

**BYLAW 4:2024**  
**VILLAGE OF FORESTBURG**  
**PROVINCE OF ALBERTA**

**A by-law to authorize the municipal council of the village of Forestburg, in the province of Alberta, to provide for the operation of its gas utility and the fixing of rates, tolls, charges and penalties for the supply of natural gas service by the municipality to its consumers.**

**WHEREAS** the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26.1, as amended, provides that a Council may pass by-laws *inter alia* (amongst other things) for the conduct of any public utility constructed or maintained by the Municipality and to fix rates, charges, tolls, fares, and rents in connection with its public utility; and

**WHEREAS** it is deemed expedient and proper by the Council to enact the following by-law in connection with the supply of natural gas by the Municipality to the Consumers.

**NOW THEREFORE** the Municipal Council of the Village of Forestburg, duly assembled enacts as follows:

**SECTION 1 - TITLE**

1.0 This By-Law shall be referred to as the "Gas Utility Operations and Rates By-Law".

**SECTION 2 - DEFINITIONS**

2.0 In this By-Law:

- (a) "Chief Administrative Officer" means the Chief Administrative Officer of the Village of Forestburg;
- (b) "Council" means the Council of the Village of Forestburg;
- (c) "Consumer" means any person, firm or corporation using natural gas supplied by the Gas Utility;
- (d) "Enforcement Officer" means the Bylaw Enforcement Officer of the Village of Forestburg, an RCMP Officer or other individual appointed by either Council or the Chief Administrative Officer.
- (e) "Gas Utility" means the natural gas distribution system and works owned and operated by the Village of Forestburg;
- (f) "Gas Utility Bill" means a gas utility service bill provided by the Municipality, which sets out the rates, charges, tolls, fares or rents levied by the Municipality for natural gas and related service charges received by a Consumer.
- (g) "Municipality" means the Village of Forestburg;

### **SECTION 3 - UTILITY RATES**

- 3.0 Natural gas rates, tolls, fares and service charges pursuant to this By-Law shall be levied and calculated as follows:
- (a) \$1.80 per GJ Distribution Base Charge which is the margin above the cost of natural gas to recover distribution costs.
  - (b) \$0.35 per GJ Gas Capital Fund Charge which is the margin above the cost of natural gas to provide for a natural gas distribution system future capital projects fund.
  - (c) Flow through variable supply rate Per GJ as charged by Gas Alberta.
  - (d) Monthly service charge of \$38.65.
- 3.1 Every property owner who owns a property that has one or more natural gas riser(s), either active or inactive, shall pay the applicable rates, tolls, fares and charges.
- 3.2 Any property which is or has been served by a natural gas riser shall be required to pay the monthly service charge, regardless of whether natural gas is being provided to the property.
- 3.3 All Utility service rates levied by the Municipality shall be on a monthly, basis, in addition to the charges for water, sewer, garbage collection, and fire services, as one bill for public utility services.
- 3.4 All Gas Utility Bills shall be due and payable on or before the 2<sup>nd</sup> last working day of the month. Gas Utility Bills shall be forwarded to the owner or occupier of property connected to the Gas Utility and shall be payable at the office of the Chief Administrative Officer at the Municipality's administration building or at such other place or places as may be designated by the Chief Administrative Officer.
- 3.5 In the event that a Gas Utility Bill remains unpaid after the date fixed for payment, there shall be added a penalty, in the amount of 2.5%, to the total amount remaining unpaid which shall then form part of the unpaid Gas Utility Bill.
- 3.6 In the event that a Gas Utility Bill remains unpaid after the date fixed for payment, the Chief Administrative Officer may, in his/her discretion, shut off the supply of natural gas to the Consumer. All policies for collection of unpaid public utility charges apply equally to natural gas charges.
- 3.7 A service charge of One Hundred (\$100.00) Dollars will be levied when the gas service is shut off at the request of:
- (a) the customer; or,
  - (b) the Chief Administration Officer as a result of non-payment of the Gas Utility Bill
  - (c) the gas utility operations contractor as a safety precaution.
- 3.8 Prior to reinstating the natural gas service, any Consumer whose natural gas has been shut off for any reason, shall pay the following:
- (a) a minimum service charge of One Hundred (\$100.00) Dollars for reinstating the natural gas; and
  - (b) the unpaid arrears balance of the outstanding Utility Bill, if applicable.

#### **SECTION 4 - GAS METERS & RELATED EQUIPMENT**

- 4.0 (a) Natural gas service will only be supplied/installed when all development and/or building permit approvals are in place.
- (b) The ownership of the gas distribution system up to and including the meter shall be vested in the Village.
- (c) The property owner shall grant to the Village a utility right-of-way and easement that the Village requires in order to construction and maintain its gas distribution service line to serve the property.
- (d) All natural gas supplied by the Municipality shall be measured by a meter supplied by the Municipality. The meter and any other related facilities shall be placed in care of the owner or occupier of the property who shall be responsible for the cost of the meter and any other related facilities in the event of new installations or relocation costs of the meter due to home renovations, and damage or destruction in an amount fixed by resolution or motion of Council from time to time.
- 4.1 Every owner or occupant of a property shall provide free and convenient access to his premises for the installation, construction, maintenance, removal, replacement and repair of the meter and any other related facilities in order that the Municipality may ascertain that the meter and any other related facilities are in good working order at all times.
- 4.2 (a) Every owner or occupier of premises connected to the Gas Utility shall provide free and convenient access to its premises at all reasonable times for the purpose of reading meters. In the event that a meter reader employed by the Municipality is unable to obtain access to the premises, he may estimate the natural gas consumption.
- (b) In the event that the Council passes a resolution or motion requiring a Consumer to read his/her meter, the Consumer shall read the meter and submit the reading to the Chief Administrative Officer's office at the time set by resolution or motion of Council from time to time.
- 4.3 Precedents of this Bylaw in Contracts for the Supply of Gas: This Bylaw shall form part of every Contract, written or implied, between the Village and a consumer for supplying gas.
- (a) Subject to the provisions of this Bylaw, the Chief Administrative Officer may enter into contracts on behalf of the Village with any consumers of the gas system within the Village and in such contracts may provide, that in the event the consumer has failed to comply with the provisions and requirements of this Bylaw or the terms of the Contract, then the supply of gas may be discontinued.
- (b) The Chief Administrative Officer may require any consumer to enter into an Agreement with the Village, for supplying gas and related services, subject to such terms and conditions as are required by the Chief Administrative Officer.
- (c) The Chief Administrative Officer may, subject to the approval of Council, enter into an Agreement to supply gas to a consumer outside the Village Limits.
- 4.4 Utility Accounts:
- (a) The Village of Forestburg requires that new account requests for utility services, provided by the municipality, be placed in the name of the owner(s) registered on the property title only.



- (b) The Village of Forestburg requires that any changes on existing utility service accounts provided by the municipality, be placed in the name of the owner(s) registered on the property title only.

#### **SECTION 5 - EMERGENCY**

- 5.0 The Village of Forestburg reserves the right to shut off gas without prior notice in the event of an emergency.

#### **SECTION 6 - OFFENSES**

- 6.0 No person shall:
  - (a) willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the Municipality or its contractors, servants, agents, workmen or any of them in their exercise of any of the powers or authorities related to utilities authorized by or contained in the Municipal Government Act, Revised Statutes of Alberta 2000. C.M.-26 as amended from time to time;
  - (b) willfully or maliciously set off or discharge natural gas so that it is wasted or rendered useless;
  - (c) willfully tamper with or alter a meter or any other related facilities placed on any service pipe or connected with it inside or outside any house, building or other place so as to lessen or alter the amount of natural gas registered by the meter;
  - (d) lay or cause to be laid any pipe or main to connect with any pipe or main of the Gas Utility or to in any way obtain or use natural gas without the consent of the Municipality;
  - (e) willfully or without authority disconnect, interrupt or cut off the supply of the Gas Utility.

#### **SECTION 7 - ENFORCEMENT**

- 7.0 Any unpaid Gas Utility Bills for rates, charges, tolls, fares or rents as provided by the By-Law shall constitute a debt due and owing to the Municipality and should be recoverable by way of any of the following methods, namely:
  - (a) by action in any Court of competent jurisdiction;
  - (b) by distress and sale of the goods and chattels of the Consumer owing the Gas Utility Bill, wherever they may be found in the Municipality;
  - (c) by shutting off the supply of natural gas.
  - (d) By transferring property owner's unpaid charges for a municipal utility to the property owner tax roll

- 7.1 When a Consumer owing the Gas Utility Bill is the owner or purchaser of a building or lot or part of a lot or when the agreement to provide the Gas Utility services is entered into with a non-occupant owner, any sum payable by him for the Gas Utility service is a preferential lien and charge on the building or lot or part of a lot and on the personal property of the person and may be levied and collected in like manner as municipal rates and taxes are recoverable.
- 7.2 Where the occupant to whom the Gas Utility services have been supplied is a person other than the owner or purchaser of a building or lot or part of a lot, the sum payable by the occupant is a debt due by him and shall be a preferential lien and charge on his/her personal property and may be levied and collected with costs by distress in accordance with the Seizures Act, Revised Statutes of Alberta 1980, Chapter S-11.
- 7.3 Any person who contravenes Section 6 of this By-Law is guilty of an offence and is liable on summary conviction to a fine of:
- (a) Five Hundred (\$500.00) Dollars for a first offence, exclusive of costs; and
  - (b) One Thousand (\$1,000.00) Dollars for a second or subsequent offence, exclusive of costs.
- 7.4 An Enforcement Officer is hereby authorized and empowered to issue a violation tag to any person who contravenes any provision of this By-Law.
- 7.5 The violation tag shall be in a form approved by the Municipal Administrator and shall state inter alia:
- (a) the name of the offender;
  - (b) the offence;
  - (c) the appropriate fine for the offenses specified in Section 5.0 of this By-Law;
  - (d) that the fine shall be paid within seven (7) days of the date of issuance of the violation tag.
- 7.6 Where a contravention of this By-Law is of a continuing nature, further violation tags for the same offence may be issued by the Enforcement Officer; provided however, that no more than one violation tag shall be issued for each day that the contravention continues.
- 7.7 Where a contravention of this By-Law is of a continuing nature, the Enforcement Officer may shut off the supply of natural gas to the person contravening the By-Law until such time as the contravention ceases.
- 7.8 Where a violation tag is issued pursuant to this By-Law the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Chief Administrative Officer the sum specified on the violation tag.
- 7.9 If the fine specified in the violation tag is not paid within the prescribed time period, then an Enforcement Officer is hereby authorized and empowered to lay a complaint and issue a summons by means of a violation ticket.
- 7.10 The violation ticket shall be in the form prescribed by Alberta Regulation 193/82, as amended, being the Violation Ticket Regulation passed pursuant to the Summary Convictions Act, Revised Statutes of Alberta 1980, Chapter S-26, as amended.



**SECTION 8 - PROHIBITED OPERATION BY OTHERS**

8.0 Any person is hereby prohibited from operating a system for the distribution of natural gas in any part of the Municipality.

**SECTION 9 - INTERPRETATION**

9.0 It is the intention of the Council that each separate provision of this By-Law shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provision of this By-Law were declared invalid, all other provisions thereof shall remain valid and enforceable.

**SECTION 10 - EFFECTIVE DATE**

10.0 This By-Law shall come into force and effect on upon all three readings.

10.1 Bylaw 4:2024 will replace Bylaw 9:2022 upon its effective date.

**READ A FIRST TIME this 23 day of May 2024.**

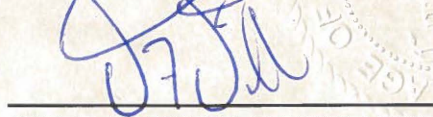
**READ A SECOND TIME this 23 day of May 2024.**

**UNANIMOUS CONSENT FOR 3<sup>RD</sup> AND FINAL READING given this 23 day of May 2024.**

**READ A THIRD AND FINAL TIME this 23 day of May 2024.**



**MAYOR**



**CHIEF ADMINISTRATIVE OFFICER**