CITY OF GRANDE PRAIRIE

BYLAW C-1241

A BYLAW TO REGULATE STORM SEWERS AND STORM DRAINAGE IN THE CITY OF GRANDE PRAIRIE

WHEREAS the *Municipal Government Act* authorizes a municipality to pass Bylaws respecting public utilities and services, the protection of property and the enforcement of Bylaws;

AND WHEREAS it is desirable to regulate storm sewers and storm drainage within the City of Grande Prairie;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRIRIE, IN THE PROVICNE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw shall be cited as the "Drainage Bylaw".

DEFINITIONS

- 2. In this Bylaw:
 - 2.1 "Animal Waste" means all forms of waste from animals or the treatment of animals, including, but not limited to, animal carcasses, parts and feces;
 - 2.2 "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:
 - a) human anatomical waste:
 - b) infectious human waste;
 - c) infectious animal waste;
 - d) microbiological waste;
 - e) blood and body fluid waste; and
 - f) medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;
 - 2.3 "City" means the municipal corporation of The City of Grande Prairie, and includes the geographical area within the boundaries of The City of Grande Prairie where the context so requires;
 - 2.4 "City Land" means any land owned or controlled by the City;
 - 2.5 "City Manager" means the Person designated by the City as the Chief Administrative Officer of the City or that Person's designate;
 - 2.6 "Connection" means a pipe or conduit installed between a Parcel and the Storm Drainage System for the purpose of draining Storm Drainage from the Parcel;

2.7 "*Decorative Pond*" means an artificial body of water for ornamental purposes but does not include fish ponds;

- 2.8 "Designated Officer" means a person appointed by the City as such pursuant to the Municipal Government Act;
- 2.9 "*Director*" means the City's Public Works Director or a person or persons designated to carry out and exercise all or some of the functions of the Public Works Director pursuant to this Bylaw;
- 2.10 "Foundation Drainage" means Water collected beneath the surface of the ground by a foundation drain or weeping tile;
- 2.11 "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 and disposable sheets, but excludes Biomedical Waste;
- 2.12 "Hazardous Waste" means waste that is generated from any Premises and has one or more hazardous properties as described in the *Environmental Protection and Enhancement Act (Alberta)* as amended or regulations thereunder;
- 2.13 "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, sulphur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump Water, but excludes Hazardous Waste and Biomedical Waste;
- 2.14 "Interceptor" means a receptacle approved by the Director, and designed to prevent oil, grit and other matter from passing from the source into the Storm Drainage System;
- 2.15 "Municipal Government Act" means the Municipal Government Act (Alberta), as amended;
- 2.16 "Negative Drainage" means, on a Parcel with a single detached, semi-detached or duplex dwelling, the continuous downward slope on all sides of the Parcel from the property line to the elevation of finished ground surface at any point immediately adjacent to the building on the Parcel;
- 2.17 "Negative Impact" means impairment of or damage to, or the ability to cause impairment of or damage to:
 - a) the Storm Drainage System;
 - b) human health or safety;
 - c) property; or
 - d) the environment;
- 2.18 "Officer" means any Bylaw Enforcement Officer of the City;

2.19 "*Parcel*" means the aggregate of one or more areas of land described in a certificate of title and includes all buildings and other improvements thereon;

- 2.20 "*Person*" means any individual, or any business entity including, but not limited to, a firm, partnership, association, corporation, society or legal entity;
- 2.21 "*Prohibited Material*" means any substance that may, directly or indirectly, obstruct the flow of Water within the Storm Drainage System or may have a Negative Impact, and includes, but is not limited to:
 - a) soil, sediment, waste or other solid matter;
 - b) fecal matter, animal waste, dead animals or animal parts;
 - c) cooking oils and greases;
 - d) gasoline, motor oil, transmission fluid, and antifreeze;
 - e) solvents;
 - f) paint;
 - g) cement or concrete wastes;
 - h) sawdust, wood, fibreboard or construction material;
 - i) yard waste;
 - j) pesticides, herbicides or fertilizers;
 - k) biomedical waste or general medical waste;
 - 1) hazardous waste;
 - m) industrial waste;
 - n) soaps or detergents;
 - o) water from hot tubs; and
 - p) any substance or combination of substances that emits an odour;
 - q) fish and other aquatic fauna and flora not authorized by the Director;
- 2.22 "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act (Alberta), as amended;
- 2.23 "Release" has the meaning given to that term by the Environmental Protection and Enhancement Act:
- 2.24 "Remedial Order" means a remedial order issued pursuant to Section 545 of the Municipal Government Act;
- 2.25 "Reserve" means a Parcel designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot, or a Parcel administered by the City as if it had such reserve designation;
- 2.26 "Sideyard" means that portion of a Parcel extending from the front yard to the rear yard and between the side property line of the Parcel and the closest side of the principal building;
- 2.27 "Storm Drainage" means runoff that is the result of rainfall and other natural precipitation or from the melting of snow or ice;

2.28 "Storm Drainage System" means the City's system for collecting, storing and disposing of Storm Drainage, and includes:

- a) the catch basins, sewers and pumping stations that make up the storm drainage collection system;
- b) the storm drainage facilities, structures or things used for storage, management and treatment to buffer the effects of the peak runoff or improve the quality of the storm water:
- c) the sewers and pumping stations that transport storm drainage to the location where it is treated or disposed of:
- d) the storm drainage outfall structures; and
- e) the Surface Drainage Facilities; but
- f) does not include plumbing or service connections in buildings;
- 2.29 "Street" means any thoroughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
 - a) a sidewalk (including the boulevard portion of the sidewalk);
 - b) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - c) if a street is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be; but
 - d) does not include a place declared by the Lieutenant Governor in Council not to be a street;
- 2.30 "Substance" has the meaning given to that term by the Environmental Protection and Enhancement Act;
- 2.31 "Surface Drainage Facility" means any facility or facilities associated with drainage or control of Storm Drainage that is ultimately directed to a Street or other City Land or Storm Drainage System, and includes, but is not limited to:
 - a) a grass swale:
 - b) a concrete or asphalt walkway, gutter or swale;
 - c) a drainage control fence or structure; or
 - d) the sloping and contouring of land to facilitate or control Storm Drainage;
- 2.32 "Water" means all water in any form on or under the surface of the ground;
- 2.33 "Yard Waste" means waste from gardening or horticultural activities and includes, but is not limited to, grass, leaves, plants, tree and hedge clippings, and sod.
- 3. Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 4. Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 5. Schedule "A" attached to this Bylaw shall form a part of this Bylaw.

COMPLIANCE WITH OTHER LAWS

6. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any lawful permit, order or licence.

RELEASES TO THE STORM DRAINAGE SYSTEM

7. **Prohibited**

- 7.1 No Person shall Release, or allow to be Released, any Prohibited Material into the Storm Drainage System, except as permitted in Subsection 7.3.
- 7.2 No Person shall Release, or allow to be Released, any Water into the Storm Drainage System that has been impounded either passively or actively, except as permitted in Subsection 7.3.

Permitted

- 7.3 The following may be Released into the Storm Drainage System:
 - a) foundation drainage;
 - b) water from a portable swimming pool, decorative pond or fountain, having a capacity of three (3) cubic meters (3000 litres) or less;
 - c) water from irrigating or otherwise watering a lawn, garden and trees or other landscaping; or
 - d) water from washing of single-family or semi-detached homes with potable water;
 - e) water resulting from extinguishing fires;
 - f) water in accordance with a permit or written approval from the Director; and
 - g) water in accordance with an approval pursuant to Section 12.

RELEASE OF PROHIBITED MATERIALS

- 8.1 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 immediately notify:
 - a) the 9-1-1 emergency telephone number if there is any damage or immediate danger to:
 - i) human health or safety;
 - ii) property;
 - iii) the environment; or
 - iv) the Storm Drainage System;
 - b) the owner of the Parcel where the Release occurred; and
 - c) any other Person that may be affected by the Release.
- 8.2 Any Person reporting a Release described in Subsection 8.1 must provide the following information:
 - a) the name and contact information of the Person reporting the Release;
 - b) the time and location of the Release;
 - c) the type of material Released and any known associated hazards;
 - d) the volume of material Released; and
 - e) any corrective action taken, or proposed to be taken, to control the Release.

8.3 The Director, may require the owner or Person responsible for a Release described in Subsection 8.1 to:

- a) compensate the City for any costs incurred by the City to mitigate the effects of the Release; and
- b) submit to the Director, a plan setting out how the risk of future similar Releases will be prevented or eliminated.
- 8.4 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 immediately take all reasonable measures to:
 - a) mitigate the Release, including but not limited to taking measures to prevent the obstruction of the Storm Drainage System or measures to prevent a Negative Impact; and
 - b) cover and clearly mark all hoses used to direct Water to the Storm Drainage System to protect the public from injury.

DIRECTING STORM DRAINAGE

- 9.1 Except where a Parcel has Negative Drainage, no Person shall allow downspouts, eavestroughing, piping, surface drains or other means of directing Storm Drainage on a Parcel to terminate within 2 metres of:
 - a) a Surface Drainage Facility, except where such Surface Drainage Facility is located in a Sideyard; or
 - b) a Reserve, a Street or other City Land.
- 9.2 No Person shall directly connect or allow direct connection of downspouts, eavestroughing, piping or other means of directing roof drainage to a foundation drain, weeping tile or the Storm Drainage System.
- 9.3 Except in an emergency, no Person shall direct or pump impounded Water from a Parcel to the Storm Drainage System without written consent of the Director.
- 9.4 1) If at any time the Director is of the opinion that Storm Drainage from any Parcel is causing erosion or other damage to City Land, he may give written notice to the owner of the Parcel requiring the owner to submit to the City, within the time period specified in the notice, a plan for remediation of the erosion or damage which is acceptable to the Director.
- 9.4 2) Upon approval of the plan, the owner of the Parcel shall implement the plan within such further time period as the Director shall specify.
- 9.4 3) If the owner of a Parcel fails to provide a plan as required by Subsection 9.4(1) or implement a plan as required by Subsection 9.4(2), the City may proceed pursuant to Section 545 of the *Municipal Government Act* as provided in Section 20 or pursue any other legal remedy as it may elect.

RETENTION AND TREATMENT

10. The Director, may require the owner or occupant of a Parcel to treat, restrict, impound or otherwise retain Storm Drainage on such Parcel.

INTERCEPTIONS, DEVICES AND PRACTICES

11.1 Any Person who owns or occupies a Parcel on which the Director has, pursuant to Section 10, directed an Interceptor or other device be installed, or a practice be implemented in order to control or reduce the amount of runoff or improve water quality or infiltration must:

- a) keep the Interceptor, or device in good working condition at all times;
- b) service the Interceptor, or device often enough so that it does not become overloaded;
- c) ensure the practice operates efficiently and effectively at all times; and
- d) keep a maintenance record and provide such maintenance record to the City upon request.
- 11.2 No Person shall deposit, or cause or allow to be deposited, any residue from an Interceptor, or other device or implementation of a practice into the Storm Drainage System.

USE AND RE-USE OF STORM DRAINAGE

12. No Person shall use or re-use any Storm Drainage or impounded Storm Drainage in the Storm Drainage System for private or commercial activities including, but not limited to, construction or irrigation purposes, without the written consent of the Director.

INTERFERENCE WITH THE STORM DRAINAGE SYSTEM

- 13.1 Any Person who owns or occupies a Parcel on which a Surface Drainage Facility is located must ensure that:
 - no building or other structure is constructed, erected, placed or allowed to remain on or over the Surface Drainage Facility; and
 - b) the Surface Drainage Facility remains clear of soil, silt, yard waste, debris, ice, snow or other matter which may obstruct, restrict or prevent the flow of Storm Drainage within the Surface Drainage Facility or the Storm Drainage System.
- 13.2 Notwithstanding Subsection 13.1, a fence may be constructed over a Surface Drainage Facility provided there is a vertical clearance over the top of the Surface Drainage Facility of at least 0.15 meters (6 inches).
- 13.3 No Person, unless authorized by the Director, shall obstruct, restrict or prevent:
 - a) access to the Storm Drainage System; or
 - b) flow of Storm Drainage into or within the Storm Drainage System.
- 13.4 No Person, unless authorized by the Director, shall alter, remove or change, either temporarily or permanently, any part of the Storm Drainage System.

COMPLIANCE WITH INSTRUMENTS REGISTERED ON TITLE

14. The owner of a Parcel shall comply with the terms and conditions of any easement, utility right-of-way, caveat, restrictive covenant, or any other document that has been registered on the title of the Parcel to protect a drainage structure, swale, ditch or other Surface Drainage Facility, or the stability of a slope.

CONNECTIONS

15.1 No Person shall make, alter or remove, or permit the making, alteration or removal of, any Connection without the written approval of the Director.

- 15.2 Applications for the installation, alteration or removal of a Connection shall be made in writing to the Director.
- 15.3 The Director, may approve the installation, alteration or removal of a Connection upon such terms and conditions as the Director considers necessary including the payment in advance of the cost or estimated cost of the installation, alteration or removal of the Connection.
- 15.4 The installation, alteration or removal of a Connection shall be carried out at the expense of the applicant.
- 15.5 No Person shall re-use a Connection that has been discontinued, altered or removed without first obtaining the written consent of the Director.
- 15.6 Where the use of a Connection is discontinued, the owner of the Parcel which was serviced by such connection shall immediately notify the Director in writing and the owner shall pay to the City, in advance, the cost of disconnection.
- 15.7 Pipes or other conduit connecting a Parcel to the City Water System shall be deemed to be the property of the owner of the Parcel up to the point of connection with the Storm Drainage System.

DISCONNECTIONS

- 16.1 The Director may, in addition to any other remedy available, disconnect or seal off a Parcel from the Storm Drainage System or take such other action as is necessary to prevent a discharge or Storm Drainage from entering the Storm Drainage System where it:
 - a) contains a Prohibited Material;
 - b) creates an immediate danger to any Person;
 - c) interferes with or endangers the operation of the Storm Drainage System; or
 - d) may otherwise cause or result in a Negative Impact.
- 16.2 Where the Director has taken action pursuant to Subsection 16.1, such action may be maintained or continued until evidence satisfactory to the Director has been produced to assure that no further harmful discharge will be made.
- 16.3 Where the Director has taken action pursuant to Subsection 16.1, he may by notice in writing, advise the owner or occupier of the Parcel from which the discharge was emanating, of the cost of taking such action and the owner or occupier shall forthwith reimburse the City for all such costs which were incurred.

AUTHORITY OF DIRECTOR

17.1 The Director may delegate any or all of the powers granted to the Director pursuant to this Bylaw.

- 17.2 The Director may:
 - a) establish any conditions or requirements of an approval or permit to Release Water to the Storm Drainage System, including but not limited to:
 - i) testing, monitoring or reporting requirements;
 - ii) equipment or equipment maintenance requirements;
 - iii) filtration, settling or other treatment requirements;
 - b) order the testing of any Release to the Storm Drainage System; and
 - c) establish fees for approvals and permits.
- 17.3 Notwithstanding any other provision in this Bylaw, the Director may, establish rates, volumes and locations of Releases, including but not limited to:
 - a) overland flows to a City owned Parcel, including a Reserve;
 - b) releases into a Storm Drainage System, and
 - c) releases to a Street.

APPROVALS

- 18.1 A Person to whom a written approval has been issued pursuant to this Bylaw shall ensure every provision and condition of that approval is complied with.
- 18.2 Every Person who relies on a written approval issued pursuant to this Bylaw has the onus of proving that they were the holder of a valid and subsisting approval.

INSPECTIONS

19. Subject to the entry notice provisions of the *Municipal Government Act* a designated officer of the City, bearing proper identification, may inspect, observe, measure, sample and test the Water or Storm Drainage on any Parcel in order to determine whether or not this Bylaw or an approval granted pursuant to this Bylaw is being complied with.

REMEDIAL ORDERS

- Where a Person has contravened any provision of this Bylaw, a Designated Officer may, in addition to any other remedy available to the City, issue to such Person a Remedial Order, pursuant to Section 545 of the *Municipal Government Act*.
- 20.2 Every Remedial Order issued with respect to this Bylaw must:
 - a) indicate the Person to whom it is directed;
 - b) identify the property to which the Remedial Order relates by municipal address or legal description;
 - c) identify the date that it is issued;
 - d) identify how the Parcel fails to comply with this Bylaw;
 - e) identify the specific provisions of the Bylaw the Parcel contravenes;
 - f) identify the nature of the remedial action required to be taken to bring the Parcel into compliance;
 - g) identify the time within which the remedial action must be completed;
 - h) indicate that if the required remedial action is not completed within the time specified, the City may take whatever action or measures are necessary to remedy the contravention;
 - i) indicate that the expenses and costs of any action or measures taken by the City under this Section are an amount owing to the City by the Person to whom to order is directed;

j) indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by a specified time;

- k) indicate that an appeal lies from the Remedial Order, pursuant to Section 547 of the *Municipal Government Act* to the City Council, if a notice of appeal is filed in writing with the Intergovernmental Services Director within fourteen days of the receipt of the Remedial Order.
- 20.3 A Remedial Order written pursuant to this Bylaw may be served personally upon the owner of the Parcel to which it relates, or it may be left with a Person apparently over the age of 18 years at the Parcel.
- 20.4 If, in the opinion of an Officer, service of the Remedial Order cannot be reasonably affected, or if the Officer believes that the owner of the Parcel is evading service, the Officer may post the Remedial Order in a conspicuous place on the Parcel to which the Remedial Order relates, or on the private dwelling place of the owner of the Parcel, as registered at the Land Titles Office or on the municipal tax roll for the Parcel, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
- 20.5 Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.

INTERFERENCE WITH CITY FORCES

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

OFFENCES AND PENALTIES

- 22.1 Any Person who contravenes any provision of this Bylaw by:
 - a) doing any act or thing which the Person is prohibited from doing; or
 - b) failing to do any act or thing the Person is required to do is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- 22.2 Any Person who is convicted of an offence pursuant to this Bylaw is liable for every day or part thereof upon which such offence occurs or continues, on summary conviction to a fine not exceeding \$10,000 and in default of payment of any fine imposed, recovery by civil process.
- 22.3 Where an Officer believes that a Person has contravened any provision of this Bylaw, the Officer may, in addition to any other remedy at law, serve upon the Person a violation ticket, in the form provided under the *Provincial Offences Procedure Act (Alberta)*.
- Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.

22.6 Notwithstanding specified and minimum penalties set out in Schedule "A" to this Bylaw:

- a) where a Person contravenes the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention shall be double the amount of the specified penalty for a first offence;
- b) where a Person is convicted of the same provision of this Bylaw twice within one twelve month period, the minimum penalty for the second conviction shall be twice the amount of the minimum penalty for a first offence;
- c) where a Person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third and subsequent contraventions shall be triple the amount of the specified penalty for a first offence; and
- d) where a Person is convicted of the same provision of this Bylaw three or more times within one twelve month period, the minimum penalty for the third and subsequent convictions shall be triple the amount of the minimum penalty for a first offence.
- 22.7 This Section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act* or from laying any information instead of issuing a violation ticket.
- 22.8 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other Bylaw.

COMMENCEMENT

23. That this Bylaw shall take effect on the date it is pa	assed.
READ a first time this day of September	, 2010.
READ a second time this7th day ofSeptember	, 2010.
READ a third time and finally passed this 7th day of _	September , 2010.
	"D. Logan" (signed) Mayor
	"J. Ferguson" (signed) Intergovernmental Services Director

CITY OF GRANDE PRAIRIE

BYLAW C-1241

DRAINAGE BYLAW

SCHEDULE "A"

SECTION	OFFENCE	SPECIFIED PENALTY AND MINIMUM PENALTY 1 st offence
7.1	Release a prohibited Material	\$500.00
7.2	Release impounded Water	\$500.00
7.3 (b)	Release exceeding 3000 litres	\$75.00
7.3 (e)	Release without permit	\$500.00
8.1 (a), (b) or (c)	Fail to notify of Release	\$75.00
8.4 (a)	Fail to mitigate prohibited Release	\$500.00
8.4 (a)	Fail to cover or clearly mark hoses	\$75.00
9.1	Allow termination within 2 metres	\$75.00
9.2	Connect directly to foundation drain or weeping title	\$75.00
9.3	Pump or direct water from a Parcel	\$500.00
10	Fail treat, restrict, impound or retain	\$500.00
11.1 (a)	Fail to maintain interceptor, device or practice	\$500.00
11.1 (b)	Fail to service interceptor, device or practice	\$500.00
11.1 (c)	Fail to keep or provide a record	\$75.00
11.2	Deposit residue	\$500.00
12	Unauthorized use of Storm Drainage	\$500.00
13.1 (a)	Allow structure on or over a surface drainage facility	\$500.00
13.1 (b)	Fail to ensure surface drainage facility remains clear of debris	\$500.00
13.2	Insufficient clearance over a surface drainage facility	\$500.00
13.3 (a)	Restricting access to storm drainage system	\$500.00
13.3 (b)	Restricting flow into or within storm drainage system	\$500.00
13.4	Altering, removing or changing storm drainage system	\$500.00
14	Fail to comply with an easement	\$200.00
15.1	Unauthorized connection to storm drainage system	\$500.00
15.5	Unauthorized re-use of connection	\$500.00
15.6	Failure to notify Director of discontinuation	\$75.00
18.1	Violate approval or condition of approval	\$500.00
20.5	Fail to comply with Remedial Order	\$250.00
21	Hindering authorized City Employee	\$500.00