

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 2025-XX**

BEING A BY-LAW TO CONTROL LOT GRADING AND DRAINAGE ON PROPERTIES LOCATED WITHIN A SETTLEMENT AREA AND ON PROPERTIES THAT ARE ONE ACRE OR LESS IN SIZE.

WHEREAS, the *Municipal Act, 2001*, c.25, S 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act 2001*, c. 25, S. 5(3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c.25, S. 11(3)6. provides that a lower-tier municipality may pass by-laws respecting matters related to drainage and flood control, except storm sewers;

AND WHEREAS the *Municipal Act, 2001*, c.25, S. 11(2)8. Provides that a lower-tier municipality may pass by-laws respecting the protection of persons and property;

AND WHEREAS the *Building Code Act, 1992*, S.O. 1992, c.23, S. 7(b) empowers a municipal council to pass by-laws concerning applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as prescribed;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:

SHORT TITLE

1. **THAT** this by-law may be cited as the "*Grading and Drainage By-law*".

DEFINITIONS AND INTERPRETATION

2. **THAT** in this by-law:
 - a) "**Architect**" shall mean the holder of a licence, a limited licence, a certificate of practice, or a temporary licence with the Ontario Association of Architects (OAA).
 - b) "**Building Area**" shall mean the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.
 - c) "**Chief Building Official**" shall mean a Chief Building Official appointed or constituted under Section 3 or 4 of the *Building Code Act* for the municipality.

- d) **“Council”** shall mean the Council of the Corporation of the Township of South Glengarry.
- e) **“Development”** shall mean the construction, erection, placing, or replacing of one or more buildings or structures on land or the making of an addition or alteration of a building or structure that has the effect of substantially increasing the size of usability thereof.
- f) **“Municipality”** shall mean the Township of South Glengarry.
- g) **“Ontario Land Surveyor”** shall mean an individual licenced to engage in the practice of cadastral surveying or engages in the practice of professional surveying as an Ontario Land Surveyor pursuant to the Surveyors Act.
- h) **“Professional Engineer”** shall mean a person who holds a licence or a temporary licence with Professional Engineers Ontario (PEO).
- i) **“Settlement Area”** shall mean urban areas and rural settlement areas within municipalities (such as cities, towns, villages, and hamlets). Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity, and intensity of land uses, service levels, and types of infrastructure available. Settlement areas are:
 - i. Built-up areas where development is concentrated and which have a mix of land uses, and
 - ii. Lands which have been designated in an official plan for development over the long term.
- j) **“Site Alteration”** shall mean activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

SCOPE AND APPLICATION

- 3. **THAT** prior to the issuance of a building permit on a property located within a *settlement area* or on a property that is one (1) acre or less in size, a lot grading and drainage plan prepared by a *Professional Engineer, Architect, or Ontario Land Surveyor* shall be submitted and approved by the *Chief Building Official*.
- 4. **THAT** additionally, *site alteration* exceeding 25% of the total area of the property within a *settlement area* or on a property that is one (1) acre or less in size, a lot grading and drainage plan prepared by a *Professional Engineer, Architect, or Ontario Land Surveyor* shall be submitted and approved by the *Chief Building Official*.

EXEMPTIONS

- 5. **THAT** the provisions of Section 3 and 4 shall not apply to the following classes of development at the discretion of the *Chief Building Official*:

- a) tents and similar structures to be erected for a temporary period;
- b) interior renovations to a building;
- c) accessory structures 100 square metres or less in *building area*;
- d) dwelling unit additions 50 square metres or less in *building area*; and
- e) decks.

LOT GRADING AND DRAINAGE PLAN REQUIREMENTS

6. **THAT** a proposed Lot Grading and Drainage Plan shall incorporate the following where applicable:

- a) the legal description of the property, including dimensions and civic number;
- b) a benchmark related to geodetic datum if requested;
- c) proposed and existing elevations of the subject property;
- d) existing elevations of adjacent lands to provide sufficient context of neighbouring property landscape;
- e) location of proposed and/or existing municipal or private services;
- f) location of proposed and/or existing public and private accesses/entrances with dimensions;
- g) location of proposed and/or existing landscaping features if required by the Township of South Glengarry;
- h) elevations and locations of proposed and/or existing swales and ditches;
- i) the existing and proposed grading and drainage of the subject site shall include the following:
 - i. drainage is to be directed away from all structures;
 - ii. the minimum surface slope will be 2%;
 - iii. swales shall be provided when:
 - 1. drainage flows are to be carried around buildings, or
 - 2. drainage enters a lot from adjacent lands.
 - iv. swales will incorporate the following:
 - 1. minimum gradient of 1%;
 - 2. maximum side slopes of 3 horizontal : 1 vertical;
 - 3. minimum depth of 150 millimetres;
 - 4. maximum depth of 600 millimetres;
 - 5. highpoint elevation and location; and
 - 6. swale position, including side slopes fully within one lot.

- v. a band, 0.5 metres in width, will be maintained at the site perimeter that matches the existing grade of abutting lands. In situations where this is unachievable, reductions to the 0.5-metres band may be considered.
- j) the location, dimensions, and footprint of all existing and/or proposed buildings;
- k) finished main floor elevation of all proposed and/or existing structures;
- l) elevations at building corners, lot corners, top and bottom of ditches, road centreline, changes in gradient and at a maximum spacing of 20 metres;
- m) setbacks between buildings and property lines; and
- n) arrows indicating flow direction of surface water.

SUBDIVISIONS

- 7. **THAT** properties located in a plan of subdivision shall adhere to the approved grading and drainage plan. A copy of the approved grading and drainage plan shall be submitted with building permit applications.

LOT GRADING CONFIRMATION CERTIFICATE

- 8. **THAT** upon completion of all site work, a Lot Grading Confirmation Certificate prepared by a *Professional Engineer, Architect, or Ontario Land Surveyor* shall be provided to the *Chief Building Official* confirming lot grading and drainage in its entirety has been completed in accordance with the approved lot grading and drainage plan from the *municipality*.
- 9. **THAT** an acceptable elevation tolerance shall be deemed to be the approved grade plus or minus 0.1 metres (4 inches).

DEVIATION

- 10. **THAT** where deviation from the approved lot grading and drainage plan is required, proposed changes shall be provided to the *Chief Building Official* for review. A report shall be provided from a *Professional Engineer, Architect, or Ontario Land Surveyor* outlining reasons for requiring the deviation. The report shall also confirm surface water run-off will be discharged to a positive drainage system and the subject property and surrounding properties will not be adversely affected. The *Chief Building Official*, within a reasonable time, may accept the deviation or request modifications to be made.

SEVERABILITY

- 11. **THAT** in the event any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

OFFENCE

12. **THAT** every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in Section 36 of the *Building Code Act*, 1992, S.O. 1992, Chapter 23, as amended.

CONFLICT

13. **THAT** in the event of conflict between the provisions of this by-law and any other by-law of the *municipality*, the most restrictive provision shall prevail.

REPEAL

14. **THAT** By-law 16-10 is hereby repealed in its entirety upon this by-law's final passing.

EFFECTIVE DATE

15. **THAT** this by-law shall come into force and take effect upon this by-law's final reading.

**READ A FIRST, SECOND, AND THIRD TIME, PASSED, SIGNED, AND SEALED
IN OPEN COUNCIL THIS DAY OF 2025.**

MAYOR:

CLERK:
