

BYLAW 157-1 - Consolidated

BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION OF THE WATER SYSTEM AND TO ESTABLISH A TARIFF OF RATES

WHEREAS the Municipal Government Act, RSA 2000, Chapter M-26 authorizes a council to pass bylaws for municipal purposes respecting public utilities; and

WHEREAS the Town of Banff maintains a Water System for the Town of Banff:

NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta, duly assembled, enacts:

CITATION

1. This bylaw may be cited as the "Water System Bylaw."

INTERPRETATION

2. In this bylaw:
 - a) any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
 - b) any references to a Town staff position, department or committee is deemed to be the current name by which that staff position, department or committee is known;
 - c) the definitions in Schedule A will apply to the corresponding words if the first letter of that word is capitalized in this bylaw.
3. Where this bylaw refers to design and/or construction techniques, said techniques shall be in conformance with the Town's engineering design guidelines and construction standards.

RESPONSIBILITY AND AUTHORITY

4. The Town Manager shall have charge of all the various properties and works required for the supply of the Town and its inhabitants with water, and of the inspection of all buildings and Premises supplied with water.
5. The Town Manager shall be responsible for obtaining all licenses, permits and approvals required for the Water System including all required easements, rights of way and pipeline and railway crossing authorizations.
6. The Town Manager shall be responsible for the maintenance of the Water System.
7. Where a Water Service is continued or initiated pursuant to this bylaw, the Town Manager shall supply water to an Owner's Water Service to the Curb Stop of the parcel of land.
8. When a Water Service is continued or initiated pursuant to this bylaw, the Owner shall be responsible for:
 - a) providing a connection from the Curb Stop to the Owner's Water Service;

- b) ensuring that the connection is in compliance with this bylaw;
 - c) ensuring that the connection and the remainder of the Water Service comply with the Safety Codes Act and any regulations passed pursuant to that Act, and Town's engineering design guidelines and construction standards;
 - d) ensuring that any permits, inspections or approvals required pursuant to the Safety Codes Act, regulations passed pursuant to that Act, any bylaw or any other applicable legislation have been conducted or obtained and are valid and subsisting, prior to connection to the Water System; and,
 - e) ensuring that such a connection does not interfere with the operation of the Water System.
9. The Owner shall be responsible for all costs resulting from blockage, breakage, damage, and or failure of the Water Service.
10. The Owner shall be responsible for all costs resulting from a freezing of the Water Service if the freezing is not a result of a interruption in the supply of water through the water main.
Section 10 amended 2012.01.11 Bylaw 311
11. The Owner shall be responsible for the condition of the Curb Stop cap, stem and telescoping box. No Owner shall bend, or allow to be bent, a cap, or bury, or allow to be buried, a cap with earth, rock, asphalt or concrete. The Owner shall pay the actual cost of locating, excavating, cutting and joining and all other work done to straighten the rod and stem, or to raise or lower the curb box to match existing grade. The Owner must provide clear access to the Curb Stop.
12. In all cases where boilers are supplied with water from the Water System, the Owner of the boilers must see that a safety valve, vacuum valve or other proper device is applied to prevent danger from collapse or explosion when the water is shut off from the street.
13. If the Owner refuses or fails to maintain, repair or replace a Water Service as required by this Bylaw, then the Town may:
- a) turn off the water supply until the repairs have been made to stop the water loss;
 - b) estimate the volume of water loss and demand payment from the Owner for that amount of water estimated to have been lost, which payment shall be due and payable upon such demand being made; and,
 - c) authorize employees or agents of the Town to enter upon the land to conduct the required repairs or replacements, the cost of which shall be payable by the Owner to the Town upon demand for such payment.
14. The Town Manager is authorized to shut off water to any Owner in accordance with any relevant section of this bylaw provided that notice is given when practical.
15. The supply to any Person who has had his water shut off for any reason cited in this bylaw, shall not be restored until such time as the problem has been corrected to the satisfaction of the Town Manager and a reinstatement fee, if applicable, has been paid.
16. In the event of an emergency the Town Manager may shut off a Water Service without prior notice.
17. Subject to the approval of Council, the Town Manager may enter into an agreement to supply water to an Owner outside the Town limits.

18. The Town shall not be liable for damages or loss suffered by anyone due to the operation of the Water System, unless shown to be directly due to the gross negligence of the Town or its employees, and without limiting the generality of the foregoing, shall not be liable for damages or loss:
 - a) for the settlement of any excavation or trench made for the installation or repair of any part of the Water System, or any damage or loss resulting from such settlement;
 - b) caused by the break of any water main, Water Service connection or other pipe;
 - c) caused by the disruption of any supply of water from the Water System when such disruption is necessary in connection with the repair or maintenance of the Water System;
 - d) caused by the disruption or cutting off of the water supply in the event of an emergency; and,
 - e) for non-supply of water, whether it be caused by water stoppage, frozen mains, breakdown of machinery, power interruptions, other mechanical failures or malfunction, or other causes.
19. The Town shall not be responsible for any damage to buildings or property occasioned by or in the course of the installation, maintenance, repair or disconnection of any water meter provided that such damage has not been directly caused by the negligence of the Town or its employees.
20. The Town does not guarantee water pressure, continuous supply or direction of water flow. The Town reserves the right at any and all times, without notice, to change the operating pressure, to shut off water or to change the direction of flow. Neither the Town, its officers, employees, nor agents shall be liable for any damage, or other loss, caused by changes in water pressure, shutting off the water, change in direction of flow, or by reason of the water containing sediments, deposits, or other foreign matter.

ACCESS TO PROPERTY FOR THE PURPOSES OF WATER SERVICE

21. As a condition of the Water Service and as operational needs dictate, employees of the Town shall have free access to all parts of a property, building or other Premises in which water is delivered and consumed, at reasonable hours of the day and upon reasonable notice for the purpose of:
 - a) installation, maintenance, repair, and removal of the Water Service;
 - b) installation, reading, maintenance, repair and removal of water meter or other parts of the Water Service;
 - c) inspection of cross connection control devices or other equipment and works associated with the Water System and Water Service; and,
 - d) inspections for compliance with this bylaw.
22. No Person shall hinder, interrupt or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to the Water System as authorized or required in this bylaw.
23. In the event that a Person fails or refuses to provide access pursuant to Section 21, the supply of water to those Premises may be shut off upon fourteen (14) days notice.

24. A fee may be charged, as set by the Town Manager from time to time, where a Town employee or agent is required to make an additional visit or visits to a parcel or Premises for any of the following reasons:
- a) where an Owner refuses access to a parcel or Premises for a Town employee or agent to install, repair, replace, inspect, test or read a water meter or any other equipment;
 - b) where a Town employee attends a parcel for a scheduled appointment to perform any of the functions in section 21, and the Owner is not present to provide access to the parcel;
 - c) where a Town employee attends a parcel to perform any of the functions set out in section 21 and is unable to proceed based on unsafe conditions or the inadequacy of access to the parcel.

WATER SERVICE CONNECTIONS AND DISCONNECTIONS

25. Prior to connecting a new Water Service or relocating, replacing, altering or disconnecting an existing Water Service connection to the Water System, an Owner must apply to the Town Manager not less than ten (10) business days before the Water Service is required. The Owner or his authorized agent shall submit a utilities water service request form provided by the Town for that purpose together with a fee as specified in Schedule B. The Owner shall not proceed with a connection, relocation, replacement, alternation or disconnection until the utilities water service request is approved by the Town Manager.
26. The utilities water service request form shall be supplemented by any plans, specification, or any other information considered pertinent in the judgment of the Town. Plans must be authorized by an engineer or certified engineering technologist.
27. Prior to connecting, altering or disconnecting a Water Service from the Water System, an Owner shall provide a deposit as calculated by the Town Manager refundable upon the Water Service connection meeting the satisfaction of the Town Manager. The Water Service line shall be left uncovered until it has been inspected and approved. If no inspection was completed before the line was covered, the Town shall demand re-excavation for inspection at the cost of the Owner.
28. The Town Manager may at any time specify the required position or require the relocation, at the Owner's expense, of any water meter, cross connection control device, pipe, valve, or fitting forming part of the Water System.
29. Unless hereinafter provided, no permit for the demolition or removal of a building shall be issued by the Town, nor shall any Person cause, permit or allow to be demolished or removed a building connected to the Water System, until application is made to the Town to terminate the Water Service connection, the Town has been paid the termination costs provided for in Schedule B, and the Water Service has been disconnected. Notwithstanding the foregoing, the Town Manager may, in circumstances which he considers appropriate, permit the Water Service to remain connected to the water main.
30. The Owner or his authorized agent shall provide the Town Manager with a site plan on which the size and location of the required Water Service are shown.
31. If an Owner applies for installation of a Water Service to a property which does not abut a water main, the Town may refuse the application or approve the application with conditions.
32. No extension of water mains shall be constructed without authorization from the Town.

33. The Water Service shall be run from the water main to the property in the shortest way possible.
34. When any Lot can be served from the street, avenue or lane, the Town Manager may decide whether the Lot will be serviced with water from the street, avenue or lane.
35. Unless otherwise provided for in this bylaw, only one Water Service connection per Lot shall be permitted.
36. For Lots other than single family residential Lots, the Town Manager may authorize more than one Water Service connection.
37. The expenses of installing any Water Service connection to a subdivided Lot, or portions of the same, shall be borne by the Owner.
38. A Lot shall be considered serviced once a connection has been made from the Water System to the Curb Stop, and this connection has met with the approval of the Town Manager. A Water Service is considered live when connected to the Premises. Any further installations requested or necessitated by the demolition, excavation, renovations or other works shall be paid for in their entirety by the Owner.
39. The size of the Water Service shall be in accordance with provincial regulations and Town's engineering design guidelines and construction standards.
40. All Premises shall be serviced by a maximum of one service pipe of 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 at the cost of the Owner.
41. A separate Water Service pipe to be used for fire purposes only may be constructed by the Owner and at the Owner's cost from the water main to his Premises. Should the said Water Service pipe not be maintained as required, the same may be disconnected by order of the Town Manager.
42. Water Service connections shall not cross property lines between adjacent private properties except by legally registered easement plans and agreements.
43. There shall be placed, on each Water Service pipe, a Curb Stop at or near the Property Line, within Town right-of-way or utility easement, for the purpose of turning the water supply on or off. Over the Curb Stop there shall be placed a metallic valve box of design approved by the Town. Service valves shall be kept clear of all obstruction so that ready access may be had to same to shut off the water when the occasion arises.
44. An inside main shut-off valve shall be located immediately inside the outer wall of the Premises and before the water meter.
45. Every Owner shall ensure:
 - a) that all shut-off valves on the Premises are maintained in good mechanical condition; and,
 - b) that all shut-off valves are easily accessible at all times to ensure that such valves are operable in case of emergency.
46. No Person shall in any way utilize or interfere with a Curb Stop or valve of the Water System without permission of the Town Manager. Whenever water supply has been turned off at a Curb Stop, no Person shall turn it on again unless authorized to do so by the Town Manager.

47. Persons requiring a continuous and uninterrupted supply, constant pressure or temperature of water, or having processes or equipment that require particularly clear or pure water shall, at their own cost, provide such facilities as required to meet the water quality objectives, provided such facilities are approved by the Town and do not interfere with the operation of the Water System.
48. All Water Service terminations will be carried out at the main unless otherwise determined by the Town Manager.

TEMPORARY CONNECTIONS AND DISCONNECTIONS

49. Application for temporary Water Service shall be made in writing to the Town Manager not less than ten (10) working days before the Water Service is required. If, in the opinion of the Town Manager, a water meter should be installed on the temporary Water Service, the applicant shall provide a safe and adequate location for the water meter and shall be responsible for the payment for the use of water as set out in Schedule B.
50. Any Owner requesting a temporary disconnect for water shall provide a minimum of two (2) working days notice to the Town and shall pay a Water Service fee for such disconnection and a further Water Service charge for the reconnection, both in the amounts set out in Schedule B of this bylaw.

ALTERNATE SOURCES OF WATER

51. No Person shall use any source of water to supply water to any residential, commercial, industrial, or institutional Premises through a plumbing system, other than the Water System, without written consent of the Town Manager.
52. The Town Manager may authorize the use of an alternative source of water subject to such terms and conditions the Town Manager deems necessary, and notwithstanding the generality of the foregoing he or she may set a limit on the period of time for which an alternative supply of water may be used.
53. No Person who has been granted permission by the Town Manager to use an alternative source of water shall allow that alternate source of water, or any pipes or devices connected to such alternate water source, to be connected to the Water System.
54. The Town shall not be responsible for the quality of water obtained from any alternate source of water.
55. Unless authorized by the Town Manager in writing, no Person shall provide or supply water from one Premises, by pipe or hose or other means either with or without charge, to any other Premises which could be supplied with water through its own Water Service connection.
56. No Person shall sell or distribute piped water unless specifically licensed to do so by the Town, unless the sale or distribution of water is by a landlord to a tenant or by a condo corporation to a member and the charge to the tenant does not exceed the amount charged by the Town.

CROSS CONNECTIONS

57. No Person shall cause, permit, or allow to remain connected to the Water System any piping, fixture, fitting, container, or other appliance which may cause water from a source other than the Water System, or any other harmful deleterious liquid or substance, to enter the Water System.
58. Where the Town Manager believes that a cross connection exists in contravention of Section 57, the Town Manager may carry out an inspection:
 - a) upon reasonable notice to the Owner; or
 - b) without notice where the Town Manager believes that an immediate threat of contamination to the Water System exists.
59. Where the Town Manager determines that there exists a cross connection, the Town shall give notice to the Owner to correct it at his own expense within a specific time period.
60. Where the Town Manager determines that a cross connection continues to exist in contravention to Section 57, the Town Manager may cut off the Water Service to that parcel or Premises with reasonable notice, and where the Town Manager believes that such cross connection poses an immediate threat of contamination of the Water System, he may cut off such Water Service without notice.

CROSS CONNECTION CONTROL DEVICES

61. The Town Manager may, at his or her discretion, require the installation of a cross connection control device on any Water Service.
62. The design, selection, installation, maintenance and field testing of cross connection control devices shall comply with the National Plumbing Code as amended from time to time.
63. In the event that the National Plumbing Code does not clearly indicate the method of cross connection control, the method to be used to protect the potable water supply shall be as specified by the Town Manager.
64. All cross connection control devices shall be installed so they are easily accessible for testing and maintenance.
65. No bypass, jumper, or other device shall be installed which may reduce the efficiency of or circumvent any cross connection control device.
66. An air gap separation shall be used wherever practicable, and in preference to any other method of cross connection control.
67. An air gap separation shall be mandatory, and may be in addition to a cross connection control device on the Water Service pipe on sewage handling piping or equipment, non-potable water systems, and where any lethal substances or conditions may exist.
68. Every Owner shall, at their own expense, have any testable cross connection control devices tested by an Approved Tester as required by the National Plumbing Code.
69. Where a device fails a test referred to in Section 68, the Owner shall have the device repaired or replaced and re-tested within five (5) business days.

70. Every Owner shall retain test report records on-site and available to the Town Manager upon request.
71. As a condition of Water Service, the Town Manager may issue an order to an Owner requiring the installation, testing, or repair of a device and that order may specify a date and time by which the Owner must comply with the terms of the order.
72. Where an Owner fails to comply with an order issued by the Town Manager pursuant to subsection 71, the Town Manager may shut off the Water Service or services until the situation has been remedied.

FIRE HYDRANTS

73. Unless authorized by the Town Manager in accordance with this bylaw, no Person shall:
 - a) open or close any hydrant or hydrant valve;
 - b) connect any device of any kind to a hydrant, including a pipe, hose, fixture or appliance, or
 - c) use water from a hydrant, regardless of whether that hydrant is located on private or public property, for any purpose other than fire protection.
74. The Town Manager may authorize Town employees or other persons to use hydrants for the purposes of temporary water supply, street cleaning, flushing sewers, street repairs, or any other purpose that meets the approval of the Town Manager.
75. The Town may authorize the use of a hydrant for the supply of water upon receipt of a hydrant use permit form provided by the Town for that purpose together with a fee as specified in Schedule B.
76. Charges for water to be used in construction activities will be in accordance with the rates as shown in Schedule B, and are payable as determined by the Town Manager.
77. The Town Manager may, as a condition for the use of fire hydrants and the use of water from fire hydrants, require that the water pass through a water meter and cross connection control device prior to use.
78. If a water meter is used pursuant to section 77, the Person who has received authorization to use a hydrant shall obtain a portable water meter and pay the metered rate for the water used as specified in Schedule B. In no case is the water meter to be left connected to the hydrant when it is not in use.
79. A Person who has received authorization to use a hydrant shall provide a refundable damage deposit in accordance with Schedule B, abide by all provisions in this bylaw and ones specified in the Hydrant Use Permit, use only the hydrants listed on the permit, dispense water only through the hydrant meter and cross connection control device provided for that purpose, open and close hydrants with a key approved by the Town, replace all hydrant caps and otherwise return the hydrant to its existing condition, report immediately to the Town any damaged or malfunctioning hydrants, properly use the hydrant meter, return the meter, and pay for the volume of water used in accordance with Schedule B, prior to the expiration date listed on the permit.

80. No Owner or occupant of a parcel shall allow the access to a hydrant located on or adjacent to that parcel or Premises to be obstructed in any manner, including the building or erection of any structure or the accumulation of any building material, rubbish, snow or other obstruction.
81. No Owner or occupant of a parcel or Premises shall allow anything on the parcel to interfere with the operation of a hydrant located on or adjacent to that parcel.
82. All persons who own property on which a fire hydrant is located or own property which is adjacent to Town owned property on which a fire hydrant is located:
 - a) shall maintain a 2 m clearance on each side of a fire hydrant and a 1 m clearance on the side of a fire hydrant farthest from the nearest adjacent street;
 - b) shall not permit anything to be constructed, erected, or placed within the clearance provided in paragraph (a) of this subsection; and
 - c) shall not permit anything except grass to be planted within the clearance area set out in subsection (a).
83. Any Person who wishes to have a Town-owned fire hydrant relocated may request in writing to the Town Manager that the hydrant be relocated. If approved, the Person making the request shall pay in advance the estimated cost determined by the Town Manager, subject to a refund or additional payment, depending upon the actual cost when the work has been completed.
84. The Town may require that a fire hydrant be installed on private property at the expense of the Owner of the property. Fire hydrants located on private property must be approved, installed, used and maintained in accordance with the Alberta Fire Code and all municipal bylaws.
85. Any privately owned hydrant shall not be removed or otherwise made unserviceable without the written authorization of the Town Manager.
86. The Town Manager shall be notified immediately when any privately owned hydrant is determined to be in a condition that would render it unusable for fire fighting purposes.
87. If the Owner fails or refuses to maintain, repair or replace a hydrant located on private property as required by this bylaw, then the Town may:
 - a) turn off the water supply until the repairs have been made to stop the water loss;
 - b) estimate the volume of water loss and demand payment from the Owner for that amount of water estimated to have been lost which payment shall be due and payable upon such demand being made; and,
 - c) authorize employees or agents of the Town to enter upon the land to conduct the required repairs or replacements, the cost of which shall be payable by the Owner to the Town upon demand for such payment.
88. No Owner or Occupant of a parcel on which a private fire hydrant is situated shall paint such hydrant or allow such hydrant to be painted any colour except the approved colour as set out by the Town.

WATER WASTAGE

89. No Owner or Occupant of a parcel shall do or allow any act that results in an Environmentally Inappropriate use or flow of municipal water.
90. Notwithstanding section 89, the Town Manager may authorize in writing the discharge of potable water onto a street or sidewalk for the purpose of:
 - a) health and safety;
 - b) the installation and maintenance of infrastructure, including the flushing of water mains, hydrant leads and Water Service connections;
 - c) preventing the freezing of water mains, hydrant leads and Water Service connections;
 - d) conducting water flow tests;
 - e) installation and testing of permanently installed irrigation systems;
 - f) training programs for fire fighters employed by the Town; and,
 - g) other purposes as deemed necessary by the Town Manager.
91. The Town Manager may at any time make orders restricting the use of water either throughout the Town or in any particular areas of the Town. The order may specify that such restricted use of water shall apply during such hours of any day of the week as may be specified in the order.

FREEZE PROTECTION

92. The Owner shall be responsible for all costs resulting from a freezing of the Water Service if the freezing is not a result of an interruption in the supply of water through the water main.

Section 92 amended 2012.01.11 Bylaw 311
93. If required, Water Services shall be insulated in accordance with the Town's engineering design guidelines and construction standards.
94. The Owner, at his own expense, may install a freeze protection device. Freeze protection devices or methods shall be installed or employed in accordance with the Town's engineering design guidelines and construction standards and with approval of the Town Manager. The Owner will be responsible and shall be liable for any damage which may result from the improper or negligent operation and maintenance of the freeze protection device.
95. Free flow Bleeders shall be:
 - a) located on the Owner side of the entry valve or water meter, unless authorized in writing by the Town Manager;
 - b) sized not to pass more than 1.5 litres per minute of water;
 - c) indirectly connected to a waste pipe in a manner approved by the Town Manager; and,
 - d) open and accessible for maintenance.
96. The use of temporary free flow Bleeders during new building construction may be authorized by the Town Manager until such time as the permanent freeze protection device is installed and operating.

97. Persons renovating or doing alterations to buildings cannot disconnect a freeze protection device and put in a free flow Bleeder, unless authorized in writing by the Town Manager.
98. With the written approval of the Town Manager, the use of free flow Bleeders under emergency conditions may be authorized.
99. Any existing free flow Bleeder which passes more than 1.5 litres per minute shall be corrected within fourteen (14) days after the Owner receives notice from the Town Manager. After receiving notice, should the required modifications not be completed, the Town Manager may cause the water supply to be shut off.
100. Any thermostatically controlled Bleeder that has been altered, bypassed or modified in any way shall be corrected within fourteen (14) days after the Owner receives notice from the Town Manager. After receiving notice, should the required modifications not be completed, the Town Manager may cause the water supply to be shut off.

INTERFERENCE WITH WATER SYSTEM

101. No Person shall:
 - a) damage, destroy, remove or interfere in any way with any pipe, pipe connection, valve, or other appurtenance forming part of the Water System;
 - b) interfere in any way or cause any interference with the use of the Water System by another Owner, and shall not attach any device to any water pipe which may create noise, a pressure surge, back-flow or contamination of the Water System;
 - c) use any boosting device on any Water Service unless the use of the boosting device has been approved by the Town Manager and the device is located on the downstream side of a water meter or inside main shut-off valve;
 - d) install branch supply lines, outlets or fixtures on the upstream side of a water meter or master control valve, except for the fire protection purposes approved by the Town Manager;
 - e) install branch supply lines, outlets or fixtures on the upstream side of a Premises isolating cross connection control device;
 - f) cause, permit, or allow any apparatus, fitting or fixture to be or to remain connected to the Water System or allow the Water System to be operated in such a manner as to extract or add heat, cause noise, pressure surges, or other disturbances which result in annoyance or damage to other consumers of the utility;
 - g) tamper with, break or remove any seal, lock-out device or lock-out tag installed by the Town on any valves or flanged outlets on Water Service connections or water meters; and,
 - h) attach or connect any pipe to any other pipe or main of the Water System or in any other way obtain or use any water thereof without consent of the Town Manager.
102. No Person, except those authorized in writing by the Town Manager, shall enter into any utility structure whether underground or above ground or any utility compound whether fenced or not.

103. The Town may provide consent to a Person for the operation of a specific valve when the Person requires such consent to fulfil an agreement to construct or reconstruct any portion of a water main.
104. No Person shall, or direct any Person to, deposit any injurious, noxious or offensive matter or water contaminant into the water or water utility or in any way foul the water or commit any contamination to the water or water utility.
105. No Person shall, without authority, hinder, disrupt, or cut off the supply of water to any consumer of the Water System.

WATER METERS

106. Except where otherwise provided in this bylaw, all water supplied pursuant to this bylaw shall be measured by a water meter including a remote reading device, of a design and capacity approved by the Town Manager. Such water meters shall be installed in respect to any and all accounts as provided for in this bylaw.
107. The following Water Services shall not require connection to a water meter:
 - a) fire service connections which are not used for any other purpose; and,
 - b) such other connections as approved by the Town Manager.
108. If the Town Manager becomes aware of any use or flow of water that is not measured by a water meter of a design and capacity approved by the Town Manager and that does not fall within a specified exception to the general requirements of water metering as set forth in Section 107, the Town Manager may take all necessary steps to stop that use or flow of water until:
 - a) an application for water supply has been made by the Owner in accordance with the provisions of this bylaw; and,
 - b) a water meter has been installed pursuant to the provisions of this bylaw.
109. The Town may charge for and recover from the Owner of a Premises the cost of supplying, installing, relocating or replacing a water meter.
110. The Owner of every building shall make provision of a location acceptable to the Town together with all required plumbing for the installation of a water meter.
111. Notwithstanding the payment of any costs, all water meters shall remain the property of the Town.
112. As a condition of Water Service, the Town Manager may:
 - a) determine the size, type and number of water meters to be supplied and installed in a premise;
 - b) determine the location that the water meters are to be installed;
 - c) inspect an installation to ensure it meets approved specifications and require an Owner to remedy any deficiencies;
 - d) in the case of installation of two or more water meters, require their installation adjacent to each other and as close as possible to the master control valve or place where the Water Service connection enters the building; and,

- e) require a water meter to be either tested on site or removed for testing by the Town.
113. Where a meter cannot conveniently be placed inside a building, it shall be placed in a Water Meter Chamber, the location and construction of which shall be discussed with the Owner or occupant of the Premises and shall be constructed in a manner approved by the Town Manager at the cost of the Owner.
114. Water Meter Chambers shall be kept in good repair by the Owner. If an Owner, after receiving notice from the Town Manager, neglects to repair or improve his Water Meter Chamber, then the Town Manager shall cause the necessary repairs to be made and the Owner shall be liable for the cost of such repairs.
115. No Person shall allow water to be turned on until the water meter installation is approved by the Town Manager.
116. Should a water meter or remote reading device, while on the property of the Owner, be damaged or destroyed, the cost of repairing or replacing the water meter shall be paid by the Owner. All water meters, regardless of size, shall be sealed by the Town.
117. An Owner may install a subsidiary water meter, at his own expense, on the downstream side of the Town water meter. The Owner shall identify the subsidiary water meter, and the Town shall not use readings from it to calculate billings.
118. Where building alterations require the removal and re-installation of the remote reading device the Owner shall obtain approval from the Town for the removal and re-installation and shall pay all costs associated with same.
119. An Owner shall ensure, at their expense, that:
- a) every Water Service entering the building has a horizontal Water Meter Setting and that the piping extends not less than 30cm beyond the wall or floor of the building immediately before the water meter position;
 - b) the Water Meter Setting is positioned as close as possible to the point where the Water Service enters the building and has a safe and convenient access;
 - c) the Water Meter Setting is constructed in accordance with the Town's engineering design guidelines and construction standards.
120. No Person shall:
- a) tamper in any way with a water meter or remote-reading device; or,
 - b) open a by-pass valve on a water meter or metering installation except in the case of an emergency.
121. Every Owner shall:
- a) be responsible for the safe-keeping of any water meter and any remote reading device that is installed on his premise;
 - b) notify the Town Manager immediately whenever a water meter is not operating, if any part of a water meter becomes damaged or broken or if the seal on a by-pass valve or a water meter is broken;

- c) pay the cost of repairing or replacing any water meter or metering facilities supplied and installed by the Town that may be damaged from any action within the control of the Owner.
122. Where the Town determines that seals on valves, water meters or other appurtenances have been broken and not reported, the Town shall, in addition to any other penalty, estimate the quantity of water consumed or obtained, and charge the Owner rates in accordance with the Schedule B.
123. Every Owner may request that a water meter be tested for accuracy, and the cost of any such test shall be at the expense of the Town if the water meter is found to be inaccurate in excess of 3% of actual flow and such test shall be at the Owner's expense if the water meter is found to be accurate within 3% of actual flow.
124. The Owner of a commercial or industrial building constructed after this bylaw comes into force or for which a building permit is issued after this bylaw comes into force, and who has installed a water meter of a size 50mm or larger shall, at his own expense, provide a valved bypass and a valve within 300mm on either side of the water meter. The bypass valve shall be sealed by the Town and shall be opened only in case of emergencies. The Town Manager shall be notified within twenty-four (24) hours of the seal being broken.

READING OF WATER METERS

125. The Town Manager may:
- a) require a water meter to be read;
 - b) determine the frequency at which water meters shall be read;
 - c) shut-off the water supply to an Owner who refuses to provide a water meter reading within three months of a request to provide such water meter readings; and,
 - d) estimate a water meter reading.
126. A water meter reading may be estimated by the Town Manager based on either previous consumption patterns or a daily average consumption for the Premises, if:
- a) the Town is unable to obtain a water meter reading;
 - b) a water meter fails to properly register the amount of water consumed; or,
 - c) water supplied through a water meter has not, for any reason whatsoever, registered on the water meter.
127. If an Owner experiences abnormal water consumption, the Town Manager may adjust the Owner's bill taking into consideration any or all of the following factors:
- a) whether the Owner is a residential or general Water Service Owner;
 - b) the cause or nature of the abnormal water consumption;
 - c) any evidence of action taken by the Owner to abate the abnormal consumption; and,
 - d) any other factors the Town Manager deems relevant.

128. In the event of a difference in reading between the remote register and the water meter, the water meter shall be deemed correct.

WATER ACCOUNTS

129. Once a property has been serviced in accordance with this bylaw, an Owner shall open an account prior to the Town supplying water.
130. Where a development and/or building permit has been issued by the Town, each Owner must ensure an account is open and shall state in detail all purposes for which water is required.
131. Any Person who receives water supply from the Town is liable to the Town for all charges associated with that supply of water.

RATES

132. All Owners shall pay for their water consumption as recorded by the water meter, calculated in accordance with Schedule B, and shall pay all other applicable charges levied pursuant to this bylaw. All accounts for Water Service shall be due and payable when rendered.
133. No reduction in rates will be made in the monthly charge for water supplied to or made available for use by any Owner because of any interruption due to any cause whatsoever of the Water Supply.
134. If buildings require two or more municipal water meters, the Owner shall be billed separately for water use through each water meter.
135. The Town shall adjust the Owner's account to reflect errors.
136. The Town Manager may establish a system for the billing and collecting of the rates, charges, and fees and in connection with the Water Service including but not limited to charges for any work done or service or material supplied for the construction, installation, connection, disconnection or replacement of any part of the Water System.
137. Where water is supplied by the Town through a water meter to an Owner outside the Town:
- a) that Owner shall pay to the Town the rates approved in accordance with Schedule B. In default of payment of the rates set out in Schedule B to this bylaw or any amount due and payable to the Town for anything done, or any amounts payable, pursuant to this bylaw, the Town Manager may enforce the collection of such rates or payments by shutting off the water being supplied to the Owner, or by action in any court of competent jurisdiction, or both;
 - b) when at any time the Water Service is shut off for non-payment of accounts, a Water Service charge for reconnection as set out in Schedule B will be charged when the water supply is restarted. Water Service will not be restarted until the arrears and any applicable charges and fees are paid.
138. Overdue charges may be collected by adding the overdue charges to the tax roll for the property.
139. Accounts shall be deemed to be sufficiently forwarded if they are left on the property or if they are mailed by ordinary mail to the Owner at the mailing address of the Owner.

140. Where any Water Service charge is designated by reference to an hourly, daily or weekly rate, the charge for a lesser period of time shall be calculated on a proportional basis.

VIOLATIONS AND ENFORCEMENT

141. Any Person who contravenes the provisions of this bylaw or the terms of any permit issued pursuant to this bylaw is guilty of an offence and is liable for the penalty set out in Schedule C or, if no penalty is specified in Schedule C for the particular offence, for the penalty in accordance with section 154 of this bylaw.
142. For the purposes of this bylaw, an act or omission by a lessee is deemed also to be an act or omission of the Owner of the real property on which the offence occurred.
143. When a Business commits an offence under this bylaw, every principal, director, manager, employee or agent of the Business who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the Business has been prosecuted for the offence.
144. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
145. Any Person found to be violating any provision of this bylaw may be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall permanently cease all violations, or carry out or cause to be done any such work as may be required to conform with this Bylaw in accordance with the notice.
146. When a Person is alleged to have contravened any provision of this bylaw, or the terms of any permit issued pursuant to this bylaw a Community Peace Officer or Bylaw Services Officer may issue a Town Notice of Offence which shall state:
- a) The nature of the offence;
 - b) The penalty payable in connection with the offence; and
 - c) The time period within which the penalty must be paid.
147. A Town Notice of Offence shall be deemed to be sufficiently served for the purposes of this bylaw if
- a) served personally on the accused; or
 - b) mailed by registered post to the address of the registered Owner of the property concerned, or to the Person concerned.

148. Nothing in this bylaw shall prevent any Community Peace Officer from issuing a ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act or from laying an information in lieu of issuing a Town Notice of Offence.
149. In lieu of prosecution, the Person named in the Town Notice of Offence may elect voluntarily to make payment to the Town of the penalty amount specified in the Town Notice of Offence.
150. If the payment specified in the Town Notice of Offence is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may then be commenced for the alleged contravention of this bylaw.
151. Any Person violating any of the provisions of this bylaw shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation.
152. Upon the failure by any Person to comply with the provisions of this bylaw, the Town may proceed in accordance with the Municipal Government Act and perform any corrective measures required. All costs incurred may be recovered from the Person specified in the Town Notice of Offence and shall be deemed a debt due to the Town by the Person specified in the Town Notice of Offence. Debts due may be charged against the property concerned as a special lien to be recovered in like manner as property taxes.
153. If, in the opinion of the Town Manager, a contravention of this bylaw requires immediate action, the Town may perform any work necessary to address the contravention of this bylaw without prior notice and all costs incurred by the Town will be payable by the Person alleged to have contravened this bylaw.
154. Except as otherwise provided in this bylaw, a Person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided shall, upon summary conviction before a court of competent jurisdiction, be liable to a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00) or in the event of non-payment of the fine, imprisonment for a period not exceeding ninety (90) days unless such fine is sooner paid.
155. Notwithstanding Section 154, the imposition of a fine either by issuance of a Town Notice of Offence or by summary conviction in court shall not relieve any Person so fined from any liability to pay to the Town any expenses arising from any damage caused by that Person to Town property.

APPEALS

156. A Person who receives a written order pursuant to this Bylaw may, by written notice, request Council to review the order within 14 days after the date the order is received.
157. After reviewing the order, Council may confirm, vary, substitute or cancel the order.

ENACTMENT/TRANSITION

158. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

- 159. Schedules A, B, and C form part of this bylaw.
- 160. Bylaw 157 is repealed upon this bylaw coming into force.
- 161. This bylaw comes into force when it receives third reading and is signed by the Mayor and Town Manager or designates.

Read a first time this 22nd day of March, 2010.

Read a second time this 28th day of June, 2010.

Read a third time this 28th day of June, 2010.

Approved on behalf of the Town of Banff:

John Stutz
Mayor

July 7, 2010
Date

Robert Earl
Town Manager

July 7, 2010
Date

Schedule A – DEFINITIONS

The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:

Approved Tester means a Person who meets the specific technical requirements to test backflow prevention devices, such as a Cross Connection Control Tester Certificate issued by the American Water Works Association, or approved equivalent.

Bleeder means a valve connected to the Water Service or the internal house plumbing which allows for continuous flow of water to prevent the water from freezing.

Business means the following, whether or not for profit and however organized or formed, including a co-operative or association of persons:

- a) a commercial, merchandising or industrial activity or undertaking;
- b) a profession, trade, occupation, calling or employment, or
- c) an activity providing goods or services.

Bylaw Services Officer means an employee of the Town who has been appointed to the position of Bylaw Services Officer pursuant to the Bylaw Enforcement Bylaw 5-2 or Land Use Bylaw 31-3.

Community Peace Officer means a Person appointed as such under the Police Act.

Curb Stop means a water service shut-off valve in a water service connection pipe located between the water main and the building, used to shut off or turn on the water supply from the water distribution system to the premises. Usually located close to the curb or property line near the utility right-of-way. Also referred to as a “stop cock”, “shut-off valve”, or “service valve”.

Environmentally Inappropriate: means a use or flow of water that results in a quantity of water wastage:

- (a) soaking into the ground,
- (b) entering the Town's domestic sewer or storm sewer system, or
- (c) escaping in any manner from the property upon which the use or flow of water originates,

in excess of the quantity required for a necessary or desirable domestic, commercial, industrial or public purpose.

Lot means a parcel or part of a parcel described in a certificate of title or lease.

Owner means

- a) In respect of unpatented land, the Crown,
- b) In respect of other land the Person who is registered under the Land Titles Act as the Owner of the fee simple real estate in the land,
- c) A Person who is the lessee of Crown land and that Person's successors and assigns, and
- d) In respect of any property other than land, the actual Owner, occupant, operator or Person in lawful possession of the property.

Person includes a corporation and the heirs, executors, administrators or other legal representative of a person.

Premises means land and buildings on the land.

Property Line means the legal surveyed boundary of a property.

Town means the Corporation of the Town of Banff and, where the context requires, the land included within the boundaries of the Town of Banff.

Town Manager means a Person appointed as Chief Administrative Officer by Town Council, or the Person designated by the Town Manager to carry out a particular duty.

Town Notice of Offence means any ticket or tag in a form approved by the Town, authorized under the Provincial Offences Procedures Act, issued for any offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.

Water Meter Chamber means any exterior chamber or pit approved by the Town Manager for the purpose of containing a water meter and related appurtenances.

Water Meter Setting means the section of the Water Service that includes the meter and shut-off valves on both sides of the meter.

Water Service means the water line and appurtenances from the Curb Stop to the building or Premises.

Water System shall mean the infrastructure for providing water services that is owned and operated by the Town.

Schedule B – WATER RATES AND FEES

Amended 2011.10.18 Bylaw 309

1. Annual charges for water consumption:

Consumption Rate (per cubic meter)			
Town Rate		Out of Town Rate	
2012	2013	2012	2013
\$0.97	\$1.00	\$1.22	1.25

Water Meter Service Size	Monthly Base Rate		Monthly Base Rate	
	Town Rate	Out of Town Rate	Town Rate	Out of Town Rate
	2012		2013	
15 mm (.625 inch)	\$5.07	\$6.59	\$5.22	\$6.79
20 mm (.75 inch)	\$5.58	\$7.61	\$5.74	\$7.83
25 mm (1.0 inch)	\$7.10	\$9.13	\$7.31	\$9.40
40 mm (1.5 inch)	\$9.13	\$11.66	\$9.40	\$12.01
50 mm (2.0 inches)	\$14.70	\$18.25	\$15.14	\$18.80
75 mm (3.0 inches)	\$55.77	\$70.98	\$57.44	\$73.11
100 mm (4.0 inches)	\$70.98	\$91.26	\$73.11	\$94.00
150 mm (6.0 inches)	\$106.47	\$131.82	\$109.66	\$135.77
Unmetered Properties	Un-metered rates are based on the service running to the property and are to be set by the Town Manager.			

The Rates identified in this Schedule shall apply in the calendar year indicated (from January 1 to December 31 inclusive).

Consumers 65 years of age and older are eligible for a \$50.00 per annum reduction in annual water charges for the residence owned and occupied by that consumer. Such reduction shall be given upon the consumer providing satisfactory evidence to the Town Manager of his or her date of birth.

2. Connection and disconnection of Water Services	As determined by the Town Manager.
3. Application for water supply (includes inspection)	\$100
4. Application for supply termination (includes inspection):	\$100
5. Site Visit	\$50
6. Failure of Owner to attend scheduled service appointment	\$50
7. Water hydrant use permit fee	\$100
8. Water hydrant use refundable deposit	\$500
9. Water hydrant meter rental	\$50 per day
10. Water consumed from a water hydrant	\$2.00 per m ³

Schedule C – SPECIFIED PENALTIES

Section	Description	Amount
22	Hinder, interrupt or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to the Water System as authorized or required in this bylaw.	\$1,000
25	Connect a new Water Service or relocate, replace, alter or disconnect an existing Water Service connection to the Water System without approval.	\$1,000
46	Utilize or interfere with a Curb Stop or valve of the water system	\$250
51	Use any source of water to supply water to any residential, commercial, industrial or institutional Premises through a Plumbing System, other than the Water System.	\$1,000
55	Supply water from one Premises, by pipe or hose or other means either with or without charge, to any other Premises which could be supplied with water through its own Water Service Connection.	\$250
56	Sell or distribute piped water unless specifically licensed to do so by the Town, unless the sale or distribution of water is by a landlord to a tenant or by a condo corporation to a member and that the charge to the tenant does not exceed the amount charged by the Town.	\$500
68	Fail to have any testable cross connection control devices tested by an Approved Tester as required by the National Plumbing Code.	\$250
69	Fail to have a cross connection control device repaired or replaced and re-tested within 5 business days.	
70	Fail to retain test report records on-site and available to the Town Manager upon request.	\$250
73	Use a fire hydrant without authorization.	\$500
80/81/82	Obstruct, interfere with or fail to provide access to a fire hydrant.	\$100
85	Remove or make unserviceable a privately owned hydrant.	\$500
86	Fail to notify Town if privately owned hydrant is unusable.	\$500
88	Paint a hydrant or allow a hydrant to be painted any colour except the approved colour as set out by the Town.	\$250
89	Allow Environmentally Inappropriate use of flow of municipal water.	\$100
91	Contravene an order restricting the use of water either throughout the Town or in any particular areas of the Town.	\$100
101	Interfere with water system.	\$2,500
102	Enter into any utility structure.	\$2,500
105	Hinder, disrupt or cut of supply of water to any consumer.	\$250
106	Allow use of water from the Town's water system that is not measure by a water meter.	\$250
115	Allow water to be turned on before meter installation is approved.	\$250
118	Fail to obtain approval for removal and re-installation of remote reading device.	\$250
120	Tamper with or open a remote reading device.	\$500
130	Fail to open a water account upon issue of a development and/or building permit.	\$250