

## BYLAW NO. 22-2022

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO AMEND BYLAW NO. 06-2018, BEING A BYLAW TO AUTHORIZE AN AGREEMENT WITH ATCO ELECTRIC LTD., AND BYLAW NO. 07-2018, BEING A BYLAW TO AUTHORIZE AN AGREEMENT WITH ATCO GAS AND PIPELINES.

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with public utilities.

AND WHEREAS the *Lloydminster Charter* provides authority to City Council to pass bylaws for municipal purposes;

AND WHEREAS Section 44 of the *Lloydminster Charter* authorizes Council to, by bylaw, prohibit non-municipal public utilities;

AND WHEREAS the *Lloydminster Charter* provides authority to the City to pass bylaws respecting the enforcement of bylaws.

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to establish a Bylaw to amend Bylaw No. 06-2018, a Bylaw to Authorize an Agreement with ATCO Electric Ltd., and Bylaw No. 07-2018, a Bylaw to Authorize an Agreement with ATCO Gas and Pipelines; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in Section 15 of the *Lloydminster Charter*, enacts as follows:

### 1. SHORT TITLE

- 1.1. This Bylaw shall be cited as a Bylaw to Amend Bylaw No. 06-2018 and Bylaw No. 07-2018.

### 2. DEFINITIONS

- 2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply, unless context otherwise requires.

### 3. APPOINTMENT, AUTHORITY AND DUTIES OF THE CITY MANAGER

- 3.1. Except where specific authority is reserved to Council, in the Bylaw the administration and enforcement of this Bylaw is hereby delegated to the City Manager.
- 3.2. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may carry out anything required for the administration of this Bylaw, including but not limited to the following:
  - 3.2.1. delegate any powers, duties or functions under this Bylaw to an employee of the City;
  - 3.2.2. carry out any inspections that are reasonably required to determine compliance with this Bylaw;
  - 3.2.3. establish any forms required for the administration of this Bylaw.



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### 4. AMENDMENT TO BYLAW 06-2018

- 4.1. Bylaw 06-2018, a Bylaw to authorize an Agreement with ATCO Electric Ltd., is hereby amended by adding the following:
- 4.1.1. For the duration of the Electric Distribution Franchise Agreement any person other than ATCO Electric Ltd. shall be prohibited from providing electric distribution services, or any similar service, within the Municipal Service Area.
  - 4.1.2. If, prior to the date the Bylaw is passed, an alternation to the legal boundaries of the City occurred, through annexation or otherwise, and resulted in the service area of any electrification association (as defined in the *Electric Utilities Act (Alberta)* or any other service provider extending into the Municipal Franchise Area, then any consumers within the Municipal Franchise Area (as altered) which are connected to and receive electric distribution services from such Rural Electrification Association or provided must transfer to, connect to, and receive electric distribution services from ATCO Electric Ltd. no later than March 31, 2023.
  - 4.1.3. If an alteration of the legal boundaries of the City, through annexation or otherwise, occurs after the date this Bylaw is passed and results in the service area of any electrification association (as such term is defined in the *Electric Utilities Act (Alberta)* or any other service provider extending into the Municipal Franchise Area, then any consumers within the Municipal Franchise Area (as altered) which are connected to and receive electrical distribution services from such Rural Electrification Association or service provider must transfer to, connect to, and receive electric distribution services from ATCO Electric Ltd. no later than one (1) year following the date of such alteration.
  - 4.1.4. In the event of any contravention of this Bylaw, including a failure to transfer to, connect to, or receive electric distribution services from ATCO Electrical Ltd. in accordance with the requirements of Section 2 or 3 of this Bylaw, the City Manager or their designate may issue an Order to the person responsible for the contravention in order to enforce compliance with the requirements of this Bylaw.

### 5. AMENDMENT TO BYLAW 07-2018, A BYLAW TO AUTHORIZE AN AGREEMENT WITH ATCO GAS AND PIPELINES

- 5.1. Bylaw No. 07-2018, a Bylaw to Authorize an Agreement with ATCO Gas and Pipelines, is hereby amended by adding the following:
- 5.1.1. For the duration of the Natural Gas Distribution System Franchise Agreement any person other than ATCO Gas and Pipelines Ltd. shall be prohibited from providing natural gas distribution services, or any similar service, within the Municipal Service Area.
  - 5.1.2. If, prior to the date the Bylaw is passed, an alteration to the legal boundaries of the City occurred, through annexation or otherwise, and resulted in the service area of any provider of natural gas distribution services extending in to the Municipal Franchise Area, then any consumers



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within the Municipal Franchise Area (as altered) which are connected to and receive natural gas distribution services from such provider must transfer to, connect to, and receive natural gas distribution services from ATCO Gas and Pipelines Ltd. no later than March 31, 2023.

5.1.3. If an alteration of the legal boundaries of the City, through annexation or otherwise, occurs after the date this Bylaw is passed and results in the service area of any provider of natural gas distribution services extending into the Municipal Franchise Area then any consumers within the Municipal Franchise Area (as altered) which are connected to and receive natural gas distribution services from such provider must transfer to, connect to, and receive natural gas distribution services from ATCO Gas and Pipelines Ltd. no later than one (1) year following the date of such alteration.

5.1.4. In the event of any contravention of this Bylaw, including a failure to transfer to, connect to, or receive natural gas distribution services from ATCO Gas and Pipelines Ltd. in accordance with the requirements of Sections 2 and 3 of this Bylaw, the City Manager or their designate may issue an Order to the person responsible for the contravention in order to enforce compliance with the requirements of this Bylaw.

**6. NUMBER AND GENDER REFERENCES**

6.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

**7. SEVERABILITY**

7.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

This Bylaw shall come into force and effect upon the final passing thereof.


INTRODUCED AND READ a first time this 3 day of October, 2022, A.D.


READ a second time this 24 day of October, 2022, A.D.


READ a third time this 24 day of October, 2022, A.D.

November 3, 2022  
Date Signed

November 3, 2022  
Date Signed

  
MAYOR

  
CITY CLERK



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## SCHEDULE "A"

### Definitions

<b>Charter</b>	Refers to the <i>Lloydminster Charter</i>
<b>City</b>	The City of Lloydminster and the area contained within the corporate boundaries of the City
<b>City Manager</b>	The Commissioner of the City of Lloydminster as appointed by Council or designate
<b>Council</b>	The Municipal Council of the City of Lloydminster
<b>Electric Distribution Franchise Agreement</b>	The Electric Distribution Franchise Agreement attached as Schedule "A" to Bylaw 06-2018, a Bylaw to authorize an Agreement with ATCO Electric Ltd.
<b>Municipal Service Area</b>	As defined by the Electric Distribution Franchise Agreement or Natural Gas Distribution System Franchise Agreement, as the context requires.
<b>Natural Gas Distribution System Franchise Agreement</b>	The Natural Gas Distribution System Franchise Agreement attached as Schedule "A" to Bylaw 07-2018, a Bylaw to Authorize an Agreement with ATCO Gas and Pipelines.
<b>Order</b>	Any written notice or letter that requires a Person to remedy a contravention of this Bylaw or the <i>Lloydminster Charter</i>
<b>Person</b>	Any individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative organization
<b>Rural Electrification Association</b>	Rural Electrification Associations (REAs) provide power for consumers in rural communities within a specific geographic boundary. Each REA has an elected board of directors that handles the business operations of the REA.

