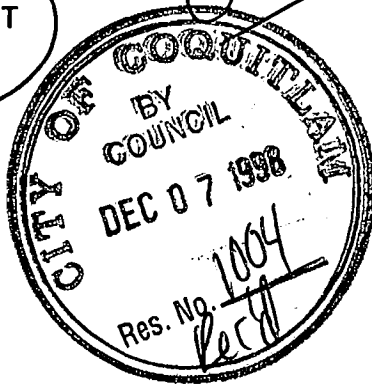


DRAFT



MINUTES

509

City of Port Moody

NORTH-EAST SECTOR AREA STREAM STEWARDSHIP COMMITTEE

Minutes of a meeting of the North-East Area Stream Stewardship Committee held October 20, 1998 in the Brovold Room, Civic Complex.

PRESENT:

Councillor Joe Trasolini, Chair, City of Port Moody
Councillor Jennifer Glover, Village of Belcarra (7:13 p.m.)
Councillor Peter Ludeman, Village of Anmore
Councillor Diane Thorne, City of Coquitlam
Councillor Scott Young, City of Port Coquitlam

IN ATTENDANCE:

Mayor Hal Weinberg, Village of Anmore
Michael Nihls, Manager, Parks & Environmental Services, City of Coquitlam
Julie Pavey, Director, Environmental Services, City of Port Moody
Jeff Yip, Deputy Engineer, City of Port Coquitlam (7:13 p.m.)
Julie Hunter, Committee Clerk

CALL TO ORDER

Councillor J. Trasolini, as Chair, called the meeting to order at 7:10 p.m.

(1) **ADOPTION OF PREVIOUS MINUTES**

MOTION
NESSS 98-025

Moved by Councillor D. Thorne, seconded and CARRIED
THAT the North-East Sector Area Stream Stewardship Committee meeting minutes of June 24, 1998 be adopted as circulated.

(2) **BUSINESS**

CP RAIL
HERBICIDE -
UPDATE

2.1

Ms. J. Pavey presented an update regarding the hearing on the use of herbicide by CP Rail. It was reported the hearing was scheduled for November 3-6, 1998. It was noted that the City of Coquitlam, the City of Port Coquitlam and the City of Port Moody continued to be opposed to CP Rail's use of herbicide. It was further noted that CP Rail had requested a relaxation of regulations to allow herbicide use within 5 metres of watercourses.



CITY OF PORT MOODY

NORTH EAST SECTOR STREAM STEWARDSHIP COMMITTEE

TUESDAY, NOVEMBER 17, 1998

7:00 P.M.

BROVOLD ROOM
CIVIC COMPLEX, CITY OF PORT MOODY

AGENDA

1. **ADOPTION OF PREVIOUS MINUTES**
From the regular meeting of October 20, 1998
2. **OLD BUSINESS**
 - 2.1 **Review of Draft Watercourse Protection Bylaw**
3. **NEW BUSINESS**
4. **ADJOURN**

nesss1117



CITY HALL
100 Newport Drive (at Ioco),
Mailing Address: P.O. Box 36,
Port Moody, B.C. V3H 3E1
Tel: (604) 469-4500
Fax: (604) 469-4550

PORT MOODY FIRE DEPARTMENT
200 Ioco Road,
Port Moody, B.C. V3H 3J3
Tel: (604) 469-7795
Fax: (604) 469-7796

PARKS, RECREATION & CULTURE
300 Ioco Road,
Port Moody, B.C. V3H 2V7
Tel: (604) 469-4555
Fax: (604) 469-4560

It was also reported that at the recent Union of B.C. Municipalities (UBCM) Conference, the City of Port Moody's motion to disallow herbicide use was defeated by just four votes. It was anticipated this motion would be pursued at the following year's UBCM conference.

DRAFT
WATERCOURSE
PROTECTION
BYLAW

2.2

The Village of Anmore's correspondence package regarding provincial Bill 25, The Fish Protection Act, and Bill 26 was circulated. Mayor H. Weinberg presented a report regarding concerns with Bills 25 and 26 and the following comments were noted:

- best management practices should be employed to protect streams rather than the enforcement of setbacks
- an apparent lack of cooperation exists between the federal Department of Fisheries and Oceans and provincial or municipal officials in developing regulations
- concern exists regarding compensation to property owners who are affected by regulations

Further, it was suggested that the North-East Sector Stream Stewardship Committee should not proceed with drafting a Watercourse Protection Bylaw until the new Fisheries regulations have been received.

Discussion ensued and it was noted the NESSS Committee was acting according to a mandate given by the respective mayors and Councils prior to the introduction of Bills 25 and 26. It was further noted that the Draft Watercourse Protection Bylaw would be a starting point for municipalities who could adopt all or part of the Bylaw.

The Committee then reviewed and made changes to the Draft Bylaw. It was agreed that Mr. M. Nihls would consult a solicitor to obtain a legal opinion regarding any potential limits to the enabling clause of Bill 26.

(3)

ADJOURNMENT

The meeting of the North-East Sector Area Stream Stewardship Committee held on October 20, 1998 was adjourned at 9:25 p.m.

The next regular meeting of the North-East Sector Area Stream Stewardship Committee is scheduled for Tuesday, November 17, 1998.

Councillor J. Trasolini, Chair

J. Hunter, Committee Clerk

nesss1020

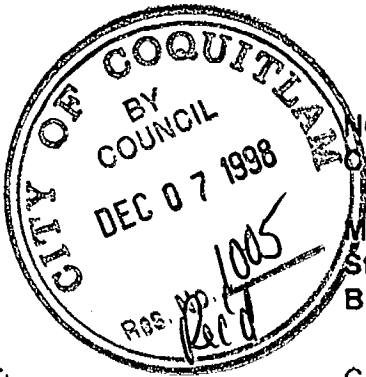
DRAFT

Nov. 17

MINUTES

510

City of Port Moody



NORTH-EAST SECTOR AREA STREAM STEWARDSHIP COMMITTEE

Minutes of a meeting of the North-East Area Stream Stewardship Committee held November 17, 1998 in the Brovold Room, Civic Complex.

PRESENT:

- Councillor Joe Trasolini, Chair, City of Port Moody
- Councillor Jennifer Glover, Village of Belcarra
- Councillor Peter Ludeman, Village of Anmore
- Councillor Diane Thorne, City of Coquitlam

ABSENT:

- Councillor Scott Young, City of Port Coquitlam

IN ATTENDANCE:

- Moira McGregor, Village of Belcarra
- Michael Nihls, Manager, Parks & Environmental Services, City of Coquitlam
- Julie Pavey, Director, Environmental Services, City of Port Moody
- Jeff Yip, Deputy Engineer, City of Port Coquitlam
- Julie Hunter, Committee Clerk

CALL TO ORDER

Councillor J. Trasolini, as Chair, called the meeting to order at 7:05 p.m.

(1) ADOPTION OF PREVIOUS MINUTES

MOTION
NESSS 98-026

Moved by Councillor P. Ludeman, seconded and CARRIED THAT the North-East Sector Area Stream Stewardship Committee meeting minutes of October 20, 1998 be adopted as circulated.

(2) BUSINESS

DRAFT
WATERCOURSE
PROTECTION
BYLAW

2.1 The Committee reviewed and made changes to the Draft Bylaw.

During the course of drafting the Bylaw, Committee discussion included Bill 25 and the downloading of responsibility for monitoring and enforcement of provincial regulations to the municipalities, the objective of achieving

DRAFT
North-East Sector Area Stream Stewardship Committee

consistent setback distances on common watercourses among neighbouring municipalities, achieving watercourse protection through best management practices, redevelopment site and infill site issues, and achieving watercourse protection or improvement for redevelopment and infill sites which are unable to meet setback regulations.

It was agreed that staff would meet one hour prior to the next meeting of the Committee to draft Bylaw wording with respect to stream setbacks.

(3) **ADJOURNMENT**

MOTION
NESSS 98-027

Moved by Councillor D. Thorne, seconded and CARRIED
THAT the meeting of the North-East Sector Area Stream Stewardship Committee held on November 17, 1998 be adjourned at 8:40 p.m.

The next regular meeting of the North-East Sector Area Stream Stewardship Committee is scheduled for Tuesday, December 1, 1998 at 7:30 p.m.

Councillor J. Trasolini, Chair

J. Hunter, Committee Clerk

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MINUTES

95



City of Port Moody

NORTH-EAST SECTOR AREA STREAM STEWARDSHIP COMMITTEE

Minutes of a meeting of the North-East Area Stream Stewardship Committee held December 1, 1998 in the Brovold Room, Civic Complex.

PRESENT:

- Councillor Joe Trasolini, Chair, City of Port Moody
- Councillor Jennifer Glover, Village of Belcarra
- Councillor Diane Thorne, City of Coquitlam
- Councillor Scott Young, City of Port Coquitlam

ABSENT:

- Councillor Peter Ludeman, Village of Anmore (regrets)
- Moira McGregor, Village of Belcarra (regrets)

IN ATTENDANCE:

- Michael Nihls, Manager, Parks & Environmental Services, City of Coquitlam
- Julie Pavey, Director, Environmental Services, City of Port Moody
- Jeff Yip, Deputy Engineer, City of Port Coquitlam
- Julie Hunter, Committee Clerk

CALL TO ORDER

Councillor J. Trasolini, as Chair, called the meeting to order at 7:35 p.m.

(1) ADOPTION OF PREVIOUS MINUTES

MOTION
NESSS 98-028

Moved by Councillor J. Glover, seconded and CARRIED THAT the North-East Sector Area Stream Stewardship Committee meeting minutes of November 17, 1998 be adopted as circulated.

(2) BUSINESS

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WATERCOURSE
PROTECTION
BYLAW

2.1

The Committee reviewed and made changes to the Draft Bylaw.

Discussion ensued regarding how the Committee should proceed with the next steps. It was agreed that the Committee would update the respective Councils regarding its progress

** Jan. 4
unicamerality*

DRAFT

North-East Sector Area Stream Stewardship Committee

and forward the Draft Bylaw as an in-camera information item only. It was further agreed that respective municipal staffs should review and provide comments on the Draft Bylaw, and comments should be obtained from legal counsel as well as the Department of Fisheries and Oceans and the Ministry of the Environment. It was anticipated the Committee would next meet during the first week of February, 1999 to revise the Draft and would then forward the Draft Bylaw with recommendations to respective Councils shortly thereafter. It was agreed a joint announcement should be made at that point.

* Feb. 19
(3) **INFORMATION**

Councillor J. Trasolini invited Committee members and their partners to attend a Christmas wrap-up on December 22, 1998 at 7:00 p.m. at his residence.

(4) **ADJOURNMENT**

MOTION
NESSS 98-029

Moved by Councillor J. Glover, seconded and CARRIED
THAT the meeting of the North-East Sector Area Stream Stewardship Committee held on December 1, 1998 be adjourned at 9:40 p.m.

The date of the next regular meeting of the North-East Sector Area Stream Stewardship Committee is to be confirmed.

Councillor J. Trasolini, Chair

J. Hunter, Committee Clerk

nesss1201

**CONFIDENTIAL****DRAFT****WATERCOURSE PROTECTION BYLAW - CONTEXT****NORTH EAST SECTOR AREA STREAM STEWARDSHIP COMMITTEE MANDATE**

The Cities of Coquitlam, Port Coquitlam, Port Moody, and the Villages of Anmore and Belcarra share a common approach to protecting watercourses which include watersheds contained within the boundary areas known as the North East Sector and have contributed to the development of the following bylaw .

STEWARDSHIP PURPOSE

Watercourse Protection Bylaws in municipalities can play a stewardship role to:

1. Implement an open *watercourse* policy for *watercourses* that prevent the damming, obstruction or impeding of *watercourses*.
2. Protect and preserve water quality in *watercourses* at a level able to sustain aquatic life.

~~[Note: discuss with Mike Niffs.]~~

- * 3. Develop stormwater management guidelines designed to limit the post-development 1:2 year storm offsite runoff rate to the predevelopment 1:2 year rate and to maintain, as closely as possible, the natural predevelopment flow pattern in the receiving watercourse.
- * 4. Incorporate the benefits of flood protection with habitat protection.

- * 5. Create incentives to limit impervious area to no greater than 40% on development sites which may include the establishment and implementation of a drainage utility fee.

- * Could also be placed in the subdivision servicing standards, or consideration of an urban stormwater management policy.

- 6. Establish and implement where possible best management practices which meet the objectives of protecting watercourses.

PRINCIPLES

Conceptually, the *watercourse* protection tool can play a stewardship role to:

- require permits for all works in a *watercourse or watercourse leave area*.

- require detailed plans, and an environmental impact statement, as a part of a permit application for works in a *watercourse or watercourse leave area*.

- require or encourage that standards of design and construction from the *Land Development Guidelines* or similar documents be met.

- require developers to pay an environmental security deposit

ENABLING LEGISLATION

Listed clauses from the Municipal Act and Land Title Act may be relevant to the writing of *Watercourse* Protection Bylaws.

Municipal Act

- 288. Immunity against certain nuisance actions
- 524. Chlorination, fluoridation and other health protection measures
- 549. Powers subject to the Water Act
- 551. Waterways, dikes, drains and works
- 552. Operation of *drainage* works
- 553. Channel of *watercourse* defined
- 557. Liability for damage to works or *watercourse*
- 560. District municipality drainage works
- 577. Waste removal works and services
- 694. Municipal building regulations
- 703. Keeping of animals (if regulating fencing of livestock)
- 725. Nuisances and disturbances
- 887. Content and effect of Rural Land Use Bylaw
- 907. Runoff control requirements
- 910. Construction requirements in relation to flood plain areas
- 920. Development Permits
- 920.1 Development approval information
- 938. Subdivision servicing requirements

Land Title Act

82. Subdivided land subject to flooding

86. Matters to be considered by approving officer on application for approval (as amended by the Farm Practices Protection Act to add clause (x) and (xi))

The City of _____

DRAFT WATERCOURSE PROTECTION BYLAW

BYLAW NO. _____

WHEREAS pursuant to the applicable sections of the Municipal Act, Council has authority by bylaw to prohibit a person from fouling, obstructing or impeding the flow of a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is on private property;

AND WHEREAS pursuant to the Municipal Act, Council may by bylaw impose penalties for contravention of the regulations adopted herein;

NOW THEREFORE, the Council of the City of _____, in open meeting assembled enacts as follows:

1. Title

APPLICATION:

1) This section applies to all lands whether public or privately owned in the City of _____ which contain *watercourses, watercourse leave areas, or drainage works.*

STREAM CLASSIFICATION:

- 2) For the purpose of this Bylaw, four categories of stream classification describe watercourses, including roadside ditches and swales. Colours refer to the colour coding which will be used on stream classification maps when available.

Class A (Red): - Inhabited by salmonids year round, or potentially inhabited year round with access management.

Class A (0) (Red dash) - Inhabited by salmonids primarily during the overwintering period, or potentially inhabited by salmonids during the overwintering period with access management. In general, summer usage restricted by temperature and dissolved oxygen levels. Non-salmonid species generally present year round. Typically, low gradient watercourses located on lowlands; generally, straight alignments parallel to roadways or property lines.

Class B (Yellow) - Significant source of food/nutrient value to downstream fish population. No documented fish present and no reasonable potential for fish presence.

Class C (Green) - Insignificant food/nutrient value. No documented fish present and no reasonable potential for fish presence. Generally, man made watercourses aligned parallel to roadways.

3) DEFINITIONS:

In this bylaw:

background levels - the concentration of suspended solids in a watercourse measured immediately upstream of point of entry

drainage works include culverts, ditches, drains, rip rapped channels, and storm sewer systems, which discharge into, or collect, constrain or divert a watercourse

habitat restoration landscape means the conservation, installation and maintenance of native trees, shrubs, groundcovers, herbaceous plants and related soil and water to repair site disturbance in a way that is conducive to use of the site by native species of fish and wildlife

high watermark means the visible high water mark of any watercourse, where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the watercourse a character distinct from that of its banks, in respect to vegetation or in the nature of the soil itself

paving means any graded, hardened, and relatively impervious surface covered with materials comprised of asphalt, concrete, masonry or combinations thereof

professional consultant means an individual or group of professionals including: professional biologist, certified environmental technologist or fish and wildlife technician, a professional engineer, a landscape architect and a certified arbourist

prohibited materials means:

- a) pesticides, fertilizers, chemicals, 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 that violates the Fisheries Act R.S.C. 1985 or the Waste Management Act s.b.c. 1982 and any subsequent amendments to these acts, including other bylaws of the City which, if introduced to the drainage works or watercourse, would foul it; or
- b) any sediment, rock, gravel, sand, clay, silt, sediment, earth, construction or excavation wastes, cement, concrete, or other substances which, when mixed with water or alone will result in a fluid containing suspended solids in excess of 75 mg/L above background levels into a *watercourse* or *drainage works*; or

regular landscape maintenance means landscape maintenance activities described in the British Columbia Landscape Standard, but does not include the topping and removal of trees or removal of native shrub and herbaceous ground cover

structure means any material or a combination of materials that are constructed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water, but excludes paving

top of bank of a watercourse means the closest top of slope adjacent to the *high water mark* of a *watercourse* where two conditions are met:

a) the grade is flatter than 3: 1; and

b) the land beyond the top of slope maintains a grade flatter than 3:1 for a minimum of 15 metres measured perpendicular to the *watercourse*. Slopes steeper than 3:1 but less than 1 metre in height may not be considered in the determination of the 15 metre distance from the top of bank;

watercourse means any natural depression with visible banks, or wetland with or without visible banks, which contains water at some time; and includes any lake, river, stream, creek, spring, swamp, gulch or surface source of water, whether containing fish or not; and includes intermittent streams; and includes surface drainage works which are inhabited by or provide habitat for fish

watercourse access envelope means an area of land - as identified in an Official Community Plan, Zoning Bylaw, Development Permit or Development Variance Permit - which intrudes into or bisects a *watercourse leave area*

watercourse leave area means the area outside but within the following distances, measured horizontally, of the *top of the banks of a watercourse*:

- a) for commercial, industrial or high density residential (multi-family, greater than 16 units per hectare) land uses: 30 metres;
- b) for low density residential (single family, less than or equal to 16 units per hectare) land uses: 15 metres, except for those *watercourses* listed in Appendix X where a 30 metre setback will apply for commercial, industrial and residential land uses.
- c) where existing land parcel sizes and permitted uses under the zoning bylaw make it impossible to avoid siting of structures outside the *watercourse leave area* or to avoid soil disturbance and/or impervious surface development within the *watercourse leave area*, an application for a development variance permit may be made to Council. An application for a

development variance permit should include detailed plans and specifications prepared by a *professional consultant* which incorporates best management practices and habitat restoration plans and, if required, comments/approvals from relevant provincial and federal agencies.

watercourse management zone means the total area of the *watercourse*, *watercourse leave area* and *watercourse access envelope*

wetland means land 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, and land above and within 7.5 metres, measured horizontally, of the land just described

work means activities including, but not limited to, those involved in cutting or removal of vegetation, removal of soil, deposit of soil or other material, testing of soil, construction of a building, structures or paving, construction of any underground services including the installation of drainage works, but does not include regular maintenance of existing planted gardens or landscaping

WATERCOURSE REGULATIONS:

- 4) No person may do any *work* within a *watercourse management zone*:
 - a) without a permit issued pursuant to this section; or
 - b) contrary to a permit issued pursuant to this section.

5) No person shall foul, obstruct or impede the *drainage system*, or permit any *prohibited material* to be discharged, dumped, deposited, spilled or washed directly or indirectly into the *watercourse management zone*.

6) Land development planning, design and construction shall maintain an open *watercourse* policy, whereby:

- a) all *wetlands* of area greater than 1000 sq. metres shall remain undrained;
- b) *watercourses* classified as Type A, A(O), and B, shall remain above ground, and shall be enclosed only where crossed by roads. All new culverts must be designed in a way which facilitates fish passage for stream classes A and A(O). All culvert types and/or bridge details require approval of the Provincial Water Act (Section 9).

7) Siting Regulations at Floodplains

- a) *Structures and paving* shall not be lower than "_____" m above the flood level of the *watercourse*, as mapped on Schedule "___", nor lower than 3.0 metres above the *natural boundary* of the *watercourse*, nor lower than 1.5 metres above the *high watermark* of a *watercourse*; ~~[Note: this should be covered off in the zoning bylaw]~~
- b) *Paving, structures or fill* shall not be constructed in such a way as to extend into the *watercourse leave area*.

8) All land development planning, design and construction activities shall manage stormwater using design details and best management practices that meet the following objectives:

- a) limit the post-development 1:2 year stormwater runoff rate to the predevelopment 1:2 year rate and to maintain, as closely as possible to existing predevelopment flow pattern in the receiving watercourse;
- b) the owner shall supply the land and construct and maintain the stormwater management *works* as a part of the *works* and services associated with the development.

~~[Note: this section may be covered off in an urban stormwater management policy or subdivision servicing bylaw]~~

PERMIT APPLICATION REQUIREMENTS

9) An application for a permit under this section shall be accompanied by:

- a) a statement of the purpose and rationale for the proposed *works*:
- b) a site plan indicating:
 - i) lot boundaries, including abutting streets and lanes
 - ii) all *watercourses*, *watercourse leave areas*, Classes A, A(O), B and C (where it may impact downstream)
 - iii) existing *structures*, buildings and *paving* on the site

and, depending on the slope of work, may be required to provide the following:

- iv) plans showing the location and configuration of the proposed *work* or *structures*, including the proposed areas of removal or *deposit* of any rock, gravel or soil, and proposed temporary access roads

- v) proposed clearing, grubbing and grading, showing the limit of proposed clearing, the limit of proposed grubbing, a limit of grading line, and the final proposed slopes
 - vi) cross sections and details of the proposed work to clearly show the materials, scale and relationship of the *work* to existing conditions
 - vii) detailed plans and specifications prepared by a *professional consultant*, showing proposed landscape and grading finish, and *habitat restoration landscape and works*, on any permanent stormwater detention facility or any *works* on the *watercourse leave area*, and a field review and an environmental monitoring schedule
- c) a schedule showing the construction steps, the timing and the completion date of installation of the *work*.

10) The application for a permit shall be completed upon the forms provided for this purpose by the local government and must be signed by the applicant.

11) An application for a permit and the supporting drawings and documents shall become the property of the local government.

12) Prior to the issuance of a permit, an applicant is required to provide a security in the form of cash, certified cheque, or an unconditional, irrevocable letter of credit drawn on a Canadian chartered bank in a form acceptable to the Director of Financial Services in an amount equal to 30% of the estimated cost of the work to be performed under the permit to a maximum of \$10,000, to ensure full and proper compliance with provisions of this bylaw and all terms and conditions of the permit.

AUTHORITY TO ENTER UPON A PROPERTY

13) The Director (for example, Director of Operations and Director of Environmental Services or designates), Bylaw Enforcement Officer, Operations Staff, Police and Fire Departments are hereby authorized to enter at all reasonable times upon any property for the purpose of ascertaining whether the regulations of this bylaw or conditions of a related permit are being observed.

FEES

14) An applicant for a permit must pay the following fee with the exception of habitat restoration landscaping:

For a Watercourse Protection Permit - \$_____ District of North Vancouver \$130

ISSUING OF A PERMIT

15) When all conditions have been met for the issue of the permit, a Watercourse Protection Permit shall be issued, subject to the terms and conditions required by the (Administrator) to ensure compliance with the provisions of this bylaw or any other bylaw.

The issuance of a permit under this bylaw does not exempt the applicant from complying with regulations established by federal and provincial statutes including, but not limited to:

Federal:

- Fisheries Act
- Navigable Waters Protection Act
- Environmental Assessment and Review Process Guidelines Order
- Environmental Protection Act
- Canadian Wildlife Act
- Migratory Bird Conventions Act
- International River Improvements Act

Provincial:

- Fish Protection Act
- Water Act
- Waste Management Act
- Land Act
- Environment Management Act Health Act

ENFORCEMENT

16) Maintaining Validity of a Permit

A permit is valid while:

- a) everything done under the permit conforms with the provisions of this bylaw, including the terms and conditions of the permit;
- b) all federal and provincial approvals remain in effect;
- c) all information provided in support of the application for the permit is correct;
- d) any person providing services required under this bylaw has adequately met the requirements of this bylaw,

and failure to meet any of these provisions invalidates the permit.

ORDER TO COMPLY

Where the holder of a permit has failed to maintain the validity of the permit, the Director (for example, Director of Operations and Director of Environmental Services or designates), Bylaw Enforcement Officer, Operations Staff, Police and Fire Departments, Building Inspector, Engineering Technician may, in accordance with section (?), serve on such person an Order to Comply which requires the person to remedy the non-compliance within 14 days or, if in the opinion of the Director (Administrator) special circumstances exist, on a date the Officer considers reasonable in the circumstances.

If in the opinion of the Director (Administrator) immediate steps should be taken to prevent the likely escape of a prohibited material, or to stop an escape which is ongoing, and if the Director is not satisfied that the owner, or other responsible person, has taken the appropriate steps to mitigate the

damages, then the City may enter onto the property to take such steps as are necessary in the circumstances to prevent or stop the escape. The cost of any work done by the City will be assessed to the owner or person. The cost shall be due and payable by December 31 of the year in which said costs were incurred and if unpaid on that date shall be deemed to be taxes in arrears and shall promptly be so entered on the tax roll by the collector pursuant to the appropriate sections of the Municipal Act.

SERVICE OF THE ORDER

The Director (for example, Director of Operations and Director of Environmental Services or designates), Bylaw Enforcement Officer, Operations Staff, Police and Fire Departments, Building Inspector, Engineering Technician, shall serve the Order to Comply on the holder of the permit by

- a) personal service; or
- b) written communication to the address of the holder of the permit as it appears on the application for the permit and when an Order to Comply is not personally served it is deemed to have been serviced on the third day after mailing, posting, faxing or e-mailing.

DESIGNATION OF BYLAW

This bylaw is designated pursuant to section 934.1 of the Municipal Act, R.S.B.C. 1979, c.290 (the Municipal Act) as a bylaw that may be enforced by means of a ticket in the form prescribed.

DESIGNATION OF BYLAW ENFORCEMENT OFFICER

The Director (for example, Director of Operations and Director of Environmental Services or designates), Bylaw Enforcement Officer, Operations Staff, Police and Fire Departments, Building Inspector, Engineering Technician are designated to enforce this bylaw by means of a ticket pursuant to section 934.1 of the Municipal Act.

TICKETING

The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to section 934.1 of the Municipal Act to designate an offence against the respective section of this bylaw appearing opposite in the Section column and the amounts appearing in the Fine column below are the fines set pursuant to section 934.1 of the Municipal Act for contravention of the respective section of this bylaw appearing opposite in the Section column:

Designated Expression	Section	Fine
discharge of fouling material		\$250.00
conduct works in stream corridor without permit		\$100.00
conduct works in stream corridor contrary to		\$250.00
<i>deposit soil</i> without permit		\$100.00
<i>deposit soil</i> contrary to permit		\$250.00
remove soil without permit		\$100.00
remove soil contrary to permit		\$250.00

OFFENCE AND PENALTIES

Every person who:

- a) contravenes;
- b) causes or authorizes or permits any act or thing to be done in contravention of; or

- c) neglects or refrains from doing anything required to be done by any of the provisions of this bylaw, terms and conditions of a permit, or an order issued pursuant to this bylaw commits an offence and is liable to a fine of up to \$5,000 and not less than \$100 for each offence; each day that the offence continues, is deemed a separate offence.

SEVERABILITY

If any section, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

This bylaw does not supersede regulations of the Provincial or Federal government.

* * *

Updated: December 8, 1998