



City of Langley

WATERCOURSE PROTECTION BYLAW

NO. 2518

A bylaw to protect watercourses in the City of Langley

The Council for the City of Langley, in open meeting assembled, hereby enacts as follows.

Definitions

1. For the purposes of this bylaw, the following words and terms mean unless the context otherwise requires:

Background Levels of Suspended Solids means a natural suspended solids measured upstream of any human activity, including but not limited to development and road building, in the area that has the potential to add sediment to a watercourse.

City means the City of Langley.

Construction Works 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 Waste Management Act, R.S.B.C. 1996, c. 482, 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 (Criteria) 1998 Edition, Tables 42 and 43, as amended 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.

Director of Engineering means the engineer for the City and his or her delegate.

Drainage System means the system and network of watercourses, waterworks, swales, drainage works, mains, pipes, culverts, catch basins, leads, sidewalks and curbs and gutters located in the City on private or public property.

Enforcement Officer means:

- (a) the Bylaw Enforcement Officer;
- (b) the Director of Engineering;
- (c) the Manager of Engineering Services;
- (d) the Manager of Engineering Operations;
- (e) the Chief Building and Licensing Inspector;
- (f) the Fire Chief;
- (g) any City employee under the direction of a person listed in subsections (a) to (f); and
- (h) a member of the Royal Canadian Mounted Police;.

Environmentally Sensitive Area means an area designated an Environmentally Sensitive Area or an Environmentally Sensitive Watercourse in Schedule “D” of the City of Langley Official Community Plan Bylaw, 1999, No. 2280.

Excessive Suspended Solids means 75 mg or more of total suspended solids per one litre above Background Levels of Suspended Solids in a Watercourse.

Impede includes impede, block, divert, obstruct, or detrimentally affect.

Professional Engineer means an engineer who is registered with the Association of Professional Engineers and Geoscientists of British Columbia.

Prohibited Material means

- (a) any sediment, earth, construction or excavation wastes, cement, concrete or other substances which, when mixed with water, will result in a discharge of Excessive Suspended Solids;
- (b) a Deleterious Substance which, if introduced to the Drainage System, would foul it;
- (c) pesticides, fertilizers, 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;
- (d) a contaminant which, if introduced to the Drainage System, would foul it, or
- (e) any sediment laden water with Excessive Suspended Solids Discharge.

Sediment Control Plan means the specifications, drawings, plans and design calculations for works to control and monitor the discharge of any Prohibited Material from any source into the Drainage System.

Soil includes soil, sand, gravel, rock or other similar material.

Watercourse includes stream, spring, pond, creek, lake, waterway, swamp, gulch, ravine, ditch, drain, sewer or other similar bodies of water.

Prohibitions

2. No person will
 - (a) foul or impede or cause or permit another to foul or impede the flow of the Drainage System whether or not situated on private property;
 - (b) deposit or cause or permit another to deposit soil in the Drainage System or in an Environmentally Sensitive Area whether or not situated on private property; or
 - (c) cause or permit any Prohibited Material or water containing Prohibited Material to be discharged directly or indirectly into the Drainage System.
3. Despite section 2, the City may, contrary to the provisions of this Bylaw, undertake emergency measures to impede the flow or deposit soil in the Drainage System or in an Environmentally Sensitive Area in accordance with accepted best management practices.

Construction and Development

4. The measuring of the flow to determine if there is a discharge of Excessive Suspended Solids will be taken at the immediate outlet point of the discharge.
 - 4.1 The measuring of the flow to determine if there is a discharge of Excessive Suspended Solids will not be taken at the introduction point nor downstream of the outlet.
 - 4.2 The measuring of the flow will be conducted by a independent certified professional who will forward the complete results to the Director of Engineering as soon as the results become available.
5. Any person undertaking any Construction Works will place, store, transport or dispose of any excavation wastes, overburden soil, earth, sediment laden water, sediment or Prohibited Material in such a manner and in accordance with prudent practices so as to prevent the likely escape of the materials into the Drainage System.
6. Any person undertaking any Construction Works will submit a Sediment Control Plan for the proposed Construction Works as part of the servicing design drawings submitted to the Director of Engineering for review.

7. The Sediment Control Plan must be implemented prior to the commencement of the Construction Works and must be carried out for the duration of the Construction Works.
8. No person will wash or permit the washing of cement from exposed aggregate driveways, patios, or other surfaces or from concrete trucks into the Drainage System.
9. The quality of any water discharged directly or indirectly from any property into the Drainage System will meet or exceed the minimum requirements of any applicable bylaw, statute, regulation or bylaw and will at no time contain suspended solids in excess of the minimum concentration for Excessive Suspended Solids.

Sediment Control Plan

10. A Sediment Control Plan will set out the works and measures required during Construction Works to prevent the discharge of Excessive Suspended Solids to the Drainage System.
11. The Sediment Control Plan must be signed and sealed by a Professional Engineer and will include:
 - (a) 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 Construction Works;
 - (b) without limiting any other obligation within this Bylaw, the stabilization of all exposed soil areas resulting from the Construction Works that will remain dormant for 45 days or more by either mulching, seeding or plastic covering;
 - (c) a phased construction schedule that limits the extent of tree clearing and soil disturbance to those areas immediately required for site construction;
 - (d) a monitoring program with a schedule, test points and methodology to be used to measure the suspended solids in the run-off water discharged from the Construction Works;
 - (e) an operation and maintenance program during the Construction Works that contains a maintenance schedule, methodology and the maintainer's name, address, and emergency contact telephone number;
 - (f) a letter of undertaking signed by a Professional Engineer which commits to undertake the management of the Sediment Control Plan and includes:
 - (i) the inspection of the Construction Works to certify that they are being constructed in accordance with the Sediment Control Plan;
 - (ii) periodic inspections of Construction Works to certify that the standards of discharge of sediments established by this Bylaw are not exceeded; and
 - (iii) the inspections of the receiving waters of the Drainage System before, during and after the Construction Works to determine whether Prohibited was discharged.

12. The Sediment Control Plan may include:
 - (a) hydro seeding of exposed land, planting or vegetation and specifications on when such planting or seeding must occur, where it is deemed necessary by the Professional Engineer submitting the Sediment Control Plan;
 - (b) the diversion of surface drainage away from the Construction Works and any exposed earth where it is deemed necessary in the opinion of the Professional Engineer submitting the Sediment Control Plan.

13. The monitoring program is to be conducted by an independent certified professional who must have the written authority from the owner to modify, to suspend or modify and suspend any Construction Works necessary to ensure compliance with this Bylaw.
 - 13.1 The independent certified professional must make all monitoring data available to the City upon request.
 - 13.2 The monitoring program will not be less than daily in rainfall events and weekly at all other times for the duration of the Construction Works

14. The sediment control works required by the Sediment Control Plan will be inspected, maintained and operated for the duration of the Construction Works by the owner and his or her contractor performing the Construction Works, as set out in the Sediment Control Plan.

15. Any modification or revision of the Sediment Control Plan to suit field conditions for the purpose of achieving more effective suspended solids control and treatment must be submitted in writing to the Director of Engineering within two days of making a modification or revision.

Offences, Penalties and Remedies

16. Any person who
 - (a) violates any provision of this Bylaw or neglects or fails to do anything required to be done by this Bylaw;
 - (b) causes or permits any other person to violate any provision of this Bylaw or neglects or fails to do anything required to be done by this Bylawcommits an offence under this Bylaw and is subject to the imposition of any and all penalties or remedies available to the City pursuant to this Bylaw or to any other applicable law.

17. If, in the event of non compliance with the provisions of this Bylaw or if the Construction Works are in contravention of an approved Sediment Control Plan, the Director of Engineering may issue a cease work notice by posting a notice to that effect at the place where the Construction Works are occurring.
 - 17.1 The Director of Engineering will send a copy of the cease work notice by return registered mail to the owner of the property where the Construction Works are occurring.

- 17.2 Any person who receives the cease work notice will immediately suspend all or any portion of the Construction Works until the non compliance or the contravention has been remedied.
18. If, in the opinion of the Director of Engineering, immediate steps should be taken to prevent the likely escape of Prohibited Material or to stop an escape of Prohibited Material which is on-going, and if the Director of Engineering is not satisfied that the owner or other responsible person will take appropriate steps, the City may enter onto the property to take such steps as are necessary in the circumstances to prevent or stop the escape Prohibited Material.
- 18.1 If such an event occurs, the full amount of the City's costs will be payable by the owner of the property where the Construction Works have occurred.
19. An Enforcement Officer may, at all reasonable times and without notice, enter upon and inspect any property in the City to determine whether there is compliance with the requirements and provisions of this Bylaw.
20. Any person who commits an offence under this Bylaw, in addition to being subject to any remedies or penalties specifically provided for in this Bylaw, is also subject to prosecution and, upon conviction for such offence, a fine of not more than \$2,000.00 for each and every offence.
- 20.1 A separate offence is deemed to be committed on each day during or on which a violation occurs or continues.

Administration

21. If any section of portion of this Bylaw is held invalid by a court of competent jurisdiction, it will be severed and the validity of the remaining provisions of this Bylaw will not be affected.
22. The City of Langley Drainage Protection Bylaw, 1993, No. 1901 and its amendments are repealed.

23. This Bylaw may be cited for all purposes as the “Watercourse Protection Bylaw, 2003, No. 2518.

READ A FIRST, SECOND AND THIRD TIME this 29th day of September, 2003.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 6th day of October, 2003.

MAYOR

CITY CLERK