

**THE CITY OF EDMONTON
BYLAW 18093
DRAINAGE BYLAW**

Whereas, pursuant to sections 7 and 8 of the *Municipal Government Act*, RSA 2000, c M-26, Council may pass bylaws for municipal purposes respecting:

- (i) the safety, health, and welfare of people and the protection of people and property;
- (ii) licences, permits, and approvals; and
- (iii) enforcement of bylaws.

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE	1	The purpose of this bylaw is to regulate surface drainage on public and private land and to foster the well-being of the environment by prohibiting the release of dangerous or hazardous matters into the sewerage system.
DEFINITIONS	2	<p>In this bylaw, unless the context otherwise requires:</p> <ul style="list-style-type: none">(a) “City” means the municipal corporation of The City of Edmonton;(b) “City Manager” means the chief administrative officer of the City or delegate;

- (c) “**City right of way**” means land in which the City has an interest, including road right of ways and easements in favour of the City;
- (d) “**combined sewer**” means a sewer used for the collection and transmission of wastewater and stormwater;
- (e) “**Biohazardous Agent, Risk Group 4**” means an agent that is likely to cause serious or lethal human disease for which preventive or therapeutic interventions are not usually available;
- (f) “**Enforcement Bylaw**” means the City’s *Enforcement Bylaw*, Bylaw 16368, as amended;
- (g) “**Fee**” means the amount, as determined by the City Manager, payable for:
 - (i) a permit required by this bylaw;
 - (ii) a lot grading inspection; or
 - (iii) any search, certificate, document or other service related to the administration of this bylaw.
- (h) “**final grading**” means the establishment of surface grades and elevations in preparation for or including the finished landscaping or surfacing;
- (i) “**hazardous waste**” has the same meaning as in the *Waste Control Regulation*, Alta Reg 192/1996;
- (j) “**lot grading plan**” means a drainage design plan signed and sealed by a professional acceptable to the City Manager;
- (k) “**municipal tag**” has the same meaning as defined in the *Enforcement Bylaw*;
- (l) “**occupies**” means residing on or to be in apparent possession or control of property;
- (m) “**own**” or “**owns**” means to be registered under the *Land Titles Act*, RSA 2000, c L-4, as amended, as the owner of

the fee simple estate in a parcel of land;

- (n) “**owner**” means the person registered under the *Land Titles Act* as owner in fee simple, a lessee, or any person who exercises the power and authority of ownership;
- (o) “**premises**” means a parcel of land and any buildings situated on that land;
- (p) “**private drainage system**” means an assembly of pipes, fittings, traps and appurtenances used to convey wastewater, stormwater, and subsurface water to the sewer service;
- (q) “**prohibited waste**” means matter prohibited from entering the sewerage system as set out in Schedule A;
- (r) “**release**” means to directly or indirectly conduct matter by spilling, discharging, depositing, disposing of, abandoning, leaking, seeping, pouring, draining, emptying, or any other means;
- (s) “**restricted waste**” means matter only permitted in the sewerage system in limited quantities as set out in Schedule B;
- (t) “**rough grading**” means the establishment of surface grades and elevations preceding the final grading;
- (u) “**sanitary sewer**” means a sewer used for the collection and transmission of wastewater;
- (v) “**sewer service**” means the pipe connecting a private drainage system to the sewerage system;
- (w) “**sewerage system**” means infrastructure for the collection, storage, transportation and pumping of wastewater and stormwater and includes sewers, ditches, channels, stormwater management facilities, wastewater treatment facilities, sludge treatment facilities, biosolids storage and disposal facilities;
- (x) “**storm sewer**” means a sewer used for the collection and transmission of stormwater and subsurface water;

- (y) “**stormwater**” means surface run-off water that is the result of natural precipitation;
- (z) “**subsurface water**” means water at a depth of not more than 15 metres beneath the surface of the ground;
- (aa) “**violation ticket**” has the same meaning as defined in the Enforcement Bylaw;
- (bb) “**wastewater**” means water discharged from a premises;
- (cc) “**watercourse**” means:
 - (i) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water; or
 - (ii) a canal, ditch, reservoir, stormwater management facility or other man-made surface drainage feature;

whether or not it contains or conveys water continuously or intermittently.
- (dd) “**water retention structure**” means a structure designed to retain a large volume of water, including but not limited to, swimming pools, skating rinks, ornamental ponds, hot tubs, whirlpools, and spas.

**RULES FOR
INTERPRETATION**

- 3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - SURFACE DRAINAGE

**LOT GRADING
APPROVAL**

- 4
 - (1) The owner of a premises shall ensure that a lot grading plan for the premises is approved by the City Manager prior to the construction of any buildings, additions to buildings, or alterations of surface drainage on the premises.
 - (2) The owner of a single family or duplex residential premises shall ensure that:

- (a) the rough grading of the premises is approved by the City Manager within 18 months of a building permit being issued for the premises;
- (b) the final grading of the premises is approved by the City Manager:
 - (i) within 12 months of the rough grading being approved by the City Manager; or
 - (ii) within 60 days of the final grading being completed,

whichever is earlier; and

- (c) notwithstanding subsections (a) and (b), the final grading of the premises is approved by the City Manager within 30 months of a building permit being issued for the premises.
- (3) The owner of a premises other than single family or duplex residential premises shall ensure that the final grading of the premises is approved by the City Manager within 18 months of a building permit being issued for the premises.

COMPLIANCE WITH PLAN 5

The owner of a premises must establish and maintain surface grades and elevations on the premises in compliance with the lot grading plan for the premises approved by the City Manager.

BUILDING GRADES 6

If a lot grading plan for a premises has not been approved by the City Manager, the owner of the premises must establish and maintain surface grades and elevations adjacent to buildings in such a way that water drains:

- (a) away from the buildings; and
- (b) towards a City right-of-way.

RELEASE OF WATER 7

The owner of a premises shall not permit roof drainage or foundation drainage from a building, a private drainage system, or a water retention system on the premises to be discharged:

- (a) directly onto a pervious ground surface within one metre of the building;

- (b) within 150 mm of an adjacent lot;
- (c) within 300 mm of a City right-of-way;
- (d) to a location where the water has the potential to adversely impact:
 - (i) the stability of a slope,
 - (ii) a ravine; or
 - (iii) a portion of the ground surface where there exists a risk of instability; or
- (e) to a location or in such a manner that the discharge causes or has the potential to cause nuisance, hazard or damage.

**RELEASE OF
STORMWATER AND
SUBSURFACE
WATER**

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The owner of a premises must control the release of stormwater and subsurface water when directed to do so by the City Manager, including the location of the release of stormwater and subsurface water from the premises.

**SURFACE
DRAINAGE
CONNECTION
REQUIRED**

9

- (1) The owner of premises other than single family or duplex residential premises shall provide a private drainage system for subsurface water and for stormwater from:
 - (a) roofs;
 - (b) parking areas;
 - (c) storage areas;
 - (d) paved areas; and
 - (e) courtyards.
- (2) The owner of a premises requiring a private drainage system pursuant to this Part shall not release subsurface water or stormwater from the private drainage system to any location, unless that location is designated on a lot grading plan or approved by the City Manager.

**ALTERATION OF
SURFACE GRADES**

10

No person shall alter or permit the alteration of surface grades or elevations of a premises such that:

		(a)	a nuisance, hazard or damage is caused or has the potential to be caused; or
		(b)	the stability of a slope is adversely impacted.
ALTERATIONS WITHIN CITY RIGHT OF WAY	11	(1)	No person shall
		(a)	alter any surface grades or elevations; or
		(b)	install or alter a culvert;
			within a City right-of-way, unless a permit authorizing the construction or alteration has been issued by the City Manager.
		(2)	The owner of a premises with an access abutting a City right-of-way containing a culvert shall maintain the culvert in order to keep it free from obstruction.
WATER RETENTION STRUCTURES	12		The owner of a premises shall not install or permit to be installed any water retention structure or irrigation system on any slope unless the installation has been approved by the City Manager.
INTERFERENCE	13		No person shall alter, remove, or destroy any drainage devices, facilities or infrastructure installed on private property that have been required or approved by the City Manager.
STORMWATER MANAGEMENT FACILITIES	14	(1)	A person shall not wade, swim, boat, fish, skate or carry on any other recreational activity on or in a City stormwater management facility except as permitted by the City Manager or by signage.
		(2)	A person shall not remove any water from a City stormwater management facility except as permitted by the City Manager.

PART III - RELEASES

OWNER OR OCCUPIER	15		For the purposes of this Part, a person who owns or occupies land is deemed to have released or permitted the release of any matter from the land owned or occupied by the person into the sewerage system.
NO PROHIBITED WASTE	16		No person shall release or permit the release of any prohibited waste into the sewerage system without the written consent of

		the owner of the sewerage system.
NO RESTRICTED WASTE	17	No person shall release or permit the release of any restricted waste into the sewerage system without the written consent of the owner of the sewerage system.
NO HAZARDOUS WASTE	18	No person shall release or permit the release of any hazardous waste into the sewerage system without the written consent of the owner of the sewerage system.
NO DILUTION	19	No person shall dilute wastewater in order to enable the release of that wastewater without the written consent of the owner of the sewerage system.
NUISANCE	20	Notwithstanding anything in this Part, no person shall release or permit the release of any matter or waste into the sewerage system such that a nuisance, hazard, or damage is caused or has the potential to be caused.

PART IV - APPLICATIONS, PERMITS AND APPROVALS

APPLICATIONS FOR LOT GRADING APPROVAL	21	<p>A person applying for the approval of final grading or rough grading of a premises must submit to the City Manager:</p> <ul style="list-style-type: none"> (a) an application in a form acceptable to the City Manager; and (b) a plan of certification of as-built grades stamped and signed by a professional acceptable to the City Manager.
COMPLIANCE WITH CONDITIONS	22	The holder of a permit or approval must comply with the terms and conditions imposed on the permit or approval.

PART V - FEES

LOT GRADING INSPECTION FEE	23	<p>A lot grading inspection Fee will be levied and collected:</p> <ul style="list-style-type: none"> (a) when a building permit is issued for single family or duplex residential premises; or (b) when a lot grading plan is submitted to the City Manager.
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PART VI - ENFORCEMENT

OFFENCE	24	A person who contravenes this bylaw is guilty of an offence.
CONTINUING OFFENCE	25	In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
VICARIOUS LIABILITY	26	For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.
CORPORATIONS AND PARTNERSHIPS	27	<p>(1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.</p> <p>(2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.</p>
FINES AND PENALTIES	28	<p>(1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding the limits under the <i>Municipal Government Act</i>, RSA 2000, c M-26, as amended, and to imprisonment for not more than six months for non-payment of a fine.</p> <p>(2) The following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:</p> <p>(a) \$1,000 for any offence for which a fine is not otherwise established in this section;</p>

		(b)	\$5,000 for any offence under sections 16, 17, and 19;
		(c)	\$7,500 for any offence under section 18.
MUNICIPAL TAG	29		If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established in this bylaw for the offence.
PAYMENT IN LIEU OF PROSECUTION	30		A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
VIOLATION TICKET	31		If a violation ticket is issued in respect of an offence, the violation ticket may:
		(a)	specify the fine amount established by this bylaw for the offence; or
		(b)	require the person charged to appear in court without the alternative of making a voluntary payment.
VOLUNTARY PAYMENT	32		A person who commits an offence may:
		(a)	if a violation ticket is issued in respect of the offence; and
		(b)	if the violation ticket specifies the fine amount established by this bylaw for the offence;
			make a voluntary payment equal to the specified fine.
ORDER TO COMPLY	33	(1)	If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.
		(2)	The order may:
		(a)	direct a person to stop doing something, or to change the way in which the person is doing it;
		(b)	direct a person to take any action or measures necessary to remedy the contravention of the bylaw and, if

necessary, to prevent a re-occurrence of the contravention;

- (c) state a time within which the person must comply with the directions;
 - (d) state that if the person does not comply with the directions within a specified time, the City will take the action or measure.
- (3) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- (4) An order issued pursuant to this section may be served:
- (a) in the case of an individual:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - (iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;
 - (b) in the case of a corporation:
 - (i) by delivering personally to any director or officer of the corporation;
 - (ii) by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
 - (iii) by mail addressed to the registered office of the corporation.

**REFUSAL TO
APPROVE PLANS**

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In addition to any other remedy or penalty, the City Manager may refuse to approve any plans for a premises until the owner of the premises has complied with this bylaw.

OBSTRUCTION	35	A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.
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PART VII - GENERAL

POWERS OF THE CITY MANAGER	36	<p>Without restricting any other power, duty or function granted by this bylaw the City Manager may:</p> <ul style="list-style-type: none"> (a) carry out any inspections to determine compliance with this bylaw; (b) take any steps or carry out any actions required to enforce this bylaw; (c) take any steps or carry out any actions required to remedy a contravention of this bylaw; (d) establish areas where activities restricted by this bylaw are permitted; (e) establish forms for the purpose of this bylaw; (f) issue permits and approvals with such terms and conditions as are deemed appropriate; (g) establish the criteria to be met for a permit or approval to be issued pursuant to this bylaw; (h) establish the amount payable for a permit, plan examination, or lot grading inspection required under this bylaw; (i) establish the amount payable for any search, certificate, document or other service related to the administration of this bylaw; (j) waive or vary any Fee payable pursuant to this bylaw; and (k) delegate any powers, duties or functions under this bylaw.
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PERMIT CANCELLATION	37	The City Manager may revoke, suspend, refuse to issue, vary, or impose conditions on any permit or approval if, in the opinion of the City Manager, it is in the public interest to do so.
PROOF OF PERMIT	38	The onus of proving a permit or approval has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.
PROOF OF EXEMPTION	39	The onus of proving that a person is exempt from the provisions of this bylaw requiring a permit or approval is on the person alleging the exemption on a balance of probabilities.
CERTIFIED COPY OF RECORD	40	A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
ANALYST RECORDS	41	A report or certificate of an analyst purporting to be signed by the analyst shall be admitted in evidence as prima facie proof of the facts in that report or certificate without proof of the signature or official character of the person signing the report or certificate.
REPEALS	42	The Drainage Bylaw 16200 is repealed.
EFFECTIVE DATE	43	This bylaw comes into force on January 1, 2018.

SCHEDULE A - PROHIBITED WASTES

The following are designated as prohibited wastes:

- 1 Any matter in a concentration that may cause a hazard to human health or a hazard to the environment, including but not limited to, biological waste, elemental mercury, pesticides, and herbicides;
- 2 Any flammable liquid or explosive matter that, by itself or in combination with another substance, is capable of causing or contributing to an explosion or supporting combustion;
- 3 Any matter, other than domestic wastewater, that by itself or in combination with another substance is capable of creating an air pollution problem outside a sewerage system or in and around a treatment facility;
- 4 Any matter that contains a Biohazardous Agent, Risk Group 4.

SCHEDULE B - RESTRICTED WASTES APPLICABLE TO STORM SEWERS AND WATERCOURSES

The following are designated as restricted wastes when present in wastewater, stormwater, or subsurface water being released to the storm sewer or a watercourse in excess of the limits set out below.

Unless expressed otherwise, concentrations are expressed as total concentrations.

1. CONTAMINANTS

Contaminant	Concentration (mg/L)
Biochemical oxygen demand (BOD)	50
Chemical oxygen demand (COD)	100
Oil and grease	15
Phosphorous (P)	1.0
E. coli	200 counts/100 mL

2. INORGANIC CONSTITUENTS

Inorganic Constituent	Concentration (mg/L)
Ammonia Nitrogen (NH ₃ -N)	1.4
Arsenic (As)	0.050
Cadmium (Cd)	0.0005
Chlorine (total) (Cl ₂)	0.020
Chromium (hexavalent) (Cr ⁺⁶)	0.010
Chromium (total) (Cr)	0.089
Copper (Cu)	0.160
Cyanide (CN ⁻)	0.050

Lead (Pb)	0.020
Mercury (Hg)	0.00013
Nickel (Ni)	0.080
Silver (Ag)	0.001
Selenium (Se)	0.010
Thallium (Tl)	0.008
Zinc (Zn)	0.30

3. ORGANIC COMPOUNDS

Organic Compound	Concentration (mg/L)
Benzene	0.37
Ethylbenzene	0.090
Toluene	0.039
Xylene	0.5
Carbon tetrachloride	0.0133
Phenols	0.005
Tetrachloroethylene	0.004
Trichloroethylene	0.0076

4. pH

pH less than 6.0 or greater than 9.0, except uncontaminated runoff resulting from natural precipitation.

5. TEMPERATURE

Temperature greater than 60 degrees Celsius.

6. OTHER

- 1 Dye or colouring material that produces a colour value greater than or equal to 50 true colour units, or that causes discolouration of the dye containing water so that the colour cannot be determined by the visual comparison method, except where the dye is used by the City as a tracer;
- 2 Radioactive material in a concentration greater than allowed under the *Nuclear Safety and Control Act*, SC 1997, c 9 and associated regulations, as amended;
- 3 Foam or any other matter that, by itself or in combination with another substance, is capable of producing foam that will persist for five minutes or more, with the exception of foam used in a wastewater treatment facility.

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

THE CITY OF EDMONTON

MAYOR

CITY CLERK