

## **Bylaw No 28 of 2022**

### **The Drainage Bylaw**

The Council of The Resort Village of Elk Ridge pursuant to Section 8(1) of *The Municipalities Act, 2005* enacts as follows;

#### **Part I**

#### **General Matters**

##### **Short Title**

1. This Bylaw may be cited as The Drainage Bylaw,

##### **Purpose**

2. The purpose of this Bylaw is to regulate the drainage of storm water between private properties so as to protect property and abate nuisances.

##### **Definitions**

3. In this Bylaw:

- (a) "Municipality" means The Resort Village of Elk Ridge;
- (b) "municipal inspector" means the Administrator or designate to act as a municipal inspector for the purposes of this Bylaw;
- (c) "owner" means an owner as defined in *The Municipalities Act*;
- (d) "storm water" means water that accumulates as a result of rain, the melting of snow, and other forms of naturally occurring precipitation.
- (e) "surface drainage system" means any engineered facility associated with a scheme for the drainage of storm water, including but not restricted to the following:
  - (i) a grass swale;
  - (ii) a concrete or asphalt walkway, gutter or swale;
  - (iii) a drainage control fence or structure;
  - (iv) a pipe or system of pipes; and
  - (v) the sloping and contouring of land to facilitate the drainage of storm water;

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- (f) "surface grade marker" means an indicator which is marked with the level to which the property must be graded; and

### **Responsibility**

4. The owner of a property shall be responsible for carrying out the provisions of this Bylaw.

## **Part II Regulation of Storm Water**

### **Interference with Surface Drainage System**

5. (1) No person shall interfere with, restrict or prevent storm water from flowing through property owned by that person as part of a surface drainage system.
- (2) No owner shall allow water to drain from their property onto adjacent property sharing a common property line.

### **Surface Grade Markers**

6. (1) If surface markers are provided, the owner of a property must grade that property to the level specified by the surface grade markers placed on the property.
- (2) No person shall interfere with, alter, or remove surface grade markers from any property.

### **Drainage Plan Requirements**

7. (1) Every owner of property shall comply with the terms and conditions of any easement agreement that has been registered on the title of the property or protect a feature of a surface drainage system.
- (2) Every Unit owner within a registered bareland Condominium must comply with all drainage plan requirements contained within the Bylaws of the Condominium Corporation including any provision to incorporate swales along their property lines to drain water from the common area.
- (3) Every owner must submit to the Resort Village, at the time of applying for a building permit, a drainage plan that shows the directions of drainage, and change of elevations

to the lot to confirm drainage off the property. The Plan shall not adversely affect neighbouring properties, tree retention in the drainage area, or natural drainage patterns

(4) Where necessary, the owner shall incorporate swales and/or retaining walls to prevent drainage onto neighboring properties.

### **Part III Enforcement, Offences and Penalties**

#### **Enforcement of Bylaw**

8. (1) The administration and enforcement of this Bylaw is hereby delegated to the Administrator of the Resort Village of Elk Ridge.
- (2) The Administrator for The Resort Village of Elk Ridge is hereby authorized to further delegate the administration and enforcement of this Bylaw to municipal inspectors.

#### **Inspections**

9. (1) The inspection of property by the Resort Village to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- (3) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this section, or a person who is assisting a municipal inspector.
- (4) A municipal inspector is hereby authorized to place surface grade markers on any property on which an inspection has been carried out in accordance with this section.

#### **Order to Remedy Contraventions**

10. (1) If an inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
- (3) Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

### **Registration of Notice of Order**

11. If an order is issued pursuant to Section 10, the Municipality may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

### **Appeal of Order to Remedy**

12. (1) A person may appeal an order made pursuant to Section 10 in accordance with Section 365 of *The Municipalities Act*.

(2) Appeals shall be made to The Council of the Resort Village of Elk Ridge.

### **Resort Village Remediating Contraventions**

13. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

### **Civil Action to Recover Costs**

14. The Municipality may, in accordance with Section 368 of *The Municipalities Act*, collect any unpaid expenses and costs incurred in remediating a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

### **Adding Amounts to Tax Roll**

15. The Municipality may, in accordance with Section 369 of *The Municipalities Act*, add any unpaid expenses and costs incurred by the District in remediating a contravention of this Bylaw to the taxes on the property on which the work was done.

### **Emergencies**

16. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

### **Offences**

17. (1) No person shall:

(a) fail to comply with an order made pursuant to this Bylaw;

(b) obstruct or hinder any municipal inspector or any other person acting under the authority of this Bylaw; or

(c) fail to comply with any other provision of this Bylaw.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

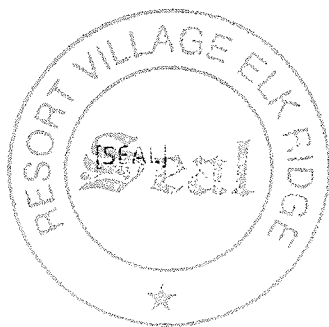
(a) in the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for each day during which the offence continues; or

(b) in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for each day during which the offence continues.

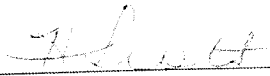
(c) In the event of non-payment of a fine imposed pursuant to clause (2)(a), the individual convicted may be imprisoned for a term of not more than one year, or until the fine is paid, whichever is the earliest.

### Coming Into Force

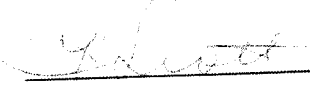
18. This Bylaw shall come into force on the day of its final passing.



  
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Mayor

  
\_\_\_\_\_  
Administrator

Read a third time and adopted  
This 29<sup>th</sup> day of November, 2022.

  
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Administrator