

THE CITY OF PORTAGE LA PRAIRE
By-Law No. 6748

Being a by-law of The City of Portage la Prairie 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 CITY OF PORTAGE LA PRAIRIE, 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 City of Portage la Prairie
2. Where used in this by-law:
 - a) “City” means the City of Portage la Prairie;
 - b) “Consumer” means any person to whom water is supplied by the City and/or a person who uses the sewer system of the City and includes a builder or contractor using water in connection with any work or contract;
 - c) “Director of Operations” means the Director of Operations of the City or this designate. [AM. B/L # 7434]
 - d) “Person” includes a person, firm, partnership or corporation;
 - e) “Treasurer” means the Treasurer of the City or his designate. [AM. B/L # 7434]
 - f) [REP. B/L # 7434]
 - g) “Sewer Service” means the sewer service system owned and operated by the City consisting of the sewer main saddle, riser, bends, adaptors and piping between the sewer main and the street boundary. [AM. B/L # 7434]
 - h) “Water Service” means the water service system owned and operated by the City 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 City, consisting of the operating branch, the revenue branch and the waterworks office, which shall be the office of the Secretary-Treasurer of the City.
3. [REP. B/L # 7434]
4. 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 Treasurer. [AM. B/L # 7434]

5. The Operation Construction and Maintenance of all works relating to the waterworks system shall be under the general direction and control of the Director of Operations. [AM. B/L # 7434]

6. Subject to Section 685 of The Municipal Act:

- a) The City shall pay the cost of installing and maintaining the water service from the waterworks mains to the nearest point on the street boundary of the premises served. [AM. B/L # 7466]
- b) The owners of all premises served shall pay the entire cost of installing and maintaining the sewer service actually installed from the sewer main to the street boundary of the premises served. [AM. B/L # 7466]
- c) The owner of every premises served shall pay the full cost of installing and maintaining the water and sewer service between the street boundary and the building served.
- d) All single family dwellings occupied by one family only, shall be required to pay the first \$300.00 towards the cost of replacing or repairing the sewer service from the sewer main to the street boundary of the premises served. [EN. B/L # 7466]
- e) Where a sewer service is shared, the City will pay the cost of maintaining the service from the Y connection to the sewer main. [EN. B/L # 7466]
- f) The City shall reimburse the owner of every premise the full cost of clearing a blockage in the sewer service to the premises, if the blockage is from tree roots from trees on the City property. [EN. B/L # 7466]

7. The standard water service from the water main to the street boundary shall be a 19mm standard pipe and a 19mm main stop.

8. The City 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 of Operations prior to installation. [AM. B/L # 7434]

9. 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 of Operations otherwise determines. [AM. B/L # 7434]

10. 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. [AM. B/L # 7434]

11. 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. [AM. B/L # 7434]

12. 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 city 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 City and if any damage is done to this portion of the water service pipe or its fittings, either by neglect or otherwise, the City may repair same or have it repaired and charge the costs to the occupier or 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.

13. 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 of Operations. [AM. B/L # 7434]

14. Every owner to whose property the City has made a service connection shall connect to that service within 3 months of the date the service was provided.

15. [REP. B/L # 7434]

16. Applications for water and sewer service shall be made to the City office on the form provided for the purpose, and such application shall be the contract between the City and the consumer for the supply of water and sewer service. In certain cases, the City may accept other forms of application and such other forms of application shall be the contract between the consumer and the City for the supply of water and sewer service.

17. a) No person except an authorized City 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. [AM. B/L # 7434]

- 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.

18. The Director of Operations 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. [AM. B/L # 7434]

19. 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.

20. 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 City that the premises are being vacated. In case the water is not turned off, the City 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. Noting contained or implied herein shall be deemed to place any responsibility duty or liability on the City. [AM. B/L # 7434]

21. The owner or occupier of any premises who requests the City 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 City is notified that water service is again required for the premises. [AM. B/L # 7434]

22. 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 City or by some other person, the City 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.

23. The City 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.

24. 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 City will not be responsible for the acts of the plumber.

25. Only water meters furnished by the City shall be used in all premises and the meters shall be and remain the property of the City. [AM. B/L # 7434]
26. a) All water shall be supplied to consumers through a water meter with or without automatic reading device and the City may refuse to supply water to any person unless the person requiring the water signs an agreement to take, use and pay for the water according to the Waterworks Rate By-law.
- b) The consumer shall notify the City as soon as he becomes aware of breakage or stoppage or irregularity in water meter.
- c) All disconnections, removals, alterations and repair of water meters and automatic devices shall be done by a City 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. [AM. B/L # 7434]
- d) The City shall seal all water meters and no person except an authorized employee of the City shall break or in any way interfere or tamper with such seal.
- e) If a water meter is damaged by the backflow of hot water from a water heating apparatus, tank or boiler, the City 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.
- f) If a meter is damaged by frost, or from any other cause, the City 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.
- g) 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 prima facie presumed to have committed the offence.
27. Water meters and automatic reading devices shall at all times be accessible to authorized City employees, so that they may be examined, read, inspected and if necessary, repaired.
28. When a meter is found not to be in proper working order, or a meter reading is not obtained, the Director of Operations 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. [AM. B/L # 7434]
29. Where an apartment block, tenement, duplex or other multiple occupied building, or a trailer park with a mater house, has one service connection, the owner shall pay for water supplied to the property, but where any suite, or any portion of such building, or a trailer, has a separate service connection, it shall be rated as a separate building, and the occupier thereof shall be a consumer and shall pay for the water consumed therein.

30. 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 of Operations, and the consumer shall assume all responsibility for the reading and maintaining of said additional meters. [AM. B/L # 7434]

31. Notwithstanding the provisions of the Waterworks 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.

32. Water meters shall be read in whole thousands of gallons with the exception of the initial and final reading upon commencement or termination of the water supply contract.

33. Consumers may be billed by addressing the bill to the address at which water and sewer service is supplied, and the name of the consumer need not appear on the bill.

34. For the purpose of reading water meters and the collection of water accounts, the City shall be divided into three areas, as follows:

Area "A" – All that portion of City lying south of the centre of Saskatchewan Avenue;

Area "B" – All that portion of the City lying north of the centre of Saskatchewan Avenue and south of the centre of Fisher Avenue and its productions;

Area "C" – All that portion of the City lying north of the centre of Fisher Avenue and its productions;

and the normal course for quarterly readings of water meters and collection of water accounts for the said three areas shall be as follows:

Area "A" – During the months of January, April, July and October of each year;

Area "B" – During the months of February, May, August and November of each year;

Area "C" – During the months of March, June, September and December of each year.

35. The City 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.

36. The City may, by resolution or by-law, discontinue, prohibit, or limit the supply of water for foundations, jets, garden hoses, sprinklers or swimming pools, or limit the hours that water may be used for those purposes.

37. 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 Waterworks Rate By-law.

38. 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 City's water and sewer system, on a site where a water line and curb stop are in place, the contractor shall notify the City in writing of the date of commencement and the City 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 City 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 City and the City shall not be obliged to turn on the water until the damage is repaired.

39. 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 and in default of payment, to imprisonment for a term not exceeding 30 days.
- b) In addition to the penalty contained in subsection (a), the City 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 City 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 City shall not be obliged to turn on the water earlier than the first working day following payment of the account and penalties.

40. By-laws Nos. 1688, 2559, 4138 and 6452 and all by-laws amending those by-laws are hereby repealed.

DONE AND PASSED BY THE COUNCIL OF THE CITY OF PORTAGE LA PRAIRIE IN OPEN SESSION ASSEMBLED this 11th day of August, 1986.

THE CITY OF PORTAGE LA PRAIRIE

(Elmer Greenslade)

Mayor

(W.R. Woodman)

Secretary- Treasurer

GIVEN FIRST READING this 11th day of August, 1986
GIVEN SECOND READING this 11th day of August, 1986.
GIVEN THIRD READING AND PASSED this day of August, 1986.