

**BYLAW NO. 11-664**  
**of the Municipal District of Greenview No. 16**

**A Bylaw of the Municipal District of Greenview No. 16, in the Province of Alberta, to regulate and manage the water utilities owned by the MD of Greenview No. 16 including terms, conditions, rates and charges for water.**

**WHEREAS** the Council of the Municipal District of Greenview No. 16 (hereinafter called the “MD”) in the Province of Alberta has the authority where it deems necessary or desirable to provide water systems to residents in various areas of the MD of Greenview.

**THEREFORE**, pursuant to the provision of the Municipal Government Act, it is hereby enacted by the Council of the MD of Greenview No. 16, a Bylaw that:

1. Shall be called the MD of Greenview Water Utility Bylaw.
2. Replaces Bylaw 04-436 and Bylaw 03-410 being the Water Works Bylaw for the Hamlets of DeBolt and Ridgevalley. Bylaws 04-436 and 03-410 are hereby repealed.
3. Sets forth the terms and conditions under which such services will be provided in accordance with attached Schedule 1.

This Bylaw shall come into force and effect January 1<sup>st</sup> 2013.

Read a first time this 19<sup>th</sup> day of December, A.D.,2011.

Read a second time this 12<sup>th</sup> day of June, A.D.,2012.

Read a third time and finally passed this 11<sup>th</sup> day of December, A.D.,2012.

“Original Signed”  
**REEVE**

“Original Signed”  
**CHIEF ADMINSTRATIVE OFFICER**

## **SCHEDULE "1"**

### **PART 1 – INTERPRETATION:**

1. In this Bylaw, unless the context specifically indicates otherwise:
  - 1.1 APPLICANT means property owner or the authorized representative of the property Owner, who applies to the MD for the supply of water services.
  - 1.2 APPLICATION means the application made by a Consumer for the supply of water services and shall constitute an agreement between the Consumer and the MD notwithstanding any other agreements between the Consumer and the MD.
  - 1.3 APPLICATION CHARGE means the charge required to be paid by the Consumer before the MD supplies such water services to the Consumer.
  - 1.4 AUTHORIZED PERSON means an employee, contractor or agent of the Municipal District of Greenview No. 16
  - 1.5 CHARGE(S) shall mean the amount assessed by the MD to a Consumer, other than a rate and including those charges listed in the Schedule of Fees.
  - 1.6 COMMUNITY PEACE OFFICER shall have the same definition as “peace officer” in the Peace Officer Act of Alberta, RSA 2006, Chapter P-3.5 and amendments thereto.
  - 1.7 CONSUMER means the property owner who has applied for the supply of water or who entered into a contract with the MD or its agent for the provision of water service(s).
  - 1.8 COUNCIL means the duly elected Council of the MD of Greenview No. 16.
  - 1.9 CAO means the Chief Administrative Officer of the MD or the person to whom the CAO has delegated their powers, duties or functions.
  - 1.10 DEFAULT NOTICE shall mean a notice, substantially in the form shown in Schedule A and issued pursuant to Section 9.1.
  - 1.11 DEPOSIT shall mean and include, as the context may require, a deposit paid pursuant to the Schedule of Fees.
  - 1.12 DISCONNECTION shall mean a physical separation of the water service from the water supply line.
  - 1.13 ENGINEERING DESIGN & CONSTRUCTION STANDARDS outlines the standards for construction of water distribution systems and installation of water service connections.
  - 1.14 FIRE LINE shall mean a pipe intended solely for the purpose of providing a standby supply of water for fire protection purposes.
  - 1.15 FIXTURE shall mean a receptacle, appliance, apparatus or other device that discharges water.
  - 1.16 HEALTH OFFICER shall mean the Public Health Inspector for Alberta Health Services or the duly authorized representative of the Health Officer.
  - 1.17 MD shall mean the Municipal District of Greenview No. 16, or the area contained within the boundaries thereof, as the context requires.
  - 1.18 METER shall mean any device supplied, used or authorized by the MD for the purpose of measuring the volume of water consumed on a property.
  - 1.19 MUNICIPAL GOVERNMENT ACT OR MGA (Current as of January 1, 2010) means the Provincial Act that applies to all Municipalities and Improvement Districts and identifies the governing requirements of these bodies.
  - 1.20 MUNICIPAL WATER SYSTEM shall mean a water system operated by or on behalf of the MD, for the provision to the public of water for human consumption through pipes and other constructed conveyances, and includes Service Lines.

- 1.21 NON-RESIDENTIAL CONSUMER shall mean any consumer who is not a residential consumer.
- 1.22 NORMAL BUSINESS HOURS shall mean 8:00 a.m. to 4:30 p.m., Monday to Friday, excluding statutory and civic holidays.
- 1.23 OWNER shall mean the person registered as the Owner of a property pursuant to the provisions of the Land Titles Act (Alberta) and shall include a person purchasing a property under an Agreement for Sale.
- 1.24 PRIVATE PROPERTY shall mean any property which is not owned by the MD.
- 1.25 RATE(S) shall mean any rate assessed by the MD to a Consumer pursuant to the Schedule of Fees.
- 1.26 RECONNECTION shall mean a physical connection to a water supply that had a service at the same site in the past.
- 1.27 REGULATIONS shall mean regulations promulgated pursuant to the Canadian Plumbing Code and the applicable provincial legislation (Alberta).
- 1.28 REMOTE READING DEVICE shall mean the device attached to the outside of the building or elsewhere and can also mean a low radio frequency receiver which enables the MD, by its employees or agents, to determine water consumption registered by a meter, without entering the building in which the meter is installed.
- 1.29 RESIDENTIAL CONSUMER shall mean the Owner of a single family dwelling unit used exclusively for residential purposes, which has a separate meter.
- 1.30 SCHEDULE OF FEES shall mean the approved Schedule of Fees, as amended from time to time, pursuant to the MD bylaw duly enacted to establish rates and charges for the MD supplied services.
- 1.31 SERVICE LINE or SERVICE shall mean the pipes used or intended to be used for the supply of water from the water main to the water meter or to a building.
- 1.32 SERVICE CURB STOP shall mean the MD valve located at a property line.
- 1.33 SHUT-OFF shall mean closing the valve at the service curb stop resulting in discontinuation of the water supply.
- 1.34 SPRINKLING shall mean the distribution of water to the surface or sub-surface of lawns, gardens or other areas situated outside buildings by pipes, hoses, sprinklers, or any other method and shall include all other uses of water other than domestic consumption, commercial consumption and fire fighting.
- 1.35 STANDARD METHODS shall mean the latest edition of “Standard Methods for the Examination of Water and Wastewater” as published for the American Water Works Association and Water Environment Federation.
- 1.36 STREET shall mean all those lands situated within a road plan registered pursuant to the Land Titles Act (Alberta) and where the context permits, and includes a highway.
- 1.37 TERMS AND CONDITIONS shall mean the manner in which the MD is to provide water service(s).
- 1.38 TURN-ON shall mean the opening of the valve at the service curb stop.
- 1.39 UTILITY ACCOUNT shall mean an account created to record and track water usage and charges.
- 1.40 WATER shall mean water that is potable, unless described to the contrary.
- 1.41 WATER CONNECTION shall mean a connection from the water main extending to the property line of the Consumer at the service curb stop.
- 1.42 WATER FACILITIES shall mean the land, buildings, equipment and other facilities used by the MD for the treatment and supply of water.
- 1.43 WATER MAIN shall mean those pipes installed or owned by the MD for the conveyance of water throughout the MD to which service lines may be connected.

- 1.44 WORKS shall mean any structure required for the MD's provision of water services, including but not limited to water facilities, water treatment plants and water mains.

## **PART II – MUNICIPAL WATER SYSTEM AND AUTHORITY:**

### **1. DEFINITION OF THE MUNICIPAL WATER SYSTEM AND AUTHORITY:**

- 1.1 A municipal water system has the meaning set out in the definitions of Section 1 under 1.18 of this Bylaw.
- 1.2 The CAO shall have charge of all the various properties and works required for the supply of the MD and its inhabitants with water, and of the inspection of all buildings and premises supplied with water.

### **2. AUTHORITY TO SHUT-OFF:**

- 2.1 For any reason which the CAO considers appropriate, the CAO may shut off a water service to any Consumer or Consumers for such length of time as the CAO deems necessary, provided that when practical notice is given of such shutting off to the Consumer or Consumers affected.
- 2.2 In an emergency, the CAO may shut off a water service without prior notice.
- 2.3 The supply of water to any consumer who has had his water shut off for any reason cited in this Bylaw, shall not be restored until such time as the problem has been corrected to the satisfaction of the CAO and a reinstatement fee, if applicable, has been paid.

### **3. WORKING ON THE MD WATER SYSTEM(S):**

- 3.1 No person other than an employee, agent or contractor is permitted to undertake the following without written permission of the CAO:
- a) tamper or interfere with the Municipal Water System.
  - b) connect to or operate any pipe, valve, meter, hydrant or any other part of the Municipal Water System.
  - c) undertake works of any type, sort or manner on or involving the Municipal Water System.
  - d) connect any private service to the Municipal Water System.
  - e) undertake turn-ons or shut-offs, works on, additions to, deletions from, or alterations of any kind to the portion of any Municipal Water System, including any service line to private property, within a roadway, right-of-way or other Municipal property without making application and obtaining permission in writing from the CAO.
- 3.2 No persons, except MD employees, contractors and/or agents employed by the MD and authorized by the CAO are permitted to enter upon property owned by the MD and used to house Municipal facilities, structures and equipment as required for the operation and maintenance of the Municipal Water System.
- 3.3 No private water piping is permitted to be installed, operated or maintained on or under MD roadways without the approval of the CAO.
- 3.4 The MD may inspect the property of a Consumer in order to do any tests on water, piping or fixtures to determine compliance with this Bylaw. If the Consumer denies access to the Consumer's property for that purpose, the supply of water may be shut off.

### **4. PRESSURE, SUPPLY AND QUALITY:**

- 4.1 The MD does not guarantee pressure or continuous supply of water or accept responsibility, at any time, for the maintenance of pressure in its water mains or for the increase or decrease of pressure.
- 4.2 The MD reserves the right, at all times, without notice to change operating water pressure and to perform work on the Municipal Water System for the purpose of making repairs,

extensions, alterations or improvements, or to increase or reduce pressure, or for any other reason.

- 4.3 The MD, its officers, its employees or agents will not be held liable, in any manner whatsoever by reason of cessation in whole or in part of water pressure or water supply, or changes in the operating pressure, or by reason of the water containing sediments, deposits or other foreign matter.
- 4.4 Consumers depending on a continuous and uninterrupted supply of water or having processes or equipment that require particularly clear or pure water will provide the required means to ensure a continuous and adequate supply of water suitable to their requirements. All direct and/or indirect costs associated with the work are the responsibility of the Consumer.

5. OWNERSHIP OF SERVICE:

- 5.1 Every service line from the mainline to a meter or a building and appurtenant fittings thereof, and every water meter supplied by or on behalf of the MD, will remain the property of the MD.

**PART III – CONNECTION AND DISCONNECTION OF SERVICE:**

1. TO ESTABLISH SERVICE:

- 1.1 To have a new service line installed, or to have an existing service line made available for use, the Consumer must complete the prescribed application. Applications are available from the MD Administration Office or on the MD website. Where application for a service is made as a result of a current subdivision, such service line connection fees will be charged as in the Schedule of Fees.
- 1.2 If an existing service line provides service to more than one (1) residence on a single parcel of land, upon a subsequent subdivision of that parcel, the service connection fees shall be payable for each parcel of land to which a service line is provided, but not including one (1) only of the residences to which the original service line provided service.
- 1.3 Where a service line is to be established for an Owner currently using a private well supply, the Owner must prove a physical disconnection from their existing well to the Municipal Water System supply, to the satisfaction of the CAO prior to the turn-on of the water connection.
- 1.4 Where a water service line is installed, the Owner must, at their own expense, allocate a protected space for a water meter inside their building in a location where it will not freeze. If the meter is installed in a crawl space, the Owner will ensure that the meter is insulated and heat traced, as required. Final acceptance of the installation is subject to inspection and approval by designated MD staff.
- 1.5 The property Owner must allow access to designated MD staff to inspect, maintain and read the water meter, as required.
- 1.6 A property receiving water from the Municipal Water System must only utilize the service line connected directly to the water main. A service line, which passes through another property, may not be utilized unless approved by the MD and subject to a registered easement provided for that specific purpose.
- 1.7 Where a property Owner is not adjacent to the mainlines of the Municipal Water System, the MD will not be obligated to provide the service but may do so if the Owner of the property is prepared to pay the cost of extending the MD water main or service line in accordance with this Bylaw.
- 1.8 Where an Owner requests service, but the MD water main is not adequate to supply the service to standards specified by any applicable Provincial enactment or MD Bylaw, the MD water main may require upgrading and the Consumer must pay the cost, as required.
- 1.9 Service to a property Owner will be provided only on the condition that an Approved Backflow Prevention Device (where required) is installed at the Owner's cost.
- 1.10 Each service shall be provided with a pressure reducing valve at the Owner's expense, if deemed necessary by the MD, and the MD shall not be responsible for damages caused by non-compliance with this section.

- 1.11 The water will not be turned on at the service curb stop for occupancy until the service line work is complete, an inside shut-off has been installed and the Owner or their agent is present to ensure there are no leaks in the line.
  - 1.12 All persons using water shall protect their service pipes, shut-off valves and other fixtures from frost and other damage, at their own risk and expense. When any premises are vacated over 30 days, the service curb stop shall be turned off.
  - 1.13 The Owner shall be responsible for all costs resulting from blockage, breakage, damage or failure of the service line.
2. USE OF EXISTING SERVICES:
- 2.1 An existing service, which has been disconnected, will only be reconnected if the CAO confirms it appropriate and capable of reconnection.
  - 2.2 An application to use an existing service for which any required connection fee has previously been paid in full, must be made in the manner set out in Section 6.1 and is established by the Schedule of Fees.
  - 2.3 Reconnection of an existing service will only be provided if it meets the following requirements:
    - a) has installed a new service line (where required);
    - b) has installed an approved Backflow Preventer (where required);
    - c) has installed a Pressure Reducing Valve (where required) and,
    - d) has installed a water meter.
  - 2.4 All mentioned installations must be inspected by designated MD staff.
3. LOCATION OF SERVICE:
- 3.1 The service will be located in accordance with MD Engineering Design & Construction Standards. Costs associated with an approved written request for an alternate location shall be paid by the property Owner.

#### **PART IV – RESPONSIBILITIES OF THE CUSTOMER:**

1. FAILURE TO COMPLY:
  - 1.1 The CAO may give a Default Notice in the form contained in Schedule “A” to this Bylaw, to the Owner to effect, within a period specified in the Notice, the necessary repairs or replacement of water service, to stop waste or improper use of water, to correct a fault, or to comply with such Notice within the time specified, the CAO may:
    - a) have the service shut off until the requirements of the Notice have been complied with, or
    - b) in the case of an unmetered service, have a meter installed, or
    - c) have the necessary work done at cost, and any cost incurred, plus an administration charge, may be recovered from the property Owner as a charge under this Bylaw, or
    - d) take other appropriate action either on or off the Owner’s property as the CAO deems appropriate.
2. ADMISSION OF MD EMPLOYEES:
  - 2.1 Employees of the MD are authorized to enter into a Consumer’s property at all reasonable times in order to:
    - a) inspect, repair, remove any water pipe, meter, and/or fixture upon such premises;
    - b) inspect for waste and/or improper use of water;
    - c) inspect for proper installation, usage and/or maintenance of Backflow Prevention Devices or a Pressure Reducing Valve;
    - d) inspect any part of the building, to expose piping and to do any water tests according to Standard Methods that are required to determine if this Bylaw is being complied with.

3. REPAIRS OF LEAKS:

- 3.1 Every Consumer shall be responsible for the safekeeping and maintenance, repair and replacement of all service pipes, fittings, valves, fixtures and all other building piping and appurtenances located on their property, in proper working order and free from leakage or wastage. The Consumer shall protect the service pipes and plumbing fixtures from frost or other damage and shall promptly repair frozen, leaky or imperfect pipes or fixtures.
4. NOISE AND PRESSURE SURGES:
    - 4.1 No Consumer shall cause, permit or allow an apparatus, fittings or fixtures to be or remain connected to the service line or allow such water supply to be operated in such a manner as to cause noise, pressure surges or other disturbance which may, in the opinion of the CAO, result in noise or damage to other Consumers or the Municipal Water System.
    - 4.2 The CAO may shut off the water supply to anyone in breach of Section 12.1 provided that the CAO considers it practical to do so, and where practical, gives notice to the Consumer prior to the water being shut off.
    - 4.3 Any water supply shut off pursuant to Section 12.2 shall not be restored until the Consumer has ceased to be in breach of Section 12.1.
5. PREVENTION OF CONTAMINATION:
    - 5.1 No person is permitted to connect, cause to be connected, or allow to remain connected to any piping, apparatus, fitting, fixture, container, appliance or process in a manner which under any circumstances allows backflow of any material or substance into the Municipal Water System.
6. INSTALLATION AND MAINTENANCE OF BACKFLOW PREVENTION DEVICES:
    - 6.1 The Owner of the property on which a testable Approved Backflow Prevention Device is required and installed must:
      - a) maintain the testable Approved Backflow Preventer in proper working order at all times;
      - b) have the testable Approved Backflow Preventer tested upon the installation and thereafter annually by an Authorized Backflow Preventer Tester or by personnel approved by the CAO to demonstrate the device is in good working condition;
      - c) submit a report on a form approved by the CAO from an Authorized Backflow Preventer Tester upon the installation of the device and thereafter annually within 30 days of the installation anniversary date, or on the annual date assigned by the CAO.
    - 6.2 Should the test show that a testable Approved Backflow Device is not in good working condition, the Consumer shall make the necessary repairs or replace the device within a specified period, and if the Consumer fails to comply with the Notice, the CAO may order the service to be shut off.

## **PART V – ALLOWABLE USE OF WATER:**

1. WATER CONVEYED BEYOND PROPERTY:
  - 1.1 No Owner, occupier, tenant or person shall sell or dispose of any water without written MD approval.
  - 1.2 No Owner, occupier, tenant or person shall extend a water service to an adjacent lot or any other lot than it was originally designated.
2. USE OF WATER REQUIRING AUTHORIZATION:
  - 2.1 Proposed water use for other than normal or fire protection use required by any applicable Provincial enactment or Municipal Bylaw requires the written authorization of the CAO. If, in the opinion of the CAO, a type or classification of water usage should not be included in the normal use category, the CAO may prepare or have prepared a report for the consideration of Council and Council has the authority to order the usage to be deemed as other than normal use.
3. SPRINKLING REGULATIONS:

- 3.1 Sprinkling includes the distribution of water by sprinkling or any other means on lawns, gardens, or other outdoor areas. Restrictions on sprinkling will be imposed as required by the CAO or designate.

4. **COMMERCIAL:**

4.1 Owners of Confined Feeding Operations (CFO) which require Natural Resources Conservation Board (NRCB) Approval are restricted to water use for their personal residence only and are not allowed to utilize water from the system for their Confined Feeding Operation.

**PART VI – HYDRANT AND STANDPIPE USE:**

1. **CONDITIONS OF USAGE:**

- 1.1 No person except an employee of the MD in the course of their employment or an agent of the MD is allowed to open, operate, or connect to any hydrant, standpipe or valve or use water there from.
- 1.2 Exemption to this requirement will require written application to the CAO. Such permission will only be permitted upon receipt of written authorization from the CAO and may include terms and conditions imposed by the CAO.

**PART VII – OPERATIONS AND MAINTENANCE:**

2. **WORK DONE AT COST:**

- 2.1 Where work is done at cost, the cost will include the amount expended by the MD for all expenditures incurred doing the work, including administration.
- 2.2 Where the work has been requested by the property Owner, the MD will provide an estimate of the cost and will require an advance payment prior to the commencement of the work. Any additional costs must be paid to the MD in accordance with this Bylaw and any surplus will be refunded.
- 2.3 Where the work has been undertaken due to the failure of the property Owner, other government agency, an outside utility or a contractor, the work will be completed by the MD and any cost incurred plus an administration charge, will be recovered from the responsible party.

3. **APPLICATION FOR TURN-ON OR SHUT-OFF:**

- 3.1 Applications to either Turn-On or Turn-Off a water service shall be made by the Consumer in writing and delivered to the offices of the MD. Forms are available from the MD office or online. A Consumer may, in an emergency or for any other exceptional circumstance, request a service call by telephone. The Consumer must pay the fee listed under the Schedule of Fees.

4. **APPLICATIONS FOR DISCONNECTION OF SERVICE:**

- 4.1 Applications for disconnection of any water service shall be made in writing and delivered to the offices of the MD. Forms are available from the MD office or online.

5. **REPAIRS TO SERVICE:**

- 5.1 Where it is necessary for the MD to repair or replace a service, or do work upon a service in any manner, the MD has the authority to enter onto private property, and to perform such work on the property as required to complete the repair, replacement or other work. The extent of the MD's liability to restoring the private property to the condition reasonably similar to that present before the works were undertaken, except when such restoration is precluded by the works required on the service line.

6. **REMOVAL, RELOCATION OR ALTERATION OF FACILITIES:**

- 6.1 Any person desiring the replacement, removal, relocation or any other change of MD owned water facilities must submit application in writing to the CAO. All direct and/or indirect costs associated with this work are the responsibility of the Owner.
- 6.2 Where an existing or disconnected service must be replaced by a larger service to accommodate the Owner's requirements, all direct costs associated with these works are the responsibility of the Owner.



## **PART VIII – BILLING AND COLLECTION:**

### **1. COLLECTION OF WATER RATES AND CHARGES:**

- 1.1 The rates, rents and fees specified in the Schedule of Fees are hereby imposed and levied for water supplied by or on behalf of the MD. All such rates, rents, fees or any penalties which remain unpaid after the date by which payment is required may be added to the tax roll of the property and will be recovered in the same manner and means as ordinary property taxes in arrears.
- 1.2 Where rates have not been established for a particular service, in the Schedule of Fees or otherwise, the CAO may establish charges for service provided, on a cost recovery basis. Without limiting the generality of the foregoing, the CAO may establish charges for but not limiting to, the following:
  - Temporary disconnection of service;
  - Water meter re-sizing;
  - Repairs or work related to MD property where damage is caused as a result of a Person(s) action, including thawing of frozen MD service lines or mainlines;
  - Review for resizing a meter;
  - Disconnection of service for non-contract;
  - Collection charge;
  - Meter installation fee;
  - Utility capital charge.
  - Deposits
- 1.3 Accounts for metered service are payable within 30 days from the billing date and if not paid by that date, will have a penalty that is set by Council added to their accounts. Frequency of billing and water rates are as prescribed under MD Schedule of Fees.
- 1.4 Accounts shall be deemed to be sufficiently forwarded if they are left on the property or if they are mailed by the ordinary mail to the Owner at the mailing address of the Owner.

### **2. WORK DONE AT COST:**

- 2.1 Accounts for work done at cost must be paid to the MD within 30 days of billing, and if not paid within the 30 days of billing, are subject to interest at the rate prescribed by Council.

### **3. METERING OF WATER:**

- 3.1 In the case of new applications, the rates and charges commence as of the date the service is turned on but in any event not later than 14 days after the installation of the meter.

### **4. ESTIMATING CONSUMPTION:**

- 4.1 Where it becomes necessary to estimate the water consumption, the MD will estimate the consumption and render a bill based on the average previous consumption.

### **5. ADJUSTMENT FOR UNDETECTED LEAKS:**

- 5.1 Where an underground leak is discovered, the CAO, if satisfied as to the facts, and if of the opinion that the Consumer could not have reasonably been expected to be aware of the leak, may adjust the charges to the Consumer or Consumers' account or accounts, as the case may be. No adjustment shall be made unless such underground leak is repaired within the time specified by the CAO.

### **6. CHANGE IN USE OR OCCUPANCY OF PROPERTY SERVED:**

- 6.1 The Owner must notify the MD in writing within 30 days of metered billing of any change in the use, occupancy or any matter which may affect the fees or charges payable under this Bylaw.
- 6.2 Should any change result in the increase or decrease in charges, such change will take effect from the date of change in use, occupancy or if the date is unknown from the receipt of the Notice.

## **PART IX – VIOLATIONS & ENFORCEMENT:**

1. VIOLATIONS & ENFORCEMENT:

- 1.1 Any person who contravenes the provisions of this Bylaw is guilty of an offence and is liable for the penalty set out in Schedule B or, if not penalty is specified in Schedule B for the particular offence, for the penalty in accordance with Section 31.14 of this Bylaw.
- 1.2 For the purposes of this Bylaw, an act or omission by an occupant is deemed also to be an act or omission of the Owner of the property on which the offence occurred.
- 1.3 When a business commits an offence under this Bylaw, every principal, director, manager, employee or agent in the business who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the business has been prosecuted for the offence.
- 1.4 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 1.5 Any person found to be violating any provision of this Bylaw may be served by the MD with written notice in the form attached as Schedule "A" to this Bylaw, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall permanently cease all violations, or carry out or cause to be done any such work as may be required to conform with this Bylaw in accordance with the notice.
- 1.6 When a person is alleged to have contravened any provision of this Bylaw, the CAO or Community Peace Officer may issue a Notice of Offence, which shall state:
  - a) the nature of the offence;
  - b) the penalty payable in connection with the offence; and
  - c) the time period within which the penalty must be paid.
- 1.7 A Notice of Offence shall be deemed to be sufficiently served for the purposes of this Bylaw if:
  - a) served personally on the accused; or
  - b) mailed by registered post to the address of the registered Owner of the property concerned, or to the Person concerned.
- 1.8 Nothing in this Bylaw shall prevent any Community Peace Officer from issuing a ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act or from laying an information in lieu of issuing a Notice of Offence.
- 1.9 In lieu of prosecution, the person named in the Notice of Offence may elect voluntarily to make payment to the MD of the penalty amount specified in the Notice of Offence.
- 1.10 If the payment specified in the Notice of Offence is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may then be commenced for the alleged contravention of this Bylaw.
- 1.11 Any person violating any of the provisions of this Bylaw shall become liable to the MD for any expense, loss or damage occasioned to the MD by reason of such violation.
- 1.12 Upon the failure by any person to comply with the provisions of this Bylaw, the MD may proceed in accordance with the Municipal Government Act and perform any corrective measures required. All costs incurred may be recovered from the person specified in the Notice of Offence and shall be deemed a debt due to the MD by the person specified in the Notice of Offence. Debts due may be charged against the property concerned as a special lien to be recovered in like manner as property taxes.
- 1.13 If, in the opinion of the CAO, a contravention of this Bylaw requires immediate action the MD may perform any work necessary to address the contravention of this Bylaw without prior notice and all costs incurred by the MD will be payable by the person alleged to have contravened this Bylaw.

- 1.14 Except as otherwise provided in this Bylaw, a person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided shall, upon summary conviction before a court of competent jurisdiction, be liable to a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500.00) or in the event of non-payment of the fine, imprisonment for a period not exceeding ninety (90) days unless such fine is sooner paid.
- 1.15 Notwithstanding Section 1.13, the imposition of a fine either by issuance of a Notice of Offence or by summary conviction in court shall not relieve any person so fined from any liability to pay the MD any expenses arising from any damage caused by that person to MD property.

**PART X – ENACTMENT:**

1. ENACTMENT:

- 1.1 If any clause of this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.
- 1.2 Schedules A and B form part of this Bylaw.

**MUNICIPAL DISTRICT OF GREENVIEW No. 16  
BYLAW NO. 11-664  
SCHEDULE "A"**

**DEFAULT NOTICE**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

According to the records of the Municipal District of Greenview No. 16, you are the Owner or Contractor of a Building Project as defined in the Municipal District of Greenview No. 16 Water Utility Bylaw on:

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ PLAN \_\_\_\_\_, municipally known as

\_\_\_\_\_

It has been reported that the Water Utility Bylaw Section # \_\_\_\_\_ has been breached and you are hereby ordered and directed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Failure to comply with the Default Notice within twenty-four (24) hours of service upon you may result in issue of a violation ticket.

DATED at the Municipal District of Greenview No. 16, Alberta, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**MUNICIPAL DISTRICT OF GREENVIEW No. 16  
BYLAW NO. 11-664**

**SCHEDULE “B”  
SPECIFIED PENALTIES**

Section No.	Part No.	Description	Penalty for First Offence	Penalty for Subsequent Offences
Part II	3.1 (a)	Tampering or interfering with the Municipal Water System	\$500	\$1000
	3.1 (b)	Connect to or operate any pipe, valve, meter, hydrant or any other part of the Municipal Water System	\$500	\$1000
	3.1 (c)	Undertake works of any type, sort or manner on or involving the Municipal Water System	\$500	\$1000
	3.1 (d)	Connect any private service to the Municipal Water System	\$1000+ volume	\$1500
	3.1 (e)	Undertake turn-ons or shut offs, works on, additions to, deletions from, or alterations of any kind to the portion of any Municipal Water System, including any service line to private property, within a roadway, right of way or other Municipal property without making application and obtaining permission in writing from the CAO	\$500	\$1000
	3.2	Unauthorized access to property owned by the MD and used to house Municipal facilities, structures and equipment as required for the operation and maintenance of the Municipal Water System	\$500	\$1000
	3.3	Installation of unauthorized private water piping.	\$500	\$1000
	3.4	Denying access for inspection	\$250	\$500
Part III	1.3	Failing to prove a physical disconnection from an existing well to the Municipal Water System supply.	\$1000	\$1500
	1.5	Failing to provide access to designated MD staff to inspect, maintain and read the water meter as required.	\$250	\$500
	1.6	Receiving unauthorized water across a property line.	\$1000 + volume	\$500
	1.9	Failure to install a required Approved Backflow Prevention Device.	\$250	\$500
	1.10	Failure to install a required Pressure Reducing Valve.	\$250	\$500
	1.12	Failing to request a water Turn-off at a vacated premises.	\$250	\$500
	3.1	Failure to promptly repair frozen, leaky or imperfect pipes or fixtures.	\$500	\$1000
	4.1	Causing, permitting or allowing an apparatus, fittings or fixtures to be or remain connected to the service line or allow such water supply to be operated in such a manner as to cause noise, pressure surges or other disturbances to other Consumers or the Municipal Water System.	\$500	\$1000
	5.1	A Person has allowed backflow of any material or substance into the Municipal Water System	\$1000 + resulting damages	\$1500 + resulting damages
	6.1(a)	Failure to maintain the testable Approved Backflow Preventer in proper working order.	\$50	\$100
	6.1(b)	Failure to have the testable Approved Backflow Preventer tested annually.	\$50	\$100
	6.1(c)	Failure to submit the required testing report.	\$50	\$100
Part V	1.1	Person has sold or disposed of water without written permission.	\$250 + volume	\$500 + volume
	1.2	Extending a water service to an adjacent lot or any other lot than it was originally designated.	\$250 + volume	\$500 + volume
Part VI	1.1	Unauthorized opening, operating, connecting to a hydrant, standpipe or valve in the Municipal Water System.	\$500	\$1000
Part VIII	6.1	Failure to provide written notification within 30 days of metered billing of any change in the use, occupancy or any matter which may affect the fees or charges payable under this Bylaw.	\$250	\$500

Each of the above are specified minimum penalties.