

**BYLAW NO. 9545**

**The Storm Water Management Utility  
Bylaw, 2019**

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### **The Storm Water Management Utility Bylaw, 2019**

The Council of The City of Saskatoon enacts:

#### **Part I – Short Title, Interpretation and Purpose**

##### **Short Title**

1. This Bylaw may be cited as *The Storm Water Management Utility Bylaw, 2019*.

##### **Definitions**

2. In this Bylaw:
  - (a) “City” means The City of Saskatoon;
  - (b) “commercial property” means any site in the City, regardless of intended or actual use or the zoning, but does not include any site the primary use of which is residential property;
  - (c) “converted dwelling” means a dwelling which is more than 30 years old which was originally designed as, or used as, a one-unit dwelling and in which additional dwelling units have been created;
  - (d) “customer” means the owner or occupant of residential or commercial property that contributes storm water to the City’s storm water system;
  - (e) “domestic wastewater” means the water-carried waste and wastewater produced from any non-commercial property and which result from normal human living processes;
  - (f) “dwelling” means a building used or intended for residential occupancy;
  - (g) “Equivalent Runoff Unit (ERU)” is an averaged unit of measurement, the calculation of which is based on the average amount of hard surface for a typical one-unit dwelling in the City. For the purposes of this Bylaw, an ERU is deemed to be 265.4 square metres;

- (h) “General Manager” means the City Manager or a designate;
- (i) “hard surface” means areas which do not allow rainwater to soak into the earth including, for example, non-permeable concrete or asphalt and building roofs;
- (j) “multi-unit dwelling” means a building, or portion thereof, designed for, or occupied as, two or more dwelling units including all residential condominium buildings regardless of such building’s physical layout, design or construction;
- (k) “non-domestic wastewater” means all water-carried waste and wastewater of non-human origin from any property;
- (l) “Officer” means the City employee appointed for the purposes of administering and enforcing this Bylaw or their designate;
- (m) “one-unit dwelling” means a detached building designed for, or occupied as, one dwelling unit, whether or not such building also contains a basement suite, and includes converted dwellings;
- (n) “property” means a site serviced by the storm water system, which site may or may not contain a building or buildings;
- (o) “residential property” means one-unit dwellings and multi-unit dwellings;
- (p) “soft surface” means areas which allow some rainwater to soak into the earth including, for example, lawns, gardens, gravelled areas, storage ponds, bio-swales or concrete or asphalt designed to be permeable so as to allow water to soak through;
- (q) “storm water system” means any City asset or facility for the collection, transmission, treatment and disposal of storm water, ground water, unpolluted industrial and cooling water and includes mains, ditches, channels, catch basins, wet and dry water ponds, constructed wetlands, pumping stations and outfalls, but does not include a building storm sewer or a storm service connection; and
- (r) “storm water” means all runoff water from any source.

### **Purpose**

3. The purpose of this Bylaw is to:

- (a) regulate the collection, transmission, treatment and disposal of storm water;
- (b) regulate direct and indirect discharges into any part of the storm water system;
- (c) prevent damage to or misuse of any part of the storm water system;
- (d) protect human health and safety and the environment;
- (e) establish and set terms and guidelines for the City's Storm Water Management Utility; and
- (f) set charges for all properties benefiting from the City's storm water system.

### **Public Utility Service**

- 4. The works established for the collection and transmission of storm water pursuant to the provisions of *The Cities Act* are a public utility service.

### **Delegation of Authority**

- 5. (1) The administration and enforcement of this Bylaw is hereby delegated to the General Manager.
- (2) The General Manager is authorized to further delegate the administration and enforcement of this Bylaw to its officers.

## **Part II – Storm Water System Regulation**

### **General Prohibitions**

- 6. (1) No person shall discharge, permit or cause to be discharged into the storm water system any material except in accordance with the provisions of this Bylaw.
- (2) No person shall be reckless or wilfully blind as to any discharge entering the storm water system.

- (3) No person shall discharge, permit or cause to be discharged into the storm water system any material unless permitted to do so under any Federal or Provincial legislation.
- (4) No person shall discharge, permit or cause to be discharged into the storm water system:
  - (a) any water having two or more separate liquid layers;
  - (b) domestic or non-domestic wastewater;
  - (c) liquid or vapour having a temperature greater than 65 degrees Celsius;
  - (d) pesticides, insecticides, herbicides or fungicides save and except chemicals contained in storm water emanating from trees or vegetation treated in accordance with any Federal or Provincial legislation;
  - (e) ashes, cinders, sand, stone or any other solid or viscous substance which may impair the operations and maintenance of the storm water system;
  - (f) solid matter larger than 12.5 mm in any dimension;
  - (g) water or waste having a pH lower than 5.5 or higher than 9.5;
  - (h) any noxious or malodorous substance capable of creating a public nuisance;
  - (i) any water or waste containing a toxic or poisonous substance, or a waste which, when combined with another waste, may cause toxic or poisonous substances to be liberated;
  - (j) any petroleum-based materials including, for example, gasoline, oil or diesel fuel, or any corrosive or explosive substance; and
  - (k) water from swimming pools or hot tubs.

### **Emergency Discharge**

7. Notwithstanding subsection 6(4), the City may make such discharges in an emergency.

### **Storm Water System Connections**

8. (1) Every property within the City on which there is a building or buildings with a combined covered area of 300 square metres or more shall have the roof area of such building or buildings connected to the storm water system. This requirement does not apply to one-unit dwellings or multi-unit dwellings with only two dwelling units in the building.
- (2) Every parking lot area of over 1,500 square metres shall be drained into the storm water system, unless written approval to the contrary is given by the City.
- (3) A required connection shall be made within 60 days of being notified by the City, or such other time as specified by the City. If the required connection is not made, the City may make the connection at the property owner's expense.
- (4) If there is no storm water system adjacent to a property described in subsection (1), and a building or buildings on such property covers or will cover more than 75 percent of the property, provision shall be made at the time of construction of such a building or buildings for connection of the building's or buildings' roof drains to the storm water system when it becomes available adjacent to such property, and such connection shall then be made.

### **Interference with Storm Water System**

9. Any person who causes damage to or interferes with the storm water system shall be guilty of an offence.

## **Part III – Storm Water Management Charge**

### **Calculation of Storm Water Management Charge**

10. (1) Except as set out in section 11, each property in the City shall be charged a storm water management charge on its City Utility Statement based upon the number of ERUs it has as follows:
  - (a) all one-unit dwellings in the City are deemed to have one ERU;
  - (b) ERUs for multi-unit dwellings, commercial and non-exempt agricultural properties in the City shall be charged for the number of ERUs the property actually has, to the nearest ERU, provided that:

- (i) each such property is deemed to have a minimum of two ERUs; and
  - (ii) no property shall be charged for more than 100 ERUs, regardless of the actual number of ERUs it has.
- (2) The City shall calculate the number of ERUs each property has, and the actual number, or deemed number, shall be set out on the property's City Utility Statement, and shall be charged at the rates and in the manner described in Schedule "A".

### **Exempt Properties**

11. (1) This Bylaw does not apply to the following property types:
- (a) agricultural zoned properties, except where they include hard surface developments which generate runoff to the storm water system;
  - (b) property that is not connected to or serviced by the storm water system;
  - (c) City-owned streets, roadways or spur-lines;
  - (d) community gardens; and
  - (e) cemetery and park green space.
- (2) If the owner of a property seeks an exemption pursuant to subsection (1), the owner may apply to the City, in writing, for a determination as to the applicability of the storm water management charge.
- (3) Upon receipt of a request for an exemption, the General Manager shall review the request and notify the person who requested the review of the result and their decision, in writing.
- (4) The decision of the General Manager shall be final.

### **Property Alterations Affecting ERUs**

12. (1) If any property is altered such that it then has fewer or more ERUs, the owner shall immediately advise the City of such alteration, and the City shall recalculate the number of ERUs the property then has.

- (2) Subject to section 10, if any property that is charged for two or more ERUs is altered such that after the alteration there are additional ERUs, the property shall be charged for such greater number of ERUs from when the alteration was first made.
- (3) Subject to section 10, if any property that is charged for two or more ERUs is altered such that after the alteration there are fewer ERUs, the property shall be charged for such lesser number of ERUs from when the alteration was first made.

### **Review of ERU Calculation**

13. (1) If the owner of any property charged for two or more ERUs disputes the City's calculation of the property's ERUs, or disputes the recalculation of the ERUs charged to the property after an alteration, the owner may, in writing, apply to the City for a review of the property's ERU calculation.
- (2) Upon receipt of a request for a recalculation, the General Manager shall review the calculation and notify the person who requested the review of the result and their decision, in writing.
- (3) The decision of the General Manager shall be final.

### **Part IV – Storm Water Management Credit Program**

#### **Adjustments for Management of Storm Water Runoff**

14. (1) If a customer manages the quality or quantity of their storm water runoff on site to the satisfaction of the City, the customer may qualify for credits to reduce their storm water management charges payable to the City.
- (2) The Storm Water Management Credit Program is set out in Schedule "B".

### **Part V – Infrastructure Upgrade Charges**

#### **Infrastructure Update Charge**

15. Every customer shall pay an infrastructure upgrade charge at the rate set out in Schedule "A" until December 31, 2021, at which time this section shall be repealed.



## **Part VI – Inspection, Compliance and Enforcement Procedures**

### **Inspections**

16. (1) The City is authorized to inspect property to determine if there is compliance with this Bylaw.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) No person shall obstruct the City in conducting an inspection under this section (or any person who is assisting the City).

### **Offences**

17. Any person who breaches this Bylaw is guilty of an offence.

### **Discontinuance and Removal of Public Utility**

18. (1) The City may, in accordance with section 23 of *The Cities Act*, discontinue providing a public utility service including water, wastewater and storm water service if:
  - (a) a utility charge pursuant to this Bylaw is unpaid; and
  - (b) reasonable notice of the City's intention to discontinue the public utility service is provided.
- (2) The City may enter any land or building for the purposes set out in subsection (1).

### **City's Right to Recover Costs for Damage/Remedial Action**

19. (1) When any person, in failing to abide by the provisions of this Bylaw, causes damage to or interferes with the storm water system, such person shall be liable to the City for all costs incurred by the City in making repairs or taking remedial action.
- (2) The costs associated with making repairs or taking remedial action shall be an amount owing to the City.

### **Civil Action to Recover Costs**

20. Notwithstanding any other remedy provided for in this Bylaw, the City may, in accordance with section 332 of *The Cities Act*, collect any unpaid storm water management charges or other charges under this Bylaw, expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

### **Adding Amounts to Tax Roll**

21. The City may, in accordance with section 333 of *The Cities Act*, add the following amounts to the tax roll of a parcel of land:
- (a) any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work was done;
  - (b) any unpaid costs relating to service connections of a public utility that are owing by the owner of the parcel of land;
  - (c) any unpaid storm water management charges for a utility service provided to the parcel by a public utility that are owing by the owner of the parcel of land; and
  - (d) any unpaid costs incurred by the City in eliminating an emergency to the tax roll of any parcel of land for which the person is the assessed person.

### **Liens for Public Utility Service**

22. (1) All storm water management charges, rates and costs imposed on the owner of the land or building to which public utility service is supplied pursuant to this Bylaw are a lien on the land and building.
- (2) The lien mentioned in subsection (1):
- (a) has priority over all other liens or charges except those of the Crown;
  - (b) is a charge on the goods and chattels of the debtor; and
  - (c) may be levied and collected in the same manner as taxes are recoverable.

- (3) All storm water management charges, rates and costs imposed on any person to whom a public utility service is supplied and who is not the owner of the land or building are a debt due by the person and are a lien on the person's goods and chattels and may be collected with costs by distress.

**Storm Water Management Utility Bylaw, 2001 and 2011 Repealed**

- 23. (1) Bylaw No. 8070, *The Storm Water Management Utility Bylaw, 2001* is hereby repealed.
- (2) Bylaw No. 8987, *The Storm Water Management Utility Bylaw, 2011* is hereby repealed.

**Coming into Force**

24. This Bylaw comes into force on the 1st day of January, 2019.

Read a first time this 17<sup>th</sup> day of December, 2018.

Read a second time this 17<sup>th</sup> day of December, 2018.

Read a third time and passed this 17<sup>th</sup> day of December, 2018.

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"Charlie Clark"  
Mayor

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"Joanne Sproule" "SEAL"  
City Clerk

## Schedule "A" Rates and Accounts

### Rates

1. Storm Water Management Charge

The monthly rate for one Equivalent Runoff Unit (ERU) for the storm water management charge shall be as follows:

2019:	\$5.525
2020:	\$6.650
2021:	\$7.775
2022:	\$8.900

The storm water management charge shall be charged to all properties at a rate of \$8.90 per ERU per month after 2022.

2. Infrastructure Upgrade Charge

The monthly rate per water meter shall be as follows:

2019:	\$3.375
2020:	\$2.250
2021:	\$1.125

The Infrastructure Upgrade Charge will expire on December 31, 2021.

### Accounts

3. Residential properties shall have the storm water management charge added to the property's City Utility Statement monthly, and it shall be shown as a separate item.
4. Commercial properties shall have the storm water management charge added to the property's City Utility Statement yearly, and it shall be shown as a separate item.
5. All properties shall have the Infrastructure Upgrade Charge added to the property's City Utility Statement monthly until December 31, 2021, and it shall be shown as a separate item.

## **Schedule “B” Storm Water Management Credit Program**

### **Storm Water Management Credits Excluding One-Unit Dwelling Residential Properties**

Customers may qualify for credits to reduce storm water management charges payable when the customer can demonstrate to the City’s satisfaction that the customer effectively manages the quality or quantity of their storm water runoff onsite through an accepted industry best practice that meets the requirements of the City’s Design and Development Standards Manual at the time of application.

#### **1. Conditions and Requirements**

- (a) The Customer shall complete a Storm Water Management Credit Application, including supporting calculations for onsite retention or detention certified by a qualified person, and a maintenance plan, to the satisfaction of the City. Incomplete Applications will not be accepted.
- (b) Any approved credits will be applied retroactively to January 1 of the year the complete Application and all supporting information is received.
- (c) Credit approvals will be valid for five years subject to requirements in this Schedule being met, including but not limited to, ongoing completion of the approved maintenance plan. Storm water management credits may be extended after five years, subject to approval by the City.
- (d) A submitted Application shall constitute authority for the City to perform inspections of the property to determine the eligibility of the onsite storm water best practices, and the accuracy of the credit calculation. The inspection shall be limited to storm water best practices and other elements described in the Application. In the event that the Applicant is required to attend, the City shall schedule the inspections at a date and time that is mutually acceptable to both parties. Failure to allow for an inspection may result in a denial or cancellation of the storm water management credit.
- (e) Unless otherwise obligated by law, the City shall limit the use of the Application or other supporting documents to activities required to administer storm water management credits.
- (f) Only storm water management facilities that serve the property described on the Application shall be credited toward that customer's invoice. Credits shall only be given to the customer(s) listed on the City’s Utility Statement. The credit eligibility of a property does not transfer from the Applicant to a new owner of the property, unless approved by the City.

- (g) The Applicant cannot transfer storm water management credit eligibility from the property to another property owned by the Applicant.
- (h) If the onsite storm water management is not functioning as approved, the customer must notify the City. If the onsite storm water management is determined by the City to not be functioning as approved, the storm water management credit will be cancelled. The City reserves the right to recuperate any credit provided since the last verification by the City.
- (i) If the City determines an Applicant has misrepresented information on their Application, or maintenance records, the City reserves the right to issue an administrative fee, cancel the storm water management credit.

## 2 Storm Water Management Credits

- (a) The combined total of all storm water management credits shall not exceed 50%.
- (b) *Option 1: Water Quality Improvement Credit*

The maximum credit for this category is 20%. The Water Quality Improvement Credit will be based on the percentage of storm water directed through a quality control infrastructure device that meets the minimum standard of 80% total suspended solids removal for particles sizes 50 micron or larger.

Quality control infrastructure device may include, for example, oil and grit separators. Options such as low impact development or filters will be considered if it can be verified that the minimum standard of total suspended solids removal is met.

- (c) *Option 2: Peak Flow Reduction*

The maximum credit for this category is 30%. The Peak Flow Reduction Credit will be given for the proportion of storm water for a standard 1-in-2 year rain event held onsite and released slowly to the City's storm water system. The credit is equal to 0.4 multiplied by the peak flow reduction percentage up to 75%.

Eligible infrastructure may include, but is not restricted to, orifice controls along with parking lot storage, underground storage, roof-top storage, or storm water detention ponds.

(d) *Option 3: Onsite Retention*

The maximum credit for this category is 50%. The Onsite Retention Credit will be based on 2% per millimeter of storm water up to 25 mm that is retained onsite and not released to the City's storm water system.

Eligible low impact development infrastructure that retains storm water may include, but is not restricted to rain gardens, cisterns, permeable pavement, infiltration galleries, green roofs, and rainwater harvesting systems.