

Bylaw No. 8880

**Private Sewer and Water Service
Connection Bylaw, 2010**

**Codified to Bylaw No. 9631
(August 26, 2019)**

BYLAW NO. 8880

The Private Sewer and Water Service Connection Bylaw, 2010

Whereas pursuant to clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1 (the "Act"), a city has the general power to pass bylaws that it considers expedient in relation to the safety, health and welfare of people and the protection of people and property; and

Whereas pursuant to clause 8(1)(i) of the Act, a city has the authority to pass bylaws respecting services provided by or on behalf of the city, including establishing fees for providing those services; and

Whereas pursuant to clause 8(1)(j) of the Act, a city has the authority to pass bylaws respecting public utilities; and

Whereas the City provides public utility services which supply sewage disposal and water for the consumption, benefit, convenience and use of its citizens; and

Whereas it is desirable to provide a systematic method of constructing and installing private sewer and water service connections; and

Whereas pursuant to section 22 of the Act, a city may require construction, maintenance, repair or replacement of a service connection by the owner of a parcel of land or, alternatively, may carry out the construction, maintenance, repair or replacement of a service connection, with the costs being an amount owing by the owner of the parcel of land, unless otherwise determined by the city; and

Whereas pursuant to section 361 of the Act, the amount due with respect to any work or service performed by a city pursuant to an agreement with any person is a lien on any land owned by the person for whom the work or service was performed and may be added to taxes or arrears of taxes owed on the land at the end of the year in which the work or services were performed; and

Whereas pursuant to section 244 of the Act, a council of a city, if it considers it equitable to do so, may defer the collection of a tax with respect to a particular taxable property or class of taxable property; and

Whereas the Council of the City of Saskatoon considers it equitable to consider deferral of property taxes on an annual basis respecting amounts owing by an owner of a parcel of land due to the City of Saskatoon mandating lead water service connection replacement;

Now therefore the Council of the City of Saskatoon enacts as follows:

Part I Short Title and Interpretation

Short Title

1. This Bylaw may be cited as The Private Sewer and Water Service Connection Bylaw, 2010.

Purpose

2. The purpose of this Bylaw is to establish conditions and procedures for the construction and installation of private sewer and water service connections including tapping to the City's main lines.

Definitions

3. In this Bylaw:
 - (a) "building" means a building within the meaning of *The Cities Act*;
 - (b) "City" means The City of Saskatoon;
 - (c) "basement replacement" means the complete demolition and reconstruction of the foundation and walls of a basement;
 - (d) "General Manager" means the General Manager of the Transportation & Construction Department or a designate;
 - (d.1) lead water service connection ("LWSC") means a service connection as defined in clause 3(l) that is made of lead pipe;
 - (e) "live tapping" means connecting the lines of a water service connection located above, on or underneath a parcel of land to the main lines of the water works system while the water main remains pressurized during the connection;
 - (f) "parcel of land" means a parcel of land within the meaning of *The Cities Act*;
 - (g) "public sewage system" means any City asset or facility for the collection, transmission, treatment and disposal of domestic and non-domestic wastewater including the main lines of the system;

- (h) “sewer service connection” means a service connection that connects a building on a parcel of land to the public sewage system;
- (i) “service connection” means a service connection within the meaning of *The Cities Act*;
- (j) “specifications” means the current version of the City of Saskatoon Standard Construction Specifications and Drawings for Roadways and Water and Sewer;
- (k) “tapping” means connecting the lines of a service connection located above, on or underneath a parcel of land to the main lines of a public utility while the valve is closed and the main line is depressurized;
- (l) “water service connection” means any water system or pipe line on a parcel of land through which water is conveyed from the water works system; and
- (m) “water works system” means any City asset or facility for the collection, transmission and treatment of water including the main lines of the system.

Part II
Construction/Installation of Private Sewer and Water Service Connections

General

4. (1) The General Manager may establish specifications governing the construction, installation and repair of service connections and any fees associated therewith.
- (2) Every sewer and water service connection must be constructed, installed and repaired in accordance with such specifications.
- (3) A licensed contractor shall be responsible to pay all fees associated with the construction, installation and repair of sewer and water service connections as set out in the specifications.
- (4) All sewer and water service connection work, including the construction, installation, maintenance, repair and replacement must be undertaken by a licensed contractor.

Licensed Contractors

5. (1) No person shall carry on business as a sewer or water contractor in the City without first obtaining a sewer and water license from the General Manager.
- (2) Application for such license shall be made to the General Manager in such manner and on such forms as the General Manager may prescribe from time to time.
- (3) An applicant shall supply the General Manager with all information as may be required by the General Manager at the General Manager's sole discretion.
- (4) Without limiting the generality of subsection (3), any applicant shall provide:
 - (a) evidence of compliance with *The Workers' Compensation Act, 2013*, including payments due thereunder; and
 - (b) evidence of public liability insurance including public liability and property damage for each accident in the amount of \$2,000,000.00 and vehicle liability and property damage for each accident in the amount of \$2,000,000.00.

- (5) No person shall provide false or misleading information in an application submitted pursuant to subsection (2).
- (6) Where any contractor is not qualified, or deemed unsuitable to undertake sewer and water service connection work by the General Manager, the General Manager may, in the General Manager's sole discretion, refuse to issue a license.
- (7) The General Manager may issue a license upon such terms and conditions as the General Manager considers appropriate.
- (8) Without limiting any other provision of this Bylaw, the General Manager may suspend or cancel a license granted under this Bylaw if:
 - (a) the applicant has failed to comply with any provision of this Bylaw;
 - (b) the applicant has provided false or misleading information in the application; or
 - (c) the applicant has failed to comply with any condition of a license under this Bylaw.
- (9) Licenses shall be renewed annually.
- (10) No person shall assign or transfer a license.
- (11) Nothing in this Bylaw relieves any person licensed to construct and install service connections from obtaining a City of Saskatoon business license.

Suspension or Cancellation of License

- 6. There is no right of appeal with respect to:
 - (a) any condition of a license imposed by the General Manager pursuant to subsection 5(7);
 - (b) the suspension, period of suspension or cancellation of a license imposed by the General Manager pursuant to subsection 5(8); or
 - (c) a refusal to issue or renew a license.

Tapping – Water Works System

7. (1) All live tapplings to water mains on property owned by the City shall be conducted by the City.
- (2) A licensed contractor shall be responsible to pay all fees for live tapping connections as set by the General Manager from time to time.
- (3) No licensed contractor may construct, install or repair a “tee” connection to the water main lines without having obtained the prior written approval of the General Manager.

Tapping – Public Sewage System

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

Inspection

9. (1) A licensed contractor shall complete all sewer and water service connection work in accordance with any plans or drawings approved by the General Manager and shall allow the General Manager to inspect the work at any stage of construction.
- (2) A licensed contractor shall notify the General Manager when a service connection is ready for inspection.
- (3) No person shall cover any service connection work until it has been inspected and approved by the General Manager.
- (4) A licensed contractor shall be responsible to pay all fees for service connection inspections as set by the General Manager from time to time.

General Rules Regarding Replacement of Service Connections

10. (1) The general rules provided in sections 19 and 22 of *The Cities Act* regarding responsibility for service connections and the associated costs shall apply except where otherwise specifically recognized in this Bylaw. For ease of reference, sections 19 and 22 are reproduced in an endnote¹.

¹ See Endnote

(2) For greater certainty:

- (a) when the lines of an existing service connection located on a property owner's parcel of land fail, it shall be the property owner's responsibility to repair or replace its portion of the service connection from the building to the property line.
- (b) when the main lines of an existing service connection located on City right-of-way fail, it shall be the City's responsibility to repair or replace the main lines of the service connection to the boundary of the property line.
- (c) when the lines of an existing service connection located on a property owner's parcel of land fail, the property owner shall have the option to either repair or replace its portion of the service connection.

If the failed service connection is made of materials no longer in compliance with the specifications and the property owner chooses to replace its portion of the service connection, the owner may be eligible to participate in any policy or program that the City has to subsidize or share in the cost of replacement of a service connection.

If the failed service connection is made of materials no longer in compliance with the specifications and the property owner chooses to repair its portion of the service connection, the owner is not eligible to receive any subsidy or participate in any cost sharing program.

- (d) when the lines of an existing service connection located on a property owner's parcel of land fail and the service connection is made of materials identified in the specifications, the owner is not eligible to receive any subsidy or participate in any cost sharing program.
- (e) when an existing service connection is made of materials no longer in compliance with the specifications and the main lines located on City right-of-way fail, or the City is upgrading the main lines of the system, the owner of the parcel of land adjacent to the failure or work on the main lines shall have the option to either repair or replace its portion of the service connection from the building to the property line at the same time that the City is replacing the main lines of the service connection.

If the owner chooses to replace its portion of the service connection, the owner may be eligible to participate in any policy or program that the City has to subsidize or share in the cost of replacement of the service connection.

If the owner chooses to repair its portion of the service connection, the owner is not eligible to receive any subsidy or participate in any cost sharing program.

Rules Regarding Replacement of Lead Water Service Connections

- 10.1 (1) This section applies to all LWSCs which have failed or which the City requires be replaced.
- (2) Notwithstanding that a LWSC has not failed, the City may order that the owner of a parcel of land replace the LWSC serving the parcel of land at the owner's cost if the City:
- (a) is upgrading the main lines of the system and the parcel of land is adjacent to the main lines being upgraded;
 - (b) is performing a major roadway treatment in the right-of way adjacent to a parcel of land; or
 - (c) for any reason, is not satisfied with the construction, maintenance, repair or replacement of the LWSC; and
- (3) When a LWSC must be replaced as required by this section:
- (a) the property owner is entirely responsible for the replacement of and cost of replacement of the portion of the LWSC from the outside foundation of the building to the water meter; and
 - (b) for the portion of the LWSC from the outside foundation of the building to the property line, the property owner may:
 - (i) choose to have the work done by a licensed water and sewer contractor hired by and paid for by the property owner; or

- (ii) choose to have the work done by the licensed water and sewer contractor retained by the City to replace its portion from the water main to the boundary of the property line. If the owner chooses to use the City's licensed water and sewer contractor, the owner may be eligible to participate in any policy or program that the City has to subsidize or share in the cost of replacement of the LWSC.
- (4) If the property owner neglects or refuses to replace the owner's portion of the LWSC as required by this section, the City may:
 - (a) upon 30 days' written notice to the owner, discontinue providing water service until the owner's portion is replaced as required by this Bylaw; and
 - (b) replace the portion of the LWSC that the City is responsible for, but shall not allow its water service line to be connected or reconnected to the owner's LWSC until the property owner replaces the owner's portion from the boundary of the property line to the water meter with materials approved by the City.

Common Trench Lead Water Service Line Installation

- 10.2 (1) A common trench LWSC installation means an installation of LWSCs servicing adjacent properties that are in a common trench, or located so close to one another that one cannot be replaced without damaging, or be at serious risk of damaging, the other.
- (2) If either LWSC in a common trench must be replaced, both must be replaced.
 - (3) If one property owner wishes to voluntarily replace a LWSC in a common trench, that initiating owner must obtain written consent of the non-initiating owner to the replacement, failing which, no voluntary replacement of LWSC shall be permitted.
 - (4) Section 10.1 applies to common trench LWSC installations.

Demolitions and Basement Reconstruction Replacement – General Rules

11. (1) Notwithstanding subsections 7(1) and 7(2), if the owner of a parcel of land demolishes a building or undertakes basement replacement and the sewer and water service connections no longer comply with the specifications, the owner of the parcel of land shall replace both the existing sanitary service connection and the water service connection from the main lines of the system or works to the building.
- (2) The replacement of private sewer and water service connections associated with a demolition or basement reconstruction shall be at the sole expense of the owner of the parcel of land, including the costs to cut off the old services and completely replace both sewer and water service connections.

Demolitions – Abandonment of Service Connection

12. (1) If the owner of a parcel of land demolishes a building and intends on abandoning the sewer and water service connections, the owner of the parcel of land shall cut off the services at the main line of the system and block or seal the service connections.
- (2) The abandonment of sewer and water service connections associated with a demolition shall be at the sole expense of the owner of the parcel of land.

Demolitions and Basement Replacement – Refundable Deposits

13. (1) In addition to the costs associated with the replacement of sewer and water service connections in the case of a demolition or basement replacement or abandonment of the connections, when a person applies for a demolition permit, the General Manager may also require a deposit for:
 - (a) sewer and water service cut-off; and
 - (b) boulevard condition maintenance.

The owner of a parcel of land shall be responsible to pay the deposit amounts as set by the General Manager from time to time.
- (2) Notwithstanding subsection (1), deposits for sewer and water service cut-off may be returned when sewer and water connections

that are on a City right-of-way are properly removed or replaced, as determined by the General Manager.

- (3) Notwithstanding subsection (1), deposits for boulevard maintenance may be returned when any damage to the boulevard, including grassed area, sidewalk and curb have been repaired, as determined by the General Manager.

Part III
Tax Deferral Program for Mandatory Lead
Water Service Connection Replacement

Interpretation

13.1 In this Part:

- (a) “amount due” means the cost of work or services required and performed by, or performed at the request of, the City in connection with replacement of a LWSC, and, where applicable, concurrent replacement of a sewer service connection, and includes a fee to administer the deferral program as set out in section 13.5 of this Bylaw;
- (b) “deferral program” means the Mandatory Lead Water Service Connection Replacement Property Tax Deferral Program established pursuant to this Bylaw;
- (c) “deferred taxes” means taxes, equivalent to the amount due, which have been added to the tax roll of a property:
 - (i) pursuant to section 361 of the Act for work or services performed by the City and provided to the property; and
 - (ii) which is the subject of a deferral agreement with the City resulting from the City mandating LWSC replacement;
- (d) “household” means a person or group of persons consisting of a family who occupy the same private dwelling and do not have a usual place of residence elsewhere in Canada or abroad. Household members who are temporarily absent elsewhere are considered part of their usual household;

- (e) “low-income” means having an income below the LICO threshold;
- (f) “low-income cut-off” or “LICO” means an income threshold determined by Statistics Canada by analyzing family expenditure data, below which families will devote a larger share of income to the necessities of food, shelter and clothing than would the average family;
- (g) “principal residence” means the primary location that a person inhabits. A person may have only one principal residence;
- (h) “property” means a property with a LWSC which the City has mandated be replaced, and includes a property at which a LWSC has been replaced under the deferral program;
- (i) “residential property” means land and improvements used or intended to be used for a residential purpose; and
- (j) “taxpayer” means the person whose name is shown on the tax roll for each taxable property that is serviced by a LWSC which the City has mandated be replaced.

Deferral Program Established

13.2 The Mandatory Lead Water Service Connection Replacement Tax Deferral Program is hereby established.

Eligibility Requirements

13.3 To qualify under the deferral program, the taxpayer must meet the following eligibility requirements:

Ownership

- (1) The taxpayer must own the property. Joint ownership with another person qualifies for this purpose.

No Tax Arrears

- (2) The taxes on the property, with the exception of the amount deferred under the deferral program, must be paid in full within the current taxation year. A property in tax arrears is not eligible under the deferral program.

Additional Requirements for Ten-Year Deferral Program

13.4 In addition to the requirements set out in section 13.3, to be eligible for a ten-year deferral of taxes, the taxpayer must meet the following requirements:

Additional Ownership Requirement

- (1) The taxpayer must be an individual. Property owned by a corporation does not qualify for a ten-year tax deferral.

Residential Property

- (2) The property must be residential property.

Principal Residence

- (3) The property must be the principal residence of the taxpayer.

Low Income

- (4) The taxpayer's annual household income must be below the LICO threshold.

Agreement to Pay

- 13.5
- (1) If the City mandates replacement of a LWSC pursuant to section 10.1 of this Bylaw, the taxpayer may enter into an agreement to pay the City the amount due over time.
 - (2) The amount due shall include a cost to administer the deferral program in the following amounts:
 - (a) no cost for a one-year deferral;
 - (b) \$190.00 for a three-year deferral;
 - (c) \$240.00 for a five-year deferral; and
 - (d) \$365.00 for a ten-year deferral.

Lien

13.6 The amount due is a lien on the property.

Amount Due Added to Taxes

- 13.7 (1) If a LWSC at a property is replaced on or before September 30, the amount due, if unpaid, may be added to the tax roll of the property on January 1 of the next calendar year.
- (2) If a LWSC at a property is replaced after September 30, the amount due, if unpaid, may be added to the tax roll of the property and form part of the taxes on January 1 of the year following the next calendar year.
- (3) Prior to adding the amount due to the tax roll of the property, the City may register it as a pending liability.

Deferral

- 13.8 (1) The City may enter into an agreement with a taxpayer to defer taxes for one year, three years, five years or ten years.
- (2) Payment of the deferred taxes shall be as follows:
- (a) for a one-year deferral, the entire amount of the deferred taxes becomes due and payable on June 30 of the calendar year in which the amount due is added to the tax roll of the property as set out in section 13.7;
- (b) for a three-year deferral, one third of the deferred taxes becomes due and payable on June 30 of the calendar year in which the amount due is added to the tax roll of the property as set out in section 13.7, with one of the remaining thirds becoming due and payable on June 30 of each of the subsequent two calendar years;
- (c) for a five-year deferral, one fifth of the deferred taxes becomes due and payable on June 30 of the calendar year in which the amount due is added to the tax roll of the property as set out in section 13.7, with one of the remaining fifths becoming due and payable on June 30 of each of the subsequent four calendar years;
- (d) for a ten-year deferral, one tenth of the deferred taxes becomes due and payable on June 30 of the calendar year in which the amount due is added to the tax roll of the property as set out in section 13.7, with one of the remaining tenths becoming due and payable on June 30 of each of the subsequent nine calendar years.

Tax Deferral

13.9 Council shall, on an annual basis, consider and approve the deferral of taxes as set out in section 13.8.

Registration of Lien

- 13.10 (1) In order to ensure repayment of the deferred taxes under the deferral program, the City may register a lien against the property.
- (2) The lien shall remain on the title of the property for as long as there are deferred taxes unpaid with respect to the property.
- (3) The lien shall be removed by the City upon repayment of the deferred taxes.

Repayment of Deferred Taxes

- 13.11 (1) Notwithstanding section 13.8, the total amount of the taxes deferred under the deferral program shall be repaid to the City upon:
- (a) failure to pay the deferred taxes as required by section 13.8;
- (b) failure to keep taxes other than the deferred taxes current on the property;
- (c) the death of the taxpayer; or
- (d) sale of the property.

Duty to Notify City

- (2) A taxpayer who sells a property that is subject to a tax deferral under the deferral program shall, within 60 days of the sale, notify the City that the property has been sold.
- (3) If a taxpayer dies, a representative of the taxpayer's estate shall, within 60 days of the taxpayer's death, notify the City that the taxpayer is deceased.

Notice to Repay Deferred Taxes

- (4) Upon notification that a taxpayer has died, or a property that is subject to a tax deferral under the deferral program has been sold, or upon default of payment of taxes as set out in subsection (1), the City shall send out a notification to the taxpayer or the taxpayer's estate showing the amount of the deferred taxes that remains to be paid.
- (5) The deferred taxes shall be due and payable to the City within 30 days after the notification referred to in subsection (4) is sent out.
- (6) If the deferred taxes remain unpaid after 30 days, the City may impose penalties on the taxes outstanding at the rates established by Bylaw No. 6673, *A bylaw of The City of Saskatoon to provide for the payment of taxes and the application of discounts and penalties thereto*.

Voluntary Repayment

13.12 The taxpayer may, at any time, repay the deferred taxes under the deferral program without penalty.

Offences and Penalties

- 13.13 (1) No taxpayer shall:
- (a) wilfully furnish the City with false or misleading information on an application under the deferral program; or
 - (b) fail to notify the City of the death of a taxpayer or the sale of a property pursuant to section 13.11.
- (2) Every taxpayer who contravenes subsection (1) is guilty of an offence and is liable on summary conviction:
- (a) in the case of a first offence, to a fine of not less than \$100.00 and not more than \$500.00; and
 - (b) in the case of a second or subsequent offence, to a fine of not less than \$200.00 and not more than \$1,000.00.

Repayment Upon Conviction

- 13.14 (1) In addition to any fine imposed for an offence under this Bylaw, if a taxpayer is convicted of an offence, the tax deferral under the deferral program is immediately forfeited, and the deferred taxes shall be due and payable to the City within 30 days after the date of conviction.
- (2) If the deferred taxes remain unpaid after 30 days, the City may impose penalties on the taxes outstanding at the rates established by Bylaw No. 6673, *A bylaw of The City of Saskatoon to provide for the payment of taxes and the application of discounts and penalties thereto.*

Administration and Enforcement of Bylaw

- 13.15 The administration and enforcement of this Part is hereby delegated to the General Manager.

Bylaw No. 1523 Repealed

14. Bylaw No. 1523 is hereby repealed.

Coming Into Force

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

Read a first time this 18th day of August, 2010.

Read a second time this 18th day of August, 2010.

Read a third time and passed this 18th day of August, 2010.

"Donald J. Atchison"
Mayor

"Joanne Sproule" "SEAL"
A/City Clerk

Bylaw No. 8880

Endnote

1. Section 19 and 22 of *The Cities Act* reads:

“**19**(1) If the main lines of the system or works of a public utility are located above, on or underneath a street or easement and the city provides the public utility service to a parcel of land adjacent to the street or easement, the city is responsible for the construction, maintenance, repair and replacement of the portion of the service connection from the main lines of the system or works to the boundary of the street or easement.

(2) Notwithstanding subsection (1), the council may, as a term of supplying the public utility service to the parcel of land, make the owner responsible for the costs of the construction, maintenance, repair and replacement of the portion of the service connection from the main lines of the system or works to the boundary of the street or easement.

(3) If the council acts pursuant to subsection (2), the costs mentioned in that subsection are an amount owing to the city by the owner.

22(1) The owner of a parcel of land is responsible for the construction, maintenance, repair and replacement of a service connection of a public utility located above, on or underneath the parcel of land, unless otherwise determined by the city.

(2) If the city is not satisfied with the construction, maintenance, repair or replacement of a service connection by the owner of a parcel of land, the city may require the owner to construct, maintain, repair or replace the service connection of a public utility in accordance with the city’s instructions within a specified time.

(3) If an owner does not comply with the requirement of a city to the satisfaction of the city within the specified time, or in an emergency, the city may enter any land or building to construct, maintain, repair or replace the service connection.

(4) Notwithstanding the other provisions of this section, the council may, as a term of providing a public utility service to a parcel of land, give the city the authority to construct, maintain, repair and replace a service connection located above, on or underneath the parcel.

(5) A city that has the authority to construct, maintain, repair or replace a service connection pursuant to subsection (4) may enter any land or building for that purpose.

(6) After the city has constructed, maintained, repaired or replaced a service connection pursuant to subsection (5), the city shall restore any land it entered for that purpose as soon as is practicable.

(7) The city’s costs relating to the construction, maintenance, repair or replacement and restoration pursuant to this section are an amount owing to the city by the owner of the parcel of land, unless otherwise determined by the city.”