

CITY COUNCIL

AGENDA

Monday, April 1, 2019 – Council Chambers, City Hall

Call to Order:	2:30 PM
Recess:	5:00 PM to 6:00 PM

1. IN CAMERA (approximately 2 hours)

1.1. Motion to In Camera

1.1.a. City Manager Recruitment - Confidential Evaluations FOIP 19(1)

1.1.b. Land Matter - Advice from Officials FOIP 24(1)(a)

1.2. Motion to Revert to Open Meeting

2. MINUTES

2.1. Confirmation of the Minutes of the March 18, 2019 Council Meeting
(Agenda Pages 1 – 23)

3. POINTS OF INTEREST

4. REPORTS

4.1. Adopted 2019 Operating Budget
(Agenda Pages 24 – 29)

5. BYLAWS

5.1. Fireworks Bylaw
Bylaw 3623/2019

(Agenda Pages 30 – 49)

5.1.a. Consideration of First Reading of the Bylaw

5.2. Proposed 2019 Utility Bylaw Changes
Bylaw 3606/B-2019

(Agenda Pages 50 – 129)

5.2.a. Consideration of First Reading of the Bylaw

5.2.b. Consideration of Second Reading of the Bylaw

5.2.c. Motion for Permission to go to Third Reading

5.2.d. Consideration of Third Reading of the Bylaw

5.3. Appeals Board Bylaw 3619/2019 and Bylaw Amendment 3619/A-2019

(Agenda Pages 130 – 160)

5.3.a. Consideration of Third Reading of Bylaw 3619/2019

5.3.b. Consideration of First Reading of Bylaw 3619/A-2019

6. ADJOURNMENT



UNAPPROVED - M I N U T E S

**of the Red Deer City Council Regular Meeting
held on, Monday, February 18, 2019
commenced at 2:31 P.M.**

Present: Deputy Mayor Frank Wong
Councillor Michael Dawe
Councillor Tanya Handley
Councillor Vesna Higham
Councillor Ken Johnston
Councillor Lawrence Lee
Councillor Dianne Wyntjes

Interim City Manager, Paul Goranson
Director of Communications & Strategic Planning, Julia Harvie-Shemko
Acting Director of Community Services, George Penny
Acting Director of Corporate Services, Dean Krejci (acting until 6:00 p.m.)
Director of Corporate Services, Lisa Perkins (arrived at 6:00 p.m.)
Acting Director of Development Services, Jim Jorgensen
Acting Director of Human Resources, Tracy Bruce
Director of Planning Services, Tara Lodewyk
Acting Director of Protective Services, Scott Tod
City Clerk, Frieda McDougall
Corporate Meeting Administrator, Amber Senuk
Corporate Meeting Support, Kaitlin Bishop
Social Planning Manager, Tricia Hercina
Senior Planner, Kimberly Fils-Aime
Appeals Coordinator, Jackie Kurylo

Absent: Mayor Tara Veer
Councillor Buck Buchanan



I. ADD TO THE AGENDA

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to add an In Camera Meeting for:

- City Manager Recruitment – confidential evaluations FOIP 19(1); and
- Heritage Matter – Local public body confidences FOIP 23(1)(a)

to the March 18, 2019 City Council Agenda.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION TO ADD TO THE AGENDA CARRIED

2. IN CAMERA

2.1. Motion to In Camera

Moved by Councillor Lawrence Lee, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby agrees to enter into an In-Camera meeting of Council on Monday, March 18, 2019 at 2:32 p.m. and hereby agrees to exclude the following:

- All members of the media; and
- All members of the public; and
- All non-related staff members

to discuss:

- City Manager Recruitment Matter – confidential evaluations FOIP 19(1); and



- Heritage Matter – Local public body confidences FOIP 23(1)(a).

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

**2.1.a. Human Resource Matter FOIP 19(1) – City Manager
Recruitment – Confidential Evaluations FOIP 19(1)**

The following people were in attendance as the topic under discussion related to their position within the organization:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

City Clerk Frieda McDougall

Councillor Vesna Higham left Council Chambers at 3:00 p.m. and returned at 3:02 p.m.

**2.1.b. Land Matter FOIP 23(1)(a) – Heritage Matter – Local Public
Body Confidences FOIP 23(1)(a)**

The following people were in attendance as the topic under discussion related to their positions within the organization:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

Interim City Manager Paul Goranson, Acting Director of Community Services George Penny, Acting Director of Corporate Services Dean Krejci, Acting Director of Development Services Jim Jorgensen, Acting Director of Human



Resources Tracy Bruce, Director of Planning Services Tara Lodewyk, Acting Director of Protective Services Scott Tod, City Clerk Frieda McDougall, Corporate Meeting Administrator Amber Senuk, Corporate Meeting Support Kaitlin Bishop

2.2. Motion to Revert to Open Meeting

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Monday, February 18, 2019 at 3:13 p.m.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

3. MINUTES

3.1. Confirmation of the Minutes of the February 28, 2019 Special Council Meeting

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby approves the Minutes of the February 28, 2019 Special Council Meeting as transcribed.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED



3.2. Confirmation of the Minutes of the March 4, 2019 Regular Council Meeting

Moved by Councillor Lawrence Lee, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer hereby approves the Minutes of the March 4, 2019 Regular Council Meeting as transcribed.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

4. REPORTS

4.1. Community Housing & Homelessness Integration Plan Ad-Hoc Committee Terms of Reference

Moved by Councillor Tanya Handley, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Community Housing & Homelessness Integration Plan Ad-Hoc Committee Terms of Reference.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION TO LIFT FROM THE TABLE CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the report from Social Planning dated February 15, 2019 re: Community Housing and Homelessness



Integrated Plan Ad Hoc Committee hereby agrees to adopt the terms of reference, as follows:

Proposed Terms of Reference

Community Housing and Homelessness Integrated Plan (CHHIP)

Ad Hoc Committee (The Committee)

Purpose:

At the direction of The City of Red Deer City Council, The Committee will coordinate efforts to:

- Guide the community's efforts around providing integrated housing and supports across the non-market housing spectrum.
- Base the CHHIP on the evaluation on the outcomes of Red Deer's previous ten-year plan in its recommendations and consider innovative solutions.
- Inform both an updated support services implementation plan and a housing options (i.e., bricks and mortar) plan.

Committee Outcomes:

The Committee will help guide the development of the following for consideration of City Council:

- a. An executive summary
- b. A final written housing plan
- c. A summary of all processes and consultations including attendees used to compile the report

CHHIP Scope:

- a. The plan, of a strategic nature, is to help the community achieve the community's housing goal
- b. The plan shall encompass the full non-market housing spectrum (unsheltered to subsidization).
- c. The plan will focus on the integration of:
 - a. physical housing asset development and management
 - b. support service coordination
 - c. integrated community planning, research and evaluation
 - d. governance and fund administration
- d. The plan will focus specific interest on innovative housing solutions.



- e. The plan will consider enabling mechanisms of local government to incentivize successes.

Reporting:

The Committee will report to City Council at regular intervals through the Community Services Director.

Membership:

The Committee will reflect a multi-disciplinary, diverse membership with a broad-based perspective with representation from City Council, the Community Housing Advisory Board and key stakeholders such as businesses and the community at large.

Appointment of the membership outside of City Council and CHAB will go through the existing Council Committee nomination process.

The Committee will consist of a minimum of 9 members and will include:

- 2 members of City Council,

- 2 members of The Community Housing Advisory Board,

- 1 Indigenous community representative (to be endorsed by UAVS),

- 1 business community representative,

- 1 homeless serving agency representative,

Note that while this member will be representative of this community, broader community engagement from homeless serving agencies will also be sought.

- 1 community member at large, and

- 1 housing public entity representative.

The Committee shall make its decisions by majority.

The Community Services Division will provide staff to liaison with the committee as a non-voting member(s).

Administrative Support/Resources

Administrative support will be provided by The City through the Community Services or Legislative Services. Additional City staff maybe included as a resource as required.

Appointments:

Applications to participate in The Committee will be received as per “The Committees Bylaw”



Appointments will be made by City Council

Term:

The term of the Committee will be until City Council adopts the CHHIP.

Meetings:

Committee meetings will be held at least monthly at a time agreed to by the committee members or more frequently as required.

The Committee will appoint a chair and vice chair from its membership at its first meeting in accordance with the Committees bylaw.

Conflict of Interest:

Committee members shall comply with Section 23 Conflict of Interest of “The Committees Bylaw”

and directs Administration to proceed with the nomination process.

Prior to consideration of the motion, the following motion to amend was introduced:

Moved by Councillor Ken Johnston, seconded by Councillor Vesna Higham

Resolved that Council of The City of Red Deer hereby agrees to amend the resolution by adding one member of the faith community to the Community Housing & Homelessness Integration Plan Ad-Hoc Committee membership.

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION TO AMEND CARRIED

The original motion, as amended, was then on the floor:

Resolved that Council of The City of Red Deer having considered the report from Social Planning dated February 15, 2019 re: Community Housing and Homelessness Integrated Plan Ad Hoc Committee hereby agrees to adopt the terms of reference, as



follows:

Proposed Terms of Reference

Community Housing and Homelessness Integrated Plan (CHHIP)

Ad Hoc Committee (The Committee)

Purpose:

At the direction of The City of Red Deer City Council, The Committee will coordinate efforts to:

- Guide the community's efforts around providing integrated housing and supports across the non-market housing spectrum.
- Base the CHHIP on the evaluation on the outcomes of Red Deer's previous ten-year plan in its recommendations and consider innovative solutions.
- Inform both an updated support services implementation plan and a housing options (i.e., bricks and mortar) plan.

Committee Outcomes:

The Committee will help guide the development of the following for consideration of City Council:

- d. An executive summary
- e. A final written housing plan
- f. A summary of all processes and consultations including attendees used to compile the report

CHHIP Scope:

- f. The plan, of a strategic nature, is to help the community achieve the community's housing goal
- g. The plan shall encompass the full non-market housing spectrum (unsheltered to subsidization).
- h. The plan will focus on the integration of:
 - e. physical housing asset development and management
 - f. support service coordination
 - g. integrated community planning, research and evaluation
 - h. governance and fund administration
- i. The plan will focus specific interest on innovative housing solutions.
- j. The plan will consider enabling mechanisms of local government to incentivize



successes.

Reporting:

The Committee will report to City Council at regular intervals through the Community Services Director.

Membership:

The Committee will reflect a multi-disciplinary, diverse membership with a broad-based perspective with representation from City Council, the Community Housing Advisory Board and key stakeholders such as businesses and the community at large.

Appointment of the membership outside of City Council and CHAB will go through the existing Council Committee nomination process.

The Committee will consist of a minimum of 10 members and will include:

- 2 members of City Council,

- 2 members of The Community Housing Advisory Board,

- 1 Indigenous community representative (to be endorsed by UAVS),

- 1 business community representative,

- 1 homeless serving agency representative,

- Note that while this member will be representative of this community, broader community engagement from homeless serving agencies will also be sought.

- 1 community member at large

- 1 housing public entity representative, and

- 1 member of the faith community.

The Committee shall make its decisions by majority.

The Community Services Division will provide staff to liaison with the committee as a non-voting member(s).

Administrative Support/Resources

Administrative support will be provided by The City through the Community Services or Legislative Services. Additional City staff maybe included as a resource as required.

Appointments:

Applications to participate in The Committee will be received as per “The Committees Bylaw”



Appointments will be made by City Council

Term:

The term of the Committee will be until City Council adopts the CHHIP.

Meetings:

Committee meetings will be held at least monthly at a time agreed to by the committee members or more frequently as required.

The Committee will appoint a chair and vice chair from its membership at its first meeting in accordance with the Committees bylaw.

Conflict of Interest:

Committee members shall comply with Section 23 Conflict of Interest of “The Committees Bylaw”

and directs Administration to proceed with the nomination process.

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

4.2. Extension of Homelessness Partnering Strategy (HPS) and Outreach & Support Services Initiatives (OSSI) Projects

Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from Social Planning dated March 4, 2019 re: Extension of Homelessness Partnering Strategy (HPS) and Outreach & Support Services Initiative (OSSI) Projects hereby agrees to extend all current Homelessness Partnering Strategy (HPS) and Outreach & Support Services Initiatives (OSSI) funded projects beyond September 30, 2019 to March 31, 2020.

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe,



Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

4.3. Development Permit - 155-5002-55 Street

Moved by Councillor Vesna Higham, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from Inspections & Licensing dated February 26, 2019 re: Development Permit Application 155-5002-55 Street hereby approves the application by Christine Kerr o/a First Time Health (the "Applicant") for the Discretionary Use of a Commercial Service Facility (massage therapy clinic) as shown on the plans dated March 18, 2019, and stamped as "Approved", copies of which form part of this approval (collectively referred to as the "Approved Plans"), on the lands zoned DC(3), located at 155-5002 55 Street, legally described as UNT 203, CDE Plan 182 2312, (the "Site").

Approval is subject to the following conditions:

1. A Development Permit shall not be deemed completed based on this approval until all conditions except those of a continuing nature, have been fulfilled to the satisfaction of the Development Officer.
2. All Development must conform to the conditions of this Development Permit and the Approved Plans and any revisions thereto as required pursuant to this Approval. Any further revisions to the Approved Plans must be approved by the Development Authority.
3. The Applicant shall repair or reinstate, or pay for the repair or reinstatement, to original condition, any public property, street furniture, curbing, boulevard landscaping and tree planting or any other property owned by the City which is damaged, destroyed or otherwise harmed by Development or construction on the site. Repairs shall be done to the satisfaction of The City of Red Deer. In the event that the City undertakes the repairs the Applicant shall pay the costs incurred by the City within 30 days of being invoiced for such costs.



IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Council recessed at 4:04 p.m. and reconvened at 4:13 p.m.

4.4. Notice of Motion - Bicycle Registration & Licensing

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of the Notice of Motion Submitted by Councillor Buck Buchanan re: Bicycle Registration and Licensing.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

OPPOSED: Councillor Vesna Higham

MOTION TO LIFT FROM THE TABLE CARRIED

Moved by Councillor Michael Dawe, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to table consideration of the Notion of Motion – Bicycle Registration and Licensing up to the end of Quarter 2, 2019.

IN FAVOUR: Councillor Michael Dawe, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes



OPPOSED: Deputy Mayor Frank Wong, Councillor Tanya Handley

MOTION TO TABLE CARRIED

5. **BYLAWS**

5.1. **Land Use Bylaw 3357/H-2019** **R1 to R2 Rezoning at 4028 51 Street**

Moved by Councillor Tanya Handley, seconded by Councillor Vesna Higham

FIRST READING: That Bylaw 3357/H-2019 (an amendment to the Land Use Bylaw to redistrict 4028-51 Street (Lots 29-32, Block 9, Plan 3586AE) from R1 Residential (Low Density) District to R2 Residential (Medium Density) District) be read a first time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

OPPOSED: Councillor Vesna Higham

MOTION CARRIED

5.2. **Offsite Levies Exception - Northside Community Centre** **Bylaw 3549/A-2019**

Moved by Councillor Dianne Wyntjes, seconded by Councillor Lawrence Lee

SECOND READING: That Bylaw 3549/A-2019 (an amendment to the Off-Site Levy Bylaw to include the Northside Community Centre to the list of exempt lands) be read a second time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes



OPPOSED: Councillor Tanya Handley

MOTION CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Lawrence Lee

THIRD READING: That Bylaw 3549/A-2019 be read a third time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

OPPOSED: Councillor Tanya Handley

MOTION CARRIED

5.3. 2019 Capital Budget Borrowing Bylaws

Moved by Councillor Ken Johnston, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of the following 2019 Capital Budget Borrowing Bylaws:

- Bylaw 3613/2018 – 2019 Recreation Projects
- Bylaw 3614/2018 – 2019 Roads Projects
- Bylaw 3615/2018 – 2019 General Municipal Works
- Bylaw 3616/2018 – 2019 EL&P Infrastructure
- Bylaw 3617/2018 – 2019 Roads Offsite Project
- Bylaw 3618/2018 – 2019 Sanitary Offsite Bylaw

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION TO LIFT FROM THE TABLE CARRIED



Moved by Councillor Vesna Higham, seconded by Councillor Tanya Handley

SECOND READING: That Bylaw 3613/2018 (a borrowing bylaw in the amount of \$11,407,000 for the 2019 Recreation Projects) be read a second time.

Prior to consideration of the motion, the following motion to amend was introduced:

Moved by Councillor Vesna Higham, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to amend second reading of Bylaw 3613/2018 by changing the number \$11,407,000 to \$11,047,000.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION TO AMEND CARRIED

The original motion, as amended, was then on the floor:

SECOND READING: That Bylaw 3613/2018 (a borrowing bylaw in the amount of \$11,047,000 for the 2019 Recreation Projects) be read a second time, as amended.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Vesna Higham, seconded by Councillor Tanya Handley

THIRD READING: That Bylaw 3613/2018 be read a third time.



IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Vesna Higham, seconded by Councillor Michael Dawe

THIRD READING: That Bylaw 3614/2018 (a borrowing bylaw in the amount of \$29,493,000 for 2019 Roads Projects) be read a third time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Michael Dawe, seconded by Councillor Ken Johnston

SECOND READING: That Bylaw 3615/2018 (a borrowing bylaw in the amount of \$3,575,000 for 2019 General Municipal Works Projects:

- a. Riverside Meadows / Fairview Communities Infrastructure
- b. Snow Dump Sediment Pond
- c. RCMP Parking Lot Expansion) be read a second time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Michael Dawe, seconded by Councillor Ken Johnston



THIRD READING: That Bylaw 3615/2018 be read a third time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

SECOND READING: That Bylaw 3616/2018 (a borrowing bylaw in the amount of \$1,000,000 for the 2019 ELP Infrastructure: ELP Substations & SCADA) be read a second time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

THIRD READING: That Bylaw 3616/2018 be read a third time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Lawrence Lee

SECOND READING: That Bylaw 3617/2018 (a borrowing bylaw in the amount of



\$3,244,000 for the 2019 Road Offsite Project: CP Rail Overpass (Hwy 11A between Taylor Drive and Gaetz Avenue) be read a second time.

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Lawrence Lee

THIRD READING: That Bylaw 3617/2018 be read a third time.

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Vesna Higham

SECOND READING: That Bylaw 3618/2018 (a borrowing bylaw in the amount of \$9,408,000 for the 2019 Sanitary Offsite Project: Hwy 11A Sanitary Trunk Extension) be read a second time.

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Vesna Higham



THIRD READING: That Bylaw 3618/2018 be read a third time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

Council recessed at 5:20 p.m. and reconvened at 6:01 p.m.

6. PUBLIC HEARINGS

6.1. Land Use Bylaw Amendment Redistricting A1 to A2 - Bylaw 3357/C-2019

Deputy Mayor Frank Wong declared open the Joint Public Hearing for Bylaw 3357/C-2019, an amendment to the Land Use Bylaw for a redistricting of +/-30m on either side of Piper Creek in the SW ¼ of 34 37-27-W4 from A1 Future Urban Development District to A2 Environmental Preservation District. As no one was present to speak to this bylaw, Deputy Mayor Frank Wong declared the Public Hearing closed.

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

SECOND READING: That Bylaw 3357/C-2019 (an amendment to the Land Use Bylaw for a redistricting of +/-30m on either side of Piper Creek in the SW ¼ of 34 37-27-W4 from A1 Future Urban Development District to A2 Environmental Preservation District) be read a second time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED



Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

THIRD READING: That Bylaw 3357/C-2019 be read a third time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

7. BYLAWS – CONTINUED

7.1. Appeals Board Bylaw 3619/2019

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Bylaw 3619/2019.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION TO LIFT FROM THE TABLE CARRIED

Moved by Councillor Vesna Higham, seconded by Councillor Tanya Handley

FIRST READING: That Bylaw 3619/2019 (a bylaw to establish the Subdivision and Development Appeal Board and the Red Deer Appeal & Review Board) be read a first time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes



OPPOSED: Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham

MOTION CARRIED

Moved by Councillor Vesna Higham, seconded by Councillor Tanya Handley

SECOND READING: That Bylaw 3619/2019 be read a second time.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

OPPOSED: Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham

MOTION CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Lawrence Lee

Resolved that with the unanimous consent of Council members present, that Bylaw 3619/2019 be presented for third reading.

IN FAVOUR: Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

OPPOSED: Councillor Vesna Higham

MOTION DEFEATED

8. ADJOURNMENT

Moved by Councillor Ken Johnston, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Monday,



March 18, 2019 Regular Council Meeting of Red Deer City Council at 7:30 p.m.

IN FAVOUR:

Deputy Mayor Frank Wong, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

MAYOR

CITY CLERK



March 12, 2019

Adopted 2019 Operating Budget

Financial Services

Report Summary & Recommendation:

An adopted 2019 operating budget is being recommended which incorporates changes identified since the interim operating budget was approved, consolidation with the City's controlled agencies, and budget changes related to requisitions. This is the budget that will appear in the 2019 financial statements.

It is recommended that Council approve the adopted 2019 Operating Budget.

City Manager Comments:

I support the recommendation of Administration.

Paul Goranson
Interim City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from Financial Services, dated March 12, 2019 re: Adopted 2019 Operating Budget hereby approves the adopted 2019 Operating Budget.



Report Details

Background:

Council approved an interim 2019 Operating Budget in January. This budget deals with the municipal portion of the budget.

Discussion:

An adopted 2019 Operating Budget is approved after the interim budget to make changes related to requisition amounts and to incorporate any additional municipal adjustments identified. It also ensures compliance with the Public Sector Accounting Board (PSAB) requirements to show the originally planned budget in the financial statements.

Analysis:

The adopted 2019 Operating Budget as recommended that will appear in the 2019 financial statements is presented in the following table:

	City of Red Deer	Agencies	Consolidated
Revenues			
Net municipal taxes	\$135,182,470		\$135,182,470
Operating government transfers	12,666,608	889,776	13,556,384
User fees and sale of goods and services	178,842,055	2,830,307	181,672,362
Investment income	3,578,673	30,185	3,608,858
Fines and penalties	6,334,809	93,614	6,428,423
Franchise fees	8,592,342		8,592,342
License and permits	3,820,840		3,820,840
Other	2,929,235	388,158	3,317,393
Total Revenue	351,947,032	4,232,040	356,179,072
Expenses			



General government services	45,821,414		45,821,414
Protective services	79,161,480		79,161,480
Transportation	61,977,202		61,977,202
Community services	14,476,708	141,463	14,618,171
Recreation, parks and culture	46,762,848	5,096,255	51,859,103
Water and wastewater	41,059,333		41,059,333
Waste management	15,889,114		15,889,114
Subdivisions, land, and development	2,274,736		2,274,736
Electric light and power	44,529,311		44,529,311
Parking	1,874,089		1,874,089
Fleet	18,626,656		18,626,656
Total Expenses	372,452,891	5,237,718	377,690,609
Capital government transfers			-
Contributed assets	6,928,037		6,928,037
Budgeted deficit	\$(13,577,822)	(1,005,678)	\$(14,583,500)

Although a budgeted deficit is shown, other internal transfers and transfers to / from reserves as allowed for under the Municipal Government Act (MGA) create a balanced budget as required by the MGA. The balancing components for the municipal components of the budget and the changes included in the adopted budget are provided in the table below:

	Revenues	Expenses	Internal transfers other than net reserve transfer	Net Transfer to/(from) Reserves
Approved Interim Council Budget	359,488,833	372,054,595	(37,655,181)	25,089,419
Budget Changes:				
2019 Operating funded by capital ¹	(100,000)	(180,000)		80,000
Re-allocations requested by departments ²	46,871	11,528	31,215	4,128



Contributed asset revenue adjustment ³	(568,667)		(568,667)	
Amortization adjustment ⁴		708,810	(708,810)	
Carryforward adjustment ⁵		(150,074)		150,074
Council approved change-DBA Levy ⁶	8,032	8,032		
Total adopted budget changes	(613,764)	398,296	(1,246,262)	234,202
Adopted operating budget as per financial statements	358,875,069	372,452,891	(38,901,443)	25,323,621

Additional explanations for the line items above are as follows:

1. Operating funded by capital – an adjustment in expenditure is required to reduce one budget request by \$30,000 to the amount approved by Council and to move one budget request in the amount of \$150,000 from 2019 to 2020 as approved by Council.
2. Reallocations and Adjustments with no impact on taxation – amounts have been reallocated from General government services to other expense categories to reflect wage settlements through union contracts and changes to benefit rates; departments have reallocated expenses within their departments;
3. Contributed Assets – the revenue and related internal transfer for contributed assets has been reduced by \$568,667. The change in budget is summarized as follows:

2018 Budget Amounts	\$7,496,704
2019 Estimated Reduction	<u>(568,667)</u>
2019 Budget Amounts	\$6,928,037

4. Amortization Expenses – amortization expenses and related internal transfer for tangible capital assets has been increased by \$708,810. The change in budget is summarized as follows:

2018 Budget Amounts	\$67,217,086
2019 Estimated Increase	<u>708,810</u>
2019 Budget Amounts	\$67,925,896

5. Carryforwards adjustment- expenses and reserve transfer have been reduced by \$150,174 for carryforwards due to change of estimated year-end accruals. The change in budget is summarized as follows:



2019 Interim Approved Carryforwards	\$3,704,649
Reduction	<u>(150,074)</u>
2019 Adopted Approved Carryforwards	\$3,554,575

The following changes to requisitions have been incorporated into the adopted 2019 Operating Budget as well. Due to the municipal taxes being shown on a net basis there is no separate line for these items.

1. Provincial Education Requisition – an estimate of the requisition amount for 2019 is included. The actual amount of the requisition will be included in the Tax Rate Bylaw once the requisition is received. A 2% increase amounting to \$906,966 is estimated based on increases for 2017 & 2018 of 1.15% and 2.42%. The change is summarized as follows:

2018 Requisition Amount	\$45,348,312
2019 Estimated Increase	<u>906,966</u>
2019 Requisition Amount	\$46,255,278

2. Piper Creek Requisition – the requisition amount for 2019 is \$575,000 which is a 15% increase amounting to \$75,000.
3. Designated Industrial Property (DIP) Requisition – an estimate of the requisition amount for 2019 is included. There is no estimated increase for 2019 so the amount remains at \$5,296.

The municipal tax revenue as reported in the financial statements will differ from the municipal tax revenue to be collected as per the Tax Rate Bylaw which will be considered by Council later in the year. The differences are as follows:

Net tax as per financial statement	\$135,182,470
Less:	
Supplementary tax	(275,000)
Downtown Business Association levy	(409,656)
Add:	
Own municipal taxes	1,515,198
Property tax adjustments	399,996
Annexation credit	4,000
Municipal tax revenue as per Tax Rate Bylaw 3603/2019	\$136,417,008



Additional details on the internal transfers and reserves to reconcile the operating budgeted deficit that appears in the financials to a balanced budget is provided below:

Budgeted deficit (operating)	\$(13,577,822)
Less: net transfer to capital	(5,488,952)
Less: net transfer to reserves	(25,323,621)
Less: debt principal repayment	(19,781,605)
Less: equity transfers- contributed assets	(6,928,037)
Add: internal charges & recoveries	3,174,141
Add: equity transfers- amortization	67,925,896
Balanced Budget (operating)	-



Council Decision – April 1, 2019

DATE: April 3, 2019
TO: Dean Krejci, Chief Financial Officer
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Adopted 2019 Operating Budget

FILE COPY

Reference Report:

Financial Services, dated March 12, 2019

Resolution:

At the Monday, April 1, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from Financial Services, dated March 12, 2019 re: Adopted 2019 Operating Budget hereby approves the adopted 2019 Operating Budget.

Report back to Council:

No.

Comments/Further Action:

None.

A handwritten signature in blue ink, appearing to read 'F. McDougall'.

Frieda McDougall
Manager

c. Director of Corporate Services



March 26th, 2019

Fireworks Bylaw 3623/2019

Emergency Services

Report Summary & Recommendation:

The 2018 National Fire Code – Alberta Edition will take effect April 1, 2019. An important change to the upcoming code is the removal of Section 5.7 which allowed municipalities to restrict the use of fireworks. Alberta will be moving towards a full adoption of the National Fire Code; which does not specifically address the usage of fireworks. It does allow each municipality to create bylaw(s) to address the sale, purchase, storage and usage of fireworks within the municipality.

Currently, under the 2014 Alberta Fire Code (AFC) municipal Emergency Services Departments have the authority to restrict persons from distributing, selling, purchasing, possessing, handling, discharging, fire or setting off fireworks. To engage in any of the noted activities, written permission must come from the Emergency Services Department whether the requester is a citizen or a professional pyrotechnic business. (AFC 5.7.1.7.).

With the change in legislation; it is recommended that The City of Red Deer adopt a bylaw that will prohibit any sale, purchase, possession, or discharge of fireworks unless written permission is given by Emergency Services.

City Manager Comments:

I support the recommendation of Administration. If first reading of Bylaw 3623/2019 is given, this bylaw will come back for second and third reading at the Monday, April 15, 2019 Council Meeting.

Paul Goranson
Interim City Manager

Proposed Resolution

That Bylaw 3623/2019 be read a first time.



Report Details

Background:

The 2018 National Fire Code – Alberta Edition will take effect April 1, 2019. An important change to the upcoming code is the removal of Section 5.7 which allowed municipalities to restrict the use of fireworks. Alberta will be moving towards a full adoption of the National Fire Code; which does not specifically address the usage of fireworks. It does allow each municipality to create bylaw(s) to address the sale, purchase, storage and usage of fireworks within the municipality.

Currently, under the 2014 Alberta Fire Code (AFC) municipal Emergency Services Departments have the authority to restrict persons from distributing, selling, purchasing, possessing, handling, discharging, fire or setting off fireworks. To engage in any of the noted activities, written permission must come from the Emergency Services Department whether the requester is a citizen or a professional pyrotechnic business. (AFC 5.7.1.7.).

Due to the explosive nature of fireworks which elevates the risk of personal injury and damage to property, Emergency Services' past practice has been to issue a fireworks permit only to those who are a Fireworks Display Supervisor and whose certification is current with Natural Resources Canada. Emergency Services will only issue a permit to a qualified person for special events such as: Canada Day, Winter Festival, concerts and other special events at Westerner Park.

In order to regulate firework use in The City of Red Deer, a new Fireworks bylaw is necessary for the municipality to oversee the safe use of fireworks as laid out by Natural Resources Canada, Display Fireworks Manual. If a bylaw is not put in place to regulate fireworks, then the general public, including local companies, can purchase and set off fireworks within the city with no oversight from Emergency Services. The lack of a bylaw will also allow persons to establish retail stores to possess, store, and offer for sale fireworks to the general public.

Without the oversight by Emergency Services even a hired licensed fireworks shooter may use effects that can put citizens and buildings at risk. With further review of a fireworks application, Emergency Services can determine if the pyrotechnic devices are conducive to the specifics of the effect show and apply amendments and additional restrictions if required.

Discussion:

Public Consultation:

The new bylaw is a necessary step for the municipality to take in order to maintain the safe regulation of fireworks, as the regulation of fireworks will be removed from the Fire Code as of April 1, 2019.



The impact of the new bylaw to the public will not differ from the existing regulations under the Fire Code. As such, public consultation was not a recommended strategy for this bylaw, but public communication will inform residents and share information about the new bylaw.

Analysis:

The National Fire Protection Association (NFPA)

The National Fire Protection Association (NFPA) is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. With a mission to help save lives and reduce loss with information, knowledge and passion. NFPA is the leader in code development and firefighting standards.

NFPA is opposed to Consumer Fireworks and encourages the public to enjoy fireworks as part of a professional display only.

NFPA Statistics

On average, 18,500 firework fires are started per year, which includes:

- 1,300 structure fires
- 300 vehicle fires and
- 16,900 outside and other fires.
- These fires cause an average of \$43 million in direct property damage yearly.

Consumer Product Safety Commission

The Consumer Product Safety Commission (CPSC) completed a study in 2017 of fireworks related deaths and emergency department treated injuries in the United States. Unfortunately, there were no recent Canadian statistics included in this report.

Highlights of the report:

- Fireworks were involved in an estimated 12,900 injuries treated in U.S. hospital emergency departments during calendar year 2017. The estimated rate of emergency department-treated injuries is 4.0 per 100,000 individuals.
- Of the 12,900 injuries an estimated 67 percent were treated in U.S. hospital emergency departments during the 1-month special study period between June 16, 2017 and July 16, 2017.
- CPSC staff received reports of 8 non-occupational fireworks-related deaths during 2017.
 - Of the eight fatalities, five were related to reloadable aerial devices; one was associated with manufacturing homemade devices; one involved a



firecracker; and one was related to sparklers. Seven victims died from direct impacts of fireworks, and one victim died in a house fire caused by misusing a firecracker. Reporting of fireworks-related deaths for 2017 is not complete, and the number of deaths in 2017 should be considered a minimum.

- CPSC staff receive an average of 7.25 reports of fireworks-related deaths per year.
- 10 to 14 year old children - had the highest estimated rate of emergency department-treated, fireworks-related injuries (5.9 injuries per 100,000 people). 20 to 24 years of age - had the second highest estimated rate (5.8 injuries per 100,000 people).
- 15 years of age and younger - accounted for 36 percent of the estimated injuries.
- 20 years of age and younger - accounted for 50 percent of the estimated emergency department-treated visits.
- Sparklers - There were an estimated 1200 emergency department-treated injuries associated with sparklers and 300 with bottle rockets.
- Firecrackers - There were an estimated 800 emergency department-treated injuries associated with firecrackers.
- Burns - 53 percent of the emergency department-treated injuries were burns.
- Approximately 82 percent of the victims were treated at the hospital emergency department and then released. An estimated 14 percent of patients were treated and transferred to another hospital or admitted to the hospital.

Consumer Fireworks by Major Municipality

Fire Marshals from Calgary, Fort McMurray, County of Strathcona, Lethbridge, Medicine Hat and the City of Red Deer, agreed that consumer fireworks cause untold damage and injuries. Due to the removal of Section 5.7 there is agreed upon recommendation to implement municipal bylaw(s) to regulate usage, storage and distribution of fireworks.

Red Deer Emergency Services consulted with other municipalities to determine their current practice and proposed actions as a result of the change in the legislation.

Recommendation:

It is recommended that Council give first reading to the Emergency Services Department Fireworks Bylaw 3623/2019 which reflects the current practice in Red Deer of permitting only professional use, with no retail sales, and prohibit the sale, storage, purchase,



possession, or discharge of fireworks by anyone unless written permission is provided by Emergency Services.

Attached

Proposed Bylaw No. 3623/2019

BYLAW NO. 3623/2019

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may pass bylaws to regulate or prohibit activities, industries or things and to establish a system of licenses, permit or approvals including the establishment of fees;

AND WHEREAS Council of the City of Red Deer recognizes that fireworks are explosive devices and the sale, possession and use of fireworks by Persons not properly trained and authorized creates an unacceptable risk to life, health, safety and property;

AND WHEREAS Council of the City of Red Deer has deemed it necessary for the safety and well-being of the community to regulate the sale, possession and use of Fireworks and Firecrackers within the City of Red Deer;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

PART I – TITLE, PURPOSE AND DEFINITIONS**Title**

1. This bylaw may be referred to as the “Fireworks Bylaw”.

Purpose

2. The purpose of this bylaw is to regulate the sale, possession and use of Fireworks and Firecrackers within the City for the safety and well-being of the community.

Definitions

3. In this bylaw, unless the context otherwise requires:
 - (a) **“Bylaw Officer”** means an individual appointed by the City Manager to carry out enforcement duties pursuant to this bylaw;
 - (b) **“City”** means the municipal corporation of the City of Red Deer, and includes the geographical area within the boundaries of the City of Red Deer where the context so requires;
 - (c) **“City Manager”** means the chief administrative officer for the City within the meaning of the *Municipal Government Act*;
 - (d) **“Consumer Fireworks”** means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the *Explosives Act* and may include roman candles, sparklers, fountains, volcanoes, mines and snakes;
 - (e) **“Discharge”** means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;

- (f) **"Display Fireworks"** means fireworks that are designed for professional use and are classified as high-hazard within the *Explosives Act* and may include aerial shells, cakes, roman candles, waterfalls, lances and wheels;
- (g) **"Explosives Act"** means the *Explosives Act*, RSC. 1985, c. E-17, as amended;
- (h) **"Firecracker"** means a small fused cylinder filled with explosives fireworks composition and designed to produce a sound effect and may include cannon crackers, mines, squibs and torpedoes;
- (i) **"Firecracker Permit"** means a permit granted by the City Manager pursuant to this bylaw that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Firecrackers within the City;
- (j) **"Fireworks"** includes Consumer Fireworks, Display Fireworks and Special Effects Pyrotechnics but does not include Firecrackers;
- (k) **"Fireworks Display Permit"** means either a permit granted by the City Manager pursuant to this bylaw to a Fireworks Display Supervisor that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Consumer Fireworks and/or Display Fireworks within the City, or a permit granted by the City Manager pursuant to this bylaw to a Pyrotechnician that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Special Effect Pyrotechnics;
- (l) **"Fireworks Display Supervisor"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (display supervisor) issued pursuant to the *Explosives Act*;
- (m) **"Fireworks Sales and Distribution Permit"** means a permit granted by the City Manager to a Person that authorizes the permit holder to possess, handle, store, sell or otherwise distribute Fireworks and/or Firecrackers within the City;
- (n) **"Municipal Tag"** means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (o) **"Person"** means an individual or a body corporate and includes a partnership or association unless the context explicitly or by necessary implication otherwise requires;
- (p) **"Provincial Fire Administrator"** means the Person who has authority under the *Safety Codes Act* to provide written confirmation on behalf of the Province for any matter governed within the fire discipline;
- (q) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- (r) **"Pyrotechnician"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (pyrotechnician) issued pursuant to the *Explosives Act*;
- (s) **"Safety Codes Act"** means the Safety Codes Act, RSA 2000, c S-1, as amended;

- (t) **“Special Effect Pyrotechnics”** means Fireworks that are designed for professional use and are classified as high-hazard within the *Explosives Act* and may include gerbs, mines, comets and crossettes, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry; and
 - (u) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as may be amended.
4. The definitions in the following enactments, in order of precedence, shall be used for the purposes of interpreting this bylaw and its application:
- (a) *Municipal Government Act*;
 - (b) *Explosives Act*;
 - (c) *Explosive Regulations, 2013*;
 - (d) *Safety Codes Act*; and
 - (e) *National Fire Code*.
5. Where this bylaw refers to any other legislation, regulation or bylaw, the reference includes any amendments to the legislation, regulation or bylaw and includes reference to any other legislation, regulation or bylaw that may be substituted in its place.

PART II – REQUIREMENTS

Requirements

6. No Person shall possess, handle, store, sell or otherwise distribute Fireworks or Firecrackers within the City without a valid and subsiding Fireworks Sales and Distribution Permit issued pursuant to this bylaw.
7. No Person may obtain, possess, handle, store, purchase or Discharge Fireworks within the City without a valid and subsiding Fireworks Display Permit issued pursuant to this bylaw.
8. No Person may obtain, possess, handle, store, purchase or Discharge Firecrackers within the City without a valid and subsiding Firecracker Permit issued pursuant to this bylaw.

PART III – FIREWORKS SALES AND DISTRIBUTION PERMITS

Permit Application

9. Every Person applying for a Fireworks Sales and Distribution Permit must provide, to the satisfaction of the City Manager:
- (a) an application in a form approved by the City Manager;
 - (b) any fees required;
 - (c) if applicable, confirmation of written approval from the Provincial Fire Administrator to possess, handle, store, sell or otherwise distribute Firecrackers within the City;
 - (d) any additional required permits or approvals, as determined by the City Manager; and
 - (e) any additional information required by the City Manager.

Issuance of Permit

10. The City Manager shall issue a Fireworks Sales and Distribution Permit pursuant to this bylaw only when all requirements under Section 9 have been met.
11. The City Manager may impose any terms and conditions on a Fireworks Sales and Distribution Permit as are deemed appropriate or necessary in the circumstances:
 - (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
 - (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

12. The City Manager may refuse to issue an Fireworks Sales and Distribution Permit or suspend or cancel an Fireworks Sales and Distribution Permit that has been issued, if:
 - (a) in his or her opinion, such sales or distribution may create a risk to life, safety or property;
 - (b) any condition precedent to grant the Fireworks Sales and Distribution Permit has not been met;
 - (c) incorrect or insufficient information is submitted with respect to the Fireworks Sales and Distribution Permit;
 - (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;
 - (e) there is a contravention of any condition under which the Fireworks Sales and Distribution Permit was issued; or
 - (f) the Fireworks Sales and Distribution Permit was issued in error.
13. When the City Manager refuses to issue a Fireworks Sales and Distribution Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Sales and Distribution Permit Holder Obligations

14. A Person to which a Fireworks Sales and Distribution Permit has been issued must:
 - (a) only sell, distribute or otherwise provide Consumer Fireworks, Display Fireworks and/or Firecrackers to a Person who is a Fireworks Display Supervisor;
 - (b) only sell, distribute or otherwise provide Special Effects Pyrotechnics to a Person who is a Pyrotechnician;
 - (c) keep a record of each sale of Fireworks and/or Firecrackers on the premise where the sale occurred for at least 2 years following the date of the sale, with such record including:
 - (i) the date of the sale;

- (ii) the name, address and phone number of the purchaser;
 - (iii) the quantity and type of Fireworks and/or Firecrackers sold;
 - (iv) the date of the expected Fireworks display and/or Firecracker use; and
 - (v) the location and description of the site of the expected Fireworks display and/or Firecracker use,
- (d) comply with the terms and conditions of the Fireworks Sales and Distribution Permit and any other related permit;
- (e) produce a copy, upon request, of the Fireworks Sales and Distribution Permit at the location of the premise where the sales will occur;
- (f) immediately notify the City of any change to:
- (i) the information contained in the application for the Fireworks Sales and Distribution Permit; or
 - (ii) the information contained in an Fireworks Sales and Distribution Permit that has been issued.

Fireworks Sales and Distribution Permit Transfer

15. A Fireworks Sales and Distribution Permit issued under this bylaw is the property of the City and is not transferable.

PART IV – FIREWORKS DISPLAY PERMIT**Permit Application**

16. Every Person applying for a Fireworks Display Permit must provide, to the satisfaction of the City Manager, at least 45 calendar days prior to the proposed display:
- (a) an application in a form approved by the City Manager;
 - (b) name and contact information of the proposed permit holder and confirmation that the proposed permit holder is a Fireworks Display Supervisor or a Pyrotechnician, as applicable;
 - (c) name and contact information of the sponsoring organization, if applicable;
 - (d) written confirmation that the property owner/lessee/agent of the land where the Fireworks display will occur consents to the Fireworks display;
 - (e) written confirmation that all property owners/lessees/agents of land that may be affected by fallout or debris consents to the Fireworks display;
 - (f) a Fireworks display plan that includes, but is not limited to:
 - (i) all information required under the *Explosives Act*;
 - (ii) the date, time and location of the Fireworks display;
 - (iii) the name and address of the Fireworks Display Supervisor or Pyrotechnician in charge and the number and expiry date of his or her fireworks operator certificate;
 - (iv) the name, address and the number and expiry date of each respective fireworks operator certificate for all other Fire Display Supervisors and Fire Display Assistants participating in the display, or for every Person authorized by the Pyrotechnician in charge to participate in the display;

- (v) a full description of the planned display and a description of the intended effect of every Special Effect Pyrotechnic;
- (vi) the location of any storage units or areas in which the Fireworks will be stored before or after the Fireworks display;
- (vii) a description of the crowd-control measures that will be taken;
- (viii) fire emergency procedures;
- (ix) an assessment of the likelihood of harm to people and property resulting from the use of the Fireworks;
- (x) for Consumer Fireworks and Display Fireworks:
 1. a description of the Fireworks display site that includes:
 - a. the distance in metres from the firing site to the nearest spectators, buildings, structures and vulnerable sites;
 - b. identification of the fallout zone;
 - c. the diameter in millimeters of the largest aerial shell to be used or, if no aerial shells are to be used, the maximum height the Fireworks will reach during the display;
 - d. a description of how the Fireworks will be positioned within the firing site, including the position of ramps and mortars and how the Fireworks will be fired, including the direction of firing; and
 - e. identification of significant ground features, roads, public right of way, buildings, structures, overhead obstructions, parking areas and spectator viewing areas;
 2. the type and quantity of Fireworks to be used;
- (xi) for Special Effects Pyrotechnics displays:
 1. a description of the Fireworks display site that includes:
 - a. the proximity of the audience and the location of every exit;
 - b. placement of the Special Effect Pyrotechnics;
 - c. the location of every smoke detector that may be triggered by the Special Effect Pyrotechnics used in the event;
 - d. identification of the danger zone;
 - e. if applicable, identification of significant ground features, roads, public right of way, buildings, structures, overhead obstructions, parking areas and spectator viewing areas;
 2. the type and product name of each Special Effect Pyrotechnic that will be used and name of the Person who obtained its authorization;
 3. the anticipated height, duration and fallout effect of the effects of each Special Effect Pyrotechnic; and
 4. the method and sequence of firing the Special Effect Pyrotechnics;
- (g) any fees required;
- (h) insurance in a form and amount acceptable to the City Manager;
- (i) any additional required permits or approvals as determined by the City Manager; and
- (j) any additional information required by the City Manager.

Issuance of Permit

17. The City Manager shall issue a Fireworks Display Permit pursuant to this bylaw only when all requirements under Section 16 have been met.

18. The City Manager may impose any terms and conditions on a Fireworks Display Permit as are deemed appropriate or necessary in the circumstances:

- (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
- (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

19. The City Manager may refuse to issue a Fireworks Display Permit or suspend or cancel a Fireworks Display Permit that has been issued, if:

- (a) in his or her opinion, such a display may create a risk to life, safety or property;
- (b) any condition precedent to grant the Fireworks Display Permit has not been met;
- (c) incorrect or insufficient information is submitted with respect to Fireworks Display Permit;
- (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;
- (e) there is a contravention of any condition under which the Fireworks Display Permit was issued; or
- (f) the Fireworks Display Permit was issued in error.

20. When the City Manager refuses to issue a Fireworks Display Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Display Permit Holder Obligations

21. A Person to which a Fireworks Display Permit has been issued must:

- (a) comply with the terms and conditions of the Fireworks Display Permit and any other related permit;
- (b) produce a copy, upon request, of the Fireworks Display Permit and all applicable fireworks operator certificates at the location of the Fireworks Display; and
- (c) immediately notify the City of any change to:
 - (i) the information contained in the application for the Fireworks Display Permit; or
 - (ii) the information contained in an Fireworks Display Permit that has been issued.

Fireworks Display Permit

22. A Fireworks Display Permit shall expire as per the terms and conditions on the permit.

Fireworks Display Permit Transfer

23. A Fireworks Display Permit issued under this bylaw is the property of the City and is not transferable.

PART V – FIRECRACKER PERMITS

Permit Application

24. Every Person applying for a Firecracker Permit must provide, to the satisfaction of the City Manager:

- (a) an application in a form approved by the City Manager;
- (b) any fees required;
- (c) confirmation that the Person has a firecracker use certificate issued by ; Natural Resources Canada, Explosives Regulatory Division;
- (d) confirmation of written approval from the Provincial Fire Administrator; and
- (e) any additional information required by the City Manager.

Issuance of Permit

25. The City Manager shall issue a Firecracker Permit pursuant to this bylaw only when all requirements under Section 24 have been met.

26. The City Manager may impose any terms and conditions on a Firecracker Permit as are deemed appropriate or necessary in the circumstances:

- (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
- (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

27. The City Manager may refuse to issue a Firecracker Permit or suspend or cancel an Firecracker Permit that has been issued, if:

- (a) in his or her opinion, such a display may create a risk to life, safety or property;
- (b) any condition precedent to grant the Firecracker Permit has not been met;
- (c) incorrect or insufficient information is submitted with respect to Firecracker Permit;
- (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;
- (e) there is a contravention of any condition under which the Firecracker Permit was issued;
or
- (f) the Firecracker Permit was issued in error.

28. When the City Manager refuses to issue a Firecracker Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Firecracker Permit Holder Obligations

29. A Person to which an Firecracker Permit has been issued must:

- (a) comply with the terms and conditions of the Firecracker Permit and any other related permit; and
- (b) immediately notify the City of any change to:
 - (i) the information contained in the application for the Firecracker Permit; or
 - (ii) the information contained in an Firecracker Permit that has been issued.

Firecracker Permit

30. A Firecracker Permit shall expire as per the terms and conditions on the permit.

Firecracker Permit Transfer

31. A Firecracker Permit issued under this bylaw is the property of the City and is not transferable.

PART VI - INSPECTIONS

Inspections

32. The City Manager may, at any reasonable hour of the day, and without prior notice to the permit holder, conduct an inspection of the display site.
33. In addition to all other rights of inspection granted to the City under the *Municipal Government Act*, the City Manager may:
- (a) require the production, for inspection purposes, of any document or anything relevant to the inspection;
 - (b) remove the document or anything relevant to the inspection for the purpose of making copies;
 - (c) alone or in conjunction with a Person possessing special or expert knowledge, make observations, examine, and review anything that pertains to any permit issued pursuant to this bylaw;
 - (d) perform an inspection to investigate or respond to a complaint or inquiry; or
 - (e) perform an inspection to determine whether this bylaw is being complied with.
34. The permit holder shall provide the City with free and clear access to the display site for inspections.
35. The City Manager may request that the permit holder pause the display until the inspection is completed.

36. The City shall comply with any safety requirements or personal protection equipment required by the permit holder.
37. The City shall provide the results of the inspection to the permit holder upon written request.

PART VII – FEES

Fees

38. The fees payable for any permit issued pursuant to this bylaw, or other fees as may be referred to within this bylaw, shall be as set out in **Schedule “A”**.

PART VIII – OFFENCES AND PENALTIES

Enforcement

39. Bylaw Officers are authorized and empowered to enforce this bylaw.

Obstruction

40. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this bylaw or other applicable legislation.
41. For the purposes of Section 40 “obstruct” means to hinder, delay, interfere with, or prevent, or attempt to prevent the execution of a power or duty, and includes any of the following:
- (a) providing false or misleading information or making a false claim or statement to the City;
 - (b) preventing, barring or delaying, or attempting to prevent, bar or delay entry or inspection by the City in accordance with this bylaw; and
 - (c) failing to provide, on the request of the City any information, documents or things relevant to an inspection, including any documents specifically required to be kept or provided under this bylaw.

Offence

42. A Person who contravenes this bylaw, or authorizes or directs another Person to contravene this bylaw, is guilty of an offence.

Vicarious Liability

43. For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person.

Corporations

44. When a corporation commits an offence under this bylaw, every principal, director of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

Fines and Penalties

45. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to the specified fine as set out in **Schedule "B"**.
46. Any Person who contravenes the same provision of this bylaw twice is guilty of a second offence and is liable, on summary conviction, to a specified fine for a second offence as set out in **Schedule "B"**.
47. Any Person who contravenes the same provision of this bylaw three or more times is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified fine for a third or subsequent offence as set out in **Schedule "B"**.
48. When a fine is not specified under this bylaw, a Person who contravenes any provision of this bylaw is guilty of an offence and is liable to a fine:
 - (a) for a first offence, in an amount not less than \$300.00 and not exceeding \$10,000.00;
 - (b) for a second offence, in an amount not less than \$400.00 and not exceeding \$10,000.00; and
 - (c) for a third or subsequent offence, in an amount not less than \$500.00 and not exceeding \$10,000.00.
49. A Person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.
50. If a Person is found guilty of an offence, the court may, in addition to any fine or other penalty imposed, order the Person to comply with this bylaw, a permit, an approval or other authorization issued under this bylaw, or a condition of any of them.

Continuing Offence

51. Where a contravention under this bylaw is committed or continued on more than one day, the Person who committed the offense is liable to be convicted for a separate offense for each day on which it was committed or continued, and the City may issue a Violation Ticket for each day or part of day on which the contravention is committed or continued.

Municipal Tag

52. A Municipal Tag may be issued to any Person where there are reasonable and probable grounds to believe the Person has contravened any provision of this bylaw.
53. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:
 - (a) the name of the Person;
 - (b) the offence;
 - (c) the fine amount;
 - (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag; and

(e) any other information as may be required.

54. A Municipal Tag may be issued to such Person:

(a) either personally; or

(b) by mailing a copy to such Person at his or her last known post office address.

Payment in Lieu of Prosecution

55. Where a Municipal Tag is issued in respect of an offence, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within the time period indicated on the Municipal Tag.

Violation Ticket

56. If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.

57. Despite Section 56, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this bylaw.

58. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

(a) impose the specified fine established by this bylaw for the offence and permit a Person to make a voluntary payment; or

(b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

59. A Person who commits an offence and who wishes to plead guilty may:

(a) if a Violation Ticket has issued in respect of the offence; and

(b) if the Violation Ticket includes a specified fine as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified fine set out on the Violation Ticket.

PART IX – GENERAL

Powers of the City Manager

60. Without restricting any other power, duty or function granted by this bylaw, the City Manager may:

(a) carry out any inspections to determine compliance with this bylaw;

- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms for the purposes of this bylaw;
- (e) refund or waive fees;
- (f) waive any application requirements;
- (g) reduce application timelines;
- (h) require additional information, revised information, additional fees and/or a new application with respect to a change under Section 14(f)(ii), Section 21(c)(ii) or Section 29(b)(ii);
- (i) alter or revoke the terms and conditions of a permit after it has been issued and approve the extension of the term of a permit;
- (j) impose new terms and conditions in a permit after it has been issued; and
- (k) delegate any powers, duties or functions under this bylaw.

Proof of Permit

61. The onus of proving that a permit has been issued a permit in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the Person alleging the existence of such a permit.

Proof of Exemption

62. The onus of proving that a Person is exempt from the provisions of this bylaw requiring a permit is on the Person alleging the exemption.

Legal Duty

63. Nothing in this bylaw, including the issuance of a permit, any approval, and any inspections conducted pursuant to this bylaw, relieves any Person of their legal duty to comply with the *Explosives Act* and this bylaw.

Effective Date

64. This bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2019.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2019.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2019.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2019.

MAYOR

CITY CLERK

SCHEDULE "A"
FEES

Permit	Fee
Fireworks Sales and Distribution Permit	Calculated as per the Special Events Review Service Fee within the <i>Emergency Services Department Fees and Charges Bylaw</i>
Fireworks Display Permit	
Firecracker Permit	

SCHEDULE "B"
FINES

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD AND SUBSEQUENT OFFENCE
14(d)	Failure to comply with the Fireworks Sale and Distribution Permit	\$1,000.00	\$5,000.00	\$10,000.00
21(a)	Failure to comply with the Fireworks Display Permit and its Conditions	\$1,000.00	\$5,000.00	\$10,000.00
29(a)	Failure to comply with the Firecracker Permit and its Conditions	\$1,000.00	\$5,000.00	\$10,000.00

DATE: April 3, 2019
TO: Ken McMullen, Emergency Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Fireworks Bylaw 3623/2019

FILE COPY**Reference Report:**

Emergency Services, dated March 26, 2019

Resolution:

At the Monday, April 1, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3623/2019, hereby amends the bylaw as follows:

- Section 3(d) by deleting the word "sparklers"

and directs administration to bring back supplementary information on the following items at Second Reading:

- Clarity on the definition of consumer fireworks
- Clarity on the wording in Section 61

Bylaw Reading:

At the Monday, April 1, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw:

Bylaw 3623/2019 (a bylaw to regulate the sale, possession and use of Fireworks and Firecrackers within the city for the safety and well-being of the community)

Report back to Council:

Yes.

Comments/Further Action:

Administration will bring back supplementary information on the clarity of the definition of consumer fireworks and provide clarity on the wording in Section 61.



Frieda McDougall
Manager

- c. Director of Protective Services
Corporate Meeting Administrator



April 1, 2019

Proposed 2019 Utility Bylaw Changes Utility Bylaw 3606/B-2019 Consideration of Three Readings

Report Summary & Recommendation:

To bring the current Bylaw in line with the soon to be active Blue / Black Cart program, changes to the current utility bylaw are required.

It is recommended that Council approve Utility Bylaw Amendment 3606/B-2019 which incorporates the revisions effective May 6, 2019. Giving three readings to the Bylaw on April 1, 2019 will ensure the changes can be implemented on the proposed effective date.

City Manager Comments:

This is implementing the decision Council has made previously. I support the recommendation of Administration.

Paul Goranson
Interim City Manager

Proposed Resolution:

That Bylaw 3606/B-2019 be read a first time.

That Bylaw 3606/B-2019 be read a second time.

Resolved that with the unanimous consent of Council members present, that Bylaw 3606/B-2019 be presented for third reading.

That Bylaw 3606/B-2019 be read a third time.



Report Details

Background:

As a result of the addition of the blue / black cart program, wording changes are required to bring the bylaw in-line with these additions.

Discussion:

Attached is a copy of the proposed Utility Bylaw 3606/B 2019 including Schedules B through F, showing proposed changes in **colored** text. Proposed additions to the Bylaw are illustrated in underlined text. Items proposed to be removed are illustrated in ~~strikethrough~~ text.

All changes are proposed to come into effect on May 6, 2019.

BYLAW NO. 3606/B-2019

BEING a Bylaw to amend Bylaw No. 3606/2018, the *Utility Bylaw* of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3606/2018 is hereby amended as follows:

1. Section 4(1) is deleted and replaced with the following:

4(1) All Carts, meters and metering equipment shall be supplied, owned and maintained by The City unless otherwise provided in this Bylaw.

2. Section 105(3)(d) is deleted and replaced with the following:

(d) used only for the type of Waste designated to that Cart (i.e. Green Carts are for Organics and Yard Waste only, Blue Carts are for Recyclables only and Black Carts are for Garbage only).

3. New subsection 110(9) is added and the remainder of the subsections are renumbered accordingly:

(9) Where Waste is collected by Automated Collection, any material not contained within a Cart shall not be collected, with the exception of extra Yard Waste.

4. Section 2, including the chart labeled "Monthly Waste Collection Rates for Commercial Manual Collection (\$)", in Schedule "E" is deleted and replaced with:

2 Rates to be applicable for premises where the owner or agent is charged and the City provides Carts for the Automated Collection of Waste:

(a) Where a non-residential customer has been supplied a 360L Black Cart for Garbage collection once per week, the charge shall be \$50.00 per month per Cart.

2.1 Where a non-residential customer has been supplied a Cart by the City, Section 105(3) will be applied to that customer, with all necessary modifications to apply to non-residential customers.

5. This bylaw will come into effect on May 6th, 2019.

READ A FIRST TIME IN OPEN COUNCIL this day of 2019

READ A SECOND TIME IN OPEN COUNCIL this day of 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

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BYLAW NO. 3606/2018

Being a Bylaw of The City of Red Deer to provide for the supply and use of the Water, Wastewater, Storm Water and Waste Management utilities of The City of Red Deer.

Background

A Council has authority under the Municipal Government Act, to pass bylaws respecting the safety, health and welfare of people. Council of the City of Red Deer has deemed it appropriate to provide for the establishment and operation of certain public Utility Services, including provision for the terms and conditions under which such utilities will be provided.

COUNCIL HEREBY ENACTS AS FOLLOWS:**PART 1 – SHORT TITLE****SHORT TITLE AND ESTABLISHMENT OF UTILITIES**

- 1 (1) This Bylaw may be called "The Utility Bylaw".
- (2) The City of Red Deer hereby establishes the following municipal utilities: Water, Wastewater, Storm Water and Waste Management).

PART 2 – GENERAL PROVISIONS**DEFINITIONS**

- 2 Words and phrases in this Bylaw shall have the meanings set out in Schedule A.

DELEGATION

- 3 City Council hereby delegates to the City Manager all those powers stipulated by this Bylaw to be exercised by the City and all necessary authority to carry out those powers, except those powers which are reserved exclusively for Council under the Municipal Government Act, or reserved for other Persons pursuant to the provisions of this Bylaw. The City Manager may delegate any powers, duties or functions granted under this Bylaw to another employee of the City.

SUPPLY AND OWNERSHIP OF FACILITIES AND EQUIPMENT

- 4 (1) All Carts, meters and metering equipment shall be supplied, owned and maintained by The City unless otherwise provided in this Bylaw.

- (2) Notwithstanding the payment by a Customer of any costs incurred by The City, The City shall retain full title to all lines, equipment and apparatus on its side of the point of delivery, and to all meters and metering equipment provided by it.

ASSIGNMENT OF CONTRACT

- 5 A contract for a Utility Service is not transferable and shall remain in full force and effect until terminated by the Customer or The City as provided herein.

CITY RESPONSIBILITY AND LIABILITY

- 6 (1) The City does not guarantee the continuous uninterrupted supply of any Utility Service but reserves the right to suspend the supply of a Utility Service at any time without notice where required in the maintenance or operation of the Utility Service.
- (2) The City and its officers, employees and agents shall not be liable for any damages of any kind due to or arising out of:
 - (a) a failure to provide a Utility Service;
 - (b) the interruption of service due to maintenance or operational requirements, or due to reasons beyond The City's control; or
 - (c) the disconnection or removal of a Utility Service in accordance with this Bylaw.

APPLICATION FOR SERVICE

- 7 (1) A Person requesting a Utility Service shall apply to The City for a Utility Service account by completing an application form and providing such information as The City may require, including credit references, confirmation of the identity and legal authority of the Customer, and information respecting load and the manner in which the services will be utilized.
- (2) The Customer shall pay an application fee as set forth in Schedule D.
- (3) The City may establish procedures for the creation of a contract for Utility Services by telephone, fax, internet or other electronic means, or may require the Customer to sign a contract for service.

- (4) The Utility Service account shall be set up:
- (a) in the name of the Property Owner; or
 - (b) in the name of the Occupant(s) of a Property where the Utilities are requested by an Occupant of the Property. Where the Occupants are Tenants, all of the Persons named as Tenants in the landlord-Tenant agreement or any other rental agreement shall be jointly and severally liable for the Utility account, regardless of which Tenant's name the account is opened in. At the discretion of The City, a copy of the rental agreement may be required with the application for service; or
 - (c) in the name of the general contractor in the case of a new building under construction, where the Utilities are requested by the general contractor.
- (5) Notwithstanding subsection (2), The City may waive the application fee in the case of a mortgage lender which acquires title to a Property as part of the process of foreclosure.
- (6) The establishment of a Utility Service account creates an agreement between the Customer and The City, of which the provisions of the application form and the terms of this Bylaw shall form a part.

CONDITIONS OF SERVICE

- 8 (1) Upon receipt of all required information and fees, verification of the Customer's identity and the accuracy of the information, the City will advise the Customer whether and on what terms the City is prepared to supply Utility Services to the Customer, the type and character of the connections it is prepared to approve for the Customer, and any conditions (including without limitation, payments by the Customer) that must be satisfied as a condition of the supply of the Utility Services.
- (2) The City is not obliged to supply Utility Services until the Customer has provided The City with access to the premises to which the Utilities are to be provided, so to enable The City to inspect the physical connections for such Utility and to obtain an initial meter reading for each metered Utility Service.
- (3) No new Utility account will be opened for anyone who is already indebted to The City for Utility Services unless satisfactory arrangements for payment of the outstanding amount have been made.

DEPOSITS

- 9 (1) Deposits are required to establish a Utility account, for the following cases:
- (a) Customers who are unable to establish or maintain creditworthiness satisfactory to The City; or
 - (b) where payment of a Utility account in the name of the applicant is in arrears; or
 - (c) where a Utility Service to a Property owned or occupied by the applicant has been shut off for non-payment of the account; or
 - (d) where a cheque received for payment of a Utility account in the name of the applicant has been returned marked "Not Sufficient Funds" or "Payment Stopped", or with other words indicating that the cheque has not been honoured; or
 - (e) where the applicant's Utility account has been written off as a bad debt; or
 - (f) where collection proceedings, including legal action or referral to a collection agency, have been commenced in respect of the applicant's previous Utility account; or
 - (g) where the applicant has not maintained an existing or previous Utility account in good standing; or
 - (h) at the discretion of The City.
- (2) Before a new Utility account is opened, the Customer shall provide a guarantee of payment in a form acceptable to The City, in the amount set forth in Schedule D.
- (3) Customers opening a new account due to a change of residence within the City shall, if a deposit was required for the applicant's previous account, be charged a deposit on the new account.
- (4) The City may waive the requirement for a deposit if The City is satisfied as to the creditworthiness of the applicant.
- (5) The City may apply a deposit to any amount owed to The City whatsoever by the Customer whether in relation to the Customer's Utility account or otherwise, as determined by The City in its sole discretion.

INTEREST ON DEPOSITS

- 10 Interest on each Customer's cash security deposit shall be calculated annually and credited, not in advance, at the rate specified to be paid on security deposits under the *Residential Tenancy Act*, RSA 2004 Ch. R-17.1.

REFUND OF DEPOSIT

- 11 When a Customer has established and maintained creditworthiness satisfactory to The City, or upon termination of the Utility Service agreement, the deposit shall be refunded, together with accrued interest, after deducting any amount owed to The City whatsoever by the Customer whether in relation to the Customer's Utility account, including the cost of shutting off or discontinuing any Utility Service for non-payment, or otherwise, as determined by The City in its sole discretion. The deposit will be applied against any active Utility account in the Customer's name or refunded within 3 months of the final bill due date to the address on the account, or such other address provided by the Customer.

SERVICE CHARGE

- 12 When a Customer requests that The City attend at the Property to which the Utility Service is being supplied with respect to any matter relating to the supply of Utility Services or the servicing of the same, and if for any reason whatsoever The City is unable to enter the said premises, or if the call is for failure of service not attributable to The City, the Customer shall pay a service charge fee as set forth in Schedule D.

AFTER HOURS CALLS

- 13 The Customer shall pay the applicable afterhours fee as set forth in Schedule D for service calls after 4:00 p.m. or before 7:30 a.m., Monday through Friday, or on a Saturday, Sunday, or statutory or civic holiday. The afterhours fee shall also apply if a meter is required to be installed or connected, or should a Utility Service be required to be disconnected or reconnected during such times.

DISCONNECTION

- 14 The Customer shall pay a disconnection service charge as set forth in Schedule D where a Utility Service is disconnected.

RECONNECTION

- 15 Before the City reconnects or restores Utilities Services, the Customer

shall:

- (a) pay any amount owed by the Customer to the City for Utility Services or , at The City's discretion, make arrangements for payment satisfactory to the City;
- (b) pay the applicable deposit as set forth in Schedule D;
- (c) Pay the applicable reconnection service charge as set forth in Schedule D.

WINTER INSTALLATION

- 16 The cost payable by the Customer for installing a service between October 1st of any year and May 15th of the following year shall be increased by the amount set forth in Schedule D.

UTILITY CHARGES AND PAYMENT OF UTILITY ACCOUNTS

- 17 (1) The rates and charges for Utility Services shall be those set out in the Schedules to this Bylaw or as otherwise established by resolution of Council from time to time.
- (2) All rates and charges shall be paid to The City within the time prescribed by this Bylaw. The Utility bill is deemed received seven (7) days after the mailing date. A Customer is responsible to pay the amounts owing in a Utility bill whether or not the Customer has received it.
- (3) The whole amount owing in a Utility account is payable upon receipt and the account will be deemed to be in arrears if payment is not made on or before the due date stated on the bill.
- (4) Any charge on a Customer's account remaining unpaid after the due date will be in arrears and constitute a debt owing to the City recoverable by any or all of the following methods:
- (a) The City may discontinue the supply of all or any Utility Services;
 - (b) The City may draw on the deposit held by the City;
 - (c) The City may terminate the Customer's account;
 - (d) The City may add the outstanding account balance to the tax roll of an Owner of a Property, if the account is in the Owner's name;

- (e) By action in any Court of competent jurisdiction; or
- (f) By distress and the sale of the goods and chattels of the Customer wherever they may be found in the City.

BILLING ERRORS

- 18 Where a Customer has been charged less or more than they should have been charged for Utility Services provided, The City will review the account and make corrections for the billing errors for up to a maximum of 12 months prior to the date the error is discovered. Corrections will not be made for billing errors in respect of Utility Services provided more than one year prior to the date the billing error is discovered.

LATE PAYMENT PENALTY

- 19 If The City has not received payment in full by the due date on the front of the bill, whether the payment is made at a financial institution or directly to The City, a late payment fee in the amount as set forth in Schedule D will be added to the account.

NOVELTY PAYMENT METHODS

- 20 The City may refuse to accept a payment by way of a cheque drawn on a form other than a bank cheque form (a Novelty Cheque), but where The City does so, the Customer shall be liable for and pay to The City all charges and costs incurred to process the Novelty Cheque. The City will follow the Bank of Canada rules and regulations of currency acceptance limitations in respect of payment by cash.

INTERIM UTILITY BILL

- 21 (1) Where The City has not measured the amount of a metered Utility Service, it may issue an interim Utility bill based on estimated consumption and shall credit Utility accounts for all payments made by a Customer against such interim bill.
- (2) Where any service rate or charge is designated by reference to a time certain, the charge for a lesser period of time shall be calculated on a proportionate basis.

ENFORCEMENT

- 22 The City is authorized to collect all accounts owing to The City under this

Bylaw, and may take any of the measures a municipality is authorized to take under the *Municipal Government Act, RSA 2000, Chap M-26*.

APPEALS

- 23 (1) A Customer who uses, receives, or pays for Utility Services may appeal a service charge, rate or toll charged under this Bylaw on the grounds that such service charge, rate or toll does not conform to the established public Utility rate structure, has been improperly imposed, or is discriminatory, to the Alberta Utilities Commission.
- (2) A Customer may appeal decisions made by the City Manager or their delegate pursuant to the following sections of this Bylaw:
- (a) Section 18 – Billing Errors
 - (b) Section 28 – Requirement for an Account; and
 - (c) Section 31 – Connection to Utility Service

to the Red Deer Appeal and Review Board by filing a Notice of Appeal with the Clerk of the Board and paying the applicable filing fee within 14 days of receiving the aforementioned decision, in accordance with the provisions set out in The Appeals Board Bylaw. When hearing an appeal, the Board may confirm, revoke or vary the decision.

REASONABLE NOTICE

- 24 The City shall provide written notice to a Customer of any breach of this Bylaw which may result in The City discontinuing Utility Services. Such notice shall be delivered at least 10 days prior to discontinuance of Utility Services and shall be sent to the Customer as follows:
- (a) in the case of a Customer who is known to be a Tenant at the premises, the notice shall be sent to the address of the premises; and
 - (b) in the case of a Customer who owns the Property, the notice shall be sent to the address of the premises and the address provided in the application for service, if different.

TERMINATION OF ACCOUNT BY CUSTOMER

- 25 (1) A Customer is responsible for all charges accruing to the Customer's account until such time as the account is closed.
- (2) When a Customer gives notice to The City that the Customer's account is

to be closed, The City shall obtain a final reading of any meter as soon as reasonably practical and the Customer shall be liable for and pay for all service supplied prior to such reading. The City may base the final charge for service on an estimated meter reading which will be prorated from the time of an actual meter reading.

TERMINATION BY THE CITY UPON NOTICE

26 The City may discontinue the supply of any Utility Service for any of the following reasons, after notice has been given pursuant to Section 24:

- (a) non-payment of any Utility accounts;
- (b) inability of The City to obtain access to premises to read, service or inspect any meter;
- (c) failure or refusal of a Customer to comply with any provision of this Bylaw;
- (d) failure or refusal of a Customer to comply with the provisions of any statute or regulation, including the Alberta Building Code; or
- (e) in any other case provided for in this Bylaw.

TERMINATION WITHOUT NOTICE

27 (1) The City may discontinue the supply of a Utility Service without prior notice in the event of any threatened or actual danger to life or Property, or in any other similar circumstances that the City determines, in its sole discretion, acting reasonably, require such action

(2) The City may discontinue the supply of the Water Utility Service without prior notice for any of the reasons listed above or for any of the following reasons:

- (a) if the Customer has caused, permitted or allowed any piping, fixture, fitting, container or other appliance to be or remain connected to the water supply system which allows or has the potential to allow water from a source other than the Water Utility or any other harmful or Deleterious liquid or substance to enter the Water Utility;
- (b) failure by a Customer to notify The City within 24 hours after the seal on a bypass is broken;

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- (c) failure by a Customer to repair or replace a Backflow Preventer within ninety-six (96) hours of being so directed by The City;
- (d) in the event of an emergency or water shortage as The City deems necessary; or
- (e) in any other case provided for in this Bylaw.

REQUIREMENT FOR ACCOUNT

28 When the premises to which Utility Services is provided becomes vacant and no new application for service has been made, The City may terminate the contract and:

- (a) disconnect the Utility Service; or
- (b) in lieu of disconnecting the service, open a new Utility Service account in the name of the Property Owner and charge the fee set forth in Schedule D to open the account as well as other ongoing charges under Schedules B & C.

Nothing herein shall prevent the Property Owner from requesting that The City discontinue such Utility Service provided the Property Owner pays the service charge prescribed herein.

AUTHORIZATION TO ENTER PREMISES

- 29 (1) In accordance with the Municipal Government Act, The City may, after giving reasonable notice to the Property Owner or occupier of the Property, enter any Property upon which a meter or shut-off valve is situated for the purpose of providing, maintaining or terminating the supply of a Utility Service to that Property.
- (2) The Customer and the Property Owner are responsible to provide The City reasonable access to the meter, shut-off valve and other City infrastructure for the purpose of providing, maintaining or terminating the supply of a Utility Service.
- (3) The City may remove obstructions that are interfering with the performance of providing, maintaining or terminating the supply of a Utility Service and may charge the Customer or the Property Owner the costs associated with such removal. The City will use reasonable care to avoid damaging the obstruction during removal.
- (4) If The City cannot access the meter or shut off valve for any reason, The

City may charge a no access fee to the Customer or Property Owner as set forth in Schedule D.

SERVICE REMOVAL AND BUILDING DEMOLITION

- 30 (1) No Person shall cause, permit or allow a building to be demolished or removed until Utility Services to the Property are removed and any fee for such removal has been paid. Notwithstanding the foregoing, The City may, in circumstances which The City considers appropriate, permit the service to remain connected to the Utility Service line or main.
- (2) Utility charges will continue in accordance with the rates identified in this Bylaw until all occupiable buildings located on the Property have been demolished.

CONNECTION TO UTILITY SERVICE

- 31 (1) Within one year after a Utility Service becomes available, the owner of every building situated on land abutting on any street in which there is a Water Main or a Wastewater Sewer, shall at the owner's expense connect such building to the water system and install sanitation Facilities, where available, and connect the building to the Wastewater Sewer systems in accordance with the requirements and standards set out in the Alberta Building Code and elsewhere in this Bylaw.
- (2) The Property Owner shall provide The City with a completed application in the form approved by The City for a permit to make such connection. The application shall include any plans, or specifications as may be required by the City's Engineering Design Guidelines, or other information required by The City.
- (3) No Person may connect to a Utility Service until such time as payment has been made to The City by the Property Owner or prior owner in respect of the cost of construction of the Utility Service (including carrying charges) to serve the land owned or occupied by that Person, or until such Person has made other arrangements satisfactory to The City to pay that Person's proportionate share of those costs.
- (4) The rates, fees and additional charges imposed by The City in respect of The City's Water Utility or Wastewater Utility are intended to provide for just and reasonable costs for services for each Customer, so as to achieve a cost structure that is not contrary to the Municipal Government Act or other applicable legislation. Accordingly, The City's rates, and connection fees contemplated within subsection (3) above and (5) below, take into account such factors as, where applicable:

- (a) the size of the service requested and paid for;
 - (b) the size of any increased service requested;
 - (c) the nature and amount of the connection fee payable; and
 - (d) prior payment of capital costs of the Utility Service by a corresponding Property Owner or prior owner of the same lands including, without restriction, developer-paid costs and contributions to the capital costs of Utility Services.
- (5) Without restricting the foregoing, and subject always to subsection (6) below, The City's connection fees contemplated within subsection (3) and (4) above shall apply to:
 - (a) each parcel of land contained within an area of The City previously unserved by The City's Water Utility or Wastewater Utility and for which a new Water or Wastewater Service Connection is required or otherwise requested, excluding all those parcels of land contained within the exception areas contemplated within Section 32;
 - (b) each additional parcel which is subsequently subdivided out of any existing lands serviced by The City's Water Utility or Wastewater Utility, where a new Water or Wastewater Service Connection is required for the subdivided parcel;
 - (c) each case of a requested increase in the size and/or capacity of the Service Connection for The City's Water Utility and/or Wastewater Utility, requested by a Property Owner that is already a Customer;

in each case in the amounts and as more particularly set forth within Schedule D as a condition of connection to and commencement services of The City's Water Utility, Wastewater Utility and/or Storm Water Utility.
- (6) The connection fee specified in subsection (3), (4) and (5) above shall not apply to any parcel in respect of which The City has otherwise received or made arrangements to receive payment of an equivalent appropriate amount, whether through conditions of development, subdivision or otherwise, as determined by The City.
- (7) Notwithstanding subsection (1), The City shall have the discretion to extend the period of time within which the connection to the Water Main or

Wastewater Sewer must be made for such period of time as The City considers is reasonable and subject to review every 5 years or less, provided that such extension of time is consistent with City policies and Council direction, and also provided that the failure to connect:

- (a) will not jeopardize the health or safety of the Occupants of the building or of other City residents;
 - (b) will not adversely affect the integrity or operation of those utilities; and
 - (c) will not present an undue risk of damage to Property or the environment.
- (8) A Person who has been directed to connect their building to a Utility Service may appeal the direction pursuant to Section 23, Appeals.
- (9) Prior to connecting to a Utility Service, the Property Owner must open a Utility account and make payment of all application rates, fees and deposits that may be required under this Bylaw.
- (10) No Person shall uncover, make any connections with or opening into, use, alter, or disturb any Water Mains, City Water Service Connections, City Sewer Service Connections, Wastewater Sewer, Storm Water Sewer or appurtenances thereof, unless authorized by The City.
- (11) All Water Mains, Wastewater Sewers, and Storm Water Sewers located within The City's Property, right-of-way, or easement shall be constructed by The City's forces or its contractors and shall be maintained by The City.
- (12) All Private Water Service Connections, Private Sewer Connection infrastructure and Facilities on private Property shall be constructed and maintained by the owner's forces at their expense in accordance with the requirements of this Bylaw and the Alberta Building Code.

UTILITY CONNECTION & RATE EXCEPTIONS

- 32 (1) Notwithstanding Section 31 of this Bylaw, the owners of the following Property shall not be subject to payment of applicable connection fees for Water Utility, Wastewater Utility and/or Storm Water Utility Service Connection, as the case may be, prior to the hook-up of the corresponding Utility Service, and as a condition of commencement of such services:

- (a) Water Utility – all Property located on Cronquist Place, Cronquist

Drive, and Cronquist Close; and

(b) Wastewater Utility - all Property located on Cronquist Place, Cronquist Drive, and Cronquist Close.

(2) Any connection fee received by The City or arrangements made by the City to receive payment of an equivalent amount in respect of the property described in Section 32(1)(a) and Section 32(1)(b) above shall be refunded to the Property Owner and terminated as applicable.

(3) Without restricting Subsection 3 and 4 of Section 31, and notwithstanding Schedule B and C, all owners of Property within the following areas shall be subject to a special customer class and corresponding rate for services of The City's Water Utility and/or Wastewater Utility services, as the case may be, as a condition of provision of such services:

(a) Water Utility – all Property located on Cronquist Drive, Cronquist Place and Cronquist Close; and

(b) Wastewater Utility – all Property located on Cronquist Drive, Cronquist Place and Cronquist Close.

as more particularly set forth in Schedule F.

ABANDONED BUILDING SEWER CONNECTIONS

33 When any Wastewater or Storm Water Private Sewer Connection is abandoned, the Property Owner shall block the connection at the property line to prevent ground water or soil from washing into the City sewer connection. The remainder of the sewer system is to be abandoned in accordance with Provincial Regulations. Any existing septic tanks shall be abandoned by either complete removal, or by filling with sand or gravel.

SAMPLING AND MONITORING

34 (1) Where sampling is required for the purposes of determining the concentration of constituents in the Wastewater or Storm Water, the sample may:

(a) be collected manually or by using an automatic sampling device; and

(b) contain additives for its preservation.

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- (2) For the purpose of determining compliance with this Bylaw, discrete Wastewater or Storm Water streams within premises may be sampled, at the discretion of the Inspector.
- (3) The owner or operator of any industrial, commercial or Institutional premises or multi-story residential building shall at all times ensure that every Monitoring Access Point as required by this Bylaw is accessible to the Inspector for the purposes of observing, sampling and flow measurement.
- (4) Any single Grab Sample may be used to determine compliance with any provision of this Bylaw.
- (5) All tests, measurements, analyses and examinations of Wastewater or Storm Water, its characteristics or contents pursuant to this Bylaw shall be carried out in accordance with Standard Methods and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of the Inspector as agreed in writing prior to sample analysis.
- (6) The following businesses require Sampling Ports when it is not possible to install a Monitoring Access Point:
 - (a) dental offices;
 - (b) businesses using photographic processing equipment; or
 - (c) any other businesses deemed necessary by the Inspector.

SPILLS

- 35 (1) In the event of a Spill on the ground or to a Wastewater and/or Storm Water Sewers, the Person responsible for the Spill or the Person having the charge, management and control of the Spill shall immediately notify and provide any requested information with regard to the Spill to:
- (a) 911 emergency if there is any immediate danger to human health and/or safety; or
 - (b) if there is no immediate danger:
 - (i) The City by contacting the Environmental Services Source Control 24 Hour # 403-342-8750;
 - (ii) the owner of the Property where the release occurred; and
 - (iii) any other Person whom the Person reporting knows or ought to know may be directly affected by the release.

- (2) Thereafter, that Person shall provide a detailed report on the Spill to The City, within five working days after the Spill, containing the following information to the best of their knowledge:
 - (a) name and telephone number of the Person who reported the Spill and the location and time where they can be contacted;
 - (b) location where Spill occurred; date and time of Spill; material spilled; characteristics and composition of material spilled; volume of material spilled; duration of Spill event;
 - (c) work completed and any work still in progress in the mitigation of the Spill;
 - (d) preventive actions being taken to ensure a similar Spill does not occur again; and copies of completed Spill prevention and Spill response plan.
- (3) The Person responsible for the Spill, the Person having the charge, management and control of the Spill and the owner of the Property where the Spill occurred shall do everything reasonably possible to contain the Spill, protect the health and safety of citizens, minimize damage to Property, protect the environment, clean up the Spill and contaminated residue, and restore the affected area to its condition prior to the Spill.
- (4) Nothing in this Bylaw relieves any Persons from complying with any notification or reporting provisions of:
 - (a) other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the Spill; or
 - (b) any other Bylaw of The City.
- (5) The City may invoice the Person responsible for the Spill, the Person having the charge, management and control of the Spill and/or the owner of the Property where the Spill occurred to recover all costs arising as a result of the Spill and such Person(s) shall pay the costs invoiced.
- (6) The City may require the Person responsible for the Spill, the Person having the charge, management and control of the Spill and/or the owner of the Property where the Spill occurred to prepare and submit a Spill contingency plan to indicate how risk of future incidents will be reduced and how future incidents will be addressed.

POWER AND AUTHORITY OF INSPECTORS

- 36 (1) An Inspector or other designated officer of The City may in accordance with this Bylaw and the Municipal Government Act:
- (a) enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Bylaw.
 - (b) take samples of Wastewater, Storm Water, clear-water waste and Subsurface Water being released from the premises or flowing within a private drainage system;
 - (c) perform on-site testing of the Wastewater, Storm Water, clear-water waste and Subsurface Water within or being released from private drainage systems, Pre-treatment Facilities and Storm Water management Facilities;
 - (d) make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
 - (e) require information from any Person, inspect and copy documents or remove documents from premises to make copies, concerning any potential violation of this bylaw;
 - (f) inspect chemical storage areas and Spill containment Facilities and request Material Safety Data Sheets (MSDS) for materials stored or used on site;
 - (g) inspect the premises where a release of prohibited or restricted Wastes or of water containing prohibited or restricted Wastes has been made or is suspected of having been made, and to sample any or all matter that in their opinion could have been part of the release.
- (2) Where an inspection discloses any failure, omission, or neglect respecting any Utility Service upon the Customer's premises, or discloses any defect in the location, construction, design or maintenance of any facility or any connection there from to the Utility Service, the Person making such inspection shall, in writing, notify the Customer, Property Owner, proprietor or occupier to rectify the cause of complaint within a reasonable time as determined by The City. Such notified Person shall within the time limited rectify such cause of complaint stated in the notice.

- (3) No Person shall hinder or prevent the Inspector or designated officer of The City from carrying out any of their powers or duties.
- (4) The City may serve any Person who is in violation of any provision of this Bylaw with written notice stating the nature of the violation and requiring the satisfactory correction thereof within 48 hours, or within such additional time as required by this Bylaw or as determined by The City. Such Person shall, within the time stated in such notice, permanently cease all violations.

OFFENCES AND PENALTIES

37 (1) Any Person who:

(a) breaches any of the following sections of this Bylaw:

- (i) Section 31, Connection to Utility Service;
- (ii) Section 35, Spills;
- (iii) Section 42, Water Use Restrictions
- (iv) Section 43, Wastage
- (v) Section 45, Unauthorized Use of Water
- (vi) Section 47, Pressure Surges
- (vii) Section 48, Contamination
- (viii) Section 54, Bypasses
- (ix) Section 56, Protection of Meter
- (x) Section 62, Use of Groundwater Wells
- (xi) Section 63, Fire Protection Service
- (xii) Section 64, Fire Hydrants
- (xiii) Section 70, Requested Water Shut Off
- (xiv) Section 71, Backflow Preventer
- (xv) Section 74, Prohibited Disposal of Wastewater;
- (xvi) Section 80, Storm Water / Ground Water Discharge to Wastewater Sewer;
- (xvii) Section 81, Prohibited Substances in Wastewater;
- (xviii) Section 83 (3), Overstrength Surcharge;
- (xix) Section 85, Dental Amalgam Separator;
- (xx) Section 86, Grease, Oil, & Solids Interception;
- (xxi) Section 87 (2), Customer Self-Monitoring;
- (xxii) Section 91, Hauled Wastewater;
- (xxiii) Section 98, Prohibited Storm Water Sewer Use;
- (xxiv) Section 99 (1), Discharge of Prohibited Substances; or
- (xxv) Section 114, Hazardous Waste, Dangerous Goods, Special Waste;

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- (b) fails to act in compliance and accordance with any notice given under this Bylaw;
- (c) obstructs an Inspector;
- (d) releases Wastewater improperly;
- (e) discharges water, without a permit, to the Wastewater or Storm Water Sewer systems that was not provided by The City; or
- (f) knowingly makes false statements, records, reports, plans or other documents filed or required to be maintained pursuant to this Bylaw, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Bylaw

shall be guilty of an offence and upon summary conviction shall be liable to pay court costs plus a penalty of:

- (i) \$250 for the first occurrence of such offence;
 - (ii) \$1,000 for the second occurrence of such offence;
 - (iii) \$2,500 per occurrence for any subsequent occurrence; and
 - (iv) in default of payment of the penalty, to imprisonment for up to 6 months.
- (2) Any Person who breaches any other provision of this Bylaw shall be guilty of an offence and upon summary conviction shall be liable to pay court costs plus a penalty of:
- (a) \$100 for the first occurrence of such offence;
 - (b) \$500 per occurrence for any subsequent occurrence of the offence; and
 - (c) in default of payment of the penalty, imprisonment for up to 30 days.
- (3) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount of not less than that established by this Bylaw for each such day.

- (4) A Peace Officer or Bylaw Enforcement Officer who has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, may serve upon such Person an offence ticket allowing the payment of the specified penalty to The City which payment will constitute a guilty plea and shall be accepted by The City in lieu of prosecution for the offence.

PART 3 - WATER UTILITY

WATER SERVICE BILLING RATES

- 38 (1) A Water Utility Customer shall pay the amounts specified in this Bylaw and in Schedules B and D for all water supplied and Water Utility Services provided.
- (2) The City shall determine which rate in Schedule B and D shall apply to any particular Customer.
 - (3) The rate payable by a Customer as set out in Schedule B of this Bylaw for all water supplied shall be determined by reference to the size and the reading of the water meter supplied to each Customer.
 - (4) Where a Remote Reading Device is installed in addition to the water meter, the water meter shall be used to determine the official reading.

CONNECTION TO CITY WATER SUPPLY

- 39 In the case of a new Private water Service Connection to a City water Service Connection that is 38 mm or larger in diameter, the Customer shall provide, at the Customer's expense, proof of satisfactory bacteriological test results (as per ANSI/AWWA C651-05) for the service, from a laboratory accredited to perform such tests by the Province of Alberta.

CONTINUOUS WATER SUPPLY NOT GUARANTEED

- 40 (1) The City does not guarantee the pressure nor the continuous supply of water and The City reserves the right at any and all times without notice to change operating water pressures and to shut off water. The City and its officers, employees and agents shall not be liable for any damages of any kind due to changes in water pressure, the shutting off of water, or by reason of the water containing sediments, deposits or other foreign matter.
- (2) Customers depending upon a continuous and uninterrupted supply or pressure of water or having processes or equipment that require

particularly clear or pure water shall provide such Facilities as they consider necessary to ensure a continuous and uninterrupted supply or pressure or quality of water required for their use.

INSPECTION OF PREMISES

- 41 (1) The City may inspect the premises of a Customer who applies to The City for the supply of water in order to determine if it is advisable to supply water to such Customer.
- (2) The City may, with the permission of the Customer, inspect the premises of the Customer in order to do any tests on water piping or fixtures belonging to such Customer so as to determine if this Bylaw is being complied with and in the event that such Customer fails or refuses to give such permission, the supply of water to that Customer may be shut off.

WATER USE RESTRICTIONS

- 42 (1) The City may, at such times and for such lengths of time as The City considers necessary or advisable, regulate, restrict or prohibit the use of water for use other than human consumption. The City may cause the water supply to any Customer who causes, permits or allows irrigation, wastage, exterior washing, or other non-human consumption in contravention of any such regulation, restriction or prohibition to be shut off until the Customer undertakes to abide by and comply with such regulation, restriction or prohibition.
- (2) No Customer shall operate, use, interfere with, obstruct or impede access to the Water Utility Service or any portion thereof in any manner not expressly permitted by this Bylaw, in default of which The City may cause the water being supplied to such Customer to be shut off until such Customer complies with all of the provisions of this Bylaw.

WASTAGE

- 43 (1) No Customer shall cause, permit or allow the discharge of water so that it runs useless, whether by reason of leakage from Private Service Connection, a faulty plumbing system or otherwise.
- (2) Notwithstanding the foregoing, The City may under such condition as The City may consider reasonable allow water discharge for the purposes of:
- (a) the installation and maintenance of infrastructure, including the flushing of Water Mains, hydrant leads and City Service Connections to prevent stagnation and/or to remove Deleterious

materials;

- (b) preventing the freezing of Water Mains, hydrants leads, irrigation systems and services connections;
- (c) conducting water flow tests;
- (d) firefighting and associated training programs; or
- (e) other purposes as deemed necessary by The City.

REQUIREMENT TO USE LOW-FLOW PLUMBING FIXTURES

- 44 (1) Any Person installing plumbing fixtures for any new construction or renovation project that requires a plumbing permit for a residential, commercial, industrial, or Institutional structure shall install only Low-flow Plumbing Fixtures.
- (2) The requirements of subsection (1) shall not apply to plumbing Facilities installed for safety or emergency purposes including emergency safety showers and face / eye wash stations.

UNAUTHORIZED USE OF WATER

- 45 (1) No Customer shall:
- (a) sell water supplied hereunder;
 - (b) use or apply any water to the use or benefit of others or to any other than the Customer's own use and benefit;
 - (c) increase the usage of water beyond that agreed upon with The City; or
 - (d) extract or remove any water from any hydrant within the City;
- without first obtaining written permission from The City and subject to such reasonable conditions as The City may impose with respect to the quantity, price and times of withdrawal of the water so used.
- (2) During such periods as the City Manager may designate by notice published in a newspaper in the City,
- (a) no Customer shall use, permit, or allow to be used, any water supplied to any premises, the numerical address of which (excluding street name) ends in odd number, for vehicle washing,

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lawn watering or other irrigation purposes on any day of the month which is an even number;

- (b) no Customer shall use, permit, or allow to be used any water supplied to any premises, the numerical address of which (excluding street name) ends in an even number for vehicle washing, lawn watering, or other irrigation purposes, on any day of the month which is an odd number;
- (3) During such period as The City by notice published in a newspaper may designate, no Customer shall use, permit, or allow to be used, any water supplied to any premises for vehicle washing, lawn watering or other irrigation purposes.
- (4) If the City finds an unauthorized use of water including use resulting from any tampering with a meter or other Facilities, the City may make such changes in its meters or other Facilities, or take such other corrective action, as may be appropriate to ensure only authorized use. The Customer shall pay all costs of such action necessary to remedy any violation of the law caused by the Customer.
- (5) Upon finding an unauthorized use of water, the City may disconnect the service connection immediately, without notice, and shall charge the Customer all costs incurred in correcting the condition, in addition to any other rights and remedies which may be available to the City.

INVESTIGATION INTO WATER SUPPLY SERVICE FAILURE

- 46
- (1) Any Customer that notifies The City of a failure or interruption of water supply, the investigation of which necessitates the excavating of a street shall, prior to excavating, deposit with The City the costs thereof as estimated by The City, or sign a work order, agreeing to pay such costs, at the discretion of The City.
 - (2) If such failure or interruption was caused by the City Water Service Connection the Customer shall not be liable for such costs and any deposit paid shall be refunded.
 - (3) If such failure or interruption was caused by the Private Water Service, the actual cost of such work shall be paid by the Customer and the deposit shall be applied thereto; any excess shall be refunded to the Customer and any deficiency shall be collected in the same manner as water rates.

PRESSURE SURGES

- 47 No Customer shall cause, permit or allow any apparatus fitting or fixture to be or remain connected to the Customer's water supply or to be operated which causes pressure surges or other disturbances which may in the opinion of The City, result in damage to other Customers or to the Water Utility Service.

CONTAMINATION

- 48 No Customer shall cause, permit or allow to be or remain connected to the Customer's water supply system any piping, fixture, fitting, container or other appliance which may cause water from a source other than the Water Utility Service or any liquid or substance to enter the Water Utility Service. The City may cause the water supply to any Customer contravening the provisions of this section to be shut off provided that The City shall, if The City considers it practicable so to do, give notice to such Customer prior to such water supply being shut off. The water supply to such Customer shall not be restored until such Customer has paid to The City all costs associated with the shutting off of the water supply, the clean-up of contamination and the remedying of the Customer's default under this section.

MEASUREMENT BY METER

- 49 All water supplied by The City to a Customer shall be measured by a meter unless otherwise provided for in this Bylaw.

METER INSTALLATION AND MAINTENANCE

- 50 (1) Customers who require the installation of more than one meter shall pay a fee as set forth in Schedule D for each additional meter.
- (2) The City may change a Customer's meter(s) with notice given pursuant to Section 24.

INSTALLATION RESPONSIBILITY

- 51 (1) Water meters supplied by The City which are 50 millimetres in size or smaller shall be installed by The City with no direct charge to the Customer.
- (2) Water meters supplied by The City which are larger than 50 millimetres in size shall be installed at the expense of the Customer.
- (3) The Customer shall provide for the installation of a water meter to the

satisfaction of The City and when required shall install a properly valved bypass.

- (4) For water meter installation within a building, the Customer shall provide a suitable site for such installation near a main shut off, to the satisfaction of The City and in accordance with the City of Red Deer Design Guidelines.
- (5) The Customer shall ensure that employees or agents of The City have clear access to meter areas and water meters for meter testing and reading purposes.
- (6) Unless The City otherwise approves, The City shall not be obligated to supply more than one water meter for any one building. If additional water meters are approved, a separate curb stop will be required for each additional water meter.(7) A separate water meter shall be installed for each of the two dwelling units contained within a duplex residential building and a separate curb stop will be required for each water meter.
- (7) A separate water meter shall be installed for each of the two dwelling units contained within a duplex residential building and a separate curb stop will be required for each meter.
- (8) Any Customer whose water is not metered, or whose meter is not positioned to the satisfaction of The City, shall make proper provision for a meter to be installed or the meter to be moved as the case may be, all costs of which shall be paid by the Customer.

METER CHAMBER

52 When in the opinion of The City, the premises to be supplied with water are too far from the City Service Connection to conveniently install a meter in the premises, or if a number of buildings are to be so supplied or for any other reason in the opinion of The City, then the Customer shall, at the Customer's sole cost, construct and maintain a container for a meter and such container shall in all respects including location, construction size, access and otherwise howsoever be satisfactory to The City.

METER SIZE

53 The size of the meters shall be determined as follows:

- (a) if the internal diameter of the Private Service is 25 millimetres or less, a 16 millimetre meter shall be used; or
- (b) if the internal diameter of the Private Service exceeds 25

millimetres, the size of the meter shall be one size smaller than the size of the Private Service; or

- (c) if the Private Water Service is a Combined Service, the internal diameter of the Private Water Service branch to be used for purposes other than fire protection shall determine the meter size as set out in subsections (a) and (b) of this section.

BYPASSES

- 54 Any Customer having a water meter 50 millimetres in size or larger shall at the Customer's own expense construct and maintain a properly valved bypass satisfactory to The City which bypass shall be sealed by The City and shall be opened by the Customer only in case of emergency. The Customer shall notify The City within 24 hours after the seal on the bypass is broken, failing which The City may cause the water supply to such Customer to be shut off until satisfactory arrangements have been made for the calculation of and payment for water supplied and not recorded on the meter.

METER VALVING

- 55 Any Customer having a meter smaller than 50 millimetres in size shall, at the Customer's sole cost and expense, supply and maintain valves on both sides of and within 300 millimetres of the meter.

PROTECTION OF METER

- 56 (1) The Customer shall provide adequate protection for the meter supplied by The City and any associated valves or pipes against freezing, heat or any other internal or external damage of any kind which may affect the operation of the water meter or meters, failing which the Customer shall pay to The City all costs associated with the repair of such meter or associated valves & pipes which amount shall be recoverable in the same manner as all other costs and charges provided for under this Bylaw.
- (2) No Person other than an authorized City employee shall install, test, repair, remove, disconnect, reconnect a meter unless specifically authorized to do so in writing by The City.
- (3) No Person shall break, tamper or interfere with any meter or facility.
- (4) The Customer shall notify The City immediately whenever a water meter is

not operating or if any part of a meter becomes damaged or broken.

- (5) The Customer is responsible for the safe keeping of any water meter and any Remote Reading Device that is installed on the Customer's premises.
- (6) The Customer shall pay the cost of repairing or replacing any water meter or metering accessories supplied and installed by The City that may be damaged from any causes or any other cause within the control of the Customer.
- (7) The Customer shall notify The City within 24 hours if the seal on the bypass valve or a water meter is broken for emergency purposes or any other purpose.

NON-REGISTERING METER

- 57
- (1) If, upon the reading of a meter, it is determined that the meter has failed to accurately record the consumption of the Utility Service supplied then the consumption will be estimated upon such basis that The City considers to be fair and equitable and the account rendered pursuant to Section 18.
 - (2) Where it has been determined by The City that the meter is not accurately recording the consumption of a Utility Service, The City may enter the premises to replace the meter, on notice to the Customer pursuant to Section 24.

TESTING OR CALIBRATION OF DISPUTED METERS

- 58
- (1) A Customer who disputes a meter reading shall give written notice to The City.
 - (2) Following receipt of written notice; the water meter situated on the Customer's premises shall be tested or calibrated by a qualified Person designated by The City. If the meter is found to be accurate within 98.5% to 101.5% of the water passing through it, the expense of such test or calibration shall be borne by the Customer in the amount designated in Schedule D.
 - (3) If the meter is found not accurate within the above limits it shall forthwith be repaired or be replaced by one that is accurate and the expense thereof shall be borne by The City.
 - (4) If a meter is found not to be accurate within the aforesaid limits then any meter handling and testing fees paid by the Customer shall be refunded, and the billings adjusted.

- (5) Where an examination of past meter readings or other information does not disclose the time at which the meter error commenced, then the meter error shall be deemed to have commenced twelve months prior to the date the meter was tested or from the date upon which the meter was installed, whichever is less.

METER READING

- 59 (1) A Customer shall permit The City to perform meter reading using automated monitoring equipment. Additional fees may apply for on-site meter reading and manual account adjustment, as set out in Schedule D if a Customer does not allow automated metering infrastructure to be installed within their premises.
- (2) The City shall endeavour to read the meters once every month, or at such other intervals as are reasonable and practicable under the circumstances. If The City cannot gain access safely to read the meter as aforesaid, the consumption of the Utility Service shall be estimated upon such basis as The City considers to be fair and equitable and the account rendered in accordance with such estimate. Each meter shall be read at least once per year and if such reading cannot be obtained, The City may discontinue any or all Utility Services supplied to the premises, until such time as The City is able to obtain an actual meter reading.
- (3) The City may shut off the water supply to a Customer who refuses to provide a water meter reading or access to perform a water meter reading after notice has been given pursuant to Section 24.
- (4) The Customer shall ensure that access to the meter is safe, well lit, and free of hazards to the Person reading the meter.
- (5) The City may require a water meter to be either tested on site or removed for testing by a Person authorized by The City at any time. The City may discontinue any or all Utility Services supplied to the premises until such time as a Person authorized by The City is able to obtain access to test the meter or remove it for testing.

ADDITIONAL METER READS

- 60 When a Customer requests a meter reading at a time other than the regular scheduled time for meter reading, the Customer may be assessed a fee as set forth in Schedule D for such reading. Provided, however, if upon such reading, it is determined that the previous billed meter reading is incorrect, no fee shall be required.

PRIVATE SERVICES

- 61 All Persons doing any work or service upon a Private Water Service or the plumbing system attached to it shall comply with the provisions of the Alberta Building Code and any applicable bylaws. A Private Water Service shall be buried to a depth of at least 2.7 metres to prevent freezing.

USE OF GROUNDWATER WELLS

- 62 Once a parcel of land is connected to City Water Service, any groundwater wells within such Property must be abandoned unless otherwise approved in writing by The City. Such approval would be subject to cross-connection control, flow measurement and periodic inspection, as stipulated by The City.

FIRE PROTECTION SERVICE

- 63 (1) A Fire Line shall be used only for fire protection purposes and a water line which provides combined domestic service and Fire Line service shall not be installed without the prior approval of the Fire Chief.
- (2) The City shall determine whether or not a meter shall be affixed to a Fire Line. If required, the meter shall be supplied and installed in a manner satisfactory to The City at the Customer's expense.

FIRE HYDRANTS

- 64 (1) Unless authorized by The City, no Person shall:
- (a) open or close any fire hydrant or valve;
 - (b) connect any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance; or
 - (c) use water from a fire hydrant, regardless of whether that hydrant is located on private or public Property, for any purpose other than fire protection.
- (2) All fire hydrants are to be numbered and painted to The City's standard. The City may provide this service upon request, as per the rates in Schedule D. This information can be provided upon request to the Environmental Services Department.
- (3) No Property Owner or Occupant of a parcel or premises shall allow the

access to a fire hydrant located on or adjacent to that parcel or premises to be obstructed in any manner, whether by the building or erection of any structure or the accumulation of any building material, rubbish or other obstruction.

- (4) No Property Owner or Occupant of a parcel or premises shall allow anything on the parcel or premises to interfere with the operation of a fire hydrant located on or adjacent to that parcel or premises.
- (5) All Persons who own Property on which a fire hydrant is located or own Property which is adjacent to City owned Property on which a fire hydrant is located shall:
 - (a) maintain a one (1) metre clearance on each side of a fire hydrant;
 - (b) not permit anything to be constructed, erected, or placed within the clearance area;
 - (c) not permit anything except grass to be planted within the clearance area; and
 - (d) maintain visibility of hydrants from the nearest access road.

PERMIT TO USE WATER FROM A FIRE HYDRANT

- 65
- (1) The City may authorize the use of a fire hydrant and the use of water from a fire hydrant on a temporary basis where no other supply of water can reasonably be obtained.
 - (2) The City will, as a condition for the use of a fire hydrant and the use of water from a fire hydrant, require that the water pass through a water meter and backflow prevention device prior to use.
 - (3) Any Person authorized to use a fire hydrant shall obtain a hydrant connection permit from The City and ensure that a copy of such permit is kept with the Persons utilizing the hydrant and they must produce the hydrant connection permit to an employee or agent of The City immediately upon demand. A minimum of 30m³ of usage will be charged per day if weekly meter reads are not submitted.

TEMPORARY WATER SERVICE

- 66
- Any Persons requiring a temporary water supply during the course of construction shall apply to The City and shall pay the sums required in Schedule B and D, which may include installation and removal of service

water meter and Backflow Preventer and water consumption charges. A minimum of 30m³ of usage will be charged per day if weekly meter reads are not submitted.

THAWING SERVICES

67 (1) The cost of thawing a frozen service shall be borne as follows:

- (a) by the Customer if the Private Water Service or the plumbing system connected thereto is frozen, as determined by The City;
 - (b) by the Customer if the City Water Service Connection is frozen as a result of the negligence of the Customer, as determined by The City;
 - (c) by The City if the City Water Service Connection is frozen for any other reason, as determined by The City.
- (2) If The City is of the opinion that a Private Water Service or plumbing system has frozen without any negligence on the part of the Customer or any other Person for whose negligence the Customer is responsible, The City may waive the cost of one thawing during any one winter season which shall be deemed to run from October 15th to May 15th.
- (3) The City shall not thaw a Private Water Service or plumbing system unless the Customer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to Property including Private Water Service or plumbing system and may cause damage to electrical systems or the outbreak of fire and waiving any claim against The City for any such damage whatsoever except damage caused by the negligence of The City.

SERVICE SIZE

68 The size of the service required for residential purposes shall be determined in accordance with the Alberta Building Code, provided that The City shall not install a service having a size smaller than 25 mm.

BOILERS

69 In any case where a steam boiler or equipment of a nature similar to that of a steam boiler is supplied directly from a service, such boiler or other equipment shall be equipped with at least one safety valve, vacuum valve or other device sufficient to prevent the collapse or explosion thereof in the event the water supply thereto is shut off.

REQUESTED WATER SHUT OFF

- 70 (1) No Person shall turn a water Service Valve on or off except as authorized by the Director of Development Services.
- (2) No Property Owner of a parcel or premises shall allow a water Service Valve to be turned on or off except as authorized by The City.
- (3) If a Customer requires the supply of water to be shut off for their own purposes, the Customer shall submit a request to The City and pay The City the amount specified in Schedule D.

BACKFLOW PREVENTER

- 71 (1) Where in the opinion of The City, the configuration of any water connection creates a high risk for contamination to the water system, the Customer, upon being given notice by The City, shall install on their water service an approved Backflow Preventer at the Customer's sole cost at all identified sources of potential contamination.
- (2) No Customer or other Person shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fittings, container or appliance, in a manner which under any circumstances, may allow contaminated or Polluted Water, Wastewater, or any other liquid, chemical or substance to enter the domestic water system.
- (3) If a condition is found to exist which is contrary to subsection (2), The City may issue such order or orders to the Customer as may be required to obtain compliance with subsection (2).
- (4) All Backflow Preventers shall be inspected and tested at the expense of the Customer, upon installation, and thereafter annually, or more often if required by The City; by Personnel approved by The City to carry out such tests, to demonstrate that the device is in good working condition. The Customer shall submit a report in a form approved by The City for all tests performed on a Backflow Preventer within thirty (30) days of a test and a record card issued by The City shall be displayed on or adjacent to the Backflow Preventer. The tester shall record thereon the name and address of the owner of the device; the location, type, manufacturer, serial number and size of the device; and the test date, the tester's initials, the tester's name (if self-employed) or the name of the testers employer and the tester's license number.
- (5) When the results of a test referred to in subsection (4) show that a

Backflow Preventer is not in good working condition, the Customer shall, repair or replace the device within ninety-six (96) hours. If the Customer fails to comply with the direction given, The City may shut off the water service or water services.

- (6) If a Customer fails to have a Backflow Preventer tested, The City may notify the Customer that the Backflow Preventer must be tested within ninety-six (96) hours of the Customer receiving the notice.
 - (a) if a Customer fails to have a Backflow Preventer tested within the time provided in subsection(4), The City may cause the water service or water services to be terminated until the Backflow Preventer has been tested and approved as required by Section 71 of this Bylaw.
- (7) No Person shall turn on a water Service Valve to provide water to the Occupants of any newly renovated, constructed, or reconstructed premises until the plumbing system in such premises has been inspected for Cross Connections and approved by The City
- (8) No Persons other than those who have achieved journeyman plumber or "Certificate of Competency" in an accredited program of Alberta may conduct the tests on Backflow Preventers.

PART 4 - WASTEWATER UTILITY

WASTEWATER UTILITY SERVICE LEVY AND BILLING RATES

- 72 The City hereby levies on all Persons owning or occupying Property connected with The City's Wastewater Sewer system a fixed Wastewater charge plus a variable charge based on the volume of Wastewater contributed by the Customer, to be paid monthly as determined by The City calculated using the rates set forth in Schedule C.

WASTEWATER CONNECTION EXCEPTIONS

- 73 Notwithstanding Section 72, The City shall have the right to make special agreements on terms fixed by The City with certain industries or others to whom large quantities of water are sold but whose uses of such water do not involve the return of comparable amounts of Wastewater to The City's Wastewater Sewer system.

PROHIBITED DISPOSAL OF WASTEWATER

- 74 (1) No Person shall place, deposit, dump or permit Wastewater, Dangerous Goods, or any other Waste, to be deposited in any manner upon public or private Property within the City or in any area under the jurisdiction of The City.
- (2) No Person shall discharge to any watercourse within the City or to any area under the jurisdiction of The City, any Wastewater, Industrial Waste, Dangerous Goods, or Polluted Waters, except where suitable pre-treatment is provided.
- (3) Except as permitted by this Bylaw or the Alberta Building Code, no Person shall construct or maintain in the City any privy or pit toilet, septic tank, cesspool, or other facility intended or used for the collection or disposal of Wastewater.

CLEANOUTS

- 75 A Building Sewer that is connected to a Wastewater Sewer shall be equipped with a main Cleanout with a minimum diameter of 100 mm located not more than 25 m from Property line. The main Cleanout shall be located as close as practical to the point where the Wastewater Sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (2 metres) for effective rodding and cleaning. The building Wastewater Sewer from Cleanout to Property line is to be as straight as possible. A maximum of one 45° bend is permitted for the Cleanout and a maximum of one additional 45° bend may be used between the Cleanout and Property line. Total angle of all bends shall not exceed 90°.

BACKFLOW VALVES

- 76 All Wastewater plumbing fixtures and floor drains set below the highest level of the ground surface adjacent to the premises shall be protected from backflow by an approved Wastewater Backflow Valve.

PLUGGED WASTEWATER SEWERS

- 77 (1) When a Sewer backup occurs, a Customer shall be responsible for contacting a plumbing firm to arrange for the blockage to be cleared.
- (2) When the cause of the blockage is determined to originate from the portion of the Sewer that the City is responsible for under this Bylaw, The City shall reimburse the Customer the actual costs incurred by the Customer to clear the blockage. Such reimbursement may be limited to a

maximum amount of up to three (3) hours at the rates identified in Schedule D.

- (3) When the cause of the blockage is determined to originate from the portion of the Sewer that the Customer is responsible for under this Bylaw, the Customer shall be responsible for removing the blockage and any and all costs associated with doing so.
- (4) Where the dispute exists as to the responsibility of sewer failures or blockage, a video inspection or an electronic line location may be performed in an attempt to determine the location of the problem. All costs associated with such a determination shall be borne by the party responsible for maintaining the portion of the sewer where the cause of the problem is found to originate
- (5) The Customer or plumbing firm on behalf of the Customer, shall notify The City if the plumber is unable to clear a blockage within the Sewer Connection.

TREES AND ROOTS

- 78 (1) Deep rooting trees shall not be planted within 6 metres of Wastewater Sewer mains or services.
- (2) Tree roots infesting and/or blocking a sewer shall be the responsibility of the party responsible for maintaining the portion of the sewer where the cause of the infesting and/or blocking originated.

CONNECTION TO WASTEWATER SEWER

- 79 No weeping tile, Sump pump or eavestrough downspout system shall be connected to any Wastewater Sewer unless approved in writing by The City.

STORM WATER / GROUND WATER DISCHARGE TO WASTEWATER SEWER

- 80 No Person shall discharge, or cause to be discharged, Storm Water, surface water, ground water, roof run-off, subsurface drainage, or Cooling Water to any Wastewater Sewer, unless:
- (a) upon the application of the Customer The City determines that exceptional conditions prevent compliance with the foregoing provisions and authorizes such discharge; and
 - (b) the discharge is in accordance with a validated Wastewater Discharge Dewatering Permit.

PROHIBITED SUBSTANCES IN WASTEWATER

81 No Person shall discharge or permit to be discharged into any Wastewater Sewer:

- (a) any solid or viscous substance capable of causing obstruction, or other interference with the operation of the Wastewater system, including Dangerous Goods, Hazardous Waste, Biological Waste, Combustible Waste, Biomedical Waste, Reactive Waste, elemental mercury, prescription or illegal drugs, soil, PCBs, Pesticides, Radioactive Materials, hair, grease, oil, cigarettes, ashes, cinders, sand, potters clay, resin, mud, straw, metal, glass, rags, feathers, tar, plastics, wood, grass clippings, insoluble shavings, asphalt, creosote, bone, hide, eggshells, meat and fat trimmings or Waste, baking dough, chemical residues, spent grain and hops, whole food, garbage, paint residues, cat box litter, animal tissues, manure, blood, or Sharps;
- (b) Wastewater having a pH lower than 6.0 or higher than 10.5, or having any other corrosive Property capable of causing damage or hazard to structures, equipment, and Wastewater treatment processes;
- (c) Wastewater containing substances in concentrations exceeding the following:

(i)	Antimony	1.0 mg/L
(ii)	Arsenic	1.0 mg/L
(iii)	Barium	3.0 mg/L
(iv)	BTEX	1.0 mg/L
(v)	Boron	1.5 mg/L
(vi)	Cadmium	0.05 mg/L
(vii)	Chromium	1.0 mg/L
(viii)	Chlorinated Hydrocarbons	0.02 mg/L
(ix)	Copper	0.5 mg/L
(x)	Cyanide	1.0 mg/L
(xi)	Hydrocarbons	50 mg/L
(xii)	Lead	1.0 mg/L
(xiii)	Manganese	1.0 mg/L
(xiv)	Mercury	0.1 mg/L
(xv)	Nickel	0.5 mg/L
(xvi)	Phenolic Compounds	0.1 mg/L
(xvii)	Selenium	1.0 mg/L
(xviii)	Silver	1.0 mg/L

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(xix)	Sulphide	1.0 mg/L
(xx)	Zinc	1.0 mg/L
(xxi)	Total Suspended Solids (TSS)	4,800 mg/L
(xxii)	Biochemical Oxygen Demand (BOD)	4,800 mg/L
(xxiii)	Chemical Oxygen Demand (COD)	9,600 mg/L
(xxiv)	Total Phosphorus	150 mg/L
(xxv)	Total Kjeldahl Nitrogen	400 mg/L
(xxvi)	Oil and Grease - animal, vegetable	500 mg/L
(xxvii)	Oil and Grease - synthetic hydrocarbon	50 mg/L
(xxviii)	Phosphates	100 mg/L

- (d) Wastewater containing hydrogen sulphide, carbon disulphide, reduced sulphur compounds, amines or ammonia;
- (e) Wastewater containing dyes or colouring materials which may or could pass through a Wastewater treatment plant and discolour the Wastewater effluent;
- (f) Wastewater above 75 degrees Celsius;
- (g) any substance which:
 - (i) is or may become harmful to any recipient water course or collection system or part thereof or will cause a violation or noncompliance event in the Operating Approval for the Wastewater Treatment Plant;
 - (ii) may interfere with the proper operation or maintenance of the Wastewater system, disposal of biosolids, or any Wastewater treatment process or cause damage to the Wastewater Works or Wastewater treatment plant;
 - (iii) grit removed from commercial or industrial premises including but not limited to grit removed from car washing establishments, automobile garages and restaurant Sumps or from Interceptors;
 - (iv) will be discharged in layers or will form layers upon interaction with other Wastewater;

DISCHARGE OF PROHIBITED SUBSTANCES

- 82 (1) Any Person responsible for or aware of the discharge of prohibited substances in the Wastewater system shall immediately report to The City in order that the necessary precautions can be taken to minimize the

Deleterious effects of the discharge. Such Person must also make other required reports to Alberta Environment and any other governing body.

- (2) If testing of Wastewater shows that it is noncompliant with this Bylaw, The City may direct the Customer to comply with the Bylaw and may, in addition, direct the Customer at its expense to install such monitoring and recording equipment as The City deems necessary and to provide to The City the results of said monitoring as required.
- (3) Any Person who contravenes any of the provisions of Section 81, 82, 83 or 85 shall, in addition to any penalty for infraction of this Bylaw, be liable to and shall on demand pay to The City all costs of monitoring, sampling, testing, and removing any contamination resulting from the discharging of any such substances into a Wastewater Sewer, and for any other amount for which The City may be held liable because of such contamination.

OVERSTRENGTH SURCHARGE

- 83 (1) A Person who has discharged, caused, or permitted Wastewater to be discharged into any Wastewater Sewer containing constituents exceeding the concentrations outlined in Schedule C, shall pay the volume and treatment charges set forth in Schedule C.
- (2) Should testing of the Wastewater being discharged into the Wastewater collection system be required for the purpose of determining the Wastewater surcharge rate, such sampling and testing shall be conducted by the Inspector, or by the Customer to the satisfaction of the Inspector, using automated sampling devices or in accordance with the following manual sampling protocol:
 - (a) samples from the effluent produced at a location will be collected for a minimum of any two days within a seven day period;
 - (b) a minimum of four Grab Samples of equal volume shall be taken each day, such samples to be taken at least one hour apart;
 - (c) the analysis shall be conducted on a Composite Sample made of each day's Grab Samples; and
- (3) The results of the foregoing tests shall be averaged to determine the characteristics and concentration of the effluent being discharged into the City Wastewater collection system.

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- (4) No Person shall, for the purpose of meeting any concentration limits set out in this Bylaw, dilute any Wastewater intended to be deposited in the Wastewater collection system.

COST OF SAMPLING

- 84 When the Customer's discharged Wastewater contains constituents exceeding the discharge limits in Section 81, 82, or 83, the cost of all sampling and analysis shall be at the Customer's expense.

DENTAL AMALGAM SEPARATOR

- 85 Every owner or operator of premises from which Dental Amalgam may be released into a Sewer, shall:
- (a) install in any piping system at its premises that connects directly or indirectly to a Sewer, Dental Amalgam Separators with at least 95% removal efficiency in amalgam weight and which are certified as compliant with *ISO 11143 – "Dental Equipment: Amalgam Separators"*;
 - (b) operate and maintain all Dental Amalgam Separators in good working order and according to the manufacturer's recommendations;
 - (c) provide an approved monitoring point which is readily and easily accessible at all times for inspection; and
 - (d) provide to the Inspector on request a maintenance schedule and record of maintenance for each installed Dental Amalgam Separator.

GREASE, OIL, & SOLIDS INTERCEPTION

- 86 (1) Every owner or operator of premises containing a restaurant, vehicle repair or auto body shop, petroleum service station, or vehicle and equipment washing establishment, or other premises as deemed necessary by The City of Red Deer shall:
- (a) install an Interceptor or filter for the removal from Wastewater of grease, oil, solids or other harmful substance;
 - (b) make available to the Inspector upon request a maintenance schedule and record of maintenance for the Interceptor or filter; and

- (c) shall keep and make available to the Inspector upon request a two-year record of documentary proof of Interceptor clean-out and the disposal of oil, grease, solids and sediments.
- (2) All Interceptors shall be of a type and capacity approved by The City and shall be located so as to be readily and easily accessible for cleaning and inspection and shall be maintained by the Customer at the Customer's expense in continuously efficient operation at all times. The Interceptors shall be installed in compliance with the most current requirements of the Alberta Building Code.
- (3) No Person shall:
 - (a) discharge emulsifiers into the Sewer system ahead of an Interceptor; or
 - (b) use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through a Grease Interceptor.
- (4) Should any blockage of the Wastewater Sewer system be caused by reason of failure, omission, or neglect of a Customer, to comply strictly with the provisions of this Bylaw, the Customer shall, in addition to any penalty for infraction of this Bylaw, be liable to and shall on demand pay The City for all costs of clearing such blockage and for any other amount for which The City may be held liable because of such blockage.

CUSTOMER SELF-MONITORING

- 87 (1) The Customer shall, at its own expense, complete any monitoring, sampling, and testing of any discharge to a Wastewater system as required by The City, and shall provide the results to The City in a form specified by The City.
- (2) Any Customer who exceeds the discharge limits in this Bylaw shall submit an environmental plan to the satisfaction of The City, at the Customer's expense, which will detail the steps necessary to change their discharge characteristics to the standards required under the provisions of this Bylaw.

MANHOLES

- 88 (1) Manhole(s) are required to be constructed in accordance with City Standards in locations that are accessible to The City, on all Wastewater Service Connections to premises such as:

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- (a) Industrial - Oil related industries, dairies, breweries, packing plants, processing plants, feed mills, manufacturing plants, fabricating plants, painting shops;
 - (b) Commercial - Shopping centres, strip malls, warehouses, grocery stores, heavy machine repair, welding shops, automobile repair, service stations, car washes, restaurants, paint stores, hotels, motels, dry cleaners, laundries; and
 - (c) Other - residential dwellings over 6 units, apartment over 6 units, nursing homes, senior complexes, Institutions, hospitals, dental labs, funeral homes, churches, schools.
- (2) Such manholes may be constructed by the Customer, or by The City at the Customer's cost, and shall be maintained by the Customer so as to be safe and accessible at all times.

DISCONNECTION OF SEWER

89 (1) Where Wastewater which:

- (a) is hazardous or creates an immediate danger to any Person;
- (b) endangers or interferes with the operation of the Wastewater collection system; or
- (c) causes or is capable of causing an adverse effect;

is discharged to the Wastewater collection system, the Inspector may, in addition to any other remedy available, remove, disconnect, plug or shut off the Sewer line discharging the unacceptable Wastewater into the Wastewater collection system or take such other action as is necessary to prevent such Wastewater from entering the Wastewater collection system.

- (2) The Wastewater may be prevented from being discharged into the Wastewater collection system until evidence satisfactory to the Inspector has been produced to ensure that no further discharge of Hazardous Wastewater will be made to the Wastewater collection system.
- (3) Where The City takes action pursuant to subsection (1), the Inspector may by notice in writing advise the owner or occupier of the premises from which the Wastewater was being discharged, of the cost of taking such action and the owner or occupier, as the case may be, shall forthwith reimburse The City for all such costs which were incurred.

PRIVATE WASTEWATER DISPOSAL

- 90 (1) Where a Wastewater Sewer is not available for connection as required under the provisions of Section 31(1), the building Wastewater Sewer shall be connected to a private Wastewater disposal system complying with the provisions of this Bylaw, the Alberta Building Code, Alberta Environment & Public Health Regulations, and such additional requirements as may be imposed by The City. The owner shall operate and maintain the private Wastewater disposal Facilities in an acceptable manner at all times at no expense to The City.
- (2) After the Property Owner has connected to the Wastewater Sewer system as required by Section 31(1), the Property Owner shall, within 60 days of the date of connection to the Wastewater Sewer system, dispose of all Waste appropriately and remove any septic tanks, cesspools and similar private Wastewater disposal Facilities and reclaim the site with clean native soil.

HAULED WASTEWATER

- 91 (1) No Person shall discharge or permit the discharge of Hauled Wastewater at any location other than a Hauled Wastewater discharge location approved by The City. Manifests to discharge Hauled Wastewater are available at The City's Wastewater Treatment Plant.
- (2) Any Person or company that proposes to discharge Hauled Wastewater at The City Wastewater Treatment Plant must:
- (a) apply for and receive a Hauled Wastewater Manifest issued by The City; and
 - (b) enter into and comply with the requirements of the Hauled Wastewater agreement established by The City.

BEST MANAGEMENT PRACTICE

- 92 (1) As a condition of discharging Wastewater into the Wastewater Sewer, Customers in industrial, commercial, and Institutional sectors shall submit to The City a completed Notice of Wastewater Discharge form and a Best Management Practice:
- (a) in the case of new premises, within 30 days of commencing the discharge of Wastewater in the Wastewater Sewer; and

- (b) In the case of existing premises, within 90 days of the date that this Bylaw is adopted.
- (2) A Best Management Practice is not required for the discharge of Wastewater produced from residential premises, or for sanitary Wastewater and Wastewater from showers and restroom washbasins produced from a non-residential Property.
- (3) A Customer must report any change in the discharging operation registered under the Notice of Wastewater Discharge form (such as a change in the discharge characteristics, ownership, name, location, contact Person, telephone number, or fax number) to the Inspector within 30 days of the change by submitting a completed Notice of Wastewater Discharge form showing the changes.
- (4) Nothing in a Best Management Practice or a Notice of Wastewater Discharge form relieves a Person discharging any substance from complying with this Bylaw or any other applicable enactment.

PART 5 - STORM WATER UTILITY

CONNECTION TO STORM WATER SEWER

- 93 Where the seasonally adjusted groundwater table is within 2m of the top of the footing of any residence constructed after the passage of this Bylaw, such residence must have a weeping tile system connected to a Storm Water Sewer where a Storm Water Sewer is available, or with the permission of The City, connected to the Wastewater Sewer.

CLEANOUTS

- 94 A building Storm Water Sewer that is connected to The City's Storm Water Sewer shall be equipped with a main Cleanout with a minimum diameter of 75mm, located not more than 25m from Property line. The main Cleanout shall be located as close as practical to the point where the Storm Water Sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (2m) for effective rodding and cleaning. The building Storm Water Sewer from Cleanout to Property line is to be as straight as possible. A maximum of one 45° bend is permitted for the Cleanout and a maximum of one additional 45° bend may be used between the Cleanout and Property line. The total of the angles of all bends shall not exceed 90°.

BACKFLOW VALVES

- 95 All weeping tile and Storm Water fixtures set below the level of the highest ground surface adjacent to the premises shall be protected from backflow by an approved Storm Water Backflow Valve.

TREES AND ROOTS

- 96 (1) Deep rooting trees shall not be planted within 6 metres of Storm Water Sewer mains or services.
- (2) Tree roots infesting and/or blocking a Storm Water Sewer shall be the responsibility of the party responsible for maintaining the portion of the sewer where the cause of the infesting and/or blocking originated.

OIL AND GRIT INTERCEPTION

- 97 (1) Oil and Grit Separators are required for the following types of Properties:
- (a) Properties over 2 ha where there are no other water quality improvement capabilities in the downstream storm system prior to outfall to a water body;
 - (b) Properties with petroleum products on-site; and
 - (c) Heavy industrial and manufacturing Properties.
- (2) Every Property when deemed necessary by the City, shall install an oil and grit separator to remove oil, sediment, solids, refuse, and other harmful substances from Storm Water. All oil and grit separators shall be of a type and capacity approved by The City and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at the owner's expense, and in continuously efficient operation at all times. The oil and grit separators shall be installed as per manufacturer's recommendations and in compliance with the most current requirements of The City of Red Deer Design Guidelines and Contract Specifications.
- (3) All oil and grit separators shall be inspected as per manufacturer's recommendations or at least once per year, whichever is more frequent. Oil and grit separators shall be cleaned immediately when indicated by inspection.
- (4) The Property Owner shall:
- (a) Make available to the Inspector upon request, the manufacturers recommendations, a maintenance schedule and record of maintenance for the oil and grit separator;

- (b) Keep and make available to the Inspector upon request a minimum five year record of documentary proof of oil and grit separator clean out, along with documentation of appropriate disposal of all captured materials; records shall include the recorded sediment depth resulting from all inspections, including those which occur prior to any sediment removal operations. These sediment depth records are to be kept so as to assist the owner/operators and Inspectors in identifying appropriate inspection and maintenance schedules.
- (5) No Person shall:
 - (a) Discharge emulsifiers into the storm sewer system ahead of an oil and grit separator; or
 - (b) Use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and/or grease through an oil and grit separator.
- (6) Should any blockage of the storm sewer system be caused by reason of failure, omission, or neglect of an owner, to comply strictly with the provisions of this Bylaw, the owner shall be liable to and shall on demand pay The City for all costs of clearing such blockage, and for any other amount for which The City may be held liable because of such blockage.

PRIVATE STORM WATER SEWER SYSTEMS

- 98 Storm Water Sewers installed on industrial, commercial or Institutional Property for the purposes of collecting Storm Water and carrying it into the Storm Water Sewers shall be equipped with an Interceptor. The installation of catch basins and Interceptors on private Property shall comply with The City's Design Guidelines, as they may be amended from time to time.

PROHIBITED STORM WATER SEWER USE

- 99 (1) No Person shall discharge, or cause to be discharged, groundwater, roof run-off, subsurface drainage, or Cooling Water from any industrial process, to any Storm Water Sewer, unless;
- (a) upon the application of the Customer, The City determines that exceptional conditions prevent compliance with the foregoing provisions and authorizes such discharge; and

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- (b) the discharge is in accordance with a validated Storm Water Discharge Dewatering Permit;
- (2) No Person shall discharge, deposit or permit any of the following into any pipe, main conduit, manhole, street inlet, gutter or aperture draining into the Storm Water system:
 - (a) any Deleterious substance; Industrial Waste; domestic Waste; non-domestic Waste; Wastewater; trucked liquid Waste; pool or hot tub water; mud, sand, silt, or grit; any flammable liquid or explosive material; solvent or petroleum derivative including but not limited to gasoline, naphtha or fuel oil; any pesticides, insecticide or fungicides; Radioactive Material; septage, soil, dead animals or parts, cooking oils and greases, transmission fluids, battery acids and antifreeze, paint, cement or concrete wastes, sawdust, wood, fibre board or construction material, yard waste, herbicides or fertilizers, soaps or detergents, hazardous substances or animal wastes.
 - (b) any corrosive, noxious or malodorous gas, liquid or substance which either singly or by interaction with other Wastes, is capable of:
 - (i) creating a public nuisance or hazard to life;
 - (ii) preventing human entry into a Storm Water Sewer or pump station; or
 - (iii) causing damage to the Storm Water system.
 - (c) any other substance which may cause impairment of or damage to the environment, human health, safety, Property, or City infrastructure.
- (3) No Person shall obstruct or restrict a Storm Water Sewer or the flow therein.
- (4) No Person shall discharge water to any Storm Water Sewer or to a watercourse, containing any substance which, in the opinion of The City:
 - (a) is or may become harmful to any recipient watercourse or Storm Water system or part thereof;
 - (b) may interfere with the proper operation or maintenance of the Storm Water system;
 - (c) may become a health or safety hazard to Persons, Property, animals, vegetation and the environment.

DISCHARGE OF PROHIBITED SUBSTANCES IN STORM WATER

- 100 (1) Any Person responsible for or aware of the discharge of prohibited substances in the Storm Water system shall immediately report that event to The City in order that the necessary precautions can be taken to minimize the Deleterious effects of the discharge. Such Person must also make other required reports to Alberta Environment and any other governing body.
- (2) Should any testing of Storm Water show that it is noncompliant with this Bylaw, The City may direct the Customer to comply with the Bylaw and may, in addition, direct the Customer at its expense to install such monitoring and recording equipment as The City deems necessary and supply the results of said monitoring as required. The cost of all sampling and analysis shall be at the Customer's expense.
- (3) Any Person who contravenes any of the provisions of Section 98 shall, in addition to any penalty for infraction of this Bylaw, be liable to and shall on demand pay to The City all costs of monitoring, sampling, testing, and removing any contamination resulting from the discharging of any such materials into a Storm Water Sewer, and for any other amount for which The City may be held liable because of such contamination.

CITY STORM WATER SEWER USE

- 101 City forces may discharge water into a Storm Water Sewer or watercourse resulting from non-domestic activities such as:
- (a) hydrant & Water Main flushing (dechlorination required); and
- (b) firefighting activities.

DISCONNECTION OF STORM WATER SEWER

- 102 (1) Where Storm Water which:
- (a) is hazardous or creates an immediate danger to any Person or the environment;
- (b) endangers or interferes with the operation of the Storm Water system; or
- (c) causes or is capable of causing an adverse effect;

is discharged to the Storm Water system, The City may, in addition to any other remedy available, remove, disconnect, plug or seal off the Storm Water Sewer line discharging the unacceptable water into the Storm Water system or take such other action as is necessary to prevent such water from entering the Storm Water system.

- (2) The water may be prevented from being discharged into the Storm Water system until evidence satisfactory to The City has been produced to assure that no further discharge of hazardous water will be made to the Storm Water system.
- (3) Where The City takes action pursuant to subsection (1), The City may by notice in writing advise the Property Owner or occupier of the premises from which the water was being discharged, of the cost of taking such action and the Property Owner or occupier, as the case may be, shall forthwith reimburse The City for all such costs.

PART 6 - WASTE MANAGEMENT UTILITY

SCOPE OF WASTE MANAGEMENT UTILITY

- 103 (1) The City Waste Management Utility shall provide for the collection, transport, treatment and/or disposal of Garbage, Recyclables, Organics, Yard Waste and Special Waste within the City as specified in this Bylaw.
- (2) As Waste Management Utility Services are not a metered service, the provisions of Part 2 of this Bylaw dealing with the creation and administration of Utility accounts apply to the Waste Management Utility, subject to all necessary modifications to reflect the provisions of this Part.

EXCLUSIVE CONTRACTS FOR WASTE MANAGEMENT SERVICES

- 104 (1) City Administration is authorized to enter into exclusive contracts for the collection, removal and disposal of Garbage, Recyclables, Organics and Yard Waste within the City.
- (2) The Waste Collection Service shall not have exclusive rights to collect the following types of Waste:
- (a) large household goods such as furniture;
 - (b) Garbage in on-site mechanical compactors, roll-off bins, or Containers of a capacity greater than 6 cubic yards;

- (c) Waste produced in the process of constructing, altering or repairing a building;
 - (d) materials not accepted at the Disposal Grounds;
 - (e) those items suitable for recycling or reuse; or
 - (f) Waste of any kind generated from the Michener Centre.
- (3) Where The City has entered into such exclusive contracts, no Person other than the Waste Collection Services Contractor may provide the same or similar type of service within the City.
- (4) Notwithstanding that, the Property Owner or Occupant of premises may remove or dispose of Garbage, Recyclables, Organics or Yard Waste from those premises.
- (5) Any Person who breaches the provisions of subsection (3 or 4) hereof, in addition to being liable to prosecution for an offence under this Bylaw, shall be liable for and make payment to The City of the amount of revenue which would have been generated had The City been able to collect the Garbage, Recyclables, Organics or Yard Waste.

RESIDENTIAL WASTE - DETACHED AND SEMI-DETACHED DWELLING UNITS

- ¹105 (1) The City shall provide the following Waste Collection Services to all detached and semi-detached Dwelling Units and secondary suites, unless otherwise directed by the City Manager:
- (a) Garbage and Recyclables shall be collected on a bi-weekly basis; and
 - (b) Organics shall be collected on a weekly basis.
- (2) The City will provide Dwelling Units that are eligible for Automated Collection of Waste with Carts for the containment and collection of Garbage, Recyclables and Organics.
- (3) Carts assigned to a Dwelling Unit shall remain at that premise. The Property Owner or Occupant of that premise is responsible for the assigned Cart and shall ensure it is:
- (a) maintained in a clean and good condition;

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- (b) secured against theft or loss;
- (c) available to The City and/or its contractors within a reasonable timeframe for the purposes of inspection, maintenance, repair or removal for replacement;
- (d) used only for the type of Waste designated to that Cart (~~e.g.i.e.~~ Green Carts are for Organics and Yard Waste only, Blue Carts are for Recyclables only, and Black Carts are for Garbage only).

RESIDENTIAL WASTE - MULTI-FAMILY AND MULTI-ATTACHED BUILDINGS

- 106 (1) The City shall provide weekly collection of Recyclables for all Multi-Family and Multi-Attached Buildings.
- (2) The City shall provide weekly collection of Garbage for all Multi-Family and Multi-Attached Buildings except where the building owner has made provisions for others to collect such Garbage; in which case, Garbage must be collected at least once per week.

COMMERCIAL WASTE

- 107 (1) In this section, Non-residential Premises includes premises of a commercial or industrial nature, as well as Institutions and Places of Worship.
- (2) Subject to the provisions of Section 103, the Property Owner or Occupant of Non-residential Premises may choose to have Garbage from the premises collected by The City or by a private contractor.
- (3) The City does not provide Recyclables, Organics or Yard Waste collection services to Non-residential Premises.

CHARGES AND FEES

- 108 (1) The Property Owner or Occupant of a premises receiving Waste Collection Services from The City, shall pay to The City a monthly charge at the rates established in Schedule E.
- (2) The monthly charge for Waste Collection Services will apply even where no Waste is set out for collection. In the case of detached and semi-detached Dwelling Units, the monthly charge shall be a debt due to The City whether the Property is occupied or not. The Property Owner shall be liable to pay the monthly charge where the Utility account with the Occupant has been terminated for any reason.

- (3) Where Waste Collection Service is provided for part of a billing period, the rates shown under Schedule E for such service shall be prorated and charged for the portion of the period the service is provided.
- (4) No charges shall be levied in respect of unimproved residential lands.

ADMINISTRATION OF WASTE MANAGEMENT UTILITY

109 The City shall have the following authorities with respect to the administration of the Waste Management Utility:

- (a) ensure the safe and efficient collection, removal and disposal or recycling of Garbage, Recyclables, Organics and Yard Waste under this Bylaw and under any contract entered into by The City;
- (b) designate the placement and location of the Cart, Receptacle or Container for each applicable premises;
- (c) establish which properties are eligible for Automated Collection;
- (d) set, or vary, start dates for Automated Collection and pilot programs;
- (e) establish pilot programs that may include variances from the service levels set within this bylaw;
- (f) require the Property Owner to install a lid on a garbage Container when, in The City's opinion, there is a problem with the containment of Waste which could be resolved by the installation of a lid;
- (g) decide what does or does not constitute Garbage, Recyclables, Organics, Yard Waste or Special Waste under this Bylaw;
- (h) determine which of the rates set out in Schedule E applies to a particular Customer for any load of Waste delivered to the Disposal Grounds, based on the quantity, volume or type of Waste produced by that Customer or contained in that load of Waste;
- (i) establish such other reasonable policies or regulations as may be necessary for the safe, orderly and efficient collection and disposal of Waste within the City.

USE OF THE WASTE MANAGEMENT UTILITY SERVICE AND DISPOSAL GROUNDS

110 (1) The City is not responsible to collect Waste that is not stored in a Container, Receptacle or Cart and placed out for collection.

(2) Customers shall place Receptacles as near as practicable to the lane abutting the lands from which the Waste is produced so as to be easily accessible to the Waste Collection Service contractor.

(3) If a building is constructed such that it abuts directly on the lane, the Property Owner shall provide to the reasonable satisfaction of The City a space within the building of sufficient area to contain all Waste between periods of collection.

(4) In the case of premises for which Waste Services are not provided by a lane, Customers shall place Receptacles in such manner as The City directs.

(5) A Receptacle for containing Waste shall be sufficiently strong to hold the weight of Waste contained therein without breaking and shall not exceed 1.2m in length or 100 litres in volume.

(6) A Receptacle when loaded with Waste shall not weigh more than 25 kg and The City is not required to handle or collect the contents of a Receptacle which exceeds that weight.

(7) A Cart, when loaded with Waste, shall not weigh more than the manufacturer's specification; 59 kg for a 120 litre Cart, 109 kg for a 240 litre Cart and 152kg for a 360 litre cart.

(8) A Cart, when loaded with Waste, shall be filled in such a way as to allow the lid to close completely and any Waste contained therein to be easily emptied via Automated Collection.

(9) Where Waste is collected by Automated Collection, any material not contained within a Cart shall not be collected, with the exception of extra Yard Waste.

(910) The Customer shall ensure that Carts are properly set out for collection by 7:00 am on the scheduled collection day but not before 5:00 pm on the previous day. All Carts shall be returned to the premises within 24 hours of collection.

(4011) Where Waste is collected by Automated Collection, Waste shall be placed in the appropriate Cart assigned by The City for collection. The Customer shall ensure that Carts set out for Waste Collection Services are:

- (a) Placed in an upright position on flat ground with their lids fully closed;
- (b) Placed with at least one (1) metre clearance on all sides of the Cart and at least three (3) metre clearance above the Cart;
- (c) Placed so that the wheels of the Cart are against the curb for front street collection and facing the residence for back alley collection;
- (d) Placed so that the Cart is not impeding traffic.

| (~~41~~12) The City reserves the right to refuse collection if Waste set out as Recyclables or Organics is contaminated with Garbage.

| (~~42~~13) All Garbage shall be removed to and disposed of in the Disposal Grounds subject to the regulations established by The City and no Person shall deposit or dispose of Garbage at any location in the City except the Disposal Grounds.

| (~~43~~14) A Person shall not use or permit to be used any vehicle or trailer for the conveyance or storage of Waste unless it is fitted with a cover capable of preventing the scattering or dispersal of Waste while it is being stored or transported by the vehicle. Any Person conveying an unsecured load to the Disposal Grounds, in addition to being liable for prosecution for an offence under this Bylaw, will be charged a surcharge at the Disposal Grounds as outlined in Schedule E.

CONTAINMENT OF WASTE

- 111 (1) No Property Owner or Occupant of land shall permit Waste to accumulate loosely on such land.
- (2) The Property Owner or Occupant of land shall ensure that any Waste produced from such land is held in Receptacles, Carts or Containers in good condition and which are adequate to contain the accumulation of Waste originating from such lands between collection times.

DISPOSAL OF WASTE

- 112 (1) All owners or Occupants of land shall remove and dispose of all Waste originating on their lands or premises which are not collected, removed and disposed of pursuant to this Bylaw, and in default of their so doing, The City may remove and dispose of such Waste at the expense of such owners or Occupants, who shall pay such expenses to The City on demand.

- (2) No Person shall dispose of any Waste in a Receptacle, Cart or Container owned or leased by another Person without the express written consent of the owner or lessee of the Receptacle, Cart or Container.
- (3) Public Receptacles shall only be used for the disposal of incidental Waste and shall not be used for the disposal of Waste generated by residences, businesses or other commercial activities.
- (4) Once the Customer has set out Waste, or Waste has been accepted at the Disposal Grounds, the Waste is deemed to be the property of the City and shall not be removed, collected or transported except by The City.

RESIDENTIAL GARBAGE COLLECTION

- ¹113 (1) The owner or Occupant of residential lands or premises may remove or cause to be removed Waste from their Property at their own expense, but must still pay to The City the rate levied under this Bylaw for Waste Collection Services. This section does not apply to removal of Waste from the Michener Centre.
- (2) The owner or Occupant of multi-family residential lands or premises must ensure that Waste is collected from the Property at least once per week. Unless Containers are used, the Property Owner must ensure that all Waste is neatly contained in Receptacles between collection times. The joint use or sharing of Containers or Receptacles between multi-family residential lands or premises, for the collection and disposal of Waste, shall not be permitted except with the prior written permission of The City. This section does not apply to removal of Waste from the Michener Centre.

NON-RESIDENTIAL WASTE

- 114 (1) The owner or Occupant of non-residential lands or premises may remove their own Waste at their own cost and expense by employing the services of their own workers or employees, but such owner or Occupant shall not contract such work out to any party other than the Waste Collection Service contractor. This prohibition does not apply to the removal of the types of Waste which are listed as exceptions in Section 104(2).
- (2) Any Person who breaches the provisions of subsection (1), in addition to their liability to be prosecuted for an offence under this Bylaw, shall be liable for and make payment to The City of the fees and charges for removal and disposal of Waste which such Person would have had to pay

¹ Bylaw 3606/A-2018

had such Person used the services of the Waste Collection Service contractor for such purpose.

- (3) This section does not apply to removal of Waste from the Michener Centre.

HAZARDOUS WASTE, DANGEROUS GOODS, SPECIAL WASTE

- 115 (1) The owner or Occupant of land which produces or possesses any Dangerous Goods, Hazardous Waste or Special Waste shall remove and dispose of such goods in accordance with this Bylaw and any regulations of the Governments of Alberta and Canada.
- (2) The owner or Occupant of any lands from which any Dangerous Goods, Hazardous Waste or Special Waste is removed shall properly identify such Waste or goods and shall be responsible for obtaining approvals for the safe transport and disposal thereof.
- (3) No Person shall deposit or mix with any Waste for collection in the Waste Collection Service or delivery to the Disposal Grounds any Dangerous Goods or Hazardous Waste.
- (4) No Person shall place, or cause to be placed, any Special Waste into the Waste Collection Service or Disposal Grounds without obtaining permission from The City and making payment of the disposal charge specified in Schedule E.
- (5) Any Person breaching any part of this section shall be responsible for all costs incurred in eliminating any pollution or contamination of the Disposal Grounds or any other site in the City and shall make payment of the same to The City on demand.

BURNING

- 116 Except as provided in The City's Fire Permit Bylaw no Person shall burn or attempt to burn any Waste in the City.

WASTE FROM OUTSIDE THE CITY

- 117 No Person shall deposit any Waste at the Disposal Grounds which does not originate from within the boundaries of the City except with the prior written permission of The City or under the authority of a contract with The City.

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PART 7 - GENERAL**REMAINDER ENFORCEABLE**

118 Should any portion of this Bylaw be found by any court to be void or unenforceable, then it is the intention of Council that the remainder of this Bylaw shall remain in full force and effect, notwithstanding such ruling.

EFFECTIVE DATE

119 This Bylaw shall come into effect on March 1, 2018.

REPEAL PREVIOUS BYLAW

120 Bylaw No. 3570/2016 is hereby repealed effective March 1, 2018.

READ A FIRST TIME IN OPEN COUNCIL this 5 day of February 2018.

READ A SECOND TIME IN OPEN COUNCIL this 5 day of February 2018.

READ A THIRD TIME IN OPEN COUNCIL this 5 day of February 2018.

AND SIGNED BY THE MAYOR AND CITY CLERK this 5 day of February 2018.

MAYOR

CITY CLERK

SCHEDULE A – DEFINITIONS

SCHEDULE B – WATER RATES

SCHEDULE C – WASTEWATER RATES

SCHEDULE D – BILLING AND SERVICE FEES

SCHEDULE E – WASTE MANAGEMENT RATES

SCHEDULE F – SPECIAL WATER AND WASTEWATER RATES

SCHEDULE B

¹**Effective for all consumption, estimated or actual, on or after March 1, 2019**

WATER RATES

1 Every in-city Customer shall pay water supplied to them the aggregate of amount determined as follows:

- (a) A usage charge of \$1.55 for each cubic metre of water supplied.
- (b) A fixed monthly charge shall be determined by the size of the meter supplied to each Customer as follows:

<u>WATER METER SIZE</u>	<u>FIXED MONTHLY CHARGE</u>
16 mm	\$ 15.95
19 mm	\$ 22.10
25 mm	\$ 30.00
38 mm	\$ 60.00
50 mm	\$ 136.00
75 mm	\$ 248.00
100 mm	\$ 570.00
150 mm	\$ 1,090.00
200 mm	\$ 1,900.00

2 Regional Customers shall pay for water supplied to them at the following rates:
(for each cubic metre of water supplied)

- (a) Red Deer County \$ 1.52
- (b) North Red Deer River Water Services \$ 1.50
Commission

3 Bulk Water (for each cubic metre of water supplied) \$ 2.22

¹ Bylaw 3606/A-2019

SCHEDULE C**Effective for all consumption, estimated or actual, on or after March 1, 2019****WASTEWATER RATES**

- 1 In-city Wastewater Utility Customers in residential premises containing up to two Dwelling Units shall pay the following amounts:

- (a) a usage charge of \$ 1.55 for each cubic metre of Wastewater volume, (calculated as described in paragraph 4 below), and
- (b) a fixed monthly charge determined by the size of the water meter supplied to that Customer as follows:

<u>WATER METER SIZE</u>	<u>FIXED MONTHLY CHARGE</u>
16 mm	\$ 18.70
19 mm	\$ 18.70
25 mm	\$ 18.70
38 mm	\$ 18.70

- 2 In-city Wastewater Utility Customers in non-residential premises and in residential premises containing three or more Dwelling Units shall pay the following amounts:

- (a) a usage charge of \$ 1.68 for each cubic metre of Wastewater volume, (calculated as described in paragraph 4 below), and
- (b) a fixed monthly charge determined by the size of the water meter supplied to that Customer as follows:

<u>WATER METER SIZE</u>	<u>FIXED MONTHLY CHARGE</u>
16 mm	\$ 15.10
19 mm	\$ 20.30
25 mm	\$ 24.00
38 mm	\$ 37.60
50 mm	\$ 64.30
75 mm	\$ 103.00
100 mm	\$ 249.00
150 mm	\$ 424.00
200 mm	\$ 750.00

- (c) The minimum charge for any Wastewater Customer shall be \$18.70 per month.

SCHEDULE C

3 Where The City has tested the discharge of Wastewater into the sewerage system pursuant to Section 83 of this Bylaw, Over strength Surcharge and found that the Wastewater exceeds the limits of Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS) or fats, Oil and Grease (FOG) set out therein, then that Customer shall pay for Wastewater service at the following rates:

- (a) a sampling and testing charge of \$ 120.00 per month during the period within which the Wastewater continues to be over strength based on the results of testing
- (b) a usage charge at the rate identified in Section 2 of this Schedule,
- (c) a fixed monthly charge at the rate identified in Section 2 of this Schedule, and
- (d) an Over strength Surcharge based on the amount of BOD, TSS and FOG at the following rates:

Tier 1				Surcharge
	Concentration above	Concentration below		2019 Rates
BOD	300	2,400	mg/L	\$ 1.12 /kg
TSS	300	2,400	mg/L	\$ 1.07 /kg
FOG	100	250	mg/L	\$ 0.83 /kg
Tier 2				Surcharge
	Concentration above	Concentration below		
BOD	2,400	4,800	mg/L	\$ 1.49 /kg
TSS	2,400	4,800	mg/L	\$ 1.42 /kg
FOG	250	500	mg/L	\$ 1.11 /kg
Maximum Allowable Limits				Surcharge
	Concentration above			
BOD	4,800		mg/L	\$ 2.24 /kg
TSS	4,800		mg/L	\$ 2.14 /kg
FOG	500		mg/L	\$ 1.66 /kg

SCHEDULE C

Example calculation for Wastewater containing a BOD concentration of 5,000 mg/L (5 kg/m³):

				<u>2019 Surcharge Rate</u>
● On the first 0.3 kg/m ³	0.3	x	\$ -	\$ -
● On the next 2.1 kg/m ³	2.1	x	\$ 1.04	\$ 2.35
● On the next 2.4 kg/m ³	2.4	x	\$ 1.38	\$ 3.58
● On the last 0.2 kg/m ³	0.2	x	<u>\$ 2.08</u>	<u>\$ 0.45</u>
Total BOD Surcharge Rate per m ³ :				\$ 6.38

- 4 For the purpose of calculating the Wastewater usage charge payable by an in-city Customer, the volume of Wastewater contributed by the Customer to the Wastewater Sewer shall be deemed to be equal to 90% of the water delivered to the Customer's premises, whether the water was received from The City or from sources other than The City. Where no meter or other exact means exist to determine the quantity of water consumed by any Person, The City shall make an estimate thereof for the purpose of determining the Wastewater Utility charges. The Customer may, at his or her own expense, install and maintain a meter subject to approval by The City upon which the service charge shall thereafter be determined.
- 5 The Fee for disposal of Wastewater at the FOG Station (Fats, Oils and Grease) is \$ 13.81/cubic metre.
- 6 The Fee for disposal of Wastewater at the Septage Receiving Station is \$13.81/cubic metre.
- (a) charges will be based on an estimate of the load volume, as determined by The City.
- (b) there is a minimum of one (1) cubic metre for Fats, Oil, and Grease Station.
- (c) there is a minimum of two (2) cubic meters for Septage Receiving Station.
- (d) there is no charge for recreational vehicles.
- 7 Wastewater Treatment Plant Laboratory Testing - The Fees for testing of Wastewater for determining the content of the following constituents are as follows, per test:
- | | |
|----------------|----------|
| Ammonia | \$ 15.25 |
| U-Ammonia | \$ 9.00 |
| BOD | \$ 34.80 |
| TSS | \$ 18.00 |
| COD | \$ 15.75 |
| pH | \$ 6.60 |
| Oil and Grease | \$ 34.00 |
| TP | \$ 22.80 |
| Alkalinity | \$ 40.00 |
| E.coli | \$ 46.00 |

SCHEDULE C

VSS - Volatile Suspended Solids	\$	6.50
TS - Total Solids	\$	6.00
VS - Volatile Solids	\$	6.30
DO – Dissolved Oxygen	\$	6.00

- 8 Regional Customers shall pay for Wastewater supplied to the Wastewater Treatment Plant at the following rates (for each cubic metre of Wastewater supplied):
- (a) South Red Deer Regional Wastewater Commission

\$ 1.12
- (b) North Red Deer Regional Wastewater System

\$ 1.12
- 9 WWTP Disposal Station access card replacement
- \$ 50.00

SCHEDULE D

Effective for all consumption, estimated or actual, on or after March 1, 2019

BILLING AND SERVICE FEES

1

UTILITY BILLING FEES

- | | | | |
|-----|---|----|--------|
| (1) | Application fee for Utility Billing | \$ | 20.00 |
| (2) | Non-application fee
(open a new account in owner's name) | \$ | 30.00 |
| (3) | Deposit to obtain a residential Utility account | \$ | 325.00 |
| (4) | As determined by the City, non-residential deposits, where applicable, will be estimated based on 30% of the Customer's typical annual charges or based on the following amounts, relative to water meter size: | | |

WATER METER SIZE

16 mm	\$	325.00
19 mm	\$	500.00
25 mm	\$	800.00
38 mm	\$	1,600.00
50 mm	\$	3,500.00
75 mm	\$	6,500.00
100 mm	\$	18,000.00
150 mm	\$	25,000.00
200 mm	\$	25,000.00

- | | | | |
|------|--|----|--|
| (5) | Late Payment penalty | | 1.50% per month of outstanding balance |
| (6) | Reprint fee for invoice or receipts ¹ | \$ | 15.00 |
| (7) | Account transfer fee ² | \$ | 15.00 |
| (8) | Disconnection Notice Fee ³ | \$ | 25.00 |
| (9) | No access fee ⁴ | \$ | 80.00 |
| (10) | Dishonored Payment | \$ | 35.00 |

[1] Fee per reprint on request of account holder for a copy of Utility invoice or landfill receipt.

[2] May charge for payments made to wrong account within The City.

[3] For disconnection notice provided to Customer.

[4] In circumstances where site visit is made, but access is not provided by owner or Tenant.

SCHEDULE D

2 NEW SERVICE CONNECTION

	From Main In Street	From Main In Lane
(1) Basic charge for 25 mm Water and 150 mm Wastewater service ^[1]	\$ 13,245	\$ 11,731
(2) Basic charge for 25 mm Water service ^[1]	\$ 12,158	\$ 10,472
(3) Basic charge for 150 mm Wastewater service ^[1]	\$ 12,158	\$ 10,472
(4) Basic charge for 100 mm Stormwater service ^[1]	\$ 12,158	\$ 10,472
(5) Basic charge for 25 mm Water, 150 mm Wastewater and 100 mm Stormwater service ^[1]	\$ 13,626	\$ 11,728
(6) Dual service upon approval	\$ 17,404	N/A
(7) Water and Wastewater services:	\$	
(a) Additional charge for length of ditch beyond 12 m in street	\$ 1,104/meter	
(b) Additional charge for length of ditch beyond 8 m in lane		\$ 1,466/meter
(8) Extra charge for larger water service:		
38 mm	\$ 522.00	
50 mm	\$ 814.00	
100 mm	\$ 4,421.00	
150 mm	\$ 5,293.00	
200 mm	\$ 7,299.00	
250 mm	\$ 9,163.00	
300 mm	\$ 10,503.00	
Additional charge for 3.1 to 4 m depth	\$ 2,799.00	
Additional charge for 4m to 5m depth	\$ 4,952.00	
Additional charge for 5m to 6m depth	\$ 7,974.00	
Additional charge for 6m to 7m depth	\$ 11,085.00	
(9) Extra charge for larger Wastewater or Stormwater Sewer:		
<u>Size</u>		<u>DR35</u>
200 mm	\$	\$ 485.00
250 mm	\$	\$ 773.00
300 mm	\$	\$ 1,293.00

[1] A 50% discount of one of these charges may be applied by The City where a property is redeveloping and an existing service is replaced with the same or larger sized service and the existing service is at least 25 years old. The discount is to recognize the shared value to The City and the developer of renewing the service. A 50% discount does not apply unless the redevelopment is for the same type of structure.

SCHEDULE D

375 mm	\$	\$ 1,580.00
450 mm	\$	\$ 2,382.00
600 mm	\$	\$ 3,750.00
 (10) Water Service Removal (water kill)		
(a) up to 50mm in size		\$ 6,184.00
(b) up to 50mm in size; removal done at same time as new service construction		\$ 2,048.00
(c) over 50mm in size		\$ 10,465.00
 (11) Additional fee for winter maintenance of service trench (Oct 01 - May 15)		
(a) Lane		\$ 2,551.00
(b) Street		\$ 4,198.00
(c) Arterial		\$ 6,411.00
 (12) Other Charges:		
(a) Construction of manhole to 3.1 metres in depth at time of service		\$ 5,733.00
(i) additional cost per vertical metre in excess of 3.1 metres in depth		\$ 879.00
(b) Fire Hydrant and Valve Installation at time of service		\$ 9,456.00
(c) Cutting and replacing pavement:		
(i) single or double service 75 mm and under		\$ 3,500.00
(ii) single or double service over 75 mm		\$ 4,000.00
(iii) triple service 75 mm and under		\$ 4,750.00
(iv) triple service over 75 mm		\$ 5,820.00
(v) for service kill 75 mm and under		\$ 2,500.00
(vi) for service kill over 75 mm		\$ 2,420.00
(vii) for water service renewal		\$ 1,675.00
(viii) Additional asphalt repair costs for excavations in excess of 4 metres deep		\$ 1,080.00
		(per additional meter)

SCHEDULE D

(d)	Replacing sidewalks:	
(i)	single or double service residential	\$ 2,975.00
(ii)	single or double service commercial	\$ 5,000.00
(iii)	triple service residential	\$ 3,730.00
(iv)	triple service commercial	\$ 5,220.00
(v)	additional sidewalk repair costs for excavations in excess of 4 metres deep (per location)	\$ 700.00
(e)	Replacing curb only:	
(i)	single or double service	\$ 2,300.00
(ii)	triple or dual service	\$ 2,300.00
(iii)	additional curb repair costs for excavations in excess of 4 metres deep (per location)	\$ 480.00
(f)	Landscaping Repairs	\$ 898.00
(g)	Tree pruning or removal up to 10 cm in diameter	\$ 200.00
(h)	Tree removal over 10 cm in diameter	\$ 750.00
(13)	Winter construction of service trench	\$ 6,927.00
(a)	Additional charge for length of ditch beyond 12 m in street	\$ 577.00
(b)	Additional charge for length of ditch beyond 8 m in lane	\$ 866.00
3	MISCELLANEOUS SERVICE FEES	
(1)	Installation of more than one meter (per meter)	\$ 45.00
(2)	Requesting meter reading / Manual meter reading	\$ 65.00
(3)	Disconnection (valve off) service charge	\$ 80.00
(4)	Reconnection (valve on) service charge	\$ 80.00
(5)	Turn water off or on for repairs or line testing	
(a)	During regular working hours	\$ 80.00
(b)	After regular working hours	\$ 240.00
(6)	Temporary water supply	

SCHEDULE D

	(a) For construction purposes, includes 16 mm water meter plus monthly meter and usage charges (minimum 30m3/day without provision of weekly read)	\$ 100.00
(7)	Meter Test	\$ 130.00
(8)	Private fire hydrant maintenance (per hydrant)	
	(a) Damage evaluation	\$ 80.00
	(b) Paint	\$ 80.00
(9)	Bulk Water	
	(a) Use of designated fire hydrant to obtain water for watering, cleaning, flushing (per permit) plus water usage charges at bulk water rate	\$ 100.00
(10)	Hydrant meter box deposit	\$3,000.00
(11)	Manual account adjustment fee	\$ 25.00
(12)	Service Calls (service vehicle and one operator)	
	(a) During regular working hours (per hour) (1 hour minimum)	\$ 80.00
	(b) After regular working hours (per hour) (2 hour minimum)	\$ 120.00
(13)	Sewer Mains – cleaning, clearing (vacuum truck and 2 operators)	
	(a) During regular working hours (per hour) (1 hour minimum)	\$ 250.00
	(b) During regular working hours with pilot truck (per hour) (1 hour minimum)	\$ 270.00
	(c) After regular working hours (per hour) (2 hour minimum)	\$ 350.00
	(d) After regular working hours with pilot truck (per hour) (2 hour minimum)	\$ 370.00

SCHEDULE D

- | | | |
|------|--|-----------|
| (14) | Sewer Services – cleaning, clearing
(service clearing equipment and 2 operators) | |
| | (a) During regular working hours (per hour)
(1 hour minimum) | \$160.00 |
| | (b) During regular working hours with pilot truck (per hour)
(1 hour minimum) | \$180.00 |
| | (c) After regular working hours (per hour)
(2 hour minimum) | \$260.00 |
| | (d) After regular working hours with pilot truck (per hour)
(2 hour minimum) | \$280.00 |
| | | |
| (15) | Sewer Mains and Services – televise
(CCTV vehicle and 2 operators) | |
| | (a) During regular working hours (per hour)
(1 hour minimum) | \$ 220.00 |
| | (b) During regular working hours with pilot truck (per hour)
(1 hour minimum) | \$ 250.00 |
| | (c) After regular working hours (per hour)
(2 hour minimum) | \$ 330.00 |
| | (d) After regular working hours with pilot truck (per hour)
(2 hour minimum) | \$ 360.00 |
| | | |
| (16) | Other services (e.g. meter and standpipe repairs, miscellaneous construction) that are not identified within the above noted tables may be provided from time to time at the request of Customers. These services are typically not provided frequently or may have a variable scope depending on individual circumstances. In these cases, the services will be provided at cost, including materials, equipment and labor. | |

SCHEDULE E**Effective for all rates, on or after March 1, 2019****WASTE MANAGEMENT RATES****FOR COMMERCIAL FRONT-END CONTAINERS**

- 1 (a) Rates to be applicable for premises when supplied with a Container by the Waste Contractor engaged by the City. Scheduled Service includes Contractor-provided Container.

Type of Service	Monthly Rate (\$)			
	1.5 m ³ (2 yd ³)	2.3 m ³ (3 yd ³)	3.1 m ³ (4 yd ³)	4.6 m ³ (6 yd ³)
Service on Demand:				
Container Rental	13.22	16.53	19.82	23.13
Lift Charge	14.63	21.96	29.29	43.92
Scheduled Service:				
1 lift per month	14.63	21.96	29.29	43.92
1 lift every 2 weeks	31.62	47.44	63.26	94.86
1 lift per week	63.38	95.10	126.79	190.17
2 lifts per week	126.79	190.17	253.59	380.36
3 lifts per week	190.17	285.27	380.36	570.54
4 lifts per week	253.59	380.36	507.15	760.74
5 lifts per week	316.99	475.46	633.94	950.92
6 lifts per week	380.36	570.54	760.74	1,141.10
Extra lift for scheduled service	14.63	21.96	29.29	43.92

- (b) Charges for special Container services in addition to the above rates will be as follows.

Standard Lid	\$	-
Castors on Containers per month per Container	\$	22.45
Lock one time charge per Container	\$	20.00

- 2 Rates to be applicable for premises where the owner or agent is charged and the City provides Carts for the Automated Collection of Waste:

(a) Where a non-residential customer has been supplied a 360L Black Cart for Garbage collection once per week, the charge shall be \$50.00 per month per Cart.

~~Rates to be applicable for premises where the owner or agent is charged and such owner or agent provides Receptacles for Manual Collection of Waste.~~

- 2.1 Where a non-residential customer has been supplied a Cart by the City, Section 105(3) will be applied to that customer, with all necessary modifications to apply to non-residential customers.

SCHEDULE E

MONTHLY WASTE COLLECTION RATES FOR COMMERCIAL MANUAL COLLECTION (\$)								
Volume per Pick-Up	Frequency of Pick-Up per Week						Cost per Extra Pick-up	
	1	2	3	4	5	6		
$\leq 0.4 \text{ m}^3$	-30.28	-60.53	-90.81	-121.07	-151.35	-181.60	-6.99	
$> 0.4 \text{ m}^3 - 0.8 \text{ m}^3$	-30.28	-60.53	-90.81	-121.07	-151.35	-181.60	-6.99	
$> 0.8 \text{ m}^3 - 1.5 \text{ m}^3$	-60.53	-121.07	-181.60	-242.14	-302.67	-363.20	-13.99	
$\geq 1.5 \text{ m}^3 - 2.3 \text{ m}^3$	-90.82	-181.63	-272.45	-363.28	-454.20	-544.91	-20.97	
$> 2.3 \text{ m}^3 - 3.1 \text{ m}^3$	-121.08	-242.16	-363.26	-484.35	-605.43	-726.51	-27.96	
$> 3.1 \text{ m}^3 - 3.8 \text{ m}^3$	-151.36	-302.70	-454.06	-605.41	-756.77	-908.11	-34.96	
$> 3.8 \text{ m}^3 - 4.6 \text{ m}^3$	-181.62	-363.23	-544.87	-726.48	-908.10	-1,089.71	-41.95	
$> 4.6 \text{ m}^3 - 5.3 \text{ m}^3$	-211.89	-423.79	-635.66	-847.55	-1,059.44	-1,271.33	-48.93	

3 ¹(a) Dwelling Units which are eligible for Automated Collection and have been provided a 120L Cart for Garbage shall be charged \$18.25/month for Waste Collection Services.

(b) Dwelling Units which are eligible for Automated Collection and have been provided with a 240L Cart for Garbage shall be charged \$22.25/month for Waste Collection Services.

(c) Dwelling Units which are eligible for Automated Collection and have been provided a 360L Cart for Garbage shall be charged \$28.25/month for Waste Collection Services.

4 Any Dwelling Unit which requires The City's communal recycling collection service shall be charged \$4.34 per month per Dwelling Unit.

5 Disposal Grounds Rates for Acceptance of Waste (per tonne)

(a) Mixed Waste	\$	75.00
(b) Construction and Demolition Waste	\$	75.00
(c) Special Waste	\$	95.00
(d) Asbestos	\$	95.00
(e) Clean, segregated Yard Waste	\$	63.50
(f) Clean, segregated branches	\$	63.50
(g) Clean, segregated, unpainted gypsum drywall	\$	63.50
(h) Clean, segregated asphalt shingles	\$	75.00

¹Bylaw 3606/A-2018

SCHEDULE E

- | | | | |
|-----|---|----|-----------|
| (i) | Clean, segregated pallets and white dimensional lumber | \$ | 63.50 |
| (j) | Clean, segregated scrap metal (and propane tanks) | \$ | 63.50 |
| (k) | Clean, segregated, reusable furniture | \$ | 63.50 |
| (l) | Household Hazardous Waste | | No Charge |
| (m) | Residential Paint Products | | No Charge |
| (n) | Electronic Waste | | No Charge |
| (o) | Tires | | No Charge |
| (p) | Cover Material as defined in The City of Red Deer Waste Management Facility Disposal Guidelines. | | No Charge |
| (q) | A flat fee of \$25 per item will be applied to appliances containing freon (eg. Refrigerators, freezers, air conditioners, water coolers etc. | | |
| (r) | A surcharge of \$ 50.00 per load will be applied to unsecured loads as outlined in Clause 110(13) Use of the Waste Management Utility Service and Disposal Grounds. | | |
| (s) | The rate charged for a load shall be determined by multiplying the fractional metric tonnes delivered by the rate per tonne. In any event, a minimum charge of \$7.00 shall apply for items 5(a-b), 5(e-k) and a minimum charge of \$95.00 shall apply for items 5(c) and 5(d). | | |
| (t) | Where loads delivered contain multiple types of Waste, the rate applied shall be based on the type of Waste with the highest applicable rate. | | |

SCHEDULE F

Special Water and Wastewater Rates

1. **Cronquist/Riverview Park Special Rate Classes** – the following shall apply to all Property located on Cronquist Drive, Cronquist Place and Cronquist Close, pursuant to Section 32 of this Bylaw:

1.1 Within this schedule, the following terms shall have the following meanings:

Rate Class “A”: Rate Class A means the rate applicable to all Customers who apply for Water Utility services between January 5, 2016 and January 4, 2017 for properties located on Cronquist Drive, Cronquist Place and Cronquist Close;

Rate Class “B”: Rate Class B means the rate applicable to all Customers who apply for Water Utility services on or after January 5, 2017 for properties located on Cronquist Drive, Cronquist Place and Cronquist Close.

Frontage: means the distance in metres between the side boundaries of a parcel, measured at the front setback line as more particularly set out below:

Civic Address	Legal Description	Frontage (linear metres)
2 Cronquist Pl	Plan 6680KS, Lot 5	37.97
5 Cronquist Pl	Plan 6680KS, Lot 1	29.95
6 Cronquist Pl	Plan 6680KS, Lot 4	49.33
10 Cronquist Pl	Plan 6680KS, Lot 3	46.91
14 Cronquist Pl	Plan 6680KS, Lot 2	32.81
6194 Cronquist Dr	Plan 6680KS, Lot 17	30.53
6200 Cronquist Dr	Plan 6680KS, Lot 16	31.98
6206 Cronquist Dr	Plan 6680KS, Lot 15	35.03
6212 Cronquist Dr	Plan 6680KS, Lot 14	35.03
6218 Cronquist Dr	Plan 6680KS, Lot 13	35.04
6228 Cronquist Dr	Plan 6680KS, Lot 12	33.20
6234 Cronquist Dr	Plan 6680KS, Lot 11	33.21
6240 Cronquist Dr	Plan 6680KS, Lot 10	33.21
6246 Cronquist Dr	Plan 6680KS, Lot 9	33.21
6252 Cronquist Dr	Plan 6680KS, Lot 8	33.20
6258 Cronquist Dr	Plan 6680KS, Lot 7	33.20
6264 Cronquist Dr	Plan 6680KS, Lot 6	36.96
4 Cronquist Cl	Plan 6680KS, Lot 18	30.40
8 Cronquist Cl	Plan 6680KS, Lot 19	51.27

SCHEDULE F

Civic Address	Legal Description	Frontage (linear metres)
9 Cronquist Cl	Plan 6680KS, Lot 24	32.51
12 Cronquist Cl	Plan 6680KS, Lot 20	48.80
15 Cronquist Cl	Plan 1523711, Block 1, Lot 1	37.84
16 Cronquist Cl	Plan 6680KS, Lot 21	46.52
17 Cronquist Cl	Plan 1523711, Block 1, Lot 2	18.61
19 Cronquist Cl	Plan 1523711, Block 1, Lot 3	16.57
20 Cronquist Cl	Plan 6680KS, Lot 22	27.80

1.2 In addition to the Water Rates set out in Section 1 of Schedule B, and the Wastewater Rates set out in Schedule C, for the period from 2016 to 2066, the following additional rates shall be applied each month to Customers within Rate Class A and Rate Class B from the date of the Customer's application for Water Utility and Wastewater Utility services:

(a) Rate Class A: \$1.43/metre Frontage/month

(b) Rate Class B: \$2.81/metre Frontage/month

1.3 Where there is connection to a Wastewater service only, a monthly charge will be calculated on a Typical Monthly Household Usage.



Council Decision – April 1, 2019

DATE: April 3, 2019
TO: Kelly Kloss, Director of Development Services
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Proposed 2019 Utility Bylaw Changes
Bylaw 3606/B-2019

FILE COPY

Reference Report:

Environmental Services, dated April 1, 2019

Bylaw Reading:

At the Monday, April 1, 2019 Regular Council Meeting, Council gave first, second and third reading to the following Bylaw:

Bylaw 3606/B-2019 (an amendment to the Utility Bylaw to reflect the Blue/Black Cart program)

Report back to Council:

No.

Comments/Further Action:

Administration will amend the Bylaw and distribute in due course.

A handwritten signature in blue ink, appearing to read 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Environmental Services Manager
Corporate Meeting Administrator



March 20, 2019

Appeal Boards Bylaw

Consideration of Third Reading of Bylaw 3619/2019

Consideration of First Reading of Bylaw 3619/A-2019

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 18, 2019 Council Meeting.

Recommendation:

That Council consider third reading of Bylaw 3619/2019.

Following third reading of Bylaw 3619/2019, it is recommended that Council consider first reading of Bylaw 3619/A-2019.

Background:

At the Monday, March 18, 2019 Regular Council Meeting, Council gave first and second reading to Bylaw 3619/2019. At this time several questions were posed, as follows:

- If the Conflict of Interest provisions are no longer within the bylaw where can they be found
- Can a preamble be reintroduced to the section related to the Red Deer Appeal Board to outline it's scope

Additionally, the following items were also requested to be reviewed with potential amendments to be brought back, as follows:

- Section 7(a): Mandate to uphold the integrity of the policies
- Section 8 – adding clarity with respect to the composition of panels of 5 Members (or 3 Members) as circumstances permit, shall be assigned to each hearing
- Section 10(3): CEO – including “in ex officio capacity”
- Section 12(b): remove will performed and replace will be assigned to perform
- Section 16(2): Delete the word “thing” and replace with the word “matter”
- Ensure the code of conduct is included within the role policy

Administration will bring a future report to respond to the above noted requests however, we have been able to confirm that conflict of interest provisions are embedded within the



Committee's policy on roles. Additionally, to respond to the questions of a preamble to the one section of the bylaw administration proposes that prior to third reading Council adopt the following amendment:

Inserting the following at s. 16

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
 - (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to amend bylaw 3619/2019 by adding the following sub-section (3) to section 16:

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
 - (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

That Bylaw 3619/2019, as amended, be read a third time.

That Bylaw 3619/A-2019 be read a first time. If first reading is given, this bylaw will come back for second and third reading at the Monday, April 15, 2019 Council Meeting.



March 5, 2019

Originally Submitted to the
March 18, 2019 Council Meeting

Appeal Boards Bylaw 3619/2019

Legislative Services

Report Summary & Recommendation:

The Appeal Boards Bylaw establishes both the Subdivision and Development Appeal Board (SDAB) and the Red Deer Appeal & Review Board (RDARB). The existing Appeal Boards Bylaw was adopted in 2012 (Bylaw No. 3487/2012) and requires amending in order to comply with the *Municipal Government Act*.

Due to the extent of amendments it is recommended that the Bylaw No. 3487/2012 be repealed and replaced with Bylaw No. 3619/2019. However, in order to maintain the current Board appointments until the next Organizational Meeting of Council, Administration is also recommending the immediate and subsequent passage of amending Bylaw No. 3619/A-2019.

City Manager Comments:

Council's direction is requested. Council will need to consider if it retains a member on the Committee. If first reading of Bylaw 3619/A-2019 is given, second and third reading will be brought back to the Monday, April 1, 2019 Council Meeting.

Paul Goranson
Interim City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Bylaw 3619/2019.

That Bylaw 3619/2019 be read a first time.

That Bylaw 3619/2019 be read a second time.

Resolved that with the unanimous consent of Council members present, that Bylaw 3619/2019 be presented for third reading.

That Bylaw 3619/2019 be read a third time.

That Bylaw 3619/A-2019 be read a first time.



Report Details

Background:

As a result of the January 2018 amendments to the *Municipal Government Act*, changes are required to The City of Red Deer Appeal Boards Bylaw. Also included are amendments requested by the Boards and those that have been identified by Administration as being in need of clarification.

Discussion:

The MGA amendments apply to the SDAB. They must be in place by April 1, 2019. Prior to sitting on a hearing, SDAB Board Members and the Clerk require training provided by the Province. Additionally, Council is required to appoint a Designated Officer of the SDAB.

Analysis:

MGA Related Amendments

MGA	CHANGE	BYLAW SECTION
s. 627.1	Council must appoint one or more Clerks for the SDAB. Clerks must be a designated officer and they must complete training.	s. 22
s. 627.2	Board Members must receive provincially required training.	s. 21

Administrative Amendments

CHANGE	NEW SECTION
Advisory Committees: this section is new and formalizes the ability of the Boards to meet outside of hearings.	s. 6
Length of Terms: this changes terms from 2 to 3 years to be consistent with training requirements and assist with succession planning.	s. 11(5)
Fees/Designated Officer: the Legislative Services Manager (the Designated Officer) has the authority to waive or refund fees.	Fee Schedule B



Remuneration & Expenses Schedule: remuneration has historically been set by resolution and was paid only for hearing time. The rates resulting from the Council resolution passed in July 2010 are the rates in the schedule. Administration added that remuneration and mileage are to be paid when a Board Member attends legislated training. Note: The Committees have identified a review of remuneration and expenses as a priority in 2019.	Schedule A
Policy/Procedures: several sections of the original bylaw (3487/2012) were removed and replaced with principles in s.7: <ul style="list-style-type: none"> • 6(c)(d) – limiting submissions and voting – this is covered in Hearing Procedures and Related Matters Policy • 9(4) – referred to voting of the Board – this is covered in Decisions: Deliberations and Approving Drafts policy • 14 & 15 – conflict of interest and pecuniary interest – covered in Role Description policy and Code of Conduct • 16 – power of authority – removed because the Boards only have the power that is given to them by the MGA or Bylaws • 17(8) – considerations of the Board – Decisions: Deliberations and Approving Drafts policy as well as s. 7 • 18(6) – consent adjournments – covered in Hearing Procedures and Related Matters Policy and Role Description policy 	s. 7
Board's Authority – applies to RDARB – allows the Board to confirm, deny or vary the thing being appealed if the enabling bylaw is silent	s. 17(2)

Committee Recommended Amendments

Chair & Vice Chair: this section now allows for any Board Member to preside over a hearing. This will assist with scheduling and will be a good tool to assist with succession planning.	s. 13
Delegation of Authority: the wording in the delegation has been changed from <i>the Board shall</i> to <i>the Board may</i> . Use of the word <i>shall</i> could be construed as fettering of the board's discretion (pre-determining the outcome).	s. 18(2)

**MEMBERSHIP Committee Recommended Amendment**

CHANGE	BYLAW SECTION
Membership: this removes Councillors from sitting on the appeal Boards. Neither of the City's other appeal boards - the Assessment Review Board or the Intermunicipal Subdivision and Development Appeal Board - have Council appointments. See the attached letter from the Board Chair for further rationale.	s. 9 following passage of the amending bylaw

NOTE: The current Board Members have already received training in accordance with MGA s. 627.2. Passage of both Bylaws ensures that the current Board Member appointments are maintained until new appointments are made at the Organizational meeting of Council on October 28, 2019.



October 30, 2018

Your Worship and Members of Council;

I write to you today in support of the draft Appeal Boards Bylaw which incorporates several amendments identified by the SDAB. The administrative report you have before you itemizes and describes the amendments, however, I wanted to take the time to provide more information on one particular proposed amendment: Composition of the Board. The draft bylaw proposes to change the composition of the SDAB from four citizens and one member of Council to five citizens, without Council representation.

As you know, the SDAB is an independent, administrative tribunal established under part 17 of the MGA. The SDAB has powers and must follow procedures similar to those of a court. The expectation is that an SDAB will act as fairly and as impartially as a court of law.

Procedural fairness dictates that Citizens have the right to an unbiased appeal panel, this is known as the Rule Against Bias. Not only must SDAB Members have an open mind and be capable of being persuaded one way or another, they must also consider the perception of bias. The test to use when determining perception of bias is: *'whether a reasonable person, viewing the matter realistically and practically, and after having obtained the necessary information and thinking the matter through, would have a reasonable apprehension of bias'*. The existence of a perception of bias is enough to disqualify a board member from sitting on a hearing.


There is an additional consideration regarding a Councilor's appointment to the SDAB – that of institutional bias. Institutional bias is also known as 'built in' bias – the basic theory is that because Council is the authority that establishes the planning documents and bylaws on which appeals are based, it can be argued that impartiality cannot exist when appeal board member(s) also have a role on the governing body.

We already know that the SDAB will be considering challenges to the new cannabis regulations. Additionally, looking forward, it will likely have appeals related to the new (and pending) sign regulations as well as there may be an influx of subdivisions, and therefore subdivision appeals, as the pending annexation with Red Deer County proceeds. Due to the high profile nature of these - the chance of a Council member having a position (or being perceived as having a position) on the matter is increased.

The decisions of these Boards can be appealed to the Courts, if on appeal, a Council member who heard a matter is found to be biased, the decision of the Board would be quashed and the matter re-heard (minimum). Applications of this nature are costly (both in time and dollars) and their potential would be reduced greatly with Boards comprised solely of citizens.

Lack of volunteers and expertise are just two of the factors in smaller municipalities that result in Council members being appointed to their SDAB's. As Alberta's 3rd largest city, The City of Red Deer is well known for leading the way in administrative tribunal excellence as is evidenced by the membership in the Central Alberta Regional Assessment Review Board. On behalf of the SDAB, we believe this is an opportunity to further demonstrate your leadership in Municipal Government.

Respectfully submitted for your consideration,


Karen Howley
Chair, SDAB & RDA&RB



March 7, 2019

Your Worship and Members of Council;

This letter confirms that at the September 5, 2018 meeting of the SDAB Committee the following resolution was passed:

3. Appeal Board Bylaw – Draft

The SDAB Advisory Committee received a draft Appeal Boards bylaw that addresses MGA changes and incorporates multiple amendments identified by the SDAB Advisory Committee during planning sessions. A high level summary is as follows:

- Appointment of Designated Officer: predicated by MGA changes, appoints LS Manager as Designated Officer (DO)
 - Advisory Committees: NEW – provides role clarity and formalizes the ability of the Boards to sit in an advisory capacity.
 - Membership: predicated by MGA changes, includes training requirements.
 - Terms: changes terms from 2 years to 3 to reflect training requirements and support better succession planning.
-
- Attendance at Hearings: clarifies that an 'absent member' is one that has been assigned to a hearing.
 - Delegation of Authority: NEW gives authority to DO to set remuneration and expenses
 - Composition: removes Council appointments, changes composition for both boards to 5 citizens and 2 alternates

MOVED by K. Howley, seconded by F. Yakimchuk that the SDAB Advisory Committee support the draft bylaw as it is a reflection of the discussions held at planning sessions; and THAT the Chair endorse a letter of support for the amendments to The City of Red Deer.

CARRIED

Respectfully submitted for your consideration,

Karen Howley
Chair, SDAB & RDA&RB

BYLAW NO. 3619/2019

Being a bylaw of The City of Red Deer to establish the Appeal Boards.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

**PART I
PROVISIONS APPLICABLE TO BOTH APPEAL BOARDS**

Short Title

- I. The short title of this bylaw is “The Appeal Boards Bylaw”.

Interpretation

2. The headings in this bylaw are for reference purposes only.
3. References to enactments and bylaws in this bylaw include amendment and replacement enactments and bylaws, and regulations and orders made in accordance with them.

Definitions

4. (I) In this bylaw:
 - (a) “Advisory Committee” is a subcommittee of the Board and meets as necessary.
 - (b) “Appellant” means a person who has served a written Notice of Appeal as set out in the Municipal Government Act or subordinate legislation or authorized person acting on behalf of the Appellant.
 - (c) “Applicant” means a person who made the initial application upon which an appeal is based or authorized person acting on behalf of the Applicant.
 - (d) “Board” means either the Subdivision and Development Appeal Board or Red Deer Appeal and Review Board as established by Council, and in a section of this bylaw relating to a specific Board, means that specific Board.
 - (e) “Chief Elected Official” means the Mayor for the City of Red Deer.
 - (f) “Citizen Representative” means a person appointed by Council who does not represent a specific organization;

- (g) “Designated Officer” means the designated officer appointed as the Clerk of the Subdivision and Development Appeal Board in accordance with section 627.1 of the MGA.
- (h) “Member” means a member of the Board;
- (i) “MGA” means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended; and
- (j) “Resident” means a resident of the City of Red Deer;

Establishment of Boards

- 5. (1) The following Boards are established:
 - (a) Red Deer Appeal and Review Board; and
 - (b) Subdivision and Development Appeal Board.

Advisory Committees

- 6. (1) The Boards may act as an Advisory Committee for the purpose of collaborating with the Designated Officer on all matters affecting the Board including but not limited to:
 - (a) Board Member attendance at hearings;
 - (b) Developing policies regarding Board matters;
 - (c) Monitoring and evaluating Board performance.
- (2) When meeting in an advisory capacity, the Board shall convene and keep minutes as an Advisory Committee and the quorum and voting requirements in this Bylaw apply.

Conduct and Procedures

- 7. (1) The conduct of Members and the procedures of the Board will be in accordance with:
 - (a) The express provisions of the MGA and related regulations;

- (b) Principles of natural justice and procedural fairness; and
- (c) Policies and procedures of the Board.

Membership

- 8. (1) Each Board consists of five Members as follows:
 - (a) One Council Representative;
 - (b) Four Citizen Representatives;
 - (c) One alternate Council Representative; and
 - (d) One alternate Citizen Representative.

Quorum

- 9. (1) Quorum is a majority of Members.
- (2) The Board must not sit in even numbered panels.
- (3) The majority decision constitutes the decision of the Board.

Appointments

- 10. (1) In selecting Members, preference may be given to local residents; however, it is also recognized that non-residents who own property or have a business in the City also have a stake in the community.
- (2) Former Members, former Council Members, and former City employees may apply for appointment for either Board after a two year hiatus from that capacity, with exceptions to be made at the discretion of Council.
- (3) The Chief Elected Official is not a Member of the Board unless specifically appointed under this bylaw.
- (4) All Members are appointed for three-year terms and serve on hearings for appeals and/or reviews filed during their term.

- (5) Where a Board position is left vacant for any reason, Council may appoint a replacement for the remainder of that term. Council may also alter the terms of appointment of any Member.
- (6) A Member may be re-appointed to a Board at the expiration of the Member's term but may not serve more than two consecutive terms, with exceptions to be made at the discretion of Council;
- (7) A Member may resign from a Board at any time by giving written notice to the Designated Officer.
- (8) Council may remove any Member from a Board for cause or misconduct on the recommendation of the Designated Officer.

Hearings

- 11. (1) Hearings will be held at such time and place as determined by the Board.
- (2) Public notice of a Board hearing will be given in the manner provided for in the MGA and subordinate legislation.
- (3) The proceedings of the Board must be conducted in public. However, the Board may close to the public portions of a hearing in accordance with the MGA, the Freedom of Information and Protection of Privacy Act, and Policies of the Board.
- (4) The Board may deliberate and make its decisions in meetings closed to the public.

Chair and Vice Chair

- 12. (1) The Chair and Vice Chair will be:
 - (a) Chosen annually from among Members;
 - (b) The Chair will preside over and be responsible for the conduct of hearings. If the Chair is unable to perform the Chair's duties, the Vice Chair will perform them.
 - (c) Notwithstanding the above, the Chair may in his discretion delegate role of presiding over the conduct of a hearing to another Member.

Designated Officer

- 13. (1) The Designated Officer shall assign Members to hearings. Any Member assigned to and absent from three consecutive hearings to which the Member has been assigned, unless such absence is authorized by resolution of the Advisory

Committee, will automatically forfeit his/her membership as of the date of the third consecutive hearing.

- (2) The Designated Officer may, at the request of the Chair sign orders, decisions and documents issued by the Board.
- (3) The Designated Officer may, at the request of the Chair sign documents issued by the Advisory Committee.
- (4) The Designated Officer will issue instructions to independent legal counsel for the Boards when required.

Remuneration

14. (1) Remuneration for Members and reimbursement of expenses, if any, will be set out in 'Schedule A'.

Fees

15. (1) Filing Fees payable by Applicants and/or Appellants will be set out in 'Schedule B'.
- (2) Fees and charges will be set out in 'Schedule B'.

PART II
RED DEER APPEAL AND REVIEW BOARD

16. (1) The functions and duties of the Red Deer Appeal and Review Board is to hear and to make decisions on appeals for which it is responsible under any City bylaw and in particular, arising under the following bylaws:
- (a) Alarm Bylaw;
 - (b) Business License Bylaw;
 - (c) Chicken Bylaw;
 - (d) Dog Bylaw;
 - (e) Escort Services Bylaw;
 - (f) Firearms Bylaw;
 - (g) Land Use Bylaw;
 - (h) Limousine and Sedan Bylaw;
 - (i) Taxi Bylaw;
 - (j) Utility Bylaw.
- (2) When the Board receives an appeal where the enabling bylaw is silent as to the Board's authority, the Board may confirm, deny or vary the thing being appealed.

Delegation of Authority

17. (1) In addition, under s. 203(1) of the MGA, the Board is given the authority and shall exercise the power of Council in respect of applications for review arising under s. 547 of the MGA
- (2) Where in the opinion of the Board, a Request to Review under section 547 of the MGA involves a matter of significant public policy to The City of Red Deer, the Board may refer the review to Council.

Filing an Appeal or Review

18. (1) An appeal or a review is commenced by mailing or delivering to the Designated Officer of the Board a Notice of Appeal or a Request to Review in the form established by the Board from time to time, with the applicable fee.

- (2) The Notice of Appeal or Request to Review must be received by the Designated Officer within the time frames set out in the MGA, the bylaw or thing that is being appealed. Where there is no time frame set out, the Notice of Appeal must be received within fourteen (14) days of the date the Appellant was notified of the issue to which an appeal is sought.

PART III
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Functions and Duties

19. (1) The Subdivision and Development Appeal Board will perform the functions and duties of a subdivision and development appeal board in accordance with the MGA.

Training

20. (1) Members will meet the training requirements set out in the MGA to be qualified to participate in a hearing.

Designated Officer

21. (1) The Legislative Services Manager is the Designated Officer of the Board, and has the duties as set out in the MGA and this Bylaw.
- (2) The Designated Officer will meet the training requirements set out in the MGA and will perform the duties and functions as set out in the MGA.
- (3) A subdivision or development appeal is commenced by mailing or delivering to the Designated Officer a Notice of Appeal in the form established by the Board from time to time, within the time specified in the MGA with the applicable fee.

PART IV**Repeal**

22. (I) Bylaw 3487/2012 is repealed.

Transitional

23. (I) Board Members holding office at the date this bylaw comes into full force shall continue to hold office until the expiry of their terms in accordance with their appointment under the Appeal Boards Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 18 day of March 2019.

READ A SECOND TIME IN OPEN COUNCIL this 18 day of March 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

SCHEDULE A

REMUNERATION

- I. Members receive the following remuneration when attending hearings and legislated training.

Up to 3 hours	3 to 6 hours	Over 6 hours
104.00	203.00	267.00

These amounts will increase to match the percentage salary increase granted to management staff, rounded up to the next dollar. (current as July 2017)

2. Members will be reimbursed for mileage when attending legislated training outside of the City of Red Deer, in accordance with The City's Expenses and Remuneration Policy.

SCHEDULE B

FEES:

1. Filing Fee: Seventy-Five (\$75.00) dollars
2. When required by the Board to be advertised: Seventy-Five (\$75.00) dollars
3. There is no fee for applications of the Red Deer Appeal and Review Board for a Review arising under s. 547 of the MGA.
4. Where a person may be affected by a subdivision or development but does not have a legal or equitable claim in the site, or is not the agent of the person having such interest: there is no fee.
5. Fees may be waived or refunded at the discretion of the Designated Officer.

CHARGES:

The following charges apply:

1. copy of the audio recording from a hearing: \$20 / each piece of digital equipment
2. transcript of the audio from a hearing: actual costs incurred
3. photocopies:

Black and white:	\$0.25/page
Color	\$0.35/page

BYLAW NO. 3619/A-2019

Being a bylaw of The City of Red Deer, in the Province of Alberta, to amend the Appeal Boards Bylaw of The City of Red Deer.

WHEREAS on March 18, 2019 The City of Red Deer enacted Appeal Boards Bylaw 3619/2019 to establish the Subdivision and Development Appeal Board and the Red Deer Appeal and Review Board.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- I. Bylaw 3619/2019 is amended as follows:
 - (a) Section 8 is deleted in its entirety and replaced with:

“8. (I) Each Board consists of five Members as follows:

 - (a) 5 Citizen Representatives; and
 - (b) 2 alternate Citizen Representatives.”
2. This bylaw comes into effect on October 28, 2019.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2019.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2019.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2019.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2019.

MAYOR

CITY CLERK

BYLAW NO. 3487/2012

Being a bylaw of The City of Red Deer to establish the Appeal Boards.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1. The short title of this bylaw is "The Appeal Boards Bylaw".

Definitions

2. (1) In this bylaw:
 - (a) "Appellant" means a person who has served a written Notice of Appeal as set out in Division 10 of Part 17 of the *Municipal Government Act* or subordinate legislation or authorized person acting on behalf of the Appellant;
 - (b) "Applicant" means a person who made the initial application upon which an appeal is based or authorized person acting on behalf of the Applicant;
 - (c) "Board" means either the Subdivision and Development Appeal Board or Red Deer Appeal and Review Board as established by Council, and in a section of this bylaw relating to a specific Board, means that specific Board;
 - (d) "Citizen Representative" means a person appointed by Council who does not represent a specific organization;
 - (e) "Clerk" means a person appointed by The Chief Administrative Officer of the City of Red Deer (or designate) to assist the Boards in fulfilling their mandates and legislative requirements.
 - (f) "Member" means a member of the Board;
 - (g) "MGA" means the *Municipal Government Act* of Alberta, RSA 2000, Ch. M-26, as amended;
 - (h) "Organizational Meeting" means the organizational meeting of Council as required under the MGA; and
 - (i) "Resident" means a resident of the City of Red Deer;

- (j) “Subordinate legislation” means any bylaw or regulation that supplements the MGA.
- (2) The titles or headings used in this bylaw are inserted for convenience of reference only and will not affect the interpretation or construction of this bylaw.

Establishment of Boards

- 3.
 - (1) The following Boards are established:
 - (a) Red Deer Appeal and Review Board; and
 - (b) Subdivision and Development Appeal Board.

Membership

- 4.
 - (1) Council will establish the Membership composition of Boards including whether a Board requires Council, Citizen Representatives, or agency representation.
 - (2) In selecting Board Members, preference may be given to local residents; however, it is also recognized that non-residents who own property or have a business in the City also have a stake in the community.
 - (3) Former Members, former Council Members, and former City employees may apply for appointment to a Board after a two year hiatus from that capacity, with exceptions to be made at the discretion of Council.

Terms of Appointment

- 5.
 - (1) Unless otherwise stated in this bylaw, Members are appointed at the Organizational Meeting of Council as follows:
 - (a) All Members are appointed for two-year terms;
 - (b) Where a Board position is left vacant for any reason, Council may appoint a replacement for the remainder of that term;
 - (c) A Member may be re-appointed to a Board at the expiration of the Member’s term but may not serve more than three consecutive terms;

- (d) A Member may resign from a Board at any time by giving written notice to the Legislative Services Manager;
- (e) Council may remove any Member from a Board at any time on the recommendation of the Mayor and City Manager; and
- (f) Council may alter the terms of appointment of any Member.

Chairperson

- 6. (1) The Chairperson will be:
 - (a) Chosen annually from among Members;
 - (b) Will preside over and be responsible for the conduct of hearings;
 - (c) May limit a submission if it is determined to be repetitious or in any manner inappropriate; and
 - (d) Will vote on matters submitted to the Board unless otherwise disqualified.

Attendance at Hearings

- 7. (1) Any Member absent from three consecutive hearings of the Board, unless such absence is authorized by resolution of the Board, will automatically forfeit his/her membership as of the date of the third consecutive hearing.
- (2) Any Member forfeiting his/her Membership may be eligible for reappointment in the future but not for the unexpired portion of the term forfeited.

Hearings

- 8. (1) Hearings will be held at such time and place as determined by the Board.
- (2) Public notice of a Board hearing will be given in the manner provided for in the MGA and subordinate legislation.
- (3) The proceedings of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Quorum and Voting

9. (1) Quorum is a majority of Members.
- (2) The Board must not sit in even numbered panels.
- (3) All members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- (4) The majority vote of those Members present and voting constitutes the decision of the Board.

Clerk

10. (1) The Clerk will:
 - (a) Consult with the Board to set policies, procedures and directives governing hearing processes, Member conduct and other Board matters.
 - (b) Issue instructions to independent legal counsel for the Boards when required.
 - (c) At the request of the Chairperson, sign orders, decisions and documents issued by the Board
- (2) The Clerk will maintain a Record of Hearing which will include:
 - (a) The appeal form;
 - (b) All documentary evidence filed in the matter;
 - (c) A list of witnesses who gave evidence at the hearing;
 - (d) A transcript or recording of the hearing or, in the absence of a transcript or recording, a summary of all testimonial evidence given at the hearing;
 - (e) All written arguments presented at the hearing;
 - (f) A written list that is prepared at the end of the hearing that identifies those matters or issues from the appeal form about which evidence was given or argument was made at the hearing; and

- (g) The decision of the Board.

Rules of Procedure

- 11. (1) The Board will conduct hearings in accordance with:
 - (a) The express provisions of the MGA and related regulations;
 - (b) Principles of natural justice and procedural fairness; and
 - (c) Policies and procedures approved by the Board.

Public Hearing

- 12. (1) Notice of a public hearing may be given by the Board in such form as it shall determine from time to time and shall include the following information:
 - (a) Name and address of the person to whom the notice is directed;
 - (b) Appeal number;
 - (c) Date, time, and location of the appeal hearing; and
 - (d) Substance of the issue being appealed.
- (2) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
 - (a) Allowing a party to obtain additional information or plans; and
 - (b) Allowing the Board to obtain a legal opinion or other professional guidance.
- (3) After a hearing of an appeal or a review by the Board, the Clerk shall:
 - (a) Under direction of the Chairperson, prepare the decision or order of the Board and the reasons for the decision in compliance with the MGA and subordinate legislation; and
 - (b) Arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the MGA.

Remuneration

13. (1) The remuneration and expenses payable to each Member shall be established by Council resolution.

Conflict of Interest

14. (1) Where a Member of the Board is of the opinion that he or she has a conflict of interest with respect of a matter before the Board, the Member must disclose the conflict of interest by:
- (a) Declaring that he or she has a conflict of interest; and
 - (b) Describing in general terms the nature of the conflict of interest.
- (2) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- (a) He or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue; or
 - (b) Doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that matter.

Pecuniary Interest

15. (1) The pecuniary interest provisions of the MGA apply to all Members while attending hearings of the Board, as though they were Councillors.
- (2) A Board Member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a Member.

Power of Authority

16. (1) No Member has:
- (a) Power to pledge the credit or course of action of the City or enter

into any agreement on behalf of the Board or the City;

- (b) Power to authorize any expenditure to be charged against the City without prior approval by Council; and
- (c) Authority to act administratively except as delegated by the City Manager.

Red Deer Appeal and Review Board

17. (1) The Red Deer Appeal and Review Board membership consists of five Members as follows:
- (a) One Councillor;
 - (b) Four Citizen Representatives;
 - (b) One alternate Councillor and;
 - (c) One alternate Citizen Representatives.
- (2) The alternate Councillor and Citizen Representative will serve respectively in the place of a Councillor or Citizen Representative who is unable to participate in a hearing.
- (3) The duty and purpose of the Red Deer Appeal and Review Board is to hear and to make decisions on appeals for which it is responsible under any City bylaw and in particular, arising under the following bylaws:
- (a) Alarm Bylaw;
 - (b) Dog Bylaw;
 - (c) Drinking Establishment Licensing Bylaw;
 - (d) Escort Services Bylaw;
 - (e) Firearms Bylaw;
 - (f) Land Use Bylaw;
 - (g) License Bylaw;
 - (h) Limousine and Sedan Bylaw;
 - (i) Taxi Bylaw;

- (j) Utility Bylaw;
 - ¹(k) Chicken Bylaw.
- (4) In addition, the Board shall exercise the power of Council in respect of applications for review arising under s. 547 of the MGA.
 - (5) An appeal or a review is commenced by:
 - (a) Mailing or delivering to the Clerk of the Board at Red Deer City Hall a Notice of Appeal or a Request to Review in the form established by the Board from time to time,
 - (b) By paying the applicable fee:
 - (i) Filing Fee: Seventy-Five (\$75.00) dollars; and
 - (ii) When required by the Board to be advertised: Seventy-Five (\$75.00) dollars.
 - (c) There is no fee for applications for Review arising under s. 547 of the MGA.
 - (6) The Notice of Appeal or Request to Review must be received by the Clerk at the Red Deer City Hall within the time frames set out in the MGA or subordinate legislation.
 - (7) Where there is no time frame set out in the MGA or subordinate legislation, the Notice of Appeal must be received by the Clerk at Red Deer City Hall within fourteen (14) days of the date the Appellant was notified of the issue to which an appeal is sought.
 - (8) When considering the merits of an appeal or a review, the board shall have regard to:
 - (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to the City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

¹ 3487/A-2014

- (9) Where in the opinion of the Board a Request to Review under section 547 of the MGA involves a matter of significant public policy or potential substantial cost to the City of Red Deer, the Board shall refer the review to Council.
- (10) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone, or by email) without the need to convene a formal hearing. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

Subdivision and Development Appeal Board

- 18. (1) In this section, the following words and terms are defined as follows:
 - (a) “Development Authority” means:
 - (i) The Development Officer and any employee of the City of Red Deer to whom the City Manager has delegated authority to carry out duties or functions of a Development Officer; or
 - (ii) The Municipal Planning Commission in respect of any matter assigned to it under the Land Use Bylaw, by Council, or referred to it by the Development Officer. Municipal Planning Commission is the subdivision authority of the City of Red Deer.
- (2) The Subdivision and Development Appeal Board membership consist of five Members as follows:
 - (a) One Councillor;
 - (b) Four Citizen Representatives;
 - (b) One alternate Councillor and;
 - (c) One alternate Citizen Representatives.
- (3) The alternate Councillor and Citizen Representative will serve in the place of a Councillor or Citizen Representative who is unable to participate in a hearing.
- (4) The Board has the authority to hear and decide upon appeals from the decisions of the Development Authority in respect of development or subdivision matters, in accordance with the provisions of the MGA.

- (5) A subdivision or development appeal is commenced by:
 - (a) Mailing or delivering to the Clerk at Red Deer City Hall a Notice of Appeal in the form established by the Board from time to time, within the time specified in the MGA; and
 - (b) By paying the applicable fee:
 - (i) Where the Appellant is also the Applicant: Seventy-Five (\$75.00) dollars; and
 - (ii) When required by the Board to be advertised: Seventy-Five (\$75.00) dollars.
 - (c) Where a person may be affected by the subdivision or development but does not have a legal or equitable claim in the site, or is not the agent of the person having such interest: there is no fee.
- (6) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone, or by email) without the need to convene a formal hearing. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

Repeal

- 19. (1) Bylaw 3432/2009 is repealed.

Transitional

20. (1) Board Members holding office at the date this bylaw comes into full force shall continue to hold office until the expiry of their terms in accordance with their appointment under the Committees Bylaw and Subdivision and Development Appeal Board or until new Members are appointed under this bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 29th day of October 2012.

READ A SECOND TIME IN OPEN COUNCIL this 29th day of October 2012.

READ A THIRD TIME IN OPEN COUNCIL this 29th day of October 2012.

AND SIGNED BY THE MAYOR AND CITY CLERK this 29th day of October 2012.

“Morris Flewwelling”

Mayor

“Frieda McDougall”

City Clerk

DATE: April 3, 2019**TO:** Samantha Rodwell, Deputy City Clerk**FROM:** Frieda McDougall, Legislative Services Manager**SUBJECT:** Appeals Board Bylaw 3619/2019 and Bylaw Amendment 3619/A-2019**FILE COPY****Reference Report:**

Legislative Services, dated March 20, 2019

Resolution:

At the Monday, April 1, 2019 Regular Council Meeting, Council passed the following Resolutions:

Resolved that Council of The City of Red Deer hereby agrees to amend bylaw 3619/2019 by adding the following sub-section (3) to section 16:

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
- (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

Resolved that Council of The City of Red Deer hereby agrees to table consideration of first reading of Bylaw 3619/A-2019 to the August 19, 2019 Council Meeting.

Bylaw Reading:

At the Monday, April 1, 2019 Regular Council Meeting, Council gave third reading to the following Bylaw:

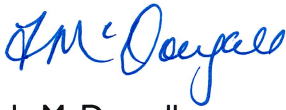
Bylaw 3619/2019 (a bylaw to establish the Subdivision and Development Appeal Board and the Red Deer Appeal & Review Board)

Report back to Council:

No.

Comments/Further Action:

Administration will amend the Bylaw and distribute in due course.



Frieda McDougall
Manager

- c. Director of Corporate Services
Appeals Coordinator
Corporate Meeting Administrator



Council Decision – April 1, 2019

DATE: April 3, 2019
TO: Shelley Gagnon, Recreation, Parks & Culture Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: In Camera Item – Land Matter

FILE COPY

Resolution:

At the Monday, April 1, 2019 Regular Council Meeting, Council passed the following Resolutions:

Resolved that Council of The City of Red Deer hereby agrees to add consideration of a Land Matter to the April 1, 2019 City Council Agenda.

Resolved that Council of The City of Red Deer having considered a Land Matter, In Camera on April 1, 2019 hereby endorses the revised recommendation as presented In Camera and agrees that the contents of the report will remain confidential as protected by the Freedom of Information and Protection of Privacy Act, Section 24(1)(a).

Report back to Council:

No.

Comments/Further Action:

None.

A handwritten signature in blue ink, appearing to read 'F. McDougall'.

Frieda McDougall
Manager

c. Director of Community Services