

TOWN OF SHELLBROOK

BYLAW NO. 2019-03

A Bylaw of The Town of Shellbrook respecting the continuation of the Water and Sewer Utility and the regulation thereof.

WHEREAS Council may provide for the establishment of public utility services and of a water and sewer utility, and for the operation thereof;

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 and Sanitary Sewer Utility Bylaw".

2. DEFINITIONS AND INTERPRETATION

2.1 In this Bylaw:

- (a) "Act" means *The Municipalities Act*;

- (b) "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer for the Town of Shellbrook any person designated by the CAO for the purposes of this Bylaw.
- (c) "Council" means Town Council.
- (d) "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.
- (e) "Sanitary Sewer System" means the system by which the Utility collects, stores, transmits, treats and disposes of sanitary sewage including any service connections, conduits, sewer drains, sewer mains and sewer pipes and sanitary sewage plants, lagoons and other facilities.
- (f) "Subscriber" means a person whose application for utility service has been approved pursuant to this Bylaw;
- (g) "Town" means the Town of Shellbrook.
- (h) "Utility" means the Water and Sewer Utility continued by this Bylaw;
- (i) "Waterworks System" means the whole or any part of the system by which by which or through which the Utility sources, accumulates, conveys, stores, treats and distributes water for consumption within the Town, including, without limiting the generality of the foregoing, wells, water intakes, pumps, sedimentation systems, filtration systems, water treatment plants, reservoirs, pipelines, transmission lines, distribution lines, water mains, curb stops, hydrants, valves, and other related works.
- (j) "Water and Sewer Utility Rates and Fees Bylaw" means Bylaw 2019-04 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. CONTINUANCE AND ADMINISTRATION OF THE UTILITY

- 3.1 The works established pursuant to the Act:

- (a) For the supply, collection, treatment, storage and distribution of water (the "Waterworks System"; and
- (b) For the collection, treatment storage and disposal of sanitary sewage (the "Sanitary Sewer System");

are hereby continued as the Water and Sewer Utility. The Utility shall not have a separate corporate existence from the Town.

- 3.2 The Utility shall be administered by the CAO and/or such other persons as the CAO or Council by resolution may appoint from time to time.

- 3.3 Subject to s. 3.2:

- (a) The Waterworks System and its installation and construction and the operation, maintenance, and repair thereof, shall be under the general direction and control of the Foreman of Public Works.
- (b) The Sanitary Sewer System and its installation and construction and the operation, maintenance, and repair thereof, shall be under the general direction and control of the Foreman of Public Works.

- 3.4 The CAO or their designate shall keep full financial records of all matters related to the Utility, including but not being limited to applications for service, service approvals, supply and consumption, subscriber accounts and capital and operating revenues and expense.

- 3.5 The Foreman of Public Works shall keep maintain full descriptions and drawings of all works constructed and forming part of the Waterworks System and the Sewer System.

es, services charges, and other costs to be levied by the Town shall be set on a periodic basis by Council by way of the Water and Sewer Utility Rates and Fees Bylaw.

4. APPLICATION FOR UTILITY SERVICE

- 4.1 No person shall connect to or receive service from the Waterworks System or the Sanitary Sewer System without application first having been and approved by the Town.
- 4.2 Every person desiring to connect to or receive utility service shall complete and sign an application for service in the form designated by the CAO from time to time, together with such application fee as may be specified in the Water and Sewer Utility Rates and Fees Bylaw.
- 4.3 Every application for utility service shall be an application for both water and sanitary sewer service.
- 4.4 An application shall specify only one service address. In the event an applicant requires service at additional addresses, an application must be prepared and submitted for each.
- 4.5 Except as authorized by resolution of Council, no application shall be submitted to or approved by on behalf of the Town except where it is in the name of and signed by all registered and assessed owners of the property to be serviced.
- 4.6 All applications for service shall be reviewed by the CAO, who may, in their sole discretion, require additional information to be provided by an applicant.
- 4.7 Following receipt of a full and complete application for utility service, the CAO may, in their sole discretion, approve the application. Upon approval, the applicant(s) shall become subscriber(s) and shall be liable to all terms and conditions of service, including, but not being limited to the payment of rates fees and costs prescribed by Bylaw.
- 4.8 No subscriber may change their service address, other than by way of a new complete application which has been approved by the CAO.
- 4.9 No subscriber may assign or transfer the benefit of utility service, nor resell utility service to another person. No subscriber shall provide water supplied by the Town nor accept sewage for transmittal into the Sanitary Sewer System to or from any person not a tenant

the service address. Where the ownership of a service address shall change, a new application for service is required.

4.10 Upon approval, a subscriber shall be liable to pay such rates, fees charges and other sums as may be established by the Town pursuant to the Water and Sewer Utility Rates and Fees Bylaw.

4.11 A subscriber shall remain liable for the payment of all rates, service fees and charges until and shall remain liable as a subscriber until:

(a) The CAO has approved the disconnection of the service address in accordance with the provisions of this Bylaw; or

(b) A new application for utility service has been made and approved for that service address, and a final meter reading has been made for the purposes of the original subscriber's account with the Town.

4.12 No subscriber shall be entitled to request or obtain a temporary or seasonal disconnection and reconnection by reason of the service address being vacant.

5. OCCASIONAL AND TEMPORARY SERVICE

5.1 The Town may, in its sole discretion, provide for one or more bulk water supply points at which members of the public may purchase bulk water from the Town. Supply of water shall be subject to payment in advance of receipt of service at the facility, and rates and fees shall be charged for water supply in accordance with the Water and Sewer Rates and Fees Bylaw.

5.2 Where bulk water service is required, and it is not practicable to provide supply at a permanent bulk water supply location, the Foreman of Public Works may authorize the provision of service by way of a hydrant on such terms and conditions as Council may require.

5.3 Notwithstanding the provisions set out in s. 4 hereof, in cases of urgent necessity, or where water is required for steam or hot water heating or other testing or approval, the owner of the premises requiring service may apply to the Foreman of Public Works for temporary service.

5.4 Where, upon review, the Foreman of Public Works, in their sole discretion, considers it advisable, they may authorize temporary service upon payment of the prescribed deposit, and upon such conditions, including a requirement to meter consumption as may be considered by the Foreman of Public Works to be appropriate.

5.5 Approval of Temporary Service shall be conditional upon the applicant's agreement to pay rates and service charges and to deal with the deposit made in accordance with the provisions of the Water and Sewer Utility Rates and Fees Bylaw.

6. ACCESS TO LANDS, BUILDINGS OR STRUCTURES

6.1 All subscribers shall ensure unrestricted access to the water meter to permit it to be read by those persons having right of access under this Bylaw or under the Act.

6.2 Without in any way limiting the powers enjoyed by the Town pursuant to the Act or any other Bylaw, it shall be a condition of service that:

(a) The Foreman of Public Works, the CAO and any other employee of the Town designated by either, and producing a Town identification card shall have free access to all reasonably necessary portions of the service address at all reasonable times, to permit the person or persons in attendance to

(i) Inspect any equipment or facilities located at the service address which are connected to facilities owned by the Town (including but not being limited to the water meter); and

(ii) Conduct such installation, removal, repairs or remediation as may be necessary in the opinion of the Foreman of Public Works.

6.3 Where a person is exercising the authority provided by s. 6.1 or 6.2, the authority to enter shall extend to any labourer or tradesperson (including but not being limited to a plumber) whose presence is desired by the Foreman of Public Works and is accompanied by a Town employee.

6.4 Where the Town is unable to gain access to any service address and any building located thereon for the purposes referred to in s. 6.1 or 6.2 or in the Act:

(a) Written notice may be left in the mailbox or at some other conspicuous place upon the premises, and the subscriber shall forthwith arrange with the the CAO for

immediate access;

- (b) If access is not granted forthwith upon notice being provided under s. 6.4(a), a second notice may be given in the same manner as the first notice; and
- (c) If access is not forthwith provided after second notice, utility service may be discontinued, in the sole discretion of the CAO.

6.5 Nothing in this Bylaw shall be interpreted to limit the Town's right to obtain access through process allowed by law.

7. LIMITATION OF LIABILITY

7.1 It shall be a term of any service to any subscriber or any other person, and shall be deemed to be a part of any agreement for the provision of utility services, that services are provided by the Town on the condition that the subscriber and any other person making use of, or receiving service, shall:

- (a) Make no claim against the Town, its officials, employees or agents except with respect to damage caused by the negligence of the Town, its officials, employees, servants, or agents. It is a further condition of supply that any such person shall make no claim for any indirect, incidental or consequential damages, including, but not limited to, lost profits. Without limiting the generality of the foregoing, neither the Town, its officials, employees, servants, or agents shall be liable for:
 - (i) actions based in nuisance;
 - (ii) actions in respect of personal injury, death or property damage related to the presence of any substance or material in water supplied or the Waterworks System or in the Sanitary Sewer System;
 - (iii) actions in respect of damages related to the interruption or termination of water or sewer services or failure or refusal to provide water or sewer services for any reason whatsoever, whether or not notice was provided.

Indemnify and save harmless the Town, its officials, employees, servants, and agents from and against all claims arising from or in any way connected with the supply of utility services, excepting those claims caused the negligence as described in s 4.1((a). Without limiting the generality of the foregoing, the subscriber shall indemnify and save harmless the Town, its officials, employees, servants, and agents from and against claims for personal injury, death or other types of claims whatsoever brought by the owner/applicant or any third party arising directly or indirectly:

- (i) From the use by any person of the subscriber's water services;
 - (ii) From the provision of water services at any premises owned or occupied by the subscriber or any person for whom the subscriber is an agent;
 - (iii) From the failure or impairment of the Waterworks System, the service connection, the meter or any part of such service, system or meter or any accessory thereto;
 - (iv) From the failure or impairment of the Sanitary Sewer System, the service connection or any facility or equipment accessory thereto or
 - (v) From the interruption or termination of water service and/or sanitary sewer service or the failure or refusal to provide water service or sanitary sewer service to the subscriber for any reason whatsoever, whether or not notice was provided.
- (c) They shall be liable for any breach of this Bylaw arising from or connected with a service address for which they area subscriber, save and except where it is demonstrated on a balance of probabilities that the breach was caused by a trespasser.

8. TERMINATION OF SERVICE

- 8.1 In addition to any other right of termination provided for by Bylaw or in the Act, service may be discontinued to any subscriber in the event of breach or non-compliance with the terms under which service are supplied.

...ice service is terminated, the Town may refuse to resume supply or refuse to provide water services thereat until the subscriber, the owner of the service address and/or any applicant for service should cure any non-compliance to the satisfaction of the Town.

9. CONTRAVENTION

9.1 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

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.

11. 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. CONSEQUENTIAL AMENDMENTS

11.1 Bylaw No. 2 – 1990 is hereby amended as follows:

- (a) Subsection 4(b) shall be replaced by the following:

"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.

- (b) Subsection 4(s) shall be added as follows:

"Chief Administrative Officer" or "CAO" means the Chief Administrative Officer for

the Town of Shellbrook any person designated by the CAO for the purposes of this Bylaw.

- (c) Subsection 4(g) shall be added as follows:

"Town" or "Town of Shellbrook" shall mean the Town of Shellbrook and the term shall extend to and include the Utility

- (d) Subsection 4(u) shall be added as follows:

"Utility" shall mean the Water and Sanitary Sewer Utility" created by Bylaw 2019-03

- (e) The term "Town Supervisor" shall be replaced with the term "Foreman of Public Works" as follows:

- (i) In s. 2;
- (ii) In s. 3;
- (iii) In s. 4(b);
- (iv) In s. 5;
- (v) In s. 7;
- (vi) In s. 8;
- (vii) In s. 13(1);
- (viii) In s. 18(2);
- (ix) In s. 19(k);
- (x) In s. 20(1) and 20(3);
- (xi) In s. 22(1);
- (xii) In s. 23(1) and 23(2); AND
- (xiii) In s. 27.

- (f) The term "Town Clerk" shall be replaced with the term CAO as follows:
 - (i) In s. 8;
 - (ii) In s. 12(2) and 12(3);
 - (iii) In s. 13(1);
 - (iv) In s. 15;
 - (v) In s. 17; and
 - (vi) In s. 21.
- (g) The term "the Town Act" shall be replaced by the term "*The Municipalities Act*" in s. 7;
- (h) The reference to the "Department of Health" in s. 6 shall be amended to read "Saskatchewan Health Authority or other applicable regulator".
- (i) The reference to the "Dept. of Saskatchewan Environment and Public Safety" in s. 18(2) shall be amended to read "Saskatchewan Watershed Authority or other applicable regulator"

11.2 Section 8A and 8B shall be added as follows:

8A. Where a property is connected to a sanitary sewer, it shall be unlawful for any other sewage storage or disposal system present on the property (without limiting the foregoing, including a septic tank, field, mound, pumpout, or cesspool) to be connected in any way to:

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

8B. No owner of a property will suffer or permit that property to be in contravention of section 8A.

11.3 Section 30 shall be deleted and replaced with the following:

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

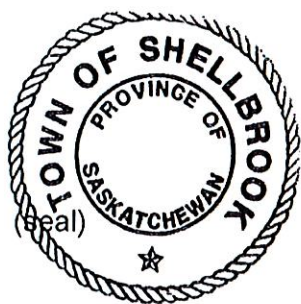
12. COMING INTO FORCE


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 18th day of March, 2019.

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

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




George Tomporowski, Mayor


Kelly Hoare, Chief Administrative Officer