

PROVINCE OF ALBERTA

TOWN OF VULCAN

BY-LAW NO. 1086

A By-Law of the Town of Vulcan respecting waterworks, sewer and plumbing within the Town of Vulcan.

WHEREAS, the use and control of all public waterworks, common sewers, and any sewage disposal works connected therewith, shall be in accordance with this By-Law and,

WHEREAS, all waterworks, sanitary sewers, storm sewers, drains, and sewage disposal works, belonging to the Town of Vulcan now laid down, constructed or built, or hereafter laid down, constructed or built, shall be under the direct control and management of the Town Superintendent of Works, subject to the authority of the Council of the Town of Vulcan.

NOW THEREFORE, pursuant to the provisions of the Municipal Government Act Revised Statutes of Alberta, 1980, Chapter M-26, November 1986 and amendments thereto; and the Municipal Taxation Act Revised Statutes of Alberta, 1980 Chapter M-31, January 1985 and amendments thereto, the Council of the Town of Vulcan, duly assembled, enacts as follows:

SECTION I - SHORT TITLE

This By-Law may be cited as the "Utility By-Law" of the Town of Vulcan.

SECTION II - DEFINITIONS

In this By-Law,

1. "Person" means firm, corporation, owner, occupier, lessee or tenant.
2. "Household Sewer Service Line" means that sewer line from the building to the property line.
3. "Town Sewer Service Line" means that sewer line from the property line to the sewer main in the street or avenue.
4. "Household Water Service Line" means that water line from the building to the property line.
5. "Town Water Service Line" means that water line from the property line to the water main in the street or avenue.
6. "Street Main" means that portion of land under which any sewer main and/or water main is laid for the service of more than one person.
7. "Authorized Person" means any employee of the Town of Vulcan.
8. "Town" means Town of Vulcan.
9. "Council" means Council of the Town of Vulcan.

SECTION III - WATERWORKS

TAPPING WATER MAINS:

1. (a) No person except authorized employees of the Town shall make any connection or communication whatsoever with any of the public pipes or mains in the public thoroughfares of the Town.
- (b) All water service pipes laid in private property, between the property line and the water meter, shall be of the same material as the service pipe in the street between the water main and the property line. No connection shall be made to the water service pipe between the property line and the meter.

METERS

2. (a) All owners, tenants, or occupiers shall give every facility for the introduction, placing, inspection, and reading of such meter, and shall protect it from interference or damage which may occur to the meter.
- (b) Any person permitting any meter to be damaged by frost shall be liable for all costs incurred in the repair of said meter. Repair costs shall be at a minimum of Four (\$4.00) Dollars for each meter so damaged. The said charges so made shall be subject to the same penalties and is collectable in the same manner as sewer and water rates levied by the Town.
- (c) Should any person claim a meter is not working properly the Town shall, upon written request, togetherwith a deposit of Ten (\$10.00) Dollars, remove the said meter from service and will have the appropriate test conducted upon it.
- (d) Should the said meter be found to be true and accurate within the limits as prescribed, from time to time, by the American Water Works Association, and the customer is not being penalized, the said person shall forfeit the said deposit to the Town to cover costs of removal and test of said meter.
- (e) Should any meter be found to be inaccurate within the said limits, the bills for water supplied during the two (2) calendar months immediately preceding such test shall be corrected for any over charge in proportion to the inaccuracy of the meter.
- (f) All information pertinent to such tests shall be made available to the said person.
- (g) Any person interfering with the seals or tampering with any meter shall be liable to penalties as laid down in the By-Law.

TURNING ON WATER:

3. (a) After any construction, reconstruction, alteration or change, or the completion of any work requiring a permit, water shall not be turned on to any building or premises until after the whole of the work has been done to the satisfaction of the Plumbing Inspector.
- (b) Water shall be turned on or off only by an authorized employee of the Town.

WELLS AND OTHER SOURCES OF SUPPLY OF WATER:

4. (a) No well or other source of water except the town water mains shall be used in the Town without authority obtained from the Council for that purpose.
- (b) All persons having charge of or being owners or occupiers of premises containing a well or other source of supply of water other than the water mains of the Town shall apply to the Council for permission to use the water in such well or other source of supply of water other than the water mains of the Town, and must be approved by the Medical Officer of Health and the Plumbing Inspector. The applicant must also arrange that an analysis of the water in the well or other source of supply of water will be made to the satisfaction of the Medical Officer of Health and before permission is granted the Medical Officer of Health shall certify that such analysis has shown the said water to be suitable for domestic consumption. The report of the Provincial Analyst shall be accepted as to the analysis of any water. Upon complying with the provisions of this By-Law, the applicant may be granted permission to use the water in the said well or other source of supply of water.
- (c) No such permission shall be granted for new wells in connection with any premises abutting on a street, avenue, lane or road upon which there is a town water main.

- (d) If the use of any such well or other source of supply of water is continued contrary to the provisions of this By-Law forty-eight (48) hours after notice to discontinue the use of same has been given by the Secretary-Treasurer of the Town, to the owner or occupier of the premises in which it is situated, such well or other source of supply of water may be declared to be a nuisance and dangerous to the public health or safety and shall be removed, filled up or otherwise abated.
- (e) Any such permission as aforesaid, may be withdrawn by order of the Council at any time without notice, and no person shall use a well or other source of supply of water after permission for use of same has been withdrawn.

INTERFERENCE WITH HYDRANTS AND VALVES:

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

FROZEN WATER SERVICE LINE:

- 6. (a) The Town shall assume the responsibility and costs for the initial thawing of any water service line which may hereinafter become frozen between the building and the water main in the street or avenue in any given winter season. The person occupying the premises shall be advised to keep a tap open and leave the water running in order to avoid any further freezing of the water service.
- (b) The charge for consumption of water in such cases shall be the same as for the corresponding period of the previous year.
- (c) Any costs incurred by the Town in thawing frozen water service lines on behalf of any person, except in the foregoing instance, shall be the responsibility of such person and shall be recoverable in the same manner as sewer and water rates levied by the Town.

SECTION IV - SEWERS

USE AND PROTECTION OF SEWER SYSTEM:

- 1. (a) No person shall throw, deposit or leave in/or upon any town sewer, or any trap, basin, grating, manhole or other appurtenance of any town sewer, any butchers' offal, garbage, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers, rags, cinders, ashes, or refuse matter of any kind, except human excrement, the necessary closet paper, and waste water properly discharged through a house sewer into a town sewer.
- (b) No person shall permit to be discharged into any sewer, any liquid or liquids which would prejudicially affect the sewers, or the disposal of the sewage, or any matter or substance by which the free flow of the sewage may be interfered with, or any chemical refuse, or other trade waste, or any waste stream, condensing water, heated water, or other liquids of a higher temperature than one hundred and seventy degrees fahrenheit.
- (c) No person shall make, or cause to be made, any connection with any town

sewer, house drain or appurtenance thereof, for the purpose of conveying, or which may convey, into the same any inflammable or explosive material, storm water, roof drainage, cistern or tank overflow, condensing or cooling water.

- (d) No person shall discharge the contents of any privy vault, manure pit or cesspool, directly or indirectly, into any town sewer or house drain connected therewith.
- (e) No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of any town sewer, except duly authorized employees of the Town.
- (f) No person shall cut, break, pierce, or tap any town sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any town sewer, except duly authorized employees of the Town.
- (g) No person shall interfere with the free discharge of any town sewer, or part thereof, or do any act or thing which may impede or obstruct the flow or clog up any town sewer or appurtenance thereof.
- (h) The Superintendent of Works and Plumbing Inspector for the Town shall have the right at all reasonable time to enter houses or other places which have been connected with town sewers, and facilities must be given him to ascertain whether or not any improper material or liquid is being discharged into the sewers, and he shall have power to stop or prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of sewage.

INDUSTRIAL OR TRADE WASTES:

- 2. No waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly discharged to any town sewer without such previous treatment as shall be prescribed by the Council for each such case. The necessary treatment works so prescribed shall be completely installed by the applicant, at his expense, prior to the construction of the sewer connection, and thereafter shall be continuously maintained and operated by the applicant.

GREASE TRAPS:

- 3. Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries, and such other places as the Council under advisement may direct.

SEWER CONNECTIONS:

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

APPLICATION FOR SEWER CONNECTIONS:

- 5. (a) No house drain or private sewer shall be connected to town sewer until the owner thereof shall have obtained a Development Permit and Building Permit for sewer connection. All applications for connections to the town sewers must be made on the printed forms furnished by the Council or Development Officer of the Town. The application must be filed in the office of the Secretary Treasurer and must be signed by the owner of the property to be drained, or his authorized agent. Such application must be accompanied by a plan showing in detail the contemplated connections, the exact location thereof, and specifying fully the character of the work to be done, the sizes of all pipes and the location and kind of all fittings.
- (b) It shall be a consideration of the granting of any application for a sewer connection that the Town or any of its employees shall not be liable for any damage of whatsoever nature caused either directly or indirectly by such sewer connection.

- (c) The Council or Development Officer of the Town may revoke or annul any permit that may have been granted to connect with the town sewers if it is found that any of the work is not being done in accordance with the provisions of this by-law, and the persons making such connections or their successors in interest, shall have no right to demand or claim any damages in consequence of such permits being revoked or annulled.
- 6. (a) Should any person claim that any sewer service line is plugging because it is not laid according to good practice, the said person shall deposit with the Town the sum of Fifty (\$50.00) Dollars. The Works Foreman will then be authorized to open the said sewer service line by any method he considers necessary.
- (b) Should the said service line be found properly laid according to good work practices, the said person shall forfeit the said Fifty (\$50.00) Dollars and shall be liable to pay all additional costs in excess of \$50.00 incurred by the Town in opening the said sewer line. The said costs so incurred shall be collectable in the same manner and subject to the same penalties as taxes.
- 7. (a) The person occupying any premises connected to a sewer main by a sewer service line shall be required to keep the household sewer service line in operating condition at all times, and shall be fully responsible for the repair and maintenance of the said household sewer service line.
- (b) In default of his so doing, whether notified or not, the Town may enter upon the lands where the sewer service line is situated and by its authorized persons repair it and charge the cost as hereinbefore provided.
- 8. The Town shall be responsible for the operation and repair and maintenance of the Town sewer service line, except with respect to Sec. IV (6) and except when an obstruction results from the contraventions of Sec. IV (1) (a).

SECTION V - PLUMBING

PLUMBING:

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

PLUMBING PERMITS:

- 2. All applications for Plumbing Permits shall be made to the Plumbing Inspector.

SECTION VI - CONSTRUCTION COSTS

- 1. Any person requesting the Town to lay sewer and water service lines from the street mains to the property line shall pay to the Town of Vulcan the following fixed sums:
 - a) For a standard 3/4" copper water service line and 4" plastic sewer service line, including a curb stop and remote water meter reading device, the sum of \$900.00
 - b) For a standard 1" copper water service line and 4" plastic sewer service line, including a curb stop and remote water meter reading device, the sum of \$1100.00
- 2. Any person requesting the Town to lay a sewer service line other than 4" plastic and/or a water service line larger than 1" from the street mains to the property line shall pay to the Town an additional sum to be determined in accordance with the extra cost of material and labour used.

3. Any person requesting the Town to lay a sewer and/or a water service line on paved street or avenue shall pay to the Town a fixed sum of \$900.00 for breaking and restoring the paved surface to its original condition.
4. Any persons requesting the Town to lay a sewer and/or water service line during winter weather or in rock shall pay to the Town the sum of \$370.00 per vertical foot of frost or rock.
5. The cost of the above work is a lien upon the land which it serves and may be recovered in like manner as taxes that are a lien upon land.

SECTION VI.I - CONSTRUCTION BY OTHERS

Any Owner requesting the Town to permit the Owner's Contractor to install the sewer and water service lines from the street mains to the property line of the property which the Owner is developing may be granted permission to do so, subject to the following conditions:

1. The Owner shall engage the Contractor at the Owner's sole expense.
2. All work in connection with the said installation shall be done in accordance with good recognized practices of the trade, the Alberta Building Code, the A.C.N.B.C. Canadian Plumbing Code and to the satisfaction of the Town of Vulcan.
3. The Owner and the Contractor shall be required to enter into a Contract Agreement with the Town of Vulcan before commencement of the said installations.
4. The Contract Agreement shall be in the form of Schedule "A" attached to and forming a part of this By-Law.
5. Approval and acceptance of the said installations by the Town of Vulcan shall be by issuance of a Sewer and Water Completion Certificate.
6. The Sewer and Water Completion Certificate shall be in the form of Schedule "B" attached to and forming a part of this By-Law.
7. Any costs incurred by the Town of Vulcan arising from the performance or non-performance of the said Contract Agreement shall be a lien upon the land served by the said installations and may be recovered in like manner as taxes that are a lien upon the land.
8. The Municipal Administrator is, hereby, authorized to execute the Contract Agreement and issue the Sewer and Water Completion Certificate on behalf of the Town of Vulcan.

SECTION VII - LIABILITY FOR DAMAGES

1. The Town is not liable for damages
 - (i) Caused by the breaking of any water service main, water service pipe or attachment, or any sewer main, or
 - (ii) Caused by the interference with the supply of any water service or sewer necessary in connection with the repair or proper maintenance of the water service or sewers, or
 - (iii) Generally for any accident due to the operation of the water works system or sewage disposal system of the Town,unless such accident is shown to be directly due to the negligence of the Town or its employees.

SECTION VIII - PENALTIES

1. A person found guilty of an offence against this By-Law shall be liable on summary conviction to the minimum penalties as hereinafter listed:
 - (i) Section III - Waterworks
 - Subsection (1) - Minimum Fine - \$25.00
 - Subsection (5) - Minimum Fine - \$25.00
 - (ii) Section IV - Sewers
 - Subsection (1) (c) - Minimum Fine - \$25.00
 - Subsection (2) - Minimum Fine - \$25.00 for each day said offence occurs.
2. In any section of this By-Law where a minimum fine is not specifically provided for an offence thereto there shall be a minimum fine of Five (\$5.00) Dollars, exclusive of costs.
3. In each and every case in default of payment said person shall be liable to imprisonment in the nearest common jail for a period not exceeding Sixty (60) Days, unless the fine and costs be sooner paid.

SECTION IX

1. This By-Law 1086 shall recind By-Laws 617, 964, 1018 and 1048 in their entirety.
2. This By-Law shall have effect as of the date of the final passing thereof.

READ a first time this 11 day of October 1988.

READ a second time this 11 day of October 1988.

READ a third time and finally passed this 24 day of October 1988.

J.D. Mitchell
Mayor

Gandy L. Lachuk
Municipal Administrator

A G R E E M E N T

THIS AGREEMENT made in triplicate this day of 19

BETWEEN: THE TOWN OF VULCAN

-(hereinafter referred to as the "Town")

- and -

-(hereinafter referred to as the "Owner")

- and -

-(hereinafter referred to as the "Contractor")

WITNESSETH that the Town and the Owner and the Contractor undertake and agree as follows:

1. The Owner undertakes and agrees to engage a Contractor to install the Sewer and Water Service lines from the street mains to the property line located at:

Legal Description: Lot _____ Blk _____ Plan _____

Civic Address: _____

2. The Contractor undertakes and agrees to provide all supervision, labour, equipment and materials and to perform and complete the said installations in accordance with good recognized practices of the trade, the Alberta Building Code, the A.C.N.B.C. Canadian Plumbing Code and to the satisfaction of the Town, including, but not limited to, grade levels, pipe bedding, backfill, compaction and restoration of roadway surface.
3. The Contractor undertakes and agrees to commence and actively proceed with and complete the said installations by _____ 19____.
4. The Contractor and/or Owner undertake and agree to maintain, in complete repair, the said installations, with respect to the defects which are caused by omission, faulty material or workmanship and trench settlement, for the duration of the Maintenance Period, at the sole cost of the Contractor or Owner.
5. The Maintenance Period shall be for a period of two (2) years from the date of issuance of the Sewer and Water Service Completion Certificate.
6. The Contractor undertakes and agrees to ensure compliance with all rules, regulations, statutes and By-Laws applicable to the said installations, whether Federal, Provincial or of the Town, including, but not limited to, Workers' Compensation, Occupational Health and Safety, Liability Insurance and all required permits.
7. The Owner and the Contractor covenant and agree to save the Town harmless and to indemnify the Town from and against any suit, damage or action arising out of the performance or non-performance of this Agreement by the Owner and Contractor.