

CITY OF GRANDE PRAIRIE

BYLAW C-1443

A Bylaw to Regulate Stormwater and the Stormwater Drainage System in the City of Grande Prairie

WHEREAS section 7 of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, authorizes a municipality to pass bylaws respecting public utilities and services provided by the municipality;

WHEREAS section 7 of 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 that is often open to the public;

WHEREAS section 7 of the *Municipal Government Act* authorizes a municipality to pass bylaws for municipal purposes respecting nuisances;

WHEREAS section 8(1) of the *Municipal Government Act* authorizes a municipality to pass bylaws for municipal purposes respecting systems of licenses, permits or approvals;

WHEREAS section 7 of 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;

WHEREAS section 7 of 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 regulating stormwater and the stormwater drainage system within the City of Grande Prairie is desirable.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw shall be called the “Stormwater Drainage” Bylaw.

2. PURPOSE

2.1 The purposes of this Bylaw are:

- a) to protect the Stormwater Drainage System from damage, obstruction, interference, unauthorized use, alteration, installation or removal of connections to the Stormwater Drainage System, or the release of Prohibited Materials;
- b) to protect the City’s employees, infrastructure, environment and the public from exposure to dangerous conditions;

- c) to protect, control and monitor the volume and ensure the quality of water entering the Stormwater Drainage System;
- d) to provide a system of rates, fees and charges for various types of use of the Stormwater Drainage System; and
- e) to provide a system of permits or other permissions that facilitate the imposing of conditions on releases to the Stormwater Drainage System.

3. DEFINITIONS

In this Bylaw the following words and phrases mean:

“Adverse Effect” means impairment of or damage to, or the ability to cause impairment of or damage to:

- a) the Stormwater Drainage System;
- b) human health or safety;
- c) any property; or
- d) the environment.

“Aggregate Condominium Parcel” means a Parcel composed of the aggregate of all Parcels within a Non-Residential Condominium Plan, or within a Residential Condominium Plan which contains five (5) or more Dwelling Units, and which is deemed to exist for the purposes of this Bylaw.

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

“Aquatera” means Aquatera Utilities Inc.

“Assessment Class” means the classification assigned to a Parcel by the Taxation and Assessment Department of the City for the purposes of assessment in accordance with the MGA.

“Billing Unit” means a standard unit of measurement which is used to measure Impervious Area. One (1) 'Billing Unit' is equal to 150 metres squared, which is the median Impervious Area of a typical Residential Lower Density Private Parcel as determined by the City based on building footprint. This measurement shall be the standard unit for calculating a Tier Based Charge in accordance with Schedule “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:

- a) human anatomical waste;
- b) infectious human waste;
- c) infectious Animal Waste;
- d) microbiological waste;

- e) blood and body fluid waste; and
- f) medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts.

“City” means the municipal corporation of the City of Grande Prairie, and includes the geographical area within the boundaries of the City of Grande Prairie where the context so requires.

“City Manager” means the Chief Administrative Officer of the City of Grande Prairie or the employee of the City of Grande Prairie who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw.

“Condominium Plan” means a condominium plan registered at the Alberta Land Titles Office and includes a Residential Condominium Plan and a Non-Residential Condominium Plan.

“Connection” means a pipe or conduit installed between a Premises and the Stormwater Drainage System for the purpose of draining Stormwater from the Premises.

“Decorative Pond” means an artificial body of water for ornamental purposes but does not include fish ponds.

“Director” means the City Manager.

“Dwelling Unit” means a ‘Dwelling Unit’ or ‘Dwelling’, as defined in the City’s [Land Use Bylaw C-1260](#).

“Dwelling Unit Based Charge” means a Stormwater Utility Charge which is payable in respect of each Dwelling Unit within a:

- a) Residential Lower Density Private Parcel; and
- b) Residential Condominium Parcel within a Residential Condominium Plan, where such Residential Condominium Plan contains not more than four (4) Dwelling Units.

“Foundation Drainage” means Water collected beneath the surface of the ground by a foundation drain, weeping tile, sump pump or other similar means.

“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.

“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*, RSA 2000, chapter E-12.

“Impervious Area” means any area or surface of a Parcel which hinders or prevents the natural infiltration or absorption of water into the soil including rooftops, driveways, parking areas, sidewalks, patios, artificial turf, hard packed surfaces (e.g., compacted gravel), shipping containers, other hardscaped or paved surfaces, and any other surfaced portions that do not allow for the natural absorption and infiltration of Stormwater into the ground.

“Industrial Waste” means waste generated by commercial or industrial activities that present 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.

“Interceptor” means a treatment system or device, approved by the Director, that is designed to remove Substances or contaminants from Stormwater or Water before passing into the Stormwater Drainage System.

“MGA” means the *Municipal Government Act*, RSA 2000, chapter M-26, including all regulations thereto, as amended or replaced from time to time.

“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.

“Non-Residential Common Property Condominium Parcel” means a Non-Residential Parcel within a Non-Residential Condominium Plan which is designated or used as common property within the Non-Residential Condominium Plan.

“Non-Residential Condominium Parcel” means a Non-Residential Parcel within a Non-Residential Condominium Plan which is not designated or used as common property within the Non-Residential Condominium Plan.

“Non-Residential Condominium Plan” means a Condominium Plan which contains one (1) or more Non-Residential Condominium Parcels, and which may also contain one (1) or more Non-Residential Common Property Condominium Parcels.

“Non-Residential Parcel” means a Parcel which is assigned the Assessment Class of ‘Non-Residential’, or which is deemed by the Director to have an Assessment Class of ‘Non-Residential’ for the purposes of this Bylaw and includes a Non-Residential Private Parcel, a Non-Residential Condominium Parcel, and a Non-Residential Common Property Condominium Parcel.

“Non-Residential Private Parcel” means a Non-Residential Parcel which is not within a Condominium Plan.

“Officer” means a sworn member of the Royal Canadian Mounted Police, a bylaw enforcement officer of the City, an officer appointed under the *Peace Officer Act*, S.A. 2006, chapter P-3.5, or a police officer appointed under the *Police Act*, RSA 2000, chapter P-17.

“Other Parcel” means any Parcel which is not a Residential Parcel or a Non-Residential Parcel and includes a Parcel assigned the Assessment Class of ‘Farmland’ or which is registered at the Alberta Land Titles Office as a ‘Public Utility Lot’ or ‘Environmental Reserve’.

“Owner” means a Person who is one or more of the following:

- a) the registered owner of the Parcel;
- b) a purchaser of a Parcel whose interest as a purchaser is shown on the certificate of title to that Parcel;
- c) a tenant or other Person who is in lawful possession or occupation of any land, building or Dwelling Unit situated on a Parcel;
- d) an Aquatera customer associated with a Water Meter;
- e) in respect of a Residential Common Property Condominium Parcel, the condominium board;
- f) in respect of a Non-Residential Common Property Condominium Parcel, the condominium board; or
- g) In respect of an Aggregate Condominium Parcel, the condominium board.

“Parcel” means the aggregate of one or more areas of land or condominium property located within the City and described in a certificate of title, and includes a Residential Parcel, a Non-Residential Parcel, and an Other Parcel.

“Pathway” means a Pathway as defined in the [Parkland Bylaw C-1310](#).

“Person” means any of the following:

- a) an individual;
- b) a legal entity or business entity, including, a firm, partnership, association, corporation or society; or
- c) a trustee, executor, administrator, agent or employee of either a) or b).

“Premises” includes lands and buildings or both, or a part thereof.

“Prohibited Material” means any Substance that may, directly or indirectly, obstruct the flow of Water within the Stormwater Drainage System or may have an Adverse Effect, and includes, but is not limited to:

- a) soil, sediment, waste or other solid matter;
- b) fecal matter;
- c) Animal Waste;
- d) cooking oils and greases;
- e) gasoline, motor oil, transmission fluid, petroleum products, and antifreeze;

- f) solvents;
- g) paint;
- h) cement or concrete wastes;
- i) sawdust, wood, fiberboard or construction material;
- j) Yard Waste;
- k) pesticides, herbicides or fertilizers;
- l) Biomedical Waste or General Medical Waste;
- m) Hazardous Substances;
- n) Industrial Waste;
- o) soaps, detergents or other chemical products;
- p) Water from hot tubs or similar devices;
- q) any Substance or combination of Substances that emits an odour;
- r) fish or aquatic fauna and flora not authorized by the Director;
- s) industrial plastics including plastic pellets, flakes or powder; and
- t) general refuse or domestic litter.

“Provincial Offences Procedure Act” means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, including all regulations thereto, as amended or replaced from time to time.

“Release” means:

- a) to directly or indirectly conduct a Substance to the Stormwater Drainage System by spilling, discharging, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying or by any other means; or
- b) a spill, release, disposal, abandonment, deposit, leak, seep, pour, drain or emptying of a Substance into the Stormwater Drainage System.

“Remedial Order” means a remedial order written pursuant to section 545 or 546 of the MGA.

“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.

“Residential Common Property Condominium Parcel” means a Residential Parcel which does not contain any Dwelling Units and which is designated or used as common property within a Residential Condominium Plan.

“Residential Condominium Parcel” means a Residential Parcel which contains one (1) Dwelling Unit within a Residential Condominium Plan.

“Residential Condominium Plan” means a Condominium Plan which contains one (1) or more Residential Condominium Parcels, and which may also contain one (1) or more Residential Common Property Condominium Parcels.

“Residential Higher Density Private Parcel” means a Residential Parcel which is not within a Condominium Plan and which contains five (5) or more Dwelling Units.

“Residential Lower Density Private Parcel” means a Residential Parcel which is not within a Condominium Plan and which contains not more than four (4) Dwelling Units.

“Residential Parcel” means a Parcel located within the City and assigned the Assessment Class of ‘Residential’, or which is deemed by the Director to have an Assessment Class of ‘Residential’ for the purposes of, and in accordance with, this Bylaw, and includes a Residential Lower Density Private Parcel, a Residential Higher Density Private Parcel, a Residential Condominium Parcel and a Residential Common Property Condominium Parcel.

“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.

“Stormwater” means runoff that is the result of rainfall and other natural precipitation or from the melting of snow or ice.

“Stormwater Drainage System” means the City’s system for collecting, transmitting, storing, treating and disposing of Stormwater, and Foundation Drainage and includes:

- a) the catch basins, sewers and pumping stations;
 - b) the Stormwater drainage facilities, structures or things used for storage, management and treatment to buffer the effects of the peak runoff or improve the quality of the Stormwater;
 - c) the sewers and pumping stations that transport Stormwater to the location where it is treated or disposed of;
 - d) the Stormwater outfall structures; and
 - e) the City-owned Surface Drainage Facilities;
- but does not include plumbing or service connections.

“Stormwater Utility Charge” means the charge for the operation, maintenance, repair, augmentation, replacement and inspection of the Stormwater Drainage System, and includes a Dwelling Unit Based Charge and a Tier Based Charge.

“Stormwater Utility Credit” means a reduction in the Stormwater Utility Charge payable in respect of a specific Parcel, in accordance with this Bylaw.

“Stormwater Utility Credit Application” means an application for a reduction in the Stormwater Utility Charge payable in respect of a Parcel in accordance with [Schedule “C”](#) of this Bylaw.

“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:

- a) a sidewalk (including the boulevard portion of the sidewalk);
- b) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
- c) 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 does not include a place declared by the Lieutenant Governor in Council not to be a street.

“Substance” means any one or more of the following:

- a) any solid matter;
- b) any liquid matter;
- c) any gaseous matter;
- d) any sound, vibration, heat, radiation or other form of energy; and
- e) any combination of a), b), c) or d).

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

- a) a grass swale;
- b) a ditch;
- c) a concrete or asphalt walkway, gutter or swale;
- d) a drainage control fence or structure; or
- e) the sloping and contouring of land to facilitate or control Stormwater.

“Tier” means a classification system for a Parcel, determined by the estimated number of Billing Units. Under this Bylaw, six (6) Tiers are established. Each Tier corresponds to a specific range of Billing Units and is associated with a Tier Based Charge.

“Tier Based Charge” means a Stormwater Utility Charge which is payable in respect of a Tiered Parcel.

“Tiered Parcel” means a Parcel, of one of the following varieties, which is assigned to a Tier in accordance with this Bylaw:

- a) Residential Higher Density Private Parcel;
- b) Non-Residential Private Parcel;
- c) Aggregate Condominium Parcel of a Residential Condominium Plan which contains five (5) or more Dwelling Units; or
- d) Aggregate Condominium Parcel of a Non-Residential Condominium Plan.

“Total Impervious Area” means the sum of all Impervious Areas, measured in square metres (m²), within a Parcel, and does not include the Impervious Area of a Pathway or Trail.

“Trail” means a trail as defined in the [Parkland Bylaw C-1310](#).

“Water” means all water in any form on or under the surface of the ground.

“Water Meter” means a device installed on a Parcel and monitored by Aquatera for the purpose of administering the water utility service to that Parcel and billing activities associated with same.

“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.

4. **INTERPRETATION**

4.1 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.

4.2 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.

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

4.4 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.

5. **COMPLIANCE WITH OTHER LAWS**

5.1 Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, agency, organization, other bylaw or any requirement of any lawful permit, order, approval, notice or license.

6. **RELEASES TO THE STORMWATER DRAINAGE SYSTEM**

Prohibited

No Person shall Release, or allow to be Released, any Prohibited Material into the Stormwater Drainage System, except as permitted in Subsection 6.3.

Restricted

No Person shall Release, or allow to be Released, any Water into the Stormwater Drainage System that has been impounded either passively or actively, except as permitted in Subsection 6.3.

Permitted

The following may be Released into the Stormwater 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 metres (3000 litres) or less;
- c) subject to any restrictions under any other applicable law, 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; and
- f) a Release that complies with the conditions established by the Director in accordance with this Bylaw.

7. RELEASE OF PROHIBITED MATERIALS

7.1 Any Person who Releases, or causes or allows to be Released, any Prohibited Material into the Stormwater Drainage System in contravention of this Bylaw shall 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 Stormwater Drainage System;
- b) the City, by calling the 3-1-1 telephone number or 780-538-0300;
- c) the Owner of the Premises where the Release occurred; and
- d) any other Person that may be affected by the Release.

7.2 The Person reporting a Release described in Subsection 7.1 shall 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.

7.3 The Director, may require the Owner or Person responsible for a Release described in Subsection 7.1 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, a plan setting out how the risk of future similar Releases will be prevented or eliminated.

7.4 Any Person who Releases, or causes or allows to be Released, any Prohibited Material into the Stormwater Drainage System in contravention of this Bylaw shall immediately take all reasonable measures to:

- a) mitigate the Release, including but not limited to taking measures to prevent the obstruction of the Stormwater Drainage System or measures to prevent an Adverse Effect; and
- b) cover and clearly mark all hoses used to direct Water to the Stormwater Drainage System to protect the public from injury.

7.5 Nothing in this Section 7 relieves a Person from complying with the requirements of any federal or provincial law or regulation, agency, organization, other bylaw or any requirements of any lawful permit, order, or licence.

8. DIRECTING STORMWATER

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

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

unless authorized to do so by the Director in writing.

8.2 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 in writing.

8.3 Except in an emergency, no Person shall direct, pump or Release impounded Water from a Parcel to the Stormwater Drainage System or to property owned or occupied by the City without written consent of the Director in writing.

9. RETENTION AND TREATMENT

9.1 The Director 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 Stormwater Drainage System from the Parcel;
- 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 Stormwater Drainage System.

10. INTERCEPTIONS, DEVICES AND PRACTICES

- 10.1 Any Person who owns or occupies a Parcel on which the Director has, pursuant to Section 9, directed an Interceptor, device or a practice be implemented in order to control or reduce the amount of runoff or improve water quality or infiltration shall:
- 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 Director upon request.
- 10.2 No Person shall deposit, or cause or allow to be deposited, any residue from an Interceptor, device or practice into the Stormwater Drainage System without the prior authorization of the Director, at their sole discretion, in writing.

11. USE AND RE-USE OF STORMWATER OR FOUNDATION DRAINAGE

- 11.1 Stormwater or Foundation Drainage shall not be used or re-used for any purpose without written approval from the Director.
- 11.2 The Director may impose conditions on an approval granted for Stormwater or Foundation Drainage re-use, including any of the following:
- a) limits on the types of applications for which Stormwater or Foundation Drainage may be re-used; and
 - b) requirements on applications, risks, volumes, and any other information the Director may require.
- 11.3 Notwithstanding Subsections 11.1 and 11.2, the approval of the Director is not required for the use of Stormwater captured by one or more water barrels located above ground and intended for outdoor use.

12. INTERFERENCE WITH THE STORMWATER DRAINAGE SYSTEM

- 12.1 Any Person who owns or occupies a Parcel on which a Surface Drainage Facility is located shall 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 Stormwater within the Surface Drainage Facility or the Stormwater Drainage System.

12.2 Notwithstanding Subsection 12.1, 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 metres (6 inches).

12.3 No Person, unless authorized by the Director in writing, shall obstruct, restrict or prevent:

- a) access to the Stormwater Drainage System; or
- b) flow of Stormwater into or within the Stormwater Drainage System.

12.4 No Person, unless authorized by the Director in writing, shall alter, remove or change, either temporarily or permanently, any part of the Stormwater Drainage System.

12.5 A Person shall not, unless authorized by the Director in writing, make or create a Surface Drainage Facility that connects to the Stormwater Drainage System.

12.6 A Person shall not, unless authorized by the Director in writing to:

- a) enter; or
- b) place or remove any plant, animal or object in or from;
any facility or structure that is part of the Stormwater Drainage System, including a Stormwater pond.

12.7 A Person shall not fish from a Stormwater pond.

13. **COMPLIANCE WITH INSTRUMENTS REGISTERED ON TITLE**

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

14. **CONNECTIONS**

14.1 No Person shall make, alter or remove, or permit the making, alteration or removal of, any Connection to the Stormwater Drainage System without the written approval of the Director.

14.2 Applications for the installation, alteration or removal of a Connection shall be made in writing to the Director.

14.3 The Director may approve the installation, alteration or removal of a Connection upon such terms and conditions as the Director considers necessary or appropriate including but not limited to conditions to ensure compliance with the

City's Utility Bylaw C-1365 and the payment in advance of the cost or estimated cost of the installation, alteration or removal of the Connection.

- 14.4 The installation, alteration or removal of a Connection shall be carried out at the expense of the applicant.
- 14.5 No Person shall re-use a Connection that has been discontinued, altered or removed without first obtaining the written consent of the Director.
- 14.6 Where the use of a Connection is discontinued, the Owner of the Premises which was serviced by such Connection shall immediately notify the Director in writing and the Owner shall pay to the City, in advance, the cost of disconnection.
- 14.7 Connection to the Stormwater Drainage System shall be deemed to be the property of the owner of the Parcel up to the point of connection with the Stormwater Drainage System.
- 14.8 A Person is required to report to the City any Connection or equipment located on a Parcel that does not comply with the requirements of this Bylaw.

15. **DISCONNECTIONS**

- 15.1 The Director may, in addition to any other remedy available, disconnect or seal off the Parcel from the Stormwater Drainage System or take such other action as the Director deems necessary or appropriate to prevent a Release of Stormwater, Foundation Drainage or Water from entering the Stormwater Drainage System where the Release:
 - a) contains a Prohibited Material;
 - b) creates an immediate danger to any Person;
 - c) interferes with or endangers the operation of the Stormwater Drainage System;
 - or
 - d) may otherwise cause or result in an Adverse Effect.
- 15.2 Where the Director has taken action pursuant to Subsection 15.1, such action may be maintained or continued until evidence satisfactory to the Director has been produced to assure that no further harmful Release will be made.
- 15.3 Where the Director has taken action pursuant to Subsection 15.1, the Director may, by notice in writing, advise the Owner or occupier of the Premises from which the 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.

16. AUTHORITY OF THE DIRECTOR

16.1 In addition to the powers, duties and functions specified elsewhere in this Bylaw, the Director may:

- a) establish any conditions or requirements of an approval or permit to Release Water to the Stormwater Drainage System, including but not limited to:
 - i) testing, monitoring or reporting requirements;
 - ii) equipment or equipment maintenance or inspection requirements; and
 - iii) filtration, settling or other treatment requirements;
- b) order the testing of any Release to the Stormwater Drainage System;
- c) establish fees for approvals and permits;
- d) require the Owner or occupier of a Parcel to submit a plan to the satisfaction of the Director setting out how Releases from the Parcel will not cause an Adverse Effect; and
- e) impose conditions or requirements upon the Owner or occupier of a Parcel to prevent Releases from the Parcel from causing an Adverse Effect.

16.2 Notwithstanding any other provision in this Bylaw, the Director may, establish rates, volumes, locations or other conditions of Releases, including but not limited to:

- a) overland flows to a City-owned Parcel, including a Reserve;
- b) Releases into a Stormwater Drainage System; and
- c) Releases to a Street.

17. STORMWATER UTILITY CHARGES AND CREDIT

17.1 In addition to any other fee or charge payable under this Bylaw or any other bylaw, the Owner of a Parcel shall pay to the City a Stormwater Utility Charge in respect of that Parcel, which Stormwater Utility Charge shall be calculated in accordance with Schedule "B".

17.2 The Stormwater Utility Charge in respect of a Parcel shall first become payable on July 1, 2024, and shall continue to be payable thereafter.

17.3 The Owner of an eligible Parcel may apply for a Stormwater Utility Credit in accordance with Schedule "C".

17.4 The Director may establish a system for the billing and collection of any rates, charges, and fees in connection with the Stormwater Drainage System, including, without limitation, a system for the billing and collection of the Stormwater Utility Charge, and the Director may administer such system of billing and collection directly or using such contractors as the Director deems necessary or appropriate.

17.5 The Director may establish rates, charges or fees for any work done or service or material supplied for the construction, installation, connection, disconnection, repair, maintenance, augmentation or replacement of any of the following:

- a) any part of the Stormwater Drainage System; or
- b) any part of a Surface Drainage Facility located on private property.

17.6 In the event of default of any fee or charge imposed pursuant to this Bylaw or any amount due and payable to the City pursuant to this Bylaw, the Director may enforce the collection of such amounts owing by:

- a) recommending the suspension or discontinuance of water service to any Parcel or Premises, provided the determination of such recommended suspension or discontinuance will be at the discretion of Aquatera;
- b) commencing a legal action against the Person so in default;
- c) entering the amount owing by the Person so in default to the tax roll of one or more of the Parcels associated with the amounts owing;
- d) initiating enforcement or collection processes and proceedings, or referring the matter to a contractor for the purpose of same; or
- e) any combination of the above.

17.7 The Director is hereby authorized to implement and carry out all administrative matters related to the Stormwater Utility Charge, including the administration, invoicing, billing, and collection of the Stormwater Utility Charge. Where this Bylaw or any other applicable law, bylaw, policy or procedure does not provide explicit guidance on matters pertaining to the Stormwater Utility Charge, the Director is authorized to make determinations for the purpose of carrying out the intent and objects of this Bylaw.

17.8 The Director is hereby authorized to implement and carry out all administrative matters related to the Stormwater Utility Credit, including the administration, amount, review, and application of the Stormwater Utility Credit. Where this Bylaw or any other applicable law, bylaw, policy or procedure does not provide explicit guidance on matters pertaining to the Stormwater Utility Credit, the Director is authorized to make determinations for the purpose of carrying out the intent and objects of this Bylaw.

18. APPROVALS AND REQUIREMENTS

18.1 A Person to whom a written approval has been issued pursuant to this Bylaw shall ensure every term and condition of that approval is complied with.

18.2 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, subsisting, and applicable approval.

18.3 A written approval given by the Director pursuant to this Bylaw, or an agreement entered into by the Director pursuant to this Bylaw, shall be made available for inspection on the request of either the Director or on the request of an Officer.

19. **INSPECTIONS**

19.1 Subject to the entry notice provisions of the MGA, an Officer of the City, bearing proper identification, may inspect, observe, measure, sample and test the Water, Foundation Drainage or Stormwater on or about any Premises in order to determine whether or not this Bylaw or an approval granted pursuant to this Bylaw is being complied with.

20. **REMEDIAL ORDERS**

20.1 Where the Director or an Officer believes a Person has contravened any provision of this Bylaw, they may issue to the Person a Remedial Order, pursuant to Section 545 or 546 of the MGA, to remedy the infraction.

20.2 Every Remedial Order written with respect to this Bylaw shall:

- 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 the 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; and
- k) indicate that an appeal lies from the Remedial Order to Council or a Council Committee, as the case may be, if a notice of appeal is filed in writing with the Director within fourteen (14) days of the receipt of the Remedial Order.

20.3 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.

20.4 If, in the opinion of the Director or an Officer, service of the Remedial Order cannot be reasonably affected, or if the Director or Officer believes that the owner of the Premises is evading service, 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.

20.5 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.

21. INTERFERENCE WITH CITY FORCES

21.1 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.

22. RECOVERY OF COSTS

22.1 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; and
- b) damage or harm to the Stormwater Drainage System resulting from the Owner's or occupier's contravention of the requirements of this Bylaw.

23. OFFENCES AND PENALTIES

23.1 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 the Person is required to do, including:
 - i) failing to comply with conditions or requirement imposed by the Director;
 - ii) failing to comply with a requirement or condition of a written approval or permit given by the Director; and
 - iii) failing to comply with a requirement or condition of an agreement entered into by the Director with the Person;
- is guilty of an offence.

23.2 Any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

23.3 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 (1) year, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) year.

23.4 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* (Alberta).

23.5 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.

23.6 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.

23.7 Notwithstanding specified and minimum penalties set out in Schedule "A" to this Bylaw, where a Person:

- a) 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) 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) 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) 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.

23.8 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* (Alberta) or from laying any information instead of issuing a violation ticket.

23.9 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.

24. MOTOR VEHICLE OFFENCES AND PENALTIES

24.1 For the purposes of this Section 24, "owner", "driving" and "motor vehicle" have the same meaning as set out in the *Traffic Safety Act*, RSA 2000, chapter T6.

24.2 If a motor vehicle is involved in an offence described in this Bylaw, the owner of the motor vehicle is guilty of the offence.

24.3 Subsection 24.2 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.

24.4 Despite Subsection 24.2, if the owner was not driving the motor vehicle at the time of the offence, the owner is not liable for imprisonment.

25. **REPEAL AND RECISSION**

25.1 Bylaw C-1241 is hereby repealed.

26. **EFFECTIVE DATE**

26.1 This Bylaw shall take effect on the date it is passed.

READ a first time this _____ day of _____, 2024.

READ a second time this _____ day of _____, 2024.

READ a third time and finally passed this _____ day of _____, 2024.

Mayor

City Clerk

CITY OF GRANDE PRAIRIE

BYLAW C-1443

SCHEDULE "A"

SPECIFIED PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY
6.1	Release a Prohibited Material	\$3000.00
6.2	Release impounded Water	\$1500.00
6.3 (b)	Release exceeding 3000 litres	\$500.00
6.3 (e)	Release without permit	\$1500.00
7.1 (a), (b), (c) or (d)	Fail to notify of Release	\$500.00
7.4 (a)	Fail to mitigate Prohibited Release	\$3000.00
7.4 (b)	Fail to cover or clearly mark hoses	\$200.00
8.1	Allow termination within 2 metres	\$300.00
8.2	Connect directly to foundation drain or weeping tile	\$500.00
8.3	Pump or direct Water from a Parcel	\$1500.00
9.1	Fail treat, restrict, impound or retain	\$3000.00
10.1 (a)	Fail to maintain Interceptor, device or practice	\$1500.00
10.1 (b)	Fail to service Interceptor, device or practice	\$1500.00
10.1 (c)	Fail to keep or provide a record	\$200.00
10.2	Deposit residue	\$3000.00
11.1	Unauthorized use of Stormwater Drainage System	\$1000.00
12.1 (a)	Allow structure on or over a Surface Drainage Facility	\$1500.00
12.1 (b)	Fail to ensure Surface Drainage Facility remains clear of debris	\$1500.00
12.2	Insufficient clearance over a Surface Drainage Facility	\$1500.00
12.3 (a)	Restricting access to Stormwater Drainage System	\$1500.00
12.3 (b)	Restricting flow into or within Stormwater Drainage System	\$1500.00
12.4	Altering, removing or changing Stormwater Drainage System	\$1500.00
13.1	Fail to comply with an easement	\$500.00
14.1	Unauthorized connection to Stormwater Drainage System	\$1500.00
14.5	Unauthorized re-use of connection	\$1500.00
14.6	Failure to notify the Director of discontinuation	\$300.00
18.1	Violate approval or condition of approval	\$1500.00
20.5	Fail to comply with Remedial Order	\$1500.00
21.1	Hindering authorized City Employee	\$1000.00

CITY OF GRANDE PRAIRIE

BYLAW C-1443

SCHEDULE "B"

STORMWATER UTILITY CHARGE

1. GENERAL PROVISIONS

1.1 **Annual Determination** – The Director shall determine annually the type and amount of Stormwater Utility Charge payable in respect of each Residential Parcel and each Non-Residential Parcel in accordance with this Bylaw and any other applicable policies or procedures of the City.

1.2 **Types of Stormwater Utility Charges** – The Stormwater Utility Charge payable in respect of a Parcel shall be either a Dwelling Unit Based Charge or a Tier Based Charge.

1.3 **Exemption** – An Other Parcel is exempt from the Stormwater Utility Charge.

2. DWELLING UNIT BASED CHARGE

2.1 **Parcels to which a Dwelling Unit Based Charge applies** – a Stormwater Utility Charge based on the number of Dwelling Units within a Parcel (a "Dwelling Unit Based Charge") shall be payable in respect of the following Parcels:

- a) A Residential Lower Density Private Parcel; and
- b) A Residential Condominium Parcel within a Residential Condominium Plan which contains not more than four (4) Dwelling Units.

2.2 **Amending the Dwelling Unit Based Charges** – The Stormwater Utility Charge payable per Dwelling Unit in respect of Parcels to which a Dwelling Unit Based Charge applies (collectively, the "Dwelling Unit Based Charges") may be set or revised by bylaw amendment, upon the Director's recommendation to Council of the appropriate Dwelling Unit Based Charges, in accordance with Subsection 2.3 of this Schedule.

2.3 **Dwelling Unit Based Charges Factors** – When recommending Dwelling Unit Based Charges to Council, the Director may consider such factors as the Director deems necessary or appropriate, including the total of all costs and projects costs associated with the Stormwater Drainage System and the estimated total number of Dwelling Units located within all Parcels to which a Dwelling Unit Based Charge applies.

2.4 **Setting of Charge** – The Dwelling Unit Based Charges shall be calculated as follows: \$9.28 per Dwelling Unit per month.

2.5 Charge Calculation – The Dwelling Unit Based Charge which shall be payable in respect of a Parcel shall be determined as follows:

- a) A Parcel without any Dwelling Units will not incur a Dwelling Unit Based Charge.
- b) A Parcel with between one (1) and four (4) Dwelling Units will incur a Dwelling Unit Based Charge calculated as the product of the number of Dwelling Units within the Parcel and the Dwelling Unit Based Charge.

3. TIER BASED CHARGE

3.1 Application of a Tier Based Charge – Each of the following Parcels shall be assigned into a Tier, and a corresponding Stormwater Utility Charge shall be imposed based on the assigned Tier (the "Tier Based Charge"), in accordance with this Section:

- a) A Residential Higher Density Private Parcel;
- b) A Non-Residential Private Parcel;
- c) The Aggregate Condominium Parcel of a Residential Condominium Plan which contains five (5) or more Dwelling Units; and
- d) The Aggregate Condominium Parcel of a Non-Residential Condominium Plan; (each a "Tiered Parcel", and, collectively, the "Tiered Parcels").

3.2 Assignment of Parcels Into Tiers – The Director shall assign each Tiered Parcel into one (1) of six (6) Tiers based on the estimated number of Billing Units of each Tiered Parcel and the range of Billing Units within each Tier, as set out in Subsection 3.5 of this Schedule. Once assigned into a Tier, each Tiered Parcel will be charged the applicable Tier Based Charge, as set out in Subsection 3.5 of this Schedule. If the Director determines that the estimated number of Billing Units for a Tiered Parcel ends in or concludes with a decimal or a fraction, the Director shall round this number to the nearest whole number for the purpose of assigning the Tiered Parcel to a Tier.

3.3 Amending the Tier Based Charges – The Tier Based Charge assigned to each Tier (collectively, the "Tier Based Charges") may be set or revised by bylaw amendment, following the Director's recommendation to Council, in accordance with Subsection 3.4 of this Schedule.

3.4 Criteria for Recommending Tier Based Charges – When recommending Tier Based Charges to Council, the Director may consider such factors as the Director deems necessary or appropriate, including, but not limited to, the quality, rate and volume of Stormwater from all Tiered Parcels, and the cost of service associated with the City's Stormwater Drainage System.

3.5 Setting the Tiers and Tier Based Charges – The Tiers, range of Billing Units of each Tiered Parcel within each Tier, and the Tier Based Charge payable in respect of each Tiered Parcel within each Tier, are established as follows:

TIER (1-6)	RANGE OF BILLING UNITS OF EACH TIERED PARCEL WITHIN THE TIER	TIER BASED CHARGE OF EACH TIERED PARCEL WITHIN THE TIER
1	1 Billing Unit, and up to 4 Billing Units	\$23.80 per month
2	5 Billing Units, and up to 10 Billing Units	\$67.42 per month
3	11 Billing Units, and up to 25 Billing Units	\$163.67 per month
4	26 Billing Units, and up to 50 Billing Units	\$337.66 per month
5	51 Billing Units, and up to 85 Billing Units	\$612.52 per month
6	86 Billing Units and greater Billing Units	\$916.05 per month

4. **RESPONSIBILITY OF OWNER(S)**

4.1 Payment Obligation – The Owner of a Parcel shall pay the Stormwater Utility Charge applicable to that Parcel, as calculated by the Director and invoiced by either the City or the City's contractor. An Owner shall pay in full the amount set out in an invoice by the date specified in the invoice.

4.2 Determination of Owner – For the purpose of determining the Owner(s) of a Parcel, the Director may use such means as the Director reasonably deems necessary or appropriate, including, without limitation, information obtained from an Alberta Land Titles Office, the number of Water Meters on the Parcel, the Aquatera customer data associated with such Water Meters, as well as development permits, taxation data, assessment data and other information in the possession of the City in respect of the Parcel.

4.3 Impervious Area Changes – If there is a material change in the Impervious Area of a Tiered Parcel in excess of one (1) Billing Unit, the Owner of the Parcel shall promptly notify the Director in writing of such change, together with full particulars, and the Director may thereafter recalculate the Stormwater Utility Charge payable in respect of the Parcel.

4.4 Late Payment Interest – An overdue Stormwater Utility Charge shall accrue interest at a rate of not less than 3.0% per annum.

5. REVIEW OF A STORMWATER UTILITY CHARGE

- 5.1 Requesting Review of a Dwelling Unit Based Charge** – If the Owner of Parcel to which a Dwelling Unit Based Charge applies reasonably believes that the actual number of Dwelling Units within the Parcel is not equal to the number of Dwelling Units determined by the Director to be within the Parcel, then the Owner may, formally request that the Director conduct a review. The request must be in writing, must be received by the Director not later than three (3) months following the date on which the Dwelling Unit Charge or amended Dwelling Unit Charge, as the case may be, first became payable in respect of the Parcel, and must include proof of the actual number of Dwelling Units within the Parcel and any additional information that could assist the Director in verifying the actual number of Dwelling Units. In conducting the review, the Director may consider any available information relating to the Dwelling Units and the Parcel and further may request further information and inspect the Parcel and its Dwelling Units.
- 5.2 Requesting Review of a Tier Based Charge** – If the Owner of a Parcel to which a Tier Based Charge reasonably believes that the Parcel has been incorrectly assigned into a Tier, then the Owner may formally request that the Director conduct a review. The request must be in writing, must be received by the Director not later than three (3) months following the date on which the Tier Based Charge or amended Tier Based Charge, as the case may be, first became payable in respect of the Parcel, and must include proof of the actual number of Billing Units within the Parcel, and any additional information that could assist the Director in verifying the actual number of Billing Units. In conducting the review, the Director may consider any available information relating to the Dwelling Units and the Parcel and further may request further information and inspect the Parcel and its Billing Units. A Tier Based Charge will not be increased or reduced unless, as a result of the Director's review, the Director determines that the Parcel must be re-assigned into a different Tier as a result of a change in the estimated number of Billing Units within the Parcel.
- 5.3 Incomplete Requests** – If the Director determines that a request is incomplete, not submitted within the requisite timeframe set out in Subsection 5.1 or 5.2 of this Schedule, as the case may be, or is without sufficient proof or supporting information, then the Director is not obliged to conduct a review under Subsection 5.1 or 5.2 of this Schedule. Further, if the Owner does not provide information request by the Director or does not permit access to the Parcel or Dwelling Units for inspection, the request shall be deemed incomplete.
- 5.4 Not Retroactive** - Where the Director revises the Stormwater Utility Charge payable in respect of a Parcel as a result of a request under Subsection 5.1 or 5.2 of this Schedule, the revised Stormwater Utility Charge shall not be applied retroactively.

5.5 **Director's Decision is Final** – The Director's decision in respect of a request submitted under Subsection 5.1 or 5.2 of this Schedule shall be final and binding.

6. **DISCRETION OF THE DIRECTOR**

6.1 **Multiple Owners** – Where the Director determines that there is more than one (1) Owner of a Parcel:

- a) each Owner shall be jointly and severally liable for the payment of the Stormwater Utility Charge for the Parcel; and
- b) the Director may invoice one (1) or more of the Owners for all or a portion of the Stormwater Utility Charge for the Parcel, and the Owners shall pay in full the amount set out in the invoice by the date specified in the invoice.

6.2 **Dwelling Unit Count Method** – For the purpose of calculating the total number of Dwelling Units within a Residential Parcel or within a Residential Condominium Plan which contains not more than four (4) Dwelling Units, the Director may use such means as the Director deems reasonably necessary or appropriate, including, without limitation, the number of Water Meters, Aquatera customer data associated with such Water Meters, development permits, taxation data, assessment data, Geographic Information System (GIS) information, and other information in the possession of the City in respect thereof.

6.3 **Billing Unit Calculation** – For the purpose of calculating the Billing Units of a Tiered Parcel, the Director may use such means as the Director deems reasonably necessary or appropriate, including, without limitation, inspection, orthophotos, Geographic Information System (GIS) information, building permit records, and other maps and data in the possession of the City in respect of the Tiered Parcel.

6.4 **Multiple Assessment Classes** – If a Parcel is subject to more than one Assessment Class, the Director may, from time to time, determine the appropriate Assessment Class for the Parcel for the purposes of this Bylaw (i.e., a Residential Parcel, a Non-Residential Parcel, or an Other Parcel). In making this determination, the Director may consider such factors as the Director deems necessary or appropriate including the Parcel's characteristics, predominant use, physical layout, occupancy patterns, and any relevant planning or land use considerations.

CITY OF GRANDE PRAIRIE
BYLAW C-1443
SCHEDULE "C"
STORMWATER UTILITY CREDIT

7. A Stormwater Utility Credit is hereby established, and the Director is hereby authorized to receive, consider and make decisions on Stormwater Utility Credit Applications.
8. The following types of Parcels are ineligible for a Stormwater Utility Credit:
 - a) Residential Lower Density Private Parcel;
 - b) any Parcel within a Residential Condominium Plan which contains not more than four (4) Dwelling Units;
 - c) any Parcel within a Residential Condominium Plan which contains five (5) or more Dwelling Units, except only the Aggregate Condominium Parcel of the Residential Condominium Plan; and
 - d) any Parcel within a Non-Residential Condominium Plan, except only the Aggregate Condominium Parcel of the Residential Condominium Plan.
9. The Owner of an eligible Parcel may apply for a Stormwater Utility Credit by submitting to the Director a completed and signed application, in a form acceptable to the Director, stating the basis for their request, together with the following fee:
 - a) Initial application fee \$400.00
 - b) Renewal application fee (payable each year) \$225.00
10. A Stormwater Utility Credit Application in respect of any Parcel within a Condominium Plan must be submitted by the condominium board responsible for the Condominium Plan.
11. Upon receipt of a Stormwater Utility Credit Application, the Director shall evaluate and decide the Stormwater Utility Credit Application in accordance with the following factors, and in accordance with such additional factors as the City may from time to time set out in any applicable City policy:
 - a) The Director determines, at their sole discretion, that privately owned infrastructure has been installed on the Parcel which has the effect of materially improving the quality of the Stormwater runoff issuing from the Parcel, or has the effect of reducing, by not less than 15%, the quantity of the Stormwater runoff issuing from that Parcel, or both; and
 - b) The Director determines, at their sole discretion, that at least 50% of the Stormwater issuing from the Parcel does not enter the Stormwater Drainage System and instead is discharged directly to Bear Creek through the use of a privately-owned outfall structure; and
 - c) a Stormwater Utility Credit Application which fails to satisfy the requirements of the preceding Subsection 5(a) or 5(b) shall be refused.

12. The decision of the Director with respect to a Stormwater Utility Credit Application shall be final and binding.
13. A Stormwater Utility Credit shall not be applied retroactively.
14. A Stormwater Utility Credit shall be valid for one (1) calendar year or a remaining portion thereof.
15. A Stormwater Utility Credit shall have the effect of reducing the Stormwater Utility Charge payable in respect of a Parcel by up to a maximum reduction of 50%, as determined by the Director.
16. The Director may, at any time, amend or revoke a Stormwater Utility Credit where the Director, at their sole discretion, determines that the information on which a Stormwater Utility Credit was approved is inaccurate or incomplete.