

TOWN OF PICTURE BUTTE
BYLAW NO. 860-17

BEING A BYLAW OF THE TOWN OF PICTURE BUTTE, IN THE PROVINCE OF ALBERTA, RESPECTING WATER WORKS, SEWER WORKS AND WASTE MANAGEMENT AND PROVIDING FOR THE SETTING AND COLLECTION OF UTILITY RATES AND CHARGES.

WHEREAS Section 7 of the Municipal Government Act R.S.A. 2000, c. M-26 provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; services provided for by or on behalf of the municipality; public utilities; and the enforcement of bylaws;

NOW THEREFORE, the Council of the Town of Picture Butte, in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

This Bylaw is hereby cited as the Town of Picture Butte "UTILITY BYLAW".

1.1 DEFINITIONS:

- a. "Ashes" means the residue of any substance used as fuel;
- b. "Authorized Person" means any employee of the Town of Picture Butte or outside contractor authorized by the Chief Administrative Officer for the purpose of providing water, sewer or waste management service;
- c. "Commercial Premises" means the site, including any building erected thereon of any café, restaurant, hotel, store, warehouse, wholesale or retail business place, office building, factory, industry, or any other site or building except one that is used or intended to be used for residential or Institutional purposes;
- d. "Consumer" shall be understood and construed as including the Owner of the land and premises in, on or at which any Water Service Line or Sewer Service Line is installed by the Town;
- e. "Council" means the Council for the Town of Picture Butte;
- f. "Curb Stop" means a control valve for the water supply of a building, usually placed near the sidewalk or curb, used to shut off the water supply to a building;
- g. "Garbage" means and includes the Refuse of animal matter, vegetable matter or any other matter which has been used or is intended for use as food, Ashes, bottles, metals, cans or tins, crockery, glass, metal scraps, cloth, paper, wrappings, sweepings and all other similar items that accumulate in the household or result from commercial or industrial operations. It does not include human or animal excrement, stable Refuse and toxic or hazardous materials;
- h. "Garbage Bin" means a container provided by the Town for purposes of Garbage collection;

- i. “Grass Container” means a receptacle constructed of non-corrosive durable metal or plastic, or recyclable paper bag, which:
 - i. are equipped with two (2) handles to facilitate handling (except for recyclable paper bags),
 - ii. have a capacity of not more than 76 liters (20 gallons), a height of not more than 0.8 meters (30 inches) and a diameter of not more than 0.6 meters (24 inches), and
 - iii. weigh, when filled, not more than 23 kilograms (50 pounds);
- j. “Health Inspector” means a health inspector for Alberta Health Services or a health inspector appointed by the Town;
- k. “Householder” means any Owner, occupant, lessee or tenant or any other Person in charge of any building or other dwelling used or intended for use as Residential Premises, including a multiple family dwelling but excluding Commercial Premises;
- l. “Institutional”, for the purpose of this bylaw and for the Fees Schedule Policy, Institutional includes such places as senior citizen housing, nursing homes, hospitals, and schools. Places such as day care centres, places of worship, museums, libraries, service and fraternal organisation’s buildings and governmental buildings are excluded from this definition.
- m. “Mobile Home” means a dwelling suitable for long-term or permanent occupancy, and designed to be transported on its own wheels or by other means; and which, upon arriving at a residential site is, apart from incidental operations such as placement on foundation supports and connection to utilities, ready for occupancy;
- n. “Mobile Home Park” means a parcel of land maintained and operated by an Owner or a manager providing spaces for the long term parking and occupancy of mobile homes and spaces for ancillary facilities including recreation area;
- o. “Multi-Unit Dwelling” is deemed to be a dwelling place comprised of more than one self contained dwelling unit, and without restricting the generality of the foregoing, includes apartment buildings, duplex houses, and single family homes with ancillary suites containing cooking, living, dining, sleeping and toilet facilities, whether or not such ancillary suites have a private out-side entrance;
- p. “Owner” shall mean the owner of the serviced property as registered with the Alberta Land Titles Registry, or, as the context may require, the owner of a Mobile Home unit;
- q. “Peace Officer” means a member of the Royal Canadian Mounted Police or a special constable or Bylaw Enforcement Officer of the Town of Picture Butte;
- r. “Person” means firm, corporation, Owner, occupier, lessee or tenant;

- s. "Proprietor" means the Owner, occupant, manager, lessee, tenant or any other Person in charge of Commercial Premises;
- t. "Refuse" includes Garbage, Ashes, Trade Refuse and Yard Waste;
- u. "Refuse Collector" means the person or persons authorized by the Town of Picture Butte to collect, remove and dispose of Refuse;
- v. "Residential Premises" means any site including any building that exists thereon that is used or intended for use for residential purposes including both single-unit dwellings and Multi-Unit Dwellings;
- w. "Sewer Service Line" means that sewer line from the building to the Street Main;
- x. "Street Main" means any water and/or sewer main trunk line laid for the service of more than one Person;
- y. "Town" means the Town of Picture Butte;
- z. "Trade Refuse" means every type of Refuse from a premises including Refuse resulting from construction, repair, decorating, clearing or grading;
- aa. "Utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
 - i. water
 - ii. sewage disposal
 - iii. waste management
 - iv. storm water management;
- bb. "Water Service Line" means that water line from the building to the Curb Stop;
- cc. "Yard Waste" means the cuttings from any one of the various narrow-leaved green plants growing densely in a lawn, leaves and clippings from shrubs or trees.

2.1 GENERAL PROVISIONS

- 2.1.1 No Person, company or business other than the Town shall provide the same or similar type of utility as is outlined in this Bylaw in any part of the Town except where special permission is given by the Town.
- 2.1.2 The Town shall supply utility service to the Owner of the property that is a Residential Premises or Commercial Premises regardless of the fact that it may be rented or leased.
- 2.1.3 The Owner of the property shall be responsible for the construction, maintenance and repair of the portion of the Water Service Line. The Owner of the property shall be responsible for the maintenance of the Sewer Service Line and for the construction and/or replacement of any section of the Sewer Service Line from the building to the property line.

- 2.1.4 All developed properties within Town limits must use Town supplied Utilities. Utility Services are provided together as a service. Consumers are not eligible to opt out of individual Utility services.

3.1 WATER-WORKS

- 3.1.1 No Person without first having obtained permission to do so, shall make connection with any of the service lines or Street Mains. Permission to make connection to a Street Main shall only be granted as part of a development agreement. The applicant for the said permission shall be totally liable for any damage caused while making such connections and also shall provide adequate safety provisions during said construction.
- 3.1.2 No permission shall be granted to any Person except licensed plumbers or authorized employees of the Town or contractor authorized by the Town.
- 3.1.3 The Owner of the property shall be responsible for all costs related to service connections to the Street Mains.
- 3.1.4 The Owner of the property shall be responsible for all water registered by the water meter as having been drawn from the water system.
- 3.1.5 No Person being a Consumer or Householder shall vend, sell or dispose of water, or give away, or permit the same to be taken or carried away, or use, or supply it to the use or benefit of others or to any other use and benefit, or shall wrongfully or negligently waste any water.
- 3.1.6 The Town reserves the right to refuse service to any user in the event of misuse of the Truck Fill facility. The discretion of Town administration shall determine what practices may be considered misuse and these may include, but are not limited to, use of unsafe water tanks such as those used for pesticide or fertilizer, abuse of Town equipment or property in any way and attempted fraudulent usage. The Town has a zero tolerance approach to these types of behaviors and any such activity will result in usage privileges being revoked.
- 3.1.7 The Town may shut off the water supplied to the land or premises of any Consumer for any purpose that, in the opinion of the Town, it may be appropriate to do so.
- 3.1.8 It is hereby declared that no Person shall have any claim for compensation or damages as the result of the Town shutting off the water without notice or from the failure of the water supply from any cause what so ever.
- 3.1.9 No Person shall operate, interfere with, damage or make inaccessible any Curb Stop due to the construction of walks, driveways, or any other means.
- 3.1.10 If repairs of construction changes are required due to inaccessibility or damage of a Curb Stop, the Owners of the property serviced by said Curb stop shall, in addition to the penalties of this Bylaw, be required to assume all costs involved.

- 3.1.11 The Town reserves the right to enter any land or building for the purpose of constructing, maintaining or repairing any water meter or Water Service Line or Sewer Service Line after giving reasonable notice. Costs associated with these construction, maintenance or repair services are an amount owing to the Town by the Owner of the land.
- 3.1.12 Should a meter, while on the premises of the Consumer, be destroyed or damaged, the cost of repairing or replacing the meter shall be paid for by the Owner of the land.
- 3.1.13 Costs for the installing the meter shall be paid by the Owner of the land at the time of installation. Rates charged by the Town for the installation of water meters shall be the fee as set in the Town of Picture Butte Fee Schedule Policy.
- 3.1.14 Each individual dwelling unit shall have a separate water meter, except such dwelling units within a Multi-Unit Dwelling within one parcel of land where all dwelling units have the same Owner, or a Mobile Home Park.
- 3.1.15 Reading of the water meters shall be made by the Town on such days and at such times as the Town may require. The meter reader shall have the right to enter any premises that may be required for the purpose of performing his/her meter reading duties.
- 3.1.16 Regular readings of the water meters shall be performed by Town staff starting no earlier than the 5 business days prior to month end.

4.1 SEWERS

- 4.1.1 No Person shall throw, deposit or leave in or upon any Town sewer or trap, basin grating or manhole or other appurtenance of any Town sewer, any butcher's offal, animal or vegetable fat, Refuse, manure, sweepings, stones, bricks, earth, gravel, dirt, mud, hay, straw, papers, rags, or any other waste except feces, urine, the necessary closet paper, water and slops (including kitchen garburator discharge) properly discharged through a Sewer Service Line into the Street Main.
- 4.1.2 No Person shall permit to be discharged into any sewer, any liquid or liquids which would prejudicially affect the sewers, or other Trade Refuse, or any waste steam, condensing water, heated water or other liquids of a higher temperature than one hundred and seventy degrees (170) Fahrenheit or seventy-seven degrees (77) Celsius.
- 4.1.3 No Person shall make or cause to be made any connection with any Town sewer line, or house drain, or appurtenance thereof for the purpose of conveying, or which may convey, into the same any inflammable or explosive material.
- 4.1.4 No Person shall discharge the contents of any privy vault, manure pit or cesspools, directly or indirectly into any Town sewer or house drain connected therewith.
- 4.1.5 No Person except duly authorized employees of the Town, shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of any Town sewer.
- 4.1.6 No Person shall interfere with the free discharge of any Town sewer, or part thereof or do any act or thing which may impede or obstruct the flow or clog up any Town sewer or appurtenance thereof.

- 4.1.7 Any authorized Town employee or Plumbing Inspector shall have the right at all reasonable times to enter houses or other places which have been connected with Town sewers. Cooperation must be given to him to ascertain whether or not any improper material or liquid is being discharged into the sewers. He shall have the power to stop or prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of sewage.
- 4.1.8 No Person other than duly authorized employees of the Town, shall make any connection to, or shall cut, break, pierce or tap or otherwise tamper in any way with a public or Town sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any Town sewer without first having obtained permission from the Town to do so. The applicant shall be liable for any damages caused while making said connections and shall also be responsible for providing adequate safety facilities and signs to meet the minimum standards as set by Alberta Transportation and the Town during the time of construction.
- 4.1.9 The Person occupying any premises connected to a Street Main by a Sewer Service Line, shall be required to keep the said Sewer Service Line in operational condition at all times, and shall be fully responsible for the operation of the said Sewer Service Line.
- 4.2.0 No commercial sewer, drain, or septic tank cleaning business shall be given permission to discharge into the Town's sewer system.
- 4.2.1 Only recreational vehicles shall be permitted to dump into the Town's sanitation dump located at the Regional Park.

5.1 WASTE MANAGEMENT

5.1.1 General Prohibitions

- a. No Person shall collect, dispose of or remove Refuse except in accordance with the provisions of this Bylaw.
- b. No Person other than a Householder, Proprietor or the Refuse Collector shall open any Garbage Bin or Grass Container and in any way disturb the contents thereof or handle, interfere with or disturb any Garbage put out for collection or removal.
- c. No Person shall deposit any garbage container other than what is defined in this bylaw, dead animal, manure, excrement, Refuse, liquid waste or other filth upon or into any street, service lane, alley, highway, ditch, well, lake, pond, river, stream or water course or onto any land except with the written consent of the Health Inspector and in accordance with the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12 and Regulations.
- d. The Refuse Collector, will not remove any Refuse that is in a container other than what is defined in this Bylaw.
- e. No Person shall directly or otherwise dispose of or permit any Person to dispose of any hazardous, explosive, volatile, noxious or dangerous device, substance or thing, including

hot Ashes or burning matter or any unwrapped wet Garbage in any Garbage Bin, or Grass Container.

- f. No Person shall operate within the Town a vehicle transporting Refuse unless the Refuse is completely enclosed or securely covered or secured so as to prevent any portion of the Refuse from falling off or out of the vehicle while in transit.

5.1.2 COLLECTION AND DISPOSAL

- a. All Householders and Proprietors shall maintain their Garbage Bin and Grass Containers. If the Garbage Bin becomes damaged or the Refuse Collector is unable to pick the Garbage Bin up due to damage the Owner will be responsible to replace the damaged Garbage Bin as outlined in Town of Picture Butte Fee Schedule Policy.
- b. Garbage Bins shall be put out on the street directly in front of Householder's, Proprietor's or Owner's property on the scheduled day for their pick up as determined by the Town. If directed by the Town, Garbage Bins shall be put in the alley for pick up.
- c. Where any premises is serviced by a lane, Garbage Bins shall not obstruct traffic in the lane.
- d. No Person shall leave a Garbage Bin on the street or alley for over 48 hours.
- e. All Householders and Proprietors shall place all of their Garbage in plastic bags and placed inside of the Garbage Bin. The Garbage Bin will not be picked up if Garbage is not placed in plastic bags.
- f. All Householders and Proprietors shall ensure that all the plastic bags fit within the Garbage Bin so that the Garbage Bin's lid is closed. Only Garbage within the Garbage Bin with the lid closed will be disposed of by the Refuse Collector.
- g. All Householders and Proprietors shall keep the land in the rear of their premises to the center line of the lane in a clean and tidy condition and free from Refuse.
- h. Clippings from shrubs and trees shall not be put out for collection unless the same are compactly and securely tied in bundles not exceeding four (4) feet in length.
- i. Grass cuttings and garden waste, including weeds shall be placed in a Grass Container and placed for collection in the back alley.
- j. Collections of Garbage shall be made by the Refuse Collector on such days and at such times as the Town may appoint. The Refuse Collector shall have the right to enter at all appointed times such portions of all premises within the Town as may be required for the purpose of performing his collection, removal and disposal duties.
- k. The Town shall at any time and from time to time, enter into a contract or contracts with any Person, firm or corporation for the collection, removal and disposal of the whole or any part of the Refuse accumulated within the Town, or may provide for the collection, removal and disposal of Refuse by the use of equipment and employees of the Town.

- l. The Refuse Collector shall not be responsible for the collection and removal of any of the following types of Refuse except under a separate agreement between the Town and the Householder or Proprietor and upon payment of such charges as may be set out in such agreement:
 - g. Trade Refuse resulting from the construction, repair, decorating, clearing or grading of a building or premises,
 - ii. scrap metal including car bodies, chassis, machinery or parts or garage Refuse,
 - iii. household chattel, material or equipment which has an overall length of more than four (4) feet or an overall weight of more than twenty-three (23) kilograms (fifty (50) pounds),
 - iv. other Refuse including such items as tires, auto parts and wooden boxes.
- m. The Town may, by written notice, direct any Householder, Person or Proprietor to promptly provide additional Garbage Bins where the Town considers either that the number of Garbage Bins-or their condition is inadequate or insufficient in practice to meet the spirit and intent of this Bylaw.

5.1.3 RECYCLING

- a. The Town promotes the use of the recycling depot for those products that can be recycled. To aid in the efficiency of the recycling process products should be sorted, flattened and clean.
- b. Recyclable goods are those goods deemed by the Lethbridge Regional Waste Management Service Commission as recyclable.

5.1.4 FAILURE TO COMPLY

- a. Where a Householder or Proprietor is alleged to have breached any of the provisions of Sections 5.1.1 or 5.1.2 of this Bylaw, the Town may serve upon such Householder or Proprietor a written notice specifying the breach and requiring that the breach be rectified within fourteen (14) days.
- b. Should the problem not be rectified within the time limit specified a penalty, the amount of which is set out in the Town of Picture Butte Fee Schedule Policy shall be added to the next and any subsequent Utility billing until the problem is rectified.
- c. The penalty shall become part of the charge for garbage services and be subject to the same penalties as the regular charge for garbage collection.
- d. This penalty shall be considered as part of the Utility charge and subject to the collection procedure as specified in Section 7.1 of this Bylaw.
- e. The Owner of any Mobile Home Park or Multi-Unit Dwelling shall be held responsible for ensuring that his/her renters comply with the provisions of this Bylaw and will be issued with the notice set out in Section 5.1.4 (a). Failure to correct the problem will result in the penalty being added to the Utility billing sent to the Owner. All action will

be subject to Section 5.1.4 except that each infraction within the Mobile Home Park or Multi-Unit Dwelling will be counted as a separate incident.

- f. Any written notice issued under the provisions of Section 5.1.4(a) of this Bylaw shall be deemed to be sufficiently served if served personally upon the Owner or if mailed by regular mail to the address of the Owner.

6.1 APPLICATION FOR SERVICE CONNECTION

- 6.1.1 Utility service shall be supplied to the Owner. No Utility service will be supplied to any renter, lessee or other persons not considered the Owner of the property.
- 6.1.2 Any Owner who desires commencement of a Utility service from the Town shall apply in writing to the Town on the form supplied by the Town for that purpose.
- 6.1.3 An Owner may request that their water service be physically shut off at the Curb Stop. The property Owner should submit to the Town office a completed Utility application form with payment as set out in the Town of Picture Butte Fee Schedule Policy.

7.1 RATES AND BILLING

- 7.1.1 Rates for all Utility services will be established by Council and outlined in the Town of Picture Butte Fee Schedule Policy.
- 7.1.2 A Utility bill showing the current service charges for water, sewer and waste management as stated in the Town of Picture Butte Fee Schedule Policy, shall be mailed to the Owner of the property. Payment for the amount due for the Utility bill shall be payable on the billing date. Payment will be accepted at the Town Office or at such other place as may be designated from time to time by Council. Failure to receive a billing shall in no way affect the liability of the Consumer to pay the account.
- 7.1.2 In the event that any part of such Utility bill remains unpaid after the last day of the month in which the billing is mailed, there shall be added thereto a penalty in the amount specified in the Town of Picture Butte Fee Schedule Policy on the unpaid balance. This penalty is part of the arrears and subject to collection in the same manner as all other rates and charges.
- 7.1.3 Any Person intending to vacate any premises that have been supplied with water from the waterworks or who desires to discontinue the use shall give written notice of the same to the Town. Otherwise, the rates shall be charged until such notice is received by the Town. No rebate shall be made for any fractional part of a month in which any such notice is given.
- 7.1.4 An Owner may request an administrative disconnect if a property is being sold, or will be vacant for a period greater than two (2) months. The property Owner should submit to the Town Office a completed Utility application form with payment as set out in the Town of Picture Butte Fee Schedule Policy. An administrative disconnect includes performing a final reading of the water meter, issuing a final Utility bill and closing off of the account; it does not include a physical Curb Stop shut off.

- 7.1.5 If, in the course of regular readings of water meters, a property is found to be using water after an administrative disconnect is complete, the Town shall issue a Utility bill for that month and said billing shall be subject to the same terms as a regular Utility bill.

8.1 WATER RESTRICTIONS

- 8.1.1 When an emergency, as determined by the Chief Administrative Officer for the Town, in the water supply occurs, the Town may restrict the use of water from the Town supply system. When these restrictions are in effect, no Person shall water any lawn, garden, street, yard, or ground or use a hose or similar device to wash vehicles or the exteriors of houses or other buildings during such times. Notification of such emergency shall be provided by any means available including but not limited to the Town's website, Facebook page, newspaper and/or radio announcement.
- 8.1.2 Failure to comply with Section 8.1.1 will result in a penalty as defined in the Town of Picture Butte Fee Schedule Policy.
- 8.1.3 The Authorized Person of the Town in specifying restrictions on the use of water for the purpose set out in this section may vary the hours and days of use for differing portions of the Town and may attach such other conditions as deemed necessary.

9.1 WATER WASTAGE

- 9.1.1 No Person shall waste any water supplied by the Town in any way, whether by improper or leaky service pipes, fixtures or taps, or by permitting water to run to prevent taps or pipes from freezing, or by improper or excessive use of water.
- 9.1.2 No Owner or Occupant of a parcel shall allow Potable Water to run off the parcel such that there is:
- (a) a stream of water running into a street or swale for a distance of 30 meters or more from the edge of the parcel;
 - (b) a stream of water running into a street or swale and directly into a catch basin; or
 - (c) a stream or spray of water running into or falling onto a street or sidewalk.
- 9.1.3 Notwithstanding the prohibitions in this Section, the Chief Administrative Officer may authorize in writing the discharge of Potable Water onto a street or sidewalk for the purposes of:
- (a) health and safety;
 - (b) the installation and maintenance of infrastructure, including the flushing of water mains, hydrant leads and water service connections;
 - (c) preventing the freezing of water mains, hydrant leads and water service connections;
 - (d) conducting water flow tests;
 - (e) installation and testing of permanently installed irrigation systems;
 - (f) training programs for fire fighters employed by the Town of Picture Butte; or
 - (g) other purposes as deemed necessary by the Chief Administrative Officer from time to time.

10.1 UTILITY CHARGES ADDED TO TAXES

- 10.1.1 Any Utility charges in arrears for services supplied by the Town or any other charges for Utility services supplied by the Town to any land or premises may be added to the taxes assessed against the real property to which the Utility has been supplied, and may be collected in any of the ways provided for in the collection of taxes, including the sale of the said property.
- 10.1.2 In addition to the methods outlined herein for the recovery of outstanding charges, the Town reserves the right to discontinue service to any property where any charge for service or work remains outstanding for a period of more than thirty (30) days.

11.1 PENALTIES

- 11.1.1 Any Person who commits a breach of any of the provisions of this Bylaw is guilty of an offense and will be liable to a penalty of not less than Two Hundred-Fifty (\$250.00) Dollars and not exceeding Ten Thousand (\$10 000.00) Dollars, and in default of payment to a term of imprisonment of not more than one year, or to both.
- 11.1.2 Where a Peace Officer believes that any Person has committed a breach of any provision of this Bylaw, they may cause a Violation Ticket to be served upon such Person pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.
- 11.1.3 The Town also retains the right to discontinue Utility service to anyone who continues to violate the regulations of this Bylaw.

12.1 RESCINDING BYLAWS

12.1.1 This Bylaw hereby rescinds Bylaw #854-16

This Bylaw comes into force and effect upon the final reading thereof.

MOVED on by Deputy Mayor Moore first reading of Utilities Bylaw No. 860-17 this the 10th day of April, 2017.

CARRIED

MOVED by Councillor de Kok second reading of Utilities Bylaw No. 860-17 this the 10th day of April, 2017.

CARRIED

MOVED by Councillor Feist for permission to move third reading of Utilities Bylaw No. 860-17 this the 10th day of April, 2017.

CARRIED UNANIMOUSLY

MOVED by Councillor Watson third reading of Utilities Bylaw. No. 860- this the 10th day of April, 2017.

CARRIED

Mayor

Chief Administrative Officer