

BEING A BY-LAW TO AMEND THE
STORMWATER CHARGE BY-LAW IN THE
CITY OF WINDSOR

Passed the 24th day of November 2025.

WHEREAS on November 25, 2024 council passed By-law 171-2024 being a By-law to Impose Stormwater Charges in the City of Windsor, also referred to as the Stormwater Charge By-law.

AND WHEREAS it is deemed expedient to amend the said Stormwater Charge By-law

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

1. That the following definitions be added to Section 1 of the said By-law:

“Cemetery” means a property recognized as such by the Municipal Property Assessment Corporation (MPAC) by the designation of an MPAC land use property code of 702 (Cemetery) or 703 (Cemetery with non-internment services).

“Condominium Property” means a Property that is contained on a condominium plan registered with the local land registry office.

“Place of Worship” means a property recognized as such by the Municipal Property Assessment Corporation (MPAC) by the designation of an MPAC land use property code of 314 (clergy residence), or 700 (Place of worship - with a clergy residence) or 701 (Place of Worship - without a clergy residence).

2. That the definition of **“Credit Program”** in the said By-law be deleted and replaced with the following:

“Credit Program” means the City’s program provided to reduce Stormwater Charges for qualifying property owners meeting the specifications set out herein.

3. That the definition of **“Property Owner”** in the said By-law be deleted and replaced with the following:

“Property Owner” means the registered owner of a Property and in the case of a Condominium Property includes the condominium corporation.

4. That the definition of **“Stormwater Account”** in the said By-law be deleted and replaced with the following:

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

5. Sections 5 and 6 of the said By-law be deleted and replaced with the following:

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 where specific qualifying criteria are met.*

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 the Property meets the qualifying criteria and categories of the Credit Program outlined in Schedule “B” hereto. The combined maximum Stormwater Charge Credit available through the Credit Program is 50% of the Stormwater Charge.*

6. Section 7 of the said By-law be deleted.

7. Section 9 of the said By-law be deleted and replaced with the following:

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 on or prior to June 30, 2026: Reductions that result from Stormwater Charge Credit applications which were submitted on or prior to June 30, 2026 will be retroactive to the first date of billing if the basis for the Credit existed on or before June 30, 2026, as determined by the Supervisor of Right-of-Way Programs.*
- (2) *Stormwater Charge Credit Applications submitted on or after July 1, 2026 : Reductions that result from applications which were submitted on or after July 1, 2026 will be retroactive up to the date of submitting the Complete Application to the Supervisor of Right-of-Way Programs 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.*

8. The following be added as Section 17.1 of the said By-law:

17.1 The Property Owner of an individual condominium unit may be billed directly for their respective share of the condominium Property's Stormwater Charge where:

- (1) *The condominium parcel is exclusively residential;*
- (2) *All units within the condominium plan hold a tax account with the City; and*
- (3) *All units within the condominium plan receive individual ENWIN bills for water usage*

and in such cases the Stormwater Charge shall be calculated based on the Impervious Area of the entire Property within the condominium plan and divided equally among each Property Owner of a condominium unit within the plan.

9. Schedule "A" to the said By-law be deleted and replaced with the Schedule "A" attached hereto.

10. Schedule "B" to the said By-law be deleted and replaced with the Schedule "B" attached hereto.

11. Schedule "C" to the said By-law be deleted and replaced with the Schedule "C" attached hereto.

This Amending By-law shall come into force and effect on January 1, 2026.

MAYOR
CLERK

First Reading
Second Reading
Third Reading

SCHEDULE "A"
STORMWATER CHARGE
RATE

Residential Stormwater Fee Rate(s)		
	Monthly	Annual
Tier 1 Small (27 - 200 square meters of impervious area)	\$8.00	\$96.00
Tier 2 Medium (201 - 325 square meters of impervious area)	\$10.00	\$120.00
Tier 3 Large (Greater than 325 square meters of impervious area)	\$12.00	\$144.00

Multi-Residential, Non-Residential & Other Stormwater Fee Rate (Annually)	
Stormwater Fee Rate (27 square metres of impervious area and greater)	\$1.26 per square meter of impervious area

SCHEDULE “B” CREDIT PROGRAM

1. SCOPE OF CREDIT PROGRAM

The Stormwater Fee Credit Program (the “Credit Program”) recognizes that certain private on-site stormwater management investments and practices can enhance public safety and reduce the cost of the City’s stormwater program over the long-term. The amount of credit reflects the priorities of the City’s stormwater management program.

For the purpose of this Credit Program, The term “practice” is used to reference creditable Stormwater Management Structures and Stormwater Conveyance Infrastructure; “Stormwater Management Structure” has the meaning provided in the By-law and “Stormwater Conveyance Infrastructure” means a system of natural and artificial components, such as pipes, ditches, catch basins, and gutters, that collects and moves stormwater runoff from a location to an outlet or a receiving body of water”.

There are two types of credit available to City of Windsor property owners through the Credit Program: Structural Control Credit and Direct Discharge Credit. A property may be eligible for one or a combination of the credit types below but **in no case shall the total credit amount for a property exceed 50% of the property’s stormwater fee.**

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.

Single-family residential properties, which are charged a tiered flat rate fee based on impervious area, are not eligible for either a Structural Control Credit or Direct Discharge Credit, under this program.

2. TYPES OF CREDIT

Structural Control Credit: is granted for the installation, operation, and maintenance of physical Stormwater Management Structures that controls and/or treat runoff from a property. **The structures must control and/or treat runoff beyond that required by regulatory requirements.**

Direct Discharge Credit: granted for the installation, operation, and maintenance of Stormwater Conveyance Infrastructure that captures runoff from your property and discharges it directly to Detroit River or Lake St. Clair. The stormwater may not, at any point, enter the City’s municipal stormwater management system

A shared credit system application may be submitted when multiple private property owners share one stormwater management system. A shared system credit application can be considered to support either a Structural Control Credit, Direct Discharge Credit, or both. Properties must have an approved stormwater management report and formal agreement between all properties sharing the stormwater system to be eligible for this credit. If all parties have not signed an agreement, the application will be rejected and no credits will be issued.

3. STRUCTURAL CONTROL CREDIT – ELIGIBILITY AND CALCULATION

- a) **Eligibility:** All multi-family residential (three or more residential units, including condominiums) and non-residential properties (for example, parking lots, mixed-use, institutional, industrial, and commercial properties) are eligible to participate in the Structural Control Credit Program if they meet the Technical Criteria below, except for any portion of a property that is exempt from the stormwater fee.
- b) **Technical Criteria:** The following technical criteria must be met to receive credit under this category:
 - The Stormwater Management Structure must exceed minimum regulatory requirements in place at the time of original installation; and

- The Stormwater Management Structure must be designed in accordance with a City-recognized standard such as the Ministry of Environment, Conservation, and Parks (“MECP”) Stormwater Management Planning and Design Manual and Windsor/Essex Region Stormwater Manual; and
- The Stormwater Management Structure must be fully maintained and operated by the property owner or as applicable at least one property owner following the provisions of the Credit Sharing Application – Property Owner Agreement. Structures that have been assumed by the City for maintenance are not eligible for credit

c) Performance Criteria and Credit Amount: The credit amount is based on how well Stormwater Management Structures 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 developed impervious (hard) area or controls stormwater runoff from new or expanded impervious area associated with a new development/site expansion:

- **Voluntary Control of Existing Impervious Surface:** No new impervious area is proposed. The property owner(s) control stormwater runoff above requirements at the time of initial development (structures that have already been installed) or above (allowable) 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(s) voluntarily enhanced control above Regional and City’s minimum standards.

Table 1 - Structural Control Credit

Category	Voluntary Control of Existing Impervious Surface	New Development/Site Expansion	Total Credit (50% Maximum)	Total of no more than 50%
Peak Flow Reduction	Allowable peak flow for the site reduced by 10% to 40% during the 100 year event.	Allowable peak flow for the site reduced by 10% to 40% during the 100 year and Climate Change, Urban Stress Test (UST) 150 mm events.	Up to 40%	
Runoff Volume Reduction (Water Balance Control)	Percentage reduction of rainfall volume from the first 15 mm to 30 mm of a single event.	Percentage reduction of rainfall volume for the first 30 mm to 50 mm of a single event.	Up to 40%	
Water Quality Treatment	Provide water quality controls to an enhanced level of treatment (80% Total Suspended Solids [TSS] removal).		Up to 10%	

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

d) 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 control 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 reducing the allowable peak flow for the entire site by up to 40% during the 100-year event. Credit eligibility is based on the performance

of Stormwater Management Structures that reduce peak release rates from 90% of the allowable flow (a 10% credit) down to 60% of the allowable flow (full 40% credit).

- Allowable = Flow based on property's peak allowable discharge rate in L/s
- Proposed voluntary = flow based Stormwater Management Structures controlling above the requirements at the time of development in L/s

$$\left(1 - \frac{\text{proposed voluntary}}{\text{allowable}}\right) \times 100\% = \% \text{ credit} \text{ (max 40, min 10)}$$

Determining an existing site's peak allowable flow rate is based on the best available information including design information for the receiving system (sewer, Municipal Drain, etc.), historic design practices, and City-approved stormwater management reports for the private infrastructure.

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 up to 40% during the 100-year event. Credit eligibility is based on the performance of Stormwater Management Structures that reduce peak release rates from 90% of the allowable flow (a 10% credit) down to 60% of the allowable flow (full 40% credit).

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 (Urban Stress Test [UST]) events. The proposed voluntary value is calculated as the average peak flow rate 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 eligibility is based on the performance of Stormwater Management Structure that reduce peak release rates from 90% of the allowable flow (a 10% credit) down to 60% of the allowable flow (full 40% credit).

- Allowable = Flow based on property's peak allowable discharge rate in L/s
- Proposed voluntary = flow based Stormwater Management Structures controlling above the requirements at the time of development in L/s

$$\left(1 - \frac{\text{proposed voluntary}}{\text{allowable}}\right) \times 100\% = \% \text{ credit} \text{ (max 40, min 10)}$$

No credit will be given for a peak flow reduction, less than 90% of the allowable flow.

Runoff Volume Reduction (Water Balance Control) – Existing Impervious Surface

The amount of credit, up to 40%, is based on how much volume of stormwater runoff 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 15 mm reduction of volume falling over the area from any single storm event. Full credit is provided for a 30 mm or greater reduction of volume over the area. The property owner(s) may take credit for existing stormwater detention or volumetric re-use controls that go beyond minimum regulatory requirements. Calculations should reflect where volumetric controls are proposed. Stormwater volumes can be converted between m³ and mm using the formula below.

$$\text{volume (m}^3\text{)} = \text{volume (mm)} * \text{catchment area (m}^2\text{)} / 1000$$

- Existing = Existing runoff reduced (mm) from site beyond the minimum requirements based on the proposed rainfall target.
- Proposed Voluntary = Proposed runoff reduced (mm) by new detention or re-use systems, or an enhancement to the existing system.
- Min volume reduction = 15 mm
- Max volume reduction = 30 mm

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

Note: The applicant must also provide accompanying calculations of existing and proposed runoff volumes 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 credit is applied to the drainage area controlled by Stormwater Management Structures. In general, volume from a wet pond permanent pool or similar will not be credited for runoff volume reduction. Continuous modelling or simulations may be required to demonstrate long-term average annual retention water balance control targets will be achieved.

Runoff Volume Reduction (Water Balance Control) – 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 30 mm reduction of volume falling over the area from any single storm event. Full credit is provided for a 50 mm reduction or greater of volume over the area. Calculations apply to all impervious areas on the site. Stormwater volumes can be converted between m³ and mm using the formula below.

$$\text{volume (m}^3\text{)} = \text{volume (mm)} * \text{catchment area (m}^2\text{)} / 1000$$

- Proposed = Proposed runoff reduced by new stormwater detention or re-use systems from the entire site in mm
- Min volume reduction = 30 mm
- Max volume reduction = 50 mm

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

Note: The applicant must also provide accompanying calculations of existing and proposed runoff volumes 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 credit is applied to the drainage area controlled by Stormwater Management Structures. In general, volume from a wet pond permanent pool or similar will not be credited for runoff volume reduction. Continuous modelling or simulations may be required to demonstrate long-term average annual retention water balance control targets will be achieved.

Water Quality Treatment

The amount of credit, up to 10%, is based on achieving **enhanced water quality levels (80% removal of TSS)** 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 surfaces, the 10% credit is applied to the drainage area controlled by Stormwater Management Structures. This will be based on the site's catchments.

For a new development the entire site must meet the enhanced level of treatment. For a site expansion, the site is defined as the geographic area required to meet the City's stormwater management requirements at the time of development or expansion and at minimum that site area must meet the enhanced level of treatment. As appropriate, the 10% credit is applied proportionally to the site.

4. DIRECT DISCHARGE CREDIT – ELIGIBILITY AND CALCULATION

- Eligibility:** Multi-family residential (three or more residential units, including condominiums) and non-residential properties (for example, parking lots, mixed-use, institutional, industrial, and commercial properties) outletting to Detroit River or Lake St. Clair, including properties using shared Stormwater Management Structures, are eligible to participate in the Direct Discharge Credit Program if they meet the Technical Criteria below, except for any portion of a property that is exempt from the stormwater fee.

Multi-family residential and non-residential properties (including upstream properties) that use a shared outlet to Detroit River or Lake St. Clair, may be eligible for this credit provided they meet the Technical Criteria below and complete a Credit Sharing Application, subject to review and approval by the City Engineer.

b) Technical Criteria:

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.

Applications for properties not directly adjacent to Detroit River or Lake St. Clair must demonstrate adequate hydraulic conveyance capacity of the private (shared) infrastructure to confirm that runoff does not enter the City's stormwater system. If this cannot be demonstrated for an entire upstream property, a proportionally reduced Direct Discharge Credit may apply.

The following technical criteria must be met to receive credit:

- The stormwater runoff from lands subject to the Direct Discharge Credit may not, at any point, enter the City of Windsor municipal stormwater management system; and
- Stormwater Conveyance Infrastructure constructed prior to January 1, 2025 may not be required to be designed to a specific standard. However, it must be confirmed to operate and function as originally designed, per engineering drawings and Stormwater Management Report, and may be confirmed through a site inspection by the City; and
- Stormwater Conveyance Infrastructure constructed on or after January 1, 2025 shall be designed in accordance with a City-recognized standard. Stormwater Conveyance Infrastructure must be able to capture and convey flows with a minor system level of service based on the 5 year design storm event; and,
- The Stormwater Conveyance Infrastructure must be fully maintained and operated by the property owner.

If the Technical Criteria for Direct Discharge Credit are not met the property may still be eligible for a Structural Control Credit if it meets the Technical Criteria for a Structural Control Credit

c) Performance Criteria and Credit Amount:

For a full credit (50%) (as shown on Table 2A) the property owner(s) must demonstrate that at least 75% of a property's drainage area including 75% of the site's impervious area will be conveyed directly to Detroit River or Lake St. Clair. This requirement would apply to both applications for properties directly adjacent to Detroit River or Lake St. Clair and properties using a private (shared) direct outlet

For properties directly adjacent to Detroit River or Lake St. Clair, property owner(s) must demonstrate 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.

- 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.

Direct discharge is eligible for a credit of up to 50%. The Direct Discharge Credit may be combined with the Water Quality Treatment category from the Structural Control Credit,

however, the maximum available credit summed across all categories cannot exceed 50%.

Category	Voluntary Control of Existing Impervious Surface	New Development/Site Expansion	Total Credit (50% Maximum)	Total of no more than 50%
Direct Discharge – Adjacent to Detroit River or Lake St. Clair	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. For the full 50% credit demonstrate that at least 75% of a property's drainage area including 75% of the site's impervious area will be conveyed directly to Detroit River or Lake St. Clair.		Up to 50%	
Direct Discharge – Private (Shared) Direct Outlet	Demonstrate, through a City-approved Stormwater Management Report, that peak flows from all storm events up to the 100 year event will be conveyed through private (shared) infrastructure required in accordance with the Windsor Essex Region Stormwater Manual. For the full 50% credit demonstrate that at least 75% of a property's drainage area including 75% of the site's impervious area will be conveyed directly to Detroit River or Lake St. Clair.		Up to 50%	
Water Quality Treatment	Provide water quality controls to an enhanced level of treatment (80% Total Suspended Solids [TSS] removal).		Up to 10%	

**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.

Properties not eligible for a full 50% Direct Discharge Credit may be eligible for a partial Credit, as outlined in Table 2B. The fraction of the property eligible for credit is determined by the lesser of the following two values:

- (A) The fraction of total site draining directly to Detroit River or Lake St. Clair or
- (B) The fraction of the site's total imperviousness (hard surfaces) that drains directly to the Detroit River or Lake St. Clair.

For clarity, the equations used to calculate values (A) and (B) are provided below. Credit values in Table 2B may be interpreted linearly.

$$Fraction (A) = \frac{\text{Total Area of the Property with Direct Discharge Outlet (ha)}}{\text{Total Property Area (ha)}}$$

$$Fraction (B) = \frac{\text{Total Impervious Area of the Property with Direct Discharge Outlet (ha)}}{\text{Property Total Impervious Area (ha)}}$$

Table 2B – Direct Discharge Credit Scale

Direct Discharge Fraction	Direct Discharge Credit
0.50	10%
0.55	18%
0.60	26%
0.65	34%
0.70	42%
0.75	50%

SCHEDULE “C”
EXEMPT PROPERTIES

Property Type	Amount of Exemption
Property owned by District School Board(s) and School Authorities (Section 58 of the Education Act, R.S.O., 1990)	100%
Place of Worship	60%
Cemetery	60%