



CITY OF EDMONTON

BYLAW 18093

DRAINAGE BYLAW

(CONSOLIDATED ON APRIL 3, 2024)

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> <p>"addition" means construction that changes the size of a building.</p> <p>"backyard house" has the same meaning as defined in the City's Zoning Bylaw 20001.</p> <p>"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.</p> <p>"City" means the municipal corporation of The City of Edmonton.</p> <p>"City Manager" means the chief administrative officer of the City or delegate.</p> <p>"City right of way" means land in which the City has an interest, including road right of ways and easements in</p>

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.

"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.

"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.

(S.2, Bylaw 20743, April 03, 2024)

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 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.
 - (1)
 - (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

(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.

(S.3, Bylaw 20743, April 03, 2024)

**COMPLIANCE WITH 5
PLAN**

The person responsible, owner, or developer 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.

(S.4, Bylaw 20743, April 03, 2024)

BUILDING GRADES 6

If a lot grading plan for a premises has not been approved by the City Manager, the person responsible or 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 or private drainage system. (S.8, Bylaw 19512, January 25, 2021)

(S.5, Bylaw 20743, April 03, 2024)

RELEASE OF WATER

7 (1) The person responsible, owner, or developer 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 150 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.

(S.9, 10, Bylaw 19512, January 25, 2021)
(S.6, Bylaw 20743, April 03, 2024)

7 (2) The City Manager may approve exceptions to subsections (a), (b), or (c). (S.11, Bylaw 19512, January 25, 2021)

7 (3) 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.

(S.7, Bylaw 20743, April 03, 2024)

**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.

(S.8, Bylaw 20743, April 03, 2024)

**SURFACE DRAINAGE
CONNECTION
REQUIRED**

- 9
- (1) The person responsible, owner, or developer of a premises other than single detached, semi-detached, 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.

(S.9, Bylaw 20743, April 03, 2024)

- (2) 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.

(S.10, Bylaw 20743, April 03, 2024)

**ALTERATION OF
SURFACE GRADES**

10

A person responsible, owner, or developer shall not cause 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

(S.11, Bylaw 20743, April 03, 2024)

**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.

(S.12, Bylaw 20743, April 03, 2024)

**WATER RETENTION
STRUCTURES**

12

The person responsible, owner, or developer 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.

(S.13, Bylaw 20743, April 03, 2024)

INTERFERENCE

13

A person responsible, owner, or developer shall not cause

or permit alteration, removal, or destruction of a private drainage system or drainage device, facility, or infrastructure installed on private property that was required or approved by the City Manager. (S.12, Bylaw 19512, January 25, 2021)

(S.14, Bylaw 20743, April 03, 2024)

**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 A person applying for the approval of final grading or rough grading of a premises must submit to the City Manager:

- (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 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)

(S.15, Bylaw 20743, April 03, 2024)

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 (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.
- (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.
- FINES AND PENALTIES** 28 (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 *Municipal Government Act*, RSA 2000, c M-26, as amended, and to imprisonment for not more than six months for non-payment of a fine.
- (2) The following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
- (a) \$1,000 for any offence for which a fine is not otherwise established in this section;
- (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

34

In addition to any other remedy or penalty, the City Manager may refuse to approve any plans for a premises until the premises is in compliance with this bylaw.

(S.16, Bylaw 20743, April 03, 2024)

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.

PART VII - GENERAL

POWERS OF THE CITY MANAGER

36

Without restricting any other power, duty or function granted by this bylaw the City Manager may:

- (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.

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.
ANNEXATION IMPLEMENTATION	44	The City Manager may approve exemptions or modifications to this bylaw, including the power to waive fees, where such exemptions or modifications are consistent with inter-municipal negotiations resulting in Order in Council 359/2018. (S.10, Bylaw 18666, January 22, 2019)

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, and printed under the City Manager's authority) Bylaw 18093, September 12, 2017

Amendments:

Bylaw 18666, January 22, 2019

Bylaw 19512, January 25, 2021

Bylaw 20743, April 03, 2024

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.