

CITY OF PRINCE ALBERT BYLAW NO. 11 OF 1995

A Bylaw of The City of Prince Albert respecting the management of the Storm Drainage System.

WHEREAS Council may provide for the regulation and operation of the Storm Drainage System of the City as a public utility service;

AND WHEREAS Council may establish the terms under which a public utility system for the collection, transmission and disposal of storm drainage may be supplied and provide for any charges to be paid in connection therewith;

AND WHEREAS The City of Prince Albert has established a system for the collection, transmission and discharge of storm drainage;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE

- Title* 1. This Bylaw shall be known as the "Storm Sewer Bylaw."

DEFINITIONS

2. In this Bylaw:

- Act* (a) "*Act*" means The Urban Municipality Act, 1984.
- Backwater Valve* (b) "*backwater valve*" means a valve that permits flow in one direction but prevents a return flow which is designed for use in a building storm sewer.
- Building Inspector* (c) "*Building Inspector*" means that person appointed as Building Inspector for The City of Prince Albert and anyone authorized to act on his behalf from time to time by resolution of Council and anyone acting or authorized to act on the Building Inspector's behalf.

- Building Storm Sewer* (d) "*building storm sewer*" means that part of the lowest horizontal piping of a drainage system which receives storm water and all other drainage pipes conveying storm water from the premises to the storm sewer connection.
- City* (e) "*City*" means The City of Prince Albert.
- City Engineer* (f) "*City Engineer*" means the City Engineer for the City and anyone acting or authorized by the City Commissioner or City Engineer to act on behalf of the City Engineer in the administration of the responsibilities under this Bylaw.
- Connections Bylaw* (g) "*Connections Bylaw*" means the Connections Bylaw of The City of Prince Albert, being Bylaw No. 12 of 1995, or such Bylaw or Bylaws as may be substituted therefor from time to time.
- Council* (h) "*Council*" means the Council of the City.
- Custom Work Order Policy* (i) "*Custom Work Order Policy*" means the estimation of the value of work performed by City forces or on behalf of the City that is calculated by the City Engineer to constitute the standard charge for all work of a similar nature which is deemed to reflect the actual cost to the City of labour, equipment, material used, all applicable taxes, plus an administration fee equal to 15 percent of the value of the cost; the invoicing for the work performed on the basis of the standard charge, crediting any deposit which the City Engineer may have required to be paid and the requirement of the person making the deposit to pay any balance owing.
- Director of Finance* (j) "*Director of Finance*" means the City Treasurer or the Director of Finance for the City and anyone acting or authorized by the City Commissioner, the City Treasurer or the Director of Finance to act on behalf of the Director of Finance.
- Drainage System* (k) "*drainage system*" means an assembly of pipes, fittings, fixtures, traps and appurtenances that are used to convey storm water to a building storm sewer.
- Natural Outlet* (l) "*natural outlet*" means any outlet into a ditch, watercourse, pond, lake or other body of surface or ground water.
- Premises* (m) "*premises*" means any real property or building.

Sewage Works System

- (n) "*Sewage Works System*" means the whole or any part of the equipment by which or through which the City collects and disposes of sewage, whether or not same is owned or under the control of the City, and the improvement, extension and replacement of such equipment, the sewer mains, manholes, sewage lift stations, force mains, all other related appliances and appurtenances as are designed to form a part thereof and the treatment processes by which sewage is treated by or on behalf of the City before discharge into the environment.

Storm Drainage Area

- (o) "*storm drainage area*" means a part of the land within the boundaries of the city that is included in an area designed by the City Engineer to have the storm water drained into a portion of the Storm Drainage System.

Storm Drainage Services

- (p) "*storm drainage services*" means all aspects of services to owners supplied pursuant to this Bylaw through the Storm Drainage System.

Storm Sewer Connection

- (q) "*storm sewer connection*" means that part of a drainage system connecting the building storm sewer to the storm sewer main of the Storm Drainage System.

Storm Water

- (r) "*storm water*" means rainwater or water from the melting of snow or ice.

Storm Drainage System

- (s) "*Storm Drainage System*" means an assembly of pipes, fittings, fixtures, traps, catch basins, storm sewer mains, channels, backup facilities, outfalls and all other facilities of the City designed for the collection, transmission and disposal of storm water.

INTERPRETATION

Interpretation

3. (1) Unless the context otherwise requires, subject to Section 2, terms and expressions used in this Bylaw shall have the same meaning as in the Act.

(2) All words, either in this Bylaw or in the Schedules hereto, shall be interpreted to include a corporation or partnership or such number and gender as the context may require. Marginal notes and headings shall not be given any effect in determining the proper interpretation of this Bylaw.

LIMITATION OF LIABILITY

No Liability

4. (1) Storm drainage services shall only be supplied on the condition that the owner of premises served by the Storm Drainage System shall make no claim against the City, its officials, employees or agents except with respect to damage caused by the negligence of the City, its officials, employees or agents acting within the scope of their

employment, as the case may be. It is a further condition of supply that the applicant shall make no claim for any indirect, incidental or consequential damages, including, but not limited to, lost profits. Not to limit the generality of the foregoing, the City shall not be liable for:

- (a) actions based in nuisance;
- (b) actions in respect of losses which reasonably have been prevented by a properly maintained backwater valve; or
- (c) actions in respect of losses related to the interruption or termination of drainage services or failure or refusal to provide drainage services whether or not notice was provided.

Indemnification

(2) Storm drainage services supplied by the City through the Storm Drainage System to an owner shall only be supplied on the condition that the owner shall indemnify and save harmless the City, its officials, employees and agents in respect of all claims arising by reason of drainage services provided to the owner, excepting those claims caused by negligence as described in Subsection (1). Not to limit the generality of the foregoing, the owner shall indemnify and save harmless the City, its officials, employees and agents from and against claims for damages by the applicant or any third party arising directly or indirectly:

- (a) from the connection with the Storm Drainage System or the provision of storm drainage services to the premises of the owner;
- (b) from the failure of the Storm Drainage System, the storm sewer connection or any part thereof or appurtenance thereto; or
- (c) from the absence or improper operation of a backwater valve.

ADMINISTRATION

Responsibility of City Engineer

5. (1) The Storm Drainage System, its operation, maintenance, repair and replacement shall be under the general direction and control of the City Engineer. The installation and construction of the Storm Drainage System or other works in connection therewith shall be under the general direction and control of the City Engineer. The City Engineer shall keep full descriptions of all works constructed and forming part of the Storm Drainage System. The system for draining storm water as described on the plans filed in the department of the City Engineer is hereby adopted as the configuration of storm water drainage for the City.

Designation of Right to Manipulate System

(2) No person other than the City Engineer, a City employee acting in the course of his duties or a contractor authorized by the City Engineer shall uncover, tamper with, attach or detach any line or pipe or otherwise manipulate any portion of the Storm Drainage System.

APPLICATION FOR STORM DRAINAGE SERVICES

*Application
for Storm
Drainage
Services*

6. No storm sewer connection shall be made with a storm sewer main or any part of the Storm Drainage System unless a storm drainage plan shall have been first approved pursuant to the Connections Bylaw. Every owner required by the Connections Bylaw to have a development on his land served by the Storm Drainage System shall submit a storm drainage plan in accordance with the Connections Bylaw.

TERMINATION OR INTERRUPTION OF SERVICE

*Termination
of Service*

7. (1) The City may limit or discontinue the furnishing of storm drainage services, refuse to supply storm drainage services at any premises or to limit the hours during which any person may use storm drainage services:

- (a) by reason of works undertaken by the City;
- (b) in circumstances where a new storm sewer connection is required under the Connections Bylaw; or
- (c) in the exercise of discretion by Council or the City Engineer where the circumstances are such that, in its or his opinion, the public interest may so require.

*Interruption
Due to Works*

(2) If storm drainage services are interrupted pursuant to Subsection (1)(a), such attempt to notify the owner of the premises affected by the intended interference shall be made as, in the opinion of the City Engineer, is reasonable in the circumstances. Except as otherwise provided in this Bylaw, in any other case, the termination or interruption of drainage services may be effected without notice.

*Interruption of
Service*

(3) If storm drainage services are interrupted by reasons unknown or frozen storm sewer connection, the City Engineer shall ascertain if the place of the failure is between the storm sewer main and the property line of the street abutting the premises to which storm drainage services are provided. In the event that the place of the interruption is so situate, he shall take such action as he deems reasonably necessary to remedy the failure or interruption. Should such action require the installation of an automatic device requiring a power supply, it shall be a condition of continued supply of storm drainage services to the premises that the power supplied be provided without cost to the City.

*Protection
Against Injury*

(4) The owner and occupant of premises served with storm drainage services shall, at his own expense, ensure that:

- (a) all storm sewer connections, related Storm Drainage System appliances, pipes and fixtures between the City's storm sewer main and the premises at which storm drainage services are supplied are kept in good maintenance and repair, excepting for any portion thereof lying between the storm sewer main and the property line abutting the premises to which the storm

drainage services are provided; and

- (b) the storm sewer connection, valves, pipes and other storm drainage services appliances of the Storm Drainage System upon the land served to the property line of the street abutting the premises to which storm drainage services are provided are protected against damage from tampering, frost and other source of damage.

*Repair of
Connection*

(5) If, after receiving notice from the City Engineer to repair or protect the property referred to in Subsection (4), the owner or occupant fails to effect such repairs satisfactory to the City Engineer within the time allowed in the notice, the City Engineer may enter upon the premises and complete the necessary repairs with City forces or otherwise. The owner and occupant shall be jointly and severally liable to pay the cost of the repairs, calculated pursuant to the Custom Work Order Policy.

*Termination
for Breach*

(6) Storm drainage services may be discontinued or restricted to any premises, and the City may refuse to provide storm drainage services thereat when the owner has failed to ensure that there is no breach of the terms under which storm drainage services are supplied, construction of storm drainage services deviates from a storm drainage plan approved by the Building Inspector or the City Engineer or an alteration has been made to site drainage deviating from an approved storm drainage plan without the prior written approval of the Building Inspector or the City Engineer.

*Termination
for Breach*

(7) Storm drainage services may be discontinued to any premises in the event of breach or non-compliance with the terms under which storm drainage services are supplied. The City may refuse to resume supply or refuse to provide storm drainage services to any premises until the owner complies with the term which was not complied with.

ACCESS TO PREMISES

*Designation
of Right of
Access*

8. (1) The City Engineer is authorized to have free access at all reasonable times to those parts of premises to which drainage services are or have been provided that he considers necessary to fulfil the duties arising from the provision of drainage services, whether or not drainage services are actually being supplied at the time access is required. As evidence of his authority, the City Engineer and any person acting on his instruction who requires access to fulfil such instructions shall produce a City of Prince Albert identification card.

*Designation
Under 187(5)
of the Act*

(2) The City Engineer, City employee or person City acting under the direction of the City Engineer shall have the right at all reasonable times to enter any premises referred to in Subsection (1) for any purposes set forward in Section 187(5) of the Act.

USE OF STORM DRAINAGE SERVICES

Roof Drainage

9. The roof of any building on a development for which a storm drainage plan is required pursuant to

the Connections Bylaw shall have a system of eaves, and down spouts from the eaves shall be constructed and maintained to direct water to the paved or landscaped area drained pursuant to the storm drainage plan for that development.

Vicarious Liability

10. The owner shall be liable for any breach of this Bylaw arising on his premises whether the breach was actually committed by him or any other person, unless such breach was caused by a trespasser upon the premises so supplied with storm drainage services.

Prohibition

11. (1) No person shall place, deposit, discharge or suffer or permit or cause to be placed, deposited or discharged into a building storm sewer, drainage system, storm sewer connection or Storm Drainage System any liquid, gas or substance whatsoever, excepting storm water.

Reporting

(2) Every person who has knowledge that a liquid, gas or substance has been discharged contrary to Subsection (1) shall report same as soon as possible to the City Engineer, unless he has reasonable grounds to believe that it has been reported to the City Engineer by another person.

Blockage

(3) In addition to any penalty which may be imposed, any person causing a partial or total blockage in the Storm Drainage System or a storm sewer connection or causes damage by placing any liquid, gas or substance into the Storm Drainage System or storm sewer connection causing coating, corroding or other damage shall be liable to the City for costs of clearing such blockage, cleaning or replacing any portions of the Storm Drainage System which, in the opinion of the City Engineer, require same.

OFFENCES

12. Any person who:

Reducing Depth of Coverage

(a) removes or causes, suffers or permits the removal of ground cover above any part of the Storm Drainage System or a storm sewer connection which reduces coverage to less than 3 metres from grade;

Unauthorized Connection

(b) connects or causes the connection of any pipe or fixture for storm drainage services except in accordance with this Bylaw;

Hindering Administration

(c) hinders, obstructs or interferes with the City Engineer or persons acting under the instructions of the City Engineer in the lawful exercise of his duties under this Bylaw or The Urban Municipality Act,

1984;

- Impersonation* (d) represents himself as a person designated to carry out duties pursuant to this Bylaw when not so authorized;
- Unauthorized Connection* (e) connects with or terminates a connection with the Storm Drainage System or attempts to connect with or terminate such connection;
- No Trespassing* (f) without the consent of the City Engineer, enters or is found within:
- (i) the Hazeldell sewage treatment facility located on the south side of Riverside Drive at 3rd Avenue North West, Prince Albert, Saskatchewan; or
 - (ii) any part of the Storm Drainage System including any manhole, storm sewer main, channel or outfall; or
- Breach Generally* (g) breaches any provision of this Bylaw;

is guilty of an offence punishable on summary conviction, except if such person is carrying out his duties as a person authorized to do so pursuant to Section 5 or 8.

Penalty 13. Any person in violation of a provision of this Bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding:

- (a) \$2,000.00 in the case of an individual; or
- (b) \$5,000.00 in the case of a corporation.

Severability 14. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed to be a separate, distinct and independent provision, and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.

Repeal of Bylaws 15. Bylaw 4 of 1994 is hereby repealed.

CITY OF PRINCE ALBERT
Saskatchewan

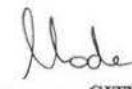
Coming into Force 16. This Bylaw shall come into force and take effect on, from and after the final passing thereof and the approval of the Minister under The Public Health Act.

INTRODUCED AND READ A FIRST TIME THIS 20th DAY OF March ,
A.D. 1995.

READ A SECOND TIME THIS 20th DAY OF March ,
A.D. 1995.

READ A THIRD TIME AND PASSED THIS 20th DAY OF March ,
A.D. 1995.


MAYOR


Acting CITY CLERK

APPROVED BY EXECUTIVE DIRECTOR, COMMUNITY SERVICES OF SASKATCHEWAN HEALTH
UNDER THE PROVISIONS OF THE PUBLIC HEALTH ACT - DATED - MAY 10, 1995.