

CITY OF ST. ALBERT

BYLAW 6/2003  
Consolidated by Bylaw 45/2011

A Bylaw to establish a storm sewer utility in the City of St. Albert

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Title

1. This Bylaw may be referred to as "The St. Albert Storm Sewer Bylaw."

Definitions

2. (1) (a) "adjacent" means contiguous, abutting or having a common border;
- (b) "City" means the municipal corporation of the City of St. Albert or where the context so requires, the area contained within the boundaries of the City;
- (c) "City Engineer" means the person designated by the City Manager as the City Engineer, and if no person is designated, the City Manager;
- (d) "City's storm sewer system" means the City-owned storm sewers and third pipe system, the City-owned storm water drainage or management facilities (including storm water retention facilities), and drainage channels;
- (e) "Customer" means a person who receives a supply of potable water from the City under The St. Albert Water Bylaw 5/2001, as amended and any successor bylaws;
- (f) "development" means a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land;
- (g) "Director of Financial Services" means the person designated by the City Manager as the Director of Financial Services, and if no person is designated, the City Manager;
- (h) "drainage channels" means any natural or man-made drainage path that conveys storm water. This includes, but is not limited to, drainage swales (whether on City-owned land or within utility rights-of-way or easements), ravines, roadways, ditches, and drainage pathways;
- (i) "private storm water drainage system" means any system of pipes, pump stations, ponds, holding tanks or ditches located on privately owned land to collect, direct, store and release storm water generated from private property;
- (j) "registered owner" means the person in whose name the fee simple title to a parcel of land is registered under the *Land Titles Act*;

- (k) "storm sewer" means a pipe and any attachments or pipes owned by the City and located on City property or in City utility rights of way used to carry storm water;
  - (l) "storm sewer service connection" means the piping and associated connections that connect a private storm water drainage system, which includes a foundation drainage system, to the City's storm sewer or third pipe system;
  - (m) "storm sewer use fee" means the storm sewer use fee billed to a Customer in accordance with this Bylaw;
  - (n) "storm water" means surface water that is the result of natural precipitation, water from foundation drainage and the discharge from drainage channels, City-owned storm water drainage or management facilities and private storm water drainage systems;
  - (o) "third pipe system" means a pipe and any attachments or pipes owned by the City and located on City property or in City utility rights of way used to carry storm water from adjacent residential development;
  - (p) "utility bill" means a billing statement for utilities provided by the City, which includes a storm sewer charge.
- (2) Schedule "A" forms part of this Bylaw.

## PART 1

### Protecting the City's Storm Sewer System

3. (1) It is unlawful:
- (a) to release or permit the release of any liquid other than storm water from foundation, rooftop or yard drainage into the City's storm sewer system;  
or
  - (b) to alter or impede the passage of storm water in the City's storm sewer system.
- (2) For the purposes of subsection (1)(a), a person is deemed to release or permit the release of a liquid into a storm sewer if the person releases the liquid or permits the release of the liquid onto the ground or into a private storm water drainage system.
- (3) If a person breaches subsection (1) that person must, in addition to any penalty that may be imposed under Section 23, indemnify the City for the cost of repair of any damage to the City's storm sewer system and for any fine or penalty imposed on the City by Alberta Environmental Protection or any other regulatory agency.

## PART 2

### Connecting to the City's Storm Sewer System

#### City Engineer's Authority

4. (1) The City Engineer has the power and authority to do all things necessary for the construction, maintenance and management of the City's storm sewer system.
- (2) The City Engineer may delegate the City Engineer's powers and duties under this Bylaw to one or more employees or agents of the City.
- (3) The City Engineer may establish standards and policies for the design, construction and maintenance of the City's storm sewer system and any connection to the City's storm sewer system.

#### No Connection without Approval

5. A person shall not connect any piping or fixture to the City's storm sewer system without first obtaining the approval of the City Engineer under Section 7.

#### Obligation to Connect to City's Third Pipe System

6. (1) If a parcel of land is adjacent to the City's third pipe system, no development can take place on that parcel unless the registered owner connects the parcel's foundation drainage to the City's third pipe system in accordance with this Bylaw.
- (2) The City Engineer may waive the requirement in subsection (1) and may impose conditions on any waiver.
- (3) In this Section, development and adjacent have the same meaning that they have in Part 17 of the *Municipal Government Act*.

#### Application for Connection to the City's Storm Sewer System

7. (1) A person who wishes to connect any piping to the City's storm sewer system, must first apply to the City Engineer for approval.
- (2) An application under subsection (1) must include:
  - (a) if required by the City Engineer, construction drawings identifying the proposed connection, associated piping, fittings and installations, and any other information required by the City Engineer;
  - (b) the applicant's interest in the land;
  - (c) payment of any offsite levies or any other outstanding amounts in relation to the property that are due to the City; and

- (d) payment of any amounts due under Development Agreements in relation to the property.
- (3) For the purposes of subsection (2)(a), the City Engineer may require:
- (a) drawings showing and information relating to:
    - (i) the size and type of materials of the piping, fittings and installations,
    - (ii) the depth at which the pipe will be buried,
    - (iii) the grade on which the piping will be installed;
    - (iv) design calculations including design rainfall event, runoff coefficients, peak and volume calculations; and
    - (v) computer simulation for determining flow rates for properties larger than twenty (20) hectares, and
  - (b) any other drawing or information that the City Engineer considers necessary to ensure compliance with this Bylaw, the safe and effective operation of the City's storm sewer system and the collection of storm water.

#### Approval of Connection to the City's Storm Sewer System

8. (1) The City Engineer shall approve an application under Section 7 if:
- (a) the City Engineer is satisfied with the proposed design, connection, associated piping and installations;
  - (b) the applicant is the registered owner of the parcel of land to be served by the connection or the agent of the registered owner;
  - (c) the parcel of land is adjacent to the City's storm sewer system; and
  - (d) the lands are located within the City.
- (2) The City Engineer may impose conditions on an approval under subsection (1) to ensure compliance with this Bylaw.

#### Other Requirements Continue to Apply

9. An approval granted under this Bylaw does not relieve the applicant from the obligation to obtain approvals required under any other enactment and compliance with any other enactment, including but not limited to the *Safety Codes Act*.

### Applicant Responsible for Costs

10. (1) If an application for a connection is approved, the applicant is responsible for all costs associated with connecting the applicant's storm sewer service connection to the City's storm sewer system.
- (2) The costs for which an applicant is responsible under subsection (1) include not only the cost of works on the applicant's land but also any works on City land or on the City's storm sewer system necessary to make the connection to the City's storm sewer system.

### Owner's Responsibilities

11. (1) The registered owner of the land must maintain the private storm water drainage system and storm sewer service connection, if any, at the registered owner's expense.
- (2) The registered owner's obligations under subsection (1) include but are not limited to:
  - (a) maintaining the private storm water drainage system and any storm sewer service connection in a state of good repair;
  - (b) protecting the private storm water drainage system and any storm sewer service connection from freezing or damage of any other sort; and
  - (c) ensuring that the private storm water drainage system and any storm sewer service connection do not leak.

### Interrupting the Provision of Storm Sewer Services

12. (1) Despite anything in this Bylaw, the City Engineer may interrupt the provision of storm sewer services through storm sewers or the third pipe system for:
  - (a) construction of, maintenance or repairs to the City's storm sewer system or other utility, or
  - (b) as a result of any emergency.
- (2) In interrupting the provision of storm sewer services under subsection (1), the City Engineer may do so in respect of:
  - (a) a single Customer;
  - (b) a number of Customers;
  - (c) all Customers in a part of the City; or
  - (d) all Customers.

PART 3

Storm Sewer Use Fee

Director of Financial Services Authority

13. (1) The Director of Financial Services is responsible for the administration and enforcement of this Bylaw, including:
- (a) issuing a utility bill under this Bylaw; and
  - (b) collecting fees, charges or other amounts payable under this Bylaw.
- (2) The Director of Financial Services may delegate the Director of Financial Services' powers and duties under this Bylaw to one or more employees or agents of the City.

General Obligations of the Customer

14. (1) The Customer must:
- (a) give the City Engineer and Director of Financial Services access to the Customer's property for the purpose of inspecting any storm sewer service connection; and
  - (b) maintain the private storm water drainage system and any storm sewer service connection.
- (2) If a Customer is not the registered owner of the land, the obligations under subsection (1) are joint obligations of the Customer and registered owner.

Customer's Obligation to Pay Storm Sewer Use Fee

15. Each Customer must pay the monthly storm sewer use fee calculated in accordance with Schedule "A".

Utility Bill to Include Storm Sewer Use Fee

16. (1) The City can bill the Customer for storm sewer use fees using a utility bill that includes the billing for storm sewer use fees with the charges for other utilities supplied to the Customer.
- (2) If a payment is made on account of a utility bill, but that payment does not cover all components of that bill, the payment must be apportioned pro rata amongst the components of the bill.

- (3) A payment by a Customer is applied:
  - (a) to any outstanding late payment charges first;
  - (b) then to utility bills in the order in which they were rendered; and
  - (c) finally, to any current amount due.

#### Payment of Bill for Storm Sewer Use Fee

- 17. (1) The Customer must pay the storm sewer use fee in full within twenty-one (21) days of the date that the City specifies as the billing date on the Customer's utility bill.
- (2) For the purposes of subsection (1), the Director of Financial Services must specify a billing date for each utility bill, which must be at least two (2) days after the date that the utility bill is mailed to the Customer.
- (3) The Customer may pay the utility bill either at:
  - (a) City Hall, during City Hall's usual office hours; or
  - (b) any other place or in any other manner specified by the Director of Financial Services on the utility bill.
- (4) If a utility bill is not paid twenty-one (21) days after the date shown as the billing date, a late payment charge as set out in Schedule "A" is added to the unpaid amount for that billing period.
- (5) Subject to subsection (6), the amount added under subsection (4) forms part of the storm sewer use fee for all purposes.
- (6) The Director of Financial Services must not include a late payment charge from one billing period in the calculation of a late payment charge in a subsequent billing period.
- (7) The City is not obliged to waive payment of a storm sewer use fee or a late payment charge because a Customer did not receive the utility bill or mislaid it.

#### Application of Deposit

- 18. (1) If a Customer has posted a deposit for any utility service, the City may apply the deposit to any amount that is in arrears for storm sewer use fees or any other amount owing under this Bylaw.
- (2) No interest is payable by the City on a deposit.

## Enforcement of Amounts Owing

19. The City may enforce payment of any amount owing under this Bylaw by:
- (a) adding the amount owing to the tax roll, if the Customer is the registered owner of the land;
  - (b) disconnecting the water supply to the Customer;
  - (c) taking action in any court of competent jurisdiction; or
  - (d) all or any of the above.

## PART 4

### General

#### Authority Complete

20. If there is any overlap between the authority granted to the Director of Financial Services and to the City Engineer under this Bylaw, either may exercise the authority.

#### Scope of Delegation

21. Power that is delegated under this Bylaw may be delegated to one or more persons who may exercise the power concurrently.

#### Limitation on City's Liability

22. (1) If there is a storm sewer service connection to privately owned property, the City is responsible only for the City's storm sewer system to the point of connection with the storm sewer service connection at the owner's property line.
- (2) The City is not responsible for any private storm sewer fixtures, private storm water drainage systems, storm water management facilities located on privately owned property or for storm sewer service connections or for the consequences of any failure of any connection to the City's storm sewer system.

#### Offence

23. (1) Any person who contravenes:
- (a) any of Sections 3, 5, 6(1), 11, 14(1)(a), 14(1)(b) or 24 of this Bylaw; or

- (c) a condition of an approval under this Bylaw is guilty of an offence.
  - (2) Every day during which a contravention continues is deemed to be a separate offence.
  - (3) A person who commits an offence under this Bylaw is liable to a fine up to:
    - (a) \$1,000.00 for a first offence; and
    - (b) \$2,500.00 for each subsequent offence.
24. (1) No person may operate a system for the collection of storm water within the City that is similar to that operated by the City, unless that person first obtains the written consent of the City Engineer.
- (2) Any consent granted under subsection (1) may include conditions.

## SCHEDULE "A"

### FEES AND CHARGES

as amended December 19, 2011 (by Bylaw 45/2011)  
(rates effective January 1, 2012)

<b>Development</b>	<b>Storm Sewer Use Fee 2012</b>
1. Where potable water is supplied to the Customer for use within a Single Family Residence.	\$11.44 per month
2. Where potable water is supplied to the Customer for use within a development containing more than one (1) residential unit but each residential unit is accessible from ground level and the residential units are not stacked, or located on more than one (1) storey.	\$11.44 per residential unit per month
3. Where potable water is supplied to the Customer for use within a development containing more than one (1) residential unit and the units are stacked.	\$8.91 per residential unit per month
4. Where potable water is supplied to the Customer for use within a commercial development.	\$31.18 per commercial operation within the development per month
5. Where potable water is supplied to the Customer for use within an industrial development.	\$31.18 per month
6. Late Payment Charge	2.5% of the amount of the utility bill that is unpaid twenty-one (21) days after the billing date