



BYLAW NO 229-91

OF THE
CITY OF LEDUC

A BYLAW OF THE CITY OF LEDUC TO REGULATE DRAINAGE FROM PRIVATE LOTS ON TO ADJACENT PRIVATE AND PUBLIC LOTS.

WHEREAS, pursuant to Section 160 and Section 198 of the Municipal Government Act, Council has the authority to regulate drainage from private lots on to adjacent private and public lots; and

WHEREAS, the City has experienced damage to public property as a result of poor drainage from private property onto other private and public properties; and

WHEREAS, Council has decided it is expedient to establish regulations to control drainage from private lots.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA IN COUNCIL DULY ASSEMBLED, ENACTS AS FOLLOWS:

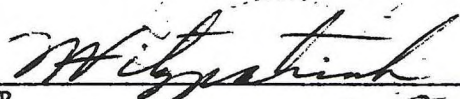
1. No drainage system shall be directed below grade from a lot onto public property or shall occur as directed below grade within a distance of three meters from any public sidewalk, curb or roadway.
2. All subsurface drainage systems shall direct drainage to the surface in a manner acceptable to the building inspector and shall occur in such a manner that is safe and will not cause soil erosion.
3. Notwithstanding Clause 1, where subsurface drainage occurs within a distance of three meters from a public sidewalk, curb or roadway on a private lot developed before the date of the passage of this by-law, the City may authorize that the subsurface drainage system not be removed.
4. If the City has adopted a surface drainage plan for a particular area, the grade of all lots within that area shall be maintained in conformance with the said surface drainage plan.
5. Where the municipality has reason to believe that grades do not meet a surface drainage plan or that a drainage system is discharging water in contravention of this by-law, it may authorize a representative to enter any land, building or premises except a dwelling house for the purpose of inspecting the grades or the drainage system to determine if either contravenes this by-law.
6. Where grades or a drainage system is determined to be in contravention of this by-law, the municipality may serve notice on the owner of the land, building or premises involved requiring that owner to rectify within fourteen (14) days from delivery of the notice.
7. In any case where notice to rectify has been served on an owner and the owner has failed to rectify within the required fourteen-day period, the municipality may authorize any person to enter any land, building or premises, except a dwelling house to rectify, and a cost to rectify may be charged to the property owner in which the non-conforming grades or drainage system exists and in default of payment may be charged against the land concerned as taxes due and owing in respect of that land.

8. In any case where notice to rectify has been served on an owner and the owner has failed to rectify in accordance with this by-law, a Peace Officer may in respect to the alleged breach issue a violation ticket, and second and subsequent violation tickets, in accordance with the amounts specified in Schedule 'A' attached to and forming part of this by-law.
9. All roof drain downspouts, pump systems or other devices installed to control water drainage from a lot, whether installed by the municipality or by a property owner, or by any other person, are required to be maintained in good working order and at the expense of the property owner.
10. In the event any damage to municipally-owned property is found to result from grades or a drainage system installation which contravenes this by-law, the property owner in which the non-conforming grades or drainage system exists shall be held liable to compensate the municipality to the full extent of the damages sustained.
11. Notwithstanding Clauses 6, 7 and 8 of this by-law, where grades or a drainage system, in the opinion of the building inspector, is creating or has created a nuisance or emergency situation, then the municipality may authorize any person to enter any land, building or premises, except a dwelling house to rectify the nuisance or emergency situation immediately and the cost to rectify may be charged to the property owner in which the non-conforming grades or drainage system exists and in default of payment may be charged against the land concerned as taxes due and owing in respect of that land.

DATE OF COMMENCEMENT

This Bylaw shall come into full force and effect upon final passing.

READ A FIRST TIME IN COUNCIL THIS 23RD DAY OF SEPTEMBER, A.D., 1991.



MAYOR

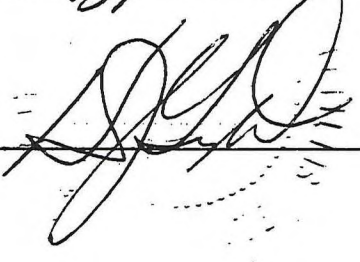


CITY CLERK

READ A SECOND TIME IN COUNCIL THIS 23RD DAY OF SEPTEMBER, A.D., 1991.



MAYOR



CITY CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF SEPTEMBER , A.D.
1991.



MAYOR



CITY CLERK

BYLAW NO. 229-91

SCHEDULE 'A'

FIRST OFFENCE PENALTY

Breach of bylaw

- \$50.00

SECOND OFFENCE PENALTY

Breach of bylaw

- \$100.00

SUBSEQUENT OFFENCE

Breach of bylaw

- \$200.00