

# VILLAGE OF HILL SPRING

## BYLAW # 2020 - 294 UTILITY BYLAW

Whereas, pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Village of Hill Spring has the power to enact a bylaw establishing regulations regarding the provisions of public utilities.

And whereas, all waterworks, sanitary sewers, drains and sewer disposal works belong to the Village and shall be under the direct control and management of the Village.

Now therefore, the council of the Village of Hill Spring, in the Province of Alberta, duly assembled, enacts as follows:

This Bylaw may be cited as “the Utility Bylaw”.

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### 1. DEFINITIONS

In this Bylaw, these definitions prevail:

- 1.1. Administrator – Village Manager;
- 1.2. Consumer – A person, firm, or corporation being the registered owner or the purchaser entitled to possession under an Agreement for Sale of Property;
- 1.3. Council – Village council, duly assembled, serving in its legal capacity;
- 1.4. Domestic Use – water used for human consumption within the home and includes bathing, washing, toilet flushing, and watering of an outdoor area not exceeding one (1) acre. It does not include providing water to cattle;
- 1.5. Irrigation water – water which is not treated, safe or suitable for human consumption that is supplied by the Village through an underground system originating in the United Irrigation District canal adjacent to the Village;
- 1.6. Owner – person registered as owner of a property according to the Land Titles Act, or a person, firm, or corporation being the registered owner or purchaser entitled to possession under an Agreement for Sale of Property which is served by connection to any system or surface irrigation or potable water of the Village of Hill Spring;
- 1.7. Penalty – a charge imposed by the Village for a violation of this by-law;
- 1.8. Reasonable notice is deemed to be 24 hours after posting of the notice at the site, or 10 days from the date of the letter sent by registered mail;
- 1.9. Rural account – utility account serving property outside the Village;
- 1.10. Sewer or sewage service – system of removal of sewage from buildings via underground pipes to its ultimate disposal in the Village sewage settling pond;
- 1.11. Utility invoice – an invoice rendered to a consumer for rates/charges payable according to this Bylaw;

- 1.12. Utility service/services – includes, as the context requires:
  - 1.12.1. Supply of water
  - 1.12.2. Provision of waste water collection/disposal
  - 1.12.3. Provision of solid waste services at local transfer station
  - 1.12.4. Irrigation water
- 1.13. Village – Corporation of the Village of Hill Spring; the area contained within its boundaries;
- 1.14. Water – potable water that has been treated in the Village water treatment system so that it is safe and suitable for human consumption;
- 1.15. Water meter or meter – means a device approved by the Village and used for measuring the volume of water delivered to a site.

## **2. RATES**

- 2.1. Every consumer shall pay to the Village of Hill Spring the rates as established in the fees, rates and charges bylaw.
- 2.2. The Administrator shall have the right to determine into which classification any service belongs. Disputes can be appealed to Council; council's decision will be final and binding.
- 2.3. Rates charged by council shall cover all the costs of operating and maintaining the water, sewer, solid waste, and irrigation systems.

## **3. SERVICE**

- 3.1. Any consumer who desires a water service connection, or a sewer connection, or an irrigation service connection from the Village shall apply to the Administrator. In the case of an occupant who is not an owner, the consumer (owner) must make the application rather than the occupant who is not the owner.
- 3.2. Any site inside the Village which is provided with water service must also be provided with sewer service. However, any property which is non-compliant with this paragraph on the date of proclamation of this by-law, may continue in non-compliance until such time as the Village is able to provide sewer service.
- 3.3. Council may refuse to change any existing services at any time for any reason which it may consider sufficient.
- 3.4. A reconnection fee as outlined in Schedule "A" may be charged whenever the water is required to be turned off or reconnected.
- 3.5. Consumers with delinquent accounts, as outlined in Section 4, will be charged a fee to turn off the water and an additional fee to reconnect. See Schedule "A" for fees.
  - 3.5.1. It is the responsibility of any consumer who is provided with water and/or sewer service, to prevent freezing of water lines or sewer lines. If freezing occurs and causes damage to any property owned by the Village the cost of repairs and the cost of any water lost (if determined) shall be the responsibility of the property owner.

#### 4. BILLING REGULATIONS

- 4.1. A utility notice showing the service charges to consumers shall be mailed to the property owner on a regular basis as determined by the Administrator, and payment of these accounts shall be due and payable on or before the due date shown on the invoice, which shall not be less than 30 days from the date of mailing. The water service charge shall be combined on the same utility invoice with the irrigation charges, sewer charges and the solid waste (garbage) charges but each of these charges shall be calculated separately and separate entries shall be made on the utility invoice.
- 4.2. Prior to the enactment of this bylaw, some occupants who are not owners have been allowed to apply for and pay for their own utilities, and the utility notice has been mailed to the occupant. Council and the Administrator retain the right to alter this arrangement should it be deemed necessary. All future services to properties which are rented or which are under an Agreement to Purchase shall be the responsibility of the owner of the property and the utility notices shall be mailed to the said property owner.
- 4.3. In the event that any utility invoice remains unpaid beyond the payment due date, a penalty shall be part of the arrears and subject to collection in the same manner as all other rates and charges. The penalty shall be in the form of an interest rate as contained in Schedule "A".
- 4.4. Those customers whose accounts are delinquent in excess of four (4) months will be served notice of disconnection of water service. Those consumers who do not pay their account in full will have their service disconnected ten (10) days after mailing of registered letter. Any unpaid utility charges may be transferred to the tax account of the property where the utility service is established. Any amounts transferred will be subject to the same penalties as tax arrears on that account.
- 4.5. Payment of utility accounts is to be made at the office of the Administrator, in person, by mail, via the Village mail slot or by Internet Banking through ATB Financial. Accounts submitted by mail shall be deemed to be received on the postmark date shown on the envelope. Failure to receive an account billing shall in no way affect the liability of the consumer to pay the account.
- 4.6. Post-dated cheques will not be accepted in payment of any account, without approval by administration.
- 4.7. Any consumer intending to vacate any premises that has been supplied with water from the waterworks or who is desirous of discontinuing the use thereof shall give two (2) days notice of the same at the Village Office, and the water and sewer charges will be discontinued, otherwise the established rates may be charged until such notice is given and the water turned off.
- 4.8. The said utility charges and or penalties shall be:
  - 4.8.1. a debt recoverable by action,
  - 4.8.2. a lien upon the property and subject to the same penalties and
  - 4.8.3. collectible in the same manner as taxes due and owing
- 4.9. Utility services are provided by the Village to owners only. Any indebtedness is the responsibility of the owner.

## **5. WATER METERS**

- 5.1. New residences hooking up to water presently are not required to have a water meter installed but space for a water meter shall be provided for.
- 5.2. When a meter has been installed in existing construction by an employee of, or a contractor working for the Village, the Village is responsible for the water tight integrity of the installation.
- 5.3. Any damage to the meter or to Village owned plumbing upstream from the meter caused by any form of neglect by the building owner, including but not limited to allowing the installation to freeze, is the responsibility of the building owner to have repaired promptly by a licensed plumber. Any costs associated to the repair or replacement of the meter or plumbing are the responsibility of the building owner.
- 5.4. If a meter or Village owned plumbing upstream from the meter, is damaged or fails to maintain water tight integrity, it is to be immediately reported to the Village of Hill Spring.
- 5.5. Notwithstanding the above clauses, as of July 2018:
  - 5.5.1. all existing water meters shall be phased out in accordance with Village policy
  - 5.5.2. any damaged meters will be removed

## **6. IRRIGATION**

- 6.1. Every consumer whose property is served by connection to any system of surface irrigation of the Village of Hill Spring, shall pay annually a surface irrigation service fee as contained in Schedule "A."
- 6.2. The said charge shall be paid in bi-monthly increments each consisting of one sixth (1/6) of the total annual fee.
- 6.3. Any consumer whose property is served by connection to any system of surface irrigation of the Village of Hill Spring, and who requests disconnection of that service, shall pay to the Village of Hill Spring a disconnection fee as contained in Schedule "A."
- 6.4. Any consumer whose property was previously served by connection to any system of surface irrigation of the Village of Hill Spring and who requests reconnection of that service shall pay to the Village of Hill Spring a reconnection fee as contained in Schedule "A."
- 6.5. Any consumer whose property was not previously served by the Village irrigation and who requests installation of the Village irrigation system, shall pay for connection as contained in Schedule "A."
- 6.6. Irrigation water is obtained from the United Irrigation District, and the Village of Hill Spring is not responsible for either the quantity or quality of water provided for irrigation within the Village.

## **7. SOLID WASTE**

- 7.1. No-one shall deliver, to the Solid Waste Transfer Station operated by Chief Mountain Solid Waste Transfer Authority, any solid waste which has not been generated on his or her property in the Village of Hill Spring.

- 7.2. The owner of any property in Hill Spring which contains a residence is required to pay a fee assessed bi-monthly by the Village for the use of the local solid waste transfer station. The fees payable to the Village are contained in schedule "A".

## **8. VIOLATIONS**

- 8.1. No person or corporation whether a consumer or occupant of a building in the Village of Hill Spring, shall obtain Village supplied potable water without an approved Village account.
- 8.2. No person or corporation whether a consumer or occupant of a building in the Village of Hill Spring shall have installed a device or a connection between the potable water system and the Village irrigation system for any purpose.
- 8.3. No person or corporation whether a consumer or occupant of a building in the Village of Hill Spring shall alter, adjust, or disconnect a water meter unless the modifications are Village approved.
- 8.4. No owner or person in charge of a premises in which water and sewer service is being provided, is to place, or allow to be placed in the sewer system anything other than human waste, toilet tissue, and grey water residue from bathing, dishwashing and other domestic uses. No toxic or potentially environmentally damaging substance may be placed in the Village sewer system.
- 8.5. Curb stops shall be operated only by those authorized by the Administrator to do so. Any person violating this section will be subject to a penalty and be liable for the cost of repairing any damage resulting from the operation of the curb stop.
- 8.6. Each Village owned irrigation water connection is contained in an irrigation box adjacent to the properties serviced. Each irrigation box contains two connections for standard, domestic or 'garden' hoses, one for each adjacent lot. No person shall alter, adjust, remove or otherwise modify the Village-owned irrigation connection.
- 8.7. No consumer or occupant or person shall use irrigation water which is obtained from the Village irrigation system via a modified Village-owned irrigation connection.
- 8.8. Any consumer or occupant of a premises in the Village of Hill Spring who allows water from the Village irrigation system to flow from that consumer's or occupant's property onto adjacent property whether privately or publicly owned shall pay a penalty as indicated in Schedule "A."

## **9. ACCESS TO PROPERTY**

- 9.1. Access to property shall be governed by the Municipal Government Act division 4, sections 541 to 544 (1)

## **10. GENERAL**

- 10.1. Future potable water connections outside Village boundaries must be in accordance to the Joint Service Water Agreement with Cardston County.
- 10.2. The Administrator may, at any time, restrict the irrigation of any lawn, garden or plot for such time as the Administrator may deem fit, if the available supply of water in the opinion of the Administrator shall so require.
- 10.3. Any residential buildings newly constructed or newly moved into the Village must be connected to the Village water distribution system, and must also be connected to the Village sewer system within one week of the completion of construction, and before

occupancy. No new outhouses or septic fields or septic tanks may be constructed or located on any property inside the Village. Notwithstanding, and in accordance with an approved development permit, alternative temporary water/sewer technology may be approved by the Village. All alternative water/sewer technology will be subject to a time limit as determined by the Municipal Planning Commission. Water will be turned on only with authorization of Village administration.

- 10.4. Developed but vacant premises without water services currently turned on shall not be invoiced for solid waste disposal charges. Premises under construction shall be invoiced for solid waste disposal charges, which will be payable by the consumer.
- 10.5. Utility accounts outside of the municipal limits of the Village of Hill Spring are subject to fees 150% of those inside the Village. Service, conditions, and billing regulations are the same as those inside the Village. However, some individual agreements have been drawn up for rural customers establishing different rates. Those individual agreements are binding on the Village and the rural customer who negotiated the agreement. They are however, subject to revision should the property change ownership.
- 10.6. Should a major repair or upgrade be required to the Village water treatment system or water delivery system, the costs associated to the repair or upgrade shall be apportioned pro rata to all users of the system.
- 10.7. Property owners of the Village of Hill Spring shall have their pro rata portion of the repair or upgrade added to the property tax payable on each property. The Village may, in lieu of adding the cost of a repair or upgrade to Village property taxes, choose to pay from general revenue or from an applicable grant, the amount owing by Village property owners for the repair or upgrade.
- 10.8. Any situation with respect to utilities which is not addressed in this bylaw will be governed by the Municipal Government Act.

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

## 11. RESCINDING BYLAW

- 11.1. Bylaw 2018 – 294 is hereby repealed


## 12. DATE OF COMMENCEMENT

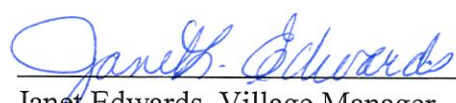
- 12.1. This bylaw shall come into effect upon third and final reading.

Read a FIRST time this 15<sup>th</sup> day of December, 2020.

Read a SECOND time this 15<sup>th</sup> day of December, 2020.

Read a THIRD time and finally passed this 16th day of February, 2021.

  
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Dwight Davis, Mayor

  
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Janet Edwards, Village Manager

## SCHEDULE A

**FEES:** The fees will be outlined in the fees, rates and charges Bylaw 245 which will be reviewed annually.

1. If any invoice remains unpaid beyond the payment due date, a penalty of 2% per month compounded monthly shall be added to the amount owing.

**PENALTIES:**

1. Penalties levied under this bylaw are to be paid within 30 days of date invoice is mailed.
2. Any un-paid penalties under section 8(a), 8(b), 8(c) 8(d) and 8(e) of this bylaw may be added to the Village of Hill Spring property taxes on the building property.
3. Any person or corporation or consumer found to be in violation of section 8(a) to 8(c) of this by-law shall be liable for a first violation to a fine of \$1,000.00 and for a second or subsequent violation of \$2,000.00.
4. Any person or corporation or consumer found to be in violation of 8(d) of this bylaw shall be liable for a first violation to a penalty of \$100.00 and for a second or subsequent violation of \$200.00.
5. If a person or corporation or consumer violates section 8(e) of this bylaw (operation of a curb stop) during an emergency, the Village may waive any penalty and costs involved.
6. Any person or corporation or consumer found to be in violation of section 8(f) of this bylaw shall be liable for a first violation to a penalty of \$1000.00 and for a second or subsequent violation of \$2,000.00. In addition to the foregoing penalties, any person or corporation or consumer found to be in violation of section 8(f) shall be required at the cost of the person or corporation or consumer to remove the connection which caused the violation.
7. Any person or corporation or consumer found to be in violation of 8(g) of this bylaw shall be liable for a first violation to a penalty of \$500.00 and for a second or subsequent violation of \$1,000.00.
8. Any person or consumer found to be in violation of section 8(h) of this bylaw shall be liable for a first violation to a penalty of \$500.00, and for a second or subsequent
9. Any person or consumer found to be in violation of section 10(c) of this bylaw may be required by notice from the Village to remove the septic field or outhouse as the case may be, by a specified time. If any person or consumer fails to comply with a notice under this section, the Village may enter the property and remove the septic field or outhouse, and the owner of the property shall be responsible for a fee of:
  - 9.1. in the case of a septic field \$1,000.00 or cost of such removal, whichever is greater, and
  - 9.2. in the case of an outhouse, \$250.00 or the cost of such removal, whichever is greater.
  - 9.3. in the case of unauthorized use of water, the Village may charge \$250.00.

## APPENDIX A

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### Division 4 – Enforcement of Municipal Law

#### Definitions

**541** In this division,

- a) “emergency” includes a situation in which there is imminent danger to public safety or serious harm to property;
- b) “structure” means a structure as defined in section 284.

1994 cM-26.1 s541;1999 c 11 s30

#### Municipal inspections and enforcement

**542 (1)** If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter onto the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,
  - (b) request anything to be produced to assist in the inspection, remedy, enforcement or action, and
  - (c) make copies of anything related to the inspection, remedy enforcement or action.
- (1.1) A consent signed under section 653 is deemed to be a reasonable notice for the purposes of subsection (1).
- (2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry.
- (3) In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do things in subsection (1)(a) and (c) without the consent of the owner or occupant.
- (4) Nothing in this section authorizes the municipality to remedy the contravention of an enactment or bylaw.



## **Court authorized inspections and enforcement**

**543** (1) If a person

- (a) Refuses to allow or interferes with the entry, inspection, enforcement of action referred to in section 542, or
- (b) Refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542,

the municipality may apply to the Court of Queen's Bench for an order under subsection (2).

(2) The Court may issue an order

- (a) Restraining a person from preventing or interfering with the entry, inspection, enforcement or action, or
- (b) Requiring the production of anything to assist in the inspection, remedy, enforcement or action.

(3) A copy of the application and a copy of each affidavit in support must be served at least 3 days before the day named on the application for the hearing.

(4) In an emergency or in extraordinary circumstances, the Court may hear the application without notice to any person.

RSA 2000 CM-26 s543;2009 c53 s119

## **Inspecting Meters**

**543** (1) If a designated officer of a municipality believes that a meter that measures a public utility has been tampered with, the designated officer may apply to a judge of the Provincial Court for an order authorizing one or more employees of the municipality

- (a) to enter on any land or structure in which the meter is located, and
- (b) to inspect and test the meter.

(2) The judge of the Provincial Court may issue the order on being satisfied by evidence of the designated officer under oath that there are reasonable grounds to believe the meter has been tampered with.

(3) The judge of the Provincial Court may hear the application without notice to any person.

RSA 2000 cM-26 s544;2008 c32 s21