

MUNICIPALITY OF KILLARNEY - TURTLE MOUNTAIN

BY-LAW NO. 7-2018

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

WHEREAS The Municipality of Killarney - Turtle Mountain owns and operates a water and sewer facility within the limits of the boundaries of the (Urban Ward) Municipality of Killarney – Turtle Mountain.

AND WHEREAS under Sections 232(1), 250(1), (2) and 252(1), (2) of the Municipal Act, SM 1996, c. 58 – Cap. M225 states as follows:

232(1) A Council may pass by-laws for municipal purposes respecting the following matters:

- 2. public utilities:

250(1) A Municipality is a corporation and, subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- 2. 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

- 3. setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
- 4. 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
- 5. 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 be it and it is hereby passed and enacted as a by-law of the Municipality of Killarney - Turtle Mountain, in Council duly assembled as follows;

THAT By-law No. 5-2015 enacted by the Town of Killarney, December 2nd, A.D. 2015, and all amending by-laws thereto, and hereby repealed.

THAT the Municipality of Killarney - Turtle Mountain, in response to a formal application shall provide, disconnect and / or remove a water meter from a premise within the boundaries of the (Urban Ward) Municipality of Killarney - Turtle Mountain.

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 services supplied to them by the Municipality of Killarney - Turtle Mountain at the rates and terms set out in Schedule “A” attached hereto and forming part of this by-law. No reduction in minimum rates will be made because of the stoppage of water supply due to frozen services lines or frozen pipes inside the premises of the owner of the

property without just cause.

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 the use of the same, whenever at the discretion of the Council it is in the best interest of the public.

THAT no person, other than the Fire Chief or someone acting on his behalf, or a representative of the Municipality of Killarney - Turtle Mountain unless duly authorized in writing by the Chief Administrative Officer, shall open or use any fire hydrant, either for purposes of construction, street cleaning or any other purpose.

THAT no person shall wilfully or maliciously hinder or cause to hinder the Municipality of Killarney - Turtle Mountain or its representatives in the exercise of their duties in relation to the operation and maintenance of the water and sewage systems.

THAT the meter and shutoff valve inside the premises 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 by-pass 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.

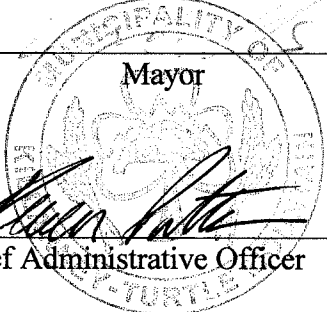
THAT any person violating any provisions of this by-law shall:

- a) be guilty of an offence and upon conviction thereof, liable to a fine not exceeding five hundred dollars (\$500.00) and costs for each violation;
- b) be liable to the Municipality of Killarney - Turtle Mountain for any expense suffered by the Town as a result of the violation;
- c) be liable for the repairs and costs for repairs to the system as a result of the violation. If that person is in default of effecting the repairs, the Town may effect the repairs and charge the cost thereof to that person, or add the cost to the taxes and collect the same in the same manner as ordinary taxes.

THAT this By-law shall come into force and become effective on, from and after the 1st day of January, 2019 upon both approval of the Public Utilities Board and receipt of third and final reading thereof.

PASSED AND ENACTED by the Municipality of Killarney - Turtle Mountain, in Council duly assembled this 9th day of January, 2019.

MUNICIPALITY OF KILLARNEY- TURTLE MOUNTAIN

The seal of the Municipality of Killarney - Turtle Mountain is circular. It features a central emblem with a landscape scene, including a mountain, a river, and a sun. The words "MUNICIPALITY OF KILLARNEY - TURTLE MOUNTAIN" are inscribed around the perimeter of the seal. The word "Mayor" is printed above the seal, and the signature of the Chief Administrative Officer is written across it.
 Mayor

 Chief Administrative Officer

Read a first time this 10th day of October, A.D., 2018.

Read a second time this 9th day of January, A.D., 2018.

Read a third time this 9th day of January, A.D., 2018.

SCHEDULE "A"
THE MUNICIPALITY OF KILLARNEY - TURTLE MOUNTAIN
WATER AND SEWER RATES
BY-LAW NO.

1. Commodity Rates per 1000 gallons/ January 1, 2019

| | | <u>Water</u> | <u>Sewer</u> | <u>Water & Sewer</u> |
|-------|----------------|--------------|--------------|--------------------------|
| First | 20,000 gal/qtr | \$11.80 | \$4.33 | \$16.13 |
| Over | 20,000 gal/qtr | \$7.50 | \$4.33 | \$11.83 |

2. Minimum Charges, Quarterly

Notwithstanding the Commodity rates set forth in paragraph 1 hereof, all customers will pay the applicable minimum charges set out below, which will include water allowances indicated:

3. Water and Sewer Customers

| Metre Size | Group Capacity Ratio | Minimum Quarterly Consumption | Service Charge | Commodity rates | | Minimum Quarterly Charges |
|------------|----------------------|-------------------------------|----------------|-----------------|------------|---------------------------|
| | | | | Water | Sewer | |
| 5/8 | 1 | 3000 | \$11.49 | \$35.40 | \$12.99 | \$59.88 |
| ¾ | 2 | 6000 | \$11.49 | \$70.80 | \$25.98 | \$108.27 |
| 1 | 4 | 12000 | \$11.49 | \$141.60 | \$51.96 | \$205.05 |
| 1 ½ | 10 | 30000 | \$11.49 | \$311.00 | \$129.90 | \$432.39 |
| 2 | 25 | 75000 | \$11.49 | \$648.50 | \$324.75 | \$984.74 |
| 4 | 90 | 270000 | \$11.49 | \$2,111.00 | \$1,169.10 | \$3,291.59 |

a) Each Trailer shall be charged \$118.81 per quarter for water and sewer including the service charge.

4. Water Only Customers

Customers with water only services shall be charged the minimum quarterly rate applicable to the customer's meter size less the sewer charge.

Unmetered seasonal customers will be charged a flat rate of \$247.49 per season; this rate includes 20,000 imperial gallons per season plus a service charge.

5. Sewer Only for Residential Customers

Customers with sewer only services shall be charged \$63.45 per quarter.

6. 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 this 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 will be read by the Town.

7. Bulk Sales

All water sold in bulk by the Municipality of Killarney - Turtle Mountain shall be charged for at the rate of \$0.25 per 12.5 gallons or \$20.00 per 1000 imperial gallons.

8. Service to Customers outside the Urban Ward Limits

The Council of the Municipality of Killarney - Turtle Mountain may sign agreements with customers for the provision of water and sewer services to properties located outside the legal boundaries of the

town. Such agreements shall provide for payment of the appropriate rates set out in the schedule. As will 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, and which would be levied on the property concerned if it were within these boundaries. In addition, the customer will pay all cost of connecting to the utility's mains and installing and maintaining service connections.

9. Billings and Penalties

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

10. 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 service, and shall be collected in the same manner in which ordinary taxes upon the land are collectable and with like remedies. Where charged and penalties 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.

11. Disconnection and Reconnection

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 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 as set in the following:

| Meter | Installation | Disconnection | Removal | Reconnection |
|-------|--------------|---------------|---------|--------------|
| 5/8 | \$25.00 | \$10.00 | \$12.50 | \$25.00 |
| ¾ | \$25.00 | \$10.00 | \$12.50 | \$25.00 |
| 1 | \$30.00 | \$10.00 | \$12.50 | \$25.00 |
| 1 ¼ | \$35.00 | \$10.00 | \$12.50 | \$25.00 |
| 1 ½ | \$65.00 | \$10.00 | \$12.50 | \$25.00 |
| 2 | \$150.00 | \$10.00 | \$12.50 | \$25.00 |
| 4 | \$500.00 | \$10.00 | \$12.50 | \$25.00 |

Note: Fee of \$10.00 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 cost to the customer, with all new installations and with all renewals.

12. Hydrant Rentals

The Municipality of Killarney - Turtle Mountain will pay to the Utility an annual rental of \$150.00 for each hydrant connected to the system which includes the cost of water for fire fighting.

13. 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.

14. Meter Testing

Any customer wishing to have ammeter tested for accuracy will pay in advance a fee of \$50.00, plus any applicable meter testing costs. In the event the meter tests prove that the meter is recording water flows more than 3% 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.

15. 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.

16. **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 the same premises of the occupant has changed.

17. **Authorization for Officer to Enter Upon Premises**

The Public Works Manager, or other employee authorized by the Municipality shall be authorized to enter upon and premises for the purpose of:

- a. Affixing to any pipe, wire or apparatus connected with any such utility, a meter or any other measuring or testing device; or
- b. Taking readings form, repairing, inspecting or removing any meter apparatus belonging to the municipality.