

TOWN OF NIVERVILLE
BY-LAW No. 745-14

BEING A BY-LAW OF THE TOWN OF NIVERVILLE
TO ESTABLISH WATER RATES

WHEREAS The Town of Niverville has undertaken a water rate study that indicates water rates require an increase;

And **WHEREAS** Section 232 (1) and (2) 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;

AND WHEREAS it is deemed advisable to provide rates effective July 1, 2016 and thereafter to be paid by persons to whom water is supplied by the Town and to provide for the collection thereof;

NOW THEREFORE THE COUNCIL OF THE TOWN OF NIVERVILLE IN SESSION DULY ASSEMBLED, HEREBY ENACTS A BY-LAW AS FOLLOWS:


- 1) **THAT** consumers shall pay for water services supplied to them at the rates and under the terms set out in Schedule "A" attached hereto and forming part of this by-law. Connected customers shall be billed quarterly charges for metered services as set forth in Schedule "A".
- 2) **THAT** the Town of Niverville 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** no person, other than the Fire Chief or someone acting on his/her behalf, or a representative of the Town, unless duly authorized in writing by the Chief Administrative Officer, shall open or use any fire hydrant, either for construction purposes, street cleaning, or any other purpose.
- 4) **THAT** the meter shut off valve inside premises serviced with water by the Town, 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 or 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.
- 5) **THAT** no person shall wilfully or maliciously hinder or cause to hinder the Town or its' representative in the exercise of their duties in relation to the operation and maintenance of the water or sewer system.
- 6) **THAT** any person violating any provision of this by-law shall:
 - a) be guilty of an offence and, upon conviction, be liable to a fine not exceeding five hundred dollars (\$500) and;
 - b) be liable to the Town of Niverville for any expense, loss or damage suffered by the Town 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 affecting the repairs, the Town may affect the repairs and charge the cost thereof to those persons, or add the cost to property taxes and collect those property taxes in the same manner as other property taxes.

- 7) This by-law and rates effective July 1, 2016 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.
- 8) That By-law No 723-13 be repealed as of July 1, 2016 upon final approval of this By-law by the Public Utilities Board of Manitoba.

PASSED AND ENACTED BY THE TOWN OF NIVERVILLE IN COUNCIL DULY ASSEMBLED THIS 17th day of May, 2016.



Mayor



Town Manager

Read a first time this 2nd day of December, 2014
Read a second time this 17th day of May, 2016
Read a third time this 17th day of May, 2016

Certified a true copy of By-Law No. 745-14
of the Town of Niverville, given third reading
on the 17th day of May, 2016.

Town Manager

TOWN OF NIVERVILLE
 WATER RATES BY-LAW NO. 745-14
 SCHEDULE "A"

SCHEDULE OF QUARTERLY RATES July 1, 2016

1. Rates per 1,000 Gallons
1,000 Gallons per quarter
 Water \$10.54

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges set out below, which includes the water allowance as listed.

Meter Size	Group Capacity	Water Included Thousands of Gallons	Customer Service Charge	Water Commodity Charge	Water Total Quarterly Minimum
5/8 inch		1 3,000	\$7.37	\$31.62	\$38.99
3/4 inch		2 6,000	\$7.37	\$63.24	\$70.61
1 inch		4 12,000	\$7.37	\$126.48	\$133.85
1 ½ inch		10 30,000	\$7.37	\$316.20	\$323.57
2 inch		25 75,000	\$7.37	\$790.50	\$797.87
3 inch		45 135,000	\$7.37	\$1,422.90	\$1,430.27

SCHEDULE OF QUARTERLY RATES July 1, 2017

1. Rates per 1,000 Gallons
1,000 Gallons per quarter
 Water \$10.86

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges set out below, which includes the water allowance as listed.

Meter Size	Group Capacity	Water Included Thousands of Gallons	Customer Service Charge	Water Commodity Charge	Water Total Quarterly Minimum
5/8 inch		1 3,000	\$7.37	\$32.58	\$39.95
3/4 inch		2 6,000	\$7.37	\$65.16	\$72.53
1 inch		4 12,000	\$7.37	\$130.32	\$137.69
1 ½ inch		10 30,000	\$7.37	\$325.80	\$333.17
2 inch		25 75,000	\$7.37	\$814.50	\$821.87
3 inch		45 135,000	\$7.37	\$1,466.10	\$1,473.47

SCHEDULE OF QUARTERLY RATES July 1, 2018

1. Rates per 1,000 Gallons
1,000 Gallons per quarter
 Water \$11.18

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges set out below, which includes the water allowance as listed.

Meter Size	Group Capacity	Water Included Thousands of Gallons	Customer Service Charge	Water Commodity Charge	Water Total Quarterly Minimum
5/8 inch		1 3,000	\$7.37	\$33.54	\$40.91
3/4 inch		2 6,000	\$7.37	\$67.08	\$74.45
1 inch		4 12,000	\$7.37	\$134.16	\$141.53
1 ½ inch		10 30,000	\$7.37	\$335.40	\$342.77
2 inch		25 75,000	\$7.37	\$838.50	\$845.87
3 inch		45 135,000	\$7.37	\$1,509.30	\$1,516.67

3. Billings and Penalties

Accounts shall be billed quarterly based on water used. A late payment penalty charge of 1 ¼% monthly shall be charged on the dollar amount owing after the billing due date. The due date will be up to thirty (30) days after the mailing of the bills.

4. Outstanding Bills

Pursuant to Section 252(2) of the Municipal Act, the amount of all outstanding charges for water services, including fines and penalties, 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, the Finance Officer may add said charges and penalties to the taxes on the property and collect them in the same manner as other taxes.

5. Disconnections

The Public Utilities Board has approved the Conditions Precedent to be followed by the Town 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 Town office.

6. Reconnection

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a reconnection fee of \$40.00 have been paid.

7. Meter Testing

Any customer wishing to have a meter tested for accuracy will pay in advance a fee of \$50, 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.

8. Meter Tampering

Where there is evidence of meter tampering a minimum charge of \$500 will be applied to the customer's account in addition to an amount calculated to adjust for the tampering based on historical usage.

9. Hydrant Rentals

The Town will pay to the Utility an annual rental of \$100.00 for each hydrant connected to the system which includes the cost of water.

10. Water Allowance due to Line Freezing

That in any case where at the request of the Council, 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 if the occupant has changed.

11. Service to Customers outside Town of Niverville Limits

The Town of Niverville may sign agreements with customers for the provision of water 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 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, and which would be levied on the property concerned if it were within these boundaries. In addition, all costs of connection to the Water Utility's mains and installing and maintaining service connections will be paid by the customer.

12. 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 Town's water system.

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

13. Authorization for Officer to Enter Upon Premises

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