

BY-LAW 1494

BY-LAW 1494 A By-law of Camrose County in the Province of Alberta to authorize the Council of Camrose County to regulate and control surface drainage within Camrose County

WHEREAS The *Municipal Government Act*, RSA 2000, c. M-26, provides that a Municipal Council may establish bylaws respecting the safety, health, and welfare of people and the protection of people and property; and

WHEREAS The *Municipal Government Act*, RSA 2000, c. M-26, provides that a Municipal Council may establish bylaws respecting public utilities, including systems to provide drainage; and

WHEREAS The Council of Camrose County wishes to regulate surface drainage on private and public lands ~~within~~ affecting Camrose County **property**;

NOW THEREFORE The Council of Camrose County, in the Province of Alberta, duly assembled, enacts as follows:

PART 1

TITLE

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

PART 2

DEFINITIONS

2. In this Bylaw,
 - (a) "**Act**" means the *Municipal Government Act*, RSA 2000, c. M-26, as amended or replaced from time to time;
 - (b) "**CAO**" means the Chief Administrative Officer of Camrose County, or any member of County staff designated by the CAO to carry out functions under this Bylaw;
 - (c) "**County**" means Camrose County;
 - (d) "**County Property**" includes
 - (i) undeveloped reserve land including but not limited to those areas designated municipal reserve, school reserve, municipal and school reserve, and environmental reserve pursuant to the County's Land Use Bylaw, as amended or repealed and replaced from time to time, and the *Act*;
 - (ii) municipal rights-of-way including Highways, Roads, roadways, boulevards, sidewalks, walkways, road allowances, streets, lanes, road diversions, bridges, titled rights-of-way, undeveloped road rights-of-way, public spaces, water bodies, and public utility lots;
 - (iii) any place under the direction, control, and management of the County; or
 - (iv) any property owned by the County, including property owned under Section 424 of the *Act*.
 - (e) "**Designated Officer**" is as defined in the *Act*;
 - (f) "**Drainage Easement**" means an easement or right-of-way registered in favor of the County protecting drainage facilities such as pipes, catch basins, ditches, sumps, Swales, detention ponds, or ancillary structures;

- (g) **“Hazard”** is any object, situation, or behavior that has the potential to cause injury or damage to property or the environment.
- (h) **“Highway”** is as defined in the *Traffic Safety Act*, RSA 2000 c T-6, and Regulations thereunder, as amended;
- (i) **“Lot”** means:
- (i) a quarter section;
 - (ii) a river lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a Land Titles Office;
 - (iii) a settlement lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a Land Titles Office;
 - (iv) a part of a parcel described in a certificate of title, if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
 - (v) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision.
- (j) **“Nuisance”** is defined as
- (i) a person, thing or circumstances causing inconvenience or annoyance; or
 - (ii) an act, condition, or thing that is illegal because it interferes with the rights of the public generally
- (k) **“Owner”** means any Person who is the registered owner on the Certificate of Title at the Land Titles Office, or any other Person who is in lawful possession thereof, or who is in lawful possession or occupancy of any buildings situated thereon, or any agent of, or Person acting on behalf of the Owner, including but not limited to a contractor;
- (l) **“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (m) **“Person”** means a corporation, partnership, or individual, and the heirs, executors, administrators, or other legal representative of an individual;
- (n) **“Road”** is as defined in the *Act*;
- (o) **“Storm Water”** means surface run-off water that is the result of natural precipitation;
- (p) **“Surface Elevation”** means an elevation of the ground surface measured from geodetic datum at a specific, discrete location;
- (q) **“Surface Grade”** means the magnitude and direction of inclination of an area of the ground surface;
- (r) **“Swale”** means a shallow, sloped channel for the conveyance of Storm Water.

PART 3

SURFACE DRAINAGE RESTRICTIONS

3. No Owner or Person shall cause or allow the alteration of any Surface Elevation or Surface Grade of any Lot such that the disturbance of the earth may;
 - (a) cause or have the potential to cause a nuisance, a hazard, or damage to **Camrose County property**;
 - (b) have the potential to adversely affect the stability of a slope on the Lot or an adjacent slope;

- (c) alter an on-site Storm Water management system without prior written consent of the CAO; or
 - (d) alter property line elevations of the Lot or any adjacent lot.
4. No Owner or Person shall cause or allow the alteration of Surface Elevations, Surface Grades, or drainage features on any County Property without written authorization from the County. Such authorization may take the form of an approved Development Permit issued under the County Land Use Bylaw, or any other express written authorization issued by the CAO.
 5. No Owner or Person shall cause or allow the filling, draining, redirection, or otherwise alteration of any naturally occurring surface drainage feature, watercourse, or wetland area without written authorization from:
 - (a) the CAO; and
 - (b) the Province of Alberta, pursuant to the *Water Act*, RSA 2000, c. W-3, as amended or replaced.
 6. No Owner or Person shall cause or allow encroachment upon or work to happen within an area covered by a Drainage Easement or right-of-way without prior written authorization from the CAO.

PART 4

AUTHORITY OF THE DESIGNATED OFFICER

7. For the purpose of ensuring that the provisions of this Bylaw are being complied with, a Designated Officer or delegate may, upon reasonable notice, enter in or upon a Lot, in accordance with Section 542 of the *Act*, to carry out any inspection reasonably required to ensure compliance with this Bylaw, including but not limited to:
 - (a) inspecting, observing, sampling, and measuring:
 - (i) grades and materials;
 - (ii) roof drains, foundation drains, and sump pump discharges; and
 - (iii) surface drainage features.
8. Notwithstanding the powers provided in section 7, a Designated Officer or delegate may request information from an Owner or Person concerning compliance with this Bylaw and set a reasonable time for the Owner or Person to provide such information.
9. An Owner or Person who has received a request from a Designated Officer or delegate pursuant to section 8 shall provide such information within the timeframe provided by the Designated Officer or delegate.
10. No Owner or Person shall interfere with the Designated Officer or delegate while the Designated Officer is engaged in carrying out duties under this Bylaw.
11. **Alberta Environment is the designated authority for surface drainage disputes between landowners, and local Drainage Districts have surface drainage authority in designated lands according to the Drainage District Act.**

PART 5

ENFORCEMENT

11. Any Owner or Person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty not less than that set out in the Fee for Service Bylaw.

12. Notwithstanding section 11, any Owner or Person who commits a second or subsequent offence within one year of committing an offence under this Bylaw is liable to a fine not less than that set out as a "Subsequent" fee in the Fee for Service Bylaw.
13. Nothing in this Bylaw will be construed as curtailing or abridging the right of the County to obtain compensation for, or to maintain an action for, loss of, or damage to property from or against the Owner(s) or Person(s) responsible.

VIOLATION TICKET

14. The Peace Officer is authorized to issue a violation ticket to any Owner or Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
15. Where a violation ticket has been issued to an Owner or Person pursuant to this Bylaw, that Owner or Person may plead guilty to the offence by submitting to the Clerk of the Provincial Court, prior to the appearance date specified on the violation ticket, the specified penalty set out on the violation ticket.
16. (1) Where an Owner or Person has committed an offence under this Bylaw, the Designated Officer may take enforcement action to ensure compliance with this Bylaw by issuing an order under sections 545 or 546 of the Act, including, but not limited to:
 - (a) ordering the removal of fill;
 - (b) ordering the return of a Lot to its original state;
 - (c) ordering the Lot be improved to restore natural drainage patterns.
- (2) Where an Owner or Person refuses or is unable to comply with an order issued under this section, the Designated Officer may contract a third party to implement the order.
- (3) Where an order is issued under this section, the expenses incurred by the County, including contracted expenses under subsection 2, shall constitute a debt to, and amount owing to the County by the Owner or Person to whom the order was issued.
- (4) An Owner or Person who fails to meet conditions of an order issued under sections 545 or 546 of the Act is guilty of an offence and subject to a fine as prescribed in the Fee for Service Bylaw.
17. Any debt remaining unpaid under this Bylaw will constitute a debt owing to the County and is recoverable by:
 - (a) action in a court of competent jurisdiction; and
 - (b) collecting in a like manner such as through municipal rates and taxes.

PART 6

GENERAL

18. Nothing in this Bylaw shall operate to relieve any Owner or Person from complying with any Federal, Provincial, or other County law, order, regulation, or Bylaw.

- 19. Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.
- 20. For the purposes of this Bylaw, an act or omission by an employee or agent of an Owner or Person is deemed also to be an act or omission of the Owner or Person if the act or omission occurred in the course of the employee’s employment with the Owner or Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Owner or Person under their agency relationship.
- 21. This Bylaw shall come into force and effect after third and final reading and upon being signed.

RECEIVED FIRST READING THIS _____ *

 , A.D. 2021 *REEVE
 IN THE CITY OF CAMROSE, IN THE *
 PROVINCE OF ALBERTA *

 *COUNTY ADMINISTRATOR

RECEIVED SECOND READING THIS _____ *

 DAY OF _____, AD 2021 *REEVE
 PROVINCE OF ALBERTA *
 IN THE CITY OF CAMROSE, IN THE *
 PROVINCE OF ALBERTA *

 *COUNTY ADMINISTRATOR

RECEIVED THIRD AND FINAL _____ *
 READING THIS _____ DAY OF _____ *REEVE
 A.D. 2021, IN THE CITY OF CAMROSE, *
 IN THE PROVINCE OF ALBERTA *

 *COUNTY ADMINISTRATOR