

NO. 05-80

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Storm Water Bylaw by:

- a) adding Codes of Practice for construction and development activities, automotive operations, parking lot operations, recreation facilities, outdoor storage yard operations and recycling operations;
- b) by prohibiting the discharge into a storm drain or watercourse of certain substances; and
- c) by increasing the maximum fine payable for a contravention of the bylaw.

Under its statutory powers, including sections 8(3)(a), 8(3)(j), 16, 17, 18 and 59(1)(c) of the *Community Charter*, and B.C. Regulation No. 144/2004, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the "STORM WATER BYLAW, AMENDMENT BYLAW (NO. 1)".
2. Bylaw No. 01-154 is amended in section 2(1) by adding the following definitions:

"Carpet Cleaning Waste" means a combination of water-carried liquid and solid waste generated as a result of hard and soft surface cleaning activities by means of liquid extraction, Bonnet, Absorbent compound, Shampoo or Dry Foam method equipment and procedures;

"Engine Washing Waste" means waste that results from the cleaning of an engine by water, steam, chemicals or other methods;

"Business Waste" means waste which is produced on a commercial, industrial or institutional property.
3. Bylaw No. 01-154 is further amended by deleting section 3(1) and substituting the following in its place:

"(1) No person shall discharge or allow or cause to be discharged into a storm drain or watercourse any of the following:

 - (a) domestic waste;
 - (b) trucked liquid waste;

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- (c) sanitary waste;
 - (d) business waste; or
 - (e) prohibited waste."
4. Bylaw No. 01-154 is further amended in section 3.0 by adding the following subsection:
- "(4) Despite the prohibition against business waste contained in subsection (3)(1)(d), a person may discharge into a storm drain or watercourse:
- (a) water resulting from natural precipitation, and drainage of such water;
 - (b) water resulting from landscaping maintenance;
 - (c) uncontaminated water that does not contain residual chlorine or chloramines; and
 - (d) waste from a business or other activity regulated by a code of practice attached to this bylaw where the discharge is carried out in accordance with the code of practice."
5. Bylaw No. 01-154 is further amended in section 4(2)(c) by deleting the word "environment" and substituting in its place the words "municipal drainage system or watercourse".
6. Bylaw No. 01-154 is further amended in sections 7(2)(a) and (b) by striking out the word "less" and substituting the word "more".
7. Bylaw No. 01-154 is further amended in sections 7(1), (2), (5)(b) and (6) by striking out the word "Manager" and substituting the word "Director".
8. Bylaw No. 01-154 is further amended by deleting section 10 and substituting the following in its place:

"10.0 Disconnection

- (1) Where an owner or occupier of real property discharges waste to the municipal drainage system that is not in compliance with this bylaw, the Director may require the owner to discontinue the storm sewer service to that real property by disconnecting or plugging the storm sewer connection where the Director considers the disconnection or plugging is necessary to

prevent or discontinue a discharge that is not in compliance with this bylaw and where the owner or occupier fails to do so, the Director may cause the discontinuance of the service.

- (2) Before the Director causes discontinuance of a storm sewer service to real property under this section, the Director must first cause notice of the proposed discontinuance to be sent to the owner of the property and any occupier who is apparently responsible for the discharge at least 30 (thirty) days prior to the date of the proposed discontinuance.
- (3) The notice under subsection (2) may be sent by one or more of the following:
 - (a) regular mail or priority post to the most recent postal address that the Director has for the intended recipient;
 - (b) facsimile transmission to the most recent fax number the Director has for the intended recipient; or
 - (c) by hand delivery to the intended recipient.
- (4) A notice sent by:
 - (a) regular mail will be considered to have been delivered 5 (five) days following posting; or
 - (b) priority post will be considered to have been delivered the day following posting.
- (5) The notice sent under subsection (2) must contain the following language or wording that is substantively similar:

‘You may, within 15 (fifteen) days of receipt of this notice, request in writing an opportunity to appear before Council to make representations with respect to this matter. You may appear in person or through a representative.’
- (6) Prior to the proposed discontinuance of the storm sewer service, the occupier or owner of the property that is the subject of the proposed action may appear before Council to make representations regarding the matter where the owner or occupier has made a written request to the Director within 15 (fifteen) days of the delivery of the notice under subsection (2).
- (7) The Director will not cause the disconnection or plugging of the storm sewer connection until an owner or occupier who has applied to appear before

Council has had an opportunity to make representations.

- (8) When the matter is heard by Council, Council may affirm, vary or set aside the decision of the Director under this section.
 - (9) If an owner or occupier is provided a reasonable opportunity, as determined by the Council, to appear before Council and fails to appear either in person or by a representative, Council may affirm, vary or set aside the decision of the Director.
 - (10) A decision of Council to set aside the decision of the Director under this section does not prevent the Director from exercising the authority of the Director under this section with respect to any subsequent discharge of waste to the municipal drainage system that is not in compliance with this bylaw.
 - (11) In accordance with section 16(6)(a) to (c) of the *Community Charter*, the Director or other employee of the City, or a contractor hired by the City may enter onto the property."
9. Bylaw No. 01-154 is further amended in section 11(1) by striking out "\$2,000" and substituting "\$10,000" in its place.
 10. Bylaw No. 01-154 is further amended in Schedule "A" by striking out section 16 and substituting the following in its place:

"16. **Oily Wastewater**

Any wastewater that contains Total Oil and Grease as defined by Standard Methods that exceeds 15mg/L as determined by either a grab sample or a composite sample."
 11. Bylaw No. 01-154 is further amended by deleting section 17(b) of Schedule "A" and substituting the following in its place:

"(b) cause the water quality in the watercourse receiving the wastewater to exceed the maximum induced suspended sediments guidelines as set out in Table 2 in the "British Columbia Approved Water Quality Guidelines (Criteria): 1988 Edition, Updated January 17, 2001", published by the Ministry of Environment, Lands and Parks."
 12. Bylaw No. 01-154 is further amended in Schedule "A" by adding the following sections:

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"19. **Carpet Cleaning Wastes**

Any Carpet Cleaning Waste.

20. **Waste Containing Phosphorus**

Any waste which, prior to the point of discharge into a storm sewer or watercourse, contains a total phosphorus concentration greater than 1.0 mg/L as determined by either a grab sample or composite sample.

21. **Wastewater from Garbage Containers and Restaurant Grease Containers**

Any wastewater that contains liquid waste that originates from within garbage containers over two cubic meters in volume and any size of restaurant waste grease containers.

22. **Turbidity**

Any wastewater with a turbidity that would:

- (a) exceed 50 nephelometric turbidity units (NTU) as determined by either a grab sample or a composite sample, or
- (b) cause the water quality in the watercourse receiving the wastewater to exceed the maximum induced turbidity guidelines as set out in Table 2 in the "British Columbia Approved Water Quality Guidelines (Criteria): 1998 Edition, Updated January 17, 2001" published by the Ministry of Environment, Lands and Parks.

23. **Engine Washing Wastes**

Any engine washing waste.

24. **Chloride**

Any waste which, prior to the point of discharge into a storm sewer or watercourse, contains a chloride concentration greater than 1000 mg/L as determined by either a grab sample or composite sample."

13. Bylaw No. 01-154 is further amended by deleting Schedule "B" and substituting the Schedule "B" appended to this Bylaw in its place.
14. Bylaw No. 01-154 is further is amended by adding as Schedules "D", "E", "F", "G" and "H" the Schedules "D", "E", "F", "G" and "H" that are appended to this Bylaw.

READ A FIRST TIME THIS **21st** day of **July,** 2005.

READ A SECOND TIME THIS **21st** day of **July,** 2005.

READ A THIRD TIME THIS **21st** day of **July,** 2005.

ADOPTED on the **11th** day of **August,** 2005.

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

SCHEDULE "B"

LIST OF BUSINESS CLASSIFICATIONS SUBJECT TO A CODE OF PRACTICE

The following Codes of Practice have been adopted by the City of Victoria.

Business Classification Subject to a Code of Practice	Appended to this Bylaw as Schedule
1. Construction and Development Activities	D
2. Automotive Operations and Parking Lot Operations	E
3. Recreation Facilities	F
4. Outdoor Storage Yard Operations	G
5. Recycling Operations	H

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