

TOWN OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #018-13

A Bylaw of the Town 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 Town 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 a capital municipal reserve, only to be accessed for the purposes of replacement and repair of tangible capital assets (excluding vehicles).
- (2) For a period of 10 years (January 1, 2014 – December 31, 2024), franchise fees will be restricted to paying off the debenture on the new RCMP facility at a total cost of six million, two hundred and fifty four thousand dollars (\$6,254,000).
- (3) Surplus amounts collected under franchise fees, not being allocated to the RCMP facility, will go directly into the municipal reserve for the repair and replacement of tangible capital assets.
- (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 4th day of June, 2013.

READ A SECOND TIME this 4th day of June, 2013.

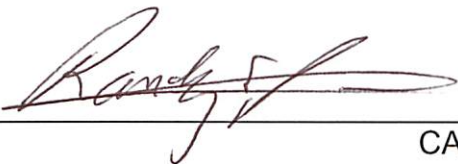
READ A THIRD TIME this 17th day of June, 2013.

Resolution Numbers – 213-13, 214-13, 239-13

Resolution Number for Bylaw name change – 238-13



MAYOR



CAO