

BY-LAW NO. 08-21

- of -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law of the Rural Municipality of Springfield to govern certain aspects of weeping tile connection, lot grading and drainage on public or private property.

WHEREAS Section 232(1)(h) of The Municipal Act, S.M. 1996, c.58 (the "Act") states as follows:

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

... (h) Drains and drainage on private or public property.

AND WHEREAS Section 239(1)(3) of the Act provides for entering onto private lands to enforce by-laws as follows:

239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- a) Enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- b) Request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- c) Make copies of anything related to the inspection, remedy, enforcement or action.

239(3) In an emergency, or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things referred to in clauses 1(a) and (c) without the consent of the owner or occupant

NOW THEREFORE the Municipal Council of the RM of Springfield, in meeting duly assembled, enacts as follows:

1. The By-law of the Rural Municipality of Springfield to provide for regulation of building weeping tile systems, By-law No. 76-9, and all amendments thereto, are hereby rescinded.

2. **Short Title:**

This By-Law may be cited as: "The Weeping Tile By-Law"

3. **Definitions:**

(1) In this By-Law

- a) **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy.
- b) **"Council"** means the Council of the Municipality.
- c) **"Designated Officer"** means the Manager of Operations and Services or their designate.
- d) **"Direct Connection"** means a sewer connecting a weeping tile system to a public sewer.
- e) **"Indirect Connection"** means any method other than a direct connection by which the discharge from a weeping tile system is channeled underground or above ground to a public sewer.
- f) **"Land Drainage"** or **"Storm Drainage"** means storm, snow melt, surface overflow, subsurface, or seepage waters or other drainage from land, but does not include wastewater.
- g) **"Land Drainage Sewer"** or **"Storm Sewer"** means a sewer that carried land drainage but excludes wastewater.
- h) **"Municipality"** means the Rural Municipality of Springfield.
- i) **"Person"** means any person, firm, co-partnership or corporation or any trustee, manager, or other person either individually or jointly with others, owning or occupying any building or place or having the management or supervision of any building or place to which this By-law applies, and shall also include any agent, workman, servant or employee of such person, firm, co-partnership or corporation.
- j) **"Property"** means a parcel of land containing one or more abutting lots, or parts thereof, or parcel of land defined by plan, deed, certificate of title, or any other document of record in the Rural Municipality of Springfield registered with the Land Titles Office, held under separate ownership.

- k) **“Public”** means that utility or service which is owned or controlled by the Municipality.
- l) **“Sewer”** means a pipe or conduit that carries wastewater or land drainage.
- m) **“Wastewater”** or **“Sanitary sewage”** means the spent water of a community from the standpoint of source. It may be a combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.
- n) **“Wastewater sewer”** or **“Sanitary sewer”** means a sewer that carries wastewater, together with quantities of ground, storm and surface waters that are not admitted intentionally.
- o) **“Weeping tile system”** means a pipe or conduit system designed to collect and carry subsurface land drainage away from a building foundation or below a grade wall.
- p) **“Downspout”** means a nominally vertical pipe that is installed to carry storm water from a roof.
- q) **“Splash Pad”** means a cast-in-place or pre-cast concrete structure rigidly attached to a building to carry roof runoff and weeping tile water away from the building foundation.

4. Intent of By-law

The intent of this By-law is to establish regulations governing the regulation of building weeping tile systems for the purposes of managing storm water runoff in order to minimize:

- a) The infiltration of storm water into the wastewater sewer system via structure foundation drains; or
- b) Any nuisance that may be caused to property by storm water runoff.

5. Weeping tile systems

- a) No person shall make or permit to exist any direct or indirect connection which allows the discharge from a weeping tile system or any other form of land drainage to enter a public wastewater sewer.
- b) Weeping tile systems must be discharged towards a public land drainage sewer or public drainage ditch.
- c) Direct connections to the land drainage sewer and land drainage ditch may be approved by the designated officer upon successful completion of the permit application.

- d) Permit fee will be in accordance with the Municipality Fee Schedule

6. Roof Downspouts

- a) All structure roof downspouts shall be located such that effective positive drainage away from the structure is achieved.
- b) All downspouts shall discharge through a suitable elbow onto a splash pad.
- c) Structure roof downspouts shall not be located nor directed so as to cause storm water to drain directly onto adjacent property.

7. Sump Pump Discharge Pipe

- a) All sump pump discharge pipes discharging weeping tile water shall be located such that effective positive drainage away from the structures is achieved.
- b) These sump pump discharge pipes shall be fitted with a suitable elbow and shall not discharge or be located nor directed so as to cause discharge water to drain directly onto adjacent property and streets.
- c) The sump discharge nozzle must be a minimum of 3m(10') from the neighboring properties side yard and 6m(20') from the front or rear property line.
- d) Maintenance of Roof Downspouts, Sump Pump Discharge Pipe and Splash Pads: The Owner shall be responsible to ensure that roof downspouts, sump pump discharge pipe and splash pads or their approved equivalent are maintained.
- e) Maintenance of Lot Grading: The Owner shall be responsible to ensure the maintenance of all lot grades which were established and approved by the Municipality prior to the passage of this By-law.

8. Inspection

- a) An authorized employee or representative of the Municipality, bearing proper identification and credentials, may enter upon all properties and buildings for the purpose of inspection and testing in order to ascertain compliance with the provisions of this By-law.

9. Penalties

- a) Any person who contravenes or fails to observe the provisions of this By-law is guilty of an offense and is liable on a summary conviction to a fine of five hundred (\$500) dollars and costs.
- b) Any person who has been given a written notice by the Municipality to comply with the provisions of this By-law and who neglects or refuses to do so within the time limit set out in such notice is guilty of a separate offense for each day he fails to comply after the time limit has expired and shall for each offense be liable on conviction to a fine up to fifty (\$50) dollars and costs.

- c) Where a person who has been given written notice by the Municipality to comply with provisions of this By-law and refuses or neglects to do so within the time limit set out in such notice, the Municipality under instruction from Council may proceed to carry out the necessary work to comply with the provisions of this By-law at the cost of such person. Such cost may be charged against the property owned by such person and collected as taxes levied against the property.

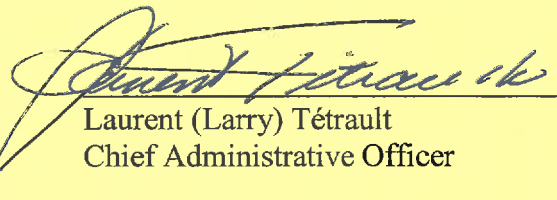
10. Validity

- a) The invalidity of any section, clause, sentence, or provisions of this By-law shall not affect the validity of any other section, clause, sentence or provision thereof.

DONE AND PASSED as a By-law of the Rural Municipality of Springfield at Oakbank in the Province of Manitoba this 24th day of September, A.D., 2008.



Peter Skrupski
Reeve



Laurent (Larry) Tétrault
Chief Administrative Officer

Read a first time this	10 th	day of September A.D., 2008.
Read a second time this	24 th	day of September A.D., 2008.
Read a third time this	24 th	day of September A.D., 2008.