



RURAL MUNICIPALITY OF HANOVER

BY-LAW NO. 2367-15

Sump Pump Water By-Law

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF HANOVER RESTRICTING THE DISCHARGE OF STORM WATER INTO A PUBLIC SANITARY SEWER SYSTEM AND RESTRICTING SUMP PUMP DISCHARGING OF SUBSURFACE WATER FROM A PROPERTY

WHEREAS subsection 232 (1) of the Municipal Act, S.M. 1996, C. 58 - Cap. M. 225, provides, in part, as follows:

A council may pass by-laws for municipal purposes respecting the following matters:

(l) Public utilities;

AND WHEREAS subsection 232 (2) of the ACT provides, in part, as follows:

Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

(a) regulate or prohibit;

AND WHEREAS subsection 250 (1) of the ACT provides, in part, as follows:

A municipality is a corporation and, subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.

AND WHEREAS subsection 250 (2) of the ACT provides, in part, as follows:

Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

(c) acquire, establish, maintain and operate services, facilities and utilities;

AND WHEREAS subsection 252 (1) of the ACT provides, in part, as follows:

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

(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 the Council of the Municipality desires to protect the public sanitary sewer systems within its jurisdiction from damage resulting from the discharge of water into the public sanitary sewer systems;

AND WHEREAS it is deemed advisable to enact a by-law governing the discharge of water accumulated on property due to precipitation, flooding or otherwise into the sanitary sewer systems with the Rural Municipality of Hanover;

NOW THEREFORE be it enacted as a by-law of the Municipality 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 located within all 5 urban communities in the R.M. of Hanover (Mitchell, Kleefeld, New Bothwell, Grunthal, Blumenort)
- (b) "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;
- (c) "Local Improvement District" means an area of the Municipality as defined in by-laws passed by the Council of the Municipality of Hanover enacted in accordance with subsection 317 (1) of the Municipal Act;
- (d) "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;
- (e) "storm water" means surface water or subsurface water resulting from precipitation or flooding, or natural underground flow; and
- (f) "sump pump" means a submersible pump and capable of discharging subsurface water from a pit.
- (g) "work" means any construction, installation, alteration or repair of or to a drainage system servicing or affecting an Affected Property.
- (h) "urban community" describes any of the 5 communities in the municipality being Grunthal, Mitchell, Blumenort, Kleefeld and New Bothwell.

Section Two - Scope

- 2.1 This by-law applies to the drainage systems servicing or affecting all buildings and structures situated in any Local Improvement District or Urban Community which are in any way connected to a public sanitary sewer or other public waste water management system.
- 2.2 This by-law shall apply, and be interpreted in conjunction with, Building By-Law No. 1961 and all amendments thereto, except where same is held to be in conflict with this by-law, in which case the provisions of this by-law shall prevail.

Section Three - Prohibitions

- 3.1 No owner shall permit the discharge of storm water from the drainage system servicing or affecting an Affected Property into a public sanitary sewer or other waste water disposal system.
- 3.2 No owner within any of the urban communities shall permit sump pump discharge hoses to drain directly onto neighbouring properties, onto lanes or streets, onto sidewalks, onto boulevards, ditches, or into the floor drain of the property owner. The property owner shall ensure that the discharge of their sump pump hose end remains a minimum of 5 feet away from their property line.
- 3.3 No owner shall maintain in place a drainage system servicing or affecting an Affected Property, other than in compliance with such standards and specifications as are approved from time to time by the Municipality pursuant to this by-law.
- 3.4 No person shall work, authorize or allow any work to proceed in connection with a drainage system servicing or affecting an Affected Property owned by him unless a valid permit has been issued by the Municipality for the work to be performed.
- 3.5 No person shall deviate from the terms and conditions forming a part of any permit issued under this by-law, or fail to complete the work contemplated by such permit, without first obtaining the written consent of the Municipality to do so.

Section Four - Duties and Responsibilities of the Owner

- 4.1 Every owner who receives a notice or an order made against him under this by-law shall comply with such notice or order within the time specified therein.
- 4.2 Every owner and occupant shall allow a designated officer of the Municipality to enter upon and into any lands and premises for the purposes of carrying out inspections or administering or enforcing this by-law.
- 4.3 Every owner shall obtain a permit in connection with any proposed work pertaining to a drainage system servicing or affecting an Affected Property, prior to commencing the work to which such permit relates.

- 4.4 Upon applying for a permit under this by-law, every owner shall provide such information including, without limitation, such plans and specifications as the Municipality may request for the purpose of evaluating the proposed work.
- 4.5 Every owner shall give notice in writing to the Municipality when work for which a permit has been issued under this by-law has been completed.
- 4.6 When required by the Municipality, every owner shall replace at his own expense any work that has been completed contrary to the conditions contained in the permit to which such work relates.
- 4.7 No permit issued pursuant to this by-law shall relieve the owner of his responsibility to carry out the work and maintain the drainage system in accordance with the provisions of this by-law.
- 4.8 Under exceptional subsurface water level conditions and/or due to extreme amounts of precipitation, property owners may make a request in writing for municipal permission from the Chief Administrative Officer (CAO) or his designate, for sump pump discharging to a specified designated area/location for no longer than 2 days to protect their property.

Section Five - Duties of the Municipality

- 5.1 The Municipality shall, from time to time, approve specifications and standards applicable to work relating to drainage systems servicing or affecting Affected Property, and shall make such standards and specifications available to each applicant for a permit under this by-law.
- 5.2 The Municipality shall issue in writing notices or orders as are necessary to inform the owner where a contravention of this by-law has been observed.
- 5.3 The Municipality shall issue a permit to the owner, or the owner's agent, in each case where the applicable conditions set forth or contemplated by this by-law have been complied with.
- 5.4 For exceptional circumstances, the Municipality shall issue written confirmation of approval from the Chief Administrative officer or his designated officers to authorize temporary or permanent authorization to a property owner to discharge subsurface water from a sump pump discharge hose where specified for those properties in communities or neighbourhoods that regularly experience exceptional subsurface water level conditions.
- 5.5 The Municipality shall have the designated officer inspect and investigate public complaints or complaints observed by any appointed designated officer of the Municipality for the purpose to determine if subsurface water is being discharged into a prohibited area as per section 3.2 of the prohibitions. The designated officer shall issue a notice or order with a specified time of no more than a maximum of 2 days to rectify the non-compliance.

Section Six - Enforcement

- 6.1 A 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 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 If the designated officer having inspected any drainage system, is of the opinion that the requirements of this by-law have not been complied with, the Municipality may, by written notice, order an owner to comply with this by-law within the specified time as determined by the designated officer.
- 6.3 Where an owner fails to comply with an order or notice made by the designated officer under this by-law within the specified time limit, the Municipality may:
- (a) 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 therefor, the cost may be added to the tax roll and collected in the same manner as arrears in taxes; or
 - (b) disconnect the service; and or
 - (c) issue an offence notice.
- 6.4 Every person who fails to comply with an order or notice made under this by-law shall be subject to the maximum penalties allowable under subsection 249 (1) of the Municipal Act, SM 1996, C.58 - Cap. M225.

Section Seven – Offence and Penalties

Penalty

- 7.1 (a) An order or notice made under this by-law shall be in writing and signed by the Designated Officer. An order or notice may be directed to the owner, occupier or lessee of the subject building or property in respect of which it is made or to any or all of them.
- (b) Any order or notice made under this by-law shall be served:
- (1) personally upon the person to whom it is directed; or
 - (2) by registered or regular mail; or
 - (3) by posting a copy of the order or notice in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of said order.

In the case the notice or order is sent by registered mail, the notice or order shall be deemed to have been made 3 days after posting. In the case of an owner, the address for mailing shall be as shown on the current assessment records for the Municipality.

In the case of service by regular mail the order or notice shall be deemed to have been received on the fifth business day subsequent to the date it is mailed.

- (c) Any person who contravenes or disobeys, or refuses or neglects to obey:
 - (1) any provision of this by-law, or any provision of any other by-law that by this by-law is made applicable to proceedings taken or things done under this by-law; or
 - (2) any provision of any by-law, Regulation or Order enacted or made by Council; or
 - (3) any Order made by this by-law;

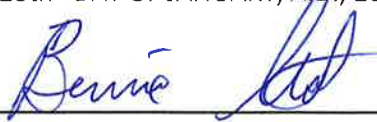
for which no other penalty is specifically provided is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 or more than \$1,000.00 for each day's neglect or failure to comply therewith and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

- 1. (d) Any person who hinders or obstructs the Designated Officer in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 or more than \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.


Section Eight - Effective Date

- 8.1 This by-law shall come into effect on the date upon which it is duly passed by the Council of the Municipality.
- 8.2 That By-law No. 2100 enacted by the Rural Municipality of Hanover on the 14th day of September, A.D., 2005 restricting the discharge of certain storm water into the public sewer system be and is hereby repealed;

DONE AND PASSED AS A BY-LAW OF THE RURAL MUNICIPALITY OF HANOVER IN OPEN COUNCIL DULY ASSEMBLED IN THE PROVINCE OF MANITOBA THIS 28th DAY OF JANUARY, A.D., 2015



Reeve



Chief Administrative Officer

Read a first time this 14th day of January, 2015.
Read a second time this 28th day of January, 2015.
Read a third time this 28th day of January, 2015.