

VILLAGE OF

ANDREW

BYLAW NO 2017-05

The council of the Village of Andrew, duly assembled, hereby enacts

1. This bylaw can be called "Water Drainage Control Bylaw".

DEFINITIONS

2. In this bylaw:
 - a. "owner" means and person who is the registered owner of a property or any person who is in lawful possession or occupancy of any the land or any buildings situated on the land. This includes, but not limited to developers and contractors.
 - b. "Village owned Lands" means a public road, public lane, or public utility.

SURFACE DRAINAGE

3. The Village may require a lot grade plan prior to:
 - a. approval of a subdivision
 - b. issuance of a development permit
 - c. approval for any types of works
4. The Village may require certification from a surveyor that the lot grade plan has been met.
5. No owner shall permit water to pond on their property that may cause or have potential to cause, as determined by the Village, a nuisance, hazard or damage.
6. No person shall alter any Village approved surface grades, surface elevations, or obstruct alter or remove a swale, canal, ditch, or other surface drainage feature that:
 - a. may cause or have potential to cause, as determined by the Village, a nuisance, hazard or damage: or
 - b. may adversely affect or have potential to adversely affect, as determined by the Village, any other property.
7. No person, except employees or agents of the Village, shall:
 - a. alter the surface elevations or grades on Village owned lands

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- b. obstruct, remove, regrade or alter a swale, canal, ditch, reservoir or other surface drainage feature or facility owned by the Village or within the Village right of way
- c. install a culvert or driveway within Village property or a Village right of way without approval from the Village.

SUMP PUMPS/ROOF DRAINAGE

- 8. All buildings downspouts and sump pump discharges shall have a drainage extension securely fastened or placed to direct drainage from a roof run off collection system or sump pump discharge system toward a street, lane, or ditch. The owner shall be solely responsible for ensuring the discharge is properly designed, installed and operated.
- 9. No person shall discharge or cause to discharge or have a connection that would allow the discharge of sub surface discharge, surface water, roof run off, or unpolluted clear water waste to any sanitary sewer system.
- 10. Where determined necessary, the Chief Administrative Officer may approve and the connection of the Sump Pump Discharge to the sanitary sewer system from November 1 to April 30 of the following year.
- 11. No owner shall permit roof drainage, or pumped subsurface drainage from a building to be discharged:
 - a. directly onto a permeable ground surface within one meter of the building
 - b. directly onto a adjacent property or onto a Village right of way or Village property.
 - c. To a location where soil erosion would occur
 - d. to a location where the flow of water or accumulation of water would adversely cause or have the potential to adversely cause, as determined by the Village, a nuisance, hazard or damage.

ENFORCEMENT

- 12. Sections 8, 10 & 11 will apply to any building constructed after passing of this bylaw.
- 13. The Village is not required to enforce this bylaw if, in the sole discretion of the Village, enforcement is not warranted due to the degree or nature of the non compliance, and

would not materially interfere with or affect the use, enjoyment, or value of neighbouring, parcels of land.

14. The Village shall not be held liable for any damage caused by a person contravening any section of this bylaw.
15. The Village may take actions to remedy any contraventions of this bylaw. All costs incurred by the Village are recoverable from the owner of the property and/or the person who caused the contravention
16. Any person who performs work on behalf of the Village to remedy a contravention of this bylaw is not liable for any damages caused by the inspection, work, or activities undertaken to remedy the contravention.

OFFENSES AND PENALTIES

17. Any person who contravenes a section of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule A.
18. Despite section 17, any person who commits a second or subsequent offence under this bylaw within one (1) year of committing the first offence is liable to a fine as set out in Schedule A.
19. A peace officer is authorized to issue a violation ticket to any person who the peace officer has reasonable and probable grounds to believe has contravened any section of this bylaw.
20. Where a contravention of this bylaw is of a continuing nature, further violation tickets may be issued by the peace officer.
21. Where a violation ticket is issued, the person to whom the violation ticket is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation ticket.

GENERAL

22. Nothing in this bylaw will be construed as curtailing or abridging the right of the Village to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
 23. Nothing in this bylaw will operate to relieve any person from complying with any Federal, Provincial or other Village law, order, regulation or bylaw.
 24. Should any provision of this bylaw be deemed invalid, then such invalid provision may be severed and the remaining bylaw shall be maintained.
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READ a first time on July 12, 2017

READ a second time on July 12, 2017

READ a third time with unanimous consent on



Mayor



CAO