

RURAL MUNICIPALITY OF MONTCALM

BY-LAW NO. 825/21

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MONTCALM
TO ESTABLISH WATER AND WASTEWATER RATES FOR THE
MONTCALM WATER AND WASTEWATER UTILITY.**

WHEREAS The Rural Municipality of Montcalm owns and operates the Montcalm Water and Wastewater Utility;

AND WHEREAS The Rural Municipality of Montcalm has undertaken a water and wastewater rate study of the utility that indicates water and wastewater rates require to be changed;

AND WHEREAS Section 232 (1) and (2) and 252 (1) of The Municipal Act, S.M. 1996, c. 58, provides in part as follows:

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;

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;

AND WHEREAS it is deemed advisable to provide rates for July 1, 2022, January 1, 2023, January 1, 2024 and January 1, 2025 and thereafter to be paid by persons to whom water and wastewater services are supplied by the Montcalm Utility and to provide for the collection thereof;

NOW THEREFORE the Council of the Rural Municipality of Montcalm in session duly assembled, hereby enacts a by-law as follows:

- 1) **THAT** all accounts for minimum quarterly charges for metered services for the Montcalm Utility as set forth in the Schedule of Quarterly Rates shall be billed quarterly. Consumers shall pay for water and wastewater 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 Rural Municipality of Montcalm 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 Rural Municipality of Montcalm'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.

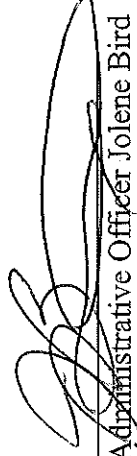
- 4) **THAT** no person shall wilfully or maliciously hinder or cause to hinder the Rural Municipality of Montcalm or its representative in the exercise of their duties in relation to the operation and maintenance of the water or Wastewater system.
- 5) **THAT** any person violating any provision of this by-law shall:
 - a) be guilty of an offence and, upon conviction, liable to a fine not exceeding one thousand dollars (\$1,000) and costs for each violation;
 - b) be liable to the Rural Municipality of Montcalm 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 Rural Municipality of Montcalm 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) **THAT** By-law No. 804/19 is hereby repealed.
- 7) **THAT** this by-law and rates for July 1, 2022, January 1, 2023, January 1, 2024 and January 1, 2025 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.

DONE AND PASSED, by Council of the Rural Municipality of Montcalm, in open meeting, duly assembled at Montcalm, in Manitoba this 22nd day of June, 2022.

THE RURAL MUNICIPALITY OF MONTCALM



Reeve Paul Gilmore



Chief Administrative Officer Jolene Bird

Read a First time this 18th day of August, 2021
Read a Second time this 22nd day of June, 2022
Read a Third time this 22nd day of June, 2022

**RURAL MUNICIPALITY OF MONTCALM
WATER & WASTEWATER UTILITY RATES BY-LAW NO.
SCHEDULE "A"
SCHEDULE OF QUARTERLY RATES**

1. Schedule of Commodity Rates & July 1, 2022

Quarterly Service Charge

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Wastewater	Water & Wastewater
\$22.13	\$5.19	\$27.32

Quarterly Service Charge \$15.47

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 & Wastewater Customers

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water		Wastewater		Water & Wastewater		Water Only Total Quarterly Minimum
				Commodity Charge	Commodity Charge	Commodity Charge	Commodity Charge	Total Quarterly Minimum	Total Quarterly Minimum	
5/8 inch	1	3,000	\$15.47	\$66.39	\$15.57	\$97.43	\$81.86			\$81.86
¾ inch	2	6,000	\$15.47	\$132.78	\$31.14	\$179.39	\$148.25			\$148.25
1 inch	4	12,000	\$15.47	\$265.56	\$62.28	\$343.31	\$281.03			\$281.03
1 ½ inch	10	30,000	\$15.47	\$663.90	\$155.70	\$835.07	\$679.37			\$679.37
2 inch	25	75,000	\$15.47	\$1,659.75	\$389.25	\$2,064.47	\$1,675.22			\$1,675.22

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$27.00 per 1,000 gallons on a pro rated basis.

1. Schedule of Commodity Rates & January 1, 2023

Quarterly Service Charge

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Wastewater	Water & Wastewater
\$22.01	\$7.08	\$29.09

Quarterly Service Charge \$17.13

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 & Wastewater Customers

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water		Wastewater		Water & Wastewater		Water Only Total Quarterly Minimum
				Commodity Charge	Commodity Charge	Commodity Charge	Commodity Charge	Total Quarterly Minimum	Total Quarterly Minimum	
5/8 inch	1	3,000	\$17.13	\$66.03	\$21.24	\$104.40	\$83.16			\$83.16
¾ inch	2	6,000	\$17.13	\$132.06	\$42.48	\$191.67	\$149.19			\$149.19
1 inch	4	12,000	\$17.13	\$264.12	\$84.96	\$366.21	\$281.25			\$281.25
1 ½ inch	10	30,000	\$17.13	\$660.30	\$212.40	\$889.83	\$677.43			\$677.43
2 inch	25	75,000	\$17.13	\$1,650.75	\$531.00	\$2,198.88	\$1,667.88			\$1,667.88

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$27.00 per 1,000 gallons on a pro rated basis.

1. Schedule of Commodity Rates & January 1, 2024

Quarterly Service Charge

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Wastewater	Water & Wastewater
\$21.89	\$8.97	\$30.86

Quarterly Service Charge

\$18.79

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 & Wastewater Customers

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Total Quarterly Minimum	Water Only Total Quarterly Minimum
5/8 inch	1	3,000	\$18.79	\$65.67	\$26.91	\$111.37	\$84.46
¾ inch	2	6,000	\$18.79	\$131.34	\$53.82	\$203.95	\$150.13
1 inch	4	12,000	\$18.79	\$262.68	\$107.64	\$389.11	\$281.47
1 ½ inch	10	30,000	\$18.79	\$656.70	\$269.10	\$944.59	\$675.49
2 inch	25	75,000	\$18.79	\$1,641.75	\$672.75	\$2,333.29	\$1,660.54

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$27.00 per 1,000 gallons on a pro rated basis.

1. Schedule of Commodity Rates & January 1, 2025

Quarterly Service Charge

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Wastewater	Water & Wastewater
\$21.78	\$10.87	\$32.65

Quarterly Service Charge

\$20.44

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 & Wastewater Customers

Meter Size	Group Capacity Ratio	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Total Quarterly Minimum	Water Only Total Quarterly Minimum
5/8 inch	1	3,000	\$20.44	\$65.34	\$32.61	\$118.39	\$85.78
¾ inch	2	6,000	\$20.44	\$130.68	\$65.22	\$216.34	\$151.12
1 inch	4	12,000	\$20.44	\$261.36	\$130.44	\$412.24	\$281.80
1 ½ inch	10	30,000	\$20.44	\$653.40	\$326.10	\$999.94	\$673.84
2 inch	25	75,000	\$20.44	\$1,633.50	\$815.25	\$2,469.19	\$1,653.94

3. Bulk Water

All water sold in bulk shall be charged for at a rate of \$27.00 per 1,000 gallons on a pro rated basis.

The following clauses take effect July 1, 2022:

4. Billings and Penalties:

All connected customers shall be billed quarterly and payment shall be due and payable at least 14 days after the mailing of the bills. A late payment charge of 1.25% (1¼%) per month shall be charged on the dollar amount owing after the billing due date and a notice to this effect shall be clearly printed on all bills sent to customers.

5. Liability for Charges:

Where charges and penalties pursuant to this by-law are not paid within ninety (90) 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 as per authority of Section 252(2) of The Municipal Act of Manitoba.

6. Testing of Water Meters for Accuracy:

Any customer desiring and requesting their meter to be tested for accuracy shall deposit with the municipality the sum of \$ 40.00, which will be retained if the meter (when tested) shall be found to be within the allowable limits of variation from accuracy. If the meter is found to register in excess of the allowable limits the deposit shall be refunded and the customer's account adjusted to reflect an accurate consumption. The allowable limit of variation shall be 4% of average flow.

7. Disconnection and Reconnection:

a. 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 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.

b. 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. Service may be disconnected or reconnected upon receipt of a written request and payment of \$25.00. Service may be removed upon written request and a payment of \$50.00.

8. Responsibility for Service Connections:

The Utility is responsible for all costs involved to bring services to the property line of the owner (including any water losses that may occur to that point.) The owner is responsible for all costs of services (including water losses) from the property line into the building being serviced.

9. Outstanding Bills

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

10. Service to Customers outside the limits of the Rural Municipality of Montcalm

The Council of the Rural Municipality of Montcalm may sign agreements with customers for the provision of water and Wastewater services to properties located outside the legal boundaries of the Rural Municipality of Montcalm. Such agreements shall provide for payment of the appropriate rates set out in Section 1 of this schedule (for each applicable year), 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 which would be levied on the property concerned if it

were within these boundaries. In addition, all costs for connecting to the utility's mains and installing and maintaining service connections shall be paid for by the customer.

11. 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 Rural Municipality of Montcalm's water system.

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

12. 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 Rural Municipality of Montcalm, or its agents, may enter the property, effect repairs and charge the cost thereof against the subject property as ordinary taxes.

13. Authorization For Officer To Enter Upon Premises

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

14. Responsibility for Service Connections

The Utility is responsible for all costs involved to bring services to the property line of the owner (including any water losses that may occur to that point). The owner is responsible for all costs of services (including water losses) from the property line into the building being serviced.

15. Wastewater 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.

16. Hydrant Charges

The Rural Municipality of Montcalm or any other hydrant owner will pay to the Utility an annual fee of \$250.00 for each hydrant connected to the system which shall include the cost of water used for firefighting.