

**BYLAW NO. 1511**

**OF THE TOWN OF WHITECOURT IN THE PROVINCE OF ALBERTA**

**TO PROVIDE FOR THE SUPPLY AND USE OF THE WATER, WASTEWATER, AND STORM WATER UTILITIES FOR THE TOWN OF WHITECOURT**

**WHEREAS**, the Council of the Town of Whitecourt (hereinafter called the "Town") in the Province of Alberta has authority under the Municipal Government Act, to pass bylaws respecting the safety, health and welfare of people.

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

**NOW THEREFORE**, Council of the Town of Whitecourt, in the Province of Alberta, hereby enacts as follows:

***PART 1 – TITLE AND DEFINITIONS***

**1. SHORT TITLE AND ESTABLISHMENT OF UTILITIES**

- 1.1 This Bylaw shall be called "The Utility Bylaw".
- 1.2 The Town of Whitecourt hereby establishes the following municipal utilities: Water, Wastewater, and Storm Water.

**2. DEFINITIONS**

- 2.1 "*Backflow Preventer*", also referred to as a cross connection control device, means a device that prevents flow of water or other liquids, mixtures, or substances into the drinking water system from any source or sources other than the intended source.
- 2.2 "*Backflow Valve*" means a device to prevent flow reversal in a storm water or wastewater sewer connection.
- 2.3 "*Biological Waste*" means waste which contains or may contain:
  - a. pathogenic agents that cannot be effectively mitigated by wastewater treatment; and
  - b. experimental biological matter that may be hazardous to human health or detrimental to the environment.
- 2.4 "*Biomedical Waste*" means:
  - a. any human anatomical waste, animal waste, untreated microbiological waste, waste Sharps and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in "Laboratory Biosafety Guidelines" published by Health Canada, Edition 3, 2004, as amended; or
  - b. waste that contains or may contain pathogenic agents that may cause disease in humans exposed to the waste.
- 2.5 "*BOD or Biochemical Oxygen Demand*" means the five-day BOD which is the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the appropriate procedure in Standard Methods.
- 2.6 "*Building Code*" means the building code declared in force pursuant to the Alberta Building Code Regulation, AR 31/2015, as amended.
- 2.7 "*Connection Town Service*" means that portion of a pipe used or intended to be used for the supply of water which extends from the water main to the service valve which typically is located at the property line or near.

- 2.8 "*Connection Town Sewer*" means that part of the wastewater or storm water sewer pipe located within the limits of the Town's road allowance, lands, right of ways, or easements and is connected to the private sewer system at the property line.
- 2.9 "*Cleanout*" means a pipe fitting that has a removable cap or plug and is so constructed that it will permit access to a sewer pipe for the purpose of cleaning.
- 2.10 "*Combined Service*" means the Town service connection used or intended to be used to supply water for fire protection as well as water for purposes other than fire protection.
- 2.11 "*Combustible Waste*" means a substance that is able to catch fire and burn easily.
- 2.12 "*Composite Sample*" means a volume of wastewater, storm water, uncontaminated water, clear water or effluent made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling periods.
- 2.13 "*Cooling Water*" means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with raw material.
- 2.14 "*Cross Connection*" means an existing connection or a potential connection between any part of a drinking water system, wastewater, storm water and any other environment containing other substances in a manner, which, under any circumstances, would allow such substance to enter the drinking water system.
- 2.15 "*Dangerous Goods*" has the meaning set out in the Dangerous Goods Transportation and Handling Act, RSA 2000, Ch. D-4 as amended, and the regulations thereunder.
- 2.16 "*Deleterious*" means:
- a. any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or unsuitable for the purposes intended;
  - b. any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of the water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or unsuitable for the purposes intended.
- 2.17 "*Dental Amalgam*" means a dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc.
- 2.18 "*Dental Amalgam Separator*" means any technology, or combination of technologies, designed to separate dental amalgam particles from dental operation Wastewater.
- 2.19 "*Development*" means a newly serviced lot, a newly-constructed building larger than 10 m<sup>2</sup>, or an addition to an existing building larger than 10 m<sup>2</sup>;
- 2.20 "*Drinking Water*" means water with a level of quality which is typical of uncontaminated water normally supplied by the Town.
- 2.21 "*Dwelling Unit*" means one or more rooms useable as a residence operated as a single housekeeping unit and having its own sleeping, cooking, and toilet facilities.
- 2.22 "*Facilities*" means all infrastructure forming part of the Utility Service, including mains, lines, pipes, service connection points, pump stations, hydrants, valves and meters and treatment infrastructure.
- 2.23 "*Fire Line*" means a pipe intended solely for the purpose of providing a supply of water for fire protection purposes.
- 2.24 "*Grab Sample*" means a single sample or measurement of wastewater, storm water, drinking water or effluent which is collected at a specific time.
- 2.25 "*Grit*" means sand, gravel, cinder, or other heavy solid materials that are heavier than the organic biodegradable solids in the waste water.
- 2.26 "*Hauled Wastewater*" means waste removed from a wastewater system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet or a Wastewater holding tank or any waste which is transported to and deposited into an approved wastewater treatment facility.
- 2.27 "*Hauled Wastewater Permit*" means a permit issued by the Town of Whitecourt for acceptance to dispose at the treatment facility.

- 2.28 "Hazardous Waste" means:
- a. any substance or mixture of substances that exhibits characteristics of flammability, corrosivity, radioactivity, reactivity or toxicity; and
  - b. has the meaning set out in the Environmental Protection and Enhancement Act, R.S.A. 2000, Ch. E 12 as amended, and the regulations thereunder and the Alberta Waste Control Regulation (AR192/1996) and any successor to this Acts or Regulations.
- 2.29 "*Hydrocarbons*" mean solvent extractable matter as set forth in Standard Methods by Alberta Environment and Parks.
- 2.30 "*Industrial Waste*" means any waste from industrial processes, such as dairies, breweries, packing plants and petro chemicals and similar processes.
- 2.31 "*Inspector*" means a person or employee authorized by the Town to enforce the provisions of this Bylaw includes designated employees, Bylaw Officers, Community Peace Officers, and Police Officers.
- 2.32 "*Institution or Institutional Facility*" means a facility, usually owned by a government, operated for public purposes, such as a school, university, medical facility (hospital, nursing station, and nursing home), museum, prison, government office, military base. Some of these facilities produce non-residential discharges to sewers from, for example, laboratories, chemical use, and industrial processes.
- 2.33 "*Interceptor*" means a device designed to prevent oil, grease, sand or other solid matter from passing from the source thereof into the wastewater or storm water sewer systems.
- 2.34 "*Low-flow Plumbing Fixtures*" means toilets with a usage not exceeding 6.0 litres per flush; single flush urinals with a usage not exceeding 3.8 litres per flush; shower head fixtures with a flow rate not exceeding 9.5 litres per minute; and lavatory basin faucets and kitchen sink faucets with a flow rate not exceeding 8.3 litres per minute.
- 2.35 "*Monitoring Access Point*" means an access point, such as a chamber, in a private sewer connection to allow for observation, sampling and flow measurement of the wastewater, drinking water or storm water therein.
- 2.36 "*Multi-Family Residential*" means a building containing three or more dwelling units.
- 2.37 "*Occupant or Tenant*" means the person that leases or occupies a property to which Utility Services are provided.
- 2.38 "*Oil and Grease*" means n-Hexane extractable matter as described in Standard Methods.
- 2.39 "*Owner or Property Owner*" means the Person who is registered on the tax roll or under the Land Titles Act, as the Owner of the fee simple estate in the land to which Utility Services are provided.
- 2.40 "*PCBs*" means any mono-chlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them.
- 2.41 "*Person*" means any individual, occupier, lessee, Tenant, Owner, contractor, firm, partnership, association, corporation, trustee, executor, administrator or legal representative to whom the context applies according to law.
- 2.42 "*pH*" means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution as set forth in Standard Methods.
- 2.43 "*Phosphates*" means a chemical salt classified as orthophosphates, condensed phosphates and poly-phosphates.
- 2.44 "*Polluted Water*" means water that contain deleterious substances in excess of that permitted in this Bylaw.
- 2.45 "*Pre-treatment*" means the reduction, elimination or alteration of pollutants in Wastewater prior to discharge into the Sewer, whether by physical, chemical or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants.
- 2.46 "*Private Water Service or Private Service Connection*" means that portion of a pipe used or intended to be used for the supply of water which extends from the service valve to a meter.
- 2.47 "*Property*" in the case of land means a parcel of land and includes premises located upon the land where the context requires; or in other cases, means personal property.
- 2.48 "*Radioactive Materials*" means prescribed substances as defined in the Nuclear Safety and Control Act, SC 1997, c.9 and Regulations enacted thereunder, as amended.

- 2.49 **"Reactive Waste"** means a substance that is normally unstable and readily undergoes violent changes without detonating; reacts violently with water; forms potentially explosive mixtures with water; when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment; is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment; is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement; is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Regulation as amended.
- 2.50 **"Remote Reading Device"** means a device which is connected to a water meter by the Town and provides a duplicate reading of the water consumed, which may be monitored from the exterior of a building.
- 2.51 **"Sampling Port"** means a valve, tap, or similar device on equipment, a drain pipe or at another suitable location, to allow for sampling, consistent with technical guidelines that the Town may establish from time to time.
- 2.52 **"Service Valve"** means the water valve/curb stop on a Town Service Connection which is typically located at the property line.
- 2.53 **"Sewer"** means a pipe, conduit, drain, open channel or ditch for the collection and transmission of wastewater or storm water and to which private or Town sewer connections may be attached.
- 2.54 **"Sharps"** means hypodermic needles, syringes, blades, broken glass and any devices, instruments or other objects which have acute rigid corners, edges or protuberances.
- 2.55 **"Spill"** means a direct or indirect discharge into the wastewater or storm water sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge.
- 2.56 **"Standard Methods"** means a procedure or method set out in the most recent edition of the Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association or such other edition as is approved in writing by the Inspector.
- 2.57 **"Storm Water Sewer System"** means a sewer for the collection and transmission of uncontaminated water, storm water, and drainage from land or from a watercourse, or storm water pond, or any combination thereof but excluding any wastewater.
- 2.58 **"Storm Water"** means the water running off the surface of a drainage area during and immediately after a period of rain or snow melt.
- 2.59 **"Subsurface Water"** means groundwater including foundation drain water.
- 2.60 **"Sump"** means a facility on the connection to the wastewater collection system for trapping large, heavy solids before discharge into these systems.
- 2.61 **"Town"** means Chief Administrative Officer or his/her designate officer.
- 2.62 **"Utility or Utility Service"** means, as the context may require, the Town's Water Utility, Wastewater Utility, and Storm Water Utility.
- 2.63 **"Water Main"** means those pipes installed by the Town Right of Ways, roads, and easements for the conveyance of water throughout the Town to which Town service connections may be attached.
- 2.64 **"Water Utility"** means the system of water works owned and operated by the Town and all accessories and appurtenances thereto.
- 2.65 **"Waste"** means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of.
- 2.66 **"Wastewater"** means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source.
- 2.67 **"Wastewater Sewer"** means a sewer for the collection and transmission of domestic or industrial wastewater or any combination thereof.
- 2.68 **"Wastewater Works"** means any works for the collection, transmission, treatment and disposal of wastewater, storm water or uncontaminated water, including a combined sewer, wastewater sewer or storm water sewer, or any part of such works, but does not include plumbing or other works to which the applicable Building Code applies.

## **PART 2 – GENERAL PROVISIONS**

### **3. DELEGATION**

Council hereby delegates to the Chief Administrative Officer all those powers stipulated by this Bylaw to be exercised by the Town and all necessary authority to carry out those powers, except those powers which are reserved exclusively for Council under the *Municipal Government Act*, or reserved for other Persons pursuant to the provisions of this Bylaw. The Chief Administrative Officer is authorized to further delegate the powers granted by this Section.

### **4. SUPPLY AND OWNERSHIP OF FACILITIES AND EQUIPMENT**

- 4.1 All meters and metering equipment shall be supplied and maintained by the Town unless otherwise provided in this Bylaw.
- 4.2 Notwithstanding the payment by an Owner of any costs incurred by the Town, the Town shall retain full title to all lines, equipment and apparatus on the Town's service connection side.

### **5. TOWN RESPONSIBILITY AND LIABILITY**

- 5.1 The Town does not guarantee the continuous uninterrupted supply of any Utility Service but reserves the right to suspend the supply of a Utility Service at any time without notice.
- 5.2 The Town and its officers, employees and agents shall not be liable for any damages of any kind due to or arising out of:
  - a. a failure to provide a Utility Service;
  - b. the interruption of service due to maintenance or operational requirements, or due to reasons beyond the Town's control; or
  - c. the disconnection or removal of a Utility Service in accordance with this Bylaw.

### **6. APPLICATION FOR UTILITY ACCOUNT**

- 6.1 A Person requesting a Utility Account shall apply to the Town by completing an application form and providing such information as the Town may require.
- 6.2 The Town may establish procedures for the creation of Utility Account by telephone, fax, internet or other electronic means, or may require the applicant to sign in person a *Utility Account Agreement Application*.
- 6.3 The Utility Account shall be set up:
  - a. in the name of the Owner; or
  - b. in the name of the Person in the case of a new building under construction, Agent for Owner (Realtor/Contractor) where the Utilities are requested by the general contractor.
- 6.4 In all cases the Owner shall be liable for the Utility Account and the cost of Utility Services supplied to a property, regardless whether the Property is occupied by the Owner or a Tenant and all invoices issued by the Town shall be sent to the Owner.
- 6.5 The establishment of a Utility Account creates an agreement between the Owner and the Town, of which the provisions of the application form and the terms of this Bylaw shall form a part.
- 6.6 No new Utility Account will be opened for anyone who is in arrears to the Town for Utility Services unless satisfactory arrangements for payment of the outstanding amount have been made.

### **7. TRANSITION OF ACCOUNTS**

- 7.1 All current utility accounts in the name of the Tenant will be transitioned to the Owner. The Owner will not be charged a fee for opening or transferring accounts.
- 7.2 Utility deposits held by Town will be refunded to the Occupant or Tenant if the account is in good standing.
- 7.3 To accommodate transition, properties where the account is held in the name of a current Tenant and the account is in good standing at the time this Bylaw comes into effect, may continue to receive the applicable Utility Services until such time as the Owner transfers the account into the Owner's name or the Utility Services is otherwise discontinued for any reason pursuant to this Bylaw.

- 7.4 Notwithstanding Section 7.3, the Owner of a property serviced by a Utility where the account is in the name of the Tenant shall be required to submit an Application for the Utilities not later than one year from the date this Bylaw comes into effect, in order to transition the account into the Owner's name. Failure to submit an Application in the format required by the Town and establish an account in the name of the Owner of a property as required herein shall be grounds for discontinuance of the provision of the Utility Services to the Property, in accordance with s. 41 of the *Municipal Government Act*, provided that the Town provides a minimum of thirty (30) days written notice to the Occupant and Owner of the property of its intention to discontinue the provision of the Utility Services to the Property

## **8. CONDITIONS OF SERVICE**

- 8.1 Upon receipt of all required information and fees, verification of the Owner's identity and the accuracy of the information, the Town will advise the Owner whether and on what terms the Town is prepared to supply Utility Services to the Owner, the type and classification of the connections it is prepared to approve for the Owner, and any conditions (including without limitation, payments by the Owner) that must be satisfied as a condition of the supply of the Utility Services.
- 8.2 The Town is not obliged to supply Utility Services until the Owner has provided the Town with access to the premises to which the Utilities are to be provided, so to enable the Town to inspect the physical connections for such Utility and to obtain an initial meter reading for each metered Utility Service.

## **9. DEPOSITS FOR BULK WATER ACCOUNTS**

Before a Utility bulk water account is opened, a guarantee of payment in the form of a cash deposit, credit card, money order, or certified cheque in the amount set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw. Alternately, In the case of large businesses, the Town may accept an irrevocable letter of credit or guarantee from a financial Institution.

## **10. INTEREST ON DEPOSITS**

Interest on each Owner's cash security deposit shall be calculated annually and credited, not in advance, at the rate specified to be paid on security deposits under the *Residential Tenancy Act*, SA 2004, cR-17.1 as amended.

## **11. REFUND OF BULK ACCOUNT DEPOSIT**

Upon termination of the Bulk *Utility Account Agreement*, the deposit shall be refunded, together with accrued interest, after deducting any amount owed to the Town whatsoever by the Owner in relation to the Owner's Bulk Utility account. The balance of the deposit will be refunded within 3 months of the final bill due date to the address on the account, or such other address provided by the Owner.

## **12. SERVICE CHARGE**

When an Owner requests that the Town attend at the property to which the Utility Service is being supplied with respect to any matter relating to the supply of Utility Services or the servicing of the same, and if for any reason whatsoever the Town is unable to enter the said premises, or if the call is for failure of service not attributable to the Town, or the water meter is not accessible, the Owner shall pay a service charge fee as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

## **13. AFTER HOURS CALLS**

The Owner shall pay the applicable after hour's fee as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw for service calls after 5:00 p.m. or before 8:00 a.m., Monday through Friday, or on a Saturday, Sunday, or statutory or civic holiday. The fee for after hours' calls shall also apply if a meter is required to be installed or connected, or should a Utility Service be required to be disconnected or reconnected during such times.

## **14. UTILITY CHARGES AND PAYMENT OF UTILITY ACCOUNTS**

- 14.1 The rates and charges for Utility Services shall be those set out in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

14.2 All rates and charges shall be paid to the Town within the time prescribed by this Bylaw.

14.3 The whole amount owing in a Utility Account is due and payable on the due date stated on the Utility bill and the account will be deemed to be in arrears if payment is not made on or before the due date. The Owner is responsible to pay the amounts owing on a Utility bill whether or not the Owner has received the utility bill.

14.4 Any charge on an Owner's account remaining unpaid after the due date will be in arrears and constitute a debt owing to the Town recoverable by any or all of the following methods:

- a. The Town after 90 days will add the outstanding account balance to the tax roll of the Owner of the property; and
- b. The Town may discontinue the supply of all or any Utility Services;
- c. The Town may terminate and close the Owner's account;
- d. By action in any Court of the Alberta.

## 15. DISCONNECTION

The Owner shall pay a disconnection service charge as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw where a Utility Service is disconnected.

## 16. RECONNECTION

Before the Town reconnects or restores Utilities Services, the Owner shall:

- a. pay any amount owed in full by the Owner to the Town for Utility Services or, at the Town's discretion, make arrangements for payment satisfactory to the Town;
- b. pay the applicable reconnection service charge as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

## 17. BILLING ADJUSTMENTS

Where an Owner has been charged less or more than they should have been charged for Utility Services provided, the Town will review the account and make corrections for the billing errors for up to a maximum of 12 months prior to the date the error is discovered. Corrections will not be made for billing errors in respect of Utility Services provided more than one year prior to the date the billing error is discovered.

## 18. LATE PAYMENT PENALTY

When the Owner pays the Utility account after the due date stated in the account or after such other due date as may be approved by the Town, whether the payment is made at a financial Institution or directly to the Town, the Owner shall pay a penalty on the overdue balance as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

## 19. NOVELTY PAYMENT METHODS

The Town may refuse to accept a payment by way of a cheque drawn on a form other than a bank cheque form (a Novelty Cheque), but where the Town does so, the Owner shall be liable for and pay to the Town all charges and costs incurred to process the Novelty Cheque. The Town will follow the Bank of Canada rules and regulations of currency acceptance limitations in respect of payment by cash.

## 20. INTERIM UTILITY BILL

20.1 Where the Town has not measured the amount of a metered Utility Service, it may issue an interim Utility bill based on estimated consumption and shall credit Utility accounts for all payments made by an Owner against such interim bill.

20.2 Where any service rate or charge is referenced to a time frame, the charge for a lesser period of time shall be calculated on a prorated basis.

## 21. ENFORCEMENT

The Town is authorized to collect all accounts owing to the Town under this Bylaw, and may take any of the

measures a municipality is authorized to take under the *Municipal Government Act*.

## 22. APPEALS

- 22.1 A Person, who uses, receives, or pays for Utility Services may appeal a service charge, rate or toll charged under this Bylaw on the grounds that such service charge, rate or toll does not conform to the established public Utility rate structure, has been improperly imposed, or is discriminatory, to the Alberta Utility Commission.
- 22.2 A Customer may appeal decisions made by the Director of Infrastructure or his/her delegate pursuant to the following sections of this Bylaw:
- a. Section 17 – Billing Adjustments
  - b. Section 29 – Connection to Utility Service to CAO by filing a Notice of Appeal with the Director of Infrastructure within 14 days of receiving the aforementioned decision. When hearing an appeal, the CAO may confirm, revoke or vary the decision. CAO is not obligated to conduct an oral hearing and may conduct the review based on written material provided by the Person and any other Town employee.

## 23. REASONABLE NOTICE

The Town shall provide written notice by regular mail to the Property Owner and/or posting on the property of any breach of this Bylaw which may result in the Town discontinuing Utility Services. Such notice shall be deemed to be received 7 working days following the mailing or posting of the notice of the discontinuance of Utility Service. Notices shall be sent to the Owner, the notice shall be sent to the address of the premises and/or the address provided in the application for service.

## 24. TERMINATION OF ACCOUNT BY OWNER

- 24.1 An Owner is responsible for all charges accruing to the Owner's account until such time as the account is closed.
- 24.2 When an Owner gives notice to the Town that the Owner's account is to be closed, the Town shall obtain a final reading of any meter as soon as reasonably practical and the Owner shall be liable for and pay for all service supplied prior to such reading. The Town will require access to the premises to read the meter and complete an inspection of equipment. The Town may base the final charge for service on an estimated meter reading which will be prorated from the time of an actual meter reading.

## 25. TERMINATION BY THE TOWN UPON NOTICE

The Town may discontinue the supply of any Utility Service for any of the following reasons, after notice has been given pursuant to Section 23:

- a. non-payment of any Utility accounts;
- b. inability of the Town to obtain access to premises to read, service, inspect meter or any other related equipment;
- c. failure or refusal of an Owner to comply with any provision of this Bylaw;
- d. in any other case provided for in this Bylaw.

## 26. TERMINATION WITHOUT NOTICE

- 26.1 The Town may discontinue the supply of a water Utility Service without prior notice in the event of any threatened or actual danger to life or property, or in any other similar circumstances that the Town determines, in its sole discretion, acting reasonably, require such action.
- 26.2 The Town may discontinue the supply of the water Utility Service without prior notice for any of the reasons listed above or for any of the following reasons:
- a. if the Owner has caused, permitted or allowed any piping, fixture, fitting, container or other appliance to be or remain connected to the water supply system which allows or has the potential to allow water from a source other than the water utility or any other harmful or deleterious liquid or substance to enter the water utility;
    - i. failure by an Owner to notify the Town within 24 hours after the seal on a bypass or a water meter is broken;



- ii. failure by an Owner to repair or replace a backflow preventer within ninety-six (96) hours of being so directed by the Town;
- iii. in the event of an emergency or water shortage as the Town deems necessary; or
- iv. in any other case provided for in this Bylaw.

## **27. ACCESS TO ENTER PREMISES**

- 27.1 In accordance with the *Municipal Government Act*, the Town may, after giving reasonable notice to the 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 Utility Service to that property.
- 27.2 The Owner is responsible to provide the Town access to the meter, shut-off valve and other Town infrastructure for the purpose of providing, maintaining or terminating the supply of a Utility Service.
- 27.3 The Town may remove obstructions on the premises or road allowances that are interfering with the performance of providing, maintaining or terminating the supply of a Utility Service and may charge the Owner the costs associated with such removal. The Town will use reasonable care to avoid damaging the obstruction during removal. The Town shall not be responsible for any restoration costs associated with such removals, should they be incurred.
- 27.4 If the Town cannot access the meter, shut off valve, or curb stop for any reason, the Town may charge a no access fee to the Owner as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

## **28. SERVICE REMOVAL AND BUILDING DEMOLITION**

- 28.1 No Person shall cause, permit or allow a building to be demolished or removed until Utility Services to the property are disconnected and removed and any fee for such removal has been paid. Notwithstanding the foregoing; the Town may, in circumstances which the Town considers appropriate, permit the service to remain connected to the Utility Service line or main.
- 28.2 Utility charges will continue in accordance with the rates identified in the Town of Whitecourt Fees, Rates, and Charges Bylaw until all occupiable buildings located on the property have been demolished or removed.

## **29. CONNECTION TO UTILITY SERVICE**

- 29.1 Within one year after a Utility Service becomes available, the Owner of every building situated on land abutting a water main and a wastewater sewer main, shall at the Owner's expense connect such building to the water system and install sanitation facilities, where available, and connect the building to the wastewater sewer systems in accordance with the requirements and standards set out in the Alberta Provincial Legislation and elsewhere in this Bylaw. If there is an existing well or sewer system these must be 100% abandoned, to avoid cross contamination, prior to have the water turned on by the Town.
- 29.2 Notwithstanding Section 29.1, the Town shall have the discretion to extend the period of time within which the connection to the water main and/or wastewater sewer must be made for such period of time as the Town considers is reasonable and subject to review every 3 years or less, provided that such extension of time is consistent with Town policies and Council direction, and also provided that the failure to connect:
- a. will not jeopardize the health or safety of the occupants of the building or of other Town residents;
  - b. will not adversely affect the integrity or operation of those utilities; and
  - c. will not present an undue risk of damage to property or the environment.
- 29.3 The Owner shall provide the Town with a completed application form approved by the Town, to make such connection. The application shall include any plans, or specifications as may be required by the Town Design Standards, or other information required by the Town.
- 29.4 The Owner shall, pay a service connection inspection fee as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw.
- 29.5 At such time as the Owner connects to a Utility Service, the Owner shall also open a Utility account and make payment of all applicable fees that maybe required under this Bylaw.
- 29.6 No person shall uncover, make any connections with or opening into, use, alter, or disturb any water mains, Town service connections, wastewater sewer, storm water sewer or appurtenances thereof, unless authorized by the Town.
- 29.7 All private water service connections, wastewater sewers, and storm water infrastructure and facilities on

private property shall be constructed and maintained by the Owner's forces at his expense in accordance with the requirements of this Bylaw, the Alberta Provincial Legislation Code, Fire Code, and accepted engineering principles.

### **30. INSTALLATION OF SERVICES**

The Owner shall bear all costs related to the installation of a service connection including but not limited to the restoration of sidewalks, landscaping, road structure, and third party infrastructure.

### **31. ABANDONED UTILITY CONNECTIONS**

- 31.1 When any wastewater or storm water private sewer connection is abandoned, the Owner shall effectively block up the connection at property line or within the property to prevent wastewater or storm water from backing up into the soil or from dirt being washed into the Town sewer connection. The Town must inspect and approve the location and method.
- 31.2 If potential for re-use of the water service exists, or for any reason the Town deems acceptable, the water service may be temporarily shut off at the property line at the cost to the Owner. If a temporary discontinuation is allowed and thereafter, for any reason the Town deems it necessary to do a permanent disconnect, the physical shut off of a water service line from the water main at the Owner's expense.
- 31.3 If the water is to be shut off and the meter removed for the purpose of demolition, the Owner shall be responsible of all costs associated with such. If the water cannot be shut off due to damage to the curb cock the Town shall excavate to the water service pipe and disconnect the services at the expense of the Owner.

### **32. SAMPLING AND MONITORING**

- 32.1 Where sampling is required for the purposes of determining the concentration of constituents in the wastewater or storm water, the sample may:
  - a. be collected manually or by using an automatic sampling device; and
  - b. contain additives for its preservation.
- 32.2 For the purpose of determining compliance with this Bylaw, discrete wastewater or storm water streams within premises may be sampled, at the discretion of the Inspector.
- 32.3 At the time of development, the Owner of any industrial, commercial or institutional premises or multi-family residential building shall install a Monitoring Access Point as required and ensure that it is accessible to the Inspector for the purposes of observing, sampling and flow measurement.
- 32.4 Existing development prior to the adoption of this Bylaw that is found to be a contravention of this Bylaw the Town may require the Owner to install a Monitoring Access Point as specified by the Town.
- 32.5 Any single Grab Sample may be used to determine compliance with any provision of this Bylaw.
- 32.6 All tests, measurements, analyses and examinations of wastewater or storm water, its characteristics or contents pursuant to this Bylaw shall be carried out in accordance with Standard Methods and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of the Inspector as agreed in writing prior to sample analysis.
- 32.7 The following businesses require Sampling Ports when it is not possible to install a Monitoring Access Point:
  - a. dental offices;
  - b. businesses using photographic processing equipment;
  - c. dry cleaners;
  - d. vehicle washing; or
  - e. any other businesses identified by the Town.

### **33. SPILLS**

- 33.1 In the event of a spill on the ground or to a wastewater and/or storm water sewers, the person responsible for the spill or the person having the charge, management and control of the spill shall immediately notify and provide any requested information with regard to the spill to:
  - a. Alberta Environment and Parks;
  - b. 911 Emergency if there is any immediate danger to human health and/or safety; or

- c. if there is no immediate danger:
    - i. by contacting the Town of Whitecourt;
    - ii. the Owner of the premises where the release occurred; and
    - iii. any other person whom the person reporting knows or ought to know may be directly affected by the release.
- 33.2 Nothing in this Bylaw relieves any persons from complying with any notification or reporting provisions of:
- a. other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the spill;
  - b. Alberta Environment and Parks; or
  - c. any other Bylaw of the Town.
- 33.3 The person responsible for the spill and the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue, and restore the affected area to its condition prior to the spill.
- 33.4 Thereafter, that person shall provide a detailed report on the spill to the Town, within five working days after the spill, containing the following information to the best of their knowledge:
- a. name and telephone number of the person who reported the spill and the location and time where they can be contacted;
  - b. location where spill occurred; date and time of spill; material spilled; characteristics and composition of material spilled; volume of material spilled; duration of spill event;
  - c. work completed and any work still in progress in the mitigation of the spill;
  - d. preventive actions being taken to ensure a similar spill does not occur again; and copies of completed spill prevention and spill response plan.
- 33.5 The Town may invoice the person responsible for the spill to recover all costs arising as a result of the spill and such person shall pay the costs invoiced.
- 33.6 The Town may require the person responsible for the spill to prepare and submit a spill contingency plan to indicate how risk of future incidents will be reduced and how future incidents will be addressed.

#### **34. OFFENCES**

- 34.1 Any Person who:
- a. fails to act in compliance and accordance with any notice given under this Bylaw;
  - b. obstructs an Inspector;
  - c. unauthorized use of water;
  - d. releases wastewater improperly;
  - e. discharges water, without a permit, to the wastewater or storm water sewer systems that was not provided by the Town; or
  - f. knowingly makes false statements, records, reports, plans or other documents filed or required to be maintained pursuant to this Bylaw, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Bylaw
- shall be guilty of an offence and upon summary conviction shall be liable to pay a penalty.
- 34.2 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule A.
- 34.3 Notwithstanding Section 37.2 of this Bylaw, any Person who commits a second, third or subsequent offence under this Bylaw within one (1) year of committing the first offence is liable for the increased penalty as set out in Schedule A herein.
- 34.4 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount of not less than that established by this Bylaw for each such day.
- 34.5 An Inspector who has reasonable grounds to believe that a person has contravened any provision of this Bylaw, may serve upon such person a violation tag, pursuant to Sections 35 and 37.

### 35. VIOLATION TAGS

- 35.1 An Inspector is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Inspector has reasonable grounds to believe has contravened any provision of this Bylaw.
- 35.2 A Violation Tag may be issued to such Person:
- a. either Personally; or
  - b. by mailing a copy, via registered mail, to such Person at his or her last known postal address
- 35.3 The Violation Tag shall be in a form approved by the Town and shall state:
- a. the name of the Person;
  - b. a description of the offence and the applicable Bylaw section;
  - c. the appropriate penalty for the offence as specified in Schedule A of this Bylaw;
  - d. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - e. any other information as may be required by the Town.
- 35.4 Where a Violation Tag has been issued pursuant to Section 35.1, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- 35.5 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, an Inspector is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act* to the Person to whom the Violation Tag was issued.

### 36. VIOLATION TICKETS

- 36.1 Notwithstanding Section 34.1, an Inspector is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom an Inspector has reasonable grounds to believe has contravened any provision of this Bylaw.
- 36.2 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 36.3 The Person to whom the Violation Ticket has been issued may plead guilty by making voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified of the offence as provided by this Bylaw.
- 36.4 Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

### 37. POWER AND AUTHORITY OF INSPECTORS

- 37.1 An Inspector of the Town 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, drinking water 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 a property;
  - 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.
- 37.2 Where an inspection discloses any failure, omission, or neglect respecting any Utility Service upon the Owner'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 person making such inspection shall, in writing, notify the Owner, Property Owner, proprietor or occupier to rectify the cause of complaint within a reasonable time as determined by the Town. Such notified person shall within the time limited rectify such cause of complaint stated in the notice.

- 37.3 No person shall hinder or prevent the Inspector of the Town from carrying out any of their powers or duties.
- 37.4 The Town may serve any person who is in violation of any provision of this Bylaw with written notice stating the nature of the violation and requiring the satisfactory correction thereof within 48 hours, or within such additional time as required by this Bylaw or as determined by the Town. Such person shall, within the time stated in such notice, permanently cease all violations. Nothing in this provision shall preclude the Town from proceeding directly to any other enforcement remedy available to it under this Bylaw, the *Municipal Government Act*, or any other provincial legislation or regulation.

## **PART 3 - WATER UTILITY**

### **38. WATER SERVICE BILLING RATES**

- 38.1 An Owner shall pay the amounts specified in this Bylaw and in the Town of Whitecourt Fees, Rates, and Charges Bylaw for all water supplied and water Utility Services provided.
- 38.2 The Town shall determine which rate in the Town of Whitecourt Fees, Rates, and Charges Bylaw shall apply to any particular Owner.
- 38.3 Where a Remote Reading Device is installed in addition to the water meter, the water meter shall be used to determine the official reading.
- 38.4 All water meters, must be purchased from the Town as per rates set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

### **39. CONNECTION TO TOWN WATER SUPPLY**

In the case of a new private water service connection to a Town service connection that is 50 millimetres or larger in diameter, the Owner shall provide, at the Owner's expense, proof of satisfactory bacteriological test results (as per ANSI/AWWA C651-14 standard, as amended) for the service, from a laboratory accredited to perform such tests by the Province of Alberta.

### **40. CONTINUOUS WATER SUPPLY NOT GUARANTEED**

- 40.1 The Town does not guarantee the pressure nor the continuous supply of water, and the Town 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.
- 40.2 Owners depending upon a continuous and uninterrupted supply 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.

### **41. INSPECTION OF PREMISES**

- 41.1 The Town may inspect the premises of an Owner who applies to the Town for the supply of water in order to determine if it is advisable to supply water to such Owner.
- 41.2 The Town may, with the permission of the Owner, inspect the premises of the Owner in order to do any tests on water piping or fixtures belonging to such Owner so as to determine if this Bylaw is being complied with and in the event that such Owner fails or refuses to give such permission, the supply of water to that Owner may be shut off.

### **42. WATER USE RESTRICTIONS**

- 42.1 The Town may, at such times and for such lengths of time as the Town considers necessary or advisable, regulate, restrict or prohibit the use of water for use other than human consumption. The Town may cause the water supply to any Owner who causes, permits or allows irrigation, wastage, exterior washing, or other non-human consumption in contravention of any such regulation, restriction or prohibition to be shut off until the Owner undertakes to abide by and comply with such regulation or prohibition.
- 42.2 No Owner shall operate, use, interfere with, obstruct or impede access to the Water Utility Service or any portion thereof in any manner not expressly permitted by this Bylaw, in default of which the Town may cause the water being supplied to such Owner to be shut off until such Owner complies with all of the provisions of this Bylaw.

### **43. WATER WASTAGE**

- 43.1 No Owner shall cause, permit or allow the discharge of water so that it runs to waste or useless, whether by reason of leakage from private water service connection, a faulty plumbing system or otherwise.

43.2 Notwithstanding the foregoing, the Town may under such condition as the Town may consider reasonable allow water discharge for the purposes of:

- a. the installation and maintenance of infrastructure, including flushing of water mains, hydrant leads and Town service connections to prevent stagnation and/or to remove deleterious materials;
- b. preventing the freezing of water mains, hydrants leads, and services connections;
- c. conducting water flow tests;
- d. firefighting and associated training programs; or
- e. other purposes as deemed necessary by the Town.

#### **44. REQUIREMENT TO USE LOW-FLOW PLUMBING FIXTURES**

44.1 Any person installing plumbing fixtures for any new construction or renovation project that requires a plumbing permit shall install only low-flow plumbing fixtures.

44.2 The requirements of Section 44.1 shall not apply to plumbing facilities installed for safety or emergency purposes including emergency safety showers and face / eye wash stations.

#### **45. UNAUTHORIZED USE OF WATER**

45.1 No Person shall:

- a. lend, sell or otherwise dispose of water unless specifically altered through an additional treatment process;
- b. give away or permit water to be taken;
- c. use or apply any water to the use or benefit of others or to any other than the Owner's own use and benefit;
- d. increase the usage of water beyond that agreed upon with the Town; or
- e. extract or remove 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.

45.2 During such periods as the Town may designate by notice published in a newspaper, social media or other means of notification.

- a. no Owner shall use, permit, or allow to be used, any water supplied to any premises, the numerical address of which (excluding street name) ends in odd number, for vehicle washing, lawn watering or other irrigation purposes on any day of the month which is an odd number;
- b. no Owner shall use, permit, or allow to be used any water supplied to any premises, the numerical address of which (excluding street name) ends in an even number for vehicle washing, lawn watering, or other irrigation purposes, on any day of the month which is an even number;

45.3 If the Town finds an unauthorized use of water including use resulting from any tampering with a meter or other facilities, the Town may make such changes in its meters or other facilities, or take such other corrective action, as may be appropriate to ensure only authorized use. The Owner shall pay all costs of such action necessary to remedy any violation of the law caused by the Owner.

45.4 Upon finding an unauthorized use of water, the Town may disconnect the service connection immediately, without notice, and shall charge the Owner all costs incurred in correcting the condition, in addition to any other rights and remedies which may be available to the Town.

#### **46. INVESTIGATION INTO WATER SUPPLY SERVICE FAILURE**

46.1 Any Owner that notifies the Town of a failure or interruption of water supply, the investigation of which necessitates the excavating of a street shall, prior to excavating, deposit with the Town the costs thereof as estimated by the Town, or sign a work order agreeing to pay such costs, at the discretion of the Town.

46.2 If such failure or interruption was caused by the Town service connection the Owner shall not be liable for such costs and any deposit paid shall be refunded.

46.3 If such failure or interruption was caused by the private water service, the actual cost of such work shall be paid by the Owner and the deposit shall be applied thereto. Any excess shall be refunded to the Owner and any deficiency shall be collected in the same manner as water rates.

#### **47. PRESSURE SURGES**

No Owner shall cause, permit or allow any apparatus fitting or fixture to be or remain connected to the Owner's water supply or to be operated which causes pressure surges or other disturbances which may in the opinion of the Town result in damage to other Owners or to the water Utility Service.

#### **48. CONTAMINATION**

No Owner shall cause, permit or allow to be or remain connected to the Owner's water supply system any piping, fixture, fitting, container or other appliance which may cause water from a source other than the Water Utility Service or any liquid or substance to enter the water Utility Service. The Town may cause the water supply to any Owner contravening the provisions of this section to be shut off provided that the Town shall, if the Town considers it practicable so to do, give notice to such Owner prior to such water supply being shut off. The water supply to such Owner shall not be restored until such Owner has paid to the Town all costs associated with the shutting off of the water supply, the cleanup of contamination and the remedying of the Owner's default under this section.

#### **49. MEASUREMENT BY METER**

All water supplied by the Town to an Owner shall be measured by a meter unless otherwise provided for in this Bylaw.

#### **50. METER INSTALLATION AND MAINTENANCE**

50.1 Owners who request the installation of a meter shall make application and pay a fee as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw. The Town will be responsible for all maintenance and replacement due to normal use.

50.2 The Town may change an Owner's meter(s) with notice given pursuant to Section 23.

#### **51. INSTALLATION RESPONSIBILITY**

51.1 Water meters which are 25 millimetres in size or smaller shall be supplied and installed by the Town, at a fee set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw. Meters larger than 25 millimetres shall be installed by a certified plumber and must be inspected by the Town and pay fee as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

51.2 The Owner shall provide for the installation of a water meter to the satisfaction of the Town and when required shall install a properly engineered bypass system with valve.

51.3 For water meter installation within a building, the Owner shall provide a suitable site for such installation near an internal main shut off, to the satisfaction of the Town and in accordance with the Provincial plumbing code, or latest version.

51.4 The Owner shall ensure that employees or agents of the Town have clear access to meter areas and water meters for meter testing, repair, and reading purposes.

51.5 Unless the Town otherwise approves, the Town shall not allow more than one water meter for any one building, service, or lot. If additional water meters are approved, a separate service will be required for each additional water meter.

51.6 Unless the Town otherwise approves, a separate water meter shall be installed for each of the two dwelling units contained within a duplex residential building and a separate service will be required for each watermeter.

51.7 Any Owner whose water is not metered, or whose meter is not positioned to the satisfaction of the Town, shall make proper provision for a meter to be installed or the meter to be moved as the case may be, all costs of which shall be paid by the Owner.

#### **52. METER CHAMBER**

When in the opinion of the Town, the premises to be supplied with water are too far from the Town service connection to conveniently install a meter in the premises, or if a number of buildings are to be so supplied or for any other reason in the opinion of the Town, then the Owner shall, at the Owner's sole cost, construct and maintain an approved container for a meter and such container shall in all respects including location, construction size, access and otherwise be satisfactory to the Town.



### **53. METER SIZE**

The size of the meters shall be determined as follows:

- a. if the internal diameter of the private water service is 25 millimetres (1") or less, a 16 millimetre (5/8") meter shall be used; or
- b. if the internal diameter of the private water service exceeds 25 millimetres (1"), the size of the meter shall be one size smaller than the size of the private water service; or
- c. if the private water service is a combined service, the internal diameter of the private water service branch to be used for purposes other than fire protection shall determine the meter size as set out in Subsections a. and b. of this section.

### **54. BYPASSES**

Any Owner having a water meter 50 millimetres (2") in size or larger requiring a bypass shall at the Owner's own expense construct and maintain a properly valved bypass satisfactory to the Town. The bypass shall be sealed by the Town and shall be opened by the Owner only in case of emergency. The Owner shall notify the Town within 24 hours after the seal on the bypass is broken, failing which the Town may cause the water supply to such Owner be shut off until satisfactory arrangements have been made for the calculation of and payment for water supplied and not recorded on the meter.

### **55. METER VALVING**

All Owners having a meter shall, at the Owner's sole cost and expense, supply and maintain valves on both sides of and within 300 millimetres (12") of the meter.

### **56. PROTECTION OF METER**

- 56.1 The Owner shall provide adequate protection for the water meter and any associated valves or pipes against freezing, heat or any other internal or external damage of any kind which may affect the operation of the water meter or meters, failing which the Owner shall pay all costs associated with the repair.
- 56.2 No person other than an authorized Town employee shall install, test, repair, remove, disconnect, and/or reconnect a meter unless specifically authorized to do so in writing by the Town
- 56.3 No person shall break, tamper or interfere with any water meter, appurtenances or facility.
- 56.4 The Owner shall notify the Town immediately whenever a water meter is not operating or if any part of a meter becomes damaged or broken.
- 56.5 The Owner is responsible for the safe keeping of any water meter and any Remote Reading Device that is installed on the Owner's premises.
- 56.6 The Owner shall pay the cost of repairing or replacing any water meter or metering accessories supplied and installed that may be damaged from any causes within the control of the Owner.

### **57. NON-REGISTERING METER**

- 57.1 If, upon the reading of a meter, it is determined that the meter has failed to accurately record the consumption of the Utility Service supplied then the consumption will be estimated upon such basis that the Town considers being fair and equitable and the account rendered pursuant to Section 17.
- 57.2 Where it has been determined by the Town that the meter is not accurately recording the consumption of a Utility Service, the Town may enter the premises to replace the meter, on notice to the Owner pursuant to Section 23.

### **58. TESTING CALIBRATION OF DISPUTED METERS**

- 58.1 An Owner who disputes a meter reading shall give written notice to the Town.
- 58.2 Following receipt of written notice; the water meter situated on the Owner's premises shall be tested or calibrated by a qualified person designated by the Town. If the meter is found to be accurate within 98.5% to 101.5% of the water passing through it, the expense of such test or calibration shall be borne by the Owner in the amount designated in the Town of Whitecourt Fees, Rates, and Charges Bylaw.
- 58.3 If the meter is found not accurate within the above limits it shall forthwith be repaired or be replaced by

one that is accurate and the expense thereof shall be borne by the Town and the billing shall be adjusted as per Section 17.

- 58.4 Where an examination of past meter readings or other information does not disclose the time at which the meter error commenced, then the meter error shall be deemed to have commenced twelve months prior to the date the meter was tested or from the date upon which the meter was installed, whichever is less.

## **59. METER READING**

- 59.1 An Owner shall permit the Town to perform meter reading using automated monitoring equipment.
- 59.2 The Town shall endeavour to read the meters once every month, or at such other intervals as are reasonable and practicable under the circumstances. If the Town cannot gain access to the meter reading as aforesaid, the consumption of the Utility Service shall be estimated upon such basis as the Town considers being fair and equitable and the account rendered in accordance with such estimate.
- 59.3 Each meter shall be physically read at a frequency determined by the Town. If such reading cannot be obtained, the Town may discontinue any or all Utility Services supplied to the premises, until such time as the Town is able to obtain an actual meter reading.
- 59.4 Prior to account closure the Town will require a physical meter inspection.
- 59.5 The Town may shut off the water supply to an Owner who refuses to provide a water meter reading or access to perform a water meter reading after notice has been given pursuant to Section 25.
- 59.6 The Owner shall ensure that access to the meter is safe, well lit, and free of hazards to the person reading the meter. The Owner shall not enclose the meter restricting access. An Owner shall bare all cost for gaining access to a water meter.
- 59.7 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.

## **60. ADDITIONAL METER READS**

When an Owner requests a meter reading at a time other than the regular scheduled time for meter reading, the Owner may be assessed a fee as set forth in the Town of Whitecourt Fees, Rates, and Charges Bylaw for such reading.

## **61. PRIVATE WATER SERVICES**

All persons doing any work or service upon a private water service or the plumbing system attached to it shall comply with the provisions of the Building Code and any applicable bylaws. A private water service shall be buried to a depth of at least 2.8 metres to prevent freezing. Any installation or repair conducted at the point of connection to Town services shall be inspected and approved by the Town prior to backfill.

## **62. USE OF GROUNDWATER WELLS**

Once a parcel of land is connected to Town Water Service, any groundwater wells within such property must be abandoned as per the applicable provincial legislation and regulations and inspected by the Town prior to meter installation.

## **63. COMBINED FIRE PROTECTION PRIVATE WATER SERVICE**

- 63.1 A fire line shall be used only for fire protection purposes and a water line which provides combined domestic service and fire line service shall not be installed without prior approval from the Town.
- 63.2 The Town shall determine whether or not a meter shall be affixed to a fire line. If required, the meter shall be supplied and installed in a manner satisfactory to the Town at the Owner's expense.

## **64. PUBLIC OR PRIVATE FIRE HYDRANTS**

- 64.1 Unless authorized by the Town, no Person shall:
- a. open or close any fire hydrant or valve;
  - b. connect any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance; or
  - c. use water from a fire hydrant, regardless of whether that hydrant is located on private or public property, for any purpose other than fire protection.
- 64.2 No Property Owner or occupant of a parcel or premises shall allow the access to a fire hydrant located on or adjacent to that parcel or premises to be obstructed in any manner, whether by the building or erection of any structure or the accumulation of any building material, rubbish, snow or other obstruction including but not limited to trees and shrubs.
- 64.3 No Property Owner or Occupant of a parcel or premises shall allow anything on the parcel or premises to interfere with the operation and maintenance of a fire hydrant located on or adjacent to that parcel or premises.
- 64.4 All persons who own property on which a fire hydrant is located or own property which is adjacent to Town owned property on which a fire hydrant is located shall:
- a. maintain a minimum of four (4) metre clearance all around a fire hydrant and a minimum of 4 metre above the hydrant;
  - b. not permit anything to be constructed, erected, or placed within the clearance area;
  - c. not permit anything except grass to be planted within the clearance area; and
  - d. maintain visibility of hydrants from the nearest access road.
- 64.5 All private hydrants will be maintained by Property Owner(s). Records of maintenance will be provided on a yearly basis to the Town upon request.

## **65. PERMIT TO USE WATER FROM A FIRE HYDRANT**

- 65.1 The Town may authorize the use of a fire hydrant and the use of water from a fire hydrant on a temporary basis where no other supply of water can reasonably be obtained.
- 65.2 The Town will, as a condition for the use of a fire hydrant and the use of water from a fire hydrant, require that the water pass through a water meter and backflow prevention device prior to use.
- 65.3 Any person requesting the use of a fire hydrant shall obtain a hydrant connection permit from the Town and ensure that a copy of such permit is kept with the Persons utilizing the hydrant and they must produce the hydrant connection permit to an employee or agent of the Town immediately upon demand. An account and a deposit is needed for a hydrant connection and consumption will be charged at bulk water rates, as set out in the Town of Whitecourt Fees, Rates, and Charges Bylaw 1551.

## **66. TEMPORARY WATER SERVICE**

Any persons requesting a temporary water supply during the course of construction shall apply to the Town and shall pay the sums required in the Town of Whitecourt Fees, Rates, and Charges Bylaw, which may include installation and removal of service water meter and backflow preventer and water consumption charges. Fire hydrants may be used as a temporary water service at the discretion of the Town, subject to Section 65.

## **67. THAWING SERVICES**

- 67.1 The cost of thawing a frozen service shall be borne as follows:
- a. by the Owner if the private water service or the plumbing system connected thereto is frozen, as determined by the Town;
  - b. by the Owner if the service connection within the Town Right of Way is frozen as a result of the negligence of the Owner, as determined by the Town; and
  - c. by the Town if the service connection within the Town Right of Way is frozen for any other reason, as determined by the Town.
- 67.2 The Town shall not thaw a private water service or plumbing system unless the Owner shall first have signed an acknowledgement recognizing waiving any claim against the Town for any such damage except damage caused by the negligence of the Town.

## **68. SERVICE SIZE**

The size of the service required shall be in accordance with current Design Standards.

## **69. OPERATION OF WATER SERVICE VALVE**

- 69.1 No person shall turn a water service valve (curb stop) on or off except as authorized by the Town.
- 69.2 No Property Owner of a parcel or premises shall allow a water service valve (curb stop) to be turned on or off except as authorized by the Town.
- 69.3 If an Owner requires the supply of water to be shut off for their own purposes, the Owner shall submit a request to the Town and pay the Town the amount specified in the Town of Whitecourt Fees, Rates, and Charges Bylaw.
- 69.4 If an Owner requires the supply of water to be shut off for emergency purposes, the Owner shall notify the Town, the Town may waive the fee specified in the Town of Whitecourt Fees, Rates, and Charges Bylaw.

## **70. BACKFLOW PREVENTER**

- 70.1 Where in the opinion of the Town, the configuration of any water connection creates a high risk for contamination to the water system, the Owner, upon being given notice by the Town, shall install on their water service an approved backflow preventer at the Owner's sole cost.
- 70.2 No Owner or other person shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fittings, container or appliance, in a manner which under any circumstances, may allow contaminated or polluted water, wastewater, or any other liquid, chemical or substance to enter the domestic water system.
- 70.3 If a condition is found to exist which is contrary to Section 70.2, the Town may issue such order or orders to the Owner as may be required to obtain compliance with Section 70.2.
- 70.4 All backflow preventers shall be inspected and tested at the expense of the Owner, upon installation, and thereafter annually, or more often if required by the Town; by personnel approved by the Town to carry out such tests, to demonstrate that the device is in good working condition. The Owner shall submit a report in a form approved by the Town for all tests performed on a backflow preventer within thirty (30) days of a test and a record card issued by the Town shall be displayed on or adjacent to the backflow preventer. The tester shall record thereon the name and address of the Owner of the device; the location, type, manufacturer, serial number and size of the device; and the test date, the tester's initials, the tester's name (if self-employed) or the name of the testers employer and the tester's license number.
- 70.5 When the results of a test referred to in Section 70.4 show that a backflow preventer is not in good working condition, the Owner shall, when so directed by the Town, repair or replace the device within ninety-six (96) hours. If the Owner fails to comply with the direction given, the Town may shut off the water service or water services.
- 70.6 If an Owner fails to have a backflow preventer tested, the Town may notify the Owner that the backflow preventer must be tested within ninety-six (96) hours of the Owner receiving the notice.
- 70.7 If an Owner fails to have a backflow preventer tested within the time provided in Section 70.4, the Town may cause the water service or water services to be terminated until the backflow preventer has been tested and approved.
- 70.8 No Person shall turn on a water service valve to provide water to the occupants of any newly renovated, constructed, or reconstructed premises until the plumbing system in such premises has been inspected for cross connections and approved by the Plumbing Inspector, as designated by Building Code.
- 70.9 No persons other than those who are qualified may conduct the tests on backflow preventers.

## **PART 4 - WASTEWATER UTILITY**

### **71. WASTEWATER SERVICE BILLING RATES**

An Owner shall pay the amounts specified in the Town of Whitecourt Fees, Rates, and Charges Bylaw for all wastewater collection services provided.

### **72. WASTEWATER CONNECTION EXCEPTIONS**

Notwithstanding Section 71, the Town shall have the right to make special agreements on terms fixed by the Town with certain industries or others to whom large quantities of water are sold but whose uses of such water do not involve the return of comparable amounts of wastewater to the Town's wastewater sewer system.

### **73. PROHIBITED DISPOSAL OF WASTEWATER**

- 73.1 No person shall place, dispose, dump or permit wastewater to be discharged in any manner upon public property within the Town or in any area under the jurisdiction of the Town.
- 73.2 No person shall discharge to any storm water sewer system within the Town or to any area under the jurisdiction of the Town, any wastewater, industrial waste, dangerous goods, or polluted waters, except where suitable pre-treatment is provided.
- 73.3 Except as permitted by this Bylaw or the Building Code, no person shall construct or maintain in the Town any privy or pit toilet, septic tank, cesspool, or other facility intended or used for the collection or disposal of wastewater.

### **74. BACKFLOW VALVES**

All wastewater plumbing fixtures and floor drains set below the highest level of the ground surface adjacent to the premises shall be protected from backflow by an approved wastewater backflow valves. These backflow valves are to be maintained by the Owner on a regular basis.

### **75. PLUGGED WASTEWATER SERVICES**

- 75.1 When a sewer blockage occurs, an Owner shall first contact the Town so the main sewer line can be inspected for blockages.
- 75.2 If the obstruction is determined to be located in the sewer main the Town shall be responsible for all costs incurred with respect to the investigation, and the removal of the obstruction. Where the obstruction is located between the sewer main and the residence, the Owner of the property shall be solely responsible for the costs of the investigation and removal of the obstruction in the service lateral.

### **76. TREES AND ROOTS**

- 76.1 No person shall plant deep rooting trees such as willow, poplar or elm within 6 metres of wastewater sewer mains or services if piping is other than PVC; all other species shall be 4 metres.
- 76.2 If it is determined that a blockage in a private sewer connection is caused by a tree located on private property, then the Town shall have no obligation to clear the blockage.
- 76.3 If it is determined that a blockage in a private sewer connection is caused by a tree located on Town property, the Town will clear the blockage and either place the sewer on a root-cutting maintenance program to ensure that the roots are kept clear, re-line or repair the sewer pipe, or remove the tree at the Town's expense.
- 76.4 If it is determined that a blockage is in the Town sewer main or any other part of the Town's wastewater sewer system is caused by tree roots extending from trees located on private property, the Town will, at the Property Owner's expense, clear the blockage and either place the sewer on a root-cutting maintenance program, re-line or repair the sewer pipe, or remove the tree(s).

## 77. CONNECTION TO WASTEWATER SEWER

No weeping tile, sump pump or eaves trough downspout system shall be connected to any wastewater sewer unless approved in writing by the Town. All commercial recreational vehicle dump connections must be approved by the Town in writing, and shall not be operated until such approval has been obtained. Residential recreational vehicle dump connections are not permitted.

## 78. STORM WATER / GROUND WATER DISCHARGE TO WASTEWATER SEWER

No person shall discharge, or cause to be discharged, storm water, surface water, ground water, roof run-off, subsurface drainage, or cooling water to any wastewater sewer, unless:

- a. upon the application of the Owner the Town determines that exceptional conditions prevent compliance with the foregoing provisions and authorizes such discharge; and
- b. the discharge is in accordance with a validated wastewater discharge dewatering permit as issued by the Town.

## 79. PROHIBITED SUBSTANCES IN WASTEWATER

Only domestic wastewater is permitted to be disposed into the wastewater system. No Person shall discharge or permit to be discharged into the wastewater sewer system any substance including but not limited to:

- a. Any solid or viscous substance capable of causing obstruction, or other interference with the operation of the wastewater system, including and not limited to dangerous goods, hazardous waste, biological waste, combustible waste, biomedical waste, reactive waste, elemental mercury, prescription or illegal drugs, PCBs, pesticides, radioactive materials, hair, grease, oil, cigarettes, ashes, cinders, sand, salt, potters clay, resin, mud, straw, metal, glass, rags, feathers, tar, plastics, wood, grass clippings, insoluble shavings, asphalt, creosote, bone, hide, eggshells, meat and fat trimmings or waste, baking dough, chemical residues, spent grain and hops, whole food, garbage, paint residues, cat box litter, animal tissues, manure, blood, sharps, cement, sump waste, or grease trap waste;
- b. Wastewater having a pH lower than 6.0 or higher than 10.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and wastewater treatment processes; and
- c. Wastewater containing Antimony, Arsenic, Barium, Boron, Cadmium, Chromium, Chlorinated Hydrocarbons, Copper, Cyanide, Lead, Manganese, and Mercury.
- d. Wastewater containing hydrogen sulphide, carbon disulphide, reduced sulphur compounds, amines or ammonia;
- e. Wastewater containing dyes or colouring materials which may or could pass through a wastewater treatment plant and discolour the wastewater effluent;
- f. Wastewater above 40 degrees Celsius;
- g. Any substance which:
  - i. is or may become harmful to any recipient water course or collection system or part thereof or will cause a violation or noncompliance event in the operating approval for the Wastewater Treatment Plant;
  - ii. may interfere with the proper operation or maintenance of the Wastewater system, disposal of bio-solids, or any wastewater treatment process or cause damage to the wastewater works or Wastewater Treatment Plant;
  - iii. is grit removed from commercial or industrial premises including but not limited to grit removed from car washing establishments, garages and restaurant sumps or from interceptors; and
  - iv. is discharge in diluted amounts that will form layers upon interaction with other wastewater.

## 80. DISCHARGE OF PROHIBITED SUBSTANCES

- 80.1 Any person responsible for or aware of the discharge of prohibited substances in the wastewater system shall immediately report to the Town in order that the necessary precautions can be taken to minimize the deleterious effects of the discharge. Such person must also make other required reports to Alberta Environment and Parks and any other governing body.

- 80.2 If testing of wastewater shows that it is noncompliant with this Bylaw, the Town may direct the Owner to comply with the Bylaw and may, in addition, direct the Owner at its expense to install such monitoring and recording equipment as the Town deems necessary and to provide to the Town the results of said monitoring as required.
- 80.3 Any person who contravenes any of the provisions of Section 78, 79, 80 and 82 shall, in addition to any penalty for infraction of this Bylaw outlined in Schedule A, be liable to and shall on demand pay to the Town all costs of monitoring, sampling, testing, and removing any contamination resulting from the discharging of any such substances into a wastewater sewer, and for any other amount for which the Town may be held liable because of such contamination.

## **81. DENTAL WASTE AMALGAM SEPARATOR**

Every Owner or operator of premises from which Dental Amalgam may be discharged, which waste may directly or indirectly enter a sewer, shall:

- a. install in any piping system at its premises that connects directly or indirectly to a sewer, Dental Amalgam Separators with at least 95% removal efficiency in amalgam weight and which are certified as compliant with ISO 11143 – “Dental Equipment: Amalgam Separators”, as amended;
- b. operate and maintain all Dental Amalgam Separators in good working order and according to the manufacturer’s recommendations;
- c. provide an approved monitoring point which is readily and easily accessible at all times for inspection; and
- d. provide to the Inspector on request a maintenance schedule and record of maintenance for each installed Dental Amalgam Separator.

## **82. GREASE, OIL, & SOLIDS INTERCEPTION**

- 82.1 Every Owner or operator of premises containing a restaurant, light or heavy duty vehicle equipment/repair or auto body shop, petroleum service station, or vehicle/equipment washing establishment, shall when in the opinion of the Town it is necessary to do so:
- a. install an Interceptor or filter for the removal from wastewater of grease, oil, solids or other harmful substance;
  - b. make available to the Inspector upon request a maintenance schedule and record of maintenance for the Interceptor or filter; and
  - c. shall keep and make available to the Inspector upon request a two-year record of documentary proof of Interceptor clean-out and the disposal of oil, grease, solids and sediments.
- 82.2 All interceptors shall be designed by a professional engineer and approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection and shall be maintained by the Owner at the Owner’s expense in continuously efficient operation at all times. The interceptors shall be installed in compliance with the most current requirements of the Building Code and the Canadian Standards Association and shall not be modified or tampered within any manner which will affect the intended use and performance.
- 82.3 No person shall:
- a. discharge emulsifiers into the sewer system ahead of an Interceptor; or
  - b. use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through a grease interceptor.
- 82.4 Should any blockage of the wastewater sewer system be caused by reason of failure, omission, or neglect of an Owner, to comply strictly with the provisions of this Bylaw, the Owner shall, in addition to any penalty for infraction of this Bylaw outlined in Schedule A, be liable to and shall on demand pay the Town for all costs of clearing such blockage and for any other amount for which the Town may be required to pay or be held liable for because of such blockage.

## **83. OWNER SELF-MONITORING**

- 83.1 The Owner shall, at its own expense, complete any monitoring, sampling, and testing of any discharge to a wastewater system as required by the Town, and shall provide the results to the Town in a form specified by the Town.
- 83.2 Any Owner who exceeds the discharge limits in this Bylaw shall submit an environmental plan to the satisfaction of the Town, at the Owner’s expense, which will detail the steps necessary to change their discharge characteristics to the standards required under the provisions of this Bylaw.

#### **84. SAMPLING MANHOLES**

- 84.1 Manhole(s) may be required depending on the type of development and in accordance with Town Design Standards, as amended, in locations that are accessible to the Town, on all wastewater service connections to premises such as but not limited to:
- a. Industrial - Oil related industries, dairies, breweries, packing plants, processing plants, feed mills, manufacturing plants, fabricating plants, painting shops;
  - b. Commercial - shopping centers, strip malls, warehouses, grocery stores, heavy machine repair, welding shops, automobile repair, service stations, car washes, restaurants, paint stores, hotels, motels, dry cleaners, laundries; and
  - c. At the Town's discretion: institutional, high density condos, apartments, funeral homes, churches, and schools.
- 84.2 Such manholes may be constructed by the Owner, or by the Town at the Owner's cost, and shall be maintained by the Owner so as to be safe and accessible at all times.

#### **85. DISCONNECTION OF SEWER**

- 85.1 Where wastewater that:
- a. is hazardous or creates an immediate danger to any person;
  - b. endangers or interferes with the operation of the wastewater collection and wastewater treatment system; or
  - c. causes or is capable of causing an adverse effect;
  - d. is discharged to the wastewater collection system, the Inspector may, in addition to any other remedy available, remove, disconnect, plug or shut off the sewer line discharging the unacceptable wastewater into the wastewater collection system or take such other action as is necessary to prevent such wastewater from entering the wastewater collection system.
- 85.2 The wastewater may be prevented from being discharged into the wastewater collection system until evidence satisfactory to the Inspector has been produced to ensure that no further discharge of hazardous wastewater will be made to the wastewater collection system.
- 85.3 Where the Town takes action pursuant to Section 85.1, the Inspector may by notice in writing advise the Owner or occupier of the premises from which the wastewater was being discharged, of the cost of taking such action and the Owner or occupier, as the case may be, shall forthwith reimburse the Town for all such costs which were incurred.

#### **86. PRIVATE WASTEWATER SYSTEM**

- 86.1 Where a wastewater sewer is not available for connection as required under the provisions of Section 29.1, the building wastewater sewer shall be connected to a private wastewater disposal system complying with the provisions of this Bylaw, the Building Code, all applicable provincial legislation and regulations, and such additional requirements as may be imposed by the Town. The Owner shall operate and maintain the private wastewater disposal facilities at no expense to the Town.
- 86.2 After the Owner has connected to the wastewater sewer system as required by Section 29.1, the Owner shall, within 60 days of the date of connection to the wastewater sewer system, dispose of all waste appropriately and remove any septic tanks, cesspools and similar private wastewater disposal facilities and reclaim the site with clean native soil to the satisfaction of the Town and as per Alberta Environment and Parks regulations.

#### **87. LOW PRESSURE SANITARY SEWER SYSTEM**

In those parts of Town served by low pressure sanitary system (LPSS), Property Owners, contractors and their respective representatives shall comply with the LPSS specifications set out in the Town's Design Standards, as amended.

#### **88. HAULED WASTEWATER**

- 88.1 Hauled wastewater will only be accepted from within the corporate boundaries of the Town of Whitecourt. Other areas may be included through a partnership or other agreements.
- 88.2 Notwithstanding Section 88.1 the Town may accept hauled wastewater in emergency situations.
- 88.3 No person shall discharge or permit the discharge of hauled wastewater at any location other than a hauled wastewater discharge location approved by the Town. Permits to discharge hauled wastewater



are available at the Town Office.

88.4 Any person that proposes to discharge hauled wastewater at the Town Wastewater Treatment Plant must:

- a. apply for and receive a Hauled Wastewater Permit issued by the Town within 48 hours prior to disposal; and
- b. enter into and comply with the requirements of the Hauled Wastewater Permit established by the Town.

## **PART 5 - STORM WATER UTILITY**

### **89. STORM WATER MANHOLES**

A building storm water sewer that is connected to the Town's storm water sewer shall be equipped with a main cleanout with a minimum diameter of 100 millimetres, located not more than 25 metres from property line. The main cleanout shall be located as close as practical to the point where the storm water sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (2 metres) for effective cleaning. The building storm water sewer from cleanout to property line is to be as straight as possible. A maximum of one 45° bend is permitted for the cleanout and a maximum of two additional 45° bends may be used between the cleanout and property line. The total of the angles of all bends shall not exceed 90°.

### **90. BACKFLOW PREVENTERS**

All weeping tile and storm water fixtures set below the level of the highest ground surface elevation adjacent to the premises shall be protected from backflow by an approved storm water backflow valve. These backflow preventers are to be maintained by the Owner on a regular basis.

### **91. TREES AND ROOTS**

- 91.1 No person shall plant deep rooting trees such as willow, poplar or elm within 6 metres of storm water sewer mains or lateral services; All other species shall be 4 metres.
- 91.2 If it is determined that a blockage in a private storm water sewer service is caused by a tree located on private property, the Town shall have no obligation to clear the blockage.
- 91.3 If it is determined that a blockage in a private storm water sewer service is caused by a tree located on Town property, the Town will clear the blockage and either place the sewer on a root-cutting maintenance program, re-line or repair the sewer pipe, or remove the tree at the Town's expense.
- 91.4 If it is determined that a blockage in the Town's storm water sewer main or any other part of the Town storm water sewer system is caused by tree roots extending from trees located on private property, the Town will, at the Property Owner's expense, clear the blockage and either place the sewer on a root-cutting maintenance program, re-line or repair the sewer pipe, or remove the trees.

### **92. PRIVATE STORM WATER SEWER SYSTEMS**

Storm water sewers installed on industrial, commercial or institutional property for the purposes of collecting storm water and carrying it into the storm water sewers shall be equipped with an Interceptor. The installation of catch basins and Interceptors on private property shall be engineered and to the approval of the Town of Whitecourt.

Interceptors will be required for any facilities or properties where there is a risk of environmental contamination, such as petroleum service stations.

### **93. PROHIBITED STORM WATER SYSTEM USE**

- 93.1 No person shall discharge, or cause to be discharged cooling water from any industrial process, washing or flushing of tanks or related motorized vehicles to a storm water sewer, unless:
- the discharge is in accordance with a validated storm water discharge dewatering permit; and all applicable provincial legislation and regulations.
- 93.2 No person shall discharge, deposit or permit any of the following into any pipe, main conduit, manhole, street inlet, gutter or aperture draining into the storm water system:
- a. any deleterious substance; industrial waste; domestic waste; non-domestic waste; wastewater; trucked liquid waste; pool or hot tub water; mud, sand, silt, or grit; any flammable liquid or explosive material; solvent or petroleum derivative including but not limited to gasoline, naphtha or fuel oil; any pesticides, insecticide or fungicides; radioactive material; septage or animal wastes.
  - b. any corrosive, noxious or malodorous gas, liquid or substance which either singly or by interaction with other wastes, is capable of:
    - i. creating a public nuisance or hazard to life;

- ii. preventing human entry into a storm water sewer or pump station; or
- iii. causing damage to the storm water system.
- c. any other substance which in the Town's opinion may cause impairment of or damage to the environment, human health, safety, property, or Town infrastructure.

93.3 No person shall obstruct or restrict a storm water sewer or the flow therein.

93.4 No person shall discharge water to any storm water sewer or to a watercourse, containing any substance which, in the opinion of the Town:

- a. is or may become harmful to any recipient watercourse or storm water system or part thereof;
- b. may interfere with the proper operation or maintenance of the storm water system, or;
- c. may become a health or safety hazard to persons, property, animals, vegetation and the environment.

#### **94. DISCHARGE OF PROHIBITED SUBSTANCES IN STORM WATER SYSTEM**

94.1 Only stormwater is permitted to be disposed into the stormwater system. No Person shall discharge or permit to be discharged into the stormwater sewer system any substance including but not limited to the prohibited substances defined in Section 79 Clauses a-g.

94.2 Should any testing of storm water show that it is noncompliant with this Bylaw, the Town may direct the Owner to comply with the Bylaw and may, in addition, direct the Owner at its expense to install such monitoring and recording equipment as the Town deems necessary and supply the results of said monitoring as required. The cost of all sampling and analysis shall be at the Owner's expense.

94.3 Any person who contravenes any of the provisions of Section 93 shall, in addition to any penalty for infraction of this Bylaw as outlined in Schedule A, be liable to and shall on demand pay to the Town all costs of monitoring, sampling, testing, and removing any contamination resulting from the discharging of any such materials into a storm water sewer, and for any other amount for which the Town may be held liable because of such contamination.

#### **95. TOWN STORM WATER SEWER USE**

Town forces may discharge water into a storm water sewer or watercourse resulting from non-domestic activities such as but not limited to:

- a. hydrant & water main flushing (de-chlorination may be required); or
- b. firefighting activities.

#### **96. DISCONNECTION OF STORM WATER SEWER**

96.1 Where storm water which:

- a. is hazardous or creates an immediate danger to any person or the environment;
- b. endangers or interferes with the operation of the storm water system; or
- c. causes or is capable of causing an adverse effect;

is discharged to the storm water system, the Town may, in addition to any other remedy available, remove, disconnect, plug or seal off the storm water sewer line discharging the unacceptable water into the storm water system or take such other action as is necessary to prevent such water from entering the storm water system.

96.2 The water may be prevented from being discharged into the storm water system until evidence satisfactory to the Town has been produced to assure that no further discharge of hazardous water will be made to the storm water system.

96.3 Where the Town takes action pursuant to Section 96.1, the Town may by notice in writing advise the Property Owner or occupier of the premises from which the water was being discharged, of the cost of taking such action and the Property Owner or occupier, as the case may be, shall forthwith reimburse the Town for all such costs.

**PART 6 - GENERAL**

**97. REMAINDER ENFORCEABLE**

Should any portion of this Bylaw be found by any court to be void or unenforceable, then it is the intention of Council that the remainder of this Bylaw shall remain in full force and effect, notwithstanding such ruling.

**98. EFFECTIVE DATE**

This bylaw shall come into effect on January 1, 2020

**99. REPEAL OF PREVIOUS BYLAW**

Bylaw No. 411, and all amendments thereto including Bylaws 427, 652, 679, 728, 754, 962, 976 and 1098, is hereby repealed effective January 1, 2020.

READ a first time this 16 day of December, 2019.

READ a second time this 16 day of December, 2019.

READ a third and final time this 16 day of December, 2019.

Redacted under Section 17 of the FOIP Act.

Mayor

Redacted under Section 17 of the FOIP Act.

Chief Administrative Officer

Signed by the Mayor and Chief Administrative Officer this 19 day of December, 2019.

## SCHEDULE A

### VIOLATION PENALTIES

The following Schedule A outlines the penalties that may be charged to a Property Owner if they are found to be in violation of any section of this bylaw. Included are water system penalties, wastewater system penalties, storm water sewer system penalties, and additional penalties not encompassed by the aforementioned. Penalties for the first offence are outlined below:

#### A.1 WATER SYSTEM PENALTIES

	Description of Item	Relevant Section	Penalty
A.1.1	Unlawful use of water	Sections 29, 45, 54	\$1,000
A.1.2	Water Restrictions not adhered	Section 42	\$250
A.1.3	Contamination of water supply system	Section 48	\$5,000
A.1.4	Meter interference and appurtenances	Section 56	\$500

#### A.2 WASTEWATER SYSTEM PENALTIES

	Description of Item	Relevant Section	Penalty
A.2.1	Discharge of wastewater to any storm water sewer system	Section 73	\$2,000
A.2.2	Interference or obstruction of the wastewater system	Section 79	\$500
A.2.3	Prohibited Substances in wastewater system	Sections 79, 81, 82	\$3,000
A.2.4	Use of the Town's Sanitary Dump Station without approval	Section 88	\$1,000
A.2.5	Discharge of Wastewater into the Town's wastewater system other than at an approved location	Section 88	\$1,000

#### A.3 STORM WATER SEWER SYSTEM PENALTIES

	Description of Item	Relevant Section	Penalty
A.3.1	Interference or obstruction of the storm water sewer system	Sections 93, 94	\$500
A.3.2	Prohibited Substances in storm water sewer system	Section 79, 94	\$3,000

#### A.4 ADDITIONAL PENALTIES

Any work carried out by the Town and any costs incurred, will be invoiced to the Owner, and in default of payment the Town may recover the same as debt owed to the Town.

- a) \$250 for any offence for which a fine is not otherwise established in this Bylaw;
- b) A penalty of two (2) times applicable fine as provided in this Bylaw shall be levied against an Owner who commits, for a second time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction;
- c) A penalty of three (3) times applicable fine as provided in this Bylaw shall be levied against an Owner who commits, for a third or subsequent time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction; and
- d) Administrative surcharge if payment of penalty charged is not received by the Town within thirty (30) days of date of issuance of specified penalty, \$50 or 20% of the Violation Tag whichever amount is greater.