

BYLAW NO. 2010-01

**OF THE VILLAGE OF LINDEN IN THE
PROVINCE OF ALBERTA**

**BEING A BYLAW TO PROVIDE FOR THE ESTABLISHMENT AND
REVIEW OF WATER, SEWER AND GARBAGE SERVICES, RATES,
ADJUSTMENTS, DEPOSITS, OFFSET COSTS AND PENALTY RATES.**

WHEREAS pursuant to the Municipal Government Act, Chapter M-26.1, R.S.A. 2000, 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:

This Bylaw may be cited as the “Public Utility Bylaw”

Where the provisions of this Bylaw may conflict with the provisions of any other Bylaw of the Village of Linden, this Bylaw shall prevail.

The provisions of this Bylaw shall form part of any contract between the consumer and the Village of Linden for the supply of services.

PART I – DEFINITIONS:

- 1.1 “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.
- 1.2 “Ashes” means the residue and cinders from any substance used for fuel, but does not include such residue as may accumulate as a result of building operation.
- 1.3 “Building Waste” means all waste produced in the process of construction, altering or repairing a building, including earth, vegetation and rock displaced during the process of building
- 1.4 “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.
- 1.5 “Contractor” means any person who charges for picking up garbage in the Village of Linden.
- 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 “Garbage” means discarded or rejected ashes, bottles, metal cans or tins, crockery, glass, cloth, paper, food and food waste, wrappings, sweepings and other items of household refuse, but does not include human or animal excrement or industrial/commercial waste or dead animals there from.
- 1.9 “Hazardous Waste” means a solid or liquid material that presents an unusual disposal problem or requires special handling including but not limited to explosives, poisons, caustics, acids, drugs, radio-active materials and other like materials.

- 1.10 “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.
- 1.11 “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.
- 1.12 “Public Utility” includes water service and sewer service and garbage service to the owner’s property.
- 1.13 “Sewer Service Line” means that portion of a pipe used for the discharge of sewer to the sewer service main.
- 1.14 “Shut Off” means an interruption in or discontinuation of the supply of water or garbage service.
- 1.15 “Village” refers to the Village of Linden in the Province of Alberta.
- 1.16 “Waste” means anything that has been discarded as worthless, defective or of no use, including debris resulting from a process that is of no further use to the system producing it.
- 1.17 “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 provide the required information sufficient to allow the Village of Linden to set up a billing account for invoicing.
- 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, the applications shall 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 application 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 agreement with the Village, notifies the Village of his/her desire to terminate the said service.
- 2.5 A person who notifies the Village of his desire to terminate the service is liable for the costs of services supplied there under.

PART 3 - SUPPLY OF WATER SERVICE

- 3.1 The Village may discontinue the water supply for any or all of the following reasons:
- repairs
 - want of supply
 - non-payment of account(s) rendered
 - in any other case in which Council deems it advisable.
- 3.2 When the Village connects or reconnects water services as a result of such services being discontinued under Section 3.1 (c), the person shall pay a fee as set out in Schedule “A”, attached to this bylaw.
- 3.3 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.

- 3.4 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.
- 3.5 The Village shall supply all water meters. For new residential properties a standard size water meter and for new commercial properties a standard or non standard size water meter shall be supplied at the cost set out in Schedule "A". Should a water meter require replacement because of abuse, neglect or misuse the owner will be required to purchase a replacement meter from the Village. Should the Village deem it necessary to replace a water meter because of age or because the meter has become inoperable the Village will do so at their cost.

USE, ACCESS, RESPONSIBILITY, AND PROTECTION OF WATER

- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 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. All meters shall be located on the consumer's side of the approved curb stop.
- 3.10 Any person whose meter has been damaged by frost or otherwise shall be liable for all costs incurred in the repair or replacement of said meter. The person shall be responsible for the repair or replacement of any meter so damaged and the cost to repair or replace such damage may be collected in the same manner as water rates.
- 3.11 The owner of the property shall ensure that the curb stop is at finished grade level at all times. Property owners developing new commercial property shall be responsible for knowing where their curb stop is located and maintain curb stop at grade level.
- 3.12 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
- 3.13 Any water service line damaged or frozen between the curb stop and the street main shall be at the cost of the property owner if deemed to be caused by neglect of service, interference, damage from excavating (or) by the Village of Linden as deemed appropriate by the C.A.O.
- 3.14 No person shall make any connection to, or shall cut or otherwise tamper in any way with a public or Village water line, without the Villages permission and visual inspection by an authorized employee of the Village.
- 3.15 The owner of mobile homes shall be responsible for the supply and installation of back flow devices on the water service supply line to eliminate the possible back flow of water which in turn may cause damage to hot water heating appliances.
- 3.16 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.

- 3.17 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 – SUPPLY OF SEWER SERVICE

- 4.1 Any sewer service line damaged, frozen or blocked between the street main and the improvement or development that it services is the responsibility of the property owner.
- 4.2 No person shall deposit or leave in or upon any Village sewer, trap, basin, grating, manhole, or other appurtenance of any Village sewer line any offal, grease, oil, garbage, litter, manure, rubbish, grass clippings, 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 sewer outlet into the Village sewer.
- 4.3 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.
- 4.4 No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of the Village sewer, except duly authorized employees of the Village or their designates.
- 4.5 Any property that does not have a person named as the party responsible for payment of services, the water service shall be physically turned off and no garbage removal shall be done.

USE, ACCESS, RESPONSIBILITY, AND PROTECTION OF SEWER

- 4.6 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.
- 4.7 Grease, oil, sand, or mud sumps or interceptors shall be provided by the owner, wherein the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease, oil, sand, mud or other ingredients harmful to the sewer system.
- 4.8 No person shall make any connection to, or shall cut or otherwise tamper in any way with a public or Village sewer line, without the Villages permission and visual inspection by an authorized employee of the Village.
- 4.9 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.
- 4.10 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 5 – SUPPLY OF GARBAGE SERVICE

AGREEMENTS

- 5.1 The Council may enter into agreements with the Regional Waste Authority, Special Areas or other Municipalities for obtaining or operation of a regional waste transfer site.

- 5.2 The Council may enter into an agreement with a private collector for garbage collection. Such a private collector will provide the Village with a \$5,000.00 letter of credit from a financial institution that the Village can draw funds from, if required, for clean up and/or repairs to garbage containers or public roadways.

WASTE RECEPTACLES

- 5.3 Every householder and business shall provide waste receptacles to hold seven (7) days garbage or refuse.
- 5.4 All garbage shall be placed in plastic bags and stored in a animal proof waste receptacle no larger than a seventeen (17) gallon capacity and have a tight fitting lid.
- 5.5 The weight of the contents of a waste receptacle shall not exceed fifty (50) pounds.
- 5.6 Every householder and business shall at all times ensure that garbage is kept within the waste receptacle for that purpose and not allow it to spill over or accumulate on any lane, street or adjoining public or private property. Every person shall be held fully responsible for any violation of this section.

GARBAGE STAND

- 5.7 Garbage stands shall be of a height not exceeding twenty-four (24) inches in height and constructed in such a manner so as to prevent being overturned and to accommodate seven (7) days garbage.
- 5.8 Such stands shall be placed on private property and not on boulevards or lanes.

WASTE PREPARATION (HOUSEHOLD)

- 5.9 All waste shall be thoroughly drained and packaged in a plastic bag that is securely tied.
- 5.10 All ashes shall be quenched and secured in a separate plastic bag from other waste
- 5.11 No person shall permit or allow to dispose of any explosive, inflammable, volatile, noxious or dangerous device in the waste receptacle.
- 5.12 Clippings from shrubs and trees must not exceed four feet in length and must be tied securely in bundles not exceeding thirty (30) pounds in weight.
- 5.13 Grass clippings shall be placed in a separate bag, securely tied and clearly marked.
- 5.14 No person shall dispose of any dead animal or parts thereof with the exception of small quantities of domestic pet waste securely bagged and placed in the same bag as other household waste.
- 5.15 Waste oil shall not be deposited in waste receptacles.

WASTE PREPARATION – (COMMERCIAL)

- 5.16 All commercial premises shall provide containers for patrons to deposit wrappings or discarded materials of anything sold or distributed on the property.
- 5.17 All commercial outlets shall cause all surrounding areas such as parking lots, sidewalks, lanes, etc., to be kept clear of litter.
- 5.18 All commercial premises shall collect and deposit waste in an area easily accessible for collection.
- 5.19 All cardboard used for commercial packaging shall be flattened and stacked for collection until such time as recycling containers are available. Once cardboard collection containers are available, the Village of Linden will no longer pick up cardboard to be recycled.
- 5.20 No person shall permit or allow to dispose of any explosive, inflammable, volatile, noxious or dangerous device in the waste receptacle.

COLLECTION OF WASTE

- 5.21 The Village shall provide a collector for the collection of garbage, refuse and waste within the corporate limits of the Village.
- 5.22 Waste, garbage and refuse shall be collected a minimum of once a week (every seven (7) days), excluding holidays, or more often as Council so directs. Commercial businesses may require more than one (1) pickup per week (example of this would be restaurants) and may be billed accordingly. Garbage is limited to 6 bags per week and placed and ready for pickup by 8:00 am on collection days.
- 5.23 Where waste is to be collected from premises situated on land abutting a lane, the owner or occupant of the premises shall place and keep the waste receptacles on the owners property immediately adjacent to the lane.
- 5.24 Where premises from which waste is to be collected, do not abut a lane or where conditions make it impractical to place waste receptacles at the rear of the premises, an owner or occupant may place the waste receptacle on the property immediately adjacent to the front street on designated days for collection purposes only.
- 5.25 All waste unacceptable for removal by the collector shall be disposed of by the homeowner, occupant or business.
- 5.26 No persons shall deposit any garbage, refuse or waste in a garbage receptacle or stand that is not their own or under their direct control.
- 5.27 Council shall ensure that the equipment for waste collection and the manner in which waste is collected and disposed of within the Village shall comply with the regulation of the Alberta Board of Health.

INDUSTRIAL AND/OR DEVELOPMENT SITES

- 5.28 Contractors and/or Developers are responsible for disposal of their own construction debris.
- 5.29 All debris shall be taken to the designated disposal site as deemed by Council and the Waste Management Body.

BURNING REGULATIONS

- 5.30 Burning of domestic, commercial and/or industrial garbage and debris is strictly prohibited within the corporate limits of the Village.
- 5.31 Burning barrels and ground burning shall not be permitted.
- 5.32 Burning of leaves, shrubbery and clippings shall not be permitted.
- 5.33 Burning of firewood shall be permitted for recreation purposes in designated fire pits at the campground or on private property in a fireplace or pit specifically designed to contain a fire so long as the fire is covered by a grate.

SPRING AND/OR FALL CLEAN UP

- 5.34 Council may at any time call for a spring or fall clean up for the collection of tree branches, grass clippings and garden waste.
- 5.35 Grass clippings and garden debris shall be bagged, tree branches shall be no longer than 4 feet in length.
- 5.36 Notification of the above special pickups will be communicated to residents by posting in the Village of Linden advertising space in the Capital newspaper or my any other means as directed by the C.A.O.

REFUSAL OF SERVICE

- 5.37 Collectors may refuse to collect refuse, debris or waste products that have not been securely packaged or contained, or if the containers have been ripped or torn to allow spilling or scattering of the contents.
- 5.38 Service may be refused for any other reason deemed sufficient and reasonable by Council.

DISPOSAL GROUNDS

- 5.39 Kneehill County is the owner of the Disposal Site. Hours and Days of operation are set by Kneehill County
- 5.40 Any person using the transfer site must deposit same where directed by the attendant or signage and obey all posted signs, directions, instructions or orders given by the attendant.

PART 6 – DEPOSITS

- 6.1 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.
- 6.2 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.
- 6.3 The deposit is refundable upon the discontinuation of service, and is applied first to any amounts owing for that utility service account.
- 6.4 The deposit is transferable to a Utility Account in the same name for another location within the Village.
- 6.5 Should a deposit, or portion thereof, remain unclaimed for a period of two (2) 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.
- 6.6 No interest shall be paid on the deposit.

PART 7 – BILLING AND COLLECTION

- 7.1 (a) All persons deemed responsible for paying for utility services (water, sewer and garbage) shall be invoiced by the Village every two (2) months (February, April, June, August, October and December), at the rates set out in Schedule “A: as attached to this Bylaw.
- (b) The Council may set or amend, by resolution, any rate set out in Schedule “A”.
- 7.2 (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. Estimates will be made using 3 prior billing periods when data is available on the service or customer or by using a service or customer with similar characteristics.

- (d) No reduction in rates or charges shall be made for any interruption in water service during a billing period.
 - (e) All properties serviced with water and sewer shall pay a fee for garbage whether the property is developed or not.
- 7.3
- (a) An account is due on the twentieth (20th) day of the month following the billing period, 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, deposited through the mail slot, by regular mail, telephone or internet banking or at any chartered bank.
 - (c) An account that remains unpaid after the due date specified in 7.3(a) shall be assessed a penalty of the then unpaid account as set out in Schedule "A. 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 . In the event the owner is not the recipient of services, a copy of the disconnection notice shall be sent to the owner
 - (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 water, sewer and/or garbage collection discontinued five (5) business days after the date of mailing the notice, without any further notice.
 - (f) The C.A.O. may allow a further period of grace, not to exceed twenty (20) days, within which payment may be accepted for the outstanding account. The C.A.O. may authorize unpaid accounts be transferred to property tax accounts if the recipient of the service is the owner of the property.
- 7.4
- (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 7.4(a) herein.
 - (c) Service shall not be reinstated until the utility account is paid in full, including:
 - a. payment of all arrears and current amounts owed;
 - b. payment of any deposit required;
 - c. payment of a reconnection fee.
 - (d) Any industrial or development site or property which does not remove its waste or debris in a manner acceptable to the Village shall be charged for costs incurred by the Village to have the waste removed. If the bill is not paid, the charges shall be added to the property tax roll.
 - (e) Any owner or occupant of lands or premises shall be entitled to remove their own garbage, waste or refuse at his own expense and to employ some other person or firm for such purpose, but such actions shall not relieve such person of his liability to the Village for the cost of removing garbage, refuse or waste from their land or premises levied pursuant to this bylaw.

PART 8 – PENALTIES

- 8.1 Where a person is alleged to have breached any of the provisions of the garbage section of this bylaw, the Bylaw Enforcement Officer or any official, designated by Council may serve upon such person a written notice specifying the offense and requiring payment to the Village of an amount specified on the notice as set out in Schedule “A”.
- 8.2 A person served with notice of an offence may pay to the Village the specified amount, out of court and in lieu of appearing in answer to the charge.
- 8.3 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).

PART 9 - MISCELLANEOUS

- 9.1 Bylaw No 04-02 and all amendments thereto and Bylaw No 01-01 be rescinded upon the passing of Bylaw No 2010-01.
- 9.2 Rates are set and/or amended by resolution of council.
- 9.3 This Bylaw shall come into effect on the date of final passing thereof.

READ a first time this 22nd day of February, 2010.

READ a second time this 22nd day of February, 2010.

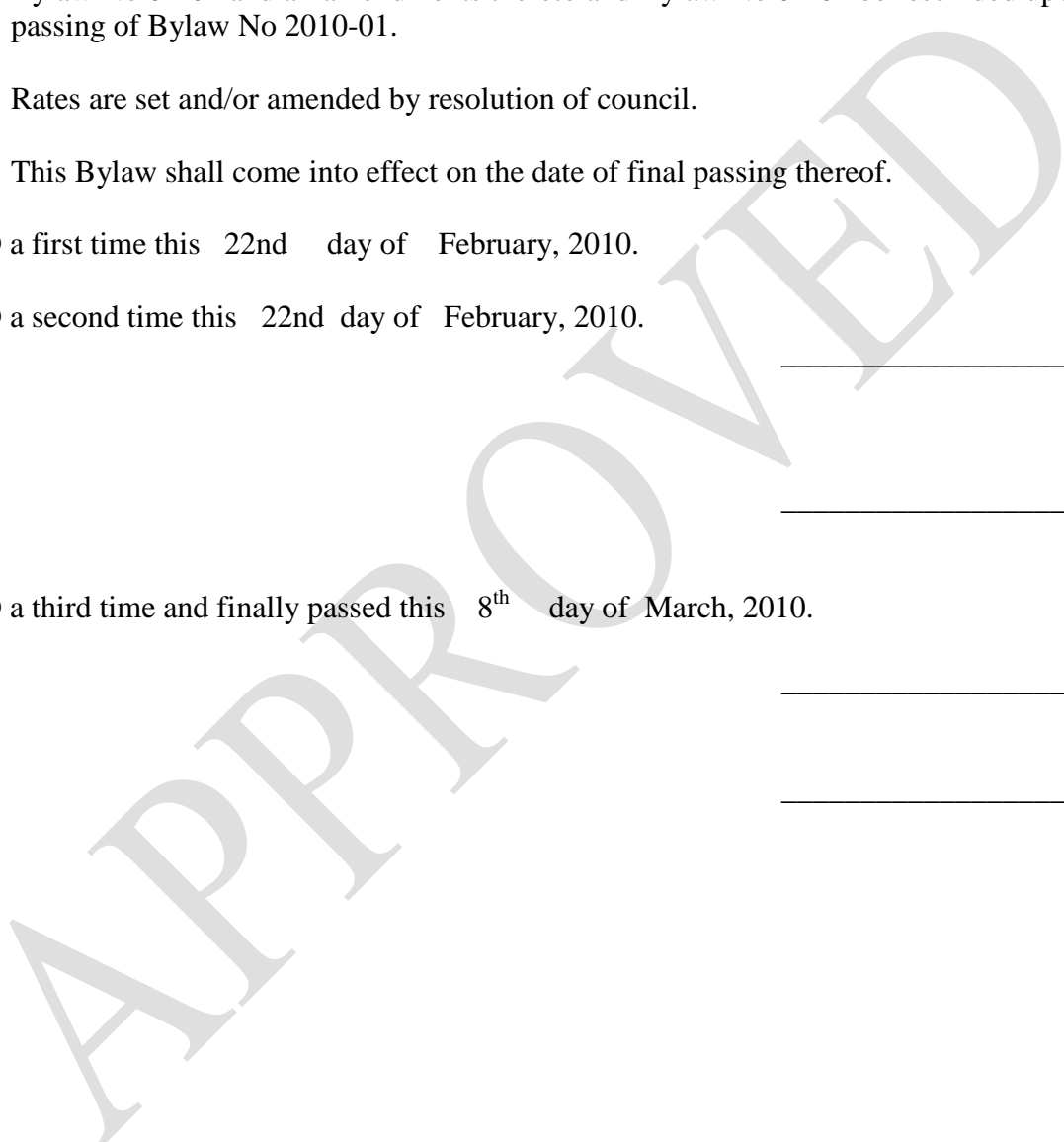
MAYOR

C.A.O.

READ a third time and finally passed this 8th day of March, 2010.

MAYOR

C.A.O.



SCHEDULE "A"

WATER, SEWER AND GARBAGE RATES

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

Schedule "A" may be amended at any time by resolution of council.

WATER RATES

Basic Fee	\$30.00/per utility account
Consumption	\$ 3.60 per cubic meter

SANITARY SEWER RATES

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

\$1.43 per cubic meter or portion thereof (\$0.0065 per gallon)

GARBAGE SERVICE RATES

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

Residential Properties:	\$29.00
Commercial, Industrial and Institutional	\$37.00
Garbage Dumpsters	\$37.00 per bin (1 pickup weekly) \$74.00 per bin (2 pickups weekly)
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.

PENALTY RATE	2.5% (on unpaid balance)
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OTHER COSTS

WATER METERS:

The Village of Linden shall 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.

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.

DEPOSITS:

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

RECONNECTION OF SERVICE (if water disconnected due to non-payment of account)	\$100.00
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SEWER LINE CAMERA SERVICE (by request)

Inspection	No Charge
Auger per hour or portion of hour	\$75.00