

## SAND BAY COMMUNITY STUDY

Due to recent enquiries from residents of Sand Bay with various concerns; the Municipal Council undertook a study which began on June 9<sup>th</sup>, 2020 (Resolution 061-06-2020)

### **061-06-2020 Letters from Sand Bay Residents**

**Whereas** there are various concerns which have been brought to the attention of council regarding the area of Sand Bay

**Whereas** the council will need the time to study each of these concerns

**Whereas** there will be a need to consult with the Insurance, Municipal Affairs, Ministry of the Environment and legal council

It is therefore

**Moved by Cr. Dagg**

**Seconded by: Cr. Younge**

And unanimously agreed to begin a complete study of the issues of Sand Bay and the property identified as 5 640 667

Carried

After consultation with the above mentioned parties; the following issues were investigated and the results are as follows.

#### **1. OWNERSHIP OF LOT 5 640 667**

In a judgment by the Superior Court of Quebec in 1990, the Municipality of Clarendon was declared to be the absolute owner of the above mentioned property. There are no holds or conditions to this ownership. This is a clear deed of ownership.

#### **2. TOLERATED USE OF LOT 5 640 667**

The public has used this piece of Clarendon property for various activities and the uses have been tolerated by the Municipality; however, tolerance by the municipality of the use of the private property can in no way be equivalent to the granting of any right under article 924 of the Civil code

#### **3. RIGHT OF INSTALLATION OF SEPTIC PIPE**

Since the Municipality has clear ownership of lot 5 640 667, and since it is an obligation for the Municipality to issue permits which concur with the Q-2, r.22 (Environment Quality Act), the Municipality acted within its rights to allow the installation of the pipe across its property. In fact, the Ministry of the Environment has stated that this was not a choice but an obligation. After an in depth study, it was found that this system was the only option for this property. In conclusion, the current installation will remain in place as is.

#### **4. PROCESS OF THE PERMIT ISSUED WHICH CROSSED LOT 5 640 667**

The permit application was received at the Municipal Office on September 16, 2019 by our building inspector. All required documents accompanied the application. (survey of property & the septic design by a certified septic designer) The authorization from the Ministry of Natural Resources had been applied for. The design was approved by the building inspector pending authorization by the Ministry of Natural Resources. The authorization was received on September 23, 2019. The authorization included time constraints for installation of the pipe into the water system and therefore the permit was given that same day.

#### **5. POWERS OF THE BUILDING INSPECTOR**

Bylaw 2017-257 of the Municipality of Clarendon gives the designated officer (in Clarendon referred to as the Building Inspector) the power to accept or refuse the issuance of permits and to speak on behalf of the Municipality. To grant a permit, all documents must have been submitted. Municipal Council is not involved in the process unless there is an application for a minor variance. Therefore, the building inspector for the Municipality of Clarendon was within her right of office to grant the permit for the septic installation in question and also to give authorization to cross Clarendon property.

**6. MAINTENANCE CONTRACT FOR ADVANCED SECONDARY TREATMENT SYSTEM**

Under the regulation Q R 2-22 , the owner of such a system must have a maintenance contract with the manufacturer and there must be an annual verification that the system is working properly. A copy of these reports must be received by the municipality yearly. This verification was done prior to the 12 month limit at the request of the Municipality and the results were well within the government regulations. A copy of that report was sent to the Ministry of the Environment.

**7. ALGAE GROWTH**

Photos received by the Municipality were forwarded to the Ministry of the Environment who confirmed that the algae in the photos was not cyanobacteria.

**8. DRINKING WATER QUALITY**

Citizens with concerns regarding their drinking water have the obligation to prove that their drinking water is first of all contaminated and secondly that the contamination is not from the well itself with regards to depth and quality of the well. There would also be an obligation to prove that a neighboring septic was causing a problem. Water taken directly from the river will not be tested nor will it be confirmed as potable.

**9. USE OF THE PROPERTY OWNED BY THE MUNICIPALITY OF CLARENDON (LOT 5 640 667)**

Any planned group activities to take place on this property must have permission from the Municipality prior to taking place. A list of regulations for this property will be forthcoming from the Municipality.

**10. PUBLIC ROADS IN SAND BAY**

Roads which are owned and maintained by the Municipality of Clarendon are under the jurisdiction of the Municipality. Any work which is considered essential by the Municipality for these roads will be done at the discretion of council. The Fire Lane which leads to the boat launch must remain clear. Council will be investigating the issues of encroachment onto municipal property as far as road allowances go and taking necessary action.

**11. BOAT TRAFFIC**

The issue of boat traffic has been brought to council and any vessel operation restrictions are under the jurisdiction of the Federal Government. The area of Sand Bay has no restrictions for boats as to size or motors; however as part of the Safe Operation Regulation, *"A person who operates a vessel shall avoid endangering the safety of persons involved in any activity in any waters."* There is a federal regulation regarding speed.

**ACTIONS ARISING FROM THIS STUDY**

1. Signage will be placed on Lot 5 640 667 informing the public to the lack of safety measures for swimmers (i.e. lifeguards)
2. Regulations will be put in place for usage of Clarendon Property.
3. Municipal council will be investigating the roads under their jurisdiction and take measures needed for their maintenance.
4. Municipal council will be studying the issue of docks. If an action is deemed necessary; council will inform residents prior to taking an action.
5. Council has requested a larger police presence in this area so that there is an assurance that regulations are followed.