



Town of Devon

Appeal of Water Rates by Imperial Enterprises Inc.

October 25, 2019

Alberta Utilities Commission

Decision 24435-D01-2019

Town of Devon

Appeal of Water Rates by Imperial Enterprises Inc.

Proceeding 24435

October 25, 2019

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1 Decision summary

1. For the reasons that follow, the Alberta Utilities Commission finds pursuant to Section 43 of the *Municipal Government Act* that certain water rates charged to Imperial Enterprises Inc. (Imperial), at issue in this appeal, from January 1, 2019, to present, are discriminatory.

2 Introduction

2. In Decision 22785-D01-2018,¹ the Commission ruled that the Town of Devon (Devon) had improperly imposed an increase in water rates charged to Imperial. The Commission found that the increased rates were established by resolution and not by bylaw, as required by the statutory framework set out in the *Municipal Government Act*. The subject of this proceeding is a subsequent appeal from Imperial that Devon's bulk water service rates that came into effect on January 1, 2019, are discriminatory.

3. Devon owns and operates a municipal water utility system that treats water from the North Saskatchewan River, and then delivers potable water to customers through its distribution system.² In addition to providing water to metered customers on its distribution system, Devon provides bulk water to two independent entities:

- (a) Imperial, which purchases water from Devon and either resells or delivers to its consumers through facilities owned by Imperial.
- (b) Sprucedale Water Co-op (Sprucedale), which provides water to its members through its own distribution system that is connected to Devon's water distribution system.

4. Devon also sells bulk water from its own bulk station through key lock accounts and coin-operated dispensers.

5. The Commission issued a notice of proceeding on April 9, 2019, and requested that Imperial file a formal complaint application (appeal) by April 24, 2019. In addition, the Commission requested that Imperial respond to a number of questions.

6. The Commission provided an opportunity for Devon to respond to the appeal and also requested that Devon respond to a number of questions from the Commission. Parties were then granted the opportunity to file final argument by June 7, 2019.

¹ Decision 22785-D01-2018: Town of Devon, Appeal of Water Rates by Imperial Enterprises Inc., Proceeding 22785, April 12, 2018.

² Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 2.

7. On July 22, 2019, the Commission issued additional questions to Devon, and received Devon's responses on July 29, 2019. The Commission considers the record for this proceeding closed on July 29, 2019.

8. In reaching the determinations in this decision, the Commission has considered all relevant materials comprising the record of this proceeding. Accordingly, references in this decision to specific parts of the record are intended to assist the reader in understanding the Commission's reasoning relating to a particular matter and should not be taken as an indication that the Commission did not consider all relevant portions of the record with respect to that matter.

3 Water rates, utility bylaw and the appeal application

9. On November 13, 2018, Devon passed two bylaws, Bylaw 919/2018 Water Rates Bylaw (water rates bylaw), which set rates for water services provided by Devon commencing January 1, 2019, as shown in [Appendix 2](#), and Bylaw 917/2018 "Amending Bylaw to Utility Bylaw 836/2010 & Amendment Bylaw 903/2017" (utility bylaw), which governs utility service in Devon, as shown in [Appendix 3](#).



10. The complaint by Imperial relates specifically to the rates set by Devon for bulk water services, which is reproduced below from Schedule A of the water rates bylaw:³

SCHEDULE A WATER RATES, FEES AND CHARGES

1 Metered Water Rates

The charges for metered water shall be computed and rendered monthly as follows:

(a) Basic Monthly Charge

Metered Service Pipe Size			Basic Monthly Charge
Up to and including 	19 mm	3/4"	\$13.46
	25 mm	1"	\$22.26
	32 mm	1 1/4"	\$25.76
	38 mm	1 1/2"	\$30.71
	50 mm	2"	\$35.49
	75 mm	3"	\$38.12
	100 mm	4"	\$48.67
	150 mm	6"	\$70.72
Greater than 	150 mm		\$70.72

(b) Regular Water Commodity Charge

A commodity charge of \$1.55 per cubic meter of water consumed, in addition to the basic monthly charge.

³ Exhibit 24435-X0010, Devon Bylaw 919/2018, the Water Rates Bylaw, May 3, 2019.

2 Bulk Water Service Rates

The charges for unmetered and bulk water shall be computed and rendered monthly as follows:

(a) Keylock Accounts

(i) Monthly Charge

When water is supplied during any month, a monthly charge of \$10.00 per month shall apply.

(ii) Water Commodity Charge

A commodity charge of \$4.75 per cubic meter of water supplied.

(iii) Sprucedale Water Co-op

A commodity charge of \$2.72 per cubic meter of water supplied.

(b) Coin-operated Water Dispenser

(i) Commodity Water Charge

A commodity charge of \$4.75 per cubic meter.

(c) Private Bulk Water Stations

(i) Metered Consumption

I. A commodity charge of \$4.75 per cubic meter.

(ii) Basic Monthly Charge

A basic monthly charge based on service pipe size per section 1(a) of this Schedule.

11. Imperial pays a basic monthly charge of \$48.67 for its incoming 100 millimetre (mm) water line under Schedule A, sections 1(a) and 2(c)(ii) of the water rates bylaw, plus a commodity charge of \$4.75 per cubic metre (m³) under Section 2(c).⁴

12. In its appeal, Imperial submitted that the commodity charge of \$4.75/m³ was discriminatory, and the private bulk water service rate was directed only at Imperial, as it is the only private business selling bulk water in Devon. Imperial stated it has operated a bulk water station since 2003, and its commodity charges have been increasing since July 2015.

13. Further, Imperial submitted that Devon is selling bulk water from its own competing facility for the same price as it sells to Imperial and that Devon must have known this would put it out of business.⁵ Imperial noted that bulk water was also provided to Sprucedale, at a rate of \$2.72/m³.

14. Imperial stated Devon is “unfairly competing,” in that:

- Devon sets the price on wholesale bulk water.
- Devon sets the price on retail bulk water and is able to set that price without need for profit or consideration of operating costs.
- Devon set the price of retail bulk water to the same price they charge themselves for it.

⁴ Exhibit 24435-X0013, Rebuttal to Devon’s statements, page 2.

⁵ Exhibit 24435-X0004, Imperial Enterprises appeal application, page 3.

- It is unknown whether or not Devon charges themselves for the incoming line charge which occurs monthly for Imperial, or if Devon has accurate cost accounting for the maintenance and operation of their bulk station.⁶

15. Imperial submitted that it is in the same or similar class as Sprucedale, and should be afforded the same rates.⁷ Imperial sought the following relief in its appeal:

Imperial is requesting that their rate be based on the current residential water rate of \$1.55 per cu/m [cubic metre] and that the difference be refunded back to Imperial from January 1, 2019. Furthermore Imperial requests that the name and terminology of this rate should be put back to it's original as follows (see policy 4501 – utility rates – section 1.2) which was the determination to establish charges for Imperial from 2015 and prior. “1.2- Regular water commodity charge: A COMMODITY CHARGE OF \$1.55 PER CU/M of water consumed in addition to the basic monthly charge.”⁸

16. Subsequent to its evidence, Imperial stated the following with respect to the relief it sought:

13- Imperial does not require “special pricing” of Water by Devon, all they expect is to pay the originally agreed on rate structure which is based on the regular water commodity rate charge which today is \$1.55 per cu/m.

15- The contract refers to the regular water rate charge plus 30%. If Devon wants to stay with this rate Imperial would be happy to pay this rate. If the regular water rate charge in 2019 is \$1.55 per cu/m and a markup of 30% is applied then the rate would be \$2.02 per cu/m.⁹

4 Devon's response

17. In reference to the water rates bylaw, Devon confirmed that all water customer accounts are subject to a monthly fixed charge, in addition to variable or commodity charges applied to the volume of water delivered. The monthly charge varies according to the size of the service line in place.¹⁰

18. Devon submitted that its own bulk water fill station is not a customer of the water system and is not subject to the basic monthly charge that is applied to Imperial,¹¹ and explained its operations for comparative purposes, as follows:

Devon also owns and operates a bulk water fill station as part of the water utility that offers a non-distributed water supply, where consumers may choose to purchase water through the bulk fill station and transport the water purchased to an end-use site located beyond Devon's corporate boundaries. Customers of the bulk water fill station may purchase water either under a keylock account established with Devon, or use a

⁶ Exhibit 24435-X0004, Imperial Enterprises appeal application, page 4.

⁷ Exhibit 24435-X0004, Imperial Enterprises appeal application, page 2.

⁸ Exhibit 24435-X0004, Imperial Enterprises application, page 3.

⁹ Exhibit 24435-X0013, Rebuttal to Devon's statements of May 3, page 4.

¹⁰ Exhibit 24435-X0007, Devon evidence and response to AUC questions, Response 2(a), page 11.

¹¹ Exhibit 24435-X0007, Devon evidence and response to AUC questions, Response 2(a), pages 11-12.

coin-operated dispenser. Larger volume customers generally use the keylock system, while smaller volume customers, especially those filling containers as opposed to water trucks or vehicle-mounted vessels use the coin-operated system. Rates for the bulk fill station are as established under Section 2 of Schedule “A” of the Water Rates Bylaw.¹²

19. In contrast, Devon explained that Imperial is a bulk water customer that resells water to third parties for delivery to end-use consumers located outside of Devon’s corporate boundaries, or which it delivers to its own end-use customers that are also located beyond Devon’s corporate boundaries.¹³

20. Sprucedale is a co-operative association that owns and operates a water distribution system and receives water from Devon in order to serve its members.¹⁴ Sprucedale’s members consist of approximately 50 farm and rural acreage owners in lands outside of Devon’s corporate boundaries.¹⁵

21. Devon stated that it has only two customers that are individually metered and not considered retail consumers: Sprucedale and Imperial. In comparing the water services that it provides to Sprucedale and Imperial, Devon submitted:

- (a) Sprucedale is a small water co-op serving only its members, while Imperial was a commercial bulk fill station water supplier.
- (b) Sprucedale is required to receive all of its water (exclusive supply) from Devon through its distribution system, and Imperial can source its water from other suppliers.
- (c) Sprucedale has maximum rates of flow and daily volumes, where the agreement with Imperial has no limits to flow rates or volumes.¹⁶

22. Devon commented that it believes Imperial is claiming discrimination on the basis that Devon’s bulk water fill station charges its customers the same commodity rate as charged to Imperial and that rate is unfair to Imperial.¹⁷ Devon noted that Section 11.2 of the utility bylaw specifies that charges are subject to change, as follows: “Such amounts are subject to change without notice and variations from the established rates schedule shall only be made by Council.”¹⁸

23. In comparing Imperial to Devon’s bulk water service, Devon stated Imperial is in direct competition with customers of Devon’s bulk water fill station.¹⁹ Imperial is expecting Devon to provide them with a price advantage over both the Devon bulk fill service and that available to other bulk water suppliers and haulers. In Devon’s view, Imperial is operating a commercial business in a competitive marketplace and it is subject to the same business risk as faced by its

¹² Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 3.

¹³ Exhibit 24435-X0023, Town of Devon final argument, paragraph 4.

¹⁴ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 4,

¹⁵ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 14.

¹⁶ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 17.

¹⁷ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 7.

¹⁸ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 8.

¹⁹ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 10.

competitors. In other words, “Imperial is offering a bulk water supply service that is in direct competition with all other bulk water fill facilities located within the region, including that of Devon.”²⁰

24. Devon submitted that its water rates bylaw, with rates approved by Council, are just and reasonable and not discriminatory to any customer. Therefore, Imperial’s appeal should be dismissed.

5 The Commission’s authority

25. The Commission’s authority to deal with this matter is set out in Section 43 of the *Municipal Government Act*, which states:

Appeal

43(1) A person who uses, receives or pays for a municipal utility service may appeal a service charge, rate or toll made in respect of it to the Alberta Utilities Commission, but may not challenge the public utility rate structure itself.

(2) If the Alberta Utilities Commission is satisfied that the person’s service charge, rate or toll

- (a) does not conform to the public utility rate structure established by the municipality,
- (b) has been improperly imposed, or
- (c) is discriminatory,

the Commission may order the charge, rate or toll to be wholly or partly varied, adjusted or disallowed.

26. Section 7(g) of the *Municipal Government Act* affords municipal council the jurisdiction to pass bylaws with respect to public utilities. “Public utility” is defined in Section 1(1)(y) of the *Municipal Government Act* as follows:

Interpretation

1(1) In this Act,

(y) “public utility” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (i) water or steam;

...

and includes the thing that is provided for public consumption, benefit, convenience or use;

...

27. Division 3 of Part 3 of the *Municipal Government Act* addresses matters related to public utilities. Section 28 of Division 3 includes the relevant definitions of utility service as it applies

²⁰ Exhibit 24435-X0007, Devon evidence and response to AUC questions, Response 2(b), page 12.

to public utilities that are subject to the *Municipal Government Act*. Sections 28(b), (c) and (f) prescribe that “ ‘municipal public utility’ means the system or works of a public utility operated by or on behalf of a municipality ...”;²¹ “ ‘municipal utility service’ means a utility service provided by a municipal public utility”;²² and “ ‘utility service’ means the thing that is provided by the system or works of a public utility.”²³

28. In the decision section that follows, the Commission will consider whether the water rates charged to Imperial pursuant to the water rates bylaw are discriminatory under Section 43 of the *Municipal Government Act*.

29. Imperial has also suggested that Devon is unfairly competing for bulk water consumers through its own bulk service facility. The Commission’s authority in this proceeding is limited to a person’s service charge not conforming to the public utility rate structure, being improperly imposed or being discriminatory. This range of authority does not include competition issues and as a result, there will be no further discussion as to whether or not Devon is unfairly competing.

6 Discrimination

30. In assessing an appeal under Section 43(2)(c) of the *Municipal Government Act*, the Commission has held that discrimination can arise in two circumstances:

- First, when a utility fails to treat all its users equally where no reasonable distinction can be found between those favoured and those not favoured.²⁴
- Second, when a utility treats all its users equally where differences between users would justify different treatment.²⁵

31. In determining whether Devon’s bulk water service rate is discriminatory, the Commission will consider whether there is a reasonable distinction between Imperial and other customers, and whether this distinction supports different treatment.

32. The Commission has previously determined that the consideration of whether a rate is sufficiently discriminatory requires an assessment of the rationale or logic underlying a rate, and a reasonable distinction between customers that are receiving the rate. This test was established in Decision 20744-D01-2016,²⁶ where the Commission stated:

32. In assessing whether any service charge, rate or toll is sufficiently discriminatory so as to cause the Commission to act pursuant to Section 43 of the *Municipal Government Act*, the Commission must assess the presence or absence of any rationale or logic underlying the charges applied by a municipality to a customer, and finds it important to understand the whole context under which rates, tolls and charges are being imposed.

²¹ Section 28(b) of the *Municipal Government Act*.

²² Section 28(c) of the *Municipal Government Act*.

²³ Section 28(f) of the *Municipal Government Act*.

²⁴ Decision E94014: The Town of Bruderheim, Complaint by Mr. J. H. Lambert alleging discriminatory water and sewer billings by the Town of Bruderheim, File 8228-1, March 28, 1994.

²⁵ Decision 2012-363: East Prairie Métis Settlement and Prairie River Gas Co-op Natural Gas Billing Dispute, Proceeding 1389, Application 1607572-1, December 27, 2012, paragraph 35.

²⁶ Decision 20744-D01-2016: New Sarepta Water and Sewer Complaint, Proceeding 20744, February 24, 2016.

33. Given the above regulatory precedents, the Commission will determine whether Imperial's water rates are discriminatory.

6.1 Commission findings

34. The Commission finds that Imperial's water rates are discriminatory because while the water rate bylaw distinguishes between private bulk water stations and other customers, it is not apparent based on plain reading of either the utility bylaw or the water rate bylaw that the differing treatment between customers is supported. The Commission considers the water rates are discriminatory given:

- The difficulty in identifying the distinction between the characteristics of different customer classes in both the water rate bylaw and utility bylaw.
- The lack of distinguishing factors between a metered water customer under subsections 1(a) and (b) of Schedule A and the bulk water customers under Section 2 in the water rate bylaw.
- The lack of transparency of water volume differences in charging water rates under the water rate bylaw and utility bylaw.
- The insufficient language in the water rate bylaw to support different rates charged to Imperial under Section 2(c) of Schedule A compared to other rates charged under Section 2.

35. First, there is a lack of distinction between the characteristics of different customers under the utility bylaw and the water rates bylaw that addresses water utility rates.

36. It was only in response to the appeal application that Devon provided the following distinctions regarding the water services it provides to customers. Retail is described as "consumers accessing water for end-use or consumption on-site, or within their own premises or property ..., and all water volumes are metered at the point of delivery."²⁷ Wholesale is described as, "[s]upply to a non-competing utility distributor like Sprucedale is considered to be a wholesale transaction, since the water being supplied flows directly into the purchasing utility's distribution network."²⁸ Bulk water "refers to large volumes supplied to water haulers and tankers for transportation and delivery to end-users at other locations, usually located beyond the franchise or service area of the utility supplying the water."²⁹ Devon considered that Imperial is a bulk water customer and Sprucedale is a wholesale customer.

37. However, neither the water rates bylaw nor the utility bylaw define retail, wholesale or bulk customers. Consequently, the Commission finds that, upon plain reading of these bylaws, it cannot be determined what the distinction is between the different customer classes in Schedule A of the water rates bylaw and the corresponding rates for water service that each customer class would be subject to.

²⁷ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 2.

²⁸ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 5.

²⁹ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 5.

38. The Commission notes that the inclusion of Sprucedale under Section 2 “Bulk Water Service Rates” of the water rates bylaw is not consistent with Devon’s submission that Sprucedale is a wholesale rather than a bulk water customer.³⁰

39. Second, the Commission examined the water rates bylaw and finds the only distinction provided in Section 1 of Schedule A is metered service pipe size. Devon confirmed that Imperial is an individually metered customer,³¹ but both Imperial and Sprucedale are considered to be bulk water customers according to the water rates bylaw. While Imperial receives metered service, the Commission finds there is no specification in the schedule on why Imperial is categorized as a bulk water customer under Section 3(c), “Private Bulk Water Stations,” as compared to a metered customer to which subsections 1(a) and (b) of Schedule A of the water rates bylaw would apply. Devon has not specifically defined its various customer classes of metered customers, which makes it difficult to distinguish between rates charged.

40. A plain reading of both bylaws does not set out distinguishing characteristics to differentiate Imperial as a customer who is charged differently than customers who pay metered water rates under Section 1(b), or customers who pay bulk water service rates under the different categories of Section 2 of Schedule A of the water rates bylaw. The fact that Imperial is charged a basic monthly charge under the “Metered Service Pipe Size” further confuses the treatment of Imperial.

41. In considering the issue of whether water may be resold, and whether this distinction between customers justifies differences in rates, the Commission reviewed the utility bylaw. Devon stated:

... Neither Imperial nor Sprucedale physically consume the water they receive from Devon, and neither is a retail customer, since both resell all water volumes they receive from Devon.³²

42. Devon added that “[n]o ‘Retail’ water customers are allowed to resell water supplied through their metered service connections.”³³

43. The utility bylaw states:

7.4.6. Consumers may not resale water from the Town of Devon water system:

(a) No Person shall resell water obtained from the water system to any other Person, provided however that water obtained from the Waterworks System has been metered and which has been enhanced or altered in any lawful manner may be resold without contravention of this Section.

44. Regardless of whether a customer falls under the metered water rate classification or bulk water classification, the utility bylaw has a provision which allows all customers to resell water. Thus, the distinction made by Devon, that Imperial is the only customer able to resell water, is not supported by the utility bylaw.

³⁰ Exhibit 24435-X0007, Devon evidence and response to AUC questions, Response to AUC-Devon-1(b).

³¹ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 4.

³² Exhibit 24435-X0023, Town of Devon final argument, paragraph 4.

³³ Exhibit 24435-X0025, Devon responses to AUC additional requests, Response to AUC-Devon-1(d).

45. Third, the Commission has concerns with the submissions of Devon on distinguishing between classes of customers based on water volume, which is not clearly reflected in the water rates bylaw or the utility bylaw.

46. Devon stated that “[t]here are no limitations or restrictions as to rates of flow or annual volumes imposed on Imperial by Devon, other than the responsibility to pay the charges as required by the water rates bylaw.”³⁴ The Commission questioned Devon regarding water volume use limits for metered water rate customers.³⁵ Devon responded that:

... Devon may impose limits on or restrict water consumption under certain conditions, as set out in Sections 5.5, 7.3 and 7.4 of the Utility Bylaw. There are no water use limits imposed on Retail or metered water rate customers under normal water utility operating conditions.

As stated in Section 7.4.7. of the Bylaw, water use limits may be specifically addressed under the terms and conditions of a permit or Agreement. The only Agreement with consumption limits in place is that between Devon and Sprucedale Water Co-op Ltd. [footnote removed]

... All water customers make application to Devon for service, and the application includes proposed use and estimated volumes of the proposed customer service. In the normal course of operations, Devon does not impose any limits on water consumption by its customers, subject to ability and capacity of the water distribution system, customer service line and customer meter to provide that supply, and subject to the considerations noted in Sections 5.5, 7.3 and 7.4 of the Utility Bylaw.³⁶

47. Based on Devon’s submissions, there are no limits imposed on any retail customer in the normal course of operations unless there is a separate customer agreement in place. Devon also confirmed that no water volume limits were placed on Imperial. It is not apparent to the Commission how “no limitations or restrictions as to rates of flow or annual volumes” is reflected in the bulk water service rates charged to Imperial given the much lower commodity charge for metered water rate customers. Further, it appears that the only limit to the receipt of water volumes is the limitations imposed by the capacity of the distribution system to provide that supply. Devon did not highlight any specific capacity limitations or constraints that may be exceeded to support the commodity charge levied on Imperial.

48. For these reasons, the Commission finds that Devon’s submissions on water volumes as a reason why Imperial is charged a different bulk water service rate is not persuasive nor is water volume a distinguishing factor in differentiating the commodity charges to Imperial under the private bulk water stations rate included in the water rate bylaw.

49. Fourth, with respect to different customer rates charged under Section 2 of the water rates bylaw, Devon submitted that “... customers accessing the Devon bulk water fill station pay all costs associated with their volume taken through the commodity charge ...”³⁷ However, Imperial is subject to a separate basic monthly charge based on the size of its service line. Devon stated

³⁴ Exhibit 24435-X0007, Devon evidence and response to AUC questions, paragraph 10.

³⁵ Exhibit 24435-X0024, AUC information request to Devon, AUC-Devon Question 2.

³⁶ Exhibit 24435-X0025, Devon responses to AUC additional requests, Response to AUC-Devon-2.

³⁷ Exhibit 24435-X0007, Devon evidence and response to AUC questions, Response to AUC-Devon-2(a).

“[t]he monthly charge varies according to the size of service line in place, reflecting costs associated with ensuring adequate demand capacity is maintained within the water utility to meet customer demand.”³⁸

50. Imperial is charged a fixed and variable rate for bulk water service under Section 2(c) of the water rates bylaw. Other bulk customers are not charged a basic monthly charge under Section 2 of the water rates bylaw. However, under the water rates bylaw, Imperial pays the same commodity charge as other bulk customers, which includes all costs of providing service. In addition, Imperial pays a basic monthly charge, which includes demand costs. Thus it appears that Imperial may be paying for the demand cost twice, suggesting discriminatory treatment of Imperial.

51. Based on the Commission’s findings above, the Commission cannot identify a reasonable distinction between Imperial and other customers sufficient to justify the differential rates charged to Imperial.

52. For these reasons, the Commission finds the water commodity charged to Imperial under Section 2(c)(i) of Schedule A of the water rate bylaw to be discriminatory.

7 Relief

53. Pursuant to Section 43 of the *Municipal Government Act*, if a person’s rate is found to be discriminatory, the Commission may order the rate to be wholly or partly varied, adjusted or disallowed. Applying its discretion to determine the relief to Imperial, the Commission finds that Imperial should be charged a commodity rate of \$1.55/m³. Imperial’s basic monthly charge remains unchanged as a result of this decision.

54. As a result, the Commission directs that the Town of Devon recalculate Imperial’s bulk water service rates based on a commodity charge of \$1.55/m³, effective January 1, 2019. Devon shall refund the difference of \$4.75/m³ and \$1.55/m³ in commodity charges to Imperial, for all water volumes consumed from January 1, 2019, to the date of the issuance of this decision.

8 Order

55. It is hereby ordered that:

- (1) Imperial Enterprises Inc.’s appeal of bulk water service rates is granted. The Commission directs that the Town of Devon recalculate Imperial’s bulk water service rates based on \$1.55/m³ commodity charge, effective January 1, 2019.
- (2) The Town of Devon shall refund the difference of the \$4.75/m³ and \$1.55/m³ commodity charges to Imperial Enterprises Inc. for all water volumes consumed from January 1, 2019, to the date of this decision.

³⁸ Exhibit 24435-X0007, Devon evidence and response to AUC questions, Response to AUC-Devon-2(a).

Dated on October 25, 2019.

Alberta Utilities Commission

(original signed by)

Tracee Collins
Commission Member

Appendix 1 – Proceeding participants

Name of organization (abbreviation) Company name of counsel or representative
Town of Devon (Devon) Brownlee LLP K. David Campbell
Imperial Enterprises Inc. (Imperial) XPOL Consulting Ltd.

Alberta Utilities Commission
Commission panel T. Collins, Commission Member
Commission staff N. Sawkiw (Commission counsel) A. Sabo (Commission counsel) C. Burt G. Andrews

Appendix 2 – Bylaw 919/2018 Water Rates Bylaw

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Appendix 2 - Bylaw
919-2018 Water Rates
(consists of 3 pages)


Appendix 3 – Bylaw 917/2018 Amending Bylaw to Utility Bylaw 836/2010 & Amendment Bylaw 903/2017

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Appendix 3 - Bylaw
917-2018

(consists of 55 pages)

Bylaw 919/2018 Water Rates Bylaw			
		Year/Month/Day	
Resolutions	370/2018	Effective Date	2019/01/01
Related Bylaws	Utility Bylaw 836/2010		
Lead Role	Planning & Operations		

A BYLAW ESTABLISHING RATES, FEES AND CHARGES PAYABLE FOR, AND IN CONNECTION WITH, WATER SERVICES PROVIDED BY THE TOWN OF DEVON

WHEREAS, pursuant to section 7(g) of the *Municipal Government Act* a council of a municipality may pass bylaws for municipal purposes respecting public utilities;

NOW THEREFORE the Council of the Town of Devon, in the Province of Alberta, duly assembled, enacts as follows:

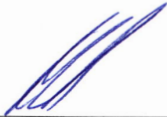
PART I - SHORT TITLE

- 1 This Bylaw may be cited as the "Water Rates Bylaw".


PART II - FEES AND CHARGES

- 2 The rates, fees and charges set out in Schedule "A", which is attached to and forms a part of this Bylaw, are established for, and in connection with, water services provided by the Town of Devon pursuant to the Utility Bylaw 836/2010, as amended.
- 3 This Bylaw comes into force on January 1, 2019.

READ A FIRST TIME IN COUNCIL THIS	22 nd day of October, 2018
READ A SECOND TIME THIS	13 th day of November, 2018
READ A THIRD AND FINAL TIME THIS	13 th day of November, 2018



Ray Ralph, Mayor



Tony Kulbisky, Chief Administrative Officer

Water Rates Bylaw

Bylaw 919/2018

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SCHEDULE "A"
WATER RATES, FEES AND CHARGES

1 Metered Water Rates

The charges for metered water shall be computed and rendered monthly as follows:

(a) Basic Monthly Charge

Metered Service Pipe Size			Basic Monthly Charge
<i>Up to and including</i> →	19 mm	3/4"	\$13.46
	25 mm	1"	\$22.26
	32 mm	1¼"	\$25.76
	38 mm	1½"	\$30.71
	50 mm	2"	\$35.49
	75 mm	3"	\$38.12
	100 mm	4"	\$48.67
	150 mm	6"	\$70.72
<i>Greater than</i> →	150 mm		\$70.72

(b) Regular Water Commodity Charge

A commodity charge of \$1.55 per cubic meter of water consumed, in addition to the basic monthly charge.

2 Bulk Water Service Rates

The charges for unmetered and bulk water shall be computed and rendered monthly as follows:

(a) Keylock Accounts

(i) Monthly Charge

When water is supplied during any month, a monthly charge of \$10.00 per month shall apply.

(ii) Water Commodity Charge

A commodity charge of \$4.75 per cubic meter of water supplied.

(iii) Sprucedale Water Co-op

A commodity charge of \$2.72 per cubic meter of water supplied.

(b) Coin-operated Water Dispenser

(i) Commodity Water Charge

A commodity charge of \$4.75 per cubic meter.

(c) Private Bulk Water Stations

(i) Metered Consumption


I. A commodity charge of \$4.75 per cubic meter.

(ii) Basic Monthly Charge

A basic monthly charge based on service pipe size per section 1(a) of this Schedule.

3 Reconnection Fee

When any service has been disconnected or discontinued by reason of non-compliance with the Utility Bylaw 836/2010, as amended, including, without restriction, failure to pay a utility account when due, a reconnection charge of \$120.00 shall be paid to the Town before service is reconnected or restored.

<p align="center">Bylaw 917/2018 Amending Bylaw to Utility Bylaw 836/2010 & Amendment Bylaw 903/2017</p> 			
			<i>Year/Month/Day</i>
Resolutions	365/2018	Effective Date	2019/01/01
Related Bylaws	836/2010 & 903/2017		
Lead Role	Planning & Operations		

BEGINNING A BYLAW OF THE TOWN OF DEVON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 836/2010, THE UTILITY BYLAW, AS PREVIOUSLY AMENDED BY BYLAW 903/2017

WHEREAS pursuant to section 191 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, the Council of the Town of Devon is authorized to amend a bylaw;

NOW THEREFORE the Council of the Town of Devon duly assembled hereby enacts as follows:

1. Bylaw 836/2010, the Utility Bylaw, as previously amended by Bylaw 903/2017, is amended by this Bylaw.
2. The following is inserted after Section 2.33:
 - 2.33.1 **Natural Gas Rates Bylaw** means the Town's Natural Gas Rates Bylaw No. 921/2018, as amended, or repealed and replaced, from time to time.
3. Section 2.51 is repealed.
4. The following is inserted after Section 2.61:
 - 2.61.1 **Storm Water Drainage Services** means the collection and management of storm water and surface water by the Town via the Town's storm water system.
 - 2.61.2 **Storm Water and Sewage Rates Bylaw** means the Town's Storm Water and Sewage Rates Bylaw No. 920/2018, as amended, or repealed and replaced, from time to time.
5. The following is inserted after Section 2.74:
 - 2.74.1 **Water Rates Bylaw** means the Town's Water Rates Bylaw No. 919/2018, as amended or repealed and replaced, from time to time.

Amending Bylaw to Utility Bylaw 836/2010
& Amendment Bylaw 903/2017

Bylaw **917/2018**
Page 1 of 3

6. Section 6.12 is repealed and the following is substituted:
 - 6.12 The rates, charges and fees for classes of consumers are set out in the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and the Water Rates Bylaw, and will be invoiced to a consumer by utility bill and are payable and subject to penalties in accordance with the provisions of the Utility Penalty Bylaw.
7. Section 6.18 is amended by replacing "Policy 4501 – Utility Rates" with "the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and/or the Water Rates Bylaw, as applicable".
8. Section 7.7.1 is amended by deleting "Policy 4501 – Utility Rates,".
9. Section 7.7.3 is amended by deleting "Policy 4501 – Utility Rates,".
10. Section 7.4.4(c) is repealed and the following is substituted:
 - 7.4.4(c) Any other applicable fees and charges provided for in the Water Rates Bylaw.
11. Section 7.7.11 is amended by replacing "Policy 4501 – Utility Rates" with "the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw, the Water Rates Bylaw".
12. Section 7.7.12 is amended by replacing "Policy 4501 – Utility Rates" with "the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and/or the Water Rates Bylaw, as applicable".
13. Section 8.1.6 is repealed and the following is substituted:
 - 8.1.6 **Special Meter Reading**


A consumer who requests of the Town a special meter reading shall pay the fee designated in the Water Rates Bylaw.
14. Section 8.10.2 is amended by replacing "the Schedule of Fees and Charges" with "the Water Rates Bylaw".
15. Section 9.11.2.1 is amended by replacing "in the Schedule of Fees and Charges" with "in the Water Rates Bylaw".
16. Section 9.12.6 is amended by replacing "Policy 4501 – Utility Rates" with "the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and/or the Water Rates Bylaw, as applicable".

17. Section 9.14.2 is amended by replacing "as set out in the Schedule of Fees and Charges" with "as set out in the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and/or the Water Rates Bylaw, as applicable".
18. Section 10.1.4 is amended by replacing "Policy 4501 – Utility Rates" with "the Storm Water and Sewage Rates Bylaw".
19. The following is inserted after Section 10.3.1:
 - 10.3.1.1 Utility customers shall pay the rates, fees and charges for Storm Water Drainage Services that are set out in the Storm Water and Sewage Rates Bylaw.
20. Section 11.2 is amended by replacing "the Schedule of Fees and Charges" with "the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and the Water Rates Bylaw".
21. Section 11.3.4 is amended by replacing "water" with "utility" and replacing "all as designated in Policy 4501 – Utility Rates" with "all as set out in the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and the Water Rates Bylaw".
22. Section 11.4 is amended by replacing "Policy 4501 – Utility Rates" with "the Natural Gas Rates Bylaw, the Storm Water and Sewage Rates Bylaw and the Water Rates Bylaw".
23. Section 13 is repealed.
24. Schedule E Fees and Charges is repealed.
25. This Bylaw comes into force on January 1, 2019.

READ A FIRST TIME IN COUNCIL THIS	22 nd day of October, 2018
READ A SECOND TIME THIS	13 th day of November, 2018
READ A THIRD AND FINAL TIME THIS	13 th day of November, 2018



Ray Ralph, Mayor




Tony Kulbisky, Chief Administrative Officer

**Amending Bylaw to Utility Bylaw 836/2010
& Amendment Bylaw 903/2017**

Bylaw 917/2018

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Amending Bylaw 903/2017 to Utility Bylaw 836/2010			
			Year/Month/Day
Resolutions	319/2017	Effective Date	2017/12/02
Related Bylaws	Utility Bylaw 836/2010		
Lead Role	Planning & Infrastructure		

BEING A BYLAW OF THE TOWN OF DEVON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 836/2010, THE UTILITY BYLAW.

WHEREAS pursuant to section 191 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, the Council of the Town of Devon is authorized to amend a bylaw;

NOW THEREFORE the Council of the Town of Devon duly assembled hereby enacts as follows:

1. Bylaw 836/2010, the Utility Bylaw is amended by this Bylaw.
2. Section 2.51 is repealed and the following is substituted:
 - 2.51 **Schedule of Fees and Charges** means the fees and charges applicable to Utility services provided in accordance with this Bylaw, as set out in Schedule E "Fees and Charges" attached hereto and forming part of this Bylaw.
3. Section 6.12 is repealed and the following is substituted:
 - 6.12 The rates, charges and fees for classes of consumers are set out in the Schedule of Fees and Charges and will be invoiced to a consumer by utility bill and are payable and subject to penalties in accordance with the provisions of the Utility Penalty Bylaw.
4. Section 7.4.4(c) is repealed and the following is substituted:
 - 7.4.4(c) Any other applicable fees and charges provided for in the Schedule of Fees and Charges.
5. Section 8.1.6 is repealed and the following is substituted:
 - 8.1.6 **Special Meter Reading**
A consumer who requests of the Town a special meter reading shall pay the fee designated in the Schedule of Fees and Charges.
6. Section 8.10.2 is amended by replacing "Policy 4501 - Utility Rates" with "the Schedule of Fees and Charges".
7. Section 9.11.2.1 is amended by replacing "by Town of Devon in Policy 4501 - Utility Rates" with "in the Schedule of Fees and Charges".

8. Section 9.14.2 is amended by replacing “as per Policy 4501 – Utility Rates” with “as set out in the Schedule of Fees and Charges”.
9. Section 11.2 Charges is amended by replacing “Policy 4501 – Utility Rates” with “the Schedule of Fees and Charges”.
10. Schedule E Index is renumbered as Schedule F and a new Schedule E Fees and Charges is inserted to read as follows:

SCHEDULE E

FEES AND CHARGES

1. Water Service Rates

1.1. Metered Water Service Rates

The water service charges for metered water services shall be computed and rendered monthly as follows:

1.1.1. Basic Monthly Charge

Metered Service Pipe Size			Basic Monthly Charge
<i>Up to and including</i>	19 mm	3/4"	\$13.46
	25 mm	1"	\$22.26
	32 mm	1¼"	\$25.76
	38 mm	1½"	\$30.71
	50 mm	2"	\$35.49
	75 mm	3"	\$38.12
	100 mm	4"	\$48.67
	150 mm	6"	\$70.72
<i>Greater than</i>	150 mm		\$70.72

1.1.2. Regular Water Commodity Charge

A commodity charge of \$1.55 per cubic metre of water consumed in addition to the basic monthly charge.

1.2. Unmetered and Bulk Water Service Rates

The water service charges for unmetered and bulk water services shall be computed and rendered monthly as follows:

1.2.1. Keylock Accounts and Unmetered Water

a) Monthly Charge

When water is supplied during any month, a monthly charge of \$10.00 per month shall apply.

b) Water Commodity Charge

A commodity charge of \$4.50 per cubic metre of water supplied.

c) Sprucedale Water Coop

A commodity charge of \$2.72 per cubic meter of water supplied.

1.2.2. Coin-Operated Water Dispenser

a) Water Commodity Charge

A commodity charge of \$4.50 per cubic metre. Rate is set at keylock commodity charge rounded to the next highest number divisible by \$0.25.

1.2.3. Private Bulk Water Stations

a) Metered Consumption

- I. A commodity charge of \$3.25 per cubic metre for first 5000 cubic metre per month.
- II. A commodity charge of \$4.50 per cubic metre after 5000 cubic metre per month.

b) Basic Monthly Charge

A Basic monthly charge based on service pipe size as per section 1.1

2. Sanitary Sewer Service Rates

The sanitary sewer service charge for all properties connected to the sanitary sewer system shall be computed and rendered monthly as follows:

2.1. Basic Monthly Charge

A basic monthly charge for all sizes of sanitary sewer pipe of \$33.60 per month.

2.2. Sewer Commodity Charge

A commodity charge of \$1.76 per cubic metre computed on the water meter volume recorded at the same service location, in addition to the basic monthly charge.

2.3. Sewer Service Installation Fee

A \$1,000 sewer installation fee in the developed area.

3. Storm Water Drainage Rates

3.1. Basic Monthly Charge

A storm water drainage rate of \$8.00 per month shall be added to the monthly utility bill.

4. Natural Gas Service Rates

The charges for natural gas service shall be computed and rendered monthly as follows:

4.1. Basic Monthly Charge

- a) A basic monthly charge of \$35.00 for customers using less than 8,000 Gigajoules per year.
- b) A basic monthly charge of \$300 for customers using 8,000 Gigajoules or more per year.

4.2. Distribution Charge

- a) A distribution charge of \$1.57 per Gigajoule (GJ) in addition to the basic monthly charge for customers using less than 8,000 GJ per year.
- b) A distribution charge of \$1.25 per Gigajoule (GJ) in addition to the basic monthly charge for customers using 8,000 GJ or more per year.

4.3. Energy Charge

In addition to the basic monthly charge and the distribution charge, an energy charge equal to the price the Town of Devon pays for the natural gas it purchases under the current Gas Supply Agreement is charged based on the cost per gigajoule. In any month, an interim natural gas price may be invoiced and the price adjusted to the actual price for that month on a later months billing.


For purposes of this policy, where Imperial unit gas meters are installed, the meter reading per 1000 (one thousand) cubic feet shall be multiplied by an appropriate factor and the energy content of the natural gas expressed in megajoules per cubic metre to determine the Gigajoules consumed.

4.4. Reconnection Fee


When any service has been disconnected by reason of non-compliance with any provision of the bylaw including non-payment of the utility account, a reconnection charge of \$120.00 shall be paid to the Town before the service is reconnected.

11. This Bylaw shall come into force and effect on January 1, 2018.

READ A FIRST TIME IN COUNCIL THIS	27 th day of November, 2017
READ A SECOND TIME THIS	2 nd day of December, 2017
READ A THIRD AND FINAL TIME THIS	2 nd day of December, 2017



Ray Ralph, Mayor




Tony Kulbisky, Chief Administrative Officer

Amending Bylaw to Utility Bylaw 836/2010

Bylaw 903/2017

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 Bylaw 836/2010 Utility Bylaw			
			<i>Month/Day/Year</i>
Resolutions	Res. 276/2010	Effective Date	09/14/2010
Related Bylaws			
Lead Role	Public Works & Land Services		

BEING A BYLAW OF THE TOWN OF DEVON IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CREATING A UTILITY BYLAW INCLUDING SUPPLY OF WATER AND DISTRIBUTION SYSTEM, SUPPLY OF GAS AND DISTRIBUTION SYSTEM AND REGULATION OF THE SANITARY SEWAGE TREATMENT AND COLLECTION SYSTEM

WHEREAS Town of Devon, being a municipal corporation in the Province of Alberta, owns and operates a water treatment and distribution system for supplying potable water and fire protection,, a natural gas distribution system for the supply of natural gas, and a sanitary sewage collection, treatment and disposal system as public utilities for the benefit of municipal, domestic and industrial users and all other consumers in the Town of Devon, and subject to Council approval;

AND WHEREAS pursuant to the Municipal Government Act being Chapter M-26 R.S.A., 2000 and amendments thereto, the Council of Town of Devon has the authority to enact a bylaw affecting, controlling and regulating the public utilities known as “Water System”, “Natural Gas Distribution System” and “Sewage System.”

NOW THEREFORE the Municipal Council for the Town of Devon duly assembled hereby enact as follows:

1. Title

This bylaw may be cited as the “Utility Bylaw.”

2. Definitions

- 2.1. Application** means the application made by the owner to the Town of Devon for utility services.
- 2.2. Arrears** mean those utility rates remaining outstanding after the grace period.
- 2.3. Backflow** means a situation of negative or reduced pressure servicing to cause a reversal in the normal direction of flow within the water or sewer service.

- 2.4. Backflow Prevention Device** means a mechanical device specifically designed, constructed, and approved by the Town for the control and prevention of Backflow.
- 2.5. Backsiphonage** occurs when there is a partial vacuum in a water supply system, which draws the water from a contaminated source into a potable water supply.
- 2.6. Biochemical Oxygen Demand (BOD)** means a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by process bacteria.
- 2.7. Body of Water** means any creek, stream, river, pond, lake, waterway, watercourse, canal or other flowing or standing water.
- 2.8. Building Inspector** means a Safety Codes Officer for the building discipline employed by or contracted to the Town of Devon, authorized to approve and inspect all construction within the Town's jurisdiction.
- 2.9. Catch Basin** means an interceptor or area drain installed to collect storm water and to prevent sand, grit, and other materials from passing into a drainage system.
- 2.10. Chemical Oxygen Demand (C.O.D.)** means a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant.
- 2.11. Clearwater Waste** means water that does not contain wastewater or storm water and to which no substance has been added.
- 2.12. Commercial Buildings** means all buildings that generate revenue but does not include multi-unit structures, institutional dwellings and industrial buildings, but does include temporary residential buildings such as motels, hotels, etc.
- 2.13. Council** means the Municipal Council of Town of Devon in the Province of Alberta.
- 2.14. Cross Connection** means any temporary, permanent or potential connection of any piping, fixture, fitting, container or appliance to the water system that allows or has the potential to allow a backflow condition to arise.
- 2.15. Combined Service** means the service or service pipes used or intended to be used to supply water for fire protection as well as water for purposes other than fire protection.
- 2.16. Curb stop (CC)** See Water Service Valve.
- 2.17. Due Date** As utility services are billed in arrears, they are due upon receipt with a grace period extended for payment without penalty.
- 2.18. Emergency** means an Act of God, a condition over which the consumer or the Town has no control, a condition which creates an imminent danger or a real possibility of property damage, or personal injury, or when a condition or

situation is declared to be an emergency by Council, the Federal or Provincial Crown or other civil authority having jurisdiction.

- 2.19. **Engineering Standards** are the Town's General Design Standards, or in the absence of such standards, generally accepted municipal engineering standards.
- 2.20. **Environmental Protection and Enhancement Act** means the Environmental Protection and Enhancement Act, RSA 2000, cE-12, as amended.
- 2.21. **Finance and Support Services Department** means that department of the Town of Devon with the responsibility of billing and collection for the utility systems.
- 2.22. **Fire Line** means a pipe that is intended solely for the purpose of providing a standby supply of water for fire protection purposes.
- 2.23. **Fixture** means a receptacle, appliance, apparatus or other device that discharges wastewater or clearwater waste and includes a floor drain.
- 2.24. **Floor Drain** means a fixture used to receive water from a floor of a building.
- 2.25. **Gas Distribution System** shall mean machinery, equipment, appliances and devices of every kind and description that are used or intended to be used in the transmission, distribution, delivery or use of natural gas within the natural gas Service Area of the Town of Devon.
- 2.26. **Improvement** means an improvement as defined by Part 9 of the MGA, including a structure or a building.
- 2.27. **Industrial Building** means any building that processes or manufactures goods and products.
- 2.28. **Industrial Wastewater** means wastewater from industrial processes.
- 2.29. **Inspector** means a person authorized by the Town Manager to make inspections and/or to take samples where required and to otherwise enforce this bylaw.
- 2.30. **Meter** means any device and all other equipment and instruments supplied and used or authorized by the Town of Devon to calculate the amount of utilities consumed on the premises upon which such devices are situated.
- 2.31. **Meter Spacer** means a length of pipe complete with couplings, installed on the internal potable water piping in a building that can be removed for the purpose of installing a water meter in Town of Devon.
- 2.32. **Multi Unit Structure** means a single building comprised of two (2) or more units separated one from another by party-walls (often sharing a single entrance way).
- 2.33. **Natural Gas Service** means that portion of the gas line and appurtenances from the connection to the gas main in the public right-of-way or easement adjacent to the property up to and including the gas regulator and meter set at the service location.

- 2.34. Non-Potable Water** means untreated water that is not suitable for human consumption.
- 2.35. Oil and Grease** means an organic substance recoverable by procedures set forth in “Standard Methods” and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes and high molecular carboxylic acids.
- 2.36. Owner** means the person who is registered under the *Land Titles Act* as an owner of a parcel of land, or in the case of property other than land and the Improvements thereon, a person who is in legal possession thereof.
- 2.37. Person** means any individual, partnership firm, society or corporation.
- 2.38. pH** means the measure of the intensity of the acid or alkaline conditions of a solution determined by the hydrogen ion activity of the solution in accordance with procedures set forth in “Standard Methods.”
- 2.39. Phosphorus (Total)** includes all orthophosphates and condensed phosphates, both dissolved and particulate, organic and inorganic, released in combination with organic matter by a digestion process as rigorous as the sulfuric acid – nitric acid digestion process.
- 2.40. Plumbers/Plumbing Contractors** means a plumber or a plumbing contractor employed and designated by the owner of the premises and, in the owner’s application, will be considered as the agent of said owner while employed in the execution of the work of introducing the water into such premises and will not be recognized as, in any sense, the agent of the Town or will the Town or its Town Manager be responsible for the acts of said plumber.
- 2.41. Pollutant** means a chemical or material that is added to the water that causes an adverse deviation from the mean geochemical composition of the water.
- 2.42. Potable Water** means water that has been treated to National and Provincial standards and that is suitable for human consumption.
- 2.43. Private Service or Private Service Pipe** means that portion of a pipe used or intended to be used for a utility service connection and those portions of the utility systems defined by the MGA which are located on or within a property.
- 2.44. Property** means a parcel of land; an improvement; or a parcel of land and the improvements to it.
- 2.45. Public Works and Land Services Department** means that department of the Town of Devon with the responsibility of constructing, operating and maintaining the utility systems.
- 2.46. Raw Water Pipelines** means the system of pipes, valves, fittings, valve chambers, and appurtenances which supply raw untreated water to the water treatment plant.

- 2.47. Residential Dwelling Unit** means a self-contained living premise with cooking, eating, living, sleeping and sanitary facilities for the domestic use of one or more individuals, but does not include any part of a hospital, hotel, motel or recreation vehicle.
- 2.48. Safety Codes Act** means the Safety Codes Act, RSA 2000, c.S-1, as amended.
- 2.49. Safety Codes Officer** means a qualified person certified by the Provincial Government to perform inspections related to the Provincial Safety Codes Act and Plumbing regulations.
- 2.50. Sanitary Sewer** means a sewer, which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.
- 2.51. Schedule of Fees and Charges** means the Town's Schedule of Fees and Charges, as may be adopted, amended or altered by Council from time to time. Without restricting the generality of the foregoing, the Schedule of Fees and Charges does not form part of this bylaw and may be changed or amended at any time by resolution of Council. On the date of coming into force of this bylaw, the Fees and Charges applicable to Utility Services are enumerated under Policies 4050 - Equipment Rentals, 4501 - Utility Rates, 4521- Water Sanitary Storm Service Construction and 4522 - Natural Gas Service.
- 2.52. Service Area** means all lands contained within the geographical boundaries of the Town of Devon and as well, all lands serviced within the Sprucedale Water Coop Limited Agreement area, or any other lands outside the geographic boundaries serviced under an agreement pursuant to section 54 of the *Municipal Government Act*.
- 2.53. Sewage** means water carried wastes, in either solution or suspension from a fixture.
- 2.54. Sewage Collection and Utility Facilities** means the system of sewer collection lines, pumping stations, service connections, valves, fittings, backflow prevention devices and all other equipment required for the collection and treatment of sewage for all consumers and is deemed a public utility within the meaning of the Municipal Government Act.
- 2.55. Sewer Main** means the system of pipes and manholes installed by the Town of Devon or the developer for the Town of Devon in streets for the collection of sanitary sewage within the Town of Devon from which service pipes may be connected.
- 2.56. Sewer Service** means the sewer line connecting a consumer's premises to the Town of Devon sewer main or point of wastewater disposal, with the consumer owning that portion of the pipe lying within the boundaries of the consumer's premises, excluding any pipe lying within the boundaries of any easement or right-of-way area granted to the Town of Devon for its sewage system.

- 2.57. **Sewer System** means a sewer or system of sewers or any plants, structures, equipment, pipes, apparatus or other things for or incidental to the collection, treatment or disposal of wastewater owned by the Town of Devon.
- 2.58. **Shut - Off** means an interruption in or discontinuation of supply of utility either gas and/or water.
- 2.59. **Sprinkling** means the distribution of water to the surface or subsurface of lawns, gardens, or other areas, situated outside buildings by pipes, hoses, sprinkler or any other method.
- 2.60. **Standard Methods** means the current edition of “Standard Methods for the Examination of Water and Wastewater,” American Public Health Association, Washington D.C.
- 2.61. **Storm Sewer** means a sewer that is installed to convey storm water, surface drainage and discharge from sump pumps.
- 2.62. **Street or Streets** shall include all highways, roads, lanes, alleys, avenues, easements, thoroughfares, utility lots, bridges and ways of public nature, sidewalks, boulevards, parks, public square and other public places unless contrary is expressed or unless such construction would be consistent with the context of this bylaw.
- 2.63. **Surface Water** means water collecting on the ground or in a watercourse.
- 2.64. **Suspended Solids** means the solid matter suspended in water and wastewater.
- 2.65. **Tenant** means that person who rents or leases property and occupies same.
- 2.66. **Town** means Town of Devon, in the Province of Alberta (or its duly authorized representatives) or the area contained within its municipal boundaries as the context requires.
- 2.67. **Town Manager** means the person appointed as the Chief Administrative Officer (Town Manager) of the Town pursuant to the *Municipal Government Act* or his or her delegate.
- 2.68. **Utility** means all utilities including water, sewer and natural gas provided by the Town of Devon.
- 2.69. **Utility Bill** means a document issued by the Town that sets out charges for utility services provided to the consumer and may include charges, arrears and late payment charges as set out in the Utility Penalty Bylaw.
- 2.70. **Utility Rate** means the charges for any municipal utility provided to a parcel of land that represents an amount owing to the Town of Devon by the consumer.
- 2.71. **Utility Service Connection** means the Town owned portion of the service line and appurtenances from the connection to the main in the public right-of-way or easement adjacent to the property including the meter and/or regulator set at the service location.

- 2.72. Wastewater Treatment Facility** means any system or method used to treat wastewater biologically, chemically, electrically, mechanically or otherwise and includes the wastewater collection system therefore.
- 2.73. Watercourse** means:
- 2.73.1.** the bed and shore of a river, stream, lake, creek, lagoon, swamp marsh or other natural body of water; or
 - 2.73.2.** a canal, ditch, reservoir or other man-made surface feature whether it contains or conveys water continuously or intermittently.
- 2.74. Water Main** means the system of pipes, valves, fittings, valve chambers and appurtenances that supply and distribute potable water within Town of Devon
- 2.75. Water Service** means that lateral water pipe which connects a consumer's premises to the Town of Devon water main with the consumer owning that portion of the pipe lying within the boundaries of the consumer's premises, excluding any pipe lying within the boundaries of any easement or right-of-way area granted to the Town of Devon for its water system.
- 2.76. Water Service Valve** means the water valve on the Town of Devon owned portion of the water service connection, located between the Town of Devon water main and the property or building line, installed for the purpose of enabling the Town of Devon to turn on or off the water supply to a consumer's premises, also known as a "curbstop."
- 2.77. Water System or Water Utility** means the system of raw water pipelines, water reservoirs, treatment plants, pumping stations, feeder mains, distribution mains, service connections, valves, fittings, hydrants, meters, backflow prevention devices and all other equipment and machinery of whatever kind owned by the Town of Devon that is required to supply and distribute potable water to all consumers and is deemed to be a public utility within the meaning of the Municipal Government Act.
- 2.78. Weeping Tile** means any subsurface drain pipe around or under a building foundation which collects groundwater and/or surface water which has percolated through the soil.

3. Municipal Official

- 3.1.** The Town Manager or his or her designate may establish standards, guidelines and specifications for the design, construction and maintenance of the utility systems.
- 3.2.** For the purpose of administering or enforcing the provisions of this bylaw the Town Manager may delegate his or her powers to one or more employees of the Public Works and Land Services Department, and the said employees shall be deemed to be authorized agents of the Town Manager. In that regard, employees of the Finance

and Support Services Department engaged in utility billing and collection functions shall also be deemed to be authorized agents of the Town Manager.

4. General

4.1. Provincial and Federal Regulations

In addition to the conditions and requirements outlined in this bylaw, all applicable Provincial and Federal regulations and requirements are in effect whether specifically stated or not.

4.2. Authority

- 4.2.1.** The Town Manager or his or her designate is hereby authorized to administer and enforce the provisions of this bylaw. In addition to those duties, without limiting them, the Town Manager may make binding contracts with customers for utility services and may levy charges and fines in accordance with this bylaw.
- 4.2.2.** The Town Manager shall have the discretion to discontinue utility services in the event of noncompliance with this bylaw or other applicable terms of service. The Town Manager has authority to shut off water and/or natural gas for any consumer or consumers for any reason which, in the opinion of the Town Manager, necessitates such shutting off, provided that the Town Manager shall endeavor to provide a minimum of 14 days written notice of such shutting off.
- 4.2.3.** In the event of an emergency as determined by the Town Manager in his or her sole discretion, or where necessary for the purpose of maintenance, repair or construction affecting utilities regulated by the bylaw, the Town Manager may shut off the utility supply to an individual consumer, or all consumers within all or a part of the utility service area, with or without prior notice, for so long as is necessary to address the emergency or affect maintenance, repairs or completion of new construction.
- 4.2.4.** The Town may, where in the opinion of the Town Manager if it is necessary to do so, limit the supply of water or natural gas provided to a consumer.
- 4.2.5.** The Town of Devon shall have the right to discontinue utility services to any property upon reasonable notice in the event of non-payment of utility rates or for violation of any of the provisions of this bylaw, or any other rules or regulations of the Town of Devon pertaining to the utility systems.

5. Supply of Water and Wastewater Service

- 5.1.** The Town of Devon having constructed, operated and maintained water, sanitary sewer, and storm systems as a public utility shall continue, insofar as there is sufficient plant capacity available, and upon such terms as Council considers advisable, to supply water and collect sewage to or from any resident or industry or

- other consumer within the Town of Devon situated along any water and sewer main, or Municipal right of way, upon being so requested in writing by the owner.
- 5.2.** No person shall commence or continue any work on any part of the Water Distribution System; a Water Service or any fixture, appurtenance or other device connected or intended to be connected to the Water Distribution System; or a Water Service without first obtaining all permits required by the Town and under the applicable codes of the Safety Codes Act.
- 5.3.** The size of the service required for residential purposes shall be determined by the Plumbing Code Regulation and the associated National Plumbing Code of Canada 2005, in accordance with the Town's Engineering Design Standards as set out on Policy 4101 Engineering Design Standards.
- 5.4.** Where a boiler or equipment of a nature similar to that of a boiler is supplied directly from a service, such boiler or other equipment shall be equipped with at least one safety valve, vacuum valve or other device sufficient to prevent the collapse or explosion in the event the water supply is shut off.
- 5.5.** The Town of Devon does not guarantee the consistency of pressure nor the continuous supply of water through the water system; and the Town may, at any time where it is determined to be necessary to the operation of the water service, modify the water pressure or shut off the water supply, in accordance with the provisions of this bylaw.
- 5.6.** Consumers depending upon a continuous and uninterrupted supply or pressure of water, or having processes or equipment that require particularly clear or pure water, shall provide such facilities as they consider necessary to ensure a continuous and uninterrupted supply, pressure or quality of water required for this use.
- 5.7.** The Town of Devon may, as a condition to the supply of water, inspect the premises of a consumer who applies to the Town for such supply in order to determine if it is advisable to supply water to such consumer.
- 5.8.** The Town of Devon may, in accordance with Section 542 of the *Municipal Government Act*, enter premises for the purpose of inspecting or testing any fixtures or appurtenances connected to the Water Service, or the Water Service itself, in order to confirm compliance with this bylaw. In the event that the owner obstructs or refuses access for the purpose of conducting an inspection, in addition to any other remedy available to the Town, the Town Manager may direct that the supply of water to the premises be shut off.
- 5.9.** All items stated in Policy 4602 - Water Supply Limitations of Supply Security shall be applicable and enforceable through this bylaw.
- 5.10.** The Town of Devon may at such times and for such length of time as considered necessary or advisable, regulate, restrict or prohibit sprinkling.
- 5.11.** In exercising the authority conferred by subsection 5.10 of this section, the Town of Devon:

- 5.11.1. Shall cause to be published in a newspaper circulated in the Town of Devon a public notice giving reasonable detail of the regulation, restriction or prohibition of sprinkling being imposed which may be limited as to time or times specified or which may be unlimited as to time, in which latter case, a similar public notice shall be given of the cessation of such regulation, restriction or prohibition.
- 5.11.2. May regulate, restrict or prohibit sprinkling in all or any part or parts of the Town of Devon and in so doing the Town of Devon may provide different times during which different consumers may sprinkle by reference to compass direction related to streets, odd and even street addresses or such other manner as the Town considers appropriate.
- 5.12. The Town of Devon may cause the water supply to any consumer who causes, permits or allows sprinkling in contravention of any such regulation, restriction or prohibition to be shut off until such consumer undertakes to abide by and comply with such regulation, restriction or prohibition.

6. Supply of Gas Service

- 6.1. No person shall commence or continue any work on any part of the Gas Distribution System; a Natural Gas Service or any fixture, appurtenance or other device connected or intended to be connected to the Gas Distribution System; or a Natural Gas Service without first obtaining all permits required by the Town and under the applicable codes of the Safety Codes Act.
- 6.2. Town Policy 4901 - Natural Gas Quality Management Plan shall be in effect as referenced by this bylaw.
- 6.3. Town Policy 4902 - Natural Gas Limitations of Supply Security shall be in effect as referenced by this bylaw.
- 6.4. Town Policy 4903 - Natural Gas Emergency Response shall be in effect as referenced by this bylaw.
- 6.5. All gas meters and pressure regulating equipment owned by the Town shall, when installed, remain the property of the Town and may be removed from time to time by the Town.
- 6.6. The service connection, meters and regulating equipment supplied by the Town for each customer have a definite capacity. The consumer or his agent shall obtain the approval of the Town on any proposed change to his connected load. Failure to obtain the approval shall render the consumer liable to the Town for damages, including consequential damages as well as damages suffered by the Town.
- 6.7. No person other than an employee or a contractor of the Town shall move or otherwise disturb any gas meter, metering equipment, tag, notice or seal. No person other than an employee of the Town shall alter, adjust or disturb the pressure setting of any gas regulating or pressure relief equipment.

- 6.8. The owner of premises within which a gas meter or pressure regulating equipment is located shall be responsible to reimburse the Town for any damage which may be suffered by the meter or pressure regulating equipment located in that premises.
- 6.9. No person not employed by the Town shall disturb, connect to, operate, or cause to operate any natural gas apparatus, equipment or piping owned or operated by the Town for the purpose of transmission or distribution of natural gas.
- 6.10. No person shall receive natural gas service through the Town's Gas Distribution System until they have completed an "Application for Service" form and the required charges specified in subsection 11.2 have been submitted to and approved by the Utility Billing Department of the Town.
- 6.11. Any applicant who requests service at a location that is in an area which at the time of application is not adequately serviced by the Town Gas Utility Distribution System may be required by the Town to pay the actual cost of extension (installation) required for such service as specified in Policy 4050 - Equipment Rentals, Policy 4521 - Water Sanitary Storm Service Construction and Policy 4522 - Natural Gas Service.
- 6.12. The rates, charges and fees for classes of consumers are set out in Policy 4501 – Utility Rates. The rates and charges as set out in Policy 4501 will be invoiced to a consumer by a utility bill and are payable and subject to penalties in accordance with the provisions of the Utility Penalty bylaw.
- 6.13. Gas metering readings shall not be clubbed, which means the consumptions and demands of two or more meters shall not be added and billed as one meter reading. Gas meters shall not be installed in series (for deduction metering) so that consumption on one must be subtracted from another.
- 6.14. The collection of all gas service charges, rates, or rents for the supply of gas energy may be made by the Town pursuant to the provision of the Municipal Government Act, by action in any court of competent jurisdiction or by distress.
- 6.15. Where an employee or contractor of the Town is unable to gain access to the premises for the purpose of reading a meter, the Town may prepare and issue an estimated bill in accordance with the Town's utility estimating procedures.
- 6.16. Where a meter reading cannot be obtained for a period of three (3) consecutive months or more, the Town Manager may proceed to shut off the water or gas supply until such time as an actual meter reading can be obtained.
- 6.17. The Town may disconnect the service for a consumer who has failed to pay any rates or charges set out in a utility bill for a period of 60 days from the date that the rates and charges became payable.
- 6.18. When any service has been disconnected by reason of non-compliance with any provision of the bylaw, reconnection charges as specified in Policy 4501 – Utility

Rates shall be paid to the Town and an “Application for Service” completed before the service is reconnected.

- 6.19.** Complaints tests regarding consumer’s meters will be made in accordance with Consumer and Corporate Affairs Canada Regulations relating to Natural Gas Meter Disputes.
- 6.20.** The Town reserves the right to disconnect the supply of natural gas to any consumer violating any of the provisions of this bylaw. The Town shall not be liable for damages either direct or consequential resulting from such interruption or failure.
- 6.20.1.** The Town shall not be liable for damages either direct or consequential resulting from the use or misuse of natural gas by the consumer or from natural gas faults on the customer’s piping system, appliances, or any other apparatus connected to natural gas service.

7. Servicing General

7.1. Sole Source of Service

No person shall use a source of natural gas supply, water supply, or sewage disposal other than the Town of Devon system without written consent of the Town Manager.

- 7.1.1.** The Town of Devon may give its consent for a person to use an alternate source for the supply of natural gas, water and, sewer facilities subject to such terms and conditions as deemed necessary and notwithstanding that the generality of the foregoing may set a limit on the period of time for which an alternate supply may be used.
- 7.1.2.** No person who has been granted permission to use an alternate supply pursuant to subsection 7.1.1 shall cause or permit any aspect of the alternate supply to be connected to any portion of a Town Utility.
- 7.1.3.** No consumer shall cause, permit or allow to remain connected to his water supply system any piping, fixture, fitting, container or other apparatus which may cause water from a source other than the water utility or any other harmful or deleterious liquid or substance to enter the water utility.
- 7.1.4.** The Town Manager may cause the water supply to any consumer contravening the provisions of section 7.1.3 to be shut off without prior notice in the event of an emergency. The water supply to such consumer shall not be restored until such consumer has paid to the Town all costs associated with the shutting off of the water supply.

7.2. Alterations to Natural Gas, Water and Sewer Systems

- 7.2.1.** No person(s) shall alter, repair, maintain, replace upgrade, connect to or otherwise engage in any activity involving physical interference with any part of a Utility without first receiving the express, prior written authorization of the Town.

- 7.2.2.** No consumer shall operate, use, interfere with, obstruct or impede access to the utilities or any portion thereof in any manner not expressly permitted by this bylaw, in default of which, the Town Manager may cause the utility being supplied to such consumer to be shut off until such consumer complies with all of the provisions of this bylaw.

7.3. Consumer Responsibility and Wastage

- 7.3.1.** No consumer shall cause, permit or allow the discharge of water so that it runs to waste, whether by reason of leakage from underground piping, a faulty plumbing system or otherwise. The Town Manager may cause the water supply to any consumer who violates this section to be shut off until such time as such consumer establishes to the satisfaction of the Town Manager that he has taken such steps as may be necessary to ensure that any water supplied to him by the Town will not run to waste.
- 7.3.2.** The Town Manager may give notice to such consumer prior to causing the water supply to such consumer to be shut off except in the event of a situation considered by the Town Manager to be an emergency, no prior notice shall be required. Notwithstanding the foregoing, the Town Manager may under such condition as he may consider reasonable allow a consumer to discharge water so that it runs to waste or useless if such consumer's water service would otherwise be susceptible to freezing.

7.4. Restrictions on Unauthorized Water Usage, Sale and Supply

- 7.4.1.** Customer shall not use water from the Town of Devon water system, or allow water obtained from the water system to be used:
- (a)** In an unauthorized manner;
 - (b)** In a manner that will impede water use by other customers;
 - (c)** Unless an account has been opened by the customer; or
 - (d)** Unless the water has first passed through a meter.
- 7.4.2.** If the Town finds an unauthorized use of water including as a result of any tampering with a meter or other facilities, the Town may make such changes in its meters, appliances, or other facilities or take such other corrective action as may be appropriate to ensure only the authorized use of the facilities, and also to ensure the safety of the general public.
- 7.4.3.** Upon finding an unauthorized use of water, the Town may disconnect the service connection immediately, without notice and shall charge the customer all costs incurred in correcting the condition, in addition to any other rights and remedies which may be available to the Town.
- 7.4.4.** A customer that uses water in contravention of this section shall pay the following charges:

- (a) The applicable rate for the water used and, where necessary, based on an estimate by the Town of the amount of water used in contravention of this Section;
- (b) All costs incurred by the Town in dealing with the contravention; and
- (c) Any other applicable fees or charges provided for in the Fees and Charges.

7.4.5. No consumer shall contravene the following as it relates to alternate water supply:

- (a) No Person shall, unless authorized by the Town, allow water to be supplied to a Property lying along the Water Main by way of a well, spring or other source of water supply that is not connected to the Town's Waterworks System.
- (b) Nothing in this Section shall restrict a Person from purchasing bottled or self-contained drinking water in units of 45.4 litres (10 gallons) or less, or bulk water for irrigation purposes.
- (c) A Person who has been granted permission to use an alternate water supply under subsection (7.1.1) shall not allow the alternate source of water to be connected to the Waterworks System.

7.4.6. Consumers may not resale water from the Town of Devon water system:

- (a) No Person shall resell water obtained from the water system to any other Person, provided however that water obtained from the Waterworks System has been metered and which has been enhanced or altered in any lawful manner may be resold without contravention of this Section.
- (b) No Person shall resell water obtained from the water system to any other Person, provided however that water obtained from the Waterworks System has been metered and dispensed through a bulk water station may be resold without contravention of this Section.

7.4.7. Consumers may not exceed water use limits established by the Town pursuant to a permit, Agreement or this bylaw.

7.4.8. Any consumer who contravenes subsection 7.3. - 7.4 of this section shall forfeit any right to be supplied with water and in addition thereto shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.

7.4.9. No consumer shall cause, permit, or allow any apparatus, fitting or fixtures to be or to remain connected to his private service or allow his private service to be operated in such a manner as to cause noise, pressure surges or other disturbances which may, in the opinion of the Town Manager, result in annoyance or damage to other consumers or the utility. The Town Manager may cause the utility supply to any consumer contravening the provisions of this section to be shut off, provided that the Town Manager shall give notice to

such consumer prior to such utility supply being shut off, unless in the event of a situation considered by the Town Manager to be an emergency, no prior notice will be required. The utility supply to any such consumer shall not be restored until such time as that consumer has paid to the Town all costs incurred by the Town in shutting off such utility supply.

7.5. Ownership of Utility Service Connection by the Town of Devon

The Town of Devon is the owner of the utility service connections within any street, lane, easement or Town of Devon property. No person(s) shall make connections to any of the service lines or gas, water and sewer mains without first having obtained a permit to do so from the Town of Devon.

7.6. Number of Services

7.6.1. Residential Dwelling Single Service – Multi-Unit Structures

- 7.6.1.1.** All newly constructed single residential dwelling units shall be serviced with one water service and one natural gas service. The utility bill shall be directly forwarded to the property owner for payment and is ultimately their responsibility.
- 7.6.1.2.** All newly constructed multi-unit structures located on one lot shall have one water service and one natural gas service for each residential dwelling unit located within the lot. The utility bill for multi-unit structures shall be forwarded directly to the property owner for payment and is ultimately their responsibility.
- 7.6.1.3.** In the event a property owner requests more than one water or natural gas service, they will be responsible for all additional costs associated with the extra service(s). Extra service installation will only be permitted upon first acquiring written approval from the Town of Devon and advance payment in full of said additional costs. In this instance, where disconnection of any one unit as a result of non-payment of rates is possible, a copy of the utility bill may be forwarded to the occupant upon written request of the owner.

7.6.2. Commercial Buildings

- 7.6.2.1.** All newly constructed multi-unit structures located on one lot shall have one water service and one natural gas service located within the building. The utility bill for multi-unit structures shall be forwarded directly to the property owner for payment and is ultimately their responsibility.
- 7.6.2.2.** In the event a property owner requests more than one water or natural gas service, they will be responsible for all additional costs associated with the extra service(s). Extra service installation will only be permitted upon first acquiring written approval from the

Town of Devon and advance payment in full of said additional costs. In this instance, where disconnection of any one unit as a result of non-payment of rates is possible, a copy of the utility bill may be forwarded to the occupant upon written request of the owner.

- 7.6.2.3.** Unless the Town Manager otherwise approves, there shall not be more than one private service to any building or site.

7.7. New Services and Servicing

- 7.7.1.** Providing a private service line is already in place, any person who desires a new meter from the Town shall apply to the Town on the form supplied by the Town for that purpose, and shall pay the amount(s) specified in the rate(s) set out in Policy 4050 - Equipment Rentals, Policy 4501 – Utility Rates, Policy 4521 - Water Sanitary Storm Service Construction and Policy 4522 - Natural Gas Service.
- 7.7.2.** Such application shall be made not less than three business days prior to requiring the meter except that it shall coincide with the normal business hours of the Town. The Town Manager may choose to install the meter at a later date where in his opinion the meter installation is of larger size and complexity, the meter is not in stock or due to operational considerations.
- 7.7.3.** Any person who desires a new service line or connection from the Town shall apply in writing in person to the Town on the form supplied by the Town for that purpose, and shall pay the amount(s) specified in the rate(s) set out in Policy 4050 - Equipment Rentals, Policy 4501 – Utility Rates, Policy 4521 - Water Sanitary Storm Service Construction and Policy 4522 - Natural Gas Service. Such application shall be made during normal business hours of the Town. Where, in the opinion of the Town Manager, the construction work is of sufficient size and scope, or if municipal forces are not able to complete in a timely manner, installation work may be done by a company subcontracted to the Town. The Town Manager may choose to install the service at a later date where it is a project of large size and complexity, where components are not readily available or operational considerations.
- 7.7.4.** The Town of Devon or developers shall install that portion of the utility service connection that is on Town of Devon property and runs from the Town of Devon utility main to the property line of the street, lane, or boundary of an easement or right-of-way granted to the Town of Devon for its utility system. The owner of a property is responsible for all costs related to servicing on a property.
- 7.7.5.** Utilities will be turned on to the premises only after the owner has concluded the work to the satisfaction of the Town Manager and the entire structure is inspected and approved by the Building Inspector and the occupancy permit issued.

- 7.7.6.** The Town of Devon will not turn on the utility supply to any new building or new plumbing system until a Provincial Plumbing Permit is presented to the Town of Devon for that building.
- 7.7.7.** The Town Manager may, subject to Section 34(1) of the Municipal Government Act, refuse to permit the establishment of any new water or natural gas services or any change in the structure of an existing water or natural gas service where the Town Manager determines there is sufficient reason to deny the new connection or proposed change.
- 7.7.8.** Where the Town Manager refuses, pursuant to Section 7.7.7 to permit a new connection or a change, the Town Manager shall provide written reasons for the refusal to the applicant.
- 7.7.9.** Persons receiving a permit for the introduction of utility servicing to their premises and the installer doing the work will be required to cause the service to be placed no less than 2.75 meters below the surface of the earth at any point between the street line and the inside of the foundation wall of the building into which the utility is introduced, unless otherwise approved in writing by the Town of Devon.
- 7.7.10.** All persons doing any work or service upon a private service or the plumbing system attached thereto shall comply with the provisions of the Plumbing and Drainage Regulations of the Department of Health of the Province of Alberta and any bylaws of the Town applicable thereto.
- 7.7.11.** When, for any reason, a temporary utility service is required, an applicant shall pay in advance the whole cost of its construction, together with the cost of abandoning it when no longer needed. Application for such service construction shall be made as per section 7.7.3. If, in the opinion of the Town Manager a meter should be installed on a temporary service, the applicant shall provide a safe and adequate meter setting in a stated location, and shall be responsible for the protection of the whole installation while his account is open for service. The applicant will be responsible for the payment of any application rates and charges as set out in Policy 4050 - Equipment Rentals, Policy 4501 – Utility Rates, Policy 4521 - Water Sanitary Storm Service Construction and Policy 4522 - Natural Gas Service.
- 7.7.12.** If a consumer requires the supply of utilities to be shut off for his own purposes, he shall pay therefore the amount specified in Policy 4501 – Utility Rates.

7.8. Remote Reading Devices

- 7.8.1.** All buildings that require water meters, and for which building permits are issued after November 1, 1975, shall be wired for a remote water readout by the owner/builder. The wiring is to consist of a 4-wire, 22 gauge copper conductor from the location of the inside water meter to a convenient location

between five and six feet above grade on the exterior of the building within 500 mm of the natural gas meter.

- 7.8.2.** The owner shall be responsible for damage of the meter and remote reading device that may result from other than normal wear and tear.
- 7.8.3.** Any owner requesting the installation of a remote reading device on their premises will be required to comply with the above regulations and shall be responsible for the installation of the wiring and the payment to the Town for the remote reading device. Ownership of the meter and remote reading device and any apparatus thereto remains with the Town.
- 7.8.4.** The Town does not assume any responsibility for any damages to the premises due to the installation of such wiring. The Town will install the remote reading device on the outside of the premises. All other conditions of the remote reading device shall apply.

7.9. Replacements and Relocation

Any owner who desires to have an existing utility service connection within any street, lane, easement or Town of Devon property replaced with a connection of a different size or relocated to a different location, shall apply to the Town of Devon in writing for approval. The Town of Devon may authorize the work to be carried out by the Town of Devon or its agents, subject to payment in advance by the owner, for the cost of the project as determined by the Town of Devon.

7.10. Winter Connections

Service connections to the utility mains shall not be made between November 1 and April 1 of the following year, unless otherwise approved in writing by the Town of Devon.

7.11. Frozen Connections

The cost of thawing a frozen service shall be borne as follows:

- 7.11.1.** If the private service or the plumbing system connected thereto is frozen, as determined by the Town Manager, costs shall be borne by the consumer.
- 7.11.2.** If the Town service is frozen as a result of the negligence of the consumer, as determined by the Town Manager, costs shall be borne by the consumer.
- 7.11.3.** If the Town service is frozen, as determined by the Town Manager, costs shall be borne by the Town. If the Town Manager is of the opinion that a private service or plumbing system has frozen without any negligence on the part of the consumer or any other person for whose negligence the consumer is responsible, the Town Manager may waive the cost of one thawing during any one winter season which shall be deemed to run from November 15 to May 15.

- 7.11.4.** The Town shall not thaw a private service or plumbing system unless the consumer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to property, including the private service or plumbing system, and may cause damage to the electrical system or the outbreak of fire and waiving any claim against the Town for any such damage whatsoever.

7.12. Owner/Tenant Accounts

- 7.12.1.** In all cases the owner shall be liable for the cost of utility services supplied to a property, regardless of whether the property is occupied by the owner or a Tenant, and all invoices issued by the Town of Devon shall be sent to the owner. The Town of Devon will, at the owner's written request, send a copy of the invoice issued to an owner to a Tenant, provided that the Town shall not be required to seek payment from a Tenant of any invoice issued to an owner whether a copy is sent to the Tenant or not.
- 7.12.2.** To accommodate transition, properties where the account is held in the name of a current tenant and the account is in good standing at the time this bylaw comes into effect, may continue to receive the applicable utility until such time as the tenant closes the account or the utility is otherwise discontinued for any reason pursuant to this bylaw.
- 7.12.3.** Notwithstanding subsection 7.12.2, the owner of property serviced by a utility where the account is in the name of the tenant, shall be required to submit an application for the utilities not later than one year from the date this bylaw comes into effect, in order to transfer the account into the owner's name. The failure to submit an application in the format required by the Town within this deadline may result in the discontinuation of the provision of the utility to the property until such time that the application has been received and approved by the Town.
- 7.12.4.** Notwithstanding section 7.12.3, the Town Manager may, upon receipt of a written application from an affected owner, grant an extension of the transition period beyond the one year transition period.
- 7.12.5.** Section 7.12.4 shall only apply where, at the time of the coming into force of this bylaw, the Utility Account is held in the name of a tenant and not the owner of the subject property.
- 7.12.6.** In an application for an extension under section 7.12.4, the owner shall provide the information set out in schedule D to this bylaw, in addition to any other information requested by the Town Manager. Thereafter, the Town Manager shall review the information provided and may, at his or her sole discretion; determine whether to grant an extension.
- 7.12.7.** Where an extension is granted, the Town Manager shall advise the owner in writing, setting out the duration of the extension and the specific expiry date, along with such other information as the Town Manager determines to be necessary.

- 7.12.8.** When an application for utility services is made by the owner of currently leased premises, the deposits held by the Town on accounts where services are being received by a tenant will be applied to the person's or corporation's account upon final billing. Any unused portion of the deposit shall be refunded to the person or corporation when the final bill has been paid in full. No interest shall be paid on deposits.
- 7.12.9.** In the event of a transfer of ownership of lands, structures or premises where there is no discontinuance of the use or occupancy of the land, structure or premises, the new owner of the land, structure or premises shall enter into a Utility Services Agreement with the Town within fourteen (14) days of becoming the registered owner of the land, structure or premises to which the utility services are provided. Failure to make an application in the format required by the Town may result in the discontinuation of utility services to the property until such time that an application is received by the Town.

7.13. Access To Premises

- 7.13.1.** The Town of Devon may, in accordance with Section 542 of the *Municipal Government Act*, enter premises for the purpose of reading meters, or inspecting or testing any fixtures or appurtenances connected to the Water, Sewer or Natural Gas Service, or the Water, Sewer or Natural Gas Service itself, in order to confirm compliance with this bylaw. In the event that the owner obstructs or refuses access for the purpose of conducting an inspection, in addition to any other remedy available to the Town, the Town Manager may direct that the supply of the utility to the premises be shut off.
- 7.13.2.** In the event that an animal is present on that private property and that animal attacks or threatens the personal safety of the inspectors, agents, contractors, or employees of the Town of Devon, or acts in a manner such as to cause the inspectors, agents, contractors, or employees of the Town of Devon to reasonably believe that their personal safety is threatened or that an attack is imminent, the owner of the property and/or the person having possession or control of the animal shall take such action as necessary to control the animal and remove the danger to the inspectors, agents, contractors, or employees of the Town of Devon.
- 7.13.3.** In the event that an inspector, agent, contractor or employee of the Town of Devon is attacked by an animal or an animal acts in a manner so as to cause the inspector, agent, contractor or employee of the Town of Devon to reasonably believe that an attack is imminent, the inspector, agent, contractor or employee of the Town of Devon shall be entitled to use such reasonable force as is necessary to ensure their personal safety and ability to perform their job. Where the circumstances of the case require, such actions may include the use of such animal repellants as are legally available for use within the Province of Alberta.

8. Water System

8.1. Meters

8.1.1. General

All water supplied by the Town through a private service shall be measured by a meter unless otherwise provided under this bylaw or unless a special agreement is entered into between the Town and the owner. Except as herein provided, all meters shall be supplied, owned and maintained by the Town unless a special agreement is entered into between the Town and an owner.

8.1.2. Installation Responsibility

Meters shall be supplied and installed by the Town at the expense of the owner.

8.1.3. Subsidiary Meter

An owner may, for his/her own benefit, install a meter between the meter supplied by the Town and the point of use of the water supply, provided that the Town shall not maintain such meter, nor shall such meter be read by the Town.

8.1.4. Installation

An owner shall make provision for the installation of a water meter to the satisfaction of the Town Manager and, when required, shall install a properly valved bypass.

8.1.5. Any owner:

8.1.5.1. whose water supply is not metered; or

8.1.5.2. whose water meter is not installed or located to the satisfaction of the Town Manager shall make proper provision for a meter to be installed or the meter to be removed, as the case may be, at the owner's sole expense; and in default of payment, the Town may shut off the water supply until such time as the Town has been reimbursed for costs incurred.

8.1.6. Special Meter Reading

A consumer who requests of the Town a special meter reading shall pay the fee designated in Policy 4501 - Utility Rates.

8.1.7. Meter Chamber

When, in the opinion of the Town Manager, the building or other premises intended to be supplied with water are too far from the Town service to conveniently install a meter in such premises, or if a number of buildings are to be supplied or if a meter cannot be installed for any other reason in the opinion of the Town Manager, then the consumer shall, at his sole cost, construct and maintain a container for a meter and such container shall in all respect

including location, construction, size, access and otherwise howsoever be satisfactory to the Town Manager.

8.1.8. Meter Size

The size of the water meter shall be determined in accordance with the Town's Engineering Design Standards as set out on Policy 4101.

8.1.9. Non-Registering Meter

If upon the reading of a meter, it is determined that the meter has failed to properly record the flow of water, the Town Manager shall estimate the flow and render an account based upon such method as the Town Manager considers to be fair and equitable.

8.1.10. Protection of Meter

Every owner shall provide adequate protection for the meter supplied by the Town against freezing, heat or any other internal or external damage failing which the owner shall pay to the Town all costs associated with the repair of such meter which amounts shall be recoverable in the same manner as water rates.

8.1.11. Reading

The meters of all consumers, where practicable, shall be read every month. In the event that any meter cannot be read as aforesaid the Town Manager shall estimate the flow of water upon such basis as he/she considers being fair and equitable and rendering an account in accordance with such estimates. In any event, each meter shall be read by the Town at least once in each year and if the Town is unable to do so, the Town Manager may shut off the water supply to such meter until such time as the Town is able to read the same. Payment of an estimated amount shall not excuse the owner from liability for payment of a greater amount that may be owing after a meter is read.

8.1.12. Bypasses

- 8.1.12.1.** The owner of any water service having a meter two inches in size or larger shall, at the owner's sole expense, construct and maintain a properly valved bypass, satisfactory to the Town Manager, which shall be sealed by the Town and only opened by the owner in the case of an emergency.
- 8.1.12.2.** In the event that the bypass seal is broken, whether or not as a result of an emergency, the owner shall notify the Town within 24 hours of either breaking the seal or discovering the seal could be broken.
- 8.1.12.3.** Where a seal has been broken, the Town Manager may authorize that the supply of water be shut off until arrangements, satisfactory to the Town Manager, have been made for the calculation of and payment for the water supplied but not recorded by the meter.

8.1.13. Meter Valving

Any owner having a meter larger than 3/4 inches in size shall, at his sole cost and expense, supply and maintain valves on both sides of and within 12 inches of the meter.

8.1.14. Water Meters - Installation/Repairs

- 8.1.14.1.** Meters and shut off valves must be installed in an area readily accessible for meter reading, inspection repair and removal, and their location shall be subject to the approval of the Town. All meters shall be located on the consumer's side of the approved shut off valve.
- 8.1.14.2.** No person shall do, shall cause to be done or shall permit to be done, any act or thing that may obstruct, interfere with or impede a direct and convenient access to a meter for the purpose of installation, inspection, removal, repair, replacement reading or the like at all times.
- 8.1.14.3.** The Town of Devon may remove water meters for maintenance and testing on a periodic basis. The Town of Devon may test a water meter on site or remove and test the meter at a facility approved by the Town of Devon.
- 8.1.14.4.** The Town of Devon will respond to requests from the owner for meter testing on private property on a fee-for-service basis. The owner shall deposit with the Town of Devon, during regular business hours, a sum equivalent to the call out rate for the cost of the utility operator including vehicle, provided the response can be performed during regular business hours; otherwise after hour call out rates as outlined in Policy 4601 - Water Service Maintenance will apply. The Town will then remove the subject meter from service and it will be given a bench test.

8.2. Responsibility for Water Consumed

The consumer shall be responsible for all water consumed on a premise, whether the water consumption was registered by the water meter or consumed by accidental or illegal means.

8.3. Protection of Water Service Valves

- 8.3.1.** No contractor/owner shall turn the water service on, unless for testing purposes and, in such a case, the Town Manager shall be advised in advance of the intention to ensure the water service is turned off subsequent to the testing. Upon successful testing, the bypass shall also be removed at the sole responsibility of the contractor/owner at which time the premises shall be approved for occupancy by the Building Inspector
- 8.3.2.** No person, other than authorized by the Town Manager, shall interfere with, damage or make inaccessible any water service valve, fire hydrant, curb stop, its casing, or anything associated with the water supply system due to the

construction of walks, driveways, landscaping or in any other way. The owner of a property shall make every effort to protect the water service valve servicing his or her property from damage.

8.3.2.1. At the time of issuance of a permit to commence construction of a building or other improvements on a property, the owner of the property may be required to pay to the Town of Devon a construction deposit as determined by the Town Manager or designate. The deposit may be refundable upon completion of finished landscaping and after inspection by the Town of Devon determines that the water service valve has not been damaged in any way.

8.3.2.2. If the water service valve has been damaged, the Town of Devon may retain the construction deposit and recover the difference in the amount of the construction deposit and the actual cost incurred to repair the water service valve. Any additional costs over and above the construction deposit may be collected in the same manner as utility rates.

8.3.2.3. If the water service valve is made inaccessible by any reason, the Town of Devon may require such work to be performed to provide accessibility, with all costs to be borne by the property owner. Any such costs may be collected in the same manner as utility rates.

8.3.3. Approval for all connections to the Town water system not specified in this bylaw shall require the prior approval of the Town.

8.4. Boosting Devices

No person shall use any devices for the purpose of increasing water pressure on any water service connection on the upstream side of a water meter or water shut-off valve.

8.5. Fire Protection and Branch Supply Lines, Outlets or Fixtures

8.5.1. No person shall install branch supply line, outlets or fixtures before a water meter or shut-off valve, except for fire protection purposes. Any branch supply line, outlet or fixture installed before a water meter or water shut-off valve for fire protection shall only be installed with written permission from the Town of Devon.

8.5.2. No person shall use water from a water service connection that supplies water to private fire hydrants, for any purpose other than fire protection, unless the water service connection is connected to a water meter, supplied and installed by the Town of Devon.

8.6. Shut-Off Valves

All buildings connected to a water service are required to provide a water shut-off valve placed before the water meter to permit the meter to be isolated for safe removal and to enable a consumer to shut off the supply of water in case of any emergency, when making repairs, to prevent flooding of the premises or in the event the premises are permanently or temporarily vacated. The owner shall maintain the water shut-off valves in good mechanical condition and easily accessible at all times to ensure that it is operable in case of emergency.

8.7. Location and Access to Shut-Off Valves, Water Meter and Remote Readout

The water shut-off valves and meter shall be located inside the utility room of the premises. If the water shut-off valve and meter cannot be located in a heated area (i.e. Designated Manufactured Homes) then the meter and supply lines must be heat taped and insulated to prevent freezing. At all times, the owner of the property shall ensure that the Town of Devon has clear unobstructed access to the shut-off valve, water meter and remote readout.

8.8. Meter Enclosure

- 8.8.1.** All water meters are to be located within the primary building that is supplied by a water service connection.
- 8.8.2.** Where a water meter cannot be installed in a building, or in the opinion of the Director of Public Works and Land Services it is impractical, it is the property owner's responsibility to provide a building or vault to house the water meter on the owner's property, at the owner's expense and in accordance with Town of Devon's Design Standards for the water system.
 - 8.8.2.1.** Any such building or vault is to be insulated and heated during the freezing months.
 - 8.8.2.2.** The property owner shall maintain and repair the meter building and/or vault at the owner's expense. If the owner, after receiving written notice from the Town of Devon, neglects to repair or improve his meter building or vault, the Town of Devon may either authorize the necessary repairs to be carried out and charge the owner for the costs incurred or shutoff the supply of water until the repairs are carried out to the Town of Devon's satisfaction.

8.9. Meter Spacers

Where the use of a water meter is mandatory under this bylaw, no person shall use a meter spacer in place of a meter, except for the testing of a new plumbing system or a water meter.

8.10. Temporary Water Service Connections

- 8.10.1.** Provision is hereby made to allow for a temporary water service permit thereby providing a service for contractors during the construction stage.
- 8.10.2.** Approval for such service shall be obtained from the Town Manager for the fixed fees as prescribed in Policy 4501- Utility Rates and shall be for a limited time as requested, but in no case shall approval be given for more than 60 days for each application.
- 8.10.3.** The permit, once issued, shall be delivered to the Town Manager, and Town personnel shall attend to the subsequent turning on only.
- 8.10.4.** Such permits will be attended to during normal business hours in the order received but may be subject to a twenty-four (24) hour delay.
- 8.10.5.** The water service will be shut off on the pre-established expiry date unless renewal and/or meter service is approved.

8.11. Use of Town of Devon Fire Hydrants

No person other than an employee or contractor of the Town of Devon or a person who has received prior written authorization of the Town Manager shall open, close, interfere with or use water from any fire hydrant, hydrant gate or hydrant valve connected to the Water System.

8.12. Relocation of Hydrants from Town of Devon-Owned Property

Any person who wishes to have a fire hydrant relocated that is situated on property owned by the Town of Devon may request in writing to the Town of Devon that the hydrant be relocated. If the Town of Devon considers it feasible to relocate the hydrant, the person making the request shall pay in advance the full cost to relocate the hydrant.

8.13. Interference with Fire Hydrant Access

- 8.13.1.** Subject to the provisions of the Alberta Fire Code, no person shall allow anything to be constructed, erected or planted adjacent to a fire hydrant that may in any way interfere with access to, use, maintenance or visibility of the hydrant. Nor shall any person paint a fire hydrant without prior written approval from the Town of Devon.
- 8.13.2.** Subject to the provisions of Alberta Fire Code no person shall do anything to obstruct access to a fire hydrant or to interfere with the operation of a fire hydrant.

8.14. Fire Damage and Loss

The Town of Devon shall not be liable for loss or damage suffered by any person or property by reason of low water pressure or by interruption to, or failure of, the

water system to deliver water in adequate volume and pressure for supplying water for fire protection purposes.

8.15. Approved Fixtures

All materials (i.e. hoses, jets, cocks or fixtures) permanently affixed to the water system within a premise by a consumer of water shall be subject to approval by the Town of Devon.

8.16. Allowable Water Uses

The Town of Devon may allow a contractor, consumer or other persons to run water without charge for the water consumed for the purposes of:

- 8.16.1.** flushing water mains, hydrant leads, and water service connections in order to clean them;
- 8.16.2.** conducting water flow tests;
- 8.16.3.** training fire fighters by the Town of Devon's Fire Department;
- 8.16.4.** contracted street maintenance such as street sweeping; or
- 8.16.5.** such other purposes as may be approved by the Town of Devon from time to time.

In all cases, a record of water usage will be tallied and forwarded to the utility billing department. Where it is considered practical, all water will be metered through a portable water meter supplied by the Town.

8.17. Willful Act Prohibitions

No person or persons shall:

- 8.17.1.** Willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the Town of Devon or its contractors, servants, agents or workers in the exercise of any of the powers and duties related to water utility system and authorized by, or contained in, this bylaw;
- 8.17.2.** Throw or deposit any injurious, noxious or offensive matter or water contaminant into the water system, or in any way cause willful damage or injury to the water system or encourage the same to be done;
- 8.17.3.** Willfully alter or tamper with in any way, any water meter so as to lessen or alter the amount of water registered by the water meter, valves or any appurtenances;
- 8.17.4.** Attach or connect any pipe to any water main or service, or in any other way obtain or use the water system in a manner contrary to this bylaw without the written consent of the Town of Devon; or
- 8.17.5.** Willfully and without authority hinder, disrupt or cut off the supply of water to any consumer or user of the water system.

8.18. Responsibility for Contamination and Pollution

Any person who contaminates or pollutes the water system by any means will bear the full cost of any and all damages and/or repairs and maintenance, including any environment orders and liabilities required for the Town of Devon to restore normal water service to its customers.

9. General Provisions Relating to Metered Utilities

9.1. Seals

No person shall tamper with, break or remove any seal installed by the Town of Devon on any valve or flagged outlet on utility service connections or utility metering facilities, except in the case of an emergency.

9.2. Broken Seals

In the event a person breaks a seal on a valve in order to obtain a supply of water for emergency purposes, that person shall notify the Town of Devon within twenty-four (24) hours.

9.3. Operation of Valves

No person, except Town of Devon employees, shall turn on or off a utility service or any other main valve or valves in the utility system.

9.4. Equipment Maintenance

9.4.1. For the purpose of installing, maintaining, reading or servicing any meter or pressure regulating equipment, employees of the Town will produce identification when entering onto private property or entering private buildings. Agents or contractors of the Town will wear an identification tag provided by the Town when entering onto private property.

9.4.2. Employees of the Town of Devon may set or alter the position of any utility meter, remote readout, backflow prevention device or any pipe, valve or fitting forming part of the utility system for the purposes of protecting, testing or regulating the use of any utility meter, backflow prevention device or other equipment forming part of the utility system.

9.5. Cost Recovery

The Town of Devon may charge for and recover from the owner of a property the cost of supplying, installing, altering, repairing, relocating or removing a utility meter or remote read out. Any such charges may be collected in the same manner as the utility rates.

9.6. Relocation of Utility Meter Piping

No person shall relocate, alter or change any existing utility meter piping without the written approval of the Town of Devon. The owner or their authorized agent may submit plans and specifications for any proposed relocation of utility meter piping

and, if approved by the Town of Devon, the owner shall pay the entire cost, including any costs incurred by the Town of Devon, in making such relocation, alteration or change. Any such costs may be collected in the same manner as the utility rates.

9.7. Building Alteration and Relocation

If the Town of Devon is dissatisfied with the location of any utility meter due to alterations to a building, the Town of Devon may require that the utility meter be relocated to a more suitable or convenient location near the point of entry of the utility service connection at no cost to the property owner. In the event that the property owner requests that the utility meter be relocated, or if the original meter installation was performed by someone other than the Town of Devon and the Town requires the meter to be relocated, all costs associated with the relocation, including any Town of Devon costs shall be paid by the property owner and may be collected in the same manner as utility rates.

9.8. Relocation of Water Meter Remote Readout

If the Town of Devon is dissatisfied with the location of any remote readout for any reason, the Town of Devon may require that the remote readout be relocated to a more suitable or convenient location at no cost to the property owner. However, in the event that the property owner requests that the remote readout be relocated or if someone other than the Town of Devon performed the original remote installation and the Town of Devon requires the remote to be relocated, all costs associated with relocating the remote readout including any Town of Devon costs shall be paid by the property owner. All such costs may be collected in the same manner as utility rates.

9.9. Notification of Malfunction

A consumer shall notify the Town of Devon immediately whenever a utility meter or remote readout device is not operating or if any part of it becomes damaged or broken.

9.10. Removed or Stolen Meter

- 9.10.1.** If a utility meter or remote readout is removed or stolen, the owner of the premises shall pay the cost of replacing any such measuring device, including installation. Any such cost may be collected in the same manner as utility rates.
- 9.10.2.** If a property owner fails or refuses to pay the cost of replacing any such measuring device the cost may be added to the taxes levied on the property and collected in the same manner as municipal taxes.

9.11. Accuracy of Meters

- 9.11.1.** If any utility meter has, in the opinion of the Town of Devon, failed to accurately register the flow of the utility through the meter since the last reading, the utility charge shall be adjusted to the greater of:
 - 9.11.1.1.** The amount of consumption recorded by the meter; or

- 9.11.1.2. The minimum rate for the utility supplied to the premises; or
 - 9.11.1.3. In the case of the water utility, the average consumption of the previous three (3) actual billing periods; or
 - 9.11.1.4. In the case of the gas utility, the average of the consumption for the actual billings for the same month for the three previous years.
- 9.11.2. If a consumer is in doubt as to the accuracy of the meter installed in his or her premises, the consumer may request that the Town of Devon test the water meter to verify its accuracy.
- 9.11.2.1. If the water meter is found to be measuring within five (5) percent of the meter manufacturers' specified accuracy, the consumer shall pay a fee as set out by Town of Devon in Policy 4501 – Utility Rates.
 - 9.11.2.2. If the water meter is found to be measuring in excess of five (5) percent of the meter manufacturers' specified accuracy, the consumer will not be charged any fee and the existing meter will be replaced.

9.12. Discontinuance of Utility Services

- 9.12.1. Any owner and/or consumer about to vacate a property or premises that has been supplied with utilities, or who wishes to discontinue the use of the utility supply, must give notice in writing to the Town of Devon requesting that the Town shut off the utility supply.
- 9.12.2. If notice pursuant to Subsection 9.12.1 is not given the consumer will be liable for the accruing rates until such notice is given or the water is turned off, but no rebate shall be made for any fractional part of the month in which any such notice is given.
- 9.12.3. Notwithstanding subsection 9.12.1 or 9.12.2 above, the fact that a premises or land is vacant is not reason for nonpayment of specified rates unless proper written notice is given.
- 9.12.4. Where any owner, occupant or consumer discontinues the use of the utilities supplied by the Town of Devon, or the Town refuses to continue to supply utilities, the Town may at all reasonable times enter the subject premises that was supplied with the utility for the purpose of removing any fittings, machines, apparatus, meters, pipes, remote readouts or other things that are the property of the Town of Devon and are located in or upon such premises.
- 9.12.5. Whenever any premises are vacated, the turn off valve on the inside walls of the building shall be turned off by the party leaving or the owner. In the case of said fixtures not being kept in good order and repair, the Town Manager may cut off the supply of water without notice and collect expenses incurred against the premises.
- 9.12.6. Any owner of a premise requesting that the utility service not be disconnected after the building has been vacated shall apply in writing to the Town on the

form supplied and shall pay the amount specified in Policy 4501 – Utility Rates. If regular utility service is expected in a vacant building, the owner will be required to make application to the Utility Billing Department of the Town.

9.13. Final Approval

A premise shall be approved for occupancy by the Building Inspector only after all provisions of Section 7: Servicing General have been complied with and the utility meter along with proper remote wiring is in place. At this time final approval for occupancy shall be given.

9.14. Moving or Demolishing Buildings

- 9.14.1.** When a building that is connected to the Town of Devon utility system is to be moved from its existing location or when the utility service lines are to be permanently disconnected from any building for any cause, the owner of the land on which the building is situated is required to contact the Town of Devon prior to such action for disconnection of services and utility meter removal.
- 9.14.2.** The owner of the land from which a building connected to the Town of Devon utility systems is to be removed shall pay to the Town any fees for disconnection as per Policy 4501 – Utility Rates before the demolition or moving of the building pursuant to other Town of Devon bylaws.

10. Sewage Collection System

10.1. Authority

- 10.1.1.** Except as otherwise provided in this bylaw, no person shall discharge into any water course any wastewater or waste.
- 10.1.2.** The provisions of this bylaw shall apply to all persons using the Town of Devon's sewer system both in and outside the Town of Devon, and regardless of whether any person using this system has a contract for sewage service with the Town of Devon.
- 10.1.3.** Any owner or occupier of property connected with or required to be connected to the sewer system shall, upon request of the Town Manager, provide such information as the type quantity and chemical composition of pollutants which are or may be handled, stored or used on that property or discharged into the sewer system.
- 10.1.4.** Those persons desiring sewer system service must apply in writing to the Town of Devon. Rates to be charged for sewer service shall be as set out in Policy 4501 – Utility Rates.
- 10.1.5.** The Inspector shall be permitted reasonable access upon all property in the Town of Devon for the purpose of inspection, measurement, sampling and testing in accordance with this bylaw. If such inspection discloses any act or

omission contrary to the provisions of this bylaw, or the inspection discloses any defect or insufficiency in the location, construction, design or maintenance of any equipment in connection with the wastewater discharge, the Inspector may direct the owner or occupier of the premises to correct the act, omission, defect or insufficiency. No person shall obstruct or interfere with the Inspector in the discharge of his duties under this bylaw.

10.2. Sewer Service

- 10.2.1.** No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without prior written authorization from the Town of Devon.
- 10.2.2.** The Town of Devon Policy 4701 - Sewer Service Maintenance shall apply.
- 10.2.3.** No person shall connect private sewer lines to sanitary, combined or storm sewers without first obtaining the necessary written approval from the Town of Devon.
- 10.2.4.** No person shall discharge or cause to be discharged into any sewer system or watercourse, within or entering the Town of Devon sewer system, any wastewater, clear water waste or storm water without obtaining written approval to do so from the Town Manager or designate. No such approval shall be given by the Town Manager until:
 - 10.2.4.1.** Such person has given the chemical and physical analysis, quantity and rate of discharge of sewage proposed to be so discharged and any other detailed information that is required, including all pertinent information relating to any proposed pretreatment before discharge;
 - 10.2.4.2.** Such person has given assurance that the discharge into the sewer system will at all times meet the criteria set out in Section 10.3: Wastewater Strength Limits; and
 - 10.2.4.3.** Such person has provided for facilities to control the rate of discharge into the sewer system as directed by the Town Manager.
- 10.2.5.** The Town of Devon shall maintain the sanitary sewer service from the sewer main to the property line and assume responsibility for blockages caused by tree roots originating from trees located between the sewer main and property line; otherwise, it shall be the responsibility of the property owner to correct any blockage, collapsed, and misalignment in the service line between the property line and the basement cleanout.

10.2.6. Mains

If the sanitary sewer backup has its origins within the sanitary sewer main, the Town of Devon will be responsible for all the costs required to restore the sewer to proper operating condition. No claims for compensation shall be considered unless negligence can be proven on the part of the Town of Devon,

its employees or authorized agents. If any property owner incurs damages to a property or building due to a sanitary sewer main backup and the owner wishes to claim compensation, the owner must submit in writing a claim to the Town.

10.2.7. Services – Town of Devon and Private

Procedures and guidelines in Town of Devon Policy 4701 Sewer Service Maintenance shall apply for determining blockages, pipe defects and the responsibilities of the Town and the property owner with regards to the service line.

10.2.8. Town of Devon Assistance to Private Property Owners

10.2.8.1. The property owner may choose to conduct a camera inspection of their private service line through a plumbing contractor. In addition, to assist in the determination in the cause of a sanitary sewer blockage, the owner with the Town of Devon's approval may request a camera inspection of the sanitary sewer service. In either case, the cost of the inspection will be borne by the party responsible for the sewer repair.

10.2.8.2. If the owner is unable to obtain the services of a plumber, the Town of Devon or its authorized agent may undertake the work required and bill the owner accordingly. Prior to commencement of any repairs, the owner must authorize the work in writing and agree to the terms and conditions of this bylaw.

10.2.8.3. The owner must provide access to a clean out. Should the clean out be covered by whatever means, the covering must be removed by the owner and all cost with removal and repair is at the owner's expense.

10.2.9. Weeping Tiles

10.2.9.1. No person shall allow water collected from foundation drains or weeping tiles, sumps from weeping tiles, roof drains, eaves troughs, yard drains or roof spouts to enter the sanitary sewer system of the Town of Devon.

10.2.9.2. Upon application to the Town of Devon for a building permit, the applicant shall include an indication with house plans that the method of discharge shall include foundation drains or weeping tiles to a sump pit, as set out in Schedule C, attached and forming part of this bylaw.

10.2.9.3. Council may, by resolution passed at a duly assembled meeting of Council, amend Schedule C from time to time.

10.3. Wastewater (Sewer) System & Stormwater Collection Strength Limits

10.3.1. Stormwater Collection System

Unpolluted water shall be discharged to the stormwater collection system or to a natural watercourse. Water, including storm water, surface water, clear water waste and sub-surface drainage (except foundation drainage) shall be considered to be unpolluted if it contains no pollutants prohibited from discharge into water or water bodies under any applicable federal or provincial legislation and regulations or amendments thereto.

- 10.3.2.** No person shall discharge or cause or permit to be discharged any substance which, in the opinion of the Town Manager, is or may become harmful to any recipient water course or storm sewer system or part thereof, may interfere with the proper operation of the storm sewer system, may impair or interfere with any treatment process, or may become a hazard to persons, property or animals.

10.3.3. Sanitary Sewer

No person shall discharge or cause to be discharged any surface water, sub-surface drainage or unpolluted clear water waste to any sanitary sewer. The Director of Public Works and Land Services may on application authorize such discharge where exceptional conditions prevent compliance with the foregoing provision.

10.3.4. Releases to Sanitary Sewer System

Except as permitted as follows no person shall release or permit the release of any matter containing a hazardous waste into a sanitary sewer. The following may be released into a sanitary sewer:

10.3.4.1. Wastewater that does not contain:

- a) a hazardous waste;
- b) a Prohibited waste (Schedule A); or
- c) a Restricted waste (Schedule B).

10.3.4.2. Storm water from a high potential contaminant release area that is:

- a) covered by a permanent structure; or
- b) uncovered, but only if the area is 250 square meters or less and where drainage from other outdoors areas does not drain into the high potential contaminant release area.

10.3.4.3. Hauled wastewater from a domestic source that:

- a) contains no prohibited Wastes listed in Schedule A;
- b) contains no Restricted Wastes listed in Sections 2, 3 ,5 of Schedule B;
- c) does not contain commercial or industrial wastewater; and

d) contains no hazardous wastes.

10.3.5. No person shall release or permit the release of hauled wastewater that contains any of the following:

- a) grit or skimmings from interceptors, catch basins, pretreatment facilities or private wastewater disposal systems;
- b) sludge from interceptors, catch basins, pretreatment facilities or private wastewater disposal systems;
- c) matter containing a hazardous waste; or
- d) matter not permitted under Section C.

10.3.6. No person shall dilute wastewater so as to avoid the requirements of this bylaw.

11. Billing and Collection

11.1. General

11.1.1. All rates and charges payable hereunder shall be paid to the Town.

11.1.2. Failure of a consumer to receive an account shall in no way affect the liability to pay the account.

11.2. Charges

There shall be paid for all utilities supplied and sewer service rendered hereunder the amounts set out in Policy 4501 – Utility Rates. Fees for installation of new services, new meters, replacements, repairs, relocations and system maintenance shall be paid for at the amounts set out in Policy 4050 - Equipment Rentals, Policy 4521 - Water Sanitary Storm Service Construction and Policy 4522 - Natural Gas Service. Such amounts are subject to change without notice and variations from the established rates schedule shall only be made by Council.

11.3. Application – Contract – Termination

11.3.1. Application for natural gas, water supply and sewer service shall be made in writing to the Town for this purpose together with payment of any fees specified in subsection 11.2.

11.3.2. When an application for utility services is granted, the terms of that application and the provisions of this bylaw shall form a binding contract between the owner and the Town.

11.3.3. No provision, agreement, term, condition or representation not contained in an application for utility services, hereunder or in this bylaw shall form any part of the contract between the Town and owner for utility services, which contract is not transferable and shall remain in full force and effect until the

owner has notified the Town of his desires in writing to terminate the said contract or until said contract shall have been terminated by the Town.

- 11.3.4.** Following written notification by the owner of his desire to terminate a contract hereunder, the Town shall shut off the water supply as soon as reasonably practicable and the owner shall be liable for and shall pay all of the rates and charges payable hereunder until the time of such shut off including the costs of such shut off, all as designated in Policy 4501 - Utility Rates.
- 11.3.5.** All applications for connection or notification to terminate shall allow a minimum of 3 business days before such application or notification order is to become operative provided that such time period falls within the normal business hours of the Town.

11.4. Consumption

Subject to the other provisions of this bylaw, the rates payable by a consumer as set out in Policy 4501 for all utilities supplied shall be determined by reference to the reading of the meter supplied to such consumer.

11.5. Payment Period

All accounts, including interim accounts for utility service shall be due and payable upon receipt of the bill. Accounts not paid on or before the 20 day grace period allowed for on the bill shall be liable to a penalty of 2.6% of the amount remaining unpaid for the current billing period.

11.6. Unpaid Accounts

- 11.6.1.** The utility supply to any consumer who fails to pay his account for a period of 60 days from the date the rates and charges become payable, may be shut off for non-payment. Disconnection does not take place prior to a final disconnection notice being given to the owner with an appropriate time period provided in the notice for the customer to respond (normally 48 hours).
- 11.6.2.** If disconnection is required for reason of non-payment of account rendered, a security deposit to cover the estimated total of two (2) months billings may be requested before the service is reconnected. The deposit may be refunded following written notification by an owner of his/her desire to terminate utility service and the final account has been paid in full.

11.7. Payment Options

- 11.7.1.** Payments may be made at the Town of Devon Administration Building during normal business hours. Cheques, cash, money orders or debit card payments are accepted.
- 11.7.2.** Payments may be made through the locked night deposit box located at the front entrance to the Town Administration Building at any time of day or night.

- 11.7.3.** Payments may be made through the mail by cheque or money orders.
- 11.7.4.** Payments may also be made in person at any chartered bank or financial institution in the Town of Devon. Any charges levied by the chartered bank or financial institution are the responsibility of the consumer.
- 11.7.5.** Payments may be made by telephone or through the Internet as offered by various banking institutions.
- 11.7.6.** Any consumer may elect to pay his/her monthly utility charges by deduction from his/her account at any chartered bank or financial institution. Any charges levied by the chartered bank or financial institution shall be the responsibility of the consumer. The Town of Devon will prepare a list of consumers electing to use this method of payment and will present this list, along with the amount owing, to the proper chartered bank or financial institution no later than the last week of the month.

11.8. Enforcement and Collection

- 11.8.1.** In case of default in payment of the rates herein provided the Town may enforce such payment by action in a court of competent jurisdiction, by distress upon seizure of goods and chattels of owner or by shutting off the utility being supplied to the owner or discontinuing the service thereof.
- 11.8.2.** The sum payable by the owner or purchaser of a building or lot or part of a lot for the public utility supplied by the municipality to him/her or for his/her use and all rates, costs and charges imposed or loans made to him/her are a preferential lien and charge on the building, lot or part of a lot and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.
- 11.8.3.** When the water service or natural gas has been shut off because of non-payment and the same consumer or his or her spouse requires reconnection; all arrears shall be paid together with the appropriate reconnection fees before the water or natural gas is turned on.

11.9. Interim Account

In any case where the Town has rendered on account based upon an estimate of water supplied, the Town shall, upon reading the meter in respect of which the estimate was made, render an account for water supplied to that time and since the time the said meter was last read by the Town after crediting all amounts received from the consumer in respect of such estimated accounts.

11.10. Monthly Billing

A utility bill detailing the current service charges for each owner shall be mailed to each owner once per month. The sewer service charge, natural gas service charge and water service charge shall be shown on the same bill, but each shall be calculated separately on the utility bill.

11.11. Partial Period

Where any service rate or charge is designated by reference to a time certain, the charge for a lesser period of time shall be calculated on a proportionate basis.

12. Penalties

- 12.1.** Where the Town Manager has reasonable grounds to believe that a person is in violation of any provisions of the bylaw, the Town Manager may direct the issuance of a written notice to that person stating the nature of the violation and providing a reasonable time limit for the correction of the contravention.
- 12.2.** A person contravening any provision of this bylaw is guilty of an offence and will be liable upon summary conviction, to a fine in the amount not exceeding ten thousand dollars (\$10,000) for each violation. Each day in which any violation shall continue shall be deemed a separate offence.
- 12.3.** 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.

13. Amendments

The Council of the Town of Devon may, by bylaw or resolution in Council, alter, amend or repeal any or all of the Schedules, which form part of the bylaw and the rates as set out in Policy 4501 – Utility Rates.

14. Validity

The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw, which can be given effect with such invalid part or parts.

15. Effective

- 15.1.** Bylaw 509/1990, 547/1992, 670/1999 and 733/2002 and amendments thereto are hereby repealed.
- 15.2.** This bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 213, Municipal Government Act, Statutes of Alberta, RSA 2000.

Read a first time this	29 th day of June	2010
Read a second time this	9 th day of August	2010
Read a third and final time this	13 th day of September	2010

Anita Fisher, Mayor

Tony Kulbisky, Chief Administrative Officer

SCHEDULE A

Prohibited Wastes

The following are designated as Prohibited Wastes:

1. Any matter in a concentration that may cause a hazard to human health;
2. Any flammable liquid or explosive matter which, by itself or in combination with any other substance, is capable of causing or contributing to an explosion or supporting combustion;
3. Any matter which by itself or in combination with another substance is capable of obstructing the flow of or interfering with the operation or performance of the sewer system, watercourse or wastewater treatment facility including, but not limited to:

agricultural wastes;	sharps;
animals, including fish and fowl or portions thereof that will not pass a two centimeter screen;	soil;
	straw;
ashes;	tar;
asphalt;	wash water from washing equipment used in the mixing and delivery of concrete and cement based products; or
concrete and cement based products;	
gardening wastes;	wood, sawdust or shavings from wood;
glass;	
gravel, into the sanitary sewer system;	
metal;	
paper and cardboard, into the storm sewer system;	
plastics;	
rags and cloth;	
rock;	
sand, into the sanitary sewer system;	

4. Any matter with corrosive properties which, by itself or in combination with another substance, may cause damage to any sewer system or wastewater treatment facility;

5. Any matter, other than domestic wastewater, which by itself or in combination with another substance is capable of creating an air pollution problem outside a sewer system or in and around a wastewater treatment facility;
6. Any matter which, by itself or in combination with another substance, is capable of preventing safe entry into a sewer system or wastewater treatment facility;
7. Any matter
 - 7.1. consisting of two or more separate liquid layers;
 - 7.2. which when it comes in contact with storm water, clear-water waste or wastewater is capable of forming a separate liquid layer; any matter which by itself or in combination with another substance is detrimental to the operation or performance of the sewer system, watercourse, wastewater treatment plant or to the environment, including, but not limited to:
 - 7.3. biological waste;
 - 7.4. elemental mercury;
 - 7.5. paint, stains and coatings, including oil and water based;
 - 7.6. prescription drugs; and
 - 7.7. used automotive and machine oils and lubricants; and
8. Radioactive material in solid form;
9. Effluent from an industrial garbage grinder;
10. Any matter which may:
 - 10.1. cause a hazard to human health and that cannot be effectively mitigated by wastewater treatment;
 - 10.2. cause a hazard to the environment;
 - 10.3. cause a hazard to Town workers responsible for operating and maintaining the sewer system or the wastewater treatment facility;
 - 10.4. cause an adverse effect to the sewer system;
 - 10.5. cause an adverse effect to the wastewater treatment facility;
 - 10.6. result in the wastewater being released by the Town's wastewater treatment facility being in contravention of Provincial regulatory requirements; or
 - 10.7. restrict the beneficial use of biosolids from the Town's wastewater treatment facility.
11. Notwithstanding the above, the Director of Public Works and Land Services may prohibit or set discharge concentrations and/or limit the loading rate for any other material or substance not included in the bylaw sections where required to protect wastewater facilities or processes, meet effluent standards or other legislated requirements, or control biosolids quality.

Schedule B

Restricted Wastes

The following are designated as Restricted Wastes when present in wastewater, storm water, subsurface water or clear-water waste being released to the sanitary or combined sewer system at a concentration in excess of the levels set out below, with concentrations being expressed as total concentrations unless specified otherwise:

1. Contaminants

Biochemical oxygen demand (B.O.D.)	10,000 mg/L
Chemical oxygen demand (C.O.D.)	20,000 mg/L
Oil and grease	800 mg/L
Phosphorus (P)	200 mg/L
Suspended solids (S.S.)	5,000 mg/L
Total Kjeldahl nitrogen (T.K.N.)	500mg/L

2. Inorganic Constituents

pH (Hydrogen ion)	less than 6.0 or greater than 11.5
Arsenic (As)	1.0 mg/L
Cadmium (Cd)	0.10 mg/L
Chlorine (free) (Cl ₂)	5.0 mg/L
Chromium (Hexavalent) (Cr+6)	2.0 mg/L
Chromium (total) (Cr)	4.0 mg/L
Cobalt (Co)	5.0 mg/L
Copper (Cu)	1.0 mg/L
Cyanide (CN)	2.0 mg/L
Lead (Pb)	1.0 mg/L
Mercury (Hg)	0.10 mg/L
Molybdenum (Mo)	5.0 mg/L
Nickel (Ni)	4.0 mg/L
Silver (Ag)	5.0 mg/L
Sulphide (S-2)	3.0 mg/L
Thallium (Tl)	1.0 mg/L
Zinc (Zn)	2.0 mg/L

3. Organic Compounds

Hydrocarbons	50 mg/L
Phenols	1.0 mg/L

4. Physical Property

Temperature greater than 75 degrees Celsius; and

5. Radioactive materials in concentrations greater than allowed under the Atomic Energy Control Act and the Atomic Energy Control Regulations as amended from time to time.
6. Notwithstanding the above, the Director of Public Works and Land Services may reduce the allowable concentration and/or limit the loading rate for items in Schedule C where required to protect wastewater facilities or processes, meet effluent standards or other legislated requirements, or control biosolids quality.

Schedule C

Foundation Drains/Weeping Tiles

The following items are mandatory for all new construction:

The owner of any new building shall, at his own expense, connect the building weeping tile or any other foundation drain to a sump installed within the building; the sump shall discharge by pumping to the ground surface at the building exterior, as per the requirements of the Alberta Building Code.

1. No person shall connect a weeping tile or other foundation drain to a sanitary or storm sewer.
2. Sump pump discharge may be connected to a storm sewer provided that:
 - 2.1. the sump discharge is first pumped to the surface;
 - 2.2. connection is made as shown in the Design Standards complete with an auxiliary surface discharge in the event that the storm sewer system cannot accommodate flows due to capacity, freezing or other problems; and
 - 2.3. the receiving storm sewer is a sump pump discharge collection line specifically designed to receive flows from sump pumps.
3. Where surface drainage is used, measures shall be taken to prevent soil erosion.
4. Under exceptional circumstances, where the safety of people is jeopardized by the discharge of water to the ground surface or such other exceptional circumstance where the imposition of this requirement will or may cause hardship to people, or damage to public or private property, the Town of Devon, upon application, may issue a Letter of Authorization to allow a connection to a sanitary or storm sewer.
5. Council delegates to the Director of Public Works and Land Services, or his/her designate the duty and authority to enforce and administer this section of the bylaw. A permanent record shall be kept of any and all Letters of Authorization issued under this bylaw. Any work required to comply with a Letter of Authorization shall be at the sole expense of the applicant.

Schedule D

Extension of Transition Period

The following items are mandatory for all extension applications:

The owner of any property, at his own expense, will make a written application for the extension of the transition period.

The following information must be provided with the application:

1. The reason(s) for the extension;
2. A copy of the applicable lease agreement; and
3. The status of the current utility account must be in good standing.

The Town Manager at his or her sole discretion may request further information be provided by the applicant.

Schedule E

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