

**CITY OF MELVILLE
BYLAW NO. 22/2014**

**A BYLAW OF THE CITY OF MELVILLE TO REGULATE THE INSTALLATION OF
A SUMP PIT AND SURFACE DISCHARGE SYSTEM**

WHEREAS, Section 8 of **The Cities Act** provides a municipality with the authority to pass bylaws respecting public utilities;

WHEREAS, it is deemed to provide for the matters referred to above and to establish a standard for a storm water discharge system;

NOW THEREFORE, Melville City Council enacts as follows;

PART I - INTERPRETATION

1. This Bylaw shall be cited as the “Sump Pit and Surface Discharge Bylaw”

2. **Application**

This Bylaw shall apply to all newly constructed structures including but not limited to residential dwellings and dwelling units with a subsurface drainage system within the City of Melville for which a building permit has been applied for after and including September 1, 2014.

3. **Definitions in this Bylaw**

- (a) **“Approved”** means permitted, inspected or approved by the government agency or other authority having jurisdiction over the subject matter to which the approval relates;
- (b) **“Building Official”** means the person appointed by Council, to perform the duties of this bylaw or any other bylaw or resolution of Council;
- (c) **“City”** means the City of Melville.
- (d) **“Council”** means the Council of the City of Melville;
- (e) **“Dwelling”** means a building or part of a building intended for residential occupancy;
- (f) **“Owner”** means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee;
- (g) **“Sump Pit and Surface Discharge System”** means a system including sump, sump pump and related plumbing used to convey water collected by subsurface drainage to the surface;
- (h) **“Yard, Front”** means a yard extending across the full width of a lot between the front lot line and the nearest wall of the principal building or structure on the lot;
- (i) **“Yard, Rear”** means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the principal building or structure on the lot.

PART II – STANDARDS

4. The owner of every newly constructed structure shall install a drainage system as per section 9.14 of the National Building Code of Canada. Drainage systems will be installed so as to allow discharge to the surface.
 - (a) Discharging to the surface:
 - (i) Discharge shall not be directed onto a previous ground surface within 2 meters of any building.
 - (ii) Discharge shall be directed to the front yard or the rear yard of the property and shall not traverse onto any adjacent property, unless it is part of a surface drainage system.
 - (iii) Any deviation from front yard or rear yard discharge will have to be approved by the City Manager; representative appointed by the City Manager or the Public Works Manager, and will have to be in writing.
5. The Sump Pit and Surface Discharge System shall be installed in such a manner as to comply with all City bylaws and policies and other applicable regulatory authorities and without causing excessive ponding or icing on public or private property;
6. The costs associated with installing a Sump Pit and Surface Discharge System will be the sole responsibility of the owner.
7. Sump pumps, sump pits, subsurface drainage systems and surface discharge systems shall not be connected to the domestic sewage system.
8. No development permit shall be issued, if a drainage system is not shown on the set of building plans.
9. Occupancy permit will not be granted if there is any contravention of this bylaw.

PART III – ENFORCEMENT

10. Enforcement of Bylaws

The administration and enforcement of this Bylaw is hereby delegated to the Building Official or the Bylaw Enforcement Officer or a Representative appointed by the City of Melville.

PART IV – OFFENCES AND PENALTIES

11. Any person in violation of a provision of this Bylaw shall be deemed guilty of an offense and shall be liable upon summary conviction to a fine of not less than \$500.00 but not exceeding:
 - (a) \$10,000.00 in the case of an individual; or
 - (b) \$25,000.00 in the case of a corporation

PART V – SEVERABILITY

12. If a Court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and take effect

13. **Coming into Force**

This Bylaw shall come into force and take effect on the 2nd day of September, 2014.

INTRODUCED and READ a First time this 2nd Day of September, 2014, A.D.

READ a Second time this 2nd Day of September, 2014, A.D.

READ a Third time and PASSED this 2nd Day of September, 2014, A.D.

Mayor

City Manager