

**A BYLAW TO PROVIDE PRIVATE RESIDENTIAL
OFF-SITE SAND POINTS**

WHEREAS the Council of the Resort Village of Mistusinne deems it desirable to allow private residential off-site sand points within the Resort Village limits, and

WHEREAS the Council of the Resort Village of Mistusinne deems it desirable to control, monitor, and inspect the location and installation of these sand points,

NOW, THEREFORE, the Council of the Resort Village of Mistusinne in the Province of Saskatchewan, enacts as follows:

TITLE

1. This Bylaw may be cited as the "Sand Point Bylaw".

DEFINITIONS

2. In this Bylaw, including this section:
 - (a) "Administrator" means the Administrator of the Resort Village appointed pursuant to Section 110 of *The Municipalities Act*;
 - (b) "Council" means the Council of the Resort Village;
 - (c) "clear days" means the number of calendar days, including the day of mailing;
 - (d) "off-site" means crown land under lease agreement between the Resort Village and Saskatchewan Environment, including but not limited to the ditches or easements, but does not include other privately owned property;
 - (e) "owner" means an owner as defined in *The Municipalities Act*;
 - (f) "property" means land;
 - (g) "Resort Village" means the corporation of the Resort Village of Mistusinne or the area contained within the boundaries of the Resort Village of Mistusinne as the context requires;
 - (h) "Sand Point" means a buried water intake mechanism
 - (i) "Senior Maintenance Person" means the person hired under Procedure 3.0 of the Resort Village of Mistusinne Procedural Manual.

GENERAL

3. A permit is required prior to the installation of an off-site sand point.
4. All off-site sand points must be totally buried including the access pipe which should be a minimum of one foot below the surface.
5. With a permit, the Resort Village is only granting permission to access off-site ground water, and by no means assumes responsibility for the quality or quantity of the water accessed.
6. A visual inspection of the open installation site of the sand point must be arranged with the Senior Maintenance near the completion of work prior to the closing of the hole. All work must be as stated and approved in the permit application.
7. Once the installation of the sand point is complete, a final inspection shall be arranged with the Senior Maintenance to determine that the site has been returned to its original condition.
8. The Resort Village will maintain a map showing the location of all off-site sand points.

9. No owner or owner's agent shall work or authorize work or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.
10. The granting of any permit that is authorized by this Bylaw shall not:
 - (a) entitle the grantee, his successor or assigns, or anyone on his behalf to install a sand point that fails to comply with the requirements of any bylaw, act and/or regulation affecting the site described in the permit or,
 - (b) make either the Resort Village or its authorized representative liable for damages or otherwise by reason of the fact that a sand point, the construction, erection, placement, alteration, repair, or removal, of which has been authorized by permit, does not comply with the requirements of any bylaw, act and/or regulation affecting the site described in the permit.

PERMITS

11. Every application for a permit to install, construct, place, alter, or remove a sand point shall be in Form A. This shall be accompanied by a site plan including the location of the proposed sand point showing distances from the property lines.
12. Each application will be reviewed by Council on its own merits.
13. Permit fee shall be \$30.
14. Council approval shall be issued through a permit in Form B.

ENFORCEMENT OF BYLAW

15. If any sand point is in contravention of any provision of this Bylaw, the Council or its authorized representative may take any measure for the purpose of ensuring compliance with this Bylaw including, but not limited to:
 - (a) entering private property,
 - (b) issuing notices to owners that order actions with a prescribed time,
 - (c) eliminating unsafe conditions,
 - (d) completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and
 - (e) obtaining restraining orders

EFFECTIVE DATE

16. This Bylaw shall come into force and take effect immediately.



Lynne Auas
Mayor

[Signature]
Administrator

Certified a true copy of Bylaw No. 02-06
adopted by resolution of Council
on the 3rd day of November 2006.

[Signature]
Administrator

Resort Village of Mistusinne

APPLICATION FOR AN OFF-SITE SAND POINT

I hereby make application for a permit to install an off-site sand point according to the information below and to the plans and documents attached to this application.

Civic Address or location of property owner _____

Legal description – lot _____, block _____, plan _____

Owner _____ Phone _____

Complete mailing address _____

Contractor (if applicable) _____

Phone: _____

Reasons for requesting an off-site sand point permit (i.e., previous attempts to find water on-site; perceived location of water veins off-site based on position of neighbours' wells, etc.)

Attach a map or drawing showing the proposed location of the off-site sand point in relation to applicant's lot including distances.

Fee for off-site sand point permit: _____

I hereby agree to comply with Bylaw No. 02-06, being the Resort Village of Mistusinne's Sand Point Bylaw and acknowledge that it is my responsibility to ensure compliance with this Bylaw, and agree that upon non-compliance with an order the Resort Village may add expenses incurred to complete the action to taxes payable on my property. Further, that I agree that if this application is approved, the Resort Village is only granting permission to access off-site ground water, and by no means assumes responsibility for the quality or quantity of the water accessed.

Date

Signature of owner or owner's agent

Resort Village of Mistusinne

OFF-SITE SAND POINT PERMIT # _____

Permission is hereby granted to _____

to install an off-site sand point to serve the following location:

Civic Address or location of work _____

Legal description – lot _____, block _____, plan _____

in accordance with the application dated _____

This permit is issued subject to the following conditions (if any):

Any deviation, omission or revision to the approved application requires approval of the Resort Village or its authorized representative.

A permit is required prior to the installation of an off-site sand point.

All off-site sand points must be totally buried including the access pipe which should be a minimum of one foot below the surface.

With a permit, the Resort Village is only granting permission to access off-site ground water, and by no means assumes responsibility for the quality or quantity of the water accessed.

A visual inspection of the open installation site of the sand point must be arranged with the Senior Maintenance near the completion of work prior to the closing of the hole. All work must be as stated and approved in the permit application.

Once the installation of the sand point is complete, a final inspection shall be arranged with the Senior Maintenance to determine that the site has been returned to its original condition.

The Resort Village will maintain a map showing the location of all off-site sand points.

No owner or owner's agent shall work or authorize work or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.

The granting of any permit that is authorized by this Bylaw shall not:

- (a) entitle the grantee, his successor or assigns, or anyone on his behalf to install a sand point that fails to comply with the requirements of any bylaw, act and/or regulation affecting the site described in the permit or,
- (b) make either the Resort Village or its authorized representative liable for damages or otherwise by reason of the fact that a sand point, the construction, erection, placement, alteration, repair, or removal, of which has been authorized by permit, does not comply with the requirements of any bylaw, act and/or regulation affecting the site described in the permit.

Permit fee: _____

Date _____

Signature of Authorized Representative _____