



BYLAW NUMBER 1180-P-26

A BYLAW OF THE TOWN OF UNITY IN THE PROVINCE OF SASKATCHEWAN, TO MANAGE AND CONTROL THE CONSTRUCTION, INSTALLATION, USE, CONSUMPTION, AND DISCHARGE OF A WATER AND SEWER PUBLIC UTILITY.

The Council of the Town of Unity in the Province of Saskatchewan enacts as follows:

1. Citation

This Bylaw shall be cited as "**The Water and Sewer Management Control Bylaw**".

2. Authority

This Bylaw is enacted pursuant to section 48 of *The Public Health Act, 1994*, and sections 8, 23 to 32, and 362 to 370, inclusive of *The Municipalities Act*.

3. Definitions, Interpretation, and General Matters

3.1. Definitions

In this Bylaw:

- a) "**Authorized Person**" means an employee of the Municipality, or an individual/business contracted by the Municipality to perform work on behalf of the Municipality.
- b) "**Boundary**" means the perimeter of an Owner's Parcel of Land.
- c) "**Commercial Building**" means a building from which any principal business, trade, profession, industry, occupation, or employment is carried on, and any premises from which goods and services are provided, and shall include, but not be limited to, any public building such as a school, hospital, church, etc.
- d) "**Council**" means the Council of the Municipality.
- e) "**Inspection**" shall mean an inspection as defined in section 2(1) of the Plumbing Regulations as carried out in accordance with section 362 of *The Municipalities Act*.
- f) "**Municipality**" means the Town of Unity.
- g) "**Occupant**" includes:

- i. a person residing on a Parcel of Land or in a building on a Parcel of Land;
 - ii. a person entitled to the possession of a Parcel of Land or a building on a Parcel of Land if there is no person residing on the Parcel of Land or in the building; or
 - iii. a leaseholder of a Parcel of Land.
- h) **"Owner"** means a person who has the right, title, estate, or interest in land or improvements other than that of a mere Occupant, tenant, or mortgagee.
- i) **"Parcel of Land"** means within the Municipality:
 - i) all or part of any parcel, as defined in *The Land Titles Act, 2000*, on an approved plan;
 - ii) a number of parcels, as defined in *The Land Titles Act, 2000*, that are assessed together for tax purposes; or
 - iii) any area of land used for a single tax assessment; and
 - iv) includes all buildings or other structures located on the Parcel of Land.
- j) **"Permit"** shall mean a permit as defined in section 2(1) of the Plumbing Regulations.
- k) **"Plumbing Regulations"** shall mean *The Plumbing Code Regulations*, SR 126/2021, and amendments and replacements thereto.
- l) **"Public Utility"** means a system or works operated by the Municipality and used to provide one or more of the following for public consumption, benefit, convenience, or use: water, sewage disposal, public transportation operated by or on behalf of the Municipality, drainage, electrical power, heat, waste management, residential or commercial street or road lighting, systems for the provision of radio or television services or both, and any other system or works operated by the Municipality.
- m) **"Raw Water"** means water that is not supplied by a Public Utility.
- n) **"Residential Building"** means the premises on a Parcel of Land containing a residential dwelling unit and includes, but is not limited to, a house used for both business and residential purposes and a mobile home dwelling.
- o) **"Residential Multi-Family"** means a building comprised of two or more dwelling units located on a Parcel of Land.
- p) **"Service Connection"** means, unless otherwise differentiated in this Bylaw, the part of the system or works of a Public Utility that runs from the main lines of the Public Utility to a building or other place on a Parcel of Land for the purpose of providing the utility service to the parcel, and includes the connection to the main line and couplings, stopcocks, meters, and other apparatus inside the building or other place for the provision of the Public Utility.
 - a. Wherever this Bylaw refers to the Water Service Connection, such

reference is meant to be with respect to Service Connections for water services only;

- b. Wherever this Bylaw refers to the Sewer Service Connection, such reference is meant to be with respect to Service Connections for sewer services only.

3.2. Requirements for Authorized Persons

All Authorized Persons, Permit holders, and users of a Public Utility must follow the National Plumbing Code of Canada 2020, *The Construction Codes Act*, and the Plumbing Regulations, including any subsequent amendments or replacements of the foregoing.

3.3. Severability

If any section, subsection, sentence, clause, phrase, or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

4. Continuance and Administration of the Public Utility

- 4.1. The works established pursuant to *The Municipalities Act* for the supply, collection, treatment, storage, and distribution of water and for the collection, treatment, storage, and disposal of sewage are hereby continued as Public Utilities.
- 4.2. The Public Utilities administered by this Bylaw shall not have a separate corporate existence from the Municipality.
- 4.3. The Public Utilities administered by this Bylaw shall be administered by the Administrator of the Municipality and/or such other Authorized Persons as the Administrator or Council may appoint from time to time.

5. Service Connections

5.1. Public Utility Service Connection at or near the Boundary of a Parcel of Land

- a) A Public Utility Service Connection must be installed at or near the Boundary on all Parcels of Land with any type of building on it.
- b) A Public Utility Service Connection may be installed at a vacant Parcel of Land upon request by the Owner of the vacant Parcel of Land, if approved by the Municipality in its sole discretion.
- c) The Municipality will determine the location of the Public Utility Service Connection at or near the Boundary of the Parcel of Land. The Owner must consult with the Municipality to determine such location. The installation of all Service Connections is governed by the Municipality's specifications which may be set by policy from time to time.
- d) In the case of the Water Service Connection, the Municipality is responsible to construct, maintain, repair, and replace the Water Service

Connection from the main line of the Public Utility to the curb stop while the Owner of the Parcel of Land is responsible for the costs to construct, maintain, repair, and replace the Water Service Connection from the building to the curb stop. In the case of the Sewer Service Connection, the Owner of the Parcel of Land is responsible for the cost to construct, maintain, repair, and replace the Sewer Service Connection from the building to the main line. Any such work completed to the Water Service Connection or the Sewer Service Connection must be approved by the Municipality in advance or completed by the Municipality. The Municipality may enter any land for the above-noted purposes. To the extent reasonably possible and within a reasonable period the Municipality shall restore any Parcel of Land entered by it for any of the aforementioned purposes to the same condition as existed prior to the Municipality's entry.

- e) Pursuant to sections 25 and 28 of *The Municipalities Act*, as a term of supplying the Public Utility service to a Parcel of Land, the Municipality may make the Owner of the Parcel of Land responsible for the costs of the construction, maintenance, repair, and replacement of the portion of the Service Connection from the main line of the system or works to the curb stop.
- f) The costs and expenses as noted in section 5.1(d) and (e) above shall be and are deemed an amount owing to the Municipality by the Owner of the Parcel of Land pursuant to sections 25 and 28 of *The Municipalities Act*, unless otherwise determined by the Municipality.
- g) Any costs and expenses relating to the Public Utility Service Connection referenced in this Article 5 of this Bylaw may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - i) a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii) adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - iii) any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

5.2 Public Utility Service Connection from the Boundary of the Parcel of Land to a Building

- a) The Owner of a Parcel of Land with a building on it must connect to the Public Utility provided by the Municipality, and must use the Public Utility for all inside water, wastewater, and sewage disposal use. The responsibility for the costs of construction, maintenance, repair, and replacement of the Service Connection is as set out in section 5.1(d).
- b) The Service Connection referenced in section 5.2(a) above shall be approved and inspected by an Authorized Person of the Municipality, with the Service Connection work to be done in accordance with the Plumbing Regulations.
- c) When the water service is to be turned on, the builder/plumber must

contact the Town of Unity office to request the water be turned on. At no time shall anyone other than the Municipalities' Authorized Person operate the curb stop.

- d) As a term of providing a Public Utility to a Parcel of Land, Council may give the Municipality the authority to construct, maintain, repair, or replace a Service Connection located above, on, or under a Parcel of Land. If so authorized by Council, the Municipality and its Authorized Person along with any contractors may enter any Parcel of Land or building for that purpose. After the work is completed, the Municipality shall within a reasonable period of time and to the extent reasonably possible restore any Parcel of Land entered for that purpose to the same condition as existed prior to the Municipality's entry.
- e) If any Owner of a Parcel of Land fails to comply with the requirements of sections 5.2(a) and (b) above, or the Municipality is not satisfied with the construction, maintenance, repair, or replacement of a Service Connection by any Owner of a Parcel of Land, the Municipality may require the Owner to construct, maintain, repair, or replace the Service Connection of the Public Utility in accordance with the instructions of the Municipality within a specified time.
- f) If an Owner does not comply with a requirement of the Municipality that may be made pursuant to section 5.2(e) above to the satisfaction of the Municipality within the specified time, or in an emergency, an Authorized Person of the Municipality may enter any land or building, including the Owner's Parcel of Land and buildings, to construct, maintain, repair, or replace the Service Connection and shall within a reasonable period of time and to the extent reasonably possible restore any Parcel of Land entered for that purpose to the same condition as existed prior to the Municipality's entry.
- g) The costs and expenses incurred by the Municipality relating to the construction, maintenance, repair, or replacement of the Service Connection as contemplated by section 5.2(d), (e), and (f) above shall be and are deemed to be amounts owing to the Municipality by the Owner of the Parcel of Land pursuant to section 28 of *The Municipalities Act*, unless otherwise determined by the Municipality.
- h) Any costs and expenses relating to the construction, maintenance, repair, or replacement of the Service Connection may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - i) a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii) adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - iii) any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

5.3 Service Pipes

All service pipes to buildings shall be laid at a depth of not less than 2.7 metres below the level of the surrounding ground, and where they cross, or are near other excavations, they must be properly protected against settlement.

5.4 Shut off Valves

A shut off valve must be provided by the Owner of each metered Service Connection where a meter is required.

5.5 Obstructions and Frozen Pipes

- a) The expense incidental to the removing of an obstruction or blockage from a Service Connection from the main line to a building shall be borne solely by the Owner or Occupant of the Parcel of Land.
- b) The expense incidental to the thawing out of a frozen Service Connection from the main line to a building shall be borne solely by the Owner or Occupant of the Parcel of Land.
- c) Only an approved bleeder line that recycles the water shall be installed on any water service, and all expenses related to such installation shall be borne solely by the Owner or Occupant of the Parcel of Land.
- d) The costs and expenses incurred by the Municipality relating to any services provided or remedial work required by this section 5.5 shall be and are deemed to be amounts owing to the Municipality by the Owner or Occupant of the Parcel of Land, unless otherwise determined by the Municipality.
- e) Any costs and expenses relating to any services provided or remedial work required by this section 5.5 may be recovered from the Owner or Occupant of the subject Parcel of Land by the Municipality by any of the following:
 - i) a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii) adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - iii) any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

6. Water Public Utility – Water Meters, Access, and Shut Offs

- a) Water meters shall be installed in every building where the Public Utility water service is supplied to a Parcel of Land.
- b) Each new building constructed, and every Parcel of Land for which there is a change of ownership or occupation, shall be equipped, at the Owner's expense, with a remote read out meter.
- c) For Residential Multi-Family dwellings, mobile home/trailer parks, or any other Parcel of Land which contains more than one Residential Building,

the Municipality may require either a common water meter and water shut off serving the entire Parcel of Land or individual water meters and water shut offs to be installed and may review such requirements over time. Such determination may be made by Council or the Public Works department or any Authorized Person.

- d) The water meter location shall provide sufficient space for installation and convenient access. Such location will be determined in consultation with the Municipality's utility department, which must approve the size, location, and type of water meter to be installed and maintained. In addition, each Owner will supply at their own expense a new and functional water valve if required by the Municipality's utility department.
- e) If either a Parcel of Land is Inspected and the water meter requires replacement or if a new building is constructed, at the expiration of six months from the date of the Inspection or six months from the date the building is completed, if a water meter has not been installed in the building, a utility billing shall be imposed at the minimum rate. A utility billing shall be imposed at the metered rate when the meter is installed. It is a requirement of any new construction that an occupancy permit will only be provided once a water meter is installed.
- f) Water meters shall remain the property of the Municipality.
- g) It is unlawful and an offence under this Bylaw for any person to tamper, modify, change, or remove a water meter, service line, any shut off valve no matter its location, or any associated equipment. Owners shall be liable for the cost of repair or replacement of the foregoing items, including frozen water meters, unless the damage is caused by the Municipality. Where a meter needs replacing, the Municipality will do so and invoice the cost to the Owner.
- h) The Municipality shall be entitled to read the water meters monthly and/or estimate the water usage each month. Generally, the Municipality reads water meters on or around the last day of each month. Those with utility accounts are invoiced monthly to include the period for each individual month. Invoices are provided by way of an online portal. Paper copies can be requested instead at a rate of \$2 per month, added to the utility account.
- i) Pursuant to sections 26, 27, and 28 of *The Municipalities Act*, any Authorized Person is entitled to enter any Parcel of Land or building to which a Public Utility is provided for the purpose of:
 - i) reading a meter; or
 - ii) after making reasonable efforts to notify the Owner or Occupant, or in an emergency, for the purpose of directing, installing, or sealing a meter or other related appliances, and removing, altering, repairing, or replacing a meter or the main lines as circumstances require, conducting sampling tests, inspecting any Service Connection, or maintenance and repair of any of the foregoing;

provided that, in the case of a private dwelling, no entry is permitted without the consent of the Owner or Occupant or a warrant authorizing the entry.

- j) Any person who obstructs or refuses to admit an Authorized Person to enter upon a Parcel of Land or building to which a Public Utility is provided for the purposes identified in section 6(i) above shall be deemed guilty of an infraction of this Bylaw.
- k) Where in the opinion of an Authorized Person any water meter fixture or pipe is insufficiently protected from extreme temperature or otherwise, the Municipality may terminate the supply of water after serving written notice to the Owner and Occupant of the Parcel of Land of its intention to do so.
- l) No person shall willfully tamper with any water meter connected to the Public Utility water service, either inside or outside of a building, to alter the amount of water registered by the meter. Any person who does is guilty of an offence.
- m) The costs and expenses incurred by the Municipality for the purpose of directing, installing, or sealing water meters or other related appliances, and removing, altering, or repairing such water meters as circumstances require, conducting and sampling tests, inspecting any Service Connection, or maintenance and repair of a water meter or other related appliances shall be and are deemed to be amounts owing to the Municipality by the Owner of the subject Parcel of Land, unless otherwise determined by the Municipality.
- n) Any costs referenced in section 6(m) above may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - i) a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii) adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - iii) any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

7. Public Utility Management and Control

7.1. Water Public Utility

- a) The use of Raw Water wells existing as of the date this Bylaw was passed may be used for yard irrigation within the Municipality.
- b) The installation of a new Raw Water well or the replacement of an existing Raw Water well within the Municipality shall be permitted at the discretion of Council. For clarification, the installation of a new Raw Water well or the replacement of an existing Raw Water well within the Municipality is prohibited unless Council's authorization for such has firstly been received by the Owner of the Parcel of Land on which the installation of a new Raw Water well or the replacement of an existing Raw Water well is sought.
- c) Back flow prevention devices shall be supplied and installed by the

Municipality immediately at the discharge side of the water meter to all Parcels of Land with raw water wells, and an Owner of a Parcel of Land shall allow such to occur in order to continue use of the Raw Water well. As a condition to allowing the continued use of the Raw Water well, the Municipality may charge the cost of such back flow prevention device to the Owner.

- d)** The Municipality shall have the right to impose the rationing of water, and otherwise limit the amount of Public Utility water to be furnished to any Parcel of Land, as circumstances warrant, and the Municipality shall not be liable for damages by imposing such limits and rationing.
- e)** The Municipality may, in its sole discretion, provide for one or more bulk water supply points at which members of the public may purchase bulk water. Supply of water shall be subject to payment in advance of receipt of service at the facility at rates set by the Municipality.
- f)** Where bulk water service is required, and it is not practicable to provide supply at a permanent bulk water supply location, the Municipality may authorize the provision of service by way of a hydrant on such terms and conditions as the foreman of public works may require.
- g)** No person shall vend, sell, dispose, or in any way convey or permit Public Utility water to be carried or taken away from the Parcel of Land such water is provided to, or use the Public Utility water service for any use or purpose other than as has been authorized by the Municipality for that Owner or Occupier.
- h)** No person shall introduce into the Public Utility water system any harmful matter, substance, or thing, whether liquid or solid, that would be injurious to health, life, or property or that may injure, pollute, or damage any stream, water course, drain sewer, sewage system, water system, and/or the water treatment plant.
- i)** No person shall:
 - i) willfully or maliciously hinder or interrupt the Municipality or Authorized Person in the exercise of any of the powers conferred with respect to the provision of the Public Utility water service;
 - ii) willfully or maliciously discharge water so that it is wasted;
 - iii) willfully open, close, or obstruct any water hydrant; or
 - iv) attach any pipe or line to the Public Utility water service except for normal use which has been authorized by the Municipality.
- j)** No person shall install, alter, extend, or connect a plumbing system to the Municipality's water or sewer system without first obtaining a Permit issued by the Municipality. The following persons are eligible to apply for a Permit:
 - i) a person who holds a journeyman certificate of qualification in the plumber trade; or
 - ii) a person who employs a person who holds a journeyman

certificate of qualification in the plumber trade; or

- iii) only in the case of plumbing that is to be done to a single family dwelling unit, the Owner of the Parcel of Land provided that the plumbing system is not to be connected to communal waterworks or communal sewage works for use in more than one property and the single family dwelling unit will be used exclusively for living quarters and occupied by the Owner.

In the event that an applicant requires services at more than one address, they shall apply for a Permit for each such address.

- k)** Where a Permit has been applied for, the Municipality may issue the Permit, subject to any reasonable terms or conditions, or refuse to issue the Permit. A Permit may be refused to a person who:

- i) has not paid any fee required by the Municipality;
- ii) at the time of applying for the Permit, has defective work outstanding;
- iii) has submitted an incomplete application or one which contains false or misleading information;
- iv) in the opinion of the Municipality, has demonstrated an inability to perform the work in a manner that is safe and acceptable;
- v) has failed to comply with the Plumbing Code, a Permit, or this Bylaw in the past; or
- vi) has failed to make repairs or corrections as directed by the Municipality.

Where a Permit is refused, the Municipality will provide written reasons for same and refund any fee or deposit paid as part of the application. Where a Permit is granted, the Owner immediately becomes liable to all terms and conditions of service including, but not being limited to, the payment of rates, fees, and costs prescribed by Bylaw.

- l)** No person shall be provided a utility account or utility services without applying for and being approved by the Municipality, including those with Permits to install or modify plumbing systems. Any person wishing to receive a utility account and utility services shall apply for same in the form designated by the Municipality from time to time. All applications must be for both water and sewer services together.

- i) only one service address is permitted per application. Those requiring services at multiple addresses must apply for each such address.
- ii) all applications for service shall be reviewed by the Administrator or their designate, who may, in their sole discretion, require additional information to be provided by an applicant.

- iii) following receipt of a full and complete application for utility service, the Administrator or their designate may, in their sole discretion, approve the application. Upon approval, the applicant(s) shall become subscriber(s) and shall be liable to all terms and conditions of service, including, but not being limited to, the payment of rates, fees, and costs prescribed by Bylaw.
 - iv) only Owners will be permitted to set up utility accounts in their names. For those Parcels of Land inhabited by renters prior to October 2024 who already had a utility account set up, those accounts may continue until the renter vacates the Parcel of Land. That utility account will then be closed and the Owner will be required to apply for a new utility account.
- m) The Municipality reserves the right to shut off the supply of water for any of the following reasons:
 - i) failure to open an account or failure to complete an accurate application for service;
 - ii) non-payment of the Town utility bill;
 - iii) failure to provide access to the premises for the purposes of this Bylaw;
 - iv) tampering with the water meter or the seal;
 - v) theft of water;
 - vi) excess leakage of water from any line supplied by the Public Utility;
 - vii) contamination or potential for contamination of the Public Utility;
 - viii) contravention of any section of this Bylaw.
- n) Reconnection fees shall be the amount outlined for same in Bylaw 1152-P-24. No person will be entitled to seasonal disconnects for vacant homes.
- o) Every public washroom within a building connected to the municipal water system shall be provided with a hot water supply, unless otherwise authorized by the Municipality.

7.2. Sewer Public Utility

- a) Any Owner of a Parcel of Land who wishes to be supplied with sewer service from the sewer Public Utility must make application for a Permit to the Municipality.
- b) No person shall install, alter, extend, or connect a plumbing system to the Municipality's sewer system without first obtaining a Permit issued by the Municipality. The following persons are eligible to apply for a Permit:
 - i) a person who holds a journeyman certificate of qualification in the plumber trade; or

- ii) a person who employs a person who holds a journeyperson certificate of qualification in the plumber trade; or
- iii) only in the case of plumbing that is to be done to a single family dwelling unit, the Owner of the Parcel of Land provided that the plumbing system is not to be connected to communal waterworks or communal sewage works for use in more than one property and the single family dwelling unit will be used exclusively for living quarters and occupied by the Owner.

In the event that an applicant requires services at more than one address, they shall apply for a Permit for each such address.

- c) Where a Permit has been applied for, the Municipality may issue the Permit, subject to any reasonable terms or conditions, or refuse to issue the Permit. A Permit may be refused to a person who:
 - i) has not paid any fee required by the Municipality;
 - ii) at the time of applying for the Permit, has defective work outstanding;
 - iii) has submitted an incomplete application or one which contains false or misleading information;
 - iv) in the opinion of the Municipality, has demonstrated an inability to perform the work in a manner that is safe and acceptable;
 - v) has failed to comply with the Plumbing Code, a Permit, or this Bylaw in the past; or
 - vi) has failed to make repairs or corrections as directed by the Municipality.

Where a Permit is refused, the Municipality will provide written reasons for same and refund any fee or deposit paid as part of the application. Where a Permit is granted, the Owner immediately becomes liable to all terms and conditions of service including, but not being limited to, the payment of rates, fees, and costs prescribed by Bylaw.

- d) After making reasonable efforts to notify the Owner or Occupant of the Parcel of Land, or in an emergency, any Authorized Person is entitled to free access at all reasonable times to all parts of any Parcel of Land to which the Public Utility is connected for the purpose of:
 - i) inspecting any Service Connection; and/or
 - ii) constructing, maintaining, or repairing any Service Connection.
- e) No person shall discharge into any drain, sewer, or sewage system operated by the Municipality anything of a harmful matter, substance, or thing, whether liquid or solid, that may be injurious to health, life, or property or that would injure, pollute, or damage any stream, watercourse, drain,

sewer, sewage system, or sewage treatment plant.

- f) No person shall discharge wastewater from weeping tile, sump pumps, or drain run-off into the Public Utility sewer system.

7.3 Responsibility of Owners

The issuance of a Permit or the approval of a plan by the Municipality does not relieve the Owner or any contractor from full responsibility for compliance with this Bylaw, the Plumbing Regulations, or the National Plumbing Code.

8. Utility Charges, Costs, Expenses

8.1. Rates and Charges

- a) All rates, fees, and charges for the supply and provision of water and sewer services including, but not limited to, reconnection fees, infrastructure charges, and consumption rates, shall be as set out in the applicable Utility Rates and Charges Bylaws of the Municipality, including but not limited to Bylaw No. 1152-P-24, as amended or replaced from time to time.
- b) Outstanding utility accounts will be added to the tax roll for the Parcel of Land to which the utility account relates, in accordance with the procedures set out in section 369 of *The Municipalities Act*. In the event that the utility account is in the name of someone other than the Owner, such as a renter, the Owner will be provided 30 days to pay the arrears off prior to action being taken under section 369 of *The Municipalities Act*.

8.2 Costs and Expenses

- a) Where it is required by this or any other Bylaw that a subscriber or any other person shall pay the costs or expenses of the Municipality with respect to a Public Utility, those costs or expenses shall be calculated as follows:
 - i) in the case of costs or expenses to be paid for work undertaken by the Municipality, costs shall be the aggregate of:
 - A. the actual cost to the Municipality for labour, equipment usage (including both operating costs and a charge for equipment depreciation and maintenance), and all materials employed;
 - B. any taxes paid by the Municipality in relation thereto;
 - C. an administration fee of 10% of the foregoing costs, unless a lesser amount is deemed appropriate by the Municipality;
 - ii) in the case of costs or expenses to be paid for work undertaken by a third party on behalf of the Municipality:
 - A. the amount charged to the Municipality, inclusive of all taxes;

- B. all associated costs for materials and shipping costs, as applicable; and
- C. an administration fee of 10% of the foregoing costs, unless a lesser amount is deemed appropriate by the Municipality.

9. Inspection

9.1. Inspection Requirement

- a) All plumbing work or installations for which a Permit is required shall be subject to an Inspection by the Municipality or its Authorized Person.
- b) No portion of the plumbing system shall be concealed or covered until it has been Inspected and approved by the Municipality.

9.2. Notification of Readiness for Inspection

The Owner or the Owner's representative shall notify the Municipality when the work is ready for Inspection. The Municipality shall not be responsible for delays in inspection where notice is not properly or promptly given.

9.3. Uncovering Concealed Work

If any part of the plumbing system or other work is concealed prior to Inspection and approval, the Municipality may require the Owner to uncover the work at the Owner's expense for the purposes of Inspection.

9.4. Refusal of Inspection

The Municipality may refuse to conduct an Inspection or approve any work if:

- a) any required fees have not been paid;
- b) the Owner has failed to remedy defective work identified in a previous inspection;
- c) the work has been carried out in an unsafe or non-compliant manner; or
- d) the Owner or their representative fails to provide necessary access, documentation, or personnel for the inspection.

9.5. Statutory Compliance

Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.

9.6. No Obstruction

No person shall obstruct an Authorized Person or anyone assisting the Authorized Person to conduct an Inspection under this section 9.

9.7. Presence of Responsible Party

A competent person, or the Owner or their authorized representative, must be present during the Inspection, and must provide any tools, materials, or equipment necessary to facilitate the Inspection.

10. Enforcement of Bylaw

10.1. Order to Remedy Contravention

- a) If an Authorized Person has reason to believe that a person is contravening any provision of this Bylaw, and unless other provisions for enforcement are provided in a specific section of this Bylaw, the Authorized Person may, by written order, require the Owner or Occupant of the Parcel of Land to which the contravention relates to remedy the contravention in accordance with section 364 of *The Municipalities Act*.
- b) If an order is issued pursuant to this Bylaw, the Municipality may, in accordance with section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the Parcel of Land that is subject of the order.
- c) Within 15 days after the date of an order, a person may appeal an order referenced in this part in accordance with section 365 of *The Municipalities Act*.
- d) The Municipality may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
- e) In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with section 367 of *The Municipalities Act*.

10.2. Recovery of Expenses and Costs

- a) Any expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw shall be and are deemed amounts owing to the Municipality by the Owner of the subject Parcel of Land, unless otherwise determined by the Municipality. Such expenses and costs may be recovered from the Owner of the subject Parcel of Land by the Municipality by any of the following:
 - i) a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - ii) adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - iii) any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.

10.3. Offences and Penalties

- a) No person shall:

- i) fail to comply with an order made by the Municipality pursuant to this Bylaw, or
 - ii) obstruct or interfere with any Authorized Person or any other person acting under the authority of this Bylaw; or
 - iii) fail to comply with any provision of this Bylaw.
- b) An Authorized Person who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of \$200 to be paid to the Municipality within 14 days of provision of the Notice of Violation. In the case of a continuing violation of any provision of this Bylaw, the Notice of Violation may in addition also set out the period of time during which the violation is continuing and then shall indicate that the Municipality will accept voluntary payment of the sum of \$5 for each day during which the violation has continued, such to be paid to the Municipality within 14 days of the provision of the Notice of Violation.
- c) Where the Municipality receives voluntary payment of the amount(s) prescribed in the immediately preceding paragraph within the time specified, the person receiving the Notice of Violation shall not be subject to prosecution for the alleged contravention in respect of the violations identified in the Notice of Violation. The voluntary payment may be paid:
 - i) in person, during regular office hours, to the cashier located at the Unity Town Office.
 - ii) by mail, a cheque, or money order payable to "Town of Unity" and delivered to the Town of Unity, Box 1030, Unity, Saskatchewan, S0K 4L0.
 - iii) By electronic payments through online banking.
- d) Voluntary payment of any Notice of Violation only renders the person not subject to prosecution as noted above but does not exempt or preclude them or the subject Parcel of Land from complying with any order or directive issued, nor the application of any other provisions of this Bylaw, including other means of enforcement.
- e) Except as otherwise provided for in this Bylaw, every person who contravenes any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to the following penalties:
 - i) in the case of an individual, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues, or providing for imprisonment for not more than one year, or both a fine/continuing fine and imprisonment; and
 - ii) in the case of a corporation, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- f) If a person is found guilty of an offence or infraction pursuant to this Bylaw, the court may, in addition to any other penalty imposed, order the person to

comply with this Bylaw.

- g) Notwithstanding any penalties or payments imposed upon a person pursuant to the provisions of this Bylaw:
 - i) where a contravention of any provision of this Bylaw shall be of a continuing or ongoing nature, the Municipality may terminate the supply of the water and/or sewer Public Utility from the Parcel of Land after providing reasonable notice to the Owner or Occupant of the Parcel of Land;
 - ii) where the Municipality incurs costs and expenses as a result of any person committing an offence hereunder, such costs and expenses shall be deemed to be an unpaid cost relating to the Service Connection and may be recovered from the person by the Municipality by any of the following:
 - A. a civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*;
 - B. adding the amount to the tax roll of the Parcel of Land on which the work is done in accordance with section 369 of *The Municipalities Act*; and/or
 - C. any other means or methods authorized pursuant to *The Municipalities Act* or any other legislation.
- h) Nothing in this Bylaw limits or restricts any other remedies the Municipality has available at law.
- i) The Plumbing Regulations shall apply to and govern all plumbing and drainage within the Municipality.

11. Limitation of Liability

- a) It shall be a term of service to any person, and shall be deemed to be a part of any agreement for the provision of utility services, that services are provided by the Municipality on the condition that the Owner, subscriber, and any other person making use of, or receiving service, shall:
 - i) make no claim against the Municipality, its officials, employees, or agents except with respect to damage caused by the negligence of the Municipality, its officials, employees, servants, or agents. It is a further condition of supply that any such person shall make no claim for any indirect, incidental, or consequential damages, including, but not limited to, lost profits. Without limiting the generality of the foregoing, none of the Municipality, its officials, employees, servants, or agents shall be liable for:
 - A. actions based in nuisance;
 - B. actions in respect of personal injury, death, or property damage related to the presence of any substance or material in water supplied or the water or sewer system;

- C. actions in respect of damages related to the interruption or termination of water or sewer services or failure or refusal to provide water or sewer services for any reason whatsoever, whether or not notice was provided.
- ii) indemnify and save harmless the Municipality, its officials, employees, servants, and agents from and against all claims arising from or in any way connected with the supply of Public Utilities, excepting those claims caused by negligence. Without limiting the generality of the foregoing, the subscriber shall indemnify and save harmless the Municipality, its officials, employees, servants, and agents from and against claims for personal injury, death, or other types of claims whatsoever brought by the Owner/subscriber or any third party arising directly or indirectly:
 - A. from the use by any person of the water services;
 - B. from the provision of water services at any premises owned or occupied by the Owner or any person for whom the Owner is an agent;
 - C. from the failure or impairment of the Public Utilities, the Service Connection, the meter, or any part of such service, system, or meter, or any accessory thereto; or
 - D. from the interruption or termination of water service and/or sewer service or the failure or refusal to provide water service or sewer service to the subscriber for any reason whatsoever, whether or not notice was provided.
- iii) be liable for any breach of this Bylaw arising from or connected with a service address for which they are a subscriber or Owner, save and except where it is demonstrated on a balance of probabilities that the breach was caused by a trespasser.

12. Bylaw Repealed

Bylaws No. 1175-P-26 is hereby repealed.

13. Effective Date

This Bylaw shall take effect on the date it is given third and final reading.

Mayor

(SEAL)

CAO