

THE CITY OF EDMONTON

BYLAW 20743

Omnibus Amendment to Drainage Bylaw 18093. Amendment No. 03

Edmonton City Council enacts:

1. Bylaw 18093, Drainage Bylaw, is amended by this bylaw.
2. Section 2 is deleted and replaced with:

DEFINITIONS

In this bylaw, unless the context otherwise requires:

“**addition**” means construction that changes the size of a building.

“**backyard house**” has the same meaning as defined in the City’s Zoning Bylaw 20001.

“**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.

“**City**” means the municipal corporation of The City of Edmonton.

“**City Manager**” means the chief administrative officer of the City or delegate.

“**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.

“**combined sewer**” means a sewer used for the collection and conveyance of wastewater and stormwater. (S.2, Bylaw 19512, January 25, 2021)

“**developer**” means the named holder of a development permit authorizing the construction of a development as defined s. 683 of the Municipal Government Act, R.S.A. 2000, c. M-26, or the named holder of a building permit issued pursuant to the Safety Codes Act, R.S.A. 2000 c. S-1 or any other person advertising responsibility for the development or construction of a premises.

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“**duplex**” has the same meaning as defined in the City's Zoning Bylaw 20001.

“**Enforcement Bylaw**” means the City’s Enforcement Bylaw, Bylaw 16368, as amended.

“**Fee**” means the amount, as determined by the City Manager, payable for:

- a) a permit required by this bylaw;
- b) a lot grading inspection; or
- c) any search, certificate, document or other service related to the administration of this bylaw.

“**final grading**” means the establishment of surface grades and elevations in preparation for or including the finished landscaping or surfacing.

“**hazardous waste**” has the same meaning as in the Waste Control Regulation, Alta Reg 192/1996.

“**lot grading plan**” means a drainage design plan signed and sealed by a professional acceptable to the City Manager.

“**low impact development facility**” means infrastructure, including vegetation, designed to attenuate, retain, treat, or infiltrate stormwater near its source prior to it entering the downstream sewerage system or overland facilities. (S.3, Bylaw 19512, January 25, 2021)

“**municipal tag**” has the same meaning as defined in the Enforcement Bylaw.

“**occupies**” means residing on or to be in apparent possession or control of property.

“**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.

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“**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.

“**person responsible**” means anyone responsible for the requirements of this Bylaw including the owner, the occupant, a tenant, a lessee, a developer, and/or contractor of a premises.

“**premises**” means a parcel of land and any buildings situated on that land.

“**private drainage system**” means an assembly of pipes, fittings, traps, appurtenances, and low impact development facilities used to convey wastewater, stormwater, and subsurface water to the sewer system. (S.4, Bylaw 19512, January 25, 2021)

“**prohibited waste**” means matter prohibited from entering the sewerage system as set out in Schedule A.

“**release**” means to directly or indirectly conduct matter by spilling, discharging, depositing, disposing of, abandoning, leaking, seeping, pouring, draining, emptying, or any other means.

“**restricted waste**” means matter only permitted in the sewerage system in limited quantities as set out in Schedule B.

“**rough grading**” means the establishment of surface grades and elevations preceding the final grading.

“**sanitary sewer**” means a sewer used for the collection and conveyance of wastewater. (S.5, Bylaw 19512, January 25, 2021)

“**semi-detached**” has the same meaning as defined in the City’s Zoning Bylaw 20001.

“**sewer service**” means the pipe connecting a private drainage system to the sewerage system.

“**sewerage system**” means infrastructure for the collection, storage, conveyance, treatment, infiltration, and pumping of wastewater and stormwater and includes sewers, swales, ditches, channels, stormwater management facilities, low impact development facilities, wastewater treatment facilities, sludge

treatment facilities, and biosolids storage and disposal facilities. (S.6, Bylaw 19512, January 25, 2021)

“**single detached**” has the same meaning as defined in the City’s Zoning Bylaw 20001.

“**storm sewer**” means a sewer used for the collection and conveyance of stormwater and subsurface water. (S.7, Bylaw 19512, January 25, 2021)

“**stormwater**” means surface run-off water that is the result of natural precipitation.

“**subsurface water**” means water at a depth of not more than 15 metres beneath the surface of the ground.

“**violation ticket**” has the same meaning as defined in the Enforcement Bylaw.

“**wastewater**” means water discharged from a premises.

“**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.

“**watercourse**” means:

- a) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water; or
- b) a canal, ditch, reservoir, stormwater management facility or other constructed surface drainage feature;

whether or not it contains or conveys water continuously or intermittently.

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3. Section 4 is deleted and replaced with:

LOT GRADING APPROVAL

- 4 (1) The person responsible, owner, or developer 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) For further clarity, a developer remains responsible to ensure that lot grading approval for a premises is granted by the City Manager, notwithstanding that:
- (a) the construction of any buildings, additions to buildings, or alterations of surface drainage of the premises have been completed;
 - (b) the developer has sold or transferred ownership of the premises to another person; or
 - (c) the developer is no longer in possession or control of the premises.
- (3) The person responsible, owner, or developer of a single detached, semi-detached, duplex, or backyard house residential premises, including any additions to these types of residential premises, shall ensure that:
- (a) the rough grading of the premises is approved by the City Manager:
 - (i) within 18 months of a building permit being issued for the premises; or
 - (ii) within 60 days of the rough grading being completed, whichever is earlier, and
 - (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

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- (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.
 - (4) The person responsible, owner, or developer of a premises other than single detached, semi-detached, duplex or backyard house 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, which includes a building permit being issued for an addition.
 - (5) In the event where no building permit is issued, where the City Manager directs that lot grading approval is required as part of a development permit application, the person responsible, owner, or developer of a premises other than a single detached, semi-detached, duplex or backyard house residential premises shall ensure that the final grading of the premises is approved by the City Manager within 18 months of the development permit being issued.
4. Section 5 is amended by deleting “owner” and replacing this with “person responsible, owner, or developer”.
 5. Section 6 is amended by deleting “owner” and replacing this with “person responsible or owner”.
 6. Section 7(1) is amended by deleting “owner” and replacing this with “person responsible, owner, or developer”.
 7. Section 7(3) is added in after section 7(2) and adds in the following:

Where the City Manager has approved an exception in accordance with section 7(2), the person responsible, owner, or developer of a premises must comply with the terms and conditions of the exception.

8. Section 8 is deleted and replaced with the following:

**RELEASE OF
STORMWATER AND
SUBSURFACE
WATER**

- 8(1) The person responsible, owner, or developer 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.
- (2) The person responsible, owner, or developer of a premises shall not allow stormwater storage areas to cross onto or flow to adjacent premises unless an exception is approved by the City Manager.
- (3) Where approval is given by the City Manager under section 8(2), the person responsible, owner, or developer of a premises must comply with all terms and conditions of the exception.

9. Section 9(1) is amended by deleting “The owner of premises other than single family” and replacing this with “The person responsible, owner, or developer of a premises other than single detached, semi-detached,”.

10. Section 9(2) is deleted and replaced with the following:

The person responsible, owner, or developer of a premises requiring a private drainage system pursuant to this Part shall not cause or permit the release of 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.

11. Section 10 is amended by deleting “No person shall alter or permit” and replacing this with “A person responsible, owner, or developer shall not cause or permit”.

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12. Section 11 is deleted and amended by replacing it with the following:

**ALTERATIONS
WITHIN CITY
RIGHT OF WAY AND
COMPLIANCE WITH
ENCUMBRANCES**

- 11 (1) No person responsible shall cause or permit:
- (a) alteration of any surface grades or elevations; or
 - (b) installation or alteration 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 person responsible, owner, or developer 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.
- (3) A person responsible, owner, or developer shall ensure that a premises complies with the terms and conditions of any easement agreement, utility right-of-way, caveat, restrictive covenant, or any other document that has been registered on the title of the premises to protect a drainage structure, swale, ditch or other surface drainage feature, the overflow area of a stormwater management facility or the stability of a slope, and/or sewerage system.

13. Section 12 is amended by deleting “The owner of a premises” and replacing this with ”The person responsible, owner, or developer”.

14. Section 13 is amended by deleting “No person shall alter, remove, or destroy” and replacing this with “A person responsible, owner or developer shall not cause or permit alteration, removal, or destruction of”.

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15. Section 23 is deleted and amended by replacing it with the following:

- LOT GRADING FEE** 23(1) A lot grading Fee will be levied and collected in accordance with the applicable fee schedule.
- (2) The City Manager may refund all or a portion of any Fee paid to the City. (S.13, 14, Bylaw 19512, January 25, 2021)

16. Section 34 is amended by deleting “until the owner of the premises has complied with this bylaw” and replacing this with “until the premises is in compliance with this bylaw”.

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

THE CITY OF EDMONTON

MAYOR

CITY CLERK