

CONSOLIDATED VERSION

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 1402

**A bylaw to regulate the use of storm sewers within the municipality,
and to regulate the extension of and connections to the storm sewer
system of the municipality and to impose sewer connection fees**

WHEREAS the City has constructed and is operating and maintaining drainage works for the impounding, conveying and discharging of surface and other water separate and apart from the sanitary sewer system of the City;

AND WHEREAS the purpose of the City's storm sewer system is to provide surface drainage for the lands occupied by the public road system, and if sufficient capacity exists in the storm sewerage system to drain additional lands other than public roads, extension of the system and service connection to private property may be permitted and constructed as provided in this bylaw;

AND WHEREAS it is deemed just that the cost of making such extensions and connections to the said storm sewer system should not be permitted to place any undue burden upon the revenues of this system;

AND WHEREAS it is expedient to provide for the connection of storm sewers from lands other than public roads, and to regulate the use of the storm sewer system;

THEREFORE the Municipal Council of the Corporation of the City of Courtenay, in open meeting assembled, enacts as follows:

PART I DEFINITIONS

1. In this bylaw unless the context specifically indicates otherwise, the meaning of terms used in this bylaw shall be as follows:

“Applicant” means an owner or his agent making application for storm sewer connection;

“Building Drain” means a pipe, including manholes, catch basins, interceptors, and inspection chambers laid on private property connecting a service connection with a drainage facility on such private property;

“Building Inspector” means the Building Inspector of the City of Courtenay, and his duly authorized representative;

“City” means the Corporation of the City of Courtenay;

“Collector” means the Collector of the City duly appointed by Council pursuant to the provisions of the Municipal Act;

BL 1701 “Connection fees” means storm sewer connection fees show in the current City of Courtenay Fees and Charges Bylaw;

BL 2182 “Director” means the Director of Operational Services of the City, or his designate. “The Director” shall replace all references in the bylaw to “Superintendent of Public Works.”

BL 2182 “Inspector” means any person designated by the Director and includes an Inspector in the City’s Fire Department and Development Services Department;

“Owner” shall have the meaning assigned to it by Section (1) of the ‘Municipal Act’, being Chapter 290, R.S.B.C. 1979;

“Person” means any person, firm, partnership or corporation or any trustee, manager or other person owning or occupying any building or place either individually or jointly with others, and includes any agent, workman or employee of such person, firm, partnership or corporation;

“Service connection” means the pipe which may include an inspection chamber or cleanout connecting a storm sewer to the drainage system constructed upon private property;

BL 2182 “Standard methods” means the analytical and examination procedures set forth in the latest edition of “*Standard Methods for the Examination of Water and Wastewater*” published by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation, or alternatively, procedures set out in a publication of the British Columbia Ministry of Environment that is intended to supplement or replace the procedures presented in an edition of “*Standard Methods for the Examination of Water and Wastewater*”.

PART II USE OF STORM SEWER SYSTEM

2.1 Illegal Connections

No person shall connect or attempt to connect, or allow to be connected or allow to remain connected to the storm sewer system any property or premises otherwise than in accordance with the provisions of this bylaw.

2.2 Connection Application

Each application for a connection to a storm sewer shall be made through the Public Works Superintendent by the owner or his authorized agent in the form prescribed by the City. The

application shall be accompanied by a drainage plan for the areas to be drained by the building sewer. If such connection is practicable the Public Works Superintendent will, within thirty days, supply to the applicant a statement setting out the cost of a connection to the storm sewer as hereinafter provided:

BL 1701

- (a) If a storm sewer main has been installed in the street abutting the applicant's property by the City and if sufficient capacity exists in the system, the Director shall so inform the applicant and the applicant shall pay to the Collector the applicable connection fee.
- (b) In the event that the storm sewer system must be extended or altered to accommodate the private connection applied for, the Public Works Superintendent shall advise the applicant of the total cost of such extension or alteration including the restoration of any surface works and installation of the connection to property line and the total cost as advised shall be the connection fee to the applicant and the applicant shall pay the same to the Collector.

2.3 Connection

Upon receipt of the connection fee, the Public Works Superintendent will, within thirty days, provide and install a service connection to the applicant's property. If such connection is not practicable the Public Works Superintendent will so notify the applicant within thirty days and the City shall refund charges or fees paid to the City by the applicant.

2.4 Individual Connections

Each property shall have its own service connection, which shall be installed by the City.

2.5 Connection Location

Where possible the service connection will be located at the location requested by the applicant. In the event the applicant's preferred location is not practicable due to the existence of installed surface improvements or is in conflict with installed underground utilities, the Public Works Superintendent shall designate the location of such service connection to each parcel of land or premises.

2.6 Tampering with Storm Sewer System

- (a) No person shall make any connection whatsoever to the storm sewer or in any way tamper with the storm sewer without first obtaining written permission from the Public Works Superintendent.
- (b) No person shall discharge, deposit or throw or cause, allow or permit to be discharged, deposited or thrown into any drain, manhole, inspection chamber or any other part of the storm sewer system any substance of any kind whatsoever tending to obstruct or injure the storm sewer, or to cause any nuisance which will in any manner interfere with the proper functioning, maintenance or repair of the said storm sewer.

- (c) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, mar or tamper with any storm sewer or any of the appurtenances thereto or thereunto belonging.

BL 2182 2.7 Standards for Storm Water Discharges

- (a) No person shall cause or permit contaminated water or wastewater to be discharged to a storm sewer.
- (b) Without limiting the generality of subsection (a) above, no person shall directly or indirectly place or discharge or cause to be placed or discharged into the storm drainage system or any watercourse, any water or waste having the following characteristics:
 - (i) Solids
 - Water or waste having a total suspended solid content of more than 75 milligrams per litre
 - (ii) Grease
 - Water or waste containing grease in a concentration of more than 16 milligrams per litre
 - (iii) Acids and Alkalis
 - Waste which prior to the discharge into a storm sewer or watercourse has a pH lower than 6.0 or higher than 9.0
 - (iv) Chemical Wastes
 - Chemicals, chemical residues, paint, paint residues
 - Pesticides
 - Water or waste from steam plants or heating systems except water that has not been treated with chemicals
 - Water or waste from air conditioning systems, cooling systems or refrigeration systems except water that has not been treated with chemicals
 - Water from a pool or hot-tub containing residual bromine, chlorine or chloramine
 - Water from a waterworks containing chlorine remaining from the disinfection of any part of the waterworks, but does not include water containing chlorine ordinarily added to a supply of potable water by the City of Courtenay or the Regional District of Comox-Strathcona, Comox Valley Water Systems
 - (v) Temperature
 - Liquid or vapors having a temperature higher than 40° Celsius to any storm drainage system

- (vi) Animal Wastes
 - Animal excrements
 - Wastewater from the washing of kennels, stalls, pet hospitals or clinics
- (vii) Contaminated Sites
 - Waste or waste from a site declared contaminated by the Ministry of Environment, Lands and Parks under the British Columbia *Waste Water Act*, unless otherwise permitted by the Inspector in writing.
- (viii) Others
 - Domestic wastewater including but not limited to wastewater from recreational vehicles, septic tanks and portable toilets
 - Trucked wastes
 - Any deleterious substances as defined in the *Canada Fisheries Act*

BL 2182 2.8 Prohibited Discharges

No person shall place or discharge or cause to be placed or discharged into the storm drainage system, or any watercourse any of the following:

- (a) Explosives and Flammable Substances
 - (i) Any flammable or explosive liquid, solid or gas, including but not limited to gasoline, benzene, naphtha, alcohol and propane
 - (ii) Any substance that is water reactive or by interaction with other wastes will cause an explosion, generate flammable gases or support combustion, including but not limited to calcium carbide, sodium and oxidizers
- (b) Poisonous and Infectious Substances
 - (iii) Any water or waste containing a toxic, poisonous or infectious substance in sufficient quantity to injure or constitute a hazard to humans or animals, or to create any hazard to the receiving waters of the storm drainage system
 - (iv) Any pesticides, herbicides or fungicides
- (c) Corrosive and Noxious Substances
 - (v) Any gasses, liquids, or solids including but not limited to corrosive, noxious or malodorous materials which either by themselves or by interaction with other wastes are capable of:
 - (a) creating a public nuisance;
 - (b) causing a hazard to life or damage to property or the environment, or
 - (c) causing damage to the storm drainage system.

- (d) Radioactive Substances
 - (vi) Any radioactive material except within such limits as are permitted by the license issued by the Atomic Energy Control Board of Canada
- (e) Special Wastes
 - (vii) Any special waste as defined in the British Columbia *Waste Management Act*
- (f) High Temperature Wastes
 - (viii) Any material that will react with water that will create heat in amounts which will interfere with the operation and maintenance of the storm drainage system or exceed the temperature limits in subsection 2.7
- (g) Trucked Wastes
 - (ix) Any material from a cesspool, septic tank or sewage holding tank, including those in recreation vehicles, or any trucked wastes
- (h) Dyes
 - (x) Any dyes except those approved by Director or where the Inspector has granted permission
- (i) Obstructive Wastes
 - (xi) Any substance which may solidify or become discernibly viscous at temperatures above 0° Celsius
 - (xii) Any substance which will solidify or become discernibly viscous when it reacts with water.

BL 2182 2.9 Accidental Discharges

- (a) A person who accidentally discharges prohibited substances into a public or private storm drainage system or watercourse must report the incident to the Director or the Inspector.
- (b) Any person handling or storing chemicals, chemical wastes or substances or materials identified in Subsection 3.3 must:
 - (i) handle or store them in such a manner as to prevent the leakage or discharge of these chemicals, substances or materials from entering a drainage system, waterways or onto any land that will run, drain, seep or otherwise be discharged into the drainage system or any waterway;
 - (ii) when required by the Inspector or the Fire Chief, construct containment barriers of sufficient height to contain the volume of material stored in the largest tank and of type and design approved by the Inspector or the Fire Chief;

- (iii) when required by the Inspector, install a shut-off valve on the outlet of the storm sump so that in an emergency the escape of prohibited wastes can be prevented from entering the drainage systems, and
- (iv) in the event of a spill, turn off the shut-off valve on the outlet of the storm sump to prevent the escape of prohibited wastes into the storm drainage system.

2.10 Disconnecting Illegal Connections

Any building or drain connected to a storm sewer service connection without a permit therefore, pursuant to this bylaw and any service connection connected to the storm sewer system and discharging therein any substance or matter prohibited by this bylaw, may be disconnected, stopped up and closed at the direction of the Public Works Superintendent and at the owner's cost.

2.11 Interceptors

Grease, oil and sand interceptors shall be provided on private property for all garages, gasoline service stations and vehicle and equipment washing establishments that drain their buildings or properties into a storm sewer. Interceptors will be required for other types of industries or commercial establishments when they are necessary for the proper handling of liquid waste containing grease or any flammable waste, sand, grit or other harmful ingredients except that such interceptors shall not be required if specifically exempted by permit issued by the Public Works Superintendent. Such interceptors shall be so located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.

2.12 Sampling Chambers

The owner of each industrial enterprise or premise connected to the storm sewer system shall provide suitable means of inspection to facilitate operation, sampling and measurement of the waste waters draining into the storm sewer system.

2.13 Measurement and Testing

All measurements, tests and analysis of the characteristics of water flowing into the storm sewer system shall be determined in accordance with the "standard method of the examination of water and sewage" and shall be determined at the sampling point. In the event that no special sampling chamber has been required, the control manhole shall be considered to be the nearest downstream manhole in this storm sewer from the service connection point.

- BL 2182 2.14 New storm drainage systems which are located on land that is zoned Comprehensive Development, Multiple Use, Institutional, Multi-family (where the parking requirements exceeds 10 parking spaces), Industrial or Commercial according to the City Zoning Bylaw 1427, 1986 and amendments thereto, shall not be connected to a storm sewer connection

unless equipped with an oil and grit interceptor. The oil and grit interceptor shall meet the technical specifications and requirements of the City and shall be suitable for the sampling and inspection of the storm water which is discharged from the storm drainage system to the storm sewer connection and suitable for the interception, retention and removal of deleterious substances in that discharge.

BL 2182 2.15 A property owner that is served with written notice from the Director advising that an oil and grit interceptor is required on:

- (a) an existing or new storm drainage system, or
- (b) any storm drainage system approved by the Director, that allows the discharge of roof area or playing field surface water into an artificial aquifer or aquifer infiltration system, located on that owner's property shall install an oil and grit interceptor on that storm drainage system in accordance with the requirements of this bylaw:
 - (i) within one year of the notice being served for an existing storm drainage system; or
 - (ii) prior to connection to the storm sewer connection in the case of a new storm drainage system, or
 - (iii) as ordered by the Director.

BL 2182 2.16 (a) An owner of a parcel of land, or person on behalf of the owner, who installs an oil and grit interceptor shall install the oil and grit interceptor on the storm drainage system at or near the property line within the bounds of the owner's parcel of land. All costs associated with the installation and maintenance thereof shall be the responsibility of the owner.

- (b) All oil and grit interceptors shall be cleaned by a waste contractor holding a valid City of Courtenay business licence as frequently as necessary to ensure that deleterious substances in the discharge from the storm drainage system are intercepted and retained for removal.
- (c) The owner of the property on which an oil and grit interceptor has been installed shall maintain records of the cleaning for inspection by the Director and shall forward, to the Director by May 1 of each year, a copy of the record of inspections and cleaning for the previous 12 months.
- (d) Such records are to be maintained on the premises on which the oil and grit interceptor is located and are to be retained for not less than six years.
- (e) The Director may order the owner of an oil and grit interceptor to undertake more frequent cleaning if there is evidence that inadequate or lack of cleaning of the oil and

grit interceptor has impaired its ability to intercept, and retain for removal, the deleterious substances in the discharge from the storm drainage system.

- (f) The Director may waive the requirements of this section where the property owner has submitted a report from a Professional Engineer certifying that the intended use of the property including any construction or remodeling work, will not introduce deleterious substances to the storm sewer system.

PART III STORM SEWER SYSTEM EXTENSIONS

3.1 Extension Applications

All applications for storm sewer extension shall be made in writing to the Public Works Superintendent by the owner or owners of the property to be served by such extension.

3.2 Extension by Council Resolution

The Council of the City may designate storm sewer system extensions for any budget planning unit covering one or more years and such designated extensions shall be included in a construction bylaw.

BL 1701 3.3 Extension Other than by Council Resolution

In the event an applicant wishes to proceed with a storm sewer system extension which has not been designated by Council, the Director may proceed with the extension provided that the applicant shall pay to the City in advance the total cost of construction as estimated by the Director. The final cost to the applicant of the storm sewer system extension shall be the actual cost to the City of construction of the same. The service connection costs for parcels of land owned by the applicant to be served by such extensions shall be added to and paid with such construction costs.

3.4 Extension Limits

Where a storm sewer main is extended by other than Council Resolution, the minimum inside diameter shall be 25.4 centimetres (10 inches) and shall extend from the most convenient existing storm sewer having sufficient surface capacity and grade to carry the additional water flow resulting from the said extension to a point opposite the furthest boundary of the last parcel of land to be served by the storm sewer extension.

3.5 Costs Shareable for Oversized Extensions

Where any storm sewer is extended other than by Council Resolution and where the City may desire to install a facility of greater capacity than is required to provide service to the applicant for the storm sewer and all of the lands requiring drainage to storm sewer between the land of the applicant and the existing storm sewer system, and if such excess capacity will be available to permit further extensions beyond the boundaries of the land of the applicant

the City shall pay the difference in cost of installation between the actual cost of storm sewer installation with the excess capacity and the actual cost of storm sewer installation with the excess capacity and the estimated cost of a 45.72 centimetres (18 inches) storm sewer. This is provided, however, that the funds required therefore are available and have been allocated specifically for storm sewer construction in the current annual budget of the City.

PART IV CHARGES FOR SERVICE

BL 1701 4.1 Connection Fee

The owner or his agent shall on making application for a service connection to a storm sewer pay to the City the applicable connection fee.

4.2 Collection of Outstanding Fees

For the purpose of collecting any fees that remain outstanding the provisions of the Municipal Act apply.

4.3 Installation of Building Drains

All building drains shall be installed in accordance with the City's Building Bylaw, and shall be installed by and at the cost of the property owner.

BL 2182 4.4 Abandonment

When any storm drain service is abandoned, the owner or his agent shall notify the City and the Director shall cut off the service connection at the junction with the main. The Owner shall be liable for the abandonment charge specified in the City's Fees and Charges bylaw.

BL 2182 **PART V INSPECTION AND ENFORCEMENT**

5.1 The Public Works Superintendent or any City Fireman, or Building Inspector may enter at all reasonable times upon any property subject to the regulations of this bylaw in order to ascertain whether such regulations or directions are being obeyed.

BL 2182 5.2 Should any person who is required by the provisions of this bylaw to do any matter or thing, be in default of it being done by that person, such matter or thing may be done at the expense of the person in default and the Council may recover the expense thereof, with costs in like manner as municipal taxes.

PART VI OFFENCES AND PENALTIES

6.1 Offences

Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything to be done by any of the provisions of

this bylaw, or who does any act which violates any of the provisions of this bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed.

6.2 Each day that a violation is permitted to exist shall constitute a separate offence.

6.3 Penalties

Every person who commits an offence against this bylaw is liable to a fine and penalty of not less than \$200.00 or more than \$2,000.00 for each offence, and in default of payment thereof or, in the alternative, to imprisonment for any period not exceeding two months.

6.4 Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$50.00 for each day such offence is continued.

6.5 Offences and penalties shall not contravene Section 34 of the Waste Management Act.

7. "Storm Drain Connection Fee Bylaw 1978, No. 1201" and "Storm Drain Connection Fee Bylaw Amendment Bylaw 1983, No. 1329" are hereby repealed.

8. This bylaw shall come into force and take effect upon final passage and adoption.

9. This bylaw may be cited for all purposes as "Storm Sewer Bylaw No. 1402, 1986".

Read a first time the 3rd day of February, 1986.

Read a second time the 3rd day of February, 1986.

Read a third time the 3rd day of February, 1986.

Reconsidered, finally passed and adopted the 17th day of February, 1986.

George Cochrane
Mayor

John Wilson
Deputy Clerk

Deputy Clerk