



REGULAR MEETING OF COUNCIL
Held on Monday June 28, 2021
Council Chambers, 962 St. John Avenue &
Virtually, commencing at 6:00 p.m.

IN ATTENDANCE:

Mayor: D. Anderberg

Councillors: B. McGillivray, L. Jackson, M. Barber and S. Korbett

Absent with Regrets: W. Elliott

Staff: L. Wilgosh, Chief Administrative Officer;
L. Rideout, Director of Community Services;
W. Catonio, Director of Finance and Human Resources; A. Roth, Director of Operations;
A. Levair, Operations Coordinator, D. Green, Family and Community Support Services;
Marie Everts, Marketing Events and Economic Development Officer and L. Goss, Administrative Manager

1. CALL TO ORDER

Mayor Anderberg called the meeting to order at 6:00 pm.

2. SCHEDULED PUBLIC HEARING

3. AGENDA APPROVAL

McGILLIVRAY:

That Council for the Town of Pincher Creek approves the June 28, 2021 agenda as amended, the amendment being the addition of item 8.5 Subdivision Application – Request for Extension File no. 2019-0-105, 8.6 Pincher Creek Coop Letter of Understanding, 8.7 Canada Day Fireworks and a Notice of Motion by Councillor McGillivray – Coal Mining on the Eastern Slopes.

CARRIED 21-236

4. DELEGATIONS

4.1 Pincher Creek and District Community Food Centre – Teresa Hlady & Anne Gover

Pincher Creek and District Community Food Centre representatives Teresa Hlady and Anne Gover attended the meeting to inform Council regarding activities of the Centre.

5. ADOPTION OF MINUTES

5.1 Minutes of the Regular Meeting of Council held on June 15, 2021

JACKSON:

That Council for the Town of Pincher Creek approve the minutes of the Regular Meeting of Council held on June 15, 2021 as presented.

CARRIED 21-237

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5.2 Minutes of the Special Meeting of Council held on June 18, 2021

McGILLIVRAY:

That Council for the Town of Pincher Creek approve the minutes of the Special Meeting of Council held on June 18, 2021 as presented.

CARRIED 21-238

5.3 Minutes of the Special Meeting of Council held on June 22, 2021

ELLIOTT:

That Council for the Town of Pincher Creek approve the minutes of the Special Meeting of Council held on June 22, 2021 as presented.

CARRIED 21-239

6. BUSINESS ARISING FROM THE MINUTES

6.1 Resident Road Safety Concerns

KORBETT:

That Council for the Town of Pincher Creek direct administration to install traffic signage as per the ISL Engineering "Canyon Drive and Bev McLachlin Drive Paint and Signing Considerations" report.

CARRIED 21-240

6.2 Critical Bull Trout Habitat – Update

ELLIOTT:

That Council for the Town of Pincher Creek accept the critical bull trout habitat update as information.

CARRIED 21-241

7. BYLAWS

7.1 Storm Drainage Bylaw 1630-21

JACKSON:

That Council for the Town of Pincher Creek agree to give Bylaw No. 1630-21, Storm Drainage Bylaw, first reading.

CARRIED 21-242

KORBETT:

That Council for the Town of Pincher Creek agree to give Bylaw No. 1630-21, Storm Drainage Bylaw, second reading.

CARRIED 21-243

BARBER:

That Council for the Town of Pincher Creek unanimously agree to present Bylaw No. 1630-21, Storm Drainage Bylaw, for third reading at the regular meeting of Council on June 26, 2021.

CARRIED UNANIMOUSLY 21-244

McGILLIVRAY:

That Council for the Town of Pincher Creek agree to give Bylaw No. 1630-21, Storm Drainage Bylaw, third and final reading and that a copy of which be attached hereto and form part of the minutes.

CARRIED 21-245

A. Roth and A. Levair left the meeting at 7:02 pm.

7.2 Obsolete and Redundant Bylaw, Repeal Bylaw 1628-21 (Temporary Mandatory Face Coverings Bylaw 1628-20)

KORBETT:

That Council for the Town of Pincher Creek give the Obsolete and Redundant Repeal Bylaw No 1628-21 first reading.

CARRIED 21-246

ELLIOTT:

That Council for the Town of Pincher Creek give the Obsolete and Redundant Repeal Bylaw No 1628-21 second reading.

CARRIED 21-247

JACKSON:

That Council for the Town of Pincher Creek unanimously agree to present Obsolete and Redundant Repeal Bylaw No 1628-21 for third reading at the regular meeting of Council on June 28, 2021.

CARRIED UNANIMOUSLY 21-248

BARBER:

That Council for the Town of Pincher Creek give the Obsolete and Redundant Repeal Bylaw No 1628-21 third and final reading and that a copy of which be attached hereto and form part of the minutes.

CARRIED 21-249

7.3 Land Use Bylaw Amendment 1547-AL

McGILLIVRAY:

That Council for the Town of Pincher Creek agree and give Bylaw No. 1547-AL amending the Land Use Bylaw No. 1547 first reading.

CARRIED 21-250

JACKSON:

That Council for the Town of Pincher Creek agree to hold a Public Hearing on Bylaw No. 1547-AL amending the Land Use Bylaw on July 26th, 2021 before consideration of second and/or third reading.

CARRIED 21-251

Councillor Korbett declared a potential conflict of interest with the next agenda item and left the meeting at 7:20 pm.

Councillor Korbett returned to the meeting at 7:25 pm

7.4 Land Use Bylaw Amendment 1547-AM

JACKSON:

That Council for the Town of Pincher Creek agree and give Bylaw No. 1547-AM amending the Land Use Bylaw No. 1547 first reading.

CARRIED 21-252

BARBER:

That Council for the Town of Pincher Creek agree to hold a Public Hearing on Bylaw No. 1547-AM amending the Land Use Bylaw on July 26th, 2021 before consideration of second and/or third reading.

CARRIED 21-253

8. NEW BUSINESS

8.1 Proclamation Policy 123-21

ELLIOTT:

That Council for the Town of Pincher Creek approve Proclamation Policy 123-21 as presented.

CARRIED 21-254

8.2 Chinook Arch Regional Library System Agreement

KORBETT:

That Council for the Town of Pincher Creek support the proposed amendments to the Chinook Arch Regional Library System Agreement as presented.

CARRIED 21-255

8.3 AUMA Summer 2021 Municipal Leaders' Caucus

JACKSON:

That Council for the Town of Pincher Creek defer the AUMA Summer 2021 Municipal Leaders' Caucus to the Committee of the Whole meeting on July 7, 2021.

CARRIED 21-256

8.4 CIBC Banker's Acceptance Swap

KORBETT:

That Council for the Town of Pincher Creek agree to maintain the CIBC Banker's Acceptance Swap at 1.64% plus the Stamping Fee of 0.65% for a total of 2.29% for 30 years.

CARRIED 21-257

8.5 Subdivision Application – Request for Extension File no. 2019-0-105

KORBETT:

That Council for the Town of Pincher Creek approve and grant a one (1) year extension for Subdivision Application Request for Extension file no, 2019-0-105 Plan 445JK, Block 3 to accommodate the Early Learning Facility.

CARRIED 21-258

8.6 Pincher Creek Coop Letter of Understanding

KORBETT:

That Council for the Town of Pincher Creek approve the Pincher Creek Coop Letter of Understanding as presented.

CARRIED 21-259

8.7 Canada Day Fireworks

KORBETT:

That Council for the Town of Pincher Creek direct administration to prepare and send a letter offering condolences to Piikani Nation in light of recent events.

CARRIED 21-260

9. REPORTS

9.1 Upcoming Committee Meetings and Events

Special Municipal Development and Subdivision Authority

10. ADMINISTRATION

10.1 Council Information Distribution List

BARBER:

That Council for the Town of Pincher Creek accept the June 28, 2021 Council Information Distribution List as information.

CARRIED 21-261

10.2 First Quarter Financial Report

JACKSON:

That Council for the Town of Pincher Creek accept the First Quarter Financial Report as information with thanks.

CARRIED 21-262

Mayor Anderberg called a recess at 7:53 pm.

Mayor Anderberg called the meeting back to order at 7:58

11. CLOSED MEETING DISCUSSION

KORBETT:

That Council for the Town of Pincher Creek agree to move to a closed session of Council on Monday, June 28, 2021 at 7:59 pm in accordance with section 16, 17 & 24 of the Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Director of Finance, Director of Community Services and Administrative Manager in attendance.

CARRIED 21-263

JACKSON:

That Council for the Town of Pincher Creek agree to move out of a closed session of Council on Monday, June 28, 2021 at 8:18 pm.

CARRIED 21-264

11.1 Telus Next Generation Fibre Network Agreement – FOIP s. 16 & 24

KORBETT:

That Council for the Town of Pincher Creek approve the Telus Next Generation Fibre Network Agreement between the Town of Pincher Creek and Telus Communications Inc.

CARRIED 21-265

11.2 Tax and Utility Waiver Request – Roll #00770000 – FOIP s. 16 & 17

KORBETT:

That Council for the Town of Pincher Creek approve the request to waive \$955.05 of utility costs for utility account number 077000.002 but deny the request to waive property taxes and suggest that the property owner enter into a tax agreement to pay back taxes.

CARRIED 21-266

12. NOTICE OF MOTION

McGILLIVRAY

That Council for the Town of Pincher Creek include Coal Mining on the Eastern Slopes to a future agenda and direct administration to prepare and send a letter of support to the Town of High River regarding same.

BARBER

That Council for the Town of Pincher Creek consider widening Beverley McLachlin Drive during the next budget deliberations.

13. ADJOURNMENT


BARBER:

That this meeting of Council on June 28, 2021 be hereby adjourned at 8:25 pm.

CARRIED 21-267



MAYOR, D. Anderberg



CAO, L. Wilgosh

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,
THIS 26th DAY OF JULY 2021**

S E A L

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON MONDAY JULY 26, 2021 AT
6:00 P.M.**



TOWN OF PINCHER CREEK

STORM DRAINAGE BYLAW

#1630-21

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BYLAW #1630-21
of the
TOWN OF PINCHER CREEK

A BYLAW OF THE MUNICIPALITY OF THE
TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING THE STORM SEWERS AND STORM DRAINAGE
WITHIN THE MUNICIPALITY OF THE TOWN OF PINCHER CREEK

WHEREAS the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, permits the municipality to pass bylaws regarding public utilities;

AND WHEREAS the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, 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 the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the enforcements of bylaws including providing for inspections to determine is bylaws are being complied with;

AND WHEREAS the Council of the Town of Pincher Creek wishes to establish regulations, rates, and penalties for Storm Drainage services.

NOW THEREFORE, the Municipal Council of the Town of Pincher Creek hereby enacts as follows:

1. TITLE

1.1 Title

- a) This Bylaw may be cited as the "Storm Drainage Bylaw".

2. INTERPRETATION AND DEFINITIONS

2.1 Definitions

In this Bylaw unless the context otherwise requires:

- a) **ANIMAL WASTE** means all forms of waste from animals or the treatment of animals and includes animal carcasses or parts.
- b) **AQUATIC INVASIVE SPECIES** means non-native species that have been introduced from other countries or ecosystems and threaten Alberta's ecosystems and biodiversity. Aquatic Invasive Species are identified in the *Fisheries (Alberta) Act* and include, but are not limited to, Prussian carp (goldfish), Silver carp, Snakehead, Zebra mussel, Eurasian water milfoil, and Purple loosestrife.



- c) 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:
- Human anatomical waste;
 - Infectious human waste;
 - Infectious Animal Waste;
 - Microbiological waste;
 - Blood and body fluid waste; and
 - Medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts.
- d) BYLAW means Bylaw 1630 also known as the Storm Drainage Bylaw.
- e) CAO means the Chief Administrative Officer of the Town of Pincher Creek as appointed by Town Council and includes any Person authorized by him/her to act for or carry out the duties of the CAO to the extent that authorization is given.
- f) COUNCIL means the Council of the Town of Pincher Creek elected pursuant to the provisions of the *Local Authorities Elections Act*.
- g) DIRECTOR OF OPERATIONS means the Director of Operations for the Town of Pincher Creek or Person authorized by him/her to act for or carry out the duties of the Director of Operations.
- h) FOUNDATION DRAINAGE means water collected beneath the surface of the ground by a foundation drain, weeping tile, sump pump or other similar means.
- i) 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, tubing, filters, towels, and disposable sheets, but excludes Biomedical Waste.
- j) HAZARDOUS WASTE means waste that is generated from any Premises and has one or more hazardous properties as described in the *Environmental Protection and Enhancement Act*, as amended or any act passed in replacement of it.
- k) INDUSTRIAL WASTE means waste generated by commercial or industrial activities that presents health, safety, or environmental concerns, and includes, but is not limited to, lime, sulphur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump water, but excludes Hazardous Waste and Biomedical Waste.
- l) INTERCEPTOR means a receptacle approved by the Town and designed to prevent oil, grit, and other matter from passing from the source into the Storm Drainage System.
- m) NEGATIVE IMPACT means impairment of or damage to, or the ability to cause impairment to:
- The Storm Drainage System;
 - Human health or safety;



- Property; or
 - The environment.
- n) OUTFALL STRUCTURE means a pipe or structure in, on, under, or adjacent to a water body, that is constructed for the discharge of Storm Drainage to a water body and includes any associated structure that is required.
- o) OWNER means the registered Owner of a property or the purchaser thereof.
- p) PARCEL means the aggregate of one or more areas of land described in a certificate of title.
- q) PEACE OFFICER means a member of the Royal Canadian Mounted Police, Community Peace Officer, or Bylaw Enforcement Officer as appointed by the Town of Pincher Creek.
- r) PERSON includes any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators, or other legal representatives of a Person to whom the context can apply according to law.
- s) PREMISES includes lands and buildings or both, or a part thereof.
- t) PROHIBITED MATERIAL means any Substance that may, directly or indirectly, obstruct the flow of Water within the Storm Drainage System or may have a Negative Impact, and includes, but is not limited to:
- Soil, sediment, waste, or other solid matter;
 - Fecal matter, Animal Waste;
 - Cooking oils and greases;
 - Gasoline, motor oil, transmission fluid, and antifreeze;
 - Solvents;
 - Paint;
 - Cement or concrete wastes;
 - Sawdust, wood, fiberboard, or construction material;
 - Yard Waste;
 - Pesticides, herbicides, or fertilizers;
 - Biomedical Waste or General Medical Waste;
 - Hazardous Waste;
 - Industrial Waste;
 - Soaps or detergents;
 - Water from hot tubs;
 - Any Substance or combination of Substances that emits an odor; and
 - Aquatic Invasive Species;
- u) RELEASE means:

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- To directly or indirectly conduct a Substance to the Storm Drainage System by spilling, discharging, disposing or, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means; or
 - a spill, Release, disposal, abandonment, deposit, leak, seep, pour, drain, or emptying of a Substance into the Storm Drainage System.
- v) REMEDIAL ORDER means a remedial order written pursuant to section 545 of the *Municipal Government Act*.
- w) RESERVE means a Parcel of land designated on its certificate of title as municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot, or a Parcel administered by the Town as if it had such reserve designation.
- x) SERVICE CONNECTION means a pipe or conduit installed between a Premises and the Storm Drainage System for the purpose of draining Storm Drainage from the Premises.
- y) 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.
- z) STORM DRAINAGE means Surface Runoff and uncontaminated water when discharged to the Storm Drainage System from foundation, roof and underground drains, weeping tile, groundwater, and Surface Runoff.
- aa) STORM DRAINAGE FACILITY means any facility associated with control of Storm Drainage that is ultimately directed to a Street or Storm Drainage System, and includes but is not limited to:
- Grass swales;
 - Concrete or asphalt walkways, gutters, or swales;
 - Storm Drainage control fences or structures;
 - The sloping and contouring of land to facilitate or control Storm Drainage.
- bb) STORM DRAINAGE SERVICE CHARGE means the flat monthly charge for the operation and maintenance or inspections of the Storm Drainage System.
- cc) STORM DRAINAGE SYSTEM means the system for collecting, transmitting, storing, treating, and disposing of Storm Drainage and Foundation Drainage, and includes:
- The catch basins, sewers and pumping stations that make up the Storm Drainage collection system,
 - The Storm Drainage Facilities, structures or things used for storage, management, and treatment to buffer the effects of Surface Runoff or improve the quality of the Storm Drainage,
 - The sewers and pumping stations that transport Storm Drainage to the location where it is treated or disposed of, and
 - The Storm Drainage Outfall Structures,
- but does not include plumbing or Service Connections in buildings.



- dd) 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 sidewalk (including the boulevard portion of the sidewalk),
 - If a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - 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.
- ee) SUBSTANCE means any one or more of the following:
- Any solid matter;
 - Any liquid matter;
 - Any gaseous matter;
 - Any sound, vibration, radiation or other form of energy,
 - Any combination of the above.
- ff) SURFACE RUNOFF means rainwater, melted snow and ice that flows over the ground surface.
- gg) TOWN means the municipal corporation of the Town of Pincher Creek.
- hh) UTILITY and shall mean and include, as the context may require:
- The supply of water;
 - The provision of wastewater collection and treatment;
 - The provision of Storm Drainage collection, treatment, and disposal; or
 - The provision of solid waste management services including garbage collection and recycling services.
- ii) WASTEWATER SYSTEM means the system owned and operated by the Town for the collection, transmission, treatment, and disposal of wastewater.
- jj) WATER SYSTEM means the system owned and operated by the Town for the treatment and distribution of treated water, and all accessories and appurtenances thereto.
- kk) YARD WASTE means waste from gardening or horticultural activities and includes, but is not limited to, grass, leaves, plants, tree and hedge clippings, and sod.

2.2 Interpretation

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



A handwritten signature in blue ink, appearing to be 'A. Luan', written over a horizontal line.

- b) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- c) 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.
- d) All schedules attached to this Bylaw shall form part of this Bylaw.
- e) 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.


2.3 Compliance with Other Laws

- a) 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, or license.

3. AUTHORITY

3.1 Authority

- a) The CAO may delegate any or all of the powers granted to him/her pursuant to this Bylaw.
- b) The CAO may:
 - i. Establish any conditions or requirements of an approval or permit to Release water to the Storm Drainage System, including but not limited to:
 - ii. Testing, monitoring, or reporting requirements;
 - iii. Equipment or equipment maintenance or inspection requirements;
 - iv. Filtration, settling or other treatment requirements;
 - v. Order the testing of any Release to the Storm Drainage System;
 - vi. Establish fees for approvals or permits;
 - vii. Require the Owner or occupier of a Parcel to submit a plan setting out how Releases from the Parcel will not cause a Negative Impact;
 - viii. Impose conditions upon the Owner or occupier of a Parcel to prevent Releases from the Parcel from causing a Negative Impact.
- c) Notwithstanding any other provision in this Bylaw, the CAO may establish rates, volumes, locations, or other conditions for Releases, including but not limited to:
 - i. Overland flows to a Town owned Parcel, including a Reserve;
 - ii. Releases into a Storm Drainage System; and



- iii. Releases to a Street.

3.2 Inspections

- a) Subject to the entry notice provisions of the *Municipal Government Act*, the CAO, or their authorized designate, bearing proper identification, may inspect, observe, measure, sample and test the water, Foundation Drainage or Storm Drainage on any Premises in order to determine whether or not this Bylaw or an approval granted pursuant to this Bylaw is being complied with.
- b) In the event that the Owner or occupant of the Premises refuses to allow or interferes with the entry, inspection, enforcement or any other action of the CAO, the Town may apply to the Court of Queen's Bench of Alberta for an order restraining any Person from preventing or interfering with the entry, inspection, enforcement, or action, or requiring the production of anything to assist in the inspection, remedy, enforcement, or action.

4. ADMINISTRATION OF STORM DRAINAGE UTILITY

4.1 Administration of Utility Accounts

- a) All Utility accounts for a Parcel must be registered with the Town in the same name.

4.2 Fees and Charges

- a) In addition to any other fee or charge set out in this Bylaw, the Owner of a Premises which is located within the boundaries of the Town and connected to the Water System and/or Wastewater System must pay a Storm Drainage Service Charge to the Town in accordance with the Fee Structure Bylaw, or elsewhere in this Bylaw.
- b) The CAO may establish a system for the billing and collection of any rates, charges, and fees in relation to the Storm Drainage System.
- c) The CAO may establish rates, charges, or fees for any work done or service or material supplied for the construction, installation, connection, disconnection, repair, or replacement of any of the following:
 - i. Any part of the Storm Drainage System;
 - ii. Any part of a Person's Storm Drainage System located on private property.
- d) The Storm Drainage Service Charge is charged based on the provisions set out in Schedule "A" of this Bylaw, and as outlined in the Fee Structure Bylaw.

5. STORM DRAINAGE SYSTEM

5.1 Releases into Storm Drainage System

- a) No Person shall Release or allow or cause to be Released any hazardous materials into the Storm Drainage System.
- b) No Person shall Release, or allow or cause to be Released, any Prohibited Material into the Storm Drainage System.



- c) No Person shall Release, or allow or cause to be Released, any water into the Storm Drainage System that has been impounded either passively or actively, except as permitted in subsection d).
- d) The following may be Released into the Storm Drainage System unless the Release could cause a Negative Impact:
 - i. Foundation Drainage;
 - ii. Water from a tank, pond, reservoir or other containment device or structure that does not include chlorine, chloramine or chemical agents used for maintenance (i.e. sanitizer, algae control, and acidic/alkaline balance);
 - iii. Water resulting from extinguishing fires and Street cleaning;
 - iv. Materials used for snow and ice control; or
 - v. A discharge to the Storm Drainage System which has been approved in writing by the CAO.
- e) Any Person who Releases or allows or causes a Release into the Storm Drainage System any matter contrary to the provisions of this Bylaw shall:
 - i. Notify the Town immediately upon becoming aware of the Release;
 - ii. Provide the Town with information respecting the Release, to the satisfaction of the Town;
 - iii. Be liable for all cost incurred by the Town for containment, sampling, testing, removing, clean-up, disposal, and any other related activity and environmental damages including fish kill.

5.2 Prohibition of Dilution

- a) No Person shall Release or allow or cause to be Released any material into the Storm Drainage System that has been diluted in order to achieve compliance with this Bylaw.

5.3 Unauthorized Releases

- a) Any Person who, in contravention of this Bylaw, Releases, or causes or allows any Prohibited Material to be Released into the Storm Drainage System, shall immediately take all reasonable measures to:
 - i. Notify 911 if there is any immediate danger to human health or safety;
 - ii. Notify the CAO;
 - iii. Notify any other Person that may be directly affected by the Release;
 - iv. Mitigate the Release, including but not limited to, taking measures to prevent the obstruction of the Storm Drainage System or measures to prevent a Negative Impact; and



- v. Cover and clearly mark all hoses used to direct water to the Storm Drainage System to protect the public from harm.
- b) Nothing in this section relieves a Person of complying with the requirements of any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, or license.

5.4 Directing of Storm Drainage

- a) No Person shall allow downspouts, eavestroughing, piping or other means of directing Storm Drainage on a Parcel to terminate within two (2) meters of:
 - i. A Reserve;
 - ii. A Storm Drainage Facility, except where such Storm Drainage Facility is located in a Sideyard;
 - iii. A StreetUnless authorized to do so by the CAO, or their designate.
- b) 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 CAO, or their designate.
- c) Except in an emergency, no Person shall direct, pump, or Release impounded water from a Parcel to the Storm Drainage System or to property owned or occupied by the Town without the written consent of the CAO, or their designate.

5.5 Retention and Treatment of Storm Drainage

- a) The CAO, or their designate, may permanently or temporarily require the Owner or occupant of a Parcel to treat, restrict, impound, manage, or otherwise retain water on such Parcel, including but not limited to requiring the Owner to install an Interceptor and/or pond at the Owner's expense; and, without limiting the generality of the foregoing, specifically if:
 - i. If Prohibited Materials are likely to enter the Storm Drainage System directly or indirectly from the Parcel; or
 - ii. If the water from the Parcel is likely to cause erosion, damage, or other Negative Impacts directly or indirectly to property owned or occupied by the Town; or
 - iii. In order to:
 - iv. Control the volume; or
 - v. Ensure the water quality;of water directly or indirectly entering the Storm Drainage System.
- b) On-site retention is required for all Commercial, industrial, institutional, and multi-family developments. The volume of on-site storage required will be determined by the CAO, or their designate, based on the available capacity downstream of a Service Connection and/or current infrastructure master plan(s).



5.6 Interceptors

- a) Any Person who owns or occupies a Parcel on which the CAO, or their designate, has directed that an Interceptor be installed, or a practice be implemented in order to control or reduce the amount of Surface Runoff or improve water quality or infiltration, must:
 - i. Keep the Interceptor in good working condition at all times;
 - ii. Service the Interceptor often enough so that it does not become overloaded;
 - iii. Ensure the practice operates efficiently and effectively at all times; and
 - iv. Keep maintenance or inspection record for a minimum of two years and provide such maintenance record to the Town upon request.
- b) No Person shall Release any Prohibited Material from an Interceptor or implementation of a practice, into the Storm Drainage System.

5.7 Use and Re-Use of Storm Drainage

- a) Storm Drainage must not be used or re-used for any purpose without written approval from the CAO, or their designate.
- b) The CAO, or their designate, may impose conditions on the approval granted for Storm Drainage re-use, including any of the following:
 - i. Limits on the types of applications for which Storm Drainage may be re-used;
 - ii. Requirements on applications, risks, volumes, and any other information the CAO may require.
- c) Notwithstanding subsections a) and b), the approval of the CAO is not required for the use of Storm Drainage captured by one or more water barrels located above ground and intended for outdoor use.

5.8 Interference with the Storm Drainage System

- a) Any Person who owns or occupies a Parcel on which a Storm Drainage Facility is located must ensure that:
 - i. No building or other structure is constructed, erected, places, or allowed to remain on or over the Storm Drainage Facility; and
 - ii. The Storm Drainage Facility remains clear of soil, silt, Yard Waste, debris, ice, snow, or other matter which may obstruct, restrict, or prevent the flow of Storm Drainage within the Storm Drainage Facility or the Storm Drainage System.
- b) Notwithstanding subsection a), a fence may be constructed over a Storm Drainage Facility provided there is a vertical clearance over the top of the Storm Drainage Facility of at least 0.15 meters (6 inches).
- c) No Person, unless authorized by the CAO, or their designate, shall obstruct, restrict, or prevent:



- i. Access to the Storm Drainage System; or
 - ii. Flow of Storm Drainage into or within the Storm Drainage System.
- d) No Person, unless authorized by the CAO, or their designate, shall alter, remove, or change, either temporarily or permanently, any part of the Storm Drainage System.
- e) A Person must not, unless authorized by the CAO, or their designate, make, or create a Storm Drainage Facility that connect to the Storm Drainage System.
- f) A Person must not, unless authorized by the CAO, or their designate, enter any facility or structure which is part of the Storm Drainage System, including a storm pond. This includes but is not limited to recreational activities such as wading, swimming, boating, fishing, or skating.

5.9 Connections

- a) No Person shall install, alter, or remove, or permit installation, alteration, or removal of any Service Connection to the Storm Drainage System without written approval of the CAO, or their designate.
- b) Applications for the installation, alteration or removal of a Service Connection shall be made in writing to the Town.
- c) The CAO, or their designate, may approve the installation, alteration, or removal of a Service Connection upon such terms and conditions as the Town considers necessary and the payment in advance of the cost or estimated cost of the installation, alteration, or removal of the Service Connection.
- d) The installation, alteration or removal of a Service Connection shall be carried out at the expense of the applicant.
- e) No Person shall re-use a Service Connection that has been discontinued, altered, or removed without first obtaining the written consent of the CAO, or their designate.
- f) Where the use of a Service Connection is discontinued, the Owner of the Premises which was serviced by such Service Connection shall immediately notify the Town in writing.

5.10 Disconnections

- a) The CAO, or their designate may, in addition to any other remedy available, disconnect or seal off the property from the Storm Drainage System or take such other action as is necessary to prevent a Release of Storm Drainage from entering the Storm Drainage System where the Release:
- i. Contains a Prohibited Material;
 - ii. Creates an immediate danger to any Person;
 - iii. Interferes with or endangers the operation of the Storm Drainage System; or
 - iv. May otherwise cause or result in a Negative Impact.



- b) Where the CAO, or their designate, has acted pursuant to subsection 5.10 a), such action may be maintained or continued until evidence satisfactory to the Town has been produced to assure that no further harmful discharge will be made.
- c) Where the CAO, or their designate, has acted pursuant to subsection 5.10 a), the Town may, by notice in writing, advise the Owner or occupier of the property from which the Release was emanating, of the cost of taking such action and the Owner or occupier shall forthwith reimburse the Town for all such costs which were incurred.

6. APPROVALS AND REQUIREMENTS

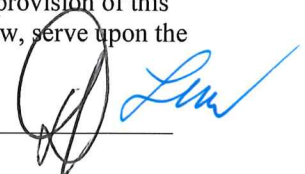
6.1 Conditions of Approvals

- a) A Person to whom a written approval or requirement has been issued pursuant to this Bylaw shall ensure every provision and condition of that approval or requirement is complied with.
- b) Every Person who relied on a written approval issued pursuant to this Bylaw has the onus of proving that they were the holder of a valid and subsisting approval.
- c) A written approval given by the CAO, or their designate, pursuant to this Bylaw, or an agreement entered into with the Town pursuant to this Bylaw, must be available for inspection on the request of the CAO, Director of Operations, or a Peace Officer.

7. OFFENCES, PENALTIES, AND ENFORCEMENT

7.1 Offences and Penalties

- a) Any Person who contravenes any provision of this Bylaw by:
 - i. Doing any act or thing with the Person is prohibited from doing; or
 - ii. Failing to do any act or thing which the Person is required to do, including:
 - iii. Failing to comply with a requirement imposed by the CAO, or their designate;
 - iv. Failing to comply with a condition of a written approval or permit given by the Town; or
 - v. Failing to comply with a requirement or condition of an agreement entered into by the Town with the Person;is guilty of an offence.
- b) Any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- c) 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 ten-thousand dollars (\$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.
- d) Where a Peace Officer believes that a Person has contravened any provision of this bylaw, the Peace 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*.

- e) Where there is a specified penalty listed for an offence in the Fee Structure Bylaw, that amount is the specified penalty for the offence.
- f) Notwithstanding specified penalties set out in the Fee Structure Bylaw:
 - i. Where a Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect to the second contravention shall be double the amount of the specified penalty for a first offence; and
 - ii. Where a Person contravenes the same provision of this Bylaw three (3) or more times within one twelve (12) 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.
- g) The section shall not prevent a Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.
- h) 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.

7.2 Enforcement

- a) Where the CAO, Director of Operations, or a Peace Officer believes a Person has contravened any provision of this Bylaw, he/she may issue the Person a Remedial Order, pursuant to section 545 of the *Municipal Government Act* to remedy the infraction.
- b) Every Remedial Order written with respect to this Bylaw must:
 - i. Indicate the Person to whom it is directed;
 - ii. Identify the property to which the Remedial Order relates by municipal address or legal description;
 - iii. Identify the date that it is issued;
 - iv. Identify how the Premises fails to comply with this Bylaw;
 - v. Identify the specific provisions of the Bylaw the Premises contravenes;
 - vi. Identify the nature of the remedial action required to be taken to bring the Premises into compliance;
 - vii. Identify the time within which the remedial action must be completed;
 - viii. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;



- ix. Indicate that the expenses and costs of any action of measures taken by the Town under this section are an amount owing to the Town by the Person to whom the order is directed;
 - x. Indicate that the expenses and cost 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;
 - xi. Indicate that an appeal lies from the Remedial Order to Town Council, if a notice of appeal is filed in writing with the Town within fourteen (14) days of the receipt of the Remedial Order.
- c) A Remedial Order written pursuant to this Bylaw may be served:
- i. Personally, upon the Owner of the Premises to which it relates;
 - ii. May be left with a Person apparently over the age of 18 years at the Premises;
or
 - iii. By registered mail to the Owner of the Premises to which it relates.
- d) If, in the opinion of the CAO, Director of Operations, or a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if the CAO, Director of Operations or Peace 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.
- e) 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.

7.3 Recovery of Costs

- a) The Owner or occupier of a Premises is responsible for all costs associated with any of the following:
- i. 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 a Negative Impact;
 - ii. Damage or harm to the Storm Drainage System resulting from the Owner's or occupier's contravention of the requirements of this Bylaw.

7.4 Interference with Town Forces

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

8. DATE OF COMMENCEMENT

This Bylaw shall come into effect upon third and final reading.



READ A FIRST TIME THIS 28 DAY OF JUNE, 2021




MAYOR, D. Anderberg



CAO, L. Wilgosh

READ A SECOND TIME THIS 28 DAY OF JUNE, 2021



MAYOR, D. Anderberg



CAO, L. Wilgosh

READ A THIRD AND FINAL TIME THIS 28 DAY OF JUNE, 2021



MAYOR, D. Anderberg



CAO, L. Wilgosh

SCHEDULE "A" – STORM DRAINAGE SERVICE CHARGE

1. The Storm Drainage Service Charge(s) and penalties for contravening this Bylaw are outlined and updated in the Town's Fee Structure Bylaw.

2. The Storm Drainage Service Charge(s) as outlined in this Bylaw shall be separated into Residential and Non-Residential categories, as described below:

a) Residential

Where a Premises is connected to the Water System and/or Wastewater System and the Premises is:

- i. A single-family dwelling;
- ii. A modular and/or manufactured home;
- iii. Multi-family developments containing more than one (1) residential unit, with each unit having individual water meters.

For developments containing more than one (1) residential unit, each residential unit shall be charged the Residential Storm Drainage Service Charge.

b) Non-Residential

Where a Premises is connected to the Water System and/or Wastewater System and the Premises is classified as anything other than those described under the subsection a) including, but not limited to:

- i. Multi-family developments containing more than one (1) residential unit, with a single water meter
- ii. Mixed-use developments
- iii. Commercial uses
- iv. Industrial uses
- v. Churches
- vi. Schools
- vii. Properties owned and operated by non-profit organizations

For developments with multiple non-residential Premises within a Parcel, each non-residential Premises shall be charged the Non-Residential Storm Drainage Service Charge.



BYLAW NO. 1628-21
**BEING A BYLAW OF THE
TOWN OF PINCHER CREEK
TO REPEAL AN OBSOLETE AND
REDUNDANT BYLAW**

WHEREAS Council recognizes that the original mandate of the Temporary Mandatory Face Coverings Bylaw, Bylaw No. 1628-20 has been fulfilled;

AND WHEREAS Section 63(1) 2(b) of the Municipal Government Act states a council may by bylaw authorized the revision of all or any of the bylaws of the municipality. The bylaw may authorize the following: omit and providing for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired spent or otherwise ineffective.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF PINCHER CREEK, duly assembled in open meeting assembled enacts as follows:

SHORT TITLE

This Bylaw may be cited as the "**Obsolete and Redundant Bylaw, Repeal Bylaw No. 1628-21**".

REPEAL

Repeal the "Temporary Mandatory Face Coverings Bylaw" – Bylaw No. 1628-20

COMING INTO FORCE

This bylaw **Obsolete and Redundant Bylaw, Repeal Bylaw No. 1628-21** comes into effect on the day the rescinded Alberta public health orders regarding, gatherings, activities, masking and business restrictions, and Public Health Orders comes into effect.

READ A FIRST TIME THIS 28 DAY OF JUNE, 2021, A.D.




MAYOR, Don Anderberg




CAO, Laurie Wilgosh

READ A SECOND TIME THIS 28 DAY OF JUNE, 2021, A.D.




MAYOR, Don Anderberg




CAO, Laurie Wilgosh

READ A THIRD TIME THIS 28 DAY OF JUNE, 2021, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh