

OFFICE CONSOLIDATION

BYLAW NUMBER 37M2005

**BEING A BYLAW OF THE CITY OF CALGARY TO
REGULATE STORM SEWERS AND STORM DRAINAGE
IN THE CITY OF CALGARY**

(Amended by Bylaw Numbers 15M2006, 57M2009, 50M2011, 13M2012, 14M2012)

WHEREAS the *Municipal Government Act* (R.S.A. 2000, c. M-26) authorizes a municipality to pass Bylaws for municipal purposes respecting public utilities and services provided by the municipality;

AND WHEREAS 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 the *Municipal Government Act* authorizes a municipality to pass Bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is often open to the public;

AND WHEREAS the *Municipal Government Act* authorizes a municipality to pass Bylaws for municipal purposes respecting nuisances;

AND WHEREAS the *Municipal Government Act* authorizes a municipality to pass Bylaws for municipal purposes respecting systems of licenses, permits or approvals;

AND WHEREAS 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 and storm drainage within the City of Calgary is desirable;

AND WHEREAS it is deemed expedient to update and consolidate the bylaws which control and regulate storm sewers and storm drainage in The City of Calgary;

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

TITLE

1. This Bylaw may be referred to as the "Drainage Bylaw".

INTERPRETATION AND DEFINITIONS

2. (1) In this Bylaw:
- (a.01) “*Adverse Effect*” means impairment of or damage to, or the ability to cause impairment of or damage to:
 - i. the Storm Drainage System;
 - ii. human health or safety;
 - iii. property; or
 - iv. the environment;

(B/L 13M2012, 2012 March 12)
 - (a) “*Animal Waste*” means all forms of waste from animals or the treatment of animals, and includes animal carcasses or parts;
 - (a.1) “*Bylaw Enforcement Officer*” means a person appointed pursuant to Bylaw 60M86 to enforce the provisions of this Bylaw and other bylaws of the City;

(B/L 13M2012, 2012 March 12)
 - (b) “*Biomedical Waste*” means medical waste that requires proper handling and disposal because of environmental, aesthetic, health or safety concerns and includes, but is not limited to:
 - (i) human anatomical waste;
 - (ii) infectious human waste;
 - (iii) infectious animal waste;
 - (iv) microbiological waste;
 - (v) blood and body fluid waste; and
 - (vi) medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;
 - (c) “*City*” means the municipal corporation of The City of Calgary, and includes the geographical area within the boundaries of The City of Calgary where the context so requires;
 - (d) “*City Manager*” means the Person designated by Council as the Chief Administrative Officer of the City or that Person’s designate;

- (e) “*Connection*” means a pipe or conduit installed between a Premises and the Storm Drainage System for the purpose of draining Storm Drainage from the Premises;
- (f) “*Decorative Pond*” means an artificial body of water for ornamental purposes but does not include fish ponds;
- (g) “*Director, Water Resources*” means the City Manager or the City Manager’s designate;
(B/L 57M2009, 2009 November 02)
- (g.1) “*Director, Water Services*” means the City Manager or the City Manager’s designate;
(B/L 57M2009, 2009 November 02)
- (g.2) “*Drainage Service Charge*” means the flat monthly (30 day) charge for the operation and maintenance of the Storm Drainage System;
- (h) “*Foundation Drainage*” means Water collected beneath the surface of the ground by a foundation drain, weeping tile, sump pump or other similar means;
(B/L 13M2012, 2012 March 12)
- (i) “*General Medical Waste*” means non-hazardous medical waste and includes, but is not limited to, soiled dressings, sponges, surgery drapes, lavage tubes, casts, catheters, disposable pads, disposable gloves, specimen containers, lab coats and aprons, tubings, filters, towels and disposable sheets, but excludes Biomedical Waste;
- (j) “*Hazardous Substance*” means a Substance that is either a hazardous substance or a hazardous waste, or has the properties of hazardous waste, as described in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12;”
(B/L 13M2012, 2012 March 12)
- (k) “*Industrial Waste*” means waste generated by commercial or industrial activities that presents health, safety or environmental concerns, and includes, but is not limited to, lime, sulphur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump Water, but excludes Hazardous Substances and Biomedical Waste;
(B/L 13M2012, 2012 March 12)
- (l) “*Interceptor*” means a treatment system or device, approved by the Director, Water Resources that is designed to remove Substances or contaminants from Storm Drainage or Water before passing into the Storm Drainage System;
(B/L 57M2009, 2009 November 02)
(B/L 13M2012, 2012 March 12)
- (m) “*Municipal Government Act*” means the *Municipal Government Act*, R.S.A. 2000, chapter M-26;
(B/L 13M2012, 2012 March 12)

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- (n) “*Negative Drainage*” means, on a Parcel with a single detached, semi- detached or duplex dwelling, the continuous downward slope from the property line to the elevation of finished ground surface at any point immediately adjacent to the building on all sides of the Parcel;
- (o) DELETED BY B/L 13M2012, 2012 March 12
- (p) “*Officer*” includes a Peace Officer, a Bylaw Enforcement Officer or a member of the Calgary Police Service;
(B/L 13M2012, 2012 March 12)
- (q) “*Parcel*” means the aggregate of one or more areas of land described in a certificate of title;
- (q.1) “*Peace Officer*” means a person appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5;
(B/L 13M2012, 2012 March 12)
- (r) “*Person*” means any of the following:
- (i) an individual;
 - (ii) a legal entity or business entity, including a firm, association, partnership, society or corporation;
 - (iii) a trustee, executor, administrator, agent or employee of either (i) or (ii);
(B/L 13M2012, 2012 March 12)
- (s) “*Premises*” includes lands and buildings or both, or a part thereof;
- (t) “*Prohibited Material*” means any Substance that may, directly or indirectly, obstruct the flow of Water within the Storm Drainage 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; and
- (xvi) any Substance or combination of Substances that emits an odour.
- (xvii) fish and other aquatic fauna and flora not authorized by the Director, Water Resources;

(B/L 57M2009, 2009 November 02)
(B/L 13M2012, 2012 March 12)

- (u) "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, R.S.A. 2000, chapter P-34;
(B/L 13M2012, 2012 March 12)

- (v) "Release" means:
 - (i) to directly or indirectly conduct a Substance to the Storm Drainage System by spilling, discharging, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means; or
 - (ii) a spill, discharge, disposal, abandonment, deposit, leak, seep, pour, drain or emptying of a Substance into the Storm Drainage System;
(B/L 13M2012, 2012 March 12)

- (w) "Remedial Order" means a remedial order written pursuant to Section 545 of the Municipal Government Act and in accordance with Part 2 of the Community Standards Bylaw, Bylaw Number 5M2004;
(B/L 13M2012, 2012 March 12)

- (x) "Reserve" means a Parcel designated on its certificate of title as municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot, or a Parcel administered by the City as if it had such reserve designation;

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- (y) “*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;
- (z) “*Storm Drainage*” means runoff that is the result of rainfall and other natural precipitation or from the melting of snow or ice;
(B/L 57M2009, 2009, November 02)
- (aa) “*Storm Drainage System*” means the system for collecting, transmitting, storing, treating, and disposing of Storm Drainage and Foundation Drainage, and includes:
- i. the catch basins, sewers and pumping stations that make up the storm drainage collection system,
 - ii. the storm drainage facilities, structures or things used for storage, management and treatment to buffer the effects of runoff or improve the quality of the storm water,
 - iii. the sewers and pumping stations that transport storm drainage to the location where it is treated or disposed of,
 - iv. the storm drainage outfall structures, and
 - v. the Surface Drainage Facilities,
 - vi. but does not include plumbing or service connections in buildings;
(B/L 13M2012, 2012 March 12)
- (bb) “*Street*” means any thoroughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
- (i) a sidewalk (including the boulevard portion of the sidewalk),
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (iii) if a street is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but
 - (iv) does not include a place declared by the Lieutenant Governor in Council not to be a street;
- (cc) “*Substance*” means any one or more of the following:
- (i) any solid matter;

- (ii) any liquid matter;
- (iii) any gaseous matter;
- (iv) any sound, vibration, heat, radiation, or other form of energy;
- (v) any combination of (i), (ii), (iii) or (iv);

(B/L 13M2012, 2012 March 12)

(dd) “*Surface Drainage Facility*” means any facility or facilities associated with drainage or control of Storm Drainage and includes, but is not limited to:

- (i) a grass swale;
- (ii) a concrete or asphalt walkway, gutter or swale;
- (iii) a drainage control fence or structure; or
- (iv) the sloping and contouring of land to facilitate or control Storm Drainage;

(B/L 13M2012, 2012 March 12)

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

(ee) “*Water*” means all water in any form on or under the surface of the ground;

(ff) “*Yard Waste*” means waste from gardening or horticultural activities and includes, but is not limited to, grass, leaves, plants, tree and hedge clippings, and sod.

(2) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

(3) Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

(4) All the schedules attached to this Bylaw shall form a part of this Bylaw.

(B/L 15M2006, 2006 January 24)

(5) Where this Bylaw cites or refers to any other Act, bylaw, regulation, agency, organization or publication, the citation or reference is to the Act, bylaw, regulation, agency, organization or publication as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any Act, bylaw, regulation, agency, organization or publication that may be substituted in its place;

(B/L 13M2012, 2012 March 12)

COMPLIANCE WITH OTHER LAWS

3. 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 licence.

RELEASES TO THE STORM DRAINAGE SYSTEM

4. Prohibited

- (1) No Person shall Release, or allow to be Released, any Prohibited Material into the Storm Drainage System, except as permitted in Subsection (3).

Restricted

- (2) No Person shall Release, or allow to be Released, any Water into the Storm Drainage System that has been impounded either passively or actively, except as permitted in Subsection (3).

Permitted

- (3) The following may be Released into the Storm Drainage System unless the Release could cause an Adverse Effect:
- (a) Foundation Drainage;
 - (b) Water from a portable swimming pool, Decorative Pond or fountain, having a capacity of three (3) cubic meters (3000 litres) or less;
 - (c) subject to the restrictions in the Water Utility Bylaw 40M2006, Water resulting solely from:
 - (i) irrigating or otherwise watering a lawn, garden and trees or other landscaping; or
 - (ii) washing of single-family or semi-detached homes with potable Water;
 - (d) Water resulting from extinguishing fires;
 - (e) Water in accordance with a permit or written approval from the Director, Water Resources; ~~and~~
 - (f) Water in accordance with an approval pursuant to Section 7; ~~and~~
 - (g) a Release that complies with the conditions established by the Director pursuant to section 15(4).

(B/L 15M2006, 2006 January 24)
(B/L 57M2009, 2009 November 02)

RELEASE OF PROHIBITED MATERIALS

5. (1) 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:
- (a) the 9-1-1 emergency telephone number if there is any damage or immediate danger to:

- (i) human health or safety;
 - (ii) property;
 - (iii) the environment; or
 - (iv) the Storm Drainage System;
- (b) the City, by calling the 24-hour 3-1-1 telephone number;
- (c) the owner of the Premises where the Release occurred; and
- (d) any other Person that may be affected by the Release.
- (2) The Person reporting the Release described in Subsection (1) 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.
- (3) The Director, Water Services or the Director, Water Resources may require the owner or Person responsible for the Release described in Subsection (1) to:
- (a) compensate the City for any costs incurred by the City to mitigate the effects of the Release; and
 - (b) submit to the Director, Water Resources a plan setting out how the risk of future similar Releases will be prevented or eliminated.
- (4) 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:
- (a) mitigate the Release, including but not limited to taking measures to prevent the obstruction of the Storm Drainage System or measures to prevent an Adverse Effect and
 - (b) cover and clearly mark all hoses used to direct Water to the Storm Drainage System to protect the public from injury.

(B/L 13M2012, 2012 March 12)

- (5) Nothing in this Section relieves a Person from complying with the requirements of any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order or licence.

(B/L 15M2006, 2006 January 24)

(B/L 57M2009, 2009 November 02)

DIRECTING STORM DRAINAGE

6. (1) Except where an entire Parcel has Negative Drainage, no Person shall allow downspouts, eavestroughing, piping or other means of directing Storm Drainage or Foundation Drainage on a Parcel to terminate within 2 metres of:

- (a) a Reserve;
- (b) a Surface Drainage Facility, except where such Surface Drainage Facility is located in a Sideyard; or
- (c) a Street

unless authorized to do so by the Director, Water Services.

- (2) No Person shall directly connect or allow direct connection of downspouts, eavestroughing, piping or other means of directing roof drainage to a foundation drain or weeping tile unless authorized to do so by the Director, Water Services.

7. Except in an emergency, no Person shall direct, or 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.

(B/L 15M2006, 2006 January 24)

(B/L 57M2009, 2009 November 02)

(B/L/ 13M2012, 2012 March 12)

RETENTION AND TREATMENT

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.

(B/L 13M2012, 2012 March 12)

INTERCEPTORS, DEVICES AND PRACTICES

9. (1) Any Person who owns or occupies a Parcel on which the Director, Water Resources has, pursuant to Section 8, directed an Interceptor, device or practice be implemented in order to control or reduce the amount of runoff or improve water quality or infiltration must:
- (a) keep the Interceptor, device or practice in good working condition at all times;
 - (b) service the Interceptor, device or practice often enough so that it does not become overloaded; and
 - (c) keep a maintenance or inspection record and provide such maintenance or inspection record to the City upon request.
- (2) No Person shall deposit, or cause or allow to be deposited, any residue from an Interceptor, device or practice into the Storm Drainage System.
(B/L 15M2006, 2006 January 24)
(B/L 57M2009, 2009 November 02)

USE AND RE-USE OF STORM DRAINAGE OR FOUNDATION DRAINAGE

10. (1) Storm Drainage or Foundation Drainage must not be used or re-used for any purpose without written approval from the Director, Water Resources or the Director, Water Services.
- (2) The Director, Water Resources or the Director, Water Services may impose conditions on an approval granted for Storm Drainage or Foundation Drainage re-use, including any of the following:
- (a) limits on the types of applications for which Storm Drainage or Foundation Drainage may be re-used;
 - (b) requirements on applications, risks, volumes, and any other information the Director, Water Resources or the Director, Water Services may require.
- (3) Notwithstanding subsections (1) and (2), the approval of the Director, Water Resources or the Director, Water Services is not required for the use of Storm Drainage captured by one or more water barrels located above ground and intended for outdoor use.
(B/L 13M2012, 2012 March 12)

INTERFERENCE WITH THE STORM DRAINAGE SYSTEM

11. (1) Any Person who owns or occupies 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.

- (2) Notwithstanding Subsection (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).
- (3) No Person, unless authorized by the Director, Water Services or the Director, Water Resources, shall obstruct, restrict or prevent:
 - (a) access to the Storm Drainage System; or
 - (b) flow of Storm Drainage into or within the Storm Drainage System.
- (4) No Person, unless authorized by Director, Water Services or the Director, Water Resources, shall alter, remove or change, either temporarily or permanently, any part of the Storm Drainage System.
- (5) A Person must not, unless authorized by the Director, Water Services or the Director, Water Resources make or create a Surface Drainage Facility that connects to the Storm Drainage System.

(B/L 57M2009, 2009 November 02)
(B/L 13M2012, 2012 March 12)

- (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.

COMPLIANCE WITH INSTRUMENTS REGISTERED ON TITLE

12. 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 the Storm Drainage System, including a drainage structure, swale, ditch or other Surface Drainage Facility, or the stability of a slope.

(B/L 13M2012, 2012 March 12)

CONNECTIONS

13.
 - (1) No Person shall make, alter or remove, or permit the making, alteration or removal of, any Connection to the Storm Drainage System without the written approval of the Director, Water Services.
 - (2) Applications for the installation, alteration or removal of a Connection shall be made in writing to the Director, Water Services.
 - (3) The Director, Water Services may approve the installation, alteration or removal of a Connection upon such terms and conditions as the Director, Water Services considers necessary including but not limited to compliance with The City of Calgary's Utility Site Servicing Bylaw and the payment in advance of the cost or estimated cost of the installation, alteration or removal of the Connection.
 - (4) The installation, alteration or removal of a Connection shall be carried out at the expense of the applicant.

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- (5) No Person shall re-use a Connection that has been discontinued, altered or removed without first obtaining the written consent of the Director, Water Services.
- (6) Where the use of a Connection is discontinued, the owner of the Premises which was serviced by such Connection shall immediately notify the Director, Water Services in writing and the owner shall pay to the City, in advance, the cost of disconnection.
- (7) A Person is required to report to the City any connection or equipment located on a Premises that does not comply with the requirements of this Bylaw.

(B/L 15M2006, 2006 January 24)

(B/L 13M2012, 2012 March 12)

DISCONNECTIONS

14. (1) The Director, Water Services may, in addition to any other remedy available, disconnect or seal off the Parcel from the Storm Drainage System or take such other action as is necessary to prevent a discharge Release of Storm Drainage, Foundation Drainage or Water from entering the Storm Drainage System where the discharge Release:
 - (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 an Adverse Effect.
- (2) Where the Director, Water Services has taken action pursuant to subsection (1), such action may be maintained or continued until evidence satisfactory to the Director, Water Services has been produced to assure that no further harmful discharge Release will be made.
- (3) Where the Director, Water Services has taken action pursuant to subsection (1), the Director, Water Services may, by notice in writing, advise the owner or occupier of the Premises from which the discharge Release was emanating, of the cost of taking such action and the owner or occupier shall forthwith reimburse the City for all such costs which were incurred.

(B/L 15M2006, 2006 January 24)

(B/L 13M2012, 2012 March 12)

AUTHORITY OF DIRECTORS

15. (1) The Director, Water Resources may delegate any or all of the powers granted to the Director, Water Resources pursuant to this Bylaw.
- (2) The Director, Water Services may delegate any or all of the powers granted to the Director, Water Services pursuant to this Bylaw.
- (3) The Director, Water Resources may:
 - (a) establish any conditions or requirements of an approval or permit to Release Water to the Storm Drainage System, including but not limited to:

- (i) testing, monitoring or reporting requirements;
 - (ii) equipment or equipment maintenance requirements;
 - (iii) filtration, settling or other treatment requirements;
- (b) order the testing of any Release to the Storm Drainage System;
- (c) establish fees for approvals or permits;
- (d) require the owner or occupier of a Parcel to submit a plan setting out how Releases from the Parcel will not cause an Adverse Effect; and
- (e) impose conditions upon the owner or occupier of a Parcel to prevent Releases from the Parcel from causing an Adverse Effect.
- (4) Notwithstanding any other provision in this Bylaw, the Director, Water Resources may establish rates, volumes ~~and~~, locations ~~or other conditions for of~~ Releases, including but not limited to:
- (a) overland flows to a City owned Parcel, including a Reserve;
 - (b) Releases into a Storm Drainage System, and
 - (c) Releases to a Street.

(B/L 15M2006, 2006 January 24)
(B/L 57M2009, 2009 November 02)
(B/L 13M2012, 2012 March 12)

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.

APPROVALS AND REQUIREMENTS

16. (1) A Person to whom a written approval or requirement has been issued pursuant to this Bylaw shall ensure every provision and condition of that approval or requirement is complied with.
- (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.
- (3) A written approval given by the Director, Water Resources or the Director, Water Services pursuant to this Bylaw, or an agreement entered into by the Director, Water Resources or Director, Water Services pursuant to this Bylaw, must be available for inspection on the request of either of the Directors or on the request of an Officer.
(B/L 13M2012, 2012 March 12)

INSPECTIONS

17. Subject to the entry notice provisions of the Municipal Government Act, a designated officer of the City, bearing proper identification, may inspect, observe, measure, sample and test the Water, Foundation Drainage or Storm Drainage on any Premises in order to determine whether or not this Bylaw or an approval granted pursuant to this Bylaw is being complied with.
(B/L 13M2012, 2012 March 12)

REMEDIAL ORDERS

18. (1) ~~Where an Officer who is also a designated officer believes a Person has contravened any provision of this Bylaw, he 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.~~
 - (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) Every Remedial Order written with respect to this **Bylaw** must:
 - (a) indicate the Person to whom it is directed;
 - (b) identify the property to which the Remedial Order relates by municipal address or legal description;
 - (c) identify the date that it is issued;

- (d) identify how the Premises fails to comply with this Bylaw;
 - (e) identify the specific provisions of the Bylaw the Premises contravenes;
 - (f) identify the nature of the remedial action required to be taken to bring the Premises 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 City 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 City under this Section are an amount owing to the City by the Person to whom to order is directed;
 - (j) indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by a specified time;
 - (k) indicate that an appeal lies from the Remedial Order to the Licence and Community Standards Appeal Board, if a notice of appeal is filed in writing with the City Clerk within fourteen days of the receipt of the Remedial Order.
- (3) A Remedial Order written pursuant to this Bylaw may be served personally upon the owner of the Premises to which it relates, or it may be left with a Person apparently over the age of 18 years at the Premises.
- (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 Officer may post~~ 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.
- (5) 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.

(B/L 50M2011, 2011 September 19)

INTERFERENCE WITH CITY FORCES

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

RECOVERY OF COSTS

- 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.

(B/L 13M2012, 2012 March 12)

OFFENCES AND PENALTIES

20. (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 which the Person is required to do, including:
 - (i) failing to comply with a requirement imposed by the Director, Water Resources or the Director, Water Services;
 - (ii) failing to comply with a requirement or condition of a written approval or permit given by the Director, Water Resources or the Director, Water Services; or
 - (iii) failing to comply with a requirement of or condition of an agreement entered into by the Director, Water Resources or the Director, Water Services with the Person;
- is guilty of an offence.
- (1.1) Any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
 - (2) Any Person who is convicted of an offence pursuant to this Bylaw is liable for every day or part thereof upon which such offence occurs or continues, on summary conviction to a fine not exceeding \$10,000 or imprisonment for not more than one year, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) year.
 - (3) Where an Officer believes that a Person has contravened any provision of this Bylaw, the 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*.
 - (4) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
 - (5) Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.
 - (6) Notwithstanding specified and minimum penalties set out in Schedule "A" to this Bylaw:

BYLAW NUMBER 37M2005

- (a) where a Person contravenes the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention shall be double the amount of the specified penalty for a first offence;
 - (b) where a Person is convicted of the same provision of this Bylaw twice within one twelve month period, the minimum penalty for the second conviction shall be twice the amount of the minimum penalty for a first offence;
 - (c) where a Person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third and subsequent contraventions shall be triple the amount of the specified penalty for a first offence; and
 - (d) where a Person is convicted of the same provision of this Bylaw three or more times within one twelve month period, the minimum penalty for the third and subsequent convictions shall be triple the amount of the minimum penalty for a first offence.
- (7) This Section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.
- (8) 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.
- 20.1 (1) For the purposes of this section, “owner”, “driving” and “motor vehicle” have the same meaning as set out in the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
- (2) If a motor vehicle is involved in an offence described in this Bylaw, the owner of the motor vehicle is guilty of the offence.
- (3) Subsection (2) does not apply if the owner of the motor vehicle satisfies the Court that:
- (a) the owner was not driving the motor vehicle at the time of the offence; and
 - (b) the person driving the motor vehicle at the time of the offence did not have the owner’s express or implied consent to have care and control of the motor vehicle.
- (4) Despite subsection (2), if the owner was not driving the motor vehicle at the time of the offence, the owner is not liable for imprisonment.

(B/L 13M2012, 2012 March 12)

CONSEQUENTIAL AMENDMENTS

21. (1) The City of Calgary Street Bylaw 20M88, as amended, is hereby further amended by repealing section 19.
- (2) REPEALED BY BYLAW 14M2012

(3) REPEALED BY BYLAW 14M2012

22. Bylaw Number 26M98, as amended, is hereby repealed.

COMMENCEMENT

23. This Bylaw comes into force on 2005 September 01.

READ A FIRST TIME THIS 4TH DAY OF JULY, 2005.

READ A SECOND TIME THIS 4TH DAY OF JULY, 2005.

READ A THIRD TIME THIS 4TH DAY OF JULY, 2005.

(Sgd.) D. Bronconnier
MAYOR

(Sgd.) B. Clifford
ACTING CITY CLERK

TEXT FOR DISCUSSION ONLY

SCHEDULE "A"

SPECIFIED AND MINIMUM PENALTIES

(Amended by Bylaws 57M2009, 13M2012)

SECTION	OFFENCE	MINIMUM PENALTY 1st offence	SPECIFIED PENALTY 1st offence
4(1)	Release a Prohibited Material	\$500	\$3000
4(2)	Release impounded Water	\$500	\$1500
4(3)(b)	Release exceeding 3000 L	\$75	\$500
4(3)(e)	Release without permit	\$500	\$1500
5(1)(a),(b)(c), or (d)	Fail to notify of Release	\$75	\$500
5(4)(a)	Fail to mitigate prohibited Release	\$500	\$3000
5(4)(b)	Fail to cover or clearly mark hoses	\$75	\$200
6(1)	Allow termination within 2m	\$75	\$300
6(2)	Connect directly to foundation drain or weeping tile	\$75	\$500
7	Pump or direct Water from a Parcel	\$500	\$1500
8	Fail to treat, restrict, impound, manage or retain as required by the Director, Water Resources	\$500	\$3000
9(1)(a)	Fail to maintain Interceptor, device or practice	\$500	\$1500
9(1)(b)	Fail to service Interceptor, device or practice	\$500	\$1500
9(1)(c)	Fail to keep or provide a record	\$75	\$200
9(2)	Deposit residue	\$500	\$3000
10(1)	Unauthorized use of Storm Drainage	\$500	\$1000
11(1)(a)	Allow structure on or over a Surface Drainage Facility	\$500	\$1500
11(1)(b)	Fail to ensure Surface Drainage Facility remains clear of debris	\$500	\$1500
11(2)	Insufficient clearance over a Surface Drainage Facility	\$500	\$1500
11(3)(a)	Restricting access to Storm Drainage System	\$500	\$1500

SECTION	OFFENCE	MINIMUM PENALTY 1st offence	SPECIFIED PENALTY 1st offence
11(3)(b)	Restricting Flow into or within Storm Drainage System	\$500	\$1500
11(4)	Altering, removing or changing Storm Drainage System	\$500	\$1500
11(5)	Make or create Surface Drainage Facility	\$500	\$1500
11(6)	Enter Storm Drainage System structure or facility	\$500	\$1500
12	Fail to comply with an easement	\$200	\$500
13(1)	Unauthorized Connection to Storm Drainage System	\$500	\$1500
13(5)	Unauthorized re-use of Connection	\$500	\$1500
13(6)	Failure to notify Director of discontinuation	\$75	\$300
16(1)	Fail to comply with requirement or condition of approval	\$500	\$1500
16(3)	Fail to produce approval.	\$100	\$200
18(5)	Fail to comply with Remedial Order	\$250	\$1000
19	Hindering authorized City employee	\$500	\$1000
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

(B/L 57M2009, 2009 November 02)
(B/L 13M2012, 2012 March 12)

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.

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Drainage service charge (\$ per 30 days)	\$10.96	\$13.05	\$15.54	\$18.51

TEXT FOR DISCUSSION