tank sufficient to provide at least a twelve (12) hours supply for each steam or hot water boiler.

8. **WELLS AND OTHER SOURCES OF WATER SUPPLY**

- a) Where Town water services are not able to be supplied or are not available, the person requesting service may connect the building to an existing well or other source of water supply, subject to compliance with the provisions of this bylaw, all Provincial Regulations and regulations of the Local Health Authority.
- b) Any premises on a street, avenue, lane or road upon which there is not Town water main may make application to the Town to utilize an existing water well or other source of water.
- c) Any such permit as aforesaid may be withdrawn by order of the town at any time without notice and no person shall use an existing water well or other source of water supply after a permit for use of same has been withdrawn.
- d) No permit issued under this section shall give or be construed to give the holder of the said permit the right to sell or distribute water within the Town of Calmar.
- e) Any person who makes application to be serviced by the water distribution system, and such application is approved, shall not revert to any other supply source, at a later date, but shall remain connected to the Town water supply system.
- f) Any premise which chooses to build and use an existing water well will be able to do so only until Municipal Water services are available. At the time the owner of the premise will be required to tie into municipal services and abandon the water well in compliance with Provincial Standards.

9. **INTERFERENCE WITH HYDRANTS AND VALVES**

- a) Except as hereinafter provided, no person other than authorized employees of the Town shall open or close, operate, obstruct or interfere with any valve, hydrant or fire plug or draw water therefrom. Any unauthorized person or persons found obstructing, opening or closing of hydrants and valves shall be fined as set out in Schedule "A" of this Bylaw.
- b) The Chief of the Town Fire Department, his assistants and officers, and members of that department are authorized to use the hydrants or plugs for the purpose of extinguishing fires or for making trail of hose, pipe or for fire protection; that all such users shall be under the direction and supervision of the said Chief or his duly authorized assistants; and in no event, shall an inexperienced or incompetent person be permitted to manipulate or control in any way any hydrant or plug.

- c) No person shall in any manner obstruct the free access to any hydrant or valve or curb stop. No vehicle, building, rubbish or any other matter which would cause such obstruction shall be placed nearer to the hydrant than the property line of the street in which the hydrant is located; nor within fifteen (15) feet of the hydrant in a direction parallel with the said property line.
- d) The Town shall assume the full responsibility and costs for any water service line which may hereinafter be frozen or burst because of frost due to the depth of bury of Municipal Main lines. Any waterline on private property which becomes frozen or bursts because of frost due to neglect, or poor workmanship will be sole responsibility of the Property Owner.
- e) Each water service pipe must have a shut off valve inside the outer wall and prior to the meter connection, and valve must be easily accessible.

10. **WASTEWATER LINES AND STORM SEWERS**

a) **CONNECTIONS TO TOWN SERVICES**

- i. No drain or private sewer shall be connected to the Town wastewater system until the owner thereof shall have obtained a permit for such a connection and submitted payment for said permit in accordance with the Fees and Charges Bylaw. The application for permit must be filed in the Town Office and must be signed by the owner of the property to be drained, or his authorized agent. Such applications must be accompanied by a plan showing in detail the contemplated connection, the exact location and elevation thereof, and specify fully the character of the work to be done, the sizes of all pipes and the location and type of all fittings.
- ii. It shall be the consideration of the granting of any application for a private drain or sewer connection to the town's wastewater system, that the Town or any of its employees shall not be liable for any damage whatsoever in nature caused either directly or indirectly by such connection and the applicant shall be responsible for backfill, surface replacement, safety, etc.
- iii. The Town may revoke or annul any permit that may have been granted to connect to the Town services if it shall find that any of the work is not being done in accordance with the provisions of this bylaw, and/or any other Town's Bylaws, and the persons making such connections or their successors in interest shall have no right to consequence of such permits being revoked or annulled.
- iv. All wastewater lines laid in private property between the property line and the premises being serviced shall conform to the Town of Calmar's adopted minimum Design Standards.
- v. The connection of wastewater service line shall commence at the street main, working therefrom towards the building thereby ensuring proper grade level. The owner shall be responsible for all costs in this regard.
- vi. No person shall cut, break, pierce or tap any Town wastewater line, except a person authorized by the Town. An inspection by a qualified Town representative is required prior to backfill. Any damage to Town infrastructure will be repaired at the developers cost to Town specifications.

- vii. No person shall interfere with the free discharge of any Town wastewater line or part thereof or do any act or thing which may impede or obstruct the flow or clog up any Town wastewater line or appurtenance thereof.
- viii. The Town foreman or his appointee shall have the right at all reasonable times to enter houses or other places which have been connected to Town wastewater lines, to ascertain whether or not any improper liquid or material is being discharged into the wastewater lines, and he shall have the power to stop or prevent from discharging in to the wastewater system any private sewer or drain through which substances are discharged which are liable to damage or injure the wastewater systems or obstruct the flow of sewage.
- ix. Where a public wastewater line or combined sewer is not available, the person requesting service, shall connect the building to a private sewage disposal system, which shall comply with the provisions of this bylaw, all Provincial Regulations and regulations of the Local Health Authority.
- x. Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries and such other places as the Town, under advisement, may direct.
- xi. All fees and costs for sanitary sewer bills rendered every two months are subject to the fees as per fees and Charges Bylaw.

b) PLUGGED SEWER CONNECTIONS

- i. Should a sanitary service line become plugged / blocked it is the homeowner's responsibility to have the line cleared.
- ii. Should any person claim that any sanitary service line between the street main and the property line is plugged / blocked because of poor installation or damage cause by breakage etc., it is the homeowner's responsibility to have the service inspected by a reputable inspection company. If the line is proven faulty the Town will either pay the inspection costs or reimburse the property owner for costs incurred for clearing the blockage as well as the inspection.

c) GENERAL PROVISIONS

- i. The owner of any premises connected to a street main by a sewer service line, shall be required to keep the said sewer service line operational condition at all times, and shall be fully responsible for the operation of the said sewer service line.
- ii. Where it is deemed expedient to prevent or reduce the flooding of basements of cellars connected to the municipal sewage system, the Town may require the owner to install and operate a suitable backwater valve or other mechanical device for the purpose of cutting off or controlling the connection between the sewage system and the cellar or basement where the installation of the said valve is required at the time of connection to the Town wastewater system, the cost of installation shall be the responsibility of the owner of applicant.

11. PLUMBING

- a) All plumbing works within the Town shall be done in strict accordance with the regulations under the Public Health Act of the Province of Alberta, and amendments thereto, and all other regulations

of the Province of Alberta pertaining to plumbing, and amendments thereto, which regulations shall be considered as forming part of this bylaw as if incorporated herein.

12. **WASTE COLLECTION, REMOVAL AND DISPOSAL**

- a) The Town of Calmar shall provide waste disposal services to persons owning residential land on the following conditions:
- b) All residents will be provided with 1 waste container per residential property. Containers must be placed on the street next to the curb to be collected on specified day. Container must be removed following collection. Only municipal issued containers will be accepted:
- c) Each residential property is responsible for their assigned container. Any damage to containers caused by neglect or misuse will result in the homeowner being billed for repairs or replacement as per the Fees and Charges Bylaw;
- d) All persons shall be provided with one collection per week:
- e) All persons shall pay the Town the waste disposal charges as set out in the Fees and Charges Bylaw;
- f) All persons shall be billed in accordance with the Fees and Charges Bylaw.
- g) Only existing commercial businesses utilizing residential garbage pick-up in the Town of Calmar shall be subject to the following terms for residential waste disposal services.
- h) All existing businesses utilizing residential garbage pickup will be supplied with 1 waste, the container must be placed in the appropriate place for collection and returned to the property following collection.
- i) Each business is responsible for their assigned container. Any damage to containers caused by neglect or misuse will result in the business being billed for repairs or replacement as per the Fees and Charges Bylaw;
 - i. All existing commercial businesses shall be provided with one (1) collection per week:
 - ii. The commercial businesses currently receiving residential garbage pick-up shall pay the Town the waste disposal charges set out in the Fees and Charges Bylaw'
 - iii. Persons shall be billed in accordance with Section 14 of this Bylaw;
 - iv. The commercial businesses requiring additional service will be responsible to provide a bin and deal directly with the Contractor and pay the additional service and landfill costs.
- j) Each household is limited to 1 bin of garbage per week. All waste must be contained within bin provided.
 - i. All wet garbage or refuse shall be thoroughly drained and wrapped or packaged so as not to stick or freeze to the inside of the container.
- k) No person shall dispose of any litter on public or private property, unless he disposes of it in a container placed for the purpose of collecting it.

13. **RECYCLING SERVICE/FACILITIES**

- a) Every customer shall have full access to all recycling services and facilities offered by/through the Town of Calmar

- b) Every person shall pay to the Town the recycling charges as set out in the Fees and Charges Bylaw;
- c) Every person shall be billed in accordance with Section XIV of this Bylaw;
- d) Every person requiring addition service shall deal directly with the Contractor responsible for recycling services and pay any additional costs as agree between the Town and user.

14. **UTILITY BILLING**

- a) All billings shall be for a two-month period, with the first period in each billing year being January and February. The Utility Bill shall be mailed no later than the 12th day of the month immediately following the billing period. Receipt of the Utility Bill is deemed to be the third business day after the mailing date. Payment of the Utility Bill is due, in full, upon receipt.
- b) No late payment penalty will be assessed on amounts owing until the close of business on the 6th day of the month immediately following the month in which the bills were sent.
- c) In the event that the utility bill shall remain unpaid after the date in Paragraph 2 above, a penalty in the amount of tow and a half percent (2½ %) shall be added to the outstanding balance and shall become part of the amount which shall be due and payable to that date.
- d) Section VII Right to Disconnect and Connect water supply, subsection 5 is hereby amended by the addition of the following:

"All Charges for a municipal utility service provided to a parcel of land are an amount owing to the municipality by the owner of the parcel"

"Effective July 1st, 2011, all new municipal utility service accounts, for a non-owner occupied parcels of land, shall be registered in the name of the owner of the parcel."

"Effective January 1st, 2012, all active municipal utility service accounts, for non-owner occupied parcels of land, shall be transferred to the name of owner of the parcel of land"

"At the Landowner's request, a copy of the bill for a municipal utility service account shall be provided to the tenant for an administration fee at \$5.00 per bill"
- e) Reinstatement of water services will commence only after all outstanding amounts and a re-connection fee as set out in the Fees and Charges Bylaw has been paid.
- f) The following charges from this bylaw shall appear on each billing: water, wastewater, garbage, recycling, and late payment penalties.
- g) All payments shall be made at the Town Office at 4901-50 Avenue, or by mailing to the Town of Calmar, Box 750, Calmar Alberta T0C 0V0. Payments may also be made at any financial institution that accepts the Town's corporate creditor identification number for processing of bill payment, or via internet or phone banking systems.
- h) In the event that a persons do not comply with the terms and conditions as set out in this bylaw, the utility services to the property concerned may be disconnected.

15. **PENALTIES**

- a) 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 one hundred (\$100.00) dollars, unless another or different penalty is specifically provided for in this bylaw, exclusive of costs and in each and every case of

default of payment, said person shall be liable to imprisonment for a period of not exceeding thirty (30) days unless the fines and costs be sooner paid.

16. **PREVIOUS BYLAW**

- a) Town of Calmar Bylaw 2020-04 amendments thereto in the regard are hereby rescinded.
- b) Bylaw 2023-11 comes into full force and effect on third reading.

READ FIRST TIME THIS 06 DAY OF FEBRUARY 2023.

READ A SECOND TIME THIS 06 DAY OF FEBRUARY 2023.

READ A THIRD TIME, BY UNANIMOUS CONSENT, THIS 06 DAY OF FEBRUARY 2023



Mayor Carnahan



CAO Losier

SCHEDULE "A"

OTHER CHARGES/PENALTIES:

A minimum of five-hundred (\$500.00) dollars, plus all costs and/or damages, shall be charged for each incident, for the following:

- a) Interference with and/or damage to any fire hydrant;
- b) Interference with and/or damage to any curb stop valve;
- c) Interference with and/or damage to any water meter;
- d) Interference with and/or damage to any water main valve.

All request for service must fill out Schedule "B" and pay appropriate fees prior to any work commencing.

WATER CONSERVATION

Penalties for outdoor watering on non-approved days:

First Offence	\$50.00
Second Offence within twelve months of first offence:	\$100.00
Third and subsequent Offences within twelve months of first offence	\$200.00

h s.l.

SCHEDULE "B"

REQUEST TO TURN ON/OFF WATER FOR TEST/CONSTRUCTION PURPOSES.

Date of Request: _____ Applicant:

Legal Description of Property:

Lot _____ Block _____ Plan _____ Civic Address

Fee: _____

Receipt#: _____

NOTE THE TOWN OF CALMAR WILL ENDEAVOR TO COMPLETE TESTING WITHIN A 24 HOUR PERIOD OF THE DATE OF REQUEST. (WEEKENDS AND HOLIDAYS EXCEPTED).

FOR OFFICE USE ONLY

- | | | | |
|----|--|---------------|-------------|
| 1. | Connection to Curb stop | FEE: \$125.00 | Date: _____ |
| | (Public works must be notified prior to backfill for inspection) | | By: _____ |
| 2. | Test/Turn On completed | FEE: \$100.00 | Date: _____ |
| | | | By: _____ |
| 3. | Connection to mainline. | FEE: \$250.00 | Date: _____ |
| | | | By: _____ |
| 4. | Construction Water will be billed a flat rate of \$72.00 for the first 10.88 cubic m3, over 10.88 cubic m3 a rate of 1.35 / m3 will apply. | | |

5. REPLACEMENT & NEW WATER METER FEE:

Replacement costs for damaged or frozen meter responsibility of owner and will be billed as follows:

OWNER OR PROPERTY

- | | | |
|----|---|------------|
| 1. | 5/8" Meter or Metric Equivalent | \$545.00 |
| 2. | 1 1/2" Meter or metric Equivalent | \$840.00 |
| 3. | 2 1/2" Meter or metric Equivalent | \$1,000.00 |
| 4. | All other water meter caution fee deposits shall be established by agreement of Council | |
| 5. | All applicants must pay a water meter caution fee deposit as outlined in #1-4 above prior to the issuance of a meter and the commencement of water service. | |

COMMENTS:

Filed in Utility Account # _____

By: _____

See S.C.