

BYLAW NO. 603/19

A BYLAW OF THE TOWN OF LA RONGE
RESPECTING THE MANAGEMENT OF THE WATERWORKS SYSTEM AND
THE TERMS FOR THE SUPPLY OF WATER & SEWER

WHEREAS Council may provide for the regulation and operation of the waterworks system of the Town as a public utility service;

AND WHEREAS Council may establish the terms under which a public utility service may be supplied and provide for rates to be paid in connection therewith;

AND WHEREAS The Town of La Ronge has established works for the collection, treatment, storage, supply and distribution of water;

NOW THEREFORE, the Council of the Town of La Ronge in open meeting assembled enacts as follows:

1. **SHORT TITLE**

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

2. **DEFINITIONS**

In this Bylaw:

- (a) **Act** means *The Northern Municipalities Act, 2010*.
- (b) **Applicant** means a person executing an application for, making use of or accepting the supply of water services.
- (c) **AWWA Standards** means the current published standards of the American Waterworks Association as same may be amended, revised and replaced from time to time.
- (d) **Connections Bylaw** means the Connections Bylaw of the Town of La Ronge, being Bylaw No. 430/03, or such Bylaw or Bylaws as may be substituted therefore from time to time.
- (e) **Corporation Stop** means a device for control of water flow from the Town's water main to a water service connection.
- (f) **Council** means the Council of the Town.
- (g) **Custom Work Order Policy** means the estimation of the value of work performed by Town forces or on behalf of the Town that is calculated by the Town Foreman/Utilities Foreman to constitute the standard charge for all work of a similar nature which is deemed to reflect the actual cost to the Town of labour, equipment, material used, all applicable taxes, plus an administration fee equal to 15 percent of the value of the cost, the invoicing for the work performed on the basis of the standard charge, crediting any deposit which the Town Foreman/Utilities Foreman may have required to be paid and the requirement of the person making the deposit to pay any balance owing.
- (h) **Curb Stop** means a device for the control of water flow from the water service connection to premises where water is supplied.
- (i) **Fire Chief** means the Fire Chief for the Town and anyone acting or authorized by the Town Administrator or Fire Chief to act on behalf of the Fire Chief.
- (j) **Normal Working Hours** means between 7:30 a.m. and 4:00 p.m. on weekdays other than holidays, summer hours and earned days off for employees of the Town of La Ronge.

- (k) **Premises** means any real property or building;
- (l) **Principal Occupancy** means in the case of premises with more than (1) occupancy or use, the major purpose for which the premises is used, and if only one of the occupancies or use is a commercial or industrial occupancy, it shall be deemed to be the principal occupancy.
- (m) **Sanitary Sewer Bylaw** means Bylaw No. 429/03 of the Town of La Ronge or such Bylaw or Bylaws as may be substituted therefore from time to time;
- (n) **Town** means the Town of La Ronge.
- (o) **Town Foreman/Utilities Foreman** means the Town Foreman/Utilities Foreman for the Town and anyone acting or authorized by the Town Administrator or Town Foreman/Utilities Foreman to act on behalf of the Town Foreman/Utilities Foreman in the administration of the responsibilities under this Bylaw.
- (p) **Valve** means a device for the control of water flow in or from the Town's water main or a water service connection;
- (q) **Water Crane** means a facility of the Town for the provision of water from the waterworks system to persons hauling water.
- (r) **Water Service Connection** means the pipes and all related appurtenances for the conveyance of water from the waterworks system to provide water services to premises.
- (s) **Water Services** means all aspects of service supplied pursuant to this Bylaw to applicants, owners and persons hauling water from the water crane and includes the water supplied from the waterworks system.
- (t) **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, corporation stops, hydrants, valves, and other related works, curb stops, meters and related appliances, all other appurtenances as are designed to form a part thereof and the treatment processes by which water is treated before conveyance into the water mains.

3. INTERPRETATION

- (a) Unless the context otherwise requires, subject to Section 2, terms and expressions used in this Bylaw shall have the same meaning as in the Act.
- (b) All words, either in this Bylaw or in the Schedules hereto, shall be interpreted to include a corporation or partnership or such number and gender as the context may require. Marginal notes and headings shall not be given any effect in determining the proper interpretation of this Bylaw.

4. LIMITATION OF LIABILITY

- (a) Any water supplied by the Town from the waterworks system to an applicant shall only be supplied on the condition that the applicant shall 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 or agents acting within the scope of their employment, as the case may be. It is a further condition of supply that the applicant shall make no claim for any indirect, incidental or consequential damages, including, but not limited to, lost profits. Not to limit the generality of the foregoing, neither the Town, its officials, employees or agents shall be liable for:
 - (i) actions based in nuisance; or

- (ii) actions in respect of personal injury, death or property damage related to the presence of any substance or material in the water or the waterworks system; or
 - (iii) actions in respect of damages related to the interruption or termination of water services or failure or refusal to provide water services for any reason whatsoever, whether or not notice was provided.
- (b) Water services shall only be supplied on the condition that the applicant shall indemnify and save harmless the Town, its officials, employees and agents from and against all claims arising by reason of the supply of water services, excepting those claims caused by negligence as described in Section 5(a). Not to limit the generality of the foregoing, as a condition of service, the applicant shall indemnify and save harmless the Town, its officials, employees and agents from and against claims for personal injury, death or other types of claims whatsoever brought by the applicant or any third party arising directly or indirectly:
 - (i) from the use by any person of the applicant's water services;
 - (ii) from the provision of water services at any premises owned or occupied by the applicant or any person to whom the applicant is an agent;
 - (iii) from the failure of the waterworks system, the water services connection, or any part of such service, system or any appurtenance thereto affecting the applicant's water
 - (iv) from the interruption or termination of water services or the failure or refusal to provide water services to the applicant for any reason whatsoever, whether or not notice was provided.
- (c) In all places where the waterworks system is connected with hot water boilers or heating, cooling or other such equipment, the owner and the applicant 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.
- (d) In all places where steam, hot water or material foreign to that for which the waterworks system was designed to convey may be forced backwards through water services connection, the owner and applicant shall install a backflow preventer to prevent same from occurring. The owner and applicant shall regularly test the backflow preventer and keep same in a well- maintained operable condition. A plan describing the backflow preventer and installation of same shall be filed with the Town Foreman/Utilities Foreman within 30 days of making the installation.
- (e) In the event that the owner or applicant neglects or fails to comply with Section 5(c) or (d) and damage to any Town property results, the owner and applicant shall be jointly and severally liable for the cost of repair, calculated pursuant to the Custom Work Order Policy.

5. ADMINISTRATION

- (a) The waterworks system, its operation, maintenance, and repair shall be under the general direction and control of the Town Foreman/Utilities Foreman. The installation and construction of the waterworks system or other works in connection therewith shall be under the general direction and control of the Town Foreman/Utilities Foreman. The Town Foreman/Utilities Foreman shall keep full descriptions of all works constructed and forming part of the waterworks system.
- (b) No person other than the Town Foreman/Utilities Foreman, the Fire Chief, a Town employee acting in the course of his duties or a contractor or water hauler acting under the direction of the Town Foreman/Utilities Foreman shall manipulate any portion of the waterworks system, open or close any valve, curb stop, or corporation stop on the waterworks system,

open or close any hydrant, obstruct access to any hydrant, tamper with or attach any line or pipe to the waterworks system.

6. APPLICATION FOR WATER SERVICES

- (a) No person shall use water services without application first having been made for same at the Town Office. Every person desiring that premises be supplied with water from the waterworks system shall execute an application in the form marked in Bylaw #604/19 and shall pay the value of the deposit as set forth in the aforementioned bylaw at the Town Office. An application for water services to premises where sewer services are connected shall be deemed to include an application for sewer services to which the Sanitary Sewer Bylaw applies.
- (b) Every person desiring that premises be supplied with water from the waterworks system may be asked to produce at least 2 pieces of identification in such form as establishes the identity of the applicant to the satisfaction of the Town Office.
- (c) The deposit referred to in Section 7(a) shall be held by the Town as security for payment of water accounts and shall be returned to the applicant, without interest, upon termination of water services, provided all water and other accounts owing to the Town by the applicant are paid.
- (d) If the water service is disconnected for any cause and if the water account or any other account is owing by the applicant to the Town, the Town may apply the deposit referred to in Section 7(a) toward the account outstanding.
- (e) Notwithstanding Section 7(a), in cases of urgent necessity, or where water is required for steam or hot water heating or testing approved by the Town Foreman/Utilities Foreman, the Town Foreman/Utilities Foreman may authorize water services to be temporarily supplied upon payment of the deposit set forward in Bylaw #604/19. If the cost of the water supplied and the value of the service, calculated pursuant to the Custom Work Order Policy, exceeds the value of the deposit, the applicant for the temporary supply shall be liable for payment of such excess, and any balance remaining shall be refunded without interest.
- (f) Applications for the supply of water are not transferable. New occupants of premises supplied with water services shall make application at the Town Office prior to use of such water services. If the Town Office has received no written notice of discontinuance from the former applicant and until a new application is made for supply of water services to the premises, both the former applicant and new occupant or person having water services so supplied shall be jointly and severally liable to pay all rates, charges and penalties payable in relation to such water services.
- (g) No one shall make application for water services on behalf of any other person who is the actual occupant of the premises to be supplied with water services unless he is the owner of the premises or the authorized agent of the occupant. As a condition of supply or continuation of supply of water services, the Town may require that security in a form satisfactory to the Town be provided, including, but not to limit the generality of the foregoing, that a guarantor guarantee payment of water accounts of any applicant. If he deems it appropriate, the Town may require that a guarantor be a natural person.
- (h) The applicant shall ensure that the terms under which water services are provided are not breached. The applicant shall be liable to pay all costs, rates, charges and penalties that may be imposed pursuant to this Bylaw.
- (i) The applicant shall be liable for any breach of this Bylaw arising on the premises to which his application for water services pertains, whether the breach is actually committed by him or by any other person, unless such breach was caused by a trespasser upon the premises so supplied with water services.

- (j) Prior to making application for water services, an applicant who has an overdue water account for water services formerly supplied to the applicant, alone or in conjunction with any other person, shall make payment of the said overdue account. No person shall make application on behalf of another person who is unable to obtain water services due to the non-payment of a water account or otherwise.
- (k) Notwithstanding any other provision of this Bylaw, during such times as the Town Foreman/Utilities Foreman may specify, water from the waterworks system may be obtained from the water crane at the rate set on the meter. The Town Foreman/Utilities Foreman may authorize any person eligible to obtain water from the water crane to obtain water from a designated hydrant on such terms and conditions as the Town Foreman/Utilities Foreman may deem necessary and at the same cost as water from the water crane.
- (l) In the case of a duplex, apartment block or other building where more than one (1) occupancy or business exists and to which there is only one (1) service connection, the owner shall be responsible for:
 - (i) applying to the Town for water service, in form as per Schedule "B" of Bylaw #604/19, if said service is desired;
 - (ii) payment of the deposit prescribed in Bylaw 604/19.
 - (iii) payment of the monthly charge for water and sewer.

7. TERMINATION OR INTERRUPTION OF SERVICE

- (a) The Administrator may direct the Town Foreman/Utilities Foreman to cause water services to be terminated to any premises where the applicant therefore has an overdue water account, or the water account mailed to the applicant has been returned to the Town unclaimed or undelivered. Water services shall only be resumed upon payment of the water account together with the re-connection charge set forward in Bylaw 604/19. When terminated by reason of an overdue account, water services may be resumed after normal working hours upon proof of payment of arrears of the water account and evidence of the applicant's agreement to pay charges related to the after-hours resumption of service by execution of an "After Hours Water Turn-On Work Order." The cost shall be calculated pursuant to the Custom Work Order Policy, and the charges added to the applicant's water account.
- (b) The Town may limit or discontinue the furnishing of water services, refuse to supply water services at any premises or to limit the hours during which any person may use water from the Waterworks system:
 - (i) by reason of works undertaken by the Town;
 - (ii) by reason of lack of supply;
 - (iii) in circumstances where a new water service connection is required under the Connections Bylaw;
 - (iv) in the exercise of discretion by Council or the Town Foreman/Utilities Foreman where the circumstances are such that, in its or his opinion, the public interest may so require; or
- (c) When water services are interrupted pursuant to Section 8 (a)(i), such attempt to notify the owner, applicant or occupant of the premises affected by the intended interference shall be made as, in the opinion of the Town Foreman/Utilities Foreman, is reasonable in the circumstances. Except as otherwise provided in this Bylaw, in any other case, the termination or interruption of water services may be effected without notice.
- (d) If water services are interrupted by reasons unknown or frozen water service connection, the Town Foreman/Utilities Foreman shall ascertain if the place of the failure is between the water main and the property line of the street abutting the premises to which water services are provided. In the event that the place of the interruption is so situate, he shall take such

action as he deems 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 premises that the power supply be provided without cost to the Town.

- (e) The owner or occupant of premises supplied with water services shall be responsible to make satisfactory repairs to that portion of the water service connection between the outer line of the street and the inner surface of the wall of the building supplied with the public utility service. If, after receiving notice from the Town Foreman/Utilities Foreman to repair same, the said owner or occupant fails to effect repairs satisfactory to the Town Foreman/Utilities Foreman within the time allowed in the notice, the Town Foreman/Utilities Foreman may enter upon the premises and complete the necessary repairs with Town forces or otherwise. The owner and occupant shall be jointly and severally liable to pay the cost of the repairs, calculated pursuant to the Custom Work Order Policy.
- (f) Water services may be discontinued to any premises, and the Town may refuse to provide water services there at when water from the waterworks system has been wasted at such premises, the applicant has failed to ensure that there is no breach of the terms under which water services are supplied pursuant to the application, or the applicant has failed to report damage to the meter, appliances, pipes, machinery, or other property of the Town upon the premises supplied with water services pursuant to the application.
- (g) In the event that any person designated pursuant to Section 10 is unable to gain access to any premises for the purposes referred to in Section 187(5) of the Act, written notice may be left in the mailbox or at some other conspicuous place upon the premises. The applicant shall forthwith make contact with the Town to permit access and if no such contact can be made, or access is not provided through arrangements made during any such contact, water services may be discontinued after a second notice has been left in the mailbox or at some other conspicuous place upon the premises that same shall be discontinued. Nothing herein shall be interpreted to limit the Town's right to obtain access through process allowed by law. The Town Foreman/Utilities Foreman may authorize the commencement of any legal proceedings to obtain access for the purposes referred to at Section 187(5) of the Act.
- (h) Water services may be discontinued to any premises in the event of breach or non-compliance with the terms under which water services are supplied. The Town may refuse to resume supply or refuse to provide water services thereat until the applicant complies with the term which was not complied with.
- (i) Water services shall be discontinued upon written notice to terminate being delivered to the Town, and notice from the owner shall supersede any request from an applicant for water services to the premises of the owner.

8. WATER ACCOUNTS

- (a) The calculation and all aspects of administration related to water accounts, the collection of the revenue derived from the waterworks system and the supervision of all records related to water accounts shall be under the immediate charge and control of the Administrator. The Town shall keep records of all accepted applications for water services for a 2-year period following cancellation.
- (b) Except with respect to water supplied by water crane, under Custom Work Order Policy, pursuant to Section 9(d) or as the Administrator may have expressly agreed with the applicant, water accounts shall be rendered on or before the tenth of the month the account is due as per specified on the application for water services outlined in Bylaw #604/19. Where practicable, such billings:

- (i) shall show service charges, arrears and penalties;
 - (ii) may include any charges due for work, services or supplies provided pursuant to the Custom Work Order Policy as referred to in this Bylaw; and
 - (iii) may include charges for other public utility services as authorized by Resolution or Bylaw of the Town.
- (c) Consumption rates shall be in accordance with the water services rates set forward in Bylaw #604 which may be amended from time to time.
 - (d) Notwithstanding any other provision of this Bylaw, in the circumstances referred to in Section 8(c), if the Town Foreman/Utilities Foreman requests that water continuously flow through the water connection to any premises for a designated period, the Town shall bill the applicant for water usage during that period based on an estimate provided by the Town Foreman/Utilities Foreman and the decision of the Administrator as to the value of the charge shall be final and binding.
 - (e) If a person pays only a portion of the water account owing by him, unless otherwise approved by the Town the amount shall be first applied in payment of any arrears.
 - (f) The provisions of the Act respecting the imposition and collection of public utility rates, costs, charges and penalties shall apply to those included in the water accounts.
 - (g) If the applicant is the owner of land to which water services are or were provided and any rate, cost, charge, penalty imposed pursuant to this Bylaw upon the owner is in arrears after December 31 of the year in which such rate, cost, charge or penalty became payable, the amount thereof shall be added to, and will thereby form part of, the taxes on the premises with respect to which the water services were provided.

9. ACCESS TO LANDS, BUILDINGS OR STRUCTURES

- (a) The Town Foreman/Utilities Foreman is authorized to have free access at all reasonable times to those parts of premises to which water services are or have been provided that he considers necessary to fulfill the duties arising from the provision of water services whether or not water is actually being supplied at the time access is required. As evidence of his authority, the Town Foreman/Utilities Foreman and any person acting on his instructions who requires access to fulfill such instructions shall produce a Town of La Ronge identification card.
- (b) The Town Foreman/Utilities Foreman, Town employee or person acting under the direction of the Town Foreman/Utilities Foreman shall have the right, at all reasonable times, to enter any premises referred to in Section 10(a) for the purpose of installation of any appliances appurtenant to the waterworks system and for any of the purposes referred to in Section 187(5) of the Act.
- (c) The same persons referred to in Section 10(b) are hereby authorized to enter any premises where water services are to be discontinued or are discontinued to remove any fitting, wire, machine, apparatus, pipe or other thing that is appurtenant to the waterworks system.

10. PROTECTION OF WATERWORKS SYSTEM

- (a) Every applicant, owner and occupant of premises supplied with water services shall, at his own expense, ensure that:
 - (i) all water service connections, related waterworks system appliances, pipes and fixtures between the Town's water main and the premises at which water services are supplied are kept in good maintenance and repair, excepting for any portion thereof lying between the water main and the property line abutting the premises to which water services are provided; and

- (ii) the water service connection, valves, pipes, and other water services appliances of the waterworks system between the meter, when there is no such valve immediately upstream of such meter, or between such valve, where it is installed immediately upstream of the meter, and the property line of the street abutting the premises to which water services are provided, are protected against damage from tampering, frost or other source of damage.

11. OFFENCES

Any person who:

- (a) turns on or turns off or attempts to turn on or turn off a water supply through a water service connection;
- (b) breaks, causes or permits the breaking of any, pipe, valve or other appurtenances of the waterworks system;
- (c) fails to notify the Town Foreman/Utilities Foreman of a broken pipe or appurtenance thereto;
- (d) removes or causes the removal of ground cover above any part of the waterworks system or a water service connection which reduces coverage to less than 3 meters from the grade;
- (e) connects or causes the connection of any pipe or fixture capable of supplying water services except in accordance with this Bylaw;
- (f) installs or causes the installation of a pump to increase water pressure on a water service connection other than with the express approval of the Town Foreman/Utilities Foreman;
- (g) hinders, obstructs or interferes with the Town Foreman/Utilities Foreman or persons acting under the instructions in the lawful exercise of their duties under this Bylaw or The Urban Municipality Act, 1984;
- (h) represents himself as a person designated pursuant to Section 10 of this Bylaw when not so authorized;
- (i) without the consent of the Town Foreman/Utilities Foreman, enters or is found within:
 - (i) any part of the water works system, including any water main and lift stations ; or
- (j) breaches any provision of this Bylaw; is guilty of an offence punishable on summary conviction, except if such person is carrying out his duties as a person authorized to do so pursuant to Section 6 or 10.

12. FINE

Any person in violation of a provision of this Bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine under Town's General Penalty Bylaw.

13. GENERAL

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.

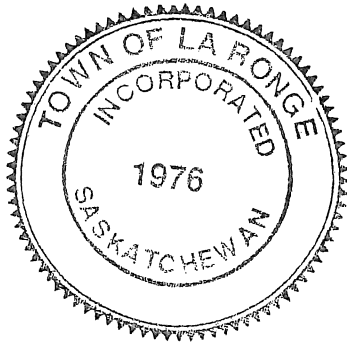
14. REPEAL

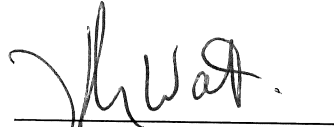
Bylaw Number #454/05, #573/16, #574/16, and #600/18 of the Town of La Ronge are hereby repealed.

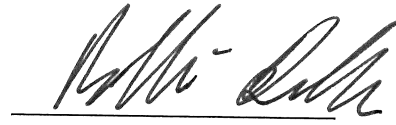
15. COME INTO FORCE

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.

SEAL




Mayor


Town Administrator

Read a first time the 13th day of February, 2019.

Read a second time the 13th day of February, 2019.

Read a third time and adopted the 13th day of February, 2019.

CERTIFIED A TRUE COPY OF
BYLAW #603/19 **ADOPTED BY**
COUNCIL ON February 13/19


ADMINISTRATOR