

# THE MUNICIPALITY OF TWO BORDERS

## BY-LAW NO. 20-2016

**BEING a By-law of the Municipality of Two Borders to establish new water and sewer rates within the Local Improvement District of Pierson**

**WHEREAS** the Municipality of Two Borders owns and operates a water and sewer facility within the limits of the Local Improvement District of Pierson;

**AND WHEREAS** *The Municipal Act*, S.M. 1996, C58, states in part:

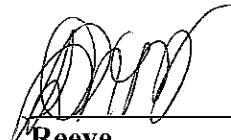
- “232(1)** A Council may pass by-laws for municipal purposes respecting the following matters:
- (l)** public utilities:
- 232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (d)** establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
- 250(2)** Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:
- (c)** acquire, establish, maintain and operate services, facilities and utilities;
- 252(1)** A municipality exercising powers in the nature of those referred to in clauses 250(2)(b),(c) and (e) may set terms and conditions in respect of users, including
- (a)** setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
  - (b)** providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
  - (c)** discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.
- 252(2)** A charge referred to in clause (1)(a) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.”


**NOW THEREFORE** the Council of the Municipality of Two Borders, in open Council assembled enacts as follows:

1. THAT all accounts for minimum quarterly charges for metered services as set forth in the Schedule of Quarterly Rates shall be billed quarterly. Consumers shall pay for water and sewer service supplied to them by the Municipality of Two Borders within the Local Improvement District of Pierson at the rates and terms set out in Schedule “A” attached hereto and forming part of this by-law.
2. THAT the Municipality of Two Borders 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 the meter shut off valve inside premises serviced with water by the Municipality, 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.

4. THAT no person shall wilfully or maliciously hinder or cause to hinder the Municipality or its representative in the exercise of their duties in relation to the operation and maintenance of the water or sewer system.
5. 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 five hundred dollars (\$500) and costs for each violation;
  - b. be liable to the Municipality of Two Borders 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 effect 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.
6. This by-law and rates for July 1, 2017, January 1, 2018, January 1, 2019, January 1, 2020, 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.
7. THAT By-law No. 11-2006 as passed by the Rural Municipality of Edward and its amendments are hereby repealed.

**DONE and PASSED** in Council duly assembled at the Council Chambers of the Municipality of Two Borders in the Province of Manitoba, this **19<sup>th</sup>** day of **June**, A.D. **2018**.

  
\_\_\_\_\_  
Reeve.

  
\_\_\_\_\_  
Chief Administrative Officer.

**READ a First time** this **9<sup>th</sup>** day of **December**, A.D. **2016**.

**READ a Second time** this **19<sup>th</sup>** day of **June**, A.D. **2018**.

**READ a Third time and PASSED** this **19<sup>th</sup>** day of **June**, A.D. **2018**.

**MUNICIPALITY OF TWO BORDERS  
LOCAL IMPROVEMENT DISTRICT OF PIERSON  
WATER & SEWER UTILITY RATES BY-LAW NO. 20-2016  
SCHEDULE "A"**

1. Schedule of Commodity Rates & Quarterly Service Charge July 1, 2018

Rates per 1,000 Gallons 1,000 Gallons per quarter

	Water	Sewer	Water & Sewer
	\$6.36	\$2.81	\$9.17

Quarterly Service Charge \$17.67

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 & Sewer Customers**

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Sewer Commodity Charge	Water & Sewer Total Quarterly Minimum
5/8 inch	1	3,000	\$17.67	\$19.08	\$8.43	\$45.18
¾ inch	2	6,000	\$17.67	\$38.16	\$16.86	\$72.69
1 inch	4	12,000	\$17.67	\$76.32	\$33.72	\$127.71
2 inch	25	75,000	\$17.67	\$477.00	\$210.75	\$705.42

b. **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

1. Schedule of Commodity Rates & Quarterly Service Charge January 1, 2019

Rates per 1,000 Gallons 1,000 Gallons per quarter

	Water	Sewer	Water & Sewer
	\$9.49	\$3.07	\$12.56

Quarterly Service Charge \$14.68

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 & Sewer Customers**

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Sewer Commodity Charge	Water & Sewer Total Quarterly Minimum
5/8 inch	1	3,000	\$14.68	\$28.47	\$9.21	\$52.36
¾ inch	2	6,000	\$14.68	\$56.94	\$18.42	\$90.04
1 inch	4	12,000	\$14.68	\$113.88	\$36.84	\$165.40
2 inch	25	75,000	\$14.68	\$711.75	\$230.25	\$956.68

b. **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

1. Schedule of Commodity Rates & Quarterly Service Charge January 1, 2020

Rates per 1,000 Gallons 1,000 Gallons per quarter

	Water	Sewer	Water & Sewer
	\$12.62	\$3.33	\$15.95

Quarterly Service Charge \$11.69

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 & Sewer Customers**

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Sewer Commodity Charge	Water & Sewer Total Quarterly Minimum
5/8 inch	1	3,000	\$11.69	\$37.86	\$9.99	\$59.54
¾ inch	2	6,000	\$11.69	\$75.72	\$19.98	\$107.39
1 inch	4	12,000	\$11.69	\$151.44	\$39.96	\$203.09
2 inch	25	75,000	\$11.69	\$946.50	\$249.75	\$1,207.94

b. **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

1. Schedule of Commodity Rates & Quarterly Service Charge

**January 1, 2021**

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Sewer	Water & Sewer
\$15.74	\$3.59	\$19.33

Quarterly Service Charge \$8.69

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 & Sewer Customers**

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Sewer Commodity Charge	Water & Sewer Total Quarterly Minimum
5/8 inch	1	3,000	\$8.69	\$47.22	\$10.77	\$66.68
¾ inch	2	6,000	\$8.69	\$94.44	\$21.54	\$124.67
1 inch	4	12,000	\$8.69	\$188.88	\$43.08	\$240.65
2 inch	25	75,000	\$8.69	\$1,180.50	\$269.25	\$1,458.44

b. **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

**The following clauses take effect July 1, 2018:**

3. Service To Customers Outside the Local Improvement District of Pierson Limits

The Council of Municipality of Two Borders may sign Agreements with customers for the provision of water and sewer services to properties located outside the boundaries of the Local Improvement District of Pierson. Such Agreements shall provide for payment of the appropriate rates set out in the Schedule, as well as a surcharge, set by Resolution of Council, which shall be 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 Local Improvement District of Pierson boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

4. Billings And Penalties

Accounts shall be billed quarterly and the due date shall be at least 30 days after the mailing of the bills.

A late payment charge of 1.25% per month shall be charged on the dollar amount owing after the billing due date.

5. NSF Charge

A charge of \$25.00 shall be added to the account when payment made by cheque or pre-authorized payment is returned due to insufficient funds or inability to trace the chequing account.

6. Disconnection

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.

7. Reconnection

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties, and a reconnection fee of \$100.00 have been paid.

8. Outstanding Bills

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

9. Hydrant Charges

At present the fire hydrants provided by the Utility are used for water line flushing purposes and are not suitable for use for fire protection purposes due to low water pressure.

Any customer with a hydrant connected to the system shall pay \$150 for each hydrant connected to the system.

10. Water Allowance Due To Line Freezing

Where, at the request of CAO, a customer is allowed to run water 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 billings for the last two quarters for the same customer, or the same premises if the occupant has changed.

11. Sewer 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.

12. 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 \$200. 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. 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.

13. 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.

14. Conditions of Disrepair

In the event that there are conditions of disrepair in the sewer 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.

15. Authorization For Officer To Enter Upon Premises

The Public Works Manager, or other employee authorized by the Municipality in the absence of the Public Works 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.