

**BYLAW NO. 2-2015**  
**PRIVATE SEWER AND WATER SERVICE CONNECTION BYLAW**

Whereas the Town provides public utility services which supply sewage disposal and water for the consumption, benefit, convenience and use of its citizens; and

Whereas it is desirable to provide a systematic method of constructing and installing private sewer and water service connections;

Now therefore the Council of the Town of Asquith enacts as follows:

**Part 1**  
**Short Title and Interpretation**

**Short Title**

1. This Bylaw may be cited as The Private Sewer and Water Service Connection Bylaw, 2015.

**Purpose**

2. The purpose of the Bylaw is to establish conditions and procedures for the construction and installation of private sewer and water service connections including tapping into the Town's main lines.

**Definitions**

3. In this Bylaw:
  - a) "building" means a building within the meaning of *The Municipalities Act*;
  - b) "Town" means The Town of Asquith;
  - c) "basement replacement" means the complete demolition and reconstruction of the foundation and walls of a basement;
  - d) "C.A.O" means the Chief Administrative Officer or a designate;
  - e) "Town Foreman" means the Foreman of the Town of Asquith or a designate;
  - f) "live tapping" means connecting the lines of a water service connection located above, on or underneath a parcel of land to the main lines of the water works system while the water main remains pressurized during the connection;
  - g) "parcel of land" means a parcel of land within the meaning of *The Municipalities Act*;
  - h) "public sewage system" means any Town asset or facility for the collection, transmission, treatment and disposal of domestic and non-domestic wastewater including the main lines of the system;
  - i) "sewer service connection" means a service connection that connects a building on a parcel of land to the public sewage system;
  - j) "service connection" means a service connection within the meaning of *The Municipalities Act*;
  - k) "specifications" means the current Town of Asquith Development Standard Construction Specifications and Drawings for Roadways and Water and Sewer;
  - l) "tapping" means connecting the lines of service connection located above, on or underneath a parcel of land to main lines of a public utility while the valve is closed and main line is depressurized;
  - m) "water service connection" means any water system or pipe line on a parcel of land through which water is conveyed from the water works system; and
  - n) "water works system" means any Town asset or facility for the collection, transmission and treatment of water including the main lines of the system.

## Part II

### Construction/Installation of Private Sewer and Water Service Connections

#### General

4. (1) The C.A.O. may establish specifications governing the construction, installation and repair of service connections and any fees associated therewith.
- (2) Every sewer and water service connection must be constructed, installed and repaired in accordance with specifications.
- (3) A licensed contractor shall be responsible to pay all fees associated with the construction, installation and repair of sewer and water service connections as set out in the specifications.
- (4) All sewer and water service connection work, including the construction, installation, maintenance, repair and replacement must be undertaken by a licensed contractor.
- (5) The onus is on the landowner to protect his curbstop from being damaged and any damage that may occur will be the responsibility of the landowner to repair/replace.

#### Licensed Contractors

5. (1) No person shall carry on business as a sewer or water contractor in the Town without first obtaining a sewer and water contractor's business license from the C.A.O.
- (2) Application for such license shall be made to the C.A.O. in such manner and on such forms as the C.A.O. may prescribe from time to time.
- (3) An applicant shall supply the C.A.O. with all information as may be required by the C.A.O. at his sole discretion.
- (4) Without limiting the generality of subsection (3), any applicant shall provide:
  - (a) evidence of compliance with *The Workers Compensation Act* 1979, including payments due thereunder; and
  - (b) evidence of public liability damage for each accident in the amount of \$2,000,000.00 and liability and property damage for each accident in the amount of \$2,000,000.00.
- (5) No person shall provide false or misleading information in an application submitted pursuant to subsection (2).
- (6) Where any contractor is not qualified, or deemed unsuitable to undertake sewer and water service connection work by the C.A.O., the C.A.O. may, in their sole discretion, refuse to issue a license.
- (7) The C.A.O. may issue a license upon such terms and conditions as the C.A.O. considers appropriate.
- (8) Without limiting any other provision of this Bylaw, the C.A.O. may suspend or cancel a license granted under this Bylaw if:
  - (a) the applicant has failed to comply with provision of this Bylaw;
  - (b) the applicant has provided false or misleading information in application; or
  - (c) the applicant has failed to comply with any condition of a license under this Bylaw.
- (9) Licenses shall be renewed annually.
- (10) No person shall assign or transfer a license.
- (11) Nothing in this Bylaw relieves any person licensed to construct and install service connections from obtaining a Town of Asquith business license.

## **Suspension or Cancellation of license**

6. There is no right of appeal with respect to:
- (a) any condition of a license imposed by the C.A.O pursuant to subsection 5(7);
  - (b) the suspension, period of suspension or cancellation of a license imposed by the C.A.O. pursuant to subsection 5(8)
  - (c) a refusal to issue or renew a license.

## **Tapping-Water Works System**

7. (1) All live tapplings to water mains on property owned by the Town shall be conducted under the supervision of the Town Foreman.
- (2) No licensed contractor may construct, install or repair a “tee” connection to the water main lines without having obtained prior written approval of the C.A.O.

## **Tapping-Public sewage system**

8. Licensed sewer and water contractors may tap into the public sewage system provided all work is conducted in accordance with specifications.

## **Inspection**

9. (1) A licensed contractor shall complete all sewer and water service connection work in accordance with any plans or drawings approved by the C.A.O. and shall allow the Town Foreman to inspect the work at any stage of construction.
- (2) A licensed contractor shall notify the Town Foreman when a service connection is ready for inspection.
- (3) No person shall cover any service connection work until it has not been inspected and approved by the Town Foreman.

## **General Rules Regarding Replacement of Service Connections**

10. (1) The general rules provided in section 28 of *The Municipalities Act* regarding responsibility for service connections and the associated costs shall apply except where otherwise specifically recognized in this Bylaw. For ease of reference, section 28 is reproduced in an endnote <sup>1</sup>.
- (2) For greater certainty:
- a) when the lines of an existing service connection located on a property owner’s parcel of land fail, it shall be the property owner’s responsibility to repair or replace his portion of the service connection from the building to the property line.
  - b) when the main lines of an existing service connection located on Town right-of-way fail, it shall be the Town’s responsibility to repair or replace the main lines of the service connection to the boundary of the property line.

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<sup>1</sup> See Endnote

- c) when the lines of an existing service connection located on a property owner's parcel of land fail, the property owner shall have the option to replace his portion of the service connection.

If the failed service connection is made of materials no longer in compliance with the specifications and the property owner chooses to replace its portion of the service connection, the owner is not eligible to receive any subsidy or participate in any cost sharing program. The work will be done at his cost.

Should the property owner choose to not replace and repair his portion of the service connection, the Town reserves the right to shut water service off at the curb stop until such a time that the repair has occurred.

- d) when the Town is upgrading or repairing the service lines of the system, the owner of the parcel of land adjacent to the failure shall have the option to replace his portion of the service connection from the building to the property line at the same time that the Town is replacing the lines of the service connection.

If the owner chooses to replace his portion of the service connection, the owner is not eligible to receive any subsidy or participate in any cost sharing program. The work will be done at his cost.

#### **Demolitions and Basement Reconstruction Replacement – General Rules**

11. (1) Notwithstanding subsections 7(1) and 7(2), if the owner of a parcel of land demolishes a building or undertakes basement replacement and the sewer and water service connections no longer comply with the specifications, the owner of the parcel of land shall replace both the existing sanitary service connection and the water service connection from the main lines of the system or works to the building.

(2) The replacement of private water and sewer service connections associated with a demolition or basement reconstruction shall be at the sole expense of the owner of the parcel of land, including the costs to cut off the old services and completely replace both sewer and water service connections, and shall be done by a licensed contractor.

#### **Demolitions – Abandonment of Service Connection**

12. (1) If the owner of a parcel of land demolishes a building and intends on abandoning the sewer and water service connections, the owner of the parcel of land shall hire a licensed contractor to cut off the service at the main line of the system and block or seal the service connections.

(2) The abandonment of sewer and water service connections associated with a demolition shall be at the sole expense of the owner of the parcel of land.

### **Demolitions and Basement Replacement – Refundable Deposits**

13. (1) In addition to the costs associated with the replacement of sewer and water service connections in the case of a demolition or basement replacement or abandonment of the connections, when a person applies for a demolition permit, the C.A.O. may also require a deposit of \$3,000.00 Residential or \$7,500.00 Commercial for sewer and water service cut-off.

(2) Notwithstanding subsection (1), deposits for sewer and water service cut-off may be returned when sewer and water connections that are on a Town right-of-way are properly removed or replaced, as determined by the C.A.O.

### **Connection Fees for Previously Unserved Lots**

14. (1) When connecting water and sewer service to a previously unserved lot, there is a charge of two thousand and eight hundred dollars (\$2,800.00) that must be paid to the Town Office prior to water service being activated.

(2) When connecting water and sewer service on all properties that are serviced via the water feeder main and sewer trunk line that runs down East Avenue to Lunn Street, including all properties on Lunn Street and the 700 block of Cory Street, there is a charge of six thousand and five hundred dollars (\$6,500.00) that must be paid to the Town Office prior to water service being activated.

### **Coming into Force**

15. This Bylaw comes into force on the day of its final passing.

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Mayor

(SEAL)

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C.A.O.

Read a third time and  
Adopted this 13<sup>th</sup> day of  
May, 2015.

Certified a true copy of  
Bylaw No. 2-2015.

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C.A.O.

## Bylaw No. 2-2015

### Endnote

1. Section 28 of *The Municipalities Act* reads:

"28(1) The owner of a parcel of land is responsible for the construction, maintenance, repair and replacement of a service connection of a public utility located above, on or under the parcel, unless otherwise determined by the municipality.

(2) If the municipality is not satisfied with the construction, maintenance, repair or replacement of a service connection by the owner of a parcel of land, the municipality may require the owner to construct, maintain, repair or replace the service connection of a public utility in accordance with the instructions of the municipality within a specified time.

(3) If an owner does not comply with a requirement of a municipality to the satisfaction of the municipality within the specified time, or in an emergency, the municipality may enter any land or building to construct, maintain, repair or replace the service connection.

(4) Notwithstanding the other provisions of this section, as a term of providing a public utility service to a parcel of land, the council may give the municipality the authority to construct, maintain, repair and replace a service connection located above, on or under the parcel.

(5) A municipality that has the authority to construct, maintain, repair or replace a service connection pursuant to subsection (4) may enter any land or building for that purpose.

(6) After the municipality has constructed, maintained, repaired or replaced a service connection pursuant to subsection (5), the municipality shall restore any land it entered for that purpose as soon as it is practicable.

(7) The costs incurred by a municipality relating to the construction, maintenance, repair or replacement and restoration pursuant to this section are an amount owing to the municipality by the owner of the parcel of land, unless otherwise determined by the municipality.



