

BYLAW NO. 2020-16

The Water and Sewer Management Bylaw

A BYLAW OF THE TOWN OF LEMBERG TO CONTROL AND REGULATE UTILITIES PROVIDED BY THE TOWN OF LEMBERG, INCLUDING WATER AND SEWER.

COUNCIL of the *Town* of **Lemberg**, in the Province of Saskatchewan, enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the Town of Lemberg Utility Services Management Bylaw.

INTERPRETATION

2. Wherever in this Bylaw the following words are terms are used, they shall, unless the context provides otherwise, be held to have the following meaning:
 - a) **"Town"** means Town of Lemberg;
 - b) **"Administrator"** means the Town Administrator of the Town;
 - c) **"Public Works Foreman"** means the Public Works Foreman; and
 - d) **"Consumer"** means an individual(s) or corporation that has, or wishes to have a water and/or sewer service connection.
 - e) **"Property"** shall mean a parcel of land located within the boundaries of the Town of Lemberg on which a building or buildings (commercial or residential) may or may not be situated, whether such buildings are occupied or unoccupied.
 - f) **"Designated Officer"** shall mean the person authorized to enter a private dwelling for reading, maintaining, repairing or replacing town-owned meters;
 - g) **"Utility bill"** shall mean an invoice issued monthly that indicates the fees and charges associated with water, sewer, infrastructure fee and waste management fees.

PURPOSE

3. The purpose of this Bylaw is to set up management policies with respect to utilities within the boundaries of the Town of Lemberg by identifying requirements, expectations, maintenance responsibilities and general services.

APPLICATION

4. Any owners of property in the municipality whose land or any portion of whose land adjoins a street or lane along which a water or sewer main has been laid is required to connect the principal building(s) to the system of water and sewer mains constructed and owned by the Town. All occupied buildings must be connected to the appropriate utility lines if lines are adjacent to property.
5. At the discretion of Council, a developer may be required to install all or a portion of the mainline to service development in instances where the water and/or sewer main has not already been installed in an adjoining street or lane.

6. Each dwelling unit to which water is supplied (including apartments, duplexes, semi-detached dwellings, condominiums and the like) must have an individual water meter to facilitate individual billing.
7. Each dwelling unit, as set out in this bylaw, must have a separate curb-stop to facilitate water disconnection for control of the water supply in the event of a vacancy or non-payment. In instances where existing buildings do not have individual curb-stops for each owner, the owner will be required to install same at his/her own expense or must agree to have the entire utility invoice rendered in his/her name.
8. All connections made to the water main and sewer lines shall be subject to the approval of and inspection by the municipality.
9. The cost of the installation of water and/or sewer lines from the water and/or sewer main to the premises, including all valves, shut offs, drains, and pavement recapping shall be borne by the property owner.
10. The cost of subsequent repairs, replacement or maintenance from the property line to the premises shall be borne by the property owner, and from the main to the property line be borne by the municipality.

APPLICATION/CONNECTION FEE

11. All persons desiring to be supplied with water from the Municipality's water supply system shall make application to the officials of the municipality. Each application shall be accompanied by the application/connection fee and water meter deposit payment as provided for in the Utility Rates Bylaw.
12. An application/connection fee as provided for in the Utility Rates Bylaw shall be paid to the Town each time a consumer:
 - i) wants to be supplied with water from the municipal system; or
 - ii) requests that services be shut off at the curb stop, in order to carry out repairs to plumbing.

WATER METER DEPOSIT

13. All consumers who apply for water service shall pay a water meter deposit to the town as provided for in the Utility Rates Bylaw.
14. The water meter deposit shall be refunded or applied to the final billing upon service being disconnected due to a change in ownership or vacating of the premises.

METER LOCATION

15. The owner of the property being serviced shall provide a frost-proof location for the water meter that is readily accessible for the purpose of taking water meter readings.
16. The owner of the property being serviced shall be liable for the full replacement cost of a meter installed on his property if damaged by frost or other cause.

USAGE CONCERNS

- 17.** All complaints of excessive water usage alleging to be the result of a faulty water meter shall be investigated upon the complainant first depositing the amount as per provided for in the Utility Rate Bylaw with the Town. If the said meter is found to be over-registering, the deposit will be returned and the account will be adjusted accordingly. If the said meter is found to be under-registering, the deposit will be retained by the Town as a service charge.

WATER WORKS SYSTEM

- 18.** Only Town employees, persons under the authority of the Public Works Foreman or persons under the direction of the Fire Department shall open, close or interfere with any hydrant, valve or curb stop connected with the water works system.

SEWAGE DISCHARGE

- 19.** All consumers connected to the public sewage drainage system shall pay a fee as provided in accordance with the Utility Rate Bylaw for the rent of the sewage works.
- 20.** No consumer shall discharge into any drain, sewer or sewage system operated by the Town a harmful matter, substance or thing, whether liquid or solid, that would be injurious to health, life or property or that would injure, pollute or damage any stream, watercourse, drain, sewer, sewage system or sewage treatment facility.
- 21.** All consumer waste shall be discharged in to the public sewage drainage system unless a private septic tank has been installed on the property.
- 22.** The service of any consumer who contravenes this section of the bylaw shall be discontinued and a fine of \$2,000.00 for an individual or \$5,000.00 for a corporation shall be imposed.

INFRASTRUCTURE FEE

- 23.** An infrastructure fee as stipulated in the Utility Rate Bylaw will be charged to all persons or entities or own or occupy premises to which water or sewer lines are connected regardless if water or sewer services are utilized.

BILLING

- 24.** Utility invoices for water, sewer and infrastructure fees shall cover a period of one month for utility billings and shall be paid within 30 days of billing date. Water billing amount shall be estimates except for the utility invoices issued in June and October when the designated officer will do actual meter readings.
- 25.** In the event that a meter is inaccessible for whatever reason, the designated officer shall leave a note indicating the need for a reading. If a reading cannot be obtained, an estimate will be used for billing purposes. The designated officer is required to ensure that all meters are read at least one time each calendar year by an employee of the municipality.
- 26.** Where the utility accounts remain unpaid after the 30 days in which the accounts were rendered, they shall be deemed to be in arrears and there shall be added thereto by the way of a penalty, an amount as provided for in the Utility Rates Bylaw. If the water supply to a dwelling unit is disconnected for infringement of the provisions of the bylaw, the same shall not be reconnected until all penalties, fees, rates, charges and arrears as stipulated by this bylaw are paid in full.

27. All unpaid fees and/or costs incurred under this bylaw may be applied to the tax account of the landowner to where the service was provided and the service will be disconnected and as provided for under *The Municipalities Act*, Section 369.
28. If an account is not paid within the said period of 30 days, the following procedure is to be followed:
- a) A final notice is to be forwarded to the customer informing that service will be terminated 10 days from date of final notice.
 - b) If the bill is still not paid after the 10-day final notice, a work order is prepared and the service will be terminated.
 - c) If a customer attempts to make arrangements for payment before a work order is prepared, they shall be allowed an additional 5 days to make payment in full. Failure to do so will result in termination of the service.
 - d) When the water service is terminated, it shall not be resumed until all arrears have been paid, together with a fee as set out in the Utility Rates Bylaw to cover the expenses of reinstating the service.
29. In instances where the arrears relate to a rental property, a copy of the billing setting out the arrears shall be forwarded to the land lord (landowner) with a notation to this effect on the billing provided to the renter.

WATER CONTAMINATION

30. No person drawing water from a hydrant or a coin-operated dispenser shall use a container or tank that is contaminated with any chemical harmful to animal or plant life, nor shall there be containers with chemicals harmful to any animal or plant life stored or transported on the vehicle hauling or trailer holding the water container or tank.
31. A fine of \$2,000.00 for an individual or \$5,000.00 for a corporation will be imposed for contravention of this section.

GENERAL PROVISIONS

32. In instances where an emergency requires the temporary disconnection of water to a property, there will be no charge to the occupant.
33. During the winter months, to avoid the potential of broken water lines, unpaid utility amounts owed by a consumer or the owner of the property may be added to the tax roll rather than proceeding with water disconnection. At any time during the year, the Council may, by resolution and in accordance with section 369 of *The Municipalities Act* direct that unpaid utility amount to be added to the tax roll.
34. The Council may, by resolution and in accordance with section 369 of *The Municipalities Act* direct that unpaid utility amounts accumulated by a renter be added to the tax roll of the property owner at any time during the year, provided effort has been made to collect said amounts from the renter. The Municipal office, will, upon becoming aware of a rental property, provide the Landlord with a copy of this bylaw. Landlords will be encouraged to leave the utility billing in their name as property owner in order to ensure they have control over the payment of the utility billing.

35. The Municipality will be responsible for the meter only, not parts connected to the meter no for any plumbing that may be required in replacement of a meter.
36. It is the responsibility of the property owner to ensure that the curb-stop and water meter are accessible at all times. If damage is done to lawns, gardens, driveways, sidewalks or premises in locating the curb-stop or water meter, it remains the responsibility of the owner to ensure repairs are made to the owner's property.

RESTRICTIONS

37. The municipality shall have the right, by resolution of Council, to limit the amount of water furnished to consumers should circumstances warrant such action. No person shall turn on water to any premises or open any value on Town property, except under the authority of the municipality.
38. No person shall make any connection whatsoever with any of the public or private pipes or mains, except under the authority of the municipality.
39. No person, except the designated officer or members of the Fire Brigade in the course of their official duties, shall open, close, or interfere with any hydrant, gate or valve connection, nor in any way interfere with any stop-cock, pipe or other waterworks appliance between the meter, when there is no stop-cock immediately about such meter, or between such stop-cock where it is installed above the meter, and the water main, nor with any water meter.
40. No extension of water or sewer mains shall be constructed unless such construction is authorized by the Council of the Town of Lemberg.
41. As per Section 30 of *The Municipalities Act*, any person who causes loss, damage or injury to any public utility service provided by a municipality or to any property used in providing the public utility service, whether owned by the municipality or not, is liable to the owner for that loss, damage or injury.

MAINTENANCE

42. The Public Works department will repair or replace water meters where necessary due to normal wear at no charge to the consumer. However, where repair or replacement of water meters is necessary due to physical damage to the meter caused by the consumers negligence, a new meter will be installed by the Town and the consumer will be charge the cost of the meter plus the cost of the labour to do the work. This charge will be added to the consumers account and collected as provided for in this Bylaw.
43. For the purpose of making repairs to the mains or of connecting or repairing service pipes or constructing extensions or new work, or for any work, the Town shall have the right to shut off the water from any consumer without notice and to keep it shut off as long as may necessary to enable the work to be completed. Whenever feasible, the consumer shall be notified in advance.

WATER RATIONING

44. The Town shall have the right to limit the amount of water furnished to any or all consumers should circumstances warrant such action.

45. Council may by resolution restrict the watering of lawns and gardens. If this provision is enacted, consumers with even building numbers shall be allowed to water on Mondays, Wednesdays and Fridays and consumers with odd building numbers shall be allowed to water on Tuesdays, Thursdays and Saturdays.

46. No consumer shall convey, sell, dispose of, give away, permit to be carried or taken away, or supply water for the use or benefit of others.

CONTRAVENTION

47. Any person who contravenes any provision of this bylaw for which no other penalty is provided shall be guilty of an offense and liable upon summary conviction to penalties provided under the general penalty bylaw of the Town.

48. Bylaw 2018-01 is hereby repealed.

49. This Bylaw shall come into force and take effect upon approval of the Saskatchewan Municipal Board.

[SEAL]

Mayor

Administrator

First Reading: August 11, 2020
Second Reading: August 11, 2020
Third and Final Reading: August 11, 2020

Certified a True Copy of Bylaw 2020-16
adopted by Resolution of the Council
of the Town of Lemberg, in the
Province of Saskatchewan on
the 11th day of August, 2020

seal

Administrator