

VILLAGE OF FORESTBURG

Water Utility Bylaw No. 6:2006

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THE VILLAGE OF FORESTBURG
Bylaw #6:2006

WHEREAS, is it deemed necessary and advisable to make revisions in the scale of water rates for water supplied from the Village water system, and to meet the cost of maintaining and operating the said supply and distribution system of the Village.

AND WHEREAS, the Village of Forestburg, being a Municipal Corporation in the Province of Alberta, owns and operates a water system as a public utility for the purpose of supplying and distributing water to residents, industrial and commercial users, for fire protection, and to all other consumers in the Village of Forestburg and, subject to Council approval, to consumers outside the Village boundaries;

AND WHEREAS, the Village has the authority pursuant to the Municipal Government Act, R.S.A. 1994, Chapter M-26.1, to enact a Bylaw affecting and controlling the public utility known as the "water system",

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF FORESTBURG ENACTS AS FOLLOWS:

PART 1.0 GENERAL

- 1.1 Title: This Bylaw may be cited as the "Water Utility Bylaw" for the Village of Forestburg
- 1.2 Purpose: The purpose of this Bylaw is to regulate and control the Village of Forestburg's water supply system.

PART 2.0 INTERPRETATION

2.1 In this Bylaw the following definitions shall apply:

- (a) "backflow" means the reversal of the direction of water flow in either the water system or the consumer's water system;
- (b) "Chief Administrative Officer" means the person appointed by Council to be responsible for the construction, operation and maintenance of the water supply system and the Municipal Inspector for the purpose of the Plumbing and Drainage Act;
- (c) "combined water service connection" means a water service connection which supplies water for the domestic use of a consumer and also for a fire protection system in the same premises;
- (d) "consumer" means any person or persons, Corporation, any other Municipal Corporation, the Government of Alberta or the Government of Canada whose property is connected to the water system or any lessee or occupant of such property or any person who obtains water from any Village-owned hydrant, stand pipe or Fire Station;
- (e) "consumer's water system" means the system of pipes, fittings, valves and appurtenances that conveys water between the water service connection at the property line and the water supply outlets;
- (f) "Council" means the Council of the Village of Forestburg;
- (g) "cross connection" means any temporary, permanent or potential water connection that may allow backflow to occur and includes swivel or changeover devices, removable sections, jumper connections and by-pass arrangements;

- (h) "cross connection control device" means a device approved by the Chief Administrative Officer that prevents backflow;
- (i) "enforcement officer" means a member of the Flagstaff County Special Constable Services under contract to the Village or a Bylaw Enforcement Officer of the Village;
- (j) "meter spacer" means a length of pipe, which can be removed from a water pipe for the purpose of installing a water meter;
- (k) "Municipal Official" means the Chief Administrative Officer appointed by Bylaw of Council;
- (l) "occupant" means the owner of any premises who resides or carries on any kind of business therein or any person or Corporation residing therein or carrying on business therein as a lessee of the owner or pursuant to a Licence of Occupation granted by the owner or the owner of any vacant premises connected to the water system;
- (m) "owner" means the registered owner of real property as designated on the Certificate of Title for the property;
- (n) "point-of-delivery" means the point of physical connection to a consumer's water system at the property line of the street or boundary of an Easement granted to the Village for its water system;
- (o) "Village" means the Municipal Corporation of the Village of Forestburg or where the context requires means the area contained within the boundaries of the Village of Forestburg;
- (p) "Village water main" means a water pipe in the street, public thoroughfare or easement area granted to the Village, which forms part of the Village water distribution network and delivers the water supply to the water service connections;
- (q) "water meter" or "meter" means any device approved by the Chief Administrative Officer and installed by the Village which is designed to measure the quantity of water used by a consumer. A water meter may have attached to it a remote-reading device as a component of the meter;
- (r) "water service connection" means that lateral water pipe which connects a consumer's premises to the Village water main with the consumer owning that portion of the pipe lying within the boundaries of the consumer's premises excluding any pipe lying within the boundaries of any Easement Area granted to the Village for its water system;
- (s) "water service valve" means the water valve on the Village-owned portion of the water service connection, located between the Village water main and the street property line, installed for the purpose of enabling the Village to turn on or off the water supply to a consumer's premises;
- (t) "water shut-off valve" means the water valve within a building on a consumer's premises, usually located near the water meter or point of entry of the water service connection, which, when closed, does not allow the flow of any water into the building or premises;

- (u) "water system" or "water utility" means that system of water reservoirs, water wells, treatment plants, pumping stations, feeder mains, distribution mains, service connections, valves, fittings, hydrants, meters, cross connection control devices and all other equipment and machinery of whatever kind owned by the Village and which is required to supply and distribute water to all consumers and which is deemed to be a public utility within the meaning of the Municipal Government Act;

PART 3.0 GENERAL

3.1 Supply of Water by the Village

The Village having constructed, operated and maintained a water system as a public utility shall continue, insofar as there is sufficient system capacity and supply of water, to supply water, upon such terms as Council considers advisable, to any resident or industry or other consumer within the municipality situated along any water main, upon being so requested in writing by the owner, occupant or other person in charge of the residence, industry or building. The Village undertakes to supply water to the owner's or consumer's water system at the property line of the street or the boundary of an Easement granted to the Village for its water system.

3.2 Alternate Sources of Supply:

- (a) No person shall use any alternate source of water supply other than the water system without the written consent of the Chief Administrative Officer.
- (b) The Chief Administrative Officer may give consent for a person to use an alternate source of water subject to such terms and conditions as is deemed necessary and notwithstanding the generality of the foregoing may set a limit on the period of time for which an alternate supply of water may be used.
- (c) No person who has been granted permission to use an alternate source of water supply shall allow that alternate source of water supply to be connected to the water system.

PART 4.0 MUNICIPAL OFFICIAL

4.1 Chief Administrative Officer's Responsibilities:

- (a) The Chief Administrative Officer is hereby deemed to be a Municipal Official as defined in the Municipal Government Act.
- (b) The Chief Administrative Officer is responsible for the administration and enforcement of this Bylaw.

4.2 Chief Administrative Officer's Empowerment: The Chief Administrative Officer is hereby empowered to provide for:

- (a) The establishment of standards, guidelines and specifications for the design, construction and maintenance of the water system;
- (b) The general installation, maintenance and management of the water system;
- (c) The general conduct and management of the officers and others employed with or by the Water Utility;
- (d) The distribution and use of water from the water system;

- (e) The billing and collecting of the rates, charges, fees and rents in connection with the water system including but not limited to charges for any work done or service or material supplied for the construction, installation, connection, disconnection or replacement in any part of the water system, or the consumer's water system on private property;
- (f) For the purposes of administering or enforcing the provisions of this Bylaw the Chief Administrative Officer may delegate his/her powers to one or more employees of the Village and the said employees shall be deemed to be authorized agents of the Chief Administrative Officer. In that regard, employees engaged in water meter reading, billing and collection functions, on behalf of the Chief Administrative Officer shall be deemed to be employees of the Water Utility.

PART 5.0 RATES

- 5.1 Approval of Rates: Council shall approve all rates, charges and fees which the Village may charge for supplying water and for the water used by a consumer.
- 5.2 Rate Penalty for Late Payment: The aforesaid rates shall be increased by a penalty as set by the Council of the Village of Forestburg if such account is not paid by the 2nd last working day of the month the billing is issued.
- 5.3 New Subdivision Development: The charge for water used for new subdivision development and included in the Development Agreement is in accordance with the rates set by resolution of Council from time to time.
- 5.4 Interruption of Water Supply: No reduction in rates will be made in the monthly charge for water supplied to or made available for use by any consumer because of any interruption due to any cause whatsoever of the water supply.

PART 6.0 PAYMENTS

- 6.1 Payment Schedule: Every person, firm or corporation, being the owner or occupant of property which is served directly by a connection with the water supply system of The Village of Forestburg shall pay monthly to the Village by the 2nd last working day of the month the billing is issued, the water rates, tolls, fares and service charges levied pursuant to this Bylaw as set by bylaw of Council from time to time.
- 6.2 Utility Accounts:
 - (a) The Village of Forestburg requires that new account requests for utility services, provided by the municipality, be placed in the name of the owner(s) registered on the property title only.
 - (b) The Village of Forestburg requires that any changes on existing utility service accounts provided by the municipality be placed in the name of the owner(s) registered on the property title only.
- 6.3 Default of Payment: In default of payment of the rates set by bylaw of Council or any amount due and payable to the Village for anything done, or any amounts payable, pursuant to this Bylaw, the Chief Administrative Officer may enforce the collection of such rates or payments by all or any of the following methods, namely:
 - (a) By shutting off the water being supplied to the consumer; or
 - (b) By action in any Court of competent jurisdiction; or
 - (c) By distress and sale of the goods and chattels of the consumer owing monies for water or service related thereto being supplied to them.

- (d) By transferring property owner's unpaid charges for a municipal utility to the property owner tax roll

6.4 Water Supplied to Property under an Agreement for Sale:

- (a) Where the occupant is the owner or purchaser under an Agreement for Sale in possession of the premises to which water is supplied or is available for the use of the occupant, all sums payable by the occupant pursuant to this Bylaw including the rates set by Council, are a debt due and owing to the Village and shall constitute a Preferential Lien and charge on the premises and the personal property of the occupant and may be levied and collected in a like manner as Municipal rates and taxes are recoverable.
- (b) Where the occupant is other than the owner or the purchaser under an Agreement for Sale all sums payable by the occupant pursuant to this Bylaw including the rates set by Council, are a debt due and owing to the Village and shall constitute a Preferential Lien and charge on the occupant's personal property and may be levied and collected with costs by distress.

6.5 Termination of Supply: The terms and conditions under which water, from the Village's water system, is supplied to or made available for use by a consumer, as stated in this Bylaw or a written Agreement between the Village and the consumer may be enforced, by shutting off the water or discontinuing the water service until the consumer complies with the terms and conditions so designated.

PART 7.0 CONTRACTS

- 7.1 Precedents of this Bylaw in Contracts for the Supply of Water: This Bylaw shall form part of every Contract, written or implied, between the Village and a consumer for supplying water.
- 7.2 Contracts Entered into by the Chief Administrative Officer on behalf of the Village:
 - (a) Subject to the provisions of this Bylaw, the Chief Administrative Officer may enter into Contracts on behalf of the Village with any consumers of the water system within the Village and in such Contracts may provide that in the event the consumer has failed to comply with the provisions and requirements of this Bylaw or the terms of the Contract then the supply of water may be discontinued.
 - (b) The Chief Administrative Officer may require any consumer to enter into an Agreement with the Village, for supplying water and related services, subject to such terms and conditions as are required by the Chief Administrative Officer.
 - (c) The Chief Administrative Officer may, subject to the approval of Council, enter into an Agreement to supply water to a consumer outside the Village Limits.

PART 8.0 EMERGENCY

- 8.1 Restrictions imposed by Village Council or the Chief Administrative Officer: To maintain an adequate water supply within the Village of Forestburg, the Village Council or the Chief Administrative Officer, as the case may be, may impose restrictions on the use of water for domestic lawns, gardens, commercial and industrial purposes. Such restrictions shall state the day or days and periods of time within the day or days that water may be consumed.
- 8.2 Shutting Off of Water without Prior Notice: In the event of an emergency, the Chief Administrative Officer may shut off the water, without prior notice.

8.3 Liability of Damages:

The Village is not liable for damages:

- (a) Caused by the break of any water main, water service connection or other pipe or for the settlement of any excavation or trench made for the installation or repair of any part of the water system; or
- (b) Caused by the disruption of any supply of water from the water system when such disruption is necessary in connection with the repair or proper maintenance of the water system; or
- (c) Generally for any loss suffered by anyone due to the operation of the water system;

unless such damages or loss has been shown to be directly due to negligence of the Village or its employees.

PART 9.0 CONNECTIONS

- 9.1 **Water Service Connections on Village Property:** The Village shall install that portion of the water service connection that is on Village property and which runs from the Village water main to the property line of the street or the boundary of an Easement granted to the Village for its water system.
- 9.2 **Water service connections on private property:** Water service connections on private property shall be owned by the owner of the property and shall be installed, maintained, repaired and replaced by the owner at his expense, and without limiting the foregoing, as a condition of receiving water from the Village water system, the owner shall maintain in a state of good repair, with sufficient protection from freezing, free from leakage, or other water loss to the satisfaction of the Village Chief Administrative Officer, any water service connection, pipe line or water system on private property through which the supply of water is conveyed from the Village water system which is located at the property line of the street or the boundary of an Easement Area granted to the Village for its water system, to the water supply outlets or fixtures on the private property.
- 9.3 **Valving of Water Service Connections:** All water service connections shall be provided with a water shut-off valve placed immediately inside the outer wall of the premises and on the inlet side of the water meter to enable a consumer to shut off the supply of water in case of any emergency or for protection of the building, pipes, or fixtures, or to prevent flooding of the premises or in the event the premises are permanently or temporarily vacated. The shut-off valve shall be maintained in good mechanical condition by the owner and easily accessible at all times to ensure that it is operable in case of emergency.
- 9.4 **Failure to Maintain, Repair or Replace:** If the owner of the property fails or refuses to maintain, repair or replace a water service connection, pipe or water system as required by Subsection 9.2 of this Section, the Chief Administrative Officer may:
 - (a) Turn off the water supply until the repairs have been made to stop the water loss; and
 - (b) Estimate the volume of water loss and demand payment from the owner for that amount of water estimated to have been lost which said payment shall become due and payable upon such demand being made.

- 9.5 Termination of Service: Where water has been shut off to a consumer's premises for water wastage, or leaks or defects in the consumer's portion of the water service connection or in other water pipes on private property or in the interior plumbing system within the consumer's premises, the Chief Administrative Officer may refuse to turn it on again until he has received satisfactory evidence that the necessary repairs have been made.
- 9.6 Applications for Water Service Connections:
- (a) Shall be made in writing on a form supplied by the Village.
 - (b) The owner at the time of making an application for a water service connection by Village forces is required to pay to the Village, in advance, the estimated cost of the water service connection as calculated by the Chief Administrative Officer subject to a refund or further payment depending on the actual cost when the work is completed.
- 9.7 Ownership of Service: The Village is the owner of the water service connection on Village property after installation and the Village is responsible for the control, maintenance, repair, and replacement of that portion of the water service connection, thereafter.
- 9.8 Replacement of Service Connection: Any owner who wishes to have an existing water service connection on Village property replaced with a connection of a different size or relocated to a different location shall apply to the Chief Administrative Officer in writing for approval and the Chief Administrative Officer may authorize the work to be carried out by the Village, subject to payment in advance, of the cost of the project as determined by the Chief Administrative Officer.
- 9.9 Discontinuation of Use: Where the owner discontinues the use of a water service connection to his property, he shall notify the Village forthwith in writing by requesting the Village to disconnect the water service connection from the water system. Upon such request being made, the owner shall make payment in advance for the cost of the disconnection as determined by the Chief Administrative Officer.
- 9.10 Frozen Services on Private Property: If a water service connection is frozen on private property it shall be the consumer's responsibility to have it thawed at the consumer's expense.
- 9.11 Private Fire Hydrant: No person or persons shall use water from a water service connection, that supplies water to private fire hydrants, for any purpose other than fire protection, unless the water service connection is connected to a water meter or the branching connection that supplies water for use other than fire protection purposes is connected to a water meter.
- 9.12 Liability For Low Water Pressure or Inadequate Volume: The Village shall not be liable for loss or damage suffered by any person by reason of low water pressure, or by interruption to, or failure of, the water system to deliver water in adequate volume and pressure for fire protection purposes.

PART 10.0 WATER METERS

- 10.1 Metering or Services: All water services connected to the Village's water system shall be metered except for:
- (a) Fire service connections which are not used for any other purpose; or
 - (b) Such other connections where in the opinion of the Chief Administrative Officer, it is impractical to install a water meter.

- 10.2 Determination of Rate for Water Not Metered: If in the opinion of the Village Chief Administrative Officer it is impractical to install a water meter where a water meter would otherwise be required according to this Bylaw, the Chief Administrative Officer shall determine the rate to pay for the water.
- 10.3 Access to Meters: For the purpose of conducting water use surveys; or sampling, leakage, flow and pressure tests; or reading water meters; or installing, inspecting, repairing, replacing and removing water meters, cross connection control devices and related equipment upon any water service connection within or outside of any house or building as may be required, employees of the Village employed for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made, or, in the case of the written authority of the Mayor given in respect of a special case, without notice, to all parts of every building or other premises in which water is delivered and consumed.
- 10.4 Alterations: For the purposes set out in Section 10.3 of this Bylaw or for the purpose of protecting, testing, or regulating the use of any water meter, cross connection control device, or other equipment forming part of the water system, employees of the Village employed for that purpose may set or alter the position of the water meter, cross connection control device, or of any pipe, valve or fitting forming part of the water system.
- 10.5 Charges by Village: The Village may charge for and recover from the owner the cost of supplying, installing, altering, repairing, relocating or removing a water meter. Any such charges may be collected in the same manner as water rates.
- 10.6 Access Upon Discontinuing Service: Where any consumer discontinues the use of the water utility furnished by the Village, or the Village lawfully refuses to continue any longer to supply it, any employee of the Village employed for that purpose may at all reasonable times enter the premises in or upon which such consumer was supplied with the water utility for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things that are the property of the Village in or upon such premises and may remove them therefrom.
- 10.7 Customers Responsibility for Suitable Meter Site:
- (a) For all water service connections, it is the consumer's responsibility to provide a suitable site for a water meter near the point of entry of the water service connection and inside the building. The Village shall not be required to provide water service if the owner fails to make available a site acceptable to the Chief Administrative Officer.
 - (b) The owner shall make provision for the installation of water meters in accordance with the Village's standard specifications for water mains and services. If an owner wishes to install other metering, piping or valving arrangements, the owner shall apply to the Chief Administrative Officer for approval in writing, prior to installation. If inspection indicates the installations as shown on the standard drawings or any modified drawings approved by the Chief Administrative Officer have not been carried out, the owner shall alter, correct or modify the installation at his expense, in order to comply with the drawings approved by the Chief Administrative Officer. If the owner does not make the installation in the manner approved by the Chief Administrative Officer, the Village shall have the right to refuse to supply water to the premises.
 - (c) No consumer shall relocate, alter, or change any existing water metering facilities without the written approval of the Chief Administrative Officer. The consumer shall submit plans and specifications for any proposed relocation of water metering facilities and, if approved, the consumer shall pay the entire cost, including any costs incurred by the Village, in making any such relocation, alteration or change.

- 10.8 **Size, Type and Number of Meters:** The Chief Administrative Officer shall determine the size and type and number of water meters to be supplied and installed by the Village. Where the water supplied through a meter is for fire protection purposes or for combined fire protection and other uses, the meter shall be of a fire service type, approved by the Chief Administrative Officer and the appropriate water rate shall apply.
- 10.9 **Village's Ownership of Meters:** All water meters shall be supplied, installed, maintained, repaired, tested and replaced by the Village unless other arrangements are approved in writing by the Chief Administrative Officer. The consumer shall pay the additional costs for supplying and installing meters, where the installation as approved by the Chief Administrative Officer requires a fire service type water meter or other special type of water meter. Notwithstanding the payment of such additional costs, the water meter shall remain the property of the Village.
- 10.10 **Multiple Meter Installations:** Where the Village agrees to supply and install two or more water meters for a single water service connection, all meters shall be installed adjacent to each other as close as possible to the place where the water service connection enters the building.
- 10.11 **Relocation of Meter Due to Building Alterations:** If the Chief Administrative Officer is dissatisfied with the location of any water meter due to alterations to a building, he may require that the water meter be relocated by the occupant to a more suitable or convenient location near the point of entry of the water service connection. All costs associated with relocating the water meter including Village costs shall be paid by the owner.
- 10.12 **Housing for Meters:** Where a water meter cannot be installed in a building, it is the owner's responsibility to provide a meter building or a meter vault on the owner's property near the property line, at the owner's expense, and in accordance with the Village's standard specifications for water mains and services. The owner shall maintain and repair the meter building or vault at his expense. If the owner, after receiving written notice from the Chief Administrative Officer, neglects to repair or improve his meter building or vault, the Chief Administrative Officer shall authorize the necessary repairs be carried out and the owner will be charged for the costs incurred.
- 10.13 **Safekeeping of Water Meters:** A consumer is responsible for the safe-keeping of the water meter and any remote reading device that may be installed with the water meter on the consumer's property. A consumer shall protect the water meter and connecting valves and pipes from freezing, excessive heat, overheating of water, external and internal damage of any kind or any other thing which may affect the operation or reading of a water meter and shall pay the cost of repairing or replacing any water metering facilities supplied and installed by the Village that may be damaged from the foregoing causes or any other causes within the consumer's control.
- 10.14 **Notification by Owner:** A consumer shall notify the Chief Administrative Officer immediately whenever a water meter is not operating or if any part of it becomes damaged or broken.
- 10.15 **Payment for Removed or Stolen Meters:** If a water meter is removed or stolen, the owner of the premises shall pay the cost of replacing the meter including installation. If not paid, the cost may be added to the taxes levied on the property and collected in the same manner as Municipal property taxes.

- 10.16 Tampering with Meters or Remote Reading Devices: No person shall interfere with or tamper with the operation of any water meter or remote reading device. All by-pass valves on water meter installations shall be sealed by the Village and no one shall open such by-pass valves except for emergency use. The Chief Administrative Officer is to be notified within 24 hours if a seal is broken for the emergency operation of a by-pass valve.
- 10.17 Meter Spacers: No person shall use a meter spacer in place of a meter except for the testing, as approved by the Chief Administrative Officer, of a new plumbing system or a water meter.
- 10.18 Inspection of Premises Prior to Supplying: The Chief Administrative Officer may inspect the premises to be supplied with water from the water system, prior to supplying water, to determine if there is proper access to the water meter site and to determine if the site is suitable and acceptable to the Chief Administrative Officer for installing, reading, maintaining and repairing the meter and related facilities.
- 10.19 Seasonal Water Services: Unless otherwise approved by the Chief Administrative Officer, all water supplied through temporary and seasonal water service connections shall pass through a water meter installed by the Village. The consumer shall pay the cost of each installation and each removal of the water meter for such connection, in addition to the charge for the water supplied to the premises and for the cost of any damage to the water meter and related metering facilities from causes within the consumer's control.
- 10.20 Reading of Water Meters: Water meters shall be read at the discretion of the Chief Administrative Officer. If a meter reader cannot enter the premises to read the water meter, he may leave a card with instructions requesting the consumer to notify the Village as soon as possible of the water meter reading. In the event an occupant refuses to allow a meter to be read for a period in excess of two months, the Village Chief Administrative Officer may shut off the supply of water to that meter.
- (a) If the Village is unable to obtain a water meter reading or if a water meter fails to register properly the amount of water consumed or if water supplied through a meter has not for any reason whatsoever registered on the meter, the amount of water consumed since the last time the water meter was read and was recording consumption accurately may be estimated by the Chief Administrative Officer based on previous consumption or daily average consumption for the premises and the consumer shall pay for the cost thereof based on such estimate of consumption. Payment of an estimated amount shall not excuse the consumer from liability for payment of a greater amount which may be owing after a meter is read.
- (b) If a metered residential customer experiences abnormally high water consumption, the Chief Administrative Officer may adjust the water bill conditional on the customer correcting the cause for the high consumption to the satisfaction of the Chief Administrative Officer.
- 10.21 Removal for Maintenance: Water meters may be removed by the Chief Administrative Officer for maintenance and testing on a periodic basis. The Village Chief Administrative Officer may require that a specific meter be tested on site, or be removed and tested.
- 10.22 Payment for Meter Testing: A consumer may request the Chief Administrative Officer to test a water meter located on the consumer's premises. If the water meter is found to be measuring correctly within two percent of accuracy, the consumer shall pay the fee established.

10.23 Ownership of Meters:

- (a) All water meters supplied and installed by the Village shall at all times be the property of the Village.
- (b) No person, other than an employee of the Public Works or a person authorized in writing by the Chief Administrative Officer, shall install, test, remove, repair, replace or disconnect a water meter.

PART 11.0 HYDRANTS**11.1 Temporary Water Supply from Hydrants:** Water may be taken from a Village fire hydrant on a temporary basis where:

- (a) no other supply of water can be conveniently obtained; and
- (b) the Chief Administrative Officer authorizes such use.

11.2 Unauthorized Use of Hydrant: Any person or persons authorized under Subsection 11.1 of this section shall:

- (a) have in their possession, at the time the hydrant is in use, a valid hydrant use permit;
- (b) pay to the Village, prior to using a hydrant, a hydrant damage deposit and a hydrant inspection fee as set out by Village Council;
- (c) pay to the Village all other costs incurred by the Village, resulting from their use of the hydrant including the cost of the water used, as determined by the Chief Administrative Officer.

11.3 Relocation of a Fire Hydrant: Any person who wishes to have a fire hydrant relocated which is situated on property owned by the Village may request in writing to the Chief Administrative Officer that the hydrant be relocated, or raised or lowered in elevation. If the Chief Administrative Officer considers it feasible to relocate the hydrant, the person making the request shall pay in advance the estimated cost as calculated by the Chief Administrative Officer subject to a refund or additional payment, depending upon the actual cost when the work has been completed.**11.4 Private Hydrants:**

- (a) The Village may require that a fire hydrant be installed on private property at the expense of the owner of the property. The approval for, and installation, use and maintenance of fire hydrants on privately owned property shall conform to the requirements as set forth by the Village.
- (b) No person shall use water from a fire hydrant located on private property for any purpose other than fire protection unless authorized by the Village Chief Administrative Officer.

11.5 Ownership of Hydrants: All fire hydrants, except fire hydrants situated on private property, are the property of the Village.**PART 12.0 CROSS CONNECTIONS AND BACKFLOW PREVENTION****12.1 Cross Connections:** No person shall connect, cause to be connected or permit to remain connected to the water system a cross connection that has not been approved in writing by the Chief Administrative Officer.

- 12.2 Inspections for Cross Connections: Where the Chief Administrative Officer believes that a cross connection exists in contravention of Subsection 12.1, the Chief Administrative Officer may carry out an inspection:
- (a) upon reasonable notice to the consumer, or
 - (b) without notice to the consumer where the Chief Administrative Officer has determined, in his sole discretion, that an immediate threat of contamination to the water system exists that may endanger public safety or property.
- 12.3 Notice of Contravention: If it is determined that Subsection 12.1 has been contravened, the Chief Administrative Officer may issue such written order or orders to the owner, consumer or other person as the case may be, as may be required to remedy the contravention.
- 12.4 Failure to Comply with Order: Where a person fails to comply with an order issued under Subsection 12.3, the Chief Administrative Officer may:
- (a) upon reasonable notice to the consumer, shut off water service; or
 - (b) without notice to the consumer, shut off water service, where the Chief Administrative Officer has determined, in his sole discretion, that an immediate threat of contamination to the water system exists that may endanger public safety or health.
- 12.5 Installation of a Cross Connection Control Device: Notwithstanding Subsections 12.1 and 12.2, where, in the opinion of the Chief Administrative Officer, a situation exists which creates a risk of contamination of the water system, the Village Chief Administrative Officer may require a cross connection control device be installed on the consumer's water service connection by the consumer, and at the consumer's sole expense, in a location to be determined by the Chief Administrative Officer.
- 12.6 Inspection and Testing of Cross Connection Control Devices: Where a cross connection control device has been installed, the consumer shall:
- (a) upon the written request of the Chief Administrative Officer, have all cross connection control devices inspected and tested by personnel approved by the Chief Administrative Officer to determine whether such devices are in good working condition, at the time of installation and thereafter annually, or as required by the Chief Administrative Officer, at the sole expense of the consumer;
 - (b) submit a report in a form approved by the Chief Administrative Officer within 30 days of the testing date, containing the results of any and all tests performed;
 - (c) display a record card on or adjacent to the cross connection control device containing the following information:
 - (i) name and address of the owner of the device;
 - (ii) the location, type, manufacturer, serial number and size of the device;
 - (iii) the test date;
 - (iv) the tester's initials;
 - (v) the tester's name (if self-employed) or the name of the employer; and
 - (vi) the tester's license number.

- 12.7 Maintenance of Cross Connection Control Devices: When the results of a test referred to in Subsection 12.6 of this Bylaw show that a cross connection control device is not in good working condition, the consumer shall when so directed by the Chief Administrative Officer make repairs or replace the device within Ninety-Six (96) Hours. If the consumer fails to comply with the direction given by the Chief Administrative Officer, the Chief Administrative Officer may shut off the water service or water services.
- 12.8 Failure to Maintain:
- (a) If a consumer fails to have a cross connection control device tested, the Chief Administrative Officer may notify the consumer that the cross connection control device must be tested within Ninety-Six (96) Hours of the consumer receiving the notice.
 - (b) If a consumer fails to have a cross connection control device tested within Ninety-Six (96) Hours when requested by the Chief Administrative Officer, the Chief Administrative Officer may shut off the water service or water services until the cross connection control device has been tested and approved as required by Subsection 12.6 of this Bylaw.
- 12.9 Turn On of Water Supply: No person shall turn on a water service valve to provide water to the occupants of any newly renovated or constructed or reconstructed premises until the plumbing system in such premises has been inspected for cross connections and approved by the Chief Administrative Officer.

PART 13.0 INTERFERENCE

13.1 General: No person, or persons shall:

- (a) Waste water;
- (b) Use water for domestic lawns, gardens, commercial and industrial purposes during periods of water restrictions imposed by Village Council or the Chief Administrative Officer.
- (c) Sell water obtained from the water system, unless authorized by the Village Chief Administrative Officer;
- (d) Supply water obtained from the water system to any person who intends to sell the water; or
- (e) Supply water, by pipe or a hose, to any other premises which should be supplied with water through its own water service connection.
- (f) Willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted, the Village or its contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and duties relating to the water utility and authorized by or contained in this Bylaw;
- (g) Willfully open or close any hydrant or water valve or obstruct the free access to any hydrant or water valve or valve chamber by placing on it any building material, rubbish or other obstruction;
- (h) Throw or deposit any injurious or offensive matter into the water or water system or in any way foul the water or commit any willful damage or injury to the works, pipes or water or encourage the same to be done;

- (i) Willfully alter or tamper with in any way any water meter placed upon any service pipe or connected therewith within or outside any house, building or other place so as to lessen or alter the amount of water registered thereby.
- (j) Attach or connect any pipe to the water system or in any other way obtain or use any water thereof without consent of the Chief Administrative Officer;
- (k) Willfully and without authority hinder, interrupt, or cut off the supply of water to any consumer or consumers of the water system.
- (l) Contaminate the water used in the water system or do any act which causes or results in the contamination of water used in the water system.

Notwithstanding the provisions of this section, the Chief Administrative Officer may allow a consumer to run water for:

- (1) Flushing water mains, hydrant leads and water service connections in order to clean them; or
- (2) Preventing water mains, hydrant leads and water service connections from freezing; or
- (3) Conducting water flow tests; or
- (4) Training programs for Fire Fighters employed by the Village's Fire Department; or
- (5) Such other purpose as may arise from time to time.

13.2 Interference with the use and operation of fire hydrants:

- (a) Except as otherwise authorized by the Chief Administrative Officer, no person shall use water from a fire hydrant except for the purpose of emergency fire protection.
- (b) No person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a fire hydrant:
 - (1) In a manner which, under any circumstances, may allow water, waste water or any liquid or substance of any kind to enter the water system; and
 - (2) Without using or maintaining a cross connection control device which has been approved by the Chief Administrative Officer.
- (c) No person shall do anything to obstruct access to a fire hydrant or to interfere with the operation of a fire hydrant.
- (d) All persons who own property on which a fire hydrant is located or property which is adjacent to property on which a fire hydrant is located:
 - (1) Shall maintain a two (2) meter clearance on the port sides of a fire hydrant and a one (1) meter clearance on the back side of a fire hydrant; and
 - (2) Shall not permit anything to be constructed, erected, placed, or planted within the clearance provided in paragraph (1) of this subsection.
- (e) Any person found to be in violation of Subsection (d) of this section shall remove any obstruction as directed by an Enforcement Officer.

- (f) Failure to comply with the directions of an Enforcement Officer may result in the obstruction being removed by the Village at the expense of the person in default, and the Village may recover the expense and costs, if any, by action or in like manner as municipal taxes.

13.3 Interference with the use and operation of service connections:

- (a) No person shall damage, destroy, remove or interfere in any way with any pipe, pipe connection, valve, water meter, seal or other appurtenance forming part of the water system.
- (b) No person shall in any way interfere with or cause any interference with the use of the water system by another consumer and without limiting the generality of the foregoing, no person shall attach any device to any water pipe which may create noise, a pressure surge, backflow or contamination.
- (c) No person shall use any boosting device on any water service connection for the purpose of increasing water pressure without an approved backflow prevention device being installed upstream of the boosting device and the approval of the Chief Administrative Officer.
- (d) No person shall install branch supply lines, outlets, or fixtures on the upstream side of a water meter or shut-off valve, except for fire protection purposes.
- (e) No person shall tamper with, break or remove any seal installed by the Village on any valves or flanged outlets on water service connections or water metering facilities except in case of an emergency.
- (f) In the event a person breaks a seal on a valve in order to obtain a supply of water for emergency purposes, that person shall notify the Chief Administrative Officer within twenty-four hours.
- (g) No person, except someone authorized by the Chief Administrative Officer, shall turn on or off a water service valve or any other valve or valves in the Village's water system.
- (h) No person, except someone authorized by the Chief Administrative Officer, shall turn on a water service valve which has been turned off by the Chief Administrative Officer or any other Village employee.
- (i) Everyone who wishes to operate a specific water service valve on Village property for the purpose of turning on water for testing a new plumbing system, or for replacing or renewing a water shut-off valve or stop-and-waste valve, or for replacing the water service connection or piping on private property, shall first obtain permission from the Chief Administrative Officer.

13.4 Contravention: Any person who contravenes this Section may forfeit the right to be supplied with water and shall be guilty of an offence and liable on Summary Conviction to a fine of not less than One Hundred Dollars (\$100.00) nor greater than Twenty-Five Hundred Dollars (\$2,500.00).

PART 14.0 PENALTY SECTION

14.1 Serving of Notice: Notices issued under the provisions of this Bylaw shall be served by an Enforcement Officer.

- 14.2 Penalty for Contravention: Except as otherwise provided in this Bylaw and subject to the provisions of Subsection 14.3 of this section, a person who contravenes any provision of this Bylaw and any other person liable for such contravention shall, upon summary conviction before a Court of Competent Jurisdiction, be liable to a fine of not more than Two Thousand Five Hundred (\$2,500.00) Dollars or in event of non-payment of the fine, imprisonment, for a period not exceeding six months unless such fine is sooner paid.
- 14.3 Issuance of a Violation Ticket: Notwithstanding Subsection 14.2 of this section, whenever an Enforcement Officer has reason to believe or does believe a person has contravened any provisions of this Bylaw, the Enforcement officer may issue a Violation Ticket for each offence.
- 14.4 Liability for Expenses: Notwithstanding Subsections 14.2 and 14.3 of this section, the imposition of a fine either by issuance of a Provincial Violation Ticket or Summary Conviction in a Court of Competent Jurisdiction shall not relieve any person so fined from any liability to pay to the Village of Forestburg any expenses arising from any damage caused by that person to Village of Forestburg property.
- 14.5 Penalty Schedules: Sections of this Bylaw subject to the issuance of a Provincial Violation Ticket are listed with the penalty on Schedule "A". Court appearances will be required for Sections of the Bylaw referred to in Schedule "B".
- 14.6 Termination of Supply for Contravention: Notwithstanding Subsections 14.2 and 14.3 of this section, a person who contravenes any provision of this Bylaw may forfeit the right to be supplied with water from the Village Water Supply.

PART 15.0 BYLAW ENACTMENT

15.1 This Bylaw shall come into force upon receiving third reading.

READ A FIRST TIME THIS 21st DAY OF September, 2006 A.D.

READ A SECOND TIME THIS _____ DAY OF _____, 2006 A.D.

READ A THIRD TIME THIS _____ DAY OF _____, 2006 A.D.

Mayor

Chief Administrative Officer

Schedule "A" to Bylaw Number 6:2006

Violations listed in Schedule "B" are subject to the following specified penalties.

Violation Tickets

Penalty

Section 13.1(a)
Wastage of water
\$250.00

Section 13.1(b)
Violation of emergency water allocation regulations
\$250.00

Section 13.2(1)
Unauthorized drawing of water from fire hydrant
\$250.00

Section 13.2(2)(b)
Withdrawal of water from a fire hydrant without
the use of an approved backflow prevention device.
\$250.00

Section 13.3(7)
Turn off or on water service valve without
authorization
\$250.00

Schedule "B" to Bylaw Number 6:2006

Offences listed in Schedule "B" are subject upon conviction in a court of competent jurisdiction to a maximum of not more than \$2,500.00 or in event of non-payment of the fine, imprisonment for a period not exceeding six months unless such fine is sooner paid.

COURT APPEARANCE

Section 3.2(a)

Illegal use of alternate water supply.

Section 3.2(c)

Illegal connection of alternate water supply to the water system.

Section 10.16

Interfere or tamper with the operation of a water meter.

Section 12.3

Failure to comply with order issued by the Chief Administrative Officer respecting an illegal cross connection or back flow connection.

Section 13.3(7)

Turn on water service supply prior to inspection.