

VILLAGE OF COWLEY BYLAW # 403

The Water, Sewer and Garbage Utilities Bylaw A Bylaw of the Village of Cowley in the Province of Alberta, To authorize the levy and collecting of Water, Sewer and Garbage Service Charges.

UNDER authority of and subject to the provisions of the Municipal Government Act, Chapter M-26, 2000, and amendments thereto, the Council of the Village of Cowley, duly assembled, enacts as follows:

DEFINITIONS

1. The following words and terms are defined as follows:
 - a. "Village" shall mean the Village of Cowley;
 - b. "Developer" shall mean the property owner or the agent contracted by the property owner to complete the development;
 - c. "Property Owner" shall mean the person(s) or corporate body to whom the property is legally registered and who may be deemed as the legal property owner.
 - d. "Authorized agent" shall mean a plumbing contractor appointed by Council of the Village of Cowley.

GENERAL

2. The property owner of a property which is serviced directly or indirectly by a connection with the Village's water distribution system shall be responsible to pay a Water Service Charge in accordance with the rates set out, and updated from time to time, in **Fees and Charges Bylaw**.
3. The property owner of a property which is served directly or indirectly by a connection with the Village's sewer collection system shall be responsible to pay a Sewer Service Charge in accordance with the rates set out, and updated from time to time, in **Fees and Charges Bylaw**.
4. The property owner of a property shall be responsible to pay a Garbage Collection Charge in accordance with the rates set out, and updated from time to time, in **Fees and Charges Bylaw**.
5. Council shall have the right to determine into which classification, in the **Fees and Charges Bylaw**, any service which belongs and Council's decision shall be final and binding on all persons concerned.

CONNECTION AND MAINTENANCE

6. Water meters connected to the Village's water distribution system are, and at all times shall remain, the property of the Village and shall not be tampered with or interfered with at any time by any person other than the said Village or its agents. Unauthorized alteration of a water meter shall be considered an Offence and may result in a Fine or other action of as noted in Section 17.
7. The Village shall have the right to install a water meter in a convenient place on a consumer's premises and the Village, or its duly authorized agent, shall have the right to enter upon the consumer's premises at periodic intervals to inspect said meter.
8. The Village will install water and/or sewer services from the main lines, located in the street, to the property line.
 - a. Unless otherwise agreed, the Developer shall be responsible for the costs of installation of water and/or sewer line from the property line to the development. All materials used by the developer for the installation shall be constructed to the standards, and inspected and approved, by the Village.
 - b. Where the connection is made between the service line the Village has installed (from the main to the property line) and the service line that the developer has installed (from the property line to the building) the connection must be completed to the standards of, and inspected (prior to backfill) by, the Village.
9. No person, other than the Village or its duly authorized employees or agents, shall Turn Off or On the water supply from the Village supply system to a consumer's premises or attempt to do so. Unauthorized service alteration shall be considered an Offence and may result in a Fine or other action as noted in Section 17.
10. No person shall be permitted to install a drainage system into the Village's sewer system from a garage, workshop, or any building that would cause human or animal excrement or other waste, or dangerous goods.
11. Where premises are subject to backflow, all plumbing fixtures and floor drains set below the level of the ground surface of the adjoining street or property shall be protected from backflow by an approved flow valve.

UTILITY SERVICE CHARGE NOTICES AND COLLECTION

12. The Village shall cause to be mailed or delivered to each owner of property to which water and/or sewer service is supplied, a statement showing the charge for water and/or sewer service for the billing period according to the rates hereby imposed. Statements shall be sent out monthly and shall name the place where such charge is to be payable. The record in the Village Office of the mailing of such notice shall be sufficient evidence that the notice was sent to the last address of the person to be charged, and that failure to receive such notice does not relieve the person to be charged from the penalties hereby imposed.
13. Utility Service Charges levied or charges shall be deemed payable and owing to the Village as stated on the notice mailed or delivered to the owner, regardless;
 - a. Of whether the notice was delivered or received by the property owner, or
 - b. Of whether duplicate notices have been mailed to renter/occupiers, or
 - c. Of whether the property owner has made arrangements for a renter/occupier to make said payments.
14. Utility Service Charges shall be deemed in arrears after thirty (30) days have passed from the date of the statement.
 - a. All Utility Service Charges deemed to be in arrears shall be charged a monthly interest rate of 2% on the **total outstanding amount**.
15. Utility Service Charges, which are in default with any outstanding debt more than three (3) months, shall be subject to disconnection of services and shall constitute a debt to the Village which may be recovered;
 - a. By transferring the Outstanding Balance to the Tax Roll of the property owner, or
 - b. By action in any Court of competent jurisdiction, or
 - c. By distress upon and seizure of the goods and chattels of the person owing such rates or charges wherever they may be found in the municipality.
16. Utility Service Charges, which are three (3) months in Arrears or have an outstanding balance of \$250.00 or more, may be transferred to Property Taxes at the discretion of the Village.

OFFENCES AND PENALTIES

17. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to termination of service and/or a penalty in the amount of;
 - a. A minimum of One Hundred Dollars (\$100.00) for a first Offence; and
 - b. A minimum of Five Hundred Dollars (\$500.00) for a second or subsequent Offence; if;
 - i. The Offence is a contravention of the same provision of the Bylaw which was contravened resulting in the first, or prior, Offence; and
 - ii. The Offence is committed within one (1) year of committing the first, or prior, Offence.
18. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.
19. Outstanding and/or uncollected fines shall be perceived as a debt to Village and may be subject to collection by transfer to Property Taxes as per Section 15.
20. This Bylaw #403 shall herewith rescind and replace all previous bylaws relating to utility charges.
21. This Bylaw comes into force and effect upon third and final reading thereof.

Read a first time this 14 day of July, 2015.

Read a second time this 14 day of July, 2015.

Read a third time and passed this 14 day of July, 2015.

Mayor – Garry Hackler

CAO - Cindy Cornish