

# TOWN OF SHELLBROOK

## BYLAW NO. 2019-02

*A Bylaw of The Town of Shellbrook respecting the management and operation of the Waterworks System of the Town of Shellbrook.*

WHEREAS Council may provide for the regulation and operation of the Waterworks and Sanitary Sewer Systems of the Town as public utility services

AND WHEREAS Council may establish the terms under which a public utility service may be supplied.

AND WHEREAS THE TOWN OF SHELLBROOK has established works for the collection, treatment, storage, supply and distribution of water and wastewater.

NOW THEREFORE THE COUNCIL OF THE TOWN OF SHELLBROOK IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

### **1. SHORT TITLE**

This Bylaw may be cited as the "Water Management Bylaw".

### **2. DEFINITIONS AND INTERPRETATION**

#### **2.1 In this Bylaw:**

- (a) "Act" means *The Municipalities Act*;
- (b) "AWWA Standards" means the current published standards of the American Waterworks Association as same may be amended, revised and replaced from time to time.

- (c) "Bulk water supply point" shall have the meaning ascribed in s. 5.1 of the 'Water and Sanitary Sewer Utility Bylaw;
- (d) "Chief Administrative Officer (CAO)" means the Chief Administrative Officer for the Town of Shellbrook or his/her designate(s) acting or authorized by the CAO, in the administration of the responsibilities under this Bylaw.
- (e) "Council" means Town Council.
- (f) "Curb stop" means a device for the control of water flow through the water service connection to a service address.
- (g) "Fire Chief" means the Fire Chief for the Town or their designate;
- (h) "Foreman of Public Works" means the Foreman of Public Works for the Town of Shellbrook and anyone acting or authorized by the Chief Administrative Officer or Foreman of Public Works to act on behalf of the Foreman of Public Works in the administration of the responsibilities under this Bylaw.
- (i) "Meter" means a device capable of measuring volume of water, as approved by the Foreman of Public Works, and shall include all appliances attached to the meter, such as a radio and transmitting device.
- (j) "Normal working hours" shall mean the hours of 8:00 a.m. to 4:30 p.m. on weekdays, not including statutory holidays and other days upon which the Town office is closed.
- (k) "Service address" means any single property or building to which water service is provided by the Town.
- (l) "Service connection" means the part of waterworks system that runs from the main lines of the Town to a building or other place at a service address for the purpose of providing the service to the service address, and includes the connection to the main line and couplings, stop-cocks, meters and other apparatus inside the building or any other place at the service address for the provision of water service"
- (m) "Subscriber" has the meaning ascribed the Utility Bylaw;
- (n) "Town" means The Town of Shellbrook;

- (o) "Valve" means a device for control of water flow in or from the Town's water main or a water service connection.
- (p) "Water service" means all aspects of service supplied pursuant to this Bylaw to subscribers and other persons, as well as to persons hauling water from a bulk water supply point and includes all water supplied through the Waterworks System.
- (q) "Waterworks System" means the whole or any part of the equipment by which or through which the Town conveys water, its improvement, extension or replacement and, not to limit the generality of the foregoing, includes pumps, sedimentation system, filtration system, water treatment plant, reservoirs, water mains, pipe valve connections, curb stops, hydrants, valves, and other related works, meters and related appliances, all other accessories as are designed to form a part thereof and the treatment processes by which water is treated before conveyance into the water mains.
- (r) "Utility" means the water and sanitary sewer utility continued by the 'Water and Sanitary Sewer Utility Bylaw.
- (s) "'Water and Sanitary Sewer Utility Bylaw" means Bylaw 2019-02 as amended or replaced from time to time.

2.2 Terms used but not defined in this Bylaw shall, except where the context requires otherwise, have the same meaning as in the Act.

2.3 All words shall be interpreted to include such number and gender as the context may require.

2.4 Marginal notes and headings shall not be given any effect in determining the proper interpretation of this Bylaw.

### **3. CONNECTION TO THE WATERWORKS SYSTEM**

3.1 No person shall connect to the Waterworks System until such time as they are approved as a subscriber as provided in the 'Water and Sanitary Sewer Utility Bylaw;

3.2 Connections to the Waterworks system shall be made, transferred and terminated in accordance with the provisions of the 'Water and Sanitary Sewer Utility Bylaw;



3.3 No person who is not a subscriber shall turn on a curb stop and/or receive or consume water supplied through a service connection;

3.4 Service to subscribers is provided on the following conditions:

- (a) A person is liable for any breach of this Bylaw arising from or connected with a service address for which the person is a subscriber, save and except where it is demonstrated on a balance of probabilities that the breach was caused by a trespasser.
- (b) Where the subscriber or any person occupying a service address owns or operates hot water boilers or heating, cooling or other such equipment connected to the service connection, the subscriber shall ensure that suitable and sufficient devices are utilized to prevent damage to such equipment and to remove danger from collapse, explosion or otherwise if water services are interrupted, terminated or there is any variation in pressure;
- (c) Where steam, hot water or material foreign other than water in the same condition as that supplied to the service connection may be forced backwards that service connection, the subscriber shall ensure that a backflow preventer is installed to prevent backflow from occurring. The subscriber shall regularly test the backflow preventer and keep it in a well-maintained operable condition. A plan setting out the specifications of backflow preventer and its installation be filed with the Foreman of Public Works forthwith upon installation; and
- (d) Where the subscriber neglects or fails to comply with Subsection 3.3(a) or (b) and damage to any portion of the Waterworks System results, the subscriber and any other person responsible shall be jointly and severally liable for all loss and damage suffered by the Town, including the cost of repair, additional costs incurred and loss of revenue.

3.5 Where a property is connected to the Waterworks System, no other water source or system present on the property (without limiting the foregoing, including a well or sandpoint system) shall be connected in any way to:

- (a) The Waterworks System; or
- (b) Any fixture, pipe or conduit which is also connected to the Waterworks System.

And no owner of a property will suffer or permit that property to be in contravention of section 3.5.

#### **4. SERVICE CONNECTIONS**

- 4.1 A subscriber is responsible for the satisfactory repair and maintenance of that portion of a service connection lying between on, in or under the subscriber's property.
- 4.2 A subscriber is responsible for ensuring at their own expense that:
  - (a) That portion of the service connection lying within the subscriber's land is properly against damage from tampering, frost or other source of damage;
  - (b) Each service connection shall include an isolating valve on both sides of the meter, being the inlet or upstream side and the outlet or downstream side;
  - (c) Each service connection shall be equipped with a proper backflow preventer to prevent the conveyance of water being forced backwards into the water distribution system.
- 4.3 Each subscriber shall regularly test the isolating valves and backflow preventer and shall be responsible to keep the each in an operable condition.
- 4.4 Where the Foreman of Public Works shall determine that a service connection or any portion thereof requires repair or maintenance, they shall give written notice thereof to a subscriber, the subscriber repair or remediate the service connection to the satisfaction of the Foreman of Public Works within the time specified in the notice. In the event that the subscriber does not repair or remediate the service connection within the specified time:
  - (a) the Foreman of Public Works and any person designated by them may enter upon the subscriber's land at the service address and complete the necessary work; and
  - (b) The subscriber shall be liable to pay all costs associated therewith.
- 4.5 Nothing in this section 4 authorizes any person other than the Foreman of Public Works or any person designated by them in writing to install, remove, repair or adjust a water meter.
- 4.6 Except as authorized in writing the Foreman of Public Works, no subscriber shall suffer or

permit a pipe to be connected to a service connection in a position capable of receiving water from the water service connection before the water has been measured by the meter.

## **5. WATER METERS**

- 5.1 Except as otherwise provided herein, or as may otherwise be directed by Council, no person shall consume water supplied through the Waterworks System except where the consumption thereof is measured by a water meter.
- 5.2 All meters and related seals, unions, couplings and flanges shall be supplied by the Town and, notwithstanding any degree of affixation to any land, shall remain the property of the Town.
- 5.3 Subject to this or any other Bylaw, the number, location, physical arrangement and type of meters used to measure water consumption shall be as determined by the Foreman of Public Works from time to time.
- 5.4 Every subscriber shall ensure that a water meter may be installed within a building at the service address and that the site provided for the meter shall:
  - (a) Permit the meter to be installed in a horizontal position with a clear space of at least 50 centimeters around the meter;
  - (b) Permit convenient access to the meter at all times;
  - (c) In all single-family dwellings, be located in the basement utility area at or near the entrance point for electrical power and gas services, or at a location otherwise approved by the Foreman of Public Works.
- 5.5 Where a subscriber desires a larger meter than that which the Foreman of Public Works considers sufficient, the subscriber may apply to the Foreman of Public Works for approval. Upon approval, the Town shall supply the larger meter, with the subscriber to pay all associated rates and fees as provided for in the Water and Sewer Utility Rates and Fees Bylaw.
- 5.6 Every owner/applicant shall be liable to pay the monthly service charges applicable to the size of meter measuring the water supplied by the Town, as set by the Town's Water and Sewer Utility Rates and Fees Bylaw.



- 5.7 Upon installation of a water meter, the meter and any pipes or accessories as may be considered appropriate shall be sealed in form satisfactory to, and under the supervision of, the Foreman of Public Works.
- 5.8 No person other than the Foreman of Public Works or any person designated by them in writing shall install, remove, replace, repair, seal or break the seal placed on any water meter, pipe or accessory.
- 5.9 If a seal should be found to be broken or a meter appears to be damaged or frozen or it appears that a meter has been tampered with:
- (a) The Foreman of Public Works or their designate may inspect the meter and may, in their sole discretion determine that the meter requires inspection or repair, and where that determination is made, shall remove the meter for that purpose;
  - (b) The Foreman of Public works shall, where necessary, disconnect and reconnect and/or replace the meter and shall re-seal the meter; and
  - (c) The initial attendance of the Foreman of Public Works or their designate shall be deemed to be an initial call out for the purposes of a disconnection, and any subsequent attendance shall be deemed a subsequent call out
  - (d) The subscriber shall be liable to pay to the Town:
    - (i) All costs associated with the inspection or repair of the meter, which shall be deemed to be damaged for the purpose of this and any other Bylaw; and
    - (ii) Disconnect and reconnect fees as specified in Water and Sewer Utility Rates and Fees Bylaw.
- 5.10 Where a meter's frost plate is corroded due to condensation and the subscriber has requested replacement, the Foreman of Public works shall:
- (a) Obtain a licensed plumber's opinion to determine whether or not there is a risk that may create a liability issue, and;
  - (b) If satisfied, that there is risk, the Town, shall replace the meter at no cost to the subscriber. Otherwise, replacement shall be at the cost of the subscriber.

- 5.11 Where a subscriber shall desire that a meter's accuracy be tested, the subscriber shall make written application and deposit the sum specified in the Water and Sewer Utility Rates and Fees Bylaw. Following receipt thereof, the Town shall cause such meter to be removed and tested.
- 5.12 Where the Foreman of Public Works shall desire that a meter's accuracy be tested, the Town shall notify the subscriber and shall cause such meter to be removed and tested.
- 5.13 Except as provided otherwise in this Bylaw, where a meter is removed and tested pursuant to s. 5.11 or 5.12:
- (a) If the meter registers within the limits set out in the AWWA Standards for water meter accuracy, the meter shall be deemed to be measuring accurately and in the case of a deposit by the owner/applicant, the deposit shall be forfeited to the Town; the attendance of the Foreman of Public Works and/or any person designated by him for the purposes of removal and replacement of the meter shall be deemed to be an initial call out for the purposes of disconnecting utility service, and the subscriber shall be responsible for the payment of the rates and fees associated therewith and all other costs arising from the removal and replacement of the meter.
  - (b) If the volume of water registered by the meter was more than 3 percent above or below the volume actually passing through the meter, the meter shall be deemed to be measuring inaccurately and in the case of a deposit by the owner/applicant, the deposit shall be returned to the owner/applicant and there shall be no charge for removal and replacement of the meter.
  - (c) Where a meter is deemed to be measuring inaccurately the account for the service address at which the meter was located shall be adjusted by the CAO as follows:
    - (i) Where the meter was indicating more water consumed than that actually passing through the meter ("over-registering"), the CAO shall deduct from the account for the service address a percentage of the consumption charge equal to the percentage by which the meter was over-registering; and
    - (ii) Where the meter was indicating less water consumed than that actually passing through the meter ("under-registering"), the CAO shall add to the account for the service address a percentage of the consumption charge equal



to the percentage by which the meter was under-registering.

- (d) Where the CAO shall adjust an account pursuant to s. 5.13(c), the adjustment shall be limited to the billing period in which the meter shall have been removed, and the previous billing period, and the CAO's determination of the adjustment shall be final.

5.14 Where the Foreman of Public works should reasonably determine that an inaccurate meter is over-registering by reason of tampering, no adjustment shall be made pursuant to s. 5.13.

## **6. TEMPORARY SERVICE**

6.1 Where the Foreman of Public Works may authorize the temporary supply of water for any purpose it shall be a condition of services that the person receiving such temporary service shall have installed a proper backflow preventer to prevent the transmittal of foreign material backwards into the Waterworks System.

6.2 It shall be a further condition of temporary service that the backflow preventer shall be tested no less than weekly and kept in a well- maintained and operable condition.

6.3 Where a person requires the supply of bulk water for a temporary purpose and in the opinion of the Foreman of Public Works it is not desirable or practicable that the water be supplied at a bulk water service point, they may arrange for the supply of bulk water from a hydrant on such terms and conditions and upon the payment of such deposit, rates and fees as the Foreman of Public Works, in their sole discretion, shall consider appropriate.

## **7. TERMINATION OR INTERRUPTION OF SERVICE**

7.1 The Town may limit or discontinue the provision of water services, refuse to supply water at any location or limit the hours during which any person may use water from the Waterworks System:

- (a) By reason of works undertaken by the Town;
- (b) By reason of lack of supply;
- (c) In circumstances where a new water service connection is required to be made;
- (d) Where the Foreman of Public Works is of the opinion that, the public interest may so

require;

(e) In the discretion of the Foreman of Public Works where the circumstances are such that, in his opinion, any meter is insufficiently protected from frost or other source of damage; or

(f) As otherwise directed by Council by resolution.

7.2 When service is interrupted pursuant to s. 7.1(a) the Foreman of Public Works shall provide notice to affected subscribers in such manner as may be determined to be reasonable in the circumstances. Except as otherwise provided in this Bylaw, in any other case, the termination or interruption of water services may be affected or may occur without notice.

7.3 When service is interrupted pursuant to Subsection 7.1(e) it shall not be resumed until such means have been adopted for the protection of the meter as the Foreman of Public Works may require. Where disconnection and re-connection is required, the subscriber shall be liable to pay the rates and fees provided for in the Water and Sewer Utility Rates and Fees Bylaw.

7.4 Where service is interrupted by reasons unknown or freezing affecting a service connection, and where:

(a) The Foreman of Public Works determines that the place of the failure is between the water main and the property line at the street abutting the service address, they shall take such action as they deem reasonably necessary to remedy the failure or interruption. Should such action require the installation of an automatic device requiring a power supply, it shall be a condition of continued supply of water to the affected service address that the power supply be provided without cost to the Town;

(b) The Foreman of Public Works determines that the place of the failure is between the property line at the street abutting the service address and the meter the Foreman of Public Works may, if they consider it appropriate, shut off or disconnect service until the failure is rectified.

7.5 If the Foreman of Public Works or any person acting upon his instructions has reasonable grounds to believe that a meter has been bypassed, tampered with, or a seal broken, whether resulting in the meter failing to accurately measure water consumption or not, the

Foreman of Public Works shall proceed in accordance with s. 5.12 hereof, and service may be discontinued until all charges payable pursuant to that section have been paid to the Town in full.

- 7.6 Where the Foreman of Public Works or the CAO shall determine that water supplied to a service address has been wasted at such premises, that a subscriber has failed to ensure that there is no breach of the terms under which service is provided or the subscriber or any other person normally at the service address has failed to report damage to the meter, appliances, pipes, machinery, or other property of the Town, service may be discontinued until such time as Council shall authorize the recommencement of service and upon the fulfillment of any conditions as Council may impose.
- 7.7 Where any subscriber shall be found guilty of an offence pursuant to this Bylaw or the Act, service may be discontinued until any fine is paid in full.

## **8. CONTINUOUS FLOW**

- 8.1 Where, to prevent damage from frost occurring to the Waterworks System, or a service connection the Foreman of Public Works shall consider it advisable, they may require that a subscriber ensure that that water continuously flow through the service. Where such direction is given, the Utility shall charge the subscriber for consumption during the designated period on basis of the water consumed during a reasonably comparable previous period, notwithstanding that the reading of the meter shows a higher consumption. The decision of the CAO as to the amount of such charge shall be final and binding.

## **9. NO INTERFERENCE OR ALTERATION**

- 9.1 Except as otherwise authorized by this Bylaw:
- (a) No person other than the Foreman of Public Works, the Fire Chief, or a person designated by the Foreman of Public Works and acting in the course of his duties shall operate, enable, disable, manipulate or open or close any valve, any curb stop, any hydrant or any other equipment or portion of the Waterworks System.
  - (b) No person shall obstruct access or tamper with any hydrant;
  - (c) Cover, uncover, tamper with, damage, connect, disconnect or repair any pipe,



equipment or other portion of the Waterworks System;

9.2 Without limiting the generality of s. 7.1, no person shall, without the written authorization of the Foreman of Public Works:

- (a) Turn on or turn off or attempt to turn on or turn off water supply through a service connection;
- (b) Break, cause or suffer or permit the breaking of any seal on any meter, pipe, valve or other equipment connected to the Waterworks System;
- (c) Tamper with any water meter;
- (d) Fail to notify the Town of a broken seal on a meter, pipe or accessory thereto;
- (e) Remove or cause the removal of ground cover above any part of the Waterworks System or a service connection which reduces coverage to less than 3 meters from the grade;
- (f) Connects or causes the connection to the Waterworks System of any pipe or fixture capable of supplying water services except in accordance with this Bylaw;
- (g) Install or cause the installation of a pump to increase water pressure acting on a service connection other than with the express approval of the Foreman of Public Works;
- (h) Hinder, obstruct or interfere with the Foreman of Public Works or the CAO or persons acting under the instructions of either in the lawful exercise of their duties under this Bylaw or the Act;
- (i) Represents themselves as a person designated or authorized by the Foreman of Public Works or the CAO pursuant to this Bylaw when not so authorized;
- (j) Operates a fire hydrant without the consent of the Foreman of Public Works; or
- (k) Without the consent of the Foreman of Public Works, Enters or be found within the Water Treatment Plant Building, or the facilities or grounds thereof, located at 101 1<sup>st</sup> Ave E.

## 10. GENERAL

10.1 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 to be a separate, distinct and independent provision, and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.

10.2 Any reference in this Bylaw to a statute or another Bylaw, shall be read as a reference to any such statute or Bylaw as amended from time to time and any statute or Bylaw enacted to replace the statute or Bylaw referenced.

## 11. CONTRAVENTION

11.1 Any person who breaches any provision of this Bylaw is guilty of an offence punishable on summary conviction:

(a) \$2,000.00 in the case of an individual; or

(b) \$5,000.00 in the case of a corporation

## 12. COMING INTO FORCE AND REPEAL

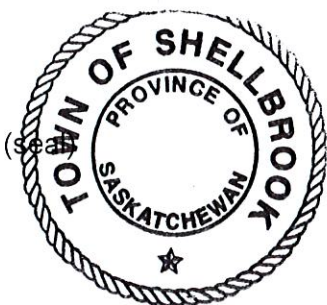
12.1 Bylaw No. 2013-02 is hereby repealed.

12.2 This Bylaw shall come into force and take effect on, from and after the final passing thereof.

Read a First time and hereby adopted on the 18<sup>th</sup> day of March, 2019.

Read a second time and hereby adopted on the 18<sup>th</sup> day of March, 2019.

Read a third time and hereby adopted on the 18<sup>th</sup> day of March, 2019.



George Tomporowski, Mayor

Kelly Hoare, Chief Administrative Officer