

**BYLAW 1464/19**  
**MASTER UTILITY SERVICES BYLAW**  
**STURGEON COUNTY, ALBERTA**

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A BYLAW OF STURGEON COUNTY, ALBERTA FOR THE PURPOSE OF ESTABLISHING THE REQUIREMENT FOR OBTAINING UTILITY SERVICES BY OR THROUGH THE COUNTY OR AN AUTHORIZED PROVIDER AND IN ACCORDANCE WITH THE COUNTY MASTER SERVICING PLAN

**WHEREAS**, pursuant to Section 3 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the municipal purposes of the County include, amongst other things, to foster the well-being of the environment, to provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or part of the municipality, and to provide for safe and viable communities;

**WHEREAS**, pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the County has the power to pass bylaws for municipal purposes respecting safety, health and welfare of people, respecting services provided by or on behalf of Sturgeon County, and respecting public utilities;

**WHEREAS**, without restricting the foregoing, pursuant to Section 8 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the County also has the power to pass bylaws to regulate or prohibit including, without restriction, Utility Services and the requirement to obtain Utility Services by or through providers in a coordinated manner;

**WHEREAS**, pursuant to Section 9 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the power to pass bylaws is stated in general terms to: (a) give broad authority to councils and to respect their right to govern municipalities in whatever way the councils consider appropriate, within the jurisdiction given to them under statutes and regulations, and (b) enhance the ability of councils to respond to present and future issues in their municipalities;

**WHEREAS**, Section 33 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, empowers a council to pass a bylaw for the purposes of prohibiting any person from supplying a utility service within the municipality that is the same as or similar to a municipal utility service provided by the municipality or a subsidiary of the municipality;

**WHEREAS**, Council deems it necessary to regulate Utility Services in order to carry out its municipal purposes, and in order to support and stabilize utility rates for utility customers within the County, ensure efficient delivery of Utility Services, and ensure orderly development and growth;

**NOW THEREFORE**, the Council of Sturgeon County, in the Province of Alberta, duly assembled, hereby enacts as follows:

**PART I: BYLAW TITLE**

1. This bylaw may be cited as the “Master Utility Services Bylaw”.

**PART II: PURPOSE**

2. The purpose of this bylaw is to regulate and prohibit Utility Services so as to allow Sturgeon County to:
  - a. carry out its municipal purposes including, without restriction, fostering the well-being of the environment, providing services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or part of the municipality, and providing for safe and viable communities;
  - b. support and stabilize utility rates for utility customers within the County;
  - c. ensure efficient delivery of Utility Services, and ensure orderly development and growth;
  - d. coordinate the delivery of Utility Services for the purposes of carrying out the foregoing municipal purposes and intentions, and related policies, directives and goals; and
  - e. regulate or prohibit Utility Services for the purposes of carrying out the foregoing municipal purposes and intentions, and related policies, directives and goals.

**PART III: DEFINITIONS**

3. For the purposes of this bylaw the following words will have the following meanings:
  - a. "Act" or "MGA" means the *Municipal Government Act*, RSA 2000, c. M-26, as amended;
  - b. "Authorized Service Provider" means a Person contemplated within Section 9 of this Bylaw;
  - c. "Authorized Services" means a Utility Service provided by the County, a Subsidiary of the County, or an Authorized Service Provider;
  - d. "Building" means any structure, as defined within section 541(b) of the Act, located upon any Private Property;
  - e. "Bylaw" means this Master Utility Services Bylaw;
  - f. "Council" means the Council of Sturgeon County;
  - g. "County" means Sturgeon County;
  - h. "County Commissioner" means the Chief Administrative Officer of Sturgeon County;
  - i. "Court" means a Court of competent jurisdiction in the Province of Alberta;
  - j. "Dangerous" means circumstances of non-compliance with this Bylaw located upon or within Property, constituting an Emergency;
  - k. "Demand" means a demand issued in writing on behalf of the County;

- l. "Designated Officer" means a person appointed to that office pursuant to the Act or an authorized delegate thereof;
- m. "Emergency" means an emergency as defined within section 541(a) of the Act;
- n. "Enforcement Review Committee" means either Council, or a committee established by Council from time to time for the purposes of addressing appeals and reviews of enforcement of bylaws including this Bylaw, as contemplated within Section 547 of the Act;
- o. "Enforcement Officer" means a member of the Royal Canadian Mounted Police (R.C.M.P), a Peace Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act*, SA 2006, c P-3.5, and a Bylaw Enforcement Officer employed by the County in accordance with the Act;
- p. "Franchise Agreement" means that agreement executed by the County and a Utility Service provider in accordance with the authorities provided by Council and the provisions of Section 45 of the Act, as such agreement may be amended, restated or replaced from time to time;
- q. "Injunction Order" means an Order issued by the Court of Queen's Bench of Alberta, requiring any Person to comply with any Remedial Order, or comply with the Act, any other enactment that the County is authorized to enforce, or this Bylaw;
- r. "Manager" means the County Commissioner or his designate manager for Utility Services under this Bylaw;
- s. "Notice" means written notice provided by the County;
- t. "Occupant" means a Person in possession of any Property or Building;
- u. "Owner" means the owner of any Property, as defined within the Act;
- v. "Person" includes one or more individuals, partnerships, bodies corporate, unincorporated organizations, governments, government agencies, trustees, executors, administrators or other legal representatives, other than the County, its agents or duly authorized representatives;
- w. "Potable Water" means treated water suitable for human or animal consumption under the Potable Water Regulation (Alberta Regulation 119/93) pursuant to the *Environmental Protection and Enhancement Act*, in each case as amended from time to time;
- x. "Private Property" means land owned by a person, group, corporation or other entity, not a governmental body;
- y. "Process Water" means water that is not Potable Water, and is not suitable nor intended for human or animal consumption and which may include, without restriction, treated and/or enhanced Wastewater;

- z. "Property" means any Private Property, Buildings, or any personal property located thereupon, within the County;
- aa. "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act*, RSA 2000, c P-34;
- bb. "Public Properties" means all fee simple and leasehold estates, rights-of-way, undersurface rights, easements and other interests in land or licenses or rights in respect to land, now and hereafter held or acquired by the County (including municipal roads, reserve lands, and public utility lots);
- cc. "Reasonable Notice" means such notice as may fairly and properly be expected in particular circumstances;
- dd. "Reasonable Time" means such time as may fairly and properly be expected in particular circumstances;
- ee. "Recyclables" has the meaning ascribed to it in the Waste Control Regulation (Alberta Regulation 192/96) pursuant to the *Environmental Protection and Enhancement Act*, as amended or replaced from time to time, together with any other recyclable material which may be designated material for recycling under Provincial regulation prescribed or prescribed/regulated from time to time under County bylaws as recyclable through the County's or other recycling program;
- ff. "Solid Waste" means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of as contemplated under and regulated by the Waste Control Regulation (Alberta Regulation 192/96) pursuant to the *Environmental Protection and Enhancement Act*, in each case as amended from time to time, and for certainty, but without restriction, shall include:
  - i. residential solid waste; and
  - ii. receipt, management, and disposal of Recyclables through the operation of recycling depots;
- gg. "Storm Water" means water discharged from a surface as a result of precipitation regulated by the Wastewater and Storm Drainage Regulation (Alberta Regulation 119/93) pursuant to the *Environmental Protection and Enhancement Act*, in each case as amended from time to time, and for certainty, but without restriction, shall include surface drainage and run-off from lands;
- hh. "Subsidiary" has the meaning set out in subsection 1(3) of the *Electric Utilities Act*;
- ii. "Utility Service" means, collectively, any "utility service", as that term is defined within Section 28(f) of the Act, that:

- i. is the same or similar to service(s) provided by the County or a Subsidiary of the County; and/or
- ii. is provided privately to any Property or Building; and/or
- iii. related to Potable Water, Process Water, Wastewater, Storm Water, and Waste Management;

and “Utility Services” means two or more of them;

- jj. “Unauthorized Service” means, collectively or individually, any Utility Service provided or obtained in contravention of the provisions of Section 10 or 11 of this Bylaw, subject always to the provisions of Section 9 of this Bylaw, and for clarity shall be deemed to exclude the Authorized Services;
- kk. “Violation Ticket” means a violation ticket issued pursuant to the *Provincial Offences Procedure Act*;
- ll. “Waste Management” means the collection, handling, sorting, storage, transfer, transportation, and disposal of Solid Waste;
- mm. “Wastewater” has the meaning ascribed to it in the Wastewater and Storm Drainage Regulation (Alberta Regulation 119/93) pursuant to the *Environmental Protection and Enhancement Act*, in each case as amended from time to time, and for certainty, but without restriction, shall include domestic wastewater produced by residential or commercial land uses within the County; and
- nn. “Written Warning” means written documentation regarding infraction and what action will be taken if the infractions continue.

#### **PART IV: APPLICATION**

- 4. 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.
- 5. Any heading or sub-heading in this Bylaw is included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 6. Specific reference to other bylaws, statutes and regulations are intended to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw is enacted, and as may be amended from time to time, including successor legislation.
- 7. All schedules attached to this Bylaw shall form a part of this Bylaw.
- 8. This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.
- 9. Notwithstanding anything contained within this Bylaw, this Bylaw has no application to:

- a. any and all Utility Services provided by any Person pursuant to a services agreement with the County or a Subsidiary of the County;
- b. Utility Services provided under a Franchise Agreement with the County of the kind described in Section 45 of the Act;
- c. the generation, transmission, distribution or retail sale of electric power;
- d. the transmission, distribution or retail sale of natural gas;
- e. Utility Services being provided by a Person other than the County prior to the date of enactment of this Bylaw, if there is no change after the enactment of this Bylaw to the volume or frequency or geographic area of the Utility Services; and
- f. any and all:
  - i. truck fill service providing Potable Water (which includes hauling and delivery) to the Property of the owner and/or the operator of the said truck fill service;
  - ii. privately owned and operated cisterns, tanks and related works providing Potable Water to the Property of the owner and/or the operator of the said cisterns, tanks and related works;
  - iii. privately owned and operated wells, intakes, treatment, storage, transmission lines, supply lines, service connections and related works providing Potable Water to the Property of the owner and/or the operator of the said wells, intakes, and related works;
  - iv. privately owned and operated wells, intakes, treatment, storage, transmission lines, supply lines, service connections and related works providing Process Water to the Property of the owner and/or the operator of the said wells, intakes, treatment, storage, transmission lines, supply lines, service connections and related works;
  - v. Wastewater collection and disposal (which includes vacuum truck collection, hauling and disposal) to the Property of the owner and/or the operator of the said truck haul and disposal service;
  - vi. privately owned and operated septic fields, tanks, and related works providing Wastewater treatment, storage and/or disposal to the Property of the owner and/or the operator of the said septic fields, tanks, and related works;
  - vii. privately owned and operated Solid Waste collection, sorting and transportation facilities, services and related works providing Waste Management services to the Property of the owner and/or the operator of the said solid waste collection, sorting and transportation services and related works;

- viii. privately owned and operated Storm Water collection, management, transmission and disposal facilities, services and related works servicing or benefiting the Property of the owner and/or the operator of the said solid Storm Water collection, management, transmission and disposal facilities, services and related works;

either existing as of the date that this Bylaw comes into force or subsequently permitted under any other bylaw or any subdivision or development authority decision.

#### **PART V: PROHIBITION, RESTRICTION & REQUIRED CONNECTION/SERVICE**

10. Subject always to Section 9, no Person shall provide any Utility Service within the County that is the same as or similar to a municipal Utility Service provided by the County or a Subsidiary of the County unless otherwise authorized by the County by agreement, bylaw, or otherwise.
11. Subject always to Section 9, no Person shall:
  - a. connect to the system or works of a Utility Service within the County other than the system or works of the County, a Subsidiary of the County, or an Authorized Service Provider, or any of its or their agents or duly authorized representatives;
  - b. or purchase or obtain any Utility Service within the County, other than through or from the County, a Subsidiary of the County, or an Authorized Service Provider, or any of its or their agents or duly authorized representatives;
  - c. once connected the system or works of the County, a Subsidiary of the County, or an Approved Service Provider, or any of its or their agents or duly authorized representatives, which is providing a Utility Service to the Property, disconnect from the said system or works.
12. Notwithstanding the foregoing, for those Utility Services which require or utilize a physical connection to systems or works in order to provide service, the Manager may require the Owner of Property within the County which is located adjacent to the system or works of the County, a Subsidiary of the County, or an Approved Service Provider, or any of its or their agents or duly authorized representatives, to connect the Buildings located on the Property to the system or works of the County, a Subsidiary of the County, or an Approved Service Provider, or any of its or their agents or duly authorized representatives, as the case may be including, but not limited to, requiring the Owner to:
  - a. provide or pay for a service connection to the Building to the water main forming part of the system or works of the County, a Subsidiary of the County, or an Approved Service Provider, or any of its or their agents or duly authorized representatives, at the Owner's sole cost and expense;
  - b. pay all applicable and connection fees or charges;
  - c. install a meter at the Owner's sole cost and expense;
  - d. disconnect the Building from any privately owned and/or operated system or service;

- e. remove and/or remediate the any privately owned and/or operated system or service;
- f. set up a utility account with the County, a Subsidiary of the County, or an Approved Service Provider, or any of its or their agents or duly authorized representatives, for the Property and the Building(s); and
- g. obtain Utility Services from the County, a Subsidiary of the County, or an Approved Service Provider, or any of its or their agents or duly authorized representatives;

provided always that the County, Council and the Manager shall be under no obligation whatsoever to exercise or impose all or any of the foregoing discretions or requirements.

#### **PART VI: General**

13. For the purpose of Sections 542 of the Act, the Manager and Enforcement Officers are Designated Officers for the purposes of carrying out inspections, remedial actions and enforcement.
14. The Manager may enforce the provisions of this Bylaw by taking any or all of the following enforcement actions:
  - a. issuing a Written Warning,
  - b. issuing a Remedial Order,
  - c. obtaining an Injunction Order, and
  - d. any other lawful and authorized action to enforce compliance.
15. An Enforcement Officer may enforce the provisions of this Bylaw by taking any or all of the following enforcement actions:
  - a. issuing a Written Warning,
  - b. issuing a Violation Ticket,
  - c. obtaining an Injunction Order, and
  - d. any other lawful and authorized action to enforce compliance.
16. Nothing within this Bylaw shall limit or prevent the County from issuing a Remedial Order in lieu of or in addition to issuing a Violation Ticket or taking any other enforcement action.

#### **PART VII: RIGHT OF ENTRY: INSPECTIONS, REMEDIAL AND ENFORCEMENT ACTION**

17. After providing Reasonable Notice to the Owner or Occupant of Property or a Building in accordance with Section 542 of the Act, the Manager or Enforcement Officer may enter into or onto any Property or Building at a Reasonable Time for the purpose of determining if the requirements



of this Bylaw is being complied with or for the purpose of carrying out remedial or enforcement action authorized by this Bylaw, the Act or an Injunction Order.

18. Notwithstanding Section 17, in an Emergency or extraordinary circumstance, the Manager or Enforcement Officer does not need to provide Reasonable Notice to the Owner or Occupant and the Manager or Enforcement Officer may enter upon or into Property or a Building without the consent of the Owner or Occupant at any time.
19. No Person shall prevent or obstruct the Manager or Enforcement Officer from carrying out any official duty pursuant to this Bylaw.
20. If a Person prevents, obstructs or interferes with the Manager or Enforcement Officer carrying out any official duty under this Bylaw or if a person refuses to produce anything to assist the Manager or Enforcement Officer in the inspection, remedial action or enforcement action, then the County may apply to the Court of Queen's Bench for an order pursuant to Section 543 of the Act.

#### **PART VIII: WRITTEN WARNING**

21. Where the Manager or Enforcement Officer determines that Property or the use of Property is in contravention of this Bylaw, he/she may issue a Written Warning to the Owner and/or Occupant of the Property. The Written Warning shall:
  - a. describe the subject Property by municipal address or location and/or legal description,
  - b. state the nature of the contravention,
  - c. state what remedial measures or action must be taken in order to remedy the contravention,
  - d. state a time within which the Owner and/or Occupant must complete the remedial measures or action which, unless the matter poses a safety risk to life or property, must not be less than seven days from the date of delivery of the Written Warning,
  - e. advise that if the Written Warning is not adhered to, the County may undertake further enforcement measures pursuant to this Bylaw and the Act.

#### **PART IX: REMEDIAL ORDER**

22. Where the Manager determines that a Property or use of Property is in contravention of this Bylaw, he/she may issue a Remedial Order under section 545 of the Act to any or all of the Owner and/or Occupant of the Property. The Remedial Order shall:
  - a. Describe the subject Property by municipal address or location and/or legal description,
  - b. State the nature of the Bylaw contravention,
  - c. Direct the Owner, Occupant and/or Person responsible for the Bylaw contravention to take any or all of the following actions:

- i. Stop doing something, or change the way in which the Person is doing it,
    - ii. Take any action or measures necessary to remedy the Bylaw contravention, including the removal or demolition of a structure that has been erected or placed in contravention of this Bylaw and, if necessary, to prevent a re-occurrence of the contravention,
    - iii. State a time in which the Person must comply with the directions in the Remedial Order,
  - d. State that if the Person does not comply with the directions within the time specified within the Remedial Order, the County will take the action or measure at the expense of the Person and may undertake further enforcement measures pursuant to this Bylaw and the Act including but not limited to:
    - i. entering onto or into the Property and performing the necessary remedial action pursuant to the Act,
    - ii. obtaining an Injunction Order,
    - iii. issuing a Violation Ticket, and/or
    - iv. registering the Remedial Order on the certificate of title to the subject Property pursuant to the Act.
  - e. In addition to the directions set out above, where the Manager or Enforcement Officer is of the opinion that a structure, excavation or hole is Dangerous, the Remedial Order may be issued under section 546 of the Act, and may require the Owner of the structure to:
    - i. eliminate the danger to public safety in the manner specified in the Remedial Order, or
    - ii. unless a matter poses a safety risk to life or property, bring the Property into compliance within 14 days from the date of delivery of the Remedial Order,
    - iii. advise that the Person(s) to whom the Remedial Order is issued may request a review of the Remedial Order by Council in accordance with Section 547 of the Act,
    - iv. advise that the costs and expenses incurred by the County in enforcing the Remedial Order may be added to the tax roll of the subject Property whereby the amount will be deemed to be a property tax imposed under Division 2 of Part 10 of the Act from the date that it was added to the tax roll and will form a special lien against the Property in favour of the County from the date it was added to the tax roll, in accordance with Section 553 of the Act.

**PART X: REMEDIAL ORDER REVIEW**

23. Any Person who receives a Remedial Order may, by written notice, request the review of the Remedial Order by filing a written notice with the Manager requesting the Enforcement Review Committee review within 14 days (7 days in the case of an Order made under section 546) after the date that the Remedial Order is received by the Person. The written notice must:
  - a. set out the basis for the request for Enforcement Review Committee review,
  - b. state the name and address of the Person making the request for review,
  - c. state the address of the subject Property,
  - d. be dated and signed by the Person making the request for review, and
  - e. include the Enforcement Review Committee review fee as may be established in County bylaws.
24. Within 30 days after receiving a complete written notice filed in compliance with Section 22, the Enforcement Review Committee shall review the Remedial Order. Upon completion of its review, the Enforcement Review Committee may confirm, vary, substitute or cancel the Remedial Order. The Enforcement Review Committee shall issue written reasons for its decision to the Person who requested the review.
25. Subject to an appeal being filed with the Court of Queen's Bench in accordance with the Act from the Enforcement Review Committee's decision made in accordance with Section 23, the Enforcement Review Committee's decision is final and binding on all parties.

**PART XI: OFFENCES**

26. Any Person who
  - a. violates or contravenes or causes, allows or permits a contravention of any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine in an amount not to exceed the specified penalties listed within Schedule "A" attached to this Bylaw, imprisonment for not more than one year, or to both fines and imprisonment; or
  - b. fails to comply with the directions set out in a Remedial Order within the time frame specified is guilty of an offence and is liable upon summary conviction to a fine in an amount not to exceed \$10,000.00, imprisonment for not more than one year, or to both fines and imprisonment.
27. It is the intention of Council that all offences created under this Bylaw be interpreted to be strict liability offences.
28. Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.

**PART XII: SERVICE OF WRITTEN WARNINGS, NOTICES, DEMANDS, AND REMEDIAL ORDERS**

29. In any case, where the Manager or Enforcement Officer, as the case may be, issues a Written Warning, Notice, Demand, or Remedial Order to any Person, the Manager or Enforcement Officer shall effect such service, either:
- a. by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be personally delivered to the Person named in the Written Warning, Notice, Demand, or Remedial Order,
  - b. in the case of an individual, by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be delivered and left with a person of at least 18 years of age at the Person's residence,
  - c. in the case of a corporation, by sending a written copy of the Written Warning, Notice, Demand, or Remedial Order by registered mail to the registered office of the corporation, or by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address,
  - d. by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be delivered to and left in a conspicuous place at or about the subject Property or Building, or
  - e. by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be mailed or delivered to the last known address of the Person as disclosed in the land registry system established by the Land Titles Act of Alberta as shall appear to the Manager or Enforcement Officer most appropriate in the circumstances, and such service shall be adequate for the purposes of this Bylaw.

**PART XIII: VIOLATION TICKET**

30. An Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to any Person where the Enforcement Officer has reasonable and probable grounds to believe that Person has contravened any provision of this Bylaw.
31. A Violation Ticket may be served on such Person who is an individual, either:
- a. by delivering it personally to such Person, or
  - b. by leaving a copy for such Person at his/her residence with an individual at the residence who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.
32. A Violation Ticket may be served on a Person which is a corporation, either:
- a. by sending it by registered mail to the registered office of the corporation, or

- b. by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate for the purposes of this Bylaw.
33. This Section does not prevent an Enforcement Officer from issuing a Violation Ticket requiring a Court appearance by the Defendant in accordance with the *Provincial Offences Procedures Act*.

#### **PART XIV: RECOVERY OF ENFORCEMENT COSTS**

34. The expenses incurred by the County in carrying out enforcement action pursuant to this Bylaw constitutes a debt owing to the County from the Person responsible for the Bylaw contravention and may be collected by civil action for debt in a court of competent jurisdiction, in accordance with the Act.
35. In the event of the County carrying out enforcement action pursuant to a Remedial Order, the Manager is responsible for sending a demand for payment of enforcement expenses incurred by the County to the Person to whom the Remedial Order was directed. Where the Person to whom the Remedial Order was directed is the Owner of the Property upon which the contravention occurred in whole or in part and the Owner fails to pay the enforcement expenses incurred by the County within the time frame set out in the demand for payment, the Manager shall place the unpaid expense amount onto the tax roll of the subject Property and that amount:
- a. is deemed to be a tax imposed under Division 2 of Part 10 of the Act from the date it was added to the tax roll, and
  - b. forms a special lien against the Property in favour of the County from the date it was added to the tax roll for the Property, in accordance with the Act.
36. In the event that the County removes any Property as part of its enforcement action undertaken pursuant to this Bylaw and the Act, the Manager or Enforcement Officer shall issue a written notice to the Owner of the Property setting out a time period in which the Owner may recover the Property from the County, which time frame must not be less than 30 days from the date of receipt of the Written Notice by the Person, as well as any amounts owing by the Owner to the County related to the removal and/or storage of the Property or related enforcement activities.
37. In the event that the Owner of the Property fails to retrieve the Property and pay any associated expenses or costs incurred by the County in the removal or storage of the Property within the time frame specified in writing by the County in accordance with Section 35, the Manager may direct that the Property be disposed of as he/she deems appropriate and any revenue generated from the disposal of the Property shall be used to pay the County's costs and expenses incurred in the removal, storage or disposal of the Property or related enforcement activities undertaken by the County in accordance with this Bylaw and the Act and any excess amounts remaining shall be paid to the Owner of the Property.

**PART XV: VICARIOUS LIABILITY**

38. For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

**PART XVI: CORPORATIONS AND PARTNERSHIPS**

39. When a Corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation 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 corporation has been prosecuted for the offence.
40. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership 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.

**PART XVII: ENFORCEMENT**

41. Payment of any penalty or fine imposed pursuant to this Bylaw does not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw or enactment.

**PART XVIII: OBSTRUCTION**

42. No Person shall obstruct, hinder or impede any authorized representative of the County in the exercise of any of their powers or duties pursuant to this Bylaw.

**PART XIX: ADMINISTERING THE BYLAW**

43. The Manager is authorized to administer this Bylaw, as well as supervise, control and direct the delivery and receipt of Utility Services, the approval of Authorized Service Providers, and the completion of agreements with Authorized Service Providers.

**PART XX: SEVERABILITY**

44. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.
45. Evidence that a Person is an owner of Property or Private Property providing or receiving an Unauthorized Service is *prima facie* proof that the owner of the Property is responsible for the Unauthorized Service.
46. The County is not liable for damages or costs to remedy an Unauthorized Service.

- 47. The County is not liable for not taking an action on or in respect of an Unauthorized Service, and in no event that any such inaction be deemed or interpreted as an authorization of any Unauthorized Service.
  
- 48. This Bylaw shall come into full force and effect on the day that it is passed.

Read a first time this 26<sup>th</sup> day of November, 2019.

Read a second time this 26<sup>th</sup> day of November, 2019.

Read a third time this 10<sup>th</sup> day of December, 2019.

“Original Signed”

\_\_\_\_\_  
MAYOR

“Original Signed”

\_\_\_\_\_  
COUNTY COMMISSIONER (CAO)

December 19, 2019

\_\_\_\_\_  
DATE SIGNED

**If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.**

**SCHEDULE "A" – Specified Penalties**

<b>First Offence:</b>	<b>A minimum of \$500.00.</b>
<b>Second Offence:</b>	<b>A minimum of \$2,000.00.</b>
<b>Third Offence:</b>	<b>A minimum of \$5,000.00.</b>
<b>Each Subsequent Offence:</b>	<b>A minimum of \$10,000.00.</b>