TOWN OF BEAUSEJOUR BY-LAW NO. 1817-25

BEING A BY-LAW OF THE TOWN OF BEAUSEJOUR TO REGULATE THE GRADING OF PROPERTY AND TO ESTABLISH LOT GRADE ELEVATIONS AND TO REPEAL 1796-23.

WHEREAS Sub-section 294.1 (2) of the Manitoba Municipal Act subject to the rights of any other party under The Water Resources Administration Act or The Water Rights Act gives jurisdiction over every drain within its boundaries to the municipality;

AND WHEREAS section 231 (b) of the Manitoba Municipal Act provides that Council may pass bylaws to enhance the ability of the municipality to respond to present and future issues in the municipality;

AND WHEREAS section 232 (1)(a) of the Manitoba Municipal Act provides that Council may pass by-laws for municipal purposes with respect to the safety, health, protection and well-being of people, and the safety and protection of property;

AND WHEREAS section 232 (1)(h) of the Manitoba Municipal Act provides that Council may pass by-law for municipal purposes with respect to drains and drainage on private or public property;

AND WHEREAS section 232 (2)(d) permits Council to establish fees or other charges for services, activities or things provided or done by the municipality;

AND WHEREAS section 245 (1), subject to Section 242 and 242(2)(b), of the Manitoba Municipal Act permits a municipality to take whatever action or measures necessary to remedy a contravention of a by- law;

AND WHEREAS the Council of the Town of Beausejour deems it expedient and in the public interest to pass a by-law to establish regulations governing the grading of property for the purposes of managing storm water runoff in order to minimize any nuisance that may be caused to property by storm water runoff, and to minimize the infiltration of storm water into the wastewater sewer system via building foundation drains;

NOW THEREFORE the Council of the Town of Beausejour in meeting duly assembled enacts as follows:

SECTION 1 SHORT TITLE

1.1 This By-law may be referred to as the "Town of Beausejour Lot Grade By-law".

SECTION 2 INTENT OF BY-LAW

- 2.1 The intent of this by-law is to establish regulations governing the grading and landscaping of property within the municipality for purposes of managing Storm Water runoff in order to minimize:
 - a) The infiltration of Storm Water into the wastewater sewer system via building foundation drains:
 - b) Any nuisance that may be caused to property by Storm Water runoff.

SECTION 3 LIST OF SCHEDULES AND AMENDMENT TO SCHEDULES

3.1 Attached to and forming part of this by-law are the following schedules:

Schedule "A"

- Precast Concrete Splash Pads for Downspouts and Sump Pump Discharge
- Typical Swale Details
- Subsurface Drainage Piping

Schedule "B"

• Application for Lot Grading Permit

Schedule "C"

- Application for Lot Grading Deposit Release
- 3.2 Council may from time to time, by resolution, amend any schedule attached to this by-law.
- 3.3 Council may be resolution, deviate from this by-law under extenuating circumstances.

SECTION 4 DEFINITIONS

4.1 Unless the context otherwise requires, where used in this by-law:

Applicant - means the owner, or such other person authorized in writing by the owner to make application for a Lot Grading Permit.

Authority having jurisdiction - means an official or agency designated by the Council of the Town of Beausejour for the enforcement of any parts of this by-law.

Building - means any structure used or intended for supporting or sheltering any use or occupancy and, without restricting the generality of the foregoing, includes residential, commercial and industrial structures.

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*.

Council - means the duly elected Council of the Town of Beausejour.

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

Elevation – means the vertical distance above or below sea level.

Finished Surface - means the completed landscaping condition of an area by covering the area with, but not limited to, sod, grass, stone, cement, wood and other substances or material.

Highway - means any place or way, including any structure forming part thereof, which or any of which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians, with or without fee or charges therefore, and includes all the space between the boundary lines thereof, whether or not used for vehicular or pedestrian traffic and, without restricting the generality of the foregoing, includes road, road allowances, street, lanes, thoroughfares, sidewalks, and other means of communication dedicated to the public as highways as defined, and also piers, wharves, ferries, and squares, and the road improvements thereon dedicated to public use, but does not include any area designated or intended and primarily used for the parking of vehicles and the necessary passageways thereon.

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 exclude domestic wastewater and industrial wastes.

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 road.

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 reference points on a lot.

Lot Grading - means a general term referring to the combination of lot grade elevations and resultant slopes within a given lot.

Lot Grading Permit - means a written approval issued by the Authority Having Jurisdiction pursuant to this By-law, wherein the Building Lot Grade and the Lot Grade Elevations of a specific lot are established.

Municipality – means the Town of Beausejour.

Municipal Road — shall have the same definition as per Section 285 of the Manitoba Municipal Act.

Owner – means a person in whose name a subject property is registered.

Qualified Professional – means a person with the necessary qualifications, tools, and expertise to collect, establish, analyze, and verify Lot Grade Elevations.

Registered Property – means a property intended for use by one or two families only.

Splash Pad - means a cast-in-place or pre-cast concrete pad rigidly attached to a building to carry runoff and weeping tile water away from the building foundation.

Storm Water - means water from rainfall or snowmelt or a combination of the two, and includes weeping tile water.

Street – has the same meaning as Municipal Road or Highway.

Street Line – means the lateral boundaries between a Municipal Road or Highway and a lot, tract or parcel of land.

Wastewater Sewer - means a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with quantities of ground, storm and surface water that are not admitted intentionally.

SECTION 5 APPLICATION FOR LOT GRADING PERMIT

- 5.1 All application for Lot Grading Permits shall be made at the offices of the Town of Beausejour.
- 5.2 Residential Property Lot Grading Permit Applications:

The applicant shall obtain a Lot Grading Permit prior to the issuance of a building permit to construct a building on a lot. This does not apply to the construction of accessory buildings. The application shall be accompanied by:

- One (1) hard copy and one (1) electronic copy, in .pdf format, of a site plan showing the location of the proposed building and any other information the Authority Having Jurisdiction deems to be pertinent to the grading of the lot.
- One (1) hard copy and one (1) electronic copy, in .pdf format, of a plan showing a section of the foundation and the first floor of the building to be constructed and any additional section views which may be required for multi-level buildings.

- Upon the request of the Authority Having Jurisdiction, one (1) hard copy and one

 (1) electronic copy, in .pdf format, of a Lot Grade Plan prepared by a qualified professional, such as a Professional Civil Engineer, Civil Engineering Technologist, or Land Surveyor as approved by the Authority Having Jurisdiction. The Lot Grade Plan, where applicable, shall show:
 - a) Building Location(s) with distances
 - b) Location and Elevation of other permanent items that will impact lot grading (buildings, fences, trees)
 - c) Flow direction of overall lot grading
 - d) Profile of building with property showing section view of the foundation and first floor of the building
 - e) Elevation benchmark
 - f) Existing elevations from topographic survey of property, adjacent property edges, ditch and road and ditch (average every 7 meters)
 - g) Final Grade Elevations for swales and building
 - h) Swale % grades, size, cross section, depth and location
 - i) Existing easements
 - j) Downspout and sump-pump discharge locations
 - k) Proposed hard surfaces & driveways
 - I) Erosion control
 - m) Runoff Controls if required (catch basins, land drainage sewer and discharge control)
 - n) Any other information the Designated Officer deems pertinent to the grading and drainage of the property

5.3 Commercial, Industrial and Multi-residential Sites 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, multiple-residential or use other than single-family residential property. This does not apply to the construction of additions or accessory buildings on properties where a main building exists. The application shall be accompanied by:

- One (1) hard copy and one (1) electronic copy, in .pdf format, of a lot grading plan for the site, prepared by an Engineer, Architect or Land Surveyor. This certified plan, where applicable, shall show:
 - a) Building Location(s) with distances
 - b) Location and Elevation of other permanent items that will impact lot grading (buildings, fences, trees)
 - c) Flow direction of overall lot grading
 - d) Profile of building with property showing section view of the foundation and first floor of the building
 - e) Elevation benchmark
 - f) Existing elevations from topographic survey of property, adjacent property edges, ditch and road and ditch (average every 7 meters)
 - g) Final Finished Grade Elevations for swales and building
 - h) Swale % grades, size, cross section, depth and location
 - i) Downspout and sump-pump discharge locations
 - j) Proposed hard surfaces & driveways

- k) Existing easements
- Erosion control
- m) Runoff Controls if required (catch basins, land drainage sewer and discharge control)
- n) Any other information the Designated Officer deems pertinent to the grading and drainage of the property

And any other information the Authority Having Jurisdiction deems to be pertinent to the grading of the lot. In special cases, where applicable, the Authority Having Jurisdiction may waive some of the requirements of the Lot Grading Plan.

5.4 Existing Lot Grading Changes:

An owner shall obtain a Lot Grading Permit prior to proceeding with any work that may alter or otherwise change the grading of a lot or property in any manner that may affect the existing or established storm runoff from that or any adjacent property.

5.5 Timing of Applications:

The applicant shall make application for a Lot Grading Permit at least five (5) working days prior to the requirement of this permit.

SECTION 6 LOT GRADING REQUIREMENTS

6.1 Lot Grading shall be an integral part of the storm water drainage system for the Town.

6.2 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 Lot Grading Plan so approved shall become part of the Lot Grading Permit.

6.3 Building Lot Grade

The building lot grade shall be as indicated on the Lot Grading Permit.

6.4 Residential Lot Grade

Typical residential property lot grading to be as described in the most recent edition of the Town of Beausejour Infrastructure Standards or as identified in the applicable Lot Grade Plan.

6.5 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 the Town of Beausejour Infrastructure Standards.

6.6 Lot Line Grading

Each lot shall be graded in such a manner as to allow storm water to drain along the lot line without ponding or obstruction, in accordance with the Lot Grading Permit.

6.7 Special Site Conditions of Residential Property

The lot grading requirements of the Town of Beausejour Infrastructure Standards may 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 accessory structures

Such variation must be approved by the Authority Having Jurisdiction.

6.8 Commercial, Industrial and Multiple-Residential Lot Grading

Lot Grading for Commercial, Industrial, Institutional, and Multi-Family Residential shall be established by an Lot Grading Plan prepared by a Professional Engineer, Landscape Architect or Manitoba Land Surveyor. The Lot Grade Plan shall meet the requirements of the Town of Beausejour Infrastructure Standards.

6.9 Roof Downspouts

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 "A" or by an equivalent method approved by the Authority Having Jurisdiction. Building roof downspouts shall not be located nor directed so as to cause storm water to drain directly onto adjacent property.

6.10 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 "A" or by an equivalent method approved by the Authority

Having Jurisdiction and shall not be located so as to direct or cause discharge water directly onto adjacent property or street except where street ditches are adjacent to the property. No property owner shall discharge water directly into the Town sewer system.

6.11 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 the Authority Having Jurisdiction.

6.12 Swales

Swales shall be constructed to the minimum requirements set out in the Town of Beausejour Infrastructure Standards, as required by the Lot Grade Plan.

SECTION 7 LOT GRADING CONSTRUCTION

7.1 Lot Grade Elevations

The Town shall supply the Applicant with a Finished Grade Elevation as determined by the Lot Grade Plan.

In the absence of a Lot Grade Plan, such as for in-fill lots, the Authority Having Jurisdiction may request a Lot Grade Plan from the Applicant or may direct the Applicant to have their Qualified Professional set the Finished Grade Elevation at the average elevation of the neighbouring properties.

7.2 Confirmation of the Footing

Confirmation of the footing elevation shall be provided to the Town by a Qualified Professional on behalf of the Applicant. Footing elevations that do not coincide with the Lot Grade Elevation established by the Town shall be corrected prior to foundation construction.

7.3 Entering Upon Property

Duly authorized employees of the Municipality or it authorized agent so assigned may, pursuant to Section 239(1) and 239(3) of The Municipal Act enter upon property for the purpose of survey, observation or inspection associated with the enforcement of compliance with the Lot Grading Permit and the provision of this By-law.

The applicant shall ensure that employees of the Municipality or its agents are not interfered with in any way in the performance of the duties imposed on them by this Bylaw.

7.4 Compliance with Lot Grading Permit

The applicant shall ensure that all lot grading of a lot or property is completed in accordance with the requirements of the Lot Grading Permit. All Applicants shall complete their Lot Grading in compliance with the Building Lot and Lot Grade Elevation provided by the Town of Beausejour within two (2) years of the issuance of the Lot Grading Permit. This shall require the placement of a Finished Surface upon the said Lot.

7.5 Applicant Transfer of Permit

Where the Owner has been represented by a developer or some other agent, said developer or agent shall be entitled to reimbursement of the Lot Grade Deposit upon bringing the site to rough grade, approximately six (6) to seven (7) inches below finished grade, provided the Owner makes application for a Lot Grade Permit complete with fee and deposits.

7.6 Release of Lot Grading Deposit

Upon completion of the project, the Applicant, through a Qualified Professional, shall ensure certified "as-built" grades are submitted to the Town.

The Lot Grading Deposit shall be released to the applicant, or such other person authorized in writing by the applicant, when the Authority Having Jurisdiction has determined that all grading requirements identified in Schedule "C" have been met, including the completion of the Final Inspection by the Brokenhead River Planning District and the issuance of Final Occupancy for the associated building permit.

Inspections for the purpose of deposit release will generally be made during the period from May 1st to October 31st of each year, subject to snow cover and wet conditions.

When the above provisions are provided for in an existing development Agreement, the development agreement shall prevail.

SECTION 8 FEES AND DEPOSITS

8.1 Fees

The applicant shall be required to pay the Municipality the applicable fee for a Lot Grading Permit, as set out in the Fees and Charges By-Law. This fee shall be paid prior to the issuance of the Lot Grading Permit.

8.2 Lot Grading Deposit

The applicant shall be required to deposit with the Municipality an applicable sum for a Lot Grading Deposit, as set out in the Fees and Charges By-Law. This sum shall be deposited prior to the issuance of a Lot Grading Permit. This deposit shall be retained

by the Municipality interest-free until such time as the lot grading is substantially completed in accordance with Clause 7.6.

8.3 The Lot Grading Deposit shall be forfeited if not completed within two (2) years.

SECTION 9 RESPONSIBILITY OF PROPERTY OWNERS

9.1 Maintenance of Lot Grading

The Owner shall be responsible to ensure the maintenance of all lot grades and landscape requirements which were established and approved by the Municipality prior to the passage of this By-law or established by a Lot Grading Permit.

9.2 Control of Lot Drainage

The owner shall be responsible to ensure that any storm water originating on his or her property is not directed nor permitted to flow onto adjacent property in a manner that would adversely affect or be detrimental to that property.

9.3 Maintenance of Roof Downspouts, Sump Pump Discharge Pipe and Splash Pads

The owner shall be responsible to ensure that roof downspouts, sump pump discharge pipe and splash pads or their approved equivalent are maintained to meet the requirements set forth in Clauses 6.9 and 6.10.

9.4 Maintenance of Swales

The owner shall be responsible to ensure that swales are kept free of obstructions as to allow unobstructed flow of storm water and snow melt runoff. No trees, bushes, shrubs are to be planted/growing in or within one (1) meter of any swale(s) and maintained so as to meet the requirements of the Town of Beausejour Infrastructure Standards

SECTION 10 REMEDIAL ACTION

10.1 Non-Compliance with Lot Grading Permit

Where the lot grading has not been completed in accordance with the Lot Grading Permit, the Authority Having Jurisdiction may give written notice by certified mail to the applicant, directing that the lot grading be completed and/or corrected.

Where required by the Authority Having Jurisdiction, the applicant shall submit as part of the corrective measures, a new Lot Grading Plan prepared by a Professional Engineer, Architect or Surveyor.

10.2 Failure to Comply with the Lot Grading Permit

Where an applicant who has been given a notice, order or direction pursuant to Clause 10.1 neglects or refuses to comply with such order or direction within the time specified, the Municipality may cause the work to be carried out and charge the cost of the work against the deposit held by the Municipality. Where the cost of the work exceeds the value of the deposit held, the Municipality may charge the cost of such excess against the applicant, and in default of payment:

- a) Recover the cost as a debt due to the Municipality;
- b) Charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

10.3 Lack of Maintenance of the Lot Grade

Where the lot grading 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 Grading Permit and the requirements of the By-law, the Authority Having Jurisdiction may give a written notice by certified mail to the owner, directing that the lot grading be corrected.

Where, required by the Authority Having Jurisdiction, the Owner shall submit as part of the remedial measures, a new Lot Grading Plan prepared by a Professional Engineer, Architect or Surveyor.

10.4 Failure of Owner to Correct Lot Grading

Where an owner who has been given a notice, order or direction pursuant to clause 10.3 neglects or refuses to comply with such order or direction within the time specified, the Municipality may cause the work to be carried out by the Municipality and charge the cost against the Owner, and in default of payment:

- a) Recover the cost as a debt due to the Municipality;
- b) Charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

SECTION 11 GENERAL PENALTIES

11.1 Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law for which no penalty is provided, is guilty of an offence and liable, on summary conviction of a fine not exceeding \$500.00 in the case of an individual, or \$1,000.00 in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding one (1) month or to both such a fine and such an imprisonment.

11.2 Where a contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day it continues.

SECTION 12 EFFECTIVE DATE

12.1 All By-laws, resolutions and order 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.

SECTIONAL 13 REPEAL

13.1 By-Law No. 1796-23 and all amendments thereto are hereby repealed.

DONE AND PASSED in Council duly assembled, in the Town of Beausejour, in the Province of Manitoba, this $22\,\text{no}$ day of 4pri, A.D. 2025.

Mayor

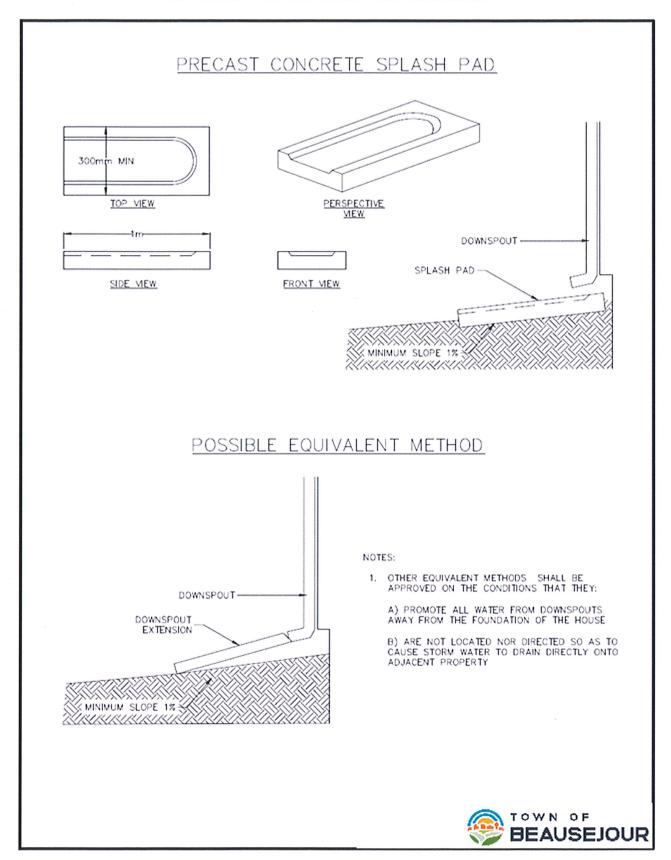
Chief Administrative Officer

Read a First Time this 8th day of April, A.D. 2025

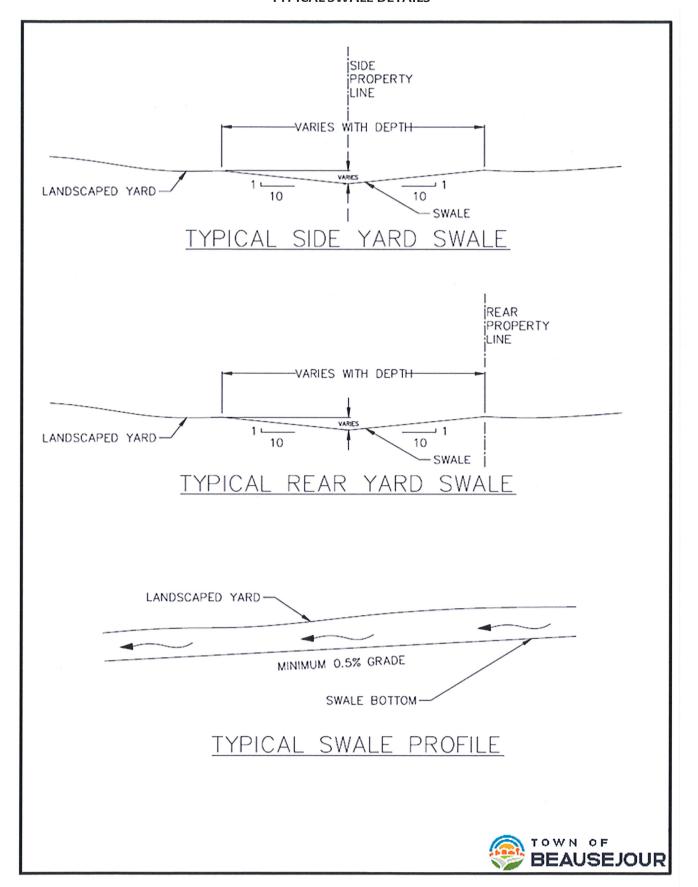
Read a Second Time this 22nd day of April, A.D. 2025

Read a Third Time this 22nd day of April, A.D. 2025

SCHEDULE "A" PRECAST CONCRETE SPLASH PADS FOR DOWNSPOUTS AND SUMP PUMP DISCHARGE



SCHEDULE "A" TYPICAL SWALE DETAILS



SCHEDULE "B" APPLICATION FOR LOT GRADING PERMIT





639 Park Avenue, Beausejour, Manitoba ROE 0C0 Phone: 204-268-7550 Fax: 204-268-3107 Email: townoffice@townofbeausejour.com

The undersigned hereby applies for a Lot Grade Permit to build in accordance with this application, all by-laws, and regulations applicable hereto. The accuracy of the information which follows and the accompanying plans and specifications with the representations therein contained are the responsibility of the owners and are hereby made a part of this application.

Applicant(s):								
Property Owner		□ Developer/Builder □						
Mailing addres	ss _		,	S 2				
Primary Phone Email address		Secondary Phone						
Civic address:								
Lot No.		Block No	·	Plan No	Roll No			
Building Type:	Resident	ial □ Comm	ercial 🗆 Ind	ustrial Multi-Res	sidential 🗆 Other			
Required Documen	ts Attach	ed:						
	Site Plan	□ Foundatio	n Section 🗆	Main Floor Wall Section	n □ Lot Grading Plan	(if applicable)		
Or	ne (1) hard	copy and one (1) electronic copy	y, in .pdf format, of each re	equired document must be	e supplied to the Municipality		
Private Approach Connection Street Cut Private Well By signing below the a	Permit Permit Permit applicant c		New sew Excavatio Installatio y understand, ar	modifications to existing and water service insome within the Municipal on of water wells and board agree to comply with, the	stallations W I Right-of-Way ore holes	Streets By-Law /aterworks System By-Law Streets By-Law Private Well By-Law wn's Lot Grade By-law and that		
Applicant Signature					Date			
Municipal Use								
Documents:			Lot Grading Records:					
☐ Drawings and Plans Attached				Building Lot Grade:	Elevation			
☐ Fees and Deposit Collected; Receipt Attached				Date	AHJ Signature			
Fees GL: 10-3-08250-0100 Deposit GL: 10-2-04400-0105				Footing Elevation Certification: Footing Elevation				
Final Inspection Co	mpleted:	Date		Date				
Deposit Release:				Final Elevation Certi				
Date	Cheque	No.		Date	Survey			

SCHEDULE "C" LOT GRADING DEPOSIT RELEASE

Permit No.	
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639 Park Avenue, Beausejour, Manitoba ROE 0C0 Phone: 204-268-7550 Fax: 204-268-3107 Email: townoffice@townofbeausejour.com

Civic	address:											
	Lot No.	Block No.	Plan No.	Roll No.								
	OMPLIANT	□ NON-COMPLIANT	Town of Beausejour Inspector:									
			· · · · · · · · · · · · · · · · · · ·	Compliant								
1	Grading of site conforms to Lot Grading Permit.						□ N/A					
2	Water doe	□ No	□ Yes	□ N/A								
3	The sump identified	□ No	□ Yes	□ N/A								
4	Surplus an	□ No	□ Yes	□ N/A								
5	Swales hav	ve been graded to the required	elevations, if applicable		□ No	□ Yes	□ N/A					
6	Curb stop	box(es) are accessible and at fir	nished grade, +/- 25mm		□ No	□ Yes	□ N/A					
7		gh, downpipes, elbows, and extowards adjacent properties.	n installed and are not	□ No	□ Yes	□ N/A						
8	Damage to	Municipal property has been r	epaired, if applicable		□ No	□ Yes	□ N/A					
9	The privat	e approach to the property is in	stalled to Municipal specificatio	ns	□ No	□ Yes	□ N/A					
10	•	e approach culvert is the approrand is in serviceable condition.	ved size and material, has been i	installed to correct	□ No	□ Yes	□ N/A					
11	Ditches ha	ve been cleaned, graded, and s	odded, if applicable		□ No	□ Yes	□ N/A					
12	Basement windowsill is a minimum of 100mm (4") above finished grade or a window well has					□ Yes	□ N/A					
13	been installed c/w stone filled drain to weeping tile system						□ NI/A					
14	Damage to Native Grasses has been repaired, if applicable.						□ N/A					
15	0 - 1 - 0 - 1 - 0						□ N/A					
13	L5 Final Inspection completed and Final Occupancy issued by BRPD						□ N/A					
Comr	ments:											
		·										
Inspe	ctor Signati	ıre		Inspection Date								