

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO

CAVENDISH SEWER UTILITY BYLAW

Bylaw No. 19-7

A Bylaw relating to the continuance and operation of a sewer collection and treatment utility for the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

This Bylaw is made under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1.

WHEREAS the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish, and North Rustico enacted a bylaw to establish the Cavendish Sewer Utility, which bylaw is known as the Resort Municipality Sewer Utility Bylaw, Bylaw Number 11;

AND WHEREAS the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish, and North Rustico also enacted a bylaw to require mandatory sewer connection, which bylaw is known as the Resort Municipality Mandatory Sewer Connection Bylaw #12;

AND WHEREAS, the Cavendish Sewer Utility has been continued pursuant to subsection 260(2) of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1;

AND WHEREAS, the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico wishes to enact a new bylaw to replace bylaws 11 and 12 and to reflect the requirements for sewer utilities as set forth in that Act.

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

1. Title

This Bylaw may be cited and referred to as the "Cavendish Sewer Utility Bylaw".

2. Definitions

In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1, as amended from time to time.
- (b) "Bylaw" means the Cavendish Sewer Utility Bylaw, as amended from time to time.
- (c) "Chief Administrative Officer" means the person appointed to that position pursuant to the Act.
- (d) "Council" means the Council of the Resort Municipality.
- (e) "Council Procedures and General Business Bylaw" means the Council Procedures and General Business Bylaw, Bylaw No. 19-8.
- (f) "Councillor" means a member of the Council of the Resort Municipality, but excludes the Mayor.
- (g) "Customer" means a person, firm or corporation who or which requests or is supplied sewerage service at a specific location or locations.
- (h) "Director" means a director of the Utility and includes its chairperson.

- (i) "IRAC" means the Island Regulatory and Appeals Commission as established pursuant to the *Island Regulatory and Appeals Commission Act*, R.S.P.E.I. 1988, Cap. I-11, as amended from time to time.
- (j) "Mayor" means the mayor of the Resort Municipality's Council.
- (k) "Owner" includes a part owner, joint tenant or tenant-in-common of the whole or any part of land or building and also includes a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession and any other person having the care or control of any land or building in case of the absence or disability of the person having the title thereto.
- (l) "Resort Municipality" means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.
- (m) "Service Lateral" means the pipe in between the plumbing and the Sewer Line and includes the trench in which such piping lies.
- (n) "Sewer Line" means a sewer or drainage system constructed, purchased or otherwise acquired by the Utility and maintained as a public sewer or drain.
- (o) "Utility" means the Cavendish Sewer Utility, a controlled corporation continued in accordance with subsection 260(2) of the Act.
- (p) "Water and Sewerage Act" means the *Water and Sewerage Act* R.S.P.E.I. 1988, Cap. W-2, as amended from time to time.

3. Cavendish Sewer Utility

- 3.1 The Utility shall be composed of a board of directors comprised of three or more members appointed by the Council in accordance with the Council Procedures Bylaw.
- 3.2 The board of directors will include at least one Council member who will hold the position of chairperson.
- 3.3 The Chief Administrative Officer shall serve as a non-voting, *ex-officio* member of the Utility's board of directors.
- 3.4 All meetings of the Utility shall be held in accordance with the requirements set forth in the Council Procedures Bylaw.
- 3.5 The Chief Administrative Officer shall supervise and direct the work of the Utility.

4. Functions of the Utility

- 4.1 The Utility shall have the following functions:
 - (a) constructing, altering, extending, managing, maintaining and operating a system for providing the services of sewer collection and treatment to the residents of the Resort Municipality and, with the approval of Council, residents of areas adjacent to the Resort Municipality, in accordance with the *Water and Sewerage Act*, and in accordance with the rules and regulations established by IRAC;
 - (b) acquiring, alienating, holding and disposing of real or personal properties or any interests therein;

- (c) engaging and paying personnel and/or independent contractors to provide services to the Utility;
- (d) securing financing, with the approval of Council, for any of its undertakings; and
- (e) subject to the approval of Council and pursuant to the provisions of the Water and Sewage Act, assessing, charging and collecting rates and charges for services provided to any Customer.

4.2 The Utility shall levy such user rates and/or frontage charges in respect of real property for the services of the Utility that are sufficient to cover the costs of providing the services of the Utility, in accordance with the Water and Sewerage Act and as approved by IRAC.

4.3 The Utility shall maintain separate financial accounts and shall prepare an annual financial statement to be submitted to Council.

4.4 On or before March 31 of each year, the Utility shall prepare a financial plan to be submitted to Council which shall contain, at a minimum:

- (a) an operating budget that includes estimates of revenue and expenditures;
- (b) a capital budget; and
- (c) a five-year capital expenditure program that includes an asset management program.

5. Fiscal Year

5.1 The fiscal year of the Utility shall be from April 1 to March 31.

6. Mandatory Connection

6.1 Every Owner of any dwelling house, shop, store, office or other building situate on land within the boundaries of the Resort Municipality which abuts a Sewer Line shall, within 24 months of substantial completion of the Sewer Line and at the Owner' expense, construct and maintain a Service Lateral therefrom and connect the same with the Sewer Line in accordance with the specifications of the regulations and the policies of the Utility and, upon connection to the Sewer Line, shall be responsible for the pumping out and the infilling of any private septic tank then situate upon the land serviced by a Sewer Line.

6.2 Any Owner who, as of the effective date of this Bylaw, failed to connect to any existing Sewer Line shall complete such connection within 12 months of the coming into force of this Bylaw in accordance with the requirements set forth in section 6.1 above.

7. Utility Standards

7.1 The Utility may hire professional engineers and/or contractors for the purpose of supervising the construction and maintenance of Service Laterals and to ensure that the requirements of this Bylaw are met.

7.2 Every Service Lateral shall be constructed in accordance with the requirements set forth by the Province of Prince Edward Island's Department of Communities, Land and Environment, or any successor Department of Environment.

7.3 Every Service Lateral shall be of such size and at such level and descent and with such mode of piercing or opening into the Sewer Line, and generally in such manner and of such materials as the Utility or such engineer or contractor designated by the Utility directs, and no such Service Lateral

shall be covered in until it has been approved by the Utility, or by such engineer or contractor designated by the Utility.

- 7.4 Every Sewer Lateral shall be constructed and maintained in accordance with the requirements of the current edition of the *Canadian Plumbing Code*.
- 7.5 Prior to putting the service into use, the Service Lateral must be inspected and tested by the Utility, or by such engineer or contractor designated by the Utility, after the pipe and fittings have been installed and before any of the materials have been covered over.
- 7.6 No Service Lateral shall be used until a satisfactory inspection and testing has been done by the Utility or by such engineer or contractor designated by the Utility.
- 7.7 In the case of a building so located that any plumbing fixture in the building is below street level or so as to be affected by a back flow on the Sewer Line, such premises shall be provided with a suitable check valve. The complete cost of the check valve shall be borne by the Customer.
- 7.8 The Utility shall give notice on an annual basis to all Customers of the necessity of installing the Sewer Line check valve. If, after the issuance of such notice, the Customer chooses not to install a check valve and a backup occurs in the Customer's premises, the Customer shall be responsible for any and all damage sustained to both the Customer and the Utility.
- 7.9 No generator shall be connected to any water supply that discharges to the sanitary sewer system unless the Utility has granted prior written approval for such connection.

8. Offences, Penalties and Enforcement

- 8.1 Any person who contravenes this Bylaw is guilty of an offence and is liable on summary conviction to
 - (a) a fine in an amount
 - (i) not less than \$200 and not more than \$10,000, and
 - (ii) an additional fine in an amount not less than \$500 and not more than \$2,500 for each day or part of a day on which the offence continues after the first day;
 - (b) imprisonment for up to one year; or
 - (c) both a fine in accordance with clause (a) and imprisonment in accordance with clause (b).
- 8.2 This Bylaw may be enforced in accordance with Part 9, Division 1 of the Act.

9. Repeals

- 9.1 All previous bylaws of the Resort Municipality pertaining to the establishment and operation of a sewage collection and treatment utility are hereby repealed including, without limitation, the Resort Municipality's Sewer Utility Bylaw, Bylaw No. 11, and the Resort Municipality Mandatory Sewer Connection Bylaw, Bylaw No. 12.

10. Effective Date

This Bylaw comes into force on **October 3, 2019**.

First Reading:

This Bylaw was read a first time at the Council meeting held on the 16th day of September, 2019.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 16th day of September, 2019.

Second Reading:

This Bylaw was read a second time at the Council meeting held on the 3rd day of October, 2019.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 3rd day of October, 2019.

Adoption and Approval by Council:

This Bylaw was adopted by a resolution of Council at the Council meeting held on the 3rd day of October, 2019.

This Bylaw is declared to be passed on the 3rd day of October, 2019.

WITNESS the corporate seal of the Resort Municipality.



Mayor



Chief Administrative Officer

BE IT RESOLVED THAT: Bylaw No. 19-7, being a bylaw related to the continuance and operation of a sewerage collection and treatment utility for the Resort Municipality, is hereby enacted as a bylaw of the Resort Municipality and the Mayor and Chief Administrative Officer be and they are hereby authorized to sign the Bylaw and apply the Resort Municipality's seal thereto.

Dated the 3rd day of October, 2019.



Mayor



Chief Administrative Officer