

Bylaw No. 8379
The Drainage Bylaw, 2005

The Council of The City of Saskatoon enacts:

Part I
General Matters

Short Title

1. This Bylaw may be cited as The Drainage Bylaw, 2005.

Purpose

2. The purpose of this Bylaw is to regulate the drainage of storm water between private properties so as to protect property, and abate nuisances.

Definitions

3. In this Bylaw:
 - (a) “City” means The City of Saskatoon;
 - (b) “municipal inspector” means an employee of the City appointed by the General Manager, Infrastructure Services Department for The City of Saskatoon to act as a municipal inspector for the purposes of this Bylaw;
 - (c) “owner” means an owner as defined in *The Cities Act*;
 - (d) “surface drainage system” means any engineered facility associated with a scheme for the drainage of storm water, including but not restricted to the following:
 - (i) a grass swale;
 - (ii) a concrete or asphalt walkway, gutter or swale;
 - (iii) a drainage control fence or structure;

- (iv) a pipe or system of pipes; and
- (v) the sloping and contouring of land to facilitate the drainage of storm water;
- (e) “surface grade marker” means an indicator which is marked with the level to which the property must be graded; and
- (f) “storm water” means water that accumulates as a result of rain, the melting of snow, and other forms of naturally occurring precipitation.

Responsibility

- 4. The owner of a property shall be responsible for carrying out the provisions of this Bylaw.

Part II Regulation of Storm Water

Interference with Surface Drainage System

- 5. No person shall interfere with, restrict or prevent storm water from flowing through property owned by that person as part of a surface drainage system.

Surface Grade Markers

- 6. (1) If surface markers are provided, the owner of a property must grade that property to the level specified by the surface grade markers placed on the property.
- (2) No person shall interfere with, alter, or remove surface grade markers from any property.

Easements

- 7. Every owner of property shall comply with the terms and conditions of any easement agreement that has been registered on the title of the property to protect a feature of a surface drainage system.

Part III Enforcement, Offences and Penalties

Enforcement of Bylaw

8. (1) The administration and enforcement of this Bylaw is hereby delegated to the General Manager, Infrastructure Services Department for The City of Saskatoon.
- (2) The General Manager, Infrastructure Services Department for The City of Saskatoon is hereby authorized to further delegate the administration and enforcement of this Bylaw to municipal inspectors.

Inspections

9. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.
- (3) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this section, or a person who is assisting a municipal inspector.
- (4) A municipal inspector is hereby authorized to place surface grade markers on any property on which an inspection has been carried out in accordance with this section.

Order to Remedy Contraventions

10. (1) If an 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 comply with Section 328 of *The Cities Act*.
- (3) Orders given under this Bylaw shall be served in accordance with Section 347 of *The Cities Act*.

Registration of Notice of Order

11. If an order is issued pursuant to Section 10, the City may, in accordance with Section 328 of *The Cities 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

12. (1) A person may appeal an order made pursuant to Section 10 in accordance with Section 329 of *The Cities Act*.
- (2) Appeals shall be made to the Saskatoon Property Maintenance Appeal Board.

City Remediating Contraventions

13. The City may, in accordance with Section 330 of *The Cities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

Civil Action to Recover Costs

14. The City may, in accordance with Section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remediating a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

Adding Amounts to Tax Roll

15. The City may, in accordance with Section 333 of *The Cities Act*, add any unpaid expenses and costs incurred by the City in remediating a contravention of this Bylaw to the taxes on the property on which the work was done.

Emergencies

16. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 332 of *The Cities Act*.

Offences

- 17. (1) No person shall:
 - (a) fail to comply with an order made pursuant to this Bylaw;
 - (b) obstruct or hinder any municipal 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 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for each day during which the offence continues; or
 - (b) in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for each day during which the offence continues.
- (3) In the event of non-payment of a fine imposed pursuant to clause (2)(a), the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

Coming Into Force

18. This Bylaw shall come into force on the day of its final passing.

Read a first time this 7th day of February, 2005.

Read a second time this 7th day of February, 2005.

Read a third time and passed this 7th day of February, 2005.

“Donald J. Atchison”
Mayor

“Janice Mann”
City Clerk

“SEAL”