

VICTORIA WATER AND SEWAGE UTILITY BY-LAW

This By-law is made pursuant to Section 38(1) of the *MUNICIPALITIES ACT*, R.S.P.E.I., 1988, Cap. M-13 and amendments thereto.

Whereas the Council of Victoria has determined that it will provide water distribution and purification as well as sewage collection and treatment within and for the Municipality and has determined to make a By-law with respect thereto;

BE IT ENACTED BY THE COUNCIL for the Community of Victoria as follows:

I. TITLE

This By-law shall be known and may be cited as the Victoria Water and Sewage Utility By-law (being By-law #2 of the said Community).

II. DEFINITIONS

In this By-law:

- III. "Corporation" means the Victoria Water and Sewage Commission as established herein;
- IV. "Council" means the Council for the Community of Victoria;
- V. "Customer" means a person, firm or corporation who or which requests, or is supplied with, water and sewage services at a specific location or locations;
- VI. "Director" means a member of the Corporation and includes the Chairman of the Corporation (as designated by paragraph IV(ii)(b) of this By-law);
- VII. "Municipality" means the Municipality or Community of Victoria.

VIII. SCOPE AND APPLICATION

This By-law applies to the establishment of a municipal system for water distribution and purification as well as a municipal system for sewage collection and treatment and the establishment of the Corporation for the Municipality.

IX. THE CORPORATION

- X. There is hereby established a water and sewage utility corporation, the name of which shall be the Victoria Water and Sewage Commission.
- XI. The Corporation shall be accountable to the Council and shall be composed of not less than four members to be appointed by the Council from time to time from amongst the residents of the Municipality.
- XII. One of the members of the Corporation shall be designated as its "Chair"; and such Chair shall be the chief executive officer of the Corporation and shall have supervision over and direction of the work and any staff of the Corporation.

- XIII. At least one member of the Corporation shall also be a member of the Council.
- XIV. The members of the Corporation shall each have a term of office which corresponds to the term(s) of office of the member(s) of Council who is (are) also member(s) of the Council.
- XV. The members of the Corporation shall not receive any remuneration.
- XVI. A quorum for any meeting of the Corporation shall be not less than three members, at least one of whom shall be a Council member.
- XVII. Decisions of members of the Corporation shall be determined by majority vote, and in the event of a tie on any vote of the members, the matter in question shall be referred to the Council for its decision on such matter and which decision of Council shall be binding on the Corporation.
- XVIII. The Corporation shall have the following powers and functions:
 - XIX. Construction, establishing, altering, extending, controlling, operating, managing, and maintaining water distribution and purification and sewage collection and treatment systems for the Municipality;
 - XX. Supplying and distributing water as well as providing sewage collection and treatment to Customers;
 - XXI. Acquiring, alienating, holding, and disposing of real or personal property;
 - XXII. Engaging and paying personnel;
 - XXIII. Financing, but only with the express approval and consent of the Council, any of its undertakings; and
 - XXIV. Assessing, charging, levying and collecting fees, rates and other charges for services to any Customer in accordance with the *Municipalities Act* and the *Water and Sewerage Act*.
 - XXV. The Corporation shall levy such user rates or frontage charges as may be approved by the Island Regulatory and Appeals Commission. The Corporation shall not seek approval of the Island Regulatory and Appeals Commission to change such rates or charges unless the Council expressly directs the Corporation to seek such change.
 - XXVI. The Corporation shall maintain its accounts separate from any accounts of the Council or the Municipality, and shall prepare an annual financial statement of its accounts which shall be submitted to and approved by the Council.
 - XXVII. The fiscal year of the Corporation shall be from January 1 to December 31 in each year.
 - XXVIII. The Directors of the Corporation and any person acting on behalf of the Corporation are not personally liable or responsible for any loss or damage suffered by any person by reason of any act done by any of them in good faith in the exercise or purported exercise of the powers conferred under this By-law.

XXIX. EFFECTIVE DATE

XXX. This By-law shall be effective on and from the 1st day of July, 1988, in the case of the supply and distribution of water to Customers, and be effective immediately upon the enactment hereof in the case of the collection and treatment of sewage;

XXXI. This By-law shall repeal and replace the Victoria Water Utility By-law, as amended, being By-law #2 of the Community of Victoria, and upon enactment hereof shall be known and cited as set forth in paragraph I above.

DATED AND ENACTED at Victoria the 02 day of April, 2007.

J. Meefe
Witness

J. Meefe
Witness

R.D. Smith
Councillor Chairman BEN SMITH

P. Smith
Councillor Patricia Smith

Filed on behalf of the Minister of Community and Cultural Affairs according to section 59 and 60 of the Municipalities Act.

[Signature]
Signed by

16/05/2007
Date