



THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1575

BEING a By-law of the Rural Municipality of Victoria Beach to establish new water rates in Local Improvement District No. 1 - Victoria Beach Utility

WHEREAS the Rural Municipality of Victoria Beach owns and operates a water utility in Victoria Beach;

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:
(1) 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 Rural Municipality of Victoria Beach, in open Council assembled enacts as follows:

1. THAT property owners in Local Improvement District No. 1 – Victoria Beach Utility, in the Rural Municipality of Victoria Beach, shall pay the appropriate annual water rate as set out in Schedule “A” attached hereto.
2. 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 system.
3. THAT all pipes and valves within the premises of the properties connected to the water system shall be kept in good repair by the owner or occupant. Any damage through neglect or otherwise by a contractor for the owner or the occupant to the water service pipes from the street to the premises shall be the responsibility of the owner or occupant.

4. 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 Rural Municipality of Victoria Beach 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 person, or add the cost to property taxes and collect those property taxes in the same manner as other property taxes.
5. This by-law and rates for September 1, 2019, January 1, 2020 and January 1, 2021 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.
6. THAT By-law No. 1540 of the Rural Municipality of Victoria Beach and its amendments are hereby repealed.

DONE and PASSED in Council duly assembled at the Council Chambers of the Rural Municipality of Victoria Beach in the Province of Manitoba, this 3rd day of September, 2019.

Penny McMorris - Reeve.

Raymond Moreau - CAO

READ a First time this 6th day of November , A.D. 2018.

READ a Second time this 3rd day of September , A.D. 2019.

READ a Third time and PASSED this 3rd day of September , A.D. 2019.

Clause 5 and Schedule A amended on second reading.

SCHEDULE A TO BY-LAW NO. 1575

January 1, 2021

1. Water rate covering seasonal service to customers connected to the water system shall be levied as follows:

<u>Customer Type</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Total Annual Charge</u>
<u>1 Residential Equivalency Unit</u> Single Family Residence/Cottage, Grocery Store, Doctor's Office	\$40.00	\$250.00	\$290.00
<u>Two Residential Equivalency Units</u> Restaurant, Bakery, Other Commercial	\$40.00	\$500.00	\$540.00
<u>Ten Residential Equivalency Units</u> Golf Course	\$40.00	\$2,500.00	\$2,540.00

2. Water rate equivalent payment covering vacant lots along main water lines shall be levied as follows:

Any Customer	\$58.00
--------------	---------

The following clauses take effect September 1, 2019:

1. **Billings and Penalties**

Water and equivalent rates set forth in paragraphs 1 and 2 hereof shall be billed to each customer on a separate utility invoice and shall be payable on or before July 31st of each year. A late payment penalty charge of 1.25% compounded monthly shall be charged on the dollar amount owing after the billing due date. The due date will be at least fourteen (14) days after the mailing of the bills.

2. **Water lines**

Any residents requesting to have water lines relocated on their own property or damaging water lines on or near their property will be charged a fee to cover any time spent on relocating and repairing water lines by Municipal Employees at a rate of \$50.00 (Fifty Dollars) per hour.

3. **Service To Customers Outside Victoria Beach Limits**

The Council of the Rural Municipality of Victoria Beach may sign Agreements with customers for the provision of water services to properties located outside the boundaries of the Victoria Beach water utility. 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 Victoria Beach water utility 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. **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 offices.

5. **Outstanding Bills**

Pursuant to Section 252(2) of The Municipal Act, the amount of all outstanding charges for water 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.

SCHEDULE A TO BY-LAW NO. 1575

6. 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.

7. 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.

8. 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.