

CITY OF COLD LAKE
BYLAW 788-UT-23
DRAINAGE BYLAW

A BYLAW TO AMEND BYLAW 633-UT-18, THE CITY OF COLD LAKE DRAINAGE BYLAW, TO IMPLMENT DRAINAGE UTILITY FEE

THE RED TEXTS ARE THE NEW ADDITIONS / INCLUTIONS / EDITS (Section Numbers) IN THE EXISTING BYLAW:

WHEREAS section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, authorizes Council to pass bylaws for municipal purposes respecting the safety, health and welfare of people, the protection of people and property, nuisances, public utilities and services, and the enforcement of the bylaw;

WHEREAS the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, authorize a municipality to pass Bylaws for municipal purposes respecting licenses, permits or approvals;

WHEREAS Council passed Bylaw No. 633-UT-18, being a bylaw of the city of Cold Lake in the province of Alberta for the purpose of regulating Storm Drainage and the Storm Drainage System.

WHEREAS Council wishes to amend Bylaw No. 633-UT-18 to implement Drainage Utility Fee

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 - TITLE

This Bylaw may be cited as the "Drainage Bylaw".

SECTION 2 – DEFINITIONS

In this Bylaw,

- 2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended;
- 2.2 "Adverse Effect" means impairment of or damage to, or the ability to cause in lpairment of or damage to:
 - 2.1.1 the Storm Drainage System;
 - 2.1.2 human health or safety;
 - 2.1.3 Premises; or
 - 2.1.4 the environment.
- 2.3 “Area of Property” means the total area of a lot, accepted for use as the official reference under Land Use Bylaw 766-LU-23. It is expressed in units of square meter or m²;

- 2.4 "Animal Waste" means all forms of waste from animals or the treatment of animals, and includes but is not limited to, animal feces, animal organs and animal carcasses or parts;
- 2.5 "Base Rate" means the normalized rate per unit area of a lot. The base rate is not the total fee applied to a lot but is used to arrive at the total fee;
- 2.6 "Biomedical Waste" means medical waste that requires proper handling and disposal because of environmental, aesthetic, health or safety concerns and includes, but is not limited to:
- 2.6.1 human anatomical waste;
 - 2.6.2 infectious human waste;
 - 2.6.3 infectious animal waste;
 - 2.6.4 microbiological waste;
 - 2.6.5 blood and body fluid waste; and
 - 2.6.6 medical sharps, such as needles, syringes, blades or other clinical or laboratory materials capable of causing puncture or cuts.
- 2.7 Bylaw" means a City bylaw, and includes any amendments thereto;
- 2.8 "City" means the municipal corporation of the City of Cold Lake, or the geographical area falling within the corporate limits of the City of Cold Lake as the context requires;
- 2.9 "CAO" means the Chief Administrative Officer of the City of Cold Lake;
- 2.10 "CAO Designate" means the person designated by the CAO to act on his behalf;
- 2.11 "Connection" means a pipe or conduit installed between a Premises and the Storm Drainage System for the purpose of draining Storm Drainage from the Premises;
- 2.12 "Council" means the Council of the City of Cold Lake;
- 2.13 "Decorative Pond" means an artificial body of water for ornamental purposes but does not include fish ponds;
- 2.14 "Ditch" means a narrow channel dug in the ground typically used for drainage along the side of a road or the edge of a field;
- 2.15 "Development Intensity Factor" is a measure of the portion of lot being designated for its intended development;
- 2.16 "Emergency" means a situation in which there is imminent danger to public safety or of serious harm to property;
- 2.17 "Foundation Drainage" means the process of directing Water away from a building foundation or collecting Water beneath the surface of the ground involving a foundation

drainage or weeping tile system, or weeping tile which is part of a retaining wall drainage system;

- 2.18 "General Medical Waste" means non-hazardous medical waste and includes, but is not limited to, soiled dressings, sponges, surgery drapes, lavage tubes, casts, catheters, disposable pads, disposable gloves, specimen containers, lab coats and aprons, tubings, filters, towels, disposable sheets, but excludes Biomedical Waste;
- 2.19 "Hazardous Substance" means a Substance that is either a hazardous substance or a hazardous waste, or has the properties of hazardous waste, as described in the *Environmental Protection and Enhancement Act*, R.S.A 2000, Chapter E-12, as amended or any act passed in replacement of it;
- 2.20 "Highway" means the same as defined in the *Traffic Safety Act* R.S.A. 2000 Chapter T-6, as amended;
- 2.21 "Industrial Waste" means waste generated by commercial or industrial activities that present health, safety or environmental concerns, and includes, but is not limited to, lime, sulfur, asbestos, contaminated soils, empty chemical containers and drums, carbon acids, caustics, sludge, and industrial sump water, but excludes Hazardous Substance and Biomedical Waste;
- 2.22 "Interceptor" means a treatment system or device, approved by the City that is designed to remove Substances or contaminants from Surface Drainage or Water before passing into the Storm Drainage System;
- 2.23 "Invasive Species Fish" means all fish listed in Schedule to *Fisheries (Alberta) Act*, R.S.A. 2000 list of invasive Species Fish;
- 2.24 "Lot Grading Plan" means a drainage plan prepared in accordance with the City's Municipal Engineering Standards and accepted for use as the official reference for grading approval;
- 2.25 "Maximum Lot Coverage Percentage" means the percentage area of the lot which can be used for its intended purpose and accepted for use as the official reference under Land Use Bylaw 766-LU-23;
- 2.26 "Negative Drainage" means the continuous downward slope from the property line to the elevation of finished ground surface at any point immediately adjacent to the building on all sides of the Parcel;
- 2.27 "Officer" means Peace Officer, a Bylaw Officer, a member of the RCMP, CAO, or any person appointed by the CAO to act on behalf of the City, to enforce this Bylaw;
- 2.28 "Order" means an order issued by an Officer to an Owner of a property requiring them to rectify an issue, and is outlined in Section 16 of this Bylaw;

- 2.29 "Owner" means:
- 2.29.1 the Person or corporation who is registered under the *Land Titles Act* as the Owner of the land;
 - 2.29.2 a Person or corporation registered as the Owner on the City's tax roll; and
 - 2.29.3 in respect to any property other than and, the actual Owner, occupant, operator or Person in lawful possession of the property;
- 2.30 "Parcel" means the aggregate of one (1) or more areas of land described in a certificate of title by reference to a plan filed or registered in a Land Titles Office;
- 2.31 "Person" means any individual, or any business entity including, but not limited to a firm, partnership, association, corporation, society or legal entity and includes their heirs, executors, administrators or legal representative of a Person;
- 2.32 "Positive Drainage" means a condition where the finished grade or clay surface of a property is sloped away from all structures, and directs water to a similarly sloped drainage swale or a storm sewer collection system;
- 2.33 "Premises" includes lands and buildings or both, or part thereof;
- 2.34 "Private Storm Drainage System" means a Storm Drainage System that is privately owned;
- 2.35 "Prohibited Material "means any Substance that may, directly or indirectly, obstruct the flow of Water within the Storm Drainage System or may have an Adverse Effect and includes, but is not limited to:
- 2.35.1 soil, sediment, waste or other solid matter;
 - 2.35.2 fecal matter, Animal Waste, dead animals or animal parts;
 - 2.35.3 cooking oils and greases;
 - 2.35.4 gasoline, motor oil, transmission fluid and antifreeze;
 - 2.35.5 solvents;
 - 2.35.6 paint;
 - 2.35.7 cement or concrete wastes;
 - 2.35.8 sawdust, wood, fiberboard or construction material;
 - 2.35.9 Yard Waste;
 - 2.35.10 pesticides, herbicides, or fertilizers;
 - 2.35.11 Biomedical Waste or General Medical Waste;
 - 2.35.12 Hazardous Substances;
 - 2.35.13 Industrial Waste;
 - 2.35.14 soaps or detergents;
 - 2.35.15 any Substance or combination of Substances that emits an odour; and
 - 2.35.16 Aquatic Invasive Species.

- 2.36 "Provincial Offences Procedures Act" means the *Provincial Offences Act*, R.S.A. 2000, Chapter P-34, as amended or any act passed in replacement of it;
- 2.37 "Public Land" means any property owned, controlled, or maintained by the City, including the following:
- 2.37.1 parkland;
 - 2.37.2 Public Roadway;
 - 2.37.3 public utility lot (PUL), utility lot, or walkway;
 - 2.37.4 any undesignated lot;
- 2.38 "Release" has the same meaning of "release" as defined in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, Chapter E-12, as amended or any act passed in replacement of it;
- 2.39 "Reserve" means municipal, school, municipal/school or environmental reserve that has been dedicated in accordance with the *Municipal Government Act*, R.S.A. 2000, Chapter M-26;
- 2.40 "Roof Drainage" means gutters, downspouts, leaders, splash blocks and similar components used to carry Water off a roof and away from a building;
- 2.41 "Side Yard" means a yard extending across the length of the parcel from the side property boundary of the parcel to the side wall of the main building situated on the parcel;
- 2.42 "Surface Drainage" means surface run-off water that is the result of rainfall and other natural precipitation or from the melting of snow or ice and includes Storm Drainage and Foundation Drainage;
- 2.43 "Storm Drainage" means the removal or conveyance of water, including Foundation Drainage and Surface Drainage;
- 2.44 "Storm Drainage System" means the system for collecting, transmitting, storing, treating, and disposing of Storm Drainage and Foundation Drainage and includes:
- 2.44.1 the catch basins, sewers, and pumping stations that make up the storm drainage collection system;
 - 2.44.2 the Storm Water Management Facilities and/or structures used for storage and management and treatment to buffer the effects of runoff or improve the quality of the storm water
 - 2.44.3 the sewers and pumping stations that transport Surface Drainage to the location where it is treated and disposed of;

- 2.44.4 the storm drainage outfall structures;
 - 2.44.5 a grass or landscaped Swale;
 - 2.44.6 a concrete or asphalt walkway, gutter or Swale;
 - 2.44.7 a ditch: a culvert; a catch basin; a drainage control fence or structure; and
 - 2.44.8 the sloping and the contouring of land to facilitate or control Storm Drainage;
 - 2.44.9 but does not include the plumbing or service connections in buildings;
- 2.45 "Storm Water Management Facilities" is an engineered structure constructed to gather Surface Drainage designed to hold back water in order to release it at a controlled rate and includes:
- 2.45.1 wet ponds;
 - 2.45.2 dry ponds;
 - 2.45.3 energy dissipation systems;
 - 2.45.4 surface storage areas;
 - 2.45.5 wetlands;
 - 2.45.6 detention/retention channels;
 - 2.45.7 oversized pipes; and
 - 2.45.8 oil/grit separators.
- 2.46 "Stormwater Management Plan" means a plan or systematic approach through implementation of systems to mitigate and control the impacts of man-made changes to the runoff and other components of the hydrologic cycle;
- 2.47 "Stormwater Utility Credit" means a program for qualifying customers to receive a credit on their monthly stormwater utility bill;
- 2.48 "Stormwater Utility Monthly Fee" means the monthly fee charged to a property for stormwater utility system services;
- 2.49 "Street" means Highway as defined in 2.20 of this Bylaw herein;
- 2.50 "Substance" has the meaning of "substance" as defined by the *Environmental and Protection and Enhancement Act*, R.S.A. 2000, Chapter E-12, as amended or any act passed in replacement of it;
- 2.51 "Swale" means a shallow sloped channel for the conveyance of Surface Drainage;
- 2.52 "Utility Bill" means a billing statement for utilities provided by the City;
- 2.53 "Utility Right of Way" means a utility right of way granted pursuant to the Land Titles Act;
- 2.54 "Violation Tag, Municipal" means a tag or similar document issued by the City pursuant to the *Municipal Government Act*, R.S.A 2000, as amended;

- 2.55 "Violation Ticket, Provincial" has the same meaning as "violation ticket" in the *Provincial Offences Act*, R.S.A. 2000, as amended;
- 2.56 "Water" means all water in any form on or under the surface of the ground excluding greywater or blackwater forming wastewater;
- 2.57 "Yard Waste" means waste from gardening or horticultural activities and includes but is not limited to grass clippings, leaves, brush, house and garden plants, shrubs, trees and branches, soil, sod and any other similar materials.

SECTION 3 - AUTHORITY AND RESPONSIBILITY

- 3.1 Council hereby delegates to the CAO the authority and responsibility to:
- 3.1.1 manage the Surface Drainage, Storm Drainage and Storm Drainage System in accordance with:
 - 3.1.1.1 this Bylaw;
 - 3.1.1.2 the Cold Lake Engineering Standards and Construction Specifications;
 - 3.1.1.3 the Council approved budget;
 - 3.1.1.4 any policies adopted by Council;
 - 3.1.1.5 any applicable provincial or federal laws.
 - 3.1.2 establish any conditions or requirement of an approval or permit to Release Water to the Storm Drainage System, including but not limited to:
 - 3.1.2.1 testing, monitoring or reporting requirements;
 - 3.1.2.2 equipment or equipment maintenance or inspection requirements;
 - 3.1.2.3 filtration, settling or other treatment requirements.
 - 3.1.3 order the testing of any Release to the Storm Drainage System;
 - 3.1.4 establish fees for approvals or permits;
 - 3.1.5 require the Owner of a Parcel to submit a plan setting out how Releases from the Parcel will not cause an Adverse Effect;
 - 3.1.6 impose conditions upon the Person of a Parcel to prevent Releases from the Parcel from causing an Adverse Effect;
 - 3.1.7 establish rates, volumes, locations or other conditions for Releases including but not limited to:
 - 3.1.7.1 overland flows to the Public Lands, including a Reserve;
 - 3.1.7.2 releases into a Storm Drainage System; and

- 3.1.7.3 releases into a Street;
- 3.1.8 establish and enforce guidelines, policy and/or procedures consistent with this Bylaw pertaining to Storm Drainage;
- 3.1.9 grant approvals and permissions as set out in this Bylaw;
- 3.1.10 publish information pertaining to Storm Drainage for persons to understand, and comply with this Bylaw;
- 3.2 The CAO is hereby expressly authorized to make decisions and to establish and enforce such procedures, guidelines and policy as the CAO may deem necessary for the management and control of Storm Drainage, including the authority to delegate any of the duties or responsibilities to one or more employees of the City of Cold Lake, as required.

SECTION 4 - GENERAL APPLICATION AND COMPLIANCE

- 4.1 This Bylaw applies to Surface Drainage, Storm Drainage and the Storm Drainage System.
- 4.2 Nothing in this Bylaw shall relieve any Owner of a Parcel from complying with:
 - 4.2.1 Any federal, provincial, municipal law, regulation or bylaw or any lawful permit, order or license;
 - 4.2.2 A registration on the certificate of title in which the City has an interest, including encumbrances designed to protect: in which the
 - 4.2.2.1 a Storm Drainage System;
 - 4.2.2.2 the overflow area of a Storm Drainage System;
 - 4.2.2.3 the stability of a slope; or
 - 4.2.2.4 any other required Storm Drainage feature.
- 4.3 A Person to whom a written approval or requirement has been issued pursuant to this Bylaw shall ensure every provision, condition or requirement is complied with.
- 4.4 Every Person who relies on a written approval pursuant to this Bylaw has the onus of proving they were the holder of a valid and subsisting approval.
- 4.5 A written approval or an agreement made pursuant to this Bylaw must be available for inspection upon request.
- 4.6 Each provision of this bylaw is deemed independent of all other provisions. If a provision is declared invalid, all other provisions shall remain valid and enforceable. If a court of competent jurisdiction declares any portion of this Bylaw to be illegal or unenforceable, that portion of the Bylaw will be considered to be severed from the rest of the Bylaw, which will continue to operate in full force.

SECTION 5- USE AND RE-USE OF DRAINAGE

- 5.1 The approval of the City is not required for the use of Surface Drainage, Roof Drainage or Foundation Drainage captured for outdoor use or application. Anything beyond outdoor use or application requires written City approval.

SECTION 6- RELEASE

- 6.1 Except where permitted by Section 6.2, no Person shall Release or allow to be Released into the Storm Drainage System:

- 6.1.1 Any Prohibited Material;
- 6.1.2 Any water that has been impounded either passively or actively;
- 6.1.3 Any Release that could cause an Adverse Effect;
- 6.1.4 Any residue from an Interceptor.

- 6.2 As long as no Adverse Effect could be caused, the following may be Released into the Storm Drainage System:

- 6.2.1 Foundation Drainage;
- 6.2.2 Water from a hot tub or portable swimming pool, Decorative Pond or fountain having a capacity of three (3) cubic meters or three thousand (3000) liters or less provided they are dechlorinated and released on the lawn of a private property at a controlled rate;
- 6.2.3 Subject to restrictions from the Water Service Bylaw, Water resulting from:
 - 6.2.3.1 irrigating or otherwise watering a lawn, garden and trees or other landscaping; or
 - 6.2.3.2 washing of a single-family or semi-detached home, vehicle with potable Water; and
 - 6.2.3.3 extinguishing fires;
- 6.2.4 materials used for ice and snow control;
- 6.2.5 Water in accordance with a permit or written approval from the City.

- 6.3 Any Person who Releases, or causes, or allows to be Released, any Prohibited Material into the Storm Drainage System in contravention of this Bylaw must take all reasonable measures to:

- 6.3.1 Notify each of the following:
 - 6.3.1.1 Emergency personnel by contacting 9-1-1 if there is any damage or immediate danger to human health, safety or property;

- 6.3.1.2 City if there is damage or immediate danger to the environment or Storm Drainage System;
 - 6.3.1.3 Owner(s) of the Premises where the Release occurred and;
 - 6.3.1.4 Any other Person that may be affected by the Release.
- 6.3.2 Mitigate the Release, including but not limited to, taking measures to prevent the obstruction of the Storm Drainage System or measures to prevent an Adverse Effect; and
- 6.3.3 Cover and clearly mark all hoses used to direct Water to the Storm Drainage System to protect the public from injury.

SECTION 7- DIRECTING DRAINAGE

- 7.1 Except in an Emergency, no Person shall direct, pump or Release impounded Water to the Storm Drainage System, Public Land, or Reserve without written consent.
- 7.2 No Person shall direct Surface Drainage to:
- 7.2.1 environmentally sensitive areas or watercourses without written consent of the City;
 - 7.2.2 locations where erosion would occur;
 - 7.2.3 locations where the flow of Water or accumulation of Water would Adversely Effect, or have the potential to Adversely Effect, the stability of a slope or the top of bank;
 - 7.2.4 a location or in such a way, that it could cause, or have the potential to cause, a nuisance, hazard, damage or Adverse Effect, as determined by the City.
- 7.3 Unless authorized to do otherwise by the City in writing, an Owner and/ or occupier of a Parcel shall direct rainwater downspouts and/or eaves trough and or sump pumps:
- 7.3.1 to the front of the Parcel;
 - 7.3.2 to the rear of the Parcel, for properties with split drainage only;
 - 7.3.3 to a Swale or sloping and contour of land to facilitate or control Storm Drainage located in the Side Yard;
 - 7.3.4 as directed by the approved Lot Grading Plan.
- 7.4 No Person shall allow downspouts, eavestroughing, sump discharge piping, surface drains or other means of directing Surface Drainage on a Parcel to terminate within three (3) meters of:
- 7.4.1 the back property line;
 - 7.4.2 the back of a public sidewalk;

- 7.4.3 a lane or alley; or
- 7.4.4 in the case of a Utility Right of Way containing a Storm Drainage System (swale, catch basin, culvert) the means of directing Surface Drainage must terminate at least two (2) meters away from the URW, except where such Storm Drainage System (swale, catch basin, culvert) is located in a Side Yard then Section 7.3 and 7.5 should be referenced.

7.5 No Person shall permit Roof drainage, Foundation Drainage or a sump pump discharge pipe from a building to terminate:

- 7.5.1 or pass within fifteen (15) centimeters of an adjacent Parcel;
- 7.5.2 or pass within fifteen (15) centimeters of Public Land;
- 7.5.3 in an unconnected underground discharge;
- 7.5.4 in a location that does not have positive drainage away from the building(s) on the same property.

SECTION 8- RETENTIONS AND TREATMENT

8.1 The City may permanently or temporarily require the Owner or occupant of a Parcel to treat, impound, manage or otherwise retain Surface Drainage on such Parcel:

- 8.1.1 If Prohibited Materials are likely to directly or indirectly enter the Storm Drainage System from the Parcel;
- 8.1.2 If the Storm Drainage from the Parcel is likely to directly or indirectly cause erosion, damage or other Adverse Effect to the property adjacent or property owned or occupied by the City;
- 8.1.3 In order to control the volume and/ or ensure the water quality of Storm Drainage directly or indirectly entering the Storm Drainage System.

SECTION 9- INTERCEPTORS, DEVICES AND PRACTICES

9.1 The City may in its sole discretion direct an Interceptor, device or practice to be implemented on a Parcel.

9.2 Where the City has directed an Interceptor, device or practice to be implemented, the Owner and/ or occupier of the Parcel must:

- 9.2.1 implement the Interceptor, device or practice;
- 9.2.2 keep the Interceptor, device or practice in good working condition at all times;
- 9.2.3 service the Interceptor, device or practice often enough so that it does not become overloaded: and

- 9.2.4 keep a maintenance or inspection record and provide such maintenance or inspection record to the City upon request.

SECTION 10- INTERFERENCE

- 10.1 Any Person who owns or occupies a Parcel on which a Storm Drainage System (swale, catch basin, and culvert) is located must ensure that:

- 10.1.1 no building or other structure is constructed, erected, placed or allowed to remain on or over the Storm Drainage System (swale, catch basin, culvert), with the exception that a fence may be constructed over a swale, catch basin or culvert provided there is no obstruction to the free flow of the Surface Drainage and the fence meets the requirements of the City;
- 10.1.2 no shrubs or trees are planted, placed, or allowed to remain on or over the Storm Drainage System, unless authorized by the City; and
- 10.1.3 the Storm Drainage System (swale, catch basin, and culvert) remains clear of any obstruction to allow free flow of Surface Drainage within the Storm Drainage System.

- 10.2 No Person, unless authorized by the City, shall:

- 10.2.1 obstruct, restrict or prevent access to the Storm Drainage System; or flow of Surface Drainage into or within the Storm Drainage System;
- 10.2.2 alter, remove or change, either temporarily or permanently, any part of the Storm Drainage System;
- 10.2.3 make or create any part of a Storm Drainage System that connects to the Storm Drainage System;
- 10.2.4 enter any facility or structure that is part of the Storm Drainage System except for a Swale or a Ditch.

- 10.3 No Person shall hinder, interrupt, or cause to be hindered any employee of the City or its contractors, servants, agents or workers, in the exercise of powers or duties as authorized or required by this Bylaw.

SECTION 11-CONNECTIONS AND DISCONNECTIONS

- 11.1 A Person must make written applications to the City, and receive written approval by the City prior to:

- 11.1.1 making, altering or removing any Connections to the storm Drainage System;
- 11.1.2 permitting any Person to make, alter or remove any Connection to the Storm Drainage System;

- 11.1.3 re-using a Connection that has been disconnected, altered or removed.
- 11.2 The City may approve or not approve the application related to a Connection at its sole discretion upon such terms and conditions as the City considers necessary.
- 11.3 The Owner of a Parcel which was serviced by a Connection must immediately provide written notice to the City if the use of the Connection is discontinued.
- 11.4 A Person is required to report to the City any Connection or equipment located on a Premises that does not comply with the requirements of this Bylaw.
- 11.5 The City may, in addition to any remedy available, disconnect or seal off a Parcel from the Storm Drainage System or take such other action as necessary to prevent the Release of Surface Drainage, Foundation Drainage, Roof Drainage or Water from entering the Storm Drainage System, where the Release:
 - 11.5.1 contains Prohibited Material;
 - 11.5.2 interferes with or endangers the operation of the Storm Drainage System;
 - 11.5.3 creates an immediate danger to any Person; or
 - 11.5.4 may otherwise cause or result in an Adverse Effect until such time that evidence satisfactory to the City has been produced to assure that no further harmful Release will enter the Storm Drainage System.

SECTION 12- INSPECTION, ENFORCEMENT AND ORDER TO COMPLY

- 12.1 An Officer, bearing proper identification, may inspect, observe, measure, sample and test the Water, Foundation Drainage, Roof Drainage or Surface Drainage on any Parcel to determine compliance with this Bylaw.
- 12.2 In accordance with Section 542 of the *Act*, an Officer may enter any property to carry out the inspection, remedy, enforcement or action for this Bylaw;
- 12.3 No Person shall hinder, interrupt or cause to be hindered any employee, contractor, or agent of the City in the exercise of powers or duties authorized or required in this Bylaw.
- 12.4 Pursuant to Section 545 of the *Act*, if an Officer finds that a Person has contravened this Bylaw, the Officer may issue a written Order requiring the Person and/ or Owner of the Premises to:
 - 12.4.1 stop doing something, or change the way in which a Person does it;
 - 12.4.2 take action or measures necessary to remedy the contravention.
- 12.5 A written Order may include the following:
 - 12.5.1 state the address of the property in question;

- 12.5.2 state the name of the property Owner or Person in charge if the property;
 - 12.5.3 state that the property has contravened the Bylaw in some manner;
 - 12.5.4 direct a Person to take action or measures necessary to remedy the contravention of the Bylaw, including the removal of any items from the property;
 - 12.5.5 direct a Person to stop doing something, or change the way in which the Person does it;
 - 12.5.6 state a time within which the person must comply with the directions, providing a minimum of seven (7) days to a maximum of thirty (30) days to rectify the situation; and
 - 12.5.7 state that if a Person does not comply with the directions within the specified time, the City may take the necessary actions or measures at the expense of the Person and/ or Owner.
- 12.6 A written Order to comply may be issued to an Owner or Person or Corporation in the following manner:
- 12.6.1 by delivering it personally to the Person or Owner in charge of the property; or in the case of a corporation any director or officer of a corporation;
 - 12.6.2 by leaving it at the Owner's last known place of residence with a Person who appears to be at least eighteen (18) years of age, or in the case of a corporation delivering it personally to a Person apparently in charge if an office of the corporation at an address held out by the corporation to be its address;
 - 12.6.3 by mailing it regular or registered mail to the Owner's address listed on the City's tax roll, or on the Land Titles registry.
- 12.7 The City may provide written notice, at its sole discretion, to extend the timeframe for compliance of an Order if the contravener is taking reasonable steps to rectify the situation, and requires more time to comply.
- 12.8 Where an Order has been issued and a further similar non- compliant condition occurs within the same calendar year, no further Order is required before action may be taken by the City to remedy the condition.
- 12.9 Any Owner, Person or corporation that fails to abide by an Order is guilty of an offence.
- 12.10 Pursuant to Section 549 of the *Act*, the City may take whatever action or measures that are necessary to remedy a non-compliance condition where a Person has failed to comply with an Order.
- 12.11 Any materials removed from a Parcel by the City through any action or measure in accordance with this Bylaw shall be kept for thirty (30) days by the City, and the

Owner shall be notified of this. Should these materials go unclaimed after the thirty (30) days, the City shall dispose of them.

- 12.12 A Person who receives an Order may request Council review the Order by submitting a written request for review in person or by registered mail to City Hall within fourteen (14) days following receipt of the Order. The request to review must include the reason for the request.
- 12.13 After receiving the request for review, Council may decide in its sole discretion to:
 - 12.13.1 Not review the order;
 - 12.13.2 Review the Order; and
 - 12.13.2.1 uphold the Order as is;
 - 12.13.2.2 uphold and modify, add or delete terms of the Order; or
 - 12.13.2.3 quash the Order.
- 12.14 The decision of Council following review of the Order may be appealed by the Court of Queen 's Bench in accordance with Section 548 of the Act.

SECTION 13- RATES, CHARGES, FEES AND COSTS

- 13.1 The City may establish rates, charges or fees for any work done, service or material supplied for the construction, installation, Connection, disconnection or replacement of any part of the Storm Drainage System and/or any part of the Private Drainage System.
- 13.2 The City may establish rates, charges or fees for any work done, service or material supplied for cost recovery or as compensation to mitigate the effects of a Release where the Release:
 - 13.2.1 contains a Prohibited Material;
 - 13.2.2 creates ru1 immediate danger to any Person;
 - 13.2.3 interferes with or endangers the operation of the Storm Drainage System;
 - 13.2.4 may otherwise cause or result in an Adverse Effect.
- 13.3 The Owner or occupier of a Parcel is responsible for all costs associated with any of the following:
 - 13.3.1 installation, alteration, removal, and/or disconnection of any Connection;
 - 13.3.2 the implementation of any measures taken or required to be taken with respect to the Parcel, to meet the requirement of this Bylaw of to remediate, mitigate or prevent an Adverse Effect;
 - 13.3.3 dan1age or harm to the Storm Drainage System resulting from the Owner or the occupier's contravention of this Bylaw.

- 13.4 The City shall provide notice in writing to a Person and/ or the Owner advising of the total debt due and owing to the City. Pursuant to Section 553(1) (c) of the Act, the debt may be added to the property taxes if not paid in full within the thirty (30) days in accordance with the Act.

SECTION 14- STORMWATER UTILITY RATES

- 14.1 All new stormwater accounts must be established effective MM DD, 2023.
- 14.1.1 Upon passing of this Bylaw all new residential stormwater accounts will only be established in the name of the legally registered owners(s) of the property. Current tenant accounts will be maintained until the tenant vacates the property, at which time the account will revert to the legally registered property owner.
- 14.1.2 All non-residential accounts may be established by the occupant.
- 14.2 The stormwater rates to be charged by and that shall be payable to the City under the terms of this Bylaw for stormwater collection, quality enhancement and disposal to or made available for use by an owner or may be occupant if non-residential shall be those set forth in Schedule “B” to this Bylaw.
- 14.3 The Stormwater Utility Monthly Fee is calculated using the equation shown in Schedule “B”, Table 1;
- 14.3.1 the units and the meaning of variables in the equation are as defined in the definitions and in Schedule “B”, Table 2;
- 14.3.2 default values for development intensity factor used for stormwater utility monthly fee calculation as per Schedule “B” are shown in Schedule “C”;
- 14.3.3 the maximum lot coverage factor that relates to the ratio of impervious area of the lot to the total lot area and is used to calculate stormwater utility fees are tabulated in Schedule “C”;
- 14.3.4 the base rate shown in Schedule “B” Table 2 is subject to review every 3 years starting YYYY.
- 14.3.5 Zoning Districts which are not assigned a value or not listed for the Maximum Coverage Factor or a Development Intensity Factor in Schedule “C”, are dependent on the sole discretion of the City for assignment of a value as the City deems appropriate.
- 14.3.6 properties developed with lot coverages exceeding the coverages listed in Schedule “C” will have rates calculated as per the actual lot coverage.

SECTION 15- STORMWATER UTILITY CREDIT

- 15.1.2 The Stormwater Utility Credit is open to non-residential Property Owners that can demonstrate they contribute significantly less stormwater than other properties within their land zone class.
- 15.1 Properties eligible for a Stormwater Utility Credit will be evaluated by the City upon receipt of a completed application and fees as set out in Schedule “D” based on the eligibility criteria as set out herein and meeting terms and conditions as set out in Schedule “E”;
- 15.1.1 to be eligible, a Customer must be the owner of the property and demonstrate that they contribute significantly less stormwater discharge to City’s stormwater systems during rainfalls or snowmelts compared to standard contribution for similarly zoned properties;
- 15.3 Property Owners applying for a “Stormwater Utility Credit” must submit:
- 15.3.1 a completed application,
- 15.3.2 a non-refundable application fee as set out in Schedule “D” Table 3, and
- 15.3.3 an engineering report:
- 15.3.3.1 all engineering reports must be signed and sealed by an independent Professional Engineer registered to practice in Alberta, and are subject to approval by the City. The engineer must not be employed by, or affiliated with, the Customer.
- 15.3.3.2 the engineering report must identify the percent reduction being requested by the Customer, and a justification of this amount.
- 15.3.3.3 as a minimum, the engineering report must be updated and resubmitted every five (5) years to account for any change in stormwater discharge characteristics that may affect the amount of the credit.
- 15.4 if the application is approved by the City, the property owner must accept the Stormwater Utility Credit Terms and Conditions as set out in Schedule ‘E’.
- 15.5 a credit, in the form of a reduced development intensity factor will be applied to each subsequent monthly bill.

SECTION 16- RATE ADJUSTMENTS

- 16.1 Should the information upon which any stormwater utility charge proves to be in error, the City may estimate stormwater utility charges for the affected period and make appropriate billing adjustments.

SECTION 17- PAYMENTS

- 17.1 In default of payment of the rates set out in Schedules “B” to this Bylaw or any amount due and payable to the City for anything done, or any amounts payable, pursuant to this Bylaw, the City may enforce collection of such rates or payment by all or any of the following methods, namely:
- 17.1.1 by action in any court of competent jurisdiction; and/or
- 17.2 Where the owner or purchaser under agreement for sale, all sums payable pursuant to this Bylaw, including the rates set out in all schedules to this Bylaw, are a debt due and owing to the City and shall constitute a preferential lien and charge on the premises and may be levied and collected in a like manner as municipal rates and taxes are recoverable.
- 17.3 Utility accounts more than 90 days in arrears may be transferred to taxes in accordance with the *Municipal Government Act*.

SECTION 18-PENALTIES ON ACCOUNTS

- 18.1 For all utility accounts rendered after the coming into force of this Bylaw, where the City has rendered an account for the supply of a public utility on the use of same by any person or premises connected therewith pursuant to the provisions of this Bylaw and such account has not been paid by or on behalf of the party responsible for the payment therefor, by the due date for the billing period, then without limiting any other remedy available to the City, there shall be added to such account a late payment penalty of 3.5% thereon.
- 18.2 The property owner shall be assessed a penalty on the outstanding balance on all utility accounts not paid by the due date and subject to the same collection procedures as stated in this Bylaw.

SECTION 19- DEPOSITS

- 19.1 For all new accounts with the City, the following deposits shall be paid in accordance with Schedule “D” prior to receiving the utility service requested.
- 19.1.1 Residential Owner - A deposit for the establishment of a residential account where a customer has not previously established a satisfactory credit rating with the City for a consecutive period of 12 months at a rate set out in Schedule “D”, Table 1;

- 19.1.2 Non-residential owner - A deposit shall be required from all non-residential accounts where a customer has not previously established a satisfactory credit rating with the City for a consecutive period of 24 months at the rates established for the type of business, based on estimated consumption by comparing to other similar businesses in the City, as outlined in Schedule “D”, Table 2.
- 19.2 For all existing accounts where a deposit has presently been paid, these deposits will remain until refunded in accordance with this Bylaw, a new account is established for the residence or building or the account has been discontinued for non-payment of the account in accordance with Section 17 of this Bylaw.
- 19.3 A deposit is non-transferable from one customer to another except on written authority of the original depositor and upon full payment of the original depositor’s account.
- 19.4 Deposits may be refunded on individual accounts upon termination of service or after a residential customer has established a satisfactory payment record on all accounts over a consecutive period of 12 months and after 24 months for non-residential accounts. Deposits of customers with unsatisfactory payment records will be refunded when service is terminated, when upon termination all charges due to the City including penalties have been paid. Deposits will be applied to charges due to the City including penalties upon termination and the excess portion will be returned to the depositor.

SECTION 20- INTEREST ON UTILITY ACCOUNTS

- 20.1 Interest on deposits will be credited to the customer’s account annually as per rate paid by the City’s banking institution on December 31 of that year.
- 20.2 Interest on deposits shall commence upon passage of this Bylaw.

SECTION 21- SERVICE FEES

- 21.1 A service fee for a paper Utility Bill shall be in accordance with Schedule “D”

SECTION 22- OFFENCES, TICKETS, TAGS AND PENALTIES

- 22.1 Any Person or corporation is guilty of an offence if the Person or corporation:
- 22.1.1 contravene this Bylaw;
 - 22.1.2 willfully obstructs an Officer or assaults an Officer in the exercise or performance of their duties related to this Bylaw, with the intent to resist or prevent the lawful at Test or detainment of themselves or another person.
- 22.2 A Person who is guilty of an offence is liable, upon summary conviction, to a fine no more than \$10,000 and no less than:

- 22.2.1 the penalty established in Schedule "A" for a first-time offence of this Bylaw;
- 22.2.2 double the penalty in Schedule "A" for a second time offence within a calendar year;
- 22.2.3 triple the penalty in Schedule "A" for a third and any subsequent offence within a calendar year;

and/or imprisonment of no more than one (1) year.

- 22.3 A Municipal Violation Tag or Provincial Violation Ticket may be issued for an offence.
- 22.4 A Person receiving the Municipal Violation Tag may on or before thirty (30) days of the date issued:
 - 22.4.1 pay the fine amount to avoid prosecution of the offence;
 - 22.4.2 request that a Provincial Violation Ticket be issues in place to allow that Person to attend court with respect to the offence;
- 22.5 A Person receiving a Provincial Violation Ticket, where a voluntary fine amount is indicated on the ticket may:
 - 22.5.1 pay the voluntary fine amount by the date specified to avoid prosecution of the offence; or
 - 22.5.2 attend or have their agent attend, court on the required date indicated on the ticket and elect to enter a plea with respect to the offence.
- 22.6 The Person receiving a Provincial Violation Ticket, where there is no voluntary fine amount indicated, must appear in court.

SECTION 23- ENACTMENT

- 23.1 This Bylaw shall come into full force and effect immediately upon the date of its final passing;
- 23.2 Schedules "A", "B", "C", "D" and "E" shall form part of this Bylaw.

FIRST READING passed in open Council duly assembled in City of Cold Lake, in the Province of Alberta, this 23rd day of October, AD 2018, on motion by Councilor Lefebvre.

SECOND READING passed in open Council duly assembled in City of Cold Lake, in the Province of Alberta, this 13th day of November, AD 2018, on motion by Councilor Lefebvre.

THIRD READING passed in open Council duly assembled in City of Cold Lake, in the Province of Alberta, this 13111 day of November, AD 2018, on motion by Councilor Vining.

Executed this DD day of MM YYYY

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
SPECIFIED PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY
4	Fail to comply with easement, caveat, or restrictive covenant	\$200
4	Fail to comply with requirement or condition of approval or permit or agreement of City	\$500
4	Supply false or inaccurate information	\$500
4	Fail to produce approval	\$100
5	Unauthorized use of Storm Drainage	\$500
6	Release impounded Water	\$500
6	Release exceeding 3000L	\$75
6	Release without a permit	\$500
6	Release a Prohibited Material	\$500
6	Fail to notify of Release	\$75
6	Fail to mitigate prohibited Release	\$500
6	Fail to cover or clearly mark hoses	\$75
6	Deposit residue	\$500
7	Discharge of drainage that adversely affects the stability of adjacent slope(s)	\$500
7	Discharge of drainage that detrimentally affects an environmentally sensitive area or watercourse	\$500
7	Pump or direct Water from a Parcel	\$75
7	Allow termination within 3m or 2m of URW	\$75
8	Fail to treat, restrict, impound, manage or retain as required by the City	\$500
9	Fail to maintain Interceptor, device or practice	\$500
9	Fail to service Interceptor, device or practice	\$500
9	Fail to keep or provide record	\$75
10	Obstruct, remove, re-grade or alter a drainage swale or other drainage feature or facility without City approval	\$500
10	Allow structure on or over a Storm Drainage System	\$500
10	Fail to ensure Storm Drainage System remains clear of debris	\$500
10	Insufficient clearance over a Storm Drainage System	\$500
10	Restricting access to Storm Drainage System	\$500
10	Restricting Flow into or within Storm Drainage System	\$500
10	Altering, removing or changing Storm Drainage System	\$500
10	Make or create Storm Drainage System	\$500
10	Enter Storm Drainage System structure or facility	\$500
10	Culvert installation without obtaining approval from the City	\$500
10	Hindering authorized City employee	\$500
11	Unauthorized Connection to Storm Drainage System	\$500
11	Unauthorized re-use of Connection	\$500
11	Failure to notify City of discontinuation	\$75
12	Fail to comply with Order	\$250

END OF SCHEDULE "A"

SCHEDULE "B"
STORMWATER MONTHLY FEE CALCULATION EQUATION

Table 1- Equation	
<i>Stormwater Monthly Fee = Base Rate × A × C × I</i>	
Table 2- Definitions Variables and units to be used in Equation in Table 1	
Stormwater Monthly Fee	means the monthly fee charged to a property for stormwater utility system services;
Base Rate	means the normalized rate per unit area of a lot. The base rate is not the total fee applied to a lot but is used to arrive at the total fee as per Equation in Table 1 The monthly base rate per square meter (m ²) as of MM DD, YYYY is \$0.0099/month/m ² of parcel
A	Area of Property, means the total area of a lot, accepted for use as the official reference under Land Use Bylaw 766-LU-23 . It is expressed in units of square meter or m ²
C	Maximum Lot Coverage Percentage, means the percentage area of the lot which can be used for its intended purpose and accepted for use as the official reference under Land Use Bylaw 766-LU-23 Values of C for different Zoning Districts are available in Schedule "C"
I	Development Intensity Factor, is a measure of the portion of lot being used for its intended development. Values of I for different zoning District are available in Schedule "C"

END OF SCHEDULE "B"

SCHEDULE "C"

TABLE OF CITY OF COLD LAKE ZONING DISTRICT, PERMISSIBLE MAXIMUM LOT COVERAGES FACTOR & DEVELOPMENT INTENSITY FACTOR

Table of City of Cold Lake Zoning District, Permissible Maximum Lot Coverages & Development Intensity Factor			
Zoning District	Abbreviated Names	Maximum Coverage Factor, <i>C</i>	Development Intensity Factor, <i>I</i>
Residential Estate District	RE	0.35	1.0
Residential (Single Detached) District	R1A	0.45	1.0
Residential (Single Detached - Small Lot) District	R1B	0.45	1.0
Residential (Duplex) District	R2	0.45	1.0
Medium Density Residential District	R3	0.50	1.0
High Density Residential District	R4	0.60	1.0
Residential Mixed-Use District	RMX	0.60	1.0
Residential Manufactured Home District	RMH	0.40	1.0
Downtown Commercial District	C1	0.80	1.0
Arterial Commercial District	C2	0.80	1.0
Lakeshore Commercial District	LC	0.80	1.0
Beach District	BD	0.50	0
Business Industrial District	BI	0.60	1.0
General Industrial District	GI	0.60	1.0
Public Service District	PS	0.60	0
Imperial Park District	IP	0.20	0
Urban Reserve District	UR	0.40	0
Direct Control District	DC	0.45	1.0
Fontaine Village Direct Control District	DC-FV	0.45	1.0
Note: 1. Development Intensity Factor for lots/districts that do not have utilities are zero (0) 2. Lots with Development Intensity Factor of zero (0) are not subjected to stormwater monthly utility fees			

END OF SCHEDULE "C"

SCHEDULE "D"
SERVICE FEES

Table 3- Service Fees	Amount
Non-Residential Owner- Non-refundable Stormwater Utility Credit Application Fee	\$100.00

END OF SCHEDULE "D"

SCHEDULE "E"
STORMWATER UTILITY CREDIT TERMS AND CONDITIONS

- 1 The City has the sole discretion to determine whether the Property Owner has demonstrated a reduced runoff compared to that expected from similarly zoned properties;
- 2 The Stormwater Utility Credit is specific to a lot at a specific address and shall not be re-assigned;
- 3 Approved storm water utility credits reductions are subject to the following conditions as applicable:
 - 3.1 A credit is valid for a term of five (5) years, subject to Property Owner's re-application for a new credit or changes to a Property Owner's operation or processes that may affect the volume of water discharged to the sanitary sewer system;
 - 3.2 Stormwater utility credits are applied on a go-forward basis, following the final approval of the application. No retroactive credits will be applied;
- 4 The Property Owner will provide the City access to their premises and any on-lot stormwater management facilities at all reasonable times for the purpose of inspection of the applicant's property and drainage facilities, and verification of the information provided by the Property Owner;
- 5 The City may terminate the Stormwater Utility Credit in the following situations:
 - 5..1 On the expiry of the term;
 - 5..2 Immediately, where the Property Owner is in breach of any of the eligibility criteria or;
 - 5.3 Immediately, where there has been any change in the stormwater discharge characteristics of the property that would result in a change to the estimated Stormwater Utility Credit;
- 6 A Property Owner's eligibility for a Stormwater Utility Credit shall expire five (5) years after the date of approval of the applicant's Stormwater Utility Credit.

- 7 In order to continue in the Stormwater Utility Credit program, the Property Owner must provide the following information to the satisfaction of the City:
 - 7.1 Immediate notification of any change in the stormwater discharge characteristics of the property that might affect the credit amount (e.g. new development, change in grading, etc.);
 - 7.1.1 Failure to notify the City of any changes in the stormwater discharge characteristics of the property could result in the termination of the Stormwater Utility Credit.
 - 7.2 Any updated engineering reports that the City may require the Property Owner to submit;
 - 7.3 An application for a renewal of the Stormwater Utility Credit, supported by an updated Stormwater Management Plan, engineering report, to be submitted on or before the fifth (5) anniversary of the date of previous approval of stormwater utility credit to account for any changes in the stormwater discharge characteristics of the property or other factors that may have affected the credit amount previously made;
 - 7.3.1 Property Owner's will be provided a notice for re-application six (6) months prior to the fifth (5) anniversary of the date of approval.
 - 7.3.2 Failure to submit a re-application before the expiration date will result in the termination of the Stormwater Utility Credit.

END OF SCHEDULE "E"