

BYLAW 5-2017

A BYLAW OF THE RM OF BLUCHER NO. 343 RESPECTING THE DISTRIBUTION OF WATER AND THE INSTALLATION AND MAINTENANCE OF WATER AND SEWER SERVICES BY THE RM OF BLUCHER NO. 343 FOR THE SSA OF ELSTOW AND THE GENERAL TERMS AND CONDITIONS ON WHICH WATER AND SEWER SERVICE WILL BE SUPPLIED BY THE RM OF BLUCHER NO. 343 TO THE SSA ELSTOW.

The Council of the RM of Blucher No. 343, in the Province of Saskatchewan, enacts as follows:

Part 1 – Interpretation

1. This Bylaw shall be known and may be cited as the SSA Elstow Water Bylaw.
2. In this Bylaw:
 - a) “RM” means the Rural Municipality of Blucher No. 343;
 - b) “Registered Owner” means the person(s) stated on the title as owners of the property to which water service is supplied or is to be supplied, as shown on the records of the Land Titles Office.
 - c) “Consumer” means any person whose application for water service is accepted by the RM;
 - d) “Person” includes a Corporation or Partnership;
 - e) “Premises” includes any buildings, yard or place connected with the water system of the RM for the purposes of taking water therefrom; or any part of such building, yard or place;
 - f) “Domestic Purposes” means ordinary household and sanitary purposes;
 - g) “Commercial Water Services” means water supply and services which are extended to premises at which any business, trade, profession, industry, occupation or employment is carried on and any premises from which goods and services are provided;
 - h) “Residential Water Services” includes all water services extended to the premises containing dwelling units and on which no businesses, trade, profession, industry, occupation or employment is carried on;
 - i) “User” means any person who uses, consumes or otherwise enjoys the benefits of the water services supplied by the RM.

Part 2 – Water Service

3.
 - a) Any “Registered Owner” may apply for either residential or commercial water services from the RM by completing a written application on a form provided by the RM Administrator.
 - b) Each application shall be accompanied by the payment of a meter deposit in the amount of \$100.00.
4. Where the applicant is a registered owner in the SSA Elstow, the Administrator, shall accept the application where the applicant is not otherwise entitled to water services.
5.
 - a) Where the Administrator does not accept the application, the applicant may appeal to the Council of the RM at a regular meeting.
 - b) If an applicant appeals to Council she shall provide notice of the appeal in writing two weeks prior to the meeting at which the applicant wishes her appeal heard.
 - c) The Council may adjourn any such appeal to any subsequent meeting from time to time.
 - d) The decision of Council is final.

6. No user or consumer of residential water service shall use the water supplied by the RM for any commercial purposes, unless such usage has specifically been authorized by the RM or agreed on with the RM.
7. Any persons receiving water and/or sewer services from the RM but who have never filed an application for water or sewer service, or whose usage of water has never been metered, or are not paying for the water and sewer service, shall, after receiving notice from the RM requesting them to do so, file a written application with the RM and pay the required deposit, both in accordance with Clause 3 of this Bylaw.
8.
 - a) Any consumer can discontinue waters service by completing and signing an application for termination of water services on the form provided by the RM Administrator.
 - b) Where water service is discontinued at the request of the consumer, the consumer shall pay a charge of \$30.00.
9.
 - a) Every contract or agreement for water service shall:
 - i. Be deemed to include as a term and condition that the consumer and/or user agrees to abide by and be bound by the provisions of this Bylaw and any other Bylaw or resolution of the RM concerning water supply and/or service.
 - ii. Be non-transferable.
10. The RM shall have the right to ration or limit the amount of water furnished to any and/pr all users and consumers should circumstances seem to warrant such action.

Part 3 – Water Rates

11.
 - a) The charges to be paid by the water consumer whose water service has been turned on shall be those set forth in Schedule “A” hereto, or as amended from time to time.
 - b) Persons who own or occupy premises drained or that are by bylaw required to be drained into the sewer shall pay for such services a rental or service charge in accordance with Schedule “B” hereto, or as amended from time to time.
 - c) The minimum rate set out in Schedules “A” and “B” of this Bylaw shall be charged whether or not water has actually been consumed.
 - d) Where water consumption has not been properly recorded on the water meter, consumption may be estimated on the basis of the previous reading or on an average seasonal consumption and the resulting estimate may be increased by 20%.
12.
 - a) The RM Administrator shall prepare billings for water service on a monthly basis showing all rates, charges, tolls, fares and rents owing to the RM and provide notice of such water billings to the consumer.
 - b) Accounts for water service and/or sewer service shall cover a period of one month and shall be rendered on or before the first day of the month next, following such period. Accounts shall be paid within a period of thirty days from the date on which such accounts are rendered. If an account is not paid within the said period of thirty days, an interest charge will be levied at 2% per month or water service may be cut off. Where a consumer fails to pay the total amount due on a water billing within thirty (30) days after the amount becomes due and payable, the RM Administrator may discontinue the supply of water to the consumer. When the water service is so cut off, it shall not be resumed until all arrears and interest charges have been paid in full, together with a fee of \$150.00 to cover the expense of turning off the water and turning it on again. The water will be turned on within 48 hours of the arrears and fine being paid in full.

Part 4 – Water Meters

13.
 - a) All water supplied to any person by the RM shall be measured by meters which will be supplied, installed and owned by the RM.
 - b) Notwithstanding subsection 1, the RM may make water service available to any person on an unmetered basis for use in connection with any special project approved by Council and if so, the consumer shall pay the RM a charge as set out in Appendix “A” of this Bylaw, or as amended time to time.
14. The RM Administrator shall cause all water meters to be read monthly.
15. Every Applicant for water service shall, for the purposes of installation of water meters;
 - a) Where the meter is to be located in a building, provide for installation of the water meter in a horizontal position and provide for convenient access to the meter with a clear space of at least 50 centimeters around the said meter;
 - b) Where the meter cannot be located in a building, provide a structure suitable to house the meter at the applicant’s expense;
 - c) Allow the RM free access to his/her land and/or buildings on reasonable notice, for the purpose of reading, installing, replacing, removing or repairing of a water meter.
16. Where a water meter is removed from the premises without the permission of the RM or damaged or destroyed while on the premises of the applicant or consumer, the said applicant or consumer shall be liable to the RM for the cost of repair or replacement of the meter and the RM Administrator may add the cost of the meter to the water billing of the premise.
17. Where in the opinion of the RM Administrator, any water meter fixture or pipe is insufficiently protected from extreme temperature, the RM may terminate the supply of water upon notice in writing to the consumer or his agent outlining the insufficient protection complained of.

Part 5 – Offenses

18. No person shall:
 - a) Lend, sell or dispose of the water service supplied by the RM;
 - b) Give away the water service or permit it to be taken;
 - c) Use the water service other than for his own use and benefit;
 - d) Increase the usage of the water service beyond that authorized by the RM or agreed on with the RM;
 - e) Wrongfully or improperly waste the water service provided by the RM;
 - f) Wrongfully or improperly dispose of dangerous or toxic substances into the sewer system.
19. Any person who contravenes Section 18 is guilty of an offense punishable on summary conviction and liable to:
 - a) In the case of an individual, to a fine not exceeding Two Thousand (\$2000) dollars and in default of payment, to imprisonment of a term not exceeding Ninety (90) days;
 - b) In the case of a Corporation, to a fine not exceeding Five Thousand (\$5,000) dollars.

Part 6 – Enforcement

- 20.
- a) All of the provisions of this Bylaw shall be deemed to be terms and conditions under which water and sewer service is supplied by the RM and the said terms and conditions shall be in addition to any other terms and conditions which may be agreed upon between the RM and the consumer.
 - b) Where any applicant, user or consumer fails to comply with any of the terms and conditions of service, the RM Administrator shall refuse to supply or shall discontinue the supply until such a time as the applicant, user, or consumer complies with the terms and conditions. When the water service is so cut off, it shall not be resumed until all arrears and interest charges have been paid, together with a fee of \$150.00 to cover the expense of turning off the water and turning it on again. The water will be turned on within 48 hours of the arrears and fine being paid in full.

Part 7 – General

- 21. If any portion of this Bylaw is for any reason held as invalid or unconstitutional by any Court of competent jurisdiction, that portion of the Bylaw shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.
- 22. This Bylaw shall come into force and take effect on the date of the approval by the Saskatchewan Municipal Board of the rates set out in Schedule “A” and Schedule “B” of this Bylaw.

Reeve

SEAL

Administrator

Certified a true copy of Bylaw 5 - 2017
adopted by resolution of the Council
on the _____ day of
_____, 2017.

Administrator

“Schedule “A” to Bylaw No. 5-2017

Monthly Water Rates as of:

May 1, 2017

- A charge of \$ 60.50/month for water service

May 1, 2018

- A charge of \$66.55/month for water service

Schedule “B” to Bylaw No. 5-2017

Monthly Sewer Charge as of:

May 1, 2017

- A charge of \$22.00/Month for sewer service

May 1, 2018

- A charge of \$24.20/month for sewer service