

RURAL MUNICIPALITY OF DE SALABERRY

By-law No. 2119

A By-law of the Rural Municipality of De Salaberry (the "Municipality") restricting the discharge of certain storm or surface water into the St-Malo public sewer system

WHEREAS The Municipal Act, S.M. 1996, C. 58 - Cap. M. 225, provides, in part, as follows:

232 (1) A council may pass by-laws for municipal purposes respecting the following matters:

(1) Public utilities;

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

(a) regulate or prohibit;

250 (1) 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.

250 (2) 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;

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 (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 St-Malo public sewerage system from damage resulting from the discharge of water into the public sewerage system;

AND WHEREAS it is deemed advisable that a by-law be passed governing the discharge of water accumulated on property due to precipitation, flooding or otherwise into the St-Malo sewer system;

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 Local Improvement District No. 2

(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 No. 2" means Local District No. 2 as defined in By-Laws passed by the Council of the Municipality of DeSalaberry

4.7 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.

4.8 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.

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.

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 30 days.

6.3 Where an owner fails to comply with an order made 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

6.4 Every person who fails to comply with an order made under this By-Law shall be subject to the maximum penalties allowable under The Municipal Act, S.M 1996, C.58 - Cap. M225.

This By-law shall come into effect on the date upon which it is duly passed by the Council of the Rural Municipality of De Salaberry.

PASSED & ENACTED IN OPEN COUNCIL DULY ASSEMBLED AT ST-PIERRE-JOLYS, MB. THIS 28th DAY OF July, 1999.

Reeve


Chief Administrative Officer