

BYLAW NO. 8987

The Storm Water Management Utility Bylaw, 2011

The Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Storm Water Management Utility Bylaw, 2011.

Purpose

2. The purposes of this Bylaw are:
 - (a) to regulate the collection, transmission, treatment and disposal of storm water;
 - (b) to regulate direct and indirect discharges into any part of the storm sewer system;
 - (c) to prevent damage to or misuse of any part of the storm sewer system;
 - (d) to protect human health and safety and the environment;
 - (e) to establish and set terms and guidelines for The City of Saskatoon Storm Water Management Utility; and
 - (f) to set charges for all properties benefiting from The City of Saskatoon storm water sewer system.

Definitions

3. In this Bylaw:
 - (a) “commercial property” means any site in the City of Saskatoon, regardless of intended or actual use or the zoning, but does not include any site the primary use of which is residential property;
 - (b) “converted dwelling” means a dwelling which is more than 30 years old which was originally designed as, or used as, a one-unit dwelling and in which additional dwelling units have been created;

- (c) “dwelling” means a building used or intended for residential occupancy;
- (d) “Equivalent Runoff Unit (ERU)” means the average amount of hard surface a typical one-unit dwelling in Saskatoon has. For the purposes of this Bylaw, an ERU is deemed to be 265.3 square metres;
- (e) “hard surface” means areas which do not allow rainwater to soak into the earth including, for example, concrete, asphalt and building roofs;
- (f) “multi-unit dwelling” means a building, or portion thereof designed for, or occupied as, two or more dwelling units including all residential condominium buildings regardless of such building’s physical layout, design or construction;
- (g) “one-unit dwelling” means a detached building designed for, or occupied as, one dwelling unit, whether or not such buildings also contain a basement suite, and includes converted dwellings;
- (h) “property” means a site serviced by the storm sewer, which site may or may not contain a building or buildings;
- (i) “residential property” means one-unit dwellings and multiple-unit dwellings;
- (j) “soft surface” means areas which do allow rainwater to soak into the earth including, for example, lawns, gardens, gravelled areas, storage ponds, bio-swales or concrete or asphalt designed to be permeable so as to allow water to soak through;
- (k) “storm sewer”, “storm sewer system” or “storm water sewer” means all City of Saskatoon works and related appurtenances for the conveying and disposing of storm water, ground water, unpolluted industrial and cooling water and includes mains, ditches, channels, catch basins, wet and dry water ponds, constructed wetlands, pumping stations and outfalls, but does not include a building storm sewer or a storm service connection; and
- (l) “storm water” means all runoff water from any source.

Public Utility Service

4. The works established for the collection, transmission, treatment and disposal of storm water pursuant to the provisions of *The Cities Act* are a public utility service.

Storm Sewer Regulation

5. No person shall discharge, permit or cause to be discharged any material into the storm sewer system except in accordance with the provisions of this Bylaw.
6. No person shall discharge, permit or cause to be discharged any material into the storm sewer system unless permitted to do so under any Federal or Provincial legislation.
7. (1) No person shall discharge, permit or cause to be discharged into the storm sewer system:
 - (a) any water having two or more separate liquid layers;
 - (b) domestic or non-domestic sewage;
 - (c) liquid or vapour having a temperature greater than 65 degrees Celsius;
 - (d) pesticides, insecticides, herbicides or fungicides save and except chemicals contained in storm water emanating from trees or vegetation treated in accordance with any Federal or Provincial legislation;
 - (e) ashes, cinders, sand, stone or any other solid or viscous substance which may impair the operations and maintenance of the storm sewer system;
 - (f) solid matter larger than 12.5 mm in any dimension;
 - (g) water or waste having a pH lower than 5.5 or higher than 9.5;
 - (h) any noxious or malodorous substance capable of creating a public nuisance;
 - (i) any water or waste containing a toxic or poisonous substance, or a waste which, when combined with another waste may cause toxic or poisonous substances to be liberated;
 - (j) any petroleum-based materials including, for example, gasoline, oil or diesel fuel, or any corrosive or explosive substance; and
 - (k) water from swimming pools or hot tubs.
- (2) Notwithstanding subsection (1), The City of Saskatoon may make such discharges in an emergency.
8. (1) Every property within the City of Saskatoon on which there is a building or buildings with a combined covered area of 300 square metres or more shall have the roof area of such building or buildings connected to the storm sewer system.

This requirement does not apply to one-unit dwellings or multi-unit dwellings with only two dwelling units in the building.

- (2) Every parking lot area of over 1,500 square metres shall be drained into the storm sewer system, unless written approval to the contrary is given by the City.
 - (3) A required connection shall be made within 60 days, or such other time specified, from being notified by the City; and if it is not made, the City may make the connection at the property owner's expense.
 - (4) If there is no storm sewer system adjacent to a property described in subsection (1), and a building or buildings on such property covers or will cover more than 75 percent of the property, provision shall be made at the time of construction of such a building or buildings for connection of the building's or buildings' roof drains to the storm sewer system when it becomes available adjacent to such property, and such connection shall then be made.
9. (1) Any person who causes damage to or interferes with the storm sewer system shall be guilty of an offence, and shall be liable to the City for all costs incurred by the City in making repairs or taking remedial action.
- (2) The costs associated with making repairs or taking remedial action shall be an amount owing to the City.

Storm Water Management Charge

10. (1) Except as set out in clause (c) below, each property in the City of Saskatoon shall be charged a storm water management charge on its Saskatoon Utility Statement based upon the number of ERUs it has as follows:
- (a) all one-unit dwellings in the City of Saskatoon are deemed to have one ERU;
 - (b) multi-unit dwellings and commercial properties in the City of Saskatoon, subject to section 3 under Accounts in Schedule "A", shall be charged for the number of ERUs the property actually has, to the nearest ERU, provided that:
 - (i) each such property is deemed to have a minimum of 2 ERUs; and
 - (ii) no property shall be charged for more than 100 ERUs, regardless of the actual number of ERUs it has; and
 - (c) this Bylaw does not apply to property zoned as agricultural, or that is not connected to or serviced by the storm sewer system.

- (2) The City of Saskatoon shall calculate the number of ERUs each property has, and the actual number, or deemed number, shall be set out on the property's Saskatoon Utility Statement, and shall be charged at the rates and in the manner described in Schedule "A".
- (3) If any property is altered such that it then has fewer or more ERUs, the owner shall advise The City of Saskatoon of such alteration, and The City of Saskatoon shall recalculate the number of ERUs the property then has.

ERU Calculations and Review

11.
 - (1) If any property that is charged for 2 or more ERUs is altered such that after the alteration there are additional ERUs, the property shall be charged for such greater number of ERUs from when the alteration was first made, subject to section 10.
 - (2) If any property that is charged for 2 or more ERUs is altered such that after the alteration there are fewer ERUs, the property shall be charged for such lesser number of ERUs from when the alteration was actually made, subject to section 10.
 - (3) If the owner of any property charged for 2 or more ERUs disputes the City's calculation of the property's ERUs, or disputes the recalculation of the ERUs properly charged to the property after an alteration, the owner may, in writing, ask The City of Saskatoon to review the property's ERU calculation.
 - (4) Upon receipt of a request for a recalculation, the Manager of Infrastructure Services Department shall arrange for the recalculation. Upon completion of the recalculation, the Manager of Infrastructure Services Department shall review the recalculation, and shall notify the person who requested the review of the result and his decision, in writing.
 - (5) The decision of the Manager of Infrastructure Services Department shall be final.

Phase In

12. Properties having more than 10 ERUs shall have the Storm Water Management charge phased in over 7 years as shown on Schedule "B".

Enforcement

13. If the Saskatoon Utility Statement issued in relation to a property remains unpaid, in whole or in part, The City of Saskatoon, in addition to its rights and remedies pursuant to *The Cities Act*:
- (a) may discontinue providing any or all of the utility services it provides in relation to the property after having given reasonable notice of its intention to do so to the person or persons who, according to City of Saskatoon records, are responsible for payment of the Saskatoon Utility Statement; and
 - (b) may enter any land or buildings for the purposes set out in clause (a).

Offences

14. Any person who breaches this Bylaw is guilty of an offence.

Sections 4 and 5 of Bylaw No. 8070 Repealed

15. Sections 4 and 5 of Bylaw No. 8070, being The Storm Water Management Utility Bylaw, 2001, are repealed effective upon the date this Bylaw comes into force.

Coming into Force

16. This Bylaw comes into force on the 1st day of January, 2012.

Read a first time this 19th day of December, 2011.

Read a second time this 19th day of December, 2011.

Read a third time and passed this 19th day of December, 2011.

"Donald J. Atchison"
Mayor

"Janice Mann" "SEAL"
City Clerk

Schedule “A”

Rates and Accounts

Rates

1. The storm water management charge shall be charged to all properties at a rate of \$4.40 per ERU per month.

Accounts

1. Residential properties shall have the storm water management charge added to the property’s Saskatoon Utility Statement monthly, and it shall be shown as a separate item.
2. Commercial properties shall have the storm water management charge added to the property’s Saskatoon Utility Statement yearly, and it shall be shown as a separate item.
3. Until December 31, 2013, where a residential property receives more than 1 Saskatoon Utility Statement for water service, the storm water management charge shall be divided and charged equally among the Saskatoon Utility Statements for water service attributed to the property, provided that:
 - (a) if the portion so divided and charged is less than 0.5 ERU, the amount charged on each such Saskatoon Utility Statement shall be 0.5 ERU;
 - (b) if the portion so divided and charged is 0.5 ERU or more, but less than 1 ERU, the amount charged on each such Saskatoon Utility Statement shall be 1 ERU; and
 - (c) if the portion so divided and charged is more than 1 ERU, the amount charged on each such Saskatoon Utility Statement shall be rounded to the nearest ERU.

Schedule “B”

ERU Phase In

2012

One-unit Dwelling – 1 ERU

All Other Properties – Minimum 2 ERUs – Maximum 10 ERUs

2013

One-unit Dwelling – 1 ERU

All Other Properties – Minimum 2 ERUs – Maximum 25 ERUs

2014

One-unit Dwelling – 1 ERU

All Other Properties – Minimum 2 ERUs – Maximum 40 ERUs

2015

One-unit Dwelling – 1 ERU

All Other Properties – Minimum 2 ERUs – Maximum 55 ERUs

2016

One-unit Dwelling – 1 ERU

All Other Properties – Minimum 2 ERUs – Maximum 70 ERUs

2017

One-unit Dwelling – 1 ERU

All Other Properties – Minimum 2 ERUs – Maximum 85 ERUs

2018 and thereafter

One-unit Dwelling – 1 ERU

All Other Properties – Minimum 2 ERUs – Maximum 100 ERUs