

**MUNICIPALITY OF KILLARNEY – TURTLE MOUNTAIN  
BY-LAW NO. 14-2012**

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**Being a By-Law of the Municipality of Killarney – Turtle Mountain respecting the  
management and regulation of the waterworks system.**  
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**WHEREAS**, it is deemed advisable to revise and consolidate all by-laws relating to the management and regulation of the waterworks system.

**AND WHEREAS**, The Municipal Act reads in part as follows:

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (b) construct, operate, repair, improve and maintain works and improvements;
- (c) acquire, establish, maintain and operate services, facilities and utilities;
- (e) use municipal equipment, materials and labour to carry out private works on private property.

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) 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) 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.

**NOW THEREFORE**, the Council of the Municipality of Killarney – Turtle Mountain, in council duly assembled, hereby enacts as follows:

1. Definitions

- a) "Consumer" means any person to whom water is supplied by the Municipality and/or a person who uses the sewer system of the Municipality and includes a builder or contractor using water in connection with any work or contract;
- b) "Finance Manager" means the Manager of Finance of the Municipality or their designate;
- c) "Meter vault" means an underground structure designed and constructed to accommodate a water meter or waste water meter and associated piping only.
- d) "Person" includes a person, firm, partnership or corporation;
- e) "Sewer Service" means the sewer service system owned and operated by the Municipality consisting of the sewer main saddle, riser, bends, adaptors and piping between the sewer main and the street boundary;
- f) "Utilities Manager" means the Manager of Utilities of the Municipality or their designate;
- g) "Water Service" means the water service system owned and operated by the Municipality consisting of the main stop, curb stop, fitting and piping between the water main and the street boundary;
- h) "Waterworks System" means the sewer collection and treatment system and the water supply and treatment system owned and operated by the Municipality, consisting of the operating branch, the revenue branch and the waterworks office, which shall be the Civic office.

2. 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 of the Finance Manager.

3. The operation, construction and maintenance of all works relating to the waterworks system shall be under the general direction and control of the Utilities Manager. The position of Utilities Manager is a designated officer for the purposes of the administration and enforcement of this By-law. The Utilities Manager shall have all the powers provided to a designated officer under the Municipal Act.

4. Subject to Section 250 (2) of the Municipal Act:

- a) The Municipality 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.
- b) The owners of all premise serviced 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 serviced.
- 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) Where the sewer service is shared the Municipality will pay the cost of maintaining the service from the Y connection to the sewer main.
- e) The Municipality 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 Municipal property.

5. The standard water service from the water main to the street boundary shall be a 5/8" or 3/4" standard pipe and a 5/8" or 3/4" main stop.

6. The Municipality 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 Utilities Manager prior to installation.

7. 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 2.4 m below the surface of the ground level, unless the Utilities Manager otherwise determines.

8. 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 a good mechanical condition and available in an emergency.

9. 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 in the water service pipe as close as possible to the valve, downstream from the water supply.

10.
  - a) Each owner shall keep his water service pipe, bronze gate valve and other fixtures on his premises, and between such premises and the street line, including the connection to that part of the service within the municipal street, in good order and repair, and protected from frost, at their 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 Municipality and if any damage is done to this portion of the water service pipe or its fittings, whether by neglect or otherwise, the Municipality 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 in the same manner as ordinary municipal taxes.

11. 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 Utilities Manager.

12. Every owner to whose property the Municipality has made a service connection shall connect to that service within 3 months of the date the service was provided.
13. Applications for water and sewer service shall be made to the Municipal office on the form provided for the purpose, and such application shall be the contact between the Municipality and the consumer for the supply of water and sewer service. In certain cases, the Municipality may accept other forms of application and such other forms of application shall be the contract between the consumer and the Municipality for the supply of water and sewer service.
14. a) No person except an authorized Municipal employee shall:
- i) tap or make any connection or communication with any pipe or main which is part of or connected to the water works 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 water works 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.
15. 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 4 inches in diameter.
16. 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 Municipality that the premises are being vacated. In case the water is not turned off, the Municipality 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 Municipality.
17. The owner or occupier of any premises who request the Municipality 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 free from water until the Municipality is notified that water service is again required for the premises.
18. 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 Municipality or by some other person, the Municipality 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.
19. The Municipality 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.
20. 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 Municipality will not be responsible for the acts of the plumber.
21. No owner of a property or consumer may use a water meter unless the meter is approved and provided by the Municipality, and has remote automatic reading capability.
22. No owner shall refuse or obstruct the Municipality in the installation of a water meter and related items, including the installation of automatic meter reading equipment.

23. No owner of a property or consumer shall fail to install a water meter and related items, including the installation of automatic meter reading equipment as required by the Municipality.

24. Despite section 22, an owner of a property may apply to the Municipality to have the water meter and automatic meter reading equipment installed and placed in a meter vault. Upon receipt of an application, the Utilities Manager shall determine if a meter vault may be reasonably used on the property, and if it can be to identify the works and specifications required to install a meter vault on the property. The Municipality may require the owner of the property to enter into an agreement providing for the terms for the installation, operation and maintenance of the meter vault on the property.

25. The owner of the property or consumer shall be responsible for the Municipality's costs for the operation and maintenance of the meter vault.

26. a) The Municipality 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 Municipality as soon as they become aware of breakage or stoppage or irregularity in water meter or an automatic reading device.

c) All disconnections, removals, alterations and repair of water meters and automatic reading devices shall be done by a Municipal 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.

d) The Municipality shall seal all water meters and no person except an authorized employee of the Municipality shall break or in any way interfere to tamper with such seal.

e) If a water meter is damaged by the backflow of hot water from a water heating apparatus, tank of boiler, the Municipality 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 water meter is damaged by frost, or from any other cause, the Municipality may repair or replace the meter and all charges for repairing or replacing the meter shall be paid by the owner of the property or the consumer in which the meter is situated.

27. The water meters shall remain the property of the Municipality. An owner of property or a consumer shall ensure that the water meters and automatic reading devices on the premises shall at all times be accessible to authorized Municipality 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 Utilities Manager 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.

29. 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 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 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 Utilities Manager, and the consumer shall assume all responsibility for the reading and maintaining of said additional meters.


31. Notwithstanding the provisions of the Water 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. The Municipality shall have the right to limit the amount of water supplied to any consumer.
34. The Municipality may, by resolution or by-law, discontinue, prohibit, or limit the supply of water for fountains, jets, garden hoses, sprinklers or swimming pools, or limit the hours that water may be used for those purposes.
35. The rate 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 Water Rate By-law.
36. 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 Municipal water and sewer system, on a site where a water line and curb stop are in place, the contractor shall notify the Municipality in writing of the date of commencement and the Municipality 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 Municipality 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 Municipality and the Municipality shall not be obligated to turn on the water until the damage is repaired.
37. The Utilities Manager or their designate may upon giving reasonable notice, enter any property or premises connected to the Water Service at a reasonable time to inspect any equipment or other installations to determine compliance with this By-law, whether the actions or measures set out in an order have been taken, and to remedy or prevent a re-occurrence of a contravention of this By-law.
38. If in the opinion of the Utilities Manager there is a violation under this By-law, the Utilities Manager may issue an order in writing, and may provide that if the person does not comply with the order within the specified time, the Municipality will take the actions or measures at the expense of that person.
39. A person served with an order may request that Council to review the order, by written notice to Council within 14 days after the date of receipt of the order.
40. Upon receiving a request for review, the Chief Administrative Officer shall set a date and time for the review of the order, and shall notify the person of the date of the review. The notice shall include a statement:  
(a) of the time, place and purpose of the hearing; and  
(b) that if the person does not attend the hearing, the matter will be dealt with in their absence and there will be no further notice of this proceeding.
41. At the time and place set out in the notice, Council shall hold a hearing to consider the request for review and the order. The person may appear in person or by counsel. The person is entitled to hear the material presented at the hearing and to inspect any documents filed.
42. Following the hearing, Council shall determine and decide any matter respecting the review and the order. Council may confirm, vary, substitute or cancel the order.
43. If the person does not attend the hearing, the matter may be dealt with in their absence and the person shall not be entitled to any further notice in the proceeding.
44. The decision of Council on a review shall be final.

45. The time specified in an order is suspended from the date of receipt of a request for review to the date upon which Council makes its decision.
46. If the person has not remedied the non-compliance within the time provided in the order, the Utilities Manager is authorized to carry out any repairs, or any remedial or enforcement action under this By-law. The Utilities Manager is authorized to suspend or terminate the supply of water to the property or premises until the non-compliance has been remedied.
47. The Utilities Manager may suspend or terminate water service 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 Municipality shall not be obliged to turn on the water earlier than the first working day following payment of the account and penalties.
48. If the order of the Utilities Manager so provided, the actions or measures will be taken at the person's expense. The costs of any actions or measures taken will be an amount owing by the person to the Municipality, and may be collected in any manner in which a tax may be collected or enforced under the Act.
49. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

**DONE AND PASSED** by the Council of the Municipality of Killarney – Turtle Mountain in Council duly assembled this 13<sup>th</sup> day of February, A.D. 2013.

  
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Mayor

  
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Chief Administrative Officer

Read a first time this 24<sup>th</sup> day of October, A.D. 2012.  
Read a second time this 13<sup>th</sup> day of February, A.D. 2013.  
Read a third time this 13<sup>th</sup> day of February, A.D. 2013.