

Village of Donalda
Utility Bylaw No. 769-23

Table of Contents

1. Background

1.1 Title

1.2 Purpose

2. Interpretation

3. Water Utility

3.1 General

3.2 Municipal Office

3.3 Water Rates

3.4 Payments

3.5 Contracts

3.6 Emergency

3.7 Connections

3.8 Water Mains

3.9 Hydrants

3.10 Cross-Connections and Backflow Prevention

3.11 Interference

3.12 Penalty Section

3.13 Bylaw Enforcement

4. SEWER UTILITY

4.1 Administration

4.2 Right of Entry

4.3 Liability of the Village

4.4 Private Wastewater Disposal Systems

4.5 Use and Protection of the Wastewater System

4.6 Industrial or Trade Wastes

4.7 Prohibitions

4.8 Connection to Sewer Utility

4.9 Offences

5. BYLAW ENACTMENT

THE VILLAGE OF DONALDA

Bylaw #769-23

WHEREAS, it is deemed necessary and advisable to make revisions in the scale utility rates for utilities supplied by the Village utility system and to meet the cost of maintaining and operating the said supply and distribution system of the Village.

AND WHEREAS, the Village of Donalda, being a Municipal Corporation in the Province of Alberta, owns and operates a water, sanitary Sewer and garbage system as a public utility for the purpose of supplying and distributing water, Sewer and garbage services to residents, industrial and commercial users within the Village of Donalda and, subject to Council approval, to consumers outside the Village boundaries.

AND WHEREAS, the Village has the authority, pursuant to the Municipal Government Act R.S.A 2000, Chapter M-26.1, to enact a Bylaw affecting and controlling the public utilities known as the "water system" and "sanitary sewer system."

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF DONALDA ENACTS AS FOLLOWS:

1. BACKGROUND

1.1 Title: This Bylaw may be cited as the "Revised Utility Bylaw" for the Village of Donalda

1.2 Purpose: The purpose of this Bylaw is to regulate and control the Village of Donalda's water and sanitary Sewer rates.

2. INTERPRETATION

2.1 In this Bylaw, the following definitions shall apply:

a) "Active Accounts" shall mean all properties that have active water consumption and which determine rates charged in "Schedule A" of this Bylaw;

b) "Backflow" means the reversal of the direction of water flow in either the water system or the Consumer's water system

d) "Chief Administrative Officer" means the person appointed by Council to be responsible for the construction, operation and maintenance of the water supply system and the Municipal Inspector for the purpose of the Plumbing and Drainage Act or the Chief Administrative Officer designate;

e) "Combined water service connection" means a water service connection which supplies water for the domestic use of a consumer and also for a fire protection system in the same premises;

f) "Consumer" means any person or persons, Corporation, 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 obtains water from any Village-owned hydrant, standpipe or Fire station.

g) "Consumer's water system" means the system of pipes, fittings, valves and appurtenances that conveys water between the water service connection at the property line and the water supply outlets;

h) "Council" means the Council of the Village of Donalda

i) "Cross-connection" means any temporary, permanent or potential water connection that may allow backflow to occur and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

j) "Cross connections control device" means a device approved by the Chief Administrative Officer that prevents backflow;

- k) "Enforcement officer"** the Bylaw Enforcement Officer;
- l) "Highway"** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.
- m) "Inactive Accounts"** shall mean all properties that do not have active water consumption, which includes all residential, commercial and industrial vacant lots, and which determines rates charged in "Schedule A" of this Bylaw;
- n) "Meter spacer"** means a length of pipe which can be removed from a water pipe to install a water meter;
- o) "Municipal Official"** means the Chief Administrative Officer appointed by the Bylaw of Council or the Chief Administrative Officer's designate;
- p) "occupant"** means the Owner of any premises who resides or carries on any kind of business therein or any person or Corporation residing therein or carrying on business therein as a lessee of the Owner or pursuant to a Licence of Occupation granted by the Owner or the Owner of any vacant premises connected to the water system;
- q) "Owner"** means the registered Owner of real property as designated on the Certificate of Title for the property;
- r) "Point of delivery"** means the point of physical connection to a consumer's water system at the property line of the street or boundary of an Easement granted to the Village for its water system;
- s) "Village"** means the Municipal Corporation of the Village of Donalda or where the context requires means the area contained within the boundaries of the Village of Donalda
- t) "Village water main"** means a water pipe in the street, public thoroughfare or easement area granted to the Village, which forms part of the Village water distribution network and delivers the water supply to the water service connections;
- u) "Water meter" or "meter"** means any device approved by the Chief Administrative Officer and installed by the Village which is designed to measure the quantity of water used by a consumer. A water meter may have attached to it a remote-reading device as a component of the meter.
- v) "water service connection"** means that lateral water pipe which connects a consumer's premises to the Village water main with the Consumer owning that portion of the pipe lying within the boundaries of the Consumer's premises, excluding any pipe lying within the boundaries of any Easement Area granted to the Village for its water system;
- w) "water service valve"** means the water valve on the Village-owned portion of the water service connection, located between the Village water main and the street property line, installed for the purpose of enabling the Village to turn on or off the water supply to a consumer's premises;
- x) "water shut-off valve"** means the water valve within a building on a consumer's premises, usually located near the water meter or point of entry of the water service connection, which, when closed, does not allow the flow of any water into the building or premises;
- y) "water system" or "water utility"** means a system of water reservoirs, standpipe, water wells, treatment plants, pumping stations, feeder mains, distribution mains, service connections, valves, fittings, hydrants, meters, cross connection control devices and all other equipment and machinery of whatever kind owned by the Village and which is required to supply and distribute water to all consumers and which is deemed to be a public utility within the meaning of the Municipal Government Act.;

3. WATER UTILITY

3.1 Supply of Water by the Village

The Village, having constructed, operated and maintained a water supply as a public utility, shall continue, insofar as there is sufficient system capacity and supply of water, to supply water, upon such terms as Council considers advisable, to any resident or industry or other Consumer within the Municipality situated along any water main, upon being so requested in writing by the Owner, occupant or other person in charge of the residence, industry or building. The Village undertakes to supply water to the owners or Consumer's water system at the property line of the street or the boundary of an Easement granted to the Village for its water system.

3.2 Alternate Sources of Supply:

- a) No person shall use any alternate source of water supply other than the water system without written consent of the Chief Administrative Officer.
- b) The Chief Administrative Officer may give consent for a person to use an alternate source of water subject to such terms and conditions as is deemed necessary and, notwithstanding the generality of the foregoing, may set a limit on the period for which an alternate supply of water may be used.
- c) No person who has been granted permission to use an alternate source of water supply shall allow that alternate source of water supply to be connected to the water system.

3.3 Municipal Office

3.3.1 Chief Administrative Officer's Responsibilities

- a) The Chief Administrative Officer is hereby deemed to be a Municipal Official as defined in the Municipal Government Act
- b) The Chief Administrative Officer administers and enforces this Bylaw.

3.3.2 Chief Administrative Officers Empowerment: The Chief Administrative Officer is hereby empowered to provide for:

- a) The establishment of standards, guidelines and specifications for the design, construction and maintenance of the water system;
- b) The general installation, maintenance and management of the water system;
- c) The general conduct and management of the officers and others employed with or by the Water Utility;
- d) The distribution and use of the water system;
- e) The billing and collecting of the rates, charges, fees and rents in connection with the water system, including but not limited to charges for any work done or service or material supplied for the construction, installation, connection, disconnection or replacement in any part of the water system, or the Consumer's water system on private property;
- f) To administer or enforce the provision of the Bylaw, the Chief Administrative Officer may delegate their powers to one or more employees of the Village, and the said employees shall be deemed authorized agents of the Chief Administrative Officer. In that regard, employees engaged in the water meter reading, billing and collection functions on behalf of the Chief Administrative Officer shall be deemed employees of the Water Utility.

3.4 Rates

3.4.1 Approval of Rates: The Council shall approve all rates and fees the Village may charge for supplying water and the water a consumer uses.

3.4.2 Rate Penalty for Late Payment: the aforesaid rates shall be increased by a penalty set by the Council of the Village of Donalda if such account is not paid by the 25th day of the month the billing is issued.

3.4.3 New Subdivision Development: The charge for water used for new subdivision development and included in the Development Agreement is in accordance with the rates set by the Council through resolution from time to time.

3.4.4 Interruption of Water Supply: No rate reduction will be made in the monthly charge for water supplied to or made available for use by any consumer because of any interruption due to any cause of the water supply.

3.5 Payments

3.5.1 Payment Schedule: Every person, firm or Corporation, being the Owner or occupant of property which is served directly by a connection with the water supply system of the Village of Donalda, shall pay monthly to the Village by the 25th day of the month the billing is issued, the water rates, tolls, fares and service charges levied pursuant to this Bylaw as set by Bylaw of Council from time to time.

3.5.2 Utility Accounts:

- a) The Village of Donalda requires that the new account requests for utility services provided by the Municipality be placed in the name of the Owner (s) registered on the property title
- b) The Village of Donalda requires that any changes on an existing utility account provided by the Municipality be completed by the Owner (s) registered to the property with a minimum of five (5) business days to process the changes. If the existing or new Owner provides no changes for service or account changes, all utility charges will be billed to the current property owner until notified otherwise, i.e., notification from Alberta Land Titles. The new property owners will be responsible for all delinquent amounts owing.

3.5.3 Default of Payment: In default of payment of the rates set by the Bylaw of Council or any amount due and payable to the Village for anything done, or any amounts payable, pursuant to this Bylaw, the Chief Administrative Officer may enforce the collection of such rates or payments by all or any of the following methods, namely:

- a) By action in any Court of competent jurisdiction; or
- b) By distress and sale of the goods and chattels of the Consumer owing monies for water or service related to that being supplied to them.
- c) By transferring the property owner's unpaid charges for a municipal utility in arrears of sixty (60) days or greater to the property owner's tax roll on December 31 annually, subject to an 18% penalty on January, regardless of if charges were delinquent by the previous property owner, and of property classification as defined in "Schedule A."

3.5.4 Water Supplied to Property under an Agreement for Sale:

- a) Where the occupant is the Owner or purchaser under an Agreement for Sale, or renter authorized by the Owner or purchaser under an Agreement of Sale, in possession of the 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 by Council, are a debt due and owing to the Village and shall constitute a Preferential Lien and charge on the 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.

b) Termination of Supply: The terms and conditions under which water from the Village's water system is supplied to or made available for use by a consumer, as stated in this Bylaw or a written agreement between the Village and the Consumer may be enforced, by shutting off the water or discontinuing the water service until the Consumer complies with the terms and conditions so designated.

3.6 Contracts

3.6.1 Precedents of this Bylaw in Contracts for the Supply of Water: This Bylaw shall form part of every contract, written or implied, between the Village and a consumer for supplying water.

3.6.2 Contracts entered into by the Chief Administrative Officer on behalf of the Village:

a) Subject to the provisions of this Bylaw, the Chief Administrative Officer may enter into contracts on behalf of the Village with any consumers of the water system within the Village and, in such contracts, may provide that in the event the Consumer has failed to comply with the provisions and requirements of this Bylaw or the terms of the contract then the supply of water may be discontinued.

b) The Chief Administrative Officer may require any consumer to enter into an agreement with the Village for supplying water and related services, subject to the terms and conditions the Chief Administrative Officer requires.

c) The Chief Administrative Officer may, subject to the approval of the Council, enter into an agreement to supply water to a consumer outside the Village Limits.

3.7 Emergency

3.7.1 Restrictions imposed by Village Council or the Chief Administrative Officer: To maintain an adequate water supply within the Village of Donaldda, the Village Council or the Chief Administrative Officer, as the case may be, may impose restrictions on the use of water for domestic lawns, gardens, commercial and industrial purposes. Such restrictions shall state the day or days and periods within the day or days water may be consumed.

3.7.2 Shutting Off of Water without Prior Notice: In an emergency, the Chief Administrative Officer may order to shut off the water without prior notice.

3.7.3 Liability of Damages:

The Village is not liable for damages:

- a) Caused by the break of any water main, water service connection or other pipe or for the settlement of any excavation or trench made for the installation or repair of any part of the water system; or
- b) Caused by the disruption of any supply of water from the water system when such disruption is necessary in connection with the repair or proper maintenance of the water system or
- c) Generally, for any loss suffered by anyone due to the operation of the water system, unless such damages or loss is directly due to negligence of the Village or its employees.

3.8 Connections

3.8.1 Water Service Connections on Village Property: The Village shall install that portion of the water service connection that is on Village property and which runs from the Village water main to the property line of the street or the boundary of an Easement granted to the Village for its water system.

3.8.2 Water Service connections of private property: Water service connections on private property shall be owned by the Owner of the property and shall be installed, maintained, repaired and replaced by the Owner at his expense and without limiting the foregoing, as a condition of receiving water from the Village water system, the Owner shall maintain in a state of good repair, with sufficient protection from freezing, free from leakage, or other water loss

to the satisfaction of the Village Chief Administrative Officer, any water service connection, pipeline or water system on private property through which the supply of water is conveyed from the Village water system which is located at the property line of the street or the boundary of an Easement Area granted to the Village for its water system, to the water supply outlets or fixtures on the private property.

3.8.3 Valving of Water Service Connections: All water connections shall be provided with a water shut-off valve placed immediately inside the outer wall of the premises and on the inlet side of the water meter to enable a consumer to shut off the supply of water in case of any emergency or for the protection of the building, pipes, or fixtures or to prevent flooding of the premises or in the event the premises are permanently or temporarily vacated. The shut-off valve shall be maintained in good mechanical condition by the Owner and easily accessible at all times to ensure it is operable in an emergency.

3.8.4 Failure to Maintain, Repair or Replace: If the Owner of the property fails or refuses to maintain, repair or replace a water service connection, pipe or water system as required by Subsection 3.8.2 of this Section, the Chief Administrative Officer may:

- a) Turn off the water supply until the repairs have been made to stop the water loss and
- b) Estimate the volume of water loss and demand payment from the Owner for that amount of water estimated to have been lost, which said payment shall become due and payable upon such demand being made.

3.8.5 Termination of Service: Where water has been shut off to a consumer's premises for water wastage or leaks or defects in the Consumer's portion of the water service connection or other water pipes on private property or the interior plumbing system within the Consumer's premises, the Chief Administrative Officer may refuse to turn it on again until they have received satisfactory evidence that the necessary repairs have been made.

3.8.6 Applications for Water Service Connections:

- a) Shall be made in writing on a form supplied by the Village.
- b) The Owner, at the time of making an application for a water service connection by Village forces, is required to pay to the Village, in advance, the estimated cost of the water service connection as calculated by the Chief Administrative Officer subject to a refund or further payment depending on the actual cost when the work is completed.

3.8.7 Ownership of Service: The Village is the Owner of the water service connection on the Village property after installation, and the Village is responsible for the control, maintenance, repair and replacement of that portion of the water service connection thereafter.

3.8.8 Replacement of Service Connection: Any owner who wishes to have an existing water service connection on Village property replaced with a connection of a different size or relocated to a different location shall apply to the Chief Administrative Officer in writing for approval, and the Chief Administrative Officer may authorize the work to be carried out by the Village, subject to payment in advance, of the cost of the project as determined by the Chief Administrative Officer.

3.8.9 Discontinuation of Use: Where the Owner discontinues using a water service connection to his property, he shall notify the Village in writing by requesting the Village disconnect the water service connection from the water system. Upon such request being made, the Owner shall make payment in advance for the cost of the disconnection as determined by the Chief Administrative Officer.

3.8.10 Frozen Services on Private Property: If a water service connection freezes on private property, it shall be the Consumer's responsibility to have it thawed at the Consumer's expense.

3.8.11 Private Fire Hydrant: No person or persons shall use water from a water service connection that supplies water to private fire hydrants for any purpose other than fire

protection unless the water service connection is connected to a water meter or the branching connection that supplies water for use other than fire protection purposes are connected to a water meter.

3.8.12 Liability For Low Water Pressure or Inadequate Volume: The Village shall not be liable for loss or damage suffered by any person because of low water pressure or by interruption to, or failure of, the water system to deliver water in adequate volume and pressure for fire protection purposes.

3.9 Water Meters

3.9.1 Metering or Services: All water services connected to the Village's water system shall be metered except for:

- a) Fire service connections which are not used for any other purpose; or
- b) Such other connections where, in the opinion of the Chief Administrative Officer, it is impractical to install a water meter.

3.9.2 Determination of Rate for Water Not Metered: If, in the opinion of the Village Chief Administrative Officer, it is impractical to install a water meter where a water meter would otherwise be required according to this Bylaw, the Chief Administrative Officer shall determine the rate to pay for the water.

3.9.3 Access to Meters: For the purpose of conducting water use surveys or sampling, leakage, flow and pressure tests; or reading water meters or installing, inspecting, repairing, replacing and removing water meters, cross connection control devices, and related equipment upon any water service connection within or outside of any house or building as may be required, employees of the Village employed for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made, or in the case of the written authority of the Mayor given in respect of a special case, without notice, to all parts of every building or other premises in which water is delivered and consumed.

3.9.4 Alterations: For the purpose set out in Section 3.9.3 of this Bylaw or for the purpose of protecting, testing or regulating the use of any water meter, cross connection control device or other equipment forming part of the water system, employees of the Village employed for that purpose may set or alter the position of the water meter, cross connection control device or of any pipe, valve or fitting forming part of the water system.

3.9.5 Charges by Village: The Village may charge for and recover from the Owner the cost of supplying, installing, altering, repairing, relocating or removing a water meter. Any such charges may be collected in the same manner as water rates.

3.9.6 Access Upon Discontinuing Service: Where any consumer discontinues to use of the water utility furnished by the Village, or the Village lawfully refuses to continue any longer to supply it, any employee of the Village employed for that purpose may at all reasonable times enter the premises in or upon which such Consumer was provided with the water utility for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things that are the property of the Village in or upon such premises and may remove them therefrom.

3.9.7 Customers Responsibility for Suitable Meter Site:

- a) For all water service connections, the Consumer must provide a suitable site for a water meter near the point of entry of the water service connection and inside the building. The Village shall not be required to provide water service if the Owner fails to make a site acceptable to the Chief Administrative Officer.
- b) The Owner shall make provision for the installation of water meters in accordance with the Village's standard specifications for water mains and services. If an owner wishes to install other metering, piping or valving arrangements, the Owner shall apply to the Chief Administrative Officer for approval in writing before installation. If inspection indicates the

installations as shown on the standard drawings or any modified drawings approved by the Chief Administrative Officer have not been carried out, the Owner shall alter, correct or modify the installation at his expense to comply with the drawings approved by the Chief Administrative Officer. If the Owner does not make the installation as approved by the Chief Administrative Officer, the Village shall have the right to refuse to supply water to the premises.

c) No consumer shall relocate, alter or change any existing water metering facilities without the written approval of the Chief Administrative Officer. The Consumer shall submit plans and specifications for any proposed relocation of water metering facilities. If approved, the Consumer shall pay the entire cost, including any costs incurred by the Village, in making any such relocation, alteration or change.

3.9.8 Size, Type and Number of Meters

The Chief Administrative Officer shall determine the size, type, and number of water meters the Village will supply and install. Where the water supplied through a meter is for fire protection purposes or combined fire protection and other uses, the meter shall be of a fire service type, approved by the Chief Administrative Officer, and the appropriate water rate shall apply.

3.9.9 Village Ownership of Meters:

All water meters shall be supplied, installed, maintained, repaired, tested and replaced by the Village unless the Chief Administrative Officer approves other arrangements in writing. The Consumer shall pay all costs for supplying, installing, maintaining, repairing, testing and replacing meters. Notwithstanding the payment of such additional costs, the water meter shall remain the property of the Village.

3.9.10 Multiple Meter Installations:

Where the Village agrees to supply and install two or more water meters for a single water service connection, all meters shall be installed adjacent to each other as close as possible to where the water service connection enters the building.

3.9.11 Relocation of Meter Due to Building Alterations:

If the Chief Administrative Officer is dissatisfied with the location of any water meter due to alterations to a building, they may require that the meter be relocated by the occupant to a more suitable or convenient location near the point of entry of the water service connection. The Owner shall pay all costs associated with relocating the water meter, including Village costs.

3.9.12 Housing for Meters

Where a water meter cannot be installed in a building, it is the Owner's responsibility to provide a meter building or a meter vault on the Owner's property near the property line at the Owner's expense and in accordance with the Village's standard specification for water mains and services. The Owner shall maintain and repair the meter building or vault at his expense. If the Owner, after receiving written notice from the Chief Administrative Officer, neglects to repair or improve his meter building or vault, the Chief Administrative Officer shall authorize the necessary repairs to be carried out, and the Owner will be charged for the costs incurred.

3.9.13 Safekeeping for Water Meters

A consumer is responsible for the safekeeping of the water meter and any remote reading device that may be installed with the water meter on the Consumer's property. A consumer shall protect the water meter and connecting valves and pipes from freezing, excessive heat, overheating of water, external and internal damage of any kind and any other thing which may affect the operation or reading of a water meter and shall pay the cost of repairing or replacing

any water metering facilities supplied and installed by the Village that may be damaged from the foregoing causes or any other causes within the consumers' control.

3.9.14 Notification by Owner of Non-Operational Meter

A consumer shall notify the Chief Administrative Officer immediately whenever a water meter is not operating or if any part of it becomes damaged or broken.

3.9.15 Fee for Removed or Stolen Meters

If a water meter is removed or stolen, the Owner of the premises shall pay the costs of replacing the meter, including installation. If not paid, the cost may be added to the taxes levied on the property and collected similarly to Municipal property taxes.

3.9.16 Tampering with Meters or Remote Reading Devices

No person shall interfere with or tamper with the operation of any water meter or remote reading device. The Village shall seal all bypass valves on water meter installation, and no one shall open such bypass valves except for emergency use. The Chief Administrative Officer is to be notified within 24 hours if a seal is broken for the emergency operation of a bypass valve.

3.9.17 Meter Spacers

No person shall use a meter spacer in place of a meter except for the testing, as approved by the Chief Administrative Officer, of a new plumbing system or a water meter.

3.9.18 Inspection of Premises Before Providing Service

The Chief Administrative Officer may inspect the premises to be supplied with water from the water system before providing water to determine if there is proper access to the water meter site and to determine if the site is suitable and acceptable to the Chief Administrative Officer for installing, reading, maintaining and repairing the meter and related facilities.

3.9.19 Seasonal Water Services

Unless otherwise approved by the Chief Administrative Officer, all water supplied through temporary and seasonal water service connections shall pass through a water meter installed by the Village. The Consumer shall pay the cost of each installation and each removal of the water meter for such connection, in addition to the charge for the water supplied to the premises and for the cost of any damage to the water meter and related metering facilities from caused within the Consumer's control.

3.9.20 Reading of Water Meters: Water meters shall be read at the discretion of the Chief Administrative Officer. If a meter reader cannot enter the premises to read the water meter, he may leave a card with instructions requesting the Consumer to notify the Village as soon as possible of the water meter reading. If an occupant refuses to allow a meter to be read for over two months, the Village Chief Administrative Officer may shut off the water supply to that meter.

a) If the Village is unable to obtain a water meter reading or if a water meter fails to register correctly the amount of water consumed, or if water supplied through a meter has not for any reason whatsoever registered on the meter, the amount of water consumed since the last time the water meter was read and was recording consumption may be estimated by the Chief Administrative Officer based on previous consumption or daily average consumption for the premises and the Consumer shall pay for the cost thereof based on such estimate of consumption. Payment of an estimated amount shall not excuse the Consumer from liability for payment of a greater amount which may be owed after a meter is reading correctly again.

b) If a metered residential customer experiences abnormally high water consumption, the Chief Administrative Officer may adjust the water bill conditional on the customer correcting the cause for the increased consumption to the satisfaction of the Chief Administrative Officer.

3.9.21 Removal for Maintenance

The Chief Administrative Officer may remove water meters for maintenance and testing periodically. The Village Chief Administrative Officer may require a specific meter to be tested on-site or removed and tested.

3.9.22 Payment for Meter Testing

A consumer may request that the Chief Administrative Officer test a water meter on the Consumer's premises. If the water meter is found to be measuring correctly within two percent of accuracy, the Consumer shall pay the Fee established.

3.9.23 Ownership of Meters:

- a) All water meters supplied and installed by the Village shall at all times be the property of the Village.
- b) No person other than an employee of the Public Works or a person authorized in writing by the Chief Administrative Officer shall install, test, remove, repair, replace or disconnect a water meter.

3.10 Hydrants

3.10.1 Temporary Water Supply from Hydrants: Water may be taken from a Village fire hydrant temporarily where:

- a) No other supply of water can be conveniently obtained; and
- b) The Chief Administrative Officer authorizes such use.

3.10.2 Unauthorized Use of Hydrant: Any person or persons authorized under Subsection 3.10.1 of this Section shall:

- a) Have in their possession, at the time the hydrant is in use, a valid hydrant use permit
- b) Pay to the Village, before using a hydrant, a hydrant damage deposit and a hydrant inspection fee as set out by Village Council.
- c) Pay the Village all other costs incurred by the Village resulting from their use of the hydrant, including the water used, as determined by the Chief Administrative Officer.

3.10.2 Relocation of a Fire Hydrant: Any person who wishes to relocate a fire hydrant on property owned by the Village may request in writing to the Chief Administrative Officer that the hydrant be relocated, raised, or lowered in elevation. If the Chief Administrative Officer considers it feasible to relocate the hydrant, the person making the request shall pay in advance the estimated cost as calculated by the Chief Administrative Officer, subject to a refund or additional payment depending upon the actual cost when work has been completed.

3.10.3 Private Hydrants:

- a) The Village may require installing a fire hydrant on private property at the property's Owner's expense. The approval for and installation, use and maintenance of fire hydrants on privately owned property shall conform to the requirements set forth by the Village.
- b) No person shall use water from a fire hydrant located on private property for any purpose other than fire protection unless authorized by the Village Chief Administrative Officer.

3.10.4 Ownership of Hydrants: All fire hydrants, except fire hydrants situated on private property, are the property of the Village.

3.11 Cross-Connections and Backflow Prevention

3.11.1 Cross Connections: 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 in writing by the Chief Administrative Officer.

3.11.2 Inspections for Cross Connections: Where the Chief Administrative Officer believes that a cross-connection exists in contravention of Subsection 3.11.1, the Chief Administrative Officer may carry out an inspection:

- a) Upon reasonable notice to the Consumer or
- b) Without notice to the Consumer, where the Chief Administrative Officer has determined in their sole discretion, that an immediate threat of contamination to the water system exists that may endanger public safety or property.

3.11.3 Notice of Contravention: If it is determined that Subsection 3.11.1 has been contravened, the Chief Administrative Officer may issue such written orders or orders to the Owner, Consumer or other person as the case may be, as may be required to remedy the contravention.

3.11.4 Failure to Comply with Order: Where a person fails to comply with an order issued under Subsection 3.11.3, the Chief Administrative Officer may:

- a) Upon reasonable notice to the Consumer, shut off water service or
- b) Without notice to the Consumer, shut off water service where the Chief Administrative Officer has determined, in his sole discretion, that an immediate threat of contamination to the water system exists that may endanger public safety or health.

3.11.5 Installation of a Cross-Connection Control Device: Notwithstanding Subsections 3.11.1 and 3.11.2, where in the opinion of the Chief Administrative Officer, a situation exists which creates a risk of contamination of the water system, the Village Chief Administrative Officer may require a cross-connection control device be installed on the Consumer's water service connection by the Consumer, and at the Consumer's sole expense, in a location to be determined by the Chief Administrative Officer.

3.11.6 Inspection and Testing of Cross-Connection Control Devices: Where a cross-connection control device has been installed, the Consumer shall:

- a) upon the written request of the Chief Administrative Officer, have all cross-connection control devices inspected and tested by personnel approved by the Chief Administrative Officer to determine whether such devices are in good working condition at the time of installation and thereafter annually, or as required by the Chief Administrative Officer, at the sole expense of the Consumer.
- b) Submit a report in a form approved by the Chief Administrative Officer within 30 days of a testing date, containing the results of any tests performed;
- c) Display a record card on or adjacent to the cross-connection control device containing the following information:
 - i) name and address of the Owner of the device;
 - ii) the location, type, manufacturer, serial number and size of the device;
 - iii) the test date;
 - iv) the tester's initials
 - v) the tester's name (if self-employed) or the name of the employer; and
 - vi) the tester's license number.

3.11.7 Maintenance of Cross-Connection Control Devices

- a) When the results of a test referred to in Subsection 3.11.6 of this Bylaw show that a cross connection control device is not in good working condition, the Consumer shall, when so directed by the Chief Administrative Officer make repairs or replace the device within Ninety-six

(96) Hours. If the Consumer fails to comply with the Chief Administrative Officer's direction, the Chief Administrative Officer may shut off the water service or water services.

3.11.8 Failure to Maintain Cross-Connection Control Devices:

a) If a consumer fails to have a cross-connection control device tested, the Chief Administrative Officer may notify the Consumer that the cross-connection control device must be tested within ninety-six (96) hours of the Consumer receiving the notice.

b) If a consumer fails to have a cross-connection control device tested within the ninety-six (96) hours when requested by the Chief Administrative Officer, the Chief Administrative Officer may shut off the water service or water services until the cross-connection control device has been tested and approved as required by Subsection 10.6 of this Bylaw.

3.11.9 Turning On the Water Supply

a) No person shall turn on a water service valve to provide water to the occupants of any newly renovated constructed or reconstructed premises until the plumbing system in such premises has been inspected for cross connections and approved by the Chief Administrative Officer.

3.12 Interference

3.12.1 No person or persons shall:

a) Waste Water;

b) Use water for domestic lawns, gardens, and commercial and industrial purposes during water restrictions imposed by the Village Council or the Chief Administrative Officer.

c) Sell water obtained from the water system unless authorized by the Chief Administrative Officer.

d) Supply water obtained from the water system to any person who intends to sell the water;

e) Supply water, by pipe or a hose, to any other premises which should be supplied with water through its water service connection.

f) Willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the Village or its contractors, servants, agents, workers, or any of them, in the exercise of any the powers and duties relating to the water utility and authorized by or contained in this Bylaw.

g) Willfully open or close any hydrant or water valve or obstruct the free access to any hydrant or water valve or valve chamber by placing any building material, rubbish or other obstruction on it.

h) Throw or deposit any injurious or offensive matter into the water or water system or in any way foul the water or commit any willful damage or injury to the works, pipes, or water or encourage the same to be done;

i) Willfully alter or tamper with any water meter placed upon any service pipe or connected within or outside any house, building or other place to lessen or alter the amount of water registered thereby.

j) Attach or connect any pipe to the water system or in any other way obtain or use any water thereof without the consent of the Chief Administrative Officer;

k) Willfully and without authority hinder, interrupt or cut off the water supply to any consumer or consumers of the water system.

l) Contaminate the water used in the water system or do any act which causes or results in the contamination of water used in the water system.

Notwithstanding the provisions of this Section, the Chief Administrative Officer authorizes the Public Works Foreman to run water for:

- 1) Flushing water mains, hydrant leads and water service connections to clean them or
- 2) Preventing water mains, hydrant leads and water service connections from freezing or
- 3) Conducting water flow tests or
- 4) Training programs for Fire Fighters employed by the Village's Fire Department or
- 5) Such other purposes as may arise from time to time

3.12.2 Interference with the use and operation of fire hydrants:

- a) Unless authorized by the Chief Administrative Officer, no person shall use water from a fire hydrant except for emergency fire protection.
- b) No person shall connect, cause to be connected or allow to remain connected any piping, fixture, fitting, container or appliance to a fire hydrant:
- c) In a manner which, under any circumstances, may allow water, wastewater or any liquid or substance of any kind to enter the water system; and
- d) Without using or maintaining a cross-connection control device approved by the Chief Administrative Officer.
- e) No person shall do anything to obstruct access to a fire hydrant or to interfere with the operation of a fire hydrant.
- f) All persons who own property on which a fire hydrant is located or property which is adjacent to property on which a fire hydrant is located:
- g) Shall maintain a two(2) meter clearance on the port sides of a fire hydrant and a one (1) meter clearance on the back side of a fire hydrant; and
- h) Shall not permit anything to be constructed, erected, placed or planted within the clearance provided in paragraph (1) of this subsection.
- i) Any person found to violate Subsection d) of this Section shall remove any obstruction as directed by an Enforcement Officer.
- j) Failure to comply with the directions of an Enforcement Officer may result in the obstruction being removed by the Village at the expense of the person in default, and the Village may recover the expenses and costs, if any, by action or in like manner as municipal taxes.

3.12.3 Interference with the use and operation of service connections:

- a) No person shall damage, destroy, remove or interfere with any pipe, pipe connection, valve, water meter, seal or other appurtenance forming part of the water system.
- b) No person shall in any way interfere with or cause any interference with the use of the water system by another consumer, and without limiting the generality of the foregoing, no person shall attach any device to any water pipe which may create noise, a pressure surge, backflow or contamination.
- c) No person shall use any boosting device on any water service connection for the purpose of increasing water pressure without an approved backflow prevention device being installed upstream of the boosting device and the approval of the Chief Administrative Officer.
- d) No person shall install branch supply lines, outlets, or fixtures on the upstream side of a water meter or shut-off valve except for fire protection.
- e) No person shall tamper with, break or remove any seal installed by the Village on any valves or flanged outlets on water service connections or water metering facilities except in an emergency.
- g) No person, except someone authorized by the Chief Administrative Officer, shall turn on or off a water service valve or any other valve in the Village's water system.

h) No person, except someone authorized by the Chief Administrative Officer, shall turn on a water service valve which the Chief Administrative Officer or any other Village employee has turned off.

i) Everyone who wishes to operate a specific water service valve on Village property to turn on water for testing a new plumbing system, for replacing or renewing a water shut-off valve or stop-and-waste valve, or for replacing the water service connection or piping on private property, shall first obtain permission from the Chief Administrative Officer.

3.12.4 Contravention: Any person who contravenes this Section may forfeit the right to be supplied with water and shall be guilty of an offence and liable on Summary Conviction to a fine of not less than One Hundred Dollars (\$100.00) nor greater than Twenty-Five Hundred Dollars (\$2,500.00).

3.13 Penalty

3.13.1 Serving of Notice: Notices issued under the provisions of this Bylaw shall be served by an Enforcement Officer.

3.13.2 Penalty for Contravention: Except as otherwise provided in this Bylaw and subject to the provisions of Subsection 3.13.3 of this Section, a person who contravenes any provision of this Bylaw and any other person liable for such contravention shall, upon summary conviction before a Court of Competent Jurisdiction, be liable to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) or in the event of non-payment of the fine, imprisonment, for a period not exceeding six months unless a fine is sooner paid.

3.13.3 Issuance of a Violation Ticket: Notwithstanding Subsection 3.13.2 of this Section, whenever an Enforcement Officer has reason to believe or does believe a person has contravened any provisions of this Bylaw, the Enforcement office may issue a Violation Ticket for each offence.

3.13.4 Liability for Expenses: Notwithstanding Subsections 3.13.2 and 3.13.3 of this Section, the imposition of a fine either by issuance of a Provincial Violation Ticket or Summary Conviction in a Court of Competent Jurisdiction shall not relieve any person so fined from any liability to pay to the Village of Donalda any expenses arising from any damage caused by that person to Village of Donalda property.

3.13.5 Penalty Schedules: Sections of this Bylaw subject to issuing a Provincial Violation Ticket are listed with the penalty on Schedule "B." Court appearances will be required for Sections of the Bylaw referred to in Schedule "C."

3.13.6 Termination of Supply for Contravention: Notwithstanding Subsections 3.13.2 and 3.13.3 of this Section, a person who contravenes any provision of this Bylaw may forfeit the right to be supplied with water from the Village water supply.

4. SEWER UTILITY

4.1 Administration

4.1.2 The Village shall, per the terms and conditions prescribed in this Bylaw, be responsible for operating and managing all Utility Service facilities and equipment utilized for wastewater collection, treatment and disposal.

4.1.2 a) The Village shall supply sanitary sewer services so far as there is sufficient capacity to any consumer where the property is situated along a sewer main.

b) So far, it is reasonably possible to provide regular and uninterrupted operation of the utility services. However, breaks to sewer mains and other facilities are inherent to the regular operation of a utility and may result in interruptions to the utility service.

4.1.3 The Consumer shall:

- a) pay all charges and rates for the sewer utility provided by the Village of Donald by the Village of Donald Bylaw
- b) adhere to the requirements of this Bylaw
- c) be responsible for the condition and protection of all facilities on the Consumer property. The Consumer shall be liable for any destruction or damage to the utility services located on the Consumer's property unless the Village causes the destruction or damage.
- d) not extend a service from one lot to another without prior consent of the Village.

4.2 Right of Entry

4.2.1 To enforce this Bylaw's provisions, a Bylaw Enforcement Officer shall be a designated officer.

4.2.2 A designated officer may, to ensure that the provisions of this Bylaw are being complied with, enter upon any property in accordance with section 542, 543 or 544 of the Municipal Government Act, as applicable, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Municipal Government Act or any other statute.

4.2.3 Notwithstanding section 4.2.2, a Designated Officer may enter and have access to all parts of a property in which a utility service is provided by the Village or intended to be provided by the Village at any reasonable hour for:

- a) constructing, repairing or maintaining the system or works of the sewer utility, including the main line or service connection.
- b) Investigating a consumer complaint or query where the Consumer has provided written permission for the Village to investigate the complaint query, including entering the property at any reasonable time.

4.2.4 The Designated Officer will make reasonable efforts to notify the Consumer of when they intend to enter the property or other person who is at the property and appears to have sufficient authority to permit entry except:

- a) in the case of an emergency
- b) where entry is permitted under Order of Court
- c) where entry is authorized under a statute or other enactment.

4.3 – Liability of the Village

4.3.1 The Village shall not be liable for any loss, injury, damage, expense, charge, cost or liability of any kind, whether direct, indirect, special or of a consequential nature (except only as explicitly provided for in this Section) arising out of or in any way connected with failure, defect, fluctuation, reduction or interruptions in the provision of Utility Service by the Village to Consumers, howsoever caused including that which is caused by or related to:

- a) the break, blockage, stoppage or failure of any portion of the Utility Services within the Village
- b) the interference with or cessation of the Utility Services in connection with the repair or proper maintenance of the sewer utility
- c) directly or indirectly as a result of the Village approving any Service Connection
- d) any accident or incident due to the operation of the sewer utility unless such costs of damages are directly due to an act of bad faith, gross negligence or wilful misconduct of the Village or its employees, agents or other authorized representative.

4.4 – Private Wastewater Disposal Systems

4.4.1 If a property does not lie along the line of a sewer main, the buildings on such property shall be connected to a private wastewater disposal system complying with the provision of this Bylaw.

4.4.2 A private wastewater disposal system's type, capacity, location and layout shall comply with all Alberta Private Sewage Disposal Regulations requirements.

4.4.3 No private wastewater disposal system shall discharge to any storm sewer or natural outlet.

4.4.4 If a property is situated along a Sewer main and no lawful private wastewater disposal system is installed on the property, the property shall be connected to the sewer utility at the Owner's sole cost and expense, in accordance with the terms of this Bylaw, unless prior written approval is obtained from the Village.

4.5 – Use and Protection of the Wastewater System

4.5.1 The Sewer Utility may be disconnected by the Village when in the opinion of the C.A.O.:

- a) The property is or appears to be abandoned
- b) There is a non-compliance of this Bylaw on the property
- c) There is an emergent situation or;
- d) It is necessary to protect the integrity of the Village Sewer Utility

4.5.2 Any person who released or permits to be released into the Sewer main or a service connection any wastewater or matter prohibited as per Schedule D from entering the Sewer Main or a service connection shall immediately, upon becoming aware of the release, notify

- a) The Village of Donalda C.A.O.
- b) The Owner of the Property; and
- c) Any other person the reporting person knows or ought to know that may be directly affected by the release.

4.5.3 When notifying the Village of Donalda C.A.O. pursuant to section 4.5.2, the notifying person shall provide the following information:

- a) Name of the company or person who caused the release;
- b) Location of the release;
- c) Name and contact information of the notifying person;
- d) Approximate time of the release;
- e) Type of materials released;
- f) Volume of material released and
- g) Corrective action being taken or anticipated to be taken to control the release.

4.6 – Industrial or Trade Wastes

4.6.1 Notwithstanding any other section of this Bylaw, no waste or discharges resulting from any trade, industrial or manufacturing process shall be directly discharged into any Village Sewer Main or Service Connection without such previous treatment as shall be described by the Village for each such case. The necessary treatment works so prescribed shall be installed entirely by the Consumer at his cost and expense before the construction of the service connection and thereafter shall be continuously maintained and operated by the Consumer.

4.7 – Prohibitions

4.7.1 No Person shall:

- a) operate, use, interfere with, obstruct or impede access to the sewer utility or any portion thereof in any manner.
- b) remove, operate, connect to or alter any portion of the sewer utility services owned by the Villager, except as authorized by the Village and in accordance with the standards and policies established by the Village. A consumer shall be responsible for all damage to the sewer utility resulting directly from a breach of this Bylaw.
- c) use the sewer utility in any manner that causes any interference or disturbance to any other consumer's use of the utility services.

4.7.2 No Person shall throw, deposit or leave any garbage, litter, refuse manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers or ashes on or in any part, component or appurtenances of the sewer utility or Sewer main.

4.7.3 No Person shall discharge into the Sewer main or a service connection:

- a) Hazardous waste or other liquids which may detrimentally affect the sewer utility
- b) any substance which may impact the flow through the Sewer main or service connection
- c) chemical refuse, trade waste, waste stream, condensing water, or any liquids whose temperature is one hundred and seventy-seven (177) degrees Celsius or over;
- d) inflammable or explosive material
- e) stormwater
- f) roof drainage
- g) cistern or tank overflow
- h) condensing or cooling water
- i) effluent from a basement sump pump

7.4 No Person shall discharge into the Sewer main or a service connection the contents of a:

- a) Privy vault
- b) Manure pit
- c) Cesspool

4.7.5 Unless authorized by the Village, no person shall:

- a) turn, lift, remove, raise or tamper with any component of the sewer utility, including but not limited to manholes, ventilators, or other appurtenances;
- b) cut, break, pierce or cap the Sewer main or an approved service connection or;
- c) interfere with the free discharge of any Sewer main or part thereof, or do any act which may impede or obstruct the flow from the Sewer main or service connection.

7.6 No Unauthorized person shall cut, break, pierce, or tap any part of the Village's Sewer Utility or accessories or introduce any pipe, tubes or conduit into any component of the Village Sewer Utility.

4.8 – Connection to Sewer Utility

4.8.1 The Owner of the Property owns Service Connections located within the Property boundaries of a property, and the Owner shall be responsible for the construction, maintenance and repair of that portion of the service connection.

4.8.2 The Village shall always remain the Owner of that portion of the service connection between the Village sewer main and the private property line.

4.8.3 As a condition of receiving sewer utility service from the Village, the Owner shall maintain, in a state of good repair, free from leakage, infiltration and other forms of loss, with sufficient protection from freezing all parting of the service connection to the satisfaction the Village C.A.O. through, which wastewater is conveyed from outlets or fixtures located on or within the property to the sewer main.

4.8.4 An Owner Shall:

- a) before constructing a service connection, obtain all necessary municipal and provincial approvals, including a development permit and safety codes permits;
- b) ensure all components of the service connection are located within the boundaries of a property and are constructed to meet or exceed provincial standards.
- c) not backfill the excavation until the work has been inspected by the appropriate designated officer(s).

4.8.5 Where an Owner of a property fails or refuses to maintain, repair or replace all or any component of the service connection as required pursuant to this Bylaw, the Village may:

- a) disconnect the sewer utility to the property on twenty-four (24) hours notice to the Owner and Occupant until the necessary repairs have been made at the Owner's expense or the service connection has otherwise been restored to a condition satisfactory to the Village.

4.8.6 Any person complaining of a failure or interruption of the Utility Service, the investigation of which necessitates the opening up or excavation of a street, before such opening up or excavation, shall deposit with the Village the costs, as estimated by the Village C.A.O. for such work.

4.8.7 The Village shall be responsible for all costs incurred regarding any investigation of the cause and the obstruction's repair if the blockage is located between the Sewer main and the boundary of the property line and is a result of normal usage. Suppose the obstruction is identified as a non-flushable item by the Village of Donalda in consultation with the contractor. In that case, the costs incurred regarding any investigation of the cause and repair of the obstruction will be the property owner's responsibility and applied to the utility bill. Non-flushable items can be but are not limited to diapers, diaper wipes, feminine hygiene products, prophylactics, cooking grease, etc. Where the blockage is located inside the property's boundary line, the property owner shall be solely responsible for the costs of investigation of the cause and the repairs to the service connection.

4.8.8 The Village shall not be liable for the damages caused by any blockages or damages caused by tree roots infiltrating a service connection, whether the roots originate from trees on Village-owned or private property.

4.8.9 An Owner shall install a backflow valve on the service connection connected to the Sewer main to prevent wastewater backup into the property from the sewer main.

4.8.10 When a service connection for the utility service is no longer required, the Owner shall obtain written permission from the Village to disconnect from the sewer main. The Owner shall disconnect in compliance with the directions of the town relative to the method and location and shall bear all responsibility and costs associated with the disconnection.

4.9 – Offences

4.9.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and liable, upon summary conviction, to a penalty set out in Schedule "B" herein.

4.9.3 Notwithstanding section 4.9.1 of this Bylaw, any person who commits a second, third or subsequent offence under this Bylaw within one (1) year of committing the first offence is liable for the increased penalty set out in Schedule "B" herein.

5. BYLAW ENACTMENT

SEVERABILITY – Should any provisions of this Bylaw be declared invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

Bylaws #763-23 Is hereby repealed.

This Bylaw shall come into force effective for October 17, 2023.

Bylaw #769-23 was given first reading and passed in open Council duly assembled in the Village of Donalda, in the Province of Alberta, this 17th day of October 2023.

Bylaw #769-23 was given second reading and passed in open Council duly assembled in the Village of Donalda, in the Province of Alberta, this 17th day of October 2023.

Unanimous consent for a third and final reading was given on this 17th day of October 2023.

Bylaw #769-23 was given third and final reading and passed in open Council duly assembled in the Village of Donalda, in the Province of Alberta, this 17th day of October 2023.

____Signature on File_____
Mayor

____Signature on File_____
Chief Administrative Officer

"Schedule A"**Rates and Fees for Services****Water Rates**

Active Residential and Commercial properties	\$25.00/month
Inactive Residential and Commercial properties	\$10.00/month
Consumption Fee for Water	\$3.70/cubic meter
Hook up and Shut off Water Utility (includes owner name changes for new accounts)	\$50.00 per occurrence.

Sanitary Sewer Rates

Active Residential and Commercial properties	\$11.00/month
Inactive Residential and Commercial properties	\$5.00/month
Donalda School	\$30.00/month
Donalda Hotel (5020 Main Street)	\$19.00/month

Penalties

Penalty on Unpaid Utility Accounts	2% per month
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Paperless Billing

Opt. Out Fee	\$2.00/printed bill
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Schedule "B"

Schedule "B" violations are subject to the following specified penalties.

Violation Tickets

Penalty

Section 3.12 (a)

Wastage of water - \$250.00

Section 3.12 (b)

Violation of emergency water allocation regulations - \$250.00

Section 3.12.2 (a)

Unauthorized drawing of water from a fire hydrant - \$250.00

Section 3.12.2 (b)

Withdrawal of water from a fire hydrant without the use of an approved backflow prevention device - \$250.00

Section 3.12.3 (h)

Turn off or on the water service valve without authorization - \$250.00

Schedule "C"

Offences listed in Schedule "B" are subject upon conviction in a court of competent jurisdiction to a maximum of not more than \$2,500.00 or, in case of non-payment of the fine, imprisonment for a period not exceeding six months unless such a fine is paid sooner.

COURT APPEARANCES

Section 3.2 (a)

Illegal use of alternate water supply

Section 3.2 (c)

Unlawful connection of alternate water supply to the water system

Section 3.9.16

Interfere or tamper with the operation of a water meter.

Section 3.11.3

Failure to comply with an order issued by the Chief Administrative Officer respecting an illegal cross-connection or backflow connection.

Section 3.12.3 (g)

Turn on the water supply before an inspection