

BY-LAW 2009-618

TOWN OF VIKING

A BY-LAW TO REGULATE AND CONTROL THE USE OF WATER, SEWER, PLUMBING AND SOLID WASTE COLLECTION WITHIN THE TOWN OF VIKING.

WHEREAS, pursuant to the Municipal Government Act R.S.A., 2000 c.M26 as amended thereto, it is deemed expedient for the Town of Viking to establish a by-law to regulate and control the use of water, sewer, plumbing and garbage within the Town of Viking.

NOW THEREFORE, the Municipal Council of the Town of Viking, in the Province of Alberta, duly assembled ENACTS as follows:

1. DEFINITIONS

In this bylaw the following words or terms have the meaning as set out in this Bylaw, as amended from time to time.

- a. “Acceptable Solid Waste” shall mean, mixed household and commercial solid waste (including trash, refuse and garbage) that has the characteristics of non-hazardous solid waste normally produced by residences, stores, other commercial premises, schools and offices, provided that under no circumstances shall Acceptable Solid Waste material include waste which is:
 - i. liquid, radioactive, reactive, ignitable, corrosive, pathological, acidic, or otherwise defined as hazardous by federal, provincial or local municipal laws, regulations or orders; or
 - ii. waste material which requires special handling, including concrete, construction materials which exceed the size of the Residential Waste Bin, household furnishings or appliances, automobiles or motorized vehicles or parts thereto including tires and batteries, dead animals, explosives, asbestos and toxic or hazardous materials.
- b. “Account” shall mean an agreement between the Owner and the Town for the supply any or all of water, sewer, solid waste collection.
- c. “Chief Administrative Officer” shall mean the Chief Administrative Officer of the Town.
- d. “Commercial Premises” shall mean, without restricting the generality of the common definition of the words, any and all buildings, structures or premises used primarily for a commercial or non-residential purpose

within the corporate limits of the Town, including, but not limited to, warehouses, stores, shops, cafes, restaurants, wholesale and retail business outlets, office buildings, hotels, motels, schools, churches, lodges, clubs, trailer parks, apartments, garages, gas stations and industrial and manufacturing establishments.

- e. “Commercial Waste Bin” shall mean, a four (4) cubic yard waste receptacle or container capable of holding Acceptable Solid Waste, and placed and located by the Beaver Regional Waste Management Services Commission (the Commission), in the Town, at the locations agreed upon, between the Town and the Commission.
- f. “Commission” shall mean the Beaver Regional Waste Management Services Commission.
- g. “Litter Waste” shall mean waste usually carried by a person or in a person’s clothing, such as candy wrappers, drink containers and tissue.
- h. “Consumer” shall mean a person who has an Account with the Town for the supply of water, and sewer services, or the lessee, licensee or occupier of a building, premises, property, or land receiving such service.
- i. “Garbage” shall mean waste or debris from domestic, commercial or industrial activities, including but not limited to broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric.
- j. “Lot” shall mean a parcel or part of a parcel described in a certificate of title.
- k. “Owner” shall mean the registered owner of a Lot in the Town.
- l. “Premises” shall mean land and buildings on the land.
- m. “Property Line” shall mean the legal surveyed boundary of a lot.
- n. “Rates” shall mean the tariff of charges for supply of water, sewer services and solid waste service, set out in Schedule “A” hereto.
- o. “Recyclable Waste” shall mean, waste to which anything can be done, that results in providing a use for a thing that would otherwise be disposed of, or dealt with, as Acceptable Solid Waste, which includes collecting, transporting, handling, storing, sorting, separating and processing the thing, but does not include the application of Recyclable Waste to land or the use of a, thermal destruction process.
- p. “Recycling Waste Bins” shall mean, waste bins specifically designed for, and identified as, waste bins into which only Recyclable Waste should be deposited and placed and located by the Commission in the Town.

- q. “Residential Premises” shall mean, without restricting the generality of the common definition of the words, any and all buildings, structures or premises primarily as a residence, dwelling or habitat within the corporate limits of the Town, including but not limited to, houses, duplexes and mobile homes.
- r. “Residential Waste Bin” shall mean, a waste receptacle or container capable of holding Acceptable Solid Waste and placed and located by the Commission in the Town.
- s. “Service” shall mean water line and appurtenances from the water main to the building or Premises
- t. “Sewer System” shall mean the Sewer System owned and operated by the Town of Viking and all accessories and appurtenances thereto.
- u. “Town” shall mean the Town of Viking.
- v. “Toxic and Hazardous Waste” shall mean any waste that may present a hazard to persons, flora, fauna or public lands.
- w. “Vacated Property” shall mean vacant property or property that will not be inspected or occupied for a period in excess of 96 hours.
- x. “Water System” shall mean the Water System owned and operated by the Town and all accessories and appurtenances thereto.
- y. Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa.
- z. Words importing the singular shall include the plural or vice versa whenever the context so requires.

2. USE AND CONTROL OF WATERWORKS, SEWERS & SEWAGE DISPOSAL WORKS

The use and control of the water system, the sewer system, all public waterworks, common sewers, and any sewage disposal works connected therewith, shall be in accordance with this by-law.

3. CONTROL OF WATER AND SEWER SYSTEMS

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 under the direct control and management of the Town Public Works Foreman, subject to the authority of Town Council.

4. COSTS OF WATER AND SEWER SYSTEMS

All costs of new, replaced or additional sewer and water services from the mains to the individual consumer's property line shall be borne by the registered owner of the lot.

5. COLLECTION OF GARBAGE

The Town shall provide a solid waste collection and disposal service as well as an opportunity to recycle certain materials.

SECTION A – WATERWORKS

6. ADMINISTRATION – CONTROL

- a. Bylaw Enforcement Officers and Special Constables may inspect the premises of any Consumer to investigate any contravention of this bylaw and to lay any charges or issue such summons or tickets as may be necessary for the carrying out of the provisions of this bylaw.
- b. The CAO may discontinue water Service provided by the Town to any Consumer, land, property or premises in the event that the Consumer breaches or infringes this bylaw or any other rule or regulation or amendment thereto made by the Town.

7. EMERGENCY RESTRICTIONS AND PROHIBITIONS

- a. The CAO or Council may at any time make orders restricting the use of water either by all Consumers or by any particular class of Consumers and either throughout the Town or in any particular areas of the Town. The order may specify that such restricted use of water shall apply during such hours of any day of the week as may be specified in the order.
- b. No Person shall use water from the Water System in contravention of the terms of any order made by the CAO or Council.
- c. The CAO shall take such steps as he deems necessary to publicize the terms of an order made pursuant to Section 7(a).

8. TAPPING WATER MAINS

- a. No person except authorized employees of the Town shall make any connection or communication whatsoever with any of the water, public pipes, service connections or mains located in the public thoroughfares of the Town.

- b. All water service pipes laid in private property between the property line and the water meter, shall be potable water certified. No connection may be made to the water service pipe between the property line and the meter.

9. APPLICATION FOR A WATER SERVICE CONNECTION

- a. When a water service connection is desired by any owner or his authorized representative, an application for the service shall be made at the Town Office, together with payment of the fee set out in Schedule "A". A water service connection shall only service one lot or parcel except with the permission of the owner of the lot that is serviced and the permission of the Town.
- b. A Lot shall be considered serviced once a connection has been made from the Water System to the Property Line. A Service is considered live when connected to the Premises. Any further installations requested or necessitated by the demolition, excavation, renovations or other works shall be paid for in their entirety by the Owner.
- c. No Person shall connect, cause to be connected, or allow to remain connected to the Water System any piping, fixture, fitting, container or appliance, in a manner which, under any circumstance, may allow water, waste water or any other liquid, chemical or substance to enter the Water System.

10. METERS

- a. Where meters are installed for the measuring of the volume of water, all owners, tenants, or occupiers shall give every facility for the introduction, placing, inspection, and reading of such meter, and remote reading device and shall protect it from interference or injury by frost or otherwise, and shall be liable for any damage which may occur to the meter as a result of the negligence of the owner, tenant or occupier.
- b. All water service connections shall be metered. Upon application for a water service connection, a non-refundable payment of two hundred and ten dollars (\$210.00) for the use of the meter, the installation cost or such other rate determined by resolution of Council, shall be made to the Town. Meters shall be installed only by authorized personnel of the Town and shall remain the property of the Town.
- c. The water Service pipe from the water main to the Property Line must meet Town engineering standards or other material approved by the Town Public Works Foreman and connected by fittings and materials approved by the Town Public Works Foreman, and such water Service pipe shall be laid at least 2.6 meters below the surface of the ground at all points between the Property Line and the main, unless otherwise approved in writing by the Town Public Works Foreman.

- d. There shall be placed on each water Service pipe, a Service valve at or near the Property Line, within Town right-of-way or utility easement, for the purpose of turning the water supply on or off. Over the Service valve there shall be placed a metallic valve box of design approved by the Town.
- e. If the Town Public Works Foreman becomes aware of any use or flow of water that is not measured by a water meter of a design and capacity approved by the Town Public Works Foreman, the Town Public Works Foreman may take all necessary steps to stop that use or flow of water until:
 - i. An application for water supply has been made by the Owner in accordance with this bylaw; and
 - ii. The water meter has been installed pursuant to this bylaw.
- f. An inside main shut-off valve shall be located immediately inside all buildings.
- g. No Person shall in any way utilize or interfere with a Service valve. Whenever water supply has been turned off at a Service valve, no Person shall turn it on again unless authorized to do so by the Town Public Works Foreman.
- h. No Person shall use any boosting device on any water Service unless the use of the boosting device has been approved by the Town Public Works Foreman and the device is located on the downstream side of a water meter or inside main shut-off valve.
- i. No Person shall install branch supply lines, outlets or fixtures on the upstream side of a water meter or of an inside main shut-off valve, except as authorized by the Town Public Works Foreman.

11. METER INSTALLATION & RESPONSIBILITY FOR METERS

- a. The Owner of every building shall make provision of a location acceptable to the Town together with all required plumbing for the installation of a water meter.
- b. Water meters shall be located at the point at which a water Service pipe enters a building unless the Town Public Works Foreman directs, in writing, that another location be used.
- c. Any metered water Service in use before or after the enactment of this bylaw shall remain a metered water Service.
- d. If buildings or premises require two or more meters, the Consumer shall be billed separately for water used through each meter.

- e. The Owner of a building shall, at his own expense, ensure that the Town has access to all related piping from the time the water meter is installed.
- f. Should a meter or remote reading device, while on the property of the Owner, be damaged or destroyed, the cost of repairing or replacing the meter shall be paid by the Owner. All meters, regardless of size, shall be sealed by the Town.
- g. The Town shall not be responsible for any damage to buildings or property occasioned by or in the course of the installation, maintenance, repair or disconnection of any water meter provided that such damage has not been directly caused by the negligence of the Town or its employees.
- h. Except where otherwise provided in this bylaw, no Person shall do or allow to be done any act or thing that results in a use or flow of water from the Town's Water System that is not measured by a water meter of a design and capacity approved by the Town Public Works Foreman.

12. RELOCATING METERS

If the Town Public Works Foreman is dissatisfied with the location of any water meter due to alterations to the building, he may require that the meter be moved to a different location. Any expense in relocating the water meter shall be borne by the Owner.

13. READING OF METERS

Every Owner shall provide free and convenient access to his premises and building at all reasonable times for the purpose of reading meters. In the event that a meter reader employed by the Town is unable to obtain access to the premises, the water consumption will be estimated. If no reading is obtained at the end of the next billing period, the Owner will be required to leave a key at the office of the CAO or otherwise make suitable arrangements for regular bi-monthly readings. If the Owner fails to comply with the request of the Town, the water Service may be disconnected without further notice.

14. METER CHAMBERS

- a. Where meters cannot be contained in an existing building, the Owner shall supply, at his own expense, an underground meter chamber which shall be approved by the Town Public Works Foreman. The meter chamber may be constructed by the Town and the Owner billed for the expense incurred. For new buildings, meter chambers will only be allowed subject to approval of the Town Public Works Foreman.
- b. Underground meter chambers shall be kept in good repair by the Owner. If an Owner, after receiving notice from the Town Public Works Foreman, neglects to repair or improve his meter chamber, then the Town Public

Works Foreman shall cause the necessary repairs to be made and the Owner shall be liable for the cost of such repairs.

- c. When in the opinion of the CAO the building or other premises intended to be supplied with water are too far from the Town service to conveniently install a meter in such building or premises, or if a number of buildings are to be supplied or for any other reason which in the opinion of the CAO makes it appropriate to provide for one meter to the property; then the consumer shall, at his sole cost, construct and maintain a container for a meter and such container shall in all respect including location, construction, size, access and otherwise howsoever be satisfactory to the CAO.

15. TAMPERING WITH METERS

No Person shall tamper in any way with a meter or remote-reading device.

16. TESTING OF METERS

Upon request by an Owner, the meter shall be removed and tested. If, on testing, it is found that the meter registers within three (3%) percent of the water passing through the same, the meter shall be deemed to be measuring correctly. If, however, the meter is found to register a greater or lesser amount than the said three (3%) percent, the Town Public Works Foreman shall notify the CAO to add or deduct from the volume as registered by the said meter, such amount so that the Account balance will properly represent the water delivered through the said meter for a period not exceeding six (6) months. When an Owner requests a meter test and such meter is found to be within three (3%) percent accurate, that Owner shall be billed for the volume as registered by the said meter and the meter need not be tested again during the next 12-month period. As a regular maintenance Service, meters shall be removed and tested by the Town without charge as deemed appropriate by the Town Public Works Foreman.

17. DETERMINING CONSUMPTION WHEN METER INOPERATIVE

When meters have failed to register, the following methods shall be used for determining consumption:

- a. If, in the sole option of the Town Public Works Foreman, the same or similar conditions prevail, consumption shall be estimated on the basis of the consumption during the same month in the preceding year; or
- b. If, in the sole option of the Town Public Works Foreman, the same or similar conditions do not prevail or no records exist for the preceding year, a fair estimate, in the sole discretion of the Town Public Works Foreman, shall be set by the Town Public Works Foreman.

The Rates applied shall be those in effect for that type of Service during the months in question in accordance with Schedule "A" of this bylaw.

18. REMOVING METERS AND TOWN EQUIPMENT

When any Owner wishes to discontinue the use of water Services furnished by the Town or the Town, in accordance with this bylaw, wishes to discontinue providing water Service to an Owner, the CAO or any Person authorized by him may, at all reasonable times, enter the premises in or upon which such Owner was supplied with water Service and may remove meters, pipes or other things that are the property of the Town.

19. TURNING ON WATER

After any construction, reconstruction, alteration or change, or the completion of any work requiring a permit, water shall not be turned on to any building or premises until after the meter is installed.

20. SERVICE FEE

A fee of **\$50.00** or such other rate as determined by resolution of Council, shall be charged to the owner or occupant of the property to which the water service is turned on or off by the Town for non-payment of the rates as listed on the attached Schedule "A" to the by-law. Upon request for a shut-off a **\$25.00** fee shall apply which covers the turn on of the service.

21. PENALTIES

The rate as listed on the attached Schedule "A" to this by-law shall be subject to a penalty of **3.5%** per billing period if the applicable rates are not paid within 15 days after the date of rendering of the account.

22. DISPOSAL OF WATER

No person being an owner, occupier, tenant, or inmate of any house, building or other premise which is supplied with water from the water system shall vend, sell or dispose of water therefrom, or give away, or permit the same to be taken or carried away, or use, or supply it to the use or benefit of others, or to any other use than his own use and benefit, or shall increase the supply of water beyond that fixed by the rating of the premises, or shall wrongfully, negligently, or improperly waste any water with the exception of the Agro dealers.

23. FROZEN SERVICES

- a. In the event of a frozen water Service line, the Owner shall be responsible for all costs associated in thawing out the Service line.
- b. The Owner, at his own expense, may install a freeze protection device. Such device will require the approval of the Town Public Works Foreman.

The Owner will be responsible and shall be liable for any damage which may result from the improper or negligent operation and maintenance of the freeze protection device.

24. MAINTENANCE OF SERVICE PIPING

- a. All consumers shall keep and maintain service piping in proper working conditions and free from leaks and shall keep and maintain a control valve of approved pattern placed immediately inside the outer wall of the premises. The Council may disconnect the service of any consumer for failure to comply with the provisions of this by-law or any regulations hereafter passed by the Council governing the use of the water system or supply of water service.
- b. The size of the Service shall be in accordance with the provisions of the Plumbing and Drainage Regulations of the Department of Labor of the Province of Alberta.
- c. The Service shall be run from the water main to the property in the shortest way possible.
- d. When any Lot can be served from the street, avenue or lane, the Town Public Works Foreman may decide whether the Lot will be serviced with water from the street, avenue or lane.
- e. Any extra expense occurred by the installation of any additional or larger Service other than the standard specified herein shall be borne by the Owner.
- f. The Town Public Works Foreman may, at the Owner's request and expense, install the water Service from the Property Line to a building or point within the Lot as designated by the Owner.
- g. All Persons doing any work or Service upon a private Service or the plumbing system attached thereto shall comply with the provisions of the SAFETY CODES ACT, R.S.A., 2000, c. S-1 all regulations passed thereunder, and all applicable bylaws of the Town.

25. INTERRUPTIONS OF SERVICE

The CAO is hereby authorized to:

- a. Order that the water be shut off without notice for such length of time as may be necessary to permit construction or repairs to the Water System.
- b. In cases of fire or conflagration, to shut off the water without notice in any part of the Town as required.

- c. No Consumer shall have a claim against the Town for non-supply of water, whether it be caused by water stoppage pursuant to this section or by frozen mains, breakdown of machinery, power interruptions, other mechanical failures or malfunction, or other causes.
- d. In all cases where any pressure vessel or equipment is supplied with water from the Water System, the Town shall not be responsible for damage to such vessel or equipment, Person or Premises when there is failure of the water supply due to any causes whatsoever even where no notice is given. No deduction from water bills shall be made in consequence thereof.
- e. In all cases where boilers are supplied with water from the Water System, the Consumer or Owner of the boilers must see that a safety valve, vacuum valve or other proper device is applied to prevent danger from collapse or explosion when the water is shut off from the street.
- f. The Town shall be responsible for the maintenance of the water mains and all the connections from the water main to the downstream edge of the Service valve connection.

26. APPLICATION FOR WATER SUPPLY

- a. Any Person desiring to be supplied with water by the Town shall have the Owner of the property to be supplied, complete and sign an application ("Utilities Service Request" form) provided by the Town and pay the fee set out in Schedule "A" hereto. The said application when accepted by the CAO shall form a binding contract between such Owner and the Town by which the said Owner agrees to be bound by all of the provisions of this bylaw or regulations of the Town in connection with the supply of water. The said contract shall not be transferable. The Town will only supply water upon receiving an application signed by the Owner.
- b. An Owner who has contracted with the Town to receive and pay for a supply of water from the Town's Water System is deemed to have contracted to receive water that is measured by a water meter and billed on the basis of such measurement regardless of whether the Owner contracted to receive and pay for a water supply on some other basis at the time the contract was made.
- c. Any Person who receives water supply from the Town is liable to the Town for all charges associated with that supply of water.

27. METER RATES

Every person, firm or corporation, being the owner or occupant of property which is served directly or indirectly by a water and or sewer connection to the system of the Town of Viking shall pay monthly to the Town within 15 days after date of billing of the account a water and sewer charged based on the monthly rates as shown on the attached Schedule "A" to this by-law.

28. **INTERFERENCE WITH HYDRANTS AND VALVES**

- a. Except as herein provided, no persons other than authorized employees of the Town shall open or close or operate or interfere with any valve, hydrant or fire plug, or draw water therefrom.
- b. The Chief of the Town Fire Department, his assistants and officers, and members of that Department, are authorized to use the hydrants or plugs for the purpose of extinguishing fires, or for making trial of hose pipe, or for fire protection, but all such uses shall be under the direction and supervision of the said Chief or his duly authorized assistants, and in no event shall any inexperienced or incompetent person be permitted to manipulate or control in any way any hydrant or plug.
- c. No person shall in any manner obstruct the free access to any hydrant or valve or curb stop. No vehicle, building, rubbish, or any other matter which would cause such obstruction shall be placed nearer to a hydrant than the property line of the Street in which the hydrant is located, nor within twenty (20) feet of the hydrant in a direction parallel with the said property line.

29. **WELLS**

- a. No **wells** or other source of supply of water, except the Town water system, shall be used in the Town without a permit obtained from the Council for that purpose.
- b. All persons having charge of or being owners or occupiers of premises containing a well or other source of supply of water other than the water mains of the Town, may apply to the Council for a permit to use the water in such well and such application shall be accompanied by the payment of a fee of \$25.00 and an approval by the Medical Officer of Health, as set out herein. The applicant shall arrange that an analysis of the water in the well or other source of supply of water will be made to the satisfaction of the Medical Officer of Health and before a permit is granted, the Medical Officer of Health shall certify that such analysis has shown the said water to be suitable for domestic consumption. The report of the Provincial Analyst shall be accepted as to the analysis of any water. Upon complying with the provisions of this by-law, the applicant may be granted a permit to use the water in the said well.
- c. If the use of any such well is continued, contrary to the provisions of this By-law forty-eight (48) hours after notice to discontinue the use of same has been given by the CAO to the owner or occupier of the premises upon or in which it is situated, such well may be declared to be a nuisance and dangerous to the public health or safety and shall be removed, filled up or otherwise abated.

- d. Any such permit as aforesaid may be withdrawn by order of the Council at any time without notice, and no person shall use a well or other source of supply of water after a permit for the use of same has been withdrawn.

SECTION B - SEWERS

30. AUTHORITY

The Town Public Works Foreman, subject to the control of the Council, shall have charge of the sewer system all the various properties and works required for the supply of the Town and its inhabitants with sanitary sewer service and of the inspection and rating of all buildings and premises supplied with sanitary sewer service.

31. CONNECTION TO MAIN

- a. The Owner of any building situated upon land abutting upon any street or public place wherein there is a sewer main shall install in such building, connections with the main and such apparatus and appliances as may be required to ensure the proper sanitary condition of the building or premises.
- b. No earth-pit privy, out-closet, or privy vault shall be erected or used in the Town unless under permit for special occasions or purposes.
- c. Any Person requiring sewer services from the Sewer System, shall apply to the Town Public Works Foreman and request that his premises be connected to the said system. The Owner or his authorized agent shall sign the proper application form ("Utilities Service Request" form) provided for that purpose together with the fee specified in Schedule "A" hereto, except when the CAO specifically agrees to supply an occupant and collects the Deposit in accordance with Schedule "A". Any extra expense occasioned by the installation of any additional or larger service than the standard specified shall be borne by the applicant.
- d. A property shall be considered serviced once one connection has been made to the Sewer System. Any further installations requested or necessitated by demolition, excavation, renovations or other works on the lands shall be paid for in their entirety by the Owner.

32. RESPONSIBILITY

- a. All expenses incidental to the tapping of the Town mains and laying the standard sewer service lines from the sewer mains to the Property Line will be borne by the Town.

- b. Owners are responsible for any repairs or clearing of blockages from the property line to the sewer main.
- c. The expense incidental to the laying, connecting, disconnecting or repairing as herein before provided, of sewers and sewer mains when such work is done by the Town beyond the Property Line, or the expense of superintending such work when it is done by any other Person, is payable to the Town by the Owner on demand and if not paid may be collected forthwith in the same manner as sewer rates.
- d. If any damage is done to any sewers or sewer mains or connections to the interior face of the outer walls of the building supplied or its fittings, either by neglect or otherwise, or if a sanitary sewer becomes obstructed in any way between the inner surface of the wall of the building supplied and the Property Line, the Lessee of the lands shall forthwith repair the same to the satisfaction of the Town and in default of so doing, the Town, its officers, agents, or servants may repair the same and charge the same to the Owner and collect the same in the same manner as sewer rates.
- e. All materials utilized by the Owner in the construction, installation, or repair of a Sewer Service connection shall correspond in all particulars with the materials used by the Town and any materials prescribed by the Town Public Works Foreman.
- f. When the connecting, disconnecting or repairing of the sewer service line between the Property Line and the building serviced is done by a Person other than an officer, employee or agent of the Town, that Person shall notify the Town Public Works Foreman who shall cause the same to be inspected. The sewer service line shall be left uncovered until it has been inspected and approved.
- g. In case any blockage, either wholly or in part, of the sewage system is caused by reason of failure, omission or neglect by the Owner, the said Owner concerned therein shall, in addition to any penalty for infraction of the provisions hereof, be liable to the Town for all costs of clearing such blockage and for any other amount for which the Town may be held legally liable because of such blockage.
- h. The Town may, by its officers, employees and agents enter upon any premises served or to be served with a sewer connection, to inspect the equipment installed thereon and for all purposes of inspection, installation and tests for the purposes of this bylaw.
- i. No Person shall in any way interfere with any stop cock, pipe or other sewer works appliance outside of his own premises. No Person except a Person authorized by the Town Public Works Foreman, shall tap or make any connections whatsoever with any public pipes or mains, either in the streets, or in the lanes, or on private grounds.

- j. No Person shall place or deposit any injurious, noxious or offensive matter in the vicinity of any intake to the Sewer System.
- k. The Town shall not be liable for damages:
 - i. caused by the breaking of any sewer main or attachment;
 - ii. caused by the interference with the supply of any sewer service necessary in connection with the repair or proper maintenance of the sewers;
 - iii. generally for any accident due to the operation of the sewage disposal system of the Town unless such accident is shown to be directly due to the negligence of the Town or its officers, employees or agents.
- l. The Town Public Works Foreman may inspect any property in the Town to ensure compliance with this bylaw.

33. **USE AND PROTECTION OF SEWER SYSTEM**

- a. No person shall throw, deposit or leave in or upon any Town sewer, or any trap, basin, grating, manhole or other appurtenance of any Town sewer, any butcher's offal, **garbage**, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers, rags, cinders, ashes or refuse matter of any kind except feces, urine, the necessary closet paper, waste water, and slops properly discharged through a house sewer into a Town sewer.
- b. No person shall permit to be discharged into any sewer, any liquid or liquids which would prejudicially affect the sewers, or the disposal of the sewage, or any matter or substance by which the free flow of the sewage may be interfered with, or any chemical refuse, or other trade waste, or any waste steam, condensing water, heated water, or other liquids of a higher temperature than one hundred and seventy degrees Fahrenheit.
- c. 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, or which may or does convey into the same, any inflammable or explosive material, storm water, roof drainage, cistern or tank overflow, condensing or cooling water.
- d. No person shall discharge the contents of any privy vault, manure pit or cesspool, directly or indirectly, into any Town sewer or house drain connected therewith, excluding sewage from a certified recreational vehicle at an approved dumping station.

- e. 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 employees of the Town.
- f. No person shall cut, break, pierce, or tap any Town sewer or appurtenance thereof, or introduce any pipe, tube, trough or conduit into any Town sewer, except duly authorized employees of the Town.
- g. No person, shall interfere with the free discharge of any Town sewer, or part thereof, or do any act or thing which may impede or obstruct the flow or clog up any Town sewer or appurtenance thereof.
- h. The Town Public Works Foreman shall have the right at all reasonable times to enter houses or other places which have been connected with the sewer system, and facilities must be given him to ascertain whether or not any improper material or liquid is being discharged into the sewers, and he shall have power to stop or prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of sewage.

34. **INDUSTRIAL OR TRADE WASTES**

- a. No waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly discharged to any Town sewer without such previous treatment as shall be prescribed by the Council for each such case.
- b. 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.

35. **GREASE TRAPS**

- a. Where appropriate and applicable in the opinion of the Town Public Works Foreman, grease, oil and sand interceptors shall be provided on commercial private property for all restaurants, hotels, motels, garages, gasoline service stations and vehicle and equipment washing establishments; interceptors will be required for other types of businesses where in the opinion of the Town Public Works Foreman they are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Public Works Foreman and shall be so located on commercial private properties as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the occupant at his expense in continuously efficient operation at all times

36. SEWER CONNECTIONS

- a. No **person** other than duly authorized employees of the Town, acting under the direction of the Town Public Works Foreman, shall make any connection to, or shall cut or otherwise tamper in any way with a public or Town sewer.

SECTION C - PLUMBING

37. PLUMBING

All plumbing and sewer work within the Town shall be done in strict accordance with the regulations under the Public Health Act of the Province of Alberta, and amendments thereof, which regulations shall be considered as forming part of this by-law as if incorporated herein.

38. PLUMBING PERMIT

All applications for plumbing permits must be made to a certified plumbing inspector.

SECTION D – SOLID WASTE COLLECTION

39. The owner / lessee or occupant of a residential building shall transport Residential Waste to and deposit same in a Residential Waste Bin designated by the Town. If such Residential Waste Bin is full, the owner/lessee or occupant shall use an alternate Residential Waste Bin.
40. All recyclable waste listed in Schedule “B” except for computers and components, batteries, fluorescent tubes, tires and white metals shall be sorted and placed in the appropriate Recycling Waste Bin.
41. Ashes shall be quenched and placed in a separate container before placing in a Residential or Commercial Waste Bin.
42. Subject to the other provisions of this Bylaw, dangerous or germ-carrying garbage shall be placed in separate containers before placing in a Residential or Commercial Waste Bin.
43. Commercial Waste shall be deposited by the Owner in a Commercial Waste Bin designated for use by the particular business by the Town.
44. Except as otherwise specifically provided for in this Bylaw, the collection, removal and disposal of garbage and recyclable waste shall be under the supervision of the Town or its designated agents and no person shall discard or dispose of or deposit garbage or recyclable waste anywhere in the Town

- except in such places and at such times and under such conditions as the CAO may authorize.
45. No person shall convey through any street in the Town any garbage whatever, except in vehicles which are so constructed and arranged as to prevent the contents from falling on the streets and to protect the contents from flies and other insects and to control as much as practicable the escape of any offensive odour.
 46. No person within the Town shall burn any garbage or household waste or rubbish or refuse unless he has permission in writing from the CAO to do so.
 47. No person shall, either accidentally or intentionally, dispose of or place for collection explosives, combustible materials or Toxic and Hazardous Materials, including household hazardous waste.
 48. No person shall dispose of or place for collection by the Town, blood samples or cultures or other medical waste.
 49. No person shall deposit any garbage whatsoever on any public or private property in the Town, except as permitted by this Bylaw.
 50. No Person shall interfere with any Residential Waste Bin, Commercial Waste Bin or garbage deposited for collection in such bins, and no person shall remove or interfere with garbage once it is deposited in a Residential Waste Bin or a Commercial Waste Bin.
 51. All persons shall dispose of garbage, including Litter Waste, and other matter and materials in accordance with all applicable legislation and regulations.
 52. The Town shall not be liable in any manner whatsoever for damage, loss or associated costs resulting from or arising from the entry by the Town crews and personnel upon private property for the purpose of garbage collection.

SECTION E - GENERAL

53. **FEES**
 - a. All fees, rates and charges due in connection with this bylaw are those outlined in Schedule "A" which forms part of and is attached to this bylaw.
 - b. All rates and charges payable pursuant to or in connection with this bylaw are due and payable upon invoicing or quarterly.
 - c. Overdue charges may be collected by:
 - i. court action; or

- ii. by distress and sale of the goods and chattels of the Person owing the rates, charges, lots, fares or rents wherever they may be found in the Town.

54. NON-PAYMENT OF ACCOUNTS

- a. Enforcement of payment of outstanding accounts for which payment of the applicable water or sewer rates, as set out herein, has not been made by the occupant or owner to the Town for two (2) consecutive billing dates, may be undertaken by the Town by any or all of the following methods:
 - i. by action in any Court of competent jurisdiction;
 - ii. by shutting off the utility being supplied to the occupant or owner or discontinuing the service thereof until payment is made; or
 - iii. add unpaid charges referred to in section 42 of the Municipal Government Act for a municipal utility service provided to the parcel by the Town of Viking that are owing by the owner of the parcel;
- b. Any attempt to collect the water fee by any method set out in Sub-Section (a) herein, does not, in any way, invalidate any lien which the Town is entitled to on the premises in respect of which indebtedness was incurred. Water charges imposed upon a consumer who is the owner or purchaser of a building or lot being supplied with water service under this by-law, constitute a preferential lien and charge on the building or lot or part of a lot and on the personal property of the owner and may be levied and collected in like manner as municipal rates and taxes are recoverable.
- c. Where water charges are imposed upon a consumer of water who is not the owner of property but rather occupies the property connected to the Town's water system, the water charges imposed upon such a water consumer constitute a debt due by him or her and may be set off against any deposit held by the Town or any other money owed by the Town to that consumer.

55. The Council of the Town of Viking hereby delegates its authority to the CAO and/or Assistant Administrator including the power to do any of those things which the Council by by-law or resolution may do pursuant to the Municipal Government Act and including in particular the power:

- a. to make decisions regarding the general maintenance, management or conduct of any public utility and of the officer and others responsible in connection with them.
- b. to provide for the rent of fittings, machines, apparatus, meters or other things leased to consumers,
- c. to provide for the collection of such rates, charges, tolls, fares or rents imposed under this Bylaw,
- d. to provide for enforcement of the terms and conditions under which

- the public utility is supplied, either
- i. in the general by-law under which the public utility is supplied or,
 - ii. in the agreement made between the municipality as supplier and the consumer,
- e. by shutting off the public utility being supplied to the consumer or discontinuing service thereof until the consumer complies with the terms and conditions of such designates in the by-law.
 - f. to make binding contracts with its customers for the services of the public utility.

SECTION F - ENFORCEMENT

56. OFFENCES, PENALTIES, VIOLATION TAG PROCEDURE AND PROSECUTIONS

- a. Any Person who contravenes this bylaw is guilty of an offence.
- b. Persons contravening certain sections of this bylaw shall be liable for the penalties set out in such section or set out opposite such section number in Schedule "C" hereto.
- c. A notice or form commonly called an Offence Ticket having printed wording approved by the CAO, may be issued by a Peace Officer or a Bylaw Enforcement Officer to any Person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the Town in the amount specified in this bylaw.
- d. An Offence Ticket shall be deemed to be sufficiently served:
 - i. if served personally on the accused; or
 - ii. if mailed to the last known address of the accused Lessee, licensee or occupant.
- e. In lieu of prosecution, the Person named in the Offence Ticket may elect to voluntarily pay the specified penalty set out therein by making payment to the Town in the amount of the specified penalty.
- f. If the payment specified in the Offence Ticket is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may then be commenced for the alleged contravention of this bylaw.
- g. In default of any Person complying with this bylaw, the Town may remedy the situation and the cost thereof shall be paid to the Town upon demand

and failing payment of such cost shall be charged against the property as a special assessment to be recovered in like manner as other taxes.

- h. Except as otherwise provided in this bylaw, a Person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided, is liable to a fine of not less than \$200.00 and not more than \$10,000.00 and in default of payment, is liable to imprisonment for a Term not less than 30 days but not exceeding six (6) months or to imprisonment for a term not exceeding six (6) months without the option of a fine.

- 57. **The attached Schedules “A” “B” and “C” shall form part of this by-law.**
- 58. **By-Law No. 2009-610 is hereby repealed.**

Read a **FIRST** time this 26th day of October, 2009

Read a **SECOND** time this 26th day of October, 2009

Read a **THIRD** and **FINAL** time this 26th day of October, 2009.

..... MAYOR

..... CAO

Schedule "A"

MONTHLY SEWER/WATER RATES		
SEWER	CONSUMPTION	RATE
		Jan. 1/09
8.63	up to 3000 gallons	\$16.50/M
10.70	3001 - 5400	\$16.50/M
12.73	5401 - 19000	\$16.50/M
19.45	19001 - 40000	\$16.50/M
65.20	40001 - 80000	\$16.50/M
77.85	80001 - 140,000	\$16.50/M
134.38	OVER 140,000	\$16.50/M

Fixed Charge Per Water Meter **\$26.00**
(Fixed charge per water service means fixed charge per water meter)

NON PROPERTY TAX INSTITUTIONS WATER RATE

	Jan. 1/09
Viking Health Centre	\$21.18/M
Extendicare Nursing Home	\$21.18/M
Vialta Lodge	\$21.18/M
Viking School	\$21.18/M

Fixed Charge Per Water Meter **\$26.00**
(Fixed charge per water service means fixed charge per water meter)

3b. SERVICE FEES

A fee of **\$50.00** or such other rate as determined by resolution of Council, shall be charged to the owner or occupant of the property to which the water service is turned on or off by the Town for non-payment of the rates. Upon request for a shut-off a **\$25.00** fee shall apply which covers the turn on of the service.

3c. GARBAGE RATES

- (a) The sum of eleven dollars and fifty cents (\$11.50) per month for each of the Residential Premises
- (b) The sum of twenty dollars (\$20.00) per month for each of the commercial premises
- (c) The sum of twenty dollars (\$20.00) per month for each commercial premises having one commercial bin
- (d) The sum of ten dollars (\$10.00) per month for each commercial premises sharing a commercial bin.

3d. WATER METER REMOVAL

A fee of \$35.00 per hour with a minimum one (1) hour charge or such other rate as determined by resolution of Council, shall be charged to the owner or occupant of the property to which the water meter is removed by the Town of Viking. Should the water meter be reinstalled, a charge of \$210.00 will be levied for the meter.

Schedule "B"

Recyclable Waste shall be limited to bundled newsprint and flattened cardboard.

Schedule “C”

Penalties

Breach of any provisions of this bylaw is subject to the specified penalty of \$200.00.