

UTILITY BYLAW NO. 3606/2018

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BYLAW NO. 3606/2018

Being a Bylaw of The City of Red Deer to provide for the supply and use of the Water, Wastewater, Storm Water and Waste Management utilities of The City of Red Deer.

Background

A Council has authority under the Municipal Government Act, to pass bylaws respecting the safety, health and welfare of people. Council of the City of Red Deer has deemed it appropriate to provide for the establishment and operation of certain public Utility Services, including provision for the terms and conditions under which such utilities will be provided.

COUNCIL HEREBY ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

SHORT TITLE AND ESTABLISHMENT OF UTILITIES

- 1 (1) This Bylaw may be called "The Utility Bylaw".
- (2) The City of Red Deer hereby establishes the following municipal utilities: Water, Wastewater, Storm Water and Waste Management).

PART 2 – GENERAL PROVISIONS

DEFINITIONS

- 2 Words and phrases in this Bylaw shall have the meanings set out in Schedule A.

DELEGATION

- 3 City Council hereby delegates to the City Manager all those powers stipulated by this Bylaw to be exercised by the City and all necessary authority to carry out those powers, except those powers which are reserved exclusively for Council under the Municipal Government Act, or reserved for other Persons pursuant to the provisions of this Bylaw. The City Manager may delegate any powers, duties or functions granted under this Bylaw to another employee of the City.

SUPPLY AND OWNERSHIP OF FACILITIES AND EQUIPMENT

- 4 (1) All meters and metering equipment shall be supplied, owned and maintained by The City unless otherwise provided in this Bylaw.

- (2) Notwithstanding the payment by a Customer of any costs incurred by The City, The City shall retain full title to all lines, equipment and apparatus on its side of the point of delivery, and to all meters and metering equipment provided by it.

ASSIGNMENT OF CONTRACT

- 5 A contract for a Utility Service is not transferable and shall remain in full force and effect until terminated by the Customer or The City as provided herein.

CITY RESPONSIBILITY AND LIABILITY

- 6 (1) The City does not guarantee the continuous uninterrupted supply of any Utility Service but reserves the right to suspend the supply of a Utility Service at any time without notice where required in the maintenance or operation of the Utility Service.
 - (2) The City and its officers, employees and agents shall not be liable for any damages of any kind due to or arising out of:
 - (a) a failure to provide a Utility Service;
 - (b) the interruption of service due to maintenance or operational requirements, or due to reasons beyond The City's control; or
 - (c) the disconnection or removal of a Utility Service in accordance with this Bylaw.

APPLICATION FOR SERVICE

- 7 (1) A Person requesting a Utility Service shall apply to The City for a Utility Service account by completing an application form and providing such information as The City may require, including credit references, confirmation of the identity and legal authority of the Customer, and information respecting load and the manner in which the services will be utilized.
 - (2) The Customer shall pay an application fee as set forth in Schedule D.
 - (3) The City may establish procedures for the creation of a contract for Utility Services by telephone, fax, internet or other electronic means, or may require the Customer to sign a contract for service.

- (4) The Utility Service account shall be set up:
 - (a) in the name of the Property Owner; or
 - (b) in the name of the Occupant(s) of a Property where the Utilities are requested by an Occupant of the Property. Where the Occupants are Tenants, all of the Persons named as Tenants in the landlord-Tenant agreement or any other rental agreement shall be jointly and severally liable for the Utility account, regardless of which Tenant's name the account is opened in. At the discretion of The City, a copy of the rental agreement may be required with the application for service; or
 - (c) in the name of the general contractor in the case of a new building under construction, where the Utilities are requested by the general contractor.
- (5) Notwithstanding subsection (2), The City may waive the application fee in the case of a mortgage lender which acquires title to a Property as part of the process of foreclosure.
- (6) The establishment of a Utility Service account creates an agreement between the Customer and The City, of which the provisions of the application form and the terms of this Bylaw shall form a part.

CONDITIONS OF SERVICE

- 8 (1) Upon receipt of all required information and fees, verification of the Customer's identity and the accuracy of the information, the City will advise the Customer whether and on what terms the City is prepared to supply Utility Services to the Customer, the type and character of the connections it is prepared to approve for the Customer, and any conditions (including without limitation, payments by the Customer) that must be satisfied as a condition of the supply of the Utility Services.
- (2) The City is not obliged to supply Utility Services until the Customer has provided The City with access to the premises to which the Utilities are to be provided, so to enable The City to inspect the physical connections for such Utility and to obtain an initial meter reading for each metered Utility Service.
- (3) No new Utility account will be opened for anyone who is already indebted to The City for Utility Services unless satisfactory arrangements for payment of the outstanding amount have been made.

DEPOSITS

- 9 (1) Deposits are required to establish a Utility account, for the following cases:
- (a) Customers who are unable to establish or maintain creditworthiness satisfactory to The City; or
 - (b) where payment of a Utility account in the name of the applicant is in arrears; or
 - (c) where a Utility Service to a Property owned or occupied by the applicant has been shut off for non-payment of the account; or
 - (d) where a cheque received for payment of a Utility account in the name of the applicant has been returned marked "Not Sufficient Funds" or "Payment Stopped", or with other words indicating that the cheque has not been honoured; or
 - (e) where the applicant's Utility account has been written off as a bad debt; or
 - (f) where collection proceedings, including legal action or referral to a collection agency, have been commenced in respect of the applicant's previous Utility account; or
 - (g) where the applicant has not maintained an existing or previous Utility account in good standing; or
 - (h) at the discretion of The City.
- (2) Before a new Utility account is opened, the Customer shall provide a guarantee of payment in a form acceptable to The City, in the amount set forth in Schedule D.
- (3) Customers opening a new account due to a change of residence within the City shall, if a deposit was required for the applicant's previous account, be charged a deposit on the new account.
- (4) The City may waive the requirement for a deposit if The City is satisfied as to the creditworthiness of the applicant.
- (5) The City may apply a deposit to any amount owed to The City whatsoever by the Customer whether in relation to the Customer's Utility account or otherwise, as determined by The City in its sole discretion.

INTEREST ON DEPOSITS

- 10 Interest on each Customer's cash security deposit shall be calculated annually and credited, not in advance, at the rate specified to be paid on security deposits under the *Residential Tenancy Act*, RSA 2004 Ch. R-17.1.

REFUND OF DEPOSIT

- 11 When a Customer has established and maintained creditworthiness satisfactory to The City, or upon termination of the Utility Service agreement, the deposit shall be refunded, together with accrued interest, after deducting any amount owed to The City whatsoever by the Customer whether in relation to the Customer's Utility account, including the cost of shutting off or discontinuing any Utility Service for non-payment, or otherwise, as determined by The City in its sole discretion. The deposit will be applied against any active Utility account in the Customer's name or refunded within 3 months of the final bill due date to the address on the account, or such other address provided by the Customer.

SERVICE CHARGE

- 12 When a Customer requests that The City attend at the Property to which the Utility Service is being supplied with respect to any matter relating to the supply of Utility Services or the servicing of the same, and if for any reason whatsoever The City is unable to enter the said premises, or if the call is for failure of service not attributable to The City, the Customer shall pay a service charge fee as set forth in Schedule D.

AFTER HOURS CALLS

- 13 The Customer shall pay the applicable afterhours fee as set forth in Schedule D for service calls after 4:00 p.m. or before 7:30 a.m., Monday through Friday, or on a Saturday, Sunday, or statutory or civic holiday. The afterhours fee shall also apply if a meter is required to be installed or connected, or should a Utility Service be required to be disconnected or reconnected during such times.

DISCONNECTION

- 14 The Customer shall pay a disconnection service charge as set forth in Schedule D where a Utility Service is disconnected.

RECONNECTION

- 15 Before the City reconnects or restores Utilities Services, the Customer

shall:

- (a) pay any amount owed by the Customer to the City for Utility Services or , at The City's discretion, make arrangements for payment satisfactory to the City;
- (b) pay the applicable deposit as set forth in Schedule D;
- (c) Pay the applicable reconnection service charge as set forth in Schedule D.

WINTER INSTALLATION

16 The cost payable by the Customer for installing a service between October 1st of any year and May 15th of the following year shall be increased by the amount set forth in Schedule D.

UTILITY CHARGES AND PAYMENT OF UTILITY ACCOUNTS

- 17 (1) The rates and charges for Utility Services shall be those set out in the Schedules to this Bylaw or as otherwise established by resolution of Council from time to time.
- (2) All rates and charges shall be paid to The City within the time prescribed by this Bylaw. The Utility bill is deemed received seven (7) days after the mailing date. A Customer is responsible to pay the amounts owing in a Utility bill whether or not the Customer has received it.
 - (3) The whole amount owing in a Utility account is payable upon receipt and the account will be deemed to be in arrears if payment is not made on or before the due date stated on the bill.
 - (4) Any charge on a Customer's account remaining unpaid after the due date will be in arrears and constitute a debt owing to the City recoverable by any or all of the following methods:
 - (a) The City may discontinue the supply of all or any Utility Services;
 - (b) The City may draw on the deposit held by the City;
 - (c) The City may terminate the Customer's account;
 - (d) The City may add the outstanding account balance to the tax roll of an Owner of a Property, if the account is in the Owner's name;

- (e) By action in any Court of competent jurisdiction; or
- (f) By distress and the sale of the goods and chattels of the Customer wherever they may be found in the City.

BILLING ERRORS

- 18 Where a Customer has been charged less or more than they should have been charged for Utility Services provided, The City will review the account and make corrections for the billing errors for up to a maximum of 12 months prior to the date the error is discovered. Corrections will not be made for billing errors in respect of Utility Services provided more than one year prior to the date the billing error is discovered.

LATE PAYMENT PENALTY

- 19 If The City has not received payment in full by the due date on the front of the bill, whether the payment is made at a financial institution or directly to The City, a late payment fee in the amount as set forth in Schedule D will be added to the account.

NOVELTY PAYMENT METHODS

- 20 The City may refuse to accept a payment by way of a cheque drawn on a form other than a bank cheque form (a Novelty Cheque), but where The City does so, the Customer shall be liable for and pay to The City all charges and costs incurred to process the Novelty Cheque. The City will follow the Bank of Canada rules and regulations of currency acceptance limitations in respect of payment by cash.

INTERIM UTILITY BILL

- 21 (1) Where The City has not measured the amount of a metered Utility Service, it may issue an interim Utility bill based on estimated consumption and shall credit Utility accounts for all payments made by a Customer against such interim bill.
- (2) Where any service rate or charge is designated by reference to a time certain, the charge for a lesser period of time shall be calculated on a proportionate basis.

ENFORCEMENT

- 22 The City is authorized to collect all accounts owing to The City under this

Bylaw, and may take any of the measures a municipality is authorized to take under the *Municipal Government Act, RSA 2000, Chap M-26*.

APPEALS

- 23 (1) A Customer who uses, receives, or pays for Utility Services may appeal a service charge, rate or toll charged under this Bylaw on the grounds that such service charge, rate or toll does not conform to the established public Utility rate structure, has been improperly imposed, or is discriminatory, to the Alberta Utilities Commission.
- (2) A Customer may appeal decisions made by the City Manager or their delegate pursuant to the following sections of this Bylaw:
- (a) Section 18 – Billing Errors
 - (b) Section 28 – Requirement for an Account; and
 - (c) Section 31 – Connection to Utility Service

to the Red Deer Appeal and Review Board by filing a Notice of Appeal with the Clerk of the Board and paying the applicable filing fee within 14 days of receiving the aforementioned decision, in accordance with the provisions set out in The Appeals Board Bylaw. When hearing an appeal, the Board may confirm, revoke or vary the decision.

REASONABLE NOTICE

- 24 The City shall provide written notice to a Customer of any breach of this Bylaw which may result in The City discontinuing Utility Services. Such notice shall be delivered at least 10 days prior to discontinuance of Utility Services and shall be sent to the Customer as follows:
- (a) in the case of a Customer who is known to be a Tenant at the premises, the notice shall be sent to the address of the premises; and
 - (b) in the case of a Customer who owns the Property, the notice shall be sent to the address of the premises and the address provided in the application for service, if different.

TERMINATION OF ACCOUNT BY CUSTOMER

- 25 (1) A Customer is responsible for all charges accruing to the Customer's account until such time as the account is closed.
- (2) When a Customer gives notice to The City that the Customer's account is

to be closed, The City shall obtain a final reading of any meter as soon as reasonably practical and the Customer shall be liable for and pay for all service supplied prior to such reading. The City may base the final charge for service on an estimated meter reading which will be prorated from the time of an actual meter reading.

TERMINATION BY THE CITY UPON NOTICE

26 The City may discontinue the supply of any Utility Service for any of the following reasons, after notice has been given pursuant to Section 24:

- (a) non-payment of any Utility accounts;
- (b) inability of The City to obtain access to premises to read, service or inspect any meter;
- (c) failure or refusal of a Customer to comply with any provision of this Bylaw;
- (d) failure or refusal of a Customer to comply with the provisions of any statute or regulation, including the Alberta Building Code; or
- (e) in any other case provided for in this Bylaw.

TERMINATION WITHOUT NOTICE

27 (1) The City may discontinue the supply of a Utility Service without prior notice in the event of any threatened or actual danger to life or Property, or in any other similar circumstances that the City determines, in its sole discretion, acting reasonably, require such action

(2) The City may discontinue the supply of the Water Utility Service without prior notice for any of the reasons listed above or for any of the following reasons:

- (a) if the Customer has caused, permitted or allowed any piping, fixture, fitting, container or other appliance to be or remain connected to the water supply system which allows or has the potential to allow water from a source other than the Water Utility or any other harmful or Deleterious liquid or substance to enter the Water Utility;
- (b) failure by a Customer to notify The City within 24 hours after the seal on a bypass is broken;

- (c) failure by a Customer to repair or replace a Backflow Preventer within ninety-six (96) hours of being so directed by The City;
- (d) in the event of an emergency or water shortage as The City deems necessary; or
- (e) in any other case provided for in this Bylaw.

REQUIREMENT FOR ACCOUNT

28 When the premises to which Utility Services is provided becomes vacant and no new application for service has been made, The City may terminate the contract and:

- (a) disconnect the Utility Service; or
- (b) in lieu of disconnecting the service, open a new Utility Service account in the name of the Property Owner and charge the fee set forth in Schedule D to open the account as well as other ongoing charges under Schedules B & C.

Nothing herein shall prevent the Property Owner from requesting that The City discontinue such Utility Service provided the Property Owner pays the service charge prescribed herein.

AUTHORIZATION TO ENTER PREMISES

- 29 (1) In accordance with the Municipal Government Act, The City may, after giving reasonable notice to the Property Owner or occupier of the Property, enter any Property upon which a meter or shut-off valve is situated for the purpose of providing, maintaining or terminating the supply of a Utility Service to that Property.
- (2) The Customer and the Property Owner are responsible to provide The City reasonable access to the meter, shut-off valve and other City infrastructure for the purpose of providing, maintaining or terminating the supply of a Utility Service.
 - (3) The City may remove obstructions that are interfering with the performance of providing, maintaining or terminating the supply of a Utility Service and may charge the Customer or the Property Owner the costs associated with such removal. The City will use reasonable care to avoid damaging the obstruction during removal.
 - (4) If The City cannot access the meter or shut off valve for any reason, The

City may charge a no access fee to the Customer or Property Owner as set forth in Schedule D.

SERVICE REMOVAL AND BUILDING DEMOLITION

- 30 (1) No Person shall cause, permit or allow a building to be demolished or removed until Utility Services to the Property are removed and any fee for such removal has been paid. Notwithstanding the foregoing, The City may, in circumstances which The City considers appropriate, permit the service to remain connected to the Utility Service line or main.
- (2) Utility charges will continue in accordance with the rates identified in this Bylaw until all occupiable buildings located on the Property have been demolished.

CONNECTION TO UTILITY SERVICE

- 31 (1) Within one year after a Utility Service becomes available, the owner of every building situated on land abutting on any street in which there is a Water Main or a Wastewater Sewer, shall at the owner's expense connect such building to the water system and install sanitation Facilities, where available, and connect the building to the Wastewater Sewer systems in accordance with the requirements and standards set out in the Alberta Building Code and elsewhere in this Bylaw.
- (2) The Property Owner shall provide The City with a completed application in the form approved by The City for a permit to make such connection. The application shall include any plans, or specifications as may be required by the City's Engineering Design Guidelines, or other information required by The City.
- (3) No Person may connect to a Utility Service until such time as payment has been made to The City by the Property Owner or prior owner in respect of the cost of construction of the Utility Service (including carrying charges) to serve the land owned or occupied by that Person, or until such Person has made other arrangements satisfactory to The City to pay that Person's proportionate share of those costs.
- (4) The rates, fees and additional charges imposed by The City in respect of The City's Water Utility or Wastewater Utility are intended to provide for just and reasonable costs for services for each Customer, so as to achieve a cost structure that is not contrary to the Municipal Government Act or other applicable legislation. Accordingly, The City's rates, and connection fees contemplated within subsection (3) above and (5) below, take into account such factors as, where applicable:

- (a) the size of the service requested and paid for;
 - (b) the size of any increased service requested;
 - (c) the nature and amount of the connection fee payable; and
 - (d) prior payment of capital costs of the Utility Service by a corresponding Property Owner or prior owner of the same lands including, without restriction, developer-paid costs and contributions to the capital costs of Utility Services.
- (5) Without restricting the foregoing, and subject always to subsection (6) below, The City's connection fees contemplated within subsection (3) and (4) above shall apply to:
- (a) each parcel of land contained within an area of The City previously unserved by The City's Water Utility or Wastewater Utility and for which a new Water or Wastewater Service Connection is required or otherwise requested, excluding all those parcels of land contained within the exception areas contemplated within Section 32;
 - (b) each additional parcel which is subsequently subdivided out of any existing lands serviced by The City's Water Utility or Wastewater Utility, where a new Water or Wastewater Service Connection is required for the subdivided parcel;
 - (c) each case of a requested increase in the size and/or capacity of the Service Connection for The City's Water Utility and/or Wastewater Utility, requested by a Property Owner that is already a Customer;
- in each case in the amounts and as more particularly set forth within Schedule D as a condition of connection to and commencement services of The City's Water Utility, Wastewater Utility and/or Storm Water Utility.
- (6) The connection fee specified in subsection (3), (4) and (5) above shall not apply to any parcel in respect of which The City has otherwise received or made arrangements to receive payment of an equivalent appropriate amount, whether through conditions of development, subdivision or otherwise, as determined by The City.
 - (7) Notwithstanding subsection (1), The City shall have the discretion to extend the period of time within which the connection to the Water Main or

Wastewater Sewer must be made for such period of time as The City considers is reasonable and subject to review every 5 years or less, provided that such extension of time is consistent with City policies and Council direction, and also provided that the failure to connect:

- (a) will not jeopardize the health or safety of the Occupants of the building or of other City residents;
 - (b) will not adversely affect the integrity or operation of those utilities; and
 - (c) will not present an undue risk of damage to Property or the environment.
- (8) A Person who has been directed to connect their building to a Utility Service may appeal the direction pursuant to Section 23, Appeals.
 - (9) Prior to connecting to a Utility Service, the Property Owner must open a Utility account and make payment of all application rates, fees and deposits that may be required under this Bylaw.
 - (10) No Person shall uncover, make any connections with or opening into, use, alter, or disturb any Water Mains, City Water Service Connections, City Sewer Service Connections, Wastewater Sewer, Storm Water Sewer or appurtenances thereof, unless authorized by The City.
 - (11) All Water Mains, Wastewater Sewers, and Storm Water Sewers located within The City's Property, right-of-way, or easement shall be constructed by The City's forces or its contractors and shall be maintained by The City.
 - (12) All Private Water Service Connections, Private Sewer Connection infrastructure and Facilities on private Property shall be constructed and maintained by the owner's forces at their expense in accordance with the requirements of this Bylaw and the Alberta Building Code.

UTILITY CONNECTION & RATE EXCEPTIONS

- 32 (1) Notwithstanding Section 31 of this Bylaw, the owners of the following Property shall not be subject to payment of applicable connection fees for Water Utility, Wastewater Utility and/or Storm Water Utility Service Connection, as the case may be, prior to the hook-up of the corresponding Utility Service, and as a condition of commencement of such services:

- (a) Water Utility – all Property located on Cronquist Place, Cronquist

Drive, and Cronquist Close; and

- (b) Wastewater Utility - all Property located on Cronquist Place, Cronquist Drive, and Cronquist Close.
- (2) Any connection fee received by The City or arrangements made by the City to receive payment of an equivalent amount in respect of the property described in Section 32(1)(a) and Section 32(1)(b) above shall be refunded to the Property Owner and terminated as applicable.
 - (3) Without restricting Subsection 3 and 4 of Section 31, and notwithstanding Schedule B and C, all owners of Property within the following areas shall be subject to a special customer class and corresponding rate for services of The City's Water Utility and/or Wastewater Utility services, as the case may be, as a condition of provision of such services:
 - (a) Water Utility – all Property located on Cronquist Drive, Cronquist Place and Cronquist Close; and
 - (b) Wastewater Utility – all Property located on Cronquist Drive, Cronquist Place and Cronquist Close.

as more particularly set forth in Schedule F.

ABANDONED BUILDING SEWER CONNECTIONS

33 When any Wastewater or Storm Water Private Sewer Connection is abandoned, the Property Owner shall block the connection at the property line to prevent ground water or soil from washing into the City sewer connection. The remainder of the sewer system is to be abandoned in accordance with Provincial Regulations. Any existing septic tanks shall be abandoned by either complete removal, or by filling with sand or gravel.

SAMPLING AND MONITORING

- 34 (1) Where sampling is required for the purposes of determining the concentration of constituents in the Wastewater or Storm Water, the sample may:
- (a) be collected manually or by using an automatic sampling device; and
 - (b) contain additives for its preservation.

- (2) For the purpose of determining compliance with this Bylaw, discrete Wastewater or Storm Water streams within premises may be sampled, at the discretion of the Inspector.
- (3) The owner or operator of any industrial, commercial or Institutional premises or multi-story residential building shall at all times ensure that every Monitoring Access Point as required by this Bylaw is accessible to the Inspector for the purposes of observing, sampling and flow measurement.
- (4) Any single Grab Sample may be used to determine compliance with any provision of this Bylaw.
- (5) All tests, measurements, analyses and examinations of Wastewater or Storm Water, its characteristics or contents pursuant to this Bylaw shall be carried out in accordance with Standard Methods and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of the Inspector as agreed in writing prior to sample analysis.
- (6) The following businesses require Sampling Ports when it is not possible to install a Monitoring Access Point:
 - (a) dental offices;
 - (b) businesses using photographic processing equipment; or
 - (c) any other businesses deemed necessary by the Inspector.

SPILLS

- 35 (1) In the event of a Spill on the ground or to a Wastewater and/or Storm Water Sewers, the Person responsible for the Spill or the Person having the charge, management and control of the Spill shall immediately notify and provide any requested information with regard to the Spill to:
- (a) 911 emergency if there is any immediate danger to human health and/or safety; or
 - (b) if there is no immediate danger:
 - (i) The City by contacting the Environmental Services Source Control 24 Hour # 403-342-8750;
 - (ii) the owner of the Property where the release occurred; and
 - (iii) any other Person whom the Person reporting knows or ought to know may be directly affected by the release.

- (2) Thereafter, that Person shall provide a detailed report on the Spill to The City, within five working days after the Spill, containing the following information to the best of their knowledge:
 - (a) name and telephone number of the Person who reported the Spill and the location and time where they can be contacted;
 - (b) location where Spill occurred; date and time of Spill; material spilled; characteristics and composition of material spilled; volume of material spilled; duration of Spill event;
 - (c) work completed and any work still in progress in the mitigation of the Spill;
 - (d) preventive actions being taken to ensure a similar Spill does not occur again; and copies of completed Spill prevention and Spill response plan.
- (3) The Person responsible for the Spill, the Person having the charge, management and control of the Spill and the owner of the Property where the Spill occurred shall do everything reasonably possible to contain the Spill, protect the health and safety of citizens, minimize damage to Property, protect the environment, clean up the Spill and contaminated residue, and restore the affected area to its condition prior to the Spill.
- (4) Nothing in this Bylaw relieves any Persons from complying with any notification or reporting provisions of:
 - (a) other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the Spill; or
 - (b) any other Bylaw of The City.
- (5) The City may invoice the Person responsible for the Spill, the Person having the charge, management and control of the Spill and/or the owner of the Property where the Spill occurred to recover all costs arising as a result of the Spill and such Person(s) shall pay the costs invoiced.
- (6) The City may require the Person responsible for the Spill, the Person having the charge, management and control of the Spill and/or the owner of the Property where the Spill occurred to prepare and submit a Spill contingency plan to indicate how risk of future incidents will be reduced and how future incidents will be addressed.

POWER AND AUTHORITY OF INSPECTORS

- 36 (1) An Inspector or other designated officer of The City may in accordance with this Bylaw and the Municipal Government Act:
- (a) enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Bylaw.
 - (b) take samples of Wastewater, Storm Water, clear-water waste and Subsurface Water being released from the premises or flowing within a private drainage system;
 - (c) perform on-site testing of the Wastewater, Storm Water, clear-water waste and Subsurface Water within or being released from private drainage systems, Pre-treatment Facilities and Storm Water management Facilities;
 - (d) make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
 - (e) require information from any Person, inspect and copy documents or remove documents from premises to make copies, concerning any potential violation of this bylaw;
 - (f) inspect chemical storage areas and Spill containment Facilities and request Material Safety Data Sheets (MSDS) for materials stored or used on site;
 - (g) inspect the premises where a release of prohibited or restricted Wastes or of water containing prohibited or restricted Wastes has been made or is suspected of having been made, and to sample any or all matter that in their opinion could have been part of the release.
- (2) Where an inspection discloses any failure, omission, or neglect respecting any Utility Service upon the Customer's premises, or discloses any defect in the location, construction, design or maintenance of any facility or any connection there from to the Utility Service, the Person making such inspection shall, in writing, notify the Customer, Property Owner, proprietor or occupier to rectify the cause of complaint within a reasonable time as determined by The City. Such notified Person shall within the time limited rectify such cause of complaint stated in the notice.

- (3) No Person shall hinder or prevent the Inspector or designated officer of The City from carrying out any of their powers or duties.
- (4) The City may serve any Person who is in violation of any provision of this Bylaw with written notice stating the nature of the violation and requiring the satisfactory correction thereof within 48 hours, or within such additional time as required by this Bylaw or as determined by The City. Such Person shall, within the time stated in such notice, permanently cease all violations.

OFFENCES AND PENALTIES

37 (1) Any Person who:

(a) breaches any of the following sections of this Bylaw:

- (i) Section 31, Connection to Utility Service;
- (ii) Section 35, Spills;
- (iii) Section 42, Water Use Restrictions
- (iv) Section 43, Wastage
- (v) Section 45, Unauthorized Use of Water
- (vi) Section 47, Pressure Surges
- (vii) Section 48, Contamination
- (viii) Section 54, Bypasses
- (ix) Section 56, Protection of Meter
- (x) Section 62, Use of Groundwater Wells
- (xi) Section 63, Fire Protection Service
- (xii) Section 64, Fire Hydrants
- (xiii) Section 70, Requested Water Shut Off
- (xiv) Section 71, Backflow Preventer
- (xv) Section 74, Prohibited Disposal of Wastewater;
- (xvi) Section 80, Storm Water / Ground Water Discharge to Wastewater Sewer;
- (xvii) Section 81, Prohibited Substances in Wastewater;
- (xviii) Section 83 (3), Overstrength Surcharge;
- (xix) Section 85, Dental Amalgam Separator;
- (xx) Section 86, Grease, Oil, & Solids Interception;
- (xxi) Section 87 (2), Customer Self-Monitoring;
- (xxii) Section 91, Hauled Wastewater;
- (xxiii) Section 98, Prohibited Storm Water Sewer Use;
- (xxiv) Section 99 (1), Discharge of Prohibited Substances; or
- (xxv) Section 114, Hazardous Waste, Dangerous Goods, Special Waste;

- (b) fails to act in compliance and accordance with any notice given under this Bylaw;
- (c) obstructs an Inspector;
- (d) releases Wastewater improperly;
- (e) discharges water, without a permit, to the Wastewater or Storm Water Sewer systems that was not provided by The City; or
- (f) knowingly makes false statements, records, reports, plans or other documents filed or required to be maintained pursuant to this Bylaw, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Bylaw

shall be guilty of an offence and upon summary conviction shall be liable to pay court costs plus a penalty of:

- (i) \$250 for the first occurrence of such offence;
 - (ii) \$1,000 for the second occurrence of such offence;
 - (iii) \$2,500 per occurrence for any subsequent occurrence; and
 - (iv) in default of payment of the penalty, to imprisonment for up to 6 months.
- (2) Any Person who breaches any other provision of this Bylaw shall be guilty of an offence and upon summary conviction shall be liable to pay court costs plus a penalty of:
- (a) \$100 for the first occurrence of such offence;
 - (b) \$500 per occurrence for any subsequent occurrence of the offence; and
 - (c) in default of payment of the penalty, imprisonment for up to 30 days.
- (3) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount of not less than that established by this Bylaw for each such day.

- (4) A Peace Officer or Bylaw Enforcement Officer who has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, may serve upon such Person an offence ticket allowing the payment of the specified penalty to The City which payment will constitute a guilty plea and shall be accepted by The City in lieu of prosecution for the offence.

PART 3 - WATER UTILITY

WATER SERVICE BILLING RATES

- 38 (1) A Water Utility Customer shall pay the amounts specified in this Bylaw and in Schedules B and D for all water supplied and Water Utility Services provided.
- (2) The City shall determine which rate in Schedule B and D shall apply to any particular Customer.
 - (3) The rate payable by a Customer as set out in Schedule B of this Bylaw for all water supplied shall be determined by reference to the size and the reading of the water meter supplied to each Customer.
 - (4) Where a Remote Reading Device is installed in addition to the water meter, the water meter shall be used to determine the official reading.

CONNECTION TO CITY WATER SUPPLY

- 39 In the case of a new Private water Service Connection to a City water Service Connection that is 38 mm or larger in diameter, the Customer shall provide, at the Customer's expense, proof of satisfactory bacteriological test results (as per ANSI/AWWA C651-05) for the service, from a laboratory accredited to perform such tests by the Province of Alberta.

CONTINUOUS WATER SUPPLY NOT GUARANTEED

- 40 (1) The City does not guarantee the pressure nor the continuous supply of water and The City reserves the right at any and all times without notice to change operating water pressures and to shut off water. The City and its officers, employees and agents shall not be liable for any damages of any kind due to changes in water pressure, the shutting off of water, or by reason of the water containing sediments, deposits or other foreign matter.
- (2) Customers depending upon a continuous and uninterrupted supply or pressure of water or having processes or equipment that require

particularly clear or pure water shall provide such Facilities as they consider necessary to ensure a continuous and uninterrupted supply or pressure or quality of water required for their use.

INSPECTION OF PREMISES

- 41 (1) The City may inspect the premises of a Customer who applies to The City for the supply of water in order to determine if it is advisable to supply water to such Customer.
- (2) The City may, with the permission of the Customer, inspect the premises of the Customer in order to do any tests on water piping or fixtures belonging to such Customer so as to determine if this Bylaw is being complied with and in the event that such Customer fails or refuses to give such permission, the supply of water to that Customer may be shut off.

WATER USE RESTRICTIONS

- 42 (1) The City may, at such times and for such lengths of time as The City considers necessary or advisable, regulate, restrict or prohibit the use of water for use other than human consumption. The City may cause the water supply to any Customer who causes, permits or allows irrigation, wastage, exterior washing, or other non-human consumption in contravention of any such regulation, restriction or prohibition to be shut off until the Customer undertakes to abide by and comply with such regulation, restriction or prohibition.
- (2) No Customer shall operate, use, interfere with, obstruct or impede access to the Water Utility Service or any portion thereof in any manner not expressly permitted by this Bylaw, in default of which The City may cause the water being supplied to such Customer to be shut off until such Customer complies with all of the provisions of this Bylaw.

WASTAGE

- 43 (1) No Customer shall cause, permit or allow the discharge of water so that it runs useless, whether by reason of leakage from Private Service Connection, a faulty plumbing system or otherwise.
- (2) Notwithstanding the foregoing, The City may under such condition as The City may consider reasonable allow water discharge for the purposes of:
- (a) the installation and maintenance of infrastructure, including the flushing of Water Mains, hydrant leads and City Service Connections to prevent stagnation and/or to remove Deleterious

materials;

- (b) preventing the freezing of Water Mains, hydrants leads, irrigation systems and services connections;
- (c) conducting water flow tests;
- (d) firefighting and associated training programs; or
- (e) other purposes as deemed necessary by The City.

REQUIREMENT TO USE LOW-FLOW PLUMBING FIXTURES

- 44 (1) Any Person installing plumbing fixtures for any new construction or renovation project that requires a plumbing permit for a residential, commercial, industrial, or Institutional structure shall install only Low-flow Plumbing Fixtures.
- (2) The requirements of subsection (1) shall not apply to plumbing Facilities installed for safety or emergency purposes including emergency safety showers and face / eye wash stations.

UNAUTHORIZED USE OF WATER

- 45 (1) No Customer shall:
- (a) sell water supplied hereunder;
 - (b) use or apply any water to the use or benefit of others or to any other than the Customer's own use and benefit;
 - (c) increase the usage of water beyond that agreed upon with The City; or
 - (d) extract or remove any water from any hydrant within the City;
- without first obtaining written permission from The City and subject to such reasonable conditions as The City may impose with respect to the quantity, price and times of withdrawal of the water so used.
- (2) During such periods as the City Manager may designate by notice published in a newspaper in the City,
- (a) no Customer shall use, permit, or allow to be used, any water supplied to any premises, the numerical address of which (excluding street name) ends in odd number, for vehicle washing,

lawn watering or other irrigation purposes on any day of the month which is an even number;

- (b) no Customer shall use, permit, or allow to be used any water supplied to any premises, the numerical address of which (excluding street name) ends in an even number for vehicle washing, lawn watering, or other irrigation purposes, on any day of the month which is an odd number;
- (3) During such period as The City by notice published in a newspaper may designate, no Customer shall use, permit, or allow to be used, any water supplied to any premises for vehicle washing, lawn watering or other irrigation purposes.
- (4) If the City finds an unauthorized use of water including use resulting from any tampering with a meter or other Facilities, the City may make such changes in its meters or other Facilities, or take such other corrective action, as may be appropriate to ensure only authorized use. The Customer shall pay all costs of such action necessary to remedy any violation of the law caused by the Customer.
- (5) Upon finding an unauthorized use of water, the City may disconnect the service connection immediately, without notice, and shall charge the Customer all costs incurred in correcting the condition, in addition to any other rights and remedies which may be available to the City.

INVESTIGATION INTO WATER SUPPLY SERVICE FAILURE

- 46
- (1) Any Customer that notifies The City of a failure or interruption of water supply, the investigation of which necessitates the excavating of a street shall, prior to excavating, deposit with The City the costs thereof as estimated by The City, or sign a work order, agreeing to pay such costs, at the discretion of The City.
 - (2) If such failure or interruption was caused by the City Water Service Connection the Customer shall not be liable for such costs and any deposit paid shall be refunded.
 - (3) If such failure or interruption was caused by the Private Water Service, the actual cost of such work shall be paid by the Customer and the deposit shall be applied thereto; any excess shall be refunded to the Customer and any deficiency shall be collected in the same manner as water rates.

PRESSURE SURGES

- 47 No Customer shall cause, permit or allow any apparatus fitting or fixture to be or remain connected to the Customer's water supply or to be operated which causes pressure surges or other disturbances which may in the opinion of The City, result in damage to other Customers or to the Water Utility Service.

CONTAMINATION

- 48 No Customer shall cause, permit or allow to be or remain connected to the Customer's water supply system any piping, fixture, fitting, container or other appliance which may cause water from a source other than the Water Utility Service or any liquid or substance to enter the Water Utility Service. The City may cause the water supply to any Customer contravening the provisions of this section to be shut off provided that The City shall, if The City considers it practicable so to do, give notice to such Customer prior to such water supply being shut off. The water supply to such Customer shall not be restored until such Customer has paid to The City all costs associated with the shutting off of the water supply, the clean-up of contamination and the remedying of the Customer's default under this section.

MEASUREMENT BY METER

- 49 All water supplied by The City to a Customer shall be measured by a meter unless otherwise provided for in this Bylaw.

METER INSTALLATION AND MAINTENANCE

- 50 (1) Customers who require the installation of more than one meter shall pay a fee as set forth in Schedule D for each additional meter.
- (2) The City may change a Customer's meter(s) with notice given pursuant to Section 24.

INSTALLATION RESPONSIBILITY

- 51 (1) Water meters supplied by The City which are 50 millimetres in size or smaller shall be installed by The City with no direct charge to the Customer.
- (2) Water meters supplied by The City which are larger than 50 millimetres in size shall be installed at the expense of the Customer.
- (3) The Customer shall provide for the installation of a water meter to the

satisfaction of The City and when required shall install a properly valved bypass.

- (4) For water meter installation within a building, the Customer shall provide a suitable site for such installation near a main shut off, to the satisfaction of The City and in accordance with the City of Red Deer Design Guidelines.
- (5) The Customer shall ensure that employees or agents of The City have clear access to meter areas and water meters for meter testing and reading purposes.
- (6) Unless The City otherwise approves, The City shall not be obligated to supply more than one water meter for any one building. If additional water meters are approved, a separate curb stop will be required for each additional water meter.(7) A separate water meter shall be installed for each of the two dwelling units contained within a duplex residential building and a separate curb stop will be required for each water meter.
- (7) A separate water meter shall be installed for each of the two dwelling units contained within a duplex residential building and a separate curb stop will be required for each meter.
- (8) Any Customer whose water is not metered, or whose meter is not positioned to the satisfaction of The City, shall make proper provision for a meter to be installed or the meter to be moved as the case may be, all costs of which shall be paid by the Customer.

METER CHAMBER

52 When in the opinion of The City, the premises to be supplied with water are too far from the City Service Connection to conveniently install a meter in the premises, or if a number of buildings are to be so supplied or for any other reason in the opinion of The City, then the Customer shall, at the Customer's sole cost, construct and maintain a container for a meter and such container shall in all respects including location, construction size, access and otherwise howsoever be satisfactory to The City.

METER SIZE

53 The size of the meters shall be determined as follows:

- (a) if the internal diameter of the Private Service is 25 millimetres or less, a 16 millimetre meter shall be used; or
- (b) if the internal diameter of the Private Service exceeds 25

millimetres, the size of the meter shall be one size smaller than the size of the Private Service; or

- (c) if the Private Water Service is a Combined Service, the internal diameter of the Private Water Service branch to be used for purposes other than fire protection shall determine the meter size as set out in subsections (a) and (b) of this section.

BYPASSES

54 Any Customer having a water meter 50 millimetres in size or larger shall at the Customer's own expense construct and maintain a properly valved bypass satisfactory to The City which bypass shall be sealed by The City and shall be opened by the Customer only in case of emergency. The Customer shall notify The City within 24 hours after the seal on the bypass is broken, failing which The City may cause the water supply to such Customer to be shut off until satisfactory arrangements have been made for the calculation of and payment for water supplied and not recorded on the meter.

METER VALVING

55 Any Customer having a meter smaller than 50 millimetres in size shall, at the Customer's sole cost and expense, supply and maintain valves on both sides of and within 300 millimetres of the meter.

PROTECTION OF METER

- 56 (1) The Customer shall provide adequate protection for the meter supplied by The City and any associated valves or pipes against freezing, heat or any other internal or external damage of any kind which may affect the operation of the water meter or meters, failing which the Customer shall pay to The City all costs associated with the repair of such meter or associated valves & pipes which amount shall be recoverable in the same manner as all other costs and charges provided for under this Bylaw.
- (2) No Person other than an authorized City employee shall install, test, repair, remove, disconnect, reconnect a meter unless specifically authorized to do so in writing by The City.
 - (3) No Person shall break, tamper or interfere with any meter or facility.
 - (4) The Customer shall notify The City immediately whenever a water meter is

not operating or if any part of a meter becomes damaged or broken.

- (5) The Customer is responsible for the safe keeping of any water meter and any Remote Reading Device that is installed on the Customer's premises.
- (6) The Customer shall pay the cost of repairing or replacing any water meter or metering accessories supplied and installed by The City that may be damaged from any causes or any other cause within the control of the Customer.
- (7) The Customer shall notify The City within 24 hours if the seal on the bypass valve or a water meter is broken for emergency purposes or any other purpose.

NON-REGISTERING METER

- 57
- (1) If, upon the reading of a meter, it is determined that the meter has failed to accurately record the consumption of the Utility Service supplied then the consumption will be estimated upon such basis that The City considers to be fair and equitable and the account rendered pursuant to Section 18.
 - (2) Where it has been determined by The City that the meter is not accurately recording the consumption of a Utility Service, The City may enter the premises to replace the meter, on notice to the Customer pursuant to Section 24.

TESTING OR CALIBRATION OF DISPUTED METERS

- 58
- (1) A Customer who disputes a meter reading shall give written notice to The City.
 - (2) Following receipt of written notice; the water meter situated on the Customer's premises shall be tested or calibrated by a qualified Person designated by The City. If the meter is found to be accurate within 98.5% to 101.5% of the water passing through it, the expense of such test or calibration shall be borne by the Customer in the amount designated in Schedule D.
 - (3) If the meter is found not accurate within the above limits it shall forthwith be repaired or be replaced by one that is accurate and the expense thereof shall be borne by The City.
 - (4) If a meter is found not to be accurate within the aforesaid limits then any meter handling and testing fees paid by the Customer shall be refunded, and the billings adjusted.

- (5) Where an examination of past meter readings or other information does not disclose the time at which the meter error commenced, then the meter error shall be deemed to have commenced twelve months prior to the date the meter was tested or from the date upon which the meter was installed, whichever is less.

METER READING

- 59 (1) A Customer shall permit The City to perform meter reading using automated monitoring equipment. Additional fees may apply for on-site meter reading and manual account adjustment, as set out in Schedule D if a Customer does not allow automated metering infrastructure to be installed within their premises.
- (2) The City shall endeavour to read the meters once every month, or at such other intervals as are reasonable and practicable under the circumstances. If The City cannot gain access safely to read the meter as aforesaid, the consumption of the Utility Service shall be estimated upon such basis as The City considers to be fair and equitable and the account rendered in accordance with such estimate. Each meter shall be read at least once per year and if such reading cannot be obtained, The City may discontinue any or all Utility Services supplied to the premises, until such time as The City is able to obtain an actual meter reading.
- (3) The City may shut off the water supply to a Customer who refuses to provide a water meter reading or access to perform a water meter reading after notice has been given pursuant to Section 24.
- (4) The Customer shall ensure that access to the meter is safe, well lit, and free of hazards to the Person reading the meter.
- (5) The City may require a water meter to be either tested on site or removed for testing by a Person authorized by The City at any time. The City may discontinue any or all Utility Services supplied to the premises until such time as a Person authorized by The City is able to obtain access to test the meter or remove it for testing.

ADDITIONAL METER READS

- 60 When a Customer requests a meter reading at a time other than the regular scheduled time for meter reading, the Customer may be assessed a fee as set forth in Schedule D for such reading. Provided, however, if upon such reading, it is determined that the previous billed meter reading is incorrect, no fee shall be required.

PRIVATE SERVICES

- 61 All Persons doing any work or service upon a Private Water Service or the plumbing system attached to it shall comply with the provisions of the Alberta Building Code and any applicable bylaws. A Private Water Service shall be buried to a depth of at least 2.7 metres to prevent freezing.

USE OF GROUNDWATER WELLS

- 62 Once a parcel of land is connected to City Water Service, any groundwater wells within such Property must be abandoned unless otherwise approved in writing by The City. Such approval would be subject to cross-connection control, flow measurement and periodic inspection, as stipulated by The City.

FIRE PROTECTION SERVICE

- 63 (1) A Fire Line shall be used only for fire protection purposes and a water line which provides combined domestic service and Fire Line service shall not be installed without the prior approval of the Fire Chief.
- (2) The City shall determine whether or not a meter shall be affixed to a Fire Line. If required, the meter shall be supplied and installed in a manner satisfactory to The City at the Customer's expense.

FIRE HYDRANTS

- 64 (1) Unless authorized by The City, no Person shall:
- (a) open or close any fire hydrant or valve;
 - (b) connect any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance; or
 - (c) use water from a fire hydrant, regardless of whether that hydrant is located on private or public Property, for any purpose other than fire protection.
- (2) All fire hydrants are to be numbered and painted to The City's standard. The City may provide this service upon request, as per the rates in Schedule D. This information can be provided upon request to the Environmental Services Department.
- (3) No Property Owner or Occupant of a parcel or premises shall allow the

access to a fire hydrant located on or adjacent to that parcel or premises to be obstructed in any manner, whether by the building or erection of any structure or the accumulation of any building material, rubbish or other obstruction.

- (4) No Property Owner or Occupant of a parcel or premises shall allow anything on the parcel or premises to interfere with the operation of a fire hydrant located on or adjacent to that parcel or premises.
- (5) All Persons who own Property on which a fire hydrant is located or own Property which is adjacent to City owned Property on which a fire hydrant is located shall:
 - (a) maintain a one (1) metre clearance on each side of a fire hydrant;
 - (b) not permit anything to be constructed, erected, or placed within the clearance area;
 - (c) not permit anything except grass to be planted within the clearance area; and
 - (d) maintain visibility of hydrants from the nearest access road.

PERMIT TO USE WATER FROM A FIRE HYDRANT

- 65
- (1) The City may authorize the use of a fire hydrant and the use of water from a fire hydrant on a temporary basis where no other supply of water can reasonably be obtained.
 - (2) The City will, as a condition for the use of a fire hydrant and the use of water from a fire hydrant, require that the water pass through a water meter and backflow prevention device prior to use.
 - (3) Any Person authorized to use a fire hydrant shall obtain a hydrant connection permit from The City and ensure that a copy of such permit is kept with the Persons utilizing the hydrant and they must produce the hydrant connection permit to an employee or agent of The City immediately upon demand. A minimum of 30m³ of usage will be charged per day if weekly meter reads are not submitted.

TEMPORARY WATER SERVICE

- 66
- Any Persons requiring a temporary water supply during the course of construction shall apply to The City and shall pay the sums required in Schedule B and D, which may include installation and removal of service

water meter and Backflow Preventer and water consumption charges. A minimum of 30m³ of usage will be charged per day if weekly meter reads are not submitted.

THAWING SERVICES

- 67 (1) The cost of thawing a frozen service shall be borne as follows:
- (a) by the Customer if the Private Water Service or the plumbing system connected thereto is frozen, as determined by The City;
 - (b) by the Customer if the City Water Service Connection is frozen as a result of the negligence of the Customer, as determined by The City;
 - (c) by The City if the City Water Service Connection is frozen for any other reason, as determined by The City.
- (2) If The City is of the opinion that a Private Water Service or plumbing system has frozen without any negligence on the part of the Customer or any other Person for whose negligence the Customer is responsible, The City may waive the cost of one thawing during any one winter season which shall be deemed to run from October 15th to May 15th.
- (3) The City shall not thaw a Private Water Service or plumbing system unless the Customer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to Property including Private Water Service or plumbing system and may cause damage to electrical systems or the outbreak of fire and waiving any claim against The City for any such damage whatsoever except damage caused by the negligence of The City.

SERVICE SIZE

- 68 The size of the service required for residential purposes shall be determined in accordance with the Alberta Building Code, provided that The City shall not install a service having a size smaller than 25 mm.

BOILERS

- 69 In any case where a steam boiler or equipment of a nature similar to that of a steam boiler is supplied directly from a service, such boiler or other equipment shall be equipped with at least one safety valve, vacuum valve or other device sufficient to prevent the collapse or explosion thereof in the event the water supply thereto is shut off.

REQUESTED WATER SHUT OFF

- 70 (1) No Person shall turn a water Service Valve on or off except as authorized by the Director of Development Services.
- (2) No Property Owner of a parcel or premises shall allow a water Service Valve to be turned on or off except as authorized by The City.
- (3) If a Customer requires the supply of water to be shut off for their own purposes, the Customer shall submit a request to The City and pay The City the amount specified in Schedule D.

BACKFLOW PREVENTER

- 71 (1) Where in the opinion of The City, the configuration of any water connection creates a high risk for contamination to the water system, the Customer, upon being given notice by The City, shall install on their water service an approved Backflow Preventer at the Customer's sole cost at all identified sources of potential contamination.
- (2) No Customer or other Person shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fittings, container or appliance, in a manner which under any circumstances, may allow contaminated or Polluted Water, Wastewater, or any other liquid, chemical or substance to enter the domestic water system.
- (3) If a condition is found to exist which is contrary to subsection (2), The City may issue such order or orders to the Customer as may be required to obtain compliance with subsection (2).
- (4) All Backflow Preventers shall be inspected and tested at the expense of the Customer, upon installation, and thereafter annually, or more often if required by The City; by Personnel approved by The City to carry out such tests, to demonstrate that the device is in good working condition. The Customer shall submit a report in a form approved by The City for all tests performed on a Backflow Preventer within thirty (30) days of a test and a record card issued by The City shall be displayed on or adjacent to the Backflow Preventer. The tester shall record thereon the name and address of the owner of the device; the location, type, manufacturer, serial number and size of the device; and the test date, the tester's initials, the tester's name (if self-employed) or the name of the testers employer and the tester's license number.
- (5) When the results of a test referred to in subsection (4) show that a

Backflow Preventer is not in good working condition, the Customer shall, repair or replace the device within ninety-six (96) hours. If the Customer fails to comply with the direction given, The City may shut off the water service or water services.

- (6) If a Customer fails to have a Backflow Preventer tested, The City may notify the Customer that the Backflow Preventer must be tested within ninety-six (96) hours of the Customer receiving the notice.
 - (a) if a Customer fails to have a Backflow Preventer tested within the time provided in subsection(4), The City may cause the water service or water services to be terminated until the Backflow Preventer has been tested and approved as required by Section 71 of this Bylaw.
- (7) No Person shall turn on a water Service Valve to provide water to the Occupants of any newly renovated, constructed, or reconstructed premises until the plumbing system in such premises has been inspected for Cross Connections and approved by The City
- (8) No Persons other than those who have achieved journeyman plumber or "Certificate of Competency" in an accredited program of Alberta may conduct the tests on Backflow Preventers.

PART 4 - WASTEWATER UTILITY

WASTEWATER UTILITY SERVICE LEVY AND BILLING RATES

72 The City hereby levies on all Persons owning or occupying Property connected with The City's Wastewater Sewer system a fixed Wastewater charge plus a variable charge based on the volume of Wastewater contributed by the Customer, to be paid monthly as determined by The City calculated using the rates set forth in Schedule C.

WASTEWATER CONNECTION EXCEPTIONS

73 Notwithstanding Section 72, The City shall have the right to make special agreements on terms fixed by The City with certain industries or others to whom large quantities of water are sold but whose uses of such water do not involve the return of comparable amounts of Wastewater to The City's Wastewater Sewer system.

PROHIBITED DISPOSAL OF WASTEWATER

- 74 (1) No Person shall place, deposit, dump or permit Wastewater, Dangerous Goods, or any other Waste, to be deposited in any manner upon public or private Property within the City or in any area under the jurisdiction of The City.
- (2) No Person shall discharge to any watercourse within the City or to any area under the jurisdiction of The City, any Wastewater, Industrial Waste, Dangerous Goods, or Polluted Waters, except where suitable pre-treatment is provided.
- (3) Except as permitted by this Bylaw or the Alberta Building Code, no Person shall construct or maintain in the City any privy or pit toilet, septic tank, cesspool, or other facility intended or used for the collection or disposal of Wastewater.

CLEANOUTS

- 75 A Building Sewer that is connected to a Wastewater Sewer shall be equipped with a main Cleanout with a minimum diameter of 100 mm located not more than 25 m from Property line. The main Cleanout shall be located as close as practical to the point where the Wastewater Sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (2 metres) for effective rodding and cleaning. The building Wastewater Sewer from Cleanout to Property line is to be as straight as possible. A maximum of one 45° bend is permitted for the Cleanout and a maximum of one additional 45° bend may be used between the Cleanout and Property line. Total angle of all bends shall not exceed 90°.

BACKFLOW VALVES

- 76 All Wastewater plumbing fixtures and floor drains set below the highest level of the ground surface adjacent to the premises shall be protected from backflow by an approved Wastewater Backflow Valve.

PLUGGED WASTEWATER SEWERS

- 77 (1) When a Sewer backup occurs, a Customer shall be responsible for contacting a plumbing firm to arrange for the blockage to be cleared.
- (2) When the cause of the blockage is determined to originate from the portion of the Sewer that the City is responsible for under this Bylaw, The City shall reimburse the Customer the actual costs incurred by the Customer to clear the blockage. Such reimbursement may be limited to a

maximum amount of up to three (3) hours at the rates identified in Schedule D.

- (3) When the cause of the blockage is determined to originate from the portion of the Sewer that the Customer is responsible for under this Bylaw, the Customer shall be responsible for removing the blockage and any and all costs associated with doing so.
- (4) Where the dispute exists as to the responsibility of sewer failures or blockage, a video inspection or an electronic line location may be performed in an attempt to determine the location of the problem. All costs associated with such a determination shall be borne by the party responsible for maintaining the portion of the sewer where the cause of the problem is found to originate
- (5) The Customer or plumbing firm on behalf of the Customer, shall notify The City if the plumber is unable to clear a blockage within the Sewer Connection.

TREES AND ROOTS

- 78 (1) Deep rooting trees shall not be planted within 6 metres of Wastewater Sewer mains or services.
- (2) Tree roots infesting and/or blocking a sewer shall be the responsibility of the party responsible for maintaining the portion of the sewer where the cause of the infesting and/or blocking originated.

CONNECTION TO WASTEWATER SEWER

- 79 No weeping tile, Sump pump or eavestrough downspout system shall be connected to any Wastewater Sewer unless approved in writing by The City.

STORM WATER / GROUND WATER DISCHARGE TO WASTEWATER SEWER

- 80 No Person shall discharge, or cause to be discharged, Storm Water, surface water, ground water, roof run-off, subsurface drainage, or Cooling Water to any Wastewater Sewer, unless:
- (a) upon the application of the Customer The City determines that exceptional conditions prevent compliance with the foregoing provisions and authorizes such discharge; and
 - (b) the discharge is in accordance with a validated Wastewater Discharge Dewatering Permit.

PROHIBITED SUBSTANCES IN WASTEWATER

81 No Person shall discharge or permit to be discharged into any Wastewater Sewer:

- (a) any solid or viscous substance capable of causing obstruction, or other interference with the operation of the Wastewater system, including Dangerous Goods, Hazardous Waste, Biological Waste, Combustible Waste, Biomedical Waste, Reactive Waste, elemental mercury, prescription or illegal drugs, soil, PCBs, Pesticides, Radioactive Materials, hair, grease, oil, cigarettes, ashes, cinders, sand, potters clay, resin, mud, straw, metal, glass, rags, feathers, tar, plastics, wood, grass clippings, insoluble shavings, asphalt, creosote, bone, hide, eggshells, meat and fat trimmings or Waste, baking dough, chemical residues, spent grain and hops, whole food, garbage, paint residues, cat box litter, animal tissues, manure, blood, or Sharps;
- (b) Wastewater having a pH lower than 6.0 or higher than 10.5, or having any other corrosive Property capable of causing damage or hazard to structures, equipment, and Wastewater treatment processes;
- (c) Wastewater containing substances in concentrations exceeding the following:

(i)	Antimony	1.0 mg/L
(ii)	Arsenic	1.0 mg/L
(iii)	Barium	3.0 mg/L
(iv)	BTEX	1.0 mg/L
(v)	Boron	1.5 mg/L
(vi)	Cadmium	0.05 mg/L
(vii)	Chromium	1.0 mg/L
(viii)	Chlorinated Hydrocarbons	0.02 mg/L
(ix)	Copper	0.5 mg/L
(x)	Cyanide	1.0 mg/L
(xi)	Hydrocarbons	50 mg/L
(xii)	Lead	1.0 mg/L
(xiii)	Manganese	1.0 mg/L
(xiv)	Mercury	0.1 mg/L
(xv)	Nickel	0.5 mg/L
(xvi)	Phenolic Compounds	0.1 mg/L
(xvii)	Selenium	1.0 mg/L
(xviii)	Silver	1.0 mg/L

(xix) Sulphide	1.0 mg/L
(xx) Zinc	1.0 mg/L
(xxi) Total Suspended Solids (TSS)	4,800 mg/L
(xxii) Biochemical Oxygen Demand (BOD)	4,800 mg/L
(xxiii) Chemical Oxygen Demand (COD)	9,600 mg/L
(xxiv) Total Phosphorus	150 mg/L
(xxv) Total Kjeldahl Nitrogen	400 mg/L
(xxvi) Oil and Grease - animal, vegetable	500 mg/L
(xxvii) Oil and Grease - synthetic hydrocarbon	50 mg/L
(xxviii) Phosphates	100 mg/L

- (d) Wastewater containing hydrogen sulphide, carbon disulphide, reduced sulphur compounds, amines or ammonia;
- (e) Wastewater containing dyes or colouring materials which may or could pass through a Wastewater treatment plant and discolour the Wastewater effluent;
- (f) Wastewater above 75 degrees Celsius;
- (g) any substance which:
 - (i) is or may become harmful to any recipient water course or collection system or part thereof or will cause a violation or noncompliance event in the Operating Approval for the Wastewater Treatment Plant;
 - (ii) may interfere with the proper operation or maintenance of the Wastewater system, disposal of biosolids, or any Wastewater treatment process or cause damage to the Wastewater Works or Wastewater treatment plant;
 - (iii) grit removed from commercial or industrial premises including but not limited to grit removed from car washing establishments, automobile garages and restaurant Sumps or from Interceptors;
 - (iv) will be discharged in layers or will form layers upon interaction with other Wastewater;

DISCHARGE OF PROHIBITED SUBSTANCES

- 82 (1) Any Person responsible for or aware of the discharge of prohibited substances in the Wastewater system shall immediately report to The City in order that the necessary precautions can be taken to minimize the

Deleterious effects of the discharge. Such Person must also make other required reports to Alberta Environment and any other governing body.

- (2) If testing of Wastewater shows that it is noncompliant with this Bylaw, The City may direct the Customer to comply with the Bylaw and may, in addition, direct the Customer at its expense to install such monitoring and recording equipment as The City deems necessary and to provide to The City the results of said monitoring as required.
- (3) Any Person who contravenes any of the provisions of Section 81, 82, 83 or 85 shall, in addition to any penalty for infraction of this Bylaw, be liable to and shall on demand pay to The City all costs of monitoring, sampling, testing, and removing any contamination resulting from the discharging of any such substances into a Wastewater Sewer, and for any other amount for which The City may be held liable because of such contamination.

OVERSTRENGTH SURCHARGE

- 83 (1) A Person who has discharged, caused, or permitted Wastewater to be discharged into any Wastewater Sewer containing constituents exceeding the concentrations outlined in Schedule C, shall pay the volume and treatment charges set forth in Schedule C.
- (2) Should testing of the Wastewater being discharged into the Wastewater collection system be required for the purpose of determining the Wastewater surcharge rate, such sampling and testing shall be conducted by the Inspector, or by the Customer to the satisfaction of the Inspector, using automated sampling devices or in accordance with the following manual sampling protocol:
 - (a) samples from the effluent produced at a location will be collected for a minimum of any two days within a seven day period;
 - (b) a minimum of four Grab Samples of equal volume shall be taken each day, such samples to be taken at least one hour apart;
 - (c) the analysis shall be conducted on a Composite Sample made of each day's Grab Samples; and
 - (3) The results of the foregoing tests shall be averaged to determine the characteristics and concentration of the effluent being discharged into the City Wastewater collection system.

- (4) No Person shall, for the purpose of meeting any concentration limits set out in this Bylaw, dilute any Wastewater intended to be deposited in the Wastewater collection system.

COST OF SAMPLING

- 84 When the Customer's discharged Wastewater contains constituents exceeding the discharge limits in Section 81, 82, or 83, the cost of all sampling and analysis shall be at the Customer's expense.

DENTAL AMALGAM SEPARATOR

- 85 Every owner or operator of premises from which Dental Amalgam may be released into a Sewer, shall:
- (a) install in any piping system at its premises that connects directly or indirectly to a Sewer, Dental Amalgam Separators with at least 95% removal efficiency in amalgam weight and which are certified as compliant with *ISO 11143 – "Dental Equipment: Amalgam Separators"*;
 - (b) operate and maintain all Dental Amalgam Separators in good working order and according to the manufacturer's recommendations;
 - (c) provide an approved monitoring point which is readily and easily accessible at all times for inspection; and
 - (d) provide to the Inspector on request a maintenance schedule and record of maintenance for each installed Dental Amalgam Separator.

GREASE, OIL, & SOLIDS INTERCEPTION

- 86 (1) Every owner or operator of premises containing a restaurant, vehicle repair or auto body shop, petroleum service station, or vehicle and equipment washing establishment, or other premises as deemed necessary by The City of Red Deer shall:
- (a) install an Interceptor or filter for the removal from Wastewater of grease, oil, solids or other harmful substance;
 - (b) make available to the Inspector upon request a maintenance schedule and record of maintenance for the Interceptor or filter; and

- (c) shall keep and make available to the Inspector upon request a two-year record of documentary proof of Interceptor clean-out and the disposal of oil, grease, solids and sediments.
- (2) All Interceptors shall be of a type and capacity approved by The City and shall be located so as to be readily and easily accessible for cleaning and inspection and shall be maintained by the Customer at the Customer's expense in continuously efficient operation at all times. The Interceptors shall be installed in compliance with the most current requirements of the Alberta Building Code.
- (3) No Person shall:
 - (a) discharge emulsifiers into the Sewer system ahead of an Interceptor; or
 - (b) use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through a Grease Interceptor.
- (4) Should any blockage of the Wastewater Sewer system be caused by reason of failure, omission, or neglect of a Customer, to comply strictly with the provisions of this Bylaw, the Customer shall, in addition to any penalty for infraction of this Bylaw, be liable to and shall on demand pay The City for all costs of clearing such blockage and for any other amount for which The City may be held liable because of such blockage.

CUSTOMER SELF-MONITORING

- 87 (1) The Customer shall, at its own expense, complete any monitoring, sampling, and testing of any discharge to a Wastewater system as required by The City, and shall provide the results to The City in a form specified by The City.
- (2) Any Customer who exceeds the discharge limits in this Bylaw shall submit an environmental plan to the satisfaction of The City, at the Customer's expense, which will detail the steps necessary to change their discharge characteristics to the standards required under the provisions of this Bylaw.

MANHOLES

- 88 (1) Manhole(s) are required to be constructed in accordance with City Standards in locations that are accessible to The City, on all Wastewater Service Connections to premises such as:

- (a) Industrial - Oil related industries, dairies, breweries, packing plants, processing plants, feed mills, manufacturing plants, fabricating plants, painting shops;
 - (b) Commercial - Shopping centres, strip malls, warehouses, grocery stores, heavy machine repair, welding shops, automobile repair, service stations, car washes, restaurants, paint stores, hotels, motels, dry cleaners, laundries; and
 - (c) Other - residential dwellings over 6 units, apartment over 6 units, nursing homes, senior complexes, Institutions, hospitals, dental labs, funeral homes, churches, schools.
- (2) Such manholes may be constructed by the Customer, or by The City at the Customer's cost, and shall be maintained by the Customer so as to be safe and accessible at all times.

DISCONNECTION OF SEWER

89 (1) Where Wastewater which:

- (a) is hazardous or creates an immediate danger to any Person;
- (b) endangers or interferes with the operation of the Wastewater collection system; or
- (c) causes or is capable of causing an adverse effect;

is discharged to the Wastewater collection system, the Inspector may, in addition to any other remedy available, remove, disconnect, plug or shut off the Sewer line discharging the unacceptable Wastewater into the Wastewater collection system or take such other action as is necessary to prevent such Wastewater from entering the Wastewater collection system.

- (2) The Wastewater may be prevented from being discharged into the Wastewater collection system until evidence satisfactory to the Inspector has been produced to ensure that no further discharge of Hazardous Wastewater will be made to the Wastewater collection system.
- (3) Where The City takes action pursuant to subsection (1), the Inspector may by notice in writing advise the owner or occupier of the premises from which the Wastewater was being discharged, of the cost of taking such action and the owner or occupier, as the case may be, shall forthwith reimburse The City for all such costs which were incurred.

PRIVATE WASTEWATER DISPOSAL

- 90 (1) Where a Wastewater Sewer is not available for connection as required under the provisions of Section 31(1), the building Wastewater Sewer shall be connected to a private Wastewater disposal system complying with the provisions of this Bylaw, the Alberta Building Code, Alberta Environment & Public Health Regulations, and such additional requirements as may be imposed by The City. The owner shall operate and maintain the private Wastewater disposal Facilities in an acceptable manner at all times at no expense to The City.
- (2) After the Property Owner has connected to the Wastewater Sewer system as required by Section 31(1), the Property Owner shall, within 60 days of the date of connection to the Wastewater Sewer system, dispose of all Waste appropriately and remove any septic tanks, cesspools and similar private Wastewater disposal Facilities and reclaim the site with clean native soil.

HAULED WASTEWATER

- 91 (1) No Person shall discharge or permit the discharge of Hauled Wastewater at any location other than a Hauled Wastewater discharge location approved by The City. Manifests to discharge Hauled Wastewater are available at The City's Wastewater Treatment Plant.
- (2) Any Person or company that proposes to discharge Hauled Wastewater at The City Wastewater Treatment Plant must:
- (a) apply for and receive a Hauled Wastewater Manifest issued by The City; and
 - (b) enter into and comply with the requirements of the Hauled Wastewater agreement established by The City.

BEST MANAGEMENT PRACTICE

- 92 (1) As a condition of discharging Wastewater into the Wastewater Sewer, Customers in industrial, commercial, and Institutional sectors shall submit to The City a completed Notice of Wastewater Discharge form and a Best Management Practice:
- (a) in the case of new premises, within 30 days of commencing the discharge of Wastewater in the Wastewater Sewer; and

- (b) In the case of existing premises, within 90 days of the date that this Bylaw is adopted.
- (2) A Best Management Practice is not required for the discharge of Wastewater produced from residential premises, or for sanitary Wastewater and Wastewater from showers and restroom washbasins produced from a non-residential Property.
- (3) A Customer must report any change in the discharging operation registered under the Notice of Wastewater Discharge form (such as a change in the discharge characteristics, ownership, name, location, contact Person, telephone number, or fax number) to the Inspector within 30 days of the change by submitting a completed Notice of Wastewater Discharge form showing the changes.
- (4) Nothing in a Best Management Practice or a Notice of Wastewater Discharge form relieves a Person discharging any substance from complying with this Bylaw or any other applicable enactment.

PART 5 - STORM WATER UTILITY

CONNECTION TO STORM WATER SEWER

93 Where the seasonally adjusted groundwater table is within 2m of the top of the footing of any residence constructed after the passage of this Bylaw, such residence must have a weeping tile system connected to a Storm Water Sewer where a Storm Water Sewer is available, or with the permission of The City, connected to the Wastewater Sewer.

CLEANOUTS

94 A building Storm Water Sewer that is connected to The City's Storm Water Sewer shall be equipped with a main Cleanout with a minimum diameter of 75mm, located not more than 25m from Property line. The main Cleanout shall be located as close as practical to the point where the Storm Water Sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (2m) for effective rodding and cleaning. The building Storm Water Sewer from Cleanout to Property line is to be as straight as possible. A maximum of one 45° bend is permitted for the Cleanout and a maximum of one additional 45° bend may be used between the Cleanout and Property line. The total of the angles of all bends shall not exceed 90°.

BACKFLOW VALVES

- 95 All weeping tile and Storm Water fixtures set below the level of the highest ground surface adjacent to the premises shall be protected from backflow by an approved Storm Water Backflow Valve.

TREES AND ROOTS

- 96 (1) Deep rooting trees shall not be planted within 6 metres of Storm Water Sewer mains or services.
- (2) Tree roots infesting and/or blocking a Storm Water Sewer shall be the responsibility of the party responsible for maintaining the portion of the sewer where the cause of the infesting and/or blocking originated.

OIL AND GRIT INTERCEPTION

- 97 (1) Oil and Grit Separators are required for the following types of Properties:
- (a) Properties over 2 ha where there are no other water quality improvement capabilities in the downstream storm system prior to outfall to a water body;
 - (b) Properties with petroleum products on-site; and
 - (c) Heavy industrial and manufacturing Properties.
- (2) Every Property when deemed necessary by the City, shall install an oil and grit separator to remove oil, sediment, solids, refuse, and other harmful substances from Storm Water. All oil and grit separators shall be of a type and capacity approved by The City and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at the owner's expense, and in continuously efficient operation at all times. The oil and grit separators shall be installed as per manufacturer's recommendations and in compliance with the most current requirements of The City of Red Deer Design Guidelines and Contract Specifications.
- (3) All oil and grit separators shall be inspected as per manufacturer's recommendations or at least once per year, whichever is more frequent. Oil and grit separators shall be cleaned immediately when indicated by inspection.
- (4) The Property Owner shall:
- (a) Make available to the Inspector upon request, the manufacturers recommendations, a maintenance schedule and record of maintenance for the oil and grit separator;

- (b) Keep and make available to the Inspector upon request a minimum five year record of documentary proof of oil and grit separator clean out, along with documentation of appropriate disposal of all captured materials; records shall include the recorded sediment depth resulting from all inspections, including those which occur prior to any sediment removal operations. These sediment depth records are to be kept so as to assist the owner/operators and Inspectors in identifying appropriate inspection and maintenance schedules.
- (5) No Person shall:
 - (a) Discharge emulsifiers into the storm sewer system ahead of an oil and grit separator; or
 - (b) Use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and/or grease through an oil and grit separator.
- (6) Should any blockage of the storm sewer system be caused by reason of failure, omission, or neglect of an owner, to comply strictly with the provisions of this Bylaw, the owner shall be liable to and shall on demand pay The City for all costs of clearing such blockage, and for any other amount for which The City may be held liable because of such blockage.

PRIVATE STORM WATER SEWER SYSTEMS

98 Storm Water Sewers installed on industrial, commercial or Institutional Property for the purposes of collecting Storm Water and carrying it into the Storm Water Sewers shall be equipped with an Interceptor. The installation of catch basins and Interceptors on private Property shall comply with The City's Design Guidelines, as they may be amended from time to time.

PROHIBITED STORM WATER SEWER USE

- 99 (1) No Person shall discharge, or cause to be discharged, groundwater, roof run-off, subsurface drainage, or Cooling Water from any industrial process, to any Storm Water Sewer, unless;
- (a) upon the application of the Customer, The City determines that exceptional conditions prevent compliance with the foregoing provisions and authorizes such discharge; and

- (b) the discharge is in accordance with a validated Storm Water Discharge Dewatering Permit;
- (2) No Person shall discharge, deposit or permit any of the following into any pipe, main conduit, manhole, street inlet, gutter or aperture draining into the Storm Water system:
- (a) any Deleterious substance; Industrial Waste; domestic Waste; non-domestic Waste; Wastewater; trucked liquid Waste; pool or hot tub water; mud, sand, silt, or grit; any flammable liquid or explosive material; solvent or petroleum derivative including but not limited to gasoline, naphtha or fuel oil; any pesticides, insecticide or fungicides; Radioactive Material; septage, soil, dead animals or parts, cooking oils and greases, transmission fluids, battery acids and antifreeze, paint, cement or concrete wastes, sawdust, wood, fibre board or construction material, yard waste, herbicides or fertilizers, soaps or detergents, hazardous substances or animal wastes.
 - (b) any corrosive, noxious or malodorous gas, liquid or substance which either singly or by interaction with other Wastes, is capable of:
 - (i) creating a public nuisance or hazard to life;
 - (ii) preventing human entry into a Storm Water Sewer or pump station; or
 - (iii) causing damage to the Storm Water system.
 - (c) any other substance which may cause impairment of or damage to the environment, human health, safety, Property, or City infrastructure.
- (3) No Person shall obstruct or restrict a Storm Water Sewer or the flow therein.
- (4) No Person shall discharge water to any Storm Water Sewer or to a watercourse, containing any substance which, in the opinion of The City:
- (a) is or may become harmful to any recipient watercourse or Storm Water system or part thereof;
 - (b) may interfere with the proper operation or maintenance of the Storm Water system;
 - (c) may become a health or safety hazard to Persons, Property, animals, vegetation and the environment.

DISCHARGE OF PROHIBITED SUBSTANCES IN STORM WATER

- 100 (1) Any Person responsible for or aware of the discharge of prohibited substances in the Storm Water system shall immediately report that event to The City in order that the necessary precautions can be taken to minimize the Deleterious effects of the discharge. Such Person must also make other required reports to Alberta Environment and any other governing body.
- (2) Should any testing of Storm Water show that it is noncompliant with this Bylaw, The City may direct the Customer to comply with the Bylaw and may, in addition, direct the Customer at its expense to install such monitoring and recording equipment as The City deems necessary and supply the results of said monitoring as required. The cost of all sampling and analysis shall be at the Customer's expense.
- (3) Any Person who contravenes any of the provisions of Section 98 shall, in addition to any penalty for infraction of this Bylaw, be liable to and shall on demand pay to The City all costs of monitoring, sampling, testing, and removing any contamination resulting from the discharging of any such materials into a Storm Water Sewer, and for any other amount for which The City may be held liable because of such contamination.

CITY STORM WATER SEWER USE

- 101 City forces may discharge water into a Storm Water Sewer or watercourse resulting from non-domestic activities such as:
- (a) hydrant & Water Main flushing (dechlorination required); and
 - (b) firefighting activities.

DISCONNECTION OF STORM WATER SEWER

- 102 (1) Where Storm Water which:
- (a) is hazardous or creates an immediate danger to any Person or the environment;
 - (b) endangers or interferes with the operation of the Storm Water system; or
 - (c) causes or is capable of causing an adverse effect;

is discharged to the Storm Water system, The City may, in addition to any other remedy available, remove, disconnect, plug or seal off the Storm Water Sewer line discharging the unacceptable water into the Storm Water system or take such other action as is necessary to prevent such water from entering the Storm Water system.

- (2) The water may be prevented from being discharged into the Storm Water system until evidence satisfactory to The City has been produced to assure that no further discharge of hazardous water will be made to the Storm Water system.
- (3) Where The City takes action pursuant to subsection (1), The City may by notice in writing advise the Property Owner or occupier of the premises from which the water was being discharged, of the cost of taking such action and the Property Owner or occupier, as the case may be, shall forthwith reimburse The City for all such costs.

PART 6 - WASTE MANAGEMENT UTILITY

SCOPE OF WASTE MANAGEMENT UTILITY

- 103 (1) The City Waste Management Utility shall provide for the collection, transport, treatment and/or disposal of Garbage, Recyclables, Organics, Yard Waste and Special Waste within the City as specified in this Bylaw.
- (2) As Waste Management Utility Services are not a metered service, the provisions of Part 2 of this Bylaw dealing with the creation and administration of Utility accounts apply to the Waste Management Utility, subject to all necessary modifications to reflect the provisions of this Part.

EXCLUSIVE CONTRACTS FOR WASTE MANAGEMENT SERVICES

- 104 (1) City Administration is authorized to enter into exclusive contracts for the collection, removal and disposal of Garbage, Recyclables, Organics and Yard Waste within the City.
- (2) The Waste Collection Service shall not have exclusive rights to collect the following types of Waste:
- (a) large household goods such as furniture;
 - (b) Garbage in on-site mechanical compactors, roll-off bins, or Containers of a capacity greater than 6 cubic yards;

- (c) Waste produced in the process of constructing, altering or repairing a building;
 - (d) materials not accepted at the Disposal Grounds;
 - (e) those items suitable for recycling or reuse; or
 - (f) Waste of any kind generated from the Michener Centre.
- (3) Where The City has entered into such exclusive contracts, no Person other than the Waste Collection Services Contractor may provide the same or similar type of service within the City.
 - (4) Notwithstanding that, the Property Owner or Occupant of premises may remove or dispose of Garbage, Recyclables, Organics or Yard Waste from those premises.
 - (5) Any Person who breaches the provisions of subsection (3 or 4) hereof, in addition to being liable to prosecution for an offence under this Bylaw, shall be liable for and make payment to The City of the amount of revenue which would have been generated had The City been able to collect the Garbage, Recyclables, Organics or Yard Waste.

RESIDENTIAL WASTE - DETACHED AND SEMI-DETACHED DWELLING UNITS

- 105 (1) Garbage and Recyclables shall be collected by The City on a weekly basis from all detached and semi-detached Dwelling Units and secondary suites.
- (2) Organics, shall be collected by The City on a weekly basis from all eligible detached and semi-detached Dwelling Units and secondary suites.
- (3) The City will provide Dwelling Units that are eligible for Automated Collection of Waste with a Cart for the containment and collection of Organics and Yard Waste.
- (4) Carts assigned to a Dwelling Unit shall remain at that premise. The Property Owner or Occupant of that premise is responsible for the assigned Cart and shall ensure it is:
- (a) maintained in a clean and good condition;
 - (b) secured against theft or loss;
 - (c) available to The City and/or its contractors within a reasonable timeframe for the purposes of inspection, maintenance, repair or removal for replacement;
 - (d) used only for the type of Waste designated to that Cart (e.g. Green Carts are for Organics and Yard Waste only)

RESIDENTIAL WASTE - MULTI-FAMILY AND MULTI-ATTACHED BUILDINGS

- 106 (1) The City shall provide weekly collection of Recyclables for all Multi-Family and Multi-Attached Buildings.
- (2) The City shall provide weekly collection of Garbage for all Multi-Family and Multi-Attached Buildings except where the building owner has made provisions for others to collect such Garbage; in which case, Garbage must be collected at least once per week.

COMMERCIAL WASTE

- 107 (1) In this section, Non-residential Premises includes premises of a commercial or industrial nature, as well as Institutions and Places of Worship.
- (2) Subject to the provisions of Section 103, the Property Owner or Occupant of Non-residential Premises may choose to have Garbage from the premises collected by The City or by a private contractor.
- (3) The City does not provide Recyclables, Organics or Yard Waste collection services to Non-residential Premises.

CHARGES AND FEES

- 108 (1) The Property Owner or Occupant of a premises receiving Waste Collection Services from The City, shall pay to The City a monthly charge at the rates established in Schedule E.
- (2) The monthly charge for Waste Collection Services will apply even where no Waste is set out for collection. In the case of detached and semi-detached Dwelling Units, the monthly charge shall be a debt due to The City whether the Property is occupied or not. The Property Owner shall be liable to pay the monthly charge where the Utility account with the Occupant has been terminated for any reason.
- (3) Where Waste Collection Service is provided for part of a billing period, the rates shown under Schedule E for such service shall be prorated and charged for the portion of the period the service is provided.
- (4) No charges shall be levied in respect of unimproved residential lands.

ADMINISTRATION OF WASTE MANAGEMENT UTILITY

109 The City shall have the following authorities with respect to the administration of the Waste Management Utility:

- (a) ensure the safe and efficient collection, removal and disposal or recycling of Garbage, Recyclables, Organics and Yard Waste under this Bylaw and under any contract entered into by The City;
- (b) designate the placement and location of the Cart, Receptacle or Container for each applicable premises;
- (c) establish which properties are eligible for Automated Collection;
- (d) set, or vary, start dates for Automated Collection and pilot programs;
- (e) establish pilot programs that may include variances from the service levels set within this bylaw;
- (f) require the Property Owner to install a lid on a garbage Container when, in The City's opinion, there is a problem with the containment of Waste which could be resolved by the installation of a lid;
- (g) decide what does or does not constitute Garbage, Recyclables, Organics, Yard Waste or Special Waste under this Bylaw;
- (h) determine which of the rates set out in Schedule E applies to a particular Customer for any load of Waste delivered to the Disposal Grounds, based on the quantity, volume or type of Waste produced by that Customer or contained in that load of Waste;
- (i) establish the number of Units of Garbage permitted per weekly collection; and
- (j) establish such other reasonable policies or regulations as may be necessary for the safe, orderly and efficient collection and disposal of Waste within the City.

USE OF THE WASTE MANAGEMENT UTILITY SERVICE AND DISPOSAL GROUNDS

110 (1) The City is not responsible to collect Waste that is not stored in a Container, Receptacle or Cart and placed out for collection.

- (2) Customers shall place Receptacles as near as practicable to the lane abutting the lands from which the Waste is produced so as to be easily accessible to the Waste Collection Service contractor.
- (3) If a building is constructed such that it abuts directly on the lane, the Property Owner shall provide to the reasonable satisfaction of The City a space within the building of sufficient area to contain all Waste between periods of collection.
- (4) In the case of premises for which Waste Services are not provided by a lane, Customers shall place Receptacles in such manner as The City directs.
- (5) A Receptacle for containing Waste shall be sufficiently strong to hold the weight of Waste contained therein without breaking and shall not exceed 1.2m in length or 100 litres in volume.
- (6) A Receptacle when loaded with Waste shall not weigh more than 25 kg and The City is not required to handle or collect the contents of a Receptacle which exceeds that weight.
- (7) A Cart, when loaded with Waste, shall not weigh more than the manufacturer's specification; 59 kg for a 120 litre Cart, 109 kg for a 240 litre Cart.
- (8) A Cart, when loaded with Waste, shall be filled in such a way as to allow the lid to close completely and any Waste contained therein to be easily emptied via Automated Collection.
- (9) The Customer shall ensure that Carts are properly set out for collection by 7:00 am on the scheduled collection day but not before 5:00 pm on the previous day. All Carts shall be returned to the premises within 24 hours of collection.
- (10) Where Waste is collected by Automated Collection, Waste shall be placed in the appropriate Cart assigned by The City for collection. The Customer shall ensure that Carts set out for Waste Collection Services are:
 - (a) Placed in an upright position on flat ground with their lids fully closed;
 - (b) Placed with at least one (1) metre clearance on all sides of the Cart and at least three (3) metre clearance above the Cart;
 - (c) Placed so that the wheels of the Cart are against the curb for front street collection and facing the residence for back alley collection;
 - (d) Placed so that the Cart is not impeding traffic.

- (11) The City reserves the right to refuse collection if Waste set out as Recyclables or Organics is contaminated with Garbage.
- (12) All Garbage shall be removed to and disposed of in the Disposal Grounds subject to the regulations established by The City and no Person shall deposit or dispose of Garbage at any location in the City except the Disposal Grounds.
- (13) A Person shall not use or permit to be used any vehicle or trailer for the conveyance or storage of Waste unless it is fitted with a cover capable of preventing the scattering or dispersal of Waste while it is being stored or transported by the vehicle. Any Person conveying an unsecured load to the Disposal Grounds, in addition to being liable for prosecution for an offence under this Bylaw, will be charged a surcharge at the Disposal Grounds as outlined in Schedule E.

CONTAINMENT OF WASTE

- 111 (1) No Property Owner or Occupant of land shall permit Waste to accumulate loosely on such land.
- (2) The Property Owner or Occupant of land shall ensure that any Waste produced from such land is held in Receptacles, Carts or Containers in good condition and which are adequate to contain the accumulation of Waste originating from such lands between collection times.
- (3) A Person shall not put out or permit to be put out animal feces or any other excrement within their Garbage unless packaged separately from other Garbage in a securely tied plastic bag free of punctures, tears and leaks.

DISPOSAL OF WASTE

- 112 (1) All owners or Occupants of land shall remove and dispose of all Waste originating on their lands or premises which are not collected, removed and disposed of pursuant to this Bylaw, and in default of their so doing, The City may remove and dispose of such Waste at the expense of such owners or Occupants, who shall pay such expenses to The City on demand.
- (2) No Person shall dispose of any Waste in a Receptacle, Cart or Container owned or leased by another Person without the express written consent of the owner or lessee of the Receptacle, Cart or Container.
- (3) Public Receptacles shall only be used for the disposal of incidental Waste and shall not be used for the disposal of Waste generated by residences, businesses or other commercial activities.

- (4) Once the Customer has set out Waste, or Waste has been accepted at the Disposal Grounds, the Waste is deemed to be the property of the City and shall not be removed, collected or transported except by The City.

RESIDENTIAL GARBAGE COLLECTION

- 113 (1) Residential Garbage collection service shall consist of the weekly collection of a maximum of 3 Units of Garbage per residential Customer unless otherwise directed by The City. Units of Garbage in excess of the basic residential Garbage collection service will be picked up if an Extra Waste Tag, purchased from The City, is attached to the garbage bag for disposal.
- (2) The owner or Occupant of residential lands or premises may remove or cause to be removed Waste from their Property at their own expense, but must still pay to The City the rate levied under this Bylaw for Waste Collection Services.
 - (3) The owner or Occupant of multi-family residential lands or premises must ensure that Waste is collected from the Property at least once per week. Unless Containers are used, the Property Owner must ensure that all Waste is neatly contained in Receptacles between collection times. The joint use or sharing of Containers or Receptacles between multi-family residential lands or premises, for the collection and disposal of Waste, shall not be permitted except with the prior written permission of The City.
 - (4) Subsections (2) & (3) do not apply to removal of Waste from the Michener Centre.

NON-RESIDENTIAL WASTE

- 114 (1) The owner or Occupant of non-residential lands or premises may remove their own Waste at their own cost and expense by employing the services of their own workers or employees, but such owner or Occupant shall not contract such work out to any party other than the Waste Collection Service contractor. This prohibition does not apply to the removal of the types of Waste which are listed as exceptions in Section 104(2).
- (2) Any Person who breaches the provisions of subsection (1), in addition to their liability to be prosecuted for an offence under this Bylaw, shall be liable for and make payment to The City of the fees and charges for removal and disposal of Waste which such Person would have had to pay had such Person used the services of the Waste Collection Service contractor for such purpose.

- (3) This section does not apply to removal of Waste from the Michener Centre.

HAZARDOUS WASTE, DANGEROUS GOODS, SPECIAL WASTE

- 115 (1) The owner or Occupant of land which produces or possesses any Dangerous Goods, Hazardous Waste or Special Waste shall remove and dispose of such goods in accordance with this Bylaw and any regulations of the Governments of Alberta and Canada.
- (2) The owner or Occupant of any lands from which any Dangerous Goods, Hazardous Waste or Special Waste is removed shall properly identify such Waste or goods and shall be responsible for obtaining approvals for the safe transport and disposal thereof.
- (3) No Person shall deposit or mix with any Waste for collection in the Waste Collection Service or delivery to the Disposal Grounds any Dangerous Goods or Hazardous Waste.
- (4) No Person shall place, or cause to be placed, any Special Waste into the Waste Collection Service or Disposal Grounds without obtaining permission from The City and making payment of the disposal charge specified in Schedule E.
- (5) Any Person breaching any part of this section shall be responsible for all costs incurred in eliminating any pollution or contamination of the Disposal Grounds or any other site in the City and shall make payment of the same to The City on demand.

BURNING

- 116 Except as provided in The City's Fire Permit Bylaw no Person shall burn or attempt to burn any Waste in the City.

WASTE FROM OUTSIDE THE CITY

- 117 No Person shall deposit any Waste at the Disposal Grounds which does not originate from within the boundaries of the City except with the prior written permission of The City or under the authority of a contract with The City.

PART 7 - GENERAL

REMAINDER ENFORCEABLE

118 Should any portion of this Bylaw be found by any court to be void or unenforceable, then it is the intention of Council that the remainder of this Bylaw shall remain in full force and effect, notwithstanding such ruling.

EFFECTIVE DATE

119 This Bylaw shall come into effect on March 1, 2018.

REPEAL PREVIOUS BYLAW

120 Bylaw No. 3570/2016 is hereby repealed effective March 1, 2018.

READ A FIRST TIME IN OPEN COUNCIL this 5 day of February 2018.

READ A SECOND TIME IN OPEN COUNCIL this 5 day of February 2018.

READ A THIRD TIME IN OPEN COUNCIL this 5 day of February 2018.

AND SIGNED BY THE MAYOR AND CITY CLERK this 5 day of February 2018.

MAYOR

CITY CLERK

SCHEDULE A – DEFINITIONS

SCHEDULE B – WATER RATES

SCHEDULE C – WASTEWATER RATES

SCHEDULE D – BILLING AND SERVICE FEES

SCHEDULE E – WASTE MANAGEMENT RATES

SCHEDULE F – SPECIAL WATER AND WASTEWATER RATES