



City of Vernon
**Stormwater Drainage
Bylaw
5995**

THE CORPORATION OF THE CITY OF VERNON

BYLAW 5995

AMENDMENTS

[illegible]

THE CORPORATION OF THE CITY OF VERNON

BYLAW 5995

A bylaw to regulate discharging into the City Stormwater System

WHEREAS Section 69 of the Community Charter, S.B.C. 2003, c.26 authorizes the City to operate a stormwater drainage system as a municipal service deemed to be necessary or desirable for all or part of the City and to regulate in relation to the drainage service;

AND WHEREAS the City has constructed and is operating and maintaining a system of drainage works for the benefit of residents and business property owners of the City;

NOW THEREFORE, the Municipal Council of the City of Vernon enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as the “City of Vernon Stormwater Drainage Bylaw 5995, 2024”

2.0 DEFINITIONS

2.1 In the construction and interpretation of this Bylaw, words and terms will have the following meanings assigned to them:

Agent means Professional Engineer or contractor appointed by the City to install and construct a stormwater drainage extension on behalf of the City;

Building Drain means a pipe, conduits, manholes, and other equipment laid on Property intended or necessary to carry stormwater or Groundwater from the property to the service connection;

City means the City of Vernon and its authorized officers, employees and agents;

Construction means any activity which might cause or permit sediment, construction-related water or a Prohibited Material to be discharged into the Drainage System, including land clearing, agriculture, land development, site grading, excavation, filling construction or repair of any underground services, construction or repair of any buildings, structures or works;

Contaminant includes any substance that may constitute a hazard to the health of humans or animals or that may be detrimental to the environment, including but not limited to:

- a) Pollution, water and special waste as defined in the *Environmental Management Act*, SBC 2003, c. 53, as amended from time to time;

- b) Waterborne wastes derived from human or animal sources;
- c) Water, liquids, and substances having a temperature higher those defined in the British Columbia Approved Water Quality Guidelines: Aquatic Life, Wildlife & Agriculture, August 2019, Tables 42A and 42B, as amended from time to time;

Council means the City Council of the City of Vernon;

Design and Construction Standards means the documents related to design and construction standards (referred to and incorporated into Schedule "F") of the "*Subdivision and Development Servicing Bylaw, 3843*" as may be amended or replaced from time to time;

Deleterious Substance means any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered harmful to fish or fish habitat;

Discharge means to discharge, deposit, dump, release, spill, or wash;

Ditch means an open drainage channel, whether naturally occurring or man-made, to carry Stormwater and/or Groundwater including Streams, creeks, or watercourses;

Environmental Management Act means the *Environmental Management Act*, S.B.C. 2003, c.53, as may be amended or replaced from time to time;

Groundwater means water below the surface of the ground, as defined in Section 1 of the *Water Sustainability Act*, S.B.C. 2014, c. 15, as may be amended or replaced from time to time;

Highway includes:

- a) every highway within the meaning of the *Transportation Act*, S.B.C. 2004, c. 44, as may be amended or replaced from time to time; and,
- b) every road, street, roadway, boulevard, laneway, walkway, pathway, bridge, viaduct, road allowance, or any other way used by or intended for use by the public;

Impede means block, divert, obstruct, or detrimentally interfere or affect;

Industrial Waste means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary waste;

Manager of Utilities means the person appointed by the City as Manager of Utilities and shall include his or her duly appointed assistants and representatives;

Oil or Grease means a viscous substance derived from plant, animal, or mineral resources or of synthetic origin that is hydrophobic and lipophilic and includes but is not limited to hydrocarbons, esters, fats, oils, waxes, and high-molecular-weight carboxylic acids;

On-site Stormwater Management Facilities means structures or features, including but not limited to landscaping features, storage ponds or tanks, and oil and grease interceptors that control quantity or quality of stormwater runoff;

Overland Flow Path means the path along the surface of which drainage will flow once the minor system reaches capacity;

Owner means an owner of a parcel of real property including:

- a) the registered owner of an estate in fee simple;
- b) the tenant for life under a registered life estate;
- c) the registered holder of the last registered agreement for sale; and
- d) the holder or occupier of land held in the manner referred to in the definition of "Owner" in the Schedule to the *Community Charter*, S.B.C. 2003, c.26, as may be amended or replaced from time to time;

Property means any lot, block, or other area in which real property is held or into which real property subdivided, but does not include a road or highway dedication;

Person shall mean and include the Owner, associations, corporations, bodies politic, co-partnerships whether acting by themselves or by a servant, agent, or employee and the heirs, executors, administrators, assigns, or other legal representatives of such person to whom the context can apply according to law;

pH means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions, in moles per litre of solution, as determined by the appropriate procedure described in standard methods;

Professional Engineer means a person who is registered or licensed and in good standing

as a Professional Engineer in the province of British Columbia under the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c.116, as may be amended or replaced from time to time;

Sanitary Sewerage System means all sanitary sewer works, sewage facility, and all appurtenances thereto, including sewer mains, sewer outfalls, Service Connections, sewage lift stations, force mains, siphons, and treatment facilities owned, controlled, maintained, and operated by the City for collecting and transporting Sewage; but does not include Storm Drains;

Prohibited Material means:

- a) a Deleterious Substance which, if introduced to the Drainage System, would foul it;
- b) pesticides, fertilizers, chlorinated water, cleaning compounds, paints, waste oil or any material or substance which is a hazardous product, toxic substance, special waste, dangerous good or reportable substance that is identified or described in or defined by any applicable statute, regulation or law, including other City bylaws which, if introduced to the Drainage System, would foul it;
- c) Oil or Grease; or,
- d) a Contaminant;

Service Connection or Drainage Service Connection or Stormwater Drainage Connection means a service pipe from the Stormwater Drainage System to the property line of a parcel which includes the inspection chamber, valves, and all other devices;

Servicing Agreement has the meaning set out in the *Subdivision and Development Bylaw*, 3843 as may be amended or replaced from time to time;

Sewage means water carried wastes from residences, commercial buildings, institutional buildings, and industrial establishments, and shall include:

- a) Industrial Waste;
- b) sanitary waste exclusive of Industrial Wastes;
- c) the discharge of a stale swimming pool or hot tub water.

Standard Methods means the latest edition of "Standard Methods for the Examination of Water and Wastewater" jointly prepared and published from time to time by the American

Water Works Association, American Public Health Association and the Water Environment Federation or any successor published standards;

Storm Sewer means a sewer which carries Stormwater, Groundwater, surface waters, Unpolluted Cooling Water, and drainage, but excludes Sewage;

Storm Drain or Drain means a pipe, conduit, manhole, and other equipment intended or necessary to carry Stormwater and/or Groundwater;

Stormwater means water resulting from natural precipitation from the atmosphere and which is intended to be transported in a Stormwater Drainage System;

Stormwater Drainage System means all Stormwater drainage works and appurtenances thereto owned, controlled, maintained, and operated by the City, including storm sewers, storm service connections, drains, pipes, conduits, culverts, catch basins, leads, sidewalks, curbs, and gutters, Overland Flow Paths, ditches, streams, detention facilities, pumping stations, outfalls, and the equipment laid within any highway or road dedication, City right-of-way or easement or City property;

Stream shall include any natural watercourse or source of water, whether usually containing water or not, and any lake, river, creek, spring, ravine, swamp, and gulch;

Unpolluted Cooling Water means water used for an industrial process and does not contain any substance that may constitute a hazard to the health of humans, animals, birds, fish, or other aquatic life or that may be detrimental to the environment; and,

Zoning Bylaw means the *City of Vernon Zoning Bylaw*, 5000, as may be amended or replaced from time to time.

- 2.2 The provisions of this Bylaw apply to all connections to any part of the Stormwater Drainage system and direct or indirect discharges to any part of the Stormwater Drainage System.

3.0 PROHIBITIONS

- 3.1 No person shall:
- a) foul or Impede or cause or permit another to foul or Impede the flow of a Stormwater Drainage System whether or not situated on private property; or,

- b) deposit or cause or permit another to deposit soil in the Stormwater Drainage System whether or not situated on private property.
 - 3.2 An owner or person must not suffer or permit any water to be Discharged directly or indirectly from any real property that does not continuously and at all times meet or exceed the requirements of this Bylaw.
 - 3.3 No person may Discharge or allow or cause to be discharged into any Stormwater Drainage System, Ditch, creek, Stream, watercourse, lake, bay, or river any sediment or sediment laden water, earth, construction or excavation wastes, cements, concrete, or other substances, which when mixed with water will result in:
 - a) a pH value outside the range of 5.5 to 9.0; or,
 - b) a turbidity level exceeding:
 - 25 NTU during dry/normal weather conditions; or,
 - 100 NTU when the site from which the Prohibited Material originates has received at least 25 mm of rain within the last 24 hours of the sampling time.
 - 3.4 No person may Discharge or allow or cause to be discharged into any Stormwater Drainage System, ditch, creek, stream, watercourse, lake, bay, or river any:
 - a) prohibited or hazardous wastes as defined in the *Environmental Management Act*;
 - b) anything in a concentration or quantity which may be or may become a health or safety hazard to personnel operating or maintaining the Stormwater Drainage System, or which may cause damage or interfere with the proper operation of the Stormwater Drainage System, or which may injure or is capable of injuring any property, or health of any person or any life form; or
 - c) anything which contravenes the *Fisheries Act* of Canada.
 - 3.5 Unless prior authorization in writing from the City has been granted, no person may Discharge or allow or cause to be Discharged into any Stormwater Drainage System, Ditch, creek, Stream, watercourse, lake, bay, or river any:
 - a) Sewage or sanitary waste;
 - b) Restricted Waste listed in Schedule “A” of this Bylaw;
 - c) untreated wash water from foundry processes where treatment of wash-water from the reclamation of foundry sand shall include the removal of the insoluble pollutants so as to result in unpolluted wash-water;
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- d) processed water from Groundwater remediation;
- e) cooling waste water at temperatures or which has had additives harmful to the receiving environment;
- f) industrial cooling water which may be polluted with insoluble Oils and Grease, or insoluble suspended solids; or,
- g) swimming pool or hot tub water.

- 3.6 No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, mar, or tamper with any component of the Stormwater Drainage System.
- 3.7 No person shall connect any roof drains, tile, or conduit collecting surface drainage, or rainwater runoff in any way to the Sanitary Sewerage System, or permit any Stormwater or surface water to be drained into the Sanitary Sewerage System.
- 3.8 No person shall bury, cover or obstruct, at any time, or in any manner, the access to any manhole, Overland Flow Path, Ditch, Watercourse, inspection chamber, or other fixture connected with the Stormwater Drainage System, by placing thereon or in the vicinity thereof, any fencing or other impediments, garbage, landscaping, lumber, timber, wood, brick, stone, gravel, sand, other materials, or things and the City may order the removal of the obstruction and the expense of such removal will be charged to and paid by the person, business or property owner so offending in addition to any other penalty or fees imposed by this Bylaw.
- 3.9 No person being an Owner, occupant, tenant, renter, or visitor of real property serviced by the Stormwater Drainage System will accept or emit any Stormwater or other Prohibited Material or substances, or permit them to be brought in or Discharged from properties, places, or persons other than the Stormwater generated within the property to which the service is provided.
- 3.10 No work of any kind connected with the Stormwater Drainage System, either for the installing of new, or repairing of old pipes, or modifying Ditches and other Watercourses is permitted to be done by any person other than an employee or agent of the City.
- 3.11 The City may require the Owner of a Parcel on which Construction Works are occurring to
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monitor and report on the presence of Prohibited Materials, including but not limited to, pesticides, fertilizers, chlorinated water, cleaning compounds, paints, etc. It is the professional duty of the QEP associated with the Parcel on which the Construction Works are proceeding to inform the Manager of Utilities of the necessity of monitoring and reporting of Prohibited Materials, in addition to turbidity and pH. In these cases, the criteria set by the Provincial and Federal governments shall be met.

- 3.12 No person shall connect or attempt to connect or allow to be connected or allow to remain connected to the Stormwater Drainage System any property or premises otherwise than in accordance with the provisions of this Bylaw.

4.0 ON-SITE STORMWATER MANAGEMENT REQUIREMENTS

- 4.1 The Owner of a Parcel where an on-site Stormwater management facility has been installed or is required, must ensure that the Stormwater management facility is accessible and is maintained in good condition and functioning as designed at all times.

5.0 STORMWATER DRAINAGE SYSTEM PROTECTION

Inspection and Monitoring

- 5.1 Every owner of real property and every occupier of premises to which a service connection has been provided must allow, suffer, and permit, the City and all associated inspection equipment to enter into or upon the real property and premises for the purpose of inspecting the premises including building drains, inspection chambers, fixtures and any other apparatus used with the service connection or plumbing system, as well as to observe, measure, sample, and test the quantity and nature of water being discharged into the stormwater drainage system, and to ascertain compliance with the terms of this Bylaw.
- 5.2 The owner of real property where an on-site Stormwater management facility has been installed must ensure that the facility is accessible and is maintained in good condition and functioning as designed at all times.
- 5.3 The City may require that a person who is Discharging any material or substance into the stormwater drainage system undertake, at the owner's expense, measuring, sampling, and analysis of the material or substance discharged.

- 5.4 All measuring, sampling, and analysis required by the City must be in accordance with methods and procedures specified in Standard Methods, unless otherwise authorized in writing by the City.
- 5.5 Samples which have been collected as the result of a requirement of the City, must be analyzed by a qualified, independent agency, unless other prior arrangements have been authorized in writing by the City.
- 5.6 If there is no inspection chamber for the real property, the point of Discharge into the Stormwater Drainage System for the purposes of enforcing this Bylaw will be designated by the City as that location proximal to the property where access to the Discharge for the purpose of measuring, observing, or sampling is possible.
- 5.7 No person other than authorized person from the City shall remove or tamper with the Stormwater Drainage System.

Accidental Discharge/Spill Reporting

- 5.8 Owners and persons shall notify the Manager of Utilities and appropriate senior government agencies immediately of any accidental Discharges or any other Discharges in violation of this Bylaw. Countermeasures to minimize damage to the Stormwater Drainage System and/or the receiving waters, including clean-up, are the responsibility of the owner of the property where the contaminated discharge originates or the persons responsible for the spill. Incurred costs of countermeasures are the responsibility of the owner or persons instigating the discharge or spill.
 - 5.9 Where the owner does not take immediate action to provide appropriate countermeasures, the City may take appropriate action to minimize damage to the stormwater drainage system and/or the receiving waters. All costs incurred by the City in mitigating damage shall be paid by the owner or persons instigating or contributing to the discharge or spill.
 - 5.10 The notification in Section 5.8 shall be followed within five (5) calendar days of the date of the occurrence, by a submission of a detailed written statement from the owner or person to the Manager of Utilities describing the causes of the discharge and the measures being
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taken to prevent its future occurrence. The owners and persons shall identify the type of chemical or substance, volume of spill, location, time and date of occurrence, the countermeasures taken to control the damage, and whether such countermeasures were successful.

- 5.11 The notification in section 5.8 will not relieve the owner or person of liability for any expense, or any loss, injury, or damage to the Stormwater Drainage System or for any fines and/or penalties imposed by the City or the Provincial and Federal governments which may result from a violating Discharge.

Construction Work

- 5.12 An owner or other person undertaking any Construction work must not place, store, transport, or dispose of any Prohibited Material in such a manner so as to permit the likely escape or discharge of Prohibited Materials, or any part of them into the Stormwater Drainage System.
- 5.13 A person must not suffer or permit the discharge or washing of cement or concrete during the Construction of exposed aggregate driveways, patios, walls, other surfaces, or from concrete vehicles or concrete equipment, to the Stormwater Drainage System or any part of it.

6.0 OFFENCES AND PENALTIES

- 6.1 Any authorized designate of the City, or any City Bylaw Enforcement Officer may enter upon any Property, land, or premises to conduct inspections as are reasonably necessary to ascertain whether there is compliance with the provisions of this Bylaw. If the Property owner or occupant is present during the inspection, they must identify themselves when requested by the City, an authorized designate, or any City Bylaw Enforcement Officer.
- 6.2 No person shall supply false information or make inaccurate or untrue statements in a document or information required to be supplied to the City pursuant to this Bylaw.
- 6.3 Any person who contravenes any provision of this Bylaw is liable to the City and must indemnify the City from all costs, expenses, damages and injuries resulting from the contravention. This does not in any way limit any other provision or any other remedy the

City may have under this Bylaw or otherwise at law.

- 6.4 Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable, on summary conviction, to a fine of not less than the sum of Two Hundred Fifty Dollars (\$250.00), but not exceeding the sum of Fifty Thousand Dollars (\$50,000.00). This Bylaw may be enforced by the imposition of fines under the Municipal Ticketing and Information Bylaw 5300, 2011 and amendments there to.
- 6.5 Where there is an offence that continues for more than one (1) day, separate fines may be issued for each day or part thereof in respect of which the offence occurs or continues.
- 6.6 The City may enforce compliance with the stipulations within this Bylaw or non-payment of fines by shutting off the provision of stormwater drainage services being supplied to the user or discontinuing the service thereof. This may be done without notice on an emergency basis if deemed necessary by the City.
- 6.7 Any charges pursuant to this Bylaw placed on the assessment roll of a parcel and remaining unpaid after December 31 in any year shall be deemed to be taxes in arrears in respect of the parcel and will be recoverable by the City as such.
- 6.8 Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City at law.
- 6.9 If any person fails to carry out the work required by any provision of this Bylaw, the City may enter the Property to undertake the required work and bill the owner for the actual cost incurred by the City in carrying out the work. The costs shall be paid by the owner upon demand, and if remaining unpaid after the 31st day of December of the year in which the work is done, shall be deemed to be taxes in arrears on the Property and will be dealt with in the same manner as City taxes.

READ A FIRST TIME this 10th day of June, 2024.
READ A SECOND TIME this 10th day of June, 2024.
READ A THIRD TIME this 10th day of June, 2024.
ADOPTED this 24th day of June, 2024.

_____ '*Victor I. Cumming*' _____
Mayor

_____ '*Sue Wood*' _____
Corporate Officer

RESTRICTED WASTES

SCHEDULE "A"

Restricted Waste means:

1. **FOOD WASTE**
Any waste from cooking and/or handling of food that, at the point of discharge into a *drain*, contains particles larger than 0.5 centimeters in any dimension.
2. **RADIOACTIVE WASTE**
Any waste that, at the point of discharge into a *drain*, exceeds radioactivity limitations established by the Atomic Energy Board of Canada.
3. **pH WASTE**
Any waste which, at the point of discharge into a *drain*, has a *pH* lower than 5.5 or higher than 9.5.
4. **TOXIC AND POISONOUS WASTE**
Any waste containing a toxic and/or poisonous substance in sufficient quantity to interfere with or create any hazard to the *stormwater drainage system*, or to constitute a hazard to humans or animals.
5. **SPECIFIED WASTE**
Any waste which, at the point of discharge into a *drain*, contains any substance at a concentration in excess of the levels set out in "Hazardous Waste" as defined in the *Environmental Management Act*