

BYLAW NO. 5733
STORM WATER UTILITY BYLAW

THE MUNICIPAL COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:

PART I – INTERPRETATION

Title

1. This Bylaw may be cited as Storm Water Utility Bylaw.

Purpose

2. The purpose of this Bylaw is to:
 - (a) regulate the collection, transmission, treatment and disposal of storm water;
 - (b) regulate direct and indirect discharges into any part of the storm water system;
 - (c) prevent damage to or misuse of any part of the storm water system;
 - (d) protect human health and safety and the environment;
 - (e) establish terms and guidelines for the City's storm water system; and
 - (f) set charges for all properties benefiting from the City's storm water system.

Definitions

3. In this Bylaw:
 - (a) **"bylaw enforcement officer"** means a bylaw enforcement officer appointed by the City;
 - (b) **"City"** means The City of Moose Jaw;
 - (c) **"City Utility Account"** means an agreement between an owner and the City for the supply of utility services, obtained in accordance with Schedule "A" of this Bylaw, of which the terms of this Bylaw shall form a part and includes the amounts payable from time to time by the owner to the City;
 - (d) **"notice of violation"** means a document issued by the City pursuant to *The Cities Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
 - (e) **"owner"** means the owner of a property;
 - (f) **"property"** means a parcel of land in the City, including any buildings;

- (g) **"service connection"** means "service connection" as defined in *The Cities Act*, SS 2002, c C-11.1;
- (h) **"storm water"** means all runoff water, including without limitation, ground water, roof and foundation drainage, and unpolluted industrial water and cooling water;
- (i) **"storm water management charge"** means the charge prescribed in Schedule "A" to this Bylaw;
- (j) **"storm water system"** means City-owned facilities for the collection, transmission, treatment and disposal of storm water, including but not limited to mains, ditches, channels, catch basins, wet and dry water ponds, constructed wetlands, pumping stations and outfalls;
- (k) **"summons ticket"** means a summons ticket as defined in *The Summary Offences Procedure Act*, 1990; and

Public Utility Service

- 4. The storm water system is deemed to be a public utility service within the meaning of *The Cities Act*.

Delegation of Authority

- 5(1) The administration and enforcement of this Bylaw is hereby delegated to the City Manager or their designate.
- (2) The City Manager is authorized to further delegate the administration and enforcement of this Bylaw.

Part II – STORM WATER SYSTEM REGULATION

General Prohibitions

- 6(1) No person shall discharge, permit or cause to be discharged into the storm water system any material except in accordance with the provisions of this Bylaw.
- (2) No person shall make, alter or remove, or permit the making, alteration or removal of any service connection to the storm water system without written approval from the City.
- (3) No person shall discharge, permit or cause to be discharged into the storm water system any material unless permitted to do so under any Federal or Provincial legislation.
- (4) No person shall discharge, permit or cause to be discharged into the storm water system:

- (a) any stratified water having two or more separate liquid layers;
- (b) domestic or non-domestic wastewater;
- (c) liquid or vapour having a temperature greater than 65 degrees Celsius;
- (d) pesticides, insecticides, herbicides or fungicides;
- (e) ashes, cinders, sand, stone or any other solid or viscous substance which may impair the operations and maintenance of the storm water system;
- (f) solid matter larger than 12.5 mm in any dimension;
- (g) water or waste having a pH lower than 5.5 or higher than 9.5;
- (h) any noxious or malodorous substance capable of creating a public nuisance;
- (i) any water or waste containing a toxic or poisonous substance, or a waste which, when combined with another waste, may cause toxic or poisonous substances to be liberated;
- (j) any petroleum-based materials including, for example, gasoline, oil or diesel fuel, or any corrosive or explosive substance; or
- (k) water from swimming pools or hot tubs.

Emergency Discharge

- 7. Notwithstanding subsection 6(3), the City may make such discharges in an emergency.

Part III – STORM WATER MANAGEMENT CHARGE

Storm Water Management Charge

- 8. Except as set out in section 9, each property in the City shall pay a monthly storm water service charge to the City in accordance with Schedule "A" of this Bylaw.

Exempt Properties

- 9(1) The storm water management charge does not apply to the following property types:
 - (a) City-owned streets, roadways or spur-lines;
 - (b) Cemeteries;
 - (c) Parks;
 - (d) Community Gardens; and

- (e) other properties if the property owner can demonstrate that the property does not contribute directly or indirectly to the storm water system, at the discretion of the City Manager.
- (2) If the owner of a property seeks an exemption pursuant to subsection (1), the owner may apply to the City, in writing, for a determination as to the applicability of the storm water management charge.
- (3) Upon receipt of a request for an exemption, the City Manager shall review the request and notify the person who requested the review of the result and their decision, in writing.
- (4) The City Manager may revoke an exemption granted under this Bylaw at any time, with notification to the affected owner in writing.
- (5) The decision of the City Manager under this Bylaw is not subject to review by an owner.

Offences

- 10. A person who breaches any provision of this Bylaw is guilty of an offence.
- 11. A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "B" to this Bylaw and not exceeding \$10,000.00.
- 12. Any person who causes damage to or interferes with the storm water system is guilty of an offence.

Notice of Violation

- 13. A bylaw enforcement officer is hereby authorized and empowered to issue a notice of violation to any person whom the officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 14. The notice of violation may be served:
 - (a) in the case of an individual,
 - i. personally to the individual;
 - ii. by registered mail 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; or
 - iii. by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age.

- (b) in the case of a corporate entity,
 - i. personally to any director or officer of the corporate entity;
 - ii. personally to a person apparently in charge of an office of the corporate entity at an address held out by the corporate entity to be its address; or
 - iii. by registered mail addressed to the registered office of the corporate entity.
- 15. The notice of violation shall be in a form approved by the City Manager and shall state at minimum:
 - (a) the name of the person to whom the notice of violation is issued;
 - (b) the particulars of the contravention under this Bylaw;
 - (c) the penalty imposed for the offence as specified in Schedule "B" of this Bylaw;
 - (d) that the penalty must be paid within thirty clear days of the issuance of the notice of violation in order to avoid prosecution; and
 - (e) any other information as may be required by the City Manager.
- 16. Where a notice of violation has been issued pursuant to this Bylaw, the person to whom the notice of violation has been issued may, in lieu of being prosecuted for the offence, pay to the City the monetary penalty specified on the notice of violation.

Prosecution

- 17. If a notice of violation has been issued and the penalty not paid within the prescribed time, a bylaw enforcement officer may issue a violation ticket pursuant to the *Summary Offences Procedure Act* to the person to whom the notice of violation was issued.
- 18. Nothing in this Bylaw shall prevent a bylaw enforcement officer from immediately issuing a summons ticket to any person whom the bylaw enforcement officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 19. If a summons ticket is issued in respect of an offence, the summons ticket may:
 - (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.
- 20. A person who commits an offence may:

- (a) if a summons ticket is issued in respect of the offence; and
- (b) if the summons ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to the City, on or before the initial appearance date indicated on the summons ticket, the specified penalty set out on the summons ticket.

Discontinuance and Removal of Public Utility

21(1) The City may, in accordance with section 23 of *The Cities Act*, disconnect a property from the storm water system if:

- (a) any storm water management charges for the property remain unpaid; or
- (b) the owner of the property is in violation of this Bylaw; and
reasonable notice of the City's intention to discontinue the storm water services is provided.

(2) A designated officer from the City may enter any property for the purpose of disconnecting a property from the storm water system.

Default on Payment

22. If a person defaults on payment of a City utility account that is due and payable based on the rates as described in this Bylaw, or on payment of an account due and payable for anything done by the City pursuant to this Bylaw, the City Manager may enforce the collection of an overdue amount by whatever method is deemed most appropriate.

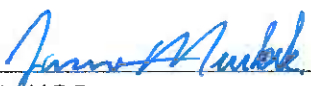
Coming into Force

23. This Bylaw comes into force on the 1st day of August 2025.

READ a first time this 23rd day of June 2025.

READ a second time this 23rd day of June 2025.

Read A THIRD TIME AND PASSED this 28th day of July 2025.


MAYOR


CITY CLERK

SCHEDULE "A"

Rates and Accounts

Rates

1. The monthly storm water management charge shall be: \$9.80

Accounts

2. Unless exempted under section 9 of the Bylaw, an owner of a property subject to the storm water management charge shall have a City utility account for the property.
3. The City may open a City utility account for an owner of a property subject to the storm water management charge that does not have an existing account. The City shall notify the property owner by writing of the account opening.
4. The City will add the storm water management charge to an owner's City utility account for the specific property.

SCHEDULE "B"

Fine Schedule

Sections	Offence	Specified Penalty – Notice of Violation	Specified Penalty
6 (2)	Make, alter, remove or permit the making, alteration or removal of a of a service connection to the stormwater system without approval	\$500.00	\$500.00
6 (4)	Discharge, permit or cause to be discharged a prohibited substance into the storm water system	\$500.00	\$500.00