

# THE RURAL MUNICIPALITY OF TACHÉ

## BY-LAW NO. 016-2022

**Being a By-law of the Rural Municipality of Taché restricting the discharge of storm water into a public sanitary sewer system and restricting sump pump discharging of subsurface water from a property.**

**WHEREAS** Section 232(1) of The Municipal Act, C.C.S.M. c. M225 provides as follows:

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

- (a) The safety, health, protection and wellbeing of people, and the safety and protection of property;
- (h) drains and drainage on private or public property;
- (l) public utilities;
- (o) the enforcement of by-laws.

**AND WHEREAS** Section 239(1)(3) of The Municipal Act, C.C.S.M. c. M225 provides 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.

**AND WHEREAS** the Council of the Rural Municipality of Taché deems it necessary and in the best interests of the public to pass a By-law to govern certain aspects of drainage in relation to the discharge of sump pump subsurface water from property.

**NOW THEREFORE** The Rural Municipality of Taché, in open meeting, duly assembled, enacts as follows:

**By-law No. 016-2022**

**SECTION 1 – GENERAL**

**1.1 Title**

This by-law shall be referred to as the “Sump Pump Water Discharge By-law”.

**1.2 Definitions**

In this by-law, the following terms shall have the following meaning:

- a) “LUD” means the Local Urban District of Landmark and Lorette;
- b) “Municipality” means the Rural Municipality of Taché;
- c) “Person” means and includes any individual, corporation, firm, and any other form of entity or organization and includes both the plural and the singular;
- d) “Designated Officer” means the Municipality’s CAO, Manager, By-law Enforcement Officer, Building Inspector or their designates;

**SECTION 2 – SCOPE**

**2.1** This by-law applies to the drainage systems servicing or affecting all buildings and structures situated in the Municipality.

**2.2** This by-law shall apply and be interpreted in conjunction with the current Building By-law and Servicing Standards and all amendments thereto, except where same is held to conflict with this by-law, in which case the provisions of this by-law shall prevail.

**SECTION 3 – PROHIBITIONS**

**3.1** No Person shall permit the discharge of storm water from the subsurface drainage system servicing or affecting property into a public sanitary sewer or other wastewater disposal system within the LUD including floor drains connected to a public wastewater disposal system.

**3.2** No Person shall permit sump pump discharge hoses to drain directly onto neighbouring properties, onto lanes, streets, or roads, onto sidewalks, onto boulevards, or ditches. The property owner shall ensure that the discharge of their sump pump hose end remains a minimum of 2.0 metres away from their property line.

**3.3** No Person shall maintain in place a subsurface drainage system servicing or affecting a property, other than in compliance with such standards and specifications as are approved from time to time by the Municipality.

**3.4** No Person shall work, authorize, or allow any work to proceed in connection with a subsurface drainage system servicing or affecting a property within unless a valid permit as required has been issued under the Municipality’s current Building By-law & Servicing Standards.

**By-law No. 016-2022****SECTION 4 – DUTIES AND RESPONSIBILITIES OF THE OWNER**

- 4.1 Every Person 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 Person 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 Person shall obtain a permit in connection with any proposed work pertaining to a subsurface drainage system servicing or affecting a property withing the Municipality prior to commencing the work to which such permit relates.
- 4.4 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 their designate, for sump pump discharging to a specified designated area/location for no longer than 2 days to protect their property.

**SECTION 5 – DUTIES OF THE MUNICIPALITY**

- 5.1 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.
- 5.2 For exceptional circumstances, the Municipality shall issue written confirmation of approval from the Chief Administrative officer or Designated Officer 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 experiencing exceptional subsurface water level conditions.
- 5.3 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 herein. The Designated Officer shall issue a notice or order with a specified time to rectify the non-compliance.

**SECTION 6 – POWERS AND AUTHORITY OF DESIGNATED OFFICERS**

- 6.1 Designated Officers of the Municipality, bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, and testing in accordance with the provisions of this by-law including what actions or measures a Person must take in connection with any matter under this By-law.
- 6.2 Where in the opinion of the Designated Officer, a Person is in contravention with any provision of this by-law or has not completed work in accordance with provisions within this by-law, the Designated Officer may give written notice to

**By-law No. 016-2022**

the property owner outlining the actions or measures a Person must take including the time limit to which the work must be completed.

**SECTION 7 – OFFENCE AND PENALTIES**

- 7.1 Any Person who contravenes or disobeys or refuses or neglects to obey any provision of this By-law is guilty of an offense and liable, to a penalty as referenced within the Municipality's "Provincial Offences Act (POA) By-law".
- 7.2 Where an infraction of any of the provisions of this By-law continues for more than one day the Person is guilty of a separate violation each day such infraction continues.
- 7.3 Where a Person who has been given notice, order or direction by the Designated Officer to complete works in accordance with this by-law and neglects or refuses to comply with such order or direction within the time specified, the Designated Officer may cause the work to be carried out and the costs of such work is a debt owed to the Rural Municipality of Taché and the Municipality may add the amount thereof to the real property taxes of the property owner and collect such fees in the same manner as taxes or take any other remedy available to the Municipality.

**SECTION 8 – COMING INTO FORCE**

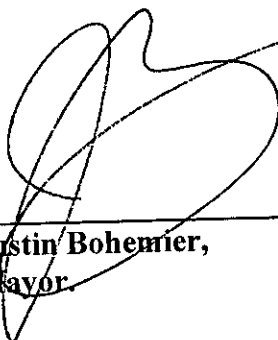
- 8.1 This By-law shall be deemed to have come into force and take effect on the day after it is passed by Council.

**By-law No. 016-2022**

**SECTION 9 – REPEAL**

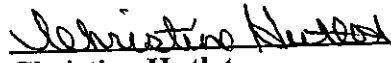
9.1 By-law No. 1865 and its amendments are hereby repealed in its entirety.

**DONE** and **PASSED** in Council assembled this 13<sup>th</sup> day of September,  
A.D. 2022.



---

**Justin Bohemier,**  
**Mayor.**



---

**Christine Hutlet,**  
**Chief Administrative Officer.**

**READ** a First time this 23<sup>rd</sup> day of August, A.D. 2022.

**READ** a Second time this 13<sup>th</sup> day of September, A.D. 2022.

**READ** a Third time and **PASSED** this 13<sup>th</sup> day of September, A.D.  
2022.