

"STORM SEWER REGULATION AND CHARGE BYLAW 1990 NO. 3808"

Consolidated Version

1997-JUN-17

Includes Amendments: 3827, 3861, 4862, 4966, 5246

CITY OF NANAIMO

BYLAW NO. 3808

A BYLAW TO REGULATE THE EXTENSION OF AND CONNECTIONS TO THE
PUBLIC STORM SEWER SYSTEM OF THE CITY OF NANAIMO AND
TO IMPOSE PUBLIC STORM SEWER CONNECTION FEES

WHEREAS the Council may, by bylaw pursuant to Section 611 of the *Municipal Act*, provide for the establishment of a system of drainage works for the impounding, conveying and discharging of surface and other waters, and may require owners of real property to connect their buildings and structures to the appropriate sewer or drain connections and, in the event of an owner failing to make the necessary connections within a specified time, provide for having the work done at his expense;

AND WHEREAS the Council may, by bylaw pursuant to Section 612 of the *Municipal Act*, impose a connection charge and fix the terms of payment on owners of real property to defray the cost of laying connecting pipes from public storm sewers and drains to land or buildings required to be drained;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, hereby enacts as follows:

Title

1. This Bylaw may be known and cited as City of Nanaimo "STORM SEWER REGULATION AND CHARGE BYLAW 1990 NO. 3808".

Interpretation

2. In this Bylaw, unless the context otherwise requires:

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| "Applicant" | means an owner or his agent making application for storm sewer/drainage services. |
| "Building Sewer" | means a pipe extending from the property line of the property concerned to the building or structure or drain system situated thereon, and joining the public storm sewer service connection or drain system at the property line to the drainage system at the building, or to a drain system on the property for the purpose of conveying storm water. |
| "Capable of Connection" | means the parcel of land abuts a street, lane, public storm sewer right-of-way or easement, upon or within which there is a collector storm sewer or drain with adequate capacity, and that the service connection will drain by gravity towards the storm sewer or drain, and the service connection will allow the house, building or property to be connected to the drain. |
| "Charge" | means a charge listed under Section 435 of the <i>Municipal Act</i> . |

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| "Managing Director of Public Works" (Bylaw 5246) | means the person duly appointed as such from time to time by Council and includes any person appointed or authorized by the Managing Director of Public Works to act on his behalf. |
| "Drain" | means a ditch, channel, or pipe, covered wholly or in part, for the purpose of conveying and discharging storm water. |
| "Enclosed" | means any portion of the public storm sewer system consisting of covered pipes, catchbasins, manholes and other appurtenances approved by the City. |
| "Owner's Cost" | means a sum determined by the City and which includes the actual amount expended by the City for gross wages and salaries, employee fringe benefits, materials, equipment rentals at rates paid by the City or set by the City for its own equipment, and any other expenditures incurred in doing the work. |
| "Public Storm Sewer System" | means the system of drainage works for the impounding, conveying and discharging of surface and other waters established by this Bylaw and to which sanitary sewage or industrial waste is not admitted, including a drain owned and operated by the City, and the appurtenant drainage and other works. |
| "Service Connection" | means a drain, which may include an inspection chamber and/or cleanout, extending from a public storm sewer system to a property or easement line, providing the capability of draining storm water from a building or real property or portion thereof. |
| "Storm Sewer Extension" | means any installation requiring the construction of a drain, on a highway, municipal right-of-way or easement, from the most convenient existing storm sewer drain, but does not include a service connection or a building sewer pipe. |
| "Storm Water" | means surface water or ground water that is discharged from a parcel of land. |

Establishment of a Public Storm Sewer System

3. There is hereby established a public storm sewer system within the City of Nanaimo.

DIVISION 1 - USE OF PUBLIC STORM SEWER SYSTEM

Individual Connections

4. In addition to any connections required to be made to the public storm sewer system pursuant to any other bylaw, an owner of a parcel capable of connection shall cause the parcel to be connected to the public storm sewer system upon notice from the City delivered in accordance with Section 21 where the parcel is:

- (1) located along a street or adjacent to a location where part of the public storm sewer system is being enclosed;
- (2) a parcel identified by the Managing Director of Public Works as a source of storm water which causes or contributes to recurrent water accumulation on another parcel or parcels;
- (3) located in an area identified by the Managing Director of Public Works as an area experiencing recurrent water accumulation as a result of poor drainage; or
- (4) located in a Specified Area created for the purpose of installing drainage works for the benefit of that Specified Area.

Connection Location (Bylaw 3827)

5. Where practical, the service connection will be located at the location requested by the applicant. In the event that the applicant's preferred location is not practical due to the existence of installed surface improvements or unsuitable ground conditions, or because of a conflict with installed underground utilities, the Managing Director of Public Works shall designate the location of the service connection to each parcel. Where the installation of the service connection by the City is:

- (1) over 30 metres long; or
- (2) a manhole is required to be installed on the storm sewer main to facilitate the connection; or
- (3) a change or modification is requested to an existing storm sewer connection;

this work will be undertaken by the City at the applicant's cost.

Depth

6. Where practical, as governed by the depth of the public storm sewer system, the minimum depth of the service connection at the property line shall be one metre. Where practical, the service connection will be installed with sufficient depth to provide natural drainage from the lowest floor of any building or structure or low-lying properties except where natural drainage is impractical due to the relative elevation of the public storm sewer system or drain and the lowest floor of the building or structure or low-lying property.

Connection to Service Connection

7. The City shall not be responsible to meet the elevation or to connect to an existing building sewer installed by the owner prior to installation of a service connection.

Tampering with Public Storm Sewer System

8. (1) No person shall make any connection whatsoever to the public storm sewer system, or in any way tamper with the public storm sewer system without first obtaining the required permits or permission from the Managing Director of Public Works.
- (2) No person shall discharge, or deposit, or cause, allow or permit to be discharged, or deposited into any public storm sewer system, plumbing fixtures connected thereto, drain, manhole, inspection chamber or any other part of the public storm sewer system, any substance of any kind whatsoever that would tend to obstruct or injure the public storm sewer system or to cause any nuisance, or which will in any manner interfere with the proper function, maintenance or repair of the public storm sewer system.
- (3) No person shall maliciously, willfully or negligently break, damage, destroy, cover, uncover, deface, mar or tamper with any part of the public storm sewer system.

Open Discharge

9. No person shall discharge storm water onto or into any facility other than into a public storm sewer system, unless otherwise authorized by the Managing Director of Public Works.

No Discharge to Public Storm Sewer System

10. No substance or material other than storm water, unpolluted drainage water and cooling water shall be discharged into the public storm sewer system, and, without affecting the generality of the foregoing, no person shall discharge or cause or allow to be discharged into the public storm sewer system any of the following sewage or wastes:

- (1) Any noxious or malodorous substance which either singly or by interaction with other wastes is capable of creating a public nuisance, or hazard to life or preventing entry into a public storm sewer system.
- (2) Any sanitary sewage or waters or wastes containing a toxic or poisonous substance that would constitute a hazard to humans, animals or fish, or create any hazard in the receiving waters or habitat.
- (3) Any gasoline, benzene, naphtha, alcohols, solvents, fuel oil or other flammable or explosive liquids, solids or gas.
- (4) Any solid or viscous substance capable of obstructing storm water flow or interfering with the proper operation of the public storm sewer system.
- (5) Any waters containing dissolved suspended solids.
- (6) Sludge or deposit contained in septic tanks.

- (7) Any waters discharged from a swimming pool, as well as any effluent from pool filter backwashing and skimmers.

Illegal Connections

11. No person shall connect or attempt to connect, or allow to be connected, or allow to remain connected to the public storm sewer system any property or premises other than in accordance with the provisions of this Bylaw.

DIVISION 2 - SEWER SYSTEM EXTENSION

Permit Requirement

12. No extension to the public storm sewer system shall be made without a permit issued by the Managing Director of Public Works.

Standards of Construction

13. Any extension to the public storm sewer system shall be constructed in accordance with the current City of Nanaimo Engineering Standards and Specifications.

DIVISION 3 - BUILDING SEWERS

Standards of Construction

14. Building sewers shall be installed in accordance with the requirements of the British Columbia Plumbing Code, and shall be constructed by the owner entirely at his own expense.

Inspection

15. No building sewer shall be connected to a public storm sewer system until it has been inspected and approved by the City of Nanaimo.

Blockages

16. The building sewer shall be maintained by the property owner at his sole expense. Where any service connection becomes stopped or otherwise fails to function, the owner or occupier of the premises served shall first determine that the blockage is not located in his building sewer and then notify the Department of Public Works. The Department of Public Works shall, as soon as practical, arrange to have the public storm sewer system or service connection unstopped or otherwise restored to a serviceable condition.

17. Where any stoppage or failure is found to exist in the service connection or building sewer, and said stoppage or failure has not been caused by the City, all costs incurred by the City in restoring service and unstopping the service connection or building sewer shall be paid by such owner or occupier upon demand, and if unpaid on the 31st day of December of the year in which such work is done, shall be deemed to be taxes in arrears on the property concerned.

Abandonment

18. When any building sewer is abandoned, the owner or his agent shall notify the Managing Director of Public Works and shall provide a plan satisfactory to the Managing Director of Public Works, showing the location of the service connection at the property line.

DIVISION 4 - CHARGES FOR SERVICE

Service Connection Fees (Bylaw 3827)

19. The owner or his agent shall, on receipt of a permit for a service connection or disconnection, pay to the City the applicable fee prescribed in Schedule 'A' attached hereto and forming part of this Bylaw.

User Charges

19A. Any owner or occupier of real property who proposes to connect a building or structure on that property to the public storm sewer system when no building permit has been obtained from the City for that building or structure shall, prior to connection to the system, pay to the City a charge for the use of the system, to assist the City to pay the capital costs of providing the system, in an amount equal to the development cost charges which would be payable to the City but for the absence of a building permit. The charge provided for in this section shall be in addition to the connection charge prescribed in Section 19. (Bylaw 4966)

19B. The charge under Section 19A may be waived or lessened for real property, any present or previous owner or present occupier of which:

- (a) has constructed at his or her own expense a portion of the drainage system of the City;
or
- (b) has paid all debt and debt charges, including interest, in respect of that portion of the drainage system that serves the real property. (Bylaw 4966)

Recovery

20. A charge imposed under this Bylaw which remains unpaid on the 31st day of December in any year shall be deemed to be taxes in arrears on the land or real property on which the charge was imposed, and may be recovered as provided in Section 435 of the *Municipal Act*.

DIVISION 5 - MANDATORY CONNECTION - PUBLIC STORM SEWER SYSTEM

Notice to Connect

21. Where the owner of any real property capable of connection is required to connect to the public storm sewer system, notice shall be sent by double registered mail to the owner.

22. Within thirty days of receiving notice to connect, the owner shall connect or cause to be connected the said property to the public storm sewer system.

Failure to Comply

23. (1) If, after the expiration of the 30 day period under Section 22, the owner served with such notice has failed or neglected to connect his property to the public storm sewer system as required, the City, by its employees or contractors may enter upon the property and cause the connection to be made.

(2) Where a building sewer, service connection and/or drain is constructed under Subsection (1), it shall be done entirely at the owner's cost and the cost may be recovered with interest at the rate of six percent a year, with costs in the same manner as municipal taxes.

DIVISION 6 - GENERAL

Offence

24. (1) 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 commits an offence and is liable to the penalties hereby imposed.

(2) An owner shall correct any violation of any provision of this Bylaw within five days of receiving written notice from the Managing Director of Public Works or, forthwith upon verbal notice in the case of an emergency request of the Provincial or Federal Government, nuisance or danger to the public. If the owner fails to correct any violation the City may, without prejudice to any other remedy it may have, enter the owner's property and correct such violation at the owner's cost.

(3) Any real property connected to a service connection or drain in contravention of this Bylaw and any service connection connected to the public storm sewer system and discharging therein any sanitary sewage, substance or matter prohibited by this Bylaw may be disconnected, stopped up and closed at the direction of the Managing Director of Public Works, and at the owner's cost.

Penalty

25. (1) Any person who commits an offence contrary to this Bylaw is liable on summary conviction to a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).
- (2) Where an offence is committed on more than one day or is continued for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

Right of Entry

26. The Managing Director of Public Works or his designate may enter at all reasonable times on any property subject to this Bylaw for the purpose of inspecting the premises and storm sewer pipes, drains, fixtures and any other apparatus used in connection with such service connection or plumbing system and to observe, measure, sample and test the quantity and nature of storm water being discharged into the public storm sewer system in order to ascertain whether or not the provisions of this Bylaw are being observed.

Remainder of Bylaw to be Maintained Intact

27. In the event that any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

SCHEDULE 'A'

SERVICE CONNECTION PERMIT FEES

1. Service Connection Fees

- (a) A "service connection fee" shall be paid for all storm service pipes installed by the City. Except as otherwise provided for in this Bylaw, the "service connection fee" shall be paid at the time of application.
- (b) In the case of subdivision of a property, the storm sewer "service connection fee" for all service pipes, shall be paid prior to approval of the subdivision plan. "Service connection fees" shall be as follows:
 - (i) 100mm (4 inch) storm sewer pipe \$1,780.00 (see iv)
 - (ii) 150mm (6 inch) storm sewer pipe \$1,880.00 (see iv)
 - (iii) Over 150mm (6 inch) - at owner's cost.
 - (iv) The fees in (i) and (ii) apply where a direct connection to the storm sewer main is possible.

2. The fee for a disconnection from an existing storm sewer connection shall be \$205.00.