



**TOWN OF TREHERNE  
SEWER PROTECTION  
BY-LAW NO. 888/2011**

**BEING A BY-LAW** of the Town of Treherne to restrict the discharge of certain surface and storm water into municipal sewer systems.

**WHEREAS** the provisions of The Municipal Act, L.M. 1996,c.58- Chap. M225 provides in part as follows:

**Spheres of jurisdiction**

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

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (l) public utilities;
- (o) the enforcement of by-laws

**232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit
- (b) establish

**AND WHEREAS** Part 8, Division 1 of the Municipal Act, S.M. 1996, c.58 – Cap. M225, Section 250(2) provides in part as follows:

**General Powers**

**250(2)** Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following;

- (a) acquire, hold, mortgage and dispose of land, improvements and personal property, or an interest in land, improvements and personal property;
- (b) construct, operate, repair, improve and maintain works and improvements;
- (c) acquire, establish, maintain and operate services, facilities and utilities
- (e) use municipal equipment, materials and labour to carry out private works on private property;

**AND WHEREAS** Part 8, Division 1 of the Municipal Act, S.M. 1996, c.58 – Cap M225, Section 252 (1) provides as follows:

**Powers respecting works, services, utilities**

**252(1)** A municipality exercising powers in the nature of those referred to in clauses

**250(2)(b),(c) and (e)** may set terms and conditions in respect of users, including

- (a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
- (b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- (c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.

**AND WHEREAS** the Council of the Town of Treherne desires to protect the sewer system from damage resulting from the discharge of water into the public sewer system;

**AND WHEREAS** it is deemed advisable to restrict the discharge of water accumulated on property due to precipitation, flooding or otherwise into the sewer system.

**NOW THEREFORE** the Council of the Town of Treherne in session duly assembled enacts as follows:

### **DEFINITIONS:**

1.1 – In this by-law,

- a) “affected property” means all lands, including all buildings, structures and improvements thereon; that have been constructed after the passing of this by-law, which are connected to the sewer system in the Town of Treherne.
- b) “drainage system” means any device or system used or intended for the purpose of collecting, storing, conveying, controlling or diverting the follow of storm water;
- c) “owner” means, in respect of an affected property an owner of a freehold estate in real property and includes, without limitation, a person who is the owner and such an estate jointly with another person and a person who is registered under The Condominium Act as an owner of a condominium unit;
- d) “storm water” means surface water or subsurface water resulting from precipitation or flooding; and
- e) “work” means any construction, installation, alteration or repair of or to a drainage system servicing or affecting an affected property.

### **SCOPE**

2.1 This by-law applies to the sewer systems servicing or affecting all buildings and structures constructed after the passing of this by-law and situated in the Town of Treherne.

### **PROHIBITIONS**

3.1 No owner shall permit the discharge of storm water from the drainage system servicing or affecting an affected property into a public sewer system.

### **DUTIES AND RESPONSIBILITIES OF THE OWNER**

- 4.1 Every owner who receives notice of any non-compliance with this By-Law shall rectify such non-compliance within the time specified on the order therein.
- 4.2 Every owner and occupant shall allow the person designated for inspections by the municipality to enter upon and into any lands and premises for the purposes of carrying out inspections or administering this By-Law.
- 4.3 Every owner shall give notice in writing to the municipality when work for which the notice of non-compliance was issued under this By-Law is completed.

### **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.

### **ENFORCEMENT**

6.1 The person designated by the municipality is hereby authorized to enter into and upon any lands and into any affected properties for the purpose of:


- a) blocking any connection which a drainage system has to public sewer system when, in the opinion of the designated person, it is advisable that such action be taken to reduce or diminish damage or loss from or incidental to the discharge of storm water;
  - b) maintaining any sewer pipe and block, apparatus, or other things placed to block a sewer connection or used in connection therewith;
  - c) carrying out inspections; or
  - d) administering or enforcing this By-Law.
- 6.2 If the designated person, having inspected any drainage system, is of the opinion that the requirements of this By-Law have not been complied with, the municipality may, by written notice, order an owner to comply with this By-Law within 30 days.
- 6.3 Where an owner fails to comply with an order made under this By-Law within the specified time limit, the municipality may authorize and arrange for the correction of the non-compliance at the expense of the owner. Where the owner fails to pay the cost of the work within 30 days following delivery of an invoice therefore, the cost may be added to the tax roll and collected in the same manner as arrears in taxes.
- 6.4 Every person who fails to comply with an order made under this By-Law or who circumvents the installed and inspected drainage system shall be subject to the maximum penalties allowable under The Municipal Act., L.M. 1996, C.58 – Chap. M225 of \$500.00 for each day of non-compliance.

**EFFECTIVE DATE**

7.1 This By-Law shall come into effect on the date upon which it is duly passed by the council of the Municipality.

DONE AND PASSED by the Council of the Town of Treherne, in council duly assembled, at Treherne, Manitoba on this 20 day of Jan. 2011.

  
J. KNOCKAERT - MAYOR

  
L. JENKINSON - CAO

Given first reading this 16 day of December A.D., 2010

Given second reading this 16 day of December A.D. 2010

Given third reading this 20 day of Jan. A.D. 2011