

# TOWN OF DAYSLAND

## BYLAW No. 2009-481

### A WATER METER BYLAW OF THE TOWN OF DAYSLAND, IN THE PROVINCE OF ALBERTA (hereinafter referred to as "the Municipality")

#### THE PURPOSE OF THIS BYLAW IS TO SPECIFY THE TERMS OF THE MANDATORY WATER METERING PROGRAM IN THE TOWN OF DAYSLAND.

**WHEREAS:** The Council of the Municipality of the Town of Daysland wishes to install water meters on all residential, industrial, commercial and institutional premises located within the Municipality that are connected to the municipal water service, and;

**WHEREAS,** the Council of the Municipality deems it necessary and expedient to require the installation and use of water meters that are connected to the municipal water service.

**NOW THEREFORE,** pursuant to the provisions of the Municipal Government Act, Statutes of Alberta, the Council of the Town of Daysland, duly assembled, enacts as follows:

#### PART 1 DEFINITIONS AND INTERPRETATION

##### 1.1 In this By-law:

- (a) "building" means a structure supplied with potable water by the Municipality;
- (b) "consumer" means the owner or occupant of property which is serviced by, connected to, and takes water from, the Municipality's waterworks;
- (c) "contractor" means a person, partnership, or Corporation who has been retained by the Municipality to inspect, install, repair, replace, alter, or maintain water meters and appurtenances thereto.
- (d) "Municipality" means The Municipality of the Town of Daysland, Alberta.
- (e) "meter" means a water meter, register and remote readout unit installed and owned by the Municipality to measure the quantity of water used by a consumer;
- (f) "meter chamber" means any exterior chamber or pit approved by the Municipality for the purpose of containing a water meter and appurtenances thereto;
- (g) "multiple residential" means a single building containing two or more single family units, including, without limitation, apartment buildings, which is serviced by, connected to, and takes water from the Municipality's waterworks;



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- (h) "occupant" includes an owner, lessee, tenant or any other person in possession of premises and the agent of any such person;
- (i) "owner" includes the registered owner of the property under consideration or any agent thereof; a person entitled to a limited estate in land; a trustee in whom land is vested; a committee of the estate of a mentally incompetent person; an executor; an administrator; and a guardian;
- (j) "potable water" means water that is fit for human consumption;
- (k) "premises" means the property being supplied or to be supplied with water;
- (l) "private water service" means the pipes and fixtures used for the purpose of supplying any building with water from the Municipality's water works that is located between the street line in front of or abutting the premises so supplied and the building on the premises;
- (m) "remote read-out unit" means the device installed at a separate location from the water meter and used to provide electronic access to the register on the meter.
- (n) "shut-off valve" means the valve on the Municipality's water service connection owned and used by the Municipality to shut off or turn on the water supply from the Municipality's water distribution system to any premises;
- (o) "water service connection" means the pipes and fixtures used for the purpose of supplying any premises with water from the Municipality's waterworks that is located between the Municipality's water main in the street and the street property line abutting the premises so supplied.

### 1.2 Bylaw to Prevail

Where any inconsistency exists between this Bylaw and any other Bylaw of the Municipality, the provisions of the stricter Bylaw shall prevail and apply.

### 1.3 Headings

The headings in this Bylaw are for ease of reference only and do not affect its interpretation.



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### PART II

#### WATER METER INSTALLATION, REPAIR, MAINTENANCE AND ACCESS

##### 2.1 Meter Required

All water supplied to a premises by the Municipality through a water service connected to the Municipal water service shall pass through a meter supplied by the Municipality for use upon such premises, and the water rate charged shall be that fixed from time to time by the Municipality.

##### 2.2 Installation by Municipality Only

All meters and appurtenances thereto shall be supplied and installed by persons authorized by the Municipality for that purpose.

##### 2.3 Cost of Meter

The Municipality's cost of supplying, relocating and installing water meters and related appurtenances shall be recovered as follows:

2.3.1 There is no charge for the meter or the meter installation during the initial installation period during 2009.

2.3.2 For any other owners, the cost of the meter and meter installation costs shall be paid by the Municipality.

2.3.3 If the meter is mechanically defective, the cost of repairs shall be paid by the Municipality, but if the meter is damaged in any way whatsoever other than by an employee or agent of the Municipality, the owner of the premises shall pay to the Municipality, the cost of making the necessary repair to or replacement of such meter.

##### 2.4 Meter Failure

If a meter fails to register, the consumer will be charged a minimum consumption fee based upon the average consumption of the last three months or, if such data is unavailable, then the cost shall be pro-rated annually based on the previous year's fee and if that data is also unavailable, it shall be estimated by the Municipality whose decision shall be final.

##### 2.5 All Water Charged For

All water passing through a meter will be charged for, whether used or wasted.

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### 2.6 Space for Meter

The owner of premises to be supplied with water shall provide convenient and safe space, free of charge or rent, for the Municipality's meter pipes and other appliances on the premises. No person who is not an employee, contractor or agent of the Municipality shall remove, alter or tamper with any of the Municipality's equipment.

### 2.7 Heat

The owner of the premises to be supplied with water shall provide adequate heat in the premises to prevent frost damage to the meter.

### 2.8 Access

**2.8.1** The owner or occupant of premises shall provide ready and convenient access to the meter and appurtenances so that the meter may be read and examined by persons authorized by the Municipality for that purpose from time to time as required by the Municipality.

**2.8.2** Where a meter cannot conveniently be placed inside a building, it shall be placed in a meter chamber which shall be located and constructed in a manner approved by the Municipality all at the cost of the owner.

### 2.9 Tests, Inaccuracies

**2.9.1** The Municipality shall have the right at any time or times to remove and test any meter and to substitute another meter therefore.

**2.9.2** Upon written request from the owner and payment of a deposit as set out in Schedule "A" of this Bylaw, the Municipality may remove and test a meter. If the meter is found to register correctly or not to exceed a 3% discrepancy, the deposit shall be applied towards the cost of the test and any additional expense incurred in removing, testing and reinstalling the meter shall be paid for in full by the owner requesting such test.

**2.9.3** If a meter, when tested, is found to be inaccurate by in excess of 3%, then a payment shall be made to the Municipality or paid or credited to the owner, as the case may be, based on the consumption for the three (3) months prior to the test if such data is available or otherwise as calculated or estimated by the Municipality. In no case shall any refund or reduction be made which would reduce the water rate below the minimum rate established by the Municipality.

**2.9.4** Where the owner is entitled to a credit or refund under Subsection 2.9.3, the owner shall also receive a credit or refund in the amount of the deposit paid.



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### 2.10 Sealing Meters

The Municipality has the right to seal meters in its discretion and to inspect such seals from time to time.

### 2.11 One Meter per Connection

One (1) meter shall be placed on each single family residential, multifamily residential, commercial, industrial and institutional private water service that has a single connection to the Municipality's water works and the plumbing shall be so arranged that all water used on such premises shall pass through such meter and the owner of the premises shall be held liable for all water charges.

### 2.12 Owner's Liability for Rates

The owner of a premises is liable to pay for rates and charges applicable to such premises, whether or not incurred by authority of the owner, expressed or implied, and whether or not the owner is in occupation of the premises.

### 2.13 Connection to Private Sources Prohibited

There shall be no direct or indirect connection between water lines which are part of a private well and water lines which are part of the Municipality's water system. In addition to any other penalty hereunder or otherwise, failure to comply with this requirement shall result in immediate disconnection of the water supply from the Municipality.

### 2.14 Location of Meters

**2.14.1** Every meter shall be placed in such location as the persons authorized by the Municipality shall direct. Where practical, the meter shall be installed in the basement of residential buildings, and shall be located immediately after the main shut-off valve on the owner's plumbing system so as to ensure that all water supplied to the building passes through the meter. In the event that a building has no basement, the water meter shall be installed in another location in the building or in a meter chamber as authorized by the Municipality.

**2.14.2** The location of a meter, once installed to the standards of the Municipality, shall not be changed by any person except by persons as may be authorized by the Municipality.

### 2.15 Remote Readouts

Where the meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the meter itself and the reading on the read-out device, the Municipality will consider the reading at the meter to be correct and will adjust and correct the owner's account accordingly.

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### 2.16 Leaks

Immediately upon an owner or occupant becoming aware of any leak that may develop at the meter or its couplings the owner or occupant shall report the same to the Municipality. The Municipality shall not be held responsible for any damages resulting from such leaks.

### 2.17 Agreements

The Municipality may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Municipality.

### 2.18 Reading Requests

Any request for a reading of a meter prior to or after a regular reading schedule shall be subject to a fee as established by the Municipality from time to time.

### 2.19 Municipality's Right of Entry

The Municipality has a right of entry on all lands, including buildings, serviced by, connected to or taking water from the Municipality's waterworks as provided in the Municipal Government Act.

## PART III

### REGULATIONS AND PENALTIES FOR OFFENCES

#### 3.1 Offences

Every person is guilty of an offence who,

(i) willfully hinders, obstructs or interrupts, or causes to be hindered, obstructed or interrupted the Municipality or any of its officers, contractors, agents, servants or workman in the exercise of any of the rights or powers hereunder or conferred by the Municipal Government Act;

(ii) wastes water supplied by the Municipality;

(iii) without lawful authority willfully opens or closes any shut off or other valve or hydrant, or obstructs the free access to any hydrant, shut off valve or other valve chamber or pipe by placing on it any building material, rubbish or other obstruction;



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(iv) throws or deposits any unsafe substance into the water or waterworks, or in any other way fouls the water or commits any damage or injury to the works, pipes or water, or causes or encourages the same to be done;

(v) alters any meter placed upon any service pipe or connected therewith, within or outside any building or other place, so as to lessen or alter the amount of water registered; or

(vi) lays or causes to be laid any pipe or main to connect with any pipe or main of the Municipality's waterworks, or in any way obtains or uses the water without the consent of the Municipality.

(vii) in any other way contravenes the provisions of this Bylaw.

### 3.2 Provincial Offences Procedures Act

Every person who contravenes any of the provisions of this Bylaw is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Procedures Act.

### 3.3 Shut Off of Supply

In addition to other sanctions and remedies provided in this Bylaw, the Municipality may shut off or restrict the supply of water to any land where any person has violated any of the provisions of this Bylaw as they relate to such land, and may refuse to restore normal service until the violation complained of has been terminated or remedied. The Municipality will not be liable for any damage to property or injury to person by reason of the shut-off or restriction of the water supply.

## PART IV GENERAL

### 4.1 Effective Date

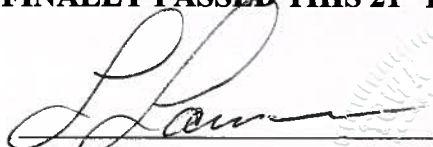
This Bylaw comes into force and effect on the final passing hereof.

**READ A FIRST TIME THIS 21<sup>st</sup> DAY OF OCTOBER 2009.**

**READ A SECOND TIME THIS 21<sup>st</sup> DAY OF OCTOBER 2009.**

**READ A THIRD TIME, WITH UNANIMOUS CONSENT,**

**AND FINALLY PASSED THIS 21<sup>st</sup> DAY OF OCTOBER 2009.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

**TOWN OF DAYSLAND**

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**SCHEDULE 'A'**

**TO BYLAW 2009-481**

**RATES AND CHARGES**

**Charges for Water Meter and Related Appurtenance where cost not assumed by the Municipality:**

"cost to the Municipality" includes all expenditures made and costs incurred by the Municipality in obtaining and installing the item, including taxes, all as calculated by the Municipality"

**Item Rates and Charges**

16 mm x 19mm (5/8" x 3/4") meter \$550.00, plus taxes

**25 mm (1") meter**

Equal to cost to the Municipality + 10% administration fee, plus taxes on fee.

**38 mm (1.5") meter**

Equal to cost to the Municipality + 10% administration fee, plus taxes on fee.

**50 mm (2.0") meter**

Equal to cost to the Municipality + 10% administration fee, plus taxes on fee.

**Meter Pit (excluding meter)**

Equal to cost to the Municipality + 10% administration fee, plus taxes on fee.

**Relocation of water meter**

Equal to cost to the Municipality.

**Water Meter Accuracy Testing Deposit**

\$45.00 for each test

**Non-Compliance with Mandatory Water Meter Program**

Monthly water billing equal to 3 times the amount of the flat rate water charge.

**Non-Compliance with Mandatory Water Meter Program during initial installation period**

Equal to cost to the Municipality to hire local plumber to perform the installation work + 10% administration fee, plus taxes on fee.

