

A BY-LAW TO ESTABLISH

THE TOWN OF KENSINGTON WATER AND POLLUTION CONTROL CORPORATION

WHEREAS the Council of the Town of Kensington has determined that it will provide, pursuant to clause 31 (g) and (k) of the Municipalities Act, R.S. P.E.I. 1974, Cap. M 15, 2, as amended, sewage collection and treatment and water distribution and purification.

THEREFORE pursuant to Section 38.1 of the Municipalities Act,

BE IT ENACTED by Council as follows:

THE TOWN OF KENSINGTON


WATER AND POLLUTION CONTROL CORPORATION BY-LAW

1. This by-law may be cited as the Town of Kensington Water and Sewerage Utility By-law,
2. In this by-law:
  - (a) "Council" means the Council of the Town of Kensington;
  - (b) "Corporation" means the Town of Kensington Water and Pollution Control Corporation established herein;
  - (c) "Customer" means a person, firm or corporation who or which requests or is supplied with water and sewerage service at a specific location or locations;
  - (d) "Director" means a director of the corporation and includes the chairman;
  - (e) "Municipality" means the municipality of the Town of Kensington.
3. This by-law applies to the establishment and operation of a municipal sewage collection and treatment and water distribution and purification corporation for the Town of Kensington.
4.
  - (1) There is hereby established the Town of Kensington Water and Pollution Control Corporation.
  - (2) The Corporation shall be composed of a Board of Directors comprised of four or more members appointed from Council by the Mayor.
  - (3) One of the Directors shall be appointed by the Council as its "Chairman."

- (4) The Directors of the Corporation shall have terms of office during good behaviour the same as their Council term at the time of their appointment, but may be removed at any time by the Mayor.
  - (5) The Directors of the Corporation shall receive such remuneration as may be determined by the Council.
  - (6) At meetings of the corporation, three directors constitute a quorum over which the Chairman, if present, shall preside, and in the absence of the Chairman, one of the other Directors appointed by the Chairman may preside.
  - (7) Decisions of the Board of Directors shall be determined by the majority vote.
  - (8) In the case of equal division of opinion of the Directors, the matter shall be referred to the Council, whose decision is binding on the Corporation.
  - (9) 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.
5. The Corporation shall have the following functions:
- (a) Constructing, altering, extending, managing and controlling a system for providing the service of water and sewerage 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.
6. The Corporation shall levy such user rates or frontage charges as may be approved by the Island Regulatory and Appeals Board.
7. The Corporation shall maintain its accounts separate from the accounts of the Council or the Municipality.

8. The fiscal year of the Corporation shall be from 1 January to 31 December.
9. 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.
10. This by-law comes into force on the 20th day of January, 1992.

TOWN OF KENSINGTON

  
Mayor

  
Town Clerk

First Reading - January 13, 1992

Second Reading and Proclaimed Law in the  
Town of Kensington, January 20, 1992