

BYLAW 5594

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

WHEREAS the *Municipal Government Act* authorizes a municipality to pass Bylaws for municipal purposes respecting public utilities and services provided by the municipality;

AND WHEREAS regulating storm sewers and storm drainage within the City of Lethbridge is desirable;

AND WHEREAS it is deemed expedient to update and consolidate the bylaws which control and regulate storm sewers and storm drainage in The City of Lethbridge;

NOW THEREFORE THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1.00 TITLE

1.1. This Bylaw may be referred to as the “Drainage Bylaw”.

2.00 INTERPRETATION AND DEFINITIONS

2.1. Unless the context specifically indicates otherwise, the meaning used in this Bylaw shall be as follows:

2.2. “Animal Waste” means all forms of waste from animals or the treatment of animals, and includes animal carcasses or parts;

2.3. “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:

- 2.3.1. human anatomical waste;
- 2.3.2. infectious human waste;
- 2.3.3. infectious animal waste;
- 2.3.4. microbiological waste;
- 2.3.5. blood and body fluid waste; and

- 2.3.6. medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;
- 2.4. “City” means the municipal corporation of The City of Lethbridge, and includes the geographical area within the boundaries of The City of Lethbridge where the context so requires;
- 2.5. “City Manager” means the Person designated by Council as the Chief Administrative Officer of the City or that Person’s designate;
- 2.6. “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;
- 2.7. “Decorative Pond” means an artificial body of water for ornamental purposes but does not include fish ponds;
- 2.8. “Director” means the Infrastructure Services Director of the City of Lethbridge or his duly authorized agent or representative;
- 2.9. “Foundation Drainage” means Water collected beneath the surface of the ground by a foundation drain or weeping tile;
- 2.10. “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;
- 2.11. “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, Waste Control Regulation (Alta. Reg. 192/96), Schedule 1, as amended or any act passed in replacement of it;
- 2.12. “Industrial Waste” means waste generated by commercial or industrial activities that presents 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 Waste and Biomedical Waste;
- 2.13. “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;

- 2.14. "Municipal Government Act" means the Municipal Government Act, R.S.A. 2000, chapter M-26, as amended or any act passed in replacement of it;
- 2.15. "Negative Drainage" means, on a Parcel with a single detached, semidetached or duplex dwelling, 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;
- 2.16. "Negative Impact" means impairment of or damage to, or the ability to cause impairment of or damage to:
- 2.16.1. the Storm Drainage System;
 - 2.16.2. human health or safety;
 - 2.16.3. property; or
 - 2.16.4. the environment;
- 2.17. "Officer" means any Person designated as a Bylaw Enforcement Officer by the City Manager;
- 2.18. "Parcel" means the aggregate of one or more areas of land described in a certificate of title;
- 2.19. "Person" means any individual, or any business entity including, but not limited to, a firm, partnership, association, corporation, society or legal entity;
- 2.20. "Premises" includes lands and buildings or both, or a part thereof;
- 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:
- 2.21.1. soil, sediment, waste or other solid matter;
 - 2.21.2. fecal matter, Animal Waste;
 - 2.21.3. cooking oils and greases;
 - 2.21.4. gasoline, motor oil, transmission fluid, and antifreeze;
 - 2.21.5. solvents;
 - 2.21.6. paint;
 - 2.21.7. cement or concrete wastes;
 - 2.21.8. sawdust, wood, fibreboard or construction material;
 - 2.21.9. Yard Waste;
 - 2.21.10. pesticides, herbicides or fertilizers;
 - 2.21.11. Biomedical Waste or General Medical Waste;
 - 2.21.12. Hazardous Waste;

- 2.21.13. Industrial Waste;
 - 2.21.14. soaps or detergents;
 - 2.21.15. Water from hot tubs; and
 - 2.21.16. any Substance or combination of Substances that emits an odor.
- 2.22. “Provincial Offences Procedure Act” means the Provincial Offences Procedure Act, R.S.A.2000, chapter P-34, as amended or any act passed in replacement of it;
- 2.23. “Release” has the 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;
- 2.24. “Remedial Order” means a remedial order written pursuant to Section 545 of the Municipal Government Act.
- 2.25. “Reserve” means a Parcel designated on its certificate of title 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 precipitation;
- 2.28. “Storm Drainage System” means the system for collecting, storing and disposing of Storm Drainage, and includes:
- 2.28.1. the catch basins, sewers and pumping stations that make up the storm drainage collection system,
 - 2.28.2. 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,
 - 2.28.3. the sewers and pumping stations that transport storm drainage to the location where it is treated or disposed of,
 - 2.28.4. the storm drainage outfall structures, and
 - 2.28.5. the Surface Drainage Facilities, but
 - 2.28.6. 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:

- 2.29.1. a sidewalk (including the boulevard portion of the sidewalk),
 - 2.29.2. if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - 2.29.3. 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.
- 2.30. “Substance” has the meaning of “substance” as defined by the Environmental Protection and Enhancement Act, R.S.A. 2000, chapter E-12, as amended or any act passed in replacement of it;
- 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 Storm Drainage System, and includes, but is not limited to:
- 2.31.1. a grass swale;
 - 2.31.2. a concrete or asphalt walkway, gutter or swale;
 - 2.31.3. a drainage control fence or structure; or
 - 2.31.4. 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.
- 2.34. 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.
- 2.35. 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.
- 2.36. All the schedules attached to this Bylaw shall form a part of this Bylaw.

3.00 COMPLIANCE WITH OTHER LAWS

- 3.1. 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.

4.00 DISCHARGES TO THE STORM DRAINAGE SYSTEM

- 4.1. No Person shall Release, or allow to be Released any Prohibited Material into the Storm Drainage System, except as permitted in Subsection 4.2.
- 4.2. The following may be Released into the Storm Drainage System:
 - 4.2.1. Foundation Drainage;
 - 4.2.2. Water from a portable swimming pool, Decorative Pond or fountain, having a capacity of 3,000 litres or less;
 - 4.2.3. subject to the restrictions in the Water Service Bylaw, Water resulting solely from:
 - 4.2.3.1. irrigating or otherwise watering a lawn, garden and trees or other landscaping; or
 - 4.2.3.2. washing of single-family or semi-detached homes with potable water;
 - 4.2.3.3. water resulting from extinguishing fires;
 - 4.2.4. materials used for snow and ice control;
 - 4.2.5. a discharge to the Storm Drainage System which has been approved in writing by the Director.

5.00 UNAUTHORIZED DISCHARGES

- 5.1. Any Person who, in contravention of this Bylaw, Releases, or causes or allows any Prohibited Material to be Released into the Storm Drainage System, shall immediately take all reasonable measures to:
 - 5.1.1. notify the 911 emergency telephone number if there is any immediate danger to human health or safety;
 - 5.1.2. notify the Director;
 - 5.1.3. notify any other Person that may be directly affected by the discharge;
 - 5.1.4. mitigate the discharge, including, but not limited to, taking measures to prevent the obstruction of the Storm Drainage System or measures to prevent a Negative Impact; and
 - 5.1.5. cover and clearly mark all hoses used to direct Water to the Storm Drainage System to protect the public from injury.

- 5.2. Nothing in this Section relieves a Person from complying with the requirements of any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, or licence.

6.00 DIRECTING STORM DRAINAGE

- 6.1. Except where a Parcel has Negative Drainage, no Person shall allow downspouts, eavestroughing, piping or other means of directing Storm Drainage on a Parcel to terminate within 2 metres of:
 - 6.1.1. a Reserve;
 - 6.1.2. a Surface Drainage Facility, except where such Surface Drainage Facility is located in a Sideyard; or
 - 6.1.3. a Street.
- 6.2. No Person shall directly connect or allow direct connection of downspouts, eavestroughing, piping or other means of directing roof drainage to a foundation drain or weeping tile.
- 6.3. 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.

7.00 RETENTION OF STORM DRAINAGE

- 7.1. The Director may require the owner or occupant of a Parcel to treat or restrict, impound or otherwise retain Storm Drainage on such Parcel.
- 7.2. On-site retention is required for all commercial, industrial, institutional and multi-family developments. The volume of on-site storage required will be determined by the Director based on the available capacity downstream of a Connection.
- 7.3. Any Person who owns or occupies a Parcel on which the Director has directed an Interceptor be located pursuant to Section 7.1 shall:
 - 7.3.1. keep the Interceptor in good working condition at all times; and
 - 7.3.2. service the Interceptor often enough so that it does not become overloaded.
- 7.4. No Person shall deposit, or cause or allow, any Interceptor residue to be deposited into the Storm Drainage System.

8.00 USE OF STORM DRAINAGE

- 8.1. Without the written consent of the Director, no Person shall use any Storm Drainage or impounded Storm Drainage in the Storm Drainage

System owned or under the control of the City for private or commercial activities including, but not limited to, construction or irrigation purposes.

9.00 INTERFERENCE WITH THE STORM DRAINAGE SYSTEM

- 9.1. Any Person who owns or occupies a Parcel on which a Surface Drainage Facility is located shall ensure that:
 - 9.1.1. no building or other structure is constructed, erected, placed, or allowed to remain on or over the Surface Drainage Facility; and
 - 9.1.2. 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.
- 9.2. Notwithstanding Subsection 9.1, 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 metres.

10.00 COMPLIANCE WITH INSTRUMENTS REGISTERED ON TITLE

- 10.1. 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.

11.00 CONNECTIONS

- 11.1. No Person shall make, alter or remove, or permit the making, alteration or removal of, any Connection to the Storm Drainage System without the written approval of the Director.
- 11.2. Applications for the installation, alteration or removal of a Connection shall be made in writing to the Director.
- 11.3. The Director may approve the installation, alteration or removal of a Connection upon such terms and conditions as the Director considers necessary and the payment in advance of the cost or estimated cost of the installation, alteration or removal of the Connection.
- 11.4. The installation, alteration or removal of a Connection shall be carried out at the expense of the applicant.

- 11.5. No Person shall re-use a Connection that has been discontinued, altered or removed without first obtaining the written consent of the Director.
- 11.6. Where the use of a Connection is discontinued, the owner of the Premises 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.

12.00 DISCONNECTIONS

- 12.1. The Director may, in addition to any other remedy available, disconnect or seal off the Parcel from the Storm Drainage System or take such other action as is necessary to prevent a discharge of Storm Drainage from entering the Storm Drainage System where the discharge:
 - 12.1.1. contains a Prohibited Material;
 - 12.1.2. creates an immediate danger to any Person;
 - 12.1.3. interferes with or endangers the operation of the Storm Drainage System; or
 - 12.1.4. may otherwise cause or result in a Negative Impact.
- 12.2. Where the Director has taken action pursuant to Subsection 12.1, 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.
- 12.3. Where the Director has taken action pursuant to Subsection 12.1, the Director may, by notice in writing, advise the owner or occupier of the Premises 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.

13.00 AUTHORITY OF DIRECTOR

- 13.1. The Director may:
- 13.2. delegate any or all of the powers granted to the Director pursuant to this Bylaw;
- 13.3. establish any conditions or requirements of an approval or permit to Release Water to the Storm Drainage System, including, but not limited to:

- 13.3.1. testing, monitoring or reporting requirements;
 - 13.3.2. equipment or equipment maintenance requirements; and
 - 13.3.3. filtration, settling or other treatment requirements;
- 13.4. order the testing of any discharge to the Storm Drainage System; and
- 13.5. establish fees for approvals or permits.
- 13.6. Notwithstanding any other provision in this Bylaw, the Director may establish rates, volumes and locations of discharges, including, but not limited to:
- 13.6.1. overland flows to a City owned Parcel, including a Reserve;
 - 13.6.2. discharges into a Storm Drainage System; and
 - 13.6.3. discharges to a Street.

14.00 APPROVALS

- 14.1. 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.
- 14.2. 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.

15.00 INSPECTIONS

- 15.1. 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 Premises in order to determine whether or not this Bylaw or an approval granted pursuant to this Bylaw is being complied with.

16.00 REMEDIAL ORDERS

- 16.1. Where an Officer who is also a designated officer believes a Person has contravened any provision of this Bylaw, he may issue to the Person a Remedial Order, pursuant to Section 545 of the Municipal Government, to remedy the infraction.
- 16.2. Every Remedial Order written with respect to this bylaw must:
- 16.2.1. indicate the Person to whom it is directed;

- 16.2.2. identify the property to which the Remedial Order relates by municipal address or legal description;
 - 16.2.3. identify the date that it is issued;
 - 16.2.4. identify how the Premises fails to comply with this Bylaw;
 - 16.2.5. identify the specific provisions of the Bylaw the Premises contravenes;
 - 16.2.6. identify the nature of the remedial action required to be taken to bring the Premises into compliance;
 - 16.2.7. identify the time within which the remedial action must be completed;
 - 16.2.8. 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;
 - 16.2.9. 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;
 - 16.2.10. 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;
 - 16.2.11. indicate that an appeal lies from the Remedial Order to the City Council, if a notice of appeal is filed in writing with the City Clerk within fourteen days of the receipt of the Remedial Order.
- 16.3. A Remedial Order written pursuant to this Bylaw may be served personally upon the owner of the Premises to which it relates, or it may be left with a Person apparently over the age of 18 years at the Premises.
- 16.4. 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 Premises is evading service, the Officer may post the Remedial Order in a conspicuous place on the Premises to which the Remedial Order relates, or on the private dwelling place of the owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
- 16.5. 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.

17.00 INTERFERENCE WITH CITY FORCES

- 17.1. 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.

18.00 OFFENCES AND PENALTIES

- 18.1. Any Person who contravenes any provision of this Bylaw by: doing any act or thing which the Person is prohibited from doing; or 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.
- 18.2. 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 or imprisonment for not more than one year, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) year.
- 18.3. 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.
- 18.4. 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.
- 18.5. 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.
- 18.6. Notwithstanding specified and minimum penalties set out in Schedule "A" to this Bylaw:
 - 18.6.1. 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;
 - 18.6.2. 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;
 - 18.6.3. 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

18.6.4. 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.

18.7. 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.

18.8. 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.

19.00 COMMENCEMENT

19.1. This Bylaw will come into full force and effect on the date of final passing thereof.

READ A FIRST TIME THIS _____ day of _____, A.D., 2009

MAYOR

CITY CLERK

READ A SECOND TIME THIS _____ day of _____, A.D., 2009

MAYOR

CITY CLERK

READ A THIRD TIME THIS _____ day of _____, A.D., 2009

MAYOR

CITY CLERK

SCHEDULE "A"			
SPECIFIED AND MINIMUM PENALTIES			
SECTION	OFFENCE	MINIMUM PENALTY 1st offence	SPECIFIED PENALTY 1st offence
4.1	Release a Prohibited Material	\$500	\$3000
4.2.2	Discharge exceeding 3000 L	\$75	\$500
5.1.1, 2 & 3	Fail to notify of discharge	\$75	\$500
5.1.4	Fail to mitigate prohibited discharge	\$500	\$3000
5.1.5	Fail to cover or clearly mark hoses	\$75	\$200
6.1	Allow termination within 2m	\$75	\$300
6.2	Connect directly to foundation drain or weeping tile	\$75	\$500
6.3	Pump/Direct water from a Parcel	\$500	\$1500
7.3	Fail to maintain Interceptor	\$500	\$1500
7.4	Deposit Interceptor residue	\$500	\$3000
8.1	Unauthorized use of Storm Drainage	\$500	\$1000
9.1.1	Allow structure on or over a Surface Drainage Facility	\$500	\$1500
9.1.2	Fail to ensure Surface Drainage Facility remains clear of debris	\$500	\$1500
9.2	Insufficient clearance over a Surface Drainage Facility	\$500	\$1500
11.1	Unauthorized Connection to Storm Drainage System	\$500	\$1500
11.5	Unauthorized re-use of Connection	\$500	\$1500
11.6	Failure to notify Director of discontinuation	\$75	\$300
14.1	Violate approval or condition of approval	\$500	\$1500
16.5	Fail to comply with Remedial Order	\$250	\$500
17.1	Hindering authorized City employee	\$500	\$1000