



TOWN OF MANNING, ALBERTA

BY-LAW 845 - 17

UTILITY SERVICES

A By-law of the Town of Manning, in the Province of Alberta to regulate and provide for the supply and use of the water, and wastewater within the Town of Manning pursuant to the provisions of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2006.

WHEREAS Council of the Town of Manning has authority to pass a bylaw respecting public utilities pursuant to Section 7(g) of the Municipal Government Act;

AND WHEREAS Council may pass by bylaw prohibit any person other than the municipality from providing the same or a similar type of utility service in all or part of the municipality pursuant to Section 33 of the Municipal Government Act;

AND WHEREAS the Town of Manning has constructed and now maintains utility systems to provide for water, and wastewater services;

AND WHEREAS it is deemed just and proper to levy rates and charges on all persons to whom such utility services are provided and to set forth the terms and conditions under which such utility service will be provided;

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M-26, the Council of the Town of Manning, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 – SHORT TITLE

This By-law may be cited as the “Utility Services Bylaw”.

SECTION 2 – DEFINITIONS

- 2.1 “Administrator” means Chief Administrative Officer of the Town of Manning.
- 2.2 “Authorized Employee” means a person appointed by the Town of Manning Chief Administrative Officer to act on behalf of the Town of Manning with regard to the Town water, sewer and storm drainage system.
- 2.3 “Consumer” means the applicant for water and sewer service, whose signature is attached to the service application.
- 2.4 “Consumer Premises” means the premises at which the town supplies water and sewer to the Consumer.

- 2.5 "Council" means the Council of the Town of Manning.
- 2.6 "Service Connection" means all that portion of the pipes, wires, or things that provide a public utility situated between the public utility main and the property line of the property to which such utility is supplied.
- 2.7 "Sewer" means the Town sanitary sewer system, including all mains, treatment and storage facilities.
- 2.8 "Storm Drain" means the Town storm drainage system, including ditches, catch basins, underground works and outflows.
- 2.9 "Town" means the Town of Manning, the Municipal Council of the Town of Manning, or any agent, or representative thereof, as may be appropriate.
- 2.10 "Truckfill" means the Town owned and operated Truckfill forming part of the water distribution system.
- 2.11 "Utility Service" means the supply of water, the provision of wastewater collection and disposal.
- 2.12 "Water" means the Town water distribution system, including all mains, storage and water treatment facility.

SECTION 3 – USE AND CONTROLS OF WATER, AND DRAINAGE

- 3.1 The use and control of all water, sewer, and drainage systems belonging to the Town, not laid down, constructed or built subsequent to the passing of this bylaw, shall be in accordance with this bylaw and shall be under the management and control of the Chief Administrative Officer.
- 3.2 The Town does not guarantee the continuous uninterrupted supply of any utility, and reserves the right at any time without notice to shut off such supply where required in the maintenance or operation of the utility and the Town, its officers, employees or agents shall not be liable for any damages of any kind due to or arising out of a failure to supply a utility.
- 3.3 Where such water/wastewater facilities exist, all residential, institutional, commercial, and industrial property owners, within Town boundaries, shall be connected to the service as consumers.

SECTION 4 – WATER AND SEWER SYSTEMS

- 4.1 All waterworks, sanitary sewers, storm sewers, drains and sewage disposal works belonging to the Town, now laid down, constructed or built, or hereafter laid down, constructed or built, shall be of a heavy walled PVC material or better quality and shall be installed under the direct control and supervision of the Town of Manning.
- 4.2 In any case, where a steam boiler or equipment of a like nature is supplied directly from a water service, such boiler or other equipment shall be equipped with at least one safety valve, vacuum valve or other device sufficient to prevent collapse or explosion in the event that the water supply is shut off.
- 4.3 An owner shall, at the owner's expense, maintain the water and sewer services from the owner's building up to and including the connection to the curb cock on the Town water and sewer lines.

- 4.4 No person shall remove, operate, or alter any portion of the utility services owned by the Town except an authorized agent or employee of the Town. A consumer/owner shall be responsible for all damage to or loss of such property.
- 4.5 No person shall use a utility service in any manner that causes any interference or disturbance to any other consumer's use of the utility services.
- 4.6 No person shall obstruct or impede free and direct access to any service, water main, sanitary sewer or any other aspect of the utility services.
- 4.7 No person shall install or allow to be installed any temporary or permanent structures that could interfere with the proper and safe maintenance and operation of the utility services or result in damage to the utility service.
- 4.8 No person shall extend a private service from one lot to another without the prior written consent of the Town.
- 4.9 Where a second or subsequent service has been requested on a lot/parcel, the Town may approve the requested service giving consideration to the effects of the additional service may have on the operation of the surrounding system. Each additional service requested will be required to pay the appropriate connection fee. There shall be one meter provided for each paid service.
- 4.10 The property owner shall be responsible for the condition and protection of all facilities on the owner's property. The owner shall be liable for any destruction of or damage to the Town water facilities or wastewater facilities located on the owner's property unless the destruction or damage is caused by the act of an agent or employee of the Town.
- 4.11 The Town shall reasonably respond to a consumer's/owner's request to attend a property in order to minimize or rectify actual or potential interruption to utility services. The owner shall pay the charges for a consumer's/owner's requested service call unless the source of the problems is caused by the Town.
- 4.12 The Town shall not be liable for damages:
 - 4.12.1 Caused by the break or failure of any portion of the water or wastewater facilities.
 - 4.12.2 Caused by the interference or cessation of utility services in connection with the repair or proper maintenance of the utility services.
 - 4.12.3 Generally for any accident or incident due to the operation of the utility services unless such costs or damages have been shown to be directly due to the willful act of the Town or its employees.
 - 4.12.4 Without limiting the generality of the foregoing, the Town is not responsible or liable for costs or damages that are based on nuisance. All limitations, protections and exclusions of liability contained in any provincial or federal legislation shall be applicable to and shall benefit the Town and severally in respect of any action brought or contemplated in respect of the provision of the utility services or anything else associated to these terms and conditions.

SECTION 5 – PROVISION OF UTILITY SERVICES

- 5.1 The Town will restore services that have been interrupted due to breaks of water mains or sanitary sewers, plugged or collapsed or other reasons as soon as practically possible.
- 5.2 When the Town performs a repair on the utility services that affects a consumer's property, the Town will return the property to original or similar to original condition.
- 5.3 The Town will endeavor to provide a continuous supply of utility services; however, a continuous supply of utility services is not guaranteed.

- 5.4 In the case of extended service interruptions, the Town will make reasonable efforts to supply utility services to consumers or groups of consumers through alternative means.
- 5.5 The Town is not responsible for changes to the characteristics or properties of the water as a result of complying with Alberta Environment Standards. The Town is not responsible for any resulting changes to any facility, process or production or cost impacts upon consumers or their business as a result of such measures.
- 5.6 The consumer shall take all necessary measures to prevent damage to a private service due to any cause, including settlement of the structure or ground through which the line passes.
- 5.7 A utility account shall be set up in the name of the owner of the property only unless otherwise approved by the Chief Administrative Officer.
- 5.8 There shall be a utility account with respect to each meter.

SECTION 6 – WATER SYSTEM MAINS

- 6.1 No person, except authorized employees/contractors of the Town shall make any connection to any of the Town public water lines or mains.
- 6.2 All water service lines installed on private property between the property line and the water meter shall be of the same size as the service line installed in the street between the water main and the property line and constructed of material approved by the Town.
 - 6.2.1 Each private service line from the residence to the curb cock shall be constructed and maintained by the owner of the property on which it is located in accordance with the requirements of the Bylaw.

SECTION 7 – WATER METERS

- 7.1 Each customer shall provide adequate protection for the meter supplied by the Town against freezing, heat or any other internal or external damage; failing to do so, the customer shall pay to the Town all costs associated with the repair of such meter which amount shall be recovered in the same manner as all costs and charges provided for under this Bylaw.
- 7.2 If upon the reading of a meter, it is determined that the meter has failed to record consumption of the utility supplied then the consumption will be estimated and the account rendered based upon such method as the CAO considers to be fair and equitable.
- 7.3 Where it has been determined by the Town that the meter is not recording the consumption of a utility, the Town, with reasonable notice to the customer, must be allowed to enter the premises to replace, repair or inspect the meter.
- 7.4 In the event a meter has been determined to have been altered or tampered with in any way, a customer forgoes the right to dispute a meter reading.
- 7.5 A customer who disputes a meter reading shall give written notice to the Town within 14 days of receiving the utility bill.
- 7.6 Following receipt of written notice, the water meter situated on the customer's premises shall be sent out to a qualified lab to be tested or calibrated. In the event that the meter is found to be accurate within the 98.5% to 101.5% of the water

passing through the same, the expense of such test or calibration shall be borne by the customer.

- 7.7 In the event that the said meter is found not accurate within the said limits then any meter handling and testing fees paid by the customer shall be refunded, and the billings adjusted to fully take into account such error. Unless such an examination of past meter readings or other information disclosed the time at which such an error commenced, then such error shall be deemed to have commenced three months prior to such testing of the meter or from the date upon which the meter was installed, whichever, is the lesser. The amount so determined shall be deemed accepted by the customer and the Town as settlement in full of all claims on account of the inaccuracy of such meter.
- 7.8 All property owners shall, at the property owner's expense, supply and maintain an isolation valve within 40 cm of the inlet to the water meter, regardless of the line size.

SECTION 8 – WATER METER READING

- 8.1 Meters shall be read monthly and applicable water charges shall be levied and collected based on the actual consumption of water received directly from a connection with the Town's water distribution system, except as otherwise stated in this Bylaw.
- 8.2 If a meter cannot be read on the required month, the water consumption readings shall be an estimated volume based on prior usage for each water utility customer.
- 8.3 For the purpose of installing, servicing or reading the meter, the customer shall ensure that access to the meter is safe, well lit, and free of hazards.

SECTION 9 – WATER DISCHARGE

- 9.1 No person being an owner, tenant or resident of any house, building or other premises which are supplied with water from the water system, shall vend, sell or wrongfully and/or negligently dispose of, or improperly waste any water from the system.
- 9.2 No consumer shall cause, permit or allow the discharge of water so that it runs to waste, whether by reason of leakage from underground piping, a faulty plumbing system or otherwise.
- 9.3 The Town may cause the water supply to any consumer who violates Section 9.2 to be shut off until such time as such consumer established to the satisfaction of the Town that they have taken such steps as may be necessary to ensure that any water supplied to the property will not run to waste.
- 9.4 No person, other than authorized employees of the Town, shall open, close or operate or interfere with any valve, hydrant, or draw water from a not approved site.
- 9.5 The Fire Department Chief, Officers, and members of the Department are authorized to use the hydrants for the purpose of filling fire trucks, training exercises and testing hoses, but all such uses shall be under the direction and supervision of the Chief or his duly authorized members, and in no event shall any inexperienced or incompetent person be permitted to manipulate or control any such hydrant.
- 9.6 No person shall in any manner obstruct the free access to any hydrant, valve, or curb cock. No vehicle, building, rubbish or any other matter, which would cause such obstruction, shall be nearer to a hydrant than the property line of the street in which the hydrant is located, nor within (15) fifteen feet of the hydrant in a direction parallel with the said property line.

- 9.7 No person shall interfere with, or tamper with any water meter.
- 9.8 No person shall alter, change, obstruct, or connect to any Town water service line in such a way as to bypass the water meter, except where a Town employee is so required to repair the meter or water service line, or install a bleeder line.

SECTION 10 – WATER SERVICE LINES

- 10.1 A new development or a simple request to upgrade a water line from ½ inch line to ¾ inch or 1-inch line, the property owner will be required to pay for installation and all materials to service from the water main to the development. The Town will replace the water meter at the owner's expense if required.
- 10.2 All service lines replaced shall be constructed of materials approved by the Town.
- 10.3 When a water service line break occurs between the curb cock and the affected residence, the Town shall shut off the water service at the curb cock.
- 10.4 The owner and occupant of the affected property will be notified of said shut off and the water service shall remain off until such time as the water service line is repaired.
- 10.5 The Town will evaluate the responsibility for pay the cost of repairs based on the following:
- 10.5.1 If the break is between the main line and the property line, it shall be the responsibility of the Town to repair.
 - 10.5.2 If the break occurred between the property line and the residence, it shall be the property owner's responsibility to repair.
 - 10.5.3 When a water service line freezes between the curb cock and the residence, the owner is responsible for all thawing of affected waterlines, and all costs for such thawing, including damage to water meter or waterlines due to the freezing.
- 10.6 When the water service line is excavated and repairs are completed, the water service line connection to the Town line must be inspected by the Town's authorized personnel or contractor, before the contractor backfills the trench.

SECTION 11 – USE AND PROTECTION OF SEWER SYSTEM

- 11.1 No person shall throw, deposit, or discharge in any Town sewer line, trap, basin, grating, manhole or other appurtenance of any Town sewer, any materials, except feces, urine, and the necessary toilet paper, and/or the waste paper required to properly discharge same into a Town sewer.
- 11.2 No person shall permit to be discharged into a sewer, any liquid or liquids, or any chemical refuse, or trade waste, or any other waste which would prejudicially affect or damage the sewage system or disposal of sewage, or any matter or substance by which the free flow of the sewage may be compromised.
- 11.3 No person shall make or cause to be made any connection with any Town sewer, or house drain, or appurtenance thereof for the purpose of conveying any inflammable or explosive material, cistern or tank overflow, condensing or cooling water.
- 11.4 No person shall make or cause to be made any connection with any Town sewer, house sewer drains, or appurtenance thereof for the purpose of conveying, or which may convey, into the same any storm sewer or roof drainage.

- 11.5 No person shall interfere with the free discharge of any Town sewer or operation thereof, or do any act or thing which may impede or obstruct the flow of any Town sewer or appurtenance thereof.
- 11.6 The Town shall have the right at all times and upon suitable notification, to enter houses or other places which have been connected with the Town sewers, for the purpose of ascertaining whether or not any improper material or liquid is being discharged into the sewers and the Town is authorized to stop, prevent or disconnect any private sewer or drain through which substances are being discharged which are unauthorized and therein liable to injure the sewers, or obstruct the flow of sewage.
- 11.7 No person shall discharge the contents of any privy vault, or cesspool directly or indirectly into any Town sewer line or house drain connected therewith.
- 11.8 No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator, or other appurtenance of any Town sewer, except duly authorized personnel of the Town.
- 11.9 No person shall cut, break, pierce, or tap an Town sewer or appurtenance thereof, or introduce any pipe, tube, trough or conduit into any Town sanitary sewer line.

SECTION 12 – INDUSTRIAL WASTE AND GREASE TRAPS

- 12.1 No waste or discharge resulting from any trade, industrial or manufacturing process shall be directly discharged into any Town sewer without such previous treatment as shall be described and approved by the Council and Alberta Environmental Protection for each such case. The necessary treatment works so prescribed shall be completely installed by the applicant, at his expense, prior to the construction of the sewer connection, and thereafter shall be continuously maintained and operated by the applicant/owner/or occupant of the property on which the treatment works are located.
- 12.2 Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries or such other places as the Town may so direct, at the owner's expense.

SECTION 13 – SEWER CONNECTIONS AND LINES

- 13.1 No person, other than duly authorized employees of the Town, shall make any connection to, cut, or otherwise tamper in any way with a Town sewer line.
- 13.2 Where premises are subject to backflow, all plumbing fixtures and floor drains set below the level of the ground surface or the adjoining street or property shall be protected from the backflow by an approved flow valve.
- 13.3 All new construction shall be protected from backflow by an approved flow valve.
- 13.4 The initial sewer line blockage service call will be made by a private plumbing firm and the Town will be immediately notified to accompany the plumber to the residence prior any work commencing. Failure to notify the Town will result in the owner or user paying all plumbing costs.
- 13.5 In the case of an emergency the Town is requested to respond to an initial call, and it is found that the blockage was not caused by the Town's main line services or tree roots from a tree situated on the boulevard, the owner or user shall pay to the Town that rate set locally for such plumbing service.

- 13.6 When it has been determined that a blockage is caused by tree roots situated on the boulevard or that the problem exists in the main line, the Town shall make the arrangements and cover the cost of clearing the private line from the house to the main.
- 13.7 When it has been determined that a blockage is caused by a frozen line situated in the boulevard or that the problem exists in the main line, the Town shall make the arrangements and cover the cost of thawing the private line from the house to the main.
- 13.8 Further to action taken in Section 13.6, as afore described, the Town may remove any tree on a boulevard that is deemed to be causing root problems in the sewer line.
- 13.9 Subject to Section 13.6, should the service line problem persist then it will be the property owner's responsibility to repair and/or replace the plugged line from the property line to the building, if required, and conform with Section 4.1 that applies for installation of Town water and sewer services to the property line. The Town shall then, at the same time, replace the line from the property line to the main line at the Town cost.
- 13.10 The responsibility for all service line blockages, excepting tree roots from a tree situated on Town public property, shall be that of the owner, and/or user, and said responsibility shall apply from the residence or dwelling, or place of business, to the main line.

SECTION 14 – EFFECTIVE DATE

14.1 This By-law shall come into effect the date upon third and final reading.


READ A FIRST TIME this 26TH day of JULY 2017

READ A SECOND TIME this 26TH day of JULY 2017

READ A THIRD AND FINAL TIME this 26TH day of JULY 2017



Sunni-Jeanne Walker
Mayor



Dennis Egyedy
Chief Administrative Officer