

Bylaw No. 15-2022
West Inter- Lake District Regional Water Services Commission

A Bylaw of the West Inter Lake District Regional Water Services Commission (“WILD WATER COMMISSION”) of the Province of Alberta to establish a process for the application, review, and approval of Tap-Off Connections from the Regional Transmission Line to Member communities, as may be requested from time to time.

WHEREAS the WILD WATER COMMISSION operates a Regional Transmission Line for the purpose of supplying the service area encompassing its Member municipalities and stakeholders with potable water; and

AND WHEREAS the WILD WATER COMMISSION does not, in its Business Plan, Bylaws, Agreements or Policies, contemplate the installation or operation of a Distribution Lines for its Members; and

AND WHEREAS the WILD WATER COMMISSION has, or may have, a Water Supply Agreement outlining the apportionment of the overall system allocation to any particular Member or customer, including generally or specifically any intended service areas; and,

AND WHEREAS the WILD WATER COMMISSION desires to create a standard application and review process for receiving, evaluating and approving Tap-Off Connection Applications from Members, as well as ensuring a uniform standard for technical specifications of same;

AND WHEREAS it is acknowledged that there may be limits for grant funding or other regulatory restrictions on the number of Tap-Offs which may be permitted for a prescribed distance of a Transmission Line or Distribution Line.

AND WHEREAS, pursuant to s. 602.09(1) of the *Municipal Government Act* c. M-26, R.S.A. 2000, the Commission must pass bylaws governing any fees and rates to be charged for services provided, and respecting the administration of the commission;

NOW THEREFORE, the BOARD OF DIRECTORS of the WILD WATER COMMISSION hereby enacts as follows:

SHORT TITLE:

- 1) This Bylaw may be referred to as the “Tap-Off and Regional Transmission Line Connection Bylaw.”

DEFINITIONS:

2) In this Bylaw, and the incorporated Schedules, the following terms shall have the following meanings:

- a. "Applicant" - means the means the Member or other authorized party, if applicable, requesting the Tap-Off Connection;
- b. "Application" – means an application to apply for a Tap-Off Connection from the Regional Transmission Line;
- c. "Application Package" – means the documentation, information, and other materials required by this Bylaw to be submitted by an Applicant to apply for a Tap-Off Connection to a Regional Transmission Line;
- d. "Board of Directors" – means the Wild Water Commission Board of Directors, as authorized by Bylaw and duly appointed;
- e. "Bylaw" - means this Tap-off and Regional Transmission Line Connection Bylaw;
- f. "CC Valve" – means a curb stop valve or curb cock valve installed as the water shut off valve at the connection between the Transmission Line and Distribution Line;
- g. "Commission Manager" – means the Chief Administrative Officer of the Wild Water Commission, as established by Bylaw or their delegate;
- h. "Commissioning" of a water pipeline - means flushing, disinfecting, and conducting pressure and leakage and other testing to ensure safety and operability of the pipeline before water is introduced into the system for live operation;
- i. "Completing a Tap-Off Connection" – means completing the necessary construction to effect the Tap-Off Connection, installing all required connection infrastructure to operate or regulate the connection, as well as backfilling, Commissioning the line, and completing or obtaining any final inspections or approvals;
- j. "Consulting Engineer" – means the engineering firm(s) or engineer(s) retained by WILD Water Commission to review Applications and provide recommendations respecting matters related to this Bylaw;

- k. "Distribution Line" or "Distribution System" – means a secondary line intended to draw water off a Transmission Line and supply end-users (such as homeowners, businesses, etc.) with access to potable water;
- l. "Engineering Drawings" – means plans signed and stamped by a qualified Professional Engineer registered with the Association of Professional Engineers and Geoscientists of Alberta and permitted to practise engineering in the Province of Alberta;
- m. "Flow Control Valve" – means the valve that controls the flow of water from the Transmission Line into the Distribution System, and which may or may not be located within the Meter Vault;
- n. "Landowner" – means the person, persons, or legal entity(ies) which is(are) the registered owner(s) of the lands, or otherwise have a legitimate interest in the lands to which the Tap-Off Connection will supply water;
- o. "Member" – means any of the various municipalities or First Nations which have been approved and adopted as members of the WILD Water Commission;
- p. "Member's Agent" – means a representative designated by the Applicant Member with the authority to act on behalf of the Member for the purposes of matters contemplated by this Bylaw;
- q. "Meter Vault" – means an underground, watertight and waterproof structure that houses a shut-off or CC Valve and a water meter, and appurtenances required to measure and control the transmission of potable water in the Pipeline;
- r. "Municipal Government Act" or the "MGA" - means the *Municipal Government Act*, RSA 2000, c M-26 and the regulations thereunder;
- s. "Operations Manager" – means the representative or agent of the WILD Water Commission assigned to coordinate its strategic operations and ensure the overall maintenance, rehabilitation, development and operation of its infrastructure, or their delegate;
- t. "Reservoir" - means a designated receptacle for the storage of water where it may be kept in quantity and drawn off for use in a Distribution Line;
- u. "Specifications" – means, generally, the standards and/or technical criteria and applicable policies, including with respect to quality, designated by the Board of

Directors in respect of connection design and construction which the Applicant Member must meet for a Tap-Off Connection to be approved;

- v. "Tap-Off" - means the process of creating a connection for the purpose of diverting water from a Regional Transmission Line to a Distribution Line;
- w. "Tap-Off Connection" – means the connection that effects the diversion of water from a Regional Transmission Line to a Distribution Line;
- x. "Transmission Line" – means the applicable primary water pipeline owned and operated by the WILD Water Commission, generally referenced by the applicable phase of development (such as Phase I, II, III, IV, etc.);
- y. "Utility Safety Partners" -means Utility Safety Partners or its legal successor organization;
- z. "Water Supply Agreement" – means a Water Supply Agreement between WILD Water Commission and a customer for the provision of water to the customer and including, without limitation, terms respecting water quantity, water pressure, setting of rates, and dispute resolutions process; and
- aa. "WILD Water Commission" – means the West Inter Lake District Regional Water Services Commission.

APPLICATION OF THIS BYLAW:

- 3) This Bylaw applies to all Tap-Off Connections to the Regional Transmission Line(s) owned or operated by WILD Water Commission, specifically those within or serving any Member, or associated Landowners, or those stakeholders or other parties with a Water Supply Agreement.

APPLICATION PROCESS:

- 4) The application process for a Tap-Off Connection is as follows:
 - a) The WILD Water Commission shall only receive and process applications for connections from Members, who may be acting on their own behalf or on behalf of a Landowner or other party within that applicant Member's geographic boundaries or corporate limits;
 - b) At all times, and whether or not the Member is making the Application on behalf of itself, a Landowner, or another party, the Member shall complete the Application

and remain agent and primary point of contact during the application review process and the construction and Commissioning process.

- c) The Application Package shall be submitted at least 60 days prior to the anticipated date for commencement of construction. The Application Package shall be submitted to the Commission Manager.
- d) The Application Package shall contain, at a minimum, the following:
 - i. A letter of request, either from the Member directly or from the Landowner or other party requesting the Tap-Off Connection;
 - ii. If the Member is submitting an Application on behalf of a Landowner or other party, a letter from the Member supporting the Application;
 - iii. A completed and signed Application Form completed by the Member, in the form attached as **Schedule A** to this Bylaw;
 - iv. If the proposed service location requires a line to cross lands not owned by the Member, a copy of a registered easement for at least six (6) metres of service line right-of-way to accommodate the installation and allow future maintenance, in such form as WILD Water Commission may reasonably require;
 - v. Any other supporting material required by WILD Water Commission as may be reasonably necessary to assess the application request including, without limitation, Engineering Drawings, water demand forecasting and water allocation details;
 - vi. The required Tap-Off Connection Application Fee, as established by the Board of Directors in this Bylaw, attached hereto as **Schedule B** unless the Board of Directors of WILD Water Commission, in its discretion, waives such fee in whole or in part for any particular Application; and
 - vii. If applicable, a letter confirming a request for a fee waiver with substantiating reasons and supporting documentation.

APPLICATION REVIEW AND APPROVAL PROCESS:

5) The WILD Water Commission application review and approval process is as follows:

- a) On receipt of an Application Package from an Applicant, the Commission Manager or delegate will assess whether the Application Package is complete. If the Application Package is complete, the Commission Manager or delegate will

forward the package for review by the Operations Manager and the Consulting Engineer. If the Application Package is incomplete, the Commission Manager or delegate will advise the Applicant that the Application Package is incomplete and confirm what deficiencies must be corrected for the Application Package to be complete.

- b) Where reasonably practical, WILD Water Commission will advise Applicants whether or not their Application package is complete within 15 days of receipt.
- c) After consultation with the Consulting Engineer, and such other experts as the Operations Manager deems necessary to reasonably assess a complete Application Package, and including completion of required analysis respecting water allocation, the Operations Manager shall provide a recommendation to the Commission Manager from the following options:
 - i. Recommend approval of the Application, as submitted;
 - ii. Recommend suspending the Application review process until additional and specified information or materials are provided by the Applicant;
 - iii. Recommend approval of the Application, subject to specified technical revisions or conditions;
 - iv. Recommend rejection of the Application for specified reasons.
- d) On receipt of the recommendation from the Operations Manager, the Commission Manager will do one of the following:
 - i. Approve the Application, with or without technical revisions or conditions; or
 - ii. Reject the Application for specified reasons; or
 - iii. Refer the final decision to the Board of Directors.
- e) Where reasonably practical, an Applicant will ordinarily be advised of a decision respecting the approval or rejection of the Application within 30 days of the date on which WILD Water Commission advises the Applicant of their receipt of a complete Application Package. Where a final decision has been referred by the Commission Manager to the Board of Directors, the Applicant will ordinarily be advised of the Board's decision within 90 days of the date on which WILD Water Commission advises the Applicant of their receipt of a complete Application Package.
- f) Where an Application is approved, the Commission Manager shall provide, or cause to be provided, written notice to the Applicant confirming the approval and outlining any associated conditions or technical revisions.

- g) WILD Water Commission may, as a condition of an approval being issued, require that WILD Water Commission approve the Member's construction contractor(s).
- h) WILD Water Commission may also require that, as a condition of an approval being issued, the Applicant enter into an agreement with WILD Water Commission respecting any or all of the following:
 - i. Constructing or paying for the construction of infrastructure required for the Tap-Off Connection that will be transferred to WILD Water Commission such as, but not limited to, any Meter Vault and Flow Control Valve;
 - ii. The process for the inspection and acceptance of infrastructure to be transferred to WILD Water Commission, and the warranty period for such infrastructure;
 - iii. Confirming the Applicant's obligations respecting Construction, Connection, and Post-Connection Obligations as outlined in this Bylaw or otherwise; and
 - iv. To give security to ensure that the terms of the agreement under this section are carried out.
- i) Where an Application is rejected, the Commission Manager shall provide, or cause to be provided, written notice to the Applicant confirming the rejection and the reasons for such rejection.
- j) If Commission Manager has rejected the Application, or has approved the Application with conditions or technical revisions, the Applicant may request a review of the Commission Manager's rejection or the conditions attached to the approval by the Board of Directors. A request for such review must be provided in writing to the Commission Manager within 30 days of the Commission Manager's decision. After reviewing the Commission Manager's decision, the Board of Directors may confirm or vary the Commission Manager's decision, or substitute a decision of their own. The decision of the Board of Directors is final and is not subject to any further appeal.
- k) In cases where an Application has been rejected, WILD Water Commission will endeavour to work with the Applicant, where appropriate, to identify solutions to the issues that were the basis of such rejection if possible.
- l) WILD Water Commission will not arbitrarily and without sufficient reason withhold the approval of a complete Application. The following are examples of reasons why an Application may be reasonably rejected (not an exhaustive list):

- i. Substandard or deficient technical or quality specifications;
 - ii. System capacity limitations;
 - iii. The absence of a Water Supply Agreement with the Member;
 - iv. An over-subscribed Water Supply Agreement with the Member;
 - v. Limitations imposed by WILD Water Commission Bylaws providing for maximum annual allocations to its Members;
 - vi. Inconsistency with any then-existing policy respecting limits on the number of connections that the WILD Water Commission may have adopted;
 - vii. Any restrictions imposed by regulation or otherwise on the number of Tap-Off connections permitted within a prescribed distance on a Transmission or Distribution Line;
 - viii. The availability (or lack thereof) of grant or other funding for the proposed project; and
 - ix. Such other reason as may be identified by WILD Water Commission, acting reasonably.
- m) Where an Application has been rejected, and where there has either been no request for review to the Board of Directors, or the Board of Directors has reviewed the rejection and has confirmed such rejection, WILD Water Commission may, but is not required to, refuse to process an Application that is substantially the same as the rejected application for a period of one (1) year from the date of final confirmation of such rejection.

TIME LIMIT FOR COMPLETING THE CONNECTION:

- 6) Unless an extension is requested by the Applicant and approved in writing by WILD Water Commission, the Applicant must complete the connection within two (2) years from the date of written notice of approval. Any request for an extension must be received by WILD Water Commission at least thirty (30) days prior to the end of that two (2) year period.
- 7) If the connection is not completed within that two (2) year period (or such extended period as is approved in writing), the approval shall be deemed null and void and a new Application, with the then-applicable fees, will be required as part of a new Application Package. The new Application will be subject to the same review and approval process as outlined in sections 4 and 5 of this Bylaw.
- 8) In the event an approval is deemed null and void, WILD Water Commission will notify the Member in writing to advise accordingly.

- 9) On the review of an application for an extension, WILD Water Commission may, acting reasonably, grant or refuse such an extension and may impose reasonable conditions on any extension granted.
- 10) Notwithstanding sections 6 and 7 above, any projects in progress as of the date of passing of this Bylaw shall have two (2) years from the date of the passing of this Bylaw to complete the connection unless an agreement between the Applicant and WILD Water Commission respecting such project provides a shorter or longer time period in which case the agreement terms in this respect shall govern.

CONSTRUCTION AND COMPLETION OF THE CONNECTION:

- 11) The process for construction and completion of the approved Tap-Off Connection is as follows:
 - a) The Member or the Member's Agent (collectively the "Member" for the purposes of this section) will complete the required preliminary work as follows:
 - i. The Member will advise the WILD Water Commission of the general site location for the connection.
 - ii. The Member will submit a request to Utility Safety Partners to locate pipeline and other underground utilities in the subject areas and ensure that such locating is completed and marked. If other underground works not coordinated through Utility Safety Partners are required to be located and marked, the Member will have those located and marked also.
 - iii. The Member will coordinate with any required external agencies and obtain any necessary utility or other crossings, including formal approvals where required.
 - iv. The Member will ensure that all necessary landowner or other consents are obtained.
 - v. The Member will ensure that all appropriate plumbing or other required permits are obtained.
 - vi. The Member will ensure that all necessary consents and approvals from the Government of Canada, Government of Alberta, and any required regulatory or other agencies are obtained.
 - b) Once the above is completed, WILD Water Commission will mark the location of the pipe where the Tap-Off Connection shall be made.
 - c) The Member and WILD Water Commission will meet on site prior to the commencement of any construction to confirm any coordinating details, to confirm safety and emergency shutdown procedures, and to confirm communication plans in the event of an emergency.

- d) Once a construction plan and coordinating details have been confirmed with WILD Water Commission and the Member, WILD Water Commission will provide and install a suitable water meter for the Tap-Off Connection in accordance with WILD Water Commission policy requirements for such meters. WILD Water Commission is responsible for the meter installation. The Member is responsible for all meters for Distribution Lines beyond the Tap-Off meter.
- e) The Member is responsible for the cost of all other materials, equipment, installation related approvals or consents, and installation work for the Tap-Off Connection project. For certainty, and without limitation, this includes:
 - i. Any required Meter Vault, in accordance with WILD Water Commission policy requirements for such Meter Vault;
 - ii. Any Distribution Line or Distribution System installations, including pipe, mechanical systems or meters beyond the Tap-Off connection point;
 - iii. A no-return valve to prevent reverse flow and a reduced pressure backflow prevention device, to the specifications of WILD Water Commission, as may be required at the discretion of WILD Water Commission;
 - iv. The construction of any required Reservoir to the specifications of WILD Water Commission, in accordance with WILD WATER Commission policy requirements for such Reservoir;
 - v. The necessary earthworks and landscaping;
 - vi. Commissioning of the pipeline;
 - vii. All necessary signage to warn the presence of buried utilities;
 - viii. Protecting, relocating, or replacing any buried utilities in conflict with, or impacted by, the construction.
- f) If a Meter Vault is required to be placed in lands not owned by the Member, the Member is responsible for obtaining the necessary easement in a form satisfactory to WILD Water Commission, and for registering such easement against title to the applicable lands.
- g) The Member shall assign a representative to oversee the Tap-Off Connection project and provide such progress reporting as may reasonably be required by WILD Water Commission.
- h) WILD Water Commission shall assign a representative to inspect the Tap-Off Connection prior to back-fill and upon completion of the project.

- i) WILD Water Commission's final inspection and approval of the Tap-Off Connection is required before water will be introduced into the Distribution System for live operation.

POST-CONSTRUCTION OBLIGATIONS:

12) Following the completion and Commissioning of the new Tap-Off Connection, the Member and WILD Water Commission, as applicable, shall have the following obligations:

- a) WILD Water Commission shall be the sole operator of its CC Valve, being the CC Valve closest to the "T" connection off of the Transmission Line where there is more than one CC Valve at the Tap-Off connection;
- b) The Member shall be the sole operator of its CC Valve, being the CC Valve closest to the Distribution Line where there is more than one CC Valve at the Tap-Off connection;
- c) Where there is only one CC Valve at the Tap-Off connection, WILD Water Commission shall be the sole operator of the CC Valve;
- d) The Meter Vault and Flow Control Valve shall become the property and the responsibility of WILD Water Commission;
- e) WILD Water Commission shall be the sole operator of any Meter Vault and Flow Control Valve installed;
- f) The Member shall be obligated to maintain and operate the infrastructure of the Distribution Line, from the CC Valve to the end-use point, recognizing that the Member may have agreements in respect of such maintenance and operation with other parties;
- g) The Member shall be required to warrant the workmanship and materials of any infrastructure constructed for, and transferred to, WILD Water Commission, and for any earthworks or remedial landscaping at the Tap-Off location, for a period of two (2) years from the date of Commissioning;
- h) The Member shall be responsible for all water treatment after the Tap-Off meter location that may be required;
- i) The Member shall advise WILD Water Commission when the connection is ready for the water to be turned on, or off, as part of the Commissioning and ongoing operation of the line thereafter;

- j) For certainty, any Distribution Line constructed within the Member's right-of-way shall become the property and responsibility of the Member;
- k) If it is necessary for, or the Member requests that, the connection to the Transmission Line be permanently, or temporarily, disconnected, the Member will inform WILD Water Commission accordingly with notice appropriate to the circumstances. Such disconnection and, if applicable, reconnection, will be subject to the applicable disconnection and reconnection fees as are applicable in accordance with the fees at **Schedule B**;
- l) If WILD Water Commission must permanently, or temporarily, disconnect the Member's connection to the Transmission Line, WILD Water Commission will inform the Member accordingly with notice appropriate to the circumstances. If the disconnection is for a reason unrelated to actions or omissions of the Member, no fees for such disconnection or any reconnection shall apply; and
- m) The Member and WILD Water Commission will cooperate to respond to urgent or emergency circumstances respecting the Transmission Line or Distribution Line.

ADDITIONAL SERVICES WHICH MAY BE PROVIDED:

- 13) WILD Water Commission may, but is not required to, provide the following services to Applicant Members based on the fees at **Schedule B**:
 - a) Obtaining Engineering Drawings and water demand forecasts;
 - b) Assisting with preparation of requests for proposal for construction services for the construction required for the proposed Tap-Off Connection; or
 - c) Assisting with review and evaluation of the responses received to requests for proposal for construction services.
- b. The fees for other services are as outlined at **Schedule B**.

BOARD DISCRETION FOR FEE WAIVERS:

- 14) The Board of Directors has the discretion to waive or reduce any fee required to be paid pursuant to this Bylaw.

SCHEDULES TO THE BYLAW:

- 15) For completeness, this Bylaw makes use of several schedules and references same throughout the preceding sections. These schedules, Schedules A through B inclusive, are hereto attached and form part of this Bylaw

GENERAL:

16) Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

COMING INTO FORCE:

17) This Bylaw comes into full force and effect on the date of its third and final reading.

Read a first time this _____ day of _____, _____.

Read a second time this _____ day of _____, _____

Unanimous Consent to proceed to third reading this _____ day of _____, _____

Read a third and final time this _____ day of _____, _____

Signed this _____ day of _____, _____.

CHAIR

CHIEF ADMINISTRATIVE OFFICER

**Bylaw 15-2022 - Schedule A
Member Connection Application Form**

| To Be Completed by Member (Applicant Municipality) | |
|---|---|
| Member Name: | |
| Member Contact: | <input type="checkbox"/> Contact Name: _____ <input type="checkbox"/> Contact Phone Number: _____ <input type="checkbox"/> Contact Email: _____ |
| Location of Requested Connection: | <input type="checkbox"/> Legal Land Description: _____ <input type="checkbox"/> Site Drawing Attached: _____ (Y/N) |
| Intended Service Area to be Connected: | <input type="checkbox"/> Hamlet of _____ <input type="checkbox"/> Subdivision of _____ <input type="checkbox"/> Non-Hamlet Urban Centre of _____ <input type="checkbox"/> General Secondary Distribution Line _____ <input type="checkbox"/> Other (ex. High Capacity Commercial): _____ |
| Intended Service Date: | _____ |
| Connection Requirements and Specifications: | <input type="checkbox"/> Pipe Size: _____ <input type="checkbox"/> Reservoir Size (Capacity in m ³): _____ <input type="checkbox"/> Meter Size: _____ <input type="checkbox"/> Annual Initial) Water Consumption for Subject Tap-Off: _____ m ³ <input type="checkbox"/> Estimated (Initial) Peak Daily Consumption for Subject Tap-Off: _____ m ³ <input type="checkbox"/> 5-Year Estimate for Water Consumption for Subject Tap-Off: _____ m ³ <input type="checkbox"/> 25-Year Estimate for Water Consumption for Subject Tap-Off: _____ m ³ <input type="checkbox"/> Engineered Drawings of Tap-Off Connection Attached: _____ (Y/N) <input type="checkbox"/> Engineered Drawings of Member Distribution System Attached: _____ (Y/N) |

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|-------------------------------|--|
| Member Endorsement | <p>_____ (Signature of Authorized Agent)</p> <p>_____ (Name of Authorized Agent)</p> <p>_____ (Date Signed)</p> <p>_____ (Witness Signature)</p> <p>_____ (Witness Name)</p> |
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Bylaw 15-2022 - Schedule B

**Rates and Charges for Connection and Disconnection to
Transmission Line and Related Services**

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|---|---|
| Member Tap-Off Connection Application Fee (Cost to receive, review an application) | \$2,500.00 |
| Supply the Meter | Cost + 10 % |
| Post-application approval construction/inspection services (up to 3 site visits) | \$2,500.00 |
| Additional Post-application approval construction / inspection services | Cost + 10% |
| Member Permanent Disconnection Fee (on request of Member to decommission service but not including infrastructure removal) | \$2,500.00 |
| Removal of WILD Water Commission infrastructure on permanent disconnection (if requested by the Member and approved by the Board of Directors) | Cost + 10% |
| Member Temporary Disconnection Fee (per occurrence, includes disconnection and reconnection) | \$500.00 |
| Off-Hours Service Request (Temporary Disconnection/Reconnection) | \$1,000.00 |
| Obtaining Engineering Drawings and water forecasts. | Cost + 10% (subject to a minimum of \$2,500) |
| Assisting with preparing Requests for Proposal for construction | Cost + 10% (subject to a minimum of \$2,500) |
| Assisting with review of Responses received to Requests for Proposal | Cost + 10% (subject to a minimum of \$2,500) |
| Miscellaneous Services shall be charged back at: (for example, extra operations staff time to monitor install, rescheduled site meetings/inspections, additional meter reading requests, etc.) | Cost + 10% |
| All costs of the installation are the responsibility of the Member/Applicant. | |