

MUNICIPALITY OF CLARINGTON
BY-LAW 2004-078

Being a by-law to regulate drainage from
private swimming pools, ponds,
artificial ice rinks and sump pumps

WHEREAS section 9 of the Municipal Act, S.O. c.25 states that a municipality's powers are to be interpreted broadly so as to confer broad authority on the municipality; and

WHEREAS Section 96, provides that a municipality may exercise its power to prevent damage to property as a result of flooding;

NOW THEREFORE the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. DEFINITIONS: For the purposes of this by-law;
 - 1.1 "Drain" shall mean the emptying or lowering of the level of water from a pool, and drainage shall have a corresponding meaning.
 - 1.2 "Owner" shall include the person or persons shown on the records of the land registry office, or the tax roll of the Municipality, as having title to the land or responsibility for it, as well as the tenant and person or persons lawfully in possession of, or exercising control over, the property.
 - 1.3 "Pool" shall include any swimming pool, hot tub, artificial pond or other similar body of water.
 - 1.4 "Sewer" shall mean any or all parts of the drainage system including gutters, drainage grates and any associated pipes or channels.
2. GENERAL TERMS
 - 2.1 No person shall drain any pool, artificial ice rink or sump water within the Municipality of Clarington other than in compliance with the provisions of this by-law.
 - 2.2 No person shall drain or permit the drainage of any pool, artificial ice rink or sump pump in such a manner as to cause flooding to any adjoining property.
 - 2.3 All drainage shall be directed by means of pipes or hoses directly to the curb at the front of the property and from there to the sewer or, where there is no curb or sewer, to the drainage ditch at the front of the property.
 - 2.4 Where water is drained at the curb or drainage ditch, the water flow shall be restricted so as to prevent flooding of the road.
3. PENALTIES AND CONDITIONS
 - 3.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to a fine as set out in the Provincial Offences Act.

- 3.2 Should any section, clause, or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.
- 3.3 This by-law shall come into full force and effect immediately upon its final passing by Council.

Read a first time this 5th day of April , 2004

Read a second time this 5th day of April , 2004

Read a third time and finally passed this 5th day of April , 2004

Original signed by the Mayor

Original signed by the Municipal Clerk