

# RURAL MUNICIPALITY OF LAC DU BONNET

## Lot Grading and Drainage

### BY-LAW No. 10-24

*Being a By-Law of the Rural Municipality of Lac du Bonnet to regulate the grading and drainage of public and private property and to establish Lot Grade Elevation requirements, and to repeal By-Law 03-15;*

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 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 Lac du Bonnet deems it the best interest of the Municipality to pass a By-law to regulate and control certain aspects of lot grading and drainage on private and public property within the Municipality.

**NOW THEREFORE BE IT RESOLVED** that Council of the Rural Municipality of Lac du Bonnet enacts this By-law as follows:

#### **Section 1: DEFINITIONS:**

Where used in this By-law, the following terms shall have the following meaning:

1.01 "Applicant" means a registered owner, or such other person authorized in writing by the owner to make application for a LOT GRADING PERMIT.

1.02 "Building" means the definition contained in the Municipal Zoning By-law.

1.03 "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.

1.04 "Designated Officer" means the officials appointed by Council through bylaw as established Officers of the Rural Municipality of Lac du Bonnet.

1.05 "Downspout" means a nominally vertical pipe that is installed to carry storm water from a roof.

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- 1.06 "Dwelling" means the definition contained in the Municipal Zoning By-law.
- 1.07 "Elevation" means the vertical distance above or below sea level or local Datum.
- 1.08 "Foundation" means portion of a structure that is designed to minimize movement due to moisture and frost.
- 1.09 "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.
- 1.10 "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.
- 1.11 "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.
- 1.12 "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.
- 1.13 "Lot Grading" is a general term referring to the combination of lot grade elevations and resultant slopes within a given lot.
- 1.14 "Lot Grading Permit" means a written approval issued by a "Designated Officer, 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.
- 1.15 "Municipality" means the Rural Municipality of Lac du Bonnet.
- 1.16 "Owner" means a person in whose name a subject property is registered.
- 1.17 "Perching" means to slope the grade away from the building in both directions to drain around the building.
- 1.18 "Residential Property" means a property intended for use by one or two families only.
- 1.19 "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.
- 1.20 "Storm Water" means water from rainfall or snowmelt or a combination of the two and includes weeping tile water.
- 1.21 "Surface Water" means a body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

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- 1.21 "Street" means a highway over which the Municipality has jurisdiction.
- 1.22 "Street Line" means the lateral boundaries of the highway.
- 1.23 "Wastewater Sewer" means a sewer that carries liquid and water waste from residences, commercial buildings, industrial plants and institutions, together with quantities of ground, storm and surface water that are not admitted intentionally.
- 1.24 "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.
- 1.25 "Civil Engineer" means a person who holds a valid and subsisting certificate of registration or temporary license 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.
- 1.26 "Certified Civil Engineer Technologist" means a Certified Civic Engineering Technologist (CET).

#### **Section 2: INTENT OF BY-LAW:**

- 2.01 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 By-law will take property owners wishing to build a structure on their property through the process of the lot grade permit and deposit process for the refund of their lot grade deposit and for purposes of managing storm water runoff in order to minimize;

- a) the infiltration of surface or storm water into the wastewater sewer system via building foundation drains;
- b) any nuisance that will be caused to property by surface or storm water runoff; and
- c) the costs of damage to municipal right-of-ways and highways.
- d) Theoretical drainage works which would create an adverse effect on adjacent public or private property or where adjacent drains are deemed insufficient to accommodate the added runoff.

#### **Section 3: APPLICATION PROCESS FOR LOT GRADING PERMIT:**

All Applications for LOT GRADING PERMITS shall conform to and be subject to, but not necessarily limited to, the Lot Grading and Drainage By-law and the most current version of the R.M. of Lac du Bonnet Drainage Policy.

All Applicants shall complete a Lot Grade Permit Application and return to the RM of Lac du Bonnet Administration Office. This form is available at the RM Administration Office or on the RM of Lac du Bonnet Website.

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### **3.1 Residential Property Lot Grading Permit Application**

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.

No Building Permit will be released prior to the issuance of an approved lot grade application.

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.

All Applications must include:

(a) One (1) 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 Designated Officer, Surveyor or Civil Engineer Technologist seems to be pertinent to the grading of the lot;

(b) One (1) 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.

### **3.2 Commercial, Industrial, Institutional and Multiple-Residential Sites, including co-ops, camps, and trailer parks Lot Grading Permit Application**

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, institutional, multiple-residential, other than residential property.

The application shall include:

(a) One (1) copy of a lot grading plan for the site, prepared by a qualified 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 Designated Officer, Surveyor or Civil Engineer or Civil Engineer Technologist deems to be pertinent to the grading of the lot. In special cases,

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where applicable, the Designated Officer, Surveyor or Civil Engineer or Civil Engineer Technologist will waive some of the requirements of the lot grading plan.

- (b) One (1) 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 the Designated Officer requires.

#### **3.3 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.

#### **3.4 Timing of Application:**

The Applicant shall make application for a LOT GRADING PERMIT at least five (5) working days prior to the issuance of the Building Permit.

#### **3.5 General Liability Insurance**

Upon request of the Designated Officer, 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.

#### **3.6 Permit Denial**

The Designated Officer may deny the issuance of a Lot Grading Permit where, in their sole discretion, it is the public's best interest to do so.

#### **3.7 Appeal Notices**

The Applicant has the right to appeal to the RM of Lac du Bonnet Council, if the issuance of a Lot Grading Permit has been denied. If the Applicant's appeal is successful, Council shall by resolution, and possibly with conditions, authorize the Designated Officer to issue the required permit.

### **SECTION 4: PERMIT FEES AND DEPOSITS**

#### **4.1 PERMIT FEES (NON-REFUNDABLE)**

The Applicant shall be required to pay the Rural Municipality of Lac du Bonnet the applicable Lot Grade Permit Fee as per the Rural Municipality Fees and Charges By-Law.

This initial permit fee shall be paid prior to the issuance of the LOT GRADING PERMIT and is non-refundable.

Other fees may be imposed for additional work required outside the scope of the original permit fee.

#### **4.2 LOT GRADE DEPOSIT**

The Applicant shall be required to provide a lot grade deposit to the Rural Municipality of Lac du Bonnet as per the Rural Municipality Fees and Charges By-Law.

In the event that the LOT GRADE PERMIT is denied or withdrawn prior to work commencing, the deposit will be returned to the applicant within timelines outlined in Section 7.

The deposit will be retained by the Municipality until the LOT GRADING has been deemed complete by the Designated Officer, in accordance with Section 7.

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The deposit process is as follows:

**1. Residential, Commercial, Industrial, Institutional and Campgrounds**

- a) If the Builder of the structure is not the intended occupant of the structure, then:
- i) The Builder shall take out the initial lot grade permit and pay the required deposit or provide a performance bond/letter of credit (in the name of the Municipality) to the Municipality.
  - ii) At any time during the lot grading process, the Permit Holder may transfer the responsibility for completing the final lot grading to another party by completing the transfer document.
  - iii) Upon completion of the final lot grading, the Permit Holder shall notify the Municipality that a final grading inspection is required.
  - iv) Once the Municipality has verified that the final grading complies, the Permit Holder may make an application for the release of their deposit.
- b) If the Builder of the Structure is also the intended Occupant of the structure, then:
- i) The Owner/Occupant shall take out the initial lot grade permit and pay the required deposit.
  - ii) Upon completion of the final lot grade, the Owner/Occupant shall notify the Municipality that a final grading inspection is required.
  - iii) Once the Municipality has verified that the final grading complies, the Owner/Occupant may make application for the release of their deposit.

**SECTION 5.00: LOT GRADING REQUIREMENTS:**

Lot grading shall be an integral part of the surface and storm water drainage system for the Rural Municipality of Lac du Bonnet.

**5.1 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 grading plan so approved shall become part of the LOT GRADING PERMIT;

**5.2 Initial Residential Building Lot Grade:**

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

**5.3 Initial Commercial/Industrial, Institutional, Campground Property  
"Initial Lot Grade:**

Commercial, Industrial, Institutional, Campground "Initial Lot Grading" shall be determined by either a lot grading plan or approved in writing by the Designated Officer, Land Surveyor or CET.

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#### **5.4 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.

#### **5.5 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 "B"**.

#### **5.6 Property Lot Line Grading:**

Each lot shall be graded in such a manner as to allow surface and storm water to drain along the property lot line without ponding, obstructing, or infringing upon neighboring properties in accordance with the Lot Grading and Drainage By-Law and most current version of the Municipal's Drainage Policy.

#### **5.7 Special Site Condition of Residential Property:**

The requirements of Schedule "B & C" 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
- (f) Irregular shaped lots
- (g) Agricultural zoned farm properties

Any such variation must be approved by the "Designated Officer, Surveyor, Civil Engineer, or Civil Engineer Technologist" and noted on the lot grading permit.

#### **5.8 Commercial, Industrial and Multiple-Residential Lot Grading:**

In designated areas of the Municipality, surface and 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 surface and storm water discharge into the municipalities land drainage system, as determined by the Designated Officer, Surveyor or Civil Engineer Technologist.

#### **5.9 Roof Downspouts:**

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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 "C"** or by an equivalent method approved by the "Designated Officer, 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.

#### **5.9 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 "C"** or by an equivalent method approved by the "Designated Officer, 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.

#### **5.10 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.

#### **5.11 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).

If a driveway is not in conformance with an approved plan, the Designated Officer may give written notice in person or by registered mail to the Owner, at the address on the Application or transfer documentation, directing that the driveway shall be completed and/or corrected in accordance with the By-Law, within the time limit specified by the Designated Officer in the Notice.

Should the Owner fail to complete the corrections within the specified time limit set by the Designated Officer, please refer to Section 10 for further penalties and enforcement.

#### **5.12 Structures – BULDINGS, GARAGES, OR OTHER ACCESSORY BUILDINGS:**

All permitted structures including accessory 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.

#### **5.13 ADDITIONAL INFORMATION**

If the Surveyor, Civil Engineer or Civil Engineer Technologist considers that the site conditions warrant it, the Designated Officer, 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.

#### **5.14 ALTERATION APPROVAL**

An Applicant will request the Designated Officer, 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.



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If in the opinion of the Surveyor, Civil Engineer, or Civil Engineer Technologist the nature of the site warrants it, the Designated Officer, 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.

#### **5.15 POOL WATER DISPOSAL**

Pool wastewater may only be disposed of when free and clear of all chemicals and salts. Non treated pool wastewater shall be disposed of by the following methods.

- a) Onto pool owner's property, a minimum of 3 meters from the neighboring properties side yard and 6 meters front or rear property line. In spite of above all discharged pool water must be contained within owner's property.
- b) With the approval of the Designated Officer, directly into a designated municipal ditch.

### **SECTION 6.00: LOT GRADING CONSTRUCTION:**

#### **6.01 Marking of Residential Property and Proposed Building and Structure Locations:**

Prior to the lot grade being set, the Applicant shall be responsible for having the property corners and the proposed building location(s) clearly marked with suitable marker stakes, and shall be clearly identified.

#### **6.02 Provision of Building Lot Grade Stake:**

The Applicant shall request an Initial Building Grade Stake from the Municipality at least five (5) working days prior to desired date of work commencing.

The Applicant shall be responsible for notifying the Municipality when, as part of the lot grading permit, the following services are required:

1. Residential lot grading site visits for the purpose of:
  - a) Setting the initial building lot grade elevation
  - b) Verifying the elevation of foundation prior to the placement of concrete, if requested by the Designated Officer or Permit Holder.
  - c) Verifying the final lot grading of the property as part of the lot grade deposit release form filed by the Applicant, if requested by Designated Officer or Permit Holder.
2. Commercial, Industrial, Institutional, Campgrounds lot grading site visits for the purpose of:
  - a) Setting the initial building lot grade elevation
  - b) Verifying the elevation of foundation prior to the placement of concrete, if requested by the Designated Officer or Permit Holder.
  - c) Setting the rough lot grade elevations
  - d) Verifying the final lot grading of the property as part of the lot grade deposit release form filed by the Applicant, if requested by Designated Officer or Permit Holder.

As part of the lot grade staking, the Designated Officer, Surveyor, Civil Engineering Technologist shall:

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- a) Set the building lot grade on a stake located in a visible and suitable area of the lot;
- b) Set all corner lot grade elevations upon suitable stakes at each lot corner or such other suitable location as determined by the Land Surveyor or CET.
- c) The Applicant shall take precautions to ensure that these lot grade stakes are protected or replacements are in place until no longer required.

Any additional services or site visits by the Applicant outside the scope of the lot grade permit shall require the Applicant to pay for such services as per the Rural Municipality of Lac du Bonnet Fees and Charges By-Law.

#### **6.03 Entering Upon Private Property:**

Duly authorized employees of the Municipality and 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.

The Applicant shall ensure the employees of the Municipality or its designates are not interfered with in any way in the performance of the duties imposed on them by this By-Law.

### **SECTION 7: FINAL LOT GRADE INSPECTION AND RELEASE OF LOT GRADE DEPOSIT**

- 7.01 Within twenty-four (24) months of the initial issuance of the lot grading permit the Applicant shall ensure that all final lot grading of a lot or property is completed in accordance with the requirements of the lot grading permit and development agreement, if applicable.
- 7.02 Once the work has been completed, the Applicant shall request to have their deposit released by completing a Lot Grading & Drainage Refund Request form. This form is available at the RM Administration Office or on the RM of Lac du Bonnet Website.
- 7.03 The Municipality shall, upon a written request from the Applicant to the Designated Officer, cause the lot or property to be inspected and surveyed, as required, to determine compliance with the lot grading permit and municipal infrastructure.
- 7.04 Inspections and surveys for the purpose of a final inspection and deposit release will generally be made during the period of **May 1 to October 31 of each year**, subject to weather conditions.
- 7.05 If no request is made in writing for a deposit release, or final lot grading has not been completed within (24) months of the initial issuance of the lot grading permit, the Applicant shall forfeit the lot grade deposit, and the deposit shall become an asset to the Municipality.
- 7.06 When the above provisions are provided for in an existing Development Agreement, the development agreement shall prevail.
- 7.07 **EXTENSION OF TIME FOR SUBSTANTIAL COMPLETION**  
The Designated Officer may extend the time for completion of the Lot Grading where in their opinion the circumstances so warrant it. The Applicant may apply in writing for an extension within (24) months of the initial issuance of the lot grading permit.

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7.08 The Municipality will deduct any fee for extra services by the municipality's Certified Civil Engineer Technologist or Surveyor from the refundable lot grade deposit fee subject to the Section 7.03 being completed.

#### **8.00 RESPONSIBILITY OF PROPERTY OWNERS**

##### **8.01 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 GRADE PERMIT.

##### **8.02 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.

##### **8.03 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 5.8 and 5.9 of this By-law.

8.04 Once approved, no changes are allowed to the drainage pattern, plan or design unless new plans are submitted and approved.

#### **SECTION 9: REMEDIAL ACTION**

##### **9.01 Lot Grading Non-Compliance**

Where in the opinion of the Designated Officer, non-Compliance with the Lot Grade By-Law will result in the Municipality or By-law Enforcement Officer or designate, by way of written notice by registered mail and/or served in person to the Applicant, directing that the lot grade be completed and/or corrected in accordance with this By-Law, and within the time limit specified on the Notice.

Where required by the Municipality, the Applicant shall submit as corrective measures, a new Lot Grade Plan prepared by a qualified Professional Engineer, Surveyor or Technologist, approved by the Designated Officer.

##### **9.02 Failure of Owner to Maintain a Lot Grade:**

Where in the opinion of the Designated Officer, 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 within the time limit specified on the Notice.

Where required by the Municipality, the Owner shall submit, as part of the corrective measures, a new lot grading plan prepared by a qualified Professional Engineer, or Land Surveyor or Technologist, approved by the Designated Officer.

##### **9.04 Failure of Owner to Correct Lot Grade:**

Where an Owner has been given a notice, order or direction pursuant to Section 9.01 and 9.02, 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

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charge the cost of the work against the DEPOSIT held by the Municipality. Where the cost of the work exceeds the value of the hold deposit, the Municipality may charge the cost of such excess against the Owner; and in default of payment, recover the cost as a debt due to the Municipality. Where there is no deposit held, the full charge carried out by the Municipality will be charged.

#### **9.05 Liability**

Any non-compliance notice and/or order sent by the Municipality will apply directly to the registered Owner of the property listed on the lot grading permit, transfer document, or status of title. The Municipality shall not be held liable for any costs incurred fulfilling the requirements as set out in the Notice.

### **SECTION 10: PENALTIES AND FINES**

#### **10.01 FINES**

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 D"**.

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.

#### **10.02 DAMAGE TO MUNICIPAL PROPERTY**

Any damage to municipal property as a result of the development, lot grading or construction of a structure upon the site for which the lot grade permit has been issued will result in the cost of the repairs being deducted from the deposit.

In cases where there are insufficient funds to cover the repair costs to the municipal property, the charges will be forwarded on to the firm or person who was holding the permit at the time the damage occurred.

### **SECTION 11: REPEAL AND TRANSITIONAL PROVISIONS**

#### **11.1 REPEAL**

By-Law 3-15 is repealed, and all previous 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.

#### **11.2 TRANSITIONAL**

All building permits and trust deposits issued or collected under the authority of any previously repealed by-law shall remain legally valid and compliant. This transitional provision ensures that any obligations, rights, or procedures associated with these building permits and trust deposits continue to be recognized and upheld under the newly enacted bylaw.

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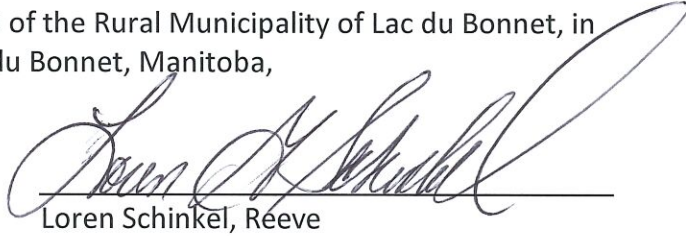
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**11.3 VALIDITY**

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 by the Council of the Rural Municipality of Lac du Bonnet, in regular session assembled in Lac du Bonnet, Manitoba, this 5<sup>th</sup> day of November, 2024.

  
Loren Schinkel, Reeve  
Sandra Broek, Chief Administrative Officer

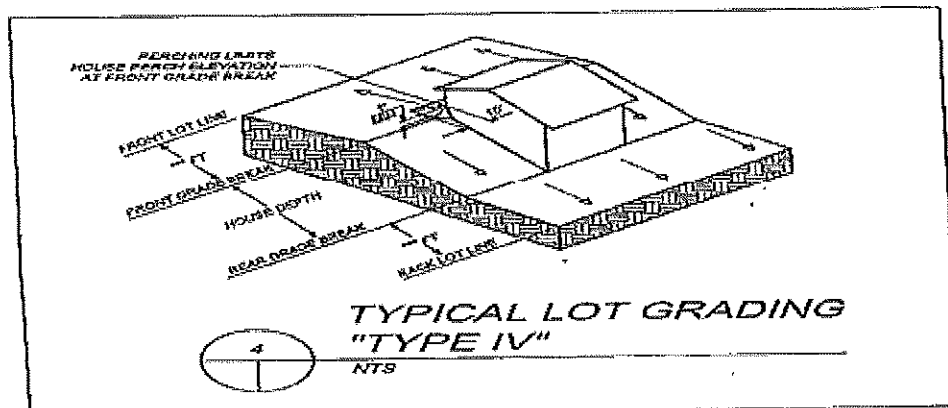
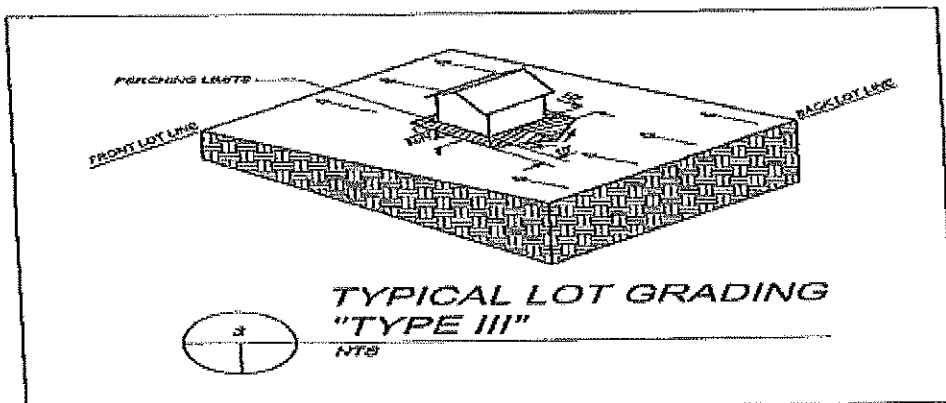
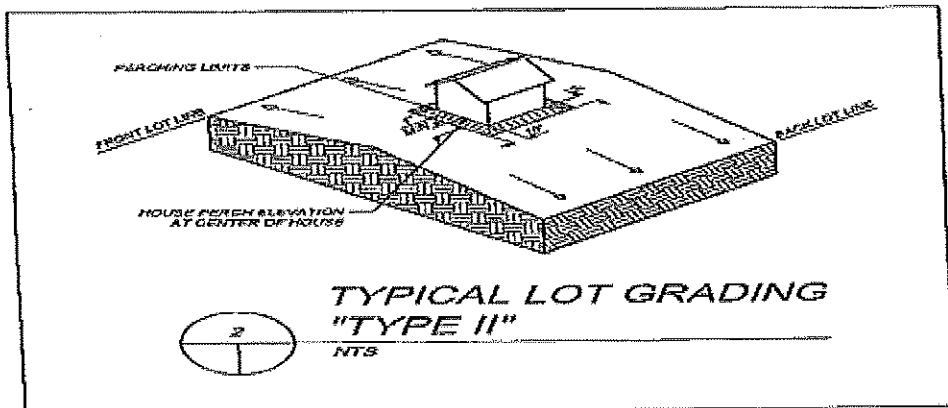
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Read a second time:	November 5, 2024	Resolution # 2024 3580
Read a third time:	November 5, 2024	Resolution # 2024 3581

RURAL MUNICIPALITY OF LAC DU BONNET

Lot Grading and Drainage

BY-LAW No. 10-24

SCHEDULE "A"



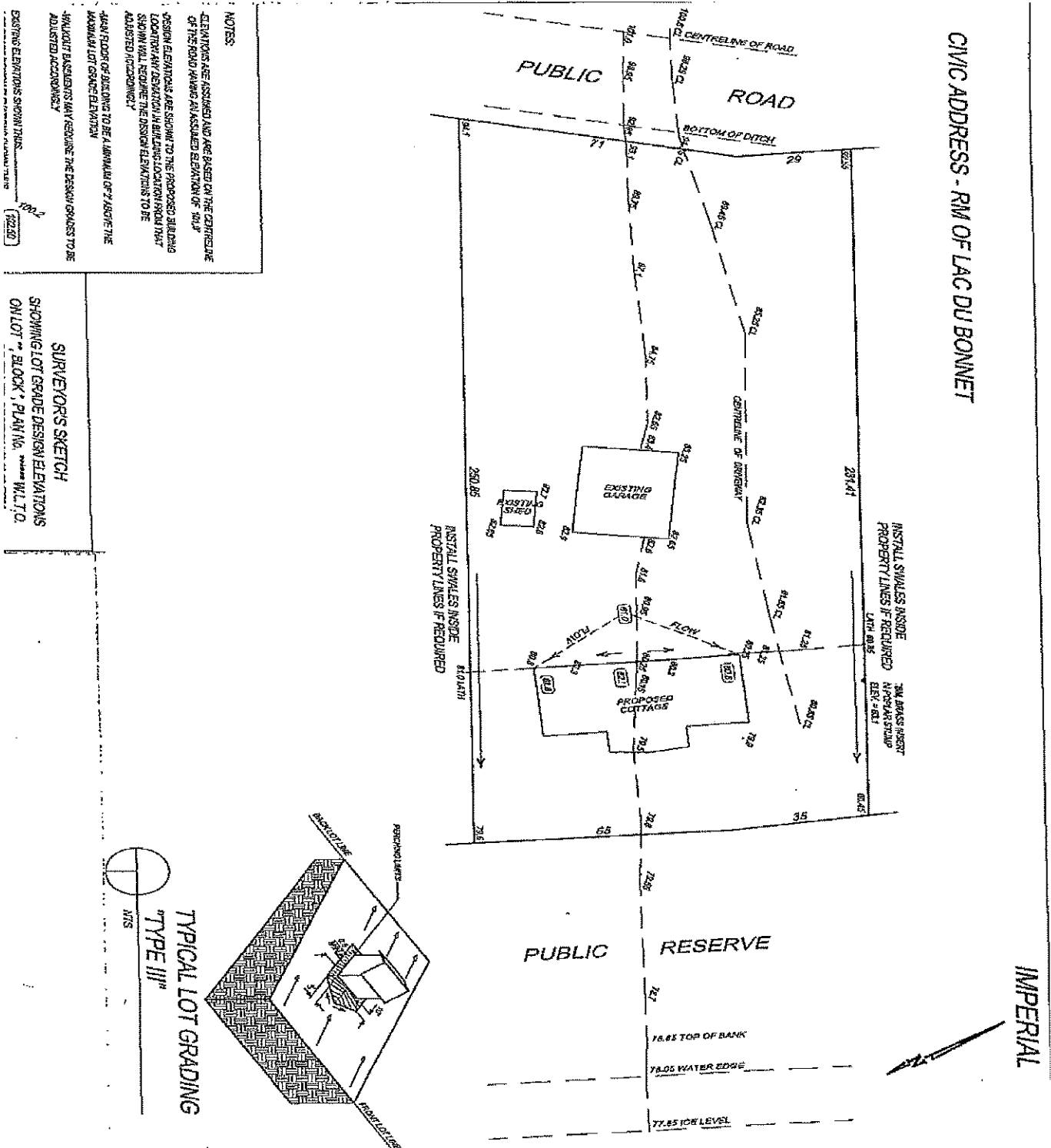
# RURAL MUNICIPALITY OF LAC DU BONNET

## Lot Grading and Drainage

### BY-LAW No. 10-24

#### SCHEDULE "B" (1 of 2)

Illustrations and figures of typical lot grading and perching

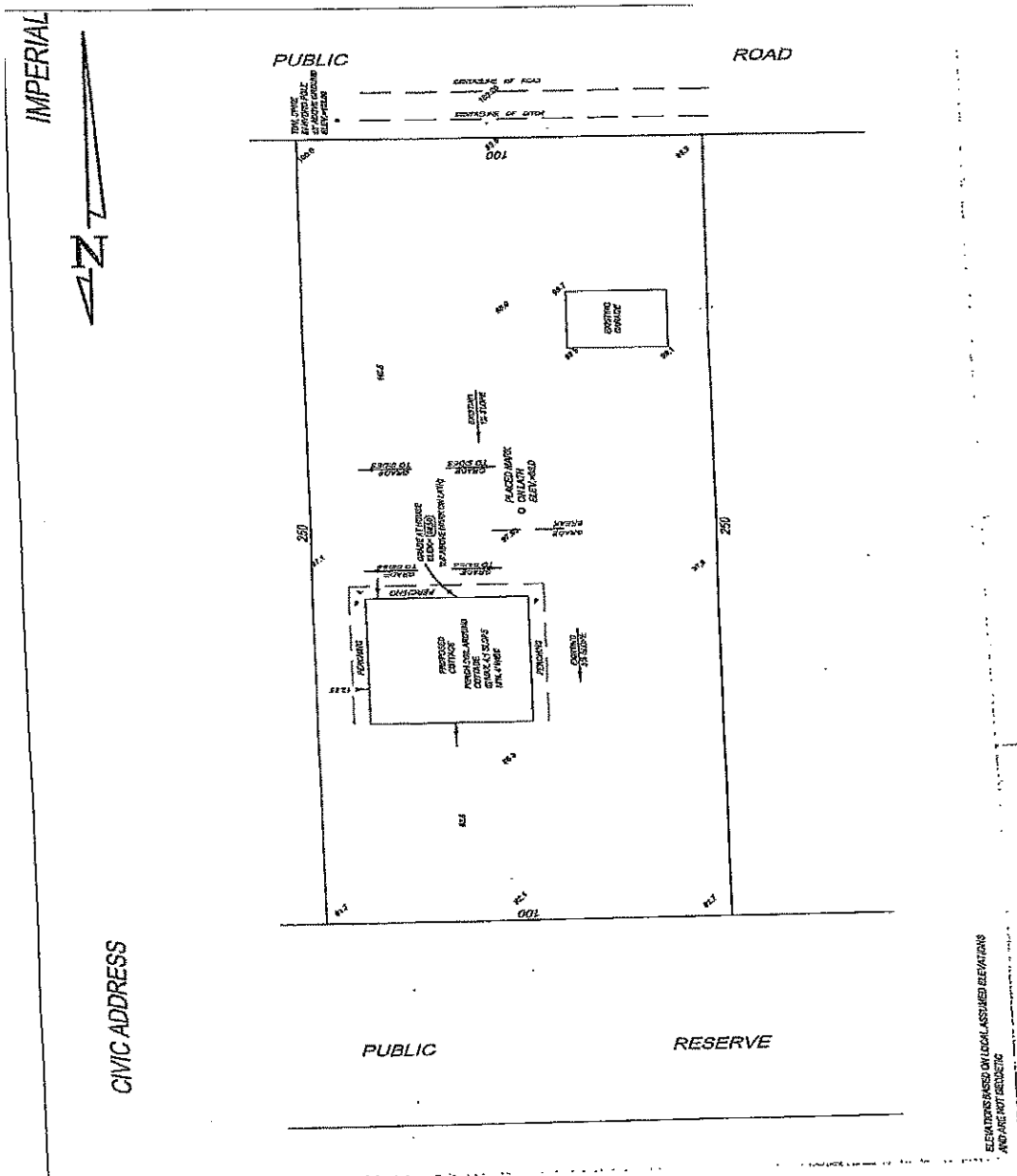


RURAL MUNICIPALITY OF LAC DU BONNET

Lot Grading and Drainage

BY-LAW No. 10-24

Schedule "B" (2 of 2)



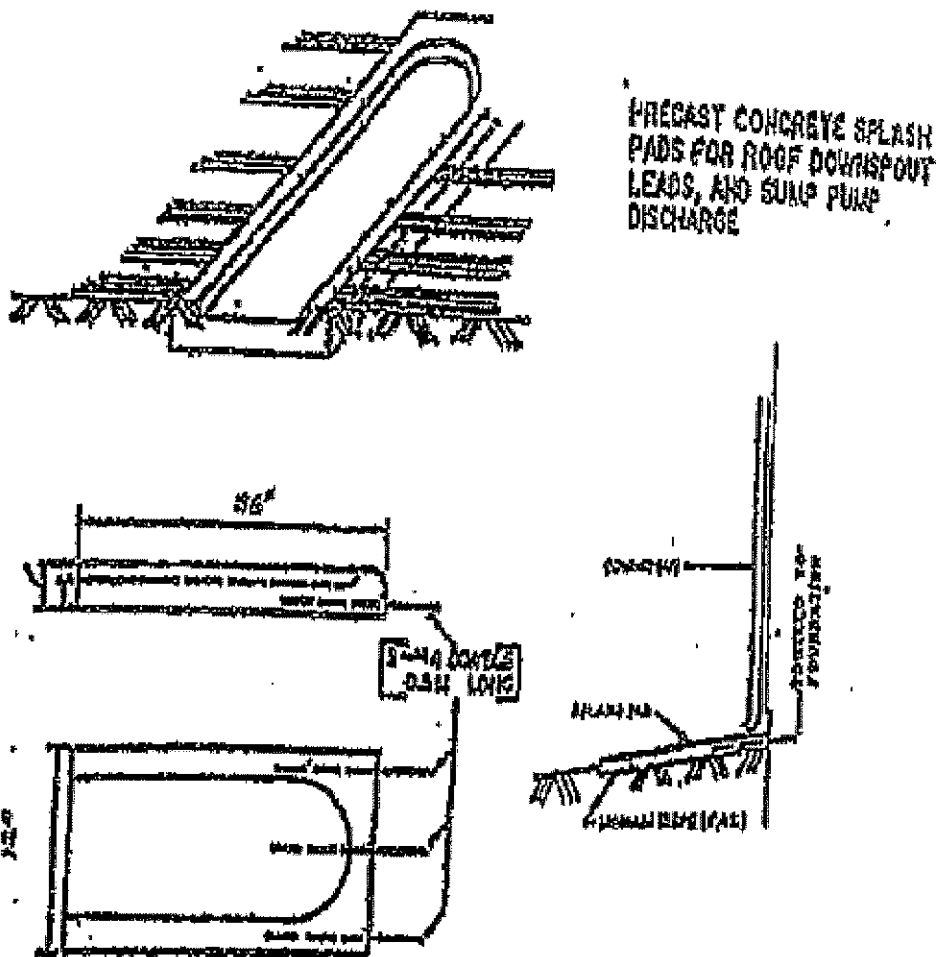


RURAL MUNICIPALITY OF LAC DU BONNET

Lot Grading and Drainage

BY-LAW No. 10-24

SCHEDULE "C"



**RURAL MUNICIPALITY OF LAC DU BONNET**  
**Lot Grading and Drainage**  
**BY-LAW No. 10-24**

**Schedule “D”**

Set Fines for By-law

Provision of By-law	Description of Offence	Set Fine for 1 <sup>st</sup> Offense	Set Fine for 2 <sup>nd</sup> Offense	Set Fine for 3 <sup>rd</sup> Offense
	Failed to apply for and request a Lot Grade Permit when required.	\$300	\$500	\$1,000
	Failed to maintain Lot Grade.	\$300	\$500	\$1,000