

District of West Vancouver



Watercourse Protection Bylaw 4364, 2005

Effective Date – July 18, 2005

Consolidated for Convenience Only

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Amendment Bylaw

Effective Date

Bylaw No. 4454, 2005

October 24, 2005

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Watercourse Protection Bylaw No. 4364, 2005). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Watercourse Protection Bylaw 4364, 2005

Table of Contents

	Page #
Part 1 Citation	3
Part 2 Severability	3
Part 3 Definitions.....	3
Part 4 Application	6
Part 5 Prohibition of Discharge.....	6
Part 6 Open Watercourse Policy	6
Part 7 Requirements During Construction Work	6
Part 8 Sediment Control Plan.....	7
Part 9 Remedies	8
Part 10 Inspection.....	9
Part 11 Offence and Penalty.....	9
Schedules	10
Schedule A Sediment and Erosion Control Guidelines	11

Watercourse Protection Bylaw 4364, 2005

A Bylaw to protect all watercourses in the District of West Vancouver.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for environmental stewardship and the protection of our watercourses.

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Watercourse Protection Bylaw No. 4364, 2005.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Definitions

- 3.1 In this Bylaw, unless the context otherwise requires:

“Construction Work” means any activity which might cause or permit a Prohibited Substance to be discharged into a Watercourse System including, but not limited to, land-clearing, removal of soil, deposit of soil or other material, construction of any building, structure or paving, and construction of any underground services including the installation of drainage works.

“Council” means the Council of the District of West Vancouver

“District” means the District of West Vancouver.

“Environmental Coordinator” means the person appointed to the position of Environmental Coordinator for the District of West Vancouver.

“Environmental Protection Officer” means the person appointed to the position of Environmental Protection Officer for the District of West Vancouver.

“Excessive Suspended Solids Discharge” means the discharge of a fluid containing total suspended solids of 25 milligrams or more per litre above background total suspended solids of the receiving environment during the months of May to September, or 75 milligrams or more per litre above background total suspended solids of the receiving environment during the months of October to April.

“Fouling” means to deposit, discharge, spill, dump, or wash, whether directly or indirectly, a Prohibited Substance into a Watercourse System.

“Municipal Engineer” means the person appointed to the position of Director, Engineering & Transportation of the District or his or her designates.

“Owner” means any person who is registered under the *Land Title Act* as the Owner of the land, or any other person who is in lawful possession of land, or who is in lawful possession or occupancy of any building situated on the land.

“Paving” means any graded and hardened surface covered with materials comprised of asphalt, concrete, masonry or combinations thereof.

“Prohibited Substance” means:

- (a) Pesticides, herbicides, fertilizers, soaps, detergents, household and commercial grade cleaning compounds, paints, solvents, chemicals, chlorinated water, waste oil or any material or substance which is a hazardous product, contaminant, toxic substance, deleterious substance, special waste, dangerous good or reportable substance that is identified or described in or defined by any applicable statute, regulation or law, including any substance whose discharge to the Watercourse System would violate the *Fisheries Act* or the *Environmental Management Act* ; and

- (b) Any sediment, rock, gravel, sand, clay, silt, earth, construction or excavation wastes, cement, concrete, exposed aggregate wash water or other substance which, when introduced into a Watercourse System, will at the point of deposition constitute an Excessive Suspended Solids Discharge, cause a temperature increase of 2 degrees Celsius or more, or cause the pH of receiving waters to be outside the range 3.0 above or below background.

“Professional Engineer” means a person registered as a member in good standing of the Association of Professional Engineers and Geoscientists of British Columbia.

“Sediment Control Plan” means the specifications, drawings, plans and design calculations for Construction Work to control and monitor the discharge of any Prohibited Substance from any source into a Watercourse System.

“Structure” means any material or a combination of materials that is built, constructed or erected, the use or presence thereof requires location on the ground or water or attachment to something having a location on the ground or water.

“Total Suspended Solids” means the solid matter that is retained on a 4.5- Micron pore filter paper when the material is tested in compliance with the analytical requirements described in Schedule 3 of the *Fisheries Act*.

“Watercourse” means a creek, pond, lake, river, stream, or brook, whether usually containing water or not and any spring or wetland that is integral to a watercourse.

“Watercourse System” means Watercourses and waterworks, ditches, drains or sewers, drainage works, mains, pipes, culverts, catch basins, leads, and curbs and gutters, located in the District on private or public property, by which surface or ground water is conveyed to receiving waters; excludes stormwater control basins (but not their discharge outlets or channels).

“Wetland” means land, with or without visible banks, which is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions supports, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas, also includes all land within 7.5 metres of any land meeting that description, measured horizontally.

Part 4 Application

- 4.1 This Bylaw applies to all lands whether public or privately owned in the District.

Part 5 Prohibition of Discharge

- 5.1 No person shall obstruct, impede or cause the Fouling of a Watercourse System.

Part 6 Open Watercourse Policy

- 6.1 Open Watercourses and ditches shall remain above ground and may only be enclosed where no alternatives exist, as determined by the District.
- 6.2 Crossings of fish-bearing or potential fish-bearing open Watercourses shall be fish-passable.

Part 7 Requirements During Construction Work

- 7.1 Any person undertaking any Construction Work shall place, store, transport, or dispose of any Prohibited Substance in accordance with good engineering practices as determined by the District, and so as to prevent the escape of the substance into a Watercourse System.
- 7.2 Any person undertaking any Construction Work requiring a permit, permission or approval by the District, shall submit a Sediment Control Plan in accordance with Part 8 for the Construction Work as part of the application for permit, permission or approval, and obtain the approval of the District to the Sediment Control Plan, prior to proceeding with the Construction Work, and it shall be the responsibility of the Owner of the land on which the work is being performed to ensure that the Sediment Control Plan is implemented.
- 7.3 The Municipal Engineer may waive the requirement for a Sediment Control Plan if, in his or her reasonable opinion, the work that is the subject of the permit, permission or approval is not likely to create a risk of sediment deposition in a Watercourse System.
- 7.4 If the requirement for a Sediment Control Plan is waived, the Owner must utilize the guidelines for sediment control that are attached to the Bylaw as Schedule A.

- 7.5 No person shall discharge or wash or permit the discharge or washing of cement or concrete during the construction of exposed aggregate driveways, patios, or other surfaces, or from concrete delivery vehicles or other equipment, onto any highway, sidewalk, publicly owned land or into a Watercourse System.
- 7.6 Prior to the issuance of a building permit, all sediment and erosion control measures must be in place and functioning.
- 7.7 Notification, 48 hours prior to issuing a building permit must be given to the District who will inspect and approve installation of sediment and erosion control measures.

Part 8 Sediment Control Plan

- 8.1 A Sediment Control Plan shall set out works and measures required during Construction Work to prevent the discharge of Prohibited Substances to a Watercourse System and shall be signed and sealed by a Professional Engineer or as directed by the Municipal Engineer.
- 8.2 The Sediment Control Plan shall include:
 - 8.2.1 detailed plans, specifications and design calculations necessary to describe any works required to convey, control and treat suspended solids in run-off water from the site of the Construction Work,
 - 8.2.2 a monitoring program to measure the suspended solids in the run-off water discharged from the Construction Work;
 - 8.2.3 an operation and maintenance program to be implemented during the Construction Work that contains a maintenance schedule and methodology and maintainer's name and address and emergency contact telephone number; and
 - 8.2.4 a letter of undertaking signed by a Professional Engineer who undertakes responsibility for the management of the Sediment Control Plan, including:
 - (a) The inspection of the Construction Work to ensure that construction is in accordance with the approved Sediment Control Plan;
 - (b) The periodic inspection of the Construction Work to ensure that runoff water leaving the site of the work does not constitute an Excessive Suspended Solids Discharge; and

- (c) Inspection of the receiving waters of the Watercourse System during the Construction Work, to determine whether Excessive Suspended Solids Discharge has occurred.
- 8.3 The Owner shall inspect, maintain and operate the sediment control works required by a Sediment Control Plan for the duration of the Construction Work as set out in the Sediment Control Plan.
- 8.4 The Owner shall submit the results of the suspended solids monitoring program and all inspections conducted by the Professional Engineer pursuant to the Sediment Control Plan will be made available to the Municipal Engineer through weekly reports.

Part 9 Remedies

- 9.1 If during the Construction Work any Prohibited Substance enters a Watercourse System, the Owner shall immediately notify the appropriate federal, provincial and municipal agencies and under the appropriate direction take remedial steps to remove such substance.

9.2

Bylaw 4454

- (a) If any person is carrying on any Construction Work or any other activity in contravention of this Bylaw, which in the opinion of the Municipal Engineer or Environmental Protection Officer is causing or is likely to result in a discharge of a Prohibited Substance into a Watercourse System, then the Municipal Engineer, Environmental Coordinator or Environmental Protection Officer may order the immediate suspension of all or any portion of such Construction Work or other activity by posting a notice to that effect at the place where the Construction Work or other activity is occurring.
- (b) No person shall continue Construction Work or other activity at a place where the Municipal Engineer, Environmental Coordinator or Environmental Protection Officer has ordered the immediate suspension of all or any portion of such Construction Work or other activity by posting a notice to that effect. The Municipal Engineer, Environmental Coordinator or Environmental Protection Officer may further direct that steps be taken to prevent further Fouling.

- 9.3 If in the opinion of the Municipal Engineer, the Environmental Protection Officer or the Environmental Coordinator, immediate steps should be taken to prevent the escape of a Prohibited Substance, or to stop an escape which is ongoing, or if the Municipal Engineer, Environmental Protection Officer or Environmental Coordinator is not satisfied that the Owner has taken appropriate steps to mitigate the damage, then the District may enter onto the land to take such steps as are necessary in the circumstances.
- 9.4 The costs of any work done by the District pursuant to this Bylaw will be a debt of the Owner to the District, whether the work is done on the Owner's land or on District land, and shall bear interest at the prime rate of the Bank of Canada plus 2% per annum.
- 9.5 The costs referred to in 9.5 will be due and payable by December 31 of the year in which they were incurred (or within 30 days of the time that they were incurred) and if unpaid on that date shall be deemed to be taxes in arrears and may be so entered on the tax roll by the collector.

Part 10 Inspection

- 10.1 District Staff are hereby authorized to enter at all reasonable times upon any property for the purpose of ascertaining whether the regulations of this Bylaw are being observed as detailed by s.16 of the *Community Charter*.

Part 11 Offence and Penalty

Amended by
Regulatory
Bylaw
Enforcement
and Penalty
Bylaw No.
4521, 2007

- 11.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$5,000, and is guilty of a separate offence each day that a violation continues or exists.

Schedules

Schedule A – Sediment and Erosion Control Guidelines

READ A FIRST TIME on May 16, 2005

READ A SECOND TIME as amended on June 20, 2005

READ A THIRD TIME on June 20, 2005

THIRD READING RESCINDED on July 11, 2005

READ A THIRD time as AMENDED on July 11, 2005

ADOPTED by the Council on July 18, 2005

Mayor

Municipal Clerk

Schedule A

Sediment and Erosion Control Guidelines

The objectives during the development of an individual lot are to minimize erosion and release of sediment off-site by controlling the development and construction activities. Single lot erosion and sediment control measures include:

- a. Planning the construction access;
- b. Minimizing clearing and grading activities;
- c. Control of excavated soil stockpiles;
- d. Surface and slope preparations; and,
- e. Surface run-off control.

Site Layout and Clearing

At the earliest stages, the single lot development should be designed to include the Best Management Practices for erosion and sediment control, specifically:

- a. Design and layout of the building site to minimize impervious areas;
- b. Retain existing vegetation and ground cover where possible;
- c. Restrict vehicle access and provide a surfaced working area;
- d. Minimize clearing and stripping of setbacks and easements; and,
- e. Clearly mark building area and clearing boundaries on-site.

Soil Erosion Control

Surface erosion from single lots and building sites is generated mainly from soil excavations and graded areas. To minimize erosion on-site, the following Best Management Practices must be applied:

- a. Cover temporary fills or stockpiles with polyethylene or tarps;
- b. Re-vegetate or final landscape disturbed areas as soon as practically possible; and,
- c. Limit machine access and operation to prepared access areas only.

Schedule A Sediment and Erosion Control Guidelines

Continued

Drainage and Sediment Control

Site drainage features can usually incorporate sediment control features to limit the off-site transport of sediments directly into Watercourse Systems. Best Management Practices include:

- a. Divert run-off away from cleared areas by use of swales or low berms;
- b. Utilize silt fences around stockpiled materials and sloped areas;
- c. Collect run-off into sediment traps prior to discharge off-site; and
- d. Protect catch-basins both on and off-site to prevent the discharge of sediment laden run-off to the Watercourse System;
- e. No water leaving the site shall meet or exceed the criteria for Excessive Suspended Solids Discharge as described in the Bylaw; Care must be taken to ensure that silt or soil is not tracked, spilled, or deposited onto the street.