

TOWN OF SUNDRÉ

BY-LAW NO. 757

A BY-LAW TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE TOWN OF SUNDRÉ, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE OPERATION OF ITS GAS UTILITY AND THE FIXING OF RATES, TOLLS, CHARGES AND PENALTIES FOR THE SUPPLY OF NATURAL GAS SERVICE BY THE MUNICIPALITY TO ITS CONSUMERS.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 1994, Chapter M-26.1, as amended, provides that a Council may pass by-laws *inter alia* (amongst other things) for the conduct of any public utility constructed or maintained by the Municipality and to fix rates, charges, tolls, fares and rents in connection with its public utility; and

WHEREAS it is deemed expedient and proper by the Council to enact the following by-law in connection with the supply of natural gas by the Municipality to the Consumers.

NOW THEREFORE the Municipal Council of the Town of Sundre, duly assembled enacts as follows:

SECTION 1 - TITLE

1.0 This By-Law shall be referred to as the "Gas Utility Operations and Rates By-Law".

SECTION 2 - DEFINITIONS

2.0 In this By-Law:

- (a) "By-Law Enforcement Officer" means a By-Law Enforcement Officer of the Town of Sundre;
- (b) "Special Constable" means a Special Constable of the Town of Sundre;
- (c) "Council" means the Council of the Town of Sundre;
- (d) "Municipality" means the Town of Sundre;
- (e) "Consumer" means any person, firm or corporation using natural gas supplied by the Gas Utility;

- (f) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Sundre;
- (g) "Gas Utility" means the natural gas distribution system and works owned and operated by the Town of Sundre;
- (h) "Gas Utility Bill" means a gas utility service bill provided by the Municipality, which sets out the rates, charges, tolls, fares or rents levied by the Municipality for natural gas and related service charges received by a Consumer.

SECTION 3 - UTILITY RATES

3.0 Natural gas rates, tolls, fares and service charges levied pursuant to this By-Law shall be as set by resolution of Council from time to time.

3.1 Every person that receives natural gas or natural gas service from the Gas Utility shall pay the applicable rates, tolls, fares and charges fixed by resolution or motion of the Council from time to time.

3.2 The Council of a Municipality may change the rates, tolls, fares and charges at any time without notice to the Consumer.

3.3 All Utility service rates levied by the Municipality shall be on a monthly, bi-monthly, quarterly or yearly basis in the form of a Gas Utility Bill.

3.4 All Gas Utility Bills shall be due and payable when rendered by the Municipality. Gas Utility Bills shall be forwarded to the owner or occupier of property connected to the Gas Utility and shall be payable at the office of the Chief Administrative Officer at the Municipality's administration building or at such other place or places as may be designated by the Chief Administrative Officer.

3.5 In the event that a Gas Utility Bill remains unpaid after the dated fixed for payment, there shall be added thereto, by way of penalty, an amount set by the Council of the Town of Sundre, to the total amount remaining unpaid which shall then form part of the unpaid Gas Utility Bill.

3.6 In the event that a Gas Utility Bill remains unpaid after the date fixed for payment, the Chief Administrative Officer may, in his/her discretion, shut off the supply of natural gas to the Consumer.

3.7 Prior to reinstating the natural gas service, any Consumer whose natural gas has been shut off for reason of non-payment of a Gas Utility Bill, shall pay the following:

- (a) a minimum service charge of One Hundred (\$100.00) Dollars for reinstating the natural gas; and
 - (b) the unpaid balance of the outstanding Utility Bill; and
 - (c) a utility deposit amount as set by resolution of Council.
- 3.8 All monies required to be paid pursuant to the immediately preceding section of this By-Law shall be paid directly to the Chief Administrative Officer in cash, or by way of money order or certified cheque made payable to the Municipality.

SECTION 4 - GAS METERS & RELATED EQUIPMENT

4.0

- (a) Natural gas Service will only be supplied/installed when all development and/or building permit approvals are in place.
- (b) All natural gas supplied by the Municipality shall be measured by a meter supplied by the Municipality. The meter and any other related facilities shall be placed in care of the owner or occupier of the property who shall be responsible for the cost of the meter and any other related facilities in the event of damage or destruction in an amount fixed by resolution or motion of Council from time to time.

- 4.1 Every owner or occupant of a property shall provide free and convenient access to his premises for the installation, construction, maintenance, removal, replacement and repair of the meter and any other related facilities in order that the Municipality may ascertain that the meter and any other related facilities are in good working order at all times.

4.2

- (a) Every owner or occupier of premises connected to the Gas Utility shall provide free and convenient access to its premises at all reasonable times for the purpose of reading meters. In the event that a meter reader employed by the Municipality is unable to obtain access to the premises, he may estimate the natural gas consumption.
- (b) In the event that the Council passes a resolution or motion requiring a Consumer to read his/her meter, the Consumer shall read the meter and submit the reading to the Chief Administrative Officer's office at the time set by resolution or motion of Council from time to time.

- 4.3 Any person may make an application that the Municipality supplies a natural gas meter to property, which is served by the Gas Utility. The person requesting natural gas service shall state the volume of natural gas requested on an hourly basis and shall sign the application form that the office of the Chief Administrative Officer provides for that purpose.
- 4.4 The application when accepted by the Chief Administrative Officer shall be a contract between the applicant and the Municipality by which the applicant agrees to be bound by all other provisions of this By-Law and any other by-law, resolution, motion or regulation of the Municipality in connection with the supply of natural gas by the Municipality to the Consumer. The contract shall not be transferable.
- 4.5 Utility Accounts:
- (a) The Town of Sundre requires that new account requests for utility services, provided by the municipality, be placed in the name of the owner(s) registered on the property title only.
 - (b) The Town of Sundre requires that any changes on existing utility service accounts provided by the municipality, be placed in the name of the owner(s) registered on the property title only.
 - (c) Mobile Home Owners shall pay to the Town of Sundre a utility deposit as set by resolution of Town Council. The utility deposit amount may be refunded as per Town policy.

SECTION 5 - OFFENSES

- 5.0 No person shall:
- (a) Willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the Municipality or its contactors, servants, agents, workmen or any of them in their exercise of any of the powers or authorities related to utilities authorized by or contained in the Municipal Government Act, Revised Statutes of Alberta 1994. C.M.-26.1 as amended;
 - (b) Willfully or maliciously set off or discharge natural gas so that it is wasted or rendered useless;
 - (c) Willfully tamper with or alter a meter or any other related facilities placed on any service pipe or connected with it inside or outside any house, building or other place so as to lessen or alter the amount of natural gas registered by the

meter;

(d) lay or cause to be laid any pipe or main to connect with any pipe or main of the Gas Utility or to in any way obtain or use natural gas without the consent of the Municipality;

(e) Willfully or without authority disconnect, interrupt or cut off the supply of the Gas Utility.

SECTION 6 - ENFORCEMENT

6.0 Any unpaid Gas Utility Bills for rates, charges, tolls, fares or rents as provided by the By-Law shall constitute a debt due and owing to the Municipality and should be recoverable by way of any of the following methods, namely:

(a) by action in any Court of competent jurisdiction;

(b) by distress and sale of the goods and chattels of the Consumer owing the Gas Utility Bill, wherever they may be found in the Municipality;

(c) by shutting off the supply of natural gas.

6.1 When a Consumer owing the Gas Utility Bill is the owner or purchaser of a building or lot or part of a lot or when the agreement to provide the Gas Utility services is entered into with a non-occupant owner, any sum payable by him for the Gas Utility service is a preferential lien and charge on the building or lot or part of a lot and on the personal property of the person and may be levied and collected in like manner as municipal rates and taxes are recoverable.

6.2 Where the occupant to whom the Gas Utility services have been supplied is a person other than the owner or purchaser of a building or lot or part of a lot, the sum payable by the occupant is a debt due by him and shall be a preferential lien and charge on his/her personal property and may be levied and collected with costs by distress in accordance with the Seizures Act, Revised Statutes of Alberta 1980, Chapter S-11.

6.3 Any person who contravenes Section 5 of this By-Law is guilty of an offence and is liable on summary conviction to a fine of:

(a) One Hundred (\$100.00) Dollars for a first offence, exclusive of costs; and

- (b) Five Hundred (\$500.00) Dollars for a second or subsequent offence, exclusive of costs.

6.4 A By-Law Enforcement Officer or Special Constable is hereby authorized and empowered to issue a violation tag to any person who contravenes any provision of this By-Law.

6.5 The violation tag shall be in a form approved by the Municipal Administrator and shall state inter alia:

- (a) the name of the offender;
- (b) the offence;
- (c) the appropriate fine for the offenses specified in Section 5.0 of this By-Law;
- (d) that the fine shall be paid within seven (7) days of the date of issuance of the violation tag.

6.6 Where a contravention of this By-Law is of a continuing nature, further violation tags for the same offence may be issued by the By-Law Enforcement Officer or Special Constable; provided however, that no more than one violation tag shall be issued for each day that the contravention continues.

6.7 Where a contravention of this By-Law is of a continuing nature, the By-Law Enforcement Officer or Special Constable may shut off the supply of natural gas to the person contravening the By-Law until such time as the contravention ceases.

6.8 Where a violation tag is issued pursuant to this By-Law the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Chief Administrative Officer the sum specified on the violation tag.

6.9 If the fine specified in the violation tag is not paid within the prescribed time period, then a By-Law Enforcement Officer or Special Constable is hereby authorized and empowered to lay a complaint and issue a summons by means of a violation ticket.

6.10 The violation ticket shall be in the form prescribed by Alberta Regulation

193/82, as amended, being the Violation Ticket Regulation passed pursuant to the Summary Convictions Act, Revised Statutes of Alberta 1980, Chapter S-26, as amended.

SECTION 7 - PROHIBITED OPERATION BY OTHERS

7.0 Any person is hereby prohibited from operating a system for the distribution of natural gas in any part of the Municipality.

SECTION 8 - INTERPRETATION

8.0 It is the intention of the Council that each separate provision of this By-Law shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provision of this By-Law were declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 9 - EFFECTIVE DATE

9.0 This By-Law shall come into force and effect on final passing thereof.

By-Law No. 704 is hereby repealed.

READ a first, second and third time this 25th day of June 2001, and finally passed.

Mayor

Chief Administrative Officer