

TOWN OF WINKLER

WATERWORKS BY-LAW NO. 1674-99

Being a By-law of the Town of Winkler to revise and consolidate certain By-laws relating to the operation and regulations of the Water Utility.

WHEREAS, Section 250 (1), 250 (2), 252 (1) and 252 (2) of the Municipal Act (L.M. 1996 c. 58 - Chap. M 225) provides, in part, that a municipality has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes in order to own, operate and regulate a water utility including fixing of utility charges and the billing and collection thereof.

NOW THEREFORE be it said it is hereby passed and enacted as a By-law of the Town of Winkler, in Council duly assembled as follows:

THE TOWN OF WINKLER, in Council assembled, enacts as follows:

PART 1

SHORT TITLE

1.1 **Short Title** - This By-law may be cited as the "Water By-law".

PART 2

DEFINITIONS

**DEFINITIONS** - Unless the context otherwise requires, whenever used in this By-law

- 2.1 **"application"** means a contract, expressed or implied, for any of the customary services provided or supplied by, or in connection with the Water Works Utility.
- 2.2 **"Actual Cost"** means the cost determined by the *Water Utility* and shall include the cost of labour, equipment and material together with applicable overhead charges.
- 2.3 **"Approved"** means approved by the *Water Utility* in writing.
- 2.4 **"customary service(s)"** means any work or service provided or supplied by the Water Works Utility in the performance of its normal function of a publicly owned and operated water utility.
- 2.5 **"American Water Works Association"** (AWWA) means a not-for-profit scientific and educational association dedicated to drinking water issues, presently headquartered in 6666 West Quincy Avenue, Denver, Colorado, 80235.

- 2.6 “**Backflow Preventer**” means an assembly or device which prevents the backflow or substances into the potable water supply and which has the approval of the Canadian Standards Association.
- 2.7 “**Billing Period**” means the time between an actual and/or estimated meter readings.
- 2.8 “**Town**” means the Town of Winkler.
- 2.9 “**Council**” means the Council of the Town of Winkler.
- 2.10 “**Cross Connection**” means a connection or a potential connection between any part or a potable water system and any other environment containing other substances including gases, liquids and solids, in a manner which under any circumstance, would allow any such substance to enter the potable water system.
- 2.11 “**Cross Connection Control Tester’s Licence**” means the licence issued by the *Water Utility* to the *person* authorized to install, test or service a *backflow preventer*.
- 2.12 “**Customer**” means a property owner, tenant, occupant or person in charge or control of a premises, using or accepting any of the services provided or supplied by, or in connection with the *Water Utility*.
- 2.13 “**Deposit**” means the payment in advance of a work or service to be rendered by the *Water Utility*. As applied to the supply of water, *deposit* means the payment required to cover the accrued expense incurred by the *Water Utility* to provide service for a said period.
- 2.14 “**Designated Officer**” means the Town’s Director of Works and Operations or such other person as may be authorized in writing by said Directors of Works and Operations to exercise some or all of the powers vested in him by this By-law.
- 2.15 “**Fee**” means a charge set by Council which may be revised from time to time by Resolution of Council.
- 2.16 “**Fire Protection Connection**” means a water connection that provides water to a sprinkler system either of the wet or dry type, a standpipe, with or without attached hose, a fire hydrant, or any other apparatus of a fire protection system.
- 2.17 “**Meter**” means a mechanical or electronic instrument used to measure, record and transmit the flow or volume of water and includes the metering unit, register, counter and all interconnecting conduits, wires and other appurtenances.
- 2.18 “**Multiple Metering**” means more than one meter installed by the *Water Utility* on a single water connection to a premises.

- 2.19 **“Owner”** means a person who is an owner of a freehold estate in the Town and includes a person who is the owner of such an estate jointly with another person, and a person who is registered under The Condominium Act as owner, as defined in that Act, or a unit under that Act.
- 2.20 **“Person”** means any person, firm, partnership, association, corporation, or company and shall also include any agent, worker, servant, or employee of such person, firm, partnership, association, corporation or company.
- 2.21 **“Premises”** means any land or building or both or any part thereof.
- 2.22 **“Private Watermain”** is any watermain installed on private property to serve more than one premises or more than one *water connection*.
- 2.23 **“Public Bulk Water Outlet”** is a pipe or station established by the Water Utility to enable persons to fill containers and haul water to another location or premises.
- 2.24 **“Quarter”** as a measure of time means approximately three calendar months, or a period of time between two meter reading dates, and may commence on any day of any month.
- 2.25 **“Regular Water Connection”** means any water connection other than a fire protection connection.
- 2.26 **“Service(s)”** means any supply of water, system, plant, works, hydrant, standpipe or equipment, operated or supplied by the *Water Utility*.
- 2.27 **“Single Family Residential”** means an owner occupied single family dwelling or a duplex unit, one half or which is owner occupied.
- 2.28 **“Special Water Connection”** means a water connection to land not fronting on a street wherein a watermain is constructed.
- 2.29 **“Standpipe”** for fire protection means a riser pipe, normally wet or dry, exclusively for the supply of water to a fire fighting outlet.
- 2.30 **“Street”** means all the lands within the boundaries of street property lines and/or any lane, easement or right-of-way belonging to the *Town* in which a water pipe may be located.
- 2.31 **“Transportation By-law”** means *Town* Transportation By-law as amended from time to time.
- 2.32 **“Utility”** means any system, works, plant, pipe line, equipment, or service.

- 2.33 **“Water Connection”** means any piping system that is connected to a watermain including any appurtenances at the point of connection to the watermain.
- 2.34 **“Water & Sewer Permit”** means a permit issued by the *Water Utility* to the *person(s)* authorized to perform work on *regular water connections* from the *watermain* to the *Water Utility’s meter*, *fire protection connections* from the *watermain* to the building wall, *private watermains*, hydrants, *watermains* and all appurtenances shall be installed, repaired, altered, serviced, disconnected, hydrostatically tested and disinfected.
- 2.35 **“Water Utility”** means the system, works, plant, equipment and service for the supply, treatment, transport, delivery or furnishing of water and when applicable shall extend to and include the office of the Chief Administrative Officer and the management and employees of the *Town* under the jurisdiction of the Utilities Department for the *Town* having delegated authority from the said Chief Administrative Officer to administer and enforce this By-law.
- 2.36 **“Watermain”** means any water pipe vested in or under the control of the *Water Utility* for the distribution of water.
- 2.37 **“Water Works System”** means the Water Works Utility.

## PART 3

## GENERAL

### 3.1 Administration and Control of Water Utility

This By-law shall be administered by the *Town's* Chief Administrative Officer or such other *person* as may be authorized by the said Chief Administrative Officer to exercise some or all of the powers vested in him by this By-law. The Chief Administrative Officer shall have the control of the *Water Utility* of the *Town* including but not limited to the approval of the design and construction of all *watermains*, *watermain* connections and appurtenances and shall take charge of the construction and repairs of same and all matters in connection with the *Water Utility* of the *Town*.

### 3.2 Operation of Valves and Hydrants

*Water Utility* valves and hydrants shall be operated by the *Town* Emergency Response Services and the *Water Utility*. Operation by any other *person* without written permission of the *Water Utility* is forbidden.

### 3.3 Right of Entry

With the consent of the *owner* or occupant, or subject to any provision of the Municipal Act permitting entry without permission, the *Water Utility* shall have authority to enter upon any *premises* for the purposes of inspection, observation, measurement, and testing in accordance with the provisions of this By-law.

### 3.4 Not to Furnish Water

No *customer*, except with the written consent of the *Water Utility*, shall sell water or furnish water to any other *person* or *premises*, or permit any other *person* to take water from said *customer's premises* except for water obtained from a *Public Bulk Water Outlet* in accordance with Section 3.11.

### 3.5 Waste of Water Prohibited

Except by written permission of the *Water Utility*, no *customer* shall allow water to run longer than deemed necessary by the *Water Utility* through any outlet to prevent freezing or for any other purpose. The *Water Utility* may turn off the water or take other lawful action to prevent wastage of water.

### 3.6 Running Water Permitted

Where freezing has been determined to be on the *Town's* portion of the *water connection*, the *Water Utility* may, in writing, instruct *customers* to run a limited amount of water to the sewer to prevent freezing of *water connections* and/or *watermains*. The *customer* will be credited by an amount deemed by the *Water Utility* to offset the cost for additional water consumed in this way.

### 3.7 Frozen Water Connections

Where a *water connection* freezes on the *customer's* side of the *Water Utility's* control valve adjacent to the *street* line, the *Water Utility* may thaw the *water*

*connection* and charge the *customer* the *fee* as set annually by resolution of Council. Written authority and waiver of liability in favour of the *Water Utility* are required in advance. The *Water Utility* may require that a *water connection* be protected from freezing by methods satisfactory to the *Water Utility*. Where an existing *water connection* becomes vulnerable by reason of change in *street* grade or private property grade, or other act, the party making the change shall be responsible for the cost of protection.

### **3.8 Water Utility May Direct Repair on Private Property**

The *Water Utility* may direct that the *customer* repair a *water connection* or any of its appurtenances on private property at the *customer's* cost. When a *customer* refuses to undertake the repair and the *water connection* and/or its appurtenances are known by the *Water Utility* not to be in satisfactory working order, the *Water Utility* may turn off the water.

Where the water account is the responsibility of a tenant and the *owner* of a premises refuses to undertake a repair the *Water Utility* may place the water account in the owners name until such time as the *Water Utility* can confirm the repair.

### **3.9 Failure of Service**

The *Water Utility* shall not be liable for loss or damage by reason of low pressure or interruption or failure of water supply for any cause. The *Water Utility* shall not be liable for loss or damage resulting from supply of water of a quality not suitable for the *customer's* use.

### **3.10 Pressure Boosting Devices**

Where a *customer* requires constant supply pressure within prescribed limits, or a supply pressure exceeding that which exists at the *customer's water connection*, a boosting pump or other device may be installed by the *customer* at his expense upon approval of the *Water Utility*.

### **3.11 Public Bulk Water Outlets**

Where the *Water Utility* provides *Public Bulk Water Outlets* the rate charged for such water shall be set by resolution of Council for *Public Bulk Water Outlets*.

### **3.12 Water Haul Sanitation**

*Persons* drawing water from a *Public Bulk Water Outlet* within the *Town* must comply with the requirements of the *Water Utility* and the regulations of The Public Health Act.

Such *persons* shall on demand provide proof, satisfactory to the Health Department having jurisdiction, that the water tank is in acceptable sanitary condition.

### 3.13 Right to Restrict Use of Water

- 1) The Mayor, or such other person as may be authorized in writing, may impose restrictions on water use for lawn irrigation purposes during such time period, specified hours and within identified areas or locations as deemed necessary and expedient from time to time by it, or its designate, as the case may be.
- 2) The Provisions of this By-law shall not apply to:
  - i) hand water of flower beds, shrubs or gardens, and
  - ii) irrigation necessary to maintain the viability of lawns newly sodded or seeded in the same year as the most recent declaration made hereunder.
- 3) The imposing of restrictions on water use hereunder shall be implemented by a declaration of the Mayor or designated person, and the Mayor or designated person, shall inform the general public by:
  - i) forthwith filing at the office of the Chief Administrative Officer of the *Town*, a signed and dated declaration that water use restrictions are in effect for the time period, specified hours and within areas or locations as more particularly set out herein; and
  - ii) issuing for immediate release a communiqué to the media announcing the declaration imposing water use restrictions.

## PART 4

## CONSTRUCTION, MAINTENANCE AND APPROVAL

### 4.1 Approval

1) No *person* shall establish, enlarge, install, repair, alter, connect to, disconnect from or abandon that part of any *water connection, special water connection, fire protection connection, and private watermain* between the point of connection to a *watermain* and the *meter*, without first submitting plans and specifications of the proposed works to the *Water Utility* and receiving its approval and securing such permits as are required.

2) Such plans and specifications shall be acceptable to the *Water Utility*.

### 4.2 Interconnection To Other Sources

The water supplied by the *Water Utility* shall be protected from all other sources of water or any substance in accordance with Part 5 of this By-law.

### 4.3 Interconnection of Water Connections

Two or more *water connections* shall not be interconnected without the approval of the *Water Utility*. If two or more *water connections* are interconnected, approved devices shall be installed to prevent reverse flow of water from the premises. These devices shall be installed on each *water connection*.

### 4.4 Issuance of Permit

No permit shall be issued under this By-law until

- i) the application has been *approved* by the *Water Utility*, and
- ii) the applicant has paid the permit *fee* as set annually by resolution of Council.

### 4.5 New Water Connections

(1) **Application** - The application shall be supplemented by any plans, specifications or other information as may be required by the *Water Utility*.

(2) **New Water Connection Permit Fee** - A permit *fee* as set annually by Council shall be payable at the time the application is filed.

(3) **Single Connections** - A single connection to the *watermain* shall be provided for each new detached building, unless approved by the *Water Utility*.

(4) **Joint Use of a Water Connection** - The owners of multiple unit buildings, multiple buildings on one property, multiple storey/multiple family buildings or detached dwellings serviced by one *water connection* to the *Town watermain* shall be jointly responsible for the operation, maintenance, repair and abandonment of the *water connection*.

(5) **Restrictions** - No *water connection* shall be constructed under or through an existing building nor shall a building be constructed over an existing *water connection* unless *approved* by the *Water Utility*.

(6) **Permits May Be Revoked** - All permits given to connect with a *watermain*, *fire protection connection*, *private watermain* or hydrant shall be upon the condition that the *Water Utility* may at any time revoke the same and the *person* making such connections or their successor in interest shall have no claim against the *Town* for damages in consequence of such permission being revoked or annulled.

(7) **Cost of Installation** - The *owner* of a *premises* serviced by a *water connection* is responsible for the cost of installation from the *watermain* to the customer's *premises*.

(8) **Special Water Connection** - Upon application by the *owner*, the *Water Utility* may approve *special water connections* to properties not serviced by a fronting *watermain* provided that the *owner* pre-pay the full cost equivalent to the applicable local improvement rate of installing a *watermain* over the actual frontage of the *owner's* property or such portion thereof as determined by the *Water Utility*.

Where a *special water connection* is *approved* by the *Water Utility*:

- i) The *Town* shall not be responsible for paying any cost of installing, maintaining or repairing the said *special water connection*.
- ii) The *owner* of any *premises* with a *special water connection* shall indemnify the *Town* against any damage, loss or expense incurred by the *Town* as a result of the construction, existence or removal of the *special water connection*.
- iii) Where the property is located outside the local improvement district the *owner* shall pay a special sewer/water mill rate levy as approved by *Council* from time to time chargeable on the quarterly water bill.
- iv) If and when the *Town* constructs a *watermain* fronting such property, whether as a local improvement or otherwise, the *Water Utility* may require the *owner* at his own expense to abandon the *special water connection* in accordance with this By-law and connect to the *Town watermain* fronting on the property.

(9) **Water Utility's Control Valve Adjacent to the Property Line (Curb Stop)** - An *approved* control valve and *approved* box shall be provided on all *regular water connections* adjacent to the property line or unless as approved by the *Water Utility*. The control valve shall be operated only by employees of the *Water Utility* and no other *person* shall tamper or interfere with such control valve.

(10) **Customer's Control Valve** - A control valve shall be placed within the building as close as practicable to the point at which the *water connection* enters the building. The *customer's* control valve shall be upstream of the meter. The *customer* shall maintain the control valve and ensure that it is accessible and in operable condition at all times.

#### 4.6 Maintenance of Regular Water Connection

The *owner* of a *premises* serviced by a *regular water connection* is responsible for the cost of maintenance, including replacement except for that portion from and including the *Water Utility's* control valve to the *watermain*.

#### 4.7 Regulations on Construction

All *water connections* shall be constructed and repaired in accordance with the requirements of this By-law and shall be subject to the inspection and approval of the *Water Utility*.

- 4.8 **Liability Insurance** - Every *person* to whom a *Water Connection Permit* is issued under this By-law shall maintain an insurance certificate naming the *Town* as an insured party, indemnifying and saving harmless the *Town* from and against all accidents, suits and damages of whatsoever nature consequent thereupon for or by reason of any opening in any *street* by said applicant or said applicant's agents or employees for installing, repairing, altering or disconnecting a *water connection*, or for any other purpose or object whatsoever in the amounts of \$1,000,000.00 covering personal injury and \$1,000,000.00 covering property damage.

#### 4.9 Specifications

The installation, repair, alteration or disconnection of *water connections*, *private watermains*, *watermains*, and appurtenances thereto shall be completed in conformance with the requirements of The Manitoba Water Services Board Specifications and shall be to the satisfaction of the *Water Utility* and shall be in accordance with the following specifications:

(1) **Types of Service Pipes** - For all permanent construction only approved types of pipe and appurtenances shall be used.

(2) **Size** - The size of *water connection* necessary to adequately serve the *premises* shall be approved by the *Water Utility* and no *person* shall install a connection other than the *approved* size. The minimum size permitted for any residential *water connection* is nineteen millimeters (19mm) inside diameter and for any other *water connection* twenty-five millimeters (25mm).

(3) **Depth** - A *water connection* in the *street* or in private property, unless otherwise *approved* by the *Water Utility*, shall be placed with the top of the pipe not less than 2.50 meters below the surface on private property; not less than 2.75 meters and not more than 3.00 meters below the surface of the street unless otherwise authorized by the *Water Utility*.

#### 4.10 Water Connection Permits

(1) No installation, repair, alteration or disconnection of a *water connection* in a *street* or in private property or private watermain shall be undertaken until a Water Connection Inspection Permit has been obtained on payment of the *fee* set annually by resolution of Council. A Water Connection Permit shall be issued only where a qualified Contractor performs the work.

(2) **Water Utility May Revoke Permit** - The *Water Utility* may revoke any *permit* issued if it deems that the *person* is not satisfactorily performing the work or is not satisfactorily complying with the requirements of this By-law or if the insurance requirements are not being met.

(3) **Expiry of Permit** - Every *Water Connection Permit* issued under the provisions of this By-law shall remain in force, for a period of one year from the date of issuance unless extended by the Town.

#### 4.11 Inspection

Construction or repair of any *water connections*, or abandonment of any *water connection* within the *street* right-of-way or in private property or private watermain, shall be inspected and *approved* by the *Water Utility*.

The contractor must notify the *Water Utility* in the morning for inspections required in the afternoon or in the afternoon of the previous day for inspections required in the morning. For inspections after regular working hours including weekends and holidays, an additional *fee* as set annually by resolution of Council will be assessed.

The following conditions will apply to inspections:

i) No *water connection* excavation shall be backfilled until the water connection has been inspected and deemed satisfactory to the *Water Utility*.

ii) Every deficiency shall be remedied by the contractor and thereafter shall be re-inspected before backfilling may be commenced. The re-inspection *fee* as set annually by resolution of Council shall be assessed for each and every re-inspection required.

iii) Where repairs to a *water connection* have required excavation or where an existing *water connection* is required to be cut off and abandoned, no backfilling of the excavation shall be commenced until the work has been inspected and deemed satisfactory to the *Water Utility*.

iv) All backfilling and compaction shall be in accordance with the requirements of the *Water Utility*.

v) No *water connection* shall be turned on until the *Water Utility* is satisfied that the *water connection* conforms to the requirements of the *Water Utility*.

#### 4.12 Abandonment of Water Connection and Private Watermain

(1) **Abandonment** - When, as determined by the *Water Utility*, a *water connection* or a *private watermain* is no longer required or in use or permissible, prior to issuing a demolition permit, all *water connections* and private watermains shall be disconnected at the *watermain* at the cost of the *owner* of the property served by the connections, subject to Clause 4.12(3) hereof.

(2) **Charge to Taxes** - Where it is required that a *water connection* or a *private watermain* be abandoned and it is not undertaken by the *owner* of the property served by the connection, the *Town* may undertake the work, and the cost, if not paid by the *owner*, may be added to the taxes on the property and collected in the same manner as ordinary municipal taxes.

(3) **Abandonment of Water Connection Deposit** - Where the *owner* of the property served by the *water connection* or *private watermain* proposes to reuse a *water connection*, a demolition permit may be issued, subject to the approval of the *Water Utility* without the required disconnection. The *owner* shall deposit with the *Town* a disconnection deposit as set annually by resolution of Council. Such deposit shall be returned to the *owner* if the *water connection* is subsequently reused or disconnected by the *owner* to the satisfaction of the *Water Utility*. The deposit may be used by the *Town* to pay the *actual cost* of disconnection when deemed necessary by the *Water Utility*. Any surplus remaining shall be returned to the *owner* and any expenditure in excess of the deposit, if not paid by the *owner*, may be added to the taxes on such property and collected in the same manner as ordinary municipal rates. Deposits will be returned to the current *owner* of the property on the date that disconnection is made or the *water connection* is reused.

#### 4.13 Reuse of Water Connections

No *person* shall reuse an existing *water connection* until having completed an Application For New Water Connection and paid the appropriate *fee* as set annually by resolution of Council. *Water connections* shall not be reused unless the *owner* can demonstrate to the satisfaction of the *Water Utility* that the *water connection* is structurally sound and conforms in all respects to the requirements of a new connection.

#### 4.14 Plumbing Improvements

The *Town* may direct plumbing or other sanitary improvements to be made in any building or property in accordance with provisions of the Manitoba Plumbing Code. The *Town* may charge a Plumbing Permit fee as set annually by resolution of Council.

#### **4.15 Watermain Control Fee**

Where *Water Utility* staff are requested to attend or must attend for purposes of controlling a watermain or water connection for a licensed water contractor or other person that is not the result of defects in the water system, the *Water Utility* may charge a Watermain Control *fee* as set annually by resolution of Council.

#### **4.16 Town May Make Water Connections and Repairs and Charge to Taxes**

If a *person*, having been duly required to connect any *premises* with a *water connection* or to make any repairs, reconstruction or replacement thereof or in connection therewith, neglects or refuses so to do, the *Water Utility* may make such connection or do such repairs, reconstruction or replacement. The cost thereof when certified by the *Water Utility*, if not paid, shall be added to the taxes on such property and collected in the same manner as ordinary municipal taxes.

## PART 5

## BACKFLOW AND CROSS CONNECTION CONTROL

### 5.1 Cross Connections Prohibited

No *customer* shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may potentially allow water, non-potable water or any substance to enter the *Water Utility*.

### 5.2 Backflow Prevention

Where the *Water Utility* has determined a hazard(s) exists, or where the *Water Utility* does not have access to inspect the *premises*, the *customer* shall install a *backflow preventer* as approved by the *Water Utility*.

### 5.3 Notice to Correct

If a condition is found to exist which is contrary to the aforesaid, the *Water Utility* shall give notice to the *customer* to correct the fault at the *customer's* own expense within a specified time.

### 5.4 Failure to Comply

If the *customer* fails to comply with such notice, the *Water Utility* may undertake one or more of the following:

- i) Turn off the supply of water. Where the supply of water has been turned off to enforce compliance with this requirement, the *Water Utility* may charge a service visit *fee* as set annually by Council where water service is restored to such *premises*.
- ii) With the consent of the *customer*, enter the *premises* and do the work required to protect the quality of the potable water. The cost incurred by the *Water Utility* in undertaking this work shall be paid by the *customer* to the *Water Utility*. Such cost, if not paid by the *customer*, may be added to taxes on such property and collected in the same manner as ordinary municipal rates.
- iii) Proceed under Part 12.3 Offenses and Penalties
- iv) Notwithstanding the foregoing, where, in the opinion of the Designated Officer, a severe hazard exists, the customer shall install on his water service pipe a cross connection control device approved by the Designated Officer in addition to the cross connection control devices installed on the customer's water piping at the source of potential contamination.

## 5.5 Device Testing

The *customer* shall have all testable *backflow preventers* tested by a licensed Cross Connection Control Tester. Such test shall be done upon installation, repair, and thereafter annually, or more often if required by the *Water Utility* to demonstrate that the *backflow preventer* is in good working condition. The *customer* shall submit within thirty (30) days a report on such tests on a form *approved* by the *Water Utility*. A certificate of compliance acceptable to the *Water Utility* shall be displayed on or adjacent to the said device.

## 5.6 Repairs

If a *backflow preventer* is not in good working condition, the *customer* shall make repairs or replace the *backflow preventer* and notify the *Utility* in writing within 96 hours, or other specified period, that repairs or replacement is complete and that the device is in good working condition, and if the *customer* fails to comply, the *Water Utility* may impose penalties under 5.4 Failure to Comply.

## 5.7 Failure to Test

Should a *customer* fail to have a testable *backflow preventer* tested, the said *backflow preventer* shall be deemed defective and the *Water Utility* may impose penalties under 5.4 Failure to Comply.

## 5.8 No Water Turn On

No *water connection* shall be turned on until the *Water Utility* is satisfied that the connection conforms to *cross connection* control.

## 5.9 Cross Connection Control Licensing

(1) **Water Utility May Revoke Licence** - The *Water Utility* may revoke any *Cross Connection Control Tester's Licence* issued if it deems that the *person* is not satisfactorily performing the work or is not satisfactorily complying with the requirement of this By-law.

(2) **Expiry of Licence** - Every *Cross Connection Control Tester's Licence* issued under the provisions of this By-law shall remain in force, until the first day of January next succeeding the issue thereof unless it is revoked.

(3) **Licence Fee** - No *Cross Connection Control Tester's Licence* shall be issued by the *Water Utility* until the applicant has paid the *fee* as set annually by resolution of Council.

## PART 6

## WATER RATES & SERVICE CHARGES

### 6.1 Rates and Charges

Water service charges shall be as determined annually by resolution of Council. Water rates may be subject to Public Utility Board review and are set by a separate By-law establishing water and sewer rates.

### 6.2 Deposits

The *Water Utility* may charge a deposit as required by this By-law. No interest shall accrue or be paid on such deposit.

#### i) For the Supply of Water

The deposit to be charged for a premises may be based on:

a) an estimation of the water to be consumed quarterly, or other period at the said premises.

b) or from any other information or source available.

### 6.3 All Water Connections to be Metered

A sealed water *meter* shall be installed on each *water connection*. A *meter* may not be required on a fire protection connection. The *Water Utility* may require sealed detector check valves, *approved backflow preventers* and /or sealed *meters* on *fire protection connections*.

### 6.4 Metering

i) For establishing the volume of water consumption, the *Town* owned and supplied water meter to a maximum size of 20mm shall be used.

ii) Where a person requests testing of the *Town* water meter, a meter test *fee*, as set annually by resolution of Council, will be charged. If the meter test results show that the water meter was over registering outside of the current specifications of the *American Water Works Association*, the meter test *fee* will be refunded.

iii) Multiple Metering - Where multiple *meters* exist the current *owner* of the *premises* shall be responsible for: any errors in consumption by individual *customers* resulting from plumbing connections, damage to *meters*, loss of *meters*, or the illegal use of water, or any other reason, and for the payment of overdue water accounts.

## **6.5 Request for Meter Reading**

Where a meter reading has been requested, the customer shall be responsible for reading the meter and reporting the reading to the *Water Utility*.

## **6.6 Access to Water Meter**

Upon notification by the *Water Utility*, the customer shall arrange, at least once a year, to have a *Water Utility* employee read the *Water Utility's* meter(s). Where the *Water Utility* has been denied access to the water meter for the purposes of reading, inspection, installation, or removal, the *Water Utility* may turn off the water to the premises.

## **6.7 Tampering of Meter Prohibited**

No person shall alter or damage any water meter or seal placed by the *Water Utility* upon any water connection, including well and river source connections, so as to alter the amount of water registered, unless authorized in writing by the *Water Utility*.

## **6.8 Units of Measurement**

Where meters recording imperial gallons are used, they shall be read to the nearest hundred gallons.

## **6.9 Estimated Billing**

Where a meter has been removed, or the seal has been broken, or the meter is out of proper working order, or the scheduled reading is not obtained, or where no meter is installed, the *Water Utility* shall estimate the consumption of water used for any period. The estimate shall be based on the amount of water consumed for any period during the time the meter was working, or from any other information or source available, and such estimate shall be the basis for billing.

## **6.10 Consecutive Estimated Billings**

Where no actual meter reading has been obtained for two or more consecutive billing periods, the *Water Utility* may increase the estimate of the consumption billed or turn off the water to the premises.

## **6.11 Water for Construction Purposes**

Charges for water services required for construction purposes shall be determined by the Designated Officer.

#### **6.12 Billing Period(s)**

The *Water Utility* may set the *billing period* to monthly, *quarterly* or other and may bill for intervening periods. There shall be a service charge based on the meter size for a premises.

#### **6.13 Payments**

All payments of charges and other *services* may be made at the *Water Utility's* office, designated agents or financial institutions, if paid not later than the due date on the bill.

#### **6.14 Overdue Accounts**

Overdue payments must be made at the *Water Utility's* office designated on the bill. Overdue accounts may be subject to interest charges as set annually by resolution of Council.

#### **6.15 Transfer of Indebtedness**

Where a *customer* has terminated the water service contract at a *premises* and is re-applying for water service at a different location within the *Town*, any indebtedness or credits shall be transferred as though there had been no change in *premises*. The *Water Utility* may transfer to the water account of a person's principal residence any indebtedness incurred for water service at another *premises* owned by the *customer*.

#### **6.16 Remedies for Default in Payment**

Where there is a default in payment of any rates, service charges, or penalties provided for under this By-law, the *Town* may enforce payment by shutting off the supply of water or by suit at law before any court of competent jurisdiction or by distress and sale of the goods and chattels of the occupant of the property in which such water or service is consumed or used, or of any goods and chattels in the occupant's possession wherever they be found within the *Town*, such distress and sale to be levied and made in the same manner, so far as may be, as a distress and sale by law on a tenant for rent, and to provide that all such rates and penalties until paid shall be a lien on such property, and that in the case of rates, penalties and charges for water supplied or *services* rendered in connection with the *Water Utility*, the same may be added to the taxes on such property and collected in the same manner as ordinary municipal rates.

## 6.17 Service Visit Fee

Where *Water Utility* staff are requested to attend or must attend a customer's premises or other location for purposes of shutting off water for any reason, for providing advice or for any other reason that is not the result of deficiencies or defects in the water works system, the *Water Utility* may charge a Service Visit *fee* as set annually by resolution of Council.

## **PART 7**

## **METERS**

### **7.1 Supply and Replacement**

The *Water Utility* shall supply and install sealed *meters* up to 20mm in size and may at its discretion replace the *meter*. Meters over 20mm in size shall be supplied by the Applicant and shall confirm with the Town standards.

### **7.2 Size**

The *Water Utility* shall determine the size of the *meter(s)* to be installed on any *water connection* in any *premises*. The *customer* shall supply any information that the *Water Utility* requires for sizing of *meters*.

### **7.3 Location and Accessibility**

The *customer* shall provide sufficient space as close as possible to the control valve in the building or *premises* to accommodate a *meter* in a horizontal position along with any required *backflow preventer*, strainer, flow straightening device or testing apparatus. The *customer* must at all times have the *meter* accessible so that it may be readily and safely examined, read, repaired, removed or replaced by the *Water Utility*.

### **7.4 No Branch Except on Outlet Side of Meter**

Except as otherwise provided by this By-law, no branch shall be taken off any *regular water connection* other than on the outlet side of the *meter*.

### **7.5 By-pass of Meter**

A by-pass around the *meter* shall be provided by and at the expense of the *customer* on *water connections* fifty millimeters (50mm) in diameter and larger and the *water connection* shall be so valved that the *meter* can be removed for repairs or for testing and water supply to the *premises* maintained. There shall be a sealable valve on the by-pass which shall be sealed by the *Water Utility* and the seal shall not be broken except in case of a leak or stoppage in the *meter* or connections. Any *person* who breaks or authorizes the breaking of a seal shall notify the *Water Utility* within six hours. All by-pass installations for connections less than 50mm must be authorized by the *Water Utility*.

### **7.6 Multiple Metering - Residential**

In the case of a building containing six (6) or less dwelling units, the *Water Utility* may, upon request of the *owner*, provide an individual *meter* for each dwelling unit,

read it and submit a separate account. When such *multiple metering* is provided, the *owner* shall:

- i) complete an application for each meter and shall file with the *Water Utility* a plan of the building plumbing;
- ii) pay the permit *fee* as set annually by resolution of Council;
- iii) shall ensure supply of water to each dwelling unit is separate from all other dwelling units. Provide sufficient space at a single location as close as possible to the *customer's* control valve in the building for the installation of the required bank of *meters* or provide a *customer* control valve in each dwelling unit, make provision for the installation of the *meter* in a horizontal position, where they may be easily read and are readily accessible for removal, repair or replacement;
- iv) provide unrestricted access by the *Water Utility* to inspect the portion of plumbing between the customer control valve and the point where the *water connection* enters the building;
- v) render the *meters* readily accessible to *Water Utility* employees at all reasonable times;

#### **7.7 Multiple Metering - Commercial/Industrial**

In the case of a premises containing a number of units or other subdivision, the *Water Utility* may, upon request of the *owner*, provide individual metering for each subdivision, read it and submit a separate account. When such *multiple metering* is provided, the *owner* shall:

- i) complete an application for each meter and shall file with the *Water Utility* a plan of the building plumbing;
- ii) pay the permit *fee* as set annually by resolution of Council;
- iii) provide sufficient space at a single location as close as possible to the *customer's* control valve in the building for the installation of the required bank of *meters* in a horizontal position, where they may be easily read and are readily accessible for removal, repair or replacement;
- iv) provide adequate facilities for proper designation of the subdivision supplied by each *meter* for billing purposes;
- v) render the *meters* readily accessible to *Water Utility* employees at all reasonable times;

vi) or provide an automated meter reading alternative acceptable to the *Water Utility*.

#### **7.8 Private Meters**

Should any *owner* wish to charge tenants for water used, the *Water Utility* may allow private *meters* to be installed. However, under no circumstances shall an *owner* charge tenants more than the amount paid to the *Water Utility* as measured by the *Water Utility's meter*. The *owner* shall be responsible for installation, cost and maintenance of the private water *meter* in accordance with the American Water Works Association standards and specifications for water meters.

#### **7.9 Water Utility to be Notified of Failure of Meter**

In the case of breakage, stoppage or irregularity in a water *meter*, the *customer* shall notify the *Water Utility* immediately upon such condition being discovered. All installation, repair and disconnection of any water *meter* shall be undertaken only by the *Water Utility* or its authorized agents.

#### **7.10 Protection of Meters from Heat and Cold**

(1) **Heat** - A hot water system at any *premises* shall be so constructed that backflow of hot water will not damage any water *meter*.

(2) **Cold** - Every *customer* shall maintain the space where the *water connection* enters the *premises* and where any water *meter* is situated, at a temperature sufficient to prevent the *water connection* and *meter* of the *Water Utility* from being damaged by freezing.

#### **7.11 Lost or Damaged Meter**

Should a water *meter* be lost for any reason or should it be damaged by heat, cold, vandalism, theft or any other act whatsoever, the *Water Utility* will repair or replace same. The repair or replacement cost shall be paid by the *customer* in accordance with rates set annually by resolution of Council.

## **PART 8**

## **APPLICATION FOR WATER SERVICE**

### **8.1 Existing Service**

A *customer* requiring service where there is an existing *regular water connection* shall apply to the *Water Utility* in writing, in *person* or by phone and such application upon acceptance by the *Water Utility* shall form a contract for the service. An initial *meter* reading shall be provided on the day that the service is commenced.

### **8.2 New Water Service**

A *customer* requiring a new *regular water connection* shall apply on the prescribed form and pay the required fee as set annually by resolution of Council. Acceptance of the application by the *Water Utility* constitutes a contract. In special instances and for connections over twenty-five millimeters (25mm) in diameter, a set of drawings acceptable to the *Water Utility* shall be submitted showing the proposed points of connection to the *watermain*, and internal water lines, with proposed metering and *backflow preventers* as required.

### **8.3 Multiple Tenants**

When *premises* are or will be occupied by two or more tenants, the application for water service shall be made by the *owner* who shall be responsible for payment of all *Water Utility* charges.

### **8.4 Subdivision of Premises**

In the event that single *premises* are subdivided into multiple *premises* each having separate title, the owners of each such *premises* are deemed to be new *customers* and shall apply to the *Water Utility* for water service and shall complete such agreements as required by the *Water Utility*.

## **PART 9      INTERRUPTION OR TERMINATION OF WATER SUPPLY**

### **9.1      Water Utility May Turn Off Water**

The *Water Utility* may turn off the water supply to a *premises* when necessary to service or protect all or any part of the *Water Utility* and when practicable will give advance notice to such *customer*. The *Water Utility* shall not be liable for loss or damage incurred by reason of low pressure, water quality or interruption of the water supply.

### **9.2      Temporary Water Supply**

Upon the request of a *customer* the *Water Utility* may, where practicable, install and maintain a temporary water supply. The *customer* shall pay all costs associated with the installation, maintenance and removal of such temporary water supply including water consumed.

### **9.3      Additional Facilities**

Wherever a more reliable water supply is desired by the *customer*, the *Water Utility* may allow in accordance with Part 4, one of the following alternative connections, unless otherwise *approved*:

- i) Two separate connections to separate *watermains*, or
- ii) Two separate connections to the same *watermain* with a main valve between the connections, or
- iii) One connection to a *watermain* with main valves on each side of the connection.

### **9.4      Water Turn-Off**

A *customer* shall provide a final meter reading and notify the *Water Utility* immediately when water is no longer required at a *premises*.

### **9.5      Disposition of Deposit**

Upon termination of the water service contract the customer shall be rendered a finalized account showing the disposition of the deposit where applicable.

## PART 10

## FIRE HYDRANTS

### 10.1 Unauthorized Use Prohibited

The use of fire hydrants by other than the *Town* Emergency Response Services for fire fighting purposes or by the *Water Utility* for testing and maintenance purposes is strictly prohibited, except for *persons* authorized by the *Water Utility* as provided herein.

### 10.2 Permits for Use

The *Water Utility* may allow water to be obtained and volume measured from a fire hydrant where no other supply can reasonably be obtained. A *person* shall make written application to the *Water Utility* for a permit for each individual hydrant, prior to the use of any hydrant. At the time of application the applicant shall pay the permit *fee* as set annually by resolution of Council. Where a water meter is required, the applicant may rent a meter upon payment of the *fee* as set annually by Council. The applicant shall pay for water used at the rate set by Council.

The permittee or employees or agents of said permittee shall have said permit available for inspection each time water is obtained from a hydrant and shall install devices on the hydrant as required by the *Water Utility* to identify the permittee, permit number, location and other information required by the *Water Utility*.

### 10.3 Protection Required

The permittee shall protect the water *meter* supplied by the *Water Utility* and shall provide, install and maintain an *approved backflow preventer* and valves to the satisfaction of the *Water Utility*.

### 10.4 Water Utility Controls the Use

The *Water Utility* shall prescribe terms and conditions for the use of hydrants and may revoke a fire hydrant permit at any time. The permittee shall not operate the hydrant valve or the hydrant which is to be operated by the *Water Utility* only. The permittee will be assessed the costs of any repairs to the hydrant or water system caused by use of such hydrant.

### 10.5 Cold Weather

Every *person* authorized to use fire hydrants for purposes other than fire fighting between the first day of November of any year and the fifteenth day of May of the year next following shall notify the *Water Utility* immediately of such use.

## **10.6 Fire Hydrant Flow Test Information**

A qualified *person* may perform a hydrant flow test for a specific location subject to the approval of the *Water Utility*. The *Water Utility* may charge a *fee* to persons performing tests.

## **10.7 Relocation or Adjustment of Fire Hydrants**

Where an existing hydrant interferes with an *owner's* use or proposed use of the premises, the hydrant may be relocated, raised or lowered by the *Water Utility* or by a qualified contractor having a permit from the *Water Utility* at the expense of the property *owner* as approved by the *Water Utility*.

## **10.8 Private Hydrants**

One or more fire hydrants may be connected to a *fire protection connection* when *approved* by the *Water Utility*. Connection other than for fire fighting shall be metered and protected in accordance with Part 5. Addition of chemicals for cold weather protection is not allowed.

## **10.9 Obstruction of Hydrants**

Nothing shall be constructed, erected or planted which interferes or is liable to interfere with the use of a fire hydrant. Sufficient clearance shall be maintained adjacent to every hydrant to permit easy connection of hoses and complete operation of such hydrant from all directions using regular hydrant wrenches and hose spanners.

## PART 11

## FIRE PROTECTION CONNECTIONS

### 11.1 Fire Service Connections

A fire service connection shall include a direct or indirect pipe line connection to the Water Works Utility watermain for the purpose of providing a supply of water to a sprinkler system, either of the wet or dry type, a standpipe with or without attached hose, and a private fire hydrant or any other apparatus or fire protection system, for the purpose of extinguishing fires in a building or other premises. Connections for public fire protection provided by the Water Works Utility are not included.

### 11.2 Application

Any *person* making application for a *fire protection connection* or for the reuse of an existing *fire protection connection* for any *premises* shall in each case file with the *Water Utility* a set of plans and specifications sealed by a Professional Engineer licensed to practice in the Province of Manitoba showing the location and size of any buildings, fire hose outlets and *standpipes*, private fire hydrants, sprinkler heads, valves, *backflow preventers*, pipes, tanks, pumps and other appurtenances. The application *fee* for a *fire protection connection* and the Water Connection Permit *Fee* as set annually by resolution of Council will be charged. The cost of the installation of such *fire protection connection* shall be paid entirely by the applicant.

### 11.3 Size

The size and point of connection of each *fire protection connection* shall be *approved* by the *Water Utility* and shall depend on the size of the *watermain*, the available flow or pressure in the *watermain* and the nature and capacity of the fire protection equipment in the *premises* to be serviced. Unless otherwise *approved*, the diameter of the *fire protection connection* shall not be larger than the diameter of the *watermain*. Additional protection, where required, shall be provided by an additional *fire protection connection*.

### 11.4 Control Valve(s)

The control valve for a *fire protection connection* shall be adjacent to the *Water Utility watermain* unless otherwise *approved*.

## 11.5 Regulations for Fire Protection Connections

(1) **No Other Use** - No water shall be drawn from a *fire protection connection* for any purpose whatsoever except for extinguishing a fire or for the testing of the system by the *Water Utility* or by a *person* authorized by the *Water Utility*, except as provided by Section 11.4(5).

(2) **May Be Sealed** - A valve on a hose outlet or any other appurtenance forming part of a *fire protection connection* shall be of such a type that it may be sealed by the *Water Utility*, and whenever any such sealed valve is opened, the *customer* shall notify the *Water Utility* within six hours so that the same may be resealed.

(3) A closed sprinkler system, both wet or dry, shall be supplied by a separate line direct from the watermain in the street, or by a single combined Fire Stand Pipe and Sprinkler service line.

Where a sprinkler system containing less than 9 sprinkler heads is installed to protect against special hazard(s) in an otherwise unsprinklered building, such system may be connected to the regular metered water supply, providing that the water supply is adequate to supply the number of sprinklers.

(4) A fire standpipe may be supplied by a separate line direct from the watermain in the street or by a single combined Fire and Domestic service line. In the latter case, the fire standpipe connection shall be made on the watermain side of the water meter. Every fire standpipe service shall be provided at the expense of the owner and shall have an approved detector check valve complete with a detector meter and check valve on the detector meter line.

(5) **Sprinklers in Existing Premises** - An auxiliary fire sprinkler system, in conformance with the Manitoba Plumbing Code, which may be connected to a *regular water connection* in an existing *premises*, with the approval of the *Water Utility*. Capacity of the *regular water connection* for combined use shall be verified in writing by a Registered Professional Engineer prior to approval of the connection being given. Such sprinkler systems shall be fitted with an *approved backflow preventer*.

(6) **Maintenance of Fire Protection Connections** - A *customer* served by a *fire protection connection* shall:

i) maintain in good working order any sprinkler system, *standpipe*, hydrant or other fire protection apparatus or appurtenance;

ii) bear the cost of repairing, renewing, altering or removing any such *fire protection connection* including the *fire protection connection* control valve adjacent to the *watermain* as well as the tee or tapping sleeve, as may be required by the *Water*

*Utility.* A single family residential dwelling customer shall be responsible for the *fire protection connection* on private property only;

iii) restore to a condition satisfactory to the *Water Utility* any *street* or works contained therein that may be damaged as a result of any work undertaken by the *customer* or as a result of water leakage from such fire protection connection.

(7) **Domestic Use of Fire Protection Connection** - Under special circumstances, as *approved* by the *Water Utility*, a *regular water connection* may be connected to a suitably sized *fire protection connection* provided that:

i) a *backflow preventer* is installed on the *fire protection connection*;

ii) the connection of a *regular water connection* does not negatively impact the performance of any fire sprinkler or *standpipe* system, including a system's original design criteria and/or water flow requirements;

iii) the customer engages a Registered Professional Engineer, skilled in the appropriate area of work, to assess the impact of connecting a *regular water connection* to a *fire protection connection*;

iv) the *regular water connection* shall be metered.

Where such a combined fire and *regular water connection* is installed, all rates, *fees* and *licences* required shall be charged as a *fire protection connection* and the *customer* shall be responsible for maintenance costs in accordance with Section 11.4(4)

## PART 12

## ENFORCEMENT, PENALTIES AND APPEALS

### 12.1 Enforcement

The *Water Utility* may direct a *person* to remedy any condition that contravenes or fails to comply with this By-law

### 12.2 Water Utility May Turn Off Supply

The *Water Utility* may turn off the supply of water to any *premises*:

- i) to prevent contamination of the water supply or distribution system;
- ii) to prevent resale or use of water from another *premises*;
- iii) to prevent waste of water or excessive use of water;
- iv) to eliminate theft of water;
- v) to remedy an improper *water connection*;
- vi) to enforce the undertaking of repairs to a *water connection*
- vii) to enforce payment of a delinquent account;
- viii) to obtain a *meter* reading after two or more consecutive estimated readings;
- ix) to enforce the changing of a non-working *meter*;
- x) to enforce the replacement of the water *meter*.

### 12.3 Penalties for Offences

Any *person* who

- (1) (a) lays or causes to be laid any pipe or main to communicate with any pipe or main of the Town's *Water Utility*, or in any way obtains or uses any water thereof, without the consent of the Town;
- (b) willfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted, the Town or its servants, agents, contractors, or workmen, or any of them, in the exercise of the powers and authorities granted herein as to water works, plant, or equipment or water supply; or
- (c) willfully or maliciously lets off or discharges any water so that it runs waste or useless out of the *Water Utility*; or

(d) throws or deposits any injurious, noisome, or offensive matter into the water or the Town's *Water Utility* or upon the ice, or in any way fouls them or commits any willful damage or injury to the Town's *Water Utility* or water, or encourages any of those things to be done;

(e) bathes or washes, or cleanses any cloth, wool, leather, skin, or animal, or places any nuisance or offensive thing, in any lake, river, pond, source, or fountain from which the water of the Town is obtained and within one mile from the source of supply for the *Water Utility*; or

(f) conveys, casts, throws, or puts, any filth, dirt, dead carcasses, or other noisome or offensive thing in any of the waters mentioned in clause (a) and within the distance therein mentioned from the source of supply; or

(g) causes, permits, or suffers, the water of any sink, sewer, or drain to run or to be conveyed into any of the waters mentioned in this clause; or

(h) causes any other thing to be done whereby the waters mentioned in clause (a) may in anywise be tainted or fouled; or

(i) contravenes or disobeys, or refuses or neglects or causes a *person* to contravene or disobey or to refuse or to neglect to obey any provision of this By-law, is guilty of an offence and liable to a fine not exceeding \$5,000 in the case of a corporation or, in the case of an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months, or both, and the *person* is also liable to the *Water Utility* for any damage done by the *person*.

(2) Where an offense occurs under this By-law and continues for more than one day, the *person* is guilty of a separate offense for each day it continues.

#### **12.4 Appeal**

Any *person* who is aggrieved by the requirements of this By-law may file an appeal with the Chief Administrative Officer, subject to the payment of the appropriate *fee* as set annually by resolution of Council, which appeal shall be heard by the Utilities Committee of the *Town* whose decision on the matter shall be final and binding. The *fee* will be refunded if the appeal is successful.

PART 13

REPEALS AND SEVERABILITY

13.1 Repeals

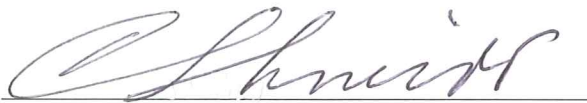
All By-laws and By-law amendments passed prior hereto by the Town of Winkler and still in force, relating to the regulation of the *Water Utility*, shall hereinafter cease to have effect and without limiting the generality of this section, By-law 630/65 and amendments thereto made from time to time, are hereby repealed.

13.2 Severability

If any provision of this By-law is held to be invalid by any court of competent jurisdiction the remaining provisions of this By-law shall not be invalidated.

13.3 Effective Date

DONE AND PASSED in Council assembled this 25<sup>TH</sup> day of JAN. A.D. 2000.



Mayor



Chief Administrative Officer

Read a first time this 29<sup>TH</sup> day of DECEMBER 1999

Read a second time this 29<sup>TH</sup> day of DECEMBER 1999

Read a third time this 25<sup>TH</sup> day of JANUARY 2000

