

**VILLAGE OF EMPRESS**

In the Province of Alberta

**BYLAW NO: 4-2018****BEING A BYLAW OF THE VILLAGE OF EMPRESS, IN THE PROVINCE OF ALBERTA IN RESPECT TO THE WATER UTILITY SYSTEM.**

**WHEREAS**, pursuant to section 3 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, the purposes of a municipality are to provide services, facilities and other things that are necessary or desirable for all or a part of the municipality;

**AND WHEREAS** the *Municipal Government Act* (R.S.A. 2000, c. M-26) authorizes a municipality to operate a water system as a public utility for the purpose of supplying and distributing water;

**AND WHEREAS**, pursuant to section 7(g) of the *Municipal Government Act*, Village of Empress Council may pass bylaws respecting public utilities;

**NOW THEREFORE** the Council of the Village of Empress duly assembled hereby enacts as follows:

1. This Bylaw may be cited as the Water Service Bylaw of the Village of Empress. Where the terms of this Bylaw conflict with the provisions of any other Bylaw of the Village of Empress, this Bylaw shall prevail.
2. **DEFINITIONS**  
In this Bylaw unless the context otherwise requires:
  - (a) "Backflow" means the reversal of flow of any water, wastewater, or any other liquid, chemical, or substance back into the water works system.
  - (b) "Village" means the Municipal Corporation of Empress, or the area contained within the boundary thereof, as the context requires.
  - (c) "Consumer" includes any person who has contracted with the Village for the purchase of water from the water works system.
  - (d) "Cross Connection" means any temporary, permanent or potential connection of any piping, fixture, fitting, container, or appliance to the water works system which may allow water, wastewater, or any other liquid, chemical, or substance to enter the water works system. This includes, but is not limited to, swivel or change over devices, removable sections, jumper connections and bypass arrangements.
  - (e) "Cross connection control device" means a device or method that prevents backflow.
  - (f) "Environmentally Inappropriate" when used to describe a use or flow of water means a use or flow of water that results in a quantity of water.
    - (i) soaking into the ground,
    - (ii) entering the Village's domestic sewer system, or
    - (iii) escaping in any manner from the property upon which the use or flow of water originates,  
in excess of the quantity required for a necessary or desirable domestic, commercial, industrial or public purpose.
  - (g) "CAO" means the Village employee holding the position of Chief Administrative Officer of the Village of Empress, and includes any other Village employee the CAO authorizes to perform any duties or exercise any powers of the CAO as set out in this Bylaw.
  - (h) "Owner" means the person holding title to the property.

- (i) "Testable cross connection control device" means a cross connection control device which is capable of being inspected and tested in accordance with the National Plumbing Code of Canada 2010, as amended or replaced.
- (k) "Water Works System" means the water distribution system owned and operated by the Village of Empress and all accessories and appurtenances thereto.
- (l) "Remote Reading Device" means any Village device connected to a water meter to provide meter information and/or consumption information to the Village.

3. ADMINISTRATION - CONTROL

The CAO, subject to the control of Village Council, shall have charge of all the various properties and works required for the supply of water to the Village and inhabitants.

- (a) A person appointed as a bylaw enforcement officer, including any peace officer, RCMP or special constable, or any other person appointed by the Village to enforce compliance with this Bylaw has the authority to do any things and issue any charges, summons, tickets or orders as may be necessary for carrying out the provisions of this Bylaw.
- (b) The CAO may have the water shut off to the premises of any owner or consumer infringing any of the rules and regulations or amendments thereto made by the Village.

4. EXTENSION OF MAINS

No extension of mains shall be constructed except as may be authorized from time to time by Village Council.

5. INTERRUPTIONS OF SERVICE

The CAO is hereby authorized to:

- (a) Order that the water be shut off without notice for such length of time as may be necessary to permit the construction or repairs to the water works system.
- (b) In cases of fires or a conflagration, to shut off the water without notice in any part of the Village as required. No consumer or consumers shall have a claim against the Village for non-supply of water, whether it be caused by water stoppage pursuant to this section or by frozen mains, breakdown of machinery, power interruptions or other mechanical failures or malfunction, unless such non-supply of water is shown to be directly due to the negligence of the Village or its employees.
- (c) Damages  
In all cases where any pressure vessel or equipment is supplied with water from the water works system, the Village shall not be responsible for damage to such vessel or equipment, person or premises when there is failure of the water supply due to any cause whatsoever, even where no notice is given. No deduction from the water bills shall be made in consequence thereof.

6. TEMPORARILY RESTRICTED USE OF WATER

Water restrictions in all or part of the Village may be set out during any period fixed by Council by resolution and after one advertisement in the Oyen Echo, and/or notification on water bills.

7. EMERGENCY RESTRICTIONS AND PROHIBITIONS
- (a) The CAO may at any time make orders restricting the use of water either by all consumers or by any particular class of consumers and either throughout the Village or in any particular area or areas of the Village. The order may specify that such restricted use of water shall apply during such hours of any day of the week as may be specified in the order.
  - (b) No person shall use any water from the water works system in contravention of the terms of any order made by the CAO under this section.
  - (c) The CAO shall take such steps as deemed necessary to publicize the terms of an order made pursuant to this and the preceding section.
8. WATER CHARGES
- (a) A consumer supplied with water that is metered shall pay the Class "A" rates set out in Section 1 of Schedule "A".
  - (b) Wherever lawn and garden stand-pipes are placed on premises, the said stand-pipes shall be placed on the said premises not less than twelve feet from the property line thereof.
  - (c) Separate lawn or garden services on vacant garden lots or built-on lots shall only be permitted if equipped with a water meter installed in suitable pit or box to be constructed by the owner and conforming to Section 32 (Meter Chambers).
9. UNAUTHORIZED USE OF WATER
- (a) No owner shall lend, sell or dispose of the water supplied by the water works system, or give away or permit the same to be taken or carried away or used or apply it to the use or benefit of others or to any other than his, her or their own use or benefit or shall increase the supply of water beyond that agreed for with the Village.
  - (b) No owner or other person shall do or allow to be done any act or thing that results in an environmentally inappropriate use or flow of water from the Village's Water Works System, irrespective of whether the owner or other person is responsible to pay for the water that is used or allowed to flow in an environmentally inappropriate manner.
10. HYDRANTS AND VALVES
- (a) No person shall open, close or interfere with any hydrant or valve of the water works system without the permission of the CAO.
  - (b) The CAO may permit water to be taken from a hydrant during construction or otherwise, provided that:
    - (i) A deposit in the amount as set out in Schedule "A" is left with the CAO and a Hydrant Permit is issued for a period of sixty (60) days;
    - (ii) Hydrant Permits may be renewed under the initial deposit for additional sixty (60) day periods upon advice to the Water Department. No deposit will be refunded on Hydrant Permits exceeding the sixty (60) day period;
    - (iii) Water taken from the hydrant may be measured by a meter supplied by the CAO and shall be charged for at the rates set forth in this Bylaw; Minimum charge for the use of a fire hydrant shall be set forth in
    - (iv) Schedule "A".

11. SERVICE CONNECTIONS – GENERAL

- (a) Normally, only one service connection per lot shall be permitted.
- (b) For lots other than single family residences, the CAO may authorize more than one service connection.
- (c) The size of the service shall be determined in accordance with the provisions of the Plumbing and Drainage regulations of the Department of Health of the Province of Alberta.
- (d) The service shall be run from the main to the property line in the shortest way possible.
- (e) When any building can be served from the street or avenue, the CAO may decide whether the building will be supplied with water from the street or from the avenue.

12. NEW SERVICE LINES IN PRIVATE PROPERTY

The Water Department of the Village of Empress may, at the owner's request and expense, install the water service from the property line to a building or a point designated by the owner.

13. APPLICATION FOR NEW SERVICE CONNECTIONS

- (a) Any person requiring water service from the water works system shall apply to the Village office and request that his premises be connected to the said system. The owner or his authorized agent at the time of making an application for a water service connection is required to pay to the Village, in advance, an amount equal to:
  - (i) the cost of the water service connection as determined by the CAO; or
  - (ii) the estimated cost of the water service connection as calculated by the CAO subject to a refund or further payment depending on the actual cost when the work is completed.
- (b) The owner or his authorized agent shall provide the CAO with a site plan on which the size and location of the required services are shown. This applies to row housing, each four-suite or larger apartment building and every commercial and industrial building.
- (c) The expense of installing any service connection to a sub-divided lot or a parcel of land, or portions of same, shall be borne by the applicant.

14. PLUMBERS AND PLUMBING CONTRACTORS

All persons doing any work or service upon a private service or the plumbing system attached thereto shall comply with the provisions of The *Safety Codes Act* R.S.A. 2000, as may be amended from time to time, Chapter S-0.5, all regulations passed pursuant thereto and any Bylaws of the Village applicable thereto.

15. NO UNAUTHORIZED TAPPING

No person without the prior authority from the CAO shall tap or make any connection or communication whatsoever with any of the public mains in the streets, avenues or in the lanes.

16. DISCONNECTION OF SERVICE - SERVICE KILL  
 No permit for the demolition or removal of a building shall be issued by the Village nor shall any person cause, permit or allow to be demolished or removed a building connected to a water main until there has been paid to the Village the fee for disconnecting the Village service at the water main as provided for in Schedule "A". Notwithstanding the foregoing, the CAO may in circumstances which he considers appropriate, permit the service to remain connected to the water main.
17. SERVICE CONNECTIONS - MAINTENANCE  
 The Village shall be responsible for the maintenance of the water mains and all the connections from the main to the property line with the exception of those connections used for lawn services and private fire services and with the exception of those limitations contained in paragraph 15.
18. INSTALLATION OF SERVICES
- (a) The water service pipe from the main to the property line shall be of copper, cast iron, or other material approved by the CAO and connected by fittings and materials approved by the CAO, and such water service pipe shall be laid at least seven (7) feet below the surface of the ground if in clay and nine (9) feet if in gravel at any point between the property line and the house.
  - (b) There shall be placed on each water service pipe a corporation valve at or near the property line, for the purpose of turning on the water supply or shutting it off. Over the corporation valve there shall be placed a metallic corporation valve box of approved pattern. The downstream edge of the corporation valve so placed shall be the limit of Village responsibility with respect to the installation.
  - (c) The main shut-off valve shall be located immediately inside the building
  - (d) Operation of Corporation Valve (Curb Stop)  
 No person shall in any way interfere with a corporation valve whether located on Village or private property. Whenever water has been turned off, no person who is not duly authorized by the CAO shall turn it on again.
  - (e) The owner of the property shall be responsible for ensuring that the corporation valve (curb stop) is accessible at all times and not covered over by dirt, grass, landscaping, paving or driveways and shall notify the Village should the cover become damaged, broken or lost.
  - (f) Curb stops that are inoperable due to damage or negligence by the property owner shall be repaired or replaced at the property owner's expense.
  - (g) Booster Pumps  
 No person shall use any boosting device on any water service unless the use of the boosting device has been approved by the CAO and the device is located on the downstream side of a water meter.
  - (h) Branch Lines  
 No person shall install branch supply lines, outlets or fixtures on the upstream side of a water meter or main shut-off valve.
19. APPLICATION FOR LARGER SERVICES FROM MAIN TO PROPERTY LINE  
 Any person wishing to have a larger service shall apply to the CAO and request that a larger service be installed. The owner or his authorized agent shall sign the property application form provided for that purpose and make the required deposit. If, in the opinion of the CAO, the existing service is due for replacement, the applicant will be required after installation to pay all the costs less his deposit for the difference in material costs between the new and the existing pipe size. If, in the opinion of the

CAO, the existing service is in good condition, the applicant will be required after installation to pay all the costs less his deposit for the installation including surface restoration.

20. APPLICATION FOR SERVICE RENEWAL/REPAIR IN PRIVATE PROPERTY

Any owner wishing the Village to renew/repair a service located in private property shall apply to the Village and request that such installation be made. The owner or his authorized agent shall sign:

- (a) a declaration stating that he has not been able to get a plumbing contractor to do the work;
- (b) the proper application form and provide the deposit required by the CAO. After the installation is completed, he will have to pay the difference between his deposit and the actual installation cost.

21. FROZEN SERVICES

- (a) The Village shall not thaw a private service or plumbing system unless the consumer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to property including the private service or plumbing system and may cause damage to electrical systems or the outbreak of fire and waiving any claim against the Village for any such damage whatsoever except damage caused by the negligence of the Village. The rate for this service is set out in Schedule "A"
- (b) Should the water service line be frozen on the Village side as well, or the village has not yet issued a freezing water service line notice, the first service request will be waived. Customer will be advised they will be required to leave a tap running to prevent further freeze-ups. Subsequent calls thereafter will be charged to the customer at the rate set forth in Schedule "A"
- (c) If the consumer elects to leave a water tap open to prevent freeze-ups, regular water meter charges will apply.
- (d) Properties that freeze every year, will be advised when to turn their water on, and off, and will have their bills adjusted to an average usage based on the previous billing period and the previous year's same billing period.

22. SERVICE CALLOUTS

- (a) The Village of Empress, upon receiving a request for service to a water line will make arrangements to have a village employee attend to service the line. Rates for these services are set out in schedule "A" Prior to the commencement of any work, the owner shall sign an application for service and release of liability. Schedule "B"
- (b) Should the problem be identified as originating on town property, the service fee shall be waived, and arrangements shall be made to fix the line. Should the problem be identified as originating on private property, Section 20 shall then apply.

23. METERS - GENERAL

- (a) Except where otherwise provided in this Bylaw, all water supplied pursuant to this Bylaw shall be measured by a meter of a design and capacity approved by the CAO. Should a meter, while on the property of the consumer, be damaged or destroyed, the cost of repairing or replacing the meter, as provided for in Schedule "A", shall be paid by the consumer.
  - (i) Subject to Clause (c)(iii), one meter will be supplied by the Village free of charge to the consumer for each water service connection which is not a lawn service, fire protection service, or a meter measuring a combined flow of fire protection and consumer demand.

- (ii) All water meters installed by the Village shall at all times be the property of the Village.
  - (iii) Any metered water service in use before or after the enactment of this Bylaw shall remain a metered water service.
  - (iv) No person, other than an employee of the Village or a person authorized in writing by the CAO, shall install, test, remove, repair, replace or disconnect a water meter
  - (v) Every Consumer shall allow the Village, including any of its employees, agents or contractors, to enter on or in the Consumer's premises at all reasonable times for the purpose of installing, testing, reading, removing, repairing, replacing or disconnecting a water meter.
  - (vi) The CAO may direct that the water services to any Consumer be shut off if the Consumer refuses to allow the Village access to the Consumer's premises for the purpose of installing, testing, reading, removing, repairing, replacing or disconnecting a water meter.
  - (vii) Consumers shall immediately notify the CAO of any breakage, stoppage or irregularity in a water meter.
  - (viii) The Village shall not be responsible for any damage to buildings, or property occasioned by or in the course of the installation, maintenance, repair or disconnection of any water meter provided that reasonable care has been taken by the employees or agents of the Village in the course of such installation, maintenance, repair or disconnection.
- (b) If buildings or premises require two or more meters, the owner shall be billed separately for water used through each meter.
- (c) Meter Size  
The size of the water meter shall be determined as follows:
- (i) If the internal diameter of the service is 25mm or less, a 16mm x 20mm meter shall be used.
  - (ii) If the internal diameter of the service exceeds 25mm, the size of the meter shall be one size smaller than the size of the service.
  - (iii) A 20mm or 25mm meter for a residential water service will be supplied and installed in premises by The Village at the request of the owner of the premises and upon payment of the charge set out in Schedule "A".  
**Under no circumstances shall a meter larger in size than the water service be supplied and installed.**
  - (iv) If the service is a combined service (to supply water for fire protection as well as water for other purposes), the internal diameter of the service branch to be used for other purposes shall determine the meter size as set out in Sub-sections (i) and (ii) of this Section.
- (d) Except where otherwise provided in this Bylaw, no owner or other person shall do or allow to be done any act or thing that results in a use or flow of water from the Village's Water Works System that is not measured by a water meter of a design and capacity approved by the CAO.
- (e) If the CAO becomes aware of any use or flow of water that is not measured by a water meter of a design and capacity approved by the CAO and that does not fall within a specific exception to the general requirement of water metering as set forth in Sub-section (a) of this Section, the CAO may take all necessary steps to stop that use or flow of water until:
- (i) a water meter has been installed pursuant to the provisions of this Bylaw;
- and

- (ii) an application for water service has been made in accordance with the provisions of this Bylaw.

24. PROTECTION OF METERS

A consumer is responsible for the safekeeping 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 facility supplied and installed by the Village that may be damaged from the foregoing causes or any other causes within the consumer's control.

25. INSTALLATION RESPONSIBILITY

- (a) The main shut-off valve shall be located immediately inside the building.
- (b) The owner of every building shall make provision for the installation of meters as required by the Village's water bylaw
- (c) Water meters shall be located at the point at which a water service pipe enters the premises unless the CAO directs in writing that another location be used.
- (d) The owner of a building shall, at its expense ensure that the Village has access to all related piping when a meter is installed.
- (e) If the owner of a commercial building requires two meters and there is only one water service, the cost of the second water meter shall be the responsibility of the owner.
- (f) It shall be the owner's responsibility to provide such support for the meter as may be required by the CAO.
- (g) Meters supplied by the Village being under 50mm in size shall be installed by the Village.
- (h) Meters 50mm and larger shall be supplied by the Village less flanges. Installation shall be the responsibility of the consumer.
- (i) Remote Reading Devices
- (i) The Village shall supply and install a remote-reading device in all new premises at no cost to the consumer.
- (ii) A remote-reading device must be installed in existing premises as determined by the CAO.
- (iii) Every water meter and remote-reading device shall be installed in a manner readily accessible to employees and agents of the Village.
- (iv) All remote-reading devices supplied and installed by the Village shall at all times be the property of the Village, notwithstanding the fact that a consumer may have paid an installation fee or any other charge for having a remote-reading device installed.

26. RELOCATING METERS

If the CAO is dissatisfied with the location of any meter due to alterations to the building, he may require that the meter be moved to a different location. Any expense in relocating the meter shall be borne by the owner or occupier.

27. READING OF METERS

Every owner and occupier of premises connected to the water works system shall provide free and convenient access to his premises at all reasonable times for the purpose of reading meters. In the event that a meter reader employed by the Village is unable to obtain access to the premises, the water

consumption will be estimated. If no reading is obtained at the end of the next billing period, the owner or occupier will be required to leave a key at the office of the CAO or otherwise make suitable arrangements for regular bi-monthly readings. If the owner or occupier fails to comply with the request of the Village, the water service may be disconnected without further notice.

28. UNDERGROUND SPRINKLER SYSTEMS

- (a) Prior to installation, the owner or his agent shall apply to the Village Office for a permit.
- (b) All residential and commercial lawn and garden sprinkler systems regardless of the size of the service, must be metered.
- (c) All meters for a sprinkler system shall require, at the owner's expense, a valve within 300mm on either side of the meter.
- (d) Any owner or occupier of property within the Village may purchase outright from the Village a separate meter to measure water used for lawn or garden. The consumer is responsible for any repairs to the said meter.

29. CROSS CONNECTIONS AND BACKFLOW PREVENTION

- (a) No person shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, waste water or any other liquid, chemical or substance to enter the water system.
- (b) For the purposes of preventing a cross connection as prohibited in Section 29(a), the CAO may require any consumer to install a testable cross connection control device or devices.
- (c) At the time of installation and thereafter as required by the CAO, every consumer required by any Act, regulation or code or by the CAO pursuant to Section 29 to install a testable cross connection control device or devices shall:
  - (i) ensure that the testable cross connection control device or devices installed are inspected and tested; and
  - (ii) report the results of the inspection and testing on the form prescribed by the CAO to the CAO within the time frame specified by the CAO
- (d) Every consumer required by the CAO pursuant to Section 29 to install a testable cross connection control device or devices shall install only testable cross connection control device or devices approved by the CAO.
- (e) Every consumer required by this Section to ensure that testable cross connection control device or devices installed are inspected and tested shall ensure that only persons approved by the CAO inspect and test the testable cross connection control device or devices. In approving persons to inspect and test cross connection control devices, the CAO may take into consideration the following qualifications:
  - i. a certificate from an accredited organization as a Certified Backflow Prevention Device Tester;
  - ii. a calibration certificate for test equipment;
  - iii. another trade or professional qualification (e.g. Plumbing Certificate, Sprinkler Fitter Certificate, etc.); and
  - iv. liability insurance coverage.
- (f) If a consumer fails to have a testable cross connection control device or

devices inspected or tested or fails to report the results of the inspection or testing to the CAO:

- i. the CAO may notify the consumer that the testable cross connection control device or devices must be inspected and tested and a test report must be submitted to the CAO within the time frame specified by the CAO; and
  - ii. the Village may discontinue providing water service to the consumer until the consumer has the testable cross connection control device or devices inspected and tested and the consumer submits a report with results satisfactory to the CAO.
- (g) Every consumer shall display an up to date information record card issued by the CAO on or immediately adjacent to the testable cross connection control device or devices.
30. For the purpose of verifying that Section 29 is complied with, every consumer shall, at the request of the CAO and within the time frame specified by the CAO, provide such information as may be reasonably required by the CAO, including information required by a survey on the form prescribed by the CAO
31. For the purpose of ensuring that Section 29 is complied with, the Village may carry out an inspection of any land or structure.
- (a) The CAO may issue a written order if the CAO believes, on reasonable and probable grounds, that Section 29 is contravened. The written order shall be in a form prescribed by the CAO and:
- i. shall set out what the consumer is required to do or stop doing to comply with Section 29;
  - ii. may direct the consumer to, without limitation, install, maintain, alter, repair or replace or test a testable cross connection control device or devices and may  
direct the site or sites at which the cross connection control device or devices shall be installed, maintained, altered, repaired, replaced or tested; and
  - iii. shall set out a reasonable time within which the consumer must comply with the written order.
- (b) If a consumer to whom a written order is issued under Section 31 fails to comply with the written order, the Village may discontinue providing water service to the consumer until the consumer complies with the written order to the satisfaction of the CAO
- (c) If the Village has discontinued water service to a consumer under Section 31(b) or Section 29(f)ii, no person shall cause the water service to be turned on without authorization of the CAO.
- (d) Any costs or damages, direct, indirect or consequential, arising out of:
- (i) complying with any requirement under Section 29 or 31; or
  - (ii) the discontinuance of water service to a consumer, including any costs or damages, direct, indirect or consequential, arising out of the water service being turned on again, shall be at the sole expense of the consumer.

32. METER CHAMBERS

- (a) Where meters cannot be contained in an existing building, the consumer shall supply, at his own expense, an underground meter chamber which shall be approved by the CAO. The meter chamber may be constructed by the Village and the consumer billed for the expense incurred. For new buildings, meter chambers will only be allowed subject to approval of the CAO.
- (b) Underground meter chambers shall be kept in good repair by the owner. If an owner, after receiving notice from the CAO, neglects to repair or improve his meter chamber, then the CAO shall cause the necessary repairs to be made and the owner shall be liable for the cost of such repairs.

33. TAMPERING WITH METERS

No person shall tamper in any way with a meter or remote-reading device.

34. TESTING OF METERS

Whenever requested by a consumer, the meter shall be removed and tested. If, on testing, it is found that the meter registers within three per cent (%) of the water passing through same, the meter shall be deemed to be measuring correctly. If, however, the meter is found to register a greater or lesser amount than said percentage, the CAO shall add or deduct from the amount as registered by said meter such sum that the balance will properly represent the water delivered through said meter for a period not exceeding six (6) months. When a consumer requests a meter test and such meter is found to be within three per cent (%) accurate, that consumer shall be billed at a rate as set out in Schedule "A". As a regular maintenance service, meters shall be removed and tested by the Village without charge as deemed appropriate by the CAO.

35. DETERMINING CONSUMPTION WHEN METER INOPERATIVE

When meters have failed to register, the following methods shall be used for determining consumption.

- (a) If the same or similar conditions prevail, consumption shall be estimated on the basis of the consumption during the same month in the preceding year.
- (b) If the same or similar conditions do not prevail, a fair estimate shall be set by the CAO.
- (c) The rates applied shall be those in effect for that type of service during the months in question in accordance with Schedule "A" attached hereto.

36. REMOVING METERS AND VILLAGE EQUIPMENT

When any owner discontinues the use of water services furnished by the Village or the Village lawfully refuses to continue any longer to supply the same, the CAO, or any person authorized by him may at all reasonable times, enter the premises in or upon which such owner was supplied with water services and may remove meters, pipes or other things that are the property of the Village.

37. TEMPORARY USE OF WATER PRIOR TO METER INSTALLATION

When any owner or contractor requires water during construction prior to a water meter being installed, the CAO may permit a temporary use of water provided that a deposit in an amount as set out in Schedule "A" is left with the CAO and a Temporary Water Use Permit will be issued by the Water Department. Water supplied pursuant to a

Temporary Water Use Permit will be charged at the Class "B" rate set out in Section 2 of Schedule "A".

38. WATER SERVICE DISCONNECTIONS

- (a) A consumer wishing to discontinue a water service shall advise the Utilities Billing Department and sign off.
- (b) Any consumer requesting a temporary disconnect for water shall pay a service charge for such disconnection and a further service charge for the reconnection, both in the amounts set out in Schedule "A".
- (c) Any consumer requesting a temporary disconnect for water due to an emergency such as a water break or major leak between the town shut off and the water meter shall pay a service charge for such disconnection and a further service charge for the reconnection, both in the amounts set out in Schedule "A".
- (d) Appointments for connections and disconnections requests shall be made at the town office.

39. APPLICATION FOR WATER SERVICE

- (a) Contract for Water Services  
Any property desiring to be supplied with water service by the Village shall require an application by the owner on a form provided by the Village office and payment of the fee set out in Schedule "A". The said application when accepted by the CAO, shall be a contract between such person and the Village by which said person agrees to be bound by all the provisions of this Bylaw or any other Bylaw or regulations of the Village in connection with the supply of water by the Village to such person. The said contract shall not be transferrable.
- (b) A person who has contracted with the Village to receive and pay for a supply of water from the Village's Water Works System is deemed to have contracted to receive water that is measured by, and billed on the basis of, a water meter, irrespective of whether the person contracted to receive and pay for a water supply on some other basis at the time the contract was made.

40. COLLECTION

- (a) All charges and rates payable under this Bylaw shall be paid to the Village office and the collection of all disbursements connected with the operation of the water works and supervision of books of accounts shall be under the immediate control and direction of the CAO.
- (b) The Utilities Department shall be promptly notified of all connections made or permits granted or of any discontinuance of water service so that the proper charges or allowances may be made against or to any person or persons liable to pay for the water consumed or who is entitled to a refund where the supply of water is discontinued.

41. WATER RATES

- (a) Accounts for water service shall be forwarded bi-monthly to the consumer and shall be payable at the Village office and such other places as may be designated by the CAO.
- (b) Forwarding Accounts  
Accounts shall be deemed to be sufficiently forwarded if they are left on the property or if they are mailed by ordinary mail to the consumer at the municipal address of the property.
- (c) Water rates shall be set out in schedule "A"

42. PENALTY

As set out in Schedule "A".

43. ENFORCING PAYMENT

- (a) The CAO may order that the water service to any consumer be shut off if the water account is not paid within 30 days of being posted to the consumer
- (b) When the consumer's water supply is disconnected for non-payment:
  - (1) The consumer shall pay the disconnect service charge set out in Schedule "A"
  - (2) If the consumer requests that the consumers water supply be reconnected, the consumer shall pay the reconnection service charge set out in Schedule "A"

44. APPOINTMENT CANCELLATIONS

If an appointment is scheduled for the CAO or any other employee or agent of the Village to attend at the premises of an owner with respect to any matter relating to this Bylaw, the owner shall pay the charge set out in Schedule "A" in the event that he fails to attend at the premises at the appointed time.

45. OFFENCES, PENALTIES AND VIOLATION TAG PROCEDURE

- (a) A person who contravenes any provision of this Bylaw by doing any act or thing that is prohibited, or by failing to do any act or thing that is required, is guilty of an offence and liable upon summary conviction:
  - 1) to pay a fine of not less than \$100.00 and not more than \$2,500.00; or
  - 2) to be imprisoned for a period of not less than three days in default of payment of the fine within the time for payment allowed by the Court.
- (b) An Enforcement Officer appointed under Section 3 of this Bylaw may, in lieu of serving court process under the Provincial Offences Procedure Act for an alleged contravention of this Bylaw, serve upon the alleged offender a tag in a form prescribed by the Village's CAO, specifying the nature of the alleged contravention and stating that the Village will accept payment of \$100.00 at the Village office within seven days of the date of service of the tag, in lieu of prosecution.

46. SEVERANCE

It is the intention of Village Council that if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction then all other provisions of this Bylaw shall remain valid and enforceable.

47. Bylaw No. 9-2015 and any amendments are hereby repealed.

48. This Bylaw comes into effect upon third reading.

READ A FIRST TIME in Open Council this 16th day of March, 2018.

READ A SECOND TIME in Open Council this 19th day of July, 2018.

READ A THIRD TIME in Open Council this 16th day of August, 2018

*Sandra Crooker*

\_\_\_\_\_  
Mayor Sandra Crooker

*ROSS*

\_\_\_\_\_  
CAO Debbie Ross

**SCHEDULE "A" TO BYLAW NO. 4-2018  
(Effective August 16, 2018)**

**THE WATER SERVICE BYLAW OF THE VILLAGE OF EMPRESS**

**1. CLASS "A" RATES FOR METERED SERVICES (OTHER THAN WATER TOWER):**

Base Charge	\$ 60.00
Per cubic meter	\$1.55/m <sup>3</sup>
Unmetered per 2 month billing period	\$150.00
Water Meter and back plate	At cost
Vacation rate (minimum 60 days away)	50%

**2. CLASS "B" TEMPORARY USE RATE:**

DESCRIPTION	
Deposit	\$100.00
Per month	\$50.00

**3. CLASS "C" INSTALLATION AND REMOVAL CHARGE FOR SEASONAL METER INSTALLATION:**

DESCRIPTION	
15mm (5/8") Service	\$50.00
20mm (3/4") Service	\$50.00
25mm (1") Service	\$50.00
32mm (1 1/4") Service	\$65.00
38mm (1 1/2") Service	\$65.00

**3.1 CLASS "D" SERVICE TO PROPERTY FOR GARDEN OR LAWN SPRINKLERS**

Seasonal disconnect or reconnect fee	\$25.00
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**4. CLASS "E" WATER RESERVOIR RATE**

Per 100 gallons or .45 m <sup>3</sup>	\$ 2.50
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**5. MISCELLANEOUS FEES, RATES AND CHARGES**

BYLAW SECTION	DESCRIPTION	
10(b)(i)	Deposit for use of hydrant	\$ 355.00
10(b)(v)	Minimum charge for use of hydrant	\$ 100.00
16	Disconnection of service*	at cost
20	Service Line Repair/Replacement	At cost
21 & 22	Thawing frozen service & Service Callout (per hour)	\$ 50.00

23(a)	Meter repair or replacement costs for meters shall be billed at cost of labour and materials	
23(d)(iii)	15mm, 20mm & 25mm water meter initial installation	\$ 50.00
23(d)(iii)	15mm, 20mm & 25mm water meter replacement	\$ 100.00
23(d)(iii)	32mm & 38mm water meter initial installation	\$ 60.00
23(d)(iii)	32mm & 38mm water meter replacement	\$ 120.00
23(d)(iii)	Over 38mm water meter initial installation	\$ 75.00
23(d)(iii)	Over 38mm water meter replacement	\$ 150.00
34	Dispute Meter Test Commercial**	at cost
38(b)	Disconnection of Service***	\$ 50.00
38(b)	Reconnection of Service***	\$ 50.00
38(c)	Disconnection of Service***	\$ 25.00
38(c)	Reconnection of Service***	\$ 25.00
39	Application Fee	\$ 10.00
42	Penalty	4% bimonthly
43(b)(1)	Disconnection of Service***	\$ 50.00
43(b)(2)	Reconnection of Service***	\$ 50.00
44	Non attendance after appointment has been scheduled	\$ 50.00

\*Total cost of digging up any service to disconnect will be charged to homeowner

\*\*Meters are tested by a third party, and the fee shall be the cost of the third party test plus shipping, if applicable.

\*\*\*Emergency after hours, holidays, weekends and evenings shall be 1 ½ times the rates listed.

NOTE: WHEREVER APPLICABLE, THE GOODS AND SERVICES TAX SHALL BE ADDED TO THE FEES, RATES, CHARGES OR OTHER AMOUNTS PAYABLE TO THE VILLAGE

**Schedule "B"**

**BYLAW#4-2018**

**Village of Empress**

**WORK ORDER & CONSENT**

I, \_\_\_\_\_, of the property at \_\_\_\_\_  
owner/tenant street address

do hereby request the Village of Empress to dispatch work crews to restore my water/sewer service.

I hereby agree to pay to the Village of Empress, on demand, all charges levied by the Village of Empress for labour, equipment, and materials pursuant to Bylaw #09-2015 and as employed by the Village in the execution of this Work Order.

Further, I hereby forever release and covenant to hold harmless the Corporation of the Village of Empress and its employees, agents, and contractors from any and all claims or rights of action for any damages or recovery of expenses arising out of the execution of this Work Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner/Occupier's Signature

\_\_\_\_\_  
Signed on behalf of the Village of Empress

For office use:

Labour: Name \_\_\_\_\_ start \_\_\_\_\_ finish \_\_\_\_\_ Name  
\_\_\_\_\_ start \_\_\_\_\_ finish \_\_\_\_\_

Equipment: Type \_\_\_\_\_ hours \_\_\_\_\_ Type  
\_\_\_\_\_ hours \_\_\_\_\_ Type  
\_\_\_\_\_ hours \_\_\_\_\_

Material: Description \_\_\_\_\_ quantity \_\_\_\_\_

Description \_\_\_\_\_ quantity \_\_\_\_\_

Description \_\_\_\_\_ quantity \_\_\_\_\_