

Municipal Regulations

TOWN COUNCIL OF WINTERTON

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1. WATER AND SEWER

- 1.1. Pursuant to the authority conferred by Section 413 and 414 of the Municipalities Act, Chapter M-24, S.N. 1999, the Town Council of Winterton has made the following Regulations.
- 1.2. Interpretation: In these regulations, unless the context otherwise requires:
 - 1.2.1. "Act" means the Municipalities Act;
 - 1.2.2. "Council" means the Town Council of Winterton
 - 1.2.3. "resident" means any person, firm or corporation whose property is connected to the system;
 - 1.2.4. "municipality" means the Town of Winterton
 - 1.2.5. "service" means water supply and sewerage disposal service supplied to a resident;
 - 1.2.6. "system" means the water supply and/or sewerage disposal system of the Town of Winterton.
- 1.3. Water and Sewer services shall be connected to the Town's system only by the Superintendent of Works or by an employee of the Town.
- 1.4. No service shall be provided by the system except in accordance with a written request to council.
- 1.5. Requests for new service line installations will only be accepted based on acceptable weather conditions. Normally between October 1st and April 31st each year there are no new service installations or non-emergency waterline repairs but exceptions will be made where favorable weather permits.
- 1.6. New Service Line Specifics
 - 1.6.1. New service lines for water supply shall be 19mm (3/4 in.). Copper or plastic tubing for a single family residential unit or such greater size as may be approved by Council for multiple residential units and commercial buildings. Compression fittings to be as per manufacturer's specifications and suitable underground service (red brass). The applicant is responsible to advise their electrician when not using copper tubing to ensure dwelling is grounded as per National Electrical Code.
 - 1.6.2. Service lines for sewerage disposal shall be 100 mm (4in.) PVC or equivalent for a single family residential unit or such greater size as may be approved by Council for multiple residential units and commercial buildings.
 - 1.6.3. Service lines for water supply and sewerage disposal shall be installed at a minimum underground depth of 1.5 m (4 ft.).
 - 1.6.4. The grade for a service line for sewerage disposal shall be a minimum of 2% and placed in a continuous straight line without sags or crests; but where a bend is necessary it shall be with the use of a clean out flue.
 - 1.6.5. All sewer lines have to be installed under the water lines.
- 1.7. There shall be only one service line for water supply and only one service line for sewerage disposal to each building unless otherwise approved by Council.
- 1.8. Service line responsibility.
 - 1.8.1. Service lines shall be installed to the main by the resident and at the resident's expense. The resident is responsible for all excavation work and plumbing required between the structure and the nearest main sewer and water lines necessary to connect services. Council is responsible for the connection fittings and manpower to complete the final connection of the services to the mains. All work on main line services must be scheduled through the town office and MUST be overseen by the Superintendent of Works.
 - 1.8.2. Service lines shall be subject to inspection by Council prior to backfilling.
 - 1.8.3. If repairs are required to a service line between the main and the curb stop, it shall be at Council's expense; otherwise, it shall be at the resident's expense.
- 1.9. Where Council equipment is rented by a resident to install a service line, the cost of such rental shall be paid before the service connection is completed.

- 1.10.No resident shall have his property connected to the system where such resident is in arrears of taxes payable to Council.
- 1.11.Representatives of Council shall upon giving adequate prior notice (24 hours), have the right to access all parts of a resident's property or premises at all reasonable hours for the purpose of inspecting and repairing service lines. Council shall have the right to suspend service to a resident who refuses access.
- 1.12.In the event of a leak in a water supply service line, Council may discontinue the supply of water to the service line if such action is necessary to prevent wastage of water; and, except in the case of an emergency, the resident shall be given adequate prior notice of Council's intention to discontinue the supply of water.
- 1.13.No person shall indiscriminately use water nor shall he sell water to any person except under such conditions or for purposes as may be approved by Council in writing.
- 1.14.No person shall dispose of chemicals or other such material not normally used by a household into a service line for sewerage disposal.
- 1.15.No person shall abnormally interfere in any manner with any part of the system, except with the prior approval in writing of Council.
- 1.16.Pursuant Section 420 of the Act, a person who commits an offence under section 419 or who otherwise contravenes this Act is liable on summary conviction for a first offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not more than one month or to both the fine and imprisonment; for a subsequent offence to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.
- 1.17.Bills can be paid as per the current year tax structure. Bills can be paid through a payment schedule set up with the town clerk and approved by council as per the payment guidelines stipulated in the current year's tax structure. Bills will be considered late based on their stated due date and the appropriate action will be taken.
- 1.18.Proximity to services for the purpose of the application of rates under these regulations:
 - 1.18.1. Houses within sixty meters (60) of any pipe of the Council's water supply system, whether connected or not, shall be regarded as having water services; and
 - 1.18.2. Houses within sixty (60) meters of any pipe of the Council's sewerage system, whether connected or not, shall be regarded as having sewerage services.
- 1.19.These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 1.20.All previous Water and Sewerage Systems regulations for the municipality are hereby repealed.

2. BUILDING

- 2.1. The Town of Winterton has adopted the National Building Code of Canada when issuing a building permit as of January 26, 2012 referring to section 414 (1)(d) of the Municipalities Act. All buildings must be constructed in accordance with the above. Due to financial restraints, buildings will not be inspected by a Town inspector. The onus is on the applicant to ensure a strict compliance with all the provisions of these codes, the Act and all other laws, rules, regulations and bylaws applicable thereto.
- 2.2. Interpretation: In these regulations, unless the context otherwise requires:
 - 2.2.1. "Building" shall mean a structure, erection, excavation, alteration or improvement placed on, over, or under land, or attached, anchored, or moored to lands and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses and any part thereof;
 - 2.2.2. "Town" means the Town of Winterton;
 - 2.2.3. "Code" means the National Building Code of Canada 2005 and the National Plumbing Code of Canada 2005 and any updates or amendments thereto.
 - 2.2.4. "Council" means Town of Winterton Council;
- 2.3. The Code, and other codes, supplements and amendments as the Minister of Municipal and Provincial Affairs may from time to time direct to be included in these Regulations, are hereby declared to be and shall form part of these Regulations as if the same were repeated herein in full.
- 2.4. No building shall be designed, constructed, erected, altered, reconstructed, changed, extended, repaired or maintained except if written approval has been given by Council. Where:
 - 2.4.1. A building is designed, built or constructed; these Regulations apply to the design, building and construction of the building;
 - 2.4.2. The whole or any part of a building is moved or relocated, these Regulations apply to all parts of the building, whether moved or relocated or not;
 - 2.4.3. The whole or any part of a building is demolished, these Regulations apply to any remaining part thereof and to the work involved in the demolition;
 - 2.4.4. A building is altered, changed, repaired or extended, these Regulations apply to the whole building, including all alterations, changes, repairs and extensions; and
 - 2.4.5. The occupancy of a building is changed; these Regulations apply to all parts of the building affected by the change in occupancy.
- 2.5. No person shall design, construct, erect, alter, reconstruct, change, extend or repair the exterior of a building without first obtaining a permit from the Town.
- 2.6. An application for a permit pursuant to these Regulations to construct, erect, alter, reconstruct, change, extend or repair a building shall:
 - 2.6.1. Be made in the form prescribed by the Town;
 - 2.6.2. Be signed by the owner, or if the applicant is not the owner, identify the owner and confirm under oath the permission of the owner to make the application;
 - 2.6.3. State the intended, construction, erection, alteration, change, extension, repair, demolition, removal or relocation of a building, as applicable;
 - 2.6.4. If requested, include copies, in duplicate as required, of the specifications and scale drawings of the building with respect to which work is to be carried out showing the dimensions of the building, including but not limited to the elevation of the floors.
 - 2.6.5. Contain any other information required by these Regulations or by Council.
- 2.7. Where an application is made in accordance with section 2.7, the application, including all plans and supporting documents filed therewith, shall be reviewed by the Councillors and if the Councillors find the proposed work

- to be in accordance with these Regulations, the Councillors may issue a permit for the work proposed upon the payment of the applicable permit fee.
- 2.8. The Town may reject any application which does not comply with these Regulations or any other applicable legislation, regulation or code.
- 2.9. The Town may impose such conditions upon a permit as may be necessary to fulfill the requirements of these Regulations, the Code or otherwise as the Town may deem advisable, which conditions shall be imposed upon a permit upon the issuance of the permit to the applicant.
- 2.10. The Town may, at any time, either conditionally or unconditionally, revoke a permit where:
- 2.10.1. There is, or will likely be, a breach of a condition of the permit, these Regulations or the Code;
- 2.10.2. In the opinion of the Superintendent of Works, the completion of the work for which the permit was issued has been unduly delayed;
- 2.10.3. There has been a violation of any legislation, regulation or code applicable to the work for which the permit was issued; or
- 2.10.4. In the opinion of the Superintendent of Works, the continuance of the work for which the permit was issued becomes dangerous to life or property.
- 2.10.5. Notice of revocation of a permit shall be mailed or delivered to the applicant at the address of the applicant as noted in the application for the permit or posted upon the work site by the Town. After such notice is received by the applicant or is posted at the work site it shall be a violation of these Regulations to precede with any work for which such permit was issued.
- 2.11. Every owner and occupier of residential property shall:
- 2.11.1. Permit the Town and employees to enter any building or premises at any reasonable time for the purpose of administering or enforcing these Regulations; and
- 2.11.2. Give at least two (2) clear days' notice, excluding Saturdays, Sundays and statutory or municipal holidays, to the Town of the intention to start work on a building site in order to permit site inspection.
- 2.12. The person to whom a permit is issued pursuant to these Regulations shall, during the period in which the work for which the permit was issued is being carried out, keep:
- 2.12.1. Posted in a conspicuous place on the property in respect of which the permit was issued a copy of the permit; and
- 2.12.2. A copy of the approved drawing and specifications on the property in respect of which the permit was issued readily available by the Town.
- 2.13. The Town or an employee designated under these Regulations, may:
- 2.13.1. Enter any building or premises at any reasonable time for the purpose of administering or enforcing these Regulations;
- 2.13.2. Cause a written notice to be delivered to the owner or occupier of any property directing such owner or occupier to correct any condition of that property where, in the opinion of the Town Council, that condition constitutes a violation of these Regulations; and
- 2.13.3. Revoke or refuse to issue a permit where taxes on the property for which the permit is sought or issued are unpaid.
- 2.14. No person, except with the prior approval of Council in writing, shall erect any building at a distance of less than twenty five (25) feet from the center of any Town's road.
- 2.15. No person, except with the prior approval of Council in writing, shall erect any building at a distance of less than ten (10) feet from water and sewer lines.
- 2.16. Any building being constructed, erected, altered, reconstructed, changed, extended, repaired abutting a main highway has to have the prior approval of the Department of Transportation and Works in writing before any work can be started.

- 2.17. Before any site is excavated the site has to be inspected by a town employee.
- 2.18. As of September 3, 1998, council has made a policy stating that permits for general repairs, fencing, constructing sheds would be issued by the town clerk upon approval from the Roads & Lights committee and/or the maintenance man. However; new construction for housing or commercial would still have to be approved by council.
- 2.19. These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 2.20. All previous Building Regulations for the municipality are hereby repealed.

3. SNOW-CLEARING

- 3.1. Pursuant to the authority delegated by the Minister of Transportation under Sections 210 and 211 of the Highway Traffic Act 1970, the Town Council of Winterton has made the following regulations.
- 3.2. No person shall, at any time, park any vehicle on any street or street reservation in such a manner as to interfere with, hinder or obstruct snow clearing or ice control operations or the normal safe flow of traffic.
- 3.3. Any unattended vehicle parked on any street reservation within the Municipality in contravention of these regulations may be removed and impounded by the Council and the cost of such removal and impounding may be recovered from the owner as a civil debt.
- 3.4. No person shall push or plough snow onto the street reservation within the Municipality.
- 3.5. Any person who violates any of the provisions of these regulations is guilty of an offense and is liable on summary conviction to a penalty as prescribed by the Highway Traffic Act 1970.
- 3.6. Prosecution under these regulations may be taken summarily by Council, any Council employee, specifically authorized by the Council and by any police officer.
- 3.7. These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 3.8. All previous Snow Clearing Regulations for the municipality are hereby repealed.

4. SIGNS

- 4.1. The following regulations have been made by The Town Council of Winterton under the provisions of The Act.
- 4.2. Signs must not be blocking the view of traffic.
- 4.3. Council may order a halt to construction, removal or repair of a sign erected not in accordance with the terms thereof or the regulations.
- 4.4. These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 4.5. All previous Sign Regulations for the municipality are hereby repealed.

5. SOLID WASTE DISPOSAL

- 5.1. Pursuant to the authority conferred by Section 414 of the Municipalities Act, Chapter M-24, S.N. 1999. The Town of Winterton Council has made the following regulations.
- 5.2. Interpretation: In these regulations, unless the context otherwise requires:
 - 5.2.1. "Act" means the Municipalities Act.
 - 5.2.2. "Collector" means any person appointed as such by Council.
 - 5.2.3. "Council" means the Town Council of Winterton.
 - 5.2.4. "Garbage" means every solid waste accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables, and including tin cans, bottles and similar food containers.
 - 5.2.5. "Municipality" means the Town of Winterton.
 - 5.2.6. "Nuisance" means anything or any condition of things which is or may become injurious or dangerous to health or which may hinder in any manner the supervision of disease.
 - 5.2.7. "Owner" includes agent, tenant or occupant.
 - 5.2.8. "Place of Business" means any business house, premises, etc. from which the collector does not collect including service organizations.
 - 5.2.9. "Refuse" means all other miscellaneous solid waste materials not specifically defined as garbage.
- 5.3. No person shall create, permit or maintain a nuisance.
- 5.4. No person or place of business shall deposit, throw, sweep or place any garbage upon any street, road, lane, drain, public place or private property within the Municipality unless the same is enclosed in a regular garbage container with handles and a cover or in a properly secured plastic bag, or properly secured for easy handling.
- 5.5. Every person being the owner of a building or buildings and premises within the Municipality shall provide approved containers as mentioned in the preceding regulation for the use of such building or buildings and premises for the reception of garbage, and all garbage from such building or buildings and premises shall be placed in such containers, or in properly secured bags, or properly secured for easy handling.
- 5.6. Garbage containers shall be kept covered and in a sanitary condition at all times.
- 5.7. All vehicles hauling garbage, refuse, or rubbish within the municipality are required to have a tailgate or other restraining device and shall be used to cover such garbage, refuse or rubbish while same is being transported.
- 5.8. Residents and homeowners are advised that harmful chemicals such as javex, ammonia cleaners, or other similar products are not to be sprayed or poured as an animal repellent on garbage placed for collection. These products can cause serious injury, especially when they come in contact with the face and eyes.
- 5.9. Highly combustible or hazardous waste materials are not considered garbage or refuse under these regulations, therefore, will not be collected by the collectors.
- 5.10. Garbage or refuse left by any builder or contractor, or owner upon any street, road, lane, drain, public or private property outside of a building or buildings within the Municipality following the construction, alteration or repair of such building or buildings, shall be removed by the builder, contractor, or owner, as promptly as possible.
- 5.11. No person, other than the employees or the garbage collector authorized for that purpose, shall pick over, remove or disturb or otherwise interfere with any garbage or refuse placed for removal by the garbage collector whether or not it is enclosed in containers.
- 5.12. At any reasonable time, Council may take a thorough inspection of all public and private property within the Municipality for the purpose of enforcing these regulations.
- 5.13. Cleanup of property:
 - 5.13.1. The Council may at any time order the owner to clean up and remove any accumulation of garbage or refuse outside any building or on any other private property within the Town.

- 5.13.2. If the owner neglects or refuses when ordered by Council to clean up and remove any accumulation of garbage or refuse from his premises, the council may cause the cleanup and removal of such accumulation at the expense of the owner.
- 5.14. The cost of the fine for illegal dumping within the Town of Winterton is set at a minimum of \$500.00 and maximum of \$1,000.00.
- 5.15. These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 5.16. All previous Solid Waste Disposal regulations for the municipality are hereby repealed.

6. FENCE CONSTRUCTION

- 6.1. The following regulations have been made by The Town Council of Winterton under the provisions of The Act.
- 6.2. All fences erected within the jurisdiction of the Town shall be constructed of materials which meet the approval of Council.
- 6.3. No fence shall be erected within the Town, or major repairs made thereto, unless a written permit is issued by Council to the builder or owner.
- 6.4. Except with the prior written approval of the Council, no person shall erect a fence:
 - 6.4.1. Within thirty (30) metres of the center line of any protected main road within The Town as per the Works, Services and Transportation Act.
 - 6.4.2. Within fifteen (15) feet of the center line of any secondary road within The Town.
- 6.5. Council will not be liable for damage to any fence which is not the required distance from the street center.
- 6.6. Shoves and posts supporting fences shall be placed on the side of the fence remote from the road, street, highway or lane along which the fence is erected and in such a manner so as not to be a danger or hindrance to the general public.
- 6.7. All persons owning or occupying land abutting any road, street, lane or highway within the Town shall be required to keep and maintain all fences in a state of good repair.
 - 6.7.1. All fences must be properly finished to the satisfaction of Council.
 - 6.7.2. Fences which extend to the harbour shall be constructed in compliance with all relevant regulations of the Department of Environment and Conservation and Small Craft Harbours.
 - 6.7.3. The Council may order the owner or apparent owner of any fence or wall to remove it if it poses a real or perceived danger to public safety.
 - 6.7.4. The Council may order the owner or apparent owner of any fence or wall to affect such repairs as may be necessary to ensure the public's safety and the compliance with this regulation.
- 6.8. Any person who violates any of the provisions of this Regulation shall be guilty of an offense and is liable upon summary conviction to the penalties enumerated in Section 420 of The Municipalities Act and all amendments thereto.
- 6.9. Any fence being constructed, erected, altered, reconstructed, changed, extended, repaired abutting a main highway has to have the prior approval of the Department of Transportation and Works in writing before any work can be started.
- 6.10. These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 6.11. All previous Fence Regulations for the municipality are hereby repealed.

7. ANIMAL CONTROL

- 7.1. The following regulations have been revised by The Town Council of Winterton under the provisions of The Act.
- 7.2. All animals must be properly tethered at all times or otherwise confined to the enclosed premises of the owner. When outside the enclosed premises of the owner, animals must be on a leash and accompanied by a person capable of controlling and restraining such an animal.
- 7.3. These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 7.4. All previous Animal Control Regulations for the municipality are hereby repealed.

8. FIRE SERVICE

The following regulations have been revised by The Town Council of Winterton under the provisions of The Act.

- 8.1. A council may establish, operate and maintain a fire department composed entirely or partly of volunteer members or of paid employees.
- 8.2. Council may acquire or provide a fire hall, fire alarm system, fire engines, hydrants and other apparatus and appliances for the purpose of fire fighting, fire prevention and responding to and providing emergency services for other emergencies that may be authorized by the council, either inside or outside the municipality's boundaries.
- 8.3. A council may enter into agreements with other municipalities, local service districts or persons for joint fire fighting or for responding to other emergencies.
- 8.4. The officer in charge of a fire department at a fire may, where he or she considers it necessary in order to extinguish or stay the progress of a fire, pull down or remove a private or public building or structure, or part of the building or structure.
- 8.5. The officers and members of a fire department, together with their fire engines, apparatus and appliances have the right of way over all traffic while proceeding to answer an alarm of fire or responding to other emergencies.
- 8.6. The officer in charge of a fire department at a fire or other emergency may close all roads in the vicinity of a fire or other emergencies.
- 8.7. Members of a fire department may enter and convey hose and other fire fighting appliances and apparatus through a public or private building or structure or over real property for the efficient fighting of a fire.
- 8.8. An action shall not lie against an officer or member of the fire department, or the council, with respect to damage occurred to the buildings or structure as a result of an action caused by the fighting of a fire.
- 8.9. The officers or members of a fire department of another municipality or a local service district fire department, or person that gives aid to a fire department in fighting a fire or responding to other emergencies are considered to be officers and members of that fire department while they are giving that aid.
- 8.10. A person shall not obstruct an officer or member of a fire department in the discharge of his or her duties or wilfully delay the passage of an engine, apparatus or appliance used by that officer or member.
- 8.11. A person shall not wilfully give a false alarm of fire to a fire department or to another person by ringing an alarm signal or operating a siren or other device used to signal the existence of a fire or by telephone or by other means.
- 8.12. These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 8.13. All previous Fire Service Regulations for the municipality are hereby repealed.

9. HUMAN RESOURCES

- 9.1. All positions under the Town of Winterton or its subcommittees must be publically advertised.
- 9.2. All training opportunities which would likely lead to increased standing for positions under the Town of Winterton must be publicly advertised for candidates.
- 9.3. All changes in staff under the Town of Winterton or its subcommittees must be approved by the council. New positions or an advertisement to refill a vacant position must be approved by council prior to being advertised.
- 9.4. All changes in staff wages have to go through council for approval.
- 9.5. All disciplinary issues must be dealt with by council for all Town employed staff including Ambulance, Town, Park, etc...
- 9.6. These amended regulations were adopted by resolution of Council at a meeting held on September 25, 2014 and came into effect on September 26, 2014.
- 9.7. All previous Human Resources regulations for the municipality are hereby repealed.

10. GENERAL

- 10.1.As of November 19, 2009, the town has made a policy that camper trailers are not permitted to connect to water and sewer services within the Town of Winterton. Outside Pond RV Park is there to accommodate such trailers.
- 10.2.As of February 23, 2006, the town will not allow any vehicles to use the Sugarloaf Trail.
- 10.3.As of January 7, 1999, the town will charge a \$2.00 fee for a photo copy of an extract from the minutes of council.
- 10.4.No person is to be hired in the Town of Winterton if he/she is in arrears on taxes.
- 10.5.Where there is a company operating out of Winterton and they are not paying the applicable business tax to the town; then that company will not be hired by the Town of Winterton.
- 10.6.The Town of Winterton has a policy stating that donations are only to be made to local schools and/or children activities.
- 10.7.These amended regulations were adopted by resolution of Council at a meeting held on November 1, 2012 and came into effect on November 2, 2012.
- 10.8.All previous Fire Service Regulations for the municipality are hereby repealed.

11. LIST OF PERMITS AND FEES

11.1. Water and Sewer Connection Fees \$300.00

11.2. Water and Sewer Re-Connection Fees \$50.00

(Fees will apply if water has been shut off due to taxes owing-payable before water is re-connected. Emergency shut off not during business hours \$150.00.)

11.3. General Repairs \$20.00 (valid for 1 year)

11.4. Residential Construction \$100.00

11.5. Residential Extension \$50.00

11.6. Commercial Construction \$150.00

11.7. Commercial Extension \$50.00

11.8. Shed Construction \$20.00

11.9. Demolition Permit \$25.00

(A \$100.00 returnable deposit fee will apply. Site must be cleared to Council's satisfaction within a period of six weeks.)

11.10. Backhoe Hire \$50.00 per hour

(Can only be hired for water & sewer installation and repair)

11.11. Tax Certificate \$100.00

11.12. NSF Charge \$50.00

11.13. Photo Copy Service \$0.25 per copy

11.14. Fax Service \$2.50