

Title

1. This by-law is entitled the “Stormwater Management By-law”.

Application

2. This Bylaw applies to all properties within the Town.
3. This Bylaw is intended to complement the stormwater provisions in the Town’s *Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw*. Where developments are governed by requirements for a development permit, development agreement or a subdivision approval, storm water management issues shall be dealt with as required respectively by the Land Use Bylaw, Development Agreement or Subdivision Bylaw and no separate regulatory approval or permitting under this bylaw shall be required.
4. This Bylaw is enacted for the purpose of preventing or reducing the risk of:
 - a. Nuisance, disturbance or other objectionable situation arising from stormwater, including the undue accumulation or discharge onto neighbouring properties of stormwater, flooding or environmental damage
 - b. Interference with the proper functioning of the Town’s stormwater drainage system, including but not restricted to the introduction of pollution.

Definitions

5. For the purposes of this by-law, the following definitions shall apply:
 - a. “Bylaw Enforcement Officer” means the Bylaw Enforcement Officer for the Town or other Special Constable with the Town with the rights and authority to issue Summary Offence Tickets.
 - b. “Council” means the Council of the Town of Mahone Bay
 - c. “Engineer” means the Manager of Public Works for the Town, their designate, or other person appointed by the Town to act in the capacity of Town Engineer, and, for greater certainty, such person shall have the powers and authority of the Engineer pursuant to the Municipal Government Act.
 - d. “Municipal Specifications” means the Town of Mahone Bay Municipal Standards and Specifications as adopted by Council.
 - e. “owner” has the meaning ascribed to it in the Municipal Government Act.
 - f. “owner’s engineer” means a registered member, in good standing, of Engineers Nova Scotia who holds appropriate professional liability insurance.
 - g. “pool” means any water receptacle designed for decorative purposes, or used for swimming or bathing, and includes hot tubs or spas designed to accommodate one or more persons.
 - h. “prohibited waste” means environmentally deleterious substances of any kind including, without restriction, the following;
 - i. Water from a pool with disinfection chemicals that have not been neutralized.

- ii. Trucked liquid waste, septage, sewage, or wastewater
 - iii. Any pesticide, insecticide, herbicide, or fungicide.
 - iv. Gasoline, benzene, naphtha, alcohol, fuel, oil, solvents, acetone or flammable or explosive liquid, solid, or gas.
 - v. Any corrosive, noxious, or malodourous gas, liquid, substance within either singly or by interaction of other waste is capable of causing damage to a stormwater drainage system or creating a public nuisance or hazard to human, animal, or plant life.
 - vi. Any solid or viscous substance that can block water flow or disrupt the operation of a stormwater drainage system
 - vii. Any waste, liquid or material classified as “Hazardous Waste” by Provincial or federal legislation or regulations.
 - viii. Radioactive material.
- i. “property” means any parcel of land located within the Town.
 - j. “Right of Way” means an easement that grants one party the right to pass through or use another party’s land for a specific reason.
 - k. “stormwater” means water originating from precipitation of all kinds, and includes water from melting of snow and ice, groundwater discharge and surface water.
 - l. “stormwater drainage system” means a collection of human-made or naturally occurring structures and facilities which collect, contain, retain, move, and/or manage stormwater. Such a system may include stormwater pipes, conduits, drains, roadside ditches, curbside gutters, watercourses, storage facilities, and may include facilities, such as infiltration galleries, that help maintain water quality. Such a system may be located on either private or public property and may serve one or more properties.
 - m. “stormwater management facility” a human-made or naturally occurring structure which may hold, detain, or retain stormwater and release it slowly into a stormwater drainage system. This includes all related structures, connections, and controls.
 - n. “Town” means the Town of Mahone Bay.
 - o. “wastewater” means any substance whether solid, liquid, or gas, that is or is intended or required to be discharged directly or indirectly, to the Town’s sanitary sewer system or into an on-site sanitary disposal system.
 - p. “watercourse” means any natural or artificial channel through which water flows, whether constantly, seasonally or intermittently and includes, but is not limited to natural watercourses (such as rivers, streams, creeks, brooks, waterways, lagoons, lakes, springs, swamps, marshes, or other natural bodies of fresh water); artificial watercourses (such as channels, ditches, reservoirs, or other artificial bodies of water).
 - q. “work(s)” means the infrastructure and services required by this Bylaw, including any part of a stormwater drainage system, stormwater management facility, and other necessary infrastructure or improvements that need to be built or installed, both on the site and off the site, according to the Bylaw.

Requirements

- 6. Every owner of a property in the Town shall ensure that stormwater discharge from their property is ultimately directed to the Town’s stormwater drainage system, where

available, and in a way that prevents nuisances, undue water accumulation on any property, flooding, environmental damage, or interference with the Town's stormwater drainage system.

7. All installations of, or changes to, any part of a stormwater drainage system shall be designed and constructed in accordance with the provisions of this Bylaw and the Town's Municipal Specifications.
8. If a proposed work would result in an increase in stormwater runoff that, in the opinion of the Engineer, the existing downstream drainage system cannot reasonably handle the Engineer may require the property owner to include a stormwater management facility.
9. The Engineer may require the treatment of stormwater to remove suspended solids and floatable material prior to its discharge from the property.
10. Every owner of a property in the Town shall ensure that any stormwater drainage system constructed to serve the property is properly repaired and maintained.

Application Procedures

11. Subject to the exceptions in section 3 and section 12, the owner of property must apply to the Manager of Public Works for a stormwater drainage alteration permit in accordance with the procedures outlined in this bylaw under either of the following circumstances:
 - a. carrying out any change to a property with the potential to negatively impact other properties or the Town's stormwater drainage system or any portion of it, including impairing the quality of stormwater or detrimentally altering stormwater flow patterns or flow rates. Such changes could include but are not limited to structural changes (physical modifications); topographical changes (land surface modifications); hydrological changes (changing water flows); and environmental changes (altering the natural environment i.e. soil composition, vegetation, watercourses); or
 - b. connecting to the Town's stormwater drainage system.
12. Notwithstanding section 11(a), no permit shall be required for certain minor changes, including:
 - a. creating one additional parking space on a lot provided that no previous parking space has been added within the past 10 years;
 - b. adding a shed or other outbuilding of a size too small to require a development or building permit, provided that no previous outbuilding has been added to the lot within the past 10 years;
 - c. removing dead or dying trees;
 - d. clearing an area of brush or woods in an amount not exceeding 10% of the lot size or 400 square feet, whichever is less;
 - e. topping up gravel or placing pavers on driveways without enlarging driveway area; and
 - f. such other minor change exemptions as the Engineer may authorize the owner in writing.
13. Any person who is required to apply to the Town under this Bylaw shall:
 - a. Complete and submit an application in the form approved by the Town;
 - b. Provide the application fee at the time of application in such amount as may be set from time to time by resolution of Council;

- c. If required by the Engineer, have plans for the proposed works prepared by the owner's engineer and submit the plans to the Engineer for review; and
 - d. Complete the works in accordance with the reviewed plans within 90 days or such other deadline as may be prescribed in writing by the Engineer.
14. The Manager of Public Works may issue a permit for the application upon being satisfied that the proposed works or activity with or without such conditions as may reasonably be imposed by the Engineer at their discretion, including conditions for inspection and testing:
- a. will not significantly impair the quality of stormwater; and
 - b. will not significantly alter stormwater flow patterns or rates in a way that is likely to cause or worsen nuisances, disturbances, water accumulation on any property, flooding, environmental harm, or disrupt the Town's stormwater drainage system.
15. The owner's engineer shall ensure that all applicable inspections and testing of the works are carried out and all permit conditions complied with..
16. Unless exempted by the Engineer, the owner must retain, at the owner's sole expense, an owner's engineer who shall:
- a. Prepare a design and associated engineering drawings for the works under the provisions of this Bylaw and coordinate all design work and quality assurance/ quality control required for the works under the provisions of this Bylaw.
 - b. Ensure the works are constructed in accordance with all applicable enactments of the Town or other authorities having jurisdiction
 - c. Ensure all permits, licenses, approvals and certificates required for the works are obtained.
17. The owner shall ensure that their contractor(s) constructs the works in accordance with the design, drawings, plans, and specifications reviewed for construction by the Engineer.
18. The owner is responsible for making any applications required by other governments or authorities in respect of proposed works.
19. The property owner must ensure that the works are completed in accordance with all applicable enactments and approval procedures. Where the standards and specifications of other agencies having jurisdiction conflict with this Bylaw, the more stringent standards and specifications shall apply.
20. If a permit under this Bylaw, or a permit or approval has been approved under another bylaw on the strength of stormwater-related representations, plans or drawings of the owner or the owner's engineer, and the Engineer later concludes that the owner or owner's engineer did not accurately portray stormwater discharge effects, the Engineer may order alterations, further steps or stormwater management facilities to be undertaken to achieve improvement, with the consequences described in the Compliance sections of this bylaw.

Town Stormwater Drainage System

21. No person shall repair, remove, fill in, reconstruct, divert or carry out any other works on any part of the Town's stormwater drainage system without prior written approval of the Manager of Public Works, regardless of whether it is located on private property.

22. No person shall discharge or allow or cause any prohibited waste to be discharged into the Town's stormwater drainage system.
23. No person shall discharge or allow or cause water from a pool to be discharged into the Town's stormwater drainage system without the written permission of the Manager of Public Works.
24. An owner of a property shall not permit roof drainage or foundation drainage from a building to be discharged:
 - a. directly or indirectly through pipes into the Town's stormwater drainage system without permission of the Manager of Public Works; or
 - b. to a location or in such a manner that the discharge causes or has a probability of causing a nuisance, hazard, or damage.

Watercourses

25. No person shall contaminate, block, redirect, or hinder the flow of any watercourse without the written permission of the Manager of Public Works.
26. No person shall enclose any watercourse without prior written permission of the Manager of Public Works.
27. No person shall create a new watercourse that crosses property boundaries without the written permission of the Manager of Public Works.

Compliance

28. The Bylaw Enforcement Officer, on the advice and direction of the Engineer, may issue a compliance order to any person found to be in contravention of this Bylaw, which may:
 - a. require a person to comply with this Bylaw within a time limit specified in the order;
 - b. include an order to stop work or otherwise cease construction;
 - c. require a person to fix a situation by preserving or restoring property, installing, repairing, changing, or maintaining a stormwater drainage system, or carrying out works to connect the property directly to the Town's stormwater drainage system;
 - d. require tests and evidence that materials, equipment, devices, construction methods, assemblies, or soil conditions comply with this Bylaw.
29. If a compliance order under this Bylaw is issued, any resulting actions or works cannot proceed until the Engineer confirms that the owner's proposed remedial actions or repairs are satisfactory.
30. If the required actions or repairs are not completed as per the Bylaw, the Town can carry out or finish the work at the owner's expense. The owner must pay the remaining amount immediately upon receiving an invoice from the Town.
31. Any costs therefore that remain unpaid and outstanding to the Town shall be recoverable and may be collected by the Town as a lien against the property collectable in the same manner as property taxes.
32. This Bylaw does not exempt anyone from following federal or provincial laws. If there is an actual conflict between this Bylaw and federal or provincial laws, the federal or provincial laws will take precedence, but if compliance with this Bylaw and federal or provincial laws or regulations is possible, the more stringent requirement shall prevail.

Rights and Powers of the Town

33. This Bylaw does not create any duty on the part of the Town, its Council, Engineer, or any of its other officers, employees or other representatives concerning anything contained in this Bylaw.

34. All works, services, improvements, and requirements under this Bylaw are the responsibility of the owner and their representatives. No approval, certificate, permit, inspection, or action by the Town or its representatives will relieve the owner or their representatives from this duty or create any cause of action. The Town takes no responsibility for the owner's engineer or contractors.

Town staff, agents, and contractors may enter a property at reasonable times and with reasonable notice to inspect it and ensure compliance with this Bylaw.

Offences and Penalty

35. Anyone who violates or fails to comply with any provision or allows a violation of this Bylaw shall be guilty of an offence is subject to a fine of not less than \$250 and not more than \$1,000 in addition to having to comply with any remedial order.

General Provisions

36. If any part of this Bylaw is declared invalid by a court, that part will be removed, and the rest of the Bylaw will still be valid.

37. Any Bylaw referenced to herein is a reference to an enactment of Council, as amended, revised, consolidated or replaced from time to time.

David Devenne, Mayor

Kelly Munroe, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the 25th day of July, 2024.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this 26th day of July, 2024.

CLERK'S NOTATION

FIRST READING:	June 27, 2024
"NOTICE OF INTENT" PUBLICATION:	July 17 & 24, 2024
SECOND READING:	July 25, 2024
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	July 26, 2024
FORWARDED TO THE MINISTER:	August 5, 2024
FORWARDED TO TOWN WEBSITE:	July 26, 2024