

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2020-044**

**A By-law to Require Downspout Disconnection in Designated Areas for the Purpose of Regulating Stormwater Drainage**

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**WHEREAS** Section 9 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, affords a municipality the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 11 (3) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, affords a municipality the authority to pass by-laws respecting matters pertaining to drainage and flood control;


**AND WHEREAS** the mandatory downspout disconnection is recommended for the better regulation of sewerage and drainage;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. Downspout Disconnection shall be mandatory in the following areas:
  - a. Kingsbridge Subdivision
  - b. McGregor Hidden Creek Condominium Community, downtown core, Canard Estates and Fox Glen subdivision
2. Council may add from time to time further Downspout Disconnection Areas where known basement flooding has occurred or the proposed disconnection area is known to have increased sanitary sewer flows during rain events.
3. Those who own or occupy property within designated Town of Amherstburg downspout disconnection areas shall:
  - a. Not construct, install, or maintain – nor permit another to construct, install, or maintain – an underground drainage system on his or her property connecting a roof water leader or downspout to a sewer for the purpose of stormwater drainage. This includes direct or indirect connection, whereby runoff from a roof water leader or downspout is considered a form of prohibited connection with a sewer.
  - b. Ensure that stormwater is discharged at a grade away from any building in such a manner that the water will not accumulate at or near the building and will not adversely affect adjacent properties.
4. Duly authorized employees of the Town bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspecting, observing, measuring, sampling, and testing in accordance with the provision of this By-law.
5. The Town may disconnect any building drainage system within a designated Downspout Disconnection Area from a municipal sewer – or any sewer system tributary thereto – and no such disconnection shall be subsequently reconnected except with the written consent of the Town.
6. Where there has been subsequent reconnection without the Town's written consent, the Town will disconnect the building drainage system from any municipal sewer – or any sewer system tributary thereto – with all associated costs, fees and charges for the disconnection being borne by the owner of the respective property. The costs will be added to the tax roll for the respective property and collected in the same manner as taxes.

7. Notwithstanding any other provisions of this By-law, where compliance with this By-law would have hazardous repercussions, the owner of property in the mandatory downspout disconnection areas may request temporary exemption from this By-law's provisions in the form and manner specified by the Town.
8. Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction, be subject to a penalty under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
9. This By-law shall come into force and take effect on the day of the final passing thereof.
10. This By-law may be cited as the Downspout Disconnection By-law.

Read a first, second and third time and finally passed this 14th day of September, 2020.



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MAYOR – Aldo DiCarlo



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CLERK – Paula Parker