



CITY OF DAUPHIN

BYLAW NUMBER 10/2015

BEING A BYLAW OF THE CITY OF DAUPHIN RESPECTING THE
MANAGEMENT AND REGULATION OF THE
WATER AND SEWER UTILITY SYSTEM

WHEREAS it is deemed expedient to make provision for the management of the utility system and to prescribe rules and regulations for installing and maintaining water and sewer services, pursuant to Sections 250 and 252 of *The Municipal Act*.

THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CITY OF DAUPHIN, AS FOLLOWS:

GENERAL DIRECTION

1. The Water and Sewer Utility System of the City of Dauphin (“the City”) is under the general direction and control of the Director of Public Works and Operations (“the Director”), or of such other official as the City may appoint for the purpose. When the Director of Public Works and Operations or the Director is referenced, it is intended to include an employee(s) as appointed by or acting on behalf of the Director of Public Works and Operations.

RESPONSIBILITY FOR COSTS AND BLOCKAGES

2. Notwithstanding any other bylaws of the City of Dauphin relating to water and sewer services, all water and sewer service pipes constructed and installed by the City from the mains to the outer wall of **new buildings** being serviced, will be done at the property owner’s cost. Such estimated costs must be paid in advance by sufficient deposit with the Chief Administrative Officer or designate of the City.

The City of Dauphin will pay the cost of maintaining and replacing the water and sewer service pipes to **existing buildings**, from the mains to the property boundary of the premises serviced. The property owner is responsible for and will pay the cost of maintaining and replacing the water and sewer service pipes from the property boundary of the premises served to the outer wall of the building serviced.

The property owner is responsible for the removal of all blockages in sewer service pipes from the sewer mains to the outer wall of the building being serviced, regardless of cause, including the infiltration of roots at joints and connections.

If the City determines that a sewer pipe blockage is caused by a collapse or shift in the pipe

between the sewer main and the street boundary of the property being serviced, or if it is determined that the cause of the blockage originated in the main sewer line, upon application by the property owner, the City will reimburse the property owner all reasonable costs associated with the removal of the blockage.

CHARGE OF PROPERTIES

3. The Director will have charge of all the various properties and works required for the supply of the City and its inhabitants with water and sewer service, and of the inspection and rating of all buildings and premises supplied with water.

The Director will also keep records of applications and full description of all works constructed together with plans thereof.

All work in each water or sewer service pipe connection, including that portion on private property, is subject to the control and inspection of the Director.

BOOKS AND ACCOUNTS

4. The collection of the revenue derived from the works, the payment of all disbursements connected therewith, the supervision of all books and accounts, books of record, and all books of the official in charge of the same, is under the immediate control and direction of the Chief Administrative Officer, all accounts being certified by the Director.

DEVELOPER/PROPERTY OWNER INITIATED CONSTRUCTION

5. The City, by agreement with a developer or a property owner, may permit the installation of sewer and water services by a contractor employed by the developer or property owner and approved by the City. All costs related to the installation of such sewer and water services, from the mains to the outer wall of the building being served, will be borne by the developer or property owner. The installation cannot be backfilled until such time as the Director has inspected and approved the installation.

If the owner's application under Section 11 hereof is approved by the Director, the City will grant a permit to the owner to connect the premises with water and sewer service pipes. The construction will proceed as soon as convenient thereafter, but only between May 1 and November 1 during any year, except by written permission of the Director.

No sidewalk, street, curb and gutter, crossing or pavement can be unduly obstructed during the progress of the work, and proper barricades and/or lights are to be maintained by the contractor doing the work.

If the sidewalk, street, curb and gutter, crossing or pavement are cracked, or otherwise damaged by the execution of the work, the damaged portion must be removed and replaced with an equal quality replacement, the finished work to meet City specifications, at the cost of the developer or property owner.

The branch sewer and water mains are to be laid in a straight line and the branch sewer on a uniform grade from a street sewer main to the building or premises connected, unless the Director otherwise directs, in which case curved pipes may be used and vertical inspection pipes may be added.

Skilled workers who are certified by the Province of Manitoba are to install water and sewer pipes. The workers are subject to removal by order of the Director if considered unqualified or incompetent. The Director is the sole judge of the work and his decision on all points are final.

CONNECTIONS

6. No person except the City shall make or tap any connection with any public or private pipes or mains forming part of or connected with the City sewer and water system, whether on City or private property.

INTERFERENCE

7. No person or persons except the Director or those acting with his permission or under the direction of Council, or members of the fire department in the event of fire, shall open, close or interfere with any hydrant, gate or valve connections with the water and sewer system.

No person shall in any way interfere with any stopcock, pipe or other utility appliance outside of their own premises, nor shall they in any way interfere or tamper with any water meter, whether inside or outside of the premises.

The water service pipe, including its fittings, from the property boundary to the point within the building where the consumption of water is measured by the City, shall not be interfered with by the property owner, occupant, tenant or agent(s) thereof, excepting to make necessary repairs thereto; if any damage is done to that portion of the utility service pipe or its fittings, either by neglect or otherwise, and the owner fails to make the necessary repairs, the City may repair it and charge the cost to the owner of the premises. A breach of this provision by any property owner, occupant or tenant is an offence under this bylaw.

INSPECTION

8.
 - (a) Where it is deemed necessary, the Director may compel a property owner to install and operate a suitable gate valve, check valve, back flow preventer, or other mechanical device at such location as stipulated by the City for the purpose of cutting off or controlling the connection between the sewer system and the cellar or basement, at the expense of the owner.
 - (b) The City may enter into and upon any lands and premises, from time to time at its sole discretion, for the purpose of:
 - (i) blocking a sewer or sewer connection when in the opinion of the Director it is advisable that such action be taken to reduce or diminish damage or loss from or incidental to a flood;
 - (ii) maintaining any sewer-block, apparatus, or other thing placed to block a sewer or sewer connection, or used in connection therewith;
 - (iii) removing the sewer-block, apparatus, or other thing placed to block a sewer or sewer connection; or

- (iv) inspecting the condition of the sewer service pipe using closed circuit television camera (CCTV) equipment. The owner of the premises will allow City workers access to the sewer service cleanout in the premises for purposes of performing the sewer service inspection. The first CCTV inspection of a sewer line to determine the condition of the pipe will be at the City's cost. All further CCTV inspections will be at the property owner's cost.
- (c) The City may require the owner of any premises served by a private sewer connecting with a river or other body of water:
 - (i) at his own expense, to block the sewer connection to the satisfaction of the Director; and
 - (ii) if the municipality has a sewage system adjacent to the premises, to connect the premises therewith unless,
 - (A) in the opinion of the Director, it is not practicable to make such a connection; and
 - (B) the owner has installed such devices as the Director deems to be adequate to protect the premises against flooding.

Nothing in this section of the bylaw may authorize private sewer facilities or their discharge therefrom into any river or body of water and such private sewers are in fact not condoned in any way by the City.

- (d) The Director may enter into and upon any lands and premises with all necessary tools, vehicles and equipment where any sewer or water services are located, whether on private property or otherwise, for the purpose of patrolling, inspecting, altering, replacing, repairing or maintaining such works.

GREASE INTERCEPTOR (TRAP)

- 9. A grease interceptor, a device also known as a grease trap, is designed and installed to separate and retain oil and grease from wastewater, while permitting wastewater to discharge to the sewer. A grease interceptor is to be installed by operators of establishments such as hotels, restaurants, laundries, and such other places as the City may direct, be of a sufficient size and approved design by the Director.

Operators of these establishments must maintain and repair grease interceptors so that they are fully operational and effective at all times.

The operator of these establishments must keep and maintain a record of all grease interceptor inspections and maintenance carried out, recording the date of inspection, the date of cleaning or maintenance, the type and quality of material removed from the grease interceptor and the disposal location. The inspection and maintenance record must be retained for a period of two years and must be available for inspection by the Director. See Schedule A of this bylaw for a "Grease Interceptor Service Record".

The oil and grease removed from a grease interceptor must not be discharged to any sewer, sanitary sewer, storm sewer or other sewer, drainage ditch or surface water.

No person can use enzymes, solvents, hot water or other agents in order to facilitate the passage of oil and grease through a grease interceptor.

REPORTS

10. The Director will present to the City Council regular reports of the condition of the utility, along with statements or suggestions as he may deem necessary. The Chief Administrative Officer also submits annually a report detailing the revenue and expenses of the utility for each year ending December 31.

APPLICATIONS

11. Any person desiring to connect to the City utility is to apply to the Director. The property owner or his authorized agent can sign the application prescribed by the City for that purpose.

A property owner or applicant, having made an application to connect his lot or premises with the sewer and water mains, will deposit with the City an amount calculated by the Director as an estimate of total cost to provide such service as applied for. Upon completion of construction of the work as noted, the owner will pay to the City any such additional sum, over and above the estimate of the total cost, which was required to actually complete construction.

PLUMBER, AGENT OR OWNER

12. A plumber employed and designated by the owner of the premises in his application to connect to the City's utility will be considered as the agent of said property owner. The plumber will not be recognized as an agent of the City nor will the City or its Director be responsible for the acts of said plumber.

DOUBLE SERVICE

13. Permission will not be granted to supply two or more buildings fronting on a street from a single tap, unless the service is divided on the street line, and a separate service extended therefrom, controlled by a separate stopcock for each service. In case only one of several buildings occupies the frontage of a single City lot, and the others are located in the rear of the lot, then permission may be granted to supply all of the buildings from one service and one meter; subject to such conditions as may be prescribed by the City.

SEPARATE SERVICE

14. If a duplex, multifamily dwelling, or other building fronting on a street is to be supplied with utility service where each unit pays separately for their utilities, then a separate service to each dwelling unit from the street line will be installed and controlled by a separate stopcock.

If said building is owned by one person, then it may be supplied by a single service, in which case the supply to each unit will be paid by the owner. In case of non-payment, the water may be shut off, regardless if one or more of the parties have paid their proportion of said rates to such owner or to any other party.

STANDARD TAPS

15. The Director will determine the size of the tap to be inserted in the water main under an application and permit, as well as the position in the street in which any service pipe is to be installed. The standard tap is 3/4" in diameter. The City will place on each service pipe an approved stop cock near the boundary of the serviced property for the purpose of turning the water supply on and off.

STANDARD SERVICE

16. The service pipes for a standard service is determined by the Director.

CURB BOXES

17. Over the stop cock there shall be placed by the City an approved stop cock box and stainless steel operating rod of approved pattern, the top of the cover of the box to be placed at the grade of the sidewalk, street, or such grade as outlined by the Director.

MATERIALS

18. All materials used by the property owner in the construction of their service pipe should be comparable with those used by the City for similar construction.

DEPTHS OF WATER AND SEWER SERVICES

19. Persons receiving a permit for the introduction of a service into the premises and the plumber executing the work will be required to cause the said service to be placed not less than eight feet below the surface of the earth at all points, between the water main and the inside of the foundation wall of the building into which the water service is introduced. If the service is placed less than eight feet below the surface of the earth at any point, the service should be insulated and heat traced.

STOP COCK

20. Every water service will be provided with a stainless steel ball valve of a pattern to be approved by the Director, placed immediately inside the outer wall of the premises or at a location approved by the Director for the purpose of shutting off the water supply in case of leaky or defective pipes or fixtures, or when the premises are vacated.

WATER METERS

Development Agreements between property owners and the City of Dauphin supersede items related to water meters in Section 21 of this bylaw.

21. (a) When a new structure is being built, the City will provide at its cost any water meter for a service less than 2 inches in diameter. The cost of installation of any water meter will be the responsibility of the property owner. In the event that a water meter after initial installation becomes defective by reason of age or mechanical defect, any replacement meter and the cost of installation is to be paid by the City.
- (b) Any water meter, whether installed by the property owner or the City, shall be the

property of the City.

- (c) The property owner or occupant will provide sufficient space in an accessible location for the installation of the meter on the service pipe between the stop cock within the premises and the first point of water usage on the premises.
- (d) Every property owner, tenant, or occupant is to at all times, at his own cost, provide ready and easy means of access to said meters and remote reading devices, so that they can be examined and read by the Director.
- (e) For water services 2 inches in diameter and greater, regardless of whether a water meter is being installed with a new service or replaced due to defect, the cost of the meter and the installation or replacement is the sole responsibility of the property owner. Water meters for these services must be of a type and construction approved by the Director.

BRANCH SERVICE

- 22. No branch pipe or branch service may be connected on that part of the service pipe between the curb stop cock and the stop cock within the premises; all such branches can be connected within the premises beyond the meter.

FROST

- 23. Each property owner must keep their service pipe, meter, stop cock, and other fixtures on their premises and the service pipe between such premises and the street line, in good order and repair, and protected from frost at their own risk and expense.

VACATING

- 24. (a) Whenever any building or premises supplied with water is vacated, or the service is cut off or discontinued, the stop cock on the inside wall of the building must be turned off by the party leaving or by the property owner. The tenant/property owner must give proper written notice to the Director of his intention to vacate and in case said service pipe and fixture are not so protected, the Director may cut off the supply of water thereto without notice and collect the expense of cutting the supply incurred from the property owner, such amount to be payable with the first bill of supply of water that becomes due against said building or premises. In all cases of permanent discontinuance of service, the property owner must remove the meter and return it to the City (or the City will remove the meter and shut off the water supply at the curb stop cock).
- (b) Any owner or consumer intending to vacate any premises that have been supplied with water from the utility system or who is desirous of discontinuing the use thereof, will give notice of the same at the City office, or the rates thereof will be charged to the property owner until such notice is given or the water turned off.

TURNING ON OF WATER

- 25. Water will be turned on to premises only after plumbing installation is completed to the satisfaction of the Director, and the property owner has properly executed the required

application and/or agreement to use and pay for the water taken or used, has paid all required deposits and fees, and has paid the installation costs (if any) to the City.

No person shall turn water on to any premises, or open a City cock or curb stop cock, except the Director.

Whenever water has been turned off for nonpayment of rates, for purposes of repair or construction, or for any other reason, no person shall turn it on again who is not duly authorized to do so by the Director.

EXTENSION AND REPAIRS

26. When making repairs to the street mains, making new connections, or connecting or repairing service pipes, the City may shut off the water to any consumer, with reasonable notice, and keep it shut off for as long as may be necessary. In the case of an emergency, the City has the right to shut off the water to any consumer without notice.

LEAKY FIXTURES

27. The Director may shut the water off to the premises of any owner, occupier or consumer infringing any provision of this bylaw or amendments thereto, and in cases where the water has been shut off for allowing waste, leaks or defects in pipes or cocks, the water will not be turned on again until the necessary repairs have been properly made to the satisfaction of the Director and payment of the approved charge for turning on the water.

BOILERS

28. Where hot water boilers are supplied with water from the utility, the owner or consumer will provide and attach an approved back flow preventer on the water supply line to prevent contaminated water from entering the City water distribution system.

The owner shall be responsible for any damage to the water meter or other City owned fittings due to hot water or steam going back into the service line.

DAMAGES

29. (a) The City or its employees are not liable for any damages resulting to any person or property from any sudden shutting off of the supply of water by the City or by reason of any other cause, either with or without notice, to any premises, building, boiler or factory deriving its supply from the utility; but when practicable, reasonable notice of such shutting off will be given to consumers. The City is not be liable for damages resulting from sewage backup, water leakage, or for any other damage whatsoever caused by the City water or sewer system to any property owner or occupant unless such damage is caused by the gross negligence of the City.
- (b) The property owner shall, at the time of making application for sewer connection, execute an agreement to hold the City of Dauphin harmless against loss or damage from overflow, leakage or escape of water and/or sewage from the City mains or the property service lines or connections onto the owner's property regardless of the cause of such damage, unless the City of Dauphin is grossly negligent and such gross negligence caused damage to the owner or applicant. Failure to execute such

agreement does not invalidate paragraph 29(a) hereof.

LIMITING SUPPLY

30. The City has the right to limit the amount of water supplied to any property owner or consumer, should circumstances warrant such action, even though no limit is stated in the application or permit for such use. The Director may entirely shut off the water supply for any manufacturing purpose, or the use for supplying power, at any time by giving reasonable notice to the consumer of such intended action.

The City reserves the right to refuse or to discontinue the supply of water for fountains, jets, hoses, or sprinklers, or to limit the hours for using same when, at the discretion of the Council, public interest may require such restrictions.

SUBTENANTS

31. Each separate tenant or subtenant of any premises served by a separate water meter, taking or using water from the utility system will be charged schedule rates for such water as though each tenant or subtenant occupied a separate premises, unless the owner of the whole premises arranges to pay all charges for the water used in the entire building. In the event that any tenant or subtenant whether serviced by a separate water meter or not does not pay for his portion of the water supply, the owner of the property shall be responsible therefore.

PLAYGROUNDS AND PARKS

32. The rates and charges established by bylaw of the City of Dauphin also apply to or affect all playgrounds, parks and public places now existing or later established. All water service pipes are to be metered, but where impractical to do so, the water consumption may be estimated.

SERVICES OUTSIDE CITY LIMITS

33. (a) It is understood that any special agreements now existing for the supply of water to farm services, water co-operatives, and any other party located outside City limits, and the terms, conditions and rates or charges therein, shall prevail notwithstanding any rates or charges established by bylaw of the City of Dauphin.
- (b) The Council of the City of Dauphin may sign agreements with customers for the provision of water and sewer services to properties located outside the legal boundaries of the City of Dauphin. Such agreements may provide for payment of the rates, including a minimum consumption charge based on the size of the meter, as set out in the Utility Rate Bylaw, as well as a surcharge, set by resolution of Council, which can be equivalent to the frontage levy, general taxes and special taxes for utility purposes in effect at the time, or may be in effect from time to time, and which would be levied on the property concerned if it were within these boundaries. In addition, all costs of connecting to the utility's mains and installing and maintaining service connections will be paid by the customer.

PRIVATE WELLS

34. All private water wells now existing or which may hereafter exist may be allowed, used and maintained within the limits of the City of Dauphin, subject to:

- (a) The construction, maintenance and use of wells are to conform to Provincial regulations, Manitoba Public Health, and the Manitoba Plumbing Code. Wells should not be located in any front yard, nor within five feet of any side or rear lot line.
- (b) All wells are to be registered with the City Dauphin. The owner of the well is to provide the following information:
 - (i) site plan drawn to scale showing location of the well, and
 - (ii) size, depth and type of cribbing installed.
- (c) Whenever water quality tests are performed on well water, one copy of the test results are to be filed with the City for its record.
- (d) All wells are to be maintained in structurally good condition and free from any public hazard.
- (e) No well shall be connected with the City water supply system in any manner whatsoever.
- (f) All wells may be inspected by the City to ensure they are free from hazard and not connected with the City's water supply. The owner of the well will provide the City with unobstructed access to the well for inspection purposes.
- (g) Water from wells that is wasted into the City's sanitary sewer servicing the property may be metered so the owner thereof can pay the applicable sewer service rate established by Bylaw of the City of Dauphin.
- (h) Where wells are found to be in noncompliance with any Federal or Provincial Acts or Regulations or City Bylaw, the property owner will be ordered to rectify the noncompliance within a specified time. Should the owner fail to carry out this order, the City may enter upon the owner's property and perform the corrective work and the cost therefore shall be borne by the property owner.
- (i) The owner of a well shall indemnify and hold harmless the City of Dauphin and its employees from and against all claims, demands, damages, losses, expense costs, action suits and proceedings by whomsoever made, brought or prosecuted in any manner based upon, related to, occasioned by, arising out of, resulting from or attributable to the acts or omissions of the owner who has a well on their property.

COLLECTION OF COSTS

35. Any costs incurred by the City which are the responsibility of the property owner pursuant to the terms of this bylaw may at the option of the City be added to the owner's water bill or to the property taxes of the property owner, or both, and be collected in a like manner as property taxes, in addition to any other remedies which may be available to the City for collection thereof.

PENALTY

36. Any person violating any of the provisions of this bylaw shall be liable on summary conviction to a fine of not more than five hundred dollars (\$500.00) and costs, and in case of nonpayment of the fine and costs forthwith, such offender shall be liable to be imprisoned for any period not exceeding three months.

REPEAL

37. That By-law Number 01/2009 is hereby repealed.

DONE AND PASSED by the Council of the City of Dauphin in regular session assembled, this 14th day of September, 2015.

Eric Irwin, Mayor

Brad D. Collett, CA, Chief Administrative Officer

READ A FIRST TIME this 24th day of August, 2015.
READ A SECOND TIME this 14th day of September, 2015.
READ A THIRD TIME this 14th day of September, 2015

