



# TOWN OF PINCHER CREEK COUNCIL MEETING AGENDA

Monday, June 27, 2022 at 6:00 p.m.  
Council Chambers, Town Hall - 962 St. John Avenue  
[Via Zoom](#)

1. **Call to Order**
2. **Scheduled Public Hearing**
3. **Agenda Approval**
4. **Scheduled Delegations**
  - 4.1 Delbert Beazer - CEO Chief Mountain CO-OP
  - 4.2 Kaitlynn Kerr – Blue Mouse Greenhouse
5. **Adoption of Minutes**
  - 5.1 Minutes of the Regular Meeting of Council held on June 13, 2022
6. **Business Arising from the Minutes**
  - 6.1 Animal Control Bylaw 1598
  - 6.2 ECO Waste Site – Funding Review
7. **Bylaws**
  - 7.1 Water Utility Bylaw #1631-22
  - 7.2 Wastewater Utility Bylaw #1632-22
  - 7.3 Tax Exemption Bylaw #1629-22
8. **New Business**
  - 8.1 Water Stewardship Policy #401-16
  - 8.2 Meeting Invitation From Minister Rick MacIver
  - 8.3 Audit Services
  - 8.4 SentYouth Summer Camp – support request
9. **Council Reports**
  - 9.1 Upcoming Committee Meetings and Events
10. **Administration**
  - 10.1 Council Information Distribution List
  - 10.2 Community 1<sup>st</sup> Quarter Report
11. **Closed Session Discussion**

- 11.1 Pincher Creek Handi Bus Society Agreement – FOIP 16
- 11.2 GMHL – Lease and facility requirements (No RFD)
- 11.3 PCCELC – Updated (No RFD)

12. **Notice of Motion**

13. **Adjournment**

*The next Regular Council Meeting is scheduled for July 25, 2022 AT 6:00 p.m.*



**From:** [Clint Davis](#)  
**To:** [Kristie Green](#)  
**Subject:** Request for water and sewer.  
**Date:** Thursday, June 23, 2022 9:16:49 AM

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To whom it may concern,

This is Caitlin Kerr from The Blue Mouse Greenhouse.

1255 Pronghorn Ave, Pincher Creek A.B

My small business is zoned in the town of Pincher Creek, we would like to receive town water and sewer.

We were told 4 years ago the town was not interested in bringing us town water or sewer because it was not on our side of the road. The MD water stand has now been moved onto our side of the road, meters from our property line.

We would like to address council, in the hopes we can work together with the town to receive town water and sewer.

Thank you,

Caitlin Kerr

Sent from [Mail](#) for Windows



**REGULAR MEETING OF COUNCIL  
Held on Monday June 13, 2022  
In Person & Virtually,  
Commencing at 6:00 p.m.**

**IN ATTENDANCE:**

Mayor: D. Anderberg

Councillors: M. Barber, D. Green, W. Elliott, S. Nodge,  
W. Oliver, and B. Wright

Staff: L. Wilgosh, Chief Administrative Officer; K.  
Green, Executive Assistant; A. Levair,  
Operations Manager; A. Roth, Director of  
Operations and L. Rideout, Director of  
Community Services

**1. CALL TO ORDER**

Mayor Anderberg called the meeting to order at 6:00 pm.

**2. SCHEDULED PUBLIC HEARING**

**2.1 Land Use Bylaw Amendment 1547-AN**

Present: Mayor Anderberg  
Councillor Barber  
Councillor Elliott  
Councillor Nodge  
Councillor Oliver  
Councillor Green  
Councillor Wright

Staff: L. Wilgosh, Chief Administrative Officer  
K. Green, Executive Assistant  
A. Levair, Operations Manager  
A. Roth, Director of Operations  
L. Rideout, Director of Community Services

**1. CALL TO ORDER**

The Mayor called the Public Hearing for Bylaw No. 1547-AN to order at 6:00 pm

**2. ADOPTION OF AGENDA**

**GREEN:**

That Council for the Town of Pincher Creek approves the June 13, 2022 Public Hearing for Bylaw No. 1547-AN agenda as presented.

**CARRIED PH22-1**

**3. PURPOSE OF PUBLIC HEARING**

The purpose of the public hearing is to present Bylaw No. 1547-AN, to re-designate the lands legally described as Unit 7, of a portion of legally designated Lot 3, Block 2, Plan 1113492 from Manufactured/Mobile Home - R2 to Highway/Drive-in Commercial - C2

**4. CONFIRMATION OF NOTICE**

The Chief Administrative Officer advised that the Notice of Public Hearing was advertised in the May 25 and June 1, 2022 editions of the local weekly newspapers the Pincher Creek Echo and Shootin' the Breeze

**5. REPORT FROM OLDMAN RIVER REGIONAL SERVICES COMMISSION SENIOR PLANNER**

Development Services Report)

**6. REPORT FROM THE TOWN'S MANAGEMENT STAFF**

Referral comments were received from Operational Services read by the Chief Administrative Officer.

No referral comments were received from Fire/Emergency Services.

No referral comments were received from Bylaw Enforcement.

**7. WRITTEN SUBMISSIONS**

No written submissions have been received as of 12:00 Noon, June 8, 2022.

**8. PERSONS WISHING TO BE HEARD**

There have been no persons indicating their wish to be heard as of 12:00 noon June 8, 2022.

The Mayor asked if there were any persons wishing to be heard. (First Time)

The Mayor asked if there were any persons wishing to be heard. (Second Time)

The Mayor asked if there were any persons wishing to be heard. (Third and Final Time)

**9. CLOSURE OF PUBLIC HEARING**

**BARBER:**

That this Public Hearing on June 13, 2022 be hereby adjourned at 6:13 p.m.

**CARRIED PH22-2**

**3. AGENDA APPROVAL**

**BARBER:**

The Council for the Town of Pincher Creek agrees to approve the June 13, 2022 agenda as presented.

**CARRIED 22-211**

**4. DELEGATIONS**

**4.1 Sergeant Ryan Hodge – RCMP Reports**

**4.2 Brett Wuth – Director of Emergency Services (Municipal Emergency Plan)**

**5. ADOPTION OF MINUTES**

**5.1 Minutes of the Regular Meeting of Council held on May 24, 2022**

**BARBER:**

That Council for the Town of Pincher Creek approves the minutes of the Regular Meeting of Council held on May 24, 2022.

**CARRIED 22-212**

**5.2 Minutes of the Committee of the Whole held on June 1, 2022**

**OLIVER:**

That Council for the Town of Pincher Creek approves the minutes of the Committee of the Whole held on June 1, 2022.

**CARRIED 22-213**

**6. BUSINESS ARISING FROM THE MINUTES**

**6.1 Ungulate Management Issues, Context and Solutions**

**GREEN:**

That Council for the Town of Pincher Creek direct administration to garner additional information regarding Ungulate Management options and report back to Council.

**CARRIED 22-214**

**6.2 Intermunicipal Collaboration Framework - trail system**

**OLIVER:**

That Council for the Town of Pincher Creek receive the trail proposal and ICF meeting review as information and direct administration to continue planning for the extension of the walking trail system east of Hwy. 6 into the jurisdiction of the Municipal District of Pincher Creek #9.

**CARRIED 22-215**

**7. BYLAWS**

**7.1 Water Utility Bylaw #1631-22**

**OLIVER:**

That Council for the Town of Pincher Creek agree to give Bylaw No. 1631-22 Water Utility Bylaw, first reading

**CARRIED 22-216**

**7.2 Wastewater Utility Bylaw #1632-22**

**NODGE:**

That Council for the Town of Pincher Creek agree to give Bylaw No. 1632-22 Wastewater Utility Bylaw, first reading.

**CARRIED 22-217**

**7.3 Land Use Bylaw Amendment 1547-AN**

**OLIVER:**

That Council for the Town of Pincher Creek agree and give Bylaw 1547-AN amending the Land Use Bylaw 1547 second reading.

**DEFEATED 22-218**

*Mayor Anderberg move into closed session Closed Session at 8:00pm  
Councillor Oliver move out of Closed Session at 8:20pm*

*Mayor Anderberg called a recess at 8:25 pm  
Mayor Anderberg called the meeting back to order at 8:29 pm*

**7.4 Tax Exemption Bylaw #1629-22**

**GREEN:**

That Council for the Town of Pincher Creek agree to give the Tax Exemption Bylaw No. 1629-22 second reading.

**CARRIED 22-219**

**8. NEW BUSINESS**

**8.1 Coaldale Summer Fest and Candy Parade**

**BARBER:**

That Council for the Town of Pincher Creek accept the invitation to join the Coaldale Summer Fest and Candy Parade and approve Cllr. Elliott to attend on August 6, 2022

**CARRIED 22-220**

**8.2 Long-Term Electricity Savings with Power**

**BARBER:**

That Council for the Town of Pincher Creek authorize the execution of the Power+ Contract to participate in the Alberta Municipalities Power+ for procurement of electricity for the Town of Pincher Creek starting January 1, 2024.

**CARRIED 22-221**

**8.3 Internet Services at the Two Early Learning Centres**

**GREEN:**

That Council for the Town of Pincher Creek agree to the proposal from Telus to install Internet at the two early learning centres for a total cost of \$17,000, cost to be funded through the General Contingency Reserve00-00-00-4710, and that the ongoing monthly cost be covered by each centre through their operating budget

**CARRIED 22-222**

**8.4 Municipal Emergency Plan Approval**

**ELLIOTT:**

That Council for the Town of Pincher Creek approve the 2022 Municipal Emergency Plan as provided.

**CARRIED 22-223**

**8.5 Climate Resiliency Grant**

**WRIGHT:**

That Council for the Town of Pincher Creek provide formal approval for administration to apply for the Climate Resiliency Grant and guidance for the study focus.

**CARRIED 22-224**

**8.6 Municipal Environmental Award**

**WRIGHT:**

That Council for the Town of Pincher Creek direct administration to submit a nomination to Alberta Municipalities for the municipal environmental award in partnership with the MD of Pincher Creek.

**CARRIED 22-225**

**9. COUNCIL REPORTS**

**9.1 Upcoming Committee meetings and events**

**10. ADMINISTRATION**

**10.1 Council Information Distribution List**

**OLIVER:**

That Council for the Town of Pincher Creek accepts the June 13, 2022 Council Information Distribution List as information.

**CARRIED 22-226**

**10.2 Legislative Services - 1st Quarter Highlight Report 2022**

**BARBER:**

That Council for the Town of Pincher Creek accepts the Legislative Services - 1st Quarter Highlight Report 2022 as information with thanks.

**CARRIED 22-227**

**11. CLOSED MEETING DISCUSSION**

**WRIGHT:**

That Council for the Town of Pincher Creek agree to move into closed session of Council on Monday, June 13, 2022 at 9:16 pm in accordance with section 16 & 24 of the Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Executive Assistant, Operations Manager, Director of Operations and Director of Community Services in attendance.

**CARRIED 22-228**

**ELLIOTT:**

That Council for the Town of Pincher Creek agree to move out of a closed session of Council on Monday, June 13, 2022 at 10:19 pm in accordance with section 19 & 24 of

the Freedom of Information and Protection of Privacy Act, with Chief Administrative Officer, Executive Assistant, Operations Manager, Director of Operations and Director of Community Services in attendance.

**CARRIED 22-229**

**11.1 Request For Liquid Waste Disposal Options - Section # 16 ,25, 24**

**BARBER:**

That Council for the Town of Pincher Creek receive the request from South West Waste Management regarding liquid waste disposal options as information, and direct administration to send a letter to South West Waste Manager advising them that the town is moving away from allowing additional liquid waste disposal on private property but they will be exploring other options for disposal.

**CARRIED 22-230**

**BARBER:**

That Council for the Town of Pincher Creek direct administration to add liquid waste disposal to a joint council meeting.

**CARRIED 22-231**

**12. NOTICE OF MOTION**

**13. ADJOURNMENT**

**OLIVER:**

That this meeting of Council on June 13, 2022 be hereby adjourned at 10:07 pm.

**CARRIED 22-232**

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MAYOR, D. Anderberg

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CAO, L. Wilgosh

**APPROVED BY RESOLUTION  
OF THE COUNCIL OF THE  
TOWN OF PINCHER CREEK,  
THIS 27<sup>th</sup> DAY OF JUNE 2022                      S E A L  
NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON MONDAY JUNE 27, 2022 AT  
6:00 P.M.**



# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> Animal Control Bylaw 1598	
<b>PRESENTED BY:</b> Lisa Goss, Legislative Service Manager	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

for Council to consider first, second and third readings of Animal Control Bylaw 1598-22

**RECOMMENDATION:**

That Council for the Town of Pincher Creek agree and give first reading to Animal Control Bylaw 1598-22.

That Council for the Town of Pincher Creek agree and give second reading to Animal Control Bylaw 1598-22

That Council for the Town of Pincher Creek unanimously agree to give third and final reading of Animal Control Bylaw 1598-22 at the June 27, 2022 regular meeting of Council.

That Council for the Town of Pincher Creek agree and give third and final reading to Animal Control Bylaw 1598-22 and that a copy of which be attached hereto forming part of the minutes.

That Council for the Town of Pincher Creek direct administration to prepare and present further amendments to Animal Control Bylaw 1598 to the Policy Review Committee at their regular meeting in July 2022

**BACKGROUND/HISTORY:**

At the April 25, 2022 regular meeting of Council a request from a resident was considered to allow chickens in Town. At that meeting direction was given to administration to amend the Animal Control Bylaw 1598-18 (3.2) to allow for residents within Pincher Creek to obtain and house chickens.

A further, more extensive review of Animal Control Bylaw 1598 is required as there are other areas of the bylaw that require updates. Specifically around trapping of animals, guard dogs and dangerous dogs, offence penalties and fees.

**ALTERNATIVES:**

That Council for the Town of Pincher Creek defer second and third readings of Animal Control Bylaw 1598-22 to the next regular meeting of Council for consideration.



That Council for the Town of Pincher Creek direct administration to amend Animal Control Bylaw 1598 to include all suggested amendments and bring the bylaw to the next regular Council meeting for consideration.

That Council for the Town of Pincher Creek direct administration to amend Animal Control Bylaw 1598 to include all suggested amendments and bring the bylaw to the next regular Policy Review Committee meeting for consideration and recommendation to Council.

That Council for the Town of Pincher Creek, in accordance with Animal Control Bylaw 1598-18, section 3.2, temporarily allow the housing of urban hens at 917 Main Street for a period of one year with the following conditions;

- Roosters are prohibited
- No more than 4 urban hens at one time per household
- Must have a proper coop or enclosure that complies with the Town of Pincher Creek Land Use Bylaw 1547 accessory building regulations and that the urban hens remain in the coop at all times.
- For personal use only. Must not sell eggs, manure, meat or other products produced from the urban hens

That Council for the Town of Pincher Creek receive the information regarding Animal Control Bylaw 1598 as presented.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

The Town of Pincher Creek Animal Control Bylaw 1598-18, presently allows only domestic animals, such as: dogs, and cats. Throughout the province it is becoming more common for residents to request that chickens be added to the list of animals allowed. This appears to be part of a movement to have more access to healthy food products, in addition to the rising costs of food products.

**FINANCIAL IMPLICATIONS:**

None at this time

**PUBLIC RELATIONS IMPLICATIONS:**

Keeping of animals within the Town often has mixed reactions: some residents would be very favorable to allowing chickens for the sake of accessing their own home grown eggs, while others will likely be concerned with noise, potential for odour, dust, etc.

**ATTACHMENTS:**

DRAFT Animal Control Bylaw 1598-22 - Urban Hens Only - 2941

**CONCLUSION/SUMMARY:**

Administration supports that Council for the Town of Pincher Creek direct administration to amend Animal Control Bylaw 1598 to include all suggested amendments and bring the bylaw to the next regular Policy Review Committee meeting for consideration and recommendation to Council.

**Signatures:**

Department Head:

*Lisa Goss*

CAO:

*Lannie Wilgosh*





**BY-LAW #1598-~~22~~**18****  
**of the**  
**TOWN OF PINCHER CREEK**

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF  
PINCHER CREEK, IN THE PROVINCE OF ALBERTA,  
TO REGULATE AND CONTROL ANIMALS WITHIN THE  
TOWN OF PINCHER CREEK**

WHEREAS, Section 7(h) of the Municipal Government Act, R.S.A. 2000, Chapter M.26 and amendments thereto, allows a municipality to pass bylaws regulating and controlling wild and domestic animals and activities in relation to them.

WHEREAS, Section 7(i) of the Municipal Government Act, R.S.A. 2000, Chapter M.26, and amendments thereto, allows a municipality to impose fines and penalties for infraction of bylaws.

NOW THEREFORE, the Municipal Council of the Town of Pincher Creek hereby enacts as follows:

**1. SECTION 1: TITLE**

1.1 This bylaw shall be known as the Animal Control Bylaw.

**2. SECTION 2: DEFINITIONS**

In this bylaw, unless the context otherwise requires, the word, term, or expressions:

- 2.1 ANIMAL CONTROL OFFICER shall mean any person duly authorized and designated by the Council to carry out the provisions of this bylaw.
- 2.2 ANIMAL includes any dog and/or cat.
- 2.3 ABANDON means to leave an animal without means of protection, support, or help.
- ~~2.4~~ **CAT** includes any cat over the age of two (2) months and includes a cat that has been spayed or neutered.
- ~~2.4.2.5~~ **COOP** means a fully enclosed weather proof structure and attached outdoor enclosure used for the housing of URBAN HENS that must comply with the Town of Pincher Creek Land Use Bylaw 1547 accessory building regulations.
- ~~2.52.6~~ **"DAMAGE TO PROPERTY"** means damage to property other than the owner's property, and includes defecating and urinating on such property.





- ~~2.62.7~~ DANGEROUS DOG shall mean any dog, which in the opinion of a Peace Officer, or Animal Control Officer:
- (1) Without provocation, shows a propensity, or disposition, and has potential to attack and injure humans or other animals; or
  - (2) Without provocation attack, bite or injure any human or animal.
- ~~2.72.8~~ DESTROY OR DISPOSE shall mean to kill an animal by use of a .22 caliber rifle or a shotgun, by lethal injection or by use of carbon monoxide gas; only upon consultation with the Chief Administrative Officer or Manager of Legislative Services.
- ~~2.82.9~~ DOG includes any dog over the age of six (6) months and includes a dog that has been spayed or neutered.
- ~~2.92.10~~ DWELLING as defined in the Land Use Bylaw of the Town of Pincher Creek, and amendments thereto.
- ~~2.102.11~~ GUARD DOG shall mean any dog that is trained to guard.
- ~~2.112.12~~ INDOOR PETS shall mean mice, hamsters, gerbils, guinea pigs, cage birds, ferrets, pygmy hedgehogs, non-poisonous reptiles and amphibians not exceeding one meter in length or other animals as approved by resolution of Council.
- ~~2.122.13~~ MUNICIPALITY shall mean the Town of Pincher Creek.
- ~~2.132.14~~ MUNICIPAL COUNCIL or COUNCIL shall mean the Municipal Council for the Town of Pincher Creek, Alberta.
- ~~2.142.15~~ OFF LEASH DOG AREA shall mean a place that the Municipality shall provide or designate as such where dogs are permitted off leash.
- 2.16 PESTS shall mean anything that causes trouble, annoyance, nuisances, discomfort, or destruction, including but not limited to, skunks, rabbits and raccoons.
- ~~2.152.17~~ POULTRY shall mean turkeys, ducks, peacocks, ostriches, geese, pheasants, guinea fowl, pigeons, quail, roosters, hens under 16 weeks old, or any other bird not an URBAN HEN.
- 2.18 POUND shall mean a place that the Municipality shall provide or designate as such.
- ~~2.162.19~~ ROOSTER shall mean a male domestic chicken.



~~2.172.20~~ 2.172.20 RUNNING AT LARGE shall mean any dog or cat not accompanied by and under the control of a responsible person within the Municipal Limits, as per Section 3.19.

~~2.182.21~~ 2.182.21 SERVICE DOG includes certified guide dogs, special needs dogs and hearing dogs.

2.22 TRANQUILIZER GUN shall mean a pistol or rifle capable of propelling a dart containing a drug approved by a qualified Veterinary Surgeon, for the purpose of immobilizing a dog in order to facilitate capture.

~~2.192.23~~ 2.192.23 URBAN HEN shall mean a domesticated female chicken that is at least 16 weeks old.

### SECTION 3: GENERAL RULES

3.1 Any person who is in breach of the general rules is guilty of an offence.

3.2 No person shall keep anywhere within the limits of the Town of Pincher Creek, any species of wild or domesticate animal, or poultry, other than dogs, cats, indoor pets and animals kept on land on which Council has issued a grazing permit and animals and poultry under veterinarian care and animals and poultry consigned to an abattoir for killing and animals and poultry exhibited or used during sanctioned events at Agricultural Society Grounds and Horseshoe Pavilion, or other temporary uses as approved by resolution of Council, or if allowed under the provisions of the Town of Pincher Creek Land Use Bylaw.

i) A person may have Urban Hens as defined in this bylaw, at their residence provided that;

a. The animal is not a Rooster

b. No more that four (4) urban hens are permitted at any given time at any given residence

c. The residence is occupied by the property owner

d. The residence is not located in a Mobile Home Park

e. The Urban Hens are for personal use only. Eggs, manure, meat or other products from the urban hens are not to be sold for a profit.

f. Urban Hens remain in a coop or enclosure at all times.

3.2g. Urban Hens are not younger than sixteen (16) weeks of age

3.3 Every person who owns, keeps or harbours any dog shall register the dog and obtain a dog license from the Town. Such license must be renewed on the first day of January in each year and shall be for a period of January 1 to December 31 in each year. The fee for a dog license shall be in accordance with Schedule "A".





- 3.4 The license tag issued upon payment of the above mentioned fee shall be attached to the collar worn by such animals at all times.
- 3.5 No person who is the owner, possessor or harbourer of any animal shall permit or otherwise allow such animal to run at large within the corporate limits of the Town of Pincher Creek.
- 3.6 Every person who owns, keeps or harbours a female dog shall house and confine such female dog during the whole period that such female dog is in heat.
- 3.7 The owner, possessor or harbourer of any animal impounded pursuant to the provisions of this bylaw by the Animal Control Officer may redeem same within 72 hours from the time of impoundment by paying to the Town of Pincher Creek the appropriate penalty and/or impoundment fee for such animal impounded. The impoundment fee shall be in accordance with Schedule "A" of this bylaw.
- 3.8 Any person who removes or attempts to remove any animal from the possession of the poundkeeper or any person authorized to enforce the provisions of this bylaw shall be guilty of an infraction of this bylaw.
- 3.9 Any person who hinders, delays or obstructs an Animal Control Officer or any other person authorized to enforce the provisions of this bylaw, while engaged in his lawful duties is guilty of an infraction of this bylaw.
- 3.10 No person shall register a dog as spayed or neutered unless the said dog is spayed or neutered.
- 3.11 All guard dogs and dangerous dogs shall be housed as follows:
  - i) chain link covered run and covered top on a strong frame, i.e. 2x4 or pipe.
  - ii) a flooring substance that cannot be dug.
  - iii) a child proof latch on gate.
  - iv) the covered run and shelter is subject to the Animal Control Officer's approval.
- 3.12 All guard dogs and dangerous dogs shall only be out on a leash and under adult supervision.
- 3.13 If an Animal Control Officer determines that a dog is a dangerous dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
  - i) inform the owner that the dog has been determined to be a dangerous dog and
  - ii) require the owner to keep such dog in accordance with the provisions of this bylaw.



- 3.14 An owner of a dangerous dog shall maintain in force a policy of liability insurance in form satisfactory to the Chief Administrative Officer providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owners dog.
- i) the liability policy shall contain a provision requiring the insurer to immediately notify the Town, in writing, should the policy expire or be cancelled or terminated.
  - ii) upon cancellation or expiry or termination of the liability policy, the dog license is null and void.
- 3.15 A person who owns, keeps, houses, harbours or allows to stay on his premises a dog or cat which by reason of barking or howling disturbs persons in the vicinity of his home is guilty of an offense under this bylaw.
- 3.16 Any owner whose dog defecates on property other than his own shall remove forthwith any defecation matter deposited.
- 3.17 The occupant of any one dwelling may not own, possess or harbour more than 3 dogs and 3 cats unless those animals in excess of three in quantity are a litter of offspring from cats or registered dogs in possession of said person; and providing that those animals in excess of three in quantity are removed from said persons' dwelling within 90 days following the birth of said litter of offspring.
- 3.18 No person shall allow a dog in the corporate limits of the Town of Pincher Creek unless the dog is tethered by a hand-held leash no longer than 1.5 metres in length, unless in a designated Off Leash Dog Park.
- 3.19 No person shall untie, loose or otherwise free an animal which is not in distress unless such a person has the authorization of the owner.
- 3.20 The Town-owned cat trap shall be made available to residents of the Town of Pincher Creek at the deposit fee indicated in the Fee Structure Bylaw for the capture of cats on their premises.
- 3.21 No person shall tease, torment, annoy, abuse or injure any animal, and any person who does so is guilty of an offence.
- 3.22 An owner whose animal has caused damage to property within the Municipality is guilty of an offence.
- 3.23 Any person who owns, keeps or harbours any animal which attacks any person within the corporate limits of the Town of Pincher Creek is guilty of an infraction of this bylaw.





- 3.24 Any person who owns, keeps or harbours any animal which attacks and injures any person within the corporate limits of the Town of Pincher Creek is guilty of an infraction of this bylaw.
- 3.25 Any person(s) who abandons any animal(s) within the corporate limits of the Town of Pincher Creek is guilty of an offense.

**SECTION 4: DUTIES OF ANIMAL CONTROL OFFICER**

- 4.1 The Animal Control Officer, Peace Officer or designee shall enforce this bylaw and shall issue offence tickets for infractions of this bylaw.
- 4.2 It shall be the duty of the Animal Control Officer and any other persons authorized to enforce this bylaw to capture all animals running at large within the corporate limits of the Town of Pincher Creek and impound such animals in the Town of Pincher Creek Pound. Such animals shall be confined at the pound subject to the owner's or possessor's right to claim within 72 hours from the time of capture. No animal shall be released from the pound until the poundkeeper is satisfied that all penalties and fees have been paid and notification has been received from the Manager of Legislative Services that a current license has been obtained with respect to dogs.
- 4.3 The Animal Control Officer or any person or person authorized or appointed by Council, are hereby authorized to use a tranquilizer gun, or any other piece of equipment commonly used in order to effect the capture of any dog when all normal attempts to capture such dog have failed.
- 4.4 The Animal Control Officer shall impound any animal suspected or being rabid and upon confirmation by a veterinarian shall destroy or have said animal destroyed.
- 4.5 The Animal Control Officer may destroy or dispose of any animal impounded under the provisions of this bylaw if said animal is not claimed within 72 hours from capture.
- 4.6 The Animal Control Officer may capture pests within the corporate limits of the Town of Pincher Creek and impound, destroy, or otherwise dispose of such pests according to his judgment.
- 4.7 The Animal Control Officer once permission has been granted by the Chief Administrative Officer or Manager of Legislative Services may destroy any animal which is at large and is posing an immediate threat to the people of Pincher Creek.
- 4.8 The Animal Control Officer is authorized to enter lands within the Town of Pincher Creek and seize animals to prevent the continuance of an offence.





**SECTION 5: OFFENCE TICKET**

- 5.1 An Offence Ticket shall be deemed sufficiently served:
- i) if served personally to the owner of the animal, or
  - ii) if mailed by single registered mail to the address of the owner of the animal, as recorded at the time of registration of the said dog with the Town of Pincher Creek.
  - iii) If left at the residence of the person who has allegedly contravened this bylaw, with an occupant of the residence who appears to be at least 18 years of age.

**SECTION 6: PENALTIES**

- 6.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a penalty as stated in Schedule “B” of this bylaw.
- 6.2 It is the intention of Town Council that each separate provision of this bylaw shall be deemed independent of all other provisions herein and it is further the intention of Town Council that if any provisions of this bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

**SECTION 7: GENERAL**

- 7.1 Bylaw No. 1598-08 of the Town of Pincher Creek and amendments thereto are hereby repealed.
- 7.2 This bylaw comes into effect upon the final reading thereof.

READ A FIRST TIME THIS 2<sup>nd</sup> DAY OF MAY, 2018 A.D.

\_\_\_\_\_  
MAYOR, Don Anderberg

\_\_\_\_\_  
CAO, Laurie Wilgosh

READ A SECOND TIME THIS 2<sup>nd</sup> DAY OF MAY, 2018 A.D.

\_\_\_\_\_  
MAYOR, Don Anderberg



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CAO, Laurie Wilgosh

READ A THIRD TIME THIS 2<sup>nd</sup> DAY OF MAY, 2018 A.D.

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MAYOR, Don Anderberg

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CAO, Laurie Wilgosh

DRAFT



**SCHEDULE "A" FEES**

**Dog License:**

	<u>Per Year</u>	<u>Lifetime</u>
Spayed or Neutered Dogs	\$15.00	\$150.00
Others	\$30.00	\$300.00
Service Dogs.....	No Charge	
Impoundment	\$10.00 per day or any part thereof	

DRAFT



### SCHEDULE "B" PENALTIES

<b>Section</b>	<b>Offence (Description)</b>	<b>Violation Ticket Penalties</b>
3(3.24)	Animal attacks person	\$200.00 Per Offence
3(3.25)	Animal attacks & injures person	\$1,000.00
	All other offences	\$50.00 First Offence \$100.00 Second Offence \$150.00 Third or Subsequent Offences

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# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> ECO Waste Site - funding review	
<b>PRESENTED BY:</b> Laurie Wilgosh, Chief Administrative Officer	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

For Council to consider a new funding proposal for the shared services at the ECO Waste site

**RECOMMENDATION:**

That Council for the Town of Pincher Creek propose a new funding ratio of ?? to the M.D. Council for the shared recycling services at the new ECO Waste site,

Further that Council approve that the Town be included in a Partnership agreement for services with the Crowsnest Pass Pincher Creek Landfill Authority

**BACKGROUND/HISTORY:**

After a decision made in 2021 by prior Town and M.D. councils, a new service system for recycling and waste management with the CNPPC landfill has been underway. Recently the site for an ECO Waste site has been under development on M.D. land adjacent to the M.D. Municipal Building and M.D. municipal shop. There are plans for eight bins in total to contain the following: Bagged household waste (2), large furniture bin, appliance and metal bin, electronics bin, cardboard, plastics, tin cans and paper bin, and organics.

The Town proposed a funding model as follows: 50/50% cost sharing of recycling bins, 100% for organics, and 35% of landfill salaries. The proposed estimates from the landfill manager have been adjusted, and the total per month estimate is just under \$18,000.

Due to the difficulty in breaking down expenses by individual bins, the M.D. has requested that the Town consider a flat percentage rate towards expenses. After review by the finance officer, administration is recommending a 40% ratio from the Town.

The Town has been requested to be named as a partner in the agreement with the Landfill and the M.D., starting with a one year contract.

It is anticipated that the ECO Waste site will open six days per week, with Saturday service. Users from outside of the M.D. or Town will not be allowed to dispose of items at the ECO Waste site. The agreement and service will be evaluated after the first year to see what materials and bins are in demand, what may not be and the hours of operation and associated cost breakdown.



Administration recommends a reduced ratio for the Town due to the cost to support our household waste pick-up system, and the likelihood that the two waste bins in the new Eco Waste site will mainly support MD ratepayers.

**ALTERNATIVES:**

That Council receive the ECO Waste site update as information.

That Council direct administration to request a Sale of Service agreement, rather than entering into a three part agreement with the M.D. and Landfill provider.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

N/A

**FINANCIAL IMPLICATIONS:**

Cost estimates - from the Landfill - 17,933 per month

Proposal from town administration - 40% - \$7200 monthly

**PUBLIC RELATIONS IMPLICATIONS:**

Shared service agreements are supported by the ratepayers of both jurisdictions

**ATTACHMENTS:**

None at this time.

**CONCLUSION/SUMMARY:**

Administration recommends that Council consider a 40% cost sharing proposal for the Eco Waste site contribution

**Signatures:**

**Department Head:**

*Wendy Catonio*

**CAO:**

*Laurie Wilgosh*

# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> Water Utility Bylaw #1631-22	
<b>PRESENTED BY:</b> Al Roth, Director of Operations	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

For Council to consider second and third reading of the new Water Utility Bylaw #1631-22.

**RECOMMENDATION:**

That Council for the Town of Pincher Creek agree to give Bylaw No. 1631-22 Water Utility Bylaw, second reading.

That Council for the Town of Pincher Creek agree to give Bylaw No. 1631-22 Water Utility Bylaw, third and final reading and that a copy of which be attached hereto and form part of the minutes.

**BACKGROUND/HISTORY:**

Both water & wastewater services are currently governed by "Water and Sewer Utility Bylaw #1607-21". The first version of this bylaw was originally introduced in approximately 2000 with only minor amendments since, including the removal of garbage services to its own separate bylaw in 2009, and routine amendments of fees, the latest being in December 2021 where the bylaw was amended to add a 3" water meter option. While serving its purpose for setting the rates/fees for water and sewer services, the bylaw has been found inadequate to meet the Town's growing needs and industry's advancing standards. Rather than amending the existing bylaw, administration chose to move forward with a complete re-write and the separation of water and wastewater into separate bylaws.

The proposed Water Utility Bylaw #1631-22 was reviewed by administration and the management team on May 2, 2022. This review included input from the utilities department, finance, legislative services, economic development, operations, and the CAO. Following this meeting, and incorporating the administration's comments, a revised draft was provided to the Policy Review Committee which reviewed the bylaw on June 6, 2022. All changes/recommendations/comments have been incorporated in the proposed Bylaw included in this Request for Decision package.

First reading was passed by Council at the June 13, 2022 regular meeting of Council and minor amendments to section 2.2 and 7.6 have been incorporated, as directed.

**ALTERNATIVES:**



That Council for the Town of Pincher Creek request additional information from administration.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

The Municipal Government Act, Division 3 Public Utilities, outlines municipal requirements for providing utility services. The proposed Bylaw meets all requirements within this section of the MGA.

The Town is further governed by the Alberta Water Act, Environmental Protection and Enhancement Act, and operating approvals issued by Alberta Environment. The proposed Bylaw meets or exceeds all obligations required of the Town.

**FINANCIAL IMPLICATIONS:**

Bylaw No. 1631-22 Water Utility Bylaw does not have any direct financial implications, as all rates and/or fees are now to be included in the Fee Structure Bylaw. Council will have the opportunity to make any changes to Water Service and Usage Fees, as well as penalties for contravening the Bylaw, when the Fee Structure Bylaw is brought forward to Council (tentatively scheduled for July 2022).

**PUBLIC RELATIONS IMPLICATIONS:**

The largest impact to public relations will be the proposed removal of (primary) tenant accounts for utility bills. Targeted engagement was conducted with a sampling of residential and commercial landlords and property managers to obtain feedback on the proposed change. The largest concern we heard from residential landlords was the increased workload and risk associated with landlords being responsible for paying tenant bills. Administration has confirmed that tenants will still be able to pay the utility bill as a "secondary" contact on the utility bill, with the ultimate responsibility lying with the property owner.

**ATTACHMENTS:**

- 1631-22 Water Utility Bylaw - DRAFT - 2936
- Highlighted Differences (Water Bylaw) - 2936

**CONCLUSION/SUMMARY:**


Administration fully supports the second and third reading of the new Water Utility Bylaw.

**Signatures:**

**Department Head:**



**CAO:**







**TOWN OF PINCHER CREEK**  
**WATER UTILITY BYLAW**

**#1631-22**

**JUNE 2022 v2 - DRAFT**

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**BYLAW #1631-22**  
**of the**  
**TOWN OF PINCHER CREEK**  
**A BYLAW OF THE MUNICIPALITY OF THE**  
**TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA,**  
**FOR THE PURPOSE OF REGULATING THE WATER SYSTEM WITHIN THE**  
**MUNICIPALITY OF THE TOWN OF PINCHER CREEK**

**WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, permits the municipality to pass bylaws regarding public utilities;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the enforcements of bylaws including providing for inspections to determine if bylaws are being complied with;

**AND WHEREAS** the Council of the Town of Pincher Creek wishes to establish regulations, rates, and penalties for water services.

**NOW THEREFORE**, the Municipal Council of the Town of Pincher Creek hereby enacts as follows:

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Title**

- a) This Bylaw may be cited as the “Water Utility Bylaw”.

**1.2 Purpose**

The purposes of this Bylaw include the following:

- a) To supply and distribute water to residents, industrial and commercial users, and all other Customers in the Town of Pincher Creek;
- b) To supply and distribute water for fire protection within the Town of Pincher Creek;
- c) To protect the Water System and its processes from damage, obstruction, or loss of efficiency;
- d) To provide for a system of rates, fees, and charges for various types of use of the Water System; and



- e) To provide for a system of Permits or other permissions that facilitate the imposing of conditions regarding use of the Water System.

### 1.3 Definitions

In this Bylaw, unless the context otherwise requires:

- a) BACKFLOW means the flowing back or reversal of the normal direction of flow in either the Water System or a Customer's Plumbing System.
- b) BYLAW means Bylaw #1631 also known as the Water Utility Bylaw.
- c) CAO means the Chief Administrative Officer of the Town of Pincher Creek as appointed by Town Council and includes any Person authorized by them to act for or carry out the duties of the CAO to the extent that authorization is given.
- d) COMBINED WATER SERVICE means a water service which supplies water for both domestic use and for a fire protection system in the same Premises.
- e) COUNCIL means the Council of the Town of Pincher Creek elected pursuant to the provisions of the *Local Authorities Elections Act*.
- f) CROSS CONNECTION means any temporary, permanent, or potential water connection that allows or may allow Backflow to occur.
- g) CROSS CONNECTION CONTROL DEVICE means a Backflow prevention device approved by the CAO that prevents Backflow.
- h) CUSTOMER means any Person, any other municipal corporation, the Government of Alberta, or the Government of Canada, whose property is connected to the Water System or any lessee or Occupant of such property, or any Person who requests water services or has applied for an account or is otherwise responsible for paying such account for water services.
- i) CUSTOMER'S PLUMBING SYSTEM means the system of pipes, fittings, valves, and appurtenances that conveys potable water between the Water Service Connection and the Water Supply outlets.
- j) FOOD AND BEVERAGE ESTABLISHMENT means an establishment where food is prepared or liquor is served, or both, for consumption on the Premises or as part of a "take-out food service".
- k) HYDRANT CONNECTION UNIT means the locked box supplied by the Town to a Hydrant User which is used to withdraw water from a fire hydrant, and which contains a Water Meter, valves, pipes, and fittings, and which may or may not contain a Cross Connection Control Device for the prevention of Backflow.
- l) HYDRANT USER means any Person authorized by the CAO to obtain water from a fire hydrant for a purpose other than emergency fire protection.
- m) MASTER CONTROL VALVE means the water valve within a building on a Customer's Parcel, usually located near the Water Meter or point of entry of the Water Service Connection, which, when closed, does not allow the flow of water in the building.

- n) **NEGATIVE IMPACT** means impairment of or damage to, or the ability to cause impairment to:
- the Water System;
  - human health or safety;
  - property; or
  - the environment.
- o) **NON-RESIDENTIAL METERED** means a Premises connected to the Water System where the Premises is classified as anything other than those described under the Residential Metered definition, including but not limited to:
- multi-family developments containing more than one (1) residential unit, with a single Water Meter;
  - mixed-use developments, metered by the Town;
  - commercial uses, metered by the Town;
  - industrial uses, metered by the Town;
  - churches, metered by the Town;
  - schools, metered by the Town; or
  - properties owned and operated by non-profit organizations, metered by the Town.
- p) **OCCUPANT** includes an Owner of a Premises where that Owner resides or carries on a business within a Premises and includes any Person or corporation residing or carrying on a business, or both, within a Premises either as a lessee or pursuant to a license of occupation, where that Premises is connected to the Water System.
- q) **ON-SITE WATER MAIN** means an underground water pipe which forms part of the Customer's water distribution network.
- r) **OWNER** means a Person who is one or more of the following:
- the registered Owner of the land; or
  - a purchaser of the land whose interest as a purchaser is shown on the certificate of title to that land.
- s) **PARCEL** means the aggregate of one or more areas of land described in a certificate of title.
- t) **PEACE OFFICER** means a member of the Royal Canadian Mounted Police, Community Peace Officer, or Bylaw Enforcement Officer as appointed by the Town of Pincher Creek.
- u) **PERMIT** means a form of approval, in writing, issued by the CAO as applicable.

- v) PERSON includes any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators, or other legal representatives of a Person to whom the context can apply according to law.
- w) PINCHER CREEK RIPARIAN AREA means all of the land owned by the Town of Pincher Creek, upstream of the Pincher Creek raw water intake, as set out in the shaded area on the map attached to this Bylaw in Schedule “D”.
- x) POTABLE WATER means water which originates from a source or tap connected to a Town Water Main.
- y) PREMISES includes lands and buildings or both, or a part thereof.
- z) PREMISES-ISOLATING means a Cross Connection Control Device installed on the incoming water service prior to any water use.
- aa) REMEDIAL ORDER means a Remedial Order written pursuant to section 545 of the *Municipal Government Act*.
- bb) RESIDENTIAL METERED means a Premises connected to the Water System used for residential purposes, including:
- a single-family dwelling, individually metered by the Town;
  - a modular and/or manufactured home, individually metered by the Town; or
  - multi-family developments containing more than one (1) residential unit, with each unit having individual Water Meters.
- cc) TOWN means the municipal corporation of the Town of Pincher Creek.
- dd) UTILITY and shall mean and include, as the context may require:
- the supply of water;
  - the provision of wastewater collection and treatment;
  - the provision of storm drainage collection, treatment, and disposal; or
  - the provision of solid waste management services including garbage collection and recycling services.
- ee) WATER CHARGE means a charge levied pursuant to the provisions of this Bylaw that include monthly service charges and/or usage charges as outlined in Schedule “A” to this Bylaw.
- ff) WATER MAIN means a water pipe in the street, public thoroughfare or easement area granted to the Town, which forms part of the Water System and delivers the Water Supply to Water Service Connections.
- gg) WATER METER means a device owned and installed by the Town, or approved by the CAO that measures the volume of water used by a Customer; and which may or may not incorporate a remote-reading device.



- hh) WATER SERVICE CONNECTION means a water pipe which connects a Customer's Parcel or Premises to a Town Water Main.
- ii) WATER SERVICE VALVE means the Town-owned water valve located on the Water Service Connection which enables the Town to turn on or off the Water Supply to a Customer's Premises.
- jj) WATER SUPPLY means the supply of Potable Water delivered to Customer's Parcel or Premises through the Water System.
- kk) WATER SYSTEM means the system owned and operated by the Town for the purpose of collection and treatment of source water and delivery of Potable Water to Customers.

#### **1.4 Interpretation**

- a) All references in this Bylaw shall read with such changes in number and gender as may be considered appropriate according to whether the reference is made to any gender, or a corporation or partnership.
- b) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- c) Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- d) All schedules attached to this Bylaw shall form part of this Bylaw.
- e) 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.
- f) Any contract between the Town and a Customer with respect to the supply of water shall be subject to this Bylaw.

#### **1.5 Compliance with Other Laws**

- a) Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, agency, organization, other bylaw, or any requirement of any lawful permit, order, or license.

## **2. GENERAL**

### **2.1 Continuation of the Water System**

- a) The Town having constructed, operated, and maintained a Water System as a public Utility shall continue, insofar as there is sufficient plant capacity and supply of water, to supply water, upon such terms as Council considers advisable, to any resident or industry or other Customer within the municipality situated along any water main:
  - i. where a service currently exists; and



- ii. upon a written request by the Owner, Occupant, or other Person in charge of a residence, industry, or building.

## 2.2 Obligations of the Owner

- a) The Town does not guarantee the pressure, nor the continuous supply of water and the Town reserves the right at any and all times without notice to change operating water pressures and to shut off water.
- b) Where a water service is continued or initiated pursuant to this Bylaw, the Owner shall be responsible for:
  - i. providing the Water Service Connection from the property line or boundary of an easement granted to the Town for its Water System to the Customer's Plumbing System;
  - ii. ensuring that the connections referred to in subsections i. and ii. are in compliance with the provisions of this Bylaw;
  - iii. ensuring that the connection referred to in subsections i. and ii. and the remainder of the Customer's Plumbing System comply with the *Safety Codes Act* (R.S.A. 2000, c. S-1) and any regulations passed pursuant to that Act;
  - iv. ensuring that any permits, inspections, or approvals required pursuant to the *Safety Codes Act*, regulations passed pursuant to that Act, any bylaw or any other applicable legislation have been conducted or obtained and are valid and subsisting, prior to connection to the Water System; and
  - v. ensuring that such connection does not interfere with the operation of the Water System.
- c) Customers 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 their use.
- d) In making an application pursuant to this Bylaw, no Person shall give false information.
- e) 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.
- f) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Water System resulting from the Owner's contravention of the requirements of this Bylaw.

## 2.3 Obligation to Report

- a) A Person is required to report to the Town any connections or equipment located on a Premises that do not comply with the requirements of the *Safety Codes Act* or this Bylaw.

## 2.4 Limitation of Liability

- a) The Town, its contractors, servants and agents, or employees shall not be liable for damages or loss suffered by any Person due to the operation of the Water System, unless such damages or loss are shown to be directly due to the negligence of the Town or its employees, and without limiting the generality of the foregoing, shall not be liable for damages or loss resulting from any of the following:
- i. the settlement of any excavation or trench made for the installation, maintenance, or repair of any part of the Water System, or any damage or loss resulting from such settlement;
  - ii. the break of any Water Main, Water Service Connection, or other pipe;
  - iii. the disruption of any supply of water from the Water System when such disruption is necessary in connection with the repair or maintenance of the Water System;
  - iv. the change in water pressure;
  - v. water containing sediments, deposits, or other foreign matter; or
  - vi. the disruption or cutting off of the Water Supply in the event of an emergency.

## 3. AUTHORITY

### 3.1 Authority of the CAO

- a) The CAO may:
- i. establish a system for the billing and collection of any rates, charges, and fees in relation to the Water System.
  - ii. establish rates, charges, or fees for any work done or service or material supplied for the construction, installation, connection, disconnection, maintenance, inspection, repair, or replacement of any of the following:
    - a. Any part of the Water System;
    - b. Any part of a Customer's Plumbing System located on private property.
  - iii. establish standards and guidelines for the maintenance and physical operations of the Water System.
  - iv. establish standards, guidelines and specifications for the design, construction, and management of the Water System.
  - v. enter into contracts for the installation of equipment for the provision of water services, including the installation of Water Meters.
  - vi. enter into contracts for the provision of services, including contracts to provide for the reading of Water Meters, billing for water services, and similar services.

- vii. subject to any provisions of this Bylaw, discontinue water service and continue to refuse to provide water service until such time as the deficiency is corrected, if a Customer or Owner fails or refuses to repair, maintain or replace any leak or leaks between a private property line and a Water Meter.
- viii. subject to any provisions of this Bylaw, enter into contracts on behalf of the Town with any Customers within the Town for the provision of water services and may, as a condition of service, impose any conditions to the supply of water services in such contracts that the CAO considers reasonable and appropriate in the circumstances, including provision that if a Customer fails to comply with the requirements of this Bylaw or the terms of the contract, that water service may be discontinued.
- ix. subject to any provisions of this Bylaw, require any Customer to enter into a contract with the Town for the provision of water services, prior to such services being provided.
- x. subject to any provisions of this Bylaw, refuse to supply, discontinue water service, and continue to refuse to provide water service until such time as the deficiency is corrected, if a Customer or Owner has:
  - a. provided false information in an application for service;
  - b. failed to keep an account in good standing;
  - c. refused to allow the installation or repair of a Water Meter;
  - d. failed to comply with a term of a contract for the provision of water service; or
  - e. failed to comply with a condition of water service.
- xi. subject to the approval of Council, enter into an agreement to supply water to a Customer or Customers outside the Town limits.

### **3.2 Powers of Delegation**

- a) The CAO may delegate any or all of the powers granted to them pursuant to this Bylaw.

## **4. ADMINISTRATION OF WATER UTILITY**

### **4.1 Administration of Utility Accounts**

- a) All Utility accounts for a Parcel or Premises must be registered with the Town in the same name.
- b) Utility accounts registered to renters, tenants, and/or any Occupant of a Premises other than the Owner as of September 1, 2022, will remain in effect until one of the following conditions are met:
  - i. There has been a disconnection of Utility service for account arrears; or



- ii. A tenant is in arrears and there is no separate shut-off valve in a multi-occupied building; or
  - iii. The existing tenant vacates the Premises.
- c) If one or any of the conditions in subsection b) occurs, all Utilities related to that Premises will be the responsibility of the registered Owner of the property.

#### **4.2 Water Charges**

- a) The Owner of Premises connected to the Town's Water System must pay to the Town a Water Charge.
- b) Council shall set rates and fees for all Customers for the following:
  - i. monthly service charges and water usage rates;
  - ii. monthly flat rates; and
  - iii. water service fees.
- c) Rates and fees set by Council pursuant to subsection b) shall be set out in the schedules of this Bylaw and the Town's Fee Structure Bylaw.
- d) No reduction in rates will be made in the monthly charge for water supplied to or made available for use by any Customer because of any interruption due to any cause whatsoever of the Water Supply.
- e) The CAO shall have sole discretion in determining which rate and/or fees shall apply to a Customer.

#### **4.3 Rates and Fees**

- a) Residential Metered
  - i. Where water is supplied to a Residential Metered Customer, the Customer shall pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1.a. of Schedule "A" to this Bylaw; and
    - b. the amount determined by the volume of water shown by the Water Meter as supplied for the applicable month at the usage rate specified, as set out in section 2 of Schedule "A" to this Bylaw.
- b) Residential Flat
  - i. Where water is supplied to a residential Customer through a single Water Service Connection on which no Water Meter is used for billing purposes, the Customer shall pay for the water at a monthly charge as set out in section 3 of Schedule "A" to this Bylaw.
- c) Temporary Water



- i. Charges for water to be used for temporary construction activities will be in accordance with the rates as set out in section 4 of Schedule “A” to this Bylaw.
  - ii. Temporary water shall be permitted for a period of 30 days. Extensions may be granted at the sole discretion of the CAO.
- d) Irrigation Water
- i. Where water is supplied by the Town through a Water Meter, for irrigation purposes, the Customer shall pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1.b. of Schedule “A” to this Bylaw; and
    - b. the amount determined by the volume of water shown by the Water Meter as supplied for the applicable month at the usage rate specified, as set out in section 2 of Schedule "A" to this Bylaw.
- e) Non-Residential Metered
- i. Where water is supplied by the Town through a Water Meter to a Customer other than under sections 4.3 a), b), c), or d) the Customer shall be considered Non-Residential Metered and pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1.b. of Schedule “A” to this Bylaw, and
    - b. the amount determined by the volume of water shown by the Water Meter as supplied for the applicable month at the usage rate specified, as set out in section of Schedule "A" of this Bylaw.
- f) Outside Town
- i. Where water is supplied to any Customer outside the Town, that Customer shall pay to the Town the rates approved by Council as set out in Schedule “F” of this Bylaw.
- g) Fire Hydrants
- i. Where the drawing of water from fire hydrants is authorized, charges for such water will be in accordance with the rates as shown in section 5 of Schedule "A" to this Bylaw.

#### 4.4 Payments

- a) In default of payment of the rates set out in any of the Schedules to this Bylaw or any amount due and payable to the Town for anything done, or any amounts payable, pursuant to this Bylaw, the CAO may enforce the collection of such rates or payments by shutting off the water being supplied to the Customer, or by action in any Court of competent jurisdiction, or both.
- b) Where the Occupant is the Owner or purchaser under an agreement for sale in possession of the Parcel or Premises to which water is supplied or is available for the use of the Occupant, all sums payable by the Occupant pursuant to this Bylaw

including the rates set out in any of the Schedules to this Bylaw, are a debt due and owing to the Town and shall constitute a preferential lien and charge on the Parcel or Premises and the personal property of the Occupant and may be levied and collected in a like manner as municipal rates and taxes are recoverable.

- c) Where the Occupant is other than the Owner or the purchaser under an agreement for sale all sums payable by the Occupant pursuant to this Bylaw including the rates set out in any of the Schedules to this Bylaw, are a debt due and owing to the Town and shall constitute a Preferential Lien and charge on the Occupant's personal property and may be levied and collected with costs by distress.

## 5. WATER CONSERVATION

### 5.1 Low Water Use Fixtures

- a) For the purposes of this Section, Low Flow Plumbing Fixtures means:
- i. toilets having a total water usage of no greater than 6.0 liters or 1.6 US gallons per flush, including the contents of both the tank and bowl of the toilet;
  - ii. urinals having a total water usage of no greater than 3.8 liters or 1.0 US gallons per flush, but does not include urinals which flush automatically after a period of elapsed time, regardless of the amount of water usage per flush;
  - iii. showerheads having a rate of water flow no greater than 9.5 liters or 2.5 US gallons per minute;
  - iv. lavatory basin and kitchen sink faucets having a rate of water flow no greater than 8.3 liters or 2.2 US gallons per minute; and
  - v. public restroom faucets having a total water flow of no greater than 1.9 liters or 0.5 US gallons per minute.
- b) Subsection a) iii. shall not be interpreted to prevent the installation of more than one valve in a shower stall or bathroom.
- c) Every Person responsible for the construction of:
- i. new residential construction, regardless of the number of dwelling units contained in a structure;
  - ii. new industrial, commercial, and institutional construction; and
  - iii. any renovation project regarding a residential, industrial, commercial, or institutional structure that requires a plumbing permit;
- must ensure that all plumbing fixtures installed in that construction or renovation are Low Flow Plumbing Fixtures.
- d) Notwithstanding the obligations and prohibitions in this Section, the CAO may, in writing, allow the installation of plumbing fixtures other than Low Flow Plumbing Fixtures having regard to any factor the CAO considers appropriate.

## 5.2 Once-Through Cooling

- a) For the purpose of this Section, “Once-Through Cooling Equipment” means cooling, air conditioning or refrigeration systems in buildings, building systems and equipment, which rely upon the temperature of the water for cooling purposes and deliver water to a drain or other discharge facility without having recycled that water, but does not include emergency or back-up once-through cooling systems.
- b) No Person shall install or allow the installation of any Once-Through Cooling Equipment connected to the Town of Pincher Creek’s Water Supply, in any residential, industrial, commercial, or institutional construction, development, retrofitting or restoration project.
- c) Notwithstanding the obligations and prohibitions in this Section, the CAO may, in writing, allow the use of Once-Through Cooling Equipment having regard to any factor the CAO considers appropriate.

## 5.3 Water Wastage

- a) No Owner or Occupant of a Parcel shall allow Potable Water to run off the Parcel such that there is:
  - i. a stream of water running into a street or swale for a distance of 30 meters or more from the edge of the Parcel;
  - ii. a stream of water running into a street or swale and directly into a catch basin;  
or
  - iii. a stream or spray of water running into or falling onto a street or sidewalk or adjacent Parcel.
- b) Notwithstanding the prohibitions in this Section, the CAO may authorize in writing the discharge of Potable Water onto a street or sidewalk for the purposes of:
  - i. health and safety;
  - ii. the installation and maintenance of infrastructure, including the flushing of water mains, hydrant leads, and water service connections;
  - iii. preventing the freezing of water mains, hydrant leads and water service connections;
  - iv. conducting water flow tests;
  - v. installation and testing of permanently installed irrigation systems;
  - vi. training programs for fire fighters employed by the Pincher Creek Emergency Services Commission; or
  - vii. other purposes as deemed necessary by the CAO from time to time.



## 6. EMERGENCIES AND OUTDOOR WATER USE RESTRICTIONS

### 6.1 Emergencies

- a) The CAO 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:
  - i. the Water System;
  - ii. the Wastewater System, as defined in Bylaw #1632;
  - iii. the Storm Drainage System, as defined in Bylaw #1630;
  - iv. human health or safety;
  - v. property;
  - vi. the environment.

### 6.2 Outdoor Water Use Restrictions

- a) In the event that the CAO believes there is a reason to require reduced water usage, the CAO may declare an outdoor water use restriction.
- b) The declaration of an outdoor water use restriction by the CAO may apply to:
  - i. the entire Town;
  - ii. specific zone(s) or geographic area(s) of the Town; or
  - iii. other specific locations as defined by the CAO.
- c) In the event there is reason to declare an outdoor water use restriction, the CAO may declare such restriction effective immediately.
- d) In the event of a declaration of an outdoor water use restriction made pursuant to this Section, the CAO:
  - i. shall determine that the outdoor water use restriction is a Stage 1, Stage 2, Stage 3, or Stage 4 outdoor water use restriction, and the permitted activities shall be those referenced in Schedule "C" to this Bylaw;
  - ii. shall cause public notice indicating the stage of outdoor water use restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:
    - a. Town of Pincher Creek press release;
    - b. notice on the Town of Pincher Creek website;
    - c. advertising in one or both major newspapers in circulation in the Town;



- d. circulation of flyers; or
  - e. signage;
  - iii. may declare different stages of Outdoor Water Use Restrictions in different areas;
  - iv. shall, if changing the areas of application or stages of restrictions in any area or lifting a declaration of Outdoor Water Use Restrictions, cause a public notice to be given in the manner described in subsection ii.; and
  - v. shall, after determining that the reason or reasons to require reduced water usage has sufficiently abated, declare an end to an Outdoor Water Use Restriction and shall cause public notice of such declaration to be given in the manner described in subsection ii.
- e) When an Outdoor Water Use Restriction is in effect, no Owner or Occupant of a Parcel or Premises shall allow the use of water supplied through the Water System for any activity or application prohibited in the following stage of restrictions in Schedule "C" to this Bylaw:
- i. Stage 1;
  - ii. Stage 2;
  - iii. Stage 3; or
  - iv. Stage 4.
- f) Without limiting the generality of this Section, the activities permitted in Schedule "C" shall only apply to core business operations and shall not apply to landscaping activities which are not a core function of a specific business or enterprise.

## **7. WATER SYSTEM REQUIREMENTS**

### **7.1 Protection of Infrastructure and Water Supply**

- a) Water System Takes Precedence
- i. In the event of a conflict, this Bylaw and the operation and maintenance of the Water System shall take precedence over any other Town bylaw as it relates to the Pincher Creek Riparian Area and the Water System.
  - ii. Notwithstanding any recreational use or approval in the Pincher Creek Riparian Area, the CAO may restrict access and order the suspension of any activities in the Pincher Creek Riparian Area for the protection of the Water Supply or expansion of the Water System.
- b) General Prohibitions
- i. No Person shall enter any fenced area which forms part of the Water System or is controlled by the Town, without the permission of the CAO.
  - ii. No Person shall climb upon any structure which forms part of the Water System.

## 7.2 Restricted Areas and Prohibited Activities in Pincher Creek Riparian Area

- a) The CAO for the protection of the Water System or Water Supply:
  - i. restrict or close public access to any portion of the Pincher Creek Riparian Area;
  - ii. erect temporary or permanent barriers, barricades, fences or other structures and erect signs to give effect to such restrictions or closures.
  
- b) No Person shall, without the permission of the CAO:
  - i. disobey a sign or cross a barrier in the Pincher Creek Riparian Area;
  - ii. place any object or thing in the water or upon the ice of the Pincher Creek or do anything which may pollute or contaminate the water of the Pincher Creek;
  - iii. allow drainage towards the Pincher Creek of anything which may pollute or contaminate the water of the Pincher Creek;
  - iv. climb upon, tamper with or damage, or allow to be tampered with or damaged, any works, pipes, or structure within the Pincher Creek Riparian Area;
  - v. allow any drain to be connected to any structure or device which drains into the Pincher Creek;

or permit or cause any of the above to occur.

## 7.3 Interference with the Water System

- a) No Person shall:
  - i. damage, destroy, remove, or interfere in any way with any pipe, pipe connection, valve, or other appurtenance forming part of the Water System;
  - ii. 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, Backflow, or contamination of the Water System;
  - iii. 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;
  - iv. 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 CAO;
  - v. install branch supply lines, outlets, or fixtures on the upstream side of a Premises-Isolating Cross Connection Control Device;
  - vi. tamper with, break, or remove any seal, lock-out device or lock-out tag installed by the Town on any valves or flanged outlets on Water Service Connections or Water Metering facilities; or

- vii. 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 CAO;

or permit or cause any of the above to occur.

#### **7.4 Access To Property for the Purposes of Water Service**

a) Access For Authorized Purposes

- i. As a condition of water service and as operational needs dictate, employees of the Town shall have free access to all parts of a property, building or other Premises in which water is delivered and consumed, at reasonable hours of the day and upon reasonable notice for the purpose of:
  - a. installation, maintenance, repair, and removal of the Water System and Water Service Connections;
  - b. installation, testing, repair and removal of Water Meters or other parts of the Water System;
  - c. inspection of Cross-Connection Control Devices or other equipment and works associated with the Water System and the Customer Plumbing System;
  - d. reading of Water Meters; and
  - e. inspections for compliance with this Bylaw.
- ii. No Person shall hinder, interrupt, or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to the Water System as authorized or required in this Bylaw.
- iii. Upon termination of water service, any employee of the Town employed for that purpose may, at all reasonable times enter the Parcel or Premises which was supplied with water service for the purpose of removing from the Parcel or Premises any fittings, machines, apparatus, meters, pipes, or any other things that are the property of the Town and may remove these things.
- iv. Employees of the Town may at any time specify the required position or require the relocation, at a property owner's expense, of any Water Meter, Cross Connection Control Device, pipe, valve, or fitting forming part of the Water System.

b) Service Fees for Subsequent Site Visits

- i. A fee may be charged, as set by the CAO from time to time, where a Town employee or agent is required to make an additional visit or visits at a Parcel or Premises for any of the following reasons:
  - a. where a Customer refuses access to a Parcel or Premises for a Town employee or agent to install, repair, replace, inspect, test, or read a Water Meter or any other equipment in relation to the Water System;



- b. where a Town employee or agent attends at a Parcel or Premises for a scheduled appointment to perform any of the functions set out in subsection a), and the Customer is not present at the scheduled time to provide access to the Parcel or Premises; or
- c. where a Town employee or agent attends at a Parcel or Premises to perform any of the functions set out in subsection a) and is unable to proceed based on unsafe conditions or the inadequacy of access to the Parcel or Premises.

## 7.5 Water Meters

- a) Residential
  - i. Unless otherwise authorized by the CAO all residential Water Service Connections shall be connected to a Water Meter.
  - ii. It shall be a condition of approving an application for Utility service for supplying water to a residential property that the Owner of the residence agree to the installation of a Water Meter.
  - iii. Where the Owner of a residential property that is supplied water service on which no Water Meter is used, the CAO may set a date for the installation of a Water Meter in that residence and the CAO shall notify the Owner of that residence of such installation date, and the fees for subsequent site visits set out in Section 7.4 b) shall apply to such installation.
  - iv. If the Owner of a residential property refuses to have a Water Meter installed in such Premises, the CAO may cut off the water service to the Premises.
  - v. The CAO may determine if it is impractical to install a Water Meter and if such installation is impractical, the CAO shall determine what rate shall be charged for water service.
- b) Non-Residential
  - i. Subject to subsection ii., it shall be a condition of water service that all residential and non-residential Water Service Connections, including Combined Water Service, temporary water service, and seasonal water service, shall be connected to a Water Meter.
  - ii. The following water services shall not require connection to a Water Meter:
    - a. fire service connections which are not used for any other purpose; or
    - b. such other connections where, in the opinion of the CAO it is impractical to install a Water Meter.
  - iii. The CAO may determine if it is impractical to install a Water Meter and if such installation is impractical, the CAO shall determine what rate shall be charged for water service.
- c) Costs Associated with Water Meters



- i. The Town may charge for and recover from the Owner of a Premises the cost of supplying, installing, altering, repairing, relocating, or replacing a Water Meter.
  - ii. If a Water Meter is removed or stolen, the Owner of the Premises shall pay the cost of replacing the Water Meter including installation.
  - iii. Notwithstanding the payment of any costs, all Water Meters shall remain the property of the Town.
- d) Location, Installation and Maintenance of Water Meters & Metering Facilities – Obligations & Authority of the CAO
- i. As a condition of service, the CAO may:
    - a. determine the size, type, and number of Water Meters to be supplied and installed in a Premises;
    - b. determine the location that a Water Meter or Water Meters are to be installed;
    - c. in the case of installation of two or more Water Meters, require their installation adjacent to each other and as close as possible to the Master Control Valve or place where the Water Service Connection enters the building;
    - d. require a Water Meter to be either tested on site or removed for testing by a Town employee or Person authorized by the CAO at any specific time or on a periodic basis;
    - e. require a Water Meter to be relocated:
      - (i) if the building to which it was initially installed, has been altered; or
      - (ii) to a location near the point of entry of the Water Service Connection;
  - ii. As a condition of service, the CAO may:
    - a. inspect a Parcel or Premises prior to supplying water service to determine if a site is suitable for the installation, reading, maintenance and repair of a Water Meter and related works;
    - b. inspect an installation to ensure it meets approved or modified drawings and require an Owner to remedy any deficiencies;
  - iii. The CAO shall:
    - a. where a Customer has submitted an application to relocate a Water Meter or install additional metering, piping or valving, review such application and provide a decision to the Customer which:
      - (i) approves such application;

- (ii) notifies the Customer of required changes to such application; or
    - (iii) denies such application;
  - b. determine the size, type, and number of Water Meters to be supplied and installed by the Town.
- e) Location, Installation and Maintenance of Water Meters & Metering Facilities – Obligations & Rights of The Customer
  - i. Every Customer shall:
    - a. for Water Meter installation within a building, provide a suitable site for such installation near the master control valve, to the satisfaction of the CAO, and in accordance with the Town of Pincher Creek Engineering and Construction Standards, as amended from time to time;
    - b. for Water Meter installation outside of a building, provide at the Owner's expense and to the satisfaction of the CAO, a meter building or a meter vault on the Owner's property and near the property line, in accordance with Town of Pincher Creek Engineering and Construction Standards, as amended from time to time;
    - c. provide for the maintenance and repair of such building or vault referred to in subsection b., and upon failure to do so the CAO may have such work performed by Town employees or agents at the Owner's expense;
    - d. ensure that employees or agents of the Town have clear access to meter areas and Water Meters for meter testing and reading purposes;
    - e. notify the CAO immediately whenever a Water Meter is not operating or if any part of a Water Meter becomes damaged or broken;
    - f. be responsible for the safe keeping of any Water Meter and any remote reading device that is installed on the Customer's Premises;
    - g. protect any Water Meter, valves and pipes located on his Parcel or Premises from freezing, excessive heat, overheating of water, external or internal damage of any kind, or any other thing which may affect the operation of the Water Meter or Meters;
    - h. pay the cost of repairing or replacing any Water Meter or metering facilities supplied and installed by the Town that may be damaged from any causes set out in subsection g. or any other cause within the control of the Customer;
    - i. for meter installations 1-1/2" (40mm) in size or larger, supply, install, and maintain valves on both sides of and within 300mm of the Water Meter.

- j. for meter installations 1-1/2" (40mm) in size or larger, have a valved by-pass around the meter, subject to the approval of the CAO. The by-pass must be sealed and shall be opened only in case of an emergency.
- k. notify the CAO within twenty-four (24) hours if the seal on a by-pass valve or a Water Meter is broken for emergency purposes or any other purpose;

ii. Every Customer may:

- a. request that a Water Meter be tested for accuracy, and the cost of any such test shall be at the expense of the Town if the Water Meter is found to be inaccurate in excess of five percent of actual flow and such test shall be at the Customer's expense if the Water Meter is found to be accurate within five percent of actual flow;
- b. request that a Water Meter or metering facilities be relocated by submitting plans and specifications to the CAO in a form approved by the CAO and upon approval by the CAO may relocate, alter, or change any existing Water Meter or metering facilities, the costs of any such alteration or relocation including costs incurred by the Town being the responsibility of the Customer.
- c. for their own benefit, install a water meter between the Town supplied Water Meter and the point of use of the Water Supply provided that the Town shall not maintain such meter and nor will the meter be read by the Town.

iii. No Person shall:

- a. interfere with or tamper with the operation of any Water Meter or remote reading device; or
- b. open a by-pass valve on a Water Meter or metering installation except in the case of an emergency.

f) Meter Readings

i. The CAO may:

- a. require a Water Meter to be read;
- b. determine the frequency at which Water Meters shall be read;
- c. shut-off the Water Supply to a Customer who refuses to provide a Water Meter reading within six months of a request to provide such Water Meter reading;
- d. subject to subsection iii., estimate a Water Meter reading;

ii. Every Customer shall:

- a. provide readings of a Water Meter or Water Meters on Premises under his control, when requested by the CAO; and



- b. in circumstances where a Water Meter was estimated:
  - (i) pay the cost of the estimated consumption; and
  - (ii) if the actual consumption is greater than the estimated consumption when the Water Meter is read, pay the cost of the actual consumption;
- iii. A Water Meter reading may be estimated by the CAO based on either previous consumption patterns or a daily average consumption for the Premises, if:
  - a. the Town is unable to obtain a Water Meter reading;
  - b. a Water Meter fails to properly register the amount of water consumed; or
  - c. water supplied through a Water Meter has not, for any reason whatsoever, registered on the Water Meter.
- iv. If a Customer experiences abnormal water consumption, the CAO may adjust the Customer's bill, by a maximum of one-thousand dollars (\$1,000), taking into consideration any or all of the following factors:
  - a. whether the Customer is a Residential Metered or Non-Residential Metered Customer;
  - b. the cause or nature of the abnormal water consumption;
  - c. any evidence of action taken by the Customer to abate the abnormal consumption;
  - d. any other factor or factors that the CAO considers relevant.
- v. Requests for Customer bill adjustments in excess of one-thousand dollars (\$1,000) shall be referred to Town of Pincher Creek Council for decision.

## **7.6 Water Service Connections**

- a) Obligations and Ownership
  - i. The Town shall be responsible for the installation of the Water Service Connection which is on Town property, which runs from the Town Water Main to a property line of the Parcel of land to be serviced, adjacent to a street or lane, or at the boundary of an easement granted to the Town for its Water System, at the Owner's expense.
    - a. At the CAO's sole discretion, the Town may grant the Customer permission to organize their own contractor to perform the installation of the Water Service Connection on Town property, in compliance with the current Town of Pincher Creek Engineering and Construction Standards, as amended from time to time, subject to a two (2) year warranty/maintenance period.
  - ii. The Town shall remain the owner of the Water Service Connection on Town property after installation, and the Town shall remain responsible for the control,



maintenance, repair, and replacement of that portion of the Water Service Connection, thereafter at the sole discretion of the Town.

- iii. Any Water Service Connection, pipe line, or water system on private property through which the supply of water is conveyed from the portion of the Town Water System which is located at the property line of the street or lane, or boundary of an easement area granted to the Town for its Water System, to the water outlets or fixtures on the private property shall be installed, maintained, repaired and replaced by the Owner at the Owner's expense, and without limiting the generality of the foregoing, as a condition of receiving water service from the Town, the Owner shall:
  - a. install such Water Service Connections in compliance with the provisions of Town of Pincher Creek Engineering and Construction Standards, as amended from time to time; and
  - b. maintain such Water Service Connections in a state of good repair, with sufficient protection from freezing, free from leakage, or other water loss to the satisfaction of the CAO.
- iv. No Person, without the express permission of the CAO shall make any connection or contact whatsoever with any of part of the Water System or Water Mains.

b) Changes to Existing Water Service Connections

- i. Any Owner wishing to relocate, replace, alter, or disconnect an existing Water Service Connection must make application and receive approval of the CAO prior to commencing such work.
- ii. Where a change referred to in subsection i. is approved by the CAO, that Owner may have the work performed on the Town owned portion of the Water Service Connection by a qualified contractor.

c) Shut-Off Valves

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

- d) Turning Water Service On or Off
  - i. No Person shall turn a Water Service Valve on or off except as authorized by the CAO.
  - ii. No Owner or Occupant of a Parcel or Premises shall allow a Water Service Valve to be turned on or off except as authorized by the CAO.
  - iii. Any Customer may request that their water service be shut-off temporarily.
- e) Number and Depth of Services
  - i. There shall not be more than one (1) Water Service Connection to each Parcel without the express permission of the CAO.
  - ii. Water Service Connections shall be buried to a depth of no less than 2.7 meters unless otherwise approved by the CAO.

## 7.7 Cross Connections and Testing

- a) Controlling Cross Connections
  - i. No person shall connect, cause to be connected or permit to remain connected to the Water System a Cross Connection that has not been approved by the CAO.
  - ii. Where the CAO believes that a Cross Connection exists in contravention of subsection i., the CAO may carry out an inspection:
    - a. upon reasonable notice to the Customer, or
    - b. without notice where the CAO believes that an immediate threat of contamination to the Water System exists.
  - iii. Upon inspection, where the CAO continues to believe that a Cross Connection exists in contravention of subsection i. the CAO may cut off the water service to that Parcel or Premises with reasonable notice, and where the CAO believes that such Cross Connection poses an immediate threat of contamination of the Water System, the CAO may cut off water service without notice.
- b) Premises-Isolating Cross Connection Control Devices
  - i. Every newly constructed, reconstructed, or renovated Premises, with the exception of dwelling units separately serviced from a Town Water Main or On-Site Water Main, shall have a Premises-Isolating Cross Connection Control Device installed on the Customer's Plumbing System where the service enters the building, or in a location approved by the CAO.
  - ii. Where it is proposed to use water from the Water System for constructing, altering, or repairing a building, the temporary water connection shall have a Premises-isolating Cross Connection Control Device installed on the temporary water connection, or in a location approved by the CAO.
  - iii. Notwithstanding subsection i., the CAO may require the installation of a Premises-Isolating Cross Connection Control Device on any existing Customer's Plumbing System, at a location approved by the CAO.

- c) Customer Must Test and Maintain Cross Connection Control Devices
- i. 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 CAO, 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".
  - ii. For the purposes of this Bylaw, Testable Cross Connection Control Devices shall only be tested by Persons approved by the CAO.
  - iii. Every Customer shall, at their own expense, have any Testable Cross Connection Control Devices tested:
    - a. at the time of installation of a new Testable Cross Connection Control Device;
    - b. annually or as required by the CAO;
    - c. at the time that a Testable Cross Connection Device is relocated;
    - d. at the time that a Testable Cross Connection Control Device is cleaned, repaired, or overhauled; and
    - e. in the case of an irrigation system, at the time the system is turned on at the beginning of each irrigation season.
  - iv. Every Customer shall retain test report records on-site and available to the CAO upon request.
  - v. An approved tester must submit a test report with respect to each test referred to in subsection iii. to the CAO on a form approved by the CAO within thirty (30) days of each test of a Testable Cross Connection Control Device where the tester:
    - a. discovers that the Testable Cross Connection Control Device is in good working order; or
    - b. discovers that the Testable Cross Connection Control Device is not in good working order but repairs or replaces and re-tests the Testable Cross Connection Control Device immediately.
  - vi. An approved tester must submit a report in writing to the CAO on a form approved by the CAO within two (2) business days of every test of a Testable Cross Connection Control Device where the tester discovers that a Testable Cross Connection Control Device is not in good working order and where the tester does not repair or replace that Testable Cross Connection Control Device immediately.
  - vii. Where a Testable Cross Connection Control Device fails a test referred to in subsection iii. and the Customer does not have it replaced immediately by the authorized tester, the Customer shall have the Testable Cross Connection Control Device repaired or replaced and re-tested within five (5) business days.



- viii. As a condition of service, the CAO may issue an order to a Customer requiring the installation, testing or repair of a Cross Connection Control Device and that order may specify a date and time by which the Customer must comply with the terms of the order.
- ix. Where a Customer fails to comply with an order issued by the CAO pursuant to subsection viii., the Town may shut off the water service or water services until the situation has been remedied.

## **7.8 Fire Hydrants and Hydrant Connection Units**

### **a) Fire Hydrants**

- i. Unless authorized by the CAO no Person shall:
  - a. open or close any hydrant or hydrant valve;
  - b. connect any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance; or
  - c. use water from a fire hydrant, regardless of whether that hydrant is located on private or public property, for any purpose other than fire protection.
- ii. Notwithstanding subsection i., where a Water Service Connection branches off from a water line that provides water to a hydrant, water may be used for purposes other than fire protection as long as the branch line providing water for purposes other than fire protection is equipped with a Water Meter.
- iii. All fire hydrants, except fire hydrants situated on private property, shall remain the property of the Town.
- iv. Any Person who wishes to have a Town owned fire hydrant relocated may request in writing to the CAO that the hydrant be relocated. If approved, the Person making the request shall pay in advance the estimated cost determined by the CAO subject to a refund or additional payment, depending upon the actual cost when the work has been completed.
- v. The Town may require that a fire hydrant be installed on private property at the expense of the Owner of the property. Fire hydrants located on private property must be approved, installed, used, and maintained in accordance with the Alberta Fire Code and all municipal bylaws including this Bylaw and Bylaw #1630 Storm Drainage Bylaw.
- vi. No Owner or Occupant of a Parcel or Premises on which a private fire hydrant is situated shall paint such hydrant or allow such hydrant to be painted any colour except the approved colour as set out in Town of Pincher Creek Engineering and Construction Standards, as amended from time to time.

### **b) Obstruction of Hydrants**

- i. No Owner or Occupant of a Parcel or Premises shall allow the access to a fire hydrant located on or adjacent to that Parcel or Premises to be obstructed in any manner, including the building or erection of any thing or the accumulation of any building material, rubbish, or other obstruction.



- ii. No Owner or Occupant of a Parcel or Premises shall allow anything on the Parcel or Premises to interfere with the operation of a fire hydrant located on or adjacent to that Parcel or Premises.
  - iii. All persons who own property on which a fire hydrant is located or own property which is adjacent to Town owned property on which a fire hydrant is located:
    - a. shall maintain a two (2) meter clearance on each side of a fire hydrant and a one (1) meter clearance on the side of a fire hydrant farthest from the nearest adjacent street, as set out in Schedule "E" to this Bylaw;
    - b. shall not permit anything to be constructed, erected, or placed within the clearance provided subsection a.; and
    - c. shall not permit anything except grass to be planted within the clearance area set out in subsection a..
- c) Permission to Use Water from Fire Hydrants
- i. The CAO may authorize the use of fire hydrants and the use of water from fire hydrants on a temporary basis where no other supply of water can be conveniently obtained.
  - ii. The CAO may, as a condition for the use of fire hydrants and the use of water from fire hydrants, require that the water pass through a Water Meter and Cross Connection Control Device prior to use.
- d) Hydrant Connection Units
- i. The CAO may require that any Person authorized to use a fire hydrant or draw water from a fire hydrant pursuant to subsection c) shall:
    - a. enter into a Hydrant Connection Unit Rental Agreement with the Town;
    - b. have any vehicle to which a Hydrant Connection Unit is attached, and its equipment inspected and approved by the Town, where required pursuant to the agreement, prior to withdrawing water from a fire hydrant;
    - c. use the Hydrant Connection Unit in the manner required pursuant to the rental agreement at all times while drawing water from a fire hydrant or while connected to a fire hydrant, and ensure that no Backflow, wastewater, or other substance can enter the Water System;
    - d. ensure that a copy of the Hydrant Connection Unit Rental Agreement, and the Rental Agreement receipt is kept in the vehicle at all times that the Hydrant Connection Unit is attached to such vehicle; and
    - e. produce the Hydrant Connection Unit Rental Agreement and the Rental Agreement receipt to an Officer or any employee of the Town for inspection, upon demand.

- ii. No Person authorized to use a fire hydrant or draw water from a fire hydrant pursuant to subsection c) shall break or allow to be broken a seal placed on a Hydrant Connection Unit.
  - iii. Any Person who fails to comply with the requirements of this Section commits an offence.
- e) Town of Pincher Creek Exemption
- i. Section 7.8 shall not apply to members of the Pincher Creek Emergency Services Commission acting in the course of their employment or any Pincher Creek Emergency Services or Town activities associated with the flushing of water mains and the maintenance of fire hydrants.

## **8. ALTERNATE SOURCES OF WATER**

- a) No person shall use any source of water to supply water to any residential, commercial, industrial, or institutional Premises through a plumbing system, other than the Water System without the written consent of the CAO.
- b) The CAO may authorize the use of an alternate source of water subject to such terms and conditions as the CAO deems necessary, and notwithstanding the generality of the foregoing the CAO may set a limit on the period of time for which an alternate supply of water may be used.
- c) No person who has been granted permission by the CAO to use an alternate source of water shall allow that alternate source of water, or any pipes or devices connected to such alternate water source, to be connected to the Water System.
- d) The Town shall not be responsible for the quality of water obtained from any alternate source of water.
- e) Unless authorized by the CAO in writing, no Person shall provide or supply water from one Premises, by pipe or hose or other means either with or without charge, to any other Premises which could be supplied with water through its own Water Service Connection.

## **9. APPROVALS AND REQUIREMENTS**

### **9.1 Conditions of Approvals**

- a) A written approval given by the CAO pursuant to this Bylaw, or an agreement entered into with the Town pursuant to this Bylaw, must be available for inspection on the request of the CAO or a Peace Officer.
- b) A Person is guilty of an offence pursuant to this Bylaw if the Person does any one or more of the following:
  - i. contravenes a requirement of the CAO;
  - ii. contravenes a requirement or condition of a written approval or Permit given by the CAO; and/or

- iii. contravenes a requirement or condition of an agreement entered into by the CAO with the Person.
- c) 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 or Permit.

## 10. OFFENCES, PENALTIES, AND ENFORCEMENT

### 10.1 Owner of Motor Vehicle Liability

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:

- a) If a motor vehicle is involved in an offence described in this Bylaw, the Owner of the motor vehicle is guilty of the offence.
- b) Subsection a) does not apply if the Owner of the motor vehicle satisfies the Court that:
  - i. the Owner was not driving the motor vehicle at the time of the offence; and
  - ii. the Person driving the motor vehicle at the time of the offence did not have the Owner’s express or implied consent to be driving the motor vehicle.
- c) Despite subsection a), if the Owner was not driving the motor vehicle at the time of the offence, the Owner is not liable for imprisonment.

### 10.2 Offences and Penalties

- a) Any Person who contravenes any provision of this Bylaw by:
  - i. doing any act or thing with the Person is prohibited from doing; or
  - ii. failing to do any act or thing which the Person is required to do, including:
    - a. failing to comply with a requirement imposed by the CAO;
    - b. failing to comply with a condition of a written approval or Permit given by the Town; or
    - c. failing to comply with a requirement or condition of an agreement entered into by the Town with the Person;is guilty of an offence.
- b) Any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- c) Any Person who is convicted of an offence pursuant to this Bylaw is liable for every day or part thereof upon which such offence occurs or continues, on summary conviction to a fine not exceeding ten-thousand dollars (\$10,000) or imprisonment for not more than one (1) year, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) year.



- d) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may, in addition to any other remedy at law, serve upon the Person a violation ticket, in the form provided under the *Provincial Offences Procedure Act*.
- e) Where there is a specified penalty listed for an offence in the Fee Structure Bylaw, that amount is the specified penalty for the offence.
- f) Notwithstanding specified penalties set out in the Fee Structure Bylaw:
  - i. Where a Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect to the second contravention shall be double the amount of the specified penalty for a first offence; and
  - ii. Where a Person contravenes the same provision of this Bylaw three (3) or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent contraventions shall be triple the amount of the specified penalty for a first offence.
- g) On conviction of an offence that is of a continuing nature, the penalty is the fine amount set out in in the Fee Structure Bylaw in respect of the offence for each day, or part of a day, that the offence continues.
- h) This section shall not prevent a Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.
- i) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.
- j) Notwithstanding the provisions of this Section, any Person who contravenes any provision of this Bylaw may forfeit the right to be supplied with water from the Water System.

### **10.3 Enforcement**

- a) Where the CAO or a Peace Officer believes a Person has contravened any provision of this Bylaw, they may issue the Person a Remedial Order, pursuant to section 545 of the *Municipal Government Act* to remedy the infraction.
- b) Every Remedial Order written with respect to this Bylaw must:
  - i. Indicate the Person to whom it is directed;
  - ii. Identify the property to which the Remedial Order relates by municipal address or legal description;
  - iii. Identify the date that it is issued;
  - iv. Identify how the Premises fails to comply with this Bylaw;

- v. Identify the specific provisions of the Bylaw the Premises contravenes;
  - vi. Identify the nature of the remedial action required to be taken to bring the Premises into compliance;
  - vii. Identify the time within which the remedial action must be completed;
  - viii. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
  - ix. Indicate that the expenses and costs of any action of measures taken by the Town under this section are an amount owing to the Town by the Person to whom the order is directed;
  - x. Indicate that the expenses and cost referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time;
  - xi. Indicate that an appeal lies from the Remedial Order to Town Council, if a notice of appeal is filed in writing with the Town within fourteen (14) days of the receipt of the Remedial Order.
- c) A Remedial Order written pursuant to this Bylaw may be served:
- i. personally, upon the Owner of the Premises to which it relates;
  - ii. may be left with a Person apparently over the age of 18 years at the Premises; or
  - iii. by registered mail to the Owner of the Premises to which it relates.
- d) If, in the opinion of the CAO or a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if the CAO or Peace Officer believes that the Owner of the Premises is evading service, the Remedial Order may be posted in a conspicuous place on the Premises to which the Remedial Order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
- e) A Remedial Order issued pursuant to this Bylaw may be appealed to the Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the Remedial Order was issued.
- f) The CAO may shut off water services to a Premises if a Remedial Order has been issued to the Owner or Occupant of that Premises pursuant to this Bylaw and either of the following applies:
- i. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order; or
  - ii. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
- g) The CAO may do any thing, or carry out any work required by a Remedial Order issued pursuant to subsection 10.3 a), and the costs associated with doing that thing, or carrying out the work, are an amount owing to the Town and may be added to the

tax roll of the Premises if a Remedial Order has been issued to the Owner of that Premises pursuant to this Bylaw and:

- i. the Owner of the Premises fails to comply with the requirements of the Remedial Order; or
  - ii. the Owner of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
- h) A Person who fails to comply with the requirements of a Remedial Order issued pursuant to this Bylaw within the time period set out in the Remedial Order commits an offence.

#### **10.4 Interference with Town Forces**

- a) A Person must not obstruct, or attempt to obstruct, in any manner, a Peace Officer, or the CAO contractors, servants, or agents, in the exercise of their powers or duties as authorized or required by this Bylaw.
- b) For the purposes of subsection a), “obstruct” means to hinder, delay, interfere with, or prevent, or attempt to prevent the execution of a power or duty, and includes any of the following:
  - i. providing false or misleading information or making a false claim or statement to the CAO or a Peace Officer,
  - ii. preventing, barring, or delaying, or attempting to prevent, bar, or delay entry or inspection by the CAO or a Peace Officer in accordance with this Bylaw,
  - iii. failing to provide, on the request of the CAO or a Peace Officer, any information, documents, or things relevant to an inspection, including any documents specifically required to be kept or provided under this Bylaw.

#### **10.5 Recovery of Costs**

- a) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Water System resulting from the Owner’s or Occupant’s contravention of the requirements of this Bylaw.

### **11. SUSPENSION OF EXISTING CONTROLS**

Effective September 1, 2022, Water and Sewer Utility Bylaw 1607-21 and all other bylaws relating to water services and sewer or wastewater services are hereby repealed.

### **12. DATE OF COMMENCEMENT**

This Bylaw shall come into force and take effect on September 1, 2022.



**READ A FIRST TIME THIS 13 DAY OF JUNE, 2022**

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**MAYOR, D. Anderberg**

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**CAO, L. Wilgosh**

**READ A SECOND TIME THIS 27 DAY OF JUNE, 2022**

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**MAYOR, D. Anderberg**

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**CAO, L. Wilgosh**

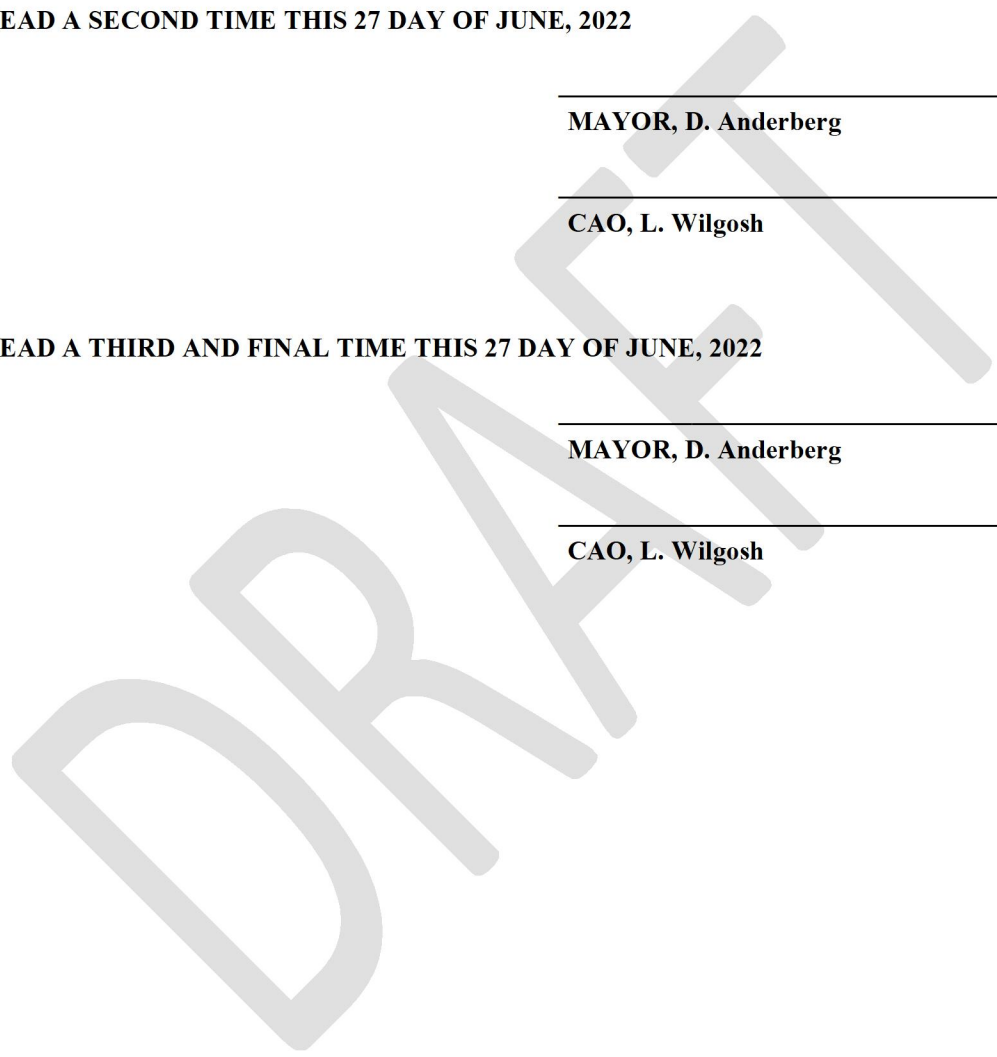
**READ A THIRD AND FINAL TIME THIS 27 DAY OF JUNE, 2022**

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**MAYOR, D. Anderberg**

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**CAO, L. Wilgosh**



## SCHEDULE "A" – WATER CHARGES

Monthly rates or charges described in this Schedule are based on a nominal calendar month, regardless of number of days in that month, ranging between 28 and 31 days.

**1. Service Charges (Town Users)**

Service Charges are based on the size of the Water Meter and are a monthly charge.

*As per Fee Structure Bylaw*

**2. Usage Charges (Town Users)**

Usage Charges are based on the volume of water used by the Customer, based on the Water Meter reading. Usage Charges are categorized by Customer Class and based on \$ per cubic meter (m<sup>3</sup>).

*As per Fee Structure Bylaw*

**3. Residential Flat Rate (Non-Metered)**

Residential Customers without a Water Meter shall be charged a monthly flat rate.

*As per Fee Structure Bylaw*

**4. Temporary Water Rate**

Where it is proposed to use water from the Water System for constructing, altering, or repairing a building, the applicant of the building permit shall be charged a temporary water rate.

*As per Fee Structure Bylaw*

**5. Water Dispensed Through Hydrants**

As a condition of renting a Hydrant Connection Unit, the Hydrant User is responsible to pay to the Town a daily service charge (based on calendar days, not business days), for a minimum of 7 days, and a usage charge based on the volume of water used.

*As per Fee Structure Bylaw*

## **SCHEDULE “B” – WATER SERVICE FEES**

The fees required by this Schedule are not refundable and are charged in all circumstances. They apply whether the service connection is related to supply of water at a metered rate or at a flat rate.

*As per Fee Structure Bylaw*

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**SCHEDULE “C” – OUTDOOR WATER USE RESTRICTIONS**

**Stage 1 – Voluntary Water Conservation**

*The Town of Pincher Creek kindly requests that Customers reduce their water consumption and use discretion in their activities.*

Permitted	Restricted	Not Permitted
<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)</li> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)</li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)</li> <li>- Private &amp; Commercial pressure washing (car washes etc.)</li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>		

**Stage 2 – Mandatory Water Restriction**

Permitted	Restricted	Not Permitted
<ul style="list-style-type: none"> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Private &amp; Commercial pressure washing (car washes etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)                             <ul style="list-style-type: none"> <li>o Watering times restricted to 6:00am - 10:00am and/or 7:00pm – 11:00pm</li> <li>o Even numbered addresses restricted to watering on Wednesdays Only</li> <li>o Odd numbered addresses restricted to watering on Thursdays Only</li> </ul> </li> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)                             <ul style="list-style-type: none"> <li>o Watering times restricted to 6:00am - 10:00am and/or 7:00pm – 11:00pm</li> </ul> </li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)                             <ul style="list-style-type: none"> <li>o Only for health &amp; safety purposes, preparation for painting (or similar).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)                             <ul style="list-style-type: none"> <li>o Washing for aesthetic purposes prohibited.</li> </ul> </li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> </ul>

**Stage 3 – Mandatory Water Restriction**

Permitted	Restricted	Not Permitted
<ul style="list-style-type: none"> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Private &amp; Commercial pressure washing (car washes etc.)                             <ul style="list-style-type: none"> <li>o Permitted only for commercial use</li> </ul> </li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)                             <ul style="list-style-type: none"> <li>o Watering times restricted to 6:00am - 10:00am and/or 7:00pm – 11:00pm</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)</li> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)                             <ul style="list-style-type: none"> <li>o All forms of washing outdoor surfaces are prohibited unless ordered by a regulatory authority for health &amp; safety reasons</li> </ul> </li> <li>- Private &amp; Commercial pressure washing (car washes etc.)                             <ul style="list-style-type: none"> <li>o Private use (non-commercial) not permitted</li> </ul> </li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> </ul>



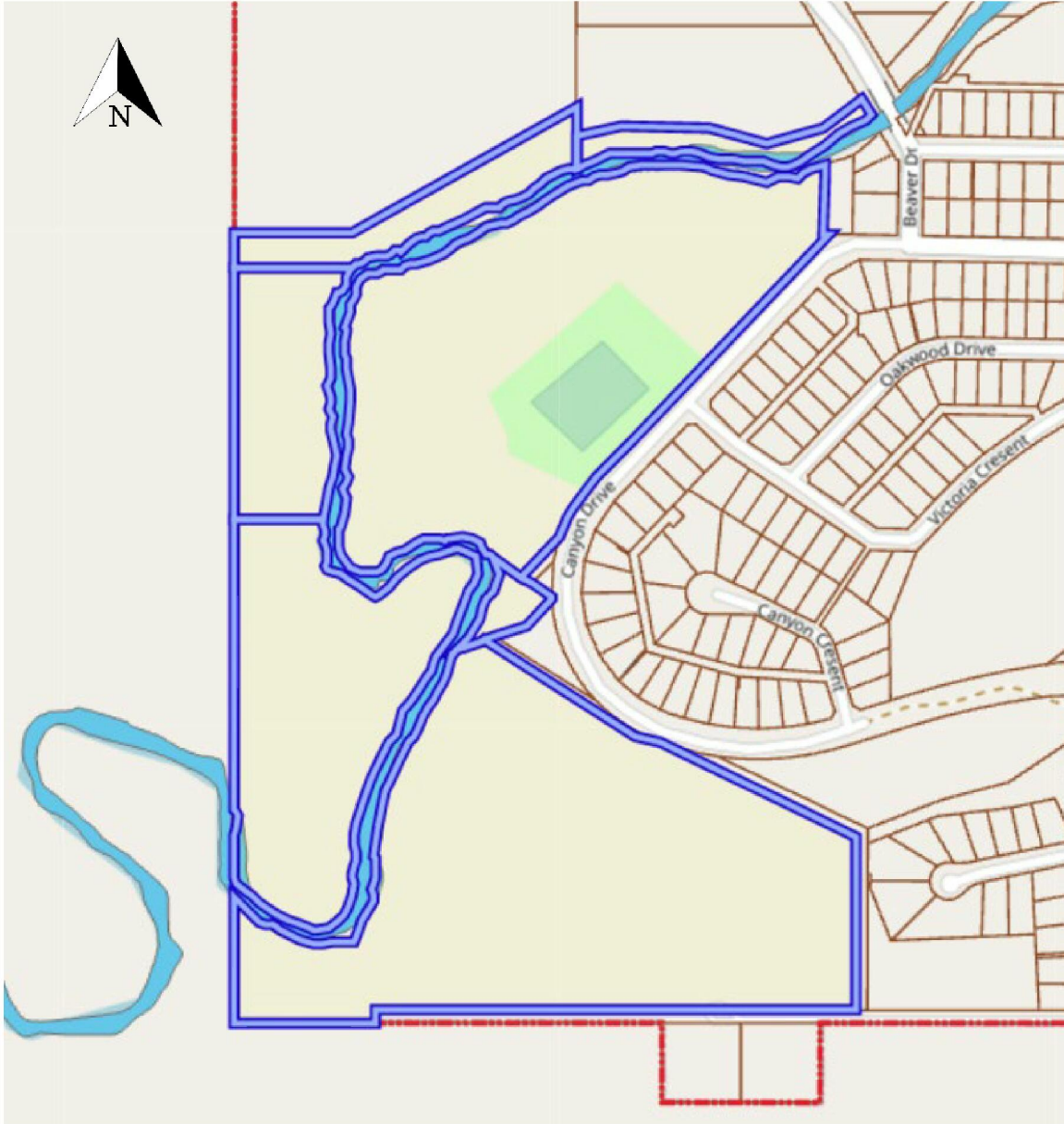
**Stage 4 – Mandatory Water Restriction**

Permitted	Restricted	Not Permitted
		<ul style="list-style-type: none"> <li>- Watering with sprinkler/irrigation system (lawn, garden, trees, or shrubs etc.)</li> <li>- Hand watering with garden hose (garden, trees, or shrubs etc.)</li> <li>- Hand watering with hand-held container (garden, trees, or shrubs etc.)</li> <li>- Watering of new grass (within 21 days for sod, within 45 days for seed)</li> <li>- Private &amp; Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)               <ul style="list-style-type: none"> <li>o All forms of washing outdoor surfaces are prohibited unless ordered by a regulatory authority for health &amp; safety reasons</li> </ul> </li> <li>- Private &amp; Commercial pressure washing (car washes etc.)</li> <li>- Using water for filling (outdoor decorative features, fountains, etc.)</li> <li>- Using water for filling (swimming pools, wading pools, hot tubs, etc.)</li> <li>- Using water for construction purposes (grading, compactions, dust control, etc.)</li> </ul>

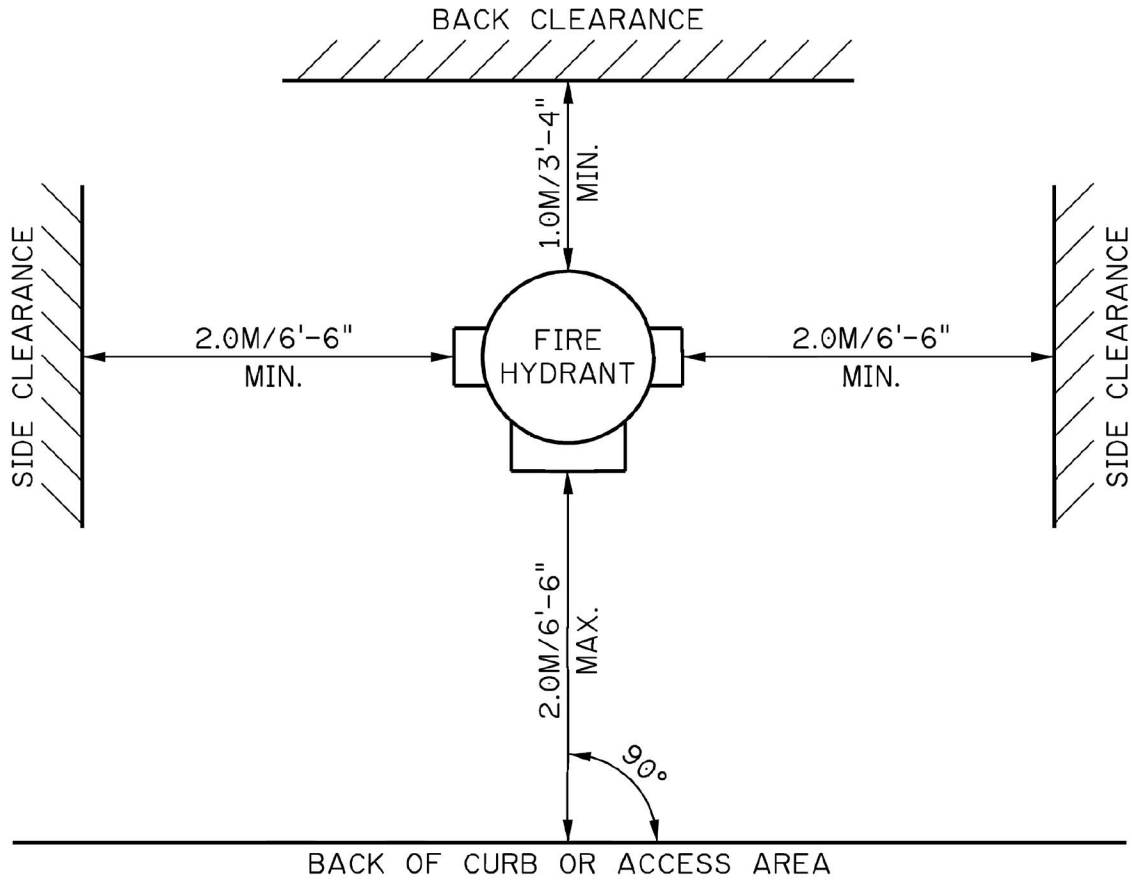
All other water usage will be permitted at the discretion of the CAO.

### SCHEDULE "D" – PINCHER CREEK RIPARIAN AREA

Town property surrounding the Pincher Creek:



### SCHEDULE "E" – OBSTRUCTION OF FIRE HYDRANTS



N.T.S.

**SCHEDULE “F” – POTABLE WATER CHARGES FOR CUSTOMERS OUTSIDE  
TOWN LIMITS**

1. This section is a place holder for future regional distribution of potable water. The Town of Pincher Creek does not currently provide regional potable water services outside of Town limits.
2. For all other Customers located outside of Town limits, a charge equal to the applicable Service Charge from section 1 of Schedule “A” plus the applicable Usage Charge from section 2 of Schedule “A” shall be paid to the Town.

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## Highlighted Differences between Existing *Water & Sewer Utility Bylaw #1607-21* and Proposed *Water Utility Bylaw #1631-22*

### **Removal of Rates & Fees from Utility Bylaw**

Fees and charges have been removed from the Utility Bylaw and incorporated into the Fee Structure Bylaw. This will allow Council to review and/or adjust fees for all utilities (in addition to recreation and administration fees) on a more regular basis without having to amend every separate bylaw. The revised Fee Structure Bylaw is expected to be presented to Council for consideration at the July Regular Meeting of Council.

### **Require Accounts to be in Property Owner's Name**

Administration proposes requiring utility bills to be in the name of the property owner. This does not mean that a tenant cannot pay for the utilities, they could be listed as a 'secondary' on the account, but the property owner/landlord would be ultimately responsible for the bill. Currently, if a utility account is under a tenant's name and falls into arrears, the Town is not able to apply the owed amount to the property's tax roll. Requiring the bill to be primarily in the Owner's name would eliminate this barrier. The transition of the primary account holder to the Owner would be completed slowly and would only be triggered by move-outs or falling into arrears. No immediate changes would be needed for landlords/tenants.

### **Low Flow Fixtures**

As water stewardship and conservation become more important, this requirement will have little burden on homebuilders as the majority of modern fixtures exceed the requirements administration is proposing. Reducing the amount of water used also impacts the amount of wastewater generated by a property and will allow for the Town's current infrastructure sizing to remain adequate for longer.

### **Temporary Construction Water**

With new construction, there is typically the necessity to have water service before a Utility Account has been set up by the owner in order to test plumbing fixtures. The existing bylaw does not have provisions to charge for this service, but administration believes it is necessary to cover the cost of staff time and the water usage.

### **CAO Authority to Forgive/Adjust Water Bills**

Ability for the CAO to forgive/adjust excessive water bills (to a maximum of \$1,000) to streamline process for Council.

### **Water Use Restrictions**

Administration has incorporated water use restrictions which are currently found in the "Water Stewardship Policy" into the Water Utility Bylaw. During periods of Town water restrictions, having the restriction requirements in a Policy does not allow Peace Officers to issue fines for non-compliance. No changes to the actual restrictions are being proposed, only the document in which the restrictions are included. The "Water Stewardship Policy" will be brought forward to Council to rescind at the same time as Water Utility Bylaw third reading.

# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> Wastewater Utility Bylaw #1632-22	
<b>PRESENTED BY:</b> Al Roth, Director of Operations	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

For Council to consider second and third reading of the new Wastewater Utility Bylaw #1632-22.

**RECOMMENDATION:**

That Council for the Town of Pincher Creek agree to give Bylaw No. 1632-22 Wastewater Utility Bylaw, second reading.

That Council for the Town of Pincher Creek agree to give Bylaw No. 1632-22 Wastewater Utility Bylaw, third and final reading and that a copy of which be attached hereto and form part of the minutes.

**BACKGROUND/HISTORY:**

Both water & wastewater services are currently governed by "Water and Sewer Utility Bylaw #1607-21". The first version of this bylaw was originally introduced in approximately 2000 with only minor amendments since, including the removal of garbage services to its own separate bylaw in 2009, and routine amendments of fees, the latest being in December 2021 where the bylaw was amended to add a 3" water meter option. While serving its purpose for setting the rates/fees for water and sewer services, the bylaw has been found inadequate to meet the Town's growing needs and industry's advancing standards. Across multiple industries within the Town, inappropriate substances and misuse of the wastewater system have been observed. It is the responsibility of the Town to ensure that the waste entering the Town's system reflect what it was designed for. Rather than amending the existing bylaw, administration chose to move forward with a complete re-write and the separation of water and wastewater into separate bylaws.

The proposed Wastewater Utility Bylaw #1632-22 was reviewed by administration and the management team on May 2, 2022. This review included input from the utilities department, finance, legislative services, economic development, operations, and the CAO. Following this meeting, and incorporating the administration's comments, a revised draft was provided to the Policy Review Committee which reviewed the bylaw on June 6, 2022. All changes/recommendations/comments have been incorporated in the proposed Bylaw included in this Request for Decision package.



First reading was passed by Council at the June 13, 2022 regular meeting of Council and minor amendments to section 2.2 and 6.3 have been incorporated, as directed.

**ALTERNATIVES:**

That Council for the Town of Pincher Creek request additional information from administration.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

The Municipal Government Act, Division 3 Public Utilities, outlines municipal requirements for providing utility services. The proposed Bylaw meets all requirements within this section of the MGA.

The Town is further governed by the Alberta Water Act, Environmental Protection and Enhancement Act, and operating approvals issued by Alberta Environment. The proposed Bylaw meets or exceeds all obligations required of the Town.

**FINANCIAL IMPLICATIONS:**

Bylaw No. 1632-22 Wastewater Utility Bylaw does not have any direct financial implications, as all rates and/or fees are now to be included in the Fee Structure Bylaw. Council will have the opportunity to make any changes to Wastewater Service and Usage Fees, as well as penalties for contravening the Bylaw, when the Fee Structure Bylaw is brought forward to Council (tentatively scheduled for July 2022).

**PUBLIC RELATIONS IMPLICATIONS:**

The largest impact to public relations will be the proposed removal of (primary) tenant accounts for utility bills. Targeted engagement was conducted with a sampling of residential and commercial landlords and property managers to obtain feedback on the proposed change. The largest concern we heard from residential landlords was the increased workload and risk associated with landlords being responsible for paying tenant bills. Administration has confirmed that tenants will still be able to pay the utility bill as a "secondary" contact on the utility bill, with the ultimate responsibility lying with the property owner.

Another public relations implication is the formalized regulation of hauled wastewater being dumped in private facilities. Historically the Town has taken an ad-hoc approach to approval of such receiving stations, which the Town has acknowledged prior to this Bylaw re-write has subjected the Town to a significantly higher than comfortable level of risk to municipal infrastructure. The implementation of hauled wastewater agreements will increase the workload and documentation of these providers in order to reduce the risk exposure of the Town.

**ATTACHMENTS:**

- 1632-22 Wastewater Utility Bylaw - DRAFT - 2937
- Highlighted Differences (Wastewater Bylaw) - 2937

**CONCLUSION/SUMMARY:**

Administration fully supports the second and third reading of the new Wastewater Utility Bylaw.

**Signatures:**  
**Department Head:**

*A. Zerai*

**CAO:**

*Lannie Wilgosh*







**TOWN OF PINCHER CREEK  
WASTEWATER UTILITY BYLAW**

**#1632-22**

**JUNE 2022 v2 - DRAFT**

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**BYLAW #1632-22**

**of the**

**TOWN OF PINCHER CREEK**

**A BYLAW OF THE MUNICIPALITY OF THE**

**TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA,**

**FOR THE PURPOSE OF REGULATING WASTEWATER WITHIN THE MUNICIPALITY OF  
THE TOWN OF PINCHER CREEK**

**WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, permits the municipality to pass bylaws regarding public utilities;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the enforcements of bylaws including providing for inspections to determine if bylaws are being complied with;

**AND WHEREAS** the Council of the Town of Pincher Creek wishes to establish regulations, rates, and penalties for Wastewater services.

**NOW THEREFORE**, the Municipal Council of the Town of Pincher Creek hereby enacts as follows:

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Title**

- a) This Bylaw may be cited as the “Wastewater Utility Bylaw”.

**1.2 Purpose**

The purposes of this Bylaw include the following:

- a) To protect the Wastewater System and its processes from damage, obstruction, toxic upset, or loss of efficiency;
- b) To protect the Town’s employees and the public from exposure to hazardous conditions;
- c) To control the flow and composition of Releases of Wastewater and Substances to the Wastewater System;



- d) To provide for a system of rates, fees, and charges for various types of use of the Wastewater System;
- e) To provide for a system of Permits or other permissions that facilitate the imposing of conditions on Releases to the Wastewater System.

### 1.3 Definitions

In this Bylaw, unless the context otherwise requires:

- a) ACCREDITED LABORATORY means a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc., the Standards Council of Canada, or an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement, using the criteria and procedures outlined in “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories” established by the International Organization for Standardization.”
- b) ANIMAL WASTE means all forms of waste from animals or the treatment of animals and includes animal carcasses or parts.
- c) APARTMENT BUILDING means a single building comprised of five or more dwelling units with shared entrance facilities.
- d) BIOMEDICAL WASTE means medical waste that requires proper handling and disposal because of environmental, aesthetic, health, or safety concerns and includes but is not limited to:
  - Human anatomical waste;
  - Infectious human waste;
  - Infectious Animal Waste;
  - Microbiological waste;
  - Blood and body fluid waste; and
  - Medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts.
- e) BIOSOLID means a solid or semi-solid Substance produced from Wastewater treatment processes that may be beneficially recycled.
- f) BOD or BIOCHEMICAL OXYGEN DEMAND means the quantity of oxygen utilized in the oxidation of matter under standard laboratory conditions for 5 days at 20 degrees Celsius as set out in Standard Methods.
- g) BTEX means the total of benzene, toluene, ethyl benzene, and xylenes.
- h) BYLAW means Bylaw 1632 also known as the Wastewater Utility Bylaw.

- i) CAN/CSA B481 refers to the 2007 edition of the Canadian Standards Association publication titled 'Grease Interceptors'.
- j) CAO means the Chief Administrative Officer of the Town of Pincher Creek as appointed by Town Council and includes any Person authorized by them to act for or carry out the duties of the CAO to the extent that authorization is given.
- k) CLEAR WATER WASTE means water originating from sources other than Wastewater streams and includes the following:
- Roof and Foundation Drainage;
  - Remediated Groundwater;
  - Impounded Storm Drainage or impounded Groundwater;
  - Non-Contact Cooling Water;
  - A Release as directed by Alberta Environment.
- l) COD or CHEMICAL OXYGEN DEMAND means the quantity of oxygen utilized in the chemical oxidation of matter as set out in Standard Methods.
- m) COMMON WASTEWATER SERVICE means a Wastewater service provided to 2 or more Premises by means of a single Connection.
- n) CONNECTION means a pipe or conduit installed between a Premises and the Wastewater System for the purpose of draining Wastewater from the Premises.
- o) COUNCIL means the Council of the Town of Pincher Creek elected pursuant to the provisions of the *Local Authorities Elections Act*.
- p) CUSTOMER means any Person, any other municipal corporation, the Government of Alberta, or the Government of Canada, whose property is connected to the Wastewater System or any lessee or occupant of such property, or any Person who requests Wastewater services or has applied for an account or is otherwise responsible for paying such account for Wastewater services.
- q) DOMESTIC WASTEWATER means Wastewater generated from Premises as a result of human living processes, including cooking, cleaning, washing, drinking or other domestic activities.
- r) EFFLUENT METER means a device that measures the volume of Wastewater Released into the Town's Wastewater System.
- s) EMERGENCY includes a situation in which there is imminent danger to public safety or of serious harm to property.
- t) EXTRA STRENGTH WASTEWATER means Wastewater that contains one of more of the Substances described in Schedule "C" in excess of the concentration limits set out for those Substances.

- u) FLAMMABLE LIQUID means a Substance that is a liquid, or a mixture of liquids, or a liquid containing solids that has a flash point of not more than 61 degrees Celsius as determined by the American Society for Testing Materials method D93-08 for flash point by the Pensky-Martens closed cup tester.
- v) FOG or FATS, OILS, AND GREASE means organic matter extracted by n-hexane using the partition gravimetric procedure set out in Standard Methods.
- w) FOUNDATION DRAINAGE means water collected beneath the surface of the ground by a foundation drain, weeping tile, Sump pump or other similar means.
- x) GRAB SAMPLE means a single sample of Wastewater, Clear Water Waste or Groundwater collected at a specific time and at a specific location.
- y) GROUNDWATER means all water under the surface of the ground.
- z) HAULED WASTEWATER means Wastewater, Septage, FOG or Waste Residue that is transported by a vehicle to a designated site for disposal to the Wastewater System.
- aa) HAZARDOUS WASTE means and waste or Substance that is generated from any Premises and has one or more hazardous properties as described in the *Environmental Protection and Enhancement Act*, as amended or any act passed in replacement of it.
- bb) HYDROCARBONS means non-polar organic matter extracted by n-hexane using the partition gravimetric procedure set out in Standard Methods.
- cc) ICI PREMISES means industrial, commercial, or institutional Premises.
- dd) INTERCEPTOR means a type of Pre-Treatment System.
- ee) MANIFEST means the documentation accompanying Hauled Wastewater.
- ff) MONITORING ACCESS POINT means an access point in or on a Premises that allows for the observation, sampling and flow measurement of Wastewater entering the Wastewater System and includes a test manhole.
- gg) NEGATIVE IMPACT means impairment of or damage to, or the ability to cause impairment to:
  - The Wastewater System;
  - Human health or safety;
  - Property; or
  - The environment.
- hh) NON-CONTACT COOLING WATER means water used in a process for the purpose of removing heat and that has not, by design, come into contact with any additional Substance.



- ii) NON-RESIDENTIAL METERED means a Premises connected to the Water System where the Premises is classified as anything other than those described under the Residential Metered definition, including but not limited to:
- multi-family developments containing more than one (1) residential unit, with a single Water Meter;
  - mixed-use developments, metered by the Town;
  - commercial uses, metered by the Town;
  - industrial uses, metered by the Town;
  - churches, metered by the Town;
  - schools, metered by the Town; or
  - properties owned and operated by non-profit organizations, metered by the Town.
- jj) OCCUPANT includes an Owner of a Premises where that Owner resides or carries on a business within a Premises and includes any Person or corporation residing or carrying on a business, or both, within a Premises either as a lessee or pursuant to a license of occupation, where that Premises is connected to the Wastewater System.
- kk) OWNER means a Person who is one or more of the following:
- the registered Owner of the land; or
  - a purchaser of the land whose interest as a purchaser is shown on the certificate of title to that land.
- ll) PCB or POLYCHLORINATED BIPHENYL means any of the following:
- i. monochlorinated biphenyl;
  - ii. polychlorinated biphenyl;
  - iii. any mixture that contains either i. or ii.,
  - iv. any mixture that contains both i. and ii.;
- mm) PEACE OFFICER means a member of the Royal Canadian Mounted Police, Community Peace Officer, or Bylaw Enforcement Officer as appointed by the Town of Pincher Creek.
- nn) PERMIT means a form of approval, in writing, issued by the CAO as applicable.
- oo) PERSON includes any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators, or other legal representatives of a Person to whom the context can apply according to law.



- pp) PESTICIDE means a Pesticide as defined and regulated in the *Environmental Protection and Enhancement Act*.
- qq) PHARMACEUTICAL means prescription and non-prescription drugs.
- rr) PREMISES includes lands and buildings or both, or a part thereof.
- ss) PRE-TREATMENT SYSTEM means a treatment system or device that is designed to remove Substances or contaminants from Wastewater produced on site before that Wastewater passes into the Wastewater System, and includes Interceptors, Separators, and Sumps.
- tt) PRIVATE WASTEWATER SYSTEM means a privately owned system for the collection, treatment, and disposal of Wastewater, and may include a septic tank with an absorption field or other approved means of disposal.
- uu) PROHIBITED SUBSTANCE means any of the Substances described in Schedule “A” of this Bylaw.
- vv) QUALIFIED PERSON means a Person who is qualified to determine the truthfulness, accuracy and completeness of information relating to a specific subject matter because the Person possesses either one, or both, of the following:
- i. a recognized degree, certificate, or professional standing in respect of the subject matter;
  - ii. extensive knowledge, training, and experience in respect of the subject matter.
- ww) RADIOACTIVE MATERIAL means a nuclear Substance as defined in the *Nuclear Safety and Control Act*.
- xx) RELEASE means:
- To directly or indirectly conduct a Substance to the Wastewater System or a watercourse by spilling, discharging, disposing or, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means; or
  - a spill, Release, disposal, abandonment, deposit, leak, seep, pour, drain, or emptying of a Substance into the Wastewater System or a watercourse.
- yy) REMEDIAL ORDER means a Remedial Order written pursuant to section 545 of the *Municipal Government Act*.
- zz) RESIDENTIAL METERED means a Premises connected to the Water System used for residential purposes, including:
- a single-family dwelling, individually metered by the Town;
  - a modular and/or manufactured home, individually metered by the Town; or
  - multi-family developments containing more than one (1) residential unit, with each unit having individual Water Meters.

- aaa) RESTRICTED SUBSTANCE means a Substance described in Schedule “B” of this Bylaw.
- bbb) RETURN FACTOR means the adjustment factor applied to convert a volume of water, as measured by a Water Meter, into a volume of Wastewater by subtracting the volume of water not returned to the Wastewater System.
- ccc) SEPARATOR means a type of Pre-Treatment System.
- ddd) SEPTAGE means Wastewater removed from a cesspool, septic tank system, privy vault or privy pit, chemical toilet, portable toilet, or other Wastewater holding structure.
- eee) STANDARD METHODS means the analytical and examination procedures set out in the current edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
- fff) STORM DRAINAGE means Surface Runoff and uncontaminated water when discharged to the Storm Drainage System from foundation, roof and underground drains, weeping tile, Groundwater, and Surface Runoff.
- ggg) STORM DRAINAGE SYSTEM means the system for collecting, transmitting, storing, treating, and disposing of Storm Drainage and Foundation Drainage, but does not include plumbing or service Connections in Premises.
- hhh) SUBSTANCE means any one or more of the following:
- any solid matter;
  - any liquid matter;
  - any gaseous matter;
  - any sound, vibration, radiation, or other form of energy,
  - any combination of the above.
- iii) SUMP means a device that traps large, heavy solids from the Wastewater before the Wastewater is Released into the Wastewater System or Storm Drainage System.
- jjj) TKN or TOTAL KJELDAHL NITROGEN means organically bound nitrogen plus ammonia nitrogen, as determined by procedures approved by the CAO.
- kkk) TN or TOTAL NITROGEN means TKN plus nitrates and nitrites, as determined by procedures approved by the CAO.
- lll) TOWN means the municipal corporation of the Town of Pincher Creek.
- mmm) TP or TOTAL PHOSPHORUS measures all forms of phosphorus, including orthophosphate, condensed phosphate, and organic phosphate, as determined by procedures approved by the CAO.

- nnn) TSS or TOTAL SUSPENDED SOLIDS means an insoluble Substance or Substances in liquid that is removable by filtration, as determined by the appropriate procedure described in Standard Methods.
- ooo) UTILITY and shall mean and include, as the context may require:
- The supply of water;
  - The provision of Wastewater collection and treatment;
  - The provision of Storm Drainage collection, treatment, and disposal; or
  - The provision of solid waste management services including garbage collection and recycling services.
- ppp) WASTE RESIDUE means all Substances removed from Wastewater by a Pre-Treatment System.
- qqq) WASTEWATER AGREEMENT means an agreement governing any of the following:
- i. conditions related to the Release of Wastewater from a Premises to the Wastewater System; or
  - ii. conditions related to Connection of a Premises to the Wastewater System.
- rrr) WASTEWATER CHARGE means a charge levied pursuant to the provisions of this Bylaw that:
- i. include monthly service charges and/or usage charges as outlined in Schedule "D" to this Bylaw; and
  - ii. does not include a Wastewater Surcharge.
- sss) WASTEWATER INFORMATION REPORT means a report containing information for the purpose of evaluating Wastewater Released from ICI Premises.
- ttt) WASTEWATER means the composite of water and water-carried Substances Released from Premises or from any other source.
- uuu) WASTEWATER MAIN means a sewer pipe in the street, public thoroughfare or easement area granted to the Town, which forms part of the Wastewater System and carries the Wastewater from Wastewater Service Connections to a Wastewater Treatment Facility.
- vvv) WASTEWATER SERVICE CONNECTION means a sewer pipe which connects a Customer's Parcel or Premises to a Town Wastewater Main.
- www) WASTEWATER SURCHARGE means an additional charge levied for discharging Wastewater that exceeds the limits set out in Schedule "C" of this Bylaw.
- xxx) WASTEWATER SYSTEM means the system owned and operated by the Town for the collection, transmission, treatment, and disposal of Wastewater.



- yyy) WASTEWATER TREATMENT FACILITY means a facility that stores, treats, and disposes of Wastewater, but which is not part of the Wastewater System.
- zzz) WATER METER means a device owned and installed by the Town, or approved by the CAO that measures the volume of water used by a Customer; and which may or may not incorporate a remove-reading device.

#### **1.4 Interpretation**

- a) All references in this Bylaw shall read with such changes in number and gender as may be considered appropriate according to whether the reference is made to any gender, or a corporation or partnership.
- b) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- c) Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- d) All schedules attached to this Bylaw shall form part of this Bylaw.
- e) 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.
- f) Any contract between the Town and a Customer with respect to Wastewater shall be subject to this Bylaw.

#### **1.5 Compliance with Other Laws**

- a) Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, agency, organization, other bylaw, or any requirement of any lawful permit, order, or license.

## **2. GENERAL**

### **2.1 Wastewater Treatment Facilities**

- a) A Person must not install or operate a Wastewater Treatment Facility that treats Wastewater from a source external to that Wastewater Treatment Facility unless:
  - i. the Person obtains written approval from the CAO; and
  - ii. the Person complies with all conditions or requirements as required by the CAO for the installation and operation of the Wastewater Treatment Facility.
- b) If all conditions or requirements as required by the CAO pursuant to subsection a) are not complied with, the CAO may, considering the severity of the breach or breaches of compliance with the conditions or requirements, do any of the following:



- i. issue a Remedial Order;
  - ii. suspend the written approval for a period of time to be determined by the CAO in their discretion;
  - iii. revoke the written approval.
- c) If a written approval to install or operate a Wastewater Treatment Facility is suspended or revoked by the CAO pursuant to subsection b), the CAO will notify the Person of the suspension or revocation and the reasons for it by:
- i. delivering a notice to the Person, or that Person's representative, Personally; or
  - ii. mailing a registered letter to the Person's place of business as shown on the Person's application for a written approval to install or operate a Wastewater Treatment Facility.
- d) A suspension or revocation issued by the CAO pursuant to subsection b) may be appealed to Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the suspension or revocation was issued.

## 2.2 Obligations of the Owner

- a) Where a Wastewater service is continued or initiated pursuant to this Bylaw, the Owner shall be responsible for the following:
- i. providing the Wastewater Service Connection from the property line or boundary of an easement granted to the Town for its Wastewater System to the Customer's Plumbing System;
  - ii. ensuring that the Connections referred to in subsections i. and ii. are in compliance with the provisions of this Bylaw;
  - iii. ensuring that the Connection referred to in subsections i. and ii. and the remainder of the Customer's Plumbing System comply with the *Safety Codes Act* (R.S.A. 2000, c. S-1) and any regulations passed pursuant to that Act;
  - iv. ensuring that any permits, inspections, or approvals required pursuant to the *Safety Codes Act*, regulations passed pursuant to that Act, any bylaw or any other applicable legislation have been conducted or obtained and are valid and subsisting, prior to connection to the Wastewater System; and
  - v. ensuring that such Connection does not interfere with the operation of the Wastewater System.
- b) An Owner of a Premises that is serviced by a Wastewater Service Connection must notify the CAO in writing when the Wastewater Service Connection is being discontinued and requires disconnection.
- c) In making an application pursuant to this Bylaw, no Person shall give false information.

- d) 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.
- e) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Wastewater System resulting from the Owner's contravention of the requirements of this Bylaw.

### **2.3 Obligation to Report**

- a) A Person is required to report to the Town any connections or equipment located on a Premises that do not comply with the requirements of the *Safety Codes Act* or this Bylaw.

### **2.4 Limitation of Liability**

- a) The Town, its contractors, servants and agents, or employees shall not be liable for damages or loss suffered by any Person due to the operation of the Wastewater System, unless such damages or loss are shown to be directly due to the negligence of the Town or its employees, and without limiting the generality of the foregoing, shall not be liable for damages or loss resulting from any of the following:
  - i. the settlement of an excavation or trench made for the installation, maintenance, or repair of any part of the Wastewater System, or any damage or loss resulting from such settlement;
  - ii. the break of any Wastewater Main, Wastewater Service Connection, or other pipe;
  - iii. the disruption of the Wastewater System when the disruption is necessary for the repair or maintenance of the Wastewater System;
  - iv. the disruption of the Wastewater System in the event of an Emergency.

## **3. AUTHORITY**

### **3.1 Authority of the CAO**

- a) The CAO may:
  - i. establish a system for the billing and collection of any rates, charges, and fees in relation to the Wastewater System.
  - ii. establish rates, charges, or fees for any work done or service or material supplied for the construction, installation, connection, disconnection, maintenance, inspection, repair, or replacement of any of the following:
    - a. Any part of the Wastewater System;

- b. Any part of a Customer's Plumbing System located on private property.
- iii. establish standards and guidelines for the maintenance and physical operations of the Wastewater System.
- iv. establish standards, guidelines and specifications for the design, construction, and management of the Wastewater System.
- v. subject to any provisions of this Bylaw, discontinue any Utility service and continue to refuse to provide any Utility service until such time as the deficiency is corrected, if a Customer or Owner fails or refuses to repair, maintain, or replace any leak or leaks between a private property line and a Customer's Plumbing System.
- vi. subject to any provisions of this Bylaw, enter into contracts on behalf of the Town with any Customers within the Town for the provision of Wastewater services and may, as a condition of service, impose any conditions to the provision of Wastewater services in such contracts that the CAO considers reasonable and appropriate in the circumstances, including provision that if a Customer fails to comply with the requirements of this Bylaw or the terms of the contract, that Utility service may be discontinued.
- vii. subject to any provisions of this Bylaw, require any Customer to enter into a contract with the Town for the provision of Wastewater services, prior to such services being provided.
- viii. subject to any provisions of this Bylaw, refuse to supply, discontinue water and/or Wastewater service, and continue to refuse to provide water and/or Wastewater service until such time as the deficiency is corrected, if a Customer or Owner has:
  - a. provided false information in an application for service;
  - b. failed to keep an account in good standing;
  - c. refused to allow the installation or repair of a Water Meter or Effluent Meter;
  - d. failed to comply with this Bylaw;
  - e. failed to comply with a term or condition of a Wastewater Agreement, or other written approval issued pursuant to this Bylaw; or
  - f. failed to comply with a condition of Wastewater service.
- ix. subject to the approval of Council, enter into an agreement to provide Wastewater service to a Customer or Customers outside the Town limits.



### **3.2 Powers of Delegation**

- a) The CAO may delegate any or all of the powers granted to them pursuant to this Bylaw.

### **3.3 Disconnections**

- a) The CAO may do either, or both, of the following:
  - i. take any action required to prevent a Release from entering the Wastewater System, including shutting off, disconnecting, or sealing off the water and/or Wastewater service at the Premises from which the Release is made;
  - ii. continue any action taken under subsection i. until the Owner of the Premises produces sufficient evidence, as may be required by the CAO that a Release having a Negative Impact will not be made to the Wastewater System from the Premises.
- b) An Owner of Premises from which a Release having a Negative Impact enters the Wastewater System is responsible for all costs associated with the CAO's actions taken pursuant to subsection a).

## **4. ADMINISTRATION OF WASTEWATER UTILITY**

### **4.1 Administration of Utility Accounts**

- a) All Utility accounts for a Parcel or Premises must be registered with the Town in the same name.
- b) Utility accounts registered to renters, tenants, and/or any Occupant of a Premises other than the Owner as of September 1, 2022 will remain in effect until one of the following conditions are met:
  - i. There has been a disconnection of Utility service for account arrears; or
  - ii. A tenant is in arrears and there is no separate shut-off valve in a multi-occupied building; or
  - iii. The existing tenant vacates the Premises.
- c) If one or any of the conditions in subsection b) occurs, all Utilities related to that Premises will be the responsibility of the registered Owner of the property.

### **4.2 Wastewater Charges**

- a) The Owner of Premises connected to the Town's Wastewater System must pay to the Town a Wastewater Charge.
- b) The following Customers shall be exempt from Wastewater Charges until such time as a Wastewater Main is installed adjacent to these lots:
  - i. Plan 9711875; Block 1; Lots 2, 3;



- ii. Plan 9711875; Block 2; Lots 2, 3, 4;
  - iii. Plan 9812173; Block 1; Lots 4, 5, 6, 7, 8; and
  - iv. Plan 9812173; Block 2; Lots 5, 6, 7, 8, 9, 10, 11, 12.
- c) Council shall set rates and fees for all Customers for the following:
- i. monthly service charges and Wastewater usage rates;
  - ii. monthly flat rates;
  - iii. Wastewater Surcharge rates; and
  - iv. Wastewater service fees.
- d) Rates and fees set by Council pursuant to subsection c) shall be set out in the schedules of this Bylaw and the Town's Fee Structure Bylaw.
- e) No reduction in rates will be made in the monthly charge for Wastewater services provided to any Customer because of any interruption due to any cause whatsoever of the Water System and/or Wastewater System.
- f) The CAO shall have sole discretion in determining which rate and/or fees shall apply to a Customer.

#### **4.3 Rates and Fees**

- a) Residential Metered
- i. Where Wastewater service is provided to a Residential Metered Customer, the Customer shall pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1 of Schedule "D" to this Bylaw; and
    - b. the amount determined by the volume of water shown by the Water Meter, multiplied by the Return Factor as set out in Schedule "I" to this Bylaw, charged at the rate set out in section 2 of Schedule "D" to this Bylaw.
- b) Residential Flat
- i. Where Wastewater service is provided to a residential Customer through a single Wastewater Service Connection, in which no Water Meter is used for billing purposes, the Customer shall pay for the Wastewater at a monthly charge as set out in section 1 of Schedule "D" to this Bylaw.
- c) Non-Residential Metered
- i. Where Wastewater service is provided by the Town through a Wastewater Service Connection to a Customer other than under sections 4.3 a), b), the

Customer shall be considered Non-Residential Metered and pay to the Town a monthly charge of the aggregate of:

- a. the monthly service charge as set out in section 1 of Schedule “D” to this Bylaw, and
  - b. the amount determined by the volume of water shown by the Water Meter, multiplied by the Return Factor as set out in Schedule “I” to this Bylaw, charged at the rate set out in section 2 of Schedule “D” to this Bylaw.
- d) Outside Town
- i. Where Wastewater service is provided to any Customer outside the Town, that Customer shall pay to the Town the rates approved by Council as set out in Schedule “F” of this Bylaw.
- e) Alternatively Sourced Water
- i. Premises served in whole or in part with water from a source other than the Town’s water supply:
    - a. must pay to the Town, in addition to the Wastewater Charges set out in sections a), b), c), or d), the charge set out in section 3 of Schedule “D”;
    - b. must install either an Effluent Meter or a Water Meter, or both an Effluent Meter and Water Meter, as may be required by the CAO to allow for determination of the Wastewater Charge for the Premises;
    - c. may have the volume of Released Wastewater estimated by the CAO to determine the Wastewater Charge for the Premises if the Premises is not equipped with either an Effluent Meter or a Water Meter, or with both an Effluent Meter and Water Meter, as may be required by the CAO under subsection b.
- f) In the event that information upon which a Wastewater Charge is based proves to be in error, the CAO may estimate the Wastewater Charge for the period during which the error occurred.
- g) A reduction in the monthly Wastewater Charge will not be made as a result of an interruption or failure of the Water System and/or Wastewater System, however caused.

#### 4.4 Exemptions

- a) Irrigation
  - i. A water line used exclusively for irrigation purposes and metered in a manner satisfactory to the CAO is exempted from all Wastewater Charges and Wastewater Surcharges.
- b) Effluent Meters

- i. The CAO may exempt from Wastewater Charges and Wastewater Surcharges the amount of water not Released to the Wastewater System from a Premises if:
  - a. metered water is supplied to the Premises and all of that water is not Released to the Wastewater System; and
  - b. the amount of water not Released to the Wastewater System can be measured to the satisfaction of the CAO.
- ii. An exemption granted pursuant to this section by the CAO will be determined using only metering equipment and methods of calculation approved by the CAO.

#### **4.5 Payments**

- a) In default of payment of the rates set out in any of the Schedules to this Bylaw or the Fee Structure Bylaw, for any amount due and payable to the Town for anything done, or any amounts payable, pursuant to this Bylaw, the CAO may enforce the collection of such rates or payments by refusing any Utility service supplied to the Customer, or by action in any Court of competent jurisdiction, or both.
- b) Where the Occupant is the Owner or purchaser under an agreement for sale in possession of the Parcel or Premises to which water is supplied or is available for the use of the Occupant, all sums payable by the Occupant pursuant to this Bylaw including the rates set out in any of the Schedules to this Bylaw of the Fee Structure Bylaw, are a debt due and owing to the Town and shall constitute a preferential lien and charge on the Parcel or Premises and the personal property of the Occupant and may be levied and collected in a like manner as municipal rates and taxes are recoverable.
- c) Where the Occupant is other than the Owner or the purchaser under an agreement for sale all sums payable by the Occupant pursuant to this Bylaw including the rates set out in any of the Schedules to this Bylaw or the Fee Structure Bylaw, are a debt due and owing to the Town and shall constitute a Preferential Lien and charge on the Occupant's personal property and may be levied and collected with costs by distress.

### **5. GENERAL PROHIBITIONS**

#### **5.1 Access to the Wastewater System**

- a) A Person must not, without prior approval from the CAO, uncover, open into, break, alter, remove, damage, destroy, or tamper with, or allow the uncovering, opening into, breaking, altering, removing, damaging, destroying, or tampering with any of the following:
  - i. any part of the Wastewater System;
  - ii. a Monitoring Access Point;
  - iii. any permanent or temporary device installed in or on the Wastewater System for the purposes of flow measuring, sampling, testing, or contamination prevention.



- b) A Person must not obstruct or prevent access to a Monitoring Access Point, or act in a manner that obstructs or prevents access to a Monitoring Access Point, including doing any of the following actions:
  - i. parking a vehicle of any kind over a Monitoring Access Point;
  - ii. planting shrubbery, trees or other plants that obstruct or prevent access to a Monitoring Access Point;
  - iii. constructing a fence or any other structure that obstructs or prevents access to a Monitoring Access Point;
  - iv. piling snow, wood, or any other material on top of a Monitoring Access Point;
  - v. enclosing a Monitoring Access Point.
- c) A Person must not enter into any chamber, structure, or Premises associated with the Wastewater System without prior approval from CAO.
- d) A Person who contravenes the requirements of this Bylaw, and such contravention results in damage or harm to the Wastewater System, must compensate the Town for the cost of repair or replacement of any part, or parts, of the Wastewater System that the Person damaged or harmed.

## 5.2 Wastewater Re-Use

- a) Wastewater must not be re-used for any purpose without written approval from both:
  - i. the CAO; and
  - ii. a Safety Codes Officer, as described in the *Safety Codes Act*, acting on behalf of the Town.
- b) The CAO or a Safety Codes Officer, as described in the *Safety Codes Act*, acting on behalf of the Town, may impose conditions on an approval granted for Wastewater re-use, including any of the following:
  - i. limits on the types of applications for which Wastewater may be re-used;
  - ii. requirements for reporting on applications, risks, volumes, and any other information the CAO may require.
- c) A Person who fails to comply with a condition imposed by the CAO or a Safety Codes Officer, as described in the *Safety Codes Act*, acting on behalf of the Town, pursuant to subsection b), is guilty of an offence under this Bylaw.

## 5.3 Release of Substances

- a) A Person must not Release or allow the Release of any Wastewater into the Wastewater System that:
  - i. contains a Substance described in Schedule “A”;



- ii. contains a Substance that is above the approved concentration limit as described in Schedule “B” or Schedule “C”; or,
  - iii. does not comply with the requirements of this Bylaw.
- b) Despite subsection a), the CAO may grant written approval to allow Wastewater that does not meet the requirements of subsection a) to enter the Wastewater System provided that the Wastewater does not have a Negative Impact.
- c) In granting written approval pursuant to subsection b), the CAO may impose any conditions that the CAO deems necessary, including any one or more of the following:
- i. that the Wastewater is tested at regular intervals in accordance with the CAO’s instructions;
  - ii. that in respect of Extra Strength Wastewater, a Wastewater Surcharge calculated in accordance with Schedule “G” is paid;
  - iii. that the Person compensates the Town for all costs arising as a result of the Wastewater entering the Wastewater System;
  - iv. that the Person enters into a Wastewater Agreement with the Town subject to any conditions required by the CAO.
- d) A Person must not directly or indirectly dilute Wastewater for the purpose of complying with the requirements of this Bylaw as set out in Schedules “A”, “B” and “C”.

## 6. WASTEWATER SYSTEM REQUIREMENTS

### 6.1 Disposal

- a) Wastewater
- i. The Owner of a Premises must dispose of Wastewater from the plumbing system in the Premises into one of the following:
    - a. The Wastewater System; or
    - b. A Private Wastewater System.
  - ii. A Person must not dispose of any Substance into the plumbing system of a Premise Prior to connection of the plumbing system to either the Wastewater System or a Private Wastewater System.
- b) Clear Water Waste
- i. A Person must not Release, or allow to be Released, any Clear Water Waste into the Wastewater System, unless the Person obtains a Permit from the CAO to Release Clear Water Waste into the Wastewater System.

## 6.2 Access To Property for the Purposes of Wastewater Service

- a) Access For Authorized Purposes
- i. As a condition of Wastewater service and as operational needs dictate, employees of the Town shall have free access to all parts of a property, building or other Premises in which Wastewater discharged into the Town's Wastewater System, at reasonable hours of the day and upon reasonable notice for the purpose of:
    - a. installation, maintenance, repair, and removal of the Wastewater System and Wastewater Service Connections;
    - b. installation, testing, repair and removal of Effluent Meters or other parts of the Wastewater System;
    - c. reading of Effluent Meters; and
    - d. inspections for compliance with this Bylaw.
  - ii. No Person shall hinder, interrupt, or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to the Wastewater System as authorized or required in this Bylaw.
  - iii. Upon termination of Wastewater service, any employee of the Town employed for that purpose may, at all reasonable times enter the Parcel or Premises which is connected to the Town's Wastewater System for the purpose of removing from the Parcel or Premises any fittings, machines, apparatus, meters, pipes, or any other things that are the property of the Town and may remove these things.
  - iv. Employees of the Town may at any time specify the required position or require the relocation, at a property owner's expense, of any Effluent Meter, pipe, valve, or fitting forming part of the Wastewater System.
- b) Service Fees for Subsequent Site Visits
- i. A fee may be charged, as set by the CAO, from time to time, where a Town employee or agent is required to make an additional visit or visits at a Parcel or Premises for any of the following reasons:
    - a. where a Customer refuses access to a Parcel or Premises for a Town employee or agent to install, repair, replace, inspect, test, or read an Effluent Meter or any other equipment in relation to the Wastewater System;
    - b. where a Town employee or agent attends at a Parcel or Premises for a scheduled appointment to perform any of the functions set out in subsection a), and the Customer is not present at the scheduled time to provide access to the Parcel or Premises; or
    - c. where a Town employee or agent attends at a Parcel or Premises to perform any of the functions set out in subsection a) and is unable

to proceed based on unsafe conditions or the inadequacy of access to the Parcel or Premises.

### 6.3 Wastewater Service Connections

a) Obligations and Ownership

- i. The Town shall be responsible for the installation of the Wastewater Service Connection which is on Town property, which runs from the Town Wastewater Main to a property line of the Parcel of land to be serviced, adjacent to a street or lane, or at the boundary of an easement granted to the Town for its Wastewater System, at the Owner's expense.
  - a. At the CAO's sole discretion, the Town may grant the Customer permission to organize their own contractor to perform the installation of the Wastewater Service Connection on Town property, in compliance with the current Town of Pincher Creek Engineering and Construction Standards, as amended from time to time, subject to a two (2) year warranty/maintenance period.
- ii. The Town shall remain the owner of the Wastewater Service Connection on Town property after installation, and the Town shall remain responsible for the control, maintenance, repair, and replacement of that portion of the Wastewater Service Connection, thereafter at the sole discretion of the Town.
- iii. Any Wastewater Service Connection, pipe line, or Wastewater system on private property, through which the Wastewater is conveyed from the Premises, which is located at the property line of the street or lane, or boundary of an easement area granted to the Town for its Wastewater System, to the Town's Wastewater Main shall be installed, maintained, repaired and replaced by the Owner at the Owner's expense, and without limiting the generality of the foregoing, as a condition of receiving Wastewater service from the Town, the Owner shall:
  - a. install such Wastewater Service Connections in compliance with the provisions of Town of Pincher Creek Engineering and Construction Standards, as amended from time to time; and
  - b. maintain such Wastewater Service Connections in a state of good repair, with sufficient protection from freezing, free from leakage, or other Wastewater loss to the satisfaction of the CAO.
- iv. No Person, without the express permission of the CAO shall make any connection or contact whatsoever with any of part of the Wastewater System or Wastewater Mains.

b) Changes to Existing Wastewater Service Connections

- i. Any Owner wishing to relocate, replace, alter, or disconnect an existing Wastewater Service Connection must make application and receive approval of the CAO prior to commencing such work.



- ii. Where a change referred to in subsection i. is approved by the CAO, that Owner may have the work performed on the Town owned portion of the Water Service Connection by a qualified contractor at the Owner's sole expense.
- c) Number and Depth of Services
  - i. There shall not be more than one (1) Wastewater Service Connection to each Parcel without the express permission of the CAO.
  - ii. Wastewater Service Connections shall be buried to a depth of no less than 2.7 meters unless otherwise approved by the CAO.

#### **6.4 Release Quality**

- a) For the purpose of this section, "alter or expand" means the modification of an existing activity in or on ICI Premises that may result in an increased Wastewater volume or an increased amount of a Prohibited Substance, Restricted Substance, or Extra Strength Wastewater Substance in the Wastewater.
- b) The CAO may require a Wastewater Information Report completed by a Qualified Person from any Person that carries on, alters, or expands, or proposes to carry on or alter or expand an activity on an ICI Premises that is connected or proposing to be connected to the Wastewater System.

#### **6.5 Wastewater Agreement**

- a) A Person required by the CAO to submit a Wastewater Information Report may be required to enter into a Wastewater Agreement with the Town prior to releasing any Wastewater from the Premises into the Wastewater System.

#### **6.6 Pre-Treatment**

- a) General Requirements
  - i. The CAO may require an Owner to do any one or more of the following:
    - a. install, operate, monitor, and properly maintain at all times a Wastewater Pre-Treatment System that is located at a directly accessible location on the upstream side of a Monitoring Access Point at the Owner's Premises;
    - b. take steps to equalize either the composition or the flow rate of a Release, or both the composition and flow rate of a Release, from the Premises into the Pre-Treatment System or the Wastewater System;
    - c. provide access to the Wastewater Pre-Treatment System for inspection on the request of the CAO or a Peace Officer;
    - d. enter into a Wastewater Agreement.
  - ii. An Owner who fails to install, operate, monitor, provide access to and properly maintain at all times a Wastewater Pre-Treatment System as required by the



CAO pursuant to subsection i. a., b., or c. is guilty of an offence under this Bylaw.

- b) Waste Residue Disposal
  - i. A Person must not deposit, or allow to be deposited, any Waste Residue from a Pre-Treatment System into the Wastewater System unless the Person has obtained prior approval from the CAO.
- c) Records Maintenance
  - i. An Owner of Premises with a Pre-Treatment System installed in or on a Premises must do all of the following:
    - a. obtain and retain at the Premises any manuals, instructions and specifications related to the installation, operation, maintenance, and cleaning of the Pre-Treatment System installed at the Premises;
    - b. maintain a maintenance schedule and record of each maintenance for every Pre-Treatment System installed at the Premises for a period of two years, including records for disposal of Waste Residue;
    - c. submit to the CAO any records requested by the CAO described in a. and b. of this subsection.

## 6.7 Sector Specific Pre-Treatment

- a) Food Service Establishments
  - i. An Owner of a restaurant or other Premises that is connected directly or indirectly to the Wastewater System, and where food is cooked, processed, prepared, or where FOG is Released, must do all of the following:
    - a. install a FOG Interceptor at a directly accessible location on the upstream side of a Monitoring Access Point in or on the Premises that is designed and sized in accordance with CAN/CSA B481, and meets the requirements of the *National Plumbing Code* of Canada to prevent FOG from passing into the Wastewater System;
    - b. monitor, operate, properly maintain at all times, and clean each FOG Interceptor installed in or on the Premises in accordance with the requirements set by CAN/CSA B481 and in compliance with the manufacturer's instructions and specifications;
    - c. ensure that all Wastewater does not exceed the concentration limits for FOG, as set out in Schedule "C" of this Bylaw.
- b) Vehicle and Equipment Washing, Repair, and Maintenance
  - i. An Owner of a vehicle or equipment service station, repair shop or garage, or of a Premises where motor vehicles are repaired, lubricated, maintained, or washed, must do all of the following:

- a. install an Interceptor at a directly accessible location on the upstream side of a Monitoring Access Point in or on the Premises that is designed and sized in accordance with the requirements of the *National Plumbing Code of Canada* to prevent Hydrocarbons, Flammable Liquids and TSS from passing into the Wastewater System;
  - b. monitor, operate, properly maintain at all times, and clean each Interceptor installed in or on the Premises as required by the manufacturer's instructions and specifications;
  - c. ensure that all Wastewater does not exceed the concentration limits for Hydrocarbons, Flammable Liquids and TSS, as set out in Schedules "B" and "C" of this Bylaw.
- c) Dental Facilities
- i. An Owner of Premises from which dental amalgam may be Released into the Wastewater System must install a dental amalgam Separator on all fixtures that may Release dental amalgam waste containing mercury to the Wastewater System, and the Separator must be:
    - a. ISO 11143 certified, or meet the ISO 11143 efficiency standard;
    - b. located at a directly accessible location on the upstream side of a Monitoring Access Point in or on the Premises; and
    - c. monitored, operated, properly maintained, and cleaned as required by ISO 11143 and as required by the manufacturer's instructions and specifications.
- d) Prohibition on Bypassing Interceptors
- i. A Person must not use emulsifiers, enzymes, bacteria, solvents, hot water, or any other agent to facilitate the passage of FOG or Hydrocarbons through an Interceptor.

## 7. TESTING AND MONITORING

### 7.1 Monitoring Access Points

- a) An Owner of ICI Premises, or Owner of an individual business operation within ICI Premises must:
  - i. provide one or more Monitoring Access Points for the monitoring of Wastewater, designed and located in a manner satisfactory to the CAO; and
  - ii. provide direct access to any Monitoring Access Point located on the Premises.

### 7.2 Monitoring

- a) The CAO may order the monitoring of Wastewater Released from Premises connected to the Wastewater System.

- b) If the CAO determines that the characteristics and qualities of the Wastewater Released from a Premises do not comply with the requirements of this Bylaw, the CAO may require the Owner of the Premises from which the Wastewater is produced to do and or all of the following:
  - i. monitor Wastewater in compliance with any conditions specified by the CAO;
  - ii. install and utilize any monitoring equipment that the CAO decides is necessary; and/or
  - iii. provide the results of the monitoring to the CAO.

### **7.3 Testing and Surcharges**

- a) The CAO may, for the purpose of determining compliance with this Bylaw, or for determining a Wastewater Surcharge, do one or more of the following:
  - i. enter upon Premises from which Wastewater is produced and conduct testing of Wastewater;
  - ii. conduct testing of Wastewater at any Monitoring Access Point located in or on the Premises;
  - iii. test discrete Wastewater streams within a Premises.
- b) For the purpose of subsection a), the CAO may use an automated sampling device or follow a manual sampling protocol and do either, or both, of the following:
  - i. take samples of the effluent produced at a Premises each day for a minimum of two days;
  - ii. take a minimum of four Grab Samples of equal volume at a Premises at least one hour apart on each day.
- c) The CAO will conduct an analysis of the Wastewater on a composite of the Grab Samples from each day, and the results will be averaged to determine the characteristics and concentration of the effluent being Released into the Wastewater System from the Premises.
- d) Despite subsections b) and c), the CAO may rely on a single Grab Sample taken in or on a Premises to determine if the Wastewater produced at the Premises meets the requirements of this Bylaw.
- e) If there is more than one Monitoring Access Point servicing a site, the CAO may estimate proportions of samples collected from each Monitoring Access Point for the purpose of determining the Wastewater Surcharge.
- f) The CAO may use the results of testing performed on samples collected from a single Monitoring Access Point to determine the Wastewater Surcharge applied to all Premises connected to a Common Wastewater Service if:
  - i. a Common Wastewater Service pipe connects multiple Premises, each served by a separate Water Meter, to the Wastewater System; and



- ii. a single Monitoring Access Point is maintained for all the Premises.
- g) All tests, measurements, analyses and examinations of Wastewater, its characteristics, or contents pursuant to this Bylaw shall be carried out in accordance with Standard Methods or a procedure approved by the CAO and be performed by an Accredited Laboratory that is accredited for analysis of the particular Substance using a method that is within the laboratory's scope of accreditation.

## **8. HAULED WASTEWATER**

### **8.1 Hauled Wastewater Release Authorization**

- a) Authorization of any Release of Hauled Wastewater shall be at the sole discretion of the CAO.
- b) A Person releasing or allowing the Release of Hauled Wastewater at a facility operated or approved by the Town must:
  - i. In the case of Release into a Town operated facility, obtain written approval from the CAO; or
  - ii. In the case of Release into a privately operated facility, enter into a Hauled Wastewater agreement with the Town.
- c) A person releasing or allowing the Release of Hauled Wastewater must pay any fees and charges related to the authorization as specified in Schedule "H".
- d) A Person must not Release or allow the Release of Hauled Wastewater at a location that has not been authorized by the CAO.
- e) A Person who fails to use a Hauled Wastewater facility for Hauled Wastewater in accordance with all verbal, posted, or written instructions, and such failure results in soiling, damage, or harm to any part of the Wastewater System, must compensate the Town for the costs of clean-up, repair or replacement of that part, or parts, of the Wastewater System that the Person soiled, damaged, or harmed.

### **8.2 CAO's Authority**

- a) The CAO may do any of the following:
  - i. place any condition on a Hauled Wastewater authorization that the CAO decides is necessary;
  - ii. suspend or revoke a Hauled Wastewater authorization.
- b) A revocation of a Hauled Wastewater authorization may be appealed to the Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the Hauled Wastewater authorization was revoked.

## 9. UNLAWFUL, UNAUTHORIZED, AND ACCIDENTAL RELEASES

### 9.1 Release Reporting

- a) Any Person who Releases or allows a Release of a Substance into the Wastewater System in contravention of this Bylaw must take all reasonable measures to immediately notify:
  - i. the 911 Emergency telephone number if there is any damage or immediate danger to any one or more of the following:
    - a. human health or safety;
    - b. property;
    - c. the environment;
    - d. the Wastewater System;
  - ii. the CAO;
  - iii. the Owner of the Premises where the Release occurred; and
  - iv. any other Person that may be affected by the Release.
- b) A Person reporting the Release described in subsection a) must supply the following information:
  - i. the name and contact information of the Person reporting the Release;
  - ii. the time of the Release;
  - iii. the location of the Release;
  - iv. the type of material Released and any known associated hazards;
  - v. the volume of material Released; and
  - vi. any corrective action being taken, or proposed to be taken, to control the Release.
- c) The CAO may require the Owner, or the Person responsible for the Release described in subsection a), to do either, or both, of the following:
  - i. compensate the Town for all costs incurred by the Town with respect to the Release, including containment, sampling, testing, inspection, removal, cleanup, disposal, and any other activity related to the Release;
  - ii. submit to the CAO a written report describing the cause of the Release and the steps or procedures to be taken to prevent or eliminate similar future Releases.
- d) An Owner or Person who fails to submit a written report required by the CAO pursuant to subsection c) ii. is guilty of an offence under this Bylaw.

- e) A Person who Releases or allows a Release of a Substance into the Wastewater System in contravention of this Bylaw must immediately take all reasonable measures to mitigate the Release.

## 10. APPROVALS AND REQUIREMENTS

### 10.1 Conditions of Approvals

- a) A written approval given by the CAO pursuant to this Bylaw, or an agreement entered into with the Town pursuant to this Bylaw, must be available for inspection on the request of the CAO or a Peace Officer.
- b) A Person is guilty of an offence pursuant to this Bylaw if the Person does any one or more of the following:
  - i. contravenes a requirement of the CAO;
  - ii. contravenes a requirement or condition of a written approval or Permit given by the CAO;
  - iii. contravenes a requirement or condition of an agreement entered into by the CAO with the Person.
- c) 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 or Permit.

## 11. OFFENCES, PENALTIES, AND ENFORCEMENT

### 11.1 Owner of Motor Vehicle Liability

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:

- a) If a motor vehicle is involved in an offence described in this Bylaw, the Owner of the motor vehicle is guilty of the offence.
- b) Subsection a) does not apply if the Owner of the motor vehicle satisfies the Court that:
  - i. the Owner was not driving the motor vehicle at the time of the offence; and
  - ii. the Person driving the motor vehicle at the time of the offence did not have the Owner’s express or implied consent to be driving the motor vehicle.
- c) Despite subsection a), if the Owner was not driving the motor vehicle at the time of the offence, the Owner is not liable for imprisonment.

### 11.2 Offences and Penalties

- a) Any Person who contravenes any provision of this Bylaw by:
  - i. doing any act or thing with the Person is prohibited from doing; or
  - ii. failing to do any act or thing which the Person is required to do, including:



- a. failing to comply with a requirement imposed by the CAO;
- b. failing to comply with a condition of a written approval or Permit given by the Town; or
- c. failing to comply with a requirement or condition of an agreement entered into by the Town with the Person;

is guilty of an offence.

- b) Any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- c) Any Person who is convicted of an offence pursuant to this Bylaw is liable for every day or part thereof upon which such offence occurs or continues, on summary conviction to a fine not exceeding ten-thousand dollars (\$10,000) or imprisonment for not more than one (1) year, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) year.
- d) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may, in addition to any other remedy at law, serve upon the Person a violation ticket, in the form provided under the *Provincial Offences Procedure Act*.
- e) Where there is a specified penalty listed for an offence in the Fee Structure Bylaw, that amount is the specified penalty for the offence.
- f) Notwithstanding specified penalties set out in the Fee Structure Bylaw:
  - i. Where a Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect to the second contravention shall be double the amount of the specified penalty for a first offence; and
  - ii. Where a Person contravenes the same provision of this Bylaw three (3) or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent contraventions shall be triple the amount of the specified penalty for a first offence.
- g) On conviction of an offence that is of a continuing nature, the penalty is the fine amount set out in in the Fee Structure Bylaw in respect of the offence for each day, or part of a day, that the offence continues.
- h) This section shall not prevent a Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.
- i) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

- j) Notwithstanding the provisions of this Section, any Person who contravenes any provision of this Bylaw may forfeit the right to be connected to any Town Utility.

### 11.3 Enforcement

- a) Where the CAO or a Peace Officer believes a Person has contravened any provision of this Bylaw, they may issue the Person a Remedial Order, pursuant to section 545 of the *Municipal Government Act* to remedy the infraction.
- b) Every Remedial Order written with respect to this Bylaw must:
- i. Indicate the Person to whom it is directed;
  - ii. Identify the property to which the Remedial Order relates by municipal address or legal description;
  - iii. Identify the date that it is issued;
  - iv. Identify how the Premises fails to comply with this Bylaw;
  - v. Identify the specific provisions of the Bylaw the Premises contravenes;
  - vi. Identify the nature of the remedial action required to be taken to bring the Premises into compliance;
  - vii. Identify the time within which the remedial action must be completed;
  - viii. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
  - ix. Indicate that the expenses and costs of any action or measures taken by the Town under this section are an amount owing to the Town by the Person to whom the order is directed;
  - x. Indicate that the expenses and cost referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time;
  - xi. Indicate that an appeal lies from the Remedial Order to Town Council, if a notice of appeal is filed in writing with the Town within fourteen (14) days of the receipt of the Remedial Order.
- c) A Remedial Order written pursuant to this Bylaw may be served:
- i. personally, upon the Owner of the Premises to which it relates;
  - ii. may be left with a Person apparently over the age of 18 years at the Premises; or
  - iii. by registered mail to the Owner of the Premises to which it relates.
- d) If, in the opinion of the CAO or a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if the CAO or Peace Officer believes that the Owner of the Premises is evading service, the Remedial Order may be posted in a conspicuous place

on the Premises to which the Remedial Order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.

- e) A Remedial Order issued pursuant to this Bylaw may be appealed to the Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the Remedial Order was issued.
- f) The CAO may shut off water services to a Premises if a Remedial Order has been issued to the Owner or Occupant of that Premises pursuant to this Bylaw and either of the following applies:
  - i. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order; or
  - ii. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
- g) The CAO may do any thing, or carry out any work required by a Remedial Order issued pursuant to subsection 10.3 a), and the costs associated with doing that thing, or carrying out the work, are an amount owing to the Town and may be added to the tax roll of the Premises if a Remedial Order has been issued to the Owner of that Premises pursuant to this Bylaw and:
  - i. the Owner of the Premises fails to comply with the requirements of the Remedial Order; or
  - ii. the Owner of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
- h) A Person who fails to comply with the requirements of a Remedial Order issued pursuant to this Bylaw within the time period set out in the Remedial Order commits an offence.

#### **11.4 Interference with Town Forces**

- a) A Person must not obstruct, or attempt to obstruct, in any manner, a Peace Officer, or the CAO, or their designates, contractors, servants, or agents, in the exercise of their powers or duties as authorized or required by this Bylaw.
- b) For the purposes of subsection a), “obstruct” means to hinder, delay, interfere with, or prevent, or attempt to prevent the execution of a power or duty, and includes any of the following:
  - i. providing false or misleading information or making a false claim or statement to the CAO or a Peace Officer,
  - ii. preventing, barring, or delaying, or attempting to prevent, bar, or delay entry or inspection by the CAO or a Peace Officer in accordance with this Bylaw,



- iii. failing to provide, on the request of the CAO or a Peace Officer, any information, documents, or things relevant to an inspection, including any documents specifically required to be kept or provided under this Bylaw.

**11.5 Recovery of Costs**

- a) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Wastewater System resulting from the Owner's or Occupant's contravention of the requirements of this Bylaw.

**12. SUSPENSION OF EXISTING CONTROLS**

Effective September 1, 2022, Water and Sewer Utility Bylaw 1607-21 and all other bylaws relating to water services and sewer or wastewater services are hereby repealed.

**13. DATE OF COMMENCEMENT**

This Bylaw shall come into force and take effect on September 1, 2022.

**READ A FIRST TIME THIS 13 DAY OF JUNE, 2022**

\_\_\_\_\_  
**MAYOR, D. Anderberg**

\_\_\_\_\_  
**CAO, L. Wilgosh**

**READ A SECOND TIME THIS 27 DAY OF JUNE, 2022**

\_\_\_\_\_  
**MAYOR, D. Anderberg**

\_\_\_\_\_  
**CAO, L. Wilgosh**

**READ A THIRD AND FINAL TIME THIS 27 DAY OF JUNE, 2022**

\_\_\_\_\_  
**MAYOR, D. Anderberg**

\_\_\_\_\_  
**CAO, L. Wilgosh**

## SCHEDULE "A" – PROHIBITED SUBSTANCES

The following must not be Released into the Wastewater System:

- a) a Substance that causes or will cause a Negative Impact;
- b) a Substance that will interfere, or does interfere, with the operation of the Wastewater System;
- c) a Substance that will cause a violation or non-compliance event with respect to the Town's Wastewater operating approval;
- d) a Substance that will interfere with the disposal of Biosolids resulting from municipal Wastewater treatment;
- e) an explosive Substance, including solvents or petroleum derivatives such as gasoline, diesel fuel, naphtha or fuel oil, of a quantity such that:
  - i. Wastewater from the Premises will exhibit the characteristics of a Flammable Liquid, or
  - ii. the explosive Substance could cause or contribute to an explosion or support combustion in the Wastewater System, by itself or in combination with other Wastewater;
- f) a Substance, including hydrogen sulphide, carbon disulphide or other reduced sulphur compounds, but not including Domestic Wastewater, which by itself or in combination with other Substances is capable of creating odours;
- g) a solid or viscous Substance in a quantity, or of such size, as to be capable of causing obstruction to the flow in a Wastewater System, including ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animals or animal parts, animal feces and blood;
- h) Wastewater containing a Substance that on its own, or in combination with another Substance, creates a taste or an odour in the drinking water supply and makes drinking water unpalatable after conventional water purification treatment;
- i) Wastewater containing a Substance that on its own, or in combination with another Substance, becomes highly coloured and passes through the Wastewater System, discoloring the effluent;
- j) Wastewater that is Released in layers or forms layers upon interaction with other Wastewater;
- k) Wastewater having a pH of less than 5.5 or greater than 10;
- l) Wastewater having a temperature in excess of 75 degree Celsius;
- m) Radioactive Materials;
- n) corrosive or toxic Wastewater that causes or will cause a Negative Impact;
- o) Biomedical Wastes;
- p) unused or waste Pharmaceuticals;
- q) unused or waste chemical Substances;
- r) Hazardous Wastes;
- s) Pesticides;
- t) grit removed from ICI Premises, including grit removed from car wash establishments, automobile garages, and restaurant Sumps or from Interceptors.

**SCHEDULE “B” – RESTRICTED SUBSTANCES**

Wastewater containing the following materials in excess of the following concentrations is restricted:

Substance	Concentration Limit (mg/L)	Substance	Concentration Limit (mg/L)
Aluminum, total	50	Manganese, total	5
Antimony, total	5	Mercury, total	0.01
Arsenic, total	1	Methylene chloride (dichloromethane)	0.09
Benzene	0.5	Molybdenum, total	5
Beryllium, total	1	Nickel, total	2
Bismuth, total	5	PCBs (chlorobiphenyls)	0.004
Boron, total	5	Phenolic Compounds	1
BTEX	1	Selenium, total	1
Cadmium, total	0.7	Silver, total	0.5
Chloride	1500	Sulphate	1500
Chloroform	0.05	Sulphides	1
Chromium, total	3	Tetrachloroethane (1,1,2,2-)	0.06
Cobalt, total	5	Tetrachloroethylene	0.06
Copper, total	2	Thallium, total	0.5
Cyanide	1.2	Tin, total	5
Dichlorobenzene (1,2-)	1	Titanium, total	5
Dichlorobenzene (1,4)	1	Toluene	0.5
Ethylbenzene	0.5	Total Nitrogen	50
Fluoride	10	Trichloroethylene	0.054
Hexachlorobenzene	0.06	Vanadium, total	5
Hydrocarbons	50	Xylenes, total	0.5
Iron, total	50	Zinc, total	2
Lead, total	0.7		



**SCHEDULE "C" – SURCHARGE SUBSTANCES**

<b>Substance</b>	<b>Concentration Limit (mg/L)</b>
BOD	300
COD	600
TSS	300
FOG	100
TP	10
TKN	50

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## SCHEDULE “D” – WASTEWATER CHARGES

Monthly rates or charges described in this Schedule are based on a nominal calendar month, regardless of number of days in that month, ranging between 28 and 31 days.

**1. Service Charges (Town Users)**

Service Charges are categorized by Customer class and are a monthly charge.

*As per Fee Structure Bylaw*

**2. Usage Charges (Town Users)**

Usage Charges are based on the volume of water used by the Customer, based on the Water Meter reading, multiplied by the Return Factor in Schedule “T”. Usage Charges are categorized by Customer class and based on \$ per cubic meter (m<sup>3</sup>).

*As per Fee Structure Bylaw*

**3. Effluent Meter Usage Charges**

For Customers served with an Effluent Meter, in addition to the Service Charge set out in section 1, a Usage Charge based on the Wastewater volume processed through the Effluent Meter will be charged with no multiplication factor for Return Factor.

*As per Fee Structure Bylaw*

**SCHEDULE “E” – WASTEWATER SERVICE FEES**

The fees required by this Schedule are not refundable and are charged in all circumstances. They apply whether the service connection is related to the collection of Wastewater at a metered rate or at a flat rate.

*As per Fee Structure Bylaw*

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**SCHEDULE “F” – WASTEWATER CHARGES FOR CUSTOMERS OUTSIDE TOWN LIMITS**

- 1.1 This section is a place holder for future regional collection of Wastewater. The Town of Pincher Creek does not currently provide regional Wastewater services outside of Town limits.
- 1.2 For all other Customers located outside of Town limits, a charge equal to the applicable Service Charge from section 1 of Schedule “D” plus the applicable Usage Charge from section 2 of Schedule “D” shall be paid to the Town.

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## SCHEDULE "G" – WASTEWATER SURCHARGES

Monthly rates or charges described in this Schedule are based on a nominal calendar month, regardless of number of days in that month, ranging between 28 and 31 days.

### 1. Wastewater Surcharge Service Charge

A Wastewater Surcharge Service Charge is applied to a Customer's account if any concentration limit set out in Schedule "C" is exceeded. The Wastewater Surcharge Service Charge is a monthly charge in addition to the Wastewater Service Charge outlined in Schedule "D".

*As per Fee Structure Bylaw*

### 2. Wastewater Surcharge Usage Charge

Wastewater Surcharge Usage Charges are based on the amount (in mg/L) over the allowable concentration limits set out in Schedule "C". This amount is then multiplied by the volume of Wastewater being charged to the Customer (calculated by either Water Meter volume \* Return Factor, or by volume of Effluent Meter measurements).

*As per Fee Structure Bylaw*

Total Wastewater Surcharge Usage Charge shall be calculated as follows:

$$\begin{aligned} R = & [ (\$ \text{ BOD Surcharge}) * (\text{mg/L over BOD Concentration Limit}) ] \\ & + \\ & [ (\$ \text{ TSS Surcharge}) * (\text{mg/L over TSS Concentration Limit}) ] \\ & + \\ & [ (\$ \text{ FOG Surcharge}) * (\text{mg/L over FOG Concentration Limit}) ] \end{aligned}$$

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$$R = \text{Total Surcharge rate per m}^3 \text{ of Wastewater}$$

**SCHEDULE “H” – HAULED WASTEWATER CHARGE**

Customers who have received authorization to discharge Hauled Wastewater into the Town’s Wastewater System, as per section 8.1, shall be subject to Service Charges and Usage Charges as per the Town’s Fee Structure Bylaw.

Hauled Wastewater may also be subject to Wastewater Surcharges, as determined by the CAO.

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**SCHEDULE "I" – RETURN FACTORS**

<b>Customer Class</b>	<b><i>Return Factor</i></b>
<i>Residential Metered</i>	0.90
<i>Non-Residential Metered</i>	0.97

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## Highlighted Differences between Existing *Water & Sewer Utility Bylaw #1607-21* and Proposed *Wastewater Utility Bylaw #1632-22*

### **Removal of Rates & Fees from Utility Bylaw**

Fees and charges have been removed from the Utility Bylaw and incorporated into the Fee Structure Bylaw. This will allow Council to review and/or adjust fees for all utilities (in addition to recreation and administration fees) on a more regular basis without having to amend every separate bylaw. The revised Fee Structure Bylaw is expected to be presented to Council for consideration at the July Regular Meeting of Council.

### **Require Accounts to be in Property Owner's Name**

Administration proposes requiring utility bills to be in the name of the property owner. This does not mean that a tenant cannot pay for the utilities, they could be listed as a 'secondary' on the account, but the property owner/landlord would be ultimately responsible for the bill. Currently, if a utility account is under a tenant's name and falls into arrears, the Town is not able to apply the owed amount to the property's tax roll. Requiring the bill to be primarily in the Owner's name would eliminate this barrier. The transition of the primary account holder to the Owner would be completed slowly and would only be triggered by move-outs or falling into arrears. No immediate changes would be needed for landlords/tenants.

### **Hauled Wastewater**

Hauled wastewater refers to wastewater brought into Town from external sources (septic tanks, porta-potties, etc.) that ultimately is dumped into the Town's system. The Bylaw gives authority for approval of private facilities that receive hauled wastewater be at the discretion of the CAO. This allows administration to mitigate risks to our infrastructure. The Bylaw allows for agreements to be put in place and restrictions applied as required. The Bylaw also allows Council to charge for this service, which will be discussed when bringing forward the Fee Structure Bylaw.

### **Industry Specific Pre-Treatment Requirements**

These requirements will help protect the Town's Wastewater System from damage that are specific to certain industries, such as hydrocarbons which may be released from automotive/mechanic facilities, or fats/oils/grease released from restaurants.

### **Structure of Wastewater Charges for Residential Properties**

The old Bylaw charges a flat rate for Wastewater Usage (for residential properties) and the new Bylaw proposes charging based on volume of wastewater generated. The intent is not to drastically increase the wastewater utility billing amount, but better distribute the costs to those who use the service more than others, in the same way water services are charged.

### **Wastewater Composition Limits**

The old Bylaw is extremely vague in not allowing customers to produce wastewater that will cause harm to the system. The new Bylaw clarifies these limits to assist (especially industrial) customers know what the Town's expectations are in Schedules A, B, and C.

# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> Tax Exemption Bylaw #1629-22	
<b>PRESENTED BY:</b> Wendy Catonio, Director of Finance and Human Resources	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

To provide Council with the Tax Exemption Bylaw #1629-22 for third and final reading.

**RECOMMENDATION:**

That Council for the Town of Pincher Creek agree to give the Tax Exemption Bylaw No. 1629-22 third and final reading, and a copy be attached hereto and form part of the minutes.

**BACKGROUND/HISTORY:**

Council agreed to give the Tax Exemption Bylaw No. 1629-22 first reading at the May 24, 2022 Regular Meeting of Council.

Council requested the following changes prior to second reading:

Agreement will terminate if property is sold during the three years of the agreement. Included in Section 8 - 8.8 Sale of Property.

Remove "Improvement" from application form.

2.1 g add requisitioning levies still apply - Province education and policing; P.C. Foundation and P.C Emergency Services.

This section has been added but policing and emergency services is not a requisition and therefore not itemized on the Property Tax Bylaw. Determining this amount for these individual properties may be difficult and therefore Administration is not recommending Policing and PCEMS be included as remaining payable. Requisitions were addressed in Section 4 Scope 4.2 so this appears to be redundant.

Council agreed to give Tax Exemption Bylaw No. 1629-22 second reading at the June 13, 2022 Regular Meeting of Council.

Council requested the following changes prior to third and final reading:

several formatting issues such as indentations, spacings and capitalizations; remove the reference to Policing and PC EMS from the required levies to be paid as these are payments not levies and are included as part of the Municipal Tax amount; Appendix A - Move expansions to their own section 2 rather than under section 1; Appendix B - Change "Assessed Properties" to "Qualified Property" and add "Agent" to the Definition section of the bylaw.

**ALTERNATIVES:**

That Council for the Town of Pincher Creek receive the proposed Tax Exemption



Bylaw No. 1629-22 as information.

That Council for the Town of Pincher Creek direct Administration to gather further information to bring back to Council.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

This Tax Exemption Bylaw may encourage existing property owners and prospective property owners to invest in the Town of Pincher Creek.

**FINANCIAL IMPLICATIONS:**

Undeterminable at this time but the Town may be foregoing a portion of property taxes derived from new growth when this Bylaw is passed. Existing property owners will be required to cover cost increases.

**PUBLIC RELATIONS IMPLICATIONS:**

The idea of offering an incentive to new and expanding businesses is very appealing as it may encourage some of our existing businesses to look into growth opportunities. It would encourage incentivization as positive steps as we move into additional steps that will come out of the Community Economic Development Strategy.

**ATTACHMENTS:**

Draft Bylaw No 1629-22 - Tax Exemption bylaw Third Reading - 2944

**CONCLUSION/SUMMARY:**

Administration supports giving the Tax Exemption Bylaw No.1629-22 third and final reading.

**Signatures:**

**Department Head:**

*Wendy Catonio*

**CAO:**

*Laurie Wilgosh*



## Town of Pincher Creek

### Tax Exemption Bylaw No. 1629-22

#### A BYLAW OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA, TO ESTABLISH TAX EXEMPTION FOR BUSINESS DEVELOPMENT

WHEREAS the Town of Pincher Creek acknowledges the importance of business development in the Town for the general benefit of the Town, including goods, services, employment and taxes;

AND WHEREAS the Town wishes to facilitate growth of existing businesses and also attract new business construction to support the growth and prosperity of the Town;

AND WHEREAS pursuant to Section 364.2 of the *Municipal Government Act*, RSA 2000, c M-26, Council may pass a tax exemption bylaw to encourage development and revitalization of non-residential properties for the general benefit of the Town;

AND WHEREAS the Town of Pincher Creek is responsible for carrying out measures that will develop and maintain a viable community pursuant to Section 3(c) of the *Municipal Government Act*, which includes measures to improve the long-term economic outlook for the Town;

NOW THEREFORE, the Council of the Town of Pincher Creek, in the Province of Alberta, enacts as follows:

#### 1. Short Title

1.1 This Bylaw may be referred to as the "Tax Exemption Bylaw".

#### 2. Definitions

2.1 In this Bylaw, unless the context otherwise requires:

a) "Act" means the *Municipal Government Act*, RSA 2000, c M-26, as amended from time to time;

b) "Administration" means the administrative and operational arm of the Town comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;

b)c) "Agent" means a person or organization appointed to represent the applicant

e)d) "Applicant" means a person who applies for an Exemption;

e)e) "Assessed Person" means an assessed person as that term is defined under Section 284(1) of the Act;

e)f) "Business" means commerce for purposes of the production, storage, buying or selling of goods and services;

f)g) "Chief Administrative Officer" or "CAO" means the chief administrative officer as appointed by Council, including the CAO's delegate;

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~~g) Requisitioning levies still apply for the Province — Education and Policing, Pincher Creek Foundation (Crestview Lodge) and Pincher Creek Emergency Services.~~

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~~h) "Complete Application" means an application submitted pursuant to this Tax Exemption Bylaw that includes the Application Fee (if any) and the application requirements for non-residential tax exemption and the application form for non-residential tax exemption as set out in Appendices "A" and "B".~~

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~~i) "Council" means all the Councillors of the Town including the Chief Elected Official for the Town;~~

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~~ii) "Council" means all the Councillors of the Town including the Chief Elected Official for the Town;~~

~~iii) "Exemption" means an exemption from taxation for Non-residential Property as provided for in Part 10, Division 2 of the Act. For purposes of clarity, the exemption from taxation applies only to taxes imposed by the Town under Part 10, Division 2 of the Act and not any Provincial requisitions including Education and Pincher Creek Foundation;~~

~~iv) "Expansion" means development that adds to an existing Structure to increase the Structure's physical space for purposes of facilitating the Business within that Structure, or to replace an existing Structure for purposes of facilitating the Business within that Structure;~~

~~v) "New Construction" means the construction of a new Structure for the purpose of establishing a Business within that Structure;~~

~~vi) "Non-residential Property" means non-residential as defined in the Act section 297 (4) (b) in respect of property;~~

~~vii) "Qualifying Property" means a Structure that is the subject of the New Construction or an Expansion;~~

~~viii) "Structure" means a structure as that term is defined in s 284(1)(u) of the Act that is Non-residential Property;~~

~~ix) "Tax Exemption Agreement" means a written agreement setting out the terms and conditions for an Exemption for the Qualifying Property; and~~

~~x) "Town" means the Town of Pincher Creek in the Province of Alberta.~~

### 3. Purpose

3.1 The purpose of this Tax Exemption Bylaw is to allow for Tax Exemptions under Part 10, Division 2 of the Act for Qualifying Properties in the Town that meet the requirements of this Bylaw.3.2

### 4. Scope

~~4.1~~ This tax exemption applies to the improvement portion of the property tax. For greater clarity, the Applicant will continue to receive a tax notice for the land portion of their assessed property.

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~~4.2~~ The Applicant will continue to receive a tax notice for any Provincial Requisitions, such as Education, Senior's Housing and requisitions from any other Agencies, Boards, Commissions and Foundations.

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~~4.3~~ The Applicant will continue to receive a tax notice for any Local Improvements.



## 5. Criteria for an Exemption

5.1 In order to apply for an Exemption under this bylaw , an Applicant must meet the following criteria:

- 5.1.1 the Applicant must be the Assessed Person for the Qualifying Property that is the subject of the application;
- 5.1.2 the applicant may apply for an exemption for structural improvements to a property on behalf of a tenant of the property;
- 5.1.3 the Applicant must have no outstanding monies owing to the Town.

5.2 In order to qualify for an Exemption, the Qualifying Property must meet the following criteria:

- 5.2.1 The Applicant must submit a Complete Application in accordance with the terms of this Bylaw.
- 5.2.2 the Qualifying Property must be located within the geographical boundaries of the Town;
- 5.2.3 the Development of the Qualifying Property must qualify as New Construction or an Expansion or a structural improvement;
- 5.2.4 All required Town Development approvals with respect to the development of the Qualifying Property must have been issued;
- 5.2.5 Eligibility for a Tax Exemption pursuant to this Bylaw requires the following criteria:
  - 5.2.5.1 Notarized statement from a third-party construction firm indicating that the costs presented by the applicant are true, and that all costs submitted are those only for constructing or expanding or improving the structure of the building.
  - 5.2.5.2 In the case where a property owner elects to use their own labour, then a letter from a third-party accounting firm is required verifying the costs submitted and ensuring that all costs are true, and those that are submitted are only those for constructing or expanding or improving the building.
  - 5.2.5.3 A building/ development permit has been obtained and executed by the Town of Pincher Creek, if required.
  - 5.2.5.4 All construction inspections are completed and a permit for occupancy has been granted by the Town, if required.
  - 5.2.5.5 A minimum of \$25,000 invested in new construction or expansion or structural improvement
- 5.2.6 The Applicant must submit a Complete Application in accordance with the terms of this Bylaw.
- 5.2.7 With respect to a Qualifying Property, only one agreement with a three- year period is allowed.



## 6. Application for an Exemption

- 6.1 Applicants must submit a Complete Application to the CAO. The CAO shall respond to the application within 60 working days from the time of submission.
- 6.2 Applications may be submitted at any time and, if approved, the tax exemption applies for 3 (three) years beginning the year following the year of approval.
- 6.3 Notwithstanding the Complete Application requirements set out in this Bylaw, the CAO may require any additional information that, in the discretion of the CAO, is necessary to complete the application.
- 6.4 The CAO will advise Applicants in writing if their application is accepted for consideration. Applications accepted for consideration shall become the property of the Town and may not be returned.
- 6.5 The CAO has the discretion to reject applications that are incomplete and will provide a written description of the reasons for rejection within 60 business days of the application.
- 6.6 Applicants whose applications are returned as incomplete may resubmit an application at any time.
- 6.7 The CAO will advise Applicants within 60 business days in writing with reasons if their application is rejected.

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## 7. Consideration of Applications

- 7.1 The CAO shall review the Complete Application to determine if it meets the criteria and requirements for an Exemption and provide a written report with recommendations to Council within 60 business days of the application.
- 7.2 Council shall review the complete application and the CAO report and may:
  - 7.2.1 pass a resolution directing the CAO to enter into a Tax Exemption Agreement; or
  - 7.2.2 pass a resolution refusing the complete application.
- 7.3 A resolution directing the CAO to enter into a Tax Exemption Agreement must include:
  - 7.3.1 the 3 (three) years to which the Exemption applies; and
  - 7.3.2 the dollar value of the Exemption for the Qualifying Property for each of the fiscal tax years affected whether based upon the costs of New Construction or the costs of an Expansion or improvements.
- 7.4 The CAO shall provide written notice of a refusal by Council to an Applicant within 14 business days which must include the resolution passed under section 7.2.



## 8. Tax Exemption Agreement

- 8.1 Where Council has passed a resolution approving an Exemption, The CAO shall draft a Tax Exemption Agreement in accordance with the resolution of Council.
- 8.2 A Tax Exemption Agreement must outline:
- 8.2.1 the taxation years to which the Exemption applies, which must not include any taxation year earlier than the taxation year in which the Exemption is granted;
  - 8.2.2 the amount of the Exemption for each taxation year to which the Exemption applies;
  - 8.2.3 a deadline for submission of proof that the Qualifying Property has been approved for occupancy, if required;
- 8.3 In the event of a cancellation pursuant to section 9.1 of this Bylaw, any monies owed to the Town shall be immediately paid by the Applicant; and
- 8.4 Any other conditions the CAO deems necessary and the taxation year(s) to which the condition applies.
- 8.5 A Tax Exemption Agreement shall be honored notwithstanding this bylaw being amended or repealed subsequent to entering into such agreement.
- 8.6 Notwithstanding that the market value of a property could increase, decrease or remain the same, no applicant will be allowed to use the municipal exemption tax rebate to reduce the tax notice to below zero.
- 8.7 Annual Taxation must be paid when due.
- 8.8 Sale of the Property - If the property is sold during the three years of the agreement, the agreement will be considered terminated and no further tax exemption will apply.

## 9. Cancellation of Tax Exemption Agreements

- 9.1 If at any time after an Exemption is granted, The CAO determines that the Applicant or their application:
- 9.1.1 did not meet, or ceased to meet, any of the material applicable criteria in Section 5 which formed the basis of granting the Exemption;
  - 9.1.2 Tax arrears are owing with respect to the Qualifying Property; or
  - 9.1.3 that there was a breach of any material condition of the Tax Exemption Agreement; then
- The CAO shall make a recommendation to Council and Council may, by resolution, cancel the Tax Exemption Agreement. .
- 9.2 A resolution passed by Council pursuant to section 9.1 must include reasons and identify the taxation year or years to which the cancellation applies.
- 9.3 The CAO shall provide written notice of a cancellation to an Applicant which must include the resolution passed under section 9.1.

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**10. Review of Decision**

- 10.1 Where an application has been rejected by the CAO on the basis that it is incomplete, Applicants may resubmit to the CAO a revised application at any time;
- 10.2 Applicants may apply to Council within 30 business days of receiving a notice of cancellation to review the cancellation and Council may uphold or revoke the cancellation.
- 10.3 Applications for judicial review of a decision pursuant to this Tax Exemption Bylaw must be filed with the Court of Queen's Bench and served not more than sixty (60) days after the date the decisions is received by the Applicant.

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**11. Review of Bylaw**

- 11.1 -This bylaw shall be reviewed by Council in a public Council meeting at least every second year from the date of passing of the bylaw for the purpose of assessing whether to amend or repeal the bylaw.

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**12. Severability**

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

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**13. Effective Date**

- 13.1 This Bylaw shall come into force and take effect when it is approved after third reading.

READ a First time this 24th day of May, 2022.

\_\_\_\_\_  
Don Anderberg, MAYOR

\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

READ a Second time this 13<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Don Anderberg, MAYOR

\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER



READ a Third time this 27<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Don Anderberg, MAYOR

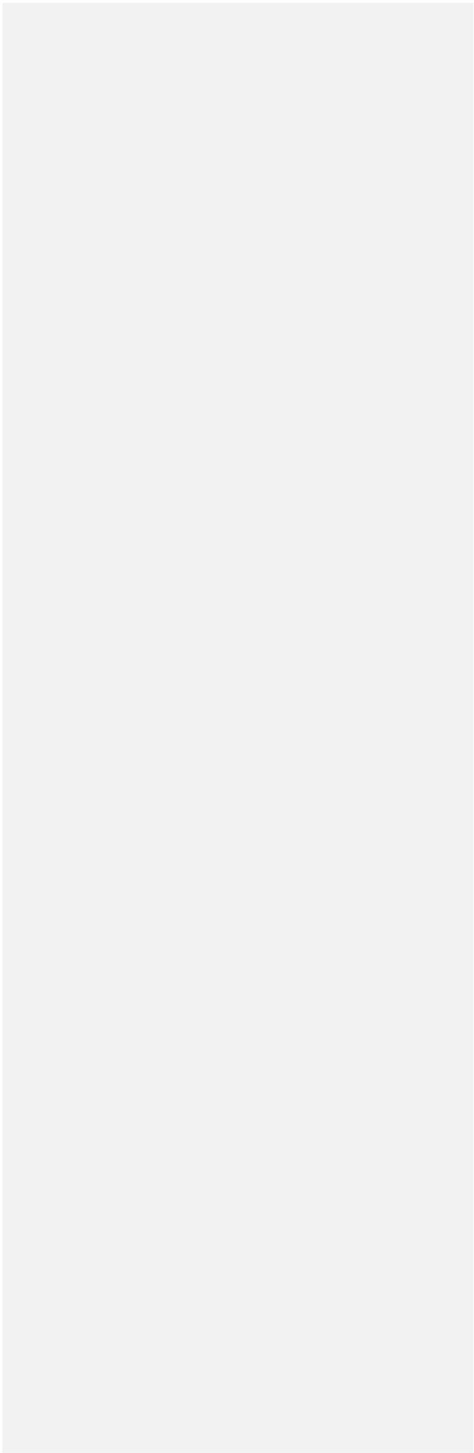
\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

SIGNED AND PASSED this 27<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Don Anderberg, MAYOR

\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

DRAFT





**Appendix "A"**  
**Application Requirements for**  
**Tax Exemption**  
**Bylaw No. 1629-22**

1. All applications for an Exemption under the Tax Exemption Bylaw must include the following information:
  - a) a signed and dated application form;
  - b) if the Applicant is not an individual, an agent authorization form or directors' resolution;
  - c) if the Applicant is a corporation, a corporate registry record of the Applicant dated within 60 days of the date of the application;
  - d) a land titles certificate for the lands on which the Qualifying Property is located dated within 60 days of the date of the application;
  - e) copies of all building/development permits issued with respect to the development of the Qualifying Property;
  - f) a description of the Business conducted or to be conducted in the Qualifying Property;
  - g) an indication of whether the development is New Construction or an Expansion or an improvement;
  - h) an estimate of when the Qualifying Property will be approved for occupancy after completion of the New Construction or Expansion, if required;
  - i) an explanation of how the application meets the criteria for an Exemption; and
2. With regards to Expansions the following additional information:
  - i. photographs of the Qualifying Property before the Expansion; and
  - ii. a notarized statement from a third-party construction firm indicating that the costs presented by the applicant are true, and that all costs submitted are those only for constructing or expanding the structure of the building
  - iii. a financial summary and copies of receipts or paid invoices in relation to the development showing the location of the Expansion.
3. Applicants may provide any other material, including additional print, visual or audio-visual material, which the Applicant believes will support their application.

**All Qualifying Properties will be subject to inspection by Town staff to ensure the validity of the application.**



**Appendix "B"**  
**Application Form for**  
**Tax Exemption**  
*Pursuant to the Tax Exemption Bylaw No. 1629-22*

**Business Information**

Business Name: \_\_\_\_\_

Registered Corporate name, if different: \_\_\_\_\_

Legal Address of Assessed Qualified Property: \_\_\_\_\_

\_\_\_\_\_

Mailing Address of Assessed Qualified Property: \_\_\_\_\_

\_\_\_\_\_

**Personal Information**

Name of applicant or agent: \_\_\_\_\_

Mailing Address for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Email Address for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Telephone number for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Personal information required by Town of Pincher Creek application forms is collected under authority of sections 33(a) and (c) of the Alberta Freedom of Information and Protection of Privacy (FOIP) Act. Your personal information will be used to process your application(s). Please be advised that your name, address and details related to your application may be included on reports that are available to the public as required or allowed by legislation. If you have any questions, please contact the Town's FOIP Head at 403-627-3156 or email reception@pinchercreek.ca





Provide, or append, a brief description of the Business:

The Applicant is applying for a three-year (36 month) tax exemption for: (choose applicable)

- New Construction
- Expansion

Describe, or append, an explanation of why you are seeking an Exemption and how you meet the criteria for one of the tax exemption programs listed above:

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What date is the subject property expected to be approved for occupancy:

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Indicate if the application includes the following:

- |   |   |
|---|---|
| <input type="checkbox"/> Building/Development Permits (required)                        | <input type="checkbox"/> Land Titles Certificate (required) |
| <input type="checkbox"/> Tax Assessment Notices (required)                              | <input type="checkbox"/> Notarized cost statement           |
| <input type="checkbox"/> Agent Authorization Form/Directors' Resolution (if applicable) | <input type="checkbox"/> Photos (if applicable)             |
| <input type="checkbox"/> Financial Summary and Receipts/Invoices (if applicable)        | <input type="checkbox"/> Other materials (optional)         |
| <input type="checkbox"/> Corporate Registry Record (if applicable)                      |   |

\_\_\_\_\_  
Date of the Application

\_\_\_\_\_  
Signature of Applicant (or Applicant's Agent)

\_\_\_\_\_  
Print Name of Applicant (or Applicant's Agent)

**FOR OFFICE USE ONLY**

\_\_\_\_\_  
DATE APPLICATION WAS RECEIVED

\_\_\_\_\_  
NAME OF RECIPIENT



## Town of Pincher Creek

### Tax Exemption Bylaw No. 1629-22

#### A BYLAW OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA, TO ESTABLISH TAX EXEMPTION FOR BUSINESS DEVELOPMENT

WHEREAS the Town of Pincher Creek acknowledges the importance of business development in the Town for the general benefit of the Town, including goods, services, employment and taxes;

AND WHEREAS the Town wishes to facilitate growth of existing businesses and also attract new business construction to support the growth and prosperity of the Town;

AND WHEREAS pursuant to Section 364.2 of the *Municipal Government Act*, RSA 2000, c M-26, Council may pass a tax exemption bylaw to encourage development and revitalization of non-residential properties for the general benefit of the Town;

AND WHEREAS the Town of Pincher Creek is responsible for carrying out measures that will develop and maintain a viable community pursuant to Section 3(c) of the *Municipal Government Act*, which includes measures to improve the long-term economic outlook for the Town;

NOW THEREFORE, the Council of the Town of Pincher Creek, in the Province of Alberta, enacts as follows:

#### 1. Short Title

1.1 This Bylaw may be referred to as the "Tax Exemption Bylaw".

#### 2. Definitions

2.1 In this Bylaw, unless the context otherwise requires:

- a) "Act" means the *Municipal Government Act*, RSA 2000, c M-26, as amended from time to time;
- b) "Administration" means the administrative and operational arm of the Town comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
- c) "Agent" means a person or organization appointed to represent the applicant
- d) "Applicant" means a person who applies for an Exemption;
- e) "Assessed Person" means an assessed person as that term is defined under Section 284(1) of the Act;
- f) "Business" means commerce for purposes of the production, storage, buying or selling of goods and services;
- g) "Chief Administrative Officer" or "CAO" means the chief administrative officer as appointed by Council, including the CAO's delegate;



- h) ) "Complete Application" means an application submitted pursuant to this Tax Exemption Bylaw that includes the Application Fee (if any) and the application requirements for non-residential tax exemption and the application form for non-residential tax exemption as set out in Appendices "A" and "B"
- i) "Council" means all the Councillors of the Town including the Chief Elected Official for the Town;
- j) "Exemption" means an exemption from taxation for Non-residential Property as provided for in Part 10, Division 2 of the Act. For purposes of clarity, the exemption from taxation applies only to taxes imposed by the Town under Part 10, Division 2 of the Act and not Provincial requisitions including Education and Pincher Creek Foundation;
- k) "Expansion" means development that adds to an existing Structure to increase the Structure's physical space for purposes of facilitating the Business within that Structure, or to replace an existing Structure for purposes of facilitating the Business within that Structure;
- l) "New Construction" means the construction of a new Structure for the purpose of establishing a Business within that Structure;
- m) "Non-residential Property" means non-residential as defined in the Act section 297 (4) (b) in respect of property;
- n) "Qualifying Property" means a Structure that is the subject of the New Construction or an Expansion;
- o) "Structure" means a structure as that term is defined in s 284(1)(u) of the Act that is Non-residential Property;
- p) "Tax Exemption Agreement" means a written agreement setting out the terms and conditions for an Exemption for the Qualifying Property; and
- q) "Town" means the Town of Pincher Creek in the Province of Alberta.

### **3. Purpose**

- 3.1 The purpose of this Tax Exemption Bylaw is to allow for Tax Exemptions under Part 10, Division 2 of the Act for Qualifying Properties in the Town that meet the requirements of this Bylaw.3.2

### **4. Scope**

- 4.1 This tax exemption applies to the improvement portion of the property tax. For greater clarity, the Applicant will continue to receive a tax notice for the land portion of their assessed property.
- 4.2 The Applicant will continue to receive a tax notice for any Provincial Requisitions, such as Education, Senior's Housing and requisitions from any other Agencies, Boards, Commissions and Foundations.
- 4.3 The Applicant will continue to receive a tax notice for any Local Improvements.

### **5. Criteria for an Exemption**



5.1 In order to apply for an Exemption under this bylaw , an Applicant must meet the following criteria:

- 5.1.1 the Applicant must be the Assessed Person for the Qualifying Property that is the subject of the application;
- 5.1.2 the applicant may apply for an exemption for structural improvements to a property on behalf of a tenant of the property;
- 5.1.3 the Applicant must have no outstanding monies owing to the Town.

5.2 In order to qualify for an Exemption, the Qualifying Property must meet the following criteria:

- 5.2.1 The Applicant must submit a Complete Application in accordance with the terms of this Bylaw.
- 5.2.2 the Qualifying Property must be located within the geographical boundaries of the Town;
- 5.2.3 the Development of the Qualifying Property must qualify as New Construction or an Expansion or a structural improvement;
- 5.2.4 All required Town Development approvals with respect to the development of the Qualifying Property must have been issued;
- 5.2.5 Eligibility for a Tax Exemption pursuant to this Bylaw requires the following criteria:
  - 5.2.5.1 Notarized statement from a third-party construction firm indicating that the costs presented by the applicant are true, and that all costs submitted are those only for constructing or expanding or improving the structure of the building.
  - 5.2.5.2 In the case where a property owner elects to use their own labour, then a letter from a third-party accounting firm is required verifying the costs submitted and ensuring that all costs are true, and those that are submitted are only those for constructing or expanding or improving the building.
  - 5.2.5.3 A building/ development permit has been obtained and executed by the Town of Pincher Creek, if required.
  - 5.2.5.4 All construction inspections are completed and a permit for occupancy has been granted by the Town, if required.
  - 5.2.5.5 A minimum of \$25,000 invested in new construction or expansion or structural improvement
- 5.2.6 The Applicant must submit a Complete Application in accordance with the terms of this Bylaw.
- 5.2.7 With respect to a Qualifying Property, only one agreement with a three- year period is allowed.

## 6. Application for an Exemption





- 6.1 Applicants must submit a Complete Application to the CAO. The CAO shall respond to the application within 60 working days from the time of submission.
- 6.2 Applications may be submitted at any time and, if approved, the tax exemption applies for 3 (three) years beginning the year following the year of approval.
- 6.3 Notwithstanding the Complete Application requirements set out in this Bylaw, the CAO may require any additional information that, in the discretion of the CAO, is necessary to complete the application.
- 6.4 The CAO will advise Applicants in writing if their application is accepted for consideration. Applications accepted for consideration shall become the property of the Town and may not be returned.
- 6.5 The CAO has the discretion to reject applications that are incomplete and will provide a written description of the reasons for rejection within 60 business days of the application.
- 6.6 Applicants whose applications are returned as incomplete may resubmit an application at any time.
- 6.7 The CAO will advise Applicants within 60 business days in writing with reasons if their application is rejected.

## **7. Consideration of Applications**

- 7.1 The CAO shall review the Complete Application to determine if it meets the criteria and requirements for an Exemption and provide a written report with recommendations to Council within 60 business days of the application.
- 7.2 Council shall review the complete application and the CAO report and may:
  - 7.2.1 pass a resolution directing the CAO to enter into a Tax Exemption Agreement; or
  - 7.2.2 pass a resolution refusing the complete application.
- 7.3 A resolution directing the CAO to enter into a Tax Exemption Agreement must include:
  - 7.3.1 the 3 (three) years to which the Exemption applies; and
  - 7.3.2 the dollar value of the Exemption for the Qualifying Property for each of the fiscal tax years affected whether based upon the costs of New Construction or the costs of an Expansion or improvements.
- 7.4 The CAO shall provide written notice of a refusal by Council to an Applicant within 14 business days which must include the resolution passed under section 7.2.

## **8. Tax Exemption Agreement**

- 8.1 Where Council has passed a resolution approving an Exemption, The CAO shall draft a Tax Exemption Agreement in accordance with the resolution of Council.



- 8.2 A Tax Exemption Agreement must outline:
- 8.2.1 the taxation years to which the Exemption applies, which must not include any taxation year earlier than the taxation year in which the Exemption is granted;
  - 8.2.2 the amount of the Exemption for each taxation year to which the Exemption applies;
  - 8.2.3 a deadline for submission of proof that the Qualifying Property has been approved for occupancy, if required;
- 8.3 In the event of a cancellation pursuant to section 9.1 of this Bylaw, any monies owed to the Town shall be immediately paid by the Applicant; and
- 8.4 Any other conditions the CAO deems necessary and the taxation year(s) to which the condition applies.
- 8.5 A Tax Exemption Agreement shall be honored notwithstanding this bylaw being amended or repealed subsequent to entering into such agreement.
- 8.6 Notwithstanding that the market value of a property could increase, decrease or remain the same, no applicant will be allowed to use the municipal exemption tax rebate to reduce the tax notice to below zero.
- 8.7 Annual Taxation must be paid when due.
- 8.8 Sale of the Property - If the property is sold during the three years of the agreement, the agreement will be considered terminated and no further tax exemption will apply.

## 9. Cancellation of Tax Exemption Agreements

- 9.1 If at any time after an Exemption is granted, The CAO determines that the Applicant or their application:
- 9.1.1. did not meet, or ceased to meet, any of the material applicable criteria in Section 5 which formed the basis of granting the Exemption;
  - 9.1.2. Tax arrears are owing with respect to the Qualifying Property; or
  - 9.1.3. that there was a breach of any material condition of the Tax Exemption Agreement; then
- The CAO shall make a recommendation to Council and Council may, by resolution, cancel the Tax Exemption Agreement. .
- 9.2 A resolution passed by Council pursuant to section 9.1 must include reasons and identify the taxation year or years to which the cancellation applies.
- 9.3 The CAO shall provide written notice of a cancellation to an Applicant which must include the resolution passed under section 9.1.

## 10. Review of Decision



- 10.1 Where an application has been rejected by the CAO on the basis that it is incomplete, Applicants may resubmit to the CAO a revised application at any time;
- 10.2 Applicants may apply to Council within 30 business days of receiving a notice of cancellation to review the cancellation and Council may uphold or revoke the cancellation.
- 10.3 Applications for judicial review of a decision pursuant to this Tax Exemption Bylaw must be filed with the Court of Queen's Bench and served not more than sixty (60) days after the date the decisions is received by the Applicant.

**11. Review of Bylaw**

- 11.1 This bylaw shall be reviewed by Council in a public Council meeting at least every second year from the date of passing of the bylaw for the purpose of assessing whether to amend or repeal the bylaw.

**12. Severability**

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

**13. Effective Date**

- 13.1 This Bylaw shall come into force and take effect when it is approved after third reading.

READ a First time this 24th day of May, 2022.

\_\_\_\_\_  
Don Anderberg, MAYOR

\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

READ a Second time this 13<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Don Anderberg, MAYOR

\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

READ a Third time this 27<sup>th</sup> day of June, 2022.



\_\_\_\_\_  
Don Anderberg, MAYOR

\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

SIGNED AND PASSED this 27th day of June, 2022.

\_\_\_\_\_  
Don Anderberg, MAYOR

\_\_\_\_\_  
Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

## Appendix "A"





**Application Requirements for  
Tax Exemption  
Bylaw No. 1629-22**

1. All applications for an Exemption under the Tax Exemption Bylaw must include the following information:
  - a) a signed and dated application form:
  - b) if the Applicant is not an individual, an agent authorization form or directors' resolution:
  - c) if the Applicant is a corporation, a corporate registry record of the Applicant dated within 60 days of the date of the application:
  - d) a land titles certificate for the lands on which the Qualifying Property is located dated within 60 days of the date of the application:
  - e) copies of all building/development permits issued with respect to the development of the Qualifying Property:
  - f) a description of the Business conducted or to be conducted in the Qualifying Property:
  - g) an indication of whether the development is New Construction or an Expansion or an improvement:
  - h) an estimate of when the Qualifying Property will be approved for occupancy after completion of the New Construction or Expansion, if required:
  - i) an explanation of how the application meets the criteria for an Exemption; and
2. With regards to Expansions the following additional information:
  - i. photographs of the Qualifying Property before the Expansion; and
  - ii. a notarized statement from a third-party construction firm indicating that the costs presented by the applicant are true, and that all costs submitted are those only for constructing or expanding the structure of the building
  - iii. a financial summary and copies of receipts or paid invoices in relation to the development showing the location of the Expansion.
3. Applicants may provide any other material, including additional print, visual or audio-visual material, which the Applicant believes will support their application.

**All Qualifying Properties will be subject to inspection by Town staff to ensure the validity of the application.**



**Appendix "B"**  
**Application Form for**  
**Tax Exemption**  
*Pursuant to the Tax Exemption Bylaw No. 1629-22*

**Business Information**

Business Name: \_\_\_\_\_

Registered Corporate name, if different: \_\_\_\_\_

Legal Address of Qualified Property: \_\_\_\_\_

\_\_\_\_\_

Mailing Address of Qualified Property: \_\_\_\_\_

\_\_\_\_\_

**Personal Information**

Name of applicant or agent: \_\_\_\_\_

Mailing Address for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Email Address for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Telephone number for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Personal information required by Town of Pincher Creek application forms is collected under authority of sections 33(a) and (c) of the Alberta Freedom of Information and Protection of Privacy (FOIP) Act. Your personal information will be used to process your application(s). Please be advised that your name, address and details related to your application may be included on reports that are available to the public as required or allowed by legislation. If you have any questions, please contact the Town's FOIP Head at 403-627-3156 or email [reception@pinchercreek.ca](mailto:reception@pinchercreek.ca)



Provide, or append, a brief description of the Business:

The Applicant is applying for a three-year (36 month) tax exemption for: (choose applicable)

- New Construction
- Expansion

Describe, or append, an explanation of why you are seeking an Exemption and how you meet the criteria for one of the tax exemption programs listed above:

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What date is the subject property expected to be approved for occupancy:

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Indicate if the application includes the following:

- |   |   |
|---|---|
| <input type="checkbox"/> Building/Development Permits (required)                        | <input type="checkbox"/> Land Titles Certificate (required) |
| <input type="checkbox"/> Tax Assessment Notices (required)                              | <input type="checkbox"/> Notarized cost statement           |
| <input type="checkbox"/> Agent Authorization Form/Directors' Resolution (if applicable) | <input type="checkbox"/> Photos (if applicable)             |
| <input type="checkbox"/> Financial Summary and Receipts/Invoices (if applicable)        | <input type="checkbox"/> Other materials (optional)         |
| <input type="checkbox"/> Corporate Registry Record (if applicable)                      |   |

\_\_\_\_\_  
Date of the Application

\_\_\_\_\_  
Signature of Applicant (or Applicant's Agent)

\_\_\_\_\_  
Print Name of Applicant (or Applicant's Agent)

**FOR OFFICE USE ONLY**

\_\_\_\_\_  
DATE APPLICATION WAS RECEIVED

\_\_\_\_\_  
NAME OF RECIPIENT

# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> Water Stewardship Policy #401-16	
<b>PRESENTED BY:</b> Al Roth, Director of Operations	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

For Council to rescind the Water Stewardship Policy #401-16.

**RECOMMENDATION:**

That Council for the Town of Pincher Creek rescind Water Stewardship Policy #401-16 effective September 1, 2022.

**BACKGROUND/HISTORY:**

The Water Stewardship Policy was put in place in 2016 to provide guidelines for water conservation measures in times of emergency or drought. The content of the policy is still valid today, however, Policies are more difficult to enforce than Bylaws. The water conservation measures have now been incorporated in the the Water Utility Bylaw #1631-22.

**ALTERNATIVES:**

That Council for the Town of Pincher Creek request additional information from administration.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

As the water conservation measures outlined in the Water Stewardship Policy have now been incorporated into the Water Utility Bylaw, there will be no fundamental difference in the conservation measures. The largest impact will be on the Town's ability to utilize Bylaw Enforcement measures for those contravening the water conservation restrictions.

**FINANCIAL IMPLICATIONS:**

By removing the Policy and incorporating all water restrictions within the Water Utility Bylaw, penalties/tickets are able to be issued for contraventions that weren't available when restrictions were only outlined in a policy.

**PUBLIC RELATIONS IMPLICATIONS:**

As the change from Policy to Bylaw will not result in any changes to the water conservation measures/ "stages", there should be a seamless transition for the public.

**ATTACHMENTS:**

401-16 Water Stewardship Policy - 2842



**CONCLUSION/SUMMARY:**

Administration supports the rescission of the Water Stewardship Policy #401-16.

**Signatures:**

**Department Head:**

*A. Zerai*

**CAO:**

*Laurie Wilgosh*





# TOWN OF PINCHER CREEK POLICY



<b>Approved by: Council</b>	<b>Date October 13, 2016</b> <b>Policy: 401-16-</b>
<b>Reference: 401-16</b>	<b>Revision Date/by: 2021</b>
<b>Title: Water Stewardship Policy</b>	

## **Policy Statement**

The Town of Pincher Creek, in proactively addressing long-term imbalances of water demand and availability, and as committed members of both the Oldman Watershed Council and the Pincher Creek Watershed group will provide guidelines for water stewardship for drought and water scarcity events.

### **1. Definitions:**

- 1.1 “**Council**” shall mean the Council for the Town of Pincher Creek, in the Province of Alberta.
- 1.2 “**CAO**” shall mean the Chief Administrative Officer of the Town of Pincher Creek, in the Province of Alberta.
- 1.3 “**Director of Operations**” shall mean the person appointed by the Town of Pincher Creek as the Director of Operations.
- 1.4 “**Water Shortage**” shall refer to any condition, which results in or has potential to result in depletion of water resources.
- 1.5 “**Water Conservation**” shall refer to the willing act of mindfully utilizing water with the intention of reducing total consumption so as to prevent depletion of water stores.
- 1.5 “**Water Restriction**” shall refer to the mandatory limiting of available water usage and/or the limitation of function water may be used for.
- 1.6 “**Commercial Users**” shall refer to any usage with the intention and/or potential to yield a profit.
- 1.7 “**Private Users**” shall refer to personal use without the intention and/or potential to yield a profit.
- 1.9 “**Water Sharing**” shall refer to any large scale water usage and/or access to water on behalf of the Town of Pincher Creek’s water license.

### **2. Responsibilities:**

- 2.1 **CAO**
  - 2.1.1 To ensure that this policy is adhered to.

## 2.3 Director of Operations

- 2.3.1 Will ensure that the Operations Department follows the priorities set within this policy.
- 2.3.2 Will be responsible to monitor conditions and assess the potential for water shortage.
- 2.3.3 Will initiate the appropriate corresponding conservation/restriction measures for the conditions in conjunction with any Federal or Provincial guidelines and/or communications.

## 3. Procedures

- 3.2 All conservation/restriction measures being implemented by the Town of Pincher Creek will be communicated on the Town's official website and will be posted on officially verified Town of Pincher Creek social media.

## 4. Water Restriction Stages and Associated Consumption Guidelines

### 4.1 Stage 1 – Voluntary Water Conservation

- 4.1.1 – Watering with sprinkler/irrigation system (lawn, garden, trees or shrubs etc.)  
*At the consumers' discretion*
- 4.1.2 – Watering with a spring-loaded nozzle with automatic shut-off, connected to a hose (garden, trees or shrubs etc.)  
*At the consumers' discretion*
- 4.1.3 - Watering with a hand –held container (gardens, trees or shrubs etc.)  
*At the consumers' discretion*
- 4.1.4 - Watering of new grass (sod within 21 days, seed within 45 days)  
*At the consumers' discretion*
- 4.1.5 - Private & Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)  
*At the consumers' discretion*
- 4.1.6 - Private & Commercial pressure washing (car washes etc.)  
*At the consumers' discretion*
- 4.1.7 - Using water for filling (outdoor decorative features, fountains, etc.)  
*At the consumers' discretion*
- 4.1.8 - Using water for filling (swimming pools, wading pools, hot tubs, etc.)  
*At the consumers' discretion*
- 4.1.9 - Using water for construction purposes (grading, compaction, dust control, etc.)  
*At the consumers' discretion*
- 4.1.10 –Water sharing  
*At the discretion of the Council*

### 4.2 Stage 2 – Mandatory Water Restriction

- 4.2.1 – Watering with sprinkler/irrigation system (lawn, garden, trees or shrubs etc.)  
*Watering times - 6am - 10am & 7pm - 11pm*  
*Even-numbered addresses - Wednesdays Only*  
*Odd-numbered addresses - Thursdays Only*
- 4.2.2 – Watering with a watering can for flowers only.  
*Watering times - 6am - 10am & 7pm - 11pm*  
*Even-numbered addresses - Wednesdays Only*  
*Odd-numbered addresses - Thursdays Only*



- 4.2.3 - Watering with a hand –held container (gardens, trees or shrubs etc.)  
*Allowed*
- 4.2.4 - Watering of new grass (sod within 21 days, seed within 45 days)  
*Watering times - 6am - 10am & 7pm - 11pm*  
*Even-numbered addresses - Wednesdays Only*  
*Odd-numbered addresses - Thursdays Only*
- 4.2.5 - Private & Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)  
*Only for health and safety purposes or to prepare for painting or similar treatment. Washing for aesthetic purposes is prohibited*
- 4.2.6 - Private & Commercial pressure washing (car washes etc.)  
*Allowed*
- 4.2.7 - Using water for filling (outdoor decorative features, fountains, etc.)  
*Not allowed*
- 4.2.8 - Using water for filling (swimming pools, wading pools, hot tubs, etc.)  
*Discretionary*
- 4.2.9 - Using water for construction purposes (grading, compaction, dust control, etc.)  
*Discretionary*
- 4.2.10 - Water sharing  
*At the discretion of the Council*

#### **4.3 Stage 3 – Mandatory Water Restriction**

- 4.3.1 – Watering with sprinkler/irrigation system (lawn, garden, trees or shrubs etc.)  
*Not allowed*
- 4.3.2 – Watering with a watering can for flowers only.  
*Watering times - 6am - 10am & 7pm - 11pm*  
*Even-numbered addresses - Wednesdays Only*  
*Odd-numbered addresses - Thursdays Only*
- 4.3.3 - Watering with a hand –held container (gardens, trees or shrubs etc.)  
*Allowed*
- 4.3.4 - Watering of new grass (sod within 21 days, seed within 45 days)  
*Watering times - 6am - 10am & 7pm - 11pm*  
*Even-numbered addresses - Wednesdays Only*  
*Odd-numbered addresses - Thursdays Only*
- 4.3.5 - Private & Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)  
*All forms of hosing of outdoor surfaces are prohibited unless ordered by a regulatory authority for health and safety reasons (i.e. public health inspector or WCB etc.)*
- 4.3.6 - Private & Commercial pressure washing (car washes etc.)  
*Private use - Not allowed*  
*Commercial use - Allowed*
- 4.3.7 - Using water for filling (outdoor decorative features, fountains, etc.)  
*Not allowed*
- 4.3.8 - Using water for filling (swimming pools, wading pools, hot tubs, etc.)  
*Not allowed*
- 4.3.9 - Using water for construction purposes (grading, compaction, dust control, etc.)  
*Not allowed*
- 4.3.10 - Water sharing  
*At the discretion of the Council*



**4.4 Stage 4 – Mandatory Water Restriction**

**4.4.1** – Watering with sprinkler/irrigation system (lawn, garden, trees or shrubs etc.)

*Not allowed*

**4.4.2** – Watering with a watering can for flowers only.

*Not allowed*

**4.4.3** - Watering with a hand –held container (gardens, trees or shrubs etc.)

*Not allowed*

**4.4.4** - Watering of new grass (sod within 21 days, seed within 45 days)

*Not allowed*

**4.4.5** - Private & Commercial outdoor impermeable surface washing (exterior building surfaces, driveways, walkways, etc.)

*All forms of hosing of outdoor surfaces are prohibited unless ordered by a regulatory authority for health and safety reasons (i.e. public health inspector or WCB etc.)*

**4.4.6** - Private & Commercial pressure washing (car washes etc.)

*All forms of hosing of outdoor surfaces are prohibited unless ordered by a regulatory authority for health and safety reasons (i.e. public health inspector or WCB etc.)*

**4.4.7** - Using water for filling (outdoor decorative features, fountains, etc.)

*Not allowed*

**4.4.8** - Using water for filling (swimming pools, wading pools, hot tubs, etc.)

*Not allowed*

**4.4.9** - Using water for construction purposes (grading, compaction, dust control, etc.)

*Not allowed*

**4.4.10** - Water sharing

*At the discretion of the Council*

**4.5 All other water usage** - at the discretion of the Director of Operations.

**5. End of Policy**

# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> Meeting Invitation from Minister Rick Maclver	
<b>PRESENTED BY:</b> Laurie Wilgosh, Chief Administrative Officer	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

There is a potential opportunity to meet with the Honourable Ric McIver at the 2022 AM Fall Convention, scheduled to take place at the Calgary Convention Centre from September 21-23, 2022.

**RECOMMENDATION:**

That Council for the Town of Pincher Creek submit a request to meet in person with Honourable Ric McIver, Minister of Municipal Affairs and to raise the following items for discussion: .....

**BACKGROUND/HISTORY:**

Meeting times with the Minister are scheduled for approximately 15 minutes per municipality.

Policy items or issues directly relevant to the Minister of Municipal Affairs and the department will be given priority.

**ALTERNATIVES:**

receive as information.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

N/A

**FINANCIAL IMPLICATIONS:**

The cost of sending a number of Councillors and or the mayor to the Calgary event. Attendance is budgeted for each year.

**PUBLIC RELATIONS IMPLICATIONS:**

The Alberta Municipalities Association annual convention allows for education and networking opportunities for Council members, which in turn benefits the community with the sharing of information and potential solutions.

**ATTACHMENTS:**

20220616085312965 - 2939

**CONCLUSION/SUMMARY:**

Administration supports that a number of council members are approved to meet with Mst. Rick McIver at the fall AM Convention.

**Signatures:**

**Department Head:**

*Lannie Wilgosh*

**CAO:**

*Lannie Wilgosh*



June 27

Cao

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**From:** MA Engagement Team <ma.engagement@gov.ab.ca>  
**Sent:** Friday, May 27, 2022 10:34 AM  
**Subject:** INVITATION TO REQUEST A MEETING WITH THE MINISTER- 2022 AM FALL CONVENTION

Dear Chief Administrative Officers:

We are writing to inform you of a potential opportunity for municipal councils to meet with the Honourable Ric McIver, Minister of Municipal Affairs, at the 2022 AM Fall Convention, scheduled to take place at the Calgary Convention Centre from September 21 – 23, 2022. These meetings will be in person at the convention centre.

Should your council wish to meet with Minister McIver during the convention, please submit a request by email to [ma.engagement@gov.ab.ca](mailto:ma.engagement@gov.ab.ca) no later than July 8, 2022.

In your meeting request, please be sure to include one specific policy item or issue your municipality would like to discuss with the Minister.

We generally receive more requests to meet with the Minister than can be reasonably accommodated over the course of the convention. To ensure suitable consideration of requests, municipalities should be mindful of the following criteria:

- Policy items or issues directly relevant to the Minister of Municipal Affairs and the department will be given priority.
- Municipalities located within the Capital Region can be more easily accommodated throughout the year, so priority will be given to requests from municipalities at a distance from Edmonton and to municipalities with whom Minister McIver has not yet had an opportunity to meet.
- Meeting requests received after the deadline will not be considered for the convention, but may be considered for future meeting opportunities.

Meeting times with the Minister are scheduled for approximately 15 minutes per municipality. This will allow the Minister the opportunity to engage with as many municipal councils as possible. All municipalities submitting meeting requests will be notified at least two weeks prior to the convention as to the status of their request.

Municipal Affairs will make every effort to find alternative opportunities throughout the remainder of the year for those municipalities the Minister is unable to accommodate during the convention.

Sincerely,

Stakeholder Relations  
Municipal Affairs

Classification: Protected A



# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> Audit Services	
<b>PRESENTED BY:</b> Wendy Catonio, Director of Finance and Human Resources	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

To appoint KPMG as Auditors for the Town of Pincher Creek for another three year term.

**RECOMMENDATION:**

That Council for the Town of Pincher Creek approve appointing KPMG as Auditors for the Town of Pincher Creek for another three year term including 2022, 2023 and 2024.

**BACKGROUND/HISTORY:**

The Town of Pincher Creek appointed KPMG as auditors for the first time in 2018 for the years ending December 31, 2019, 2020 and 2021. This was the first change in audit firms in the past 16 years. This relationship has worked very well for the last three years and administration requests that KPMG be appointed for another three year term in order to maintain the continuity already established.

The MGA, S. 280(1) requires that each council appoints one or more auditors for the municipality.

The cost of the Town's annual audit does not meet the requirement to tender as per the Northwest Partnership Trade Agreement.

**ALTERNATIVES:**

That Council for the Town of Pincher Creek request administration provide further information at a future council meeting.

That Council for the Town of Pincher Creek direct administration to prepare a request for proposal for audit services.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

None at this time.

**FINANCIAL IMPLICATIONS:**

The annual audit for the Town of Pincher Creek is included in the budget.

**PUBLIC RELATIONS IMPLICATIONS:**

None at this time.

**ATTACHMENTS:**

None at this time.

**CONCLUSION/SUMMARY:**

Administration supports Council appointing KPMG as auditors for another three year term.

**Signatures:**

**Department Head:**

*Wendy Catonio*

**CAO:**

*Laurie Wilgosh*



# Town of Pincher Creek

## REQUEST FOR DECISION

*Council*

<b>SUBJECT:</b> SentYouth Support Request	
<b>PRESENTED BY:</b> Laurie Wilgosh, Chief Administrative Officer	<b>DATE OF MEETING:</b> 6/27/2022

**PURPOSE:**

For Council to consider a request for support for the SentYouth Summer Camp Program

**RECOMMENDATION:**

That Council for the Town of Pincher Creek consider a support donation for the SentYouth Summer Camp in the amount of \$250.00 to be funded from the Community Contingency fund.

**BACKGROUND/HISTORY:**

See email from Ewen Erickson, SentYouth Pastor

**ALTERNATIVES:**

That Council agree to donate a Town T-Shirt or travel mugs or water bottles to the SentYouth Summer Camp program.

That Council receive the request from the SentYouth Summer Camp program as information.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

N/A

**FINANCIAL IMPLICATIONS:**

Donation amount or product

**PUBLIC RELATIONS IMPLICATIONS:**

Support for local youth program

**ATTACHMENTS:**

SentYouth - 2946

**CONCLUSION/SUMMARY:**

Administration recommends that Council provide a monetary donation towards the Summer camp program.

**Signatures:**

Department Head:

*Lannie Wilgosh*

CAO:

*Lannie Wilgosh*







**To: The Town of Pincher Creek**

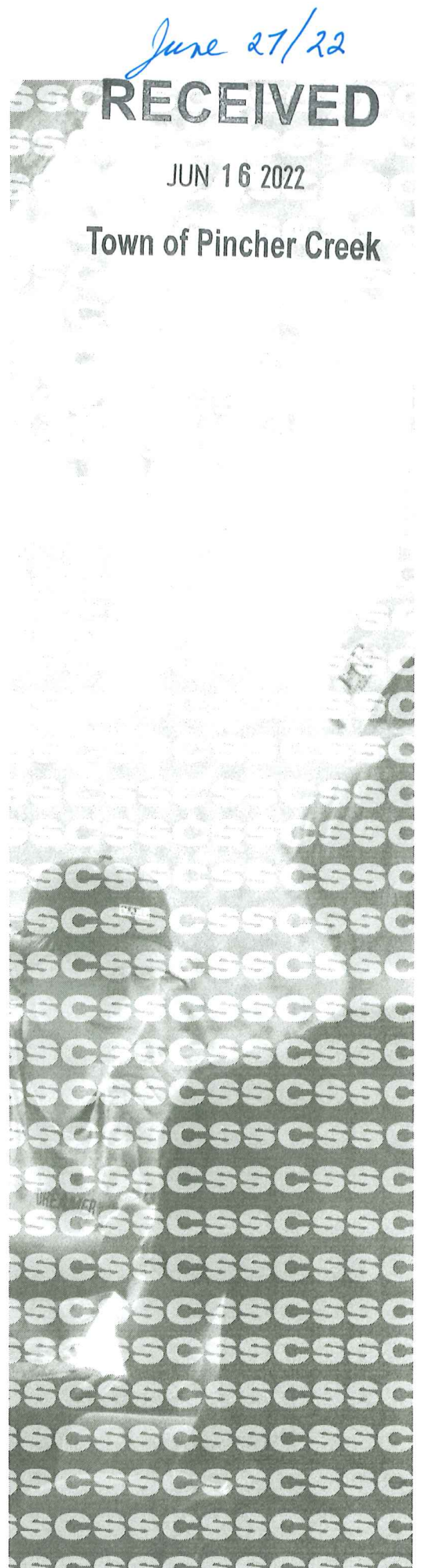
My name is Ewen Erickson, and I am one of the leaders at SentYouth, a youth group located in Pincher Creek. We have been an active and thriving place for teens from grade 7-12 to come and connect, build relationships and have fun since 2019.

During the last year we have seen such exponential growth that it is not uncommon to see upwards of 40 kids during our normal youth nights. During the summer we are closed as teens are quite busy, but we do offer some summer programs. One of these programs is our SentYouth Summer Camp, or SSC. This camp is a free summer camp that runs for three days at Gladstone Valley Ranch.

We offer this camp for free to any teen who would like to come, and this year it will take place on July 12-14. With the growth we are in search of people and businesses who would like to donate to provide a fun and exciting environment to make friends and grow together. We are looking for food supplies, funds and prizes! We appreciate any support whether material or not. If you would like to donate please reach out via phone or email below. Thank you for your time and please consider!

A handwritten signature in black ink, appearing to be 'Ewen Erickson', written in a cursive style.

Ewen Erickson  
SentYouth Pastor  
ewen@abundantsprings.church  
(825)-561-9505





**Town of Pincher Creek  
COUNCIL DISTRIBUTION LIST  
June 27, 2022**

<b><u>Item No.</u></b>	<b><u>Date</u></b>	<b><u>Received From</u></b>	<b><u>Information</u></b>
<b>1.</b>	June 13, 2022	Economic Developers Alberta (EDA)	Webinar Wednesday Series - Three Upcoming Webinars Deliver Important Information
<b>2.</b>	June 13, 2022	TC Energy	NGTL West Path Delivery 2022 Project - Alberta British Columbia Section Community and Business Engagement Open House
<b>3.</b>	June 12, 2022	Chief Mountain Gas Co-op Ltd.	Chief Mountain 2022 Golf Event - August 18th @ 10:00am
<b>4.</b>	June 13, 2022	Community Engagement	AHS Together4Health Headlines
<b>5.</b>	June 14, 2022	TC Energy	NGTL West Path Delivery 2022 Alberta British Columbia Section: Construction Commencement
<b>6.</b>	June 15, 2022	Livingstone-Macleod	Recognizing newcomer successes
<b>7.</b>	June 15, 2022	County of St. Paul No. 19	Rising cost of Alberta utility Fees
<b>8.</b>	June 17, 2022	Public Safety Canada Diversity and Inclusion Champion	OPENING: RCMP Management Advisory Board
<b>9.</b>	June 17, 2022	Statistics Canada	Statistics Canada's Business and Community Newsletter – June 2022
<b>10.</b>	June 21, 2022	Oldman River Regional Services Commission	ORRSC Periodical - Summer 2022 - Cryptocurrency Mining
<b>11.</b>	June 22, 2022	South Canadian Rockies Tourism Association	Indigenous Cultural Awareness Training

# Community Services



Quarterly Report  
January – March 2022

## Community Services – La Vonne Rideout

### Fred Huddlestun Seniors Centre

#### Highlights:

- A new executive was elected at the AGM on March 4<sup>th</sup>



Ethel Luco, Joyce Wallin, Judy Lane, Marie Suchla

- Reopened after two years of closure due to Covid 19

#### Goals:

- Rebuild the membership
- Poll the community to determine what the seniors were looking for
- Rebrand as a “55+ Activity Centre”

#### Attendance:

- Slow to start

#### Significant Projects

- By-Laws updated
- Facebook Page started
- Brochure created
- Open house planned (same time as tradeshow to take advantage of the foot traffic)
- Facelift/cleaning of the centre started

#### Challenges:

- Complete change over in executive
  - Learning new rolls and procedures
- Getting the word out into the community that they are open for business







## Canyon Creek Early Learning Centre

### Highlights:

Staffing has remained steady between January – March 2022  
Centre is at 62% capacity with approximately 21 on the waitlist  
Team was excited to receive goodies for the Random Acts of Kindness Day.

### Goals:

Creating responsive environments for children, making meaningful connections with families, planning for outdoor play spaces/activities, weekly.  
Documentation/observations, planning around inclusive practice (implementing visuals, routines, problem solving strategies)

### Staffing

Certification levels:

\*Not certified: 2 educators working on Level 1. One leaving at the end of June for the summer\*

Level 1: 2 educators

Level 2: 3 educators

Level 3: 2 educators

Possibilities for Practice (Lethbridge College) – 2 educators attended an introduction to the Alberta Curriculum Framework (Flight)

### Staff Meetings/Trainings

Staff meetings – Held second Wednesday of the month for 1.5 hours.

First Half: Agenda conversations- policy and procedure, program plan, cleaning, supervision, child guidance, areas of concern, action plans to meet goals, etc.

Second Half of Meetings: Community of Practice- concepts about Alberta Curriculum Framework and how we implement it into our practice.

Educators attending their own professional development courses/workshops. As well as post secondary courses for Early Learning and Childcare courses. They are reimbursed through Alberta Government Professional Development funding.

## Sage Early Learning Centre

### Highlights:

New director settled in and doing very well. Team dynamics very positive. Started work on updating the policies and procedures manual for the centres.

Centre is at 68% capacity with approximately 32 on the waitlist.

**Goals:**

Community outs, increased quality of programming, building of the core team, opening wait list, revitalizing story park/communication system.

**Staffing:**

Recruiting continues to be a challenge. Nearing the end of initial turnover; stabilization starting to happen., Recruitment of higher-level staff (advertising and interviews are ongoing).

**Staff Meetings/Trainings:**

Focus has been on licensing requirements and programming. New staff working on qualifications. Looking for ongoing training around challenging behaviors.

**Significant Projects:**

Updating of orientation processes (staffing/children), staff handbook, and job descriptions.

**Focus for the Next Three Months:**

Financials, training/education, increasing enrolment, Parent/Family Handbook

## Canyon/Sage

**Combined Centre Training:**

First Aid Training – all centre staff now have current first aid

March 18<sup>th</sup> R.I.E. workshop – Resources for Infant Educators, introduction to the philosophy, understanding relationship; respect with children and guiding principles in our daily practice.

Team Building: Love Languages-understanding that different people with different personalities give and receive appreciation in different ways.

**Significant Projects:**

Preparation for Outdoor Play space, staged with blueprint plans. Stage 1 will be working on irrigation, dirt work, sod, post for shaded areas, tree, and garden bed planting.

**Upcoming Events/Meetings:**

Set up at Trade Show (show case centres and philosophy) April 29 – 30

Day on the Creek- May 25

June 17 – Professional Development- Meta programs and Trauma Informed Care

**Challenges:**

Implementation of the Affordability Grant

Covid 19 Protocols, masking, and testing

Recruitment and retention (many children on the waitlist but unable to accommodate them due to staffing shortages).

## Communities in Bloom

### Highlights:

- Awards for the Business/Residential Christmas lights were delivered.
- Council for the Town of Pincher Creek Proclaimed 2022 as Year of the Garden
- CIB continues to see new members join. Record number of attendees in March.
- Committee members were excited to meet the town's new Parks and Recreation coordinator and look forward to working with him on many projects.
- New town councillor appointed (welcome Councillor Elliott with much thanks to retiring Councillor Jackson).
- Flower color this year is RED.

### Meetings:

- CIB continues to meet as a group on a bi-monthly basis.
- Sub committees meet to move specific projects forward; eg. Signage, Walking Tour pamphlet, historical signage.
- Signing authority was updated/completed.

### Ongoing Projects/Events

- Painting Cowlee (the Cow) and finding her a home.
- Completing the Self Guided Tour pamphlets.
- Updating the historical signage.
- Celebrations and recognition of Pincher Planters (25 years) and the Rose Society (15 years) Afternoon Tea-Saturday, June 18 at 2 p.m. in Cenotaph Park.
- Support the Tidy Tuesdays in partnership with the Town.
- Yard of the Month/Business in Bloom (approved for the Miracle Grow packages)
- Plant Exchange May 27<sup>th</sup>
- National Garden Day: June 18<sup>th</sup>



## Municipal Energy Lead – Tristan Walker

The municipal energy project lead continues work conducting and analyzing building energy scans to determine potential projects that will increase the overall energy sustainability of the municipality. The projects currently underway and their subsequent costs, savings, and environmental effects are presented in this report, followed by work that has been planned.

Also, thank you to the 53 participants and congratulations to Rylan Brown and Kayla Bruns who both aced the Climate Change, GHG Emissions, and Alberta Quiz. Each came away with a brand-new LED bulb and gift cards to Harvest and Co-op respectively.

### Project Updates

The projects completed during this quarter are: thermal scans of municipal buildings, updates to the building automation system (BAS) at the pool, installation of variable flow drives (VFDs) at the pool, HVAC belt replacements at the multipurpose facility, and a pilot storm window retrofit at the Lebel mansion. Another notable achievement was the close out and rebate of the energy study done on the arena. Details on each project will be outlined below.

### Thermal Scans

Thermal scans were conducted on multiple buildings in order to determine where excess heat was being lost. The results from this study allow renovations and retrofits to be planned and pinpoint areas to reduce the heat loss, and therefore reduce energy consumption. Notable buildings included in the thermal scans were the Multi Purpose Facility (Figure 1) and Lebel Mansion (Figure 2) as shown in the photos below.

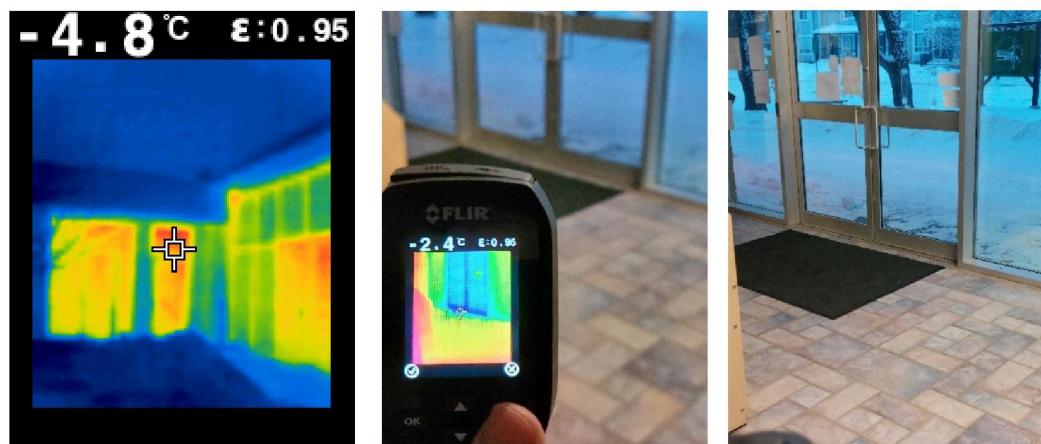


Figure 1: Multi-Purpose Facility thermal scan





Figure 2: Lebel Mansion thermal scan

### Building automation system updates

The building automation system at the multipurpose facility has been updated to help us save energy when it is not occupied. This was an extensive project that involved replacing the old equipment with new sensors and controllers, setting up the new software, and installing VFDs on the roof top units. Schedules have been implemented to set back temperatures for both the interior spaces and pool temperature overnight and during holidays. The installation of VFDs that allowed the roof top units to operate at lower speeds when required as opposed to being 100% ON or OFF which is extremely inefficient. This means that the heating equipment does not have to work as hard and is not drawing as much energy to heat empty spaces. This is a project that will be continually updated and improved to ensure optimal comfort while maximizing energy savings.

Expected savings from this project are significant and long-term, with a substantial amount of the cost being rebated through the MCCAC REC program. The projected values are shown below in Table 1.

**Table 1: Estimated cost, energy savings, GHG savings and financial savings for upgraded BMS system with VFD installs**

Cost (\$)	Annual energy savings (kWh)	Annual Natural Gas savings (GJ)	Annual emissions savings (tCO2e)	Annual savings (\$)
14,135	84,161	559.1	75.7	11,687

## Notched V-belt replacement

The roof top units at the pool and arena are previously using smooth V-belts, which have a 2.5% lower efficiency than their notched counterparts. This was identified as a quick and easy retrofit and plans have been made to replace them on a rolling basis. The estimated costs and savings generated from these retrofits is shown below in Table 2.

*Table 2: Estimated cost, energy savings, GHG savings and financial savings for notched V-belt retrofits.*

Cost (\$)	Annual energy savings (kWh)	Annual emissions savings (tCO <sub>2</sub> e)	Annual savings (\$)
180	1000	0.57	125

## Lebel Mansion Windows

The Lebel Mansion is heated using a boiler and radiant heaters which makes it critical that heat lost to the outdoors is minimized. After doing a thermal scan it was concluded that the main floor Art Gallery windows were significant sources of heat loss and replacing or weather proofing them is high priority.

A pilot project was undertaken on 5 western windows to determine the effects of a weatherproofing retrofit. The costs and projected benefits for that project are shown below in Table 3.

*Table 3: Estimated cost, energy savings, GHG savings and financial savings for Lebel window retrofits.*

Cost (\$)	Annual energy savings (kWh)	Annual emissions savings (tCO <sub>2</sub> e)	Annual savings (\$)
1350	150	0.1	13.5

The results from this pilot project are promising which lays the groundwork to go forward retrofitting or replacing the remaining windows which will create significantly higher savings by increasing the airtightness of the entire building.

With these projects completed, our eyes are set forward to plan and complete more energy saving projects that will be discussed in the following section.

## Planned Work

The work currently identified and underway include: a REALice system for ice resurfacing, replacing old furnaces in the arena, upgrades to the Library building controls, Lebel Mansion lighting upgrades and Lebel Mansion building envelope upgrades.

## REALice

The REALice system is currently being installed at the arena and is scheduled to be operational for the ice going in next year. This system uses a proprietary vortex technology to remove impurities from water used to resurface ice without the need for hot water. This means that the hot water demand for the ice rink is greatly reduced which in turn means energy savings. In addition, the ice takes less water to resurface and there is less snow build up on the surface.

The economics and estimated savings for this project are shown below in Table 4. The cost displayed is what remains after funding from the MCCAC REC program.

*Table 4: Estimated cost, energy savings, GHG savings and financial savings for REALice install.*

Cost (\$)	Annual energy savings (kWh)	Annual Natural Gas savings (GJ)	Annual emissions savings (tCO2e)	Annual savings (\$)
11,089	36,896	404	41.24	5,892

The REALice system is proven to create clearer, harder and smoother ice surfaces so we are looking forward to the feedback from the community!

## Condensing Furnace Replacement

Currently there are three standard efficiency furnaces supplying heat to the dressing rooms in the arena and seniors center. These furnaces are nearing their end of life and require replacement within the next couple years. Replacing these now with high efficiency furnaces has the potential to reduce energy usage and save costs. The estimated costs with a rebate from the MCCAC REC program and savings are shown below in Table 5.

*Table 5: Estimated cost, energy savings, GHG savings and financial savings for arena furnace replacement.*

Cost (\$)	Annual energy savings (kWh)	Annual Natural Gas savings (GJ)	Annual emissions savings (tCO2e)	Annual savings (\$)
5,500	446	153	7.9	1,415

## Lebel Lighting Upgrades

The Lebel Mansion lighting is generally made up of low efficiency fixtures and has started failing in many areas. Replacing the fixtures with new high efficiency LEDs has the potential to greatly reduce the total energy used to light the building. This project is scheduled. The predicted costs and savings for this project are shown below in Table 6.

*Table 6: Estimated cost, energy savings, GHG savings and financial savings for Lebel lighting upgrades..*

Cost (\$)	Annual energy savings (kWh)	Annual emissions savings (tCO2e)	Annual savings (\$)
11,500	2,500	1.38	204.75

### **Library Building Management System Upgrade**

The Library's building controls were upgraded to allow for setbacks in air temperature control while the space is unoccupied. The energy and cost savings are being tracked for this and the system will continue to get updated throughout the year.

### **Lebel Building Envelope Upgrades**

There are significant cost and energy savings available in upgrading the building envelope for the Lebel Mansion, specifically through insulation in the attic and replacing defective windows. Estimations for cost and energy savings are being developed however like the lights these are upgrades that will have to be done as a regular maintenance item even if not undertaken as a capital project.

### **Conclusion**

The municipal energy project lead has saved an estimated 85,311 kwh/year in energy, 559.1 GJ/year of Natural Gas, 76.37 tonnes of CO<sub>2</sub>e/year, and \$11,825.5/year this quarter, with more savings planned for the near future. The position is being handed over from David Desabrais to Tristan Walker as David has taken a full-time position at the Municipal District. Tristan is excited to hit the ground running and continue to capitalize on the great work that David has done. Finally, if you have an idea for how the municipal facilities could save energy don't hesitate to reach out to [energy@pinchercreek.ca](mailto:energy@pinchercreek.ca)!



# Marketing, Events & Economic Development Officer - Marie Everts

Social Media Communication:

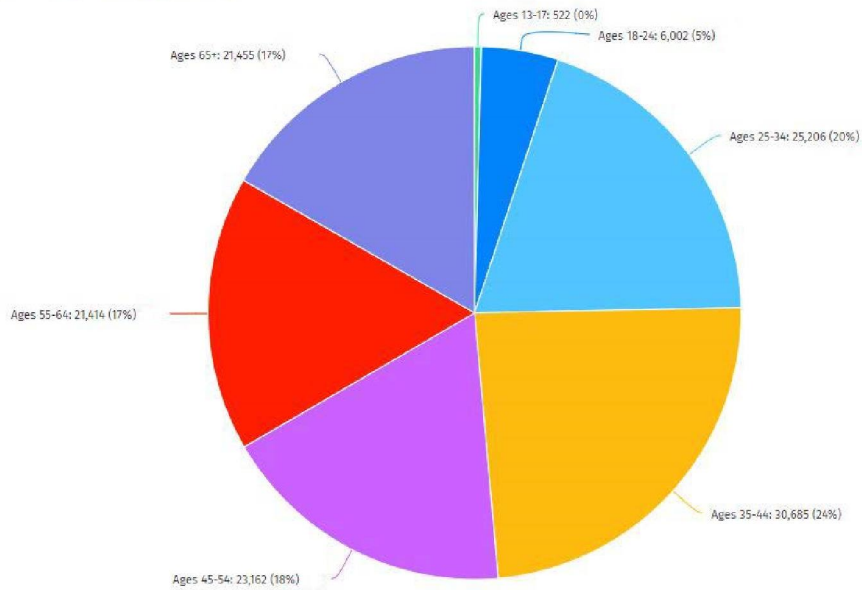
## Town of Pincher Creek Facebook Page

Reach: 134 200

Engaged: 10 266

Impressions: 253 200

Facebook Reach via Age Groups



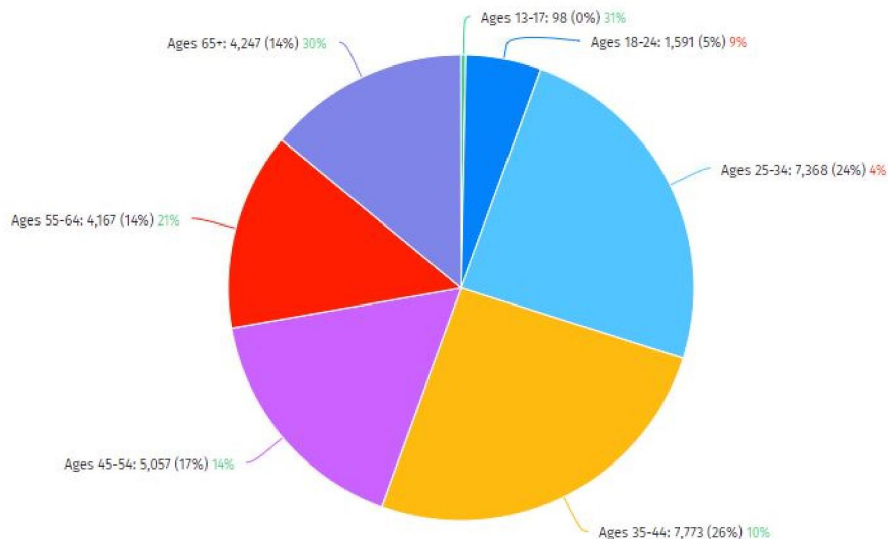
## Pincher Creek Recreation Facebook Page

Reach: 34 350

Engaged: 1637

Impressions: 50 551

Facebook Reach via Age Groups



### Town of Pincher Creek Instagram Account

Accounts reached: 1326

Accounts engaged: 225

Total followers: 1414

### Town of Pincher Creek Twitter Account

Impressions: 2581

Profile visits: 668

### Town of Pincher Creek LinkedIn Account

Page views: 199

Unique visits: 74

### Website Communication:

Pageviews: 32 223

Unique Pageviews: 26 060

Average time of page: 1 min 33 sec

Top pages: (not including home page)

- 1) Multi-purpose facility (pool)
- 2) Arena
- 3) Employment
- 4) Campground
- 5) Events Calendar
- 6) Town Bylaws
- 7) Town Minutes/Agendas
- 8) Business Directory

### Age Range

of your followers

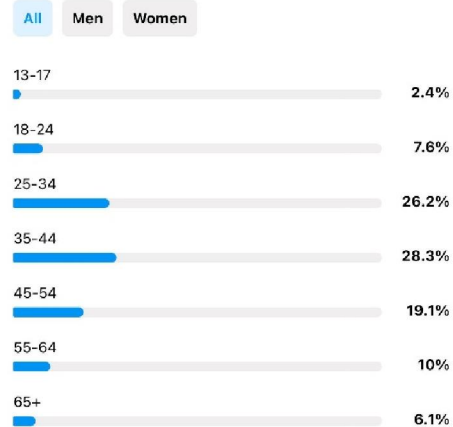


Figure 1 Instagram Age Range

## Community Economic Development Strategy accepted at Council!!



## CEDS Engagement Sessions



### Digital recording views:

Downtown: 74  
Housing: 50  
Workforce: 38  
Health & Wellness: 27

### Registration from sessions:

Downtown: 55  
Housing: 51  
Workforce: 40  
Health & Wellness: 16

### Participation: (day of)

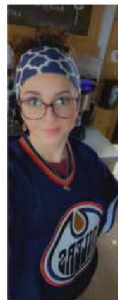
Downtown: 72  
Housing: 40  
Workforce: 37  
Health & Wellness: 29

## EVENTS!

Town Calendar went out to residents over the Christmas break!

- Feb 2- Hockey Jersey Day & Winter Walk Day
- Feb 17- Random Act of Kindness Day
- Feb 23- Pink Shirt Day
- Mar 3 – Community Registration Evening
- Mar 23 – Women In Business, March on event







## Parks & Open Spaces – Brock Leavins

### Highlights

During this period of time, most highlights are grouped towards preparation and coordinating outdoor winter facilities and activities. Listed below are my top highlights:

- Outdoor Ice-Skating Area at Castlevue Park (*See Appendix 1.0*)
  - For this project there were major difficulties with inconsistent weather patterns, which did negatively impact the project greatly with melting ice. For most of this time frame the skating area was unusable, however, during New Year's Eve and New Year's Day, there was significant traffic to the facility, along with the week following. Individuals and groups were able to enjoy the skating area during that time with much positive feedback from the public on social media.
- Completing the 2021 Healthy Community Grant Project
  - For this project, the Town was granted \$5,000 from the Alberta Recreation and Parks Association to develop a project geared towards improving active living within the community. With this project, along with the efforts of Rhonda Oczkowski, I was able to create 12 specialized activity kits for public rental, which focussed on activities for kids, seniors, multicultural, summer, winter, and introduction to sports.
- Establishing Structure and Documents for General Coordinating Tasks
  - With the need for more structure and updated documents, I was able to create specialized documents for financial tracking, task scheduling, facility inspections, facility bookings, etc., and I was able to create documents plans for Sport Field Maintenance, Trail System Maintenance, and General Tree Maintenance.
- Walking Trail Snow Clearing Maintenance (*See Appendix 2.0*)
  - While coordinating with the Operations Department, I was able to improve the overall quality of the Town's walking trails by regularly clearing snow in high use areas. This provided a safer environment for the public to use these trails for recreation and transportation. The improvements were noticed by the public, and positive feedback through social media and in-person communication became a regular occurrence.
- Alberta Beverage Community Champions Grant (*See Appendix 3.0*)
  - After completing and submitting the grant application form, the Town was notified of our success in obtaining approximately \$18,500 towards (6) recycling and garbage units. This grant program supports municipalities and non-profit organizations in building participation in beverage container recycling. The program provides funding for specialized recycling bins (indoor and outdoor) and start-up support for local beverage container recycling programs, by ensuring more accessible and convenient out-of-home opportunities for recycling.
- Perfect Mind Software Updates (*See Appendix 4.0*)
  - With the Perfect Mind Software already being utilized by the Aquatics Staff, and partially setup for other applications, I was able to establish proper functions of the program to enable the Town to book and schedule events and user groups for both the Arena and Sports Fields. In my opinion, this program has been a good tool to help my task of coordinating user groups and fields.
- Pesticide Registration with the Alberta Government
  - With most of the Town's pesticide spraying tasks being outsourced to local contractors, it was imperative for the Town to become registered with the Alberta Government to

legally spray areas such as sports fields, playgrounds, and open spaces. I was able to complete the application and to create necessary recording documents for the Alberta Government to grant success to our application.

- Downtown Planter Box Program
  - With this program being relatively new over this last year or two, it was important that continue the overall organization of this program both internally and with program stakeholders. I was able to create updated documents with more in-depth information about the program history, plans for this year, and structure going forward.
- Vehicle and Equipment Organization
  - While coordinating with the Operations Department, I was able to coordinate important and overdue tasks, along with specialized maintenance forms towards the goal of better maintenance of all equipment and vehicles used by Parks.
- Matthew Halton Irrigation Plans (*See Appendix 5.0*)
  - With direction given from council, with help from Adam Grose, I was able to create partial records of unrecorded infrastructure and history of the system. I was also able to coordinate a plan going forward with the needed repairs of the Matthew Halton Field Irrigation System.
- Amphitheatre Project
  - While connecting with various community groups such as the Public Library, Allied Arts Council of Pincher Creek, along with connecting with communities within Southern Alberta and Southern British Columbia, I was able to collect valuable information towards a potential project within the Town of Pincher Creek.
- Coordinating with Community Groups & Stakeholders
  - It has been very beneficial and important for me to connect with community groups to help establish and to also improve the relationships between those groups and the Town. Most notably, connecting with Minor Baseball, Minor Soccer, St. Michael's High School, the Mustangs Football Club, Pincher Planters, and Communities in Bloom, have all resulted in continuing a positive communication line going forward.
- Joint Use Agreement
  - With direction from LaVonne and Adam, I was able to connect with the Livingstone Range School Division and Holy Spirit to establish a stronger conversation with updating the Join Use Agreements with both groups. At this time, a rough draft has been established, but needs attention from the Town's Legislative Department to move forward with the project.
- Major Cleanup of the Skateboard Park (*See Appendix 6.0 & 6.1*)
  - With a window of good weather, our parks team has been able to deep clean the skateboard park area, along with establishing a formal inspection and record keeping of the features. The area will continue to receive maintenance from the staff but is now at a better baseline to do so.
- Major Cleanup of the Tennis Courts (*See Appendix 7.0 & 7.1*)
  - With a window of good weather, our parks team has been able to deep clean the tennis court area, along with noticeably updating the benches at that facility. The area will continue to receive maintenance from the staff but is now at a better baseline to do so.
- Tree Trimming and Maintenance (*See Appendix 8.0*)
  - The Parks Staff have done a great job a trimming various species of trees mainly along the Eastern part of the Walking Paths in Pincher Creek, along with the Veterans

Memorial Campground, and Bike Park. This will help establish a safer experience for users, and overall tree health going forward.

## Goals

During this period of time, most goals are grouped towards establishing a good baseline for outdoor facilities during our Spring cleanup tasks, coordinating and booking facilities with user groups, providing a safer and higher quality of product for the community and user groups relating to parks and open spaces, and providing leadership to the day-to-day tasks of the Parks Staff along with their further skill development. Listed below are my top goals:

- Completing the Alberta Beverage Community Champions Grant
  - With the grant being highlighted in the previous section, the following next steps will be to receive the shipment of units and to disperse into the designated areas, and report monthly usages of these units. My goal is for these to be positive interaction with the public with these improvements, and to also reduce the amount of litter within the designated areas.
- Tree Trimming and Maintenance
  - With some tree trimming already taken place, the Parks Staff will be directed to improve the recently planted trees with surrounding protective cages and watering infrastructure, planting new trees in planned areas, and to continue to trim trees until the mid portion of May. My goal is to see a qualitative positive difference in tree health throughout the community, along with visible and functional protection from animal disturbances.
- Coordinating with Community Groups & Stakeholders
  - Facility Bookings: While coordination with most user groups has had challenges regarding communicating schedules, my goal is to have all user groups and private bookings to go through the Booking Forms and procedures at a minimum of 50% rate, rather than zero communication or verbal communication.
  - Communication with Schools: While the Joint Use Agreements are being worked on, my goal is to have positive communications with the leadership groups of both Holy Spirit School and Livingstone Range.
  - Communication with Stakeholders: With closest relationships of Parks being with the Pincher Planters and Communities in Bloom, my goal is to keep a positive relationship with both groups, and to positively address any/all adversity or challenges that may rise.
- Volunteer Projects
  - With the high amount of maintenance needed to outdoor facilities, it has come to my attention that coordinating volunteer groups to help with small and low risk maintenance projects would be beneficial for the community. My goal is to coordinate a volunteer group successfully and safely towards helping with a maintenance project at either the dog parks or bike park or baseball diamonds.
- Improving Sports Field Maintenance (*See Appendix 9.0*)
  - With regular maintenance scheduled and knowing that challenges will be rising from specifically irrigation difficulties, my goal is to continue with the development of documents and mapping for the infrastructure within the sports fields.
- Improving Walking Trail Maintenance (*See Appendix 10.0*)
  - During this time regular maintenance of tree trimming and improving the ground conditions will be the main focus. My goal for this next quarter is to continue trimming and removing hazards along 25% of the trail system, along with improving the ground



conditions along 25% of the shale portion of the trail system, especially the damaged area behind the Old Pool.

- Improving Parks Maintenance
  - With regular maintenance scheduled and knowing that challenges will be rising from specifically irrigation difficulties, my goal is to continue with the development of documents and mapping for the infrastructure within the parks.
- Successful Opening of the Veterans Memorial Campground (*See Appendix 11.0*)
  - With the opening day being towards the end of May, the campground will need a significant amount of maintenance and clean-up for it to be ready for that time. My goal is to have 100% of the grounds cleaned-up and all hazards removed, and to have 50% of the Citizen Requests and Comments to involve a thankful/positive aspect within them.
- Providing a Safe Environment for Parks Staff and to Lead Skill Improvement
  - With the arena staff crossing over partially to take on more Parks tasks, along with the arrival of mostly non-returning Summer Parks Staff, it is my goal to have all staff trained and certified in WHMIS and First-Aid, a qualitative measurement of 100% rate of feeling safe in the workplace, along with zero to only a few minor incidents experienced and reported.

## Attendance

With most minor sports, community groups, and other users, the most significant attendance numbers can be tracked during the second and third quarters of this year.

- Minor Soccer
  - Registration Numbers to be collected and recorded in next quarter, while registration closes during the month of April 2022.
- Minor Baseball
  - Registration Numbers to be collected and recorded in next quarter, while registration closes during the month of April 2022.
- Mustangs Football Club
  - Registration Numbers to be collected and recorded in next quarter, while registration closes during the month of April 2022.
- High School Baseball
  - Registration Numbers during the month of March 2022, as reported by Randy Whitehead, were 12 players.
- High School Rugby
  - Registration Numbers to be collected and recorded in next quarter, while registration closes during the month of April 2022.
- Private Bookings
  - At this time, there are no recordings for 2022.
- Parks & Walking Trails
  - During the Winter months there were many positive comments taken from the public regarding the accessibility and maintenance of the walking trails. During those discussions it was expressed on multiple occasions that the walking trail is widely used by the community during all season, and that the maintenance during the Winter months has enabled many of those users to continue to be active and to enable that way of transportation.



## Committee Reports/Updates

- Health and Safety Committee
  - Over the previous months, I have been involved with the Health and Safety Committee. So far, I have found this time to be more of a learning process about the highlights and difficulties of this specific workplace. Over the next quarter I plan to be more involved and to communicate issues and potential resolutions.

## Significant Projects

With the budget and direction passed to me, listed below are the most significant projects of focus during this year, exempt of normal operating and maintenance responsibilities and projects.

- Hibernaculum Fencing Project (*See Appendix 12.0*)
- Lions Ball Park Retaining Wall Project
- Matthew Halton Irrigation Project
- New Garbages along Walking Trail & In Parks
- East Dog Park Irrigation System Project
- Castleview Swing Repair Project
- Town Hall Toddler Park Project

## Staff Meetings/Trainings

While my attendance has been recorded at multiple Council Meetings, After Council Meetings, Safety Meetings, and Tailgate Meetings, I feel like I have been successful in the giving and receiving of necessary information and have been able to collaborate in a positive manner with my manager and colleagues. Listed below are mainly training topics of focus for this quarter, and these trainings have taken place in-house for all staff with Parks related duties.

- Tailgate Meetings Daily
  - This meeting takes place each morning at 8:05am within the Old Pool, where all Parks Staff meet to coordinate their daily tasks and hazards.
- WHMIS Training for Staff
  - This training was provided for all Parks Staff that had not been trained for WHMIS within the Town of Pincher Creek workplace. This training was based online and was offered by [worksitesafety.ca](http://worksitesafety.ca).
- Chainsaw Safety Training for Staff
  - This training was provided for all Parks Staff that would potentially be working with chainsaw and pole pruner/saw tools. This training was based online and was offered by [onlinesafetytraining.ca](http://onlinesafetytraining.ca), as we completed in smaller groups, along with an in-house orientation of all chainsaw and pole pruner/saw tools.

## Upcoming Events/Meetings

Below is a list of more significant events that Parks Staff will be involved with during the next quarter.

- Skate Jam Event (April 30<sup>th</sup>) (*See Appendix 13.0*)

- Day on the Creek (May 25<sup>th</sup>)
- Bike Jam (June 18<sup>th</sup>)
- National Garden Day (June 18<sup>th</sup>)
- Skate Jam (June 21<sup>st</sup>)

## Appendix

### 1.0 Outdoor Skating – Castleview Park



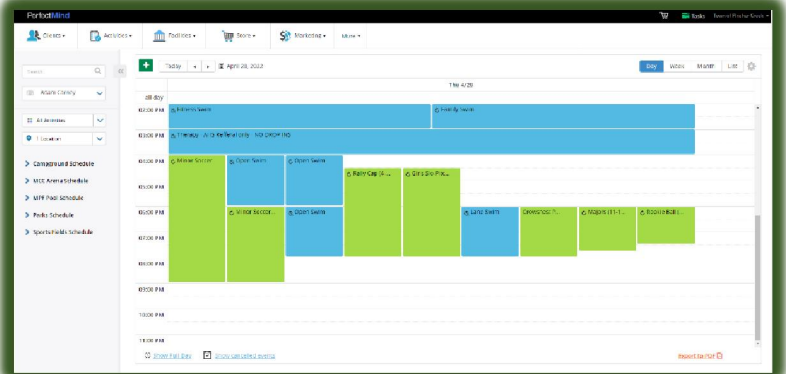
### 2.0 Walking Trail Snow Clearing Maintenance



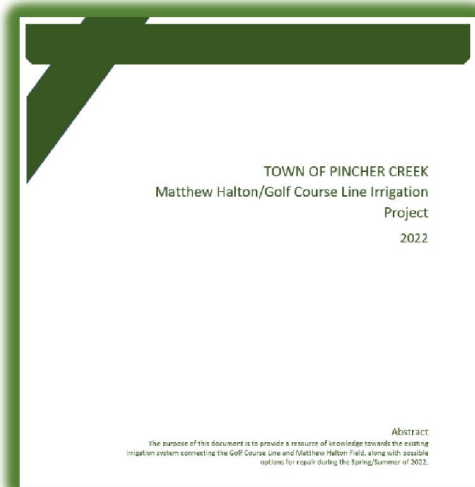
### 3.0 Alberta Beverage Community Champions Grant



### 4.0 Perfect Mind Software Updates



### 5.0 Matthew Halton Irrigation Plans





6.0 Major Cleanup of the Skateboard Park (Before)



6.1 Major Cleanup of the Skateboard Park (After)



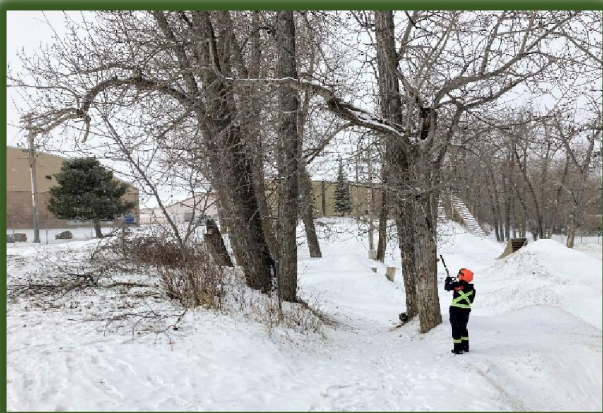
7.0 Major Cleanup of the Tennis Courts (Before)



7.1 Major Cleanup of the Tennis Courts (After)



8.0 Tree Trimming and Maintenance



9.0 Improving Sports Field Maintenance





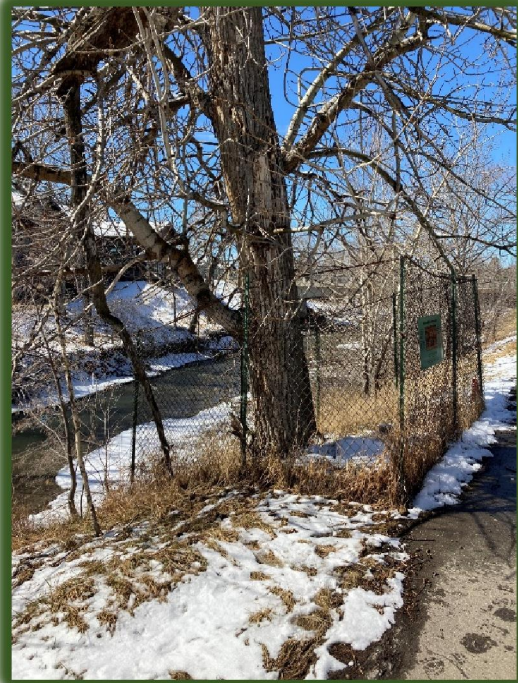
10.0 Improving Walking Trail Maintenance



11.0 Successful Opening of the Veterans Memorial Campground



12.0 Hibernaculum Fencing Project



13.0 Skate Jam Event (April 30)





## Recreation Manager – Adam Grose

### Arena

- In 2021 Town Council approved a Fire Alarm upgrade to the Arena. Stantec was contracted as the engineering company do make drawings and put a package out for tender to contractors to install the system. Work began on June 16, 2021, by a local electrical contractor and while final installation was expected in October 2021, supply chain issues put this project significantly behind schedule. As of March 31<sup>st</sup>, the Arena Fire Alarm system is nearing completion, items needed to complete this project are a dedicated phone line installed, alarm monitoring contract signed and executed, final engineering inspection completed.
- The Town of Pincher Creek committed \$6,000 towards a new score clock for the MCC arena. Pincher Creek Minor Hockey will be contributing the remainder of the funds. The new score clock has been ordered and expected delivery is early June.
- A brine leak under the concrete has caused some additional maintenance requirements from the staff, and this issue will need to be addressed when ice comes out. Some concrete removal may be required to fix this leak.
- Pincher Creek Minor Hockey had an incredibly successful season with teams in each age group, including 2 teams at the U18 (Midget) level. These teams included players from other local communities in the area which could not front a team at that level.
- The CNP Ravens Lacrosse Team and a local Ball Hockey group (through Minor Hockey) will be using the arena in the Spring and Summer.
- Shiny Hockey attendance averaged 11 skaters per time for a total of 263 people.
- A total of 767 people attended free public skate from January 1, 2022 – March 31, 2022.

### Pool

- Currently staffing levels at the Pincher Creek Pool are low and as such the pool is needing to close on every other weekend. This is not isolated to Pincher Creek, and it seems to be an industry wide issue with several pools having lifeguard shortages. The Covid-19 pandemic has partially contributed to this issue as training for lifeguarding virtually stopped for well over a year.

### Staffing

- A total of 12 interviews were conducted in March for Summer Recreation Labourers, and the Summer Games Coordinator Position.
- 3 new Pool front desk staff were also hired in the first quarter of 2022.

### Southern Alberta Summer Games

- The Manager of Recreation Services (Adam Grose) is currently sitting as Chairperson of the Southern Alberta Recreation Association.

- The 2022 Southern Alberta Summer Games were originally scheduled to be held in Raymond, however, the difficult decision was made to postpone those games for the second straight year.
- A new website was launched and can be found at: [www.southernalbertasummertimegames.ca](http://www.southernalbertasummertimegames.ca)
- For 2022 SARA has decided to endorse 'Regional Games' in the month of July. Various communities across Southern Alberta will be hosting different events, and they will be promoted on the SARA website. Pincher Creek will be hosting a Disc Golf Tournament.

## Health and Safety

- The Manager of Recreation Services is currently sitting on the Health and Safety Committee as Co-Chair.
- There was an agreement with the M.D. of Pincher Creek to enlist the assistance of their Health and Safety Coordinator to assist the Town of Pincher Creek with their Health and Safety Program.
- The M.D. assisted the Town of Pincher Creek in conducting Violence and Harassment Training for the Staff. This training was part of an OH&S investigation and needed to be completed by February 11, 2022. The OH&S investigation has since been closed, and the Town of Pincher Creek was in compliance of all orders given.

## Family and Community Support Services – Andrea Hlady

### Highlights:

FCSS has a new provincial reporting structure and 2021 Annual Report completed and approved.

### Goals (next few months):

FCSS website will go live; FCSS is supporting the Chamber of Commerce with Farmers Market non-profit table promotion.

### Committee Reports/Updates:

Committees of Council include: Police Advisory Committee - working on committee member recruitment; Community Housing Committee – updating Terms of Reference and scope of committee; Emergency Social Services - organizing ESS Branch.

### Significant Projects:

Significant committee work is the Community Housing Committee and how it will interface with the Housing Action Team.

### Staff Meetings/Trainings:

FCSS Outcomes Training completed; Basic Emergency Management completed.

### Upcoming Events/Meetings:

FCSS Interagency Meetings (monthly) continue online; National Indigenous Peoples Day on June 21