

A BYLAW OF THE VILLAGE OF ELBOW TO REGULATE AND CONTROL THE USE AND CONSUMPTION OF WATER FROM THE MUNICIPALITY'S WATERWORKS SYSTEM AND CONTROLLING AND REGULATING THE DISCHARGE OF SEWAGE INTO THE MUNICIPALITY'S SEWAGE SYSTEM

The Council of the Village of Elbow, in the Province of Saskatchewan, hereby enacts:

PART 1 - INTRODUCTION

1. Title
That this bylaw shall be cited as "The Water and Sewer Management Bylaw".
2. Purpose
The purpose of this bylaw is to provide and regulate water and sanitary sewer services to residential and commercial users.
3. Scope
This bylaw shall apply to all those connected to the Village of Elbow's water system and/or discharging sewage into the Village of Elbow's sewage system and lagoon.

PART 2 – DEFINITIONS

4. Wherever in this bylaw, the following words or terms are used, they shall, unless the context otherwise provides, be held to have the following means:
 - (a) **ADMINISTRATOR** shall mean the Village Administrator of the Village of Elbow or an employee of the Village designated by the Administrator to act on behalf of the Village.
 - (b) **COUNCIL** shall mean the Council of the Village of Elbow.
 - (c) **VILLAGE** shall mean the Village of Elbow in the Province of Saskatchewan
 - (d) **OWNER** shall mean the owner of any land or building to which water and sewer services are supplied by the Village of Elbow.
 - (e) **USER** means:
 - i. the owner of any land or building who makes application to the Village of Elbow for water and sewer services to any premises situated on their land or within their building; or
 - ii. any other person, persons or bodies corporate who are not the owners of the land or building upon or within which they occupy premises and make application to the Village of Elbow for water and sewer services.
 - (f) **PREMISES** means:
 - i. a single family dwelling house;
 - ii. a building used wholly for commercial or industrial purposes;
 - iii. a residential suite in a building used wholly or partially for commercial or industrial purposes;
 - iv. a residential suite in a multi-family dwelling house, duplex, a condominium, or an apartment building; or
 - v. a residential suite in a single family dwelling house.

PART 3 – GENERAL REGULATIONS

5. Every owner who wishes to obtain water and sewer services to any premises shall make application to the Village Office and pay all necessary fees and charges levied by the Village of Elbow for the installation of any service lines, connections, meters, fittings apparatus, appliances or any other thing deemed necessary by the Village for the provision of water and sewer services.
6. Every user, who is not the owner of the land or building they occupy, shall make application for water and sewer services before occupying those premises to the Village Office and shall pay a \$150 utility deposit. This utility deposit shall be refunded upon service being discontinued at the request, by consumer, provided all utility charges are paid in full.

7. Every owner or user wanting their water turned on at the curbstop, for a property that is not currently on (does not have a water meter installed), shall pay a \$50 connection fee to the Village of Elbow to have the water turned on at the curbstop and the water meter installed. There is no charge to have the water disconnected.
8. Every owner or user wanting their water turned on (at the curbstop), for a property that is already currently on (water meter is installed) , shall pay a \$10 transfer fee to the Village of Elbow to have the curbstop turned on.

PART 4 – WATER SUPPLY REGULATIONS

9. Every owner shall make provision for installation of the inside water meter in a location easily and readily accessible to Village staff for examination and maintenance and shall at all times, properly and efficiently protect the service pipe and meter from frost or other injury so that the meter shall not be damaged.
10. The Village will supply the initial meter which the consumer must show due care and attention. If in the case that the meter needs to be replaced due to neglect, the user must pay the full cost of a replacement meter and the charges shall be added to the users account.
11. Every owner or occupant of premises connected to the Village water and sewer system, shall permit access to the building by Village staff to examine, inspect and/or repair the water meter at all reasonable times.
12. All water meters shall be sealed at time of installation and it shall be an offense for any person to break the seal and/or to tamper with the meter in any way. Where evidence of tampering with the seal or meter is found, the person who applied for service and who is billed for service shall be deemed responsible and be liable for the penalty prescribed in this bylaw.
13. In the event that a meter when read is found to register incorrectly, an amount based on that user's average usage from the previous related periods or based on average usage of a similar family size will be used to calculate the billing.
14. It shall be an offense for any person who is not an employee of the Village or who has not been authorized by the Administrator to open, close or tamper with a fire hydrant, curb stop or valve connected with the Village water system.
15. It shall be an offense for any person to interfere, obstruct or abuse any Village employee engaged in maintenance, inspection or repairing of a fire hydrant, curb stop or water meter connected to the Village water system.
16. For reason of making repair, or extension of mains or services, the Village shall have the right to shut off water to any user without notice for a period necessary to complete the repair of connection.
17. The Village, or its employees, shall not be liable for any damages resulting from the discontinuance of water supply, with or without notice, to any building, boiler or other apparatus deriving its supply from the Village water system.
18. The Village shall have the right to limit the amount of water furnished to any user upon reasonable notice to the user of such intended action.
19. Every occupant of premises connected to the Village water supply shall give notice to the Administrator of his intended or actual vacating of the premises.
20. No person shall convey, sell, dispose of or give away or permit water to be carried or taken away or use it or supply it for the use or benefit of others.
21. The Village shall be responsible for any water line up to and including the curb stop. The property owner shall be responsible for any point after the curb stop.

PART 5 – SEWAGE SERVICE REGULATIONS

22. Every owner or user shall take every precaution not to cause a blockage in the sewer service line between the building and the Village sanitary sewer main.
23. Every owner or user who make a claim or demand, takes any action or alleges that they have a cause of action, claim or demand against the Village of Elbow for or by reason of loss of whatsoever kind or nature arising out of any incident of sewer back-up and/or flooding shall, within 30 days of making such claim or demand or taking such action, install a sewer back-up valve on the premises which are the subject-matter of such claim, demand or action in accordance with specifications provided by the Village Administrator and the owner or user shall also provide satisfactory proof of such installation to the Village Administrator.
24. No person shall discharge into any drain, sewer, or lagoon system operated by the Village of a harmful matter, substance or thing, whether liquid or solid, that would be injurious to health, life or property or that would injure, pollute or damage any stream, watercourse, drain, sewer, lagoon, or sewage treatment plant.
25. The Village shall be responsible for any sewage main. The property owner shall be responsible for the construction, maintenance, repair, clean out (i.e., roto-rooting), and replacement of the portion of the service connection from their building to the sewer main.
 - a) The Village of Elbow will share the cost 50/50 for the price to repair/replace asphalt and sidewalks that are required to be removed to repair sewer and/or water lines.

PART 6 – ENFORCEMENT OF ARREARS AND PENALTIES

26. Any person found guilty of an infraction of this bylaw, or any part thereof, shall be liable on summary conviction, to the penalties prescribed by the General Penalty Bylaw of the Village of Elbow.
27. If a user of water and sewer services fails to pay amounts charged for usage or fails to pay any other charges, fees, rents or amounts levied by the Village of Elbow in relation to the provision of water and sewer services, the Village of Elbow may, in addition to any other remedies available to it for the non-payment of charges, fees, rents or amounts levied, discontinue the provision of water and sewer services to the user upon giving reasonable notice of its intention to do so to the user. The Village, or its employees, shall not be liable for any damages resulting from the discontinuance of water supply to any building, boiler or other apparatus deriving its supply from the Village water system.
28. If the person to whom water and sewer services are supplied is the owner of the land or building to which the service is supplied, the sum payable by him for the service and all rates and costs imposed pursuant to this bylaw are a lien on the land and building which has priority over all other liens or charges save that of the Crown, and are a charge on the goods and chattels of the owner and may be levied and collected in the same manner as taxes are recoverable.
29. If the person to whom the water and sewer services are supplied is a person other than the owner of the land or building to which the service is supplied, then the sum payable by him for the service and all rates and costs imposed pursuant to this bylaw are a debt due by him and are a lien on his goods and chattels and may be levied and collected with costs by distress.
30. A distress and sale for rates, charges or rents pursuant to this bylaw is to be conducted in the same manner as distresses and sales are conducted for the arrears of taxes, and the costs chargeable are those payable pursuant to *The Distress Act*.
31. An attempt to collect any rates, charges or rents pursuant to this bylaw does not in any way invalidate any lien the Village is entitled to on land, buildings, or goods and chattels by virtue of this section.

32. If any rate, charge or rent owed by an owner or user of land or a building is in arrears after the renter of owner has vacated the premises and the meter deposit has been reversed against the outstanding amounts, the balance of the outstanding rate, charge or rent may be added to, and thereby form part of the taxes on the land or buildings of the owner with respect to which the water and sewer service was provided.

PART 7 – REPEAL

33. Bylaw No. 20-06 is hereby repealed.



(S E A)



Mayor D. D. D.



Administrator

Bylaw No. 14-2023 adopted by resolution of Council on the 11th day of December, 2023.