

**THE TOWN OF NEEPAWA
BY-LAW NO. 3059**

**BEING A BY-LAW OF THE TOWN OF NEEPAWA RESPECTING THE MANAGEMENT
AND REGULATION OF THE WATERWORKS SYSTEM.**

Whereas it is deemed advisable to revise and consolidate all by-laws relating to the management and regulation of the waterworks system.

NOW THEREFORE THE COUNCIL OF THE TOWN OF NEEPAWA, IN OPEN SESSION ASSEMBLED HEREBY ENACTS AS A BY-LAW AS FOLLOWS:

- 1) This By-law shall be known as "The Waterworks By-law" of the Town of Neepawa
- 2) Where used in this by-law:
 - a) "Town" means the Town of Neepawa;
 - b) "Consumer" means any person to whom water is supplied by the Town and/or a person who uses the sewer system of the Town and includes a builder or contractor using water in connection with any work or contract;
 - c) "Director" means the Operations and Maintenance Director of the Town or his designate.
 - d) "CAO" means the Chief Administrative Officer of the Town or her designate.
 - e) "Person" includes a person, firm, partnership or corporation;
 - f) "Sewer Service" means the sewer service system owned and operated by the Town consisting of the sewer main saddle, riser, bends, adaptors and piping between the sewer main and the street boundary.
 - g) "Water Service" means the water service system owned and operated by the Town consisting of the main stop, curb stop, fitting and piping between the water main and the street boundary; "Waterworks system" means the sewer collection and treatment system and the water supply and treatment system owned and operated by the Town.
- 3) The collection of revenues derived from the waterworks system, the payment of all disbursements connected therewith and the supervision of all books, accounts and records shall be under the general direction and control of the CAO.
- 4) The Operation Construction and Maintenance of all works relating to the waterworks system shall be under the general direction and control of the Director.
- 5)
 - a) The Town shall pay the majority of cost for the installation, disconnection and/or renewal of water and sewer services from the waterworks mains to the nearest point on the street boundary of the premises served. However, the property owners of the premises shall be responsible for a payment of a residential surcharge and surface restoration surcharge of \$1,250.00 and \$750.00 for each service respectively to offset the overall cost. In the event that the sewer and water services are installed in a common trench not exceeding 3 m, in width and 7.5 m in length and at the discretion of the Director, only one installation surcharge of \$1250.00 and one surface restoration surcharge of \$750.00 will be charged to the property owner.
- 6)
 - a) The cost of construction and connection from the property line to the building shall be the total responsibility of the property owner
 - b) The contractor, the material list and the projected costs must be approved in writing by the Town of Neepawa prior to the start of work. Work must be in accordance with provincial standards.
 - c) The property owners of the premises will be charged a set fee of \$75.00 for each and every call out concerning blocked sewer services, maintenance of services, thawing of frozen services, repair to the water meter, etc.
- 7)
 - a) For commercial premises, the cost of construction and connection and maintenance from the waterworks mains to the building shall be the total responsibility of the property owner. However, the Town will assist in the cost of the water & sewer service installation from the waterworks mains to the property line including street restoration at 50% of the total installation cost to an upset limit of \$2,500.00.
 - b) The contractor, material list and the projected costs must be approved in writing by the Town of Neepawa prior to start of construction. Work must be in accordance with provincial standards.

- c) There will be a charge to businesses and/or institutions for a call out rate of \$50 per hour during regular working hours for town staff plus an hourly rate set by the private contractor for a (vactor) suction truck to clean out the sewer services and/or disconnect, reconnect, flush, and/or thaw the water services or repair to the water meter for the businesses and/or institutions. An after hours call out rate would be \$100 per hour plus an hourly rate for a suction truck.
- 8) The standard water service from the water main to the street boundary shall be a 19mm standard pipe and a 19mm main stop.
- 9) The Town shall place in each water service a curb stop and box between the street gutter and the street line for the purpose of turning the water supply on or off. The size of the curb stop or any other cut-off to be inserted in the water service under any application shall be the same size as the service applied for. The position in the street in which any water service is to be laid shall be approved by the Director prior to installation.
- 10) The service pipes from the street line to the inside of the foundation wall of any building into which a service is introduced, shall be placed not less than 2.4m below the surface of the ground level, unless the Director otherwise determines.
- 11) A bronze valve connected to the water service pipe shall be placed inside the wall of the building as close as possible to the point of entry of the water service pipe. The owner shall maintain the bronze valve to ensure that it is in good mechanical condition and available for emergency.
- 12) No branch pipe or branch service shall be taken from that part of the water service pipe between the curb stop and the water meter, but all such branches shall be taken from within the premises, beyond the water meter. The water meter shall be placed on the water service pipe as close as possible to the valve, downstream from the water supply.
- 13)
 - a) Each owner shall keep his own water service pipe, bronze gate valve and other fixtures on his own premises, and between such premises and the street line, including the connection to that part of the service within the Town street, in good order and repair, and protected from frost, at his own risk and expense.
 - b) The water service pipe from the line in the street to the water meter in the building supplied, together with all couplings, valves and apparatus placed thereon shall be under the control of the Town and if any damage is done to this portion of the water service pipe or its fittings, either by neglect or otherwise, the Town may repair same or have it repaired and charge the costs to the owner of the premises, which may be collected either as water rates or may be added to the taxes on the property and collected to the same manner as ordinary municipal rates or taxes.
- 14) The waterworks system including the water service, sewer service and every apparatus connected or related thereto shall be of the design and quality approved by the Director
- 15)
 - a) No person except an authorized Town employee shall:
 - i) tap or make any connection or communication with any pipe or main which is part of or connected to the waterworks system;
 - ii) open, close or in any manner interfere with any curb stop, main stop or valve, which is part of or connected to the waterworks system.
 - b) No person shall make any connection or communication of an independent water supply with a pipe or main which is part of or connected to the waterworks system.
- 16) The Director or his designate may enter upon any premises connected to the waterworks system at any reasonable time to examine the pipes, meters and other installations used in connection with the waterworks system.
- 17) All plumbing fixtures below ground level shall be protected by a back water valve which shall be placed inside the basement wall of the building as close as possible to the point of entry of the branch sewer service pipe draining the fixtures into the main sewer service pipe. The owner shall maintain the backwater valve to ensure that it is in good mechanical condition and is available and accessible in case of emergency. A sewer cleanout connected to the sewer service pipe shall be placed inside the wall of the building between the wall and the backwater valve. The owner shall maintain the cleanout and keep the cleanout visible and serviceable in case of emergency. The minimum size of cleanout shall Be 100 mm in diameter.

- 18) Upon vacating any building or premises, the occupier shall turn off the water supply at the valve inside the wall of such buildings, and shall give immediate written notice to the Town that the premises are being vacated. In case the water is not turned off, the Town may cut off the water from such building without notice and charge the cost thereof to the owner to be collected in the same manner as water rates, or the costs may be added to the taxes on the property and collected in the same manner as ordinary municipal taxes. Nothing contained or implied herein shall be deemed to place any responsibility duty or liability on the Town.
- 19) The owner or occupier of any premises who requests the Town to turn off the water service to such premises shall, before making such request, close the valve and drain all water from the water pipes in the premises and the appliances connected therewith, and shall keep said valve closed and the said pipes and appliances free from water until the Town is notified that water service is again required for the premises.
- 20) In the course of making repairs to the street mains, or in constructing new work, or in connecting or repairing water service pipes, whether by the Town or by some other person, the Town shall have the right to shut off the water from any consumer, without notice, and keep it shut off as long as may be deemed necessary.
- 21) The Town shall not be liable for any damages as the result of suddenly, with or without notice, shutting off the supply of water to a consumer.
- 22) A plumber employed by the owner or occupier of premises connected to the waterworks system shall be deemed to be the agent of such owner or occupier and the Town will not be responsible for the acts of the plumber.
- 23) Only water meters furnished by the Town shall be used in all premises and the meters shall be and remain the property of the Town.
- 24) With regard to water meters:
 - a) The consumer shall notify the Town as soon as he becomes aware of breakage or stoppage or irregularity in the water meter.
 - b) All disconnections, removals, alterations and repair of water meters and automatic devices shall be done by a Town Employee only and no other person shall install, disconnect, repair, remove, tamper with, alter, damage or paint a water meter or an automatic reading device, or the pipes and wiring connected thereto.
 - c) The Town shall seal all water meters and no person except an authorized employee of the Town shall break or in any way interfere or tamper with such seal.
 - d) If a water meter is damaged by the backflow of hot water from a water heating apparatus, tank or boiler, the Town shall repair and if necessary, replace the meter and all charges for repairing or replacing the meter shall be paid by the owner or occupier of the premises in which the meter is situated.
 - e) If a meter is damaged by frost, or from any other cause, the Town may repair or replace the meter and all charges for repairing or replacing the meter shall be paid by the owner or occupier of the premises in which the meter is situated.
 - f) Where an offence is committed under subsection (c) or subsection (d) the consumer to whom water is supplied in the building or place where the offence was committed shall be presumed to have committed the offence.
- 25) Water meters and automatic reading devices shall at all time be accessible to authorized Town employees, so that they may be examined, read, inspected and if necessary, repaired.
- 26) When a meter is found not to be in proper working order, or a meter reading is not obtained, the Director shall estimate the amount of water consumed for any quarter or other period, based on the amount of water consumed during the time the meter was working, or on any other information available, and such estimate shall be the basis for billing the consumer for water used.
- 27) Where an apartment block, tenement, duplex or other multiple occupied building, or a mobile home trailer park has one metered service connection, the owner shall pay for water supplied to the property, but where any suite, or any portion of such building has a separate metered service connection, it shall be rated as a separate account, and the occupier thereof shall be a consumer and shall pay for the water consumed therein.
- 28) The supply of water through each separate service shall be recorded by one meter only, for which only one account will be rendered. If additional or auxiliary meters are required by the consumer for reporting the subdivision of any such supply, they shall be furnished and set up

by the consumer at his expense and as designated by the Director, and the consumer shall assume all responsibility for the reading and maintaining of said additional meters.

- 29) Notwithstanding the provisions of the Water and Sewer Rate By-law, water and sewer services supplied may, in the case of commencement or termination of service, be billed monthly or otherwise, and the rates prorated accordingly and, in the case of termination of service, such prorated billings may be made payable by the customer earlier than the immediately ensuing quarterly billing in the normal course.
- 30) Water meters shall be read in whole cubic metres with the exception of the initial and final reading upon commencement or termination of the water supply contract.
- 31) The Town shall have the right to limit the amount of water supplied to any consumer, even though no limit is stated in the application for water.
- 32) The Town may, by resolution or by-law, discontinue, prohibit, or limit the supply of water for foundations, jets, garden hoses, sprinklers or swimming pools, etc., or limit the hours that water may be used for those purposes.
- 33) The rates for turning water on and off and the rate for repairs to meters and the rates for all other charges payable by the user of the water works system shall be the rates fixed by the Water and Sewer Rate By-law.
- 34) In the event that there is damage caused to the curb stop and/or curb stop box during new construction and/ or renovation the following applies:
 - a) In this section, contractor means a contractor, sub-contractor, owner or any one or more of them and their agents and employees.
 - b) At least 7 days prior to commencing the construction of a building or structure which by nature of its intended use will be connected to the Town's water and sewer system, on a site where a water line and curb stop are in place, the contractor shall notify the Town in writing of the date of commencement and the Town shall forthwith do all things necessary to ensure that the water line and curb stop are functional and in good repair.
 - c) Upon receiving an application for water turn on following the issue of an occupancy permit for the building or structure, the Town shall inspect and test the water line and curb stop. If the curb stop is damaged from any cause whatsoever, the contractor shall, at his own cost and expense, repair the damage as prescribed by the Town and the Town shall not be obliged to turn on the water until the damage is repaired.
- 35) Failure to obey this by-law may result in the following:
 - a) Every person who contravenes, or refuses, neglects, omits or fails to obey or observe, any provision of this By-law, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$1,000.00.
 - b) In addition to the penalty contained in subsection (a), the Town may cut off the supply of water to any person who contravenes, or refuses, neglects, omits or fails to obey or observe any provisions of this By-law, or may refuse to supply water until the violation has been remedied. The Town may cut off the supply of water to any building on the first working day after the due date posted on the waterworks bill. The water shall remain cut off until the account and all penalties are paid and the Town shall not be obliged to turn on the water earlier than the first working day following payment of the account and penalties.

This By-law Rescinds Sections 11, 14, 15, 16 & 17 of By-law No. 3003

DONE AND PASSED as a By-Law of the Town of Neepawa at the Beautiful Plains County Court Building in Neepawa, in the Province of Manitoba, this 18 day of March 2008.

R. Durston – Mayor

Allison Bardsley - CAO

Read a first time this 4th day of March, 2008.

Read a second time this 18th day of March, 2008.

Read a third time this 18th day of March, 2008.