

**THE CITY OF SELKIRK**

**BY-LAW NO. 5182**

**BEING A BY-LAW OF THE CITY OF SELKIRK RESPECTING THE MANAGEMENT AND REGULATION OF THE WATERWORKS SYSTEM.**

WHEREAS the Municipal Act, S.M. 1996, c58 provides as follows:

- 250 (1) Municipality is corporation  
A municipality is a corporation and subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.
- 250 (2) General powers  
Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:
- (c) acquire, establish, maintain and operate services, facilities and utilities.
- 252 (1) Powers respecting works, services, utilities  
A municipality exercising powers in the nature of those referred to in clauses 250 (2) (c) may set terms and conditions in respect of users, including
- a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
- b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.
- 252 (2) Collection of fees  
A charge referred to in clause (1) (a) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.
- 241 (1) If a designated officer of a municipality believes that a meter or other device that measures a utility or other service has been tampered with, the designated officer may apply to the court for an order authorizing
- a) entry of the land or structure in which the device is located; and
- b) inspection and testing of the device.
- 389 Limited liability for utilities or services  
Where a municipality operates a utility or provides a service, it is not liable for loss or damage as a result of
- a) the breaking of a pipe, service line, conduit, pole, wire, cable or other part of the utility or service; or
- b) the discontinuance or interruption of a service or connection;
- by reason of
- c) accident;
- d) disconnection for non-payment or non-compliance with a term or condition of service; or
- e) necessity to repair or replace a part of the utility or service.

NOW THEREFORE the Council of the City of Selkirk in open session, enacts as follows:

1. This By-law shall be known as “The Waterworks System By-law” of the City of Selkirk.
2. Definitions:

Where used in this by-law the following definitions shall apply:

- a) “City” means the City of Selkirk.
  - 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 his designate.
  - d) “Owner” means the registered owner of land whose estate or interest in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof in the district.
  - e) “Director of Finance” means the Director of Finance of the City or his designate.
  - f) “Person” means any individual owner, firm, partnership, trust or corporation.
  - 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 property line.
  - 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 property line.
  - i) “Waterworks system” means the water supply, treatment system and distribution mains and also the sewer collection and treatment system and collection mains owned and operated by the City.
3. The collection of revenues derived from the waterworks system, the payment of all disbursements connected therewith and the supervision of all books, accounts and records shall be under the general direction and control of the Director of Finance.
  4. The operation, construction and maintenance of all works relating to the waterworks system shall be under the general direction and control of the Director of Operations.
  5. Costs:
    - a) The City shall pay the cost of installing and maintaining the waterworks system on municipal properties and right of ways.
    - b) The owner of each premises shall pay the cost of installing the water and sewer service from the waterworks system mains to the property line of the premises served with the exception of a development agreement specifying a cost arrangement.
    - c) The owner of each premises served shall pay the full cost of installing and maintaining the water and sewer service between the property line and the building served.
    - d) The City, after one year, shall pay the cost of keeping in repair, the water and sewer service lines from the main lines to the property line.

- e) The owner of each premise shall pay the cost of clearing a blockage in the sewer service to the premises.
- f) Tree roots removal being the responsibility of the homeowner from structure to property line and the City's responsibility from property line to main;

If there are trees on both sides, the cost will be shared 50/50 by the homeowner and the City;

If trees are on the City property only, it will be the City's expense to pay and it will be an option of the City to remove the tree in question if the problem repeats itself, if the homeowner requests the removal;

The cost of cleaning the line will only be paid if a City representative is present when the sewer is being cleaned, so that the blockage location is measured and inspected;

The onus is on the homeowner to contact the City.

- 6. The standard water service from the water main to the property line shall be a standard pipe and a standard main stop as determined by City of Selkirk specifications.
- 7. The Owner shall place in each water service a curb stop and box at the property 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 location in the street in which any water service is to be laid shall be approved by the Director of Operations prior to installation.
- 8. The service pipes from the street line to the inside of the foundation wall of any building or structure into which a service is introduced, shall be placed not less than 2.4m below the surface of the ground level, unless by a letter of direction to the property owner or the owner's representative, the Director of Operations determines otherwise.
- 9. 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.
- 10. 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.
- 11.
  - a) Each owner shall keep his own water service pipe, bronze ball 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 occupant 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.
- 12. The Director of Operations shall approve the design and quality of the waterworks system including the water service, sewer service and every apparatus connected or related thereto.

13. Every owner to whose property the City has made available a water and sewer main, shall connect to that main within 3 months of the date the service was provided.
14. 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 owner 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.
15.
  - a) No person except an authorized City employee or a person authorized by the Director of Operations shall:
    - i) tap or make any connection or communication with any pipe or main which is part of or connected to the waterworks system;
    - ii) open, close or in any manner interfere with any curb stop, main stop or valve, which is part of or connected to the waterworks system.
  - b) No person shall make any connection or communication of an independent water supply with a pipe or main which is part of or connected to the waterworks system.
16. The Director 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.
17. All plumbing fixtures below ground level shall be protected by a back water valve which shall be placed inside the basement wall of the building as close as possible to the point of entry of the branch sewer service pipe draining the fixtures into the main sewer service pipe. The owner shall maintain the backwater valve to ensure that it is in good mechanical condition and is available and accessible in case of emergency. A sewer cleanout connected to the sewer service pipe shall be placed inside the wall of the building between the wall and the backwater valve. The owner shall maintain the cleanout and keep the cleanout visible and serviceable in case of emergency. The minimum size of cleanout shall be a standard size or a size determined by the Director of Operations.
18. Upon vacating any building or premises, the occupier shall turn off the water supply at the valve inside the wall of such buildings, and shall give immediate written notice to the 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. Nothing contained or implied herein shall be deemed to place any responsibility, duty or liability on the City.
19. 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. Nothing contained or implied herein shall be deemed to place any responsibility, duty or liability on the City.
20. In the course of making repairs to the water works system, or in constructing new work, or in connecting, 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.
21. The City shall not be liable for any damages as the result of the breaking of a pipe, service line or other part of the utility or service, or the discontinuance or interruption of a service or connection, accident, disconnection for non-payment or non-compliance with a term or condition of service.

22. Any person 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 person.
23. Only water meters and reading devices purchased from the City shall be used in all premises. The City shall repair and/or, if required, replace the metering equipment.
24.
  - a) All water shall be supplied to consumers through a water meter with a manual or 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 Utility Rate By-law.
  - b) The consumer shall notify the City as soon as he becomes aware of breakage or stoppage or irregularity in a water meter.
  - c) All disconnections, removals, alterations and repair of water meters and automatic devices shall be done by a City employee only or a person authorized by the Director of Operations 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.
  - d) The City shall seal all water meters and no person except an authorized employee of the City or a person authorized by the Director of Operations 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.
  - h) All water consumers shall prevent water wastage through leaky taps, pipes, cocks or other faulty fixtures. Should any owner or occupant of a premise in which such faulty taps or fixtures exist fail to remedy such leaks or defects after receiving a twenty-four (24) hour notice, an authorized official of the City appointed for the purpose, may have the water shut off to the premises until the necessary repairs have been properly made to their satisfaction or the satisfaction of such other person appointed for the purpose and payment made of all charges for turning on the water again.
25. 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.
26. When a meter is found not to be in proper working order, or a meter reading is not obtained, the Director of Finance shall estimate the amount of water consumed for any quarter or other period, based on the amount of water consumed during the time the meter was working, or on any other information available, and such estimate shall be the basis for billing the consumer for water used.

27. Where an apartment block, tenement, duplex or other multiple occupied building, or a trailer park with a meter 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.
28. The supply of water through each separate service shall be recorded by one meter only, for which only one account will be rendered. If additional or auxiliary meters are required by the consumer for reporting the subdivision of any such supply, they shall be furnished and set up by the consumer at his expense and as designated by the Director of Operations, and the consumer shall assume all responsibility for the reading and maintaining of said additional meters.
29. Notwithstanding the provisions of the Utility Rate By-law, water and sewer services supplied may, in the case of commencement or termination of service, be billed monthly or otherwise, and the rates prorated accordingly and, in the case of termination of service, such prorated billings may be made payable by the customer earlier than the immediately ensuing quarterly billing in the normal course.
30. Water meters shall be read in whole units of cubic meters.
31. 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.
32. For the purpose of reading water meters and the collection of water accounts, the City shall read meters on a quarterly basis.
33. 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.
34. The Council of the City of Selkirk 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.
35. 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 Utility Rate By-law.
36. The Council of the City of Selkirk may by resolution adjust the water bill of any person that makes a written request before Council to adjust their water bill.
37.
  - a) In this section, contractor means a contractor, sub-contractor, owner or any one or more of them and their agents and employees.
  - b) A contractor performing work to underground services shall provide The City of Selkirk with a performance bond and comprehensive liability insurance in the amounts specified by the Director of Operations and shall indemnify and save harmless The City of Selkirk against all accidents, suits, and damages of whatsoever nature consequent to or by reasoning of any opening in any street for installing, repairing or altering the waterworks system.
  - c) 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.
  - d) 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.

38. a) Every person who contravenes, 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 or to imprisonment for a term not exceeding 30 days or both.
- b) In addition to the penalty contained in subsection (a), the City may cut off the supply of water to any person who contravenes, 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.
39. By-law No. 5167 is hereby repealed.

DONE AND PASSED by the Council of the City of Selkirk, assembled at Selkirk, in the Province of Manitoba this 15<sup>th</sup> day of November, A.D. 2010.

THE CITY OF SELKIRK

*Original signed by L. Johannson*

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Mayor

*Original signed by Wayne Miller*

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Director of Finance

READ A FIRST TIME      this      9th day of      November, A.D., 2010.

READ A SECOND TIME    this      15<sup>th</sup> day of      November, A.D., 2010.

READ A THIRD TIME      this      15<sup>th</sup> day of      November, A.D., 2010.