

THE RURAL MUNICIPALITY OF MACDONALD

BY-LAW NO. 4/23

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to establish new utility rates for Macdonald Water and Wastewater Utility.

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

AND WHEREAS *The Municipal Act, S.M. 1996, c.58*, states in part:

Spheres of jurisdiction

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

- (l) public utilities;

Exercising by-law making powers

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;

General Powers

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;

Powers respecting works, services 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.

Collection of Fees

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.

AND WHEREAS the Rural Municipality of Macdonald intends to amalgamate the Macdonald Water Utility and the Macdonald Wastewater Utility into one utility to be known as the Macdonald Water and Wastewater Utility;

AND WHEREAS it is deemed advisable to provide rates for January 1, 2024, January 1, 2025, January 1, 2026 and January 1, 2027 and thereafter to be paid by persons to whom water and wastewater services are supplied by Macdonald Utility and to provide for the collection thereof;

NOW THEREFORE the Council of The Rural Municipality of Macdonald, in session duly assembled hereby enacts as follows:

1. THAT the Macdonald Water Utility and the Macdonald Wastewater Utility are hereby amalgamated into one utility to be known as the Macdonald Water and Wastewater Utility.

2. THAT all accounts for minimum quarterly charges for metered services 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 Macdonald Water and Wastewater Utility at the rates and terms set out in Schedule "A" attached hereto and forming part of this by-law.
3. THAT the Rural Municipality of Macdonald 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.
4. THAT no person, other than the Fire Chief or someone acting on his/her behalf, or a representative of the Municipality duly authorized in writing by the Municipal CAO, shall open or use any fire hydrant, either for construction purposes, street cleaning, or any other purpose.
5. THAT the meter shut off valve inside premises serviced with water by the Municipality, 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.
6. 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 or wastewater system.
7. 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 Macdonald 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.
8. THAT this by-law and rates for January 1, 2024, January 1, 2025, January 1, 2026 and January 1, 2027 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.
9. THAT By-law No. 6/15 and its amendments are hereby repealed.

DONE and PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 23rd day of January, A.D., 2024.

THE RURAL MUNICIPALITY OF MACDONALD

Original Signed by

"B. Erb"

Brad Erb
Reeve

"D. Hrehirchuk"

Daryl Hrehirchuk
Chief Administrative Officer

Read a First time this 14th day of February A.D., 2023

Read a Second time this 23rd day of January A.D., 2024

Read a Third time this 23rd day of January A.D., 2024

**WATER & WASTEWATER UTILITY RATES
SCHEDULE "A"
SCHEDULE OF QUARTERLY RATES**

1. Schedule of Commodity Rates & Quarterly Service Charge January 1, 2024

Quarterly Service Charge			\$8.15
Quarterly Rates Per Cubic Meter	Water \$3.00	Wastewater \$1.21	Water & Wastewater \$4.21

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	Water Included	Customer Service	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Total Quarterly
Ratio	C.M.	Charge	Charge	Charge	Minimum	
16mm - 5/8"	1	14	\$8.15	\$42.00	\$16.94	\$67.09
19mm - 3/4"	2	28	\$8.15	\$84.00	\$33.88	\$126.03
25mm - 1"	4	56	\$8.15	\$168.00	\$67.76	\$243.91
38mm - 1 1/2"	10	112	\$8.15	\$336.00	\$135.52	\$479.67
50mm - 2"	25	224	\$8.15	\$672.00	\$271.04	\$951.19
75mm - 3"	45	448	\$8.15	\$1,344.00	\$542.08	\$1,894.23
100mm - 4"	90	896	\$8.15	\$2,688.00	\$1,084.16	\$3,780.31
150mm - 6"	170	1,792	\$8.15	\$5,376.00	\$2,168.32	\$7,552.47
200mm - 8"	300	3,584	\$8.15	\$10,752.00	\$4,336.64	\$15,096.79

b. Water Only for Customers

The minimum charge will be the same for each meter size as shown above but the Wastewater Commodity Charge will be excluded.

c. Wastewater Only Customers

The Wastewater only charge is the Wastewater Commodity Rate based on quarterly consumption of 42 cubic meters plus the quarterly customer service charge. The quarterly charge for wastewater only customers is (42 x \$1.21) + \$8.15 = \$58.97.

3. Bulk Water Sales

All treated water sold in bulk by the Macdonald Utility will be charged at the rate of \$3.25 per cubic meter.

1. Schedule of Commodity Rates & Quarterly Service Charge January 1, 2025

Quarterly Service Charge				\$8.30
Quarterly Rates Per Cubic Meter	Water	Wastewater	Water & Wastewater	
	\$3.25	\$1.12	\$4.37	

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

	Group Capacity	Water Included	Customer Service	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Total Quarterly
Meter Size	Ratio	C.M.	Charge	Charge	Charge	Minimum
16mm - 5/8"	1	14	\$8.30	\$45.50	\$15.68	\$69.48
19mm - 3/4"	2	28	\$8.30	\$91.00	\$31.36	\$130.66
25mm - 1"	4	56	\$8.30	\$182.00	\$62.72	\$253.02
38mm - 1 1/2"	10	112	\$8.30	\$364.00	\$125.44	\$497.74
50mm - 2"	25	224	\$8.30	\$728.00	\$250.88	\$987.18
75mm - 3"	45	448	\$8.30	\$1,456.00	\$501.76	\$1,966.06
100mm - 4"	90	896	\$8.30	\$2,912.00	\$1,003.52	\$3,923.82
150mm - 6"	170	1,792	\$8.30	\$5,824.00	\$2,007.04	\$7,839.34
200mm - 8"	300	3,584	\$8.30	\$11,648.00	\$4,014.28	\$15,670.38

b. Water Only for Customers

The minimum charge will be the same for each meter size as shown above but the Wastewater Commodity Charge will be excluded.

c. Wastewater Only Customers

The Wastewater only charge is the Wastewater Commodity Rate based on quarterly consumption of 42 cubic meters plus the quarterly customer service charge. The quarterly charge for wastewater only customers is $(42 \times \$1.12) + \$8.30 = \$55.34$.

3. Bulk Water Sales

All treated water sold in bulk by the Macdonald Utility will be charged at the rate of \$3.50 per cubic meter.

1. Schedule of Commodity Rates & Quarterly Service Charge January 1, 2026

Quarterly Service Charge	\$8.45		
Quarterly Rates Per Cubic Meter	Water \$3.50	Wastewater \$1.03	Water & Wastewater \$4.53

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 C.M.	Customer Service Charge	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Total Quarterly Minimum
16mm - 5/8"	1	14	\$8.45	\$49.00	\$14.42	\$71.87
19mm - 3/4"	2	28	\$8.45	\$98.00	\$28.84	\$135.29
25mm - 1"	4	56	\$8.45	\$196.00	\$57.68	\$262.13
38mm - 1 1/2"	10	112	\$8.45	\$392.00	\$115.36	\$515.81
50mm - 2"	25	224	\$8.45	\$784.00	\$230.72	\$1,023.17
75mm - 3"	45	448	\$8.45	\$1,568.00	\$461.44	\$2,037.89
100mm - 4"	90	896	\$8.45	\$3,136.00	\$922.88	\$4,067.33
150mm - 6"	170	1,792	\$8.45	\$6,272.00	\$1,845.76	\$8,126.21
200mm - 8"	300	3,584	\$8.45	\$12,544.00	\$3,691.52	\$16,243.97

b. Water Only for Customers

The minimum charge will be the same for each meter size as shown above but the Wastewater Commodity Charge will be excluded.

c. Wastewater Only Customers

The Wastewater only charge is the Wastewater Commodity Rate based on quarterly consumption of 42 cubic meters plus the quarterly customer service charge. The quarterly charge for wastewater only customers is $(42 \times \$1.03) + \$8.45 = \$51.71$.

3. Bulk Water Sales

All treated water sold in bulk by the Macdonald Utility will be charged at the rate of \$3.75 per cubic meter.

1. Schedule of Commodity Rates & Quarterly Service Charge **January 1, 2027**

Quarterly Service Charge	\$8.58			
Quarterly Rates Per Cubic Meter	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Water \$3.76</td> <td style="width: 33%;">Wastewater \$0.94</td> <td style="width: 33%;">Water & Wastewater \$4.70</td> </tr> </table>	Water \$3.76	Wastewater \$0.94	Water & Wastewater \$4.70
Water \$3.76	Wastewater \$0.94	Water & Wastewater \$4.70		

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 C.M.	Customer Service Charge	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Total Quarterly Minimum
16mm - 5/8"	1	14	\$8.58	\$52.64	\$13.16	\$74.38
19mm - 3/4"	2	28	\$8.58	\$105.28	\$26.32	\$140.18
25mm - 1"	4	56	\$8.58	\$210.56	\$52.64	\$271.78
38mm - 1 1/2"	10	112	\$8.58	\$421.12	\$105.28	\$534.98
50mm - 2"	25	224	\$8.58	\$842.24	\$210.56	\$1,061.38
75mm - 3"	45	448	\$8.58	\$1,684.48	\$421.12	\$2,114.18
100mm - 4"	90	896	\$8.58	\$3,368.96	\$842.24	\$4,219.78
150mm - 6"	170	1,792	\$8.58	\$6,737.92	\$1,684.48	\$8,430.98
200mm - 8"	300	3,584	\$8.58	\$13,475.84	\$3,368.96	\$16,853.38

b. Water Only for Customers

The minimum charge will be the same for each meter size as shown above but the Wastewater Commodity Charge will be excluded.

c. Wastewater Only Customers

The Wastewater only charge is the Wastewater Commodity Rate based on quarterly consumption of 42 cubic meters plus the quarterly customer service charge. The quarterly charge for wastewater only customers is $(42 \times \$0.94) + \$8.58 = \$48.06$.

3. Bulk Water Sales

All treated water sold in bulk by the Macdonald Utility will be charged at the rate of \$4.00 per cubic meter.

The following clauses take effect January 1, 2024:

4. Service To Customers Outside Utility's Limits

The Council of the Rural Municipality of Macdonald may sign Agreements with customers for the provision of water and wastewater services to properties located outside the boundaries of Macdonald. 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 Macdonald 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 charge of 1.25% per month, compounded monthly, shall be charged on the dollar amount owing after the billing due date. The due date shall be at least 14 days after the mailing of the bills.

6. Disconnection

The Public Utilities Board has approved the Conditions Precedent, PUB Order 39/09, 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. In accordance with PUB Order 39/09, the disconnection procedure shall be:

- a. Customers shall receive a billing statement each billing cycle for services. The due date which appears on the bill shall be no less than 14 days after the billing date.
- b. If payment is not received within 31 days from the last billing date, notice will be provided.
- c. If payment is not received within 45 days of the last billing date, a second and final reminder shall be provided indicating the disconnection date. A disconnection fee of \$100.00 will be assessed.

7. Disconnection Exceptions

The following exceptions to the above notice requirements prior to disconnection

- a. Where the customer's account was past due and where a payment arrangement was made and subsequently broken, the Municipality may disconnect the customer's service with 7 calendar days notice.
- b. Where the customer's account was past due for services billed at a previous premise, the Municipality may, with 10 days notice, disconnect the customer's service at the new premise if the customer fails to make a payment arrangement.

8. Reconnection

Any service disconnected, whether due to non-payment of account or for any other reason(s) mutually agreed to by the customer and the Municipality (ie. repairs necessitated by negligence of the customer, changes in tenant, vacancy for an extended period of time, etc.) shall not be reconnected until a reconnection fee of \$100.00 and all arrears and penalties, if any, have been paid.

9. Reconnection of Requested Disconnection

Any customer wishing to have billings discontinued due to vacancy of premises shall be required to pay two times the minimum quarterly utility billing to have services resume. This reconnection fee is to be based upon the customers connected service(s).

10. 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. Where charges and penalties pursuant to this by-law are not paid within sixty (60) 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.

11. Hydrant Charges

The Rural Municipality of Macdonald 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 firefighting.

12. Water Meters

- a. The Municipality shall supply an appropriate sized water meter.
- b. The meter shall be installed by the Municipality and the costs shall be the responsibility of the property owner.
- c. The meter shall be installed above the floor as approved by the Municipality.
- d. The meter shall be located as close as practical to the point of entry of the water line. Ample room must be provided for access to the meter and main valve at all times.
- e. The meter shall be in a horizontal position with the main shut off valve immediately before the meter. Another valve shall be installed downstream of the meter before any distribution piping or ports.
- f. No distribution piping or ports shall be allowed before the meter.
- g. The meter shall be protected from any type of damage including freezing.
- h. Costs for any damage and labour for repairs to the water meter and associated equipment shall be the responsibility of the property owner.
- i. Any customer wishing to have a meter tested for accuracy will pay in advance a fee of \$150, plus any applicable meter testing costs. In the event the meter tests prove that the meter is recording water flows 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.
- j. Where there is evidence of meter tampering a minimum charge of \$1,000 will be applied to the customer's account in addition to an amount calculated to adjust for the tampering based on historical usage.

13. Estimating Consumptions

Where a meter is found not in use or out of proper working order or the scheduled reading is not obtained, or where no meter is installed, the Chief Administrative Officer shall estimate the consumption of water used for any quarter or other period based on the amount of water consumed during the time the meter was working or from any other information or source available, and such estimate shall be the basis for billing the customer or water used.

14. Water Allowance Due to Line Freezing

At the request of Council, a customer may be requested to run water continuously for a period of time to prevent the water distribution lines from freezing. The charge incurred to the customer for the current quarter shall be the average of the billings for the last two previous quarters to the same customer, or to the same premises if the occupant has changed.

15. Cross Connections

No person shall make any connection or communication of an independent water supply with a pipe or main which is part of or connected to the waterworks system.

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

17. Authorization For Officer To Enter Upon Premises

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

18. Wastewater Surcharges

- a) There may be levied annually, in addition to the rates set forth above, a special surcharge on wastewater 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 wastewater or industrial waste.

19. Septic Truck Tipping Fees

The charge for septic truck tipping will be \$25.85 per truck load for loads up to and including 1,500 gallons, and \$51.70 per truck load for loads over 1,500 gallons.