

THE CITY OF GRANDE PRAIRIE

OFFICE CONSOLIDATION

BYLAW C-1139

A Bylaw regulating and providing for the terms, conditions, rates and charges for the supply and use of the Water, Wastewater and Solid Waste Utilities provided by Aquatera Utilities Inc. in the City of Grande Prairie

(As Amended by Bylaw C-1139A, C-1139B, C-1139C, C-1139D, C-1139E, C-1139H, C-1139I, C-1139J, C-1139K and C-1139L)

PART I - ENACTMENT

WHEREAS the City of Grande Prairie has the authority to provide services, facilities and other things that are necessary or desirable for all the municipality;

WHEREAS the City of Grande Prairie Council may pass Bylaws respecting public utilities;

WHEREAS the City of Grande Prairie deems it desirable to contract with Aquatera for the provision of water, wastewater and solid waste utilities in the City of Grande Prairie;

WHEREAS it is desired to set forth the terms and conditions under which such services will be provided by Aquatera;

WHEREAS it is desired to set forth the rates and charges under which such services will be provided by Aquatera.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1.01 This Bylaw shall be called "The City - Aquatera Utility Bylaw".

PART II - INTERPRETATION

2.01 In this Bylaw unless the context specifically indicates otherwise:

2.01.01 A **ACCEPTABLE RECYCLABLES** shall mean any clean and uncontaminated waste listed on Schedule "L" which will be contained in a Blue Bag or Blue Cart which may be collected curbside.

(Bylaw C-1139K - April 2, 2012)

2.01.01B **(deleted by Bylaw C-1139K - April 2, 2012)**

2.01.02 **ACCEPTABLE SOLID WASTE** shall mean any waste which can be lawfully disposed of at the disposal site and which is not defined herein as being a "non-acceptable waste".

2.01.03 **AGENT** means anyone who has been retained, engaged or contracted by Aquatera and authorized by Aquatera to provide utility services.

2.01.04 **APARTMENT BUILDING** shall mean a building which is either occupied or intended to be occupied by more than three (3) families living independently of one another in the building, in separate residential units, and for the purposes of collecting waste from dwelling units shall be deemed to be commercial premises.

2.01.05 **APPLICANT** means a property owner or occupier or the authorized agent of a property owner or occupier who applies to Aquatera for the supply of utility services.

2.01.06 **APPLICATION** means the application made by a consumer for the supply of utility services and constitutes an agreement between the Consumer and Aquatera once endorsed by Aquatera, notwithstanding any other agreements between the Consumer and Aquatera.

-
43. If a consumer pays a utility invoice after the due date stated therein, or such later due date as may be approved by the Manager, such consumer shall pay a percentage charge of THREE (3%) PERCENT of the current charges invoiced. Payments made by mail or at a financial institution must be received by Aquatera on or before the due date in order for a consumer to avoid such percentage charge.
44. 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.
45. If a consumer shall be in arrears in payment of any rates or charges hereby levied, the Manager may enforce payment by all or any of the following procedures:
- a) action in any court of competent jurisdiction;
 - b) shutting off or discontinuing any utility being supplied to such consumer without notice; or
 - c) by distress and sale of the goods and chattels of such consumer wherever they may be found in the City.
- 45A. If pursuant to Section 45 of this Schedule the Aquatera Manager determines that a utility service should be shut off, any duly authorized employee of Aquatera bearing proper credentials and identification may enter upon the property where the service is located and any buildings upon such property for the purpose of shutting off the service.

Waiver

46. The Manager may waive any penalty rate or charge imposed or levied under this Bylaw if, in the circumstances, the Manager is of the view that this is just and equitable.

Extension of Service Area

47. Subject to the provisions of this Bylaw, Aquatera shall provide utility services within the boundaries of the City as follows:
- a) Aquatera shall continue to supply utility services to all areas of the City that received utility services from the City on April 30, 2003;
 - b) When the City authorizes new development or subdivision for premises that have not previously been serviced by utility services, the City will ordinarily require the Developer, as a condition of subdivision or development approval, to construct at the Developer's expense, Aquatera water and sewer mains, services and related appurtenances to the satisfaction of Aquatera. Upon issuance of the Construction Completion Certificates for the water and sewer mains, services and appurtenances, Aquatera shall provide water and sewer services to adjacent premises according to the terms and conditions of this Bylaw (and upon payment of the applicable rates and charges). Aquatera shall provide solid waste services to residential premises upon occupation, according to the terms and conditions of this Bylaw and upon payment of the applicable rates and charges;
 - c) Aquatera may agree to supply utility services to premises that have not previously been serviced by utility services, in the absence of new development or subdivision, upon the consumer constructing or paying for water and sewer mains, services and related appurtenances;
 - d) Aquatera may reserve the right to refuse the supply of utility services in unique situations such as:
 - i) concerns respecting the capacity of the utility services;
 - ii) concerns respecting the safe operation of utility services;
 - iii) concerns respecting damage to the utility services, or compliance with this Bylaw or applicable federal, provincial or municipal legislation or regulations.