

CITY OF PORT MOODY

BYLAW NO. 2470

STREAM AND DRAINAGE SYSTEM PROTECTION BYLAW

WHEREAS there is an increasing recognition of the need to protect our shared streams and drainage systems and pursuant to the appropriate sections of the Municipal Act R.S.B.C., 1996, C.323, Council has the authority by bylaw to prohibit a person from fouling, obstructing or impeding the flow of a stream, creek, waterway, stream, waterworks, ditch, drain or sewer, whether or not it is on private property;

AND WHEREAS pursuant to the appropriate sections of the Municipal Act R.S.B.C., 1996, C.323, Council has the authority to require works and services for drainage collection and disposal;

AND WHEREAS pursuant to the appropriate sections of the Municipal Act R.S.B.C., 1996, C.323, Council may by bylaw impose penalties for contravention of the regulations adopted herein;

NOW THEREFORE, the Council of the City of Port Moody, in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the "City of Port Moody Stream and Drainage System Protection Bylaw No. 2470, 2000".

2. REPEAL

Bylaw No. 2306 "City of Port Moody Watercourse Protection Bylaw, 1997" is hereby repealed.

3. APPLICATION

This section applies to all lands whether public or privately owned in the City of Port Moody that contain *streams* and/or *drainage systems*.

4. DEFINITIONS

For the purpose of this bylaw:

background level means the concentration of total suspended solids in a stream measured immediately upstream of point of entry of the total suspended solids

Bylaw Enforcement Officer means the person appointed from time to time by the Council to act in the capacity as City Bylaw Enforcement Officer

professional consultant means an individual or group of certified, accredited, and registered professionals including but not limited to: biologist, environmental technologist, fish and wildlife technician, engineer, landscape architect, arborist, and/or forester

construction work means any activity which might cause or permit a *prohibited material* to be discharged into a *drainage system* including, but not limited to, land-clearing, removal of

soil, deposit of soil or other material, construction of any building, *structure* or *paving*, construction of any underground services including the installation of drainage works.

Director means the Director of Leisure Services and Operations and Director of Planning and Development Services for the City of Port Moody or designates

drainage system means the system and network of streams, creeks, waterways, ponds (excluding stormwater control ponds but not their discharge), lakes, waterworks, ditches, drains or sewers, drainage works, mains, pipes, culverts, catch basins, leads, and curbs and gutters, located in the City on private or public property, by which surface or ground water is conveyed to receiving waters.

fouling to deposit, discharge, spill, dump, wash, whether directly or indirectly, a *prohibited substance* into a *drainage system*

paving means any graded and hardened surface covered with materials comprised of asphalt, concrete, masonry or combinations thereof

Professional Engineer means a person registered from time to time as a member in good standing of the Association of Professional Engineers and Geoscientists of British Columbia

prohibited materials means:

- a) pesticides, fertilizers, soaps, paints, chemicals, chlorinated water, waste oil or any material or substance which is a "hazardous product", "contaminant", "toxic substance", "deleterious substance", "special waste", dangerous good" or "reportable substance" that is identified or described in or defined by any applicable statute, regulation or law, including any substance that violates the Fisheries Act R.S.C. 1985 or the Waste Management Act R.S.B.C. 1996, c.482 which, if introduced to the *drainage works*, would foul it; or
- b) any sediment, rock, gravel, sand, clay, silt, sediment, earth, construction or excavation wastes, cement, concrete, or other substances which, when introduced into a *drainage system*, will at the entry point, result in total suspended solids in excess of 75 mg/L above *background levels* or a pH value outside of the range 6.5 - 8.0

Sediment Control Plan means the specifications, drawings, plans and design calculations for works to control and monitor the discharge of any *prohibited material* from any source into the *drainage system*.

stream means any natural depression with visible banks, or *wetland* with or without visible banks, which contains water at some time; and includes any lake, river, stream, creek, spring, swamp, gulch or surface source of water, whether containing fish or not; and includes intermittent streams; and includes surface drainage works which are inhabited by or provide habitat for fish

structure means any material or a combination of materials that are constructed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water, but excludes *paving*

wetland means land, with or without visible banks, which is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions supports, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas, also includes within 7.5 metres the land above that just described, measured horizontally, and referenced from the Canadian Wetland Classification System

5. PROHIBITIONS OF DISCHARGE

- 5.1 No person shall *foul*, obstruct or impede a *drainage system*, or permit any *prohibited material* or water containing any *prohibited material* to be discharged, dumped, deposited, spilled or washed directly or indirectly into a *drainage system*.

6. CONSTRUCTION WORK

- 6.1 No person undertaking any activity shall place, store, transport or dispose of any *prohibited material* in such a manner, so as to permit the likely escape of the materials into a *drainage system*.
- 6.2 A *Sediment Control Plan* may be required for the issuance of a building permit for the construction of a single or two family dwelling unit upon the discretion of the *Director*. Any person undertaking any *construction work* requiring a permit, permission or approval by the City with the exception of *construction work* related to a building permit for the construction of a single or two family dwelling unit, shall submit a *Sediment Control Plan* for the *construction work* as part of the application for permit, permission or approval, prior to proceeding with the *construction work*.
- 6.3 Notwithstanding the provisions of Section 6.2, in the case of Construction Work carried out under a Building Permit for the construction of a single or two family dwelling, where any of the factors described in Section 2 of Appendix "A" apply, such that the guidelines for sediment control in Appendix "A" may be inadequate

to prevent the discharge of a Prohibited Material into the *drainage system*, the Director may require the Permit Holder to provide a Sediment Control Plan in accordance with the provisions of Section 7 of this Bylaw.

- 6.4 No person shall suffer or permit the discharge or washing of cement or concrete during the construction of exposed aggregate driveways, patios, other surfaces, or from concrete vehicles or concrete equipment onto any highway, sidewalk, publicly owned land or into a *drainage system*.
- 6.5 No person shall suffer or permit any water to be discharged directly or indirectly from any property that does not continuously and at all times meet or exceed the requirements of this bylaw.

7. SEDIMENT CONTROL PLAN

- 7.1 Single and two family dwelling unit construction and landscaping activities may utilize the attached example of sediment control works for a single family home. The configuration of these works shall be submitted to the Planning and Development Services Department of the City as part of the Building Permit application for a single or two family dwelling unit. * See Attachment 1.
- 7.2 The *Sediment Control Plan* shall set out works and measures required during *construction work* to prevent the discharge of *prohibited materials* to the *drainage system*. This shall include such detailed plans, specifications and design calculations

necessary to describe any works required to convey, control and treat suspended solids in run-off water from the site of the *construction work*.

7.3 The *Sediment Control Plan* shall include a monitoring program, with a schedule, sample locations and methodology to be used to measure the suspended solids in the run-off water discharged from the siltation control works. The testing data will be forwarded to the City within a week of receipt of the data.

7.4 The *Sediment Control Plan* shall include an operation and maintenance program during the *construction work*. The *Sediment Control Plan* will contain a maintenance schedule, methodology, the name and address of the person responsible for maintenance and an emergency contact phone number. A record of all maintenance will be filed at the City of Port Moody on a weekly basis as needed.

7.5 The *Sediment Control Plan* shall be signed and sealed by a Professional Engineer registered in good standing with the Association of Professional Engineers and Geoscientists of British Columbia, unless otherwise approved in writing by the Director.

7.6 The *Sediment Control Plan* shall include a letter of undertaking signed by a Professional Engineer which commits to undertake a program of management of the *Sediment Control Plan* and which includes:

- inspection of the works to certify that they are being constructed in accordance with the approved *Sediment Control Plan*;

- periodic inspection of the works to certify that the standards of discharge of sediments established by this bylaw are not exceeded;
- ensuring appropriate and timely steps are taken if the discharge exceeds the standards of discharge of sediments established by this bylaw; and
- inspection of the receiving waters of the *drainage system* before, during or after the *construction work* to determine whether *prohibited material* was discharged.

7.7 The sediment control works required by a *Sediment Control Plan* shall be inspected, maintained and operated for the duration of the *construction work* by the *Owner* and/or contractor performing the work as set out in the *Sediment Control Plan*.

7.8 The *Sediment Control Plan* may include hydroseeding of exposed land and *habitat restoration* landscaping where it is deemed necessary in the opinion of the Professional Engineer submitting the *Sediment Control Plan*.

8. REMEDIES

- 8.1 If during the *construction work* any *prohibited material* enters the *drainage system*, then the *Owner* or contractor performing the work shall immediately notify the appropriate federal, provincial and municipal agencies and under the appropriate direction take remedial steps to remove such *prohibited material*.
- 8.2 If any person is carrying on any *construction work* or any other activity in contravention of this bylaw which in the opinion of the *Director* is causing or is likely to result in a discharge of *prohibited material* into the *drainage system*, then the *Director* may order the immediate suspension of all or any portion of such *construction work* or other activity by posting a notice to that effect at the place where the *construction work* or other activity is ongoing. The *Director* may further direct that steps be taken to prevent further *fouling* or discharge of *prohibited material* in to the *drainage system*. The *Director* shall send a copy of the written notice to the *owner* of the land where the *construction work* is occurring at the address as it appears on the records of the Land Title Office or other last known address.
- 8.3 If in the opinion of the *Director* immediate steps should be taken to prevent the likely escape of a *prohibited material*, or to stop an escape which is ongoing, and/or if the *Director* is not satisfied that the *owner*, or other responsible person, has taken the appropriate steps to mitigate the damages, then the City may enter onto the property to take such steps as are necessary in the circumstances. The *Director* shall provide written notice of the actions taken or proposed to the *owner* of the land

where the *construction work* or activity is occurring at the address as it appears on the records of the Land Title Office or other last known address. The cost of any work done by the City will be assessed to the *Owner*. The cost will be due and payable by December 31 of the year in which said costs were incurred and if unpaid on that date shall be deemed to be taxes in arrears and must promptly be so entered on the tax roll by the collector pursuant to the appropriate sections of the *Local Government Act*. If the work is done on City property, the cost will be billed to the persons responsible for the causing a discharge of *prohibited materials* to the *drainage system*.

9. AUTHORITY TO ENTER UPON A PROPERTY

9.1 The *Director* and *Bylaw Enforcement Officer*, or their designates are hereby authorized to enter at all reasonable times upon any property for the purpose of ascertaining whether the regulations of this bylaw are being observed.

10. OFFENCE AND PENALTIES

10.1 Every person who:

- a) contravenes;
- b) causes or authorizes, suffers or permits any act or thing to be done in contravention of; or
- c) neglects or refrains from doing anything required to be done by any of the provisions of this bylaw, terms and conditions of a permit, or an order issued pursuant to this bylaw commits an offence and is liable to a fine of up to

\$10,000 for each offence; each day that the offence continues, is deemed a separate offence.

11. SEVERABILITY

If any section, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

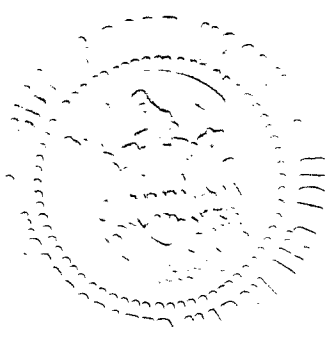
This bylaw does not supersede regulations of the Provincial or Federal government.

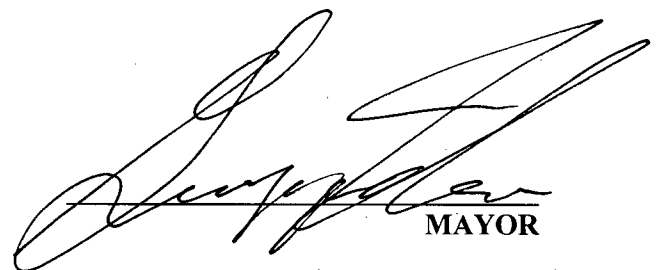
READ A FIRST TIME the 10th day of October, 2000

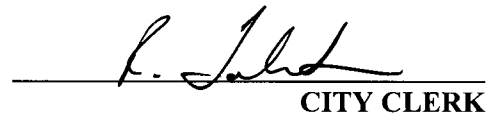
READ A SECOND TIME the 10th day of October, 2000

READ A THIRD TIME the 12th day of December, 2000

ADOPTED the 9th day of January, 2001




MAYOR


CITY CLERK

Appendix A

The Director may require the permit holder to provide a Sediment Control Plan in accordance with the provisions of Section 7 of this Bylaw for sites that meet one or more of the following criteria:

- close proximity of the construction site to a *stream*;
- construction on slopes greater than 20%;
- construction on lands having a history of erosion events or lands designated by a geotechnical study as being subject to landslip, or flooding.