

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
IN THE PROVINCE OF ALBERTA
BYLAW No. 1351-24**

A Bylaw of the Municipal District of Pincher Creek No. 9, in the Province of Alberta for the purpose of amending Bylaw No. 1344-22, being the Utility Bylaw.

WHEREAS, pursuant to section 3 of the Municipal Government Act the purposes of a municipality include providing services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality;

AND WHEREAS, pursuant to section 7 of the Municipal Government Act a council of a municipality may pass bylaws for municipal purposes respecting public utilities and the enforcement of bylaws;

NOW **THEREFORE** the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be cited as “UTILITY BYLAW AMENDMENT BYLAW NO. 1351-24”
2. Amendments per Schedule A attached.
3. This Bylaw comes into force and effect upon third and final passing thereof.

Read a first time this 23RD day of APRIL, 2024

Read a second time this 23RD day of APRIL, 2024

Read a third and final time this 23RD day of APRIL, 2024



REEVE



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" – BYLAW No. 1351-24

1. Revise Fees and Charges

(4) Replace wording with

If a Property is required to connect to the Water System, pursuant to section 2(1) of Schedule "B" of this Bylaw, and the Wastewater System, pursuant to section 2(1) of Schedule "C" of this Bylaw, and the Owner of that Property connects to both of those systems within 12 months of the Chief Administrative Officer providing notice of a date to connect to those systems, the MD will waive the fee for the initial Supply of the Meter as set out in Schedule "E" of the Bylaw.

2. Add to Schedule "A" GENERAL TERMS AND CONDITIONS OF UTILITY SERVICES

(5) Replace wording with

The MD shall not be liable for damages, including losses caused by a break within the MD's Water System or Wastewater System or caused by the interference or cessation of water supply including those necessary or advisable regarding the repair or proper maintenance of the MD's Water System or Wastewater System, or generally for accidents due to the operation of the MD's Water System or Wastewater System or for the disconnection of a Service Connection or shut-off of a Utility Service, nor by reason of the water containing sediments, deposits, or other foreign matter. Further, and for the purpose of providing additional clarity in relation to this issue:

- (a) the MD can only be liable in situations where there is direct property damages incurred by the customer as a direct result of a breach of the Bylaw, or terms of service, by the MD or other act or omission by the MD, if the breach or other act or omission is caused by the gross negligence or intentional tort of the MD;
- (b) any liability attributed to the MD will be limited to an amount proportionate to the degree that the MD was determined to be at fault;
- (c) The use of the phrase "direct property damages" in subsection (a) above does not include loss of revenue, loss of profits, loss of earnings, loss of production, loss of contract, cost of capital and loss of use of facilities or property, or any other similar damage or loss whatsoever; and
- (d) all limitations, protections and exclusions of liability contained in any provincial or federal legislation are in addition to and not in derogation of or substitution for the limitations of the MD's liability contained within this bylaw.

3. Add/Revise SCHEDULE "F" SPECIFIED PENALTIES

	Section	1st offence	2nd offence*
Failure to meet Service Connection Application Conditions	Sch. A s. 3(2)	\$300.00	\$500.00
Backfill before Service Connection Inspection	Sch. A s. 6(3)(c)	\$300.00	\$500.00