

**Consolidated Copy**  
The Corporation of the City of Brockville  
By-Law Number 113-91

Being a By-Law to Regulate Drainage in the City of Brockville and to Repeal City of  
Brockville By-Law 145-82,

As amended by By-Laws 033-2004 and 021-2010

---

WHEREAS Section 208(16) of the Municipal Act R.S.O. 1980, Chapter 302, provides that a Council may pass by-laws prohibiting the obstruction of any drain or watercourse and for requiring the removal of any obstruction thereof; and

WHEREAS Section 208(17) of the Municipal Act R.S.O. 1980, Chapter 302, provides that a Council may pass by-laws requiring the placement of culverts on a highway; and

WHEREAS Section 210(22) of the Municipal Act R.S.O. 1980, Chapter 302, provides that a Council may pass by-laws regulating water gates where fences cross an open drain or watercourse; and

WHEREAS Section 210(74) of the Municipal Act R.S.O. 1980, Chapter 302, provides that a Council may pass by-laws regulating the filling up, draining, cleaning and clearing of lands and for the altering or repairing of private drains, and

WHEREAS the Council of the Corporation of the City of Brockville deems it expedient to exercise its powers to control drainage in the City of Brockville.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

- 1) THAT City of Brockville By-law 145-82, Being A By-law to Regulate, Control and Prohibit The Placing Of Fill Or Other Debris On Lands Within The City of Brockville is hereby repealed;
- 2) No person shall install or construct or cause to be installed or constructed a culvert on any highway within the City of Brockville without first securing an excavation permit from the City Engineer, or his designate. The City Engineer, or his designate, may prescribe standards as to the construction or installation of any culvert, which standards shall be complied with by any person installing, constructing or causing the installation or construction of any culvert.
- 3) No person shall obstruct or cause to be obstructed, in any manner whatsoever, any drain or watercourse; and without limiting the generality of the foregoing, no person shall obstruct or cause to be obstructed any

drainage swale nor alter nor cause to be altered any drainage facility without the prior written approval of the City Engineer, or his designate.

- 4) Any person who obstructs or causes to be obstructed any drain, watercourse, drainage swale or drainage facility shall forthwith, upon written notice from the City Engineer or his designate, remove or cause to be removed any obstruction in any drain, watercourse, drainage swale or drainage facility.
  - 5) For the purposes of this By-law, watercourse shall include any floodplain or water storage area immediately adjacent to any stream, river or creek.
  - 6) No person shall erect or cause to be erected any fence across any watercourse, open drain or drainage swale unless the said fence permits the free flow of water thereunder, either by the construction or installation of a water gate or such other means as may be permitted by the City Engineer, or his designate.
  - 7) No person shall be issued a Residential Occupancy Permit, as provided for in City of Brockville Building By-Law 29-94, as amended, until
    - (a) in the case of a building located in an area where there exists an approved drainage plan or lot grading plan, the lot has been graded to within 0.1 metres of the said approved drainage plan or lot grading plan, the said grading has been certified by an Ontario Land Surveyor or Professional Engineer as complying to the said plan, and the said grading, as certified, has been approved by the City Engineer, or his designate; or
    - (b) in a case where a building is located within an area where no approved drainage plan or lot grading plan exists, the lot owner shall prepare or cause to be prepared a drainage plan or lot grading plan which has been approved by the City Engineer, or his designate, and the lot has been graded to within 0.1 metres of the said approved drainage plan or lot grading plan, the said grading has been certified by an Ontario Land Surveyor or Professional Engineer as complying with the said plan and the said grading has been approved by the City Engineer, or his designate.
- (Amending By-Law 003-2004)
- (c) In the case where it is not practical to complete final lot grading prior to occupancy, the lot owner shall provide a letter of undertaking complete with a minimum refundable deposit of \$3,500.00. A deadline for completion shall be determined by the City Engineer which shall not extend beyond a six (6) month period from the date of occupancy of the residential dwelling. Failure to complete the required lot grading

within the timeframe established by the City Engineer may result in all or a portion of the deposit being utilized by the City or its agent(s) to complete the lot grading. If additional funds are required, the City reserves the right to recover these costs from the lot owner. The deposit shall only be refunded upon receipt of certification by an Ontario Land Surveyor or Professional Engineer as to compliance with the approved drainage plan or lot grading plan.

(Amending By-Law 021-2010)

- 8) No person shall be issued a permit for the erection or construction of a swimming pool, as provided for in City of Brockville By-Law 35-83, as amended, until the said person provides or causes to be provided to the Chief Building Official a lot grading plan. The said lot grading plan shall be prepared by an Ontario Land Surveyor or Professional Engineer and approved by the City Engineer, or his designate. After the erection or construction of the swimming pool has been completed, the owner thereof shall ensure that the lot is graded in accordance with the approved lot grading plan and provide or cause to be provided to the Chief Building Official a drawing prepared by an Ontario Land Surveyor or Professional Engineer certifying that the lands conform with the approved lot grading plan.
- 9) The City Engineer, where he is of the opinion that the pool to be erected or constructed will not alter the lot grade, or adversely affect any drainage facility, may waive the requirements of Section 8 hereof. Upon receipt of written notification from the City Engineer waiving the requirements of Section 8, the Chief Building Officer may issue all necessary permits.
- 10) No person shall by the removal or placement of fill on any grounds, yard or vacant lot cause
  - (a) the ponding of water on any lands;
  - (b) the disruption of any existing drainage facility, drainage swale, watercourse or drain, or
  - (c) the alteration of any lands which are subject to an approved drainage plan or lot grading plan, without first securing the prior written approval of the City Engineer, or his designate.
- 11) The City of Brockville may undertake or cause to be undertaken such remedial works, as in the opinion of the City Engineer or his designate, are necessary to ensure that the provisions of this By-law are complied with.
- 12) That any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not less than Two Hundred

Dollars (\$200.00) and not more than Two Thousand Dollars (\$2,000.00), exclusive of costs and every such fine shall be recoverable under the Provincial Offences Act.

- 13) That, in accordance with Section 326 of the Municipal Act R.S.O. 1980, Chapter 302, the Provincial Offences Court (Criminal Division), or any court of competent jurisdiction, may issue an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any fine imposed on the person convicted.
- 14) Where the City of Brockville undertakes or causes to be undertaken work or works remedy any violation of this By-law, the City of Brockville may recover the expense incurred by action or the expense may be recovered in like manner of taxes in accordance with Section 325 of the Municipal Act R.S.O. 1980, Chapter 302.
- 15) This By-law shall be known as The Drainage By-law

GIVEN UNDER THE SEAL OF THE CORPORATION OF THE CITY OF BROCKVILLE AND PASSED THIS 23<sup>RD</sup> DAY OF APRIL, A.D. 1991

Signed: Steve Clark

\_\_\_\_\_  
Mayor

John Miles

\_\_\_\_\_  
Clerk

By-Law 113-91 has been amended as follows;

- 1) By-Law 033-2004 Dated 13<sup>th</sup> day of April 2004
- 2) By-Law 021-2010 Dated 9<sup>th</sup> day of March 2010