

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

STORMWATER UTILITY ESTABLISHMENT BYLAW 2003 NO. 4232

CONSOLIDATED FOR CONVENIENCE ONLY

EXPLANATORY MEMO

Bylaw No. 4232 provides for the establishment of a stormwater utility in the Township of Langley.

Amending Bylaw No. 4834

Bylaw No. 4834 amends the Fees and Charges Bylaw 2007 No. 4616 and its amendments, to add new fees to Recreation, Culture, and Parks - Schedule 1, Miscellaneous Corporate – Schedule 5, RCMP – Schedule 6, Fire – Schedule 7, Transportation – Schedule 8, Solid Waste – Schedule 9, Soils – Schedule 10, Waterworks – Schedule 11, Sewer – Schedule 12, and Stormwater – Schedule 13; to address new or enhanced municipal services, and continues the consolidation of Langley’s fees and charges bylaws.

Amending Bylaw No. 4884

Bylaw No. 4884 amends the Fees and Charges Bylaw 2007 No. 4616 and its amendments, to add new fees to Recreation, Culture, and Parks - Schedule 1, Miscellaneous Corporate – Schedule 5, RCMP – Schedule 6, Fire – Schedule 7, Transportation – Schedule 8, Solid Waste – Schedule 9, Waterworks – Schedule 11, Sewer – Schedule 12; to address new or enhanced municipal services, and continue the consolidation of Langley’s fees and charges bylaws.

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STORMWATER UTILITY ESTABLISHMENT BYLAW 2003 NO. 4232

WHEREAS the *Local Government Act* authorizes Council to establish services and charge for those services;

AND WHEREAS the *Local Government Act* authorizes Council by bylaw to regulate the design and installation of drainage works as well as the use of such drainage works which include streams, ditches, drains and sewers;

AND WHEREAS Council deems it prudent and necessary to establish and operate a stormwater utility for stormwater management purposes for the convenience and safety of residents and businesses within the Township;

NOW THEREFORE the Council of the Township of Langley in Open Meeting assembled, ENACTS as follows:

Part 1 – Title

1. This Bylaw may be cited for all purposes as the “Stormwater Utility Bylaw 2003 No. 4232.”

Part 2 – Table of Contents

2. This Bylaw, for purposes of convenience only, is divided into the following parts:

Part	Sections	Title
1	1	Title
2	2	Table of Contents
3	3	Definitions
4	4	Establishing Stormwater Utility Services
5	5 – 7	Connection and Severance Applications
6	8 - 21	Responsibility of the User
7	22 – 26	Fees and Levy
8	27 – 28	General
9	29 – 30	Penalties
Schedule A		Storm Sewer Connections and Severance Fees

Part 3 – Definitions

3. In this Bylaw, unless the context otherwise requires, the following words mean:

Building Inspector – means the person holding the office of Township Building Inspector or duly authorized representative.

Contaminant – means any substance, whether gaseous, liquid, or solid, whether dissolved or suspended, that is or is capable of:

- a) injuring the health or safety of a person;
- b) injuring property or any life form;
- c) interfering with the proper operation of the drainage system
- d) causing material physical discomfort to a person; or
- e) damaging the environment.

Discharge – means to directly or indirectly introduce a substance into the drainage system by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.

Drainage System – means all storm sewer works, and appurtenances thereto owned, controlled, maintained and operated by the Township within any highway, Township property or Township right-of-way or easement for the purpose of collecting, pumping, treating and disposing of stormwater, including pipes, drain tiles, catch basins, detention facilities, infiltration trenches, ditches, and watercourses. It also encompasses all associated environmental features and works.

Engineer – means the person holding the office of Township Director of Engineering or duly authorized representative.

Municipal Service Connection – means the Township owned pipe and fittings between a property and the drainage system.

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 land.

Person – means an individual, society, partnership and corporation.

Premises – means any land or building, or both, or any part thereof.

Private Service Connection – means the privately owned underground pipe connecting a municipal service connection at or near the property line to the stormwater collection system of a premises.

Storm drain - means a drain or conduit for the collection and transmission of stormwater.

Stormwater – means water resulting from natural precipitation from the atmosphere and uncontaminated water all of which is intended to be conveyed in the drainage system.

Township - means the Corporation of the Township of Langley.

Uncontaminated Water- means water that does not contain contaminants and may include cooling water and condensation drainage from refrigeration and air conditioning equipment and cooled condensation from steam heating systems.

Watercourse –means:

- a) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh, or other natural body of fresh water; and
- b) a canal, ditch, reservoir or other man-made surface feature whether it contains or conveys water continuously or intermittently.

Part 4 – Establishing Stormwater Utility Service

4. The administration, capital construction, operation, maintenance, inspection and repair of a drainage system is hereby established as a service of the Township.

Part 5 – Connection and Severance Applications

5. Application to connect to or sever from the drainage system shall be in a form acceptable to the Engineer. The Engineer may ask for and shall receive any information in such detail and form as may be deemed appropriate.
6. The installation or severance of a private service connection shall not proceed until authorized by the Engineer.
7. Every private service connection shall be installed in accordance with the standards contained in the “Subdivision and Development Control Bylaw 1994, No. 3335” and any amendments thereto.

Part 6 – Responsibility of the User

8. The Owner is wholly responsible for the consequences of building within a floodplain or from flooding due to storms exceeding design capacity of the drainage system.

9. Every building shall be connected to the drainage system, unless the Owner has obtained the approval of the Building Inspector.

Use of Private Service Connection

10. The private service connection for a property is solely for the purpose of conveying stormwater from the property to the municipal service connection or other point of disposal as approved by the Engineer.

11. Stormwater from one property cannot be conveyed via the private service connection of another property to a municipal service connection.

Maintenance of Private Service Connection

12. Every Owner shall maintain the private service connection in proper working order. Should leakage occur the Engineer may give notice to the Owner to effect the necessary repairs or replacements within 96 hours or such other period as may be specified in the notice.

13. If the Owner fails to comply with such a notice within the time specified, the Engineer may have the necessary work done and any cost incurred may be recovered as a charge under this Bylaw

Discharges to Drainage System

14. No person shall discharge or allow or cause to be discharged anything other than stormwater into the drainage system.

15. Nothing in this Bylaw shall be interpreted as relieving a person discharging stormwater into the drainage system from complying with federal, provincial, and local government enactments governing the discharge of stormwater into the drainage system.

16. Where an Owner of premises discharges anything other than stormwater into the drainage system then the Engineer may require the Owner to abate the contravention and where the contravention is not abated within such period as required by the Engineer, the Engineer may cause the contravention to be abated by the disconnection or plugging of any private service connection at the expense of the Owner of the premises.

17. Expenses related to the disconnection may be recovered from the Owner of the premises.

Change in Use, Occupancy or Property Served

18. Unless covered in a development permit, before changing the use, occupancy, site served or other matter which will change the amount or rate of storm drainage discharged into the Township's drainage system, an Owner shall make a written

application to the Engineer seeking approval for the change prior to proceeding.

Admittance of Township Employees

19. Employees of the Township shall be admitted during reasonable hours to Owner's premises in order to inspect, photograph, or test any private service pipe upon such premises. Such employees shall on request show proper identification.
20. If is an offense under this Bylaw to prevent inspections.

Tampering

21. No person shall tamper or interfere with the drainage system.

Part 7 – Fees and Levy

Connection and Severance Fees

22. Applications to connect to or sever from the drainage system shall be in a form acceptable to the Engineer and shall be accompanied by the appropriate connection fee as prescribed in Schedule "A" of this Bylaw.
23. A deposit for any connection or severance work shall be payable in advance of the work done.

Stormwater Levy

24. Every owner of land and taxable improvements located within the Township shall pay a stormwater levy based upon the assessed value of each Owner's land and improvements as determined annually by British Columbia Assessment Authority for tax purposes, and calculated in accordance with the Langley Annual Rates and Tax Collection Bylaw as set by Council each year.

Date of Payment and Penalties

25. The date of payment for the stormwater levy and any consequent penalties shall be in accordance with the Langley Annual Rates and Tax Collection Bylaw.
26. The payment of the stormwater levy for the provision of the drainage system shall not in any way be construed as acknowledgement that the premises or land use comply with this or any other regulation or Bylaw of the Township.

Part 8 – General

Severability

27. The provisions of this Bylaw are severable. If, for any reason, any provision is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

Repeal

28. The Langley Sewerworks Regulation Bylaw 1998 No. 3701 is hereby amended by deleting the following words or sections:
- (1) the definition of “Storm Sewer” in section 2 is deleted in its entirety;
 - (2) under section 7, 9, 11 and 14 the words “or storm sewer” are hereby deleted;
 - (3) section 16, entitled “Restricted Waste Storm”, is deleted in its entirety;
 - (4) in Schedule “A”, the words “storm sewer” are deleted;
 - (5) in Schedule “A” the entire paragraph beginning with “Roof drains and foundation drains” is deleted;
 - (6) in Schedule “A” the entire paragraph beginning with “Where a Provincial Grant is” is deleted;
 - (7) in Schedule “C” the words “or storm waste” are deleted in the title; and
 - (8) Schedule “E” in its entirety is deleted.

Part 9 - Penalties

Enforcement of Bylaw

29. Every person who offends against or violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention 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, is liable on summary conviction to a fine not exceeding Two thousand dollars (\$2,000.00).
30. Each day that an offence under this Bylaw is continued will constitute a separate and distinct offence.

READ A FIRST TIME the	7 th	day of	April	, 2003
READ A SECOND TIME the	7 th	day of	April	, 2003
READ A THIRD TIME the	7 th	day of	April	, 2003
RECONSIDERED AND ADOPTED the	28 th	day of	April	, 2003

_____ Mayor

_____ Township Clerk

SCHEDULE "A"

Stormwater Utility Bylaw 2003 No. 4232

STORM SEWER CONNECTIONS AND SEVERANCE FEES

4834 19/07/10

4884 20/06/11

Please refer to Fees and Charges Bylaw for Storm Sewer Connections and Severance Fees.