

**Village of Marwayne
BYLAW NO. 543-15**

A Bylaw of the Village of Marwayne in the Province of Alberta to set forth the terms and conditions for the supply and maintenance of the water, sewer, garbage and storm sewer services in the Village of Marwayne.

Whereas the Council of the Village of Marwayne, duly assembled, deems it advisable to set forth the terms and conditions for the maintenance and supply of water and sewer services from its water distribution and sewer system; and, provision of garbage collection services; and, provision of storm water services; and

Whereas the Council of the Village of Marwayne deems it advisable to make provision for the charging and collecting of water, sewer and garbage rates to meet the cost of maintaining and operating its water distribution and sewer system, garbage collection services, and storm sewer system;

Now Therefore the Council of the Village of Marwayne pursuant to the authority vested in it by the Statutes of the Government of the Province of Alberta, hereby enacts as follows:

Section 1: Interpretation

- 1.1 Hereinafter this bylaw will be referred to as the "Utility Bylaw".
- 1.2 "Authorized Person" is any person employed by the Village of Marwayne
- 1.3 "Backflow" means the reversal of flow of any water, wastewater or any other liquid, chemical or substance back into the potable water supply system
- 1.4 "Cross Connection" refers to an actual or potential connection from the Village's potable water system to any source of pollution or contamination that could render the Village's water non-potable or lethal
- 1.5 "Cross connection control device" means device or method that prevents backflow
- 1.6 "CSA" means Canadian Standards Association
- 1.7 "Curb Cock" is the device on a water service line used to interrupt or discontinue the supply of water
- 1.8 "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a special constable, or a Village of Marwayne Bylaw Officer.
- 1.9 "Testable cross connection control device" means a cross connection control device which is capable of being inspected and tested in accordance with the National Plumbing Code of Canada, as amended or replaced.
- 1.10 "Village" depending on context, means either:
 - i. The Municipal Corporation of the Village of Marwayne, its administration and staff, agents or representative; or
 - ii. The territory contained within the corporate boundaries of the Village of Marwayne

Section 2: Administration

- 2.1 The Village shall:
 - 2.1.1 supply the utility services so far as there is sufficient capacity, upon such terms, costs or charges as established by Council, to any consumer where the property is situated along a water main and sewer main.
 - 2.1.2 So far as is reasonably possible, endeavor to provide regular and uninterrupted operation of the utility services. However, breaks to water mains, sewer mains and other facilities are inherent to the normal operation of a utility and may result in interruptions to the utility service.
 - 2.1.3 The Village, its officers, employees or 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.

2.2 The Village:

- 2.2.1 Does not guarantee the pressure of the water utility nor the continuous supply of water.
- 2.2.2 Reserves the right at any time, without notice, to change the operating water pressure of the water utility and to shut off the water utility.
- 2.2.3 Recommends that persons depending on continuous and uninterrupted supply of water or requiring a certain standard of water quality shall provide such facilities as are necessary to ensure the service, at their own cost and expense.

2.3 Governing of use of water:

- 2.3.1 In case of making repairs or in construction of new works or in connecting or repairing service pipes, the Village shall have the right to shut off the water from any customer or customer without notice and keep it off as long as may be necessary.
- 2.3.2 The Village shall endeavor to provide notice to customers of such interruption of service and shall seek to minimize the inconvenience to customers as may be possible and reasonable.

2.4 All properties that generate sewage and waste water shall be connected to the Village's sewer system except where exempted by the Development Permit application process. Such exemption may be allowed for the following reasons:

- 2.4.1 The location of the properties in relation to an existing sewer main is such that the extension of the main is precluded because of excessive cost or engineering difficulty;
- 2.4.2 The sewer main adjacent to the property is of insufficient size of capacity to handle the proposed effluent and enlarging of the main is deemed excessive in cost; or
- 2.4.3 The type of wastes to be generated by the property are not permitted by this Bylaw or Provincial Regulation to be disposed of through the Village's sewer system, and provided that an alternative sewage disposal system is provided.

2.5 An alternative sewage disposal installation permitted under Section 2.4.3 may without limiting the generality of the foregoing, include a sewage pump out tank or septic tank, such installations subject in all cases to applicable Provincial Regulation and Village approval.

2.6 Where an alternate sewage disposal installation has been permitted pursuant to Section 2.4.1 or 2.4.2 and where subsequent to that installation a sewage main is constructed or upgraded such that the disposal of sewage from the property to the Village is now practical, the owner of the property shall discontinue the use of the alternate sewage installation and make connection to the Village sewage main within one (1) year from the date upon which the owner has received notice of the installation or upgrading of the sewer main.

2.7 Each lot or parcel and each principal building or occupant, shall be provided with a separate water and sewer service where feasible.

Section 3: Water

The Village of Marwayne owns, operates and is responsible for maintenance of all water system components on public property;

- 3.1 No person except those authorized by the Village shall make any connection with any of the public pipes or mains in the public thoroughfares of the Village or make a connection to the water service pipe between the property line and the meter.

- 3.2 No person without first having obtained applicable provincial permits as well as permission from the Village through a development permit, will make connection with any of the public water lines or mains. The person so authorized is fully liable for any damage caused while making such connection and will also provide adequate safety provisions during the connection.
- 3.3 All water service lines, laid down in private property, between the property line and the meter, will be constructed of C.S.A. approved material of equal quality to, and compatible with, the service lines in the street between the street main and the property line. The minimum size of a water service line is 19 mm (3/4 inch) diameter.
- 3.4 The property owner owns, operates and is responsible for maintenance of water service lines on private property. All property owners shall keep and maintain service piping in proper working conditions and free from leaks.

Meters

- 3.5 All water users require meters and water meter seals to be installed on their premises, which are owned, supplied and maintained by the Village. Installation requires an open area of approximately 18" square above the main control valve and this area must be left accessible. The owner must do such work entirely at his or her own cost and to the specification required by the Village.
- 3.6 The Village will replace any meter that stops working due to normal wear and tear at no cost to the owner.
- 3.7 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.
- 3.8 No person shall interfere with, cut or remove the wire seal on a meter or valve, except in the case of an emergency.
- 3.9 In the event a person breaks a seal on a valve in order to obtain a supply of water for emergency purposes, that person shall notify the Chief Administrative Officer within twenty-four hours during regular business hours.
- 3.10 The owner shall install a control valve in the service pipe before the meter setting. The meter setting and control valve shall be positioned near the point where the private service enters the owner's building. The owner shall maintain the control valve in sound working order.
- 3.11 The owner, occupant or tenant shall be responsible for protecting the meter from interference or injury or frost or any type of defacement and shall be liable for any damage that may occur to the meter. In the event that a meter is damaged, the user of the service shall be responsible for all replacement costs.
- 3.12 The occupants, owners or tenants shall allow access to the premises for the Village's employees charged with
- 3.12.1 the installation, removal, inspection, repair, reading and otherwise dealing with the water meter or water meter seal for the checking of service piping, fixtures connected to and drawing water from the Village's distribution system.
 - 3.12.2 Shut off and seal a water line for nonpayment.

3.12.3 In the event the Village initiates a water meter change-out project, the property owner must ensure that an appointment is made to change out the old metering equipment with the new metering equipment. Failure to comply with booking such an appointment could result in utility service cancellation, reconnection charges and the full cost of the meter replacement labor charges.

3.13 The Village of Marwayne will respond to requests from property owners and utility customers for water system maintenance on private property for the following activities:

3.13.1 water service valve closing and opening in the event of downstream leaks or other requirements for their own purposes

3.13.2 other requested services if not available from the private sector

The fee is on a service basis as set out in the current Fee and Charges Bylaw.

Restrictions

3.14 The Village shall have the right to restrict or ration the amount used during periods of heavy demand, upon 24 hours notice conditions permitting, or interrupt the service for necessary maintenance, repairs or fire-fighting or any other possible emergencies.

3.15 When water restriction are set by the Village through advertising on the community channel and/or posters, anyone found watering with an outside hose will receive one warning and the next time they will be fined an amount as set in Schedule "A". If the fine is not paid by the next utility bill period, the fine will be added to their utility bill.

3.16 Except as hereinafter provided, no persons other than those authorized by the Village will open or close or operate or interfere with any valve, hydrant or fire plug or draw water there from.

3.16.1 In the case of new construction or reconstructed premises, proof of a plumbing permit may be required before the water service valve will be turned on.

Obstructions

3.17 No person will in any manner obstruct the free access to any hydrant or valve or curb cock.

3.18 No person shall interfere with, damage or make inaccessible any curb cock due to the construction of sidewalks, pathways, driveways or any similar construction. The owner will be required to pay all costs, in addition to the penalties in this Bylaw, involved in repair of or changes to a curb cock due to inaccessibility to or damage to the curb cock by the owner.

Section 4 – Cross Connections and Backflow Prevention

4.1 No person shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, waste water or any other liquid, chemical or substance to enter the water system.

4.2 Customers must allow a Village sanctioned inspector full access to their residences or facilities in order to evaluate and/or inspect possible cross connections and existing or newly installed backflow preventers.

4.3 For the purposes of preventing a cross connection as prohibited in Section 4.1, the Village may require any consumer to install a testable cross connection control device or devices.

- 4.4 At the time of installation and thereafter as required by the Village, every consumer required by any Act, regulation or code or by the Village pursuant to Section 3 to install a testable cross connection control device or devices shall:
- 4.4.1 ensure that the testable cross connection control device or devices installed are inspected and tested on a yearly basis;
 - 4.4.2 report the results of the inspection and testing on the form prescribed by the Village to the Village within the time frame specified by the Village.
- 4.5 Every consumer required by the Director pursuant to Section 4.1 to install a testable cross connection control device or devices shall install only testable cross connection control device or devices approved by the Village.
- 4.6 Every consumer required by this Section to ensure that testable cross connection control device or devices installed are inspected and tested shall ensure that only persons approved by the Village to inspect and test the testable cross connection control device or devices. In approving persons to inspect and test cross connection control devices, the Village may take into consideration the following qualifications:
- 4.6.1 a certificate from an accredited organization as a Certified Backflow Prevention Device Tester;
 - 4.6.2 a calibration certificate for test equipment;
 - 4.6.3 another trade or professional qualification (e.g. Plumbing Certificate, Sprinkler Fitter Certificate, etc); and
 - 4.6.4 liability insurance coverage
- 4.7 If a consumer fails to have a testable cross connection control device or devices inspected or tested or fails to report the results of the inspection or testing to the Village; the Village may notify the consumer that the testable cross connection control device or devices must be inspected and tested and a test report must be submitted to the Village within the time frame specified by the Village; and
- 4.7.1 the Village may discontinue providing water service to the consumer until the consumer has the testable cross connection control device or devices inspected and tested and the consumer submits a report with results satisfactory to the Village.
- 4.8 Every consumer shall display an up to date information record card issued by the Village on or immediately adjacent to the testable cross connection control device or devices.

Section 5 - Sewer

The Village of Marwayne, as owner and operator of a sanitary sewage system, recognizes a responsibility to maintain that piped system. This responsibility extends to all trunk sanitary sewers, sanitary sewer mains and sanitary sewer services on public property, excepting that persons plugging that portion of the sanitary sewer service pipe on public property are responsible for removing that obstruction.

- 5.1 The Village of Marwayne owns, operates and is responsible for maintaining the sanitary sewer system on public property, including the sanitary sewer service pipe from the sewer mains to the boundary of the private property.
- 5.2 No person, without first having obtained applicable provincial permits as well as permission from the Village through a development permit, or signed servicing agreement will make connection with any of the public sewer lines or mains. The person so authorized will be fully liable for any damage caused while making such connection and will also provide adequate safety provisions during the connection.

- 5.3 All sewer service lines, laid down in private property, between the property line and the buildings being serviced, will be so constructed of C.S.A. approved material of equal quality to the sewer service line in the street between the street main and the property line. The minimum size of a sewer service line is 100mm (4 inch) diameter. Connection must be as per current CSA standards.
- 5.4 Authorized Village employees shall have the right at all reasonable times to enter houses or other places which have been connected with the Village sewers, that have been given him to ascertain whether or not any improper material or liquid is being discharged into the sewers, and he shall have the power to stop or prevent from discharging into sewer system which are liable to injure the sewers or obstruct the flow of sewage.
- 5.5 No substance may be discharged into the sewer that is toxic, hazardous or poisonous.
- 5.6 The owner of any property, building or facility connected to the Village of Marwayne sanitary sewer systems owns, operates and has the responsibility to maintain the sanitary sewer pipe on private property.
- 5.7 The owner of any property connected to the Village of Marwayne sanitary sewer system is responsible for unplugging any blockage in the sanitary sewer service pipe on both private and public property, from the building to the sewer main connection location, both with respect to engaging a sewer cleaning contractor to unplug the pipe and bearing the cost of such service. If the main sewer line is running free, then the plugged sewer is deemed to be the responsibility of the property owner. The unplugging of a blockage in a sanitary sewer service pipe caused by tree roots from trees located on private property is considered to be the responsibility of the property owner.
- 5.8 In the event that a blockage occurs in that portion of the sanitary sewer pipe on public property which is caused by a structural defect in the pipe, the Village of Marwayne will repair the sewer pipe and reimburse the property owner or occupant for the costs of unplugging that pipe, if such costs can be supported by a paid invoice.
- 5.9 That on all new construction a sewer back-flow prevention device must be installed in all building sewer lines.
- 5.10 That on all new construction a grease, oil and sand separators must be provided on private property for all commercial garages, service stations and car washes.
- 5.11 The Village may upon reasonable notice and at reasonable times enter buildings or other places which have been connected with Village sewers, and facilities to ascertain whether or not any improper material or liquid is being discharged in sewers and the Village shall have the right to use any test or other means necessary to determine compliance with this Bylaw and to stop or prevent the discharge of any substances that are liable to injure the sewer or obstruct the flow of sewage.

Section 6- Garbage

- 6.1 Marwayne provides for residential garbage pickup through an automated garbage pick up with quick carts, which are the property of the Village, with each cart registered to each address.
- 6.2 Where necessary or advisable, Council is hereby authorized to make certain adjustments regarding the placing of garbage, cans, etc., and which lanes will be used.

6.3 Garbage pickup day and time may be varied at the discretion of the Village. Council will designate the details of pickup day and time by resolution.

Section 7 – Storm Sewer Service:

7.1 The owner of any building shall discharge the rainfall or snow melt from roofs by means of roof drains to the ground surface at the exterior of a building in such areas where public storm sewer connections are not provided. No person will discharge or cause to be discharged any storm water or natural water to any sanitary sewer.

7.2 All new construction, at the owner's own expense, must have the building weeping tile or any other foundation drain to a sump installed within the building; the sump shall discharge by pumping to the ground surface at the building exterior, as per the requirements of the Alberta Building Code. No person shall connect a weeping tile or other foundation drain to a sanitary sewer.

Section 8 - Billing

8.1 That every person, firm or corporation being the registered owner or purchaser entitled to possession under the Agreement for Sale of property, shall pay monthly to the Village of Marwayne, the rates as set out in the current Fees and Charges Bylaw. The said charges shall be due and payable when the account is rendered. Failure to receive an account shall in no way affect the liability of the consumer to pay the amount.

8.2 The Council may vary the said rates or add thereto other classifications, as may be deemed necessary.

8.3 Any person or persons, firm or corporation making application for utility services, or to whom services are rendered from the Village shall pay:

8.3.1 a deposit as set in the current Fees and Charges Bylaw. No interest shall be paid on the deposit.

8.4 Payment of utility bills is due at the last day of the month in which the bill is mailed.

8.5 A utility bill not paid by the due date will be considered to be in arrears and subject to late penalty charges as per the current Fees and Charges Bylaw.

8.6 An Administration fee as set out in the current Fees and Charges Bylaw will be levied in the event that a transfer of utility account balance to the Property tax account is deemed necessary.

8.7 Any utility bills in arrears for services supplied by the Village to any land or premises may be added to the taxes assessed against the real property to which the utility services has been supplied, and may be collected in any of the ways provided for the collection of taxes, according to the Municipal Government Act M-26.1, 1994 and any amendments thereto. And subject to an administration fee as set in the current Fees & Charges Bylaw.

8.8 Where the calculation of a utility billing is based on the consumption of water, the quantity used shall be determined from the present and previous meter readings as recorded by the Village or if an actual reading is not available, a minimum bill will be generated.

8.9 To activate water service to a premise, someone must be at the premise when the water is turned on.

Section 9 - Termination

- 9.1 An owner who has been supplied with service and who desires the discontinuance of the use, must give the Village notice of discontinuance and provide:
- 9.1.1 The name of the person responsible for further use, otherwise the rates previously charged will continue until such notice is given or the water turned off.
 - 9.1.2 A final meter reading. The Village may base the final charge for service on an estimated meter reading if a final is not received.
 - 9.1.3 The water service may not be physically shut off if the person responsible for further use is known.
 - 9.1.4 The final estimated bill may be added to the tax account to ensure payment when the premise is transferring ownership.
- 9.2 When the premises to which utility service is provided becomes vacant and no request for service has been made, the Village may terminate the contract and, in lieu of disconnecting the service, open a new utility account in the name of the owner. Nothing herein shall prevent the owner from requesting that the Village disconnect such utility service provided the owner pays the service charge prescribed herein.
- 9.3 The Village may discontinue the supply of all utility services for any of the following reasons:
- 9.3.2 non-payment of any utility accounts; or
 - 9.3.3 inability of the Village to obtain access to a residential premises to read any meter; or
 - 9.3.4 failure by, or refusal of, a customer to comply with any provision of this bylaw; or
 - 9.3.5 failure by, or refusal of, a customer to comply with any provisions of any Provincial Acts, the Building Code, or any regulations thereunder; or
 - 9.3.6 at the owner's request to have services discontinued; or
 - 9.3.7 repair; or
 - 9.3.8 lack of water supply; or
 - 9.3.9 defective piping; or
 - 9.3.10 failure to comply with water rationing; or
 - 9.3.11 in any other case provided for in this bylaw
- 9.4 The Chief Administrative Officer is hereby authorized and directed to enter upon and in any property upon which a meter or shut-off valve is situated for the purpose of terminating the supply of a utility to that property, or for the purpose of supplying a utility to that property.
- 9.5 Upon termination of an existing utility account the deposit shall be returned to the consumer after deducting therefrom all fees and charges outstanding.
- 9.6 For bulk water utility accounts where the customer does not reside within the Village limits, accounts in arrears for 45 days shall be subject to termination and any subsequent reactivation after payment of overdue funds will be subject to \$50.00 non-refundable re-activation fee for overdue account holders.

Section 10 Offenses and Penalties

- 10.1 Unpaid utility bills for amounts payable to the Village under this bylaw will be subject to penalties in accordance with the current Fees and Services Bylaw and amendments thereto.
- 10.2 Any rates, costs or charges in arrears for water service supplied by the Village to any property, may be added to the taxes assessed against the real 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 tax recovery.

10.3 Any person violating any provision of this bylaw may be served by the Village with written notice stating the nature of the violation and requiring the satisfactory correction thereof within 48 hours, or such additional time as determined by the Chief Administrative Officer. Such person shall, within the time stated in such notice, permanently cease all violations.

10.4 Where a Peace Officer or Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, they may serve upon such person an municipal tag allowing the payment of the specified penalty, as per Schedule "A" to the Village which shall be accepted by the Village in lieu of prosecution for the offence.

10.5 Any person who fails to act in compliance and accordance with any notice given to him under this bylaw; shall be guilty of an offence and upon summary conviction shall be liable to a penalty of not less than \$200 and not more than \$2,500, plus court costs and in default of payment of the penalty and costs, to a term of imprisonment not exceeding 6 months.

Section 11 Severability

11.1 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Section 12 General

12.1 In case of any dispute as to the proper charge to which any property is subject by reason of the provisions herein contained, the matter shall be referred to the Chief Administrative Officer and where the dispute is not then settled to the satisfaction of a property owner such owner may refer the matter to the Village Council. Final appeal may then be made in the manner provided for the Arbitration Act of the Province of Alberta.

12.2 Bylaw No. 542-15 is repealed.

12.3 This bylaw comes into effect upon the date of it being finally passed.

Read for the first time this 26th day of October, 2015.

Read for the second time this 26th day of October, 2015.

Read for the third and duly passed in open Council this 26th day of October, 2015.

Signed by the Mayor and Chief Administrative Officer this 26th Day of October, 2015.

Jenelle Saskiw, Mayor

Joanne Horton
Chief Administrative Officer

Schedule "A"

Section		Penalty
3.1	No person authorized to make connection to pipes	\$500
3.2	No person without obtaining provincial permits and Village development permit, will make connection to pipes	\$200
3.7	No person shall disconnect a meter or do anything which may prevent or impede the flow of water through a meter	\$1000
3.8	No person shall interfere with, cut or remove the wire seal on a meter or valve	\$1000
3.11	Not protecting the meter from interference or injury or frost or any type of defacement	\$200 + replacement costs
3.15	Watering during water restriction	\$500
3.16	No person will operate a valve, hydrant or fire plug	\$200
3.17	No person will obstruct access to any hydrant or valve or curb cock	\$200
3.18	Interfere, damage or make inaccessible any curb cock	\$200 + costs
4.1	No person will allow substances to enter water system	\$2000 + costs
4.7	Failure to install testable CCC, inspect and report	\$200 + disconnection
5.2	No person without obtaining provincial permits and Village development permit, will make connection to pipes	\$200
5.5	Toxic, hazardous or poisonous substance discharged into sewer	\$2000
5.9	New construction fails to have sewer backflow device	\$200
7.1	Discharge storm water or natural water into the sanitary sewer	\$200
7.2	Weeping tile connected to sanitary sewer	\$200

For second and additional offences, the penalty will double.
end of bylaw the following is for ease of finding

Voluntary Fines Ticket

Utility Bylaw Ticket

Municipal Tag

This ticket is issued for breach of Bylaw No. 538-15, Section: _____.

Nature of Offence: _____

PENALTY

First Offence: \$ _____

Second and
Additional Offence: \$ _____

PRESENTATION OF THIS TICKET within twenty-one (21) days of the date of issue together with voluntary payment of the penalty indicated, plus any other required fees, if applicable, will be accepted in lieu of prosecution.

PAYMENT may be made to the Village of Marwayne at the Village of Marwayne Office during regular office hours, or by mail. If remitting by mail, payment must be received at the Village of Marwayne Office within the twenty-one (21) day period.

FAILURE TO REMIT PAYMENT WITHIN TWENTY-ONE (21) DAYS WILL RESULT IN PROSECUTION IN PROVINCIAL COURT.

Date: _____ Time: _____ am/pm

Name: _____

Address: _____

Location of Offence: _____

Issued by: _____