

# Bylaw 18093

## To replace Bylaw 16200, the City of Edmonton Drainage Bylaw

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### Purpose

To replace Drainage Bylaw 16200 with a new Drainage Bylaw to reflect required changes following the transfer of the Drainage Utility to EPCOR Water Services Inc. (EPCOR).

### Readings

Although Bylaw 18093 is ready for three readings, it is recommended that second and third readings of Bylaw 18093 be coordinated with Bylaw 18100 EPCOR Drainage Services Bylaw.

Bylaw 18093 is authorized under the *Municipal Government Act* RSA 2000 Chapter M-26.

### Position of Administration

Administration supports this Bylaw.

### Report Summary

Bylaw 18093 incorporates existing provisions of the current Drainage Bylaw 16200 which are not included in the transfer of the Drainage Utility from the City to EPCOR.

### Previous Council/Committee Action

At the June 9, 2017, Utility Committee meeting, Bylaw 18093 was forwarded to City Council for first reading.

At the April 12, 2017, City Council meeting, the following motion was passed:

3. That the City Manager prepare recommendations for revisions to all applicable bylaws to effect the transfer, including Bylaw 16200 - Drainage Bylaw and the proposed EPCOR Drainage Bylaw and return to Utility Committee on June 9, 2017.

### Report

The purpose of the current Drainage Bylaw 16200 is to regulate connections to the sewerage system, regulate use of the sewerage system, prevent damage to the sewerage system, and regulate surface drainage on private lands. As a result of the transfer of the Drainage Utility to EPCOR, many of the functions set out in the current Drainage Bylaw 16200 will be transferred to EPCOR. Provisions relating to those functions will be included in Bylaw 18100 EPCOR Drainage Services Bylaw.

The City will continue to regulate surface drainage as well as enforce some release provisions relating to the well-being of the environment. This Report and attachments focus on those items.

### **Surface Drainage**

The City will continue to regulate and enforce provisions relating to surface drainage. The provisions in Bylaw 18093 relating to surface drainage have not changed substantially and are consistent with the current Drainage Bylaw 16200 provisions. The City will continue to approve, inspect, and enforce the surface drainage provisions in Bylaw 18093.

### **Release**

The City is transferring the infrastructure for the Sanitary, Storm, and Combined sewer systems, as well as stormwater management facilities, to EPCOR. As a result, the provisions in the current Drainage Bylaw 16200 related to infrastructure or maintenance of infrastructure will be included in Bylaw 18100 EPCOR Drainage Services Bylaw. Provisions in the current Drainage Bylaw 16200 related to treatment of drainage or worker safety are also included in Bylaw 18100 EPCOR Drainage Services Bylaw.

The provisions in the current Drainage Bylaw 16200 which are aimed at ensuring the wellbeing of the environment will be included in Bylaw 18093. For example, there will still be prohibitions on releasing items into the drainage system which may have a negative impact on the environment. The City Drainage employees transferring to EPCOR will investigate and inspect any potential releases under these environmental provisions. In circumstances where such releases are identified, Community Standards Bylaw Enforcement Officers may take enforcement steps, such as issuing tickets or Orders, to remedy the contravention.

Releases that do not enter the sewerage system (for example, a spill on the ground away from a sewer) but can potentially enter the groundwater are currently regulated and enforced by Alberta Environment and Parks.

The provisions of Bylaw 18093, along with the support of EPCOR Investigators and additional enforcement from both the Provincial and Federal governments (when applicable) will ensure the public is well served in regards to environmental protection and Drainage Bylaw related issues.

### **Fees**

Bylaw 18093 would also remove Schedule D Fees and all references to Schedule D

from Bylaw 18093. This proposed amendment grants the City Manager the power to set Drainage Bylaw fees. This allows the fees to be updated more efficiently. As part of the regular budget process, Administration will continue to inform City Council of drainage fees for the upcoming year because the fees will continue to be included as part of the Operating Budget.

### Policy

*The Way We Green*, Environmental Policy C512:

- Protection of the natural environment

The City operates within the framework of the City Council approved 2015 - 2024 Drainage Master Plan, ISO 14001, and the 10 year Approval-to-Operate (2015 - 2025) issued and regulated by the Provincial Government.

### Corporate Outcomes

The information in this report supports the corporate outcomes of “The City of Edmonton’s operations are environmentally sustainable.” Leading by example, the City of Edmonton strives to minimize significant adverse environmental impacts caused by its operations.

### Public Engagement

There has been no public engagement on the proposed City Drainage Bylaw 18093. There are no significant changes to the provisions included in the proposed Bylaw 18093 from the current Bylaw 16200. The provisions are reorganized as required to facilitate the transfer of the Drainage Utility to EPCOR.

Bylaw 18100 EPCOR Drainage Services Bylaw will be the subject of a non-statutory public hearing pursuant to Bylaw 12294 EPCOR Rates Procedures Bylaw.

### Budget/Financial Implications

This recommendation results in the removal of Drainage programs that will come under EPCOR following the transfer on September 1, 2017. The fees collected for these programs as well as the associated expense will be transferred to EPCOR such that the City’s budget will only reflect the remaining provisions outlined in Bylaw 18093. Future budgets will be amended accordingly so public or nuisance offences, along with the Lot Grading Program, will be captured. This is to ensure service levels regarding those programs are adequately delivered to Edmontonians. The 2017 Rates contained in the current Drainage Bylaw 16200 are unchanged as the bylaw will remain in effect for all of 2017.

### Metrics, Targets and Outcomes

Metrics	Targets	Outcomes
<ul style="list-style-type: none"> <li>Lot Grading Bylaw Enforcement compliance</li> </ul>	<ul style="list-style-type: none"> <li>100% compliance with the provisions of the bylaw (61% in 2016).</li> </ul>	<ul style="list-style-type: none"> <li>All violations comply with the provisions of the bylaw resulting in approved lot grading for new and existing development.</li> </ul>
<ul style="list-style-type: none"> <li>Spill enforcement - number of tickets issued: <ul style="list-style-type: none"> <li>2016 - 7</li> <li>2015 - 8</li> <li>2014 - 8</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Continuous decrease in numbers of tickets issued.</li> </ul>	<p>Compliance with the provisions of the City Drainage Bylaw 18093</p>

## Justification of Recommendation:

Bylaw 18093 is required in order to replace portions of Bylaw 16200 which will not remain with the City following the transfer of the Drainage Utility to EPCOR. The portions of Bylaw 16200 which will transfer to EPCOR will be incorporated into Bylaw 18100 EPCOR Drainage Services Bylaw and will be subject to a non-statutory public hearing before second and third reading. In order to ensure that any amendments to either Bylaw are coordinated, it is recommended that second and third readings of Bylaw 18093 be coordinated with Bylaw 18100 EPCOR Drainage Services Bylaw.

## Attachments

1. Bylaw 18093
2. Summary of Bylaw Amendments

## Others Reviewing this Report

- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- R. G. Klassen, Deputy City Manager, Sustainable Development
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- C. Campbell, Deputy City Manager, Communications and Engagement