

Corporation of the Town of Bow Island
Utility Services Bylaw No. 2016 07

The Municipal Council of the Town of Bow Island, duly assembled hereby enacts as follows:

1. Citation

This Bylaw is cited as the Utility Services Bylaw.

2. Definitions

- a) **Commercial unit** is a unit serviced by the Town that may contain one or more business entities and includes hotels and motels, churches, the Golden Age Centre, Alfred Egan Home, the Provincial Building, Canadian Legion Hall, Pleasant View Lodge, and the Pleasant View Manor.
- b) **Consumer** will mean a user of utility services.
- c) **Enforcement Officer** will mean a Bylaw Officer, Peace Officer, and a Member of the Royal Canadian Mounted Police or any other employee, which the Town Manager may designate under the circumstances.
- d) **Garbage Cart** will mean the cart, supplied by the Town, to each residential unit for the use by that property to place waste, intended to be removed by the Automated Waste Collection Service of the Town and bearing the serial number, which is on record at the Town Office.
- e) **Highway** will mean the same as in the Traffic Safety Act.
- f) **Multiple residential units** will include apartment complexes.
- g) **Residential unit** will be an individual residence.
- h) **Residential Waste** will mean any waste discarded by Residential Units under normal use.
- i) **Town** will mean the Town of Bow Island and all lands within its corporate limits.

3. Regulations & Provisions

Applications for Service

- a) Applications for all utility services must be made at the Town Office.
- b) Applications for utility services must receive service approval before service is activated or an account is opened.
- c) Service approval will be granted by the Town Manager or Tax/Utility Clerk provided that:
 - i. applicants are new applicants, or
 - ii. where applicable, all other utility service accounts registered with the Town in the applicants name are not in arrears. Should other utility service accounts be in arrears arrangements will have to be made with the Town Manager or Tax/Utility Clerk to pay such arrears prior to service being approved for another account.
- d) Each commercial unit, multiple residential units or residential unit will be considered individual consumers of utilities.
- e) Applicants who are the owners of commercial units or residential units will not be required to pay a deposit prior to services being provided to such units. An administration fee of fifty (\$50.00) dollars is required prior to services being provided to such units.
- f) Applicants who are renters or tenants of residential units and commercial units, will be required to pay a deposit in the amount of one hundred and fifty dollars (\$150.00) plus an administration fee of fifty dollars (\$50.00) prior to services being provided to such units.

Utility Consumer Rates & Rules

- g) Water rates and rules are appended as per section 7 of this bylaw. All approved water services must be metered.
- h) Sewer rates and rules are appended as per section 8 of this bylaw.
- i) Garbage rates and rules are appended as per section 9 of this bylaw.

Billing

- j) Utility bills will be sent to all utility account consumers on a monthly basis effective January 1, 2016 as per the rates noted in Schedule "A" of this bylaw.

k) Where the consumer is the owner of a building or lot, the sum payable by him for services, penalties and fees under this Bylaw are a preferential lien on the land and may be levied and collected as taxes which are recoverable as per the appropriate sections of the Municipal Government Act, being Chapter M 26.1 of the Statutes of Alberta 2000 and any amendments thereto.

l) Special Cases:

i. The facilities located at the following addresses will be classed as individual commercial unit, consumers will be billed accordingly:

102 7th Avenue East
110 7th Avenue East
223 7th Avenue West
229 7th Avenue West

ii. Each unit in the multi-residential complex, four-plex and condominiums will be classed as individual residential units.

m) Penalties

i. All utility accounts remaining unpaid thirty days after date of billing will be considered in arrears and a 5% penalty will be added to such accounts. If the account remains unpaid on the fifteenth of the month following the addition of the penalty, the utility services will be discontinued.

ii. Where a utility service has been discontinued because of arrears, a fee of fifty dollars (\$50.00) and the arrears of the account affected must be paid at the Town Office by the consumer before utility services will be restored to the consumer.

iii. Payment arrangements for the arrears may be made at the discretion of the Town Manager or Tax/Utility Clerk.

n) Temporary Discontinued Service

i. If a consumer requests to have their utility services temporarily discontinued, the Town will oblige such a request,

but a fee of fifty dollars (\$50.00) must be paid to the Town before utility services will be restored to the consumer.

o) Utility Service Meter Tampering

- i. Utility Service Meter Tampering will not be tolerated and fines will be issued as per the Offence Section, being section 4.

4. Offences

- a) A person who contravenes any provision of Section 3 of this bylaw is guilty of an offence and liable to pay a voluntary penalty of not less than two hundred dollars (\$200.00) and not more than ten thousand dollars (\$10,000.00) or in default of payment to imprisonment for a period of not more than one year. Said voluntary penalty will be accepted by the town in lieu of being prosecuted for said offence.
- b) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this bylaw, shall not relieve any person from the obligation to pay any service charges, penalties or fees for which that person is liable under the provisions of this bylaw.
- c) Where the Town Manager, the Tax/Utility Clerk or an Enforcement Officer has reason to believe that a person has contravened any provisions of this bylaw, they may serve upon such person a tag, either personally or by mailing the same to them at their last known address and such service will be deemed adequate notice for the purpose of this bylaw.
- d) The tag will indicate thereon the date of the offence, the time of the offence, the place where the offence occurred and the amount of the offence. The Town may accept the following payments in lieu of prosecution for that offence:
- | | | |
|------|-------------------------------------|----------|
| i. | First offence in any calendar year | \$200.00 |
| ii. | Second offence in any calendar year | \$300.00 |
| iii. | Third offence in any calendar year | \$400.00 |
- e) Where the Town Manager, the Tax/Utility Clerk or an Enforcement Officer has reason to believe that a person has contravened any provisions of this bylaw, and that it is in the best interest of the Town to compel the person to appear in front of a Provincial Court Judge he may issue a Part 2 Summons pursuant to the Provincial Offence Procedure Act of Alberta.

5. Severability Clause

- a) Every provision and clause of this bylaw is intended to be severable. If any provision or clause is held to be illegal or invalid for any reason, such as illegality or invalidity, it shall not affect the validity of the remainder of this bylaw. Likewise should any provision or clause be held invalid in any particular context such invalidity shall not affect the validity of the provision or clause in other contexts.

6. Entering Property

- a) The Town of Bow Island will be allowed access to all serviced properties to read utility service meters.
- b) The Town of Bow Island will give consumers reasonable notice it intends to enter a serviced property at a reasonable time to inspect utility service metering equipment.
- c) The ownership of all meters and read out equipment remains vested in the Town.

7. Water Service Rates

The utility rates for water are set out in Schedule "A" and form part of this Bylaw.

8. Sewer Service Rates

The utility rates for sewer are set out in Schedule "A" and form part of this Bylaw.

9. Recycling Rates

The rates for recycling are set out in Schedule "A" and form part of this Bylaw.

10. Waste Collection Rules

The utility rates for waste collection are set out in Schedule "A" and form part of this Bylaw.

- a) No person, firm, contractor, subcontractor, or occupant, shall deposit, leave, dispose of, or abandon any waste material within the corporate limits of the Town of Bow Island. Any firm, contractor, subcontractor or occupant who does anything or omits doing anything and said act or omission has the effect of

waste material being abandon within the Town of Bow Island is guilty of an offence.

- b) No person shall burn waste material within the corporate limits of the Town of Bow Island without a burning permit.
- c) Every owner or consumer in the Town of Bow Island in possession of residential or commercial premises, or a portion of such premises, will be charged the monthly waste removal charge set herein.
- d) Every consumer will be supplied, by the Town, a Garbage Cart for the retention of all refuse and waste to be removed from their Property by the Town Automated Waste Collector.
- e) All Garbage Carts shall only remain on the Highway on the day for which it is to be picked up by the Automated Waste Collector, and shall be removed from the Highway and returned to within the property line of building or premises within twenty four (24) hours after collection is complete.
- f) No person shall be allowed to construct any new permanent bases for Garbage Carts anywhere on a Highway or on a town right of way.
- g) No person shall be allowed to deface a garbage cart by any means. The only number allowed to be displayed on the cart is the manufactured serial number. However, customers may place their house number, in an inconspicuous place and manner on the lid of the cart. Defacing a cart, or graffiti on a cart, will be dealt with in the same manner as the graffiti section of the Nuisance, Unsightly and Untidy Properties Bylaw.
- h) A consumer from whom waste is to be collected will gather clippings from lawns, shrubs, and trees in bundles, boxes or bags, and place them beside the Garbage Cart during "spring clean up" only; any other times of the year yard waste must be removed to the landfill or compost pile by the customer.
- i) No person shall transport waste products in such a manner that allows waste to fall from the vehicle while in transit,
- j)
 - i. any person who does anything or omits doing anything where such act or omission causes waste products to fall from a vehicle while in transit is guilty of an offence.

- ii. any such waste product being transported to the landfill shall be securely secured in the unit transporting the waste with strapping, chains and/or tarps with sufficient capacity to contain said waste,
- iii. any person transporting waste products must deposit the same in the landfill site at such a place as required by the authorized official in charge or as marked by signs.

Maintenance of Garbage Cart

k) Garbage Carts shall:

- i. not be filled in such a manner as to exceed the manufacturer's rated weight limit,
- ii. not be filled higher than the upper rim or in a manner, which prevents full closure of the lid,
- iii. not have its contents compressed in such a manner that it inhibits the waste from falling freely from the Garbage Cart during the regular tipping process,
- iv. not contain any material which might adhere to the Garbage Cart, unless such material is separately wrapped, or disposed of within individual disposable wrappings prior to being placed in the Garbage Cart,
- v. be maintained in a reasonably clean and sanitary condition; for the purpose of this section "clean and sanitary condition" is in the opinion of the Enforcement Officer acting reasonably,
- vi. in the case of front of property pick up the Garbage Cart must be kept on the property, for which the Garbage Cart was supplied, when not set out for collection,
- vii. be kept with the lid closed, except when depositing residential waste, in order to reduce odours and prevent litter.

- l) Residential Waste that is set out for collection in a manner that contravenes the provisions of Section (k)(i through vii) will not be picked up by collectors and will become the responsibility of the customer to be remove. Any person who does anything or omits doing anything where such act or omission has or may have the effect of causing or permitting Residential Waste to be set out for collection in a manner that contravenes said section is guilty of an offence.

- m) Substances that are prohibited to be placed in a Garbage Carts and will not be picked up by the collectors:
- i. Anything more than 4 feet (120 centimetres) long at any point,
 - ii. a tire, or any kind of automotive part, which includes used automotive oil of any nature notwithstanding it is sealed within a container or not,
 - iii. the whole or any part of any building material, which includes but is not limited to a fencing, gates, furniture, or any lumber, drywall, or any other type of building material,
 - iv. Yard sod, bricks, rocks, cement or dirt,
 - v. Cooking oil of any nature,
 - vi. metal pipe, tubing or any large appliance or plumbing fixture such as, but not limited to a toilet, sink, tub, refrigerator or range,
 - vii. hazardous waste, and/or
 - viii. an animal carcass or any part of an animal.

Any person who places any substance or thing, listed in this section, in a Garbage Cart is guilty of an offence.

- n) A substance not classed as hazardous waste, but that may put the health and safety of collectors at risk, including but not limited to and without limitation:
- i. broken glass, needles, razor blades or other sharp objects or
 - ii. human or animal feces, or
 - iii. sawdust, ashes, or any other kind of powdery material that may blow into the face of a collector,

unless, such substance is securely contained within a Garbage Cart, so that collectors do not come into direct contact with it.

- o) A person who sets out for collection any residential waste at a place, in a manner or in a container that contravenes any part of this bylaw is guilty of an offence.

RESPONSIBILITY OF CUSTOMERS

- p) Every customer to whom the Town provides a Garbage Cart shall:
- i. set the cart out the evening before their scheduled pickup and must return the cart within their property line no later than twenty four (24) hours after pick up,
 - ii. when set out for removal, place the Garbage Cart so that it is easily accessible by the Automated Waste Collector, and the operator is not required to exit the Automated Waste Collecting Vehicle to move Garbage Carts to an accessible position,
 - iii. keep the Garbage Cart clean at all times, so as not to attract bugs, wild or domestic animals,
 - iv. clean up spillage originating from the cart,
 - v. notify the Town forthwith if the cart is damaged or stolen, and
 - vi. pay the applicable fees set out in Schedule "B" if the cart is damage or stolen.

AUTHORITY TO ENTER LANDS

- q) Subject to section 542 of the *Municipal Government Act*, after giving reasonable notice to the owner or occupier of the land, enter the land to carry out an inspection, remedy, enforcement or action. The Enforcement Officer may:
- i. enter such land at any reasonable time, and carry out the inspection, enforcement or action authorized or required by this bylaw,
 - ii. request anything be produced to assist in the inspection, remedy, enforcement or action,
 - iii. make copies of anything related to the inspection, remedy, enforcement or action, and
 - iv. on request display or produce identification showing that the person is authorized to make the entry.

PENALTIES FOR WASTE COLLECTION RATES AND RULES

- r) Where an Enforcement Officer has reasonable and probable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer

- may commence enforcement against such person by issuing a written order to the person giving a specified time to remedy the violation if a time is not specified by this bylaw,
- s) any person who fails to comply with the written direction of an Enforcement Officer is guilty of an offence.
 - t) A person who contravenes any provision of section 9, being Waste Collection Rates and Rules is guilty of an offence, provided that the offence and penalty is listed in Schedule "C" of this bylaw. A person who contravenes any provision of this bylaw is liable, upon summary conviction, to pay a fine of not less than one hundred (\$100.00) dollars and not more than twenty five hundred (\$2500.00) dollars or in default of payment to imprisonment for a period of not more than six (6) months.
 - u) Where an Enforcement Officer believes on reasonable and probable grounds that an act or omission of a person has caused a contravention of this bylaw he may issue, the person responsible for the act or omission, a violation tag in such form that is prescribed from time to time by the Town. The violation tag prescribed by the Town shall allow for a person to make a voluntary payment to the Town in lieu of prosecution for the offence.
 - v) Notwithstanding section 9(t) where an Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this bylaw he may commence proceedings by issuing a violation ticket/summons by means of Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34.
 - w) Upon issuance of a violation tag pursuant to section 9(t) or a violation ticket/summons pursuant to section 9(u) if an offence is of a continuing nature a new offence is deemed to have been committed for each consecutive day that the offence goes un-remedied.
 - x) Pursuant the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34, the violation ticket/summons issued by an Enforcement Officer shall provide for the person named on the violation ticket/summons to make a voluntary payment in the specified amount set out in schedule "C" of this bylaw; upon making the voluntary payment that person is not required to appear before a justice to answer the violation ticket/summons.
 - y) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this bylaw, shall not relieve any person from the obligation to pay any fines, charges or costs for which that person is liable under the provisions of this bylaw.

- z) Payment of any fine or imprisonment for any period as provided for in this bylaw shall not relieve any person from any civil liability whatsoever which may arise by reason of that person’s contravention of any provision of this bylaw.
- aa) If there is an exemption to any provision of this bylaw it is the duty of the person charged with an offence under this bylaw to prove the exemption.
- bb) In this bylaw the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter was expressed, where ever the context is applicable.
- cc) It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provision, and it is further the intention of the Council that if any provisions of this bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this bylaw shall remain valid and enforceable.
- dd) The documents attached hereto and marked Schedules A, B & C are hereby incorporated into and form part of this bylaw.

11. Repeals

- i) Bylaw 2015:14 are hereby repealed.

12. Readings

Read a first this 12th day of December, 2016.

Mayor
Dated: December 12, 2016

Town Manager
Dated: December 12, 2016

Read a second time this day of ,

Read a third and final time this day of ,

Mayor

Town Manager

Schedule "A"

Water Service Rates

- a) Minimum monthly charge for commercial, multi-residential and residential units will be \$20.00 per unit except as provided in section (e) below.
- b) All individual residential and commercial services will be charged \$1.87 per cubic meter for water.
- c) Mobile home park owners will be charged for water consumption as follows:
 - i. Minimum monthly charge of \$20.00 for each residential unit in the park and;
 - ii. \$1.87 per cubic meter for all water consumed.
- d) Tank supply of water from the Town stand pipe will be at \$1.00 per 80 Imperial Gallons (coin metered).
- e) The key lock metered services from the Town stand pipe will be \$10.00 per 800 I.G.
- f) In addition to (a) above, the minimum charge to a connected service not within the Town boundaries will be an additional \$10.00 per month.

Sewer Service Rates

The Town of Bow Island, effective January 1, 2016 will charge all consumers connected to the Town's sewer system, the following monthly service rates:

- a) Residential

Residential units	\$ 20.25
Multi-Residential units	\$ 20.25
- b) Commercial

Schools, Hospitals, Motels, Hotels, Pleasant View Lodge, Pleasant View Manor Provincial Building	\$ 64.85
All other Commercial Units	\$ 28.06

In addition to the above flat rates, all non-residential premises will be charged an additional sewer service charge of \$.07 cubic meter or portion thereof of water consumed monthly.

c) Services to premises outside of Town boundaries

In addition to the rates above, an additional \$20.00 per month shall be charged to all sewer services provided to any premises not located within Town boundaries.

Waste Collection Rates

The rates for waste collection and disposal services that will be charged to consumers, effective upon 3rd reading of this bylaw will be as follows:

	Pick ups Per Week	Monthly Charge
Residential Units – Single Family Unit	1	\$ 13.00
Multiple Residential Units – Each Unit	1	\$ 13.00
Commercial Units	1	\$ 17.95
Commercial Units	2	\$ 24.03
Grocery Stores/Cafes/Restaurants/Taverns/ Coffee Shops/Motels/Hotels/Holiday Trailer Parks	3	\$ 35.00
Legion Hall	3	\$ 35.00
Hospital & Alfred Egan Home	3	\$149.60
Pleasant View Manor & Pleasant View Lodge	3	\$ 85.45
Churches	1	\$ 13.00
Schools except Senator Gershaw School	1	\$ 17.95
Senator Gershaw School	2	\$ 24.03
Mobile Home Parks – per trailer	1	\$ 13.00

Recycling Fee

All residences and businesses in the Town of Bow Island will be charged a monthly recycling fee of \$2.50 on their utility bill.

SCHEDULE "B"

Damaged Cart	Cost of repair
Stolen Cart	Cost of replacement

SCHEDULE "C"

Section	Offence	1st Offence	2nd or Subsequent Offence in a Calendar Year
10(a)	Act or omission causing waste material to be abandon in the Town	\$150.00	\$250.00
10(g)	Defacing a garbage cart	\$100.00	\$200.00
10(j)(i)	Act or omission causing waste to fall from a vehicle while in transit	\$100.00	\$200.00
10(m)	Placing prohibited material in a Garbage Cart	\$100.00	\$200.00
10(o)	Setting a Garbage Cart out in an Inaccessible manner	\$100.00	\$200.00
10(p)(i)	Setting a Garbage Cart out for pick up outside the specified hours	\$100.00	\$200.00
10(p)(iii)	Failing to keep a Garbage Cart clean	\$100.00	\$200.00
10(p)(iv)	Failing to clean up spillage Originating from a Garbage Cart	\$100.00	\$200.00
10(p)(vi)	Failing to inform the Town of a Damaged or stolen Garbage Cart	\$100.00	\$200.00
10(r)	Failing to comply with a written Direction of an Enforcement Officer	\$150.00	\$200.00