

**CITY OF BROOKS
BYLAW NO. 23/08**

**A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO
ESTABLISH UTILITY RATES CHARGED TO CUSTOMERS.**

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended, a Council may pass Bylaws for municipal purposes respecting public utilities;

AND WHEREAS the City of Brooks provides Utility Services to Customers within the City and is required to levy a charge for those services;

NOW, THEREFORE the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. Short title:

100. This Bylaw may be cited as the “City of Brooks Utility Rates Bylaw”.

2. Definitions

200. For the purpose of interpretation this Bylaw accepts and encompasses all definitions as set out in the Act, and all such definitions in that Act shall apply to those terms when used in this Bylaw.

201. Notwithstanding Section 200 above:

202. “**Act**” means the *Municipal Government Act* RSA 2000 c-M-26 and regulations made under the *Municipal Government Act* as amended or as repealed and replaced from time to time;

203. “**Application for Service**” means the application process required to be completed to receive Utility Services from the City;

204. “**Business(es)**” means a commercial, merchandising or industrial activity or undertaking; a profession, trade or occupation; institutional activities, including extended care facilities and religious assemblies; or, an activity providing of goods or services for which a business licence has been issued; and also includes entities that operate as a Business, but are exempt from obtaining a business licence;

205. “**Bylaw**” means the City of Brooks Utility Rates Bylaw 23/08 as may

be amended or replaced from time to time;

206. **“Chief Administrative Officer (CAO)”** means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or their designate;
207. **“City”** means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
208. **“Council”** means the Municipal Council of the City of Brooks;
209. **“Collection Procedure Policy”** means the City policy that outlines the collection procedures for collecting monies owed to the City for Utility Services;
210. **“Customer”** means an Owner or Occupant of a Premises who purchases or is required to purchase Utility Services from the City and whose name is on the Utility Services account;
211. **“Occupant”** means a person occupying or exercising control or having the right to occupy or exercise control over a Premises, including but not restricted to a lessee, Occupant, or agent of an Owner;
212. **“Owner”** means the person who is registered under the *Land Titles Act* as the Owner of the fee simple estate in a parcel of land and in the case of designated mobile homes, the assessed person responsible for property taxes payable to the City;
213. **“Peace Officer”** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
214. **“Premises”** means the surface of all structures and the whole or part of any parcel of real property, including the land immediately adjacent to any structure or structures;
215. **“Residential Dwelling Unit”** means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals. This includes, but is not limited to, each self-contained unit in a single-family dwelling, in a mobile home, in a duplex or in a multi-family dwelling;

216. **“Sanitary Sewage”** means sewage which has a suspended solids concentration of 250 mg/L and/or a five (5) day B.O.D. of 200 mg/L;
217. **“Sanitary Sewage System”** means the Sanitary Sewage piping network, pumping stations, lift stations, treatment facilities, lagoons and any appurtenances contained within;
218. **“Sanitary Sewage Truck Disposal Facility”** means the location where Sanitary Sewer trucks may discharge Sanitary Sewer, located 1.3 km east of 7th Street East on Railway Ave, located on the north side of Railway Ave;
219. **“Sanitary Sewer”** means a sewer, owned and maintained by the City, which carries Sanitary Sewage and to which storm, surface and ground waters are not intentionally admitted;
220. **“Utility Services”** means a combination of Sanitary Sewer, Water Services and Waste Management Services provided by the City to Customers;
221. **“Waste Management Services”** means the provision of the Waste Management System to a Customer and any administrative services offered to the Customer under this Bylaw;
222. **“Waste Management System”** means the structured administration, regulation, control, management, collection, diversion, processing, storage and disposal of waste with the inclusion of Premises and service classification, waste management equipment and vehicles, waste containers, waste management and recycling sites, waste reduction or waste diversion programs;
223. **“Water Distribution System”** means the system of water reservoirs, pumping stations, water mains, public service connections, valves, fittings, fire hydrants, Water Meters and all other equipment and machinery of whatever kind owned by the City and which is required to supply and distribute potable water to Customers and which is deemed to be a public utility within the meaning of the Act;
224. **“Water Meter”** means the device and all other equipment and instruments, including but not limited to, radio frequency units and remote reading devices, supplied and used by the City to measure the amount of water consumed by a Customer in volumetric measurement; and,
225. **“Water Services”** means the provision of potable water by the City to a Customer and any administrative services offered to the Customer

under this Bylaw.

3. Application For Service

300. The Owner of a Premises shall be responsible for making an Application for Service and supplying accurate information with the City for Utility Services.
301. In the case of a new build, the Application for Service applies as soon as the Water Meter is given out by the City. This applies whether the Owner occupies the Premises or not.
302. In the case of a property being sold, the Application for Service reflects the date of possession. This applies whether the Owner occupies the Premises or not.
303. The approval of the Utility Services account shall create and establish an agreement between the Owner and the City. The terms and provisions of this Bylaw and any requirements imposed and authorized by the Chief Administrative Officer form part of this agreement.
304. The Owner of a Premises may submit to the City, a utilities rental agreement, as per Schedule "D", in order to have the Utility Services bill forwarded to the Occupant of the Premises.
305. An Owner who is indebted to the City under a previous Utility Services account shall not be permitted to complete an Application for Service nor be entitled to the supply of Water Services until the payment of the indebted amount has been received by the City, in full.

4. Utility Services Account Customer Transition Period

400. Notwithstanding Subsection 300, the City shall allow for a transition period for existing Utility Services accounts where the Customer is not the Owner.
401. The existing Utility Services account may continue to be in the name of the Occupant until:
 402. the existing tenancy or occupation of the Premises by the current Occupant ends; or,
 403. the Utility Service Account in transition has become delinquent, as defined in the Collection Procedure Policy.
404. After which the provisions of Section 3 of this Bylaw take effect and the Utility Services account shall be established with the Owner of the Premises as the Customer.

405. Notwithstanding Subsection 303, when a Utility Services account is established with the Owner of the Premises as the Customer as a result of Subsections 401 - 403, the terms and provisions of this Bylaw and any requirements imposed and authorized by the CAO will be applicable, despite the absence of the application process.
406. Any deposits previously collected from Occupants will be applied to their final Utility Services invoice and a refund shall be issued for any unapplied amounts.

5. Sanitary Sewer Charges

500. There shall be levied a bi-monthly Sanitary Sewer charge against all Customers of the City Sanitary Sewage System, determined in accordance with Schedule "A".
501. Sanitary Sewer services shall be provided as described in Bylaw No. 21/25, as may be amended or repealed and replaced from time to time.

6. Water Services Charges

600. There shall be levied a bi-monthly Water Services charge against all Customers of the City Water Distribution System, determined in accordance with Schedule "B".
601. Water Services shall be provided as described in Bylaw No. 15/04, as may be amended or repealed and replaced from time to time.

7. Waste Management Services Charges

700. There shall be levied a bi-monthly Waste Management Services charge against all Customers of the City Waste Management System, determined in accordance with Schedule "C".
701. Waste Management Services shall be provided as described in Bylaw No. 15/05, as amended or repealed and replaced from time to time.

8. Payments and Penalties

800. Payment of any charges for Utility Services levied against a Customer pursuant to this Bylaw shall be enforced by any or all of the following methods:
801. a penalty charge of ten percent (10%) levied on any unpaid amount which is outstanding after the due date;

802. discontinuing the Utility Services being provided to a Premises, as per Section 41 of the Act;
803. any other collection actions as outlined in the Collection Procedure Policy; and,
804. should Water Services be discontinued at a Premises, the Customer shall pay a reconnection fee, as outlined in Schedule "B".
805. Any arrears and penalties for Utility Services levied against a Customer who is the Owner of a Premises, may be transferred to the property tax roll account without further notice, and is subject to collection under the property tax recovery process.
806. Notwithstanding Subsections 600 – 605, Council may waive or cancel any penalties and/or other actions outlined in the Collection Procedure Policy due to significant and unforeseen circumstances.
807. The Owner/operator of a designated mobile home park shall notify the City by the first day of each bi-monthly period of the number of stalls that will be occupied for that period so appropriate charges for Sanitary Sewer Services, Water Services and Waste Management Services can be billed. Billings will not be reduced for move outs if the City has not been advised in advance.
808. There shall be a fee charged for each NSF (non-sufficient funds) EFT (electronic funds transfer) and returned cheque, in accordance with Bylaw 18/06, the Information Fees Bylaw.
809. From time to time, the City or Customer may identify an error in the determination of charges for Utility Services for a Utility Services account which warrants correction and adjustment in the amounts owing by the Customer. The City shall determine the validity and the effective date of the error. Such errors may include, but are not limited to the following:
 810. improper Water Meter placement;
 811. improper sizing or specification of a Water Meter;
 812. improper rate application;
 813. improper Water Meter bypass;
 814. incorrect Water Meter reading;
 815. inaccurate Water Meter measurement; and/or,
 816. incorrect invoice calculation.
817. The City shall correct valid billing errors by calculating the difference in the Invoice amounts from the date the error was effective back:

- 818. to when the error first appeared;
- 819. twelve (12) months; or,
- 820. to the establishment of the current Utility Services account;
- 821. whichever is less.

822. Whereas a result of the correction, the Customer owes additional amounts to the City, the City may recover these amounts over a number of future invoices. Where the City owes amounts to the Customer, the entire amount owed will be credited to the Utility Services account on the next billing period invoice.

9. Severability

900. Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

10. Repeal of Bylaw

1000. That Bylaw 21/23 be hereby repealed.


11. Effective Date

1100. This Bylaw shall come into force and take effect on June 1, 2023.

Read a first time this 17th day of April, 2023.

Read a second time this 17th day of April, 2023.

Read a third time and finally passed this 17th day of April, 2023.



Mayor



Chief Administrative Officer

SCHEDULE "A"
BYLAW NO. 23/08

1. Effective **January 1st, 2023** every Customer connected to the City's Sanitary Sewage System shall be charged bi-monthly rates in accordance with this Schedule.
 - a) Each Residential Dwelling Unit: base rate of \$39.79 per unit.
 - b) Each Business Premises connected to the City's Water Distribution System and Sanitary Sewer System: base rate of \$39.79 plus \$0.92 per cubic meter or portion thereof of water consumption in excess of 41 cubic meters per billing period.
 - c) Each Business utilizing the Sanitary Sewage Truck Disposal Facility shall be charged a flat rate of \$1,634 per year, plus \$0.96 for each cubic meter of Sanitary Sewage discharged.

SCHEDULE "B"
BYLAW NO. 23/08

1. For Water Services that have been disconnected due to non-payment, non-compliance or any other reason, a disconnect/reconnect fee of \$50.00 shall be paid by the Customer prior to the Water Services being reconnected.
2. Effective **January 1st, 2023** every Customer connected to the City's Water Distribution System shall be charged bi-monthly rates in accordance with this Schedule.
 - a) Residential
Each Residential Dwelling Unit: base rate of \$56.82 for the first 13.65 cubic meters or less, plus an additional charge of \$1.27 per cubic meter consumed in excess of the first 13.65 cubic meters per dwelling.
 - b) Businesses
Each Business Premises: base rate of \$56.82 for the first 13.65 cubic meters or less, plus an additional charge of \$1.27 per cubic meter consumed in excess of the first 13.65 cubic meters per Premises. The number of base rate(s) charged is dependent on the number of Water Meter(s) installed on the Premises, unless one Business utilizes more than one meter.
 - c) Food Processing Industries
First 13.65 cubic meters or less - \$56.82 base rate. Over 13.65 cubic meters up to and including 3,409 cubic meters, an additional \$1.27 per cubic meter. Over 3,409 cubic meters, an additional \$0.53 per cubic meter.
 - d) Bulk Water - City Owned (Residential/Domestic)
\$4.00 per cubic meter
 - e) Bulk Water - City Owned (Non-Residential/Commercial Business)
\$5.32 per cubic meter
 - f) Bulk Water - Privately Owned Stand Pipes
\$1.76 per cubic meter with a minimum charge of \$30.00 per month
 - g) Raw Water Rate – Eastern Irrigation Fish Rearing Facility
\$56.82 for the first 13.65 cubic meters of consumption plus \$0.53 per cubic meter consumed in excess of the first 13.65 cubic meters.

SCHEDULE "C"
BYLAW 23/08

Effective **January 1st, 2023** every Customer of the City's Waste Management System shall be charged bi-monthly rates in accordance with this Schedule.

Garbage Collection:

Residential Dwelling Units:

1. The waste management charge for collecting waste once each week from a Residential Dwelling Unit shall be \$28.90 bi-monthly.
2. In the event that a Residential Dwelling Unit utilizes more than one bin, a charge of \$28.90 bi-monthly will be applied for each additional bin.
3. In the event that no waste collection service is provided, the minimum charge shall be \$28.90 bi-monthly.
3. The reduced waste management charge for a Customer who is at least the age of 65 years shall be \$19.90 bi-monthly.
4. The waste management charge for collecting yard waste from a Residential Dwelling Unit shall be \$0.

Residential Dwelling Units from Which a Home Occupation is Operated:

1. The waste management charge for collecting waste once each week from a residential dwelling from which a home occupation is operated shall be \$33.56 bi-monthly.
2. In the event that no waste collection service is provided, the minimum charge shall be \$33.56 bi-monthly.
3. The reduced waste management charge for a Customer who is at least the age of 65 years and who operates a home occupation from their residence shall be \$24.54 bi-monthly.
4. The waste management charge for collecting yard waste from a Residential Dwelling Unit from which a home occupation is operated shall be \$0.

Businesses:

1. The base rate for Waste Management Services shall be \$41.25 bi-monthly, per Business.
2. The waste management collection charge for each garbage tip shall be \$18.11.
3. In the event that no waste collection service is provided, the minimum charge shall be equal to the bi-monthly base rate.
4. In the event that a commercial Premises is vacant, a base rate will not apply. It will be the Owner's responsibility to notify the City of any vacancies.

Recyclable Cardboard:

Businesses:

1. The waste management charge for each cardboard tip shall be \$12.95.

Recycling:

1. The recycling fee charged to every Residential Dwelling Unit or Residential Dwelling Unit from which a home occupation is operated shall be \$7.08 bi-monthly.
2. The recycling fee charged to every Owner of a Business shall be \$7.08 bi-monthly. In the event there are multiple Businesses, the charge shall be \$7.08 bi-monthly per Business.
3. In the event that a commercial Premises is vacant, a base rate will not apply. It will be the Owner's responsibility to notify the City of any vacancies.

**SCHEDULE "D"
BYLAW 23/08**

Utilities Rental Agreement Regarding Forwarded Utility Bills

Utility Account Number: _____ Tax Roll #: _____

Municipal Address: _____

Registered Owner's Information (*REQUIRED)

*Name: _____

*Mailing Address: _____

* Phone Number: _____ E-Mail: _____

C/O Occupant/Renter Information (*REQUIRED)

*Name: _____

* Mailing Address: _____

* Phone Number: _____ E-Mail: _____

I/we _____, being the registered Owner(s) of the property described above, hereby give consent to the City of Brooks to forward the Utility Services invoices to the above-named Occupant/Renter at the municipal address as set out above, subject to change from time to time upon written notice to the City of Brooks. Notwithstanding the foregoing, I/we acknowledge and agree that the Utility Services account shall at all times remain in my/our name(s) and **shall be my/our responsibility** to the City of Brooks.

I/we agree that it is my/our responsibility to notify the City of Brooks of any changes to the above information.

I/we agree to allow any amounts in respect of the Utility Services of the property, including any fees, charges and penalties, which have become delinquent, as defined in the City's Collection Procedure Policy, to be transferred to my/our property tax roll account and be subject to collection under the property tax recovery process.

This Agreement is effective the _____ day of _____, 20__.

Signature of Registered Owner(s) _____
