



**BIRCH HILLS COUNTY
BY-LAW 2017-02
WATER AND WASTEWATER**

Bylaw 2017-02**A BYLAW OF THE COUNTY OF BIRCH HILLS IN THE PROVINCE OF ALBERTA
RESPECTING WATER AND WASTEWATER SERVICES IN THE HAMLETS OF WANHAM,
EAGLESHAM, TANGENT, WATINO AND PEORIA.**

**NOW THEREFORE THE MUNICIPAL COUNCIL OF BIRCH HILLS COUNTY, IN THE
PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

SHORT TITLE

This Bylaw may be referred to as the "WATER AND WASTEWATER BYLAW".

1. USE AND CONTROL

- 1.1. The use and control of all Public Waterworks, Water Treatment Systems, Common Wastewater and of any Sewage Disposal Works connected therewith, shall be in accordance with this Bylaw.

2. AREA OF RESPONSIBILITY

- 2.1. All Waterworks, Sanitary Wastewater System, Storm Wastewater System, Drains and Wastewater Disposal Works, belonging to the County now laid down, or hereafter laid down shall be under the direct control of Birch Hills County.

3. DEFINITIONS

- 3.1. "Agent" means any representative of Birch Hills County authorized by the Chief Administrative Officer.
- 3.2. "County" means Birch Hills County.
- 3.3. "Customer" means an individual, partnership or corporation that is the owner of the property to which water and/or wastewater services are provided.
- 3.4. "Meter" means a water meter used to measure the amount of water consumed in metric measurement.
- 3.5. "Person" means firm, corporation, owner, occupier, lessee or tenant.
- 3.6. "Service Connections" means the part of the Utility that runs from the main line of the Utility to a building or other place on a parcel of land for the purpose of providing the Utility service to the parcel or building and includes pipes or wires which;
 - (a) run up to the building;
 - (b) are located within the exterior walls of the building;
 - (c) run from the exterior walls to couplings, stop-cocks, meters and other apparatus placed inside the building by the municipality; and

- (d) those couplings, stop-cocks, meters and other apparatus.
- 3.7. "Wastewater Service Line" means that line extending from the main in the street to the property line of the building being serviced.
- 3.8. "Water Main" means that portion of water and/or wastewater line that is laid for the service of more than one person.
- 3.9. "Water Service Line" means that line extending from the main in the street to the property line of the building being serviced.

4. WATERWORKS

- 4.1. For all new and current customer accounts requesting water and wastewater service in Birch Hills County:
 - (a) All current accounts not in the name of the owner of the property serviced shall be transferred to the name of the owner of the property and all outstanding balances shall be a charge due and payable by the owner of the property. The owner of the property shall be that name and address shown in the tax roll, except where the owner of the property requests utility bills may be sent to the owner or a renter at a different address specified by the owner; and
 - (b) All new accounts shall only be taken out in the name of the owner of the property serviced except when the property is rented and the renters deposit fee is paid to the County as per the Establishing Fees and Charges Bylaw.
 - (c) Where an offer to connect to newly provided services are declined by the owner of the premises, all costs related to subsequent requests to connect to these services will be the responsibility of the owner of the premises, and will be subject to the conditions of Section 5.1.
- 4.2. No person except those authorized by the Director of Public Works shall make any connection with any of the water pipes or mains in any public property, roadway or easement.
- 4.3. All water service pipes laid in private property, between the property line and the water meter, shall be C.S.A. approved material of not less than the quality to the service pipes in the street between the water main and the property line.
- 4.4. Birch Hills County requires that all water service customers have meters for each separate water service line provided to their property and building premises at the costs as stated in the Establishing Fees and Charges Bylaw.
- 4.5. The owner of the property shall be responsible for damage to the water meter and its appurtenances which may result from other than normal wear and tear.

- 4.6. No connection may be made to the water service line between the property line and the meter.
- 4.7. All owners, tenants or occupiers of property shall give access to an agent of the County to:
 - (a) Install, service or seal a water meter and shall be liable for any damage which may occur to said meter; and
 - (b) Shut off and seal a water line for non-payment of an account relating to the property.
- 4.8. Any person permitting any meter to be damaged by frost shall be liable for all costs incurred in the repair of said meter. Repair costs shall include the costs for any agent of the County required to complete the repair, the costs for County equipment, contracted services and goods purchased. The said charges so made shall be added to the utility bill.
- 4.9. Should any person claim a meter is not working properly and is over reading, said person shall deposit with the County the sum as stated in the Establishing Fees and Charges Bylaw. The meter will then be removed from service and given a bench test.
 - (a) Should the meter be found to over read by more than three (3.0%) percent the said person shall be refunded their deposit; and
 - (b) Any meter which does not over read by more three (3.0%) percent shall be considered adequate, and the said person shall forfeit the deposit to the County to cover costs of removal and test of said meter.
- 4.10. No person shall interfere with, cut or remove the wire seal on a meter or valve and no person shall disconnect a meter or do anything which may prevent or impede the flow of water through a meter or the recording of the flow of water through the meter, or which may affect the proper operation of the water meter.
- 4.11. Where interference with, or obstruction, of the water meter, its appurtenances occurs Council may order action to correct the interference or obstruction, such action to be carried out to the satisfaction of the Chief Administrative Officer, with costs charged to the customer. The said charges so made shall be added to the utility bill.
- 4.12. Where a meter has been interfered with, an estimate of water consumption shall be made in accordance with this bylaw as a basis for water and wastewater service charges, but this charge shall be in addition to other penalties that may be charged under this bylaw.
- 4.13. To maintain an adequate water supply within Birch Hills County, the Council or Chief Administrative Officer, as the case may be, may impose restrictions on the use of water.

5. WELLS AND OTHER SOURCES OF SUPPLY OF WATER

- 5.1 Where water is being supplied to a residence, business, or other County account by the County via a water main, there will be no dugout, well or other source of water added as a water supply to the infrastructure (plumbing) of that residence, business, or County account without the property owner, or their authorized representative, having first provided indisputable evidence to the County that there is no possibility of contaminating the County water supply, and having obtained written permission to do so from Birch Hills County. The County may include conditions on the connection to the dugout, well, or other source that the County deems necessary to protect the water supplied by means of the County's water main from potential contamination when such authorization is provided.
- 5.2 All persons having charge of, or being owners or occupiers of, premises that are not supplied water via a water main of Birch Hills County and that have access to water from a dugout, well, or other source of water may continue to use water from such dugout, well, or other source of water in place of water from the water mains of the County should such service be offered by the County and be declined by the owners the premises.
- 5.3 Upon complying with any conditions prescribed in Sections 5.1 or 5.2, the applicant may be granted a permit to use the water in the dugout, well or other source of supply of water. Any such permit may be withdrawn by resolution of the Council at anytime without notice, and no person shall use a well or other source of supply of water after a permit for use of same has been withdrawn.
- 5.4. If the use of any well or other source of supply of water is continued contrary to the provisions of this bylaw forty-eight (48) hours after notice to discontinue the use of same has been given by the Chief Administrative Officer to the owner or occupier of the premises on which it is situated, such well or other source of supply of water may be declared to be a nuisance and dangerous to the Public Health and Safety and shall be removed, plugged, filled up, or otherwise abated.
- 5.5. Except as here-in-after provided, no persons other than agents of the County shall open, close, operate, interfere, or draw water from, any water main, valve, hydrant or fire plug.
- 5.6. The Fire Chief(s) for Birch Hills County, his or her assistant and officers, and members of that Fire Department, are authorized to use the valves, hydrants or fire plugs of the water system for the purpose of extinguishing fires, for fire protection or for any other activities related to the Fire Department.
- 5.7. No person shall in any manner obstruct the free access to any hydrant, valve or stopcock. No vehicle, building, rubbish, or any other matter which would cause such obstruction of the street in which the hydrant is located, may be within five (5) metres of the hydrant in a direction parallel with the said property line.

- 5.8. The County shall assume the full responsibility and costs for any water service line which may be frozen between the water main and the property line. The owner of the property shall be responsible for any costs associated with thawing a water service between the property line and the dwelling. Any costs incurred by the County in thawing frozen lines on behalf of any person shall be recoverable as per "Fees and Charges Bylaw #2016-08"

6. WASTEWATER

- 6.1. No person shall throw, deposit or leave in/or upon any County sewer, or any trap, basin, grating, manhole, or other appurtenance of any County sewer, any offal, garbage, litter, manure, rubbish, sweeping, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers, rags, cinders, ashes or refuse matter of any kind, except feces, urine, the necessary closet paper, and wastewater properly discharged through a sewer into a County wastewater system.
- 6.2. No person shall permit to be discharged into any sewer, any liquid or liquids which would prejudicially affect the wastewater, or the disposal of the sewage, or any matter of substance by which the free flow of the sewage may be interfered with, or any chemical refuse, or trade waste, or any waste stream, condensing water, heated water, or other liquids of a higher temperature than seventy-seven (77°C) degrees Celsius.
- 6.3. No person shall make or cause to be made any connection with any County wastewater line, or drain, or appurtenance thereof for the purpose of conveying, or which may convey, into the same any inflammable or explosive material, storm water, roof drainage, cistern or tank overflow, condensing or cooling water.
- 6.4. Foundation weeping tiles installed after the effective date of this bylaw shall not be drained into any wastewater service but may be drained into storm sewer mains or drainage ditches where the facility exists and the connection is feasible.
- 6.5. No roof drains shall be connected to weeping tiles.
- 6.6. No person shall discharge the contents of any privy, vault, manure pit or cesspool, directly or indirectly, into the County wastewater system or any drain connected therewith unless entered into a written agreement with Birch Hills County.
- 6.7. No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of the County wastewater system, except agents of the County.
- 6.8. No person shall cut, break, pierce, or tap to the County wastewater system or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into the County wastewater system, except duly agents of the County.

- 6.9. No person shall interfere with the free discharge of County wastewater system, or part thereof, or do any act or thing which may impede or obstruct the flow or clog up the County wastewater system or appurtenance thereof.
- 6.10. An agent of Birch Hills County shall have the right at all reasonable times to enter houses or other places which have been connected with County wastewater system, and facilities must be given to that agent to ascertain whether or not any improper material or liquid is being discharged into the wastewater system, and the agent shall be authorized to stop, or prevent from discharging into the wastewater system, any private wastewater or drain through which substances are discharged which are liable to injure the wastewater or obstruct the flow of sewage.
- 6.11. No waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly discharged to any County wastewater system without approval of the Director of Public Works. As a condition of such approval, the Director of Public Works may require such pre-treatment of the effluent as is deemed necessary. The pre-treatment facilities required shall be completely installed by the applicant, at his/her expense, prior to the construction of the wastewater connection, and thereafter shall be continuously maintained and operated by the applicant.
- 6.12. Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries and such other places as the Director of Public Works may direct. Such traps shall be installed prior to any connection to the County wastewater system.
- 6.13. No person other than those authorized by the Director of Public Works shall make any connection to, or shall cut or otherwise tamper in any way with the wastewater system.

7. WASTEWATER CONNECTIONS

- 7.1. The Owner is responsible for all costs associated with the repair and maintenance of the Service Connection. Where excavation is necessary for the repair and maintenance of a Service Connection, no work shall be commenced by an Owner without written approval of the County. The County will be responsible for the costs of maintenance and repair to the Service Connection, only if the repair is located between the main line and the curb stop and the repair is required because of faulty workmanship or construction or blockage caused by freezing.
- 7.2. The County may maintain or repair a Service Connection and the County may enter any land or building for that purpose. Any costs incurred by the County for such construction, maintenance or repair shall be the responsibility of the Owner.

8. WATER AND WASTEWATER CONNECTIONS

- 8.1. A private water connection cannot be made to the County's water system until approval is granted by the Director of Public Works. Permission can be obtained only

- after the owner or his/her agent have entered into an agreement with the Birch Hills County that establishes standards for construction practices and materials. A fee as stated in the Establishing Fees and Charges Bylaw shall be paid to the County to recover the cost of processing and reviewing each agreement.
- 8.2. A private Wastewater connection cannot be made to the County's Wastewater System until approval is granted by the Director of Public Works. Permission can be obtained only after the owner or his/her agent have entered into an agreement with the County that establishes standards for construction practices and materials. A fee as stated in the Establishing Fees and Charges Bylaw shall be paid to the County to recover the cost of processing and reviewing each agreement.
 - 8.3. The Director of Public Works may revoke or cancel any permit that may have been granted to connect with the Water or Wastewater Systems if he shall find that any of the work is not being done in accordance with the provisions of this Bylaw, and the person or persons making such connections or their successors in interest, shall have no right to demand or claim any damages in consequence of such permits being revoked or cancelled.
 - 8.4. The rates as stated in the Establishing Fees and Charges Bylaw shall apply for Water and Wastewater service from Birch Hills County.

9. GENERAL

- 9.1. A utility bill showing actual or estimated amounts for all service charges to the customer shall be prepared and mailed every two months. A bulk utility bill showing actual amounts for all services charges to the customer shall be prepared and mailed every two months. The water and wastewater service charges and any other charge authorized by a bylaw of Birch Hills County may be combined on a single customer bill, but each charge shall be shown separately.
- 9.2. Where there is a landlord/tenant situation, a copy of the utility bill will be mailed to the owner.
- 9.3. The billing for water service charges shall be based on meter readings taken at a time specified by the Director of Public Works, or following a change in the ownership of a property.
- 9.4. Where a meter cannot be read by an agent of the County on the normally scheduled date for meter reading services, or where the meter or its appurtenances have been interfered with or obstructed, consumption amounts shall be estimated by the Director of Public Works based on past and current consumption information.
- 9.5. All utility bills shall be paid to the Birch Hills County office during regular office hours, by pre-paid mail, online banking or delivery addressed to Birch Hills County.

- 9.6. In the event that a resident hires an existing commercial customer of the County to haul bulk water for a residential purpose; Birch Hills County will reimburse the resident, upon proof of purchase, the difference between commercial and residential water rates at the time of purchase as valued in the Establishing Fees and Charges Bylaw, provided that the claim and receipt are received within 90 days of purchase.

10. PENALTIES

- 10.1. Any water and/or wastewater services account balance which remains unpaid after the last day of the month in which Birch Hills County office is regularly open shall have added by way of penalty, a charge as specified in the Establishing Fees and Charges Bylaw based on the combined account balance including other services and charges included on the utility bill by Birch Hills County.
- 10.2. Should any water and wastewater account or portion of an account, including other services and charges, remain unpaid after the last day of the month in which Birch Hills County office is regularly open, at the discretion of the Director of Public Works the water services to the property may be disconnected.
- 10.3. Where it has become necessary to discontinue services for non-payment of an account, reconnection will not be made until all arrears and penalties are paid in full by cash or certified cheque and in addition the reconnection charge as specified in the Establishing Fees and Charges Bylaw will be payable in advance.
- 10.4. That in the case of default of payment of the combined water and wastewater charges, or each in any of them, Birch Hills County may enforce payment by action in a court of competent jurisdiction or alternatively by distress upon seizure of goods and chattels of the owner or occupant, or alternately by making the water and wastewater charges in default, a charge against the tax roll for the property, and such charges shall be subject to the same penalties and shall be collectible by the same procedures as taxes levied by Birch Hills County.
- 10.5. The owner of a property shall be responsible for any unpaid account by a tenant, and any utility bill accounts that are deemed to be uncollectible by the Chief Administrative Officer shall be applied as a charge against the tax roll for the property, and such charges shall be subject to the same penalties and shall be collectible by the same procedures as taxes levied by Birch Hills County.
- 10.6. A penalty as stated in the Establishing Fees and Charges Bylaw will be imposed on any customer issuing a not sufficient funds (N.S.F.) cheque to Birch Hills County for payment towards a utility bill and that penalty shall be added to their account.
- 10.7. Any person who violates a provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) and not less than Five Hundred Dollars (\$500.00) exclusive of costs, and in each and every case in default of payment said person shall be liable to

imprisonment for a period not exceeding six (6) months, unless the fine and costs be sooner paid.

11. MISCELLANEOUS

- 11.1. This Bylaw rescinds all previous Birch Hills County bylaws and resolutions regarding the provision and billing of water and wastewater services including bylaw 2016-07.
- 11.2. This Bylaw comes into full force and effect on the 14th day of September 2017, and all billings processed on or after that date shall be based on fees in the Establishing Fees and Charges Bylaw.

Read a first time the 14th day of September, 2017.

Read a second time the 14th day of September, 2017.

Read a third and final time the 14th day of September, 2017.

Signed this 14th day of September, 2017.


Reeve
Marvin Doran
Chief Administrative Officer
Hermann Minderlein