

BY-LAW No. 9-93

WHEREAS the Rural Municipality of Ritchot wishes to enact regulations controlling the quantity of water discharged into its sewerage system;

AND WHEREAS The Municipal Act R.S.M. 1988,c M225 authorizes the Rural Municipality of Ritchot to enact by laws preventing, restricting, controlling and regulating the discharge into any drain, sewer or sewerage system of any deleterious matter, substance or thing, whether liquid or solid, that would damage any drain, sewer or sewerage system;

THEREFORE, the Municipal Council of the Rural Municipality of Ritchot enacts:

SECTION ONE

PURPOSE

- 1.1 The purpose of this By-Law is to protect the sewers, drains and sewerage systems located within the Rural Municipality of Ritchot which are not designed to accommodate water accumulated on property due to precipitation, snow or ice melt or other cause and would be damaged by the discharge of such water into those sewers, drains and sewerage systems;
- 1.2 In order to achieve the purpose of this By-Law, the Rural Municipality of Ritchot wishes to require the discharge of such accumulated water into drainage ditches designed for that purpose and to prohibit the discharge of such water into the drains, sewers and sewerage systems of the Rural Municipality of Ritchot.

SECTION TWO

DEFINITIONS

"Assistant Development Officer" means the person appointed annually by By-Law of the Rural Municipality of Ritchot as Assistant Development Officer for the Municipality and for the McDonald-Ritchot Planning District.

"Council" means the Council of the Rural Municipality of Ritchot.

"Drainage System" means any system intended to divert or dispose of water accumulated due to precipitation, melted snow, flooding, or other cause and includes eavestroughs and weeping tiles.

"Justice" means a judge of the Provincial Court of Manitoba or a judge of the Court of Queen's Bench of Manitoba.

"Owner" means a person who is an owner of a freehold estate in real property and includes a person who is the owner of such an estate jointly with another person, and a person who is registered under The Condominium Act as the owner, as defined in that Act, of a unit under that Act.

"Sewer System" means the drains, sewers, and sewerage system of the Rural Municipality of Ritchot

SECTION THREE

DUTIES AND OBLIGATIONS OF OWNER

- 3.1 It is the duty of every owner to ensure that their property has a properly designed, constructed and maintained drainage system and to ensure that such drainage system discharges water and other material which it accumulates in the proper manner as set out in this By-Law.
- 3.2 Every owner shall ensure that drainage systems located on or about their property do not discharge into the sewer system of the Rural Municipality of Ritchot.

- 3.3 Every owner shall ensure that discharge from his/her drainage system does not discharge onto or affect:
- (a) any neighbouring property; or
 - (b) neighbouring or public sidewalks or stairs;
- 3.4 This By-Law shall only apply to drainage systems constructed or installed after the date on which this By-Law comes into force.

SECTION FOUR **DRAINAGE DISCHARGE**

- 4.1 All drainage systems located on or about a property shall discharge into the drainage ditch closest to the property.
- 4.2 Every owner shall install a sump pump in or about their property to pump discharge from any drainage system located on or about the property to the drainage ditch located closest to their property.
- 4.3 A building permit shall not be issued unless the owner satisfies the Assistant Development Officer that the drainage system which s/he intends to install or construct meets the requirements of this By-Law. The Assistant Development Officer may require the owner to provide such information, including plans and specifications, as may be necessary to satisfy the Assistant Development Officer.

SECTION FIVE **ENFORCEMENT**

- 5.1 The Assistant Development Officer may, at all reasonable times, enter onto any property for the purpose of enforcing this By-Law, including, but not limited to, the inspection of any drainage system located on or about any property and the posting of orders on property.
- 5.2 If the Assistant Development Officer, after having inspected any drainage system is of the opinion that it does not meet the requirement of this By-Law, s/he may make an order requiring an owner to comply with this By-Law. A copy of this order must be served immediately upon the owner of the property by registered mail directed to the address shown on the assessment roll or by personal service. A copy of the order must also be posted on the property.
- 5.3 If the Assistant Development Officer is unable to serve the order upon the owner by registered mail or personal service, s/he may apply to the court of Queen's Bench for an order of substitutional service.
- 5.4 The order requiring compliance shall include the following information:
- (a) the legal description and civic address of the property, the name and address of the owner, and, if necessary, a description of the property sufficient to identify it.
 - (b) the nature of the offence and a description of the condition requiring correction. The order may also contain suggestions as to what action may be taken to correct the condition
 - (c) the date by which the owner must correct the condition;
 - (d) advising the owner that s/he must notify the Assistant Development Officer, in writing, that the condition has been corrected;
 - (e) the date by which notice of an objection to the order must be made;
 - (f) advising the owner of the procedure for objecting to the order;

- 5.5 Where the Assistant Development Officer makes an order requiring an owner to correct a condition which violates a By-Law, s/he shall give the owner 30 days within which s/he must correct the condition.
- 5.6 Once the owner has corrected the condition identified in the order, s/he must notify the Assistant Development Officer, in writing, that the condition has been corrected. The Assistant Development Officer may then inspect the drainage system to ensure that the condition has been properly corrected.
- 5.7 The Assistant Development Officer may extend the 30 day time period where s/he is satisfied that the owner has made reasonable efforts to correct the condition, but cannot do so within the 30 day time period due to technical difficulties, inability to obtain necessary materials or labour or such other reason as the Assistant Development Officer may deem acceptable.
- 5.8 An owner, or a person authorized in writing by the owner to act on his/her behalf, may object to an order made by the Assistant Development Officer. The owner must notify the Secretary-Treasurer, in writing, that s/he objects to the order of the Assistant Development Officer. A copy of the order must accompany the notice of objection. The notice must also include the owner's current address and phone number.
- 5.9 The Objection shall be considered by Council at a date and time set by the Secretary-Treasurer and the owner shall be given at least three days notice of the date and time of the hearing. The owner shall be notified that s/he or his/her representative may be present at the hearing. If the owner or his/her representative may be present at the hearing. If the owner or his/her representative does not attend, Council may proceed to consider the objection and make a decision, in the absence of the owner.
- 5.10 The hearing shall be open to the public and any interested person or his/her representative may make submissions to Council.
- 5.11 Council may adjourn the meeting and reconvene it at such other times as it shall decide.
- 5.12 Council, after hearing the objection, may render a decision immediately or after such period as it considers necessary. Council may:
- (a) affirm the order; or
 - (b) rescind the order if it finds that the owner did not violate the by-law; or
 - (c) vary the order to meet the circumstances of the case, either by extending the time required to correct the condition or such other order as Council considers necessary or just.
- 5.13 The Secretary-Treasurer shall notify the owner of Council's decision, in writing, by mailing a copy of the decision to the owner at the address indicated on the notice of objection.,
- 5.14 Where the owner fails to comply with the order of Council within the time specified by Council, Council may authorize and arrange for the correction of the non-compliance at the expense of the owner. Where the owner does not pay the cost of such work, the cost may be added to the tax roll and collected in same manner as arrears in taxes.
- 5.15 Where the Assistant Development Officer observes that a drainage system that has been completed and approved by the Designated Office, has been

altered with the result that it does not comply with this By-Law, the Assistant Development Officer shall report such alteration to Council.

5.16 Where Council has been advised of an alteration in a drainage system, it may order the owner to comply with this By-Law and shall do so in the same manner set out in Section 5.3 to 5.8 inclusive. The owner shall be subject to the same procedure set out in Section 5.9 to 5.14 inclusive.

SECTION SIX

PENALTIES

6.1 Every person who fails to comply with an order made by the Assistant Development Officer, Council or a decision of Council or who obstructs or interferes with the Assistant Development Officer in the performance of his/her duties under this By-Law, is guilty of an offence and is liable on summary conviction:

(a) if an individual, to a fine not exceeding \$1000 or to imprisonment for a term not exceeding six months or both;

or

(b) if a corporation, to a fine not exceeding \$5,000.

6.2 A separate offence shall exist for each day a person fails to comply with an order of the Assistant Development Officer or a decision of Council.

6.3 Where a person accused of an offence was the owner of property on the day that the order relating to that property was served and posted, it is not a defense that s/he is no longer the owner of the property.

6.3 In addition to the penalty of fine and/or imprisonment, a Justice may impose such terms and conditions as may be necessary and/or just in the circumstances.

DONE AND PASSED by the Council of the Rural Municipality of Ritchot in Council assembled at St. Adolphe, in the Province of Manitoba, this 6th day of April A.D. 1993.

Cyrille Durand

Reeve

Joseph Brodeur

Administrator

Read a first time this 2nd day of March A.D. 1993.

Read a second time this 2nd day of March A.D. 1993.

Read a third time this 6th day of April A.D. 1993.