

**MUNICIPALITY OF EMERSON-FRANKLIN
DOMINION-EMERSON UTILITY
BY-LAW NO. 23-01
WATER & WASTEWATER UTILITY RATES**

BEING a By-law of the Municipality of Emerson-Franklin to establish new water and wastewater rates for the Dominion-Emerson Utility.

WHEREAS the Municipality of Emerson-Franklin owns and operates the Dominion-Emerson Water and Wastewater Utility within the limits of the Municipality;

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 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.”

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


NOW THEREFORE the Council of The Municipality of Emerson-Franklin, in session duly assembled hereby enacts as follows:

1. 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 the Dominion-Emerson Utility within the Municipality of Emerson-Franklin at the rates and terms set out in Schedule "A" attached hereto and forming part of this by-law.
2. THAT the Municipality of Emerson-Franklin 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 their behalf, or a representative of the Municipality duly authorized in writing by the Municipality's 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 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.
5. 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.
6. 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 Emerson-Franklin 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.

7. THAT this by-law and rates for April 1, 2024, April 1, 2025, April 1, 2026, April 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.
8. THAT By-law No. 01-18 and its amendments are hereby repealed as of April 1, 2024 and upon final approval of this By-law by the Public Utilities Board of Manitoba.

PASSED AND ENACTED in Council duly assembled at the Council Chambers of the Municipality of Emerson-Franklin in the Province of Manitoba, this 28 day of February 2024.


Reeve


Chief Administrative Officer

READ a First time this 10th day of January, 2023.

READ a Second time this 12th day of May, 2023.

READ a Third time and PASSED this 28 day of February, 2024.

**MUNICIPALITY OF EMERSON-FRANKLIN
DOMINION-EMERSON UTILITY
BY-LAW NO. 23-01
WATER & WASTEWATER UTILITY RATES
SCHEDULE "A"
SCHEDULE OF QUARTERLY RATES**

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

Quarterly Service Charge \$27.52

Quarterly Rates	Water	Wastewater	Water & Wastewater
Per Cubic Meter	\$4.70	\$1.79	\$6.49

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	Water Only Total Quarterly Minimum
5/8 inch	1	14	\$27.52	\$65.80	\$25.06	\$118.38	\$93.32
¾ inch	2	28	\$27.52	\$131.60	\$50.12	\$209.24	\$159.12
1 inch	4	55	\$27.52	\$258.50	\$98.45	\$384.47	\$286.02
1 ½ inch	10	140	\$27.52	\$658.00	\$250.60	\$936.12	\$685.52
2 inch	25	340	\$27.52	\$1,598.00	\$608.60	\$2,234.12	\$1,625.52

b. Water Only for Residential 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 for Residential Customers

The wastewater only charge is based on average consumption of 35 cubic meters plus the customer service charge.

The quarterly charge for wastewater only customers is $(35 * \$1.79) + \$27.52 = \$90.17$

3. Bulk Sales

All water sold in bulk by the Dominion-Emerson Utility will be charged at the rate of \$28.75 per 1,000 gallons.

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

Quarterly Service Charge \$26.14

Quarterly Rates	Water	Wastewater	Water & Wastewater
Per Cubic Meter	\$4.97	\$2.01	\$6.98

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	Water Only Total Quarterly Minimum
5/8 inch	1	14	\$26.14	\$69.58	\$28.14	\$123.86	\$95.72
¾ inch	2	28	\$26.14	\$139.16	\$56.28	\$221.58	\$165.30
1 inch	4	55	\$26.14	\$273.35	\$110.55	\$410.04	\$299.49
1 ½ inch	10	140	\$26.14	\$695.80	\$281.40	\$1,003.34	\$721.94
2 inch	25	340	\$26.14	\$1,689.80	\$683.40	\$2,399.34	\$1,715.94

b. Water Only for Residential 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 for Residential Customers

The wastewater only charge is based on average consumption of 35 cubic meters plus the customer service charge.

The quarterly charge for wastewater only customers is $(35 * \$2.01) + \$26.14 = \$96.49$

3. Bulk Sales

All water sold in bulk by the Dominion-Emerson Utility will be charged at the rate of \$30.25 per 1,000 gallons.

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

Quarterly Service Charge \$24.76

Quarterly Rates	Water	Wastewater	Water & Wastewater
Per Cubic Meter	\$5.24	\$2.23	\$7.47

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	Water	Customer	Water	Wastewater	Water &	
	Capacity	Included	Service	Commodity	Commodity	Wastewater	Water Only
Meter Size	Ratio	C.M.	Charge	Charge	Charge	Total Quarterly Minimum	Total Quarterly Minimum
5/8 inch	1	14	\$24.76	\$73.36	\$31.22	\$129.34	\$98.12
¾ inch	2	28	\$24.76	\$146.72	\$62.44	\$233.92	\$171.48
1 inch	4	55	\$24.76	\$288.20	\$122.65	\$435.61	\$312.96
1 ½ inch	10	140	\$24.76	\$733.60	\$312.20	\$1,070.56	\$758.36
2 inch	25	340	\$24.76	\$1,781.60	\$758.20	\$2,564.56	\$1,806.36

b. Water Only for Residential 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 for Residential Customers

The wastewater only charge is based on average consumption of 35 cubic meters plus the customer service charge.

The quarterly charge for wastewater only customers is $(35 * \$2.23) + \$24.76 = \$102.81$

3. Bulk Sales

All water sold in bulk by the Dominion-Emerson Utility will be charged at the rate of \$31.50 per 1,000 gallons.

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

Quarterly Service Charge \$23.38

Quarterly Rates	Water	Wastewater	Water & Wastewater
Per Cubic Meter	\$5.51	\$2.46	\$7.97

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	Water Only Total Quarterly Minimum
5/8 inch	1	14	\$23.38	\$77.14	\$34.44	\$134.96	\$100.52
¾ inch	2	28	\$23.38	\$154.28	\$68.88	\$246.54	\$177.66
1 inch	4	55	\$23.38	\$303.05	\$135.30	\$461.73	\$326.43
1 ½ inch	10	140	\$23.38	\$771.40	\$344.40	\$1,139.18	\$794.78
2 inch	25	340	\$23.38	\$1,873.40	\$836.40	\$2,733.18	\$1,896.78

b. Water Only for Residential 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 for Residential Customers

The wastewater only charge is based on average consumption of 35 cubic meters plus the customer service charge.

The quarterly charge for wastewater only customers is $(35 * \$2.46) + \$23.38 = \$109.48$

3. Bulk Sales

All water sold in bulk by the Dominion-Emerson Utility will be charged at the rate of \$34.25 per 1,000 gallons

The following clauses take effect April 1, 2024:

4. Service To Customers Outside Utility's Limits

The Council of the Municipality of Emerson-Franklin may sign Agreements with customers for the provision of water and wastewater services to properties located outside the legal boundaries of the Municipality. 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 the boundaries of the municipality. 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 and the due date shall be at least 14 days after the mailing of the bills. A late payment charge of 1.25% compounded monthly shall be charged on the dollar amount owing after the billing due date.

6. 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 Municipal office.

7. 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 \$30.00 and all arrears and penalties, if any, have been paid.

8. Liability for Charges

Where charges and penalties pursuant to this by-law are not paid within ninety (90) 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 pursuant to Section 252 (2) of *The Municipal Act*. The amount of all outstanding charges for water and wastewater services, including fines and penalties, are a lien and charged upon the land serviced, and may be collected in the same manner in which ordinary taxes upon the land are collectible, and with like remedies.

9. Hydrant Charges

The Municipality of Emerson-Franklin will pay to the utility an annual rental of \$150.00 for each hydrant connected to the system.

10. Water Allowance Due To Line Freezing

That in any case where, at the request of the CAO, a customer allows water to run continuously for any period of time to prevent the water or wastewater lines in the water or wastewater system from freezing, the charge 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.

11. 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.

12. Meter Testing

That in any case where a utility customer requests that a meter be tested for accuracy, the customer will provide the Municipality with a deposit of \$100. The Municipality will then remove the subject meter and send it to an independent lab for testing. If the meter is found to be faulty, all costs associated with the testing process will be borne by the Municipality and the deposit will be refunded to the customer. If the meter is found to be in proper working order, all costs associated with the testing process will be borne by the customer and the customer will be billed or refunded any balance owing.

13. 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.

14. 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 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.

15. 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.

16. 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.