

BYLAW NO. 9772

The Drainage Bylaw, 2021

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BYLAW NO. 9772
The Drainage Bylaw, 2021

The Council of the City of Saskatoon enacts:

PART I
Preliminary Matters

Short Title

1. This Bylaw may be cited as *The Drainage Bylaw, 2021*.

Definitions

2. In this Bylaw:
- (a) **“accessory structure”** means a structure, including a shed, patio, pool apron, detached garage, play structure, sand box or water retention structure, that:
 - (i) is subordinate to and serves the principal building;
 - (ii) contributes to the comfort, convenience, amenity or necessity of the occupants of the principal building; and
 - (iii) is located on the same site as the principal building;
 - (b) **“Act”** means *The Cities Act*;
 - (c) **“adverse effect”** means actual or potential damage or harm to property, the environment or the safety, health or welfare of people;
 - (d) **“as-built site grading drawing”** means a drawing showing the as-built storm water site grading that is prepared and certified by a professional land surveyor, engineer or architect;
 - (e) **“drainage inspector”** means an employee of the City appointed by the General Manager to act as a municipal inspector for the purposes of this Bylaw;

- (f) **“drainage path”** means an area that is at least 200 millimetres in width and of constant slope, along which storm water can freely flow;
- (g) **“General Manager”** means the General Manager of Community Services or their designate;
- (h) **“grading”** means the shaping or sloping of land elevations to ensure that surface drainage from storm water is directed away from buildings toward a right of way and into the City’s storm sewer system;
- (i) **“infill”** means the development of new housing, including garden and garage suites, in an established area on a vacant lot or an underused lot on previously developed land;
- (j) **“landscape feature”** means any item or product used for the purpose of landscaping, whether natural or not, including soil, clay, sand, gravel, rock, concrete, wood, mulch, raised flower beds, gardens and any similar item or material;
- (k) **“lot grading elevations”** means the geodetic design elevations assigned to a property on a lot grading plan;
- (l) **“lot grading plan”** means an engineered storm water drainage design plan that identifies the lot grading styles and lot grading elevations of residential properties located in a specified area of a subdivision that must be submitted to the City for approval as part of the land development process;
- (m) **“lot grading style”** means the defined engineered design to grade property for the purpose of conveying surface drainage to a City right of way or park;
- (n) **“low density residential property”** means a detached or semi-detached residential property containing either a one-unit or two-unit dwelling;
- (o) **“material”** means any object, article, building product or waste;

- (p) **“multi-family residential property”** means a residential property containing three or more dwelling units;
- (q) **“owner”** means an owner as defined in the Act;
- (r) **“private drainage system”** means an assembly or system of pipes, weeping tiles, fittings, traps or appurtenances used to convey storm water or sump pump discharge on private property;
- (s) **“retaining wall”** means a wall used to support a higher grade and prevent erosion where matching the elevations of existing adjacent property is not possible, but does not include fences;
- (t) **“right of way”** means a public street, road, sidewalk, walkway, lane or other place designed and intended for use or used by the general public for the passage of vehicles or pedestrians, but does not include a parking lot, whether privately or publicly owned;
- (u) **“site grading plan”** means an engineered storm water drainage design plan for an individual site that must be submitted to the City in support of a building permit application;
- (v) **“storm sewer system”** means underground infrastructure used for the collection, transmission, treatment or disposal of storm water;
- (w) **“storm water”** means surface runoff water that accumulates as a result of rain, the melting of snow or other naturally occurring forms of precipitation;
- (x) **“storm water system”** means above ground infrastructure used for the collection, transmission, treatment or disposal of storm water;
- (y) **“sump pump discharge”** means ground water collected beneath the surface of the ground by a foundation drain, weeping tile, sump pit or other similar means and pumped to the ground surface;
- (z) **“surface drainage system”** means the engineered sloping and grading of land to facilitate the drainage of storm water, including swales;

- (aa) **“swale”** means a shallow, sloped, linear depression used to convey storm water that may be constructed of concrete, asphalt, sod, clay, gravel or other similar material;
- (bb) **“walk-out style home”** means a home with ground-level access to the basement;
- (cc) **“water retention structure”** means a structure designed to retain water, including a rain barrel, private skating rink and ornamental pond.

Purpose

- 3. The purpose of this Bylaw is to regulate grading and surface drainage on private properties to minimize adverse effects.

Responsibility

- 4. Unless otherwise specified, the owner of a property shall be responsible for complying with this Bylaw.

PART II Regulation of Storm Water

Low Density Residential Property Grading

- 5. An owner of a low density residential property shall:
 - (a) where a lot grading plan exists, establish and maintain the engineered lot grading elevations and lot grading styles assigned to their property as indicated on the lot grading plan;
 - (b) establish and maintain a drainage path along shared rear and side property lines that is unobstructed by any accessory structure, landscape feature or similar item or material;
 - (c) grade their property to ensure sufficient slope away from the perimeter of all structures;
 - (d) ensure all storm water, roof drainage and sump pump discharge is directed toward a right of way or surface drainage system; and

- (e) when altering the grade of a property within an established area:
 - (i) ensure that the lot grading matches the elevations of existing adjacent property; or
 - (ii) where the elevations of existing adjacent property cannot be matched, construct retaining walls.

Construction of Walk-Out Style Homes

- 6. A walk-out style home shall be constructed only on property:
 - (a) designed to accommodate a walk-out style home; and
 - (b) in the case of a property that is not an infill property, designated for construction of a walk-out style home on the lot grading plan.

Concrete Drainage Swales

- 7. An owner shall ensure concrete drainage swales located on their property are:
 - (a) not impeded, obstructed or restricted by any accessory structure, landscape feature or material, including ice and snow; and
 - (b) maintained in good repair.

Infill Grading

- 8. An owner of an infill property shall:
 - (a) as part of the building permit application, submit a site grading plan to the City that meets the requirements of and is satisfactory to the City;
 - (b) when establishing the grade of an infill property:
 - (i) ensure that the site grading matches the elevations of existing adjacent property; or
 - (ii) where the elevations of existing adjacent property cannot be matched, construct retaining walls;

- (c) develop and maintain the site grading in accordance with the City approved site grading plan, including satisfying requirements respecting the location and direction of roof downspouts and sump pump discharge; and
- (d) upon inspection by a drainage inspector, obtain final site grading approval by the earlier of nine months from the date of:
 - (i) closure of the building permit for the principal building on the property; or
 - (ii) occupancy or partial occupancy of the principal building.

Commercial and Multi-Family Residential Property Grading

9. An owner of a commercial or multi-family residential property shall:

- (a) as part of the building permit application, submit a site grading plan to the City that meets the requirements of and is satisfactory to the City;
- (b) when establishing the grade of a commercial or multi-family residential property:
 - (i) ensure that the site grading matches the elevations of existing adjacent property; or
 - (ii) where the elevations of existing adjacent property cannot be matched, construct retaining walls;
- (c) develop and maintain the site grading in accordance with the City approved site grading plan;
- (d) upon site grading completion, submit an engineered as-built site grading drawing to the City for approval; and
- (e) upon inspection by a drainage inspector, obtain final site grading approval by the earlier of nine months from the date of:
 - (i) closure of the building permit for the principal building on the property; or
 - (ii) occupancy or partial occupancy of the principal building.

Discharge of Water from a Commercial or Multi-Family Residential Property

10. (1) Subject to subsection (2), all storm water, roof drainage and sump pump discharge from a commercial or multi-family residential property shall be directed into and contained in catch basins on the property that are connected to the City's storm sewer system.
- (2) If there is no storm sewer system adjacent to a commercial or multi-family residential property, all storm water, roof drainage and sump pump discharge from the property shall be directed toward a right of way or storm water system to the satisfaction of the City.

Eavestroughs and Downspouts

11. (1) An owner shall not permit drainage from the roof of a structure on their property to discharge or drain directly:
 - (a) onto a permeable ground surface adjacent to a structure; or
 - (b) to a location that causes or is likely to cause an adverse effect to a right of way, park or other adjacent property.
- (2) All structures with an area greater than 9.3 square metres shall have eavestroughs and downspouts.
- (3) Eavestroughs and downspouts shall be watertight, maintained in good repair and kept clear of any material, including debris and ice.

Sump Pump Discharge

12. An owner shall not permit a sump pump on their property to discharge or drain directly:
 - (a) onto a permeable ground surface adjacent to a structure; or
 - (b) to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property, including causing slippery or unsafe conditions on sidewalks and pathways.

Private Drainage Systems and Water Retention Structures

13. An owner shall not permit a private drainage system or water retention structure on their property to discharge or drain directly:
 - (a) onto a permeable ground surface adjacent to a structure; or
 - (b) to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property.

PART III Enforcement, Offences and Penalties

Enforcement of Bylaw

14. (1) The administration and enforcement of this Bylaw is delegated to the General Manager.
- (2) The General Manager is authorized to further delegate the administration and enforcement of this Bylaw to drainage inspectors.

Inspections

15. (1) Drainage inspectors are authorized by the City to inspect property to determine if this Bylaw is being complied with.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of the Act.
- (3) No person shall obstruct a drainage inspector who is authorized to conduct an inspection pursuant to this Bylaw or a person who is assisting a drainage inspector.

Order to Remedy Contraventions

16. (1) If a drainage inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall:

- (a) comply with section 328 of the Act; and
- (b) be served in accordance with section 347 of the Act.

Registration of Notice of Order

17. If an order is issued pursuant to section 16, the City may, in accordance with section 328 of the Act, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

Appeal of Order to Remedy Contravention

18. (1) A person may appeal an order made pursuant to section 16 in accordance with section 329 of the Act.
- (2) An appeal pursuant to subsection (1) shall be made to the Environmental Management Appeal Board.

Civil Action to Recover Costs

19. The City may, in accordance with section 332 of the Act, collect any unpaid 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

20. The City may, in accordance with section 333 of the Act, add 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.

Offences

21. (1) No person shall:
- (a) fail to comply with an order made pursuant to this Bylaw;
 - (b) obstruct or hinder a drainage inspector or any other person acting under the authority of this Bylaw; or
 - (c) fail to comply with any other provision of this Bylaw.

- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
 - (a) in the case of an individual, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and
 - (b) in the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues.

Notice of Violation Offences

- 22. (1) Notwithstanding the generality of section 21, a person contravenes this Bylaw by causing or permitting:
 - (a) roof drainage from a structure on their property to discharge or drain to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property;
 - (b) a sump pump on their property to discharge or drain to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property;
 - (c) a private drainage system or water retention structure on their property to discharge or drain to a right of way, park or adjacent property; or
 - (d) an obstruction to the drainage path located on their property.
- (2) Notices of violation may be issued for offences mentioned in subsection (1) that are first, second or third offences.
- (3) The following procedure applies to notices of violation:
 - (a) a drainage inspector may issue a notice of violation to any person committing an offence mentioned in subsection (1). The notice shall require the person to pay to the City the applicable penalty set out in clause 23(a);
 - (b) the fine may be paid:

- (i) in person, during regular office hours, to the cashier located at City Hall, Saskatoon, Saskatchewan;
 - (ii) by deposit, at the depository located at the main entrance to City Hall, Saskatoon, Saskatchewan; or
 - (iii) by mail, addressed to Corporate Revenue, City Hall, 222 – 3rd Avenue North, Saskatoon, Saskatchewan, S7K 0J5;
- (c) if the fine is paid before the date when the person contravening this Bylaw is required to appear in court to answer the charge, the person shall not be prosecuted for the offence;
- (d) the amount of the fine under clause (a) shall be discounted to the sum of \$200 for a first offence if paid within 14 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:
 - (i) for payment in person, the date of the payment shall be the date payment is received by the City;
 - (ii) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall;
 - (iii) for payment by mail, the date of payment shall be the post marked date on the remittance.
- (4) Notices of violation that have been cancelled or dismissed by the Court shall not be counted toward calculating whether an offence is a first, second, third or subsequent offence.

Minimum Penalty

23. The minimum penalty for an offence pursuant to this Bylaw is:

- (a) where a person contravenes any provision of this Bylaw for which a notice of violation may be issued pursuant to section 22:
 - (i) for a first offence, \$250;
 - (ii) for a second offence, \$500; and
 - (iii) for a third or subsequent offence, \$750; and

- (b) where a person fails to comply with an Order to Remedy Contravention made pursuant to section 16 of this Bylaw:
 - (i) for a first offence, \$500;
 - (ii) for a second offence, \$750; and
 - (iii) for a third or subsequent offence, \$1,000.00.

PART IV
Repeal and Coming into Force

Bylaw No. 8379 Repealed

24. Bylaw No. 8379, *The Drainage Bylaw, 2005*, is repealed.

Coming into Force

25. This Bylaw comes into force on the day of its final passing.

Read a first time this 26th day of July, 2021.

Read a second time this 26th day of July, 2021.

Read a third time and passed this 26th day of July, 2021.

“Charlie Clark”
Mayor

“Adam Tittlemore” “SEAL”
City Clerk