

## CITY OF ST. ALBERT

BYLAW 24/2019

### MUNICIPAL PUBLIC UTILITIES BYLAW

A Bylaw of the City of St. Albert to Prohibit Any Person Other Than the City or a Subsidiary of the City from Providing a Municipal Utility Service that is the Same or Similar to a Utility Service Provided by the City or a Subsidiary of the City

WHEREAS Sections 7(g) and 8(a) of the *Municipal Government Act* empower a council to pass bylaws respecting public utilities, including the power to regulate or prohibit in a bylaw respecting public utilities;

AND WHEREAS Section 9 of the *Municipal Government Act* stipulates that the power to pass bylaws respecting public utilities and to regulate or prohibit in such bylaws is stated in general terms to:

- a. give broad authority to councils and to respect their right to govern municipalities in whatever way the councils consider appropriate within the jurisdiction given to them, and
- b. enhance the ability of councils to respond to present and future issues in their municipalities;

AND WHEREAS Section 33 of the *Municipal Government Act* empowers a council to pass a bylaw for the purpose of prohibiting any person from supplying a utility service within the municipality that is the same as or similar to a municipal utility service provided by the municipality or a subsidiary of the municipality;

NOW THEREFORE the City of St. Albert in council assembled enacts as follows:

#### TITLE

1. This Bylaw may be cited as the "Municipal Public Utilities Bylaw".

#### DEFINITIONS

2. Unless otherwise specified any word or expression used in this bylaw that is a defined word or expression under the Act has the meaning set out in the Act.

3. In this Bylaw, unless the context otherwise requires, the following definitions shall apply:
- a. “Act” means the *Municipal Government Act* of Alberta;
  - b. “Municipality” means The City of St. Albert, or the area contained within its boundaries, as the context requires;
  - c. “Person” means a natural person or a body corporate and includes a Subsidiary of a body corporate;
  - d. “Subsidiary” has the meaning set out in subsection 1(3) of the Electric Utilities Act.

### **NON-APPLICABILITY OF BYLAW**

4. This Bylaw has no application to:
- a. utility services provided by a Person under a contract with the Municipality of the kind described in Section 45 of the Act; or
  - b. utility services used solely by the Person who creates, generates or produces them and not provided to any other Person whether directly or indirectly or as part of a larger package of goods and services that may include services other than utility services.

### **PROHIBITION ON THIRD PARTY UTILITY SERVICES**

5. Subject to Section 6 no Person other than the Municipality or a Subsidiary of the Municipality is allowed to provide any utility service within the Municipality that is the same as or similar to a municipal utility service provided by the Municipality or a Subsidiary of the Municipality.
6. The Municipality may by written agreement allow any Person to provide utility services within the Municipality that would otherwise be prohibited under this bylaw, for such time and subject to such terms and conditions as may be specified in the agreement.
7. A Person who contravenes the provisions of Section 5 is guilty of an offence and upon conviction is liable to pay a fine not exceeding \$10,000.00, or to be imprisoned for a period not exceeding 6 months in default of payment of the fine.
8. The Municipality may give written notice to a Person who is in contravention of

Section 5 to cease and desist the contravention and each day that a Person continues to contravene the provisions of Section 5 after receiving such notice constitutes a separate offence.

9. Where a Person is convicted of an offence under this Act and the court is satisfied that as a result of the commission of the offence monetary benefits accrued to the Person, the court may order the Person to pay, in addition to a fine under Section 7, a fine in an amount equal to the court's estimation of the amount of those monetary benefits.

### **SEVERABILITY**

10. Should any provision of this bylaw be invalid, then the invalid provision shall be severed, and the remainder of this bylaw shall be maintained.

### **EFFECTIVE DATE**

11. This Bylaw comes into effect when it is passed.

READ a First time this 8th day of July 2019.

READ a Second time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

READ a Third time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

SIGNED AND PASSED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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MAYOR

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CHIEF LEGISLATIVE OFFICER