

VILLAGE OF ROSEMARY
In the Province of Alberta



Bylaw No. 495-22
Utility Rates Bylaw

A Bylaw of the Village of Rosemary, in the Province of Alberta, providing for the setting and collection of water, sewer, garbage, and recycling, and fixing the time and the places where rates are payable, as provided under the authority 191 of the Municipal Government Act, Chapter M.26.1, with all amendments thereto.

WHEREAS, under authority 191 of the Municipal Government Act Chapter M.26.1, and amendments thereto, a council may repeal or amend any Bylaw;

AND WHEREAS, it is necessary to make a charge against the property owners for whose convenience the said utility services are provided;

NOW THEREFORE, by virtue of the power conferred upon it by the Municipal Government Act the Council of the Village of Rosemary, duly assembled, enacts as follows:

1.0 SHORT TITLE

1.1 This Bylaw may be cited as the “Utilities Rates Bylaw”

2.0 INTERPRETATION

2.1 In this Bylaw:

2.1.1 **“Arrears”** means any amount owing to the Municipality which is overdue 30 (thirty) days or more from the billing date.

2.1.2 **“Billing Date”** means the date set out on the accounts for utility fees of the municipality;

2.1.3 **“Customer and/or Property Owner”** means any person for whom the municipality supplies utility services, and shall be deemed to be the owner or purchaser of a building or lot or part of a lot;

2.1.4 **“Municipality”** means the Village of Rosemary in the Province of Alberta;

2.1.5 **“Outstanding Account”** means an account for which the municipality has not received payment within thirty (30) days of the billing date;

2.1.6 **“Utility Fee”** means the charges of the utility services, as prescribed in Schedule “A” herein;

2.1.7 **“Utility Services”** means recycling, garbage removal and disposal, sewer service and water service;

3.0 FEES

3.1 The utility fees shall be in accordance with Schedule “A” of this Bylaw.

4.0 COLLECTION PROCEDURE

4.1 For the purpose of the Bylaw, the collection procedure set out in Schedule “B” of this bylaw shall be followed as nearly as may be practical to achieve collection of the accounts rendered hereunder. However, failure by the Municipality to comply strictly with the collection procedure set out in Schedule “B” shall in no way hinder or invalidate the Municipality from pursuing its’ remedies for collection.

4.2 Any customer accounts in a situation where the occupant is a person other than the owner or purchaser of a building or lot, the rates hereby imposed, in accordance with Schedule “A” of this bylaw shall be payable by the property owner.

5.0 ENFORCEMENT

5.1 The Municipality shall, when it is able to do so and subject to any terms, costs, or charges established by Council pursuant to the Bylaw or otherwise, provide utility services only to an owner upon the request of the owner.

5.2 The Municipality shall, when it is able to do so and subject to any terms, costs, or charges established by Council pursuant to the Bylaw or otherwise, provide utility services only to an owner of the property.

5.3 Any customer who receives utility services pursuant to this Bylaw shall pay utility fees.

5.4 A customer shall be deemed to be receiving utility services if the building, which the customer owns, is purchasing and /or occupies, is within the municipality whether or not the customer actually receives the utility service.

5.5 All outstanding accounts shall be assessed a monthly time late payment charge of 3.0% on the date on which the account becomes outstanding.

5.6 Any unpaid utility fees, or any penalty costs or charges resulting there from shall constitute a debt owing to the municipality and is enforceable by any of the following methods:

5.6.1 By action in any court of competence jurisdiction; or

5.6.2 By transferring the said rates to the customer on the municipal tax roll, all utility fees for water services, sewer services, garbage collection, and recycling as well as all penalties, costs and charges resulting there from, which remain unpaid after sixty (60) days from the billing date; or

5.6.3 By discontinuing utility services; or

5.6.4 By any other remedy permitted by law.

6.0 RE-CONNECTION FEE

6.1 Any customer to whom the utility services have been shut off or disconnected pursuant to this Bylaw shall, upon having paid the outstanding account and all costs and charges therewith, and upon requesting the municipality to restore such utility service, pay to the Municipality a non-refundable re-connection charge in accordance with Schedule "A".

7.0 SCHEDULES AND FORMS

7.1 Forms and Schedules to this Bylaw may be amended from time to time, by resolution of Council.

8.0 SEVERABILITY

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

9.0 BYLAW REPEAL

9.1 This Bylaw shall repeal Bylaw 481-20 and all amendments thereto.

9.2 This bylaw shall come into effect upon third and final reading.

READ a first time this 17th day of January 2022.

READ a second time this 17th day of January 2022

READ a third time and passed by unanimous consent this 17th day of January 2022.

Yoko Fujimoto, Mayor

Sharon Zacharias, CAO

SCHEDULE "A"
UTILITY RATES & FEES BYLAW #495-22
 Effective January 1, 2022

Description of User

Utility Charge

Residential Customers:

5/8" Water Meter

- Administration Fee-\$6.00/month
- Water - \$38.00/1st 20 cubic meters (**regular** rates)*
of water plus, **\$1.50** per cubic meter thereafter
- Water - \$38.00/1st 30 cubic meters (summer rates)**
of water plus, **\$1.50** per cubic meter thereafter
- Sewer - \$14.75/month
- Garbage - \$13.25/month
- Recycle Fee - \$3.00/month

Non-Residential Customers:

1" water meter

Mennonite Church, Pheasant Rd

1 1/2" water meter

Rec. Complex

2" water meter

School, LDS Church,

Newell Housing, Spragg's

- Administration Fee-\$20.00/month
- Water - \$43.00/1st 20 cubic meters (~~winter rates~~)*
of water plus, **\$1.50** per cubic meter thereafter
- ~~Water - \$43.00/1st 30 cubic meters (summer rates)**~~
of water plus, **\$1.25** per cubic meter thereafter
- Sewer - \$18.25/month
- Garbage - \$13.25/month
- Recycle Fee - \$3.00/month
- Dumpster Fee, in lieu of Garbage, \$9.00/month

TRUCK FILL RATES

1. Truck fill rates shall be set at **\$4.00**/cubic meter.

WATER RATES

1. * "**Regular** Rates" shall mean the months of January, February, March, April, May, September, October, November, and December with a basic consumption amount of 20 cubic meters.
2. ** "Summer Rates" shall mean the months of ~~May~~, June, July, August, and ~~September~~ with a basic consumption amount of 30 cubic meters for residential customers only.
3. A water meter is a condition of service. Refusal to have a meter installed will result in the immediate cancellation of the customer's water service.

SERVICE CHARGES

1. Service charges for all services are 3% per month on all outstanding accounts.

SNOWBIRD OR VACANT RESIDENTIAL PROPERTY DISCOUNT

1. If a residential property is vacant for a minimum of 3 months due to owners being away or the property being vacant for another reason, a discount of \$25.00/month will be credited to the utility account after the minimum three month period, and for every month after until it is occupied again.
2. If the property owner requests a water shut-off during the vacant period, all utility charges and/or credits will be applied to the utility account and no re-connect charge will be added when the water is requested back on.

CONNECTION & RE-CONNECTION FEES

1. A re-connection fee of \$50.00 will apply to all customers.

SCHEDULE "B"
COLLECTION PROCEDURE

1. The following collection procedure shall be followed as nearly as may be practical to achieve the collection of accounts rendered hereunder on a basis equitable to consumers and users.
 - 1.1 Water meters shall be read during the last week of the month.
 - 1.2 All accounts shall be billed within seven days of the meter reading date.
 - 1.3 A Notice of Outstanding Account may be issued to each customer having an outstanding account balance 30 days overdue from the billing date.
 - 1.4 A Notice of Intent to Transfer may be issued to each customer having an outstanding balance 60 days overdue from the billing date. The notice shall indicate it is the intention of the Municipality to transfer the full amount in owing, including all penalties, to the tax roll if the account remains unpaid after a specified date.
 - 1.5 The Municipality may transfer the full amount owing, including penalties, to the tax roll on the date specified in the Notice of Intent to Transfer.
 - 1.6 A Notice of Utility Arrears Transferred to Tax Roll shall be sent to an owner whose account has been transferred to the tax roll.

2. The following procedure shall be followed as nearly as may be practical to achieve the collection of accounts rendered hereunder on a basis equitable to consumers and users.
 - 2.1 Water meters shall be read during the last week of the month.
 - 2.2 All accounts shall be billed within seven days of the meter reading date.
 - 2.3 A Notice of Outstanding Account may be issued to each customer having an outstanding account balance 30 days overdue from the billing date.
 - 2.4 A Notice of Termination may be issued to each customer having an outstanding balance 60 days overdue from the billing date. The notice shall indicate it is the intention of the Municipality to discontinue the utility service if the full amount in arrears, including penalties, remains unpaid after a specified date.
 - 2.5 A customer whose utility service has been terminated will be subject to a re-connection fee.