

Municipality of Two Borders

By-Law No. 65/2020

BEING A BY-LAW OF THE MUNICIPALITY OF TWO BORDERS TO ESTABLISH WATER RATES FOR THE LYLETON UTILITY.

WHEREAS The Municipality of Two Borders has undertaken a water rate study for the Lyleton Utility that indicates water 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 July 1, 2020, 2021, 2022 and 2023 and thereafter to be paid by persons to whom water collection is supplied by the Lyleton Utility and to provide for the collection thereof;

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

- 1) **THAT** all accounts for minimum quarterly charges for metered services for the Lyleton Utility as set forth in the Schedule of Quarterly Rates shall be billed quarterly. Consumers shall pay for water 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 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** no person, other than the Fire Chief or someone acting on his/her behalf, or a representative of The Municipality of Two Borders 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 the Lyleton 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** the Lyleton Utility shall pay the cost of installing and maintaining the water service and curb stop from the waterworks mains to the curb stop at the nearest point on the street boundary of the premises served;
- 6) **THAT** the property owner served with treated water shall pay the full cost of installing and maintaining the water service between the street boundary and the building served;
- 7) **THAT** the property owner shall be responsible for the protection of the water meter against freezing and shall pay for the cost of repairing or replacing of the water meter if damaged due to freezing;
- 8) **THAT** no person shall wilfully or maliciously hinder or cause to hinder The Municipality of Two Borders or its representative in the exercise of their duties in relation to the operation and maintenance of the water system;
- 9) **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 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 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;
- 10) **THAT** this by-law and rates for April 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;
- 11) **THAT** By-law Number 9-2015 of The Municipality of Two Borders be repealed as of April 1, 2021 and upon final approval of this By-law by the Public Utilities Board of Manitoba;

DONE AND PASSED at Melita, in the Province of Manitoba, this 6th day of April, 2021.



Reeve



Chief Administrative Officer

Read a first time this 19th day of February, 2020.

Read a second time this 6th day of October, 2020.

Read a third time this 6th day of April , 2021.

MUNICIPALITY OF TWO BORDERS
 LYLETON UTILITY
 WATER RATES BY-LAW NO. 65/2020
 SCHEDULE "A"

SCHEDULE OF QUARTERLY RATES

1. Schedule of Rates April 1, 2021

Rates per 1,000 Gallons

Water	\$47.41
Quarterly Service Charge	\$9.50

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.

Water Customers

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Deficit Rate Rider (see Clause 4)	Water Total Quarterly Minimum
5/8 inch	1	3,000	9.50	142.23	16.38	\$168.11
3/4 inch	2	6,000	9.50	284.46	32.76	\$326.72
1 inch	4	12,000	9.50	568.92	65.52	\$643.94

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$51.00 per 1,000 gallons, with a minimum charge of \$25.50 for 500 gallons or less.

1. Schedule of Rates January 1, 2022

Rates per 1,000 Gallons

Water	\$49.23
Quarterly Service Charge	\$9.74

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.

Water Customers

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Deficit Rate Rider (see Clause 4)	Water Total Quarterly Minimum
5/8 inch	1	3,000	9.74	147.69	16.38	\$173.81
3/4 inch	2	6,000	9.74	295.38	32.76	\$337.88
1 inch	4	12,000	9.74	590.76	65.52	\$666.02

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$53.00 per 1,000 gallons, with a minimum charge of \$26.50 for 500 gallons or less.

1. Schedule of Rates January 1, 2023

Rates per 1,000 Gallons

Water	\$51.04
Quarterly Service Charge	\$9.98

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.

Water Customers

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included Gallons</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Deficit Rate Rider (see Clause 4)</u>	<u>Water Total Quarterly Minimum</u>
5/8 inch	1	3,000	9.98	153.12	16.38	\$179.48
3/4 inch	2	6,000	9.98	306.24	32.76	\$348.98
1 inch	4	12,000	9.98	612.48	65.52	\$687.98

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$55.00 per 1,000 gallons, with a minimum charge of \$27.50 for 500 gallons or less.

The Following Clauses are Effective April 1, 2021

4. Deficit Rate Rider

A rate rider of \$5.46 per 1,000 gallons is included in the schedule of rates to recover \$20,553 of the net operating deficits occurred from 2014 to 2019.

5. Service to Customers outside Lyleton limits

The Council of the Municipality of Two Borders may sign agreements with customers for the provision of water and sewer services to properties located outside the legal boundaries of Lyleton. 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 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 these boundaries. In addition, all costs of connection to the Utility's mains and installing and maintaining service connections will be paid by the customer.

6. Billings and Penalties

Accounts shall be billed quarterly based on water used. A late payment penalty charge of 1 ¼% compounded monthly shall be charged on the dollar amount owing after the billing due date. The due date will be at least twenty (20) days after the mailing of the bills.

7. Disconnections

The Public Utilities Board has approved the Conditions Precedent to be followed by the Municipality with respect to the 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 are available for inspection at the Municipal office.

8. Reconnection

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a reconnection fee of \$50.00 have been paid.

Seasonal residents requiring a reconnection for the period of time they are using the water system will be levied a \$50.00 reconnection fee.

9. Outstanding Bills

Pursuant to Section 252(2) of the Municipal Act, the amount of all outstanding charges for water and sewer services, including fines and penalties, 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. Where charges and penalties pursuant to this by-law are not paid within sixty (60) days from the date when they were incurred, said charges and penalties shall be added to the taxes on the property and collected in the same manner as other taxes.

10. Hydrant Rentals

An annual charge of seventy five dollars (\$75.00) per hydrant shall be made by the said utility to Lyleton for fire protection services, which annual charge shall include water used.

11. Municipality to be Notified of Failure of Meter

In the case of breakage, stoppage or irregularity in a water meter, the customer shall notify the Designated Officer immediately upon such condition being discovered. All installation, repair and disconnection of any water meter shall be performed only by those authorized to do such work by the municipality.

12. Meter Testing

Any customer wishing to have a meter tested for accuracy will pay in advance a fee of \$100, plus any applicable meter testing costs. In the event the meter tests prove that the meter is recording water flows in excess of actual flows, the meter testing fee and associated costs will be refunded to the customer and the customer's account will be reviewed and adjusted accordingly.

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. If the customer fails to comply with such notice the Municipality shall proceed in accordance with clause 8 of this by-law.

15. Authorization for Officer to Enter Upon Premises

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

16. New Connections

Any person wishing to connect to the water distribution system must make arrangements with the municipal office. A connection fee of \$500.00 will be levied for any new connection with the connection fee including the cost of the meter, curb stop, and flow control valve.