

TOWN OF MORDEN

By-law No. 10-2004

BEING a By-law of the Town of Morden for drainage issues and installing appurtenances as they relate to drainage.

WHEREAS The Municipal Act Sec. 232(1) reads in part as follows:

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

- e) private works on, over, along or under municipal roads;
- h) drains and drainage on private or public property;

AND WHEREAS The Municipal Act Sec. 232(2) reads in part as follows:

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

- (a) regulate or prohibit;

AND WHEREAS it is in the best interests of the Town of Morden to set requirements for drainage related issues and for the installation of appurtenances as they relate to drainage;

NOW THEREFORE the Council of the Town of Morden in Council assembled, enacts as follows:

RIGHT-OF-WAY DRAINAGE

1. **THAT** no person shall perform any work, including but not limited to the installation or removal of culverts in a ditch, drainage channel, swale, storm sewer, outfall or any other drainage channel owned by the Town of Morden without the prior written authorization from the Director of Public Works. The Director of Public Works will determine culvert sizing, type, grade requirements and construction material. In the event that installation or other requirements are not met the remedial costs will be the responsibility of the owner of the property who requested the work.

2. **THAT** when a new approach is required to access a residential or commercial property, the entire cost thereof is the responsibility of the owner of the property, unless there is an allowance made in a development agreement or a property transaction to cover the costs thereof.
3. **THAT** no person shall block or impede the flow of any culvert, drain channel, storm sewer or any other drainage related appurtenance. This includes dumping snow, dirt, vegetation, or any material capable of causing blockage.
4. **THAT** any material that is dumped in a channel or ditch must be removed by the responsible party/owner(s), or the Town of Morden will have it removed and forward the costs to the person(s) responsible. In the event that snow is dumped, an estimate will be determined as to the amount that was dumped by the responsible party and removal costs billed accordingly.
5. Any costs incurred in any of the above that relate to property owners will be billed to them accordingly, and in the event of non-payment, the Town of Morden may recover the amount in like manner as taxes in arrears.

NON-RIGHT-OF-WAY DRAINAGE

1. **THAT** the Town of Morden will not be responsible for any localized flooding of properties, including building structures, caused by heavy rains, spring run off or any other natural events.
2. **THAT** private drainage issues are the sole responsibility of the property owners involved. The Town of Morden may offer assistance at no charge to property owners in determining solutions to drainage issues, however all costs associated with performing this work is the responsibility of the owner(s).
3. **THAT** all development agreements must provide a drainage plan and profile approved by the Town of Morden, which shall include a lot grading plan. The Town of Morden will require a minimum deposit from the property owner(s) to insure compliance as defined in the agreement. In the event that grades are not met as defined in the plan, the deposit will be forfeit and the Town of Morden will hire a contractor to correct the problem as necessary.

DONE AND PASSED at a duly assembled and constituted meeting of the Council of the Town of Morden held this 28th day of June, A.D. 2004.

TOWN OF MORDEN

Irvin Wiebe

Deputy Mayor

Garry Hiebert

Director of Finance & Administration

Read a first time this	14th	day of	June, A.D. 2004
Read a second time this	28th	day of	June, A.D. 2004
Read a third time this	28th	day of	June, A.D. 2004