

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1355-25

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND CONTROL OF ESCAPED IRRIGATION IN THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9.

WHEREAS pursuant to Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, the council of the Municipal District of Pincher Creek No. 9 may pass bylaws for municipal purposes respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or place that is open to the public;
- c) transport and transportation systems, and
- d) the enforcement of bylaws;

WHEREAS the Municipality deems it necessary to provide for the regulation and control of water being sprinkled or watered on highways, roads, lanes or open road allowances by irrigation systems;

NOW THEREFORE, be it resolved that the Council of the Municipal District of Pincher Creek No. 9, duly assembled, enacts as follows:

Part 1 - Title, Definitions and Interpretation

Title:

- 1. This Bylaw may be cited as the Escaped Irrigation Bylaw.

Definitions

- 2. In this Bylaw, the following words shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the past and future; words in the plural include the singular; words in the singular include the plural; words in the masculine gender include feminine and neuter genders; words in the feminine and neuter genders include the masculine gender. The word “shall” is always mandatory and not merely directory.
 - (a) “Council” means the Council of the Municipal District of Pincher Creek No. 9;
 - (b) “Municipal Government Act” means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or replaced from time to time;
 - (c) “Municipality” means the municipal corporation of the Municipal District of Pincher Creek No. 9 within the boundary thereof as the context requires;
 - (d) “Owner” means the person(s) or corporation shown on the Certificate of Title;
 - (e) “Peace Officer” means a person engaged by the Municipality as a Community Peace Officer, a Bylaw Enforcement Officer, a Designated Officer or a member of the Royal Canadian Mounted Police to carry out the provisions of this Bylaw;
 - (f) “Road” means a highway, road, lane and open road allowance under the jurisdiction of the Municipality;

- (g) “Provincial Offences Procedures Act” means the *Provincial Offences Procedures Act*, R.S.A. 2000, Chapter P-25 and the regulations thereunder, as amended or replaced from time to time;
- (h) “Violation Ticket” means a violation ticket issued pursuant to the *Provincial Offences Procedures Act*

Interpretation

- 3. Nothing in this Bylaw relieves a person from complying with any requirement of any lawful permit, order, or licence.
- 4. Any heading or sub-headings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- 5. Where this Bylaw refers to another Act, Bylaw, Regulation or Agency, it includes reference to any Act, Bylaw, Regulation or Agency that may amend or be substituted, therefore.
- 6. All Schedules attached to this Bylaw shall form a part of this Bylaw.

Part 2 - Responsibilities of Landowners

- 7. No Owner shall operate or allow to be operated an irrigation installation or equipment in a manner which allows water to enter into or onto any municipally controlled highway, road, lane or open road allowance within the boundaries of the Municipality.
- 8. Where water enters onto and causes damage to any municipally controlled highway, road, lane or open road allowance, the owner of the property where the irrigation installation or equipment responsible for the release of water is located, shall be responsible for any costs associated with repairing the municipally controlled highway, road, lane or open road allowance.

Part 3 - Enforcement - Offences - Violation Tickets - Penalties

Inspections

- 9. Subject to the entry notice provisions of the Municipal Government Act, a Peace Officer of the Municipality, who has been appointed as a Designated Officer, bearing proper identification, may enter a premises to conduct an inspection in order to determine whether or not this Bylaw or an Order issued pursuant to this Bylaw is being complied with.

Obstruction

- 10. No person shall interfere with or obstruct a Peace Officer conducting an investigation or taking any action under the authority of this Bylaw or the *Municipal Government Act*.

Remedial Orders

- 11. Where a Peace Officer believes, that a person has contravened any provision of this bylaw, the Peace Officer may issue a Remedial Order, pursuant to the provisions set out in Section 545 of the *Municipal Government Act*.
- 12. The owner or occupant of a premises, who is served with a Remedial Order, shall comply with the provisions and conditions set out in the Order.
- 13. Remedial Orders may be served:
 - (a) personally to the owner of the premises;

- (b) personally to an occupant, who appears to be 18 years of age or older, of the premises; or
 - (c) when personal service of the Order cannot reasonably be effected or where a Peace Officer believes the owner or occupant of the premises is evading service, the Order may be served by posting it in a conspicuous location on the premises and then sending a copy of the Order to the owner of the premises via single registered mail.
14. A Remedial Order is deemed to have been served:
- (a) Immediately, when served personally to an owner or occupant; or
 - (b) Three (3) days from the date the Remedial Order is posted on the premises and a copy is sent via single registered mail.

Remedial Orders – Review by Council

15. A person, who is served with a Remedial Order, may seek a review of the Remedial Order by submitting a request in writing to the Enforcement Services Appeal Board, within fourteen (14) days from the date the Remedial Order is served.
16. The written letter request for review pursuant to subsection 14 must contain:
- (a) the name of the person to whom the Remedial Order is directed;
 - (b) the municipal address of the premises to which the Remedial Order has been issued against;
 - (c) a day-time phone number at which the appellant may be reached; and
 - (d) a mailing or email address to which documents in relation to the appeal may be delivered.

Remedial Orders – Appeal to Court of King’s Bench

17. A person affected by the decision of the Enforcement Services Appeal Board may appeal to the Court of King’s Bench, pursuant to the provisions of Section 548 of the *Municipal Government Act*.

Remedial Orders - Enforcement

18. Pursuant to S. 549 of the *Municipal Government Act*, if a person fails or refuses to comply with a Remedial Order, the Municipality may take whatever action or measures necessary to remedy a contravention of the *Municipal Government Act*, this Bylaw or any other enactment the County is authorized to enforce or to prevent a re-occurrence of the contravention.
19. Pursuant to S. 546.1 of the *Municipal Government Act*, the Municipality may register a caveat under the Land Titles Act against the certificate of title for the land, in relation to a Remedial Order issued pursuant to S. 545 of the *Municipal Government Act*. Any such caveat must be discharged when the Order has been complied with or when the County has performed the action or measures referred to in the Order.
20. Council may add any unpaid expenses and costs associated to an action or measure taken by the Municipality to remedy a contravention, where the parcel’s owner contravened the enactment or bylaw and the contravention occurred on all or part of the parcel, pursuant to S. 553(1)(c) of the *Municipal Government Act*.

21. Council may add any unpaid expenses and costs associated to an action or measure taken by the County to remedy a contravention to the tax roll of any property for which the person is the assessed person, where that person owes money to the Municipality under S. 549(5) of the *Municipal Government Act*.

Offences and General Penalty Provisions

22. Every person who contravenes any of the provisions of this Bylaw by:
 - (a) doing any act or thing which the person is prohibited from doing; or
 - (b) failing to do any act or thing the person is required to do,is guilty of an offence.
23. Any person who is convicted on an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed, to imprisonment for not more than one (1) year.

Violation Tickets and Penalties

24. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedures Act*.
25. The specified penalty payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'A' of this Bylaw in respect of that provision.
26. The minimum penalty payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'A' of this Bylaw in respect of that provision.
27. Notwithstanding subsection 25:
 - (a) Where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the specified penalty payable in respect of the second offence is double the amount shown in Schedule 'A' of this Bylaw in respect of that provision; and
 - (b) Where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'A' of this bylaw in respect of that provision.
28. Notwithstanding subsection 26:
 - (a) Where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve(12) month period, the minimum penalty payable in respect of the second offence is double the amount shown in Schedule 'A' of this Bylaw in respect of that provision; and
 - (b) Where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the minimum penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'A' of this Bylaw in respect of that provision.

Continuing Offences

29. 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 the offence continues.

Mandatory Court or Information

30. No provision of this Bylaw shall prevent any Peace Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information instead of issuing a violation ticket.

Liability for Costs

31. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs from which he is liable under the provisions of this Bylaw or the *Municipal Government Act*.

Part 4 - General

32. A copy of a record of the municipality, certified by the person duly appointed as the Designated Officer for the same as a true copy of the original, shall be admissible evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
33. Schedule 'A' as attached, forms a part of this Bylaw.
34. It is the intention of the Council of the Municipality that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part be found invalid by a court of competent jurisdiction, it is intended that the invalid section or part shall be severable, and the remainder of the Bylaw will remain in effect.
35. It is the intention of the Council of the municipality that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.

Effective Date

36. This Bylaw shall come into full force and effect upon the date of the third and final reading.

READ a first time on this this 24 day of June, 2025.

READ a second time on this this 24 day of June, 2025.

Presented for third and final reading this 24 day of June, 2025.

READ a third time on this this 24 day of June, 2025.



Reeve



Chief Administrative Officer

Schedule ‘A’

Section Number	Description	Minimum Penalty	Specified Penalty
7	Operate / Allow to be Operate Irrigation Installation / Equipment that allows water to enter onto highway / road / lane / open road allowance	200.00	250.00
10	Obstruct Peace Officer	1000.00	1200.00
12	Fail to comply with Remedial Order	1000.00	1200.00