

CITY OF MARTENSVILLE
WATER USE BYLAW
NO. 11-2018

**A BYLAW OF THE CITY OF MARTENSVILLE TO ESTABLISH A WATER USE
BYLAW**

Whereas pursuant to clause 8(1)(i) of *The Cities Act*, S.S. 2002, c. C-11.1 (the "Act"), the City has the authority to pass bylaws respecting services provided by or on behalf of the City, including establishing fees for providing those services;

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

Whereas the City maintains a sanitary sewer system;

Whereas all property that is capable of being served by the City's sanitary sewer system should be served and connected;

Whereas City Council considers it expedient to protect its sanitary sewer system from improper use;

Whereas homeowners and business owners have a responsibility to protect the sanitary sewer system from improper use;

Whereas there are components of sewage which in various concentrations, volumes, and/or loadings are detrimental or costly to the operation and maintenance of the sanitary sewer system and must either be restricted or prohibited;

Whereas it is necessary to regulate the operation and use of the City's sanitary sewer system;

Whereas the sanitary sewer system is a physical asset that will fail from time to time and the City has a duty to take action, as it deems necessary, to protect its property from those events.

Now therefore, the Council of The City of Martensville enacts:

PART I
Short Title, Interpretation and Purposes

SHORT TITLE

1. This Bylaw may be cited as The Water Use Bylaw No. 11-2018

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DEFINITIONS

2. In this Bylaw:

- (a) **“back-flow prevention device”** means a device installed to prevent liquids or solids from mixing with drinking water, whereby one or both of them becomes or may become contaminated or polluted;
- (b) **"City"** means The City of Martinsville;
- (c) **“commercial and industrial property”** includes only land and improvements:
 - (i) used or intended to be used for business purposes, including land and improvements for office, wholesale, retail, service, hotel, motel, industrial and manufacturing activities, transportation, communications and utilities;
 - (ii) used or intended to be used for institutional, government, recreational or cultural purposes; or
 - (iii) not specifically included in another class of property
- (d) **“commercial and industrial rate”** means the rates, charges, levies and costs imposed pursuant to this Bylaw for the supply of water to a commercial or industrial property for the use of business, industry or activity carried on therein;
- (e) **“curb stop”** means the City’s shut-off valve to the property;
- (f) **"customer"** means a person to whom the waterworks service is supplied;
- (g) **“fire service”** means a pipe that is intended solely for the purpose of providing a standby supply of water for fire protection purposes;
- (h) **“Meter”** means any device installed on a water line for the purpose of measuring the volume of water that passes through it. For the purposes of this bylaw, meter may also refer to any accessories or appurtenances attached to a water meter for the purpose of measuring, recording, reading, or transmitting water use data.

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- (i) **“meter setting”** means the arrangement of private water system piping built to allow the City to install a meter to record consumption of all water supplied to the account;
- (j) **“multi-unit residential property”** a building divided into three or more dwelling units as herein defined and shall include town or row houses and apartment dwellings but not hotels or motels;
- (k) **“multi-unit residential rate”** means the rates, charges, levies and costs imposed pursuant to this Bylaw for the supply of water to a multi-unit residential property for the domestic use of the occupants thereof;
- (l) **“occupant”** means the owner, tenant or person who has care and control of the residential, multi-unit residential or commercial and industrial property;
- (m) **“private meter”** means a water meter installed by a customer, at its own expense, in addition to the water meter owned by the City;
- (n) **“residential property”** includes only land and improvements used for or intended to be used for or in conjunction with a residential purpose, but does not include multi-unit residential property;
- (o) **“residential rate”** means the rates, charges, levies and costs imposed pursuant to this Bylaw for the supply of water to a residential property for the domestic use of the occupants thereof;
- (p) **“water service connections”** include any water system or pipe line on private property through which water is conveyed from the City water system.

Establishment of Waterworks

- 3. The Waterworks service is hereby established.

**PART II
Management of Waterworks**

General Authority

- 4. The Waterworks system of the City shall be under the control of the Infrastructure and Planning Department.

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Annual Report

5. The Infrastructure and Planning Department must report annually to the City Manager concerning its operation of the Waterworks system.

**PART III
Construction of Waterworks and Water Meters**

General Authority for Construction of Waterworks

6. The Construction of all Waterworks service connections shall be done under the supervision of the Infrastructure and Planning Department.

Method of Construction

7. The Infrastructure and Planning Department shall have control over the construction of service lines from the water main to private premises whether such connections are constructed by the City or by private contractors.

Depth of Service

8. All service lines shall be placed at the depth of not less than two and one-quarters (2¼) meters at all points between the main and the inside of the foundation wall of the building

Standard Tap

9.
 - (1) The standard tap or main stop shall be of a type and size approved by the Infrastructure and Planning Department;
 - (2) The size of the tap shall be less than nineteen (19) millimeters in diameter;
 - (3) The Infrastructure and Planning Department will determine the position in the street in which any service pipe is to be laid.

Standard Service

10.
 - (1) The service line shall be not less than nineteen (19) millimeters in diameter and of copper or 25 mm polyethylene with brass fittings;
 - (2) The service line pipe and fittings shall be approved by the Infrastructure and Planning Department.

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City Shut-Off Valve

11. Every service line shall have a shut-off valve at a location approved by the Infrastructure and Planning Department.

Curb Boxes

12. (1) Every curb stop shall have a metallic curb box of an approved pattern.
- (2) The top of the cover of the box shall be placed at the grade of sidewalk of the street, or such grade as the Infrastructure and Planning Department may direct.

Valves and Gates

13. (1) Every service pipe shall be provided by the owner or occupant with a minimum of a twenty (20) millimeter brass gate or full opening ball valve at the inlet and outlet of the water meter.
- (2) All pipe from the water meter fittings to any lawn services shall be a minimum of twenty (20) millimeter diameter pipe.

Illegal Connections

14. (1) No branch service shall be taken from that part of the service pipe Between the curb stop cock and the meter gate or ball valve except as provided in subsection (2). All such branches shall be taken from beyond the downstream meter valve.
- (2) A fire service branch is the only acceptable un-metered branch line and must be approved by the Infrastructure and Planning Department.

Service Line Costs

15. (1) All expenses in connection with the laying of service pipe from the street line into any premise and introducing the water shall be paid by the owner, except the setting of the water meter.
- (2) All work shall be done to the satisfaction of the Infrastructure and Planning Department

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Protection from Frost

16. (1) Every owner of property which has a service pipe, meter gate or ball valves and other fixtures shall keep them in good repair and protected from frost at the owner's cost.
- (2) The City will attempt for up to one work day to thaw a water service connection if frozen, one time during each winter season at no charge. Consumer may be required to have a drip line installed to facilitate thawing operation.
- (3) The Owner shall be charged the applicable service connection fee for second, subsequent, or prolonged thawing of frozen water service connections during each winter season as set out in Water & Waste Water Rates & Administration Bylaw 12-2018.
- (4) Owners shall be notified by way of utility bill to schedule appointment for drip line inspection and turn off. They shall have the following 30-day period to have the inspection and turn off schedule within. Owners shall be charged the Drip Line Daily Rate as set out in Water & Waste Water Rates & Administration Bylaw 12-2018.
- (5) Owners shall be notified by way of utility bill to schedule appointment for drip line inspection and turn off. They shall have the following 30-day period to have the inspection and turn off scheduled within. At the discretion of the Director, Owners whose accounts are in arrears whom have failed to schedule and inspection and turn off may have the water utility services disconnected and will be charged the applicable service reconnection fee as set out in Water & Waste Water Rates & Administration Bylaw 12-2018.

Installation of Water Service

17. (1) Water service connections are the property of the owner and shall be installed to the satisfaction of the Infrastructure and Planning Department at the owner's expense.
- (2) No person shall open, close or interfere with any hydrant, gate or valve connected with the waterworks, or interfere with any curb stop, pipe or other waterworks appliance outside that person's private premises.

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PART VI
Water Meters

Meters Property of the City

18. (1) All meters are the property of the City, and shall be supplied, installed and maintained by the City unless alternate arrangements are approved in writing by the Infrastructure and Planning Department.
- (2) If an alternate arrangement is made, the customer shall pay the additional costs for supplying and installing the meter, including a fire service type water meter or any other special type of water meter, as set out in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (3) In all cases, the payment of additional costs will be considered and added deposit, and all water meters shall remain the property of the City.

Private Meters

19. (1) A customer may, at its own risk and expense, with the written approval of the Infrastructure and Planning Department install and maintain an additional meter.
- (2) Additional meters shall be installed on the downstream side of the meter supplied and installed by the City.
- (3) Consumption readings of the private meters will not be recognized by the City for billing purposes, and no accounts will be rendered in connection with the private meter.

Meter Installations Over 38 Millimetres

20. (1) All new meter installations more than thirty-eight (38) millimetres in diameter shall be first approved by the Infrastructure and Planning Department, through the submission of a meter setting drawing acceptable to the Infrastructure and Planning Department.
- (2) A seal shall be placed on the bypass valve to prevent unauthorized use of water.
- (3) All control valves, bypass valves and other parts of the meter setting shall be maintained by the owner if good repair.

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Standard Installation

21. All new meter installations not dealt with in Section 20 shall be made in accordance with the standard meter setting drawing in Schedule "A"

Location of Meters

22. (1) All services must be metered.
- (2) The owner shall provide a suitable site for the water meter, at a horizontal setting near the point of entry for the water service connection, inside the building.
- (3) The meter site shall be accessible with no permanent fixtures of any sort within one-half (½) meter from the water meter.
- (4) The City will not provide water service unless a suitable site has been provided.

New Meters

23. (1) Every person desiring to receive or to continue to receive water service shall pay a deposit fee, as set out in Water & Waste Water Administration & Fees Bylaw 12-2018, prior to the water meter being installed.
- (2) All residential and multi-unit residential dwelling units constructed after the passage of the Bylaw shall have a remote readout water meter at a location determined by the Infrastructure and Planning Department.
- (3) The wire type used for the installation of a remote readout meter shall be CSA Type PCC, FT4, 22AWG or equivalent, installed at the owner's expense.
- (4) Remote readout meters may be installed at the discretion of the Infrastructure and Planning Department in an existing residential and multi-unit residential dwelling unit with an existing meter at the request of the owner or occupant, made to the Utility Clerk

Size of Meters

24. (1) Where a customer requests a larger meter than has been supplied by the City, it may be provided by the Infrastructure and Planning Department.

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- (2) Where a customer has requested a larger meter to be installed, the costs for installation shall be as set out in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (3) Notwithstanding Section 23(1), the City reserves the right to install any size of meter it considers necessary, at any site

Protection of Meters

- 25. (1) Every owner, tenant or occupant shall ensure that service piping, valving, meters and other parts of the meter are protected from frost and other damage once placed upon the premises.
- (2) The owner shall provide easy access to the meters for meter removal, maintenance and reading.
- (3) If the Infrastructure and Planning Department considers any meter insufficiently protected, the water service may be cut off after a twenty-four (24) hours' notice in writing is given to the owner or agent and shall remain cut-off until proper protection has been provided.
- (4) If a meter becomes frozen or damaged under any circumstances, the City may affect repair of the meter at the customer's cost, in the amounts set out in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (5) No person shall interfere with any meter, whether inside or outside a premise.

Part V
Maintenance and Servicing of Waterworks

Access to Waterworks

- 26. (1) The City shall have access, upon reasonable notice to the owner or occupant of a building, to all parts of every building in which waterworks services are delivered or consumed.
- (2) For the purpose of this section, access shall include access for the purpose of conducting water use surveys, sampling, testing or equipment and meters, the reading of meters, and the repair or inspection of all water equipment including meters.

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Maintenance and Testing

27. (1) The repair and maintenance of the waterworks system, with the exception of the water meter, shall be made at the expense of the customer. Expenses will be applied to the water service account. The water service connections shall be maintained by the customer in sound working condition.
- (2) Water meters may be removed for maintenance or testing by the Infrastructure and Planning Department.
- (3) For the purpose of this section, maintenance and testing may include the alteration of the position of the water meter, back-flow prevention device, or of any pipe, valve or fitting forming part of the water system.

Failure of Meter to Register

28. (1) Water meters shall be read at the discretion of the City.
- (2) If a meter has failed to register during any portion of the preceding month, the amount of water consumed for the month shall be estimated based on an average consumption amount for the preceding 12 months.
- (3) If the City has installed a remote meter reading device in addition to the existing meter, the meter shall be the official reading.

Testing and Malfunction of Water Meters

29. (1) The owner or occupant of a building may request that the Infrastructure and Planning Department test the water meter equipment located on its premises.
- (2) The owner or occupant will be responsible for the cost of testing if the water meter is found to be measuring accurately. The fee for the test shall be set in accordance with the Water & Waste Water Rates & Administration Bylaw 12-2018.as may be amended from time to time.
- (3) Meters shall be tested for accuracy under the American Water and Waste Standards for Accuracy guidelines.
30. No person shall open a bypass valve on water meter installations, except in the case of an emergency, following which the Infrastructure and Planning Department will be notified and give approval.

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31. (1) No person shall tamper with, break or remove any seal installed by the City on any water service connections, including water metering facilities.
- (2) The City shall be notified immediately whenever a meter is not operating, or if the meter becomes damaged or broken, or if a seal on any water service connection or water metering equipment has been broken;
- (3) In the event that the City is not notified of the malfunction, the City shall, in addition to any other penalties set out in this Bylaw, estimate the quantity of water consumed and charge the customer for the water in accordance with the Water & Waste Water Rates & Administration Bylaw 12-2018

Relocation of Water Metering Facilities and Water Service Connections.

32. (1) No customer shall relocate or alter any existing water metering facilities without the written approval of the Infrastructure and Planning Department or water service connection without the approval of the Infrastructure and Planning Department.
- (2) If the customer obtains written approval, the customer shall pay the entire cost to affect the relocation or alteration, including any costs incurred by the City.
33. (1) If the Infrastructure and Planning Department is dissatisfied with the location of any meter due to alterations to a building, it may require that the meter be relocated to a more suitable location.
- (2) The costs associated with such relocation shall be paid by the customer.
34. Meter spacers shall not be used in place of a meter except as provided by the Infrastructure and Planning Department

Part VI
Establishing and Discontinuing Water Services

Starting the Service

35. (1) No person other than an employee of the Infrastructure and Planning Department shall turn on water to any premises, or open a curb stop.
- (2) No person shall turn on water that has been turned off for any purpose.

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Water Service Accounts

36. (1) Any customer wishing to have water service shall apply to the Utility Clerk. The application shall be in a form prescribed by the City and shall require an Application Fee in an amount set forth in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (2) A deposit will be required for commercial and industrial customers, in an amount set forth in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (3) Deposits for residential customers shall apply to the Water & Waste Water Administration Bylaw 12-2018.
- (4) (a) Customer accounts and applications contracts are non-transferable.
- (b) If a customer moves and applies for a service as a new residence, a new application will be made to the Utility Clerk.
- (c) The City may refuse to supply water to a customer who has an outstanding account balance at any location in the city.
- (5) Late payment penalties will be charged on all overdue accounts as per the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (6) Water shall be provided at the rates set out in the Water & Waste Water Administration Bylaw 12-2018 and shall be billed according to the rate applicable to the class of property which the service is provided.
- (7) The City may reinstate the deposit requirement in the event the customers' credit history makes reinstatement necessary.

Temporary Service

37. (1) The Infrastructure and Planning Department may provide temporary water service on application by the customer, in writing, and upon payment of the service charge set out in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (2) Temporary service installation and removal of water meters will be charged in accordance with the fees set out in the Water & Waste Water Rates & Administration Bylaw 12-2018.

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- (3) Temporary service for construction purposes only will be provided and metered by the Infrastructure and Planning Department at a charge set out in the Water & Waste Water Rates & Administration Bylaw 12-2018
 - (a) Water charges for service for construction purposes will be at the rates and charges set out in the Waste & Water Administration Bylaw 12-2018.

Payment of Account

- 38. (1) Accounts for water service shall be billed monthly for residential, multi-unit residential and commercial and industrial customers at the rates and charges specified in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (2) If an account remains unpaid 90 days following rendering, the water service may be cut off until the full amount has been paid together with reconnection fees set out in the Water & Waste Water Rates & Administration Bylaw 12-2018.

Water Accounts in Arrears

- 39. (1) If an account remains overdue, the amount of the account may be added to and shall form part of the taxes on the property for which the water service was supplied as per *The Cities Act*, Section 333(1)(b) and Section 333(3)(a)(b). or;
- (2) If an account remains overdue, the amount of the account may be sent to a third-party collections agency contracted by the City.

Discontinuing Water Service

- 40. (1) Customers may discontinue water service upon giving notice to the Corporate Services Department by filling out Schedule "B".
- (2) If the water service is discontinued, the account will be billed for the full payment due at discontinuance, and the account will be closed.

Disconnection of Water Service by the City

- 41. The City reserves the right to shut off the supply of water for any of the following reasons:

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- (a) failure to open an account or failure to complete an accurate written application for service if requested and payment of deposit as set out in the Water & Waste Water Rates & Administration Bylaw 12-2018.
- (b) non-payment of a City utility bill;
- (c) failure to provide access to the premises;
- (d) excess leakage of water on the private service line;
- (e) contamination or potential for contamination of water from the private service or private system;
- (f) theft of water;
- (g) tampering with the water meter or the seal;
- (h) contravention of any section of this Bylaw.

Disconnection of the Water Service for Repairs

42. (1) The City has the right to disconnect the water service from any customer without notice, and to keep the water service off for as long as necessary to effect street repairs, service type repairs, or for the purpose of constructing new works.
- (2) The City may enter the premises in which a customer has water service, for the purpose of removing any meters or other property of the City if the water supply has been discontinued.

Part VII
Back-Flow Prevention, Freezing and
Thawing of Pipes

System Contamination

43. (1) No person shall connect anything to the water system which may cause the service to become contaminated or polluted.
- (2) No bypass piping or other device capable of reducing the effectiveness of a backflow prevention device shall be installed in a water supply system

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Back-Flow Prevention

44. (1) All customers shall be required to provide back-flow prevention devices in accordance with the most current copy of *The National Plumbing Code of Canada, 2005*, *The Public Health Act of Saskatchewan* and *The Plumbing and Drainage Rend CAN/CSA – B64-10.01 – Manual for the Selection and Installation of Back-Flow Prevention Devices* as may be amended from time to time.
- (2) Failure to provide back-flow prevention devices as set out in Section 45(1) shall result in the discontinuation of water service.

Inspection and Testing of Back Flow Prevention Devices.

45. (1) All back-flow prevention devices shall be inspected and tested at the expense of the customer upon installation. It is recommended that they be tested annually to ensure they are functioning properly.
- (2) All commercial and industrial customer backflow prevention devices must be tested, and results submitted within 30 days following the water service turn-on.
- (3) If a device is tested as defective, it shall be replaced.
- (4) Failure to have testing done, failure to replace a device, or if a device is tested as defective, may result in the discontinuation of water service.
- (5) All testing, repairs or replacements of back-flow prevention devices shall be at the customer's expense.

Prevention of Freezing

46. (1) Water connections which might freeze shall be left running, when so ordered by the Infrastructure and Planning Department, in their sole discretion.
- (2) If the occupant or owner of the premises stops the water running before being advised to do so by the Infrastructure and Planning Department, and if as a result the connection freezes, the account shall be charged the sum of the fees as indicated in the Water & Waste Water Rates & Administration Bylaw 12-2018.

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- (3) No person shall leave a water connection running unless ordered to do so by the Infrastructure and Planning Department as set out in, and pursuant to this article.

Thawing Out Connections

47. If there have been structural alterations to the premises since the installation of the water connection, and the alterations lessen the protection from frost, or if the owner has failed to take proper precaution to prevent freezing, connections will be thawed by the Infrastructure and Planning Department, the account shall be charged the sum of the fees as indicated in the Water & Waste Water Rates & Administration Bylaw 12-2018

Fire Protection Systems

48. Fire sprinkler/standpipe systems shall be protected by a Double Check Valve Assembly (DCVA). The added protection of a Reduced Pressure Backflow Assembly (RPBA) for fire sprinklers/standpipe systems which contain antifreeze or other additives shall be required.

**Part VIII
Miscellaneous**

Mandatory Water Use Restrictions

49. (1) The City Manager may declare mandatory water use restrictions when he or she determines that, for any reason, the City is not or may not be able to maintain a sufficient supply of water to meet the health and safety needs of the citizens without imposing such restrictions.
- (2) Mandatory water use restrictions may include any or all of the following:
- (a) Limits upon the hours during which lawns or gardens may be watered;
 - (b) Limits upon the days upon which lawns or gardens may be watered;
 - (c) Prohibiting the watering of lawns and gardens;
 - (d) Prohibiting the washing of motor vehicles outdoors; and

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- (e) Such further or other water use restrictions as may be necessary in the circumstance.
- (3) A declaration announcing mandatory water use restrictions shall remain in effect for the period of time set out in the declaration, unless sooner terminated or extended by declaration of the City Manager, such period of time to commence and be effective from the time specified in the declaration.
- (4) The City Manager shall inform the general public of the existence of a declaration of mandatory water use restriction using whatever means he or she may deem advisable.
- (5) The City Manager shall report each such declaration of mandatory water use restriction to the next City Council meeting following the declaration.
- (6) A person who contravenes the mandatory water use restriction is guilty of an offence.
- (7) This Section applies to the owner or occupant of any property

Offences

- 50. No person shall interfere in any manner with any City hydrant or valve on the water distribution system.

Penalties & Fees

- 51. Every person who contravenes any provision of this Bylaw is guilty of an offence and subject to any fines as set out in the General Penalty & Enforcement Bylaw 22-2013 and the Water & Waste Water Rates & Administration Bylaw 12-2018.

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Repeal of Bylaw

52. Bylaw P19-93 and all amendments are hereby repealed

Coming into Force

53. This Bylaw shall come into force on the day of its final passing.

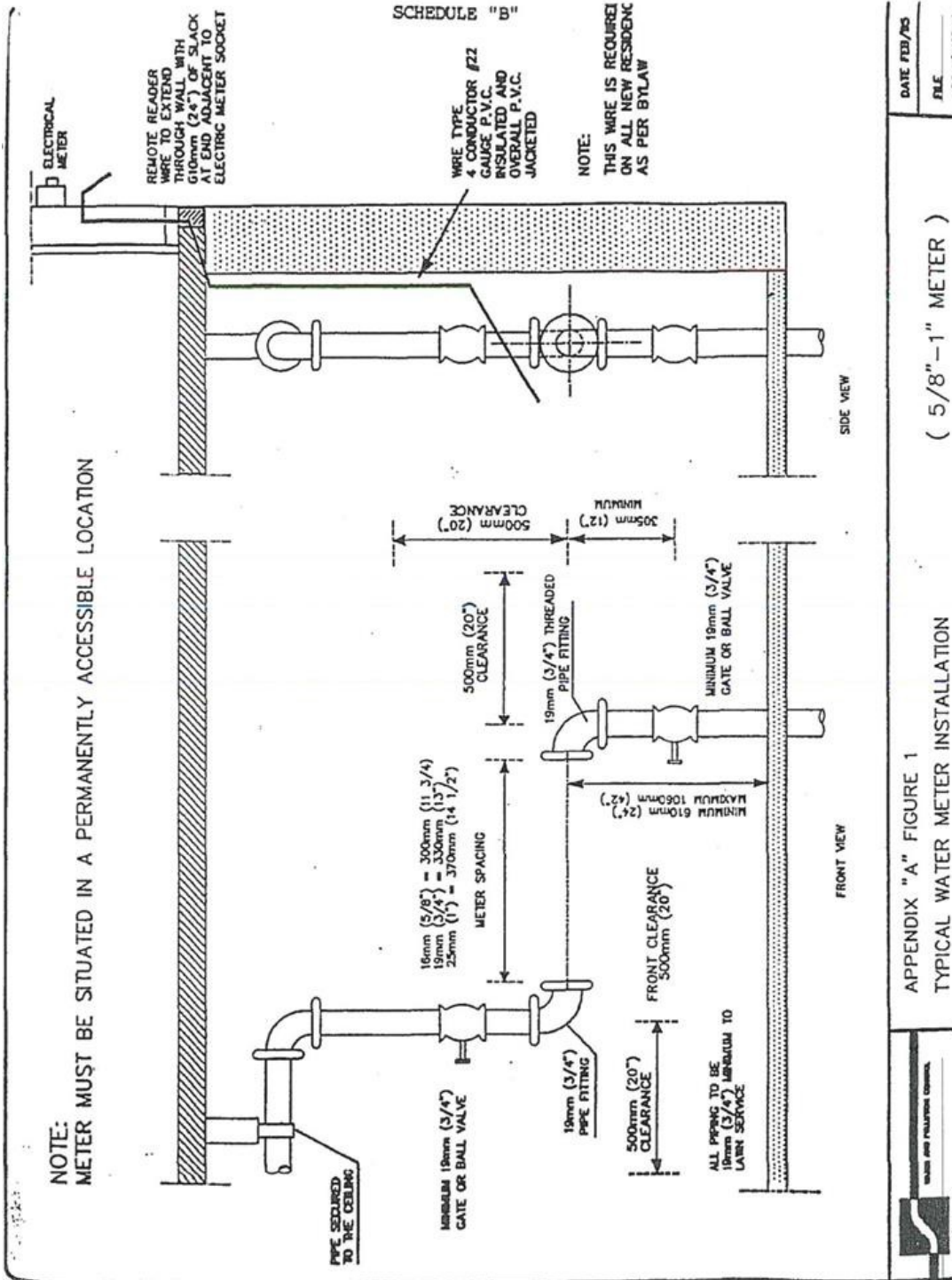
Read a first time this 19th day of February 2019
Read a second time this 19th day of February 2019
Read a third time this this 19th day of February 2019

MAYOR

CITY CLERK

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SCHEDULE "A"
Illustration – Typical Water Meter Installation



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SCHEDULE "B"



Request for Temporary Disconnection of Utilities

Account Name: _____
Civic Address: _____
Account Number: _____
Contact Numbers: _____

I, _____ am the owner of the above-mentioned property and would like the water disconnected on _____ until further notice.

Reason: _____

Estimated Reconnection Date: _____

Is the heat going to be maintained in the building? Yes ____ No ____

I agree to assume full responsibility for any damages incurred as a result of the shutoff, and understand there is a fee to have the service reconnected.

To prevent freeze up, I understand it is my responsibility to drain the water lines.

Signature

Date

City Representative

Witness