

BY-LAW NO. 276

A BY-LAW RESPECTING CULVERTS AND WATER DRAINAGE STRUCTURES

Council of the Town of Sackville, under authority vested in it by the *Local Governance Act*, S.N.B. 2017, c. 18, hereby enacts as follows:

DEFINITIONS

1. In this by-law:

“Chief Administrative Officer” means the Chief Administrative Officer of the Town of Sackville or his/her designate;

“Council” means the Council of the Town of Sackville;

“By-Law Enforcement Officer” means the By-Law Enforcement Officer of the Town of Sackville and includes anyone designated by the Council to act on their behalf. This also includes any RCMP officer.

“Town Engineer” means the Town Engineer for the Town of Sackville, his/her designate or any person or corporation council appoints appropriate to act as Town Engineer;

“Installation” or “Installed” means the construction of any new Water Drainage Structure;

“Replacement” or “Replaced” shall include, but not be limited to any alterations, extensions or enlargements to any Water Drainage Structure; and shall also include, without limiting the foregoing, the placement of any material into a ditch or culvert which has the effect of blocking, restricting or in any way limiting drainage.

“Town” means the Town of Sackville;

“Water Drainage Structure” shall include a culvert or similar bridge intended to connect a privately-owned parcel of land and any Town street, road or highway, passing over a ditch or similar water collection device and over, under, across or along the Town’s right-of-way;

INSTALLATION

2(1) This By-Law applies to the Installation, Replacement or Extension of any Water Drainage Structure which passes over, under, across or along the Town's right-of-way adjacent to any street or highway.

2(2) No person, except the Town, shall construct, place, cause to be placed, erect or cause to be erected a Water Drainage Structure (including a culvert or bridge) over, under, across or along any lands owned by the Town or within any right-of-way in favour of the Town.

2(3) The owner of any premises in respect of which he or she wishes to have a Water Drainage Structure Installed, Replaced or Extended shall apply in writing to the Chief Administrative Officer, on a prescribed form, in order to request that a Water Drainage Structure be Installed, Replaced or Extended.

2(4) Upon receipt of an application referenced in the preceding subsection for the Installation, Replacement or Extension of a Water Drainage Structure, the Chief Administrative Officer shall instruct the Town Engineer to investigate the request in order to determine the specifications of such Installation, Replacement or Extension, and in particular (but without limiting the foregoing) the diameter and lengths of pipe required, and shall provide a report to the Chief Administrative Officer setting out the fee for such works.

2(5) Upon receipt of the report from the Town Engineer, the Chief Administrative Officer shall advise the applicant of the fee for the work, and such fees shall be the cost to the applicant. Payment of the fee shall be made by the applicant prior to the commencement of any work being undertaken by the Town.

2(6) All applications for the Installation, Replacement or Extension of a Water Drainage Structure shall be submitted to the Chief Administrative Officer in accordance with subsection 2(3) not less than 30 days in advance of the required date to allow the Town to schedule the work. Notwithstanding the foregoing, nothing herein shall bind the Town nor create any liability in respect of any failure to complete such work within 30 days of receipt of an application.

2(7)(a) No Installation, Replacement or Extension shall be permitted where the total structure length exceeds 40% of the lot frontage or 12.6 meters, whichever is shorter.

2(7)(b) Subject to section 2(7)(a) of this by-law, the Town Engineer may exempt the installation, replacement or extension of a culvert from compliance with section 2(7)(a) where it is deemed that compliance would cause a safety issue, the inability to provide adequate access to the property due to limited frontage of a lot, or adversely affect the storm drainage system of the Town.

2(8)(a) In the event that the Town Engineer, determines that an existing Water Drainage Structure is unsafe or unfit for drainage purposes, and the Town elects to replace or make reparations to the existing Water Drainage Structure, the Town Engineer shall notify the affected landowner in writing of the work which has been carried out or which is to be carried out, and the fee for such work, and the affected landowner shall be liable to the Town for all reasonable costs associated with such work for an amount up to, but not exceeding, the fee. For work carried out to a Water Drainage Structure under this subsection only, payment of the cost shall be on terms of 90 days from the date the landowner receives final confirmation of the cost from the Town.

2(8)(b) In the case of an emergency as deemed by the Town Engineer, the affected landowner will be notified of the fee and shall have a term of 90 days to pay.

2(9) All fees for work carried out under this By-Law shall be calculated in accordance with the fees listed at Schedule "A" to this By-Law. The fees set out at Schedule "A" form part of this By-Law and are hereby approved by Council. Schedule "A" may be amended by Motion of Council.

2(10) Any Installation, Replacement or Extension of an existing Water Drainage Structure which is made necessary due to any public works project undertaken by the Town in the normal course, shall not result in any expense to the affected landowner.

2(11) All work in respect of Water Drainage Structures covered by this By-Law shall be performed solely by the Town's employees, servants, agents or hired contractor, and responsibility as to sizing diameters and lengths shall rest solely with the Town.

PENALTIES

3(1) Any person who violates the provisions of this By-Law is liable on conviction to:

- (a) A fine of five hundred dollars (\$500.00) for each offence. All such fines shall be recovered under the *Provincial Offences Procedures Act*, S.N.B. 1987, c.P-22.1.

3(2) Where any person violates this By-Law and carries out any Installation, Replacement or Extension work in respect of a new or existing Water Drainage Structure shall, in addition to the penalty referred to in the preceding subsection, also be liable to the Town for all costs incurred by the Town in order to bring the Water Drainage Structure into compliance with this By-Law. Without limiting the foregoing, the Town shall be specifically authorized, in its sole discretion, to remove any work carried out in violation of the By-Law and shall be under no obligation to replace or repair same.

4. **REPEAL**

Upon passing of this By-Law, By-Law No. 222 is hereby repealed.

This By-Law comes into effect on the date of final passing thereof.

Read a first time this 13th day of July, 2020.

Read a second time this 10th day of August, 2020.

Read a third time and done and passed Council this 10th day of August, 2020.

Mayor

Clerk



SCHEDULE "A"
 EFFECTIVE JULY 14, 2020
 TOWN OF SACKVILLE
 P.O. BOX 6191
 31C MAIN STREET
 SACKVILLE, N.B. E4L 1G6
 (506) 364-4930

NEW INSTALLATIONS

STANDARD 20 FEET OR 6 METERS LONG:						
DIAMETER	20' COST	15% HST 20' CULV	20' TOTAL	30' COST	15% HST 30' CULV	30' TOTAL
12" (300mm)	\$ 608.70	\$ 91.30	\$ 700.00	\$ 913.04	\$ 136.96	\$ 1050.00
15" (380mm)	\$ 739.13	\$ 110.87	\$ 850.00	\$ 1086.96	\$163.04	\$ 1250.00
18" (450mm)	\$ 956.52	\$ 143.48	\$ 1100.00	\$ 1347.83	\$202.17	\$ 1,550.00
24" (600mm)	\$ 1217.39	\$ 182.61	\$ 1400.00	\$ 1,652.17	\$247.83	\$ 1,900.00
30" (750mm)	\$ 1,565.22	\$ 234.78	\$ 1,800.00	\$ 2086.96	\$313.04	\$ 2400.00
36" (900mm)	\$ 1,739.13	\$ 260.87	\$ 2,000.00	\$ 2,347.83	\$352.17	\$ 2,800.00
NOTE: NO ASPHALT INCLUDED						

CULVERT EXTENSIONS TO EXISTING OR NEW

MINIMUM 10 FEET OR 3 METERS LONG:			
DIAMETER	COST	15% HST	TOTAL
12" (300mm)	\$ 304.35	\$ 45.65	\$ 350.00
15" (380mm)	\$ 270.00	\$ 35.10	\$ 400.00
18" (450mm)	\$ 300.00	\$ 39.00	\$ 450.00
24" (600mm)	\$ 400.00	\$ 52.00	\$ 500.00
30" (750mm)	\$ 500.00	\$ 65.00	\$ 600.00
36" (900mm)	\$ 675.00	\$ 87.75	\$ 800.00
NOTE: NO ASPHALT INCLUDED.			

**PLEASE NOTE THAT REPLACEMENT COST WILL BE THE SAME AS NEW INSTALLATIONS.
 (NO ASPHALT INCLUDED)**