

BYLAW 18-13

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE STORM SEWERS AND STORM DRAINAGE

WHEREAS pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for the purpose of regulating storm sewers and storm drainage within the Town of Okotoks; and

WHEREAS Council deems it desirable to regulate storm sewers and storm drainage;

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

This Bylaw may be known as the "Storm Drainage Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1 **"animal waste"** means all forms of waste from animals or from the treatment of animals, including, but not limited to, animal carcasses, parts and feces.
- 2.2 **"biomedical waste"** means medical waste that requires special 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 **"Chief Administrative Officer"** means the Chief Administrative Officer of the Town of Okotoks appointed by Council, hereinafter referred to as the Municipal Manager, or designate.
- 2.4 **"Council"** means the Council of the Town of Okotoks.
- 2.5 **"decorative pond"** means an artificial body of water for ornamental purposes but does not include fish ponds.

- 2.6 **“Director”** means the Town’s Operations Manager or Municipal Engineer or a person or persons designated by the Municipal Manager to carry out and exercise all or some of the functions pursuant to this Bylaw.
- 2.7 **“foundation drainage”** means water collected beneath the surface of the ground by a foundation drain or weeping tile.
- 2.8 **“general medical waste”** means non-hazardous medical waste and includes, but is not limited to:
- a) soiled dressings;
 - b) sponges;
 - c) surgery drapes;
 - d) lavage tubes;
 - e) casts;
 - f) catheters;
 - g) disposable pads;
 - h) disposable gloves;
 - i) specimen containers;
 - j) lab coats and aprons;
 - k) tubing;
 - l) filters;
 - m) towels and disposable sheets; but
- excludes biomedical waste.
- 2.9 **“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 thereto.
- 2.10 **“highway”** means “highway” as defined in the Traffic Safety Act and amendments thereto, but shall be restricted to highways within the Town of Okotoks.

2.11 **“industrial waste”** means waste generated by commercial or industrial activities that present health, safety or environmental concerns, and includes, but is not limited to:

- a) lime;
- b) sulphur;
- c) asbestos;
- d) contaminated soils;
- e) empty chemical containers and drums;
- f) carbon;
- g) acids;
- h) caustics;
- i) sludge;
- j) industrial sump water; but

excludes hazardous waste, biomedical waste, and general medical waste.

2.12 **“interceptor”** means a receptacle or other device approved by the Director, and designed to prevent oil, grit and other matter from passing from the source into the storm drainage system.

2.13 **“Municipal Government Act”** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto.

2.14 **“negative drainage”** means 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.

2.15 **“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.

2.16 **“owner”** means:

- a) a person who is registered under the *Land Titles Act* as the owner of a parcel of land;
- b) a person who is recorded as the owner of a property on the tax assessment roll of the Municipal District;
- c) a person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
- d) a person holding himself out as the person having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority of ownerships;
- e) a person controlling a property or premises under construction, or
- f) a person who is the occupant of a property or premises pursuant to a rental or lease agreement, license, or permit.

2.17 **“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.

2.18 **“Peace Officer”** means:

- a) a member of the Royal Canadian Mounted Police;
- b) a Community Peace Officer as appointed by the Solicitor General of Alberta; or
- c) a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town.

2.19 **“person”** means any individual, or any business entity, including but not limited to:

- a) a firm;
- b) a partnership;
- c) an association;
- d) a corporation;
- e) a society; or
- f) a legal entity.

2.20 **“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, fiberboard or construction material;
- i) yard waste;
- j) pesticides, herbicides or fertilizers;
- k) biomedical waste or general medical waste;
- l) hazardous waste;
- m) industrial waste;
- n) soaps or detergents;
- o) water from hot tubs;
- p) any substance or combination of substances that emits an odor;
- q) fish and other aquatic fauna and flora not authorized by the Director; and
- r) any other material or substance not expressly allowed in Section 3.1.

2.21 **“Provincial Offences Procedure Act”** means the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.

2.22 **“release”** means “release” as defined in the Environmental Protection and Enhancement Act, Revised Statutes of Alberta 2000, Chapter E-12 and amendments thereto.

2.23 **“remedial order”** means a remedial order issued pursuant to Section 545 of the Municipal Government Act.

2.24 **“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 Town as if it had such reserve designation.

- 2.25 **“service 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.
- 2.26 **“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 Town’s system for collecting, storing and disposing of storm drainage, whether located on Town Land or not, 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;
 - e) the surface drainage facilities; but
- does not include plumbing or service connections within buildings.
- 2.29 **“substance”** means “substance” as defined in the Environmental Protection and Enhancement Act, Revised Statutes of Alberta 2000, Chapter E-12 and amendments thereto.
- 2.30 **“surface drainage facility”** means any facility or facilities associated with drainage or control of storm drainage that is ultimately directed to a highway or other Town 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.
- 2.31 **“Town”** means the Town of Okotoks, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof.
- 2.32 **“Town Land”** means any land owned or controlled by the Town.

- 2.33 **“violation tag”** means a notice or tag in a form as approved by the Municipal Manager, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw.
- 2.34 **“violation ticket”** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.
- 2.35 **“water”** means all water in any form on or under the surface of the ground.
- 2.36 **“yard waste”** means waste from gardening or horticultural activities and includes, but is not limited to:
- a) grass;
 - b) leaves;
 - c) plants;
 - d) tree and hedge clippings; and
 - e) sod.

3. PERMITTED RELEASES TO THE STORM DRAINAGE SYSTEM

- 3.1 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 liters) or less;
 - c) water from irrigating or otherwise watering a lawn, garden, trees or other landscaping;
 - d) water from general maintenance of a dwelling or property with potable water;
 - e) water that may be mixed with bio-degradable soap that has been used for washing a vehicle on the approved watering day for that residence;
 - f) water resulting from extinguishing fires;
 - g) water in accordance with a written approval from the Director; and
 - h) water in accordance with an approval pursuant to Section 7.

4. RELEASE OF PROHIBITED MATERIALS

- 4.1 No person shall release, or allow to be released, any prohibited material into the storm drainage system.

- 4.2 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 the 9-1-1 emergency telephone number if there is any damage or immediate danger to:
- a) human health or safety;
 - b) property;
 - c) the environment;
 - d) the storm drainage system;
 - e) the owner of the parcel where the release occurred; or
 - f) any other person that may be affected by the release.
- 4.3 Any person reporting a release described in Section 4.2 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.
- 4.4 The Director may require the owner or person responsible for a release described in Section 4.2 to submit to the Director a plan setting out how the risk of future similar releases will be prevented or eliminated.
- 4.5 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 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.

5. DIRECTING STORM DRAINAGE

- 5.1 Except where a parcel has negative drainage, no person shall allow downspouts, eaves troughs, piping, surface drains or other means of directing storm drainage on a parcel to terminate within 2 meters of:
- a) a surface drainage facility, except where such surface drainage facility is located in a sideyard; or
 - b) a reserve, a highway, or any other Town Land.

- 5.2 Except in an emergency, no person shall direct or pump water that has accumulated on a parcel to the storm drainage system without written consent of the Director.
- 5.3 If at any time the Director is of the opinion that storm drainage from any parcel is causing erosion or other damage to Town Land, he may give written notice to the owner of the parcel requiring the owner to submit to the Town, within the time period specified in the notice, a plan for remediation of the erosion or damage which is acceptable to the Director.
- 5.4 The Director may require the owner of a parcel to treat, restrict, impound or otherwise retain storm drainage on such parcels.
- 5.5 If the owner of a parcel fails to provide a plan as required by Section 5.3 or implement a plan as required by Section 5.4, the Town may proceed pursuant to Section 545 of the *Municipal Government Act* or pursue any other legal remedy as it may elect.

6. INTERCEPTIONS, DEVICES, AND PRACTICES

- 6.1 Any owner of a parcel on which the Director has, pursuant to Section 10, directed an interceptor 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 in good working condition at all times;
 - b) service the interceptor 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 Town upon request.
- 6.2 No person shall release any prohibited material from an interceptor or implementation of a practice, into the storm drainage system.

7. USE AND REUSE OF STORM DRAINAGE

- 7.1 No person shall use or reuse any storm drainage from the storm drainage system 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.

8. INTERFERENCE WITH THE STORM DRAINAGE SYSTEM

- 8.1 Any owner of a parcel on which a surface drainage facility is located must ensure that:
- a) 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.

8.2 Notwithstanding Subsection 8.1, 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).

8.3 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 within the storm drainage system.

8.4 No person, unless authorized by the Director, shall alter, remove or change, either temporarily or permanently, any part of the storm drainage system.

9. COMPLIANCE WITH INSTRUMENTS REGISTERED ON TITLE

9.1 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.

10. SERVICE CONNECTIONS

10.1 No person shall make, alter or remove, or permit the making, alteration or removal of, any service connection without the written approval of the Director.

10.2 Applications for the installation, alteration or removal of a service connection shall be made in writing to the Director.

10.3 The Director may approve the installation, alteration or removal of a service 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 service connection.

10.4 The installation, alteration or removal of a service connection shall be carried out at the expense of the applicant.

10.5 No person shall re-use a service connection that has been discontinued, altered or removed without first obtaining the written consent of the Director.

10.6 Pipe or other conduit connecting a parcel to the storm drainage 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.

11. DISCONNECTIONS

11.1 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 of 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.

11.2 Where the Director has taken action pursuant to Subsection 11.1, 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.

11.3 Where the Director has taken action pursuant to Subsection 11.1, he may by notice in writing, advise the owner of the parcel from which the discharge was emanating, the cost of taking such action, and the owner shall be liable to the Town for all costs incurred in doing so.

12. AUTHORITY OF DIRECTOR

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

12.2 The Director may establish any conditions or requirements of an approval or permit to release water to the storm drainage system, including but not limited to:

- a) testing, monitoring or reporting requirements;
- b) equipment or equipment maintenance requirements;
- c) filtration, settling or other treatment requirements;
- d) order the testing of any release to the storm drainage system; and
- e) establish fees for approvals.

12.3 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 Town owned parcel, including a reserve;
- b) releases into a storm drainage system; and
- c) releases to a highway.

13. APPROVALS

- 13.1 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.
- 13.2 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.

14. INSPECTIONS

- 14.1 Subject to the entry notice provisions of the *Municipal Government Act*, a designated officer 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.

15. REMEDIAL ORDERS

- 15.1 Where a person has contravened any provision of this Bylaw, a designated officer may, in addition to any other remedy available to the Town, issue to such person a remedial order, pursuant to Section 545 of the *Municipal Government Act*.
- 15.2 Every remedial order written with respect to this Bylaw shall:
- a) indicate the person to whom it is directed;
 - b) identify the parcel 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 or another 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 Town 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 Town under Section 15.2 h) are an amount owing to the Town by the person to whom the order is directed;
 - j) indicate that the expenses and costs referred to in Section 15.2 h) may be attached to the tax roll of the parcel if such costs are not paid by a specified time; and

- k) indicate that the remedial order may be appealed to the Town, if a notice of appeal is filed in writing with the Town within fourteen (14) days of the receipt of the remedial order.

15.3 A remedial order written pursuant to this Bylaw shall be served on the owner by:

- a) delivering the order personally to the owner of the parcel to which it relates;
- b) leaving the order for the owner at the parcel with a person who appears to be at least 18 years of age;
- c) posting the 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. The remedial order shall be deemed to be served upon the expiry of three (3) days after the remedial order is posted;
- d) sending the order by registered mail to the last known address of the owner, and the remedial order shall be deemed to be served upon confirmation of receipt of the registered mail; or
- e) sending the order by regular mail to the last known address of the owner, and the remedial order shall be deemed to be served seven (7) days after the date of mailing.

15.4 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.

16. INTERFERENCE WITH TOWN FORCES

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

17. PENALTIES AND ENFORCEMENT

17.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars, imprisonment for a term not exceeding one (1) year, or both.

17.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.

17.3 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.

17.4 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.

- 17.5 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
- a) a violation tag allowing a payment of the specified penalty to the Town; or
 - b) a violation ticket allowing payment according to the provisions of the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.

17.6 Service of a violation tag will be sufficient if it is:

- a) personally served; or
- b) served by regular mail to the person's last known mailing address.

17.7 If a violation ticket is issued in respect to an offence, the violation ticket may:

- a) specify the fine amount established by this Bylaw for the offence; or
- b) require a person to appear in Court without the alternative of making a voluntary payment.

17.8 A person who commits an offence may:

- a) if a violation ticket is issued in respect of the offence; and
- b) if the violation ticket specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

18. SEVERABILITY

18.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

19. GENERAL

19.1 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.

19.2 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 license.

- 19.3 Words in the singular include the plural and words in the plural include the singular.
- 19.4 This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 19.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.
- 19.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premises as provided by the Municipal Government Act, or any other law of the Province of Alberta.

This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this 10th day of June, 2013.

READ A SECOND TIME this 9th day of September, 2013.

READ A THIRD TIME AND PASSED this 9th day of September, 2013.



Mayor



Municipal Secretary

Schedule "A"

SECTION	OFFENCE	PENALTY
3.1 (b)	Release pool, pond, fountain water exceeding 3000 liters	\$250.00
3.1 (g)	Release without approval from Director	\$500.00
4.1	Release prohibited material	\$500.00
4.2	Fail to notify of release	\$250.00
4.5	Fail to mitigate prohibited release	\$500.00
5.1	Allow drainage to terminate within 2 meters	\$250.00
5.2	Pump or direct water from a parcel without consent	\$500.00
6.1 (a)	Fail to maintain interceptor, device	\$500.00
6.1 (b)	Fail to service interceptor, device	\$500.00
6.1 (c)	Fail to ensure proper operation	\$500.00
6.1 (d)	Fail to keep or provide a record	\$250.00
6.2	Deposit residue	\$500.00
7.1	Unauthorized use of storm drainage	\$500.00
8.1 (a)	Allow structure on or over a surface drainage facility	\$500.00
8.1 (b)	Fail to ensure surface drainage facility remains clear of debris	\$500.00
8.2	Insufficient fence clearance over a surface drainage facility	\$500.00
8.3 (a)	Restricting access to storm drainage system	\$500.00
8.3 (b)	Restricting flow into or within storm drainage system	\$500.00
8.4	Unauthorized altering, removing, changing storm drainage system	\$500.00
9.1	Fail to comply with an easement, right of way, restrictive covenant	\$250.00
10.1	Make, alter or remove unauthorized service connection to storm drainage	\$500.00
10.5	Unauthorized re-use of service connection	\$500.00
13.1	Fail to comply with provision or condition of written approval	\$500.00
15.5	Fail to comply with remedial order	\$500.00
16.1	Hinder, interrupt employee exercising powers or duties	\$500.00