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## Private Property Drainage Policy

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Department: **Council**  
Adopted: **April 12, 2005**

Policy No: **1.002**

### 1. Purpose

- 1.1. To set out the policies of the Town of Berwick with respect to the maintenance and alteration of stormwater systems on private property.

### 2. Objectives

- 2.1. The objectives of the Private Property Drainage Policy will be to:
  - a. define the role and responsibility between the Town and property owner for the proper drainage of private property;
  - b. identify the ownership of the parts of the Town's stormwater drainage system that are on private property; and
  - c. determine who is responsible for the payment of costs associated with maintenance, upgrades or expansion of existing stormwater drainage systems on private property.

### 3. Policy

- 3.1. The Town owns and maintains a stormwater drainage system which was delineated in a study undertaken by AMEC Inc. in 2004. The management of stormwater from private property into the Town's system is a critical component of the overall system.

### 4. Water and Ice on Town Streets and Sidewalks

- 4.1. The accumulation of water and ice on Town streets and sidewalks poses a safety risk for both vehicular traffic and pedestrians. To mitigate this risk, it is the policy of the Town of Berwick that private property owners are responsible to control the discharge of stormwater onto the street or sidewalk where the discharge is causing water and/or ice problems in the public street and/or sidewalk right-of-way.

- 4.2. If a property owner wishes to connect to catch basin which is part of the Town's stormwater management system to control the discharge of stormwater from their property, it is the policy of the Town of Berwick that a waiver be signed by the property owner to prevent claims against the Town of Berwick related to damage from failure of the catch basin/stormwater system.

## **5. Maintenance and Alteration of Stormwater Systems on Private Property**

- 5.1. Parts of the Town's stormwater management system are on private property. To ensure these parts of the system are properly maintained the Town has adopted and administers the Lot Grading and Drainage By-law to regulate the maintenance and alteration of the stormwater systems on private property, and that the Town's permitting system incorporates the requirements set out in this by-law.

## **6. Ownership of Systems on Private Property**

- 6.1. The Town's stormwater management system utilizes lands which are privately owned. It is important that the Town be able to access, inspect, maintain, repair and eventually replace these systems, not to mention address issues of potential liability. It is the policy of the Town of Berwick that the Town will accept ownership of stormwater systems on private property if the following conditions are satisfied:
  - a. that the system is utilized to drain stormwater from a system of the Town's and/or that it forms part of a trunk storm sewer system as identified in the 2004 AMEC Study;
  - b. that it can be shown that the system is constructed to the Town's standards;
  - c. that an easement can be provided in a form acceptable to the Town; and
  - d. that by accepting the system, the Town is not unduly exposing itself to liability or to unreasonable costs associated with the inspection, maintenance, repair or replacement.

## **7. Drainage Complaints ~ Advice to Property Owners**

- 7.1. When complaints about stormwater drainage or flooding are received by the Town from concerned private property owners it is the policy of the Town of Berwick to do a site visit and investigate the nature of the problem and what, if any, responsibility rests with the Town for resolution.
- 7.2. Where the Town does have some responsibility, appropriate action will be taken. If the action is maintenance related, the problem will be addressed at the earliest opportunity by the Public Works staff. If a new system or existing system upgrade is required, the resolution of the problem will be considered as part of the Town's annual capital budget process, sooner if sufficient funding is available or immediate action is required to mitigate more serious problems.
- 7.3. Where the Town does not have direct responsibility and the solution is obvious, the Town will provide advice that is general in nature. Where the solution is not obvious, the Town will

recommend the property owner contact persons with the knowledge and expertise to provide a solution.

- 7.4. It is the policy of the Town of Berwick that no advice be given for alteration, upgrade or change to a natural waterway. Rather property owners will be encouraged to contact the provincial Department of Environment and/or a professional engineer.

## 8. Cost Sharing to Resolve Drainage Problems on Private Property

- 8.1. The following criteria and cost-sharing percentages are proposed for resolving drainage problems on private property:
  - a. Stormwater drainage system is part of the Town’s overall stormwater drainage system as delineated in the 2004 AMEC Study and requires upgrade or expansion ~ Town pays 100% (including any costs to restore property to its pre-construction condition)
  - b. Stormwater drainage system is part of the Town’s overall stormwater drainage system and is functioning properly but private property owner wants system altered or upgraded for their purposes ~ Property owner pays 100%
  - c. Stormwater drainage system is part of the Town’s overall stormwater drainage system and requires upgrade or expansion and private property owners wants further enhancements that benefit their property only ~ Town pays 100% for base upgrade or expansion (including any costs to restore property to its pre-construction condition) and Property owner pays additional enhancement costs that benefits him/her only.
  - d. Stormwater drainage system is not part of Town’s overall stormwater drainage system and requires upgrade or expansion ~ Property owner pays 100%.

<b>Revision Dates:</b>	April 12, 2005 May 2, 2012
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