

# TOWN OF FORT MACLEOD BY-LAW NO. 1834

## A BYLAW OF THE TOWN OF FORT MACLEOD TO AMEND BYLAW #1805 BEING A BYLAW RESPECTING THE MANAGEMENT AND REGULATION OF SEWERS WITHIN THE TOWN

WHEREAS the Municipal Government Act, Chapter M-26, RSA 2000, as amended, provides for a Municipal Council to issue a bylaw to amend its existing Sewer Bylaw.

NOW THEREFORE the Municipal Council of the Town of Fort Macleod duly assembled, enacts as follows:

1. The Town of Fort Macleod Sewer Bylaw #1805 shall be amended as follows:

### **ADD: PART II(a) – ADMINISTRATION OF UTILITY AND COLLECTIONS**

#### 2.0 Application for Utility Service

- a. The utility services shall be under the general supervision and control of the Town Municipal Manager.
- b. The Public Works Foreman and Chief Financial Officer shall exercise the powers and perform the duties with respect to the utility services conferred and placed upon them by this and any other Bylaw of the Town applicable thereto and any order or direction the Town Municipal Manager or Council with respect thereto.
- c. Any person who requires any utility services shall apply to the Town Office on a form provided by the Town, such form may be changed from time to time by the Chief Financial Officer. Accounts may not be changed or transferred under circumstances other than those described above and pay a non-refundable application fee as per Schedule "A".
- d. An application shall be supported by such identification and legal authority of the Applicant as the Chief Financial Officer may require.
- e. The utility account shall be set up in the name of the property owner as per Land Titles notification. Any owner desiring to have a copy of the Town utility billing forwarded to a tenant at a tenant's mailing address may direct the Town to do so by making application at the Town Office on the printed forms provided by the Town. The application must be signed by both the property owner and the tenant. The property owner is ultimately responsible for any outstanding charges, arrears and penalties from utility billings.

- f. The owner is responsible to ensure the payment is received in the Town's bank account by the due date. Owners must consider the bank's timing to process a payment. If a payment is received after the due date the responsibility for the late payment falls to the owner. Allowance for bank processing time of electronic funds transfer (EFT) is the responsibility of the property owner.
- g. Upon making application, providing all information required by the Town, and paying the application fee and any other sums herein required, there shall thereupon be a binding agreement between the Consumer and the Town, for the utility service applied for, and the provisions of the application and this Bylaw shall constitute the terms and conditions of such agreement.
- h. provision, agreement, term, condition, or representation not contained in an application for utility service or in this Bylaw shall form any part of the Contract between the Town and a consumer for utility service.
- i. The Town shall not be obligated to provide utility services until access has been provided to the premises (if necessary) to enable the Town to obtain an initial meter reading for each utility service which is metered.
- j. Where the Applicant is indebted to the Town for any utility services previously provided, the Town may refuse to provide any utility services until such amount is paid in full or until arrangements for payment are made satisfactory to the Chief Financial Officer.
- k. The Contract for utility service is not transferable and shall remain in full force and effect until the consumer notifies the Town Utility Office in writing prior to the termination or transfer date, of his desire to terminate the Contract or until the said Contract shall have been terminated by the Town.
- l. The Town does not guarantee the continuous uninterrupted supply of any utility, and the Town, its officers, employees or agents shall not be liable for any damages of any kind due to or arising out of a failure to supply a utility.
- m. All Schedules attached and form part of this Bylaw may be amended from time to time by simple resolution of Council.

#### 2.1 Termination and/or Temporary Disconnection

- a. Upon notification by the consumer in writing prior to the disconnect date, to the Town to terminate his Contract, the Town shall obtain a final reading of any meter as soon as reasonably practical and the consumer shall be liable for and pay all of the rates and charges payable hereunder until the time of such final meter reading.
- b.
  - (i) When the premises to which utility service is provided becomes vacant and no new application for service has been made the owner will continue to be responsible for the monthly basic charge and any consumption charges as indicated in Schedule "A",
  - (ii) A tenant or owner may request a temporary discontinuance of a service in which case the tenant or owner shall be responsible for the monthly basic charge as indicated in Schedule "A". If there is any consumption over and above the basic charge during this temporary discontinuance, the owner/tenant will be responsible for its payment.
  - (iii) Nothing herein shall prevent the owner from requesting that the Town disconnect such utility service provided the owner pays the service charge prescribed in Schedule "A". The owner shall be responsible for a minimum monthly basic charge as indicated in Schedule "A".

c. The Town may discontinue the supply of all utility service for any of the following reasons:

- (i) non-payment of any utility accounts, or inability of the Town to obtain access to a residential premises to read, repair or replace any meter for a period of six months, or to a non-residential premises to read, repair or replace any meter for a period of three months, or
- (ii) failure by, or refusal of, a consumer to comply with any provision of this Bylaw, or
- (iii) failure by, or refusal of, a consumer to comply with any provisions of any Provincial Acts, the Building Code, or any regulations thereunder, or
- (iv) in any other case provided for in this Bylaw.

and in such event the Town, its officers, employees or agents shall not be liable for any damages of any kind from such discontinuance of service.

## 2.2 Service Disconnection

- a. No permit for the demolition or removal of a building shall be issued by the Town nor shall any person cause, permit or allow to be demolished or removed a building connected to a utility service line or main until there has been paid to the Town the cost of disconnecting the utility service in the amount required under this Bylaw, including costs of meter and appurtenances and such utility services have been disconnected. Notwithstanding the foregoing, the Public Works Foreman may, in circumstances which he considers appropriate, permit the service to remain connected to the utility service line or main.
- b. Request for permit for demolition or removal of a building shall be given a minimum of two (2) working days prior to commencement of said work.

## 2.3 Administration Fees

Every consumer shall at the time of application for a utility service, pay an administration fee as per Schedule "A".

## 2.4 Service Charges

### a. Disconnection/Reconnection

- (i) A consumer shall pay a disconnection service charge as per Schedule "A", which may be added to his account for any service call which is made for the purpose of discontinuing a utility service, pursuant to Section 2.2 (b) of this Bylaw, or at the owner's request, for whatever reason, to have services discontinued.
- (ii) Where a service call is made for the purpose of restoring services a reconnection service charge as per Schedule "A" may be assessed to the consumer's account where utility services were previously discontinued pursuant to Section 2.2(b), or to the owner's account where utility services were previously discontinued at the owner's request.

### b. Service Call

When a consumer requests that a Town employee attend at his premises with respect to any matter relating to the supply of utility services or the servicing of the same, and for any reason whatsoever the Town employee is unable to enter the said premises, or if the call is for failure of service not attributable to the Town Utility service, the consumer shall pay a fee as per Schedule "A".

### 3.0 PAYMENT OF UTILITY ACCOUNTS

#### 3.1 Rates & Charges Payable

All rates and charges payable hereunder shall be paid to the Town within the time prescribed by this Bylaw.

- a. The entire utility account is due and payable when rendered and if not paid by the penalty date stated on the utility bill is deemed to be in arrears. Failure to receive a utility bill does not relieve the customer of liability.
- b. A consumer who has not paid the full utility account rendered on or before the penalty date stated in the utility account may have the supply of all or any utility services discontinued without notice. The Town reserves the right to disconnect utility services to any consumer whose utility account falls into arrears if the utility account remains unpaid after 7 days of being notified of such arrears by letter. The utility service will not be reinstated until all arrears and charges owed to the Town are paid.
- c. In the event that such utility bill for water and wastewater services remains unpaid thirty (30) days following the due date, the said due date considered to be the date of receipt and the said date of receipt considered to be four (4) days after the date of mailing, there shall be added thereto by way of a penalty, an amount which shall be two and one half percent (2.5%) of the then unpaid utility bill. If the principal and initial penalty remains unpaid, compounding can occur at the same rate every thirty days from the imposition of the initial penalty.

#### 3.2 Interim Accounts

- a. In any case in which the Town has rendered an account based upon an estimate of utility consumption, the Town shall, upon reading the meter in respect of which the estimate was made, render an account for such utility service since the time the meter was last read by the Town, after crediting all amounts received from the consumer in respect of such estimated accounts.
- b. Where any service rate or charge is designated by reference to a certain time, the charge for a lesser period of time shall be calculated on a proportionate basis.
- c. The Chief Financial Officer may enforce payment of all accounts rendered hereunder by whatever means he/she considers appropriate in accordance with the Municipal Government Act.

#### 3.3 Appeals/Errors

- a. Notwithstanding any other provision of this Bylaw or the rate schedules forming part hereof, any consumer who feels himself aggrieved in respect of rate charged to him under this Bylaw on the ground that such rates are unfair, unreasonable or discriminatory may, by notice in writing delivered to the Town Public Works Foreman, Town Municipal Manager or Town Chief Financial Officer, specifying the grounds of his complaint, appeal such rates. Such appeal shall in the first instance be heard and determined by the Town Public Works Foreman, Town Municipal Manager or Town Chief Financial Officer, provided that if such consumer is not satisfied with such determination he may, by notice in writing to be delivered to the Town Municipal Manager within 30 days of the date of such determination, further appeal the matter of Council.
- b. In the event an error has occurred in the utility billing:
  - (i) and the town is responsible, the account will be adjusted for 3 billing periods plus the current period
  - (ii) and the consumer is responsible, it shall be adjusted on the date notification is received.

**ADD: PART IX – LIABILITY FOR DAMAGES**

The Town of Fort Macleod is not liable for damages;

- a) Caused by the breaking of any water service mains, water service pipe or attachment,
- b) Caused by the breaking, plugging or stoppage of any sanitary sewer main, or storm sewer main,
- c) Caused by the interference with the supply of any water service necessary in connection with the repair or proper maintenance of the water service,
- d) Caused by the interference with the supply of any sewer service necessary in connection with the repair or proper maintenance of sewers,
- e) Generally for any accident due to the operation of the waterworks system or the sewerage disposal system of the Town unless such an accident is shown to be directly due to the negligence on the Town or its employees.

2. This Bylaw shall take effect on the date of final passage.

3. Bylaw #1805 is hereby amended.

Read a first time in Council this *23* day of *November*, *2015* A.D.

Read a second time in Council this *14* day of *December*, *2015* A.D.

Read a third time in Council and finally passed in Council this *14* day of *December* A.D. *2015*

  
MAYOR

  
MUNICIPAL MANAGER

per-approved operating  
Budget May 11, 2015

**TOWN OF FORT MACLEOD  
Sewer Rates - 3% Increase  
Effective July 1, 2015**

Sewer rates are set from time to time by resolution of Town Council.

**Residential Sewer Rates**

		Basic Rate
F600	Homes	\$33.99/ month
F601	Residential Apt. Blk.	\$23.58/ month / unit

**Commercial Sewer Rates**

		Basic Rate
F602	Offices, Banks, Retail Stores, Lodges, Theatres, Barber Shop, Bakery, Elevators, Churches, Drive-In Restaurants, Halls, Service Stations	\$33.99/m
F603	Garages, Funeral Home, Clinics, Assisted Living Homes, Doctor, Dentist, Veterinarian	\$80.83/m
F604	Restaurants, Legion, Dry Cleaners	\$101.49/m
F605	Industrial Plants	\$135.46/m
F606	Hospital, Nursing Home, Lodges, Schools, Coin Laundry	\$169.13/m
F607	Hotels, Motels - Basic Rate	\$69.54/m
F608	Residential Sewer (Apartment) - 1 month only	\$23.58/m
F607	Hotels, Motels per unit rate	\$6.87/m
F609	Car and truck Wash - per bay	\$67.84/m
F610	Vacuum truck Waste Dumping	\$141.53