

RURAL MUNICIPALITY OF ROSSER

By-law No. 4-17

Being a By-law to Regulate the Use of the Lilyfield Well

WHEREAS, pursuant to The Municipal Act, S.M. 1996, c. 58 – Cap. M225, a council may pass a by-law for municipal purposes respecting the following matters:

“Spheres of jurisdiction

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;*
- (o) the enforcement of by-laws.*

Exercising by-law making powers

232(2) *Without limiting the generality of subsection (1), a council may in a by-law passed under this Division*

- (a) regulate or prohibit;*
- (b) ...*
- (c) ...*
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;*
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:*
 - (i) establishing fees, and terms for payment of fees for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,*
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,*
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the cost of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law,*

Contravention of by-law is an offence

249(1) *A person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction to a fine of not more than \$500.00 or to imprisonment for a term of not more than three months, or both.*

Continuing offence

249(2) *Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.*

Disposition of fines

249(3) *A fine imposed for contravening a by-law of a municipality must be paid to the municipality.*

AND WHEREAS the Council of the Rural Municipality of Rosser deems it expedient and desirable to regulate the access and use of the Lilyfield Well;

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

1. In this By-Law the following terms shall have the following meaning:
 - a. **“Agricultural”** means practice of cultivating the soil, producing crops and raising livestock;
 - b. **“Assessment Roll”** means a document that records assessments that are made in respect of properties described in the document and includes a real property assessment roll;

RURAL MUNICIPALITY OF ROSSER

By-law No. 4-17

- c. “**By-law**” means a by-law of the Municipality to regulate the licencing and the use of the Well;
 - d. “**Commercial**” means a business operating in the Municipality;
 - e. “**Council**” means the Council of the Municipality;
 - f. “**Designated Officer**” means the By-law Enforcement Officer or other such person as may be authorized in writing by the Council of the Rural Municipality of Rosser to exercise some or all of the powers vested in him or her by this By-law;
 - g. “**Fire Protection**” means the measures and practices for prevention or reducing injury and loss of life or property;
 - h. “**Key Fob Fee**” means a rate charged for a Key Fob that provides the right of access to the Well;
 - i. “**Municipality**” means the Rural Municipality of Rosser or their designated representative;
 - j. “**Non Potable Water**” means untreated, not fit or suitable for drinking, but which may still be used for other purposes;
 - k. “**Registered Owner(s) of Land**” means a person who owns land in the Municipality, as per the latest revised Assessment Roll, but does not reside in the Municipality;
 - l. “**Remote Control**” means the key fob remote that allows access to the Well;
 - m. “**Resident(s)**” means a person whose ordinary place of residence is within the Municipality;
 - n. “**Residential**” means for personal use;
 - o. “**Well**” means the Lilyfield Well located at part of the North East Section Eight, Township Twelve, Range Two East of the Principal Meridian (NE 8-12-2 EPM), civic address of 7 151E Road 68N;
- 2. That the Municipality, at its sole discretion, shall provide key fobs to access the Well for Agricultural, Residential and Commercial purposes within the Municipality.
 - 3. That a Person wishing to receive water from the well must submit application for a Lilyfield Well Key Fob Permit to the Municipality. The Designated Officer will review the application, confirm eligibility to receive a Key Fob and if eligible a permit will be issued. Lilyfield Well Key Fob Permit Application attached as Schedule “A”. Upon issuance of the permit, additional applications will only be required if original permit has been terminated or Key Fob lost.
 - 4. That each Permit will entitle the applicant to one Key Fob.
 - 5. That the hose must be fully removed from the tank prior to departing the Well area. If damages occur to the Well equipment or hose, costs will be the responsibility of the Well Key Fob Permit holder.
 - 6. That the Well Key Fob Permit holder must assure that the water is turned off at the Well prior to departing the area.

RURAL MUNICIPALITY OF ROSSER

By-law No. 4-17

7. That the Key Fob Fee and Replacement are as follows:
 - a. Initial Key Fob Fee - \$100.00;
 - b. Replacement of Key Fob Fee - \$150.00;
 - c. The initial Key Fob Fee, less a \$25.00 administration fee, will be returned, if application is not approved.
8. That the Municipality and Fire Protection are is exempt from the Key Fob Fee requirements of this By-law.
9. Every person who contravenes or refuses, neglects or fails to obey or observe any provision of this By-law is subject to the following penalties:
 - a. Is guilty of an offence and is liable upon summary conviction to a fine of not less than \$500.00 and/or:
 - i. For the first breach within a calendar year, there shall be a 30 day suspension for privileges to use the Well;
 - ii. For the second breach within a calendar year, there shall be a 60 day suspension for the privileges to use the Well;
 - iii. For a third breach within a calendar year, there shall be a suspension for a minimum of one (1) year for privileges to use the Well.

DONE AND PASSED as a by-law of the Rural Municipality of Rosser at 0 077E PR 221, Rosser in Manitoba this 28th day of February, 2017.

Frances Smee
Reeve

Beverley Wells, CMMA
Chief Administrative Officer

READ A FIRST TIME this 14th day of February, 2017.

READ A SECOND TIME this 28th day of February, 2017.

READ A THIRD TIME this 28th day of February, 2017.

RURAL MUNICIPALITY OF ROSSER

By-law No. 4-17

Schedule “A”

Lilyfield Well Key Fob Permit Application:

I hereby make application for a Key Fob to the Lilyfield Well under the terms and conditions herein set forth.

Name of Applicant: _____ Date: _____

Mailing Address: _____ Phone: _____

Civic Address: _____ Roll No: _____

Resident ☐ Registered Owner of Land ☐ FOB No. _____

Commercial ☐

Application Number: _____

When requesting application for a Key Fob to the Well, the Applicant acknowledges and accepts the following:

1. The Well is to be used by approved applicants for Agricultural, Residential, Commercial, and Fire Protection purposes within the Rural Municipality of Rosser only.
2. The approved applicant is solely responsible for the Key Fob.
3. The Municipality reserves the right to refuse access to the well.
4. The Well must be respected and used within the terms set forth in By-law No. 4-17 and as amended.
5. The Applicant must pay the Key Fob Fee of \$100 with the application.

I, _____, the Applicant, hereby acknowledge and accept the above mentioned terms.

Date

Applicant Signature