

## BYLAW C-\_\_\_\_-2025

**A BYLAW TO ESTABLISH EXCLUSIVE PROVISION OF WATER AND WASTEWATER UTILITY SERVICES**

WHEREAS pursuant to section 7 of the Municipal Government Act, [RSA 2000, c M-26](#) (the "Act"), a council may pass bylaws for municipal purposes respecting public utilities;

AND WHEREAS pursuant to section 33 of the Act, a municipal council may prohibit any person other than the municipality from providing the same or similar utility service in all or part of the municipality when the municipality provides a municipal utility service;

AND WHEREAS Rocky View County provides municipal utility services for water and wastewater within its boundaries;

AND WHEREAS the Council of Rocky View County deems it necessary and in the public interest to preserve the integrity, viability, and sustainability of its municipal utility systems by establishing itself as the exclusive provider of water and wastewater utility services within all or part of the County;

NOW THEREFORE, the Council of Rocky View County enacts as follows:

**TITLE**

1. This Bylaw shall be known as the "Water and Wastewater Utility Exclusivity Bylaw."

**DEFINITIONS**

2. In this Bylaw,
  - (a) "Council" means the council of Rocky View County.
  - (b) "County" means as the context requires, Rocky View County or any municipally controlled corporation that is controlled by the County.
  - (c) "existing service area" means, in respect of a rural utility, the geographic area within which the rural utility was providing a utility service to its members or shareholders as of the date of this Bylaw comes into force, as evidenced by its infrastructure, location of membership or shareholders, service connections, or other indicia of active service delivery.
  - (d) ~~(e)~~ "franchise agreement" means an agreement, including any renewal or amendment of that agreement, made in accordance with section 45 of the Act; under which the County grants a Person the right to provide a utility service in all or part of the County.
  - (e) "Person" includes an individual, partnership, corporation, or other legal entity, but does not include the County.
  - (f) "public utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
    - i. water;

ii. wastewater collection, treatment, or disposal;

and includes the thing that is provided for public consumption, benefit, convenience or use.

(g) "rural utility" means a rural utility association, co-operative, society, or non-profit corporation that has the principal object of providing any one or more of the following to its members or shareholders, primarily in a rural area:

i. water, primarily for domestic use, and

ii. wastewater collection, treatment, or disposal.

~~(h) (d) "utility service" means the thing provided by a system or works of a public utility for the conveyance, treatment, and distribution of water or the collection and treatment of wastewater.~~

~~(e) "Person" includes an individual, partnership, corporation, or other legal entity but does not include the County or a municipally-controlled corporation of the County.~~

### EXCLUSIVITY OF SERVICE

3. No Person other than the County shall provide, for public consumption, benefit, convenience or use ~~a, the same or a similar type of~~ utility service ~~without in all or part of~~ the County's ~~express written authorization, except as authorized by Council~~ under a franchise agreement.
4. Council may authorize a Person ~~other than the County~~ to provide such a utility ~~services~~service by franchise agreement in accordance with section 45 of the Act on such terms and conditions as Council considers appropriate.

### EXCLUSIONS

5. ~~Any authorization granted prior to the enactment of this Bylaw remains valid, subject to its terms. Notwithstanding Section 3 of this Bylaw, nothing in this Bylaw prohibits or restricts the provision of:~~
  - (a) a utility service by a Person in accordance with a franchise agreement; or
  - (b) water, primarily for domestic use, or wastewater collection, treatment, or disposal by a rural utility within its existing service area.

### EXISTING FRANCHISE AGREEMENTS AND BYLAWS

6. ~~This~~Nothing in this Bylaw ~~does not~~operates to invalidate, impair or limit the ~~continued operation of water or wastewater utility services provided under a valid~~rights or obligations of any party under a franchise agreement ~~entered into prior to the passing of~~that is valid and subsisting on the date this Bylaw: comes into force, including, without limitation, any right or obligation:
  - (a) to provide a utility service within an exclusive or non-exclusive service area identified in that agreement; or
  - (b) to renew the agreement in accordance with its terms.

7. ~~Nothing in this Bylaw repeals, replaces, or amends any bylaw enacted under Section 46 of the Act.~~

**INSPECTION**

8. ~~7.~~ For the purpose of ensuring compliance with this Bylaw, a designated officer of the County is authorized to inspect any land or structure in accordance with Section 542 of the Act.

**OFFENCE**

9. ~~8.~~ Any Person who contravenes this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine of not more than \$10,000 or to imprisonment for not more than one year, or both fine and imprisonment.

10. ~~9.~~ Where a corporation or other legal entity contravenes any provision of this Bylaw, every shareholder, director, officer, employee, or agent who directed, authorized, assented to, acquiesced in, or participated in the commission of the offence is guilty of an offence and is liable to the penalties provided under this Bylaw, whether or not the corporation or entity has been prosecuted or convicted.

11. ~~10.~~ It is not a defence for a Person referred to in section 9 that the Person believed the corporation or entity had the authority to provide a utility service unless a valid franchise agreement evidences such authority.

12. ~~11.~~ If a contravention of this Bylaw is of a continuing nature, it shall constitute a separate offence for each day, or part of a day, on which it continues.

**SEVERABILITY**

13. ~~12.~~ If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the Bylaw shall remain in effect.

**COMING INTO FORCE**

14. ~~13.~~ This Bylaw comes into force on the date it is passed.

READ A FIRST TIME this \_\_\_ day of \_\_\_\_\_, 2025.

READ A SECOND TIME this \_\_\_ day of \_\_\_\_\_, 2025.

READ A THIRD TIME and finally passed this \_\_\_ day of \_\_\_\_\_, 2025.

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Reeve  
\_\_\_\_\_

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Chief Administrative Officer

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