

**BYLAW 16-2009**

**A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL SURFACE DRAINAGE WITHIN STRATHCONA COUNTY.**

**WHEREAS** Strathcona County wishes to carry out its powers and duties under the *Municipal Government Act, R.S.A. 2000, c. M-26*, as amended, with respect to controlling surface drainage within Strathcona County;

**NOW THEREFORE** the Council of Strathcona County, duly assembled, hereby enacts the following:

**PART I: PURPOSE & SHORT TITLE**

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|-------------------------|-----|---|
| Purpose and Short Title | 1.1 | The Surface Drainage Bylaw controls surface drainage on private and public lands within Strathcona County pursuant to the <i>Municipal Government Act, R.S.A. 2000 c.M-26</i> , as amended. |
|                         | 1.2 | This Bylaw may be cited as the Strathcona County "Surface Drainage Bylaw".  |

Definitions

**PART 2: DEFINITIONS**

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| Definitions | 2.1 | "Approved Final Grade Certificate" means a Final Grade Certificate of a Residential Lot certified by an Alberta Land Surveyor, Professional Engineer, or Registered Architect, and stamped and signed by a Lot Grading Inspector approving the Final Grading of a Residential Lot; |
|             | 2.2 | "Approved Rough Grade Certificate" means a Rough Grade Certificate of a Residential Lot certified by an Alberta Land Surveyor, Professional Engineer, or Registered Architect, and stamped and signed by a Lot Grading Inspector approving the Rough Grading of a Residential Lot; |
|             | 2.3 | "Approved Surface Drainage Plan" means a Surface Drainage Plan of a Commercial Lot or a Country Residential Subdivision prepared in accordance with Strathcona County's Engineering Standards and approved by the Manager, Engineering and Environmental Planning Services;        |
|             | 2.4 | "Commercial Lot" means a parcel of land or portion thereof, other than a Residential Lot, serviced by a public sewer system;   |
|             | 2.5 | "Commissioner" means the Chief Commissioner for the County and whatever subsequent title may be conferred on that officer by Council or Statute;   |
|             | 2.6 | "Country Residential Lot" means a residential lot within a Country Residential Subdivision.  |
|             | 2.7 | "Country Residential Subdivision" means a rural subdivision containing Country Residential Lots with or without a public sewer system.   |
|             | 2.8 | "County" means Strathcona County;  |

- 2.9 "County Bylaw Enforcement Officer" means a Bylaw Enforcement Officer or designate appointed by the County pursuant to the Municipal Government Act, R.S.A. 2000 c. M-26.1, as amended, to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
- 2.10 "County Lands" means a public road, public lane, utility or transportation right-of-way or easement where Strathcona County is party to an agreement granting Strathcona County an interest in the land;
- 2.11 "Engineering Standards" means the County's Engineering Servicing Standards, as approved by Council, from time to time;
- 2.12 "Fees and Charges Bylaw" means the County's Fees and Charges Bylaw, as amended or replaced from time to time;
- 2.13 "Final Grading" means finished landscaping, contouring, or shaping of a Commercial or Residential Lot in accordance with, as applicable, an Approved Surface Drainage Plan or the County's Lot Grading Guidelines;
- 2.14 "Final Grade Certificate" means a Final Grade Certificate of a Residential Lot certified by an Alberta Land Surveyor, Professional Engineer, or Registered Architect;
- 2.15 "Land Use Bylaw" means County Bylaw 8-2001, the Land Use Bylaw, as amended or replaced from time to time;
- 2.16 "Lot Grading" means anything done or in relation to the lot which has the effect of changing the surface elevation or slope thereof;
- 2.17 "Lot Grading Guidelines" means guidelines established by the Manager specifying Lot Grading requirements, procedures and tolerances, as revised from time to time;
- 2.18 "Lot Grading Inspection" means an on-site review conducted by a County Lot Grading Inspector to evaluate compliance with, as applicable, Lot Grading Guidelines, a Rough Grade Certificate, a Final Grade Certificate, Engineering Standards, an Approved Surface Drainage Plan, or a Plan of Certification of As-Built Surface Drainage Plan;
- 2.19 "Lot Grading Inspector" means a person employed by the County to administer surface drainage requirements regulated by this Bylaw;
- 2.20 "Manager" means the Manager of Planning & Development Services of the County or its successor department or designate that is responsible for administering Lot Grading requirements;
- 2.21 "Manager, Engineering and Environment Planning Services" means the Manager of Engineering and Environmental Planning Services of the County responsible for the development, implementation and enforcement of Engineering Standards, Policies and Practices, or whatever subsequent title may be conferred on that individual by Council;

- 2.22 "Owner" means any Person who is registered under the Land Titles Act as the Owner of a Residential or Commercial Lot, or any other Person who is in lawful possession thereof, or who is in lawful possession or occupancy of any buildings situated thereon, or any agent of, or Person acting on behalf of the Owner, including, but not limited to a contractor;
- 2.23 "Person" means any individual, partnership or corporation, and includes the heirs, executors, administrators or legal representative of a Person;
- 2.24 "Plan of Certification of As-Built Surface Drainage Plan" means a plan that certifies compliance with the Approved Surface Drainage Plan and requirements set out in Strathcona County's Engineering Standards, duly signed and certified by a registered Alberta Land Surveyor, Professional Engineer, or Registered Architect as accurately representing the existing Surface Elevations, Surface Grades, and other surface drainage features of a Commercial Lot or a County Residential Subdivision;
- 2.25 "Residential Lot" means a parcel of land or portion thereof, zoned for single detached or semi-detached housing, serviced with a public sewer system, and for the purpose of this Bylaw includes land defined by imaginary lot lines separating each single detached or semi-detached dwelling situated on a condominium site;
- 2.26 "Rough Grading" means the shaping or contouring of the Commercial or Residential Lot, preceding the establishment of Final Grading, in accordance with as applicable, an Approved Surface Drainage Plan or the County's Lot Grading Guidelines;
- 2.27 "Rough Grade Certificate" means a Rough Grade Certificate of a Residential Lot certified by an Alberta Land Surveyor, Professional Engineer, or Registered Architect;
- 2.28 "Slope" means any inclined portion of the ground surface;
- 2.29 "Surface Drainage Plan" means a Surface Drainage Plan of a Commercial Lot or a Country Residential Subdivision prepared in accordance with Strathcona County's Engineering Standards;
- 2.30 "Surface Elevation" means an elevation of the ground surface measured from geodetic datum, at a specific location;
- 2.31 "Surface Grade" means the magnitude and direction of inclination of an area of the ground surface;
- 2.32 "Violation Tag" means a ticket or similar document issued by the County pursuant to the Municipal Government Act , R.S.A. 2000, c.M-26.1, as amended;
- 2.33 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-17, as amended, and Regulations thereunder.

### **PART 3: SURFACE DRAINAGE PLAN**

Surface Drainage  
Plan Required

#### **3.1 Commercial Lot Surface Drainage Plan:**

3.1.1 The Owner of a Commercial Lot shall prior to construction of a new building, addition to an existing building, or outdoor parking or storage area submit to the Manager, Engineering and Environmental Planning Services a Surface Drainage Plan that:

3.1.1.1 complies with the County's Engineering Standards, Wetland Conservation Policy, Tree Conservation During Development Policy, Tree Management Policy, Biophysical Policy, and other such County policies as may apply to the site;

3.1.1.2 incorporates Storm Water Management System design to comply with a location and rate of release for storm water and subsurface drainage established by the Manager, Engineering and Environmental Planning;

3.1.1.3 establishes the design of the site including but not limited to wetland areas and treed areas and other natural features that are to be preserved; and

3.1.1.4 must be approved by the Manager, Engineering and Environmental Planning before commencing the work.

3.1.2 Prior to rough grading of a Commercial Lot, the Owner shall be exempt from the requirement to establish Surface Elevations, Surface Grades and other requirements of the Approved Surface Drainage Plan, subject to:

3.1.2.1 all Sections in Part 7 of this Bylaw;

3.1.2.2 requirements of The Land Use Bylaw; and

3.1.2.3 a time limit established by the County.

3.1.3 The Owner shall not permit water to pond on a Commercial Lot that may cause or have potential to cause, as determined by the County, a nuisance, hazard or damage.

#### **3.2 New Country Residential Subdivision Surface Drainage Plan:**

3.2.1 The Owner of a new Country Residential Subdivision shall prior to construction of a new building, addition to an existing building, or outdoor parking or storage area, submit to the Manager, Engineering and Environmental Planning Services a Surface Drainage Plan that:

3.2.1.1 complies with the County's Engineering Standards, Wetland Conservation Policy, Tree Conservation During

Development Policy, Tree Management Policy, Biophysical Policy, and other such County policies as may apply to the site;

- 3.2.1.2 establishes the design of the site including but not limited to building pockets, private sewage disposal system pockets (if applicable), wetland areas, treed areas and other natural habitats or features that are to be preserved, and constructed drainage features (if applicable); and
- 3.2.1.3 must be approved by the Manager, Engineering and Environmental Planning before commencing the work.
- 3.3 The County may require securities for a Commercial Lot, a Country Residential Subdivision, or a Country Residential Lot, in accordance with provisions of the Land Use Bylaw to ensure that work is completed in accordance with an Approved Surface Drainage Plan and to the satisfaction of the Manager, Engineering and Environmental Planning Services.
- 3.4 The County may not issue a final release of securities until:
  - 3.4.1. approval of the Plan of Certification of As-Built Surface Drainage Plan by the Manager, Engineering and Environmental Planning Services; and
  - 3.4.2. a site inspection by a Lot Grading Inspector has been completed and approved.
- 3.5 The Owner shall ensure that the Commercial Lot or Country Residential Subdivision has been brought into compliance with the requirements and specifications of the Approved Surface Drainage Plan within six months of approval or pursuant to an approved schedule.
- 3.6 The Owner shall submit a Plan of Certification of As-Built Surface Drainage Plan to the Manager, Engineering and Environmental Planning Services for approval within 60 days of completion of all on-site work pursuant to the Approved Surface Drainage Plan.
- 3.7 The County assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact arising from the Approved Surface Drainage Plan or Plan of Certification of As-Built Surface Drainage Plan supplied by or on behalf of the Owner.

#### **PART 4: COMMERCIAL LOT AND COUNTRY RESIDENTIAL SUBDIVISION LOT GRADING REQUIREMENTS**

Commercial Lot  
and Country  
Residential  
Subdivision Lot  
Grading Fees

- 4.1 The Owner of each Commercial Lot or Country Residential Subdivision shall, prior to commencing construction of a new building, addition to an existing building, or outdoor parking or storage area, pay the County Lot Grading Inspection fees as set out in the Fees and Charges Bylaw, entitling the Owner to Lot Grading Inspections by a Lot Grading Inspector in accordance with the County's Lot Grading Guidelines.

- 4.2 The Owner of each Commercial Lot or Country Residential Subdivision for which an Approved Surface Drainage Plan is required shall comply with all applicable requirements of the Approved Surface Drainage Plan, Engineering Standards, and the County's Lot Grading Guidelines.
- 4.3 The County may approve Lot Grading of Commercial Lots and Country Residential Subdivisions through approval of a Plan of Certification of As-Built Surface Drainage Plan by the Manager, Engineering and Environmental Planning and an approved site inspection by a Lot Grading Inspector.

**PART 5: RESIDENTIAL LOT AND COUNTRY RESIDENTIAL LOT GRADING REQUIREMENTS**

- Lot grading fees
  - 5.1 The Owner of each Residential Lot or Country Residential Lot shall, prior to commencing construction, pay the County Lot Grading Inspection fees as set out in the Fees and Charges Bylaw, entitling the Owner to Residential Lot Grading Inspections by a Lot Grading Inspector in accordance with the County's Residential Lot Grading Guidelines.
  - 5.2 The Owner of each Residential Lot or Country Residential Lot shall comply with all applicable requirements of the County's Residential Lot Grading Guidelines.
  - 5.3 The County may approve Lot Grading of Residential Lots through a two stage compliance monitoring process consisting of:
    - 5.3.1 approval of rough grade, and
    - 5.3.2 approval of final grade.
  - 5.4 The County may waive the requirement for an approval of Rough Grading on a Residential Lot when the Final Grading of a lot is being done by the same Person responsible for the Rough Grading.

**PART 6: RESTRICTIONS AFFECTING SURFACE DRAINAGE**

- Sump Pump Required
  - 6.1 Sump pumps shall be installed by the Owner in accordance with Engineering Standards and the Residential Lot Grading Guidelines in such a manner as not to cause excessive ponding or icing on public or private property. The Owner shall be solely responsible for ensuring the sump pump discharge is properly designed, installed, operated, and maintained.
- Roof Drainage and Sump Pump discharge
  - 6.2 No Owner shall permit roof drainage or pumped subsurface drainage from a building to be discharged:
    - 6.2.1 directly onto a permeable ground surface within one metre of the building for all buildings that have a basement or a level below the finished ground surface;
    - 6.2.2 directly onto an adjacent site, or onto a County right-of-way without written permission from the County;

- 6.2.3 to a location where soil erosion would occur;
  - 6.2.4 to a location where the flow of water or accumulation of water would adversely affect or have potential to adversely affect, as determined by the County, the stability of an adjacent Slope;
  - 6.2.5 to a location where the flow of water or accumulation of water would adversely affect, or have a potential to adversely affect, as determined by the County, on a ravine or an environmentally sensitive area; or
  - 6.2.6 to a location or in such a way as to adversely affect, or have a potential to adversely affect, as determined by the County, a nuisance, hazard or damage.
- 6.3 No Owner shall fill, drain, or otherwise alter any naturally occurring feature, waterbody, watercourse, or wetland area without the written approval of the Province of Alberta and Strathcona County.

#### **PART 7: SURFACE DRAINAGE MAINTENANCE**

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| Alteration of Surface Elevations and Surface Grades          | 7.1 | No Person shall alter as-built Surface Elevations or Surface Grades of any Residential or Commercial Lot, Country Residential Subdivision that has been approved by the County and: <ul style="list-style-type: none"><li>7.1.1 may cause or have potential to cause, as determined by the County, a nuisance, hazard or damage; or</li><li>7.1.2 may adversely affect or have potential to adversely affect, as determined by the County, the stability of an adjacent Slope.</li></ul> |
| Alterations within County lands                              | 7.2 | No Person, except employees or agents of the County, or other Persons with specific authorization of the County, shall alter the Surface Elevations or Surface Grades within County lands.   |
| Alterations within County right-of way                       | 7.3 | No Person, except employees or agents of the County, or other Person with specific authorization of the County, shall obstruct, remove, re-grade or alter a swale, canal, ditch, reservoir or other surface drainage feature or facility located within a County right-of-way.   |
|  | 7.4 | The County shall not be held liable for any damages caused by a Person contravening Section 7.1, 7.2, or 7.3.  |
| Culvert or Driveway Installations                            | 7.5 | No Person, except for employees or agents of the County, or other Persons with specific authorization of the County, shall install a culvert or driveway within a County right-of-way.   |
| Compliance with Easements, Caveats and Restrictive Covenants | 7.6 | The Owner of a Residential or Commercial Lot, or Country Residential Subdivision shall comply with the terms and conditions of any easement agreement, utility right-of-way, caveat or restrictive covenant document that has been registered on the title of the property 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.

## **PART 8: ADMINISTRATION**

- 8.1 Subject to any obligations it may have under the Safety Codes Act, the County may from time to time, taking into account social and economic factors, including the resources available to it and the various demands made upon those resources by the residents of the County, make planning and policy decisions respecting the level of allocation of resources to the administration which may affect the operational performance in regard to the frequency of and extent to which inspections are made under this Bylaw.
- 8.2 Inspections undertaken by Lot Grading Inspectors or the County are to be undertaken in good faith in an effort to administer and enforce this Bylaw, but are in no way or under any circumstances to be taken to be a guarantee or warranty of compliance with this Bylaw.
- 8.3 The Lot Grading Inspector is authorized to enter a property in accordance with the provisions of the Municipal Government Act, for the purpose of carrying out his duties.

## **PART 9: ENFORCEMENT**

County Need Not  
Enforce

- 9.1 The County is not required to enforce this Bylaw if, in the sole discretion of the County, enforcement is not warranted due to the degree or nature of the non-compliance, and would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Violation Tags

- 9.2 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the County Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 9.3 A Violation Tag may be issued to such Person:
- 9.3.1 Either personally;
  - 9.3.2 By mailing a copy to such Person at his last known post office address or
  - 9.3.3 If upon a corporation, by serving the Violation Tag personally upon the manager, secretary or other executive officer or person apparently in charge of a branch office, or by mailing a copy to such person by registered mail.
- 9.4 The Violation Tag shall be in a form approved by the Chief Commissioner and shall state:
- 9.4.1 The name of the Person;
  - 9.4.2 The municipal and legal description of the land;



- 9.4.3 The offence;
  - 9.4.4 The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - 9.4.5 That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
  - 9.4.6 Any other information as may be required by the Chief Commissioner, or by the provisions of the Municipal Government Act, or the Provincial Offences Procedures Act, RSA 2000, c. P-34, as amended.
- 9.5 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the County Bylaw Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 9.6 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified on the Violation Tag.
- 9.7 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
- 9.8 In those cases where a Violation Tag has been issued and if the penalties specified on a Violation Tag has not been paid within the prescribed time, then a County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, RSA 2000, c. P-34, as amended, or as repealed and replaced from time to time.
- Violation Tickets 9.9 Notwithstanding Section 9.8 of this Bylaw, a County Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, RSA 2000, c. P-34 to any Person who the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 9.10 A Violation Ticket issued pursuant to this Bylaw shall be issued in the form and manner specified by the Provincial Offences Procedures Act, RSA 2000, c. P-34 and any regulations thereunder.
- Contravention of Part 4, 5, or 6 of this Bylaw 9.11 Where a Person has contravened any Section or Subsection of Part 4, 5, or 6 of this Bylaw the Lot Grading Inspector may take enforcement action as provided in this Bylaw.
- 9.12 Any Person who performs work on behalf of the County to remedy a contravention of this Bylaw is not liable for any damages caused by the inspection, work, or activities undertaken to remedy the contravention.

Enforcement of  
Payment of  
Charges or Fines

- 9.13 The County may enforce payment of charges or fines by action in any court of competent jurisdiction.
- 9.14 Where the Lot Grading Inspector takes enforcement actions under Section 9.11, the expenses incurred by the County as a result of enforcing such action(s), constitutes an amount owing to the County by the person to whom the action was directed.

**PART 10: MISCELLANEOUS PROVISIONS**

Time Limited for  
Completing Work  
Required by this  
Bylaw

- 10.1 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.
- 10.2 Where a time limit has been specified in this Bylaw or specified by the County for any activity or work required by this Bylaw, the time limit may be extended by the Manager or Lot Grading Inspector.

Retroactivity

- 10.3 This Bylaw shall apply to all lands where there exists an infraction of Part 4, 5, 6, or 7 of this Bylaw that was created or occurred prior to the date of proclamation of this Bylaw.

Misrepresentations

- 10.4 No Person shall supply false information or make inaccurate or untrue statements in a document or in information required to be supplied to the Manager or to the Lot Grading Inspector pursuant to this Bylaw.

**PART 11: EFFECTIVE DATE:**

- 11.1 This Bylaw comes into effect after third reading and upon being signed.

**PART 12: REPEAL OF BYLAW**

- 12.1 Bylaw 21-2005 is hereby repealed.

Read a first time this 31 day of March, 2009.

Read a second time this 31 day of March, 2009.

Read a third time and finally passed this 31 day of March, 2009.

Cathy Olson  
Mayor

[Signature]  
Manager  
Legislative and Legal Services

Date Signed: April 3 / 2009

**SCHEDULE "A"**  
**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 County's approval	3.1 or 3.2	\$300	\$500
Failure to prevent water from ponding, on a Commercial Lot, that may cause or have potential to cause, as determined by the County, a nuisance, hazard, or damage	3.1.3	\$300	\$500
Failure to establish or maintain Surface Grades in conformance with Approved Surface Drainage Plan or a Plan of Certification of As-Built Surface Drainage Plan	3.1, 3.2, or 3.6	\$300	\$500
Failure to comply with requirements of an Approved Surface Drainage Plan, including but not limited to rate or location of release of storm water	3.1 or 3.2	\$300	\$500
Failure to submit a Plan of Certification of As-Built Surface Drainage Plan	3.6	\$300	\$500
Failure to apply for an Approval of Rough Grade or Final Grade	5.1	\$300	\$500
Hinder or prevent Lot Grading Inspector from accessing a Residential or Commercial Lot	8.3	\$300	\$500
Discharge of roof or foundation drainage directly onto an adjacent property or County Right-of-Way	6.2.2	\$500	\$1,000
Discharge of roof or foundation drainage that causes soil erosion	6.2.3	\$500	\$1,000
Discharge of roof or foundation drainage that adversely affects the stability of an adjacent Slope	6.2.4	\$500	\$1,000
Discharge of roof or foundation drainage that detrimentally affects a ravine or environmentally sensitive area	6.2.5	\$500	\$1,000
Discharge of roof or foundation drainage that causes a nuisance, hazard or damage	6.2.6	\$500	\$1,000
Fill, drain, or otherwise alter any natural feature, waterbody, watercourse, or wetland area without the written approval of the Province of Alberta and Strathcona County	6.3	\$500	\$1,000
Surface Elevation or Surface Grade alterations that cause a nuisance, hazard or damage	7.1.1	\$500	\$1,000
Surface Elevation or Surface Grade alterations that adversely affect the stability of an adjacent Slope	7.1.2	\$500	\$1,000
Unauthorized Surface Elevation or Surface Grade alterations within County lands	7.2	\$500	\$1,000
Unauthorized Surface Elevation or Surface Grade alterations within a County Right-of-Way	7.3	\$500	\$1,000
Culvert Installation without obtaining a Culvert Crossing Permit from the County	7.5	\$500	\$1,000
Obstruct, remove, re-grade, or alter a drainage Swale or other drainage feature or facility	7.6	\$500	\$1,000
Non-compliance with terms of an easement document, utility right-of-way document, caveat or restrictive covenant.	7.6	\$500	\$1,000