

TOWN OF DIDSBURY WATER BYLAW NO. 2013-08
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**TOWN OF DIDSBURY
WATER BYLAW 2013-08**

WHEREAS The Town of Didsbury is a Municipal Corporation in the Province of Alberta and the *Municipal Government Act* (R.S.A. 2000, c. M-26) authorizes a municipality to operate a water system as a public utility for the purpose of supplying and distributing water to residents, industrial and commercial users, for fire protection, and to all other Customers in the Town of Didsbury, and subject to Council approval, to Customers outside the Town boundaries;

AND WHEREAS the *Municipal Government Act* authorizes a municipality to pass a bylaw respecting public utilities and services provided by the municipality;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF DIDSBURY ENACTS AS FOLLOWS:

PART I: GENERAL MATTERS

1. SHORT TITLE

This Bylaw may be referred to as the, "Water Utility Bylaw".

2. INTERPRETATION AND DEFINITIONS

(1) In this Bylaw:

- (a) "Backflow" the flowing back or reversal of the normal direction of flow in either the Water System or a Customer's Plumbing system;
- (b) "Chief Administrative Officer (CAO)" the person appointed by Council to be responsible for the construction, operation and maintenance of the water supply system or that Person's designate;
- (c) "Combined Water Service" a water service which supplies water for both domestic use and for a fire protection system in the same premises;
- (d) "Council" the Council of the Town of Didsbury;
- (e) "Cross Connection" any temporary, permanent or potential water connection that allows or may allow Backflow to occur;
- (f) "Cross Connection Control Device" a Backflow prevention device approved by the Manager of Public Works that prevents Backflow;
- (g) "Customer" means an individual, partnership or corporation who is the Owner of the Lands and who submits an application for utility service for those Lands;
- (h) "Customer's Plumbing System" the system of pipes, fittings, valves and appurtenances that conveys potable water between the Water Service Connection and the Water Supply outlets;
- (i) "Food and Beverage Establishment" an establishment where food is prepared or liquor is served, or both, for consumption on the premises or as part of a "take-out food service";
- (j) "Gross Building Area" the sum of the total floor areas of the dwelling unit including basement, main and upper floors, but excluding garage floor areas, swimming pool areas and greenhouse areas;
- (k) "Hydrant Connection Unit" the locked box supplied by the Town to a Hydrant User which is used to withdraw water from a fire hydrant and which contains a Water Meter, valves, pipes and fittings, and which may or may not contain a Cross Connection Control Device for the prevention of Backflow;

- (l) “Hydrant User” any Person authorized by the Manager of Public Works to obtain water from a fire hydrant for a purpose other than emergency fire protection;
- (m) “Manager of Public Works” the person appointed by the CAO to oversee the operations of the Town of Didsbury water system.
- (n) “Master Control Valve” the water valve within a building on a Customer's parcel, usually located near the Water Meter or point of entry of the Water Service Connection, which, when closed, does not allow the flow of water in the building;
- (o) “Monthly Rate” a charge for services based on a thirty (30) day period, the billing of which is established by dividing the applicable monthly rate or charge by thirty (30) to derive a daily rate and multiplying the daily rate by the actual number of days in the billing period;
- (p) "Occupant" includes an Owner of a premises where that Owner resides or carries on a business within a premises, and includes any Person or corporation residing or carrying on a business, or both, within a premises either as a lessee or pursuant to a license of occupation, where that premises is connected to the Water System;
- (q) “Officer” includes a Community Peace Officer a Bylaw Enforcement Officer; or a member of the RCMP
- (r) “On-site Water Main” an underground water pipe which forms part of the Customers water distribution network;
- (s) "Owner" means
 - i. any Person registered as the Owner of the Property under the Land Titles Act; and
 - ii. a Person who is recorded as the Owner of the Property on the Assessment Roll of the Town;
 - iii. the Town;
- (t) “Person” includes an owner, corporation and other legal entities;
- (u) “Potable Water” water which originates from a source or tap connected to a Town water main;
- (v) “Remedial Order” an order issued pursuant to section 545 of the *Municipal Government Act*,
- (w) “Town” the municipal corporation of the Town of Didsbury or where the context requires the area contained within the boundaries of the Town of Didsbury;
- (x) “Residence” A residential building where no commercial activity or business is carried on.
- (y) "Town Water Main" a water pipe in the street, public thoroughfare or easement area granted to the Town, which forms part of the Town water distribution network and delivers the Water Supply to Water Service Connections;
- (z) "Water Meter" any device approved by the Manager of Public Works which is designed to measure the quantity of water used by a Customer, and which may or may not incorporate a remote-reading device;
- (aa)“Public Works” The Town’s department responsible for providing asset management, engineering, planning and support functions for water, wastewater and drainage systems as well as responsible for the operational functions of the water, wastewater and storm drainage systems.
- (bb) "Water Service Connection" a water pipe which connects a Customer's parcel or premises to a Town water main;
- (cc) "Water Service Valve" the Town-owned water valve located on the Water Service Connection which enables the Town to turn on or off the Water Supply to a Customer’s premises;

(dd) "Water Supply" the supply of potable water delivered to Customer's parcel or premises through the Water System;

(ee) "Water System" the entire infrastructure owned by the Town for the purpose of the collection of source water and delivery of Potable Water to Customers;

- (2) All schedules, forms, tables and diagrams attached to this Bylaw shall form part of this Bylaw.
- (3) Any headings, sub-headings, or table of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (4) Any contract between The Town and a Customer with respect to the supply of water shall be subject to this Bylaw.
- (5) Where this Bylaw refers to another bylaw or any Act, Regulation or agency, it includes reference to any bylaw, Act, Regulation or agency that may be substituted therefore.
- (6) Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

PART II: CONTINUATION OF THE WATER SYSTEM

3. The Town having constructed, operated and maintained a water system as a public utility shall continue, insofar as there is sufficient plant capacity and supply of water, to supply water, upon such terms as Council considers advisable, to any resident or industry or other Customer within the municipality situated along any water main:
 - (a) where a service currently exists; and
 - (b) upon a written request by the Owner or other Person in charge of a residence, industry or building.

PART III: RESPONSIBILITIES OF THE TOWN AND CUSTOMERS

4. (1) Where a water service is continued or initiated pursuant to this Bylaw, The Town shall supply water to a Customer's Plumbing System at the property line of the parcel of land to be serviced, adjacent to a street or lane, or at the boundary of an easement granted to the Town for its Water System
- (2) Where a water service is continued or initiated pursuant to this Bylaw, the Customer shall be responsible for:
 - (a) providing the Water Service Connection from the property line or boundary of an easement granted to the Town for its Water System to the Customer's Plumbing System;
 - (b) ensuring that the connection referred to in subsection (a) is in compliance with the provisions of this Bylaw;
 - (c) ensuring that the connection referred to in subsection (a) and the remainder of the Customer's Plumbing System comply with the *Safety Codes Act* (R.S.A. 2000, c. S-1) and any regulations passed pursuant to that Act;

- (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) ensure that such connection does not interfere with the operation of the Water System.
- (3) In making an application pursuant to this Bylaw no Person shall give false information.
- (4) 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 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.

PART IV: GENERAL AUTHORITY OF THE MANAGER OF PUBLIC WORKS

5. (1) The Manager of Public Works may:
- (a) delegate any or all of the powers granted to the Manager of Public Works pursuant to this Bylaw;
 - (b) establish standards and guidelines for the maintenance and physical operations of the Water System;
 - (c) enter into contracts for the installation of equipment for the provision of water services, including the installation of Water Meters,
 - (d) subject to any provisions of this Bylaw, discontinue water service and continue to refuse to provide water service until such time as the deficiency is corrected, if a Customer or Owner fails or refuses to repair, maintain or replace any leak or leaks between a private property line and a Water Meter.
- (2) The Manager of Public Works may:
- (a) delegate any or all of the powers granted to the Manager of Public Works pursuant to this Bylaw;
 - (b) establish standards, guidelines and specifications for the design, construction and management of the Water System;
 - (c) enter into contracts for the provision of services, including contracts to provide for the reading of Water Meters, billing for water services, and similar services;
 - (d) subject to any provisions of this Bylaw, enter into contracts on behalf of The Town with any Customers within The Town for the provision of water services and may, as a condition of service, impose any conditions to the supply of water services in such contracts that the CAO considers reasonable and appropriate in the circumstances, including provision that if a Customer fails to comply with the requirements of this Bylaw or the terms of the contract, that water service may be discontinued;

- (e) subject to any provisions of this Bylaw, require any Customer to enter into a contract with The Town for the provision of water services, prior to such services being provided;
- (f) subject to any provisions of this Bylaw, refuse to supply, discontinue water service, and continue to refuse to provide water service until such time as the deficiency is corrected, if a Customer or Owner has:
 - i. provided false information in an application for service;
 - ii. failed to keep an account in good standing;
 - iii. refused to allow the installation of a Water Meter;
 - iv. failed to comply with a term of a contract for the provision of water service; or
 - v. failed to comply with a condition of water service;
- (g) subject to the approval of Council, enter into an agreement to supply water to a Customer or Customers outside the Town limits.

PART V: RATES AND FEES

- 6. (1) Council shall set rates and fees for all Customers for the following:
 - (a) monthly service charges and water usage rates;
 - (b) monthly flat rates; and
 - (c) collection and cut-off fees.
- (2) Subject to subsection (1), the CAO may establish rates and fees for products and services provided pursuant to this Bylaw, including the following:
 - (a) fees for inspections, service connections, reconnections and disconnections;
 - (b) fees for meter, hydrant and other equipment rentals, replacement and relocations; and
 - (c) service fees for site visits, maintenance, testing and repairs.
- (3) Rates and fees set by Council pursuant to subsection (1) shall be set annually in the Rates, Fees and Fines Bylaw.
- (4) No reduction in rates will be made in the monthly charge for water supplied to or made available for use by any Customer because of any interruption due to any cause whatsoever of the Water Supply.

RESIDENTIAL METERED

- 7. Where water is supplied by the Town through a Water Meter, for residential use, to a Customer in a dwelling unit that is individually metered, the Customer shall pay to the Town a monthly charge of the aggregate of:
 - (a) the monthly service charge as set out in the Rates, Fees and Fines Bylaw and
 - (b) the amount determined by the volume of water shown by the Water Meter as
 - (c) supplied for the applicable month at the usage rate specified, as set out in the Rates, Fees and Fines Bylaw.

GENERAL SERVICE

8. Where water is supplied by the Town through a Water Meter to a Customer other than under Sections 7, the Customer shall pay to the Town a monthly charge of the aggregate of:
- (a) the monthly distribution charge as set out in the Rates, Fees and Fines Bylaw, and
 - (b) the amount determined by the volume of water shown by the Water Meter as supplied for the applicable month at the usage rate specified in the Rates, Fees and Fines Bylaw

OUTSIDE TOWN

9. Where water is supplied through a Water Meter to any Customer outside the Town of Didsbury, that Customer shall pay to the Town the rates approved by Council for such Customer or if no such rates are approved a monthly charge of the aggregate of:
- (a) the monthly service charge as set out in the Rates, Fees and Fines Bylaw, and
 - (b) the amount determined by the volume of water shown by the Water Meter as
 - (c) supplied for the applicable month at the usage rate specified, as set out in the Rates Fees and Fines Bylaw

BULK WATER STATIONS

10. Anyone who wishes to obtain water from the public bulk water stations in the Town shall apply for an account or other authorized form of payment allowing them to obtain water from that source and they shall pay for that water the amount as set out in the Rates, Fees and Fines Bylaw.

BUILDING CONSTRUCTION

11. Charges for water to be used in construction activities will be in accordance with the rates as shown in the Rates, Fees and Fines Bylaw, and are payable with the application for a Building Permit.

FIRE HYDRANTS

12. Where the drawing of water from fire hydrants is authorized, charges for such water will be in accordance with the rates as shown in Rates, Fees and Fines Bylaw.

PART VI: PAYMENTS

13. (1) The Chief Administrative Officer may establish a system for the billing and collecting of the rates, charges, fees and rents in connection with the Water System including but not limited to charges for any work done or service or material supplied for the construction, installation, connection, disconnection or replacement of any part of the Water System, or any part of the Customer's Plumbing System located on private property.
- (2) In default of payment of the rates set out in the Rates, Fees and Fines Bylaw or any amount due and payable to the Town for anything done, or any amounts payable, pursuant to this Bylaw, the CAO may enforce the collection of such rates or payments by shutting off the water being supplied to the Customer, or by action in any Court of competent jurisdiction, or both.
- (3) Where the Occupant is the Owner or purchaser under an agreement for sale in possession of the parcel or premises to which water is supplied or is available for the use of the Occupant, all sums payable by the Occupant pursuant to this Bylaw including the rates set out in the Rates,

Fees and Fines Bylaw, are a debt due and owing to the Town and shall constitute a preferential lien and charge on the parcel or premises and the personal property of the Occupant and may be levied and collected in a like manner as Municipal rates and taxes are recoverable.

PART VII: WATER CONSERVATION

LOW WATER USE FIXTURES

- 14.** (1) For the purposes of this Section, Low Flow Plumbing Fixtures means:
- (a) toilets having a total water usage of no greater than 6.0 liters or 1.6 US gallons
 - (b) per flush, including the contents of both the tank and bowl of the toilet;
 - (c) urinals having a total water usage of no greater than 3.8 liters or 1.0 US gallons per flush, but does not include urinals which flush automatically after a period of elapsed time, regardless of the amount of water usage per flush;
 - (d) showerheads having a rate of water flow no greater than 9.5 liters or 2.5 US gallons per minute;
 - (e) lavatory basin and kitchen sink faucets having a rate of water flow no greater than 8.3 liters or 2.2 US gallons per minute; and
 - (f) public restroom faucets having total water flow of no greater than 1.8 liters or 0.5 US gallons per minute.
- (2) Subsection (1)(c) shall not be interpreted to prevent the installation of more than one valve in a shower stall or bathroom.
- (3) Every Person responsible for the construction of:
- (a) new residential construction, regardless of the number of dwelling units
 - (b) contained in a structure;
 - (c) new industrial, commercial and institutional construction; and
 - (d) any renovation project regarding a residential, industrial, commercial or
 - (e) institutional structure that requires a plumbing permit; must ensure that all plumbing fixtures installed in that construction or renovation are Low Flow Plumbing Fixtures, as they are defined in this Section.
- (4) Notwithstanding the obligations and prohibitions in this Section, the CAO may, in writing, allow the installation of plumbing fixtures other than Low Flow Plumbing Fixtures having regard to any factor the Manager of Public Works considers appropriate.

ONCE-THROUGH COOLING

- 15.** (1) For the purpose of this Section, “Once-Through Cooling Equipment” means cooling, air conditioning or refrigeration systems in buildings, building systems and equipment, which rely upon the temperature of the water for cooling purposes and deliver water to a drain or other discharge facility without having recycled that water, but does not include emergency or back-up once-through cooling systems.

- (2) No Person shall install or allow the installation of any Once-Through Cooling Equipment connected to The Town of Didsbury's Water Supply, in any residential, industrial, commercial or institutional construction, development, retrofitting or restoration project.
- (3) Notwithstanding the obligations and prohibitions in this Section, the CAO may, in writing, allow the use of Once-Through Cooling Equipment having regard to any factor the Manager of Public Works considers appropriate.

WATER WASTAGE

16. (1) No Owner or Occupant of a parcel shall allow Potable Water to run off the parcel such that there is:
 - (a) a stream of water running into a street or swale for a distance of 30 meters or more from the edge of the parcel;
 - (b) a stream of water running into a street or swale and directly into a catch basin; or
 - (c) a stream or spray of water running into or falling onto a street or sidewalk.
- (2) Notwithstanding the prohibitions in this Section, the Manager of Public Works may authorize in writing the discharge of Potable Water onto a street or sidewalk for the purposes 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 of Didsbury; or
 - (g) other purposes as deemed necessary by the Manager of Public Works from time to time.

PART VIII: EMERGENCIES AND OUTDOOR WATER USE RESTRICTIONS

EMERGENCIES

17. In the event of an emergency the Chief Administrative Officer may shut off water service, without prior notice, to:
 - (1) a Customer;
 - (2) a group of Customers; or
 - (3) a geographical area.

OUTDOOR WATER USE RESTRICTIONS

18. (1) In the event that the Chief Administrative Officer believes there is a reason to require reduced water usage, the Chief Administrative may declare an outdoor water use restriction.
- (2) The declaration of an outdoor water use restriction by the Chief Administrative Officer may apply to:
- (a) the entire Town;
 - (b) specific zone(s) or geographic area(s) of the Town; or
 - (c) other specific locations as defined by the Manager of Public Works;
- (3) In the event there is reason to declare an outdoor water use restriction, the Manager of Public Works may declare such restriction effective immediately.
- (4) In the event of a declaration of an outdoor water use restriction made pursuant to this Section, the Manager of Public Works:
- (a) shall cause public notice indicating the stage of outdoor water use restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:
 - (i) Town of Didsbury press release;
 - (ii) notice on The Town of Didsbury web-site;
 - (iii) advertising in one or both major weekly newspapers in circulation in the Town;
 - (iv) circulation of flyers; or
 - (v) signage;
 - (b) may declare different stages of Outdoor Water Use Restrictions in different areas;
 - (c) shall, if changing the areas of application or stages of restrictions in any area
 - (d) or lifting a declaration of Outdoor Water Use Restrictions, cause a public
 - (e) notice to be given in the manner described in subsection (b); and
 - (f) shall, after determining that the reason or reasons to require reduced water
 - (g) usage has sufficiently abated, declares an end to an Outdoor Water Use Restriction and shall cause public notice of such declaration to be given in the manner described in subsection (b).

PART IX: PROTECTION OF INFRASTRUCTURE AND WATER SUPPLY

GENERAL PROHIBITIONS

19. (1) No Person shall enter any fenced area which forms part of the Water System or is controlled by Water Services, without the permission of the Manager of Public Works.
- (2) No Person shall climb upon any structure which forms part of the Water System.

PART X: INTERFERENCE WITH WATER SYSTEM

20. (1) No Person shall:
- (a) damage, destroy, remove or interfere in any way with any pipe, pipe a connection, valve, or other appurtenance forming part of the Water System;
 - (b) interfere in any way with or cause any interference with the use of the Water System by another Customer, and without limiting the generality of the foregoing, 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 Connection, on the upstream side of a Water Meter or Master Control Valve for the purpose of increasing water pressure; unless authorized by the CAO.
 - (d) install branch supply lines, outlets or fixtures on the upstream side of a Water Meter or Master control valve, except for fire protection purposes as approved by the Manager of Public Works;
 - (e) install branch supply lines, outlets or fixtures on the upstream side of Premises-isolating Cross Connection Control Device;
 - (f) 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 Metering facilities; and
 - (g) attach or connect any pipe to any pipe or main of the Water System or in any other way obtain or use any water thereof without consent of the Manager of Public Works.

PART XI: ACCESS TO PROPERTY FOR THE PURPOSES OF WATER SERVICE

ACCESS FOR AUTHORIZED PURPOSES

21. (1) As a condition of 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 System and Water Service Connections;
 - (b) installation, testing, repair and removal of Water Meters or other parts of the
 - (c) Water System;
 - (d) inspection of Cross-Connection Control Devices or other equipment and works associated with the Water System and the Customer Plumbing System;
 - (e) reading of Water Meters; and
 - (f) inspections for compliance with this Bylaw.
- (2) 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.
- (3) Upon termination of Water Service, any employee of the Town employed for that purpose may, at all reasonable times enter the parcel or premises which was supplied with Water Service for

the purpose of removing from the parcel or premises any fittings, machines, apparatus, meters, pipes or any other things that are the property of the Town, and may remove these things.

- (4) Employees of the Town may at any time specify the required position or require the relocation, at a property owner's expense, of any Water Meter, Cross Connection Control Device, pipe, valve or fitting forming part of the Water System.

SERVICE FEES FOR SUBSEQUENT SITE VISITS

22. A fee may be charged, as set by the CAO from time to time, where a Town employee or agent is required to make an additional visit or visits at a parcel or premises for any of the following reasons:
 - (a) where a Customer 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 in relation to the Water System;
 - (b) where a Town employee or agent attends at a parcel or premises for a scheduled appointment to perform any of the functions set out in subsection (a), and the Customer is not present at the scheduled time to provide access to the parcel or premises; or
 - (c) where a Town employee or agent attends at a parcel or premises to perform any of the functions set out in subsection (a) and is unable to proceed based on unsafe conditions or the inadequacy of access to the parcel or premises.

PART XII: WATER METERS

RESIDENTIAL

23. (1) It shall be a condition of an application for utility service to supply water to a commercial property and a residence that the Owner of the property agrees to the installation of a Water Meter.
 - (2) If the Owner of a Residence refuses to have a Water Meter installed the Manager of Public Works may cut off the water service to the premises.
 - (3) The Manager of Public Works may determine if it is impractical to install a Water Meter and if such installation is impractical, Council shall determine what rate shall be charged for water service.

GENERAL SERVICE

24. (1) It shall be a condition of water service that all premises shall be connected to a Water Meter.
 - (2) Subject to subsection (3), it shall be a condition of water service that all non-residential Water Service Connections, including Combined Water Service, temporary water service, and seasonal water service, shall be connected to a Water Meter.
 - (3) 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) other connections where, in the opinion of the Manager of Public Works, it is impractical to install a Water Meter.

COSTS ASSOCIATED WITH WATER METERS

25. (1) The Town may charge for and recover from the Owner of a premises the cost of supplying, installing, altering, repairing, relocating or replacing a Water Meter.
- (2) If a Water Meter is removed or stolen, the Owner of the premises shall pay the cost of replacing the Water Meter including installation.
- (3) Notwithstanding the payment of any costs, all Water Meters shall remain the property of the Town.

LOCATION, INSTALLATION AND MAINTENANCE OF WATER METERS & METERING FACILITIES – OBLIGATIONS & AUTHORITY OF THE MANAGER OF PUBLIC WORKS

26. (1) As a condition of service, the Manager of Public Works may:
- (a) determine the size, type and number of Water Meters to be supplied and installed in a premise;
 - (b) determine the location that a Water Meter or Water Meters are to be installed;
 - (c) 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;
 - (d) require a Water Meter to be either tested on site or removed for testing by a Water Services employee or Person authorized by the Manager of Public Works, at any specific time or on a periodic basis;
 - (e) require a Water Meter to be relocated:
 - i. if the building to which it was initially installed, has been altered; or
 - ii. (ii) to a location near the point of entry of the Water service Connection;
- (2) As a condition of service, the Manager of Public Works may:
- (a) inspect a parcel or premises prior to supplying water service to determine if a site is suitable for the installation, reading, maintenance and repair of a Water Meter and related works;
 - (b) inspect an installation to ensure it meets approved or modified drawings and require an Owner to remedy any deficiencies;
- (3) The Manager of Public Works shall:
- (a) where a Customer has submitted an application to relocate a Water Meter or install additional meters, pipes or valves, review the application and provide a decision to the Customer which:
 - i. approves the application;
 - ii. (ii) notifies the Customer of required changes to such application; or
 - iii. (iii) denies the application;
 - (b) determine the size, type and number of Water Meters to be supplied and installed by the Town.

LOCATION, INSTALLATION AND MAINTENANCE OF WATER METERS & METERING FACILITIES – OBLIGATIONS & RIGHTS OF THE CUSTOMER

27. (1) Every Customer shall:

- (a) for water meter installation within a building, provide a suitable site for such installation near the master control valve, to the satisfaction of the Manager of Public Works;
- (b) for Water Meter installation outside of a building, provide at the Owner's expense and to the satisfaction of the Manager of Public Works a meter building or a meter vault on the owner's property and near the property line, in accordance with The Town of Didsbury Standard Specifications Waterworks Construction, as amended from time to time;
- (c) provide for the maintenance and repair of such building or vault referred to in Subsection (b), and upon failure to do so the Manager of Public Works may have such work performed by Town employees or agents at the owner's expense;
- (d) ensure that employees or agents of The Town of Didsbury have clear access to meter areas and Water Meters for meter testing and reading purposes;
- (e) notify the Manager of Public Works immediately whenever a Water Meter is not operating or if any part of a Water Meter becomes damaged or broken;
- (f) be responsible for the safe-keeping of any Water Meter and any remote reading device that is installed on his premises;
- (g) protect any Water Meter, valves and pipes located on his parcel or premises from freezing, excessive heat, overheating of water, external or internal damage of any kind, or any other thing which may affect the operation of the Water Meter or Meters;
- (h) 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 causes set out in subsection (g) or any other cause within the control of the Customer;
- (i) notify the Manager of Public Works within twenty four (24) hours if the seal on a by-pass valve or a Water Meter is broken for emergency purposes or any other purpose;

(2) Every Customer may:

- (a) 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 three percent of actual flow and such test shall be at the Customer's expense if the Water Meter is found to be accurate within three percent of actual flow;
- (b) request that a Water Meter or metering facilities be relocated by submitting plans and specifications to the Manager of Public Works in a form approved by the Manager of Public Works, and upon approval by the Manager of Public Works may relocate, alter or change any existing Water Meter or metering facilities, the costs of any such alteration or relocation including costs incurred by the Town being the responsibility of the Customer.

(3) No Person shall:

- (a) interfere with or tamper with the operation of any 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,

METER READINGS

28. (1) The Manager of Public Works may:
- (a) require a Water Meter to be read;
 - (b) determine the frequency at which Water Meters shall be read;
 - (c) subject to Subsection (3), estimate a Water Meter reading;
- (2) Every Customer shall:
- (a) provide readings of a Water Meter or Water Meters on premises under his control, when requested by the Manager of Public Works; and
 - (b) in circumstances where a Water Meter was estimated:
 - i. pay the cost of the estimated consumption; and
 - ii. (ii) if the actual consumption is greater than the estimated consumption when the Water Meter is read, pay the cost of the actual consumption;
- (3) A Water Meter reading may be estimated by the Manager of Public Works 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.
 - (d) The Town will determine the amount of water supplied to a *Consumer* and such determination shall be final for all matters within the terms of this bylaw. The Town will charge or credit a *Consumer's* account up to 1 year of past consumption
- (4) If a Customer experiences abnormal water consumption, the CAO may adjust the Customer's bill taking into consideration any or all of the following factors:
- (a) whether the Customer is a residential or general service Customer;
 - (b) the cause or nature of the abnormal water consumption;
 - (c) any evidence of action taken by the Customer to abate the abnormal consumption;
 - (d) any other factor or factors that the Manager of Public Works considers relevant.

PART XIII: WATER SERVICE CONNECTIONS

OBLIGATIONS AND OWNERSHIP

29. (1) The Town shall install that portion of the Water Service Connection which is on Town property and which runs from the Town Water Main to a property line of the parcel of land to be serviced, adjacent to a street or lane, or at the boundary of an easement granted to the Town for its Water System.
- (2) The Town shall remain the owner of the Water Service Connection after installation, and the Town shall remain responsible for the control, maintenance, repair, and replacement of that portion of the Water Service Connection, thereafter.

- (3) Any Water Service Connection, pipe line or water system on private property through which the supply of water is conveyed from the portion of the Town Water System which is located at the property line of the street or lane, or boundary of an easement area granted to the Town for its Water System, to the water outlets or fixtures on the private property shall be installed, maintained, repaired and replaced by the Owner at the Owner's expense, and without limiting the generality of the foregoing, as a condition of receiving water service from the Town, the Owner shall:
 - (a) maintain such Water Service Connections in a state of good repair, with sufficient protection from freezing, free from leakage, or other water loss to the satisfaction of the Manager of Public Works.

CHANGES TO EXISTING WATER SERVICE CONNECTIONS

30. (1) Any Owner wishing to relocate, replace, alter or disconnect an existing Water Service Connection must make application and receive approval of the Manager of Public Works prior to commencing such work.
 - (2) Where a change referred to in subsection (1) is approved by the Manager of Public Works that Owner may have the work performed on the Town owned portion of the Water Service Connection by either an indemnified contractor or The Town.
 - (3) If the Owner of the parcel or premises chooses to have the work on the Town owned portion of the Water Service Connection performed by The Town pursuant to subsection (2), that Owner shall pay an amount determined by the Manager of Public Works, being equal to the estimated cost of the Water Service Connection, subject to a refund or further payment depending on the actual cost when the work is completed.

SHUT-OFF VALVES

31. (1) All Water Service Connections must be provided with a Master Control Valve and such valve:
 - (a) shall be placed immediately inside the outer wall of the premises and on the inlet side of the Water Meter;
 - (b) is intended to enable a Customer to shut off the supply of water in case of an emergency, for the repair or protection of the building, pipes or fixtures, or to prevent flooding of the parcel or premises or in the event the premises are permanently or temporarily vacated.
- (2) Every Owner shall ensure:
 - (a) that all shut-off valves on their premises are maintained in good mechanical condition;
 - (b) that all shut-off valves are easily accessible at all times to ensure that such valves are operable in case of emergency.

TURNING WATER SERVICE ON OR OFF

32. (1) No Person shall turn a Water Service Valve on or off except as authorized by the Manager of Public Works.
 - (2) No Owner or Occupant of a parcel or premises shall allow a Water Service Valve to be turned on or off except as authorized by the Manager of Public Works.

PART XIV: CROSS CONNECTIONS AND TESTING

CONTROLLING CROSS CONNECTIONS

- 33.** (1) No person shall connect, cause to be connected or permit to remain connected to the water system a Cross Connection that has not been approved by the Manager of Public Works.
- (2) Where the Manager of Public Works believes that a Cross Connection exists in contravention of subsection (1), the Manager of Public Works may carry out an inspection:
- (a) upon reasonable notice to the Customer, or
- (b) without notice where the Manager of Public Works believes that an immediate threat of contamination to the Water System exists.
- (3) Upon inspection, where the Manager of Public Works continues to believe that a Cross Connection exists in contravention of subsection (1) the Manager of Public Works may cut off the water service to that parcel or premises with reasonable notice, and where the Manager of Public Works believes that such Cross Connection poses an immediate threat of contamination of the Water System, he may cut off such water service without notice.

PREMISES-ISOLATING CROSS CONNECTION CONTROL DEVICES

- 34.** (1) Every newly constructed, reconstructed or renovated premises, with the exception of dwelling units separately serviced from a Town Water Main or On-site Water Main, shall have a Premises-isolating Cross Connection Control Device installed on the Customer's Plumbing System where the service enters the building, or in a location approved by the Manager of Public Works.
- (2) Where it is proposed to use water from the Water System for constructing, altering, or repairing a building, the temporary water connection shall have a Premises-isolating Cross Connection Control Device installed on the temporary water connection, or in a location approved by the Manager of Public Works;
- (3) Notwithstanding subsection (1), the Manager of Public Works may require the installation of a Premises-isolating Cross Connection Control Device on any existing Customer's Plumbing System, at a location approved by the Manager of Public Works.

CUSTOMER MUST TEST AND MAINTAIN CROSS CONNECTION CONTROL DEVICES

- 35.** (1) For the purposes of this Section, Testable Cross Connection Control Devices means Double Check Valve Type Assemblies (DCVA), Reduced Pressure Principle Type Assemblies (RP), and Pressure Vacuum Breaker Assemblies (PVB/SRPVB).
- (2) For the purposes of this Bylaw, Testable Cross Connection Control Devices shall only be tested by Persons approved by the Manager of Public Works.

- (3) Every Customer shall, at their own expense, have any Testable Cross Connection Control Devices tested:
 - (a) at the time of installation of a new Testable Cross Connection Control Device;
 - (b) annually or as required by the Manager of Public Works;
 - (c) at the time that a Testable Cross Connection Device is relocated;
 - (d) at the time that a Testable Cross Connection Control Device is cleaned, repaired or overhauled; and
 - (e) in the case of an irrigation system, at the time the system is turned on at the beginning of each irrigation season.
- (4) Every Customer shall retain test report records on-site and available to the Manager of Public Works upon request.
- (5) An approved tester must submit a test report with respect to each test referred to in subsection (3) to the Manager of Public Works on a form approved by the Manager of Public Works within 30 days of each test of a Testable Cross Connection Control Device where the tester:
 - (a) discovers that the Testable Cross Connection Control Device is in good working order; or
 - (b) discovers that the Testable Cross Connection Control Device is not in good working order but repairs or replaces and re-tests the Testable Cross Connection Control Device immediately.
- (6) An approved tester must submit a report in writing to the Manager of Public Works on a form approved by the Manager of Public Works within two (2) business days of every test of a Testable Cross Connection Control Device where the tester discovers that a Testable Cross Connection Control Device is not in good working order and where the tester does not repair or replace that Testable Cross Connection Control Device immediately.
- (7) Where a Testable Cross Connection Control Device fails a test referred to in Subsection (3) and the Customer does not have it replaced immediately by the authorized tester, the Customer shall have the Testable Cross Connection Control Device repaired or replaced and re-tested within five (5) business days.
- (8) As a condition of service, the Manager of Public Works may issue an order to a Customer requiring the installation, testing or repair of a Cross Connection Control Device and that order may specify a date and time by which the Customer must comply with the terms of the order.
- (9) Where a Customer fails to comply with an order issued by the Manager of Public Works pursuant to subsection (8), the Manager of Public Works may shut off the water service or water services until the situation has been remedied.

PART XV: FIRE HYDRANTS AND HYDRANT CONNECTION UNITS

FIRE HYDRANTS

- 36.** (1) Unless authorized by the Manager of Public Works, no Person shall:
- (a) open or close any hydrant or hydrant valve;
 - (b) connect any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance;
or
 - (c) use water from a fire hydrant, regardless of whether that hydrant is located on private or public property, for any purpose other than fire protection.
- (2) Notwithstanding subsection (1), where a Water Service Connection branches off from a water line that provides water to a hydrant, water may be used for purposes other than fire protection as long as the branch line providing water for purposes other than fire protection is equipped with a Water Meter.
- (3) All fire hydrants, except fire hydrants situated on private property, shall remain the property of the Town.
- (4) Any Person who wishes to have a Town owned fire hydrant relocated may request in writing to the Manager of Public Works that the hydrant be relocated. If approved, the Person making the request shall pay in advance the estimated cost determined by the Manager of Public Works, subject to a refund or additional payment, depending upon the actual cost when the work has been completed.
- (5) 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 including this Bylaw.
- (6) No Owner or Occupant of a parcel or premises 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 by The Town of Didsbury Standard Specifications.

OBSTRUCTION OF HYDRANTS

- 37.** (1) No Owner or Occupant of a parcel or premises shall allow the access to a fire hydrant located on or adjacent to that parcel or premises to be obstructed in any manner, including the building or erection of anything or the accumulation of any building material, rubbish or other obstruction.
- (2) No Owner or Occupant of a parcel or premises shall allow anything on the parcel or premises to interfere with the operation of a fire hydrant located on or adjacent to that parcel or premises.
- (3) 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 two (2) meter clearance on each side of a fire hydrant and a one (1) meter clearance on the side of a fire hydrant farthest from the nearest adjacent street, as set out in Schedule "A" to this Bylaw;
 - (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)

PERMISSION TO USE WATER FROM FIRE HYDRANTS

- 38. (1) The Manager of Public Works may authorize the use of fire hydrants and the use of water from fire hydrants on a temporary basis where no other supply of water can be conveniently obtained.
- (2) The Manager of Public Works 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.

HYDRANT CONNECTION UNITS

- 39. (1) The Manager of Public Works may require that any Person authorized to use a fire hydrant or draw water from a fire hydrant pursuant to Section 38 shall:
 - (a) enter into a Hydrant Connection Unit Rental Agreement with The Town;
 - (b) have any vehicle to which a Hydrant Connection Unit is attached and its equipment inspected and approved by The Town, where required pursuant to the agreement, prior to withdrawing water from a fire hydrant;
 - (c) use the Hydrant Connection Unit in the manner required pursuant to the rental agreement at all times while drawing water from a fire hydrant or while connected to a fire hydrant, and ensure that no Backflow, wastewater or other substance can enter the Water System;
 - (d) ensure that a copy of the Hydrant Connection Unit Rental Agreement, and the Rental Agreement receipt is kept in the vehicle at all times that the Hydrant Connection Unit is attached to such vehicle; and
 - (e) produce the Hydrant Connection Unit Rental Agreement and the Rental Agreement receipt to an Officer or any employee of Water Services for inspection, upon demand.
- (2) No Person authorized to use a fire hydrant or draw water from a fire hydrant pursuant to Section 38 shall break or allow to be broken a seal placed on a Hydrant Connection Unit.
- (3) Any Person who fails to comply with the requirements of this Section commits an offence.

TOWN OF DIDSBURY EXEMPTION

- 40. This Part shall not apply to members of the Didsbury Fire Department acting in the course of their work or any Didsbury Fire Department or Public Works activities associated with the flushing of water mains and the maintenance of fire hydrants.

PART XVI: ALTERNATE SOURCES OF WATER

- 41.** (1) 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 the written consent of the Manager of Public Works.
- (2) The Manager of Public Works may authorize the use of an alternate source of water subject to such terms and conditions as he deems is necessary, and notwithstanding the generality of the foregoing he may set a limit on the period of time for which an alternate supply of water may be used.
- (3) No person who has been granted permission by the Manager of Public Works to use an alternate 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.
- (4) Public Works shall not be responsible for the quality of water obtained from any alternate source of water.
- (5) Unless authorized by the Manager of Public Works in writing, no Person shall provide or supply water from one premise, 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.

PART XVII: REMEDIAL ORDERS

- 42.** (1) A Remedial Order may be issued to order compliance with the provisions of this Bylaw.
- (2) Where a Remedial Order is issued to either an Owner or an Occupant of a premises pursuant to this Bylaw and if the Person to whom the Remedial Order is issued fails to comply with the Remedial Order or fails to comply with the order within the time specified in the Remedial Order, the Manager of Public Works may cut off water service to the premises.
- (3) Where a Remedial Order is issued to the Owner of a parcel or premises and if that Person to whom the Remedial Order is issued pursuant to this Section fails to comply with the Remedial Order within the time specified, employees of the Town may do anything required by the Remedial Order and the costs of doing so are an amount owing to the municipality and may be added to the tax roll of the parcel.
- (4) A Person to whom a Remedial Order is issued pursuant to this Bylaw who fails to comply with such Remedial Order or fails to comply within the time set out for compliance within that Remedial Order commits an offense.

PART XVIII: ENFORCEMENT AND PENALTY PROVISIONS

GENERAL PENALTY PROVISION

- 43.** (1) Any Person who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing the Person is required to do; is guilty of an offence.
- (2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.

VIOLATION TICKETS AND PENALTIES

- 44.** (1) Where an Officer believes that a Person has contravened any provision of this Bylaw, the Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*, R.S.A. 2000 C. P-24.
- (2) Where there is a specified penalty listed for an offence in Rates, Fees and Fines Bylaw, that amount is the specified penalty for the offence.
- (3) Notwithstanding the specified penalties set out in Rates, Fees and Fines Bylaw:
- (a) if a Person is convicted twice of the same provision of this bylaw within a twenty four (24) month period,
 - i. the specified penalty for the second conviction shall be twice the amount of the specified penalty as set out in Rates, Fees and Fines Bylaw and
 - ii. the minimum penalty for the second conviction shall be the amount of the specified penalty for a first offence as set out in Rates, Fees and Fines Bylaw; and
 - (b) if a Person is convicted three or more times of the same provision of this Bylaw within a twenty four (24) month period,
 - i. the specified penalty for the third and subsequent convictions shall
 - ii. be three times the amount of the specified penalty as set out in Rates, Fees and Fines Bylaw; and
 - iii. the minimum penalty for the third and subsequent convictions
 - iv. shall be double the amount of the specified penalty for a first offence as set out in the Rates, Fees and Fines Bylaw.
- (4) Offences listed in Rates, Fees and Fines Bylaw shall require a court appearance of the defendant.
- (5) This section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000 C. P-24, or from laying information in lieu of issuing a violation ticket.
- (6) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw.
- (7) Notwithstanding the provisions of this Section, any Person who contravenes any provision of this Bylaw may forfeit the right to be supplied with water from the Water System.

PART XIX: TRANSITION AND COMING INTO FORCE

45. (1) Upon the coming into force of this Bylaw, Bylaw 04-04 are hereby repealed.

46. This Bylaw shall take effect on the date of the third and final reading.

Read a first time this 27th Day of August, 2013.

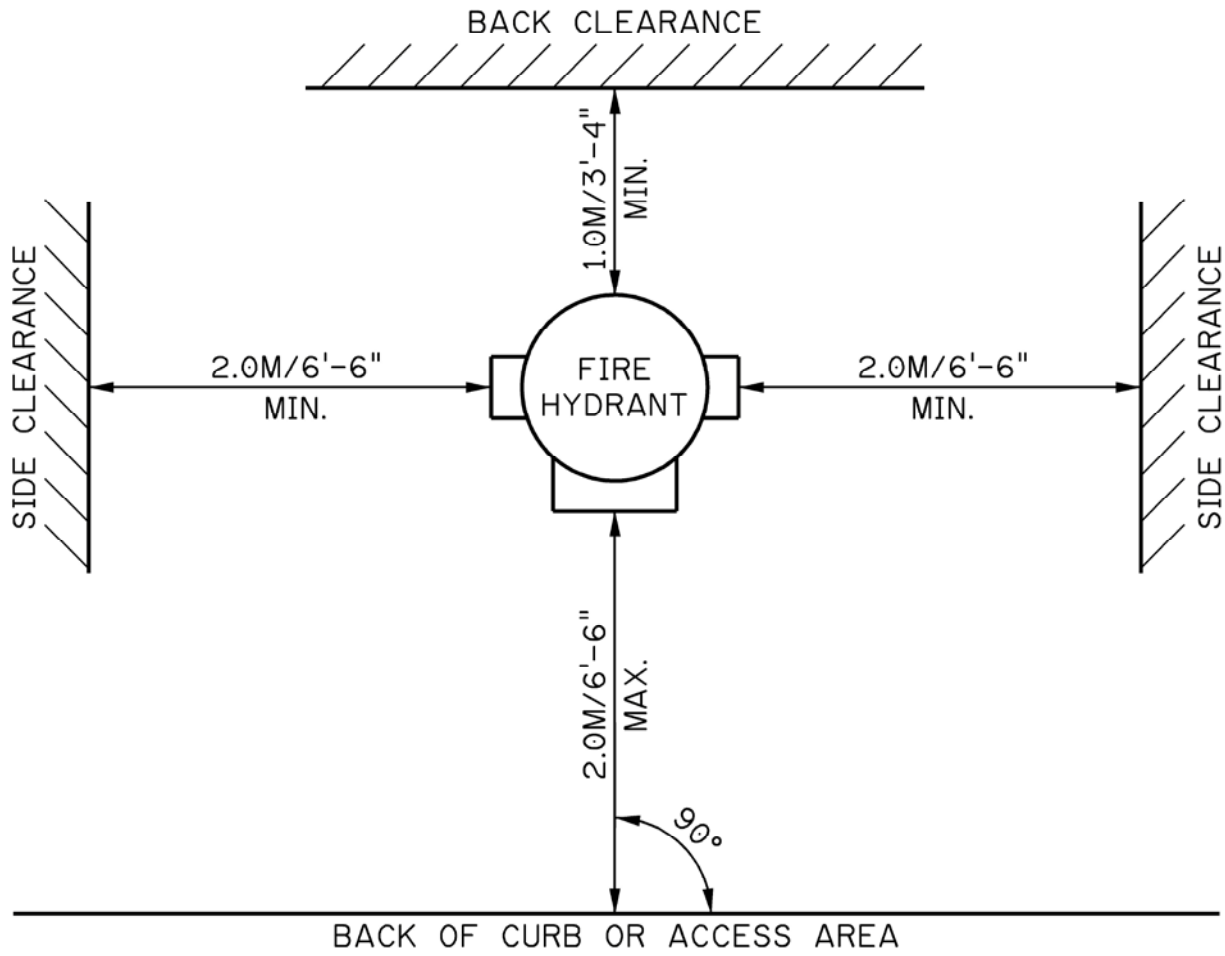
Read a second time this 27th Day of August, 2013.

Read a third time this 27th Day of August, 2013.

Mayor

Chief Administrative Officer

SCHEDULE "A" – REGULATIONS RESPECTING THE OBSTRUCTION OF FIRE HYDRANTS



N.T.S.