CITY OF KELOWNA

BYLAW NO. 11209

Amendment No. 5 to Utility Billing Customer Care Bylaw No. 8754

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Utility Billing Customer Care Bylaw No. 8754 be amended as follows

1.   THAT the preamble be amended by deleting "an electrical service system," in the first paragraph;

2.   AND THAT **Section 2 INTERPRETATION**, 2.3 Definitions, be amended by:

   a) deleting the definition name "**Customer Service Account**" and replacing it with "**Utility Billing** Account" and moving to its appropriate location;

   b) and that all references to "Customer Service Account" be deleted and replaced with "Utility Billing Account";

   c) deleting the definition for **Meter** that reads:

   "**Meter** means an apparatus or device installed by or on behalf of the **City** for the purpose of measuring the level or amount of use or consumption, or the amount of the measured commodity passing through it, or a **Utility Service** at a particular location or locations."

   And replacing it with:

   "**Meter** means an apparatus or device installed by or on behalf of the **City** for the purpose of measuring consumption.";

   d) deleting the word "electricity," in the definition for **Utility Service**.

3.   AND THAT **Section 5 SECURITY DEPOSITS**, 5.4 Exceptions, be amended by deleting sub-paragraph (2) in its entirety that reads:

   "(2)   The application for the **Customer Service Account** is accompanied by a "Security Deposit Waiver", as outlined in Schedule A which is attached to, and is part of, this bylaw, signed by the registered owner(s), or authorized signatory(s), of the property on which the premises to which the **Utility Service** relates is located, acknowledging the potential for unpaid amounts to be deemed to be taxes in arrears, under section 8.6 of this bylaw;"

   And replacing it with:

   "(2)   The application for the **Utility Billing Account** is accompanied by a "Security Deposit Waiver", as outlined in Schedule A which is attached to, and is part of, this bylaw. The Security Deposit Waiver must be signed by the registered owner(s), or authorized signatory(s), of the property on which the premises to which the **Utility Service** relates is located, in acknowledging the potential for unpaid amounts to be deemed to be taxes in arrears, under section 8.6 of this bylaw;"

4. AND THAT **Section 5 SECURITY DEPOSITS**, 5.9, be deleted in its entirety that reads:

    "5.9   Despite section 5.1 of this bylaw, no security deposit shall be charged to a **Customer Service Account**, in relation to City of Kelowna Water Utility service, which is opened for a temporary residence of a **Customer** who has been displaced as a result of the destruction of his or her usual residence by the August 2003 Okanagan Mountain Park Forest Fire."

5. AND THAT **Section 7 METER READING,** 7.3 Reading by Customer, be deleted in its entirety that reads:

    "7.3   Reading by **Customer**

            The **City** may require a **Customer**, where there may be temporary or long term difficulty in the **City** reading a **Meter(s)** whether due to physically restricted access or otherwise, to read the **Meter(s)** and supply the readings to the **City** in accordance with instructions, and on specific forms, provided for this purpose."

6. AND THAT **Section 8 BILLING** be amended by:

    a) Deleting in sub-section 8.1 Frequency the word "monthly" and replacing it with "bi-monthly";

    b) Deleting sub-section 8.6 Deemed Taxes in Arrears in its entirety that reads:

        "Any amounts due and payable in accordance with this bylaw, and which:

        (a) remain unpaid after December 31st of any year; and

        (b) are in relation to a **Customer Service Account** that is no longer receiving **Utility Service**;

            whether incurred by an owner or another **Customer** at the property address to which the **Utility Service** has been provided, shall be deemed to be taxes in arrears and added to the property taxes on that property, and shall be subject to the same interest and penalties, and be recoverable in the same manner, as property taxes as provided for in the *Community Charter*."

        And replaced with:

        "Any amounts due and payable in accordance with this bylaw, and which remain unpaid after December 31st of any year whether incurred by an owner or another **Customer** at the property address to which the **Utility Service** has been provided, shall be deemed to be taxes in arrears and added to the property taxes on that property, and shall be subject to the same interest and penalties, and be recoverable in the same manner, as property taxes as provided for in the *Community Charter*.";

    c) Deleting sub-section 8.7 in its entirety that reads:

        "8.7   Despite section 8.4 of this bylaw, no late-payment penalty shall be charged to a Customer Service Account in relation to City of Kelowna Water Utility service, where the location to which the service is provided was under Evacuation Order by order of the BC Fire Commissioner during to the August 2003 Okanagan Mountain Park Forest Fire, for the billing period that included service during the time that the Evacuation Order applied."

7. AND THAT **Section 10 TERMINATION OF SERVICE/CLOSURE OF ACCOUNTS** be amended by:

a) Deleting sub-section 10.1 Termination by City in its entirety that reads:

"The **City** may terminate **Utility Service** where an amount has been invoiced and is due and payable, and remains unpaid as of the payment due date as set out in section 5.2 or section 8.3 of this bylaw. The **City** may also terminate **Utility Service** where safety of life or property is at risk or where any provision of this bylaw or the City's Electrical Regulation Bylaw, or the City's Sewer Connection Charge Bylaw or the City's Water Regulation Bylaw has been violated."

And replacing it with:

"The **City** may terminate **Utility Service** where,

a) an amount has been invoiced and is due and payable, and remains unpaid as of the payment due date as set out in section 5.2 or section 8.3 of this bylaw; or
b) safety of life or property is at risk; or
c) where any provision of this bylaw, the City's Sewer Connection Charge Bylaw or the City's Water Regulation Bylaw has been violated; or
d) an occupier has not applied for a **Utility Billing Account**."

b) Deleting sub-section 10.2 Notice of Termination subsection (3) in its entirety which reads:

"(3) In a case where the **City** plans to terminate a **Utility Service** because of a violation of any provision of this bylaw or the City's Electrical Regulation Bylaw, or the City's Sewer Connection Charge Bylaw or the City's Water Regulation Bylaw, other than for non-payment of a fee or charge, a notice of termination shall include at least one of the formats outlined in subsections 10.2(2)(a), (b), (c) or (d) and the affected **Customer** shall be given an opportunity to make a presentation to Council regarding the planned termination."

And replaced with:

"(3) In a case where the **City** plans to terminate a **Utility Service** because an occupier has not applied for a **Utility Billing Account**; a notice of termination of the **Utility Service** shall include:

(a) a "Request for Application" tag left on the door at the service location allowing two business days to set up a **Utility Billing Account**; and
(b) notice that, should the occupant of the service location not set up a **Utility Billing Account** after the expiration date indicated on the "Request for Application", the **Utility Service** may be terminated until a **Utility Billing Account** has been created at the service location; and
(c) that, if the premise remains vacant for more than two months, standard base rates will continue to apply and the account will be activated under the owner's name."

c) adding in its appropriate location to 10.2 Notice of Termination a new subsection (4) that reads:

"(4) In a case where the **City** plans to terminate a **Utility Service** because of a violation of any provision of this bylaw, or the City's Sewer Connection Charge Bylaw or the City's Water Regulation Bylaw, other than for non-payment of a fee or charge, the affected **Customer** shall, through a written request to the City, be given an opportunity to make a presentation to Council regarding the planned termination."

d) Deleting sub-section 10.4 be in its entirety that reads:

"10.4 Despite section 8.4 of this bylaw, no late-payment penalty shall be charged to a **Customer Service Account** in relation to City of Kelowna Water Utility service, where the location to which the service is provided was under Evacuation Order by order of the BC Fire Commissioner during to the August 2003 Okanagan Mountain Park Forest Fire, for the billing period that included service during the time that the Evacuation Order applied."

8. AND THAT **SCHEDULE "A"**, Security Deposit Waiver, be amended by deleting in its entirety, the footnote that reads:

"NOTE: Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement of the Utility Billing Customer Care Bylaw No. 8754. The information collected under the authority of Freedom of Information Bylaw No. 7603 and the Local Government Act. If you have any questions about this collection, please contact the Revenue Supervisor, City of Kelowna, (250) 862-3339."

And replacing it with:

"NOTICE: Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement of the Utility Billing Customer Care Bylaw No. 8754. The information collected under the authority of Freedom of Information Bylaw No. 7603 and the Local Government Act. If you have any questions about this collection, please contact the Revenue Manager, City of Kelowna, (250) 469-8757."

9. This bylaw may be cited as "Amendment No. 5 to City of Kelowna Utility Billing Customer Care Bylaw No. 8754".

10. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk