



# Corporate Report

NO: R097

COUNCIL DATE: June 16, 2008

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## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 11, 2008**  
FROM: **General Manager, Engineering** FILE: **3900-20(2240)**  
**3900-20(16610)**  
SUBJECT: **New Surrey Stormwater Drainage Regulation and Charges By-law**

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## RECOMMENDATION

The Engineering Department recommends that Council:

1. Authorize the Clerk to bring forward for the required readings the Stormwater Drainage Regulation and Charges By-law, 2008, No. 16610 (the "By-law"), which is attached as Appendix I to this report;
2. Authorize the Clerk to bring forward for the required readings a by-law to amend Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as documented in Appendix II;
3. Authorize the Clerk to bring forward for the required readings a by-law to amend Surrey Fee-Setting By-law, 2001, No. 14577, as documented in Appendix III; and
4. Authorize staff to forward the By-law, along with a copy of this report, to the Ministry of Environment for approval, which is necessary prior to Council considering final adoption of the By-law.

## INTENT

The intent of this report is to obtain Council approval to introduce a new drainage by-law that will replace existing by-laws regulating drainage within the City and to include related fees and fines in other existing Surrey by-laws and Council authorization for staff to forward the By-law to appropriate Provincial Ministry for approval.

The City of Surrey currently has a number of by-laws and policies that deal with drainage and the City's drainage system. These include:

1. Sewer By-law No. 2240
2. Surrey Waterways Protection By-law No. 2659
3. Subdivision and Development By-law No. 8830
4. Surrey Design Criteria Manual
5. Erosion and Sediment Control By-law No. 16138

The intent of a new comprehensive drainage by-law is to combine the objectives of the aforementioned by-laws and policies, and to enhance them to ensure the development and maintenance of effective drainage infrastructure in Surrey.

## **BACKGROUND**

The current sewer by-law regulates both municipal sanitary sewer and drainage systems and was first adopted in 1965. The drainage content has been separated from the sanitary sewer content because the requirements for the two systems are now quite different. The current Sewer By-law was originally aimed at covering sewer extensions and connections with some clauses dealing with prohibiting and restricting the discharge of water of poor quality into the stormwater drainage system.

To reflect a more sustainable approach to stormwater, Council endorsed the development of a new drainage by-law with the intent of meeting the following objectives:

1. Replace the existing Sewer By-law, No. 2240;
2. Replace the “Surrey Waterways Protection” By-law, No. 2659, and formalize the City’s current Natural Drainage Policy;
3. Integrate sediment control objectives (either as a separate by-law or within the Drainage By-law);
4. Enhance enforcement; and
5. Integrate sustainable drainage measures that have been proven successful in East Clayton neighbourhood and other developments in the City.

## **DISCUSSION**

Surrey’s drainage system is an important component of the infrastructure maintained by the City. The existing system has been developed to minimize nuisance flooding and to assist in ensuring that habitable and business land uses are not flooded except in severe events and that when severe events occur, to ensure the safe conveyance of the floodwaters. The City’s natural watercourses are an integral part of the City’s drainage system while providing valuable environmental and recreational benefits.

The significant evolution of knowledge and technology in the stormwater management field has also contributed to the need for a new by-law. Increased environmental protection standards, as well as stewardship expectations, are frequently linked to stormwater management in Surrey since the City’s natural watercourses are integral components of the storm water drainage system. The By-law will assist the City in meeting its sustainability objectives through comprehensive watercourse protection.

Staff presented the proposed By-law to the Environmental Advisory Committee, the Agricultural Advisory Committee and the Development Advisory Committee for input

from each of these Committees. This dialogue resulted in some minor changes being incorporated in the By-law but, in general, the Committees were supportive of the overall objectives of the new By-law.

Subject to Council adoption of the By-law, notices of the By-law will be placed in the local newspapers to increase public awareness about regulations concerning the use of the drainage system and the new sustainability measures contained within the By-law. In addition, a consolidated version of the By-law will be placed on the City's website, which will allow the general public an opportunity to become familiar with it.

A summary of the major changes between the current by-laws and the proposed By-law is contained in Appendix IV.

Legal Services has reviewed the proposed By-law and finds it acceptable from a legal perspective. By approving the new Drainage By-law (No. 16610), the old By-laws (Nos. 2240 and 2659) are automatically repealed.

#### **Amendments to Ticketing By-law No. 12508**

One of the means by which the new By-law will be enforced is through the use of Municipal Ticket Information (MTI) "tickets". In this regard, an amendment is necessary to the Surrey Municipal Ticket Information Utilization By-law, as documented in Appendix II.

#### **Amendments to Fee Setting By-law No. 14577**

All of the standard drainage system fees are proposed to be included in the Surrey Fee-Setting By-law. The necessary amendments to this By-law are documented in Appendix III. The only proposed fee change is the addition of a fee for using a new service connection where such a connection has been installed to pre-service a parcel at the City's expense.

### **CONCLUSION**

The City of Surrey has been a leader in the field of stormwater management and environmental protection by including innovative solutions to its drainage plans and policies. As far back as 1967, the City viewed its natural watercourses as a valuable resource as demonstrated by the adoption at that time of the Waterways Protection By-law. The proposed new Stormwater Drainage Regulation and Charges By-law integrates an evolving knowledge base in the field of stormwater management to meet stormwater drainage servicing needs in a cost effective and environmentally responsible manner within the context of the City's sustainability objectives.

Based on the above, it is recommended that Council:

- Authorize the Clerk to bring forward for the required readings the Stormwater Drainage Regulation and Charges By-law, 2008, No. 16610 (the "By-law"), which is attached as Appendix I to this report;

- Authorize the Clerk to bring forward for the required readings a by-law to amend Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as documented in Appendix II;
- Authorize the Clerk to bring forward for the required readings a by-law to amend Surrey Fee-Setting By-law, 2001, No. 14577, as documented in Appendix III; and
- Authorize staff to forward the By-law, along with a copy of this report to the Ministry of Environment for approval, which is necessary prior to Council considering final adoption of the By-law.

Paul Ham, P.Eng.  
General Manager, Engineering

PH/VL/RD/brb:kd

- Appendix I Proposed Stormwater Drainage Regulation and Charges By-law, No. 16610.  
Appendix II Proposed Amendments to Municipal Ticket Information Utilization By-law, 1994, No. 12508.  
Appendix III Proposed Amendments to Schedule D of Fee Setting By-law, No. 14577.  
Appendix IV Major Changes to Stormwater Drainage and Charges By-law, No. 16610  
Appendix V Comparison of Proposed Fees to Former Fee Amounts

## **APPENDIX I**

**Proposed**

**Stormwater Drainage Regulation and Charges By-law, 2008, No. 16610**

*(in separate file)*

## **APPENDIX II**

### **Proposed Amendments to Municipal Ticket Information Utilization By-law, 1994, No. 12508**

**Proposed Amendments to  
Surrey Municipal Ticket Information Utilization By-law,  
1994, No. 12508, as amended (the “By-law”)**

That the By-law be further amended as follows:

1. Amend Sections 3 and 4, replacing: “Schedules 2 through 29” with “Schedules 2 through 30”.
2. Amend Schedule 1 by adding Section 29 as follows:
  29. Surrey Stormwater Drainage Regulation and Charges By-law, 2008, No. 16610
    - Manager, Administration & By-law Enforcement
    - By-law Enforcement Officer
    - Member of the Royal Canadian Mounted Police
    - General Manager, Engineering
    - Designated Engineering Staff
3. Add a new Schedule 30 as follows:

**SCHEDULE 30 TO BY-LAW NO. 12508**

Surrey Stormwater Drainage Regulation and Charges  
By-law, 2008, No. 16610

	<b>SECTION</b>	<b>FINE</b>
1. Unauthorized use of service connection	5	\$300.00
2. Unauthorized soil placement	7	\$1,000.00
3. Unauthorized pumped connection	8	\$500.00
4. Improper stormwater management facility	9	\$1,000.00
5. Absence of stormwater management facilities	9	\$1,000.00
6. Fail to maintain	10	\$500.00
7. Construction without approval	21	\$1,000.00
8. Unauthorized extension	21	\$1,000.00
9. Unauthorized service connection	31	\$1,000.00
10. Absence of stormwater management facilities	51	\$1,000.00
11. Fail to maintain	51	\$1,000.00

Surrey Stormwater Drainage Regulation and Charges  
By-law, 2008, No. 16610

	<b>SECTION</b>	<b>FINE</b>
12. Release of prohibited/hazardous waste	58	\$750.00
13. Release of restricted/cooling waste	59	\$750.00
14. Obstruction of stormwater drainage system	61	\$1,000.00
15. Damage drainage system	62	\$1,000.00
16. Unauthorized connection to sanitary sewerage system	63	\$1,000.00
17. Unauthorized connection	64	\$1,000.00
18. Fail to obey conditions	65	\$1,000.00
19. Obstruction of access	66	\$300.00
20. Work without authorization	68	\$1,000.00
21. Obstruction of personnel	70	\$300.00
22. Fail to remedy spill	77	\$1,000.00
23. Fail to notify of spill	77	\$500.00
24. Discharge of cement or concrete	83	\$500.00
25. Hindrance of City personnel	92	\$300.00
26. Fail to identify	92	\$200.00
27. Supply false information	93	\$750.00



## **APPENDIX III**

**Proposed Amendments to  
Schedule D of Fee Setting By-law, No 14577.**

**Proposed Amendments to Schedule “D”  
Surrey Fee-Setting By-law, 2001, No. 14577**

1. Add new Section 14 under new drainage heading as follows:

**Stormwater Drainage**

Connection to an existing stormwater drainage service connection or drainage “developer reimbursed” (DDR) connection, provided that the connection was not part of a local area service or other cost-recovered project.

\$3,000.00  
per connection

**APPENDIX IV**  
**Major Changes to**  
**Stormwater Drainage Regulation and Charges By-law, 2008, No. 16610**

### **Major Changes to Stormwater Drainage Regulation and Charges By-law, No. 16610**

#### ***System Extensions***

The By-law maintains those clauses that control construction of, extensions to and connections associated with the piped drainage system. Standard clauses associated with storm sewer drainage extensions covering general conditions, funding options, and design have been maintained in the new by-law with associated fees moved onto the City-wide Fee Setting By-law.

#### ***Service Connections***

The “Service Connections” section has been maintained to address pre-servicing connections, building connections, service failures, discontinuation and re-instatement of services, prohibited and restricted water discharges, accidental discharges and spill reporting, and inspections and monitoring.

The most significant additions to the By-law relate to the protection of the City’s natural and man-made open watercourses as well as protection of the City’s floodplains.

#### ***Natural Watercourse Protection***

The City’s “Waterways Protection By-law” was focused on maintaining the functionality of Surrey’s natural watercourses. Through various engineering and planning initiatives open watercourses were conserved. It has been known for some time that changes in land uses could potentially affect watercourses. By implementing various management practices, such as detention ponds, impacts to the watercourses could be minimized. Over the years, ongoing maintenance on a number of impacted creeks has lead the City to investigate other options to help minimize the impacts of land use changes on watercourses. The new By-law sets out a framework to assist in implementing new low impact development standards, some of which are currently being evaluated as part of the East Clayton Neighbourhood. This approach is consistent with the Integrated Stormwater Management Plan (ISMP) process the City has committed to undertake for all its watercourses under the Regional District’s Liquid Waste Management Plan. The ISMP process has been endorsed by senior levels of government. The implementation of recommendations made in ISMPs is a requirement of the approval process associated with permitting for in-stream works in each watershed. Due to the varying requirements of the City’s numerous watersheds, actual implementation of Low Impact Development (LID) standards will be covered through revised design standards and procedures as specified for specific watersheds by Council-endorsed ISMPs, Master Drainage Plans and other specific land use plans.

#### ***Lowland/Floodplain Protection***

Since 1998, the City of Surrey has been actively implementing the Serpentine/Nicomekl Flood Control Strategy. One of the key issues high-lighted as a cause of increased flooding in the lowlands is the displacement of floodplain storage by soil being disposed in the floodplain and the construction of ring dykes around properties within the floodplain. The dumping soil and construction of ring dykes protects the receiving properties to a certain extent but displaces floodwaters and increases flooding on

neighbouring properties. Regulation of soil fill placement is covered under the new Soil Conservation By-law, No. 16389. It is expected that the Province will grant final approval of this by-law in the next few weeks.

Construction of dykes with in-situ material is regulated in the new By-law. Under the By-law, private pumped drainage connections to the City's stormwater drainage system (whether to ditches, creeks or rivers) are restricted and controlled to ensure that negative impacts to the overall drainage system and to neighbouring properties are not experienced.

### ***Silt Control and Water Quality Protection***

Depositing of sediment into a natural watercourse can have negative impacts on both watercourse hydraulic characteristics and the habitat value of the watercourse. A new Erosion and Sediment Control By-law, No. 16138, was recently adopted by Council to deal specifically with this issue and as such, it is not addressed in the proposed By-law.

Similarly, the deposition of other products into watercourses can have deleterious impacts on the natural environment. Although the Provincial Ministry of Environment has legal authority related to discharges into natural watercourses, Surrey has the legislative authority to control discharges into its piped drainage systems that ultimately outfall into natural watercourses. For this reason, some regulations on discharges to the City's piped system have been included in the By-law. In addition, the By-law will require that private drainage systems serving commercial, industrial and multi-family residential developments integrate features such as bio-swales and oil/grit separators that improve water quality discharges from these private properties. The new By-law also contains provisions that will assist in ensuring the long-term operation and maintenance of these features.

**APPENDIX V**  
**Comparison of Proposed Fees**  
**to Former Fee Amounts**

**Comparison of Proposed Fees to Former Fee Amounts**

	<b>New Fee</b>	<b>Former Fee</b>
Connection to an existing stormwater drainage service connection or drainage developer reimbursed (DDR) connection, provided that the connection was not part of a local area service or other cost recovered project.	3,000.00 per connection	N/A *

\* The current by-law does not cover cases in which the City would have provided a drainage service connection prior to connection to a lot of record.