

# BYLAW 005:2021

**A bylaw of the Town of Irricana, in the Province of Alberta, to provide for fees and penalties on Utility Accounts for the supply of utilities by the Town.**

**WHEREAS** the Municipal Government Act, R.S.A. 2000, c. M-26 as amended, authorizes a municipality to pass a bylaw respecting public utilities and services provided by the municipality;

**AND WHEREAS** it is expedient that the Town enact a general public utility account bylaw respecting service fee charges to be collected for services rendered in connection with the supply of utilities by the Town and respecting penalties to be imposed in connection with unpaid public utility accounts;

**NOW THEREFORE** under the authority of the Municipal Government Act, the Council of the Town of Irricana, in the Province of Alberta, duly assembled, enacts as follows:

## **Title**

1. This Bylaw may be cited as the “***Utilities Penalties Bylaw – Revised Bylaw***”

## **Definitions**

2. In this Bylaw, the following definitions apply:
  - a. “**Application**” means a written request made by a Consumer to the Town after the construction and installation of a Service Connection line for the supply of water to a Premise, and a written or verbal request to establish a Utility Billing Account in that Consumer’s name;
  - b. “**Authorized Person**” means any employee of the Town authorized by the Town’s administration, or any such person appointed by the CAO;
  - c. “**Billing Period**” means the period for which the Town assesses its Utility Services.
  - d. “**c.c.**” or “**Service Curb Cock**” means a Shut-Off valve located on the Service Connection between the Water Main and the structure or improvement receiving water service, for the purpose of isolating the Utility Service from a parcel of land;
  - e. “**Chief Administrative Officer**” or “**CAO**” means the Chief Administrative Officer for the Town of Irricana or his/her designate;
  - f. “**Consumer**” means the registered owner, purchaser, occupant or other person in charge of the land or building to which water is being supplied by the Town, and in whose name a Utility Billing Account has been established. Consumer also

includes any Person who has entered into an agreement with the Town for Utility Services;

g. “**Council**” means the Council of the Town of Irricana;

h. “**Disconnect Tag**” means a tag hung on the door of a Premise notifying the registered owner that the Water Services will be shut - off or transferred to the associated Tax Roll Account, if full payment of the Outstanding Utility Bill is not received prior to the date stipulated in the Final Notice Letter.

i. “**Due Date**” means the date noted on the Utility Bill which payment is due by to avoid penalty

j. “**Extended Period of Time**” means the length of time a Consumer requests Water Services be Shut-Off, and which time is longer than fourteen (14) calendar days;

k. “**Final Notice Letter**” means the letter the Town sends to a Consumer whose Utility Bill remains unpaid as at the last business day of the month.

For Premises occupied by the registered owner:

i) That in the event any Outstanding Utility Bill is not paid by the date stipulated in the Final Notice Letter, the CAO is authorized to Shut-Off the Water Services to that Premise; and

ii) That any outstanding amount on the Outstanding Utility Bill may be collected in the same manner as municipal taxes, and in accordance with this Bylaw. If any outstanding amount is transferred to the tax roll.

For Premises occupied by a Person who is not the registered owner:

i) That in the event any Outstanding Utility Bill is not paid by the date stipulated in the Final Notice Letter, any outstanding amount on the Outstanding Utility Bill may be collected in the same manner as municipal taxes, and in accordance with this Bylaw.

l. “**Garbage Services**” means the collection and disposal of residential waste by the Town’s designated contractor pursuant to the Town’s responsibility to comply with the environmental, regulatory, public health and permit requirements and guidelines;

m. “**Meter**” means a water measuring device approved by the Town that meets the American Water Works Association standard for potable water meters, and includes the individual, and all other equipment and instruments supplied and used by the Town to calculate and register the amount of water consumed relative to the land and buildings the meter is designed to monitor;

- n. “**Meter Room**” means a self-contained unit that houses a Meter and metering equipment and/or equipment and accessories which enable the reading of water consumption without entering the building;
- o. “**Municipality**” means the municipality of the Town of Irricana;
- p. “**Outstanding Utility Bill**” means any Utility Bill, or portion thereof, that is unpaid after the Due Date;
- q. “**Person**” means a partnership, firm, body corporate, individual, entity or other legal representatives of person to whom the context applies according to law;
- r. “**Premise(s)**” means any land, building, or both, or any part thereof, either occupied or unoccupied;
- s. “**Recycle Services**” means the collection and disposal of recyclable waste by the Town’s designated contractor pursuant to the Town’s responsibility to comply with the environmental, regulatory, public health and permit requirements and guidelines;
- t. “**Sanitary Sewer Services**” means the Town’s system for the collection, transmission, treatment and disposal of wastewater;
- u. “**Service Connection**” means the portion of pipe used to supply water from the Water Main to a building, or other place, on a parcel of land for the purpose of providing water to the parcel, and includes the pipe running up to the building, located on or within the exterior walls of the building, and running from exterior walls to couplings, stop-cocks, Meters and any other apparatus placed inside the building by the Town;
- v. “**Service Point**” means the portion of the Water System that provides Water Services to the Premise, which includes the service saddle, standpipe, and service tap;
- w. “**Shut-Off**” means an interference with, or discontinuance of, the supply of water to a Premise;
- x. “**Street**” means a public thoroughfare within the Town and includes, where the context so allows, the sidewalk and boulevards, and all parts set aside for a public thoroughfare, as appears in the Land Titles Office;
- y. “**Town**” means the Town of Irricana;
- z. “**Turn-On**” or “**Turned-On**” means the turning on of the Water Services to a Premise after the Utility Service Application has been Approved, or for the purpose of restoring service on an existing Utility Billing Account;

aa. **“Utility Bill”** means the invoice which sets out a Consumer’s charges for a Consumer’s Utility Services, and which may include penalties and arrears, if applicable;

bb. **“Utility Billing Account”** means an account a Consumer sets up with the Town whereby a Consumer is charged maintenance charges and water usage for a stated period of time;

cc. **“Utility Service(s)”** means the water, sanitary sewer, storm, irrigation, garbage and recycle services provided by the Town;

dd. **“Utility Service Termination”** means a request made by a Consumer to discontinue a Utility Service being supplied by the Town;

ee. **“Violation Tag”** means a tag that is mailed to the Premise or hung on the door of the Premise notifying a Consumer that he/she is in violation of this Bylaw, and which requires the Consumer’s immediate attention;

ff. **“Violation Ticket”** means a ticket issued pursuant to Parts II and III of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended.

gg. **“Water Main”** means those pipes installed for the conveyance of water within the Town to which Service Connections may be connected;

hh. **“Water Services”** means the drinking water and wastewater services (including sewage treatment) to residential, commercial and industrial Premises provided by the Town;

ii. **“Water Supply System”** means the portion of the water supply delivery system that is between the c.c. and the Meter, including the c.c., water shut-off valve and Meter;

jj. **“Water System”** means the equipment, materials and property owned and operated by the Town for the provision of water to Consumers, and includes the Water Main and Service Connections, to and including the c.c., or if there is no c.c. then to the property line;

kk. **“Working Day”** means the normal working hours for the municipality.

## **Effect**

3. Any property owner or owners requiring public utility services must make an application for those services at the Town of Irricana Municipal office and complete the utility application.
4. Applicants will be required to provide personal information for Town of Irricana purposes only. The information will be protected by Town of Irricana bylaws, policies and the Freedom of Information Act Privacy Protection.

5. The Application must be set up in the property owner's name(s) only.

*The registered owner of a Premises may submit a Utilities Rental Agreement regarding Forwarded Utility Bills, as set forth in Schedule "F" hereto, to the Town to have the Utility Bill forwarded to the tenant or occupant of the Premises, with the original of the utility invoice sent to the property owner.*

6. No utility account shall be set up for an occupant of a parcel of land who is not the registered owner, for the use of the water supply and distribution system, sanitary sewer collection and disposal system, or for the provision of waste disposal and recycle services upon the final passing of this bylaw.
7. Every person, firm or corporation being the registered owner on the Certificate of Title of a rental property, for which service is provided, shall be solely responsible for any utility charges to the property.

### **Utility Contract and Billing**

8. A Deposit of **\$250.00** shall be paid by the Applicant to the Town of Irricana for utility services and will be held for a period of one year, to be refunded with no interest, providing the utility account is current.
9. Utility bills will be sent to all Consumers at a frequency determined by the Town.
10. A charge shall be made for the use of water supply and distribution system, sanitary sewage collection and disposal system, and for the provision of waste and recycle disposal services, pursuant to the Master Rates Bylaw, as amended from time to time.
11. The charges hereby imposed shall be payable by the property owner on or before the date which will be set out on the utility invoice mailed or delivered to the property owner each billing period.
12. If a property owner is in default of payment of the said rates after the date named, the Town shall have the right to disconnect water supply to said property or shall have the right to enforce payment of the said rates by transfer of the municipal services to the owner's tax account.
13. If any amount on the billed charges remains unpaid after the stated due date, a penalty will be added to all outstanding charges.

### **Penalties**

14. Invoices shall be due on the last day of the month in which the billing is issued. If paying by mail, telephone banking, internet banking, or at a specified banking facility, allow ten (10) working days for payment to be processed.

15. In the event that the charges remain unpaid after the date on which the bill was due and payable, there shall be added thereto by way of a penalty, an amount which shall be **2%** of the then unpaid utility/service bill. The said penalty shall be added to and shall form part of the unpaid utility bill.

Failure to receive a Utility Bill, either by mail (paper copy) or by e-mail cannot be accepted as a reason for non-payment or exemption of a late penalty and does not absolve the Consumer of the obligation to make inquiries of the Town as to amounts that may be outstanding to pay the Utility Bill.

16. When any form of payment, tendered for payment of any of the fees, rates or charges referred to or imposed by this Bylaw, is dishonored for any reason, there shall be imposed an additional charge in the amount determined by the Rates and Fees Bylaw, as amended or any bylaw substituted therefore.
17. All payments on Utility Bills shall firstly be applied to any arrears outstanding, and any balance thereafter shall be applied to the current Utility Bill.
18. If a utility account is not paid by the due date stated on the utility billing invoice, the Town Authorized individual is authorized and empowered to do the following:
  - a. Within 7 days after due date, a Reminder to Remit Letter is issued;
  - b. Within 14 days after due date, a Second Notice is issued;
  - c. Within 30 days after due date, a Final Notice is issued, stating that utility services may be transferred to the tax roll and a service charge may apply.
19. In the event full payment of the Outstanding Utility Bill is not received by the deadline set by the Town in its Final Notice Letter, and in the event the Consumer made arrangements with the Town for payment of the Outstanding Utility Bill and subsequently defaults on said payments, the balance of the arrears and penalties will be transferred to the property tax roll account without further notice.

If any outstanding amount is transferred to the tax roll, a charge will be applicable without further notice, in accordance with Rates and Fees Bylaw. The amount transferred to the property tax roll account shall be an amount owing to the Town and is subject to collections under the tax recovery process.

20. Once the Town technician arrives at the Premises, notwithstanding that payment arrangements may have been made, there will be a charge, in accordance with the Town's Rates and Fees Bylaw, as amended, or any bylaw substituted therefore, for the Town technician's services to Shut-Off the water, even if the Water Services are not required to be Shut-Off.

In the event Water Services are Shut-Off for non-payment, a reconnection fee in accordance with the Rates and Fees Bylaw, as amended, or any bylaw

substituted therefore, shall be charged and shall be payable in advance of services being Turned-On.

21. On notification that a Premises has been sold, the Town may elect to transfer the amount of the final Utility Bill, as at possession date, to the tax roll.

### **Termination of Services**

22. Termination of services will be accepted from the owner of a property and must be in writing, providing forwarding address and contact information for final utility billing.
23. Upon written notification by the property owner that a property has been sold, a consumption read will be conducted by the Town on the final day of possession of the premises.
24. Final Utility Billings will be issued within 7 days from the date of the final consumption read and sent by either mail or e-mail.

### **Severability**

25. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of the Bylaw will remain valid and enforceable.

### **Effective Date**

26. Bylaw 005:2021, being the Utility Penalties Bylaw – Revised Bylaw, is passed when it receives third reading and is signed pursuant to the Municipal Government Act.

READ A FIRST TIME this 23 day of September 2024.

READ A SECOND TIME this 23 day of September 2024.

UNANIMOUS CONSENT for THIRD READING given this 23 day of September 2024.

READ A THIRD TIME this 23 day of September 2024.

'Original Signed'

Julie Sim  
Deputy Mayor

'Original Signed'

Doug Hafichuk  
Chief Administrative Officer