



**TOWN OF PINCHER CREEK**  
**WATER UTILITY BYLAW**

**#1631-22**

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**BYLAW #1631-22**  
**of the**  
**TOWN OF PINCHER CREEK**  
**A BYLAW OF THE MUNICIPALITY OF THE**  
**TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA,**  
**FOR THE PURPOSE OF REGULATING THE WATER SYSTEM WITHIN THE**  
**MUNICIPALITY OF THE TOWN OF PINCHER CREEK**

**WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, permits the municipality to pass bylaws regarding public utilities;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the enforcements of bylaws including providing for inspections to determine if bylaws are being complied with;

**AND WHEREAS** the Council of the Town of Pincher Creek wishes to establish regulations, rates, and penalties for water services.

**NOW THEREFORE**, the Municipal Council of the Town of Pincher Creek hereby enacts as follows:

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Title**

- a) This Bylaw may be cited as the “Water Utility Bylaw”.

**1.2 Purpose**

The purposes of this Bylaw include the following:

- a) To supply and distribute water to residents, industrial and commercial users, and all other Customers in the Town of Pincher Creek;
- b) To supply and distribute water for fire protection within the Town of Pincher Creek;
- c) To protect the Water System and its processes from damage, obstruction, or loss of efficiency;
- d) To provide for a system of rates, fees, and charges for various types of use of the Water System; and



- e) To provide for a system of Permits or other permissions that facilitate the imposing of conditions regarding use of the Water System.

### 1.3 Definitions

In this Bylaw, unless the context otherwise requires:

- a) BACKFLOW means the flowing back or reversal of the normal direction of flow in either the Water System or a Customer's Plumbing System.
- b) BYLAW means Bylaw #1631 also known as the Water Utility Bylaw.
- c) CAO means the Chief Administrative Officer of the Town of Pincher Creek as appointed by Town Council and includes any Person authorized by them to act for or carry out the duties of the CAO to the extent that authorization is given.
- d) COMBINED WATER SERVICE means a water service which supplies water for both domestic use and for a fire protection system in the same Premises.
- e) COUNCIL means the Council of the Town of Pincher Creek elected pursuant to the provisions of the *Local Authorities Elections Act*.
- f) CROSS CONNECTION means any temporary, permanent, or potential water connection that allows or may allow Backflow to occur.
- g) CROSS CONNECTION CONTROL DEVICE means a Backflow prevention device approved by the CAO that prevents Backflow.
- h) CUSTOMER means any Person, any other municipal corporation, the Government of Alberta, or the Government of Canada, whose property is connected to the Water System or any lessee or Occupant of such property, or any Person who requests water services or has applied for an account or is otherwise responsible for paying such account for water services.
- i) CUSTOMER'S PLUMBING SYSTEM means the system of pipes, fittings, valves, and appurtenances that conveys potable water between the Water Service Connection and the Water Supply outlets.
- j) FOOD AND BEVERAGE ESTABLISHMENT means an establishment where food is prepared or liquor is served, or both, for consumption on the Premises or as part of a "take-out food service".
- k) HYDRANT CONNECTION UNIT means the locked box supplied by the Town to a Hydrant User which is used to withdraw water from a fire hydrant, and which contains a Water Meter, valves, pipes, and fittings, and which may or may not contain a Cross Connection Control Device for the prevention of Backflow.
- l) HYDRANT USER means any Person authorized by the CAO to obtain water from a fire hydrant for a purpose other than emergency fire protection.
- m) MASTER CONTROL VALVE means the water valve within a building on a Customer's Parcel, usually located near the Water Meter or point of entry of the Water Service Connection, which, when closed, does not allow the flow of water in the building.

- n) **NEGATIVE IMPACT** means impairment of or damage to, or the ability to cause impairment to:
  - the Water System;
  - human health or safety;
  - property; or
  - the environment.
- o) **NON-RESIDENTIAL METERED** means a Premises connected to the Water System where the Premises is classified as anything other than those described under the Residential Metered definition, including but not limited to:
  - multi-family developments containing more than one (1) residential unit, with a single Water Meter;
  - mixed-use developments, metered by the Town;
  - commercial uses, metered by the Town;
  - industrial uses, metered by the Town;
  - churches, metered by the Town;
  - schools, metered by the Town; or
  - properties owned and operated by non-profit organizations, metered by the Town.
- p) **OCCUPANT** includes an Owner of a Premises where that Owner resides or carries on a business within a Premises and includes any Person or corporation residing or carrying on a business, or both, within a Premises either as a lessee or pursuant to a license of occupation, where that Premises is connected to the Water System.
- q) **ON-SITE WATER MAIN** means an underground water pipe which forms part of the Customer's water distribution network.
- r) **OWNER** means a Person who is one or more of the following:
  - the registered Owner of the land; or
  - a purchaser of the land whose interest as a purchaser is shown on the certificate of title to that land.
- s) **PARCEL** means the aggregate of one or more areas of land described in a certificate of title.
- t) **PEACE OFFICER** means a member of the Royal Canadian Mounted Police, Community Peace Officer, or Bylaw Enforcement Officer as appointed by the Town of Pincher Creek.
- u) **PERMIT** means a form of approval, in writing, issued by the CAO as applicable.

- v) PERSON includes any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators, or other legal representatives of a Person to whom the context can apply according to law.
- w) PINCHER CREEK RIPARIAN AREA means all of the land owned by the Town of Pincher Creek, upstream of the Pincher Creek raw water intake, as set out in the shaded area on the map attached to this Bylaw in Schedule "D".
- x) POTABLE WATER means water which originates from a source or tap connected to a Town Water Main.
- y) PREMISES includes lands and buildings or both, or a part thereof.
- z) PREMISES-ISOLATING means a Cross Connection Control Device installed on the incoming water service prior to any water use.
- aa) REMEDIAL ORDER means a Remedial Order written pursuant to section 545 of the *Municipal Government Act*.
- bb) RESIDENTIAL METERED means a Premises connected to the Water System used for residential purposes, including:
  - a single-family dwelling, individually metered by the Town;
  - a modular and/or manufactured home, individually metered by the Town; or
  - multi-family developments containing more than one (1) residential unit, with each unit having individual Water Meters.
- cc) TOWN means the municipal corporation of the Town of Pincher Creek.
- dd) UTILITY and shall mean and include, as the context may require:
  - the supply of water;
  - the provision of wastewater collection and treatment;
  - the provision of storm drainage collection, treatment, and disposal; or
  - the provision of solid waste management services including garbage collection and recycling services.
- ee) WATER CHARGE means a charge levied pursuant to the provisions of this Bylaw that include monthly service charges and/or usage charges as outlined in Schedule "A" to this Bylaw.
- ff) WATER MAIN means a water pipe in the street, public thoroughfare or easement area granted to the Town, which forms part of the Water System and delivers the Water Supply to Water Service Connections.
- gg) WATER METER means a device owned and installed by the Town, or approved by the CAO that measures the volume of water used by a Customer; and which may or may not incorporate a remote-reading device.



- hh) WATER SERVICE CONNECTION means a water pipe which connects a Customer's Parcel or Premises to a Town Water Main.
- ii) WATER SERVICE VALVE means the Town-owned water valve located on the Water Service Connection which enables the Town to turn on or off the Water Supply to a Customer's Premises.
- jj) WATER SUPPLY means the supply of Potable Water delivered to Customer's Parcel or Premises through the Water System.
- kk) WATER SYSTEM means the system owned and operated by the Town for the purpose of collection and treatment of source water and delivery of Potable Water to Customers.

#### **1.4 Interpretation**

- a) All references in this Bylaw shall read with such changes in number and gender as may be considered appropriate according to whether the reference is made to any gender, or a corporation or partnership.
- b) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- c) Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- d) All schedules attached to this Bylaw shall form part of this Bylaw.
- e) Where this Bylaw cites or refers to any other Act, bylaw, regulation, agency, organization, or publication, the citation or reference is to the Act, bylaw, regulation, agency, organization, or publication as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any Act, bylaw regulation, agency, organization, or publication that may be substituted in its place.
- f) Any contract between the Town and a Customer with respect to the supply of water shall be subject to this Bylaw.

#### **1.5 Compliance with Other Laws**

- a) Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, agency, organization, other bylaw, or any requirement of any lawful permit, order, or license.

### **2. GENERAL**

#### **2.1 Continuation of the Water System**

- a) The Town having constructed, operated, and maintained a Water System as a public Utility shall continue, insofar as there is sufficient plant capacity and supply of water, to supply water, upon such terms as Council considers advisable, to any resident or industry or other Customer within the municipality situated along any water main:
  - i. where a service currently exists; and

- ii. upon a written request by the Owner, Occupant, or other Person in charge of a residence, industry, or building.

## **2.2 Obligations of the Owner**

- a) The Town does not guarantee the pressure, nor the continuous supply of water and the Town reserves the right at any and all times without notice to change operating water pressures and to shut off water.
- b) Where a water service is continued or initiated pursuant to this Bylaw, the Owner shall be responsible for:
  - i. providing the Water Service Connection from the property line or boundary of an easement granted to the Town for its Water System to the Customer's Plumbing System;
  - ii. ensuring that the connections referred to in subsections i. and ii. are in compliance with the provisions of this Bylaw;
  - iii. ensuring that the connection referred to in subsections i. and ii. and the remainder of the Customer's Plumbing System comply with the *Safety Codes Act* (R.S.A. 2000, c. S-1) and any regulations passed pursuant to that Act;
  - iv. ensuring that any permits, inspections, or approvals required pursuant to the *Safety Codes Act*, regulations passed pursuant to that Act, any bylaw or any other applicable legislation have been conducted or obtained and are valid and subsisting, prior to connection to the Water System; and
  - v. ensuring that such connection does not interfere with the operation of the Water System.
- c) Customers depending upon a continuous and uninterrupted supply or pressure of water or having processes or equipment that require particularly clear or pure water shall provide such facilities, as they consider necessary to ensure a continuous and uninterrupted supply pressure or quality of water required for their use.
- d) In making an application pursuant to this Bylaw, no Person shall give false information.
- e) Every Person who relies on a written approval issued pursuant to this Bylaw has the onus of proving that they were the holder of a valid and subsisting approval.
- f) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Water System resulting from the Owner's contravention of the requirements of this Bylaw.

## **2.3 Obligation to Report**

- a) A Person is required to report to the Town any connections or equipment located on a Premises that do not comply with the requirements of the *Safety Codes Act* or this Bylaw.



## **2.4 Limitation of Liability**

- a) The Town, its contractors, servants and agents, or employees shall not be liable for damages or loss suffered by any Person due to the operation of the Water System, unless such damages or loss are shown to be directly due to the negligence of the Town or its employees, and without limiting the generality of the foregoing, shall not be liable for damages or loss resulting from any of the following:
  - i. the settlement of any excavation or trench made for the installation, maintenance, or repair of any part of the Water System, or any damage or loss resulting from such settlement;
  - ii. the break of any Water Main, Water Service Connection, or other pipe;
  - iii. the disruption of any supply of water from the Water System when such disruption is necessary in connection with the repair or maintenance of the Water System;
  - iv. the change in water pressure;
  - v. water containing sediments, deposits, or other foreign matter; or
  - vi. the disruption or cutting off of the Water Supply in the event of an emergency.

## **3. AUTHORITY**

### **3.1 Authority of the CAO**

- a) The CAO may:
  - i. establish a system for the billing and collection of any rates, charges, and fees in relation to the Water System.
  - ii. establish rates, charges, or fees for any work done or service or material supplied for the construction, installation, connection, disconnection, maintenance, inspection, repair, or replacement of any of the following:
    - a. Any part of the Water System;
    - b. Any part of a Customer's Plumbing System located on private property.
  - iii. establish standards and guidelines for the maintenance and physical operations of the Water System.
  - iv. establish standards, guidelines and specifications for the design, construction, and management of the Water System.
  - v. enter into contracts for the installation of equipment for the provision of water services, including the installation of Water Meters.
  - vi. enter into contracts for the provision of services, including contracts to provide for the reading of Water Meters, billing for water services, and similar services.

- vii. subject to any provisions of this Bylaw, discontinue water service and continue to refuse to provide water service until such time as the deficiency is corrected, if a Customer or Owner fails or refuses to repair, maintain or replace any leak or leaks between a private property line and a Water Meter.
- viii. subject to any provisions of this Bylaw, enter into contracts on behalf of the Town with any Customers within the Town for the provision of water services and may, as a condition of service, impose any conditions to the supply of water services in such contracts that the CAO considers reasonable and appropriate in the circumstances, including provision that if a Customer fails to comply with the requirements of this Bylaw or the terms of the contract, that water service may be discontinued.
- ix. subject to any provisions of this Bylaw, require any Customer to enter into a contract with the Town for the provision of water services, prior to such services being provided.
- x. subject to any provisions of this Bylaw, refuse to supply, discontinue water service, and continue to refuse to provide water service until such time as the deficiency is corrected, if a Customer or Owner has:
  - a. provided false information in an application for service;
  - b. failed to keep an account in good standing;
  - c. refused to allow the installation or repair of a Water Meter;
  - d. failed to comply with a term of a contract for the provision of water service; or
  - e. failed to comply with a condition of water service.
- xi. subject to the approval of Council, enter into an agreement to supply water to a Customer or Customers outside the Town limits.

### **3.2 Powers of Delegation**

- a) The CAO may delegate any or all of the powers granted to them pursuant to this Bylaw.

## **4. ADMINISTRATION OF WATER UTILITY**

### **4.1 Administration of Utility Accounts**

- a) All Utility accounts for a Parcel or Premises must be registered with the Town in the same name.
- b) Utility accounts registered to renters, tenants, and/or any Occupant of a Premises other than the Owner as of September 1, 2022, will remain in effect until one of the following conditions are met:
  - i. There has been a disconnection of Utility service for account arrears; or

- ii. A tenant is in arrears and there is no separate shut-off valve in a multi-occupied building; or
  - iii. The existing tenant vacates the Premises.
- c) If one or any of the conditions in subsection b) occurs, all Utilities related to that Premises will be the responsibility of the registered Owner of the property.

#### **4.2 Water Charges**

- a) The Owner of Premises connected to the Town's Water System must pay to the Town a Water Charge.
- b) Council shall set rates and fees for all Customers for the following:
  - i. monthly service charges and water usage rates;
  - ii. monthly flat rates; and
  - iii. water service fees.
- c) Rates and fees set by Council pursuant to subsection b) shall be set out in the schedules of this Bylaw and the Town's Fee Structure Bylaw.
- d) No reduction in rates will be made in the monthly charge for water supplied to or made available for use by any Customer because of any interruption due to any cause whatsoever of the Water Supply.
- e) The CAO shall have sole discretion in determining which rate and/or fees shall apply to a Customer.

#### **4.3 Rates and Fees**

- a) Residential Metered
  - i. Where water is supplied to a Residential Metered Customer, the Customer shall pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1.a. of Schedule "A" to this Bylaw; and
    - b. the amount determined by the volume of water shown by the Water Meter as supplied for the applicable month at the usage rate specified, as set out in section 2 of Schedule "A" to this Bylaw.
- b) Residential Flat
  - i. Where water is supplied to a residential Customer through a single Water Service Connection on which no Water Meter is used for billing purposes, the Customer shall pay for the water at a monthly charge as set out in section 3 of Schedule "A" to this Bylaw.
- c) Temporary Water

- i. Charges for water to be used for temporary construction activities will be in accordance with the rates as set out in section 4 of Schedule "A" to this Bylaw.
  - ii. Temporary water shall be permitted for a period of 30 days. Extensions may be granted at the sole discretion of the CAO.
- d) Irrigation Water
  - i. Where water is supplied by the Town through a Water Meter, for irrigation purposes, the Customer shall pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1.b. of Schedule "A" to this Bylaw; and
    - b. the amount determined by the volume of water shown by the Water Meter as supplied for the applicable month at the usage rate specified, as set out in section 2 of Schedule "A" to this Bylaw.
- e) Non-Residential Metered
  - i. Where water is supplied by the Town through a Water Meter to a Customer other than under sections 4.3 a), b), c), or d) the Customer shall be considered Non-Residential Metered and pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1.b. of Schedule "A" to this Bylaw, and
    - b. the amount determined by the volume of water shown by the Water Meter as supplied for the applicable month at the usage rate specified, as set out in section of Schedule "A" of this Bylaw.
- f) Outside Town
  - i. Where water is supplied to any Customer outside the Town, that Customer shall pay to the Town the rates approved by Council as set out in Schedule "F" of this Bylaw.
- g) Fire Hydrants
  - i. Where the drawing of water from fire hydrants is authorized, charges for such water will be in accordance with the rates as shown in section 5 of Schedule "A" to this Bylaw.

#### **4.4 Payments**

- a) In default of payment of the rates set out in any of the Schedules to this Bylaw or any amount due and payable to the Town for anything done, or any amounts payable, pursuant to this Bylaw, the CAO may enforce the collection of such rates or payments by shutting off the water being supplied to the Customer, or by action in any Court of competent jurisdiction, or both.
- b) Where the Occupant is the Owner or purchaser under an agreement for sale in possession of the Parcel or Premises to which water is supplied or is available for the use of the Occupant, all sums payable by the Occupant pursuant to this Bylaw



including the rates set out in any of the Schedules to this Bylaw, are a debt due and owing to the Town and shall constitute a preferential lien and charge on the Parcel or Premises and the personal property of the Occupant and may be levied and collected in a like manner as municipal rates and taxes are recoverable.

- c) Where the Occupant is other than the Owner or the purchaser under an agreement for sale all sums payable by the Occupant pursuant to this Bylaw including the rates set out in any of the Schedules to this Bylaw, are a debt due and owing to the Town and shall constitute a Preferential Lien and charge on the Occupant's personal property and may be levied and collected with costs by distress.

## **5. WATER CONSERVATION**

### **5.1 Low Water Use Fixtures**

- a) For the purposes of this Section, Low Flow Plumbing Fixtures means:
  - i. toilets having a total water usage of no greater than 6.0 liters or 1.6 US gallons per flush, including the contents of both the tank and bowl of the toilet;
  - ii. urinals having a total water usage of no greater than 3.8 liters or 1.0 US gallons per flush, but does not include urinals which flush automatically after a period of elapsed time, regardless of the amount of water usage per flush;
  - iii. showerheads having a rate of water flow no greater than 9.5 liters or 2.5 US gallons per minute;
  - iv. lavatory basin and kitchen sink faucets having a rate of water flow no greater than 8.3 liters or 2.2 US gallons per minute; and
  - v. public restroom faucets having a total water flow of no greater than 1.9 liters or 0.5 US gallons per minute.
- b) Subsection a) iii. shall not be interpreted to prevent the installation of more than one valve in a shower stall or bathroom.
- c) Every Person responsible for the construction of:
  - i. new residential construction, regardless of the number of dwelling units contained in a structure;
  - ii. new industrial, commercial, and institutional construction; and
  - iii. any renovation project regarding a residential, industrial, commercial, or institutional structure that requires a plumbing permit;must ensure that all plumbing fixtures installed in that construction or renovation are Low Flow Plumbing Fixtures.
- d) Notwithstanding the obligations and prohibitions in this Section, the CAO may, in writing, allow the installation of plumbing fixtures other than Low Flow Plumbing Fixtures having regard to any factor the CAO considers appropriate.



## **5.2 Once-Through Cooling**

- a) For the purpose of this Section, "Once-Through Cooling Equipment" means cooling, air conditioning or refrigeration systems in buildings, building systems and equipment, which rely upon the temperature of the water for cooling purposes and deliver water to a drain or other discharge facility without having recycled that water, but does not include emergency or back-up once-through cooling systems.
- b) No Person shall install or allow the installation of any Once-Through Cooling Equipment connected to the Town of Pincher Creek's Water Supply, in any residential, industrial, commercial, or institutional construction, development, retrofitting or restoration project.
- c) Notwithstanding the obligations and prohibitions in this Section, the CAO may, in writing, allow the use of Once-Through Cooling Equipment having regard to any factor the CAO considers appropriate.

## **5.3 Water Wastage**

- a) No Owner or Occupant of a Parcel shall allow Potable Water to run off the Parcel such that there is:
  - i. a stream of water running into a street or swale for a distance of 30 meters or more from the edge of the Parcel;
  - ii. a stream of water running into a street or swale and directly into a catch basin; or
  - iii. a stream or spray of water running into or falling onto a street or sidewalk or adjacent Parcel.
- b) Notwithstanding the prohibitions in this Section, the CAO may authorize in writing the discharge of Potable Water onto a street or sidewalk for the purposes of:
  - i. health and safety;
  - ii. the installation and maintenance of infrastructure, including the flushing of water mains, hydrant leads, and water service connections;
  - iii. preventing the freezing of water mains, hydrant leads and water service connections;
  - iv. conducting water flow tests;
  - v. installation and testing of permanently installed irrigation systems;
  - vi. training programs for fire fighters employed by the Pincher Creek Emergency Services Commission; or
  - vii. other purposes as deemed necessary by the CAO from time to time.

## **6. EMERGENCIES AND OUTDOOR WATER USE RESTRICTIONS**

### **6.1 Emergencies**

- a) The CAO may discontinue water service without prior notice to a Customer, a group of Customers, or a geographical area in order to prevent or mitigate the impairment of or damage to:
  - i. the Water System;
  - ii. the Wastewater System, as defined in Bylaw #1632;
  - iii. the Storm Drainage System, as defined in Bylaw #1630;
  - iv. human health or safety;
  - v. property;
  - vi. the environment.

### **6.2 Outdoor Water Use Restrictions**

- a) In the event that the CAO believes there is a reason to require reduced water usage, the CAO may declare an outdoor water use restriction.
- b) The declaration of an outdoor water use restriction by the CAO may apply to:
  - i. the entire Town;
  - ii. specific zone(s) or geographic area(s) of the Town; or
  - iii. other specific locations as defined by the CAO.
- c) In the event there is reason to declare an outdoor water use restriction, the CAO may declare such restriction effective immediately.
- d) In the event of a declaration of an outdoor water use restriction made pursuant to this Section, the CAO:
  - i. shall determine that the outdoor water use restriction is a Stage 1, Stage 2, Stage 3, or Stage 4 outdoor water use restriction, and the permitted activities shall be those referenced in Schedule "C" to this Bylaw;
  - ii. shall cause public notice indicating the stage of outdoor water use restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:
    - a. Town of Pincher Creek press release;
    - b. notice on the Town of Pincher Creek website;
    - c. advertising in one or both major newspapers in circulation in the Town;

- d. circulation of flyers; or
    - e. signage;
  - iii. may declare different stages of Outdoor Water Use Restrictions in different areas;
  - iv. shall, if changing the areas of application or stages of restrictions in any area or lifting a declaration of Outdoor Water Use Restrictions, cause a public notice to be given in the manner described in subsection ii.; and
  - v. shall, after determining that the reason or reasons to require reduced water usage has sufficiently abated, declare an end to an Outdoor Water Use Restriction and shall cause public notice of such declaration to be given in the manner described in subsection ii.
- e) When an Outdoor Water Use Restriction is in effect, no Owner or Occupant of a Parcel or Premises shall allow the use of water supplied through the Water System for any activity or application prohibited in the following stage of restrictions in Schedule "C" to this Bylaw:
- i. Stage 1;
  - ii. Stage 2;
  - iii. Stage 3; or
  - iv. Stage 4.
- f) Without limiting the generality of this Section, the activities permitted in Schedule "C" shall only apply to core business operations and shall not apply to landscaping activities which are not a core function of a specific business or enterprise.

## **7. WATER SYSTEM REQUIREMENTS**

### **7.1 Protection of Infrastructure and Water Supply**

- a) Water System Takes Precedence
  - i. In the event of a conflict, this Bylaw and the operation and maintenance of the Water System shall take precedence over any other Town bylaw as it relates to the Pincher Creek Riparian Area and the Water System.
  - ii. Notwithstanding any recreational use or approval in the Pincher Creek Riparian Area, the CAO may restrict access and order the suspension of any activities in the Pincher Creek Riparian Area for the protection of the Water Supply or expansion of the Water System.
- b) General Prohibitions
  - i. No Person shall enter any fenced area which forms part of the Water System or is controlled by the Town, without the permission of the CAO.
  - ii. No Person shall climb upon any structure which forms part of the Water System.

## **7.2 Restricted Areas and Prohibited Activities in Pincher Creek Riparian Area**

- a) The CAO for the protection of the Water System or Water Supply:
  - i. restrict or close public access to any portion of the Pincher Creek Riparian Area;
  - ii. erect temporary or permanent barriers, barricades, fences or other structures and erect signs to give effect to such restrictions or closures.
- b) No Person shall, without the permission of the CAO:
  - i. disobey a sign or cross a barrier in the Pincher Creek Riparian Area;
  - ii. place any object or thing in the water or upon the ice of the Pincher Creek or do anything which may pollute or contaminate the water of the Pincher Creek;
  - iii. allow drainage towards the Pincher Creek of anything which may pollute or contaminate the water of the Pincher Creek;
  - iv. climb upon, tamper with or damage, or allow to be tampered with or damaged, any works, pipes, or structure within the Pincher Creek Riparian Area;
  - v. allow any drain to be connected to any structure or device which drains into the Pincher Creek;

or permit or cause any of the above to occur.

## **7.3 Interference with the Water System**

- a) No Person shall:
  - i. damage, destroy, remove, or interfere in any way with any pipe, pipe connection, valve, or other appurtenance forming part of the Water System;
  - ii. interfere in any way with or cause any interference with the use of the Water System by another Customer, and without limiting the generality of the foregoing, shall not attach any device to any water pipe which may create noise, a pressure surge, Backflow, or contamination of the Water System;
  - iii. use any boosting device on any Water Service Connection, on the upstream side of a Water Meter or Master Control Valve for the purpose of increasing water pressure;
  - iv. install branch supply lines, outlets, or fixtures on the upstream side of a Water Meter or Master control valve, except for fire protection purposes as approved by the CAO;
  - v. install branch supply lines, outlets, or fixtures on the upstream side of a Premises-Isolating Cross Connection Control Device;
  - vi. tamper with, break, or remove any seal, lock-out device or lock-out tag installed by the Town on any valves or flanged outlets on Water Service Connections or Water Metering facilities; or



- vii. attach or connect any pipe to any pipe or main of the Water System or in any other way obtain or use any water thereof without consent of the CAO;

or permit or cause any of the above to occur.

#### **7.4 Access To Property for the Purposes of Water Service**

a) Access For Authorized Purposes

- i. As a condition of water service and as operational needs dictate, employees of the Town shall have free access to all parts of a property, building or other Premises in which water is delivered and consumed, at reasonable hours of the day and upon reasonable notice for the purpose of:
  - a. installation, maintenance, repair, and removal of the Water System and Water Service Connections;
  - b. installation, testing, repair and removal of Water Meters or other parts of the Water System;
  - c. inspection of Cross-Connection Control Devices or other equipment and works associated with the Water System and the Customer Plumbing System;
  - d. reading of Water Meters; and
  - e. inspections for compliance with this Bylaw.
- ii. No Person shall hinder, interrupt, or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to the Water System as authorized or required in this Bylaw.
- iii. Upon termination of water service, any employee of the Town employed for that purpose may, at all reasonable times enter the Parcel or Premises which was supplied with water service for the purpose of removing from the Parcel or Premises any fittings, machines, apparatus, meters, pipes, or any other things that are the property of the Town and may remove these things.
- iv. Employees of the Town may at any time specify the required position or require the relocation, at a property owner's expense, of any Water Meter, Cross Connection Control Device, pipe, valve, or fitting forming part of the Water System.

b) Service Fees for Subsequent Site Visits

- i. A fee may be charged, as set by the CAO from time to time, where a Town employee or agent is required to make an additional visit or visits at a Parcel or Premises for any of the following reasons:
  - a. where a Customer refuses access to a Parcel or Premises for a Town employee or agent to install, repair, replace, inspect, test, or read a Water Meter or any other equipment in relation to the Water System;



- b. where a Town employee or agent attends at a Parcel or Premises for a scheduled appointment to perform any of the functions set out in subsection a), and the Customer is not present at the scheduled time to provide access to the Parcel or Premises; or
- c. where a Town employee or agent attends at a Parcel or Premises to perform any of the functions set out in subsection a) and is unable to proceed based on unsafe conditions or the inadequacy of access to the Parcel or Premises.

## **7.5 Water Meters**

### **a) Residential**

- i. Unless otherwise authorized by the CAO all residential Water Service Connections shall be connected to a Water Meter.
- ii. It shall be a condition of approving an application for Utility service for supplying water to a residential property that the Owner of the residence agree to the installation of a Water Meter.
- iii. Where the Owner of a residential property that is supplied water service on which no Water Meter is used, the CAO may set a date for the installation of a Water Meter in that residence and the CAO shall notify the Owner of that residence of such installation date, and the fees for subsequent site visits set out in Section 7.4 b) shall apply to such installation.
- iv. If the Owner of a residential property refuses to have a Water Meter installed in such Premises, the CAO may cut off the water service to the Premises.
- v. The CAO may determine if it is impractical to install a Water Meter and if such installation is impractical, the CAO shall determine what rate shall be charged for water service.

### **b) Non-Residential**

- i. Subject to subsection ii., it shall be a condition of water service that all residential and non-residential Water Service Connections, including Combined Water Service, temporary water service, and seasonal water service, shall be connected to a Water Meter.
- ii. The following water services shall not require connection to a Water Meter:
  - a. fire service connections which are not used for any other purpose;  
or
  - b. such other connections where, in the opinion of the CAO it is impractical to install a Water Meter.
- iii. The CAO may determine if it is impractical to install a Water Meter and if such installation is impractical, the CAO shall determine what rate shall be charged for water service.

### **c) Costs Associated with Water Meters**

- i. The Town may charge for and recover from the Owner of a Premises the cost of supplying, installing, altering, repairing, relocating, or replacing a Water Meter.
  - ii. If a Water Meter is removed or stolen, the Owner of the Premises shall pay the cost of replacing the Water Meter including installation.
  - iii. Notwithstanding the payment of any costs, all Water Meters shall remain the property of the Town.
- d) Location, Installation and Maintenance of Water Meters & Metering Facilities – Obligations & Authority of the CAO
  - i. As a condition of service, the CAO may:
    - a. determine the size, type, and number of Water Meters to be supplied and installed in a Premises;
    - b. determine the location that a Water Meter or Water Meters are to be installed;
    - c. in the case of installation of two or more Water Meters, require their installation adjacent to each other and as close as possible to the Master Control Valve or place where the Water Service Connection enters the building;
    - d. require a Water Meter to be either tested on site or removed for testing by a Town employee or Person authorized by the CAO at any specific time or on a periodic basis;
    - e. require a Water Meter to be relocated:
      - (i) if the building to which it was initially installed, has been altered; or
      - (ii) to a location near the point of entry of the Water Service Connection;
  - ii. As a condition of service, the CAO may:
    - a. inspect a Parcel or Premises prior to supplying water service to determine if a site is suitable for the installation, reading, maintenance and repair of a Water Meter and related works;
    - b. inspect an installation to ensure it meets approved or modified drawings and require an Owner to remedy any deficiencies;
  - iii. The CAO shall:
    - a. where a Customer has submitted an application to relocate a Water Meter or install additional metering, piping or valving, review such application and provide a decision to the Customer which:
      - (i) approves such application;

- (ii) notifies the Customer of required changes to such application; or
    - (iii) denies such application;
  - b. determine the size, type, and number of Water Meters to be supplied and installed by the Town.
- e) Location, Installation and Maintenance of Water Meters & Metering Facilities – Obligations & Rights of The Customer
  - i. Every Customer shall:
    - a. for Water Meter installation within a building, provide a suitable site for such installation near the master control valve, to the satisfaction of the CAO, and in accordance with the Town of Pincher Creek Engineering and Construction Standards, as amended from time to time;
    - b. for Water Meter installation outside of a building, provide at the Owner's expense and to the satisfaction of the CAO, a meter building or a meter vault on the Owner's property and near the property line, in accordance with Town of Pincher Creek Engineering and Construction Standards, as amended from time to time;
    - c. provide for the maintenance and repair of such building or vault referred to in subsection b., and upon failure to do so the CAO may have such work performed by Town employees or agents at the Owner's expense;
    - d. ensure that employees or agents of the Town have clear access to meter areas and Water Meters for meter testing and reading purposes;
    - e. notify the CAO immediately whenever a Water Meter is not operating or if any part of a Water Meter becomes damaged or broken;
    - f. be responsible for the safe keeping of any Water Meter and any remote reading device that is installed on the Customer's Premises;
    - g. protect any Water Meter, valves and pipes located on his Parcel or Premises from freezing, excessive heat, overheating of water, external or internal damage of any kind, or any other thing which may affect the operation of the Water Meter or Meters;
    - h. pay the cost of repairing or replacing any Water Meter or metering facilities supplied and installed by the Town that may be damaged from any causes set out in subsection g. or any other cause within the control of the Customer;
    - i. for meter installations 1-1/2" (40mm) in size or larger, supply, install, and maintain valves on both sides of and within 300mm of the Water Meter.

- j. for meter installations 1-1/2" (40mm) in size or larger, have a valved by-pass around the meter, subject to the approval of the CAO. The by-pass must be sealed and shall be opened only in case of an emergency.
    - k. notify the CAO within twenty-four (24) hours if the seal on a by-pass valve or a Water Meter is broken for emergency purposes or any other purpose;
  - ii. Every Customer may:
    - a. request that a Water Meter be tested for accuracy, and the cost of any such test shall be at the expense of the Town if the Water Meter is found to be inaccurate in excess of five percent of actual flow and such test shall be at the Customer's expense if the Water Meter is found to be accurate within five percent of actual flow;
    - b. request that a Water Meter or metering facilities be relocated by submitting plans and specifications to the CAO in a form approved by the CAO and upon approval by the CAO may relocate, alter, or change any existing Water Meter or metering facilities, the costs of any such alteration or relocation including costs incurred by the Town being the responsibility of the Customer.
    - c. for their own benefit, install a water meter between the Town supplied Water Meter and the point of use of the Water Supply provided that the Town shall not maintain such meter and nor will the meter be read by the Town.
  - iii. No Person shall:
    - a. interfere with or tamper with the operation of any Water Meter or remote reading device; or
    - b. open a by-pass valve on a Water Meter or metering installation except in the case of an emergency.
- f) Meter Readings
- i. The CAO may:
    - a. require a Water Meter to be read;
    - b. determine the frequency at which Water Meters shall be read;
    - c. shut-off the Water Supply to a Customer who refuses to provide a Water Meter reading within six months of a request to provide such Water Meter reading;
    - d. subject to subsection iii., estimate a Water Meter reading;
  - ii. Every Customer shall:
    - a. provide readings of a Water Meter or Water Meters on Premises under his control, when requested by the CAO; and



- b. in circumstances where a Water Meter was estimated:
  - (i) pay the cost of the estimated consumption; and
  - (ii) if the actual consumption is greater than the estimated consumption when the Water Meter is read, pay the cost of the actual consumption;
- iii. A Water Meter reading may be estimated by the CAO based on either previous consumption patterns or a daily average consumption for the Premises, if:
  - a. the Town is unable to obtain a Water Meter reading;
  - b. a Water Meter fails to properly register the amount of water consumed; or
  - c. water supplied through a Water Meter has not, for any reason whatsoever, registered on the Water Meter.
- iv. If a Customer experiences abnormal water consumption, the CAO may adjust the Customer's bill, by a maximum of one-thousand dollars (\$1,000), taking into consideration any or all of the following factors:
  - a. whether the Customer is a Residential Metered or Non-Residential Metered Customer;
  - b. the cause or nature of the abnormal water consumption;
  - c. any evidence of action taken by the Customer to abate the abnormal consumption;
  - d. any other factor or factors that the CAO considers relevant.
- v. Requests for Customer bill adjustments in excess of one-thousand dollars (\$1,000) shall be referred to Town of Pincher Creek Council for decision.

## **7.6 Water Service Connections**

- a) Obligations and Ownership
  - i. The Town shall be responsible for the installation of the Water Service Connection which is on Town property, which runs from the Town Water Main to a property line of the Parcel of land to be serviced, adjacent to a street or lane, or at the boundary of an easement granted to the Town for its Water System, at the Owner's expense.
    - a. At the CAO's sole discretion, the Town may grant the Customer permission to organize their own contractor to perform the installation of the Water Service Connection on Town property, in compliance with the current Town of Pincher Creek Engineering and Construction Standards, as amended from time to time, subject to a two (2) year warranty/maintenance period.
  - ii. The Town shall remain the owner of the Water Service Connection on Town property after installation, and the Town shall remain responsible for the control,



maintenance, repair, and replacement of that portion of the Water Service Connection, thereafter at the sole discretion of the Town.

iii. Any Water Service Connection, pipe line, or water system on private property through which the supply of water is conveyed from the portion of the Town Water System which is located at the property line of the street or lane, or boundary of an easement area granted to the Town for its Water System, to the water outlets or fixtures on the private property shall be installed, maintained, repaired and replaced by the Owner at the Owner's expense, and without limiting the generality of the foregoing, as a condition of receiving water service from the Town, the Owner shall:

- a. install such Water Service Connections in compliance with the provisions of Town of Pincher Creek Engineering and Construction Standards, as amended from time to time; and
- b. maintain such Water Service Connections in a state of good repair, with sufficient protection from freezing, free from leakage, or other water loss to the satisfaction of the CAO.

iv. No Person, without the express permission of the CAO shall make any connection or contact whatsoever with any of part of the Water System or Water Mains.

b) Changes to Existing Water Service Connections

- i. Any Owner wishing to relocate, replace, alter, or disconnect an existing Water Service Connection must make application and receive approval of the CAO prior to commencing such work.
- ii. Where a change referred to in subsection i. is approved by the CAO, that Owner may have the work performed on the Town owned portion of the Water Service Connection by a qualified contractor.

c) Shut-Off Valves

- i. All Water Service Connections must be provided with a Master Control Valve and such valve:
  - a. shall be placed immediately inside the outer wall of the Premises and on the inlet side of the Water Meter; and
  - b. is intended to enable a Customer to shut off the supply of water in case of an emergency, for the repair or protection of the building, pipes or fixtures, or to prevent flooding of the Parcel or Premises or in the event the Premises are permanently or temporarily vacated.
- ii. Every Owner shall ensure:
  - a. that all shut-off valves on their Premises are maintained in good mechanical condition; and
  - b. that all shut-off valves are easily accessible at all times to ensure that such valves are operable in case of emergency.

- d) Turning Water Service On or Off
  - i. No Person shall turn a Water Service Valve on or off except as authorized by the CAO.
  - ii. No Owner or Occupant of a Parcel or Premises shall allow a Water Service Valve to be turned on or off except as authorized by the CAO.
  - iii. Any Customer may request that their water service be shut-off temporarily.
- e) Number and Depth of Services
  - i. There shall not be more than one (1) Water Service Connection to each Parcel without the express permission of the CAO.
  - ii. Water Service Connections shall be buried to a depth of no less than 2.7 meters unless otherwise approved by the CAO.

## **7.7 Cross Connections and Testing**

- a) Controlling Cross Connections
  - i. No person shall connect, cause to be connected or permit to remain connected to the Water System a Cross Connection that has not been approved by the CAO.
  - ii. Where the CAO believes that a Cross Connection exists in contravention of subsection i., the CAO may carry out an inspection:
    - a. upon reasonable notice to the Customer, or
    - b. without notice where the CAO believes that an immediate threat of contamination to the Water System exists.
  - iii. Upon inspection, where the CAO continues to believe that a Cross Connection exists in contravention of subsection i. the CAO may cut off the water service to that Parcel or Premises with reasonable notice, and where the CAO believes that such Cross Connection poses an immediate threat of contamination of the Water System, the CAO may cut off water service without notice.
- b) Premises-Isolating Cross Connection Control Devices
  - i. Every newly constructed, reconstructed, or renovated Premises, with the exception of dwelling units separately serviced from a Town Water Main or On-Site Water Main, shall have a Premises-Isolating Cross Connection Control Device installed on the Customer's Plumbing System where the service enters the building, or in a location approved by the CAO.
  - ii. Where it is proposed to use water from the Water System for constructing, altering, or repairing a building, the temporary water connection shall have a Premises-isolating Cross Connection Control Device installed on the temporary water connection, or in a location approved by the CAO.
  - iii. Notwithstanding subsection i., the CAO may require the installation of a Premises-Isolating Cross Connection Control Device on any existing Customer's Plumbing System, at a location approved by the CAO.

- c) Customer Must Test and Maintain Cross Connection Control Devices
- i. For the purposes of this Section, Testable Cross Connection Control Devices means Double Check Valve Assemblies (DCVA), Reduced Pressure Principle Assemblies (RP), Pressure Vacuum Breaker Assemblies (PVB/SRPVB) and Air Gaps approved by the CAO, as those terms are defined in Canadian Standards Association document B64.10-11/B64.10.1-11, "Selection and Installation of Backflow Preventers/Maintenance and Field Testing of Backflow Preventers".
  - ii. For the purposes of this Bylaw, Testable Cross Connection Control Devices shall only be tested by Persons approved by the CAO.
  - iii. Every Customer shall, at their own expense, have any Testable Cross Connection Control Devices tested:
    - a. at the time of installation of a new Testable Cross Connection Control Device;
    - b. annually or as required by the CAO;
    - c. at the time that a Testable Cross Connection Device is relocated;
    - d. at the time that a Testable Cross Connection Control Device is cleaned, repaired, or overhauled; and
    - e. in the case of an irrigation system, at the time the system is turned on at the beginning of each irrigation season.
  - iv. Every Customer shall retain test report records on-site and available to the CAO upon request.
  - v. An approved tester must submit a test report with respect to each test referred to in subsection iii. to the CAO on a form approved by the CAO within thirty (30) days of each test of a Testable Cross Connection Control Device where the tester:
    - a. discovers that the Testable Cross Connection Control Device is in good working order; or
    - b. discovers that the Testable Cross Connection Control Device is not in good working order but repairs or replaces and re-tests the Testable Cross Connection Control Device immediately.
  - vi. An approved tester must submit a report in writing to the CAO on a form approved by the CAO within two (2) business days of every test of a Testable Cross Connection Control Device where the tester discovers that a Testable Cross Connection Control Device is not in good working order and where the tester does not repair or replace that Testable Cross Connection Control Device immediately.
  - vii. Where a Testable Cross Connection Control Device fails a test referred to in subsection iii. and the Customer does not have it replaced immediately by the authorized tester, the Customer shall have the Testable Cross Connection Control Device repaired or replaced and re-tested within five (5) business days.



- viii. As a condition of service, the CAO may issue an order to a Customer requiring the installation, testing or repair of a Cross Connection Control Device and that order may specify a date and time by which the Customer must comply with the terms of the order.
- ix. Where a Customer fails to comply with an order issued by the CAO pursuant to subsection viii., the Town may shut off the water service or water services until the situation has been remedied.

## **7.8 Fire Hydrants and Hydrant Connection Units**

### **a) Fire Hydrants**

- i. Unless authorized by the CAO no Person shall:
  - a. open or close any hydrant or hydrant valve;
  - b. connect any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance; or
  - c. use water from a fire hydrant, regardless of whether that hydrant is located on private or public property, for any purpose other than fire protection.
- ii. Notwithstanding subsection i., where a Water Service Connection branches off from a water line that provides water to a hydrant, water may be used for purposes other than fire protection as long as the branch line providing water for purposes other than fire protection is equipped with a Water Meter.
- iii. All fire hydrants, except fire hydrants situated on private property, shall remain the property of the Town.
- iv. Any Person who wishes to have a Town owned fire hydrant relocated may request in writing to the CAO that the hydrant be relocated. If approved, the Person making the request shall pay in advance the estimated cost determined by the CAO subject to a refund or additional payment, depending upon the actual cost when the work has been completed.
- v. The Town may require that a fire hydrant be installed on private property at the expense of the Owner of the property. Fire hydrants located on private property must be approved, installed, used, and maintained in accordance with the Alberta Fire Code and all municipal bylaws including this Bylaw and Bylaw #1630 Storm Drainage Bylaw.
- vi. No Owner or Occupant of a Parcel or Premises on which a private fire hydrant is situated shall paint such hydrant or allow such hydrant to be painted any colour except the approved colour as set out in Town of Pincher Creek Engineering and Construction Standards, as amended from time to time.

### **b) Obstruction of Hydrants**

- i. No Owner or Occupant of a Parcel or Premises shall allow the access to a fire hydrant located on or adjacent to that Parcel or Premises to be obstructed in any manner, including the building or erection of any thing or the accumulation of any building material, rubbish, or other obstruction.



- ii. No Owner or Occupant of a Parcel or Premises shall allow anything on the Parcel or Premises to interfere with the operation of a fire hydrant located on or adjacent to that Parcel or Premises.
- iii. All persons who own property on which a fire hydrant is located or own property which is adjacent to Town owned property on which a fire hydrant is located:
  - a. shall maintain a two (2) meter clearance on each side of a fire hydrant and a one (1) meter clearance on the side of a fire hydrant farthest from the nearest adjacent street, as set out in Schedule "E" to this Bylaw;
  - b. shall not permit anything to be constructed, erected, or placed within the clearance provided subsection a.; and
  - c. shall not permit anything except grass to be planted within the clearance area set out in subsection a..
- c) Permission to Use Water from Fire Hydrants
  - i. The CAO may authorize the use of fire hydrants and the use of water from fire hydrants on a temporary basis where no other supply of water can be conveniently obtained.
  - ii. The CAO may, as a condition for the use of fire hydrants and the use of water from fire hydrants, require that the water pass through a Water Meter and Cross Connection Control Device prior to use.
- d) Hydrant Connection Units
  - i. The CAO may require that any Person authorized to use a fire hydrant or draw water from a fire hydrant pursuant to subsection c) shall:
    - a. enter into a Hydrant Connection Unit Rental Agreement with the Town;
    - b. have any vehicle to which a Hydrant Connection Unit is attached, and its equipment inspected and approved by the Town, where required pursuant to the agreement, prior to withdrawing water from a fire hydrant;
    - c. use the Hydrant Connection Unit in the manner required pursuant to the rental agreement at all times while drawing water from a fire hydrant or while connected to a fire hydrant, and ensure that no Backflow, wastewater, or other substance can enter the Water System;
    - d. ensure that a copy of the Hydrant Connection Unit Rental Agreement, and the Rental Agreement receipt is kept in the vehicle at all times that the Hydrant Connection Unit is attached to such vehicle; and
    - e. produce the Hydrant Connection Unit Rental Agreement and the Rental Agreement receipt to an Officer or any employee of the Town for inspection, upon demand.

- ii. No Person authorized to use a fire hydrant or draw water from a fire hydrant pursuant to subsection c) shall break or allow to be broken a seal placed on a Hydrant Connection Unit.
  - iii. Any Person who fails to comply with the requirements of this Section commits an offence.
- e) Town of Pincher Creek Exemption
- i. Section 7.8 shall not apply to members of the Pincher Creek Emergency Services Commission acting in the course of their employment or any Pincher Creek Emergency Services or Town activities associated with the flushing of water mains and the maintenance of fire hydrants.

## **8. ALTERNATE SOURCES OF WATER**

- a) No person shall use any source of water to supply water to any residential, commercial, industrial, or institutional Premises through a plumbing system, other than the Water System without the written consent of the CAO.
- b) The CAO may authorize the use of an alternate source of water subject to such terms and conditions as the CAO deems necessary, and notwithstanding the generality of the foregoing the CAO may set a limit on the period of time for which an alternate supply of water may be used.
- c) No person who has been granted permission by the CAO to use an alternate source of water shall allow that alternate source of water, or any pipes or devices connected to such alternate water source, to be connected to the Water System.
- d) The Town shall not be responsible for the quality of water obtained from any alternate source of water.
- e) Unless authorized by the CAO in writing, no Person shall provide or supply water from one Premises, by pipe or hose or other means either with or without charge, to any other Premises which could be supplied with water through its own Water Service Connection.

## **9. APPROVALS AND REQUIREMENTS**

### **9.1 Conditions of Approvals**

- a) A written approval given by the CAO pursuant to this Bylaw, or an agreement entered into with the Town pursuant to this Bylaw, must be available for inspection on the request of the CAO or a Peace Officer.
- b) A Person is guilty of an offence pursuant to this Bylaw if the Person does any one or more of the following:
  - i. contravenes a requirement of the CAO;
  - ii. contravenes a requirement or condition of a written approval or Permit given by the CAO; and/or

- iii. contravenes a requirement or condition of an agreement entered into by the CAO with the Person.
- c) Every Person who relies on a written approval issued pursuant to this Bylaw has the onus of proving that they were the holder of a valid and subsisting approval or Permit.

## **10. OFFENCES, PENALTIES, AND ENFORCEMENT**

### **10.1 Owner of Motor Vehicle Liability**

For the purposes of this section, "Owner", "Driving" and "Motor Vehicle" have the same meaning as set out in the *Traffic Safety Act*, R.S.A. 2000, c. T-6:

- a) If a motor vehicle is involved in an offence described in this Bylaw, the Owner of the motor vehicle is guilty of the offence.
- b) Subsection a) does not apply if the Owner of the motor vehicle satisfies the Court that:
  - i. the Owner was not driving the motor vehicle at the time of the offence; and
  - ii. the Person driving the motor vehicle at the time of the offence did not have the Owner's express or implied consent to be driving the motor vehicle.
- c) Despite subsection a), if the Owner was not driving the motor vehicle at the time of the offence, the Owner is not liable for imprisonment.

### **10.2 Offences and Penalties**

- a) Any Person who contravenes any provision of this Bylaw by:
  - i. doing any act or thing with the Person is prohibited from doing; or
  - ii. failing to do any act or thing which the Person is required to do, including:
    - a. failing to comply with a requirement imposed by the CAO;
    - b. failing to comply with a condition of a written approval or Permit given by the Town; or
    - c. failing to comply with a requirement or condition of an agreement entered into by the Town with the Person;is guilty of an offence.
- b) Any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- c) Any Person who is convicted of an offence pursuant to this Bylaw is liable for every day or part thereof upon which such offence occurs or continues, on summary conviction to a fine not exceeding ten-thousand dollars (\$10,000) or imprisonment for not more than one (1) year, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) year.



- d) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may, in addition to any other remedy at law, serve upon the Person a violation ticket, in the form provided under the *Provincial Offences Procedure Act*.
- e) Where there is a specified penalty listed for an offence in the Fee Structure Bylaw, that amount is the specified penalty for the offence.
- f) Notwithstanding specified penalties set out in the Fee Structure Bylaw:
  - i. Where a Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect to the second contravention shall be double the amount of the specified penalty for a first offence; and
  - ii. Where a Person contravenes the same provision of this Bylaw three (3) or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent contraventions shall be triple the amount of the specified penalty for a first offence.
- g) On conviction of an offence that is of a continuing nature, the penalty is the fine amount set out in the Fee Structure Bylaw in respect of the offence for each day, or part of a day, that the offence continues.
- h) This section shall not prevent a Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.
- i) 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.
- j) Notwithstanding the provisions of this Section, any Person who contravenes any provision of this Bylaw may forfeit the right to be supplied with water from the Water System.

### **10.3 Enforcement**

- a) Where the CAO or a Peace Officer believes a Person has contravened any provision of this Bylaw, they may issue the Person a Remedial Order, pursuant to section 545 of the *Municipal Government Act* to remedy the infraction.
- b) Every Remedial Order written with respect to this Bylaw must:
  - i. Indicate the Person to whom it is directed;
  - ii. Identify the property to which the Remedial Order relates by municipal address or legal description;
  - iii. Identify the date that it is issued;
  - iv. Identify how the Premises fails to comply with this Bylaw;



- v. Identify the specific provisions of the Bylaw the Premises contravenes;
  - vi. Identify the nature of the remedial action required to be taken to bring the Premises into compliance;
  - vii. Identify the time within which the remedial action must be completed;
  - viii. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
  - ix. Indicate that the expenses and costs of any action of measures taken by the Town under this section are an amount owing to the Town by the Person to whom the order is directed;
  - x. Indicate that the expenses and cost referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time;
  - xi. Indicate that an appeal lies from the Remedial Order to Town Council, if a notice of appeal is filed in writing with the Town within fourteen (14) days of the receipt of the Remedial Order.
- c) A Remedial Order written pursuant to this Bylaw may be served:
- i. personally, upon the Owner of the Premises to which it relates;
  - ii. may be left with a Person apparently over the age of 18 years at the Premises; or
  - iii. by registered mail to the Owner of the Premises to which it relates.
- d) If, in the opinion of the CAO or a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if the CAO or Peace Officer believes that the Owner of the Premises is evading service, the Remedial Order may be posted 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.
- e) A Remedial Order issued pursuant to this Bylaw may be appealed to the Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the Remedial Order was issued.
- f) The CAO may shut off water services to a Premises if a Remedial Order has been issued to the Owner or Occupant of that Premises pursuant to this Bylaw and either of the following applies:
- i. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order; or
  - ii. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
- g) The CAO may do any thing, or carry out any work required by a Remedial Order issued pursuant to subsection 10.3 a), and the costs associated with doing that thing, or carrying out the work, are an amount owing to the Town and may be added to the

tax roll of the Premises if a Remedial Order has been issued to the Owner of that Premises pursuant to this Bylaw and:

- i. the Owner of the Premises fails to comply with the requirements of the Remedial Order; or
  - ii. the Owner of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
- h) A Person who fails to comply with the requirements of a Remedial Order issued pursuant to this Bylaw within the time period set out in the Remedial Order commits an offence.

#### **10.4 Interference with Town Forces**

- a) A Person must not obstruct, or attempt to obstruct, in any manner, a Peace Officer, or the CAO contractors, servants, or agents, in the exercise of their powers or duties as authorized or required by this Bylaw.
- b) For the purposes of subsection a), "obstruct" means to hinder, delay, interfere with, or prevent, or attempt to prevent the execution of a power or duty, and includes any of the following:
  - i. providing false or misleading information or making a false claim or statement to the CAO or a Peace Officer,
  - ii. preventing, barring, or delaying, or attempting to prevent, bar, or delay entry or inspection by the CAO or a Peace Officer in accordance with this Bylaw,
  - iii. failing to provide, on the request of the CAO or a Peace Officer, any information, documents, or things relevant to an inspection, including any documents specifically required to be kept or provided under this Bylaw.

#### **10.5 Recovery of Costs**

- a) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Water System resulting from the Owner's or Occupant's contravention of the requirements of this Bylaw.

### **11. SUSPENSION OF EXISTING CONTROLS**

Effective September 1, 2022, Water and Sewer Utility Bylaw 1607-21 and all other bylaws relating to water services and sewer or wastewater services are hereby repealed.

### **12. DATE OF COMMENCEMENT**

This Bylaw shall come into force and take effect on September 1, 2022.

**READ A FIRST TIME THIS 13 DAY OF JUNE, 2022**

  
\_\_\_\_\_  
**MAYOR, D. Anderberg**

  
\_\_\_\_\_  
**CAO, L. Wilgosh**

**READ A SECOND TIME THIS 27 DAY OF JUNE, 2022**

  
\_\_\_\_\_  
**MAYOR, D. Anderberg**

  
\_\_\_\_\_  
**CAO, L. Wilgosh**

**READ A THIRD AND FINAL TIME THIS 27 DAY OF JUNE, 2022**

  
\_\_\_\_\_  
**MAYOR, D. Anderberg**

  
\_\_\_\_\_  
**CAO, L. Wilgosh**

## **SCHEDULE "A" – WATER CHARGES**

Monthly rates or charges described in this Schedule are based on a nominal calendar month, regardless of number of days in that month, ranging between 28 and 31 days.

**1. Service Charges (Town Users)**

Service Charges are based on the size of the Water Meter and are a monthly charge.

*As per Fee Structure Bylaw*

**2. Usage Charges (Town Users)**

Usage Charges are based on the volume of water used by the Customer, based on the Water Meter reading. Usage Charges are categorized by Customer Class and based on \$ per cubic meter (m<sup>3</sup>).

*As per Fee Structure Bylaw*

**3. Residential Flat Rate (Non-Metered)**

Residential Customers without a Water Meter shall be charged a monthly flat rate.

*As per Fee Structure Bylaw*

**4. Temporary Water Rate**

Where it is proposed to use water from the Water System for constructing, altering, or repairing a building, the applicant of the building permit shall be charged a temporary water rate.

*As per Fee Structure Bylaw*

**5. Water Dispensed Through Hydrants**

As a condition of renting a Hydrant Connection Unit, the Hydrant User is responsible to pay to the Town a daily service charge (based on calendar days, not business days), for a minimum of 7 days, and a usage charge based on the volume of water used.

*As per Fee Structure Bylaw*



## **SCHEDULE "B" – WATER SERVICE FEES**

The fees required by this Schedule are not refundable and are charged in all circumstances. They apply whether the service connection is related to supply of water at a metered rate or at a flat rate.

*As per Fee Structure Bylaw*

## SCHEDULE "C" – OUTDOOR WATER USE RESTRICTIONS

### Stage 1 – Voluntary Water Conservation

*The Town of Pincher Creek kindly requests that Customers reduce their water consumption and use discretion in their activities.*

Permitted	Restricted	Not Permitted
<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)</li> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)</li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)</li> <li>- Private &amp; Commercial pressure washing (car washes etc.)</li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>		

**Stage 2 – Mandatory Water Restriction**

Permitted	Restricted	Not Permitted
<ul style="list-style-type: none"> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Private &amp; Commercial pressure washing (car washes etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)               <ul style="list-style-type: none"> <li>o Watering times restricted to 6:00am - 10:00am and/or 7:00pm – 11:00pm</li> <li>o Even numbered addresses restricted to watering on Wednesdays Only</li> <li>o Odd numbered addresses restricted to watering on Thursdays Only</li> </ul> </li> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)               <ul style="list-style-type: none"> <li>o Watering times restricted to 6:00am - 10:00am and/or 7:00pm – 11:00pm</li> </ul> </li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)               <ul style="list-style-type: none"> <li>o Only for health &amp; safety purposes, preparation for painting (or similar).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)               <ul style="list-style-type: none"> <li>o Washing for aesthetic purposes prohibited.</li> </ul> </li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> </ul>

### Stage 3 – Mandatory Water Restriction

Permitted	Restricted	Not Permitted
<ul style="list-style-type: none"> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Private &amp; Commercial pressure washing (car washes etc.)               <ul style="list-style-type: none"> <li>o Permitted only for commercial use</li> </ul> </li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)               <ul style="list-style-type: none"> <li>o Watering times restricted to 6:00am - 10:00am and/or 7:00pm – 11:00pm</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)</li> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)               <ul style="list-style-type: none"> <li>o All forms of washing outdoor surfaces are prohibited unless ordered by a regulatory authority for health &amp; safety reasons</li> </ul> </li> <li>- Private &amp; Commercial pressure washing (car washes etc.)               <ul style="list-style-type: none"> <li>o Private use (non-commercial) not permitted</li> </ul> </li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> </ul>



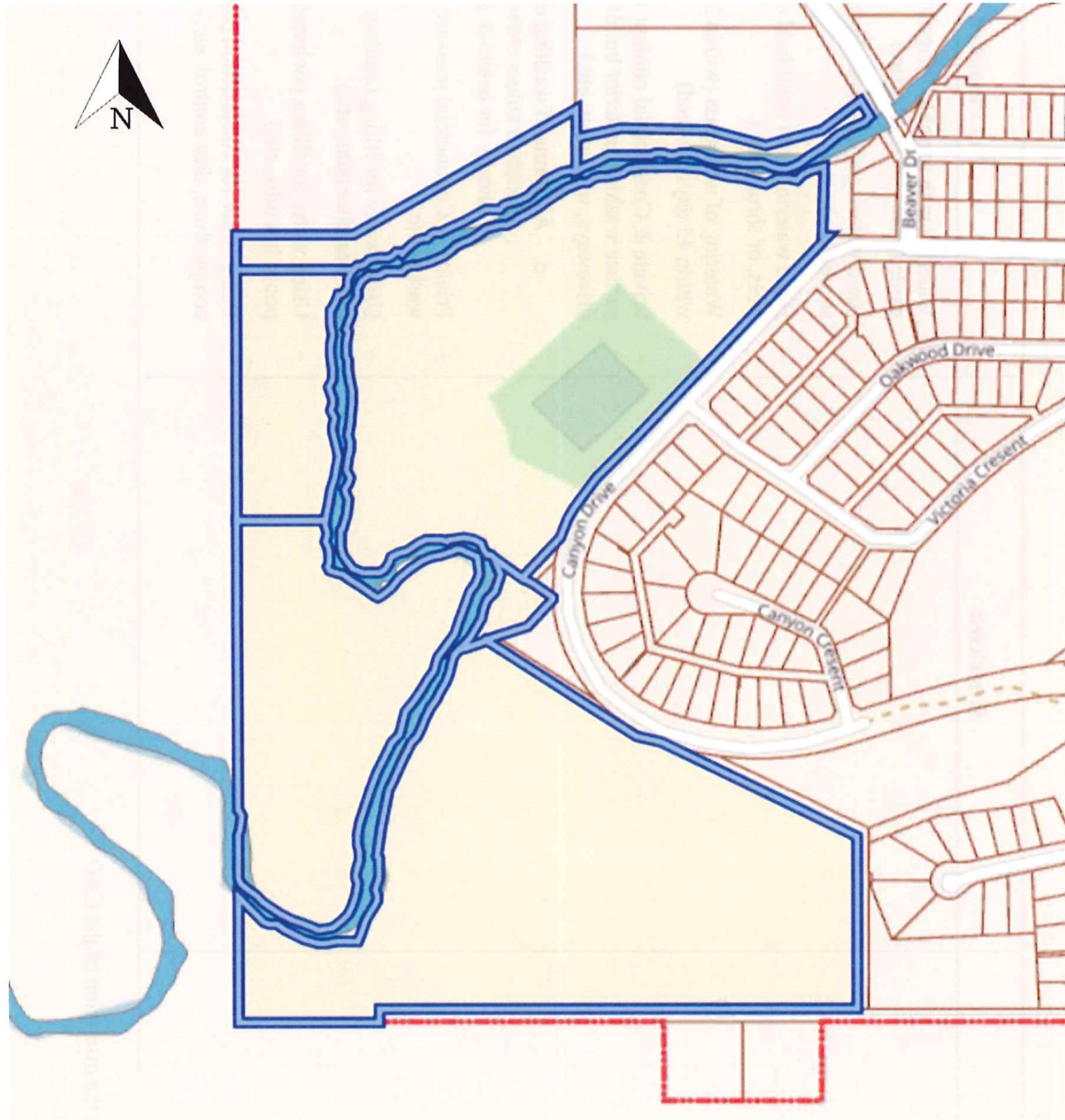
**Stage 4 – Mandatory Water Restriction**

Permitted	Restricted	Not Permitted
		<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)</li> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)</li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.) <ul style="list-style-type: none"> <li>o All forms of washing outdoor surfaces are prohibited unless ordered by a regulatory authority for health &amp; safety reasons</li> </ul> </li> <li>- Private &amp; Commercial pressure washing (car washes etc.)</li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>

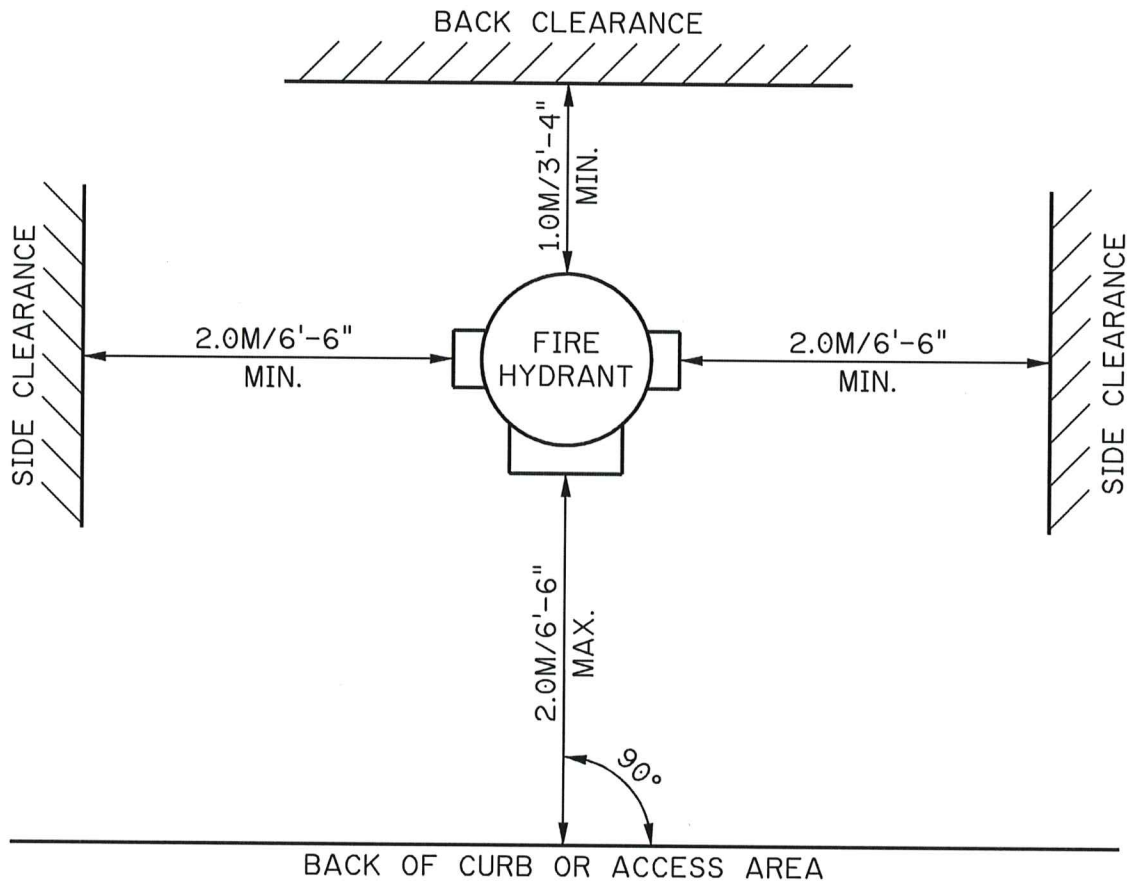
All other water usage will be permitted at the discretion of the CAO.

## SCHEDULE "D" – PINCHER CREEK RIPARIAN AREA

Town property surrounding the Pincher Creek:



## SCHEDULE "E" – OBSTRUCTION OF FIRE HYDRANTS



N.T.S.

**SCHEDULE “F” – POTABLE WATER CHARGES FOR CUSTOMERS OUTSIDE  
TOWN LIMITS**

1. This section is a place holder for future regional distribution of potable water. The Town of Pincher Creek does not currently provide regional potable water services outside of Town limits.
2. For all other Customers located outside of Town limits, a charge equal to the applicable Service Charge from section 1 of Schedule “A” plus the applicable Usage Charge from section 2 of Schedule “A” shall be paid to the Town.