



**RM of Rosthern
No. 403**

BYLAW 7.2016

A BYLAW TO REGULATE WELLS IN RESIDENTIAL ZONES

The Council of the Rural Municipality of Rosthern No. 403 in the Province of Saskatchewan enacts as follows:

PART I – SHORT TITLE

1. This bylaw shall be known as the “The Rural Municipality of Rosthern Water Well Bylaw”

PART II - DEFINITIONS

2. In this Bylaw:

“**CLOSE**” means to take a Well out of service permanently in accordance with the Groundwater Regulation.

“**COUNCIL**” shall refer to the Council of the Rural Municipality of Rosthern No. 403

“**CONNECT**” means to connect a Private System on a parcel.

“**DOMESTIC PURPOSE**” means the use of water for human consumption, food preparation or sanitation, or other household purposes.

“**MUNICIPALITY**” shall refer to the Rural Municipality of Rosthern No. 403.

“**PROPERTY**” shall mean a parcel of land and any building or buildings that may or may not be situated, occupied or unoccupied.

“**RA1**” shall refer to the **Organized Hamlet of Neuanlage**

“**RA2**” shall refer to the **Organized Hamlet of Blumenthal**

“**RA3**” shall refer to the **Unorganized Hamlet of Gruenthal**

“**OWNER**” means the owner of a Well on a parcel in a RA1, RA2 or RA3 Zoning.

“**WELL**” shall refer to rotary drilled or bored or dug wells that are used to supply water for non-potable purpose.

PART III - PURPOSE

3. The purpose of this Bylaw is to regulate well construction in Residential Zones of RA1 and RA2 and RA3 within the Municipality and to identify and locate those wells in order to protect the wellbeing of the residents.

PART IV – PRINCIPLES

4. Construction of a new or replacement well for outside water usage and if tested to pass for potable (consumption or hygienic) purposes shall be allowed only by occupant of the residential lots and which equal or exceed ½ acre in size and which shall be used only by occupant of the residential lots, at the Owners expense. For certainly, no water acquired from a well shall be diverted or used outside the boundaries of the residential lot on which it was constructed.
5. No well or other source water shall be approved for domestic consumption within any Residential Zoning within the RA1 or RA2 or RA3 Zoning until testing results have proven that it is safe to use for potable water requirements with the exception of:
 - a. Any new development in RA1 Organized Hamlet of Neuanlage shall either:

- i) agree to a subscriber agreement and be connected to sourced potable water delivered by the Sask Valley Rural Water Utility before occupation of the dwelling commences.
 - ii) If not connecting to the Sask Valley Rural Water Utility then evidence of an approved source of potable water, form of delivery and form of storage must be submitted for all new construction.
- b. No pipe or appurtenances from a well as a source of supply of water shall be connected into any dwelling having a supply of domestic potable water, in the RA1 Organized Hamlet of Neuanlage.
- 6. Permission to dig a well in the RA1, RA2 and RA3 Zones must go through the *Permit to Construct a Water Well* (see appendix 'A') process, at the Owners expense, prior to approval and must meet all zoning requirements as set out in the RM of Rosthern Zoning Bylaw, 2008.
 - a. All wells must have a Record of Completed Well report concluded with the signature of the Division Councillor for future reference (see appendix 'B').
- 7. Setback Requirements:
 - a. The minimum setbacks are mandatory in accordance with the zone the well is located in as per the RM Zoning Bylaw, 2008.
 - b. Septic tanks, package sewage treatment plants or holding tanks should be located no less than 9 meters from a water source.
 - c. Absorption fields, chamber systems and mounds should be located no less than 15m from a water source.
- 8. All wells must have the cribbing or casing extending 36 inches out of the top ground surface as to be more visible for yard maintenance and other activities. The area around the well should be built up with good soil and sloped away from the well so that the surface water will drain away from the well in all directions.
- 9. All round well cribbings must have a metal formed well cap that has at least a 3 inch depth onto the well casing that is hinged on one side and lockable on the other side, or lockable on both sides of the cap as to prevent it from being removed by pets, stray animals or children. Well cribbings of different material must have covers that are secured in similar fashion to prevent easy removal.
 - a. Well cap must be locked at all times when the owner is not active in well maintenance.
- 10. When a well is abandoned after the date of completion, or at any future date, the Owner is immediately responsible at the Owners expense for filling and sealing the well with suitable uncontaminated material in a manner as to prevent the vertical movement of water in the well.
 - a. All wells must follow the Decommissioning of Abandoned Wells procedure outlined in the Saskatchewan Water Security Agency's Ground Water Guide by:
 - i. Removal of well equipment
 - ii. Well characterization
 - iii. Disinfection
 - iv. Remove casing
 - v. Filling and sealing
- 11. An Owner who is permitted to use the Well for Non-Domestic purposes must:
 - a. Operate and maintain the Well in good order;

- b. Ensure the Well is Closed immediately when required by the Ministry of Health or its successor, the Ministry of Environment or its successor or the Rural Municipality of Rosthern No. 403 if it is not operated or maintained in good order;
- c. Not use the Well for Domestic Purposes.

12. Any current wells in operation or situated on lands within the RA1, RA2 or RA3 zoning that were constructed before the date of this bylaw coming into force, are encouraged by the Municipality that the Owner inspect and seek to ensure they are not in a state of disrepair or a threat to the safety or well being of Hamlet residents.

13. Prohibition and Penalties

- a. No person shall introduce or cause to be introduced into the System water or another substance from a well on a parcel owned or occupied by that person or, if the person is not the owner or occupier of the parcel, from a well that the person has Closed performed any other work upon or caused any of those things to be done in relation to the well.
- b. A person who violates a provision of this bylaw commits an offence and is liable upon conviction to a minimum fine of one thousand dollars (\$1,000.00) for a violation of this bylaw.

14. Severability

If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this 11th day of October, 2016.
Read a second time this 11th day of October, 2016.
Read a third time and adopted this 7th day of November, 2016.

(S E A L)

Reeve, Martin Penner

Acting Administrator, Amanda McCormick