

Rural Municipality of Hunter River, PEI
The Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw
Bylaw # 2021-03

BE IT ENACTED by the Council of the Rural Municipality of Hunter River as follows:

1. Title

- 1.1. This bylaw shall be known and cited as the "Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw".

2. Authority

- 2.1. Clause 180(b) of the *Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1.*, enables Council to establish a bylaw to provide municipal public utility services.
- 2.2. Pursuant to subsection 183(1) of the *Municipal Government Act*, this public utility will be established as a controlled corporation.

3. Application

- 3.1. This Bylaw applies to Council, all members of the Board of Directors of the Corporation, and customers of the public utility.

4. Definitions

- 4.1. "Act" means the *Municipal Government Act*.
- 4.2. "Chief Administrative Officer" or "CAO" means the administrative head of the Municipality as appointed by Council under clause 86(2)(c) of the *Act*.
- 4.3. "Commission" means the Island Regulatory and Appeals Commission established under the *Island Regulatory and Appeals Commission Act R.S.P.E.I. 1988, Cap. I-11*.
- 4.4. "Controlled Corporation" means a controlled corporation as defined in the *Act*.
- 4.5. "Corporation" means the Hunter River Sewerage Collection and Treatment Utility Corporation established herein.
- 4.6. "Council" means the mayor and other members of the Council of the Municipality.
- 4.7. "Customer" means a property, person, firm or corporation who or which requests, or is supplied with, Hunter River Sewerage Collection and Treatment Utility service at a specific location or locations.
- 4.8. "Municipality" means the Rural Municipality of Hunter River.
- 4.9. "Public Utility" means a public utility as defined in the *Water and Sewerage Act R.S.P.E.I. 1988, Cap. W-2*.

- 4.10. "Quorum" is a majority of the members of the Board of Directors and must include either the chair or vice-chair.

5. Corporation Established

- 5.1. Under the authority of subsection 183(1) and pursuant to clause 183(3)(a) of the *Act*, the Council of the Rural Municipality of Hunter River establishes Hunter River Sewerage Collection and Treatment Utility Corporation.
- 5.2. Pursuant to clause 183(3)(a) of the *Act*, Council shall specify the composition and functions of the controlled corporation.

6. Corporation Administration

- 6.1. Pursuant to subsection 2(1) of the *Water and Sewerage Act*, the Commission has and shall exercise general supervision and control over the Hunter River Sewerage Collection and Treatment Utility.
- 6.2. The affairs of the Corporation shall be managed, in accordance with this bylaw and other applicable Acts and regulations, by the Board of Directors.
- 6.3. The Board of Directors shall be composed of:
- (a) a chair who shall be a member of Council;
 - (b) a vice-chair who shall be member of Council;
 - (c) not less than two other members;
 - (d) a majority of members who shall be members of Council;
 - (e) only residents of the municipality are eligible to serve on the Board.
- 6.4. The Board of Directors shall be appointed in accordance with the municipality's Procedural Bylaw.
- 6.5. An employee of the corporation is considered a municipal employee.
- 6.6. Pursuant to clause 93(1)(d) of the *Act*, the Chief Administrative Officer is responsible for hiring, directing, managing and supervising the employees of the municipality.
- 6.7. Pursuant to clause 93(1)(d1) of the *Act*, the Chief Administrative Officer is responsible for contracting, directing, managing and supervising the activities of all contractors hired or persons or firms retained by the municipality to work on behalf of council.

7. Meeting Procedures

- 7.1. A quorum is required at all times for Board of Directors meetings.
- 7.2. The Chair, or in their absence the vice-chair, shall preside over meetings of the Board of Directors.

- 7.3. The CAO or designate must be attendance at all Board meetings to ensure minutes are recorded.
- 7.4. The Chair of the Board of Directors shall only vote in the event of a tie vote among other Board members.
- 7.5. Decisions of the Board of Directors shall be determined by majority vote.
- 7.6. Meeting notice shall be as outlined in the municipality's Procedural Bylaw.
- 7.7. Meetings shall be held at least quarterly during the year.

8. Functions of the Corporation

- 8.1. Constructing, altering, extending, managing, and controlling a system for providing the service of the Hunter River Sewerage Collection and Treatment Utility.
- 8.2. Acquiring, alienating, holding and disposing of real or personal property with Council approval.
- 8.3. Financing, with the approval of Council, any of its undertakings.
- 8.4. Collecting rates and charges for services provided to any customer.
- 8.5. Recommending rates and charges to Council to cover the costs of providing services.
- 8.6. With the prior approval of Council provide for service outside the municipality boundaries provided the complete cost of providing this service is borne by the party or parties requiring this service.

9. Additional Responsibilities

- 9.1. The Corporation shall conduct its affairs in accordance with generally accepted public utility practices.
- 9.2. The Corporation shall maintain safe and adequate service and facilities for services as changing conditions require.
- 9.3. The Board of Directors is responsible for providing the necessary strategic direction and the required oversight to fulfill the established functions of the Corporation.
- 9.4. For the efficient administration of municipal business, the Corporation and the Municipality shall cooperate in the provision of municipal services.

10. Rates, Charges, and Interest

- 10.1. Pursuant to subsection 184(1) of the *Act*, Council shall by bylaw levy rates and/or frontage charges in respect of real property for the services of the public utility that are sufficient to cover the costs of providing the services of the public utility following approval of the Commission in accordance with the *Water and Sewerage Act*.

- 10.2. All overdue and unpaid rates and frontage charges bear interest from the due date at the rate prescribed in the Commission's Regulations.

11. Liens

- 11.1. Pursuant the Commission's regulations, rates or frontage charges that are overdue and unpaid, and any interest accrued, constitute a lien on the real property on which they are levied until payment in full is made.
- 11.2. Pursuant to the Commission's regulations, the lien referred to in 11.1 of this bylaw, has priority over every claim, privilege or encumbrance against the property of every person, except the Crown, and may be enforced on application to the Supreme Court for an order for the sale of the property.

12. Financial

- 12.1. As per clause 183(3)(b) of the Act, the Corporation shall maintain its accounts separate from the accounts of the municipality.
- 12.2. Pursuant to clause 183(3)(b) of the Act, the Corporation shall prepare an annual financial statement to be submitted to Council.
- 12.3. In accordance with clause 183(3)(c) of the Act, the Corporation shall prepare annually a financial plan to be submitted to Council which contains at a minimum:
- (a) an operating budget that includes estimates of revenues and expenditures,
 - (b) a capital budget; and
 - (c) a five-year capital expenditure program that includes an asset management program.
- 12.4. The fiscal year of the corporation shall be from 1 April to 31 March.
- 12.5. In accordance with section 12 of the *Water and Sewerage Act*, the public utility is required to keep and render its books, accounts, records and papers accurately and faithfully in the manner and form prescribed by the Commission and comply with all direction of the Commission relating to the books, accounts, papers and records.
- 12.6. If the Minister requires an inspection of the Corporation pursuant to subsection 216(1) of the Act, the Corporation shall produce all records of the Corporation for examination and inspection.

13. Mandatory Connection

- 13.1 Every Owner of any dwelling, house, shop, store, office, or other building situate on land within boundaries of the Municipality which abuts a sewer line shall, with 12 months of substantial completion of sewer line at the Owner's expense, construct and maintain a service lateral therefrom and connect the same with the sewer line in accordance with the specifications of the regulations and policies of the Utility and,

upon connection to the sewer line, shall be responsible for the pumping out and the infilling of any private septic tank then situate upon the land serviced by a sewer line.

14. Utility Standards

- 14.1. The Utility may hire professional engineers and/or contractors for the purpose of supervising the construction and maintenance of service laterals and to ensure that the requirements of this Bylaw are met.
- 14.2. Every service lateral shall be constructed in accordance with the requirements set forth by the Province of Prince Edward Island's Department of Communities, Land and Environment, or any successor Department of Environment.
- 14.3. Every service lateral shall be of such size and at such level and descent and with such mode of piercing or opening into the sewer line, and generally in such manner and of such materials as the Utility or such engineer or contractor designated by the Utility directs, and no such service lateral shall be covered in until it has been approved by the Utility, or by such engineer or contractor designated by the Utility.
- 14.4. Every sewer lateral shall be constructed and maintained in accordance with the requirements of the current edition of the *Canadian Plumbing Code*.
- 14.5. Prior to putting the service into use, the service lateral must be inspected and tested by the Utility, or by such engineer or contractor designated by the Utility, after the pipe and fittings have been installed and before any of the materials have been covered over.
- 14.6. No service lateral shall be used until a satisfactory inspection and testing has been done by the Utility or by such engineer or contractor designated by the Utility.
- 14.7. In the case of a building so located that any plumbing fixture in the building is below street level or so as to be affected by a back flow on the sewer line, such premises shall install a suitable backwater valve. The complete cost of the backwater valve shall be borne by the customer.
- 14.8. The Utility shall give notice on an annual basis to all customers of the necessity of installing the sewer line backwater valve. If, after the issuance of such notice, the customer chooses not to install a backwater valve and a backup occurs in the customer's premises, the customer shall be responsible for any and all damage sustained to both the customer and the Utility.

15. Offences, Penalties and Enforcement

- 15.1. Any person who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to
 - (a) a fine of not less than two hundred (\$200) dollars and not more than ten thousand (\$10,000) dollars, and

- (b) an additional fine in and amount not less than five hundred (\$500) dollars and not more than two thousand five hundred (\$2500) dollars for each day or part of a day on which the offence continues after the first day.

15.2 This bylaw may be enforced in accordance with Part 9, Division 1 of the Act.

16. Complaints

- 16.1. In accordance with subsection 184(4) of the Act, a complaint in respect of the terms and standards of service, rates, charges or schedules or any combination of them, of the public utility, is subject to appeal to the Commission under the *Water and Sewerage Act* in accordance with that Act.

17. Repeal of Existing Bylaw

- 17.1. On adoption, this bylaw replaces Hunter River Sewage Collection and Treatment Utility Bylaw- Bylaw #2, #3, #4 and #5.

18. Effective Date

This Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw, Bylaw # 2021-03, shall be effective on the date of approval and adoption below.

First Reading:

This Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw, Bylaw# 2021-03, was read a first time at the Council meeting held on the 21st day of September, 2021.

This Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw, Bylaw# 2021-03, was approved by a majority of Council members present at the Council meeting held on the 21st day of September, 2021.

Second Reading:

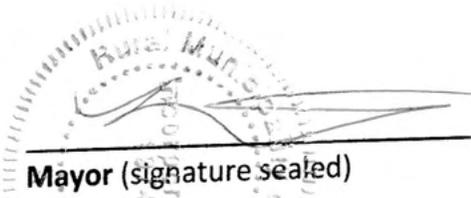
This Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw, Bylaw# 2021-03, was read a second time at the Council meeting held on the 21st day of September, 2021.

This Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw, Bylaw# 2021-03, was approved by a majority of Council members present at the Council meeting held on the 19th day of October, 2021.

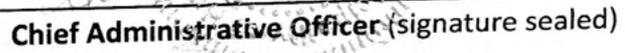
Approval and Adoption by Council:

This Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw, Bylaw# 2021-03, was adopted by a majority of Council members present at the Council meeting held on the 19th day of October, 2021.

Signatures

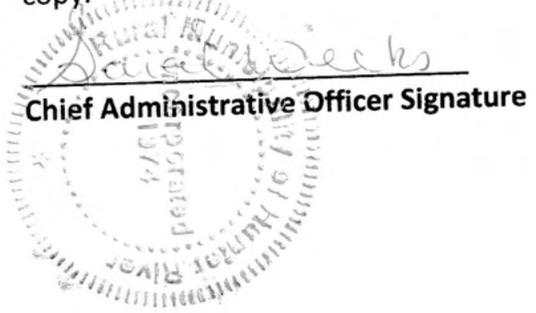
A circular seal with a dotted border. The text inside the seal includes "Rural Municipality of Hunter River" and "1911". A signature is written across the seal.

Mayor (signature sealed)

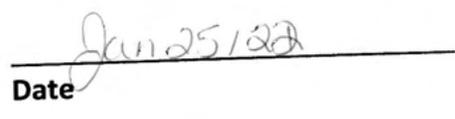
A circular seal with a dotted border. The text inside the seal includes "Rural Municipality of Hunter River" and "1911". A signature is written across the seal.

Chief Administrative Officer (signature sealed)

This Hunter River Sewerage Collection and Treatment Utility Corporation Bylaw adopted by the Council of the Rural Municipality of Hunter River on October 19, 2021 is certified to be a true copy.

A circular seal with a dotted border. The text inside the seal includes "Rural Municipality of Hunter River" and "1911". A signature is written across the seal.

Chief Administrative Officer Signature

A circular seal with a dotted border. The text inside the seal includes "Rural Municipality of Hunter River" and "1911". A signature is written across the seal.

Date