

BYLAW NO 1941-20

OF THE CITY OF WETASKIWIN IN THE PROVINCE OF ALBERTA

**A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA,
TO REGULATE STORM SEWERS IN THE CITY.**

WHEREAS pursuant to Section 7 of the Municipal Government Act, RSA 2000 Chapter M-26 a municipality may pass Bylaws for Municipal purposes respecting public utilities and services provided by the municipality;

AND WHEREAS pursuant to Section 7 of the Municipal Government Act authorizes a municipality to pass Bylaws for Municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to Section 7 of the Municipal Government Act authorizes a municipality to pass Bylaws for Municipal purposes respecting the enforcement of bylaws including providing for inspections to determine if bylaws are being complied with;

AND WHEREAS regulating storm sewers with the City of Wetaskiwin is desirable;

NOW THEREFORE under the authority of the Municipal Government Act, the Council of the City of Wetaskiwin, in the Province of Alberta, enacts as follows:

TITLE:

1. This Bylaw may be cited as the "Storm Sewer Bylaw".

DEFINITIONS

2. In this Bylaw:
 - a. "Adverse Effect" means impairment of or damage to, or the ability to cause impairment of, or damage to:
 - i. the Storm Sewer System;
 - ii. human health or safety;
 - iii. property; or
 - iv. the environment;
 - b. "Applicant" means a person who is making an application to the City Engineer to connect to the City of Wetaskiwin Storm Sewer System and may be the legal owner of a parcel or a tenant with the approval of the legal owner;
 - c. "Bylaw Enforcement Officer" means a person appointed pursuant to Bylaw 127694 and any amendments or replacements thereto, to enforce the provisions of this Bylaw and other bylaws of the City;
 - d. "City" means the municipal corporation of The City of Wetaskiwin, and includes the geographical area within the boundaries of The City of Wetaskiwin where the context so requires;

- e. “City Engineer” means the person designated by the City Manager as the City Engineer, and if no person is designated, the City Manager;
- f. “City Manager” means the Person designated by Council as the Chief Administrative Officer of the City or that Person’s designate;
- g. “Storm Sewer System” means the City-owned storm sewers, appurtenances, the City-owned storm water drainage or management facilities (including storm water retention facilities), and drainage channels;
- h. “Director” means the person designated by the City Manager as the Director of Corporate Support, and if no person(s) is designated, shall be the City Manager;
- i. “Prohibited Material” means any Substance that may, directly or indirectly, obstruct the flow of Water within the Storm Sewer System or may have an Adverse Effect and includes, but is not limited to:
 - i. soil, sediment, waste or other solid matter; ii. fecal matter, Animal Waste, dead animals or animal parts; iii. cooking oils and greases; iv. gasoline, motor oil, transmission fluid, and antifreeze;
 - v. solvents; vi. paint; vii. cement or concrete wastes;
 - viii. sawdust, wood, fibreboard or construction material;
 - ix. yard waste;
 - x. pesticides, herbicides or fertilizers;
 - xi. biomedical waste or general medical waste; xii. hazardous substances;
 - xiii. industrial waste;
 - xiv. soaps or detergents; xv. water from hot tubs; xvi. any substance or combination of substances that emits an odour; or
 - xvii. fish and other aquatic fauna and flora not authorized by the City Engineer.
- j. “Release” means:
 - i. to directly or indirectly conduct a Substance to the Storm Sewer System by spilling, discharging, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means; or
 - ii. a spill, release, disposal, abandonment, deposit, leak, seep, pour, drain or emptying of a substance into the Storm Sewer System;

- k. "Storm Drainage" means runoff that is the result of rainfall and other natural precipitation or from the melting of snow or ice;
- l. "Stormwater Service Charge" means the flat monthly (30 day) charge for the operation and maintenance or inspection of the Storm Sewer System;

INTERPRETATION AND APPLICATION

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

PROTECTING THE CITY'S STORM SEWER SYSTEM

- 4. It is unlawful:
 - a. to release or permit the release of any liquid other than storm water from foundation, rooftop or yard drainage into the Storm Sewer System:
 - i. For the purposes of this section a person is deemed to release or permit the release of a liquid into a storm sewer if the person releases the liquid or permits the release of the liquid onto the ground; or
 - ii. if the person releases the liquid or permits the release of the liquid into a private storm water drainage system. or
 - b. to alter or impede the passage of storm water in the City's Storm Sewer System.
 - c. If a person contravenes this section that person must, in addition to any penalty that may be imposed, indemnify the City for the cost of repair of any damage to the City's Storm Sewer System and for any fine or penalty imposed on the City by Alberta Environmental Protection or any other regulatory agency.
- 5. The City Engineer may, in addition to any other remedy available, disconnect or seal off a parcel from the Storm Sewer System or take such other action as is necessary to prevent a discharge of storm drainage from entering the Storm Sewer 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 Sewer System; or
 - d. may otherwise cause or result in a negative impact.

CONNECTING TO THE CITY'S STORM SYSTEM

- 6. The City Engineer has the authority to authorize all things required for the construction, maintenance, and management of the Storm Sewer System.
 - a. The City Engineer may delegate these powers under this Bylaw to one or more employees or agents of the City.

7. The City Engineer may establish standards and policies for the design, construction and maintenance of the City's storm system and any connection to the Storm Sewer System.
8. A person who wishes to connect any piping to the Storm Sewer System, shall apply to the City Engineer for approval prior to any work being commenced.
9. An application shall include:
 - a. if required by the City Engineer, construction drawings identifying the proposed connection, associated piping, fittings and installations, and any other information required by the City Engineer;
 - b. the applicant's interest in the land;
 - c. payment of any offsite levies or any other outstanding amounts in relation to the property that are due to the City; and
 - d. payment of any amounts due under Development Agreements in relation to the property.
10. The City Engineer may require:
 - a. drawings showing and information relating to:
 - b. the size and type of materials of the piping, fittings and installations,
 - c. the depth at which the pipe will be buried,
 - d. the grade on which the piping will be installed;
 - e. design calculations including design rainfall event, runoff coefficients, peak and volume calculations; and
 - f. computer simulation for determining flow rates for properties larger than twenty (20) hectares, and
 - g. any other drawing or information that the City Engineer considers necessary to ensure compliance with this Bylaw, the safe and effective operation of the Storm Sewer System and the collection of storm water.
11. The City Engineer may impose conditions on an approval to ensure compliance with this Bylaw.
12. An approval granted under this Bylaw does not relieve the applicant from the obligation to obtain approvals required under any other enactment and compliance with any other enactment, including but not limited to the Safety Codes Act.
13. A person shall not connect any piping or fixture to the Storm Sewer System without first obtaining the approval of the City Engineer.

OWNER RESPONSIBILITIES

14. If an application for a connection is approved, the applicant is responsible for all costs associated with connecting the applicant's storm sewer service connection to the Municipal Storm Sewer System.
15. The applicant shall be responsible for all costs associated with any work done and shall include works on the applicant's property and any works on City land or on the City's storm sewer system necessary to make the connection to the Storm Sewer System.
16. The registered owner of the land must maintain the private storm water drainage system and storm sewer service connection, if any, at the registered owner's expense.
17. The registered owner's obligations include but are not limited to:
 - a. maintaining the private storm water drainage system and any storm sewer service connection in a state of good repair;
 - b. protecting the private storm water drainage system and any storm sewer service connection from freezing or damage of any other sort; and
 - c. ensuring that the private storm water drainage system and any storm sewer service connection do not leak.

FEES

18. The City Engineer is responsible for the administration and enforcement of this Bylaw, including:
 - a. issuing a utility bill under this Bylaw; and
 - b. collecting fees, charges or other amounts payable under this Bylaw.
19. The Applicant shall:
 - a. allow the City Engineer and the Director access to the Applicant's property for the purpose of inspecting any storm sewer service connection pursuant to Section 36 of the Municipal Government Act; and
 - b. maintain the private storm water drainage system and any storm sewer service connection.
20. If an Applicant is not the registered owner of the land, the obligations are joint obligations of the Applicant and registered owner.
21. All utility bill payments terms and conditions that apply to water, wastewater, and garbage fees apply to the storm charges.
22. The City may enforce payment of any amount owing under this Bylaw by:
 - a. adding the amount owing to the tax roll, if the Applicant is the registered owner of the land;
 - b. disconnecting the water supply to the Applicant;

- c. taking action in any court of competent jurisdiction; or
- d. all or any of the above.

GENERAL

- 23. If there is any overlap between the authority granted to the Director and the City Engineer under this Bylaw, either may exercise the authority.
- 24. The City is not responsible for any private storm sewer fixtures, private storm water drainage systems, storm water management facilities located on privately owned property, for storm sewer service connections or for the consequences of any failure of any connection to the City's storm sewer system.
- 25. **DISCHARGES TO STORM SEWERS OR WATERCOURSE**
 - 1. No person shall discharge or deposit or cause or permit the discharge or deposit into any storm sewer, land drainage works, or watercourse whether added directly or indirectly any wastewater:
 - a. that may interfere with the proper operation of a storm sewer;
 - b. that may damage a storm sewer;
 - c. that could obstruct or restrict a storm sewer or the flow therein;
 - d. that could result in a hazard or adverse impact to any person, animal, property or vegetation;
 - e. that may impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
 - f. that may result in the contravention of an approval, requirement, direction or other order issued by Alberta Environment or other enforcing agency with respect to the storm sewer or its discharge;
 - g. that has a temperature greater than 40°C;
 - h. having a pH less than 6.0 or greater than 9.0;
 - i. containing more than 20 milligrams per litre of suspended solids;
 - j. containing more than 20 milligrams per litre of BOD;
 - k. containing more than 100 milligrams per litre of COD;
 - l. containing dyes or colouring material which discolours the wastewater;
 - m. that has two or more separate liquid layers;
 - n. that contains solvent-extractable matter of vegetable, mineral, or synthetic origin which causes a visible film, sheen or discoloration on the water surface;

o. containing any ignitable waste or explosive matter which, by itself or in combination with other substances, is capable of causing or contributing to any explosion or supporting combustion;

p. that contains radioactive materials, except where:

i. the radioactive materials are being discharged under a valid and current license

issued by the Canadian Nuclear Safety Commission or its successor; and

ii. a copy of the license has been provided to the City;

q. containing E. coli (fecal coliform) colonies in excess of 200 per 100 mL;

r. containing the following in excess of the indicated concentrations:

Ammonia nitrogen (NH₃-N) 1.0 mg/L

Arsenic 5.0 µg/L

Cadmium 0.1 µg/L

Chlorine (free) 0.5 µg/L

Chromium 1.0 µg/L

Copper 4.0 µg/L

Cyanide (total) 5.0 µg/L

Lead 5.0 µg/L

Mercury 0.026 µg/L

Nickel 0.05 mg/L

Oils & greases (except automotive or machine) 15.0 mg/L

Phenols 4.0 µg/L

Phosphorus 1.0 mg/L

Selenium 1.0 µg/L

Silver 0.1 µg/L

Zinc 0.03 mg/L

Total PAHs 5.0 µg/L

s. containing the following matter, material or waste in any amount:

i. Floating debris; ii. Sewage;

iii. Once-through cooling water; iv. Blowdown;

- v. Automotive or machine oils and greases;
 - vi. Fuels;
 - vii. Paints and organic solvents;
 - viii. Substances and contaminants from raw materials, intermediate or final products used or produced in, through or from an industrial process;
 - ix. Substances used in the operation or maintenance of an industrial site;
 - x. Waste disposal site leachate;
 - xi. Hazardous wastes;
 - xii. Biological wastes;
 - xiii. Reactive wastes.
- t. Notwithstanding the above, once-through cooling water or blowdown may be released when:
- i. the once-through cooling water or blowdown is being discharged pursuant to a certificate of approval or order relating to the premises issued by Alberta Environment;
 - ii. the owner or tenant of the premises has written approval from the City which expressly authorizes the discharge from the premises; and
 - iii. a copy of the certificate of approval or order, has been provided to and approved by the City.
- u. Where livestock or any other animals are permitted within the City limits:
- i. such livestock or animals must not be allowed to drink or defecate in any open water bodies within the City Limits;
 - ii. a natural vegetated buffer with a minimum width of ten (10) metres per side of any open water bodies must be maintained, to prevent entry of any livestock or animals into the water bodies; and
 - iii. a fence must be installed by the owner or tenant of the property, at the discretion of the City Engineer, to ensure compliance this Section.

ENFORCEMENT AND PENALTY

Offence:

26. Except as otherwise provided herein, any Person who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable, upon summary conviction, to the fine as set out in Schedule "A" of this Bylaw.
- a. Every day during which a contravention continues is deemed to be a separate offence.

27. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
28. A Violation Tag may be issued to such person:
 - a. personally;
 - b. by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
 - c. by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
29. Any Violation Tag shall conform to a format approved by the City Manager and shall include all required content.
30. Subject to the provisions of Sections 28 and 29, upon issuance and service of a Violation Tag, the amount the City will accept for the alleged offences shall be the amount of the specified penalty, and upon payment to a person authorized by the City Manager to receive such payment there shall be issued an official receipt therefor and such payment shall be accepted in lieu of prosecution for the alleged offence.
31. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Person to whom the Violation Tag was issued.
32. A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
33. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within Schedule "A" of this Bylaw.
34. When Court records the receipt of a voluntary payment pursuant to Provincial Offences Procedure Act, the act of recording the receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
35. Subject to Section 32, where payment is tendered within 7 days from the date of service of a Violation Tag issued and served under Section 29 for an alleged offence listed in Schedule "A", to a person authorized by the City Manager to receive such payment set out in Section 32 shall be reduced by 50% of the specified penalty and such payment shall be accepted in lieu of prosecution.
36. Nothing in this Bylaw shall be read or construed as:
 - a. preventing any person from exercising their right to defend an allegation that he has committed an offence listed in Schedule "A" or,



- b. preventing a Peace Officer from issuing a summons or offence notice under the Provincial Offences Procedure Act or otherwise initiating court process in any other manner permitted by law, in respect of an alleged offence which a violation tag may be issued.
37. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a penalty of not less than \$500 and not exceeding \$10,000 and to imprisonment for a term not exceeding six (6) months for nonpayment of the fine.

VICARIOUS LIABILITY

38. For the purpose of this bylaw, an act or omission by an employee or agent for a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

SEVERABILITY

39. If a court of competent jurisdiction should declare any Section or Subsection of this bylaw to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

TRANSITION

40. This bylaw shall come into full force and effect on third and final reading.

READ a first time this 13th day of January, 2020.

READ a second time this 13th day of January, 2020.

READ a third time this 13th day of January, 2020.

ORIGINAL SIGNED

TYLER GANDAM, MAYOR

ORIGINAL SIGNED

ROBERT OSMOND, ACTING CITY MANAGER

SCHEDULE "A"

PENALTIES

Offence	Minimum Penalty 1st offence	Specified Penalty 1st offence
Release a prohibited material	\$500	\$3,000
Connect directly to foundation drain or weeping tile	\$75	\$500
Pump or direct water from a parcel	\$500	\$1,500
Fail to service, maintain Interceptor, device or practice	\$500	\$1,500
Unauthorized use of Storm Sewer System	\$500	\$3,000
Fail to ensure Surface Drainage Facility remains clear of debris	\$500	\$1,500
Altering, removing or changing Storm Sewer System	\$500	\$1,500
Fail to comply with an easement	\$200	\$500
Failure to notify City Engineer of changes	\$75	\$300

**SCHEDULE I
PENALTY AMOUNTS**

(refer to Section 34 of Wastewater Bylaw)

Offence	Section	Penalty	Subsequent Offence
Release to a sanitary sewer of other than permitted matter	3,4,5	\$2,000	\$4,000
Release of a hazardous waste to a sanitary sewer	3.k.	\$4,000	\$8,000
Release to storm sewer/watercourse of other than permitted matter	6	\$3,000	\$6,000
Release of hazardous waste to storm sewer or watercourse	6.s.	\$5,000	\$10,000
Not maintaining the buffer between livestock and open water bodies	6.u.ii	\$2,000	\$4,000
Livestock watering or defecating in open water bodies within City Limits	6.u.i.	\$5,000	\$10,000
Disposing of hauled wastewater or waste other than permitted matter	7.a.	\$2,000	\$4,000
Hauled wastewater or waste that contains grit, skimmings or sludge	7.b.	\$2,000	\$4,000
Hauled wastewater or waste from multiple generators in a single load without permission from Public Works	7.c.	\$4,000	\$8,000
Disposal of hauled wastewater or waste without prior approval	7.g.	\$1,000	\$2,000
Disposal of wastewater or waste in which the random sample determined that the load already disposed of violated the Wastewater By-law	7.i.	\$2,500	\$5,000
Waste manifest not completely filled out or filled out incorrectly	7.k.	\$1,000	\$2,000
Wastewater diluted into a sanitary, storm sewer or watercourse	9	\$2,000	\$4,000
Hauled wastewater or waste diluted and disposed of into the wastewater system	9	\$2,000	\$4,000
Inspector hindered during investigation	10	\$5,000	\$10,000
Improper installation and maintenance of an inspection manhole	11	\$1,000	\$2,000
Monitoring device not installed or maintained	12	\$5,000	\$10,000
Data from monitoring device not available when requested	12.b.	\$2,000	\$4,000
Improper installation and maintenance of a wastewater pretreatment facility	13	\$5,000	\$10,000
Interceptor not properly installed or maintained	14	\$2,000	\$4,000
Improper disposal of material from interceptor	14.g.	\$1,000	\$2,000
Unauthorized installation or operation of a garbage disposal unit	15.a.	\$2,000	\$4,000

Screen not properly installed or maintained as required	16.a.	\$2,000	\$4,000
Owner or person who is involved in a release, fails to notify proper authorities of the release	17	\$5,000	\$10,000
Incorrect information supplied on Release Report	17.b.	\$5,000	\$10,000
Written Release Report not submitted or submitted incomplete	17.d.	\$2,000	\$4,000
Reasonable effort to contain\remove\dispose of released material not taken	17.c.	\$5,000	\$10,000
Entering\working on public sewers without authorization	19.g.	\$2,000	\$4,000
Damaging or tampering with sewerage system or wastewater facility	19.h.	\$5,000	\$10,000
Connecting private sewers without a permit	21.d.	\$3,000	\$6,000
Causing an increase in peak flow or quality of storm water discharge from site	26.a.	\$1,000	\$2,000
Storm water flow restrictor not installed or maintained	26.d.	\$2,000	\$4,000
Improper installation and maintenance of weeping tile system	27	\$1,000	\$2,000
Improper disposal of material from swimming pool, wading pool or hot tub	28	\$1,000	\$2,000
Unable to provide results from monitoring BMP's when requested by the city	30.b.	\$1,000	\$2,000
Failure to complete a Waste Survey Report, when requested by City	31	\$1,000	\$2,000
Failure to comply with terms, conditions and requirements of the Compliance Program	33	\$3,000	\$6,000
Supplying false information in any document pertaining to this Bylaw.	44	\$5,000	\$10,000
Contravention of any other clause in this Bylaw.		\$500	\$1,000