



OFFICE CONSOLIDATION
DRAINS AND WATERCOURSES BY-LAW
BY-LAW NUMBER 1365/81

Passed by Council on September 21, 1981

Amendments:

By-law	date passed	section amended
By-law 5567/99	October 18, 1999	Section 4 (Penalties)

THE CORPORATION OF THE TOWN OF PICKERING

BY-LAW NO. 1365/81

Being a By-law respecting the obstruction of drains and watercourses.

WHEREAS, pursuant to the provisions of section 208.16 of the Municipal Act, R.S.O. 1980, chapter 302, by-laws may be passed by the Councils of all municipalities for prohibiting the obstruction of any drain or watercourse and for requiring the person causing the obstruction to remove it; and

WHEREAS, pursuant to the provisions of section 210.74 of the said Act, by-laws may be passed by the councils of local municipalities for requiring the repairing of private drains; and

WHEREAS, pursuant to the provisions of section 325 of the said Act, where a council has the authority to direct or require that any matter or thing be done, the council may direct that, in default of its being done by the person directed or required to do it, it shall be done at his expense;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF PICKERING HEREBY ENACTS AS FOLLOWS:

1. In this by-law, the term,
 - (a) "drain" means any work or part thereof, constructed by any person pursuant to a drainage plan for any required grading of lands and construction of works for the purpose of removal of storm water, including ground, surface and roof-cooling waters, and natural precipitation; and includes a depression, swale, ditch, improved watercourse, open channel or pond;

- (b) "maintain" means to keep a drain in a condition similar to that required pursuant to the drainage plan under which it was constructed and includes the clearing and removal of obstruction of any kind whatsoever located or found in a drain;
 - (c) "obstruct" means to place or deposit, or allow to be placed or deposited, any material or thing of any kind whatsoever in, upon or across any drain or watercourse having the effect of impeding or preventing the efficient flow of water therein or therefrom, and "obstruction" has a corresponding meaning;
 - (d) "private drain" means any drain, or part thereof, located upon lands not owned by Her Majesty the Queen in Right of Canada or Ontario, the Regional Municipality of Durham, or the Town, or any agency or commission of any of them, and for which Her Majesty the Queen in Right of Canada or Ontario, the Regional Municipality of Durham, or the Town, does not have a maintenance easement;
 - (e) "repair" means to restore a drain to a condition similar to that required pursuant to the drainage plan under which it was constructed;
 - (f) "watercourse" means a naturally occurring stream of water, and includes a river, brook, stream and creek.
2. No person shall obstruct or allow, cause or permit to be obstructed, any drain or watercourse, or any part of parts thereof, within the boundaries of the Town of Pickering.
3. (1) Every owner of land upon which a private drain, or any part thereof, is located, shall repair and maintain that drain, or part thereof, located upon the land owned by him.
- (2) Should an owner of land default in carrying out the obligations imposed under subsection (1), above, the provisions of section 325 of the Municipal Act, R.S.O. 1980, chapter 302, shall be applicable, and the Council of the Corporation of the Town of Pickering may direct, by by-law, that required maintenance or repair be performed at the Owner's expense.
4. Every person who contravenes any provisions of this By-law is guilty of an offence and liable upon conviction to a penalty provided for under the *Provincial Offences Act*, as amended.
5. By-law 3820/70 is hereby repealed.

BY-LAW read a first, second and third time and finally passed this 21st day of September, 1981.

(signed) J.E. Anderson

Mayor

(signed) Bruce Taylor

Clerk