

**BYLAW 764-R-07-19
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
TO REGULATE STORM SEWERS AND
STORM DRAINAGE IN THE TOWN OF COALDALE**

WHEREAS the *Municipal Government Act* authorizes a municipality to pass Bylaws for municipal purposes respecting public utilities and services provided by the municipality;

AND WHEREAS regulating storm sewers and storm drainage within the Town of Coaldale 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 Town of Coaldale;

NOW THEREFORE the Council of the Town of Coaldale enacts as follows:

1. TITLE

1.1 This Bylaw may be referred to as the “Storm Bylaw”.

2. INTERPRETATIONS AND DEFINITIONS

2.1 Unless the context specifically indicates otherwise, the meaning used in this Bylaw shall be as follows:

2.1.1 “Animal Waste” means all forms of waste from animals or the treatment of animals, and includes animal carcasses or parts;

2.1.2 “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:

2.1.2.1 human anatomical waste;

2.1.2.2 infectious human waste;

2.1.2.3 infectious animal waste;

2.1.2.4 microbiological waste;

2.1.2.5 blood and body fluid waste; and

2.1.2.6 medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;

- 2.1.3 “Chief Administrative Officer” or “CAO” means the person appointed to the position and title of Chief Administrative Officer by the municipal Council of the Town of Coaldale;
- 2.1.4 “Connection” means a pipe or conduit installed between Premises and the Storm Drainage System for the purpose of draining Storm Drainage from the Premises;
- 2.1.5 “Commercial Consumer” means the owner or occupier of a commercial establishment or a dwelling unit containing a commercial establishment other than a house occupation where the premises has a utility services account with the Town;
- 2.1.6 “Consumer” means commercial, industrial and domestic consumers and any person, entity, or government, who has a utility services account with the Town;
- 2.1.7 “Council” means the Council of the Town of Coaldale;
- 2.1.8 “Dwelling Unit” means one or more self-contained rooms designed to be used as a dwelling and that includes sleeping, cooking, living, and sanitary facilities and having an independent entrance either directly from the outside of the building or through a common area within the building;
- 2.1.9 “Domestic Consumer” means the owner or occupier of a residence containing one or more dwelling units that has a utility services account with the Town;
- 2.1.10 “Decorative Pond” means an artificial body of water for ornamental purposes but does not include fish ponds;
- 2.1.11 “Director” means either the Director of Operational Services or the Director of Infrastructure;
- 2.1.12 “Enforcement Officer” means:
- 2.1.12.1 a Peace Officer as appointed under the *Peace Officer Act*;
 - 2.1.12.2 a Police Officer as appointed under the *Police Act*;
 - 2.1.12.3 a member of the Royal Canadian Mounted Police;
 - 2.1.12.4 an approved person by Town Council.
- 2.1.13 “Foundation Drainage” means water collected beneath the surface of the ground by a foundation drain, weeping tile, sump pump or other similar means;

- 2.1.14 “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;
- 2.1.15 “Hazardous Waste” means waste that is generated from any Premises and has one or more hazardous properties as described in the *Environmental Protection and Enhancement Act*, RSA 2000, c. E-12, as amended or any act passed in replacement of it;
- 2.1.16 “Impounded Waters” shall mean man made or naturally occurring collections or confinements of water.
- 2.1.17 “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, sulfur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump water, but excludes hazardous waste and biomedical waste;
- 2.1.18 “Interceptor” means a receptacle approved by the CAO or designate, which is designed to prevent but is not limited to, oil, grit and other matter from passing from the source into the storm drainage system.;
- 2.1.19 “*Municipal Government Act*” means the *Municipal Government Act*, RSA 2000, c M-26, as amended or any act passed in replacement of it;
- 2.1.20 “Negative Drainage” means, on a parcel with 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;
- 2.1.21 “Negative Impact” means impairment of or damage to, or the ability to cause impairment of or damage to:
- 2.1.21.1 the storm drainage system;
 - 2.1.21.2 human health or safety;
 - 2.1.21.3 property; or;
 - 2.1.21.4 the environment
- 2.1.22 “Occupant” means a person who is an owner of a premises who resides or carries on business within a premise or a person who resides in the premises or carries on a business within a premise pursuant to a lease or licence.

- 2.1.23 “Owner” means a person who is registered under the *Land Titles Act* as the owner of a parcel of land and who is recorded as the owner of a property on the Town’s tax assessment roll.
- 2.1.24 “Parcel” means the aggregate of one or more areas of land described in a certificate of title;
- 2.1.25 “Person” means any individual, or any business entity including, but not limited to, a firm, partnership, association, corporation, society or legal entity;
- 2.1.26 “Premises” includes lands and buildings or both, or a part thereof;
- 2.1.27 “Prohibited Material” means any Substance that may, directly or indirectly, obstruct the flow of water within the storm drainage system or may have a Negative Impact, and includes, but is not limited to:
- 2.1.27.1 soil, sediment, waste or other solid matter;
 - 2.1.27.2 fecal matter, animal waste;
 - 2.1.27.3 cooking oils and greases;
 - 2.1.27.4 gasoline, motor oil, transmission fluid, and antifreeze;
 - 2.1.27.5 solvents;
 - 2.1.27.6 paint;
 - 2.1.27.7 cement or concrete wastes;
 - 2.1.27.8 sawdust, wood, fiberboard or construction material;
 - 2.1.27.9 yard waste;
 - 2.1.27.10 pesticides, herbicides or fertilizers;
 - 2.1.27.11 biomedical waste or general medical waste;
 - 2.1.27.12 hazardous waste;
 - 2.1.27.13 industrial waste; soaps or detergents; water from hot tubs; water from pools; and
 - 2.1.27.14 any substance or combination of substances that emits an odor or color.
- 2.1.28 “*Provincial Offences Procedure Act*” means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended or any act passed in replacement of it;

- 2.1.29 “Release” has the meaning of “Release” as defined in the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12, as amended or any act passed in replacement of it;
- 2.1.29.1 “Release” includes to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place and exhaust.
- 2.1.30 “Remedial Order” means a remedial order written pursuant to Section 545 of the *Municipal Government Act*;
- 2.1.31 “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 Town as if it had such reserve designation;
- 2.1.32 “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;
- 2.1.33 “Storm Drainage” means runoff that is the result of precipitation or from the melting of snow or ice;
- 2.1.34 “Storm Drainage System” means the system for collecting, storing and disposing of storm drainage, and includes:
- 2.1.34.1 the catch basins, sewers and pumping stations that make up the storm drainage collection system,
- 2.1.34.2 the storm drainage facilities, structures or equipment used for storage, management and treatment to buffer the effects of the peak runoff or improve the quality of the storm water,
- 2.1.34.3 the storm drainage inlet and outfall structures, and
- 2.1.34.4 the surface drainage facilities, but
- 2.1.34.5 does not include plumbing or service connections in buildings;
- 2.1.35 “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:
- 2.1.35.1 a sidewalk (including the boulevard portion of the sidewalk),

- 2.1.35.2 if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - 2.1.35.3 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.
- 2.1.36 “Substance” has the meaning of “substance” as defined by the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12, as amended or any act passed in replacement of it and includes:
- 2.1.36.1 any matter that is capable of becoming dispersed in the environment;
 - 2.1.36.2 any matter that is capable of becoming transformed in the environment into matter that is capable of becoming dispersed in the environment;
 - 2.1.36.3 any sound, vibration, heat, radiation, or other form of energy, and
 - 2.1.36.4 any combination of the above.
- 2.1.37 “Surface Drainage Facility” means any facility or facilities associated with drainage or control of storm drainage that is ultimately directed to a Street or storm drainage system, and includes, but is not limited to:
- 2.1.37.1 a grass swale;
 - 2.1.37.2 a concrete or asphalt walkway, gutter or swale;
 - 2.1.37.3 a drainage control fence or structure; or
 - 2.1.37.4 the sloping and contouring of land to facilitate or control storm drainage;
- 2.1.38 “Town” means the Municipal Corporation of the Town of Coaldale, and where the context means the area contained within the boundaries of the Town of Coaldale;
- 2.1.39 “Utility Invoice” means a customer’s billing statement for Town utilities, including E-bills;
- 2.1.40 “Utility Rates Bylaw” means the Water, Sewer, Solid Waste, Recycling and Storm Water Rates Bylaw in effect at the time as passed by Council from time to time;

2.1.41 "Utility Services" means the utilities provided by the Town in accordance with the *Municipal Government Act*, including, water, sewer, garbage collection, and storm drainage;

2.1.42 "Utility Services Account" means the account a consumer sets up with the Town for the main purpose of receiving and paying utility invoices;

2.1.43 "Water" means all water in any form on or under the surface of the ground;

2.1.44 "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.

2.2 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.

2.3 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.

2.4 All the schedules attached to this Bylaw shall form a part of this Bylaw.

3. **COMPLIANCE WITH OTHER LAWS**

3.1 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 license.

4. **DISCHARGES TO THE STORM DRAINAGE SYSTEM**

4.1 No Person shall release, or allow to be released, any prohibited material into the storm drainage system, except as permitted in Subsection 5.2.

4.2 The following may be released into the storm drainage system:

4.2.1 foundation drainage;

4.2.2 water resulting solely from:

4.2.2.1 irrigating or otherwise watering a lawn, garden and trees or other landscaping; or

4.2.2.2 washing of single-family or semi-detached homes with environmentally friendly chemicals;

4.2.2.3 washing of vehicles using environmentally friendly chemicals;

- 4.2.2.4 water resulting from extinguishing fires;
- 4.2.3 materials used for snow and ice control;
- 4.2.4 a discharge to the storm drainage system which has been approved in writing by the CAO.

5. **UNAUTHORIZED DISCHARGES**

- 5.1 Any person who, in contravention of this Bylaw, releases, or causes or allows any prohibited material to be released into the storm drainage system in contravention of the Bylaw, shall immediately take all reasonable measures to:
 - 5.1.1 notify the 911 emergency telephone number if there is any immediate danger to:
 - 5.1.1.1 human health or safety;
 - 5.1.1.2 property
 - 5.1.1.3 the environment or
 - 5.1.1.4 the storm drainage system
 - 5.1.2 notify the CAO;
 - 5.1.3 notify any other Person that may be directly affected by the discharge;
 - 5.1.4 mitigate the discharge, including, but not limited to, taking measures to prevent the obstruction of the storm drainage system or measures to prevent a Negative Impact; and
 - 5.1.5 cover and clearly mark all hoses used to direct water to the storm drainage system to protect the public from injury.
- 5.2 The Person reporting the discharge described in Sub-Section 6.1 must provide the following information:
 - 5.2.1 their name and contact information;
 - 5.2.2 the time and location of the discharge;
 - 5.2.3 the type of material discharged and any known associated hazards;
 - 5.2.4 the volume of material discharged; and
 - 5.2.5 any corrective action taken, or proposed to be taken, to control the discharge.

- 5.3 The CAO or designate may require the owner or person responsible for the discharge described in Sub-Section 5.1 to:
 - 5.3.1 compensate the Town for any costs incurred by the Town to mitigate the effects of the discharge; and
 - 5.3.2 submit to the CAO a plan setting out how the risk of future similar discharges will be prevented or eliminated.
- 5.4 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 license.

6. DIRECTING STORM DRAINAGE

- 6.1 Except where a parcel has negative drainage, no person shall allow downspouts, eaves troughing, piping or other means of directing storm drainage on a parcel to terminate within two (2) metres of:
 - 6.1.1 a designated reserve;
 - 6.1.2 a surface drainage facility, except where such surface drainage facility is located in a side yard; or
 - 6.1.3 a street.
- 6.2 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.
- 6.3 No owner shall permit roof drainage or foundation drainage from a building to be discharged:
 - 6.3.1 directly onto a pervious ground surfaced within one meter of the building for all buildings that have a basement or a level below the finished ground surface;
 - 6.3.2 within 150 mm of an adjacent lot or to within 300 mm of a Town right-of-way;
 - 6.3.3 to a location where soil erosion would occur;
 - 6.3.4 to a location where the flow of water or accumulation of water would adversely affect or have potential to adversely affect the stability of a slope;
 - 6.3.5 to a location or in such a way as to cause or have potential to cause a nuisance, hazard or damage; or
 - 6.3.6 to the sanitary sewer system except for homes and development that were connected to a sanitary sewer prior to January 1997; or

6.3.7 in any other situation where the CAO deems it to be a negative influence on the Town's storm drainage system.

6.4 Except in an emergency, no person shall direct or pump impounded water from a parcel to the storm drainage system without written consent of the CAO.

6.5 Under the discretion of the CAO an owner may be required to install an interceptor to prevent contamination of the storm drainage system.

7. RETENTION OF STORM DRAINAGE

7.1 The CAO or designate may require the owner or occupant of a parcel to treat or restrict, impound or otherwise retain storm drainage on such parcel.

7.2 On-site retention is required for all new commercial, industrial, institutional and multi-family developments effective on the date of the final reading of the drainage bylaw. The volume of on-site storage required will be determined by the CAO based on the available capacity downstream of a connection.

7.3 Any person who owns or occupies a parcel on which the CAO has directed an interceptor be located pursuant to Section 7 shall:

7.3.1 keep the interceptor in good working condition at all times; and

7.3.2 service the interceptor often enough so that it does not become overloaded.

7.4 No person shall deposit, or cause or allow, any interceptor residue to be deposited into the storm drainage system.

8. USE OF STORM DRAINAGE

8.1 Without the written consent of the CAO, no person shall use any storm drainage or impounded storm drainage in the storm drainage system owned or under the control of the Town for private or commercial activities including, but not limited to, construction or irrigation purposes.

9. INTERFERENCE WITH THE STORM DRAINAGE SYSTEM

9.1 Any person who owns or occupies a parcel on which a surface drainage facility is located shall ensure that:

9.1.1 no building or other structure is constructed, erected, placed, or allowed to remain on or over the surface drainage facility; and

9.1.2 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.

- 9.2 Notwithstanding Section 9, 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 metres and it has been authorized by the CAO.
- 9.3 No person, unless authorized by the CAO, shall obstruct, restrict or prevent:
 - 9.3.1 access to the storm drainage system; or
 - 9.3.2 flow of storm drainage into or within the storm drainage system.
- 9.4 No person, unless authorized by the CAO, shall alter, remove or change, either temporarily or permanently, any part of the storm drainage system.
- 9.5 A person must not, unless authorized by the CAO, make or create a surface drainage facility that connects to the storm drainage system.

10. COMPLIANCE WITH INSTRUMENTS REGISTERED ON TITLE

- 10.1 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 a drainage structure, swale, ditch or other surface drainage facility, or the stability of a slope.

11. CONNECTIONS

- 11.1 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 CAO.
- 11.2 Applications for the installation, alteration or removal of a connection shall be made in writing to the CAO.
- 11.3 The CAO may approve the installation, alteration or removal of a connection upon such terms and conditions as the CAO considers necessary and the payment in advance of the cost or estimated cost of the installation, alteration or removal of the connection.
- 11.4 The installation, alteration or removal of a connection shall be carried out at the expense of the applicant.
- 11.5 No person shall re-use a connection that has been discontinued, altered or removed without first obtaining the written consent of the CAO.

11.6 Where the use of a connection is discontinued, the owner of the premises which was serviced by such connection shall immediately notify the CAO in writing.

12. DISCONNECTIONS

12.1 The CAO 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 of storm drainage from entering the storm drainage system where the discharge:

12.1.1 contains a prohibited material;

12.1.2 creates an immediate danger to any person;

12.1.3 interferes with or endangers the operation of the storm drainage system; or

12.1.4 may otherwise cause or result in a negative impact.

12.2 Where the CAO has taken action pursuant to Section 12, such action may be maintained or continued until evidence satisfactory to the CAO has been produced to assure that no further harmful discharge will be made.

12.3 Where the CAO has taken action pursuant to Section 12, the CAO may, by notice in writing, advise the owner or occupier of the premises from which the discharge was emanating, of the cost of taking such action and the owner or occupier shall forthwith reimburse the Town for all such costs which were incurred.

13. RATES AND PAYMENT OF UTILITY SERVICE ACCOUNT

13.1 Utility Rates

13.1.1 A person who has a utility services account and is a consumer within the meaning of this Bylaw, shall pay the amounts specified in the Utility Rates Bylaw in effect at the time for storm drainage.

13.1.2 The Town shall determine, in its sole discretion, which rate set out in the Utility Rates Bylaw applies to any particular consumer, premises, individual dwelling unit, or property.

13.1.3 The rate payable by a consumer will be determined by reference to the size of the property or premises, including, but not limited to, the number of individual dwelling units, whether properly zoned or not.

13.2 General Payment of Utility Bills

13.2.1 All rates payable to the Town for the provision of services, unless otherwise established by the CAO at the Town Office, are payable

on the last day of each month. All rates not paid within (30) days of the Town rendering a utility invoice to the consumer shall accumulate interest at the rate of eighteen percent (18%) per annum until paid.

13.2.2 The utility invoice is deemed received seven (7) days after the mailing date on the utility invoice. Consumers who have entered into an E-Bill Service Agreement with the Town, shall be deemed to have received their utility invoice on the date that the Town sends the E-Bill to the consumer's e-mail address.

13.2.3 The whole amount owing in a Utility Invoice is payable upon receipt and the account will be deemed to be in arrears if payment is not made on or before the date specified in the Utility Invoice for payment (ie. the last day of the month).

13.3 Non-Payment

13.3.1 Any charges on a consumer's utility invoice remaining unpaid after the due date identified in the utility invoice, will be in arrears and constitute a debt owing to the Town recoverable by any or all of the following methods:

13.3.1.1 discontinuing utility services to the consumer;

13.3.1.2 commencing an action in a court of competent jurisdiction;

13.3.1.3 transferring the outstanding account balance to the property tax roll of the owner of the property, if the account is in the property owner's name, outstanding charges will be transferred to taxes pursuant to the *Municipal Government Act*, RSA 2000, c M-26, and amendments thereto and charging a transfer fee as set out in the Utility Rates Bylaw;

13.3.1.4 where the Town has agreed to supply utility services to a premises at the request of an occupant, not the owner of the premises, all sums payable by the occupant pursuant to this Bylaw, are a debt due and owing to the Town and shall constitute a preferential lien and charge on the occupant's personal property and maybe levied and collected with costs through distress and the sale of the goods and chattels of the consumer wherever found in the Town;

13.3.1.5 any combination of the above.

14. **AUTHORITY OF CAO**

14.1 The CAO may:

- 14.1.1 delegate any or all of the powers granted to the CAO pursuant to this Bylaw;
 - 14.1.2 establish any conditions or requirements of an approval or permit to release water to the storm drainage system, including, but not limited to:
 - 14.1.2.1 testing, monitoring or reporting requirements;
 - 14.1.2.2 equipment or equipment maintenance requirements; and
 - 14.1.2.3 filtration, settling or other treatment requirements;
 - 14.1.3 order the testing of any discharge to the storm drainage system; and
 - 14.1.4 establish fees for approvals or permits.
- 14.2 Notwithstanding any other provision in this Bylaw, the CAO may establish rates, volumes and locations of discharges, including, but not limited to:
- 14.2.1 overland flows to a Town owned parcel, including a reserve;
 - 14.2.2 discharges into a storm drainage system; and
 - 14.2.3 discharges to a street.

15. APPROVALS

- 15.1 A person to whom a written approval has been issued pursuant to this Bylaw shall ensure every provision and condition of that approval is complied with.
- 15.2 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.

16. INSPECTIONS

- 16.1 Subject to the entry notice provisions of the *Municipal Government Act*, a designated Enforcement Officer and or designated staff of the Town, bearing proper identification, may inspect, observe, measure, sample and test the water 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.

17. REMEDIAL ORDERS

- 17.1 Where an Officer who is also a designated Enforcement 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*, or amendments thereto, to remedy the infraction.

- 17.2 Every remedial order written with respect to this bylaw must:
- 17.2.1 indicate the person to whom it is directed;
 - 17.2.2 identify the property to which the remedial order relates by municipal address or legal description;
 - 17.2.3 identify the date that it is issued;
 - 17.2.4 identify how the premises fails to comply with this Bylaw;
 - 17.2.5 identify the specific provisions of the Bylaw the premises contravene;
 - 17.2.6 identify the nature of the remedial action required to be taken to bring the premises into compliance;
 - 17.2.7 identify the time within which the remedial action must be completed;
 - 17.2.8 indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
 - 17.2.9 indicate that the expenses and costs of any action or measures taken by the Town under this section are an amount owing to the Town by the person to whom to order is directed;
 - 17.2.10 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;
 - 17.2.11 indicate that an appeal lies from the remedial order to the Town Council, if a notice of appeal is filed in writing with the Town Clerk within fourteen days of the receipt of the remedial order.
- 17.3 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.
- 17.4 If, in the opinion of an Enforcement Officer, service of the remedial order cannot be reasonably affected, or if the Enforcement Officer believes that the owner of the premises is evading service, the Peace Officer may post the remedial order 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.

17.5 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.

18. INTERFERENCE WITH TOWN FORCES

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

19. OFFENCES AND PENALTIES

19.1 Any person who contravenes any provision of this Bylaw by: doing any act or thing which the person is prohibited from doing; or failing to do any act or thing the person is required to do is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

19.2 Where an Enforcement Officer believes that a person has contravened any provision of this Bylaw, the Enforcement 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*.

19.3 Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the penalty for the first offence. All subsequent offences the Enforcement Officer shall establish a penalty between the minimum and maximum penalty.

19.4 This Section shall not prevent any Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*.

19.5 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. RESCINDED OR AMENDED BY-LAWS

20.1 Bylaw 673-R-11-12 and any amendments are hereby rescinded upon this Bylaw coming into force.

21. **EFFECTIVE DATE OF THIS BYLAW**

21.1 This Bylaw shall come into full force and effect when this Bylaw has achieved third reading and is duly signed.

READ a FIRST time this 29th day of July, 2019.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion #: 240.19

READ a SECOND time this 29th day of July, 2019

Mayor – Kim Craig

CAO – Kalen Hastings

Motion #: 241.19

UNANIMOUS CONSENT to hold THIRD and FINAL reading this 29th day of July, 2019.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion #: 242.19

READ a THIRD and FINAL time this 29th day of July, 2019.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion #: 243.19

SCHEDULE "A"
SPECIFIED AND MINIMUM PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	MAXIMUM PENALTY
4	Release a Prohibited Material	\$500	\$3000
4.1	Discharge exceeding 3000 Liters	\$75	\$500
5.1.1, 5.1.4, 5.1.5	Fail to notify of discharge	\$75	\$500
6.1.2, 6.4.1	Fail to mitigate prohibited discharge	\$500	\$3000
6.1.3, 6.4.2	Fail to cover or clearly mark hose	\$75	\$300
7.1	Allow termination within 2 meters	\$75	\$500
7.2	Connect directly to foundation drain or weeping tile	\$500	\$500
7.3.1	Discharge of roof or foundation drainage within one meter of building	\$250	\$500
7.3.2	Discharge of roof or foundation drainage directly onto an adjacent lot or Town right-of-way	\$250	\$500
7.3.3	Discharge of roof or foundation drainage to a location causing soil erosion	\$250	\$500
7.3.4	Discharge of roof or foundation drainage that adversely affects the stability of slope	\$250	\$500
7.3.5	Discharge of roof or foundation drainage that causes a nuisance, hazard or damage	\$250	\$500
7.3.6	Discharge of roof or foundation drainage to the sanitary sewer system	\$500	\$1500
7.4	Pump/Direct water from a Parcel	\$500	\$1500
8.3.1, 8.3.2	Fail to maintain Interceptor	\$500	\$1500
8.4	Deposit Interceptor residue	\$500	\$3000
9.1	Unauthorized use of Storm Drainage	\$500	\$1000
10.1.1	Allow structure on or over a Surface Drainage Facility	\$500	\$1500
10.1.2	Fail to ensure Surface Drainage Facility remains clear of debris	\$500	\$1500
10.2	Insufficient clearance over a Surface	\$500	\$1500

SECTION	OFFENCE	MINIMUM PENALTY	MAXIMUM PENALTY
10.3.1	Restricting access to Storm drainage system	\$500	\$1500
10.3.2	Restricting Flow into or within Storm drainage system	\$500	\$1500
10.4	Altering, removing or changing Storm drainage system	\$500	\$1500
10.5	Make or create Surface Drainage Facility	\$500	\$1500
11.1	Fail to comply with an easement	\$200	\$500
12.1	Unauthorized Connection to Storm drainage system	\$500	\$1500
12.6	Failure to notify CAO of discontinuation	\$75	\$300
19.5	Violate approval or condition of approval	\$500	\$1500
17.4	Fail to comply with Remedial Order	\$250	\$500
18.1	Hindering authorized Town employee	\$500	\$1000