

**CITY OF COLD LAKE
BYLAW 633-UT-18
DRAINAGE BYLAW**

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 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;

AND 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;

AND WHEREAS the City does not currently have a bylaw in place to regulate the storm system or storm drainage;

AND WHEREAS Council deems it desirable to regulate the storm system and storm drainage.

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 impairment 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 "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;
- 2.4 "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:
 - 2.4.1 human anatomical waste;
 - 2.4.2 infectious human waste;
 - 2.4.3 infectious animal waste;
 - 2.4.4 microbiological waste;
 - 2.4.5 blood and body fluid waste; and
 - 2.4.6 medical sharps, such as needles, syringes, blades or other clinical or laboratory materials capable of causing puncture or cuts.

- 2.5 "Bylaw" means a City bylaw, and includes any amendments thereto;
- 2.6 "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;
- 2.7 "CAO" means the Chief Administrative Officer of the City of Cold Lake;
- 2.8 "CAO Designate" means the person designated by the CAO to act on his behalf;
- 2.9 "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;
- 2.10 "Council" means the Council of the City of Cold Lake;
- 2.11 "Decorative Pond" means an artificial body of water for ornamental purposes but does not include fish ponds;
- 2.12 "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;
- 2.13 "Emergency" means a situation in which there is imminent danger to public safety or of serious harm to property;
- 2.14 "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;
- 2.15 "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;
- 2.16 "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;
- 2.17 "Highway" means the same as defined in the *Traffic Safety Act* R.S.A. 2000 Chapter T-6, as amended;
- 2.18 "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;
- 2.19 "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;
- 2.20 "Invasive Species Fish" means all fish listed in Schedule to *Fisheries (Alberta) Act*, R.S.A. 2000 list of Invasive Species Fish;

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- 2.21 “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;
- 2.22 “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;
- 2.23 “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;
- 2.24 “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;
- 2.25 “Owner” means:
- 2.25.1 the Person or corporation who is registered under the *Land Titles Act* as the Owner of the land;
 - 2.25.2 a Person or corporation registered as the Owner on the City’s tax roll; and
 - 2.25.3 in respect to any property other than land, the actual Owner, occupant, operator or Person in lawful possession of the property;
- 2.26 “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;
- 2.27 “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;
- 2.28 “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;
- 2.29 “Premises” includes lands and buildings or both, or part thereof;
- 2.30 “Private Storm Drainage System” means a Storm Drainage System that is privately owned;
- 2.31 “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:
- 2.31.1 soil, sediment, waste or other solid matter;
 - 2.31.2 fecal matter, Animal Waste, dead animals or animal parts;
 - 2.31.3 cooking oils and greases;
 - 2.31.4 gasoline, motor oil, transmission fluid and antifreeze;
 - 2.31.5 solvents;
 - 2.31.6 paint;
 - 2.31.7 cement or concrete wastes;
 - 2.31.8 sawdust, wood, fiberboard or construction material;
 - 2.31.9 Yard Waste;
 - 2.31.10 pesticides, herbicides, or fertilizers;
 - 2.31.11 Biomedical Waste or General Medical Waste;

- 2.31.12 Hazardous Substances;
 - 2.31.13 Industrial Waste;
 - 2.31.14 soaps or detergents;
 - 2.31.15 any Substance or combination of Substances that emits an odour; and
 - 2.31.16 Aquatic Invasive Species.
- 2.32 “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;
- 2.33 “Public Land” means any property owned, controlled, or maintained by the City, including the following:
- 2.33.1 parkland;
 - 2.33.2 Public Roadway;
 - 2.33.3 public utility lot (PUL), utility lot, or walkway;
 - 2.33.4 any undesignated lot;
- 2.34 “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;
- 2.35 “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;
- 2.36 “Roof Drainage” means gutters, downspouts, leaders, splash blocks and similar components used to carry Water off a roof and away from a building;
- 2.37 “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;
- 2.38 “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;
- 2.39 “Storm Drainage” means the removal or conveyance of water, including Foundation Drainage and Surface Drainage;
- 2.40 “Storm Drainage System” means the system for collecting, transmitting, storing, treating, and disposing of Storm Drainage and Foundation Drainage and includes:
- 2.40.1 the catch basins, sewers, and pumping stations that make up the storm drainage collection system;
 - 2.40.2 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
 - 2.40.3 the sewers and pumping stations that transport Surface Drainage to the location where it is treated and disposed of;
 - 2.40.4 the storm drainage outfall structures;
 - 2.40.5 a grass or landscaped Swale;
 - 2.40.6 a concrete or asphalt walkway, gutter or Swale;
 - 2.40.7 a ditch: a culvert; a catch basin; a drainage control fence or structure; and
 - 2.40.8 the sloping and the contouring of land to facilitate or control Storm Drainage;

- 2.40.9 but does not include the plumbing or service connections in buildings;
- 2.41 “ 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:
- 2.41.1 wet ponds;
 - 2.41.2 dry ponds;
 - 2.41.3 energy dissipation systems;
 - 2.41.4 surface storage areas;
 - 2.41.5 wetlands;
 - 2.41.6 detention/retention channels;
 - 2.41.7 oversized pipes; and
 - 2.41.8 oil/grit separators.
- 2.42 “Street” means Highway as defined in 2.17 of this Bylaw herein;
- 2.43 “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;
- 2.44 “Swale” means a shallow sloped channel for the conveyance of Surface Drainage;
- 2.45 “Utility Right of Way” means a utility right of way granted pursuant to the *Land Titles Act*;
- 2.46 “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;
- 2.47 “Violation Ticket, Provincial” has the same meaning as “violation ticket” in the *Provincial Offences Act* R.S.A. 2000, as amended;
- 2.48 “Water” means all water in any form on or under the surface of the ground excluding greywater or blackwater forming wastewater;
- 2.49 “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 of 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 of 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 material 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 an 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 damage 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- OFFENCES, TICKETS, TAGS AND PENALTIES

- 14.1 Any Person or corporation is guilty of an offence if the Person or corporation:
- 14.1.1 contravene this Bylaw;
 - 14.1.2 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 arrest or detainment of themselves or another person.

- 14.2 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:
- 14.2.1 the penalty established in Schedule "A" for a first time offence of this Bylaw;
 - 14.2.2 double the penalty in Schedule "A" for a second time offence within a calendar year;
 - 14.2.3 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.
- 14.3 A Municipal Violation Tag or Provincial Violation Ticket may be issued for an offence.
- 14.4 A Person receiving the Municipal Violation Tag may on or before thirty (30) days of the date issued:
- 14.4.1 pay the fine amount to avoid prosecution of the offence;
 - 14.4.2 request that a Provincial Violation Ticket be issues in place to allow that Person to attend court with respect to the offence;
- 14.5 A Person receiving a Provincial Violation Ticket, where a voluntary fine amount is indicated on the ticket may:
- 14.5.1 pay the voluntary fine amount by the date specified to avoid prosecution of the offence; or
 - 14.5.2 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.
- 14.6 The Person receiving a Provincial Violation Ticket, where there is no voluntary fine amount indicated, must appear in court.

SECTION 15- ENACTMENT

- 15.1 This Bylaw shall come into full force and effect immediately upon the date of its final passing;
- 15.2 Schedules "A" 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.

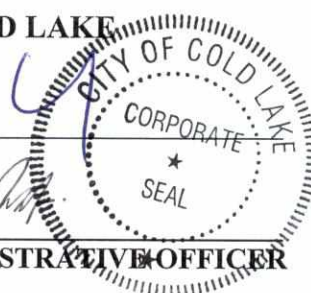
THIRD READING passed in open Council duly assembled in City of Cold Lake, in the Province of Alberta, this 13th day of November, AD 2018, on motion by Councilor Vining.

Executed this 13 day of November, 2018.

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 of 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"

cc
jad