

# **SURFACE AND STORM WATER DISCHARGE**

## **Rural Municipality of Victoria**

### **By-Law No: 1339/2011**

**BEING A BY-LAW** of the Rural Municipality of Victoria to restrict the discharge of certain surface and storm water into municipal sewer systems and the requirement to install drain tiles and sump pits in residential dwellings.

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**WHEREAS** the provisions of The Municipal Act, L.M. 1996,c.58- Chap. M225 provides in part as follows:

#### **Spheres of jurisdiction**

- 232(1)** A council may pass by-laws for municipal purposes respecting the following matters,
- 1.1 the safety, health, protection and well-being of people, and the safety and protection of property;
  - 2.1 (l) public utilities

**AND WHEREAS** Part 8, Division 1 of the Municipal Act, S.M. 1996, c.58 – Cap. M225, Section 250(2) provides as follows:

#### **General Powers**

- 250(2)** Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following;
- (a) acquire, hold, mortgage and dispose of land, improvements and personal property, or an interest in land, improvements and personal property;
  - (b) construct, operate, repair, improve and maintain works and improvements;
  - (c) acquire, establish, maintain and operate services, facilities and utilities;
  - (d) enter into agreements with a person, with an agency of the Government of Manitoba or the Government of Canada, or with another municipality, including a municipality in another province, to do with or on behalf of the municipality anything the municipality has the power to do within the municipality;
  - (e) use municipal equipment, materials and labour to carry out private works on private property;

**AND WHEREAS** Part 8, Division 1 of the Municipal Act, S.M. 1996, c.58 – Cap M225, Section 252 (1) provides as follows:

#### **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.

**AND WHEREAS** Council of the Rural Municipality of Victoria desires to protect the sewer systems in the communities of Holland and Cypress River from damage resulting from the discharge of excess storm water into the public sewer system;

**AND WHEREAS** it is deemed advisable to restrict the discharge of water accumulated on property due to precipitation, flooding or otherwise into the sewer systems in the communities of Holland and Cypress River; and,

**NOW THEREFORE** the Council of the Rural Municipality of Victoria in session duly assembled enacts as follows:

#### **Section One – Definitions:**

1.1 In this by-law:

- a) "*Affected property*" means all lands, including all buildings, structures and improvements thereon, which are connected to the sewer system in the communities of Holland and Cypress River;

- b) "*Code*" means the Building Code and includes all other construction requirements adopted by the Province of Manitoba and the National Building Codes.
- c) "*Drainage system*" means any device or system used or intended for the purpose of collecting, storing, conveying, controlling or diverting the flow of storm water and also includes weeping tiles;
- d) "*Weeping tiles*" means a network of piping installed underground meant for the collection of ground water into a sump pit.
- e) "*Sump pit*" means a container constructed of suitable and approved material to provide for the collection of water from the drainage system or weeping tiles.
- f) "*Back-flow Prevention Device*" means an in-line device designed to prevent the backflow of sewage from the public septic system into the residence, and requires to be CSA approved.
- g) "*Owner*" means, in respect of an affected property an owner of a freehold estate in real property and includes, without limitation, 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 an owner of a condominium unit;
- h) "*Storm water*" means surface water or subsurface water resulting from precipitation or flooding;
- i) "*Work*" means any construction, installation, alteration or repair of or to a drainage system servicing or affecting an affected property; and,
- j) "*Designate Officer*" means either the Development Officer Building Inspector or the By-Law Enforcement Officer for the Rural Municipality of Victoria.

### **Section Two – Scope**

- 2.1 This by-law applies to the sewer systems servicing or affecting all buildings and structures situated in the communities of Holland and Cypress River which are in any way connected to a public sewer or other public waste water management system.
- 2.2 Where buildings are provided with a subsurface foundation, a weeping tile drainage system and sump pit collection is required. The system shall be constructed so that the drainage is directed to a sump pit equipped with a pump and discharged to the outside of the building in conformance with the Code.

### **Section Three – Prohibitions**

- 3.1 No owner shall permit the discharge of storm water from their drainage system servicing their property into a public or municipal sewer or other waste water disposal system operated by the municipality.
- 3.2 No owner shall maintain in place a drainage system servicing property, other than in compliance with such standards and specifications as are approved from time to time by the municipality or the Code.

### **Section Four – Duties and Responsibilities of the Owner**

- 4.1 Every owner who receives notice of any non-compliance of this By-Law shall rectify such non-compliance within 90 days of receiving the written notice to comply.
- 4.2 Every owner who receives a notice of an order made against him under this By-Law shall comply with such order within the time specified therein.
- 4.3 Every owner and occupant shall allow the Designated Officer to enter upon and into any lands and premises for the purposes of carrying out inspections or administering this By-Law.
- 4.4 Every owner shall give notice in writing to the municipality when the required work for which the notice of non-compliance was issued under this By-Law, is completed.
- 4.5 All sump pumps shall be automatically controlled and set to maintain the water level below the lowest weeping tile entering the sump pit, and will be connected to an electrical circuit that supplies no other outlets or equipment, and such pump must be CSA approved.
- 4.6 Sump pits shall have walls and bottoms constructed of concrete, polyethylene, polypropylene, fiber-glass or other suitable material and must be installed with a sealed cover adequate to support the occupancy floor load.
- 4.7 The cover of the sump pit must be installed at all times and be permanently secured, locked, fastened, or screwed down in a manner recommended by the manufacturer or the Code.
- 4.8 The discharge pipe system from the sump pump shall be constructed of materials installed in conformance with the Code, and have a check valve installed near the connection of the pump to prevent backflow in the sump pit.
- 4.9 Any new construction is required to follow the guidelines put forward by the Code and when a structure is proposed to be connected to a public septic system will be required to have installed a CSA approved Back Flow Prevention Device as detailed in the Code.

### **Section Five – Duties of the Municipality**

- 5.1 The Designated Officer shall issue in writing notices orders on behalf of the municipality as is necessary to inform the owner where a contravention of this By-Law has been observed.
- 5.2 Where in the opinion of the Designated Officer, the landscaped area around the building is adequate to dispose of subsurface drainage without causing a nuisance to adjoining properties, the discharge from the sump pump shall be directed to the outside of the building and discharged as instructed.
- 5.3 Where in the opinion of the Building Inspector, the landscaped area surrounding the building is not adequate to dispose of subsurface drainage and/or where such drainage may result in a

nuisance to other properties, the type of system and point of discharge may be altered as recommended by the Designated Officer.

**Section Six – Enforcement**

- 6.1 The Designated Officer of the municipality is hereby authorized to enter into and upon any lands and into any Affected Properties for the purpose of:
  - a) blocking any connection which a drainage system has been connected to a public sewer system or public waste water management system when, in the opinion of the Designated Officer, it is advisable that such action be taken to reduce or diminish damage or loss from or incidental to the discharge of storm water;
  - b) maintaining any sewer pipe and block, apparatus, or other things placed to block a sewer connection or used in connection therewith;
  - c) carrying out inspections; or,
  - d) administering or enforcing this By-Law.
- 6.2 For new buildings, the owner shall comply; and for existing buildings where an inspection determines that the requirements of this By-Law are required, the municipality may, by written notice, order an owner to comply with this By-Law within 90 days of receiving the written notice to comply.
- 6.3 Where an owner fails to comply with an order made under this By-Law within the specified time limit, the municipality may authorize and arrange for the correction of the non-compliance at the expense of the owner. Where the owner fails to pay the cost of the work within 30 days following delivery of an invoice therefore, the cost may be added to the tax roll and collected in the same manner as arrears in taxes.
- 6.4 Every person who fails to comply with an order made under this By-Law or who circumvents the installed and inspected drainage system shall be subject to the maximum penalties allowable under The Municipal Act., L.M. 1996, C.58 – Chap. M225 of \$500.00 for each day of non-compliance.

**Section Seven – Effective Date**

- 7.1 This By-Law shall come into effect on the date upon which it is duly adopted by the Council of the Rural Municipality of Victoria.

**DONE AND PASSED** by the Council of the Rural Municipality of Victoria, in council duly assembled, at Holland, Manitoba on this 11<sup>th</sup> day of January, 2012.

*"Originally Signed by Reeve Harold W. Purkess"*

Reeve

*"Originally Signed by CAO Y. Ivan Bruneau"*

Chief Administrative Officer

Read a first time this	<u>12<sup>th</sup></u>	day of	<u>October</u>	A.D.	<u>2011.</u>
Read a second time this	<u>14<sup>th</sup></u>	day of	<u>December</u>	A.D.	<u>2011.</u>
Read a third time this	<u>11<sup>th</sup></u>	day of	<u>January</u>	A.D.	<u>2012.</u>