

THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW 21-04

Being a By-Law to Prohibit the
Use of Private Water Wells in the
Municipality of Greenstone
Beardmore Ward

WHEREAS Section 11(2) Article 6 of the *Municipal Act*, 2001, S.O. 2001 c 25 as amended, authorizes Councils of local municipalities to pass by-laws to protect the health, safety and well-being of persons;

AND WHEREAS the Northern Empire Mine and Mill property in the Beardmore Ward has established a Contaminant Attenuation Zone to allow for attenuation of groundwater affected by historic mining and milling operations;

AND WHEREAS ground water monitoring wells at the limit of the Contaminant Attenuation Zone indicate impacts likely due to historic mining and milling operations as outlined in the report entitled “Goldstone Resources Inc. 2017 Groundwater Monitoring Report, Northern Empire Mill, Beardmore, ON” attached hereto as Schedule A;

AND WHEREAS the Corporation of the Municipality of Greenstone wishes to ensure that no private potable ground water sources are in use, constructed or proposed within the vicinity of any impacted groundwater in order to protect the public from health issues related to these impacts.

NOW THEREFORE The Council of the Corporation of the Municipality of Greenstone enacts as follows:

DEFINITIONS: In this By-law the following definitions shall apply:

1. “**Private Water Well**” means any ground water source used for potable supply other than the municipal water distribution system.

1) GENERAL PROVISIONS:

a) Effect of By-law

i. Notwithstanding anything else in this By-law, a private water well shall not be permitted as a primary or accessory structure on any lands within the limits of the Municipality of Greenstone Beardmore Ward.

2) SCOPE:

This regulation shall not apply to a:

i) Well which is installed for the purposes of environmental site remediation, water monitoring, or site de-watering; or

ii) Property used for non-residential purposes which relies upon a legally existing private well for purposes other than human consumption such as irrigation, cooling, or manufacturing purposes.

iii) well that existed, at the time this regulation came into force, where the water is not used for consumption purposes, or where the well owner can provide water quality results that show the water meets the Ontario Drinking Water Quality Standards for arsenic.

3) PENALTY:

- a) That whenever a contravention of this by-law is apparent, the property owner shall be given 7 days' notice to cease use of and decommission the well immediately. If after 7 days the contravention is not rectified, the Municipality shall have the right to decommission the well at the owner's expense. The expense thereof shall be recoverable by action or distress, and in the case of non-payment, such expense may be collected in the like way as to Municipal taxes.
- b) That any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable for a fine as provided for in the Provincial Offences Act and each day that a separate breach of this by-law occurs shall constitute a separate offence.

4) SEVERABILITY:

- a) That should any section of this by-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;
- b) That should the provisions of this by-law be found to conflict with the provisions of any other by-law of the Municipality, the provisions of this by-law shall prevail.

THAT this by-law shall come into force and take effect on and from the date of passage hereof;

THAT all previous by-laws related to the use of private water source potable water within the Municipality of Greenstone Beardmore Ward where municipal water supply is available at the property boundary are hereby repealed in their entirety.

PASSED and **ENACTED** this 18th day of January, 2021

Original signed by:

Renald Y. Beaulieu, Mayor

Original signed by:

Gabrielle Lecuyer, Clerk