

# TOWN OF SIDNEY

## BYLAW NO. 1318

### A BYLAW FOR THE REGULATION AND PROTECTION OF NATURAL WATER COURSES, DITCHES AND DRAINS

**WHEREAS** the Council may by bylaw pursuant to Section 551(a) of the *Municipal Act* prohibit a person from fouling, obstructing or impeding the flow of a stream, creek, waterway, watercourse, ditch, drain or sewer whether or not it is situated on private property and may provide for the imposition of penalties for the contravention of these regulations;

**AND WHEREAS** the Council may by bylaw pursuant to Section 553 of the *Municipal Act* provide for defining the channel or bed of a stream as defined by the *Water Act*, passing through the Municipality, and provide works to protect its banks from erosion or damage;

**AND WHEREAS** the Council may by bylaw require manufacturers and processors to dispose of the waste from their plants in a manner directed by bylaw pursuant to Section 725(1) of the *Municipal Act*;

**NOW THEREFORE** the Council of the Town of Sidney in open meeting assembled enacts as follows:

#### 1. Citation

This bylaw may be cited for all purposes as the "**Watercourse and Drainage Regulation Bylaw No. 1318, 1997.**"

#### 2. Definitions

- (a) "Air" means the atmosphere but, except in a sewer or a stormwater management facility or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.
- (b) "Air contaminant" means any substance or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:
  - (i) injures or is capable of injuring the health or safety of a person;
  - (ii) injures or is capable of injuring property or any life form;
  - (iii) interferes or is capable of interfering with visibility;
  - (iv) interferes or is capable of interfering with the normal conduct of business;
  - (v) causes or is capable of causing material physical discomfort to a person; or
  - (vi) damages or is capable of damaging the environment.
- (c) "Biomedical waste" means biomedical waste as defined in "Guidelines for the Management of Biomedical Waste" established by the Canadian Council of Ministers of the Environment (CCME) and dated February 1992.

- (d) "Colour" means the true colour unit of water from which turbidity has been removed, as determined by the appropriate procedure in Standard Methods.
- (e) "Composite sample" means a sample which is composed of equivalent portions of a specified number of grab samples collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.
- (f) "Condensed water" means water which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air conditioning equipment and steam heating systems.
- (g) "Contaminant" means any substance, whether gaseous, liquid, or solid, whether dissolved or suspended, or any wastewater quality parameter that, when present above a certain concentration in wastewater:
  - (i) injures or is capable of injuring the health or safety of a person;
  - (ii) injures or is capable of injuring property of any life form;
  - (iii) interferes or is capable of interfering with the proper operation of a sewer or stormwater management facility;
  - (iv) causes or is capable of causing material physical discomfort to a person; or
  - (v) damages or is capable of damaging the environment.
- (h) "Council" means the Council of the Town of Sidney.
- (i) "Development" includes the construction of a structure, the placement of fill, the paving of land or any other alteration to land which causes a change to the existing drainage characteristics.
- (j) "Director" means the Director of Engineering for the Municipality or his/her designate.
- (k) "Discharge" means to directly or indirectly introduce a substance by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.
- (l) "Domestic waste" means waste, sanitary waste and the water-carried wastes from drinking, culinary uses, washing, bathing, laundering or food processing which is introduced on a residential property.
- (m) "Enactment" means any applicable act, regulation, bylaw, order, or authorization, by a federal, provincial, regional, municipal government or their authorized representatives.
- (n) "Grab sample" means a sample of water or stormwater collected at a particular time and place.
- (o) "Improvement District" means an improvement district incorporated under the *Municipal Act*.

- (p) "Manager" means the Manager of Planning and Building of the Municipality and includes any other Municipal employee authorized by him or her to enforce this bylaw.
- (q) "Municipality" means the Town of Sidney.
- (r) "Non-domestic waste" means all waste except domestic waste, trucked liquid waste, sanitary waste, stormwater, and uncontaminated water.
- (s) "Oil and grease" means an organic substance or substances recoverable by procedures set out in Standard Methods or procedures authorized by the Manager and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.
- (t) "Oil and Grease Interceptor" means an in-ground structure designed specifically to trap oil, grease and silt contained in stormwater flows.
- (u) "Owner" means any person who is registered under the *Land Title Act* as the owner of land, or any other person who is in lawful possession of land or who is in lawful possession or occupancy of any buildings situated on the land.
- (v) "PCB" means any monochlorinated, dichlorinated, or polychlorinated biphenyl or any mixture that contains one or more of these.
- (w) "Person" includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law, but for the purpose of this bylaw does not include the Municipality, officers and employees working on behalf of the Town.
- (x) "Pesticides" means pesticides regulated under the *Pesticide Control Act of British Columbia*.
- (y) "pH" means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in Standard Methods.
- (z) "Pollution" means the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment.
- (aa) "Pool" means any water receptacle designed for decorative purposes or used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time.
- (bb) "Premises" means any land or structure or both or any part thereof.
- (cc) "Prohibited waste" means prohibited waste as defined in Schedule "A" to this bylaw.
- (dd) "Radioactive materials" means radioactive materials as defined in the *Atomic Energy Control Act of Canada* and Regulations under the *Act*.

- (ee) "Regional District" means the Capital Regional District.
- (ff) "Residential property" means a property which is used primarily for the purpose of residence by persons on a permanent, temporary or seasonal basis.
- (gg) "Sanitary waste" means waste that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.
- (hh) "Sewer" means all pipes, conduits, drains, and other equipment and facilities, owned otherwise under the control or jurisdiction of the Regional District, the Municipality or one or more municipalities, for collecting, pumping, and transporting wastewater and includes all such pipes, conduits, drains, and other equipment and facilities which connect with those of the Regional District, the Municipality or one or more municipalities.
- (ii) "Sharps" means hypodermic needles, hypodermic syringes, blades, broken glass, and any devices, instruments or other objects which have acute rigid corners, edges or protuberances.
- (jj) "Special waste" means special waste as defined in the *Waste Management Act of British Columbia* or any legislation that replaces the *Waste Management Act*.
- (kk) "Special Waste Regulation" means the Special Waste Regulation enacted pursuant to the *Waste Management Act* or any legislation that replaces the *Waste Management Act*.
- (ll) "Standard Methods" means latest or current edition of "Standard Methods for the Examination of Water and Wastewater" jointly prepared and published from time to time by the American Public Health Association, American Water Works Association, and the Water Environment Federation.
- (mm) "Storm sewer" means a pipe, conduit, drain and other equipment or facilities for the collection and transmission of stormwater or uncontaminated water.
- (nn) "Stormwater" means water resulting from natural precipitation which drains by run-off to a storm sewer or a watercourse.
- (oo) "Stormwater management facility" means an impoundment and appurtenant structures, connections and controls for containment, detention or retention of stormwater and its delayed release at a controlled rate to a receiving storm sewer or watercourse.
- (pp) "Structure" means anything man-made that is fixed to, supported by or sunk into land or water and includes paved parking areas.
- (qq) "Substance" includes any solid, liquid or gas.

- (rr) "Trucked liquid waste" means any liquid or semi-liquid waste that is collected and transported from the site where the waste originated by means other than discharge to a sewer including, but not limited to, holding tank waste, septic tank waste, chemical toilet contents, oil and grease from interceptors or traps, and other sludges of organic or inorganic origin.
- (ss) "Uncontaminated water" means any water excluding stormwater but including cooling water, condensed water and water from Municipal waterworks or a private water supply to which no contaminant has been added as a consequence of its use, or to modify its use.
- (tt) "Waste" means any substance whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly, to a sewer, storm sewer or stormwater management facility.
- (uu) "Wastewater" means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source.
- (vv) "Wastewater quality parameter" means any parameter used to describe the quality of wastewater.
- (ww) "Water" includes surface water, groundwater and ice.
- (xx) "Watercourse" means a river, stream, creek as outlined on Schedule "B" of this bylaw or a canal, ditch, reservoir, or other man-made surface feature, whether it contains or conveys water continuously or intermittently.
- (yy) "Waterworks" means any works owned or otherwise under the control or jurisdiction of the Regional District or one or more of its member municipalities or the Greater Victoria Water District or an Improvement District that collects, treats, transports, or stores drinking water.

### **3. Channel of Watercourse**

- (a) Pursuant to Section 553 of the *Municipal Act* the channel or bed of each watercourse or portion of watercourse shown on Schedule "B" to this bylaw is in the approximate location.
- (b) The Council may appropriate the channel or bed of the watercourses shown on Schedule "B", without compensation to the owner for the purpose of constructing any works authorized by Sections 552, 553 or 554 of the *Municipal Act* or any successor provision filed in the Land Titles Office.
- (c) The watercourses shown on Schedule "B" are part of the Municipal drainage system.

#### **4. Obstructing Watercourses**

No person shall foul, obstruct or impede the flow of a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is situate on private property.

#### **5. Enclosure of Watercourse**

No person shall enclose any open watercourse in a drain or culvert without the prior written permission of the Director; the Director shall not grant such permission unless the enclosure has been designed and sealed by a professional engineer, provided that the Director may grant a waiver of this provision if in his discretion he or she considers the proposed works to be of a minor nature.

#### **6. Work on Municipal Drainage System**

No person shall alter, repair, remove, fill in, reconstruct, divert or carry out any other works on any watercourse shown on Schedule "B" or any sewer, storm sewer, stormwater management facility or watercourse constructed, owned or under the responsibility of the Municipality without approval of the Director or a designate.

#### **7. Discharges to Storm Sewers and Watercourses**

- (a) No person shall discharge or allow or cause to be discharged into a storm sewer or watercourse waste of any type.
- (b) Notwithstanding the prohibition contained in subsection 7(a), a person may discharge into a stormsewer or watercourse water resulting from domestic activities customarily incidental to a residential use of land including:
  - (i) water resulting from natural precipitation, and drainage of such water;
  - (ii) water resulting from garden and lawn maintenance, non-commercial car washing, building washing and driveway washing; and
  - (iii) uncontaminated water.
- (c) Notwithstanding the prohibition contained in subsection 7(a), a person may discharge into a storm sewer or watercourse water resulting from the following non-domestic activities:
  - (i) street, hydrant and water main flushing
  - (ii) firefighting activities
  - (iii) flood control.

#### **8. Stormwater Management Facility**

- (a) Where the existing drainage system downstream from a proposed development has insufficient capacity to accommodate the projected increase in stormwater run-off from the proposed development of the lands, a stormwater management facility will be provided on the lands by the developer as part of the development project.

- (b) The stormwater management facility will be designed by a professional engineer and the design accepted by the Director. Capacity of the stormwater management facility shall be based on the criteria specified in the Town of Sidney Municipal Engineering Specifications as set out in the Town of Sidney Subdivision Bylaw or any successor specifications.
- (c) The owner of the lands shall keep the stormwater management facility in good operating condition and shall service and repair the facility at least once per year. The owner shall provide proof of service upon request by the Manager.

## **9. Oil and Grease Interceptor**

- (a) Where a paved or impervious motor vehicle parking lot is constructed as part of any development, other than a single family dwelling or duplex, the developer shall install an in-line oil and grease interceptor to intercept the stormwater run-off from the parking lot before it reaches the Municipal drainage system.
- (b) The oil and grease interceptor shall be designed:
  - (i) To conform to design drawing (S16) of the Town of Sidney Municipal Engineering Specifications specified in the Town of Sidney Subdivision Bylaw, 1997 or any successor specifications, or
  - (ii) Where the design drawing (S16) of the Engineering Specifications will not adequately serve the proposed development, to a design prepared by a professional engineer and approved by the Director.
- (c) The owner of the lands shall keep the oil and grease interceptor in good operating condition and shall maintain and repair the device at least once per year from the date of completion of the interceptor. The owner shall provide proof of service upon request by the Manager.

## **10. Inspection**

The Manager, or his designate or an employee of the Municipality's Engineering Department when authorized by the Manager or Director may enter at all reasonable times, on a property that is subject to this bylaw to ascertain whether the regulations of this bylaw are being observed or the requirements of this bylaw are being met.

## **11. Offences and Penalties**

- (a) A person who contravenes this bylaw is guilty of an offence and is punishable in accordance with the *Offence Act of British Columbia*.
- (b) Each day that a violation occurs or continues to occur shall constitute a separate offence.

**12. General**

- (a) No person shall hinder or prevent the Manager, a person authorized by the Manager, or a bylaw enforcement officer from entering any premises or from carrying out his duties with respect to the administration of this bylaw.
- (b) Nothing in this bylaw shall be interpreted as relieving a person discharging waste from complying with Federal, Provincial and local government enactments governing the discharge of stormwater into storm sewers and watercourses, and in the event of a conflict between the provisions of this bylaw and a Federal or Provincial enactment, the provisions of the Federal or Provincial enactment shall prevail.
- (c) In this bylaw words importing the male gender include the female gender and either includes the neuter and vice versa, and words importing the singular number include the plural number and vice versa.
- (d) The schedules annexed to this bylaw shall be deemed to be an integral part of this bylaw.
- (e) If any provision of this bylaw is found to be invalid by a Court of Competent Jurisdiction it may be severed from the bylaw.

**13. Repeal**

Bylaw No. 476 being the "Drainage Protection Bylaw No. 476. 1973" is hereby repealed except insofar as it may repeal any other bylaw.

Introduced and read a first time the 11<sup>th</sup> day of August, 1997.

Read a second time the 14<sup>th</sup> day of October, 1997.

Read a third time the 14<sup>th</sup> day of October, 1997.

Reconsidered and finally adopted the 27<sup>th</sup> day of October, 1997.

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**MAYOR**

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**CLERK**



## SCHEDULE "A"

### PROHIBITED WASTE

Prohibited Waste means:

**1. Special Waste**

Special Waste as defined by the *Waste Management Act of British Columbia* and its Regulations or any legislation that replaces the *Waste Management Act*.

**2. Biomedical Waste**

Any of the following categories of Biomedical Waste: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids listed in "Risk Group 4" as defined in "Laboratory Biosafety Guidelines", published by Health and Welfare Canada and dated 1990.

**3. Air Contaminant Waste**

Any waste which, by itself or in combination with another substance, is capable of creating, causing or introducing an air contaminant, causing air pollution outside any storm sewer or stormwater management facility or is capable of creating, causing or introducing an air contaminant within any storm sewer or stormwater management facility which would prevent safe entry by authorized personnel.

**4. Flammable or Explosive Waste**

Any waste, which by itself or in combination with another substance, is capable of causing or contributing to an explosion or supporting combustion in any storm sewer, watercourse or stormwater management facility including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

**5. Obstructive Waste**

Any waste which by itself or in combination with another substance is capable of obstructing the flow of, or interfering with, the operation, performance or flow of any storm sewer, watercourse or stormwater management facility including, but not limited to earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish or fowl, and solidified fat.

**SCHEDULE "A"**

**6. Corrosive Waste**

Any waste with corrosive properties which, by itself, or in combination with any other substance, may cause damage to any storm sewer or stormwater management facility or which may prevent safe entry by authorized personnel.

**7. High Temperature Waste**

- (a) Any waste which, by itself or in combination with another substance, will create heat in amounts which will interfere with the operation and maintenance of a storm sewer or stormwater management facility.
- (b) Any waste which will raise the temperature of waste discharged by a storm sewer, watercourse or stormwater management facility by two (2°) degrees Celsius or more.
- (c) Any waste with a temperature of forty (40°) degrees Celsius or more at the point of discharge.

**8. PCBs, Pesticides**

Any waste containing PCBs or pesticides.

**9. Pool Water**

Any water from a pool containing residual chlorine or chloramine.

**10. Radioactive Waste**

Any waste containing radioactive materials that, prior to the point of discharge into a storm sewer or watercourse, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

**11. pH Waste**

Any waste which, prior to the point of discharge into a storm sewer or watercourse, has a pH lower than 6.0 or higher than 9.0 as determined by either a grab sample or composite sample.

**12. Dyes and Colouring Material**

Dyes or colouring materials which produce in a grab sample or composite sample a colour value greater than or equal to fifty (50) true colour units, or that cause discolouration of water to such an extent that the colour cannot be determined by the visual comparison method as set out in Standard Methods except where the dye is used by a municipality or regional district as a tracer.

**SCHEDULE "A"**

**13. Miscellaneous Wastes**

Any waste which by itself or in combination with another substance:

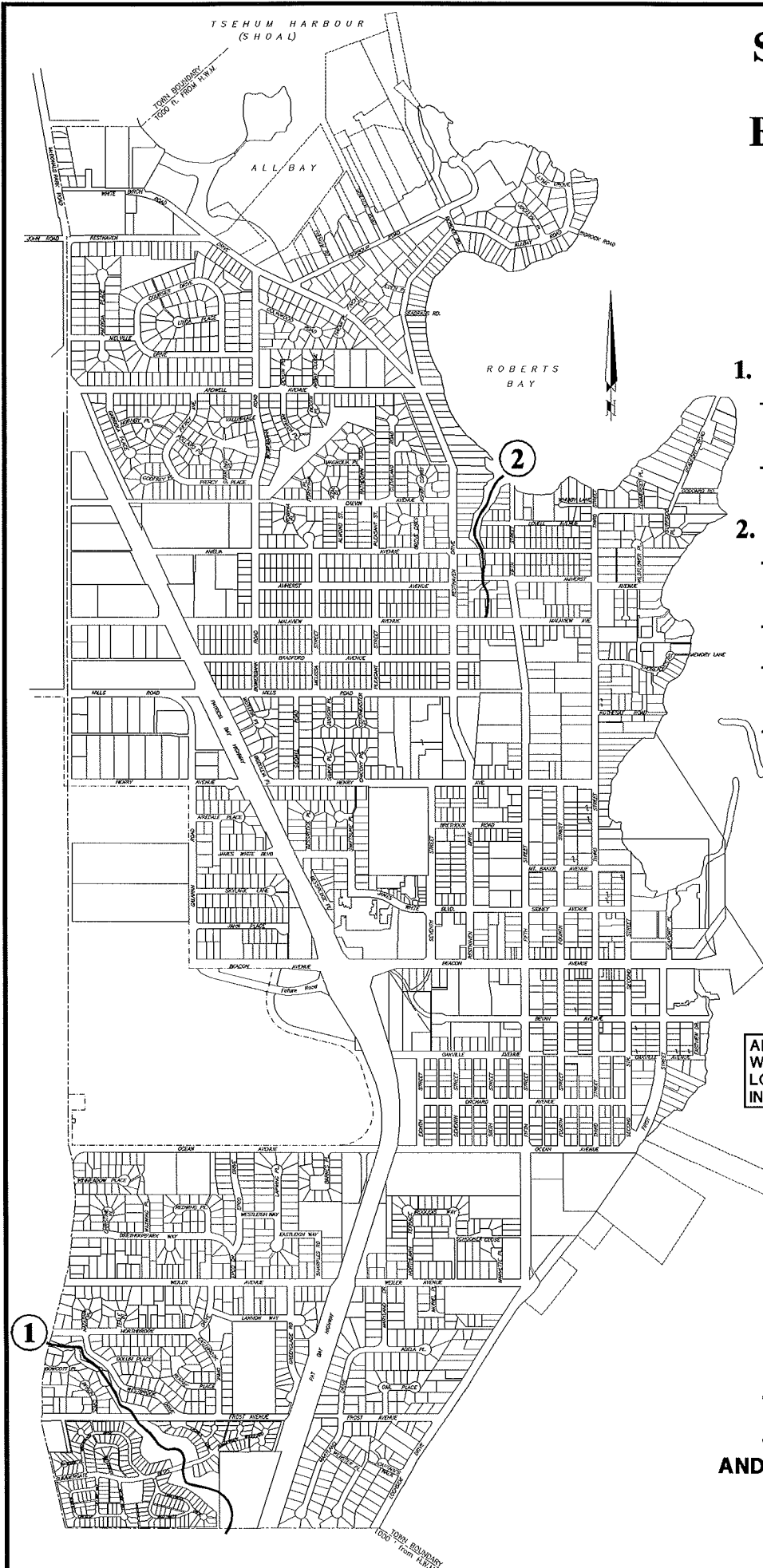
- (i) constitutes or may constitute a health or safety hazard to any person;
- (ii) causes pollution in any storm sewer, watercourse or stormwater management facility.

**14. Disinfectant Process Water**

Any water from a waterworks containing residual chlorine or chloramine remaining from the disinfection of the waterworks or any part of the waterworks but does not include water containing chlorine or chloramine ordinarily added to a supply of potable water by a municipality, the Regional District, the Greater Victoria Water District or an Improvement District.

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# Schedule 'B' to By-Law 1318



## LEGEND

### 1. Reay Creek

- Lot 99, Plan 32944  
Sec. 8, Rge. 2 & 3 E
- Lot 2 & 3, Plan 32400  
Sec. 7 & 8, Rge. 3 E

### 2. Mermaid Canal

- Lots 3 & 4, Plan 42286  
Sec.13, Rge. 3 E
- VIS 3446
- Am. Lot 5, Pl. VIP 60651  
Sec.13, Rge. 3 E
- Lot 21, Plan 1197F  
Sec.13, Rge. 3 E

APPROXIMATE LOCATION OF  
WATERCOURSES ONLY. EXACT  
LOCATIONS MUST BE LOCATED  
IN FIELD BY SURVEY.

TOWN OF  
**SIDNEY**  
AND DISTRICT V.I.  
B.C.