

BYLAW NO. 711

A Bylaw to Regulate the Dismantling and reclamation of Hydrocarbon Impacted Sites within the Town of Davidson

The Council of the Town of Davidson in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as *The Site Restoration Bylaw*.
2. In this bylaw:
 - a) "Administrator" means the administrator of the municipality;
 - b) "Council" means the council of the municipality;
 - c) "Designated Officer" means an employee or agent of the municipality appointed by Council to act as a municipal inspector for the purposes of this bylaw or, in the absence of a designation by Council, the Administrator;
 - d) "Municipality" means the Town of Davidson;
 - e) "Hydrocarbon impacted site" means land used as a petroleum storage site, a service station, gas bars and other similar uses;
 - f) "Owner" with respect to land, means:
 - i) the registered owner of the land as defined in *The Land Titles Act, 2000*; or
 - ii) a purchaser of the land pursuant to an agreement for sale who has registered an interest based on the agreement for sale against the title to that land pursuant to *The Land Titles Act, 2000*;
 - g) "Out of service" means the storage tanks are no longer being used for their intended purpose for a period of not less than 90 days, but shall not include:
 - i) being out of service for repair or modification of the storage tank where the storage tank is back in service within 90 days or such greater time as the municipality determines; or
 - ii) continuing in use for a specific purpose or required to meet third party obligations and/or agreements;
 - h) "Storage tank" means a tank used to store hydrocarbons, either above or below the ground, including connected piping or dispensing equipment.
3. When hydrocarbon storage tanks on a property within the municipality become out of service, the owner of the property upon which the tanks are located shall:
 - a. provide written notice to the municipality; and
 - b. apply for a permit to remove the storage tanks from the property.
4. Notwithstanding Section 3 of this bylaw, upon application by the owner of a property containing out of service storage tanks, the municipality may extend the time for an owner to comply with this bylaw.
5. Every application for a permit to remove a storage tank shall be in Form A, appended hereto and forming a part of this bylaw, and shall be accompanied by a fee in the amount of \$ 100.00 payable to the municipality.
6. Subsequent to issuance of the permit by the municipality, the owner of the property upon which the storage tank is located shall:
 - a) remove all flammable liquids and combustible liquids from the storage tank;
 - b) purge the storage tank of all vapours;
 - c) give notice to the municipality of the proposed date and time for the removal of the storage tank;
 - d) remove the storage tank from the site or from the ground;
 - e) submit a corrective action plan and/or risk management plan to the Ministry of Environment for review and approval;
 - f) submit copies of any reports submitted to the Ministry of Environment pertaining to e); and
 - g) comply with all federal and provincial legislation and regulations, including the National Fire Code, respecting the restoration of the site.

7. Notwithstanding section 6 of this bylaw, an owner or lessee shall not remove a storage tank from the site or from the ground unless the Davidson Volunteer Fire Department is present.
8. An owner shall not be required to undertake any of the work described above if it would be contrary to any valid federal or provincial laws.
9. The administration and enforcement of this bylaw is hereby delegated to the Designated Officer for the municipality.
10. The inspection of property by the municipality to determine if this bylaw is being complied with is hereby authorized.
11. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.
12. If a Designated Officer finds that an owner is contravening this bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
13. Orders given under bylaw shall be served in accordance with Section 390(1) (a), (b) or (c) of *The Municipalities Act*.
14. No person shall:
 - a) fail to comply with an order made pursuant to this bylaw;
 - b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this bylaw; or
 - c) fail to comply with any other provision of this bylaw.
15. Every person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence liable on summary conviction to the penalties prescribed in *The General Penalty Bylaw* of this municipality.

Mary Jane Morrison, Mayor

(S E A L)

Gary Edom, Administrator

Subsection 8(1) (1) *The Municipalities Act*

Read a third time and adopted this
16th day of September, 2008

Administrator