

# **Town of Souris By-laws**

## **BY-LAW No. 94-1**

### **SEWER AND WATER UTILITY**

This by-law is made under the authority of the Municipal Act, Stats. P.E.I. 1983, Cap. M-15.1.

Be it enacted by the Council for the Town of Souris as follows:

#### **1.1 TITLE**

This by-law shall be known and may be cited as the Town of Souris Sewer and Water Utility by-law #94-1.

#### **1.2 DEFINITIONS**

In this by-law:

- (i) “Administrator” shall mean the administrator for the Town of Souris.
- (ii) “Council” means the Council for the Town of Souris.
- (iii) “Director” means a Director of the Utility and includes its chairman.
- (iv) “Utility” means the Town of Souris Sewer and Water Utility Corporation.

#### **1.3 APPLICATION OF BY-LAW**

This by-law applies to the continuation and operation of a sewer and water utility for the Town of Souris.

#### **1.4 CONTINUATION OF UTILITY**

- (i) The Souris Sewage Collection and Treatment and Water Distribution and Purification Corporation established under the Town of Souris By-law 88-1 is hereby continued under the name Town of Souris Sewer and Water Utility Corporation.
- (ii) The Utility shall be composed of a Board of Directors, comprised of seven (7) members, all of whom shall be members of Council.
- (iii) The Mayor of Council shall serve as the Chairman of the Utility.

(iv) The Directors of the Utility shall have terms of office the same as their Council term at the time of appointment.

(v) The Directors of the Utility may received such remuneration as may be determined by Council.

(vi) At the meetings of the Utility, five (5) Directors constitute a quorum over which the Chairman of the Utility, or in his absence, the Vice-Chairman of the Council shall preside.

(vii) Decisions of the Board of Directors shall be determined by majority vote of Councillors present.

(viii) The Administrator is the Chief Administrative Officer of the Utility and in consultation with two Directors appointed by Council for this purpose, has day-to-day supervision over and direction of the work and the staff of the Utility.

## 1.5 FUNCTIONS OF THE UTILITY

The Utility shall have the following functions:

(i) Constructing, altering, extending, managing and controlling a system for providing the services of sewerage collection and treatment and water distribution and purification to the residents of the Municipality and, with the approval of Council, residents of areas adjacent to the Municipality;

(ii) Acquiring, alienating, holding and disposing of real or personal property;

(iii) Engaging and paying personnel;

(iv) Financing, with the approval of Council, new undertakings; and

(v) Assessing, charging and collecting rates and charges for services provided to any customer.

## 1.6 UTILITY RATES

The Utility shall levy such user rates or frontage charges as may be approved by the Island Regulatory and Appeals Commission.

## 1.7 UTILITY ACCOUNTS

The Utility shall maintain its accounts separate from the accounts of the Council and shall prepare an annual financial statement.

## 1.8 LIABILITY

The Directors of the Utility and any person acting on their instructions or authority are not personally liable 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.

#### 1.9 FISCAL YEAR

The Fiscal Year of the Utility shall be from January 1 to December 31.

#### 1.10 REPEAL OF BY-LAW NO. 88-1

By-law No. 88-1 which came into force on May 9, 1988 is hereby repealed.

#### 1.11 EFFECTIVE DATE

This by-law shall come into force effective May 10, 1994

READ A FIRST TIME, 25th Day of April, 1994

READ A SECOND TIME, 9th Day of May, 1994

ENACTED BY TOWN COUNCIL, TOWN OF SOURIS

Gus Clinton, MAYOR

Mildred Ehler, ADMINISTRATOR