

CITYOF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #018-13

A Bylaw of the City of Chestermere, in the Province of Alberta, to provide for the allocation of annual Franchise Fees into municipal reserve to be used only for the replacement and repair of tangible capital assets (excluding vehicles).

WHEREAS The Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides under Section 45(1) that a Municipal 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 Council deems it desirable to enter into Franchise Agreements with ATCO Gas and Pipelines LTD and Fortis Alberta.

AND WHEREAS Council deems it desirable under the above Franchise Agreements to assign Franchise Fees that can be re-evaluated on an annual basis.

AND WHEREAS Council will re-examine this Bylaw on an annual basis during budget deliberations.

NOW THEREFORE The Municipal Council of the City of Chestermere, Alberta duly assembled, hereby enacts as follows:

1. Title

- (1) This bylaw may be called the "Franchise Fee Revenue Allocation Bylaw".

2. Application

- (1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- (4) All the schedules attached to this Bylaw shall form a part of this Bylaw.

- (5) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

3. Collection and Allocation of Fees

- (1) All funds collected under the Franchise Agreements will be assigned to the municipal operating budget.
- (2) For the period of the last three (3) years of loan commitments (January 1, 2022 to December 31, 2024) Seven Hundred and Thirty One Thousand Three Hundred and Seventy Eight (\$731,378) will be used to pay off the debenture on the RCMP facility.
- (3) Amounts collected under franchise fees, not being allocated to the RCMP facility, will go directly into the operating budget
- (4) Payment of franchise fees are in addition to the municipal taxes and other levies or charges made by the Municipality against the Company, its land and buildings, linear property, machinery and equipment.

4. Advertising Requirement

- (1) If Council chooses to amend the bylaw, advertising requirements set out in S. 606(2) of the *Municipal Government Act* shall be followed.
- (2) S. 606(2) states that a notice of bylaw, resolution, meeting, public hearing or other thing must be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held.
- (3) S. 606(3) states that a proposed bylaw must be advertised under subsection (2) before second reading.

5. Severability

- (1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

5. General

(1) This bylaw shall take effect on the day which it is finally passed.

READ A FIRST TIME this 3rd day of May, 2022.

READ A SECOND TIME this 3rd day of May, 2022.

READ A THIRD TIME this 3rd day of May, 2022.



MAYOR



CITY DIRECTOR
CORPORATE SERVICES
Community Operations