

**TOWN OF WADENA
BYLAW NO. 2022-07**

A BYLAW TO REGULATE STORM DRAINAGE

The Council of the Town of Wadena enacts:

This Bylaw may be cited as The Drainage Bylaw.

PART I – Preliminary Matters

| | |
|-------------------------|---|
| 1. Definitions | 1 |
| 2. Purpose | 4 |
| 3. Responsibility | 4 |

PART II – Regulation of Storm Water

| | |
|--|--------------|
| 5. Low Density Residential Property Grading | 4 |
| 6. Construction of Walk-Out Style Homes | 5 |
| 7. Concrete Drainage Swales | 5 |
| 8. Infill Grading | 5 |
| 9. Commercial and Multi-Family Residential Property Grading | 6 |
| 10. Discharge of Water from a Commercial or Multi-Family Residential Property | 7 |
| 11. Eavestroughs and Downspouts | 7 |
| 12. Sump Pump Discharge | 7 |
| 13. Private Drainage Systems and Water Retention Structures | 8 |

PART III – Enforcement, Offences and Penalties

| | |
|--|----|
| 14. Enforcement of Bylaw | 8 |
| 15. Inspections | 8 |
| 16. Order to Remedy Contraventions | 8 |
| 17. Registration of Notice of Order | 9 |
| 18. Appeal of Order to Remedy Contravention..... | 9 |
| 19. Civil Action to Recover Costs | 9 |
| 20. Adding Amounts to Tax Roll | 9 |
| 21. Offences | 9 |
| 22. Notice of Violation Offences | 10 |
| 23. Minimum Penalty | 11 |

PART IV – Repeal and Coming into Force

| | |
|-----------------------------|----|
| 24. Coming into Force | 12 |
|-----------------------------|----|

Definitions

2. In this Bylaw:

- (a) **“accessory structure”** means a structure, including a shed, patio, pool apron, detached garage, play structure, sand box or water retention structure, that:
- (i) is subordinate to and serves the principal building;
 - (ii) contributes to the comfort, convenience, amenity or necessity of the occupants of the principal building; and
 - (iii) is located on the same site as the principal building;
- (b) **“Act”** means The Municipalities Act;
- (c) **“adverse effect”** means actual or potential damage or harm to property, the environment or the safety, health or welfare of people;
- (d) **“as-built site grading drawing”** means a drawing showing the as-built storm water site grading that is prepared and certified by a professional land surveyor, engineer or architect;
- (e) **“designated officer”** means an employee of the Town or any other person acting under the authority that is appointed by Council to act as a designated officer for the purposes of this bylaw;
- (f) **“drainage path”** means an area that is at least 200 millimetres in width and of constant slope, along which storm water can freely flow;
- (g) **“grading”** means the shaping or sloping of land elevations to ensure that surface drainage from storm water is directed away from buildings toward a right of way and into the Town’s storm sewer system;
- (h) **“infill”** means the development of new housing, including garden and garage suites, in an established area on a vacant lot or an underused lot on previously developed land;
- (i) **“landscape feature”** means any item or product used for the purpose of landscaping, whether natural or not, including soil, clay, sand, gravel, rock, concrete, wood, mulch, raised flower beds, gardens and any similar item or material;
- (j) **“lot grading elevations”** means the geodetic design elevations assigned to a property on a lot grading plan;
- (k) **“lot grading plan”** means an engineered storm water drainage design plan that identifies the lot grading styles and lot grading elevations of residential properties located in a specified area of a subdivision that must be submitted to the Town for approval as part of the land development process;
- (l) **“lot grading style”** means the defined engineered design to grade property for the purpose of conveying surface drainage to a Town right of way or park;
- (m) **“low density residential property”** means a detached or semi-detached residential property containing either a one-unit or two-unit dwelling;
- (n) **“material”** means any object, article, building product or waste;

- (o) “**multi-family residential property**” means a residential property containing three or more dwelling units;
- (p) “**owner**” means an owner as defined in the Act;
- (q) “**private drainage system**” means an assembly or system of pipes, weeping tiles, fittings, traps or appurtenances used to convey storm water or sump pump discharge on private property;
- (r) “**retaining wall**” means a wall used to support a higher grade and prevent erosion where matching the elevations of existing adjacent property is not possible, but does not include fences;
- (s) “**right of way**” means a public street, road, sidewalk, walkway, lane or other place designed and intended for use or used by the general public for the passage of vehicles or pedestrians, but does not include a parking lot, whether privately or publicly owned;
- (t) “**site grading plan**” means an engineered storm water drainage design plan for an individual site that must be submitted to the Town in support of a building permit application;
- (u) “**storm sewer system**” means underground infrastructure used for the collection, transmission, treatment or disposal of storm water;
- (v) “**storm water**” means surface runoff water that accumulates as a result of rain, the melting of snow or other naturally occurring forms of precipitation;
- (w) “**storm water system**” means above ground infrastructure used for the collection, transmission, treatment or disposal of storm water;
- (x) “**sump pump discharge**” means ground water collected beneath the surface of the ground by a foundation drain, weeping tile, sump pit or other similar means and pumped to the ground surface;
- (y) “**surface drainage system**” means the engineered sloping and grading of land to facilitate the drainage of storm water, including swales;
- (z) “**swale**” means a shallow, sloped, linear depression used to convey storm water that may be constructed of concrete, asphalt, sod, clay, gravel or other similar material;
- (aa) “**walk-out style home**” means a home with ground-level access to the basement.
- (bb) “**water retention structure**” means a structure designed to retain water, including a rain barrel, private skating rink and ornamental pond.

Purpose

3. The purpose of this Bylaw is to regulate grading and surface drainage on private properties to minimize adverse effects.

Responsibility

4. Unless otherwise specified, the owner of a property shall be responsible for complying with this Bylaw.

**PART II
Regulation of Storm Water**

Low Density Residential Property Grading

5. An owner of a low density residential property shall:
- (a) where a lot grading plan exists, establish and maintain the engineered lot grading elevations and lot grading styles assigned to their property as indicated on the lot grading plan;
 - (b) establish and maintain a drainage path along shared rear and side property lines that is unobstructed by any accessory structure, landscape feature or similar item or material;
 - (c) grade their property to ensure sufficient slope away from the perimeter of all structures;
 - (d) ensure all storm water, roof drainage and sump pump discharge is directed toward a right of way or surface drainage system; and
 - (e) when altering the grade of a property within an established area:
 - (i) ensure that the lot grading matches the elevations of existing adjacent property; or
 - (ii) where the elevations of existing adjacent property cannot be matched, construct retaining walls.

Construction of Walk-Out Style Homes

6. A walk-out style home shall be constructed only on property:
- (a) designed to accommodate a walk-out style home; and
 - (b) in the case of a property that is not an infill property, designated for construction of a walk-out style home on the lot grading plan.

~~**Concrete Drainage Swales**~~

- ~~7. An owner shall ensure concrete drainage swales located on their property are:~~
- ~~(a) not impeded, obstructed or restricted by any accessory structure, landscape feature or material, including ice and snow; and~~
 - ~~(b) maintained in good repair.~~

Infill Grading

8. An owner of an infill property shall:
- (a) as part of the building permit application, submit a site grading plan to the Town that meets the requirements of and is satisfactory to the Town;
 - (b) when establishing the grade of an infill property:
 - (i) ensure that the site grading matches the elevations of existing adjacent property; or
 - (ii) where the elevations of existing adjacent property cannot be matched, construct retaining walls;
 - (c) develop and maintain the site grading in accordance with the Town approved site grading plan, including satisfying requirements respecting the location and direction of roof downspouts and sump pump discharge; and

(d) upon inspection by a drainage inspector, obtain final site grading approval by the earlier of nine months from the date of:

- (i) closure of the building permit for the principal building on the property; or
- (ii) occupancy or partial occupancy of the principal building.

Commercial and Multi-Family Residential Property Grading

9. An owner of a commercial or multi-family residential property shall:

- (a) as part of the building permit application, submit a site grading plan to the Town that meets the requirements of and is satisfactory to the Town;
- (b) when establishing the grade of a commercial or multi-family residential property:
 - (i) ensure that the site grading matches the elevations of existing adjacent property;
 - or
 - (ii) where the elevations of existing adjacent property cannot be matched, construct retaining walls;
- (c) develop and maintain the site grading in accordance with the Town approved site grading plan;
- (d) upon site grading completion, submit an engineered as-built site grading drawing to the Town for approval; and
- (e) upon inspection by a designated officer, obtain final site grading approval by the earlier of nine months from the date of:
 - (i) closure of the building permit for the principal building on the property; or
 - (ii) occupancy or partial occupancy of the principal building.

Discharge of Water from a Commercial or Multi-Family Residential Property

10. (1) Subject to subsection (2), all storm water, roof drainage and sump pump discharge from a commercial or multi-family residential property shall be directed into and contained in catch basins on the property that are connected to the Town's storm sewer system.

(2) If there is no storm sewer system adjacent to a commercial or multi-family residential property, all storm water, roof drainage and sump pump discharge from the property shall be directed toward a right of way or storm water system to the satisfaction of the Town.

Eavestroughs and Downspouts

11. (1) An owner shall not permit drainage from the roof of a structure on their property to discharge or drain directly:

- (a) onto a permeable ground surface adjacent to a structure; or
- (b) to a location that causes or is likely to cause an adverse effect to a right of way, park or other adjacent property.

(2) All structures with an area greater than 9.3 square metres shall have eavestroughs and downspouts.

(3) Eavestroughs and downspouts shall be watertight, maintained in good repair and kept clear of any material, including debris and ice.

Sump Pump Discharge

- 12.** An owner shall not permit a sump pump on their property to discharge or drain directly:
- (a) onto a permeable ground surface adjacent to a structure; or
 - (b) to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property, including causing slippery or unsafe conditions on sidewalks and pathways.

Private Drainage Systems and Water Retention Structures

- 13.** An owner shall not permit a private drainage system or water retention structure on their property to discharge or drain directly:
- (a) onto a permeable ground surface adjacent to a structure; or
 - (b) to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property.

PART III Enforcement, Offences and Penalties

Enforcement of Bylaw

- 14.** (1) The administration and enforcement of this Bylaw is delegated to the CAO.
- (2) The CAO is authorized to further delegate the administration and enforcement of this Bylaw to drainage inspectors.

Inspections

- 15.** (1) Designated Officer(s) are authorized by the Town to inspect property to determine if this Bylaw is being complied with.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 362 of the Act.
- (3) No person shall obstruct a designated officer who is authorized to conduct an inspection pursuant to this Bylaw or a person who is assisting a designated officer.

Order to Remedy Contraventions

- 16.** (1) If a designated officer finds that a person is contravening this Bylaw, the officer 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:
- (a) comply with Section 364 of the Act; and
 - (b) be served in accordance with Section 366 of the Act.

Registration of Notice of Order

- 17.** If an order is issued pursuant to Section 16, the Town may, in accordance with Section 364 of the 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 Contravention

18. (1) A person may appeal an order made pursuant to Section 16 in accordance with Section 365 of the Act.

(2) An appeal pursuant to subsection (1) shall be made to Western Municipal Consulting Ltd.

Civil Action to Recover Costs

19. The Town may, in accordance with Section 368 of the Act, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

Adding Amounts to Tax Roll

20. The Town may, in accordance with Section 369 of the Act, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

Offences

21. (1) No person shall:

- (a) fail to comply with an order made pursuant to this Bylaw;
- (b) obstruct or hinder a designated officer 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 \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$2500.00 for each day during which the offence continues; and
- (b) in the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$2500.00 for each day during which the offence continues.

Notice of Violation Offences

22. (1) Notwithstanding the generality of Section 21, a person contravenes this Bylaw by causing or permitting:

- (a) roof drainage from a structure on their property to discharge or drain to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property;
- (b) a sump pump on their property to discharge or drain to a location that causes or is likely to cause an adverse effect to a right of way, park or adjacent property;
- (c) a private drainage system or water retention structure on their property to discharge or drain to a right of way, park or adjacent property; or
- (d) an obstruction to the drainage path located on their property.

(2) Notices of violation may be issued for offences mentioned in subsection (1) that are first, second or third offences.

(3) The following procedure applies to notices of violation:

(a) a designated officer may issue a notice of violation to any person committing an offence mentioned in subsection (1). The notice shall require the person to pay to the Town the applicable penalty set out in clause 23 (a);

(b) the fine may be paid:

(i) in person, during regular office hours, to the cashier located the Town Office, Wadena, Saskatchewan;

(ii) by deposit, at the depository located at the main entrance to Town Office, Wadena, Saskatchewan; or

(iii) by mail, addressed to Wadena Town Office , Box 730 #102 Main St N, Wadena, Saskatchewan, S0A 4J0;

(c) if the fine is paid before the date when the person contravening this Bylaw is required to appear in court to answer the charge, the person shall not be prosecuted for the offence;

(d) the amount of the fine under clause (a) shall be discounted to the sum of \$200 for a first offence if paid within 14 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:

(i) for payment in person, the date of the payment shall be the date payment is received by the Town;

(ii) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at Town Office;

(iii) for payment by mail, the date of payment shall be the post marked date on the remittance.

(4) Notices of violation that have been cancelled or dismissed by the Court shall not be counted toward calculating whether an offence is a first, second, third or subsequent offence.

Minimum Penalty

23. The minimum penalty for an offence pursuant to this Bylaw is:

(a) where a person contravenes any provision of this Bylaw for which a notice of violation may be issued pursuant to Section 22:

(i) for a first offence, \$250;

(ii) for a second offence, \$500; and

(iii) for a third or subsequent offence, \$750; and

(b) where a person fails to comply with an Order to Remedy Contravention made pursuant to Section 16 of this Bylaw:

(i) for a first offence, \$500;

(ii) for a second offence, \$750; and

(iii) for a third or subsequent offence, \$1,000.00.

PART IV Coming into Force

24. This Bylaw comes into force on the day of its final passing.

Read a first time this _____ day of _____, 2022.

Read a second time this _____ day of _____, 2022.

Read a third time and passed this _____ day of _____, 2022.

Mayor

Seal

Chief Administrative Officer

Read a third time and adopted
this _____ day of _____, 2022.

Administrator

