

TOWN OF BIGGAR, SASKATCHEWAN

BYLAW NO. 17-796

A BYLAW RESPECTING THE BIGGAR

PUBLIC UTILITY SERVICE

WHEREAS a council may establish works for the supply, collection, treatment, storage and distribution of water and sewer as a public utility service;

AND WHEREAS a council may by bylaw:

- a. Purchase, lease, construct, operate, maintain and dispose of anything necessary for the provision of a public utility service;
- b. Contract with consumers for the provision of public utility services;
- c. Set the terms and conditions under which public utility services are supplied;
- d. Set, collect and enforce the collection of fees for a public utility service; and
- e. Control, supervise and manage a public utility service;

NOW THEREFORE THE COUNCIL of the Town of Biggar in the Province of Saskatchewan enacts as follows:

1. This bylaw may be cited as The Biggar Public Utility Service Bylaw.

DEFINITIONS

2. In this Bylaw, these terms have the meanings attributed to them:
 - a. “customer” means a recipient of a public utility service provided by the Town of Biggar, whether residential, commercial, industrial, or agricultural, and includes an owner, tenant, occupant or party in possession of a premises or property whether a natural person or a corporate entity;
 - b. “notice to remedy” means a written notice from the Town which conveys to the recipient deficiencies, repairs or transgressions which it requires to be remedied to certain standards within a fixed period of time;
 - c. “owner” refers to the registered owner of property or premises situate in the Town as disclosed by the land titles records of the Information Services Corporation of Saskatchewan or its successors;
 - d. “premises” means the building, structure, place or location where water and sewer services are delivered by the Town to a customer;
 - e. “Town” means the Town of Biggar, a municipality incorporated under the laws of the Province of Saskatchewan, which includes its employees, servants or agents; and
 - f. “water meter” means a device, owned by the Town, which may monitor, record and report the volume of water provided to a premises or property over time.

WATER METERS

3. (1) The Town will install water meters in all premises connected to the Town’s Waterworks Utility System.

- (2) The Town's utility department will determine the size, type and location of any water meter to be installed and maintained in a customer's premises. Each property owner will supply at his, her or its own expense a new and functional water valve if the Town's utility department, on reasonable grounds, determines it is required during installation of the water meter.
- (3) The Town will require each property owner to complete and sign an application form giving consent to the installation of a water meter in his, her or its premises and to pay a deposit of one hundred and twenty five dollars (\$125.00) before the installation of the water meter. The deposit will be non-interest bearing and applied to any arrears at the time of disconnection with any remaining credit refunded to the property owner within 60 days from disconnection.
- (4) It shall be unlawful and an offence for any unauthorized person to tamper, modify, change or remove a water meter owned by the Town.
- (5) A customer is responsible for any damage caused to a water meter by freezing or other means and shall repair or replace the water meter at the discretion of the Town at the customer's expense within five (5) business days after a notice to remedy is delivered by the Town. The Town may, at its discretion, further do any one or more of the following:
 - (1) undertake such repair or replacement of a water meter if not completed by a customer promptly and add the costs of repair or replacement to the tax roll of that parcel of land under Section 369(1)(a)(b) of *The Municipalities Act* regardless of whether the customer is the owner of the premises or not; and
 - (2) disconnect public utility services to a premises until the customer complies with a notice to remedy and provides evidence of compliance.
- (6) The Town may authorize and delegate one or more persons to enter any premises between the hours of 8:00 a.m. and 6:00 p.m. daily (but excluding statutory holidays and weekends) to inspect, read, service, repair or replace a water meter and the customer in possession of the premises shall permit their entry and not obstruct, interfere or impede that party in the performance of their duties in any manner or way.
- (7) It shall be unlawful and an offence for any person to obstruct, interfere or impede a person delegated by the Town in the performance of their duties under this Bylaw.

RATES LEVIED

4. The Town shall invoice a customer within 30 days from the end of a billing period for water consumed during the preceding two months based on this billing schedule:
- January and February
 - March and April
 - May and June
 - July and August
 - September and October
 - November and December

REGISTRATION OF SERVICE AND COLLECTION OF RATES LEVIED

5. (1) Each customer requiring utility services will register and hold an account in his, her or its name, and where more than one person or party is registered to the same premises or property and utility service, they shall be jointly and severally liable for that account.
- (2) Any customer whose account is overdue from the last bill for utility services shall be notified by regular mail at his, her or its last known address that their account is overdue via a final notice as per Section 4(1) regardless of whether the customer actually receives or claims the notice or not, the Town may initiate its procedure to discontinue or disconnect utility services to a customer unless the customer complies with the terms of payment established by the Town in its final notice.
- (3) The procedure for discontinuing utility service to a customer shall be:
- (1) A final notice will be sent to the customer by regular mail at the last known address for the customer in the records of the Town informing the customer that service to the customer will be terminated ten (10) days from that final notice.
 - (2) If the overdue account is not paid by the tenth day following the date of the final notice, a work order will be prepared terminating utility service to the customer in default.
 - (3) If a customer makes satisfactory payment arrangements for the overdue account in writing before a work order is prepared, the customer shall be allowed an additional five (5) days to complete its payment obligations. Provided the overdue account is paid in full, the work order will be cancelled.

- (4) If the customer fails to make satisfactory payment arrangements with the Town or fails to fulfill its payment obligations within any agreed period, the Town may forthwith terminate utility service to the customer without further notice.
- (4) The Town Foreman or his or her designate shall disconnect the water service by locating the water shutoff valve on the street or Town's property and turning the water off. He or she shall then advise the customer, if home, that the water service has been discontinued or disconnected and that the customer must arrange on satisfactory terms with the Town through the designated agent of the Town at the Town Office during normal business hours to have water services reconnected.
- (5) If the water shutoff valve is not functional or working as intended and the Town Foreman or his or her designate cannot terminate service to the customer, the Town Foreman or his or her designate will advise the Town Office and directions will be given to the Public Works Department to excavate and repair or replace the water shutoff valve as soon as practicable to permit the discontinuation or disconnection of water utility services.
- (6) The Town Foreman or his or her designate shall not accept money or payment from the customer in any form and shall only restore water utility service to the customer when advised to do so by the Chief Administrative Officer or Assistant Administrator.
- (7) Where the customer is not present when the water utility service is discontinued or disconnected, the Town Foreman or his or her designate shall leave a notice in writing in a conspicuous location advising the customer of the date and time the water utility service was discontinued. Such notice may be posted, taped or affixed to the entry door of the customer's premises.
- (8) Water utility customers with overdue water accounts with their water utility service discontinued for non-payment of their account shall pay a service charge of seventy-five dollars (\$75.00) in advance for having the water utility service reconnected or restored in addition to payment of their account, or acceptable arrangements are made with the Town for payment of the account within a reasonable period.
- (9) Water utility customers who require water services to be reconnected after the Town's regular working hours shall pay a further fee of one hundred and twenty-five dollars (\$125.00) in addition to the above.

- (10) If a customer is over 60 days in arrears on an account for utility services supplied by the Town, the Town, by motion and approval of its Council, may add the amount owed to the Town to the tax roll of the parcel receiving such service under Section 369(1)(a)(b) of *The Municipalities Act* and the owner on the tax roll will be responsible for the payment of same whether the customer in arrears is the owner of the premises or a tenant.
 - (11) The Town of Biggar shall not be responsible for any loss or damage incurred by the customer because of discontinuing or disconnecting the water service.
 - (12) Only the customer or his, her or its legal representative may authorize the connection or disconnection of utility services. In the event the customer is a tenant under a tenancy agreement:
 - (1) the tenant must authorize the connection or disconnection of utility services; or
 - (2) the landlord must produce an order of possession issued by the Office of Residential Tenancies or a court order from the Court of Queen's Bench granting the landlord possession of the premises; or
 - (3) the landlord must produce evidence that the tenant no longer resides at the premises and certify that no proceedings are pending at the Office of Residential Tenancies or the Court of Queen's Bench between the landlord and the tenant which may or could grant the tenant possession of the premises.
- 6.
- (1) No person shall tamper with, take apart, interfere or damage a water service line connection for the purpose of obtaining water service fraudulently.
 - (2) Any person, party or entity who contravenes this bylaw shall be guilty of an offence and upon summary conviction, liable to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and costs for each offence.
 - (3) A conviction for breach of this bylaw does not relieve that party from compliance with the bylaw and the convicting magistrate or justice of the peace may, besides any fine imposed, order the offending party to make restitution to the Town for any water fraudulently obtained and for any damages sustained by the Town.

SERVICE LINES

7. The Town may require each premises which requires water utility services on the same parcel to have its own separate water service pipe and if appropriate, water meter, which shall extend from the outer line of the neighbouring street, located in the Town's discretion, to the inner surface of the wall of the premises or building to which it is providing service with the water shutoff valve installed near the property line for the parcel on the street side to control the flow of water and the utility service to the premises.

INDUSTRIAL WASTE DISCHARGE

8. (1) Notwithstanding anything other in this Bylaw, no person, party or customer shall discharge or permit or cause to be discharged any industrial waste into any Town sewer unless that person, party or customer applies to and receives from the Town a permit allowing him, her or it to discharge such waste before such activity.
 - (2) The Town shall not issue a permit to any applicant to discharge industrial waste into the sewerage system until:
 - (1) The applicant has supplied the Town with the chemical and physical analysis, quantity and discharge rate of industrial waste and sewage proposed to be discharged with all such other pertinent information that the Town may require.
 - (2) If ordered by the Town so to do, the applicant will at his, her or its own expense, install a suitable control manhole in the sewer connection to facilitate observation, sampling and measurement of the waste.
 - (3) If ordered by the Town so to do, the applicant will, at his, her or its own expense, obtain the necessary observation, sampling and measurement equipment to check and control the characteristics of the sewage to ensure that the sewage will continually meet the standards of the Town.
 - (3) The manhole referred to in Clause (b) of Subsection (2) of this section shall be safely located and accessible and shall be constructed according to plans provided by the Town and shall be maintained by the applicant to be safe and accessible to the Town.

- (4) The permit may contain such further and other conditions that are, in the opinion of the Town, necessary or desirable for the control of the usage of the sewerage system and the discharge of waste into the sewerage system, and without limiting the generality of the foregoing, the permit may stipulate that the person, party or customer applying for a permit shall, at his, her or its own expense, provide such preliminary treatment facilities as are necessary to change the characteristics of the sewage and make it acceptable to the standards of the Town.

ON/OFF CHARGES

- 9. (1) When a request is made to turn water off at a premise, a fee of twenty-five dollars (\$25.00) shall be charged before the water is disconnected.
- (2) When a request is made to turn water on at a premise, a fee of twenty-five dollars (\$25.00) shall be charged before the water is connected.

ON/OFF CHARGES FOR PREMISES REPAIRS

- 10. The fees referenced in subparagraphs 9(1) and (2) will be waived by the Town provided that water service is turned off for repairs or replacement and the indoor main shut off is repaired or changed at the same time before service is recommenced.
- 11. That Bylaw 16-771 passed on May 3, 2016 is hereby repealed.

READ a first time this 7th day of November, A.D., 2017.

READ a second time this 7th day of November, A.D., 2017.

READ a third time and adopted this 7th day of November, A.D., 2017.

Mayor

(SEAL)

Chief Administrative Officer