

SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1191-09

A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE SETTING AND COLLECTION OF WATER AND SEWER RATES, FEES AND CHARGES.

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PURSUANT TO provisions of the *Municipal Government Act*, Chapter M-26, 2000 and amendments thereto:

WHEREAS, the Smoky Lake County operates a water supply and distribution system, and waste water collection system; and

WHEREAS, the owner of a parcel of land is responsible for the construction, maintenance and repair of a service connection of a municipal public utility located above, on or underneath the parcel; and

WHEREAS, there are substantial costs involved in the operation and maintenance of the aforementioned services; and

WHEREAS, it is the intention of the County Council that wherever possible, the cost of providing the service be paid for by the user;

NOW THEREFORE, the Council of Smoky Lake County, in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, does hereby enacts as follows:

**SECTION 1: NAME OF THIS BYLAW**

1.1 This Bylaw may be cited as the "**Water and Sewer Bylaw**".

**SECTION 2: APPLICATION FOR SERVICE**

2.1 An application for service shall be made at least 48 hours in advance of the expected date; of connection, *as per Schedule "B": Application for Utility Service*.

2.2 All users of water service must allow the Smoky Lake County's authorized agent to have the right to enter the owner's property at periodic intervals to inspect and exercise CC valves.

2.3 All service applications shall be made in the name of the Owner of the Property. In the event of the property being occupied by a tenant other than the owner, a copy of the Utility Bill, at the request of the owner, shall be mailed to the tenant. The account, however, shall remain the responsibility of the property owner .

2.4 It shall be the responsibility of the Owner or Occupant of the property to ensure that employees of the county or its duly authorized agents have safe access to the CC valves.

2.5 A service application fee shall be charged each time there is a change in the ownership of the property, and at the request of the owner, when the owner wishes to attach the name of a tenant to the account or change the name of the tenants.

- 2.6 Weeping tile must not connect to the sanitary sewer system. Weeping tile must connect to a sump and water shall be discharged by a sump pump to an exterior splash pad that drains away from the foundation.
- 2.7 It shall be the responsibility of the property owner to install a check valve prior to the sewage connection, to prevent flooding in the event of a sewage backup.

**SECTION 3: FEE FOR SERVICE**

- 3.1 A charge shall be made against the owners of all properties which are served by the Utility Services for the supply and distribution of water and disposal of Sewage where applicable, *as per Schedule "A": Fees and Charges.*
- 3.2 Monthly, the Smoky Lake County shall mail each owner of land where water and sewer services are supplied a statement of water and sewage services used during the previous month at a rate set by council.
- 3.3 The statement shall name a day and the place when and where such charges are to be payable.
- 3.4 The rates hereby imposed shall be payable monthly, by the owner, or his designate or Agent, on or before the last day of the month following the month for which the service was supplied. This date shall be set out on the notice mailed to the owner each month.
- 3.5 The record of the County of the mailing of such notice shall be sufficient evidence that the notice was sent to the last known address of the person to be charged. The failure to receive such notice does not relieve the person to be charged, from the penalties hereby imposed.

**SECTION 4: PAYMENT OF ACCOUNTS**

- 4.1 The Utility Bills shall be due and payable on the date of issue, and shall be deemed overdue and subject to a penalty if unpaid beyond one month after the last day of the month for which the utilities were consumed.
- 4.2 Accounts shall be considered paid if payment is received at the County Office at time of opening on the first working day following the last day of the month. (Note: some banking institutions require up to three days to forward payments.)
- 4.3 In the event a Utility Bill remains unpaid at the end of two months from the last day of the month for which the utilities were consumed, the County shall have the right to disconnect the water supply to the property to which the rates were charged.
  - 4.3.1 Service shall not be restored until the full amount of the bill, current and arrears, plus a reconnection charge is paid.
  - 4.3.2 Disconnection for non-payment of utilities shall be performed between the hours of 8:30 a.m. and 4:00 p.m.
  - 4.3.3 Reconnection will only be performed during normal working hours (8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays).
  - 4.3.4 If reconnection is required after hours, the full amount of the account shall be paid, plus an extra charge shall be charged and paid, prior to reconnection, to cover the overtime costs which shall apply. This payment shall be paid, in cash, to the County's "on call" employee or agent prior to the service being reconnected.

- 4.4 In default of payment of the said rates, after the day named, the Smoky Lake County shall have the right to enforce payment of the said rates by transfer of the municipal Utility service to the owner's tax account.
- 4.5 In the event of a payment, either by cheque or direct deposit, being returned for insufficient funds, a charge of TWENTY FIVE DOLLARS (\$25.00) shall be added to the account and the payment shall be charged back to the account. The account shall then be treated as if it has remained in the arrears and shall be treated as an arrears account.

**SECTION 5: CONSTRUCTION OF A SERVICE CONNECTION FROM THE MAIN LINE**

- 5.1 This section applies when the main lines of the system or works of a municipal public utility are located above, on or underneath a road or easement and the municipality provides the municipal utility service to a parcel of land adjacent to the road or easement.
- 5.2 The Council may as a term of supplying the municipal utility service to the parcel of land make the owner responsible for the cost of construction, maintenance and repair of the portion of the service connection from the main line of the system or works to the boundary of the road or easement.
- 5.3 If the owner is responsible for the costs of the construction, maintenance or repair referred to in subsection (5.2), those costs are an amount owing to the municipality by the owner.
- 5.4 An agreement shall be executed between the County and the Owner detailing the project, costing and responsibility; and may include a deposit, plus a performance bond.

**SECTION 6: CONNECTION OF SERVICE**

- 6.1 No person other than an employee of the County or its' duly authorized agent shall turn off or turn on the water supply from the County's supply system to the owner's premises or attempt to do so.
- 6.2 The cost of connecting an owner's water or sewage service with the County's water and sewer mains at the property line of the owner shall be borne by the owner, but no such connection shall be made without notice to the County and until such time as the proper inspections have been made by the County to ensure compliance with the County's standards and provincial standards. The property owner is responsible for all costs including the contractors fees. A County employee or duly authorized agent must inspect the service prior to backfilling.
- 6.3 The owner of a parcel of land is responsible for the construction, maintenance and repair of a service connection of municipal public utility located above, on or underneath the parcel.
- 6.4 If the municipality is not satisfied with the construction, maintenance or repair of the service connection, the municipality may require the owner of the parcel of land to correct in accordance with its instructions with respect to the construction, maintenance or repair of the system or works by a specified time.
- 6.5 If the thing has not been done to the satisfaction of the municipality within the specified time or in an emergency, the municipality may enter on any land or building to construct, maintain or repair the service connection.

**SECTION 7: WATER RESTRICTIONS**

7.1 The County reserves the right to enforce water usage restrictions for emergent situations including but not restricted to fire protection, shortage of water supply, or misuse of the service.

**SECTION 8: DISCRETION**

8.1 Discretionary power shall be awarded to the County's Chief Administrative Officer to be exercised in unique or special circumstances.

**SECTION 9: EFFECTIVE DATE OF BYLAW**

9.1 This Bylaw shall take effect on the day of the Third and Final Reading.

**SECTION 10: REPEAL**

10.1 That Bylaw NO. 1165-08, known as the "*Water and Sewer Bylaw*" be and is hereby repealed.

READ FIRST TIME THIS 27<sup>th</sup> DAY OF July, 2009.

READ A SECOND TIME THIS 27<sup>th</sup> DAY OF July, 2009.

READ A THIRD TIME AND FINAL PASSED THIS 27<sup>th</sup> DAY OF July, 2009.

\_\_\_\_\_  
REEVE

SEAL

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE "A"**

**FEES AND CHARGES**

<b><u>ITEM DESCRIPTION</u></b>	<b><u>COST</u></b>
Reconnection	\$55.00
Renter's Deposit	\$300.00
Sewer Charge: <ul style="list-style-type: none"> <li>• Metered</li> <li>• Un-metered</li> </ul>	\$20.00 \$20.00
Truck Fills: <ul style="list-style-type: none"> <li>• Raw Water</li> <li>• Potable Water: Distributed</li> </ul> <p style="text-align: center;">Garner Lake Provincial Park</p>	\$1.00 per 100 gallons \$1.00 per 80 gallons \$1.25 per 100 gallons
Un-metered Water Service	\$55.00 per month
Water Meter Deposit: <ul style="list-style-type: none"> <li>• 5/8" meter or service line/tenant</li> <li>• 1" meter or service line/tenant</li> <li>• 1 1/2" meter or service line/tenant</li> <li>• 3" meter of service line/tenant</li> </ul>	\$ 75.00 \$100.00 \$165.00 \$500.00
Water and Sewer Rates: <ul style="list-style-type: none"> <li>• First 3,000 gal. (13.63 m<sup>3</sup>)</li> <li>• Next 7,000 gal. (31.82 m<sup>3</sup>)</li> <li>• Next 140,000 gal. (636.36 m<sup>3</sup>)</li> <li>• Over 1150,000 gal (8681.81 m<sup>3</sup>)</li> </ul>	\$55.00 per month minimum \$4.28 per 1000 gal. per month \$3.75 per 1000 gal. per month \$3.00 per 1000 gal. per month



**SCHEDULE "B"**  
**APPLICATION FOR UTILITY SERVICE**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

BETWEEN:

**SMOKY LAKE COUNTY**  
Box 310, Smoky Lake, Alberta T0A 3C0  
Telephone: 780-656-3730 Fax: 780-656-3768  
a Municipal Corporation in the Province of Alberta  
(hereinafter referred to as "the County")

OF THE FIRST PART

AND

of \_\_\_\_\_  
Telephone: Res: \_\_\_\_\_ Business: \_\_\_\_\_ Cellular: \_\_\_\_\_  
(hereinafter referred to as "**the Owner**") as shown on the tax roll)

OF THE SECOND PART

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The Owner hereby applies to the County to become a Utility customer for the following services:

Water Residential: \_\_\_\_\_

Water Commercial: \_\_\_\_\_

Sewer: \_\_\_\_\_

The Owner agrees to have the County supply the above listed utilities to the Owner.

The County agrees to sell and deliver, so far as is practical for the County to do so, and the Owner will purchase from the County, the Owner's entire need for utilities indicated above.

The utility service application is made for the following location:

Civic Address: \_\_\_\_\_ Legal Land Description: \_\_\_\_\_

The Owner agrees to pay for utilities used and service rendered at rates as may be determined by the County from time to time.

Services will be discontinued upon approval of the Owner if an outstanding utility bill is sixty (60) days in arrears or if the account is not paid in full upon termination. The services will not be reconnected until all arrears are paid by the Owner. A **Reconnect Fee of \$55.00** will also be charged by the County and must be paid prior to utilities being restored.

Service charges for water and sewer will be billed monthly whether or not consumed. Request for disconnection must be submitted by the Owner before the County will do so. A **Reconnect Fee of \$55.00** will be charged by the County and must be paid prior to utilities being restored.

I have read and agree to the information outlined in this Agreement and have executed this Agreement as of the day first above written.

OWNER:  
Per: \_\_\_\_\_  
Signature

SMOKY LAKE COUNTY:  
Per: \_\_\_\_\_  
Signature

Per: \_\_\_\_\_  
Print Name

Per: \_\_\_\_\_  
Authorized Agent: Print Name