

THE RURAL MUNICIPALITY OF LAC DU BONNET

LOT GRADE

BY-LAW NO. 3-15

Being a By-Law of the Rural Municipality of Lac du Bonnet to regulate the grading of property and to establish Lot Grade Elevation requirements and to repeal By-Law 12-12;

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

- 232(1) A council will 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 follow:

THEREFORE BE IT RESOLVED that the Council of the Rural Municipality of Lac du Bonnet in open meeting assembled and in the best interests of the RM enacts this bylaw as follows:

1.00 INTENT OF BY-LAW:

- 1.01 The intent of this By-Law is to establish regulations governing the grading of property in certain areas of the Municipality, to ensure proper drainage away from a structure's foundation and to protect the local infrastructure from damage during the period of construction. This bylaw will take property owners wishing to build a structure on their property through the process of the lot grade and when they can apply for the refund of their damage deposit and to ensure that municipal infrastructure is not damaged and for purposes of managing storm water runoff in order to minimize;
- (a) the infiltration of storm water into the wastewater sewer system via building foundation drains;
 - (b) any nuisance that will be caused to property by storm water runoff; and
 - (c) the costs of damage to municipal right-of-ways and highways

2.00 DEFINITIONS:

- 2.01 Unless the context otherwise requires, where used in this By-law;
- 2.02 "Applicant" means owner, or such other person authorized in writing by the owner to make application for a LOT GRADING PERMIT;
- 2.03 "Building" means the definition contained in the Municipal Zoning By-law;
- 2.04 "Building Lot Grade" means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building and at the location so identified on the LOT GRADING PERMIT;
- 2.05 "Downspout" means a nominally vertical pipe that is installed to carry storm water from a roof;
- 2.06 "Dwelling" means the definition contained in the Municipal zoning By-law;

- 2.07 "Elevation" means the vertical distance above or below sea level or local datum;
- 2.08 "Foundation" means portion of a structure that is designed to minimize movement due to moisture and frost;
- 2.09 "Highway" includes any highway, road, road allowance, street, lane, or thoroughfare, dedicated to the public use as a highway or opened or made as a highway under this or any other Act of the Legislature, and any bridge, floodway, pier, ferry, square or public place, dedicated to the public use as a highway and any highway improvements or works thereon or appurtenant thereto;
- 2.10 "Land Drainage Sewer" means a sewer that carries storm water and surface water, street wash, weeping tile water, and other wash waters or drainage but excludes domestic wastewater and industrial wastes;
- 2.11 "Lot" means a piece, plot or parcel of land or an assemblage of contiguous parcels of land in one ownership, having a frontage and/or flankage on a public street;
- 2.12 "Lot Grade Elevation" means the elevation of the finished ground surface at any specific reference point or at any point on the slope between two specific reference points on a lot;
- 2.13 "Lot Grading" is a general term referring to the combination of lot grade elevations and resultant slopes within a given lot;
- 2.14 "Lot Grading Permit" means a written approval issued by a "Surveyor, Civil Engineer, or Civil Engineer Technologist", pursuant to this By-law, wherein the Building Lot Grade and Lot Grade Elevations of a specific lot are established;
- 2.15 "Municipality" means the Rural Municipality of Lac du Bonnet;
- 2.16 "Owner" means a person in whose name a subject property is registered;
- 2.17 "Perching" means to slope the grade away from building in both directions to drain around the building.
- 2.18 "Residential Property" means a property intended for use by one or two families only;
- 2.19 "Splash Pad" means a cast-in-place or precast concrete structure rigidly attached to a building to carry roof runoff and weeping tile water away from the building foundation;
- 2.20 "Storm Water" means water from rainfall or snowmelt or a combination of the two, and includes weeping tile water;
- 2.21 "Street" means a highway over which the Municipality has jurisdiction;
- 2.22 "Street Line" means the lateral boundaries of the highway;
- 2.23 "Wastewater Sewer" means a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with quantities of ground, storm and surface water that are not admitted intentionally.
- 2.24 "Land Surveyor" means an individual who has received a commission to practice as a surveyor of lands and is licensed to practice in the Province of Manitoba and is a member in good standing in the Association of Manitoba Land Surveyors.

2.25 "Professional Civil Engineer" means a person who holds a valid and subsisting certificate of registration or temporary licence entitling that person to practice as a professional civil engineer in Manitoba and is a member in good standing of the Association of Professional Engineers and Geoscientists of the Province of Manitoba.

2.26 "Certified Civil Engineer Technologist" means a Certified Civic Engineering Technologist.

3.00 APPLICATION FOR LOT GRADING PERMIT WHEN REQUIRED:

All applications for LOT GRADING PERMITS shall be made at the office of the Lac du Bonnet Planning District.

3.01 Residential Property Lot Grading Permit Application (if required): The Applicant shall obtain a LOT GRADING PERMIT prior to the issuance of a "BUILDING PERMIT" to construct a building or structure on residential property.

A Lot Grading Permit may be required for any building or structure where the ground will be disturbed through excavating or digging changing the ground elevation for example building a permanent foundation.

The application shall be prepared by a Manitoba Land Surveyor or Certified Civil Engineer Technologist.

Accompanied by:

(a) one copy of a site plan showing the location of the proposed building and any present or proposed driveways, garages, in ground swimming pools, roof drain downspouts, sump pump discharge pipe and any other information the Surveyor or Civil Engineer Technologist seems to be pertinent to the grading of the lot;

(b) one copy of a plan showing a section of the foundation and first floor of the building to be constructed and any additional section views which will be required for multi-level buildings.

(c) one copy of a drainage plan prepared by the Land Surveyor, Professional Civil Engineer, or Civil Engineer Technologist.

3.02 Commercial, Industrial and Multiple-Residential Sites, including co-ops, camps, and trailer parks, Lot Grading Permit Application (if required):

The Applicant shall obtain a LOT GRADING PERMIT prior to the issuance of a "building permit" to construct a building(s) intended for use as commercial, industrial, multiple-residential other than residential property. The application shall be accompanied by:

(a) one copy of a lot grading plan for the site, prepared by a Professional Civil Engineer, Surveyor, or Civil Engineer Technologist. This plan where applicable, shall show:

(i) building location(s)

(ii) lot grade elevations

(iii) catch basin locations

(iv) land drainage sewer sizes and locations

(v) entrances to buildings

(vi) private approach locations

(vii) roof drain downspouts and sump pump

(viii) paved areas

and any other information the Surveyor or Civil Engineer or Civil Engineer Technologist deems to be pertinent to the grading of the lot. In special cases, where applicable, the Surveyor or Civil Engineer or Civil Engineer Technologist will waive some of the requirements of the lot grading plan.

(b) one copy of a plan showing a section of the foundation and floors of the building(s) to be constructed, and any additional section views that will be required.

3.03 Existing Lot Grading Changes: An owner shall obtain a LOT GRADING PERMIT prior to proceeding with any work that will alter or otherwise change the grading of a lot or property in any manner that will affect the existing or established storm water runoff from that or any adjacent property.

3.04 Timing of Application: The Applicant shall make application for a LOT GRADING PERMIT at least five (5) working days prior to the requirement of this permit.

3.05 Upon request of the Surveyor, Civil Engineer, or Civil Engineer Technologist, the applicant shall provide proof of Comprehensive General Liability Insurance carried by the Land Surveyor, Professional Civil Engineer, used by the applicant under this By-law or under a LOT GRADE PERMIT.

4.00 LOT GRADING REQUIREMENTS:

Lot grading shall be an integral part of the storm water drainage system for the Municipality.

4.01 Lot Grading Permit: The LOT GRADING PERMIT shall have indicated on it the approved lot grade elevations, and shall be accompanied by any lot grading plan approved in conjunction with the issuance of the permit. Any lot grading plan so approved shall become part of the LOT GRADING PERMIT;

4.02 Building Lot Grade: The "Building Lot Grade" shall be as indicated on the LOT GRADING PERMIT;

4.03 Residential Property Lot Grading: Residential property lot grading is typically illustrated in figures 1, 2 and 3 of Schedule "A", as follows:

(a) Type 1 Lot Grading: Residential Split Lot Drainage - rear yard drains to public lane.

(b) Type 2 Lot Grading: Residential Split Lot Drainage - rear yard drains to swale.

(c) Type 3 Lot Grading: Residential Back-to-Front Lot Drainage - rear yard drains to the front street.

4.04 Perching of Residential Property: Residential property shall be graded and landscaped to achieve a "perching" of soil surrounding the perimeter of a building.

This "perching" shall be constructed to provide effective positive drainage away from the building as set out in Schedule "A".

- 4.05 Lot Line Grading: Each lot shall be graded in such a manner as to allow storm water to drain along the lot line without ponding, obstructing, or infringing upon neighboring properties in accordance with the LOT GRADING PERMIT.
- 4.06 Special Site Condition of Residential Property: The requirements of Schedule "A" will be varied to resolve particular site conditions provided the intent of the By-law is met. Examples of special site conditions include, but are not limited to;
- (a) Corner Lots
 - (b) Restricted side yard lots
 - (c) Infilling of developed areas
 - (d) Construction of a garage
 - (e) Installation of a swimming pool

Any such variation must be approved by the "Surveyor, Civil Engineer, or Civil Engineer Technologist".

- 4.07 Commercial, Industrial and Multiple-Residential Lot Grading: In designated areas of the Municipality, storm water runoff from commercial, industrial and multiple-residential properties will be required to be controlled so as not to exceed the maximum allowable rate of storm water discharge into the municipalities land drainage system, as determined by the Surveyor or Civil Engineer Technologist.
- 4.08 Roof Downspouts: All building roof downspouts shall be located such that effective positive drainage away from the building is achieved. All downspouts shall discharge through a suitable elbow onto a splash pad as detailed in Schedule "B" or by an equivalent method approved by the "Surveyor, Civil Engineer, or Civil Engineer Technologist". Building roof downspouts shall not be located nor directed so as to cause storm water to drain directly onto adjacent property.
- 4.09 Sump Pump Discharge Pipe: All sump pump discharge pipes discharging weeping tile water shall be located such that effective positive drainage away from the building is achieved. These sump pump discharge pipes shall be fitted with a suitable elbow and shall discharge onto a splash pad as detailed in Schedule "B" or by an equivalent method approved by the "Surveyor, Civil Engineer, or Civil Engineer Technologist", and shall not be located nor directed so as to cause discharge water to drain directly onto adjacent property and streets.
- 4.10 Wastewater Sewer Connection: The Building Lot Grade elevation shall be established at sufficient elevation to ensure that the wastewater sewer connection from the building conforms to the requirements of Manitoba Conservation or the Rural Municipality of Lac du Bonnet.
- 4.11 Driveway: A driveway within a lot shall be constructed such that it will not impede the storm water runoff. No driveway shall restrict or obstruct drainage of storm waters away from the building, nor from the rear yard in 'back-to-front' lot grading (type 3 Lot Grading).
- 4.12 Structures: All accessory or permitted structures where a foundation requires excavation shall be constructed according to Building Codes and will not impede the storm water runoff. No garage, accessory or permitted building shall restrict or obstruct drainage of storm waters in the site or rear yard of that lot, nor of adjacent lots.
A site plan supplied by a Land Surveyor and LOT GRADE PERMIT is required for garages, accessory or permitted structures.

- 4.13 If the Surveyor, Civil Engineer or Civil Engineer Technologist considers that the site conditions warrant it, the Surveyor or Engineer will require an applicant to submit in connection with an application any additional information to allow the Surveyor, Civil Engineer, or Civil Engineer Technologist to consider the application for LOT GRADING PERMIT. In this case the application is not complete until the requested documents are submitted.
- 4.14 An applicant will request the Surveyor, Civil Engineer or Civil Engineer Technologist to approve alterations to Lot Grade Requirements set out under this By-law in issuing the LOT GRADE PERMIT. If in the opinion of the Surveyor, Civil Engineer, or Civil Engineer Technologist the nature of the site warrants it, the Surveyor, Civil Engineer, or Civil Engineer Technologist will alter, vary or waive the Lot Grade Requirements set out in this By-law, and shall provide for any changes or alterations in writing in the LOT GRADE PERMIT and/or THE BUILDING PERMIT.

5.00 LOT GRADING CONSTRUCTION:

- 5.01 **Marking of Residential Property:** The Applicant, upon receiving a LOT GRADING PERMIT, shall display the address and lot number at a conspicuous location.
- 5.02 **Provision of Building Lot Grade Stake:** The Applicant shall request a Land Surveyor to mark the lot with Building Lot Grade Stakes,
- The Land Surveyor shall:
- (a) mark the Building Lot Grade on a stake located at the street line of the lot or such other suitable location as will be determined by the Land Surveyor,
 - (b) mark the corner lot grade elevations upon suitable stakes at each lot corner or such other suitable location as will be determined by the Land Surveyor,
- The Applicant shall take precautions to ensure that these lot grade stakes are protected or replacements are in place until no longer required.
- 5.03 **Entering Upon Property:** Duly authorized employees of the Municipality, Planning District or its designated officers so assigned bearing proper credentials and identification will enter upon any property for the purpose of survey, observation or inspection associated with enforcement of compliance with the LOT GRADING PERMIT and provisions of this By-law.
- 5.04 **Compliance with LOT GRADING PERMIT:** The Applicant shall ensure that all lot grading of a lot or property is completed within 24 months of issuance of the LOT GRADING PERMIT.
- 5.05 **Release of Building Trust Deposit:** Part of the terms of release of the deposit is completion of Schedule "C" Assurance of Professional Design and Commitment for Inspection and Schedule "D" Assurance of Professional Inspection and Compliance, completed by a Manitoba Land Surveyor or Civil Engineer Technologist. Both Schedule "C" and "D" to be completed by the same individual.
- 5.06 **Inspections and surveys for the purpose of a final inspection** will generally be made during the period of **May 1" to October 31** of each year, subject to weather conditions.
- 5.07 **When the above provisions are provided for in an existing Development**

Agreement, the development agreement shall prevail.

- 5.08 The Surveyor, Civil Engineer or Civil Engineer Technologist will extend the time for completion of the lot Grading where in their opinion the circumstances so warrant it.

The Municipality will deduct any fee for services by the municipality's Certified Civil Engineer Technologist from the refundable deposit fee subject to the Section 5.05 being completed.

6.00 RESPONSIBILITY OF PROPERTY OWNERS

- 6.01 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 or established by a LOT GRADING PERMIT.
- 6.02 Control of Storm Water: The Owner shall be responsible to ensure that any storm water originating on their property is not directed nor permitted to flow onto adjacent property in a manner that would adversely affect or be detrimental to that property.
- 6.03 Maintenance of Roof Downspouts, Sump Pump Discharge Pipe and Splash Pads: The Developer/Owner shall be responsible to ensure that roof downspouts, sump pump discharge pipe and splash pads or their approved equivalent are maintained so as to meet the requirements set forth in Sections 4.08 and 4.09 of this By-law.
- 6.04 Once approved, no changes are allowed to the drainage pattern, plan or design unless new plans are submitted and approved.

7.00 REMEDIAL ACTION

- 7.01 Non-Compliance with the Lot Grade By-Law will result in the Municipality or By-law Enforcement Officer or designate by way of verbal or written notice by certified mail to the Applicant, directing that the lot grade be completed and/or corrected.
Where required by the Municipality, the Applicant shall submit a new Lot Grade Plan prepared by a Professional Engineer, Surveyor or Technologist.
- 7.02 Failure to Comply with the Lot Grade By-Law: Where an Applicant who has been given a notice, order or direction pursuant to Section 7.01 neglects or refuses to comply with such order or direction within the time specified, the Lac du Bonnet Planning District will cause the work against the deposit held by the Lac du Bonnet Planning District as per the Building By-Law. Where the cost of the work exceeds the value of the deposit held, the Municipality will charge the cost of such excess against the Applicant.
- 7.03 Failure of Owner to Maintain a Lot Grade: Where the lot grade has not been properly maintained, and drainage is not achieved in accordance with previously established and approved Building Lot Grade and Lot Grade Elevations, or with the LOT GRADE PERMIT, and the requirements of the By-law, the Municipality will give a written notice by certified mail to the Owner, directing that the lot grade be corrected.

Where required by the Municipality, the Owner shall submit, as part of the remedial measures, a new lot grading plan prepared by a Professional Engineer, or Land Surveyor.

7.04 Failure of Owner to Correct Lot Grade: Where an owner has been given a notice, order or direction pursuant to Section 7.03 neglects or refuses to comply with such order or direction within the time specified, the Municipality will cause the work to be carried out by the Municipality and charge the cost against the owner as a debt due to the Municipality.

8.00 PENALTIES AND FINES

8.01 Any person who contravenes, disobeys, refuses or neglects to obey any provision of this By-law is guilty of an offence and liable to a fine as per **“Schedule E”**.

Where a contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence and maybe subject to an additional fine after each day it continues.

9.00 REPEAL AND TRANSITION

9.01 All By-Laws, resolutions and orders passed relative to the grading of private property and establishing minimum building grades to control storm water runoff to the extent that they are inconsistent herewith, are hereby repealed upon the date this By-law comes into effect.

DONE AND PASSED by the Council of the Rural Municipality of Lac du Bonnet, in regular session assembled in Lac du Bonnet, Manitoba, this 10th day of May, 2016.



Doug Marks, Deputy Reeve



Tannis Lodge, Chief Administrative Officer



Read a first time:	March 10, 2015	Resolution # 2015 0133
Read a second time:	October 27, 2015	Resolution # 2015 0544
Read a third time:	May 10, 2016	Resolution # 2016 0211

Schedule "A" & "B"
to Bylaw No. 3-15

Illustrations and figures of typical lot grading and perching

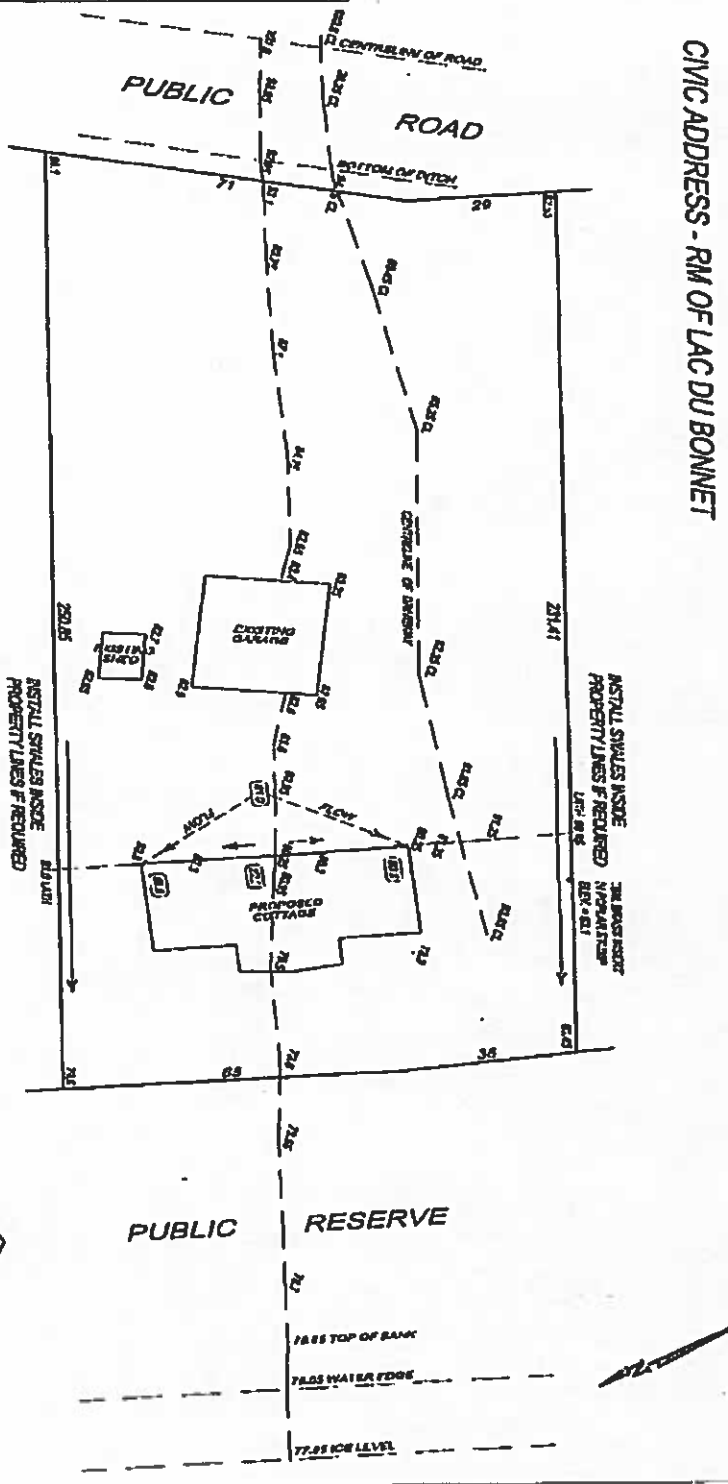
NOTES:

- ELEVATIONS ARE ASSIGNED AND ARE BASED ON THE CENTERLINE OF THE ROAD SHOWN AS ASSIGNED ELEVATION OF 51.7.
- GENERAL ELEVATIONS ARE SHOWN TO THE PROPOSED BULKHEAD LOCATION AND DESIGN IN RELATION TO ELEVATION FROM THAT POINT SHALL INSURE THE DESIGN ELEVATIONS TO BE ADJUSTED ACCORDINGLY.
- BASE FLOOR OF BULKHEAD TO BE A MINIMUM OF 2' ABOVE THE PROPOSED LOT GRADE ELEVATION.
- PROPOSED BULKHEADS MAY REQUIRE THE DESIGN GRADERS TO BE ADJUSTED ACCORDINGLY.

DESIGN ELEVATIONS SHOWN TO:

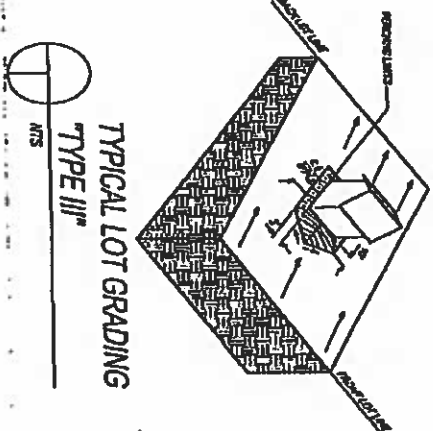
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SURVEYOR'S SKETCH
SHOWING LOT GRADE DESIGN ELEVATIONS
ON LOT "A" BLOCK "A" PLAN No. W.L.T.O.

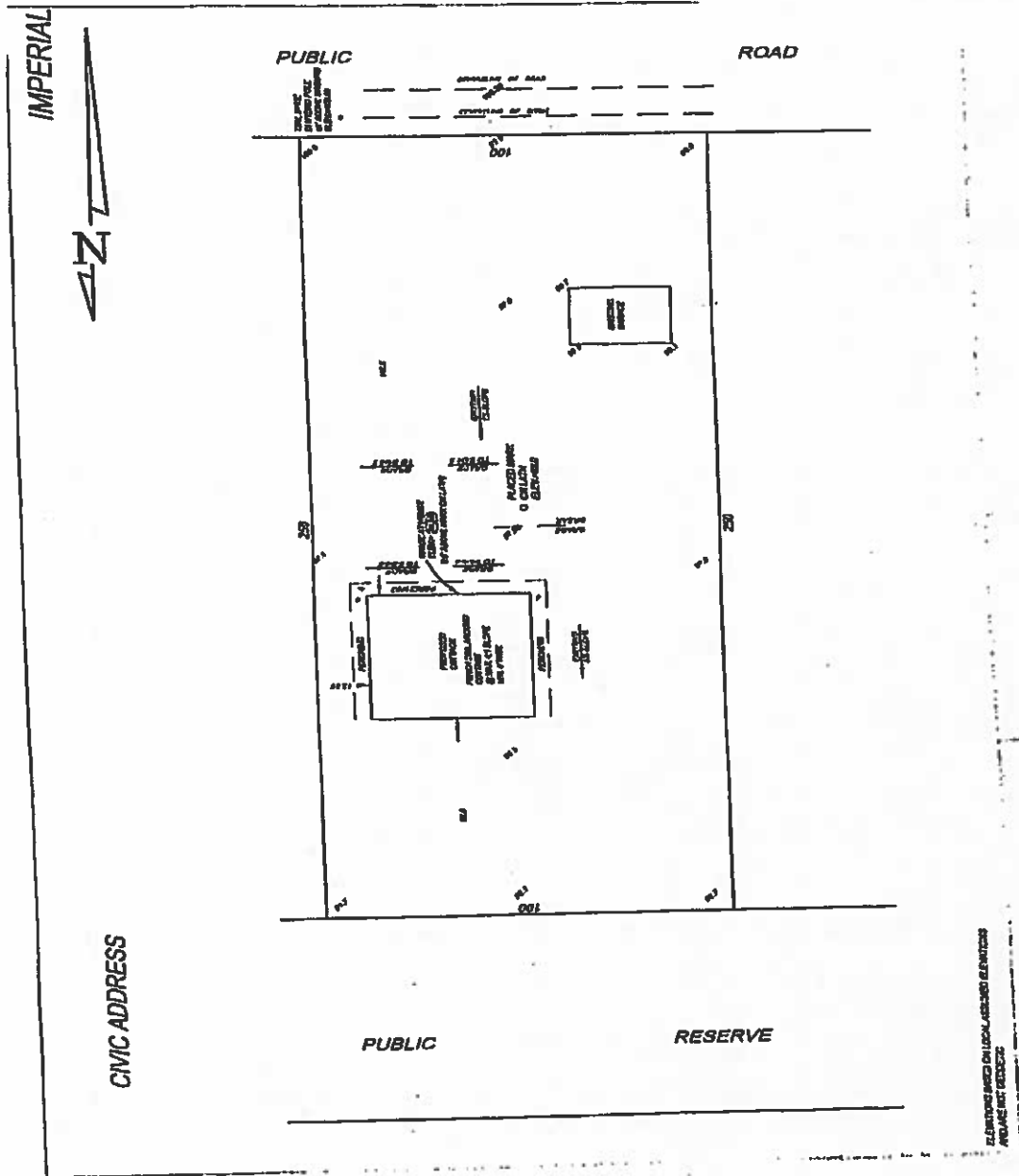


CIVIC ADDRESS - RM OF LAC DU BONNET

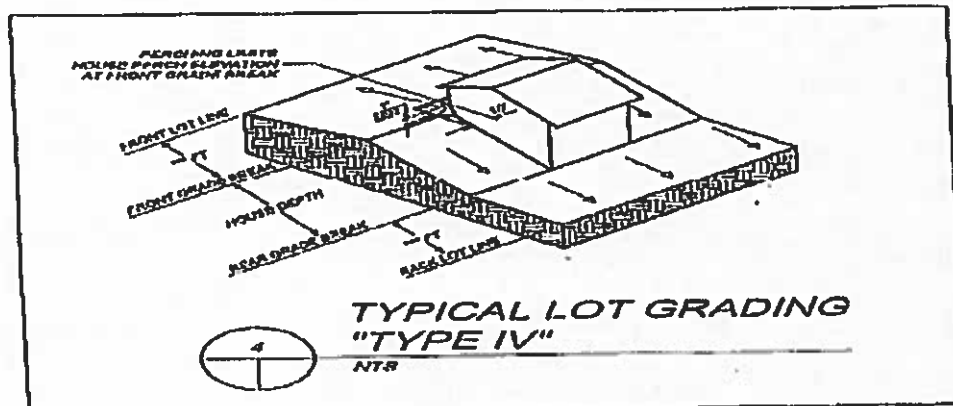
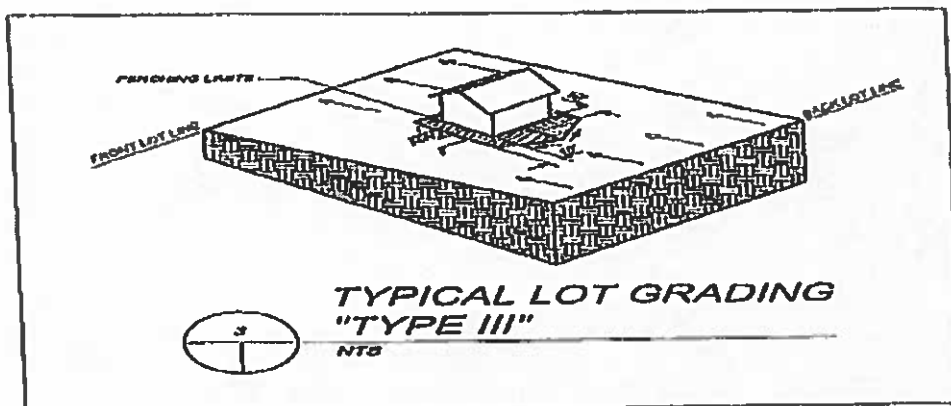
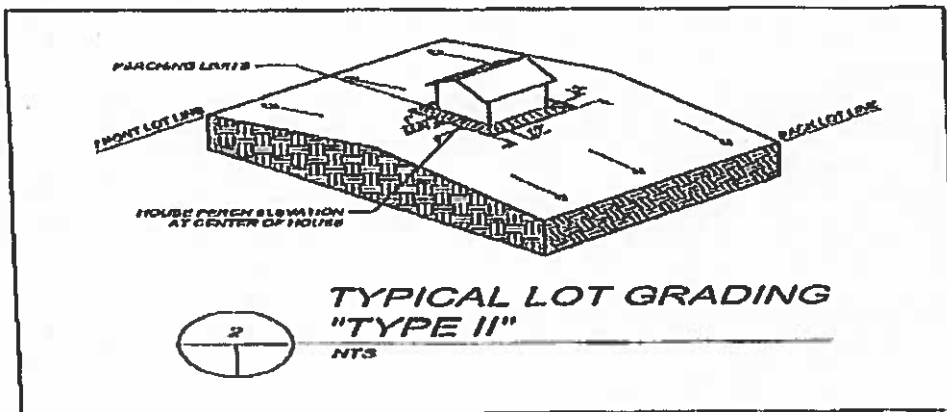
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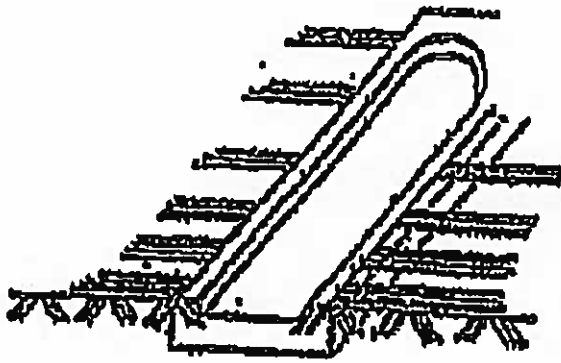
Schedule "A" & "B"
to Bylaw No. 3-15



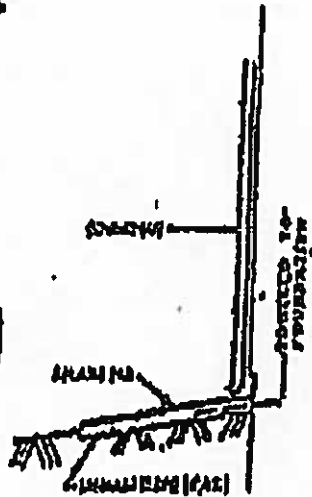
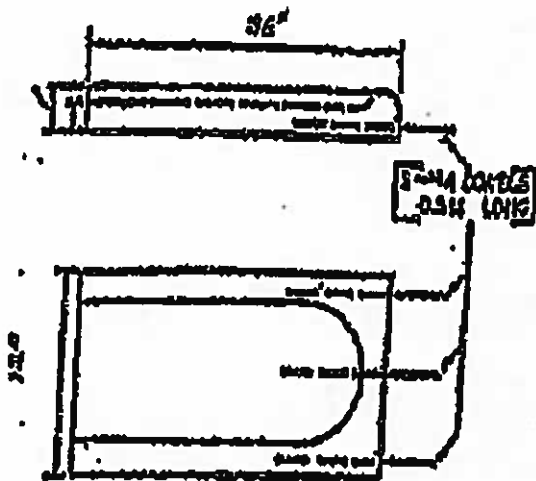
Schedule "A" & "B"
to Bylaw No. 3-15



Schedule "A" & "B"
to Bylaw No. 3-15



PRECAST CONCRETE SPLASH
PADS FOR ROOF DOWNSPOUT
LEADS, AND SUMP PUMP
DISCHARGE



Schedule "C "
to Bylaw No. 3-15

Assurance of Professional Design and Commitment for Inspection

Note: Separate form to be submitted by each registered professional.
The information provided is relied upon by the Authority Having Jurisdiction

The Authority Having Jurisdiction _____
(Date)

(Address)

(Description of Project)

The undersigned hereby gives assurance that the design of the Lot Grade Plan is in compliance with this bylaw

Surveyor Lot Grade Plan
Surveyor Inspection

Components of the project as shown on the plans and supporting documents prepared by this registered professional conform to all the applicable requirements of all applicable acts, regulations and by-laws. Further, the undersigned will be responsible for inspections of the above referenced components.

The undersigned also assures competence in the necessary fields of expertise to undertake the project on the basis of training, ability and expertise in the appropriate professional and technical disciplines.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by this registered professional for which the Lot Grade permit is issued by the Lac du Bonnet Planning District for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The undersigned also undertakes to notify the Authority Having Jurisdiction in writing as soon as practical if this contract for inspection is terminated at any time during construction.

Once approved no changes are allowed to the drainage pattern unless new plans are submitted and approved.

Name

(Print)

Date

Signature

Address

Phone

Affix Professional Seal here

If the Registered Professional is a member of a firm, complete the following

I am a member of the firm _____
(Print name of firm)

and I sign this letter on behalf of myself and the firm.

Schedule "D"
to Bylaw No. 3-15

Assurance of Professional Inspection and Compliance

Note: To be submitted after completion of the project but prior to official occupancy.
Separate form to be submitted by each registered professional.
The information provided is relied upon by the Authority Having Jurisdiction

The Authority Having Jurisdiction _____
(Date)

(Address)

(Description of Project)

I hereby certify that I have fulfilled my obligation for inspection as outlined in the following previously submitted letters:
SCHEDULE "C" – Assurance of Professional Design and Commitment for Inspection
Based on such inspections the following aspects of the project conform in all respects with the plans and supporting documents, including all amendments thereto, prepared by this registered professional for which a permit was issued by the Lac du Bonnet Planning District for the project.

I hereby enclose the final design plans and supporting documents prepared by this registered professional for the above referenced project. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

Name (Print) _____ Date

Signature

Address (Print)

Phone _____ Affix Professional Seal here

If the Registered Professional is a member of a firm, complete the following:

I am a member of the firm _____
(Print name of firm)

And I sign this letter on behalf of myself and the firm.

Note: The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers, or Certified Engineer Technologists (with Civil Engineer Certified)

Schedule "E"
to Bylaw No. 3-15

Set Fines for By-law
Using the RM of Lac du Bonnet Offence Notice system

Provision of By-law	Description of Offence	Set Fine for 1 st Offense	Set Fine for 2 nd Offense	Set Fine for 3 rd Offense
3.00	Failed to apply for and request a Lot Grade Permit when required.	\$250	\$500	\$1,000
7.00	Failed to maintain lot grade.	\$250	\$500	\$1,000