

PROPOSED

UCS2021-0603
ATTACHMENT 2

BYLAW NUMBER 41M2021

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 37M2005, THE DRAINAGE BYLAW

WHEREAS Council has considered UCS2021-0603 and deems it necessary to amend Bylaw 37M2005, the Drainage Bylaw;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 37M2005, the Drainage Bylaw, as amended, is hereby further amended.
2. (1) The words “storm drainage” are deleted and replaced with “stormwater” wherever they appear in the bylaw.

(2) The word “owner” is deleted and replaced with “Owner” wherever it appears in the bylaw, except in section 20.1.
3. In section 1, the words “Drainage Bylaw” are deleted and replaced with “Stormwater Bylaw”.
4. The following is added after section 1 as section 1.1:

“PURPOSE

- 1.1 The purposes of this Bylaw are:
 - (a) to protect the Stormwater System from damage, obstruction, interference, unauthorized use, alteration, installation or removal of connections to the Stormwater System, or the release of prohibited materials;
 - (b) to protect The City’s employees, infrastructure, environment and the public from exposure to dangerous conditions;
 - (c) to protect, control and monitor the volume and ensure the quality of water entering the Stormwater System;
 - (d) to provide for a system of rates, fees and charges for various types of use of the Stormwater System; and
 - (e) to provide for a system of permits or other permissions that facilitate the imposing of conditions on releases to the Stormwater System.”.

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5. In subsection 2(1):
- (a) the following is added after subsection 2(1)(p) as subsection 2(1)(p.1):
 - “(p.1) “*Owner*” means a person who is one or more of the following:
 - (i) the registered owner of the land;
 - (ii) a purchaser of the land whose interest as a purchaser is shown on the certificate of title to that land;
 - (iii) a tenant or other person who is in lawful possession or occupation of any buildings situated on the land;”;
 - (b) subsection 2(1)(t)(xiv) is deleted and replaced with the following:
 - “(xiv) soaps, detergents or other chemical products;”;
 - (c) in subsection 2(1)(t)(xvi), the word “and” is deleted;
 - (d) the following is added after subsection 2(1)(t)(xvii) as subsections 2(1)(t)(xviii) and (xix):
 - “(xviii) industrial plastics including plastic pellets, flakes or powder; and
 - (xix) general refuse and domestic litter;”;and
 - (e) in subsection 2(1)(aa)i. the words “that make up the storm drainage collection system” are deleted.
6. In section 11:
- (a) in subsection 11(4) after the word “by” the word “the” is added;
and
 - (b) subsection 11(6) is deleted and replaced with the following as subsections 11(6) and (7):
 - “(6) A Person must not, unless authorized by the Director, Water Services or the Director, Water Resources,
 - (a) enter; or
 - (b) place or remove any plant, animal or object in or from;

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any facility or structure that is part of the-Stormwater System, including a storm pond.

(7) A Person must not fish from a storm pond.”.

7. In subsection 15(3):

(a) in subsection 15(3)(d) after the word “plan” the words “to the satisfaction of the Director” are added;

and

(b) in subsection 15(3)(e), after the word “conditions” the word “or requirements” are added.

8. In section 15.1, the following is added after subsection (3) as subsection (4):

“(4) In the event of default of payment of any fee or charge imposed pursuant to this bylaw or any amount due and payable to the City for anything done pursuant to this Bylaw, the Director, Water Resources may enforce the collection of amounts owing by:

(a) discontinuing water supplied, pursuant to the Water Utility Bylaw 40M2006, to the Premises associated with the amounts owing;

(b) commencing an action against the Owner of the Premises associated with the amounts owing;

(c) entering the amount owing to the City on the tax roll of the Premises associated with the amounts owing; or

(d) all of the above.”.

9. In subsection 20(1)(b)(i) the words “conditions or” are added before “requirement”.

10. In **SCHEDULE “A” – SPECIFIED AND MINIMUM PENALTIES**, under the headings indicated, the following is deleted:

SECTION	OFFENCE	MINIMUM PENALTY 1st offence	SPECIFIED PENALTY 1st offence
“11(6)	Enter Storm Drainage System structure or facility	\$500	\$1500”

and replaced with:

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SECTION	OFFENCE	MINIMUM PENALTY 1st offence	SPECIFIED PENALTY 1st offence
"11(6)	Enter, or place or remove a plant, animal or objects in or from, a Stormwater System structure or facility	\$500	\$1500
11(7)	Fish from a storm pond	\$500	\$1500"

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

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____