

VILLAGE OF HEISLER
BYLAW 500-17

BEING a Bylaw of the Village of Heisler in the Province of Alberta for the purposes of installing, constructing, regulating, controlling, and operating water and sewer for the purposes of providing residents and consumers with a water supply and a system for the disposal of sewage waste in the Village of Heisler.

WHEREAS, pursuant to the Municipal Government Act, RSA 2000, c. M-26 and amendments thereto, a Municipal Government may pass a bylaw to install, construct, control, and operate a water and sewer utility for the purposes of providing residents and consumers of a municipality with the supply of water and disposal of sewage wastes, charging such rates and fees as deemed necessary;

AND WHEREAS, pursuant to the Municipal Government Act, RSA 2000, and amendments thereto, a municipal government may delegate to a municipal official, certain duties required in the operation of the utility;

AND WHEREAS, the Council of the Village of Heisler, in the Province of Alberta deems it desirable to pass a bylaw to establish and maintain a system for the installation, construction, control, and operation of water and sewer services;

NOW THEREFORE, the Council of the Village of Heisler in the Province of Alberta duly assembled hereby enacts as follows:

SECTION 1. INTERPRETATION AND APPLICATION:

- i) This Bylaw shall be cited as **“The Water, Sewer and Waste Bylaw”**.
- ii) In this bylaw, unless the context otherwise requires;
 - a) **“ALTERNATIVE SYSTEM”** means any other system a Person may have to obtain and release of water or sewage that is not listed within this bylaw.
 - b) **“AUTHORITY”** means the right given to a Person by Council to do a specific task. This can be accomplished through an employment contract or a Person being designated to do a task during a regular Council meeting.
 - c) **“BASE RATE”** means the rate established in this bylaw for water and sewer for the general services provided.
 - d) **“BILLING PERIOD”** shall be the same as the two-month period for which the consumer is charged for water and sanitary sewer services.

- e) "BYLAW" in the context of this bylaw will refer to Bylaw #500-17 (The Water, Sewer and Waste Bylaw) unless a specific bylaw is mentioned.
- f) "BYLAW ENFORCER" means the Person contracted by the village to enforce Bylaws as adopted by Council.
- g) "DESIGNATE" means a Person that Council has designated to do a specific task as described within the bylaw.
- h) "COUNCIL" means the Municipal Council of the Village of Heisler.
- i) "DWELLING" means self-contained living premises with cooking, eating, living, sleeping, and sanitary facilities for domestic use by one or more individuals.
- j) "EMPLOYEE" means a Person who has been approved by Council to work in the Village for a set rate. An Employee will have specific tasks that they must complete as defined through their job description.
- k) "FIRE DEPARTMENT" means the Village fire department; which includes all members and infrastructure.
- l) "FOREMAN" means the Person employed by the Village under the job title Public Works Foreman.
- m) "GREY WATER" means wastewater created through domestic activities such as laundry, dishwashing, bathing, etc.
- n) "LOT" means a parcel of land that has been designated as a lot through Bylaw #452-11 (The Land Use Bylaw).
- o) "METER" means the unit installed on a water line to measure the amount of water used at a premises.
- p) "MAIN" means the portion of the water and sanitary sewer infrastructure that is constructed to distribute or collect from services at more than one Premises.
- q) "NEGLIGENCE" means failure to use reasonable care beyond normal wear and tear that results in damage. It also refers to not making the proper enquires to the Village or Foreman prior to digging.
- r) "OCCUPANT" means a Person who occupying a Dwelling.
- s) "OWNER" means a Person who owns a Dwelling.
- t) "PERSON" means an individual, proprietorship, partnership, and or a corporation. It shall also include but is not limited to church organizations, and

non-profit organizations, professionals, and provincial and federal governments.

- u) "PREMISES" means land, includes any buildings erected thereon.
- v) "PROVINCE" means the government of the Province of Alberta or the area contained within the boundaries thereof, as the context requires.
- w) "SCHEDULE A" means the Base Rates, Fees and Violation Fines that will be applied to a person's account that is attached to this Bylaw.
- x) "VILLAGE" means the corporation of the Village of Heisler or the area contained within the boundaries thereof, as the context requires.

SECTION 2. SCOPE

- i) The Bylaw applies to all water and sewer systems within the limits of the Village and connected to the Village sewer system.
- ii) The Bylaw provides the Village with the exclusive right for installation, construction, control, and operating of water and sewer services within the limits of the Village.
- iii) The Village of Heisler is required to distribute the safe drinking water and removing grey water, sewer and waste from each residential and commercial building.
 - i. The Village Public Works Department must perform water tests every week as per recommendation of Alberta Environment Regulations systems.
 - ii. Public Works shall maintain the lagoon.
- iv) If the Owner or Occupant requires the Village to supply water and/or remove any sewage for which provision are not made through this Bylaw, that Person shall pay prior to the supply, removal and disposal thereof, the estimated cost to the Village for the supply, removal and disposal thereof and the Village shall render an account for additional costs of such removal and disposal or shall return to that Person any excess which was paid.
- v) The Village may undertake or contract out all required Maintenance, repairs, and replacement of water, sewer, and storm sewer systems located on or under Village property including Village controlled easements and right of ways.
- vi) No person shall extend service piping from one rate payers land to another rate payers land.

- vii) Each Lot and each principle building or occupancy, where feasible, shall be provided with a separate water and sewer service.
- viii) Each Lot, and/or each principle building or occupancy will be charged the base rate found in Schedule "A" for their respective type of Lot. This amount will act as a line charge for each lot(s) and /or each principle building or occupancy that the infrastructure has not been built due to the Owners personal choices.
- ix) If clean up, blockage, breaks, and/or damage requiring Maintenance occurs as the direct or indirect action of another Person, that Person shall be responsible for all costs incurred relating to the Maintenance, repair or replacement whether the damage is on private property or Village property.
- x) In the case of a water service line frozen between the property line and the Meter, it shall be the responsibility of the Person owning the said property. Any costs incurred by the Village in thawing frozen lines on behalf of the property owner shall be recoverable as taxes and subject to penalties as any other tax.

SECTION 3. RIGHT OF ENTRY

- i) For the purpose of conducting sampling tests, inspections, repairs, or remote readings or the installations, inspections, repairing or replacing of water Meters or any equipment associated with the distribution or retrieval of water within a rate payer's property within the Village.
- ii) The Foreman or an authorized Designate for that purpose shall have free access to all parts of the Premises in which water is distributed to and/or is serviced by a sewer.
- iii) If entry by the Foreman or an authorized Designate is refused by the owner or occupant, the Bylaw Enforcer will be notified and will accompany the Foreman on the next attempt of entry. If the occupant refuses entry again, a violation ticket will be issued in the amount of \$100.00.

SECTION 4. LIABILITY FOR DAMAGE

- i) The Village will not be held liable for any damages whether direct or indirect, suffered by any Person or Premises as a result of any obligation of the Village pursuant to this bylaw or the failure of the Village to discharge any of its obligations pursuant to this bylaw unless the Village is proven negligent.

SECTION 5. PROVISIONS FOR OPERATIONS

- i) The Village may provide the necessary vehicles for the public construction, control and operation of the water and sewer system within the Village.

- ii) The Village may provide, supervise, and operate the facilities and equipment necessary for the construction, Maintenance, control and operation of the water and sewer systems of the Village.
- iii) The Village may enter into a contract with any Person for the construction and/or operation of the whole or a portion of the water and sewer system within the Village.
- iv) The Village may:
 - a. Supervise the construction, control and operation of water and sewer systems.
 - b. Direct the days, times and ways that the water and sewer system shall be utilized by designation of areas of the Village.
 - c. Decide as to the quantities and classes of sewage to be accepted into the system from any Premises.
- v) Subject to the provisions of this bylaw it is the decision of the Village as to:
 - a. The amount of water supplied to any Person and/or Premises and;
 - b. The amount and types of sewage that the Village is obliged to accept from any Person and/or Premises shall be final and conclusive.
- vi) Additional valve should be placed on Village's side of supply line.

SECTION 6. MISUSE OF SERVICES – GENERAL

- i) No Person shall hinder or interrupt or cause or procure to interrupt the Village or its contractors, agents, employees in the exercise of powers and duties related to the water and sewer services and authorization contained in this bylaw.
- ii) No Person shall release grey water or sewage in a manner that does not use the sewage lines found within the Village.
- iii) No Person not being in the employment of the Village and not being a member of the fire department or authorized in their behalf, shall wilfully open or close any hydrant or obstruct the free access to any hydrant curb stop, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction.

- iv) No Person shall, without Authority, hinder, interrupt, or cut off the supply of water, or the collection and flow of the storm sewer and sanitary sewer system.
- v) No Person shall lay or cause to be laid or attach any pipe or Main to communicate with any pipe or Main of the water, storm sewer and/or sanitary sewer system or in any way obtain or use any water or sewer service or cut, break, pierce, or tap any water line or sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any water line or sewer without the consent of the Village.
- vi) No Person shall in any manner, obstruct the free access to any hydrant, valve, or curb stop. No vehicle, building, rubbish, or any other object which would cause such obstruction shall be placed nearer to a hydrant than the property line.
- vii) No Person shall obstruct the free access to the area within two (2) metres of a hydrant in a direction parallel with the said property line.

SECTION 7. WATER

- i) No Person shall throw or deposit any injurious, noisome, or offensive matter into the water or waterworks or commit any wilful damage or injury to the works, pipes, or water or encourage such acts to be done.
- ii) No Person shall turn or attempt to turn on the water at a curb stop valve or any other valve once shut-off except where authorized by the Village.
- iii) No Person shall interfere with, damage or make inaccessible any curb stop due to the construction of sidewalk, pathways, driveways, etc. If it is required to make any repairs or changes due to inaccessibility to or damage to curb stops, the owners of the property being serviced by said curb stop shall, in addition to the penalties of this Bylaw, be required to assume all costs involved in said repair, which may be collected through addition to taxes and collected as any other fee by the Village.
- iv) No Person shall alter any Meter placed on a service pipe or connected with it inside or outside any premise so as to alter the amount of water registered by it, unless specially authorized by the Village for that particular purpose or occasion.
- v) No Person shall directly or indirectly place or cause to be placed any substance which would detract from the quality of the water within the water system or which caused the water to fail to comply with the potable water regulations under the Alberta Environmental Protection and

Enhancement Act.

- vi) No Person shall allow interference or damage to a Meter by frost or otherwise and that Person shall be responsible for any costs relating to the repair of a damaged Meter.
- vii) The property owner shall be responsible for damage to the remote reading unit which may result from causes other than normal wear and tear.

SECTION 8. SEWER

- i) No Person shall discharge the contents of any privy vault, manure pit, or cesspool, directly or indirectly, into any sewer, or premises drain connected therewith unless authorized by the Village.
- ii) No Person shall lift, turn, remove, raise, or otherwise tamper with the cover of any manhole, or other appurtenance of any sewer except where authorized by the Village.
- iii) No Person shall throw, deposit, or leave in upon any sewer or any trap, basin, grating, manhole, or other appurtenance of any sewer any butcher's offal, garbage, litter, manure, rubbish, sweeping sticks, earth, gravel, dirt, hay, straw, twigs, leaves, rags, cinders, ashes or refuse matter of any kind.
- iv) No waste or discharge resulting from any trade, industrial, or manufacturing process, shall be directly discharged into any sewer without previous treatment as prescribed by the Village.
 - a. The necessary treatment, so prescribed by the village shall be completely installed by the applicant at that Person's expense, prior to the construction of the sewer connection and thereafter shall be continuously Maintained and operated by the owner.

SECTION 9. DANGEROUS GOODS

- i) No Person shall place or mix with any water supply in the water system of the Village any dangerous goods, hazardous waste or biological waste.
- ii) No Person shall place or mix with any sewage placed in the sewer collection system of the Village any dangerous goods, hazardous waste or biological waste.
- iii) Any Person or like enterprise breaching any part of the hazardous waste section including but not limited to spills, leaks, or dumping upon Village right of ways, shall be responsible for all costs incurred in the eliminating of any pollution or contamination of the sites involved in the Village and shall make payment of the same to the Village on demand until all contamination and pollution, such

restitution will not exempt the Person or organization from prosecution for contravention of this Bylaw.

- iv) The owner or Person responsible for the existence or accumulation of hazardous waste or agent of the owner or responsible Person shall cause the hazardous waste to be transplanted to a disposal site and disposed of as prescribed by the Executive Officer of the Local Regional Health Authority or a duly authorized agent of the Province.
- v) No Person shall make or cause to be made any connection with any sewer, premises drain, or appurtenance thereof for the purpose of conveying or which may convey, into same, any inflammable or explosive material.
- vi) No Person shall permit to be discharged into any sewer, any liquid which would prejudicially affect the sewers, or other trade waste or any waste of steam, condensing water, heated water, or other liquids of a higher temperature than one hundred (100) degrees Celsius.
- vii) The Village shall not collect hazardous waste.

SECTION 10. CONVEYANCE OF WASTE THROUGH THE VILLAGE

- i) No Person shall convey through the streets any sewage whatsoever, except those in properly covered metal receptacles and are responsible for the proper disposal of such sewage as deemed acceptable by this Bylaw.

SECTION 11. SERVICE CONNECTIONS

- i) Municipal utility services will be provided to a property only in the name of the registered owner of the property.
- ii) Every water service connection to the Village water system shall be equipped with a water Meter to indicate the water consumption of the water service, and approved shut off valves.
- iii) The following procedure will be followed with regard to the installation of water Meters for water reading in building or residences that do not yet have water Meters.
 - a. For new home, commercial or industrial construction or building or residence without a water Meter, a plumber or contractor is required to install water Meter on the Premises. The Public Works Department will record the address where the water Meters have been installed.

- b. The Public Works Department shall, upon the installation of the water Meter shall, advise Administration that the billing of the utilities to the said property shall be commenced as of that turn on date.

SECTION 12. RATES AND FEES

- i) Every Utility Account Customer being a registered owner or purchaser, which is served by water and/or sewer services of the Village shall pay a monthly base rate charges and consumption charges for the service of supply of water and /or utilization of the sewer collection system and waste collection in accordance with the rates established by the Council within Schedule "A" for the Bylaw and may be amended from time to time by resolution of Council.
- ii) In the case of an owner tenant arrangement, the registered owner of a property being serviced shall be held ultimately responsible for the payment of any applicable charges applied to that account.
- iii) In the case of an owner tenant arrangement, both the registered owner of a property being serviced as well as the tenant residing within the property will get a copy of the each bill.
- iv) The Village is not liable for damages as follows:
 - a. Caused by the break of any water or sewer Main service line;
 - b. Caused by the interference or interruption in the supply of water and sewer services necessary in connection with the repair or proper Maintenance of the water and sewer system;
 - c. Generally for any accident due to the operation of the water and sewer system unless that action is shown to be directly due to the negligence of the Village.

SECTION 13. PAYMENT OF RATES:

- i) A utility bill showing the current water, sewer and waste collection charge to the user shall be mailed to the user bi-monthly and payment of the bill may be made using the following means:
 - a. A cheque or cash can be dropped off at the Village Administration Office at 128 Main Street during regular business hours.
 - b. A payment may be made to the Village in electronic form at various financial institutions.

- c. A cheque may be dropped off at the Village Administration Office drop off box during the hours in which the Village Office is not open to the public.
 - i. Cash will not be accepted within the Drop off Box. Cash will also not be accepted within mailed envelopes.
 - d. A cheque may be mailed to the Village at the following address:

Box 60
Heisler Alberta
T0B 2A0
 - e. A receipt of payment will be mailed to the owner or occupant with the subsequent utility bill.
- ii) All accounts with the Village under this Bylaw shall become due and payable upon receipt with the final day of payment being 30 (thirty) days following the issuance of the bill. After this final date has passed, a penalty in an amount predetermined by Schedule "A" which may be revised from time to time will be applied to all outstanding balances.
 - iii) In cases where a Meter is present but a reading was not recorded, an estimate shall be based on previous consumption and/or the above guidelines at the discretion of the Village.
 - iv) Any rates, costs or charges in arrears for utility services supplied by the Village to any land or Premises may be added to the taxes assessed against the real property to which the utility services have been supplied, and may be collected in any of the ways provided by the collection of taxes, including the sale of the said property.
 - v) The Village also reserves the right to discontinue service to any property where any charges for service remain outstanding for a period of more than 120 (one hundred and twenty) days from the original billing date or to a consumer that may be guilty of a breach of or in non-compliance with any of the provisions of this Bylaw or the Board of Health regulations.

SECTION 14. DETERMINATION OF CONSUMPTION

- i) The Village shall determine the amount of water supplied to a premise, and such determination shall be final for all matters within the terms of this Bylaw.

SECTION 15. METERS

- i) All Residences and Businesses must have a water Meter installed within their Dwelling or business by January 1st 2012.
- ii) Any Person claiming a Meter is not working properly and requests that the Meter be removed and tested shall deposit with the Village a sum of \$100.00 (one hundred dollars). The Meter will be removed from service and tested. If the Meter is found to be over reading by more than 3%, the deposit will be refunded. Any Meter meeting the 3% guideline shall be considered adequate, and the deposit shall be forfeited along with any additional costs involved for the removal, testing, and installation of the Meter.
- iii) Should the said Meter be found to over-read by more 3%, the rates charged for the preceding two (2) Meter reading periods will be adjusted by the same percentage as the Meter was found to be in error, providing however, that no rate shall be less than the minimum rate normally charged.
- iv) Calibration of Meter will be done every ten (10) years for a 5/8" meter, every eight (8) years for a 3/4" meter, every six (6) years for a 1" meter, and every four (4) years for a 1 1/2" and 2" meter at maximum. During this time access to Meter is required.
- v) A Data logger report may be requested by a resident for information regarding their water consumption for up to three (3) months previous and will be printed in Litres. A fee of an amount pre-determined in Schedule "A" which may be revised from time to time will be charged to their account. Public Works will require access to the Meter for collection of information for the report.

SECTION 16. BULK WATER

- i) The Village may provide bulk water at a rate defined through the current Fees and Charges Bylaw.
- ii) The Village does not deliver bulk water.
- iii) The Village is responsible for the Maintenance of the Water Treatment facility and shall therefore, from time to time, have the right to close the facility for Maintenance purposes.
- iv) No owner, consumer, or other Person shall connect, cause to be connected, or allow to remain connected to the water utility, whether directly or indirectly any piping fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water waste, water contaminant or any other liquid, chemical or substance to enter the water utility.

SECTION 17. DEFAULT ACTION

- i) In the case of default of payment of any water and/or sewer rates, or charges, thirty (30) days after the expiration of the day upon which the same shall have become due or payable, the Village may, after providing notice, shut off the water supply to any Premises in respect of which payment is in arrears or default.

SECTION 18. CONTINUING WATER SERVICE

- i) Where the water supply has been shut off because of default of payment or contravention of this Bylaw, the water supply shall not be turned on until payment of all arrears, penalties, disconnection charges, connection charges and deposits have been recovered by the Village or arrangements satisfactory to the Chief Administrative Officer have been made.
- ii) A fee found within Schedule "A" will be charged and shall be payable in advance for the reconnection and disconnection of the services that have been shut off due to the circumstances outlined in 19 i).
 - a) Prior to water being reconnected, a service agreement with the Village must be signed by the rate payer and the Village Administration Department.
 - b) The Public Works Department of the Village will only reconnect a disconnected water line in the presence of the property owner or tenant.

SECTION 19. NON-RECEIPT OF UTILITY BILL

- i) All utility bills and other charges are deemed to have been received by the utility account customer, seven (7) days from the date of mailing from the Village Office. The failure to receive such notice does not relieve the Person from the charge or from the penalties duly imposed.

SECTION 20. DELEGATION

- i) The Council in the Province hereby delegates to the Chief Administrative Officer, the power to establish policies and procedures for the general Maintenance or management of the water and sewer system and of the officers and other employees employed in connection with the water and sewer system:
 - a) Establish in connection with the water and sewer system, the times and places where rates and/or fees under this Bylaw are payable;
 - b) Collect the rates and fees established pursuant to this Bylaw;

- c) Enforce payment of those rates and/or fees by all or any of the following methods:
 - i) By shutting off the water supply to the user of the system,
 - ii) By action in any court or competent jurisdiction;
 - iii) By distress and sale of goods and chattels of the Person owing the rates or charges wherever they may be found in the Municipality.
 - iv) Any other lawful means of collection available.
- d) Enforce the terms and conditions under which the water and sewer service is supplied either;
 - i) By enforcing this Bylaw
 - ii) By enforcing any agreement made between the Village as the supplier and the consumer, including shutting off of the public service being supplied to the consumer, or disconnection of the service until the consumer complies with the terms and conditions in this Bylaw.

SECTION 21. CONTROL AND MANAGEMENT

- i) As directed by Village Council, the Chief Administrative Officer shall have the administrative control, care and management of the water and sewer of the Village and of all property used in connection with the said system, and the business carried on in respect thereof, and shall have the right to enter into contracts for service by and with the provisions of this Bylaw, and shall be charged with the proper conduct of the said business and enforcement of this Bylaw.

SECTION 22. WATER RESTRICTIONS

- i) From time to time it may be necessary for Village Council to impose water usage restrictions on all water users. This will only be done on an “as needed” basis and all water users must comply when restrictions are in place.
 - a) If a Person is found using water contrary to an imposed water usage restriction, a fee of \$100.00 (one hundred dollars) will be applied to their account.

SECTION 23. SEPARATE AND SEVERABLE

- i) Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Should any section of this Bylaw be found to have been improperly enacted for any reason, such section shall be regarded as being severable from the rest of the Bylaw in accordance with good financial management to cover the costs of providing a quality water distribution service to its residents.

SECTION 24. PAST & CURRENT BYLAWS

- i) With the passing of this bylaw, Bylaw 480-14 is hereby repealed.

Read a **first** time this 26th day of January, 2017

Read a **second** time this 26th day of January, 2017

Given **Unanimous consent** for third and final reading this 26th day of January, 2017

Read a **third and final** time this 26th day of January, 2017

VILLAGE OF HEISLER

X

Kel Tetz
Mayor

X

Amanda Howell
Chief Administrative Officer

SCHEDULE "A"

<i>Residential</i>	Amount for first 18 m³	Additional Fee	Other Notes
Water Services	\$35.20 per month	\$2.00 per additional m³	
Infrastructure Fee – CLOSED WATER Accounts		\$17.60 per month	There only exists a Base Rate
Sewer Services	\$17.75 per month	N/A	There only exists a Base Rate
Infrastructure Fee – CLOSED SEWER Accounts		\$8.88 per month	There only exists a Base Rate
Non-Payment Penalty		A penalty of 4% will be applied to the outstanding amount owing	The penalty will be applied to accounts not paid within thirty (30) days.

<i>Commercial</i>	Amount for first 18 m³	Additional Fee	Other Notes
Water Services	\$45.20 per month	\$2.00 per additional m³	
Infrastructure Fee – CLOSED WATER Accounts		\$22.60 per month	There only exists a Base Rate
Sewer Services	\$27.75 per month	N/A	There only exists a Base Rate
Infrastructure Fee – CLOSED SEWER Accounts		\$13.88 per month	There only exists a Base Rate
Non-Payment Penalty		A penalty of 4% will be applied to the outstanding amount owing	The penalty will be applied to accounts not paid within thirty (30) days.

<u>Misc. Fees</u>	Fee	Notes
Disconnection of water line	\$50.00	N/A
Reconnection of Water Line	\$50.00	All utilities must be paid, including the disconnection fee and reconnection fee. The Occupant must be present when water is turned back on.
Meter Enquiry	\$100.00	A Damage Deposit is required for testing of a Water Meter. If it is found that the water meter is giving an incorrect reading above a 3% variance, then the Damage Deposit is returned and the rate payer will be credited the variance. If it is below a 3% variance the Damage Deposit will not be returned and no credit will be given.
Occupant requests a Data logger report for information regarding their water consumption	\$20.00	The Data logger report will be printed in Litres. The fee will be applied to their account. The Data logger can report up to three (3) months previous of water consumption.
<u>Violations</u>	Violation Amount	Notes
Occupant refuses entry to Foreman or Designate in the presence of the Bylaw Enforcer	\$100.00	The Foreman or Designate will go to a Premises. If the Owner or Occupant refuses entry, the Bylaw Enforcer will be notified and accompany the Foreman or Designate on their next trip to the Premises.
Using water contrary to an imposed water restriction.	\$100.00	Fee will be applied to their account.
Person found to have damaged water, sewer, and etc. infrastructure.	\$100.00	This does not include the amount of the damages.
A Person acts contrary to this Bylaw	\$100.00	This does not include the amount of the damages that may arise through a person's action.