

**RURAL MUNICIPALITY OF CARTIER
BY-LAW NO. 1723-25
SEWER SYSTEM BACK UP**

BEING A BY-LAW of the Rural Municipality of Cartier to address sewer system back ups.

WHEREAS the provisions of The Municipal Act, C.C.S.M. c. M225 provides as follows:

Spheres of jurisdiction

232(1) A Council may pass by-laws for municipal purposes respecting the following matters,

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (l) public utilities;

General Powers

250 (2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (c) acquire, establish, maintain and operate services, facilities and utilities;

Powers respecting works, services, utilities

252 (1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including

- (a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
- (b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- (c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.

DIVISION 2 - LIABILITY OF MUNICIPALITIES

Limited liability for utilities or services

389 Where a municipality operates a utility or provides a service, it is not liable for loss or damage as a result of

- (a) the breaking of a pipe, service line, conduit, pole, wire, cable or other part of the utility or service; or
- (b) the discontinuance or interruption of a service or connection;

by reason of

- (c) accident;
- (d) disconnection for non-payment or non-compliance with a term or condition of service; or
- (e) necessity to repair or replace a part of the utility or service.

Limited liability for water overflow

390 Where an overflow of water from a sewer, drain, ditch or watercourse is a consequence of excessive snow, ice or rain, a municipality is not liable for a loss as a result of the overflow.

AND WHEREAS the Council of the Rural Municipality of Cartier wishes to be prudent and mitigate municipal liability regarding sewer back ups;

NOW THEREFORE the Council of The Rural Municipality of Cartier in session duly assembled enacts as follows:

Section 1 - Responsibility

- 1) A property owner shall do their due diligence to protect their own property by way of a back water valve (sewer back up valve) to prevent excess water or wastewater from backing up into or onto their property.
- 2) A property owner shall be responsible for clearing their sewer service line from any obstruction or debris. A service line shall be defined as follows

Gravity sewer system – the sewer service line is the portion of sewer line from the principal building to where the service line connects to the main sewer line.

Low pressure sewer system – the sewer service line is the portion of sewer line from the principal building to the curb stop.

- 3) A property located on the gravity and/or low pressure sewer system that is found to have a faulty system or blockage that adversely affects the municipal portion of the waste water system, shall allow the designated municipal employee to enter the property to determine the cause of the obstruction.
- 4) In a low pressure sewer system, the municipality reserves the right to shut off the connection at the curb stop to prevent further damage to the municipal sewer system until the obstruction is cleared to the satisfaction of the designated municipal employee. The sewer service line shall only be turned back on by a designated municipal employee.

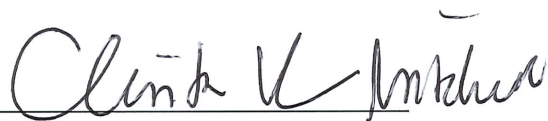
Section 2 – Municipal Infrastructure

- 1) No person shall tamper with, modify, or otherwise interfere with any part of the municipal water or wastewater infrastructure which includes removal of an obstruction or debris, or running a camera into the municipal infrastructure, unless authorized by a designated municipal employee.
- 2) Unauthorized access or interaction with this infrastructure is strictly prohibited and may result in repair costs being charged to the property owner. Where the owner fails to pay the costs, the costs may be added to the tax roll and collected in the same manner as taxes.

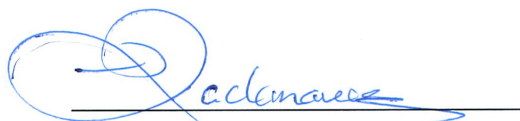
Section 3 – Notification to Municipality

- 1) If a property owner believes that a break or blockage may exist in the municipal infrastructure, they are to notify the municipality within 24 hours.

DONE AND PASSED on June 3, 2025.



Christa Vann Mitchell
Reeve



Michael Lackmanec
CAO

Read a first time on May 20, 2025
Read a second time on June 3, 2025
Read a third time on June 3, 2025



Resolution No. 25-216

**RURAL MUNICIPALITY OF CARTIER
RESOLUTION OF COUNCIL
June 3, 2025**

Moved By: Councillor Kevin Nixon
Seconded By: Councillor James Krahn

BE IT RESOLVED THAT By-Law No. 1723-25 being a By-Law of the Rural Municipality of Cartier for Sewer System Back-Up is hereby read a third time, signed, sealed and adopted as a By-Law of the Rural Municipality of Cartier.

In accordance with Section 137 of The Municipal Act, members present voted as follows:

NAME	FOR	AGAINST	ABSTAIN	ABSENT
Dan Bouchard	✓			
James Krahn	✓			
Christian Lachance	✓			
Jason Laramée	✓			
Kevin Nixon	✓			
Christa Vann Mitchell	✓			

CARRIED

I, Michael Lackmanec, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Council of the Rural Municipality of Cartier at a meeting held on Tuesday, June 3, 2025.

Michael Lackmanec, MBA, CPA
Chief Administrative Officer