

THE MUNICIPALITY OF NORFOLK TREHERNE

BY-LAW NO. 55-2020

BEING a By-law of the Municipality of Norfolk Treherne to establish new water rates for the Lavenham Water Utility

WHEREAS the Municipality of Norfolk Treherne provides treated water to Lavenham 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:
- (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.”

NOW THEREFORE the Council of The Municipality of Norfolk Treherne, in open Council assembled enacts as follows:

1. THAT the Municipality of Norfolk Treherne shall charge the rates set out in Schedule "A" attached hereto on the various properties within Lavenham utilizing the water system constructed therein.
2. THAT the water charges shall be levied quarterly in advance 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 the Municipality of Norfolk Treherne 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 for October 1, 2020 and January 1, 2021 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.
7. THAT By-law No. 2489/2010 and 2495/2010 of the Rural Municipality of South Norfolk and its amendments are hereby repealed.

DONE and **PASSED** in Council duly assembled at the Council Chambers of the Municipality of Norfolk Treherne in the Province of Manitoba, this 8th day of September, 2020.



Reeve.



Chief Administrative Officer.

READ a First time this 21st day of January, A.D. 2020.

READ a Second time this 8th day of September, A.D. 2020.

READ a Third time and PASSED this 8th day of September, A.D. 2020.

SCHEDULE A TO BY-LAW NO. 55-2020
Schedule of Water Rates for Properties Serviced by Lavenham Utility

October 1, 2020

SCHEDULE OF QUARTERLY RATES

1. Customer Service Charge
The quarterly customer service charge shall be \$3.00
The quarterly water commodity charge shall be \$155.00

2. Commodity Rates
The commodity rate for all treated water supplied shall be based on one residential equivalency unit. The quarterly water usage rate for one residential equivalent unit shall be \$158.00

January 1, 2022

SCHEDULE OF QUARTERLY RATES

1. Customer Service Charge
The quarterly customer service charge shall be \$6.25
The quarterly water commodity charge shall be \$175.00

2. Commodity Rates
The commodity rate for all treated water supplied shall be based on one residential equivalency unit. The quarterly water usage rate for one residential equivalent unit shall be \$181.25

The following clauses take effect October 1, 2020:

1. **Quarterly Billing**
Accounts shall be billed quarterly in advance.
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.

2. **Service To Customers Outside Lavenham Limits**
The Council of the Municipality of Norfolk Treherne may sign Agreements with customers for the provision of water services to properties located outside the boundaries of the Lavenham 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 Lavenham 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.

3. **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.

This is not a seasonal system therefore all properties will still be responsible for the quarterly utility levy as this utility is based on flat rates and not volume.

4. 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.