

THE CITY OF FLIN FLON

BY-LAW 10/77

Being a By-Law of The City of Flin Flon
to govern the operation of the water and
sewer system within The City of Flin Flon.

PASSED: March 1 , 1977

WHEREAS Part XII (Utilities), Division III, Section 697
of Chapter M225 of the Continuing Consolidation of the Statutes of
Manitoba (Municipal Act) provides as follows:

The Council of any municipality may pass by-laws for the
general maintenance, management, or conduct of any works and for
prescribing the powers and duties of the officers and other persons
employed therein.

NOW THEREFORE BE IT AND IT IS HEREBY PASSED AND ENACTED
AS A BY-LAW OF THE CITY OF FLIN FLON, IN COUNCIL DULY ASSEMBLED AS
FOLLOWS:

1. That the Secretary-Treasurer shall make a charge against every person, firm or corporation who is serviced with water and sewer with the proper charges according to the current rate By-Law.
2. That all commercial, industrial, institutional, and multiple family uses (including rooming houses), shall be metered providing it is possible to do so.
3. That the City Engineer be the sole judge of the feasibility of installing a water meter.
4. (a) That any residential consumer may request that a water meter be installed on his water line and such meter shall be installed by the City provided, in the opinion of the City Engineer, it is possible to do so.

(b) That any residential consumer who wishes the City to install a meter on his property shall pay for the actual cost of said meter and installation thereof.

(c) That any alterations to a building required to be made in order to install a meter shall be completed by the property owner prior to the installation of a meter.

5. (a) That if, in the opinion of the City Engineer, any premises connected and served by the Sewer and Water System are deemed to be using an excess of water, a meter shall be installed by the Engineering Department, and the consumer shall pay for the actual cost of said meter and installation thereof.

(b) Only approved, City supplied, meters may be installed in all cases.

(c) In any premises where a meter shall be so installed, the property owner or occupant shall provide a suitable place that is easily accessible and carefully protected from frost and weather for the said installation, and any damage to the meter arising from frost or weather shall be repaired by the City Engineer's Department and the costs thereof shall be paid by the property owner or occupant.

6. That in cases where a meter is not in use or is found out of working order the Secretary-Treasurer shall compute the amount to be charged for the premises of any person, firm or corporation, obtaining water from the City on the basis of average usage according to previous meter readings or from any other information or source which he can obtain, and such amount so computed shall be paid to the City by the consumer.

7. That an officer of the City shall make periodic inspections as deemed necessary by the City Engineer, of all piping, fittings, fixtures and other water appliances on the premises of the consumers which may affect or endanger the water works or sewerage system of the City, and all such piping, fittings, fixtures and other water appliances of the consumer, are to be kept in good repair by the occupant or the owner of the premises; otherwise the supply to such premises will be shut off.

8. That during such period of time that any premises are shut off from water supply for the reasons as set out in paragraph seven (7), no allowance or deduction in charges or fees shall be made or allowed to the occupant or owner of the premises during the period of shut off.
9. That no person being owner, tenant or occupant of any house, building or premises supplied with water by the City shall sell or dispose of any water supplied by the City, or permit any water to be taken or carried away from his premises.
10. That no person shall wilfully or maliciously allow any water to be wasted from out of said water works system.
11. That no person other than the City Engineer or his Assistant and those employees authorized by him for that purpose shall alter or meddle with any meter or its connecting piping or fittings, which have been installed or connected to the water works system.
12. That no person shall, without the consent and approval of the City, lay or cause to be laid any pipe or main so that the same connects with any pipe or main of the water works system to enable him in any way to obtain or use any water by reason thereof.
13. That no person shall wilfully hinder or interrupt, or cause to be hindered or interrupted the said City or its officers, servants, contractors, agents, workmen or any of them in the exercise of his or their duties in relation to the water works system.
14. That the City shall take such precautionary steps as it may deem necessary for the protection of the circulating water lines over private property from frost action by means of an inspection at such times as may be deemed necessary by the City Engineer or his Assistant, and after such inspection has been made shall set the valves on said lines and seal same so that circulation shall continue, and any person who breaks or tampers with any seal or valve shall be guilty of an infraction of this By-Law, and furthermore, the tampering with any valve shall render the consumer liable to pay the costs of repairing or thawing out of water lines affected thereby in the event of freeze-up.

15. That all private service connection boxes shall at all times be kept properly insulated and weather-proofed by the owner of the premises, and the owner of any premises within 96 hours from the time of being notified by the City Engineer or his Assistant by registered mail so to do, shall repair, insulate, or make weather proof such boxes as shall be required by the Engineer or any of his assistants, and failure on the part of the owner of any premises to keep such boxes in repair, shall render such owner liable for costs or damages caused by any freeze-up therein.

16. (a) That the costs of thawing frozen sewer connection piping shall be paid by the owner or owners of the property or properties serviced unless such freezing be caused by the backing-up from the main sewer line, the City Engineer or his authorized agent to be the sole judge of the cause.

(b) That the costs of clearing a plugged sewer connection line from the house service to the mains, shall be paid by the property owner or owners serviced by that line, unless such plugging be caused by the backing-up from the main sewer line or by the condition of the line on City property, the City Engineer or his authorized agent to be the sole judge of the cause.

17. (a) That the stop and waste cock which controls the supply of water from the circulator to the plumbing in the house shall not be used by the water tenant except in cases of accident, or for the protection of the building, or the pipes or to prevent the flooding of the premises.

(b) That if for any reason the owner or occupant desires the water to the premises to be shut off, he shall notify the City Office in writing. The City Engineer or his authorized agent shall then seal the stop and waste cock in the presence of the owner, or occupant, and same shall remain sealed and shut off until such time as the owner or occupant requests that the water be turned on, at which time the City Engineer or his authorized agent shall unseal and open the stop and waste cock. In all cases where the owner or occupant causes the water to be shut off within his premises he shall be solely responsible for any damage which may be caused by frost action or other agencies to the piping, fixtures, and appliances connected therewith. It is the City's advice that the owner or occupant drain all pipes, fixtures, and appliances and install some form of antifreeze in all traps for his own protection.

If the

owner or occupant causes the water to be shut off within his premises he shall be solely responsible for any damage which may be caused by frost action or other agencies to the piping, fixtures and appliances connected therewith.

(c) That any person who breaks the seal on the stop and waste cock once it has been sealed by the City shall be guilty of an infraction under this By-Law.

(d) i. That all cancellations and requests for starting service must be made in writing at the City Office.

ii. That no reduction or cancellation of utility rates will be made unless proper application for shut off is made to the City Office as aforesaid, and the minimum time wherein reduction in rates will be allowed will be one month, and in which case the property must be vacant for the full turn-off period.

iii. That in case of a change of ownership or occupancy of premises serviced, it shall be the responsibility of the person registered in the City Tax Roll, to advise the City accordingly, otherwise the person so registered shall remain liable for the service until such notice of change is received by the City.

18. That the City Engineer or his duly authorized agent shall with all necessary assistants have free access at all reasonable hours to all parts of the building or other premises in which water is supplied for the purpose of inspecting or repairing the pipes and other apparatus connected with the water supply therein, or for placing meters on any services pipe or connection within or without any house or building as they may deem expedient, and for this purpose or for the purpose of protecting or of regulating the use of any meter may set or alter the position of the same, or of any pipe connection, or trap, and the expense of any such alteration shall be paid by the owner or occupant of the premises if done at his request or if such adjustment, repair or alteration is deemed necessary because of any act by said owner or occupant of the premises.

19. That the City shall not be liable for damages caused by breaking of any services or for shutting off of any water works to repair mains or tap the mains.

20. That consumers must have their cellars and places where the water pipes enter their premises reasonably and properly protected from the frost. No allowance will be made on accounts for the stoppage of the supply where the pipes are found frozen within the premises of the consumer.

21. That all damage or injury to the piping, meters or water of the said water works and sewerage system caused by frost action or hot water action, or negligence on the part of any occupant of the premises, shall render the owner of such premises from which such damage arose, liable to pay the cost of repairing said damage so done.

22. That any service connection serving more than one property shall be the equal responsibility of the owners or occupants of the properties so serviced.

23. That no person unless duly authorized in writing by the City Engineer shall open or use any fire hydrant for any purpose whatsoever.

24. (a) That any occupant or owner who becomes responsible to pay the sewer and water charges and who becomes in arrears for a period of three months or more, shall have all services terminated without notice.

(b) If at any time the water be shut off from any premises for the reason of non-payment of rates, or at the request of the owner, or for any reason, the cause of which is made necessary by the occupant of the premises then and before such water shall be turned on to such premises again, a fee of \$4.00 shall be paid to the office of the Secretary-Treasurer as a reservicing charge.

25. That any person who is dissatisfied with his meter reading may at any time upon application to the Secretary-Treasurer of the City, and upon making a deposit of \$5.00, require the said meter to be tested and if said meter be found correct upon testing the meter the \$5.00 shall be retained by the City for testing charges, but if such meter be found incorrect, then the \$5.00 deposit shall be returned to the applicant and the Council shall thereupon make adjustments as it deems fair with the consumer for any overcharge which might be made in the water bill of the consumer.

26. That nothing in this By-Law shall be construed to restrict or take away powers or rights which the City has or has had in respect to the collection of any rates, either under the provisions of the Municipal Act or the Assessment Act or the Charter of the Municipal District as amended fromtime to time or under an Act of the Legislative Assembly of Manitoba passed in April A.D. 1936 entitled "An Act Respecting the Municipal District of Flin Flon."

27. That any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay at the discretion of the convicting Magistrate or Justice of the Peace, a penalty not exceeding the sum of \$50.00 in addition to costs for such offence, and in default of payment of the said penalty and costs forthwith, the said penalty and costs may be levied by distress and sale of the goods and chattels of the offender, and in case of there being no distress found, out of which such penalty can be levied, the convicting Magistrate or Justice of the Peace may commit the offender to imprisonment for a period not exceeding ten days, unless the said penalty and costs (if any) are sooner paid.

28. By-Law No. 2664 is hereby repealed effective as of and from the 1st day of March , A.D. 1977.

29. This By-Law shall come into full force and effect on the 1st day of March , A.D. 1977.

PASSED AND ENACTED by the Council of The City of Flin Flon, in Council duly assembled this 1st. day of March , A.D. 1977.

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MAYOR

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SECRETARY-TREASURER

READ a first time this 15th day of February , A.D. 1977.
READ a second time this 1st. day of March , A.D. 1977.
READ a third time, DONE AND FINALLY PASSED this 1st day of March., A.D. 1977.