

CITY OF COLD LAKE
BYLAW 788-UT-23
A BYLAW TO AMEND BYLAW NO. 633-UT-18 DRAINAGE BYLAW

**A BYLAW OF THE CITY OF COLD LAKE TO AMEND BYLAW No. 633-UT-18 TO
INCLUDE DRAINAGE UTILITY FEE**

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

1. This bylaw shall be cited as the " Amendment to Bylaw No. 633-UT-18, Drainage Bylaw".

SECTION 2 – AMENDMENTS

2. Bylaw No. 633-UT-18, Drainage Bylaw, is hereby amended by
 - 2.1 Inserting the following sections
 - 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;
 - 2.5 “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;
 - 2.15 “Development Intensity Factor” is a measure of the portion of lot being designated for its intended development;

- 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;
- 2.46 “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;
- 2.52 “Utility Bill” means a billing statement for utilities provided by the City;

2.2 Adding following sections

SECTION 14- STORMWATER UTILITY RATES

- 14.1 All new stormwater accounts must be established effective August 1, 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 August 1, 2023.
- 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 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.
- 15.2 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”;
 - 15.2.1 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

- 21.1.1 A service fee for a paper Utility Bill shall be in accordance with Schedule "D"
- 2.3 The following Schedules will be added to the bylaw No. 633-UT-18 with Schedule number as indicated;

**SCHEDULE "B"
STORMWATER MONTHLY FEE CALCULATION EQUATION**

Table 1- Equation
$\textit{Stormwater Monthly Fee} = \textit{Base Rate} \times A \times C \times I$
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 August 1, 2023 is \$0.0099/month/m ² of parcel
<i>A</i>	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
<i>C</i>	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 <i>C</i> for different Zoning Districts are available in Schedule “C”
<i>I</i>	Development Intensity Factor, is a measure of the portion of lot being used for its intended development. Values of <i>I</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
Paper Utility Bill	\$1.00/bill

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"

SECTION 3- ENACTMENT

3. This bylaw shall come into full force and effect at the beginning of the day that it receives third and final reading.

Schedules “B”, “C”, “D” and “E” shall form part of this Bylaw.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this _____ day of _____, 2023 A.D. on motion by Councillor_____.

CARRIED

UNANIMOUSLY

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this _____ day of _____, 2023 A.D. on motion by Councillor_____.

CARRIED

UNANIMOUSLY

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this _____ day of _____, 2023 A.D. on motion by Councillor_____.

CARRIED

UNANIMOUSLY

Executed this ___ day of _____, 2023

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER