

**BY-LAW NO. 6626**

**BEING A BY-LAW of the City of Brandon for the purpose of establishing regulations pertaining to lot grading and drainage requirements to be known as the “Lot Grading, Drainage, and Elevations By-law”.**

**WHEREAS The Municipal Act c.M225, RSM 1996, provides authority for establishing such regulations;**

**AND WHEREAS The City of Brandon has experienced difficulties with regard to the drainage effects of improper lot grading and thereby deems it expedient and in the public interest to develop regulations pertaining to the grading of property for the purposes of managing storm water runoff.**

**NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:**

**1. In this by-law:**

- (a) **“CERTIFIED PERSON”** means a person, including a Manitoba Land Surveyor, Professional Engineer or Certified Engineering Technician, certified by the City Engineer to complete the lot grading forms, site plans, and confirmation of elevations. Such certification is only granted by the City for the purposes of this by-law.
- (b) **“GENERAL MANAGER”** means the General Manager appointed by the Brandon and Area Planning District Board or his designate.
- (c) **“OWNER”** means the registered owner of land whose estate or interest in the land is defined and who is named in respect of that interest in a subsisting
  - i) certificate of title under The Real Property Act of the Province of Manitoba; or
  - ii) grant registered under The Registry Act of the Province of Manitoba; or
  - iii) instrument registered or filed in the Land Titles Office;
 and shall include any person, firm or corporation acting as agent for the registered owner.
- (d) **“FINISHED GRADE AT BUILDING”** 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.
- (e) **“ELEVATION”** means the vertical distance above or below mean sea level.
- (f) **“LOT GRADE ELEVATION”** means the elevation of the finished ground surface on property line at the corners and at any identified points between corners.
- (g) **“LOT GRADING PERMIT”** means a written approval issued by the City Engineer wherein the finished grade at building and lot grade elevations of a specific lot are established.

**2. Pursuant to the City’s Building By-law, every owner who makes application for a building permit shall comply with the requirements contained herein with respect to lot grading.**

**3. Each application for a lot grading permit shall:**

- (a) be made to the City Engineer in a form attached hereto as Schedule “A”;
- (b) be accompanied by a permit fee in accordance with the City’s annual fee schedule; and

(c) include a comprehensive site specific plan prepared by a certified person:

- i) for new subdivisions in a planned development, where the building site is graded to 15 cm below final grades, the following information be shown: the design finished grade at building, the design lot grade elevations and proposed building elevations, the legal lot lines, proposed building, garage/parking and driveway locations and elevations, and the pre-serviced sewer and water elevation and location at property lines or main elevations in the street, if not pre-serviced; and
- ii) for all sites other than new subdivisions, including new building sites, in-fill in a built-up area, additions, etc., the site plan shall show: existing elevations of the site along property lines and on neighbouring property, elevations and locations beside the front and rear of neighbouring buildings, elevations and locations of public sidewalks, curb and gutter, pavement and/or gravel road and public lane edges, trees, poles, manholes, valves, hydrants, utility terminals and pedestals, etc. and the design location and elevations for: lot grade elevations, finished grade at building and building elevations, including garage, parking lot and driveway, pre-serviced sewer and water elevations at property lines or main elevation in the street.

4. Upon receipt of a lot grade permit the owner shall provide a non-interest deposit of One Thousand Dollars (\$1,000) per lot or post a Fifteen Thousand Dollar (\$15,000) security bond with the City Engineer. This deposit is refundable upon receipt of evidence satisfactory to the City Engineer that construction is in compliance with the lot grading plan. Non-compliance will result in forfeiture by the owner of the deposit or a claim being filed against the security bond which will be retained by the City for enforcement purposes.

At the discretion of the City Engineer a deposit previously received for other permits may be deemed acceptable for this purpose provided however no such deposit will be released until all permit conditions have been satisfied.

5. Confirmation of footing shall be provided to the City Engineer by a certified person on behalf of the owner on the lot grading permit.
6. Where the owner has been represented by a developer or some other agent, said developer or agent shall be entitled to reimbursement of deposit upon bringing the site to within six to seven inches below finished grade provided the owner makes application complete with fee and deposits.
7. In the event the requirements are not met or there is concern the owner may not be constructing to grade, the City Engineer is authorized to stop work at any stage of the project and conduct an investigation, which may include confirmation by survey.
8. Non-compliance with this by-law during the construction process will result in the owner being ordered to implement corrective measures. Continued non-compliance can result in a stop work order or correction order being issued by the General Manager in accordance with the City's Building By-law. The cost of any work required to be taken by the City as a result of continued non-compliance shall be added to the property taxes as a debt owing.
9. Upon completion of the project, the owner, through a certified person, shall ensure certified "as-built" grades are submitted to the City Engineer, prior to the issuance of a Certificate of Occupancy by the General Manager.
10. Every owner of a residential property shall maintain certified "as-built" grades.

11. By-law No. 6522 be and the same is hereby repealed.

12. This by-law shall come into full force and take effect on the day following its passage.

DONE AND PASSED by the Council of the City of Brandon duly assembled this 12th day of June A.D. 2000.

"R.C. Chrest"

DEPUTY MAYOR

"C.R. Arvisais"

CITY CLERK

Read a first time this 29<sup>th</sup> day of May A.D. 2000

Read a second time this 29<sup>th</sup> day of May A.D. 2000

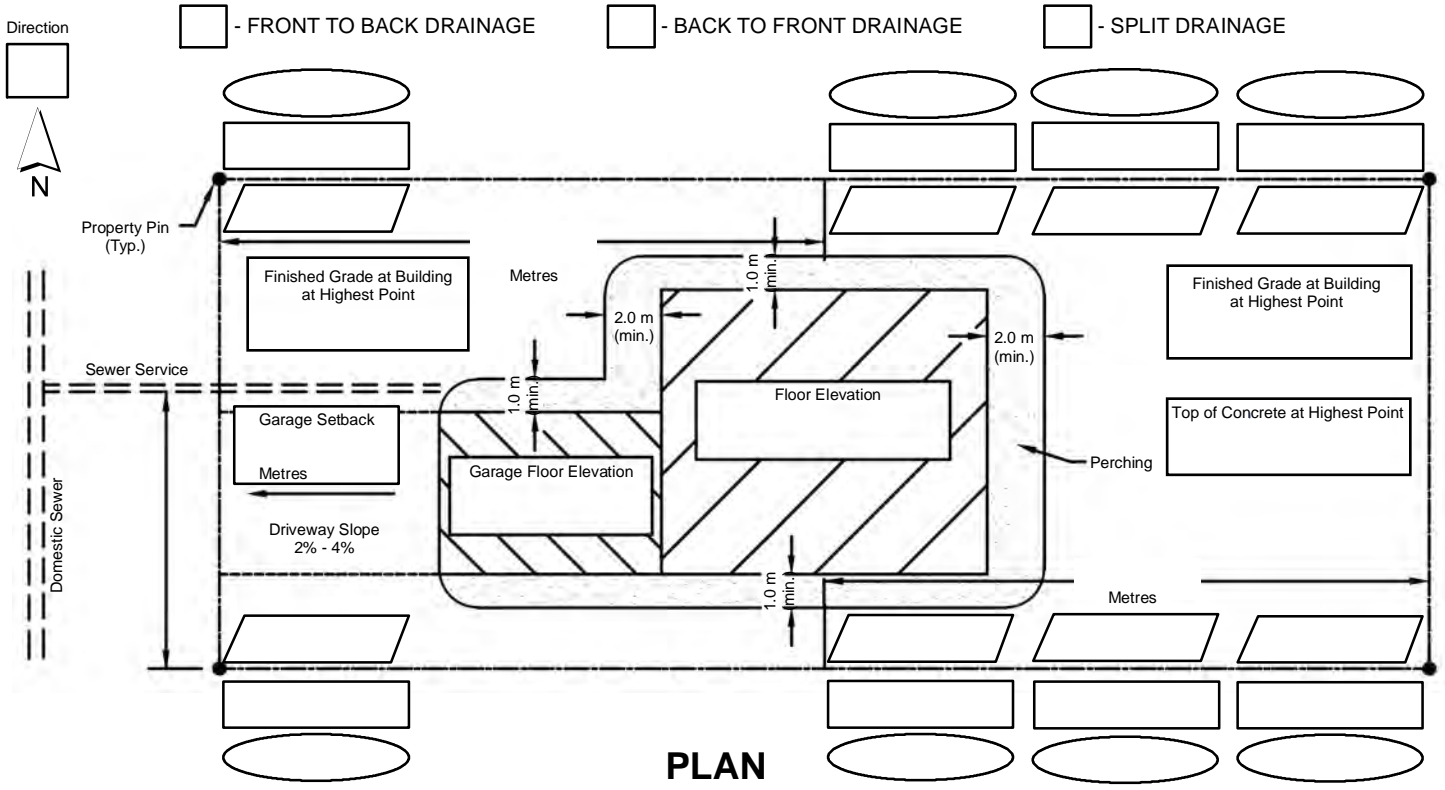
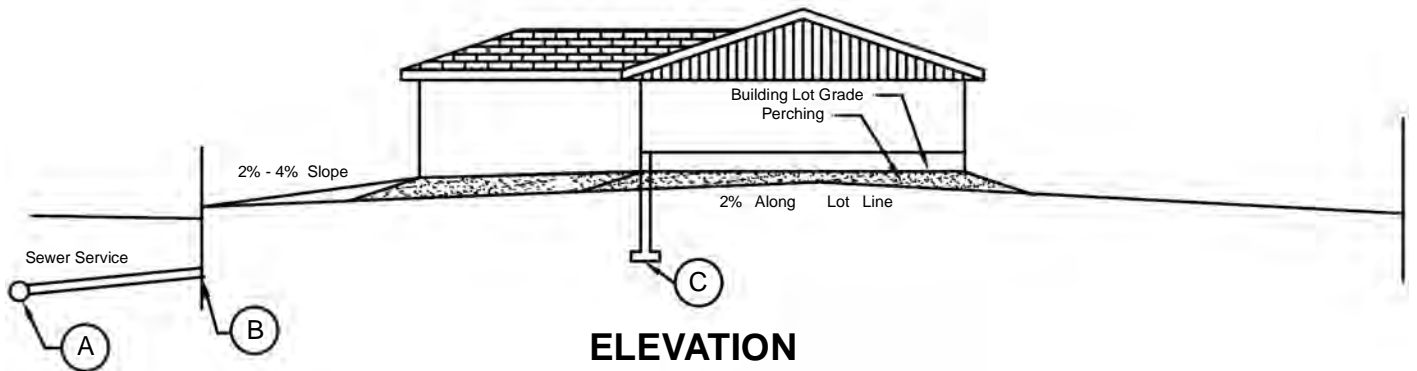
Read a third time this 12<sup>th</sup> day of June A.D. 2000

I, Conrad Robert Arvisais, City Clerk of the municipality of the City of Brandon DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 6626.

C.R. Arvisais, City Clerk

Application No.

Style of House:



LEGEND

Existing Elevation

Design Elevation

As-Built Elevation

- Metric Elevations  - Imperial Elevations

Comments:

Site Address:

Legal Description

Lot:

Block:

Plan:

Owner:

Date:

Signature:

Benchmark Elevation:

Location:

Benchmark Elevation:

Location:

Sewer & Service Inverts: (A)

(B)

Bottom of Footing Elevation (Design): (C)

City Engineer:

Date:

ELEVATIONS ON THIS PERMIT ARE FOR PERMIT APPROVAL ONLY AND NOT TO BE USED FOR CONSTRUCTION OR LANDSCAPING.

AS-BUILT ELEVATIONS FOR LOT GRADING CERTIFICATION:

I  CERTIFY THAT THE AS-BUILT ELEVATIONS SHOWN ON THIS PERMIT WERE VERIFIED BY MYSELF ON

Name:  Signature:  Date:

DEPOSIT INSPECTION PROCEDURE:

Final inspection request is to be made to the City of Brandon Engineering Department, 638 Princess Avenue (204-729-2219). All site construction, including landscaping, must be totally completed and if applicable as-built elevations to be submitted for approval prior to final inspections. Inspections will be provided from May 1st to November 1st, as weather conditions permit.

Inspection Required

Inspected By:  Date:

Damage Cost:  Refund Authorized?

Deposit:

Date of Deposit:

Damage Cost:

Refund:

Date of Request:

Deposit Returned:

Date Deposit Returned: