

CITY OF ST. ALBERT

CONSOLIDATION OF BYLAW 5/2001
Consolidated by Bylaw 45/2011

A Bylaw to govern the supply of potable water in the City of St. Albert

St. Albert City Council enacts:

Title

1. This Bylaw may be referred to as "The St. Albert Water Bylaw."

Definitions

2. (1) (a) "City" means the City of St. Albert;
- (b) "City's distribution system" means the piping and associated equipment owned and used by the City to convey water from the City's main pump stations and supply lines to curb cocks where it is accessible by Customers;
- (c) "curb cock" means a control valve that is located so that the City can turn off the supply of water from the City's distribution system to a Customer's property;
- (d) "Customer" means a person who receives a supply of potable water from the City under this Bylaw;
- (e) "Director of Financial Services" means the person designated by the City Manager as the Director of Financial Services, and if no person is designated, the City Manager;
- (f) "City Engineer" means the person designated by the City Manager as the City Engineer, and if no person is designated, the City Manager;
- (g) "registered owner" means the person in whose name the fee simple title to a parcel of land is registered under the *Land Titles Act*;
- (h) "utility bill" means a billing statement for utilities provided by the City, which includes the water supply charge;
- (i) "water meter reading" includes a reading from a remote reading device;
- (j) "water supply charge" means
 - (i) the water flat rate charge, water consumption charge,
 - (ii) the lawn or garden flat rate charge, and the lawn or garden consumption charge, if any, and
 - (iii) and the late payment charge, if any,

billed to a Customer.

- (2) Schedule A forms part of this Bylaw.

PART 1

Connection to the City's Distribution System

City Engineer's Authority

3. (1) The City Engineer has the power and authority to do all things necessary for the construction, maintenance and management of the City's distribution system.
- (2) The City Engineer may delegate the City Engineer's powers and duties under this Bylaw to one or more employees or agents of the City.
- (3) The City Engineer may establish standards and policies for the design, construction and maintenance of the City's distribution system and any connection to the City's distribution system.

Application for Connection to the City's Distribution System

4. (1) A person who wishes to connect any piping to the City's distribution system to obtain a supply of water, must first apply to the City Engineer for approval.
- (2) An application under subsection (1) must include:
 - (a) construction drawings identifying the proposed connection, associated piping and installations, and any other information required by the City Engineer;
 - (b) the applicant's interest in the land; and
 - (c) payment of any off site levies or any other outstanding amounts in relation to the property that are due to the City.
- (3) For the purposes of subsection (2)(a), the City Engineer may require:
 - (a) drawings showing and information relating to:
 - (i) the size and materials of the piping and fittings,
 - (ii) the depth at which the pipe will be buried,
 - (iii) the curb cock for the connection,
 - (iv) pipes and a protected area for the installation of a water meter by the City, and
 - (v) a protected area and connections for the installation of a remote reading device; and

(b) any other drawing or information that the City Engineer considers necessary to ensure compliance with this Bylaw, the safe and effective operation of the City's distribution system and the supply of water.

Approval of Connection to the City's Distribution System

5. (1) The City Engineer must approve an application under Section 4 if:
- (a) the City Engineer is satisfied with the proposed connection, associated piping, protected areas, and installations;
 - (b) the applicant is the registered owner of the lands to be served by the connection or the agent of the registered owner;
 - (c) the lands are adjacent to the City's distribution system; and
 - (d) the lands are located within the City.
- (2) The City Engineer may impose conditions on an approval under subsection (1) to ensure compliance with this Bylaw.
- (3) An approval granted under this Bylaw does not relieve the applicant from the obligation to obtain approvals required under any other enactment and complying with any other enactment, including but not limited to the *Safety Codes Act*.

No Connection without Approval

6. A person must not connect any piping or fixture to the City's distribution system without first obtaining the approval of the City Engineer.

Applicant Responsible for Costs

7. If an application for a connection is approved, the applicant is responsible for all costs associated with connecting to the City's distribution system.

Owner's Responsibilities

8. (1) The registered owner of the land must at the registered owner's expense maintain all pipes and connections used to convey water from the approved curb cock to water supply outlets or fixtures on that owner's property.
- (2) The registered owner's obligations under subsection (1) include but are not limited to:
- (a) maintaining the pipes and connections in a state of good repair;

- (b) protecting the pipes and connections from freezing or damage of any other sort; and
- (c) ensuring that the pipes and connections do not leak.

Location and Connection of Remote Reading Devices

9. (1) The protected area referred to in Section 4(3)(a)(v) must be located between 1.0 and 1.2 meters above grade and must be:
- (a) outside the house at the front or side nearest the driveway, in the case of a single detached house or semi-detached house;
 - (b) outside an end unit, in the case of a multi-unit residential building; and
 - (c) at the front of the property near a driveway, in the case of any other building or property.
- (2) Despite subsection (1), the City Engineer may approve an alternate location for a remote reading device, if the City Engineer is satisfied that it will be readily accessible to a meter reader.
- (3) At minimum, a 4 strand 22 gauge telephone wire must be provided to the City to connect the remote reading device to the water meter.

Installation of Water Meter and Remote Reading Devices

10. (1) If an application for connection to the City's distribution system is approved, the applicant must apply to the City to have a water meter and remote reading device installed.
- (2) In the case of a building under construction the applicant must apply within Thirty (30) Days of the approval of the framing and insulation of the building by the Safety Codes Officer.
- (3) Subject to subsection (9), the City will install a water meter and remote reading device at the City's cost:
- (a) after receiving an application for the installation of the water meter and remote reading device; and
 - (b) once the approved protected area and connections for each are installed by the applicant.
- (4) An applicant may request that the City install a water meter of a different size than that usually installed by the City.
- (5) The City Engineer may at the City Engineer's discretion determine whether to install a water meter in accordance with a request under subsection (4), but must not install a water meter of a different size unless the applicant pays any additional costs that are incurred as a result.

(6) An applicant who wishes to obtain water solely for the purposes of watering a lawn or garden may apply to the City Engineer for the installation of an additional water meter to monitor water use for those purposes.

(7) The City Engineer may request any information the City Engineer deems necessary in relation an application under subsection (6).

(8) The City Engineer may

(a) approve or refuse an application under subsection (6), and

(b) impose any conditions the City Engineer deems necessary on an approval.

(9) The applicant must pay for a water meter and any other cost associated with the installation of the water meter approved under subsection (8).

Ownership of Water Meters and Remote Reading Devices

11. Water meters and remote reading devices installed by the City remain the property of the City.

Testing Water Meter

12. (1) A Customer may request that the City Engineer check the accuracy of the water meter that monitors the Customer's water consumption.

(2) A request under subsection (1) must be in writing, contain the information and be in the form required by the City Engineer and include the fee for meter tests as set out in Schedule A.

(3) The test may be conducted by the City Engineer or by a person appointed by the City Engineer to conduct the test.

(4) At the Customer's request, the Customer may witness the testing.

(5) The City must refund the fee paid for the meter test if the test demonstrates that the water meter records consumption at a level greater than 105% or less than 95% of the measured volume of water used in the test.

Tampering or Bypassing Water Meter Prohibited

13. A person must not:

(a) tamper with a water meter, water meter seal, water meter coupling or remote reading device;

(b) install a branch line or tap between the curb cock and the water meter;

(c) do anything to cause water to bypass a water meter; and

- (d) do anything to affect the accuracy of a water meter or remote reading device.

Restricting, Rationing and Interrupting the Supply of Water

- 14. (1) Despite anything in this Bylaw, the City Engineer may:
 - (a) restrict or ration the amount of water provided during periods of heavy demand or shortage;
 - (b) interrupt the supply of water for:
 - (i) construction of, maintenance or repairs to the City's distribution system,
 - (ii) fire fighting,
 - (iii) or any other emergency.
- (2) In restricting, rationing or interrupting the supply of water under subsection (1), the City Engineer may do so in respect of:
 - (a) a single Customer;
 - (b) a number of Customers;
 - (c) all Customers in a part of the City; and
 - (d) all Customers.

PART 2

Supply of Water

Director of Financial Services Authority

- 15. (1) The Director of Financial Services is responsible for the administration and enforcement of this Bylaw, including:
 - (a) approving applications for the supply of water;
 - (b) water meter reading;
 - (c) issuing a utility bill under this Bylaw;
 - (d) collecting fees, charges or other amounts payable under this Bylaw; and
 - (e) disconnecting and reconnecting the supply of water under Section 30.

(2) The Director of Financial Services may delegate the Director of Financial Services' powers and duties under this Bylaw to one or more employees or agents of the City.

Application for a Supply of Water

16. (1) If a property has an approved connection to the City's distribution system and a water meter, a person may apply to the Director of Financial Services to receive a supply of water from the City.
- (2) An application under subsection (1) must include:
- (a) the name of the person responsible for the payment of the utility bill;
 - (b) the home telephone number of the person responsible for the payment of the utility bill;
 - (c) the business telephone number of the person responsible for the payment of the utility bill (if available);
 - (d) the mailing address of the person responsible for the payment of the utility bill;
 - (e) the address of the property to which the water supply is being provided if the address is different from that in subsection (d);
 - (f) the date when the supply of water is required to start;
 - (g) the name of the registered owner of the property to which the supply of water is to be provided, and if the applicant is not the registered owner, the basis upon which the applicant occupies the property; and
 - (h) if the supply of water is to be used solely for watering a lawn or garden, a statement to that effect.
- (3) An application under this Section may be made:
- (a) in writing;
 - (b) by telephone; or
 - (c) by any other medium of communication approved by the Director of Financial Services.
- (4) Despite subsection (3)(b) and (c), the Director of Financial Services may require that an application for the supply of water be in writing.
- (5) An application under this Section is not complete until:
- (a) the applicant pays the account initiation fee required under Schedule A;
 - (b) the applicant pays any outstanding amounts owing the City under Schedule A resulting from the approval of a previous supply of water to the applicant; and

(c) in the case of an applicant who is not the registered owner of the property to which water will be supplied, the applicant posts the deposit required under Schedule A.

Approval of an Application for Supply of Water

17. (1) Subject to subsection (4), the Director of Financial Services must approve an application for the supply of water to a property if:
- (a) the applicant provides the information required in Section 16(2) and pays the fee required under Section 16(5);
 - (b) the property has an approved connection to the City's distribution system;
 - (c) the property is located in the City; and
 - (d) the applicant is the registered owner of the property.
- (2) If the applicant is not the registered owner of the property, the Director of Financial Services may approve an application for the supply of water if:
- (a) the applicant provides the information required in Section 16(2) and pays the fee and posts the deposit required under Section 16(5);
 - (b) the property has an approved connection to the City's distribution system; and
 - (c) the property is located in the City.
- (3) If an application is for a supply of water solely for watering a lawn or garden and the City Engineer has approved a separate water meter for that purpose, the Director of Financial Services may, pursuant to subsections (1) or (2), approve an application for the supply of water.
- (4) Despite anything in this Section the Director of Financial Services is not required to approve an application for the supply of water if:
- (a) the supply of water to the applicant has been discontinued under Section 30 and the applicant has not remedied the failure or problem leading to the discontinuance of the supply of water; or
 - (b) the applicant is in breach of this Bylaw.
- (5) If the Director of Financial Services approves the supply of water to an applicant, the Director of Financial Services must establish an account for that Customer to track all water supply charges owing by that Customer.

Cancellation of Supply of Water

18. (1) A Customer may make a request to the Director of Financial Services that the Customer's supply of water be disconnected and the Customer's account closed.
- (2) A request must be made during the business hours of the City and at least Twenty-four (24) Hours before the Customer wishes to have the supply of water discontinued and the Customer's account closed.
- (3) A Customer is responsible for water supply charges incurred to the date that the water supply is disconnected by the Director of Financial Services in accordance with the request plus any late payment charges as a result of the failure of the Customer to pay a utility bill issued after the Customer's account is closed.

Water for Construction

19. (1) A person who has received a building permit for a property and who wishes to receive a temporary supply of water for construction and the testing of fixtures on that property may apply to the Director of Financial Services to receive a supply of water from the City.
- (2) An application under subsection (1):
- (a) must include the information required under Section 16(2);
 - (b) must include the fee under Schedule A in respect of water for construction; and
 - (c) may be made:
 - (i) if an approved connection to the City's distribution system is in place for that property, and
 - (ii) despite the fact that a water meter has not yet been installed for that property.
- (3) The Director of Financial Services may approve or deny such a request, and in the case of an approval may impose conditions on that approval.

Obligations of the Customer

20. (1) The Customer is responsible for providing, maintaining in good repair and protecting any piping, fixture or other equipment necessary for the customer to obtain water from the City's distribution system.
- (2) The Customer must:
- (a) pay the water supply charge and any other fees or charges imposed under Schedule A;

- (b) ensure that the water meter and the remote reading device installed by the City are kept safe;
 - (c) indemnify the City in accordance with Schedule A for any damage, including damage from frost, heat, overheating, negligence or intentional act, to:
 - (i) the water meter or its couplings, or both
 - (ii) the seal on the water meter, and
 - (iii) the remote reading device; and
 - (d) give the City Engineer or Director of Financial Services, or both, access to the Customer's land and any structure on them for the purpose of:
 - (i) installing, inspecting or repairing, the water meter, the couplings or the remote reading device;
 - (ii) water meter reading; and
 - (iii) monitoring the piping and any fixtures that are connected to and draw water from the City's distribution system.
- (3) If a Customer does not comply with the Customer's obligations under subsection (1) and (2)(b), the Customer is liable to the City for the value of any water that is lost through leakage or otherwise as a result of the Customer's failure to comply.
- (4) The City must estimate the value of water lost as a result of the Customer's failure to comply and the City may include that amount in the water supply charge for the Customer.

Water Meter Readings

21. (1) The City must endeavour to obtain a water meter reading at least once in each Two (2) Month period.
- (2) If the City does not obtain a water meter reading under subsection (1), the City
- (a) may request the Customer to provide a water meter reading; or
 - (b) may estimate the consumption of water by that Customer.
- (3) In making an estimate under subsection (2)(b), the City may use as a basis that Customer's previous consumption or may use an average derived from the water consumption of similar Customers.

Water Supply Charge

22. (1) Each Customer must pay the monthly water flat rate charge as set out in Schedule A.
- (2) In addition, each Customer must pay the water consumption charge calculated in accordance with this Section and Schedule A.
- (3) The Director of Financial Services must calculate
- (a) the water consumption charge for each Customer, and
 - (b) the lawn or garden consumption charge for each Customer
- by multiplying the number of cubic meters of water consumed by the Customer by the water consumption fee as set out in Schedule A.
- (4) For the purposes of subsection (3), the number of cubic meters used by a Customer is:
- (a) the number of cubic meters determined to be used through the City's water meter reading; or
 - (b) the number of cubic meters obtained through the Customer's meter reading; or
 - (c) if the City has not taken a meter reading for that billing period, the City's estimate.
- (5) If a Customer pays a water consumption charge, or a lawn or garden charge, based on an estimate or the Customer's meter reading:
- (a) the Customer must pay the amount of any shortfall, in the event the actual consumption is subsequently found to be higher based on a water meter reading by the City; and
 - (b) the City must deduct the amount of any overpayment from the next billing in the event the actual consumption is subsequently found to be lower based on a water meter reading by the City.
- (6) The amount of an adjustment under subsection (5)(a) is due at the same time as the next billing or at a time specified by the City, whichever is later.
- (7) This Section does not apply to water supplied under Section 19.

Water Meter Errors

23. (1) If the Director of Financial Services decides that a water meter has failed to record the consumption of water accurately, the Director of Financial Services may estimate the number of cubic meters of water used by the Customer based on a method the Director of Financial Services considers fair and equitable.

(2) For the purposes of subsection (1), if a meter that is tested is found to record outside the tolerances permitted under subsection 12(5) and the date at which the error began occurring is not known, then the error shall be deemed to have commenced as of the date of the test.

Billing Errors

24. (1) If the City issues a utility bill that contains an error in calculation of the water supply charge, the City may issue a supplementary utility bill that corrects the error and:
- (a) charges the Customer any additional amount owing if the error understated the water supply charge; and
 - (b) refunds to the customer any amount which the Customer has overpaid if the error overstated the water supply charge.
- (2) In the case of an overpayment by the Customer, the Director of Financial Services may instead of refunding an amount to the Customer set it off against a future utility bill.

Notice Regarding Access

25. (1) If the Director of Financial Services cannot obtain access to a water meter or remote reading device for Six (6) consecutive months, the Director of Financial Services may:
- (a) leave written notice of the requirement for a water meter reading at the address where the supply of water is provided; or
 - (b) mail a written notice of the requirement for a water meter reading to the address provided under Section 16(2)(d).
- (2) If the Director of Financial Services leaves a notice under subsection (1)(a), the Customer must contact the Director of Financial Services within Twenty-four (24) Hours to inform the Director of Financial Services of a date and time within the next Seven (7) Days and within normal business hours when the Director of Financial Services can have access to the water meter or remote reading device in order to take a meter reading.
- (3) If the Director of Financial Services mails a notice under subsection (1)(b), the Customer must contact the Director of Financial Services within Seven (7) Days of the date of the letter to inform the Director of Financial Services of a date and time within Fourteen (14) Days of the date of the letter and within normal business hours when the Director of Financial Services can have access to the water meter or remote reading device in order to take a meter reading.

Payment of Bill for Water Supply

26. (1) The Customer must pay the water supply charge in full within Twenty-one (21) Days of the date that the City specifies as the billing date on the Customer's utility bill.

(2) For the purposes of subsection (1), the Director of Financial Services must specify a billing date for each utility bill, which must be at least Two (2) Days after the date that the utility bill is mailed to the Customer.

(3) The Customer may pay the utility bill either at:

(a) City Hall, during City Hall's usual office hours; or

(b) any other place or in any other manner specified by the Director of Financial Services on the utility bill.

(4) If a utility bill is not paid after Twenty-one (21) Days following the date shown as the billing date, a late payment charge as set out in Schedule A is added to the unpaid amount for that billing period.

(5) Subject to subsection (6), the amount added under subsection (4) forms part of the water supply charge for all purposes.

(6) The Director of Financial Services must not include a late payment charge from one billing period in the calculation of a late payment charge in a subsequent billing period.

(7) The City is not obliged to waive payment of a water supply charge or a late payment charge because a Customer did not receive the utility bill or mislaid it.

Utility Bill to Include Water Supply Charges

27. (1) The City may bill the Customer for water supply using a form of billing statement called a "utility bill" that includes billings for water supply charges and other utilities provided to the Customer by the City.

(2) If a payment is made on account of a utility bill, but that payment does not cover all components of that bill, the payment must be apportioned pro rata amongst the components of the bill.

(3) A payment by a Customer is applied:

(a) to any outstanding late payment charges first;

(b) then to utility bills in the order in which they were rendered; and

(c) finally, to any current amount due.

Application of Deposit

28. (1) If a Customer has posted a deposit under this Bylaw, the City may apply the deposit to any amount that is in arrears on a utility bill or may apply it to the final account of the Customer on termination of the supply of water or any other utility.

(2) No interest is payable by the City on deposit.

Reminder regarding Arrears

29. The Director of Financial Services may send a reminder notice by ordinary mail to a Customer if a utility bill remains unpaid in whole or in part Twenty-one (21) Days after the date shown as the billing date on the utility bill.

Disconnecting the Supply of Water

30. (1) The Director of Financial Services may disconnect the supply of water if:
- (a) a bill for water supply charges remains unpaid in whole or in part Fourteen (14) Days after a reminder notice is mailed under Section 29;
 - (b) a registered owner fails to abide by the obligations in Section 8;
 - (c) a Customer fails to abide by Section 13 or permits a person to breach Section 13;
 - (d) a Customer provided inaccurate information in an application made under Section 16(2);
 - (e) a Customer provides a cheque that is not honoured for an account initiation fee under Section 16(5)(a);
 - (f) a Customer provides a cheque that is not honoured for payments under Sections 16(5)(b) or (c);
 - (g) a Customer fails to comply with Section 20(1) or (2)(b) through (d);
 - (h) a Customer fails to respond to a notice issued under Section 25 or fails to provide access to a water meter or remote reading device in accordance with information given to the Director of Financial Services in response to a notice under Section 25; and
 - (i) in the opinion of the Director of Financial Services or City Engineer, there is an emergency or risk of harm to the public or property that requires the supply of water to be disconnected.
- (2) If the supply of water is disconnected under subsection (1)(a), the City will not turn the supply of water on again until the Customer has paid:
- (a) all arrears owed to the City under this Bylaw including all late charges, or has entered into an agreement with the City for the payment of arrears over time; and
 - (b) the reconnection fee specified in Schedule A.
- (3) If the supply of water is disconnected under subsection (1)(b) through (i), the City will not turn the supply of water on again until the Customer has:
- (a) remedied the matter giving rise to the disconnection of water service;

- (b) entered into an agreement with the City to abide by the terms of this Bylaw, including the provision of security to ensure compliance; and
- (c) paid the reconnection fee specified in Schedule A.

Enforcement of Amounts Owing

31. The City may enforce payment of any amount owing under this Bylaw by:
- (a) adding the amount owing to the tax roll, if the Customer is the registered owner of the land;
 - (b) disconnecting the water supply to the Customer;
 - (c) taking action in any court of competent jurisdiction; and
 - (d) all or any of the above.

PART 3

General

Prohibiting Other Water Distribution Systems

32. (1) No person may operate a system for the distribution of potable water within the City that is similar to that operated by the City, unless that person first obtains the written consent of the City Engineer.
- (2) Any consent granted under subsection (1), may include conditions.

Authority Complete

33. If there is any overlap between the authority granted to the Director of Financial Services and to the City Engineer under this Bylaw, either may exercise the authority.

Scope of Delegation

34. A power that is delegated under this Bylaw may be delegated to one or more persons who may exercise the power concurrently.

Limitation on City's Liability

35. The City is not responsible for any pipes, connections, supply outlets or fixtures located on the registered owner's property or for the consequences of any failure of any connection to the City's distribution system.

Offence

36. (1) Any person who contravenes:
- (a) any of Sections 6, 8, 13, 20(2)(b) or (d), 25(2) or 25(3) of this Bylaw; or
 - (b) a condition of an approval under this Bylaw,
- is guilty of an offence.
- (2) Every day during which a contravention continues is deemed to be a separate offence.
- (3) A person who commits an offence under this Bylaw is liable to a fine up to
- (a) \$1,000.00 for a first offence; and
 - (b) \$2,500.00 for each subsequent offence.

Repeal

37. The Master Rates Bylaw 1/82, as amended, is further amended by deleting the Water Rates portion of Schedule "I",
38. Bylaw 21/81 is repealed.

Schedule A

as amended December 19, 2011 (by Bylaw 45/2011)

(rates effective January 1, 2012)

Fees, Charges and Indemnities	2012
1. Account Initiation Fee	\$25
2. Deposit to be posted by an applicant for water service who is not the registered owner of the land to which water will be supplied	N/A
3. Water Flat Rate Charge	\$8.50 per month
4. Water Consumption Charge	\$1.42 per cubic metre
5. Fee for water for construction for: (a) single detached residential unit (b) semi-detached residential unit (c) all other construction	(a) \$50.00 per building (b) \$50.00 per building (c) \$0.50 per \$1,000.00 of construction value as reported for the building permit, to a maximum of \$1,000.00 per building
6. Fee for water solely for watering a lawn or garden: (a) lawn or garden flat rate charge (b) lawn or garden consumption charge	(a) N/A (b) \$1.75 per cubic metre
7. Indemnity for damage to: (a) water meters (b) remote readers (c) water meter seal	(a) replacement cost (b) replacement cost (c) \$15.00
8. Late Payment Charge	2.5 % of the amount of the utility bill that is unpaid Twenty-one (21) Days after the billing date
9. Water Meter Test Charge	\$75.00
10. Reconnection Fee	\$35.00 if the Customer requests that reconnection is to take place during regular business hours of the City \$75.00 if the Customer requests that reconnection take place outside of the regular business hours of the City