

A BYLAW OF THE VILLAGE OF ROSALIND TO PROVIDE PUBLIC UTILITIES AND SERVICES AND TO DETERMINE THE RATES FOR THE PROVISION OF THESE SERVICES.

WHEREAS Section 28-47.1 and all amendments thereto of the Municipal Government Act 2000 provide that the Council of a Municipality may pass by-laws for the purpose of provisions for the collection of water and sewer rates of the Municipality.

WHEREAS the Village of Rosalind provides for a water supply and distribution system and a sanitary sewage collection and disposal system, and;

WHEREAS the Village of Rosalind has the authority to charge property owners for the public utilities and services being provided.

NOW THEREFORE the Council of the Village of Rosalind, In the Province of Alberta duly assembled enacts as follows:

1. **Citation**

This bylaw may be cited as "The Utility Bylaw".

2. **Definitions**

In this bylaw:

- (a) **"Arrears"** means account balance which is unpaid after the due date shown on the invoice;
- (b) **"Bulk Water"** means water available for purchase by means of Customers filling privately owned water trucks or tanks at a site established and metered by the Village;
- (c) **"Council"** means the Council of the Village of Rosalind;
- (d) **"Municipal Service Line"** means that portion of a Service Connection located between a main line and the property line;
- (e) **"Municipal Utility Service"** means a water or sewer service provided by the municipality;
- (f) **"Owner"** means the registered owner or owners of a parcel of land or property;
- (g) **"Service Connection"** means the part of the system or works of a water distribution system or a sanitary sewer system that runs from the main lines to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel

and includes those parts of the system or works described in Section 29 of the Municipal Government Act;

- (h) **“Service Line”** means that portion of a Service Connection located above, on or underneath an Owner’s parcel of land;
- (i) **“System”** means the system infrastructure or works constructed by the Village for Municipal Utility Services;
- (j) **“Tenant”** means a person who rents or leases a property from an “Owner”;
- (k) **“Village”** means the Village of Rosalind or its duly authorized representatives;

### 3. **Applicability**

- (a) This bylaw applies to all Owners and Tenants who possess or lease properties within the Village of Rosalind.

### 4. **Severability**

- (a) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

### 5. **Service Connection & Maintenance/Repair**

- (a) Full compliance with this Bylaw is a condition and term of supplying a Municipal Utility Service to a parcel of land.
- (b) An Owner of a parcel of land must submit a written application to the Village Administration and obtain the approval of the Village administration before the Village will construct a Municipal Service Line.
- (c) The Village shall approve and supervise the construction of a Municipal Service Line. The Owner of the parcel of land to be serviced by the Municipal Service Line shall be responsible for the costs related to that construction.
- (d) An Owner is responsible for the construction, maintenance, upgrade and repair of a Service Line. If excavation is necessary for the maintenance or repair of a Service Line, no excavation shall be performed without the approval of the Village. In the event of emergency situations, Owners will be responsible to

notify the Village Administration of work that has been completed. Work must be approved by the Village before being backfilled.

- (e) When the Village initiates excavation, the Village shall be responsible to return the land to a level grade.
- (f) If the Village is not satisfied with the construction, maintenance, upgrade or repair of a Service Line, the Village may require the Owner to perform some action in accordance with its instructions with respect to the construction, maintenance, upgrade or repair of the Service Line by a specified time.
- (g) If the construction, maintenance, upgrade or repair of a Service Line has not been done to the satisfaction of the Village within the specified time or in an emergency, the Village may enter any parcel of land or building to construct, maintain or repair the Service Line.
- (h) The costs incurred by the Village relating to the construction, maintenance, upgrade or repair performed under Sections 10 and 11 of this Bylaw are an amount owing to the Village by the Owner of that property.
- (i) No connections shall be made to that portion of a Service Line situated between the property line of a parcel of land and the point of entry into the residence.
- (j) The Village shall be responsible for the costs of maintenance and repair of a Municipal Service Line.
- (k) All Owners shall pay an Administration Fee as outlined in Schedule "A" of this Bylaw upon moving into the Village.

## **6. Supply**

- (a) You must be connected to the Village of Rosalind water and sewer system if you live in the village boundaries. Special considerations must be approved by the Council of the Village of Rosalind.
- (b) Every Owner who receives Municipal Utility Services shall pay the rates and other charges outlined in Schedule "A" attached to this Bylaw.
- (c) The Owner is responsible for all fees and charges as outlined in Schedule "A" of this Bylaw until such time as the Owner applies to the Village to have the service disconnected.

- (d) When it is necessary for the Village to interrupt service to any portion of the Municipal Utility Service, the Village will attempt to contact the affected Customers. If unable to contact the Customers, the Village may proceed without notice to interrupt the Municipal Utility Service. The Village shall not be held liable or responsible for any damages or claims arising from service interruption.
- (e) The following properties are not connected to the Village of Rosalind water and sewer system. They have their own well and private sewer system. They will not be invoiced water and sewer utility but to be included in Village newsletters and mail outs.
  - C-3867CL
  - A/B-4996KS
  - F-3521EO

## **7. Water**

- (a) The Village shall have the right to limit the amount of water supplied to any Customer where Council deems such action to be necessary. The Council may at any time, by resolution or bylaw, limit or restrict the use of water by Customers for the watering of lawns, garden plots or other areas, or for any other use, for such time as Council deems advisable.
- (b) No person, other than an employee of the Village or a duly authorized agent of the Village, shall turn, or attempt to turn, the water supply on or off from the Village supply system.
- (c) If an Owner requests that the water be turned off, and the Village determines that the curb stop is not able to be turned off due to its condition, the request may be denied.
- (d) Bulk water may be purchased from the Village for the rates outlined in Schedule "A" attached to this Bylaw.

## **8. Sewer**

- (a) Only water and wastewater shall be discharged into the Sanitary Sewer System. The discharge of any flammable, explosive or other such material into the Sanitary Sewer System is prohibited.
- (b) Unless authorized in writing by Council, no sub surface storms drains, roof drains or catch basins shall be connected to the Sanitary Sewer System.

- (c) If a Customer requests assistance from the Village for issues with a Service Line, the Village may assist as time permits and shall charge the rates as outlined in Schedule "A" attached to this Bylaw.
- (d) A Customer who contravenes this Section may be subject to the fines outlined in Schedule "A" attached to this Bylaw.
- (e) In the event of a sewer back up, it is the Owners responsibility up to the property line. Insurance of the owner or insurance of the Village of Rosalind should cover any excessive damage/cost.

#### **9. Protection of Utility Services**

- (a) No person shall connect a Service Connection to a Municipal Utility Service, or otherwise uncover, make any connection with or opening into, use, alter or disturb a Service Connection or a Municipal Utility Service without written permission of the Village.
- (b) No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destruction, defacing or tampering with any part of a Municipal Utility Service and any person who does perform such acts shall be liable for any damage incurred.
- (c) No person shall hinder, interrupt or cause to be hindered, any employee of the Village or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to a Municipal Utility Service as authorized or required in this Bylaw.
- (d) Only Village employees, agents, contractors and fire department members have the authority to open or close any hydrant, stopcock or hydrant chamber.
- (e) All Owners and Tenants shall ensure free access to any hydrant, stop-cock or hydrant chamber and shall not place any building material, rubbish or other obstruction on any of these system components.
- (f) No person shall throw or deposit any injurious, harmful or offensive matter into the water or water works or in any way foul the water or commit any willful damage or injury to the works, pipes or encourages damage or injury to be done. Any person who does perform such acts shall be liable for any damage incurred.

- (g) No person shall throw or deposit any injurious, harmful or offensive matter into the sanitary sewer system which in any way adversely affects the operation of the Municipal Sanitary Sewer System, including the sewage lagoon.
- (h) No person shall willfully and without authority enter, interrupt or cut off the supply or discharge of any Municipal Utility Service.
- (i) The Village may discontinue access to a Municipal Utility Service where the Village believes the use of a Municipal Utility Service to a property to be contrary to this Bylaw.
- (j) Any person who contravenes a provision in this section is guilty of an offence and is liable to the fines outlined in Schedule "A" of this Bylaw.

#### **10. Access for Authorized Purposes**

- (a) As a condition of Municipal Utility Services and as operational needs dictate, employees of the Village shall have free access to all parts of a property, building or other premises in which the Municipal Utility Service is delivered at reasonable hours of the day and upon reasonable notice for the purpose of:
  - i. Installation, testing, maintenance, repair and/or removal of any part of the Municipal Utility Service including any portion of a Service Connection;
  - ii. Inspections for compliance with this Bylaw.

#### **11. Billing**

- (a) The Village will provide Municipal Utility Services only to the Owners.
- (b) Owners shall be responsible for ensuring their Municipal Utility accounts remain in good standing.
- (c) Municipal Utility Services invoices will be mailed to the Owners immediately following the months in which the utility services were provided.
- (d) Owners may request that a copy of the utility invoice be mailed to the Tenant by completing the Utilities Rental Agreement as attached as Schedule "B" of this Bylaw. The Village will apply any payments from a Tenant to the Owner's utility account balance. The Owner will continue to receive the original invoice and shall remain responsible for the account.

- (e) Bulk water invoices shall be mailed to the Customers immediately following the month or period in which the bulk water was provided.
- (f) Municipal Utility Services and bulk water invoices shall be due on the last day of the month immediately following the month(s) in which the services were provided.
- (g) Payments may be made to the Village of Rosalind by cash, cheque, money order, electronic funds transfer, email transfer or automatic debit/withdrawal. Electronic funds transfers must be received and showing deposited in the Village bank account on or by the due date. Email transfers must be sent and received by the Village during regular Village business hours for deposit into the Village bank account by the due date. Funds not received by the due date will be subject to penalty.
- (h) Utility bills may be paid one year in advance for the calendar year (January to December). Any increase during the calendar year will not come into effect on pre-paid utilities until January of the following year.

## **12. Charges and Penalties**

- (a) The fees and charges to the Customer for Municipal Utility Services, penalties for Arrears and other fees for the Municipal Utility Services or System are outlined on Schedule "A" of this Bylaw.
- (b) Any account in Arrears the last day of the month immediately following the month(s) in which the services were provided , shall be charged a penalty in accordance to the rates outlined in Schedule "A" attached to this Bylaw. The penalty shall be added to and shall form part of the unpaid invoice.
- (c) In the event that any such utility bill shall remain unpaid after 60 days after billing date, the water supply to the property is subject to disconnection, and should the service be disconnected it may not be reconnected until the outstanding utility amount plus any dis/connection related fees as outlined in Schedule "A" are paid in full.
- (d) The Village shall have the authority to turn off the water for any account in Arrears with two (2) weeks written notice.

- (e) In the case of default in payment of the utility bill, the CAO or designate may add any amount owing to the tax roll of the respective parcel of land.
  - i. If utility accounts are in arrears on December 31 in any year, the amount will be added to the tax roll of the respective parcel of land and become taxes owing to the Municipality, in accordance to *Municipal Government Act Section 553* and become subject to tax penalties plus administration charges as outlined in Schedule “A” of this Bylaw.
- (f) Any charges provided for under this Bylaw shall constitute debts recoverable by actions in accordance with the Municipal Government Act.
- (g) Any outstanding utility balance shall be transferred over to the Property Tax Roll of same owner prior to transfer of Land Titles.

**13. Miscellaneous**

- (a) Bylaw 239-13 is hereby rescinded.
- (b) Bylaw 250-17 is revised by RES 03-2018
- (c) Bylaw 250-17 is revised by RES 13-2018

THIS BY-LAW to become effective on the day of the final passing thereof.

Received first reading this 24<sup>th</sup> day of October, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

Received second reading this 24<sup>th</sup> day of October, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

Received third and final reading this 24<sup>th</sup> day of October, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

## Schedule A

### Utility Bylaw #250-17 Fees and Charges:

#### A. Water Charges:

1. Municipal Services
  - a) Monthly Flat Rate \$29.00/monthly
2. Rosalind School
  - a) Monthly Flat Rate \$29.00/monthly  
*\*Subject to review as occupancy and water consumption of school building is determined.*
3. Bulk Water Sales
  - a) Agricultural or Residential Rates \$0.03/gallon
4. Disconnection and/or Reconnection Fee \$25.00/hour (for the first hour)

#### B. Sewer Charges:

1. Municipal Services
  - a) Monthly Flat Rate \$16.00/monthly
2. Rosalind School
  - a) Monthly Flat Rate \$16.00/monthly  
*\*Subject to review as occupancy and water consumption of school building is determined.*

#### C. Utility Penalties:

1. Penalty after due date 5%/month  
(of the then unpaid balance)

#### D. Utility Administration Fee:

1. Change of utility accounts \$90.00
2. Fee to transfer Utility and/or Accounts Receivable Arrears to Tax account \$40.00

Schedule B

Village of Rosalind Utility Rental Agreement

<b>Utility Account Number:</b>	<b>Effective Date:</b>
<b>Legal Description:</b> <b>Lot(s):           Block:           Plan:</b>	<b>Street Address:</b>
<b>Owners Name(s):</b>	<b>Renters Name(s):</b>
<b>Owners Mailing Address:</b>	<b>Renters Mailing Address:</b>
<b>Owners Phone Number(s):</b>	<b>Renters Phone Number(s):</b>

I, \_\_\_\_\_, being the owner of the property described above, hereby consent to having the Village of Rosalind utility billing forwarded to the renter at the renter’s mailing address as noted above.

It is the property owner’s responsibility to register any dog(s) or inform the renter to do so at the Village of Rosalind office. Failure to register any dog(s) will result in a violation ticket as per Section 11 of Bylaw #251-17. MAXIMUM 2 DOGS

**I AM ALSO AWARE THAT:**

Any unpaid utility balances as per Sections 12 of Bylaw #250-17 or violation tickets as per Section 11 of Dog Bylaw #251-17, are the responsibility of the owner and if arrears remain unpaid by either the renter or the property owner, balances not paid within the specified time will be transferred to the property tax account, plus administration fees and any penalties, knowing that amounts transferred to the tax roll are then subject to penalties applicable to unpaid taxes.

**Submitted to the Village Office:**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Property Owner**

\_\_\_\_\_  
**Signature of Property Owner**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Approved by Village**