

BYLAW NUMBER 1264

**BEING A BYLAW OF THE COUNTY OF LETHBRIDGE TO REGULATE
STORM WATER DRAINAGE WITHIN THE COUNTY OF LETHBRIDGE**

WHEREAS pursuant Section 7 and 8 of the **Municipal Government Act**, C.M-26.1, Council may pass bylaws for municipal purposes respecting public utilities and the enforcement of bylaws made under this or any other enactment, to regulate or prohibit and provide for the protection of property, activities in or near public places, nuisances and over public utilities;

AND WHEREAS the flow of water to municipally operated, owned or controlled lands may, if unregulated, be a nuisance;

AND WHEREAS regulating storm water drainage within the County of Lethbridge is therefore desirable;

NOW, THEREFORE, THE COUNCIL OF THE COUNTY OF LETHBRIDGE ENACTS AS FOLLOWS:

1. TITLE

This Bylaw shall be referred to as the "Storm Water Bylaw."

2. PURPOSE

The purpose of this bylaw is to regulate the use of storm water management facilities, within subdivisions within the County of Lethbridge.

3. DEFINITIONS

- a) **"Bylaw"** includes this bylaw and all regulations made by the administration pursuant to the authority of this Bylaw;
- b) **"County"** means the County of Lethbridge;
- c) **"County Manager"** means the Chief Administrative Officer of the County, or his delegate;
- d) **"Council"** means the Municipal Council of the County of Lethbridge;
- e) **"Owner"** means any person who is registered under the **Land Titles Act** as the owner of land, or any other person who is in lawful possession thereof or who is in lawful possession or occupancy of any buildings situated thereon;

f) **"Person"** means any individual, partnership, or corporation and heirs, executors, administrators, or legal representatives of a person;

g) **"Premise"** means any land or building or both, or any part thereof;

h) **"Release"** means to directly or indirectly conduct matter to a storm water management facility or watercourse by spilling, discharging, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means;

i) **"Storm Water"** means surface runoff water which is a result of natural precipitation;

j) **"Storm Water Management Facility"** means an impoundment and appurtenant structures, connections, and controls for the containment, detention, or retention of storm water;

k) **"Subdivision"** means any parcel of land within the County that has been subdivided for residential, commercial, industrial, or institutional use;

l) **"Watercourse"** means:

(i) a bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh, or any other natural body of water; or

(ii) a canal, ditch, reservoir, storm water management facility or other manmade feature whether it contains or conveys water continuously or intermittently.

4. STORM WATER DRAINAGE

The owner of commercial, industrial, institutional, and multi-family premises other than duplexes, located in a subdivision shall provide proper drainage systems for storm water run-off from roofs, parking areas, storage areas, paved areas, and courtyards.

5. STORM WATER DRAINAGE CONNECTIONS

a) When a connection to a new or existing storm water management facility is required, a written request shall be submitted to the County Manager requesting this connection, accompanied by such plans and engineering reports as may be required in the County Manager's sole discretion.

b) The written request set out above shall be made by an owner or authorized agent, and shall be accompanied by a site mechanical and grading plan.

6. MAINTENANCE OF STORM WATER MANAGEMENT FACILITY

The owner of premises on which a storm water management facility is located shall properly maintain such storm water management facility, in accordance with the terms of this Bylaw. All maintenance work shall be done in accordance with standard engineering practices. More specifically, the owner shall ensure that the storm water management facility is not filled in or obstructed in any way or allow the volume of such facility to be diminished. Further the owner shall take all possible steps to ensure that the facility does not overflow and maintain a proper water level.

7. STORM WATER FACILITY REGULATIONS

a) No person shall alter the function of, remove or destroy, without permission from the County Manager, any;

(i) devices installed in a storm water management facility used to control the rate of inflow or release through to a watercourse;

(ii) facilities or site grading on the premises specifically designed to store storm water;

b) No person shall hinder or prevent the County Manager from carrying out any of his duties or any of his powers of duties.

c) No person shall cause any releases to be discharged into a storm water management facility without the prior written consent of the County Manager.

d) No person shall permit or cause the release of any hazardous, harmful or deleterious substances, into a storm water management facility or watercourse.

8. STORM WATER CHARGES

a) The County will levy a storm water charge on every premise in a subdivision that is serviced or benefits from a storm water management facility.

b) The storm water charge will be:

(i) computed according to the rates set out in the County Fee Bylaw as amended from time to time; and

(ii) levied and collected at the same time as the municipal taxes on the premises.

9. APPEAL OF STORM WATER CHARGES

a) An owner may request a review of a storm water charge that has been levied by applying in writing, within SIXTY (60) days of the date upon which the charge was levied to the County Manager to have the charge reviewed.

b) The County Manager will determine whether or not a storm water charge was properly levied, and may, if it is found that the storm water charge was not properly levied, refund to the owner some or all of the storm water charge that had been levied.

10. PUBLIC USE OF STORM WATER MANAGEMENT FACILITIES

a) No person shall wade, swim, boat, canoe, fish, or conduct any other recreational activities which may result in contact with the water in a storm water management facility, unless permitted by the County Manager.

b) No person shall skate or carry out other winter recreational activities on storm water management facilities except at locations designated by the County Manager.

c) No person shall remove water from a storm water management facility without the County Manager's permission.

11. COUNTY ACTION AND COLLECTION FOR WORK DONE

a) Where an owner has been served with a written Order by the County Manager to take action or measures to correct any contravention of this bylaw, and fails to comply with that Order, the County employees or agents may perform such work required to remedy such contravention and a fee will be assessed for such work as set out below.

b) The fee for work done by the County or its agents pursuant to 11(a) shall be equal to the actual cost of work, plus TEN (10%) PERCENT with a minimum fee of \$300.00.

c) If the fee assessed for such work performed as set out above, remains unpaid within SIXTY (60) days of the delivery of an invoice for such work, the fee will be charged against such premise as an addition to the tax roll to be recovered as property taxes in accordance with S. 553 of the **Municipal Government Act**.

12. PROSECUTION AND PENALTIES

a) Any person who contravenes any provision of this Bylaw by
(i) doing any act or thing which the person is prohibited from doing, or

(ii) 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.

b) Any person convicted of an offence pursuant to Subsection (a) is liable, on a summary conviction, to a fine not exceeding \$10,000.00, or imprisonment for a period not exceeding one year, or to both fine and imprisonment.

c) Any person who has been convicted of an offence pursuant to Subsection (1) above, and fails to pay the penalty imposed is liable to imprisonment for not less than TWENTY (20) days, unless the fine is paid sooner.

d) Where an enforcement officer reasonably believes that a person has contravened any provision of the Bylaw, the enforcement 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**, allowing payment of the specified penalty as provided in Schedule "A" of this Bylaw for the particular offence, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.

e) The minimum fine that may be imposed for a contravention of a particular section of the Bylaw shall be the specified penalty applicable for a first offence against the particular section, as set out in column one of Schedule "A".

f) Where a person is convicted is a "second or "third or subsequent" offence against a particular section of the Bylaw, and where those offences have occurred within a TWELVE (12) month period subsequent to the occurrence of the initial offence against that section of the Bylaw, the specified penalties applicable to the "second or third or subsequent" offences shall be those amounts set out in columns two or three, respectively, of Schedule "A".

13. SEVERABILITY

Each provision of this Bylaw is independent of all others. If any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

14. SCHEDULES

The schedule to this Bylaw forms a part of it.

15. COMMENCEMENT

This Bylaw shall come into force on the date it is passed.

READ A FIRST TIME THIS 16th DAY OF September , 2004.

READ A SECOND TIME, AS AMENDED, THIS 7th DAY OF October , 2004.

READ A THIRD TIME, AS AMENDED, THIS 7th DAY OF October , 2004.



REEVE


COUNTY MANAGER