

PROPOSED TEXT FOR A BYLAW TO AMEND BYLAW 40M2006,
THE WATER UTILITY BYLAW

1. Bylaw 40M2006, The Water Utility Bylaw, as amended, is hereby further amended.
2. In Bylaw 40M2006:
 - (1) the words “Director of Water Resources” are deleted wherever they appear and replaced with “Director, Water Resources”;
 - (2) the words “Director of Water Services” are deleted wherever they appear and replaced with “Director, Water Services”; and
 - (3) despite subsection (1), in sections 37, 38 and 39, the words “Director of Water Resources” are deleted wherever they appear and replaced with “Director, Water Services”.
3. In section 2:
 - (1) in subsection 2(1)(e), the words “City water distribution network” are deleted and replaced with “Water System”;
 - (2) subsections 2(1)(l) and (m) are deleted and replaced with the following:
 - “(l) “Director, Water Resources” means the City Manager or the City Manager’s designate;
 - (m) “Director, Water Services” means the City Manager or the City Manager’s designate;”;
 - (3) subsection 2(1)(bb) is deleted and replaced with the following:
 - “(bb) “Person” means any of the following:
 - (i) an individual;
 - (ii) a legal entity or business entity, including a firm, association, partnership, society or corporation;
 - (iii) a trustee, executor, administrator, agent or employee of either (i) or (ii);”;
 - (4) in subsections 2(1)(cc) and (mm), the words “water main” are deleted and replaced with “Water Main”;

- (5) subsection 2(5) is deleted and replaced with the following:
- “(5) Where this Bylaw cites or refers to any other Act, bylaw, regulation, agency, organization or publication, the citation or reference is to the Act, bylaw, regulation, agency, organization or publication as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any Act, bylaw, regulation, agency, organization or publication that may be substituted in its place;”
- and
- (6) the following is added after subsection 2(6) as subsection 2(7):
- “(7) A word or expression and grammatical forms of the same word or expression have corresponding meanings.”.
4. The following is added after section 2 as section 2.1:
- “2.1 Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.”.
5. The following is added after subsection 4(4) as subsections 4(5) and (6):
- “(5) Every Person who relies on a written approval issued pursuant to this Bylaw has the onus of proving that they were the holder of a valid and subsisting approval.
- (6) A Person must report to the City any connection or equipment located on a Premises that does not comply with the requirements of this Bylaw.”.
6. Section 11 is deleted and replaced with the following:
- “11. Where water is supplied to any Customer outside the City of Calgary, that Customer shall pay to the City the rates approved by Council as set out in Schedule “H” of this Bylaw.”
7. In subsections 15(2), (3) and (4), the words “Schedule “A”” are deleted and replaced with “any of the Schedules”.
8. In section 16:
- (1) in subsection 16(1)(e), the number “1.8” is deleted and replaced with “1.9”; and
- (2) in subsection 16(3), the words “, as they are defined in this Section” are deleted.
9. In subsection 18(1)(c), after the word “sidewalk” the words “or adjacent parcel” are added.

10. Section 19 is deleted and replaced with the following:

“19. The Director, Water Resources or the Director, Water Services, may discontinue water service without prior notice to a Customer, a group of Customers, or a geographical area in order to prevent or mitigate the impairment of or damage to:

- (a) the Water System;
- (b) the Wastewater System, as defined in Bylaw 14M2012;
- (c) the Storm Drainage System, as defined in Bylaw 37M2005;
- (d) human health or safety;
- (e) property;
- (f) the environment.”

11. In section 23:

- (1) in subsection 23(1), the word “his” is deleted and replaced with “the Director’s”; and
- (2) subsections 23(2) and (3) are deleted and replaced with the following:
 - “(2) No Person other than an employee of Water Services acting in the course of their duties may:
 - (a) access or climb upon any portion of the Glenmore dam wall or face;
 - (b) access along or across the top of the Glenmore dam except on the roadway and pedestrian and bicycle pathways;
 - (c) enter or remain in the water of the Elbow River within 50 metres of the most easterly portion of the concrete spillway beneath the face of the Glenmore dam;
 - or permit or cause any of the above to occur.
 - (3) No Person shall, without the permission of the Director, Water Services:
 - (a) disobey a sign or cross a barrier in the Glenmore Area;

- (b) enter or remain in or upon the water or the ice of the Glenmore Reservoir for any purpose except as specified in the Glenmore Park Bylaw 9018;
- (c) place any object or thing in the water or upon the ice of the Glenmore Reservoir or any stream flowing into the Glenmore Reservoir except as specified in the Glenmore Park Bylaw 9018;
- (d) do anything or place or throw any thing which may pollute or contaminate the water of the Glenmore Reservoir;
- (e) climb upon, tamper with or damage, or allow to be tampered with or damaged, any works, pipes or structure within the Glenmore Area;
- (f) allow any drain to be connected to any structure or device which drains into the Glenmore Reservoir or any water lying West of the dam at the East end of Glenmore Reservoir;

or permit or cause any of the above to occur.”.

12. Section 24 is deleted and replaced with the following:

“24. (1) No Person shall:

- (a) damage, destroy, remove or interfere in any way with any pipe, pipe connection, valve, or other appurtenance forming part of the Water System;
- (b) interfere in any way with or cause any interference with the use of the Water System by another Customer, and without limiting the generality of the foregoing, shall not attach any device to any water pipe which may create noise, a pressure surge, back-flow or contamination of the Water System;
- (c) use any boosting device on any Water Service Connection, on the upstream side of a Water Meter or Master Control Valve for the purpose of increasing water pressure;
- (d) install branch supply lines, outlets or fixtures on the upstream side of a Water Meter or Master control valve, except for fire protection purposes as approved by the Director, Water Resources;
- (e) install branch supply lines, outlets or fixtures on the upstream side of a Premises-isolating Cross Connection Control Device;
- (f) tamper with, break or remove any seal, lock-out device or lock-out tag installed by the City on any valves or flanged outlets on Water Service Connections or Water Metering facilities; and

- (g) attach or connect any pipe to any pipe or main of the Water System or in any other way obtain or use any water thereof without consent of the Director, Water Resources;

or permit or cause any of the above to occur.”.

13. In subsection 31(1)(f), the word “his” is deleted and replaced with “the Customer’s”.

14. In subsection 37(3), the words “he may cut off such water service” are deleted and replaced with “the Director, Water Services may cut off water service”.

15. Subsection 39(1) is deleted and replaced with the following:

“39. (1) For the purposes of this Section, Testable Cross Connection Control Devices means Double Check Valve Assemblies (DCVA), Reduced Pressure Principle Assemblies (RP), Pressure Vacuum Breaker Assemblies (PVB/SRPVB) and Air Gaps approved by the Director, Water Services, as those terms are defined in Canadian Standards Association document B64.10-11/B64.10.1-11, “Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers”. ”.

16. In subsection 45(2):

- (1) the words “as he deems is necessary” are deleted and replaced with “as the Director deems necessary”; and
- (2) the words “he may set” are deleted and replaced with “the Director may set”.

17. Subsection 46(1) is deleted and replaced with the following:

“(1) Where:

- (a) the Director, Water Resources;
- (b) the Director, Water Services; or
- (c) an Officer;

believes a Person has contravened any provision of this Bylaw, he or she may issue to the Person a Remedial Order, pursuant to Section 545 of the Municipal Government Act and in accordance with Part 2 of The City of Calgary Community Standards Bylaw Number 5M2004, to remedy the infraction.”

18. The following is added after section 46 as section 46.1:

“RECOVERY OF COSTS

46.1 An Owner is responsible for all costs associated with any of the following:

- (a) the implementation of any measures taken, or required to be taken, by either the Owner or The City to meet the requirements of this Bylaw;
- (b) damage or harm to the Water System resulting from the Owner's contravention of the requirements of this Bylaw.”.

19. Subsection 47(1) is deleted and replaced with:

- “47. (1) Any Person who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing which the Person is required to do, including:
 - (i) failing to comply with a requirement imposed by the Director, Water Resources or the Director, Water Services;
 - (ii) failing to comply with a requirement or condition of a written approval or permit given by the Director, Water Resources or the Director, Water Services; or
 - (iii) failing to comply with a requirement or condition of an agreement entered into by the Director, Water Resources or the Director, Water Services with the Person;
- is guilty of an offence.”.

20. The following is added after section 48 as section 48.1:

- “48.1 (1) For the purposes of this section, “Owner”, “Driving” and “Motor Vehicle” have the same meaning as set out in the Traffic Safety Act, R.S.A. 2000, c. T-6;
- (2) If a Motor Vehicle is involved in an offence described in this Bylaw, the Owner of the Motor Vehicle is guilty of the offence.
 - (3) Subsection (2) does not apply if the Owner of the Motor Vehicle satisfies the Court that:
 - (a) the Owner was not driving the Motor Vehicle at the time of the offence; and
 - (b) the person driving the Motor Vehicle at the time of the offence did not have the Owner's express or implied consent to have care and control of the Motor Vehicle.

- (4) Despite subsection (2), if the Owner was not driving the Motor Vehicle at the time of the offence, the Owner is not liable for imprisonment.”.
21. In Schedule “A”, Table 5 is deleted.
22. Schedule “B” is deleted and replaced with the following:

“SCHEDULE "B" – OFFENCES: SPECIFIED PENALTIES

<u>SECTION NUMBER</u>		<u>SPECIFIED PENALTY</u>
4(3)	Provide false information	\$1000
16(3)	Fail to install Low Flow Plumbing Fixtures	\$500
18(1)(a)	Allow Potable Water to run off parcel for 30 metres or more	\$200
18(1)(b)	Allow Potable Water to run off parcel directly to catch basin	\$200
18(1)(c)	Allow spray or stream of Potable Water to run into street or sidewalk or parcel	\$200
20(5)(a)	Outdoor use of water contrary to stage 1 restrictions	\$400
20(5)(b)	Outdoor use of water contrary to stage 2 restrictions	\$600
20(5)(c)	Outdoor use of water contrary to stage 3 restrictions	\$1500
20(5)(d)	Outdoor use of water contrary to stage 4 restrictions	\$3000
22(1)	Enter fenced area of Water System without permission	\$1500
22(2)	Climb structure of Water System	\$1500
23(2)(a)	Access or climb on Glenmore Dam	\$1500
23(2)(b)	Leave roadway or pathway on top of Glenmore Dam	\$1500
23(2)(c)	Enter or remain in water in spillway of Glenmore Dam	\$1500
23(3)(a)	Disobey sign or cross barrier in Glenmore area	\$1500
23(3)(b)	Enter or remain in or on water of Glenmore reservoir	\$1500
23(3)(c)	Place thing in water or on ice of Glenmore reservoir or stream entering reservoir	\$1500
23(3)(d)	Activity which may pollute Glenmore reservoir	\$3000

23(3)(e)	Climb, damage or tamper with Water System	\$1500
24(1)(a)	Damage, destroy, remove, interfere with Water System	\$1500
24(1)(b)	Interfere with another Customer's use of Water System	\$1500
24(1)(c)	Use of boosting device to increase water pressure	\$1500
24(1)(d)	Prohibited installation upstream of Water Meter	\$1500
24(1)(e)	Prohibited installation upstream of Premises-isolating Cross Connection Control Device	\$1500
24(1)(f)	Tamper, break or remove seal on Water Service Connection or Water Meter	\$1500
24(1)(g)	Prohibited connection to Water System	\$1500
25(2)	Hindrance of City Employee or agent	\$1000
31(1)(e)	Failure to notify of damaged Water Meter	\$1000
31(1)(i)	Failure to notify of broken seal on bypass valve or Water Meter with 24 hours	\$1000
31(3)(a)	Interfere or tamper with Water Meter or reading device	\$1000
31(3)(b)	Prohibited opening of bypass valve or metering installation	\$1000
32(2)(a)	Failure to provide meter reading	\$500
35(2)(a)	Failure to maintain shut-off valve	\$1500
36(1)	Unauthorized operation of Water Service Valve	\$1500
36(2)	Allow unauthorized operation of Water Service Valve	\$1500
37(1)	Unauthorized Cross Connection	\$1500
38(1)	Failure to install Cross Connection Control Device	\$2000
39(3)	Failure to test Cross Connection Control Device	\$1500
39(4)	Fail to retain test records on-site	\$500
39(5)	Fail to file passed Testable Cross Connection Control Device test report within thirty days	\$500
39(6)	Fail to file failed Testable Cross Connection Control Device test report within two days	\$500
39(7)	Fail to replace Testable Cross Connection Control Device within five days	\$1500
40(1)(a)	Unauthorized opening or closing of hydrant or hydrant	\$1500

	valve	
40(1)(b)	Unauthorized connection to fire hydrant	\$1500
40(1)(c)	Unauthorized use of water from fire hydrant	\$1500
40(6)	Paint or allow to be painted a fire hydrant unauthorized colour	\$100
41(1)	Allow obstruction of fire hydrant	\$150
41(2)	Allow thing to interfere with operation of fire hydrant	\$1500
43(3)	Failure to comply with hydrant connection unit requirements	\$1500
45(1)	Unauthorized use of alternate source of water	\$1500
45(3)	Unauthorized connection of alternate water source to Water System	\$1500
45(5)	Prohibited sharing of Water Supply from one premises to other eligible premises	\$1500
46(6)	Failure to comply with Remedial Order	\$1000
47(1)(b)(i)	Failing to comply with a requirement of the Director, Water Resources or Director, Water Services	\$1500
47(1)(b)(ii)	Failing to comply with a requirement or condition of a written approval or permit	\$1500
47(1)(b)(iii)	Failing to comply with a requirement or condition of an agreement	\$1500"

23. The following is added after Schedule "G" as Schedule "H":

"SCHEDULE "H" - CUSTOMERS OUTSIDE THE CITY LIMITS

The rates or charges described in this Schedule are shown for the years 2015, 2016, 2017 and 2018, and shall apply in the calendar year indicated (from January 1 to December 31, inclusive).

Monthly rates or charges described in this Schedule are based on a thirty (30) day period. The amount billed shall be established by dividing the applicable monthly rate or charge by thirty (30) to derive a daily rate and multiplying the daily rate by the actual number of days in the billing period.

1. For customers located outside City limits that are municipalities (including the Tsuu T'ina Nation), a charge equal to the Fixed Component plus the Volume Component as follows:

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Fixed Component (\$ per contracted max day cubic metre)	\$90.4873	\$93.2466	\$96.0901	\$99.0203
Volume Component (\$ per cubic metre water use)	\$0.3883	\$0.4120	\$0.4371	\$0.4638

2. For all other customers located outside City limits, a charge equal to the applicable Service Charge from Table 1 of Schedule "A" plus the applicable Usage Rate from Table 2 of Schedule "A."
24. This Bylaw comes into force on the day it is passed.