

**PROPOSED TEXT FOR A BYLAW TO AMEND BYLAW 37M2005, THE DRAINAGE BYLAW**

1. Bylaw 37M2005, the Drainage Bylaw, as amended, is hereby further amended.
2. In section 2:
  - (1) the following is added after subsection 2(1)(g.1) as subsection 2(1)(g.2):

“(g.2) *“Drainage Service Charge”* means the flat monthly (30 day) charge for the operation and maintenance of the Storm Drainage System;”;
  - (2) in subsection 2(1)(aa) the words “and Foundation Drainage” are added after “Storm Drainage”;
  - (3) the following is added after subsection 2(1)(dd) as subsection 2(1)(dd.1):

“(dd.1) *“Wastewater System”* means the system owned and operated by the City for the collection, transmission, treatment and disposal of wastewater;”;

and
  - (4) in subsection 2(5), the words “agency, organization” are added after the word “regulation,” wherever it appears.
3. In section 4:
  - (1) in subsection 4(3), after the words “Storm Drainage System” the words “unless the Release could cause an Adverse Effect” are added;
  - (2) in subsection 4(3)(e), the word “and” is deleted;
  - (3) in subsection 4(3)(f), the “.” is deleted and replaced with “; and”; and
  - (4) the following is added after subsection 4(3)(f) as subsection 4(3)(g):

“(g) a Release that complies with the conditions established by the Director, Water Resources pursuant to section 15(4).”.
4. In subsection 6(2), after the word “tile” the words “unless authorized to do so by the Director, Water Services” are added.
5. Section 7 is deleted and replaced with the following:

“7. Except in an emergency, no Person shall direct, pump or Release impounded Water from a Parcel to the Storm Drainage System or to property owned or occupied by the City without written consent of the Director, Water Services or the Director, Water Resources.”

6. Section 8 is deleted and replaced with the following:
- “8. The Director, Water Resources may permanently or temporarily require the owner or occupant of a Parcel to treat, restrict, impound, manage or otherwise retain Water on such Parcel:
- (a) if Prohibited Materials are likely to directly or indirectly enter the Storm Drainage System from the Parcel; or
  - (b) if the Water from the Parcel is likely to directly or indirectly cause erosion, damage or other Adverse Effect to property owned or occupied by the City; or
  - (c) in order to:
    - (i) control the volume; or
    - (ii) ensure the water quality;of Water directly or indirectly entering the Storm Drainage System.”
7. In subsection 9(c), the words “or inspection” are added after the word “maintenance” wherever it appears.
8. In section 10,
- (1) the title of the section is changed from “**USE AND RE-USE OF STORM DRAINAGE**” to “**USE AND RE-USE OF STORM DRAINAGE OR FOUNDATION DRAINAGE**”; and
  - (2) in subsections 10(1), 10(2) and 10(2)(a), after the words “Storm Drainage”, the words “or Foundation Drainage” are added.
9. The following is added after subsection 11(5) as subsection 11(6):
- “(6) A Person must not, unless authorized by the Director, Water Services or the Director, Water Resources, enter any facility or structure that is part of the Storm Drainage System, including a storm pond.”.
10. In subsection 13(7), the word “bylaw” is deleted and replaced with “Bylaw”.
11. In section 14, the word “discharge” is deleted wherever it appears and replaced with the word “Release”.
12. In subsection 15(4), the words “rates, volumes and locations of Releases” are deleted and replaced with “rates, volumes, locations or other conditions for Releases”.

13. The following is added after section 15 as section 15.1:

**“DRAINAGE SERVICE CHARGE**

- 15.1 (1) In addition to any other fee or charge set out in this Bylaw, the owner of a Premises which is located within the boundaries of the City and connected to the Wastewater System must pay a Drainage Service Charge to the City in accordance with Schedule “B”.
- (2) The Director, Water Resources may establish a system for the billing and collection of any rates, charges and fees in connection with the Storm Drainage System.
- (3) The Director, Water Resources may establish rates, charges or fees for any work done or service or material supplied for the construction, installation, Connection, disconnection or replacement of any of the following:
- (a) any part of the Storm Drainage System;
  - (b) any part of a Person’s drainage system located on private property.”

14. In Section 18:

- (1) subsection 18(1) is deleted and replaced with the following:

“18. (1) Where:

- (a) the Director, Water Resources;
- (b) the Director, Water Services; or
- (c) an Officer;

believes a Person has contravened any provision of this Bylaw, he or she may issue to the Person a Remedial Order, pursuant to section 545 of the *Municipal Government Act* and in accordance with Part 2 of The City of Calgary Community Standards Bylaw Number 5M2004, to remedy the infraction.”.

- (2) in subsection 18(2), the word “bylaw” is deleted and replaced with “Bylaw”; and

- (3) subsection 18(4) is deleted and replaced with the following:

“(4) If, in the opinion of the Director, Water Resources, the Director, Water Services or an Officer, service of the Remedial Order cannot be reasonably affected, or if the Director, Water Resources, the Director, Water Services or the Officer believes that the owner of the Premises is evading service, the Remedial Order may be posted 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.”

15. Section 19.1 is deleted and replaced with the following:

“19.1 The owner or occupier of a Premises is responsible for all costs associated with any of the following:

- (a) the implementation of any measures taken, or required to be taken with respect to the Premises, to meet the requirements of this Bylaw with respect to the Premises or to remediate, mitigate or prevent an Adverse Effect;
- (b) damage or harm to the Storm Drainage System resulting from the owner’s or occupier’s contravention of the requirements of this Bylaw.”.

16. In subsection 20(1)(b)(iii), the words “requirement of” are deleted and replaced with “requirement or”.

17. In Schedule “A”,

- (1) after :

“11(5)	Make or create Surface Drainage Facility	\$500	\$3000”
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the following is added:

“11(6)	Enter Storm Drainage System structure or facility	\$500	\$1500”
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- (2) the following is deleted

“18(5)	Fail to comply with Remedial Order	\$250	\$500”
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and replaced with:

“18(5)	Fail to comply with Remedial Order	\$250	\$1000”
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and

(3) after:

"19	Hindering authorized City employee	\$500	\$1000"
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the following is added:

"20(1)(b)(i)	Failing to comply with a requirement of the Director, Water Resources or Director, Water Services	\$500	\$1500
20(1)(b)(ii)	Failing to comply with a requirement or condition of a written approval or permit	\$500	\$1500
20(1)(b)(iii)	Failing to comply with a requirement or condition of an agreement	\$500	\$1500"

18. The following is added after Schedule "A" as Schedule "B":

**"SCHEDULE "B"**

**DRAINAGE SERVICE CHARGE**

The rates or charges described in this Schedule are shown for the years 2015, 2016, 2017, and 2018, and must apply in the calendar year indicated (from January 1 to December 31, inclusive).

Monthly rates or charges described in this Schedule are based on a thirty (30) day period. The amount billed must be established by dividing the applicable monthly rate or charge by thirty (30) to derive a daily rate and multiplying the daily rate by the actual number of days in the billing period.

	<b><u>2015</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>	<b><u>2018</u></b>
Drainage Service Charge (\$ per 30 days)	\$10.96	\$13.05	\$15.54	\$18.51"

19. This Bylaw comes into force on the day it is passed.