

VILLAGE OF MAYO

BYLAW # 308

A Bylaw to provide for the supply and use of water, relating to the water distribution system and sewer collection and processing system of the Village of Mayo, and to provide for Solid Waste disposal

WHEREAS, in accordance with Section 265 (b) of the Municipal Act (Chapter 154), the Council for the Village of Mayo may pass bylaws for municipal utilities, facilities, works, and improvements on private and public land including quarries, and sand and gravel pits;
and

WHEREAS, in accordance with Section 343 (1) of the Municipal Act, a person who commits an offence against a bylaw is liable on summary conviction to a fine of up to \$10,000 plus a fine of up to \$2,500 for each day the offence continues, or to imprisonment for up to one year, or to both the fines and imprisonment, unless a bylaw provides a smaller fine or shorter term of imprisonment as the maximum for the offence; and

WHEREAS Section 243 (2) states: If a person is found guilty of an offence under this Act or a bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Act or the bylaw, or a licence, permit or other authorization issued under the bylaw; and

WHEREAS, in accordance with Section 344 (1) of the Municipal Act, the Council for the Village of Mayo may pass a bylaw in relation to charges in respect of utilities, encroachments, or other expenses or costs incurred by a municipality may provide that in default of payment of the charge the outstanding amount owing may be charged against the real property in respect of which the service was provided or expenditure was made, and that it may be recovered in the same manner as a tax may be collected or enforced under this Act; and

WHEREAS, Section 344(2) states: A council may by bylaw provide for charging against real property fines which have not been paid as required by the court; and

WHEREAS, in accordance with Section 246 (1) Subject to this Act, the Assessment and Taxation Act, and the Municipal Finance and Community Grants Act, council shall adopt bylaws providing for the raising of revenue by the imposition and collection of taxes on real property within the jurisdiction and boundaries of the municipality and by the imposition and collection of taxes and service charges imposed in respect of local improvements in the jurisdiction and boundaries of the municipality; and

WHEREAS, in accordance with Section 247(1) a) b) and (2) of the Municipal Act the Council of the Village of Mayo may

247 (1) (a) impose and collect business licences and fees, inspection fees, parking fees, recreation fees and other fees, utility charges, fines, and penalties as considered necessary by Council: and

(b) take into revenue fines, interest on deposits and investments, any charges for the operation of any services or utilities under the control of council, and any other funds the municipality may acquire

247 (2) Charges referred to in subsection (1) may be recovered from an owner or occupant of real property or through proceedings against the property in the same manner as if the charges were taxes payable under this Act.

NOW THEREFORE the Village of Mayo duly assembled enacts AS FOLLOWS:

1. This bylaw may be cited as the "WATER, SEWER and SOLID WASTE BYLAW".
2. Where the provisions of this bylaw conflict with the provisions of any other bylaw of the Village of Mayo, this bylaw shall prevail.
3. In this bylaw and in the schedule attached hereto, unless the context otherwise requires:
 - (a) "Village" means Village of Mayo
 - (b) "Consumer" means any person who receives water services, sewer disposal services, and/or solid waste disposal services provided by the Village.
 - (c) "Council" means Councillors and Mayor for the Village of Mayo.
 - (d) "Dwelling unit" means one or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit.
 - (e) "Supervisor" means the Foreman of the Village of Mayo as well as other Village of Mayo full time permanent Staff working in the Environmental Health and Public Work's field.
 - (f) "Person" includes a proprietorship, partnership, or incorporated enterprise.
 - (g) "Private Service" or "private service pipe" means the portion of sewer and water pipe located between the main line and the building being serviced.
 - (h) "Rate Schedule" means the rate schedule attached hereto and forming part of this bylaw.
 - (i) "Registered Owner" means any person registered as owner of the real property in the Land Titles Office of Yukon.
 - (j) "Rentable Room" means a room which contains sleeping facilities and may contain sanitary facilities, and or cooking facilities.
 - (k) "Sewer" means a sewer line or pipe to conduct sewage and waste water, but not surface water.
 - (l) "Sewer and Water Utility" means the complete system of water supply and sewage collection and disposal, owned and operated by the Village, including mains, intermediate main, service pipes, fire hydrants, valves, services and all other accessories and appurtenances thereto.

- (m) "Sewer Main" means those pipes installed by the Village in streets for the collection and disposal of sewage and clear water waste, but not storm water, to which a sewer service may be connected.
- (n) "Sewer Service" means the pipe used or intended to be used to conduct sewage and clear water waste, but not storm water from a building to a sewer main.
- (o) "Shut Off" means an interruption or discontinuation of the supply of water.
- (p) "Solid Waste Disposal" means household and other waste items (e.g. scrap metal, vehicles, tires, stoves, fridges, freezers, brush, etc.)
- (q) "Sprinkling" means the distribution of water to the surface or subsurface of lawns, gardens, or other areas situated outside of buildings by pipes, hoses, sprinkling or any other method.
- (r) "Street" or "Streets" shall include all highways, roads, lanes, alleys, avenues, easements, thoroughfares, utility lots, drives, bridges, and ways of public nature, sidewalks, boulevards, parks, public squares and public places, unless the contrary is expressed, or unless such construction would be inconsistent with the context of the bylaw.
- (s) "Treasurer" means the treasurer of the Village of Mayo.
- (t) "Water Service" means a pipe used or intended to be used for supplying water, and which extends from a water main to a meter or building serviced.
- (u) "Water Main" means those pipes installed by the Village for the conveyance of water throughout the Village to which a water service may be connected.
- (v) "Closure Notice" means when the Village is notified of an extended closure of a dwelling unit in excess of a three month period.
- (w) "Toilet" means a fixture that consists usually of a water-flushed bowl and a seal, and is used for urination and defecation.
- (x) "Sink" means a fixed basin with a drainage pipe.
- (y) "Urinal" means a fixture used for urinating.
- (z) "Shower" and or "Tub" means a fixture used to wash or bathe in.

Operation of the Utility

4. (1) The Solid Waste Facility and the sewer and water utility of the Village, together with the sale of water shall be under the management and control of the Council.
- (2) The Village remains the owner of all facilities it provides to serve the consumer unless a contract between the Village and the consumer specifically provides otherwise. Payments made by the consumer for any costs incurred by the Village in any installation do not entitle consumers to ownership of any such facilities, unless a contract between the Village and the consumer specifically provides otherwise.
- (3) The Supervisor shall exercise the powers and perform the duties with respect to the sewer and water utility and Solid Waste Facility conferred and placed upon him/her by this and any other bylaw of the Village applicable thereto, and any order or direction of the Council with respect thereto.

(4) The Supervisor has the authority to shut off water for any consumer or consumers, when in the opinion of the Supervisor it is necessary to do so to properly maintain, repair, renovate or operate the water utility, provided that the Supervisor shall, when it is practical to do so, give due notice of such shutting off.

(5) The Village does not guarantee the pressure nor the continuous supply of water, and the Village reserves the right at any and all times, without notice, to change the operating water pressure and to shut off water and neither the Village, its officers, employees, nor agents shall be liable for any damage or loss caused by change in water pressure or for the shutting off of water, or by reason of the water containing sediments, deposits, or other form of matter.

(6) Persons requiring a continuous and uninterrupted supply of constant pressure of water, or having processes or equipment that require particularly clear or pure water shall, at their own costs, provide such facilities as they require to ensure a continuous and uninterrupted supply, pressure, or quality of water as required for their use.

(7) The Supervisor may, as a condition to the supply of water, inspect the premises of any person who applies to the Village to have water supplied to such premises, to determine whether such premises comply with all relevant bylaws of the Village and Acts of the Yukon Territory.

(8) The Supervisor may with the permission of the owner or occupant, inspect the premises of any consumer in order to perform any test on piping or fixtures in or on such premises in order to determine whether this bylaw is complied with, and in the event that such owner or occupant fails or refuses to give such permission, the supply of water to those premises may be shut off.

(9) Decisions of the supervisor may be appealed to the Council by submitting a written summary of the facts and differences no less than two weeks before any regularly scheduled Council meeting, addressed to the Council, and the appellant will be notified in writing of the Council's decision.

(10) The Council may at such times and for such length of time as considered necessary or advisable, by a resolution of Council, regulate to reduce, restrict or prohibit water usage.

(11) The Council may cause the water supply to any person who causes, permits or allows water usage in contravention of any regulation, restriction, or prohibition, to be shut off until such person undertakes to abide by and comply with such regulation, restriction or prohibition, and has paid to the Village the fee for reinstatement of service as designated in the Rate Schedule.

Permitted Uses

5. (1) No person shall use, operate, interfere or tamper with, obstruct, or impede access to, the sewer and water utility or any portion thereof in any manner except as permitted by this bylaw.

- (2) No person shall cause, permit, or allow the discharge of water so that it runs to waste or is useless, whether by reason of leakage from underground piping, faulty plumbing, or otherwise.
- (3) Notwithstanding the previous subsection, the supervisor may under such condition as may be considered reasonable, allow a person to discharge water so that it runs to waste, if such persons water service would otherwise be in danger of freezing.
- (4) No person shall sell or distribute water unless specifically authorized to do so by Council.
- (5) Where both water and sewer services are available, any consumer hooking up to the system must hook up to both the water and sewer service.
- (6) Any person who contravenes subsection 1.5 shall forfeit any right to be supplied with water until such contravention has been corrected, after receipt of notice where it is practical to give such notice.
- (7) No person shall deposit any hazardous materials at the Solid Waste Facility which are not specifically identified as being accepted at the facility.
- (8) No person shall deposit any solid waste at any area other than the one identified by signage.

Attachments

6.
 - (1) No person shall cause, permit or allow any apparatus, fitting or fixture to be connected or to remain connected to their water supply system or allow his/her water system to be operated in such a manner as to cause noise, pressure surges or other disturbances which result in annoyance damage to other consumers of the water utility. The Supervisor may cause the section to be shut off provided that the Supervisor shall, if it is practical to do so, give notice to such person prior to such water supply being shut off. The water supply to any person shall not be restored until such time as the problem has been corrected, and that person has paid the Village the fee for reinstatement of service as designated in the rate schedule.
 - (2) Freeze protection devices of a type approved of by the Supervisor must be installed and connected to all water services, such devices shall bear CSA or ISO certification and include, but are not limited to, the following:
 - (a) Bleeding devices
 - (b) Counter pressure devices
 - (c) Electrical heat tracing devices including transformers installed by a qualified electrician.
 - (d) Any device which is specifically approved by the Supervisor

(3) No person shall cause, permit or allow connecting to their water system any piping, fixture, fitting, container or other appliance which may cause water from a source other than the water utility to enter into the water utility. The Supervisor may cause the water supply to any person contravening the provisions of this section to be shut off provided that the Supervisor shall, if it is practical to do so, give notice to such person prior to such water supply being shut off. The water supply to any such person shall not be restored until such person has corrected the plumbing. A re-instatement fee will be charged according to the Rate Schedule attached to this By-law.

(4) Every building or premises used for the purpose of a commercial garage or a service station, or the business of washing or lubricating motor vehicles, shall be provided with a readily accessible sand trap and sump, and where required by the Supervisor, an oil sump for the collection of waste oil.

(5) Every building or premises used for the purpose of a restaurant, café or food service outlet, shall be provided with a readily accessible grease trap, or interceptor.

(6) In any building or premises provided with a sand trap, sump or grease trap, or interceptor;

(a) Under no circumstances shall a sump be used as a sand trap.

(b) Every sand trap shall be cleaned once per week or as necessary.

(c) All oil, grease, or gasoline which accumulates on the surface of the water in a sand trap, sump, or grease trap, or interceptor shall be skimmed off at least twice per week and disposed of in a manner approved by the Supervisor.

(d) Stirring up of the liquid by any means in any sand trap, sump, grease trap or interceptor, for the purpose of forcing out sand, mud, oil, gasoline, or grease, is prohibited.

(e) No heavy or permanent objects shall be placed over any sump, sand trap, grease trap or interceptor in a manner which would hinder immediate access for inspection and cleaning.

(7) No gasoline, oil, grease, waste acid or any flammable liquid shall be poured or otherwise discharged into any sanitary sewer or into the Solid Waste Facility.

(8) At the option of the registered owner a metering device approved by the Supervisor may be installed at the cost of the consumer, and the appropriate charge made for metered water as set out in the rate schedule.

(9) A registered owner of a property requesting a new service, may install a metering device approved by the Supervisor, at the cost of the owner, and the appropriate charge made for metered water as set out in the rate schedule.

(10) A registered owner of a property requesting a new service, shall install a freeze protection device approved by the Supervisor as in subsection 6(2) above, but excluding bleeding devices or any device which will allow water to run to waste.

Service Connections

7.
 - (1) Any person who desires a new sewer and water service connection from the Village mains shall apply in writing to the Village on a form supplied by the Village for that purpose, (see attached form under Appendix B "Work order") not less than 5 working days prior to requiring the service.
 - (2) Unless the Council otherwise approves, there shall be no more than one service to any building or site.
 - (3) All sewer and water connections, and repair work to such connections, must be made under the supervision of the Supervisor after a work order (Appendix B) for the doing of such work has been issued, and signed by the owner or his agent.
 - (4) Every installation approved by the Supervisor shall carry a warranty of one year from the date of completion of the installation for parts and labour, unless it is determined by the Supervisor that negligence or abuse on the part of the owner or occupant has caused the failure, in which case the provisions of Section 8 below shall be applied.
 - (5) A registered owner of a property requesting a new water and/or sewer service, shall pay for the full cost of the water/sewer service line (at least 20 linear feet of the pipe), heat trace, and any other items that may be required (saddles, valves, etc.) plus all labour and equipment rental to do the work from the building to the property valve, the property line, or the fence line (as determined by Village of Mayo Staff), whichever is the closest to the actual property boundary of the home owner. The Village of Mayo will absorb the costs of the water/sewer service line, the heat trace, the labour and equipment rental, plus saddles, valves, check valves, property valve, etc. from the property boundary location to the main line.
 - (6) Application for a temporary water service connection shall be made in the manner prescribed in section 7(1). The property owner shall be responsible for the payment of the rates and charges as set out in this bylaw.
 - (7) All installations between the dates of October 1 and April 15 of the following year must be accompanied by a letter from the registered owner of the property indicating their sworn agreement to pay all costs, on completion of the installation.
 - (8) The Village reserves the right to engage third party contractors to perform any or all of any installation.
 - 8a) The property owner may hire a qualified contractor (who must be approved by the Village of Mayo) to dig the trench that may be required to remove old service lines and/or to add new service lines on the portion of the installation located on the owner's property. Any remaining old water/sewer service lines that are not removed when the new service lines are installed, must be capped on both sides by whoever is doing the installation (either the contractor or the Village of Mayo).

The property owner must allow the Village of Mayo Supervisor access to the property to inspect the installation of the home owner's portion of the water/sewer service line and heat trace, as well as the capping of the old

service lines if applicable. The materials used for the new installation and the installation itself must meet the Village of Mayo's standards.

The Village of Mayo reserves the right to hire the same, or a different, Third Party Contractor to complete the work on the Village's section of the installation.

Village of Mayo Public Works Staff must ensure that all new and old service lines, that remain in the ground after the new installation, are recorded on property "as-builds".

The Village of Mayo may allow the homeowner to pay for the cost of the installation by installments (as per the water sewer installation payment policy) over a period of up to 5 years.

(9) If requested, Administration shall provide an estimate for the installation, providing the applicant agrees in writing that the estimate is not binding upon the municipality.

(10) Subsequent work required on the same installation, which could reasonably be determined to be the result of any installation between October 1 and April 15, would be completed subject to any or all of the above points.

(11) An administrative fee (for administration, freight and restocking charges) of ten percent (10%) of the cost of all parts, supplies and components which were used on the new service connection from the building to the agreed upon property boundary line, excluding labour and equipment costs, will be charged to the property owner and added to the cost of the installation.

(12) The Village may, by bylaw, enter into an agreement to provide water and sewer services outside municipal boundaries.

Excavation and Repairs

8. (1) Any person complaining of a failure or interruption of a water supply or sewer service, the investigation of which complaint necessitates the opening up and excavating of a street, shall, prior to any repairs being affected, sign a work order on a form supplied by the Village. In the event that such failure or interruption was caused by a defect in the private service line, negligence on the part of the property owner or occupant, as determined by the Supervisor, the actual cost of such work shall be collectible in the same manner as water rates. In the event that the failure was covered under installation warranty in Section 7 (4) above, as determined by the Supervisor or the defect or fault, excluding negligence on the part of the property owner or occupant, was between the main and the property line, no costs shall be charged to the owner.
- (2) The Village has the authority to excavate any suspected water or sewer leaks, the actual cost of which shall be borne by the consumer or the property owner if the leak is found to be on the private service from the property line to the serviced building, as determined by the Supervisor as in (1) above.
- (3) The cost of thawing a frozen water service shall be borne as follows:
- (a) By the consumer if the private service is frozen and such freeze up is not a result of a frozen main or as a result of an interruption in

the supply of water through the main as determined by the Supervisor.

(b) By the Village if the private service is frozen as a result of an interruption in the supply of water through the main as determined by the supervisor.

(c) Where no specific cause for the freezing can be determined the consumer shall pay from the property line to the building and the Village shall pay from the main to the property line.

(4) Where a survey is required to determine the location of a property line in relation to a leak or fault, that survey will be part of the actual costs.

(5) The Village shall not thaw a private service unless the consumer or registered owner of a property shall first have signed a work order supplied by the Village, recognizing that thawing may be inherently dangerous to property, including the private service, and may cause damage to electrical systems or the out-break of fire, and waiving any claim against the Village for any such damages whatsoever.

(6) The cost of thawing or clearing any obstruction in a sewer service shall be borne as follows:

(a) By the property owner or consumer if the private service is frozen or obstructed due to grease, dirt, or improper use of the fixtures within the premises, or as a result of misuse or negligence on the part of the property owner or consumer, or for any other reason not related to failure or interruption of the Municipal service, as determined by the Supervisor.

(b) By the Municipality if the private service is frozen or obstructed as a result of failure, malfunction or interruption of the municipal service, as determined by the Supervisor.

(7) Where any freeze protection device is installed, the responsibility for the proper operation of such device, and all maintenance and operating costs thereof, shall be borne by the owner or occupant.

(8) Any persons found causing obstructions to a sewer service using any material or item, shall bear the actual cost of repair to restore it to normal operation.

Rates and Terms of Supply

9. (1) The provision of sewer service, water service, and solid waste disposal service to every consumer or property owner shall at all times be subject to the terms and conditions set out in this bylaw, and the charges designated in the rate schedule.

(Appendix A)

(2) Sewer and water charges as designated in this bylaw shall be charged until the services have been discontinued at the request of the consumer, or have been terminated by the Village in accordance with this bylaw. Following notice in writing by a registered owner to discontinue services, (temporary or permanent shut off) the Village shall shut off the water supply as soon as reasonably practical and the registered owner shall be responsible to pay all of the rates and charges payable hereunder until the time of shut off, including the cost of each shut off, as designated

in the rate schedule.

(3) All applications for connections, or requests to terminate services, shall allow a minimum of 5 working days before such applications or requests are to become operative.

(4) The supply of water to any consumer may be shut off for any of the following reasons:

- (a) repair
- (b) lack of supply
- (c) non-payment of account
- (d) defective service
- (e) breach of this bylaw where specified
- (f) for any reason necessary for the proper operation of the water supply system.

(5) If a consumer requires the supply of water to be shut off or turned on for their own purposes, they shall pay the amount specified in the rate schedule.

(6) If a consumer is desiring to leave their premises for a period exceeding three months, they must give a written notice to the Treasurer in order that any rate changes may be effected.

(7) No device providing freeze protection to a water service may be removed or disconnected or disabled in any manner without prior notice to the Village of Mayo.

10.

(1) There shall be paid for all water supplied and services rendered the amounts set in the base rate schedule. (Appendix A)

(2) All accounts, including monthly accounts for sewer and water service, shall be due and payable when rendered.

(3) A separate account shall be rendered in respect to each water and sewer service.

(4) Where any service rate or charge is designated by reference to a stipulated time, the charge for a lesser period shall be calculated on a proportional basis, except that in no case shall the charge be less than one month.

(5) Notice in writing must be given to the Municipal Office or Council within 30 days of any changes which are made to the property which would increase or decrease the water and sewer system usage.

(6) The registered owner of real property shall be liable for all rates and fees chargeable or payable under this bylaw with respect to the property, and where available, the Village may make the balance of any account in arrears over 60 days, including interest charges, together with a penalty of 10% of such arrears, a charge against the real property to which the water and sewer service was supplied, as a special tax to be recovered in like manner as other real taxes on real property.

(7) The water supply to any consumer who fails to pay an account within 60 days after the due date may be shut off without notice, and be subject to disconnect and reinstatement fees.


(8) Interest on overdue accounts will be charged at a rate of 2% per month on all unpaid water and sewer accounts over 60 days until such time as they may be transferred as in (6) above.

Contravention

11. (1) Every person who contravenes any of the provisions of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding One Hundred Dollars (100.00) for each such violation. Every day during which any violation continues shall be deemed a separate offence.
(2) Any person contravening any of the provisions of this bylaw shall be liable to the Village for any expense, loss, or damage occasioned to the Village by reason of such violation.
12. The invalidity of any section, clause, sentence, or provision of this bylaw shall not affect the validity of another part of this bylaw which can be given effect without such invalid part or parts.
13. This Bylaw shall be deemed to come into full force and effect upon final passing of this bylaw.
14. Bylaw No. 276 is hereby repealed.

READ a first and second time this 3 day of November, 2015.

READ a third time and finally passed this 4 day of November, 2015.



Mayor



Chief Administrative Officer

Monthly Water/Sewer and Solid Waste Rates:

Residences and Apartments:

For apartment or dwelling unit or trailer	\$40.00
For the second and each additional apartment, dwelling unit or trailer thereafter	\$40.00

Hotel and Motels and Bed and Breakfast:

Each rentable room, plus	\$10.00
For a dwelling unit if applicable	\$40.00

Cafes, Restaurants, or drive in Restaurants and Deli:

per café, Restaurant	\$60.00
per dwelling unit if applicable	\$40.00

Service Stations:

per service station	\$36.00
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Schools:

per classroom	\$26.00
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Hospital, or Nursing Station:

per Hospital or Nursing Station room or office	\$21.00
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Laundromats or Laundries:

per washer	\$19.00
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Car Washes:

per outlet	\$26.00
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Cocktail lounges:

per lounge	\$87.00
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Office Buildings, Industrial Garages, Stores and Daycares:

per toilet, urinal, sink and shower and/or tub	\$22.00
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Metered Water Rate:

Minimum charge per month for metered water	\$40.00
Over 30 cubic meters per month per cubic meter	\$3.20

Bulk Water Rates:

Water Charge

Minimum charge per month for bulk water	\$40.00
Over 30 cubic meters per month cubic meter	\$3.20

A key deposit Of \$20.00 will be charged and returned to the customer when the key is returned.

Effluent Waste Disposal:

for businesses taking effluent waste to the Mayo Sewage lagoon	\$10.00/load
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A key deposit Of \$20.00 will be charged and returned to the customer when the key is returned.

Appendix A to Bylaw No. 308

Base Rate Schedule: Effective October 1, 2009

Fees for:

Temporary shut off at the property valve: \$10.00

Reinstatement Fee for a temporary shut off water service: \$10.00

Permanent shut off at the water main:

Will be the actual cost of equipment plus labour to dig to the main valve of a water service, and backfill and return the affected right of way to its former condition, plus a 10% Administration charge on the total amount of the billing.

Reinstatement Fee for connecting existing private water/sewer service lines to the main line

Will be the actual cost of equipment plus labour to dig to the main valve of a water service, and backfill and return the affected right of way to its former condition, plus a 10% Administration charge on the total amount of the billing.

New Connection of Water and Sewer Services:

The full cost of every connection shall include all costs from the mains to the building including all saddles and valves required at the main, property service valves, minimum 20 linear feet of pipe, all labour and equipment rental associated with the work done and other costs that may arise at the time of the installation from the main line to the building, plus a 10% Administration charge on the total amount of the billing.

Every new connection shall include a freeze protection device approved by the supervisor and may include a water metering device.

Thawing Frozen Service lines and/or clearing any obstruction in a sewer service:

Will be the cost of equipment used plus labour necessary to reinstate the service to operating order.