

**44.3 VILLAGE OF HALKIRK
BYLAW NUMBER 2019 – 1
“UTILITIES BYLAW”**

A BYLAW OF THE VILLAGE OF HALKIRK IN THE PROVINCE OF ALBERTA TO ESTABLISH RATES AND BILLINGS WITH RESPECT TO THE OPERATION OF A UTILITIES SYSTEM IN THE VILLAGE OF HALKIRK.

WHEREAS Under Section 7 and Section 42 (1) of the Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26,1 states that a Municipal Council may pass By-laws for the setting of rates, charges or tolls for the providing of a Public Utility.

AND WHEREAS The Municipal Council of the Village of Halkirk in the Province of Alberta deems it necessary to establish a bylaw setting rates, charges, or tolls for the operation of the Village of Halkirk Utilities System.

AND THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF HALKIRK IN COUNCIL DULY ASSEMBLED ENACTS AS FOLLOWS:

Section A Short Title

1. That this Bylaw shall be known as the “Utilities Bylaw”.

Section B Regulations

1. Persons, firms, or corporations being the registered owner or purchaser of a property which is serviced by municipal water connection, and/or municipal sewer connection and/or municipal natural gas connection shall be charged a monthly charge as prescribed in this bylaw.
2. Residential, Commercial, Institutional, and Industrial facilities shall be charged a monthly fee for garbage services as prescribed in this bylaw.
 - i. Non – Residential Facilities, for which the Village Garbage Pickup cannot provide service due to the nature of their garbage production, may be allowed to hire their own garbage pickup and the monthly garbage fee shall be waived.
3. The Village will establish Utility Accounts only in the name of the Registered Owner of the property.
4. The Registered Owner of the property shall be responsible for the amount owing for any utility service provided to their property by the Village or through a service contracted by the Village.
5. That the rates set forth in this Bylaw are subject to review and adjustment from time to time as Council determines.

Section C Rates and Billing

1. That Invoices for Utility Services and Consumption will be prepared and sent to customers on a monthly basis.
2. All customers shall pay to the Village of Halkirk upon receipt of their invoice.

3. That rates for water service shall be:
 - i. \$52.00 Flat Rate per month per water service, and shall include water consumption of up to 10 cubic meters per billing period.
 - ii. Consumption over 10 cubic meters of water in one billing period, shall be charged at the rate of \$3.00 per cubic meter.
4. That rates for Natural Gas shall be:
 - i. \$25.00 Flat Rate per meter per month
 - ii. Consumption rates shall be the Village Purchase Price, plus Variable rate of \$1.20 per gigajoule, plus \$0.40 per gigajoule designated to a Gas Utility Reserve.
5. That rates for Sewer Service shall be \$17.00 Flat Rate per service per month.
6. That rates for Garbage Service shall be \$18.00 Flat Rate per month.
7. That request for voluntary utility disconnection will be \$100.00 each, for disconnection of water or gas service.

Section D Default Of Payment

1. For Utility billings unpaid after the Payment Due Date of the Billing Month, the account will be in arrears, and the following procedures will take place.
 - i. For each account in arrears, a Penalty of 2% will be calculated each month, based on the total outstanding overdue balance on the account. The Penalty will be added to the Utility Account and will become part of the amount owing to the Village. The Village may send out letters to account holders regarding overdue accounts.
 - ii. When an unpaid account is 30 days in arrears, procedure may begin for the Shut Off of the Utility Service(s) for that account.
 - a. A Notice Letter is to be mailed, warning of the Shut Off of Utility Services for the unpaid account, if the arrears are not paid within thirty (30) days of the date of the letter.
 - b. A second copy of the Notice Letter is to be mailed ten to twelve days after the first letter was mailed.
 - c. Seven to Ten days prior to the Shut Off date, a Notice Letter of Shut Off will be hand delivered to a responsible adult person at the location to be affected by Shut Off. If hand delivery is not possible, the Notice Letter of Shut Off will be hung on the door at the location to be affected by Shut Off.
 - d. Shut Off of Utility Service is scheduled to occur on the 31st day after the date of the first letter of notice, or the next business day thereafter.
 - e. The Notice Letter(s) of Shut Off will contain the following information: Name, Mailing address, and Lot Location or Physical Address of the Utility account; Date of delivery of each notice; Dollar amount of arrears that must be paid, Date that arrears must be paid, and Where payment can be made; Date of Disconnection of Service; Contact numbers for Village of Halkirk; Contact numbers for Government Agencies that may provide assistance to

the customer; Reconnection Fees if service is shut off, and contact numbers for reconnection procedure.

- iii. Shut off of Natural Gas Service for default of payment, will not occur in the winter period of November 1st through to April 15th.
 - iv. Prior to November 1st, or sooner if the weather dictates; Where a customer has had their natural gas service shut off due to non-payment, the customer will be contacted by phone or in person to assess their situation. Contact numbers for Government Agencies that may provide assistance should be given to the customer. If unable to make personal contact with customer, the information will be hung on the door.
2. Services herein provided may be discontinued on default of payment of the customers account. The charge for reconnection shall be \$100 each for gas or water service. Reconnection to occur only after arrears are paid in full.
 3. Utility Accounts in Default of Payment shall be considered a debt owing to the Village of Halkirk and shall be subject to collection by any legal process the Village deems necessary to recover said debt.
 4. Outstanding Utility charges may be transferred to Property Tax Roll pursuant to the Municipal Government Act, R.S.A. 2000, Chapter 26.1, Section 553(1)(b).
 5. Should Utility Services be discontinued due to lack of payment on the Account, the Village reserves the right to request a deposit before the services are resumed.
 - i. The Deposit amount shall be \$300.00 and shall be refunded to the Utility Account after a three month period.

Section E Effective Date

The rates and charges herein provided shall apply to all Utility consumption and services effective from January 1, 2019.

Section F Controls

1. Mailing to Renter or Occupant
 - i. That if the Registered Owner of a property so authorizes in writing, the Village will also mail a copy of the monthly utility invoice to a person who is renting or occupying that property.
 - ii. That, upon receipt of written authorization in Section F. 1.i, the Village will charge the Utility Account an annual, non-refundable, administration fee of \$50.00.
 - iii. That the Registered Owner remains responsible for all Utility charges, even a mailing agreement is in place.
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- iii. That the Registered Owner must advise the Village of changes to the mailing information.

3. That water services and natural gas services shall be metered.
 - i. When a new application for service is approved the Registered Owner will be charged for installation costs of the meter. The Village will provide the meter, and the meter will remain the property of the Village.
 - ii. The Registered Owner of the property shall be responsible for damages to a meter from tampering, freezing, or any miss-use of the meter, and that charges for repair or replacement of a damaged meter shall be added to the Utility Account.
 - iii. Meters shall be read at such times and intervals as the Village may designate.
 - iv. Dispute of meter accuracy: That the Registered Owner disputing water meter readings be advised prior to changing of the meter; That their existing meter has to be sent away for accuracy testing; And that if the meter is proven accurate, within Two percent, the Registered Owner will be charged to their Utility account, for costs including the price of a new water meter, testing, shipping, and meter installation costs.
4. Monthly fees as specified in Section C, 3.1 and Section C, 4.1, will be charged until the service is disconnected.
 - i. Water service will be disconnected by shutting off the curb stop.
 - ii. Natural Gas service will be disconnected by removal of the gas meter. In the case of non-payment disconnection may occur by locking off the gas meter.
 - iii. Disconnection fees shall apply, as specified in Section C, 7, or in Section D, 2.
5. No new construction such as a deck, stairway, addition, or fence shall impede the servicing of the Natural gas meter, riser, or Natural gas line. Proper placement of gas services will be determined by Paintearth Gas Co-op staff. Any work to relocate meters will be done by Paintearth Gas Co-op staff, and is at the owner's expense.
6. Liability for damages
 - i. Except as provided for in the Municipal Government Act R.S.A. 2000, Chapter M-26.1 and amendments thereto, or relevant legislation, the Village is not liable for damages:
 - a. Caused by the break of any Village water or natural gas main, water or gas service connection, or other pipe, or
 - b. Caused by the settlement of any excavation or trench made for the installation or repair of any part of the water utility or the gas utility, or
 - c. Caused by the disruption of any supply of water from the water utility when such disruption is necessary for repairs or maintenance of the water system.
 - d. Caused by the disruption of any supply of natural gas from the natural gas utility when such disruption is necessary for repairs or maintenance of the natural gas system.
7. That in the event of an emergency, the Village may shut off the water, or the natural gas, without prior notice.

8. That if the Mayor or Deputy Mayor, in consultation with Council, deems it necessary, they may order restricted use of water for outside activities.
9. That in an emergency of extreme proportions, any means of conserving the water supply may be ordered by the Mayor or Deputy Mayor, in consultation with Council.
10. That no person shall wilfully or maliciously hinder or interrupt or cause to be hindered or interrupted, the Village or its' contractor, employees, agents, workmen, or any of them in the exercise of any of the powers and duties related to the water utility system or the sewer utility system or the natural gas utility system.

Section G Repeal

1. That Bylaw 2017 - 1 and amendments, is repealed.

READ A FIRST AND SECOND TIME AND THEREAFTER, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, READ A THIRD TIME AND PASSED THIS 9 DAY OF January, 2019

Signed this 9th day of January 2019

MAYOR

ADMINISTRATOR