

THE CITY OF SPRUCE GROVE

BYLAW C-903-15

LOT GRADING BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26, a municipality shall and amendments thereto;

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. DEFINITIONS

- 1.1 “Alberta Land Surveyor” means a registered or licensed member, in good standing, of the Alberta Land Surveyor’s Association.
- 1.2 “Applicant means a person applying for a development or building permit.
- 1.3 “Applicant undertaking for completion” means an agreement between the City and the applicant stating that the applicant;
 - a. has reviewed the deficiency report;
 - b. will undertake the construction identified in the deficiency report within a timeframe set by the City at its sole discretion;
 - c. will ensure a lot grading certificate is completed at the conclusion of the construction and forwarded to the City;
 - d. agrees that the City can, at its sole discretion, complete any outstanding work at the end of the timeframe identified in the agreement, with all associated costs being a cost owing to the municipality by the applicant; and
 - e. will provide a copy of the agreement to the new owner when the lot is purchased.
- 1.4 “Approved Subdivision Grading Plan” means a grading plan 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. For commercial/industrial and high density dwellings catch basins, restriction plates and overland channels must be included. The approved subdivision 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.

- 1.5 “City” means the City of Spruce Grove.
- 1.6 “Commercial/Industrial/Institutional” means a development, building or part of a building, used or intended to be used as a place of business, to aid in the operation of a business or Institutional being a place of education and or religion, and where no dwelling exists.
- 1.7 “Council” means the mayor and alderman duly elected pursuant to the provisions of the *Local Authorities Election Act*, R.S.A., 2000, c.L-21.
- 1.8 “Deficiency Report” means a report prepared by a lot grading inspector as related to the grading and drainage works shown on the lot grading plan.
- 1.9 “Drainage” means a system of natural or artificial drains.
- 1.10 “Dwelling” means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more person, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.
- 1.11 “Dwelling Unit” means 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.
- 1.12 “Engineer” means the City’s General Manager of Planning and Infrastructure and includes a person acting under the supervision and direction of the General Manager of Planning and Infrastructure.
- 1.13 “Grading” means the alteration of land levels, including the addition or removal of topsoil or other material of any kind. Grading is defined as the following two stages:
 - a. “Rough Grading” means the shaping or contouring of the site by the applicant prior to placement of topsoil or other final landscaping materials;

- b. “Final Grading” means the shaping or contouring of the site by the owner/applicant after placement of topsoil and prior to the establishment of seed or sod.
- 1.14 “High Density Dwelling” means a building containing more than four dwelling units within a single lot.
- 1.15 “Landscape Architect” means a person who has successfully completed a program in landscape architecture accredited by the Canadian Society of Landscape Architects or approved by the Alberta Association of Landscape Architects.
- 1.16 “Lot means a parcel of land or portion thereof.
- 1.17 “Lot Grading Certificate” means a plan duly signed and certified by a registered Alberta Land Surveyor, Landscape Architect, or Professional Engineer as accurately representing the existing surface elevations and surface grades of a lot.
- 1.18 “Lot Grading Guidelines” means guidelines established by the City’s General Manager of Planning and Infrastructure.
- 1.19 “Lot Grading Inspector” means a person employed by the City to administer lot drainage requirements regulated by this bylaw.
- 1.20 “Lot Grading Plan” means a plan for grading of land for an individual lot.
- 1.21 “Occupancy Permit” means written permission from the City allowing a building to be occupied after construction, alteration, or a change in occupancy of the building.
- 1.22 “Owner” means any person who is registered under the Land Titles Act as the owner of the site, 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.
- 1.23 “Person” means any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- 1.24 “Professional Engineer” means is a registered or licensed member, in good standing, of the Association of Professional Engineers and Geoscientists of Alberta.

- 1.25 "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. APPLICATION AND ADMINISTRATION

- 2.1 This bylaw shall be specific to, and lot grading approval is required for, the development of all lots meeting the following conditions:

- a. lots designed and intended for any new construction where a building permit is required; or
- b. lots which are located within an area where City water and sanitary utilities are provided.

- 2.2 Notwithstanding section 2.1, this bylaw does not apply to the development of lots where a building permit is required for the following developments:

- a. a renovation of an existing building;
- b. new building construction where lot grading is not regulated by a development agreement; or
- c. any dwelling with a valid building permit issued prior to the enactment of this bylaw.

- 2.3 An applicant's obligations under this bylaw shall be transferred to the owner upon:

- a. issuance of an occupancy permit by the City; and
- b. the City's acceptance of a written agreement between the applicant and the owner transferring the obligations in this bylaw to the owner.

3. GENERAL REQUIREMENTS

- 3.1 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 Province of Alberta.

- 3.2 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.

4. LOT GRADING PLAN APPROVAL PROCEDURE

- 4.1 No lot to which this bylaw applies shall be developed unless the City has approved a lot grading plan.
- 4.2 A lot grading plan shall be provided for approval at the time of application for a development permit. The lot grading plan is to be prepared by an Alberta Land Surveyor, a Landscape Architect, or a Professional Engineer.
- 4.3 The lot grading plan shall illustrate proposed lot grades and be consistent with the approved subdivision grading plan, subject to variations approved by the City.
- 4.4 For commercial/industrial/institutional and high density dwellings, the lot grading plan must illustrate any ditches, swales, on-site storage, locations of manholes and any orifice plates including indication of plate size.
- 4.5 A lot grading plan is deemed to be approved when it meets the requirements of this bylaw and is approved in writing by the lot grading inspector.

5. INSPECTION AND APPROVAL OF RESIDENTIAL GRADING

- 5.1 Following the approval of a lot grading plan for residential grading, the City may approve lot elevations and grades in two stages:
 - a. Stage 1: Approval of rough grading; and
 - b. Stage 2: Approval of final grading.
- 5.2 Notwithstanding section 5.1, the City may waive the requirement for an approval of rough grading when the same person that constructed the rough grading establishes the final grading of a lot.
- 5.3 Within sixty (60) days of the completion of the rough grading of a lot, the applicant shall apply to the lot grading inspector for an approval of rough grading.
- 5.4 The applicant shall submit a lot grading certificate to the lot grading inspector prior to notification for a rough or final grade inspection.
 - a. Should the lot grading certificate not comply with the lot grading guidelines, the applicant will be advised and an inspection will not be completed until the lot grading inspector reviews 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 5.7.

- 5.5 Within ten (10) days of receiving a notification for an approval of rough grading or an approval of final grading, the lot grading inspector may, weather and site conditions permitting:
- a. conduct an inspection of the lot to evaluate conformance with this bylaw; and
 - b. issue an inspection report to the applicant indicating any deficiencies to be rectified, or issue an approval of rough grading, or issue an approval of final grading.
- 5.6 If the lot grading inspector has determined that a lot does not comply with the approved subdivision grading plan after completion of the one rough grade and two final grade inspections to which the applicant is entitled by the basic lot grading inspection fee, the applicant shall pay to the City a supplementary lot grading inspection fee, in the amount set out in the Fees and Charges Bylaw, entitling the applicant to an additional lot grading inspection.
- 5.7 The City relies entirely on the lot grading certificate for as-constructed lot elevations supplied by the applicant.
- 5.8 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.

6. INSPECTION AND APPROVAL OF COMMERCIAL / INDUSTRIAL / INSTITUTIONAL AND HIGH DENSITY GRADING

- 6.1 Following the approval of a lot grading plan for commercial/industrial/institutional or high density dwelling lots, the City may approve lot elevations and grades in one stage:
- a. Stage 1: Approval of final grading.
- 6.2 The applicant shall submit a lot grading certificate to the lot grading inspector prior to notification for a rough or final grade inspection.
- a. Should the lot grading certificate not comply with the lot grading guidelines, the applicant will be advised and an inspection will not be completed until the lot grading inspector reviews 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 6.5.

- 6.3 Within fifteen (15) days of receiving a notification for an approval of final grading, the lot grading inspector may, weather and site conditions permitting:
 - a. Conduct an inspection of the lot to evaluate conformance with this bylaw; and
 - b. Issue to the applicant an inspection report indicating any deficiencies to be rectified, or issue an approval of final grading.
- 6.4 If the lot grading inspector has determined that a lot does not comply with the approved subdivision grading plan after completion of the one final grade inspection to which the applicant is entitled by the basic lot grading inspection fee, the applicant shall pay to the City a supplementary lot grading inspection fee, in the amount set out in the Fees and Charges Bylaw, entitling the applicant an additional lot grading inspection.
- 6.5 The City relies entirely on the lot grading certificate for as-constructed lot elevations supplied by the applicant.
- 6.6 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.

7. OCCUPANCY PERMIT FOR RESIDENTIAL DWELLINGS

- 7.1 Consistent with the Safety Code Services Permit Bylaw, a final occupancy permit will not be issued unless:
 - a. A security deposit in the amount of \$1,000 in a form acceptable to the City, has been received at the time of permit application.
- 7.2 Where an occupancy permit has been issued in accordance with the procedures set out in 7.1, and the applicant fails to complete the work and file a lot grading certificate within the nine (9) month period, the City or a contractor engaged by the City shall be entitled to undertake the completion of work and costs incurred in so doing shall be recovered from such security. Where the amount recovered from such security is not sufficient to cover the cost of completing the work, the applicant shall be responsible to pay the amount of the deficiency to the City immediately upon demand.

8. PERMIT FEES

- 8.1 An application for a development permit shall be accompanied by a payment of the prescribed lot grading inspection fee as set forth in the City's Fees and Charges Bylaw, as amended.
- 8.2 Notwithstanding the provision of section 8.1, no lot grading inspection fee as described in section 8.1 shall be required where the applicant for the lot grading permit is the City.

9. RESTRICTIONS AFFECTING LOT GRADING

- 9.1 The owner or applicant of any new dwelling 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 subdivision grading plan.
- 9.2 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.
- 9.3 The owner of a lot shall not permit roof drainage or pumped subsurface drainage from a building to be discharged to a location or in such a way as to adversely cause a nuisance, hazard or damage, as determined by the City at its sole discretion.
- 9.4 No person shall alter the surface elevations or surface grades of any lot that may cause or have 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 right-of-ways.
- 9.6 The City shall not be held liable for any damages caused by a person contravening section 9.5.
- 9.7 The owner of a lot shall 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. PENALTY

10.1 A person who violates any other provision of this bylaw or any agreement made pursuant to this bylaw is guilty of an offence and is liable on summary conviction to a fine of \$500 for the first offence and \$750 for each subsequent offence.

11. EFFECTIVE DATE

11.1 This bylaw comes into effect on May 1, 2015.

12. REPEAL OF BYLAW C-546-05

12.1 Bylaw C-546-05 is hereby repealed.

First Reading Carried 9 March 2015

Second Reading Carried 23 March 2015

Third Reading Carried 23 March 2015

Date Signed 25 March 2015

Mayor

City Clerk