

**Proposed Wording for a Bylaw to amend Bylaw 37M2005
the Stormwater Bylaw**

1. Bylaw 37M2005, the Stormwater Bylaw, as amended, is hereby further amended.
2. In the fourth preamble statement, after the word “nuisances” and before the semi-colon “;”, the following is added:

“, including unsightly property”.
3. Section 1.1(e) is deleted and the following is substituted in its place:

“(e) to provide a system of Written Approvals to permit otherwise prohibited Releases and activities in relation to the Stormwater System and to provide for the imposition of terms and conditions on such Written Approvals.”.
4. In section 2(1):
 - (a) in subsection (p.1), the definition of “*Owner*”, the following is added after subsection (iii) as subsection (iv):

“(iv) a business operating on the land or premises;”;
 - (b) in subsection (v)(i), the definition of “*Release*”, after the words “by spilling, discharging,” the following is added:

“pumping;”;
 - (c) in subsection (w), the definition of “*Remedial Order*”, the words “and in accordance with Part 2 of the Community Standards Bylaw, Bylaw Number 5M2004” are deleted;
 - (d) in the definition of “*Surface Drainage Facility*”, subsection (dd)(ii) is deleted and the following is substituted:

“(ii) a paved or unpaved walkway, curb, gutter or swale;”;
 - (e) after subsection (ee), the definition of “*Water*”, the following is added as subsection (ee.1):

“(ee.1) “*Written Approval*” means any document issued to a Person by the Director, Water Services or the Director, Community Planning under sections 4, 6, 10, 11, 13 or 15 of this Bylaw, regardless of how such a document is named or titled (e.g., written approval, permit, written consent or authorization);”.
5. Section 4 is deleted in its entirety and the following is substituted in its place:

- “4. (1) A Person must not Release, or allow to be Released, any Prohibited Material into the Stormwater System without a Written Approval from the Director, Water Services.
- (2) Except in an Emergency, a Person must not direct, pump, or Release, or allow to be directed, pumped or Released, any Impounded Water into the Stormwater System or onto any property owned or occupied by the City, without a Written Approval from the Director, Water Services.
- (3) A Person must not Release, or allow to be Released, Water from a portable swimming pool, Decorative Pond or fountain with a capacity of over 3 cubic meters (3000 litres) into the Stormwater System.
- (4) Notwithstanding subsection (1) above, Water resulting from extinguishing fires may be Released into the Stormwater System.
- (5) Notwithstanding subsections (1) and (2) above, the Director, Water Services, may issue Written Approvals allowing the Release of Prohibited Material and Impounded Water into the Stormwater System.
- (6) For the purposes of subsections (2) and (5):
- (a) “Impounded Water” means any Water that has collected on a site, including but not limited to, surface water ponding on a Premises, construction site or renovation site captured in an excavation, low point, or enclosure; and
- (b) “Emergency” means a situation in which there is imminent danger to public safety or of serious harm to property.”
6. In section 6:
- (a) in subsections (1) and (2) the words “unless authorized to do so by the Director, Water Services or the Director, Community Planning” are deleted.
- (b) after subsection (2), the following is added as subsection (3):
- “(3) Notwithstanding subsections (1) and (2) above, the Director, Water Services or the Director, Community Planning may issue Written Approvals allowing the drainage or directing of Stormwater.”
7. Section 7 is deleted.
8. In section 8, after the word “manage”, the following is added:
- “, add controls”.
9. In section 9, after the words “Interceptor, device”, wherever they appear, the following is added:

“, control”.

10. In section 10:

- (a) in subsection (1), after the words “for any purpose without”, the words “written approval” are deleted and the following is substituted:

“a Written Approval”;

- (b) in subsection (2), after the words “may impose conditions on”, the words “an approval” are deleted and the following is substituted:

“a Written Approval”; and

- (c) in subsection (3), after the words “Notwithstanding subsections (1) and (2),” the words “the approval” are deleted and the following is substituted:

“a Written Approval”.

11. In section 11:

- (a) in subsections (3), (4), (5) and (6) the words “unless authorized by the Director, Water Services or the Director, Community Planning” and any commas immediately before or after those words, are deleted;

- (b) in subsection (4), after the word “alter,”, the following is added:

“damage,”; and

- (c) the following is added after subsection (7) as subsection (8):

“(8) Notwithstanding subsections (3), (4), (5) and (6), The Director, Water Services or the Director, Community Planning may issue Written Approvals allowing the activities otherwise prohibited in those subsections.”.

12. In section 13:

- (a) in subsection (1), after the words “to the Stormwater System, without the”, the words “written approval” are deleted and the following is substituted:

“Written Approval”;

- (b) in subsection (3), after the words “the Director, Community Planning may”, the word “approve” is deleted and the following is substituted:

“issue Written Approvals for”;

- (c) in subsection (5), the words “first obtaining the written consent of” are deleted and the following is substituted:

“a Written Approval from”; and

(d) after subsection (7), the following is added as subsection (8):

“(8) No Person shall install, or cause to be installed, connections between the Wastewater System and the Stormwater System.”.

13. In section 15:

(a) subsections (1) and (2) are deleted;

(b) the following is added before subsection (3) as subsection (2.1):

“(2.1) The Director, Water Services or the Director, Community Planning may issue, suspend, or revoke any Written Approval for under this Bylaw and place terms and conditions on such Written Approvals.”;

(c) in subsection (3)(a), the words “any conditions or requirements of an approval or permit” are deleted and the following is substituted:

“any terms or conditions of a Written Approval”;

(d) in subsection 3(c), the words “approvals or permits” are deleted and the following is substituted:

“Written Approvals”; and

(e) after subsection (3), the following is added as subsection (3.1):

“(3.1) Nothing in this section limits the ability of the Director, Water Services or the Director, Community Planning, to impose other terms and conditions on a Written Approval issued under this Bylaw, including terms and conditions similar to the requirements listed in sections 8 and 9, or any other additional terms or conditions necessary to protect the Stormwater System.”.

14. Section 16, including the header “APPROVALS AND REQUIREMENTS” is deleted in its entirety, and the following is substituted:

WRITTEN APPROVALS

16. (1) A Person to whom a Written Approval has been issued under this Bylaw must comply with all terms and conditions of that Written Approval.
- (2) Every Person who relies on a Written Approval issued under this Bylaw has the onus of proving that they were the holder of a valid and subsisting Written Approval.
- (3) A Written Approval issued by the Director, Community Planning or the Director, Water Services under this Bylaw, or an agreement entered into

by the Director, Community Planning 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.”.

15. Subsections 18(2), (3), and (4) are deleted and the following is added before subsection 18(5) as subsection 18(4.1):
“(4.1) A Remedial Order written pursuant to this Bylaw may be served in accordance with Part 2 of the Community Standards Bylaw 32M2023.”.
16. In section 20(1), subsection (b)(i), (ii) and (iii) are deleted and the following is substituted before the words “is guilty of an offence”:
“(b) failing to do any act or thing which the Person is required to do, including failing to comply with terms or conditions of a Written Approval issued by the Director, Community Planning or the Director, Water Services;”.
17. Schedule “A” – SPECIFIED AND MINIMUM PENALTIES is deleted in its entirety and the following is substituted in its place:

“SCHEDULE “A”

SPECIFIED AND MINIMUM PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY 1 st offence	SPECIFIED PENALTY 1 st offence
4(1)	Release a Prohibited Material	\$500	\$3000
4(2)	Release Impounded Water	\$500	\$1500
5(1)(a), (b), (c), (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 2 meters	\$75	\$300
6(2)	Connect directly to Foundation Drain or weeping tile	\$75	\$500
8	Fail to treat, restrict, impound, manage, control or retain as required by a Director	\$500	\$3000
9(1)(a)	Fail to maintain Interceptor, control, device or practice	\$500	\$1500
9(1)(b)	Fail to service Interceptor, control, 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 Stormwater	\$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 Stormwater System	\$500	\$1500
11(3)(b)	Restricting Flow into or within Stormwater System	\$500	\$1500
11(4)	Altering, removing or changing Stormwater System	\$500	\$1500
11(5)	Make or create Surface Drainage Facility	\$500	\$1500
11(6)	Enter or place or remove plant, animal or objects in or from a Stormwater System structure or facility	\$500	\$1500
11(7)	Fish from a storm pond	\$500	\$1500
12	Fail to comply with an easement	\$200	\$500
13(1)	Unauthorized Connection to Stormwater 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 term or condition of a Written Approval	\$500	\$1500
16(3)	Fail to produce a Written Approval	\$100	\$200
18(5)	Fail to comply with Remedial Order	\$250	\$3000
19	Hindering authorized City employee	\$500	\$1000".

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