



## **Rural Municipality of De Salaberry**

By-law No. 2357-19

### **Otterburne Wastewater Utility Rates**

**Being a by-law of the R.M. of De Salaberry to provide for a schedule of sewer rates for the properties connected to the Otterburne Sewer Utility and the Otterburne Lagoon.**

**WHEREAS** The Rural Municipality of De Salaberry owns and operates a sewer facility in the community of Otterburne; 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 rates or other charges for services, activities or things provided or done by the municipality of for the use of property under the ownership, direction, management or control of the municipality;
  - (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any of the following:
    - (i) establishing fees and terms for payment of fees, for inspections, licenses, permits and approvals including fees related to recovering the costs of regulation.
    - (iv) providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms and conditions and who may impose them.
- 250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:
- (b) construct, operate, repair, improve and maintain works and improvements;
  - (c) acquire, establish, maintain and operate services, facilities and utilities;

- (d) enter into agreements with one or more of the following regarding anything the municipality has power to do within the municipality:
  - (i) a person,
  - (ii) the Government of Canada or one of its agencies,
  - (iii) the Government of Manitoba or one of its agencies,
  - (iv) a local authority,
  - (v) a band as defined in the *Indian Act* (Canada),
  - (vi) another municipality in Manitoba or a municipality in another province;

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.

And

**WHEREAS** The Rural Municipality of De Salaberry owns and operates a sewage lagoon as part of the Otterburne Sewer Utility, hereinafter referred to as ‘sewage lagoon’; and

**WHEREAS** the use of the sewage lagoon is available to all residents of the municipality; and

**WHEREAS** such use and access by residents outside of the Utilities is generally made through Septic Haulers; and

**WHEREAS** the council of The Rural Municipality of De Salaberry deems it necessary and in the best interests of the municipality and its utilities to establish fees and other regulations for the use of the sewage lagoon by residents within and outside the limits of the Utilities;

**THEREFORE** be it and it is hereby passed and enacted as a by-law of The Rural Municipality of De Salaberry, in council, duly assembled as follows:

1. **THAT** By-law No. 2301-12 enacted on July 31, 2012 is hereby repealed.
2. **THAT** By-law No. 2339-16 enacted on August 9, 2016 is hereby repealed.
3. **THAT** all accounts for unmetered sewer services as set forth in the Schedule of Annual Rates shall be billed annually and included on the property tax bills. Consumers shall pay for sewer services provided to them by the Otterburne Sewer Utility at the rates and terms set out in Schedule “A” attached hereto and forming part of this by-law.
4. **THAT** the municipality permit the dumping of sewage collected from properties within the Rural Municipality of De Salaberry only, into the Otterburne lagoon as per the rates and under the terms and conditions set out in Schedules “B” and “C” attached hereto and forming part of this by-law.

5. **THAT** this by-law shall come into force and become effective on, from and after both approval by The Public Utilities Board and receipt of third and final reading thereof.

**PASSED AND ENACTED** by The Rural Municipality of De Salaberry in Council duly assembled this 9<sup>th</sup> day of April, 2019.

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Reeve

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Chief Administrative Officer

Read a first time this 31<sup>st</sup> day of October, 2017.  
Read a second time this 9<sup>th</sup> day of April, 2019.  
Read a third time this 9<sup>th</sup> day of April, 2019.

## Schedule “A”

### The Rural Municipality of De Salaberry Otterburne Wastewater Utility Rates Bylaw No. 2357-19

#### Schedule of Annual Commodity Rates

**1. 2019 Annual Commodity Rates**

Building	REUs*	Sewer Charge	Customer Service Charge	Total Annual Charge
Single Dwelling	1	\$268.76	\$23.27	\$292.03
Post Office	1	\$268.76	\$23.27	\$292.03
Curling Club	1	\$268.76	\$23.27	\$292.03
Water Bottling Plant	2	\$537.52	\$23.27	\$560.79
Providence 6-Suite College Dorm	7.75	\$2,082.89	\$23.27	\$2,106.16
Feed Mill	9	\$2,418.84	\$23.27	\$2,442.11
Providence 23 Room College Dorm	18.75	\$5,039.30	\$23.27	\$5,062.57

\*Residential Equivalency Units

**1. 2020 Annual Commodity Rates**

Building	REUs*	Sewer Charge	Customer Service Charge	Total Annual Charge
Single Dwelling	1	\$272.32	\$35.43	\$307.75
Post Office	1	\$272.32	\$35.43	\$307.75
Curling Club	1	\$272.32	\$35.43	\$307.75
Water Bottling Plant	2	\$544.64	\$35.43	\$580.07
Providence 6-Suite College Dorm	7.75	\$2,110.48	\$35.43	\$2,145.91
Feed Mill	9	\$2,450.88	\$35.43	\$2,485.31
Providence 23 Room College Dorm	18.75	\$5,106.00	\$35.43	\$5,141.43

\*Residential Equivalency Units

**1. 2021 Annual Commodity Rates**

Building	REUs*	Sewer Charge	Customer Service Charge	Total Annual Charge
Single Dwelling	1	\$275.93	\$47.94	\$323.87
Post Office	1	\$275.93	\$47.94	\$323.87
Curling Club	1	\$275.93	\$47.94	\$323.87
Water Bottling Plant	2	\$551.86	\$47.94	\$599.80
Providence 6-Suite College Dorm	7.75	\$2,138.46	\$47.94	\$2,186.40
Feed Mill	9	\$2,483.37	\$47.94	\$2,531.31
Providence 23 Room College Dorm	18.75	\$5,137.69	\$47.94	\$5,221.63

\*Residential Equivalency Units

2. Billings and Penalties:  
All connected customers shall be billed yearly on property tax bill and payment shall be due as set by the annual Tax Levy By-law. A late payment charge of 1 ¼% shall be charged monthly on any amount owing after the due date and will be applied on the first day of each month following the due date.
3. Disconnection  
The Public Utilities Board has approved Conditions Precedent to be followed by the municipality with respect to the disconnection of services 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 municipal office.
4. Reconnection  
Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a reconnection fee of \$50.00 have been paid.
5. Service to Customers outside the limits of Otterburne:  
The Council of The Rural Municipality of De Salaberry may sign agreements with customers for the provision of sewer services to properties located outside the service area of the Community of Otterburne. Such agreements shall provide for payment of the appropriate rates set out in Section 1 of this schedule (for each applicable year), 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 which would be levied on the property concerned if it were within these boundaries. All costs for connecting to the utility's mains and installing and maintaining service connections shall be paid for by the customer as well as any connection fee that may be in place at the time of connection.
6. Sewage Surcharges
  - (a) There may be levied annually, in addition to 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 cost of treatment required for the particular sewage or industrial wastes.

## **Schedule “B”**

### **The Rural Municipality of De Salaberry Otterburne Wastewater Utility Rates Bylaw No. 2357-19**

#### **Schedule of Lagoon Tipping Fees**

1. The fees charged to be set out as follows:
  - (a) Charge per 1,000 gallons.....\$20.00
2. All sewage discharged into the sewage lagoon shall meet the standards outlined by Sustainable Development and contained in the licence issued by the Province of Manitoba for this lagoon. It shall be the responsibility of each septic hauler to familiarize themselves with these standards.
3. All septic haulers planning to collect sewage or septage from residents of the municipality and discharge sewage into the municipality’s lagoon must register at the municipal office and shall complete the application form set out in Schedule “C”.
4. Each septic hauler registered with the municipality shall be charged a per load fee based on the size of the vehicle registered. Each payment is due and payable within 14 days from the date that the invoice is mailed. If the current bill is not paid within 30 days, the municipality may revoke all rights and privileges in respect of the person(s) default in payment.
5. Each septic hauler must submit a quarterly report to the municipality indicating:
  - (a) the number of loads,
  - (b) the estimated volume of each load, and
  - (c) the legal or civic address from where each load originated.

Failure to submit these reports may result in the municipality revoking all rights and privileges of such person(s) being in violation of this section.
6. The Designated Officer or Alternate as may be appointed shall be empowered to inspect all sewage being discharged by a Septic Hauler. If a Septic Hauler is found to be in violation of this By-law or provisions of any licensing requirements of the municipality the Designated Officer or Alternate shall have full authority to revoke all rights and privileges of such person(s) being in violation and the violator(s) shall immediately surrender their key or access card for the lagoon to the officer.

## Schedule "C"

### The Rural Municipality of De Salaberry Otterburne Wastewater Utility Rates Bylaw No. 2357-19

#### Septic Hauler Access Application Form

Date: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Applicant's Full Business Name: \_\_\_\_\_

Vehicle Licence No. \_\_\_\_\_

Tank Volume: \_\_\_\_\_

Vehicle Licence No. \_\_\_\_\_

Tank Volume: \_\_\_\_\_

Written confirmation of MINIMUM \$2 million liability insurance in the name of the septic hauler or associated business, with RM of De Salaberry as an additional insured. Confirmation must be provided annually and kept current at all times.

Letter from Worker's Compensation Board of Manitoba with proof of registration and good standing with WCB. Confirmation must be provided annually and kept in good standing at all times. By signing below, the applicant agrees to comply with all bylaws of the Rural Municipality of De Salaberry including:

- Only sewage collected from within the Rural Municipality of De Salaberry will be discharged into the Otterburne Lagoon.
- To submit a quarterly report to the municipality indicating the number of loads, the volume of each load and the legal or civic address from where each load originated.

The applicant understands that the municipality shall have full authority to revoke all rights and privileges of such person(s) being in violation and the violator(s) shall immediately surrender their access card for the lagoon to the municipality.

Address (full mailing address):

\_\_\_\_\_

Phone numbers and email address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Chief Administrative Officer's Signature