



## **Rural Municipality of De Salaberry**

By-law No. 2356-19

### **St. Malo Water and Sewer Utility Rates**

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

**Whereas** the Rural Municipality of De Salaberry owns and operates a sewer and water facility within the limits of Local Improvement District No. 2; 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 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;

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 St. Malo Water and 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 all residents;

**NOW 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. 2300-12 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 minimum quarterly charges for metered and unmetered services as set forth in the Schedule of Quarterly Rates shall be billed quarterly together with any excess charges for metered water and sewer services for the preceding quarter. Consumers shall pay for water and sewer services supplied to them by the St. Malo Water and 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 St. Malo 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 10<sup>th</sup> day of November, 2020

Read a first time this 14th day of May, 2019.  
 Read a second time this 30<sup>th</sup> day of July, 2019  
 Read a third time this 10<sup>th</sup> day of November, 2020

\_\_\_\_\_  
 Reeve

\_\_\_\_\_  
 Chief Administrative Officer

I, Denise Parent, Chief Administrative Officer of The R.M. of De Salaberry certify this to be a true and correct copy of By-Law No. 2356-19, given third reading at regular meeting of Council on November 10<sup>th</sup>, 2020.

**Schedule “A” to Bylaw No. 2356-19**

**Schedule of Quarterly Rates Starting January 1, 2021:**

1. Commodity Rates per cubic metre (c.m.)
- |                       |              |              |                          |
|-----------------------|--------------|--------------|--------------------------|
|                       | <u>Water</u> | <u>Sewer</u> | <u>Water &amp; Sewer</u> |
| All water consumption | \$2.22       | \$0.64       | \$2.86                   |

2. Minimum Charges Quarterly:  
 Notwithstanding the commodity rates set forth in paragraph 1 hereof, all customers will pay the applicable minimum charges set out below, which will include allowances as indicated:

a) Water and Sewer Customers:

Meter Size (Inches)	Group Capacity Ratio	Minimum Quarterly Consumption	Service Charge	Water	Sewer	Minimum Quarterly Charges
5/8	1	14	\$7.81	\$31.08	\$8.96	\$47.85
¾	2	28	\$7.81	\$62.16	\$17.92	\$87.89
1	4	56	\$7.81	\$124.32	\$35.84	\$167.97
1 ¼	10	140	\$7.81	\$310.08	\$89.60	\$407.49
2	25	350	\$7.81	\$777.00	\$224.00	\$1,008.81
2 ½	50	700	\$7.81	\$1,087.80	\$313.60	\$1,409.21
4	90	1,227	\$7.81	\$2,797.20	\$806.40	\$3,611.41
6	170	2,319	\$7.81	\$5,283.60	\$1,523.20	\$6,814.61

b) Water Only Customers:

Minimum charges will be the same as shown above for each meter size noted above, however, the sewer commodity charge will be excluded.

c) Sewer Only Customers:

The quarterly commodity charge, based on the average residential water consumption, plus the service charge, shall be \$ 48.13.

d) St. Malo Campground (Sewer Only Customer):

The wastewater commodity charge, based on the estimated flows into the sewer utility’s system, shall be \$1.86 per cubic meter.

e) Bulk Raw Water Sales

To those customers authorized by the RM, access to the raw water supply well will be an annual flat rate service charge of \$200 per user.

**Schedule of Quarterly Rates Starting January 1, 2022:**

1. Commodity Rates per cubic metre (c.m.)

	<u>Water</u>	<u>Sewer</u>	<u>Water &amp; Sewer</u>
All water consumption	\$2.28	\$0.66	\$2.94

2. Minimum Charges Quarterly:

Notwithstanding the commodity rates set forth in paragraph 1 hereof, all customers will pay the applicable minimum charges set out below, which will include allowances as indicated:

a) Water and Sewer Customers:

Meter Size (Inches)	Group Capacity Ratio	Minimum Quarterly Consumption	Service Charge	Water	Sewer	Minimum Quarterly Charges
5/8	1	14	\$8.05	\$31.92	\$9.24	\$49.21
¾	2	28	\$8.05	\$63.84	\$18.48	\$90.37
1	4	56	\$8.05	\$127.68	\$36.96	\$172.69
1 ¼	10	140	\$8.05	\$319.20	\$92.40	\$419.65
2	25	350	\$8.05	\$798.00	\$231.00	\$1,037.05
2 ½	50	700	\$8.05	\$1,117.20	\$323.40	\$1,448.65
4	90	1,227	\$8.05	\$2,872.80	\$831.60	\$3,712.45
6	170	2,319	\$8.05	\$5,426.40	\$1,579.80	\$7,014.25

b) Water Only Customers:

Minimum charges will be the same as shown above for each meter size noted above, however, the sewer commodity charge will be excluded.

c) Sewer Only Customers:

The quarterly commodity charge, based on the average residential water consumption, plus the service charge, shall be \$ 49.63

d) St. Malo Campground (Sewer Only Customer):

The wastewater commodity charge, based on the estimated flows into the sewer utility's system, shall be \$1.92 per cubic meter.

e) Bulk Raw Water Sales

To those customers authorized by the RM, access to the raw water supply well will be an annual flat rate service charge of \$200 per user.

**Schedule of Quarterly Rates Starting January 1, 2023:**

1. Commodity Rates per cubic metre (c.m.)

	<u>Water</u>	<u>Sewer</u>	<u>Water &amp; Sewer</u>
All water consumption	\$2.35	\$0.67	\$3.02

2. Minimum Charges Quarterly:

Notwithstanding the commodity rates set forth in paragraph 1 hereof, all customers will pay the applicable minimum charges set out below, which will include allowances as indicated:

a) Water and Sewer Customers:

Meter Size (Inches)	Group Capacity Ratio	Minimum Quarterly Consumption	Service Charge	Water	Sewer	Minimum Quarterly Charges
5/8	1	14	\$8.29	\$32.90	\$9.38	\$50.57
3/4	2	28	\$8.29	\$65.80	\$18.76	\$92.85
1	4	56	\$8.29	\$131.60	\$37.52	\$177.41
1 1/4	10	140	\$8.29	\$329.00	\$93.80	\$431.09
2	25	350	\$8.29	\$822.50	\$234.50	\$1,065.29
2 1/2	50	700	\$8.29	\$1,151.50	\$328.30	\$1,488.09
4	90	1,227	\$8.29	\$2,961.00	\$844.20	\$3,813.49
6	170	2,319	\$8.29	\$5,593.00	\$1,594.60	\$7,195.89

b) Water Only Customers:

Minimum charges will be the same as shown above for each meter size noted above, however, the sewer commodity charge will be excluded.

c) Sewer Only Customers:

The quarterly commodity charge, based on the average residential water consumption, plus the service charge, shall be \$ 50.50.

d) St. Malo Campground (Sewer Only Customer):

The wastewater commodity charge, based on the estimated flows into the sewer utility's system, shall be \$1.98 per cubic meter.

e) Bulk Raw Water Sales

To those customers authorized by the RM, access to the raw water supply well will be an annual flat rate service charge of \$200 per user.

3. Billings and Penalties:  
A late payment charge of 1 ¼% shall be charged monthly on the dollar amount owing after the billing due date. The due date will be at least 21 days after the mailing of the bills.
4. 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 and the municipal office.
5. 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.
7. Hydrant Rentals:  
The R. M. of De Salaberry shall pay the utility an annual rental fee of \$100.00 per hydrant connected to the system which shall include the use of water for firefighting services.
8. Outstanding Bills  
Pursuant to Section 252(2) of *The Municipal Act*, the amount of all outstanding charges for water and/or sewer 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.
9. New Customers  
All new residential customers for water and sewer shall be metered at customer cost. Ownership, inspection and maintenance of meters will remain the responsibility of the utility system. Maintenance for meters with a size of 25mm. (1 inch) or larger (commercial) will be the responsibility of the utility system but will be billed to the commercial user.
10. Testing of Water Meters for Accuracy:  
Any customer desiring and requesting their meter to be tested for accuracy shall deposit with the municipality the sum of \$ 40.00. If the meter (when tested) is found to be within the allowable limits of variation from accuracy the municipality shall keep the deposit.  
  
If the meter is found to register in excess of the allowable limits, the deposit shall be refunded and the customer's account adjusted to reflect an accurate consumption.  
The allowable limit of variation shall be 4% of average flow.
11. Service to Customers outside the limits of Local Improvement District No. 2:  
The Council of the Rural Municipality of De Salaberry may sign agreements with customers for the provision of water and sewer services to properties located outside the boundaries of L.I.D. No. 2. Such agreements shall provide for payment of the appropriate rates set out in Sections 1 and 2 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. In addition, all costs for connecting to the utility's mains and installing and maintaining service connections shall be paid for by the customer.

12. Water Allowance Due to Line Freezing

Where, at the written request of the municipality, a customer allows water to run continuously for a 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 two previous quarters to the same customer, or to the same premises if the occupant has changed.

13. 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.

14. Requested Disconnection of Services

The municipality understands that some property owners choose to vacate their property for an extended period of time and may wish to have services disconnected. Services may be disconnected upon receipt by the municipality of a written request from the property owner indicating the date that the service is to be disconnected. There will be no charge for this service however the property owner will be billed the minimum quarterly charges while services are disconnected. Property owners are entitled to one disconnection and one reconnection of services per year. The property owner must be present when services are disconnected and reconnected.

15. Failure of Meter or Touch Pad to Register Properly

If the meter ceases to register properly, the quantity of water used will be determined by the most appropriate method, as determined in the sole opinion of the municipality. Such methods may include but not be limited to:

- a) mathematical calculations and comparisons including average consumption rates, number of persons generally in the premises, etc.; and
- b) the amount consumed during the corresponding period of the previous month(s) or year(s), giving due consideration to the weather, number of fixtures in the house, or
- c) if no such information exists, the municipality's best estimate, having regard to the circumstances.

A correction in billing shall be made for the period that the meter or touch pad failed to register properly, not exceeding two (2) years retroactive from the date of discovery.

## Schedule “B” to By-law No. 2356-19

1. The fees charged to be set out as follows effective January 1, 2021:
  - a. Sewage (holding Tanks) Tipping Fee Rates for Residences within the Community of St. Malo: Minimum per use fee of **\$3.49** up to 4.54 cubic metres (equivalent to 1,000 imperial gallons) plus **\$2.89** per cubic metre for any portions over the initial fee.
  - b. Septage (Septic Tanks) Tipping Fee Rates for Residences within the Community of St. Malo: Minimum per use fee of **\$18.51** up to 4.54 cubic metres (equivalent to 1,000 imperial gallons) plus **\$2.89** per cubic metre for any portions over the initial fee.
  - c. Septage (Septic Tanks) Tipping Fee Rates for Residences outside of the Community of St. Malo: Minimum per use fee of **\$161.00** per septic tank per property.
2. The fees charged to be set out as follows effective January 1, 2022:
  - a. Sewage (holding Tanks) Tipping Fee Rates for Residences within the Community of St. Malo: Minimum per use fee of **\$3.59** up to 4.54 cubic metres (equivalent to 1,000 imperial gallons) plus **\$2.97** per cubic metre for any portions over the initial fee.
  - b. Septage (Septic Tanks) Tipping Fee Rates for Residences within the Community of St. Malo: Minimum per use fee of **\$19.07** up to 4.54 cubic metres (equivalent to 1,000 imperial gallons) plus **\$2.97** per cubic metre for any portions over the initial fee.
  - c. Septage (Septic Tanks) Tipping Fee Rates for Residences outside of the Community of St. Malo: Minimum per use fee of **\$161.00** per septic tank per property.
3. The fees charged to be set out as follows effective January 1, 2023:
  - a. Sewage (holding Tanks) Tipping Fee Rates for Residences within the Community of St. Malo: Minimum per use fee of **\$3.70** up to 4.54 cubic metres (equivalent to 1,000 imperial gallons) plus **\$3.06** per cubic metre for any portions over the initial fee.
  - b. Septage (Septic Tanks) Tipping Fee Rates for Residences within the Community of St. Malo: Minimum per use fee of **\$19.64** up to 4.54 cubic metres (equivalent to 1,000 imperial gallons) plus **\$3.06** per cubic metre for any portions over the initial fee.
  - c. Septage (Septic Tanks) Tipping Fee Rates for Residences outside of the Community of St. Malo: Minimum per use fee of **\$162.00** per septic tank per property.
4. All sewage discharged into the sewage lagoon shall meet the standards outlined by Manitoba Conservation 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.



5. 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".
6. 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.
7. Each septic hauler must submit a quarterly report to the municipality indicating:
  - a. the number of loads,
  - b. the estimated volume of each load,
  - c. the type of load (septic tank or holding tank), and
  - d. 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.

8. 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" to Bylaw No. 2356-19**

**Septic Hauler Access Application Form**

DATE: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

APPLICANT FULL BUSINESS NAME: \_\_\_\_\_

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 St. Malo 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.

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

\_\_\_\_\_  
Address (full mailing address)

\_\_\_\_\_  
Phone numbers and email address:

**Chief Administrative Officer's signature:** \_\_\_\_\_

**NOTICE TO BY-LAW NO. 2356-19**

St Malo Water and Sewer Utility Rates

Schedule "A" to Bylaw No. 2356-19 section 2(c) should read as follows

2021

c) Sewer Only Customers:

The quarterly commodity charge, based on the 63m<sup>3</sup>, plus the service charge, shall be \$48.13.

2022

c) Sewer Only Customers:

The quarterly commodity charge, based on the 63m<sup>3</sup>, plus the service charge, shall be \$49.63.

2023

c) Sewer Only Customers:

The quarterly commodity charge, based on the 63m<sup>3</sup>, plus the service charge, shall be \$50.50.