

ROSSBURN MUNICIPALITY

BY-LAW NO. 2020-005

BEING a By-law of Rossburn Municipality to establish new water rates for the Sunset Point Water Utility

WHEREAS Rossburn Municipality provides treated water to Sunset Point customers;

AND WHEREAS *The Municipal Act*, S.M. 1996, C58, states in part:

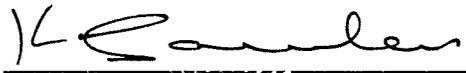
- “232(1) A Council may pass by-laws for municipal purposes respecting the following matters:
- (1) public utilities:
- 232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (d) establish fees or other charges for services, activities or things 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 Rossburn Municipality, in open Council assembled enacts as follows:

1. THAT Rossburn Municipality shall charge the rates set out in Schedule “A” attached hereto on the various properties within Sunset Point utilizing the water system constructed therein.
2. THAT the water charges shall be levied annually upon the respective properties benefitting, as indicated on Schedule “A” attached hereto.
3. 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.
4. 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 services pipes from the street to the premises shall be the responsibility of the owner or occupant.
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 Rossburn Municipality 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 persons, or add the cost to property taxes and collect those property taxes in the same manner as other property taxes.
6. This by-law and rates effective January 1, 2020 *on an interim ex parte basis*, 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 in Council duly assembled at the Council Chambers of Rossburn Municipality in the Province of Manitoba, this 10 day of November, 2020.



Mayor Kerry Lawless



Holly Krysko
Chief Administrative Officer.

READ a 1st time this 3rd day of March 2020.

Res# 2020-74

READ a 2nd time this 10th day of November 2020

Res # 2020-400

READ a 3rd time and PASSED this 10th day of November 2020

Res # 2020-401

SCHEDULE A TO BY-LAW NO. 2020-005

Schedule of Water Rates for Properties Serviced by Sunset Point Utility

January 1, 2020 SCHEDULE OF ANNUAL RATES

1. Customer Service Charge
The annual customer service charge shall be \$58.00
2. Commodity Rates
The commodity rate for all treated water supplied shall be based on one residential equivalency unit. The annual water usage rate for one residential equivalent unit shall be \$923.20

The following clauses take effect January 1, 2020:

3. Annual Billing
Accounts shall be billed annually. A late payment 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 twenty (20) days after the mailing of the bills.
4. Service To Customers Outside Sunset Point Limits
The Council of Rossmore Municipality may sign Agreements with customers for the provision of water services to properties located outside the boundaries of the Sunset Point 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 Sunset Point 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.
5. 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.
6. 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.