

**THE CORPORATION OF THE CITY OF BROCKVILLE**  
**By-Law Number 096-2012**

*Being a By-law to Amend City of Brockville Drainage By-law 113-91*  
(OBC amendment lot grading)

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WHEREAS the Council for the Corporation of the City of Brockville, on the 23<sup>rd</sup> day of April, 1981, adopted City of Brockville Drainage By-law 113-91; and

WHEREAS The *Municipal Act*, 2001, Section 96, as amended, grants a municipality the authority to exercise its powers to prevent damage to property within the municipality; and

WHEREAS as a result of changes to the *Building Code Act*, 1992 was amended to require that the building lot be graded to substantial completion prior to the occupancy permit being granted. and

WHEREAS the Council of the Corporation of the City of Brockville deems it expedient to amend said Drainage By-law 113-91 to reflect this amendment;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE HEREBY ENACTS AS FOLLOWS:

1. THAT clause 7 is hereby deleted in its entirety and replaced with the following new clause 7:
  - "7) No person shall be issued a Residential Occupancy Permit, as provided for in the City of Brockville Building By-law 29-94, as amended, until
    - (a) In the case of a building located in an area where there exists an approved drainage plan or lot grading plan, the lot has been graded to substantial completion where water will not accumulate near the building, there is no adverse effect to adjacent properties and the lot is readied for the placement of topsoil and sod or seed. The approval of the lot grading being substantially complete is included in the residential occupancy permit process.
    - (b) in a case where a building is located within an area where no approved drainage plan or lot grading plan exists, the lot owner shall prepare or cause to be prepared a drainage plan or lot grading plan which has been approved by the City Engineer, or his designate, and the lot has been graded to substantial completion where water will not accumulate near the building, there is no adverse effect to adjacent properties and the lot is readied for the placement of topsoil and sod or seed. The approval of the lot grading being substantially complete is included in the residential occupancy permit process.
    - (c) in the case where it is not practical to complete final lot grading prior to

occupancy, the applicant shall provide a letter of undertaking complete with a minimum refundable deposit of \$3,500.00. A deadline for completion shall be determined by the City Engineer which shall not extend beyond a six (6) month period from the date of occupancy of the residential dwelling. Failure to complete the required lot grading within the timeframe established by the City Engineer may result in all or a portion of the deposit being utilized by the City or its agent(s) to complete the lot grading. If additional funds are required, the City reserves the right to recover these costs from the lot owner. The deposit shall only be refunded upon receipt of certification by an Ontario Land Surveyor or Professional Engineer as to compliance with the approved drainage plan or lot grading plan."

Given under the Seal of the  
Corporation of the City of Brockville  
and passed this 13<sup>th</sup> day of November, 2012

  
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Mayor  
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Clerk