

## **BY-LAW NO. 222**

### **A BY-LAW RESPECTING CULVERTS AND WATER DRAINAGE STRUCTURES**

The Council of the Town of Sackville enacts the following by-law under its authority in Sections 7(1) and 7(3) of the Municipalities Act, R.S.N.B. 1973, c. M-22.

#### **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;

“Director of Engineering and Public Works” means the Director of Engineering and Public Works for the Town of Sackville or his/her designate;

“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-ways 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 the prescribed form attached to this By-Law as Schedule "A", in order to request that a Water Drainage Structure be Installed, Replaced or Extended. The prescribed form attached to this By-Law as Schedule "A" is subject to amendment or revision by motion of Council.

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 Director of Engineering and Public Works 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 Director of Engineering and Public Works, 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) 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(8)(a) In the event that the Director of Engineering and Public Works, 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 Director of Engineering and Public Works 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 30 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 Director of Engineering and Public Works, the affected landowner will be notified of the fee within 7 days and shall have a term of 30 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 "B" to this By-Law. The fees set out at Schedule "B" form part of this By-Law, and are hereby approved by Council. Schedule "B" 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 any provisions of this By-Law shall, upon conviction, be liable to a penalty of \$500.00.

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. 133 is hereby repealed.

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

Read a first time this 14<sup>th</sup> day of March, 2011.

Read a second time this 14<sup>th</sup> day of March, 2011.

Read a third time and done and passed Council this 11th day of April, 2011.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

# SCHEDULE "A"

NO: \_\_\_\_\_

DATE: \_\_\_\_\_

FORM A  
TOWN OF SACKVILLE  
APPLICATION FOR SERVICE

SERVICE REQUIRED FOR:

PROPERTY

OWNER: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ Bus: \_\_\_\_\_

Res. \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ACCOUNT #: \_\_\_\_\_

(mailing)

WORK TO BE PERFORMED AT:

\_\_\_\_\_ (civic number & street name)

OR: SUBDIVISION NAME/# \_\_\_\_\_ LOT # \_\_\_\_\_ NBGIC-PID

# \_\_\_\_\_

TPDC BUILDING PERMIT # \_\_\_\_\_ (IF APPLICABLE – NEW OR RENOVATION)

SERVICE REQUIRED:

- |                                                                                 |                                              |                          |
|---------------------------------------------------------------------------------|----------------------------------------------|--------------------------|
|                                                                                 | applicant to check                           |                          |
| A) 3/4" WATER SVC. INSTALL*                                                     | COST \$1,000. _____                          | GL3040-830               |
| B) 4" SANITARY SEWER SVC. INSTALL*                                              | COST \$1,000. _____                          | GL3525-830 TOTAL \$2000. |
| C) 4" STORM SEWER SVC. INSTALL*                                                 | COST \$1,000. _____                          | GL3270-200               |
| *the above prices apply to single-family residential only                       |                                              |                          |
| D) WATER SVC. TURN-ON/OFF                                                       | COST \$ 30.00 _____                          | GL3045-830               |
| E) WATER TURN ON/OFF (AFTER HRS)                                                | COST \$ 150.00 _____                         | GL3045-830               |
| F) ENCUMBRANCE CERTIFICATE<br>(INCLUDES SPECIAL METER READING)                  | COST \$ 30.00 _____                          | GL3050-835               |
| G) OTHER (see below v) – REQUIRES ENGINEER'S ESTIMATE (supplementary Form A-1): |                                              |                          |
| i) commercial or special water & sewer _____                                    | ii) new driveway culvert _____               |                          |
| iii) renew existing driveway culvert _____                                      | iv) revision to existing curb fronting _____ |                          |

ALL COSTS FOR SERVICES REQUIRED  
MUST BE PREPAID BY APPLICANT  
SERVICES "A-F"

TOTAL COST \$ \_\_\_\_\_  
HST \$ \_\_\_\_\_  
GRAND TOTAL \$ \_\_\_\_\_

I,(WE) THE APPLICANT, REQUIRE THE SERVICES LISTED AND AGREE TO FOLLOW THE RELEVANT BY-LAW AND REGULATIONS OF THE TOWN OF SACKVILLE AND PAY ALL SERVICE FEES AS SET BY RESOLUTION OF COUNCIL

\_\_\_\_\_  
Applicant Signature (Property Owner or Agent)

ALL COSTS FOR SERVICES REQUIRED  
MUST BE PREPAID BY APPLICANT  
OTHER SERVICES "G", AS PER ENGINEER'S  
ESTIMATE (ATTACHED)

TOTAL COST \$ \_\_\_\_\_  
HST \$ \_\_\_\_\_  
GRAND TOTAL \$ \_\_\_\_\_

I (WE) THE APPLICANT, REQUIRE THE SERVICES LISTED AND AGREE TO FOLLOW THE RELEVANT BY-LAW AND REGULATIONS OF THE TOWN OF SACKVILLE AND PAY ALL SERVICE FEES AS SET BY RESOLUTION OF COUNCIL

\_\_\_\_\_  
Applicant Signature (Property Owner or Agent)

\_\_\_\_\_ DATE \_\_\_\_\_ DATE

INTERNAL USE:

AMOUNT RECEIVED \$ \_\_\_\_\_ RECEIPT  
# \_\_\_\_\_ DATE \_\_\_\_\_ PER \_\_\_\_\_

APPLICANT'S REQUESTED DATE FOR SERVICE DELIVERY \_\_\_\_\_  
APPLICATION REVIEWED, TOWN ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
ORIGINAL FORWARDED TO PUBLIC WORKS DEPARTMENT BY \_\_\_\_\_ DATE \_\_\_\_\_  
RECEIVED BY \_\_\_\_\_ DATE \_\_\_\_\_

PUBLIC WORKS WORK ORDER # \_\_\_\_\_

DATE SERVICE(S) INSTALLED \_\_\_\_\_ PER \_\_\_\_\_

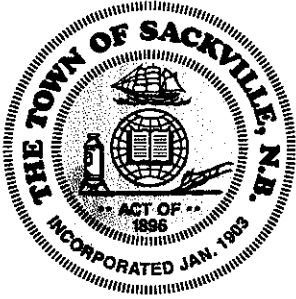
ORIGINAL FORWARDED TO ENGINEERING DEPARTMENT BY \_\_\_\_\_ DATE \_\_\_\_\_  
REC'V DATE \_\_\_\_\_ RECORD CARD PREPARED? DATE \_\_\_\_\_

SERVICES CERTIFIED COMPLETE AS TO SPECIFICATIONS  
TOWN ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_  
COMPLETED ORIGINAL FORWARDED TO FINANCE DEPARTMENT, DATE \_\_\_\_\_

FINAL COPIES TO ENGINEERING \_\_\_\_\_ V PUBLIC WORKS DEPARTMENT \_\_\_\_\_ V

UPON FILLING APPLICATION FOR SERVICES, THE FOLLOWING MINIMUM CHARGES BECOME DUE. ANY CHARGES OVER AND ABOVE THE INSTALLATION COSTS QUOTED, WILL BE CHARGED BACK TO THE CUSTOMER.

FOR DEVELOPER INSTALLED WATER & SEWER LINES -- WATER TURN ON FEE REQUIRED.



SCHEDULE "B"  
 EFFECTIVE JANUARY 1, 2011  
 TOWN OF SACKVILLE  
 P.O. BOX 6191  
 110 MAIN STREET  
 SACKVILLE, N.B. E4L 1G6  
 (506) 364-4930

**NEW INSTALLATIONS**

<b>STANDARD 20 FEET OR 6 METERS LONG:</b>						
DIAMETER	20' COST	13% HST 20' CULV	20' TOTAL	30' COST	13% HST 30' CULV	30' TOTAL
12" (300mm)	\$ 500.00	\$ 65.00	\$ 565.00	\$ 755.00	\$ 98.15	\$ 853.15
15" (380mm)	\$ 550.00	\$ 71.50	\$ 621.50	\$ 820.00	\$106.60	\$ 926.60
18" (450mm)	\$ 600.00	\$ 78.00	\$ 678.00	\$ 900.00	\$117.00	\$ 1,017.00
24" (600mm)	\$ 800.00	\$ 104.00	\$ 904.00	\$ 1,200.00	\$156.00	\$ 1,356.00
30" (750mm)	\$ 1,000.00	\$ 130.00	\$ 1,130.00	\$ 1,500.00	\$195.00	\$ 1,695.00
36" (900mm)	\$ 1,350.00	\$ 175.50	\$ 1,525.50	\$ 2,025.00	\$263.25	\$ 2,288.25

NOTE: NO ASPHALT INCLUDED

**CULVERT EXTENSIONS TO EXISTING OR NEW**

<b>MINIMUM 10 FEET OR 3 METERS LONG:</b>			
DIAMETER	COST	13% HST	TOTAL
12" (300mm)	\$ 255.00	\$ 33.15	\$ 288.15
15" (380mm)	\$ 270.00	\$ 35.10	\$ 305.10
18" (450mm)	\$ 300.00	\$ 39.00	\$ 339.00
24" (600mm)	\$ 400.00	\$ 52.00	\$ 452.00
30" (750mm)	\$ 500.00	\$ 65.00	\$ 565.00
36" (900mm)	\$ 675.00	\$ 87.75	\$ 762.75

NOTE: NO ASPHALT INCLUDED.

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