



CITY OF MOOSE JAW

Office Consolidation

SEWER AND WATER UTILITY BYLAW

Bylaw No. 5152

Date of Passage January 14, 2002
(effective date January 14, 2002)

Including amendments to January 25, 2021

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- (a) the original bylaw and of all bylaws amending it; and**
- (b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS	DATE PASSED	FORCE/EFFECT
Bylaw No. 5242	Aug. 8, 2005	Mar. 24, 2005
Bylaw No. 5279	Sept. 11, 2006	Jan. 1, 2007
Bylaw No. 5265	Dec. 18, 2006	Dec. 18, 2006
Bylaw No. 5279	Dec. 3, 2007	Jan. 1, 2008
Bylaw No. 5348	Sept. 20, 2010	Jan. 1, 2011
Bylaw No. 5386	Oct. 3, 2011	Jan. 1, 2012
Bylaw No. 5508	Dec. 21, 2015	Dec. 21, 2015
Bylaw No. 5520	Jan. 9, 2017	Jan. 9, 2017
Bylaw No. 5535	May 23, 2017	May 23, 2017
Bylaw No. 5557	April 23, 2018	April 23, 2018
Bylaw No. 5574	March 25, 2019	March 25, 2019
Bylaw No. 5579	May 13, 2019	May 27, 2019
Bylaw No. 5564	October 15, 2019	Oct. 15, 2019
Bylaw No. 5615	January 27, 2020	Jan. 27, 2020
Bylaw No. 5621	April 27, 2020	April 27, 2020
Bylaw No. 5629	January 25, 2021	January 25, 2021
Bylaw No. 5636	January 25, 2021	January 25, 2021

BYLAW NO. 5152

A BYLAW OF THE CITY OF MOOSE JAW TO PROVIDE FOR THE MANAGEMENT AND OPERATION OF A PUBLIC UTILITY SERVICE FOR THE SUPPLY, COLLECTION, TREATMENT, STORAGE AND DISTRIBUTION OF WATER AND FOR THE COLLECTION, TRANSMISSION, TREATMENT AND DISPOSAL OF SEWAGE AND STORM DRAINAGE.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF MOOSE JAW
ENACTS AS FOLLOWS:

PART 1 - GENERAL

Short Title

1. This Bylaw may be cited as the Sewer and Water Utility Bylaw.

Bylaw No. 5152

Definitions

2. In this Bylaw, in any amending Bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:

- (a) the word “**City**” means the Municipal Corporation of the City of Moose Jaw or, where the context requires, the geographical area within the city limits of the City of Moose Jaw;
- (a.i) the term “**City Administration Bylaw**” means Bylaw No. 5175 of the City of Moose Jaw, as amended from time to time;
- (b) the term “**City Engineer**” means the person appointed as the City Engineer for the City of Moose Jaw or his/her duly authorized representative or designate;
- (c) repealed;
- (d) the term “**City Treasurer**” means the person appointed as the City Treasurer for the City of Moose Jaw or his/her duly authorized representative or designate;
- (e) the word “**Consumer**” means any person with a service connection to the City’s Water Works or Sanitary Sewer System.;
- (f) the term “**Out-of-City Consumer**” means any consumer having a service connection at a property located outside the boundaries of the City of Moose Jaw but does not include 15 Wing Moose Jaw or properties located at Bushell Park;

(f1) the term “**Policy**”, including, without limiting the generality of the foregoing, “Terms and Conditions Policy,” “Multiple Estimates Policy,” “Remote Recording Device Variance Policy,” “Stopped and Malfunctioning Meter Policy,” and “Water Conservation Policy,” means a written policy implemented by the City in accordance with or in relation to application of this Bylaw.;

(g) the term “**Sanitary Sewer System**” means the system of infrastructure and other works necessarily incidental to the collection, transmission, treatment and disposal of sewage or storm drainage;

(h) the term “**Water Works**” means the system of infrastructure and other works necessarily incidental to the supply, collection, treatment, storage and distribution of water.

Bylaw No. 5520

Public utility established, re: water works and sanitary sewer system

3(1) A public utility service is hereby established for:

(a) the supply, collection, treatment, storage and distribution of water within or immediately adjacent to the City; and

(b) the collection, transmission, treatment and disposal of sewage or storm drainage.

(2) The public utility service referred to in subsection (1) shall be operated in accordance with the provisions of *The Cities Act* and the provisions of this Bylaw.

Bylaw No. 5152 and Bylaw No. 5279

Applications for sewer and/or water service

4(1) Every person desiring to:

(a) be supplied with water from the City’s Water Works;

(b) discharge sewage or storm drainage into the City’s Sanitary Sewer System;

shall complete and execute an application in the form provided by the City Treasurer;

(2) Persons applying pursuant to subsection (1) may make application as follows:

(a) for combined sewer and water service;

(b) for water-only service;

as provided for in this Bylaw;

(3) The application referred to in subsection (1), when accepted by the City Treasurer,

shall be a contract between the applicant and the City in connection with the discharge of sewage and/or supply of water. All applicants shall be required to comply with all sections of the bylaw and the Terms and Conditions Policy.

Bylaw No. 5520

Application fees and deposits, re: sewer and/or water service

- 5(1) In addition to the requirements set forth in section 4, at the time of application:
- (a) every person making application for sewer and/or water service shall pay the connection fee set forth in Part 1 of Schedule “A”; and
 - (b) the City Treasurer may require any person making application for sewer and/or water service to provide a deposit to the City in the amount set forth in Part 1 of Schedule “A”.
- (2) Connection fees paid pursuant to subsection (1) shall be included in the first account rendered by the City Treasurer in respect of that service connection.
- (3) Deposits required pursuant to subsection (1) shall be released:
- (a) upon termination of the account;
 - (b) after two (2) years, if the consumer has maintained his/her sewer and/or water account in good standing during that period.
- (4) Deposits released pursuant to subsection (3)(a) shall be applied first against any outstanding sewer and/or water service accounts and the balance, if any, paid to the holder of the account.
- (5) Deposits released pursuant to subsection (3)(b) shall be credited to the consumer’s sewer and/or water service accounts.

Bylaw No. 5152 and Bylaw No. 5348

PART II - WATER WORKS

Fees, rates and charges for water service

6. All consumers with a service connection to, or any other person receiving water from, the City’s Water Works shall pay the monthly service connection fees, water consumption fees and other charges calculated pursuant to Part IV of this Bylaw.

Bylaw No. 5152

Temporary water service

7(1) Contractors or other persons desiring a temporary supply of water may be granted such service upon:

- (a) payment of the temporary connection fee set forth in Part 3 of Schedule “A”;
 - (b) payment of the deposit set forth in Part 3 of Schedule “A”; and
 - (c) such other terms and conditions as may be required by the City Treasurer.
- (2) Where the temporary water service is no longer required, the holder of the account shall notify the City Treasurer requesting that the water supply be turned off or transferred into the name of another party.
- (3) Deposits provided for water supplied pursuant to this section shall be applied first against any outstanding sewer and/or water service accounts and the balance, if any, paid to the holder of the account.

Bylaw No. 5152 and Bylaw No. 5348

Water-only service

8(1) Property owners or other persons desiring a water-only service connection may be granted such service in the following circumstances:

- (a) the property at which such service is to be provided:
 - (i) is already serviced with at least one (1) combined water and sewer service account; or
 - (ii) is not located in an area of the City where a service connection to the City’s Sanitary Sewer System is reasonably available; and
 - (b) the property owner or consumer, as the case may be, has made adequate provision to ensure that no water supplied through a water-only service connection will be discharged or released into the City’s Sanitary Sewer System.
- (2) No consumer with a water-only service connection shall allow any water supplied through a water-only service connection to be discharged into the City’s Sanitary Sewer System.
- (3) The City Treasurer may discontinue the supply of water to any property from which any water supplied through a water-only service connection has been discharged or released into the City’s Sanitary Sewer System

Bylaw No. 5520

Water meters required

9(1) Unless specifically approved for unmetered service by the City Engineer, all water supplied to consumers from the City's Water Works shall be measured by water meter supplied and approved by the City Engineer.

(2) The City Engineer shall determine, in his/her discretion, the appropriate size, type and location of water meter required for each property.

(3) Consumers desiring additional service connections, including water-only service connections, or larger water meters may make application to the City Engineer and, if approved,

such additional service connections or larger water meters may be installed, with all costs to be borne by the applicant.

Bylaw No. 5152

Control and maintenance of water meters

10(1) All water meters installed on private property shall remain:

- (a) the property of the City;
- (b) under the control of the City Engineer.

(2) No person shall tamper with, alter, remove or disconnect a water meter installed on private property pursuant to this Bylaw.

(3) Every property owner or consumer, as the case may be, shall be responsible for:

- (a) ensuring safe, convenient and reasonable as defined in the Terms and Conditions Policy and Multiple Estimates Policy for City staff to all water meters installed on private property and the premises in which such meters are located;
- (b) ensuring that all water meters installed on private property are insulated from the cold and protected from damage by any cause;
- (c) all costs associated with repairing, testing, replacing and reinstallation of any water meter which is damaged while installed on private property, save and except only reasonable wear and tear.

(4) The City Treasurer may discontinue the supply of water to any property where:

- (a) a water meter installed on that property has been damaged, altered or disconnected;
- (b) the property owner or consumer, as the case may be, has refused or failed to:

- (i) provide and maintain safe and convenient access for City staff to any water meter installed on that property or the premises within which such meters are located;
- (ii) provide sufficient or adequate protection or insulation for a water meter installed on that property;
- (iii) pay the cost of repairing, testing, replacing or reinstalling any water meter which had been damaged, altered or disconnected while installed on that property.

Bylaw No. 5520

Bypass lines around water meters

11(1) No person shall install a bypass line around a water meter:

- (a) except with the express written permission of the City Engineer;
- (b) unless a control valve is installed on the bypass line; and
- (c) unless a single use seal is placed on the control valve so as to prevent opening the control valve without breaking the seal.

(2) No persons shall operate or open the valve on a bypass line except in the case of an emergency.

(3) The property owner or consumer, as the case may be, shall promptly notify the City Engineer upon:

- (a) breaking the seal on a bypass control valve;
- (b) operating or opening a bypass control valve;
- (c) removing a bypass line around a water meter.

(4) The City Treasurer may discontinue the supply of water to any property where:

- (a) a bypass line has been installed around a water meter at that property contrary to subsection (1);
- (b) a property owner or consumer, as the case may be, for a property where a bypass line has been installed has failed to comply with sections (2) and (3).

Bylaw No. 5152

Water restrictions under exigent circumstances

12(1) Where, in the opinion of City Council, restrictions on the supply, use or consumption of water from the City's Water Works are required, the Council may, by resolution, impose such restrictions on the supply, use or consumption and for such period of time as may be

deemed appropriate. Without limiting the generality of the foregoing, City Council may restrict consumers residing on property with a civic address having:

- (a) an even number from watering lawns or gardens with water supplied from the City's Water Works on odd numbered days of the month; and
 - (b) an odd number from watering lawns or gardens with water supplied from the City's Water Works on even numbered days of the month.
- (2) During any period during which City Council has imposed restrictions on the use or consumption of water pursuant to subsection (1), no person shall use or consume water contrary to such restrictions.
- (3) The City Treasurer may discontinue the supply of water to any property where a property owner or consumer, as the case may be, has refused or failed to comply with the restrictions imposed by City Council pursuant to subsection(1).

Bylaw No. 5152

PART III - SANITARY SEWER SYSTEM

Definitions, re: Sanitary Sewer System

13. In this Part and in any schedules referred to in this Part, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:

- (a) the term “**BOD**” means Biochemical Oxygen Demand as measured by a Standard 5-day Biochemical Oxygen Demand test or a Computerized Biological Activity Reaction Test;
- (b) the term “**Concentrated Waste**” means any sewage waste consistently having a content of BOD greater than 300 PPM or suspended solids greater than 300 PPM;
- (c) the term “**Deleterious Material**” means any material or substance, whether liquid or solid, which in the opinion of the City Engineer, is capable of causing injury or damage to any portion of the City's Sanitary Sewer System, including any treatment facilities or processes associated therewith;
- (d) the term “**Saturated Waste**” means any sewage waste consistently having a content of BOD greater than 2000 PPM or suspended solids greater than 1100 PPM;
- (e) the term “**Prohibited Substance**” means a material, substance or waste

identified and set forth in Schedule “B”;

(f) the term “**PPM**” means parts per million;

(g) the term “**Uncontaminated Waste Water**” means water supplied to a consumer from the City’s Water Works and used by the consumer solely for the purpose of heat transfer prior to being discharged into the City’s Sanitary Sewer System.

Bylaw No. 5152

Fees, rates and charges for sewer service

14. Subject to sections 15 and 16, all consumers with a service connection to, or any other person discharging into, the City’s Sanitary Sewer System shall pay the monthly connection service fees, sewerage fees and other charges calculated pursuant to Part IV of this Bylaw.

Bylaw No. 5152

Sewerage Rate adjustment for certain commercial or industrial consumers

15(1) Commercial or industrial consumers discharging less than 50% of their water consumption into the City’s Sanitary Sewer System shall not be subject to the applicable sewerage fees otherwise calculated pursuant to Part 4 of Schedule “A” for that portion of water not returned to the Sanitary Sewer System if:

(a) the consumer makes application to the City Treasurer;

(b) the consumer installs, at his/her expense, a meter to measure the volume of water not returned; and

(c) the City Engineer is satisfied that:

(i) the consumer is discharging less than 50% of their water consumption into the Sanitary Sewer System;

(ii) the meter installed by the consumer accurately measures the volume of water not returned.

(2) Subject to the provisions of the *City Administration Bylaw*, the City Treasurer may enter into an agreement with a commercial or industrial consumer discharging Uncontaminated Waste Water into the City’s Sanitary Sewer System regarding the payment of sewerage fees at a rate or in an amount other than that provided for in Part IV of this Bylaw if:

(a) the consumer installs, at his/her expense, a meter to measure the volume of Uncontaminated Waste Water discharged into the Sanitary Sewer System; and

- (b) the City Engineer is satisfied that:
 - (i) the organic and inorganic chemical quality of the Uncontaminated Waste Water is not greater than 10% of the original concentration of any such constituents contained in the water supplied from the City's Water Works;
 - (ii) the meter installed by the consumer accurately measures the volume of Uncontaminated Waste Water discharged into the Sanitary Sewer System.

Bylaw No. 5152, Bylaw No. 5279 and Bylaw No. 5348

Consumers producing concentrated and saturated sewage waste

16(1) Not less frequently than once in each year, the City Engineer shall determine, or cause to be determined, by sampling and analysis, the characteristics of the sewage being discharged into the City's Sanitary Sewer System from each property in the City which, by reason of the type of industry or business being conducted or operated thereon, or for other reasons, is likely to produce Concentrated or Saturated Wastes.

- (2) The City Engineer shall:
 - (a) maintain a record of each analysis conducted pursuant to subsection (1);
 - (b) notify the City Treasurer of every property discharging Concentrated or Saturated Wastes into the City's Sanitary Sewer System.
- (3) In addition to the applicable sewerage fee otherwise calculated pursuant to Part 4 of Schedule "A", commercial or industrial consumers discharging Concentrated or Saturated Waste into the City's Sanitary Sewer System shall pay such additional charges as may be set forth in Part 5 of Schedule "A".

Bylaw No. 5152 and Bylaw No. 5348

Prohibited discharges

17(1) No person shall release or discharge any Prohibited Substance into the City's Sanitary Sewer.

- (2) The City Treasurer may discontinue the supply of water to any property from which:
 - (a) any Prohibited Substance has been discharged or released into the City's Sanitary Sewer System;
 - (b) any Deleterious Material has been discharged or released into the City's Sanitary Sewer System.

Preliminary treatment facilities

18(1) Every commercial and industrial consumer shall install or construct, operate and maintain such works and facilities as may reasonably be necessary for the preliminary treatment of all sewage wastes being discharged into the City's Sanitary Sewer System so as to prevent the release or discharge of the following:

- (a) sewage waste having a content of BOD greater than 2000 PPM or suspended solids greater than 1100 PPM;
 - (b) solids larger than one quarter inch (1/4").
- (2) No person shall fail to construct, install, operate or maintain any preliminary treatment facilities required pursuant to subsection (1).
- (3) The City Treasurer may discontinue the supply of water to any property where the preliminary treatment facilities required pursuant to subsection (1) have not been constructed or installed or the owner or operator of that facility has failed to adequately operate or maintain such facilities.

Check value required

19(1) Every property owner or consumer with a service connection to the City's Sanitary Sewer System shall be responsible for preventing water or sewage from backing-up through the City's Sanitary Sewer System and flooding the basement or any other portion of that property.

- (2) Without limiting the generality of subsection (1), every property owner or consumer shall:
- (a) install, on his/her property, a suitable check valve or other approved mechanical device:
 - (i) by which the connection between such property and the City's Sanitary Sewer System may be cut off or controlled;
 - (ii) capable of preventing water or sewage from backing-up through the City's Sanitary Sewer System and flooding the basement or any other portion of that property; and
 - (b) maintain and operate the check valve or mechanical device referred in this section so as to prevent water or sewage from backing-up through the City's Sanitary

Sewer System and flooding the basement or any other portion of that property.

Bylaw No. 5152

PART IV – UTILITY BILLING

Fees, rates and charges for sewer and/or water service

- 20(1) Subject to subsections (5) and (6), all consumers with a service connection to:
- (a) the City’s Water Works shall pay the monthly service connection fee calculated pursuant to Part 2 of Schedule “A” based on the size of such service connection;
 - (b) the City’s Sanitary Sewer System shall pay the monthly service connection fee calculated pursuant to Part 4 of Schedule “A” based on the size of such service connection.
- (2) Subject to subsection (6), all consumers supplied with water through a metered service connection from the City’s Water Works shall pay:
- (a) the water consumption fee calculated pursuant to Part 2 of Schedule “A” based on the volume of water supplied; and
 - (b) subject to subsection (3), the sewerage fee calculated pursuant to Part 4 of Schedule “A” based on the volume of water supplied.
- (3) Consumers with water-only service connections within the meaning of section 8 shall not be subject to sewerage fees calculated pursuant to Part 4 of Schedule “A”.
- (4) Consumers receiving water from the automated water dispensing devices owned and operated by the City shall pay the fee set forth in Part 2 of Schedule “A” based on the volume of water received.
- (5) All facilities owned and operated by the City of Moose Jaw with service connections to the City’s Water Works shall not be subject to the monthly service fees calculated pursuant to Part 2 or Part 4 of Schedule “A”.
- (6) Subject to the provisions of the *City Administration Bylaw*, the City Treasurer may enter into an agreement with the operator or person, official or agency in charge of 15 Wing Moose Jaw, including Bushell Park, with respect to the supply of water from the City’s Water Works and/or the discharge of sewage waste into the City’s Sanitary Sewer System with respect to the properties located thereon.

Bylaw No. 5152, Bylaw No. 5279, Bylaw No. 5348, Bylaw No. 5574

Periodic utility billing

21(1) The City shall:

- (a) bill each account for services at such times as the City considers appropriate.
- (b) include on each bill:
 - (i) The base charge for each service;
 - (ii) The volume charge;
 - (iii) The amount of the actual or estimated consumption on which the charges were calculated; and
 - (iv) Any other charges due and payable by that account;

(2) Water meters shall be read at the discretion of the City. Where a meter is found not in use or where no meter is installed, or where a scheduled reading is not obtained, the City may estimate the consumption used based on the historical consumption of the account or other information or source available and shall be considered fair and equitable. Such estimates shall be the basis for billing the customer for the water used.

(3) All accounts for sewer and/or water service connections shall be due and payable when rendered by the City Treasurer.

Bylaw No. 5520

Testing of water meters

22(1) Water meters may be removed from private property and tested by the City Engineer:

- (a) if the City Engineer has reasonable grounds to believe the meter is not accurately measuring the volume of water passing through it; or
- (b) upon the request of a property owner or account holder and payment to the City Treasurer of a deposit in the amount set forth in Part 6 of Schedule "A".

(2) Testing of water meters pursuant to subsection (1) shall be performed by, or under the direction of, the City Engineer.

(3) If the City Engineer is satisfied that a water meter is measuring the volume of water passing through it within three percent (3%):

- (a) the meter shall be deemed to be measuring accurately and may be reinstalled;
- (b) the deposit provided, if any, shall be retained by the City and credited to the cost of removing, testing and re-installing the meter.

(4) If, in the opinion of the City Engineer, a water meter is not accurately measuring the volume of water passing through it:

- (a) the City Engineer shall notify the City Treasurer of the error;
 - (b) the water meter shall be repaired or a new meter installed;
 - (c) the deposit provided, if any, shall be promptly returned or credited to the account of the applicant;
 - (d) the City Treasurer may adjust any sewer and/or water service accounts affected by a malfunctioning meter by adding or deducting such amounts in accordance with the Stopped and Malfunctioning Meter Policy such that the account balance(s) will properly represent the water delivered through said meter during the time, in the opinion of the City Engineer, the meter began to malfunction.
- (5) Repealed.

Water Conservation

22.1 A residential customer that detects a plumbing problem will notify the City Treasurer immediately. The customer is encouraged to fix the problem as soon as possible and shall retain any receipts for the repairs and provide copies of the same to the City. The City Treasurer may adjust sewer and/or water service accounts in accordance with the Water Conservation Policy.

Bylaw No. 5520

Water meters with remote recording devices

23(1) The City Treasurer shall periodically provide for the inspection and reading of water meters with remote recording devices.

(2) In the event of a discrepancy between the volume of water recorded as having been consumed on an internal recording device of a water meter and the volume of water recorded as having been consumed on a remote recording device:

- (a) the internal recording device shall be deemed to be the correct volume of water consumed through that service connection;
- (b) the City Treasurer shall adjust any sewer and/or water service accounts affected by the malfunctioning remote recording device by adding or deducting such amount or amounts as required in accordance with the Remote Recording Device Variance Policy.

Bylaw No. 5520

Collection of outstanding sewer and water service accounts

24(1) Section 24 of The Cities Act shall apply to the imposition and collection of all rates, fees and charges imposed pursuant to the provisions of this bylaw.

(2) The City Treasurer may provide written notice to each consumer in the event his/her account for sewer and/or water service is outstanding for more than thirty (30) days.

Bylaw No. 5621

(3) In addition to the authority set forth in The Cities Act respecting the collection of rates, fees and charges payable for public utility services, the City Treasurer may discontinue the supply of water to any property where the rates, fees or other charges with respect to any sewer and/or water service connection remains outstanding for more than thirty (30) days from the date on which the notice referred to in subsection (2) was mailed or delivered to the consumer and his/her agent.

Bylaw No. 5279

Additional charges, re: sewer and water service connections

25(1) The City Treasurer shall charge interest at the compound rate of one percent (1%) per month for all sewer and/or water service accounts which have been outstanding for more than thirty (30) days, except during the period April 1, 2020 to September 30, 2020 for the purpose of COVID19 relief.

Bylaw No. 5621

(2) In the event water service has been discontinued by the City Treasurer pursuant to the authority of this Bylaw, such water service may be reinstated upon:

(a) in the case of a contravention of this Bylaw, the City Engineer being satisfied that the matter giving rise to the contravention has been rectified;

(b) in the case of non-payment of an outstanding sewer and/or water service account, payment to the City Treasurer of all outstanding rates, fees and other charges, including interest charges or payment arrangements authorized by the City Treasurer or their designated representative thereon;

(c) payment of the reinstatement fee set forth in Part 7 of Schedule "A" be waived for the period April 1, 2020 to September 30, 2020.

Bylaw No. 5621

(3) In the event water service is temporarily discontinued at the request of a consumer, such water service may be reinstated upon payment of the re-instatement fee set forth in Part 7 of Schedule “A”.

(4) In addition to the fees referred to in subsections (2)(c) and (3), a call-out set fee in the amount set forth in Part 7 of Schedule “A” shall be paid where a consumer requests reinstatement of water service requiring attendance at the property after regular working hours.

(5) Where a cheque which has been tendered by a consumer in payment of a sewer and/or water service account is returned by a financial institution as not being negotiable, a handling charge shall be added to the account as determined by the City Treasurer.

(6) The additional charges provided for in this section shall be added to and form part of the service account.

Bylaw No. 5520

PART V - SEWER AND WATER SERVICE CONNECTIONS

Defintions, re: sewer and water service connections

26. In this Part and in any schedules referred to in this Part, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:

(a) Section 26 (a) – deleted in its entirety (as per *Bylaw No. 5636*)

(a) the term “**Owner**” shall mean the person appearing by the last revised assessment roll of the municipality to be the owner of the property.

Bylaw No. 5152

Ownership: sewer and water service connection

26.1 Sewer and water service connection ownership is defined as follows:

(a) The City owns the water service connection from the water main to the property line;

(b) The property Owner owns the water service connection from the property line to the building and the sewer connection from the sewer main to the building.

Bylaw No. 5564

Prohibition re: sewer and water service connections

27. No person shall construct or make any connection to any portion of the City's Water Works or Sanitary Sewer System without first having obtained express written permission from the City Engineer to do so.

Bylaw No. 5152

Construction of sewer and/or water service connections

28(1) Every property abutting a street along which:

- (a) water mains have been laid or are reasonably available shall be connected to the City's Water Works;
- (b) sewer mains have been laid or are reasonably available shall be connected to, and shall discharge all sewage waste into, the City's Sanitary Sewer System.

(2) Every person desiring a service connection to the City's Sanitary Sewer System and/or Water Works shall complete and execute an application in the form provided by the City Engineer.

(3) The City Engineer may require any person making application for the construction of a sewer and/or water service connection to provide a deposit to the City in the amount equivalent to the City's estimated cost of constructing and making the requested service connection or connections, as the case may be.

Bylaw No. 5152

Reconstruction of Sewer and/or Water Service Connections

29(1) Property owners or consumers desiring to reconstruct an existing service connection to the City's Sanitary Sewer System and/or Water Works shall complete and execute an application in the form provided by the City Engineer.

(2) The City Engineer may require any person making application for reconstruction of a sewer and/or water service connection to provide a deposit to the City in the amount equivalent to the City's estimated cost of reconstructing the service connection or any portion thereof, as the case may be.

Bylaw No. 5152

(3) Sewer and water services in a common trench at the end of life shall be replaced at the same time to the standard of the day.

Bylaw No. 5564

Cost of constructing or reconstructing service connections

30(1) The property owner shall be responsible for the cost of any works undertaken by the City pursuant to this Bylaw.

(2) The City's cost of constructing or reconstructing a sewer and/or water service connection shall be calculated in accordance with Schedule "C" for the works set forth therein.

Bylaw No. 5564

(3) The cost of any work not set forth in Schedule "C" shall be calculated on a cost plus or firm price basis as determined by and at the discretion of the City Engineer.

Bylaw No. 5152

Installation of Sewer Line Cleanout

30.1(1) Property owners or consumers desiring the City to install an external sewer line cleanout (ie. outside of a building) on an existing sanitary sewer line shall complete and execute an application in the form provided by the City Engineer.

(2) The property owner shall be responsible for the cost of any work undertaken by the City pursuant to this section.

(3) The fee payable by a property owner to the City for the installation of an external sewer line cleanout by the City shall be calculated in accordance with Schedule "C" for the works set forth therein.

(4) The City Engineer may require any person making application for the installation of an external sewer line cleanout to provide a deposit to the City in the amount of the cost calculated in accordance with the section.

Bylaw No. 5265 and Bylaw No. 5564

Sanitary sewer maintenance

30.2(1) Property Owners and consumers shall be responsible for the maintenance of all sanitary sewer lines within a building and from the building to the sanitary sewer main line.

Bylaw No. 5564

Payment by property owners for works undertaken by City

31(1) Subject to subsections (2) and (3), property owners may elect to pay the cost of such works by a lump sum or by annual installments and such costs may be assessed against the affected property as a special assessment within the meaning of The Local Improvements Act, 1993, S.S. 1993, c-L-33.1.

(2) Property owners electing to pay the said assessment by annual installments must do so in writing to the City Treasurer on or before November 15 in the year in which such works are completed. In the event a property owner fails to elect annual installments, the property owner shall be deemed to have elected to pay such assessment by lump sum payment. In the event a property owner elects to make annual installments without indicating the number of annual installments, the property owner shall be deemed to have elected to make seven (7) annual installments.

(3) Property owners in arrears of property taxes to the extent that a tax lien has registered against the affected property shall not be entitled to pay the assessment by annual installments.

(4) Lump sum payments of assessments shall be made on or before December 31 in the year in which the work undertaken pursuant to this Bylaw is completed.

(5) Where an assessment is to be paid by annual installments, a sum equal to the annual installment due in a year shall be added to and form part of the taxes on the affected property in the year following the year in which the construction is completed and in each year thereafter for a number of years equal to the number of annual installments and the sum shall be an amount equal to a fraction of the assessment wherein the numerator shall be equal to one (1) and the denominator shall be equal to the number of annual installments plus an interest charge equal to four percent (4%) of the sum outstanding as of December 31 in the previous year.

Bylaw No. 5520

Section 32 – deleted in its entirety (as per Bylaw No. 5636)

City Council’s authority to require service connections unfettered

33(1) Nothing in this Bylaw shall preclude or undermine the authority of the City to require owners of property to connect the property with the municipal systems of sanitary sewers, storm sewers and waterworks in accordance with the provisions of The Local Improvements Act, 1993, S.S. 1993, c-L-33.1, as such may be amended from time to time, or any other relevant legislation providing similar authority.

(2) Where the City requires property owners to connect property with the municipal

systems of sanitary sewers and waterworks, the provisions of this Bylaw shall apply *mutatis mutandis*.

Bylaw No. 5152

Specifications and requirements of sewer and/or water service connections

34(1) Every service connection constructed or installed pursuant to this bylaw, including all fittings, control valves and piping, shall be constructed and installed in accordance with:

- (a) the designs and specifications approved by the City Engineer; and
 - (b) the provisions of this Bylaw.
- (2) Where both sewer and water mains abut a property or are otherwise reasonably available, a connection to one and not the other shall not be permitted.
- (3) All sewer and water service connections shall be constructed such that the portion of the service connection between the main and the property line are located at a depth of no less than two (2) metres below surface grade.
- (4) All water service connections shall be constructed:
- (a) with a service pipe of a diameter not less than nineteen (19) millimeters;
 - (b) with a control valve of a design and specification approved by the City Engineer, which control valve shall be located on the service pipe within three tenths (0.3) of a metre from the property line.
- (5) All sewer service connections shall be constructed with a service pipe of a diameter not less than one hundred (100) millimeters.
- (6) Unless specifically approved by the City Engineer for shared service, adjoining properties connected to the City's Water Works shall have a separate service pipe from the main for each service connection on that property.
- (7) No connections shall be permitted on a service pipe between the main and the water meter.
- (8) No person shall discharge storm drainage into the City's Sanitary Sewer System without first having obtained express written permission from the City Engineer to do so.
- (9) The City Treasurer may discontinue the supply of water to any property where the service connection has been constructed or installed:
- (a) without authorization from the City Engineer;
 - (b) contrary to the designs and specifications approved by the City Engineer;

- (c) contrary to the provisions of this Bylaw;

Bylaw No. 5152

Excavations for service connections

35(1) No person, having constructed or installed a service connection pursuant to this Bylaw, shall close in any trench or excavation containing such service connection prior to inspection by the City Engineer.

(2) The City Treasurer may discontinue the supply of water to any property where the trench or excavation containing the service connection was closed in prior to inspection by the City Engineer.

Bylaw No. 5152

PART VI – MISCELLANEOUS

Notices of violation

36(1) Where a person commits or is alleged to have committed an offence for which a penalty is set out in Schedule “D” of this Bylaw, a peace officer or any other person authorized by the City Engineer to do so may issue a Notice of Violation to such person.

(2) The Notice of Violation shall be in the form or substantially in the form of Form “1” and shall provide for the voluntary payment of a penalty in the amount set forth in Column B of Schedule “D” for the offence which the person is alleged to have committed.

(3) Voluntary payment of a penalty specified in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation. Voluntary payment shall be made in person at the front counter of the Finance Department at City Hall during normal business hours.

(4) If payment of the amount specified on the Notice of Violation is made on or before the date indicated on the Notice of Violation, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.

(5) If payment of the amount specified on the Notice of Violation is not made on or before the date indicated on the Notice of Violation, a peace officer or other authorized

person shall lay an information under oath as to the offence before a Justice of the Peace for the purpose of obtaining a Summons.

(6) The Information shall be in the form or substantially in the form of Form 2. The Summons shall be in the form or substantially in the form of Form 3 and shall provide for the voluntary payment of a penalty in the amount set forth in Column A of Schedule “D” for the offence which the person is alleged to have committed. The Summons shall be issued by a Justice of the Peace and shall be served by a peace officer or other authorized person.

(7) Voluntary payment of a penalty specified in a Summons shall be made on or before the date indicated on the Summons. Voluntary payment shall be made in person at the front counter of the Moose Jaw Police Service at the Moose Jaw Police Station during normal business hours.

(8) If payment of the amount specified on the Summons is made on or before the date indicated on the Summons, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.

(9) If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution for the alleged contravention of the Bylaw.”

Bylaw No. 5279

Bylaws Repealed

37. Bylaw Nos. 4293, 4354, 4668, 4902, 5072, 5078 and 5090 are repealed.

Bylaw No. 5152

Schedule "A"
Bylaw No. 5152, Sewer and Water Utility Bylaw
As Amended by Bylaw No. 5629

1. Application fees and deposits, re sewer and /or water service:

- 1.1 Connection Fee – Sewer and /or Water Service: \$ 45.00
- 1.2 Deposit – Sewer and/or Water Service \$140.00

2. Fees, rates and charges for water service:

2.1 Consumers with a service connection to the City’s Water Work shall pay a monthly water service connection fee calculated as follows:

(a) Commencing February 1, 2021:

<u>Meter Size</u>	<u>Monthly Service Fee:</u>
15 - 20 mm	\$ 33.90
21 - 30 mm	\$ 50.86
31 - 40 mm	\$ 101.71
41 - 50 mm	\$ 169.55
51 - 75 mm	\$ 339.10
76 - 100 mm	\$ 678.23
101 - 150 mm	\$ 2,034.61
151 - 200 mm	\$ 2,712.80
Greater than 200mm	\$ 4,069.22

2.2 Consumers supplied with water through a metered service connection from the City’s Water Works, other than Out-of-City Consumers, shall pay the fee calculated as follows for all water supplied through that service connection:

Per cubic meter
of water consumed
 (a) Commencing February 1, 2021 \$1.4233

2.3 Out-of-City consumers with a service connection to the City’s Water Works, excluding Canadian Forces Base Moose Jaw known as 15 Wing, shall pay the fee calculated as follows for all water supplied through that service connection:

Per cubic meter
of water consumed
 (a) Commencing February 1, 2021 \$ 3.2024

2.4 Canadian Forces Base Moose Jaw, known as 15 Wing, with a service connection to the City Water Works, shall pay the fee calculated as follows for all water supplied through that service connection:

Per cubic meter
of water consumed
 (a) Commencing February 1, 2021 \$ 2.1350

2.5 SaskWater, with a service connection to the City Water Works, shall pay the fee calculated as follows for all water supplied through that service connection:

	<u>Per cubic meter of water consumed</u>
(a) Commencing June 1, 2019	\$2.4683
(b) Commencing February 1, 2020	\$2.6164
(c) Commencing February 1, 2021	\$2.6687

2.6 Consumers receiving water from the City’s water dispensing devices shall pay the fee as follows for all water supplied through such devices:

	<u>Per cubic meter of water consumed</u>
(a) Commencing February 1, 2021	\$4.1372

3. Temporary water service

- 3.1 Connection Fee – Temporary Water Service: \$100.00
- 3.2 Deposit – Temporary Water Service: \$300.00

4. Fees, rates and charges for sewer service

4.1 Consumers with a service connection to the City’s Sanitary Sewer System shall pay a monthly service connection fee calculated as follows:

- (a) Commencing February 1, 2021:

Meter Size Monthly Service Fee:

15 - 20 mm	\$ 18.54
21 - 30 mm	\$ 27.84
31 - 40 mm	\$ 55.66
41 - 50 mm	\$ 92.78
51 - 75 mm	\$ 185.51
76 - 100 mm	\$ 371.04
101 - 150 mm	\$ 1,113.08
151 - 200 mm	\$ 1,484.11
Greater than 200mm	\$ 2,226.15

4.2 Consumers supplied with water through a metered water service connection from the City’s Water Works other than Out-of-City Consumers, shall pay sewage fees calculated as follows for all water supplied through that service connection:

	<u>Per cubic meter of water consumed</u>
(a) Commencing February 1, 2021	\$1.4863

5. Concentrated and Saturated Sewage Waste

5.1	Surcharge for discharging concentrated sewage waste:	NIL
5.2	Surcharge for discharging saturated sewage waste:	NIL

6. Testing of water meters

6.1	Deposit – Water Meter Testing:	\$50.00
-----	--------------------------------	---------

7. Additional Charges, Sewer and Water Connection

7.1	Reinstatement /Disconnect Fee	\$40.00
7.2	Call-out Fee for attendance after regular working hours	\$85.00

SCHEDULE “B”

Bylaw No. 5152, The Sewer and Water Utility Bylaw

Schedule of Prohibited Waste

1. Any substance designated as a “hazardous substances” within the meaning of *The Hazardous Substances and Waste Dangerous Goods Regulations*, R.R.S., c.E-10.2 Reg 3.
2. Sewage waste having a content of BOD greater than 2500 PPM or suspended solids greater than 1500 PPM.
3. Used or discarded oil.
4. Petroleum or petroleum-contaminated waste.
5. Gasoline or other combustible liquids.
6. Radioactive substances.
7. Contaminated medical waste.

SCHEDULE “C”

Bylaw No. 5152, Sewer and Water Utility Bylaw

(As Amended by Bylaw No. 5564)

Cost of Constructing and Reconstructing of Service Connections

1. Construction and reconstruction of service connections will be performed on a cost recovery basis based on ownership as defined in section 26.1.
2. A maximum upset limit of reconstruction cost to the property Owner shall be \$15,000.

Cost of Installing Sanitary Sewer Cleanout

3. External sewer cleanouts will be installed on a cost recovery basis based on ownership as defined in section 26.1.

SCHEDULE “D”



Bylaw No. 5152, The Sewer and Water Utility Bylaw

Offences for which a Notice of Violation May be Issued

Section #	Description of Offence	Column “A”	Column “B”
10(2)	Tampering with, altering, removing or disconnecting a water meter	\$250.00	\$100.00
11(1)	Installing a bypass valve around a water meter contrary to bylaw	\$250.00	\$100.00
12(2)	Usage or consumption of water contrary to water restrictions imposed by City Council	\$100.00	\$50.00
17(1)	Discharge or release of prohibited substances into the City’s sanitary sewer system	\$500.00	\$250.00
18(2)	Failing to construct, install, maintain or operate required preliminary treatment facilities for sewage waste	\$250.00	\$100.00
27.	Making a water or sewer service connection without authorization.	\$250.00	\$100.00

FORM "1"
Bylaw No. 5152, the Sewer and Water Utility Bylaw
(as amended by Bylaw No. 5262)

Notice of Violation (Front)

	CITY OF MOOSE JAW NOTICE OF VIOLATION	
MJPS File #: _____		Ticket: _____
Date of Offence: _____ <small>Day/Month/Year</small>		Time: _____ AM/PM
Name of Accused: _____ <small>Last/First/Other</small>		
Date of Birth: _____ <small>Day/Month/Year</small>		P.I.C. # _____
Address of Accused: _____ _____		
Location of Violation: _____ _____		
Description of Violation: _____ _____		
You are charged with a violation of the City of Moose Jaw's Bylaw Section _____		
<input type="checkbox"/> Bylaw # 4495 (Dog Bylaw)	<input type="checkbox"/> Bylaw # 5152 (Sewer and Water Utility Bylaw)	
<input type="checkbox"/> Bylaw # 5192 (Smoking Bylaw)	<input type="checkbox"/> Bylaw # 5156 (Waste Management Bylaw)	
<input type="checkbox"/> Other _____		
A voluntary payment of \$ _____ may be paid at City Hall in accordance with the instructions on the back.		
If the voluntary payment is received no later than the _____ day of _____, 20____, you will not be prosecuted for this offence.		
Issued by: _____		
Avoid prosecution by paying promptly. Unless payment is received by the City of Moose Jaw in accordance with the instructions contained herein, a <u>Criminal Code</u> (Canada) Summons will be issued commanding you to appear in Court with respect to this matter. In addition, the penalty will increase to the maximum specified in the Bylaw for this offence.		
<i>Payment instructions are on the back.</i>		
<small>(Revised: 2004 Jan 20)</small>		

FORM "1", continued

Bylaw No. 5152, the Sewer and Water Utility Bylaw

(as amended by Bylaw No. 5262)

Notice of Violation (Back)

PAYMENT INSTRUCTIONS

1. Make all cheques or Money Orders payable to the "City of Moose Jaw".
2. Do not mail cash. The City of Moose Jaw assumes no responsibility for cash sent through the mail.
3. Where a receipt is required, payment may be made in person at the City Cashier, City Hall, 228 Main Street North, Moose Jaw, Saskatchewan, during normal business hours. Ticket must be presented with payment.
4. Where a receipt is not required, payment may be mailed to the City Treasurer, City of Moose Jaw, 228 Main Street North, Moose Jaw, Saskatchewan, S6H 3J8. Enclose ticket and payment in envelope.
5. Avoid prosecution by paying promptly. If prompt payment is not received in accordance with the instructions contained herein, a *Criminal Code (Canada)* Summons will be issued commanding you to appear in Court with respect to this matter.
6. The voluntary payment provided herein is reduced from the full penalty prescribed in the bylaw. If prompt payment is not received in accordance with the instructions contained herein, the penalty will increase in accordance with the provisions of the bylaw.
7. For enquiries, please contact 694-7660.

FORM "2"

Bylaw No. 5152, the Sewer and Water Utility Bylaw

(as amended by Bylaw No. 5262)

Information

INFORMATION

Information No. _____
Ticket No. _____

Canada }
Province of Saskatchewan } **ON BEHALF OF HER MAJESTY THE QUEEN**
Provincial Court, City of Moose Jaw }

THIS IS THE INFORMATION OF [insert name, address and occupation of informant]

(hereinafter called the Informant). The informant says that he/she has reasonable and probable grounds to believe and does believe that:

[insert name, address and birth date of accused] did;

on or about the _____ day of _____, A.D. _____ at the City of Moose Jaw, in the Province of Saskatchewan, commit the following offence:

[insert description of offence]

contrary to the provisions of the Sewer and Water Utility bylaw being Bylaw No. 5152 of the said City.

AND FURTHER the Informant says that a Notice of Violation for the above captioned offence was issued and that no payment has been received in accordance with the instructions contained in the said Notice.

SWORN BEFORE ME this _____ day of _____ A.D. _____, at Moose Jaw in the Province of Saskatchewan.

Signature of Informant

A JUSTICE OF THE PEACE IN AND FOR THE
PROVINCE OF SASKATCHEWAN _____

FORM "3"

Bylaw No. 5152, the Sewer and Water Utility Bylaw

(as amended by Bylaw No. 5262)

Modified Criminal Code Summons (Front)

**SUMMONS TO A PERSON
CHARGED WITH A VIOLATION**

Ticket No. _____

Canada }
Province of Saskatchewan } **ON BEHALF OF HER MAJESTY THE QUEEN**
Provincial Court, City of Moose Jaw }

TO _____ Date of Birth: _____ / _____ / _____

WHEREAS YOU HAVE THIS DAY BEEN CHARGED BEFORE ME that, on or about the _____ day of _____, A.D. _____ at the City of Moose Jaw, in the Province of Saskatchewan, you did commit the following offence:

contrary to the provisions of the Sewer and Water Utility Bylaw, being Bylaw No. 5152 of the said City.

AND WHEREAS a Notice of Violation for the above captioned offence was issued and our records indicate that no payment has been received in accordance with the instructions contained in the said Notice.

IF VOLUNTARY PAYMENT IN THE AMOUNT OF _____ IS NOT RECEIVED ON OR BEFORE _____, YOU ARE COMMANDED, IN HER MAJESTY'S NAME:

(1) to appear before the presiding judge of **The Provincial Court of Saskatchewan at 110 Ominica Street West**, Moose Jaw, Saskatchewan, on the _____ day of _____ A.D. _____ at _____ o'clock in the _____ noon (Moose Jaw Time) or before any justice for the said Province who is there, and to attend thereafter as required by the Court in order to be dealt with according to law; and

YOU ARE WARNED THAT FAILURE WITHOUT LAWFUL EXCUSE TO ATTEND COURT IN ACCORDANCE WITH THIS SUMMONS IS AN OFFENCE UNDER SUBSECTION 145(4) OF THE CRIMINAL CODE (CANADA).

DATED this _____ day of _____ A.D. _____, at Moose Jaw in the Province of Saskatchewan.

A JUSTICE OF THE PEACE IN AND FOR THE PROVINCE OF SASKATCHEWAN

SUBMIT THIS STUB WITH PAYMENT

Payment Instructions on the Back

Ticket No. _____

Payment to:
The City of Moose Jaw c/o The Moose Jaw Police Service
21 Fairford Street W.
Moose Jaw, Saskatchewan, S6H 1V2

FORM “3”, continued

Bylaw No. 5152, the Sewer and Water Utility Bylaw

(as amended by Bylaw No. 5262)

Modified Criminal Code Summons (Back)

**SUMMONS TO A PERSON
CHARGED WITH A VIOLATION**

PAYMENT AND OTHER INSTRUCTIONS

1. Payment may be made in person at the front counter of the Moose Jaw Police Station, 21 Fairford Street West, during normal business hours.
2. Payment may also be made by mailing this Summons, together with the exact amount of the penalty specified therein for voluntary payment, to the following address:

**The City of Moose Jaw, c/o
The Moose Jaw Police Service
21 Fairford Street West
Moose Jaw, Saskatchewan
S6H 1V2.**
3. Payment must be received prior to the date specified in the summons. Voluntary payment can not, and will not, be accepted after the date specified for voluntary payment. If you choose to send your payment by mail, it is your responsibility to ensure that your payment is posted in sufficient time to be received prior to the date specified.
4. Avoid prosecution by paying promptly. If payment is not received by the City of Moose Jaw in accordance with the instructions contained herein, a **mandatory** court appearance is required at the time and place specified herein.
5. You are warned that failure, without lawful excuse, to attend court in accordance with this summons is an offence under subsection 145(4) of the **Criminal Code** (Canada), which provides as follows:

“(4) Every one who is served with a summons and who fails ,without lawful excuse, the proof of which lies on him, to appear at a time and place stated therein, if any, for the purposes of the **Identification of Criminals Act** (Canada) or to attend Court in accordance therewith, is guilty of:

 - (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
 - (b) an offence punishable on summary conviction.”
6. For enquiries, please contact the Moose Jaw Police Service at 694-7660.