

**CITY OF THOMPSON
WATER AND WASTEWATER UTILITY
BY-LAW NO. 1842-2010
[AM B/L 1966-2018]**

BEING A BY-LAW OF THE CITY OF THOMPSON, IN THE PROVINCE OF MANITOBA, TO REGULATE AND PROVIDE FOR THE DISTRIBUTION AND USE OF WATER AND COLLECTION AND TREATMENT OF WASTEWATER IN THE CITY OF THOMPSON.

PART 1

ENACTMENT

WHEREAS The City of Thompson has constructed and now maintains utility systems to provide for water and wastewater services and facilities; and

WHEREAS it is deemed just and proper to set forth the terms and conditions under which such utility services will be provided;

NOW THEREFORE The Municipal Council of The City Of Thompson, in the Province of Manitoba, duly assembled, enacts as follows:

This By-Law may be called "The Water and Wastewater Utility By-Law".

That By-Law Number 1625-97 be and is hereby repealed.

PART 2

DEFINITIONS

1. In this By-Law:
 - "Application" shall mean the application made by the Customer to the City for the supply of utility services;
 - "Apartment Building" or "Multi Family Building" shall mean a residential building containing two or more dwelling units;
 - "Backflow Valve" shall mean a device or a method to prevent the backflow, or reversal of flow, into the potable water system from a cross connection between the Customer's service and the potable water system;
 - "Backwater Valve" shall mean a device installed on a water service line or a storm service line which will prevent backup of wastewater or storm water;
 - "B.O.D." (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard

laboratory procedure in parts per million by weight;

“Bleeder” shall mean a water service line that is intentionally allowed to run continuously to prevent freezing during cold weather;

"Building Code" shall mean the latest version of the Manitoba Building Code and amendments thereto or replacements thereof;

“Building Drain” shall mean that part of the lowest horizontal piping which receives the discharge from wastewater, solid waste, or other drainage pipes within a building and conducts it to the Wastewater Service line;

“City” shall mean The City of Thompson or an employee or agent designated by the City, including employees of the Water Utility;

“City Storm Service” shall mean that portion of a pipe used or intended to be used as a Storm Service which extends from the Storm Sewer to the property line for the serviced property;

"City Water Service" or "Service Connection" shall mean that portion of a pipe used or intended to be used for the supply of water which extends from the water main to the property line for the serviced property;

"City Wastewater Service" shall mean that portion of a Wastewater Service used or intended to be used for the conveyance of wastewater which extends from the Sanitary Sewer to the property line for the serviced property;

“Cleanout” shall mean a pipe fitting that has a removable cap or plug and is so constructed that it will permit pipe cleaning;

“C.O.D.” (Chemical Oxygen Demand) shall mean the oxygen equivalent of organic matter and related empirically to B.O.D.”;

"Combined Service" shall mean the service pipe used or intended to be used to supply water for fire protection as well as water for purposes other than fire protection;

"Customer" shall mean any person, firm partnership, corporation or organization who has entered into a contract, or is using the utility's facilities and is deemed to have entered into a contract for City utility services, or who is the Owner or occupant of any premises connected to or provided with a utility;

“Dangerous Goods” shall mean dangerous goods as defined in the latest version of the Manitoba The Dangerous Goods Handling and Transportation Act, and amendments thereto or replacements thereof;

"Director" shall mean the Director of Planning and Community Development, or other responsible person assigned by the City Manager, or a person or agent authorized by the Director to act on behalf of the Director, being responsible for decisions and determinations of the water utility, as set out in this by-law;

"Dwelling Unit" or "Residential Premises" shall mean one or more rooms useable as a residence operated as a single housekeeping unit and having its own sleeping, cooking and sanitary facilities.

"Financial Institution" shall mean a bank, a trust company, or a credit union, located in the City;

"Fire Line" shall mean a water service pipe intended solely for the purpose of providing a supply of water for fire protection;

"Grease and Oil" shall mean any material recovered as a substance soluble in trichlorotrifluorethane and may also include sulphur, organic dyes and chlorophyll, using the "Standard Methods" for the examination of water and wastewater from the latest editions of American Public Health Association, American Water Works Association, and American Water Pollution Control Federation;

"Hydrocarbons" shall mean compounds made up of only carbon and hydrogen;

"Industrial Wastes" shall mean liquid wastes from industrial processes, such as mines, dairies, breweries, packing plants and similar processes;

"Lime Slurry and Residues" shall mean a mixture of lime and water resulting in a pH in excess of 10, or suspended solids in excess of 1000 milligrams per litre;

"Low-flow Plumbing Fixtures" shall mean:

- toilets with a usage not exceeding 6.0 litres (1.6 US gallons) per flush;
- single flush urinals with a usage not exceeding 3.8 litres (1.0 US gallons) per flush;
- shower head fixtures with a flow rate not exceeding 9.5 litres (2.5 US gallons) per minute; and
- lavatory basin faucets and kitchen sink faucets with a flow rate not exceeding 8.3 litres (2.2 US gallons) per minute.

"Natural Outlet" shall mean any naturally occurring outlet into a water course, pond, ditch, lake, or other body of surface or groundwater not constructed by any person;

"Non-Residential Customer" shall mean those persons, firm partnership, corporation or organization who use a utility service for any purpose other than exclusively residential purposes.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ion in grams per litre of solution and denotes alkalinity or acidity;

"Phosphates" shall mean a chemical salt classified as orthophosphates, condensed phosphates and poly-phosphates;

"Polluted Wastes" and "Polluted Water" are materials or water that are contaminated with wastes in excess of that permitted in this By-Law;

"Owner" shall mean the registered Owner of a property or the purchaser thereof;

"Plumbing Code" shall mean the latest version of the Manitoba Plumbing Code and amendments thereto or replacements thereof;

"Point of Delivery" for Utility Service shall mean the property line unless otherwise designated;

"Premises" includes land and buildings;

"Private Water Service" shall mean that portion of a pipe used or intended to be used for the supply of water which extends from the property line to a water meter, or the foundation wall if no water meter exists;

"Private Wastewater Service" shall mean that portion of a Wastewater Service used or intended to be used for the conveyance of wastewater which extends from the property line to a point 1 metre from the outer face of the wall of the building for the serviced property;

"Private Storm Service" shall mean that portion of a pipe used or intended to be used as a Storm Service which extends from the property line to a point 1 metre from the outer face of the wall of the building for the serviced property;

"Remote Reading Device" shall mean a device which is capable of providing a reading of the water consumed from the water meter, either by touch pad or by radio frequency transmission, from the exterior of a building;

"Residential Customer" shall mean those persons who occupy a building used exclusively for residential purposes and connected to or provided with a utility;

"Sanitary Sewer" or "Wastewater Sewer" shall mean a sewer located on public property which is designated to carry wastewater only;

"Service Valve" or "Curb Stop" shall mean the valve on a City Water Service;

"Sewer" shall mean a pipe or conduit for carrying wastewater or storm water;

"Sewerage Works" shall mean all sewers and facilities for collecting, pumping, treating, and disposing of wastewater;

"Shut Off" shall mean an interruption in, or discontinuance of, the supply of water by closure of the Service Valve;

"Solid Waste" shall mean waste from the preparation, cooking, and dispensing of foods, and from the handling, storage, and sale of produce;

"Solid Waste Disposal Unit" shall mean any device, garborator, equipment, or machinery designed, used, or intended to be used for the purpose of grinding or otherwise treating solid waste to enable the same to be introduced into a public sewer;

"Sprinkling" shall mean the distribution of water to the surface or subsurface of lawns, gardens, street or other areas situated outside the buildings by pipes, hoses, sprinklers, or any other method and includes the washing of motor vehicles and the exterior of buildings;

"Storm Service" shall mean a pipe used or intended to be used for drainage of storm water or foundation drainage which extends from a point 1 metre from the outer face of the wall of the building it services to the Storm Sewer;

"Storm Sewer" shall mean a pipe or conduit which is designated to carry storm water, surface drainage, and ground waters only;

"Street" shall mean all those lands situated within a registered road right-of-way.

"Suspended Solids" shall mean solids that either float on the surface of, or be in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering;

"Transaction Agreements" shall mean, collectively, that Transaction Agreement and Water Supply and Services Agreement made as of December 15, 2016 by and among The City of Thompson and Vale Canada Limited, as may be amended by and between the parties prior to the passage of By-Law Amendment No. 1966-2018;" **[AM B/L1966-2018]**

"Treasurer" shall mean the Chief Financial Officer of the City, or an agent or City employee authorized to act on behalf of the Treasurer;

"Water Utility" shall mean the City department, its employees and infrastructure which owns and operates the system of water and wastewater works and all accessories and appurtenances thereto, and shall include:

- (i) the supply and distribution of water;
- (ii) the provision of wastewater collection, treatment, and disposal;
- (iii) notwithstanding reference to storm water service in this By-Law, storm water lines and services do not form part of the Water Utility;

"Water Course" shall mean a channel in which a flow of water occurs, either continuously or intermittently;

"Water Main" shall mean those pipes installed by the City in streets for the conveyance and disruption of potable water throughout the City to which Water Service pipes may be connected;

"Water Service " shall mean a pipe used or intended to be used for supplying water which extends from the water main to a water meter, or to the outer face of the wall of the building if no water meter exists;

"Water Meter" or "Meter" shall mean the City owned meter installed on a Water Service intended for the measurement of potable water delivered to a Customer;

"Wastewater" shall mean a combination of the water carried wastes from all buildings in the City and without limiting the generality of the foregoing, including residences, commercial buildings, institutions, and industrial establishments;

"Wastewater Service" shall mean a pipe used or intended to be used for conveyance of wastewater which extends from the Wastewater Sewer to a point 1 metre from the outer face of the wall of the building it services;

"Wastewater Sewer" or "Sanitary Sewer" shall mean a sewer located on public property which is designated to carry wastewater only;

"Wastewater Treatment Plant" or "Sewage Treatment Plant" shall mean the Water Utility owned facility used for treating wastewater, and without restricting the generality of the foregoing shall include a wastewater disposal system;

PART 3

GENERAL PROVISIONS

SUPERVISION

1. The utility services shall be under the general supervision and control of the City Manager.
2. The Director and Treasurer shall exercise the powers and perform the duties with respect to the utility services conferred and placed upon them by this By-Law and any other By-Law of the City applicable thereto and any order or direction of the City Manager or Council with respect thereto.

SUPPLY AND OWNERSHIP OF FACILITIES AND EQUIPMENT

3. All meters and metering equipment shall be supplied, owned, and maintained by the City unless otherwise provided in this By-Law.
4. Notwithstanding the payment by a Customer of any costs incurred by the City, the City shall retain full title to all lines, equipment, and apparatus on its side of the point of delivery, and to all meters and metering equipment provided by it whether or not on the Customer's side of the point of delivery.

ASSIGNMENT OF CONTRACT

5. The contract for utility service is not transferable by the Customer and shall remain in full force and effect until the Customer notifies the City of their desire to terminate the contract or until the said contract shall have been terminated by the City.

CITY RESPONSIBILITY AND LIABILITY

6. The City does not guarantee the continuous uninterrupted supply of any utility service, and reserves the right at any time without notice to Shut Off such supply where required in the administration, maintenance or operation of the utility and the City, its officers, employees or agents shall not be liable for any damages of any kind due to or arising out of a failure to supply a utility.

PART 4

APPLICATION FOR AND CONDITIONS OF SERVICE

1. Any person who desires utility services shall apply to the City and pay an application fee as set forth in Water and Wastewater Rates By-Law and may be required to sign an application or a contract for service, and to supply information respecting load and the manner in which the services will be utilized, and credit references.

2. An application shall be supported by such identification and legal authority of the applicant as the Treasurer may require.
3. The Treasurer may waive the application fee for Owners of residential rental properties for the utility services supplied to all rental properties registered in their name, for building contractors constructing property until the property is ready for occupancy, and financial institutions for the utility services supplied to all of its residential foreclosure properties where legal title has been passed to the financial institution pending property liquidation.
4. Upon making application, providing all information required by the City, and paying the application fee, there shall thereupon be a binding agreement between the applicant and the City, for the utility service applied for, and the provisions of the application and this By-Law shall constitute the terms and conditions of such agreement.
5. A utility account shall be set up:
 - a. in the name of the Owner of the property to which the utilities are to be supplied, or
 - b. where there is evidence of a landlord-tenant situation, in the name of the tenant, or
 - c. in the name of the general contractor in the case of a new building under construction.
6. The City shall not be obligated to provide utility services until access has been provided to the premises, to enable the City to read a meter if necessary to obtain an initial meter reading for each utility service which is metered.
7. Where the applicant is indebted to the City for any services previously provided by the City, the applicant may not be allowed to complete their application, or be entitled to receive utility services, until satisfactory arrangements have been made for payment of such outstanding account.

PART 5

DEPOSITS AND ADVANCE PAYMENT

1. No deposits are required in order to establish a utility account.
2. Payment for service in advance shall be made in accordance with the Water and Wastewater Rates By-Law.

PART 6

WATER METERS

MEASUREMENT BY METER

1. All water supplied by The City to a Customer shall be measured by a meter unless otherwise approved by the Director.

METER INSTALLATION

2. Every Customer who requires the installation of a meter, for each metered utility, shall pay a fee as set forth in the Water and Wastewater Rates By-Law.

PROTECTION OF METER

3. Every Customer shall provide adequate protection for the meter supplied by the City against freezing, water, heat or any other internal or external damage, failing which the Customer shall pay to the City all costs associated with the repair of such meter which amount shall be in accordance with the Water and Wastewater Rates By-Law.
4. No person other than an authorized City employee shall remove, disconnect, reconnect, relocate, adjust or tamper with a meter.

NON-REGISTERING AND MISSING METERS

5. If, upon the reading of a meter, it is determined that the meter has failed to correctly record the consumption of the utility supplied then the consumption will be estimated and the account rendered based upon such method as the Treasurer considers to be fair and equitable.
6. Where it has been determined by the City that the meter is not recording correctly the consumption of a utility, the City, with reasonable notice to the Customer, must be allowed to enter the premises to replace the meter.
7. Where a meter has been removed for maintenance, or the water meter reading is not available for any other reason, then the consumption will be estimated and the account rendered based upon such method as the Treasurer considers to be fair and equitable.

TESTING OR CALIBRATION OF DISPUTED METERS

8. A Customer who disputes a meter reading shall give written notice to the City.

9. Following receipt of written notice:
 - a. a water meter situated on the Customer's premises shall be tested or calibrated by a qualified person designated by the Director. In the event that the meter is found to be accurate within 98.5% to 101.5% of the water passing through the same, the expense of such test or calibration shall be borne by the Customer in the amount designated in Water and Water and Wastewater Rates By-Law.
10. In the event that the said meter is found not accurate within the said limits it shall forthwith be repaired or be replaced by one that is accurate and the expense thereof shall be borne by the City.
11. In the event that a meter is found not to be accurate within the aforesaid limits then any meter handling and testing fees paid by the Customer shall be refunded, and the billings adjusted to fully take into account such error. Unless an examination of past meter readings or other information discloses the time at which such an error commenced, then such error shall be deemed to have commenced three months prior to such testing of the meter or from the date upon which the meter was installed, whichever is the lesser. The amount so determined shall be deemed accepted by the Customer and the City as settlement in full of all claims on account of the inaccuracy of such meter.

PART 7

METER READING METER READS

1. The Customer shall permit the City to perform meter reading using automated or manual collection and recording equipment.
2. The City shall endeavour to read the meters of non-residential Customers once every month, and to read the meters of residential Customers once every two months, or at such other intervals as are reasonable and practicable under the circumstances, but not less than quarterly.
3. If the meter reading cannot be remotely recorded, and the City cannot gain access safely to read the meter as aforesaid, the consumption shall be estimated upon such basis as the Treasurer considers to be fair and equitable and the account rendered in accordance with such.

ADDITIONAL METER READS

4. When a Customer requests a meter reading at a time other than the regular scheduled time for meter reading, the Customer may be assessed a fee as set forth in Water and Wastewater Rates By-Law for such reading. Provided, however, if upon such reading, it appears that the previous billed meter reading is incorrect, no service charge shall be required.

PART 8

SERVICE CALLS SERVICE

CHARGE

1. When a Customer requests that the City attend their premises with respect to any matter relating to the supply of utility services or the servicing of the same, and for any reason whatsoever the City is unable to enter the said premises, or if in the opinion of the Director, the call is for failure of service not attributable to the utility service, the Customer shall pay a fee as set forth in Water and Wastewater Rates By-Law.

DISCONNECTION

2. Where a service call is made at the Owner's request, for whatever reason, for the purpose of discontinuing a utility service, a disconnection service charge as set forth in Water and Wastewater Rates By-Law may be assessed and charged to the Owner.

RECONNECTION

3. Where a service call is made for the purpose of restoring services to the Customer's account where utility services were previously discontinued, a reconnection service charge as found in the Water and Wastewater Rates By-Law may be assessed and added to the Customer's account.

PART 9

UTILITY ACCOUNTS

PAYMENT OF UTILITY ACCOUNTS

1. All rates and charges payable hereunder shall be paid to the City within the time prescribed in the Water and Wastewater Rates By-Law.
2. The entire utility account is due and payable when rendered and if not paid on or before the due date stated on the utility bill is deemed to be in arrears. Failure to receive a utility bill does not relieve the Customer of liability to pay the same.
3. A Customer who has not paid the full utility account rendered on or before the due date stated in the utility account may have the supply of all or any utility services discontinued without notice and such service will not be reinstated until all arrears, fees, and charges owed to the City are paid.

LATE PAYMENT PENALTY

4. When the Customer pays the utility account as rendered after the due date stated in the account, or such due date as may be approved by the Treasurer, such Customer shall pay a penalty, as prescribed in the Water and Wastewater Rates By-Law, on the outstanding overdue balance. Payments must be received by the City on or before the due date in order for the Customer to avoid the penalty. Payments made at a financial institution must be received by the City on or before the due date in order for the Customer to avoid the penalty.
5. For greater certainty, a Customer is obliged to pay for utilities when the bill is rendered and it is a breach of the agreement to supply utilities for the Customer to pay late. The late payment penalty is not to be construed as permission for the Customer to pay late but is rather a penalty for breaching the terms of the utility service agreement.

NOVELTY PAYMENT METHODS

6. The City may refuse to accept payment on a Customer's account when payment by cheque is drawn on a form other than a bank cheque form. In the event the City accepts a payment by a cheque drawn on any other form, the Customer shall be liable for and pay to the City all charges and costs incurred to process the cheque. The City will follow the Bank of Canada rules and regulations of currency acceptance limitations.

INTERIM ACCOUNT

7. In any case in which the City has rendered an account based upon an estimate of utility consumption, the City shall, upon reading the meter in respect of which the estimate was made, render an account for such utility service since the time the meter was last read by the City, after crediting all amounts received from the Customer in respect of such estimated accounts.

Where any service rate or charge is designated by reference to a certain time, the charge for a lesser period of time shall be calculated on a proportionate basis.

PART 10

TERMINATION

TERMINATION BY CUSTOMER

1. Upon notification by the Customer to the City to terminate the Customer's contract, the City shall, when deemed necessary, obtain a final reading of any meter as soon as reasonably practical and the Customer shall be liable for and pay for all service supplied prior to such reading. The City may base the final charge for service on an estimated meter reading which will be prorated from the time of an actual meter reading.

TERMINATION BY CITY

2. When the premises to which utility service is provided become vacant and no new application for service has been made, the City may terminate the contract and, in lieu of disconnecting the service, open a new utility account in the name of the Owner. An application fee set forth in the Water and Wastewater Rates By-Law will be billed to the property Owner to open the account.
3. The City may discontinue the supply of water utility services for any of the following reasons:
 - (a) failure to provide access for City installation of a water meter, or for installation of a water meter as directed by the City: or
 - (b) non-payment of any utility accounts; or
 - (c) inability of the City to obtain access to a residential premises to read any meter for a period of six months, or to a non-residential premises to read any meter for a period of three months; or

- (d) failure by, or refusal of a Customer to comply with any provision of this By-Law; or
- (e) failure by, or refusal of a Customer to comply with any provisions of any Provincial Acts, the Building Code, the Plumbing Code or any regulations thereunder; or
- (f) at the Owner's request to have services discontinued; or
- (g) in any other case provided for in this By-Law;

and in such event the City, its officers, employees or agents shall not be liable for any damages of any kind from such discontinuance of service.

4. The Director is hereby authorized and directed to enter upon and in any property upon which a meter or Shut Off valve is situated for the purpose of terminating the supply of a utility to that property or other properties, or for the purpose of supplying a utility to that property or other properties.

ENFORCEMENT

5. The Treasurer is authorized to collect all accounts owing to The City under this By-Law, by taking any of the measures a municipality is authorized to take under the Municipal Act,. In addition, the Treasurer may instruct the addition to the tax roll for a parcel of land of unpaid charges referred to in Section 252(2) of the Municipal Act, for a municipal utility service provided to the parcel by the municipal public utility that are owing by the Owner of the parcel.

SERVICE KILL

6. No permit for the demolition or removal of a building shall be issued by the City nor shall any person cause, permit, or allow to be demolished or removed a building connected to a utility service line or main until there has been paid to the City the cost of disconnecting the utility service in the amount required under this By-Law under The Water and Wastewater Rates By-Law, and such utility services have been disconnected. Notwithstanding the foregoing, the Director may, in circumstances which the Director considers appropriate, permit the service to remain connected to the utility service line or main.

PART 11**WATER UTILITY****WATER SERVICE LEVY AND BILLING RATES PAYABLE**

1. The City hereby levies, and the Customer shall pay, for all water supplied or services rendered hereunder the amounts and charges provided for in the Water and Wastewater Rates By-Law.
2. The Director shall determine which rate contained in The Water and Wastewater Rates By-Law shall apply to any particular Customer.
3. The rate payable by a Customer as set out in the Water and Wastewater Rates By-Law for all water supplied, shall be determined by reference to the reading of the meter supplied to each Customer, or as otherwise determined if no such meter has been installed.
4. Where a remote reading device is installed in addition to the main water meter, and there is a discrepancy between readings, the main meter shall be the official reading.

CONNECTION TO PUBLIC WATER SUPPLY

5. The Owner of every building situated on land abutting on any street in which there is a water main shall at the Owner's expense connect such building to the water system in accordance with the requirements and standards set out in the Manitoba Building Code and elsewhere in this By-Law.
6. At such time, as the Owner connects to the water main, the Owner shall also open a utility account and make payment of all application fees and deposits that may be required under this By-Law.

ADMINISTRATION OF WATER SUPPLY

7. The City does not guarantee the pressure nor the continuous supply of water and the City reserves the right at any and all times without notice to change operating water pressures and to shut off water and the City, its officers, employees, or agents shall not be liable for any damages of any kind due to changes in water pressure, the shutting off of water, or by reason of the water containing sediments, deposits or other foreign matter.
8. Customers depending upon a continuous and uninterrupted supply or pressure of water or having processes or equipment that require particularly clear or pure water shall provide such facilities as they consider necessary to ensure a continuous and uninterrupted supply pressure or quality of water required for

their use.

9. The City may, as a condition to the supply of water inspect the premises of a Customer who applies to the City for such supply in order to determine if it is advisable to supply water to such Customer.
10. The City may, with the permission of the Customer, inspect the premises of the Customer in order to do any tests on water piping or fixtures belonging to such Customer so as to determine if this By-Law is being complied with and in the event that such Customer fails or refuses to give such permission, the supply of water to that Customer may be shut off.

RESTRICTION OF WATER SUPPLY

11. The Director may at such times and for such lengths of time as the Director considers necessary or advisable regulate, restrict or prohibit the use of water for use other than human consumption. The Director may cause the water supply to any Customer who causes, permits, or allows consumption or sprinkling in contravention of any such regulation, restriction or prohibition to be shut off until such Customer undertakes to abide by and comply with such regulation, restriction or prohibition.
12. Emergency temporary water use restrictions may be designated by the City Manager from time to time as the need arises, and announced through local media, or by publication on the City Website such that;
 - (a) no Customer shall use, permit, suffer, or allow to be used, any water supplied to any premises, the numerical designation of which (not including the street designation) ends in odd number, for vehicle washing, lawn watering or other irrigation purposes on any day of the month which is an even number;
 - (b) no Customer shall use, permit, suffer, or allow to be used, any water supplied to any premises, the numerical designation of which ends in an even number (exclusive of the street designation) for vehicle washing, lawn watering, or other irrigation purposes, on any day of the month which is an odd number;
 - (c) watering as defined in subsections (a) and (b) shall be done only with a hand held hose.

RESTRICTED USE OF CITY FACILITIES

13. No Customer shall operate, use, interfere with, obstruct or impede access to the water utility or any portion thereof in any manner not expressly permitted by this

By-Law, in default of which, the Director may cause the water being supplied to such Customer to be shut off until such Customer complies with all of the provisions of this By-Law.

WASTAGE AND BLEEDERS

14. No Customer shall cause, permit or allow the discharge of water so that it runs waste or useless, whether by reason of leakage from private service pipe, a faulty plumbing system or otherwise.
15. Notwithstanding the foregoing, the City may under such conditions as the Director considers reasonable allow a Customer to discharge water so that it runs waste if such Customer's water service would otherwise be susceptible to freezing, commonly referred to as a bleeder.
16. Where a request has been made by the Customer and in the opinion of the Director a bleeder is required to prevent freezing, a credit for the Bleeder water will be applied in accordance with the Water and Wastewater Rates By-Law.

REQUIREMENT TO USE LOW-FLOW PLUMBING FIXTURES

17. Any person installing plumbing fixtures for any new construction or renovation project that requires a plumbing permit for a residential, commercial, industrial, or institutional structure shall install only Low-flow Plumbing Fixtures.
18. Notwithstanding anything contained in this By-Law, these requirements shall not be interpreted to:
 - (a) prevent the installation of more than one valve in a shower stall or lavatory; or
 - (b) include any shower head or faucet unit installed solely for safety / emergency purposes, which may include, but is not limited to, emergency safety showers and face / eye wash stations."

USE OF WATER

19. No Customer shall:
 - (a) lend or sell water;
 - (b) give away or permit water to be taken;

- (c) use or apply any water to the use or benefit of others or to any other than the Customer's own use and benefit;
- (d) increase the usage of water beyond that agreed upon with the City;
or
- (e) extract or remove any water from any hydrant within the City.

without first obtaining written permission from the Director for such removal or use and subject to such reasonable conditions as the Director may impose with respect to the quantity, price and times of withdrawal of the water so used.

SERVICE LINE FAILURES

20. During the effective period of By-Law 1826-2010 of the City of Thompson, being a By-Law for Water, Storm and Sewer service line maintenance, the costs and responsibility for service line repair and maintenance shall be in accordance with the By-Law.

SERVICE LINE REPAIRS NOT COVERED UNDER BY-LAW 1826-2010

21. For time periods in which By-Law 1826-2010 of the City of Thompson is not in effect, the Customer or Owner, as determined by the Director, shall be responsible for the operation, maintenance, repair, and replacement, as the need may be, for all service lines on the private side of the point of delivery of the utility services.
22. Any Customer complaining of a failure or interruption of water supply or loss of sewer service believed to be attributable to the City side of the point of delivery, shall make a request to the Director for an investigation.
23. In the event that such failure or interruption was caused by the City service, City will repair and make good the service.
24. In the event that such failure or interruption was not caused by the City Service, the actual cost of the investigation work shall be paid by the Customer and the costs shall be collected in the same manner as water rates.

NOISE AND PRESSURE SURGES

25. No Customer shall cause, permit or allow any apparatus fitting or fixture to be or remain connected to the Customer's water supply or to be operated which causes noise, pressure surges or other disturbances which may in the opinion of the Director, result in annoyance or damage to other Customers or to the water utility.

CONTAMINATION

26. No Customer shall cause, permit or allow to be or remain connected to the Customer's water supply system any piping, fixture, fitting, container or other appliance which may cause water from a source other than the water utility or any other harmful or deleterious liquid or substance to enter the water utility. The Director may cause the water supply to any Customer contravening the provisions of this section to be shut off provided that the Director shall, if the Director considers it practicable so to do, give notice to such Customer prior to such water supply being shut off. The water supply to such Customer shall not be restored until such Customer has paid to the City all costs associated with the shutting off of the water supply, the cleanup of contamination and the remedying of the Customer's default under this section.

WATER METERS INSTALLATION RESPONSIBILITY

27. All new construction shall have a City supplied or City approved water meter installed.
28. Water meters shall be provided at no charge to the Customer.
29. Customer shall notify the City of new construction and confirm whether the water meter will be supplied directly by the City, or directly by the Customer with the cost credited to the Customer.
30. Water meters 1 inch (25 millimetres) in size or smaller may be installed either directly by the City, or by a certified plumber contracted by the Customer, as approved by the Director. If installed by the Customer's plumber, Water meters larger than 1 inch (25 millimetres) in size must be installed by a certified plumber and the installation must meet the requirements of the City of Thompson, with the installation arranged and at the expense of the Customer. Inspection of the completed installation by the City will be required.

INSTALLATION

31. A Customer shall make provision for the installation of a water meter to the satisfaction of the Director and when required shall install a valved bypass which meets the requirements of the City of Thompson.
32. Unless the Director otherwise approves, the City shall not be obligated to supply more than one water meter for any one public water service.

33. Any Customer whose meter is not installed to the satisfaction of the Director shall make the necessary modifications, all costs of which shall be paid by the Customer.
34. When in the opinion of the Director, a meter cannot reasonably be installed within the building or premises intended to be supplied with water, then the Customer shall, at the Customer's sole cost, construct, and maintain a container for a meter and such container shall in all respects including location, construction size, access, and otherwise howsoever be satisfactory to the Director.
35. For locations where in the opinion of the Director water meters cannot be installed, or for whatever reason are not metered, water rates will apply as if a meter were installed, and an alternative method of estimating water consumption for calculation of the water commodity charge will be applied, as determined.

METER SIZE

36. The size of the meters shall be determined as follows:
 - (a) if the internal diameter of the private service is 1 inch (25 millimetres) or less, a 5/8 inch (16 millimetre) meter shall be used; or
 - (b) if the internal diameter of the private service exceeds 1 inch (25 millimetres), the size of the meter shall be one size smaller than the size of the private service; or
 - (c) if the private service is combined service, the internal diameter of the private service branch to be used for purposes other than fire protection shall determine the meter size as set out in subsections (a) and (b) of this section.

BYPASSES

37. Water meter bypass lines are to be installed at locations as determined by the Director, or at the request of the Customer, and only used in an emergency, or for testing, or for service by the City, to avoid loss of water supply to the Customer when the water meter is out of service.
38. Bypass lines must be properly valved and shall be sealed by the City. The Customer shall notify the City within 24 hours after the seal on the bypass is broken, failing which the Director may cause the water supply to such Customer to be shut off until satisfactory arrangements have been made for the calculation of and payment for water supplied and not recorded on the meter.

METER VALVING

39. Any Customer having a meter smaller than 2 inches (50 millimetres) in size shall, at the Customer's sole cost and expense, supply and maintain a valve on the water intake side of the meter and within 12 inches (300 millimetres) of the meter.

SERVICES AND SERVICING

40. All persons doing any work or service upon a private service or the plumbing system attached thereto shall comply with the provisions of the Building Code and Plumbing Code and any by-laws of the City applicable thereto.

NUMBER AND DEPTH OF SERVICES

41. Unless the Director otherwise approves,
- (a) there shall not be more than one private water service to any building;
 - (b) a private water service shall be buried to a depth of at least 9 feet (2.7 metres).

FIRE PROTECTION SERVICE

42. A water line which provides combined domestic service and fire line service shall not be installed without the prior approval of the Fire Chief of the Thompson Emergency Services Department.
43. A fire line shall be used only for fire protection purposes and the Director shall determine whether or not a meter shall be affixed to such fire line. If the Director requires such a meter, the same shall be supplied and installed in a manner satisfactory to the Director at the sole cost and expense of the Customer.
44. No trees, shrubs or plant material shall be planted within 3 feet (1 metre) of a fire hydrant. In addition, no tree branches or plant material shall be allowed to encroach within 2 feet (0.7 metres) of a hydrant.

TEMPORARY WATER SERVICE

45. Any persons requiring a temporary water supply in the course of construction shall make application therefore to the Director and shall pay the rates for water as required by the Water and Sewer Rates By-Law at an estimated usage approved by the Director.

THAWING SERVICES

46. The cost of thawing a frozen service shall be borne as follows:
- (a) for a private water service or the plumbing system connected thereto, as determined by the Director, by the Customer;
 - (b) for a City water service as a result of the negligence of the Customer, as determined by the Director, by the Customer;
 - (c) for a City water service for any other reason, as determined by the Director, by the City.
47. If the Director is of the opinion that a private service or plumbing system has frozen without any negligence on the part of the Customer or any other person for whose negligence the Customer is responsible, the Director may waive the cost of one thawing during any one winter season which shall be deemed to run from November 1st to May 15th.
48. The City shall not thaw a private service or plumbing system unless the Customer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to property including private service or plumbing system and may cause damage to electrical systems or the outbreak of fire and waiving any claim against the City for any such damage whatsoever except damage caused by the negligence of the City.

WATER SERVICE SIZE

49. The minimum size for new Private Water Service shall be one inch (25mm).

BOILERS

50. In any case where a steam boiler or equipment of a nature similar to that of a steam boiler is supplied directly from a service, such boiler or other equipment shall be equipped with at least one safety valve, vacuum valve, or other device sufficient to prevent the collapse or explosion thereof in the event the water supply thereto is shut off.

REQUESTED WATER SHUT OFF

51. If a Customer requires the supply of water to be shut off for their own purposes, the Customer shall pay therefore the amount specified in the said Water and Wastewater Rates By-Law.

CROSS CONNECTIONS AND BACKFLOW PREVENTION

52. No Customer or other person shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fittings, container or appliance, in a manner which under any circumstances, may allow contaminated or polluted water, wastewater, or any other liquid, chemical, or substance to enter the potable water system.
53. If a condition is found to exist which is in violation of the backflow prevention, the Director may issue such order or orders to the Customer as may be required to obtain compliance.
54. Notwithstanding anything herein contained, where in the opinion of the Director, the configuration of any water connection which creates an unacceptable risk of contamination to the water system, the Customer, upon being given notice by the Director, shall install on their private water service an approved backflow valve.
55. All backflow valves shall be inspected and tested upon installation, and annually thereafter, or more often if required by the Director, at the expense of the Customer. Testing is to be undertaken by a tester qualified to carry out such tests to demonstrate that the device is in good working condition. The Customer shall submit confirmation and results of the tests to the Director within thirty (30) days of testing and a record card issued by the tester shall be displayed on or adjacent to the control device. The reports shall indicate the name and address of the Owner of the device; the location, type, manufacturer, serial number, and size of the device; and the test date, the tester's initials, the tester's name (if self employed) or the name of the testers employer and the tester's license number.
56. When the results of a backflow valve test show that a device is not in good working condition, the Customer shall, make repairs or replace the device within ninety-six (96) hours and notify the Director of its completion. If the Customer fails to comply with the direction given, the City may shut off the water service or water services.
57. If a Customer fails to have a cross connection control device tested, the Director may notify the Customer that the cross connection control device must be tested within ninety-six (96) hours of the Customer receiving the notice.

No person shall turn on a water service valve to provide water to the occupants of any newly renovated, constructed, or reconstructed premises until the plumbing system in such premises has been inspected for cross connections and approved by the Director.

PART 12

WASTEWATER UTILITY

SEWERAGE SERVICE LEVY AND BILLING RATES PAYABLE

1. The City hereby levies a wastewater charge on all Customers with a private wastewater service, and the Customer shall pay based on water consumption and wastewater services rendered, at the rates set forth in the Water and Wastewater Rates By-Law,
2. The Director shall determine which rate contained in the Water and Wastewater Rates By-Law shall apply to any particular Customer.
3. The rate payable by a Customer as set out in Water and Wastewater Rates By-Law for wastewater charges shall be determined by reference to the reading of the meter supplied to each Customer.
4. Where a remote reading device is installed in addition to the main water meter and there is a discrepancy between the readings, the main meter shall be the official reading.

EXCEPTIONS

5. Notwithstanding the provisions of this By-Law, the Director shall have the right to make special agreements on terms fixed by the Director with certain industries or others to whom large quantities of water are sold but whose uses of such water do not involve the return of comparable amounts of wastewater to the City's sewerage works.
6. "Notwithstanding any provision to the contrary on the face of this By-law, the terms and provisions of this By-law, including without limitation the basis for wastewater charges hereunder, shall be subject to the terms of the Transaction Agreements and, where applicable, deemed to be modified to the extent required for consistency and compliance therewith." **[AM B/L 1966-2018]**

USE OF WASTEWATER SEWERS REQUIRED

7. No person shall place, deposit, or permit to be deposited in any manner upon public or private property within the City or in any area under the jurisdiction of the City, any human or raw animal excrement, or other waste, or dangerous goods.
8. No person shall discharge to any natural outlet within the City or to any area under the jurisdiction of the City, any wastewater, industrial waste, dangerous

goods, or polluted waters, except where suitable pre-treatment is within the provisions of this By-Law.

- (a) within one year after sewer service becomes available, the Owner of every building situated on land abutting on any street in which there is a sewer main shall at their own expense install toilet facilities and connect the building to the sewer system in accordance with the requirements and standards set out in the Manitoba Building Code and elsewhere in this By-Law.
- (b) notwithstanding the foregoing, the Director shall have discretion to extend the period of time within which the connection to the wastewater sewer must be made.
- (c) except as permitted by this By-Law or The Building Code, no person shall construct or maintain in the City any privy or pit toilet, septic tank, cesspool, or other facility intended or used for the collection or disposal of wastewater.
- (d) at such time as the Owner connects to the wastewater sewer, the Owner shall also open a utility account and pay all application fees and deposits that may be required under this By-Law.
- (e) no person may connect to the sewer system until such time as a local improvement tax By-Law has been passed in respect of the cost of construction of the sewer supply works (including carrying charges) to serve the land owned or occupied by that person, or until such person has made other arrangements satisfactory to the City to pay that person's proportionate share of those costs.

CLEANOUTS

9. A Wastewater Service that is connected to a wastewater sewer shall be equipped with a main cleanout with a minimum diameter of 4 inches (100 mm) and a Wastewater Service that is connected to a storm sewer shall be equipped with a main cleanout with a minimum diameter of 3 inches (75 mm). The main cleanout shall be located as close as practical to the point where the sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (7 feet or 2 metres) for effective rodding and cleaning. The Wastewater Service from cleanout to property line is to be as straight as possible. A maximum of one 45° bend is permitted for the cleanout and a maximum of one additional 45° bend may be used between the cleanout

and property line; Total bends shall not exceed 90°.

BACKWATER VALVES

10. Where premises are subject to wastewater or storm water backup, backwater valves shall be installed either on the main lines or on all plumbing fixtures and floor drains set below the level of the ground surface of the adjoining street or property shall be protected from backup by an approved backwater valve.

TREES AND ROOTS

11. No deep rooting trees (without limiting the generality of the foregoing, including willow, poplar, and elm) shall be planted over Wastewater Service lines on private property. If it is determined that roots are entering the wastewater sewers from trees on private property, the trees may be removed by the City at the Owner's expense.

PRIVATE WASTEWATER DISPOSAL

12. Where a wastewater sewer is not available for connection, the Wastewater Service shall be connected to a private wastewater disposal system complying with the provisions of the By-Law, The Building Code, and such additional requirements as may be imposed by the Director.
13. The Owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.
14. After the Owner has connected to the sewer system, the Owner shall within 60 days of the date of connection to the sewer system, empty any septic tanks, cesspools, and similar private wastewater disposal facilities and shall fill them with fill dirt or other suitable material.

WASTEWATER SERVICES AND CONNECTIONS

15. Any person desiring to connect their premises with a wastewater or storm sewer shall sign and file with the City, a written request to make such connection. The request shall be supplemented by any plans, specifications, or other information deemed necessary in the opinion of the Director.
16. No person shall uncover, make any connections with or opening into, use, alter, or disturb any wastewater sewer or appurtenances thereof, unless authorized by the Director.
17. All City Wastewater and Storm services when approved shall be constructed by municipal forces or municipal contractors from the sewer to the property line.

18. All Private Wastewater Services shall be constructed by the Owners' forces to the requirements of this and of The Building Code.
19. Unless otherwise provided for in By-Law 1826-2010 The City shall maintain the Wastewater Service from the wastewater sewer to the property line, at the expense of the City; the private service shall be maintained by the property Owner at their own expense. During the effective period of By-Law 1826-2010 of the City of Thompson, being a By-Law for Water, Storm and Sewer service line maintenance, the costs and responsibility for service line repair and maintenance shall be in accordance with the By-Law.
20. For time periods in which By-Law 1826-2010 of the City of Thompson is not in effect, the conditions identified in Part 11 Clauses 23 to 26 shall apply.
21. When any sewer connection is abandoned, the Owner of the property shall effectively block up the connection at a suitable location within their property so as to prevent wastewater backing up into the soil, or dirt from being washed into the sewer.
22. No weeping tile system shall be connected to any Wastewater Service or Wastewater sewer unless approved in writing by the Director.
23. Where the groundwater table, seasonally adjusted, is within 6.7 feet (2.1 metres) of the top of the footing of any new residence, such residence must have a weeping tile system connected to a storm sewer where a storm sewer is available, or upon permission being granted by the Director, connected to the sanitary sewer. Where there is a risk of storm water backup, a backwater valve shall be installed.

USE OF PUBLIC SEWERS

24. No person shall discharge, or cause to be discharged, storm water, surface water, groundwater, roof run-off, subsurface drainage, or cooling water from any industrial process to any wastewater sewer; provided that the Director may, on application, authorize such discharge where in the Director's opinion exceptional conditions prevent compliance with the foregoing provisions.
25. No person shall deposit or permit the deposit of a deleterious substance, as defined by the Director, of any type in the storm sewers.
26. No person shall discharge storm water or natural water to any sewer except a storm sewer, or to a natural outlet.

27. No person shall discharge, cause, or permit to be discharged into any wastewater sewer any:

- (a) dangerous goods;
- (b) ashes, cinders, sand, potters clay, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, or other solid or viscous substance capable of causing obstruction, or other interference with the operation of the sewerage works;
- (c)
 - (i) paunch manure or intestinal contents from horses, cattle, sheep, or swine;
 - (ii) animal hooves, toenails, or bone scraps;
 - (iii) animal intestines or stomach casing;
 - (iv) bones;
 - (v) animal fat or flesh; in particular larger than will pass through a 6 millimetre screen;
 - (vi) horse manure;
 - (vii) fleshings and hair resulting from tanning operations;
 - (viii) blood;
- (d) waters or wastes having pH lower than 5.5 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, biological wastewater treatment processes, and personnel of the sewerage works;
- (e) wastewater containing substances in concentrations exceeding the following:

Antimony	1.0 mg/L
Arsenic	1.0 mg/L
Barium	3.0 mg/L
Boron	1.0 mg/L
Cadmium	0.05 mg/L
Chromium	1.0 mg/L
Chlorinated Hydrocarbons	0.02 mg/L
Copper	0.5 mg/L
Cyanide	1.0 mg/L
Lead	1.0 mg/L

Manganese	1.0 mg/L
Mercury	0.1 mg/L
Nickel	0.5 mg/L
Total Pesticides	0.1 mg/L
Phenolic Compounds	0.1 mg/L
Selenium	1.0 mg/L
Silver	1.0 mg/L
Sulphide	1.0 mg/L
Zinc	1.0 mg/L

- (f) wastewater which contains more than:
- | | |
|------------------|-----------|
| Suspended Solids | 1000 mg/L |
| B.O.D. | 1000 mg/L |
| C.O.D. | 2000 mg/L |
| Oil and Grease | 500 mg/L |
| Hydrocarbons | 100 mg/L |
| Phosphates | 100 mg/L |
- (g) lime slurry and residues;
- (h) any substance which, in the opinion of the Director,
- (i) is or may become harmful to any recipient water course or sewerage system or part thereof;
- (j) may interfere with the proper operation of the sewerage system;
- (k) may impair or interfere with any wastewater treatment process; or
- (l) may become a hazard to persons, property, or animals.

28. Grease, oil, and sand interceptions or filters shall be provided on private property for all restaurants, garages, petroleum service stations, vehicle, and equipment washing establishments.
29. Interceptors will be required for other types of businesses when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients.
30. All interceptors shall be of a type and capacity approved by the Director and shall be so located as to be readily and easily accessible for cleaning and inspection; and shall be maintained by the Owner at the Owner's expense in continuously efficient operation at all times.

31. Should any blockage, either wholly or in part, of the sewerage works be caused by reason of failure, omission, or neglect of a Customer, or Owner of property, to comply strictly with the provisions of this By-Law, the Customer or Owner shall, in addition to any penalty for infraction of this By-Law, be liable to and shall on demand pay the City for all costs of clearing such blockage as determined pursuant to The City of Thompson Water and Sewer Rates By-Law for Service Calls and Additional Services and for any other amount for which the City may be held legally liable because of such blockage.
32. Any person who contravenes any of these provisions shall, in addition to any penalty for infraction of this By-Law, be liable to and shall on demand pay to the City all costs of cleaning up and removing any of the prohibited materials and substances of this By-Law and removing and cleaning up a contamination resulting from the discharging of any such materials into a wastewater sewer, and for any other amount for which the City may be held legally liable because of such contamination.
33. No Customer or person shall discharge or cause to be discharged into any sewer or wastewater sewer, sewage or industrial waste in a greater volume than 100,000 cu. ft. (9,300 cubic metres) per month without first obtaining written consent from the Director, but no such consent shall be given by the Director until:
 - (a) an application in writing for permission to discharge industrial waste or wastewater into a sewer within or entering the City system is delivered to the Director, and
 - (b) the Director has been provided with the chemical and physical analysis, quantity, and rate of discharge of wastewater or industrial waste to be so discharged provided by a third party, paid for by the customer and agreeable to the Director, and any other detailed information that the Director may require, including all pertinent information relating to any pre-treatment before discharge.
34. The Director may require the person making application to discharge wastewater to provide, at their own expense, such preliminary treatment as may be necessary to change the characteristics of the industrial waste or wastewater to the standards required under the provisions of this By-Law.
35. Where preliminary treatment facilities are provided for any industrial waste or wastewater, they shall be maintained continuously in satisfactory and effective operation by the Customer at the Customer's own expense.

36. When required by the Director, the installation of a manhole in a wastewater service connection to an industrial, commercial, or other development will be required:
- (a) to facilitate the clearing of blockages where, in the opinion of the Director, the risk of sewer blockage is high;
 - (b) for observation, sampling, and measurement of the waste of premises served by a wastewater service connection carrying industrial waste.
37. Without limiting the generality of the foregoing, manholes will be required but not limited to:
- (a) industrial - Oil related industries, dairies, breweries, packing plants, processing plants, feed mills, manufacturing plants, fabricating plants, painting shops.
 - (b) commercial - Shopping centres, heavy machine repair, welding shops, automobile repair, service stations, car washes, restaurants, paint stores, hotels, motels, dry cleaners, laundries.
 - (c) other - Residential dwellings over 6 units, apartment over 6 units, institutions, hospitals, dental labs, funeral homes, churches, schools.
38. Such manholes may be constructed by the City, at cost to the applicant for wastewater services, at the service connection to the sanitary main or such manhole may be constructed at the applicants expense, on property/easement line in accordance with plans approved by the Director and shall be maintained by the applicant so as to be safe and accessible at all times.
39. All measurements, tests, and analysis of the characteristics of industrial waste, wastewater, or water to which reference is made in this By-Law shall be determined in accordance with the "Standard Methods and Practices for the Examination of Water and Sewage" of the American Public Health Association, and shall be determined from suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the sanitary sewer to the point at which the sewer connection enters the sanitary sewer.

Read a first time this 12th day of October , 2010 A.D.

Read a second time this 7th day of March , 2011 A.D.

Read a third time this 4th day of April , 2011 A.D.

Done and passed by the Council of the City of Thompson in regular session assembled this 4th day of April, 2011 A.D.

The City of Thompson

**Per: _____
Mayor**

**Per: _____
City Manager**