

A CONSOLIDATION OF 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;

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2.3. “Aquatic Invasive Species” means non-native species that have been introduced from other countries or ecosystems and threaten Alberta’s ecosystems and biodiversity. Aquatic Invasive Species are identified in the Fisheries (Alberta) Act, R.S.A. 2000, and include, but are not limited to, Prussian carp (goldfish), Silver carp, Snakehead, Zebra mussel, Eurasian water milfoil and Purple loosestrife.”

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 punctures or cuts;
- 2.5. “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;
- 2.6. “City Manager” means the Person designated by Council as the Chief Administrative Officer of the City or that Person’s designate;
- 2.7. “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;

- 2.8. “Controlled Sump Pump Discharge Connection” means a connection meeting the requirements identified in the City of Lethbridge Engineering Standards and Guidelines.”
- 2.9. “Decorative Pond” means an artificial body of water for ornamental purposes but does not include fish ponds;
- 2.10. “Director” means the Infrastructure Services Director of the City of Lethbridge or his duly authorized agent or representative;
- 2.11. “Foundation Drainage” means Water collected beneath the surface of the ground by a foundation drain or weeping tile;
- 2.12. “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;
- 2.13. “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;

- 2.14. “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;
- 2.15. “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;
- 2.16. “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;

- 2.17. “Municipal Tag” means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the City of Lethbridge.
- 2.18. “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;
- 2.19. “Negative Impact” means impairment of or damage to, or the ability to cause impairment of or damage to:
 - 2.19.1. the Storm Drainage System;
 - 2.19.2. human health or safety;
 - 2.19.3. property; or
 - 2.19.4. the environment;

- 2.20. “Officer” means a bylaw enforcement officer, peace officer, police constable or any Individual appointed by the City to enforce this bylaw.

- 2.21 "Parcel" means the aggregate of one or more areas of land described in a certificate of title;
- 2.22 "Person" means any individual, or any business entity including, but not limited to, a firm, partnership, association, corporation, society or legal entity;
- 2.23 "Premises" includes lands and buildings or both, or a part thereof;
- 2.24 "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:

- 2.23.1 soil, sediment, waste or other solid matter;
- 2.23.2 fecal matter, Animal Waste;
- 2.23.3 cooking oils and greases;
- 2.23.4 gasoline, motor oil, transmission fluid, and antifreeze;
- 2.23.5 solvents;
- 2.23.6 paint;
- 2.23.7 cement or concrete wastes;
- 2.23.8 sawdust, wood, fibreboard or construction material;
- 2.23.9 Yard Waste;
- 2.23.10 pesticides, herbicides or fertilizers;
- 2.23.11 Biomedical Waste or General Medical Waste;
- 2.23.12 Hazardous Waste;
- 2.23.13 Industrial Waste;
- 2.23.14 soaps or detergents;
- 2.23.15 Water from hot tubs; and
- 2.23.16 any Substance or combination of Substances that emits an odor;

- 2.23.17 Aquatic Invasive Species;
- 2.24 "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;
- 2.25 "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;

- 2.26 “Remedial Order” means a remedial order written pursuant to Section 545 of the Municipal Government Act.
- 2.27 “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;
- 2.28 “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;
- 2.29 “Storm Drainage” means runoff that is the result of precipitation;
- 2.30 “Storm Drainage System” means the system for collecting, storing and disposing of Storm Drainage, and includes:
- 2.30.1 the catch basins, sewers and pumping stations that make up the storm drainage collection system,
 - 2.30.2 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,
 - 2.30.3 the sewers and pumping stations that transport storm drainage to the location where it is treated or disposed of,
 - 2.30.4 the storm drainage outfall structures, and
 - 2.30.5 the Surface Drainage Facilities, but
 - 2.30.6 does not include plumbing or service connections in buildings;
- 2.31 “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:
- 2.31.1 a sidewalk (including the boulevard portion of the sidewalk),
 - 2.31.2 if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - 2.31.3 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.

- 2.32 “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;
- 2.33 “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:
 - 2.33.1 a grass swale;
 - 2.33.2 a concrete or asphalt walkway, gutter or swale;
 - 2.33.3 a drainage control fence or structure; or
 - 2.33.4 the sloping and contouring of land to facilitate or control Storm Drainage;

- 2.35 “Violation Ticket” means a ticket issued in accordance with the Provincial Offences Procedure Act.
- 2.36 “Water” means all water in any form on or under the surface of the ground;
- 2.37 “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.
- 2.38 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.
- 2.39 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.
- 2.40 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.

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- 4.2. The following may be Released into the Storm Drainage System unless the release could cause a Negative Impact:
- 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 permanently or temporarily require the owner or occupant of a Parcel to treat, restrict, impound, manage or otherwise retain Storm Drainage on such Parcel, including but not limited to requiring the owner to install an Interceptor at the owner's expense; and, without limiting the generality of the foregoing, specifically if:

(a) Prohibited Materials are likely to directly or indirectly enter the Storm Drainage System from the Parcel; or

(b) The Storm Drainage from the Parcel is likely to directly or indirectly cause erosion, damage or other Negative Impact; or

(c) In order to:

(i) Control the volume; or

(ii) Ensure the water quality;

of Storm Drainage directly or indirectly entering the Storm Drainage System.”

- 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:
- 7.1.1. keep the Interceptor in good working condition at all times; and
 - 7.1.2. service the Interceptor often enough so that it does not become overloaded.
- 7.2. 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.

- 13.7 Notwithstanding any other provision in this Bylaw, should the Director find that there is a need to place a requirement on a Parcel or Premises owner to control the volume of the Foundation Drainage being released from the Parcel or Premises, the Director may require the Parcel or Premises owner, at the owner's expense, to install a Controlled Sump Pump Discharge Connection to reduce the volume of Foundation Drainage from the Premises or Parcel.

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 Act, 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 the 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

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18.1 Violations

Where any Designated Officer believes that any person has committed a breach of any provision of this bylaw he may serve upon such persons a Municipal Tag or he may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the "Provincial Offences Procedure Act" Alberta.

- 18.2 A Municipal Tag or Violation Ticket shall be deemed to have been sufficiently served:

- (a) if served personally to the accused; or
- (b) if served by registered mail; or
- (c) if left at the accused usual place of abode with an occupant thereof who appears to be at least eighteen (18) years of age; or
- (d) where the accused is an association, partnership or corporation, if served by registered mail or if left with a person who appears to be employed with the partnership or corporation.

- 18.3 Upon production of any such Municipal Tag or Violation Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified in Schedule "A", to a person authorized by the City of Lethbridge or Province of Alberta to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution. If the person upon whom any such Municipal Tag or Violation Ticket is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.

- 18.4 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 18.5 Notwithstanding 18.4;
- (a) Where any person contravenes the same provision of this bylaw within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision, and
 - (b) Where any person contravenes the same provision of this Bylaw within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 18.6 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of no more than TEN THOUSAND (\$10,000.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding one (1) year.
- 18.7 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 he is liable under the provisions of this Bylaw..

19.00 COMMENCEMENT

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

**SCHEDULE “A”
SPECIFIED PENALTIES**

SECTION	OFFENCE	SPECIFIED PENALTY
4.1	Release a Prohibited Material	\$500.00
4.2.2	Discharge exceeding 3000L	\$ 75.00
5.1.1, 2 and 3	Fail to notify of discharge	\$ 75.00
5.1.4	Fail to mitigate prohibited discharge	\$500.00
5.1.5	Fail to cover or clearly mark hoses	\$ 75.00
6.1	Allow termination within 2m	\$ 75.00
6.2	Connect directly to foundation drain or weeping tile	\$ 75.00
6.3	Pump/Direct water from a Parcel	\$500.00
7.3	Fail to maintain Interceptor	\$500.00
7.4	Deposit Interceptor residue	\$500.00
8.1	Unauthorized use of Storm Drainage	\$500.00
9.1.1	Allow structure on or over a Surface Drainage Facility	\$500.00
9.1.2	Fail to ensure Surface Drainage Facility remains clear of debris	\$500.00
9.2	Insufficient clearance over a Surface Drainage Facility	\$500.00
11.1	Unauthorized Connection to Storm Drainage System	\$500.00
11.5	Unauthorized re-use of Connection	\$500.00
11.6	Failure to notify Director of discontinuation	\$ 75.00
14.1	Violate approval or condition of approval	\$500.00
16.5	Fail to comply with Remedial Order	\$500.00
17.1	Hindering authorized City employee	\$500.00