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**TOWN OF SEDGEWICK  
BYLAW NO. 571/20  
TOWN OF SEDGEWICK UTILITIES BYLAW**

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**A BYLAW OF THE TOWN OF SEDGEWICK, IN THE PROVINCE OF ALBERTA, TO  
OPERATE AND LEVY GENERAL RATES FOR THE SUPPLY OF PUBLIC UTILITIES AND  
SERVICES PROVIDED BY THE MUNICIPALITY.**

**WHEREAS** under the provisions of the Municipal Government Act, being Chapter M-26, S.A. 1994 and amendments thereto, the Council has been granted the authority to pass bylaws for municipal purposes respecting public utilities and services provided by, or on behalf of the municipality, and;

**WHEREAS** the Town of Sedgewick provides for a Municipal Water System, Municipal Wastewater System, Municipal Natural Gas System and for the provision of Waste Disposal Services, and;

**WHEREAS** it is necessary to make a charge against the property owners for whose convenience the said utilities and services have been provided;

**NOW THEREFORE** the Council of the Town of Sedgewick in the Province of Alberta, duly assembled, enacts as follows:

**1. Citation**

- 1.1. This bylaw may be cited as the "Utilities Bylaw".

**2. Definitions**

- 2.1. **"Chief Administrative Officer"** is the person appointed to the position by Council in accordance the Municipal Government Act and is referred to throughout this Bylaw as the CAO.
- 2.2. **"Customer"** is any Person who has entered into a contract with the Town of Sedgewick for the provision of municipal Utility services, or who is the Owner or occupant of any property connected to or provided with a Municipal Public Utility System and service.
- 2.3. **"Council"** is the Council of the Town of Sedgewick elected pursuant to the provisions of the Municipal Government Act.
- 2.4. **"Curb Stop"** is the device on a Water Service Line used to Shut Off, control, interrupt or discontinue the supply of water to a Customer.
- 2.5. **"Main"** is that portion of the Municipal Water and/or Wastewater System installed in Town-owned right of ways and/or land for the purpose of providing municipal Utility services for more than one property
- 2.6. **"Meter"** is a calibrated mechanical and/or electronic measuring device used to measure the amount of water consumed on the premises where the Meter is installed and shall include the device utilized for the reading of the Meter.
- 2.7. **"Municipal Public Utility System"**, defined within the MGA, means the municipal system or works used to provide services for public consumption, benefit, convenience, or use, refers to those Utilities provided by the Town of Sedgewick, including, but not limited to: water, wastewater disposal and drainage and waste management. In this bylaw, the term is also referred to as Utility or Utilities.
- 2.7.1. **"Municipal Water System"** means the system of water reservoirs, treatment plants, pumping stations, transmission mains, distribution Mains, service lines and connections , valves, fittings, hydrants, Meters, backflow prevention devices and all other equipment and machinery of whatever kind owned by the Town and which is required to supply and distribute water to all Customers and which is deemed to be a part of the Municipal Public Utility Service within the meaning as stated in the MGA.

- 2.7.2. **“Municipal Wastewater System”** means the treatment facility, pipes, manholes and all related structures designed exclusively for wastewater collection, treatment and disposal.
- 2.7.3. **“Municipal Storm Water System”** means the pipes, ditches and all related structures designed exclusively for storm water collection, treatment and disposal.
- 2.7.4. **“Municipal Natural Gas System”** means the pipes, Meters and all related structures designed exclusively for the delivery of Natural Gas.
- 2.7.5. **“Waste Disposal Services”** means the removal and disposal/recycling of unwanted and discarded domestic, agricultural and industrial items.
- 2.8. **“Person”** means an individual, firm, corporation, entity, Owner, occupier, lessee or Tenant.
- 2.9. **“Property Line”** shall mean the legal surveyed boundary of a lot.
- 2.10. **“Property Owner”** or **“Owner”** is the registered Owner of the property or building, as per Alberta Land Titles notification received by the Town.
- 2.11. **“Shut Off”** is an interruption or discontinuation of the supply of water.
- 2.12. **“Tenant”** means a person who is entitled to use or occupy a premises within the Town of Sedgewick under agreement with the Property Owner.
- 2.13. **“Town”** is the Municipality of the Town of Sedgewick in the Province of Alberta.
- 2.14. **“Violation Ticket”** is a ticket issued pursuant to Part 2 of the Provincial Offences and Procedures Act, RSA 2000 c, P-34, as amended and Regulations thereunder.
- 2.15. **“Water Service Line”** is that portion of the Municipal Water System from the distributing street Main to the building being serviced.
- 2.16. **“Wastewater Service Line”** is that portion of the Municipal Wastewater System from the distributing street Mains to the building being serviced.
- 3. Accounts and Charges**
- 3.1. Any Property Owner or Owners requiring services must make application for those services at the Town office.
- 3.2. No Utility account shall be set up for an occupant of a parcel of land who is not the Owner for the use of the Municipal Water System, Municipal Wastewater System, Municipal Natural Gas System or for the provision of Waste Disposal Services upon the final passing of this bylaw.
- 3.3. A charge shall be made for the use of the Municipal Water System, Municipal Wastewater System, Municipal Natural Gas System or for the provision of Waste Disposal Services, pursuant to the Fees & Charges Bylaw as amended from time to time.
- 3.4. Invoices shall be due on the 16th of each month. In the event that Utility/service charges remain unpaid after the last day of the month on which the bill was due and payable, there shall be added thereto by way of a penalty, an amount which shall be 2% of the then unpaid Utility/service bill. The said penalty shall be added to and shall form part of the unpaid Utility bill. A further 2% compounding penalty will be applied on unpaid accounts after 30 days.
- 3.5. Council, by resolution, may implement a utility deferral program during a period of financial hardship that can reasonably be expected to affect a significant portion of businesses and/or residents of the community. The program may include any or all charges appearing on a Town issued Utility invoice with no interest being charged nor

utilities being disconnected during the approved period for the services related to the deferred fees. The resolution shall include:

- 3.5.1.** The utility customers or classes of customer that are eligible for the deferral;
- 3.5.2.** The specific charges that Council wishes to be deferred;
- 3.5.3.** The duration or period of the deferral;
- 3.5.4.** The reason for the deferral;
- 3.5.5.** The number of installments or period in which the deferred balance shall be payable after the period of deferral before an interest penalty is applied.

In addition, the resolution may include a cancellation of any or all infrastructure fees that appear on Utility invoices during the same deferral period.

Once established, customers shall be accepted into the program upon entering into a written agreement with the Town.

- 3.6.** If a Property Owner is in default of payment of the said rates for more than 90 days, the Town shall send a cut-off notice and within seven (7) days have the right to disconnect the natural gas and water supply to said property or shall have the right to enforce payment of the said rates by transfer of the municipal services to the Owner's tax account. Transfer of arrears to the tax account shall be enforced through the winter months of October 1st to April 30th, otherwise municipal services shall be disconnected during the summer months of May 1st to September 30th.
- 3.7.** Failure to receive a Utility bill shall in no way affect the liability of the Customer to pay the account.
- 3.8.** Money deposited with the Town by any Person, firm or corporation for the purposes of water, sanitary sewage, natural gas, waste disposal, or other Utilities that remains unclaimed for a period of 2 years after the account has been discontinued shall be transferred to the general revenue account of the Town.
- 3.9.** The Owner of a property may request a copy of the invoice be mailed to a Tenant, however the Property Owner will receive the original invoice.

#### **4. Service Connections**

- 4.1.** Any connection made to the Municipal Public Utility System requires permission from the Town.
- 4.2.** No Person, other than Town staff or their duly authorized agent(s) shall turn off or on the water or gas supply from the Town system to the Owner's premises or attempt to do so.
- 4.3.** The cost of connecting an Owner's services to the Town at the Property Line of the Owner shall be borne by the Owner, but no such connection shall be made without notice to the Town of Sedgewick nor until such time as the proper inspections have been made to ensure compliance with both Town and Provincial standards.
- 4.4.** All service lines installed on private property, between the Property Line and the Meter, shall be constructed as per the Provincial Plumbing Code with Canadian Standards Association approved material of equal quality to, and compatible with, the service lines in the street between the distribution Main and the Property Line.
- 4.5.** The Town or any of its employees are not liable for any damage caused either directly or indirectly by any municipal Utility service connection.
- 4.6.** The Town may cancel or revoke permission to connect with the Municipal Public Utility Service in the event that any work is not being done in accordance with the provisions of this bylaw.
- 4.7.** Each property will have only one (1) service line from the Main.

**5. Municipal Water System**

- 5.1. The Property Owner is responsible for the installation, repair and replacement of the Water Service Line from the Curb Stop connection to the premises.
- 5.2. The Property Owner is responsible for the thawing of frozen lines in the Water Service Line from the premises to the Curb Stop. Should the location of the freeze be on both sides of the Curb Stop, or if it is unable to be determined where the freeze originated, the responsibility of the thawing of the frozen line shall be shared equally by the Property Owner and the Town
- 5.3. No Person, not being in the employment of the Town and not being a member of the fire department and authorized in that behalf, shall willfully open or close any hydrant or obstruct the free access to any hydrant, Curb Stop, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction;
- 5.4. No Person shall throw or deposit any injurious, noisome or offensive matter into the water or water works or on the ice in case that water is frozen or in any way foul the water or commit any willful damage or injury to the works or pipes or encourage it to be done;
- 5.5. Water Meters
  - 5.5.1. All users of municipal water services must allow the Town to install a water Meter in a convenient place on the Owner's premises and the Town or its duly authorized agent(s) shall have the right to enter upon the Owner's premises at periodic intervals to inspect the said Meter and determine the amount of water used.
  - 5.5.2. The water Meters at all times remain the property of the Town of Sedgewick and shall not be tampered with or interfered with at any time by the user or those under his control. Any damage to the said Meter shall be paid for by the Property Owner using the water services on the basis of costs of parts and labor required plus a service charge; charges are pursuant to the Fees and Charges Bylaw.
  - 5.5.3. A Customer shall notify the Town immediately whenever a water Meter is not operating or if any part of it becomes damaged or broken.
  - 5.5.4. In the event that an accurate reading is not able to be taken, the Customer will be charged an average of the readings of the two (2) preceding months,
  - 5.5.5. The Town shall replace any Meter that stops working due to normal wear and tear at no cost to the Owner.
  - 5.5.6. If a water Meter is removed or stolen the Owner of the premises shall pay the cost of replacing the water Meter including installation.

**6. Municipal Wastewater System**

- 6.1. The Property Owner is responsible for the installation, repair and replacement of the Wastewater Service Line from the Property Line to the premises.
- 6.2. The Property Owner is responsible for clearing any blockages in the Wastewater Service Line from the premises to the Main. This includes the thawing of frozen lines and removal of roots.
- 6.3. It is the Property Owner's responsibility to contact a licensed plumber should any plumbing services be required. The Property Owner shall notify the Town of any issues so that the Town can check its portion of the Main for flows.
- 6.4. Should a plumber be unavailable it will be at the Town's discretion to have staff attend the site to attempt to correct the issue. Work done by Town staff will be charged back to the property owner as per rates set in the Fees and Charges Bylaw, which may be amended from time to time.

- 6.5. No Person shall throw or deposit any injurious, noisome or offensive matter into the sanitary sewer system which in any way adversely affects the operation of the municipality's lagoon;
- 6.6. No Person shall discharge a holding tank from a recreational vehicle or other effluent tank into any portion of the municipal wastewater or stormwater system, except at an approved sanitary dumping station.
- 6.7. No Person, except duly authorized employees of the Town will turn, lift, remove, raise or tamper with the cover of any manhole, ventilators or other appurtenances of the Town municipal wastewater system.

## **7. Service Disconnections**

- 7.1. Owners may make request to the Town to have their water service Shut Off at the Curb Stop.
- 7.2. Owners that request Shut Off of their water/gas service shall be responsible for all applicable fees and charges for the duration of the Shut Off. This includes all infrastructure or replacement fees and basic water, sewer, gas and solid waste charges as per the Fees and Charges Bylaw as amended from time to time.
- 7.3. Owners that request a complete disconnection which includes removal of Meters from the Municipal Public Utility System shall not be responsible for Utility fees and charges after disconnection.

## **9. Penalties and Offences**

- 9.1. A Person is guilty of an offence who contravenes any provision of this bylaw by:
  - 9.1.1. Doing any act or thing which the Person is prohibited from doing; or
  - 9.1.2. Failing to do any act or thing which the Person is required to do;
- 9.2. Where the CAO has reason to believe that a person has contravened any provisions of this bylaw, notice shall be served in accordance with the Municipal Government Act allowing payment of the penalty, as specified per Schedule "A" attached to this Bylaw, in lieu of prosecution for the offense.
  - 9.2.1. This section shall not prevent any Peace Officer from issuing a Violation Ticket requiring a court appearance of the defendant, pursuant to the provision of the Provincial Offences Procedures Act.
- 9.3. The levying and payment of any fine provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw of the Town of Sedgewick.
- 9.4. Notwithstanding the provisions of this section of the bylaw, any Person who contravenes any provision of this Bylaw may forfeit the right to be supplied with Municipal Utility Services.

## **10. Severability**

- 10.1. If any term of this Bylaw is found to be invalid, illegal, or unenforceable by a court or tribunal having the jurisdiction to do so, that term is to be considered to have been severed from the rest of this bylaw, and the rest of the bylaw remains in force unaffected by that finding or by the severance of that term.

## **11. Enactment**

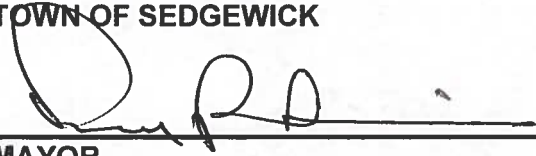
- 11.1. This Bylaw shall take effect at the date of final passing thereof.
- 11.2. Bylaw 559 is hereby rescinded.

**First Reading** passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 16th day of April, 2020.

**Second Reading** passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 16th day of April, 2020.

**Third Reading** passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 16th day of April, 2020.

TOWN OF SEDGEWICK



MAYOR



CHIEF ADMINISTRATIVE OFFICER

**Schedule A**

The penalties for any contravention of this Bylaw #559/19 are as follows:

First Offense:	\$200
Second Offense:	\$500
Third Offense:	\$1000