

TOWN OF LANGHAM

BYLAW 2024-02

Private Water and Sewer Service Connection Bylaw

A Bylaw of the Town of Langham to establish conditions and procedures for the construction and installation of private sewer and water service connections.

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

I. DEFINITIONS

In this Bylaw:

- 1) **“basement replacement”** means the complete demolition and reconstruction of the foundation and walls of a basement;
- 2) **“building”** means a building as defined in *The Municipalities Act*;
- 3) **“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;
- 4) **“parcel of land”** means a parcel of land as defined in *The Municipalities Act*;
- 5) **“public sewage system”** means any Town asset or facility used or intended to be used for the collection, transmission, treatment and disposal of domestic and non-domestic wastewater, including the main lines of the system;
- 6) **“service connection”** means a service connection as defined in *The Municipalities Act*;
- 7) **“sewer service connection”** means a service connection that connects a building on a parcel of land to the public sewage system;
- 8) **“specifications”** means the current version of the Town’s Standard Construction Specifications and Drawings for Roadways and Water and Sewer;
- 9) **“tapping”** means connecting the lines of a service connection located above, on or underneath a parcel of land to the main lines of a public utility while the valve is closed and the main line is depressurized;
- 10) **“Utility Management”** means Town staff that have certification in the minimum requirements of Level 2 Water Distribution and Level 2 Wastewater Collection.
- 11) **“water service connection”** means a service connection on a parcel of land through which water is conveyed from the water works system;

12) “**water works system**” means any Town asset or facility used or intended to be used for the collection, transmission and treatment of water, including the main lines of the system.

II. CONSTRUCTION/INSTALLATION OF PRIVATE SEWER AND WATER SERVICE CONNECTIONS

1. General

- a) The Town of Langham has established specifications, which may be updated by Utility Management, governing the construction, installation and repair of service connections and any fees associated therewith.
- b) Every sewer and water service connection must be constructed, installed and repaired in accordance with such specifications.
- c) A licensed contractor shall be responsible to pay all fees, as set out in “*Schedule A*” of this Bylaw, and all costs associated with the construction, installation and repair of sewer and water service connections as set out in the specifications.
- d) All sewer and water service connection work, including the construction, installation, maintenance, repair and replacement must be undertaken by a licensed contractor.

2. Licensed Contractors

- a) No person shall carry on business as a sewer or water contractor in the Town without first obtaining a sewer and water license from Utility Management.
- b) Application for such license shall be made to Utility Management in such manner and on such forms as Utility Management may prescribe from time to time.
- c) An applicant shall supply Utility Management with all information as may be required by Utility Management at Utility Managements sole discretion.
- d) Without limiting the generality of subsection (c), any applicant shall provide:
 - a. evidence of compliance with *The Workers’ Compensation Act, 2013*, including payments due thereunder; and
 - b. evidence of public liability insurance including public liability and property damage for each accident in the amount of \$2,000,000.00 and vehicle liability and property damage for each accident in the amount of \$2,000,000.00.
- e) No person shall provide false or misleading information in an application submitted pursuant to subsection (b).
- f) Where any contractor is not qualified, or deemed unsuitable to undertake sewer and water service connection work by Utility Management, Utility Management may, in Utility Managements sole discretion, refuse to issue a license.

- g) Utility Management may issue a license upon such terms and conditions as Utility Management considers appropriate.
- h) Without limiting any other provision of this Bylaw, Utility Management may suspend or cancel a license granted under this Bylaw if:
 - a. the applicant has failed to comply with any provision of this Bylaw;
 - b. the applicant has provided false or misleading information in the application; or
 - c. the applicant has failed to comply with any condition of a license under this Bylaw.
- i) Licenses shall be renewed annually.
- j) No person shall assign or transfer a license.
- k) Nothing in this Bylaw relieves any person licensed to construct and install service connections from obtaining a Town of Langham business license.

3. Suspension or Cancellation of License

- a) There is no right of appeal with respect to:
 - a. any condition of a license imposed by Utility Management pursuant to subsection 2(g);
 - b. the suspension, period of suspension or cancellation of a license imposed by Utility Management pursuant to subsection 2(h); or
 - c. a refusal to issue or renew a license.

4. Tapping – Water Works System

- a) All live tappings to water mains on property owned by the Town shall be under the direct supervision of Utility Management.
- b) A licensed contractor shall be responsible to pay all fees for live tapping connections as prescribed in Schedule A of this bylaw.
- c) No licensed contractor may construct, install or repair a “tee” connection to the water main lines without having obtained the prior written approval of Utility Management.

5. Tapping – Public Sewage System

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

6. Inspection

- a) A licensed contractor shall complete all sewer and water service connection work in accordance with any plans or drawings approved by Utility Management and shall allow Utility Management to inspect the work at any stage of construction.
- b) A licensed contractor shall notify Utility Management when a service connection is ready for inspection.
- c) No person shall cover/backfill any service connection work until it has been inspected and approved by Utility Management.
- d) A licensed contractor shall be responsible to pay all fees for service connection inspections as set by Schedule A of this bylaw.

7. General Rules Regarding Replacement of Service Connections

- a) The general rules provided in sections 25 and 28 of *The Municipalities Act* regarding responsibility for service connections and the associated costs shall apply except where otherwise specifically recognized in this Bylaw.
- b) 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 its 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.
 - 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 either repair or replace its portion of the service connection.
 - i. 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 may be eligible to participate in any policy or program that the Town has to subsidize or share in the cost of replacement of a service connection. The owner will be responsible for the cost of obtaining a quote for the replacement which may later be deducted from the amount due.
 - ii. If the failed service connection is made of materials no longer in compliance with the specifications and the property owner chooses to repair its portion of the service connection, the owner is not eligible to receive any subsidy or participate in any cost sharing program.
 - d. when the lines of an existing service connection located on a property owner's parcel

of land fail and the service connection is made of materials identified in the specifications, the owner is not eligible to receive any subsidy or participate in any cost sharing program.

- e. when an existing service connection is made of materials no longer in compliance with the specifications and the main lines located on Town right-of-way fail, or the Town is upgrading the main lines of the system, the owner of the parcel of land adjacent to the failure or work on the main lines shall have the option to either repair or replace its portion of the service connection from the building to the property line at the same time that the Town is replacing the main lines of the service connection.
 - i. If the owner chooses to replace its portion of the service connection, the owner may be eligible to participate in any policy or program that the Town has to subsidize or share in the cost of replacement of the service connection.
 - ii. If the owner chooses to repair its portion of the service connection, the owner is not eligible to receive any subsidy or participate in any cost sharing program.

8. Demolitions and Basement Reconstruction Replacement – General Rules

- a) Notwithstanding subsection 7(b), 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.
- b) The replacement of private sewer and water 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.

9. Demolitions – Abandonment of Service Connection

- a) 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 cut off the services at the main line of the system and block or seal the service connections.
- b) 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.

III. MAINTENANCE OF SERVICE CONNECTIONS

- 1) In the event of a blocked sewer line the owner may file a Request to Clean Sewer Lines. Fees for a sewer cleans are set forth in ***Schedule "A"*** of this bylaw. Requests will be reviewed and approved, within 24 hours, upon meeting the following conditions:
 - a. Cleaning can take place between the hours of 9:00am to 4:00pm Monday to Friday and excluding statutory holidays

- b. An adult, 18 years of age or older, will be at the residence
 - c. Pet is contained away from where work will be conducted
 - d. A 120V outlet is within 4 meters of the access point
 - e. Property has sufficient basement access including:
 - Stairs with minimum tread of 8"
 - Area (1 m²) at bottom of stairs free from obstruction
 - Minimum height of 2 meters
 - f. Exposed 3" cleanout free of obstruction (1 m² in front of cleanout)
- 2) In the event of a blocked sewer line that does not meet the requirements listed in subsection 1 the owner:
- a. Shall obtain the services of a private sewer cleaning service and direct the sewer contractor to indicate on their invoice the location and cause of the blockage, and Where the blockage was not located on the Town right-of-way, the owner shall be responsible for the costs.
 - b. The Owner may submit a request for Sewer Connection Maintenance Reimbursement
Where the blockage was located on the Town right-of-way of the service connection, the Town shall reimburse the owner for costs not exceeding to the fee set forth for sewer cleaning in ***Schedule "A"*** of this bylaw.
Where the location cannot be ascertained, the Town will reimburse the Owner for one-half of the fee set forth for sewer cleans in ***Schedule "A"*** of this bylaw.
- 3) Notwithstanding the forgoing, the Town shall deny requests made pursuant to subsections 1 and 2 if;
- a. A Property has already filed a request in the calendar year, or
 - b. A property has filed a combined total of 3 requests.
 - c. The blockage was caused by a foreign object or substance not suitable for disposal in a sanitary sewer system.
- 4) In the event that a property is deemed no longer eligible for requests provided for in subsections 1 and 2 pursuant to subsection 3, the owner may repair or replace the sewer line connection as described in section 7 of this bylaw.

IV. PRIVATE SERVICE CONNECTIONS ASSISTANCE PROGRAM

1. Interpretation

In this Part:

- a) **“amount due”** means the cost of work or services performed by, or performed at the request of, the Town in connection with the replacement a sewer service connection and includes the fee to administer the Program as set out in subsection IV(6);
- b) **“deferred costs”** means an amount equivalent to the amount due that has been added to the tax roll of a property in accordance with section 369 of *The Municipalities Act*;
- c) **“principal residence”** means the primary location that a person inhabits,

- and for further certainty, a person may only have one principal residence;
- d) **“Program”** means the Private Service Connections Assistance Program established pursuant to section IV of this Bylaw;
 - e) **“property”** means a property at which the Town has offered to replace, is replacing or has replaced a sewer service connection;
 - f) **“residential property”** means land and improvements used or intended to be used for a residential purpose;
 - g) **“tax arrears”** does not include deferred costs;
 - h) **“taxpayer”** means the person whose name is shown on the tax roll of a property.

2. Program Established

- a) The Private Service Connections Assistance Program is established.

3. Purpose of Program

- a) The purpose of the Program is to enable eligible taxpayers to add the amount due to the tax roll of their property so that payment may be made over time.

4. Deferral Terms

- a) The Town may allow an eligible taxpayer to repay the amount due over a deferral term of one year or three years.

5. Eligibility Requirements

- a) To qualify for a one-year or three-year deferral:
 - a. the taxpayer must own the property, either solely or jointly with another person;
 - b. the property must not be in tax arrears; and
 - c. the property must be a residential property.
- b) Only Sewer service connections made of materials that are approved by Utilities Management are eligible for the Program.
- c) The quantity of taxpayers able to participate in the program will be based upon the annual budget allocated to the Program.

- d) Those choosing to participate in the program will be prioritized based on need. If the number of taxpayers wanting to participate in the program surpasses the annual budget, a waitlist will be implemented.

6. Administration Fee

- a) A taxpayer who chooses a one or three year deferral will be subject to the Administration fee applicable as set in Appendix “B” of this bylaw.

7. Agreement with Town

- a) A taxpayer who qualifies for the Program, as determined by the Town, may enter into an agreement with the Town respecting:
 - a. the work or services the Town will direct be performed at the taxpayer’s property; and
 - b. the addition of the amount due to the tax roll of the taxpayer’s property.
- b) The amount of assistance available through the program by the Town is set out in Schedule “B” of this bylaw.

8. Amount Due Added to Taxes

- a) If a sewer service connection is:
 - a. replaced on or before September 30, the amount due, if unpaid, may be added to the tax roll and form part of the taxes of the property on January 1 of the next calendar year;
 - b. replaced after September 30, the amount due, if unpaid, may be added to the tax roll of the property and form part of the taxes on January 1 of the year following the next calendar year.
- b) Prior to adding the amount due to the tax roll of the property, the Town may register it as a pending liability.

9. Payment of Deferred Costs

- a) Unless earlier payment is required by any other provision of this Bylaw, payment of the deferred costs shall be as follows:
 - a. for a one-year deferral, the entire amount of the deferred costs becomes due and payable on August 31 of the calendar year in which the amount due is added to the tax roll of the property as set out in section 8;
 - b. for a three-year deferral, one third of the deferred costs becomes due and payable on August 31 of the calendar year in which the amount due is added to the tax roll of the property as set out in section 8, with one of the remaining thirds becoming due and

payable on August 31 of each of the subsequent two calendar years;

10. Voluntary Early Repayment

- a) The taxpayer may, at any time prior to the deferred costs becoming due and payable pursuant to section 9, repay the full balance of the deferred costs or a portion of the deferred costs without penalty.
- b) If a taxpayer repays only a portion of the outstanding deferred costs pursuant to subsection (a), payment of the remaining amount owing must be paid in accordance with the procedure set out in section 9.

11. Duty to Notify Town of Sale of Property or Death of Taxpayer

- a) A taxpayer who sells a property that is subject to an agreement under the Program shall, within 60 days of the sale, notify the Town that the property has been sold.
- b) If a taxpayer dies, a representative of the taxpayer's estate must, within 60 days of the taxpayer's death, notify the Town that the taxpayer is deceased.

12. Mandatory Early Repayment of Deferred Costs

- a) Notwithstanding section 9, the total outstanding amount of the deferred costs becomes due to the Town upon:
 - a. failure to make payment as required by section 9;
 - b. the property falling into tax arrears;
 - c. death of the taxpayer; or
 - d. sale of the property.
- b) Upon becoming aware of one of the circumstances set out in subsection (a), the Town shall send out a notification to the taxpayer, or the taxpayer's estate, that identifies:
 - c) the amount of the outstanding deferred costs that must be paid; and
 - d) the date by which the outstanding deferred costs must be paid.

13. Registration of Interest

- a) In order to ensure repayment of the deferred costs, the Town may register an interest against the property.
- b) The interest shall remain on the title of the property for as long as there are deferred costs unpaid with respect to the property.

- c) The interest shall be discharged when the full amount of the deferred costs has been paid.

V. OFFENCES AND PENALTIES

- 1) No taxpayer shall:
 - a. wilfully furnish the Town with false or misleading information in an application under the deferral program; or
 - b. fail to notify the Town of the death of a taxpayer or the sale of a property in accordance with section 11.
- 2) Every taxpayer who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
 - a. in the case of a first offence, to a fine of not less than \$100.00 and not more than \$500.00; and
 - b. in the case of a second or subsequent offence, to a fine of not less than \$200.00 and not more than \$1,000.00.
- 3) Any outstanding deferred costs must be paid to the Town within 30 days of the date of a conviction of an offence under this Bylaw.
- 4) If a required payment of deferred costs remains unpaid after 30 days, the Town may impose penalties on the outstanding amount at the rates established by Bylaw 2012-10, A bylaw of the Town of Langham to provide for the payment of taxes and the application of discounts and penalties thereto.

VI. MISCELLANEOUS

1. Administration and Enforcement of Bylaw

The administration and enforcement of this Bylaw is delegated to the Chief Administrative Officer.

2. Coming Into Force

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

Read a first time this ____ day of _____, 2024.

Read a second time this ____ day of _____, 2024.

Read a third time and passed this ____ day of _____, 2024.

Mayor

CAO

“SEAL”

SCHEDULE "A" TO BYLAW 2024-02

SERVICE CONNECTION FEES

- Connection Fee during Regular Working Hours..... \$300.00
- Connection Fee outside of Regular Working Hours... \$300.00 + Custom Work Overtime Rate

SEWER LINE CLEANING

- Sewer Line Cleaning \$250.00

SCHEDULE “B” TO BYLAW 2024-02

ADMINISTRATION FEES FOR DEFERRAL

- One-Year Deferral..... \$50.00
- Three-Year Deferral..... \$190.00

ASSISTANCE PROGRAM FUNDING TERMS

- 40% of the cost of the private sewer service connection from the main up to the outer footing of the building only “Work” to a maximum of \$2,500.00.