

# VILLAGE OF MCBRIDE

STORMWATER COLLECTION  
BYLAW NO. 738, 2013



**“A TOWN ON TRACK”**

**STORMWATER COLLECTION BYLAW NO. 738, 2013.**

**Amending Bylaws to the Village of McBride Stormwater Collection Bylaw No. 738, 2013**

Description	Amending Bylaw No.	Amend Bylaw Adoption Date

## THE CORPORATION OF THE VILLAGE OF MCBRIDE

### STORMWATER COLLECTION BYLAW NO. 738, 2013

**A Bylaw of the Corporation of the Village of McBride to establish a stormwater service, and to regulate, prohibit and impose requirements in relation to that service.**

**WHEREAS**, the *Community Charter* enables the Village to provide stormwater service that the Council considers necessary or desirable;

**AND WHEREAS** the *Community Charter* enables the Council to, by bylaw, regulate, prohibit and impose requirements in relation to stormwater service;

**AND WHEREAS** the Village has constructed and is operating and maintaining a stormwater collection system on a self-liquidating basis in a manner responsive to community needs;

**NOW THEREFORE** the Council of the Corporation of the Village of McBride, in open meeting assembled, **ENACTS AS FOLLOWS:**

#### **PART 1 - CITATION**

1.1 This Bylaw may be cited as the “Village of McBride Stormwater Collection Bylaw No. 738, 2013”.

#### **PART 2 - DEFINITIONS**

2.1 Unless otherwise defined herein, all words and phrases in this Bylaw shall have the meaning given to them in the *Local Government Act* and the *Community Charter*. In this Bylaw:

**“Applicant”** means the Owner or a representative of the Owner duly authorized in writing to act on the Owner’s behalf in relation to the application;

**“Authorized Person”** means the Chief Administrative Officer of the Village, or a person designated in writing, electronic or hard copy, by the Chief Administrative Officer to carry out any act or function under this Bylaw;

**“Council”** means the elected officials of the Village;

**“Duplex”** means a structure that contains only two dwelling units but does not include a structure containing strata title units;

**“Interceptor”** means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into a drainage system;

**“Land Title Office”** means the land registry office for the Province of British Columbia;

**“Occupier”** has the meaning given by the *Community Charter*, as amended from time to time;

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**“Owner”** has the meaning given by the *Community Charter*, as amended from time to time;

**“Parcel”** has the meaning given by the *Community Charter*, as amended from time to time;

**“Permit”** means an approval issued to an applicant by the Authorized Person.

**“Professional Engineer”** means a person who is registered or licensed under the provisions of the *Engineers and Geoscientists Act*;

**“Qualified Professional”** means a Professional Engineer, geoscientist, architect, biologist, planner or other professional with experience relevant to the applicable matter, as determined by the Authorized Person;

**“Real Property”** has the meaning given by the *Community Charter*, as amended from time to time;

**“Specified Area”** means the specified area shown on the map attached hereto as Schedule “A”;

**“Stormwater”** means water resulting from natural precipitation from the atmosphere and which is intended to be transported in a stormwater system;

**“Stormwater Connection”** means a ditch or pipe that conveys water from a Parcel into the Village’s storm water system;

**“Village”** means the Corporation of the Village of McBride; and

**“Waste”** has the meaning given by the *Environmental Management Act*, as amended from time to time.

### PART 3 – GENERAL PROVISIONS

- 3.1 This Bylaw applies to the stormwater system.
- 3.2 Words in this Bylaw directing or empowering any officer or employee of the Village to do any act or thing, or to otherwise applying to his by name of office, include his successors in such office and his lawful deputy, and any person the Council may from time to time by bylaw or resolution designate to act in his place.
- 3.3 Officers and employees of the Village may enter on or into Real Property, and use Real Property in accordance with the authority under the *Community Charter*.
- 3.4 Whenever in this Bylaw an Authorized Person is empowered to approve, authorize, designate, Permit or allow any act or thing, such approval, authorization, designating, Permitting or allowing must be evidenced in writing, signed by the Authorized Person, before it is effective. To the extent that an Authorized Person is empowered to do anything or to act under this Bylaw, such authority is delegated to the Authorized Person.

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### **PART 4 – ESTABLISHING THE SERVICE**

- 4.1 The Village hereby establishes the service of providing Stormwater System within the Specified Area and operating, constructing, maintaining and regulating the Stormwater System.

### **PART 5 – CONDITIONS OF A STORMWATER CONNECTION**

- 5.1 It is a term and condition of every Village Stormwater Connection Permit that:
- (a) the Owner agrees not to make any claims, to sue or commence an action against the Village for any injury, loss, expense or damage to person or Real Property or for economic loss arising directly or indirectly from the use of the stormwater system except where the same are the result of gross negligence of the Village;
  - (b) where there is a violation of this Bylaw or of any terms or conditions of a Permit, the Authorized Person may suspend the Permit and stormwater service to an Owner or occupier of Real Property on thirty (30) days written notice;
  - (c) every Owner must:
    - i. maintain the Property Stormwater Service pipe in good condition free of leaks; and
    - ii. pay all rates, fees and charges required by the Village of McBride Fees and Charges Bylaw, as amended from time to time, when due; and
  - (d) the Authorized Person may, in the event of an emergency or apprehended emergency as reasonably determined, enter onto lands or into buildings or structures authorized to be connected under a Stormwater Connection Permit in order to take such steps necessary to prevent, reduce or mitigate any risk to the stormwater system.

### **PART 6 – STORMWATER CONNECTION PERMIT APPLICATION**

#### **6.1 Permit Application**

- 6.1.1 An Applicant who applies for the issue of a Stormwater Connection Permit shall complete an application and submit it to the Authorized Person.
- 6.1.2 Application fees and connection fees in accordance with the Village of McBride Fees and Charges Bylaw, as amended from time to time, are payable to the Village at the time of application submission. Review of the application may only proceed when fees have been paid in full.
- 6.1.3 The Applicant must provide the following information, at the Applicant's expense, to the Authorized Person at the time of application submission, except to the extent that the Authorized Person determines that the provision of the information is not required to assist the Council or the Authorized Person in their consideration of the application:
- (a) name, address and signature of the Owner;
  - (b) name, address and signature of the Applicant, if different from the Owner;
  - (c) legal description of the Parcel;
  - (d) civic address of the Parcel;
  - (e) legal title search of the Parcel dated the same day as the application;
  - (f) if the Parcel is owned by a corporation a legal corporate search of the corporation dated the same day as the application;
  - (g) copies of all relevant charges registered on the legal title of the Parcel;

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- (h) existing and proposed use of the land, buildings and structures on the Parcel;
- (i) proposed size and location of the stormwater service requested;
- (j) existing and proposed number of dwelling units, rooms, or beds on the Parcel as applicable; and
- (k) any additional information the Authorized Person determines is required to assist the Council or the Authorized Person in their consideration of the application.

### **6.2 Stormwater Connection Permit Terms and Conditions**

6.2.1 The Authorized Person may impose terms and conditions that must be met for obtaining or continuing to hold a Stormwater Connection Permit, respecting the following matters:

- (a) the design and construction of the Stormwater Connection; and
- (b) inspection during construction of the Stormwater Connection by the Authorized Person or any authorized Village representative.

### **6.3 Delegation & Council Reconsideration**

6.3.1 Council delegates to the Authorized Person the powers of Council to grant, amend, refuse, suspend, cancel and impose terms and conditions that must be met for obtaining or continuing to hold a Stormwater Connection Permit.

6.3.2 Within 30 days of the Authorized Person's decision to grant, amend, refuse, suspend, cancel and impose terms and conditions that must be met for obtaining or continuing to hold a Stormwater Connection Permit, the Applicant may request that Council reconsider the decision subject to the following:

- (a) the request shall be in writing, and include reasons in support of the reconsideration;
- (b) upon receipt of a complete written request for Council's reconsideration, the Authorized Person shall prepare and forward a report to Council attaching the application and setting out the reasons for the decision;
- (c) at a date and time set by Council the Applicant shall have the opportunity to appear before Council and be heard regarding the decision of the Authorized Person; and
- (d) following this, Council shall reconsider the decision of the Authorized Person and either uphold the decision or substitute the Council's decision for the Authorized Person's.

### **6.4 Security**

6.4.1 Council delegates to the Authorized Person the powers of Council to require security as a condition of the issue of a Stormwater Connection Permit.

6.4.2 The Authorized Person may require that the Applicant provide security based on a complete construction cost estimate from a Qualified Professional in an amount equal to 120% of the estimated cost to:

- (a) construct a Stormwater Connection;

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- (b) restore any works to their condition prior to the construction of the Stormwater Connection;
- (c) correct an unsafe condition; and
- (d) correct damage to the environment.

6.4.3 The Authorized Person may require that the Applicant provide security, in a form approved by the Authorized Person, and in an amount stated in the Permit, by whichever of the following the Applicant chooses:

- (a) irrevocable and automatically renewable letter of credit;
- (b) cash; or
- (c) certified cheque.

### **6.5 Stormwater Connection Permit Form**

6.5.1 The form of a Stormwater Connection Permit may be substantially the same as Schedule "B" as applicable.

## **PART 7 - STORMWATER CONNECTION STANDARDS AND SPECIFICATIONS**

### **7.1 Individual Connections**

7.1.1 Each Parcel within the Specified Area shall have its own Stormwater Connection.

7.1.2 Each dwelling unit in a Duplex shall have a separate Stormwater Connection.

### **7.2 Connection Location**

7.2.1 Where reasonably possible, the Stormwater Connection will be installed 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 Authorized Person shall designate the location of the Stormwater Connection.

### **7.3 Size and Length of Connection**

7.3.1 The minimum nominal diameter of a Stormwater Connection shall be 100 millimeters. The size of the Stormwater Connection for any premises shall be approved by the Authorized Person. The requested Stormwater Connection must not exceed the available capacity as determined by the Authorized Person of the Stormwater collection system.

7.3.2 The maximum length of a Stormwater Connection is 20 metres. If the length of the Stormwater Connection is longer than 20 metres such connection shall be considered a distribution system extension as defined in Section 11.

### **7.4 Depth of Connection**

7.3.1 The minimum depth of the Stormwater Connection below finished ground elevation

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shall be 2.5 metres unless otherwise allowed by the Authorized Person.

### **7.5 Maintenance of Connection**

7.5.1 In the event a defect is suspected in the Stormwater Connection or Property Stormwater Service, the Village will, as soon as practicable determine if the defect exists in the Stormwater Connection. If the defect is determined to be located in the Stormwater Connection, the Village shall repair the defect at no cost to the Owner. If the defect is determined to be located in the Property Stormwater Service, the defect shall be repaired by the Owner at no cost to the Village.

### **7.6 Connections Prior to Paving**

7.6.1 Where street surface improvements are scheduled for installation by the Village, the Authorized Person may order a Stormwater Connection to be installed to any unserved property abutting such street served by the stormwater system, regardless of whether or not any improvement is constructed on the property or any application is made by the Owner. Where a Stormwater Connection is installed under this section, a connection fee as provided in the Village of McBride Fees and Charges, as amended from time to time, shall be levied against the property.

## **PART 8 – STORMWATER SERVICES**

### **8.1 Building Bylaw**

8.1.1 After reviewing the proposed development and site services layout, the Authorized Person may approve the installation of a Stormwater Connection. Property Stormwater Service services shall be installed in accordance with the British Columbia Building Code, and Village's Building Bylaw, as amended from time to time, approved by the Authorized Person and shall be constructed at the expense of the Owner. The Village may install that portion of the Property Stormwater Service service between the curb stop and property line. Any fittings required to join the Village's pipe to the Applicant's building shall be the Owner's responsibility.

### **8.2 Maintenance**

8.2.1 The Property Stormwater Service service shall be maintained at the sole expense of the Owner including any portion that is installed by the Village. In the event any defect is discovered in the stormwater service, the Owner shall repair the defect as directed by the Authorized Person or being directed to do so by the Authorized Person.

8.2.2 In the event the property Owner refuses or neglects to carry out repairs within the specified time, the Authorized Person may, by Village workers or others, have the work done at the expense of the Owner. Any unpaid charges will be dealt with pursuant to Section 10.2.1



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### 8.3 Abandonment

- 8.3.1 When any Stormwater Service is to be abandoned, the Owner shall notify the Village and the Authorized Person shall arrange to disconnect the Stormwater Connection at the junction with the main. The Owner shall pay the abandonment fee specified in the Village of McBride Fees and Charges Bylaw, as amended from time to time.

### 8.4 Alternate Sanitary Sewer System

- 8.4.1 In the event an Owner has an alternate or on-site sanitary sewer system other than a Stormwater Connection, the Owner shall not connect, or allow to be connected, any portion of the alternate or on-site sanitary sewer system to the Stormwater System.

## PART 9 – SYSTEM EXTENSIONS

### 9.1 Extension Application

- 9.1.1 All applications for stormwater system extensions pursuant to Section 9.1.2 shall be made in writing to the Authorized Person. All costs for the extension are the responsibility of the Applicant unless otherwise agreed to by the Authorized Person.
- 9.1.2 Where extension of the stormwater system or Stormwater Connections are requested or proposed to service properties outside the Specified Area, the Applicant shall request in writing to the Authorized Person an amendment to Schedule “A” to expand the Specified Area. The Authorized Person, after review of the request and consideration of the adequacy of Village stormwater system to provide stormwater service to the properties, may proceed to request Council’s consideration and approval to Permit expansion of the Specified Area.
- 9.1.3 Extension of the Stormwater system and Stormwater Connections outside the Village boundaries is not Permitted unless the approvals are granted in accordance with the *Community Charter*

### 9.2 Excess or Extended Capacity

- 9.2.1 In the event an Applicant wishes to proceed with a Stormwater System extension, the Authorized Person may approve the extension. The Authorized Person may include requirements for the provision of excess or extended capacity to be provided in the extension over and above that applied for as a condition of a Permit. Extended Services and latecomer charges arising from extensions to the distribution systems under this Section shall be paid for in accordance with the *Local Government Act*.

### 9.3 Extension Size

- 11.3.1 Where the Stormwater collection system is extended, the nominal diameter of the pipe shall be 100 millimetres unless otherwise specified by the Authorized Person.

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### PART 10 – FEES AND CHARGES

#### 10.1 Fees and Charges

10.1.1 The Owner or occupier of Real Property shall pay, in addition to all other rates, charges and fees for the use of the Stormwater system the amounts specified in the Village of McBride Fees and Charges Bylaw, as amended from time to time.

#### 10.2 Delinquent Fees and Charges

10.2.1 Pursuant to the *Community Charter*, unpaid fees, rates and charges may be collected in the same manner and with the same remedies as property taxes.

### PART 11 – DISTRIBUTION SYSTEM EXTENSIONS

#### 11.1 Excess or Extended Capacity

11.1.1 In the event an Applicant wishes to proceed with a stormwater system extension, the Authorized Person may approve the extension. The Authorized Person may include requirements for the provision of excess or extended capacity to be provided in the extension over and above that applied for as a condition of a Permit. Extended Services and latecomer charges arising from extensions to the distribution systems under this Section shall be paid for in accordance with the *Local Government Act*.

#### 11.2 Extension Size

11.2.1 Where the stormwater collection system is extended, the nominal diameter of the pipe shall be 100 millimetres unless otherwise specified by the Authorized Person.

### PART 12 – STORMWATER SERVICE DISCONTINUANCE

12.1.1 After providing reasonable notice to the persons affected, and in relation to a discontinuance under subsection 12.1.1(b), an opportunity for the persons affected to make representations to Council, the Village may discontinue providing Stormwater Service to a specific Real Property or persons:

- (a) because of unpaid fees or taxes in relation to the Stormwater Service; or
- (b) because of non-compliance with the rules established by this Bylaw or by contract respecting the use of the Stormwater Service.

12.1.2 Reasonable notice shall include a letter that states the land or lands which are the subject of the notice, in general terms the purpose of the notice, and the Authorized Person's contact information, which is mailed or otherwise delivered to an Owner, as shown on the land title search at the date the notice is prepared.

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### PART 13 – INSPECTION

#### 13.1 Right of Entry

- 13.1.1 The Owner or occupier of every premises shall, at all reasonable times, allow and Permit the Authorized Person to enter into or upon Real Property for the purpose of inspecting Real Property and inspecting and testing the stormwater system in order to ascertain whether or not the provisions of this Bylaw are being complied with.

### PART 14– OFFENCE AND PENALTY

#### 14.1 Offense

- 14.1.1 No person shall make or maintain any connection to the stormwater system unless authorized by a Permit.
- 14.1.2 No person shall interfere with or obstruct the entry of the Authorized Person or any authorized Village representative onto Real Property or into any building or structure to which entry is made or attempted.
- 14.1.3 No person shall use the stormwater system, or construct, remove, add to or alter the stormwater system in a manner that is contrary to the provisions of this Bylaw.
- 14.1.4 No person shall use the stormwater system, or construct, remove, add to or alter the stormwater system unless the Owner holds a valid and subsisting stormwater connection Permit issued by Council or the Authorized Person.
- 14.1.5 No person shall use the stormwater system, or construct, remove, add to or alter the stormwater system in a manner that is contrary to the terms and conditions of a stormwater connection Permit issued by Council or the Authorized Person.
- 14.1.6 No person shall fail to install and maintain an interceptor required under this Bylaw.
- 14.1.7 No person may cause or Permit the obstruction of the function of the stormwater system.

#### 14.2 Penalty

- 14.2.1 Any person contravening or committing any breach of or committing any offence against any provision of this Bylaw or who suffers or Permits any act or thing to be done in contravention of or in violation of any of the provisions of this Bylaw or refuses, omits, or neglects to fulfill, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this Bylaw prescribed or imposed or required to be done is liable, on summary conviction, to a fine not less than \$2,000 and not exceeding \$10,000.00, and the cost of prosecution; and each day during which any violation, contravention or breach shall continue shall be deemed a separate offence.

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**PART 15 – SEVERABILITY**

15.1.1 If any section, subsection, 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, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and any decision shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME this 26 day of November , 2013.

READ A SECOND TIME this 26 day of November , 2013.

READ A THIRD TIME this 26 day of November , 2013.

All three readings passed by a **unanimous** decision of Members of Village Council present and eligible to vote.

ADOPTED THIS THE 11 DAY OF FEBRUARY , 2014, BY A UNANIMOUS DECISION OF ALL MEMBERS OF COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR \_\_\_\_\_

ADMINISTRATOR \_\_\_\_\_

*Certified a true copy of the "Village of McBride Stormwater Collection Bylaw No. 738, 2013" as adopted.*

\_\_\_\_\_  
Corporate Officer

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**SCHEDULE "A"**  
**STORMWATER COLLECTION SPECIFIED AREA MAP**

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**SCHEDULE "B"**  
**SERVICE CONNECTION PERMIT APPLICATION**



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**SCHEDULE "C"**

**STORMWATER COLLECTION SYSTEM RESTRICTED SUBSTANCES**

1. No person shall discharge or cause or allow to be discharged into the storm sewer system any of the following substances:
  - a. Any sewerage containing human waste;
  - b. Any industrial waste other than uncontaminated cooling water or car wash water;
  - c. Any liquid having a temperature at or higher than 140 degrees Fahrenheit;
  - d. Any vapour or gaseous substance;
  - e. Any waters or wastes which contain fats, oil or grease;
  - f. Any noxious or malodorous substance;
  - g. Any sewerage, wasters or waste containing toxic or poisonous substances;
  - h. Any gasoline, benzene, naphtha, solvent, fuel oil or other flammable or explosive liquids, solids or gas;
  - i. Any radioactive wastes or sewage;
  - j. Any garbage whether ground or otherwise;
  - k. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, coal tar, asphalt, cement, plastics, wood, paunch manure or any other solids or fiscous substance;
  - l. Any waters containing more than 500 parts per million by weight of suspended solids;
  - m. Any sludge or deposit contained in septic or removed from septic tanks.