



REGIONAL MUNICIPALITY  
OF **WOOD BUFFALO**

Consolidated Version  
of  
**Municipal Public Utilities Bylaw**

(being Bylaw No. 14/035 of the Regional Municipality of Wood Buffalo, as amended by Bylaw No. 15/025, consolidated and printed under the authority of the Chief Administrative Officer of the Regional Municipality of Wood Buffalo)

This is certified to be a true copy of consolidated  
Bylaw No. 14/035 of the Regional Municipality of  
Wood Buffalo.

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David S. Leflar  
Director, Legal and Legislative Services  
Chief Legislative Officer

*The text shown in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change. For example (BL 15/025) refers to Bylaw No. 15/025.*

## **BYLAW NO. 14/035**

### **A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO PROHIBIT THE PROVISION OF A SAME OR SIMILAR TYPE OF UTILITY IN THE MUNICIPALITY.**

**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 Regional Municipality of Wood Buffalo in council assembled enacts as follows:

#### **SHORT 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 Regional Municipality of Wood Buffalo, 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; **(BL 15/025)**
  - (d) "Subsidiary" has the meaning set out in subsection 1(3) of the *Electric Utilities Act*

#### **NON-APPLICABILITY TO FRANCHISE AGREEMENTS**

4. This bylaw has no application to:
  - (a) utility services provided 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 sold or otherwise 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. **(BL 15/025)**
- (c) the generation, transmission or distribution of electric power.
- (d) utility services that were provided by a Person other than the Municipality prior to the date of enactment of this Bylaw if there is no change after the enactment of this Bylaw to the capacity or frequency of the utility services or to the locations at which the utility services are provided. **(BL 15/025)**

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

- 5. Subject to Section 6 no person other than 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, including utility services originally provided by a municipal public utility and re-sold or re-distributed by the Person to others, for such time and subject to such conditions as may be specified in the agreement, including without limitation a provision that the Municipality shall be paid a share of the revenues received by the Person in exchange for provision of utility services.
- 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 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.

10. This bylaw comes into effect when it is passed.

READ a first time this 23<sup>rd</sup> day of September, 2014.

READ a second time this 14<sup>th</sup> day of October, 2014.

READ a third time this 14<sup>th</sup> day of October, 2014.

SIGNED and PASSED this 14<sup>th</sup> day of October, 2014.

Amendment(s):

Bylaw No. 15/025