

THE TOWN OF THE CITY OF DAWSON
WATER AND SEWER SERVICES BYLAW (2011)

BYLAW #11-03

As amended by Bylaw #11-16, 12-13 & 13-05

A Bylaw to provide the terms and conditions for a municipal water and sewer service.

WHEREAS section 3 of the *Municipal Act*, (RSY 2002), c. 154 authorizes council to provide community water and sewer services, and

WHEREAS section 247 of the *Municipal Act*, (RSY 2002), c. 154, authorizes council to impose fees and other sources of revenue for the above services,

NOW THEREFORE, The Council of the Town of the City of Dawson, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as the "**WATER AND SEWER SERVICES BYLAW (2011)**".

2. DEFINITIONS

- 1) The interpretations, references, and definitions of words and phrases of the *Interpretation Act*, (RSY 2002), c. 125 shall apply to this bylaw.
- 2) The definitions of the *Municipal Act*, (RSY 2002), c. 154 shall apply to this bylaw.
- 3) The term "Code" refers to the National Building Code, the National Fire Code, and the National Plumbing Code as adopted by the *Building Standards Act*, (RSY 2002), c. 19.
- 4) The terms "private water service" and "private sewer service" refer to water and sewer services intended to serve residential, commercial, or industrial end-users, located on the end-users' property. The property owner shall be deemed to be the owner of the private water and sewer services located on the property.
- 5) "Car Wash" shall refer to water outlet(s) located at a non-residential property and utilized for the primary purpose of washing vehicles in exchange for compensation, regardless of whether the property or vehicle owner uses the outlet.
- 6) "Commercial service" shall refer to any property serviced under this bylaw not meeting the definition of residential or institutional.
- 7) "Dwelling Unit" shall refer to one (1) or several rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one (1) household.

- 8) "Dwelling Single Family" means a detached building containing only one (1) dwelling unit designed exclusively for occupancy of one (1) family and that includes a modular home.
- 9) "Dwelling", "Duplex" or "Semi-detached" means a building designed exclusively and for the occupancy of two (2) families living independently of each other either above or below or side-by-side.
- 10) "Dwelling multi-family" means a building devised of three (3) or more dwelling units as above described, each of which is occupied or intended to be occupied as a permanent house or residence of one (1) family and shall be included amongst others, apartments, terrace or row houses, as distinct from a boarding or rooming house, hotel or motel.
- 11) "Institutional" shall refer to:
 - a) a public building, or buildings of any recognized governmental, quasi government body or other decision body, including all federal and territorial government buildings; or
 - b) unless otherwise specifically provided for in this Bylaw, all buildings designed, adopted or used for medical, surgical, charitable, or other treatment or care of persons, and shall include, without prejudice to the generality of the foregoing, a school, college, museum, children's home, home for the aged or infirm, monastery, nunnery, or religious retreat, correctional institution, training school, and all such other uses.
- 12) "Residential" shall refer to a privately owner occupied dwelling unit used as a permanent residence which may include a suite rented to another person. A housing unit titled to a corporate entity is for the purpose of this Bylaw considered to be a commercial residential service.
- 13) "Senior Citizen" shall refer to a person who on or before March 31 of the year for which a subsidy is provided has reached the age of sixty (60) years.

3. WATER SERVICE

- 1) The municipality shall provide a community water system and it shall own:
 - a) the water infrastructure located in highways and registered easements,
 - b) the components of private water services located in a highway or easement,
 - c) the exempt components of private water services listed in sub-section 2), and it shall assume ownership, operations, and maintenance responsibilities for the community water infrastructure and service.
- 2) The owner of a private water service shall assume ownership, operations, and maintenance responsibilities for such water service, excepting for the water meter, but shall take such measures as may be required to protect the water meter from freezing.

- 3) All private water service components constructed, installed, and intended to be connected to the municipality's water service:
 - a) shall be designed, built, and installed in compliance with the Code,
 - b) shall have a main water supply shut-off valve inside the building,
 - c) shall be inspected by the municipality prior to being connected, and
 - d) shall only be connected after having been approved by the municipality and after the load capacity charge, as set out in the "FEES AND CHARGES BYLAW", has been paid in full.
- 4) The municipality meets the Canadian Drinking Water Standards in effect at the time of the adoption of this bylaw, however the municipality does not guarantee:
 - a) an uninterrupted supply of water,
 - b) constant or a specific water pressure, or
 - c) specific water clarity, and may at any time and without notice change the water service pressure, or interrupt the water service, in part or in total, when conditions require it to do so.
- 5) The municipality may impose such water usage restrictions as may be required to preserve the efficacy of the water service. The municipality shall notify the community of water usage restrictions so as to enable users to comply with the restrictions.
- 6) Running bleeders is restricted to such periods as the municipality may specify from time to time. Running a bleeder at any other time is not permitted.
- 7) The municipality reserves the right to disconnect a private water service if it finds that the service is installed, maintained, used in contravention of the Code or this Bylaw. The municipality shall serve notice to the owner, in writing by registered mail, within 72 hours after having disconnected a service pursuant to this section, stating the reason for the disconnection.
- 8) An owner may request his private water service to be disconnected, and the municipality shall endeavour to comply with such request at the time specified in the request. The municipality shall not be liable for any damage resulting from a delay in disconnecting a private water service.
- 9) All costs associated with the reconnection of a private water service, or the repair or other remedial action required to restore a disconnected private water service to comply with the Code, including the cost of disconnecting and reconnecting the service, shall be the responsibility of the property owner.
- 10) The minimum charge applicable for all connection, disconnection, or reconnection of a private water service shall be calculated as follows:
 - a) one (1) hour labour for two employees at the municipal labour charge-out rate, plus
 - b) one (1) hour equipment rental at the municipal equipment rental rate, plus
 - c) the cost of such materials as may be required for the work.

If the actual number of labour and/or equipment required to connect, disconnect, or reconnect a private water service exceeds the minimum hours stipulated, the charge shall be based on the actual hours of labour and/or equipment in addition to the cost of materials.

- 11) Water-cooled air conditioning, refrigeration, or freezer units may be connected to a private water service upon payment of the prescribed load charge and annual operating charge as set out in the "FEES AND CHARGES BYLAW".

4. SEWER SERVICE

- 1) The municipality shall provide a community sewer system and it shall own:
 - a) the sewer infrastructure located in highways and registered easements,
 - b) the components of private sewer services located in a highway or easement, and it shall assume ownership, operations, and maintenance responsibilities for the community sewer infrastructure and service.
- 2) The owner of a private sewer service shall assume ownership, operations, and maintenance responsibilities for such sewer service.
- 3)
 - a) All private sewer service components constructed, installed, and intended to be connected to the municipality's sewer service shall be designed, built, and installed in compliance with the Code and shall be inspected by the municipality prior to being connected, and may only be connected after having been approved by the municipality and paid the load capacity charge as set out in the "FEES AND CHARGES BYLAW".
 - b) All private sewer service connections shall include a sewer clean-out located and accessible outside the building.
- 4)
 - a) All food preparation establishments, including but not limited to grocery stores, restaurants, dining rooms, snack bars, shall be equipped with a grease trap.
 - b) Grease traps shall be maintained and cleaned as per manufacturer's specifications or at greater frequencies to ensure their efficient operation.
 - c) Connecting a commercial garburator to a community sewer service (sanitary or storm), or the operation of such a device is prohibited.
 - d) The discharge of special waste (e.g. gasoline, oil) into a community sewer service (sanitary or storm) is prohibited.
- 5) The municipality reserves the right to disconnect a private sewer service if it finds the service to be installed, maintained, used in contravention of the Code or this Bylaw. The municipality shall serve notice to the owner, in writing by registered mail, within 72 hours after having disconnected a service pursuant to this section, stating the reason for the disconnection.
- 6) All costs associated with the reconnection of a private sewer service, or the repair or other remedial action required to restore a disconnected private sewer service to comply with the Code, including the cost of disconnecting and reconnecting the service, shall be the responsibility of the property owner.

- 7) The cost of disconnecting or reconnecting a private sewer service shall be as set out in the "FEES AND CHARGES BYLAW".

5. TERMS AND CONDITIONS

- 1) Council may, by resolution, delegate some or all aspects of its authority to operate and manage the water and sewer service, in whole or in part.
- 2) No person shall operate, use, interfere with, obstruct, or impede access to any part of the water and sewer service or its infrastructure in contravention of this bylaw or the Code.
- 3) A property owner requesting a water or sewer service connection may apply to the municipality for such connection by submitting an application in the form provided by the municipality. The terms and conditions for providing such connection shall be as stated on the application form. An application shall not be valid unless the applicant has consented, by his signature, to the application's terms and conditions.
- 4) The estimated cost of a private water or sewer service connection shall be paid in full by the applicant prior to the installation being made, and the difference between the estimated and actual cost of the connection shall be paid in full prior to the connection being activated.
- 5) Each additional service requirement placed on the water and sewer system shall be subject to a load capacity charge as set out in the "FEES AND CHARGES BYLAW". Applicable load capacity charges shall be paid prior to a connection being activated.
- 6) All taxes and related outstanding charges on a property shall be paid in full before a connection of water or sewer services disconnected for any reason is re-activated.
- 7) All work relating to the installation of a private water or sewer service to be performed on a highway or municipal easement shall be subject to such conditions as the municipality may direct.
- 8) If a failure or interruption in the municipal water or sewer service results from a defect or the misuse of a private water or sewer service, the owner of such service shall be liable for all costs incurred by the municipality and by third parties arising from the service interruption and the restoration of the municipal service to normal operating condition.
- 9) The municipality may, at the request of the owner of an incapacitated private water or sewer service, perform such repair work as may be necessary to restore the service. A request for such assistance shall be submitted by the owner in writing and be subject to such terms and conditions as the municipality may specify.

6. FINANCIAL MATTERS

- 1) a) Owners whose property is connected to municipal water and sewer services shall be responsible for the payment of such fees and charges, and at such times as are set out in the "FEES AND CHARGES BYLAW".

- b) Senior citizens aged 60 years or older shall be entitled to a discount as set out in the “FEES AND CHARGES BYLAW”.
 - i) the account being current, and
 - ii) proof of age being provided in a form satisfactory to the chief administrative officer, and
 - iii) the senior citizen being both the registered owner and the occupant of the property.
- 2) Water and sewer base rates relate to the continuous availability of the services. Base rates apply for the full year invoiced, including such periods as services may be disconnected.
- 3) Private residential and *TH* residential properties may elect to pay their annual utility rates in a single instalment on February 15th or in four quarterly instalments as follows:

Quarterly instalments shall be due on:
February 15th
May 15th
August 15th
November 15th
- 4) Other residential and Non-residential accounts will be invoiced annually and are due for payment on August 31st.
- 5) A 10% Penalty will be applied to all unpaid accounts after their respective due dates.
- 6) a) Rates and charges levied or invoiced pursuant this bylaw that remain unpaid for sixty (60) days following their due date may be issued a 30 day warning of disconnect. The CAO may give the direction to staff complete the disconnection. Prior to reconnect, all accounts must be paid in full and payment received for the disconnection and reconnection fee.
 - b) Rates and charges levied or invoiced pursuant this bylaw that remain unpaid for ninety (90) days following their due date shall be transferred to the corresponding property tax account on December 31st of each respective year.
- 7) The municipality shall prepare an annual estimate of the anticipated costs to operate, maintain, and finance the water and sewer services, and shall levy such fees, rates, and charges to recover such costs in full. Any deficit or surplus incurred in any year of operating the services, and confirmed to have occurred in the municipality’s audited statements, shall be brought forward in the next annual water and sewer service budget.
- 8) Charges relating to water and sewer services but not specifically identified in “FEES AND CHARGES BYLAW” shall be applied pursuant to the municipality’s Fee Schedule Bylaw.

7. OFFENSES

In addition to the measures set out in this bylaw the municipality may initiate legal action against a person or persons having committed an act, or permitted an act to be committed in violation of this bylaw, or having failed to comply with an order made pursuant to this bylaw and such person(s) may be liable on summary conviction to such sanctions as are stipulated in the *Municipal Act*.

8. ENACTMENT

- 1) All provisions of Bylaws #06-17, #08-06, and #10-15, with the exception of provisions relating to the water delivery service are hereby repealed.
- 2) Water load capacity charge agreements that predate the adoption of this Bylaw shall be retained on the terms of their original agreement.
- 3) The water delivery service provisions of Bylaws #06-17, #08-06, and #10-15, shall be repealed effective April 1, 2011.
- 4) This bylaw shall take effect July 1, 2011.

Read a first time this 23rd day of February, 2011.

Read a second time this 30th day of March, 2011.

Read a third time and finally passed this 13th day of April, 2011.

Originals signed by
Peter Jenkins
Mayor

Originals signed by
Jeff Renaud
CAO