

Rural Municipality of Oakview

**By-Law No. 2022-1**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF OAKVIEW TO ESTABLISH WATER RATES FOR THE RAPID CITY WATER & WASTEWATER UTILITY.

WHEREAS The Rural Municipality of Oakview has undertaken a water rate study for the Rapid City Water and Wastewater Utility that indicates utility rates require to be increased;

AND WHEREAS Section 232 (1) and (2) and 252 (1) of The Municipal Act, S.M. 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....

(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;

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;

AND WHEREAS it is deemed advisable to provide rates for October 1, 2022 and thereafter to be paid by persons to whom water is supplied by the Utility and to provide for the collection thereof;

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF OAKVIEW IN SESSION DULY ASSEMBLED, HEREBY ENACTS A BY-LAW AS FOLLOWS:

- 1) THAT all accounts for minimum quarterly charges for metered services for the Rapid City Water and Wastewater Utility as set forth in the Schedule of Quarterly Rates shall be billed quarterly. Consumers shall pay for water service supplied to them by the Utility at the rates and terms set out in Schedule "A" attached hereto and forming part of this by-law.
- 2) THAT the Rural Municipality of Oakview 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 the meter shut off valve inside premises serviced with water by the Rapid City Utility, 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.
- 4) THAT no person shall wilfully or maliciously hinder or cause to hinder the Rural Municipality of Oakview or its representative in the exercise of their duties in relation to the operation and maintenance of the water system.
- 5) 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 Rural Municipality of Oakview 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.
- 6) This by-law and rates for October 1, 2022 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.

- 7) That By-law #2018-08 be repealed as of October 1, 2022 and upon final approval of this By-law by the Public Utilities Board of Manitoba.

PASSED AND ENACTED BY RURAL MUNICIPALITY OF OAKVIEW IN COUNCIL DULY ASSEMBLED THIS 25<sup>th</sup> day of July, 2022.

  
Reeve

  
Chief Administrative Officer

Read a first time this 1<sup>st</sup> day of March, 2022.

Read a second time 25<sup>th</sup> day of July, 2022.

Read a third time 25<sup>th</sup> day of July, 2022.

RURAL MUNICIPALITY OF OAKVIEW  
RAPID CITY WATER & WASTEWATER UTILITY  
WATER AND WASTEWATER UTILITY RATES BY-LAW NO. 2022-1  
SCHEDULE "A"  
SCHEDULE OF QUARTERLY RATES

1. Schedule of Commodity Rates & Quarterly Service Charge  
Rates per Cubic Meter

October 1, 2022  
  
Cubic Meters per quarter  

Water

Wastewater

Water & Wastewater

\$9.47

\$0.84

\$10.31
- Deficit Rate Rider for 2019 deficit, \$0.60 per cubic meter of water sold from July 1, 2022 to June 30, 2027
- Quarterly Service Charge

\$19.10

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**

	Water Included CM	Customer Service Charge	Water Commodity Charge	Wastewater Commodity Charge	Water & Wastewater Quarterly Minimum	Deficit Rate Rider	Water & Wastewater Total Quarterly Minimum
5/8 inch	14	\$19.10	\$132.58	\$11.76	\$163.44	\$8.40	\$171.84
3/4 inch	28	\$19.10	\$265.16	\$23.52	\$307.78	\$16.80	\$324.58
1 inch	56	\$19.10	\$530.32	\$47.04	\$596.46	\$33.60	\$630.06
1 ½ inch	140	\$19.10	\$1,325.80	\$117.60	\$1,462.50	\$84.00	\$1,546.50
2 inch	341	\$19.10	\$3,229.27	\$286.44	\$3,534.81	\$204.60	\$3,739.41

- b) **Water Only 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 quarterly consumption of 39 cubic meters plus the quarterly customer service charge.  
The quarterly charge for wastewater only customers is  $(39 * \$0.84) + \$19.10 = \$51.86$

**The following clauses take effect October 1, 2022:**

3. Billings and Penalties

Accounts shall be billed quarterly based on water used. A late payment penalty 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.

4. Disconnection and Reconnection

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 Municipality's office.

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a reconnection fee of \$40.00 have been paid.

5. Liability for Charges

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 charge 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

6. Meter Reading

All customers will be required to read their own water meters for a three day period between the 12<sup>th</sup> and the 15<sup>th</sup> of March, June, September and December and phone, email or text in the meter readings to the municipal office. If there is a change in property ownership or tenants, final meter readings are to be taken on the last day of ownership or tenancy and given to the office for billing purposes. All meters shall be readily accessible to be read quarterly by municipal staff, if requested.

If a customer fails to provide a meter reading within the time required, the meter reading shall be estimated based on the average consumption per quarter in the previous year, or in the case of a new customer the estimate shall be based on the average quarterly residential consumption.

7. Hydrant Charges

The RM of Oakview, or any other hydrant owner, will pay to the Utility a fee of \$95 per hydrant for the purpose of maintaining and repairing all fire hydrants



connected to the system which shall include the cost of water used for firefighting.

8. Water Allowance Due to Line Freezing

That in any case where, at the request of Council, a 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 billings for the last two previous quarters to the same customer, or to the same premises if the occupant has changed.

9. Wastewater Surcharges

a) There may be levied annually, in addition to the 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 costs of treatment required for the particular sewage or industrial waste.

10. Water Meters

Water meters are owned by the Municipality but are the responsibility of the utility customer to maintain. If the water meter is broken, frozen, etc., the utility customer will be billed for a new meter at the current cost of replacement.

11. Mobile Homes

Water meters that are under mobile homes should be brought up to the main level for easier access to read the meter and to prevent the meter from freezing.

12. Service To Customers Outside Utility's Limits

The Council of Rural Municipality of Oakview may sign Agreements with customers for the provision of water and wastewater services to properties located outside the boundaries of the Local Urban District of Rapid City. Such Agreements shall provide for payment of the appropriate rates set out in 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 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 LUD of Rapid City boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

13. 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 and the customer's account will be adjusted for the preceding four (4) months. 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.

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 Supervisor, or other employee authorized by the Municipality in the absence of the Public Works Supervisor, 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.