

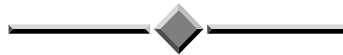
Municipal Stormwater System
Regulation and Fees Bylaw No. **1024**, 2015

STATUS

TITLE: Municipal Stormwater System Regulation and Fees Bylaw
No. 1024, 2015

APPLICANT: Village of Cumberland

PURPOSE: A Bylaw to regulate the connection, use, and extension to
the municipal stormwater system and to impose fees for
associated services.



COUNCIL:	Date:	August 10, 2015
	Decision:	1 st , 2 nd , and 3 rd readings

COUNCIL:	Date:	September 14, 2015
	Decision:	Adoption

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1024

A Bylaw to regulate the connection, use, and extension of the Municipal Stormwater System and to impose fees for those and associated services.

The Council of the Corporation of the Village of Cumberland, enacts as follows:

PART A ADMINISTRATION

1. Title

This Bylaw may be cited as the 'Municipal Stormwater System Regulation and Fees Bylaw No. 1024, 2015.'

2. Administration

The Chief Administrative Officer, Corporate Officer, Protective Services Manager, Manager of Operations or his designate, Municipal Engineer, and Building Official, are appointed by Council to administer this Bylaw.

3. Applicability

- a) This Bylaw must be applicable to all land within the municipal boundaries of the Corporation of the Village of Cumberland.
- b) For the purpose of this Bylaw, the attached Schedule A referred to herein is attached to and forms an integral part of this Bylaw.

4. Definitions

For the purpose of this Bylaw, the following definitions apply. The context meaning of terms contained in this Bylaw and not defined herein, are to be determined in accordance with firstly, the *British Columbia Building Code 2012*, secondly, this Bylaw, thirdly in the Corporation of the *Zoning Bylaw No. 717, 1997*, and then in the Canadian Oxford dictionary.

BUILDING OFFICIAL means the person employed or contracted by the Village to administer the Corporation of the Building Bylaw No. 949, 2011 and the BC Building Code.

BCBC means the *British Columbia Building Code 2012* as adopted by the Minister pursuant to the *Local Government Act* which includes the BCBC.

CISTERN means for the purpose of this Bylaw, a rainwater storage tank with 1,200litre minimum capacity that allows rainwater to be used for outside irrigation purposes only, connected to an infiltration gallery with an overflow into the Municipal System. A cistern can be above ground, elevated above ground, or below ground.

IMPROVED PROPERTY	means real property on which one or more structures have been built for either residential or business use, or a combination of both.
MoO	the person appointed by Council to carry out the duties of this position, this may include his designate.
MMCD	means the <u>Master Municipal Construction Documents</u> prepared under the auspices of the Master Municipal Construction Document Association which is an association of the BC municipalities, regional districts, contractors and consultants.
MUNICIPAL SYSTEM	means, for the purposes of this Bylaw, a network of collection and conveyance facilities in a separate underground system specifically for transporting stormwater from the source point to treatment or disposal.
OWNER	means a person registered in the land registry records as Owner of land or of a charge on land, whether entitled to it in his own right or in a representative capacity.
PRIVATE CONNECTION	means all the fittings and appurtenances (i.e an inspection chamber or clean out) in the area between the building that is served by and where it is linked to the Municipal System.
INFILTRATION GALLERY	means a covered trench or hole filled with rocks that is fed directly from the rainwater leaders with an overflow into the Municipal System.
STORMWATER	means water resulting from or following rainfall or snowfall but not containing wastewater.
WASTEWATER	means the water-borne wastes containing fecal matter and urine from domestic or industrial sources but does not include rainwater, groundwater, or drainage of uncontaminated water.
WORKING HOURS	means those hours between 7:30am to 3:30pm, Monday through Friday except for statutory holidays.

5. Offences & Penalties

- a) 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 required 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.
- b) Each day that a violation is permitted to exist must constitute a separate offence.

- c) Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$10,000 for each day such offence is continued.
- d) Offences and penalties shall not contravene the *Environmental Management Act*.
- e) **Recovery of Costs for Damage to the Municipal System**
 - i) Where any person contravenes any provision of this Bylaw and thereby causes damage to the municipal system, such person shall be liable to the Village for all costs incurred in making repairs or taking remedial action.
 - ii) If such costs are not paid forthwith after demand, the Village may recover the same by action in any court of competent jurisdiction.

6. Repeal

The 'Corporation of the Village of Cumberland Service Connection and Fees Bylaw No. 848, 2007' is hereby repealed upon adoption of this Bylaw.

PART B PRIVATE CONNECTION

1. Application for Private Connections

- a) The MoO is authorized to prescribe the form of application for:
 - i) the connection to the Municipal System;
 - ii) to alter or repair a Private Connection;
 - iii) to abandon a Private Connection.
- b) Prior to connection to the Municipal System, the Owner must:
 - i) make application for a connection on the prescribed form; and
 - ii) make full payment of fees as prescribed in the Schedule A attached hereto and forming part of this Bylaw. The fees do not include any required works on private property.
- c) If an application for a Private Connection is denied, the Owner shall be so informed, the reasons for denial given, and the applicable refund in accordance with Schedule A shall be made.
- d) Outstanding fees in relation to this Bylaw not paid on or before December 31st in any year must be deemed to be taxes in arrears on the lot served by the Private Connection.
- e) The Private Connection will be installed at the location requested by the Owner wherever possible. In the event the Owner's preferred location is not practicable as determined by the MoO, the MoO will determine the location of the Private Connection.

- f) No person, other than the Village, its employees or its contractors shall install, alter or remove or cause to be installed, altered or removed, any part of a Private Connection without written approval from the MoO.
- g) There shall be only one Private Connection provided for each legal lot¹¹, however where a parcel of land can be subdivided as permitted by Bylaw or a hardship exists as determined by the MoO, an Owner may be granted a second Private Connection. The cost of each Private Connection will be payable by the Owner as set out in Schedule A of this Bylaw.
- h) Except as provided elsewhere in this Bylaw, the standards for any Private Connection to the Municipal System, and for the repair or alteration of any Private Connection shall be as required by the BCBC.

2. Compulsory Private Connections

- a) Where an improved property abuts a street newly serviced by the Municipal System, a Private Connection must be installed and the property must utilize the Municipal System within one year of the Municipal System being made available. The applicable fee must be recovered from the Owner as set out in Schedule A of this Bylaw.
- b) Where a development has been designed by an Engineer to retain and manage as much stormwater on site as possible, the overflow or outlet must be connected to the Municipal System where available.
- c) Where street surface improvements are scheduled by the Village, a Private Connection will be installed to any property abutting said street not already serviced, regardless of whether the lot is improved. The applicable fees for the Private Connection shall be payable by the Owner as set out in Schedule A of this Bylaw.

3. Standards for Private Connections

- a) The standards for installation, repair, or alteration of any Private Connection are as required by the BCBC, except as provided elsewhere in this Bylaw.
- b) The minimum size of the Private Connection that supplies any building or parcel shall be determined by the BCBC and approved by the Village.
- c) The Village undertakes no duty of care to ensure that the capacity of that connection is sufficient for the current uses or future development of a lot, by approving a Private Connection under this Bylaw.
- d) All works must be designed and built in accordance with the BCBC. The Private Connection must be installed with sufficient depth to provide natural drainage from the lowest floor of any building or structure except where natural drainage is impractical due to the relative elevation of the Private Connection at the

¹ Lot refers to those subdivided in fee simple only. Connections to those properties subdivided under the *Strata Property Act* or *Residential Tenancy Act* will be required and made to the edge of the parent lot

connection to the Municipal System and the lowest floor of the building or structure. Where the elevation cannot be met, the required lift station/equipment must be installed at the Owner's expense.

- e) All requirements of this Bylaw for the installation of a Private Connection must be met before MoO completes the connection to the Municipal System.

4. Abandonment

When a building on a lot serviced by the Municipal System is abandoned or demolished, the MoO may require the disconnection of the Private Connection and the cost shall be recovered from the Owner as set out in Schedule A of this Bylaw.

PART C GREEN ALTERNATIVES

1. Infiltration Gallery

In an effort to maintain pre-development groundwater flow regimes, stormwater should be infiltrated as close as practicable to the initial source.

a) New Development

- i) The Village requires infiltration galleries (where feasible) to be constructed and connected to roof leaders and perimeter drains in new subdivision and new building development.
- ii) The design of the infiltration gallery shall be designed and certified by an Engineer.
- iii) Overflows from the infiltration galleries will be connected to the municipal stormwater system (where available) or if unavailable to an adjacent ditch. If no ditch is available, the Engineer will design a suitable overflow scheme.
- iv) The Building Inspector will consider other methods of rainwater harvesting provided that the design and installation are certified by an Engineer.

b) Upgrading Existing Development

- i) The Village encourages infiltration galleries to be connected to roof leaders and perimeter drains where possible where significant re-development of a property is taking place.
- ii) The design of the infiltration gallery shall be designed and certified by an Engineer.
- iii) Overflows from the infiltration galleries will be connected to the municipal stormwater system (where available) or if unavailable to an adjacent ditch. If no ditch is available, the Engineer will design a suitable overflow scheme.

- iv) The Village encourages other methods of rainwater harvesting where the design and installation are certified by an Engineer.

2. Cisterns

The Village encourages the use of cisterns or other methods of rainwater harvesting to be used for collection of rainwater for use for outdoor watering only.

a) Cisterns used as Part of Stormwater System as required by the BCBC:

- i) The cistern system will include an infiltration gallery (rock pit or trench) in order to ensure that unused rainwater is returned to groundwater regime.
- ii) The overflow from the cistern will be connected to infiltration gallery and the infiltration gallery overflow is connected to the municipal stormwater system (where available) or if unavailable to an adjacent ditch. If no ditch is available, the Engineer will design a suitable overflow scheme.
- iii) The design of the cistern, infiltration gallery, and system to use the water shall be designed and certified by an Engineer.

b) Cisterns to be connected to Secondary Rainwater Capture System:

The Village encourages that these systems be designed by an Engineer.

PART D USE OF MUNICIPAL SYSTEM

1. Prohibitions

- a) No person must connect or attempt to connect, or allow to be connected, or allow to remain connected to the Municipal System of any property or premises, otherwise than in accordance with the provisions of this Bylaw.
- b) Unless authorized by the Village, a person must not:
 - i) use, change, tamper, connect to, obstruct, destroy damage or in any manner interfere with the Municipal System or any part of thereof;
 - ii) obstruct, at any time or in any manner, the access to the Municipal System;
 - iii) connect, cause to be connected, or allow to remain connected to the Municipal System any piping, fixture, fitting, container or appliance which may cause disturbance which may, in the opinion of the Village, result in annoyance to any other customer, damage to any Private Connection or to the Municipal System;
 - iv) permit the introduction of any contaminant or foreign matter whatsoever into the Municipal System.

- c) The prohibitions under sections Part C(1)(a) & (b) do not apply to:
 - i) the employees, agents or contractors of the Village when carrying out approved works on the Municipal System; and
 - ii) the use of the Municipal System for emergency purposes.

2. Prohibited Discharges

- a) No person must place or discharge or cause to be placed or discharged into the Municipal System any of the following:
 - i) Waters discharged from a swimming pool or hot tub, as well as any effluent from pool filters, back washing, and skimmers.
 - ii) Explosive and Flammable Substances
 - 1) any flammable or explosive liquid, solid or gas including but not limited to gasoline, benzene, naphtha, alcohol and propane;
 - 2) any substance that is water reactive or by interaction with other wastes will cause an explosion, generate flammable gases or support combustion.
 - iii) Poisonous and Infectious Substances
 - 1) 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;
 - 2) any pesticides, herbicides or fungicides.
 - iv) Corrosive and Noxious Substances

any gases, 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:

 - 1) creating a public nuisance;
 - 2) causing a hazard to life or damage to property or the environment;
 - 3) any radioactive material except within such limits as are permitted by the license issued by the Atomic Energy Control Board of Canada;
 - 4) any special waste as defined in the *British Columbia Environmental Management Act*.
 - v) High Temperature Wastes

any material that will react with water that will create heat at a temperature at or higher than 65°Celsius.

vii) Trucked Wastes

any material from a cesspool, septic tank or sewage holding tank, including those in recreational vehicles, or any trucked wastes.

viii) Dyes

any dyes except those approved by the MoO or where permission has been granted by the Village.

ix) Obstructive Wastes

- 1) any substance which may solidify or become discernibly viscous at temperatures above 0°Celsius;
- 2) any substance which will solidify or become discernibly viscous when it reacts with water.

3. Oil & Grit Interceptors for Stormwater from Multi-family, Commercial, and Institutional, & Industrial Properties

- a) Oil and grit interceptors are required for the removal of sediment and oils contained in stormwater discharged from parking areas, driveways for all multi-family, commercial, institutional, and industrial properties.
- c) All oil and grit interceptors must be designed and certified for their intended purpose by an Engineer and installed, inspected, and maintained according to his instructions at the Owner's expense. Records of installation, annual inspection, and all maintenance must be made available to the MoO upon request.
- b) Oil and grit interceptors must be so located as to be readily and easily accessible for cleaning and inspection.
- d) Discharges from certified functioning oil and grit interceptors may be discharged into the Municipal System, ditch or approved natural outlet or watercourse.

4. Accidental Discharges from Private Connections

Every person responsible for the accidental discharge of prohibited substances into a Private Connection or the Municipal System must immediately report the discharge to the MoO in order that the necessary precautions can be taken to minimize the deleterious effects of the discharge.

5. Private Connection Disconnection

- a) Council may, within 48 hours of sending a written notice to the Owner, disconnect a Private Connection where the discharge is or has the potential to:
 - i) be hazardous or creates an immediate danger to any person, or
 - ii) endanger or interfere with the operation of the Municipal System; or
 - iii) be a risk to public health and safety.

- b) The costs incurred in section 5(a) above shall be in addition to and not in substitution for any fine or other penalty to which the Owner of the building may be subject pursuant to the provisions in this Bylaw or any other statute or regulation.
- c) The Private Connection must not be reconnected until the applicable costs, charges and fines have paid.

6. Notice Given

Notice in writing required to be given by the Village shall be considered as sufficiently given if sent by registered mail or hand delivered to the Owner at the address shown on the last revised Assessment Roll of the Village.

7. Appeal to Council

An Owner who has received disconnection notice under section 5 of this Bylaw may, by written notice delivered to the Village within 14 days of receipt of the notice of disconnection, request that Council reconsider the implementation of the notice.

8. Private Connection Restoration

- a) Where a Private Connection has been disconnected in accordance with this Bylaw, such service must not be reconnected until the Owner has:
 - i) paid to the Village outstanding fees or charges owing relating to the provision of the connection pursuant to the Bylaws of the Village; and
 - ii) paid to the Village any additional costs incurred by the Village in order to prevent the continued discharge after the connection was disconnected; and
 - iii) installed, repaired, rectified any outstanding issues leading to the disconnection to the satisfaction of the MoO.
- b) The costs incurred in section 8(a) above shall be in addition to and not in substitution for any fine or other penalty to which the Owner of the premises in question may be subject pursuant to the provisions in this Bylaw or any other statute or regulation.

7. Right of Entry to Private Property

- a) Access to private property, at all reasonable times, must be permitted to any person authorized to administer this Bylaw, to enter into and inspect the Private Connection. Where possible, 24 hours notice shall be given in accordance with the *Community Charter*.
- b) Any person interfering with or obstructing the entry of the authorized person after that person has identified himself, must be deemed to be guilty of an infraction of this Bylaw and is liable to the penalties in this Bylaw.

- c) Any person authorized to administer this Bylaw may remove any material or thing that obstructs or impedes access to the Municipal System and the expense of such removal must be charged to and paid by the person responsible for the obstruction or the Owner of the property serviced.

PART D – MUNICIPAL SYSTEM EXTENSIONS

1. Application for Extension

Where an application for a Private Connection has been made and cannot be provided unless the Municipal System is extension, that extension works must be installed under the following conditions:

- a) Payment of fees as required in Schedule A;
- b) Where two or more applications are received, the total cost applicable shall be divided pro rata among the applicants;
- c) Where the extension is to be constructed in a public road right-of-way by a contractor shall apply for a *Permit to do Works within a Public Right-of-Way* in accordance with the Subdivision and Development Bylaw No. 948, 2012.

2. Design Guidelines and Construction Specifications

All works built in the Village right-of-ways shall be designed and built in accordance with the MMCD design guidelines.

PART D – ENACTMENT

READ A FIRST TIME THIS	10TH	DAY OF	AUGUST,	2015.
READ A SECOND TIME THIS	10TH	DAY OF	AUGUST,	2015.
READ A THIRD TIME THIS	10TH	DAY OF	AUGUST,	2015.
ADOPTED THIS	14TH	DAY OF	SEPTEMBER,	2015.

Mayor

Corporate Officer

Schedule A

1. Private Connections

The fee for any Private Connection is as follows:

Connection Size	Private Connection Fee ²²		
	Base Rate	Plus Administration Fee	Total
100mm (4inch)	\$1,500*	\$100	\$1,600
150mm (6inch)	\$1,700*	\$100	\$1,800
200mm(8inch)	\$1,900*	\$100	\$2,000
*This rate includes the inspection chamber, service pipe, equipment and labour to install.			
Larger than 50mm (2inch)	The Greater Amount of:		
	the estimated cost of the works ³ times 125%, plus \$100 administration fee.		
	OR		
	\$1,500 plus a \$100 administration fee.		
Refund	If an application for a private connection has been made which includes the fees and the private connection cannot be completed, a refund of the amount paid less the Administration Fee shall be reimbursed to the person who paid it.		

2. Extension Fee

The fee for extending the Municipal System will be as follows:

Connection Size	Extension Fee
All	The Greater Amount of:
	the estimated cost of the works ³ times 125%, plus \$100 administration fee.
	<u>OR</u>
	\$1,500 plus a \$100 administration fee

² Where the municipal system has been extended or improved by a GRANT which includes connections the fee would not be applicable.

³ The Owners will be required to pay in advance, the estimated cost which is calculated to be the estimated cost of the works. The estimate will be established considering the rates uniform with those charged to other projects with the Village and includes labour, equipment, materials, and any other cost of any probable service arising during the course of construction. The fee paid will form the account for the works project. Staff will maintain an accounting of charges for these works (all be consistent with municipal accounting procedures) which will be provided to the Owner upon completion/termination of the project. Any surplus funds less the minimum charge of \$1,500 will be returned to the Owner

Schedule A

3. Inspection Fee

One inspection by the MoO is required prior to connection to the Municipal System and the cost of this inspection is included in the connection fee paid pursuant to section (1) above however, if subsequent additional inspections are required, the following fee will be paid prior to the each inspection being carried out:

	During Normal Working Hours	Outside Normal Working Hours
Each additional inspection	\$50	\$173

4. Upgrade Fee

If an Owner is upgrading, altering, modifying, relocating, or repairing an existing Private Connection or internal system and upgrades to current standards are required, the Owner must pay for the required works (materials, labour, and equipment), at the time of the Plumbing Permit application. The fee for will be the greater amount of: the estimated cost of the works³ times 125%, plus \$100 administration fee; OR \$1,500 plus a \$100 administration fee.

5. Abandonment Fee

The fee for disconnection of an abandoned Private Connection will be as follows:

Connection Size	Connection Fee
All sizes	The Greater Amount of:
	the estimated cost of the works ³ times 1.25%, plus a \$100 administration fee.
	<u>OR</u>
	\$1,500 which is the minimum fee for all works plus a \$100 administration fee.