

BY-LAW #18/17

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Being a By-Law of the Rural Municipality of Rockwood to regulate the Stony Mountain and Rockwood Sensitive Area Water System (Municipal water system).

WHEREAS, pursuant to Section 232(1)(L) of the Municipal Act, a municipality is given power to regulate and control its Municipal water system;

AND WHEREAS the Council of the Rural Municipality of Rockwood deems it expedient and desirable to regulate the Stony Mountain and Rockwood Sensitive Area Water System;

NOW THEREFORE the Council of the Rural Municipality of Rockwood, duly assembled in Council, enacts as follows:

1. In this By-Law the following terms shall have the following meaning:
  - a. "**Building**" means a building used for residential, educational, religious, recreational, industrial, or commercial use.
  - b. "**Domestic purposes**" means the use of water for drinking, washing, cooking and sanitary purposes, and includes watering of a lawn and garden.
  - c. "**Farming**" means commercial crop production and includes tillage of soil, livestock production, raising poultry, dairy farming, fur farming, tree farming, bee keeping, fish farming, horticultural production, including flowers and shrubs, and any other activity undertaken to produce agricultural products on a commercial basis.
  - d. "**Municipal water system**" means collectively the water systems operated by the Municipality servicing properties within the Municipality, and includes all infrastructure and works necessarily incidental to the distribution of water by the Municipality.
  - e. "**Occupier**" means a person who, with respect to land, is a lessee, licensee, invitee, permittee, purchaser, squatter and includes a party claiming through or under such person.
  - f. "**Owner**" means a person who is the owner of a freehold estate in the property, and includes:
    - i. a person who is an owner with another person as joint tenant or tenant in common of a freehold estate; and
    - ii. a person who is the registered owner of a unit under the Condominium Act.
  - g. "**Property**" means the aggregate of all land described in any manner in a certificate of title.
  - h. "**Property's water system**" means that part of a water system located on an Owner's or Occupier's land including all lines, connections, equipment, and infrastructure used for collecting and conveying water but does not include a well.
  - i. "**Rockwood Sensitive Area**" means the area defined in the Rockwood Sensitive Area Regulation No. 121/94 under the Environment Act.
  - j. "**Standards**" means the standards and specifications set out in Schedule B to this By-law.

- k. **"Utilities manager"** means the person(s) appointed under section 21 in this By-law.
  - l. **"Water system"** means a well, or a device or structure or an assemblage of devices and structures, used or intended to be used for the production, treatment, storage or delivery of water for domestic purposes.
2. This By-Law contains the following Schedules:  
  
Schedule A: Fees and costs to be paid by the Owner or Occupier of Property;  
  
Schedule B: Standards and specifications for the Municipal water system;  
  
Schedule C: Map of the Rockwood Sensitive Area

#### **Application of By-law**

3. This By-Law applies to lands, buildings, structures and improvements serviced by a Water system.

#### **Property serviced by the Municipal water system on the coming into force of this By-law**

4. The Owner or Occupier of a Property serviced by the Municipal water system on the coming into force of this By-law must ensure the Property's water system remains connected to and serviced by the Municipal water system.
5. If a Property serviced by the Municipal water system on the coming into force of this By-law is also serviced by a well, the Owner or Occupier must disconnect the well from the Property's water system, stop receiving domestic water from the well.

#### **Property not serviced by the Municipal water system but located adjacent to the Municipal water system's water line on the coming into force of this By-law**

6. Where Property not serviced by the Municipal water system is serviced by the Property's water system, and is located adjacent to the Municipal water system's water line on the coming into force of this By-law, the Owner or Occupier of a Property must connect the Property's water system to the Municipal water system by no later than one year from the date of application. If the Property is serviced by a well, the Owner or Occupier prior to connecting to the Municipal water system must disconnect the well from Property's water system, stop receiving water from the well.

#### **Property serviced by a Property's water system and not serviced by and not located adjacent to the Municipal water system's water line on the coming into force of this By-law**

7. Where Existing Property not serviced by the Municipal water system and is serviced by the Property's water system serviced by a well, is not located adjacent to the Municipal water system's water line, and is located within the Rockwood Sensitive Area, the Owner or Occupier of a Property on the coming into force of this By-law must apply in writing for approval within one year from the date of application, to remain hooked up to the current property water system.

#### **Property not serviced by a Property's water system or the Municipal water system and located adjacent to the Municipal water system's water line**

8. The Owner or Occupier of a Property not serviced by a Property's water system or the Municipal water system and located adjacent to the Municipal water system's water line must connect to the Municipal water system upon construction of the Property's water system.

#### **Extension of the Municipal water system's water line**

9. Where Property serviced by the Property's water system and not located adjacent to the Municipal water system's water line on the coming into force of this By-law, becomes located adjacent to the Municipal water system's water line after extension of the Municipal water system's water line, the Owner or Occupier of a Property must connect the Property's water system to the Municipal water system immediately upon being given notice by the Municipality on the availability of the Municipal water system to service the Property. If the Property is serviced by a well, the Owner or Occupier prior to connecting to the Municipal water system must disconnect the well from Property's water system, stop receiving water from the well, and decommission the well.

#### **Continued use of well water**

10. Despite sections 4 to 9, an Owner or Occupier of a Property is not required to decommission a well and may use water from a well for a geothermal system or Farming uses. In such cases, water from the well must not be used for domestic purposes.
11. The Owner or Occupier of a Property must ensure there is no cross-connection or contamination between water from a well operated under section 10 and the Property's water system connected to the Municipal water system.

#### **Restriction on wells and the use of well water**

12. Within the Rockwood Sensitive Area, no person may construct a new well or replace an existing well, without approval by Resolution of Council. Elsewhere, no person may construct a new well or replace an existing well except as permitted under section 10.

#### **Determining if a Property is adjacent to the Municipal water system's water line**

13. In this By-law, a Property is considered adjacent to the Municipal water system's water line if a Building serviced by the Property's water system is within 500 feet of the Municipal water system's water line.

#### **Application for a permit**

14. No person shall construct, alter, relocate, remove, repair or change a Property's water system or connect a Building to or receive water from the Municipal water system ("Work") without first obtaining a permit.
15. Where a permit is required, no preparatory work, including excavation, may take place on the property before the permit is obtained.
16. An application to the Municipality for a permit may be made by the Owner or a person authorized in writing by the Owner. The application must include:
  - a. a completed and signed application form;
  - b. information as to the location of the Building, the intended water connection and the water line infrastructure to be located on the property;
  - c. if the property uses water from a private well, information on disconnecting the private well connection and decommissioning the private well;
  - d. plans and specifications of the proposed work in sufficient detail to show that the proposed work complies with this By-law, and the Municipality's requirements for connection to the Municipal water system; and
  - e. the fee provided for in Schedule A.

17. If the Municipality considers the proposed work or the application warrants it, the Municipality may require an applicant to submit in connection with application further information ensuring this By-law and the Municipality's requirements are met.
18. The Municipality may issue a permit to the applicant if, on the basis of the application and the information supplied, it appears to the Municipality that the proposed connection complies with this By-law and the Municipality's requirements.
19. A permit is issued in the name of the Owner, and where the applicant is not the Owner, to the Owner and the applicant jointly.
20. A permit may be issued subject to conditions, including the payment of a water service connection fee set out in Schedule A.

**Utilities manager**

21. The position of Utilities manager is established. The Utilities Manager shall be appointed by Council resolution.
22. The Utilities manager shall have all powers, duties, discretion and functions of a designated officer set out in the Municipal Act. The Utilities manager is authorized to carry out the powers, duties and functions of a designated officer under this By-law.
23. The Utilities manager must:
  - a. keep records of applications and plans received, inspections and tests made, permits and orders issued, and all other reports and documents connected with the Utilities manager's functions; and
  - b. examine and process applications and plans received.
24. The Utilities manager shall have the power to:
  - a. administer, inspect and enforce this By-law;
  - b. order Work to stop if a permit has not been obtained;
  - c. order Work to stop until a condition is rectified, if in the Utilities manager's opinion,
    - i. Work is not being carried out in compliance with the permit, plans submitted, a condition under which a permit was issued, the Standards this By-law or any other by-law, or provincial laws or regulations, or
    - ii. there is an unsafe condition;
  - d. order Work to be done to make the Property's water system comply with the Standards and this By-law;
  - e. revoke a permit if
    - i. it was issued in error,
    - ii. the Work has not started within 6 months of the issuance of the permit,
    - iii. a condition under which the permit was issued has not been met,
    - iv. there is unauthorized deviation from the approved plans, or
    - v. the Work does not comply with the Standards and this By-law;
  - f. enter, inspect and be provided free and clear access to any premises to
    - i. administer and enforce this By-law,

- ii. examine a Property's water system,
- iii. determine whether the requirements of this By-law are being complied with;
- g. disconnect a Property's water system from the Municipal water system if in the Utilities manager's opinion
  - i. any of the reasons for stopping Work or revoking a permit exist as set out in this section,
  - ii. the Property's water system does not comply with the Standards or this By-law,
  - iii. the Property's water system is not in a good repair or working order,
  - iv. there is any unsafe condition, or
  - v. a person has not complied with the Utilities manager's order;
- h. the power to discontinue the water service from the premises until such time as the requested access is provided and/or obtain a court order allowing the access where the Owner or occupier does not provide the requested access;
- i. to take such action as is required to achieve compliance with this By-law.

**Owner's responsibilities**

- 25. The Owner must ensure that the Work complies with the Standards and this By-law, and any condition under which a permit was issued. The issuance of a permit and inspection by the Municipality do not relieve the Owner of this responsibility.
- 26. The Owner is liable for the cost of repairing damage to municipal property including roads, drains, and the Municipal water system occurring in the course of or as a result of the Work. If the holder of a permit is not the Owner, the holder and the Owner have this liability jointly and severally.
- 27. The Owner must operate and maintain the Property's water system in compliance with the Standards and this By-law, including keeping it in good repair and working order.

**Water line freezing**

- 28. The Municipality is not responsible for a Property's water system water line freezing. An Owner or Occupier may request the Municipality's assistance in thawing or repairing a frozen water line for a Property's water system. The Municipality may assist in thawing a frozen line for the fee set out in Schedule A.

**Water meter**

- 29. The Municipality shall supply (but not install) one water meter for each water service connection; such meter shall be suitable in size and in all other respects for such service pipe, and the costs of any replacement water meters including the installation thereof shall be the sole responsibility of the Owner. Upon the installation of the water meter, the ownership of the meter shall remain with the Municipality.
- 30. Upon installation of a water meter, the Municipality shall inspect the meter installation for compliance with the Standards. No person shall make water available to any building without first having the water meter installation inspected and approved by the Municipality.
- 31. The Municipality will repair or replace, but not install, a water meter at no cost to the Owner, if such repair or replacement is required as a result of normal deterioration of the meter.
- 32. Should repair or replacement of the water meter be required other than as a result of normal

deterioration, the Owner shall be responsible for the Municipality's costs to repair or replace the meter. The Municipality shall determine in its sole opinion whether a water meter needs repair or replacement as a result of normal deterioration or otherwise. The Owner must pay the Municipality within 30 days of being invoiced.

33. The water meter must be connected on the incoming line from Municipal water system. All water from the Municipal water system supplied to the Property must pass through the water meter. No Owner or occupier may permit water from the Municipal water system to bypass and not flow through the water meter.
34. No person may break, remove or tamper with the seal on a water meter. The Owner or Occupier must ensure the seal on the water meter is not broken or tampered with. The Owner or Occupier must inform the Municipality immediately upon learning of a seal on a water meter becoming broken or having been tampered with.

#### **Review**

35. An Owner, applicant or holder of a permit may request Council to review a decision or order of the Utilities manager by giving written notice to the Chief Administrative Officer within 14 days of receiving the decision or order.
36. Upon receiving a request for review, the Chief Administrative Officer must set a date and time for the review by Council, and notify the person of the date of the review.
37. Council will convene the review at the time and place set out in the notice. The person who made the request may appear in person or by counsel. After reviewing the decision or order, Council may confirm, vary, substitute or cancel the decision or order.

#### **Offence and costs**

38. A person who contravenes this By-law or a condition of a permit, including an Owner on whose land a contravention takes place, is guilty of an offence and is liable to:
  - a. a fine of not more than \$1000;
  - b. a penalty equal to the Municipality's cost of enforcement;
  - c. in the case of a contravention of section 14, a penalty equal to double the permit fee; and
  - d. where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues, pursuant to Section 249(2) of the Municipal Act.
39. The following amounts may be collected and enforced by the Municipality in the same manner as a tax may be collected or enforced under the Municipal Act:
  - a. a fine or penalty imposed on conviction;
  - b. the cost of repairing damage to municipal property that occurs in the course of work;
  - c. the cost of an action taken by the Utilities manager or the Municipality to administer or enforce this By-law under the Municipal Act.

#### **Repeal and transitional**

40. By-law No. #15/15 is repealed.
41. Permits, orders and decisions made under the repealed by-law remain in effect, unless revoked or changed under this By-law.

42. An application for a permit that was made under the repealed by-law but not granted continues under this By-law.

**DONE AND PASSED** by the Council of the Rural Municipality of Rockwood, in meeting duly assembled, at the Town of Stonewall, in the Province of Manitoba, this 12<sup>th</sup> day of October, 2017

**THE RURAL MUNICIPALITY OF ROCKWOOD**



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JIM CAMPBELL, REEVE



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CHRIS LUELLEMAN, CAO

GIVEN First Reading this 13<sup>th</sup> day of September, A.D. 2017.  
GIVEN Second Reading this 12<sup>th</sup> day of October, A.D. 2017.  
GIVEN Third Reading this 12<sup>th</sup> day of October, A.D. 2017.

**SCHEDULE "A"**  
**TO**  
**BY-LAW #18/17**

**Fees/costs to be paid for the following services:**

**1. DISCONNECT WATER – NON-EMERGENCY - \$75.00 per Disconnection**

**a) Temporary Disconnection:**

- Renovations; or
- Property Owner is out of town for more than 30 days due to vacation or work.
- Water to be reconnected upon completion of renovations or Property Owner has returned from vacation/work as described in previous paragraph.

**Responsibility of Property Owner:**

- "Request for Disconnection from Utility System at Curbstop" Form shall be completed by the Property Owner;
- Fee/cost of \$75.00 to be paid by the Property Owner to the Rural Municipality of Rockwood prior to the Municipality disconnecting the water;
- Property Owner or manager to be present when water is disconnected; and
- The Property Owner shall be responsible for the flat-rate quarterly billings while the water is disconnected

**b) Permanent Disconnection:**

- Due to Demolition/Removal of Building with Property to remain vacant;
- Fee/cost of \$75.00 to be paid by the Property Owner to the Rural Municipality of Rockwood prior to the Municipality disconnecting the water; and
- Property Owner or manager to be present when water is disconnected.

**Responsibility of Property Owner:**

- "Request for Disconnection from Utility System at Curbstop" Form shall be completed by the Property Owner;
- Fee/cost of \$75.00 to be paid by the Property Owner to the Rural Municipality of Rockwood prior to the Municipality disconnecting the water; and
- Property Owner or manager to be present when water is disconnected.

**2. DISCONNECT WATER - EMERGENCY - No Charge**

- Due to emergency repairs being required to the water lines on private property, being between the curbstop and the outside meter on the serviced building.
- Re-connection must take place within 48 hours of the disconnection.



**Responsibility of Property Owner:**

- "Request for Disconnection from Utility System at Curbstop due to Emergency Repairs" Form shall be completed by the Property Owner prior to the Municipality disconnecting the water; and
- Property Owner or manager to be present when water is disconnected.

3. **RE-CONNECT WATER – NON EMERGENCY** - \$75.00 per Connection

- Water to be re-connected after "temporary" disconnection pursuant to Paragraph No. 1.a) above.

**Responsibility of Property Owner:**

- "Request for Re-Connection to Utility System at Curbstop" Form shall be completed by the Property Owner;
- Fee/cost of \$75.00 to be paid by the Property Owner to the Rural Municipality of Rockwood prior to the Municipality re-connecting the water; and
- Property Owner or Property manager to be present when water is re-connected.

4. **RE-CONNECT WATER – EMERGENCY** - No Charge

- Water to be re-connected after emergency repairs being completed to the water lines on private property, being between the curbstop and the outside meter on the serviced building.

**Responsibility of Property Owner:**

- "Request for Re-connection to Utility System at Curbstop due to Emergency Repairs" Form shall be completed by the Property Owner prior to the Municipality re-connecting the water; and
- Property Owner or manager to be present when water is re-connected; and

5. **Thaw Frozen Water Lines on Private Property** - Actual costs

6. **Installation of Water for New Construction from the Main Line to the Property Line:**

a) **Service Application Information**

- All applicants must fill out the application for service connections as well as pay the fees associated with the application before work is to commence.
- Should any of the costs below be more than the fees collected the Rural Municipality of Rockwood shall invoice the applicant for the balance.

b) **Service Fee Information**

i) **Residential:**  
Connections

<b><u>- Fees Associated with connections:</u></b>	
Permit Fee	\$125.00
Connection Fee	\$8,500.00
Water Meter	\$625.00
Inspection Fee	\$300.00
<b><u>Restoration Fee</u></b>	<b><u>\$950.00</u></b>
<b>Total</b>	<b>\$10,500.00</b>

ii) **Commercial / Industrial:**  
Connections

<b><u>- Fees Associated with connections:</u></b>	
Permit Fee	\$125.00
Connection Fee	\$8,500.00
Water Meter	\$625.00
Inspection Fee	\$300.00
<b><u>Restoration Fee</u></b>	<b><u>\$950.00</u></b>
<b>Total</b>	<b>\$10,500.00</b>

**SCHEDULE "B"**  
**TO**  
**BY-LAW #18/17**

**SPECIFICATIONS FOR UTILITY HOOK-UPS:**

**A. WATER SERVICE PIPE**

- O.D. Tubing sizes series 160 HDPE potable water polyethylene C.S.A. certified and factory marked CAS B137.1 / 25mm (1")
- 25 mm (1") compression with stainless steel insert to a 25 mm (1") ball valve

All services to be installed with continuous pipe lengths. Where distances may require joining pipe ends, the use of couplers will adhere to manufacturer's recommendations for connection to polyethylene tubing. Only brass Mueller compression stainless steel inserts for poly tubing is approved. At the curbstop, inserts must be used and at valve connections in building.

The installation of water pipe will be in common trench with the sewer. The pipe will be connected to the existing compression-type end Mueller curbstop at the property line. A minimum cover of 2.43 metre (8 feet) will be maintained up to the "entry into building".

The Municipality may approve some deviation at the building provided the piping is insulated by an approved insulating material. Rigid 50mm (2") sm will be a preferred choice. The water and sewer lines running across the driveway or roadway **MUST** be insulated.

Entry into the building in the case where the sewer pipe is connected at the building will be through an opening by the Contractor or by others. The pipe will be placed alongside the sewer in the case of sewer entry into building. **Requirement is for all outside taps to have vacuum breakers on for backflow prevention.**

Only one (1) water service line to service one (1) building

**B. SERVICE LINES**

**i) Residential Water Service Line**

- a. Residential water service line shall be 25mm (1") Series 200 poly, no copper service line. Each service line shall include a dual check valve connected directly to water meter and have an expansion tank installed on the system after the check valve.
- b. Water meter to be installed in the horizontal position only.

**ii) Commercial / Industrial Water Service Line**

- a. Commercial / Industrial water service lines shall be either 38mm (1 1/2") or 50mm (2") in size. Series 200 poly (municipal tubing), no copper service line, must have a lockable meter bypass in accordance with MPC / AWWA Specs. Industrial, commercial and institutional buildings will have testable backflow prevention installed. The backflow to be tested each year at property owner's expense.
- b. Water meter to be appropriate size and installed in the horizontal position only.

**C. CURBSTOP DURING CONSTRUCTION**

All curbstops shall be Mueller compression-type ends, be visible and accessible and clearly marked with 2"x 6" board on 4 sides of curbstop, 1.2 meters (4 feet) above ground and painted blue so water may be turned on by the Municipality. If not visible, it shall be the property owner's responsibility to make said curbstop visible and accessible at all times. Services boxes to be poly boot only and marked "Water".

Fibreglass valve box required post construction.

Curbstop to be operated by Municipal Utility Department / Designated Officer only.

Curbstop to be maintained/adjusted by Municipality only.  
Curbstops shall not be located in a driveway or pathway.

**D. RESTORATION OF CURBSTOP**

Due to excavation on private property, the Municipality shall be responsible to repair the curbstop, including topsoil and grass seed.

Time frame re: warranty period – 1 year from date of repair.

**E. BEDDING AND INSTALLATION**

- All pipe installations will adhere to manufacturer's recommendations.
- Sand shall be placed around and above water pipes by hand shovel and hand-tamped to no less than 200mm (8") above the pipes.

**F. INSPECTION**

- All work, prior to being covered, is to be inspected by a duly authorized certified utility personnel of the Rural Municipality of Rockwood.
- Twenty-four (24) hours' notice is required for an inspection.