

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 7501

**FOR THE REGULATION AND PROTECTION OF
NATURAL WATER COURSES, DITCHES, AND DRAINS**

WHEREAS the Council may by bylaw pursuant to Section 587(a) of the *Municipal Act* prohibit a person from fouling, obstructing or impeding the flow of a stream, creek, waterway, watercourse, ditch, drain or sewer whether or not it is situate on private property and may provide for the imposition of penalties for the contravention of these regulations;

AND WHEREAS the Council may by bylaw pursuant to Section 589 of the *Municipal Act* provide for defining the channel or bed of a stream as defined by the *Water Act*, passing through the Municipality and provide works to protect its banks from erosion or damage;

AND WHEREAS Council by bylaw may require manufacturers and processors to dispose of the waste from their plants in a manner directed by bylaw pursuant to Section 932(j) of the *Municipal Act*,

NOW THEREFORE the Council of the Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. **Definitions**

- (a) “Air” means the atmosphere but, except in a sewer or a stormwater management facility or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.
- (b) “Air contaminant” means any substance or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:
 - (i) injures or is capable of injuring the health or safety of a person,
 - (ii) injures or is capable of injuring property or any life form,
 - (iii) interferes or is capable of interfering with visibility,
 - (iv) interferes or is capable of interfering with the normal conduct of business,
 - (v) causes or is capable of causing material physical discomfort to a person, or
 - (vi) damages or is capable of damaging the environment.

- (c) “Biomedical waste” means biomedical waste as defined in “Guidelines for the Management of Biomedical Waste” established by the Canadian Council of Ministers of the Environment (CCME) and dated February 1992.
- (d) “Colour” means the true colour of water from which turbidity has been removed, as determined by the appropriate procedure in Standard Methods.
- (e) “Composite sample” means a sample which is composed of equivalent portions of a specified number of grab samples collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.
- (f) “Condensed water” means water which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air conditioning equipment and steam heating systems.
- (g) “Council” means the Council of the Corporation of the District of Saanich.
- (h) “Development” includes the construction of a building or structure, the placement of fill, the paving of land or any other alteration to land which causes a change to the existing drainage characteristics.
- (i) “Director of Engineering” means the person duly appointed by Council as “Director of Engineering”, or any person authorized to act on his behalf.
- (j) “Discharge” means to directly or indirectly introduce a substance by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.
- (k) “Domestic waste” means waste, sanitary waste and the water-carried wastes from drinking, culinary uses, washing, bathing, laundering or food processing which is introduced on a residential property.
- (l) “Enactment” means any applicable act, regulation, bylaw, order, or authorization, by a federal, provincial, regional, municipal government or their authorized representatives.
- (m) “Grab sample” means a sample of water or stormwater collected at a particular time and place.
- (n) “Improvement District” means an improvement district incorporated under the Municipal Act.
- (o) “Manager” means the Manager of Inspection Services of the Municipality and includes any other municipal employee acting under his or her authority.

- (p) “Municipality” means the Corporation of the District of Saanich.
- (q) “Natural Watercourse” means a watercourse or section of a watercourse which has not been physically altered from its natural state other than cleaning, clearing or the removal of vegetation.
- (r) “Non-domestic waste” means all waste except domestic waste, trucked liquid waste, sanitary waste, stormwater, and uncontaminated water.
- (s) “Oil and grease” means an organic substance or substances recoverable by procedures set out in Standard Methods or procedures authorized by the Manager and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.
- (t) “Oil and Grease Interceptor” means an in-ground structure designed specifically to trap oil, grease and silt contained in stormwater flows.
- (u) “Owner” means any person who is registered under the Land Title Act as the owner of land, or any other person who is in lawful possession of land or who is in lawful possession or occupancy of any buildings situated on the land.
- (v) “PCB” means any monochlorinated, dichlorinated, or polychlorinated biphenyl or any mixture that contains one or more of these.
- (w) “Person” includes an individual, society, partnership, or corporation.
- (x) “Pesticides” means pesticides regulated under the Pesticide Control Act of British Columbia.
- (y) “pH” means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in Standard Methods.
- (z) “Pollution” means the presence in the environment of substances or contaminants that substantially alter or impair the health of the environment.
- (aa) “Pool” means any water receptacle designed for decorative purposes or used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time.
- (bb) “Premises” means any land or building or both or any part thereof.
- (cc) “Prohibited waste” means prohibited waste as defined in Schedule “A” to this Bylaw.

- (dd) “Radioactive materials” means radioactive material as defined in the Atomic Energy Control Act of Canada and Regulations under that Act.
- (ee) “Regional District” means the Capital Regional District.
- (ff) “Residential property” means a property which is used primarily for the purpose of residence by persons on a permanent, temporary or seasonal basis.
- (gg) “Sanitary waste” means waste that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.
- (hh) “Sewer” means all pipes, conduits, drains, and other equipment and facilities, owned or otherwise under the control or jurisdiction of the Regional District, the Municipality or one or more municipalities, for collecting, pumping, and transporting wastewater and includes all such pipes, conduits, drains, and other equipment and facilities which connect with those of the Regional District, the Municipality or one or more municipalities.
- (ii) “Sharps” means hypodermic needles, hypodermic syringes, blades, broken glass, and any devices, instruments or other objects which have acute rigid corners, edges or protuberances.
- (jj) “Special Waste” means Special Waste as defined in the Waste Management Act of British Columbia or any legislation that replaces the Waste Management Act.
- (kk) “Special Waste Regulation” means the Special Waste Regulation enacted pursuant to the Waste Management Act or any legislation that replaces the Waste Management Act.
- (ll) “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 Public Health Association, American Water Works Association, and the Water Environment Federation.
- (mm) “Storm sewer” means a pipe, conduit, drain or other equipment or facilities for the collection and transmission of stormwater or uncontaminated water.
- (nn) “Stormwater” means water resulting from natural precipitation from the atmosphere.
- (oo) “Stormwater management facility” means an impoundment and appurtenant structures, connections and controls for containment, detention or retention of stormwater and its delayed release at a controlled rate to a receiving storm sewer or watercourse.

- (pp) “Substance” includes any solid, liquid or gas.
- (qq) “Trucked liquid waste” means any waste that is collected and transported from the site where the waste originated by means other than discharge to a sewer including, but not limited to, holding tanks waste, septic tank waste, chemical toilet contents, oil and grease from interceptors or traps, and other sludges of organic or inorganic origin.
- (rr) “Uncontaminated water” means any water excluding stormwater but including cooling water, condensed water and water from municipal waterworks or a private water supply to which no contaminant has been added as a consequence of its use, or to modify its use by any person.
- (ss) “Waste” means any substance whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly, to a sewer, storm sewer or stormwater management facility.
- (tt) “Wastewater” means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source.
- (uu) “Wastewater quality parameter” means any parameter used to describe the quality of wastewater.
- (vv) “Water” includes surface water, groundwater and ice.
- (ww) “Watercourse” means:
- (i) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh or other natural body of fresh water; or
 - (ii) a canal, ditch, reservoir or other man-made surface feature
- in which water flows constantly, intermittently or at any time.
- (xx) “Waterworks” means any works owned or otherwise under the control or jurisdiction of the Regional District or one or more of its member municipalities or the Greater Victoria Water District or an Improvement District that collects, treats, transports, or stores drinking water.

2. **Channel of Watercourse**

- (a) Pursuant to S. 589 of the *Municipal Act* the channel or bed of each watercourse or portion of watercourse shown on Schedule “B” to this Bylaw is in the approximate location shown on Schedule “B”.

- (b) The Council may appropriate the channel or bed of the watercourses shown on Schedule “B”, without compensation to the owner for the purpose of constructing any works authorized by S. 587, 588 or 589 of the *Municipal Act* or any successor provision.
- (c) The watercourses shown on Schedule “B” are part of the municipal drainage system.

3. **Obstructing Watercourses**

No person shall foul, obstruct or impede the flow of a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is situate on private property.

4. **Enclose of Watercourse**

No person shall enclose any natural watercourse in a drain or culvert without the prior written permission of the Director of Engineering; the Director of Engineering shall not grant such permission unless the enclosure has been approved by the Director of Planning and designed by a professional engineer, provided that this provision may be waived by the Director of Engineering Service and the Director of Planning if, in their discretion, they consider the proposed works to be of a minor nature. Before granting approval under this section, the Director of Planning shall consider the effect of the proposed work on the natural environment of the watercourse.

5. **Work on Municipal Drainage System**

No person shall alter, repair, remove, fill in, reconstruct, divert or carry out any other works on any watercourse shown on Schedule “B” or any sewer, storm sewer, stormwater management facility or watercourse constructed, owned or under the responsibility of the Municipality without the prior written approval of the Director of Engineering. In the case of a natural watercourse the work shall not be carried out without the prior written approval of the Director of Planning. Before granting approval under this section, the Director of Planning shall consider the effect of the proposed work on the natural environment of the watercourse.

6. **Discharges to Storm Sewers and Watercourses**

- (a) No person shall discharge or allow or cause to be discharged into a storm sewer or watercourse any domestic waste, trucked liquid waste or prohibited waste.

- (b) Notwithstanding the prohibition contained in subsection 6(a), a person may discharge into a storm sewer or watercourse water resulting from domestic activities customarily incidental to a residential use of land including:
 - (i) water resulting from natural precipitation, and drainage of such water;
 - (ii) water resulting from garden and lawn maintenance, non-commercial car washing, building washing and driveway washing; and
 - (iii) uncontaminated water.
- (c) Notwithstanding the prohibition contained in subsection 6(a), a person may discharge into a storm sewer or watercourse water resulting from the following non-domestic activities:
 - (i) street, hydrant and water main flushing; and
 - (ii) firefighting activities.

7. **Stormwater Management Facility**

- (a) Where the existing drainage system downstream from a proposed development has insufficient capacity to accommodate the projected increase in stormwater run-off from the proposed development of the lands, a stormwater management facility will be provided on the lands by the developer as part of the development project.
- (b) The stormwater management facility will be designed by a professional engineer and the design approved by the Director of Engineering. Capacity of the stormwater management facility shall be based on the criteria set out in the engineering specifications attached as Schedule "H" to the Subdivision Bylaw, 1987 or any successor specifications.
- (c) The owner of the lands shall keep the stormwater management facility in good operating condition and shall service and repair the facility at least once per year. At the request of the Manager, the owner of the land shall provide satisfactory proof of service by a qualified contractor.

8. **Oil and Grease Interceptor**

- (a) Where a paved or impervious motor vehicle parking lot is constructed as part of any development, other than a single family dwelling or duplex, the developer shall install an in-line oil and grease interceptor to intercept the stormwater run-off from the parking lot before it reaches the municipal drainage system.
- (b) The oil and grease interceptor shall be designed:

- (i) To conform to design drawing SD15 of the engineering specifications attached as Schedule "H" to the Subdivision Bylaw, 1987 or any successor specifications, or
 - (ii) Where the design drawing SD15 of the engineering specifications will not adequately serve the proposed development, to a design prepared by a professional engineer and approved by the Director of Engineering.
- (c) The owner of the land shall keep the oil and grease interceptor in good operating condition and shall maintain and repair the device at least once per year from the date of completion of the interceptor. At the request of the Manager, the owner of the lands shall provide satisfactory proof of service by a qualified contractor.

9. **Inspection**

The Manager, an employee of the Municipality authorized by the Manager, or a bylaw enforcement officer may enter at all reasonable times, on any property that is subject to this Bylaw to ascertain whether the regulations of this Bylaw are being observed or the requirements of this Bylaw are being met.

10. **Offences and Penalties**

- (a) A person who contravenes this Bylaw commits an offence and is liable upon conviction to a fine of not less than \$200.00.
- (b) Each day that a violation occurs or continues shall constitute a separate offence.

11. **General**

- (a) No person shall hinder or prevent the Manager, a person authorized by the Manager, or a bylaw enforcement officer from entering any premises or from carrying out his or her duties with respect to the administration of this Bylaw.
- (b) Nothing in this Bylaw shall be interpreted as relieving a person discharging waste from complying with Federal, Provincial and local government enactments governing the discharge of stormwater into storm sewers and watercourses, and in the event of a conflict between the provisions of this Bylaw and a Federal or Provincial enactment, the provisions of the Federal or Provincial enactment shall prevail.
- (c) In this Bylaw words importing the male gender include the female gender and either includes the neuter and vice versa, and words importing the singular number include the plural number and vice versa.

- (d) The schedules annexed to this Bylaw shall be deemed to be an integral part of this Bylaw.
- (e) If any provision of this Bylaw is found to be invalid by a court of competent jurisdiction it may be severed from the Bylaw.

12. **Repeal**

Bylaw No. 4998, being the “Watercourse and Drainage Regulation Bylaw, 1983, No. 4998” is hereby repealed except insofar as it may repeal any other bylaw.

13. **Citation**

This Bylaw may be cited for all purposes as the **“WATERCOURSE AND DRAINAGE REGULATION BYLAW, 1996, NO. 7501”**.

Includes Bylaw Amendments No. 7604 and 9044

SCHEDULE “A”

PROHIBITED WASTE

Prohibited Waste means:

1. **Special Waste**

Special Waste as defined by the Waste Management Act of British Columbia and its Regulations or any legislation that replaces the Waste Management Act.

2. **Biomedical Waste**

Any of the following categories of Biomedical Waste: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids listed in “Risk Group 4” as defined in “Laboratory Biosafety Guidelines”, published by Health and Welfare Canada and dated 1990.

3. **Air Contaminant Waste**

Any waste which, by itself or in combination with another substance, is capable of creating, causing or introducing an air contaminant, causing air pollution outside any storm sewer or stormwater management facility or is capable of creating, causing or introducing an air contaminant within any storm sewer or stormwater management facility which would prevent safe entry by authorized personnel.

4. **Flammable or Explosive Waste**

Any waste, which by itself or in combination with another substance, is capable of causing or contributing to an explosion or supporting combustion in any storm sewer, watercourse or stormwater management facility including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

5. **Obstructive Waste**

Any waste which by itself or in combination with another substance is capable of obstructing the flow of, or interfering with, the operation, performance or flow of any storm sewer, watercourse or stormwater management facility including, but not limited to earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish or fowl, and solidified fat.

6. Corrosive Waste

Any waste with corrosive properties which, by itself, or in combination with any other substance, may cause damage to any storm sewer or stormwater management facility or which may prevent safe entry by authorized personnel.

7. High Temperature Waste

- (a) Any waste which, by itself or in combination with another substance, will create heat in amounts which will interfere with the operation and maintenance of a storm sewer or stormwater management facility;
- (b) any waste which will raise the temperature of waste discharged by a storm sewer, watercourse or stormwater management facility by 2 degrees Celsius or more;
- (c) Any waste with a temperature of 40 degrees Celsius or more at the point of discharge.

8. PCBs, Pesticides

Any waste containing PCBs or pesticides.

9. Pool Water

Any water from a pool containing residual chlorine or chloramine.

10. Radioactive Waste

Any waste containing radioactive materials that, prior to the point of discharge into a storm sewer or watercourse, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

11. pH Waste

Any waste which, prior to the point of discharge into a storm sewer or watercourse, has a pH lower than 6.0 or higher than 9.0 as determined by either a grab sample or composite sample.

12. Dyes and Colouring Material

Dyes or colouring materials which produce in a grab sample or composite sample a colour value greater than or equal to 50 true colour units, or that causes discolouration of water to such an extent that the colour cannot be determined by

the visual comparison method as set out in Standard Methods except where the dye is used by a municipality or regional district as a tracer.

13. Miscellaneous Wastes

Any waste which by itself or in combination with another substance:

- (a) constitutes or may constitute a health or safety hazard to any person;
- (b) causes pollution in any storm sewer, watercourse or stormwater management facility.

14. Disinfectant Process Water

Any water from a waterworks containing residual chlorine or chloramine remaining from the disinfection of the waterworks or any part of the waterworks but does not include water containing chlorine or chloramine ordinarily added to a supply of potable water by a municipality, the Regional District, the Greater Victoria Water District or an Improvement District.

15. Fill

Soil, sand, clay, gravel, rock or other material of which land is composed.

Note: Schedule B is available by contacting the Office of the Municipal Clerk at (250) 475-1775 and is comprised mainly of maps.