

CONSOLIDATED WATER and SEWER MANAGEMENT BYLAW

BYLAW 2023-05

A BYLAW OF THE TOWN OF HERBERT IN THE PROVINCE OF SASKATCHEWAN TO MANAGE, REGULATE AND CONTROL THE CONSTRUCTION, INSTALLATION, USE, CONSUMPTION AND DISCHARGE OF WATER AND SANITARY SEWER PUBLIC UTILITY AND TO FIX THE RATES FOR USE AND CONSUMPTION OF THE PUBLIC UTILITIES.

THE COUNCIL of the Town of Herbert in the Province of Saskatchewan enacts as follows:

PART 1: INTERPRETATION

1. This bylaw shall be cited as “**The Water and Sewer Management Bylaw.**”
2. This Bylaw is enacted pursuant to section 48 of *The Public Health Act, 1994*, and sections 8, 23 to 32 and 362 to 370, inclusive of *The Municipalities Act*.
3. In this Bylaw,
 - (a) “**Authorized Person**” means and employee of the Municipality or and individual/business contracted by the Municipality to perform work on behalf of the Municipality.
 - (b) “**Backflow**” or “**back siphonage**” means a flowing back or reversal of the normal direction of flow.
 - (c) “**Back water valve**” means a valve in that portion of the parcel 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.
 - (d) “**Boundary**” means the perimeter of an Owner’s Parcel of land.
 - (e) “**Commercial Building**” means any principal business, trade, profession, industry, occupation, or employment carried on, and any premises from which goods and services are provided; and shall include any public building such as a school, hospital, church, et.
 - (f) “**Council**” means the Council of the Municipality.
 - (g) “**Cross connection**” means any temporary, permanent or potential water connection that may allow backflow to occur and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.
 - (h) “**Curb stop**” means a control valve located on the service line for the water supply of a building usually placed between the sidewalk and the curb and used by the municipality to turn on and shut off the water supply from the main to the building.
 - (i) “**Municipality**” means the Town of Herbert.
 - (j) “**Occupant**” includes:
 - i. a person residing on a Parcel of land or in a building on a Parcel of Land;
 - ii. a person entitled to the possession of a Parcel of Land or a building on a Parcel of Land if there is not person residing on the Parcel of Land or in the building; or
 - iii. a leaseholder of a Parcel of Land
 - (k) “**Owner**” means a person who has the right, title, estate, or interest in land or improvements other than that of a mere occupant, tenant, or mortgagee.

- (l) **“Parcel of Land”** means within the Municipality:
 - i. All or part of any parcel, as defined in *The Land Titles Act, 2000, on an approved plan*;
 - ii. A number of parcels, as defined in *The Land Titles Act, 2000, that are assessed together*; or
 - iii. Any area of land used for a single assessment; and includes all building or other structures located on the Parcel of Land.
- (m) **“Plumbing Regulations”** shall mean the Saskatchewan *Plumbing Regulations* and amendments thereto.
- (n) **“Public Utility”** means a system or works operated by the Municipality and used to provide one or more of the following for public consumption, benefit, convenience, or use; water, sewage, disposal, drainage, waste management, and any other system or works operated by the Municipality.
- (o) **“Residential”** means the premises on a Parcel of Land containing a residential dwelling unit and, including but not limited to a house, a house used for business and residential purposes, a mobile home dwelling, and a ready to move dwelling.
- (p) **“Residential Multi-Family”** means a building comprised of two or more dwelling units located on a Parcel of Land.
- (q) **“Service Connection”** means the part of the system or works of a Public Utility that runs from the main lines of the Public Utility to a building or other place on a Parcel of Land for the purpose of providing the utility service to the parcel, and includes the connection to the main line and couplings, stop locks, meters and other apparatus inside the building or other place for the provision of the Public Utility.
- (r) **“Water Meter”** or **“Meter”** means any device approved by an Authorized Person which is supplied and owned by the Municipality and which is designed to measure the volume of water passing through it, and includes any related water metering equipment such as wires, connecting cables, transmitters, and remote-reading devices;

PART 2: SERVICE

4. The Owner of a Parcel of Land with a Residential, Commercial, or Residential Multi-Family building shall connect to the Public Utility water service provided by the Municipality, shall use the Public Utility water service for all inside water and wastewater use.
5. Any plumber employed and designated by the Owner or Occupant of the parcel of land will be considered as the agent of the Owner while employed in the prosecution of the work of introducing the Public Utility into the Parcel of Land, and will not be recognized in any sense as an agent of the Municipality, nor will the Municipality or its employees be responsible for the acts of the said plumber.
6. The Service Connection referenced in section 4 above shall be approved and inspected by an Authorized Person of the Municipality, with the Service Connection work to be done in accordance with *The Plumbing Regulations*.
7. If an Owner of a Parcel of Land fails to comply with the requirements of sections 4 and 5 above, or the Municipality is not satisfied with the construction, maintenance, repair or replacement of a Service Connection, the Municipality may order the Owner to construct, maintain, repair or replace the Service Connection of the Public Utility in accordance with the instructions of the Municipality within a specified time. In that regard, the Municipality shall serve the Owner with a written order in accordance with section 364 of *The Municipalities Act*.
8. If an Owner does not comply with any order of the Municipality that may be made pursuant to section 7 above to the satisfaction of the Municipality within the specified time, or in an emergency, an Authorized Person of the Municipality may enter onto any Parcel of Land, including any building situated thereon, to construct, maintain, repair, or replace the Service

Connection and shall within a reasonable period of time and to the extent reasonably possible restore any Parcel of Land entered for that purpose to the same condition as existed prior to the Municipality's entry.

9. The costs and expenses incurred by the Municipality relating to the construction, maintenance, and repair or replacement of the Service Connection as contemplated by section 8 above shall be deemed to be amounts owing to the Municipality by the Owner of the Parcel of Land, unless otherwise determined by the Municipality.
10. Any costs and expenses relating to the construction, maintenance, and repair or replacement of the Service Connection may be recovered from the Owner of the Parcel of Land by the Municipality by any of the following:
 - (a) A civil action for the debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - (b) Adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*;
 - (c) Any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

PART 3: CONNECTIONS

11. A Service Connection shall be installed at or near the Boundary on every Parcel of Land that has a Residential, Residential Multi-Family, and Commercial Building situated thereon.
12. A Service Connection may be installed at a vacant Parcel of Land upon the request of the Owner of the vacant Parcel of Land.
13. The Municipality shall determine the location of the Service Connection.
14. As a term of supplying the Public Utility service to a Parcel of Land, the Municipality makes the Owner of the Parcel of Land responsible for the cost of the construction, maintenance, repair, and replacement of the portion of the Public Utility (wastewater service/sewer) or Service Connection (wastewater service/sewer) from the main lines of the Public Utility to the Boundary of a Parcel of Land, including, but not limited to, the connection to the main line and couplings.
15. The owner of the Parcel of Land shall be responsible for the construction, maintenance, repair and replacement of the portion of the Public Utility (water service and wastewater service/sewer) or Service Connection (water service and wastewater service/sewer) from or at the Boundary of a Parcel of Land to anywhere on, under, or above the Parcel of Land, including, but not limited to, the connection to the main line and couplings.
16. Any costs referenced in sections 14 or 15 above may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - (a) a civil action for the debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - (b) adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*;
 - (c) any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

PART 4: WATER METERS

17. Water Meters shall be installed in every Residential, Residential Multi-Family, and Commercial Building where the Public Utility water service is supplied to a Parcel of Land. The Water Meter location shall provide sufficient space for installation and convenient access as well as protection from inclement weather conditions.
18. Curb Stops shall be installed for every Residential, Residential Multi-Family, and Commercial Building where the Public Utility water service is supplied to a Parcel of Land.

19. All water supplied to a Parcel of Land shall be measured by Meters supplied, installed and owned by the Municipality and all Owners and Occupants shall provide the Municipality with access to their Parcel of Land, including any building situated thereon, for the purpose of reading, installing, inspecting, repairing, replacing, or removing meters and conducting sampling tests.
20. In the event a Water Meter is removed from any Parcel of Land without permission from the Municipality, or damaged or destroyed for any reason, the Water Meter shall be repaired or replaced by the Municipality at the expense of the Owner, and the Owner shall be liable to the Municipality for the cost.
21. The Owner shall take all measures necessary to protect the Curb Stop from damage due to day-to-day yard maintenance, vehicles, construction projects and any other manner. The Owner shall immediately notify the Municipality if the Curb stop has been damaged.
22. In the event the Curb Stop is damaged or destroyed for any reason, other than normal deterioration, the Curb Stop shall be repaired or replaced by the Municipality at the expense of the Owner, and the Owner shall be liable to the Municipality for the cost.
23. Water Meters and Curb Stops shall remain the property of the Municipality, and no person shall willfully tamper or alter any Water Meter, including but not limited to, an alteration that impacts the amount of water registered by the Water Meter.
24. After giving reasonable notice to the Owner, the Municipality is authorized to discontinue service to a Parcel of Land if:
 - (a) The Municipality is unable to gain access to a Meter for the purpose of conducting the Municipality's business, including but not limited to the purpose of reading, installing, inspecting, repairing, replacing or removing Meters and conducting sampling test until such time as the Municipality is granted access to the Water Meter;
 - (b) An Authorized Person is of the opinion that any Water Meter, Curb Stop, or pipe is insufficiently protected from extreme temperature or other hazard until such a time as the Authorized Person is satisfied the hazard no longer exists; or
 - (c) A Water Meter reading is not obtained by the Municipality for a billing period for any reason, including but not limited to the failure of the Owner to submit a reading to the Municipality.
25. Where an Authorized Individual attends a Parcel of Land for a scheduled appointment to install, repair, replace, test or read a Water Meter or install, repair, replace, or test any other equipment in relation to the Public Utility water service and any of the following circumstances occur, the Owner is responsible for the expense incurred, and the Owner shall be liable to the Municipality:
 - (a) The Owner is not present at the scheduled time to provide access to the Parcel of Land; or
 - (b) The Authorized Individual is unable to proceed or complete the required work because of unsafe conditions, the required plumbing is not complete, or there is inadequate access.
26. Any costs referenced in sections 20, 22, or 25 above may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - (a) a civil action for the debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - (b) adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*;
 - (c) any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

PART 5: EMERGENCIES

27. In the event of any emergency, after making reasonable efforts to notify an Owner or Occupant of a Parcel of Land, any Authorized Person is entitled to free access to all parts of any Parcel of Land, including any building situated thereon, for the purpose of inspection, maintenance or repair.
28. The Municipality shall have the right to impose the rationing of water, and otherwise limit the amount of Public Utility water to be furnished to any Parcel of Land, as circumstances warrant, and the Municipality shall not be liable for damages by imposing such limits and rationing.
29. In cases of emergency such as making repairs to the street mains, in constructing new works, or in connecting or repairing Service Connections the Municipality shall have the right to shut off service and keep it off as long as the Municipality deems necessary.
30. The Municipality shall endeavor to provide notice to Owners affected by an impending shut off referenced in section 29 to enable the Owners to prepare for the lack of service.

PART 6: MANAGEMENT AND CONTROL

31. The Municipality shall have the right to discontinue providing a Public Utility service after giving reasonable notice to do so.
32. When a Public Utility service has been discontinued or turned off by the Municipality for any reason, such service shall not be reconnected or turned on without approval of an Authorized Person.
33. No person shall introduce into the Public Utility any harmful matter, substance, or thing, whether liquid or solid, that would be injurious to health, life, or property or that may injure, pollute, or damage any stream, water course, drain sewer, sewer system, and water system, and/or the water treatment plant.
34. No person shall connect, cause to be connected, or permit to remain connected to any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, wastewater or any other liquid, chemical or substance to enter the public water system or the water system within the premise without installing backflow prevention devices on the water system in and upon the premise.
35. No person shall connect, cause to be connected or permit to remain connected to the water system a cross connection that has not been approved in writing by the municipality.
36. No person shall:
 - (a) willfully or maliciously hinder or interrupt the Municipality or Authorized Person in the exercise of any of the powers conferred with respect to the provision of the Public Utility water service;
 - (b) willfully or maliciously discharge water so that it is wasted;
 - (c) willfully open, close, or obstruct any water hydrant; or
 - (d) attach any pipe or line to the Public Utility water service except for normal use.
37. Application for a plumbing permit shall be completed by a plumber or plumbing contractor on a prescribed form.
38. The fee for the permit shall be as specified in the *Plumbing Regulations*.
39. All non-vacant parcels must be connected to the Public Utility and must make application to the Municipality and pay the applicable fee as per Schedule "A" attached to this Bylaw.
40. A Public Utility water service will only be turned on after receipt of application and applicable fees and only if a responsible representative of the consumer is present when the municipality activates the service.

PART 7: SANITARY SEWER PUBLIC UTILITY

41. Where sanitary sewer Public Utility collection system is not available to a parcel, the disposal system shall be connected to a private sewage disposal system complying with *The Public Health Act*. The Owner shall operate and maintain the private sewage disposal system in a sanitary manner at all times at no expense to the Municipality. At such time as a sanitary sewer Public Utility collection system becomes available to a Parcel of Land served by a private sewage disposal system, the provisions of 6.2(a) shall then apply to the Parcel of Land and a direct connection shall be made to the sanitary sewer Public Utility collection system thereby removing or abandoning the private sewage disposal system in a proper manner, or, if approved by the Municipality, the private disposal system may be connected and pumped into the sanitary sewer Public Utility collection system.
42. Application for a plumbing permit for Public Utility sewer service shall be completed by the plumber or a plumbing contractor on a prescribed form.
43. After making reasonable efforts to notify the Owner or Occupant of the Parcel of Land, or in an emergency, any Authorized Person is entitled to free access at all reasonable times to all parts of any Parcel of Land to which the sewer Public Utility is connected for the purpose of:
 - (a) Inspecting any Service Connection, and/or
 - (b) Constructing, maintaining or repairing any sewer Service Connection.
44. No person shall discharge into any drain, sewer, or sewerage system operated by the Municipality anything of a harmful matter, substance, or thing, whether liquid or solid, that may be injurious to health, life or property or that would injure, pollute, or damage any stream, watercourse, drain, sewer, sewerage system or sewage treatment plant.
45. Every Owner or Occupant shall take every precaution not to cause a blockage in the sewer service line between the building and the sanitary sewer main. Commercial operations that have wastewater that contains fats, oils, and grease are required by law to have a properly installed and maintained grease interceptor. If a blockage occurs, it shall be the responsibility of the Owner or Occupant to have the material blocking the line removed and the Owner or Occupant shall be responsible for the cost unplugging the sewer service line.
46. Every sanitary sewer service connection shall provide backflow prevention measures where a building drain or branch may be subject to backflow, in accordance with *The Public Health Act*, regulations made there under and standards adopted by the municipality.
47. 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 Municipality 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 back-water valve on the premises at the cost of the Owner or Occupant.
48. No person shall discharge private system septic sludge or effluent into the sanitary sewer Public Utility collection system without first obtaining a permit to do so from the Municipality and paying fees in accordance with Schedule "A".
49. No person shall discharge hauled septic sludge or effluent into the sanitary sewer Public Utility collections system without first obtaining a permit to do so from the Municipality and paying fees in accordance with the fees on Schedule "A".
50. No person shall discharge wastewater from weeping tile and/or sump pumps or any storm drainage into the Public Utility sanitary sewer system unless approved by the Municipality. Where such discharge or drainage is directed into or connected to the sanitary sewer Public Utility collection system, the Owner of that Parcel of Land shall forthwith, upon being so directed by the Municipality, disconnect that discharge or drainage from the sanitary sewer Public Utility collection system and shall dispose of the wastewater in a manner satisfactory to the Municipality.

PART 8: FINANCIAL

51. The collection of revenue derived from the Public Utility services, the payment of all disbursements connected therewith, and the supervision and control of all records and accounts shall be under the direction and control of the Chief Administrative Officer and the Financial Officer.
52. All monies collected under the provisions of this bylaw for water and sanitary sewer public utility service shall be recorded as revenue for the water and sanitary sewer Public Utility service and shall be used solely for the payment of capital and operational costs for the water and sanitary sewer Public Utility.
53. The Owner of the Parcel of Land receiving the provision of a public utility service is responsible for payment of all rates and charges applicable to the service.
54. All monies collected for deposits under the provisions of this bylaw shall be credited to the "Utilities Deposit Account".
55. When a consumer discontinues use of the Public Utility services and all rates and charges are paid in full, the deposit, without interest, shall be refunded to the consumer.
56. When a consumer discontinues use of the Public Utility services and all rates and charges remain unpaid, the Municipality has the right and is hereby granted the right to apply the deposit to the unpaid account and the remaining deposit balance if any without interest shall be refunded to the consumer.
57. If a consumer discontinues the use of the public utility services and any rates and charges remain unpaid after application of the deposit, the amount outstanding may be added to and thereby form part of the taxes on the parcel of land with respect to which the public utility service was provided, as per Section 369 of *The Municipalities Act*.
58. The rates and charges to be paid for connection and consumption of Public Utility services are as set out in Schedule "A" attached to and forming part of this bylaw.
59. The deposits to be paid for Public Utility services are set out in Schedule "A" attached to and forming part of this bylaw.
60. The late payment penalties added to unpaid Public Utility service accounts are as set out in Schedule "A" attached to and forming part of this bylaw.

PART 9: ENFORCEMENT OF BYLAW

61. Whether the consumer is the Owner or other than the Owner of the Parcel of Land receiving the provision of the Public Utility service, the sum payable for the utility use, all rates, costs and charges made shall be a preferential lien and charge on the Parcel of Land serviced and may be levied and collected in like manner as municipal rates and taxes are collected in accordance with Section 369 of *The Municipalities Act*.
62. Payment is due within thirty (30) days of billing date, after which late payment penalties are charged. Services may be discontinued if account remains unpaid fourteen (14) days after due date.
63. The inspection of any Parcel of Land by an Authorized Person to determine if any provision of this Bylaw is being complied with is hereby authorized.
64. Inspection under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
65. No person shall obstruct an Authorized Person who is authorized to conduct an inspection under this section.
66. If an Authorized Person has reason to believe that a person is contravening any provision

of this Bylaw, the Authorized Person may, by written order, require the Owner or Occupant of the Parcel of Land to which the contravention relates to remedy the contravention in accordance with section 362 of *The Municipalities Act*.

67. If an order is issued pursuant to section 8.3(a) above, the Municipality may, in accordance to section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest again the title to the Parcel of Land that is subject of the order.
68. A person may appeal an order referenced in this section 8.3 in accordance with section 365 of *The Municipalities Act*.
69. The Municipality may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
70. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with section 367 of *The Municipalities Act*.
71. Any expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw shall be and are deemed amounts owing to the Municipality by the Owner of the subject Parcel of Land, unless otherwise determined by the Municipality. Such expenses and costs may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - (a) A civil action for the debt in a Court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - (b) Adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*;
 - (c) Any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.
72. No person shall:
 - (a) Fail to comply with an order made by the Municipality pursuant to this bylaw; or
 - (b) Obstruct or interfere with any Authorized Person or any other person acting under the authority of this Bylaw; or
 - (c) Fail to comply with any other provision of this Bylaw.
73. An Authorized Person who has reason to believe that a person has contravene any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of \$100 to be paid to the Municipality within 14 days of provision of the Notice of Violation. In the case of a continuing violation of any provision of this Bylaw, the Notice of Violation may in addition also set out the period of time during which the violation is continuing and then shall indicate that the Municipality will accept voluntary payment of \$2.50 for each day during which the violation has continued, such to be paid to the Municipality within 14 days of the provision of the Notice of Violation.
74. Where the Municipality receives voluntary payment of the amount (s) prescribed in 8.5(b) above within the time specified the person receiving the Notice of Violation shall not be subject to prosecution for the alleged contravention in respect of the violations identified in the Notice of Violation. The voluntary payment may be paid:
 - (a) In person, during regular office hours;
 - (b) By deposit, at the drop slot at the municipal office; or
 - (c) By mail, a cheque or money order payable to "Town of Herbert", electronically, through internet or telephone banking.
75. Voluntary payment of any Notice of Violation only renders the person not subject to prosecution as noted in section 8.5(c) above, but does not exempt or preclude them or the subject Parcel of Land from the application of any other provisions of this Bylaw, including other means of enforcement.
76. Except as otherwise provided for in this Bylaw, every person who contravenes any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to

the following penalties:

- (a) In the case of an individual, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues; and
- (b) In the case of a corporation, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.

77. Notwithstanding any penalties or payments imposed upon a person pursuant to the provisions of this Bylaw:

- (a) Where a contravention of any provision of this bylaw shall be of a continuing or ongoing nature, the Municipality may terminate the water and/or sewer Public Utility from the Parcel of Land after providing reasonable notice to the Owner or Occupant of the Parcel of Land;
- (b) Where the Municipality incurs costs and expenses as a result of any person committing an offence hereunder, such expenses and costs may be recovered from the person by the Municipality by any of the following:
 - i. A civil action for the debt in a Court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii. Adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*;
 - iii. Any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

78. Nothing in this Bylaw limits or restricts any other remedies the Municipality has available at law:

- (a) The *Plumbing Regulations* shall apply to and govern all plumbing and drainage within the Municipality.

PART 10 BYLAW REPEALED

79. Bylaw 2018-08, Bylaw 2019-10 and Bylaw 2020-04

PART 11 EFFECTIVE DATE

THE rates, charges, tolls or rents contained in this bylaw shall come into force and take effect on the day of approval being issued by the Local Government Committee or July 1, 2023, whichever is the later.

READ A FIRST TIME this 23rd day of May A.D. 2023

READ A SECOND TIME this 23rd day of May A.D. 2023

UNANIMOUS CONSENT for THIRD READING given this 23rd day of May A.D. 2023

READ A THIRD TIME this 23rd day of May A.D. 2023

SEAL

{Mayor}

{Administrator}