

BYLAW NO. 03-2022

A BYLAW OF THE TOWN OF BIRCH HILLS TO FIX THE RATES TO BE CHARGED FOR THE USE AND CONSUMPTION OF WATER AND TO FIX THE RATES TO BE CHARGED BY WAY OF RENT OR SERVICE CHARGE FOR THE USE OF SEWER

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THE COUNCIL of the Town of Birch Hills, in the Province of Saskatchewan, enacts as follows:

**1. DEFINITIONS**

- a. **Bylaw Officer** means a person or agency appointed by Council as a Bylaw Enforcement Officer as contemplated by The Municipalities Act and/or appointed to enforce Town bylaw or bylaws pursuant to other legislative authority.
- b. **CAO or Administrator** shall refer to the Chief Administrative Officer of the Town of Birch Hills.
- c. **Consumer or Customer** includes the owner, tenant, or occupant of any real property whose property is connected with or supplied with water through a water connection to the waterworks system of the Town of Birch Hills.
- d. **Person** includes an applicant, customer, consumer, corporation, landowner, occupant, owner, partnership or party and the personal or other legal representative of a person to whom the context can apply according to law and the singular includes the plural and the masculine includes the feminine, responsible for the payment of charges for water and sewer services.
- e. **Premises** means a building or structure or any part thereof, which is connected to utility services.
- f. **Property Portion** means the property between the outer line of the street and the inner surface of the wall of the building supplied with the water and sewer services.
- g. **Service Connection** means the water and sewer pipes which connect the water and sewer mains to the inner surface of the wall of the building supplied with the water and sewer services.
- h. **Street Portion** means the property between the water and sewer mains and the outer line of the street.
- i. **Occupant** means the owner, tenant or person who has care and control of the residential, multi-unit residential or commercial and industrial property.
- j. **Owner** means an owner within the meaning of *The Municipalities Act*.
- k. **Town** means the Town of Birch Hills, in the Province of Saskatchewan.

**2. MANAGEMENT OF WATER WORKS**

- a. Every service pipe shall be provided by the owner or occupant with a minimum of a twenty (20) millimetre brass gate or full opening ball valve at the inlet of the water meter.
- b. No branch service shall be taken from that part of the service pipe between the curb stop cock and the meter gate or ball valve. All such branches shall be taken from beyond the downstream meter valve.
- c. All expenses in connection with the laying of service pipe from the street line into any premise and introducing the water shall be paid by the owner.
- d. Every owner of property which has a service pipe, meter gate or ball valves and other fixtures shall keep them in good repair and protected from frost at the owner's cost.
- e. Water service connections are the property of the owner and shall be installed to the satisfaction of the Town at the owner's expense.

**3. OUT OF TOWN SERVICE**

- a. Water service, sewer service or both may be supplied to a service location not lying within the boundaries of the Town only upon approval by Council, and upon such terms and conditions as to the cost of extending service, maintaining service and ownership of infrastructure as Council may approve.

- b. Without limiting in any way the permanent or temporary cessation of service provided for herein, and except as otherwise provided in a written agreement, the Town may cease to provide water and/or sewer service outside the boundaries of the Town upon 6 months advance written notice.

#### 4. WATER METERS

- a. All water meters are the property of the Town, and shall be supplied by the Town unless alternate arrangements are approved in writing.
- b. Every owner, tenant or occupant shall ensure that service piping, valving, meters and other parts of the meter are protected from frost and other damage once placed upon the premises.
- c. The owner shall provide easy access to the meters for meter removal, maintenance and reading.
- d. If the Town considers any meter insufficiently protected, the water service may be cut-off after a twenty-four (24) hours' notice in writing is given to the owner or agent, and shall remain cut-off until proper protection has been affected.
- e. If a meter becomes frozen or damaged under any circumstances, the Town may replace the meter at the customer's cost.
- f. No person shall tamper with, break or remove any seal installed by the Town on any water service connections, including water metering facilities.
- g. The Town shall be notified immediately whenever a water meter is not operating, or if the water meter becomes damaged or broken, or if a seal on any water service connection or water metering equipment has been broken.
- h. In the event the Town is not notified of the malfunction, the Town shall, in addition to any other penalties set out in the Bylaw, estimate the quantity of water consumed and charge the customer for the water in accordance with *Schedule "A"*.

#### 5. DISCONNECTION OF THE WATER SERVICE FOR REPAIRS

- a. The Town has the right to disconnect the water service from any customer, without notice, and to keep the water service off for as long as necessary, to effect street repairs, service type repairs, or for the purpose of constructing new works.
- b. The Town may enter the premises in which a customer has water service, for the purpose of removing any meters or other property of the Town if the water supply has been discontinued.

#### 6. UTILITY SERVICE ACCOUNTS

- a. Any customer wishing to have water and sewer utility service shall apply to the Town of Birch Hills. The application shall be in a form prescribed by the Town.
- b. Every owner where there is a landlord/tenant situation must sign a "*Utilities Rental Agreement*" acknowledging any unpaid account balances will be transferred to the property tax account plus any fees and penalties.
- c. Utility meters will be read, and service connections turned on or off during regular business hours, Monday to Friday 9:00 AM to 12:00 Noon and 1:00 PM to 4:00 PM. Water will be turned on by a Town employee only if a responsible adult representative of the consumer is present to check for leaks or open taps. The consumer must be present to allow a town employee access to the meter for a reading, unless the meter has a remote recorder attached.
- d. The Town may by bylaw ration or limit the amount of water furnished to any and/or all consumers should circumstances deem to warrant such action.

#### 7. METER DEPOSITS

- a. Each Water and Sewer Utility Services application requires a Water Meter Deposit as set out in *Schedule "B"* of this bylaw.

- b. Water Meter Deposits shall be due within 14 days of the date of connection. Failure to make this payment by 30 days from the date of connection shall result in service disconnection.
- c. The Water Meter Deposit shall be refunded, without interest, upon service being discontinued, provided all water and sewer usage charges and infrastructure fees are paid in full. Any refund shall be made in the name of the customer only.
- d. Water Meter Deposits may be transferred to a new premise upon notification from the consumer.

**8. WATER AND SEWER RATES**

- a. Accounts for water service shall be billed monthly for residential, multi-unit residential and commercial and industrial customers at the rates and charges set out in *Schedule "A"*.
- b. Every owner or occupant of a property which is connected to the Town's water system and to the sanitary sewer system shall pay to the Town a sewer service charge as set out in *Schedule "A"*.

**9. ADMINISTRATION OF UTILITY ACCOUNTS**

- a. Accounts for water service and/or sewer service shall cover a period of one month, and shall be rendered on or before the first business day of the month next following such period.
- b. A penalty of 3% will be added to all water and sewer accounts outstanding at the date of the next billing.
- c. If a utility account remains outstanding more than 60 days, the Town shall issue a *Notice of Disconnection* for non-payment.
- d. Upon disconnection for non-payment, the utility service will be reconnected only after all arrears and reconnection fees, as stated in *Schedule "B"* of this bylaw, are paid in full.
- e. If any rates, charges or rent in arrears, including late payment charges remain unpaid for 120 days, that amount may be added to and thereby form part of the taxes on the land or buildings with respect to which service was provided, as provided for by Section 369(1)(b) of *The Municipalities Act*.
- f. The Town reserves the right to shut off the supply of water for any of the following reasons:
  - i. failure to open an account or failure to complete an accurate written application for service if requested and payment of deposit as set out in *Schedule "B"*;
  - ii. non-payment of Town utility bill;
  - iii. failure to provide access to the premises;
  - iv. excess leakage of water on the private service line;
  - v. contamination or potential for contamination of water from the private service or private system;
  - vi. theft of water;
  - vii. tampering with the water meter or the seal;
  - viii. contravention of any section of this Bylaw.

**10. GENERAL REGULATIONS**

- a. No person shall convey, sell, dispose of, or give away or permit water to be carried or taken away or use it or supply it for the use or benefit of others.
- b. No other water supply shall be connected to the Town water supply.
- c. Water meters shall be read monthly and Utility Accounts shall be billed monthly.
- d. Within Town boundaries, the Town shall be responsible for all maintenance of the street portion of the service connection. At such time as the service connection is deemed by the Town to be beyond repair, the Town may, under the Local Improvements Act, replace the service connection.
- e. Outside Town boundaries, the Town shall not be responsible for the maintenance of water or sewer service connections, service lines, collection lines or transmission lines, except as otherwise agreed in writing by the Town, and the Customers receiving water by way of such lines shall instead be responsible for the maintenance and repair of all such lines. Where such lines are not maintained or repaired by the Customers receiving service, the Town may terminate service temporarily or permanently. The Town shall further have

the right, at its sole discretion, to undertake such maintenance or repair and to charge the cost back to the Customers receiving service by way of the affected lines, and to charge back the cost thereof to such Customers in proportion to their usual annual water and sewer usage.

- f. The owner of the property shall be responsible for the maintenance of the property portion of the service connection.
- g. If the water supply is shut off from the premises of the consumer for infringement of the provisions of this bylaw, same shall not be turned on until all penalties, fees, rates, charges and arrears if any have been paid.

**11. OFFENCE**

- a. No person shall:
  - i) Fail to comply with any provision of this Bylaw.
- b. Where the CAO or Bylaw Officer, determine in consultation with council that it is in the public interest to compel a person who has contravened a provision of this Bylaw to appear before a justice, the Officer may cause to be issued a summons that requires the person to appear before a judge of a court of competent jurisdiction in Saskatchewan to answer a charge(s) for violation(s) of this Bylaw.
- c. Except where a penalty is specifically provided in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on conviction:
  - (i) In the case of an individual, to a fine of up to \$10,000.00;
  - (ii) In the case of a corporation, to a fine of up to \$25,000.00; and
  - (iii) In the case of a continuing offence, to a maximum daily fine of up to \$2,500.00 per day of violation.

**12. REPEALED**

- a. Bylaw No. 06/19 is hereby repealed.

THE rates, charges, tolls or rents contained in this bylaw shall come into force and take effect on the day of approval being issued by the Local Government Committee.

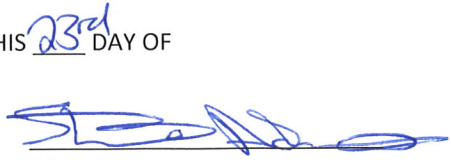
INTRODUCED AND READ A FIRST TIME THIS 23<sup>rd</sup> DAY OF March 2022.

READ A SECOND TIME THIS 23<sup>rd</sup> DAY OF March 2022.

READ A THIRD TIME AND PASSED BY UNANIMOUS VOTE OF COUNCIL THIS 23<sup>rd</sup> DAY OF March 2022.

Certified a true copy  
of Bylaw 03/2022, this  
23<sup>rd</sup> day of March 2022.



  
Mayor

  
Chief Administrative Officer

  
Chief Administrative Officer

**SCHEDULE "A"**  
**TO BYLAW 03/2022**

**MONTHLY WATER RATES:**

12 cubic meters or less	Minimum \$80.00
Over 12 cubic meters	\$3.00 per 1 cubic meter (or part thereof)

**MONTHLY SEWER RATES**

Minimum Flat Rate for 12 cubic meters or less	\$35.00
Volumetric rate for over 12 cubic meters	\$1.25 per cubic meter

**Monthly Infrastructure Fee**

\$10.00

**Unmetered Properties**

Minimum flat charge per building - \$80 Water; \$35 Sewer; \$10 Infrastructure

**BULK WATER SALES**

\$26.52 per 1,000 gallons // \$6.67 per cubic meter

**SCHEDULE "B"  
TO BYLAW 03/2022**

**RECONNECTION FEES [Part 8 (d)]**

During Regular Working Hours	\$100.00
Outside Regular Working Hours	\$200.00

**WATER METER DEPOSITS [Part 6 (a)]**

Property Owner (Meter)	\$100.00
Property Renter (Meter)	\$200.00