

CITY OF NIAGARA FALLS

By-law No. 83 - 254

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A by-law respecting the construction and maintenance of rain water leaders and downspouts.

WHEREAS paragraph 77 of section 210 of the Municipal Act, R.S.O. 1980, Chapter 302, as amended, provides that by-laws may be passed by the councils of local municipalities for making regulations for sewage or drainage that may be necessary for sanitary purposes; and

WHEREAS paragraph 147 of section 210 of the Municipal Act provides that by-laws may be passed by the councils of local municipalities for prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not; and

WHEREAS it has been determined that the problem of basement flooding experienced in the City of Niagara Falls may be due to extraneous storm water entering the City's sanitary sewer system from rain water leaders and downspouts that are not constructed and maintained in a proper manner; and

WHEREAS the Council of The Corporation of the City of Niagara Falls deems it desirable in order to attempt to alleviate basement flooding problems in the City of Niagara Falls to prohibit the construction and maintenance of rain water leaders and downspouts except in accordance with the provisions of this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. In this by-law,
  - (a) "Director of Buildings and Inspections" means the Director of Buildings and Inspections for the City;
  - (b) "downspout" means the conductor that conveys storm water from the eavestrough of a building or other structure to another place of disposal;
  - (c) "rain water leader" means the conductor that conveys storm water from the roof of a building or other structure to another place of disposal.

2. No person shall construct or permit to be constructed or maintain or permit to be maintained a rain water leader or downspout in the City of Niagara Falls that discharges storm water,

- (i) below the ground;
- (ii) at a point less than 1 metre away from the foundation wall of a building or other structure,
- (iii) upon any adjoining private property;

unless approved in writing by the Director of Buildings and Inspections.

3. For the purpose of administration of this by-law, the Director of Buildings and Inspections or a municipal employee authorized by him may, upon production of his identification, enter in or upon any land or premises except land or premises being used as a dwelling at any time without a warrant, and may take such tests and samples as are necessary to inspect a rain water leader or downspout to determine whether it is constructed or is maintained in accordance with this by-law.

4. (i) In the event that any person is found to have constructed or permitted to be constructed or maintained or permitted to be maintained a rain water leader or downspout otherwise than in accordance with this by-law, the Director of Buildings and Inspections is hereby authorized to send notice by prepaid registered mail to such person requiring him to carry out all necessary work to bring the rain water leader or downspout into conformity with the requirements of this by-law within a period of time as specified in the notice.

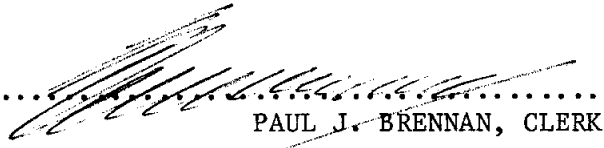
(ii) If any person to whom a notice under subsection (i) of this section is given fails to comply with the notice within the time specified therein, the Corporation shall with its servants and agents carry out the required work at his expense and the Corporation may recover the expenses incurred in so doing by action or the same may be recovered in like manner as municipal taxes.

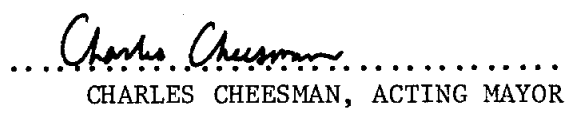
(iii) For the purpose of this section, notice shall be deemed to be received on the fourth calendar day after such notice is mailed.

5. Every person who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$2,000 exclusive of costs.

6. By-law No. 1932, 1955 of the former Corporation of the Township of Stamford and By-law No. 1066, 1958 of the former Corporation of the Village of Chippawa, are hereby repealed.

Passed this 21st day of November, 1983.

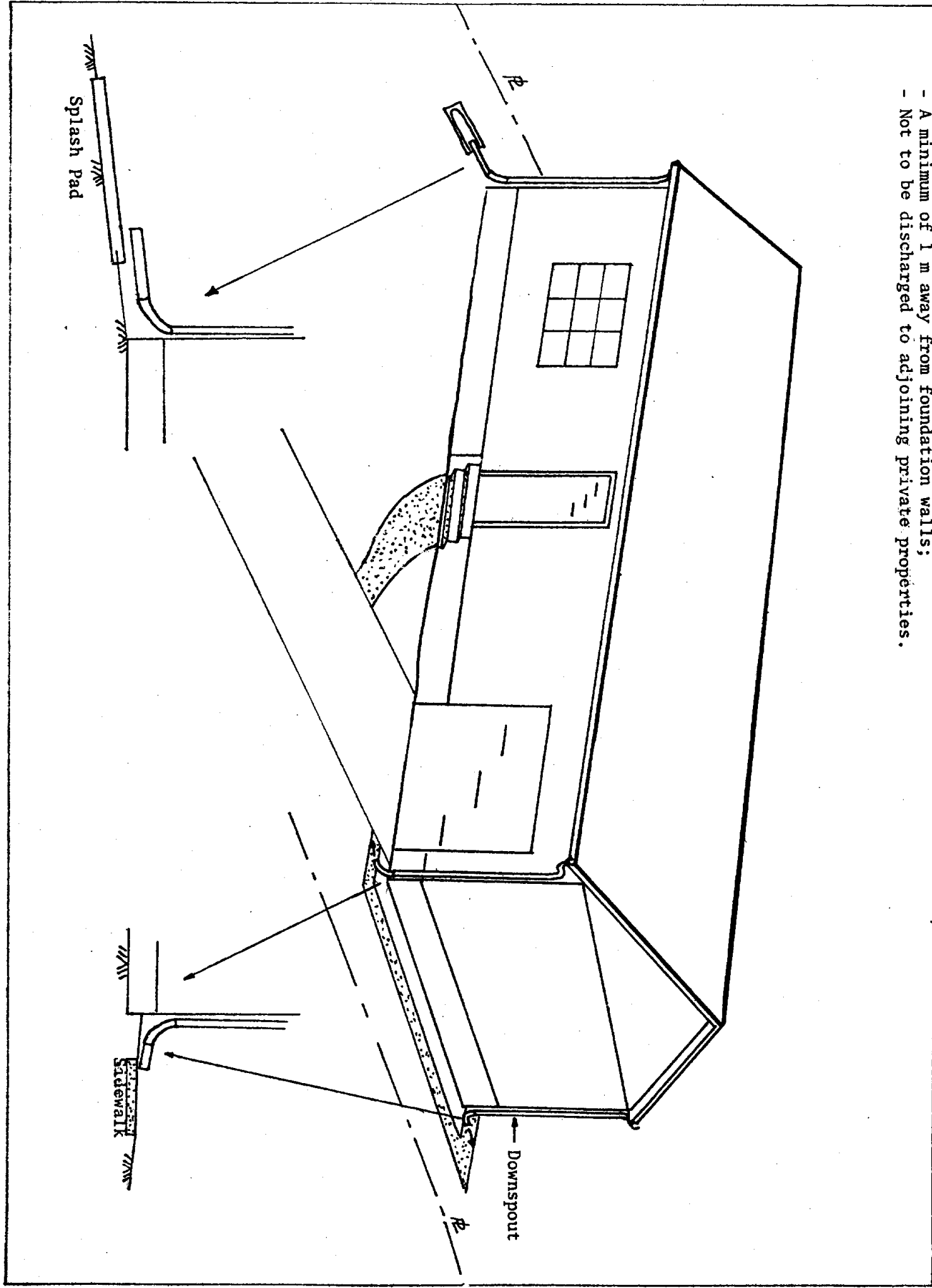
  
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PAUL J. BRENNAN, CLERK

  
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CHARLES CHEESMAN, ACTING MAYOR

First Reading: November 21, 1983.  
Second Reading: November 21, 1983.  
Third Reading: November 21, 1983.

NOTES - All downspouts to outlet above ground;  
- A minimum of 1 m away from foundation walls;  
- Not to be discharged to adjoining private properties.

SCHEDULE "A"



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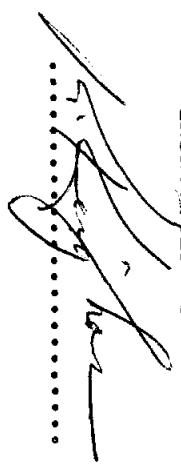
Passed ..... November 21, 1983 .....

CORPORATION OF THE  
CITY OF NIAGARA FALLS

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maintenance of rainwater leaders and downspouts.

INTRODUCED BY

  
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