

Rural Municipality of Brokenhead

By-Law No. 2216-20

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF BROKENHEAD TO ESTABLISH WATER AND WASTEWATER RATES FOR THE LUD OF TYNDALL-GARSON UTILITY.

WHEREAS The Rural Municipality of Brokenhead has undertaken a water and wastewater rate study for the LUD of Tyndall-Garson Utility that indicates water and wastewater rates require to be increased;

AND WHEREAS, subject to The Public Utilities Board Act, Section 232(1) provides that a council may pass by-laws for municipal purposes respecting the following matters:

- 1) public utilities.

AND WHEREAS, Section 232(2) provides that without limiting the generality of Subsection (1), a council may in a by-law passed under this Division:

- d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality.

AND WHEREAS it is deemed advisable to provide rates for October 1, 2021, January 1, 2022 and January 1, 2023 and thereafter to be paid by persons to whom water and wastewater collection is supplied by the LUD of Tyndall-Garson Utility and to provide for the collection thereof;

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF BROKENHEAD IN SESSION DULY ASSEMBLED, HEREBY ENACTS A BY-LAW AS FOLLOWS:

- 1) THAT all accounts for minimum quarterly charges for metered services for the LUD of Tyndall-Garson Utility as set forth in the Schedule of Quarterly Rates shall be billed quarterly. Consumers shall pay for water and wastewater service supplied to them by the Utility at the rates and terms set out in Schedule "A" attached hereto and forming part of this by-law.
- 2) THAT The Rural Municipality of Brokenhead reserves the right to discontinue the supply of water for fountains, jets, hoses and sprinklers, or to limit the hours for use of the same, whenever, at the discretion of Council it is in the best interests of the public to do so.
- 3) THAT no person, other than the Fire Chief or someone acting on his/her behalf, or a representative of The Rural Municipality of Brokenhead duly authorized in writing by the Chief Administrative Officer, shall open or use any fire hydrant, either for construction purposes, street cleaning, or any other purpose.
- 4) THAT the meter shut off valve inside premises serviced with water by LUD of Tyndall-Garson Utility, shall be readily accessible and not used by the owner except for the protection of the premises. No person shall tamper with the meter or cause the water supply to bypass the meter. All pipes and valves inside the premises shall be kept in good repair by the owner or occupant. Any damage through neglect or otherwise, by a contractor for the owner or occupant, to the water service pipes from the street to the premises including the meter shall be the responsibility of the owner or occupant.
- 5) THAT no person shall wilfully or maliciously hinder or cause to hinder The Rural Municipality of Brokenhead or its representative in the exercise of their duties in relation to the operation and maintenance of the water or wastewater system.
- 6) THAT any person violating any provision of this by-law shall:
 - a) be guilty of an offence and, upon conviction, liable to a fine not exceeding one thousand dollars (\$1,000) and costs for each violation;

- b) be liable to The Rural Municipality of Brokenhead for any expense, loss or damage suffered by the Municipality as a result of the violation;
 - c) be liable for the repairs and costs of the repairs to the system as a result of the violation. If that person is in default of effecting the repairs, the Municipality may affect the repairs and charge the cost thereof to that persons, or add the cost to property taxes and collect those property taxes in the same manner as other property taxes.
- 7) This by-law and rates for October 1, 2021, January 1, 2022 and January 1, 2023 and thereafter, shall come into force and be effective on, from and after both approval of the Public Utilities Board of Manitoba and receipt of third and final reading thereof.
 - 8) That By-law Number 2114-12 of The Rural Municipality of Brokenhead be repealed as of October 1, 2021 and upon final approval of this By-law by the Public Utilities Board of Manitoba.
 - 9) That Clause #4 of By-law Number 2075-08 of The Rural Municipality of Brokenhead be repealed as of October 1, 2021 and upon final approval of this By-law by the Public Utilities Board of Manitoba.

PASSED AND ENACTED BY THE RURAL MUNICIPALITY OF BROKENHEAD IN COUNCIL DULY ASSEMBLED THIS 24th day of August, 2021.

Brad Saluk
Reeve

Sue Sutherland
Chief Administrative Officer

Read a first time this 9th day of June, 2020.
Read a second time this 6th day of January, 2021.
Read a third time this 24th day of August, 2021.

**RURAL MUNICIPALITY OF BROKENHEAD
LUD OF TYNDALL-GARSON UTILITY
WATER & WASTEWATER UTILITY RATES BY-LAW NO. 2216-20
SCHEDULE "A"
SCHEDULE OF QUARTERLY RATES**

1. Schedule of Commodity Rates & **October 1, 2021**
Quarterly Service Charge

Rates per Cubic Meter	<u>Cubic Meters per quarter</u>		
	Water	Wastewater	Water & Wastewater
	\$2.93	\$.51	\$3.44
 Quarterly Service Charge	 \$19.22		

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a. **Water & Wastewater Customers**

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included Cubic Meters</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Wastewater Commodity Charge</u>	<u>Water & Wastewater Total Quarterly Minimum</u>
5/8 inch	1	14	\$19.22	\$41.02	\$7.14	\$67.38
3/4 inch	2	28	\$19.22	\$82.04	\$ 14.28	\$ 115.54
1 inch	4	56	\$19.22	\$164.08	\$ 28.56	\$ 211.86
1 1/2 inch	10	140	\$19.22	\$410.20	\$ 71.40	\$ 500.82
2 inch	25	350	\$19.22	\$1,025.50	\$ 178.50	\$1,223.22
3 inch	45	614	\$19.22	\$1,799.02	\$313.14	\$2,131.38
4 inch	90	1,227	\$19.22	\$3,595.11	\$625.77	\$4,240.10
6 inch	170	2,319	\$19.22	\$6,794.67	\$1,182.69	\$7,996.58

b. **Wastewater Only for Residential Customers**

The wastewater only charge is \$55.35.

3. Bulk Water`

All water sold in bulk shall be charged for at a rate of \$5.00 per cubic meter.

4. Lagoon Tipping Fee

The Lagoon Tipping fee shall be \$18.00 for a standard load and \$36.00 for a tandem truck load.

1. Schedule of Commodity Rates & Quarterly Service Charge

January 1, 2022

Rates per Cubic Meter

Cubic Meters per quarter

Water	Wastewater	Water & Wastewater
\$2.91	\$.60	\$3.51

Quarterly Service Charge \$22.99

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a. **Water & Wastewater Customers**

Meter Size	Group Capacity Ratio	Water Included Cubic Meters	Customer Service Charge	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Total Quarterly Minimum
5/8 inch	1	14	\$22.99	\$40.74	\$8.40	\$72.13
3/4 inch	2	28	\$22.99	\$81.48	\$16.80	\$121.27
1 inch	4	56	\$22.99	\$162.96	\$33.60	\$219.55
1 1/2 inch	10	140	\$22.99	\$407.40	\$84.00	\$514.39
2 inch	25	350	\$22.99	\$1,018.50	\$210.00	\$1,251.49
3 inch	45	614	\$22.99	\$1,786.74	\$368.40	\$2,178.13
4 inch	90	1,227	\$22.99	\$3,570.57	\$736.20	\$4,329.76
6 inch	170	2,319	\$22.99	\$6,748.29	\$1,391.40	\$8,162.68

b. **Wastewater Only for Residential Customers**

The wastewater only charge is \$55.35.

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$5.00 per cubic meter.

4. Lagoon Tipping Fee

The Lagoon Tipping fee shall be \$21.00 for a standard load and \$42.00 for a tandem truck load.

1. Schedule of Commodity Rates & Quarterly Service Charge

January 1, 2023

Rates per Cubic Meter

Cubic Meters per quarter

Water	Wastewater	Water & Wastewater
\$2.90	\$.70	\$3.60

Quarterly Service Charge \$26.75

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a. **Water & Wastewater Customers**

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included Cubic Meters</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Wastewater Commodity Charge</u>	<u>Water & Wastewater Total Quarterly Minimum</u>
5/8 inch	1	14	\$26.75	\$40.60	\$9.80	\$77.15
3/4 inch	2	28	\$26.75	\$81.20	\$19.60	\$127.55
1 inch	4	56	\$26.75	\$162.40	\$39.20	\$228.35
1 1/2 inch	10	140	\$26.75	\$406.00	\$98.00	\$530.75
2 inch	25	350	\$26.75	\$1,015.00	\$245.00	\$1,286.75
3 inch	45	614	\$26.75	\$1,780.60	\$429.80	\$2,237.15
4 inch	90	1,227	\$26.75	\$3,558.30	\$858.90	\$4,443.95
6 inch	170	2,319	\$26.75	\$6,725.10	\$1,623.30	\$8,375.15

b. **Wastewater Only for Residential Customers**

The wastewater only charge is based on 53 CM (1.5 * average quarterly consumption of 35 CM) plus the quarterly customer service charge.

The quarterly charge for wastewater only customers is $(53 * \$0.70) + \$26.75 = \$63.85$

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$5.00 per cubic meter.

4. Lagoon Tipping Fee

The Lagoon Tipping fee shall be \$25.00 for a standard load and \$50.00 for a tandem truck load.

The following clauses take effect October 1, 2021:

5. Water and Wastewater Connections

- a. Each consumer applying for water turn on or turn off of service during any quarter, shall pay the proportionate part of the current minimum quarterly charge provided that in computing same a broken half month shall be considered as a full month. In all cases any excess water used will be charged at the rates set forth under Commodity Rates.
- b. All cost for new connections and maintenance thereafter, shall be paid by the customer or developer, as the case may be, and such connections are to be approved by the Council of the Rural Municipality of Brokenhead.
- c. A service charge of Fifty dollars (\$50.00) shall be paid before any water is turned on and shall be the responsibility of the owner.

6. Hydrant Charges

The Rural Municipality of Brokenhead shall pay to the Utility an annual hydrant charge of \$120 for each hydrant connected to the Utility. This will include the cost of water used for firefighting.

7. Service To Customers Outside Municipality's Limits

The Council of the Rural Municipality of Brokenhead may sign Agreements with customers for the provision of water and wastewater services to properties located outside the boundaries of the RM of Brokenhead LID #1. Such Agreements shall provide for payment of the appropriate rates set out in this Schedule, as well as a surcharge equivalent to the frontage levy, general taxes, and special taxes for the Utility purposes in effect at the time or may be in effect from time to time, and which would be levied on the property concerned if it were within the Municipality's boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

8. Billings and Penalties

Accounts shall be billed quarterly based on water used and are payable within 30 days of the billing date. A late payment penalty charge of 1 ¼% shall be charged on the dollar amount owing after the billing due date.

9. Disconnection and Reconnection

The Public Utilities Board has approved the Conditions Precedent to be followed by the Municipality with respect to disconnection of service for non-payment including such matters as notice and the right to appeal such action to The Public Utilities Board. A copy of the conditions precedent is available for inspection at the Municipality's office.

A customer, whose service is disconnected for any reasons, shall not be reconnected until all regulations have been complied with and all arrears paid along with a reconnection fee of \$50.00.

10. Liability for Charges

Pursuant to Section 252 (2) of the Municipal Act, the amount of all outstanding charges for water and Wastewater services, including fines and penalties, are a lien and charge upon the land serviced, and may be collected in the same manner in which ordinary taxes upon the land are collectible, and with like remedies.

The fee to add outstanding water and Wastewater charges to the property tax roll shall be \$30.00 per account.

11. Water Meters

- a. Meters: That all connections be metered. All residential customers for water shall be metered at customer cost. Ownership, inspection and maintenance of meters will remain the responsibility of the Utility. Commercial meter maintenance will be the responsibility of the Utility but will be billed to the commercial user.
- b. Meter Repairs: Where a water meter is damaged as a result of negligence of a user, such user shall pay the cost of repairing the damaged meter plus a fee of One Hundred dollars (\$100) shall be charged for a re-connection of the service and the said amount will immediately become a debt due and owing to the Rural Municipality of Brokenhead within ten (10) days of the demand of same.
- c. Meter Testing: That in any case where a utility customer requests that a meter be tested for accuracy, the customer will provide the Municipality with a deposit of \$100. The Municipality will then remove the subject meter and send it to an independent lab for testing. If the meter is found to be faulty, all costs associated with the testing process will be borne by the Municipality and the deposit will be refunded to the customer and the customer's account will be adjusted for the preceding six (6) months. If the meter is found to be in proper working order, all costs associated with the testing process will be borne by the customer and the customer will be billed or refunded any balance owing.

12. Wastewater Surcharges

- a) There may be levied annually, in addition to the rates set forth above, a special surcharge on sewage having a Biochemical Oxygen Demand in excess of 300 parts per million, to be set by Resolution of Council.
- b) A special surcharge for substances requiring special treatment shall be charged based on the actual costs of treatment required for the particular sewage or industrial waste.

13. Meter Tampering

Where there is evidence of meter tampering a minimum charge of \$500 will be applied to the customer's account in addition to an amount calculated to adjust for the tampering based on historical usage.

14. Cross Connections

No customer or person shall connect, cause to be connected or allow to remain connected any piping, fixture, fitting, container or appliance in a manner which under any circumstances may allow water, wastewater or any harmful liquid or substance to enter the Municipality's water system.

If a condition is found to exist which, in the opinion of the Municipality, is contrary to the aforesaid, the Municipality may either:

Shut off the service or services; or

Give notice to the customer to correct the fault at his or her own expense within a specified time period.

15. Conditions of Disrepair

In the event that there are conditions of disrepair in the Wastewater and water works on a property that detrimentally affects the system as a whole and, upon the failure of the owner of the property to correct the condition within a reasonable time, the Municipality, or its agents, may enter the property, effect repairs and charge the cost thereof against the subject property as ordinary taxes.

16. Authorization For Officer To Enter Upon Premises

The Public Works Manager, or other employee authorized by the Municipality in the absence of the Utility Manager, shall be authorized to enter upon any premise for the purpose of:

Affixing to any pipe, wire or apparatus connected with any such utility, a meter or any other measuring or testing device; or taking readings from, repairing, inspecting or removing any meter or apparatus belonging to the Municipality.

17. Water Allowance Due to Line Freezing

That in any case where, at the request of Council, a customer allows water to run continuously for any period of time to prevent the water lines in the water system from freezing, the charge to that customer for the current quarter shall be the average of the billings for the last two previous quarters to the same customer, or to the same premises if the occupant has changed.