

CAMROSE COUNTY

BY-LAW NO. 1118

BY-LAW 1118 BEING A BY-LAW OF CAMROSE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT OF AN EXCLUSIVE UTILITY SERVICE.

PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, RSA 2004, AND AMENDMENTS THERETO:

WHEREAS Section 7 (f) of the Municipal Government Act allows a Council to pass By-Laws for municipal purposes respecting services provided by or on behalf of the municipality;

AND WHEREAS Section 7 (g) of the Municipal Government Act allows a Council to pass By-Laws for municipal purposes respecting public utilities;

AND WHEREAS Section 45 (1) of the Municipal Government Act expresses a Council may, by agreement, grant a right, exclusive or otherwise, to a person to provide a utility service in all or part of the municipality, for not more than 20 years;

AND WHEREAS Section 45 (2) of the Municipal Government Act states the agreement may grant a right, exclusive or otherwise, to use the municipality's property, including property under the direction, control and management of the municipality, for the construction, operation and extension of a public utility in the municipality for not more than 20 years;

AND WHEREAS Section 46 of the Municipal Government Act expresses that when a person provides a utility service in a municipality under an agreement referred to in Section 45, the Council may by By-Law prohibit any other person from providing the same or a similar utility service in all or part of the municipality;

NOW THEREFORE The Council of Camrose County, in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

TITLE

1. This By-Law may be cited as the "Camrose County Water Supply Line and Kingman/Roundhill Treated Potable Water Service Exclusivity By-Law".

DEFINITIONS

2. In this By-Law where used herein, the following terms shall have the following meanings respectively:

- a) "Camrose County Water Supply Line" (CCWSL) means all pipes, valves and other installations located within the Franchise Area used and/or required for the purpose of supplying Treated Potable Water to Camrose County (other than the City of Camrose) and its inhabitants and all CCWSL Customers within the Franchise Area;
- b) "CCWSL Customers" means all customers (including both actual and potential customers) that receive or wish to receive or are eligible to receive Treated Potable Water from the CCWSL, to the extent such customers are located within the boundaries of the Franchise Area;

- c) “Franchise Area” means the area within the North East portion of Camrose County, as more particularly set forth and marked by the area highlighted in yellow on the map attached as Schedule “A”;
- d) “Hamlets” means the Hamlet of Kingman and the Hamlet of Roundhill;
- e) “Hamlet Distribution System” means the water supply lines to be designed, engineered, managed, constructed, operated and maintained that connect to the CCWSL at the boundary of each of the Hamlets for the intent and purpose of supplying Treated Potable Water to the residents and customers located within the Hamlets, and includes all replacements, substitutions, extensions and improvements thereto;
- f) “Person” means any natural person, partnership, corporation, trust, joint venture, syndicate, governmental authority or incorporated or unincorporated entity or association of any nature;
- g) “Treated Potable Water” means water that is safe for drinking, cooking, bathing, dishwashing or other domestic purposes and as a minimum meets the water quality requirements as established by Alberta Environment.

SUBSTANTIVE PROVISIONS

- 3. Having entered into a Water Franchise Agreement with CU Water Limited, Camrose County authorizes the following:
 - a) CU Water Limited is granted the exclusive right, authority and permission to sell, supply and distribute Treated Potable Water through the CCWSL and associated Hamlet Distribution Systems;
 - b) This exclusivity is only subject to the boundaries contained within the Franchise Area;
 - c) This exclusivity pertains only to CCWSL Customers;
 - d) Eligible CCWSL Customers will be located within the Franchise Area, Hamlets and/or along the CCWSL;
 - e) No other person may sell, supply or distribute Treated Potable Water in the Franchise Area through Hamlet Distribution Systems.

SEVERABILITY

- 4. If any portion of this By-Law is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the By-Law is deemed valid.

REVIEW

- 5. For the purpose of ensuring that this By-Law is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, the By-Law expires on September 30, 2027.

AUTHENTICATION

- 6. This by-law shall come into full force and effect on the day that it is finally passed by Council by giving it third and final reading and it is signed

in accordance with the Municipal Government Act.

READ a First time this 9th day of
October, A.D. 2007

REEVE

COUNTY ADMINISTRATOR

READ a Second time this 9th day of
October, A.D. 2007

REEVE

COUNTY ADMINISTRATOR

READ a Third time and finally passed
this 9th day of October, A.D. 2007

REEVE

COUNTY ADMINISTRATOR

SCHEDULE A

