

VILLAGE OF DRAKE

BYLAW 2023-08

WATER AND SEWER MANAGEMENT POLICY BYLAW

A BYLAW OF THE VILLAGE OF DRAKE TO MANAGE AND CONTROL CONSTRUCTION, INSTALLATION, USE, CONSUMPTION AND DISCHARGE OF A WATER AND SANITARY SEWER SYSTEM.

PART I - GENERAL

1. Short Title:

This Bylaw shall be known as the "Water and Sewer Management Policies Bylaw."

1.1 Introduction

Purpose

The purpose of this policy is to establish and regulate the supply, collection, treatment, storage, and distribution of water. Additionally, to set terms and guidelines for the public utility water service for the residents of the Village of Drake.

Financial Assistance

The Village of Drake recognizes that financial hardships can affect some of our customers and may impact their ability to pay their bills on time. If you are concerned about your ability to pay your utility bill in full by the due date and would like to discuss payment arrangements, please call the Village office, and ask to speak to the Administrator.

2. General Matters

2.1 Definitions

In this Policy and Procedure Manual:

- (a) "Back-flow prevention device" refers to any device installed to prevent liquids or solids from mixing with drinking water whereby one or both becomes or may become contaminated or polluted.
- (b) "Boundary" the perimeter of an owner's property.
- (c) "Commercial and industrial property" includes only land improvements:
 - (i) used or intended to be used for business purposes, including land and improvements for office, wholesale, retail, service, hotel, motel, industrial and manufacturing activities, transportation, communications, and utilities.
 - (ii) used or intended to be used for institutional, government, recreational or cultural purpose
 - (iii) not specifically included in another class of property.
- (d) "Consumer(s), Person(s), Customer(s)"- Synonymous terms; the person or persons, organizations, corporations, etc. responsible for the payment of charges for water and sanitary sewer service.
- (e) "Council"- The council of the Village of Drake.
- (f) "Curb stop" refers to the Villages' shut-off valve to the property.
- (g) "Customer" means the person to whom the waterworks service is supplied.
- (h) "Fire Service" refers to a pipe that is intended solely for the purpose of providing a standby supply of water for fire protection services.
- (i) "Multi-unit residential property" includes only land and improvements used or intended to be used for or in conjunction with a residential purpose and to accommodate more than four self-contained dwelling units within a parcel.
- (j) "Occupant" means the owner, tenant or person who has care and control of the residential, multi-unit residential or commercial and industrial property.

- (k) "Owner- 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) "Private meter"- refers to a water meter installed by a customer at their own expense, in addition to the water meter owned by the Village.
- (m) "Residential Property" includes only land or improvements used for or intended to be used for or in conjunction with a residential purpose but does not include a multi-unit residential property.
- (n) "Village" refers to the Village of Drake.
- (o) "Water Service Connections" include any water systems or pipeline on private property through which water is conveyed from the Village water system.

2.2 General Authority

The Public Works & Transportation Supervisor of the Village shall be under the control of the Administrator and Council. The distribution of water shall be under the control of the council.

2.3 Jurisdiction

Municipalities have the jurisdiction to establish municipal services and the ability to set fees associated with those services.

Under Bylaw, council may establish a public utility service and set up any rates, charges, tolls, fares, or rents for such service. This may include the sale of equipment, fittings, meters, or other items needed to deliver the service to consumers. Each municipality sets its own rates or fees based on its costs of providing the service. The Saskatchewan Municipal Board approves the rates, charges, tools, or rents contained in a utility rate bylaw.

In situations where public utility accounts and services go unpaid, *The Municipalities Act 369* empowers a municipality with several options to collect the unpaid fees:

- It may stop providing the public utility service.
- It may add a lien on land or collection by distress (sale of goods to satisfy amounts payable for the provision of service).
- It may add unpaid charges for the provided service to the land's property taxes.
- As per *The Municipality Act – Discontinuance of Public Utility*, In accordance with its bylaws, resolutions or policies, a municipality may, for any lawful reason:
 - (a) Discontinue providing a public utility service after giving reasonable notice of its intention to do so.
 - (b) Remove the system or works of the public utility used to provide the utility service; and
 - (c) Enter any land or building for the purposes set out in clauses (a) and (b). 2005, c.M-36.1, s.29.

2.4 Responsibility

In the event of a water break on a service line or damage to a service line, the cost of repair shall relate specifically to the location of the damage or break.

- (a) Should the damage or break occur at the curb stop or on an individual's property side of the curb stop, the property owner will be responsible for the cost of repair.
- (b) Should the break or damage occur on the Village property side of the curb stop, the Village will be responsible for the cost of repair.
- (c) In the event that there is no clear definition as to the location of the break, the cost will be shared equally between the Village and the property owner.
- (d) The Village expects that the owner will immediately contact Village Administration or Public Works staff prior to any work being undertaken. If no contact is made with the Village prior to the contractor commencing work, the Village will not take on the responsibility for any of the billing relative to repair work that is done.
- (e) Any contractor hired to do work in the Village will need to be vetted by the Village prior to commencing work or the Village will not take responsibility for any of the billing.

3. Water and Water Meters

3.1 Ownership

Water meters are the property of the Village.

- (a) All water meters are the property of the Village and shall be supplied, installed, and maintained by the Village unless alternate arrangements are approved in writing by the Public Works and Transportation Department.
- (b) If an alternate arrangement is made, the customer shall pay the additional costs for supplying and installing the meter, including a fire service type water meter or any other special type of water meter, as determined by the Public Works and Transportation Department.
- (c) In all cases, the payment of additional costs will be considered an added deposit, and all water meters shall remain on the property of the Village.

3.2 Location of Water Meters

- (a) All services must be metered.
- (b) The owner shall provide a suitable site for the water meter. This must include being positioned horizontally, near to the point of entry for the water service connection and must be located on the inside of the building.
- (c) The meter site shall be accessible with no permanent fixtures of any sort within one-half (1/2) meter from the water meter.
- (d) The Village will not provide water service unless a suitable site has been provided.

3.3 Protection of Meters

- (a) Every owner, tenant or occupant shall ensure that service piping, valving, meters, and other parts of the meter are protected from frost and other damage once placed upon the premises.
- (b) The owner shall provide easy access to the meters for meter removal, maintenance and reading.
- (c) If the Utilities & Environment Department considers any meter insufficiently protected, the water service may be cut-off after a twenty-four (24) hours' notice in writing is given to the owner or agent and shall remain cut-off until proper protection has been established.
- (d) If a meter becomes frozen or damaged under any circumstances, the Village may affect repair of the meter at the customer's cost in the amounts set out in Schedule "A"
- (e) No person shall interfere with any meter, whether inside or outside a premises.

4. Maintenance and Servicing of Waterworks

4.1 Access to Waterworks

- (a) The Village shall have access, upon reasonable notice to the owner or occupant of a building, to all parts of every building in which waterworks services are delivered or consumed.
- (b) For this section, access shall include access for the purpose of conducting water use surveys, sampling, testing of equipment and water meters, the reading of water meters, and the repair or inspection of all waterworks equipment including water meters.

4.2 Jurisdiction

Right of entry re reading meters. "The Municipality Act" 27, A municipality may enter any land or building to which a public utility service is provided:

- (a) for the purpose of reading meters; or
- (b) after making a reasonable effort to notify the owner or occupant, for the purpose of installing, inspecting, replacing, or removing meters and conducting sampling tests. 2005, c.M-36.1, s.27.

4.3 Maintenance and Testing

- (a) The repair and maintenance of the waterworks system, with the exception of the water meter, shall be made at the expense of the customer, which expenses will be invoiced to the Property Owner. The water service connections shall be maintained by the customer in sound working condition.
- (b) The Village is responsible for making repairs to the water service line up to and including the curb stop valve. Any costs to the repairs to the service line from the curb stop valve to the water meter shall be the responsibility of the property owner. See 2.4 under Responsibility for details.
- (c) Water meters may be removed for maintenance or testing by the Water Works Supervisor.
- (d) For this section, maintenance and testing may include the alteration of the position of the water meter, back-flow prevention device, or of any pipe, valve or fitting forming part of the water system.

4.4 Failure of Meter to Register

- (a) Water meters shall be read at the discretion of the Village.
- (b) If a meter has failed to register during any portion of the preceding quarter, the amount of water consumption for the quarter shall be estimated to be the same as that of the previous quarter in which the water meter was registered, or the same as that of the corresponding quarter in the preceding year.
- (c) If the Village has installed a remote meter reading device in addition to the existing meter, the meter shall be the official reading.

4.5 Testing and Malfunction of Water Meters

- (a) The owner or occupant of a building may request that the Utilities & Environment Department test the water meter equipment located on its premises.
 - (b) The owner or occupant will be responsible for the cost of testing if the water meter is found to be measuring accurately. The fee for the test shall be set in accordance with Schedule "A" as may be amended from time to time. Water meters shall be tested for accuracy under the American Water and Waste Standards for Accuracy guidelines.
- (c) No person shall open a bypass valve on water meter installations, except in the case of an emergency, following which the Public Works Supervisor will be notified of the broken seal.
- (d) No person shall tamper with, break, or remove any seal installed by the Village on any water service connections, including water metering facilities:
- (e) The Village shall be notified immediately whenever a water meter is not operating, or if the water meter becomes damaged or broken, or if a seal on any water service connection or water metering equipment has been broken.
- (f) If the Village is not notified of the malfunction, the Village shall, in addition to any other penalties set out in this Policy, estimate the quantity of water consumed and charge the customer for the water in accordance with Schedule A".

4.6 Relocation of Water Metering Facilities and Water Service Connections

- (a) No customer shall relocate or alter any existing water metering facilities without the written approval of the Public Works Supervisor and Council.
- (b) If the customer obtains such approval, the customer shall pay the entire cost to affect the relocation or alteration, including costs incurred by the Village.
- (c) If the Public Works Supervisor and Council are dissatisfied with the location of any water meter due to alterations to a building, it may require that the water meter be relocated to a more suitable location. The costs associated with such relocation shall be paid by the customer.

5. Establishing and Discontinuing Water Service

5.1 Starting the Service

- (a) No person other than the Public Works Supervisor shall turn on water to any premises or open a curb stop.
- (b) No person shall turn on water that has been turned off for any purpose, unless authorized to do so by the Public Works Supervisor.
- (c) The Water and Sewer Account Application must be completed for all new water accounts.

5.2 Water Service Connections

Any customer wishing to have water service shall apply to the Village office. The application shall be in a form prescribed by the Village. Schedule "B" must be completed before accounts are opened.

- (a) A deposit will be required for all new customers, tenants and owners in an amount set for in Schedule "A".
- (b) If a customer moves and applies for service at a new residence, a new application will be made to the Village and the deposit will be transferred to the new account.
- (c) The Village may refuse to supply water to a customer who has an outstanding account balance at any location in the Village.
- (d) Water shall be provided at the rates set out in BYLAW No. 2019-2 and shall be billed according to the rate applicable to the class of property to which the service is provided.
- (e) The Village may reinstate the deposit requirement if the customer's credit history makes reinstatement necessary.
- (f) If the customer is a tenant in the property that will be served by the account, the owner of the property must inform the Village along with owner's name and contact information.
- (g) If a water meter serves multiple dwelling units owned by the same person, only one water account may be associated with the meter and the account holder must be the owner of the dwelling units.

5.3 Landlord-Tenant

- (1) If the water account of a Tenant is eligible to be disconnected in accordance with "*The Municipality Act*" Section 29 (a) and 31 (1), the account balance may:
 - (a) be transferred to the property tax balance.
 - (b) may be levied and collected in the same manner as taxes are recoverable.
 - (c) It may add a lien on land or collection by distress (sale of goods to satisfy amounts payable for the provision of service).
 - (d) A Landlord Agreement, Schedule "C" must be completed.
- (2) If an account is transferred from a Tenant to a Landlord in this way:
 - (a) the Tenant will remain responsible for any outstanding balance on the account as of the time it is transferred, and any deposit paid by the Tenant shall be applied to that balance; and
 - (b) the Landlord will assume all rights and liabilities associated with the account, except for the balance outstanding as of the time of the transfer of account.
- (3) If the landlord of a property:
 - (a) does not respond to any communication from the Village regarding water service provided to the property within any time specified in the communication,
 - (b) as determined by the Village, fails to properly maintain any portion of the property related to its plumbing system or that relates to or affects the water service; or

- (c) the water service account for the property is overdue, regardless of whether the Landlord is the customer; the Village may, at its sole discretion, add the amount of the water service account to the property taxes on the property for which the water service was supplied. This is in addition to the Village's right to disconnect the service.

5.4 Temporary Service

- (a) The Public Works Supervisor may provide temporary water service on application by customer, in writing and upon payment of the service charge set out in Schedule "A".
- (b) Temporary service installation and removal of water meters will be charged in accordance with the fees set out in Schedule "A".
- (c) Temporary service for construction purposes only will be provided and metered by the Public Works Supervisor at a charge set out in Schedule A .
- i. Water charges for service for construction purposes will be at the rates and charges set out in Schedule "A".

5.5 Seasonal Service

- (a) Seasonal water services will be available on application by the customer, in writing,
- (b) After a seasonal turn-off, the account will be temporarily inactive, and will not be charged minimum monthly payments during the seasonal turn-off.
- (c) Seasonal installation and removal of a water meter, if required, will be charged for in accordance with the fees set out in Schedule "A".

5.6 Payment of Account

- (a) Accounts for water service shall be billed quarterly for residential, multi-unit residential and commercial and industrial customers at the rates and charges specified in BYLAW No. 2022-01
- (b) Accounts for water service for Drake Community Centre, and the Sportsplex at the rates and charges specified in BYLAW No. 2022-01
- (c) Accounts shall be payable 30 days after billing.
- (d) If an account remains unpaid 60 days following rendering, the water service may be cut off until the full amount has been paid together with reconnection fees set out in BYLAW No. 2022-01 and/or Schedule A".
- (e) If you have not received your bill within seven days of the send-out date, please contact the Village office.

5.7 Water Accounts in Arrears

- (a) If the customer owns the property and the water service account for the property is overdue, the amount of the account may be added to and shall form part of the taxes on the property for which the water service was supplied.

5.8 Discontinuing Water Service

- (a) Customers may discontinue water service upon giving notice to the Village of Drake office of the date on which service will be discontinued.
- (b) If the water service is discontinued, the account will be billed for the full payment due at discontinuance, and the account will be closed.

5.9 Disconnection of Water Service

- The Village reserves the right to shut off the supply of water for any of the following reasons:
- (a) failure to open an account or failure to complete an accurate written application for service if requested and payment of deposit.
- (b) non-payment of a utility bill.
- (c) failure to provide access to the premises.
- (d) excess leakage of water on the private service line.
- (e) contamination or potential for contamination of water from the private service or private system.
- (f) theft of water.
- (g) tampering with the water meter or the seal. (h) contravention of any section of this Bylaw.

5.10 Arrears and outstanding balances:

- (a) Accounts 30 days past due will receive a reminder notice and must be paid within seven (7) days.
- (b) If unpaid after the seven days period, a registered letter will be sent advising payment must be made within 20 days, and a \$15.00 fee will be added to the account.
- (c) If left unpaid, service will be disconnected and/or added to your property taxes. A \$50.00 reconnection fee will be charged.
- (d) Once payment requirements have been met and a reconnection fee paid, arrangements will be made to have your services reconnected.
- (e) All outstanding balances over 60 days, where the customer is a Tenant, the property owner will be notified.

5.11 Disconnection of the Water Service for Repairs

- (a) The Village has the right to disconnect the water service from any customer, without notice, and to keep the water service off for as long as necessary, to effect street repairs, service type repairs, or for the purpose of constructing new works.
- (b) The Village may enter the premises in which a customer has water service, for the purpose of removing any meters or other property of the Village if the water supply has been discontinued.

6. MAINTENANCE

6.1 System Contamination

- (a) No person shall connect anything to the water system which may cause the service to become contaminated or polluted.
- (b) No bypass piping or other device capable of reducing the effectiveness of a backflow prevention device shall be installed in a water supply system.

6.2 Back-Flow Prevention

- (a) It is recommended that all customers have a back-flow prevention device in accordance with "The National Plumbing Code of Canada, 2005," "The Public Health Act of Saskatchewan" and The Private Sewage Works Regulations and CAN/CSA-B64.10.01 – Manual for the Selection and Installation of Backflow Prevention Devices as may be amended from time to time.
- (b) For further information on backflow prevention devices and recommended installers, please call the office of the Village of Drake at 306-363-2109.

7. MISCELLANEOUS

7.1 Mandatory Water Use Restrictions

- (a) The Village of Drake may declare mandatory water use restrictions when they determine that, for any reason, the Village is not or may not be able to maintain a sufficient supply of water to meet the health and safety needs of the citizens without imposing such restrictions.
- (b) Mandatory water use restrictions may include any or all the following:
 - i. limits upon hours during which lawns and gardens may be watered.
 - ii. limits upon days during which lawns and gardens may be watered.
 - iii. prohibiting the watering of lawns or gardens.
 - iv. prohibiting the washing of motor vehicles outdoors; and
 - v. such further or other water use restrictions as may be necessary in the circumstances.
- (c) A declaration announcing mandatory water use restrictions shall remain in effect for the period set out in the declaration, unless sooner terminated or extended by declaration of the Village of Drake, such period to commence and be effective from the time specified in the declaration.
- (d) The Village of Drake shall inform the public of the existence of a declaration of mandatory water use restriction using whatever means the Village may deem advisable.
- (e) A person who contravenes the mandatory water use restriction is guilty of an offence.
- (f) Penalties. Every person who contravenes any provision of these restrictions will:
 - i. in the case of an individual, be subject to a fine not exceeding \$100.00 and,
 - ii. in the case of a continuing offence, to a further fine not exceeding \$250.00 for each day during which the offence continues; and

- iii. in the case of a corporation, to a fine not exceeding \$400.00; and in the case of a continuing offence, to a further fine not exceeding \$550.00 for each day during which the offence continues.
- (g) This Section applies to the owner or occupant of any property.
- (h) No person shall discharge into any drain, sewer or sewerage system operated by the municipality any harmful material or substance, whether liquid or solid, such as gasoline, diesel fuel or solvents which may be considered injurious to health, life or property; any substance or material that may block sewer mains; any material or substances that may injure, pollute or damage and stream, watercourse, drain, sewer, sewerage system or sewage treatment plant.
 - i The service of any person who contravenes this section of the bylaw shall be discontinued and the person shall be responsible for the cost of repairs resulting from discharging prohibited substances into the sewer main.
- (i) No person shall connect, cause to be connected or permit to remain connected to the water system any piping, fixture, 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 within the premise without installing backflow prevention devices on the water system in and upon the premise.
- (j) The Village or its employees shall not be liable for any damages resulting from the discontinuance of waterworks supply, whether from natural causes or accidents, with or without notice, to any building, boiler, or factory deriving its supply from the waterworks system.

SEWER MANAGEMENT SYSTEM

1. Sewer Mains and Connections

The owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the Village and abutting on any highway or right-of-way in which there is now or hereafter located, a sanitary sewer of the Village, is hereby required at his expense to install suitable sewage waste disposal facilities therein and to connect such facilities directly with the proper sanitary sewerage system of the Village in accordance with the provisions of the Water and Sewer Bylaw, sixty (60) days after the date of notification.

- (a) Except as permitted by this Bylaw, no person shall construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage, when sewer service is available.
- (b) No person, unless authorized by the Village shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof.
- (c) The Village shall maintain, repair, and install sanitary sewer mains at each connection point. The Owner shall maintain their sanitary sewage line from the main connection point to the premises at its expense.
- (d) In case any blockage of the Sewerage System is caused by reason of failure, omission or neglect to comply strictly with the provisions of this Bylaw, the owner, proprietor or occupier concerned therein shall, in addition to any penalty for infraction of the provisions hereof, be liable to the Village for all costs of clearing such blockage and for any other account for which the Village may be held legally liable because of such blockage.
- (e) When any sewer connection is abandoned, the owner shall effectively block up the connection at a suitable location within his property to prevent sewage backing up into the soil or dirt being washed into the sewer. Any sewer connection to be abandoned shall notify the Village in writing.

2. Check valve (Backflow Preventor)

- (a) Every premise with a service connection to the Village's Sanitary Sewer System shall be responsible for preventing water or sewage from backing-up through the Village's Sanitary Sewer System and flooding the basement or any other portion of that property or any other property.
- (b) Every property owner or consumer shall install or make every effort to install a suitable check valve or other approved mechanical device:
- i By which the connection between such property and the Village's Sanitary Sewer System may be cut off or controlled.
 - ii capable. of preventing water or sewage from backing-up through the Village's Sanitary Sewer System and flooding the basement or any other portion of that property; and
 - iii maintain and operate the check valve or mechanical device referred to in this section to prevent water or sewage from backing-up through the Village's Sanitary Sewer System and flooding the basement or any other portion of that property.

3. Liability for Damages

The Village is not liable for damages:

- (a) caused by the breaking, plugging or stoppage of any sanitary sewer main.
- (b) caused by the interference with the supply of any water service or sewer necessary in connection with the repair or proper maintenance of water or sewer.
- (c) for any accident due to the operation of the Sewerage System of the Village of Drake unless such accident is shown to be directly due to the negligence of the Village or its employees.

REPEAL & COMING IN TO FORCE

Water Works Policy and Procedures (February 2022) repealed.

Effective Date

This Bylaw shall come into force and take effect on the day of final passing thereof.





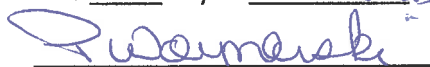
Mayor



Administrator

Read a third time and adopted,

This 29 day of Nov. 2023



Administrator

Certified to be a true copy
of Bylaw # 2023-08

this 29 day of Nov, 2023



Administrator

Schedule "A"

Deposits, Service Charges and Miscellaneous Fee Schedule

Service Connect for Arrears	\$50.00
Registered Letter Fee	\$15.00
Water Deposit	\$150.00
Temporary Service (inactive account status - no monthly minimum charge)	\$50.00
Seasonal Service	
Removal, Re-installation, turn on or Turn off Curb Stop Valve of Service Meters (Not for demolition of building)	No Charge
Meter Testing (Customer Requested)	
If found to be accurate	\$50.00
If found to be inaccurate	No Charge
Repair of Damaged, Frozen or Stolen Meter	\$150.00
Special Read (Customer Requested)	\$25.00
Research Billing History (Customer Requested)	\$15.00
Penalties Water restrictions	
in case of an individual, to a fine not exceeding	\$100.00
in the case of a continuing offence, to a further fine not exceeding for each day during which the offence continues.	\$250.00
in the case of a corporation, to a fine not exceeding	\$400.00
in the case of a continuing offence, to a further fine not exceeding for each day during which the offence continues	\$550.00

SCHEDULE" B"

Water and Sewer Account Application

PART 1 is required to set up a new account. (It is critical that we have a contact number and email address as part of your application.)

Please note: Your account name should appear as shown on your property title.
All ** is required information.

**Principal Account Holder: _____

Secondary Account Holder: _____

Street Address: _____

**Billing Address: _____

*** A minimum of one working telephone number is **REQUIRED**

*** Home Phone # _____ Work Phone # _____ Cell Phone # _____

**Email: _____

Possession Date: _____

The following is applicable to renters only:

Please note that we are required to report delinquent accounts to the property owner. Please initial to indicate that you have read and understand that the Landlord will receive copies of correspondence regarding your account.

Tenant's initials _____

For office use only:

Date Received: _____

Water Connection Fee: Yes _____ No _____

Wastewater Connection Fees: Yes _____ No _____

SCHEDULE "C"
VILLAGE OF DRAKE UTILITY
LANDLORD AGREEMENT

I, _____, being the owner/manager of the following property located the Village of Drake

Civic Address: _____

Legal Description: _____

I understand that Section 369 of The Municipalities Act gives Council the authority to add outstanding utility accounts, whether incurred by myself or my tenant(s), to the tax roll for the above listed property.

As the property owner/manager I understand that I will be receiving copies of my tenant's utility bills and any unpaid utility charges associated with the listed property, whether overdue or belonging to a terminated account, will be added to the tax roll of the property. As per Bylaw, I choose the following option:

The utility account will be placed in my name as follows:

Name: _____

Mailing Address: _____

Phone: _____

The utility account will be placed in the name of the tenant as follows:

Name: _____

Mailing Address: _____

Phone: _____

Signed at the Village of Drake, Saskatchewan this _____ day _____ of 20_____.

Signature: _____
Landlord

Signature: _____
Village of Drake