

**BYLAW #2016-791
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA**

A BYLAW OF THE VILLAGE OF CARBON, IN THE PROVINCE OF ALBERTA, TO PROVIDE PUBLIC UTILITIES AND SERVICES AND TO DETERMINE THE RATES TO BE CHARGED FOR THE PROVISION OF THESE SERVICES.

WHEREAS under the provisions of the Municipal Government Act, being the Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council has been granted the authority to pass bylaws for municipal purposes regarding public utilities and services provided by, or on behalf of the municipality, and;

WHEREAS the Village of Carbon provides a water supply and distribution system, a sanitary sewage collection and disposal system, and a contract garbage collection system, and,

WHEREAS the Village of Carbon has the authority to charge property owners for the public utilities and services being provided.

NOW THEREFORE the Council of the Village of Carbon enacts as follows:

SECTION 1: NAME

1.1 This bylaw may be cited as "The Utility Services Bylaw".

SECTION 2: DEFINITIONS

2.1 In this bylaw:

- a) "Arrears" means account balance which is unpaid after the due date shown on the invoice;
- b) "Council" means the Council of the Village of Carbon;
- c) "Curb Stop" means a water control valve installed on a service connection located close to the property line;
- d) "Customer" means a person purchasing a utility service for the person's own use;
- e) "Inactive Service" means a service that is unused for a specified period of time;
- f) "Municipal Utility Service" means a water, sewer or waste collection service provided by the municipality;
- g) "Owner" means the registered owner or owners of a parcel of land or property;

- h) "Service Connection" means the part of the system or works of a water distribution system or a sanitary sewer system that runs from the main lines to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel and includes those parts of the system or works described in Section 29 of the Municipal Government Act;
- i) "Service Line" means that portion of a Service Connection located above, on, or underneath an Owner's parcel of land;
- j) "System" means the system infrastructure or works constructed by the Village for Municipal Utility Services;
- k) "Tenant" means a person who rents or leases a property from an "Owner";
- l) "Village" means the Village of Carbon or its duly authorized representatives;
- m) "Municipal Service Line" means that portion of a service connection located between a main line and the property line;

SECTION 3: APPLICABILITY

- 3.1 This bylaw applies to all Owners and Tenants who possess or lease properties within the Village of Carbon.

SECTION 4: SEVERABILITY

- 4.1 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

SECTION 5: SERVICE CONNECTION & MAINTENANCE/REPAIR

- 5.1 Full compliance with this bylaw is a condition and term of supplying a municipal utility service to a parcel of land.
- 5.2 An Owner of a parcel of land must submit a written application to the Village Administration and obtain the approval of the Village Administration before the Village will construct a municipal service line.
- 5.3 The Village shall approve and supervise the construction of a municipal service line. The Owner of the parcel of land to be serviced by the municipal service line shall be responsible for the costs related to that construction.

- 5.4 An Owner is responsible for the construction, maintenance, upgrade and repair of a service line. If excavation is necessary for the maintenance or repair of a service line, no excavation shall be performed without the approval of the Village. In the event of emergency situations, Owners will be responsible to notify the Village Administration of work that has been completed. Work must be approved by the Village before being backfilled.
- 5.5 When the Village initiates excavation, the Village shall be responsible to return the land to a level grade.
- 5.6 If the Village is not satisfied with the construction, maintenance, upgrade or repair of a service line, the Village may require the Owner to perform some action in accordance with its instructions with respect to the construction, maintenance, upgrade or repair of the service line by a specified time.
- 5.7 If the construction, maintenance, upgrade or repair of a service line has not been done to the satisfaction of the Village within the specified time or in an emergency, the Village may enter any parcel of land or building to construct, maintain or repair the service line.
- 5.8 The costs incurred by the Village relating to the construction, maintenance, upgrade or repair performed under sections 5.6 and 5.7 of this bylaw are an amount owing to the Village by the Owner of that property.
- 5.9 No connections shall be made to that portion of a service line situated between the property line of a parcel of land and the point of entry into the residence.
- 5.10 The Village shall be responsible for the costs of maintenance and repair of a municipal service line.

SECTION 6: SUPPLY

- 6.1 An Owner who wishes to receive municipal utility services shall make application for those services at the Village Office. The application form is attached as **Schedule "C"**.
- 6.2 Every Owner who wishes to receive municipal utility services shall pay the rates and other charges outlined in **Schedule "A"** attached to this bylaw.
- 6.3 Owners who vacate their home for a minimum of two (2) consecutive months per year may apply for inactive service status at the Village Office. The disconnection and reconnection charges are outlined in **Schedule "A"** attached to this bylaw. The application form is attached as **Schedule "E"**.
- 6.4 The Owner is responsible for all fees and charges as outlined in **Schedule "A"** of this bylaw until such time as the Owner applies to the Village to have the service disconnected. The disconnection request form is attached as **Schedule "D"**.

- 6.5 When it is necessary for the Village to interrupt service to any portion of the municipal utility service, the Village will attempt to contact the affected customers. If unable to contact the customers, the Village may proceed without notice to interrupt the municipal utility service. The Village shall not be held liable or responsible for any damages or claims arising from service interruption.

SECTION 7: WATER

- 7.1 All users of water service must allow the Village to install a water meter in a convenient place on the owner's premises. The Village will provide 5/8" meters to all consumers. All meters shall be located on the consumer's side of the approved shut off valve. Those consumers requiring a larger meter will be charged for the difference in price between the 5/8" and the larger meter. The Village or its' duly authorized agent shall have the right to enter upon the owner's premises at periodic intervals to inspect the said meter and determine the amount of water usage.
- 7.2 The water meters shall at all times remain the property of the Village of Carbon and shall not be tampered with or interfered with at any time by the user or those under his control. Protection from freezing after installation is the responsibility of the property owner. Any damage to the said meter shall be borne by the property owner on the basis of costs of parts required plus labour charge.
- 7.3 If a water meter has failed to register accurately since the last reading, the water rate for the said period shall be adjusted and charged on the basis of the average charge of water supplied to the said premises during the preceding two (2) meter reading periods.
- 7.4 The Village shall have the right to limit the amount of water supplied to any customer where Council deems such action to be necessary. The Council may at any time, by resolution or bylaw, limit or restrict the use of water by customers for the watering of lawns, garden plots or other areas, or for any other use, for such time as Council deems advisable.
- 7.5 No person, other than an employee of the Village or a duly authorized agent of the Village, shall turn, or attempt to turn, the water supply on or off from the Village supply system.
- 7.6 If an Owner requests that the water be turned off, and the Village determines that the curb stop is not able to be turned off due to its condition, the request may be denied.
- 7.7 A Customer who contravenes this section may be subject to the fines outlined in **Schedule "B"** attached to this bylaw.

SECTION 8: SEWER

- 8.1 A charge shall be incurred for the use of the sewage collection and disposal system against the owners of all land which is served directly or indirectly by a connection with the sewage system in the Village, based on the purpose for which such land is used and according to the rates set by Council and reflected in **Schedule "A"** of this bylaw.
- 8.2 Only water and wastewater shall be discharged into the sanitary sewer system. The discharge of any flammable, explosive or other such material into the sanitary sewer system is prohibited.
- 8.3 Unless authorized in writing by Council, no sub surface storms drains, roof drains or catch basins shall be connected to the sanitary sewer system.
- 8.4 A customer who contravenes this section may be subject to the fines outlined in **Schedule "B"** attached to this bylaw.

SECTION 9: WASTE COLLECTION

- 9.1 A charge shall be incurred for the use of the Garbage Collection Service, as per the rates set out in **Schedule "A"** of this bylaw.
- 9.2 All homes, businesses and other property's connected to the Village's water supply and or sewage collection and disposal system, shall also be serviced by the Village's garbage collection service and be responsible for the applicable fee as set out in **Schedule "A"** of this bylaw.
- 9.3 The Village will supply once weekly waste collection service, to each residence and or business. The day of waste collection will be at the discretion of Council and agreed upon with the Garbage Collection Contractor. Residents of the Village are not allowed direct access to the Carbon Transfer Station. Only authorized personnel of the Village of Carbon, Kneehill County or Drumheller and District Solid Waste Management, are allowed access to the Carbon Transfer Station.

Garbage shall be prepared for collection as follows:

- a) drained, securely wrapped and placed in an animal proof container. Items not fitting in bags shall be tied in bundles no longer or wider than four feet. Weight of bag, box or bundle shall not exceed fifty (50) pounds.
- b) Bags, cans, containers or bundles shall be in the back alley or in the front of the property on the designated day.
- c) The Garbage Collection Contractor shall not be required to collect any garbage not properly prepared and set out.

- 9.4 Materials that are not acceptable for weekly collection include but are not limited to; large pieces of wood, walls, doors, construction materials, large pieces of metal, car parts, appliances, heavy steel, paint, oil, toxic chemicals, out dated drugs, bio-medical waste, sharps, syringes, empty pharmaceutical bottles, tires, propane tanks. The resident, at the resident's expense must transfer these prohibited materials to an authorized landfill.

SECTION 10: PROTECTION OF UTILITY SERVICES

- 10.1 No person shall interfere with, damage or make inaccessible any curb stop, due to the construction of walks, driveways, or in any other way. If the Village is required to make any repairs or construction changes due to inaccessibility or damage to a curb stop, the owners of the property serviced by said curb stop shall be required to assume all costs involved.
- 10.2 Obstructions occurring in the service lines to owners are the responsibility of the owner from their residence or business to the main line and any cost incurred in the removal of an obstruction is their responsibility. Obstructions occurring in the main line of the sewer and for which an owner incurs an expense trying to remove the obstruction through his/her service line, the expense may be the responsibility of the Village.
- 10.3 No person shall connect a service connection to a municipal utility service, or otherwise uncover, make any connection with or opening into, use, alter or disturb a service connection or a municipal utility service without written permission of the Village.
- 10.4 No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destruction, defacing or tampering with any part of a municipal utility service and any person who does perform such acts shall be liable for any damage incurred.
- 10.5 No person shall hinder, interrupt or cause to be hindered, any employee of the Village or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to a municipal utility service as authorized or required in this bylaw.
- 10.6 Only Village employees, and fire department members (as directed by the Chief of the Carbon Fire Department), have the authority to open or close any hydrant, stop-cock or hydrant chamber.
- 10.7 All Owners and Tenants shall ensure free access to any hydrant, stop-cock or hydrant chamber and shall not place any building material, rubbish or other obstruction on any of these system components.
- 10.8 No person shall throw or deposit any injurious, harmful or offensive matter into the water or water works, or in any way foul the water or commit any willful damage or injury to the works, pipes or

encourage damage or injury to be done. Any person who does perform such acts shall be liable for any damage incurred.

- 10.9 No person shall throw or deposit any injurious, harmful or offensive matter into the sanitary sewer system which in any way adversely affects the operation of the municipal sanitary sewer system, including the sewage lagoon. Any person who does perform such acts shall be liable for any damage incurred.
- 10.10 No person shall willfully and without authority enter, interrupt or cut off the supply or discharge of any municipal utility service.
- 10.11 The Village may discontinue access to a municipal utility service where the village believes the use of a municipal utility service to a property to be contrary to this bylaw.
- 10.12 Any person who contravenes a provision in this section is guilty of an offence and is liable to the fines outlined in **Schedule "B"** of this bylaw.

SECTION 11: ACCESS FOR AUTHORIZED PURPOSES

- 11.1 As a condition of municipal utility services and as operational needs dictate, employees of the Village shall have free access to all parts of a property, building or other premises in which the municipal utility service is delivered at reasonable hours of the day and upon reasonable notice for the purpose of:
 - a) Installation, testing, maintenance, repair and/or removal of any part of the municipal utility service including any portion of a service connection;
 - b) Inspections for compliance with this bylaw.

SECTION 12: BILLING

- 12.1 Each property owner shall sign an agreement to pay the municipal services provided to their property whether the property is their personal residence or a rental property as per agreement attached to this bylaw as **Schedule "C"**. No municipal services shall be provided to properties until an agreement has been entered into and signed.
- 12.2 The Village will provide municipal utility services only to the Owners of a property. Owners shall be responsible for ensuring their municipal utility accounts remain in good standing.
- 12.3 Bi-monthly, the Village shall mail to each owner of property where utility services are supplied, a statement showing the following,

- a) The amount of water used during the previous two months and the charge for same calculated by the rates set out in **Schedule "A"**.
 - b) A charge for sewer service and waste collection as set out in **Schedule "A"**.
- 12.4 Owners may request that a copy of the utility invoice be mailed to the Tenant by completing the Utilities Rental Agreement as attached in **Schedule "F"** of this bylaw. The Owner will continue to receive the original invoice and shall remain responsible for the account. The Village will apply any payments from a Tenant to the Owner's utility account.
- 12.5 Municipal utility services invoices shall be due on the last day of the month following the invoice date.
- 12.6 Payments may be made to the Village of Carbon, cash, cheque, money order, electronic funds transfer, automatic debit withdrawal or credit card.

SECTION 13: CHARGES AND PENALTIES

- 13.1 The fees and charges to the customer for municipal utility services, penalties for arrears and other fees for the municipal utility services or system are outlined on **Schedule "A"** of this bylaw.
- 13.2 Any account not paid by the end of the month following the invoice date shall incur a penalty in the amount of five (5) percent, in accordance to the rates outlined in **Schedule "A"** attached to this bylaw. The penalty shall be added to, and shall form part of the unpaid invoice.
- 13.3 Any utility account in arrears beyond sixty days may (at the discretion of Village administration), be transferred to the Owner's property tax account, including all accrued penalties, plus an administration charge as outlined in **Schedule "A"** of this bylaw. The Village Administration shall notify the Owner that the transfer has occurred and the amount owing shall become part of the taxes owing on the property.
- 13.4 The Village shall have the authority to turn off the water for any account in Arrears with two (2) weeks written notice.
- 13.5 If the Village turns off the water supply to any account due to non payment, that account shall incur disconnection and reconnection fees as outlined in **Schedule "A"** of this bylaw. In this case water shall not be turned on again until all arrears including penalties have been paid in full.
- 13.6 Any charges provided for under this bylaw shall constitute debts recoverable by actions in accordance with the Municipal Government Act.

SECTION 14: FINES

14.1 Any person who contravenes a provision of this bylaw shall, on summary conviction, be guilty of an offense and subject to a fine of not more than \$10,000.00.

SECTION 15: OTHER

15.1 Bylaws 2005-743 and 2006-747 are hereby rescinded.

15.2 This bylaw shall take effect on the day of the final passing thereof.

Read a first time this 25th day of July, 2016

Read a second time this 25th day of July, 2016

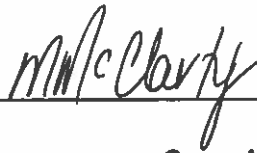
Motion to proceed to third reading

CARRIED UNANIMOUSLY

Read a third and final time this 25th day of July, 2016



**GUSS NASH
MAYOR**



**MARGARET MCCLARTY
CHIEF ADMINISTRATIVE OFFICER**

Bylaw 2016-791 Attachment

Schedule A

As at the passing of this bylaw, the rates effective January 4, 2016,-are as follows:

Water Rates:

- a) Flat \$30.00 Bi-monthly Administration and Maintenance fee
- b) For the first five thousand gallons (5000), or the metric equivalent of twenty-two point seventy-three (22.73) cubic meters or less, of water consumed, the rate of charge shall be:
 - Eighty-Nine Dollars and thirty-three cents (\$89.33) bi-monthly;
- c) For use over five thousand gallons (5000), or the metric equivalent of twenty-two point seventy-three (22.73) cubic meters, the rate of charge shall be:
 - Seventeen Dollars and eighty-seven cents (\$17.87) per one thousand gallons (1000), or the metric equivalent of (\$3.93) per cubic meter
- d) Disconnect water service due to non payment of account \$50.00
- e) Connect water service due to non payment of account \$50.00
- f) Disconnect water service for accounts on inactive status \$20.00
- g) Reconnect water service for accounts on inactive status \$20.00

Sewer Rates:

- a) Single Residence 31.00 bi-monthly
- b) Churches/Halls 39.50 bi-monthly
- c) Commercial Businesses 39.50 bi-monthly
- d) Commercial with wash bays/laundry 49.25 bi-monthly
- e) Hotels 180.00 bi-monthly
- f) Schools 212.25 bi-monthly
- g) Apartments/Lodges 31.00 bi-monthly
- h) Any other not specified 31.00 bi-monthly

Waste Collection Rates:

- a) All serviced addresses 18.50 bi-monthly

Penalties:

- a) Late payment of utility invoices 5% of outstanding balance
- b) Fee to transfer Utility Arrears to Tax Account \$40.00 per occurrence

Bylaw 2016-791 Attachment

Schedule B

Section	Offence	Penalty First Offence	Penalty Subsequent Offence
5.4	Failure to notify the Village Administration of work completed or failure to obtain approval by the Village before backfilling	\$1,000.00	\$1,500.00
5.9	Prohibited connections made to a Service Line between the property line and the point of entry into the residence.	\$1,000.00	\$1,500.00
7.4	Failure to comply with an order to limit or restrict the use of water as directed by council.	\$100.00	\$150.00
7.5	Turning, or attempting to turn the water supply on or off from the Village Supply System.	\$500.00	\$750.00
8.2	Discharging any flammable, explosive or other such material into the water or sanitary sewer system.	\$5,000.00	\$10,000.00
8.3	Connecting subsurface storm drains, roof drains or catch basins into the Sanitary Sewer System	\$1,000.00	\$1,500.00
10.3	Connecting a Service Connection to a Municipal Utility Service or uncovering, opening, using, altering or disturbing a Service Connection or a Municipal Utility Service without written permission of the Village.	\$1,000.00	\$5,000.00
10.4	Breaking, damaging, destroying, defacing or tampering with any part of a Municipal Utility Service. Fine plus costs to repair damages.	\$1,000.00	\$1,500.00
10.5	Hindering or interrupting any employee of the Village or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to a Municipal Utility Service.	\$500.00	\$750.00
10.6	Opening or closing any hydrant, stop-cock or hydrant chamber, or tampering with a fire hydrant in any way.	\$5,000.00	\$10,000.00
10.7	Obstructing free access to any hydrant, stop-cock or hydrant chamber.	\$100.00	\$150.00
10.8 & 10.9	Throwing or depositing any injurious, harmful or offensive matter into the water/water works system or the sanitary sewer system	\$5,000.00	\$10,000.00
10.8 & 10.9	Committing any willful damage to the water system or sanitary sewer system or pipes or encouraging damage to be done which in any way adversely affects the operation of the Systems, including the sewage lagoon. Fine plus costs to repair damages.	\$1,000.00	\$1,500.00
10.10	Entering, interrupting or cutting off the supply or discharge of any Municipal Utility Service.	\$500.00	\$750.00



Phone: (403) 572-3244 Fax: (403) 572-3778
238 Hillside Avenue, Carbon, Alberta, T0M 0L0

UTILITY SERVICE AGREEMENT
Between
The VILLAGE OF CARBON
(hereinafter referred to as "the Village")
AND

(hereinafter referred to as "the Owner")

WHEREAS, the Owner is the registered owner of the lands and premises identified as;

Civic Address: _____ Service Start Date: _____
(hereinafter referred to as "the said property")

Legal Address: _____ Mailing Address: _____

AND WHEREAS, the Village owns and operates a water, sewer and waste collection municipal utility system;
(hereinafter referred to as "the municipal service")

AND WHEREAS, the Owner is desirous of the Village supplying the municipal services to the said property;

AND WHEREAS, the Owner occupies, rents, leases or otherwise permits the said property to be occupied or used by other people or organizations;

NOW THEN THIS AGREEMENT IS WITNESS THAT in consideration of the mutual covenant and conditions, the parties agree as follows:

1. The Village hereby agrees to provide municipal services to the said property in accordance with the rates and conditions as directed by the Council of the Village in Bylaw 2016-791 or its amendments thereto.
2. The Village shall mail to the owner, bi-monthly, an invoice of the prior two months' utility service charges, which shall be considered outstanding if unpaid for 31 (thirty-one) days or more from the date of the invoice.
3. The Owner acknowledges that pursuant to the Municipal Government Act, the Village is empowered in the event of non-payment, to collect the debt in the same manner as taxes levied by the Village.
4. This agreement shall be binding upon the Owner, their successors, assigns, heirs, executors and administrators.

Dated and signed this _____ day of _____ 20_____

Owner **Village of Carbon Representative**

FOIP NOTIFICATION: This personal information is being collected under the authority of the Freedom of Information and Protection of Privacy Act (Section 32c) and will be used for utility services billing and collection. The information collected is protected by the privacy provisions of the Freedom of Information and Protection of the Privacy Act.



Phone: (403) 572-3244 Fax: (403) 572-3778
238 Hillside Avenue, Carbon, Alberta, T0M 0L0

Bylaw 2016-791 – Schedule D

MUNICIPAL UTILITY SERVICE DISCONNECTION

Utility Account Number:			Street Address:		
Legal Description:			Current Mailing Address:		
Lot:	Block:	Plan:			
Disconnection Date:			Current Phone Number:		

Owners Forwarding Address:	Owners New Phone Number or Cell Number:
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1. Any Arrears owing on this Utility Account are due and payable prior to the disconnection date entered above. Any unpaid amounts will be transferred to the property tax account and will be subject to the administration fees and penalties as per Bylaw 2016-791.
2. The Owner(s) agree to provide a forwarding mailing address and phone numbers

Notes:

SIGNATURE OF PROPERTY OWNER

PRINT NAME OF PROPERTY OWNER

DATE RECEIVED IN THE VILLAGE OFFICE

SIGNATURE OF PROPERTY OWNER

APPROVED BY VILLAGE

PRINT NAME OF PROPERTY OWNER

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Phone: (403) 572-3244 Fax: (403) 572-3778
 238 Hillside Avenue, Carbon, Alberta, T0M 0L0

INACTIVE UTILITY SERVICE APPLICATION

Utility Account Number:			Street Address:		
Legal Description:			Mailing Address:		
Lot:	Block:	Plan:			
Owners Name:			Phone Number:		
Start Date of Inactive Service:			Estimated Date of Return:		

1. Owners are eligible to apply for Inactive Status providing the following conditions are met,
 - a) The residence will be vacant for a minimum of two (2) months
 - b) The account is paid up to date
2. The water will NOT be shut off at the curb stop, the owner is responsible for shutting the water off to the residence. The owner is responsible for any and all damages that may occur as a result of the water being shut off or a failure to properly shut off.

SIGNATURE OF PROPERTY OWNER

PRINT NAME OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

PRINT NAME OF PROPERTY OWNER

Notes:

DATE RECEIVED IN THE VILLAGE OFFICE

APPROVED BY VILLAGE

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Phone: (403) 572-3244 Fax: (403) 572-3778
 238 Hillside Avenue, Carbon, Alberta, T0M 0L0

UTILITIES RENTAL AGREEMENT

Utility Account Number:			Effective Date:
Legal Description:			Street Address
Lot:	Block:	Plan:	
Owners Name(s):			Renters Name(s):
Owners Mailing Address:			Renters Mailing Address:
Owners Phone Number:			Renters Phone Number:

I, _____, being the owner of the property described above, hereby consent to having the Village of Carbon utility billing forwarded to the renter at the renter's mailing address as noted above. **THE UTILITY BILLING SHALL REMAIN IN MY NAME, BUT FORWARDED IN CARE OF THE RENTER**

I AM ALSO AWARE THAT:

Any unpaid utility balances are the responsibility of the owner and if arrears remain unpaid by either the renter or the property owner, balances not paid within the specified time may be transferred to the property tax account, plus administration fees and any penalties, knowing that amounts transferred to the tax roll are then subject to penalties applicable to unpaid taxes.

Notes:

 SIGNATURE OF PROPERTY OWNER

 PRINT NAME OF PROPERTY OWNER

 DATE RECEIVED IN THE VILLAGE OFFICE

 SIGNATURE OF PROPERTY OWNER

 APPROVED BY VILLAGE

 PRINT NAME OF PROPERTY OWNER

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Bylaw 2016-791

Schedule G

Billing, Collection and Transfer to Taxes Schedule

Billing Date	Collection Due Date	Transfer to Taxes
January-February	March 31	May 31
March-April	May 31	July 31
May-June	July 31	September 30
July-August	September 30	November 30
September-October	November 30	January 31
November-December	January 31	March 31