

## BYLAW NO. 9895

### The Private Crossings Over Ditches Amendment Bylaw, 2023

The Council of the City of Saskatoon enacts:

#### Short Title

1. This Bylaw may be cited as *The Private Crossings Over Ditches Amendment Bylaw, 2023*.

#### Purpose

2. The purpose of this Bylaw is to amend *The Private Crossings Over Ditches Bylaw, 2020* to:
  - (a) identify cost sharing criteria that applies to non-compliant crossings in commercial and industrial areas;
  - (b) clarify cost sharing criteria for residential properties;
  - (c) allow eligible property owners in commercial and industrial areas to defer the costs of drainage improvements;
  - (d) expand the requirement to obtain permits; and
  - (e) make minor housekeeping amendments.

#### Bylaw No. 9730 Amended

3. *The Private Crossings Over Ditches Bylaw, 2020* is amended in the manner set forth in this Bylaw.

#### Whereas Clauses Repealed

4. Page 1 of the Bylaw is amended by:
  - (a) repealing all sentences that begin with “Whereas”; and
  - (b) striking out “Now therefore the” and substituting “The”.

### Section 3 Amended

5. Section 3 is repealed and the following substituted:

“3. In this Bylaw:

- (a) **“amount due”** means the amount required to be paid by a property owner to the City for the installation of drainage improvements and includes any fee to administer the deferral program as set out in section 16;
- (b) **“commercial property”** means property located on land zoned as commercial pursuant to the *Zoning Bylaw*;
- (c) **“deferral program”** means the Drainage Improvements Tax Deferral Program established pursuant to section 12;
- (d) **“deferred taxes”** means an amount due that has been added to the tax roll of a property pursuant to sections 244 and 361 of *The Cities Act*, the collection of which has been deferred pursuant to *The Cities Act* and the deferral program;
- (e) **“drainage improvements”** means any work intended to reduce flooding and improve drainage, such as the installation of culverts and ditches, and includes any necessary driveway restoration;
- (f) **“household income”** means the total income of all persons who live or ordinarily reside in a dwelling unit;
- (g) **“industrial property”** means property located on land zoned as industrial pursuant to the *Zoning Bylaw*;
- (h) **“principal residence”** means the primary location that a person inhabits;
- (i) **“private crossing”** means a private driveway crossing over a ditch in the City’s right-of-way;
- (j) **“property owner”** or **“owner”** means the registered owner of a property;
- (k) **“residential property”** means land and improvements used or intended to be used for a residential purpose;

- (l) **“tax arrears”** does not include deferred taxes or any amounts the collection of which the City has deferred pursuant to any other program, policy or bylaw.”.

### **Section 5 Amended**

- 6. Section 5 is amended by striking out “install a private crossing” and substituting “construct, alter or remove a private crossing, ditch or culvert”.

### **Section 8 Amended**

- 7. Section 8 is repealed and the following substituted:

- “8. (1) A property owner may be required to pay for the costs, or a portion of the costs, of installing drainage improvements where one or more of the following apply:
  - (a) one or more private crossings at the property owner’s property do not have a culvert that:
    - (i) is installed underneath the private crossing and that transports overland storm water; and
    - (ii) either:
      - (A) meets the City specifications that were in effect at the time the culvert was installed or replaced; or
      - (B) if no City specifications were in effect at the time the culvert was installed or replaced, meets the least onerous specifications that ever applied to the property;
  - (b) in the case of a residential property:
    - (i) that is a corner lot with at least one private crossing at the front of the lot and at least one private crossing at the side of the lot, the combined total width of the private crossings is greater than 9.75 metres; or
    - (ii) to which subclause (b)(i) does not apply, the width of the private crossing at the property or, if there is more than one private crossing, the combined total width of

the private crossings at the property, is greater than 6.1 metres;

- (c) in the case of an industrial property:
  - (i) with a frontage of less than or equal to 45.7 metres and that has:
    - (A) one private crossing at the frontage, the width of the private crossing is greater than 9.1 metres; or
    - (B) more than one private crossing at the frontage, the combined total width of the private crossings is greater than 12.2 metres;
  - (ii) with a flankage of less than or equal to 45.7 metres and that has:
    - (A) one private crossing at the flankage, the width of the private crossing is greater than 9.1 metres; or
    - (B) more than one private crossing at the flankage, the combined total width of the private crossings is greater than 12.2 metres;
  - (iii) with a frontage of greater than 45.7 metres and that has a private crossing at the frontage, the width of the private crossing is greater than 12.2 metres, regardless of the number of private crossings at the frontage;
  - (iv) with a flankage of greater than 45.7 metres and that has a private crossing at the flankage, the width of the private crossing is greater than 12.2 metres, regardless of the number of private crossings at the flankage;
- (d) in the case of a commercial property that is an interior lot and that has:
  - (i) one private crossing and a frontage of less than or equal to 30.5 metres, the width of the private crossing is greater than 7.6 metres;

- (ii) more than one private crossing and a frontage of less than or equal to 30.5 metres, the combined total width of the private crossings is greater than 9.75 metres;
  - (iii) a frontage greater than 30.5 metres but less than or equal to 60.1 metres, the width of the private crossing at the property or, if there is more than one private crossing, the combined total width of the private crossings at the property, is greater than 18.3 metres; or
  - (iv) a frontage of greater than 60.1 metres, the width of the private crossing at the property is greater than 12.2 metres, regardless of the number of crossings at the property;
- (e) in the case of a commercial property that is a corner lot, the width of the private crossing at the property or, if there is more than one private crossing, the combined total width of the private crossings at the property, is greater than 19.8 metres.
- (2) A property owner may be eligible to participate in any policy or program the City may have to subsidize or share in the costs of installing drainage improvements.”.

### **Section 11 Amended**

8. Section 11 is repealed and the following substituted:

- “11. The City may remove, or require a property owner to remove, at any time and at the property owner’s expense:
- (a) a private crossing; and
  - (b) anything located on or around the private crossing on City property, such as signage or vegetation, that in the City’s opinion impedes or could impede drainage.”.

### **Section 14 Amended**

9. (1) Clause 14(1)(b) is amended by adding “and” after “;”.
- (2) Clause 14(1)(c) is repealed.

