

BYLAW NO. 04-02

OF THE VILLAGE OF LINDEN IN THE PROVINCE OF ALBERTA

Being a bylaw to provide for the establishment and review of utility rates, adjustments, deposits, offset costs, and penalty rates for overdue utility charges

WHEREAS pursuant to the Municipal Government Act, Chapter M-26.1, R.S.A. 1994, and amendments thereto, the Council of the Village of Linden may pass a utility bylaw; and

WHEREAS the Council of the Village of Linden deems it necessary to pass a Bylaw to govern the provision of these utilities; and

WHEREAS the Village of Linden provides municipal utility services to a parcel of land at the request of the owner or occupant.

NOW THEREFORE, the Council, duly assembled, enacts as follows:

PART I – DEFINITIONS:

- 1.1 This Bylaw may be cited as the “Public Utility Bylaw”
- 1.2 Where the provisions of this Bylaw may conflict with the provisions of any other Bylaw of the Village of Linden, this Bylaw shall prevail.
- 1.3 The provisions of this Bylaw shall form part of any contract between the consumer and the Village of Linden for the supply of services.
- 1.4 “Application” means the application made by a consumer to the Village of Linden for the supply of water and sewer utilities, and garbage removal service, which shall be a contract between the consumer and the Village.
- 1.5 “Consumer” means any person who uses water supplied by the Village, discharges waste into the Village sewage lines, or disposes of garbage or refuse destined for the landfill.
- 1.6 “Council” means the Municipal Council of the Village of Linden.
- 1.7 “Curb Stop” means the valve on a village service line.
- 1.8 “Meters” means meters, measuring devices, and all other equipment and instruments supplied and used or owned by the Village or authorized by the Village to be used to calculate the amount of water consumed on the premises upon which such meters are situated.
- 1.9 “Person” includes a consumer who uses water, sewer or garbage services supplied by the Village, a partnership, a firm, a body corporate, a politic, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

- 1.10 “Public Utility” includes water service and sewer service and garbage service to the owner’s property.
- 1.11 “Sewer Service Line” means that portion of a pipe used for the discharge of sewer to the sewer service main.
- 1.12 “Shut Off” means an interruption in or discontinuation of the supply of water or garbage service.
- 1.13 “Village” refers to the Village of Linden in the Province of Alberta.
- 1.14 “Water Service Pipe” means that portion of a pipe used for the supply of water which extends from the water main to the curb stop.

PART 2 – GENERAL

- 2.1 Any person who desires supply of water, sewer and garbage service from the Village shall apply at the Village Office and execute the form of contract, which may be in use from time to time and pay any charges as may be required.
- 2.2 Upon making application and provided that the building to which water is to be supplied is situated upon lands lying along the line of a supply of water, and there is a sufficient capacity or supply thereof, there shall thereupon be a binding agreement between the person making the application and the Village.
- 2.3 The entire water requirements of a person will normally be supplied at a single metering point.
- 2.4 The contract made between the Village and the person for the supply of water is not transferable and remains in full force and effect until the person who has entered into the said contract with the Village, notifies the Village of his/her desire to terminate the said contract.
- 2.5 A person who notifies the Village of his desire to terminate the contract is liable for the costs of services supplied there under.

2.6 SUPPLY OF SERVICE

- (a) The Village may discontinue the water supply for any or all of the following reasons:
- (i) repairs
 - (ii) want of supply
 - (iii) non-payment of account(s) rendered
 - (iv) in any other case in which Council deems it advisable.
- (b) When the Village connects or reconnects water services as a result of such services being discontinued under Section 2.6 (a)(iii), the person shall pay a fee as set out in Schedule “A”, attached to this bylaw.

- (c) The Village does not guarantee the pressure nor the continuous supply of water and the Village reserves the right at any and all times without notice to change the operating water pressure and to shut off water and neither the Village, nor its officers, employees or agents shall be liable for the change in water pressure or for the shutting off of water or by reason of the water containing sediments, deposits or other foreign matter.
- (d) Any consumers depending on water of a particular clarity or purity shall provide such equipment as deemed necessary to obtain such at their own cost.

2.7 USE, ACCESS, RESPONSIBILITY, AND PROTECTION

- (a) Except as hereinafter provided, no persons other than authorized employees of the Village shall open or close or operate or interfere with any valve, hydrant or fire plug, or draw water there from.
- (b) The Chief of the Village of Linden Fire Department, or his designates, are authorized to use the hydrants or plugs for the purpose of extinguishing fire, for fire protection, and for fire training practices, but all such uses shall be under the direction and supervision of the said Chief or his designates, and in no event shall any inexperienced or incompetent person be permitted to manipulate or control in any way any hydrant or plug.
- (c) No person shall in any manner obstruct the free access to any hydrant or valve or curb stop or meter. If it is required to make any repairs or construction changes due to inaccessibility or damage to a hydrant, valve, curb stop, or meter, the owners of the property serviced by the said item, or in criminal matters, the third party, shall be required to assume all costs involved.
- (d) Meters are to be installed on every service connection for the measuring of water usage. All meters shall be protected from interference or injury by frost or otherwise by the property owner. The property owner shall be liable for any damage that may occur to the meter. All meters shall be located on the consumer's side of the approved curb stop.
- (e) Any person whose meter has been damaged by frost or otherwise shall be liable for all costs incurred in the repair of said meter. The person shall be responsible for the repair of any meter so damaged and the cost to repair such damage may be collected in the same manner as water rates.
- (f) The owner of the property shall ensure that the curb stop is at finished grade level at all times.
- (g) Any water service line damaged or frozen between the curb stop and the meter or stop and waste tap shall be the responsibility of the person owning the said property.
- (h) Hereinafter, any water service line damaged or frozen between the curb stop and the street main shall be at the cost of the property owner or the Village of Linden as deemed appropriate by the Municipal Administrator.
- (i) Any sewer service line damaged or frozen between the street main and the improvement or development that it services is the responsibility of the property owner.

- (j) No person shall deposit or leave in or upon any Village sewer, trap, basin, grating, manhole, or other appurtenance of any Town sewer line any offal, grease, oil, garbage, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers, rags, cinders, ashes, tar, feathers, glass or refuse matter of any kind except feces, urine, the necessary toilet paper, waste, water, and slops properly discharged through a house sewer into a Town sewer.
- (k) No person shall permit to be discharged into any sewer, any liquid or liquids which would adversely affect the sewers, or the disposal of the sewage, or any matter or substance by which the free flow of the sewage may be interfered with, or any chemical refuse or other trade water, or any flammable or explosive material.
- (l) No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of the Town sewer, except duly authorized employees of the Village or their designates.
- (m) Any property that does not have a person named as the party responsible for payment of services shall be physically turned off for water service and no garbage removal shall be done.

PART 3 – SPECIAL PROVISIONS

- 3.1 No waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly discharged into any Village sewer without such previous treatment as shall be prescribed by Council or the appropriate Provincial Authority for each such case. The necessary treatment works so prescribed shall be completely installed by the applicant, at his expense, prior to the construction of the sewer connection, and thereafter shall be continuously maintained and operated by the occupant.
- 3.2 Grease, oil, sand, or mud sumps or interceptors shall be provided by the owner, wherein the opinion of the Town they are necessary for the proper handling of liquid wastes containing grease, oil, sand, mud or other ingredients harmful to the sewer system.
- 3.3 No person shall make any connection to, or shall cut or otherwise tamper in any way with a public or Village sewer or water line, without the Villages permission and visual inspection by an authorized employee of the Village.
- 3.4 In the event that a utility service has been discontinued by reason of non-payment, a reconnection fee in the amount specified in Schedule “A” shall be charged and payable in advance of resuming the service.
- 3.5 When the service has been discontinued due to non-payment of account and the same consumer, their spouse or resident offspring requires reconnection, all arrears shall be paid together with the reconnection fee prior to resuming the service.

PART 4 – UTILITY DEPOSITS

- 4.1 A renter or leaseholder shall be charged a refundable deposit, in the amount specified in Schedule “A”, on all accounts receiving water, sewer, or garbage service or a combination thereof
- 4.2 Consumers of a utility where a required deposit has not been paid shall, within fourteen (14) days from the date of written notification, deposit the required amount with the Village Office. Failure to do so shall result in the immediate termination of utility service and/or a fine upon summary conviction in the Provincial Court of Alberta.
- 4.3 The utility deposit is refundable upon the discontinuation of service, and is applied first to any amounts owing for that utility service account.
- 4.4 The utility deposit is transferable to a Utility Account in the same name for another location within the Village of Linden.
- 4.5 Should a utility deposit, or portion thereof, remain unclaimed for a period of five (5) years after the account has been discontinued, the amount of the deposit, or portion thereof, shall be transferred to the general revenue account of the Village of Linden.
- 4.6 No interest shall be paid on the deposit.

PART 5 – BILLING AND COLLECTION

- 5.1 (a) All persons deemed responsible for paying for utility services (water, sewer and garbage) shall be invoiced by the Village of Linden every two (2) months, utility charges at the rates set out in Schedule “A: as attached to this Bylaw.
- (b) The Council may amend, by resolution, any rate set out in Schedule “A”.
- 5.2 (a) A utility bill showing the value of water provided by the Village, the related sewer and garbage charges for a two month period shall be calculated in accordance with the prescribed rates as soon as is practical at the end of the billing period and mailed to the person registered as the recipient of the services.
- (b) The water, sewer, and garbage service charges shall be combined on the same utility bill with any other public utility charges, but separate entries identifying each charge shall be made on the utility bill.
- (c) Where the calculation of a utility billing is based on the consumption of water, the quantity used shall be determined by the difference between the present and previous meter readings, or should an actual reading not be available, by an estimated consumption based on the consumption history of the service or customer of similar characteristics.
- (d) No reduction in rates or charges shall be made for any interruption in water service during a billing period.

- 5.3 (a) An account is due on the twentieth (20th) day after the billing date, as indicated on the face of the account. All payments for accounts must be received by the Village Office by the day that the account is due to avoid penalties.
- (b) Payment of accounts may be made in person, via mail, or at any chartered bank.
- (c) An account that remains unpaid after the due date specified in 5.3(a) shall be assessed a penalty equal to 2.5% of the then unpaid account. The said penalty shall be added to and form part of the unpaid account.
- (d) The first business day after the penalty has been charged a “Disconnection of Utilities Service for Non-Payment” notice shall be forwarded to the person registered as the recipient of the service whose account has not been paid.
- (e) Any person who has not paid the account rendered and has been issued a “Disconnection of Utilities Service for Non-Payment” notice may have the supply of service discontinued five (5) business days after the date of mailing the notice, without any further notice.
- (f) The Municipal Administrator may allow a further period of grace, not to exceed twenty (20) days, within which payment may be accepted for the outstanding account.
- 5.4 (a) The Village may enforce payment of any and all rates, charges and fees imposed in this Bylaw by:
- (i) action in any court of competent jurisdiction;
 - (ii) shutting off the water and/or discontinuing garbage removal;
 - (iii) distress and sale of goods and chattels of the person owing such rates, charges or fees wherever the same may be found in the Village;
 - (iv) adding any unpaid charges for a public or municipal utility service provided to the parcel that are owing by the owner of the parcel, to the tax roll of that parcel of land.
- (b) Any and all amounts owing to the Village related to the construction of capital improvements to a public utility for the benefit of a particular person are deemed to be charges for a municipal utility service and may be collected in any manner that the Village deems appropriate including, but not limited to, the collection procedures set out in Section 5.4(a) herein.
- (c) Service shall not be reinstated until the utility account is paid in full, including:
- (i) payment of all arrears and current amounts owed;
 - (ii) payment of any deposit required;
 - (iii) payment of a reconnection fee.

PART 6 – MISCELLANEOUS

6.1 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than two thousand five hundred dollars (\$2,500.00).

6.2 Bylaw No. 01-99 is hereby repealed.

6.3 This Bylaw shall come into effect on the date of final passing thereof.

READ a first time this 10th day of June 2002

READ a second time this 24th day of June 2002

MOTION to go to third reading.

READ a third time and finally passed this 24th day of June 2002

Mayor

Municipal Administrator

SCHEDULE "A"
WATER, SEWER AND GARBAGE RATES

All rates are based on a two-month billing cycle (February, April, June, August, October, and December)

WATER RATES

For all property classes for water usage the fee shall be:

As of January 1, 2005:

\$8.50 per 1,000 gallons of usage, or portion thereof;
which equates to: \$0.0085 per gallon, or
\$8.50 per 4.55 cubic meters, or
\$1.87 per cubic meter

As of May 1, 2005:

\$9.00 per 1,000 gallons of usage, or portion thereof,
which equates to: \$0.009 per gallon, or
\$9.00 per 4.55 cubic meters, or
\$1.98 per cubic meter

As of September 1, 2005:

\$10.50 per 1,000 gallons of usage, or portion thereof,
which equates to: \$0.0105 per gallon, or
\$10.50 per 4.55 cubic meters, or
\$ 2.30 per cubic meter

SANITARY SEWER RATES

For all property classes, and based on water usage, the fee shall be:

\$6.50 per 1,000 gallons, or portion thereof, or
\$0.0065 per gallon, or
\$6.50 per 4.55 cubic meters, or
\$1.43 per cubic meter

GARBAGE SERVICE RATES

The following rates are based on one (1) pick up per week:

Residential Properties:	\$27.00
Commercial, Industrial and Institutional	\$37.00
Garbage Dumpsters	\$37.00 per bin
Linden Nursing Home	\$45.00 per bin

- Exception: 1. For all garbage dumpster customers requesting an irregular extra pickup, the fee shall be \$15.00 per request.
2. For all garbage dumpsters that are regularly scheduled for pickup twice per week, the fee shall be \$74.00 per bin per billing period.

SCHEDULE "A" CONTINUED

OFFSET COSTS

1. Water Meters:

The Village of Linden must supply all water meters. The fee for the supply of standard and non-standard size water meters shall be based upon the cost incurred by the Village of Linden for same, plus a 10% administration fee.

2. New Development:

Fees for providing services to new developments will be assessed on the basis of the impact of the new development on the existing system and will be set by motion of Council.

3. Deposits:

Water, Sewer and Garbage Service	\$150.00
Garbage Service Only	\$ 75.00

Amended by motion of Council on the 9th day of March, 2009.

Mayor

Chief Administrative Officer