

TOWN OF OLDS
BYLAW NO. 2009-24

A BYLAW OF THE TOWN OF OLDS, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING CERTAIN PROVISIONS OF THE WATER AND WASTEWATER BYLAW OF THE TOWN OF OLDS, BYLAW NO. 2007-34, AS AMENDED;

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, authorizes a municipality to amend a bylaw;

AND WHEREAS the Council of the Town of Olds, deems it necessary and in the public interest to amend the Water and Wastewater Bylaw of the Town of Olds, Bylaw No. 2007-34, as amended;

NOW THEREFORE, Council for the Town of Olds, in the Province of Alberta, duly assembled, enacts as follows:

1. WATER AND WASTEWATER BYLAW AMENDMENT

1.1 Section III – Definitions of the Water and Wastewater Bylaw of the Town of Olds (the “Bylaw”) is amended by repealing Section 3.02 and 3.09 and replacing them with the following, insertion of the following additional subsection and the renumbering of the remaining subsections accordingly:

(a) 3.02 **New Customer** means an individual, partnership or corporation who is the Owner of the Lands and who submits an application for utility service for those Lands;

(b) 3.09 **Owner** means

i. any Person registered as the Owner of the Property under the *Land Titles Act*;



- ii. a Person who is recorded as the Owner of the Property on the Assessment Roll of the Town;
- iii. a Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired directly from the Owner or from another purchaser, and who has not yet become the registered Owner thereof;
- iv. a Person holding himself out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the property; or
- v. A Person in control of the property under construction.

(c) 3.10 **Occupant** means any Person other than the Owner who is in possession of the Property, including, but not limited to, a licensee, tenant or agent of the Owner;

1.2 Section IV – Waterworks is amended by repealing section 4.01(a) and 4.01(b) and replacing it with the following, insertion of the following additional subsections and renumbering the section as appropriate:

- (a) 4.01(a) Any Owner who requires water service (residential) in the Town of Olds shall make an application to the Town on such form as utilized by the Town from time to time.
- (b) 4.01(b) Upon the acceptance of the application, an account shall be set up in the name of the Owner of the Property. An Owner may request in writing that the monthly utility billings under the account be submitted directly to the Occupant of the property if someone other than the Owner or to another third party, including but not limited to a property manager or both. Such a request does not limit the liability of the Owner to ensure the utility account remains in good standing.



(c) 4.02(a) Any Owner who requires water service (commercial) in the Town of Olds shall make an application to the Town on such form as utilized by the Town from time to time.

(d) 4.02(b) Upon the acceptance of the application for a commercial utility service, an account shall be set up in the name of the Owner of the Property. An Owner may request in writing that the monthly utility billings under the account be submitted directly to the Occupant of the property if someone other than the Owner or a third party, including but not limited to a property manager or both. Such a request does not limit the liability of the Owner to ensure the utility account remains in good standing.

1.3 Section IX – Penalties is amended by repealing section 9.03 and replacing it with the following:

(a) 9.03 Where it has become necessary to discontinue service for non-payment of an account, reconnection will not be made until all arrears and penalties have been paid in full and the reconnection charge as specified in the Town of Olds Rate Bylaw will be payable in advance. The account will only be opened in the name of the Owner, with the Owner's consent, even if the account that was disconnected was in the name of an Occupant.

1.4 Section IX – Penalties is amended by repealing section 9.04 and 9.04A and replacing it with the following, and renumbering all remaining sections as appropriate:

(a) 9.04 In the case of default of payment for utility services, the Town of Olds may enforce payment by commencing an action in a court of competent jurisdiction.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a first name followed by a last name, though the specific characters are difficult to discern.

(b) 9.05 In the case of default of payment for utility services for an account in the name of an Owner, the Town of Olds may enforce payment of the utility account pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, including but not limited to, adding the costs to the tax roll for the property for which the utility account relates.

2. EFFECTIVE DATE

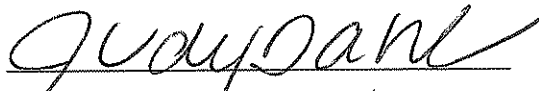
2.1 This Bylaw shall come into full force and effect NINETY (90) days after third and final reading of the Bylaw.

READ a first time in Council this 28th day of September, 2009.

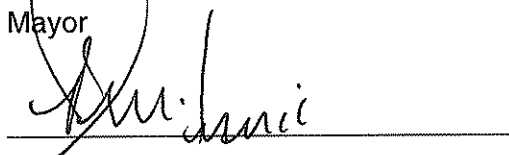
Public Hearing held the 26th day of October, 2009.

READ a second time in Council this 22nd day of February, 2010, as amended.

READ a third and final time in Council this 8th day of March, 2010.



Judy Dahl,
Mayor



Norm McInnis,
Chief Administrative Officer

SIGNED by the Chief Elected Officer and the Chief Administrative Officer this 8th day of March 2010.

