

## VILLAGE OF ANMORE

### BYLAW NO. 547-2016

A bylaw to ensure that adequate protection of the Village of Anmore drainage system is taken during any construction, by implementation of erosion and sediment control measures.

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**WHEREAS** section 8(3)(j) of the *Community Charter*, SBC 2003, c. 26 authorizes Council to regulate, prohibit and impose requirements in relation to the protection of the natural environment;

**AND WHEREAS** Council deems it in the best interest of the environmental well-being of the community that the streams, creeks, waterways, watercourses, ditches, storm sewers and drains that make up the drainage system are protected from pollution, obstructions, sediment, and sediment-laden water;

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

#### **PART 1 – TITLE AND REGULATION**

- 1.1 That this bylaw may be cited for all purposes as "Anmore Erosion and Sediment Control Bylaw No. 547-2016".

#### **PART 2 – DEFINITIONS**

- 2.1 In this bylaw, unless the context otherwise requires, the following words shall have the meanings as described.

**Chief Administrative Officer** means the officer appointed by Council, pursuant to the Anmore Officer & Delegation Bylaw No. 398-2005 as amended.

**Civil Construction** means all works and services as specified in the executed servicing agreement.

**Construction** means clearing, grubbing, excavating, grading, civil construction, and any activity which might cause sediment or sediment-laden water to discharge into the drainage system, including but not limited to soil deposition or removal, agriculture, land development, construction or repair of any services or utilities, or anything constructed, altered, repaired, in or under land.

**Council** means the municipal council of the Village of Anmore.

**Developer** means any person representing the Owner, by designation or contract in writing satisfactory to the Village, if any, of land for which an application for ESC Permit is made.

**Discharge** means to release.

**Drainage System** means all rivers, streams, creeks, waterways, watercourses, ditches, channels, drainage works, and drains located in the Village, on private or public property, by which surface or ground water or any other liquids are conveyed.

**Erosion and Sediment Control (ESC) Facilities** means all erosion and sediment control works, measures, facilities and methods constructed or installed to reduce the likelihood of sediment and sediment-laden water reaching the drainage system during all stages of construction.

**Erosion and Sediment Control (ESC) Permit** means the erosion and sediment control permit issued by the Village to the owner and/or developer, pursuant to the terms and conditions of this bylaw.

**Erosion and Sediment Control (ESC) Plan** means the erosion and sediment control plan specified in this bylaw, which is a requirement for an ESC permit.

**Erosion and Sediment Control (ESC) Supervisor** means an engineer, biologist, geoscientist, applied scientist, or technologist who is registered and in good standing with a professional organization in the province of British Columbia, constituted under an Act, who is acting under that association's code of ethics and would be subject to disciplinary action by that association, and who is trained in designing and implementing an ESC plan, and who is responsible for inspecting, monitoring and reporting on the ESC facilities constructed and installed pursuant to the ESC plan.

**Guidelines** means the document entitled 'Land Development Guidelines for the Protection of Aquatic Habitat', 1993 edition, as amended, co-published by the Ministry of Environment, Lands and Parks and the Department of Fisheries and Oceans Canada.

**Land** means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

**Maintenance Stage** means the one-year period following the date of issuance of the certificate of completion issued by the Village, in accordance with Anmore Works and Services Bylaw No. 242-1988, as amended where the owner and/or developer is responsible for the maintenance and upkeep of civil construction.

**Notice to Comply** means a written method of issuing a violation pursuant to the bylaw or ESC Permit

**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.

**Person** means an individual, association, corporation, firm, body politic, co-partnership, or similar organization, and their heirs, executors, successors and assigns or other legal representatives, whether acting alone or by a servant, agent or employee.

**Person Responsible** means any person, owner, developer, contractor, occupant, or leaseholder, where construction occurs pursuant to the ESC Permit.

**Professional Engineer** means a person who is registered or licensed as a professional engineer under the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116, as amended, in the province of British Columbia.

**Sediment or Sediment-Laden Water** means any sediment, rock, gravel, sand, soil, silt, clay, earth, construction or excavation wastes, or other substances whether or not suspended in water; or any sediment-laden water having a turbidity greater than 25 NTU.

**Significant Rainfall Event** means any precipitation event which meets or exceeds the intensity of 25 mm of total rainfall depth in a 24-hour period.

**Substantial Completion** means the stage of construction at which a minimum of 90% of all construction is complete and the land is ready for use, or is being used for the purpose intended.

**NTU** means Nephelometric Turbidity Unit, and is a standard measurement of water turbidity.

**Turbidity** means the measurement of the suspended particulate matter in water, which affects the clarity or degree of transparency of the water by interfering with the passage of a beam of light through the water. Turbidity values are generally reported in NTUs.

**TSS** means total suspended solids, as measured in milligrams per litre, and determined as non-filterable residue (1.5 micron filter) weighed in a dry condition.

**Village** means the Village of Anmore.

### **PART 3 – PROHIBITION OF DISCHARGE**

- 3.1 No person shall cause, or permit another person to cause, sediment or sediment-laden water to discharge into the drainage system greater than an amount that is greater than 75 milligrams per litre of TSS or 25 NTU.
- 3.2 No person responsible pursuant to an ESC permit shall cause sediment or sediment-laden water to be discharged greater than the TSS or NTU amount specified in the approved ESC Plan.



#### **PART 4 – EROSION AND SEDIMENT CONTROL PERMIT**

- 4.1 All construction on land of less than 2,000m<sup>2</sup> shall comply with section 3.1 and utilize the best management practices for erosion and sediment control attached hereto as Schedule "B". However, should a person wish to utilize the TSS limit for a significant rainfall event, as specified in an approved ESC Plan, an ESC permit will be required.
- 4.2 All applications for proposed construction on land of 2,000m<sup>2</sup> or larger shall be submitted with a complete ESC Permit application to the Village. No construction shall occur until the Village has issued an ESC permit.
- 4.3 An application for an ESC Permit must:
- (a) be made by completing the form set out in Schedule "A" to this bylaw;
  - (b) be signed by the owner and developer;
  - (c) have attached an ESC Plan;
  - (d) name an ESC Supervisor as identified in the Letter of Undertaking, attached hereto as Schedule "D";
  - (e) include payment of a non-refundable fee as specified in Anmore Fees and Charges Bylaw No. 545-2015; and
  - (f) include a security deposit in cash, certified cheque, or an irrevocable Letter of Credit drawn on a Canadian Chartered Bank, made payable to the Village for a term of at least one (1) year in the minimum amount of \$10,000 or 150% of the estimated cost for the installation, maintenance, monitoring and removal of the ESC Facilities as specified in the approved ESC Plan, whichever is greater, or as determined by the Chief Administrative Officer. An ESC Permit application may be waived by the Chief Administrative Officer, considering but not limiting to the following factors:
    - (i) construction timing and schedule;
    - (ii) size of a proposed building or structure;
    - (iii) soil conditions;
    - (iv) existing ground cover (i.e. trees, gravel, etc.);
    - (v) topographical conditions; and
    - (vi) location of proposed construction with respect to the perimeter of the Land.
- 4.4 An ESC Permit application that is waived shall still utilize the Best Management Practices For Erosion and Sediment Control, attached as Schedule "B" to this bylaw, and shall meet the requirements in section 2.1 of this bylaw.
- 4.5 The ESC Permit will be valid for minimum of one (1) year following the date of issuance and will expire upon substantial completion.

- 4.6 Subject to section 7.7, the security deposit submitted with the ESC Permit application is to secure the full and proper compliance with the provisions of the ESC Permit and of this bylaw. In the event that the Owner, Developer, or Person Responsible, has not complied with the provisions of this bylaw or fulfilled all of the terms and conditions expressed in the ESC Permit, the necessary funds from the security deposit may be drawn down, at the Village's option, and the money used either by the Village or its agents to protect the drainage system from sediment or sediment-laden water, in adherence with the terms and conditions of this bylaw. Notwithstanding, the Village is under no obligation to initiate or complete remedial works in or under the land.
- 4.7 If the amount of the security deposit is insufficient for the Village to complete the ESC Facilities, the Owner and Developer jointly and severally will pay any deficiency to the Village on demand.
- 4.8 When the Owner, Developer, and Person Responsible complies with the provisions of this bylaw and fulfill the terms and conditions expressed in the ESC Permit, the Village will return the security deposit at such a time that construction has reached substantial completion and the ESC Facilities have been removed, to the acceptance of the Chief Administrative Officer.
- 4.9 The security deposit may be reduced, by the Chief Administrative Officer, by a maximum amount of 50% from time to time after the civil construction is complete, provided that the installed ESC Facilities comply with the ESC Plan. It is the responsibility of the Owner and/or Developer to provide satisfactory proof to the Chief Administrative Officer that the ESC Facilities comply with the ESC Plan.
- 4.10 For construction that does not reach substantial completion at the end of a maintenance stage, the security deposit shall be released provided that the ESC Facilities comply with the ESC Plan and individual land siltation controls are in place to the acceptance of the Chief Administrative Officer.

#### **PART 5 – EROSION AND SEDIMENT CONTROL PLAN**

- 5.1 The ESC Facilities and ESC Plan must be designed in accordance with Schedule "B" and in accordance with section 4.3.
- 5.2 The ESC Plan must be designed, signed, and sealed by a Professional Engineer, and reviewed and signed by the appointed ESC Supervisor.
- 5.3 The ESC Plan submitted must conform to the Village's drafting standards and must include, at a minimum, the following:

- (a) three-stage silt plan (clearing and grubbing, civil construction, and through to substantial completion) measures for erosion and sediment control during the three stages, and timing of implementation;
- (b) the designed sediment discharge limit as specified under section 3.1 of this bylaw.
- (c) pond deactivation methodology, (if required);
- (d) lot line(s) and other legal designations of the subject Land(s);
- (e) location(s) of any existing underground services, as well as any proposed connections to existing services from the Land;
- (f) location(s) of any existing drainage infrastructure and the proposed measures to protect it;
- (g) location(s) of any existing and proposed watercourses, ditches, swales or any other body of water within 50m of the Land boundaries, along with the proposed protection measures;
- (h) location(s) of any existing/proposed buildings, including residential buildings or ancillary buildings or structures;
- (i) existing and proposed contours and relevant spot elevations;
- (j) proposed access locations to the Land;
- (k) wheel wash facilities (if required);
- (l) proposed ESC Facilities to be implemented on site, which shall include source controls as the primary method of erosion and sediment control;
- (m) proposed methods to restore disturbed areas following the completion of construction;
- (n) location of the Village's rain gauge to be used for rainfall intensity monitoring;
- (o) any and all other details pertaining to the proposed construction, describing how the ESC Facility will meet the Guidelines;
- (p) An ESC Supervisor monitoring, inspecting, and reporting program, in accordance with Schedule "C" of this bylaw; and
- (q) a detailed cost estimate for the installation, maintenance, and removal of the ESC Facilities.

5.4 When the Chief Administrative Officer is satisfied with the ESC Plan and all provisions of this bylaw have been complied with, the Chief Administrative Officer may issue an ESC Permit by approving an ESC Permit application with such specific terms and conditions attached thereto as are reasonably necessary to reduce the likelihood of sediment and sediment-laden water reaching the drainage system.

5.5 It is the responsibility of the Owner and/or Developer to ensure that all ESC Facilities described in the ESC Plan are constructed, implemented, installed and maintained for the duration of construction until substantial completion.



## **PART 6 – MONITORING AND REPORTING**

- 6.1 The ESC Supervisor is responsible for inspecting and monitoring the ESC Facilities including reporting requirements as set out hereto in Schedule "C" and the approved ESC Plan.
- 6.2 The ESC Supervisor is responsible for immediately notifying the Village of termination or when an infraction occurs pursuant to this bylaw or ESC Permit.
- 6.3 A waterproof copy of any issued ESC Permit is to be posted in a location visible from outside the construction on the land, and for the duration of construction. In addition, the sign shall clearly state the name and phone number of the appointed ESC Supervisor and the Village's bylaw enforcement officer.

## **PART 7 – OFFENCES AND ENFORCEMENT**

- 7.1 The Chief Administrative Officer, the Village's bylaw enforcement officer, or their designates, may enter upon any land to carry out field measurements and conduct inspections as are reasonably necessary to ascertain whether there is compliance with the provisions of this bylaw or an ESC Permit issued pursuant to this bylaw.
- 7.2 Upon field measurements or ESC Facilities inspection where the Owner and/or Developer has failed to maintain the validity of the ESC Permit or meet the provisions of this bylaw, the Chief Administrative Officer, the Village's bylaw enforcement officer, or their designates may serve on the Owner, Developer, or ESC Supervisor a Notice to Comply, which requires the Owner and/or Developer to remedy the non-compliance within 24 hours of issuance. If, in the opinion of the Chief Administrative Officer, special circumstances exist, the non-compliance shall be remedied on a date the Chief Administrative Officer considers reasonable given the circumstances.
- 7.3 Following issuance of a Notice to Comply, all construction on the land shall cease except for those works necessary to achieve compliance.
- 7.4 A Notice to Comply must be served on the Owner and/or Developer and/or the named ESC Supervisor by:
  - (a) personal service; or
  - (b) return registered mail to the address of the Owner and/or Developer and/or ESC Supervisor of the ESC Permit as it appears on the ESC Permit application. The Notice to Comply is deemed to have been served on the third day after mailing.
- 7.5 The Village may notify the Department of Fisheries and Oceans Canada and the Ministry of Environment of the issuance of any Notice to Comply.

- 7.6 If the Owner and/or Developer fails to comply with the Notice to Comply, the Village may, notwithstanding section 3.6, utilize all or part of the security deposit to take whatever action the Village deems necessary to protect the drainage system. The Village may concurrently pursue any other legal remedy it may believe is necessary including issuing violation tickets.
- 7.7 Prosecution of the Owner and/or Developer pursuant to section 5.6 does not exempt the Owner and/or Developer from remedying the non-compliance within 24 hours or as set out in the Notice to Comply.
- 7.8 A Person who commits an offence against this bylaw shall be subject to a violation ticket for offences prescribed in the Anmore Municipal Ticket Information Utilization Bylaw No. 479-2009, as amended.
- 7.9 Any Person who violates a provision of their ESC Permit or this bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not less than two thousand (\$2,000) dollars and not more than ten thousand (\$10,000) dollars for each day on which an offence exists or is continuing, together with such costs as a court of competent jurisdiction may order. For the purposes of enforcing any judgment of a court or collecting any fine levied hereunder, the provisions of the *Offence Act*, R.S.B.C. 1996 c. 338, as amended, shall apply.
- 7.10 Where an offence is a continuing offence, each day that the offence continues shall constitute a separate and distinct offence with the same minimum and maximum fines applying as set out in section 5.8 and section 5.9 above.

#### **PART 8 – GENERAL PROVISIONS**

- 8.1 In the event that any particular provision or part of a provision of this bylaw is found to be invalid or unenforceable, it shall be severed and the validity of the remaining provisions shall not be affected.
- 8.2 The Schedules attached to this bylaw shall be deemed to be an integral part of this bylaw and are enforceable as part of this bylaw.
- 8.3 In this bylaw, wherever the singular or the masculine is used, the same shall be construed as meaning the plural or feminine or body corporate or politic where the context or the parties hereto so require.

#### **PART 9 – REPEALMENT**

- 9.1 That Anmore Sedimentation and Discharge Control Bylaw No. 309-2001 and any amendments thereto be repealed in their entirety.



**READ** a first time the 1st day of March, 2016

**READ** a second time the 1st day of March, 2016

**READ** a third time the 1st day of March, 2016

**RECONSIDERED, FINALLY PASSED AND ADOPTED** this 29th day of March, 2016

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
MANAGER OF CORPORATE SERVICES

Certified as a true and correct copy of "Anmore Erosion and Sediment Control Bylaw No. 547-2016".

MARCH 29, 2016  
DATE

  
\_\_\_\_\_  
MANAGER OF CORPORATE SERVICES

**ANMORE BYLAW NO. 547-2016 – SCHEDULE “A”**

<b>APPLICATION FOR EROSION AND SEDIMENT CONTROL PERMIT</b>	
In compliance with Anmore Erosion and Sediment Control Bylaw No. 547-2016	
<b>Part 1 LAND OWNER</b>	
Name	
Mailing Address	
E-mail Address	
Telephone	
<b>Part 2 DEVELOPER</b>	
Name	
Mailing Address	
E-mail Address	
Telephone	
<b>Part 3 EROSION AND SEDIMENT CONTROL SUPERVISOR</b>	
Name	
Mailing Address	
E-mail Address	
Telephone	
<b>Part 4 IDENTIFICATION OF LAND WHERE CONSTRUCTION WILL OCCUR</b>	
Civic Address	
Legal Description	
Size of Land Parcel Area (approximate)	
Expected Construction Start Date MM/DD/YYYY	
Expected Construction End Date MM/DD/YYYY	
(boxes must be checked before submission)	
<input type="checkbox"/> ESC Plan is attached, and conforms to the Village’s drafting standards and includes the minimum requirements as set out on the reverse of this application.	
<input type="checkbox"/> Confirmation of Commitment by ESC Supervisor attached and signed by the ESC Supervisor.	
<input type="checkbox"/> Payment of non-refundable fee has been made by <input type="checkbox"/> cash or <input type="checkbox"/> cheque	
<input type="checkbox"/> Payment of security deposit made by <input type="checkbox"/> cash <input type="checkbox"/> cheque or <input type="checkbox"/> letter of credit	
<i>I hereby declare that the above information is correct and true as well as all information provided on the ESC Plan attached and submitted herewith. I guarantee to construct the ESC Facilities in accordance with the ESC Plan. I am aware of the provisions of the Erosion and Sediment Control Bylaw, and I will abide by all applicable provisions of said bylaw and such other terms and conditions as may be imposed under this application for an ESC Permit.</i>	
Signature of Land Owner	Date MM/DD/YYYY
Signature of Developer	Date MM/DD/YYYY
<b>Following For Office Use Only</b>	
Permit No.	
Issued by the Village on	Date MM/DD/YYYY
Authorized Village Signatory	

The ESC Plan must be prepared, signed, and sealed, by a Professional Engineer, and reviewed and signed by the appointed ESC Supervisor.

The ESC Plan must conform to the Village of Anmore’s drafting standards and must include, at a minimum, the following information:

- (a) three-stage silt plan (clearing and grubbing, civil construction, and through to substantial completion) measures for erosion and sediment control during the three stages, and timing of implementation;
- (b) the designed sediment discharge limit as specified under section 3.1 of Anmore Erosion and Sediment Control Bylaw No. 547-2016;
- (c) pond deactivation methodology, (if required);
- (d) lot line(s) and other legal designations of the subject Land(s);
- (e) location(s) of any existing underground services, as well as any proposed connections to existing services from the Land;
- (f) location(s) of any existing drainage infrastructure and the proposed measures to protect it;
- (g) location(s) of any existing and proposed watercourses, ditches, swales or any other body of water within 50m of the Land boundaries, along with the proposed protection measures;
- (h) location(s) of any existing/proposed buildings, including residential buildings or ancillary buildings or structures;
- (i) existing and proposed contours and relevant spot elevations;
- (j) Proposed access locations to the Land;
- (k) wheel wash facilities (if required);
- (l) proposed ESC Facilities to be implemented on site, which shall include source controls as the primary method of erosion and sediment control;
- (m) proposed methods to restore disturbed areas following the completion of construction;
- (n) location of the Village’s rain gauge to be used for rainfall intensity monitoring;
- (o) any and all other details pertaining to the proposed construction, describing how the ESC Facility will meet the Guidelines;
- (p) An ESC Supervisor monitoring, inspecting, and reporting program, in accordance with Schedule “C” of Anmore Erosion and Sediment Control Bylaw No. 547-2016; and
- (q) a detailed cost estimate for the installation, maintenance, and removal of the ESC Facilities.

All ESC Facilities must be designed in accordance with the Land Development Guidelines for the Protection of Aquatic Habitat’, 1993 edition, as amended, co-published by the Ministry of Environment, Lands and Parks and the Department of Fisheries and Oceans Canada; and management practices as approved by the Village, to limit the amount of Sediment and Sediment-Laden Water discharged into the Drainage System.



## ANMORE BYLAW NO. 547-2016 – SCHEDULE “B”

### BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL

As part of the Village’s effort to control sediment discharge from construction sites, persons responsible will be expected to adhere to best management practices (BMPs) including, but not limited to, the ones outlined below:

- (a) Retain existing vegetation and ground cover where possible;
- (b) Restrict vehicle access and utilize wheel wash pads at access points;
- (c) Install silt fencing around stockpiles and at the toe of disturbed slopes;
- (d) Completely cover temporary stockpiles or spoiled material with polyethylene or tarps and surround with silt fence;
- (e) Install and maintain filter fabric bags inside any catch basins, lawn basins, exposed manholes or any other open storm sewer access points collecting runoff from the building site;
- (f) Divert runoff away from cleared areas by use of low berms;
- (g) Convey surface runoff through swales designed to minimize flow velocity and erosion while maximizing settling;
- (h) Where possible, collect runoff into suitable sediment settling facility or facilities prior to discharge off-site;
- (i) Unless deemed unnecessary, a sediment pond should be designed, installed and maintained according to the Land Development Guidelines for the Protection of Aquatic Habitat;
- (j) Keep all sand, gravel, spoiled material and concrete mix off of the paved surfaces;
- (k) During excavation, holes requiring dewatering should be pumped to a vegetated area or suitable settling facility which will prevent sediment-laden water from accessing the Drainage System;
- (l) Regularly sweep roads; and
- (m) Re-vegetate, cover or mulch disturbed areas as soon as practically possible.

**ANMORE BYLAW NO. 547-2016 – SCHEDULE “C”**

**DETAILS OF THE INSPECTING, MONITORING, AND  
REPORTING REQUIREMENTS OF THE ESC SUPERVISOR**

**Inspecting, Monitoring, and Reporting**

Inspecting, Monitoring and Reporting intervals will be specified in the approved ESC Plan.

**Inspecting**

The ESC Supervisor shall keep detailed notes for each site visit in a logbook which shall contain the following minimum information:

- (a) Water turbidity levels;
- (b) TSS concentrations and or NTU concentrations,
- (c) Observed ESC Facilities conditions; and
- (d) Details of any remedial measures undertaken or recommendations made. The logbook must be made available to the Village upon request.

**Monitoring**

The ESC Supervisor must monitor and record in the logbook the maintenance of the ESC Facilities. Maintenance may include, but may not be limited to, the removal and proper disposal of accumulated sediment and the replacement of ESC Facilities if they deteriorate or fail to operate efficiently or as designed.

The ESC Supervisor must also visually monitor any receiving waters, including watercourses, ditches, swales or bodies of water up to 50 meters outside of the construction area.

**ANMORE BYLAW NO. 547-2016 – SCHEDULE “D”**

**CONFIRMATION OF COMMITMENT BY ESC SUPERVISOR**

[DATE]

Village of Anmore  
2697 Sunnyside Road  
Anmore, BC V3H 5G9

Dear Sir or Madam:

Re: [CIVIC ADDRESS OF PROJECT]  
[LEGAL DESCRIPTION OF PROJECT]  
|

I, [NAME OF ESC SUPERVISOR] confirm that I have been retained by [OWNER/DEVELOPER].

I confirm that I am an engineer, biologist, geoscientist, applied scientist, or technologist who is registered and in good standing in British Columbia with a professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, and am trained in designing and implementing ESC Plans, and am responsible for inspecting, monitoring and reporting in accordance with the requirements of Anmore Erosion and Sediment Control Bylaw No. 547-2016.

I acknowledge the responsibility to notify the addressee of this letter of the date I cease to be retained by the Owner and/or Developer.

Yours truly,

[NAME OF ESC SUPERVISOR]  
[ORGANIZATION NAME OF ESC SUPERVISOR]

Professional Seal (if applicable)

Cc: [OWNER AND/OR DEVELOPER]