



RURAL MUNICIPALITY OF WEST INTERLAKE

BY-LAW NO. 8-2021

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WEST INTERLAKE RESPECTING THE MANAGEMENT AND REGULATION OF THE UTILITY SYSTEMS IN ASHERN AND ERIKSDALE.

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 Rural Municipality of West Interlake, in open session assembled hereby enacts as follows:

PART ONE: SHORT TITLE AND DEFINITIONS

1.0 Short Title

This By-law shall be known as "The Utilities Regulation By-law" of the R.M. of West Interlake.

1.1 Definitions

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

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

Manager – the Public Works Manager of the Municipality or their designate.

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.

Sewer Service - the sewer service system owned and operated by the municipality consisting of the sewer main saddle, riser, bends, adaptors and piping between the sewer main and the street boundary.

Sewer Service Line - privately owned line extending from the municipal sewage main to the end connection within the property owners building structure (See Schedule "A").

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).

Water Service - the water service system owned and operated by the municipality consisting of the main stop, curb stop, fitting and piping between the water main and the street boundary.

Water Service Line - privately owned line extending from the municipal water main to the end connection within the property owners building structure, including the curb stop (See Schedule "A").

Waterworks System - the sewer collection and treatment system and the water supply and treatment system owned and operated by the municipality.

PART TWO - WATER & SEWER SERVICE INSTALLATION AND RENEWAL

Residential Installation

2.0 The property owner of a residential structure shall be responsible for a payment of a residential surcharge and a surface restoration surcharge of \$1500.00 and \$1000.00 respectively for each service required. Such surcharges shall offset the overall cost of the installation, disconnection and/or renewal of water and sewer services from the utilities main to the nearest point on the property line of the premises served, with the Municipality being responsible for the balance of the associated cost.



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- 2.1 In the event that the sewer and water services are installed in a common trench not exceeding 3 m, in width and 7.5 m in length, and at the discretion of the Manager, only one installation surcharge of \$1500.00 and one surface restoration surcharge of \$1000.00 will be charged to the property owner.
- 2.2 The cost of construction and connection from the property line to the building shall be the total responsibility of the property owner.
- 2.3 The contractor and material list must be approved in writing by the Municipality prior to the start of work. Work must be in accordance with provincial standards.

Commercial Installation

- 2.4 The cost of construction and connection from the property line to the building shall be the total responsibility of the property owner.
- 2.5 The contractor, material list and the projected costs must be approved in writing by the Municipality prior to the start of work. Work must be in accordance with provincial standards.

PART THREE – SERVICE CALL-OUTS

Sewer Line

- 3.0 The Municipality is not obligated, nor required, to provide private residential, industrial or commercial sewer service cleaning or televising. Residents experiencing issues must contact and secure the services of a qualified tradesperson.
- 3.1 Property owners and residents who have a sewer service that is continually obstructed due to tree roots should contact the Manager to arrange for a sewer service renewal. Such renewal shall be subject to the subsidized rate identified in Part Two.
- 3.2 When deemed necessary to attend a call-out:
- a) The property owners of the residential premises will be charged a set fee of \$150.00 for each and every call-out concerning blocked sewer services, maintenance of services, thawing of frozen services, repairs to the water meter, etc.
 - b) There will be a charge to businesses and/or institutions for a call-out rate of \$50.00 per hour, during regular working hours, for Municipal Employees to thaw the utility services or repair the water meter for the businesses and/or institutions. After hours call-out rate is \$100.00 per hour.

Water Line

- 3.3 A service call out rate of \$150 per hour will be assessed to all residents, businesses and institutions during regular working hours to disconnect, reconnect, flush and/or thaw water services.
- 3.4 A call out rate of \$250 per hour will be assessed to all residents, businesses and institutions for after hours and weekend callouts to disconnect, reconnect, flush and/or thaw water services.

PART FOUR – REGULATIONS

Waterworks System (Water & Sewer)

- 4.0 The waterworks system including the water service, sewer service and every apparatus connected or related thereto shall be of the design and quality approved by the Manager
- 4.1 No person except an authorized Municipal employee shall:
- a) tap or make any connection or communication with any pipe or main which is part of or connected to the waterworks system; or
 - b) open, close or in any manner interfere with any curb stop, main stop or valve, which is part of or connected to the waterworks system.
- 4.2 No person shall make any connection or communication of an independent water supply with a pipe or main which is part of or connected to the waterworks system.



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- 4.3 The Manager, or their designate, may enter upon any premises connected to the waterworks system at any reasonable time to examine the pipes, meters and other installations used in connection with the waterworks system. Failure to allow entry of Municipal staff will result in water services being immediately disconnected at the curb stop until entry is granted.
- 4.4 The 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 below the surface of the ground level, unless the Manager otherwise determines.
- 4.5 In the course of making repairs to the street mains, or in constructing new work, or in connecting or repairing water service pipes, whether by the Municipality or by some other person, the Municipality shall have the right to shut off the water from any consumer, without notice, and keep it shut off as long as may be deemed necessary.
- 4.6 The Municipality shall not be liable for any damages as the result of suddenly, with or without notice, shutting off the supply of water to a consumer.
- 4.7 All new construction, or complete water or sewer 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 or back flow 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. 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 or back flow valve installed, although is encouraged to do so. The owner of every building in which a back water or back flow 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.
- 4.8 Weeping tile shall not be allowed to drain into the sanitary sewer system for new construction or renovation/retrofit of existing systems.
- 4.9 A qualified tradesperson employed by the owner or occupier of premises connected to the waterworks system shall be deemed to be the agent of such owner or occupier and the Municipality will not be responsible for the acts of the tradesperson.

Water Services

- 4.10 The standard water service from the water main to the property line shall be a 19mm standard pipe and a 19mm main stop.
- 4.11 The Municipality shall place in each water service a curb stop and box approximately three feet in on the property from 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 service under any application shall be the same size as the service applied for. The position in the street in which any water service is to be laid shall be approved by the Manager prior to installation.
- 4.12 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.
- 4.13 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.
- 4.14 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 service within the Municipal Street, in good order and repair, and protected from frost, at their own risk and expense.
- 4.15 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 Municipality and if any damage is done to their portion of the water service pipe or its fittings, either by neglect or otherwise, the Municipality 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.



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- 4.16 Only water meters furnished by the Municipality shall be used in all premises and the meters shall be and remain the property of the Municipality.
- 4.17 With specific reference to water meters:
- a) The consumer shall notify the Municipality 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 Municipal 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 Municipality shall seal all water meters and no person except an authorized employee of the Municipality shall break, or in any way interfere or tamper with such seal.
 - d) If a water meter is damaged by the backflow of hot water from a water heating apparatus, tank or boiler, the Municipality 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 Municipality 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 subsection d) or e), 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.
- 4.18 Water meters and automatic reading devices shall at all time be accessible to authorized Municipal employees, so that they may be examined, read, inspected and if necessary, repaired. The area around a meter should be kept free and clear of debris, furniture and any other obstructions at all times.
- 4.19 When a meter is found not to be in proper working order, or a meter reading is not obtained, the Manager 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.
- 4.20 Where an apartment block, tenement, duplex or other multiple occupied building, or a 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.
- 4.21 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 maintaining of said additional meters.

Water Supply – General Provisions

- 4.22 Upon vacating any building or premises, 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 Municipality that the premises are being vacated. In case the water is not turned off, the Municipality 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 ordinary municipal taxes. Nothing contained or implied herein shall be deemed to place any responsibility duty or liability on the Municipality.
- 4.23 The owner or occupier of any premises who requests the Municipality to turn off the 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 Municipality is notified that water service is again required for the premises.



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- 4.24 Notwithstanding the provisions of the Water and Sewer Rate By-law, water and sewer services supplied may, in the case of commencement or termination of service, be billed quarterly or otherwise, and the rates prorated accordingly and, in the case of termination of service, such prorated billings may be made payable by the customer earlier than the immediately ensuing quarterly billing in the normal course.
- 4.25 Water meters shall be read in whole cubic meters with the exception of the initial and final reading upon commencement or termination of new property ownership or change in occupancy.
- 4.26 The Municipality shall have the right to limit the amount of water supplied to any consumer, even though no limit is stated in the application for water.
- 4.27 The Municipality may, by resolution or by-law, discontinue, prohibit, or limit the supply of water for foundations, jets, garden hoses, sprinklers or swimming pools, etc., or limit the hours that water may be used for those purposes.
- 4.28 The rates for turning water on and off and the rate for repairs to meters and the rates for all other charges payable by the user of the water works system shall be the rates fixed by the Water and Sewer Rate By-law.
- 4.29 In the event that there is damage caused to the curb stop and/or curb stop box during new construction and/ or renovation the following shall apply:
- a) In this section, contractor means a contractor, sub-contractor, owner or any one or more of them and their agents and employees.
 - b) At least 7 days prior to commencing the construction of a building or structure which by nature of its intended use will be connected to the Municipal water and sewer system, on a site where a water line and curb stop are in place, the contractor shall notify the Municipality in writing of the date of commencement and the Municipality shall forthwith do all things necessary to ensure that the water line and curb stop are functional and in good repair.
 - c) Upon receiving an application for water turn on following the issue of an occupancy permit for the building or structure, the Municipality shall inspect and test the water 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 Municipality and the Municipality shall not be obliged to turn on the water until the damage is repaired.
- 4.30 No deep rooting trees (without limiting the generality of the foregoing, including willow, poplar, and elm) shall be planted over the wastewater service lines on private property. If it is determined that roots are entering the wastewater sewers from trees on private property, the trees may be removed by the Municipality at the Owner's expense.

PART FIVE – CONTRAVENTIONS, ENFORCEMENT & PENALTIES

Notice of Violation (Warning)

- 5.0 Upon inspection, if the Designated Officer determines that violation or contravention of a by-law exists, the Designated Officer shall issue a warning notice, and deliver a copy to the registered owner and/or the occupier, of the premises
- 5.1 Said Notice of Violation shall contain the following:
- a. The names of the registered owner and/or occupier, of the premises;
 - b. The civic and legal description of the property or premises;
 - c. A description of the situation in contravention and which section of the by-law has been contravened;
 - d. The particulars of the violation or non-compliance & any remedial work or actions required for compliance;
 - e. The timeframe in which the non-compliance must be remedied [minimum fourteen (14) days];



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f. That if the owner or occupant fails to comply with the notice, the RM of West Interlake may take action to complete the work required, and all applicable costs of such action shall be collected in the same manner as a tax as provided under the authority of *The Municipal Act*.

Order to Comply

5.2 In the event that the action specified in the Notice of Violation has not been taken by the specified date, the Designated Officer will re-inspect the property and issue an Order to Comply to the registered owner and occupier, if any, and contain:

- a. The names of the registered owner and/or occupier, of the premises;
- b. The civic address and legal description of the property or premises;
- c. The particulars of the non-compliance that remain, in part or wholly, to be remedied and the action required to be taken in order to complete the remedy, being fourteen (14) days from the date of the order;
- d. The final date for filing a Notice of Objection (appeal) to the Order by the registered owner and/or occupier [being fourteen (14) days from the date of the Order];
- e. Notice that non-compliance will result in the Municipality carrying out the terms of an Order as issued by a Designated Officer and that any costs incurred by the Municipality shall be an amount owing to the Municipality and charged to the owner and collected in the same manner as a tax, enforced under *The Municipal Act*.
- f. A copy of the Notice of Objection;
- g. Such other information or direction as the R.M. of West Interlake deems appropriate, including reference to any surcharges or penalties that may apply.

Appeal/Review

5.3 A Person or any Interested Person who receives a written Order may appeal an Order to Comply made by a Designated Officer by filing a written appeal that the Council of the Municipality review the Order. The appeal/request for the review must be in writing and received by the Chief Administrative Officer of the Municipality within 14 days after the date the Order is received. The appeal shall:

- a. State with reasonable exactness the grounds of the appeal;
- b. The name, address and interest of the appellant in the property; and
- c. Be dated and signed by the appellant.

5.4 Upon receiving an appeal/request for review, the Chief Administrative Officer of the Municipality shall set a date and time for the appeal/review by Council of the Order within thirty (30) days of receipt of an appeal and serve reasonable notice of same to the Person, who requested the appeal/review, of the date of the appeal/review.

5.5 The time specified for compliance in an Order is suspended from the date of receipt of an appeal/request for review, to the date upon which Council makes its decision. Council will provide for any further extensions necessary as a result of the appeal/review.

5.6 At the time and place set out in the notice of the appeal/review, Council shall consider the request for appeal/review. The person may appear in person or by counsel.

5.7 A hearing may be adjourned from time to time at the discretion of Council.

5.8 If the person registering the appeal fails to appear at the hearing, the appeal shall be dismissed, the Order automatically affirmed and the enforcement reinstated retroactive to the dates specified therein.

5.9 After reviewing the Order, and within a reasonable period of time, Council shall make a decision to confirm, vary, substitute or cancel the Order.

5.10 The decision of Council shall be final and not subject to further appeal.



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DONE AND PASSED in Council duly assembled at the Municipal Office in Ashern, in the Province of Manitoba, this 10th day of August, 2021.

Read a first time this 29th day of June, 2021.

Read a second time this 20th day of July, 2021.

Read a third time this 10th day of August, 2021.



**Reeve
Arnthor Jonasson**



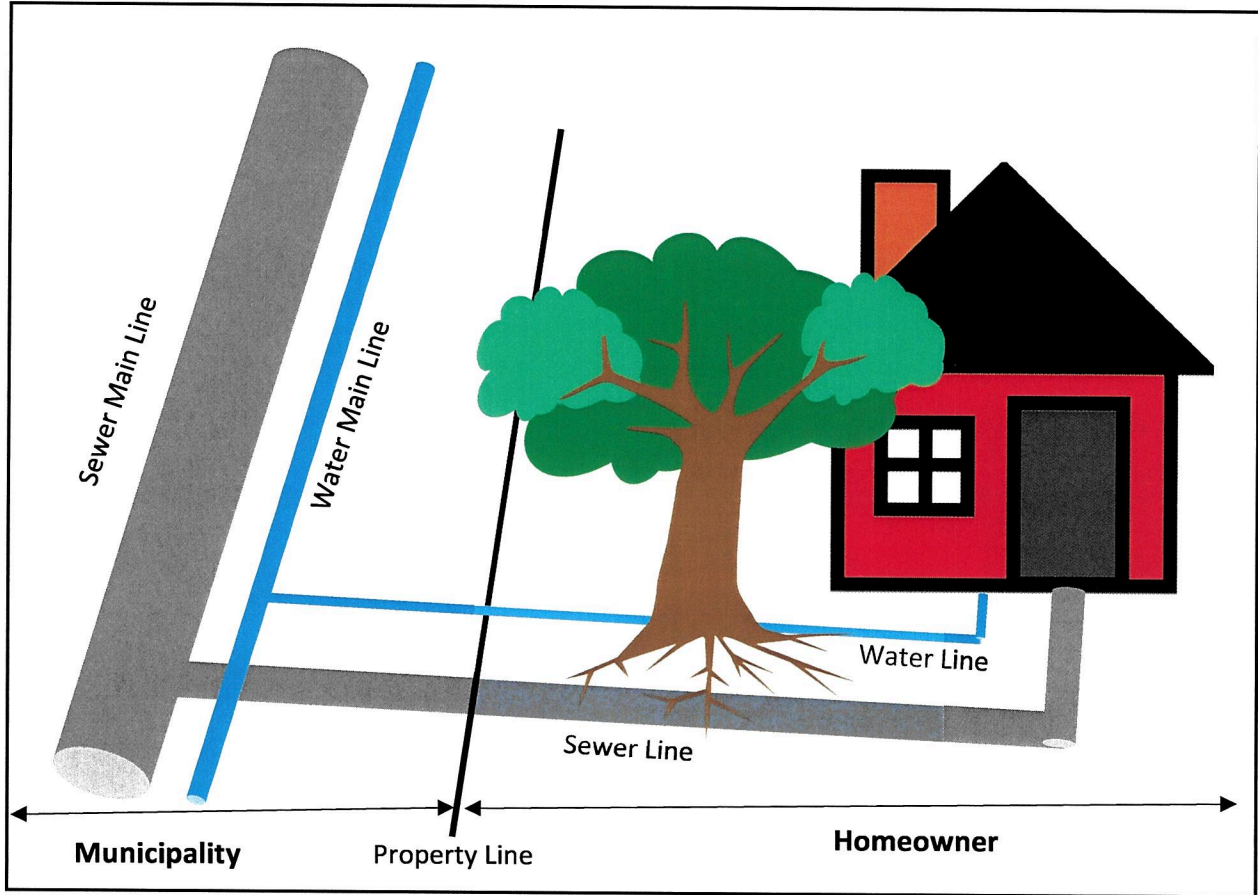
**Chief Administrative Officer
Courtney Roehl**



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SCHEDULE "A"



Maintenance Responsibilities