

THE TOWN OF STONEWALL
BY-LAW NO. 08-23

Being a By-Law of the Town of Stonewall to establish new water rates, wastewater rates, and to regulate fees and licensing for septic haulers for the Town of Stonewall water and wastewater utility.

WHEREAS The Town of Stonewall owns and operates a water and sewer utility within the limits of the said Town of Stonewall;

AND WHEREAS Sections 232(1) and (2) of *The Municipal Act*, LM 1996 c.58 provides in part, as follows:

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:

(a) regulate or prohibit;

(d) Establish fees or other charges for services, activities or things provided or done by the Municipality for use of property under the ownership, direction, management or control of the municipality;

(e) subject to the regulations, provide for a system of licences, permits or approvals, including any of the following:

(i) establishing fees and terms for payment of fees, for inspections, licences, permits and approvals including fees related to recovering the costs of regulation,

(iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,

(iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,

(v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the cost of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law;

AND WHEREAS the Town of Stonewall owns and operates a sewage lagoon located in the RM of Rockwood at SW 35-13-1 EPM, hereinafter referred to 'Sewage Lagoon';

AND WHEREAS the use of the Sewage Lagoon is available to all residents of the Town;

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

AND WHEREAS the council of the Town of Stonewall deems it necessary and in the best interests of the Town and its utilities to establish fees and other regulations for the use of the Sewage Lagoon facilities by residents outside the limits of the Utilities;

NOW THEREFORE BE IT ENACTED as a By-Law of the Town of Stonewall, in Council duly assembled as follows:

1. **THAT** all accounts of minimum quarterly charges for metered services as set out in the Schedule of Quarterly Rates shall be billed quarterly with any excess charges for metered water and sewer services for the preceding quarter. Consumers shall pay for water and sewer supplied by the Town of Stonewall at the rates and terms set out in Schedule "A" attached hereto and forming part of this By-Law.
2. **THAT** the Town of Stonewall regulate licensing and establish fees for septic haulers at the rates and terms set out in Schedule "B" attached hereto and forming part of this By-Law.
3. **THAT** By-law No. 09-22 enacted by the Town of Stonewall on the 11th day of January, 2023 is hereby repealed in its entirety.

4. **THAT** the fees set out in this By-law having been approved by the Public Utilities Board in Order No. _____, come into effect on January 1, 2023.

DONE AND PASSED as a By-Law of the Town of Stonewall, in the Province of Manitoba this ____ day of _____, A.D. 2023.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 6th day of September, A.D., 2023.

Read a second time this ____ day of _____, A.D., 2023.

Read a third time this ____ day of _____, A.D., 2023.

Draft Only

THE TOWN OF STONEWALL
SCHEDULE "A" TO BY-LAW NO. 08-23

WATER & WASTEWATER RATES

1. COMMODITY RATES – WATER & WASTEWATER – PER CUBIC METRE (m³)

All Water Consumption	<u>Water</u>	<u>Wastewater</u>	<u>Water & Wastewater</u>
Effective January 1, 2024	\$1.01	\$0.88	\$1.89

2. MINIMUM CHARGED PER QUARTER – WATER & WASTEWATER

a) Water and Wastewater Customers:

Effective January 1, 2024

Meter Size	Group Capacity Ratio	Water Included m3	Service Charge	Water	Waste-waster	Total Minimum Quarterly
5/8" – 16mm	1	13.64	\$22.50	\$13.78	\$12.00	\$48.28
3/4" – 19mm	1	13.64	\$22.50	\$13.78	\$12.00	\$48.28
1" – 25mm	4	54.56	\$22.50	\$55.11	\$48.01	\$125.62
1.5"- 38mm	10	136.40	\$22.50	\$137.76	\$120.03	\$280.29
2" – 50mm	25	341.00	\$22.50	\$344.41	\$300.08	\$666.99
3" – 75mm	45	613.80	\$22.50	\$619.94	\$540.14	\$1,182.58
4" – 100mm	90	1,227.60	\$22.50	\$1,239.88	\$1,080.29	\$2,342.67

b) Water Only Customers:

Customers with water only service shall be charged the quarterly service charge and rate applicable to the customer's meter size, less the wastewater charge.

c) Wastewater Only Customers:

Customers with wastewater only service shall be charged the quarterly service charge and a wastewater charge on the Residential Equivalency Unit of 53.13 cubic metres on wastewater only.

d) If it can be shown that a customer uses a substantial amount of water which is not returned to the wastewater system (at least 10% of the water sold to the customer), the utility may deduct such water in calculating the wastewater charge to such customers.

3. SERVICE TO PROPERTIES OUTSIDE THE TOWN LIMITS

The Council of the Town of Stonewall may sign agreements with customers for the provision of water and wastewater services to properties located outside the Town boundaries. Such agreements shall provide for payment of appropriate rates set out in the Schedule, a surcharge set by resolution of Council which shall be equivalent to the frontage levy, municipal general and special taxes for utility purposes in effect at the time and which would be levied on the subject property if it were located within the Town limits, as well as terms and conditions, including connection, installation and maintenance fees or other charges for providing the service. Such terms and conditions may differ from ones applied within Town.

4. BILLING AND PENALTIES

Accounts shall be billed quarterly (every three months), except in the case of large volume consumers with usage over 4,000 cubic metres per month, which may be billed monthly. All billings shall be due and payable within 30 days after the date of the billing. A penalty of 1.25% of the amount shall be added if not paid by the due date. For every month thereafter, a further penalty of 1.25% of the amount of the bill shall be added if the debt is unpaid.

5. DISCONNECTION

- a) Service may be disconnected and discontinued for non-payment of an account where the unpaid balance of the account, inclusive of penalties is Fifty Dollars (\$50.00) or greater. Services may be disconnected and discontinued for non-payment of the account in accordance with the Condition Precedent attached hereto as Appendix "A".
- b) For purposes of demolition, the service must be disconnected and water meter removed from a property for a fee of seventy-five dollars (\$75.00).

6. RECONNECTION

- a) Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties, and a reconnection fee of seventy-five dollars (\$75.00) has been paid.
- b) Any customer wishing to have the billing discontinued due to vacancy of premises or other reasons shall be required to have the service disconnected and the water meter removed and shall pay a seventy-five dollar (\$75.00) reconnection fee when the meter is reinstalled and the service resumes.

7. OUTSTANDING BILLS

Pursuant to section 252(2) of *The Municipal Act*, the amount of all outstanding charges for water and wastewater service, including fines and penalties, are a lien and charge upon the property serviced, and shall be collected in the same manner in which ordinary property taxes upon the property are collectible and enforced. Upon doing so, the Town will charge a seventy-five dollar (\$75.00) service fee to the account.

8. HYDRANT RENTALS

The Town of Stonewall shall pay to the utility an annual rental of one hundred fifty dollars (\$150.00) for each hydrant connected to the system. This includes the water for fire purposes.

9. WATER ALLOWANCE DUE TO FREEZING

In cases where, at the request of the Town of Stonewall, the 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 billing for the last two (2) previous quarters to the same customer, or to the same premises, if the occupant has changed.

10. CONNECTION FEES AND INSPECTION RATES

- a) For a property within the Town of Stonewall limits to connect to the water distribution and wastewater collection systems, the cost of connection from the mains to the property line including any boulevard and street restoration, and any permit fee, shall be as prescribed in Policy No. 16.2 in the Town's Policy and Procedure Manual.
- b) A fifty dollar (\$50.00) inspection fee shall be levied on any water and wastewater service connections made to ensure that the connections are constructed and installed in accordance with applicable codes and standards.
- c) No property within the Town of Stonewall shall be permitted to connect to the water distribution and wastewater collection systems without connecting to both systems.

11. WATER METERS

- a) The water meter shall be installed by a licensed and/or registered plumber and the costs shall be borne by the property owner. The meter shall be always located at a point easily accessible and approved by the Town. The property owner shall ensure that the water meter is maintained in working condition and not be removed or relocated without prior approval of the Town.

The meter shall be installed 75 cm above the floor and properly supported or as approved by the Town.

- b) The meter shall be located as close as possible 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.
- c) 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.
- d) The meter shall be protected from any type of damage including freezing.
- e) Costs for any damage and labour for repairs to the water meter, remote read touch pad and associated equipment shall be the responsibility of the property owner.
- f) A customer may request that their water meter be tested for accuracy and before having the same tested by the Town, they shall deposit with the Town of Stonewall, the amount of fifty dollars (\$50.00), and if the meter is found to be accurate, the fifty dollars (\$50.00) shall be retained by the Town. If the meter is found to be inaccurate the fifty dollars (\$50.00) will be repaid to the customer.
- g) If the meter is tampered with so as to not record or properly record the water provided to and used by the customer, a fine in the amount of five hundred dollars (\$500.00) will be assessed to the account of the customer plus an estimated cost for the unmetered water and wastewater used.

11.1 FINAL BILLING

- a) For the purpose of final billing only, a customer may submit a written request for a meter reading prior to vacating the property. A final meter reading fee of fifty dollars (\$50.00) will be added to the final utility bill.

12. SERVICE CALL-OUTS

- a) The Property owners of the residential premises will be charged a set fee of seventy-five dollars (\$75.00) for each and every call out concerning blocked wastewater services, maintenance of service, thawing of frozen services, repairs to tampered water meter, etc.
- b) There will be a charge to businesses and/or institutions for a call out rate of fifty dollars (\$50.00) per hour, during regular working hours, for municipal staff plus actual costs for any private contractor to clean out the wastewater service and/or disconnect, reconnect, flush and/or thaw the water services or repair the water meter for the businesses and/or institutions.
- c) After hours call out rate is one hundred dollars (\$100.00) per hour plus actual cost for a private contractor.

13. SEPTAGE DUMPING CHARGES

Regulations and fees for dumpage from either septic or holding tanks by registered haulers are established by Schedule "B" of this By-Law.

14. WATER AND WASTEWATER USE

- a) New residential, commercial, institutional and industrial construction within the Town of Stonewall shall install low flow plumbing fixtures.
- b) All commercial and institutional food service facilities shall have installed and shall properly maintain grease traps sufficient to prevent cooking grease from entering the wastewater collection system.
- c) All commercial and private vehicle and equipment wash bays shall have a solid material debris collection pit which will prevent the solids from entering the wastewater collection system. The solids are to be collected and disposed in a manner consistent with accepted practices.

15. CONTRAVENTIONS

- a) Every person who contravenes any provision of By-Law 08-23 is guilty of an offense and on conviction is liable to a fine of not more than Five Hundred Dollars (\$500.00) for every day or part thereof upon which the offense occurs or continues.
- b) Every person who contravenes any provision of By-Law 08-23 and as a result of which contravention damages or any part hereof, is liable to the Town for full costs of such damage or injury including any fine or penalty imposed on the Town in relation to said contravention.

Draft Only

THE TOWN OF STONEWALL
APPENDIX "A" TO SCHEDULE "A" OF BY-LAW NO. 08-23

**Conditions Precedent Allowing for Collection and Disconnection of Water and/or Sewer
Services for Non-Payment of Accounts**

POLICY AND PROCECURES

1.0 PURPOSE:

The purpose of this document is to outline and define the disconnection and reconnection policies and procedures for customers with water and/or sewer services.

Disconnection, in accordance with the steps outlined in the following policy and procedures may occur if a customer is in arrears and full payment or payment arrangements suitable to the utility have not been made and if so, such disconnections must occur in conformance with these conditions precedent.

Reconnection, in accordance with the following policy and procedures will occur as soon as it is reasonably possible after the account returns to good standing. This Policy and Procedure does not apply to disconnection practices for routine maintenance of the utility including emergencies.

2.0 SCOPE:

The policy and procedures apply to customers receiving water and/or sewer services. The procedures are detailed to reflect the variety of situations that may occur for each of the following customers:

- 2.1 All property owners and/or tenants responsible for water and/or sewer services.
- 2.2 All landlords responsible for providing tenant water and/or sewer services covered under The Residential Tenancies Act (C.C.S.M. c R119).
- 2.3 Where water and/or sewer services are added to taxes.
- 2.4 Where water is sold in bulk.
- 2.5 Where sewage is dumped into a treatment facility.
- 2.6 Where water and/or sewer service is provided beyond the boundaries of a municipality, if applicable.

3.0 DEFINITIONS:

Account Holder/Customer: shall refer to the person or persons who have applied for water and/or sewer service at a particular residence, whether it be the property owner or renter

Property Owner: shall refer to the person or persons who are listed on the title of a specific property.

Renter: is not the property owner of the subject property and shall refer to the-utility account holder/customer of the subject property.

Security Deposit: shall be based on the risk to the utility and should not exceed an estimated bill for three months.

4.0 POLICY

- 4.1 The Utility will normally confine collection activity to the person(s) identified on the account who requested the service(s) with an implied agreement to pay or the person or agency who has agreed to pay for the service(s), with the following exception: where a reasonable person would expect that a customer not named on the bill is implicitly responsible for the service(s), i.e. husband or wife (legal or common-law), that person will also be presumed to have liability for the outstanding balance.
- 4.2 In order to satisfy provisions of The Freedom of Information and Protection of Privacy Act, Utilities are encouraged to develop an agreement between the utility and the account holder/customer, with provisions that establish at minimum conditions for service, recourse for unpaid bills, deposits required, and for renter's acknowledgement that information relating to their account status and other information may be released to the property owner to assist with collections.

- 4.3 The Public Utilities Board (Board) may, on its own initiative, or at the request of a customer, review a Utility's action and make recommendations and/or orders with respect to same as the Board may determine.
- 4.4 Every effort is to be made by the Utility to resolve outstanding accounts, disconnection and reconnection issues directly with its customer(s). If a solution cannot be reached the customer may apply to the Board for dispute resolution.
- 4.5 The Utility should familiarize itself with legislated provisions and the duty to report when a child is in need of protection and/or where the life, health or emotional well-being of the child (or children) is endangered. These provisions are contained in Part III — Child Protection - of The Child and Family Services Act.
- 4.6 The Utility must make special application to the Board prior to disconnecting service to a community or multiple residences/properties. Such an application must be shared with the affected community(ies) and/or multiple residences/properties. The Board will consider the circumstances and particulars of the application and provide the Utility with direction, following such process as the Board may deem appropriate.
- 4.7 If a landlord is responsible for the provision of water and/or sewer services to tenant occupied premises, arrears will be based on the outstanding account balance and will be subject to Residential Tenancy Branch (RTB) procedures at the tenant occupied premises. Landlords failing to bring their outstanding account balance to good standing will be subject to disconnection of services of the same utility at their personal residence and any vacant premises under the same name.
- 4.8 This policy does not affect the Utility's right to disconnect in times of emergency and/or for reasons of safety or for failure to comply with water rationing requirements.
- 4.9 The Utility will keep current data of all disconnected customers in accordance with the following procedures.
- 4.10 The Utility may seek Board exemption from full disconnection procedures when faced with customers who consistently and deliberately show patterns of payment avoidance and who clearly understand the consequences of their actions.

5.0 PROCEDURES

5.1 Disconnection Procedure

Steps 1, 2 and 3 must be followed on water and/or sewer services in arrears.

STEP 1

Customers shall receive a billing statement each billing cycle for services. In some cases the bill is for past consumption and/or minimum quarterly bill for the prior quarter and in other cases, for past consumption over the minimum quarterly bill in the prior quarter plus the next minimum quarterly bill in advance. The due date which appears on the bill shall be no less than 14 days after the billing date. Bulk water customers or customers dumping sewage may have special billing arrangements. However, failure to pay an outstanding bill may result in the removal of the right to use the service.

STEP 2

If payment is not received within 31 days from the last billing date, a message similar to the following shall appear on a reminder statement:

"Our records indicate your account is past due. Please give this your prompt attention. If payment or payment arrangements have been made, kindly disregard this notice."

The following is applicable to residential premises:

"Information on service disconnection, payment arrangements and financial assistance is enclosed."

Sample Insert:

If your account is past due and you have not made payment arrangements, your water and/or sewer service could be disconnected.

To make payment arrangements, please contact the Town of Stonewall at 204-467-7979 or info@stonewall.ca

If you have already made payment arrangements, please disregard this notice.

STEP 3

If payment is not received within 45 days of the last billing date, a message similar to the following shall appear on the second and final reminder notice. Reconnection fees will be charged as approved by the Board.

Sample Notice:

<p>IMPORTANT PAST DUE NOTICE</p> <p>Your account is past due. If suitable payment arrangements or full payment of the arrears are not made on or before (<i>enter Date 14 calendar days from date of issue</i>) your account will be subject to disconnection. If payment of the arrears has already been made please notify us immediately. If payment arrangements have already been made kindly disregard this notice.</p> <p>If your service(s) is disconnected, full payment of the arrears balance plus a reconnection fee will be required before service is fully restored. A security deposit may also be required.</p> <p>Customers may appeal the Utility's action by contacting the Public Utilities Board.</p> <p>The Utility is not responsible for any damages or losses that may occur as a result of services which are disconnected for non-payment. Please ensure you protect people, animals and property that may be impacted by disconnection of service.</p> <p>Reconnect Fees are \$_____.</p> <p>Your service will be disconnected on _____ in the AM or PM.</p>
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- 5.2 Where the Utility bills the minimum quarterly bill in advance, and where service is not reconnected, the bill should be adjusted and prorated accordingly, for the period from the date of disconnection to the end of the next quarter.
- 5.3 The following are exceptions to the above notice requirements before disconnection:
- (a) Where the customer's account was past due and where a payment arrangement was made and subsequently broken, the Utility 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 Utility may, with 10 days notice, disconnect the customer's service at the new premise if the customer fails to make a payment arrangement.

The Utility shall take all reasonable steps to collect the arrears from its account holder/ customer before adding any arrears to taxes.

**THE TOWN OF STONEWALL
SCHEDULE "B" TO BY-LAW NO. 08-23**

WASTEWATER DISPOSAL LICENSING AND VEHICLE FEES

1. The Town permits the dumping of sewage into the Sewage Lagoon collected only from the Town of Stonewall and those properties located outside the town limits for which a formal agreement has been entered into with the Town.
2. The hours of operation for the Sewage Lagoon are Monday through Saturday from 7:00 a.m. to 7:00 p.m. Disposals after the designated hours or on Sunday are only permitted if the reason for disposal is an emergency. The registered hauler must provide the telephone number of the person receiving service in the emergency cases.
3. All sewage discharged into the Sewage Lagoon shall meet the standards as outlined by Manitoba Conservation and contained in the current Town of Stonewall Environmental Act Licence. In addition to the requirements of Environmental Act Licence, all applicable Federal, Provincial Statutes and Regulations and Municipal By-Laws must be complied with.
4. Where deemed necessary, in the opinion of the Town or the Designated Officer, the Town may appoint such person as it may choose to take tests, or install approved monitoring equipment, to determine the character or characteristics of the sewage being disposed of in the Sewage Lagoon. Should such testing disclose that the Septic Hauler is breaching the rules of this By-law, then the costs of conducting such tests and installation of test and monitoring equipment shall be borne by the Septic Hauler for all material being deposited in the Sewage Lagoon. However, if the test results show that the Septic Hauler is in compliance with the By-law, then all costs of conducting such tests and installation of test and monitoring equipment shall be paid by the Town.
5. The Septic Hauler must not use any mechanical means to discharge or dump sewage at the Sewage Lagoon; this includes but is not limited to: pressurizing the tank, a truck hoist, or vibrator.
6. Any Persons wishing to discharge sewage into the Sewage Lagoon and collected from designated locations shall register at the Town office by completing the Wastewater Disposal Vehicle Licence Application Form, attached as Appendix 'A'. Prior to the approval of the application, all Septic Haulers are required to provide the Town with written confirmation of \$2 million liability insurance in the name of the Septic Hauler or associated business, with the Town of Stonewall as an additional insured. The initial licence is issued for the maximum of one (1) calendar year or part thereof to December 31 for each vehicle. On an annual basis the Wastewater Disposal Vehicle Licence must be renewed and the annual licence fee must be paid for each truck, prior to the first business day in January of each year.

7. The Septic Hauler must register and pay an Initial Access Fee for each truck in order to gain access to the Sewage Lagoon. The initial access fee will entitle the Person to one gate key, which will be registered to a specific vehicle of a specified size. The Septic hauler must not use this key interchangeably between multiple vehicles or duplicate the key. Renewal of this annual licence and payment of the applicable fee before is due by the first business day in January of the following year.
8. Each Septic Hauler must submit a quarterly record of wastewater pickup and disposal report. The report must indicate the name of the Septic Hauler, municipal licence number, date of disposal, the civic address, and name of the customer for the property serviced. The due date for each quarter is as follows: March 31, June 30, September 30, and December 31. Failure to submit these reports by the 15th day of the month following the quarterly due date may result in the suspension or cancellation of the Wastewater Disposal Vehicle Licence.
9. Quarterly invoices will be issued by the Town to each Septic Hauler. The due date will be 30 days from the date of issuance of the invoice. Failure to remit payment by the due date may result in the suspension or cancellation of the Wastewater Disposal Vehicle Licence.
10. Should the Septic Hauler's Wastewater Disposal Vehicle Licence be suspended or revoked due to nonpayment of account, failure to submit the quarterly record of wastewater pickup and disposal report by the 15th day of the following month, or any contravention of By-law 08-23, gate access will be revoked and the gate access keys will not be reinstated to the Septic Hauler until all reports are submitted, and all arrears plus a reinstatement fee has been paid.

11. SCHEDULE OF FEES

Initial Access Fee	\$75.00 per septic truck
Annual Licence Fee	\$25.00 per septic truck
Replacement of Gate Key (lost, stolen, damaged)	\$50.00 each
Reinstatement of Access Fee	\$25.00
Wastewater Disposal Tipping Fees*	\$4.35 per cubic meter

** The fee will be charged based on the vehicle tank capacity provided at the time of licensing. Each time the wastewater disposal vehicle deposits wastewater into the Sewage Lagoon, they will be deemed to have deposited the full capacity of the tank.*