

# **CITY OF YORKTON**

## **BYLAW NO. 7/2021**

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**A BYLAW OF THE CITY OF YORKTON IN THE  
PROVINCE OF SASKATCHEWAN RESPECTING  
INSTALLATIONS, MAINTENANCE AND  
SERVICING PROCEDURES AND RATES FOR  
WATERWORKS, SEWER AND WATER  
SERVICES**

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**Known as ‘The Waterworks, Sewer and Water  
Management and Servicing Bylaw’**

**07/19/2021**

**CITY OF YORKTON  
SASKATCHEWAN**

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SASKATCHEWAN RESPECTING INSTALLATION, MAINTENANCE, AND  
SERVICING PROCEDURES AND RATES FOR WATERWORKS, SEWER AND  
WATER SERVICES**

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**WHEREAS**, the Council of the City of Yorkton may provide for the servicing of the waterworks sewer and water services of the City and establish fees that will be charged for these services,

**NOW THEREFORE**, the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled enacts as follows:

**1. DEFINITIONS:**

1.1 In this bylaw:

- (a) **"Act"**: *"The Cities Act"*.
- (b) **"AMI"** Advanced Metering Infrastructure
- (c) **"Applicant"**: a person executing an application for, making use of or accepting the supply of water services.
- (d) **"AWWA Standards"**: the current published standards of the American Waterworks Association as same may be amended, revised and replaced from time to time.
- (e) **"City"** the City of Yorkton in the Province of Saskatchewan, Canada.
- (f) **"City of Yorkton Engineering Standards"**: the current engineering standards of the City of Yorkton as same may be amended, revised and replaced from time to time.
- (g) **"Commercial Service"**: a service connection to a premise in which a business, profession, industry, trade or commerce is carried on and includes all premises not falling within the definitions of "residential or industrial service".
- (h) **"Corporation Stop"**: a device for control of water flow from the City's water main to a water service connection, also referred to as a main stop.
- (i) **"Council"**: the Council of the City of Yorkton.

- (j) **"Curb Stop"**: a device for the control of water flow from the water service connection to a premise where water is supplied.
- (k) **"Customer"**: a property owner, tenant, occupant or person in charge or control of a premise, accepting or using any of the customary services provided or supplied by, or in connection with the Waterworks Utility.
- (l) **"High Density Residential"** means a service connection used exclusively for domestic purposes through a single meter servicing more than four living units.
- (m) **"Industrial Service"**: a service connection to a premise in which the meter size exceeds 2" and the annual consumption is greater than 54,553m<sup>3</sup> (12,000,000 gallons). Further that the occupancy or use of the building is for assembling, fabricating, manufacturing or processing raw materials into semi-finished/finished products or equipment and these products are distributed through various agencies and may be sold in other provinces and countries.
- (n) **"Meter"**: a device that meets the City of Yorkton's Engineering Standards, capable of measuring, recording and transmitting flows and volumes of water.
- (o) **"Occupant"**: includes a person residing on or in lands or buildings, and the person entitled to its or their possession if there is no person residing on or in the land or buildings, and a leaseholder.
- (p) **"Owner"**: a person who is the registered owner or purchaser of the land.
- (q) **"Person"**: includes a corporation, a partnership, and any association or other body.
- (r) **"Premises"**: a house or building together with its land.
- (s) **"Property Line"**: the legal dividing line between the street and the lot or parcel to be served with water.
- (t) **"Reforestation Fee"**: a fee that is charged to property owners when a "City owned" tree must be removed during water and sewer connections or maintenance.
- (u) **"Residential Service"**: a service connection used exclusively for domestic purposes through a single meter servicing no more than four living units or apartments.
- (v) **"Service Connection"**: the part of the system or works of a public utility that runs from the main lines of the public utility to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel of land, and includes the connection to the main line and couplings, main stop, meters and other apparatuses inside the building or other place for the provision of the public utility.

- (w) **"Valve"**: a device for control of water flow in or from the City's water main or a water service connection.
- (x) **"Waterworks System"**: the whole or any part of the equipment by which or through which the City conveys water, its improvement, extension or replacement and, not to limit the generality of the foregoing, includes pumps, filtration system, Water Treatment Plants, reservoirs, water mains, pipe valve connections, corporation stops, hydrants, valves and other related works, curb stops, meters and related appliances, all other appurtenances as are designed to form a part thereof and the treatment processes by which water is treated before conveyance into the water mains.

## 2. **ADMINISTRATION:**

- 2.1 The Waterworks Utility of the City of Yorkton will be under the general direction and control of the Director of Environmental Services who may establish standards, guidelines and specifications for the design, construction and maintenance of the water system.
- 2.2 The Director of Public Works or their designate will administer and interpret this bylaw.
- 2.3 The collection of revenues derived from the Waterworks Utility, the payments of all disbursements and the supervision and control of all records and accounts connected with the utility shall be under the general direction and control of the Director of Finance.
- 2.4 *The Plumbing and Drainage Regulations*, and as amended from time to time, shall apply to and govern all plumbing and drainage in the City of Yorkton, except as may be altered or revised hereinafter. The Plumbing Inspector shall be a Public Health Officer of the Yorkton Health Region.
- 2.5 Overdue accounts for the provision of sewer and water services will be collected in accordance with *The Cities Act*.

## 3. **WATER SERVICE CONNECTIONS:**

- 3.1 A sewer or water service connection includes all piping and fittings from the City mains to the premise. For a water service connection this includes the curb stop and water meter (which remain property of the City). Damages to the curb stop or water meter caused by the owner will be the responsibility of the owner.
- 3.2 Excavations on private property will be backfilled with suitable material. The City will make every reasonable effort to compact the backfill material in such a manner as to limit settlement. However, the City will not be responsible for trench settlements or damages experienced due to settlement. The City shall not

be held liable for the replacement or for damage to the property such as, but not limited to the following:

- a) Landscaping materials, topsoil, sod, grass, trees, rock, shrubs or plants;
- b) driveways or private sidewalks;
- c) retaining walls or fences;
- d) buildings or their foundations; and/or
- e) underground sprinkler systems.

3.3 The City will connect to existing piping at the building, however, will not excavate under any portion of a building which includes a veranda, stairs, or other appurtenances. If piping beyond this point is unsuitable or needs replacing, this portion of the work will not be included in the quotation provided by the City or in the scope of work performed.

3.4 It is the City's policy that each property be serviced by only one connection and water meter. If a second service is requested and the City agrees it is necessary, cost recovery rate will apply. Secondary water and sewer services will be considered in the following cases:

- a) Building additions that prohibit extending the existing services.
- b) An addition or a change of use of a building that requires a larger volume of water that the existing service cannot supply.

3.5 The City will determine the size and location of the water service connection under application.

3.6 The City will install a curb stop on the property line.

3.7 All water service connection materials and installation practices shall conform to the City of Yorkton's Engineering Standards.

3.8 An isolation valve meeting the requirements of the City of Yorkton's Engineering Standards, must be installed upstream of the water meter. This valve must be in place before the water meter will be installed.

3.9 All water service connections will have a water meter installed, except approved fire service sprinklers provided with an approved backflow prevention device. Residential water service connections will be supplied with one (1) water meter. Commercial and industrial water service connections water meters will be at the expense of the owner. Water meters supplied by the City remain the property of the City.

3.10 No branch service will be taken from that part of the service pipe between the curb stop and the water meter except an approved fire service approved by the City.

3.11 A water service will not be turned on by a City representative until:

- a) Where deemed necessary, the work has been inspected.
- b) A water meter deposit has been paid for by non-owners.

- c) Payment is received by the City for delinquent accounts.

#### 4. **METERS AND READINGS:**

- 4.1 For all water service connections of any size to any buildings it is the customer's responsibility to provide a suitable site for a water meter. The City shall not be required to provide water service if the customer fails to make available an acceptable site.
- 4.2 It will be the duty and responsibility of every owner to:
  - a) provide a suitable facility for a horizontal meter installation and convenient accessible location;
  - b) provide a valve on the service pipe inside the building as close as practical to the meter at the point of entry into the building;
  - c) protect the meter from frost or any other damage; and
  - d) properly and efficiently protect the service line and fixtures leading to the meter from frost or other damage.
- 4.3 All water meters supplied by the City shall at all times be the property of the City. Payment of an installation fee or other fees does not constitute a sale.
- 4.4 Damaged and Frozen Water Meters:
  - a) If any water meter is damaged or requires replacement the owner will be charged at the cost recovery rate. This shall include all parts and labour required to replace and repair, or the cost recovery rate to replace with a new meter.
- 4.5 Water Meter Accuracy Check:
  - a) If a customer requests the City to check the meter for accuracy and it is tested and determined that the meter was registering less than or equal to 100% of actual flow quantity, a cost-recovery rate applies. If the meter is incorrect, there will be no charge.
- 4.6 The City or its representatives may at any time enter upon any premises and properties of any water consumer to examine the pipes, meters and fixtures to; ascertain the quantity and quality of water consumed, the manners of its use, conducting water use surveys, sampling, pressure testing, installing or repairing meters and related equipment or for any other related purpose in accordance with the provisions of this Bylaw.
- 4.7 If a remote readout has been installed in addition to the existing meter and there is a discrepancy between the readings, the meter shall be the official reading.
- 4.8 Where water consumption has not been properly recorded on the water meter, consumption may be determined based on an amount deemed by the City to be representative of that account's usage.

- 4.9 Water meters will be read at the discretion of the City.
- 4.10 If a meter read cannot be obtained a card will be left requesting the customer to notify the City with the reading. The customer will phone in the meter reading or deliver the water meter card to City Hall within forty-eight (48) hours of receipt. Readings may be verified for any reason. If a reading is not supplied an estimate will apply.
- 4.11 The customer shall pay the additional costs for supplying and installing water meters where the installation requires a fire service type water meter or other special type of water meter. Notwithstanding the payment of such additional costs, the water meter shall remain the property of the City.
- 4.12 All water meters and remote readouts shall be supplied, installed, maintained, repaired, tested and replaced by the City. The City may from time to time or at any time authorize an individual firm or corporation to install, maintain, repair and replace water meters as directed by the City.
- 4.13 Where a water meter cannot be installed in a building, it is the customer's responsibility to provide a building to house the water meter on the premises at the customer's expense and in accordance with the City's General Design and Construction Specifications. The customer shall maintain and repair the meter building at their expense. If the customer, after receiving written notice from the City neglects to repair or improve their meter building or vault the City shall:
- a) Authorize the necessary repairs be carried out, and the customer will be charged for the costs incurred;
  - b) Shut off the supply of water until the repairs are carried out to the City's satisfaction.
- 4.14 A customer shall notify the City immediately whenever a water meter or remote readout is not operating or if any part of it becomes damaged or broken.
- 4.15 If a water meter or remote readout is removed or stolen, the customer shall pay the cost of replacing the water meter including installation. If not paid, the cost may be collected in the same manner as unpaid water rates under this bylaw.

## **5. RELOCATION OF METERS AND/OR SERVICE CONNECTIONS**

- 5.1 No customer shall relocate, alter or change any existing water meter without the written approval of the City. The customer or their authorized agent may submit plans and specifications for any proposed relocation of a water meter and if approved by the City, the customer shall pay the entire, cost including any costs incurred by the City in making any such relocation, alteration or change.

- 5.2 In the event that a customer refuses, or prevents in any way, to allow a water meter to be read, changed, or installed, the City shall:
- a) add an additional fifty percent usage surcharge to the customers regular water bill until the customer is compliant
  - b) or, the City may deem it appropriate to shut off the water supply to that premise.
- 5.3 Every customer who contravenes clause 5.2 of this bylaw is subject to the penalties listed.
- 5.4 The City will provide 48 hours of notice prior to imposing clause 5.2.(b).

## **6. COMMERCIAL WATER & SEWER CONNECTIONS**

- 6.1 Each building shall be serviced by a maximum of one water service connection of a size sufficient in the opinion of the City to deliver an adequate supply of water. Where an application is made for a larger service pipe or for a change in the location of an existing service pipe, a new service pipe will be installed by the City to the property line only upon all costs thereof being paid in advance by the customer.
- 6.2 All installations, including water meters, replacements, and repairs of services will be charged at the cost recovery rate.

## **7. RESIDENTIAL COSTS OF SERVICE CONNECTIONS:**

- 7.1 Each building shall be serviced by a maximum of one water service connection of a size sufficient in the opinion of the City to deliver an adequate supply of water. Where an application is made for a larger service pipe or for a change in the location of an existing service pipe, a new service pipe will be installed by the City to the property line only upon all costs thereof being paid in advance by the customer.
- 7.2 The homeowner is responsible for the total cost of their service connections from the City main to the premise, including the cost of construction, maintenance, repair and replacement of the water service connection, except for installation of the water meter. Cost to install is based on amounts identified in Schedule "A" to this Bylaw.
- 7.3 All rates and charges are subject to applicable taxes.
- 7.4 All rates and charges are for work undertaken during normal working hours of 7:00 a.m. to 3:30 p.m. on any work day, unless specified otherwise.
- 7.5 The normal work period for installation or replacement of service connections is from May 1<sup>st</sup> – November 1<sup>st</sup>, except in emergency situations.
- 7.6 All sewer and water connection installation rates apply during frost-free ground conditions, unless otherwise specified. A cold weather premium of \$2,500 (as identified

in Schedule “A”) will be applied to any service connection installed outside the time frame identified in clause 7.5.

- 7.7 All work on City property must be completed by the City of Yorkton or a City approved contractor.
- 7.8 The City may recommend or allow all work on private property to be completed by a qualified contractor approved by the City. All costs associated with this work will be negotiated between the owner and the qualified company. The City takes no responsibility for this work and the associated costs.
- 7.9 Every person wanting a water service connection shall complete an application from the City.
- 7.10 Once the City of Yorkton agrees to undertake the replacement or the installation of new residential water and sewer connection the Water and Sewer Systems Manager (or designate), after conducting a thorough site investigation, will provide the property owner with a cost to perform the work. This work includes:
- a) Infrastructure from the City mains up to the building footings or at a setback of one (1) meter.
  - b) Consideration for the length of service, time of year installed, and unique challenges related to that particular site, but will assume a standard depth of three (3) meters.
- 7.11 The cost identified will be considered firm, and there will be no additional charges to the property owner. The property owner has the option of monthly payments over a four-year period (48 payments). No interest will be incurred on amounts owed over the four-year period. Any unpaid accounts after four years will be forwarded to the property tax account. The costs identified are due following the completion of work.

## **8. GENERAL SERVICE CONNECTION REGULATIONS:**

- 8.1 Every owner shall keep the water service connection accessible and protected from freezing at their own risk and expense.
- 8.2 When a water service freezes between the premises and the water main, such service may be thawed by making application. The City will thaw the service free of charge for the first freeze-up of the season during normal working hours. Costs for additional freeze-ups or requests for work outside normal working hours will be paid at a cost recovery rate by the applicant. Refer to clauses 7.5 and 7.6 of this Bylaw.
- 8.3 A temporary water service may be provided upon written approval of the City. Such service will not be turned on until fees established by the City are paid.
- 8.4 Non-metered water usage from any fire hydrant is prohibited without first obtaining written consent from the City and all requirements of such application being met.

- 8.5 No booster pump or device will be connected to a main or service line without the written approval of the City.
- 8.6 No person shall alter or tamper with any water service connection. The City shall be notified immediately whenever a water meter is not operating, damaged or if a seal has been broken. In the event the City is not notified of the malfunction, the City shall in addition to any other penalties as set out in this Bylaw, estimate the quantity of water consumed and charge the customer for the water in accordance to City Bylaws.
- 8.7 City Council may enter into agreement with customers for the provision of water services to properties located outside City limits. Such agreements shall provide for the appropriate rates and any other charges deemed appropriate. In addition, all costs of connecting the utilities and maintaining connections will be paid by the customer.
- 8.8 No person shall use any alternate source of water supply other than the City water system without first obtaining the written consent of the City. Private wells within the City are not permitted.
- 8.9 The City may consent to the use of an alternate supply subject to the terms and conditions deemed necessary and may set a limit on the time period it may be used.

9. **MAINTENANCE AND SERVICES FOR WATER & SEWER CONNECTIONS**

- 9.1 Localized repairs to services on private property will be charged at the cost recovery rate. If the repair requires replacement of the entire service, then conditions outlined in Sections 3 and 4 of this Bylaw apply.
- 9.2 Blocked Sewer Connection (Residential Properties Only):
- a) Upon notification of a sewer connection back-up City staff will inspect the main attached to the connection for blockage. If the main is free of obstruction, the owner is requested to call a licensed plumber to clear the sewer service connection. Any other obstruction in the service connection removed by a plumber will be the responsibility of the owner.
  - b) The owner can request the City to inspect their sanitary sewer service with a camera for a flat rate as identified in Schedule “A”.
  - c) If the sanitary sewer service is susceptible to tree root infiltration at pipe joints but in otherwise good condition, relining the service may be possible. This is an alternative to replacement but is dependent on pipe condition. If the existing sewer service is a candidate for relining the owner may apply for relining at a flat rate as identified in Schedule “A”. Relining will then be installed by a City approved contractor. Relining will be performed the same year, as long as the application is made between May 1st to October 31st (dependent on Contractor availability).

- d) An owner can employ the City of Yorkton to replace sanitary service connection at a flat rate as defined in Schedule “A”. Sanitary sewer connections installed by the City have a 15-year warranty period from the date of install.

9.3 Sanitary Sewer Service Camera Inspections:

The owner can request the City to inspect their sanitary sewer service with a camera for a flat rate as identified in Schedule “A”. Requests for camera inspection will require 2 days notification for scheduling purposes. When a request is made for inspections other than sanitary sewer pipes or for inspections out of City limits, cost recovery rates apply.

9.4 Lead Water Service Connection Replacement:

The City will subsidize the replacement of lead water service connections. Cost to replace lead water service will be at a flat rate identified in Schedule “A”.

9.5 Frozen Water Connection Thawing Service:

- a) When a water connection freezes underground for the **first** time, the City will thaw free of charge any time during the hours 7:00 a.m. - 3:30 p.m. any day of the week, including weekends. If the occupant requests the connection be thawed on the first freeze after these hours, there will be a flat rate charge of as outlined in Schedule “A”. At this time, the occupant is asked to run the water continuously so that the connection will not freeze again. Billing will be based on an estimate reading until such time as they are taken off the continuous run list.
- b) If the connection freezes a **second or subsequent** time, it is the occupant's responsibility and they will be charged on a cost recovery basis.
- c) If a water line is frozen inside of a premise, the occupant/owner will be requested to call a plumber.
- d) Heat tapes and all piping in the hook-up culvert for trailers are considered part of the home owner's internal plumbing and are the responsibility of the owner. It is the homeowner's responsibility to ensure proper access to the meter valve under the trailer for the City's representative.

9.6 Water Service Connection Off and On:

If an occupant requests a water connection to be turned off and on during normal working hours of 7:00 a.m. to 3:30 p.m. on any work day, a flat rate as identified in Schedule “A” will apply. Any requests made outside normal working hours will be charged at a cost recovery rate. The City of Yorkton will require 24 hours (one working day's) notification prior to performing an off/on. Exception will be made for emergencies only.

## 10. WATER ACCOUNTS:

- 10.1 All bills, charges and accounts are due and payable upon receipt and shall be based on the general rates and charges as set out in City Bylaws and any related amendments.
- 10.2 Notice of non-payment, a water shut off will occur if payment is not received after thirty (30) days of being issued.
- 10.3 Money collected under the provisions of this bylaw are credited to the Water Utility revenue account and will be used solely for payment of capital, operational, reserve and maintenance costs of the utility.
- 10.4 Money collected for water meter deposits are credited to the "Utility Deposit Trust Account."
- 10.5 When an owner ceases use of the utility and all water rates and charges are paid in full the water meter deposit will be refunded.
- 10.6 When an owner ceases use of the utility and any charges remain unpaid, the City has the right to apply the amount of the water meter deposit against the unpaid account, and the remaining balance if any will be refunded.
- 10.7 In case of default of payment, the City may enforce payment by:
- a) shutting off the water;
  - b) action in court of competent jurisdiction;
  - c) distress and sale of goods and chattels of the owner or as authorized under *The Cities Act*; and/or
  - d) under provisions of *The Cities Act*, apply the charges against the owner.
- 10.8 In the event the water has been disconnected due to default in payment, the owner shall, in addition to payment of the overdue account, pay to the City a flat rate fee charged (as noted in Schedule "A") for turning the water service off. Prior to the City returning to turn the water on, the customer shall make suitable arrangements with the City's Water Billing Department. If it is requested that the water be reconnected after normal working hours, cost recovery rates (as noted in Schedule "A") to turn the water on will be added to the water bill.
- 10.9 Costs associated with the collection of delinquent accounts shall be added to the outstanding balance.
- 10.10 If a customer detects an internal plumbing leakage problem a billing adjustment is warranted, the City is to be notified immediately.
- 10.11 The City shall perform a consumption test to ascertain if the problem is fixed. If an adjustment is warranted, only the most recent bill will be adjusted. The City shall only adjust an account one (1) time as an incentive for water conservation. In the event the

adjustment is disputed, the City will conduct a review and the City's decision is final. Adjustments are available for all accounts.

## **11. TERMINATION OR INTERRUPTION OF SERVICE**

- 11.1 Wherever practical, reasonable notice of the intention to shut off a water service will be given.
- 11.2 The City may declare mandatory water use restrictions when they determine that, for any reason, the City is not or may not be able to maintain a sufficient supply of water to meet the health and safety needs of the citizens without imposing such restrictions.
- 11.3 Mandatory water use restrictions may include any or all of the following:
- a) limits upon the hours during which lawns or gardens may be watered;
  - b) limits upon the days upon which lawns or gardens may be watered;
  - c) prohibiting the watering of lawns or gardens;
  - d) prohibiting the washing of motor vehicles outdoors; and
  - e) such further or other water use restrictions as may be necessary in the circumstances.
- 11.4 A declaration announcing mandatory water use restrictions shall remain in effect for the period of time set out in the declaration, unless sooner terminated or extended by the Director of Environmental Services Department, such period of time to commence and be effective from the time specified in the declaration. The City shall inform the general public of the existence of a declaration of mandatory water use restriction using whatever means the City may deem advisable.
- 11.5 The Director of Environment Services shall report each such declaration of mandatory water use restriction to the next City Council meeting following the declaration.
- 11.6 A person who contravenes the mandatory water use restriction is guilty of an offence.

## **12. RESPONSIBILITY OF PROPERTY OWNER**

This Section applies to the owner or occupant of any property.

- 12.1 An owner intending to vacate a premise supplied with water and wishing to disconnect water service must give reasonable notice by contacting the Director of Finance (or designate).
- 12.2 Whenever a premise supplied by water is vacated, the owner will turn off the isolation valve on the inside of the building.

- 12.3 The owner shall be liable and responsible for payment of all charges up to and including the date upon which said notice has been filed with the Director of Finance (or designate).
- 12.4 The City may, at its discretion, shut the water off for unnecessary waste of water. Refusal to allow entry in accordance with this bylaw or fraudulent misrepresentations on the part of the owner shall be subject to any applicable service charges.
- 12.5 When a water service has been disconnected for any reason, service will not be reconnected without prior authorization by the Director of Finance (or designate). The City reserves the right to disconnect the supply of the water for any reason including, but not limited to, the following:
- a) failure to open an account
  - b) non-payment of a bill
  - c) failure to provide access
  - d) excess leakage or wastage of water
  - e) contamination or potential contamination
  - f) theft of water or tampering with the meter or seal
  - g) contravention of any legislation, section of this Bylaw, policies, code or regulations as amended from time to time.
- 12.6 In cases of an emergency, as determined by the City, or on constructing new works or repairing existing works, the City has the right to shut off the water for as long as deemed necessary. The City will make every reasonable effort to supply temporary potable water to affected customers.
- 12.7 Customers affected by a maintenance shut off will be notified of the impending shut off to enable the owner to draw and store water.
- 12.8 In the case of water service being shut off for any reason and an owner requires uninterrupted service, the owner shall make arrangements with the City for an alternate supply if practical, and any costs will be paid by the owner.
- 12.9 Mandatory water use restrictions may include any or all of the following: (a) limits upon the hours during which lawns or gardens may be watered; (b) limits upon the days upon which lawns or gardens may be watered; (c) prohibiting the watering of lawns or gardens; (d) prohibiting the washing of motor vehicles outdoors; and (e) such further or other water use restrictions as may be necessary in the circumstances.

### **13. LIMITATION OF LIABILITY**

- 13.1 The City does not guarantee the quantity, quality, pressure, or uninterrupted supply of the water and the owner undertakes to hold the City harmless from all claims, losses and damages therefrom.

- 13.2 Any water supplied by the City from the waterworks system to an applicant shall only be supplied on the condition that the applicant shall make no claim against the City, its officials, employees or agents except with respect to damage caused by the negligence of the City, its officials, employees or agents acting within the scope of their employment, as the case may be. It is a further condition of supply that the applicant shall make no claim for any indirect, incidental or consequential damages, including but not limited to, lost profits. Not to limit the generality of the foregoing, neither the City, its officials, employees nor agents shall be liable for:
- a) actions based on nuisance;
  - b) actions in respect of personal injury, death or property damage related to the presence of any substance or material in the water or the waterworks system; or
  - c) actions in respect of damages related to the interruption or termination of water services or failure or refusal to provide water services, for any reason whatsoever, whether or not notice was provided.
- 13.3 Water services shall only be supplied on the condition that the applicant shall indemnify and save harmless the City, its officials, employees and agents from and against all claims arising by reason of the supply of water services, excepting those claims caused by negligence as described in clause 7.2. Not to limit the generality of the foregoing, as a condition of service, the applicant shall indemnify and save harmless the City, its officials, employees and agents from and against claims for personal injury, death or other types of claims whatsoever brought by the applicant or any third party arising directly or indirectly from:
- a) the use by any person of the applicant's water services;
  - b) the provision of water services at any premises owned or occupied by the applicant or any person to whom the applicant is an agent;
  - c) the failure of the waterworks system, the water services connection, the meter, or any part of such service, system or meter or any appurtenance thereto affecting the applicants water service; or
  - d) the interruption or termination of water services or the failure or refusal to provide services to the applicant for any reason whatsoever, whether or not notice was provided.
- 13.4 In all places where the waterworks system is connected with hot water boilers or heating, cooling or other such equipment, the owner and the applicant shall ensure that suitable and sufficient devices are utilized to prevent damage to such equipment and to remove danger from collapse, explosion or otherwise if water services are interrupted, terminated or there is any variation in pressure.
- 13.5 In all places where steam, hot water or any material foreign to that for which the waterworks system was designed to convey may be forced backwards through a water services connection, the owner and applicant shall install a backflow preventer and keep same in a well maintained operable condition. A plan describing the backflow preventer and installation of same shall be filed with the City within thirty (30) days of the installation.

- 13.6 In the event the owner neglects or fails to comply with clause 11.4 and damage to any City property results, the owner shall be liable for personal injury, death or other types of claims whatsoever.
- 13.7 The City or its representatives will not be liable for any damages resulting from the loss of supply, pressure or suddenly shutting off the supply of water from any premise, building, boiler, processor or manufacturer deriving its supply from the City, either with or without notice.
- 13.8 All backflow preventers, required in accordance with this Bylaw, shall be inspected and tested at the expense of the owner upon installation and annually thereafter. If a device is defective, it shall be replaced. All repairs, testing and replacement are at the owner's expense. Failure to comply may result in discontinuation of service.
- 13.9 The City shall not be liable for damages:
- a) Caused by the break of any water main, service, meter, private service, attachment or the breaching of any ditch in the repair or installation thereof.
  - b) Caused by the interference or cessation of water supply necessary in connection with the repair or proper maintenance of the systems.
  - c) For any accident due to the operation of the City waterworks system unless such costs or damages have been shown to be directly due to the negligence of the City or its employees.

#### 14. **RESTRICTED USE**

- 14.1 The City reserves the right to restrict the use of water for fountains, jets, hoses, sprinklers or any other purpose and to restrict, limit and regulate the hours and use of same.
- 14.2 The Director of Public Works may limit, restrict, regulate and invoke emergency measures for water conservation and the hours which water may be used for any purpose whatsoever upon written request of the City Manager. The City Clerk will cause notice to be given by publishing such notice in a newspaper published and circulated in the City. Such notice will advise that during the periods specified no person will use water for the purpose set out in the notice and that any person who violates the regulations as set out in the notice will be subject to the penalties hereinafter provided.
- 14.3 The City maintains the right to restrict the use of water and/or limit the amount of water to any owner although no limit may be stated in the application for such use.
- 14.4 In cases of emergency or water shortage, the City may shut off the water for any manufacturing, processing or any other uses.

## 15. OFFENCES AND PENALTIES

15.1 No person shall:

- a) place any harmful, poisonous, offensive or deleterious matter within 185 metres from any reservoir, well, or test hole;
- b) bathe, swim or discharge any sewage or in any way foul or contaminate the City water supply, storage and treatment;
- c) connect anything to the waterworks system which may cause the City's water supply to become contaminated.

15.2 No person other than the City shall turn on water to a premise or open a curb stop and no person will turn on water that has been turned off for any purpose.

15.3 No person except the City, those having written permission or members of the Yorkton Fire Protective Services, in case of fire or approved training and testing, shall open, close, interfere, place any obstruction close to any hydrant, gate valve or any type of service connected to the waterworks system.

15.4 No person except the City or those acting with written permission granted by the City, will tap or make any connection whatsoever with any of the public water mains or private pipes in the City.

15.5 A person shall not:

- a) damage, deface, tamper or interfere with any structure, building equipment or any other part of the City's waterworks;
- b) willfully or maliciously hinder or interrupt, the City, its contractors, servants, agents, or employees in the exercise of any of the powers and duties related to the water utility and authorized or contained in this bylaw;
- c) break, cause or permit the breaking of any seal on any hydrant, meter, pipe, valve or other appurtenance of the waterworks system;
- d) fail to notify the City of a broken seal on a meter, pipe or appurtenance thereto;
- e) fail to protect a meter from frost or any other damage;
- f) remove or cause the removal of ground cover above any part of the waterworks system or a water service connection which reduces coverage to less than 2.5 metres from the grade;
- g) install or cause the installation of a pump to increase water pressure on a water service connection other than with the written approval of the City;
- h) waste water or supply water for the use or benefit of others or for dilution;
- i) hinder, obstruct or interfere with persons acting under the instructions of either in the lawful exercise of their duties under this Bylaw or *The Cities Act*.
- j) make a fraudulent misrepresentation; or
- k) use water contrary to the "Restricted Use" provisions as established.

15.6 Every person who contravenes clauses 15.2 - 15.5 of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding Five Hundred (\$500) Dollars.

- 15.7 Every person that contravenes clause 5.2 of this bylaw is guilty of an offence and the City shall add a fifty percent surcharge to the customer's regular ongoing water bill until they are compliant or the City may deem it appropriate to shut off the water supply to that premise.
- 15.8 The following procedure shall apply for offences committed under clauses 13.2 - 13.5 of this bylaw:
- a) When the City has reason to believe that a person has contravened clauses 13.2 - 13.5 of this bylaw, the Bylaw Enforcement Officer, Community Safety Officer, or the R.C.M.P. may issue a Notice of Violation to every person committing an offence. This notice shall require the person to pay to the Director of Finance.
  - b) If payment of the fine as provided for in this section is made prior to the date when the person contravening the bylaw is required to appear in court to answer the charge, the person shall not be liable for prosecution of the offence;
  - c) No person who is convicted of an offence for non-compliance is relieved from compliance with an order, and the convicting Judge shall, in addition to any fine, order that person to do, within a specified period of time, any act or work necessary to remedy the non-compliance;
  - d) Where damage is done to property by an unlawful act under this bylaw, the presiding Judge may adjudge payment of all damages occasioned by the unlawful act and the same shall be applied for the reparation and reconstruction of the property damaged or destroyed.
- 15.9 Every person who contravenes any other provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of:
- a) In the case of an individual, to a fine of not less than \$1,200 and not more than \$10,000.00 or imprisonment for not more than one (1) year or both; and
  - b) In the case of a corporation, to a fine of not less than \$2,000 and not more than \$25,000.00; and
  - c) In the case of a continuing offence by an individual or corporation, to a maximum daily fine of not more than \$2,500 for each day or part of a day during which the offence continues.
- 15.10 If a person is found guilty of an offence against this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw or a license, permit or other authorization issued under this bylaw, or a term or condition of any of them.

**16. SEVERABILITY**

16.1 If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions.

**17. REPEAL OF OTHER BYLAWS**

Bylaw No. 14/2018, is hereby repealed.

**18. EFFECTIVE DATE OF BYLAW**

This Bylaw shall come into force and take effect on the day of final passing thereof.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

Introduced and read a first time this 19<sup>th</sup> day of July, A.D., 2021.

Read a second time this 19<sup>th</sup> day of July, A.D., 2021.

Read a third time and adopted this 19<sup>th</sup> day of July, A.D., 2021.

**SCHEDULE "A"**

<b>Item Description</b>	<b>Fee</b>
¾" PVC water service and 4" PVC sanitary service	\$8,000 (plus \$500 reforestation fee if applicable)
¾" PVC water service	\$6,500 (plus \$500 reforestation fee if applicable)
4" PVC sanitary service	\$6,500 (plus \$500 reforestation fee if applicable)
Reline existing sanitary service (City must camera to determine if sewer line is suitable to reline)	\$5,000 *Cost to camera is extra
Replace existing lead water service with ¾" PVC	\$3,250 (plus \$500 reforestation fee if applicable)
Replace existing lead water service with ¾" PVC and replace existing sanitary sewer service with 4" PVC	\$4,750 (plus \$500 reforestation fee if applicable)
Off/on of water service connection – during regular working hours with 24 hour notice provided	\$150
Off/on of water service connection – outside of regular working hours	Cost recovery
Thaw frozen service – *first thaw during regular working hours	*Free
Thaw frozen service – second thaw and/or thaw outside regular normal working hours	Cost recovery
Frozen water meter	Cost recovery
Camera residential sanitary sewer	\$200
Camera commercial/industrial sanitary sewer	Cost recovery
Commercial or industrial water and/or sewer service connections	Cost recovery
Cold weather premium for connections installed outside of November 1 - May 1	\$2,500
Water Meter Accuracy Check (if meter is correct)	Cost recovery
Water Meter Accuracy Check (if meter is incorrect)	Free