

## BYLAW 4-2016

### A BYLAW OF THE TOWN OF HIGH PRAIRIE IN THE PROVINCE OF ALBERTA TO REGULATE THE SUPPLY AND DISTRIBUTION OF WATER AND NATURAL GAS AND TO REGULATE SANITARY SEWER AND REFUSE COLLECTION SYSTEMS

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**WHEREAS**, Provincial legislation including the Municipal Government Act has given the municipal Council of the Town of High Prairie the authority to establish and maintain a system for the collection and invoicing of utility services throughout the municipality;

**NOW THEREFORE**, The Council of the Town of High Prairie does hereby enact:

1. **SHORT TITLE**

1.1 This Bylaw may be cited as the "Utilities Bylaw".

2. **DEFINITIONS**

2.1 **"APPLICATION"** shall mean the Application made by an Owner to the Town for;

- a. the provision of Water Utility and/or Sewer Utility; or
- b. discontinuation of Water Utility and/or Sewer Utility whether temporary or permanent;

2.2 **"CHIEF ADMINISTRATIVE OFFICER"** shall mean the Chief Administrative Officer of the Town, or deputy or any person authorized to be their representative;

2.3 **"COUNCIL"** shall mean the Municipal Council of the Town of High Prairie;

2.4 **"CONSUMER"** shall mean any person who has entered into a contract with the Town for the provision of utility services, or who is the owner or occupant of any property connected to or provided with a utility service;

2.5 **"DEPOSIT"** shall mean A Deposit paid pursuant to Section 6;

2.6 **"METER"** shall mean any device, including wiring and all remote reading accessories supplied, used or authorized by the Town, for the purpose of measuring the volume of water or gas consumed on a property;

2.7 **"NON-RESIDENTIAL CONSUMER"** shall mean any consumer who is not a residential consumer;

2.8 **"OWNER"** shall mean the person registered as the owner of a property pursuant to the provisions of the Land Titles Act and shall include a person who is purchasing a property under Agreement for Sale;

2.9 **"PENALTY"** shall mean a percentage charge imposed pursuant to Section 16.2(d):

2.10 **"PROPERTY"** shall mean any property or premises receiving utility services;

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- 2.11 **“RESIDENTIAL CONSUMER”** shall mean the occupant of a single family dwelling unit used exclusively for residential purposes which has a separate meter;
- 2.12 **“SUPERINTENDENT OF PUBLIC WORKS”** shall mean the Superintendent of Operations of the Town, or deputy, or any person authorized to be their representative;
- 2.13 **“TOWN”** shall mean the Corporation of the Town of High Prairie or the area contained within the boundaries thereof, as the context requires:
- 2.14 **“UTILITY ACCOUNT”** shall mean an account created pursuant to Section 4, and
- 2.15 **“UTILITY INVOICE”** shall mean an invoice rendered to a consumer for rates and charges payable pursuant to this Bylaw.
- 2.16 **“UTILITY SERVICE and UTILITY SERVICES”** shall mean and include, as the context may require:
- the supply of water;
  - the provision of wastewater collection and disposal;
  - the provision of garbage collection and disposal;
  - the supply of natural gas

### 3. APPLICATION

- 3.1 Any person who requires utility services, shall make application to the Town on such form as shall be utilized by the Town from time to time.

### 4. ACCEPTANCE

- 4.1 Upon the acceptance of the application, a utility account shall be set up in the name of the applicant, provided that the applicant is:
- the owner of the property;
  - the tenant of the property;
  - the building contractor, in the case of a new building under construction;  
or
  - in any other instance, approved by the Chief Administrative Officer.
- 4.2 There shall be a separate utility account with respect to each water meter and or gas meter on one dwelling.

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#### **5. ACCOUNT PER METER**

**5.1** The application shall be a separate utility account with respect to each water meter and or gas meter on one dwelling. The application shall be supported by such evidence of the identity of the applicant and status of the applicant to make the application as the Chief Administrative Officer may require.

#### **6. DEPOSITS**

**6.1** Subject to Section 6.6, every applicant requesting utility service from the Town, who is not the owner of the property in which the service is required shall, before the utility account is transferred to the applicant's name, deposit with the Town the amount set forth in the Fees Bylaw.

**6.2** The deposit shall be retained by the Town;

- a. for as long as the applicant is receiving utility services from the Town; or
- b. until such time the applicant becomes the owner of the property.

**6.3** The deposit shall be returned to the applicant when service is discontinued, provided that such deposit may be applied to an unpaid account at the time of the discontinuance of such service.

**6.4** Notwithstanding Section 6.1, a consumer opening a new utility account who is indebted to the Town for utility services previously supplied will not be allowed to complete his application, or be entitled to receive utility services, until payment of the outstanding account and any deposit required is received in accordance with Section 6.6.

**6.5** A consumer opening a new utility account due to a change of residence within the Town shall be charged the same deposit as required for his previous utility account, subject to the increased deposit provisions of Section 6.6;

**6.6** Notwithstanding Section 6.1, if:

- a. payment of a utility invoice is in arrears;
- b. a utility service to a property has been shut off for non payment of a utility account;
- c. a cheque received for payment of a utility invoice has been returned by the financial institution on which it is drawn marked with words indicating that the cheque has not been honoured;
- d. a consumer's previous utility account or other current utility account has not been maintained in good standing;

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then, in addition to paying any arrears of utility rates or charges, the consumer may be required to pay an additional deposit equal to the amount estimated by the Chief Administrative Officer to be the cost of supply of utility services to the property over a THREE (3) month period.

#### 7. INTEREST ON DEPOSITS

Interest shall be paid on a deposit at the Government of Alberta Tenants Security Deposit Rate calculated from the date of payment of the deposit to the date that the deposit is refunded to the consumer or applied towards payment of utility charges.

#### 8. WATER

8.1 The Town hereby levies and consumers shall pay for water supplied by the Town at the rates set forth in the "Fees Bylaw".

8.2 The charge payable by a consumer shall be determined by the reading of the meter supplied, to such consumer. If for any reason a meter cannot be read, the Chief Administrative Officer may estimate the flow of water upon such basis as considered fair and equitable, and render an account in accordance with such estimate. Notwithstanding, each meter shall be read by the Town at least once in a three month period and, failing that, the water department shall, at the request of the Chief Administrative Officer, shut off the water supply to such meter until such time as the Town is able to read the same.

8.3 Water breaks between the curb stop and the property, are the responsibility of the owner and will incur the costs of location and repair of said service line.

8.4 Water breaks between the curb stop and the main line, are the responsibility of the Town and will incur the costs of location and repair.

#### 9. SEWER SERVICE

9.1 The Town hereby levies and consumers shall pay for wastewater collected and disposed of by the Town at the rates set forth in the "Fees Bylaw".

9.2 Sewer complaints: Sewer complaints of any kind will be given top priority by the Town's Utility department. When a complaint is registered the department will take necessary steps to locate the blockage. If the blockage is in the main line, the Town is responsible and will incur the costs of location and repair. If the blockage is found to be in the service line, the property owner or benefiting sewer service owner is responsible and will incur the costs of location and repair of said service line.

9.3 Sanitary sewer service calls will be invoiced at the rates set out in the "Fees Bylaw".

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#### **10 NATURAL GAS SERVICE**

- 10.1 The Town hereby levies and consumers shall pay for natural gas at the rate set forth in the "Fees Bylaw".
- 10.2 The charge payable by the consumer shall be determined by the reading of the meter supplied to each consumer. If for any reason a meter cannot be read, the Chief Administrative Officer may estimate the flow of natural gas upon such basis as considered fair and equitable, and render an account in accordance with such estimate. Notwithstanding, each meter shall be read by the Town at least once in a three month period and failing that, the natural gas department shall, at the request of the Chief Administrative Officer, shut off the natural gas supply to such meter until such time as the Town is able to read the same.
- 10.3 The design, construction, operation and maintenance of the Natural Gas Service is covered under the Natural Gas Quality Management Plan

#### **11 RESIDENTIAL GARBAGE COLLECTION**

- 11.1 The Town hereby levies and consumers shall pay for residential garbage collection services and recycling services at the rates set forth in the "Fees Bylaw".
- 11.2 If a consumer requires garbage services additional to those provided he/she shall be invoiced for such services directly by the contractor.
- 11.3 Commercial garbage containers shall be temporarily allowed in residential areas for the purpose of garbage collection of building materials from renovations or new construction.
- 11.4 Commercial garbage containers must be on consumer's property and access for collection of said garbage will not be allowed from the Town of High Prairie's alleyways.

#### **12 NON-RESIDENTIAL GARBAGE COLLECTION**

- 12.1 The Town hereby levies and consumers shall pay for recycling services at the rates set forth in the "Fees Bylaw".
- 12.1 The Town does not provide, or levy charges for, non-residential garbage collection.
- 12.3 Non-residential consumers are responsible for his/her own contract.

#### **13 UTILITY ACCOUNTS**

- 13.1 All rates and charges payable hereunder shall be paid to the Town within the time prescribed by this Bylaw.

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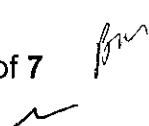
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#### **14**    **DUE DATES**

- 14.1** A utility invoice is due and payable when rendered and, if not paid on the due date stated on the invoice, is deemed to be in arrears. Failure to receive a utility invoice does not relieve a consumer of liability for payment.
- 14.2** If a consumer shall only partially pay a utility invoice, all monies paid shall, notwithstanding any contrary direction from the consumer, be applied towards payment of the amount due under such invoice in the following order:
- a. Penalties;
  - b. Arrears of charges for utility services;
  - c. Current charges for garbage collection/disposal, wastewater, water and natural gas
- 14.3** If a consumer pays a utility invoice after the due date stated therein or such later due date, as may be approved by the Chief Administrative Officer, such consumer shall pay a percentage charge of TWO PERCENT of the charges invoiced.
- 14.4** Payments made by mail or at a financial institution must be received by the Town on or before the due date in order for the consumer to avoid such percentage charge.
- 14.5** If any rate or charge for the provision of utility services is designated by reference to a specific period of time, the charge shall be calculated on a proportionate basis.

#### **15**    **COLLECTIONS**

- 15.1** If a consumer is in arrears in payment of any rates or charges hereby levied, the Chief Administrative Officer may enforce payment by all or any of the following procedures:
- a. action in any court of competent jurisdiction;
  - b. shutting off or discontinuing any utility being supplied to such consumer without notice;
  - c. by distress and sale of the goods and chattels; and/or
  - d. a charge against the property tax roll account, such rates are subject to penalties and are collectable by the same procedures as taxes levied by the Town.



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### 16 WAIVER

- 16.1 Waivers will not be granted for vacant dwellings, unless water curb stop is turned off and natural gas meter is locked off. All applicable charges for reconnection shall apply

### 17 EFFECTIVE DATE

- 17.1 This Bylaw shall have force and take effect on the final reading thereof.

### 18 GENERAL


- 18.1 Bylaw 19-2005 is hereby rescinded

**READ** a first time this 8th day of March, 2016

**READ** a second time this 8<sup>th</sup> day of March, 2016

**READ** a third and final time this 8<sup>th</sup> day of March, 2016

**DATED** this 8th day of March, 2016.

  
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Linda Cox  
Mayor

  
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Brian Martinson  
Chief Administrative Officer