

CITY OF MORDEN

By-Law No. 5-2013

BEING a By-law of the City of Morden to establish sewer and water rates within the said City of Morden;

WHEREAS the City of Morden owns and operates a sewer and water facility within the limits of the said City of Morden;

AND WHEREAS Section 232 (1) and (2) of "The Municipal Act", S.M. 1996, c. 58, provide in part as follows:

“232(1) The council may pass by-laws for municipal purposes respecting the following matters:

(l) public utilities;

(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;”

NOW THEREFORE be it and it is hereby passed and enacted as a By-law of the City of Morden, in council duly assembled as follows:

1. THAT all accounts for minimum quarterly charges for metered services shall be billed quarterly in advance 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 City of Morden at the rates and terms set out in Schedule "A" attached hereto and forming part of this By-law.

2. THAT By-law No. 2-2009 be repealed as of and upon the final reading of this By-law.

3. **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 City of Morden, in Council duly assembled this 2nd day of December, 2013.

CITY OF MORDEN

Ken Wiebe

Mayor

Ernie Epp

City Manager

Read a first time this	11th	day of	March	2013
Read a second time as amended this	2nd	day of	December	2013
Read a third time this	2nd	day of	December	2013

I, Garry Hiebert, Director of Finance & Administration for the City of Morden hereby certify the above to be a true and correct copy of By-law No. 5-2013 as passed by Council at the Regular Meeting held on the 2nd day of December, A.D. 2013.

Dated at the City of Morden, in Manitoba, this 3rd day of December, A.D. 2013.

Director of Finance & Administration

CITY OF MORDEN
By-law No. 5-2013
Schedule "A"
Water and Sewer Rates

WATER AND SEWER RATES - BY-LAW NO. 5-2013

1. COMMODITY RATES - Effective January 1, 2014

Two-Step Rate Structure		Rates per thousand gallons		
		Water	Sewer	Water & Sewer
First	100,000 gallons per quarter	\$11.61	\$4.20	\$15.81
Over	100,000 gallons per quarter	\$5.57	\$1.70	\$7.27

2. MINIMUM CHARGES PER QUARTER - Effective January 1, 2014

2.1. Water and Sewer Customer

Notwithstanding the commodity rates set forth in Section 1 hereof, all customers with water and sewer service shall pay the applicable minimum charge set out below, which will include water allowance indicated:

Meter Size	Group Capacity Ratio	Minimum Quarterly Consumption	Service Charge	Commodity Rates		Minimum Quarterly Charges
				Water	Sewer	
5/8"	1	3,000	\$15.50	\$34.83	\$12.60	\$62.93
3/4"	2	6,001	\$15.50	\$69.67	\$25.20	\$110.38
1"	4	12,002	\$15.50	\$139.34	\$50.41	\$205.25
1 1/2"	10	30,004	\$15.50	\$348.35	\$126.02	\$489.86
2"	25	75,009	\$15.50	\$870.85	\$315.04	\$1,201.39
3"	90	135,017	\$15.50	\$1,356.04	\$479.53	\$1,851.07
4"	170	270,034	\$15.50	\$2,108.09	\$709.06	\$2,832.65

2.2. Water Only Customers

For customers with water service only, quarterly minimums shown in Section 2.1 hereof are reduced by the Sewer Commodity Charge shown for the customer's meter size.

2.3. COMMODITY RATES AND MINIMUM CHARGE FOR CUSTOMERS WITH SIGNIFICANT VOLUME OF WATER NOT RETURNED TO SEWERS

Notwithstanding Commodity Rates and Minimum Charges set forth in Section 2 hereof, Morden Research Station shall be charged the following rates:

Commodity Rates -	at the water and sewer rate set forth in the Commodity Rates for the first 1,000,000 gallons per quarter and at the applicable <u>water rate</u> only for all consumption in excess thereof.
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3. BULK SALES

Water sold in bulk by the utility shall be charged for at the rate of Twelve Dollars and Eight Five cents (\$12.85) per 1,000 gallons with a minimum charge of \$0.25 for 17 Gallons.

4. SERVICE TO CUSTOMERS OUTSIDE CITY LIMITS

The Council of the City may sign agreements with customers for the provision of water and sewer services to properties located outside the legal boundaries of the City. Such agreement shall provide for payment of the appropriate rates set out in Commodity Rates of this 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 connecting to the utility's mains, and installing and maintaining service connections will be paid by the customer.

5. PENALTY FOR LATE PAYMENT

A late payment charge of 1 ¼% compounded monthly shall be charged on the dollar amount owing after the billing due date. The due date will be at least fourteen (14) days after the mailing of the bills

6. DISCONNECTION

All utilities subject to *The Public Utilities Board Act* shall comply with the Conditions Precedent for water and/or sewer service disconnection, as attached hereto and marked as Schedule "B".

7. RECONNECTION FEE

Where any service is disconnected under the provisions of this By-law, it shall not be reconnected until all arrears, penalties and a reconnection fee of \$50.00 have been paid.

8. OUTSTANDING ACCOUNTS

Pursuant to **Section 252(2)** of The Municipal Act, the amount of all outstanding charges for water and sewer 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.

9. HYDRANT RENTALS

The City of Morden shall pay to the utility an annual rental of \$150.00 for each hydrant connected to the system.

10. METER ACCURACY TESTING

That any customer may request that his/her water meter be tested for accuracy and before having the same tested by the City, he/she shall deposit with the Director of Finance & Administration the sum of One Hundred (\$100.00) Dollars, which shall be retained and if the meter shall be found to be accurate, the said sum of One Hundred (\$100.00) Dollars shall be retained by the City and if the meter is found to be inaccurate, the said sum of One Hundred (\$100.00) Dollars will be returned to the customer.

11. SEWER SURCHARGES

- (a) Every person who contravenes any provision of By-law 10-00 is guilty of an offence and on conviction is liable to a fine of not more than Five Hundred (\$500.00) Dollars for every day or part thereof upon which such offence occurs or continues.
- (b) Every person who contravenes any provision of By-law 10-00 and as a result of which contravention damage or injury is or may be caused to the Sewage System or any part thereof is liable to the City for the full costs of such damage or injury including any fine or penalty imposed on the City in relation to said contravention.

CITY OF MORDEN

By-law No. 5-2013

Schedule "B"

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

POLICY AND PROCEDURES

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 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.

4.6 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.

4.7 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.

4.8 The Utility will keep current data of all disconnected customers in accordance with the following procedures.

4.9 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:

<p>If your account is past due and you have not made payment arrangements, your water and/or sewer service could be disconnected.</p> <p>The Public Utilities Board adopted Order No. --/08 governing the disconnection of water and/or sewer service for nonpayment of account.</p>	<p>To make payment arrangements, please contact the utility at: <i>[Insert contact information here]</i> If you have already made payment arrangements, please disregard this notice.</p>	<p>Financial assistance may be available through Employment and Income Assistance: • 1-800-626-4862 Additional financial counseling and support may be available through Community Financial Counseling Services: • 1-888-573-2383</p>
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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 from time to time:

IMPORTANT PAST DUE NOTICE

Your **account** is past due. If suitable payment arrangements or full payment of the arrears are not made on or before (*enter Date {14 calendar days from date of issue}*) 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.

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.

Customers may appeal the Utility's action by contacting the Public Utilities Board.

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.

Reconnect Fees are \$50.00.

Your service will be disconnected on _____ in the a.m. or p.m.

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.

5.4 A message similar to the following shall appear on any future billing statements where services have been disconnected:

"Your account remains outstanding despite previous requests for payment. Failure to pay the outstanding account balance may make your account subject to legal action. Please call the phone number on the front of your billing statement or pay in person. If payment of the arrears has already been made please notify the Utility immediately. If payment arrangements have already been made kindly disregard this notice."

6.0 RECONNECTION OR RESTORATION OF SERVICE PROCEDURE:

6.1 No reconnection of service(s) shall occur unless full payment of the arrears or payment arrangements is made suitable to the Utility including a reconnection fee. Reconnection terms may also include the payment of a security deposit.

6.2 All reasonable efforts shall be made to reconnect or restore the service as soon as possible.

7.0 GENERAL GUIDELINES FOR RENTAL PROPERTIES:

7.1 The renter and property owner are both responsible for providing notice and meter readings to the utility when vacating or renting a premise for the first time.

7.2 If the new renter has an unpaid amount, the utility may refuse service to the tenant.

7.3 The departing tenant will be responsible for services to the date of departure and the arriving tenant or the property owner will be responsible on the date the new tenant takes occupancy.

7.4 If there is a period of time between departing tenant and the arriving tenant the property owner will be responsible for the service charge.

7.5 The renter's deposit, if applicable, will be applied to the utility bill at this time.

7.6 In the case where the amount of the deposit, if applicable, exceeds the amount of the final bills and a credit is shown on the utility account, the credit is then refunded to the renter in the form of a cheque.

8.0 REPORTING REQUIREMENTS:

8.1 The Utility shall record the following information which the Board may request at any time:

- (a) the name of the account holder disconnected;
- (b) efforts made by the Utility to contact the customer (bill messages, letters, telephone calls, personal visits) and the results of such efforts;
- (c) any evidence of the customer either contacting, or being encouraged to contact an appropriate social agency;
- (d) if known, details of any follow-up action being undertaken by a social agency; and
- (e) information indicating the presence of children, the elderly and the disabled. Where there are children 12 and under, the matter will be referred in writing to Child and Family Services as soon as the facts are known.