

BY-LAW #07-1997

TOWN OF SLAVE LAKE

A BY-LAW OF THE TOWN OF SLAVE LAKE IN THE PROVINCE OF ALBERTA, BY VIRTUE OF THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26.1, 1994, SECTION 7 TO PROVIDE AND ESTABLISH A SYSTEM FOR THE LEVYING AND COLLECTION OF SERVICE CHARGES, TOLLS AND PENALTIES THROUGHOUT THE MUNICIPALITY OF THE TOWN OF SLAVE LAKE, AND TO REPEAL BY-LAW #11-1996.

WHEREAS, provincial legislation including the Municipal Government Act has given the municipal council of the Town of Slave Lake the authority to establish and maintain a system for the collection and invoicing of utility services throughout the municipality;

NOW THEREFORE the municipal Council of the Town of Slave Lake in the Province of Alberta duly assembled does hereby enact:

1. TITLE AND APPENDIX

1. This By-Law may be cited as the "Utility Rate By-Law".
2. Schedules "A", "B", "C" and "D" are hereby annexed to and declared to be part of this By-Law.

2. DEFINITIONS

In this By-Law, unless the context otherwise requires:

1. "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. "DEPOSIT" shall mean and include, as the context may require:
 - a) a deposit paid pursuant to Section 6; and/or
 - b) a deposit or additional deposit paid pursuant to Section 8;
3. "DIRECTOR" shall mean the Director of Operations of the Town, or his deputy, or any person authorized by he or his deputy to be his representative;
4. "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 consumed on a property;
5. "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;
6. "PENALTY" shall mean a percentage charge imposed pursuant to Section 18;
7. "PROPERTY" shall mean any property or premises receiving utility services;
8. "RESIDENTIAL CONSUMER" shall mean the occupier of a single family dwelling unit used exclusively for residential purposes which has a separate meter;
9. "NON-RESIDENTIAL CONSUMER" shall mean any consumer who is not a residential consumer;



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10. "SECRETARY TREASURER" shall mean the Secretary Treasurer of the Town, or his deputy, or any person authorized by either he or his deputy to be his representative;
11. "SUBURBAN CONSUMER" shall mean customers who are outside the boundaries of the Town;
12. "TOWN" shall mean the Corporation of the Town of Slave Lake or the area contained within the boundaries thereof, as the context requires;
13. "UTILITY SERVICE and UTILITY SERVICES" shall mean and include, as the context may require:
 - a) the supply of water;
 - b) the provision of wastewater collection and disposal;
 - c) the provision of garbage collection and disposal;
14. "UTILITY ACCOUNT" shall mean an account created pursuant to Section 4, and
15. "UTILITY INVOICE" shall mean an invoice rendered to a consumer for rates and charges payable pursuant to this By-Law.

3. APPLICATION

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 and shall pay to the Town the application fee set forth in Schedule "A".

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:
 - a) the owner of the property;
 - b) the tenant of the property;
 - c) the building contractor, in the case of a new building under construction, or
 - d) in any other instance, approved by the Secretary Treasurer.
2. There shall be a separate utility account with respect to each meter.
5. The application shall be a separate utility account with respect to each meter. 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 Secretary Treasurer may require.

6. DEPOSITS

Subject to Section 8, a consumer shall at the time of application pay a deposit as follows:

1. Residential Consumer - the amount set forth in Schedule "A";
2. Non-Residential Consumer - the amount set forth in Schedule "A" or the amount estimated by the Secretary Treasurer to be the cost of supply of utility services to the property over a THREE (3) month period, whichever is greater.

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7. 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 in accordance with Section 8;
2. 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 8;
3. The Secretary Treasurer may waive the requirement of a deposit under Section 6 for a residential consumer who has been established for at least TWELVE (12) months in Slave Lake and the consumer's utility account or accounts was or were, maintained in good standing;
4. The Secretary Treasurer may waive the requirement of a deposit under Section 6 for a non-residential consumer who has been established at least TWENTY-FOUR (24) months in Slave Lake and the consumer's utility account or accounts was or were, maintained in good standing;
5. If a consumer has an existing utility account that is not in arrears, and for which no deposit is being held, or the applicant is the owner, then if application is made for another utility service in the same name and of the same type, the Secretary Treasurer may waive the requirement for a deposit.

8. Notwithstanding Section 6, if:

1. payment of a utility invoice is in arrears;
2. a utility service to a property has been shut off for non-payment of a utility account;
3. 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;
4. the consumer is not a tenant of a property or a building contractor and he wishes to set up a utility account in any name other than that of the owner of the property; or
5. a consumer's previous utility account or other current utility account has not been maintained in good standing;

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 Secretary Treasurer to be the cost of supply of utility services to the property over a THREE (3) month period.

9. INTEREST ON DEPOSITS

Interest shall be paid on a deposit at the rate set forth in Schedule "A" 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.

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10. REFUND OF DEPOSITS

1. If a residential consumer has paid all utility invoices rendered to such consumer on or before the due dates stated in such invoices for a period of TWELVE (12) consecutive months, the deposit or deposits paid by such consumer pursuant to Sections 6 and/or 8 shall be refunded, together with interest as provided in Section 9.
2. If a non-residential consumer has paid all utility invoices rendered to such consumer on or before the due dates stated in such invoices for a period of TWENTY-FOUR (24) consecutive months, the deposit or deposits paid by such consumer pursuant to Section 6 and/or 8 shall be refunded, together with interest as provided in Section 9.
3. A deposit paid under Section 8 will be refunded only upon the consumer's request and at the discretion of the Secretary Treasurer.
4. If refundable pursuant to this Section, or upon termination of the supply of utility services, a deposit shall be returned to a consumer together with interest as provided in Section 9, after deducting therefrom all outstanding charges for the supply of utility services, including the cost of shutting off or discontinuing any utility service for non-payment of utility accounts.

11. WATER

1. The Town hereby levies and consumers shall pay for water supplied by the Town at the rates set forth in Schedule "B" hereto.
2. In case of a dispute, the Director shall determine the rate in Schedule "B" which is applicable to a particular consumer.
3. The charge payable by a consumer shall be determined by reference to the reading of the meter supplied to such consumer. If for any reason a meter cannot be read, the Secretary Treasurer may estimate the flow of water upon such basis as he considers to be fair and equitable and render and account in accordance with such estimate. Notwithstanding, each meter shall be read by the Town at least once in each month and, failing that, the Director shall, at the request of the Secretary Treasurer, shut off the water supply to such meter until such time as the Town is able to read the same.

12. SEWER SERVICE

The Town hereby levies and consumers shall pay for wastewater collected and disposed of by the Town at the rates set forth in Schedule "C" hereto.

13. GARBAGE

1. The Town hereby levies and consumers shall pay for garbage services at the rates set forth in Schedule "D" hereto.
2. If a consumer requires garbage services additional to those provided by the Town he shall be invoiced for such services directly by the contractor.

14. EFFECTIVE DATE

The rates and charges provided in this By-Law for the provision of utility services shall come into effect on leave.

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15. UTILITY ACCOUNTS

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

16. 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 account does not relieve a consumer of liability for payment.

17. If a consumer shall only partially pay a utility invoice, all monies paid shall, notwithstanding any contrary direction by the consumer, be applied towards payment of the amount due under such invoice in the following order:

1. penalties;
2. arrears of charges for utility services;
3. current garbage collection/disposal charges;
4. current wastewater charges;
5. current water charges.

18. If a consumer pays a utility invoice after the due date stated therein, or such later due date as may be approved by the Secretary Treasurer, such consumer shall pay a percentage charge of SIX (6) PERCENT of the current charges invoiced. Payments made by mail or at a financial institution must be received by the Town on or before the due date in order for a consumer to avoid such percentage charge.

19. If any rate or charge for the provision of utility services is designated by reference to a specific period of time, the charge for a lesser period of time shall be calculated on a proportionate basis.

20. If a consumer shall be in arrears in payment of any rates or charges hereby levied, the Secretary Treasurer may enforce payment by all or any of the following procedures:

1. action in any court of competent jurisdiction;
2. shutting off or discontinuing any utility being supplied to such consumer without notice;
3. by distress and sale of the goods and chattels of such consumer wherever they may be found in the Town; or
4. a charge against the property to which the rate was payable, such rates are subject to the same penalties and are collectable by the same procedure as taxes levied by the Town.

21. WAIVER

The Secretary Treasurer may waive any penalty rate or charge imposed or levied under this By-Law if, in the circumstances, the Secretary Treasurer is of the view that this is just and equitable. Waivers will not be granted for vacant dwellings unless the water service is terminated at the curb stop. All applicable charges for termination and reconnection shall apply.

22. GENERAL

By-Law #11-1996 is hereby repealed.

23. That this By-Law shall come into force June 01, 1997.



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READ A FIRST TIME THIS 20th DAY OF May, 1997

MAYOR

SECRETARY-TREASURER

READ A SECOND TIME THIS 20th DAY OF May, 1997

MAYOR

SECRETARY-TREASURER

READ A THIRD TIME THIS 20th DAY OF May, 1997

MAYOR

SECRETARY-TREASURER

:nja
May 16, 1997

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SCHEDULE "B"

WATER RATES

The following shall be the monthly water rates for metered customers:

*Base Rate including up to 22.7 m ³ per month consumption	\$20.25
*Remaining consumption per month above Base Rate	\$0.79/m ³

Minimum Charge

Where the monthly amount actually consumed by the consumer is less than 22.7 m³, the consumer shall be irrefutably deemed to have consumed 22.7 m³ for the month.

Suburban services at double the above rates unless an alternate existing agreement prevails.

Bulk Water Sales - \$1.84/m³.

Utility bills of single metered multi-unit developments will be calculated by multiplying the number of units by the base rate plus actual usage.

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SCHEDULE "C"

SEWER RATES

The following shall be the monthly sewer rates for metered customers:

*Base Rate including up to 22.7 m ³ per month consumption	\$14.20
*Remaining consumption per month above Base Rate	\$0.55/m ³

Suburban services at double the above rates unless an alternate existing agreement prevails.

Utility bills of single metered multi-unit developments will be calculated by multiplying the number of units by the base rate plus actual usage.

Customers registered in the volunteer water meter program prior to scheduled increases will benefit by being exempt from the subsequent flat rate increase in water and sewer rates.

Surcharge

If a surcharge is payable under the Water & Wastewater Utility By-Law, it shall be calculated and paid on the basis of the latest series of tests made by the Director pursuant to the provisions of Section 6.25 of By-Law #02-1996 thereof and such surcharges shall not be changed until a subsequent series of tests indicate that effluent from the premises contain a concentration to which a different surcharge is applicable.

In the case of a property connected to the Town Wastewater Facilities, whether or not using Town water, which property discharges wastewater exceeding any or all of the limits set out in Section 6.28 of By-Law #02-1996, a charge of N times \$0.55/m³ of water consumed, where N is determined by the following formula:

$$N = 1 + \frac{x}{1500} + \frac{y}{1500} + \frac{z}{300}$$

Where N is the multiplier of the standard \$0.55 rate for water consumed,
X is the difference between the actual B.O.D. of wastewater in milligrams per litre and 500 milligrams per litre.
Y is the difference between the actual suspended solids of the wastewater in milligrams per litre and 500 milligrams per litre.
Z is the difference between the actual grease of the sewage in milligrams per litre and 100 milligrams per litre.

NOTE: Set to zero if actual concentration less allowable concentration is negative.

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SCHEDULE "D"

COLLECTION, REMOVAL AND DISPOSAL OF WASTE RATES

The following shall be the monthly garbage collection and garbage disposal rates:

1. Garbage Collection
 - a) Residential - \$3.60
2. Garbage Disposal
 - a) Residential - \$20.20
 - b) Commercial - \$15.00 plus \$2.00 per cubic metre
 - c) Landfill capital \$2.00 per utility account
3. Landfill Tipping Fees
 - a) Pickup Load - \$4.00
 - b) Single Axle Truck - \$15.00
 - c) Tandem Axle Truck - \$20.00
 - d) Tandem Axle Truck - Unsorted Tires - \$70.00
 - e) Burner Ash - \$5.98 per cubic metre
 - f) Surface Disposal Soils, Fill Materials - \$1.00 per cubic metre
4. Suburban and Residential Environmental Recycling Fees
 - a) Fridges - \$20.00
 - b) Stoves - \$10.00

:nja
May 16, 1997