

**THE TOWN OF NEEPAWA
BY-LAW NO. 3204-21**

**BEING A BY-LAW OF THE TOWN OF NEEPAWA RESPECTING THE MANAGEMENT AND
REGULATION OF THE WATER AND WASTEWATER SYSTEMS.**

WHEREAS the *Municipal Act* provides as follows:

232(1) A council may pass *by-laws* for municipal purposes respecting the following matters:

- ...
(h) drains and drainage on private or public property; ...
(l) public utilities; ...
(o) the enforcement of *by-laws*.

NOW THEREFORE the Council of the Town of Neepawa, in open session assembled hereby enacts as follows:

PART ONE: SHORT TITLE AND DEFINITIONS

1. This By-law shall be known as the "Water & Wastewater By-law".

2. DEFINITIONS

CAO - the Chief Administrative Officer of the Town or their designate.

Back Water Valve - means a valve in that portion of the homeowner's plumbing system known as the building drain, which is installed downstream of any connection and which is intended to prevent reverse flow from a public wastewater line into the wastewater portion of the building plumbing system.

Building Plumbing System – means the complete internal plumbing works for water distribution and wastewater collection for the structure.

Consumer - any person to whom water is supplied by the Town and/or a person who uses the wastewater system and includes a builder or contractor using water in connection with any work or contract.

Cross Connection – means an existing connection or a potential connection between any part of a drinking water system, wastewater, storm water and any other environment containing other substances in a manner, which, under any circumstance, would allow such substance to enter the drinking water system.

Curb Stop – a water valve located on the Water Service Line between the Water Connection and the building water service.

Development Agreement – a contract between the Town of Neepawa and a person who owns or controls property within the Town. Such agreement shall be negotiated in compliance with Policy AD-PL-010 or such other format approved by Council, and shall specify the standards and conditions that will govern the development of the property.

Garbage – solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Manager - the Manager of Operations for the Town of Neepawa, or their designate.

Meter – a device used for measuring and recording the amount of water supplied through a service for billing purposes.

Owner – every person in possession of any premises or in receipt of the whole or of any part of the rents and profits therefrom, whether of his own account or as agent of trustee for any other person, or in occupancy of any such premises either as a tenant from year to year or for any less term, or as a tenant at will, and the agent of such person.

Person - an individual, firm, partnership, association, company, organization, or corporation and any of their heirs, executors, administrators, employees or officers or other legal representatives.

Property – as defined in *The Municipal Assessment Act* of Manitoba, as amended, or any goods and chattels, as the case may be.

Rates By-Law – means the Town By-Law, adopted for the purpose of establishing rates and charges for the use of the Water and/or Wastewater Systems.

Town - the Town of Neepawa.

Tradesperson – a worker who specializes in a particular occupation that requires work experience, on-the-job training and/or formal vocational education (i.e., for the purposes of this by-law, a plumber).

Wastewater – a combination of the water borne wastes from residences, business structures, and commercial, institutional and industrial establishments together with such ground, surface and storm waters as may be present. The term wastewater shall be deemed the same as any reference to sewer or sewage.

Wastewater Connection – that portion of the wastewater pipe extending from the public wastewater main to the property line of the property being served, or about to be served, connected to, or to be connected to, a building wastewater service.

Wastewater Service - that portion of the wastewater pipe extending from the property line of the property concerned to the end connection within the property owners building structure.

Wastewater Service Line – the complete assembly of a Wastewater Service and Wastewater Connection.

Wastewater System – means the Town Wastewater System and includes any and all land drainage sewers, domestic sewers, and combined sewers in the Town, and where applicable, includes the wastewater treatment facility, pumping station, force mains and other like works and appurtenances.

Water Connection – that portion of the water pipe extending from the public watermain to the curb stop, including the curb stop valve, adjacent to the property being served or about to be served.

Water Service – that portion of the water pipe extending from the curb stop adjacent to the property concerned to the point of connecting to the meter.

Water Service Line – the complete assembly of a Water Service and a Water Connection.

Water System – means the Town Water System and includes all fixtures, pipes, and other works and appurtenances required for the proper conduct of supplying water and where applicable includes the Water Treatment Plant, pumping stations, wells, reservoirs, and control valves.

PART TWO: GENERAL REGULATIONS, SERVICES & BILLING

3. The Town shall operate:
 - (a) a water supply and distribution system for the purposes of supplying the residents and consumers within the Town with potable water and adequate fire protection.
 - (b) a wastewater collection and disposal system for the purposes of collecting, treating and disposing of sewage produced by the residents and other consumers of water within the Town.
4. Council may enter into agreements with other municipalities, private corporations or residents for the supply of water or wastewater services beyond the corporate limits of the Town, adopting such provisions, regulations or rates as may be deemed appropriate.
5. The Council may, as becomes necessary, authorize the construction, replacement or upgrading of the Water System or the Wastewater System with funding for such projects obtained from whatever sources may be appropriate.
6. The operation, construction and maintenance of all works relating to the Water and/or Wastewater System shall be under the general direction and control of the Manager, or their designate, who:
 - (a) shall be responsible for approving the design and quality of the water and/or wastewater systems;

- (b) reserves the right, at any time to shut off the water supply and to keep it shut off for as long as may be deemed necessary, without notice, for the purposes of extending, replacing, repairing, or cleaning the public watermains or appurtenances thereto;
 - (c) may enter upon any premises connected to the Water System at any reasonable time for the purposes of inspection, observation, testing, maintenance, and/or replacement of water meters or other installations used in connection with the Water System.
7. Any **refusal to allow entry** in accordance with Subsection 6(c) will result in immediate discontinuance of water service, at the option of the Manager, until such access is allowed, and shall be subject to service charges as set out in the Rates By-Law, and further may be subject to a penalty in accordance with Part Six.
8. Once a water service has been shut off at the curb stop, whether by request, or for non-payment of bills, said service shall not be turned on again until all provisions of this by-law have been complied with and all arrears paid in full, including a reconnection fee.
9. The Town does not guarantee a constant supply, pressure, or volume of water, and shall have the right to:
- (a) limit the amount of water supplied to any consumer and/or;
 - (b) discontinue, prohibit, or limit the supply of water, or the hours that water may be used, for fountains, jets, garden hoses, sprinklers or swimming pools, etc.
10. No person shall:
- (a) use, alter, disturb, uncover, tap, or make any connection of an independent water supply with a pipe or main which is part of, or connected to the water system;
 - (b) open, close or in any manner interfere with any curb stop, main stop or valve, which is part of, or connected to the Town water system;
 - (c) open, close, or interfere with any hydrant or valve connected to the Town Water System;
 - (d) vend, sell or dispose of water from the Town Water System, or give away, or permit same to be taken or carried away from a property, unless specifically authorized by the Town;
 - (e) turn, lift, remove, raise or tamper with the cover of any manhole, or other appurtenance of the Town Wastewater System;
 - (f) cut, break, pierce or tap any wastewater pipe or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into the Town Wastewater System;
 - (g) interfere with the free discharge of any Town wastewater or part thereof, or do any act or thing which may impede or restrict the flow and clog up any part of the Town Wastewater System, or appurtenance thereof;
 - (h) place, deposit, or permit to be deposited in any manner that is unsanitary, in the opinion of the Health Officer, upon public or private property within the Town, any human or animal excrement, garbage or other objectionable waste;
 - (i) discharge to any natural outlet within the Town, any domestic wastewater, industrial wastewater, or other polluted waters, except where suitable preliminary treatment has been approved in accordance with the provisions of this by-law, or provincial regulation and licensing;
 - (j) inject into the Wastewater System any wastewater gathered from any property not connected to the Wastewater system, and whether gathered from within or outside the Town, such wastewater shall be injected into the Wastewater System only at such point or facility as shall be designated by the Manager, and subject to payment of the required lagoon tipping fees as set out in the Rates By-law.
11. Notwithstanding Subsection 10(j), domestic wastewater from the holding tank of any recreational vehicle may be injected into the Wastewater System, but only at an approved trailer dump station facility as identified by the Town.

12. The owner of every existing, or new structure, excluding accessory structures, used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting any street, alley or right-of-way, in which:
 - (a) there is now located a public water or wastewater main or both, is hereby required, at their expense, to install and maintain a suitable building plumbing system therein, and to connect such facilities with the public water and wastewater mains in accordance with the provisions of this by-law, and subject to associated costs per Section 80;
 - (b) a public water and/or wastewater main is not presently available, and the property is currently being serviced by an alternate water source pursuant to Section 55, and/or by an alternate sewage disposal system pursuant to Sections 76 and 77, such property owner shall discontinue the use of the alternate water source and/or alternate sewage disposal system and be subject to the requirements under Subsection 12(a), at the earlier of:
 - (i) the end of the two (2) year period after the installation of any public water and/or wastewater mains have been installed; or
 - (ii) the closing date for the sale of the property by the owner to a third party.
13. In the event any owner fails or neglects to comply with Section 12, the Manager may serve such owner a notice requiring compliance within sixty (60) days of receipt of such notice. Failure on the part of the owner to comply with said notice shall constitute an infraction of this By-Law and said owner shall be subject to the minimum service charge as set out in the Rates By-Law, whether the property is connected to the public water and wastewater mains or not.
14. Where after the expiration of the sixty (60) day period in Section 13, the owner served with such notice has failed or neglected to construct and install a building plumbing system and to connect his structures with the public water and wastewater mains as required, or has failed to correct defects or faults in the building plumbing system as required by a plumbing inspector, the owner and/or occupant of the property may be charged pursuant to Part Six.

SERVICES & BILLING

15. The Town shall levy service charges on all persons occupying or owning property connected to the Water and/or Wastewater System. Such service charge and the various rates to be charged to consumers for the purchase of water, the disposal of wastewater, the connection and disconnection to the Water System, and any other charge payable by the user of the Water and/or Wastewater Systems shall be the rates fixed under the Rates By-law.
16. The collection of revenues derived from the Water and Wastewater Systems, the payment of all disbursements connected therewith and the supervision of all books, accounts and records shall be under the general direction and control of the CAO and accounted for in a separate and distinct set of accounts for water and wastewater purposes.
17. Notwithstanding the provisions of the Rates By-law, water and wastewater services supplied may, in the case of commencement or termination of service, be billed monthly or otherwise, and the rates prorated accordingly and, in the case of termination of service, such prorated billings may be made payable by the consumer earlier than the immediately ensuing quarterly billing in the normal course.
18. Deposits collected under the Rates By-Law shall be returned when a service is discontinued, provided that such deposit may be applied to any unpaid account at the time of such discontinuance of service. Interest for the period of time which the deposit is held by the Town shall not be paid.
19. Utility bills are due and payable upon receipt of billing within fourteen days as per the Rates By-Law. Failure to receive an account (billing) shall in no way affect the liability of the consumer to pay an account.
20. Water meter readings from each serviced property may be obtained by the Town on a quarterly basis for billing purposes, either by "actual" readings taken by remote reading device, or by attendance at the property.
21. Where no meter reading is obtained, or a meter is found to not be in proper working order, the Town shall estimate the amount of water consumed for any quarter or other period,

based on the amount of water consumed during the time the meter was working, or on any other information available, and such estimate shall be the basis for billing the consumer for water used.

22. Notwithstanding Section 21, where no actual meter reading is obtained for a subsequent quarterly reading, the consumer shall grant the Manager or a designated Town employee, access for the purposes of obtaining an actual reading. If such access is denied, the Town shall estimate the water consumption for the entire period from the last actual reading based on historical usage. Such estimate shall be the basis for billing the consumer for water used and if necessary, the consumer shall further be subject to the provisions of Section 7.
23. Where a water meter is found out of proper working order for any reason, or where the water meter has been removed and a building plumbing system is connected directly to a building Water Service Line, the Town shall estimate the consumption of water used, with such estimate forming the basis for billing the consumer for water used and the consumer may further be subject to a penalty in accordance with Part Six.
24. No allowance to a billing will be made for excessive consumption due to water leaks or waste, except those properties eligible for consideration under the criteria for "Water Allowance Due to Line Freezing" contained within the Rates By-Law.
25. Persons intending to vacate premises that have been supplied with water services, or who are desirous of discontinuing the use thereof, shall give notice of same to the Town, otherwise all charges will continue until the water is turned off.
26. Where a service has been discontinued, a final billing will be calculated based on a final actual meter reading.

PART THREE: WATER & WASTEWATER MAINS

NEW INSTALLATIONS AND CONSTRUCTION

27. The assessment of the need for the construction of water distribution or wastewater collection mains may be initiated by the Town, or by private owners or developers who shall make a request to the Town in advance of any intended construction.
28. The installation of all water and wastewater mains and related facilities shall be in accordance with the standards and specifications as may be adopted from time to time by Council and/or under the advisement of the Manager.
29. Where the Town has authorized the construction of any proposed mains, the Town shall be responsible for such construction and may perform the work with its own forces, or may arrange for the construction in conjunction with a private contractor.
30. Notwithstanding Sections 31 and 32, where the installation of water and/or wastewater mains is to be done in conjunction with the subdivision and development of parcels of land, Council may enter into a development agreement pursuant to *The Planning Act* for the purposes of providing water and wastewater servicing to the area, and the provisions of this by-law may be varied as deemed appropriate.

COST OF CONSTRUCTION - MAINS

31. The costs of the construction of such mains shall be borne, either wholly or partially by the benefitting properties with the owners or developers of the lands providing their required funding for the project through:
 - (a) cash contributions to the Town; and/or
 - (b) a local improvement tax levied pursuant to *The Municipal Act*.
32. Where the owner of a property which will benefit from the installation of a main cannot be obligated to share the costs of the project, the Town may either:
 - (a) require the remaining owners or developers to fund the entire cost of the project with the Town endeavoring to collect the proportionate cost attributable to the undeveloped property and rebate same to the owners or developers at the point in time when the undeveloped property seeks service from the mains so installed; or

- (b) fund the portion of cost attributable to the non-participating properties itself, collecting and re-couping the proportionate cost of the project at the point in time when the undeveloped property seeks service from the mains so installed.
33. The costs of installation of water and wastewater mains shall include, but not be limited to, those expenditures required for:
- (a) engineering, surveying, material testing, inspection;
 - (b) acquisition of right-of way;
 - (c) materials such as pipe, valves, fittings, manholes, fire hydrants and other specified materials required in the installation;
 - (d) excavation and installation;
 - (e) backfill, compaction, road surface repair and any other restoration.
34. Where for the purposes of future development or the overall improvement to the capacity of the Town's water system or wastewater system, the Town requires that an oversized main be installed, the Town shall bear the difference between the installation costs of the oversized main and installation costs of a standard main.
35. In areas where there are no public water and/or wastewater mains along the property frontage, the benefitting property owner(s) shall be responsible for all associated costs of extending and installing such services, including paying a reasonable and proportionate amount towards the existing capital construction of the respective water and/or wastewater infrastructure such as water treatment plant, water wells, water tower, water reservoir, raw water pipelines, water distribution system, force mains, lift stations, wastewater facility, and any other infrastructure deemed to benefit the entirety of the Town. This in addition to any other rates and charges deemed payable under the provisions of this by-law.
36. In all instances where the property to be served per section 35 relates to a single residential watermain or wastewater main, the minimum installation and connection fee shall be set by Council based on the overall associated cost, the area served, the properties so benefitting and the potential for future growth. However, in no instance, shall the charge be less than Sixteen Thousand Dollars (\$16,000.00) for a single residential watermain nor less than Five Thousand Dollars (\$5,000.00) for a single residential wastewater main. Both of these minimum connection fees take into account a contribution towards capital as referenced in Section 35.
37. Notwithstanding Section 36, if the cost of servicing the benefitting properties with water and/or wastewater is deemed to be greater than the minimums established in Section 36, the property owners shall be proportionately responsible for the additional costs.
38. Any fee so assessed to a property owner under Section 36 and 37 shall be paid by the owner or occupant upon application for water and/or wastewater services as follows:
- (a) deposit of \$1,000.00 at time of application;
 - (b) balance at time of construction or as part of a local improvement levied against the property.
39. Where possible, the Town will attempt to reduce the impact of that portion of the costs per Section 37 that are deemed greater than the minimums established in Section 36, for the installation and extension of services into unserved areas, by sourcing available grant funding as may be made available from provincial and federal governments or agencies from time to time.
40. Notwithstanding Section 36, installations and connections for **all other purposes**, including subdivisions and multi-unit residential developments, shall be reviewed on a case-by-case basis in relation to the services required, and number thereof, and either charged per Section 36 for each individual residential connection, or such other amount deemed sufficient to cover the associated costs.

REPLACEMENTS OF MAINS

41. Where it is necessary to replace a water or wastewater main because of deterioration of the pipe to the point of malfunction, or where because of a planned street rehabilitation it is

deemed desirable to replace a main prior to upgrading to prevent subsequent damage to a new road surface from anticipated main repairs or replacement, the Council may initiate the replacement of water or wastewater mains, or both.

42. Council may include the replacement of additional mains to improve the financial viability and cost effectiveness of a planned replacement project.
43. The cost of the replacement of water and wastewater mains shall be funded where possible from related water and wastewater revenues, reserves, government grants, local improvement levies, debenture borrowing, or any combination thereof.

PART FOUR: WATER & WASTEWATER SERVICE LINES – CONNECTIONS & SERVICES

GENERAL

44. Each new principal building or occupancy, except accessory structures, and each new lot or parcel, where feasible, shall have a separate Water and Wastewater service.
45. The Water and/or Wastewater Service pipes from the property line to the inside of the foundation wall of any building into which a service is introduced, shall be placed not less than 2.4m (8 feet) below the surface of the ground level, unless otherwise determined by the Manager.
46. Notwithstanding Section 44, the Manager, at his absolute discretion, may require the installation of a **meter pit** at the property line, or such other alternative location as he deems acceptable, providing that portion of the Water Service Line beyond the meter pit is not part of the Water System. All such private distribution systems shall be metered at the property line or at such other site as approved by the Manager and no hydrants or other water services shall be connected until a point following the location of the meter.

Y-Connections

47. Notwithstanding Section 44, when the Town renews a public street which contains a public watermain, the Manager may grant, to the owner of any property serviced by means of a Y-connection, the following options:

- (a) install a building Water Service, at the property owner's expense directly to a Water Connection which would be installed by the Town; or
- (b) retain the Y-connection. However, in the event the Y-connection is retained, and in the future, it becomes necessary and desirous to connect directly to the public watermain, all construction costs for the Water Service and the Water Connection shall be at the expense of the property owner per the surcharges under Section 80.

Water &/or Wastewater Connection (Mains to Property Line)

48. The construction and connection from the water and wastewater mains to the property line, shall be undertaken by the Town, with the property owner responsible for the respective surcharge per Section 80, or in accordance with costs and charges as may be adopted and approved by Council from time to time.

Water &/or Wastewater Service (Property Line to Building)

49. All costs of construction and connection from the property line to the building shall be the total responsibility of the property owner. The name of a qualified tradesperson or contractor and material list must be approved in writing by the Town, prior to the start of work. Work must be in accordance with provincial standards.

A qualified tradesperson or contractor employed by the owner or occupier of premises, connecting to the Water and/or Wastewater Systems shall be deemed to be the agent of such owner or occupier and the Town will not be responsible for the acts of the tradesperson.

The Town reserves the right to request that any connection to the Town's water and/or wastewater mains be designed by a Professional Engineer.

Disconnection

50. The Town reserves the right to disconnect water to any premises or property of any owner or occupant infringing on any of the rules and regulations of the Town, and in cases where the shut off is as a result of leakage or breakage, the Town may not restore water service until the necessary repairs or maintenance has been completed.

Notice

51. The Town shall endeavour to provide notice to consumers of any such interruption of service and shall seek to minimize the inconvenience as may be deemed reasonable and possible.

Subdivision

52. Where any new lot or group of lots is developed, the developer shall arrange at his own cost the installation of adequate Water and Wastewater Service Lines to the Town's specifications and requirements. Such subdivision development will be governed by the terms of a development agreement.

Where a property is subdivided and by such subdivision an existing structure is divided into two or more individual units separated by a party wall or some other means, each such unit shall have a separate water service line constructed prior to occupancy. All associated costs shall be borne by the property owner with the Manager approving the design and materials to ensure sufficient service.

Multi-Unit Housing, Condominiums & Commercial Developments

53. Developers of multi-unit housing, condominiums and commercial developments:

- (a) may contact the Town to request technical advice for private water and wastewater system designs to ensure adequacy in service lines and acceptable standards in design, material and construction;
- (b) depending on circumstances on a case-by-case basis, may be required to submit private water and wastewater system design plans, duly signed by a Professional Engineer, to the Town for review and approval prior to construction start;
- (c) shall have the option of one (1) water connection, and one (1) or more service connections with individual meters in each unit; and
- (d) shall have one (1) or more wastewater connections.

In respect of 53 (c), a property owner shall only be entitled to one (1) Town supplied water meter, and shall be responsible for the associated cost of all additional water meters necessary to service the units with a service connection.

Industrial & Institutional Property

54. Developers of industrial or institutional property shall be required to submit private water and wastewater system design plans, duly signed by a Professional Engineer, in advance of development to facilitate planning and infrastructure sufficiency to meet the needs of the property under development.

WATER SUPPLY SERVICE

55. No source of water including wells shall be used for any purpose within the Town except where authorized by resolution of Council, or in instances where:
- (a) a property is located in relation to an existing main such that the extension of the main is precluded because of excessive cost or engineering difficulty; or
 - (b) a property is adjacent to an existing main which is insufficient in terms, size, and capacity, and the upsizing of the main is deemed financially prohibitive; or
 - (c) the projected volume of water required to meet the needs of the property would place undue burden on the Town's current water supply.
56. The standard Water Connection from the water main to the property line shall be a 19 mm (3/4") standard pipe and a 19 mm (3/4") main stop.

57. The owner of a property shall be responsible to arrange and pay for the laying of the Water Service within his own property.
58. Permission will not be granted to supply two (2) or more buildings fronting on the same street with a single service unless the service is divided within the street and a separate shutoff is provided for each service.
59. Notwithstanding Section 12, where only one of the serviced buildings occupies the frontage of the lot or parcel, and others are located to the rear of the said front building, then permission may be granted to supply all the buildings from one service, subject to any conditions prescribed, and approved, by the Town.
60. In the event any owner wishes to connect an accessory structure to the Water System, such connection shall be an extension of the building plumbing system installed in the principal structure, provided that where a property is subdivided and by such subdivision, the accessory structure becomes situation on a separate site from the principal structure, then the accessory structure shall require a separate Water Service Line.
61. The Town shall place in each Water Connection, a **curb stop** and box at the property line for the purpose of turning the water supply on or off. The size of the curb stop or any other cut-off to be inserted in the Water Connection under any application shall be the same size as the service applied for. The position in the street in which any Water Connection is to be laid shall be approved by the Manager prior to installation.
62. In the event that there is damage caused to the curb stop and/or curb stop box during new construction and/or renovation by any tradesperson, contractor or owner, the following shall apply:
 - a) At least 72 hours' notice, prior to commencing the construction of a building or structure which by nature of its intended use will be connected to the Town's Water and Wastewater System, on a site where a Water Connection and curb stop are in place, the contractor shall notify the Town of the date of the intended connection and the Town shall forthwith do all things necessary to ensure that the Water Connection and curb stop are functional and in good repair;
 - b) Upon receiving an application for water turn on following the issue of an occupancy permit for the building or structure, the Town shall inspect and test the Water Service Line and curb stop. If the curb stop is damaged from any cause whatsoever, the contractor shall, at their own cost and expense, repair the damage as prescribed by the Town and the Town shall not be obliged to turn on the water until the damage is repaired.
63. A bronze valve connected to the Water Service pipe shall be placed inside the wall of the building as close as possible to the point of entry of the Water Service pipe. The owner shall maintain the bronze valve to ensure that it is in good mechanical condition and available for emergency.
64. No branch pipe or branch service shall be taken from that part of the Water Service pipe between the curb stop and the water meter, but all such branches shall be taken from within the premises, beyond the water meter. The water meter shall be placed on the Water Service pipe as close as possible to the valve, downstream from the water supply.
65. Each owner shall keep their own Water Service pipe, bronze gate valve and other fixtures on their own premises, and between such premises and the property line, including the connection to that part of the water main within the Town street, in good order and repair, and protected from frost, at their own risk and expense.
66. The Water Service Line from the main in the street to the water meter in the building supplied, together with all couplings, valves and apparatus placed thereon shall be under the control of the Town and if any damage is done to their portion of the Water Service pipe or its fittings, either by neglect or otherwise, the Town may repair same or have it repaired and charge the costs to the owner of the premises, which may be collected either as water rates or may be added to the taxes on the property and collected to the same manner as municipal taxes.
67. Upon vacating any building or premise, the occupier shall turn off the water supply at the valve inside the wall of such buildings, and shall give immediate written notice to the Town that the premises are being vacated. In case the water is not turned off, the Town may cut off the water from such building without notice and charge the cost thereof to the owner to be

collected in the same manner as water rates, or the costs may be added to the taxes on the property and collected in the same manner as municipal taxes. Nothing contained or implied herein shall be deemed to place any responsibility, duty or liability on the Town.

68. The owner or occupier of any premises who requests the Town to turn off water service to such premises shall, before making such request, close the valve and drain all water from the water pipes in the premises and the appliances connected therewith, and shall keep said valve closed and the said pipes and appliances free from water until the Town is notified that water service is again required for the premises.

WATER METERS

69. Only water meters furnished by the Town shall be used in all premises and the meters shall be and remain the property of the Town. The size of the water meter required shall be determined by using the Fixture Count Worksheet, attached as Schedule "B."
70. With specific reference to water meters:
- a) The consumer shall notify the Town as soon as becoming aware of breakage or stoppage, or irregularity in the water meter.
 - b) All disconnections, removals, alterations and repair of water meters and automatic devices shall be done by a Town Employee only, and no other person shall install, disconnect, repair, remove, tamper with, alter, damage or paint a water meter or an automatic reading device, or the pipes and wiring connected thereto.
 - c) The Town shall seal all water meters and no person except an authorized employee of the Town shall break, or in any way interfere or tamper with such seal or meter.
 - d) If a water meter is damaged by the backflow of hot water from a water heating apparatus, tank or boiler, the Town shall repair and if necessary, replace the meter with all charges for repairing or replacing the meter borne by the owner or occupier of the premises in which the meter is situated.
 - e) If a meter is damaged by frost, tampering, neglect, or from any other cause, the Town may repair or replace the meter and all charges for repairing or replacing the meter shall be borne by the owner or occupier of the premises in which the meter is situated.
 - f) Where an offence is committed under this section, the consumer to whom water is supplied in the building, or place where the offence was committed, shall be presumed to have committed the offence.
 - g) Where a meter, due to age and normal use, can no longer be repaired, the Town will replace the meter at no cost to the owner or occupant.
71. All owners, tenants, or occupiers of buildings or land shall provide access to employees, or representatives of the Town for the purposes of installing, maintaining or reading a meter.
72. Water meters and automatic reading devices shall at all times be accessible to authorized Town employees, so that they may be examined, read, inspected and if necessary, repaired. No meter shall be enclosed in such a manner as to complicate or interfere with access, and the area around a meter should be kept free and clear of debris, furniture and any other obstructions at all times.
73. Where an apartment block, tenement, duplex or other multiple occupied building, or mobile home trailer park has one metered service connection, the owner shall pay for water supplied to the property, but where any suite, or any portion of such building has a separate metered service connection, it shall be rated as a separate account, and the occupier thereof shall be a consumer and shall pay for the water consumed therein.
74. The supply of water through each separate service shall be recorded by one meter only, for which only one account will be rendered. If additional or auxiliary meters are required by the consumer for reporting the subdivision of any such supply, they shall be furnished and set up by the consumer at their expense and as designated by the Manager, and the consumer shall assume all responsibility for the reading and maintaining of said additional meters.
75. Notwithstanding Section 44, with the Manager's approval, mobile home parks with a meter pit will be permitted to install individual meters for each mobile home. Each will be an individual

account with the Town, with the difference between the cumulative readings of the individual meters and the meter pit reading, the responsibility of the mobile home park owner.

WASTEWATER SERVICE

76. All properties which generate sewage and wastewater shall be connected to the Town's Wastewater System except where exempted through municipal planning documents and pertaining to instances whereby:
- (a) the location of the property to an existing wastewater main is such that the extension of that main is precluded because of excessive cost or engineering difficulty; or
 - (b) the wastewater main adjacent to the property is of insufficient size and capacity to handle the proposed effluent and upsizing of the main is financially prohibitive; or
 - (c) the types of wastes to be generated by the property are not permitted by this by-law or Provincial Regulation to be disposed of through the Town's Wastewater System.
77. In respect of Section 76, properties utilizing an alternative method for sewage disposal shall connect the wastewater service for the building, at the owner's expense, to a private wastewater disposal system, which may include a sewage pump-out tank, or septic tank and field, with such installations subject in all cases to Provincial Regulations.
78. The owner of a property shall be responsible to arrange and pay for the laying of the Wastewater Service within his own property.
79. Weeping tile and sump pits shall not be allowed to drain into the Wastewater System for new construction or from the renovation or retrofit of existing systems.

COST OF SERVICING

New – No Existing Service Connection

80. Where a lot or property is within a developed residential area and the associated infrastructure debt for the construction and installation of the water and/or wastewater mains within the street has been retired, either by local improvement plan or paid by the municipality; and where a property is not, or has not been, serviced with a water and/or wastewater connection (i.e., main to property line);
- (a) the Town shall install the Service Connection(s) to the front property boundary and shall charge the owner of the property a residential installation and surface restoration surcharge in amount of five thousand (\$5,000.00) dollars for each service required (i.e., water &/or wastewater); or
 - (b) in the event that the Water and Wastewater Connections are installed in a common trench not exceeding 3 m (10 ft.) in width, and 7.5 m (25 ft.) in length, and at the discretion of the Manager, only one installation and surface restoration surcharge of five thousand (\$5,000.00) dollars will be charged to the property owner.

Replacement of a Service Connection Due to Age or Condition

81. Where a lot is within a developed residential area where the infrastructure debt has been retired and an entire water or wastewater Service Line needs to be replaced due to age or condition, the Town shall perform that portion of the Service Line replacement for the affected property from the main to the property line for the charge established in Section 80(b). Property owners shall also be responsible for the cost of that portion of the Service Line from the property line to the structure, the cost of restoring connection of the service at the structure and the interior plumbing system and private property restoration.

Replacement in Conjunction with a Street Renewal

82. Where a lot is within a developed residential area and Council has deemed it necessary to renew the water and wastewater mains as part of an overall street renewal project, the Town shall initiate a complete Service Line replacement (main to structure) for all affected properties and shall perform such service for the one-half the charge established in Section 80(b) and equating to two thousand five hundred dollars (\$2,500.00). The following conditions shall apply:

- (a) All properties directly affected by the renewal of water and wastewater mains, will be required to upgrade any private water and wastewater connections, either older than twenty (20) years, or in a condition or material, deemed unacceptable to the Manager.
 - (b) Lead or galvanized connections will result in a mandatory total service replacement from the main to the water meter.
 - (c) In addition to the prorated cost, property owners shall be responsible for the cost of private property restoration and the costs of restoring connection of the service at the structure and the interior plumbing system.
83. Property owners refusing to participate in a renewal program and having a water service connection or line that is of a condition or material unacceptable to the Manager as per Section 82(a):
- (a) shall still be subject to having the Water Connection renewed at the same cost as if the entire water service line was being replaced from the main to the building. Costs associated with renewing the water connection shall be collected under the authority of Subsection 252(2) of *The Municipal Act* in the like manner as a property tax; and
 - (b) if required to renew or replace the respective service within twenty (20) years subsequent to a water or wastewater main renewal, due to problems with the water and/or wastewater lines, the property owner shall be liable for all of the associated costs of renewal and/or repair, at the greater of the charge established in Section 80(b) and actual, plus any additional costs related to curb cuts, sidewalk repair and repair of the street to return it to the renewed standard; and
 - (c) depending on the circumstances, property owners may be subject to penalty and any other amount for which the Town may be held legally liable due to failure of the property owner to renew said lines as part of a recommended water/wastewater/street renewal program.
84. Property owners who have completed a service renewal within a period of two (2) years preceding a full water and wastewater renewal by the Town, shall be given consideration for refunding any difference in charges, if the fees so charged were greater than the amounts to be charged to the neighbouring properties as part of the overall street renewal program. It shall be the property owner's responsibility to initiate any review or request.

REPAIRS & MAINTENANCE

85. In respect of the entire length of the water and or wastewater line from the building to the main as per Schedule "A", property owners shall be responsible for:
- (a) the maintenance and repair of the Water Service Line including the thawing of frozen lines; and
 - (b) for the clearing of any blockages in the Wastewater Service Line, including tree roots.
86. Where deemed necessary for the Town to undertake the clearing of a wastewater service line or to attend a premise for services other than a water disconnection or re-connection, the service call-out rates in Section 96 shall apply.
87. When a building water service is repeatedly frozen, the Manager may require the property owner to either lower the building water service to a satisfactory depth, or sufficiently insulate same to protect it from further freezing. Such work shall be at the property owners' expense.
88. Where the exact location of any water related problem cannot be determined to be either clearly at the connection to the main, or on any portion of the Water Service Line from the main to the structure, the Town will undertake to determine the location of the problem and if the problem relates to the main, the Town will complete the repairs at its own cost and no call-out rate shall apply.

Curb Stops

89. Any requests by a property owner or occupier to turn off the water at the curb stop for the purposes of alterations to plumbing and/or structure shall be subject to the disconnection and re-connection fees contained in the Rates By-Law.

The owner or occupant of a property shall ensure that the water service curb stop valve remains accessible and exposed and where the owner or occupier, or agent thereof, damages the curb stop and/or curb stop box in the course of any maintenance, renovation or repair, or causes the curb stop to become inoperative, he shall be responsible for repair and/or replacement costs, with the Town under no obligation to turn on the water until the damage is repaired.

Wastewater Service Lines - Blockages

90. The Town is not obligated, nor required, to provide private residential, industrial or commercial wastewater service cleaning or televising.

Where a blockage in the Wastewater Service Line cannot be easily cleared, the property owner shall be responsible for arranging and paying for any work required to restore the operation of the service line. Residents experiencing issues must contact and secure the services of a qualified tradesperson.

Property owners and residents who have a Wastewater Service Line that is continually obstructed due to tree roots should contact the Manager to arrange for a Wastewater Service Line renewal. Such renewal shall be subject to the rates identified in Section 80(b).

Where it is determined that a blockage is located within the main:

- (a) the Town shall be responsible for the repair of the Wastewater Service Line and the associated costs, but only if the blockage was caused by physical damage to the Wastewater Service Line due to faulty installation, substandard materials or ground settlement or movement;
- (b) the owner shall be responsible for repair costs where the blockage has occurred for any other reason than identified in 90 (a).

If an owner believes that the service is performing poorly or is repeatedly causing problems, the owner may request the Town to repair or replace that part of the Wastewater Service Line (Wastewater Connection) from the property boundary to the main. However, if the problem with the line cannot be attributed to the specific causes identified in 90 (a), the owner shall be responsible for the associated costs

INTERCEPTORS

91. An owner or occupier of any premises upon which an industrial or commercial activity is carried on and which discharges into the Wastewater System any wastewater containing oil, grit, grease, sand or inflammable material, shall provide an interceptor on the premises in a location directed by the Manager to separate fats, oils and grease, and to then remove or retain such fats, oils and grease from the wastewater before discharging into the Wastewater System.

92. All interceptors shall be of a type and capacity approved by the Manager; shall be located where readily accessible for cleaning and inspection; and shall be maintained by the owner or occupier at their sole expense in continuous and efficient operation at all times.

93. The owner or occupier of the premises described in Section 91 shall:

- (a) keep the interceptor in good working condition at all times; and
- (b) service the interceptor often enough so that it does not become overloaded.

94. No person shall deposit, or cause to allow the depositing of, any interceptor residue into the Wastewater System.

95. Should any blockage of the Wastewater System, either wholly or in part, be caused by reason of failure, omission, or neglect of an owner or occupier of a property, to comply strictly with the provisions of this by-law, the owner or occupier shall, in addition to penalty for infraction of this by-law, be liable to and shall on demand pay the Town for all costs of clearing such blockage, and for any other amount for which the Town may be held legally liable because of such blockage.

SERVICE CALL-OUTS

96. When deemed necessary, property owners will be charged for each and every service call-out to attend premises in respect of Wastewater Service Lines including: blockages, maintenance or repair; and Water Service Lines including: meter repair, disconnecting, reconnecting, flushing and or thawing, with charges as follows:
- (a) \$150.00 per hour during regular working hours; or
 - (b) \$250.00 per hour for call-outs outside the scope of regular working hours, on a Saturday or Sunday, or on a statutory holiday; and
 - (c) an hourly rate for the use of a vacuum truck, or any required specialty equipment.

PART FIVE: CONTAMINATION, CROSS-CONNECTIONS & BACKFLOW PREVENTION

97. All new construction, or complete water or wastewater line replacement, or all existing buildings where repairs or alterations are being made to in-ground basement plumbing, shall be equipped with a back water valve installed below grade to prevent reverse flow. All supply, installation and maintenance costs shall be borne by the property owner. The installation shall be made downstream of any fixture or drain connection.
98. Unless required due to repairs or alterations being made to existing basement plumbing, the owner of an existing building is not otherwise required to have a back water valve installed, however is encouraged to do so. Whenever a back water valve is installed, a permit must be obtained from of the Neepawa and Area Planning District and the installation must be made in accordance with the Manitoba Plumbing Code. The owner of every building in which a back water valve is installed shall maintain the back water valve to ensure that it is in good mechanical condition and is available and accessible in case of a reverse flow.
99. No owner shall cause, permit or allow to be or remain connected to the property owner's water supply system, any piping, fixture, fitting, container or other appliance which may cause water from any source other than the Town's water utility service or allow any liquid or substance to enter the water service or water distribution system.
100. No person shall connect, cause to be connected, or allow to remain connected to the water distribution system any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, or other material or substance that will change the water quality in the water distribution system. The means for "protection from contamination" shall be in accordance with the requirements of the Manitoba Building Code or Manitoba Plumbing Code, as amended from time to time.
101. Any person, so authorized by the Town for the purpose of inspecting for cross connections shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any service pipe is supplied for the purpose of inspecting or repairing, or altering or disconnecting any service pipe, wire rod or cross connection on the premises.
102. If a condition is found to exist which is contrary to Section 99 of this by-law, the Town shall immediately carry out an inspection and shall issue such order or orders to the property owner as may be required to obtain compliance with Section 99 of this by-law.
103. Where a risk of possible cross contamination of the waterworks/distribution system exists in the opinion of the Manager or an approved authority, a property owner shall be required to install on the service pipe a cross connection control device approved by the Manager, in addition to any cross-connection control devices installed in the property owners water system at the source of the potential contamination.
104. Cross connection control or backflow prevention devices, when required by the Town, shall be installed in accordance with the Manitoba Building Code and CAN/CSA-B64.10-94 "Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.
105. All cross-connection control devices shall be inspected and tested at the expense of the property owner upon installation, and thereafter annually by a qualified individual, or more often if required by the Town, to demonstrate that the device is in good working condition. The property owner shall submit a report on a form approved by the Manager on any or all

tests performed on a cross connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self-employed) or the name of his employer and the tester's license number.

106. Should a property owner fail to have cross connection control device tested, the Manager, or their designate, may notify the property owner that the cross-connection control device must be tested within four (4) days of the consumer receiving notice. If the property owner fails to have the device tested within the time allowed, the Manager may shut off the water service or water services until the cross-connection control device has been tested and approved, as required in Section 105.
107. When the results of a test referred to in Section 105 indicate that a cross-connection control device is not in good working condition, the property owner shall make repairs or replace the device within four (4) days. Failing to do so, the Manager may shut off the water service until such repair or replacement has been made.
108. No person shall without the permission of the Manager, remove any cross-connection control or backflow prevention device installed as a requirement of provincial legislation notwithstanding that the applicable provincial regulation has been rescinded.

PART SIX: PENALTIES, LIABILITY & OTHER PROVISIONS

109. Where the Manager, or other designated officer has reasonable grounds to believe that an offence has been committed, or that a contravention of this by-law exists, all actions and remedies to bring any such matter into compliance with this bylaw shall be governed under the provisions of Enforcement By-Law 3165-16, or the then current enforcement by-law in force and effect.
110. In addition to enforcement actions, the Town reserves the right to turn off and/or withhold the supply of water to any person who contravenes, or refuses, neglects, omits or fails to obey or observe any provisions of this By-law, until the violation has been remedied.
111. The Town shall not be liable for any damage or problem:
 - (a) caused by the break of any water or wastewater main or service line, including any action taken under Subsection 6(b);
 - (b) caused by the interference or interruption, with or without notice, in the supply of water or wastewater services necessary in connection with the repair or proper maintenance of the water and wastewater system; and
 - (c) generally, for any accident due to the operation of the water and wastewater system unless that action has been shown to be directly due to the negligence of the Town.
112. Nothing in this By-Law relieves any persons from complying with any provision of any Federal or Provincial legislation or any other By-law of the Town.
113. THAT By-law Number 3168-17 is repealed.

DONE AND PASSED in Council duly assembled at the Municipal Office in Neepawa, in the Province of Manitoba, this 15th day June, 2021.

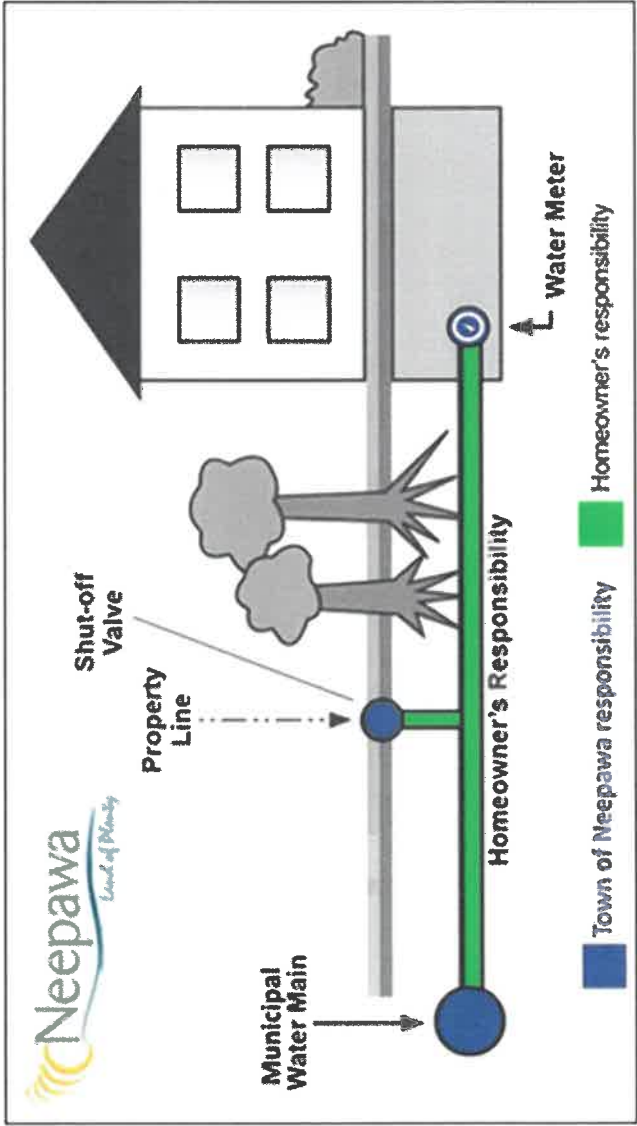

Mayor – Blake McCutcheon


CAO – Colleen Synchrony

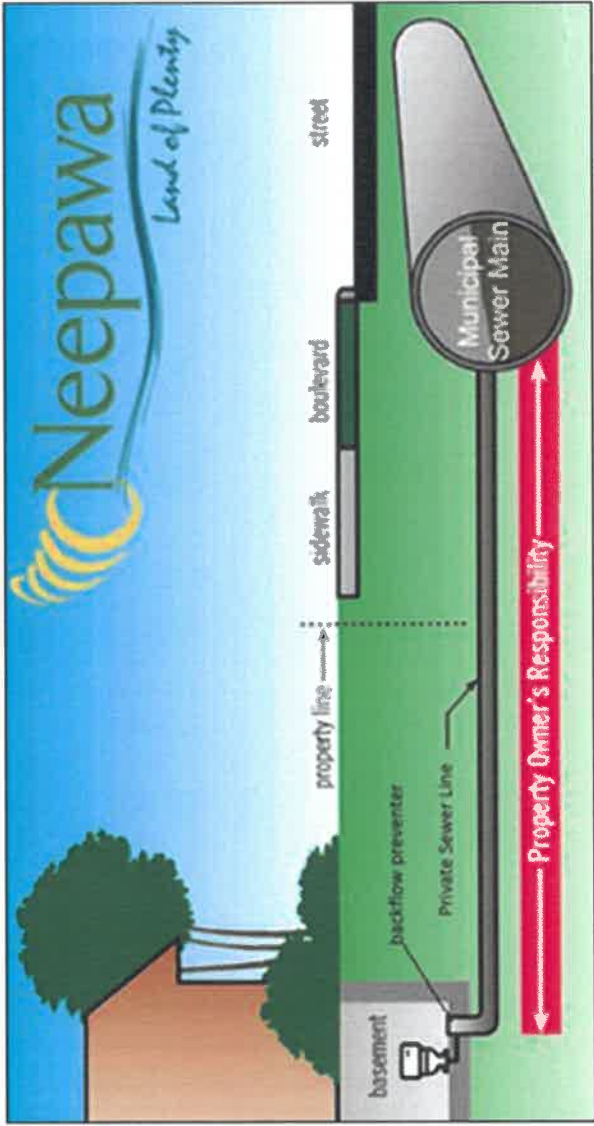
Read a first time this 1st day of June, 2021
Read a second time this 15th day of June, 2021
Read a third time this 15th day of June, 2021

Schedule “A”

Water Line Responsibilities



Wastewater Line Responsibilities



Schedule “B”

Neepawa Fixture Count Worksheet

Service Address:

Column 1

Type of Fixture

2

3

4

5

6

7

	2	3	4	5	6	7
	Fixtures in New Structure	Fixtures in Existing Structure	Fixtures Removed	Total Fixtures	Fixture Value	Total Fixture Unit Value
Sink, Clinic	+	-	=	X	3	=
Sink, Kitchen	+	-	=	X	1.5	=
Sink, Service/Mop Basin	+	-	=	X	3	=
Sink, Laundry	+	-	=	X	1.5	=
Sink, Bar	+	-	=	X	2	=
Sink, Bathroom	+	-	=	X	1	=
Bathtub or Tub/Shower	+	-	=	X	4	=
Shower	+	-	=	X	2	=
Urinal, 1.0 GPF	+	-	=	X	4	=
Urinal, >1.0 GPF	+	-	=	X	5	=
Toilet, <1.6GPF	+	-	=	X	2.5	=
Toilet, 1.6 GPF	+	-	=	X	5	=
Bidet			=	X	2.5	=
Toilet, >1.6 GPF	+	-	=	X	8	=
Washing Machine	+	-	=	X	4	=
Dishwasher	+	-	=	X	1.5	=
Drinking Fountain	+	-	=	X	0.5	=
Hose Bibb	+	-	=	X	2.5	=
Hose Bibb, each additional		-	=	X	1	=
TOTAL FIXTURE UNITS						

INSTRUCTIONS:

Column 2:

Enter the total number of each fixture type intended for the completed new structure.

Column 3:

If the project has an existing structure that will be utilizing the same water meter enter the total number of each fixture type currently in the existing structure.

Column 4:

Enter the number of fixture connections that will be permanently removed from the new structure.

Column 5:

Sum of Column 2 and 3 minus Column 4.

Column 6:

Per unit value of each fixture type.

Column 7:

Enter the number of Column 5 x Column 6.

Fixture Unit Count (Column 7 Total)	Required Meter Size
0 - 22	5/8" meter
22.5 - 37	3/4" meter
37.5 - 89	1" meter
89.5 - 286	1.4" meter
286.5 - 532	2" meter
532.5 - 1,300	3" meter
1,300.5 - 3,600	4" meter
3,600.5 - 8,200	6" meter