

OFFICE CONSOLIDATION

BYLAW NUMBER 41M2006

**BEING A BYLAW OF THE CITY OF CALGARY
TO PROVIDE FOR FEES AND PENALTIES ON
UTILITY ACCOUNTS
AND TO PROVIDE FOR INTEREST
ON SECURITY DEPOSITS ON ACCOUNTS FOR
THE SUPPLY OF UTILITIES BY THE CITY

(Amended by 14M2012, 72M2021, 45M2023)

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a municipality to pass a bylaw respecting public utilities and services provided by the municipality;

AND WHEREAS it is expedient that instead of amending The City of Calgary's Water Utility Bylaw, Wastewater Bylaw, and Waste Bylaw, it is expedient that the City enact a general public utility account bylaw respecting service fee charges to be collected for services rendered in connection with the supply of utilities by the City, respecting penalties to be imposed in connection with unpaid public utility accounts, and further to provide for interest to be paid by The City on security deposits required in connection with the supply of utilities by The City;
(14M2012, 2012 March 12)

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the "Public Utility Account Bylaw".

DEFINITION AND INTERPRETATION

2. (1) In this Bylaw:
 - (a) "City" means the municipal corporation of The City of Calgary, or where the context requires means the area contained within the boundaries of the city of Calgary;
 - (a.1) "Chief Administrative Officer" means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw;
(72M2021, 2022 January 01)
(45M2023, 2023 October 17)
 - (b) "Director, Water Services" means the Chief Administrative Officer;
(72M2021, 2022 January 01)
(45M2023, 2023 October 17)

- (c) DELETED BY 72M2021, 2022 JANUARY 01;
- (d) "Public Utility" means any City revenue earning work or utility and, without limitation, includes the collection or distribution of water, stormwater, sewage or solid waste.

SERVICE APPLICATION FEE

- 3. (1) Notwithstanding any other Bylaws of the City of Calgary for the payment of fees, an application fee of \$10.00 shall accompany all applications for the provision of public utility services.
- (2) Notwithstanding subsection (1), the Director, Water Services may exempt a landlord from the service application fee when vacancies occur on the landlord's premises.

(72M2021, 2022 January 01)

SECURITY DEPOSITS

- 4. (1) Notwithstanding any other provisions in any other Bylaws of the City of Calgary for the payment of security deposits, a security deposit as specified from time to time by the Director, Water Services, shall accompany all applications for utility service as hereinafter specified.

(72M2021, 2022 January 01)

- (2) The following security deposits shall be paid by a customer prior to receiving the utility service requested:
 - (a) Residential - A security deposit for the establishment of a residential account shall be required where a customer is deemed by the Director, Water Services to be a credit risk;
 - (b) Non-Residential – A security deposit for the establishment of a non-residential account, except where the customer is a government agency, shall be required where a customer is deemed by the Director, Water Services to be a credit risk;
 - (c) Existing customers who have established a residential or non-residential account and who fail in the opinion of the Director, Water Services to maintain a satisfactory payment history shall be required to submit a security deposit or an additional security deposit to The City.

(72M2021, 2022 January 01)

- (3) Security deposits may be made either by cash, cheque, surety bond, or letter of credit from a recognized lending institution.

NOT TRANSFERABLE

- 5. A security deposit is not transferable from one customer to another except on written authority of the original depositor and upon full payment of the original depositor's account.

SECURITY DEPOSITS APPLIED

6. When, upon termination, there are charges due to The City for service to the customer, the security deposit will be applied to the penalties and charges, and the excess portion will be returned to the depositor.

REFUND OF SECURITY DEPOSITS

7. (1) Security deposits may be refunded on individual accounts upon termination of service or after a residential customer has established a satisfactory payment record on all accounts over a consecutive period of twelve (12) months and after twenty-four (24) months for non-residential accounts.
- (2) Security deposits of customers with unsatisfactory payment records may be refunded when the account is terminated by the customer or The City.

INTEREST ON SECURITY DEPOSITS

8. (1) Interest on security deposits will be credited to the customer's account annually at the rate set by the City Treasurer.
- (2) Surety Bonds and Letters of Credit are not subject to payment of interest.

RATES

9. (1) The rates and fees charged for
 - (a) the supply of water shall continue to be those charged pursuant to Bylaw Number 40M2006, as amended or any bylaw substituted therefor;
 - (b) the supply of sewer service, shall continue to be those charged pursuant to Bylaw Number 14M2012, as amended or any bylaw substituted therefor; and
 - (c) the removal of waste shall continue to be those charged pursuant to Bylaw Number 20M2001, as amended or any bylaw substituted therefor.
(14M2012, 2012 March 12)

PENALTIES

10. (1) For all utility accounts, where the City has rendered an account for the supply or use of a public utility by any person or premises pursuant to this Bylaw, or pursuant to Bylaw Numbers 14M2012, 40M2006 and 20M2001, as amended or any bylaws substituted therefor, and such account has not been paid by or on behalf of the party responsible for the payment prior to the next statement date after the date when the payment is due then, without limiting any other remedy

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available to The City, there shall be added to such account a penalty of three and one quarter percent (3.25%) thereof.

(14M2012, 2012 March 12)

DISHONOURED PAYMENTS

11. When any form of payment, tendered for payment of any of the fees, rates or charges referred to or imposed by or in this Bylaw, is dishonoured for any reason, there shall be imposed an additional charge in an amount determined by the Director, Water Services.
(72M2021, 2022 January 01)

AUTHORITY OF THE DIRECTOR, WATER SERVICES

(72M2021, 2022 January 01)

12. The Director, Water Services may delegate any or all of the powers granted to the Director, Water Services pursuant to this Bylaw;
(72M2021, 2022 January 01)

COMING INTO FORCE

13. Bylaw 8313, the Public Utility Service Fee Bylaw, is hereby repealed.
14. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS 24TH DAY OF JULY, 2006.

READ A SECOND TIME THIS 24TH DAY OF JULY, 2006.

READ A THIRD TIME THIS 24TH DAY OF JULY, 2006.

(Sgd.) D. Bronconnier
MAYOR

(Sgd.) D. Garner
CITY CLERK