

BYLAW NO. 02-2023

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO PROVIDE FOR THE REGULATION OF LOT GRADING AND DRAINAGE WITHIN THE CITY OF LLOYDMINSTER

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with the peace, order and good government of the City; the safety, health and welfare of people and the protection of people and property; and nuisances, including unsightly property, activities or things that affect the amenity of a neighbourhood.

AND WHEREAS *The Lloydminster Charter* provides authority to City Council to pass bylaws for municipal purposes;

AND WHEREAS *The Lloydminster Charter* provides authority to the City to pass bylaws respecting the enforcement of bylaws.

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to establish a Bylaw to regulate and control, through bylaw, lot grading and drainage within the City of Lloydminster; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in Section 15 of *The Lloydminster Charter*, enacts as follows:

1. SHORT TITLE

1.1. This Bylaw shall be cited as the Lot Grading and Drainage Bylaw.

2. DEFINITIONS

2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply, unless context otherwise requires.

3. APPOINTMENT, AUTHORITY AND DUTIES OF THE CITY MANAGER

3.1. Except where specific authority is reserved to Council, in the Bylaw the administration and enforcement of this Bylaw is hereby delegated to the City Manager.

3.2. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may carry out anything required for the administration of this Bylaw, including but not limited to the following:

3.2.1. delegate any powers, duties or functions under this Bylaw to an employee of the City;

3.2.2. carry out any inspections that are reasonably required to determine compliance with this Bylaw;

3.2.3. establish any forms required for the administration of this Bylaw.

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4. APPLICATION AND ADMINISTRATION

- 4.1. Lot grading approval in accordance with this Bylaw is required for the Development of all lots designed and intended for any new construction where a building or development permit is required. Sections 7, 8, and 9 of this Bylaw shall be specific to such development.
- 4.2. Notwithstanding Section 4.1, Sections 7, 8 and 9 of this Bylaw do not apply to the development upon lots where a building or development permit is required for the following developments:
 - 4.2.1. a renovation of an existing building where no landscaping is taking place;
 - 4.2.2. new building construction or other uses of a lot where lot grading is not regulated by a development permit;
 - 4.2.3. construction of an accessory building, deck, or addition; or
 - 4.2.4. any dwelling with a valid building permit issued prior to the enactment of this Bylaw.

5. GENERAL REQUIREMENTS

- 5.1. Nothing in this Bylaw shall exempt any Person from complying with any other bylaw or requirement of the City, or from obtaining any license, permission, permit, authority or approval required by any other bylaw of the City or statute or regulation of the Provinces of Alberta or Saskatchewan.
- 5.2. Where the provisions of this Bylaw conflict with those of any statute or regulation of the Provinces of Alberta or Saskatchewan, the more stringent requirements shall prevail.

6. GRADING AND DRAINAGE PLAN APPROVAL PROCEDURE

- 6.1. Development shall not occur or take place upon a lot to which this Bylaw applies unless the City has approved a Grading and Drainage Plan for that lot.
- 6.2. A Grading and Drainage Plan shall be provided to the City by the Owner for approval as a condition of the development permit. The submitted Grading and Drainage Plan must be in conformance with the City of Lloydminster Municipal Development Standards, as amended from time to time.

7. INSPECTION AND APPROVAL OF GRADING OF RESIDENTIAL LOTS

- 7.1. Following the approval of a Grading and Drainage Plan for Residential Lots, the City may approve actual lot elevations and grades in two stages:
 - 7.1.1. Stage 1: Approval of Rough Grading; and
 - 7.1.2. Stage 2: Approval of Final Grading.



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- 7.2. Within sixty (60) calendar days of the completion of the Rough Grading of a lot, the Owner shall submit to the Lot Grading Inspector a Lot Grading Certificate for an approval of Rough Grading.
- 7.3. Within twenty-four (24) months of the date of the issuance of the Occupancy Permit or the Rough Grading Certificate for the lot (whichever is later), the Owner must complete Final Grading of the lot. Within sixty (60) calendar days of the completion of the Final Grading of a lot, the Owner shall submit to the Lot Grading Inspector a Lot Grading Certificate for an approval of Final Grading.
- 7.4. Should the Lot Grading Certificate submitted by the Owner not comply with the Lot Grading Guidelines, the Owner will be advised, and a Rough Grading Certificate or Final Grading Certificate shall not be issued until the Lot Grading Inspector receives a compliant Lot Grading Certificate.
- 7.5. When the Lot Grading Inspector has received a Lot Grading Certificate for Rough Grading from the Owner which complies with the Lot Grading Guidelines, the Lot Grading Inspector shall issue a Rough Grading Certificate.
- 7.6. When the Lot Grading Inspector has received a Lot Grading Certificate for Final Grading from the Owner which complies with the Lot Grading Guidelines, an inspection will be conducted as outlined in Section 7.7.
- 7.7. Within ten (10) working days of receiving a compliant Lot Grading Certificate from the Owner, the Lot Grading Inspector may, weather and site conditions permitting:
 - 7.7.1. conduct a visual inspection of the lot to evaluate conformance with this Bylaw and the Grading and Drainage Plan; and
 - 7.7.2. issue an inspection report to the Owner indicating any deficiencies to be rectified, or issue a Final Grading Certificate.
- 7.8. The Owner shall rectify any deficiencies identified in the inspection report within thirty (30) calendar days, or such time as specified in the inspection report, and then request an additional inspection.
- 7.9. If the Lot Grading Inspector has determined that a lot does not comply with the approved Grading and Drainage Plan after completion of the two (2) final grade inspections to which the Owner is entitled, by payment of the development permit fee, the Owner shall pay to the City a supplementary lot grading inspection fee prior to any further inspection taking place. The amount of the fee is set out in the Development Fee Schedule Bylaw as amended from time to time, and entitles the Owner to one (1) additional lot grading inspection.
- 7.10. The City relies entirely on the Lot Grading Certificate supplied by the Owner for as-constructed lot elevations.



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7.11. The City assumes no responsibility or liability for any inaccuracy, mistake, or error of law or fact arising from the information contained in the Lot Grading Certificate supplied by the Owner.

8. INSPECTION AND APPROVAL OF GRADING OF COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND HIGH DENSITY RESIDENTIAL LOTS

8.1. Following the approval of a Grading and Drainage Plan for Commercial, Industrial, Institutional, or High Density Dwelling lots, the City may, for individual lots, approve actual lot elevations and grades in one stage:

8.1.1. Stage 1: Approval of Final Grading.

8.2. Notwithstanding Section 8.1, the City may, in its sole discretion, require a visual inspection at the completion of Rough Grading, dependent upon the complexities of the lot grading design. This will be determined at the time of approval of the Grading and Drainage Plan. If such visual inspection is required at the completion of Rough Grading, the Owner shall:

8.2.1. apply to the Lot Grading Inspector within thirty (30) calendar days of the completion of Rough Grading for an inspection of the Rough Grading; and

8.2.2. rectify any deficiencies identified during the inspection within thirty (30) calendar days or a reasonable time as determined by the Lot Grading Inspector, and then forthwith request an additional inspection of the Rough Grading;

8.2.3. the Owner shall pay to the City a supplementary lot grading inspection fee prior to any further inspection taking place. The amount of this fee is set out in the Development Fee Schedule as amended from time to time and entitles the Owner to one (1) additional lot grading inspection;

8.2.4. a Lot Grading Certificate for a lot for which such additional visual inspection is required will not be accepted by the Lot Grading Inspector until such additional inspection has been completed and the deficiencies satisfactorily rectified.

8.3. The Owner shall submit a Lot Grading Certificate to the Lot Grading Inspector prior to a request for a final grade inspection. Should the Lot Grading Certificate not comply with the Lot Grading Guidelines, the Owner will be advised, and an inspection will not be completed until the Lot Grading Inspector receives a compliant Lot Grading Certificate. When the Lot Grading Certificate complies with the Lot Grading Guidelines an inspection will be conducted as outlined in Section 8.4.

8.4. Within fifteen (15) working days of receiving a request for a Final Grading inspection, the Lot Grading Inspector may, weather and site conditions permitting:



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- 8.4.1. conduct a visual inspection of the lot to evaluate conformance with this Bylaw; and
 - 8.4.2. issue to the Owner an inspection report indicating any deficiencies to be rectified, or issue a Final Grading Certificate.
- 8.5. If the Lot Grading Inspector has determined that a lot does not comply with the approved Grading and Drainage Plan, the Owner must rectify any deficiencies identified in the inspection report within thirty (30) calendar days or a reasonable time as determined by the Lot Grading Inspector, and then request an additional inspection of the Final Grading.
- 8.6. If the Lot Grading Inspector has determined that a lot does not comply with the approved Grading and Drainage Plan after completion of the one (1) final grade inspection to which the Owner is entitled by the basic lot grading inspection fee, the Owner shall pay to the City a supplementary lot grading inspection fee prior to any further inspection taking place. The amount of this fee is set out in the Development Fee Schedule as amended from time to time and entitles the Owner to one (1) additional lot grading inspection.
- 8.7. The City relies entirely on the Lot Grading Certificate supplied by the Applicant or Owner for as-constructed lot elevations.
- 8.8. The City assumes no responsibility or liability for any inaccuracy, mistake, or error of law or fact arising from the information contained in the Lot Grading Certificate supplied by the Applicant or Owner.

9. RESTRICTIONS AFFECTING LOT GRADING AND LANDSCAPING

- 9.1. The Owner or Applicant shall install, at the time of construction of a new dwelling, a sump pump discharge as part of the building's foundation drains such as to allow discharge of accumulated storm water or ground water to the storm water sewer with relief discharge to the surface unless otherwise shown on the Approved Surface Works and Lot Grading Plan.
- 9.2. All new and existing dwellings with a sump pump discharge shall comply with all City bylaws and standards and other applicable regulatory requirements. Any discharge of a sump pump shall not cause ponding or icing on public or private property or be discharged directly to any property line. The Owner shall be solely responsible for ensuring the sump pump discharge is properly designed, installed, operated, and maintained.
- 9.3. The Owner of a lot shall not permit roof drainage from a building or pumped subsurface drainage from a lot to be discharged to a location or in such a way as to cause a nuisance, hazard, or damage, as determined by the City at its sole discretion.



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- 9.4. No Person shall alter the surface elevations or surface grades of any lot that may result in or have the potential to cause a nuisance, hazard, or damage, as determined by the City at its sole discretion.
- 9.5. No Person, except employees or agents of the City, or other Persons with specific authorization of the City, shall alter, re-grade or obstruct the surface grades within City lands or City rights-of-way, or place or caused to be placed any Landscaping Features within City lands.
- 9.5.1. Where, prior to the enactment of this Bylaw, Landscaping Features were placed within City lands, the Owner of the adjacent lot may, at their sole cost:
- i. remove the Landscaping Features, and restore the City lands to a grassed state satisfactory to the Designated Officer; or
 - ii. enter into an agreement with the City to maintain the Landscaping Features and the immediate area surrounding the Landscaping Features in a condition satisfactory to the City until such time as the Landscaping Features are removed. This agreement shall be registered as a caveat on the title of the lot.
- 9.6. Notwithstanding Section 9.5, the Owner of a lot is responsible for the landscaping (Rough Grading and placement of topsoil and sod/seed) and maintenance of the Boulevard that is adjacent to the lot in accordance with the *Community Standards Bylaw*, as amended from time to time.
- 9.7. Notwithstanding Section 9.5, the Owner of a lot may plant a tree or trees within City lands adjacent to their lot, provided the Owner first obtains written authorization from the City in conformance with the City's policies.
- 9.8. The City shall not be held liable for any damages caused by a Person contravening Section 9.5.
- 9.9. The Owner of a lot shall at all times comply with the terms and conditions of any easement agreement, utility right-of-way, caveat or restrictive covenant document that has been registered on the title of the lot to protect a drainage structure, swale, ditch or other surface drainage feature.

10. PENALTIES

- 10.1. Any person who contravenes this Bylaw is guilty of an offence.
- 10.2. Persons having contravened certain sections of this Bylaw shall be liable for the penalties set out in such section or set out in Schedule "B" hereto.
- 10.3. A notice or form commonly called a Notice of Violation having printed wording approved by the City Manager, may be issued by a Bylaw Enforcement Officer to



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10.4. any person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment of the City of Lloydminster in the amount specified in Schedule "B" hereto.

10.5. A Summary Offence Ticket or a Violation Ticket shall be deemed to be sufficiently served:

10.5.1. if served personally on the accused; or

10.5.2. if mailed to the address of the person accused by regular mail.

10.6. The amounts specified in Schedule "B" hereto shall be the specified penalties for the purposes of the *Provincial Offences Procedures Act* (Alberta) or the *Summary Offences Procedure Act 1990* (Saskatchewan).

11. NUMBER AND GENDER REFERENCES

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

12. SEVERABILITY

12.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

This Bylaw shall come into force and effect upon the final passing thereof.

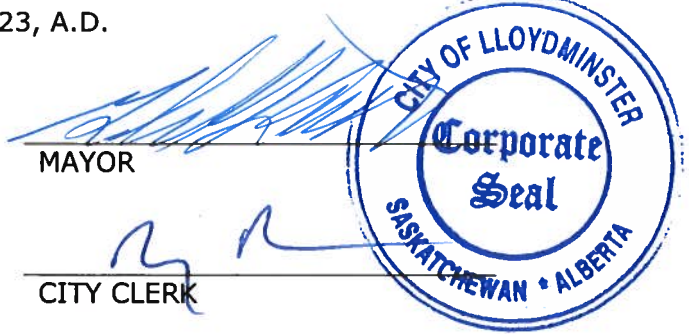
INTRODUCED AND READ a first time this 6th day of February, 2023, A.D.

READ a second time this 3rd day of April, 2023, A.D.

READ a third time this 3rd day of April, 2023, A.D.

April 3, 2023

Date Signed



MAYOR

April 3, 2023

Date Signed

CITY CLERK

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SCHEDULE "A"

Definitions

Approved Surface Works and Lot Grading Plan	A grading plan (drawing) submitted by a land developer for final approval of a subdivision, which is approved by the City and illustrates the drainage systems and patterns common to two or more lots in a subdivision. The Approved Surface Works and Lot Grading Plan shall be retained by the City and amended from time to time as required to reflect revisions arising from lot and building construction.
Boulevard	Any part of the road allowance that is: <ul style="list-style-type: none"> a. not generally used for vehicular traffic; and b. that part of the roadway that is not especially adapted to the use of or ordinarily used by pedestrians.
City	The City of Lloydminster and the area contained within the corporate boundaries of the City.
City Manager	The Commissioner of the City of Lloydminster as appointed by Council or designate.
Commercial, Industrial, or Public Service Lot	A development on a lot with a commercial, industrial, or public service land use district designation as defined by the City of Lloydminster Land Use Bylaw, as amended from time to time, or follows the regulations of those land use district designations.
Council	The Municipal Council of the City of Lloydminster.
Designated Officer	A person to whom powers, functions or duties under this Bylaw have been delegated by the City Manager.
Development	Development means: <ul style="list-style-type: none"> a. an excavation or stockpile and the creation of either of them, b. a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land, c. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.
Drainage	A system of natural or artificial drains. This system conveys flows of water (from rainfall or sump pump systems) over the surface of the land, either across a naturalized surface (grass, landscaping features, etc.) or an artificial one (asphalt, concrete, etc.). When properly constructed, these flows will be conveyed to City property independent of adjacent properties.
Dwelling	A building or part of a building, occupied or capable of being occupied as a home or residence by one or more Persons, and



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	containing one or more Dwelling Units but shall not include a hotel, motel, apartment hotel or hostel.
Dwelling Unit	One or more habitable rooms designed, occupied or intended for use by one or more Persons as an independent or separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such Persons.
Final Grading Certificate	A document, executed by the Lot Grading Inspector, certifying that the City accepts that all of the requirements for the Final Grading of a lot have been satisfied.
Grade Slip	A drawing prepared for each individual lot in a subdivision, submitted to the City by the developer of the subdivision, prior to development permits or building permits being approved. This drawing will contain the approved and final design surface slopes and elevations as shown in the Approved Surface Works and Lot Grading Plan, and will be provided to the purchaser of each lot.
Grading	The alteration of land levels, including the addition or removal of topsoil or other material of any kind. Grading is defined as having two stages: <ul style="list-style-type: none"> a. Rough Grading means the shaping or contouring of the site by the Applicant prior to placement of topsoil or other final landscaping materials, to establish drainage of the lot; and b. Final Grading means the shaping or contouring of the site by the Owner/Applicant after placement of topsoil and the establishment of seed or sod.
Grading and Drainage Plan	A drawing submitted by the Applicant, containing the design surface elevations and slopes for an individual lot, prepared in compliance with the requirements of the City's Municipal Development Standards.
High Density Dwelling	A lot with a residential development creating more than two (2) dwelling units.
Land Surveyor	A registered or licensed member, in good standing, of the Alberta or Saskatchewan Land Surveyor's Association, dependent upon which Province the development is in.
Landscaping Features	Planting beds, plantings, shrubs, trees, or any other thing placed or planted to improve the landscaping amenity of an area.
Lot Grading Certificate	A plan (drawing) duly signed and certified by a Land Surveyor, as accurately representing the existing measured surface elevations and surface grades of a lot. A Lot Grading Certificate shall be submitted at completion of Rough Grade for a Residential lot, unless otherwise waived by the City and at Final Grade for all lots.
Lot Grading Guidelines	Guidelines pertaining to lot grading and landscaping as established in the City's Municipal Development Standards.



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Lot Grading Inspector	The Designated Officer who administers lot grading and drainage requirements regulated by this Bylaw. This person may issue a notice pursuant to Section 503 of <i>The Lloydminster Charter</i> , as it applies to this Bylaw.
Municipal Development Standards	The current version of the City's document setting forth the City's engineering design requirements concerning development within the City.
Order	Any written notice or letter that requires a Person to remedy a contravention of this Bylaw or <i>The Lloydminster Charter</i> .
Owner	Any Person who is registered under the Saskatchewan or Alberta Land Titles Act as the Owner of the lot, or any other Person who is in lawful possession thereof or who is in lawful possession or occupancy of any buildings situated thereon, or any agent of, or Person acting on behalf of the Owner.
Person	Any individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative organization.
Residential Lot	A lot with a residential development creating up to two (2) dwelling units.
Rough Grading Certificate	A document, executed by the Lot Grading Inspector, certifying that the City accepts that all of the requirements for the Rough Grading of a lot have been satisfied.
Subdivision	The division of any area of land into two or more parcels. Includes a re-subdivision, or a consolidation of two or more parcels.
Summary Offence Ticket	As defined by the <i>Summary Offences Procedures Act</i> (Saskatchewan), as amended from time to time.
Violation Ticket	As defined by the <i>Provincial Offences Procedure Act</i> (Alberta), as amended from time to time.



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SCHEDULE "B"

Penalties

SECTION	OFFENCE	FINE
9.2	Sump pump discharge causing ponding, icing, or discharged directly to property line	\$500
9.3	Roof drainage or pumped subsurface drainage causing a nuisance, hazard or damage	\$500
9.4	Altering the surface elevations or grades of any lot causing or potentially causing a nuisance, hazard or damage	\$1000
9.5	Alteration, re-grading or obstructing surface grades within City lands or Rights of Way without authorization	\$1000
Any contravention of this Bylaw not specified in Schedule "B" herein		\$500 for the first offence, \$750 for subsequent offences



