



A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO REGULATE THE CONTROL AND OPERATION OF THE WATER UTILITY.

WHEREAS, pursuant to Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended, a Council may pass Bylaws for municipal purposes respecting public utilities;

AND WHEREAS the City of Brooks has constructed and maintains facilities for treating, delivering and metering of water;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. Short title:

100. This Bylaw may be cited as the "City of Brooks Potable Water Bylaw".

2. Definitions

200. For the purpose of interpretation this Bylaw accepts and encompasses all definitions as set out in the Act, and all such definitions in that Act shall apply to those terms when used in this Bylaw.
201. Notwithstanding Section 200 above:
202. "**Act**" means the Municipal Government Act RSA 2000 c-M-26 and regulations made under the Municipal Government Act as amended or as repealed and replaced from time to time;
203. "**Backflow Preventer**" means a unit that prevents the reversal of the normal direction of water flow in either the City's Water Distribution System, the Owner's Private Service Connection or the Owner's plumbing system;
204. "**Bylaw**" means the City of Brooks Water Bylaw15/04 as may be amended or replaced from time to time;
205. "**Chief Administrative Officer (CAO)**" means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;

206. **“City”** means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
207. **“Council”** means the Municipal Council of the City of Brooks;
208. **“Cross Connection”** means any actual or potential physical arrangement whereby the City’s Water Distribution System is connected, directly or indirectly, with any non-potable or unapproved private water supply system, sewer drain, conduit, well, pool, on site irrigation system, storage reservoir, plumbing fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other wastes, of unknown or unsafe quality which may be capable of imparting contamination to the City’s Water Distribution System as a result of backflow;
209. **“Curb Stop”** means a control valve, owned by the City, that is located so that the City can turn off, control or regulate the supply of water from the City’s Water Distribution System to a property;
210. **“Customer”** means an Owner or Occupier of a Premises who purchases or is required to purchase Water Services from the City;
211. **“Low-Flow Fixture”** means any toilet with a capacity of not more than six (6) litres per flush, shower head with a flow rate of not more than nine-point-five (9.5) litres per minute, basin and sink faucets with a flow rate of not more than eight-point-three (8.3) litres per minute and/or urinals with a capacity of not more than three-point-eight (3.8) litres per flush;
212. **“Occupier”** means a person occupying or exercising control or having the right to occupy or exercise control over a Premises, including but not restricted to a lessee, occupant, or agent of an Owner;
213. **“Owner”** means in the case of land, to be registered under the Land Titles Act as the Owner of the fee simple estate in a parcel of land;
214. **“Peace Officer”** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;

215. **“Premises”** means the parcel of land and all structures contained on the land;
216. **“Private Service Connection”** means the privately owned portion of the water supply line extending from the Curb Stop to the building being serviced. Where there is no Curb Stop, it shall be defined as the portion of the water supply line from the property line of the parcel of land to the building being serviced;
217. **“Public Service Connection”** means the City owned portion of the water supply line extending from the Water Main in the street to the Curb Stop of the building being serviced. Where there is no Curb Stop, it shall be defined as the portion of the water supply line from the Water Main to the property line of the building being serviced;
218. **“Utility Rates Bylaw”** means Bylaw No. 15/06 as may be amended or replaced from time to time, which sets out the rates charged to citizens for City water, sewer and waste management services;
219. **“Utility Services Access Policy”** means the City Policy, as may be amended or replaced from time to time, that outlines the procedure for accessing utility infrastructure located on private land;
220. **“Violation Tag”** means a tag or similar document issued by the City pursuant to the Act;
221. **“Violation Ticket”** means a ticket issued pursuant to the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended and any Regulations thereto;
222. **“Water Distribution System”** means the system of water reservoirs, pumping stations, Water Mains, Public Service Connections, valves, fittings, fire hydrants, Water Meters and all other equipment and machinery of whatever kind owned by the City and which is required to supply and distribute potable water to Customers and which is deemed to be a public utility within the meaning of the Act;
223. **“Water Main”** means the City owned portion of the water supply line that is laid for the service of more than one Premises;
224. **“Water Meter”** means the device and all other equipment and instruments, including but not limited to, radio frequency units and remote reading devices, supplied and used by the City to measure the amount of water consumed by a Customer in volumetric measurement; and,
225. **“Water Services”** means the provision of potable water by the

City to a Customer and any administrative services offered to the Customer under this Bylaw.

3. General

300. The Chief Administrative Officer and other duly authorized employees of the City bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, installation, observation, measurement, sampling and testing in accordance with the provisions of this Bylaw and the Utility Services Access Policy.
301. The City does not guarantee or warrant the continuous supply of Water Services and the City reserves the right to change the operating pressure, restrict the availability of Water Services, or to disconnect Water Services, in whole or in part, with or without notice.
302. The Owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the City and abutting a Water Distribution System connection shall connect directly to the Water Distribution System in accordance with the provisions of all existing provincial regulations within sixty (60) days after the date of notice to do so, unless otherwise directed by municipal forces. Failure to do so shall result in a penalty, as per Schedule "A".
303. For the purpose of potable water, no person shall, unless authorized by the City, allow water to be supplied to a property from another water supply that is not connected to or provided from, the City's Water Distribution System.
304. No unauthorized person shall uncover, use, alter, disturb, or make any connections with or opening into, the Water Distribution System or appurtenances thereof.
305. Any person desiring to connect his Premises with the Water Distribution System shall sign and file with the Chief Administrative Officer a written application for a permit to make such connection.
306. The Owner of a Premises shall be responsible for the installation and condition of the Private Service Connection. The Owner shall ensure that approval from the Chief Administrative Officer for such connection be obtained prior to construction and shall not backfill the excavation until such time as the Chief Administrative Officer has inspected the work.
307. The City shall be responsible for the installation and condition of all components of the Water Distribution System.
308. When any Private Service Connection is abandoned, the Owner, under the direction of municipal forces, shall effectively block up the

connection at a suitable location within his property. Failure to do so will result in a penalty, as per Schedule "A".

309. No person, other than an authorized representative of the City, shall operate a Curb Stop on any property, unless they have been approved to do so by the Chief Administrative Officer.
310. No statement contained in this Bylaw shall be construed as preventing any special agreement or arrangement between the City and any individual.
311. No statement contained in this Bylaw shall be construed to interfere with any additional requirements that may be imposed by the Public Health Inspector.
312. No statement contained in this Bylaw shall be construed to interfere with any Federal or Provincial Law or Regulation.
313. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial Law or Regulation, other Bylaw or any requirements of any lawful permit, order, consent or other direction.
314. Where this Bylaw refers to another act, regulation or agency, it includes reference to any act, regulation or agency that may be substituted therefore.
315. Where the Customer fails to comply with a notice given by the Chief Administrative Officer, in accordance with this Bylaw, the Chief Administrative Officer may cause the supply of the water to be shut off.

4. Water Meters

400. Every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the City and connected to the Water Distribution System connection, shall have a Water Meter installed.
401. Water Services shall not be provided to any Premises until a Water Meter is installed to the satisfaction of the Chief Administrative Officer.
402. As per Subsection 300, the Owner or Occupier of any Premises shall allow access to the Water Meter to allow for effective reading, adjustments or upgrades.
403. All Water Meters supplied by the City shall at all times be the property of the City, despite being installed on private property.
404. If a Water Meter requires servicing or repairs, the Customer of the Premises shall contact the City and request such servicing or repairs.

405. No person, other than an authorized representative of the City, shall perform work on a Water Meter. In the event that a Water Meter is found to be damaged in excess of normally expected wear and tear, the Customer of the Premises shall be required to reimburse the City for the entire cost of such Water Meter, including labour costs.
406. Any person requesting installation of a Water Meter shall ensure that the appropriate Water Meter setting is provided in order to allow the Water Meter to be installed according to manufacturer's specifications.
407. Any person requesting that a Water Meter be relocated shall be responsible for all costs of such relocation. Water Meters that have been relocated shall be installed to the satisfaction of the Chief Administrative Officer.
408. No person shall:
 409. tamper with a Water Meter;
 410. install a branch line or tap between the Curb Stop and the Water Meter;
 411. do anything to cause water to bypass a Water Meter; or,
 412. do anything to affect the accuracy of a Water Meter.
413. The City may conduct a Water Meter test to ensure Water Meters are accurately recording water flow, at the discretion of the Chief Administrative Officer.
 414. Should a Water Meter test reveal that a Water Meter is inaccurately recording water flow, the City shall replace the Water Meter and compensate the Customer for recognized overbilling, at the discretion of the Chief Administrative Officer. The testing and replacement of the Water Meter shall be performed at no cost to the Customer.
 415. Should a Water Meter test reveal that a Water Meter is accurately recording water flow, the Customer shall continue to be responsible for any outstanding charges accrued as per the Utility Rates Bylaw. The cost of manpower, equipment and testing shall be the responsibility of the Customer and may be added to subsequent utility bills.
416. Pursuant to Subsections 413-415, an accurate Water Meter shall be defined as recording between 96% and 104% of actual consumption.

5. Rationing and Conservation

500. During the months of May, June, July, August and September upon proper notice all outside watering shall be rationed as follows:
501. Premises with even numbered civic addresses shall only use water from the Water Distribution System on even numbered days of the month;
502. Premises with odd numbered civic addresses shall only use water from the Water Distribution System on odd numbered days of the month; or,
503. To be rationed in a manner as determined by the Chief Administrative Officer or designate.
504. Any person found to be irrigating in contravention to Subsections 500-503 shall be guilty of an offence and may be liable to a fine as per Schedule "A".
505. A notice published in one of the local newspapers shall constitute proper notice as referred to in Subsection 500 of this Bylaw. Rationing shall come into effect on the date of publication of the newspaper.
506. No building permit or occupancy permit shall be issued by the City until it has been demonstrated through physical inspection or otherwise that Low-Flow Fixtures are in place to the satisfaction of the Chief Administrative Officer.
507. Subsection 506 is not applicable to shower and/or faucet units installed solely for safety/emergency purposes, including but not limited to emergency safety showers and face/eyewash stations.
508. No person shall remove or replace a Low-Flow Fixture that was previously installed in any new residential, commercial, industrial or institutional construction with one that has a higher rated flow capacity than specified in this Bylaw.

6. Cross-Connection and Backflow Prevention

600. No Customer shall cause, permit, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container, or other appliance which may cause water from a source other than the Water Distribution System, or any other harmful liquid or substance, to enter the Water Distribution System.
601. Where the City has reasonable grounds to believe an unauthorized Cross Connection is in use, the Chief Administrative Officer may

direct that a Backflow Preventer be installed and maintained at the Owner's expense.

601. All Premises that utilize a sump pump shall install a Backflow Preventer immediately downstream from the Water Meter.
602. All Backflow Preventers shall be installed as per manufacturers specifications and so they are easily accessible for testing and maintenance and may be required to be installed on the Customer's water piping at the sources of potential or actual contamination and/or on the Private Service Connection.
603. No Customer shall install a bypass, jumper, or other device on the Private Service Connection which may reduce the effectiveness of or circumvent any Backflow Preventers.
604. Backflow Preventers shall be field tested by a certified Backflow Preventer inspector authorized by the Chief Administrative Officer at the Owner's cost. This shall be done at the time of installation, and thereafter, as per the manufacturer's specifications, provincial regulations, during repair, overhaul, relocation, cleaning or as required by the Chief Administrative Officer. Copies of the test results shall be submitted to the Chief Administrative Officer within forty eight (48) hours thereafter. In the event of test failure, the Owner shall have ninety-six (96) hours thereafter to correct the problem to the satisfaction of the Chief Administrative Officer. The Owner shall isolate the source of any potential contamination immediately until the Backflow Preventer passes the field test.
605. Where an Owner fails to have a Backflow Preventer tested the Chief Administrative Officer may notify the Owner that the Backflow Preventer must be tested within ninety-six (96) hours of the Owner receiving notice.

7. Enforcement

700. A Peace Officer is for the purposes of enforcement of this Bylaw, a Designated Officer of the City.
701. A person who contravenes or does not comply with any provision of this Bylaw is guilty of an offence.
702. Fines and penalties imposed on a conviction for an offence under this Bylaw are an amount owing to the City.
703. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that

person is liable under the provisions of this Bylaw or any other Bylaw.

704. Any person who breaches any provision of the Bylaw is guilty of an offence and liable:
 705. upon the issuance of a Violation Tag to the specified penalty as listed on Schedule "A" attached to and forming part of this Bylaw; or,
 706. upon summary conviction to a fine of not less than the amount specified on Schedule "A" attached to and forming part of this Bylaw for each offence, exclusive of costs; or,
 707. to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
708. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.
709. A Violation Tag shall be deemed to be sufficiently served if:
 710. served personally on the accused; or,
 711. mailed to the address of the registered Owner of the property concerned or to the person concerned; or,
 712. served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any Premises of the accused, or by mailing a copy to such accused.
713. A Violation Tag shall state:
 714. the name of the person or other information to adequately identify the person;
 715. approximate location of where the offence took place;
 716. the offence;
 717. the penalty for the offence set out on Schedule "A" of the Bylaw;
 718. that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag; and,
 719. any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the Provincial Offences Procedure Act, RSA 2000, c P-34 as amended or as repealed and replaced from time to time.

720. Where a breach of this Bylaw is of a continuing nature, each day on which it continues or is repeated shall constitute a separate offense, and shall be liable to a separate penalty.
721. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
722. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
723. If a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
724. The person to whom a Violation Ticket has been issued pursuant to the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time, may plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" to this Bylaw
725. Any Person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed from time to time.

Remedial Orders

726. A Peace Officer is hereby authorized and empowered to issue a remedial order to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
727. A remedial order written pursuant to this Bylaw may:
728. direct a person to stop doing something, or to change the way in which the person is doing it;
729. direct a person to take any action or measures necessary to remedy the contravention of this Bylaw, and, if necessary, to prevent a reoccurrence of the contravention;

730. state a time within which a person must comply with the directions; and,
731. state that if the person does not comply with the directions within a specified time, the City will take the action or measures at the expense of the person.
732. A remedial order written pursuant to this Bylaw may be served:
733. in the case of an individual:
734. by physically delivering it to the person; or,
735. by mail addressed to the person at their apparent place of residence or at any address for the person on the tax roll of the City or at the Land Titles registry. A remedial order is deemed to be received seven (7) days after it is mailed.
736. in the case of a company or corporation or other such entity:
737. by physically delivering it to any director or officer of the company;
738. by physically delivering it to a person apparently in charge of an office of the company at an address held out by the company to be its address; or,
739. by mail addressed to the registered office of the company. A remedial order is deemed to be received seven (7) days after it is mailed.
740. If, in the opinion of a Peace Officer, service of the remedial order cannot be reasonably affected, or if the Peace Officer believes that the Owner and/or Occupier of the Premises is evading service, the Peace Officer may post the remedial order in a conspicuous place on the Premises to which the remedial order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the remedial order shall be deemed to be served upon the expiry of three (3) days after the remedial order is posted.
741. Every person who fails to comply with a remedial order issued pursuant to this Bylaw within the time set out in the remedial order commits an offence.
742. If the person to whom a remedial order has been issued fails to comply with the remedial order within the time specified therein, the City may take whatever steps are necessary to remedy the contravention of this Bylaw and the cost of doing so becomes a debt owing to the City by the person to whom the order was issued.
743. If, in the opinion of the Chief Administrative Officer, a contravention of this Bylaw requires immediate action, the City may perform any work necessary to address the contravention of this Bylaw without prior notice or a remedial order and all costs incurred by the City will be payable by the person alleged to have contravened this Bylaw.

744. If the City does not receive the payment of the expense incurred as provided in this Bylaw, the City may charge the same against the property to be recovered in like manner as taxes assessable against the property.

Notice of Entry & Inspections

745. A Peace Officer may give a minimum twenty four (24) hour notice of entry to an Owner and/or Occupier of a Premises to enter into or upon any Premises within the City, pursuant to authority set out in Section 542 of the Act, to carry out an inspection, remedy, enforcement or action for the purpose of ensuring compliance with this Bylaw.
746. If a person refuses to allow or interferes with the entry onto a Premises, inspection, enforcement or action required to ensure compliance with this Bylaw and/or refuses to produce anything to assist in the inspection, remedy, enforcement or action required to ensure compliance with this Bylaw, the City may apply to the Court of Queen's Bench where the court may issue an order to restrain a person from preventing or interfering with the entry onto a Premises, inspection, enforcement or action or require the production of anything to assist in the inspection, remedy, enforcement or action to ensure compliance with this Bylaw.

Notice of Appeal

747. A person who has received a remedial order may request Council to review the remedial order issued in accordance with this Bylaw by written notice of appeal within fourteen (14) days of the date the remedial order is received.
748. Each notice of appeal shall:
- 749. state with reasonable detail, the grounds of appeal;
 - 750. state the name, address and interest of the appellant; and,
 - 751. be dated and signed by the appellant or on their behalf by their agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.
752. When hearing an appeal Council shall:
- 753. hold a hearing within thirty (30) days after receipt of the remedial order;
 - 754. ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing;
 - 755. consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;

- 756. not be bound by the rules of evidence applicable to courts of civil or criminal jurisdiction;
- 757. afford to every person concerned the opportunity to be heard, to submit evidence of others; and,
- 758. make and keep a written record of its proceeding which shall be in the form of a summary of the evidence presented to Council at the hearing.
- 759. In determining an appeal, Council:
 - 760. may confirm, vary, substitute or cancel the remedial order; and,
 - 761. shall render its decision in writing to the appellant within fifteen (15) days from the date of the hearing.

8. Severability

- 800. Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

9. Repeal of Bylaws

- 900. That Bylaw No. 05/17, 09/10, 10/02 and 12/16 be hereby repealed.

10. Effective Date

- 1000. This Bylaw shall come into force and take effect on the date of final passing.

Read a first time this 20th day of April, 2015
Read a second time this 20th day of April, 2015
Read a third time and finally passed this 20th day of April, 2015



Mayor



Chief Administrative Officer

**SCHEDULE "A" – SPECIFIED PENALTIES
BYLAW 15/04**

Offence	Penalties	Second or Subsequent Offence Within One Year	Subsection
Not connecting to Water Distribution System when abutting a connection	\$100.00	\$200.00	302
Utilizing an alternate water supply for potable water	\$100.00	\$200.00	303
Unauthorized person using, disturbing or connecting to Water Distribution System	\$500.00	\$1,000.00	304
Abandoning water connection without properly blocking connection	\$500.00	\$1,000.00	308
Unauthorized person operating a Curb Stop	\$100.00	\$200.00	309
Performing unauthorized work on a Water Meter	\$100.00	\$200.00	405
Tampering or affecting the accuracy of a Water Meter	\$500.00	\$1,000.00	408 – 412
Irrigating in contravention of rationing	\$100.00	\$200.00	500 – 504
Removing or replacing a Low Flow Fixture	\$100.00	\$200.00	508
Connecting pipe or other item to Water Distribution System which may cause contamination	\$500.00	\$1,000.00	600
Installing a bypass or jumper on a Private Service Connection	\$500.00	\$1,000.00	603
Failing to comply with a remedial order	\$500.00	\$1,000.00	741