

MOUNTAIN VIEW COUNTY

BYLAW NO. 22/18

NETOOK BUSINESS PARK WATER AND WASTEWATER

**Mountain View County
Province of Alberta**

Bylaw No. 22/18

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING REGULATIONS TO CONTROL WATER AND WASTEWATER IN NETOOK BUSINESS PARK.

SECTION 1 - AUTHORITY

- 1.01 Whereas the Municipal Government Act provides that a Council of a Municipality may pass bylaws for municipal purposes respecting public utilities; and
- 1.02 Whereas the Municipal Government Act defines a public utility as a system or works used to provide one or more of the following for public consumption, benefit, convenience or use and includes water and wastewater; and
- 1.03 Whereas Mountain View County owns and controls the water and wastewater infrastructure contained within the Netook Business Park; and
- 1.04 Whereas the Council of Mountain View County wishes to establish regulations, fees and penalties for the use of the water and wastewater infrastructure contained within the Netook Business Park;
- 1.05 Now, Therefore, the Council of Mountain View County, Duly Assembled, Enacts as Follows:
- 1.06 This bylaw may be cited as the "Netook Business Park Water and Wastewater Bylaw"

SECTION 2 - DEFINITIONS

- 2.01 In this Bylaw, unless the context otherwise requires:
 - a. "Authorized Person" means a representative appointed by Mountain View County;
 - b. "Bylaw Tag" means a notice or form having printed wording approved by the Chief Administrative Officer to any person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the County in the amount specified in this bylaw.
 - c. "Chief Administrative Officer (CAO)" means the administrative head of the municipality as established by the Municipal Government Act;
 - d. "Council" means the Municipal Council of Mountain View County;
 - e. "Litres per Minute (LPM)" means the amount of water in litres passing through a pipe per minute;
 - f. "Meter" means a water meter used to measure the amount of water used in metric measurement;
 - g. "Netook Business Park" means the lands contained within the area shown on Attached Schedule A;

- h. "New Customer" means an individual, partnership or corporation who is the Owner of the Lands and who submits an application for utility service for those Lands;
- i. "Occupant" means any Person other than the Owner who is in possession of the Property, including, but not limited to, a licensee, tenant or agent of the Owner;
- j. "Once-through Cooling Equipment" means cooling, air conditioning or refrigeration systems in buildings, building systems and equipment (including stand-alone ice machines), which rely upon the temperature of the water supply for cooling purposes and deliver water to a drain or other discharge facility without having recycled that water.
- k. "Owner" means:
 - i. any Person registered as the Owner of the Property under the Land Titles Act;
 - ii. a Person who is recorded as the Owner of the Property on the Assessment Roll of the County;
 - iii. a Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired directly from the Owner or from another purchaser, and who has not yet become the registered Owner thereof;
 - iv. a Person holding them self out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the property; or
 - v. A Person in control of the property under construction.
- l. "Peace Officer" means a Community Peace Officer as appointed under the authority of the Alberta Peace Officer Act and employed as such by Mountain View County or the Sheriffs Branch, or a member of the Royal Canadian Mounted Police.
- m. "Person" means firm, corporation, owner, occupier, lessee or tenant.
- n. "County" means Mountain View County.
- o. "Violation Ticket" means a summons violation ticket issued under the Provincial Offences Procedures Act.
- p. "Wastewater Service Line" means that line extending from the main in the street to the property line of the building being serviced.
- q. "Water Service Line" means that line extending from the main in the street to the property line of the building being serviced.

SECTION 3 – WATERWORKS

- 3.01 Any Owner who requires water service (commercial) in the Netook Business Park shall make an application to the County on such form as utilized by the County from time to time. Failure to make an application to the Mountain View County prior to usage of water shall constitute a contravention of this bylaw.
- 3.02 Upon the acceptance of the application for a commercial utility service, an account shall be set up in the name of the Owner of the Property. An Owner may request in writing that the monthly utility billings under the account be submitted directly to the Occupant of the property if someone other than the Owner or a third party, including but not limited to a property

- manager or both. Such a request does not limit the liability of the Owner to ensure the utility account remains in good standing.
- 3.03 All water users within the Netook Business Park shall be responsible for the installation of a water well in accordance with Provincial standards. The County shall add the new well to the existing Provincial Licence to Divert Water No. 0053454-00-00.
- 3.04 All Water Meters supplied by the Mountain View County shall at all times be the property of the County. Payment of a connection fee or other fee does not constitute a sale.
- 3.05 The user shall be responsible for damage to the meter, which may result from other than normal wear and tear.
- 3.06 All owners, tenants or occupiers shall give access to an authorized County employee to:
- a Install, service or seal a water meter and shall be liable for any damage which may occur to said meter.
 - b Install, service or maintain a radio transmitter
 - c Shut off and seal a water line for nonpayment.
 - d Read a meter.
- 3.07 Any person permitting any meter to be damaged by frost shall be liable for all costs incurred in the replacement of said meter. Replacement costs shall include the costs for any County employees required to complete the replacement, the costs for County equipment, contracted services and goods purchased. The said charges shall be subject to the same penalties and are collectible by the same procedures as taxes levied by the County.
- 3.08 Any person permitting any radio transmitter to be damaged shall be liable for all costs incurred in the replacement of said radio transmitter. Replacement costs shall include the costs for any County employees required to complete the replacement, the costs for County equipment, contracted services and goods purchased. The said charges shall be subject to the same penalties and are collectible by the same procedures as taxes levied by the County.
- 3.09 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 Mountain View County Fee Schedule Bylaw. The meter will then be removed from service and sent to an independent company for testing.
- 3.10 Should the said meter be found to over read by more than one and a half percent (1.5%), the said person shall be refunded their deposit. Any meter which meets the requirements previously stated shall be considered adequate, and the said person shall forfeit the said deposit to the County to cover costs of removal and test of said meter.
- 3.11 If a meter is found to be inaccurate, the accounts based upon the reading of that meter for the maximum of twelve (12) monthly bills preceding the date of such test shall be corrected in proportion to the error of the meter in excess of the above limits and the customer shall pay or shall be refunded payment.
- 3.12 No person shall interfere with, cut or remove the wire seal on a meter, valve, radio transmitter or outside readout.

- 3.13 No person shall disconnect a meter or do anything which may prevent or impede the flow of water through a meter or the recording of the flow of water through the meter, or which may affect the proper operation of the water meter.
- 3.14 To maintain an adequate water supply within Mountain View County, the County Council or Chief Administrative Officer or their designate, as the case may be, may impose restrictions on the use of water.
- 3.15 No other well or other source of water except a well as specified in 3.03 may be used in the Netook Business Park without permission obtained from the County.
- 3.16 If the use of any such 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 of the use of same has been given by the Chief Administrative Officer or their designate, 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.
- 3.17 Except as here-in-after provided, no persons other than authorized employees of the County shall open, close, operate or interfere with any hydrant to draw water for any purpose including but not limited to watering lawns, personal outdoor rinks, water fill stations, personal pools/hot tubs, fishponds or fountains.
- 3.18 Mountain View County Fire Departments, are authorized to use the hydrants for the purpose of extinguishing fires, or for making trial testing of hose pipe, or for fire protection.
- 3.19 No person shall in any manner obstruct the free access to any hydrant, valve or curb stop. 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 twenty feet (20') of the hydrant in a direction parallel with the said property line.

SECTION 4 - WASTEWATER

4.01 USE AND PROTECTION OF WASTEWATER

- 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.
- 4.02 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) degrees Celsius.
- 4.03 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, tank overflow, or Once-through Cooling Equipment wastewater.

4.04 DRAINAGE OF WEEPING TILE

- a Foundation weeping tiles installed after the effective date of this Bylaw shall not be drained into any wastewater service but shall be drained into storm sewer mains where the facility exists and the connection feasible.
- b No roof drains shall be connected to weeping tiles.
- c Sump pumps installed after the effective date of this bylaw shall not be drained into any wastewater service but shall be drained overland or into the storm sewer mains where the facility exists.

4.05 No person shall discharge the contents of any privy, vault, manure pit or cesspool, directly or indirectly, into the County Wastewater System or drain connected therewith.

4.06 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 duly authorized employees of the County.

4.07 No person shall cut, break, pierce, or tap into the County Wastewater System or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into the County Wastewater System, except duly authorized employees of the County.

4.08 No person shall interfere with the free discharge of the 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.

4.09 An authorized Mountain View County employee shall have the right at all reasonable times to enter businesses or other places which have been connected with County Wastewater System, and access to facilities must be given to ascertain whether or not any improper material or liquid is being discharged into the Wastewater System, and shall be authorized to stop or prevent from discharging into the Wastewater system any private Wastewater or drain through which substance are discharged which are liable to injure the Wastewater or obstruct the flow of sewage.

4.10 INDUSTRIAL OR TRADE WASTES

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 County. As a condition of such approval, the County 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 their expense, prior to the construction of the wastewater connection, and thereafter shall be continuously maintained and operated by the applicant.

4.11 GREASE TRAPS

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 County may direct. Such traps shall be installed prior to any connection to the County Wastewater System.

4.12 WASTEWATER CONNECTIONS

No person other than those authorized by the County shall make any connection to or shall cut or otherwise tamper in any way with the County Wastewater System.

SECTION 5 - WASTEWATER CONNECTIONS

- 5.01 Should any person claim that any wastewater service line is plugging or is plugged because it is not laid according to good practice the said person shall deposit with the County the sum as specified in the Mountain View County Fee Schedule Bylaw. The Chief Administrative Officer or their designate will then be authorized to open the said Wastewater Service Line by any method they consider necessary.
- 5.02 Should the said service line be found properly laid according to good work practices, the said person shall forfeit the said deposit and shall be liable to pay all costs incurred by the County in opening the said Wastewater Service Line. The said costs so incurred shall be subject to the same penalties and are collectible by the same procedure as taxes levied by the County.
- 5.03 The person occupying any premises connected to a street main by a Wastewater Service Line, shall be required to keep the said Wastewater Service Line in operating condition at all times and shall be fully responsible for the operation of the said Wastewater Service Line.

SECTION 6 - WATER AND WASTEWATER CONNECTIONS

- 6.01 A private Water connection cannot be made to the County's Water System until approval is granted by the County. Permission can be obtained only after the owner or their agent have entered into an agreement with the County that establishes standards for construction practices and materials. A fee as stated in the Mountain View County Rate Bylaw shall be paid to the County to recover the cost of processing and reviewing each agreement.
- 6.02 A private Wastewater connection cannot be made to the County's Wastewater System until approval is granted by the County. Permission can be obtained only after the owner or their agent have entered into an agreement with the County that establishes standards for construction practices and materials. A fee as stated in the Mountain View County Rate Bylaw shall be paid to the County to recover the cost of processing and reviewing each agreement.
- 6.03 The Chief Administrative Officer or their designate may revoke or cancel any permit that may have been granted to connect with the County Wastewater System if it is found 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 canceled.
- 6.04 The rates as stated in the Mountain View County Water Fee Schedule Bylaw shall apply for Water and Wastewater service from Mountain View County.

SECTION 7 - STORM SEWER

- 7.01 No person shall, without the County's written consent, release matter of any kind listed below into or in land drainage works, private bench drains, or connections to any Storm Sewer System:
- a Matter which because of its type, temperature, quantity or quality may:
- i. Interfere with the proper operation of the Storm Sewer System;
 - ii. Result in a hazard to any person, animal, property or vegetation;
 - iii. Impair the quality of the water in any well, lake, river, pond, stream, reservoir or other water or water course; or
 - iv. Result in the contravention of any Federal, Provincial, or Municipal legislation including any approval, requirement, direction or other order issued by Alberta Environment or other enforcing agency with respect to the Storm Sewer System or its discharge;

- b Matter containing more than fifty (50) milligrams per litre of suspended solids;
 - c Matter containing dyes or colouring material or which upon reaction with other matter will discolour the water in the Storm Sewer System;
 - d Matter containing solvent, extractable matter of vegetable origin or mineral or synthetic origin which causes a visible film, machine or discoloration on the water surface;
 - e Any matter which by itself or in combination with other substances is capable of causing or contributing to any explosion or supporting combustion;
 - f Matter that is sewage.
- 7.02 Any person who releases or causes or permits the release into any Storm Sewer System any matter contrary to Section 7.01 shall:
- a Notify the County immediately upon becoming aware of the release;
 - b Provide the County with information respecting the release, to the satisfaction of the County;
 - c Be liable for all costs incurred by the County respecting the release for containment, sampling, testing, removal, clean-up, disposal and any other related activity.

SECTION 8 - GENERAL

8.01 MONTHLY BILLING

A utility bill showing actual or estimated amounts for all service charges to the user shall be prepared and mailed monthly. The Wastewater service charges and any other charges authorized by a bylaw of the Mountain View County may be combined on a single user bill, but each charge shall be shown separately.

- 8.02 Any customer may pay their bill in person at the Mountain View County office by cash, cheque, money order, bank draft, debit cards, Master Card and Visa. Payments can also be made at most financial institutions (on-line, in person or by phone). Cheques, money orders and bank drafts can also be mailed to the office with the applicable utility statement.
- 8.03 A customer may make application to the Mountain View County to have bills paid by pre-authorized debit. Payments being rejected by the bank are considered NSF and are subject to the same penalties as NSF cheques in the Mountain View County rate bylaw.
- 8.04 Non-receipt of a utility bill will not exempt the owner or occupant from payment for the service received.
- 8.05 The calculation of the Wastewater utility billing is based on the consumption of water. The quantity used shall be determined from the present and previous meter readings as recorded by the County, or if an actual reading is not available, by an estimated consumption based on the consumption history of the service. Wastewater consumption shall be calculated at 80% of the water consumption readings and charged in accordance with the Mountain View County Fee Schedule Bylaw.
- 8.06 No reduction in rate or charges shall be made for any interruption in water or sewer services during a billing period.

SECTION 9 - PENALTIES

- 9.01 To any combined Water and Wastewater account which remains unpaid at the end of the month for which the account was rendered shall be added by way of penalty, an amount as specified in the Mountain View County Fee Schedule Bylaw, the combined balance and that similar accumulated penalty shall be added for each month the account remains unpaid.
- 9.02 Should any combined Water and Wastewater account or portion thereof remain unpaid for more than thirty (30) days following the due date, the services may be disconnected.
- 9.03 Where it has become necessary to discontinue service for non-payment of an account, reconnection will not be made until all arrears and penalties have been paid in full and the reconnection charge as specified in the Mountain View County Fee Schedule Bylaw has been paid in advance. The account will only be opened in the name of the Owner, even if the account that was disconnected was in the name of an Occupant.
- 9.04 In the case of default of payment for utility services, the Mountain View County may enforce payment by commencing an action in a court of competent jurisdiction.
- 9.05 In the case of default payment for utility services for an account in the name of an Owner, the Mountain View County may enforce payment of the utility account pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, c M-26, as amended or repealed and replaced from time to time, including but not limited to, adding the costs to the tax roll for the property for which the utility account relates.
- 9.06 Any person who violates a provision of this Bylaw is guilty of an offense and liable upon summary conviction to a fine of not more than Ten Thousand Dollars (\$10,000.00) and not less than Three Hundred Dollars (\$300.00) exclusive of costs, and in each and every case in default of payment said person shall be liable to imprisonment for a term not exceeding six (6) months.

SECTION 10 - ENFORCEMENT

- 10.01 Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, that Peace Officer may serve that Person with a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act.
- 10.02 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "B" of this Bylaw in respect of that provision.
- 10.03 Where any person contravenes the same section of this Bylaw twice within one Twelve (12) month period, the specified penalty payable in respect of the second contravention shall double in the amount as shown in accordance with Schedule "B".
- a. A notice or form commonly called a Bylaw Tag having printed wording approved by the County Chief Administrative Officer, may be issued by a Peace Officer to any person who has contravened any provision of this Bylaw or its regulations.
 - b. The penalty in lieu of prosecution applicable to any contravention of this Bylaw, to be used when issuing a Bylaw Tag shall be the same as the specified penalty shown in Schedule "B".

- c. A person who has been served with a Bylaw Tag in relation to a contravention of this Bylaw, and who has paid the penalty provided within the time allowed shall not be liable to prosecution for the subject offence.

10.04 A Bylaw Tag shall be deemed to be sufficiently served if served personally on the accused; or if mailed by regular mail to the address of the owner or person accused.

10.05 A Person who has been issued a Bylaw Tag pursuant to section 10.02 of this Bylaw and has paid it to the County prior to the date specified on that Bylaw Violation Ticket shall not be liable to prosecution for the subject contravention.

SECTION 11 - GENERAL

11.01 Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

SECTION 12 - EFFECTIVE DATE

12.01 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 10 day of October, 2018

Read the second time this 10 day of October, 2018

Read the third time this 24 day of October, 2018



Reeve

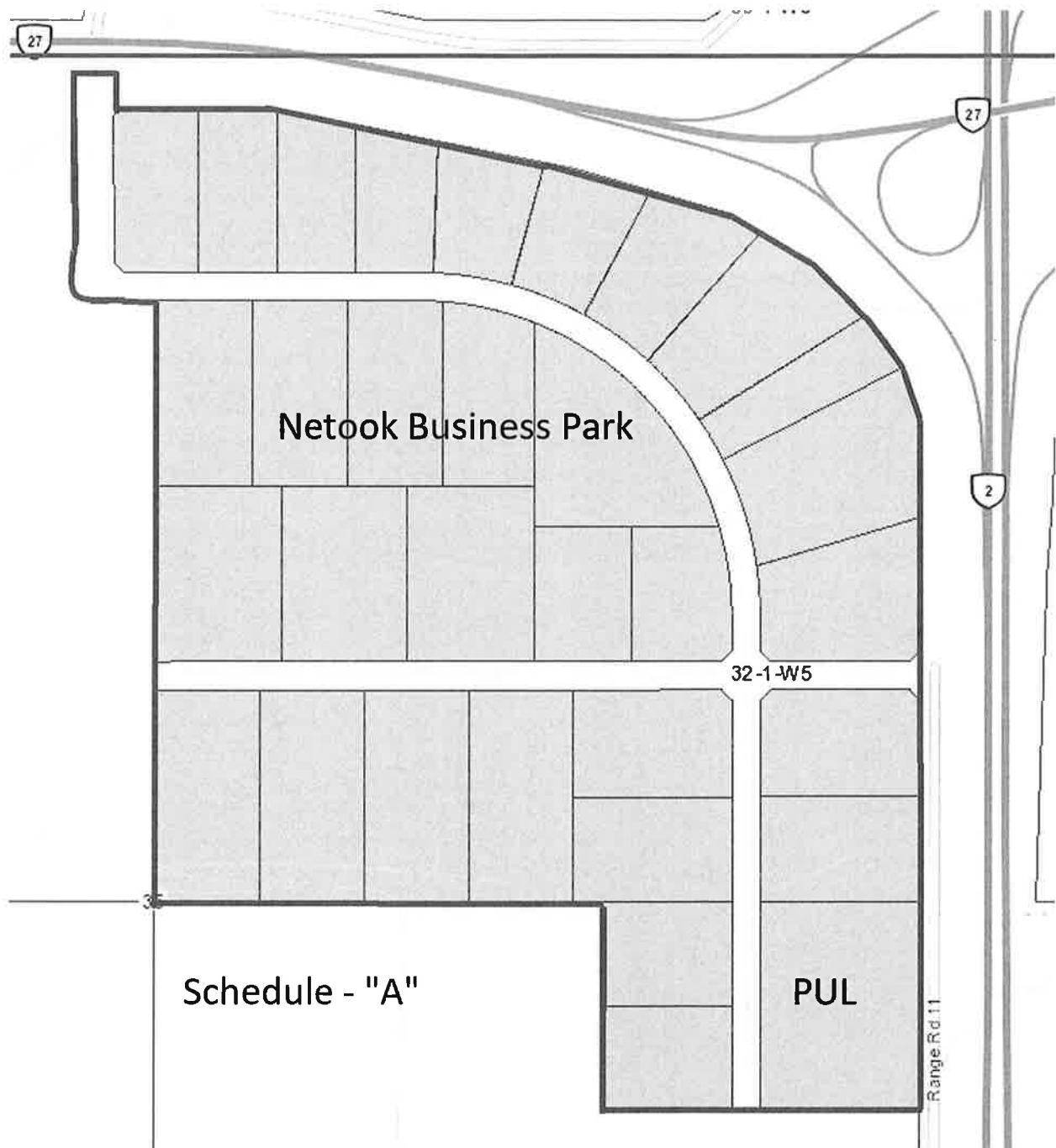


Chief Administrative Officer

October 31 2018

Date of Signing

Schedule A
Netook Business Park Map



Schedule B

Specified Penalties

Section	Offence	Penalty
3.01	Failure to make application for Water Service	\$150.00
3.04	Use of Unauthorized Water Meter	\$250.00
3.12	Tamper with Water Meter	\$500.00
3.13	Disconnect Water Meter	\$500.00
3.15	Use of Unauthorized Water Source	\$500.00
3.17	Unauthorized use or Interfere with a Hydrant	\$250.00
3.19	Obstruct a Hydrant	\$250.00
Section 4	Disposal of unauthorized substances into Waste Water System	\$1000.00
4.06	Tamper with Manhole	\$500.00
4.07/4.08/ / 4.12	Tamper with Waste Water System	\$500.00
4.09	Obstruct Inspection by an Authorized Employee	\$500.00
4.10	Unauthorized discharge of Industrial Waste	\$500.00
Section 6	Unauthorized Waste Water Connection	\$500.00
Section 7	Unauthorized use of Storm Sewer	\$500.00