

TOWN OF PILOT BUTTE
Bylaw No. 7-2014

A BYLAW OF THE TOWN OF PILOT BUTTE IN THE PROVINCE OF SASKATCHEWAN, TO MANAGE AND CONTROL THE CONSTRUCTION, INSTALLATION, USE, CONSUMPTION AND DISCHARGE OF A WATER AND SEWER PUBLIC UTILITY.

The Council of the Town of Pilot Butte in the Province of Saskatchewan enacts as follows:

1. This Bylaw shall be cited as "**The Water and Sewer Management Control Bylaw**".
2. This Bylaw is enacted pursuant to section 48 of *The Public Health Act, 1994*, and sections 8, 23 to 32 and 362 to 370, inclusive of *The Municipalities Act*.
3. i) **In this Bylaw,**
 - a) "**Authorized Person**" means an employee of the Municipality or an individual/business contracted by the Municipality to perform work on behalf of the Municipality.
 - b) "**Boundary**" means the perimeter of an Owner's Parcel of land.
 - c) "**Commercial Building**" means any principal business, trade, profession, industry, occupation, or employment carried on, and any premises from which goods and services are provided; and shall include any public building such as a school, hospital, church, etc.
 - d) "**Council**" means the Council of the Municipality.
 - e) "**Municipality**" means the Town of Pilot Butte.
 - f) "**Occupant**" includes:
 - (i) a person residing on a Parcel of land or in a building on a Parcel of land;
 - (ii) a person entitled to the possession of a Parcel of land or a building on a Parcel of Land if there is no person residing on the Parcel of Land or in the building; or
 - (iii) a leaseholder of a Parcel of land.
 - g) "**Owner**" means a person who has the right, title, estate, or interest in land or improvements other than that of a mere occupant, tenant, or mortgagee.
 - h) "**Parcel of land**" means within the Municipality:
 - (i) all or part of any parcel, as defined in *The Land Titles Act, 2000*, on an approved plan;
 - (ii) a number of parcels, as defined in *The Land Titles Act, 2000*, that are assessed together; or

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(iii) any area of land used for a single assessment;

and includes all buildings or other structures located on the Parcel of Land.

- i) "Plumbing Regulations" shall mean the Saskatchewan *Plumbing Regulations* and amendments thereto.
- j) "Public Utility" means a system or works operated by the Municipality and used to provide one or more of the following for public consumption, benefit, convenience or use: water, sewage disposal, public transportation operated by or on behalf of the Municipality, drainage, electrical power, heat, waste management, residential or commercial street or road lighting, systems for the provision of radio or television services or both, any other system or works operated by the Municipality.
- k) "Raw Water" means water that is not supplied by a Public Utility.
- l) "Residential Building" means the premises on a Parcel of Land containing a residential dwelling unit and includes a house used for business and residential purposes and a mobile home dwelling.
- m) "Residential Multi-Family" means a building comprised of two or more dwelling units located on a Parcel of Land.
- n) "Service Connection" means 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, and includes the connection to the main line and couplings, stopcocks, meters and other apparatus inside the building or other place for the provision of the Public Utility.

3.ii) Public Utility Service Connection at or near the Boundary of a Parcel of Land

- a) A Public Utility Service Connection shall be installed at or near the Boundary on all Parcels of Land with a residential, commercial and residential multi-family building.
- b) A Public Utility Service Connection may be installed at a vacant Parcel of Land upon request by the Owner of the vacant Parcel of Land.
- c) The Municipality shall determine the location of the Public Utility Service Connection at or near the Boundary of the Parcel of Land.

- d) The Municipality shall be responsible for the hiring of a contractor to construct, maintain, repair and replace a Public Utility Service Connection from the main line of the Public Utility to at or near the Boundary of a Parcel of Land and may enter any land for that purpose. To the extent reasonably possible and within a reasonable period of time the Municipality shall restore any Parcel of Land entered by it for any of the aforementioned purposes to the same condition as existed prior to the Municipality's entry.
- e) As a term of supplying the Public Utility service to a Parcel of Land, the Municipality may make the Owner of the Parcel of Land responsible for the costs of the construction, maintenance, repair and replacement of the portion of the Service Connection from the main line of the system or works to the Boundary of the street, road, or easement.
- f) The costs and expenses as noted in section 3.ii(e) above shall be and are deemed an amount owing to the Municipality by the Owner of the Parcel of Land, unless otherwise determined by the Municipality.
- g) Any costs and expenses relating to the Public Utility Service Connection referenced in this Article 3 of this Bylaw may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - i. a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii. adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - iii. any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

4. Public Utility Water Service Connection from the Boundary of the Parcel of land to a Residential/Commercial/Residential Multi-Family Building

- a) The Owner of a Parcel of Land with a Residential, Commercial or Residential Multi-Family building on it shall connect to the Public Utility water service provided by the Municipality, shall use the Public Utility water service for all inside water and wastewater use, and shall be responsible for the costs and expenses related to the construction, maintenance, repair, and replacement of a Public Utility Service Connection located above, on or under the Owner's Parcel of Land from the Boundary of the Parcel of Land to and inside the Residential, Commercial or Residential Multi-Family building, unless otherwise determined by the Municipality.
- b) The Service Connection referenced in section 4(a) above shall be approved and inspected by an Authorized Person of the Municipality, with the Service Connection work to be done in accordance with *The Plumbing Regulations*.

- c) If any Owner of a Parcel of Land fails to comply with the requirements of sections 4(a) and 4(b) above, or the Municipality is not satisfied with the construction, maintenance, repair or replacement of a Service Connection by any Owner of a Parcel of Land, the Municipality may order the Owner to construct, maintain, repair or replace the Service Connection of the Public Utility in accordance with the instructions of the Municipality within a specified time. In that regard, the Municipality shall serve the Owner with a written order in accordance with section 364 of *The Municipalities Act*.
- d) If an Owner does not comply with any order of the Municipality that may be made pursuant to section 4(c) above to the satisfaction of the Municipality within the specified time, or in an emergency, an Authorized Person of the Municipality may enter any land or building, including the Owner's Parcel of land and buildings, to construct, maintain, repair or replace the Service Connection and shall within a reasonable period of time and to the extent reasonably possible restore any Parcel of Land entered for that purpose to the same condition as existed prior to the Municipality's entry.
- e) The costs and expenses incurred by the Municipality relating to the construction, maintenance, repair or replacement of the Service Connection as contemplated by section 4(d) above shall be and are deemed to be amounts owing to the Municipality by the Owner of the Parcel of land, unless otherwise determined by the Municipality.
- f) Any costs and expenses relating to the construction, maintenance, repair or replacement of the Service Connection may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - i. a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii. adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - iii. any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

5. Water Public Utility -Water Meters and Access

- a) Water meters shall be installed in every Residential, Residential Multi-Family and Commercial building where the Public Utility water service is supplied to a Parcel of land.
- b) At the discretion of the Council, common or individual metering and shut offs may be required for Residential Multi-Family dwellings.
- c) The water meter location shall provide sufficient space for installation and convenient access.
- d) Water meters shall remain the property of the Municipality.

- e) The Municipality shall be entitled to read the water meters monthly and/or estimate the water usage each month.
- f) Any Authorized Person is entitled to free access at all reasonable times to all parts of any Parcel of Land to which the water Public Utility is connected for the purpose of:
 - i. reading a meter; or
 - ii. after making reasonable efforts to notify the Owner or Occupant, or in an emergency, for the purpose of directing and installing or sealing a meter or other related appliances, and removing, altering, or repairing such meter as circumstances require, conducting and sampling tests, inspecting any service connection, or maintenance and repair.
- g) Any person who obstructs or refuses to admit the Authorized Person to have free access to all parts of a Parcel of Land on which the water Public Utility is delivered, for the purposes identified in section 5(f) above shall be deemed guilty of an infraction of this Bylaw.
- h) Where in the opinion of the Authorized Person any water meter fixture or pipe is insufficiently protected from extreme temperature or otherwise, the Municipality may terminate the supply of water after serving written notice to the Owner of the Parcel of Land of its intention to do so.
- i) No person shall wilfully tamper with any water meter connected to the Public Utility water service, either inside or outside of a building so as to alter the amount of water registered by the meter.
- j) The costs and expenses incurred by the Municipality for the purpose of directing and installing or sealing water meters or other related appliances, and removing, altering, or repairing such water meters as circumstances require, conducting and sampling tests, inspecting any Service Connection, or maintenance and repair of a water meter or other related appliances shall be and are deemed to be amounts owing to the Municipality by the Owner of the subject Parcel of Land, unless otherwise determined by the Municipality.
- k) Any costs referenced in section 5(j) above may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - i. a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii. adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or

- iii. any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

6. Public Utility Management and Control:

6.1 Water Public Utility

- a) The use of existing Raw Water wells for yard irrigation within the Municipality shall be permitted.
- b) The installation of a new Raw Water well or the replacement of an existing Raw Water well within the Municipality shall be permitted at the discretion of Council. For clarification, the installation of a new Raw Water well or the replacement of an existing Raw Water well within the Municipality is prohibited unless Council's authorization for such has firstly been received by the Owner of the Parcel of Land on which the installation of a new Raw Water well or the replacement of an existing Raw Water well is sought.
- c) Back flow prevention devices shall be supplied and installed by the Municipality immediately at the discharge side of the water meter to all Parcels of Land with raw water wells, and an Owner of a Parcel of Land shall allow such to occur.
- d) The Municipality shall have the right on two days notice, to impose the rationing of water, and otherwise limit the amount of Public Utility water to be furnished to any Parcel of Land, as circumstances warrant, and the Municipality shall not be liable for damages by imposing such limits and rationing.
- e) No person shall vend, sell, dispose, or in any way convey, or permit Public Utility water to be carried or taken away from the Parcel of Land, or use the Public Utility water service for any use or purpose other than as has been authorized by the Municipality for that Owner or Occupier.
- f) No person shall introduce into the Public Utility water system any harmful matter, substance, or thing, whether liquid or solid, that would be injurious to health, life, or property or that may injure, pollute, or damage any stream, water course, drain sewer, sewage system, and water system, and/ or the water treatment plant.
- g) No person shall:
 - i. wilfully or maliciously hinder or interrupt the Municipality or Authorized Person in the exercise of any of the powers conferred with respect to the provision of the Public Utility water service;
 - ii. wilfully or maliciously discharge water so that it is wasted;

- iii. wilfully open, close, or obstruct any water hydrant; or
- iv. attach any pipe or line to the Public Utility water service except for normal use.
- h) Application for a plumbing permit shall be completed by a plumber or plumbing contractor on a prescribed form and be accompanied by the required fee to the Municipality.
- i) The fee for the permit shall be as specified the Plumbing Regulations.
- j) All new houses being connected to Public Utility water service must make application to the Municipality and pay the applicable fee as per Schedule A attached to this bylaw.

6.2 Sewer Public Utility

- a) Any Owner of a Parcel of Land who wishes to be supplied with sewer service from the sewer Public Utility must make application to the Municipality and pay the applicable fee as per Schedule A attached to this bylaw.
- b) Application for a plumbing permit for Public Utility sewer service shall be completed by the plumber or plumbing contractor on a prescribed form and accompanied by the required fee to the Municipality.
- c) After making reasonable efforts to notify the Owner or Occupant of the Parcel of Land, or in an emergency, any Authorized Person is entitled to free access at all reasonable times to all parts of any Parcel of Land to which the sewer Public Utility is connected for the purpose of:
 - i. inspecting any sewer Service Connection, and/or
 - ii. constructing, maintaining or repairing any sewer Service Connection.
- d) No person shall discharge into any drain, sewer, or sewerage system operated by the Municipality anything of a harmful matter, substance or thing, whether liquid or solid, that may be injurious to health, life or property or that would injure, pollute, or damage any stream, watercourse, drain, sewer, sewerage system or sewage treatment plant.
- e) No person shall discharge waste water from weeping tile and/or sump pumps into the Public Utility sewer system.

7. Enforcement of Bylaw

7.1 Inspection

- a) The inspection of any Parcel of Land by an Authorized Person to determine if any provision of this Bylaw is being complied with is hereby authorized.

- b) Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
- c) No person shall obstruct an Authorized Person who is authorized to conduct an inspection under this section 7.1.

7.2 Order to Remedy Contravention

- a) If an Authorized Person has reason to believe that a person is contravening any provision of this Bylaw, the Authorized Person may, by written order, require the Owner or Occupant of the Parcel of Land to which the contravention relates to remedy the contravention in accordance with section 364 of *The Municipalities Act*.
- b) If an order is issued pursuant to section 7.2(a) above, the Municipality may, in accordance with section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the Parcel of Land that is subject of the order.
- c) A person may appeal an order referenced in this section 7.2 in accordance with section 365 of *The Municipalities Act*.
- d) The Municipality may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
- e) In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with section 367 of *The Municipalities Act*.

7.3 Recovery of Expenses and Costs

Any expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw shall be and are deemed amounts owing to the Municipality by the Owner of the subject Parcel of Land, unless otherwise determined by the Municipality. Such expenses and costs may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:

- i. a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
- ii. adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
- iii. any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

7.4 Offences and Penalties

- a) No person shall:
- i. fail to comply with an order made by the Municipality pursuant to this Bylaw, or
 - ii. obstruct or interfere with any Authorized Person or any other person acting under the authority of this Bylaw; or
 - iii. fail to comply with any other provision of this Bylaw.
- b) An Authorized Person who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of \$100 to be paid to the Municipality within 14 days of provision of the Notice of Violation. In the case of a continuing violation of any provision of this Bylaw, the Notice of Violation may in addition also set out the period of time during which the violation is continuing and then shall indicate that the Municipality will accept voluntary payment of the sum of \$ 2.50 for each day during which the violation has continued, such to be paid to the Municipality within 14 days of the provision of the Notice of Violation.
- c) Where the Municipality receives voluntary payment of the amount(s) prescribed in section 7.4(b) above within the time specified the person receiving the Notice of Violation shall not be subject to prosecution for the alleged contravention in respect of the violations identified in the Notice of Violation. The voluntary payment may be paid:
- i. in person, during regular office hours, to the cashier located at Pilot Butte Recreation Complex at 222 Diamond Place (2nd Ave & 3rd Street);
 - ii. by deposit, at the mail slot to the left of the main Lobby Doors on the east side of the Pilot Butte Recreation Complex; or
 - iii. by mail, a cheque or money order payable to "Town of Pilot Butte" and delivered to the Town of Pilot Butte, Box 253, Pilot Butte, Saskatchewan, S0G 3Z0.
- d) Voluntary payment of any Notice of Violation only renders the person not subject to prosecution as noted in section 7.4(c) above, but does not exempt or preclude them or the subject Parcel of Land from the application of any other provisions of this Bylaw, including other means of enforcement.

- e) Except as otherwise provided for in this Bylaw, every person who contravenes any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to the following penalties:
 - i. in the case of an individual, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues; and
 - ii. in the case of a corporation, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- f) If a person is found guilty of an offence or infraction pursuant to this Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Bylaw.
- g) Notwithstanding any penalties or payments imposed upon a person pursuant to the provisions of this Bylaw:
 - i. where a contravention of any provision of this Bylaw shall be of a continuing or ongoing nature, the Municipality may terminate the water and/or sewer Public Utility from the Parcel of Land after providing reasonable notice to the Owner or Occupant of the Parcel of Land;
 - ii. where the Municipality incurs costs and expenses as a result of any person committing an offence hereunder, such expenses and costs may be recovered from the person by the Municipality by any of the following:
 - a. a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - b. adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - c. any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.
- h) Nothing in this Bylaw limits or restricts any other remedies the Municipality has available at law.
- i) The Plumbing Regulations shall apply to and govern all plumbing and drainage within the Municipality.

8. Bylaw Repealed

Bylaw No. 10-2013 is hereby repealed.

9. Effective Date

This bylaw shall take effect on the date it is given third and final reading.



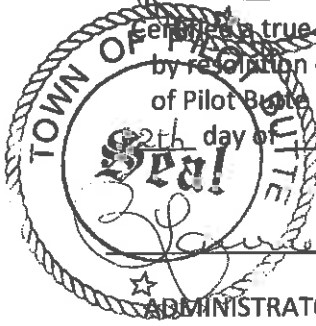
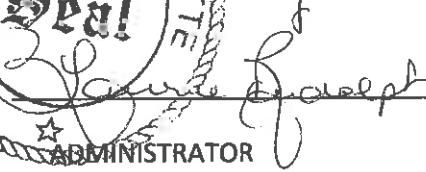
Mayor



Administrator



Be it certified a true copy of a bylaw passed
by resolution of Council of the Town
of Pilot Butte at a meeting held the
22th day of May, 2014 AD.

ADMINISTRATOR

SCHEDULE A
TO
BYLAW NO. 7-2014

CONNECTION FEE FOR SEWER UTILITY

All new homes being connected to the Town sewer system shall be charged a flat rate, one time sewer connection fee of \$50.00 to be paid by the applicant/contractor/property owner/plumber/excavator requesting inspection of the connection. The Application for Sewer Service shall be made on Exhibit "A" forming part of this bylaw.

CONNECTION FEE FOR WATER UTILITY

All new homes being connected to the Town water distribution system shall be charged a flat rate, one time water connection fee of \$50.00 to be paid by the applicant(contractor/property owner/plumber/excavator requesting inspection of the connection. The Application for Water Service shall be made on Exhibit "B" forming part of this bylaw.

FORM BI
TOWN OF PILOT BUTTE FOR NEW HOME
CONSTRUCTION
SEWER SERVICE APPLICATION

DATE: _____

SSA# _____

BP# _____

APPLICANT: MAILING _____

ADDRESS: _____

CONSTRUCTION _____
ADDRESS: _____

LOT _____
BLOCK _____
PLAN _____

CONTRACTOR: _____

BUILDER: _____

FEE FOR CONNECTION

\$50.00

DATE: _____

RECEIPT# _____

SIGNATURE: _____

TO BE COMPLETED BY PUBLIC WORKS SUPERINTENDENT

Date Inspected: _____

Signature: _____

PLEASE ALLOW A MINIMUM OF 48 HOURS NOTICE TO THE TOWN FOR
SCHEDULING THE INSPECTION. PLEASE CALL 781-4547.

FORM BZ
TOWN OF PILOT BUTTE FOR NEW HOME
CONSTRUCTION
WATER SERVICE APPLICATION

DATE: _____

SSA#
BP#

APPLICANT: MAILING
ADDRESS: _____

CONSTRUCTION
ADDRESS: _____

LOT
BLOCK
PLAN

CONTRACTOR:
BUILDER: _____

FEE FOR CONNECTION

\$50.00

DATE: _____ RECEIPT# _____

SIGNATURE: _____

TO BE COMPLETED BY PUBLIC WORKS SUPERINTENDENT

Date Inspected: _____

Signature: _____

PLEASE ALLOW A MINIMUM OF 48 HOURS NOTICE TO THE TOWN FOR

SCHEDULING THE INSPECTION. PLEASE CALL 781-4547.