

BYLAW NO. 10-2024

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO ESTABLISH FEES FOR ALL PROPERTIES BENEFITING FROM THE CITY OF LLOYDMINSTER STORMWATER SYSTEM

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with: safety, health and welfare of people and the protection of people and property, services provided by or on behalf of the City, and public utilities;

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 establish fees for all Properties benefiting from the City of Lloydminster Stormwater System.

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

1. SHORT TITLE

1.1. This Bylaw shall be cited as the Stormwater Utility 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, including a Designated Officer or a member of the RCMP;
- 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, and;
- 3.2.4. initiate and conduct any legal action required to ensure compliance with the provisions of this Bylaw.



BYLAW NO. 10-2024

4. STORMWATER UTILITY

- 4.1. All Properties within the City of Lloydminster, except those designated as exempt under section 4.2 of this Bylaw, shall be charged the Stormwater Utility fee set out in the *Fees and Charges Bylaw*.
- 4.2. This Bylaw does not apply to the following properties:
 - 4.2.1. Properties designated as Public Utility;
 - 4.2.2. Properties designated as Green Space;
 - 4.2.3. Cemetery and parks;
 - 4.2.4. City-owned and operated facilities;
 - 4.2.5. City-owned streets and roadways.
- 4.3. The reduced Stormwater Utility fee set out in the *Fees and Charges Bylaw*, as amended from time to time, shall apply to all Properties deemed Vacant or Undeveloped by the City Manager.
- 4.4. For the purposes of determining the Stormwater Utility Fee, Duplex Dwellings shall be considered as one Property. In the case of a duplex having multiple associated utility accounts, section 5 of this bylaw shall apply.
- 4.5. For the purposes of determining the Stormwater Utility Fee, Semi-detached Dwellings shall be considered as one Property. The applicable Stormwater utility fee will be applied to each individual dwelling in full. In the event the Semi-detached Dwelling has a single utility account, the applicable Stormwater Rate for the entire Semi-detached Dwelling shall be multiplied by two and invoiced to the single utility account.
- 4.6. For the purposes of invoicing Properties for Stormwater Utility fees when not connected to the City's water Utility Services, the City shall establish a utility Account in accordance with the *Utility Bylaw*, as amended from time to time.

5. MULTI-UNIT DWELLINGS AND COMMERCIAL PROPERTIES

- 5.1. For the purposes of determining the Stormwater Utility Fee for Multi-unit Dwellings and Commercial Properties, the total consolidated size of the entire Property, rather than individual unit sizes, will be considered. For the purpose of billing the assigned Stormwater Utility fee, the Multi-unit Dwelling or Commercial Property, as the case may be, will receive one account.
- 5.2. For the purposes of invoicing Multi-unit Dwellings and Commercial Properties Stormwater Utility fees, the City shall establish a utility Account in accordance with the *Utility Bylaw*, as amended from time to time.

Where a Property has one owner, the City shall establish a utility Account in the name of the owner in accordance with the *Utility Bylaw*, as amended from time to time.

- 5.3. Where a Property has multiple owners, the City shall establish a utility Account in the name of the Condominium Corporation, Condominium Board, or Condominium Association on behalf of the owners in accordance with the *Utility Bylaw*, as amended from time to time.



BYLAW NO. 10-2024

6. RE-EVALUATION OF STORMWATER UTILITY FEES

- 6.1. If the owner of a Property seeks re-evaluation of the Stormwater Utility fees applied to the Property or an exemption pursuant to subsection 4.2, the owner may apply to the City in writing, for a review of the Stormwater Utility fee.
- 6.2. Upon receipt, the City Manager shall review the request and notify the requester of the result of their decision, in writing.
- 6.3. The City Manager may at any time re-evaluate the Stormwater Utility fee of a Property for the purpose of section 4 of this Bylaw, and change the Stormwater Utility fee applied to the Property, if in the opinion of the City Manager it is appropriate to do so.
- 6.4. Where the City Manager revises the Stormwater Utility fee applied to the Property as a result of a request under section 6.1, the revised Stormwater Utility fee shall not be applied retroactively.
- 6.5. The City Manager's decision is at their sole discretion and not subject to appeal.

7. PROPERTY ALTERATION AFFECTING THE STORMWATER UTILITY FEE

- 7.1. If a Property is altered such that it affects the Stormwater Utility fee associated with the Property, the owner shall advise the City within ninety (90) days of such alteration.
- 7.2. The City shall review the reported alteration to determine the impact to the Stormwater Utility fee. The City reserves the right to conduct inspections and request additional information to verify the reported alterations.
- 7.3. If the City determines that the reported alterations impact the Stormwater Utility fee, an appropriate fee change shall be made to the Stormwater Utility fee applicable to the Property. The new Stormwater Utility fee shall take effect on the date that the alteration is completed, which may result in a retroactive application of the new Stormwater Utility fee.
- 7.4. Where a Property alteration is discovered by the City as unreported in contravention of section 7.1, the City Manager shall review and may adjust the account to the date the alteration was discovered or the date the alteration was finalized, as determined by the City Manager, if in the opinion of the City Manager it is appropriate to do so.

8. UTILITY ACCOUNT AND BILLING

- 8.1. For the purposes of this section, capitalized terms not defined in this Bylaw shall have the meaning given to them in the *Utility Bylaw*, as amended from time to time.
- 8.2. The provisions of the *Utility Bylaw*, as amended from time to time, with regard to Utility Services Accounts and Billings shall apply to the Stormwater Utility unless otherwise modified by this bylaw.



BYLAW NO. 10-2024

- 8.3. An Account established under the *Utility Bylaw*, as amended from time to time, which includes the Stormwater Utility creates a Contract between the Customer and the City and the Customer agrees to be bound by the provisions of the Account.
- 8.4. Any amount owing on an Account under the *Utility Bylaw*, as amended from time to time, which includes the Stormwater Utility is due and payable on issuance, and is recoverable by any or all of the methods listed on the Utility Bylaw. Finance charges can be applied on outstanding balances in accordance with the Finance Charge Policy, as amended from time to time.
- 8.5. Where a Condominium Corporation, Condominium Board, or Condominium Association is responsible for the payment of the Stormwater Utility Bill on behalf of all the units within the Property, the City reserves the right to transfer the outstanding amounts to the tax roll of the respective Property owners.

9. ENFORCEMENT

- 9.1. The enforcement provisions of the *Utility Bylaw*, as amended from time to time, shall apply to this Stormwater Utility Bylaw, unless otherwise modified by this Bylaw.

10. NUMBER AND GENDER REFERENCES

- 10.1. 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.

11. SEVERABILITY

- 11.1. 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.

The following bylaws and all amendments thereto are hereby repealed:


- Stormwater Utility Bylaw 09-2017

INTRODUCED AND READ a first time this 9th day of September, 2024, A.D.

READ a second time this 23rd day of September, 2024, A.D.

READ a third time this 23rd day of September, 2024, A.D.

2024-09-30
Date Signed


MAYOR

2024-09-30
Date Signed


CITY CLERK

BYLAW NO. 10-2024

SCHEDULE "A"

Definitions

Charter	Refers to <i>The Lloydminster Charter</i> .
City	The City of Lloydminster and the area contained within the corporate boundaries of the City.
City Manager	The Commissioner of the City or their designate.
Commercial	Premises used to conduct a business licensed by the City, and which includes Industrial and Institutional Properties.
Duplex	A building containing only two dwellings with one dwelling placed over the other in whole or in part with individual and separate access to each dwelling, and includes a Property on which a Duplex Dwelling is located.
Green Space	A Property partially or completely covered with grass, trees, shrubs or other vegetation, with no hard surfacing, and which allows Stormwater to be absorbed into the ground.
Industrial	Premises that are used for manufacturing, processing, assembling, cleaning, servicing, repairing, testing, storage, distribution or warehousing of materials, goods, or equipment.
Institutional	Premises used as a temporary place of residence and includes hotel, motel, school, church, prison, senior citizens' home, special care home, community home and hospital, but does not include permanent residential premises.
Multi-unit Dwelling	A residential building containing three or more dwellings with separate access to each dwelling.
Public Utility	A Property specifically designated and solely used to contain a public utility.
Property	A site benefiting from the Stormwater system which may or may not contain building(s).
Semi-detached Dwelling	A residential building containing row housing of only two dwellings.
Stormwater	All runoff water from any source.
Stormwater System	A network of infrastructure designed for Stormwater management. This includes but is not limited to storm pipes, manholes, catch basins, Stormwater management ponds and drainage channels.
Stormwater Utility	The provision of Stormwater management services by the City and includes those services provided by the Stormwater System.
Utility Services	Water, sewer, stormwater and garbage collection services provided by or on behalf of the City of Lloydminster.
Vacant/Undeveloped	Property without a building or any infrastructure. This includes but is not limited to agricultural lands, empty



BYLAW NO. 10-2024

	residential lots, and empty industrial/commercial lots which meet this definition.
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Mayor
[Signature]
City Clerk