

Municipality of Killarney-Turtle Mountain

By-Law No. 8-2019

BEING A BY-LAW OF THE MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN TO ESTABLISH WATER AND SEWER RATES FOR THE KILLARNEY-TURTLE MOUNTAIN WATER AND SEWER UTILITY.

WHEREAS the Municipality of Killarney-Turtle Mountain owns and operates the Killarney-Turtle Mountain Water and Sewer Utility;

AND WHEREAS the Municipality of Killarney-Turtle Mountain has undertaken a water and sewer rate study for the Killarney-Turtle Mountain Water and Sewer Utility that indicates water and sewer 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.

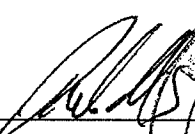
AND WHEREAS it is deemed advisable to provide rates for October 1, 2020, October 1, 2021, October 1, 2022 and October 1, 2023 and thereafter to be paid by persons to whom water and sewer services are supplied by the Killarney-Turtle Mountain Water and Sewer Utility and to provide for the collection thereof;

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

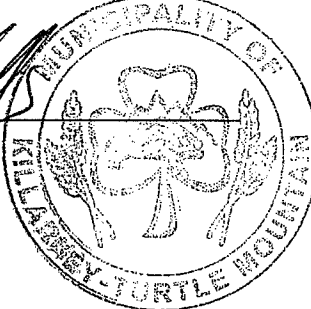
- 1) THAT all accounts for minimum quarterly charges for metered services for the Killarney-Turtle Mountain Water and Sewer Utility as set forth in the Schedule of Quarterly Rates shall be billed quarterly. Consumers shall pay for water and sewer service supplied to them by the Utility at the rates and terms set out in Schedule "A" attached hereto and forming part of this by-law.
- 2) THAT the Municipality of Killarney-Turtle Mountain 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 Killarney-Turtle Mountain 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 Municipality of Killarney-Turtle Mountain's 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 Municipality of Killarney-Turtle Mountain 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 one thousand dollars (\$1,000.00) and costs for each violation;
 - b) be liable to the Municipality of Killarney-Turtle Mountain 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 person(s) 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, 2020, October 1, 2021, October 1, 2022 and October 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 No.7-2018 of the Municipality of Killarney-Turtle Mountain be repealed as of October 1, 2020, and upon final approval of this By-law by the Public Utilities Board of Manitoba.

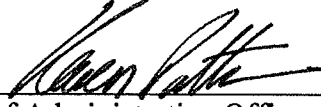
PASSED AND ENACTED BY THE MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN IN COUNCIL DULY ASSEMBLED THIS 13th DAY OF MAY, 2020.



Mayor



Chief Administrative Officer



Read a first time this 25th day of September, 2019.
Read a second time this 13th day of May, 2020.
Read a third time 13th day of May, 2020.

**MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN
KILLARNEY-TURTLE MOUNTAIN WATER AND SEWER UTILITY
SCHEDULE "A" SCHEDULE OF QUARTERLY RATES**

1. Schedule of Commodity Rates

October 1, 2020

<u>Rates per 1,000 Gallons</u>	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
First 20,000 gallons per quarter	\$12.04	\$5.38	\$17.42
Over 20,000 gallons per quarter	\$8.82	\$5.38	\$14.20

Quarterly Service Charge \$12.74

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.

a) **Water & Sewer Customers**

<u>Meter Size</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	3,000	\$12.74	\$36.12	\$16.14	\$65.00
3/4 inch	6,000	\$12.74	\$72.24	\$32.28	\$117.26
1 inch	12,000	\$12.74	\$144.48	\$64.56	\$221.78
1 1/2 inch	30,000	\$12.74	\$329.00	\$161.40	\$503.14
2 inch	75,000	\$12.74	\$725.90	\$403.50	\$1,142.14
4 inch	270,000	\$12.74	\$2,445.80	\$1,452.60	\$3,911.14

Each Mobile Home Trailer shall be charged \$152.10 per quarter for water and sewer including service charge, based on 8,000 gallons per quarter.

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.

Unmetered seasonal water only customers will be charged a flat rate of \$205.38 per season; based on 16,000 gallons (8,000 gallons per quarter for two quarters).

c) **Sewer Only for Residential Customers**

The sewer only charge is based on average quarterly consumption of 8,000 gallons plus the quarterly customer service charge.

The quarterly charge for sewer only customers is $(8 * \$5.38) + \$12.74 = \$55.78$

d) **Sewer Only for Commercial Customers with a Private Water Supply**

Larger customers connected to sewer services only and with a private water supply will meter water at their own expense, and shall pay quarterly the service charge plus the sewer commodity rate set forth in Paragraph 1 hereof on the number of gallons of water registered by the meter on their private water supply, which shall be read by the Town.

e) **Bulk Water Sales**

All water sold in bulk by the Killarney-Turtle Mountain Water and Sewer Utility shall be charged for at the rate of \$.25 per 12.5 gallons or \$20.00 per 1,000 gallons.

1. Schedule of Commodity Rates

October 1, 2021

<u>Rates per 1,000 Gallons</u>	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
First 20,000 gallons per quarter	\$12.28	\$6.43	\$18.71
Over 20,000 gallons per quarter	\$10.14	\$6.43	\$16.57

Quarterly Service Charge \$13.99

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 & Sewer Customers**

<u>Meter Size</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	3,000	\$13.99	\$36.84	\$19.29	\$70.12
3/4 inch	6,000	\$13.99	\$73.68	\$38.58	\$126.25
1 inch	12,000	\$13.99	\$147.36	\$77.16	\$238.51
1 ½ inch	30,000	\$13.99	\$347.00	\$192.90	\$553.89
2 inch	75,000	\$13.99	\$803.30	\$482.25	\$1,299.54
4 inch	270,000	\$13.99	\$2,780.60	\$1,736.10	\$4,530.69

Each Mobile Home Trailer shall be charged \$163.67 per quarter for water and sewer including service charge, based on 8,000 gallons per quarter.

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.

Unmetered seasonal water only customers will be charged a flat rate of \$210.47 per season; based on 16,000 gallons (8,000 gallons per quarter for two quarters)

c) Sewer Only for Residential Customers

The sewer only charge is based on average quarterly consumption of 8,000 gallons plus the quarterly customer service charge.

The quarterly charge for sewer only customers is $(8 * \$6.43) + \$13.99 = \$65.43$

d) Sewer Only for Commercial Customers with a Private Water Supply

Larger customers connected to sewer services only and with a private water supply will meter water at their own expense, and shall pay quarterly the service charge plus the sewer commodity rate set forth in Paragraph 1 hereof on the number of gallons of water registered by the meter on their private water supply, which shall be read by the Town.

e) Bulk Water Sales

All water sold in bulk by the Killarney-Turtle Mountain Water and Sewer Utility shall be charged for at the rate of \$.25 per 12.5 gallons or \$20.00 per 1,000 gallons.

1. <u>Schedule of Commodity Rates</u>	<u>October 1, 2022</u>		
<u>Rates per 1,000 Gallons</u>	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
First 20,000 gallons per quarter	\$12.52	\$7.48	\$20.00
Over 20,000 gallons per quarter	\$11.46	\$7.48	\$18.94

Quarterly Service Charge \$15.24

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>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	3,000	\$15.24	\$37.56	\$22.44	\$75.24
3/4 inch	6,000	\$15.24	\$75.12	\$44.88	\$135.24
1 inch	12,000	\$15.24	\$150.24	\$89.76	\$255.24
1 ½ inch	30,000	\$15.24	\$365.00	\$224.40	\$604.64
2 inch	75,000	\$15.24	\$880.70	\$561.00	\$1,456.94
4 inch	270,000	\$15.24	\$3,115.40	\$2,019.60	\$5,150.24

Each Mobile Home Trailer shall be charged \$175.24 per quarter for water and sewer including service charge, based on 8,000 gallons per quarter.

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.

Unmetered seasonal water only customers will be charged a flat rate of \$215.56 per season; based on 16,000 gallons (8,000 gallons per quarter for two quarters)

c) **Sewer Only for Residential Customers**

The sewer only charge is based on average quarterly consumption of 8,000 gallons plus the quarterly customer service charge.

The quarterly charge for sewer only customers is $(8 * \$7.48) + \$15.24 = \$75.08$

d) **Sewer Only for Commercial Customers with a Private Water Supply**

Larger customers connected to sewer services only and with a private water supply will meter water at their own expense, and shall pay quarterly the service charge plus the sewer commodity rate set forth in Paragraph 1 hereof on the number of gallons of water registered by the meter on their private water supply, which shall be read by the Town.

e) **Bulk Water Sales**

All water sold in bulk by the Killarney-Turtle Mountain Water and Sewer Utility shall be charged for at the rate of \$.25 per 12.5 gallons or \$20.00 per 1,000 gallons.

1. Schedule of Commodity Rates

October 1, 2023

<u>Rates per 1,000 Gallons</u>	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
	\$12.76	\$8.52	\$21.28

Quarterly Service Charge \$16.47

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>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	3,000	\$16.47	\$38.28	\$25.56	\$80.31
3/4 inch	6,000	\$16.47	\$76.56	\$51.12	\$144.15
1 inch	12,000	\$16.47	\$153.12	\$102.24	\$271.83
1 ½ inch	30,000	\$16.47	\$382.80	\$255.60	\$654.87
2 inch	75,000	\$16.47	\$957.00	\$639.00	\$1,612.47
4 inch	270,000	\$16.47	\$3,445.20	\$2,300.40	\$5,762.07

Each Mobile Home Trailer shall be charged \$186.71 per quarter for water and sewer including service charge, based on 8,000 gallons per quarter.

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.

Unmetered seasonal water only customers will be charged a flat rate of \$220.63 per season; based on 16,000 gallons (8,000 gallons per quarter for two quarters)

c) Sewer Only for Residential Customers

The sewer only charge is based on average quarterly consumption of 8,000 gallons plus the quarterly customer service charge.

The quarterly charge for sewer only customers is $(8 * \$8.52) + \$16.47 = \$84.63$

d) Sewer Only for Commercial Customers with a Private Water Supply

Larger customers connected to sewer services only and with a private water supply will meter water at their own expense, and shall pay quarterly the service charge plus the sewer commodity rate set forth in Paragraph 1 hereof on the number of gallons of water registered by the meter on their private water supply, which shall be read by the Town.

e) Bulk Water Sales

All water sold in bulk by the Killarney-Turtle Mountain Water and Sewer Utility shall be charged for at the rate of \$.25 per 12.5 gallons or \$20.00 per 1,000 gallons.

The following clauses take effect October 1, 2020:

3. Sewer Tipping Fees

All septage dumped at the Killarney-Turtle Mountain Lagoon shall be charged at a rate of \$10.00 per truckload up to 1,500 gallons.

4. Service To Customers Outside Utility's Limits

The Council of the Municipality of Killarney-Turtle Mountain may sign Agreements with other Municipalities for the provision of water and sewer services to properties located outside the boundaries of Killarney-Turtle Mountain Water and Sewer Utility.

Such Agreements shall provide for payment of the appropriate rates set out in this 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 Killarney-Turtle Mountain 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.

5. 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 twenty (20) days after the mailing of the bills.

6. Liability for Charges

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 utility billings pursuant to this by-law are not paid within sixty (60) days from the date when they were incurred, the Municipality may add said charges and penalties to the taxes on the property and collect them in the same manner as other taxes.

7. Change of Service

That the charge to sign up as a customer of the Utility or to request a final bill shall be \$10, to recover the cost of completing the change of customer for that service.

8. 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.

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a reconnection fee of \$25.00 have been paid.

Service may be installed, disconnected, removed or reconnected upon receipt of a written request and payment of the applicable rate are set out in the following:

<u>Meter Size</u>	<u>Installation</u>	<u>Disconnection</u>	<u>Removal</u>	<u>Reconnection</u>
5/8"	\$25.00	\$25.00	\$12.50	\$25.00
3/4"	\$25.00	\$25.00	\$12.50	\$25.00
1"	\$30.00	\$25.00	\$12.50	\$25.00
1 ½"	\$65.00	\$25.00	\$12.50	\$25.00
2"	\$150.00	\$25.00	\$12.50	\$25.00
4"	\$500.00	\$25.00	\$12.50	\$25.00

Note: Fee of \$25.00 shall be charged to all customers for each turn on and each turn off. The reconnection fee does not include a re-installation fee. A check valve shall be installed, at no cost to the customer, with all installations and with all removals.

9. Hydrant Charges

The Municipality of Killarney-Turtle Mountain, or any other hydrant owner, will pay to the Utility a fee of \$150 per hydrant for the purpose of maintaining and repairing all fire hydrants connected to the system which shall include the cost of water used for firefighting.

10. 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.

11. 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 \$70. 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 four (4) 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. Meter Tampering

Where there is evidence of meter tampering a minimum charge of \$500.00 will be applied to the customer's account in addition to an amount calculated to adjust for the tampering based on historical usage.

13. Water Allowance Due to Line Freezing

That in any case where at the request of the Municipality or its delegate, 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 three previous quarters to the same customer, or to the same premises if the occupant has changed.

14. Authorization For Officer To Enter Upon Premises

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

15. 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.

16. 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.