

This is a consolidated copy of the following bylaws:

1. Anmore Sedimentation and Discharge Control Bylaw No. 309-2001
2. Anmore Sedimentation and Discharge Control Amendment Bylaw No. 477-2009

This consolidation is prepared for convenience only. Individual copies of the above noted bylaws may be obtained by contacting the Village Hall.

VILLAGE OF ANMORE

BYLAW NO. 309-2001

A bylaw to control the sedimentation and discharge into local streams and ditches.

WHEREAS there is an increasing recognition of the need to protect our shared streams and drainage systems and pursuant to Section 725.1 of the Local Government Act, RSBC, 1996 c.323, Council has the authority by bylaw to prohibit a person from polluting or obstructing or impeding the flow of a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is on private property;

AND WHEREAS pursuant to Section 540 of the Local Government Act, Council has the authority to require works and services for drainage collection and disposal;

AND WHEREAS pursuant to Sections 266 and 267 of the Local Government Act, Council may by bylaw impose penalties for contravention of the regulations adopted herein;

NOW THEREFORE, the Council of the Village of Anmore, in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the "Anmore Sedimentation and Discharge Control Bylaw No. 309-2001".

2. APPLICATION

This section applies to all lands whether public or privately owned in the Village of Anmore, which contain streams and/or drainage systems.

3. DEFINITIONS

For the purpose of this bylaw:

Administrator means the Administrator of the Village of Anmore or his designate.

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 the Village of Anmore Bylaw Enforcement Officer.

construction work means any activity which might cause or permit 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 or demolition of any building, structure or paving, road building, construction of any underground services including the installation of drainage works.

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

fouling means to deposit, discharge, spill, dump, wash, whether directly or indirectly, a prohibited material into a drainage system.

owner means the individual, company, or organization that is the owner of the property as so recorded on the property's State of Title Certificate held in the Land Title Office.

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.

3. DEFINITIONS (CONTINUED)

prohibited materials means:

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

- a) any sediment, rock, gravel, sand, clay, silt, 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.

Qualified Professional means an applied scientist or technologist specializing in a relevant applied science or technology including, but not necessarily limited to, agrology, biology, engineering, geology, hydrology or landscape architecture.

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 a watercourse or source of water supply, whether seasonal or not, that is integral to a stream and provides fish habitat.

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 adopted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas, also includes within 7.5 meters the land above that just described, measured horizontally, and referenced from the Canadian Wetland Classification System.

4. WATERCOURSE PROTECTION REGULATIONS

- 4.1 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.
- 4.2 Notwithstanding Section 4.1, exemptions are permitted for Village Staff, Fire Department or others performing emergency works to prevent loss of life and property. This applies to fire fighting activities, flood control, and ice control.
- 4.3 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.
- 4.4 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.
- 4.5 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.

5. SEDIMENT CONTROL PLAN

- 5.1 The Administrator may require a Sediment Control Plan for the issuance of a building permit where the construction work meets one or more of the following:
- The construction work is within 30 meters of a drainage system;
 - Construction on slopes greater than 20%;
 - Construction on lands having a likelihood of erosion or lands designated by a geo-technical study as being subject to landslip or flooding.
- 5.2 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 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 construction works.

5. SEDIMENT CONTROL PLAN (CONTINUED)

- 5.3 The Sediment Control Plan shall be signed and sealed by a Professional Engineer unless otherwise approved in writing by the Administrator.
- 5.4 The Sediment Control Plan shall include a letter of undertaking signed by a Professional Engineer, which commits to implement a program of management of the Sediment Control Plan and shall (which) include:
- Inspection of works to certify that the works are being constructed in accordance with the approved Sediment Control Plan;
 - Periodic inspection of the works to certify that the standards of discharge of prohibited materials established by this bylaw are not exceeded;
 - Ensuring appropriate and timely steps are taken if the discharge exceeds the standards of discharge of prohibited materials established by this bylaw; and
 - Inspection of the receiving waters of the drainage system before, during and (or) after the work to determine whether prohibited material was discharged.
- 5.5 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 shall be filed at the Village Office on a weekly basis.
- 5.6 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 shall be forwarded to the Village Office within one week of receipt of the data.
- 5.7 The Sediment Control Plan may include hydro seeding of exposed land and habitat restoration landscaping where it is deemed necessary in the opinion of a Qualified Professional.
- 5.8 Notwithstanding that the Administrator may not require the preparation of a Sediment Control Plan, the owner, in undertaking construction work, shall ensure that the appropriate methods are implemented during construction that will intercept silt-laden runoff from entering a drainage system in accordance with the standards outlined in the Works and Services Bylaw.

6.0 REMEDIES

- 6.1 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.
- 6.2 If any person is carrying on any construction work or any other activity in contravention of this bylaw which in the opinion of the Administrator is causing or is likely to result in a discharge of prohibited material into the drainage system, then the Administrator 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 Administrator may further direct that steps be taken to prevent further fouling or discharge of prohibited material into the drainage system. The Administrator 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.
- 6.3 If in the opinion of the Administrator 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 Administrator is not satisfied that the owner, or other responsible person, has taken the appropriate steps to mitigate the damages, then the Village may enter onto the property to take such steps as are necessary in the circumstances. The Administrator shall provide written notice of the actions taken or proposed to be taken 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 Village 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 Local Government Act. If the work is one on Village property, the cost will be billed to the persons responsible for causing a discharge of prohibited materials to the drainage system.

AMENDED BY BYLAW NO. 477-2009

7. AUTHORITY TO ENTER UPON A PROPERTY

- 7.1 Every officer and employee of the Village is authorized to enter onto any property at all reasonable times and upon reasonable notice in order to

7. AUTHORITY TO ENTER UPON A PROPERTY (CONTINUED)

ascertain whether the requirements of this bylaw are being met and regulations observed.

7.2 No person may obstruct or attempt to obstruct any person from enforcing this bylaw, including any person enforcing this bylaw by inspecting a property pursuant to section 7.1 of this bylaw.

8. OFFENCE AND PENALTIES

Every person who contravenes, causes or authorizes, suffers or permits any act or thing to be done in contravention of; or 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.

9. 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 this 9th day of October, 2001

READ a second time this 9th day of October, 2001

READ a third time this 18th day of December, 2001

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 8th day of
January, 2002

“H. Weinberg”

MAYOR

“H. Carley”

CLERK

