

MEMORANDUM

File: 0420-Sewer Management ⁰⁰¹

TO: General Manager
FROM: Manager of Planning and Engineering *CF*
DATE: August 13, 2008
SUBJECT: Surface Drainage Bylaw

PURPOSE

To provide the General Management Committee with a draft copy of the Surface Drainage Bylaw for consideration to the next Council meeting.

BACKGROUND

The Surface Drainage Bylaw is being brought forward at the same time as the Utilities Bylaw as they are somewhat related. The purpose of the bylaw is to regulate Lot Grading and Surface Drainage requirements within private and public lands. Highlights of the bylaw include the following:

- Roof drainage; subsurface drainage requirements
- Lot grading for both Rough and Final grading requirements
- Lot Grading Inspections
- Offences and penalties
- Lot grading inspection fees

This bylaw will formally adopt some of the processes already in place while providing Administration with a tool for incorporating both grading inspections and dealing with existing subsurface drainage issues.

LEGISLATIVE AUTHORITY

Sections 7 and 8 of the Municipal Government Act.

ALTERNATIVES

1. That the General Management Committee accept the Surface Drainage Bylaw as information (The Bylaw will be submitted for Council's consideration).
2. That the General Management Committee not accept the Surface Drainage Bylaw as presented and direct Administration on how to proceed.

RECOMMENDATION

1. That the General Management Committee accept the Surface Drainage Bylaw as information (The Bylaw will be submitted for Council's consideration).

Town of Beaumont

BYLAW 732-08

SURFACE DRAINAGE BYLAW

A BYLAW OF THE TOWN OF BEAUMONT, IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL SURFACE DRAINAGE IN THE TOWN OF BEAUMONT.

WHEREAS, the Town of Beaumont wishes to carry out its powers and duties pursuant to sections 7 and 8 of the Municipal Government Act, Chapter M-26, as amended and repealed from time to time, with respect to controlling Surface Drainage within the municipal boundaries of the Town of Beaumont.

NOW THEREFORE the Council of the Town of Beaumont, duly assembled hereby enacts the following:

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

- 1 The purpose of this Bylaw is to regulate Lot Grading and Surface Drainage requirements within private and public lands.
- 2 This Bylaw may be cited as the Town of Beaumont “Surface Drainage Bylaw”.

DEFINITIONS

- 3 In this bylaw:
 - (a) “**Approval of Final Grading**” means a Final Grade Certificate signed by the Lot Grading Inspector approving the Final Grading of a Lot;
 - (b) “**Approval of Rough Grading**” means a Rough Grade Certificate signed by the Lot Grading Inspector approving the Rough Grading of a Lot;
 - (c) “**Approved Surface Drainage Plan**” means a Surface Drainage Plan prepared in accordance with the Town’s Lot Grading Guidelines approved and signed by the Director of Engineering Services;
 - (d) “**Building**” means anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;
 - (e) “**Final Grading**” means Surface Elevations and Surface Grades of a Lot, in accordance with, as applicable, an Approved Surface Drainage Plan or the Town’s Lot Grading Guidelines and includes the finished landscaping or surfacing;
 - (f) “**Final Grade Certificate**” means a Final Grade Certificate of a Lot certified by an Alberta Land Surveyor, Professional Engineer or Registered Architect;
 - (g) “**High Potential Contaminant Release Area**” means an outdoor area where activities occur, which may have a high potential for the release of wastewater or Storm Water that is in violation of the requirements of the Utility Bylaw, and includes, but not limited to, loading dock areas, trash compactor areas, fuelling station areas, wash areas, material transfer areas, or any other areas designated by the Manager of Planning

and Engineering;

- (h) **“Lot”** means a parcel of land or portion thereof;
- (i) **“Lot Grading Guidelines”** means guidelines established by the Town Manager specifying acceptable Lot Grading requirements, procedures and tolerances, as revised from time to time;
- (j) **“Lot Grading Inspector”** means a Person employed by the Town to administer Surface Drainage requirements regulated by this Bylaw;
- (k) **“Manager”** means the Manager of Planning and Engineering employed by the Town of Beaumont.
- (l) **“Multiple Family Housing”** means residential development consisting of a Lot containing three or more dwelling units;
- (m) **“Owner”** means any person who is registered under the Land Titles Act as the Owner of the fee simple estate in the land, or any other Person who is in lawful possession thereof; or who is in lawful possession or occupancy of any Buildings situated on the land, or any agent of, or Person acting with lawful authority on behalf of the Owner, including but not limited to a contractor;
- (n) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Peace Officer appointed by the Town of Beaumont (pursuant to the provisions of the Peace Officer Act, R.S.A. 2007, as amended or repealed and replaced from time to time), or a Bylaw Enforcement Officer, appointed by the Town of Beaumont, pursuant to the Municipal Government Act;
- (o) **“Person”** means any individual, partnership or corporation, and heirs, executors, administrators or legal representative of a Person;
- (p) **“Plan of Certification of As-Built Grades”** means a plan that complies with requirements set out in the Lot Grading Guidelines, duly signed and certified by a registered Alberta Land Surveyor, Professional Engineer or Registered Architect as accurately representing the existing Surface Elevations, Surface Grades and other Surface Drainage features of a Lot;
- (q) **“Private Drainage System”** means a privately owned assembly of pipes, fittings, fixtures, trap and appurtenances that is used to convey wastewater, clear-water waste, Storm Water or foundation drainage to a Sewer Service;
- (r) **“Rough Grading”** means Surface Elevations and Surface Grades of a Lot established in accordance with the Lot Grading Guidelines preceding the establishment of Final Grading;
- (s) **“Rough Grading Certificate”** means a Rough Grade Certificate of a Lot certified by an Alberta Land Surveyor, Professional Engineer or Registered Architect;
- (t) **“Semi-Detached Housing”** means the development consisting of row housing with two side-by-side dwelling units;
- (u) **“Sewer Service”** means a Town owned pipe that connects the public sewer to a Private Drainage System;
- (v) **“Site Mechanical Plan”** means a plan that complies with the provisions of the Utility Bylaw and shows the on-property Private Drainage System, Storm Water control and storage methods and locations duly sealed and signed by a Professional Engineer;
- (w) **“Slope”** means any inclined portion of the ground surface where there may exist a risk of instability, including the edge or side of an embankment, ravine, hill, top of bank, river, stream, Storm Water

Management Facility or soil retaining structure;

- (x) **“Storm Water”** means surface run-off water that is the result of natural precipitation;
- (y) **“Storm Water Collection System”** means any system of sewers, valves, fittings, pumping stations, management facilities and appurtenances that are used to collect Storm Water drainage;
- (z) **“Subsurface Drainage”** means storm or ground water conveyance below ground;
- (aa) **“Surface Drainage Plan”** means a plan that complies with the requirements set out in the Lot Grading Guidelines, duly sealed and signed by a registered Alberta Land Surveyor, Professional Engineer or Registered Architect;
- (bb) **“Surface Grade”** means the magnitude and direction of inclination of an area of the ground surface;
- (cc) **“Surface Elevation”** means an elevation of the ground surface measured from geodetic datum, at a specific, discrete location;
- (dd) **“Swale”** means a shallow sloped channel for the conveyance of Storm Water;
- (ee) **“Town”** means municipal corporation of the Town of Beaumont;
- (ff) **“Town Right-of-Way”** means a public road, public lane, utility or transportation right-of-way, or an easement where the Town is party to an agreement granting the Town an interest in the land;
- (gg) **“Underground Irrigation System”** means an underground piping system used to supply moisture to the ground;
- (hh) **“Utility Bylaw”** means the Town of Beaumont Utility Bylaw, Bylaw No. ???-?? as amended and repealed and replaced from time to time;
- (ii) **“Violation Tag”** means a tag or similar documents issued by the municipality pursuant to the Municipal Government Act; and
- (ij) **“Violation Ticket”** means a ticket issued pursuant to Part II, of the Provincial Offences Procedure Act, and the regulations there under.

RULES FOR INTERPRETATION

4 The marginal notes and headings in this bylaw are for reference purposes only.

PART II – SURFACE DRAINAGE PLAN SUBMISSION AND FEE PAYMENT

FOR LAND ZONED SINGLE DETACHED AND SEMI-DETACHED HOUSING

- 5 For all developments zoned single detached housing (R11 to R20), and semi-detached housing, the payment of a Lot grading inspection fee in the amount set out in Schedule A must be submitted at the time of application for the Building Permit
- 6 Notwithstanding Section 5, the Manager may, in his sole discretion, waive the requirement for Lot grading inspection fees for those developments zoned single detached housing (R11 to R20) and Semi-Detached Housing.

GEN. MGR. MM
APPROVED AGENDA ITEM 5b-4

- (b) a plan of certification of as-built grades must be submitted to the Town within 12 months of receiving rough grade approval.

FOR LAND ZONED COMMERCIAL, INDUSTRIAL, MULTIPLE FAMILY, APARTMENT, ROW HOUSING AND URBAN SERVICES

- 7 (1) For any development not referred to in Section 5, prior to the construction of a new Building, an addition to an existing Building, a replacement Building, an outdoor parking or storage area, the Owner shall submit to the Town:
- (a) a Surface Drainage Plan for that Lot for approval by the Manager; and
 - (b) payment of a lot grading inspection fee in the amount set out in Schedule A.
- (2) A Surface Drainage Plan submitted pursuant to this section shall be completed within 60 days of the issuance of the Building permit.
- (3) When an Owner applies for approval for a new Surface Drainage Plan pursuant to this section for a Lot where there exists an Approved Surface Drainage Plan, the new Surface Drainage Plan, once it has been approved and signed by the Manager, shall supercede the previous Approved Surface Drainage Plan.
- 8 The Town assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact arising from the approved Surface Drainage Plan or Plan of Certification of As-Built Surface Drainage Plan supplied by or on behalf of the Owner.

PART III – STORM WATER MANAGEMENT AND DISCHARGE REQUIREMENTS

LIMITED RATE OF RELEASE OF STORM WATER

- 9 (1) The Manager is authorized to establish for any Lot referenced in Section 5 a limited rate of release of Storm Water, including for:
- (a) discharges into a public sewer; and
 - (b) discharges to a ditch or surface drainage feature designated by the Manager.
- (2) Where the Manager has established a limited rate of release of Storm Water from a Lot pursuant to this section:
- (a) the Manager may refuse to approve a Surface Drainage Plan until the Owner has made provisions on the Site Mechanical Plan for facilities and means to control the rate of release of Storm Water from the Lot, and to store on the property the volume of Storm Water in excess of the rate of release as directed by the Manager, and
 - (b) the Owner shall comply with the established rate of release to maintain all control devices and storage areas in compliance.

LOCATION OF RELEASE OF STORM WATER

- 10 (1) The Manager is authorized to determine and specify the location of release of Storm Water and

Subsurface Drainage to a Sewer Service, an overland route or a specific overflow point on or from a Lot.

- (2) The Manager is authorized to require that roof drainage or foundation drainage from a Building be discharged into a Sewer Service.
- (3) Where the Manager has specified a location for the release of Storm Water or Subsurface Drainage on or from a Lot pursuant to this section:
 - (a) the Manager may refuse to approve a Surface Drainage Plan until the Owner has made provisions on the Surface Drainage Plan for the release of Storm Water at the location specified by the Manager;
 - (b) the Owner shall comply with the specified location of release; and
 - (c) the Owner shall not allow storm management storage areas to cross onto or flow to adjacent Lots.

PART IV – ESTABLISHMENT, INSPECTION AND MAINTENANCE OF DRAINAGE REQUIREMENTS

SURFACE GRADES ADJACENT TO A BUILDING

- 11 (1) An Owner shall comply with the grades established on a Town Approved Surface Drainage Plan.
- (2) Where no Town Approved Surface Drainage Plan exists, the Owner of a Lot shall establish and maintain Surface Grades adjacent to a building in such a way that water drains away from the Building and does not accumulate at or near the Building and so as to ensure that the Surface Grades are in accordance with the Town's Lot Grading Guidelines.

APPROVAL REQUIREMENTS FOR SINGLE DETACHED HOUSING AND SEMI-DETACHED HOUSING

- 12 (1) For all developments within the zones set out in Section 5 of this Bylaw, the Manager may approve Surface Elevations and Surface Grades of a Lot in two stages:
 - (a) Approval of Rough Grading; and
 - (b) Approval of Final Grading.
- (2) Within 60 days of the establishment of the Rough Grading of a Lot, the Owner shall apply to the Town for an Approval of Rough Grading.
- (3) Within 12 months of issuance of an Approval of Rough Grading for a Lot, the Owner shall complete the Final Grading of that Lot and apply to the Town for an Approval of Final Grading or submit to the Town a Plan of Certification of As-Built Grades.
- (4) Notwithstanding Subsection 12(3), if the establishment of Final Grading of a Lot has been completed, the Owner shall, within 60 days of the establishment of the Final Grading, apply to the Town for an Approval of Final Grading.
- (5) The Town may waive the requirement for an Approval of Rough Grading when the establishment of Final Grading of a Lot is conducted by the same Person who is responsible for the Rough Grading.

APPROVAL REQUIREMENTS FOR LOTS ON LAND USED FOR OTHER LAND USES

- 13 Within 60 days of completion of the Final Grading of a Lot other than those in Section 11, the Owner shall:
- (a) apply to the Town for an Approval of Final Grading; and
 - (b) submit to the Town a Plan of Certification of As-Built Grades.
- 14 Notwithstanding Sections 7(1) and 13(b), the Manager may, in his sole discretion, waive the requirement for an Approved Surface Drainage Plan and Plan of Certification of As-Built Grades.

PART V – RESTRICTIONS AFFECTING SURFACE DRAINAGE

ROOF DRAINAGE AND PUMPED SUBSURFACE DRAINAGE

- 15 No Owner shall permit roof drainage or pumped Subsurface Drainage from a Building to be discharged:
- (a) directly onto a pervious ground surface within one (1) metre of the building for all buildings that have a basement or a level below the finished ground surface;
 - (b) within 150mm of an adjacent Lot or to within 300mm of a Town Right-of-Way;
 - (c) to a location where soil erosion would occur;
 - (d) 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 or top of bank;
 - (e) to a location where the flow of water or accumulation of water would have a detrimental effect on a ravine or an environmentally sensitive area; or
 - (f) to a location or in such a way as to cause or have potential to cause a nuisance, hazard or damage.

ALTERATION OF SURFACE ELEVATIONS AND SURFACE GRADES

- 16 No Person shall alter the Surface Elevations or Surface Grades of any land such that:
- (a) it may cause or have potential to cause a nuisance, hazard or damage; or
 - (b) it may adversely effect the stability of a Slope or top of bank.

ALTERATIONS WITHIN A TOWN RIGHT-OF-WAY

- 17 No Person, except with authorization of the Manager, shall alter the Surface Elevations or Surface Grades within a Town Right-of-Way.

ALTERATIONS TO SURFACE DRAINAGE

- 18 No Person shall obstruct, remove, regrade or alter a drainage Swale, canal, ditch, reservoir, or other man-made Surface Drainage feature or facility located within a Town Right-of-Way or otherwise constructed under approval of the Town.
- 19 The Town shall not be held liable for any damages caused by a Person contravening with Section 14 or 15.

CULVERT INSTALLATIONS

- 20 No Person, except with authorization of the Manager, shall install a culvert within a Town Right-of-Way.

COMPLIANCE WITH EASEMENTS, CAVEATS AND RESTRICTIVE COVENANTS

- 21 The Owner of a Lot shall comply with the terms and conditions of any easement agreement, utility Right-of-Way, caveat, restrictive covenant, or any other document that has been registered on the title of the Lot to protect a drainage structure, Swale, ditch or other Surface Drainage feature, the overflow area of a Storm Water collection system, or the stability of a Slope.

HIGH POTENTIAL CONTAMINANT RELEASE AREAS

- 22 The Owner of a Lot containing a High Potential Contaminant Release Area shall ensure such area is graded to drain in compliance with the Utility Bylaw.

RESTRICTED USE OF UNDERGROUND IRRIGATION SYSTEM

- 23 No Person shall install or have installed any Underground Irrigation System on any Slope.

LOT GRADING INSPECTION

- 24 Inspections undertaken by Lot Grading Inspectors or the Town are to be undertaken in good faith in an effort to administer and enforce this Bylaw, but are in no way or under any circumstances to be taken to be a guarantee or warranty of compliance with this Bylaw.
- 25 The Lot Grading Inspector is authorized to enter a property in accordance with the provisions of the *Municipal Government Act*, R.S.A. 2000 c.M-26, as amended and repealed and replaced from time to time, for the purpose of carrying out his duties.

PART VI – OFFENCES AND PENALTIES

CONTRAVENTION & OFFENCE

- 26 Person who contravenes any provision of this Bylaw is guilty of an offence and, upon summary conviction, subject to a fine as set out in Schedule B.
- 27 Under no circumstance shall a Person contravening any provision of the Bylaw be subject to a penalty of imprisonment.

VIOLATION TAG

- 28 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 29 A Violation Tag may be issued to such Person:
- (a) personally;
 - (b) by registered mail sent to the postal address of the Person to the Person's last known post office address; or

(c) by leaving a copy of the Violation Tag with any Person purporting to be at least 18 years of age or older at the last known post office address of the Person to whom the Violation Tag is addressed.

30 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:

(a) the name of the Person;

(b) the offense;

(c) the appropriate penalty for the offense as specified in Schedule B of this Bylaw;

(d) the penalty shall be paid within 30 days of the issuance of the Violation Tag to avoid possible prosecution; and

(e) any other information as may be required by the Chief Administrative Officer.

31 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to the Town the penalty specified on the Violation Tag.

32 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

VIOLATION TICKET

33 In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.

34 Notwithstanding Section 26, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

35 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for such contravention in accordance with the *Provincial Offences Procedure Act*.

36 Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offense by submitting to the clerk of the Provincial Court the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

37 When a clerk records in the Court records the receipt of a voluntary payment to Section 28 and the *Provincial Offences Procedures Act*, the act of recording constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

ENFORCEMENT OF PAYMENT OF CHARGES OR FINES

38 The Town may enforce payment of charges or fines owing under this Bylaw by action in any court of competent jurisdiction.

PART VII – GENERAL

TIME LIMIT FOR COMPLETING WORK REQUIRED BY THIS BYLAW

- 39 (1) Where no time limit is specified in this Bylaw for completing any activity or work required by this Bylaw, a Person shall complete the required activity or work within 60 days.
- (2) Where a time limit has been specified in this Bylaw or specified by the Manager for any activity or work required by this Bylaw, the Manager, in his sole discretion may extend the time limit.

RETROSPECTIVITY

- 40 This Bylaw shall apply to all Lots in the Town, including those Lots where there exists an infraction of any section of Part III, IV or V of this Bylaw that was created or occurred prior to the date this Bylaw comes into force.

FALSE, INACCURATE OR UNTRUE STATEMENTS

- 41 No Person shall supply false information or make inaccurate or untrue statements in a document or in information required to be supplied to the Manager pursuant to this Bylaw.

FEEES

- 42 Fees, rates, fares, tariffs, and charges for Lot grading inspections shall be in accordance with Schedule A.

NUMBER AND GENDER REFERENCES

- 43 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

SEVERABILITY

- 44 Should any provision of this Bylaw be determined to be invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.

REPEAL

- 45 Bylaw Number 225 is hereby repealed.

FORCE AND EFFECT

46 This Bylaw comes into effect upon the third and final reading of this Bylaw.

READ A FIRST TIME IN COUNCIL THIS _____ DAY OF _____, 2008.

READ A SECOND TIME IN COUNCIL THIS _____ DAY OF _____, 2008.

READ A THIRD TIME IN COUNCIL AND PASSED THIS _____ DAY OF _____, 2008.

MAYOR

MUNICIPAL SECRETARY

SCHEDULE A – LOT GRADING INSPECTION FEES

Lot Used For	Lot Grading Inspection / Reinspection Fee
Single detached housing	\$150
Semi-detached housing	\$150 for each dwelling unit
Multiple Family housing	\$190 ¹ plus \$50 for each dwelling unit ² on the first level that contains dwelling units
Any other land use	\$190 per hectare, subject to a minimum of \$190

1. The indicated Lot grading inspection fee is payable for each separate Building Permit application.
2. The fee for each dwelling unit shall be charged only for the number of units being developed.

SCHEDULE B – SCHEDULE OF PENALTY AMOUNTS

Offence	Section	First and Minimum	Subsequent
Failure to submit a Surface Drainage Plan for the Manager's approval	7(1)(a)	\$300	\$500
Failure to obtain Manager's approval of Surface Drainage Plan within the time specified	7(2)	\$300	\$500
Failure to comply with rate of release established by the Manager	9(1)(b)	\$500	\$1,000
Failure to comply with location of release specified by the Manager	9(2)(b)	\$500	\$1,000
Failure to prevent storm management storage areas from crossing onto or flowing to adjacent Lots	9(2)(b)	\$500	\$1,000
Failure to establish or maintain adequate Surface Grades adjacent to a Building	11(1), 11(2)	\$300	\$500
Failure to apply for an Approval of Rough Grading	12(2)	\$300	\$500
Failure to apply for an Approval of Final Grading	12(3), 12(4), 13(a)	\$300	\$500
Failure to submit a Plan of Certification of As-Built Grades	13(b)	\$300	\$500
Discharge of roof or foundation drainage within one (1) metre of Building	15(a)	\$500	\$1,000
Discharge of roof or foundation drainage directly onto an adjacent property or Town Right-of-Way	15(b)	\$500	\$1,000
Discharge of roof or foundation drainage to location causing soil erosion	15(c)	\$500	\$1,000
Discharge of roof or foundation drainage that adversely affects the stability of an adjacent Slope	15(d)	\$500	\$1,000
Discharge of roof or foundation drainage that detrimentally affects a ravine or environmentally sensitive area	15(e)	\$500	\$1,000
Discharge of roof or foundation drainage that causes a nuisance, hazard or damage	15(f)	\$500	\$1,000
Surface Elevation or Surface Grade alterations that cause a nuisance, hazard or damage	16(a)	\$500	\$1,000
Surface Elevations or Surface Grade alterations that adversely affect the stability of an adjacent Slope	16(b)	\$500	\$1,000
Unauthorized Surface Elevation or Surface Grade alterations within a Town Right-of-Way	17	\$500	\$1,000
Obstruct, remove, regrade or alter a drainage Swale or other drainage feature or facility	18	\$500	\$1,000
Culvert installation without obtaining a Culvert Crossing Permit from the Town	20	\$500	\$1,000
Non-compliance with terms of an easement document, utility Right-of-Way document, caveat or restrictive covenant	21	\$500	\$1,000
Fail to properly grade High Potential Contaminant Release Area	22	\$500	\$1,000
Unauthorized installation of an Underground Irrigation System	23	\$500	\$1,000
Supply false or inaccurate information	41	\$500	\$1,000