

Appendix B:
Copy of Bylaw Re Creation of Utility

Rural Municipality of Crapaud, Prince Edward Island
A Bylaw to Establish a Water and Sewer Utility
Bylaw # 2024-02

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

1. Title

- 1.1. This bylaw shall be known and cited as the “Rural Municipality of Crapaud Water and Sewer Utility Bylaw.”

2. Authority

- 2.1. Pursuant to section 180(b) of the *Municipal Government Act*, Council of Rural Municipality of Crapaud may pass bylaws and provide services for municipal purposes respecting municipal utilities, public utilities.

3. Purpose

- 3.1. According to section 183 (1) of the *Municipal Government Act*, where a council provides or proposes to provide a public utility pursuant to clause 180(b), the council shall establish its public utility as a department of the municipality and specify the functions of the public utility.
- 3.2. under section 183 (2) of the *Municipal Government Act*, a council referred to in 183 (1) of the *Municipal Government Act* shall by bylaw authorize the construction, management, maintenance, and operation of the public utility in accordance with the *Water and Sewerage Act R.S.P.E.I. 1988, Cap. W-2*.

4. Application

- 4.1. This bylaw applies to Mayor, and all Councillors, employees, and customers of the public utility.
- 4.2. Pursuant to Section 185 of the *Municipal Government Act*, unless a council, by bylaw, provides otherwise, where sewer or water mains run along the land of any person, that person is deemed to receive those services despite the fact that the sewer or water mains are not physically connected by lateral lines to any residence, building or other structure located on the land of that person.

5. Definitions

- 5.1. In this bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in the Act.
- 5.2. In this bylaw,
- (a) “Act” means the *Municipal Government Act*.
- (b) “Chief Administrative Officer” or “CAO” means the administrative head of the municipality.

- (c) "Commission" means the Island Regulatory and Appeals Commission established under the Island Regulatory and Appeals Commission Act R.S.P.E.J. 1988, Cap 1-11.
- (d) "Committee" means Councillor appointed to be member of committee to deal with any matter.
- (e) "Council" means the Mayor and other members of the Council of the municipality.
- (f) "Councillor" means a member of Council other than the mayor.
- (g) "Customer" means a property, person, firm, or corporation who requests, or is supplied with water and sewer service at a specific location or locations.
- (h) "Municipality" means the Rural Municipality of Crapaud.
- (i) "Public Utility" means a public utility as defined in the Water and Sewerage Act R.S.P.E.1. 1988, Cap. W-2.
- (j) "Utility" means the municipal utility department established herein.
- (k) "Staff" means the Chief Administrative Officer (CAO) and all staff of the municipality, whether full-time, part-time, contract, seasonal or volunteers.

6. Municipal Department Established

- 6.1. There is hereby established the Rural Municipality of Crapaud Water and Sewer Utility Department.
- 6.2. The Water and Sewer Utility Department shall conduct its affairs in accordance, with generally accepted public utility practices and in any case, in accordance with directives, special contracts and regulations as approved by the Commission.
- 6.3. The Council will Appoint a Committee responsible for the Department shall be made in accordance with the Section (22.8) of Procedural Bylaw # 2018-08.

7. Water and Sewer Utility Administration

- 7.1. Pursuant to subsection 93(l)(d) of the Act, the CAO shall manage and supervise the employees that are responsible for the day-to-day operation of the public utility.

8. Functions of the Water and Sewer Utility Department

- 8.1. Pursuant to subsection 183(2) of the Act, and in accordance with the Water and Sewerage Act and its regulations, the water and sewer utility shall be responsible for constructing, altering, extending, managing, and controlling a system for providing water and sewer utility services to the residents of the municipality.
- 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, as approved by Council.

9. Rates, Charges, and Interests

- 9.1. Pursuant to subsection 184(1) of the Act, Council shall levy rates in respect of real property for the services of the water and sewer utility that are sufficient to cover the costs of providing the services of the water and sewer utility following approval of the Commission in accordance with the Water and Sewerage Act.
- 9.2. Pursuant to section 187 of the Act, all overdue and unpaid rates bear interest from the due date at the rate prescribed for real property tax pursuant to the Real Property Tax Act R.S.P.E.T. 1988, Cap.R-5.

10. Financial

- 10.1. Pursuant to subsection 183(4) of the Act, the Water and Sewer Utility Department shall maintain separate financial accounts for the public utility.

11. Liens

- 11.1. Pursuant to subsection 186(1) of the Act, rates that are overdue and unpaid, and any interest accrued, constitute a lien on the real property on which they are levied until payment is made in full.
- 11.2. Pursuant to subsection 186(2) of the Act, the lien referred to in section 10.1 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. Complaints

- 12.1. A complaint in respect of the terms and standards of service, rates, charges or schedules, or any combination of them, of a public utility established under this Part, is subject to appeal to the Commission under the Water and Sewerage Act in accordance with that Act.

13. Penalties

- 13.1. In accordance with the provisions of Section 162 (1)(a)(ii) of the Act, a council may by bylaw impose municipal utility fines and penalties as considered necessary.
- 13.2. Any fines and/or penalties as considered necessary and developed by Council shall be outlined in a Schedule A.

14. Appendices

- 14.1. Schedule A is considered an appendix to this Bylaw and may be updated by Council resolution.

15. Repeal of Existing Bylaw

- 15.1. On adoption, this bylaw replaces, Bylaw -1988-06-06 Establishment of Crapaud Sewage Collection and Treatment, Bylaw #2006-04-04 Community of Crapaud Water Utility Corporation and any previous Bylaws pertaining to the establishment of the Water and Sewer and/or the operation of a water and sewer utility are hereby repealed.

16. Effective Date

- 16.1. This Water and Sewer Utility Bylaw, Bylaw#2024-02, shall be effective on the date of approval and adoption below.

First Reading:

This Water and Sewer Utility Bylaw, Bylaw#2024-02, was read a first time at the Council meeting held on the 16th day of April, 2024.

This Water and Sewer Utility Bylaw, Bylaw#2024-02, was approved by a majority of Council members present at the Council meeting held on the 16th day of April, 2024.

Second Reading:

This Water and Sewer Utility Bylaw, Bylaw#2024-02, was read a second time at the Council meeting held on the 21 day of May, 2024.

This Water and Sewer Utility Bylaw, Bylaw#2024-02, was approved by a majority of Council members present at the Council meeting held on the 21 day of May, 2024.

Approval and Adoption by Council:

This Water and Sewer Utility Bylaw, Bylaw#2024-02, was adopted by a majority of Council members present at the Council meeting held on the 21 day of May, 2024.

Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Water and Sewer Utility Bylaw, Bylaw#2024-02 adopted by the Council of the Rural Municipality of Crapaud on Rural Municipality of Crapaud is certified to be a true copy.

Chief Administrative Officer Signature

Date

**Bylaw #2024-02
Schedule A
Penalties / Fines**

Property	Penalty/Fine
Commercial	TBD
Non-Commercial	TBD