

THE TOWN OF THE PAS

BY-LAW NO. 4550

BEING A BY-LAW OF THE TOWN OF THE PAS TO ESTABLISH WATER AND SEWER RATES AND TO REPEAL BY-LAW NO. 4319, 4414 and 4425.

WHEREAS the Town of The Pas owns and operates a water and sewer system:
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.”

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NOW THEREFORE the Council of the Town of The Pas, 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 in advance together with any excess charges for metered water and sewer services for the preceding quarter. Consumers shall pay for water and sewer service supplied to them by the Town of The Pas at the rates and terms set out in Schedule "A" attached hereto and forming part of this by-law.
2. **THAT** the Town of The Pas 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 Town of The Pas duly authorized in writing by the Town of The Pas CAO, 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 Town of The Pas, 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 Town of The Pas or its representative in the exercise of their duties in relation to the operation and maintenance of the water or sewer 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 five hundred dollars (\$500) and costs for each violation;
 - b. be liable to the Town of The Pas for any expense, loss or damage suffered by the Town 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 affecting the repairs, the

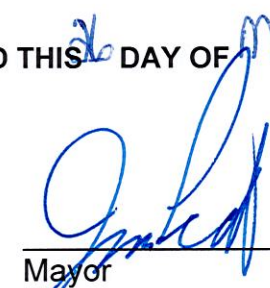
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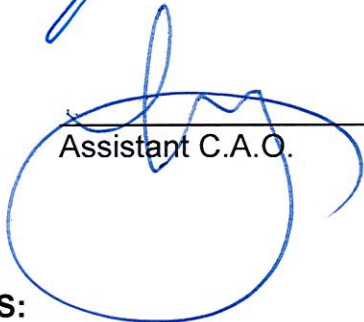
Town may affect the repairs and charge the cost thereof to those persons, or add the cost to property taxes and collect those property taxes in the same manner as other property taxes.

- 7. **THAT** this by-law and rates for 2017, 2018, 2019 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 Nos. 4319, 4414 and 4425 and any amendments thereto are hereby repealed.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 26 DAY OF March A.D. 2016. 8



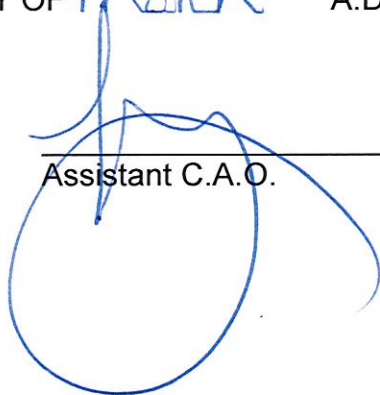
Mayor



Assistant C.A.O.

CERTIFIED THAT BY-LAW NO. 4550 WAS:

READ A FIRST TIME THIS 13th DAY OF June A.D. 2016.
READ A SECOND TIME THIS 26th DAY OF March A.D. 2016. 8
READ A THIRD TIME THIS 26th DAY OF March A.D. 2016. 8



Assistant C.A.O.

**TOWN OF THE PAS
WATER & SEWER UTILITY RATES BY-LAW NO. 4550
SCHEDULE "A"**

1. Schedule of Commodity Rates & January 1, 2017

	<u>1,000 Gallons per quarter</u>		
	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
First 20,000 Gallons	\$11.68	\$3.68	\$15.36
Over 20,000 Gallons	\$8.40	\$3.68	\$12.08
 Quarterly Service Charge	 \$26.06		

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

<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>Sewer Commodity Charge</u>	<u>Water & Sewer Total Quarterly Minimum</u>
5/8 inch	1	3,000	\$26.06	\$35.04	\$11.04	\$72.14
3/4 inch	2	6,000	\$26.06	\$70.08	\$22.08	\$118.22
1 inch	4	12,000	\$26.06	\$140.16	\$44.16	\$210.38
1 ½ inch	10	30,000	\$26.06	\$317.60	\$110.40	\$454.06
2 inch	25	75,000	\$26.06	\$695.60	\$276.00	\$997.66
3 inch	45	135,000	\$26.06	\$1,199.60	\$496.80	\$1,722.46
4 inch	90	270,000	\$26.06	\$2,333.60	\$993.60	\$3,353.26

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.

c. Sewer Only Customers:

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

3. Bulk Water Rate

All water sold in bulk by the Town of The Pas shall be charged for at the rate of \$14.00 per thousand gallons.

1. Schedule of Commodity Rates &

January 1, 2018

1,000 Gallons per quarter

	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
First 20,000 Gallons	\$11.71	\$3.81	\$15.52
Over 20,000 Gallons	\$9.93	\$3.81	\$13.74

Quarterly Service Charge \$34.27

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**

<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>Sewer Commodity Charge</u>	<u>Water & Sewer Total Quarterly Minimum</u>
5/8 inch	1	3,000	\$34.27	\$35.13	\$11.43	\$80.83
3/4 inch	2	6,000	\$34.27	\$70.26	\$22.86	\$127.39
1 inch	4	12,000	\$34.27	\$140.52	\$45.72	\$220.51
1 1/2 inch	10	30,000	\$34.27	\$333.50	\$114.30	\$482.07
2 inch	25	75,000	\$34.27	780.35	\$285.75	\$1,100.37
3 inch	45	135,000	\$34.27	\$1,376.15	\$514.35	\$1,924.77
4 inch	90	270,000	\$34.27	\$2,716.70	\$1,028.70	\$3,779.67

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.

c. **Sewer Only Customers:**

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

3. Bulk Water Rate

All water sold in bulk by the Town of The Pas shall be charged for at the rate of \$14.00 per thousand gallons.

1. Schedule of Commodity Rates &

January 1, 2019

1,000 Gallons per quarter

	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
First 20,000 Gallons	\$11.74	\$3.94	\$15.68
Over 20,000 Gallons	\$11.74	\$3.94	\$15.68

Quarterly Service Charge \$42.47

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

<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>Sewer Commodity Charge</u>	<u>Water & Sewer Total Quarterly Minimum</u>
5/8 inch	1	3,000	\$42.47	\$35.22	\$11.82	\$89.51
3/4 inch	2	6,000	\$42.47	\$70.44	\$23.64	\$136.55
1 inch	4	12,000	\$42.47	\$140.88	\$47.28	\$230.63
1 1/2 inch	10	30,000	\$42.47	\$352.20	\$118.20	\$512.87
2 inch	25	75,000	\$42.47	\$880.50	\$295.50	\$1,218.47
3 inch	45	135,000	\$42.47	\$1,584.90	\$531.90	\$2,159.27
4 inch	90	270,000	\$42.47	\$3,169.80	\$1,063.80	\$4,276.07

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.

c. Sewer Only Customers:

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

3. Bulk Water Rate

All water sold in bulk by the Town of The Pas shall be charged for at the rate of \$14.00 per thousand gallons.

The following clauses take effect January 1, 2017:

4. Service To Customers Outside Town Limits

The Council of the Town of The Pas may sign Agreements with customers for the provision of water and sewer services to properties located outside the boundaries of the Town of The Pas. 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 Town boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

5. Billings And Penalties

Accounts shall be billed quarterly and the due date shall be due and payable thirty days (30) after the due date of billing.

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

6. Disconnection

The Public Utilities Board has approved the Conditions Precedent to be followed by the Town of The Pas 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 Town of The Pas 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 \$50.00 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. Temporary Shutoff

If a temporary shutoff is required by any user for the purpose of repairs to the equipment within his/her premises, or for any other cause, where Town of The Pas staff must visit the premises for such a purpose, a charge of thirty dollars (\$30) shall be made for such service, said sum to be paid by said user with his/her next bill for water used.

10. Moving of a Meter

In any case where a user is moving from one residence to another and requires the service disconnected in said residence, a final billing will be generated for the customer. A new account is then created and the prepayment is applied to the new location.

11. Hydrant Charges

The Town of The Pas shall pay an annual hydrant rental charge computed at the rate of one hundred and fifty dollars (\$150) for each hydrant in use in the Town of The Pas as at January 1 of each and every year.

12. Water Allowance Due To Line Freezing

Where, at the request of Municipal Superintendent, 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.

13. Damaged Water Meter

If the water meter of a customer is damaged and/or fails to register during any quarter, the amount of water consumption shall be taken to be the average of the two preceding quarters as shown by their respective readings.

14. 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.

15. Meter Testing

That in any case where a utility customer requests that a meter be tested for accuracy, the customer will provide the Town of The Pas with a deposit of \$200. The Town 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 Town 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.

16. 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 Town of the Pas water system.

If a condition is found to exist which, in the opinion of the Town, is contrary to the aforesaid, the Town 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.

17. 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 Town of The Pas, or its agents, may enter the property, effect repairs and charge the cost thereof against the subject property as ordinary taxes.

18. Authorization For Officer To Enter Upon Premises

The Municipal Superintendent, or other employee authorized by the Town of The Pas in the absence of the Municipal Superintendent, 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 Town.