

**THE CITY OF SPRUCE GROVE**

**BYLAW C-1045-18**

**SURFACE DRAINAGE BYLAW**

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26, Council may pass bylaws for municipal purposes respecting; the safety, health and welfare of people and the protection of people and property;

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26 Council may pass bylaws for municipal purposes respecting licenses, permits and approvals;

WHEREAS under the authority of the *Municipal Government Act*, R.S.A., 2000, c.M-26, and amendments thereto, the Council has the power to enact for the enforcement of bylaws;

AND WHEREAS, the City of Spruce Grove wishes to regulate and control, through bylaw, Lot grading and drainage within the City of Spruce Grove;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

**1. BYLAW TITLE**

1.1 This bylaw is called the "Surface Drainage Bylaw".

**2. DEFINITIONS**

2.1 "Alberta Land Surveyor" means a registered or licensed member, in good standing, of the Alberta Land Surveyor's Association.

2.2 "Applicant" means a person applying for a permit(s) for development on any Residential or Commercial Lot.

2.3 "City" means the City of Spruce Grove.

2.4 "City Right-of-Way" means a public road, public lane, utility right-of-way, transportation right-of-way, or an easement where the City is party to an agreement granting the City an interest in the land.

- 2.5 “Commercial Lot” means a Lot that is zoned for, or contains, or is proposed to contain a commercial, industrial, institutional or multi-family development.
- 2.6 “Council” means the mayor and councilors duly elected pursuant to the provisions of the *Local Authorities Election Act*, R.S.A., 2000, c.L-21.
- 2.7 “Development Fees and Fines Bylaw” means The City of Spruce Grove’s bylaw as amended or replaced.
- 2.8 “Driveway” means short private roads that lead to a house or garage which is maintained by an individual or group. A Driveway may also refer to a small apron of pavement in front of a garage with a curb cut in the sidewalk, sometimes too short to accommodate a car.
- 2.9 “Engineer” means the City’s Director of Engineering and includes a person delegated to act on behalf and under the supervision and direction of the Director of Engineering.
- 2.10 “Environmentally Sensitive Areas” means lands in public or private ownership that are protected under Federal, Provincial or Municipal regulations due to the presence of protected flora or fauna, exhibit especial geological conditions, or which are of ecological or historical importance. Examples of Environmentally Sensitive Areas include, but are not limited to; creeks, wetlands, swamps, ravines, and eskers. Natural areas identified in Figure 8 of the *Municipal Development Plan* (City of Spruce Grove) are also considered Environmentally Sensitive Areas.
- 2.11 “Erosion and Sedimentation Control Plan (ESC)” means a drawing that indicates and defines all procedures intended to control erosion and sedimentation during both construction and maintenance periods.
- 2.12 “Final Grading” means the shaping or contouring of the Lot by the Applicant/Owner after placement of topsoil and prior to the establishment of seed or sod.
- 2.13 “Grading” means the alteration of, or improvements to, existing clay or landscape elevations, including the addition or removal of clay, topsoil, or other material of any kind.
- 2.14 “Lot” means a parcel of land or portion thereof.
- 2.15 “Lot Grading Certificate” means a plan duly signed and certified by a registered Alberta Land Surveyor or Professional Engineer as accurately representing the existing surface elevations and surface grades of a Lot.

- 2.16 “Lot Grading Guidelines” means guidelines established by the City’s General Manager of Planning and Infrastructure outlining the process in detail of the Lot Grading program.
- 2.17 “Lot Grading Plan” means a plan for Grading of a Residential Lot.
- 2.18 “Owner” means any person or persons who is currently registered under the *Land Titles Act, R.S.A. 2000, c.L-4*.
- 2.19 “Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act, R.S.A. 2006, c.P-3.5* or a City Bylaw Officer.
- 2.20 “Performance Damage Agreement” means an agreement entered into by the Applicant with the City which ensures completion of grading and indemnifies and saves the City harmless from all costs related to damages in connection with the specified property as outlined in the Lot Grading permit.
- 2.21 “Professional Engineer” means is a registered or licensed member, in good standing, of the Association of Professional Engineers and Geoscientists of Alberta.
- 2.22 “Public Land” means any property owned, controlled, or maintained by the City, including park land, public utility lot (PUL), utility lot, walkway or any undesignated lot.
- 2.23 “Residential Lot” means a Lot that is zoned for, or contains, or is proposed to contain a single detached dwelling, semi-detached dwelling or row house development containing up to four units.
- 2.24 “Rough Grading” means the shaping or contouring of the site by the Applicant prior to placement of topsoil or other final landscaping materials.
- 2.25 “Site Grading Plan” means a plan approved by the City for a Commercial Lot.
- 2.26 “Storm Water Management System” means any system designed and used to collect storm water through the use of sewers, pumping stations, management facilities and Surface Drainage Facilities.
- 2.27 “Subdivision” means the division of any area of land into two or more parcels, and includes a re-Subdivision and a consolidation of two or more parcels.

- 2.28 “Surface Drainage Facility” means any public facility or facilities associated with drainage, control, or collection of surface drainage that is ultimately directed to a City Right-of-Way or other Public Land, and includes, but is not limited to:
- (a) a grass or landscaped swale;
  - (b) a concrete or asphalt walkway, gutter or swale;
  - (c) a culvert;
  - (d) a catch basin;
  - (e) a drainage control fence or structure; or
  - (f) the sloping and contouring of land to facilitate or control storm drainage.
- 2.29 “Surface Drainage Plan” means a plan approved by the City for a Subdivision or neighbourhood containing multiple Lots, showing the detailed design of all property line elevations to function in an overall scheme for the plan area in conjunction with the adjacent lands.
- 2.30 “Violation Tag” means a ticket or similar document issued by a Peace Officer pursuant to the Section 7(i)(vi) of the *Municipal Government Act*, RSA, 2000, c.M-26.
- 2.31 “Violation Ticket” means a Violation Ticket as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34.

### **3. GENERAL**

- 3.1 This bylaw shall be specific to Lot Grading approval requirements for the development of Lots designed and intended for any new or existing construction where a development and/or building permit is required.
- 3.2 Nothing in this bylaw shall exempt any person from complying with any other bylaw or requirement of the City, or from obtaining any licence, permission, permit, authority or approval required by any other bylaw of the City or statute or regulation of the Province of Alberta.
- 3.3 Where the provisions of this bylaw conflict with those of any other bylaw of the City or any statute or regulation of the Province of Alberta, the higher or more stringent requirements shall prevail.

- 3.4 The rates and charges to be charged for surface drainage inspections shall be set out from time to time in the City's *Development Fees and Fines Bylaw*, as amended.
- 3.5 All deadlines and timelines established by this bylaw shall apply to existing development and building permits, and the deadlines and timelines shall commence upon the date this bylaw comes into effect.
- 3.6 This bylaw shall come into force and effect after third reading and upon being signed.

**4. PERMIT FEES**

- 4.1 An application for a development or building permit shall be accompanied by a Lot Grading permit application where required and fees as set forth in the City's *Development Fees and Fines Bylaw*, as amended.
- 4.2 Notwithstanding the provision of Section 4.1, no Lot Grading permit application fee as described in Section 4.1 shall be required where the Applicant/Owner for the Lot Grading permit is the City.

**5. OWNER RESPONSIBILITIES**

- 5.1 Owners shall:
  - (a) Establish and maintain proper Grading within their Lots, ensuring positive drainage, from building foundations, and exterior elements, to an acceptable Surface Drainage Facility.
  - (b) At any time, eliminate any nuisance hazardous, or damaging Surface Drainage conditions originating from their Lot, as directed by the City.

**6. SURFACE DRAINAGE PLAN APPROVAL**

**6.1 GENERAL**

- (a) No Lot or lands to which this bylaw applies shall be developed or re-developed unless the City has approved a Surface Drainage Plan.

- (b) Surface Drainage for individual Lots shall be provided for approval at the time of application for a development or building permit. The Surface Drainage Plans for individual Lots is to be prepared by the Applicant/Owner.
- (c) Any person seeking to subdivide lands or develop multiple lots within the City of Spruce Grove must provide a Surface Drainage Plan for approval at the time of application for subdivision approval or a development permit.. The Surface Drainage Plan is to be prepared by an Alberta Land Surveyor, a Landscape Architect, or a Professional Engineer.
- (d) The Surface Drainage Plan must:
  - (i) establish the design of the land, including Lots within the development area and in conjunction with adjacent lands surrounding the development area;
  - (ii) incorporate the preservation and protection of any Environmentally Sensitive Areas abiding by all Acts and Regulations either Federal or Provincial;
  - (iii) incorporate a Storm Water Management system; and
  - (iv) comply with the City's *Municipal Development Standards*.
- (e) A Surface Drainage Plan is deemed to be approved when it meets the requirements of this bylaw and is approved in writing by the Engineer.

## 6.2 RESIDENTIAL GRADING PLAN APPROVAL

- a. Where a Surface Drainage Plan exists, for any Residential Lot, the Applicant/Owner of the property must apply for a Lot Grading Permit when applying for a Development and/or Building Permit.
- b. The Lot Grading Plan submitted with their application shall illustrate proposed grades for the Lot, and be consistent with the approved Surface Drainage Plan, subject to variations approved by the City where deemed necessary.
- c. The Applicant/Owner will enter into a Performance Damage Agreement for each development/application and provide a deposit as laid out in the City's *Development Fees and Fines Bylaw*, or in

an irrevocable letter of credit in an amount approved by the Engineer.

- d. The Engineer will review the Lot Grading Plan to ensure the elevations of all structures (house, garage, concrete pad, etc.) allow for grading to be achieved in accordance with the Surface Drainage Plan. The Engineer reserves the right to request revisions should there be difficulty achieving adequate grade and/or potential for drainage issues.
- e. Where a Surface Drainage Plan exists, the Applicant/Owner of a property must establish and maintain surface grades and elevations on the property in compliance with the approved Surface Drainage Plan.
- f. Following the approval of a Lot Grading Plan for residential Grading, the City will confirm Lot elevations and grades in two stages:
  - (i) Stage 1: Approval of Rough Grading; and
  - (ii) Stage 2: Approval of Final Grading.
- g. All semi-detached or row house developments where a drainage easement exists must be approved as one dwelling at the rough grade stage to ensure proper drainage from and to all units.
- h. The Applicant/Owner of a Residential Lot shall ensure that:
  - (i) Rough Grading is approved by the City within eighteen (18) months of the issuance of a Lot Grading Permit. A six month extension can be granted only with written approval from the Engineer; and
  - (ii) Final Grading is approved by the City within twelve (12) months of the rough grade approval.
- i. Should the Applicant /Owner not obtain approval of Rough Grading prior to commencement of final grade, fines may be issued as set out in Schedule 'A' – *Schedule of Penalty Amounts*.
- j. A person applying for rough or Final Grading approval must submit a Lot Grading Certificate (prepared by an Alberta Land Surveyor) to the City.

- k. The detailed process for obtaining Rough and Final Grade approval can be found in the City's Lot Grading Guidelines.
- l. The Owner of a Residential Lot that does not have an approved Lot Grading Plan that complies with an approved Surface Drainage Plan must establish and maintain surface grades and elevations in such a way that:
  - (i) water drains away from any buildings;
  - (ii) water drains towards a City Right-of-Way, Public Land, a common property line, or another receiving area approved by the Engineer; and
  - (iii) property line elevations are not impacted without prior written authorization of all affected parties.
- m. The City relies entirely on the Lot Grading Certificate for as-constructed Lot elevations supplied by the Applicant/Owner.
- n. The City assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact arising from the Lot Grading Certificate supplied by the Applicant/Owner.

6.3 **COMMERCIAL/INDUSTRIAL/INSTITUTIONAL AND MULTI-FAMILY GRADING PLAN APPROVAL**

- a. The Applicant/Owner of any Commercial Lot seeking to develop, re-develop, build, or construct must apply for a Lot Grading Permit when applying for a Development and/or Building Permit.
- b. The Applicant/Owner of the Lot must submit a Site Grading Plan to the City for review and approval.
- c. The Site Grading Plan must:
  - (i) Establish the surface drainage design of the Lot, including the preservation and protection of any Environmentally Sensitive Areas abiding by all Acts and Regulations, Federal and Provincial.
  - (ii) Illustrate any ditches, swales, on-site Storm Water Management System, locations of manholes and any orifice plates including indication of plate size.

- (iii) Incorporate a Storm Water Management System; and
- (iv) comply with the City's *Municipal Development Standards*.
- d. The Applicant/Owner of the Lot must submit an Erosion & Sedimentation Control Plan (ESC), when required by the City for review and approval.
- e. The Site Grading Plan must be approved by the Engineer prior to any on-site construction.
- f. The Applicant/Owner will enter into a Performance Damage Agreement for each development/application, and provide a deposit as laid out in the City's *Development Fees and Fines Bylaw*, as amended.
- g. Following the approval of a Site Grading Plan for Commercial Lots, the City will confirm Lot elevations and grades at Final Grading only; Rough Grading is not required.
- h. The Applicant/Owner of a Commercial Lot shall ensure that Final Grading is approved by the City within twenty-four (24) months of the issuance of a Lot Grading Permit, unless otherwise approved by the Engineer.
- i. An Applicant/Owner applying for final grade approval must submit a Lot Grading Certificate and as-built drawings. The City requires the as-built drawings be prepared by a Professional Engineer.
- j. The detailed process for obtaining Final Grade approval can be found in the City's Lot Grading Guidelines.
- k. The City relies entirely on the Lot Grading Certificate for as-constructed Lot elevations supplied by the Applicant/Owner.
- l. The City assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact arising from the Lot Grading Certificate supplied by the Applicant/Owner.

## 7. **SURFACE DRAINAGE RESTRICTIONS**

- 7.1 When a foundation drainage system is required the Applicant/Owner of any new Residential and/or Commercial Lot shall install, at the time of construction, a sump pump discharge as part of the building's foundation drain such as to allow discharge to the storm sewer with relief discharge to

the surface unless otherwise shown on the approved Surface Drainage Plan.

- 7.2 The Owner of a property where a sump pump is installed must ensure each sump pump discharges according to the approved Grading Plan (where applicable), the City's *Municipal Development Standards* and all applicable Provincial legislation and regulations.
- 7.3 All new and existing dwellings with sump pump discharge shall comply with all City bylaws and policies and other applicable regulatory authorities and without causing excessive ponding or icing on public or private property. The Owner shall be solely responsible for ensuring the sump pump discharge is properly designed, installed, operated and maintained.
- 7.4 The Owner of the property shall not permit a roof drain or sump pump to discharge:
  - a. directly onto a pervious ground surface within 1.0m of a building;
  - b. in a location that does not have positive drainage away from the building(s) on the same property;
  - c. within 0.3 metres of any adjacent Lot;
  - d. within 2.0 metres of any City Right-Of-Way;
  - e. within 2.0 metres of a City Right-of-Way containing a Surface Drainage Facility, except where such Surface Drainage Facility is located in a side yard;
  - f. within 2.0 metres of the back of a public sidewalk, except where the Owner has written approval from the Engineer;
  - g. into or towards any Environmentally Sensitive Areas;
  - h. in a location where the flow of water or accumulation of water would adversely affect or have potential to adversely affect the stability of an adjacent or neighbouring slope;
  - i. to a location where soil erosion would occur;
  - j. into or towards a location or in such manner that the discharge causes or has the potential to cause a nuisance, hazard, or damage to private property, Public Land or land within a City Right-of-Way, as determined by the City at its sole discretion;

- k in an unconnected underground discharge; or
  - l. directly into Storm Water Management System unless approved by the Engineer.
- 7.5 An Owner of a Residential Lot shall direct any rainwater downspout or eaves trough on the Lot:
- a. to the front of the Lot;
  - b. to the rear of the Lot, for properties with split drainage only;
  - c. to a Surface Drainage Facility; or
  - d. as directed by the approved Lot Grading Plan.
- 7.6 The Owner of a Commercial Lot shall ensure each roof drain discharge flows towards:
- a. an on-site Storm Water Management System;
  - b. a City Right-of-Way; or
  - c. a receiving area that has been approved in writing by the Engineer.
- 7.7 No person shall alter any surface elevations or surface grades of any Residential or Commercial Lot such that the alteration may;
- a. cause or have the potential to cause a nuisance, a hazard, or damage as determined by the City at its sole discretion;
  - b. have the potential to adversely affect the stability of an adjacent slope;
  - c. alter the on-site Storm Water Management System without prior written consent of the Engineer; or
  - d. alter property line elevations of any adjacent Lot.
- 7.8 No person shall alter any surface elevations or surface grades within Public Lands or City Right-of-Ways.
- 7.9 The Owner of a property shall not direct storm water or groundwater into the sanitary sewer system, unless authorized by the Engineer.

- 7.10 No person shall fill, drain, re-direct, or otherwise alter any naturally occurring feature, watercourse, water body or wetland area without written authorization from the City and any other duly authorized regulatory authority.
- 7.11 No person shall encroach upon or allow work to happen within an area covered by a City Right-of-Way without prior written authorization from the Engineer.
- 7.12 The Owner of a Lot shall comply with the terms and conditions of any restrictive covenant, easement agreement, utility right-of-way, caveat or any other document registered on the certificate of title for that Lot, in which the City has an interest, including encumbrances designed to protect:
- a. drainage structure;
  - b. a swale;
  - c. a ditch;
  - d. the overflow area of a storm water management facility;
  - e. the stability of a slope; or
  - f. any other required Surface Drainage feature.
- 7.13 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 Final Grade within Public Land.
- 7.14 The City shall not be held liable for any damages caused by a person contravening Sections 7.10 and 7.11.
- 7.15 Unless otherwise approved by the City:
- a. Driveways must be set back 0.3 metres from the side yard property line. Driveways constructed prior to this bylaw coming into effect shall not be affected by this bylaw.
  - b. Retaining walls or similar structures require an approved development permit and must be installed in a manner that will not negatively affect Lot drainage on the property or adjacent properties. Retaining structures shall be constructed entirely within the bounds of a Lot and not on public lands.

- 7.17 Underground sprinkler systems, or similar watering devices, shall not be installed within 0.15 metres of a property line and shall not direct water onto, or be deemed a nuisance or hazard, to an adjacent property.
- 7.18 The Owner of a Lot must establish and maintain Final Grading on the Lot in compliance with the Lot Grading Plan, or best Grading practices where a Surface Drainage Plan for the area does not exist or is not available.

**8. INTERFERENCE WITH A SURFACE DRAINAGE FACILITY**

- 8.1 Any person who owns or occupies a Lot on which a Surface Drainage Facility is located within a City Right-of-Way must ensure that:
  - a. No building or other structure is constructed, erected, placed, or allowed to remain on or over the Surface Drainage Facility; and
  - b. the Surface Drainage Facility remains clear of soil, silt, yard waste, landscape mulch, debris, or other matter which may obstruct, restrict, or prevent the flow of Storm Drainage within the Surface Drainage Facility or the storm drainage system.
- 8.2 The Owner of a Lot must allow employees or agents of the City, or other persons with specific authorization of the City, to access a City Right-of-Way for the purposes of inspection, maintenance, and repair within forty-eight (48) hours of the City providing notice of its intent to access the City Right-of-Way. In the event of an emergency, the City may waive the forty-eight (48) hours notification requirement to access the City Right-of-Way.

**9. OFFENCES AND ENFORCEMENT**

- 9.1 Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to the specified penalty set out in Schedule 'A' of this bylaw. A notification will be provided to the offender prior to the issuance of a fine.
- 9.2 A person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided is liable to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00).
- 9.3 Notwithstanding Section 9.1, any person who commits a second or subsequent offence within one year of committing an offence under this

bylaw is liable to the specified penalty set out as “Subsequent” in Schedule ‘A’ of this bylaw

- 9.4 A person contravening any provision of this bylaw shall not be subject to imprisonment as a penalty for that offence.
- 9.5 Nothing in this bylaw will be construed as curtailing or abridging the right of the City to obtain compensation for, or maintain an action for, loss or damage to property from or against the person or persons responsible.

**10. MUNICIPAL VIOLATION TAG**

- 10.1 A Peace Officer may issue, with respect to an offence under this bylaw, a Violation Tag specifying the fine amount established by this bylaw.
- 10.2 A Violation Tag may be issued either personally or by mailing a copy to the last known address.

**11. VIOLATION TICKET**

- 11.1 The Peace Officer has the discretion to issue a Violation Ticket where an offence has been committed whether or not a Violation Tag has been issued in advance. In those cases where a Violation Tag has been issued, and the penalty specified on the Violation Tag has not been paid within the prescribed time a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act, RSA 2000, c. P-34*, as amended or repealed and replaced from time to time.
- 11.2 Where a Violation Ticket has been issued to a person pursuant to this bylaw that person may plead guilty to the offence by submitting to the Clerk of the Provincial Court, prior to the appearance date specified on the Violation Ticket, the specified penalty set out on the Violation Ticket.
- 11.3 The Peace Officer has the discretion to require a mandatory court appearance by a person who has committed an offence for which penalty is specified in Schedule ‘A’.
- 11.4 Where a person has committed an offence under this bylaw the Peace Officer may take enforcement action to ensure compliance with this bylaw by issuing an order under Sections 545 or 546 of the *Municipal Government Act, R.S.A., 2000, c.M-26*, including, but limited to ordering the site be improved to the state required in the approved Surface Drainage Plan or Site Grading Plan, as applicable.

- 11.5 Where a person refuses or is unable to comply with an order issued under this section the Peace Officer may contract a third party to implement the order.
- 11.6 Where an order is issued under this section the expenses incurred by the City, including contracted expenses under Section 11.5 will constitute a debt to, and amount owing to the City by the person to who the order was issued.
- 11.7 Any debt remaining unpaid under this bylaw, will constitute a debt owing to the City and is recoverable by;
- a. action in a court of competent jurisdiction; and
  - b. collecting in a like manner such as through municipal rates and taxes.
- 11.8 The Peace Officer shall not be compelled to enforce the provisions of this bylaw if, in the Peace Officer's sole discretion, enforcement is not warranted to the degree or nature of the non-compliance, and if non-enforcement would not materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

**12. EFFECTIVE DATE**

- 12.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

**13. REPEAL OF BYLAW C-903-15**

- 13.1 Bylaw C-903-15 is hereby repealed.

First Reading Carried \_May 28\_\_\_\_\_, 2018\_\_.

Second Reading Carried \_\_\_\_\_, 20\_\_.

Third Reading Carried \_\_\_\_\_, 20\_\_.

Date Signed \_\_\_\_\_, 20 \_\_\_\_.

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Mayor

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**SCHEDULE "A" - Schedule of Penalty Amounts**

<b>OFFENCE</b>	<b>SECTION</b>	<b>FIRST</b>	<b>SUBSEQUENT</b>
Failure to obtain an approved Site Grading Plan prior to commencement of construction	6.3(e)	\$500.00	\$1000.00
Failure to establish or maintain surface grades and elevations in conformance with the approved Site Grading Plan or Surface Drainage Plan.	6.2 & 6.3	\$300.00	\$750.00
Failure to obtain Rough Grade approval prior to Final Grade within the required timelines for a Residential Lot.	6.2(h)	\$300.00	\$500.00
Failure to obtain Final Grade approval within the required timelines for a Residential Lot.	6.2(g)	\$300.00	\$500.00
Failure to obtain Final Grade approval within the required timelines for Commercial Lots.	6.3(h)	\$300.00	\$500.00
Discharge of roof or foundation drainage within the minimum specified distance of an adjacent property or City Right-of-Way.	7.4	\$500.00	\$1000.00
Discharge of roof or foundation drainage that detrimentally affects a ravine or Environmentally Sensitive Area.	7.4(g)	\$500.00	\$1500.00
Discharge of roof or foundation drainage that causes a nuisance, hazard or damage.	7.4	\$500.00	\$1000.00
Surface elevation or surface grade alterations that cause a nuisance, hazard or damage	7.4(j)	\$500.00	\$1000.00
Surface elevation or surface grade alterations that adversely affect the stability of an adjacent slope	7.4(h)	\$500.00	\$1000.00
Altering or failing to maintain an approved on-site stormwater management system on a Commercial Lot.	7.7	\$1000.00	\$1000.00
Unauthorized surface elevation or surface grade alterations within Public Lands or City Right-of-Ways.	7.8	\$500.00	\$1000.00

**SCHEDULE "A" - Schedule of Penalty Amounts**

OFFENCE	SECTION	FIRST	SUBSEQUENT
Failure of a Commercial Lot to discharge roof drainage towards an on-site Storm Water Management System, a City Right-of-Way, or an approved receiving area.	7.6	\$1000.00	\$2500.00
Obstruct, remove, re-grade or alter a drainage swale or other drainage feature or facility.	8.1	\$500.00	\$1000.00
Unauthorized discharge of storm water or groundwater into the City's sanitary sewer system	7.9	\$1000.00	\$2500.00
Fill, drain or otherwise alter any natural feature, water body, watercourse, or wetland area without the written approval of the Province of Alberta and the City of Spruce Grove	7.10	\$1000.00	\$2500.00
Non-compliance with terms of a drainage easement document, caveat or restrictive covenant or utility right-of-way	7.12	\$500.00	\$1000.00
Hinder or prevent a City Employee from accessing a Residential or Commercial Lot.	8.2	Charged a re-inspection fee as defined in the City's Development Fees and Fines Bylaw	Charged a re-inspection fee as defined in the City's Development Fees and Fines Bylaw.

**Schedule “B” – Schedule of Performance Damage Agreement Deposits**

Level	No. of Building Permits	Deposit	
>10	1 to 9	\$2,500.00	per lot
>20	10 to 19	\$2,500.00	per lot; or
		\$30,000.00	Letter of Credit
20+	20 or more	\$2,500.00	per lot; or
		\$50,000.00	Letter of Credit

- Performance Damage Agreement Deposits required from Applicants/Builders will be based on the number of building permit applications from the previous year;
- The Engineer must approve the use of an Irrevocable Letters of Credit and can refuse the continued use of Irrevocable Letters of Credit at any time;
- The City will review the number of building permit applications and required deposits in January of each calendar year. Additional security by way of Irrevocable Letter of Credit may be required and adjusted from year to year;
- Irrevocable Letters of Credit are intended to cover the completion of grading as well as potential damages caused during construction and will be forfeited for incompliance as outlined in Section 3 of the Performance Damage Agreement;
- Irrevocable Letters of Credit must be auto-renewing and cannot be discharged without approval from the City of Spruce Grove;
- Irrevocable Letters of Credit will be automatically drawn upon through the lending institution for all forfeited deposits;
- The City will review forfeited deposits in January of each calendar year to ensure full amount of Letter of Credit is maintained;
- The City will review damages caused by each Applicant/Builder every two (2) years. Should the City determine that there is an increase in damages, the City reserves the right to alter or change the amount, or refuse the use of an Irrevocable Letter of Credit.