

CONTINUING CONSOLIDATION
WATER AND WASTEWATER CONTROL
BY-LAW NO. 5957/114/91

AS AMENDED BY BY-LAWS NO. 6027/64/92, NO. 6049/86/92, NO. 6099/48/93, NO. 6200/49/94, NO. 6312/39/95, NO. 6404/50/96, NO. 6420/66/96, NO. 6972, NO. 7178 AND 7321.

BEING A BY-LAW of The City of Brandon to provide for the maintenance, management and conduct of the Brandon Waterworks System and to regulate the use of public and private sewers and drains, the disposal of wastewater and the discharge of industrial wastewater into the Brandon Wastewater System, and to provide for imposing rates and surcharges for acceptance of such domestic wastewater and/or industrial wastewater into said Wastewater System, to be known as the "Water and Wastewater Control By-law".

[AM. B/L 6099/48/93]

WHEREAS The City of Brandon is empowered under Part XII of The Municipal Act, R.S.M. 1988 c.M225 to provide for the maintenance, management and conduct of a municipal waterworks system and to regulate the use of public and private sewers and drains, the disposal of domestic wastewater and the discharge of industrial wastewater and to provide for the maintenance, management and conduct of a municipal wastewater disposal system;

[AM. B/L 6099/48/93]

AND WHEREAS The City of Brandon has constructed and now maintains and operates a municipal waterworks system known as the Brandon Waterworks System, and a Wastewater System consisting of land drainage sewers and domestic sewers and intends to provide water and wastewater treatment facilities as the needs of the City require;

[AM. B/L 6099/48/93]

AND WHEREAS it is deemed expedient and in the public interest to make provision for the maintenance, management and conduct of said Waterworks System and Wastewater System and just and proper to impose regulations governing the use of these facilities and regulating the use of water and the acceptance of domestic wastewater and industrial wastewater;

[AM. B/L 6099/48/93]

NOW THEREFORE, the Council of The City of Brandon in regular session assembled enacts as follows:

PART I: INTERPRETATION AND DEFINITIONS

1. INTERPRETATION

All persons whose properties or place of residence are or in future will be connected to The City of Brandon Waterworks System and/or Wastewater System shall in all respects conform to the provisions of this by-law save and except where provisions of this by-law are inconsistent with provisions of relevant Provincial or Federal Statutes in which case the provisions of such statutes shall override the provisions of this by-law.

[AM. B/L 6099/48/93]

2. CONTINUING CONSOLIDATION

(a) The City Clerk may cause to be prepared and printed, and kept up to date, a consolidation of this by-law, and indices and appendices thereto, and may make such arrangements with respect thereto, and with respect to matters incidental thereto, as may be required.

2. (b) Where a continuing consolidation of this by-law is prepared, all approved revisions thereto shall bear the designation and be located as follows:
- (1) When a specific portion has been amended or replaced by an amending by-law the designation '[AM. B/L #]' shall be inserted immediately following the affected block of text.
 - (2) When a specific portion has been repealed or deleted by an amending by-law the designation '[REP. B/L #]' shall be inserted adjacent to the current section, subsection, paragraph or clause number in place of the removed text.
 - (3) When a new portion has been enacted herein by an amending by-law the designation '[EN. B/L #]' shall be inserted immediately following the added block of text.
 - (4) When any of the designations referred to in paragraphs (1), (2) and (3) are inserted within the text of this by-law, the figure '#' shall be replaced by the actual number of the respective amending by-law.
 - (5) Where more than one clause, paragraph or subsection of any particular section is affected by the same amending by-law, the designation may be placed at the end of each clause, paragraph or subsection so affected or, at the left aligned margin of the paragraph, subsection or section so affected, whichever is deemed to have more clarity in each particular instance.

3. **DEFINITIONS**

- (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act or as defined in the Plumbing Code or Building Code of the Province of Manitoba.
- (b) All reference herein to "he" shall include "she" unless the context thereof requires otherwise.
- (c) In this by-law:
 - (1) "**ACCESSORY STRUCTURE**" means a structure on the same site with, and of a nature customarily incidental and subordinate to, the principal residential use or structure.
 - (2) "**APPRECIABLE QUANTITY**" means such amount of discharge which contains a greater quantity or concentration than that permitted in the Standards for Discharge. Any effluent which is not listed in the Standards for Discharge shall be deemed to have a zero tolerance unless a license is obtained in accordance with Section 68.
 - (3) "**BACK WATER VALVE**" means a valve in that portion of the homeowner's plumbing system known as the building drain, which is installed downstream of any connection and which is intended to prevent reverse flow from a public sewer into the sewer portion of the building plumbing system.
 - (4) "**BIOCHEMICAL OXYGEN DEMAND**" (abbreviated as BOD) means the quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of twenty (20) degrees Centigrade. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

3. (c) (5) "**BODY OF WATER**" includes any brook, creek, stream, river, lake, pond, waterway, watercourse, canal or other flowing or standing water.
- (6) "**BONDED CONTRACTOR**" means a contractor authorized in writing by the Department of Engineering and Operations as having the skills, manpower, materials, and equipment required to properly connect to or disconnect from, extend and/or retire the buried portions of the Waterworks and Wastewater System, and having posted the required insurance bond with the City and proof of liability insurance, and includes any contractor under contract with the City for underground work.
[AM. B/L 6099/48/93]
- (7) "**BRANDON AND AREA PLANNING DISTRICT**" means the Brandon and Area Planning District for the City.
- (8) "**BUILDING DRAIN**" means that part of the lowest horizontal piping of a drainage system in a structure and to a point 2.4 metres (8') outside the outer wall of the structure, that receives the discharge from the wastewater collection portion of the building plumbing system or water pipe or other drainage pipe and conveys it to the building sewer service.
[AM. B/L 6099/48/93]
- (9) "**BUILDING INSPECTOR**" means the Building Inspector appointed for the City by the Board of the Brandon and Area Planning District and any one acting or authorized to act on his behalf.
- (10) "**BUILDING PLUMBING SYSTEM**" means the complete internal plumbing works for water distribution and wastewater collection for the structure.
[AM. B/L 6099/48/93]
- (11) "**BUILDING SEWER SERVICE**" means the sewer extending from the property line of the property concerned to a point 2.4 metres (8') from the outer face of the wall of the structure and connecting the building drain to the sewer connection.
- (12) "**BUILDING WATER SERVICE**" means that portion of the water service line extending from the curb stop adjacent to the property concerned to the point of connecting to the meter setter.
- (13) "**CITY**" means The City of Brandon or the area contained within the boundaries thereof.
- (14) "**CITY COUNCIL**" means the Council of the City.
- (15) "**CITY ENGINEER**" means the City Engineer for the City and any one acting or authorized to act on his behalf.
- (16) "**CITY SOLICITOR**" means the City Solicitor for the City and any one acting or authorized to act on his behalf.
- (17) "**CITY TREASURER**" means the City Treasurer for the City and any one acting or authorized to act on his behalf.
- (18) "**COMBINED SERVICE**" means a water service line used for both fire protection purposes and domestic purposes.
- (19) "**COMBINED SEWER**" means a public sewer receiving both surface water and domestic wastewater and/or industrial wastewater.
[AM. B/L 6099/48/93]

3. (c) (20) "**COMMERCIAL WASTEWATER**" means the same as Industrial Wastewater, hereinafter defined.
[AM. B/L 6099/48/93]
- (21) "**CONTROL MANHOLE**" means a manhole, located at or near the property line and downstream of all inlets from the owner's property, through which all wastewater, or such portion of wastewater as the City Engineer determines should be monitored, from the related premises shall pass and to which authorized City employees shall have ready access for the purpose of flow monitoring and sampling.
[AM. B/L 6099/48/93]
22. "**CROSS-CONNECTION**" means any physical connection or arrangement of pipes between two otherwise separate water supply systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending upon the pressure differential between the two systems.
- (23) "**CURB STOP**" means a water valve located on the water service line between the water connection and the building water service.
- (24) "**DEPARTMENT OF ENGINEERING AND OPERATIONS**" means the Department of Engineering and Operations for the City.
- (24.1) "**DOMESTIC SEWER**" means a sewer which carries domestic wastewater and/or industrial wastewater and to which storm and surface water are not intentionally admitted.
[EN. B/L 6099/48/93]
- (24.2) "**DOMESTIC WASTEWATER**" means the water borne wastes from residences, business structures, and commercial, institutional, and industrial establishments, which may include ground or surface water, but excluding industrial wastewater.
[EN. B/L 6099/48/93]
- (25) "**EFFECTIVE FRONTAGE FOOT**", (abbreviated e.f.f.), means the effective frontage foot of a property as determined for taxation and other levy purposes by the Provincial Municipal Assessment Branch of the Province of Manitoba.
- (26) "**FIRE DEPARTMENT**" means the Fire Department for the City.
- (27) "**FIRE SERVICE**" means any water service line used for the sole purpose of providing fire protection.
- (28) "**GARBAGE**" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (29) "**GROUND WATER**" means any water that is collected or is present below the surface of the ground.
- (30) "**HEALTH OFFICER**" means the person appointed by the Province of Manitoba to deal with health related matters and any one acting or authorized to act on his behalf.
- (31) "**HOLDING TANK**" means any containerization of wastewater flowing from the building drain for a structure, trailer, or recreational vehicle, for the purposes of storage until the wastewater can be transferred to a proper disposal facility.
[AM. B/L 6099/48/93]

3. (c) (32) "**INDUSTRIAL WASTEWATER**" means any solid, liquid or gaseous substance or combination thereof, excluding domestic wastewater, discharged, permitted to flow or escaping from any industrial, manufacturing, institutional, commercial or business establishment or process or from the development, recovery, or processing of any natural resources.
[AM. B/L 6099/48/93]
- (33) "**INSTITUTIONAL WASTEWATER**" means the same as Industrial Wastewater, hereinbefore defined.
[AM. B/L 6099/48/93]
- (33.1) "**LAND DRAINAGE SEWER**" means a sewer which carries storm and surface waters and drainage but excludes domestic wastewater and industrial wastewater which do not meet standards for the wastewater as established by the Province of Manitoba or the City for discharge into a body of water.
[EN. B/L 6099/48/93]
- (34) "**METER**" means a device used for measuring and recording the amount of water supplied or wastewater discharged through a service for billing purposes.
[AM. B/L 6099/48/93]
- (35) "**METER PIT**" means an underground structure designed and constructed to accommodate a water meter or wastewater meter and associated piping only.
[AM. B/L 6099/48/93]
- (36) "**METER READING AGENT**" means an employee of the Water Metering Section authorized to take readings from the meters and remote reading devices connected to the Waterworks or Wastewater System.
[AM. B/L 6099/48/93]
- (37) "**METER SETTER**" means a device used for housing a water meter and designed for easy installation of such meter.
- (38) "**METERED SERVICE**" means a supply of water which is measured and recorded through a meter.
- (39) "**NATURAL OUTLET**" means any outlet into a natural water course, or a body of water, or ground water.
- (40) "**NORMAL WASTEWATER**" means domestic wastewater and/or industrial wastewater which has a five day Biochemical Oxygen Demand not greater than 300 parts per million by weight, and does not contain any appreciable quantity of substances prohibited without license in Section 66 and/or the Standards for Discharge.
[AM. B/L 6099/48/93]
- (41) "**OWNER**" means every person in possession of any premises or in receipt of the whole or of any part of the rents and profits therefrom, whether of his own account or as agent or trustee for any other person, or in occupancy of any such premises either as a tenant from year to year or for any less term, or as a tenant at will, and the agent of any such person.
- (42) "**PARTS PER MILLION**" (abbreviated as ppm) means one unit per one million units determined by weight unless otherwise noted.
- (43) "**PERSON**" includes every person, firm or corporation.

3. (c) (44) "**pH**" means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in grams per litre of solution and denotes alkalinity or acidity. It shall be determined by one of the procedures outlined in "Standard Methods".
- (45) "**PLUMBING INSPECTOR**" means the Mechanical Inspector appointed for the City by the Board of the Brandon and Area Planning District and any one acting or authorized to act on his behalf.
- (46) "**PRIVATE WASTEWATER DISPOSAL SYSTEM**" means any method of treatment and/or disposal of wastewater, other than the Wastewater System, complying with the City's Building By-law, as amended, and regulations of the Provincial Department of Environment, Workplace Safety and Health and includes all septic tanks, absorption fields, holding tanks, filters, surface disposal areas, manholes and pipes other than the building sewer service or sewer connection.
[AM. B/L 6099/48/93]
- (47) "**PROPERLY SHREDDED GARBAGE**" means the wastes from the preparation, cooking and dispensing of food, or other manufacturing process that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in common sewers, with no particle greater than 12 mm (1/2") in dimension.
- (48) "**PUBLIC DOMESTIC SEWER**" means a domestic sewer which is controlled by the City and which is intended for public use.
[AM. B/L 6099/48/93]
- (49) "**PUBLIC SEWER**" means a sewer which is controlled by the City and which is intended for public use.
- (50) "**PUBLIC WATERMAIN**" means a major water line which is located within the public right-of-way under the control of the City, or easement registered by the City, and which is intended for public use.
- (51) "**PUBLIC WORKS DIVISION**" means the Public Works Division of the Department of Engineering and Operations.
- (52) "**RATES BY-LAW**" means that City By-law, as amended, adopted for the purpose of establishing rates and charges for the use of the Waterworks and/or Wastewater System.
[AM. B/L 6099/48/93]
- (53) "**RECREATIONAL VEHICLE**" means any fifth-wheel recreational trailer, other recreational trailer, motorhome, and any bus which has been converted into a motorhome.
- (54) "**REMOTE READING DEVICE**" means a device used for reading and/or recording the amount of water supplied through a service as recorded on a meter at a point remote from the meter.
- (55) [REP. B/L 6099/48/93]
- (56) [REP. B/L 6099/48/93]
- (57) [REP. B/L 6099/48/93]

3. (c) (58) **"SEWER"** means a pipe or conduit for carrying wastewater.
[AM. B/L 6099/48/93]
- (59) [REP. B/L 6099/48/93]
- (60) **"SEWER CONNECTION"** means a sewer pipe extending from a public sewer to a point at or near the property line of the property being served or about to be served, connected to, or to be connected to, a building sewer service.
- (61) **"SEWER SERVICE LINE"** means the complete assembly of the sewer connection and building sewer service.
- (62) **"STAND PIPE"** means a vertical pipe or similar structure used for the purpose of conveying water for fire fighting purposes.
- (63) **"STANDARD CONSTRUCTION SPECIFICATIONS"** means the Standard Construction Specifications, as amended, established by the Department of Engineering and Operations.
- (64) **"STANDARD METHODS"** means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.
- (65) **"STANDARDS FOR DISCHARGE"** means the Standards for Discharge to the Wastewater System, as amended, established by the Department of Engineering and Operations.
[AM. B/L 6099/48/93]
- (66) [REP. B/L 6099/48/93]
- (67) **"STREET"** means any public right-of-way, including a highway, providing primary access to abutting property, used as a public thoroughfare for vehicles and pedestrians including streets under construction or repair, and where the context so requires, includes the whole of the area between the boundaries of the streets as recorded in the Land Titles Office and includes all lanes and alleys.
- (68) **"SURFACE WATER"** means any water that is collected or is present on the surface of the ground.
- (69) **"SUSPENDED SOLIDS"** means solids that either flow on the surface of, or are in suspension in water, domestic wastewater or industrial wastewater and which are removable by a laboratory filter device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
[AM. B/L 6099/48/93]
- (70) **"UNMETERED SERVICE"** means a billable supply of water which is not measured or recorded by a meter.
- (71) **"UTILITY"** means any corporation, company, City department, or other legal entity established for the purpose of and engaged in the supplying of a service to the community at large through the distribution or collection of electrical energy, steam, gas, water, wastewater, solid waste, refuse, or the supply of communications, and signal services.
[AM. B/L 6099/48/93]

3. (c) (71.1) "**WASTEWATER**" means a combination of the water borne wastes from residences, business structures, and commercial, institutional and industrial establishments together with such ground, surface and storm waters as may be present.
[EN. B/L 6099/48/93]
- (71.2) "**WASTEWATER SYSTEM**" means the City Wastewater System and includes all land drainage sewers, domestic sewers, and combined sewers in the City, and where applicable, includes the wastewater treatment facilities, pumping stations, forcemains, and siphons and other like works and appurtenances.
[EN. B/L 6099/48/93]
- (72) "**WATER BILLING SECTION**" means the Water Billing Section of the Treasury Department for the City.
- (73) "**WATER CONNECTION**" means that portion of a water service line extending from a public watermain to the curb stop, including the curb stop valve, adjacent to the property being served or about to be served.
- (74) "**WATER METERING SECTION**" means the Water Metering Section of the Public Works Division.
- (75) "**WATER SERVICE LINE**" means the complete assembly of a building water service and water connection.
- (76) "**WATERWORKS**" means the City Waterworks System and includes all fixtures, pipes and other works and appurtenances required for the proper conduct of supplying water and where applicable includes the Water Treatment Plant, pumping stations, wells, reservoirs, and control valves.
- (77) "**Y-CONNECTION**" means two or more water connections or sewer connections and/or building water services or building sewer services that are connected together to form a single water line or sewer line.

PART II: GENERAL REGULATIONS

4. The Waterworks and Wastewater System shall be under the general direction and control of the City Engineer.
[AM. B/L 6099/48/93]
5. (a) All matters pertaining to rates, rents, surcharges, or other charges payable on account of said Waterworks and/or Wastewater System shall be in accordance with the Rates By-law.
[AM. B/L 6099/48/93]
- (b) The City Treasurer shall collect all rates, rents, or other charges payable on account of the Waterworks and/or Wastewater System, and shall make all disbursements connected therewith, and shall keep books and accounts of the receipts and disbursements for and on account of the Waterworks and Wastewater System separate and distinct from the books and accounts relating to the other property, funds, or assets of the City.
[AM. B/L 6099/48/93]
- (c) The City shall be divided into sections by the City Treasurer for billing purposes and each respective section shall be billed quarterly.

5. (d) The City hereby levies service charges on all persons occupying property connected to the Waterworks and/or Wastewater System, such charge to be computed in the manner set out in the Rates By-law and paid quarterly by the property owner.
[AM. B/L 6099/48/93]
- (e) (1) Water meter readings from each serviced property shall be obtained by the City Treasurer on a quarterly basis for billing purposes, either by "actual" readings taken by a Meter Reading Agent or by "customer supplied" readings. In any event, an actual reading shall be required once during each fifteen (15) month period.
- (2) Where no meter reading is obtained, either actual or customer supplied, the City Treasurer shall estimate the water consumption based on a past consumption average as set out in Section 1 of Schedule "D" hereto.
- (3) Notwithstanding paragraph (2), where no actual meter reading is obtained within a twelve (12) month period, the customer shall grant a Meter Reading Agent access for the purpose of obtaining an actual reading for the next quarterly billing period. If such access is denied, the City Treasurer shall estimate the water consumption for the entire period from the last actual reading based on the criteria as set out in Schedule "D" hereto. Such estimate shall be the basis for billing the customer for water used, less any payments received by the City for water consumption previously estimated since the last actual reading, and the customer shall further be subject to the provisions of subsection 9(b).
- (4) Where a water meter is found out of proper working order for any reason, or where a water meter has been removed and a building plumbing system is connected directly to a building water service, the City Treasurer shall estimate the consumption of water used in accordance with the criteria set out in Schedule "D" hereto and such estimate shall be the basis for billing the customer for water used and the customer may further be subject to a penalty in accordance with this by-law.
- (f) No allowance to a billing will be made for excessive consumption due to water leaks or waste, except for those properties eligible for the freezing water connection credit program pursuant to section 33.1.
[AM. B/L 6049/86/92]
6. The City Engineer shall, on or before the last City Council meeting in each year, present to City Council, a report upon the general condition of the Waterworks and Wastewater System, accompanied by other matters and suggestions as he may deem necessary.
[AM. B/L 6099/48/93]
7. No requirement contained in this by-law shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

DIVISION I: WATERWORKS

8. The City Engineer hereby reserves the right, at any time, to shut off the water supply for the purpose of extending, replacing, repairing or cleaning of the public watermains or appurtenances thereto, and the City shall not be liable for any damage or problem resulting therefrom, nor by reason of the breaking of any service pipe or connection.

9. (a) The City Engineer, Meter Reading Agents, and other duly authorized employees of the City bearing proper credentials and identification shall be entitled to enter upon all properties:
- (1) between 0700 hours and 2100 hours (7:00 a.m. and 9:00 p.m.), from Monday to Saturday, both inclusive, for the purpose of meter reading; and
 - (2) at any time for such purposes as inspection, observation, testing, maintenance and/or replacement of water meters, or for any other related purpose;
- in accordance with the provisions of this by-law.
- (b) Any refusal to allow entry in accordance with subsection (a) shall warrant the immediate discontinuance of water service at the option of the City Engineer until such access is allowed, and shall further be subject to service charges, as set out in the Rates By-law, and a penalty in accordance with this by-law.
10. (a) Any person who will be vacating, in excess of 72 consecutive hours, any premises which is serviced with water from a public water main and desires to have the water service shut off at the curb stop, shall give notice of same to the Water Billing Section and shall be subject to the reconnection fee contained in the Rates By-law, otherwise he will be held liable for the normal water usage rates including minimum billing requirements.
- (b) A customer request to the Water Billing Section to turn off the water at the curb stop for a duration of less than 72 consecutive hours for the purpose of alteration to plumbing and/or structure shall be considered an interruption of service and the reconnection fee shall not apply. An interruption in service shall be permitted no more than two (2) times per calendar year per service location, after which any further requests shall be subject to the reconnection fee contained in the Rates By-law.
- (c) Once a water service has been shut off at the curb stop, whether by request or for non-payment of bills, except for interruption of service as set out in subsection (b), said service shall not be turned on again until all provisions of this by-law have been complied with and all arrears paid in full, including a reconnection fee as established in the Rates By-law.
- [AM. B/L 6099/48/93]
11. (a) Notwithstanding subsection 34(a), the City Engineer may provide written authorization for a temporary unmetered connection subject to such conditions as he deems necessary.
- (b) No person being supplied with water on a temporary unmetered service, shall vend, sell or dispose of the water, or give it away, or permit the water to the use or benefit of others, or to any other than to his own use or benefit, or increase the volume of water agreed for with the City, or wrongfully neglect or improperly waste the water supplied from the said Waterworks, except as may be authorized by the City Engineer.
12. (a) All new structures, excluding accessory structures, shall be connected to the Waterworks, provided the public water mains are available at the time the structure is ready for occupancy, and such connection shall be at the property owner's expense.
- (b) In the event any owner wishes to connect an accessory structure to the Waterworks, such connection shall be an extension of the building plumbing system installed at the principal structure, provided that where a property is subdivided and by such subdivision the accessory structure becomes situated on a separate site from the principal structure then the accessory structure shall require a separate water service line.

13. (a) The owner of every existing structure, excluding accessory structure, used for human occupancy, employment, recreation or other purposes, situated within the City and abutting any street, alley or right-of-way in which there is now located a public watermain, is hereby required, at his expense, to install and maintain a suitable building plumbing system therein and to connect such facilities with the public watermain in accordance with the provisions of this By-law and the City's Building By-law, as amended.
 - (b) In the event any owner fails or neglects to comply with subsection (a), the City Engineer may serve such owner a notice requiring compliance within sixty (60) days of receipt of such notice. Failure on the part of the owner to comply with said notice shall constitute an infraction of this By-law and said owner shall be subject to the minimum service charge as set out in the Rates By-law, whether his property is connected to the public watermain or not.
 - (c) Where, after the expiration of the sixty (60) day period aforesaid, the owner served with such notice has failed or neglected to construct and install a building plumbing system and to connect his structures with the public watermain as required, or has failed to correct defects or faults in the building plumbing system as required by the Plumbing Inspector, the owner and/or the occupant of the property may be charged pursuant to Part V, Division I.
14. The owner of every existing structure, excluding accessory structure, used for human occupancy, employment, recreation or other purposes, situated within the City and abutting any street, alley or right-of-way on which a public watermain is not presently located but on which a public watermain is to be constructed is hereby required, at his expense, to install a suitable building plumbing system therein and to connect such facilities with the public watermain in accordance with the provisions of this By-law and the City's Building By-law, as amended, within two (2) years after construction of the public watermain is completed.
 15. The City does not guarantee a constant supply of water or a constant pressure or volume of water.

DIVISION II: WASTEWATER SYSTEM

16. No person shall place, deposit, or permit to be deposited in any manner that is unsanitary, in the opinion of the Health Officer, upon public or private property within the City, any human or animal excrement, garbage or other objectionable waste.
17. It shall be unlawful to discharge to any natural outlet within the City any domestic wastewater, industrial wastewater, or other polluted waters, except where suitable preliminary treatment has been approved in accordance with the provisions of this by-law.
[AM. B/L 6099/48/93]
18. (a) No person shall inject into the Wastewater System any wastewater gathered from any property not connected to the Wastewater System, and whether gathered from within or without the City, unless he shall first enter into a written agreement with the City providing that:
 - (1) such wastewater shall be injected into the Wastewater System only at such point or facility as shall be designated by the City Engineer; and
 - (2) such wastewater does not contain any appreciable quantity of substances prohibited without license in Section 66 and/or the Standards for Discharge; and

18. (a) (3) a fee shall be paid for each load or part load of wastewater so injected. If any load shall exceed 1,000 Imperial gallons there shall be an additional fee for each additional 1,000 Imperial gallons or part thereof. Such fees shall be as set out in the agreement.
[AM. B/L 6099/48/93]
18. (b) Notwithstanding subsection (a), domestic wastewater from the holding tank of any recreational vehicle may be injected into the Wastewater System providing:
- (1) such domestic wastewater shall be injected into the Wastewater System only at an approved trailer dump station facility; and
 - (2) such domestic wastewater does not contain any appreciable quantity of substances prohibited without license in Section 66 and/or the Standards for Discharge.
[AM. B/L 6099/48/93]
- (c) Any person wishing to establish a trailer dump station facility shall:
- (1) make application to, and receive a Permit from, the Supervisor of Municipal Licensing, in the form attached hereto as Schedule "C";
 - (2) provide a plan to the City Engineer showing the proposed location and specifications of such trailer dump station;
 - (3) pay the required annual permit fee in such amount as set out on Schedule "C" hereto;
 - (4) agree to comply with any and all conditions or requirements set out on said Permit or in this or any other by-law of the City, or in any statute, regulation, or code passed by the Province of Manitoba or the Government of Canada.
- (d) The owner or operator of any trailer dump station facility which is not licensed pursuant to subsection (c) shall, at his expense, disconnect the water and sewer services in accordance with Sections 24 and 55.
19. (a) The City Engineer and other duly authorized employees of the City bearing proper credentials and identification, shall be entitled at all times to enter upon all properties for such purposes as inspection, observation, measurements, sampling and testing, or for other related purposes, in accordance with the provisions of this by-law.
- (b) Where such inspection discloses any failure, omission or neglect to comply with the provisions of this by-law, the City Engineer shall, in writing, notify the said owner, proprietor or occupier to rectify the cause of complaint.
20. All new structures, excluding accessory structures, shall be connected to the Wastewater System where public sewers are available. Where a public domestic sewer or combined sewer is not available, the building sewer service shall be connected, at the owner's expense, to a private wastewater disposal system. Such system shall be constructed in accordance with the City's Building By-law, as amended, and regulations of the Provincial Department of Environment, Workplace Safety and Health.
[AM. B/L 6099/48/93]

21. (a) The owner of every existing structure, excluding accessory structure, used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located a public sewer, public domestic sewer, or combined sewer, is hereby required, at his expense, to install and maintain a suitable building plumbing system therein and to connect such facilities with the proper public sewer in accordance with the provisions of this By-law and the City's Building By-law, as amended.
[AM. B/L 6099/48/93]
- (b) In the event any owner fails or neglects to comply with subsection (a), the City Engineer may serve on such owner a notice requiring compliance within sixty (60) days of receipt of such notice. Failure on the part of the owner to comply with said notice shall constitute an infraction of this by-law.
- (c) Where, after the expiration of the sixty (60) day period aforesaid, the owner served with such notice has failed or neglected to construct and install a building plumbing system and to connect his structures with the public sewer as required, or has failed to correct defects or faults in the building plumbing system as required by the Plumbing Inspector, the owner and/or occupant of the property may be charged pursuant to Part V, Division II hereof.
22. The owner of every existing structure, excluding accessory structure, used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way on which a public sewer is not presently located but on which a public sewer is to be constructed is hereby required, at his expense, to install a suitable building plumbing system therein and to connect such facilities with the public sewer in accordance with the provisions of this By-law and the City's Building By-law, as amended, within two (2) years after construction of the public sewer is completed.

PART III WATERWORKS

DIVISION I: WATER CONNECTIONS AND BUILDING SERVICES

23. Unless authorized by the City Engineer, no person shall use, alter, disturb, uncover, make any connections with or opening into, any public watermain or appurtenances thereof.
24. (a) Prior to any connection to, or repair or alteration to any existing connection to, or disconnection from a public watermain, a permit to work in or on a street pursuant to the Traffic By-law for the proposed water connection and building services work, must be applied for by the property owner or his authorized agent, be issued by the City Engineer or designate, and the Applicant shall pay the required Permit fees and deposits as per the City's Annual Schedule of Fees.
[AM. B/L 6099/48/93, B/L 7178]
- (b) Any such connection, repair, alteration, or disconnection must be carried out by a bonded contractor approved by the City Engineer or, in such circumstances as the City Engineer determines, at his absolute discretion, such connection, repair, alteration, or disconnection may be carried out by the City. All work performed by or on behalf of an Applicant connecting to the Waterworks and/or located upon a street or other City owned property shall be guaranteed free of defects in materials and workmanship by the Applicant for two (2) years from the final inspection date.
- (c) The full cost of such connection, repair, alteration, or disconnection shall be paid by the Applicant, including but not limited to the cost of tapping onto the public watermain or disconnection at the public watermain, trenching, excavating and backfilling, piping, repairing of curbs and sidewalks, patching roadway, reseeding or sodding boulevard, deemed by the City Engineer, at his absolute discretion, to be necessary, as well as backfilling and reseeding or sodding on the Applicant's property.

24. (d) No person shall make any cross-connection of any other water source with the Waterworks.
25. (a) Each new building or structure, except accessory structures, whether or not located upon the same parcel of land, shall have a separate water service line or lines.
- (b) Notwithstanding subsection (a), the City Engineer, at his absolute discretion, may require installation of a meter pit at the property line, or such other alternative location as he deems acceptable, providing that portion of the water service line beyond the meter pit is not part of the Waterworks. All such private distribution systems shall be metered at the property line or at such other site as approved by the City Engineer and no hydrants or other water services shall be connected until a point following the location of the meter.
- (b.1) Notwithstanding subsection (a), the City Engineer may, in his absolute discretion, allow installation of a private watermain to service one property parcel containing multiple buildings, for commercial and condominium developments only, which will be connected to a public watermain which currently extends in front of the property. Such installation is subject to the property owner entering into and continuing a development agreement with the City outlining the following provisions:
- location of private watermain
 - method and location of connection to public watermain
 - valve requirements
 - supply of engineering site plan
 - maintenance and repair provisions, including notice to tenants
 - costs to be borne by developer
 - save harmless clause
 - metering requirements
 - obtaining of all related permits
 - cancellation or subdivision provisions
 - registered as caveat to run with the land
 - any other provisions deemed necessary by the City Engineer
- [AM. B/L 6420]
- (c) Notwithstanding subsection (a), when the City replaces a public street which contains a public watermain the City Engineer may grant, to the owner of any property serviced by means of a Y-connection, the following options:
- (1) install a building water service, at the property owner's expense, directly to the water connection, in accordance with the provisions of this by-law. Such water connection would be constructed by and at the cost of the City at the time of replacement of the public street or existing public watermain; or
 - (2) retain the Y-connection. In the event the Y-connection is retained, and in future it becomes necessary or desirable to connect directly to the public watermain, all construction costs would be at the expense of the property owner.
- (d) Notwithstanding subsection (a), multiple family dwellings consisting of adjacent units (side by side duplexes, row houses, or similar dwellings) where each adjoining unit fronts on a public right-of-way in which a public watermain is located, shall have a separate water service line for each unit.
- (e) Notwithstanding subsection (a), all multiple unit structures which do not meet the requirements as set out in subsection (d) shall be in compliance with the provisions as set out in subsection (b).

25. (f) Where a property is subdivided and by such subdivision an existing structure is divided into two or more individual units separated by a party wall or some other means, then each such unit shall have a separate water service line constructed prior to occupancy.
- (g) (1) Each and every water service line shall be constructed from the structure to the nearest public watermain. No such water service line shall be constructed across adjacent private property nor along public rights-of-way including streets, boulevards and any other right-of-way save and except to cross any boulevard or public property as directly as possible to connect to such public watermain. Where such public watermain is not available adjacent to the property of the applicant, then the applicant shall construct a public watermain in accordance with Section 27.
- (2) The applicant shall, at his expense, have a bonded contractor install a double valve, approved by the City Engineer, at the main for each water connection of 100 mm (4") or larger in order that water service may be operated in either direction to increase reliability of service.
- (h) The City Engineer may, at his absolute discretion, allow an existing water service line which is not conforming with any or all of the provisions of this Section to continue to be utilized so long as such service meets the other provisions of this and other applicable City By-laws.
- (i) Where the City Engineer exercises his discretion, as set out in subsection (c) or (h), and allows the continued use of such water service line, the condition precedent of the formal issuance of any such approval shall be entry into a written agreement between all parties using such water service line in a form satisfactory to the City Engineer and the City Solicitor whereby the City is saved harmless from any liability incidental to damages or problems arising from the use of such water service line.
26. (a) The City Engineer may refuse any application for a water connection where he, at his absolute discretion, deems that:
- (1) the public watermain is incapable of handling the additional load which would be caused thereby with the resultant danger of reduced supply of pressure to the Applicant's or other property; or
- (2) for any other reason such connection would result in an unsatisfactory installation;
- provided, however, the City Engineer may, notwithstanding that he has made such a determination, issue a permit for such proposed water connection where full responsibility is undertaken therefore, in writing, by the Applicant, and the City is thereby saved harmless.
- (b) Where the City Engineer disapproves of the proposed water connection and refuses to issue a Permit therefore, the Applicant shall be so informed and the reasons for such refusal shall be given and such water connection shall not be made by the Applicant or by any other person.

27. (a) Notwithstanding any other provision of this Division, where an Applicant has completed a Water and Sewer Connection/Disconnection Application, and it is established that:

- (1) the Applicant is unable to comply with any provision of this Division; or
- (2) no public watermain of sufficient capacity is available adjacent to the property of the Applicant; or
- (3) no public watermain is available adjacent to the property of the Applicant;

City Council or, where the distance to be covered is less than 100 meters (328 ft.), the City Engineer, may authorize the construction by the Applicant of a public watermain (in this Part the "Authorized Watermain") for connection to a designated public watermain.

(b) Unless otherwise directed by City Council, the construction cost of the Authorized Watermain shall be borne entirely by the Applicant.

(c) Any authorization granted pursuant to subsection (a) shall be subject to the condition that, prior to commencement of construction of the Authorized Watermain, the Applicant will enter into a written agreement with the City containing provisions of the following nature:

- (1) the Applicant will hold harmless, release and indemnify, as the case may be, the City from any liability for any damages or problems arising from the construction, use or maintenance of the Authorized Watermain, as well as any connections thereto;
- (2) the Applicant will, at his cost, maintain the Authorized Watermain and all connections thereto, to the satisfaction of the City Engineer for the guarantee period of two (2) years from the date of acceptance; and
- (3) such other provisions as the City Solicitor and the City Engineer shall, at their absolute discretion, deem necessary.

(d) The construction of an Authorized Watermain shall be carried out in accordance with plans and specifications approved by the City Engineer prior to commencement of construction thereof and the work shall be performed by a bonded contractor. For minor extensions authorized by the City Engineer, the applicant shall follow those terms and conditions as set out on a Permit, attached hereto as Schedule "A", and shall submit 'as built' drawings.

(e) Any owner, other than the Applicant, wishing to connect his property to an Authorized Watermain within a period of seven (7) years following its completion shall be required to pay to the City a prorata share of the initial construction costs. This cost shall be in addition to any other costs which are the owner's responsibility under the provisions of this By-law. Such prorata share shall be on an effective frontage foot basis, calculated by the City Engineer as follows:

$$\begin{aligned}
 & \text{actual construction cost} \\
 & - \text{adjustment for oversizing, where required} \\
 & \text{: total e.f.f. of potential benefitting properties} \\
 & = \text{cost per effective frontage foot} \\
 & \times \text{effective frontage foot of owner's property} \\
 & = \text{owner's prorata share}
 \end{aligned}$$

The City Engineer has the authority to make adjustments to the above formula where the information available would indicate, in his opinion, that such an adjustment is required. The actual construction cost and the total length of the Authorized Watermain shall be provided by the Applicant to the City Engineer, who shall verify the accuracy of such information. Upon receipt by the City of any prorata share referred to herein, the City Engineer shall authorize such amount to be forwarded to the Applicant as partial recovery of his construction expenses.

28. All building water services and water connections shall be constructed in accordance with the Building Services Section of the Standard Construction Specifications in effect as of the date construction is commenced.
29. The City shall maintain the water connection in a satisfactory structural condition at the expense of the City. The building water service shall be maintained by the property owner at his expense. Any leakage controlled by a curb stop shall be deemed to be the responsibility of the property owner to repair. Such repairs shall be undertaken within five (5) days of receiving notice from the City Engineer, unless an extension of time is granted by the City Engineer, after which time the water service shall be shut off until the repairs have been completed. The City Engineer may direct that the water service be shut off immediately when he deems it necessary to avoid damages or loss of water.
30. (a) When water service is no longer required due to demolition or removal of a structure from a property serviced with water, the service for the property shall be disconnected at the public watermain. To disconnect existing water service the property owner shall comply with the provisions as set out in Section 24 hereof. All related work shall be completed within the time period stated on such application. Prior to issuance of a demolition permit by the Brandon and Area Planning District, the applicant shall apply for and receive a Water and Sewer Connection/Disconnection Permit from the City.
- (b) The City Engineer may delay the disconnection of said water service by the property owner if weather or ground conditions warrant said delay. Any delay in disconnection of water service shall be for such period of time as authorized by the City Engineer.
- (c) Notwithstanding subsection (a), it shall not be necessary to disconnect the water service at the public main providing:
- (1) the existing service is satisfactory to the City Engineer, including being of acceptable size and material; and
 - (2) no new larger service is installed, or is to be installed, in place of the existing service; and
 - (3) the City Engineer and the Applicant can agree upon a time frame within which such reconnection is to be made, with such time frame being included on the permit as a condition; and
 - (4) a deposit in the amount set out in the City's Annual Schedule of Fees is paid to the City, such deposit to be refunded, without interest, upon reconnection to a structure within the time frame agreed upon. Where such reconnection is not made within the agreed time frame, the City Engineer may remove the service and the deposit shall be retained by the City and applied toward the cost of removing the water service. Any funds remaining shall become the property of the City as water revenues. Where the deposit is insufficient to cover the removal costs, the outstanding amount shall be assessed against the property in the same manner as ordinary municipal taxes; and
[AM. B/L 7178]
 - (5) a permit authorizing the retention of the service is obtained from the City Engineer.
- (d) In the event a problem, such as leakage, arises with any such service, the City Engineer will retire the service immediately, pursuant to the provisions as set out in paragraph (c)(4) and shall notify the Applicant of such action.

31. (a) The City Engineer will in all cases approve the size of the pipe to be used in supplying any premises with water, and will also approve the position in the street, in which said pipe is to be laid. Where the City Engineer deems it necessary, the owner shall engage, at his expense, the services of a consulting engineer.
- (b) All Applicants shall supply to the City Engineer, if requested, a set of drawings showing plumbing layout or a description of same for both inside and outside the structure plus any other information such as ground and floor elevations, fixture demand ratings, etc., necessary to calculate the applicant's maximum water demand and subsequently the size of water service line required.
32. Any water connection upon the Applicant's property shall be laid to the depth called for in the Building Services Section of the Standard Construction Specifications unless otherwise authorized by the City Engineer, in which case, the Applicant shall satisfactorily insulate those water pipes which do not meet the depth requirements.
33. (a) Any building water service which is determined by the City Engineer to be frozen shall be thawed by City personnel at the property owner's expense. Such expense shall reflect the actual costs incurred by the City including labour, materials, equipment, and an administrative fee. Any water connection which is determined by the City Engineer to be frozen shall be thawed by City personnel at the City's expense.
- (b) Where it is necessary to keep water running due to freezing or potential freezing of the building water service, the property owner shall be responsible for the cost of the water at a rate set out in the Rates By-law.
- (c) When a building water service is repeatedly frozen, as determined by subsection (a) or (b), the City Engineer may require the property owner to either lower the building water service to a satisfactory depth, or sufficiently insulate same to protect it from further freezing. Such work shall be at the property owner's expense.
- 33.1 (a) The City Engineer, in his absolute discretion, may authorize the implementation of a freezing water connection credit program for any customer who may require continuous flow of water to prevent freezing or potential freezing of a water connection.
- (b) Upon such determination, the City shall provide written notice to individuals who have had prior problems with frozen services advising that:
- (1) consideration should be given to leaving a tap open until further notice;
 - (2) a freezing water connection credit program has been implemented, for those who are eligible, to compensate for the cost of this continuous water flow;
- (b) (3) to be eligible for the freezing water connection credit program the person must receive written agreement from the City Engineer that a potential problem for freezing of a water connection exists and they are therefor approved for the credit program.
- (c) Once the danger of freezing is past, the City will cause a written notice to be sent to those individuals to whom the provisions of subsection (b) apply stating it would appear the danger of freezing is past so persons should be able to cease the continuous water flow and therefor the freezing water connection credit program will end on a specified date.
- (d) The amount of credit to be applied toward those accounts approved for the freezing water connection credit program shall be based on a rate of flow satisfactory to prevent freezing, as determined by the City Engineer.

DIVISION II: METERS

34. (a) All new building water services between 15mm (5/8") and 48mm (2") shall have installed an approved meter setter, including back flow prevention devices, and an approved meter. All new building water services larger than 48mm (2") shall have an approved meter, including back flow prevention devices, installed as part of the service. Such meter shall be installed at the point where the water service enters the structure and no connection shall be made between the service entry and the meter other than an approved bypass.
- (b) All water services, excepting those used exclusively for the supply of water for fire protection, shall be metered with a meter designed for cold water measurement and to the units of measure prescribed by the City. The City Engineer shall approve the size, type, manufacture, and model, of all meters to be installed for all water services. All sizing of meters is to be based on information supplied by the property owner or his authorized agent at the time of application for water service.
- (c) The City Engineer may, at his absolute discretion, authorize installation of water services for emergency back-up purposes, provided such service meets all the requirements of this by-law for a water service line and, notwithstanding Section 36, the owner agrees to pay the full cost of the second meter, including a minimum quarterly billing as set out in the Rates By-law.
- (d) Where it is deemed necessary by the City Engineer or Plumbing Inspector owing to the location or elevation of an existing building water service, or other just cause, a back flow valve or other means of preventing a reverse flowing of the building water service shall be installed.
- (e) Upon application, the City Engineer may authorize use of fire hydrants, and any such use shall be subject to a usage charge based on water consumption at a rate as set out in the Rates By-law. Where the fire hydrant is not metered, the water consumption shall be as estimated by the City Engineer.
35. The supply of water through each water service line must be recorded by one meter only, and for which only one account will be rendered by the City's Treasury Department. If additional meters are required for recording the subdivision of any such supply, they must be furnished and set up by the owner, at his expense, and as designated by the City Engineer, and said owner must assume all responsibility for the reading and maintaining of said additional meters.
- 35.1 Notwithstanding subsection 25(a) and section 35, mobile home parks with a meter pit will be permitted, upon approval of the City Engineer, to install an individual meter for each mobile home and each will be an individual account with the City. The difference between the cumulative readings of the individual meters and the meter pit reading will be the responsibility of the mobile home park owner.
[AM. B/L 6404]
36. All meters, including remote reading devices, shall be obtained, when available, from the Water Metering Section, or authorized by the City Engineer. The minimum size meter shall be 15 mm (5/8 inch) X 15 mm (5/8 inch) and shall be supplied at no cost to the applicant. All meters larger than the minimum size are cost shared by the applicant and the City, with the applicant paying the difference in cost between a 15 mm (5/8 inch) X 15 mm (5/8 inch) meter and the meter size required for their structure. All meter setters, including back flow prevention devices, may be obtained from a contractor or plumber, at the applicant's expense, and shall be an approved type as listed in the Standard Construction Specifications.

37. (a) Meters and remote reading devices shall be conveniently located at a point or points approved by the City Engineer so as to control and meter all water usage for the structure and property. All meters shall be placed in a location which is frost free, not subject to great variations in temperature, clean, dry, secure from vandalism, and easily accessible for installation, disconnection, reading and similar maintenance.
- (b) Any damage caused to a meter due to non-compliance with subsection (a), or hot water siphoning back from a water heater, shall be repaired by the City at the property owner's expense.
38. Where a remote reading device is in use and there is a discrepancy between the remote reading and the meter reading, the reading on the register of the meter shall be deemed accurate.
39. No meter, including remote reading device, or meter and valve seal shall be altered, bypassed, disassembled, or removed in any way by persons other than authorized representatives of the City Engineer such that inaccurate or no readings can be obtained by Meter Reading Agents.
40. All meters, remote reading devices, and any bypass shall be sealed with approved City seals with numbered tags as indicators of meter tampering.
41. (a) Any frozen, altered, bypassed, disassembled, or removed meter or remote reading device, and/or any broken meter or valve sealing device, whether by intention or accident, shall be evidence of meter tampering.
- (b) All damages, or evidence of meter tampering, or a connection which is not in compliance with the provisions of this by-law, or any of them, shall be reported immediately upon discovery to the Water Billing Section.
- (c) (1) Effective immediately, when damages or meter tampering or both are reported by the owner all costs to restore or replace the meter, as determined by the City Engineer, plus payment for the estimated quantity of unmetered water and related wastewater commodity charge, plus a charge for resealing the meter in the amount set out in the City of Brandon Water and Sewer Rates By-law, will be the responsibility of the owner. When damages or meter tampering or both are reported to the Water Billing Section by a Meter Reading Agent or a plumber the owner shall also be subject to the enforcement sections of this By-law.
[AM. B/L 6099/48/93, B/L 6972, B/L 7178]
- (2) Effective May 1, 1992, when damages or meter tampering or both are reported by the owner, a Meter Reading Agent, or a plumber, the owner shall be responsible for all costs to restore or replace the meter, plus payment for the estimated quantity of unmetered water and related wastewater commodity charge, plus a charge for resealing the meter as outlined in the City of Brandon Water and Wastewater Rates By-law. The owner shall also be subject to the enforcement sections of this by-law, unless prior written authorization for breaking the seal was issued by the City Engineer.
[AM. B/L 6099/48/93, B/L 6972, B/L 7178]
- (3) When meter tampering consists only of a broken seal, the estimated quantity of unmetered water for the first occurrence shall be based on the past consumption average as set out in Section 1 of Schedule "D". When a seal is broken more than once within any 15 month period, the estimated quantity of unmetered water shall be based on the criteria as set out in Schedule "D".
- (d) When a plumber is requested to do work and there is damage, or evidence of meter tampering, or a connection which is not in compliance with the provisions of this by-law, he shall report the damages or meter tampering or non-compliance to the Water Billing Section. Any plumber not reporting such damages or meter tampering or non-compliance shall be in violation of this by-law.

42. In the case of a meter stoppage which was not caused by the owner, said stoppage shall be reported by the owner or Meter Reading Agent or plumber to the Water Billing Section immediately upon being discovered. The necessary repairs will be made by the City at no charge to the owner unless the repairs are proven to be due to the negligent act or misuse of the meter by the owner. If the repairs are proven the responsibility of the owner he shall be subject to the enforcement sections of this by-law.
43. Where any owner desires to have the meter for his property tested for accuracy, the owner shall request same in writing to the Water Billing Section. The City Engineer shall order such testing through the Water Metering Section in accordance with the American Waterworks Association Standards. If the meter is found to be within acceptable limits of accuracy, a charge, as set out in the Rates By-law, shall be made for the said testing and shall be added to the owner's water bill.

DIVISION III: FIRE PROTECTION

44. Structures may be provided with a fire service and the means and method of making connections with public watermains shall be approved by the City Engineer. All such fire services shall be at all times open to inspection by the City.
45. A combined service may be authorized by the City Engineer. Any such combined service shall have an approved meter installed at such point on the domestic portion of the building water service as approved by the City Engineer.
46.
 - (a) An approved detector check valve, together with a 15 mm (5/8") meter, shall be required on all charged fire service lines. All parts of a fire service shall be placed in a visible position, approved by the City Engineer.
 - (b) Any level of water consumption recorded on such meter, in the absence of a fire, shall be evidence of misuse of the water supply and the owner shall be subject to the enforcement sections of this by-law, plus payment for the estimated quantity of unmetered water.
 - (c) Notwithstanding subsection (b), when the owner provides prior notice to the City Engineer that a test is to be performed on the fire service, no penalty shall be imposed.
 - (d) Notwithstanding subsection (b), when the owner notifies the City Engineer that the fire service was set off accidentally or malfunctioned, and same is confirmed with the Fire Department by the City Engineer, no penalty shall be imposed.
47. Notwithstanding any other penalty for breach of this Division, the City Engineer may cut off the water service at any time until any penalty imposed and/or water consumption charge has been paid.
48. The applicant for a fire service, including a combined service, shall pay the cost of connection from the public watermain to the structure which is to be provided with such fire service and shall install a curb stop at the property line. The City shall maintain the water connection for all fire services and combined services.
49. The applicant shall, at his expense, have a bonded contractor install a valve, approved by the City Engineer, on each fire service for the purpose of operation by the City and/or the Fire Department as required for maintenance and operation.
50. The applicant shall, at his expense, have a bonded contractor install a double valve, approved by the City Engineer, at the main for each fire service in order that the service may be operated in either direction to increase reliability of service to the line.

51. Where a fire pump has been installed on a fire service it shall have attached a low-pressure cut-off, as approved by the City Engineer. The owner shall, at his expense, engage the services of a consulting engineer for the purpose of designing the required cut-off where the City Engineer deems it necessary.
52. Stand pipes for fire protection on the outside of structures shall not be connected with the City mains, and all hose connections shall be fitted with the same couplings as the hose of the Fire Department.
53. (a) All active and adaptable hydrants that can be used in the course of assisting in fire suppression, whether part of the City waterworks or on a private water system supplied with water from the City waterworks system, shall be inspected on a regular basis and at a minimum every year and shall be charged an annual fee as set out in the Rates Bylaw. Said fee does not include any maintenance and/or repair work which may be required. The City reserves the right to inspect all private fire hydrants, as deemed necessary by the City Engineer, for the purpose of checking water flow and/or water pressure. The City reserves the right to connect to and use any fire hydrant connected to the City waterworks system as it determines necessary.
[AM. B/L 7321]
- (b) Written hydrant inspection records shall be required for all hydrants with copies of the inspection reports filed with the City Engineer for both city water works hydrants and for private water works hydrants.
- (c) The City Engineer shall develop such forms, policies and directives needed to:
- (1) certify agents that would be capable of conducting inspections, filing inspection reports and recommending repairs and/or maintenance needs for hydrants; and
 - (2) develop inspection forms, and hydrant inspection parameters to be carried out during an inspection; and
 - (3) ensure that hydrants which are found to be in need of repair or maintenance are attended to in an expeditious manner.
- [AM. B/L 7178]

PART IV: WASTEWATER SYSTEM

DIVISION I: BUILDING SEWERS AND SEWER CONNECTIONS

54. Unless authorized by the City Engineer, no person shall use, alter, disturb, uncover, make any connections with or opening into, any public sewer or appurtenances thereof.
55. (a) Prior to any connection to, or repair or alteration to any existing connection to, or disconnection from a public domestic sewer or combined sewer or land drainage sewer, a permit to work in or on a street pursuant to the Traffic By-law for the proposed sewer connection and building services work, must be applied for by the property owner or his authorized agent, be issued by the City Engineer or designate, and the Applicant shall pay the required Permit fees and deposits as per the City's Annual Schedule of Fees.
[AM. B/L 6099/48/93, B/L 7178]
55. (b) Any such connection, repair, alteration, or disconnection must be carried out by a bonded contractor approved by the City Engineer or, in such circumstances as the City Engineer determines, at his absolute discretion, such connection, repair, alteration, or disconnection may be carried out by the City. All work performed by or on behalf of an Applicant, connecting to the Wastewater System and/or located upon a street or other City owned property, shall be guaranteed free of defects in materials and workmanship by the Applicant for two (2) years from the final inspection date.
[AM. B/L 6099/48/93]

55. (c) The full cost of such connection, repair, alteration, or disconnection shall be paid by the Applicant, including but not limited to the cost of connection to the main or capping at the disconnection, trenching, excavating and backfilling, piping, repairing of curbs and sidewalks, patching roadway, reseeding or sodding boulevard, deemed by the City Engineer, at his absolute discretion, to be necessary, as well as backfilling and reseeding or sodding on the Applicant's property.
- (d) (1) Where there is a private water supply, the Applicant shall:
- i) install on said private water supply a meter, in accordance with Section 36, for the purpose of recording the water consumption, upon which the cost for sewer service shall be based, in accordance with the rates set out in the Rates By-law; and
 - ii) comply with the provisions of Part III, Division II, as they relate to the installation, maintenance, tampering with and reading of the said meter and be subject to the enforcement sections of this by-law for non-compliance.
- (2) Where the City Engineer, in his sole discretion, deems it necessary, the City may disconnect the sewer service for non-compliance by the Applicant.
- (e) Notwithstanding paragraph (d)(1)i), the Applicant may elect for, or the City Engineer may require, the installation of a wastewater meter to record the amount of effluent discharged. Such meter shall be supplied by the Applicant at his expense and shall be installed at a point to be approved by the City Engineer.
[AM. B/L 6099/48/93]
56. (a) Each new building or structure, except accessory structure, whether or not located upon the same parcel of land, shall have a separate sewer service line.
- (b) Notwithstanding subsection (a), multiple family dwellings consisting of adjacent units (side by side duplexes, row houses, or similar dwellings) where each adjoining unit fronts on a public right-of-way in which a public sewer is located, shall have a separate sewer service line for each unit.
- (b.1) Notwithstanding subsection (a), the City Engineer may, in his absolute discretion, allow installation of a private wastewater main to service one property parcel containing multiple buildings, for commercial and condominium developments only, which will be connected to a public domestic sewer which currently extends in front of the property. Such installation is subject to the property owner entering into and continuing a development agreement with the City outlining the following provisions:
- location of private wastewater main
 - method and location of connection to public domestic sewer
 - supply of engineering site plan
 - maintenance and repair provisions, including notice to tenants
 - costs to be borne by developer
 - save harmless clause
 - obtaining of all related permits
 - cancellation or subdivision provisions
 - registered as caveat to run with the land
 - any other provisions deemed necessary by the City Engineer
- [AM. B/L 6420]
- (c) Notwithstanding subsection (a), all multiple unit structures which do not meet the requirements as set out in subsection (b) shall be in compliance with alternate design provisions as approved by the City Engineer.

56. (d) Where a property is subdivided and by such subdivision an existing structure is divided into two or more individual units separated by a party wall or some other means, then each such unit shall have a separate sewer service line constructed.
- (e) Notwithstanding subsection (a), when the City replaces a public street which contains a public sewer the City Engineer may grant, to the owner of any property serviced by means of a Y-connection, the following options:
- (1) install a building sewer service, at the property owner's expense, directly to the sewer connection, in accordance with the provisions of this by-law. Such sewer connection would be constructed by and at the cost of the City at the time of replacement of the public street or existing public sewer; or
 - (2) retain the Y-connection. In the event the Y-connection is retained, and in future it becomes necessary or desirable to connect directly to the public sewer, all construction costs would be at the expense of the owner.
- (f) Each and every sewer service line shall be constructed from the structure to the nearest public domestic sewer or combined sewer. No such sewer service line shall be constructed across adjacent private property nor along public rights-of-way including streets, boulevards and any other right-of-way save and except to cross any boulevard or public property as directly as possible to connect to such public domestic sewer or combined sewer. Where such public domestic sewer or combined sewer is not available adjacent to the property of the Applicant, then the Applicant shall construct a domestic sewer in accordance with Section 59.
[AM. B/L 6099/48/93]
- (g) The City Engineer may, at his absolute discretion, allow an existing sewer service line which is not conforming with any or all of the provisions of this Section to continue to be utilized so long as the sewer service line meets the other provisions of this and all other applicable City By-laws.
- (h) Where the City Engineer exercises his discretion, as set out in subsections (e) and (g), and allows the continued use of such sewer service line the condition precedent of the formal issuance of such approval shall be entry into a written agreement between all parties using such sewer service line in a form satisfactory to both the City Engineer and the City Solicitor, whereby the City is saved harmless from any liability incidental to damages or problems arising from the use of such sewer service line.
57. (a) The City Engineer may refuse any application for a sewer connection where he, at his absolute discretion, deems that:
- (1) the existing adjacent public domestic sewer or combined sewer is incapable of handling the additional hydraulic load which would be caused thereby and/or the organic or inorganic wastewater content; or
 - (2) the elevation of the structure, relative to the elevation of the existing public domestic sewer or combined sewer is such that the sewer service line cannot be installed at the gradient required pursuant to the City's Building By-law, as amended; or
 - (3) any other situation that exists, or would exist following connection would result in an unsatisfactory installation and/or functioning of the proposed connection;
- provided, however, the City Engineer may, notwithstanding that he has made such a determination, issue a Permit for such proposed sewer connection where full responsibility is undertaken therefore, in writing by the Applicant, and the City is thereby saved harmless.
[AM. B/L 6099/48/93]

57. (b) Where the City Engineer disapproves of the proposed sewer connection and refuses to issue a Permit therefore, the Applicant shall be so informed and the reasons for such refusal shall be given and such sewer connection shall not be made by the Applicant or by any other person.
58. (a) All new building sewer services shall have installed, downstream of any weeping tile connection, a back water valve or other means of preventing a reverse flow.
- (b) Where it is deemed necessary by the City Engineer, owing to the location or elevation of an existing building sewer service, or where the structure has experienced any back flow problem, or other just cause, a back water valve or other means of preventing a reverse flowing of the building sewer service shall be installed.
- (c) Notwithstanding subsection (b), the owner or occupant may elect to not install a back water valve, or other means of preventing a reverse flowing of the building sewer service, providing he enters into a written agreement with the City. Such agreement shall stipulate:
- (1) the owner or occupant was advised by the City that a back water valve, or other means of preventing a reverse flowing of the building sewer service, is required and that with this knowledge he has elected to not install such device; and
 - (2) the owner or occupant will save the City and other levels of government harmless for any and all damages which may occur, or other related costs, including, but not limited to, any repairs necessitated by, or the inability to use the structure due to, damage caused by a reverse flow; and
 - (3) the owner or occupant will ensure that any reverse flow will not be redirected in such a manner as to seep into the ground, or the weeping tiles, surrounding his structure; and
 - (4) such other provisions as the City Solicitor and City Engineer shall, at their absolute discretion, deem necessary.
59. (a) Notwithstanding any other provision of this Division, where an Applicant has completed a Water and Sewer Connection/Disconnection Application, and it is established that:
- (1) the Applicant is unable to comply with any provision of this Division; or
 - (2) no public domestic sewer or combined sewer of sufficient capacity is available adjacent to the property of the Applicant; or
 - (3) no public domestic sewer or combined sewer is available adjacent to the property of the Applicant;
- City Council, or where the distance to be covered is less than 100 meters (328 ft.), the City Engineer, may authorize the construction by the Applicant of a domestic sewer (in this Part the "Authorized Domestic Sewer") for connection to a designated public domestic sewer or combined sewer.
[AM. B/L 6099/48/93]
- (b) Unless otherwise directed by City Council, the construction cost of the Authorized Domestic Sewer shall be borne entirely by the Applicant.
[AM. B/L 6099/48/93]
- (c) Any authorization granted pursuant to subsection (a) shall be subject to the condition that, prior to commencement of construction of the Authorized Domestic Sewer, the Applicant will enter into a written agreement with the City containing provisions of the following nature:

59. (c) (1) the Applicant will hold harmless, release and indemnify, as the case may be, the City from any liability for any damages or problems arising from the construction, use, or maintenance of the Authorized Domestic Sewer, as well as any connections thereto;
- (2) the Applicant will extend the Authorized Domestic Sewer to a point parallel to his far property line except where, in the opinion of the City Engineer:
- i) an insufficient gradient exists to accommodate extending a domestic sewer beyond the Applicant's property; or
 - ii) there is no potential for any other customer to connect beyond the Applicant's property;
- in which case, the Applicant need only extend the Authorized Domestic Sewer to a point parallel to the sewer service line serving his property;
- (3) the Applicant will, at his cost, maintain the Authorized Domestic Sewer and all connections thereto, to the satisfaction of the City Engineer for the guarantee period of two (2) years from the date of acceptance;
- (4) upon expiry of the guarantee period and upon acceptance of the Authorized Domestic Sewer by the City Engineer, the Authorized Domestic Sewer shall become a public domestic sewer; and
- (5) such other provisions as the City Solicitor and the City Engineer shall, at their absolute discretion, deem necessary.

[AM. B/L 6099/48/93]

- (d) The construction of an Authorized Domestic Sewer shall be carried out in accordance with plans and specifications approved by the City Engineer prior to commencement of construction thereof. For minor extensions authorized by the City Engineer, the applicant shall follow those terms and conditions as set out on a Permit, attached hereto as Schedule "A", and shall submit 'as built' drawings.
- [AM. B/L 6099/48/93]
59. (e) Any owner, other than the Applicant, wishing to connect his property to an Authorized Domestic Sewer within a period of seven (7) years following its completion shall be required to pay to the City a prorata share of the initial construction costs. This cost shall be in addition to any other costs which are the owner's responsibility under the provisions of this By-law. Such prorata share shall be on an effective frontage foot basis, calculated by the City Engineer as follows:

actual construction cost
 - adjustment for oversizing, where required
 -: total e.f.f. of potential benefitting properties
 = cost per effective frontage foot
 X effective frontage foot of owner's property
 = owner's prorata share

The City Engineer has the authority to make adjustments to the above formula where the information available would indicate, in his opinion, that such an adjustment is required. The actual construction cost and the total length of the Authorized Domestic Sewer shall be provided by the Applicant to the City Engineer, who shall verify the accuracy of such information. Upon receipt by the City of any prorata share referred to herein, the City Engineer shall authorize such amount to be forwarded to the Applicant as partial recovery of his construction expenses.

[AM. B/L 6099/48/93]

60. All new sewer service lines shall be constructed in accordance with the Building Services Section of the Standard Construction Specifications in effect as of the date construction is commenced.
61. The City shall maintain the sewer connection in a satisfactory structural condition at the expense of the City. The building sewer service and building drain shall be maintained by the owner at his expense, including any plumbing modifications to allow access for removal of blockages. The owner shall be responsible for the removal of blockages in the building sewer service, building drain, and the sewer connection at his expense. However, at the discretion of the City Engineer, the City may remove such blockage, at the owner's expense. [AM. B/L 6200/49/94]
- 61.1 (a) Notwithstanding section 61, where any blockage is deemed to have been solely caused by roots of trees, the owner may be eligible for reimbursement by the City for the cost of removing such blockage based on assessment of responsibility. Such assessment will be determined by the location of trees, being of sufficient size and type so as to be the possible cause of the root problem for the sewer service line, as follows:
- (1) trees located on private property assessed at zero percent (0%) reimbursement;
 - (2) trees located on private and City property assessed at fifty percent (50%) reimbursement;
 - (3) trees located on City property assessed at one hundred percent (100%) reimbursement.
- (b) Reimbursement of costs set out in subsection (a) shall cover only labour and equipment use relating to removal of blockages caused by roots and no more than two (2) claims per twelve (12) month period will be reimbursed.
- (c) The City may operate a root prevention program at the discretion of the City Engineer and the order of priority for the application of the program will be based on the potential savings by the City which could result from each application.
- (d) Costs for a root prevention program shall be portioned in accordance with the assessment of responsibility of root claims as set out in subsection (a). In all instances, the resident/owner must provide written approval prior to the application.
- (e) The City does not provide any warranty period for application of the root prevention program or any action taken in relation to such program. [EN. B/L 6200/49/94]
62. (a) When sewer service is no longer required due to demolition or removal of a structure which is connected with the Wastewater System, the service for the property shall be disconnected at the junction between the building sewer service and sewer connection. To disconnect existing sewer service the owner shall comply with the provisions as set out in Section 55 hereof. All related work shall be completed within the time period stated on such application. Prior to issuance of a demolition permit by the Brandon and Area Planning District, the applicant shall apply for and receive a Water and Sewer Connection/Disconnection Permit from the City. [AM. B/L 6099/48/93]
- (b) The City Engineer may delay the disconnection of said sewer service by the owner if weather or ground conditions warrant said delay. Any delay in disconnection of sewer service shall be for such period of time as authorized by the City Engineer.

62. (c) Notwithstanding subsection (a), it shall not be necessary to disconnect the sewer service at the junction between the building sewer service and sewer connection providing:
- (1) the existing service is satisfactory to the City Engineer, including being of acceptable size and material; and
 - (2) no new larger service is installed, or is to be installed, in place of the existing service; and
 - (3) the City Engineer and the Applicant can agree upon a time frame within which the reconnection is to be made, with such time frame being included on the permit as a condition; and
 - (4) a permit authorizing the retention of the service is obtained from the City Engineer; and
 - (5) a deposit in the amount set out in the City's Annual Schedule of Fees is paid to the City, such deposit to be refunded, without interest, upon reconnection to a structure within the time frame agreed upon. Where such reconnection is not made within the agreed time frame, the City Engineer may remove the service and the deposit shall be retained by the City and applied toward the cost of removing the sewer service. Any funds remaining shall become the property of the City as sewer revenues. Where the deposit is insufficient to cover the removal costs, the outstanding amount shall be assessed and levied against the property in the same manner as ordinary municipal taxes;
 - (6) Notwithstanding clause (5), said sewer deposit shall be waived where the required deposit for retaining a water service in accordance with clause 30(c)(4) has been paid to the City.
- (d) In the event of infiltration or exfiltration occurring with any such service, the City Engineer will retire the service immediately, pursuant to the provisions as set out in clause (c)(5) and shall notify the Applicant of such action.
63. No building sewer service shall allow leakage or infiltration at any time at a rate greater than the rate set out in the Standard Construction Specifications.

DIVISION II: USE OF PUBLIC DOMESTIC SEWERS AND LAND DRAINAGE SEWERS

64. (a) No person shall discharge or cause to be discharged to any public domestic sewer:
- (1) any storm water, surface water, roof run-off or surface drainage, and no person shall connect to a public domestic sewer any weeping tile drains, roof leaders, field drains, sumps or other collectors of surface water;
 - (2) any large volume of water, including but not limited to industrial cooling water, unless such discharge is approved by the City Engineer and is properly metered.
[AM. B/L 6099/48/93]
- (b) Notwithstanding clause (a)(1) and subject to subsection (c), weeping tile drains may be connected to a public domestic sewer provided that:
- (1) at no time storm water from the roof of any structure is discharged at a point on the ground closer than 1.2 metres (4') to the foundation wall around which the weeping tile drains are placed; and
 - (2) the type and amount of weeping tile drain to be installed is approved by the Plumbing Inspector; and
 - (3) in the opinion of the City Engineer, no discernible or potential problem would be created for the Wastewater System by such connection. Where such a problem would be created, the owner shall be required to install, maintain and operate, at his expense, a sump pit complete with sump pump, and he shall not connect the weeping tile drain or sump to the public domestic sewer.
[AM. B/L 6099/48/93]

64. (c) All new subdivisions and any future staging for existing major developments shall require a hydrology study to be conducted with the results being submitted to the City Engineer to assist in his determination of discernible or potential problems which could be created for the Wastewater System.
[AM. B/L 6099/48/93]
65. (a) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as land drainage sewers, or to a natural outlet, as approved by the City Engineer.
[AM. B/L 6099/48/93]
- (b) It shall be unlawful to discharge to any land drainage sewer within the City any domestic wastewater, industrial wastewater, or other polluted waters, except where suitable preliminary treatment has been approved in accordance with the provisions of this by-law.
[AM. B/L 6099/48/93]
66. Except as hereinafter provided by license, no person shall discharge or cause to be discharged any of the following described kinds of wastewater and/or industrial wastewater, of such nature or volume which, in the opinion of the City Engineer, could cause adverse affects, into any public sewer within the City:
[AM. B/L 6099/48/93]
- (a) any liquid or vapour having a temperature higher than sixty-five (65) degrees Celsius (149°F);
- (b) any water or wastewater containing fat, oil or grease of such character or quantity that unusual attention or expense is required to handle such material by the City;
[AM. B/L 6099/48/93]
- (c) any gasoline, benzene, naptha, crude oil, or other flammable or explosive liquid, solid or gas;
- (d) any garbage, other than properly shredded garbage, and any shredded garbage from a garbage disposal unit of a greater capacity than one such as may be normally operated by a fractional horse power motor;
- (e) any cinders, ashes, sand, stone dust, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or any other solid substances which cause difficulty to the Wastewater System;
[AM. B/L 6099/48/93]
- (f) any offal of any animal, fish or fowl, or any other solid or viscous substances which may cause difficulty to the Wastewater System
[AM. B/L 6099/48/93]
- (g) any water or wastewater having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to equipment, structures and personnel of the City;
[AM. 6099/48/93]
- (h) any water or wastewater containing a toxic substance;
[AM. 6099/48/93]
- (i) any noxious substance capable of creating a public nuisance;
- (j) any water or wastewater containing a radioactive substance;
[AM. B/L 6099/48/93]
- (k) any water or wastewater containing suspended solids of such character or quantity that would create problems with the Wastewater System.
[AM. B/L 6099/48/94]

DIVISION III: COMMERCIAL AND INDUSTRIAL WASTEWATER

67. No commercial, institutional, or industrial establishment shall discharge or cause to be discharged into any public sewer industrial wastewater without first obtaining a Commercial/Industrial Wastewater Discharge License, in accordance with Section 68.
[AM. B/L 6099/48/93]
68. Any person operating a commercial, institutional, or industrial establishment may discharge industrial wastewater into public sewers within the City provided:
[AM. B/L 6099/48/93]
- (a) such person (in this Division the "Licensee") makes application, in the form attached hereto as Schedule "B1", to the City Engineer for a license to discharge industrial wastewater into a public sewer; and
[AM. B/L 6099/48/93]
 - (b) the Licensee provides:
 - (1) chemical analyses of the industrial wastewater to be discharged, where requested by the City Engineer;
 - (2) the quantity and rate of discharge of industrial wastewater proposed to be discharged;
 - (3) a consultant's report respecting the proposed discharge, at the applicant's expense, when requested by the City Engineer; and
 - (4) any other detailed information which may be required by the City Engineer, including all pertinent information relative to any proposed preliminary treatment prior to discharge; and
[AM. B/L 6099/48/93]
 - (c) the Licensee pays the required annual permit fee, as set out in Schedule "B1" hereto or such fee as set out in the license; and
[AM. B/L 6027/64/92]
 - (d) the Licensee agrees to any surcharge in accordance with the provisions of Section 74 or such surcharge or other charge as set out in the license; and
[AM. B/L 6027/64/92]
 - (e) the City Engineer issues a Commercial/Industrial Wastewater Discharge License, as set out in Schedule "B2" hereto or in such other form as the City Engineer in his sole discretion deems appropriate; and
[AM. B/L 6027/64/92; B/L 6099/48/93]
 - (f) the Licensee agrees to comply with any and all conditions and restrictions set out on said License.
69. (a) As a general guide, the characteristics and limits of industrial wastewater which may be permitted to be discharged into a public sewer are as follows:
- (1) those having a five (5) day Biochemical Oxygen Demand not greater than 300 parts per million, or,
 - (2) those not containing any appreciable quantity of substances having the characteristics described in Section 66 and/or the Standards for Discharge.
[AM. B/L 6099/48/93]

69. (b) At such time as the Wastewater System is not overloaded the City Engineer may, at his absolute discretion, permit wastewater having a greater degree of pollution than the limits set out in the Standards for Discharge to be discharged into a public sewer. The City Engineer shall, when granting such permission, stipulate the maximum degree of pollution which may be temporarily discharged and such permission may be withdrawn upon thirty (30) days notice.
[AM. B/L 6099/48/93]
- (c) Any authority granted under subsection (b) may be withdrawn immediately where the effluents being discharged are found to contain a greater degree of pollution than authorized by the City Engineer, or it is determined by the City Engineer that such discharge is creating problems for, or damage to, the Wastewater System.
[AM. B/L 6099/48/93]
70. (a) Any Licensee shall, if required by the City Engineer, install a wastewater meter satisfactory to the City Engineer and shall discharge all such wastewater through this meter.
[AM. B/L 6099/48/93]
- (b) (1) Where there is a private water supply and no wastewater meter installed, the Licensee shall:
- i) install on said private water supply a meter, in accordance with Section 36, for the purpose of recording the water consumption, upon which the cost for wastewater service shall be based, in accordance with the rates set out in the Rates By-law; and
 - ii) comply with the provisions of Part III, Division II, as they relate to the installation, maintenance, tampering with and reading of the said meter and be subject to the enforcement sections of this by-law for non-compliance.
[AM. B/L 6099/48/93]
- (2) Where the City Engineer, in his sole discretion, deems it necessary, the City may disconnect the sewer service for non-compliance by the Licensee.
71. (a) The Licensee shall provide, at his expense, such preliminary treatment as may be required to change the characteristics of the industrial wastewater to bring their quality to a level acceptable in the Standards for Discharge and such preliminary treatment facilities shall be in satisfactory operation before any license shall be granted.
[AM. B/L 6099/48/93]
- (b) Where preliminary treatment facilities are provided for any industrial wastewater such facilities shall be maintained in continuous, satisfactory, and effective operation by the Licensee at his own expense.
[AM. B/L 6099/48/93]
- (c) Where such preliminary treatment facilities need to be shut down temporarily for maintenance or repair, the City Engineer may, at his discretion and upon advance notification, authorize a short-term deviation from the License requirements for such purpose.

72. (a) Each Licensee shall install a suitable control manhole, or other common collection point, in the sewer connection to facilitate observation, sampling and measurement of the industrial wastewater.
[AM. B/L 6099/48/93]
- (b) Such a control manhole, or other common collection point, shall be installed in an accessible, safe and approved location, as close as possible to the limit of the Licensee's property abutting the public sewer and shall be constructed in accordance with plans approved by the City Engineer.
- (c) The control manhole shall be installed by the Licensee, at his own expense, and shall be maintained by him so as to be safe and accessible at all times.
73. All measurements, tests and analyses and the characteristics of industrial wastewater, domestic wastewater, or water to which reference is made in this By-law, shall be determined in accordance with the Standard Methods, and shall be determined at the control manhole or upon suitable samples obtained at said manhole.
[AM. B/L 6099/48/93]
74. Within three (3) months after the Licensee commences to discharge industrial wastewater to the Wastewater System, the City Engineer shall make such tests and measurements as may be appropriate in order to ascertain the five (5) day Biochemical Oxygen Demand of the industrial wastewater discharged into the sewer by the Licensee, and also whether such wastewater contains any appreciable quantity of substances prohibited without license in Section 66 and/or the Standards for Discharge and, if so, the quantity of such pollution. Where the tests indicate that the industrial wastewater has a greater degree of pollution than normal wastewater a surcharge, established in accordance with the provisions of the Rates By-law, shall be charged in addition to the rate set out in the Rates By-law for acceptance of normal wastewater.
[AM. B/L 6099/48/93]
75. The City Engineer may thereafter, at any time, run further tests on the industrial wastewater being so discharged by the Licensee and may at any time enter upon the premises of the Licensee and gather samples, over such a period as the City Engineer may see fit, of the industrial wastewater being discharged by the Licensee into any public sewer or body of water within the City, or make tests upon samples submitted by the Licensee.
[AM. B/L 6099/48/93]
76. Where any testing by the City Engineer shows a greater or lesser degree of pollution than that obtained in the prior tests, such new findings shall be used in the computation of the surcharge on the structure subsequent to that for the current quarter but no such change shall be made unless the new test has been carried out during a normal operation period of the Licensee's plant.
77. Where the Licensee has installed treatment equipment, or for any other reason is of the opinion that the nature of the wastewater presently being discharged into a sewer has a substantially lesser degree of pollution than as shown by the prior test or tests, he may request the City Engineer to make new tests, at the Licensee's expense. The new tests shall be done during a normal operation period of the Licensee's plant, and, if the City Engineer is satisfied that such tests are made when the plant was operating under normal conditions, the result of the latest tests shall be used in computing the surcharge for wastewater discharged thereafter in the manner set forth in the Rates By-law.
[AM. B/L 6099/48/93]
78. (a) Where inspection of a Licensee's premises discloses failure, omission or neglect of the Licensee to comply with this By-law the license to discharge industrial wastewater to a public sewer may be cancelled upon thirty (30) days written notice from the City Engineer unless corrective action satisfactory to the City Engineer is taken in the interim period.
[AM. B/L 6099/48/93]

78. (b) Where it is determined by the City Engineer that such failure, omission or neglect is creating problems for, or damage to, the Wastewater System he may, at his discretion, revoke such License immediately and the Licensee shall immediately discontinue discharging any industrial wastewater not complying with subsection 69(a) until corrective action satisfactory to the City Engineer is taken and a new License is applied for and granted.
[AM. B/L 6099/48/93]

PART V: ENFORCEMENT

79. Rates, fees, and other charges not contained in the current Rates By-law shall not come into full force and effect until approval has been obtained from The Public Utilities Board of the Province of Manitoba if and when same is required.
80. (a) Any person who contravenes, neglects, omits or fails to obey or observe any provision of this By-law is guilty of an offense and is liable on summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) and costs on conviction, or to imprisonment for a term not exceeding thirty (30) days or to both such a fine and such an imprisonment.
- (b) Where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offense for each day that it continues.
- (c) The above fines and penalties shall be in addition to any replacement and/or repair costs which the person has caused the Waterworks and/or Wastewater System to suffer due to the person violating any of the provisions of this by-law.
[AM. B/L 6099/48/93]

DIVISION I: WATERWORKS

81. Any person who:
- (a) willfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted the City or its servants, agents, contractors, or workmen, or any of these, in the exercise of the powers and authorities granted herein as to the Waterworks, plant or equipment or water supply; or
- (b) willfully or maliciously lets off or discharges any water so that it runs waste or useless from the Waterworks; or
- (c) throws or deposits any injurious, noxious, or offensive matter into the water or the Waterworks, or in any way fouls them or commits any willful damage or injury to the water or Waterworks, or encourages any of these things to be done;

is guilty of an offense and liable on summary conviction, for each offense, to a fine not exceeding Five Hundred Dollars (\$500.00) and costs on conviction, or to imprisonment for a term not exceeding thirty (30) days, or to both such a fine and such an imprisonment and he is also liable to an action at law, at the suit of the City, to make good any damage done by him.

82. Any person who:
- (a) bathes or washes, or cleanses any cloth, wool, leather, skin or animal, or places any nuisance or offensive thing in any lake, river, pond, source, or fountain, from which the water of the city is obtained and within one point five (1.5) kilometres (1 mile) from the source of supply for the Waterworks; or
- (b) conveys, casts, throws, or puts any filth, dirt, dead carcasses, or other noxious or offensive thing in any of the waters mentioned in subsection (a) and within the distance therein mentioned from the source of supply; or

82. (c) causes, permits, or suffers the water of any sink, sewer, or drain to run or to be conveyed into any of the waters mentioned in subsection (a); or
- (d) causes any other thing to be done whereby the waters mentioned in subsection (a) may in any way be tainted or fouled;

is guilty of an offense and liable, on summary conviction, for each offense to a fine not exceeding Five Hundred Dollars (\$500.00) and costs on conviction, or to imprisonment for a term not exceeding thirty (30) days or to both such a fine and such an imprisonment.

DIVISION II: WASTEWATER SYSTEM

83. Any person who:

- (a) willfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the City or its servants, agents, contractors, workmen, or any of these, in the exercise of the powers and authorities granted herein as to the Wastewater System; or
- (b) places, deposits, or permits to be deposited in any manner that is unsanitary, upon public or private property within the City, any human or animal excrement, garbage or other objectionable waste or commits any willful damage or injury to the Wastewater System, or encourages any of these things to be done; or
- (c) discharges or permits to be discharged to any natural outlet within the City, any domestic wastewater, industrial wastewater, or other polluted waters without approved preliminary treatment;
[AM. B/L 6099/48/93]

is guilty of an offense and liable on summary conviction, for each offense, to a fine not exceeding Five Hundred Dollars (\$500.00) and costs on conviction, or to imprisonment for a term not exceeding thirty (30) days, or to both such a fine and such an imprisonment and he is also liable to an action at law, at the suit of the City, to make good any damage done by him.

PART VI: REPEAL AND ENACTMENT

84. (a) (1) Waterworks By-law No. 2957 and amending By-law Nos. 3244, 3254, 3361, 3562, 3697, 3743, 3766, 3805, 4120, 4279 and 4426 are hereby repealed.
- (2) Sewer and Waste Control By-law No. 3698 and amending By-law Nos. 3767, 3802, 3806, 4064, 4121, 4280, 4394, 4425 and 5431/62/86 are hereby repealed.
- (b) The repeal of the by-laws in the last preceding subsection mentioned shall not revive any By-law or any provision of any By-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.
- (c) The repeal of the said by-laws should not affect:
- (1) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or

84. (c) (2) Any action, suit, judgement, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or
- (3) Any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or
- (4) Any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
- (5) Any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.
- (d) The repeal of the said by-laws shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

85. This by-law shall come into full force and take effect upon the passage thereof.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 23rd day of December A.D. 1991.

"R. N. Borotsik" MAYOR		"C. R. Arvisais" ACTING CITY CLERK		
Read a first time this	16th	day of	December	A.D. 1991.
Read a second time this	23rd	day of	December	A.D. 1991.
Read a third time this	23rd	day of	December	A.D. 1991.

I, Heather Coreen Ewasiuk, Clerk of the municipality of The City of Brandon DO HEREBY CERTIFY the within to be a true and correct copy of Water and Sewer Control By-law No. 5957/114/91, as amended by By-laws No. 6027/64/92, No. 6049/86/92, No. 6099/48/93, No. 6200/49/94, No. 6312/39/95, No. 6404, No. 6420, No. 6972, No. 7178 AND No. 7321.

Original Signed By
H. Ewasiuk
 H. Ewasiuk, City Clerk