

**TOWN OF DUNDURN
BYLAW 2023-002
UTILITY MANAGEMENT BYLAW**

1. PURPOSE

To guide acceptable practices for management of utility services in the Town of Dundurn.

2. AUTHORITY

Pursuant to *the Municipalities Act*, s.23, the Town of Dundurn may by Bylaw, regulate utility management.

3. SHORT TITLE

This Bylaw may be cited as the 'Utility Management Bylaw'.

4. DEFINITIONS AND INTERPRETATION

In this Bylaw, the following terms shall have the meanings ascribed below:

- (a) **"Act"** means *The Municipalities Act*;
- (b) **"Agent"** means the persons acting on behalf of the owner or subscriber.
- (c) **"AWWA Standards"** means the current published standards of the American Water Works Association as same may be amended, revised, and replaced from time to time.
- (d) **"Chief Administrative Officer (CAO)"** means the Chief Administrative Officer for the Town of Dundurn or his/her designate(s) acting or authorized by the CAO, in the administration of the responsibilities under this Bylaw.
- (e) **"Council"** means Town Council.
- (f) **"Curb stop"** means a device for the control of water flow through the water service connection to a service address.
- (g) **"Fire Chief"** means the Fire Chief for the Town or their designate;
- (h) **"Owner"** means the assessed owner of a property for the purposes of taxation whom their names are on the title with the municipality on the Tax Roll.
- (i) **"Public Works Manager"** means the Public Works Manager for the Town of Dundurn and anyone acting or authorized by the Chief Administrative Officer or Public Works Manager to act on behalf of the Public Works Manager in the administration of the responsibilities under this Bylaw.
- (j) **"Meter"** means a device capable of measuring volume of water, as approved by the Public Works Manager, and shall include all appliances attached to the meter, such as a radio and transmitting device.

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- (k) **"Normal working hours"** shall mean the hours of 9:00 a.m. to 4:00 p.m. on weekdays, not including statutory holidays and other days upon which the Town office is closed.
- (l) **"Sanitary Sewer System"** means the system by which the Utility collects, stores, transmits, treats, and disposes of sanitary sewage including any service connections, conduits, sewer drains, sewer mains and sewer pipes and sanitary sewage plants, lagoons, and other facilities.
- (m) **"Service address"** means any single property or building to which water service is provided by the Town.
- (n) **"Service connection"** means the part of waterworks system that runs from the main lines of the Town to a building or other place at a service address for the purpose of providing the service to the service address and includes the connection to the main line and couplings, stop-cocks, meters and other apparatus inside the building or any other place at the service address for the provision of water service.
- (o) **"Subscriber"** means the assessed owner of a property for the purposes of taxation whom their names are on title with the municipality on the Tax Roll
- (p) **"Town"** means The Town of Dundurn;
- (q) **"Valve"** means a device for control of water flow in or from the Town's water main or a water service connection.
- (r) **"Water service"** means all aspects of service supplied pursuant to this Bylaw to subscribers and other persons and includes all water supplied through the Waterworks System.
- (s) **"Waterworks System"** means the whole or any part of the equipment by which or through which the Town conveys water, its improvement, extension or replacement and, not to limit the generality of the foregoing, includes pumps, sedimentation system, filtration system, water treatment plant, reservoirs, water mains, pipe valve connections, curb stops, hydrants, valves, and other related works, meters and related appliances, all other accessories as are designed to form a part thereof and the treatment processes by which water is treated before conveyance into the water mains.
- (t) **"Utility"** means the water and sanitary sewer utility.
- (u) **"Water and Sewer Utility Rates and Fees Bylaw"** means that pursuant to the Municipalities Act, s.23, the Town of Dundurn may by Bylaw set rates subject to certain approvals.

Terms used but not defined in this Bylaw shall, except where the context requires otherwise, have the same meaning as in the Act.



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5. OWNER RESPONSIBILITY

- (a) It is the responsibility of the Owner to contract with a professional plumber for connections and disconnections of water meters on private property.
- (b) It is the responsibility of the Owner for payment of new connection fees as per attached schedule and ensure the contractor accessing municipal water or sewer infrastructure has been approved by the Town of Dundurn in writing prior to commencement of work.
- (c) The Owner or agent for the Owner shall give 2 business days notice for a request to connect or disconnect of water utility.
- (d) It is the responsibility of the Owner or Agent to verify with Administration or designated Officers that work on private property is complete, so the Municipality can proceed with turning the water utility curb stop.
- (e) Owner or Agents are responsible for storage and proper maintenance of meters when not in use.
- (f) Owner and Agents are responsible for respectable behaviour towards Municipal Designated Officers. Any harassment or abuse directed at Municipal Designated Officers or Administration, by Owner, Agents, or people in Owners party, will not be tolerated.

6. ADMINISTRATION OF THE UTILITY

- (a) The CAO shall keep full financial records of all matters related to the utility, including but not limited to applications for service, service approvals, supply and consumption, subscriber accounts and capital and operating revenues and expenses.
- (b) The Public Works Manager shall maintain full descriptions and drawings of all works constructed and forming part of the Waterworks System and Sewer System.
- (c) Rates, service charges, and other costs to be levied by the Town shall be set on a periodic basis by Council by way of the Water and Sewer Utility Rates and Fees Bylaw.



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7. CONNECTION AND APPLICATION TO THE WATERWORKS SYSTEM

- (a) No person shall connect or receive service from the Waterworks System or the Sanitary Sewer System without application and approval as a Subscriber.

(b) NEW UTILITY ACCOUNT APPLICATIONS

- (i) Every person desiring to connect to or receive utility service shall complete and sign an application for service in the form designated by the CAO, together with such application fee in **Schedule "A"** attached.
- (ii) The new account application fee will be as outlined in **Schedule 'A'** attached to this Bylaw and is non-refundable.

(c) NEW CONSTRUCT WATER AND SEWER CONNECTION LEVY FEE

- (i) Every new construct residential or commercial water and/or sewer connection to the main within the municipal boundaries shall pay a one-time infrastructure levy fee as outlined in **Schedule "B"** when connecting to existing infrastructure and/or in existing subdivisions.
- (ii) The water and sewer connection levy is due in full before connection to the main.
- (iii) Every new construct residential or commercial water and sewer connection outside of municipal boundaries that is approved for utility service from the Municipality shall pay an infrastructure levy fee as determined by Council of the Town of Dundurn in full before connection.

(d) CAPITAL CONNECTION LEVY

- (i) All subscribers who apply for a new construct water and sewer connection shall be required to pay a new Capital Connection Levy chargeable by the Dundurn Rural Water Utility as set forth in **Schedule "C"**.
- (e) Every application for utility service shall be an application for both water and sanitary sewer service.
- (f) An application shall specify only one service address. In the event an applicant requires service at additional addresses, an application must be prepared and submitted for each address.
- (g) Except as authorized by resolution of Council, no application shall be submitted to or approved by on behalf of the Town except where it is in the name of and signed by all registered and assessed owners of the property to be serviced.
- (h) All applications for service shall be reviewed by the CAO, who may, in their sole discretion, require additional information to be provided by an applicant.
- (i) Following receipt of a full and complete application for utility service, the CAO may, in their sole discretion, approve the application. Upon approval, the applicant(s) shall become subscriber(s) and shall be liable to all terms and conditions of service, including, but not limited to the payment of rate fees and costs prescribed by Bylaw.
- (j) No subscriber may change their service address, other than by way of a new complete application which has been approved by the CAO.

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- (k)** No subscriber may assign or transfer the benefit of utility service, nor resell utility service to another person. No subscriber shall provide water supplied by the Town nor accept sewage for transmittal into the Sanitary Sewer System to or from any person not a tenant at the service address. Where the ownership of a service address shall change, a new application for service is required.
- (l)** A subscriber shall remain liable for the payment of all rates, service fees and charges until and shall remain liable as a subscriber until:
 - (i)** The CAO has approved the disconnection of the service address in accordance with the provisions of this Bylaw; or
 - (ii)** A new application for utility service has been made and approved for that service address, and a final meter reading has been made for the purposes of the original subscriber's account with the Town.
- (m)** Voluntary water service disconnection will only be approved for unoccupied premises or for temporary or plumbing service work.
- (n)** Disconnections of water services does not stop charges of all other utility related services including sewer, utility delivery and infrastructure fees.
- (o)** Connections to the Waterworks system shall be made, transferred, and terminated in accordance with the provisions of the Utility Management Bylaw;
- (p)** No person who is not a subscriber shall turn on a curb stop and/or receive or consume water supplied through a service connection;
- (q)** Service to subscribers is provided on the following conditions:
 - (i)** A person is liable for any breach of this Bylaw arising from or connected with a service address for which the person is a subscriber, save and except where it is demonstrated on a balance of probabilities that the breach was caused by a trespasser.
 - (ii)** Where the subscriber or any person occupying a service address owns or operates hot water boilers or heating, cooling or other such equipment connected to the service connection, the subscriber shall ensure that suitable and sufficient devices are utilized to prevent damage to such equipment and to remove danger from collapse, explosion or otherwise if water services are interrupted, terminated or there is any variation in pressure;
 - (iii)** Where steam, hot water, or material foreign other than water in the same condition as that supplied to the service connection may be forced backwards that service connection, the subscriber shall ensure that a backflow preventer is installed to prevent backflow from occurring. The subscriber shall regularly test the backflow preventer and keep it in a well-maintained operable condition. A plan setting out the specifications of backflow preventer and its installation be filed with the Public Works Manager upon installation; and
 - (iv)** Where the subscriber neglects or fails to comply with Subsection 7q. ii or iii and damage to any portion of the Waterworks System results, the subscriber liable for all loss and damage suffered by the Town, including the cost of repair, additional costs incurred and loss of revenue.
- (r)** Where a property is connected to the Waterworks System, no other water source or system present on the property (without limiting the foregoing, including a well or Sandpoint system) shall be connected in any way to:
 - (i)** The Waterworks System; or
 - (ii)** Any fixture, pipe or conduit which is also connected to the Waterworks System.

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2. SERVICE CONNECTIONS

- (a)** A subscriber is responsible for the satisfactory repair and maintenance of that portion of a service connection lying between on, in or under the subscriber's property.
- (b)** A subscriber is responsible for ensuring at their own expense that:
 - (i)** That portion of the service connection lying within the subscriber's land is properly protected against damage from tampering, frost, or other source of damage;
 - (ii)** Each service connection shall include an isolating valve on both sides of the meter, being the inlet or upstream side and the outlet or downstream side;
 - (iii)** Each service connection shall be equipped with a proper backflow preventer to prevent the conveyance of water being forced backwards into the water distribution system.
- (c)** Each subscriber shall regularly test the isolating valves and backflow preventer and shall be responsible to keep the each in an operable condition.
- (d)** Where the Public Works Manager shall determine that a service connection or any portion thereof requires repair or maintenance, they shall give notice to a subscriber, the subscriber must repair or remediate the service connection to the satisfaction of the Public Works Manager within the time specified in the notice. In the event that the subscriber does not repair or remediate the service connection within the specified time:
 - (i)** the Public Works Manager and any person designated by them may enter upon the subscriber's land at the service address and complete the necessary work; and
 - (ii)** The subscriber shall be liable to pay all costs associated.
- (e)** Nothing in this section 2 authorizes any person other than the Public Works Manager or any person designated by them in writing to install, remove, repair, or adjust a water meter.
- (f)** Except as authorized in writing the Public Works Manager, no subscriber shall suffer or permit a pipe to be connected to a service connection in a position capable of receiving water from the water service connection before the water has been measured by the meter.

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3. WATER METERS

- (a) Except as otherwise provided, or as may otherwise be directed by Council, no person shall consume water supplied through the Waterworks System except where the consumption is measured by a water meter.
- (b) All meters and related seals, unions, couplings, and flanges shall be supplied by the Town and, notwithstanding any degree of affixation to any land, shall remain the property of the Town.
- (c) Subject to this or any other Bylaw, the number, location, physical arrangement, and type of meters used to measure water consumption shall be as determined by the Public Works Manager.
- (d) Every subscriber shall ensure that a water meter may be installed within a building at the service address and that the site provided for the meter shall:
 - (i) Permit the meter to be installed in a horizontal position with a clear space of at least 50 centimeters around the meter;
 - (ii) Always permit convenient access to the meter;
 - (iii) In all single-family dwellings, be located in the basement utility area at or near the entrance point for electrical power and gas services, or at a location otherwise approved by the Public Works Manager.
- (e) Where a subscriber desires a larger meter than that which the Public Works Manager considers sufficient, the subscriber may apply to the Public Works Manager for approval. Upon approval, the Town shall supply the larger meter, with the subscriber to pay all associated rates and fees as provided for in **Schedule "D"**.
- (f) Every owner/applicant shall be liable to pay the monthly service charges applicable to the size of meter measuring the water supplied by the Town, as set by the Town's Water and Sewer Utility Rates and Fees Bylaw.
- (g) Upon installation of a water meter, the meter and any pipes or accessories as may be considered appropriate shall be sealed in form satisfactory to, and under the supervision of the Public Works Manager.
- (h) No person other than the Public Works Manager or any person designated by them in writing shall install, remove, replace, repair, seal or break the seal placed on any water meter, pipe, or accessory.
- (i) If a seal should be found to be broken or a meter appears to be damaged or frozen or it appears that a meter has been tampered with:
 - (i) The Public Works Manager or their designate may inspect the meter and may, in their sole discretion determine that the meter requires inspection or repair, and where that determination is made, shall remove the meter for that purpose;
 - (ii) The Public Works Manager shall, where necessary, disconnect and reconnect and/or replace the meter and shall re-seal the meter; and
 - (iii) The initial attendance of the Public Works Manager or their designate shall be deemed to be an initial call out for the purposes of a disconnection, and any subsequent attendance shall be deemed a subsequent call out rates set in **Schedule G**.

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- (iv) The subscriber shall be liable to pay to the Town:
 - a) All costs associated with the inspection or repair of the meter, which shall be deemed to be damaged for the purpose of this and any other Bylaw; and
 - b) Disconnect and reconnect fees as specified in **Schedule G**.
- (j) Where a meter's frost plate is corroded due to condensation and the subscriber has requested replacement, the Public Works Manager shall:
 - (i) Obtain a licensed plumber's opinion to determine whether there is a risk that may create a liability issue, and;
 - (ii) If satisfied, that there is risk, the Town, shall replace the meter at no cost to the subscriber. Otherwise, replacement shall be at the cost of the subscriber.
- (k) Where a subscriber shall desire that a meter's accuracy be tested, the subscriber shall make written application and deposit the sum specified in **Schedule D**. Following receipt thereof, the Town shall cause such meter to be removed and tested.
- (l) Where the Public Works Manager shall desire that a meter's accuracy be tested, the Town shall notify the subscriber and shall cause such meter to be removed and tested.
- (m) Except as provided otherwise in this Bylaw, where a meter is removed and tested pursuant to subsection (k) and (l):
 - (i) If the meter registers within the limits set out in the AWWA Standards for water meter accuracy, the meter shall be deemed to be measuring accurately for the purposes of removal and replacement of the meter shall be deemed to be an initial call out for the purposes of disconnecting utility service, and the subscriber shall be responsible for the payment of the rates and fees associated therewith and all other costs arising from the removal and replacement of the meter.
 - (ii) If the volume of water registered by the meter was more than 3 percent above or below the volume passing through the meter, the meter shall be deemed to be measuring inaccurately and in the case of a deposit by the owner/applicant, the deposit shall be returned to the owner/applicant and there shall be no charge for removal and replacement of the meter.
 - (iii) Where a meter is deemed to be measuring inaccurately the account for the service address at which the meter was located shall be adjusted by the CAO as follows:
 - a) Where the meter was indicating more water consumed than that passing through the meter ("over-registering"), the CAO shall deduct from the account for the service address a percentage of the consumption charge equal to the percentage by which the meter was over-registering; and
 - b) Where the meter was indicating less water consumed than that passing through the meter ("under-registering"), the CAO shall add to the account for the service address a percentage of the

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consumption charge equal to the percentage by which the meter was under-registering.

- (iv) Where the CAO shall adjust an account, the adjustment shall be limited to the billing period in which the meter shall have been removed, and the previous billing period, and the CAO determination of the adjustment shall be final.
- (n) Where the Public Works Manager should reasonably determine that an inaccurate meter is over-registering by reason of tampering, no adjustment shall be made.
- (o) Where a subscriber requires an over-sized meter in place of the usual meter supplied by the Town, the subscriber shall make written application to the Town for the provision of such a meter, or the replacement thereof. Such meters shall be supplied by the Town as made available by the Town's supplier. The subscriber shall pay the Town a deposit in the amount referenced in **Schedule "D"**, and shall, upon the amount being ascertained, be liable to pay the full cost of the meter, shipping charges and the administration fee set forth in **Schedule "D"** as provided for herein.
- (p) Where a subscriber should request the Town to test a water meter, such request shall be in writing, and the subscriber shall deposit the sum set forth in **Schedule "D"** at the time of request. The subscriber shall be responsible for making their own arrangements, at their own cost, for a plumber to remove the meter. Upon completion of testing by an external entity, the subscriber shall be liable to pay to the Town, an amount equal to the aggregate of the cost invoiced to the Utility for testing, shipping charges and the administration fee set forth in **Schedule "E"**.
- (q) Where a meter requires replacement due to damage, being frozen, or for any other reason, the subscriber shall pay to the Town an amount equal to the cost of the meter invoiced to the Town, shipping charges and the administration fee set forth in **Schedule "E"**, together with any tax payable by, or required to be levied by the Town.

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10. EQUIPMENT DEPOSIT

- (a) Where a deposit for equipment is to be paid by a subscriber or any other person under this Bylaw, or any other Bylaw respecting utility service, such deposit shall be paid in advance of equipment being ordered, work being undertaken, or service being provide.
- (b) Once paid, a deposit shall be held by the Town as security for the financial obligations of the person receiving service.
- (c) Where a deposit is made for the purposes of securing the cost of work, the cost of equipment or the cost of testing or repair of equipment, such as a water meter, upon receipt of the deposit, the Town shall hold the deposit until the cost to be charged to the subscriber is ascertained.
- (d) Where a deposit does not cover the entirety of amount for which it has been taken as security, the depositor shall pay any deficiency upon being invoiced by the Town. Where a deposit is to secure the cost of equipment or the repair of equipment requiring removal, such deficiency shall be paid before return of the equipment or installation.
- (e) Where, after application of a deposit, a surplus remains, the Town shall refund the surplus within a reasonable time thereafter.

12. ADMINISTRATION FEE

- (a) Where an administration fee is specifically provided for in this or any other Bylaw, that fee shall be applied.
- (b) Where an administration fee is not specifically provided for in this or any other Bylaw, the applicable fee shall be as set forth in **Schedule "E"**.

13. TEMPORARY SERVICE

- (a) Where the Public Works Manager may authorize the temporary supply of water for any purpose it shall be a condition of services that the person receiving such temporary service shall have installed a proper backflow preventer to prevent the transmittal of foreign material backwards into the Waterworks System.
- (b) It shall be a further condition of temporary service that the backflow preventer shall be tested no less than weekly and kept in a well- maintained and operable condition.
- (c) The fee for temporary service is set out in **Schedule "F"**.

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14. TERMINATION OR INTERRUPTION OF SERVICE

- (a) The Town may limit or discontinue the provision of water services, refuse to supply water at any location or limit the hours during which any person may use water from the Waterworks System:
- (i) By reason of works undertaken by the Town;
 - (ii) By reason of lack of supply;
 - (iii) In circumstances where a new water service connection is required to be made;
 - (iv) Where the Public Works Manager is of the opinion that, the public interest may so require;
 - (v) In the discretion of the Public Works Manager where the circumstances are such that, in his opinion, any meter is insufficiently protected from frost or other source of damage; or
 - (vi) As otherwise directed by Council by resolution.
- (b) When service is interrupted pursuant to subsection 14(a)(i) the Public Works Manager shall provide notice to affected subscribers in such manner as may be determined to be reasonable in the circumstances. Except as otherwise provided in this Bylaw, in any other case, the termination or interruption of water services may be affected or may occur without notice.
- (c) When service is interrupted pursuant to Subsection 14.(a)(v) it shall not be resumed until such means have been adopted for the protection of the meter as the Public Works Manager may require. Where disconnection and re-connection is required, the subscriber shall be liable to pay the rates as per **Schedule "G"**.
- (i) Where service is interrupted by reasons unknown or freezing affecting a service connection, and where:
 - (ii) The Public Works Manager determines that the place of the failure is between the water main and the property line at the street abutting the service address, they shall take such action as they deem reasonably necessary to remedy the failure or interruption. Should such action require the installation of an automatic device requiring a power supply, it shall be a condition of continued supply of water to the affected service address that the power supply be provided without cost to the Town;
 - (iii) The Public Works Manager determines that the place of the failure is between the property line at the street abutting the service address and the meter the Public Works Manager may, if they consider it appropriate, shut off or disconnect service until the failure is rectified.
- (d) If the Public Works Manager or any person acting upon his instructions has reasonable grounds to believe that a meter has been bypassed, tampered with, or a seal broken, whether resulting in the meter failing to accurately measure water consumption or not, the Public Works Manager shall proceed in accordance to have service discontinued until all charges payable have been paid to the Town in full.

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- (e) Where the Public Works Manager or the CAO shall determine that water supplied to a service address has been wasted at such premises, that a subscriber has failed to ensure that there is no breach of the terms under which service is provided or the subscriber or any other person normally at the service address has failed to report damage to the meter, appliances, pipes, machinery, or other property of the Town, service may be discontinued until such time as Council shall authorize the recommencement of service and upon the fulfillment of any conditions as Council may impose.
- (f) Where any subscriber shall be found guilty of an offence pursuant to this Bylaw or the Act, service may be discontinued until any fine is paid in full.

15. ACCESS TO LANDS, BUILDINGS OR STRUCTURES

- (a) All subscribers shall ensure unrestricted access to the water meter to permit it to be read by those persons having right or access under this Bylaw or under the Act.
- (b) Without in any way limiting the powers by the Town pursuant to the Act or any other Bylaw, it shall be a condition of service that:
 - (i) The Public Works Manager, the CAO and any other employees of the Town designated by either, and producing a Town identification card shall have free access to all reasonably necessary portions of the service address at all reasonable times, to permit the person or persons in attendance to:
 - a) Inspect any equipment or facilities located at the service address which are connected to facilities owned by the Town (including but not being limited to the water meter); and
 - b) Conduct such installation, removal, repairs, or remediation as may be necessary in the opinion of the Public Works Manager.
- (c) Where a person exercising the authority provided under s 12(a) or 12(b), the authority to enter shall extend to any Labourer or tradesperson (including but not limited to a plumber) whose presence is desired by the Public Works Manager and is accompanied by a Town employee.
- (d) Where the Town is unable to gain access to any service address and any building located thereon for the purposes referred in section 12(a)(b) or in the Act:
 - (i) Written notice may be left in the mailbox or at some other conspicuous place upon the premises, and the subscriber shall arrange with the CAO immediate access;
 - (ii) If access is not granted upon notice being provided under section 12(d)(ii) a second notice may be given in the same manner as the first notice; and
 - (iii) If access is not provided after the second notice, utility service may be discontinued, at the sole discretion of the CAO.
- (e) Nothing in this Bylaw shall be interpreted to limit the Town's right to obtain access through process allowed by law.

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16. CONTINUOUS FLOW

- (a) Where, to prevent damage from frost occurring to the Waterworks System, or a service connection the Public Works Manager shall consider it advisable, they may require that a subscriber ensure that that water continuously flow through the service. Where such direction is given, the Utility shall charge the subscriber for consumption during the designated period on basis of the water consumed during a reasonably comparable previous period, notwithstanding that the reading of the meter shows a higher consumption. The decision of the CAO as to the amount of such charge shall be final and binding.

17. NO INTERFERENCE OR ALTERATION

- (a) Except as otherwise authorized by this Bylaw:

- (i) No person other than the Public Works Manager, the Fire Chief, or a person designated by the Public Works Manager and acting in the course of his duties shall operate, enable, disable, manipulate or open or close any valve, any curb stop, any hydrant or any other equipment or portion of the Waterworks System.
- (ii) No person shall obstruct access or tamper with any hydrant;
- (iii) Cover, uncover, tamper with, damage, connect, disconnect, or repair any pipe, equipment or other portion of the Waterworks System;

- (b) No person shall, without the written authorization of the Public Works Manager:

- (i) Turn on or turn off or attempt to turn on or turn off water supply through a service connection;
- (ii) Break, cause or suffer or permit the breaking of any seal on any meter, pipe, valve or other equipment connected to the Waterworks System;
- (iii) Tamper with any water meter;
- (iv) Fail to notify the Town of a broken seal on a meter, pipe or accessory t hereto;
- (v) Remove or cause the removal of ground cover above any part of the Waterworks System or a service connection which reduces coverage to less than 3 meters from the grade;
- (vi) Connect or cause the connection to the Waterworks System of any pipe or fixture capable of supplying water services except in accordance with this Bylaw;
- (vii) Install or cause the installation of a pump to increase water pressure acting on a service connection other than with the express approval of the Public Works Manager;
- (viii) Hinder, obstruct or interfere with the Public Works Manager or the CAO or persons acting under the instructions of either in the lawful exercise of their duties under this Bylaw or the Act;

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- (ix) Represent themselves as a person designated or authorized by the Public Works Manager or the CAO pursuant to this Bylaw when not so authorized;
- (x) Operate a fire hydrant without the consent of the Public Works Manager; or
- (xi) Without the presence of the Public Works Manager, enter or be found within the Water Treatment Plant Building, or the facilities or grounds thereof, located at 204 1st St. E.

18. LIMITATION OF LIABILITY

- (a) It shall be a term of any service to any subscriber or any other person, and shall be deemed to be a part of any agreement for the provision of utility services, that services are provided by the Town on the condition that the subscriber and any other person making use of, or receiving service, shall:
 - (i) Make no claim against the Town, its officials, employees or agents except with respect to damage caused by the negligence of the Town, its officials, employees, servants, or agents. It is a further condition of supply that any such person shall make no claim for any indirect, incidental or consequential damages, including, but not limited to, lost profits. Without limiting the generality of the foregoing, neither the Town, its officials, employees, servants, or agents shall be liable for:
 - a) actions based in nuisance;
 - b) actions in respect of personal injury, death or property damage related to the presence of any substance or material in water supplied or the Waterworks System or in the Sanitary Sewer System;
 - c) actions in respect of damages related to the interruption or termination of water or sewer services or failure or refusal to provide water or sewer services for any reason whatsoever, whether or not notice was provided.
 - (ii) They shall be liable for any breach of this Bylaw arising from or connected with a service address for which they are a subscriber, save and except where it is demonstrated on a balance of probabilities that the breach was caused by a trespasser.

19. ENFORCEMENT OF PENALTIES AND ARREARS

- (a) If a user of utility services fails to pay amounts charged as set out in this bylaw or any other utility rate bylaw or fails to pay any other charges, fees, rents or amounts levied by the municipality in relation to the provision of water and sewer services, the Municipality may, in addition to any other remedies available to it for the non-payment of charges, fees, rents or amounts levied, discontinue the provision of water and sewer services to the subscriber upon giving a 14 day final notice its intention to do so to the subscriber. The Municipality or its employees shall not be liable for any damages resulting from the discontinuance of water supply to any building, boiler or other apparatus deriving its supply from the municipal water system.

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- (b) Any arrears on a utility account regardless of the service to which the arrears may occur from may result in the water to the property being disconnected until all arrears are paid including disconnection and reconnection fees.
- (c) The owner of the land or building to which the service is supplied, the sum payable for the service and all rates, costs and levy's imposed pursuant to this bylaw or any other utility rate bylaw, charges, fees, rents or amounts in the relation to the provision of water and sewer services, are a lien on the land and building which has priority over all other liens or charges save that of the Crown and are a charge on the goods and chattels of the owner and may be levied and collected in the same manner as taxes are recoverable.
- (d) If a utility infrastructure levy is charged to the land and the owner of that land fails to pay the infrastructure levy as set out in this bylaw and any other utility rate bylaw or fails to pay any other charges, fees, rents or amounts levied by the Municipality in relation to the utility infrastructure levy, the Municipality may, in addition to any other remedies available to it for the non-payment of utility infrastructure levy, charges, fees, rents or amounts levied, discontinue the provision of water and sewer services to the user upon giving reasonable notice of its intention to do so to the user. The Municipality or its employees shall not be liable for any damages resulting from the discontinuance of water supply to any building, boiler or other apparatus deriving its supply from the municipal water system.
- (e) An attempt to collect any rates, charges or rents pursuant to this bylaw or any other utility rate bylaw does not in any way invalidate any lien the municipality is entitled to on land, buildings, or goods and chattels by virtue of this section.
- (f) As per *Section 31 of The Municipalities Act*, if any rate, charge or rent owed by an owner or tenant of land or a building is in arrears, the rate, charge or rent may be added to, and thereby form part of the taxes on the land or buildings of the owner with respect to which the water and sewer service was provided.
- (g) Where any rate, charge or rent in arrears remain unpaid by over 90 days, that they may be added to and thereby form part of the taxes on the land or building(s) with respect to which the service was provided.

20. TERMINATION OF SERVICE

- (a) In addition to any other right of termination provided for by Bylaw or in the Act, service may be discontinued to any subscriber in the event of breach or non-compliance with the terms under which service are supplied.
- (b) Once service is terminated, the Town may refuse to resume supply or refuse to provide water services thereat until the subscriber, the owner of the service address and/or any applicant for service should cure any non-compliance to the satisfaction of the Town.

**TOWN OF DUNDURN
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21. GENERAL

- (a) If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed to be a separate, distinct and independent provision, and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.
- (b) Any reference in this Bylaw to a statute or another Bylaw, shall be read as a reference to any such statute or Bylaw as amended from time to time and any statute or Bylaw enacted to replace the statute or Bylaw referenced.

22. CONTRAVENTION

Any person who breaches any provision of this Bylaw is guilty of an offence punishable on summary conviction:

- (a) \$2,000.00 in the case of an individual; or
- (b) \$5,000.00 in the case of a corporation

COMING INTO FORCE AND REPEAL

Bylaw No. 2018-04 is hereby repealed.

This Bylaw shall come into force and take effect on, from and after the final passing thereof.



Mayor
Curtis Boyes



Valerie Schlosser
Chief Administrative Officer

Introduced and read a first time on February 15, 2023
Read a second time on March 14, 2023
Read a third time and hereby adopted on March 14, 2023

**TOWN OF DUNDURN
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UTILITY MANAGEMENT BYLAW**

SCHEDULES TO BYLAW 2023-02

SCHEDULE "A"

New Application Service Fee

Application and Account Setup Fee: \$75.00

FORM 1 - Town of Dundurn New Utility Set Up

FORM 2 - Paperless Billing Authorization

SCHEDULE "B"

Connection Fee – New Connection in Developed Subdivision

(Existing sub-divisions and development agreements)

New water service connection infrastructure fee \$ 1,800.00

New sewer service connection infrastructure fee \$ 6,200.00

SCHEDULE "C"

Capital Connection Levy

New Capital Connection Levy \$2,076.00

Charged and payable to Dundurn Rural Water Utility

SCHEDULE "D"

Meter Service Deposits and Administration Fees

Deposit to be paid by the subscriber:

For the supply of an over-sized meter: \$250.00

For the testing of a meter: \$150.00.

Administration Fees chargeable for meter services:

For the supply of an over-sized meter: 20% of the amount to be invoiced to the Town by the supplier;

For the supply of a replacement meter: 20% of the amount invoiced to the Town by the supplier;

For the testing of a meter: \$20.00.

SCHEDULE "E"

Administration Fee Not Specified

Administration Fee payable if not otherwise provided for: \$50.00.

SCHEDULE "F"

Temporary Service

Deposit to be paid by applicant for temporary service: \$500.00.

SCHEDULE "G"

Connection Service Charges

Rate payable for shut off for disconnection or turn on or reconnection:

Initial call-out:

Connection \$100.00

Disconnection \$100.00

Outside normal working hours \$150.00

Each subsequent call-out: \$50.00

**TOWN OF DUNDURN
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**Town of Dundurn
New Utility Set Up**

Date:

New Account Y/N _____

Name 1

Phone # and Email

Name 2

Phone # and Email

Mailing Address

Civic Address

Account start date
MM/DD/YY

Connection Fee Payable
\$100

Debit

☐

Cheque

☐

Cash

☐

Credit Card

☐

Receipt No.

Signature of Owner 1

Date

Signature of Owner 2

Date

For Office Use Only:

Property Account No.

Previous Owner Name

Customer Account No.

Forwarding Address

Contact Number/Email

**TOWN OF DUNDURN
BYLAW 2023-002
UTILITY MANAGEMENT BYLAW**



Paperless Billing Authorization

The Town of Dundurn offers residential and commercial customers the opportunity to receive municipal notices as attachments in an e-mail rather than by regular mail.

Consent to the use of e-mail for the delivery of municipal notices includes agreement with the following:

1. Failure to receive an e-mailed municipal notice does not release me from my responsibility to pay any charges specified on the notice, or any penalties which may be incurred by late payment.
2. I will inform the Town of Dundurn of any change in my e-mail address as soon as possible, to prevent the misdirection of notices and reduce the risk of my not receiving a notice.
3. I may withdraw from e-mail delivery at any time. To do so I will inform the Town of Dundurn, and future notices which were previously emailed will be sent by regular mail with an additional charge of \$2.00 per bill.

**CUSTOMER ACKNOWLEDGEMENT AND CONSENT TO HAVE THE FOLLOWING
EMAILED**

**RETURN TO: info@townofdundurn.ca, Fax 306-492-2360 or Mailbox 185, 300 Third Ave, Dundurn SK
S0K 1K0**

☐ I wish to receive all bills, receipts, tax invoices/notices, assessment notices, and general invoices or statements sent to me through paperless e-notice billing

☐ I do not wish to receive paperless e-notice billings and understand a charge of \$2.00 will be added to each utility bill mailed out.

Customer name _____ Customer: Utility or Tax Account

Customer Mail Box # and Civic
address _____

Customer phone number

*Customer e-mail address

(mandatory)

I acknowledge that I have read and fully understand this document, and consent to the delivery of municipal notices as selected above from the Town of Dundurn.

Customer signature _____ Date _____