

**COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA**

BY-LAW NO. 1312

**CONSOLIDATION OF A BY-LAW OF THE COUNTY OF LETHBRIDGE
TO PROVIDE FOR THE REGULATION OF THE WATER WORKS SYSTEM
AND TO ESTABLISH A TARIFF FOR WATER RATES**

WHEREAS it is expedient to make provisions for management and control of the water works system of the County of Lethbridge and to establish a tariff of water rates and charges;

NOW THEREFORE the Council of the County of Lethbridge, duly assembled, enacts as follows:

- 1.00 This By-Law may be cited as the "Water Service By-Law" of the County of Lethbridge. Where the terms of this By-Law conflict with the provisions of any other By-Law of the County of Lethbridge, this By-Law shall prevail.
- 2.00 Unless the context specifically indicates otherwise, the meaning used in this By-Law shall be as follows:

DEFINITIONS

1. "Account" means an agreement between the Applicant and the County of Lethbridge for the provision of Utilities.
2. "Application" shall mean the application made by an Applicant to the County for the supply of Utilities.
3. "Applicant" means the owner or occupier of a specific property for which utilities are requested or provided.
4. "County" means the corporation of the County of Lethbridge or the area contained within the boundaries thereof, as the context requires.
5. "Commercial Consumer" means the owner or occupier of a multi-family dwelling unit, or any commercial establishment or a dwelling unit containing a commercial establishment other than a house occupation where the property is connected to the waterworks system.
6. "Customer" shall mean any person, corporation or organization who has entered into a contract with the County for Utility Provisions at a particular premises, or who is the owner or occupant of any premises connected to or provided with a utility.
7. "Domestic Consumer" means the owner or occupier of a one or two family residence or a two suite apartment where the property is connected to the water works system.
8. "Director" means the Director of Municipal Services of the County of Lethbridge or his duly authorized agent or representative.
9. "Landlord Agreement" is a contract that will enroll a landlord as the customer for Utility Provisions when there is a vacancy at a premise that he owns.
10. "Manager" means the County Manager of the County of Lethbridge as appointed by the County Council and includes any person authorized by him or the County to act for or carry out the duties of the County Manager to the extend that authorization is given.

11. "Owner" shall mean the registered owner of the property or the purchaser thereof who is entitled to occupy and enjoy the property. The owner is ultimately responsible for all water charges incurred at property.
12. "Penalty Date" shall mean the 26th day of the following month or the first business day thereafter.
13. "Premises" means any land, building or part of a building supplied with Utilities by the County.
14. "Property" means a sub-divided lot or parcel of land or portions of the same.
15. "Service Connection" means the portion of water or sewer service between the main and the outer limit of the public right-of-ways or easements.
16. "Utility Clerk" means the County of Lethbridge Utility Services as pertaining to customer services, billing and accounts receivable.
17. "Treasurer" shall mean the Director of Corporate Services of the County, or an agent or County employee authorized by such Director to act on behalf of the Director.
18. "Utility" and "Utility Provision" shall mean and include, as the context may require:
 - The supply of water;
 - The provision of wastewater collection and disposal;
 - The provision of waste collection and disposal;
 - The provision of recycling services;
19. "Utility Services" shall mean the provision of retailing billing and customer care services on behalf of the Utilities.
20. "Water Works System" means the system of water works owned and operated by the County of Lethbridge and all accessories and appurtenances thereto contained within public right-of-ways or easements.

ADMINISTRATION

- 3.00 The Director, subject to the control of the Manager, shall have charge of all of the various properties and works required for the supply of the County and its inhabitants with water, and the inspection and rating of all buildings and premises supplied with water.
- 3.01 No extension of mains shall be constructed except as may be authorized from time to time by County Council.
- 3.02 The Director may order that the water be shut off from any consumer or consumers without notice for such length of time as may be necessary to permit the construction or repairs or the connection of services to the system.
- 3.03 The Director may have the water shut off the premises of any owner or consumer infringing any of the rules and regulations or amendments thereto made by the County.

RESTRICTIONS AND PROHIBITIONS

- 4.00 (a) The Manager may at any time make orders restricting the use of water either by all consumers or by any particular class of

consumers and either throughout the County or in any particular area or areas of the County. The order may specify that such restricted use of water shall apply during such hours of any day of the week as may be specified in the order.

- (b) No person shall use any water from the water works system in contravention of the terms of any order made by the Manager under this section.
- (c) The Manager shall take such steps as he deems necessary to publicize the terms of an order made pursuant to this and the preceding section.

4.01

1. (a) All sanitary receptacles that receive body wastes shall be connected to the sanitary sewer system unless otherwise approved by the Director.
- (b) Any storm water service connections that are not covered by the Alberta Plumbing Regulations shall meet with the approval of the Director.
2. If a developer is found guilty of a violation of the Alberta Plumbing and Drainage Regulations or Alberta Building Regulations, then the County may enter upon the land and buildings, erection or structure concerned and make such connection and charge the cost thereof against the land, building, erection or structure concerned in the same manner as taxes with the same priority as to lien and to payment thereof as in the case of ordinary municipal taxes.

4.02

1. No person except members of the Fire Department shall open, close or interfere with any hydrant, gate or valve connected with the water works system and located within public right-of-ways without the permission of the Director.
2. The Director may permit water to be taken from a hydrant during construction or otherwise, provided that:
 - (a) A deposit in an amount as set out in the Schedule of Fees is left with the Director which deposit may be applied by the Director against the cost of any damages caused during the use of the said hydrant.
 - (b) Water taken from the hydrant may be measured by a meter supplied by the Director and shall be charged for the rates set forth in this By-Law.
 - (c) Minimum charge for the use of a fire hydrant shall be as set out in the Schedule of Fees.

4.03 No person shall place or deposit any injurious or offensive matter in the vicinity of the intake to the water works system, or along the shore of the bank of the Oldman River, at any point within the County above such intake or in the vicinity of the sedimentation basin. Nor shall any such matter be brought into the County for the purpose of being thrown into the Oldman River, or be placed on the ice on the river; nor shall any person bathe or wash clothes or do any other thing which may pollute the water above the intake of the said water works system in the County.

4.04 No person being an occupant, tenant or inmate of any house, building or other place supplied with water from the water works system shall lend, sell or dispose of the water thereof, or give away or permit the same to be taken or carried away or used or apply it to the use or benefit of others than his, her or their own use and benefit or shall increase the

supply of water beyond that agreed for with the County or wrongfully, negligently or improperly waste any water supplied from the water works system.

- 4.05 In all cases where any pressure vessel or equipment is supplied with water from the water works system, the County shall not be responsible for damage to such vessel or equipment, person or premises when the water supply is shut off or when there is failure of the water supply due to any cause whatsoever, even where no notice is given. No deduction from the water bills shall be made in consequence thereof.
- 4.06 The County is not liable for damages:
- (a) caused by the breaking of any water service main, water service pipe or attachment, or any sewer main; or
 - (b) caused by the interference with the supply of any water service or sewer necessary in connection with the repair or proper maintenance of the water service or sewers, or
 - (c) generally for any accident due to the operation of the water works system or sewer disposal system of the County unless such accident is shown to be directly due to the negligence of the County, its employees or agents.

APPLICATION FOR SERVICE CONNECTIONS

- 5.00 In hamlets and subdivisions with potable water systems, all residents must connect to the water system prior to occupancy.

New developments must connect to the water system.

1. Owners of property within the water works service area shall apply to the Director and request that the boundary of their property be connected to the County water works system. The owner or his authorized agent shall state the size and type of each service required and shall sign the application form that the office of the Director provides for this propose.
2. The owner or his authorized agent shall provide the Director with a site plan on which the size and any such location of each requested service is shown.
3. Application may be made for a separate water service connection to be used only for fire protection purposes. Valves on said water service pipes shall be sealed, as instructed by the Director. The said seal shall not be broken except in case of emergency. The Director shall be notified within 24 hours if a seal is broken. Should said water service pipe not be maintained as required, the same may be disconnected by order of the Director.
4. Application may be made for a new or larger service connection to a previously serviced property.
5. All sewer and water service connections shall be installed by the County in public right-of-ways.
6. The expense of installing each requested service connection shall be paid by the applicant prior to installation.
7. The monthly service connection charge for each service eligible shall be as charged as set forth in the Schedule of Fees. The rates specified in the Scheduled shall apply whether or not any water was metered or sewage discharged during the billing period.

8. The monthly charge for a service connection that combines fire protection with other services shall be the greater of:
 - (a) The normal charge for a separate fire service connection of the same diameter as the combined service, or
 - (b) The normal charge for a non-fire connection of the same diameter as combined service.
9. The public portion of a service connection to a property shall be maintained by the County when necessary, renewed at the discretion and expense of the County.
10. Existing service connections may be reused for the redevelopment purposes without charge. The County shall charge the full cost of installing any required new service connection in the event that reuse is not possible.
11. In the event the County has, subsequent to the issuance of a demolition permit, removed a service connection, the County shall reinstall at its expense, the public portion of the service connection of lesser or equal capacity without charge to the applicant. In the event that the applicant requires a service connection of a capacity larger than that removed, the County shall charge the full cost of installing the required new service connection.

WATER SERVICE CONSTRUCTION

- 5.01 The water service pipe from the main to the property line shall be of copper or other material approved by the Director and connected by fittings and materials approved by the Director, and such water service pipe shall be laid at least 1.8 metres below the surface of the ground.
- 5.02 The County will place on each water service pipe a service shut off valve either at the main or near the property line for the purpose of turning of the water supply or shutting it off. Over each service shut off the County shall place a valve box from which the service shut off valve be operated by the County. The limit of County responsibility with respect to the installation , maintenance and repairs of all water services shall be:
 - (a) to the down stream edge of the service shut off valve when the service shut off valve is located near or at the property line, or
 - (b) the property line where the service shut off valve is located at the main.
 - (c) In the case of McCain Foods, the limit of County responsibility with respect to the installation, maintenance and repairs to the water service shall be:
 - (i) downstream of the service shut off valve at the property line.
 - (d) In the case of Sunnyrose Cheese Factory, the limit of County responsibility with respect to the installation, maintenance and repairs to the water services shall be:
 - (ii) Downstream of the shut off valve on the property line near the North County pipeline.
- 5.03
 - (a) A stopcock or stop and waste valve shall be located immediately inside the building and the water meter shall be located at a point immediately downstream of the stopcock or stop and waste valve.
 - (b) No person shall install a branch line between the service shutoff valve and the meter unless application is made at the office of the

Utility Clerk for an additional water meter and a branch line.

- (c) No person shall extend service piping from one lot to another.

WATER METERS

- 6.00 (a) All water supplied through a water service connection, except water used for construction, community park irrigation and fire protection shall be measured by a meter supplied by the County. The said meter shall be placed in the care of the owner or occupier of the property who will be responsible for the cost of repair or replacement should the meter be damaged or destroyed while in his care. The meter shall remain the property of the County.

WATER METER INSTALLATION

- 7.00 (a) Every owner or occupant of premises shall provide free and convenient access to his premises for the installation, inspection, removal, replacement and repair of meters in order that the County may ascertain the same to be in good working order at all times.
- (b) Every owner or occupier of property connected to the water works system shall provide adequate protection for the meter against frost, heat or any other internal or external damage.
- (c) Where water meters are damaged by frost or other causes, the owner or occupier shall pay to the County on demand the cost for repairs made by the County at rates set forth in the Schedule of Fees.
- 7.01 Every owner or occupier of premises connected to the water works system shall provide free and convenient access to his premises at all reasonable times for the purpose of reading meters. In the event that a meter reader employed by the County, or its agent, is unable to obtain access to the premises he may estimate the water consumption. If no reading is obtained at the end of the next billing period, the owner or occupier will be required to make suitable arrangements for regular readings. Meters which have not had readings reported for a period of three months or greater will be read by the County of Lethbridge and a service charge specified in the Schedule of Fees will be added to the subsequent billing. If the owner or occupier fails to comply with the request of the County or its agent, the water service may be discontinued without further notice.
- 7.02 If the Director is dissatisfied with the location of any meter, he may require the position of the meter to be moved. Any expense in relocating the meter shall be charged to the owner or occupier as the case may be.
- 7.03 (a) For the purposes of inspecting or repairing or replacing meters upon any service pipe or connection within or without any house or building as may be deemed expedient, the Director or any person authorized by him suitably identified shall have free access at proper hours of the day and upon reasonable notice given and request made to all parts of every building or premises in which water is delivered and consumed or that is served by a sewer.
- (b) In the event that it is impossible or impractical to give sufficient notice to the owner or occupier of the property or premises or any other special circumstances, the Manager may, by writing, authorize any person to enter upon such building or premises.
- 7.04 The owner of every building shall make provision for the installation of meters in a horizontal position, as required by the Director.
- 7.05 (a) Where meters are not contained in a building the consumer shall

supply at his own expense an underground meter chamber which meets the approval of the Director. The meter chamber may be constructed by the County and the consumer billed for the expense incurred.

- (b) Underground meter chambers shall be kept in good repair by the consumer. If a consumer, after receiving notice from the Director, neglects to repair or improve his meter chamber then the Director shall authorize that the necessary repairs be made and the consumer will receive the bill for the expenses incurred.
- 7.06 (a) Meter installations two inches in size or over shall have a valve with twelve inches on the outlet side of the meter and have a valve by-pass around the meter. By-pass valves must be sealed and shall be opened only in case of emergency. The Director must be notified within 24 hours after a seal is broken.
- (b) All 1 1/2" water meters shall have a valve within 12" of the meter outlet.
- 7.07 No person shall, in any way, interfere with any stopcock, or other water works appliance outside his own premises, nor shall he in any way interfere with any meter whether inside or outside of his premises. No person except a person authorized by the Director, shall tap or make any connection whatsoever with any public water pipes or mains, either in the streets, or in the lanes.
- 7.08 Whenever requested by a consumer, the meter shall be removed and tested. If, on testing it is found that the meter registers within three percent (+ or -) of the water passing through same, the meter shall be deemed to be measuring correctly. If, however, the meter is found to register a greater or lesser amount than said percentage, the Utility Clerk will add or deduct from the amount as registered by said meter, such sum that the balance will properly represent the water delivered through said meter for the preceding period. When a customer requests a meter test and such meter is found to be within three percent (+ or -) accurate, that consumer shall be billed at a rate as set out in the Schedule of Fees. As a regular maintenance service meters shall be removed and tested by the County without charge once in every 10 years or at such other period as is deemed appropriate by the Director. The Director may at any time remove and test any meter.
- 7.09 When meters have failed to register or have registered incorrectly as shown by standard test, the following method shall be used for determining consumption:
- (a) If the same or similar conditions prevail, consumption shall be estimated on the basis of the consumption during the same months in the preceding year.
 - (b) If the same or similar conditions do not prevail, a fair estimate shall be set by the Director.
 - (c) The rates applied shall be those in effect for that type of service and during the months in question in accordance with the Schedule of Fees.
 - (d) Notwithstanding the foregoing, no corrections shall be made with respect to alleged faulty metering or error in coding after One (1) year has elapsed from the date of the billing have been rendered. This shall not apply in any case of fraud or unauthorized tampering with the water meter.
 - (e) In the event of a discrepancy between the consumption of water recorded at the remote totalizer and the corresponding head of the

water meter, the consumption recorded at the head of the water meter shall prevail. Corrections to the billings shall be made in accordance with the provisions in Section 7.09.

- 7.10 Where any consumer discontinues the use of water service furnished by the County or the County unlawfully refuses to continue any longer to supply the same, the Director or any person authorized by him may at all reasonable times enter the premises in or upon which such consumer was supplied with water services and may remove meters, pipes or any other things that are the property of the County.

APPLICATION FOR WATER METERS

- 8.00 (a) Any person may request that the County supply water to a property which has a water service connection by the Director. The owner of said property or his authorized agent shall state the size of each water meter requested and shall sign the application form provided by the Utility Clerk.
- (b) Each requested water meter shall be supplied and installed by the County complete with a radio read head unit. The supplied equipment shall be owned and maintained by the County.
- (c) The expense of installing each requested water meter and radio read head unit be the responsibility of the applicant. Water meters sized 50 mm (2 inches) or smaller may be installed by the County upon application and payment of the fees set out in the Schedule of Fees prior to installation.
- (d) The meter charge set forth in the Schedule of Fees for each meter installed paid by the applicant to the Utility Clerk commencing on the date of installation and continuing until the service is discontinued. The rates specified in the Schedule shall apply whether or not any water was metered during the billing period.
- (e) The application when accepted by the Utility Clerk shall be a contract between the applicant and the County by which the applicant agrees to be bound by all the provisions of this By-Law or any other By-Law or regulation of the County in connection with the supply of water and disposal of sewage within the County. The said contract shall not be transferable.
- 8.01 A consumer wishing to discontinue a water service shall advise the Utility Clerk's office.
- 8.02 Charges for water service shall be made in accordance with the provisions of the Schedule which are attached to this By-Law and any amendments and additions thereto. The charges as set out in the Schedule are subject to change by Council with notice.
- 8.03 Where a contract for the supply of water is in existence and subject to the other provisions of this By-law, the owner or occupier or property connected to the water supply system of the County shall pay the County:
- (a) The "water service charge" as specified in the Schedule of Fees for each County water meter on the property and,
- (b) All customers shall comply with the Customer Account Terms and Conditions as set out in Schedule "A".
- (c) If a consumer receives a supply of water through more than one meter the charges shall be computed on the basis of

water consumption registered by each individual meter.

(d) Where conditions exist which could require the application of a different rate, such rate will apply from the date that written notification is received by the County from the consumer.

8.04 When water is supplied to more than one property through a single water meter, the owner shall be charged for the full supply and in case of non-payment, the water may be shut-off.

8.05 The Director and person duly authorized by him may enter the premises of any water user at any reasonable time to examine the pipes, meters and fixtures to ascertain the quantity of water used and the manner of its use, and in the case of fraudulent representation on the part of any water user or of unnecessary waste of water, the supply may be cut off.

8.06 When at any time the water supply is disconnected for non-payment payment of accounts a fee as set out in the Schedule of Fees be charged when the water is reconnected.

8.07 It is the intention of the County Council that each separate provision of this By-Law shall be deemed independent of all other provisions herein and it furthers the intention of the County Council that if any provisions of this By-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

VIOLATIONS

9.0 Any person committing a breach of any of the provisions of this By-Law shall be guilty of an offence and liable on summary conviction to a fine not exceeding TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) and in default of payment of the fine to imprisonment for a period not exceeding SIX (6) MONTHS.

GIVEN first reading this 5th of June, 2008.



Reeve


County Manager

GIVEN second reading this 5th day of June, 2008.



Reeve


County Manager

GIVEN third reading this 5th day of June, 2008.



Reeve


County Manager

COUNTY OF LETHBRIDGE**BY-LAW 1312****WATER SYSTEMS CUSTOMER TERMS AND CONDITIONS****SCHEDULE "A"****General Provisions**

1. The application when accepted by the Utility Clerk shall be a contract between the applicant and the County of Lethbridge by which the applicant agrees to be bound by all the provisions of this By-Law or any other By-Laws or regulation of the County in connection with the supply of Utility Provision within the County of Lethbridge. The said contract shall not be transferable.

Application

2. Any applicant who requires Utility Provision shall apply to the County and pay a connection fee of as set out in the Schedule of Fees. The applicant may be required to sign an application or a contract for service, to supply information with respect to load and the manner in which the services will be utilized, and credit references.
3. The Utility account shall be set up:
 - (a) In the name of the owner of the property to which the utilities are to be supplied, or;
 - (b) In the same name of the purchasers of a property who is entitled to occupy the premises, or;
 - (c) Where there is evidence of a landlord-tenant situation, in the name of the owner, however, a copy of the utility bill will be sent to the tenant in their name to their address or;
 - (d) In the name of the general contractor in the case of a new building under construction.
4. An application shall be supported by such identification and legal authority of the applicant as the Utility Clerk may require.
5. Upon making application, providing all information required by the County, and paying the connection fee, there shall thereupon be a binding agreement between the customer and the County, for the Utility applied for, and the provisions of the application and this by-Law shall constitute the terms and conditions of such agreement.
6. Where the applicant is indebted to the County for any Utility Provision previously proved by the County, the applicant may not be allowed to complete their application, or be entitled to receive Utility Provision, until satisfactory arrangements have been made for payment of such outstanding account and any deposit required.

Payment of Utility Accounts

7. Invoices for Utility Provisions shall be forwarded monthly to the customer and shall be payable at the office of the Utility Clerk and such other places as may be designated by the Utility Clerk.
8. Invoices shall be deemed rendered and other notices duly given when

delivered to the customer personally, when mailed to or left at the premises where the Utilities are provided, or the last known address of the customer, or when emailed to the customer.

9. All charges and rates payable under this By-Law shall be paid to the office of the Utility Clerk and the collection of all disbursements connected with the operation of the utility and supervision of books of account shall be under the immediate control and direction of the Utility Clerk.
10. The Utility Clerk shall be promptly notified of all connections made or of any discontinuance of Utility Provisions so that the proper charges or allowances may be made against or to any person or persons liable to pay for the Utility Provisions consumed or who is entitled to a refund where the Utility Provisions are disconnected. The Utility Clerk may base the final charge for service on an estimated meter reading which will be prorated from the time of an actual meter reading.
11. Where any service rate or charge is designated by reference to a certain period of time, the charge for a lesser period of time shall be calculated on a proportionate basis.
12. The Utility Clerk shall attempt to consolidate the utility service charges associated with one premises on a single invoice.
13. The entire utility account invoice is due and payable when rendered.
14. If the utility account invoice is not paid on or before the penalty date the account is deemed to be in arrears.
15. Failure to receive a utility account invoice will not entitle the customer to any delay in the settlement of each account or to any extension of the penalty date after which a penalty charge becomes applicable.
16. In the case of a dispute between the customer and the County, the customer shall be expected to make payment or settlement as originally arranged and agreed to, pending the resolution of the dispute.
17. A customer who has not paid the full utility account invoice on or before the penalty date may have the supply of all or any Utility Provisions discontinued without notice and such service will not be reinstated until all arrears and charges owed to the County are paid.

Late Payment Penalty

18. When the customer pays the utility account invoice after the penalty date, the customer shall pay a penalty charge of 1.5%. Payments must be received by the Utility Clerk on or before the penalty date in order for the customer to avoid the penalty. Payments made at the financial institution must be received by the Utility Clerk on or before the penalty date in order for the customer to avoid the penalty.
19. For greater certainty, a customer is obliged to pay for utilities when the invoice is rendered and it is a breach of the Utility Provisions agreement to make a late payment. The late payment penalty is not to be construed as permission for the customer to pay late but is rather a penalty for breaching the terms of the Utility Provision Agreement.

Enforcement

20. A customer who fails to make payment on time will be subject to normal credit action, which may include but is not limited to:
 - (a) Reminder letters;
 - (b) Notification by telephone;
 - (c) Use of collection agencies;

- (d) Requiring prepayment before additional service;
 - (e) Withholding of additional service and
 - (f) Legal action
21. The payment of any rates, charges, tolls, fares, or rents as provided by this By-Law may be enforced by all or any of the following methods, namely:
- (a) By action in any Court of competent jurisdiction.
 - (b) By suspending the delivery of utility provision
 - (c) By distress and sale of the goods and chattels of any person owing such rates, chares, tolls, fares, or rents wherever the same may be found in the County.
22. Where the customer is the owner or purchaser of a building lot or part of a lot severed by utilities, the sum payable by the customer for the utility service supplied by the County to the customer or for his use, and all rates, costs an charges or loans made to him imposed under this By-Law are a preferential lien and charge on the building, lot or part of lot, and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes recoverable.
23. Where the customer to whom the utility has been supplied is a person other than the owner or purchaser of the building, lot or part of a lot, the sum payable by the person is a debt due by him and shall be preferential lien and charge on her personal property and my be levied and collected with costs by distress.

Arrears

24. Any utility provision expenses, rates or rents that may be charged as taxes against a person may be entered on the assessment and tax roll at any time.

Termination by the County

25. The County may discontinue the supply of all Utility Provisions for any of the following reasons:
- (a) Non-payment of any utility accounts; or
 - (b) Inability of the County to obtain access to a residential premises to read any meter for a period of six months, or inability to access a non-residential premises to read any meter for a period of three months; or
 - (c) Failure by, or refusal of, a customer to comply with any provision of this By-Law; or
 - (d) Failure by, or refusal or, a customer to comply with any provisions of any Provincial Acts, the Building Code or any regulations thereunder; or
 - (e) At the owner's request to have services discontinued, provided the premises are not lawfully occupied; or
 - (f) In any other case provided for in this By-Law.