

BYLAW NO. 457/2024**A BYLAW TO REGULATE AND CONTROL THE USE OF PUBLIC UTILITIES**

WHEREAS under the authority granted by *The Municipalities Act, SS 2005, c.M-36.1*, the Council of the Town of Balgonie may provide for the establishment and regulation of a public utility.

NOW THEREFORE, The Council of the Town of Balgonie, in the Province of Saskatchewan enacts as follows:

1. This Bylaw shall be cited as The Utility Management Bylaw.
2. In this Bylaw, including this section;
 - a) **“Administrator”** means the Administrator of the Municipality;
 - b) **“Backflow Prevention Valve”** means a valve in that portion of the Owner’s plumbing system known as the building drain, which is installed downstream of any connection and which is intended to prevent reverse flow from a public sewer into the sewer portion of the building plumbing system;
 - c) **“Domestic Purposes”** means ordinary household and sanitary purposes and watering of stock;
 - d) **“Fees”** means rates for service, connection and disconnection of service;
 - e) **“Interceptor”** means a receptacle that is installed to prevent oil, grease, sand or other materials from passing into a drainage system.
 - f) **“Local Authority”** means the Public Health Officers who administer the *Plumbing and Drainage Regulations* made pursuant to *The Public Health Act, 1994*.
 - g) **“Municipality”** means the Town of Balgonie;
 - h) **“Owner”** means the person liable to pay the taxes on the property to which the water and sewer service is supplied, as shown by the Assessment Roll of the Municipality in which the property is located;
 - i) **“pH”** means logarithm, to the base 10, of the reciprocal of the concentration of Hydrogen ions in moles per litre of solution.
 - j) **“Properly Shredded Garbage”** means waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will flow freely under conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.
 - k) **“Premises”** includes any buildings, yard or place connected with the water or sewer system of the Municipality for the purpose of taking water there from; or any part of such building, yard or place;
 - l) **“Public Utility”** means a works for the supply, collection, treatment, storage and distribution of water and/or the collection, transmission, treatment and disposal of sewage;
 - m) **“Private Sewage Works”** means a privately owned plant for the treatment and disposal of sewage, such as a septic tank.
 - n) **“Radioactive Waste”** means uranium, thorium, plutonium, neptunium, their respected derivatives and compounds, radioactive isotopes of all elements and any substances containing such isotopes of all elements and any substances containing such isotopes in greater concentration than is normally found in plant and animal life.

- o) **“Residential Water Service”** includes all water services extended to the premises containing dwelling units and on which no business, trade, profession, industry, occupation or employment is carried on;
- p) **“Sanitary Sewer”** means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- q) **“Sewage system”** includes all pipelines, drains, lift stations, treatment plant or holding lagoons that are used in the conveyance and storage of domestic sewage.
- r) **“Storm Sewer”** means drains that carry surface water runoff from rain, melting snow, and overflow from lawn water.
- s) **“Sump Pit and Discharge System”** means a system including sump, sump pump and/or any related;
- t) **“Surface Drainage”** means any system which conveys collected surface water from the property.
- u) **“Town Portion”** means the segment of water or sewer line that is not located on private property.

Administration:

3. *The Plumbing and Drainage Regulations*, and as amended from time to time, shall apply to and govern all plumbing and drainage in the Town of Balgonie, except as may be altered or revised hereinafter. The Plumbing Inspector shall be a Public Health Officer designated by the Saskatchewan Health Authority.
4. An applicant requesting or applying for water and/or sewer service shall complete such application form as may be prescribed by the Administrator from time to time.
5. Each application shall be accompanied by the payment of a utility connection fee in the sum of seventy-five dollars (\$75.00).
6. Any Owner who wants to be supplied with a water meter larger than a 5/8-inch Sensus meter must make application to the Administrator of the Municipality in the form set out in Schedule A. The applicant will be responsible for the cost of the water meter.
7. The account for utility service will be the responsibility of the Owner of the property. Utility bills will not be transferred to another person who is not the registered Owner of the property.
8. Water service may be suspended at the request of the Owner in form set out in Schedule B. The application shall be accompanied by payment of a charge for turning the water off of fifty dollars (\$50.00) and each application to resume the water service shall be accompanied by payment of a fee for turning the water on of fifty dollars (\$50.00).
9. Accounts for water service and sewer service shall cover a period of three (3) successive months, and shall be rendered on or before the first day of the month next following such periods.
10. If an account is not paid within the said period of thirty (30) days, the water service may be turned off. It shall not be resumed until all arrears have been paid together with a reconnection fee of one hundred dollars (\$100.00). If the reconnection to reinstate the said service is at a time other than the Municipal Employees' regular working hours, the reconnection fee shall be one hundred and fifty dollars (\$150.00).
11. If any rates, fees or rent in arrears remain unpaid on December 31, the amount shall be added to and thereby form part of the taxes on the land or buildings with respect to which the service was provided.

Water Meters and Readings:

12. All water supplied to any person by the Municipality:

- a) Shall be measured by water meters which will be supplied, installed and owned by the Municipality.
- b) Notwithstanding sub-section 8(a), the Municipality may make water service available to any person on an unmetered basis for residential use in a residential mobile home district.

13. Every applicant for water service shall, for the purpose of installation of water meters;

- a) Where the meter is to be located in a building, provide sufficient space for installation of the water meter and provide for convenient access to the meter with a clear space of at least 50 centimetres around the said meter.
- b) Where the meter cannot be located in a building, provide a structure suitable for housing the meter at the applicant's expense. This structure must ensure the meter will not freeze due to low temperatures.
- c) Allow the Municipality free access to his/her land and/or buildings on reasonable notice, for the purpose of reading, installing, replacing, removing or repairing of a meter.
- d) Where a water meter is removed from the premises without permission of the Municipality or damaged or destroyed while on the premises, the Owner shall be liable to the Municipality for the cost of repair or replacement of the meter and the Administrator may add the cost of the meter to the utility billing of the premises.
- e) If a meter read cannot be obtained, a card will be left requesting the Owner or Occupant provide the reading to the Town. Where the Town has requested the reading and/or access to obtain the reading and not been provided, the Administrator will have the discretion to estimate the consumption until such time as it is provided.
- f) If a remote readout has been installed in addition to the existing meter and there is a discrepancy between the readings, the meter shall be the official reading.

14. Where, in the opinion of the utility personnel, any water meter fixture or pipe is insufficiently protected from extreme temperature, the Municipality may terminate the supply of water upon notice in writing to the Owner or his/her Agent outlining the insufficient protection complaint.

15. The Municipality shall have the right to ration or limit the amount of water furnished to any premise, should circumstances seem to warrant such action.

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

17. No person shall:

- a) willfully or maliciously hinder or interrupt the Municipality or its Employees in the exercise of any of the powers conferred on it with respect to the provisions of a public utility service.
- b) willfully or maliciously discharge water so that it is wasted.
- c) willfully open, close or obstruct any water hydrant without written consent by the Municipality.
- d) willfully tamper with any water meter connected to the service, either inside or outside of a building so as to alter the amount of water registered by the meter.
- e) cause any harmful or offensive matter to be added to or deposited into or on the water or waterworks or source of supply for such public utility or in any way willfully damage or injure the works or pipes.
- f) attach any pipe or line to the public utility or obtain or use a public utility service without the consent of the Municipality.
- g) willfully and without authorization hinder, interrupt or cut off the services of the public utility.

- h) Use any alternate source of water supply other than the Town water system without first obtaining the written consent of the Town.

Control of Public Sewage Works:

18. In general terms, no person shall discharge into any drain, sewer, or sewage system operated by the Municipality any harmful matter, substance or thing, whether liquid or solid, that would be injurious to health, life or property, or that would pollute or damage any drain, sewer, sewage system, sewage treatment plant/lagoon, stream or watercourse. Details are as follows:

No person shall discharge into a sanitary sewer any of the following waters, liquid or wastes:

- a) Any liquid or vapour having a temperature greater than 150° F or 65.5° C
- b) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- c) Any garbage other than properly shredded garbage; provided however that shredded garbage shall not be discharged from a garbage disposal unit operated by a motor having a horsepower rating greater than one third horsepower unless a permit has been obtained from the Municipal Engineer.
- d) Any ashes, cinders, sand, stone, or any other solid or viscous substance which may cause difficulty in the public sewage works.
- e) Any paunch manure, pigs' hooves or toenails, bones, hog bristles, hides or parts of hides, animal or fish fat or flesh, horse, cattle, sheep or swine manure, poultry entrails, heads, feet, feather, and eggshells, fleshings and hair resulting from tanning operations.
- f) Any water or waste having a pH lower than 5.5 or higher than 9.5 or having any corrosive damaging or hazardous property capable of damaging structures, equipment, biological sewage treatment processes or personnel.
- g) Any water or waste containing a toxic or poisonous substance, or waste which when combined with another waste may cause toxic or poisonous substance, or a waste which when combined with another waste may cause toxic or poisonous substances to be liberated.
- h) Any noxious or malodorous substance capable of creating a public nuisance.
- i) Any water or waste containing suspended solids or such character or quantity that special attention or expense is required to handle such material at the sewage treatment plant.
- j) Any sand, grit or similar material.
- k) Grease, blood or other food products from a restaurant or food processing facility.

Discharge of Waste:

19. No person shall discharge or cause to be discharged or permit to be discharged any radioactive waste into any sewer of the Municipality.

Interceptors:

20. Any person owning, operating, or being in charge of a public garage, automobile wash floor, dry cleaning establishment, milk plant, creamery, laboratory, vehicle and equipment washing establishment, concrete plant and aggregate washing plant or such other place where the Municipality may require, shall provide on the waste outlet of the establishment a gasoline, oil grease, chemical or grit interceptor in conformity with the requirements of the Local Authority. Restaurants and food processing facilities shall provide an interceptor unless otherwise exempted from this provision by the Local Authority.

- a) Interceptors shall at all times be maintained in an efficient working condition at the expense of the Owner. Interceptors and separators must be maintained in efficient operating conditions by the periodic removal of accumulated grease.
- b) A grease interceptor shall not have an opening or other means designed for the addition of an enzyme or other additive.
- c) The grease collected from the grease interceptor shall not be introduced into the sanitary sewer.
- d) Interceptors are subject to periodic inspection by the Local Authority. If interceptors are not being maintained or are operated in an unacceptable manner, the Owner may be subject to a penalty under the General Penalty Bylaw or other enforcement action.

Installation of Backflow Preventer Valve:

21. In addition to the requirements of the *Saskatchewan Plumbing and Drainage Regulations*, it shall be the responsibility of every applicant for a sanitary sewer connection to install a backwater valve on the main building drain for a single-family use or on all lateral pipes connected to the main building drain for multi-unit use. Backwater valves installed in the building drain, which are not normally open, will require that a vent pipe of no less than 1 ½ inch (38mm) in diameter be installed in the building drain at the interior wall through which the building drain exits the building.

Private Sewage Works:

22. Where a public sanitary sewer is not available, the Owner of a building or place shall drain the sewage from the building or place into a private sewage works complying with the provisions of this section and the requirements of the Local Authority.
23. No person or Owner shall commence construction of a private sewage works until written permission is granted by the Local Authority. The request for approval shall include plans, specifications and other information deemed necessary by the Local Authority.
24. Any Owner of, or person who constructs or causes to be constructed a private sewage works shall:
- a) complete the same to the satisfaction of the Local Authority;
 - b) allow the Local Authority to inspect the work at any stage of construction;
 - c) notify the Local Authority when the work is ready for final inspection and before any underground portions are covered;
 - d) ensure that an inspection of the private sewage works is conducted by the Municipality.
25. The Owner or person having a private sewage works shall, at their personal expense, operate and maintain the private sewage works in a sanitary manner.
26. When a sanitary sewer becomes available to a place served by a private sewage works, the Owner shall connect or cause to be connected within 90 days from the date when the sanitary sewer became available, to the sanitary sewer in compliance with this and all other applicable Bylaws, statutes and regulations unless otherwise exempted by the Municipality.

Surface Drainage:

27. No person shall connect any pipe to the sewage system for the purpose of surface drainage.
28. Any subsurface drainage, pumped by way of a sump pump from a sump hole in the basement of any property, residence or accessory building on the property, shall only be pumped to the front street and must be directed to the nearest storm sewer. No water from any sump pit shall be pumped into the rear alley or lane.
29. Any surface drainage, pumped by any manner from the property, shall only be pumped to the front street and must be directed to the nearest storm sewer. No surface water shall be pumped into the rear alley or lane.
30. Any person who contravenes any provision of this Bylaw for which no other penalty is provided shall be guilty of an offence and liable upon summary conviction to penalties provided under the General Penalty Bylaw of the Municipality.

Costs of Service Connections:

31. Upon evaluation by the Municipality, it may become necessary for the water or sewer lines servicing a property to require replacement due to age, damage or deterioration. The costs will be allocated on a cost recovery basis as follows:
 - a) The Owner is responsible for the total cost of their service connections from the property line to the premise, including the cost of construction, maintenance, repair and replacement of the water and sewer service connection.
 - b) The Municipality is responsible for the total cost of the service connections from the property line to the service main.
32. All work to construct, maintain and repair the service connections must be completed by a Town approved contractor.
33. Once the Municipality agrees to undertake the replacement or installation of the new residential water and sewer connection, the Municipality will provide the Owner with an estimated cost to perform the work.
34. The Owner will make application as set out in Schedule C, for replacement of water and sewer service lines. The Municipality will coordinate and contract the replacement and issue the Owner an invoice for the costs that are the Owner's responsibility.
35. The Owner has the option of repayment over a one-year period (12 payments) with a 2% Administration fee. The monthly payment will be due no later than the last day of the month and will be subject to an additional 2% penalty for late payment. Outstanding accounts will be transferred to the property tax arrears if unpaid after 12 months.

Maintenance and Services for Water and Sewer Connections:

36. Localized repairs to services on private property will be charged at the cost recovery rate. If the repair requires replacement of the entire service, then conditions outlined in Sections 28-32 of this Bylaw will apply.

Blocked Sewer Connections:

37. The Owner shall advise the Municipality of a blocked sewer connection.
38. The Owner or Occupant is requested to call a licensed plumber to clear the obstruction at their expense. The Owner shall request that Town staff attend the property during the inspection of the sewer line.
39. If the blockage has been caused by a sag in the sewer line on the town portion of the sewer line, the Owner may make request for reimbursement to Town Council for the invoice paid to clear the obstruction.
40. If the blockage has been caused by tree root infiltration in the sewer line on the town portion of the sewer line, the Owner may make request for reimbursement to Town Council for the invoice paid to clear the obstruction.

Frozen Water Connections:

41. When a water connection or line freezes the Owner is required to call a licensed plumber to thaw the line at the Owner's expense.
42. It is the responsibility of the Owner to mitigate potential damage from freezing in unoccupied properties. Mitigation includes activities such as ensuring:
 - i) Regular usage of water in the premise;
 - ii) Adequate heating to prevent freezing of pipes;
 - iii) Property is checked on a daily basis for potential freezing.

Water Leaks:

43. The Owner is responsible for any additional fees for water consumption due to plumbing on private property. These may include failures in plumbing fixtures and connections, appliances such as water heaters, refrigerators, water softeners, humidifiers and damaged lines.

44. Every Owner or Occupant that makes a claim or demand, takes any action or alleges that they have a cause of action, claim or demand against the Town for or by reason of loss of whatsoever kind or nature arising out of any incident of sewer back-up and or flooding shall install a backflow prevention valve on the premises at the expense of the Owner.

Severability:

45. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions.

46. Bylaw #434/2022 is hereby repealed.

47. This Bylaw shall come into force on the date of passing.

Read a first time this 12th day of February, 2024.

Read a second time this 12th day of February, 2024.

Read a third time and passed this 12th day of February, 2024.



Signed by:

Lain Lovelace, Mayor

Karen Craigie, Administrator

Copies of the original signed bylaw can be obtained from the Town Office by request.

SCHEDULE A

APPLICATION FOR A WATER METER LARGER THAN 5/8"

Name: _____

Service Address: _____

Phone: _____

Email: _____

Water meter size requested

3/4 inch

1 inch

2 inch

I _____, being the Owner of _____,
(civic address)

hereby make application for the specified water meter. I acknowledge that I will be invoiced for the total cost of the increased size meter. Additional costs to install may include applicable plumbing costs. I further acknowledge that any overdue amounts will be transferred to the property taxes if left unpaid.

SCHEDULE B

APPLICATION TO SUSPEND UTILITY SERVICES

Property Owner: _____

Address: _____

Phone Number: _____

Email Address: _____

Date to disconnect: _____ Date to reconnect: _____
\$50.00 CHARGE \$50.00 CHARGE

Reason for service suspension:

I, _____, being the property owner at _____
(civic address)

in the Town of Balgonie, have read and understand the charges that will be applied to my account for this service.

- Request water turned off at curb stop. Property owner or representative will be present at location when curb stop turned back on to ensure there are no leaks or issues inside property.
- Property owner will turn off meter in the interior. A reading will be required on the last day of billing, and first day billing is to resume.

*****Please mark the box with the action that will be done.**

Signature of Owner: _____ Date: _____

Town Representative: _____ Date: _____

SCHEDULE C

APPLICATION FOR REPLACEMENT OF WATER AND SEWER SERVICE LINES

BACKGROUND

The Town of Balgonie is a municipal corporation operating under *The Municipalities Act*, S.S. 2005, c. M-36.1.

Section 23 of *The Municipalities Act* (“the Act”) provides that “A Municipality may provide a public utility service directly, through a controlled corporation, or by agreement with any person.” Section 25 of the Act also provides that the cost of connection attributable to the private property may be charged to that property, as follows:

Land adjacent to streets, roads and easements

25(1) If the main lines of the system or works of a public utility are located above, on or under a street, road or easement, the Municipality provides the public utility service to a parcel of land adjacent to the street, road or easement, the Municipality is responsible for the construction, maintenance, repair or replacement of the portion of a service connection from the main lines of the system or works to the boundary of the street, road or easement.

(2) Notwithstanding subsection (1), as a term of supplying the public utility service to a parcel of land, the council *may* make the Owner of the parcel of land responsible for the costs of the construction, maintenance, repair and replacement of the portion of the service connection from the main lines of the system or works to the boundary of the street, road or easement.

(3) If the council acts pursuant to subsection (2), the costs mentioned in that subsection are an amount owing to the Municipality by the Owner of the parcel of land.

The Town of Balgonie (hereafter called “the Town”) provides water and sewer service to properties within the Town. Most original water service lines are ¾ inch. Most original sewer service lines are 4 inches. New water service lines are ¾ inch Wirsbo. New sewer service lines are 4-inch ABS plastic.

Owners may apply for replacement of water and sewer service lines by completing and signing this Application which, if accepted by the Town, then constitutes an agreement to the terms set out below.

NAME(S) OF OWNER(S): _____
(Hereinafter called the “Owner”)

CIVIC ADDRESS OF PROPERTY: _____
(Hereinafter called the “Property”)

TERMS

1. The Owner agrees to pay for the portion, attributable to the Property, of the associated costs of replacement of water and sewer service lines from the corporation stop/curb stop to the building located on the Property at the rates set out in this Agreement.

2. The Town agrees to pay for the associated costs of replacement of water and sewer service lines from the corporation stop/curb stop to the connection on the main line along with the new corporation stop/curb stop, installed at the property line.
3. The attribution of cost is based upon the length of service lines installed on either side of the property line.
4. The Owner will pay to the Town a deposit equal to 50% of the contractor's estimated cost, prior to trenching and construction. A copy of the estimate is attached to and forms part of this Agreement.
5. The Town will upon receipt of the final account from the contractor who does the work:
 - (a) invoice the Owner for any outstanding balance, and the Owner will promptly pay that balance to the Town, which must be paid within thirty days of the date of billing.
6. The Town may add interest to any amounts owing to the Town which remain unpaid after thirty days from the date of billing, which amounts may be collected by any means allowed by law, including charging to the Property, pursuant to S. 31 of the Act.
7. The Owner is responsible for the full cost of any additional services which the Owner may request of the contractor. The contractor may bill those costs to the Town, which may then include those costs in the amount billed back to the Owner.

ALL OF WHICH IS AGREED BY THE PARTIES BY SIGNING THE NAMES OF THE OWNER AND THE AUTHORIZED REPRESENTATIVE OF THE TOWN.

Owner (print name below)

Date of Signature

Witnessed by (print name below)

For Town of Balgonie

Date of Signature