

**TOWN OF LAMONT
BYLAW 09/23**



**BEING A BYLAW OF THE TOWN OF LAMONT IN THE PROVINCE OF ALBERTA,
TO ESTABLISH REGULATIONS, RATES AND PENALTIES FOR WATER AND
SEWER UTILITY SERVICES AND GARBAGE COLLECTION.**

WHEREAS the *Municipal Government Act* RSA 2000, C. M-26 and amendments thereto, permits the municipality to pass Bylaws regarding public utilities,

AND WHEREAS the Council of the Town of Lamont wishes to establish regulations, rates and penalties for water and sewer utility services and garbage collection.

NOW THEREFORE the Council of the Town of Lamont, hereby enacts as follows:

1. BYLAW TITLE

1.1 This Bylaw is known as "Utility Services Bylaw".

2. DEFINITIONS

2.1 For the purposes of this Bylaw:

- a. "Act" means the *Municipal Government Act*, RSA 2000, c M-26.
- b. "Account" means an agreement between an Owner and the Town of Lamont for the supply of Utility Services.
- c. "Account Holder" means the person named on a Utility Account.
- d. "Authorized Employee" means any employee of the Town of Lamont authorized for the purpose of providing sewer or water service.
- e. "Bylaw Enforcement Officer" means any persons authorized by the Town to enforce the bylaws of the Town.
- f. "CAO" means the Chief Administrative Officer or other designate of the Town of Lamont as appointed by Council.
- g. "CC": means a curb cock, a flow control valve on a water service pipe located on or close to the property line, which is used to isolate the property's water service from the rest of the Town's water distribution system and allows the supply of water to a property.
- h. "Collection Service" means the curbside or roadside collection of garbage.

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- i. "Collector" means the person or persons appointed by the Town for the purpose of collecting and disposing of garbage.
 - j. "Commercial Facilities" includes stores, warehouses, commercial, industrial, institutional facilities, RV park and campground.
 - k. "Compost Materials" means grass cuttings, garden refuse, leaves or other materials which are easily composted and shall include branches or tree limbs.
 - l. "Council" shall mean the Council of the Town of Lamont.
 - m. "Dwelling" means any building occupied for residential purposes.
 - n. "Fee and Charges Bylaw" means the Town's Fees, Rates and Charges for services provided by the Town and as amended from time to time.
 - o. "Front Yard" that portion of the structure closest to the road.
 - p. "Garbage" means wasted or spoiled food and other refuse or things that are considered worthless or meaningless, but does not include;
 - i. Liquid wastes, dead animals, discarded furniture, discarded automobile parts, tires, construction materials, appliances, stoves, fridges or compost materials.
 - q. "Garbage Bin" means a metal container as provided by the collector that can be emptied by mechanical means.
 - r. "Garbage Container" means a garbage cart as provided by the collector that can be emptied by mechanical means.
 - s. "Owner" means any person who is registered under the Land Titles Act as the owner of the property.
 - t. "Occupant" means any owner, lessee or tenant or any other person in charge of any building.
 - u. "Occupied Property" means any commercial, institutional or residential property upon which a building exists and is in use. "Town" shall mean the Town of Lamont.
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- v. "Town" shall mean the Town of Lamont.

- w. "Street Main" means the portion of land on which any sewer and/or water main is laid for the service of more than one service.
- x. "Sewer Service Line" means the line from the building to the main in the street.
- y. "Recycle Bag" means a blue or clear bag which is specifically intended to hold materials for recycling.
- z. "Recycle Materials" means materials which are determined to be recyclable as per the provider.
- aa. "Requisition Charge" means fees charged by the St. Michael Regional Solid Waste Commission for hauling garbage to the landfill.
- bb. "Utility Bill" means a bill which sets out the fees levied by the Town on an annual, monthly, bi-monthly or quarterly basis for utility services provided by the Town.
- cc. "Utility Invoice" means an invoice which sets out the cost charged by the Town for repairs, maintenance, or installation of any appurtenance of any utility service provided by the Town and for which the owner of the property is responsible.
- dd. "Utility Service" shall mean those services associated with the provision of water distribution, sanitary sewer collection and garbage collection.
- ee. "Water Service Line" means the line from the building to the main in the street.
- ff. "Violation Notice" means a notice or similar document issued by the Town pursuant to the Municipal Government Act.
- gg. "Violation Ticket" means a ticket issued pursuant to Part II or Part III of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.

3. GARBAGE COLLECTION

- 3.1 The Town may contract with any person or company and may grant an exclusive or non-exclusive right to any person or company for the collection, removal and disposal of garbage upon such terms and conditions as are considered expedient.

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- 3.2 Collection Services charges apply to:
- i. Any property that receives water services will be subject to collection service charges as established by Council as set out in the Fees and Charges Bylaw.
 - ii. All occupied properties that are not connected to the Town water system are subject to collection service as established by Council as set out in the Fees and Charges Bylaw.
- 3.3 The occupant of every dwelling, multiple family dwelling, or commercial premise shall use Town contractor supplied garbage containers or garbage bins. Care and replacement of the garbage and yard waste containers shall be the responsibility of the occupant.
- 3.4 Despite Section 3.3, if the CAO determines that a garbage bin is required for a commercial facility, dwelling, or multiple family dwelling, then the occupant of the premises will be required to use a garbage bin and be subject to the collection service charges as established by Council and set out in Fees and Charges Bylaw.
- 3.5 Despite sections 3.3 and 3.4, a commercial facility or residence that requires roll off bin may obtain one from the current provider or an outside provider upon approval from the Town. This bin will only be allowed for the purpose of construction or renovation materials for a period not exceeding three (3) months. If an extension is required, it must be approved by the Town and the bin cannot be placed on the street or in the back lane.
- 3.6 Council may decide that certain types of recyclable materials or garbage will not be picked up by the collector or place conditions on the packaging of garbage for collection as per Fees and Charges Bylaw.
- 3.7 All persons shall permit collectors to enter their yards and premises at all reasonable times for the purpose of carrying out their duties.
- 3.8 For properties served by front street collection:
- i. no garbage bins or garbage stands are allowed in the front yard;
 - ii. no garbage containers are allowed in the front yard except on collection day; and

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- iii. on collection day, garbage containers are to be located for collection as close as possible to the curb or traveled portion of the adjacent roadway, but not on the sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic.
- 3.9 Any owner or occupant who puts out garbage for collection shall provide unobstructed and convenient access for collection of such waste.
- 3.10 All garbage will be securely deposited in suitable garbage bag(s) and then placed in the garbage container.
- 3.11 No occupant will place, permit to be placed, or mix any of the following materials for removal:
- i. any highly combustible or explosive waste, including, without restricting the generality of the foregoing, such materials as hot ashes, powder, dynamite, motion picture film or toxic materials;
 - ii. any compound that may be considered dangerous or hazardous under the provisions of any other legislation whether Provincial or Federal;
 - iii. hypodermic needles;
 - iv. sharp objects or broken glass unless packaged to allow safe handling; and
 - v. compost materials.
- 3.12 Collection service will not be provided if:
- i. the garbage container is not a proper container as described in Section 2 (r);
 - ii. the contents are compacted such as to prevent easy dumping of the garbage container;
 - iii. the condition of the garbage container is deteriorated such as to contain sharp edges or other defects which may be hazardous to the collector;
 - iv. the container contains materials which are not to be picked up by the collector;

- v. the garbage containers cannot be easily removed by the collector;
- vi. the garbage container is overloaded; or
- vii. the lid is not closed.

3.13 The days and times of collection service will be approved by the CAO.

3.14 Garbage shall be ready at the curb for pickup by 7:00 a.m. on collection day.

3.15 Where the Garbage cannot be contained within one (1) Garbage container, the owner of the property shall be required to lease another Garbage container, or in the case of commercial usage, to lease a larger garbage bin.

4. RECYCLING/COMPOSTING

4.1 The Town may contract with any person or company and may grant an exclusive or non-exclusive right to any person or company for the recycling of waste on such terms and conditions as are considered expedient.

4.2 No person shall place any material in a blue bag other than the materials for which are recyclable items.

4.3 No person is to place any material other than compost materials in their yard waste bin.

5. WATER SERVICES

5.1 The Town will provide water services to a parcel of land only at the request of the owner of that parcel of land. Other charges when it is applicable and subject to any terms, costs or charges as established by Council by way of a Development Agreement or as set out in the Fees and Charges Bylaw.

5.2 The Owner of any land abutting on any road or easement wherein a water main now exists or is hereafter located shall:

- i. install in any Building and between the building and the boundary of the road or easement in which the water main is located (up to the point of the CC valve), connections with the water system and any other apparatus and appliances required to ensure the proper sanitary conditions of the building and premises, excluding a water

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meter which will be installed by the Town. All services shall be installed to the Town's satisfaction. The owner shall ensure that the water service shall be inspected by the Town prior to backfilling of the trench and prior to connection to the water system.

- 5.3 If a contractor, builder or owner is requiring construction water for interior finishing prior to the water meter being installed, they must make the request through the Town Office and submit the required fee as per the Fees and Charges Bylaw, specifically;
- i. Upon submission of a request for installation of water and sewer service, a fee is payable as per the Fees and Charges Bylaw. This fee will cover the following services:
 - a. a deposit, refundable upon the Town's satisfactory inspection of the service installation,
 - b. The cost to cover three (3) months of construction water, prior to the ability to install a meter. If the meter installation is not completed within three (3) months, the CAO has the authority to provide for an extension beyond this period, where further construction water fees will apply,
 - c. The cost to cover the Town employee installation of the meter and inspection of the service installation.
- 5.4 The Owner, (as a term of being supplied with water services) is responsible for the cost of construction, maintenance and repair of these portions of the service connection both above, on, or underneath the premises to the boundary of the road or easement, but only to the point (but excluding) the CC valve.
- 5.5 Title to the water supplied by the Town shall pass from the Town to the Customer at the point of the CC valve.
- 5.6 The water meter shall become part of the fixtures of the structure. Damage to the meter caused by the occupant shall be chargeable to the owner.
- 5.7 All owners shall provide a convenient unobstructed location for the installation of a radio frequency device (meter).
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- 5.8 No person shall obstruct, interfere with, or impede direct and convenient access to a meter for the purpose of installation, inspection, removal, repair, replacement or reading.

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- 5.9 The CAO or the Director of Operations and Infrastructure may, without notice, shut off the water supply to any part of the Town should he/she decide an emergency makes such action necessary.
- 5.10 The CAO or the Director of Operations and Infrastructure may, without notice, shut off the water supply to any property should water charges be in arrears greater than thirty (30) days.
- 5.11 The CAO or the Director of Operations and Infrastructure may, without notice, shut off the water supply to any property for violation of any provision of this Bylaw.
- 5.12 The CAO or the Director of Operations and Infrastructure may, shut off the water supply to any part of the Town in a non-emergency situation provided reasonable notice of such intended shutoff is given.
- 5.13 The CAO or the Director of Operations and Infrastructure may regulate the use of or the hours or times during which water may be used for any purpose other than firefighting.
- 5.14 After notification of a restriction or regulation of water use, it shall be an offence for anyone to use water except in conformity with the declared restriction or regulation.
- 5.15 The Town is not liable for damage caused by:
- i. a break in a water main or service pipe;
 - ii. the cessation of water supply necessary in connection with the repair or maintenance of the waterworks system;
 - iii. any accident due to the operation of the waterworks system unless such action has been shown to be directly due to the negligence of the Town or its employees; or
 - iv. the restriction or regulation of the use of water.

5.16 No person:

- i. other than Town employees or agents shall operate, handle or interfere with the Town's provision of water services;
- ii. other than Town employees or agents shall make, keep, use, or dispose for any key or wrench for the purpose of operating any valve, CC, hydrant or other appurtenance of the Town's waterworks system;
- iii. shall obstruct or impede access to any water main, valve, CC, fire hydrant or any other appurtenance of the Town's waterworks system;
- iv. shall use a water meter not approved and/or installed by the Town without the express written consent of the CAO; and
- v. shall use water not metered by the Town.

5.17 Repairs to the water service line required from CC valve to the building, will be the expense of the landowner. Repairs required from the main line to the CC valve will be at the expense of the Town.

6. TURNING ON/OFF WATER

6.1 A property owner may request a temporary or permanent disconnect of water service by completing the Request for Municipal Water Disconnect/Reconnection form, subject to fees set out in the Fees & Charges Bylaw. The Owner cannot request the Town to discontinue the Utility Service to their Dwelling when there is an occupant in the Dwelling unless the occupant contacts the Town and acknowledges the disconnect. The owner or their designate must be present.

6.2 Where a cc valve is to be turned on or off by an Authorized Employee of the Town, the Owner shall be required to pay a fee(s) as set out in the Fees & Charges Bylaw.

7. SEWER SERVICES

7.1 The Town may provide sewer services to a parcel of land only on the request of the owner of the parcel of land, when the Town is able to do so and subject to any terms, costs or charges as established by Council by

way of a Development Agreement or as set out in Fees and Charges Bylaw.

7.2 The Town is not liable for damage caused by:

- i. a break or obstruction in a sewer main or service pipe;
- ii. the cessation of sewer services necessary in connection with the repair or maintenance of the sewer system;
- iii. any accident due to the operation of the sewer system unless such action has been shown to be directly due to the negligence of the Town or its employees; and
- iv. sewer backups unless such action has been shown to be directly due to the gross negligence of the Town or its employees.

7.3 No person:

- i. other than Town employees or agents shall operate, handle or interfere with the Town's provision of sewer services; and
- ii. shall obstruct or impede access to any sewer main, or any other appurtenance of the Town's sewer system.

7.4 When repairs to the sewer service line are required:

- i. blockages on the property to the main line will be at the owner's expense;
- ii. blockages created in the main line will be the Town's expense;
- iii. damage to sewer lines on the homeowner's property will be the owner's expense;
- iv. damage to sewer lines beyond the property line will be the Town's expense;
- v. blockages from the property line to the main line caused by tree roots planted by the Town will be the responsibility of the Town.

8. UTILITY BILLS/INVOICES

- 8.1 All utility bills and invoices issued by the Town will be issued to the owner of the property.
- 8.2 All utility bills and utility invoices will be due and payable when rendered by the Town.
- 8.3 Payment of a utility bill can be made at the Town office, any financial institution, online banking, credit card or e-transfer to general@lamont.ca.
- 8.4 Utility bills must be paid in full by the last day of the month following the billing period.
- 8.5 In the event a utility bill or utility invoice remains unpaid after the date fixed for payment, a penalty as stated in the Fees and Charges Bylaw will be added to the principal outstanding amount thereto and form part of the rates levied.
- 8.6 In the event a utility bill or utility invoice remains unpaid after the date fixed for payment, a written notice may be served by way of mail on the owner at the last known address advising that unless the account is paid in full within a minimum of ten (10) days from the date of mailing the said notice, the Town will proceed with collection measures as per Section 8.7 below.
- 8.7 Any utility bill or utility invoice remaining unpaid constitutes a debt owing to the Town and is recoverable by any or all the following methods, namely:
- i. by shutting off or discontinuing any utility services provided by the Town; and
 - ii. by being added to taxes and collecting in a like manner as municipal rates and taxes.
- 8.8 In the event that Utility Services are disconnected due to non-payment disconnecting fees will be applied to the utility account for each occurrence as per the Fees and Charges Bylaw. The fees must be paid prior to services being reconnected. Disconnections and reconnections shall only be performed during normal business hours.

- 8.9 As prescribed in Section 553 of the Municipal Government Act, any utility charges remaining unpaid can be levied and collected in a like manner as municipal taxes. This means that those utilities remaining unpaid can be transferred to the tax roll of the property that the utility service is being provided to. Upon closing a utility account, any charges outstanding are automatically transferred to the tax roll.

9. METER DISPUTES

- 9.1 In a situation where a Customer is in disagreement with the amount of water having been reported as having passed through the meter, and if the Town, by reviewing historical data from the meter in question does not agree that there is a fault with the meter, the Customer may request that the meter be tested and proven for accuracy.
- 9.2 The Customer will be responsible for paying, in advance, a deposit for the meter inspection plus a removal fee of the meter as per the Fees and Charges Bylaw. If the meter is proven to be measuring inaccurately, both the inspection costs and the removal fee will be reimbursed to the Customer and applied to the water bill. In this case, the utility account will receive a credit adjustment to reflect the overbilling for not more than two (2) billing periods preceding the inspection. This will be determined by reviewing the same period in the previous year or adjusted to the minimum billing if the ownership has changed.
- 9.3 If the meter is proven to be measuring accurately, all fees will be retained by the Town and the Customer will be responsible for all the costs as originally reported.
- 9.4 In the event that a meter is required to be changed due to a battery failure and the bills have been estimated, a credit adjustment will be completed only after the next full billing cycle. If an overbilling has occurred, the adjustment will reflect not more than four (4) months (two billing cycles) preceding the replacement and be based on the minimum bi-monthly charge.

10. OFFENCES AND PENALTIES

- 10.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule A.

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- 10.2 Any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence is liable to a fine as set out in Schedule A.
- 10.3 Under no circumstances will any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 10.4 Nothing in this Bylaw will be construed as curtailing or abridging the right of the Town to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
- 10.5 The Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation notice to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 10.6 A violation notice may be issued to such person:
- i. either personally; or
 - ii. by mailing a copy to the last known mailing address.
- 10.7 The violation notice will be in a form approved by the CAO and will state:
- i. the name of the person;
 - ii. the offence;
 - iii. the appropriate penalty for the offence as specified in Schedule A;
 - iv. that the penalty must be paid within thirty (30) days of the issuance of the violation notice; and
 - v. any other information as may be required by the CAO.
- 10.8 Where a contravention of this Bylaw is of a continuing nature, further violation notices may be issued by the Bylaw Enforcement Officer provided, however, that no more than one (1) violation notice will be issued for each day that the contravention continues.

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10.9 Where a violation notice is issued pursuant to this Bylaw, the person to whom the violation notice is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation notice.

10.10 If the penalty specified in a violation notice is not paid within the prescribed time period, then the Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket.

10.11 The Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a violation ticket to any person who contravenes any provision of this Bylaw.

11. SEVERABILITY

11.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid.

11.2 Nothing in this Bylaw will operate to relieve any person from complying with any Federal, Provincial legislation or regulation or Municipal Bylaw, or any requirement of any lawful permit, order or license.

12. TRANSITIONAL

12.1 That Bylaw 09/19 is hereby repealed.



13.EFFECTIVE DATE

13.1 That this Bylaw shall come into force and take effect upon the date of third reading and is duly signed.

READ A FIRST TIME THIS 9th DAY OF MAY, 2023.

READ A SECOND TIME THIS 9th DAY OF MAY, 2023.

READ A THIRD TIME AND PASSED THIS 9th DAY OF MAY, 2023.

A handwritten signature in blue ink, appearing to be "G. M. ...", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to be "A. B.", written over a horizontal line.

Chief Administrative Officer

May 9, 2023

Date signed

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SCHEDULE "A"

PENALTIES

<u>First Offence</u>	<u>Section</u>	<u>Penalty</u>
Non-town contractor supplied garbage containers or bins	3.3	\$200.00
Garbage bins or stands in the front yard	3.8(i)	\$200.00
Garbage container in the front yard except on collection day	3.8(ii)	\$200.00
Garbage containers or bins placed in a location that impedes vehicular or pedestrian traffic	3.8(iii)	\$200.00
Unauthorized material	3.11(i, ii, iii, iv, v)	\$200.00
Placing material in a recycling bin other than the proper recycling material	4.2	\$200.00
Placing material other than compost material on a compost pile	4.3	\$200.00
Interfering with access to a meter	5.8	\$200.00
Non-conformance to a water use restriction or regulation	5.14	\$500.00
Interfering with the operation of the water works system	5.16(i, ii, iii, iv, v)	\$1,000.00
Interfering with the operation of the sewer system	7.3(i, ii)	\$1,000.00

Second Offence

Second and subsequent offence within one year of the original offence	10.2	Double the original penalty
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