

**VILLAGE OF SAYWARD**

**Water Regulation Bylaw No. 391**

**A BYLAW TO REGULATE THE TERMS AND CONDITIONS  
UNDER WHICH WATER FROM THE MUNICIPAL  
WATER UTILITY MAY BE SUPPLIED AND USED**

**WHEREAS** Section 8 of the Community Charter permits a Municipal Council to operate and maintain such services as it deems desirable and by bylaw may provide for the classification of users and prescribe different rates, terms and conditions of water utility services;

**AND WHEREAS** the Municipal Council deems it necessary to amend the Village of Sayward Water and Regulations;

**NOW THEREFORE** be it resolved that the Council of the Village of Sayward, in open meeting assembled, ENACTS as follows:

**1. TITLE**

This bylaw may be cited as the "Village of Sayward Water Regulations Bylaw No. 391.

**2. DEFINITION\_** In this bylaw the following terms will apply unless the context otherwise requires:

**CUSTOMER** means any person, company or corporation who is the owner or agent for the owner of any premises to which water is supplied or made available from the waterworks and also any person who is the occupier of any such premises, and also includes any person who is actually a user of water supplied to any premises or by a service from the said waterworks;

**DUPLEX** means a residential building containing two (2) segregated self-contained housekeeping units with cooking, living, sleeping and sanitary facilities, and sharing at least one (1) common wall;

**INSPECTOR** means the Building Inspector for the Village or such person as the Village may from time to time designate;

**OUTSIDE USER** means any consumer located outside the boundaries of the Village of Sayward;

**PROPERTY LINE** means the nearest property line to the water mains. For the purposes of this bylaw, when the water mains are located in a right-of-way through the property, the edge of the right-of-way shall be deemed to be the property line;

**SEASONAL COMMERCIAL** means any business holding a valid Village of Sayward business license and which operates for a period of less than three hundred and ten days (310) days (ten (10) months) annually;

**SERVICE PIPES** means that portion of the water supply line extending from the property line of the property concerned to the building situated thereon, and joining the water connection to the plumbing system of the building;

**SINGLE FAMILY DWELLING** means a single segregated self-contained residential dwelling used for, or intended for the domestic use of one (1) or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities;

SUPERINTENDENT means the Village CAO.

VILLAGE means the Village of Sayward

TRIPLEX means a residential building containing at least three or more segregated self-contained housekeeping units with cooking, living, sleeping and sanitary facilities, and with each unit sharing at least one (1) common wall with the adjacent unit;

WATER CONNECTION means the water line extending from the water main to the property line of the property being serviced or about to be serviced;

WATER MAINS means any pipes used for the distribution of the waterworks that is under the control of the Village of Sayward;

WATER SERVICE means the supply of water from the waterworks to any person and all the taps, valves, meter, connections and other things necessary to any actual use for the purpose of such supply;

WATERWORKS means any water system intended for public use that is under the control of the Village of Sayward.

SECONDARY SUITE: a separate suite in a single family dwelling.

### **3. CHARGES TO OWNER**

Water rates shall be charged against the owner of the land or real property where a water or drain connection has been installed to the property and where plumbing is installed on the premises and is connected to the Village water system, as set forth in Village of Sayward Bylaw 378.

### **4. APPLICATION FOR SERVICE**

- 4.1 Application in the form as prescribed from time to time must be completed and signed by the owner of such property, or his duly authorized agent. The owner agrees to abide by the terms and conditions of this Bylaw and pay all appropriate fees or assessments for works or services.
- 4.2 Application for water connection and payment for same must be completed in conjunction with the application being made for a building permit.
- 4.3 Connection fees and inspection fees as outlined in Appendix A below are payable at the time of the application for such service.

### **5. INDEPENDENT RATES**

Where multiple independent users or multiple classifications of uses exist in what is commonly referred to as Common Connection line, the individual disconnect fee and connect fees apply.

## **6. CHARGES WHEN VACANT**

6.1 All of the Village is a specified water service area; therefore, the owner of a premises, whether occupied or vacant, to which a service connection has been made, shall be responsible for the payment of all water rates, once initial occupancy has been declared, whether the services are actually used or not.

## **7 COLLECTION OF FEES:**

7.1 All accounts will be billed on completion of service and due within 30 days.

## **8. MANDATORY CONNECTIONS**

9.1 If a parcel of land, upon which is situated a building occupied and/or used by one (1) or more persons, abuts a street or land or right-of-way upon or under which there is laid a public water system, the owner or occupier of such building shall connect or cause to be connected the said building with the public water system in the manner provided by this bylaw.

9.2 It shall be compulsory for any owner or owners whose property is capable of being serviced by municipal water to connect or cause to be connected such building with the public water system within three (3) months after the date that the water is rendered operational.

## **9. CONSTRUCTION RATES**

10.1 Where water has been provided by the Village to land upon which a building is being constructed, a construction rate per calendar month, shall apply from the date the water is turned on until occupancy of the building. This rate is specified in Schedule A.

10.2 Every application for a construction rate shall be made under the hand of the owner of the property to which the water is to be supplied.

10.3 The rate shall be the same as the single family residence rate.

## **10. EXEMPTIONS**

11.1 Notwithstanding Section 6, Council may by policy establish exemptions from user fees based on established criteria. Such exemptions will not apply to commercial or industrial endeavours.

11.2 Every application for an exemption shall be made under the hand of the owner of the property to which the water is to be supplied.

11.3 The application will include a declaration by the owner of the facts that entitle the owner to the exemption.

11.4 Should the facts under which the application and declaration were granted change so as to disqualify the property from the exemption, the owner has thirty (30) days by which to inform the Village or the penalty clause under Section 0 will apply.

11.5 Each exemption will be for a maximum of one (1) year only and will expire on December 31<sup>st</sup> of each year. Subsequent exemptions must be reapplied for each year prior to December 31<sup>st</sup>.

## 11. OWNER REFUSES OR NEGLECTS

Where the owner or owners of any parcel of land in the Village which is required to be connected to the public water system of this bylaw, neglects, omits or refuses to comply with the provisions of this bylaw, within sixty (60) days of receipt of such notice, then the Village may serve the owner with a second registered notice to comply with this bylaw. If the owner neglects, omits or refuses to comply within sixty (60) days of receipt of the second notice, the Village may contract a private contractor to make the connection, and the charges of this connection are to be charges as per provisions of Schedule "A" of this bylaw.

## 12. SERVICE PIPES

- 12.1 Before any person shall install or construct any water service, or commence doing any construction work in relation to or in connection with such service, he shall notify the Village in writing. If required by the Inspector, he shall furnish a plan and specifications which shall show:
- (a) the purpose for which the water is to be used, the size of pipes and the number of outlets in connection with such an installation;
  - (b) a description of the material which the applicant proposed to use in connection with such installation or construction.
- 12.2 The installation of service pipes shall be the responsibility of the property owners but shall conform to specifications approved by the Village.
- 12.3 The Village shall not be liable for the cost of any work done in connection with any service on private property, nor shall any employee of the Village carry out any work on private property during working hours. The Village is only responsible for the cost of work done up to the property line boundary and includes setbacks. Property owners are required to carry out all repairs inside their property line and be responsible for all associated costs.
- 12.4 It shall be the duty of every consumer to provide that all taps, fittings and other things connected with the service within the premises are in good order and installed and connected in accordance with the provisions of the Building and Plumbing Bylaws.
- 12.5 Access to pipes must not be covered over in any way or planted with shrubbery. Trees and shrubs are not to be planted on Village property or right of way locations without permission. The Village shall insist on the removal of such trees or shrubs in right of way locations. Any damage done to water and sewer infrastructure by tree roots is the responsibility of the property owner whether or not they planted the trees in the first instance.
- 12.6 Every premises shall have a properly placed stop and waste valve.
- 12.7 When the owner's service pipe plans and water connection application have been approved he may proceed with the installation of the service pipes. When the service pipes have been installed, but before the excavation is backfilled, the Village shall be notified that such work is ready for inspection.
- 12.8 The backfilling of the service pipes shall not be commenced until the Village has signified in writing that it is satisfied that the materials and workmanship employed are to its satisfaction and that the pertinent sections of this and other bylaws have been adhered to.
- 12.9 The Village shall refuse to turn on water to any premises not complying with Section 13.7.

- 12.10 (a) In the event of leakage, freezing or other conditions which causes the interruption of supply in the service pipe, repairs shall be the responsibility of the owner. If the consumer feels that such conditions are present in the Municipality's connection pipe, the consumer shall notify the Village requesting repairs.
- (b) In the event that the Village's connection pipe is faulty and is the cause of the owner's complaint, the Village shall repair such faults. If there is no fault found in the Village's connection pipe, the owner shall be invoiced for all costs of the work. The owner or his representative may have the right to inspect the site of the excavation by the Municipality and satisfy himself as to the condition of the connection pipe.
- 12.11 Every owner shall provide for his own service to his premises a pressure reducing valve, also pressure relief valve, if required in accordance with the Plumbing Code.

#### **14. REGULATIONS**

- 14.1 No person shall use, destroy, injure or tamper with any hydrant, or other fixture of the waterworks, and no person shall in any manner interfere or meddle with the water connection or waterworks in any street or in the Log Sort or any other commercial location, or make any additions or alterations to the water system or any connection, or turn on or off any corporation stop-cock, service valve or gate valve without express approval of the Village.
- 14.2 No person shall sell or dispose of water from the municipal water system, or give it away to any person or persons whatsoever or permit it to be taken or carried away by any person or persons, whomsoever, or use or supply it to the use or benefit of others where such sale or use exceeds one thousand gallons (1,000 gals.) per day.
- 14.3 No connection or cross connection between the municipal water system and any other water system or source of water supply shall be permitted.
- 14.4 The Village requires that every new owner of water shall provide the proper valves, fittings and wire as established in the utility requirements of the Village of Sayward. The user is responsible for all costs relating to the installation of this service.
- 14.5 The inspection of premises and the review of engineered plans of new plumbing systems for cross connections is to be conducted by the Village and should meet all required specifications.
- 14.6 The Village may establish a schedule by which premises will be converted to metered service.
- 14.7 Sprinkling restrictions may be enforced from time to time by the Village.
- 14.8 No person shall install a swimming pool with a connection to a water service coming from the Village's system, nor shall any below ground sprinklers be installed, or any addition to a water service made that may have cross connection implications, without first installing proper and approved backflow prevention. All such installations must first be approved by the Village's Building Inspector after detail and design of the proposed installation has been made, and no work shall proceed without first obtaining such approval.
- 14.9 No person is permitted to connect equipment adapted for use on service pipes or mains for pressure spraying of fertilizer, pesticides or any other materials of a toxic or non-toxic nature unless proper protection for back flow has been installed and approved by the Village.

- 14.10 No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the waterworks, and should any person obstruct such access the Village may remove such obstruction and the expense of such removal shall be charged to and paid by the person so offending, and on nonpayment thereof, on demand, the municipality may recover pursuant to Section 376 of the Local Government Act.
- 14.11 The employees of the Village shall have free access to all lands where the shut-off valve is located but shall have no access to the homes of residents without prior permission.
- 14.12 When a leak occurs on a water supply pipe the Village will make available its electronic equipment for locating underground pipes at no charge to the resident. When it has been established that the leak is within private property, the property owner must arrange, within three (3) working days to have the leak repaired at their own expense. Public Works may assist in the location of underground pipes but excavation and repair is the responsibility of the property owner.

## 15. ADMINISTRATION

- 15.1 The Superintendent is hereby authorized and directed to have a general supervision over the municipal waterworks system and to see that the provisions of this bylaw are carried out.
- 15.2 The Village shall have the power to appoint assistants and inspectors for the purpose of effectually carrying out the provisions of this bylaw, and wherever the Superintendent is authorized or directed to perform any act or duty under this bylaw, such act or duty may be performed by an employee authorized by the Village to perform such act or duty.
- 15.3 Nothing contained in this bylaw shall be construed to impose any liability on the municipality to service any person or premises or to give a continuous supply of water to any person or premises.
- 15.4 The Village may, without notice, disconnect the water service to any premises for any of the following reasons, and the municipality shall not be liable for damages by reason of discontinuing water service for such reasons:
- (a) unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
  - (b) failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
  - (c) for repairs;
  - (d) for want of supplies;
  - (e) for employing any pump, booster or other device for the purpose of, or having the effect of, increasing water pressure in service lines, without obtaining the approval of the Village;
  - (f) for violation of any of the provisions of this bylaw.
- 15.5 The Village may, in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the municipal water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used.

## **16. CONNECTION - DEMOLISHED BUILDINGS**

When a building within the Village is removed or demolished, it shall be the duty of the owner or his agent to immediately supply to the office of the Village upon such forms as prescribed by the Village for a permit to disconnect from the public water system, at the property line. The fee for such disconnection shall be the actual cost of the work as determined by the Village.

## **17. RECONNECTION FEES**

If the owner or his agent of any property where the water line has been disconnected, wishes to reconnect to the public water system, he shall make application upon such forms as prescribed by the Village for the reconnection. He shall pay the estimated cost, with minimum fees being charged pursuant to Schedule "A" of this bylaw. Upon completion of the reconnection, the owner or his agent shall be sent a statement showing the actual cost of the work and he shall be refunded any over-payment or conversely he shall pay the Village any cost over and above the estimated cost of this work.

## **18. INSPECTION/RE-INSPECTION FEES**

18.1 An inspection fee shall be paid to the Village for the initial inspection.

18.2 A re-inspection fee shall be paid to the Village for each additional inspection required after the first inspection because of defective materials or workmanship.

## **19. CONTRAVENTION AND PENALTIES**

Any person who evades or knowingly assists in the evasion of rates under this bylaw is guilty of an offence and shall be liable to a penalty equal to twice the amount that was evaded.

Should the owner of a premises that has been scheduled for conversion to metered water service refuse the conversion, the premises will be charged twice the normal flat rate charge until such conversion has been made.

Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed.

Any person found guilty of an infraction of any of the provisions of this bylaw, shall, upon summary conviction, be liable to a fine not exceeding Two Thousand Dollars (\$2,000) which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.

READ A FIRST TIME on the 22 day of June, 2011.

READ A SECOND TIME on the 22 day of June, 2011.

READ A THIRD TIME on the 17 day of August, 2011.

ADOPTED by the Village of Sayward on the 17 day of August, 2011.

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John Macdonald  
Mayor

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Colum Mc Cready  
CAO/CFO



## SCHEDULE A

<b>Connection/disconnection fee to an existing service</b>	<b>\$50.00</b>
<b>Public Works Hourly Contract Rate</b>	<b>\$75.00</b>
<b>Hire of Heavy Equipment</b>	<b>Paid by property owner</b>
<b>Inspection Fee (Superintendent or designate)</b>	<b>\$50.00</b>
<b>New Service Installations</b>	<b>\$700.00</b>
<b>Construction Rates</b>	<b>\$15.00 per month</b>
<b>Bulk Water Rates (per Imperial Gallon)</b>	<b>\$0.001733</b>
<b>Bulk Water Rates (per cubic foot) or</b>	<b>\$1.09</b>
<b>Bulk Water Rates (per cubic meter)</b>	<b>\$0.38</b>