



### EAVESTROUGH AND DOWNPIPE REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 5<sup>th</sup> day of February, 2014 and to come into effect as of the 5<sup>th</sup> day of February, 2014.

A copy of these Regulations was sent to the Minister of Municipal and Intergovernmental Affairs on the 10<sup>th</sup> day of February, 2014.

*Claude Elliott*  
MAYOR

*[Signature]*  
TOWN CLERK

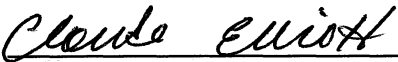
Town of Gander Eavestrough and Downpipe Regulations

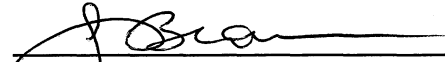
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**PUBLISHED BY AUTHORITY**

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL-Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Eavestrough and Downpipe Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal and Intergovernmental Affairs on the 10<sup>th</sup> day of February, 2014

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
TOWN CLERK

**EAVESTROUGH AND DOWNPIPE REGULATIONS**

**1. Title**

The Regulations may be cited as the Town of Gander Eavestrough and Downpipe Regulations.

**2. Definitions**

- a) "Act" means Municipalities Act, 1999 SNL-Chapter M-24 as amended;
- b) "Approved" means approved by the Director;
- c) "Council" means the Town Council of the Town of Gander;
- d) "Householder" means the owner, occupant, lessee, tenant or the person in charge of a dwelling, mobile home, hotel, restaurant, apartment block, office building, public institution or other building;
- e) "Nuisance" means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things, that in the opinion of Council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property;

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- f) "Town" means the Town of Gander as defined in paragraph 2 of the order-in-council dated the 16<sup>th</sup> day of December, 1958, A.D.;
- g) "Eavestrough" means a channel or trough attached to or incorporated into the fascia or roof of a building which collects rain water shed by the roof;
- h) "Diversion" means a pipe, channel or splash pad used to direct the downpipe water away from the building foundation;
- i) "Building" means homes, sheds, garages, commercial buildings and all other structures, exceeding 15m<sup>2</sup> with a roof system;
- j) "Drain Work" includes the laying of metallic or non-metallic pipe into trenches not within a building to form sanitary or storm sewers, storm drainage piping, private sewers, or water mains on private property, repairing of drains or removing of tree roots or other obstructions from sewers;
- k) "Inspector" means a person appointed or authorized by the Town, to carry out inspections and perform the other duties prescribed in this Regulation;
- l) "Municipal Storm Drainage Facility" means a system provided by the Town for the collection of storm water run-off from public lands and private lands and includes storm drainage piping, appurtenances, ditches, water courses and ponds;
- m) "Roof Water Downpipe" means a vertical conductor installed outside a building to receive storm water from a roof of a building and discharge it onto the surface of the ground;
- n) "Storm Water" means water that is discharged from a surface as a result of rainfall, snow melt, or snowfall;
- o) "Police Officer" means a member of the Royal Canadian Mounted Police or a Municipal Enforcement Officer of the Town of Gander;
- p) "Enforcement Authority" means Council or its authorized administrator.
- q) "Director" means the Director of Municipal Works & Services or his designate.

### 3. Application

- a) Buildings are not required to have eavestrough and downpipes however, any building with an eavestrough system shall have downpipes installed according to this regulation;
- b) The storm water runoff from the roof areas of every building eavestrough shall:

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- i. Be collected in suitable eavestroughs and discharged through Roof Water Downpipes onto the surface of the ground;
  - ii. Be directed overland away from the building at a minimum grade of one and one-half percent (1½ %); and
  - iii. Be directed so that it does not flow onto adjoining property other than a road allowance except as provided for by an approved drainage plan pursuant to a Subdivision Agreement or other drainage plan approved by the Town.
- c) Every Roof Water Downpipe shall be firmly attached to an eavestrough or roof gutter and shall be secured to the building;
- d) Where a Roof Downpipe discharges onto the surface of the ground, each downpipe shall be equipped with an elbow at the bottom end of the downpipe, that:
  - i. Directs the roof water onto a suitable splash pad, to prevent soil erosion; or
  - ii. Incorporates a minimum 450mm extension, firmly secured, to direct water away from the building to prevent soil erosion.
- e) Notwithstanding anything contained in these Regulations, the Director may at any time order the owner to repair or redirect eavestrough and associated downpipe and diversions;

#### **4. General Information**

Roof water downpipes are prohibited from having a direct or indirect connection to the building storm or sanitary sewer system.

#### **5. Enforcement**

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;

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- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 5 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- g) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
- h) It shall be the duty of a Police Officer or the Enforcement Authority to:
  - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
  - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
  - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
  - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

### **6. Failure to Comply**

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 5 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;

- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

**7. Offence and Penalties**

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
  - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
  - ii. May be subject to an order under section 404 (1) of the Act; or
  - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
  - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

**8. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

**9. Repeal**

All previous Eavestrough and Downpipe Regulations thereto, are hereby repealed.