

BY-LAW NO. 13-11

- of -

THE R.M. OF SPRINGFIELD

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF SPRINGFIELD PROVIDING FOR REGULATING AND CONTROLLING THE DRILLING AND DECOMMISSIONING OF WELLS IN THE RURAL MUNICIPALITY OF SPRINGFIELD.

WHEREAS Section 232(1) of the Municipal Act of Manitoba provides in part as follows:

- 232(1) "A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
 - ...
 - (l) public utilities;
 - ...
 - (o) the enforcement of by-laws.

AND WHEREAS Section 232(2) of the Municipal Act of Manitoba provides in part as follows:

- 232(2) Without limiting the generally of subsection (1), a council may in a by-law passed under this Division:
- (a) regulate or prohibit;
 - ...

AND WHEREAS Section 242(1) of the Municipal Act of Manitoba provides as follows:

- 242(1) "If a designated officer finds that a person is contravening a by-law or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require."

AND WHEREAS Section 242(2) of the Municipal Act of Manitoba provides as follows:

- 242(2) "The order may
- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
 - (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or by-law, including the removal or demolition of a structure that has been erected or placed in contravention of a by-law and, if necessary, to prevent a reoccurrence of the contravention;

- (c) state a time within which the person must comply with the directions; and
- (d) state that if a person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person."

AND WHEREAS Section 250(2) of the Municipal Act of Manitoba provides in part as follows:

- 250(2) "...a municipality may for municipal purposes do the following:
- (b) construct, operate, repair, improve and maintain works and improvements;
 - (c) acquire, establish, maintain and operate services, facilities and utilities;
 - (e) use municipal equipment, materials and labour to carry out private works on private property."

AND WHEREAS Section 252(1) of the Municipal Act of Manitoba provides as follows:

- 252(1) "A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including:
- (a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
 - (b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
 - (c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions."

AND WHEREAS Section 252(2) of the Municipal Act of Manitoba provides as follows:

- 252(2) "A charge referred to in clause (1)(a) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act."

AND WHEREAS the Rural Municipality of Springfield owns and operates municipal water facilities within the limits of the said municipality.

AND WHEREAS the Council of the Rural Municipality of Springfield deems it advisable to prohibit and regulate the drilling of wells within the Municipality;

NOW THEREFORE the Council of the Municipality in open session assembled, hereby enacts as follows:

DEFINITIONS

- 1) That unless the context otherwise requires, where used in this By-law:
 - a) **"By-law Enforcement Officer"** means the Designated Officer or by-law enforcement officer of the Rural Municipality of Springfield or such other authority as may be lawfully appointed by the Rural Municipality of Springfield to administer and enforce this By-law from time to time;
 - b) **"Designated Officer"** shall mean the Chief Administrative Officer, Director of Engineering or Development Officer of the Municipality of Springfield or a person appointed for the purposes of by-law enforcement;

- c) **“Municipality”** means the Rural Municipality of Springfield;
- d) **“Person(s)”** means any individual and includes corporations, firm, partnership or association;
- e) **“Property”** or **“Properties”** means any real property contained within the boundaries of the Rural Municipality of Springfield;
- f) **“Owner”** means the Person registered as owner of the Property upon which the Well is situated;
- g) **“Well”** means any opening made by drilling into the ground for the purpose of obtaining ground water or scientific data on ground water, whether water is obtained or not.

SCOPE OF BY-LAW

- 2) This By-law shall apply to all properties within the Municipality having access to municipal water source fronting or on its boundary and shall connect to the municipal water system except as provided by this By-law.
- 3) Any Properties with a pre-existing Well that is considered to be in good operating condition, and which have a municipal water source fronting or on its boundary shall be entitled to continue to use the Well until such Well fails, requires structural modification, or deepening, or is considered to be a risk to water quality, at which time the Owner of the Property shall be required to connect the Property to the municipal water source and the Well shall be decommissioned in accordance with this By-law and Provincial Guidelines at the Owner's Cost.
- 4) Any Property connecting to a municipal water source in accordance with this By-law shall be required to make an application for a Municipal Water Connection Permit and pay the applicable fees and capital lot levies in accordance with the Municipality's Fees and Charges By-law.
- 5) Any Property which has no Well or a pre-existing Well and has a municipal water source fronting or on its boundary shall not be allowed to drill a new Well or modify or deepen an existing Well for any reason whatsoever and shall be required to connect to the municipal water source.
- 6) Any property with a pre-existing well that is considered to be in good operating condition, and the Owner having been connected to a municipal water source fronting or on its boundary, may continue to use the well for purposes such as irrigation until such time until such Well fails, requires structural modification, or deepening, or is considered to be a risk to water quality. There shall be no cross connection between the Well and the Municipal water source, and the municipal water source shall have an appropriate backflow prevention device installed at the water meter and approved by the Designated Officer.

DECOMMISSIONING OF EXISTING WELL

- 7) Any property with a municipal water source fronting or on its boundary, which has a Well that has not been used for a period of two (2) years or is deemed as not being maintained in good operating condition as determined by the Designated Officer or considered to be a threat to water quality, then said Well shall be, at the discretion of the Designated Officer, deemed to be abandoned or a risk to water quality, then said Well shall be sealed, at the Owner's cost, by a licensed well water driller following provincial guidelines and a copy of the abandonment well report shall be delivered to the Designated Officer in the Planning and Development Department of the Municipality.

CONTRAVENTION

- 8) Any Person who contravenes any of the provisions of this By-law is guilty of an offence and is liable on summary conviction to a fine of not less than \$500.00 and not exceeding \$1,000.00.
- 9) Where the contravention, refusal, neglect, admission or failure to comply with any provision of this By-law continues for more than one day, the Person is guilty of a separate offence for each day that it continues.
- 10) Where, in the opinion of the Designated Officer, a Person does not meet the requirements of this By-law or where the Owner of a Property or the Person, as the case may be, has commenced drilling, construction or boring of a Well in contravention of this By-law, the Designated Officer may issue an order to the Owner of the Property, by registered mail or personal service that directs the Owner of the Property to undertake any required steps to bring the Property into compliance with this By-law within 30 days of the date the order is served on the Owner.
- 11) Where a Person or Owner to whom an order has been issued pursuant to section 10 above, fails to abide by the terms of such order within the time frame stipulated therein, the Municipality shall have the right to cause any work required by such order to be done and to enter onto the Property for such purpose. The Municipality shall be entitled to recover the costs for completing the work from the Owner of the Property as a debt payable to the Municipality.
- 12) Any fee, penalty, or fine levied or charged under this By-law shall be a debt owed by the Owner of the Property to the Municipality and same may be collected in any manner in which a tax owed to the Municipality may be collected or enforced under the Municipal Act of Manitoba.

VALIDITY AND SEVERABILITY

- 13) Should any section, sub-section, clause, paragraph, or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this By-law or the By-law as a whole.

- 14) If any provision of the By-law is inconsistent with any Act or Statute in force in the Province of Manitoba the provisions of the applicable Act shall prevail.

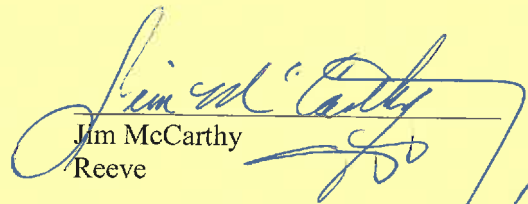
INTERPRETATION

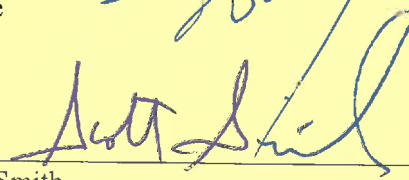
- 15) Words used in the singular shall have corresponding meanings when used in the plural.
- 16) "May" shall be construed as permissive.
- 17) "Shall" shall be construed as imperative.

FORCE AND EFFECT

- 18) This By-law shall come into full force and effect on the date of the passage thereof and shall apply to all Wells whether bored, drilled, constructed, built, created or used prior to or after the coming into force of this By-law.

DONE AND PASSED by the Council of the Rural Municipality of Springfield this 17th day of December, 2013.


Jim McCarthy
Reeve


Scott Smith
Chief Administrative Officer

Read a first time this 19th day of November A.D. 2013.
Read a second time this 10th day of December A.D. 2013.
Read a third time this 17th day of December A.D. 2013.