

BY-LAW No. 7
SEWERAGE COLLECTION AND WATER DISTRIBUTION BYLAW

A BYLAW TO ESTABLISH THE COMMUNITY OF TIGNISH Sewage Collection and Water Distribution Corporation.

PREAMBLE: **WHEREAS**, the Council of the Community of Tignish has determined pursuant to section 30 (g) and (k) of the Municipalities Act, R.S., P.E.I., 1983, that it will provide Sewage Collection and Water Distribution services.

THEREFORE, pursuant to Section 38.1 of the Municipalities Act, supra:

BE IT ENACTED by Council as follows:

Community of Tignish Sewage Collection and Water Distribution Corporation “By-law No.7”.

TITLE: 1. This by-law may be cited as the Community of Tignish Sewage Collection and Water Distribution By-law, By-law Number 7.

DEFINITIONS: 2. In this by-law:

- a) “Council” means the Council of the Community of Tignish;
- b) “Corporation” means the Tignish Sewage Collection and Water Distribution Corporation established herein;
- c) “Customer” means a person, firm or corporation who or which requests or is supplied with sewerage and/or water services;
- d) “Director” means a director of the corporation and includes its chairman;
- e) “Municipality” means the Municipality of the Community of Tignish.

APPLICATION OF BY-LAW

- 3. This by-law applies to the establishment and operation of Municipal Sewage Collection and Water Distribution Corporation for the Municipality.

CORPORATION ESTABLISHED

- 4. (a) There is hereby established the Tignish Sewage Collection and Water Distribution Corporation for the Municipality.

COMPOSITION

- 4. (b) The Corporation shall be composed of a Board of Directors comprised of four (4) or more members appointed from Council by the Community Chairperson.

CHAIRMAN

- 4. (c) One of the Directors shall be appointed by the Community Chairperson as “Chairman” of the Corporation.

TERM OF OFFICE

4. (d) The Directors of the Corporation shall have terms of office during good behavior, the same as their Council term at the time of appointment, but may be removed at any time by the Community Chairperson upon address of the Council.

REMUNERATION

4. (e) The Directors of the Corporation may receive such remuneration as may be determined by Council.

MEETING PROCEDURE

4. (f) At meetings of the Corporation, three (3) directors constitute a quorum over which the Chairman of the Corporation shall preside, or in his absence one of the other Directors designated by the Chairman shall preside.

VOTING

4. (g) Decisions of the Board of Directors shall be determined by majority vote.

BREAKING TIE VOTE

4. (h) In the case of an equal division of opinion among the Directors, the matter shall be referred to the Council, whose decision is binding on the Corporation.

DUTIES OF CHAIRMAN

4. (i) The Chairman is the Chief Executive Officer of the Corporation and has supervision over and direction of the work and the staff of the Corporation.

FUNCTIONS OF: THE CORPORATION

5. The Corporation shall have the following functions:

- a) Constructing, altering, extending, managing and controlling systems for providing the services of Sewerage and Water to the residents of the Municipality and, with the approval of Council, residents of areas adjacent to the Municipality;
- b) Acquiring, alienating, holding and disposing of real or personal property;
- c) Engaging and paying personnel;
- d) Financing, with the approval of Council, any of its undertakings; and
- e) Assessing, charging and collecting rates and charges for services provided to any customer.

RATES

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

SEPERATION OF ACCOUNTS

7. The Corporation shall maintain its accounts separate from the accounts of the Council or the Municipality.

LIABILITY

8. The Directors of the Corporation 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.

FISCAL YEAR

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

COMMENCEMENT

10. This by-law comes into force on the 1st of January, 1990