

BY-LAW NUMBER 171-2024

A BY-LAW TO IMPOSE STORMWATER CHARGES IN THE CITY OF WINDSOR

Passed the 25th day of November, 2024.

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("Municipal Act") authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 7 of subsection 10(2) authorizes by-laws respecting services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS subsection 391 of the *Municipal Act* provides that sections 9 and 10 of the Municipal Act authorize a municipality to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS subsection 398(2) of the *Municipal Act* authorizes the treasurer to add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with its by-laws, directions, orders and conditions of licences;

AND WHEREAS Ontario Regulation 581/06 made under the *Municipal Act*, provides that where fees or charges imposed for the use of a sewage system are added to the tax roll, such fees and charges have priority lien status;

AND WHEREAS the City's Stormwater Drainage System is a sewage system as defined in Ontario Regulation 581/06;

AND WHEREAS The Corporation of the City of Windsor (the "City") has constructed, and is operating and maintaining a Stormwater Drainage System for the benefit of all property owners in the City;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

DEFINITIONS

1. In this By-law,

"Adjustment" means a process by which changes are made to information associated with a given Stormwater Account.

"Appeal" means a process by which a person challenges information that has been associated to their Stormwater Account.

"Applicant" means the Property owner of a "Multi-Residential, Non-Residential and Other" property that submits a Stormwater Charge credit application to the City .

“Billing Error” means an undercharge or overcharge caused by a gross or manifest error in the preparation or determination of the Stormwater Charge for a property that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors.

“By-law” means this Stormwater Charge By-law;

“City” means The Corporation of the City of Windsor or where the context requires the geographical jurisdiction of The Corporation of the City of Windsor.

“Combined sewer” means a sewer intended to function simultaneously as a Storm Sewer and a Sanitary Sewer.

“Complete Application” means the applicant has submitted all required forms, documents and answered all questions on the application form to the satisfaction of the City Engineer or designate(s).

“Council” means the municipal council of the City.

“Credit Program” means the City’s program provided to reduce Stormwater Charges for qualifying property owners who provide on-site stormwater management measures and to recognize existing stormwater management measures already in place that decrease the burden on the City’s stormwater management infrastructure.

“ENWIN” means ENWIN Utilities Ltd. or its successors or affiliates.

“HST” means harmonized sales tax.

“Impervious Area” means paved or hard surfaces, disturbed or compacted soil stripped of vegetation and other surfaces on a property which decrease the amount of water that infiltrates into the ground, increasing stormwater runoff, but does not include public road allowance, public highway, public alley, or any airport taxiways, runways, or runway aprons.

“Material Change” means something that was not either expressly addressed by the parties in the credit application process or that cannot be taken as having been in their contemplation and results in a property no longer being in substantial compliance with the objectives of the Credit Program, or the level of Stormwater Charge credit approved, which shall include, but is not limited to, an alteration, deficiency, or failure of the stormwater management structure.

“Multi-Residential, Non-Residential and Other property” means a Property that contains three or more residential units and/or contains any non-residential use, including an industrial, commercial, institutional, or mixed-use property.

“Overcharge” means an incorrect calculation of a Stormwater Charge associated with a Stormwater Account which results in the Stormwater Charge being higher than it otherwise would be if calculated correctly.

“Person” includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust, and a natural person in his or her capacity as trustee, executor, administrator, or other legal representative;

“Property” means any real property.

“Property owner” means the registered owner of a Property.

“Residential Property” means a property that contains at least one, but not more than two residential units.

“Sanitary Sewer” means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage, or any combination thereof.

“Storm Sewer” means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse, or any combination thereof.

“Stormwater Account” means the wastewater service customer account to which charges for such services to a Property are invoiced.

“Stormwater Charge” means the City’s stormwater rates, fees and charges listed in Schedule “A” to this By-law.

“Stormwater Charge Credit” means a reduction in Stormwater Charges for certain qualifying property owners issued under the Credit Program.

“Stormwater Charge Credit Application” means an application for a property to participate in the Credit Program, which shall be in a form approved by the City’s Supervisor of Right-of-Way Programs.

“Stormwater Drainage System” means any system owned or operated by the City for the collection, transmission, treatment or disposal of Stormwater or any part of such system and includes any Storm Sewer or Combined Sewer maintained by the Corporation.

“Stormwater Management Structure” means a permanent physical device or practice that is installed to capture, manage, and/or treat stormwater to reduce flooding, prevent erosion, and/or improve water quality.

“Undercharge” means an incorrect calculation of a Stormwater Charge associated with a Stormwater Account which results in the Stormwater Charge being lower than it otherwise would be if calculated correctly.

SCOPE

2. A Stormwater Charge shall be imposed upon all Property Owners in the City in accordance with Schedule “A”, which Stormwater charge is based on the amount of Impervious Area and Property sizes and types.
3. Council hereby establishes the Stormwater Charges as set out in Schedule “A” Stormwater Charges will be subject to the HST where applicable. ENWIN is authorized and shall have the responsibility for the billing and collection/receivables processing related to Stormwater Charges, which shall occur in accordance with ENWIN’s standard billing, collection schedule, and procedures.
4. Where construction on a Property creates new Impervious Area, the newly created Impervious Area shall be included in the calculation of the Stormwater Charge for that property commencing on the earlier of:
 - (a) The date the improvement to which the Impervious Area relates, or a substantial part thereof, is ready for use or is being used for the purposes intended; or
 - (b) Two (2) years from the date the new Impervious Area first appears.

CREDIT PROGRAM

5. The Credit Program provides Property Owners of Multi-Residential, Non-Residential and Other property with the opportunity to receive a reduction to their Stormwater Charge by implementing and maintaining stormwater management structures or practices on their Property that decrease the burden on the City's Stormwater Drainage System.
6. Property Owners of Multi-Residential, Non-Residential and Other property may qualify for Stormwater Charge credits where such Property Owners can clearly demonstrate to the City that their Stormwater Management Structures:
 - (1) Exceed minimum regulatory requirements in place at the time of original installation.
 - (2) Are designed in accordance with a City-recognized standards such as the Ontario Ministry of Environment, Conservation, and Parks Stormwater Management Planning and Design Manual and Windsor/Essex Region Stormwater Management Standards Manual.
 - (3) Are fully maintained and operated by the Property Owner. Stormwater Management Structures that have been assumed by the City for maintenance are not eligible for credit.
7. Additional qualifying criteria and categories of the Credit Program are outlined in Schedule "B" hereto.
8. To participate in the Credit Program i Property Owners of Multi- Residential, Non-Residential and Other property must submit a Stormwater Charge Credit Application. . Stormwater Charge Credit Applications will be reviewed by, and approved credit amounts will be determined by the Supervisor of Right-of-Way Programs.
9. Reductions to Stormwater Charges made as a result of the approval of a Stormwater Charge Credit Application shall take effect in accordance with the following schedule:
 - (1) Stormwater charge Credit applications submitted prior to December 31, 2025: Reductions that result from Stormwater Charge Credit applications which were submitted prior to December 31, 2025 will be retroactive to the first date of billing if the qualified Stormwater Management Structure came into service before January 1, 2026, as determined by the Supervisor of Right-of-Way Programs.
 - (2) Stormwater Charge Credit Applications submitted after January 1, 2026 Reductions that result from applications which were submitted on or after January 1, 2026 will be retroactive up to the date the Supervisor of Right-of-Way Programs receives the Complete Application or the date on which the qualified Stormwater Management Structures came into service, as determined by the Supervisor of Right-of-Way Programs, whichever date is later.
10. Stormwater Charge Credits do not apply to any Property, or any portions of a Property, that is exempt from the imposition of Stormwater Charges.
11. Stormwater Charge Credits shall be in effect for 20 years from the date of approval, provided that the Stormwater Management =Structure continues to meet all eligibility criteria and continues to be operated and maintained as designed and there is no change of ownership of the Property.

12. Stormwater Charge Credits are not transferable to subsequent Property Owners of the Property. New Property Owners are required to submit a new Stormwater charge Credit application in order to be eligible for the Credit Program.
13. An updated Stormwater Charge Credit Application must be submitted to the City no later than three (3) months after any Material Change. Any late submission of the Stormwater Charge Credit application may result in a discontinuance of the current Stormwater Charge Credit amount. The City may adjust (increase or decrease) the current Stormwater Charge Credit amount.
14. A renewal Stormwater Charge Credit application must be submitted to the City no later than six (6) months prior to the expiration date of the Stormwater Charge Credit approval. Any late submission of the application may result in a discontinuance of the current Stormwater Charge Credit amount. The City may adjust (increase or decrease) the current Stormwater Charge Credit amount.
15. Stormwater Charge credits are applicable only where the Property Owner's Stormwater Account with the City is in good standing.
16. Schedule "C" contains a list of exemptions for the Stormwater Charge established herein.

ADMINISTRATION AND ENFORCEMENT

17. The Stormwater Charge shall be included in the Property Owner's utility bill as issued by ENWIN and identified separately as a stormwater charge (the "Invoice"). The Stormwater Charge annual rate shall be prorated, as necessary, to match the billing period of the Invoice.
18. The Invoice will be deemed to have been received:
 - a. if sent by mail, on the third day after the date on which the bill was printed; or
 - b. if made available on the internet or sent by email, on the date on which an e-mail is sent to the property owner notifying them that the bill is available for viewing.
19. Where an Invoice has been issued for a period, but does not capture all the impervious area on a property during the original billing period, the City or ENWIN may, in future Invoices retroactively apply the Stormwater Charge to the Property Owners back until the date the Impervious Area in question was first present on the Property (subject to section 6 above) or two (2) years from the date of the Invoice, whichever date is later. Nothing in this section shall operate to allow a Stormwater Charge under this By-law to apply for a period that is prior to this By-law coming into effect.
20. Payment of all Stormwater Charges imposed by the City under this By-law is due and payable upon issuance of the Invoice and every Property Owner in receipt of such Invoice shall ensure payment thereof before the due date indicated thereon. Stormwater Charge credits under the Credit Program will be processed and reflected on the Invoice.

21. No person shall be entitled to any discounts for the early payment of any Stormwater Charge under this By-law.
22. The Stormwater Charges imposed under this By-law constitute a debt of the Property Owner to the City and the City may add stormwater Charges to the tax roll of the Property associated with the relevant Stormwater Account and collect them in the same manner as municipal taxes. Such Stormwater Charges have priority lien status as described in s. 1 of the Municipal Act.
23. The Supervisor of Right-of-Way Programs shall have delegated authority and is authorized to:
 - (1) approve or reject any application submitted for Stormwater Charge credit or update or renewal of said credit;
 - (2) impose such terms and conditions to any application under this By-law as the Supervisor of Right-of-Way Programs considers appropriate;
 - (3) determine and decide any Appeal under the By-law;and that the decision of the Supervisor of Right-of-Way Programs shall be final and binding.
24. ENWIN shall have delegated authority and is authorized to adjust the Stormwater Charge on any Property, to the extent it is deemed appropriate due to a Billing Error, and the account may be retroactively recalculated for a period not exceeding two (2) years from the date of detection of the Billing Error with resulting credits or charges being applied to the Property Owner's Stormwater Account, and the decision of ENWIN shall be final and binding. To the extent of any conflict between this section and section 20 of this By-law, Section 20 of this By-law shall prevail.
25. Notwithstanding any other section of this By-law, the City reserves the right to conduct site inspections and may, at any reasonable time, enter and inspect any property, to review eligibility and may suspend, reduce or cancel credits if the approved Stormwater Management Structures on the Property no longer meet the performance criteria as documented in the Stormwater Charge Credit Application or the credit update or renewal application and/or its supporting documentation and/or the terms and conditions for the Stormwater Charge Credit approval, update or renewal.
26. A Stormwater Charge Credit may be suspended, reduced or cancelled by the City under the following circumstances:
 - (1) failure of an applicable Property Owner to make Stormwater Charge payments as invoiced by ENWIN;
 - (2) failure of an applicable Property Owner to meet the terms and conditions of the credit approval;
 - (3) submission of inaccurate or false information by the Applicant;
 - (4) failure of the Applicant to maintain a Stormwater Management Structure as required by the terms and conditions of the credit approval;

- (5) failure of a Stormwater Management Structure to operate or meet the performance criteria as documented in the Applicant's Stormwater Charge Credit Application or credit update or renewal application and/or its supporting documentation and/or the terms and conditions for the Stormwater Charge Credit approval, update or renewal; or,
 - (6) failure to submit a complete Stormwater Charge Credit renewal application.
27. A reduction or cancellation of a Stormwater Charge Credit may be appealed by the Applicant by application to the Supervisor of Right-of-Way Programs. The decision of the Supervisor of Right-of-Way Programs shall be considered final and binding.
28. Where the City determines that a Stormwater Management Structure is in a state of disrepair or no longer functions as approved, the Applicant shall reimburse to the City the entire amount of the credit received in respect of the Property since the date that the application was approved, updated or renewed or since the last inspection by the City, whichever is later. If the credit has been cancelled, the Applicant may not re-apply for a credit for a period of twelve (12) months.

APPEALS

29. An Applicant will not be required to pay a service fee for any of the following Appeals:

APPEAL	CATEGORY	EXPLANATION
Inaccurate Stormwater Charge Assessment	A. Incorrect category	The property has been incorrectly identified as "residential" or "multi-residential, non-residential or other" property type.
	B. Inaccurate impervious area assessment	The total Impervious Area assessment is or is not accurate.
Incorrect Stormwater Reductions	A. Eligibility for Credit	A Property may or may not apply for credits.
	B. Amount of Credit	The amount of credit approved for an applicant's Property is or is not appropriate.


30. The filing of a Appeal does not stay the requirement for payment of a Stormwater Charge. Any Stormwater Charge billed during the course of the Appeal will be due and payable upon receipt and remain subject to ENWIN's standard collection processes.
31. Adjustments made as a result of an Appeal shall take effect in accordance with the following schedule:
- (1) Appeals within first year of Credit Program: Adjustments that result from Appeals which were received on or before December 31, 2025 will be retroactive up to first date of the first billing period (i.e. January 1, 2025).

- (2) Appeals from January 1, 2026 onward: Adjustments that result from Appeals which were received on or after January 1, 2026 will be retroactive up to the date of receipt of the Complete Application for the Appeal by the Supervisor of Right-of-Way Programs.
 - (3) Notwithstanding subsections (1) and (2) above, any Adjustment as a result of a credit update application will be retroactive up to the date of the subject Material Change as determined by the City. Where the change results in an increased credit, the additional amount will be retroactive up to a maximum period of twelve (12) months.
 - (4) Notwithstanding subsections (1) and (2) above, any Adjustment as a result of all other appeals as defined above will be retroactive up to the date of the subject Material Change as determined by the City. Where the change results in a change in the fee, the additional amount will be retroactive up to a maximum period of six (6) months.
32. An Applicant will be contacted within ten (10) business days of submitting a request to acknowledge receipt of the appeal, subject to the volume of requests received by the City. The Supervisor of Right-of-Way Programs may require further information from the Applicant in order to complete the review.
33. Stormwater Charge assessments may be revised in either of the following instances: (i) an external adjustment arising from an update to the assessment from an Appeal (including Requests for Review of Stormwater Charge Assessment), or (ii) an internal adjustment whereby the City may revise, modify or amend a Stormwater Charge assessment, legal exemption or credit. These include:
- (1) Routine Geomatics data maintenance resulting from annual update to aerial imagery;
 - (2) Targeted review and update of assessments of properties which are undertaking a redevelopment, rezoning, or other process through City's Planning & Building Department;
 - (3) Routine updates to Municipal Property Assessment Corporation's assessment data; and
 - (4) Audits/inspections of properties receiving credit for on-site best management practices.
- Revised Stormwater Charges may result in charges being applied retroactively in accordance with Section 19 of this By-law.
34. Appeals will follow the appeal process as set out in Schedule "D" to this By-law.

GENERAL

35. Schedules "A" and "B", "C", and "D" shall form and be an integral part of this By-law.
36. Should any part of this By-law, including any part of Schedule "A" or Schedule "B" or Schedule "C" or Schedule "D", be determined by a court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law, including the remainder of Schedules "A" and "B" and "C" and "D", as applicable, shall continue to operate and to be in force and effect.

37. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
38. Any decision or determination required to be made by the City or any official of the City under this By-law shall be made in the sole and absolute discretion of the City or the City official.
39. This By-law shall be known as the "Stormwater Charge By-Law".
40. This By-law shall come into force and effect on January 1, 2025.



DREW DILKENS, MAYOR



CITY CLERK

First Reading – November 25, 2024
Second Reading – November 25, 2024
Third Reading – November 25, 2024

SCHEDULE "A"
TO BY-LAW 171-2024
STORMWATER CHARGE RATE

<u>Residential</u> <u>Stormwater Charge (Annual Rate)</u>	
Tier 1 Small (27 – 200 square meters of impervious area)	\$ 270.00
Tier 2 Medium (201 – 325 square meters of impervious area)	\$ 338.00
Tier 3 Large (greater than 325 square meters of impervious area)	\$ 406.00

<u>Multi-Residential, Non-Residential & Other</u> <u>Stormwater Fee Structure (Annual Rate)</u>	
Stormwater Charge Rate	\$ 1.26 per square meter of impervious area

SCHEDULE "B"
TO BY-LAW 171-2024
CREDIT PROGRAM

The Credit Program has been designed to provide a Stormwater Charge reduction to property owners of "Multi-Residential, Non-Residential and Other" property whose Stormwater Management Structures and practices provide a direct benefit to the City's Stormwater Management program.

A Stormwater Credit Schedule has been developed as set out in Table 1 to this Schedule "B" with three categories and credit amounts that represent the objectives and relative expenditures of the portion of the City's Stormwater Management program, which is funded by the Stormwater Charge. The maximum total credit available for one property is a combined 50%. Further Detailed Evaluation Criteria used in assessing and calculating the credit is further provided in this Schedule.

There are two types of Stormwater Charge Credits available to property owners: Structural Control Credit for the installation, operation and maintenance of physical Stormwater Management Structures that control and/or treat runoff from impervious (hard) area on the property; and Direct Discharge Credit for the installation, operation, and maintenance of Stormwater Conveyance Infrastructure that captures runoff from impervious area on the property and discharges it directly to the Detroit River or Lake St. Clair.

The term "practice" is used to reference creditable Stormwater Management Structures and Stormwater Conveyance Infrastructure.

1. Structural Control Credit

The Structural Control credit amount is based on how well Stormwater Management Structures on a Property achieve the performance criteria in Table 1. The level of control required to achieve credit depends on whether the project controls stormwater runoff from existing Impervious Areas or controls stormwater runoff from new or expanded Impervious Areas associated with a new development/site expansion:

- **Voluntary Control of Existing Impervious Surface:** No new Impervious Area is proposed. The Property Owner controls stormwater runoff from existing Impervious Area above requirements at the time of initial development (structures that have already been installed) or above existing conditions (new structures).
- **New Development/Site Expansion:** New Impervious Area is created as part of new development or a site expansion. Control is required by regulation, but the Property Owner voluntarily enhances control above local minimum standards.

Credit is not available for controlling off-site Impervious Area for which the property owner is not assessed a stormwater fee.

Table 1 – Structural Control Credit Schedule

Category	Voluntary Control of Existing Impervious Surface	New Development / Site Expansion	Total Credit (50% Maximum)	
Peak Flow Reduction	Percentage reduction of 100-year peak flow from the contributing Impervious Area to pre-development conditions.	Allowable peak flow for the site reduced by 10% to 40% during the 100-year and Climate Change 150 mm events.	Up to 40%	Total of no more than 50%
Runoff Volume Reduction	Percentage reduction of runoff volume from the contributing Impervious	Percentage of capture for the first 0.03 m to 0.05 m of rainfall during a single	Up to 40%	

	Area through capture of the first 0.015 metre (m) to 0.03 m of rainfall during a single rain event.	rain event for the site.		
Water Quality Treatment	Improve water quality controls (or implement new controls where none exist) to an enhanced level of treatment (80% Total Suspended Solids (TSS) removal).	Design water quality controls for the site to an enhanced level of treatment (80% TSS removal); or, exceed the minimum Regional SWM Standard at the time of design for new development or site expansion areas where no quality control currently exists.	Up to 10%	

*Note: **Peak Flow Reduction Category: Voluntary Control of Existing Impervious Area** to consult with the City at the pre-consultation stage to confirm the storm event target to be used for pre-development peak flows.*

The City reserves the right to modify the Credit Program or to eliminate the Credit Program altogether. The City will honor credit, subject to the Credit Program at the time of approval, to a property owner for a minimum of twenty (20) years provided that the practice continues to be operated and maintained as designed.

Detailed Evaluation Criteria

The following calculations are used to determine the credit amount depending on whether the site currently has Stormwater Management Structures in place to control existing Impervious Area or new Impervious Area as part of a new development/site expansion.

Peak Flow Reduction – Voluntary Control of Existing Impervious Surface

The amount of credit, up to 40%, is based on how well the 100-year post-development flow from Impervious Areas is controlled compared to the estimated pre-development condition flows based on the target control storm event approved by the City. A runoff co-efficient of 0.25 (or an impervious area equal to 0%) is used to establish pre-development conditions. Calculations should reflect only the Impervious Area controlled by Stormwater Management Structures.

- Existing = Existing flow from Impervious Area in L/s (Litres per second)
 - To account for an existing Stormwater Management Structure that controls stormwater beyond minimum requirements at the time of installation, increase flow by that amount (e.g., if the calculated existing flow is 100 L/s but would have been 110 L/s without control beyond minimum requirements, then use 110 L/s for the calculation)
- Pre-development = Flow from Impervious Area using 0.25 runoff co-efficient in L/s
- Proposed Voluntary = Flow from Impervious Area based on new Stormwater Management Structure or new enhancement to existing structure in L/s

$$\frac{\text{existing} - \text{proposed voluntary}}{\text{existing} - \text{predevelopment}} * 40\% = \% \text{ credit}$$

The percent of credit is applied to the Stormwater Charge generated by the Impervious Area controlled by Stormwater Management Structures.

Peak Flow Reduction – New Development/Site Expansion

The amount of credit, up to 40%, is based on reducing the allowable peak flow for the entire site by between 10% and 40% during the 100-year and Climate Change 150 mm events, where the credit is calculated as the average reduction value between the two events. The site is defined as the geographic area required to meet the City's stormwater management requirements at the time of development/expansion. Credit is based on the reduction amount, with 10% credit for a reduction of 10% up to 40% credit for a reduction of 40%. Calculations apply to all Impervious Areas on the site.

- Percent Reduction = Allowable peak flow reduction percentage

percent reduction (max 40, min 10) = % credit

The percent credit is applied to the Stormwater Charge generated by the site.

Runoff Volume Reduction – Voluntary Control of Existing Impervious Area

The amount of credit, up to 40%, is based on how much volume of stormwater runoff from Impervious Areas can be retained or re-used on the site at the onset of a storm event. Credit is scaled depending on the reduction amount. No credit is provided for less than a 0.015 m reduction of volume falling over the area from any single storm event. Full credit is provided for a 0.03 m reduction or greater of volume over the area. The Property Owner may take credit for existing stormwater detention or volumetric re-use controls that go beyond minimum regulatory requirements. Calculations should reflect only the Impervious Areas where volumetric controls are proposed

*rainfall (m) * impervious area (m²) = volume reduction (m³)*

- Existing = Existing runoff reduced (m³) from Impervious Area beyond the minimum requirements based on the proposed mm rainfall target.
 - For example, if existing initial volume runoff reduced from the site is during the first 0.01 metre (m) of a storm event, however it would have been 0.005 m without detention volume controls beyond the minimum requirements, then use 0.005 m for the calculation.
- Proposed Voluntary = Proposed runoff reduced (m³) from Impervious Area by new detention or re-use systems, or an enhancement to the existing system in mm.

$$\frac{(\text{existing } m^3 + \text{proposed voluntary } m^3) - \text{min volume reduction } m^3}{\text{max volume reduction } m^3 - \text{min volume reduction } m^3} * 40\% = \% \text{ credit}$$

Note: The applicant must also provide accompanying calculations of existing and proposed runoff volumes (m³) from the Impervious Area based on the rainfall target and the expected reduction off the site. The above equation is to be used as a general summary of runoff reduction for credit review.

The percent of credit is applied to the Stormwater Charge generated by the Impervious Area controlled by Stormwater Management Structures.

Runoff Volume Reduction – New Development/Site Expansion

The amount of credit, up to 40%, is based on how much volume of stormwater runoff from the entire site can be retained or re-used at the onset of a storm event. The site is defined as the geographic area required to meet the City's stormwater management requirements at the time of development/expansion. Credit is scaled depending on the reduction amount. No credit is provided for less than a 0.03 m reduction of volume falling over the area from any single storm event. Full credit is provided for a 0.05 m reduction or greater of volume over the area. Calculations apply to all Impervious Areas on the site.

$$\text{rainfall (m)} * \text{impervious area (m}^2\text{)} = \text{volume reduction (m}^3\text{)}$$

- Proposed = Proposed runoff reduced (m³) by new stormwater detention or re-use systems from the entire site in mm

$$\frac{(\text{proposed m}^3) - \text{min volume reduction m}^3}{\text{max volume reduction m}^3 - \text{min volume reduction m}^3} * 40\% = \% \text{ credit}$$

Note: The applicant must also provide accompanying calculations of existing and proposed runoff volumes (m³) from the impervious area based on the rainfall target and the expected reduction off the site. The above equation is to be used as a general summary of runoff reduction for credit review.

The percent credit is applied to the Stormwater Charge generated by the site.

Water Quality Treatment

The amount of credit, up to 10%, is based on achieving enhanced water quality levels (80% removal of Total Suspended Solids) in accordance with the MECP Stormwater Management Planning and Design Manual. There is no credit for a structure that does not achieve enhanced water quality treatment.

For voluntary control of existing Impervious Area, the 10% credit is applied to the Stormwater Charge generated by the impervious area controlled by Stormwater Management Structures.

For a new development/site expansion, the entire site must meet the enhanced level of treatment. The 10% credit is applied to all Impervious Areas on the site.

2. Direct Discharge Credit

The Direct Discharge credit is applicable to Multi-Residential and Non-Residential properties directly adjacent to Detroit River or Lake St. Clair. This credit is granted for the installation, operation, and maintenance of private Stormwater Conveyance Infrastructure that captures stormwater from Impervious Area on a Property and discharges it directly to Detroit River or Lake St. Clair. Stormwater Conveyance Infrastructure may include but is not limited to curbs, gutters, swales, ditches, inlets, depressed areas, soakaway pits, infiltration trenches, retaining walls, manholes, storm sewer pipes, and outfalls. The stormwater runoff from area of the site subject to the Direct Discharge may not at any point enter the City of Windsor municipal Stormwater Drainage System.

The Property Owner must demonstrate that runoff from the Impervious Area will be conveyed directly to Detroit River or Lake St. Clair and that flow restrictions and storage requirements are not (or would not be) required in general accordance with the specifications in the Windsor/Essex Region Stormwater Manual. If a direct discharge credit is given to a portion of land, then that portion of land is not eligible for a Runoff Volume Reduction or Peak Flow Reduction credit.

For Properties with an existing City-approved Stormwater Management Report, the Stormwater Management Report may be used to satisfy this requirement. A site servicing drawing/lot grading plan may be requested if it does not form part of the approved Stormwater Management Report. For Properties without a City-approved Stormwater Management Report, the Property Owner must submit a Stormwater Management Report to the City's satisfaction.

Credit is not available for controlling off-site Impervious Area for which the Property Owner is not assessed a Stormwater Charge. Refer to Table 2 for the Direct Discharge Credit Schedule.

Table 2 – Direct Discharge Credit Schedule

Category	Voluntary Control of Existing Impervious Surface	New Development/ Site Expansion	Total Credit (50% Maximum)	
Direct Discharge	Demonstrate, through a City-approved Stormwater Management Report, that no flow restrictions or storage is required in accordance with the Windsor Essex Region Stormwater Manual. If a Direct Discharge Credit is given to a portion of land, then that portion of land is not eligible for a Runoff Volume Reduction or Peak Flow Reduction credit.		Up to 40%	Total of no more than 50%
Water Quality Treatment	Improve water quality controls (or implement new controls where none exist) to an enhanced level of treatment (80% Total Suspended Solids (TSS) removal).	Design water quality controls for the site to an enhanced level of treatment (80% TSS removal); or, exceed the minimum Regional SWM Standard at the time of design for new development or site expansion areas where no quality control currently exists.	Up to 10%	

SCHEDULE "C"
TO BY-LAW 171-2024
EXEMPT PROPERTIES

1. District School Board and School Authorities pursuant to Section 58 of the Education Act, R.S.O., 1990.

SCHEDULE "D"
TO BY-LAW 171-2024
APPEAL OUTLINE

Challenge Types		Appeal Mechanism	Decision Making Authority	
			Level 1 Appeal	Level 2 Appeal
1. Inaccurate Stormwater Charge Assessment	A. Incorrect Category (Whether the Property has been incorrectly identified as "Residential" or "Multi-Residential, Non-Residential or Other" property type)	An appellant must file a Request for Review of Stormwater Charge Assessment	The outcome of all Appeals will first be decided by the Supervisor of Right-of-Way <u>Programs, or</u> designate(s).	Not applicable
	B. Inaccurate Impervious Area assessment (Whether the total impervious area assessed is accurate)		Decision may require further information from the appellant and/or consultation with staff in other sections.	
2. Incorrect Stormwater Reductions	A. Eligibility for Credit (“Multi-Residential, Non-Residential & Other” property only: Whether a property is eligible for credit)	An appellant must file a Request for Review of Stormwater Charge Assessment	Appellants who are unsatisfied may Appeal the decision, where applicable, as indicated in the next column.	City Engineer and/or any designate(s)
	B. Amount of Credit (“Multi-Residential & Other” property only: Whether the amount of credit approved for an applicant’s Property is appropriate)			