

## **IMPORTANT NOTICE**

### **Town of Black Diamond**



## **OFFICE CONSOLIDATION**

This document is consolidated into a single publication for the convenience of users. The official Bylaw and all amendments thereto are available from the Legislative Services Manager and should be consulted in interpreting and applying this Bylaw. In case of any dispute, the original Bylaw(s) must be consulted.

For easy reference the amending Bylaw Numbers are listed with a brief description.

**Printed by the Legislative Services Manager, by the authority of Town Council.**

## **Bylaw 18-01**

# **Water and Sewer Utility Bylaw**

## **Office Consolidation**

**Office Consolidated Version dated: November 21, 2018**

**BYLAW 18-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**Includes Amending Bylaws:**

<b>Bylaw #</b>	<b>Description/Purpose</b>	<b>3<sup>rd</sup> Reading Date</b>
18-11	Amend section 79, replace Schedule "A"	November 21, 2018

**BYLAW 18-01 OFFICE CONSOLIDATION  
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**BEING A BYLAW OF THE TOWN OF BLACK DIAMOND TO PRESCRIBE  
RULES AND REGULATIONS FOR THE GOVERNMENT AND OPERATION  
OF THE WATER AND SEWER UTILITIES**

**WHEREAS** it is deemed expedient and proper pursuant to the *Municipal Government Act*, R.S.A., 2000, Chapter M-26, as amended from time to time, that Council shall issue a bylaw to prescribe rules and regulations for the government and operation of the water and sewer utility system of the Town of Black Diamond and the terms and conditions entered into by the Town for the sale and distribution of water and sewer services.

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

1. This bylaw may be cited as the **Water and Sewer Utility Bylaw**.

**Part 1 - Interpretations**

2. In this bylaw, unless the context otherwise requires,
  - a) "*Act*" means the *Municipal Government Act*, 2000 Chapter M-26, and amendments thereto.
  - b) "*Billing Period*" means a period of two (2) calendar months established from time to time, or at any time, by the Town Manager.
  - c) "*Consumer*" means any person or persons, corporate or other entity, any other municipal corporation, the Government of Alberta or the Government of Canada whose property is connected to the Water and Sewer Utility or Occupant or any person who obtains water from any Town-owned hydrant, stand pipe, or fire station.
  - d) "*Council*" means the Municipal Council of the Town of Black Diamond, in the Province of Alberta.
  - e) "*Cross-connection*" means any temporary, permanent or potential water connection that may allow, by backflow or otherwise, water contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the Water Utility and includes swivel or changeover devices, removable sections, jumper connections and by-pass arrangements.

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- f) "*Downstream Side of a Meter*" means that side of a Water Meter through which potable water normally exits the Meter.
- g) "*Fire Chief*" means the person appointed to the position and title of Fire Chief by the Municipal Council of the Town of Black Diamond.
- h) "*Grease*" means an organic substance that can be extracted from aqueous solution or suspension by hexane solvent and includes, but is not limited to, hydrocarbons, esters, oils, fats, waxes and high molecular fatty acids.
- i) "*Occupant*" means the occupier of any Premises who resides in 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 Town or pursuant to a license of occupation granted by the Owner.
- j) "*Owner*" means:
  - (i) in respect of unpatented land, the Crown,
  - (ii) in respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, and
  - (iii) in respect of any property other than land, the person in lawful possession of it;
- k) "*Premises*" means a property, which may include lands, buildings, both lands and a building(s), or a part of either, that is occupied or used for any purposes and located within the Town of Black Diamond.
- l) "*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 Town for its water system.
- m) "*Provincial Regulations*" means the requirements and provisions of the Province of Alberta contained in any Provincial Statute, or in any regulation or order made pursuant to the authority of any statute of Alberta.
- n) "*Public Works*" means that department of the Town charged with the responsibility of constructing, operating, and maintaining the Water and Sewer Utility.
- o) "*Septic Tank Sludge*" means any material containing, in whole or in part, human or animal bodily Wastes, or both, released or discharged from any Premises.

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- p) "*Sewage*" means a solution or combination of water carried Wastes, including Septic Tank Sludge, or water contaminant, or both, discharged or released from any Premises.
- q) "*Sewage System*" means all pipes, mains, equipment, buildings, and structures for collecting, pumping or treatment of Sewage and operated by the Town, but does not include a Storm Sewer.
- r) "*Standard Methods*" means the analytical and examination procedures provided in the current edition published jointly by the American Public Health Association and the American Water Works Association or any publication by, or under the authority of, the Canadian Standards Association deemed appropriate by the Town Manager.
- s) "*Storm Sewer*" means a sewer and all related structures designed exclusively for storm water drainage.
- t) "*Street*" means a public thoroughfare within the Town and includes, where the context so allows, the sidewalk and borders of the Street and all lands appearing in the Land Titles Office as set aside for a public thoroughfare; when used in distinction to a lane, it means the public thoroughfare on which the Premises in question fronts.
- u) "*Suspended Solids*" means solid matter that can be removed by filtration through a standard glass fiber filter as provided in Standard Methods.
- v) "*Town*" means the corporation of the Town of Black Diamond or the area contained within the boundaries thereof, as the context requires.
- w) "*Town Manager*" means the person appointed to the position and title of Town Manager or C.A.O. by the Municipal Council of the Town of Black Diamond.
- x) "*Town Water Main*" means a water pipe in the Street, or easement area granted to the Town, which forms part of the Town operated water distribution network, and delivers the water supply to the Water Service Connections.
- y) "*Upstream Side of a Meter*" means that side of a Water Meter through which potable water normally enters the Meter.
- z) "*Waste*" means any material discharged into the Sewage System.

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- aa) "*Water Course*" means:
  - i) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh, or other natural or man-made body of water; or
  - ii) a channel, ditch, reservoir or other man made surface feature whether it contains or conveys water continuously or intermittently.
  
- bb) "*Water Meter*" or "*Meter*" means any device approved by the Council which is designed to measure the quantity of water used by a Consumer. A Water Meter shall have attached to it a remote reading device as a component of the Meter.
  
- cc) "*Water Containment*" means any solid, liquid or gas, or a combination of any of them in water, or heat in water resulting in a change in temperature of surface water or underground fresh water.
  
- dd) "*Water Service Connection*" means that lateral water pipe which connects an Owner's Premises to the Town Water Main with the Owner owning that portion of the pipe lying within the boundaries of the Owner's Premises but excluding any pipe lying within the boundaries of any easement area granted to Town for its water system.
  
- ee) "*Water Service Valve*" means the water valve on the Town-owned portion of the Water Service Connection, located between the Town Water Main and the Street property line, installed for the purpose of enabling the Town to turn on or off the water supplied to an Owner's Premises.
  
- ff) "*Water Shut-off Valve*" means a valve which is used to shut-off the supply of water.
  
- gg) "*Water Utility*" means that system of water reservoirs, distribution mains, service connections, valves, fittings, hydrants, Meters, backflow prevention devices and all other equipment and machinery of whatever kind owned and operated by the Town for the purpose of delivering potable water to customers.

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**Part 2 – Water Utility**

**3. Town Water Supply**

- a) The Town, having constructed, operated and maintained a water distribution system as a public utility, shall continue to own and operate the water distribution system, including distribution mains, service connections, valves, fittings, hydrants, Meters, backflow prevention devices and all other equipment and machinery operated and maintained by the Town for the purpose of delivering potable water to customers. Upon such terms, charges and costs as Council considers advisable, to any premise or any Consumer within the municipality situated along any water main, upon being so requested in writing by the Owner of the premise.
- b) The Town undertakes, subject to the Act, as amended, or any legislation passed in amendment to or substitution therefore, to supply water to the Owner's water system at the property line of the Street or the boundary of an easement granted to the Town for the Town's Water Utility.
- c) The Town, as a forty-five percent (45%) shareholder of the Sheep River Regional Utility Corp., shall obtain its potable water supply from the Sheep River Regional Utility Corp. for local distribution.
- d) The Town does not guarantee or warrant the continuous supply of potable water and the Town reserves the right to change the operating pressure, restrict the availability of water or to disconnect water, in whole or in part, with or without notice, in accordance with this bylaw.
- e) Customers depending upon a continuous and uninterrupted supply or pressure of water or who require or have processes or equipment that require particularly clear or pure water shall provide such facilities, as they are considered necessary, to ensure a continuous and uninterrupted supply, pressure or quality of water required for this use, subject to the terms of this bylaw. The Town assumes no responsibility for the same.
- f) No person shall use or obtain water unless an account has been opened in the name of the property Owner.

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**Owner's Facilities:**

- g) An Owner is responsible for providing such facilities as the Town considers necessary in order to have a continuous and uninterrupted supply of potable water for the Owner's needs provided that such facilities do not interfere with the operation of the Water Utility.

**Alternate Water Supply:**

- h) No person or entity owning or occupying Premises abutting any Street or public thoroughfare or public place wherein there is a Town Water Main, shall use any source of water to supply water to any Premises through a household plumbing system, other than the Water Utility without the written consent of the Town Manager.

**Terms and Conditions for Alternate Water Supply**

- i) The Town Manager may give consent on behalf of the Town for a person to use an alternate source of water subject to such terms and conditions as deemed necessary and, notwithstanding the generality of the foregoing, the Town Manager may set a limit on the period of time for which an alternate supply of water may be used.
- j) No person who has been given permission to use an alternate source of water supply shall allow that source to be connected, either directly or indirectly, to the Water Utility.
- k) No Owner, Occupant, Consumer or person may connect, cause to be connected, or allow to remain connected any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, wastewater, water contaminant, or any harmful liquid or substance to enter the Water Utility.
- l) If a condition is found to exist which is contrary to Section 3(h) of this Bylaw, the Town may notify the Provincial regulating bodies for the Plumbing and Gas disciplines under the *Safety Codes Act* who shall be requested to immediately carry out an inspection and who may issue such order or orders to the Owner as the case may be required to obtain compliance with Section 3(h) of this Bylaw. The cost of the inspections and orders shall be charged to the Owner along with a ten (10) percent administration charge.



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**CONNECTIONS**

4. **Application for Water:**

- a) Any Owner desiring to be supplied with water by the Water Utility shall file an application in writing, in a form provided by the Town Manager.

5. **Town-owned Property:**

- a) Subject to Section 35 of the Act, as amended, or any legislation passed in amendment or substitution therefore, the Town shall install or cause to have installed, that portion of the Water Service Connection that is within any Street, easement of Town property and which runs from the Town Water Main to the property line of the Street or the boundary of an easement granted to the Town for its Water Utility. The costs of construction shall be the property Owner's expense and these costs are an amount owing to the Town by the Owner.

**Private Property:**

- b) Water Service Connections on private property shall be installed, maintained, repaired and replaced by the Owner at his own expense, and without limiting the generality of the foregoing, as a condition of receiving water from the Water Utility, the Owner shall maintain in a state of good repair, with sufficient protection from freezing, free of leakage or other water loss, all to the satisfaction of the Town Manager, any Water Service Connection, pipe line or water system on private property or at the boundary of private property and any Street or easement containing a Town Water Main and through which the supply of water is conveyed from the Water Utility.

**Maintenance**

- c) If the Owner of the property neglects, fails or refuses to maintain, repair or replace a Water Service Connection, pipe, or water system as required by the Town Manager pursuant to Subsection (b) of this Section, the Town Manager may:
  - i) turn off the water supply until the repairs have been made to stop the water loss
  - ii) estimate the volume of water loss and require payment from the Owner for that amount of water estimated to have been lost and such payment shall become due and payable upon demand being made.

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**Waste, Leaks and Defects**

- d) Where water has been shut off to an Owner's Premises for water wastage, due to leaks or defects in the Owner's portion of the Water Service Connection or in other water pipes on private property, or in the interior plumbing system within the Owner's Premises, the Town Manager may refuse to turn the water on again until the Owner has delivered proof that the necessary repairs have been made and has paid the fee established in Schedule "B" to this Bylaw.

**Ownership of Water Service Connections by the Town**

- e) The Town is the Owner of the Water Service Connection within any Street, easement or Town property.

**Replacements and Relocation**

- f) Any Owner who wishes to have an existing Water Service Connection within any Street, easement or Town property replaced with a connection of a different size or relocated to a difference location, shall apply to the Town Manager in writing for approval and the Town Manager may authorize the work to be carried out by the Town or its agents, subject to payment in advance, of the cost of the project as determined by the Town Manager.

**Frozen Connections**

- g) If a Water Service Connection is frozen on private property, it shall be the Owner's responsibility to have it thawed at the Owner's expense.

**WATER SYSTEMS**

**6. Water Systems**

- a) No person shall damage, destroy, remove or interfere in any way, with any pipe, pipe connection, valve, Water Meter, seal, or other appurtenance forming part of, or attached to, the Water Utility.

**Interference with Water System**

- b) No person shall, in any way, interfere with or cause any interference with the use of the Water Utility by another Consumer and without limiting the

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generality of the foregoing, no person shall attach any device to any water pipe which may create noise, a pressure surge, contamination, or cause or permit Water Contaminants to enter the Water Utility.

**7. Boosting Device**

No person shall use any devices for the purpose of increasing water pressure on any Water Service Connection, on the upstream side of a Water Meter or shut-off valve unless required by the Town Manager or delegate.

**8. Branch, Supply Lines, Outlets of Fixtures**

No person shall install branch supply lines, outlets or fixtures on the upstream side of a Water Meter shut-off valve, except for fire protection purposes. Any branch supply line, outlet or fixture installed on the upstream side of a Water Meter or Water Shut-off Valve for fire protection shall only be installed with the written permission of the Town Manager.

**9. Seals**

No person shall tamper with, break or remove any seal installed by the Town on any valves or flagged outlets on Water Service Connections or Water Metering facilities except in case of an emergency.

**10. Broken Seals**

In the event a person breaks a seal on a valve in order to obtain a supply of water for emergency purposes, that person shall notify the Town Manager within twenty four hours.

**11. Valves**

- a) No person, except someone authorized by the Town Manager, shall turn on or off a Water Service Valve or any other valve or valves in the Water Utility.
- b) No person, except someone authorized by the Town Manager, shall turn on a Water Service Valve which has been turned off by the Town.
- c) Everyone who wishes to operate a specific Water Service Valve on Town property or within any Street or easement for the purpose of turning on water for testing new plumbing system, or for replacing or renewing a Water

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Shutoff Valve, or for replacing a Water Service Connection or piping on private property, shall first obtain permission from the Town Manager.

**Trespassing**

- d) No person shall trespass on any Town property which forms part of the Water Utility.

**Contamination**

- e) No person shall, in any manner whatsoever, contaminate the water used in the Water Utility or do any act which causes or results in the contamination of water used in the Water Utility, or do any act which causes, or results in, the contamination of water used in the Water Utility.

**ONE SERVICE PIPE TO BE SUPPLIED**

**12. Number of Service Pipes**

Each building shall be serviced by a maximum of one service pipe of a size sufficient, in the opinion of the Town Manager, to deliver an adequate supply of water. Where an application is made for a larger service pipe or change in the location of an existing service pipe, a new service pipe will be installed only upon the cost thereof being paid in advance by the applicant.

**13. Shut Off Valves**

All Water Service 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 protection of the building, pipes, or fixtures, or to prevent flooding of the Premises or in the event other Premises are permanently or temporarily vacated. The Water Shut-off Valve shall be maintained in good mechanical condition by the Owner and easily accessible at all times to ensure that it is operable in case of emergency.

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**METERS**

**14. Meters, Generally**

- a) All Water Service Connections shall be connected to Water Meters, including lines used solely for private fire protection, as a condition of the supply or the continued supply for water unless otherwise permitted in writing by the Town Manager.
- b) Upon either a general or a specific recommendation of the Fire Chief, the Town Manager may permit one or more pipelines or classes of pipelines, used for private fire protection to operate unmetered.

**15. Town Owned Meters**

- a) All Water Meters supplied by the Town or by the Owner shall at all times be the property of the Town. Payment of an installation or other fee does not constitute a sale.
- b) All Water Meters and remote readouts shall be purchased and supplied by the Town, and installed by the Owner, unless otherwise approved in writing by the Town Manager. The Town Manager may from time to time, or at any time, authorize an individual, firm or corporation to install, maintain, repair and replace Water Meters.
- c) The Water Meter and readout are to be installed and made operational by the Owner in a location and manner as approved by the Public Works Supervisor.
- d) The Owner shall pay an installation charge established by Schedule "B" of this Bylaw for connection to the Water Utility.
- e) The Owner shall pay the additional costs for supplying and installing Water Meters, where the installation as approved by the Town Manager requires a fire service type Water Meter or other special type of Water Meter. Notwithstanding the payment of such additional costs, the Water Meter shall remain the property of the Town.

**16. Access to Premises**

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, backflow prevention devices and related equipment

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upon any Water Service Connection within or without any house or building as may be required, employees of the Town employed for the purpose, shall have free access at reasonable hours of the day and upon reasonable notice given and permission of the Owner received.

**PROTECTION AND MAINTENANCE OF METERS AND SERVICE PIPES**

**17. Protection of Meter Facilities**

An Owner is responsible for the safe-keeping of the Water Meter and any remote reading device that may be installed with the Water Meter on the Owner's property. An Owner shall protect the Water Meter and connecting valves and pipes from freezing, excessive heat, overheating of water, external and internal damage of any kind or 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 that may be damaged from the foregoing causes or any other causes within the Owner's control.

**18. Equipment Maintenance**

For the purposes set out in Section 16 of this Bylaw or for the purpose of protecting, testing or regulating the use of any Water Meter, backflow protection device, or other equipment forming part of the Water Utility, employees of the Town employed for that purpose, may set or alter the position of the Water Meter, remove readout or backflow prevention device, or any pipe, valve or fitting forming part of the Water Utility.

**19. Cost Recovery**

The Town may charge for and recover from the Owner the cost of altering, repairing, relocating or removing a Water Meter or remote readout. Any such charges may be collected in the same manner as water rates.

**INSTALLATION AND OPERATION OF METERS AND SERVICE PIPES**

**20. Suitable Site**

For all Water Service Connections of any size to any buildings, it is the Owner's responsibility to provide a suitable site for a Water Meter in a horizontal setting near the point of entry of the Water Service Connection and inside the building.

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The Town shall not be required to provide water service if the Owner fails to make available a site acceptable to the Town.

**21. Installation of Water Meters**

The Owner shall make provision for installation of Water Meters in a horizontal position in accordance with the Town of Black Diamond standard specifications for water mains and services. If an Owner wishes to have installed other Metering, piping or valving arrangements, prior to installation he shall apply to the Town Manager for approval in writing. If an inspection indicated the installations as shown on the standard drawings or any modified drawings approved by the Town Manager have not been carried out, the Owner shall correct or modify the installation at his expense, in order to comply with the drawings approved. If the Owner does not make the installation in the manner approved by the Town, the Town shall have the right to refuse to supply water to the Premises. Any such installation shall be at the Owner's sole responsibility and expense. The Town shall accept no responsibility for such installations and the approval by the Town Manager shall not be an acceptance of responsibility. The Town Manager shall, in their sole judgment, require the Owner to indemnify the Town prior to installation of other Metering, piping, or valve arrangements.

**22. Relocation of Facilities**

No person shall relocate, alter or change any existing Water Metering facility without the written approval of the Town Manager. The Owner or his authorized agent may submit plans and specifications for any proposed relocation of Water Metering facilities and, if approved by the Town Manager, the Owner shall pay the entire cost, including any costs incurred by the Town, in making any such reaction, alteration or change.

**23. Size, Type and Number**

The Town Manager shall determine the size, type and number of Water Meters to be supplied and installed by the Owner. Where the water supplied through a Water Meter is for fire protection purposes or for combined fire protection and other uses, then subject to Section 15 of this Bylaw the Water Meter shall be of a fire service type, approved by the Town Manager.

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**24. Private Meters**

An Owner, with the approval in writing of the Town Manager, may install at his own risk and expense, an additional Water Meter or Meters to register subdivision of the main incoming water supply. The Town Manager may, in their sole judgment, require the Owner to indemnify the Town prior to installation of additional Water Meters. Such additional Meters shall be private Meters and shall be installed on the downstream side of the Water Meter supplied and installed by the Town, or installed by the Owner. The Owner shall maintain such additional Meters, and the readings of the amount of water passing through such additional Meters will not be recognized by the Town for billing purposes and no accounts will be rendered by the Town in connection therewith.

**25. Multiple Meters**

Where the Town agrees to allow installation of two or more Water Meters for a single Water Service Connection, all Water Meters shall be installed adjacent to each other as close as possible to the place where the Water Service Connection enters the building.

**26. Building Alterations and Relocations**

If the Town is dissatisfied with the location of any Water Meter due to alterations to a building, it may require that the Water Meter be relocated to a more suitable convenient location near the point of entry of the Water Service Connection. All costs associated with relocating the Water Meter, including Town costs, shall be paid by the Owner on demand.

**27. Inspection of Water Meter**

- a) The Town may inspect the Premises to be supplied with water from the Water Utility, prior to supplying 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 Town for reading, maintaining and repairing the Water Meter and related facilities.
- b) Where a Water Meter cannot be installed in a building, it is the Owner's responsibility to provide a building to house the Water Meter on the Owner's property at the Owner's expense and in accordance with the Town of Black Diamond's standard specifications for water mains and services. The Owner shall maintain and repair the Meter building at his expense. If the Owner, after receiving written notice from the Town Manager, neglects to repair or



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improve his Meter building or vault, the Town Manager may either authorize the necessary repairs be carried out, and the Owner will be charged for the costs incurred, or to shut off the supply of water until the repairs are carried out to the Town Manager's satisfaction.

**28. Location of Remote Readout**

The remote readout shall be located as directed by the Public Works Supervisor.

**29. Relocation of Water Meter Remote Readout**

If the Town is dissatisfied with the location of any Water Meter or remote readout due to alterations to a building, it may require that the remote readout be relocated to a more suitable or convenient location. All costs associated with relocating the remote readout, including Town costs, shall be paid by the Owner.

**30. Notification of Malfunction**

A Consumer and/or Owner shall notify the Town immediately whenever a Water Meter or remote readout is not operating or if any part of it becomes damaged or broken.

**31. Removed or Stolen Meter**

If a Water Meter or remote readout is removed or stolen, the Owner of the Premises shall pay the cost of replacing the Water Meter or remote readout including installation. If not paid, the cost may be added to the taxes levied on the property and collected in the same manner as municipal taxes.

**32. Interference or Tampering with Equipment**

No person shall interfere or tamper with the operation of any Water Meter or remote readout device. All by-pass valves on Water Meter installations shall be sealed by the Town and no one shall open such by-pass valves except for emergency use. The Town Manager is to be notified within twenty four (24) hours if a seal is broken for emergency operation of a by-pass valve.

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**33. Meter Spacers**

Where the use of a Water Meter is mandatory under this Bylaw, no person shall use a Meter spacer in place thereof except for the testing, as approved by the Town Manager, of a new plumbing system or a Water Meter.

**34. Temporary and Seasonal Water Service Connections.**

Unless otherwise approved by the Town Manager, all water supplied through temporary and seasonal Water Service Connections shall pass through a Water Meter installed by the Owner. The Owner shall pay the cost of each installation and each removal of the Water Meter for such connections, 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 causes within the Owner's control.

**35. Meter Readings**

- a) Each Water Meter shall be read at such times or intervals as the Town Manager may designate.
- b) If any Water Meter has, in the opinion of the Town Manager, failed to accurately register the flow of water through the Meter since the last reading, the charge shall be the average consumption of the previous three (3) Billing Periods.
- c) In the event that the Town is unable to read the Water Meter due to the inaccessibility of the Water Meter or for any other reason, the Town Manager shall estimate and establish the charges based on the average consumption of the previous three (3) Billing Periods.
- d) In the event of (b) or (c), payment of an estimated amount shall not excuse the Owner from liability for payment of a greater amount which may be owing after the Meter is repaired or read.
- e) In the event an Occupant refuses to allow a Water Meter to be read for a period of six months or more, the Town Manager may shut off the water to those Premises.
- f) An Owner may request that the Town test a Water Meter located on the Owner's Premises. If the Water Meter is found to be measured within two percent (2%) of accuracy, the Owner shall pay the actual cost incurred by the Town for testing the Meter plus a ten percent (10%) administration fee. If the

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measurement is outside two percent (2%) accuracy, the Town shall not charge the Owner for the Meter test.

**36. Maintenance and Testing**

Water Meters may be removed by the Town for maintenance and testing on a periodic basis. The Town may require that a Water Meter be tested on site, or be removed and tested.

**37. Equipment Removal**

Where any Owner discontinues the use of the Water Utility furnished by the Town, or the Town refuses to continue to supply it, any employee of the Town employed for that purpose, may at all reasonable times enter the Premises on or upon which such Owner, Occupant or Consumer was supplied with the Water Utility for the purpose of removal therefrom any fittings, machines, apparatus, Meters, pipes, outside readouts or other things that are the property of the Town in or upon such Premises and may remove them therefrom.

*38. This Section Intentionally Left Blank*

**39. No Reduction for Interruption**

No reduction in rates shall be made for interruption of the water on account of any service or main pipe becoming frozen or out of order as the result of frost, nor for any interruption of the water due to maintenance, tie-ins or supply failure.

**40. Mis-Statements**

If at any time, it appears that a wrong statement or mis-statement has been made by any applicant as to the purposes for which the water applied for was to be used, or if at any time water is used without proper permission or if any addition to, or alteration of the fixtures to the land or Premises, in or upon which the water supplied has been taken or used, the Town Manager may direct that any proper corrections and charges against the Consumer be made so as to correct any error arising from any such wrong or mis-statement, addition or alteration, and the Owner shall pay any extra or additional charges made for the time such land or Premises has been incorrectly charged.

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**41. Water for Building**

An Owner who requires water for building purposes shall make application in writing to the Town and the required Water Meter will be installed by the Owner at the rate established in Schedule "B" of this Bylaw. Billings for water consumption shall commence immediately upon installation and charges pursuant to the provisions in Schedule "A" of this Bylaw will be effective immediately.

**42. Disconnection of Water Services**

- a) When a building that is connected to the Town Water Utility is to be moved from its existing location or when the water mains are to be permanently disconnected from any building for any cause, the Owner of the land on which the building is situated shall pay to the Town a fee as set out in Schedule "B" of this Bylaw.
- b) The Owner of the land from which a building connected to the Town Water Mains is to be removed shall pay to the Town the appropriate charge as provided in Schedule "B" before a permit for moving the building is issued pursuant to the Town of Black Diamond Building and Demolition Bylaw.
- c) If it is necessary for the Town to permanently disconnect any land or premise from the Town Water Utility, and if the appropriate charge set out in Schedule "B" has not been paid, the Town Manager may collect the charge from the Owner of the land or Premises which has been disconnected from the water mains in the same manner as provided for in Section 63 of this Bylaw.
- d) If an Owner wishes to temporarily disconnect any Premises from the Town Water Utility, the Owner shall continue to pay the Town the rate set forth from time to time in Schedule "A" and shall pay to the Town the appropriate charge as provided in Schedule "B" prior to reconnection.
- e) If any Premises that has been temporarily disconnected is not reconnected within six (6) months, the Town may permanently disconnect the Premises from the Town Water Utility. In this case, the Owner shall pay the Town the disconnection fee set out in Schedule B, in addition to any fees or payments outlined in this Bylaw.

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**43. Fixtures Approved**

All hoses, jets, cocks, or fixtures permanently affixed to the Water Utility used by Consumers of water shall be subject to the approval of the Town Manager.

**44. Non Delivery of Water**

The Town shall not be liable for any damage which may result to any person or Premises from shutting off the water main or service, or from failure of the water supply, for any purpose or cause whatsoever, even where no notice is given, and no deduction from water bills shall be made in consequence thereof.

**EMERGENCY**

**45. Water Shut Off**

In the event of any emergency, the Town Manager or delegate may shut off the water, without prior notice, at their discretion.

**46. Water Shortage**

In the event that the Town Manager believes that there is a water shortage and chooses to regulate the use of water, it shall be done in accordance with any Town of Black Diamond bylaw adopted to provide for the conservation or restriction of water usage. Public notification of restrictions to water usage will be published in accordance with Town of Black Diamond bylaws, or as directed by the Town Manager.

**47. Liability for Damages Incurred**

Except as provided for in the Act, as amended, or other relevant legislation, the Town is not liable for damages:

- a) caused by the break of any Town 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 Utility, or
- b) caused by the disruption of any supply of water from the Water Utility when such disruption is necessary in connection with the repair or proper maintenance of the water system, or

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- c) generally from any loss suffered by anyone due to the operation of the Water Utility

unless such damages or loss has been shown to be directly due to gross negligence of the Town or its employees.

**HYDRANTS**

**48. Use of Hydrants**

No person or persons, except those designated by the Town Manager, or those acting with their permission or member of the Fire Department, shall open, close or interfere with any hydrant or valve connected with the Water Utility. The Town Manager or their delegate shall have the right to enter upon private property to inspect private fire systems and to require the Owner to undertake whatever repairs or maintenance, or both, that may be necessary to provide an operational system and should the Owner refuse or neglect to undertake such repairs or maintenance as required by the Town Manager, the Town Manager or their delegate may enter upon the Premises, complete the work and recover all costs as a debt due to the municipality. Collection shall be effected in the same manner as provided for in Section 63 of this Bylaw.

**49. Fire Hydrant Obstructions**

Subject to the provisions of the *Alberta Fire Code*, no person shall do anything to obstruct access to a fire hydrant or to interfere with the operation of a fire hydrant.

**50. Fire Hydrants – Other Uses**

No person shall, without the written permission of the Town Manager, authorize the use of water from a fire hydrant for a purpose other than emergency fire protection. The Town Manager may authorize such other use upon such terms and conditions and subject to payment of such fees as the Town Manager may see fit.

**51. Relocation from Town – Owned Property**

Any person who wishes to have a fire hydrant relocated which is situated on property owned by the Town may request, in writing to the Town Manager, that the hydrant be relocated, or raised or lowered in elevation. If the Town considers it feasible to relocate the hydrant, the person making the request shall pay, in advance, the estimated cost as calculated by the Town, subject to a refund or additional payment, depending upon the actual cost when the work has been completed.

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**52. Interference with Access**

- a) Subject to the provisions of the *Alberta Fire Code*, no person shall allow anything to be constructed, erected or planted adjacent to a fire hydrant, which may in any way interfere with the access to, the use, maintenance or visibility of the hydrant.

**Private Installations**

- b) The Town may require that a fire hydrant be installed on private property at the expense of the Owner of the property. The approval for, and installation, use, control and maintenance of the fire hydrants on privately owned property shall conform to the requirements as established by the Town Manager.

**Fire Hydrant Connections**

- c) Subject to Section 14 of this Bylaw, 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, approved and installed by the Town, or the branching connection that supplies water for use other than fire protection purposes is connected to a Water Meter.

**Fire Damage and Loss**

- d) The Town shall not be liable for loss or damage suffered by any person or property by reason of low water pressure, or by interruption to, or failure of, the Water Utility to deliver water in adequate volume and pressure for supplying water for fire protection purposes.

**Town Ownership**

- e) All fire hydrants, except fire hydrants situated on private property, are the property of the Town.

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**CROSS CONNECTIONS AND BACKFLOW PREVENTION**

**53. Prohibitions**

No Owner, Consumer or other person shall connect, cause to be connected, or allow to remain connected to the Water Utility, whether directly or indirectly, any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, wastewater, water contaminant, or any other liquid, chemical or substance to enter the Water Utility.

**54. Inspection and Issuance Orders**

- a) If a condition is found to exist which is contrary to Section 53 of this Bylaw, the Town may notify the Plumbing and Gas Inspector who shall be requested to immediately carry out an inspection and which may issue such order or orders to the Owner as may be required to obtain compliance with Section 54 of this Bylaw.
- b) The Town Manager may, in addition to or in substitution for any order by the Plumbing and Gas Inspector, issue such order or orders as may be required to obtain compliance with Section 53 of this Bylaw.

**Compliance Orders**

- c) If the Owner to whom the Town Manager or the Plumbing and Gas Inspector has issued an order fails to comply with that order, the Town Manager in their discretion may:
  - i) give notice to the Owner, Consumer or other person to correct the fault at his expense within a specified time period and if the notice is not complied with, the Town Manager may then shut off the water service or services, or
  - ii) without prior notice, shut off the water service or services.

**55. Risk of Contamination**

Notwithstanding Sections 53 and 54 of this Bylaw, where a hazard exists, which in the opinion of the Town Manager, creates a serious risk of contamination to the Water Utility, the Town Manager may require that an Owner shall immediately install on his Water Service Connection a Cross-connection control device approved by the Town Manager in addition to any Cross-connection control devices installed in the Consumer's water system at the source of potential contamination. If the



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Owner fails to install the required device as directed, the Town Manager shall shut off the water service without further notice.

**56. Inspection and Testing**

All Cross-connection control devices shall be inspected and tested at the expense of the Owner upon installation, and thereafter annually, or more often if required by the Town Manager or by personnel approved by the Town Manager to carry out such tests to demonstrate that the device is in good working condition. The Owner shall submit a report, on a form approved by the Town Manager, on any or all tests performed on a Cross-connection control device within thirty (30) days of a test and a report card issued by the Town Manager shall be displayed in or adjacent to the Cross-connection control device on which the tester shall record the name and address of the Owner, the Owner of the device, the location, type of manufacturer, serial number and size of the device; and the test date, the tester's initials, the tester's name (if self-employed) or the name of his employer and the tester's license number. The tester, in all cases, shall hold a Cross Connection Control License or Certificate.

**57. Repairs and Replacements**

When the results of a test referred to in Section 56 of this Bylaw, show that a cross connection control device is not in good working condition the Owner shall, when so directed by the Town Manager, make repairs or replace the device within ninety six (96) hours. If the Owner fails to comply with the direction given by the Town Manager, the Town Manager may shut off the water service or water services.

**58. Failure to Test**

- a) If an Owner fails to have a Cross-connection control device tested, the Town Manager may notify the Owner that the Cross-connection control device must be tested within ninety six (96) hours of the Owner receiving the notice.

**Request for Testing**

- b) If an Owner fails to have a Cross-connection control device tested within ninety six (96) hours when required by the Town Manager, the Town Manager may shut off the water to the Premises until the Cross-connection control device has been tested and approved as required by Section 56 of this Bylaw.

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**59. Failure to Test**

No person shall turn on a Water Service Valve to provide water to the Occupants of any newly renovated or constructed or reconstructed Premises until the plumbing system in such Premises has been inspected for Cross-connection by the Plumbing and/or Gas Inspector.

**60. Selling and Supplying of Water**

- a) No person, unless authorized by the Town Manager, shall:
  - i) sell water obtained from the Water Utility, or
  - ii) supply water obtained from the Water Utility to any person who intends to sell the water, or
  - iii) supply water, by pipe or a hose, from the Water Utility or otherwise to any other Premises which could be supplied with water through its own Water Service Connection.

**61. Allowable Water Uses**

The Town Manager may allow a Consumer to run water for:

- a) flushing water mains, hydrant leads and Water Service Connections in order to clean them, or
- b) preventing water mains, hydrants leads and Water Service Connections from freezing, or
- c) conducting water flow tests, or
- d) training programs for the Town of Black Diamond volunteer Fire Fighters, or
- e) such other purposes as may be approved by the Town Manager from time to time

provided the Consumer agrees to pay the costs associated with the use of the water.

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**62. Willful Act Prohibitions**

- a) No person or persons shall:
  - i) willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted, the Town or its contractors, servant, agents, workmen, or any of them, in the exercise of any of the powers and duties related to the Water Utility and authorize by, or contained in, this Bylaw,
  - ii) throw or deposit any injurious, noxious or offensive matter or water contaminant into the water or Water Utility, or upon the ice in case such water is frozen, or in any way foul the water or commit any willful damage or injury to the water or Water Utility or encourage the same to be done,
  - iii) willfully alter or tamper with, in any way, any Water Meter so as to lessen or alter the amount of water registered thereby, unless specifically authorized by the Town Manager for that particular purpose,
  - iv) attach or connect any pipe to any pipe or main of the Water Utility or in any other way obtain or use any water thereof in a manner contrary to this Bylaw without the written consent of the Town Manager, or
  - v) willfully and without authority hinder, disrupt or cut off the supply of water to any Consumer of the Water Utility.

**63. Delegation of Authority**

The Municipal Council of the Town of Black Diamond hereby delegates to the Town Manager the power to:

- a) establish regulations for the general maintenance or management of conduct, or any of them, of the Water Utility and of the officers and other employees employed in connection with the Water Utility
- b) fix, in connection with the Water Utility, the times and places where rates, charges, tolls, fares and rents under this Bylaw are payable
- c) provide for the rent of fittings, machines, apparatus, Meters or other things leased to the Consumer
- d) collect the rates, charges, tolls, fares or rents in connection with the Water Utility

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- e) enforce payments of those rates, charges, tolls, fares or rents by all or any of the following methods, namely:
  - i) by action in any court of competent jurisdiction
  - ii) by shutting off the water being supplied to the Consumer or discontinuing the service thereof
  - iii) by distress and sale of the goods and chattels of the person owing the rates, charges tolls, fares or rents wherever they may be found in the municipality
  
- f) enforce the terms and conditions under which the Water Utility being supplied to an Owner or discontinuing the service thereof until the Owner complies with the terms and conditions of this Bylaw.

**64. Notice**

In any case where the Town Manager or Town are required to notify a Consumer or Owner pursuant to this bylaw, the Town Manager or their delegate shall effect such service either:

- a) by causing a written copy of the notice to be delivered to, and left in, a conspicuous place at or about the Premises within which the potable water was being consumed by the Owner or Consumer affected by such notice, or
- b) by causing a written copy of the notice to be mailed or delivered to the last known address of the Owner as disclosed in the land registry system established by the *Land Titles Act* of Alberta as shall appear to the Town Manager most appropriate in the circumstances.

**PENALTIES**

**65. Penalties**

- a) Any person or persons guilty of a breach of any of the provisions of this Bylaw shall, on Summary Conviction thereof, be liable to a fine of not less than five hundred dollars (\$500.00) nor greater than five thousand dollars (\$5,000.00) or to imprisonment for not more than one (1) year for any one offense together with the costs of prosecution.
- b) Where the Owner of land with a sewer connected to the Sewage System allows more than one (1) person either by lease or by other arrangement, to use the land or portion thereof, and there is discharged into the Sewage

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System substances prohibited by this Bylaw, the Owner, whether or not one or more of the persons occupying the land is prosecuted in respect thereof, may be guilty of an offense and liable to be prosecuted therefore.

- c) No person shall knowingly withhold information about the use of his Premises that could affect utility rates or charges. It is the responsibility of the Owner to notify the Town in writing when any changes or modifications are made to Premises owned by him that may affect utility rates. Failure to provide notification will constitute a violation of this Bylaw. In addition, the Town shall be entitled to bill and collect from the Owner the appropriate rates, tolls, charges from the time the changes or modification to the Owner's Premises were found to have first existed, which would have been applied under this Bylaw if the Town had been provided with the correct information.

66. If any term, clause or conditions of this Bylaw, or application thereof, to any thing or circumstance shall to any extent be invalid or unenforceable, the remainder of this Bylaw or application of such term, clause, or condition to any thing or circumstance, other than those to which it is held as invalid or unenforceable, shall not be affected thereby and each other term, clause or condition of this Bylaw shall be enforced to the fullest extent permitted.

**Part 3 – Sewer Utility**

**General**

**67. Disposal of Water & Storm Drainage**

- a) Except as otherwise provided in this Bylaw, no person shall discharge into any Water Course any Sewage or Waste.
- b) Except as otherwise provided herein, no person shall direct, allow or suffer any storm water to be placed in the Sewage System.
- c) Where storm water on any land is directed into or connected to the Sewage System, the Owner of that land forthwith, upon being so directed by the Town Manager, disconnect the storm water drainage connection from the Sewage System and connect it in a manner satisfactory to the Town Manager to the Town Storm Sewer system if available, or shall dispose of the storm drainage in a manner satisfactory to the Town Manager.

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- d) No person shall discharge, release or cause to be placed, any substance other than storm water into a Storm Sewer.

**68. Prohibited Materials**

- a) Except as otherwise provided in this Bylaw, no person shall release, discharge, suffer or allow the following Sewage or Waste to enter into the Sewage System:
- i) any inflammable or explosive materials
  - ii) a solvent or petroleum derivative, including but not limited to, gasoline, benzine, naphtha, or fuel oil
  - iii) carbon bisulphide, hydrogen sulphide, ammonia, trichloroethylene, sulphur dioxide, or formaldehyde
  - iv) any pesticides or herbicides
  - v) any corrosive, noxious or malodorous material or substance which, either by itself or by reaction with other Wastes is capable of:
    - 1) causing damage to the Sewage System; or
    - 2) creating a public nuisance or hazard; or
    - 3) preventing any person entering the sewers for the purposes of maintenance or repair
  - vi) Waste which either by itself, or upon the reaction with other materials, becomes highly coloured
  - vii) water containing Wastes from oil or petroleum
  - viii) water containing the following materials in excess of the following concentrations:
    - Cadmium 1.0 milligram per litre
    - Chromium 3.0 milligrams per litre
    - Copper 3.0 milligrams per litre
    - Cyanide 3.0 milligrams per litre
    - Lead 1.0 milligram per litre
    - Mercury 0.01 milligram per litre
    - Nickel 3.0 milligram per litre
    - Phenol Compounds 0.1 milligram per litre
    - Sulphide 3.0 milligram per litre
    - Zinc 3.0 milligram per litre
  - ix) Sewage having a ph rating of less than 5.5 or greater than 10.0
  - x) any paunch manure, intestinal contents from horses, cows, sheep, swine or any fish or animal, Grease or oil, pigs hooves or toenails, or stomach casings, fish scales, bones, hog bristles, hides or parts

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- thereof, manure, poultry entrails, heads, feet or feathers, fleshings and hair resulting from hide processing operations
- xi) any ashes, cinders, sand, mud straw, shavings, metal, glass, rags, tar, plastic or wood
  - xii) Sewage having a temperature in excess of seventy seven degrees (77<sup>0</sup>C) Celsius
  - xiii) Sewage containing radioactive substance
  - xiv) grit removed from commercial or industrial Premises including but not limited to, grit removed from car washing establishments, automobile garages and restaurant sumps or from interceptors
  - xv) any corrosive or toxic Sewage or other Wastes which could adversely affect the Sewage System
  - xvi) Sewage which will create tastes or odours in drinking water supplies making such water unpalatable after conventional water purification treatment
  - xvii) any other solid, liquid or gas, or a combination of any of them which could, as determined by the Town Manager, adversely affect the Sewage System.

**69. Septic Tank Sludge**

No septic (vac) truck dumping into the Sewage System will be permitted.

**70. Use of Sewer System**

No person shall use the sewer system unless an account has been opened in the name of the property Owner.

**71. Trespassing**

No person shall trespass on any Town property which forms part of the sewer utility.

**72. Provision of Sewage Treatment**

Where the Sewage discharged into the Sewage System may be harmful to the sewer system, the Town Manager may by notice in writing, require the Owner of the Premises at his own cost, to construct and maintain such Sewage treatment facilities as required to reduce biochemical oxygen demand and suspended solid and Grease concentration to levels within the limits of this Bylaw, and the Owner shall forthwith comply with these requirements.

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**73. Inspection**

- a) Upon providing reasonable notice to the Owner and/or Occupant of Premises connected to the Sewage System, the Owner and/or Occupant shall permit a person authorized by the Town Manager to enter upon the Premises and to have free and unimpaired accesses to those parts of the Premises necessary for the purpose of the inspection, observation, measurement, sampling or testing of Sewage or storm drainage.
- b) If such inspection discloses any act or omission contrary to the provisions of this Bylaw, or the inspection discloses a defect of insufficiency on the location, construction, design or maintenance of any equipment in connection with the Sewage discharge, the Town Manager may direct the Owner of the Premises to correct the act or omission or any defect or insufficiency, and the Owner shall forthwith comply with such direction at the Owner's expense.
- c) Notwithstanding any direction given in accordance with Section 73(b) of this Bylaw, a person to whom the direction is given may also be prosecuted for a contravention or failure to comply with the provisions of this Bylaw.
- d) The Town Manager or their designate, is hereby authorized to make the inspections provided for in this section.

**SEWAGE CONNECTIONS TO MUNICIPAL SEWAGE SYSTEM**

**74. Sewer Service Connections – Properties not Presently Connected to Sewage System**

- a) Applications for connection to Town Sewage by the Owner shall be made in writing on a form supplied by the Town and upon providing other information that may be required by the Town Manager in order that the correct rates, rents or tolls can be determined and applied.
- b) Upon receipt of such application and provided the Town's sanitary sewer mains are laid to the outer line of the Street adjacent to the Owner's property, the Town will permit the Owner to connect to the sewer main in such fashion as is approved by the Town Manager for such connection, the Town shall be entitled to demand and receive from the applicant, in advance, an estimate of such fee as will be required to cover all costs of connection. The fee paid will be adjusted to reflect the actual costs incurred.



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- c) Where application for Town Sewage service has been made in accordance with this Bylaw and it is found that no sanitary sewer mains are constructed to the outer line of the Street adjacent to the Owner's property, the Owner may have the option to:
  - i) pay in advance the sum required to construct a sewer main from the nearest available main to the outer fine of the Street adjacent to the Owner's property plus the cost of connecting the Owner's property to the sewer main, or
  - ii) accept a full refund of monies paid at the time of service application.
- d) The Town Manager or their delegate shall in every case determine the location and size of service to be used.
- e) Where a specific size of sanitary sewer service is requested, and where the Town's Sewage System cannot, in the view of the Town Manager, handle such service, the Owner may be provided the option of:
  - i) accepting the size of sanitary sewer service as determined by the Town
  - ii) paying in advance the cost as determined by the Town Manager for upgrading the Town's sanitary sewer mains to meet the specific request, or
  - iii) accepting a full return of monies paid at time of service application.
- f) The Town Manager may refuse a sewer service application or the connection to an existing sewer service if:
  - i) it is determined by the Town Manager that capacity is not available in the sewer in the abutting right-of-way
  - ii) the Owner has not provided for facilities and means to control the rate of release into the sewer and to store the volume in excess of the rate of release as directed by the Town Manager
  - iii) the soil or subsoil on the site is known or is found to contain soil contaminants which may enter the drainage system by pipe bedding and cause the wastewater or subsurface water conducted by the system to be in contravention of the Town Bylaws or Provincial or Federal Acts, Regulations or guidelines
  - iv) all previous utility accounts have not been paid in full.

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- g) No person, except the duly authorized agent of the Town, shall uncover, make connection to use, alter or disturb any sanitary sewer main without the permission of the Town.
- h) The Owner shall be responsible for all costs incurred due to blockages in the Owner's portion of the Sewage System for the clearing of same and all costs incurred due to blockages outside the Owner's portion of the Sewage System and for clearing of same, where the blockage can be shown to be as a result of negligence on the part of the Owner or occupier.
- i) When any sanitary sewer connection is abandoned, the Owner or his authorized agent, shall block the connection at a location on the line in a manner approved by the Town Manager. Failure to do so within ten (10) days after such abandonment shall permit the Town Manager or their appointee to enter upon the property, upon providing reasonable notice, and block such connection at the expense of the Owner.
- j) The Town may request that an Owner enter into a developer's agreement with the Town to address specifications and conditions relative to the sewer application.

**75. Disconnection of Sewer Service Connection**

- a) Where Sewage, which in the opinion of the Town Manager:
  - i) is hazardous or creates an immediate danger to persons, or
  - ii) endangers or interferes with the operation of the Sewage Systemis discharged to the Sewage System, the Town may, in addition to any action described above, disconnect, plug or seal off the sewer line discharging the unacceptable Sewage into the Sewage System or take such other action as is necessary to prevent the said Sewage from entering the Sewage System.
- b) The Sewage may be prevented from being discharged into the Sewage System until evidence satisfactory to the Town Manager has been provided to prove that no further discharge of hazardous Sewage will be made to the Sewage System.
- c) The Town shall charge the Owner of the land, from which the Sewage described in Section 77.b) of this Bylaw is discharged, with all the costs incurred in taking the action described in this Section and any such charge

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shall be in addition to, and not in substitution for, any fine or other penalty to which the Owner or occupier of the Premises in question may be subject to.

- d) If any person contravenes any provision of this Bylaw and so damages the Sewage System, the Town shall be entitled to repair such damage and charge the cost of such repair to that person.

**PRIVATE SEWAGE DISPOSAL**

**76. Private Sewage Disposal**

- a) No person shall construct any septic tank, cesspool or other facility on private land intended for the disposal of Sewage if the Town's Sewage System is installed within 45 metres of the property in a Street, lane or other lands abutting the property.
- b) Where the Town's Sewage System is not installed in a Street, lane or other lands abutting the property, a septic tank or other facility intended for the disposal of Sewage may be allowed by the Town. Council will review all requests provided that written approval from the Approving Authority having jurisdiction is granted and a copy forwarded to the Town Manager.
- c) All requests for installation of Sewage disposal facilities which propose to not be connected to the Town's Sewage System must be applied for, in writing, to the Council. When the development proposed constitutes a development greater than one single residential service connection, Council reserves the right to require the developer to install a sewer line connection from the Town system to the private land subject to terms, costs and charges established by Council.
- d) All Owners of Premises using private Sewage disposal systems shall operate and maintain such facilities in a sanitary manner at all times and at their own expense.

**77. Prohibiting Alternate Sewer Systems**

- a) At such time as the Town's Sewage System is installed within 45 metres of a property, and such property upon which a building is located and such property is not connected to the Town's Sewage System or is serviced by a private Sewage disposal system, the Owner shall connect the building to the Town's Sewage System at the Owner's sole cost and expense, in accordance

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with the standards of connection determined by the Town and within 180 days of written notice from the Town Manager.

- b) If the Owner of property as noted in Section 77.a) of this Bylaw, fails to connect any building on the land to the Town's Sewage System in the manner described in Section 77.a) of this Bylaw, then the Town Manager may authorize employees or agents of the Town to enter upon such land and construct and install such connections as may be required and the total cost, upon failure of the Owner to pay the cost upon demand, shall be entered upon the tax roll of the Town against such lot receiving sewer connection as taxes and the Town Manager shall establish the manner and timing of repayment upon such terms as the Town Manager deems advisable including, without limiting the generality of the foregoing, to be repaid over a number of years, not to exceed ten (10) years, and at the rate of interest being charged for borrowing by Alberta Municipal Financing Corporation at the time of establishing the repayment terms. A caveat shall be filed on the title of the property at the Land Titles Office indicating the financial obligation.

**78. Abandoning Private Sewer Systems**

- a) Upon the Owner of any property connecting any building to the Town's Sewage System, such Owner shall abandon any private Sewage disposal system.
- b) The plan of abandonment of the private Sewage System shall be submitted to the Town Manager with a fee outlined in Schedule "B" for approval and upon approval of such plan, with or without modifications as may be required by the Town Manager, the private system shall be abandoned within thirty (30) days in accordance with the plan.
- c) If the Owner of the property fails to abandon the private Sewage System in accordance with a plan approved by the Town Manager within sixty (60) days of connection of the property to the Town's Sewage System, the Town Manager may authorize employees or agents of the Town to enter upon such land and cause the work required to abandon the private Sewage System to be completed. Upon the failure of the Owner to pay the cost upon demand, the total cost shall be entered upon the tax roll of the Town against such lot as taxes, and the Town Manager shall establish the manner and timing of repayment upon such terms as the Town Manager deems advisable, including without limiting the generality of the foregoing, to be repaid over a number of years, not to exceed ten (10) years, and at the rate of interest being charged for borrowing by Alberta Municipal Financing Corporation at the time of

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establishing the repayment terms. A caveat shall be filed on the title of the property at the Land Titles Office securing the financial obligation.

**Part 4 – Charges & Enforcement**

**18-11 79. General Payment of Water and Sewer Bills**

All rates are payable unless otherwise established by the Town Manager, at the Town Office. All rates not paid by the 15<sup>th</sup> day of the month subsequent to the month in which billing occurred shall receive a late payment penalty at the rate set out in Schedule “B”.

- a) The Water and Sewer rates to be charged by, and payable to, the Town under the terms of this Bylaw, shall be those set forth from time to time in Schedule "A".
- b) Where Water and Sewer service is supplied to a Premises the rates to be payable pursuant to Section 79 of this Bylaw shall be as follows:
  - i) the rates as set out in Schedule “A” to this Bylaw, and
  - ii) the applicable consumption charge as set out in Schedule “A” to this Bylaw.

**80. Non-Payment of Utility Rates**

- a) In case of default of payment of any utility rates, the Town Manager may enforce payment by:
  - i) shutting off the water being supplied to the Consumer, or
  - ii) action in any Court of competent jurisdiction, or
  - iii) distress and sale of the goods and chattels of the owing monies for water, or
  - iv) transferring amount outstanding to the property tax roll.
- b) Non-receipt of a utility bill will not exempt the Owner from payment for the services received.
- c) Where the water supply has been shut off because of default of payment, the water supply shall not be turned on until payment of the arrears and a reconnection fee has been received by the Town in the amount provided for in Schedule “B”.

**BYLAW 18-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**81. Discontinuance of Water Use**

- a) Any Owner paying water and sewer rates shall be, and remain, liable for and pay all rates charged until they have given notice in writing to the Town of their desire to have the Town shut off the water supply.
- b) Where the discontinuance of the water supply has been requested in writing there shall be a reconnection charge as set out in Schedule “B”, upon a written request being received to re-connect the water supply.
- c) If notice pursuant to subsection (a) is not given, the Owner will be liable for the accruing rates, and for all damages suffered or sustained by the Town caused by failure to give notice.
- d) Notwithstanding subsection (a) or (c) above, the fact that a premise or land is vacant is not reason for non-payment of specified levies.

**Part 5 - General**

**82. Within the text of this bylaw:**

- a) Use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
- b) Use of the singular shall include the plural and the plural shall include the singular as the context requires.

**83.** It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

**84.** Bylaws 05-09, 16-14, 16-15 and any amendments thereto are repealed in their entirety.

**BYLAW 18-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

85. This Bylaw comes into full force and effect upon the date of third and final reading and signing thereof.

**READ A FIRST TIME** this 27th day of February A.D. 2018.

**READ A SECOND TIME** this 27th day of March A.D. 2018.

**READ A THIRD AND FINAL TIME** this 22nd day of May A.D. 2018.

Original Signed  
MAYOR  
MANAGER

Original Signed  
LEGISLATIVE SERVICES

May 22, 2018  
Date signed

**BYLAW 18-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**Schedule "A"**

18-11

**WATER AND SEWER RATES - EFFECTIVE JANUARY 1, 2019**

**Water**

The flat rate for Premises shall be the rate set out in the following table based on the size of the Water Meter for the Premises:

**Residential**

Meter Size	Flat Rate
15mm (5/8") or less	\$43.00
20mm (3/4")	\$43.00
25mm (1")	\$107.50
40mm (1.5")	\$215.00
50mm (2")	\$344.00
75mm (3")	\$645.00
100mm (4")	\$1,075.00
125mm (5")	\$1,612.50
150mm (6")	\$2,150.00

**Non-Residential**

Meter Size	Flat Rate
15mm (5/8") or less	\$43.00
20mm (3/4")	\$43.00
25mm (1")	\$43.00
40mm (1.5")	\$215.00
50mm (2")	\$215.00
75mm (3")	\$645.00
100mm (4")	\$1,290.00
125mm (5")	\$1,612.50
150mm (6")	\$2,150.00

The water consumption rate for the Premises shall be \$2.35 per cubic metre of water used.

**Sewer**

**Residential**

Meter Size	Flat Rate
15mm (5/8") or less	\$43.00
20mm (3/4")	\$43.00
25mm (1")	\$107.50
40mm (1.5")	\$215.00
50mm (2")	\$344.00
75mm (3")	\$645.00
100mm (4")	\$1,075.00
125mm (5")	\$1,612.50
150mm (6")	\$ 2,150.00

**Non-Residential**

Meter Size	Flat Rate
15mm (5/8") or less	\$43.00
20mm (3/4")	\$43.00
25mm (1")	\$43.00
40mm (1.5")	\$215.00
50mm (2")	\$215.00
75mm (3")	\$645.00
100mm (4")	\$1,290.00
125mm (5")	\$1,612.50
150mm (6")	\$ 2,150.00

The sewer consumption rate for the Premises shall be \$2.35 per cubic metre of water used.

The above water and sewer rates are based on a bi-monthly billing system.



**BYLAW 18-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**Schedule "B"**

**Meter Testing, Inspections, Deposits, Shut Off and Reconnection Fees**

1. PURSUANT to Section 15(d) and 41 of the Bylaw, the fee for inspection of water services, supplying Water Meters and remote readouts, sealing the Meter, turning on the service and setting up the account shall be \$600.00.
- 18-11* 2. PURSUANT to Section 79 of the Bylaw, all rates not paid by the 15<sup>th</sup> day of the month subsequent to the month in which billing occurred will be charged a late payment charge at the rate of five (5%) percent on the amount outstanding.
3. PURSUANT to Section 5(d), 42(d) and 80(c) of the Bylaw, the reconnection fee shall be \$50.00
4. PURSUANT to Section 42(a) and (b) and 75 of the Bylaw, the fee for disconnection of water services or the Town Sewage System from any Premises or building shall be established by the Town Manager, from time to time, or at any time.
5. PURSUANT to Section 78(b) of the Bylaw, the rate for reviewing the plans of abandonment of a private Sewage System shall be \$100.00.

**BYLAW 18-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**Bylaw 18-01**  
**Water and Sewer Utility Bylaw**  
**Office Consolidation**

Following are the amending bylaws used in the Office Consolidation of this Bylaw, in order of Occurrence, as listed on Page 2 of this Consolidation document.

**BYLAW 18-11  
TOWN OF BLACK DIAMOND**

**A BYLAW TO AMEND A BYLAW WITHIN THE TOWN OF BLACK DIAMOND,  
IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Bylaw 18-01 Water and Sewer Utility Bylaw;

**AND WHEREAS**, the Council wishes to exercise its authority pursuant to the Municipal Government Act to amend Bylaw 18-01 Water and Sewer Utility Bylaw;

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

**1. AMENDMENTS**

**1.1.** Section 79. of the Bylaw is deleted in its entirety and replaced with:

**79. General Payment of Water and Sewer Bills**

“All rates are payable unless otherwise established by the Town Manager, at the Town Office. All rates not paid by the 15<sup>th</sup> day of the month subsequent to the month in which billing occurred shall receive a late payment penalty at the rate set out in Schedule “B”.

- a) The Water and Sewer rates to be charged by, and payable to, the Town under the terms of this Bylaw, shall be those set forth from time to time in Schedule "A".
- b) Where Water and Sewer service is supplied to a Premises the rates to be payable pursuant to Section 79 of this Bylaw shall be as follows:
  - i) the rates as set out in Schedule “A” to this Bylaw, and
  - ii) the applicable consumption charge as set out in Schedule “A” to this Bylaw.

**1.2.** Schedule “A” is deleted in its entirety and replaced with:

**SCHEDULE “A”  
WATER AND SEWER RATES - EFFECTIVE JANUARY 1, 2019**

**Water**

The flat rate for Premises shall be the rate set out in the following table based on the size of the Water Meter for the Premises:

<b>Residential</b>		<b>Non-Residential</b>	
Meter Size	Flat Rate	Meter Size	Flat Rate
15mm (5/8”) or less	\$43.00	15mm (5/8”) or less	\$43.00
20mm (3/4”)	\$43.00	20mm (3/4”)	\$43.00
25mm (1”)	\$107.50	25mm (1”)	\$43.00

**BYLAW 18-11  
TOWN OF BLACK DIAMOND**

40mm (1.5")	\$215.00
50mm (2")	\$344.00
75mm (3")	\$645.00
100mm (4")	\$1,075.00
125mm (5")	\$1,612.50
150mm (6")	\$2,150.00

40mm (1.5")	\$215.00
50mm (2")	\$215.00
75mm (3")	\$645.00
100mm (4")	\$1,290.00
125mm (5")	\$1,612.50
150mm (6")	\$2,150.00

The water consumption rate for the Premises shall be \$2.35 per cubic metre of water used.

**Sewer**

**Residential**

Meter Size	Flat Rate
15mm (5/8") or less	\$43.00
20mm (3/4")	\$43.00
25mm (1")	\$107.50
40mm (1.5")	\$215.00
50mm (2")	\$344.00
75mm (3")	\$645.00
100mm (4")	\$1,075.00
125mm (5")	\$1,612.50
150mm (6")	\$ 2,150.00

**Non-Residential**

Meter Size	Flat Rate
15mm (5/8") or less	\$43.00
20mm (3/4")	\$43.00
25mm (1")	\$43.00
40mm (1.5")	\$215.00
50mm (2")	\$215.00
75mm (3")	\$645.00
100mm (4")	\$1,290.00
125mm (5")	\$1,612.50
150mm (6")	\$ 2,150.00

The sewer consumption rate for the Premises shall be \$2.35 per cubic metre of water used.

The above water and sewer rates are based on a bi-monthly billing system.

- 1.3. Section 2. of Schedule "B" is deleted in its entirety and replaced with:
  2. PURSUANT to Section 79 of the Bylaw, all rates not paid by the 15<sup>th</sup> day of the month subsequent to the month in which billing occurred will be charged a late payment charge at the rate of five (5%) percent on the amount outstanding.

**2. SEVERABILITY**

- 2.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

**BYLAW 18-11  
TOWN OF BLACK DIAMOND**

This Bylaw will take force and effect upon third and final reading and signing thereof.

**READ A FIRST TIME** this 7th day of November A.D. 2018.

**READ A SECOND TIME** this 21<sup>st</sup> day of November A.D. 2018.

**READ A THIRD AND FINAL TIME** this 21<sup>st</sup> day of November A.D. 2018.

*Original Signed*  
MAYOR

*Original Signed*  
LEGISLATIVE SERVICES MANAGER

*November 21, 2018*  
Date signed