

**BY-LAW NO. 17-15**

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**THE RURAL MUNICIPALITY OF SPRINGFIELD**

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Being a by-law of the Rural Municipality of Springfield to govern certain aspects of lot grading and drainage on public or private property.

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**WHEREAS** Section 232(1)(h) of The Municipal Act, S.M. 1996, c.58 (the “Act”) states as follows:

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

...(h) drains and drainage on private or public property.

**AND WHEREAS** Section 239(1)(3) of the Act provides for entering onto private lands to enforce by-laws as follows:

239(1) If this or any other Act or a By-Law authorizes or requires anything to be inspected, remedied, enforced or done by a Municipality, a Designated Officer of the Municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or By-Law;
- b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and;
- c) make copies of anything related to the inspection, remedy, enforcement or action.

239(3) In an emergency, or in extraordinary circumstances, the Designated Officer need not give reasonable notice or enter at a reasonable hour and may do the things referred to in clauses 1(a) and (c) without the consent of the owner or occupant.

**AND WHEREAS** the Council of the RM of Springfield deems it the best interest of the Municipality to pass a By-Law to regulate and control certain aspects of lot grading and drainage on private and public property within the Municipality.

**NOW THEREFORE** the Council of the RM of Springfield enacts as follows:  
This by-law shall be referred to as “The Lot Grading and Drainage By-law”.

For convenience, this By-Law contains both metric and imperial measurements. In cases where a discrepancy occurs between the metric and imperial standards, the metric unit shall prevail.

This By-Law shall be in full force and effect when the Council of the RM of Springfield has given it Third Reading. Where used in this By-law, the following terms shall have the following meaning:

- 1) **“Accessory”** means, when used to describe a use, building or structure, said use, building or structure is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
- 2) **“Applicant”** means a registered owner or an owner’s authorized agent (in writing), who has filed an application subject to the provisions of this By-law.
- 3) **“Basement”** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.83 m. (6.00 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.22 m. (4.00 ft.).
- 4) **“Building”** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.
- 5) **“Building Permit”** means a permit issued by the Municipality authorizing the construction or alteration of all or part of any building or structure, in accordance with the applicable codes and standards.
- 6) **“Completion, Final”** shall mean the completion of perching surrounding the building/structure including topsoil and sod and or seed, and the completion of the remaining lot grading including topsoil and placement of sod, seed, or landscaping as defined within the Development Agreement.

- 7) **“Completion, Substantial”** shall mean the completion of perching surrounding the building to the rough lot grade, excluding topsoil and sod, and the completion of the remaining lot grading to the stage where topsoil and placement of sod, seed or landscaping as defined within the Development Agreement may commence.
- 8) **“Council”** means the Council of the Municipal Corporation of the RM of Springfield.
- 9) **“Designated Officer”** shall mean the Chief Administrative Officer of the Municipality, or their designate.
- 10) **“Development Permit”** means a permit issued by the RM of Springfield authorizing development, and may include a building permit.
- 11) **“Dwelling Unit”** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household.
- 12) **“Elevation, Lot Grade”** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.
- 13) **“Agricultural Building/Structure”** means a building or structure which does not contain a residential occupancy and which is (a) associated with and located on land devoted to the practice of farming and (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centers, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centers, manure storages, greenhouses and garages not attached to a farm residence and (c) has a Low Human Occupancy (as applying to farm buildings) meaning an occupancy having an occupant load of not more than 1 person per 40 square metres during normal use).
- 14) **“Flood plain”** means the area adjoining a river or stream which has been or may be covered by flood water.

- 15) **“Flood Risk Area”** means land adjacent to a watercourse that is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway that may be subjected to periodic flooding or inundation of floodwaters.
- 16) **“Grade, Initial Building Lot”** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.
- 17) **“Grade, Rough Lot”** means the lot grade elevation of the ground surface 100 millimetres (4 inches) below the finished lot grade elevation immediately adjacent to the foundation of a building, and at all specified lot grade elevations.
- 18) **“Grade, Final Lot”** means the lot grade elevation of the ground complete with topsoil and sod, seed or landscaping as defined within the Development Agreement immediately adjacent to the foundation of a building, and at all specified lot grade elevations.
- 19) **“Landscaping”** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a site or to provide a screen between sites in order to mitigate objectionable features between them.
- 20) **“Lot”** means any parcel of land having legal property limits, and is situated within the RM of Springfield.
- 21) **“Lot Line, Front”** means the property line of a lot abutting a public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the lot lines abutting a public roadway.
- 22) **“Lot Line, Rear”** means either the lot line which is furthest from and opposite the front lot line, or, where there is no such lot line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.
- 23) **“Lot Line, Side”** means the property line of a lot other than a front lot line or rear lot line.

- 24) **“Municipal Engineer”** means the Municipal Engineer as appointed by the C.A.O. or his Designate for the Rural Municipality of Springfield.
- 25) **“Municipality”** means the Municipal Corporation of the RM of Springfield.
- 26) **“Occupancy Permit”** means authorization issued in writing pursuant to the applicable zoning & building code regulations, to occupy any building or part thereof in the Municipality.
- 27) **“Owner/Occupant”** means a person who is owner of a freehold estate in the Municipality and includes a person who is an owner jointly with another person, and a person who is registered under *The Condominium Act* as the owner, as defined in that *Act*, of a unit under that *Act*.
- 28) **“Person”** means any individual, corporation, partnership, firm, joint venture, syndicate, association or trust, and/or any other entity or organization which includes both plural and singular form.
- 29) **“Setback”** means the distance that a development or a specified portion of it must be set back from a lot line.
- 30) **“Site”** means an area of land consisting of one or more abutting lots.
- 31) **“Site Plan”** means a drawing or series of drawings drawn to scale showing some or all of the following information: proposed and existing buildings, structures, alterations and additions, roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Designated Officer for any proposed development.
- 32) **“Street”** means a public roadway having a right-of-way that affords the principal means of access to abutting land.
- 33) **“Structure”** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

- 34) **“Surface Water”** means a body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.
- 35) **“Watercourse”** means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.
- 36) **“Yard”** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law or the Zoning By-law.
- 37) **“Yard, Front”** means a yard extending all the full length of the front lot line between the side lot lines up to the structure. All front yard regulations found in this By-law or the Zoning By-law shall be measured from the front lot line.
- 38) **“Yard, Rear”** means a yard extending all the full length of the rear lot line from the structure to the rear yard.
- 39) **“Yard, Side”** means a yard extending the full length of the structure, and both side lot lines, except in a case of a corner lot when the side yard on the flanking street shall extend to the rear property line.
- 40) **“Yard, Flankage”** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest wall of structure.

#### **SECTION 1 - Intent of By-Law**

The intent of this by-law is to establish regulations governing the grading of property for purposes of managing surface water runoff in order to minimize or regulate:

- 1) The infiltration of surface water into the wastewater sewer system via weeping tile.

- 2) Any nuisance that may be caused to property by surface water runoff.
- 3) Theoretical drainage works which would create an adverse effect on adjacent public or private property or where adjacent drains are deemed insufficient to accommodate the added runoff.
- 4) Proposed structure(s) is/are to be located within the flood plain of a river, stream, drain or watercourse and where a structure could impede floodwaters or create a hazard to life, limb or property.

## **SECTION 2 - General**

- 1) Unless otherwise noted by the authority having jurisdiction, all buildings greater than 10.0 square metres (107.64 square feet) shall, with the exception of or excluding agricultural related structures, be provided with roof drains or roof gutters and leaders.
- 2) Where buildings are required to be provided with a subsurface drainage system, the system shall be designed, constructed and maintained in accordance with the requirements of the most current editions of the Manitoba Building and Plumbing codes.
- 3) Where downspout extensions are provided and are not connected to a storm sewer, provision shall be made to prevent soil erosion, and extensions or splash pads shall be provided to carry the rain water a minimum of 1.20 metres (4.0 feet) from the building.
- 4) Unless otherwise accepted by the authority having jurisdiction, roof drainage or surface drainage shall not be discharged on public sidewalks, stairs or neighbouring property, or public right of way or easement, and shall be conveyed so as not to cause dampness in the walls, ceilings, or floors at any portion of the building itself or any adjacent building.

## **SECTION 3 - Application for Lot Grading Permit**

All applications for lot grading permits shall conform and be subject to but not necessarily limited to the Lot Grading and Drainage By-law & the most current version of the RM of Springfield's Drainage Policy.

### **3.1 Residential & Agricultural Property Lot Grading Permit Application**

The applicant shall obtain a lot grading permit prior to the issuance of a “building and/or development permit” to construct a structure on the property. The application shall be accompanied by:

- 1) Minimum three (3) copies of a site plan showing the location of the proposed building, proposed and existing structures driveways, garages, swimming pools, roof drains downspouts, sump pump discharge pipe, wells, onsite wastewater management systems and any other information the Designated Officer deems to be pertinent to the grading of the lot;
- 2) Minimum three (3) copies of a plan showing a section of the foundation and first floor of the building to be constructed and any additional section views that the Designated Officer requires for multi-level buildings.

### **3.2 Commercial, Industrial, Institutional and Multi Family Residential Sites Lot Grading Permit Application**

The applicant shall obtain a lot grading permit prior to the issuance of a “building and/or development permit” to construct a building(s) intended for use as a commercial, industrial, institutional, multiple residential or other than residential property. The application shall be accompanied by:

- 1) Minimum three (3) copies of a lot grading plan for the site, prepared by a qualified Professional approved by the R.M. of Springfield’s Designated Officer. This plan, where applicable, shall show:
  - a) building location(s)
  - b) lot grade elevations
  - c) catch basin locations
  - d) land drainage sewer sizes and locations
  - e) entrances to buildings
  - f) roof drain downspouts and sump pump discharge pipe locations
  - g) hard surfaced areas

and any other information the Designated Officer deems to be pertinent to the grading of the lot.



Where applicable, the Designated Officer in their discretion may waive or amend the requirements of the lot grading plan.

### **3.3 Changes to Existing Lot Grades**

No person shall without applying for a new lot grading permit and/or with written approval from the Designated Officer, proceed with any work that may alter, raise or otherwise change the natural existing prairie elevation and/or grading of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent private or public property.

### **3.4 Lot Grade Applications**

Unless otherwise noted by the authority having jurisdiction, the applicant shall make application for a lot grading permit for all structures greater than 10 square metres (107.64 square feet). No Building Permit will be released prior to the issuance of an approved lot grade application.

### **3.5 Permit Denial**

The Designated Officer may deny the issuance of a lot grading permit where, in his or her opinion, it is the public's best interest to do so.

### **3.6 Appeal Notices**

The applicant has the right of appeal to the Municipal Council, if the issuance of a lot grading permit has been denied. If the Applicant's appeal is successful, Council shall by resolution, and possibly with conditions, authorize the Designated Officer to issue the required permit.

## **SECTION 4 - Lot Grading Requirements**

Lot grading shall be an integral part of the surface water drainage system for the R.M. of Springfield.

### **4.1 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 which shall conform and be subject to but not necessarily limited to the Lot Grading and Drainage By-law & the most current version of the RM of Springfield's Drainage Policy, and shall be approved in conjunction

with the issuance of the permit. Any lot grading plan so approved shall become part of the lot grading permit.

#### **4.2 Initial Building Lot Grade**

The “Initial Building Lot Grade” shall be as indicated on the lot grading permit.

#### **4.3 Urban Residential Property Initial Lot Grading**

Urban residential property initial lot grading is typically undertaken by the following ways:

- 1) Type I - Lot Grading: Residential Split Lot Drainage - rear yard drains to public or private right of way or easement.
- 2) Type II - Lot Grading: Residential Back-to-Front Lot Drainage - rear yard drains to the front street.

See Schedule 'A' for detail drawings pertaining to urban residential Lot Grading.

#### **4.4 Rural Residential Property Initial Lot Grading**

Rural residential property initial lot grading shall be determined by either a lot grading plan or approved in writing by the Designated Officer.

#### **4.5 Commercial/Industrial, Institutional Property Initial Lot Grading**

Commercial/Industrial, Institutional property initial lot grading shall be determined by either a lot grading plan or approved in writing by the Designated Officer.

#### **4.6 Perching of Buildings and Structures**

Buildings and structures shall be graded and landscaped to achieve effective positive drainage away from the perimeter of the building or structure otherwise known as “perching”.

#### **4.7 Property Line Lot Grading**

Each lot shall be graded to allow surface water to drain along a property lot line without ponding or obstruction, in accordance with the Lot Grading and Drainage By-law & the most current version of the RM of Springfield's Drainage Policy.

#### **4.8 Special Site Conditions**

The requirements of this by-law 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, the following:

- 1) Corner lots
- 2) Restricted side yard lots
- 3) Infilling of developed areas
- 4) Construction of accessory buildings
- 5) Installation of swimming pool
- 6) Rural properties
- 7) Flag and irregular shaped lots

Any such variation must be approved by the Designated Officer and noted on the lot grading permit.

#### **4.9 Lot Grading for Designated Areas Excluding Urban Single Family Residential Sites**

Within all areas of the Municipality, surface water runoff from all properties and structures excluding single family dwellings may be required to be controlled so as not to exceed the maximum allowable rate of surface water discharge into any land drainage system, as may be determined and approved by the Designated Officer or Authority Having Jurisdiction. All land encompassed within a lot grade plan approved by the Designated Officer is to be graded to meet said approved lot grade plan at the property owners expense.

#### **4.10 Roof Downspouts**

All matters pertaining to roof downspouts shall be governed by the Municipal Weeping Tile By-law, Section 6 as noted below:

- 1) All structure roof downspouts shall be located such that effective positive drainage away from the structure is achieved.

- 2) All downspouts shall discharge through a suitable elbow onto a splash pad or suitable surface that prevents erosion.
- 3) Structure roof downspouts shall not be located nor directed so as to cause storm water to drain onto adjacent private or public property.
- 4) Structure roof downspouts shall not be tied into underground drainage system.

#### **4.11 Sump Pump Discharge**

All matters pertaining to sump pump discharge shall be governed by the Municipal Weeping Tile By-law, Section 6 as noted below:

- 1) All sump pump discharge pipes discharging weeping tile water shall be located such that effective positive drainage away from the structures is achieved.
- 2) These sump pump discharge pipes shall be fitted with a suitable elbow and shall not discharge or be located nor directed so as to cause discharge water to drain onto adjacent sidewalks, streets, private or public property.
- 3) The sump discharge nozzle must be a minimum of 3 m. (10 ft.) from the neighbouring properties side yard and 6 m. (20 ft.) from the front or rear property line.
- 4) 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.
- 5) Maintenance of Lot Grading: The Owner / Occupant shall be responsible to ensure the maintenance of all lot grades which were established and approved by the Municipality prior to the passage of this By-law.

#### **4.12 Wastewater Sewer Connections**

The "Initial 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 Municipality and as approved by the Designated Officer.

#### **4.13 Driveway**

A driveway shall be constructed so as not to impede surface water runoff. No driveway shall restrict or obstruct drainage of storm waters away from the building. The driveway elevation at the front face of the dwelling shall be the same elevation as set out in the initial building lot grade. All driveways must be installed as per the approved site plan. If a driveway is not in conformance with an approved plan, the Designated Officer may give written notice in person or by registered mail to the Owner / Occupant, at the address on the application or transfer documentation, directing that the driveway shall be completed and/or corrected in accordance with the By-Law, within the time limit specified by the Designated Officer in the notice.

Should the Owner / Occupant fail to complete the corrections within the specified time limit handed down by the Designated Officer, please refer to Section 8.3 for further penalties.

#### **4.14 Garages, Garden Sheds and other Accessory Buildings**

No garage, garden shed and accessory building shall restrict or obstruct the drainage of surface waters in the side or rear yard of that lot, or any of the adjacent lots. Unless otherwise noted by the authority having jurisdiction, all structures over 10 square metres (107.64 square feet) shall require a lot grading permit.

#### **4.15 Pool Water Disposal**

Pool waste water may only be disposed of when free and clear of all chemical and salts. Non treated pool waste-water shall be disposed of by the following methods:

- 1) Onto pool owner's property, a minimum of 3 m. (10 ft.) from the neighbouring properties side yard and 6 m. (20 ft.) from the front or rear property line. In spite of above all discharged pool water must be contained within owner's property.
- 2) With the approval of the Designated Officer, directly into a storm sewer.
- 3) With the approval of the Designated Officer, directly into a designated municipal ditch.
- 4) With the approval of Designated Officer, directly into a sanitary sewer system.

## **SECTION 5 - Permit Fees and Deposits**

### **5.1 Fees**

The applicant shall be required to pay to the Municipality the applicable permit fee for the lot grading permit, as set out in the most current Municipal Fee By-law. This initial permit fee shall be paid prior to the issuance of the lot grading permit and is nonrefundable. Other fees may be imposed for additional works required outside the scope of the original permit fee.

### **5.2 Lot Grading Deposit**

The applicant shall be required to provide a lot grading deposit (*Schedule "B"*) to the Municipality accompanying the lot grading application, as set out in the Municipal Fee By-law. In the event that the Lot Grade is denied or withdrawn prior to work commencing the deposit will be returned to applicant within timelines outlined in section 6.4.

This deposit shall be retained by the Municipality until the lot grading has been deemed complete by the Designated Officer in accordance with Section 6.4. The deposit process shall be as follows:

#### 1) Residential

- a) If the Builder of the structure is not the intended occupant of the structure then:
  - i) The Builder shall take out the initial lot grade permit and pay the required deposit or provide a performance bond/letter of credit (in the name of the Municipality) to the Municipality.
  - ii) At any time during the lot grading process, the Permit Holder may transfer the responsibility for completing the final lot grading to another party by completing a transfer document.
  - iii) Upon completion of the final lot grading, the Permit Holder shall notify the Municipality that a final grading check is required (See 6.3.1.e).
  - iv) Once the Municipality has verified that the final grading complies, the Permit Holder may then make application for the release of their deposit (See 6.4).
- b) If the Builder of the Structure is also the intended occupant of the structure then:

- i) The Owner / Occupant shall take out the initial lot grade permit and pay the required deposit or provide a performance bond/letter of credit (in the name of the Municipality) to the Municipality.
- ii) Upon completion of the final lot grading, the owner / occupant shall notify the Municipality that a final grading check is required (See 6.3.1.e).
- iii) Once the Municipality has verified that the final grading complies, the Owner may then make application for the release of their deposit (See 6.4).

## 2) Commercial/Industrial/Institutional

- a) If the Builder of the structure is not the intended occupant of the structure then:
  - i) The Builder shall take out the initial lot grade permit and pay the required deposit or provide a performance bond/letter of credit (in the name of the Municipality) to the Municipality.
  - ii) At any time during the lot grading process, the Permit Holder may transfer the responsibility for completing the final lot grading to another party by completing a transfer document.
  - iii) Upon completion of the final lot grading, the Permit Holder shall notify the Municipality that a final grading check is required (See 6.3.1.e).
  - iv) Once the Municipality has verified that the final grading complies, the Permit Holder may then make application for the release of their deposit (See 6.4).
  
- b) If the Builder of the Structure is also the future Owner / Occupant of the structure then:
  - i) The Owner / Occupant shall take out the initial lot grade permit and pay the required deposit or provide a performance bond/letter of credit (in the name of the Municipality) to the Municipality.
  - ii) Upon completion of the rough lot grading, the Owner / Occupant shall notify the Municipality that a final grading check is required (See 6.3.3.d).
  - iii) Once the Municipality has verified that the final grading complies, the Owner / Occupant may then make application for the release of their deposit (See 6.4)

It is further understood, that the RM of Springfield will not pay any interest on lot grading deposits as noted above.

## **SECTION 6 - Lot Grading Construction**

### **6.1 Marking of Property and Proposed Building and Structure Location(s)**

Prior to the lot grade being set the Applicant shall be responsible for having the property corners and the proposed building location(s) clearly marked with suitable marker stakes, and shall be clearly identified.

### **6.2 Entering Upon Private Property**

The Designated Officer, bearing proper credentials and identification may, subject to the provisions of the Municipal Act, enter upon any property for the purpose of survey, observation or inspection associated with enforcement of compliance with the lot grading permit and the provisions of this by-law.

The applicant shall ensure the employees of the Municipality or its designate are not interfered with in any way in the performance of the duties imposed on them by the by-law.

### **6.3 Provision of Building Lot Grade Stake**

The applicant shall request an Initial Building Grade Stake from the Municipality at least five (5) working days prior to the requirements of this stake.

The Applicant shall be responsible for notifying the Municipality when, as part of the lot grading permit, the following services are required:

- 1) Urban residential lot grading site visits may be conducted by Designated Officer for the purposes of:
  - a) Setting the geodetic initial building lot grade elevation
  - b) Verifying the elevation of foundation prior to placement of concrete
  - c) Setting the rough lot grade elevations
  - d) Verifying the final rough grading of the property as part of the lot grade deposit release form filed by the Applicant
  - e) Verifying the final lot grading of the property as part of the lot grade deposit release form filed by the Applicant



- 2) Rural residential lot grading site visits may be conducted by Designated Officer for the purposes of:
  - a) Setting the geodetic initial building lot grade elevation
  - b) Verifying the elevation of foundation prior to placement of concrete if requested by Designated Officer or Permit Holder.
  - c) Verifying the final lot grading of the property as part of the lot grade deposit release form filed by the applicant if requested by Designated Officer or Permit Holder.
  
- 3) Commercial/industrial, institutional lot grading site visits may be conducted by Designated Officer for the purposes of:
  - a) Setting the geodetic initial building lot grade elevation
  - b) Verifying the elevation of foundation prior to placement of concrete
  - c) Setting the rough lot grade elevations
  - d) Verifying the final lot grading of the property as part of the lot grade deposit release form filed by the applicant.

As part of the lot grade staking the Designated Officer shall:

- a) Set the building lot grade on a stake located in a visible area of the lot;
- b) Set all specified lot grade elevations upon suitable stakes

The applicant shall take precautions to ensure that these lot grade stakes are protected until no longer required.

Any additional services or site visits required by the Applicant outside the scope of the lot grade permit shall require the Applicant to pay for such services as set out in the most current Municipal Fee By-law.

#### **6.4 Lot Grade Permit Compliance and Release of Lot Grading Deposit**

Within eighteen (18) months of the initial issuance of the lot grading permit the applicant shall ensure that all final lot grading on a lot or property is completed in accordance with the requirements of the lot grading permit and development agreement if applicable. Once the work has been completed the applicant shall request in writing a deposit release form and submit it to the Designated Officer.

The Municipality shall, upon written request from the applicant to the Designated Officer, cause the lot or property to be inspected and surveyed as required to determine compliance with the lot grading permit.

Inspections and surveys for the purpose of deposit release will generally be made during the period of:

- 1) May 1<sup>st</sup> to October 31<sup>st</sup> of each year.

If no request is made in writing for a deposit release, or final lot grading has not been completed within (18) months of the initial issuance of the lot grading permit, the Applicant shall forfeit the lot grade deposit and the deposit shall become an asset to the Municipality.

### **6.5 Extension of Time for Substantial Completion**

Notwithstanding section 6.4 aforementioned, the Designated Officer may extend the time for completion of the lot grading where in their opinion, the situation so warrants it. The applicant must apply in writing for an extension within (18) months of the initial issuance of lot grading permit.

## **SECTION 7 - Responsibilities of the Property Owner / Occupant**

### **7.1 Lot Grading Maintenance**

The owner / occupant shall be responsible to ensure the maintenance of all lot grades, which were established and approved by the Municipality prior to the passage of this by-law or established by a lot grading permit.

### **7.2 Water Control**

The owner / occupant shall be responsible to ensure that any onsite improvements or change in natural water course that may redirect water originating on their property, does not redirect water or permit it to flow onto adjacent private or public property in a manner that would adversely affect or have a negative effect or be detrimental to that property.

## **SECTION 8 - Remedial Action**

### **8.1 Lot Grading Non-Compliance**

Where, in the opinion of the Designated Officer, the lot grading does not conform with the lot grading By-Law, the Designated Officer may give written notice in person or by registered mail to the Owner / Occupant, at the address on the application or transfer documentation directing that the lot grading shall be completed and/or corrected in accordance with the By-Law, within the time limit specified by the Designated Officer in the notice.

Where required by the Designated Officer, the applicant shall submit as part of the corrective measures, a new lot grading plan prepared by a qualified Professional approved by the Designated Officer.

Should the Owner / Occupant fail to complete the corrections within the specified time limit handed down by the Designated Officer, please refer to Section 8.3 for further penalties.

### **8.2 Failure of Owner / Occupant to Maintain Lot Grading**

Where in the opinion of the Designated Officer, the lot grading has not been properly maintained and drainage is not achieved in accordance with previously established and approved Building Lot Grades and Lot Grade Elevations or with the lot grading permit and the requirements of this by-law, the Designated Officer may give a written notice in person or by registered mail to the Owner / Occupant, directing that the lot grading be corrected in accordance with the permit, within the time limit specified by the Designated Officer.

Where required by the Designated Officer, the Owner / Occupant shall submit as part of the corrective measures, a new lot grading plan prepared by a qualified Professional approved by the Designated Officer.

### **8.3 Failure to Comply With Lot Grading Permit**

Where an applicant has been given a notice, order or direction by the Designated Officer to complete the grading of a lot in accordance with the lot grading permit neglects or refuses to comply with such order or direction in the opinion of the Designated Officer within the time specified, the Designated Officer may cause the work to be carried out by the Municipality 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 held deposit, the Municipality may charge the cost of such excess

against the Applicant; and in default of payment, recover the cost as a debt due to the Municipality. Where there is no deposit being held, the full charge for work carried out by the Municipality will be charged against the Applicant, and in default of payment, recovered as a debt due to the Municipality.

#### **8.4 Liability**

Any non-compliance notice and / or order sent by the Municipality will apply directly to the registered Owner / Occupant of the property listed on the lot grading permit, transfer document, or status of title. The Municipality shall not be held liable for any costs incurred fulfilling the requirements as set out in the notice.

### **SECTION 9 - General Penalties**

#### **9.1 Any person who contravenes or disobeys, or refuses, neglects, omits or fails:**

- 1) To observe any provision of any of the by-laws of the Rural Municipality of Springfield is guilty of an offense and shall on summary conviction therefore be subject to a fine or penalty not exceeding the sum of \$1,000 and associated costs unless a penalty or fine is otherwise specifically provided in any such bylaw.
- 2) To pay such fine, penalty or costs inflicted for any such breach shall be liable for punishment by imprisonment for period not exceeding 30 days.

9.1.1 Where the contravention, disobedience, refusal, neglect, omission or failure identified in 9.1 continues for more than one day, the person is guilty of a separate offence for each day it continues.

#### **9.2 Damage to Municipal Property**

Any damages to municipal property as a result of the development, lot grading or construction of a structure upon the site for which the lot grade permit has been issued will result in the cost of the repairs being deducted from the deposit. In the case where there are insufficient funds to cover the repair costs to the municipal property, the charges will be forwarded on to the firm or person who was holding the permit at the time the damage occurred.

## **SECTION 10 - Repeal of Existing By-Law**

### **10.1 Repeal of existing By-law**

All previous by-laws and resolutions 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 that this by-law comes into effect.

### **10.2 Validity**

The invalidity of any section, clause, sentence, or provisions of this By-law shall not affect the validity of any other section, clause, sentence or provision thereof.

DONE AND PASSED as a By-law of the Rural Municipality of Springfield at Oakbank in the Province of Manitoba this 24<sup>th</sup> day of April, A.D., 2018.



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Bob Bodnaruk  
Reeve



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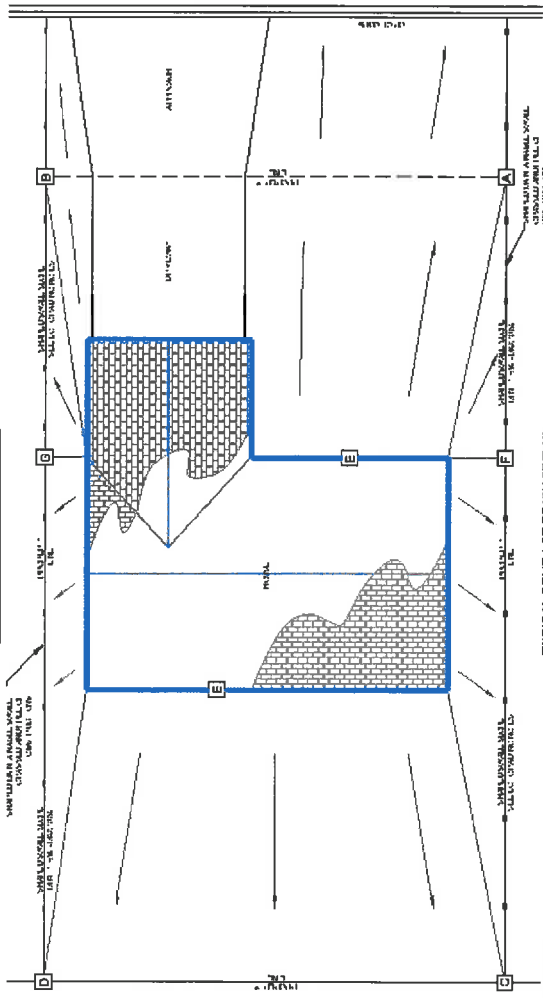
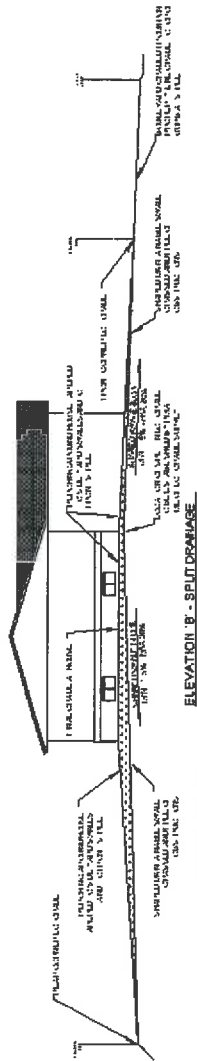
Russell Phillips  
Chief Administrative Officer

Read a first time this 27<sup>th</sup> day of June, A.D., 2017.  
Read a second time this 17<sup>th</sup> day of April, A.D., 2018.  
Read a third time this 24<sup>th</sup> day of April, A.D., 2018.

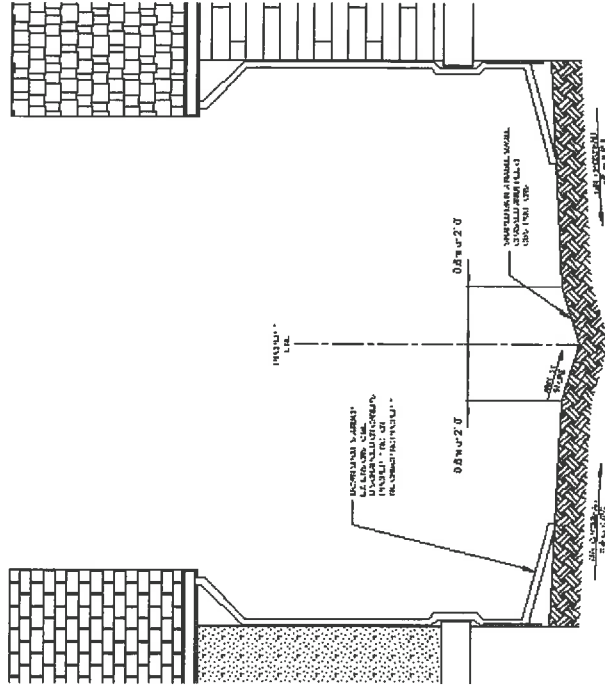




# RM OF SPRINGFIELD LOT GRADING AND DRAINAGE BYLAW SCHEDULE 'A2'



- NOTES:**
1. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
  2. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
  3. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
  4. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
  5. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
  6. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
  7. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.



TYPICAL SECTION THRU SHARED SWALE

- NOTES:**
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<p><b>Rev. No.</b> A1</p> <p><b>Revision note</b> Modified Schedule Notes</p> <p><b>Date</b> Jan 18 2016</p> <p><b>Signature</b> Hilary Dixon</p> <p><b>Checked</b> HD</p>		<p><b>Reference Spec. No.:</b> SCHEDULE B2</p> <p><b>Designed by:</b> MW</p> <p><b>Checked by:</b> ST</p> <p><b>Date:</b> 11/01/06</p> <p><b>Approved by - date:</b> 03/28/07</p> <p><b>Scale:</b> N.T.S.</p> <p><b>Drawing No.:</b> LG2006-A2</p> <p><b>Edition:</b> 1</p> <p><b>Sheet:</b> 1/1</p>	
<p><b>Rural Municipality of Springfield</b> Public Works &amp; Operations</p> <p><b>TYPICAL RESIDENTIAL SPLIT DRAINAGE</b> <b>LOT GRADING PLAN</b> <b>TYPICAL CURB &amp; GUTTER SUBDIVISION</b></p>			



**RM OF SPRINGFIELD  
LOT GRADING AND DRAINAGE BYLAW  
SCHEDULE 'B'**

**A. Lot Grading Permit and Deposit Fees**

<b>BUILDING VALUE</b>	<b>PERMIT</b>	<b>DEPOSIT</b>
Accessory Buildings 100-200 ft <sup>2</sup>	\$85	\$500
Accessory Buildings >200 ft <sup>2</sup>	\$170	\$1,500
Residential	\$355	\$5,000
Commercial/Industrial/Institutional	\$355	\$10,000
Extra Site Visit	\$80	

Fees are subject to change as per current Fee and Charges By-Law.