



# **CITY OF EDMONTON**

## **BYLAW 11501**

### **SURFACE DRAINAGE BYLAW**

**(CONSOLIDATED ON DECEMBER 10, 2008))**

## BYLAW 11501

### SURFACE DRAINAGE BYLAW AMENDMENT NO. 2

**“Whereas**, pursuant to sections 7 and 8 of the Municipal Government Act, Chapter M-26.1, Council may pass bylaws for municipal purposes respecting public utilities and the enforcement of bylaws made under this or any other enactment, and to regulate or prohibit and provide for a system of licenses, permits or approvals.

Edmonton City Council enacts:”

(S.2, Bylaw No. 12430, August 28, 2001)

#### PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

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|--------------------|---|---|
| <b>PURPOSE</b>     | 1 | The purpose of this bylaw is to regulate lot grading and surface drainage requirements within private and public lands.   |
| <b>DEFINITIONS</b> | 2 | In this bylaw, unless the context otherwise requires: <ul style="list-style-type: none"> <li>(a) <b>“approval of final grading”</b> means a document signed by the City Manager approving the final grading of a lot;</li> <li>(b) <b>“approval of rough grading”</b> means a document signed by the City Manager approving the rough grading of a lot;</li> <li>(c) <b>“approved surface drainage plan”</b> means a surface drainage plan approved and signed by the City Manager on behalf of City Council;</li> <li>(d) <b>“building”</b> means any structure used or intended for supporting or sheltering any use or occupancy;</li> <li>(e) <b>“City”</b> means municipal corporation of the City of Edmonton;</li> <li>(f) <b>“City Manager”</b> means the Chief Administrative Officer of the City of Edmonton or his delegate;</li> <li>(g) <b>“City right-of-way”</b> means a public road, public lane, utility or transportation right-of-way or easement where the City is party to an agreement granting the City an interest</li> </ul> |

in the land;

- (h) **“final grading”** means surface elevations and surface grades of a lot, as established preparatory to or including the finished landscaping or surfacing;
- (i) **“high potential contaminant release area”** means an outdoor area where activities occur, which may have a high potential for the release of wastewater or storm water that is in violation of the requirements of the Sewers Use Bylaw, and includes loading dock areas, trash compactor areas, fuelling station areas, wash areas, material transfer areas, and other areas designated by the City Manager;
- (j) **“lot”** means a parcel of land or portion thereof;
- (k) **“Lot Grading Guidelines”** means guidelines established by the City Manager specifying acceptable lot grading requirements, procedures and tolerances, as revised from time to time;
- (l) **“multi-family housing”** means residential development consisting of a lot containing three or more dwelling units;
- (m) **“owner”** means any person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, or any other person who is in lawful possession thereof;
- (n) **“person”** means any individual, partnership or corporation, and heirs, executors, administrators or legal representative of a person;
- (o) **“plan of certification of as-built grades”** means a plan that complies with requirements set out in the Lot Grading Guidelines, duly signed and certified by a registered Alberta Land Surveyor, Professional Engineer or Architect as accurately representing the existing surface elevations and surface grades of a lot;
- (p) **“private drainage system”** means a privately owned assembly of pipes, fittings, fixtures, trap and appurtenances that is used to convey wastewater, clear-water waste, storm water or foundation drainage to a sewer service;
- (q) **“rough grading”** means surface elevations and surface grades of a lot established in accordance with the Lot Grading Guidelines preceding the establishment of final

grading;

- (r) “**semi-detached housing**” means development consisting of a lot containing row housing with two side-by-side dwelling units;
- (s) “**sewer service**” means a City owned pipe that connects the public sewer to a private drainage system;
- (t) “**site mechanical plan**” means a plan that complies with the provisions of the Sewers Bylaw and shows the on-property private drainage system, storm water control and storage methods and locations duly sealed and signed by a Professional Engineer;
- (u) “**slope**” means any inclined portion of the ground surface where there may exist a risk of instability, including the edge or side of an embankment, ravine, hill, top of bank, river, stream, storm water management facility or soil retaining structure;
- (v) “**storm water**” means surface run-off water that is the result of natural precipitation;
- (w) “**subsurface drainage**” means storm or ground water conveyance below ground;
- (x) “**surface drainage plan**” means a plan that complies with the requirements set out in the Lot Grading Guidelines, duly sealed and signed by a registered Alberta Land Surveyor, Professional Engineer or Architect;
- (y) “**surface elevation**” means an elevation of the ground surface measured from geodetic datum, at a specific, discrete location;
- (z) “**surface grade**” means the magnitude and direction of inclination of an area of the ground surface;
- (aa) “**swale**” means a shallow sloped channel for the conveyance of storm water; and
- (bb) “**underground irrigation system**” means an underground piping system used to supply moisture to the ground.

**RULES FOR  
INTERPRETATION**

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

## **PART II - SURFACE DRAINAGE PLAN SUBMISSION AND FEE PAYMENT REQUIREMENTS**

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| <b>FOR LAND ZONED SINGLE DETACHED AND SEMI-DETACHED HOUSING</b>  | 4 | <p>For all developments zoned single detached housing (RF1), (RF2), (RF3) and semi-detached housing (duplex):</p> <ul style="list-style-type: none"> <li>(a) payment of a lot grading inspection fee in the amount set out in Schedule A must be submitted at the issuance of the Building Permit; and</li> <li>(b) a plan of certification of as-built grades must be submitted to the City within 12 months of receiving rough grade approval.</li> </ul>  |
| <b>FOR LAND ZONED COMMERCIAL, INDUSTRIAL, MULTIPLE FAMILY, APARTMENT, ROW HOUSING AND URBAN SERVICES</b> | 5 | <ul style="list-style-type: none"> <li>(1) For any development not referred to in Section 4, prior to the construction of a new building, an addition to an existing building, a replacement building, an outdoor parking or storage area, the owner shall submit to the City: <ul style="list-style-type: none"> <li>(a) a surface drainage plan for that lot for approval by the City Manager; and</li> <li>(b) payment of a lot grading inspection fee in the amount set out in Schedule A.</li> </ul> </li> <li>(2) A surface drainage plan submitted pursuant to this section shall be completed within 60 days of the issuance of the building permit.</li> <li>(3) When an owner applies for approval for a new surface drainage plan pursuant to this section for a lot where there exists an approved surface drainage plan, the new surface drainage plan, once it has been approved and signed by the City Manager, shall supersede the previous approved surface drainage plan.</li> </ul> |

## **PART III - STORM WATER MANAGEMENT AND DISCHARGE REQUIREMENTS**

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| <b>LIMITED RATE OF RELEASE OF STORM WATER</b> | 6 | <ul style="list-style-type: none"> <li>(1) The City Manager is authorized to establish for any lot mentioned in Section 5 a limited rate of release of storm water, including: <ul style="list-style-type: none"> <li>(a) discharges into a public sewer; and</li> <li>(b) discharges to a ditch or surface drainage feature designated</li> </ul> </li> </ul> |
|---|---|--|

by the City Manager.

- (2) Where the City Manager has established a limited rate of release of storm water from a lot pursuant to this section:
- (a) the City Manager may refuse to approve a surface drainage plan until the owner has made provisions on the site mechanical plan for facilities and means to control the rate of release of storm water from the lot, and to store on the property the volume of storm water in excess of the rate of release as directed by the City Manager, and
  - (b) the owner shall comply with the established rate of release and to maintain all control devices and storage areas in compliance.

**LOCATION OF  
RELEASE OF  
STORM WATER**

- 7 (1) The City Manager is authorized to determine and specify the location of release of storm water and subsurface drainage to a sewer service, an overland route or a specific overflow point on or from a lot.
- (2) The City Manager is authorized to require that roof drainage and/or foundation drainage from a building be discharged into a sewer service.
- (3) Where the City Manager has specified a location for the release of storm water or subsurface drainage on or from a lot pursuant to this section:
- (a) the City Manager may refuse to approve a surface drainage plan until the owner has made provisions on the surface drainage plan for the release of storm water at the location specified by the City Manager;
  - (b) the owner shall comply with the specified location of release; and
  - (c) the owner shall not allow storm management storage areas to cross onto or flow to adjacent lots.

**PART IV - ESTABLISHMENT, INSPECTION AND MAINTENANCE OF DRAINAGE  
REQUIREMENTS**

**SURFACE GRADES  
ADJACENT TO A  
BUILDING**

- 8 (1) An owner shall comply with the grades established on a City approved lot grading plan.
- (2) Where no City approved lot grading plan exists, the owner of a lot

shall establish and maintain surface grades adjacent to a building in such a way that water drains away from the building and does not accumulate at or near the building.

**APPROVAL  
REQUIREMENTS  
FOR SINGLE  
DETACHED  
HOUSING AND  
SEMI-DETACHED  
HOUSING**

- 9 (1) For all developments zoned as per Section 4, the City Manager may approve surface elevations and surface grades of a lot in two stages:
- (a) approval of rough grading; and
  - (b) approval of final grading.
- (2) Within 60 days of the establishment of the rough grading of a lot, the owner shall apply to the City for an approval of rough grading.
- (3) Within 12 months of issuance of an approval of rough grading for a lot, the owner shall complete the final grading of that lot and apply to the City for an approval of final grading.
- (4) Notwithstanding Subsection 10(3), if the establishment of final grading of a lot has been completed, the owner shall, within 60 days of the establishment of the final grading, apply to the City for an approval of final grading.
- (5) The City may waive the requirement for an approval of rough grading when the establishment of final grading of a lot is conducted by the same person who is responsible for the rough grading.

**APPROVAL  
REQUIREMENTS  
FOR LOTS ON  
LAND USED FOR  
OTHER LAND USES**

- 10 Within 60 days of completion of the final grading of a lot other than those in Section 9, the owner shall:
- (a) apply to the City for an approval of final grading; and
  - (b) submit to the City a plan of certification of as-built grades.

**PART V - RESTRICTIONS AFFECTING SURFACE DRAINAGE**

**ROOF DRAINAGE  
AND PUMPED  
SUBSURFACE  
DRAINAGE**

- 11 No owner shall permit roof drainage or pumped subsurface drainage from a building to be discharged:
- (a) directly onto a pervious ground surface within one metre of the building for all buildings that have a basement or a level below the finished ground surface;
  - (b) within 150mm of an adjacent lot or to within 300mm of a City right-of-way;

- (c) to a location where soil erosion would occur;
  - (d) to a location where the flow of water or accumulation of water would adversely affect or have potential to adversely affect the stability of a slope or top of bank;
  - (e) to a location where the flow of water or accumulation of water would have a detrimental effect on a ravine or an environmentally sensitive area; or
  - (f) to a location or in such a way as to cause or have potential to cause a nuisance, hazard or damage.
- ALTERATION OF SURFACE ELEVATIONS AND SURFACE GRADES** 12 No person shall alter the surface elevations or surface grades of any land such that:
- (a) it may cause or have potential to cause a nuisance, hazard or damage; or
  - (b) it may adversely effect the stability of a slope or top of bank.
- ALTERATIONS WITHIN A CITY RIGHT-OF-WAY** 13 No person, except with authorization of the City Manager, shall alter the surface elevations or surface grades within a City right-of-way.
- ALTERATIONS TO SURFACE DRAINAGE** 14 No person shall obstruct, remove, regrade or alter a drainage swale, canal, ditch, reservoir or other man-made surface drainage feature or facility located within a City right-of-way or otherwise constructed under approval of the City.
- CULVERT INSTALLATIONS** 15 No person, except with authorization of the City Manager, shall install a culvert within a City right-of-way.
- COMPLIANCE WITH EASEMENTS, CAVEATS AND RESTRICTIVE COVENANTS** 16 The owner of a lot shall comply 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 lot to protect a drainage structure, swale, ditch or other surface drainage feature, the overflow area of a storm water management facility, or the stability of a slope.
- HIGH POTENTIAL CONTAMINANT RELEASE AREAS** 17 The owner of a lot containing a high potential contaminant release area shall ensure such area is graded to drain in compliance with the Sewers Bylaw and the Sewers Use Bylaw.
- RESTRICTED USE OF UNDERGROUND IRRIGATION** 18 No person shall install or have installed any underground irrigation system on any slope.



**SYSTEM****PART VI - OFFENSES AND PENALTIES**

<b>CONTRAVENTION &amp; OFFENCE</b>	19	A person who contravenes a provision of this bylaw is guilty of an offence.
<b>FINE</b>	20	A person who is found guilty of an offence is liable to a fine in an amount not less than that established by this bylaw in Schedule B, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of the fine.
<b>MUNICIPAL TAG</b>	21	If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.
<b>FINE PAYMENT</b>	22	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.
<b>VIOLATION TICKET</b>	23	<p>If a Violation Ticket is issued in respect of an offence the Violation Ticket may:</p> <ul style="list-style-type: none"> <li>(a) specify the fine amount established by this bylaw for the offence; or</li> <li>(b) require a person to appear in court without the alternative of making a voluntary payment.</li> </ul>
<b>VIOLATION TICKET PAYMENT</b>	24	<p>A person who commits an offence may:</p> <ul style="list-style-type: none"> <li>(a) if a Violation Ticket is issued in respect of the offence; and</li> <li>(b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence;</li> </ul> <p>make a voluntary payment equal to the specified fine.</p>
<b>ENFORCEMENT OF PAYMENT OF CHARGES OR FINES</b>	25	<p>The City may enforce payment of charges or fines:</p> <ul style="list-style-type: none"> <li>(a) by action in any court of competent jurisdiction, or</li> <li>(b) by shutting off the provision of sewer services being supplied to the user, or discontinuing the service thereof, in cases of contravention of any section or subsection of Part III.</li> </ul>

### **PART VII - GENERAL**

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| <b>TIME LIMIT FOR COMPLETING WORK REQUIRED BY THIS BYLAW</b> | 26 | (1) Where no time limit is specified in this bylaw for completing any activity or work required by this bylaw, a person shall complete the required activity or work within 60 days.                                 |
|  |    | (2) Where a time limit has been specified in this bylaw or specified by the City Manager for any activity or work required by this bylaw, the time limit may be extended by the City Manager.                        |
| <b>RETROSPECTIVITY</b>                                       | 27 | (1) This bylaw shall apply to all lots where there exists an infraction of Section 6 or any section of Part III or Part IV of this bylaw that was created or occurred prior to the date this bylaw comes into force. |
| <b>FALSE, INACCURATE OR UNTRUE STATEMENTS</b>                | 28 | No person shall supply false information or make inaccurate or untrue statements in a document or in information required to be supplied to the City Manager pursuant to this bylaw.                                 |
| <b>FEES</b>  | 29 | Fees, rates, fares, tariffs, and charges for lot grading inspections shall be in accordance with Schedule A.   |
| <b>NUMBER AND GENDER REFERENCES</b>                          | 30 | All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.            |

(S.3, Bylaw No. 12430, August 28, 2001)

### **PART VIII - GENERAL**

Omitted without being repealed, as it is of a transitional nature.

(S.4, Bylaw No. 12430, August 28, 2001)

(NOTE:  
(Consolidation made under Section 69 of the Municipal Government Act, S.A. 1994,  
M-26.1 and Bylaw 12005, and printed under the City Clerk's authority.)

Bylaw No. 11501, passed by Council July 2, 1997

Amendments:

Bylaw 12467, December 4, 2000

Bylaw 12430, August 28, 2001

Bylaw 14410, December 11, 2006

Bylaw 15062, December 10, 2008

**SCHEDULE A – LOT GRADING INSPECTION FEES**

Lot Used For	Lot Grading Inspection Fee
Single detached housing	\$120
Semi-detached housing	\$120 for each dwelling unit
Multiple Family housing	\$200 <sup>1</sup> plus \$50 for each dwelling unit <sup>2</sup> on the first level that contains dwelling units
Any other land use	\$200 per hectare, subject to a minimum of \$200

1. The indicated lot grading inspection fee is payable for each separate Building Permit application.
2. The fee for each dwelling unit shall be charged only for the number of units being developed.

(S.5, Bylaw 12430, August 28, 2001)

(S.2, Bylaw 14410, December 11, 2006) Effective January 1, 2007

(S.2, Bylaw 15062, December 10, 2008) Effective January 1, 2009

**SCHEDULE B – SCHEDULE OF PENALTY AMOUNTS**

<b>Offense</b>	<b>Section</b>	<b>First</b>	<b>Subsequent</b>
Failure to submit a surface drainage plan for the City Manager's approval	5(1)(a)	\$300	\$500
Failure to obtain City Manager's approval of surface drainage plan within the time specified	5(2)	\$300	\$500
Failure to comply with rate of release established by the City Manager	6(2)(b)	\$500	\$1,000
Failure to comply with location of release specified by the City Manager	7(3)(b)	\$500	\$1,000
Failure to prevent storm management storage areas from crossing onto or flowing to adjacent lots	7(3)(c)	\$500	\$1,000
Failure to establish or maintain adequate surface grades adjacent to a building	8(1), 8(2)	\$300	\$500
Failure to apply for an approval of rough grading	9(2)	\$300	\$500
Failure to apply for an approval of final grading	9(3), 9(4), 10(a)	\$300	\$500
Failure to submit a plan of certification of as-built grades	10(b)	\$300	\$500
Discharge of roof or foundation drainage within one metre of building	11(a)	\$500	\$1,000
Discharge of roof or foundation drainage directly onto an adjacent property or City right-of-way	11(b)	\$500	\$1,000
Discharge of roof or foundation drainage to location causing soil erosion	11(c)	\$500	\$1,000
Discharge of roof or foundation drainage that adversely affects the stability of an adjacent slope	11(d)	\$500	\$1,000
Discharge of roof or foundation drainage that detrimentally affects a ravine or environmentally sensitive area	11(e)	\$500	\$1,000
Discharge of roof or foundation that causes a nuisance, hazard or damage	11(f)	\$500	\$1,000
Surface elevation or surface grade alterations that cause a nuisance, hazard or damage	12(a)	\$500	\$1,000
Surface elevation or surface grade alterations that adversely affect the stability of an adjacent slope	12(b)	\$500	\$1,000
Unauthorized surface elevation or surface	13	\$500	\$1,000

grade alterations within a City right-of-way			
Obstruct, remove, regrade or alter a drainage swale or other drainage feature or facility	14	\$500	\$1,000
Culvert installation without obtaining a Culvert Crossing Permit from the City	15	\$500	\$1,000
Non-compliance with terms of an easement document, utility right-of-way document, caveat or restrictive covenant	16	\$500	\$1,000
Fail to properly grade high potential contaminant release area	17	\$500	\$1,000
Unauthorized installation of an underground irrigation system	18	\$500	\$1,000
Supply false or inaccurate information	28	\$500	\$1,000

(S.5, Bylaw No. 12430, August 28, 2001)