

**THE CORPORATION OF THE CITY OF PORT COLBORNE**

**By-LAW NO. 5228/134/08**

**BEING A BY-LAW TO REGULATE THE MANAGEMENT  
OF A SYSTEM OF SEWER WORKS AND DRAINAGE  
WORKS IN THE CITY OF PORT COLBORNE**

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## BEING A BY-LAW TO REGULATE THE MANAGEMENT OF A SYSTEM OF SEWER WORKS AND DRAINAGE WORKS IN THE CITY OF PORT COLBORNE

### Preamble

WHEREAS the Subsection 11(1) of the *Municipal Act*, 2001, c.25, as amended (the "Act") provides that a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection 11(4)

AND WHEREAS subsection 8(1) of the Act provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance their municipality's ability to respond to municipal issues;

AND WHEREAS Subsection 11(3) of the Act provides that a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4) respecting inter alia. public utilities and drainage and flood control, exclusive of storm sewers;

AND WHEREAS Item 4, "Public Utilities" in the Table to Subsection 11(4) of the Act, provides that a lower-tier municipality in the Region of Niagara may pass by-laws respecting matters within the sphere of jurisdiction for sanitary sewage collection;

AND WHEREAS Item 4, "Public Utilities" in the Table under Subsection 11(4) of the Act, provides, inter alia, that the collection of storm water and other drainage from land is a non-exclusive assignment and therefore both the upper-tier and lower-tier municipalities have the power to pass by-laws under that sphere;

AND WHEREAS Item 6, in the Table under Subsection 11(4) of the Act, provides that the drainage and flood control sphere of jurisdiction, except for storm sewers, is a non-exclusive assignment and therefore both upper-tier and lower-tier municipalities have the power to pass by-laws under that sphere;

AND WHEREAS "public utility" is defined by the Act to include a system that is used to provide water or sewage services for the public and "sewage" is defined by the Act to, inter alia, include storm water and other drainage from land;

AND WHEREAS Sections 78 to 93 inclusive of the Act govern the provision of public utilities;

AND WHEREAS Section 96 of the Act provides that despite Section 19, a municipality may for the purpose of preventing damage to property in the municipality as a result of flooding, exercise

its powers under the "drainage and flood control" sphere of jurisdiction in relation to flood control in the municipality, in another municipality or in unorganized territory;

AND WHEREAS Section 97 of the Act provides that a municipality may enter on land, at reasonable times, to inspect the discharge of any matter into a land Drainage system of any Person and may conduct tests and remove samples for this purpose;

AND WHEREAS Subsection 446(1) of the Act provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Subsection 446(3) of the Act provides that a municipality may recover the cost of doing a matter or thing under Subsection 446(1) from the person directed or required to do it by action or by adding the cost to the tax roll and collecting it in the same manner as property taxes;

AND WHEREAS Subsection 447.8(1) of the Act provides that a by-law of a municipality under any Act may (a) adopt by reference in whole or in part with such changes as the Council considers appropriate any code, standard, procedure or regulation; and (b) require compliance with any code, standard, procedure or regulation so adopted;

AND WHEREAS Subsection 447.8(2) of the Act provides that a copy of a code, standard, procedure or regulation adopted under this subsection shall be available for public inspection;

AND WHEREAS the Building Code Act, S.O. 1992, Chapter 23, as amended, regulates and controls the location, construction, repair and renewal, or alteration of plumbing and materials to be used in the construction thereof, and further provides for the inspection of said plumbing works by officers duly appointed by municipal by-law;

AND WHEREAS Section 107 of the Act provides that despite any special provisions in the Municipal Act, or in any other general or special act, relating to the making of grants or granting of aid by the council of a municipality, the council of a municipality may, subject to Section 106 of the Act, 2001 make grants on such terms and conditions, as to security and otherwise, as the council may consider expedient to any Person, institution, business, association, group or body of any kind for any purpose that in the opinion of the council is in the interests of the municipality;

AND WHEREAS it is deemed necessary for the orderly development and control of the Sewer Works and Drainage Works, that certain regulations governing the construction, management and use, and the operation, maintenance, repair and rehabilitation, of the Sewer Works and Drainage Works be put into force;

NOW THEREFORE the Municipal Council of The Corporation of the City of Port Colborne hereby enacts as follows:

## Part I – Definitions

1. For the purpose of this By-law:
  - 1.1 “Agent” means a Person authorized by the Corporation to provide services on behalf of the Corporation; or a Person authorized by an Owner to provide services on behalf of the Owner, as applicable.
  - 1.2 “Appurtenance” means the apparatus or equipment that is an accessory to the Sewer Works system or to the Drainage Works system, including Municipal Laterals and their components, or an accessory to Private Laterals, or to Private Sewage Collection Systems, or to a private Drainage or Stormwater Management system.
  - 1.3 “Backflow” means flow reversal from the intended normal direction of flow.
  - 1.4 “Backflow Prevention Device” means a valve or other apparatus, which allows flow in one direction, but prevents flow in the opposite or return direction.
  - 1.5 “Blank” or “Blanking” means the temporary or permanent decommissioning of a pipe by means of plugging, capping, or other method approved by the Engineer.
  - 1.6 “Building” means any permanent structure, trailer, or other covering, which is located on a parcel of land having frontage or which abuts on a public highway and/or the Sewer Works and/or the Drainage Works, and which:
    - a) contains, or is required by any other by-law, regulation or statute to contain, any permanent sleeping, eating or food preparation facilities; or
    - b) contains or is required by any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities; or
    - c) is connected, or is required by any other by-law, regulation or statute to be connected, to a water supply system or a sewage collection system, or to the Water Works and/or the Sewer Works, and/or the Drainage Works; or
    - d) is a source of Sewage; or
    - e) is habitable.
  - 1.7 “Building Drain” means the horizontal piping, including any vertical offset that conducts Sewage to a Building Sewer.
  - 1.8 “Building Sewer” means that part of a Building Sewage drainage system outside a Building that commences at a point one (1.0) metre from the outer face of the wall of the Building and which connects the Building Sewage drainage system to a Municipal Sewer Lateral or to an approved place of Sewage discharge and disposal.
  - 1.9 “Catch Basin” or “Catchbasin” means a receptacle installed to collect surface water from an open area, for Drainage into the Drainage Works, and to trap solids by means of a sump within the Catch Basin.
  - 1.10 “Chief Building Official” means a chief Building official and such inspectors as are appointed by the Corporation necessary for the enforcement of The Building Code Act and any other statutes referred to in this By-law, and all Persons authorized at the direction of the Chief Building Official for the purposes of exercising the power and duties of the Chief Building Official under this By-law.
  - 1.11 “Combined Sewer” means a Sewer intended to function simultaneously as a Sanitary Sewer and a Storm Sewer.

- 1.12 “Connect” means to install a Sewer Service Connection or a Drainage Service Connection, including laterals and lateral Appurtenances.
- 1.13 “Consumer” means the occupant of the Premises supplied with municipal Sewer collection services or municipal Storm Water Drainage services under the jurisdiction of the Corporation.
- 1.14 “Corporation” means The Corporation of the City of Port Colborne.
- 1.15 “Corporation Standards” or “Standards of the Corporation” means all applicable design manuals, technical standards, drawings, specifications and guidelines of the Infrastructure Services Department and the Community and Development Services Department adopted by the Corporation, from time to time, governing the construction, administration, operation, maintenance, repair, replacement and/or rehabilitation of the Water Works, Sewer Works and Drainage Works.
- 1.16 “Cost” means the expenses and costs of work done on and for the Sewer Works or Drainage Works, and in the making, Inspecting, maintaining, repairing or replacing a Service Connection, including:
- a) permits and approvals,
  - b) design,
  - c) materials,
  - d) labour,
  - e) restoring any property disturbed or damaged,
  - f) supervision and Inspection of any work,
  - g) studies, evaluations and investigations,
- and including the amount of fees and expenses charged by the Corporation to the Owner when the Corporation makes a Service Connection at the expense of the Owner.
- 1.17 “Council” means the Municipal Council of the Corporation of the City of Port Colborne.
- 1.18 “Customer” means any Person, Owner, firm, business, corporation, institute or identity that enters into a verbal or written contract or agreement with the Corporation to receive Sanitary Sewer collection services, or Storm Water collection services.
- 1.19 “Director of Corporate Services” or “Treasurer” means the Director of Corporate Services for the Corporation or any Person or Persons appointed, or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Director of Corporate Services under this By-law.
- 1.20 “Discharge” means to release or emit Sewage or other waste liquid, or Storm Water or Drainage water.
- 1.21 “Ditch” or “Drainage Ditch” means a constructed open channel designed to convey Storm Water or Drainage Water from time to time; and where constructed as part of a roadway, designed to drain the road sub-base.
- 1.22 “Drain” means a Ditch, Swale, channel, water course, pipe, and/or Storm Sewer that collects and carries storm, ground, surface or subsurface water or any of them, or part thereof, either continuously or intermittently, and including Appurtenances such as Manholes, Catch Basins, culverts, and Interceptors.

- 1.23 “Drainage” or “Drainage System” means a natural or constructed means of intercepting, collecting and removing Storm Water or surface or subsurface Drainage Water, usually by gravity flow.
- 1.24 “Drainage Service” means a system of pipes and/or Ditches and/or Drains and required Appurtenances of the Drainage Works designed to collect and transmit Storm Water and water to an approved Drainage Outlet
- 1.25 “Drainage Service Connection” means a Municipal Drainage Lateral and connected Private Drainage Lateral including required Appurtenances, connected to and discharging into the Drainage Works; or a pipe connecting a private Storm Water collection or management system to the Drainage Works.
- 1.26 “Drainage Water” means water originating from rain, storm or ground sources or from the melting of snow or ice that is drawn off or away from a Building and the lands on which the Building is built to, the Drainage Works or to an approved Outlet.
- 1.27 “Drainage Works” means any and all storm Sewers, Buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, Municipal Drainage Laterals, Ditches, watercourses, and Municipal Drains and Outlets created under the Drainage Act, and related installations and other works of the Corporation, designed for the collection and transmission of Storm Water or Drainage Water; and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use.
- 1.28 “Engineer” means the Director of Engineering and Operations, or the Person or Persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Engineer under this By-law; or the Engineer's duly authorized representative, or as the situation or context may require, all Persons authorized at the direction of the Engineer to exercise the powers and duties of the Engineer under this By-law.
- 1.29 “Extraneous Flow” or “Inflow and Infiltration” means the undesirable infiltration of groundwater and/or the undesirable, uncontrolled inflow of Drainage or Storm Water into a Sanitary Sewer Service Connection or into a private Sewer Collection System, or into the Sewer Works.
- 1.30 “Foundation Drain” means Drainage piping installed below the surface of the ground to collect and convey water away from a Building foundation.
- 1.31 “Inspection” or “Compliance Inspection” means any physical or visual audit or examination, survey, sampling and testing, test or inquiry.
- 1.32 “Inspection Tee” means a vertical pipe connection to ground level, placed on a Private Sewer Lateral, at or near the property line, and provided with a removable cap at ground level, constructed for the purpose of Inspecting and evaluating the Sewage flow in the Sewer Service Connection.
- 1.33 “Interceptor” means a receptacle installed to collect and prevent oil, grease, petroleum products, grit, sand and/or other materials from passing into the Sewer Works or Drainage Works.
- 1.34 “Leachate” means water contaminated by dissolved or suspended materials as a result of- percolation through contaminated ground, soil and/or solid waste or industrial waste.
- 1.35 “Main” means any pipe collecting and transmitting Sewage as part of the Sewer Works or Drainage or Storm Water as part of the Drainage Works, under the jurisdiction of the Corporation and/or the Regional Municipality of Niagara, and includes all Appurtenances exclusive of Service Connections.

- 1.36 "Maintenance Hole" means a junction chamber for Mains and for Service Connections of the Sewer Works or Drainage Works or of a Private Sewage Collection System or Private Drainage System, designed to permit access for Inspection and maintenance purposes, and for the taking of Sewage or Storm Water or Drainage Water samples.
- 1.37 "Multiple Residential Dwelling" or "Multiple Residence" or "Multiple Residential Premises" means a Building or Premises having four (4) or more living units or suites, or apartments.
- 1.38 "Municipal Drain" means a constructed watercourse created by by-law of the Corporation under the Drainage Act for the purposes of Drainage of lands designated by the establishing by- law.
- 1.39 "Municipal Drainage Lateral" means the pipes and Appurtenances of the Drainage Works located within the Right-of-Way and situated between the Main and the property line, providing the connection of a Private Sewer Lateral to the Drainage Works.
- 1.40 "Municipal Lateral" means the pipes and Appurtenances of a Municipal Sewer Lateral, or a Municipal Drainage Lateral.
- 1.41 "Municipal Sewer Lateral" means the pipes and Appurtenances of the Sewer Works located within the Right-of-Way and situated between the Main and the property line; or up to but not including the Inspection Tee.
- 1.42 "Operator" means a Person or Persons who is the manager and/or administrator or Agent responsible for use, activity or process within a Building or facility or Premises serviced by the Sewer Works or Drainage Works.
- 1.43 "Outlet" or "Drainage Outlet" means a location at which Storm Water or Drainage Water is discharged into a Storm Water Management System, watercourse or natural stream or lake.
- 1.44 "Owner" means any Person or Persons who, or any firm, business, corporation or institute that is the registered Owner of land or a Building or Buildings or Premises under consideration, or any Agent or Contractor or Builder thereof, or a Person entitled to a limited estate in the property, a trustee in whom the property is invested, an executor, an administrator and a guardian, to whom the context applies.
- 1.45 "Person" or "Consumer" means any individual, firm, corporation, partnership, Owner, Customer or Operator.
- 1.46 "Premises" means a Building or facility including associated lands, or lands, abutting on a Right-of-Way within which a Main or Ditch or Drain is constructed.
- 1.47 "Private Drain" means a Drain located on private property; a Drain, which is privately owned.
- 1.48 "Private Lateral" means a Private Sewer Lateral or a private Drainage Lateral.
- 1.49 "Private Drainage Lateral" means the Drainage pipes and Appurtenances providing a connection to the Drainage Works located between the property line and one (1.0) metre from the outer face of the Building foundation, or between the property line and a Private Drainage System.
- 1.50 "Private Drainage System" means a privately owned network of Storm or Drainage Water, Ditches, Swales, collection pipes, Maintenance Holes, Interceptors and Catch Basins and Appurtenances, discharging to the Drainage Works or other approved Outlet.



- 1.51 “Private Sewage Collection System” means a privately owned network of Sewage collection pipes, Maintenance Holes, Interceptors and Appurtenances, servicing two or more Buildings, discharging to the Sewer Works.
- 1.52 “Private Sewer Lateral” means the pipes and Appurtenances, including the Inspection Tee, providing a connection to the Sewer Works located between the property line, or the Inspection Tee, and one (1.0) metre from the outer face of the Building foundation; or between the property line and a Private Sewage Collection System.
- 1.53 “Private System” means a Private Sewage Collection System or a private Drainage System.
- 1.54 “Rates” means those Rates, levies, rents or charges for the supply and/or use of municipal water or Sewers so described and itemized in by-laws enacted by the Corporation from time to time.
- 1.55 “Regional Main” means a pipe transmitting Sewage, Drainage or Storm Water under the jurisdiction of the Regional Municipality of Niagara and includes all associated Appurtenances exclusive of Sewer Service Connections.
- 1.56 “Right-of-Way” means lands acquired for or devoted to a public highway, lane or easement in which a Main is located.
- 1.57 “Sanitary Sewer” means a system of pipes, Mains and Appurtenances of the Sewer Works for the collection and transmission of Sewage; and into which Storm Water, Drainage Water and ground water are not intentionally discharged or admitted
- 1.58 “Sanitary Sewer Master Plan” means the latest version of the strategic plan governing the management and development of the Sewer Works approved by and as amended by Council from time to time.
- 1.59 “Service Connection” means a Municipal Service Lateral and the connected Private Service Lateral and required Appurtenances forming a discharge connection to either the Sewer Works or the Drainage Works.
- 1.60 “Sewage” or “Wastewater” means any one of or a combination of domestic sanitary Sewage and/or water borne waste, and/or non-domestic sanitary Sewage and/or water borne waste, discharged from residences, businesses, recreational facilities, institutions or industry.
- 1.61 “Sewer” means a Sanitary Sewer or pipe or Main of the Sewer Works; or a Storm Sewer or a pipe or Main of the Drainage Works.
- 1.62 “Sewermain” means a Sewage collection and transmission pipe or Main of the Sewer Works.
- 1.63 “Sewer Service Connection” means the Municipal Sewer Lateral and the connected Private Sewer Lateral, or a pipe connection from a Private Sewage Collection System to the Sewer Works.
- 1.64 “Sewer Works” means any and all Buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, Municipal Sewer Laterals, Outlets, and related installations and other works of the Corporation, designed for the collection and transmission of Sewage and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use.
- 1.65 “Sludge” means Sewage of high concentration, a heavy, thick deposit, sediment or mass, or the precipitate from a Sewage or septic tank.

- 1.66 “Storm Drain” means a conduit, pipe, Ditch, Swale or watercourse constructed to carry away Storm Water or surface water or Drainage water, by gravity flow, to a storm Sewer or Outlet.
- 1.67 “Storm Sewer” means a Storm Water and/or Drainage water collection and transmittal Main, pipe, Ditch and/or watercourse or combination thereof, including Appurtenances, forming part of the Drainage Works.
- 1.68 “Storm Water” or “Stormwater” means surface or ground water from rainfall or snowfall or other natural precipitation or from the melting of snow or ice; naturally occurring water collected and carried in the Drainage Works.
- 1.69 “Storm Water Leader” or “Downspout” means a pipe or system of pipes inside or outside a Building that conveys Storm Water from a roof of a Building or structure to an approved place of discharge.
- 1.70 “Storm Water Management” means drainage control practices and constructed works implemented to protect property and natural or constructed watercourses and receiving waters from Storm Water impacts.
- 1.71 “Storm Water Master Plan” means the latest version of the strategic plan governing the management and development of the Drainage Works as approved by and as amended by Council from time to time.
- 1.72 “Swale” means a vegetated open channel designed to control the transport, treatment and storage of Storm Water or Drainage water.
- 1.73 “Uncontaminated Water” means potable water as supplied by the Corporation’s Water Works, or untreated water with a level of quality typical of potable water, as defined by regulations under the Safe Water Drinking Act.
- 1.74 “Watercourse” means an open channel, Swale or Ditch constructed as or resulting from the construction of a work in which a flow of Storm Water or Drainage Water occurs either continuously or intermittently, including roadway Ditches, and including naturally occurring depressions, channels or streams; Draining into any such open channels, Swales or Ditches, whether forming part of or connected to the Corporation’s Drainage Works or forming part of a private Drainage or Stormwater Management System; and including Appurtenances.
- 1.75 “Water Service Connection” means the pipes conveying potable water to a Building or Premises from the Water Works or a private source of water.
- 1.76 “Water Works” means any and all Buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, municipal water laterals, Outlets, and related installations and other works so designed for the distribution of water and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and uses.

## **Part II – Administration**

### **2.1 GENERAL**

- 2.1.1 This By-law applies to the construction, management and use, and to the operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works under the jurisdiction of the Corporation.
- 2.1.2 Sanitary Sewer service areas and Storm Sewer service areas covered under this by-law are as identified in the Corporation's Official Plan and supporting Infrastructure Master Plans, and area specific servicing plans, as approved by Council through by-law adoption from time to time.
- 2.1.3 The Corporation shall manage and maintain the Sewer Works and the Drainage Works in accordance with the provisions this By-law and the provisions of the Municipal Act, the Ontario Water Resources Act, the Drainage Act, the Federal Fisheries Act, the Ontario Building Code and regulations, standards and guidelines established under these Acts from time to time and any other applicable law or regulations.

### **2.2 ADMINISTRATIVE RESPONSIBILITIES**

- 2.2.1 Administrative responsibilities are as follows:
- a) The Engineer has overall responsibility for the enforcement of this By-law and for administration, operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works in accordance with this By-law and all other applicable legislation.
  - b) The Chief Building Official is responsible for the enforcement of the Ontario Building Code and the issuance of any plumbing permits or orders related to the construction, maintenance, operation, repair and renovation of any part of the Buildings and facilities served by Sewer Works, Drainage Works and Water Works; and for the Inspection of work done under plumbing permits or orders.

### **2.3 PRINCIPLES**

- 2.3.1 The following principles shall apply to managing and operating the Sewer Works and the Drainage Works:
- a) Although best efforts will be made to provide adequate services, the Corporation does not guarantee the collection of Sewage or Drainage water and failure to provide Sewage or Drainage Water collection services shall not be construed as neglect on the part of the Corporation. The Corporation shall at no time be held liable for the inadequacies of such services or for restricting the provision of such services, or for refusing to provide such services.
  - b) Through the effective management of the Sewer Works and the Drainage Works, the Corporation will endeavor to ensure the health and safety of the public, to protect property from damage, to provide pollution prevention and control, and to protect the environment.
  - c) This By-law shall govern and regulate the management and operation of the Sewer Works and the Drainage Works and connections thereto and shall be considered to form an integral part of the service contract between the

Corporation and any Owner, Operator or Customer for the provision of such Sewage collection services or Drainage services. Every Owner, Operator or Customer, by applying for and accepting the provision of services from the Corporation, shall be deemed to have expressed his/her consent to be bound by the provisions of this By-law.

- d) Recommendations contained in the latest revision of the Sanitary Sewer Master Plan and the Storm Sewer Master Plan, and area specific servicing plans, as adopted by the Council by by-law from time to time, shall be implemented as appropriate, subject to resources limitations, through the annual budgeting process.
- 2.3.2 The following criteria shall be considered when determining and/or evaluating the priorities of capital projects for the Sewer Works and Drainage Works:
- a) Deficiencies in satisfying regulatory requirements; i.e. Sanitary Sewage leakage, Sewage overflow restrictions, Drainage Water quality criteria.
  - b) Deficiencies due to physical defects and conditions; i.e. frequency of repair, repair cost history, high level of inflow and/or infiltration, material condition, utility location.
  - c) Deficiencies due to inadequate capacity; i.e. inability to handle existing or predicted flows, repeated occurrences of flooding.
  - d) Deficiencies in supporting development opportunities; i.e. unable to service potential commercial/industrial customers, economically viable expansion of the customer base.
  - e) Deficiencies in other associated municipal infrastructure; i.e. road, water distribution system deficiencies.
- 2.3.3 Initiatives should be developed and implemented to reduce Extraneous Flows.

## **2.4 DESIGN AND CONSTRUCTION**

- 2.4.1 Combined Sewers are prohibited.
- 2.4.2 All extensions, rehabilitations and replacements to the Sewer Works and the Drainage Works shall be designed and constructed in accordance with current standards and guidelines established by the Ontario Ministry of the Environment and by the Corporation unless otherwise approved in writing by the Engineer.
- 2.4.3 Sewage collection services and Storm Water Management and Drainage system services for new subdivisions shall be planned, designed and constructed in accordance with the current version of the corporate standards, unless otherwise approved in writing by the Corporation.
- 2.4.4 The Engineer in consultation with the Chief Building Official and staff of the Operational Planning and Development Services Department shall establish and periodically update standards, guidelines, and specifications governing the design, construction, operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works.

**2.5 CRITICAL OCCURRENCES**

- 2.5.1 Where a circumstance or condition arises that threatens the health and safety of the public, or threatens private or public property, the environment, the Sewer Works and/or Drainage Works, the Engineer shall take all remedial measures necessary to expend the necessary resources to protect public health, private or public property, the environment and/or the Sewer Works and/or Drainage Works and shall report to Council on the actions taken and the resources utilized, as soon as practicable.

## **Part 3 – Sanitary Sewer and Drainage Service Connections**

### **3.1 APPLICATION FOR SERVICE**

- 3.1.1 No excavation shall be undertaken, no pipe shall be connected to, or provided from, the Sewer Works or the Drainage Works; and no pipe shall be replaced, relocated, disconnected or removed from the Sewer Works or the Drainage Works without the prior written approval of, and under the supervision of, the Engineer.
- 3.1.2 All Service Connections to the Sewer Works and the Drainage Works and all replacements to, relocations of, disconnections or removals from the Sewer Works or Drainage Works require prior approval through written application and the issuance of a permit therefore by the Corporation.
- 3.1.3 An Owner shall pay all applicable fees and charges for the supply, installation, replacement, relocation, or disconnection of Sanitary Sewer Service Connections and Drainage Service Connections as prescribed by Council.
- 3.1.4 The application and permit referred to in Subsection 3.1.2 shall be in the form as may be prescribed by the Corporation from time to time.
- 3.1.5 In order to be granted a permit to connect to the Sewer Works, a Building, Premises or facility must be within a Sewer service area as defined by the Official Plan of the Corporation as amended, and must have frontage or flankage abutting a Sewermain of the Sewer Works.
- 3.1.6 In order to be granted a permit to connect to a storm Sewer of the Drainage Works, a Building, Premises or facility must be within a storm Sewer service area as defined by the Official Plan of the Corporation as amended, and must have frontage or flankage abutting a Sewermain of the Drainage Works.
- 3.1.7 Connection to the Sewer Works or to the Drainage Works shall only be permitted where in the opinion of the Engineer there is sufficient capacity to handle the predicted peak flow.

### **3.2 OBLIGATION TO CONNECT TO THE SEWER WORKS**

- 3.2.1 Every Building within a serviced area as defined by the Official Plan as amended, fronting or flanking on a Sanitary Sewer of the Sewer Works, shall be connected to the Sewer Works; and Sewer service Rates and fees prescribed by Council shall apply, despite the Building being serviced by a separate private Sewer system, unless otherwise approved by the Chief Building Official.
- 3.2.2 Where Sanitary Sewers have been installed within a road Right-of-Way or easement which abuts the property of an existing Building, the affected Owner shall connect to the completed Sanitary Sewer at his or her expense within twelve (12) months of the date of notice requiring the connection to be made provided to the Owner by the Corporation via registered mail at the Owner's last known address..
- 3.2.3 If any property Owner fails to connect to a newly constructed abutting Sanitary Sewer as required by Subsection 3.2.2, the Corporation shall commence billing the property Owner for Sanitary Sewer services, one (1) month after the required connection was to be made,

at the monthly rate established by Council for Sanitary Sewer services through by-law adoption from time to time.

- 3.2.4 Where a direct Connection is made to the Sewer Works in compliance with this By-law, any septic tanks, cesspools and similar Private Sewage disposal facilities shall be cleaned and filled, or removed or destroyed, within a period ten (10) calendar days after the connection to the Sewer Works, to the satisfaction of the Chief Building Official.
- 3.2.5 Where specific health hazards exist, an Owner shall connect all sanitary facilities within an existing Building to the Sewer Works, in accordance with the Building Code, Part 7, within sixty (60) calendar days of receipt of a registered notice to make such connection from the Corporation and/or from the Medical Officer of Health, to the satisfaction of the Chief Building Official.

### **3.3 EXTENSION TO THE SEWER WORKS OR DRAINAGE WORKS**

- 3.3.1 No extension of an existing Sewermain shall be made unless the annual revenue to be derived from Consumers benefiting from such an extension is at least ten percent (10%) of the total installation cost of such extension, unless funded under development charges or local improvement provisions, or unless it is in the best interests of the Corporation as determined by Council to make such extension.
- 3.3.2 Notwithstanding Subsection 3.3.1, on the recommendation of the Engineer, Council may consider an application by any Owner wishing to have any property served by the Sewer Works or Drainage Works, provided:
  - a) Such Owner agrees to pay all associated costs of extending a Sanitary Sewer or a storm Sewer so that it abuts the frontage or flankage of the property to be served. Where Building development is expected to continue along a Right-of-Way, the extension of the Sanitary Sewer or storm Sewer shall be across the entire frontage or flankage of the said property;
  - b) Such property is located within the serviced area boundaries as defined by the Corporation's Official Plan;
  - c) Any and all relevant governmental approvals are sought and obtained at the expense of such Owner; and without restricting the generality of the foregoing, including the Ontario Ministry of the Environment approval pursuant to the provisions of the Ontario Water Resources Act;
  - d) The Owner makes application for the Service Connection or connections; and for Sewer Service Connections, obtains a plumbing permit from the Corporation; and
  - e) The Owner provides the actual cash, or adequate security in substitution therefore as approved by the Director of Corporate Services, for the entire cost of extending the Sewer Works and/or Drainage Works; and such cash or other security to be deposited with the Corporation prior to any such work being effected by the Corporation or by the Owner as approved by the Corporation.

### **3.4 INSTALLATION REQUIREMENTS**

- 3.4.1 Each Building shall be provided with a separate Sewer Service Connection and a separate Drainage Service Connection unless otherwise authorized by the Engineer.

- 3.4.2 Drainage Service Connections shall be made to a storm Sewer where provided or to a Drainage Ditch or Storm Water management system of the Drainage Works, at a location and in a manner approved by the Engineer.
- 3.4.3 Sump pumps shall connect to and discharge to the Drainage Works by means of a Private Drainage Lateral, at a location and in a manner approved by the Engineer.
- 3.4.4 If no Drainage Works are available to which to discharge, sump pumps shall discharge to the lands of the Building from which the sump pump discharge emanates, as specified by the Corporation's Lot Grading and Drainage Policy, to the satisfaction of the Chief Building Official
- 3.4.5 All plumbing and Drainage installations, Private Sewer Laterals and Private Drainage Laterals, and alterations thereto, serving a Building or private property or private Premises, and all pipes, fittings, attachments, Appurtenances, method of installation, maintenance, use, repair, renovations to, and removals of, any Private Sewer Lateral, or Private Drainage Lateral, shall be pursuant to, as required by and in compliance with the Ontario Building Code, Part 7, the current Corporation Standards, and this By-law.
- 3.4.6 All Municipal Sewer Laterals, and Municipal Drainage Laterals, shall be installed by the Corporation or its Agent, under the supervision of the Engineer, at the expense of the Owner. Only on the prior written approval of the Engineer, the Owner or the Owner's Agent may undertake the installation of a Municipal Sewer Lateral and/or a Municipal Drainage Lateral.
- 3.4.7 The Corporation shall be responsible for the cost of maintaining Municipal Sewer Laterals and Municipal Drainage Laterals, and for keeping the same in operation and repair.
- 3.4.8 Private Sewer laterals from and including the Inspection Tee and Private Sewage Collection Systems, and Private Drainage Laterals and private Drainage systems shall be provided by and maintained by and at the expense of the Owner.
- 3.4.9 Other than the connection to the Building or Premises being serviced, all other pipe connections to a Sewer Service Connection or Drainage Service Connection require the prior written approval of the Engineer.
- 3.4.10 The provision, installation and construction, operation and maintenance of Maintenance Holes, Catch Basins and Interceptors shall be in accordance with Part 5 of this By-law and the current Corporation Standards.
- 3.4.11 Grease, oil, sand and grit Interceptors shall be provided when, in the opinion of the Engineer or Chief Building Official, they are necessary, including for existing facilities, for the proper handling of Sewage or Drainage Water containing grease, oil or petroleum products in excessive amount, or any inflammable wastes, and/or sand or grit in excessive amounts, or other harmful matter.
- 3.4.12
- a) Where a Sewer Service Connection, Municipal Sewer Lateral or Private Sewer Lateral, or Private Sewage Collection System or Drainage Service Connection or private Drainage system is made by an Owner contrary to the provisions of this By-law, the Owner shall repair or replace such defective work or material within seven (7) calendar days after receipt of notice from the Corporation requiring the Owner to do so.



- b) Where an Owner fails to repair or replace a connection in accordance with Section 3.4.12 (a) above, the Corporation may carry out the repair or replacement at the expense of the Owner and such costs of said repair or replacement shall be paid by the Owner, and if not paid, the costs shall be added to the tax roll for the property and collected in the same manner as property taxes.
- 3.4.13 The installation of Sewer Service Connections and Drainage Service Connections and Appurtenances shall be inspected and approved by the Corporation before backfilling commences.
- 3.4.14 Final acceptance and approval to backfill and put into service a Sewer Service Connection or Drainage Service Connection is not a guarantee or warranty on the part of the Corporation that the service will perform satisfactorily and be trouble free.

### **3.5 SEWAGE BACKFLOW PREVENTION**

- 3.5.1 An approved Sewage Backflow Prevention Device shall be installed in the sanitary Sewage discharge plumbing, in advance of the Private Sewer Lateral, in all new Buildings with basements or below grade crawl spaces, unless otherwise approved by the Chief Building Official.
- 3.5.2 If in the opinion of the Chief Building Official, in consultation with the Engineer, an existing Building is likely to experience, or has experienced, Sewage backup as the result of a storm event, the Corporation may provide financial assistance to the Owner, upon written application, for the installation of an approved Backflow Prevention Device to a maximum of \$1,000.00, subject to budget approval by Council and the availability of funds.
- 3.5.3 Backflow Prevention Devices shall be of a design approved by the Corporation and installed as prescribed by the Ontario Building Code, Part 7 and in a manner specified by the Chief Building Official.
- 3.5.4 Backflow Prevention Devices shall be installed and maintained readily accessible for Inspection and maintenance.
- 3.5.5 Backflow Prevention Devices shall be maintained in good working order and protected, including protection from freezing, by the Owner at his/her expense.

### **3.6 STORM DRAINAGE REQUIREMENTS**

- 3.6.1 Storm Water pipes, Drainage Service Connections, Drainage water pipes, Drainage sump pump discharge laterals, Foundation Drains, Storm Water leaders or Downspouts shall not be connected directly or indirectly to the Sewer Works, unless otherwise approved by the Engineer.
- 3.6.2 The discharge of Storm Water leaders, Downspouts, sump pumps, and Foundation Drainage water from any Building shall be in accordance with the latest version of the corporate standards.
- 3.6.3 When a Corporation Storm Sewer is constructed within a street or Right-of-Way that was previously served only by a Corporation Combined Sewer, the Corporation Combined Sewer shall subsequently be dedicated as a Corporation Sanitary Sewer, and all Storm Drainage from any abutting Building or property shall be disconnected from that Corporation Sanitary Sewer. Abutting property Owners may connect their Building or

property Storm Drain to the new Corporation Storm Sewer, on application and approval as per the Standards of the Corporation or may discharge the Storm Water to the surface of the lands from which it emanates, as specified by the Corporation's Lot Grading and Drainage Policy.

- 3.6.4 If Corporation Drainage Works are not available to a property, the Corporation, may at its discretion, require the construction of a Storm Sewer or Storm Drain from that property to the closest available legal Drainage Outlet, at the Owner's expense before authorizing issuance of a building permit.
- 3.6.5 Before issuing a building permit, or before approval of the construction of a Drain or modifications to a Drain, or before approval of a connection to a Drain or in anticipation of possible adverse consequences from potential future flooding of the subject or surrounding lands, or potential adverse Drainage Water quality, the Corporation may require, at the request of the Engineer, the Owner to complete one or more of the following:
- a) a study on Storm Water quality and/or quantity;
  - b) modification and/or construction of Storm Water facilities;
  - c) adoption and implementation of pollution prevention techniques and measures;
  - d) adoption of a Storm Water Management plan; or
  - e) any other requirement as specified by the Engineer or Council.
- 3.6.6 Where an Owner fails to comply with Subsection 3.6.5, the Engineer may make an Order directing the Owner, within seven (7) calendar days of the issuance of the Order, to take such steps as are necessary to comply as outlined in the Order. If the Owner fails to comply with the Order within seven (7) calendar days, the Engineer may cause such work as necessary to be done at the Owner's expense; and if not paid, the costs may be added to the tax roll for the property and collected in like manner and with the same priority as municipal taxes.

### **3.7 COMMENCEMENT OR DISCONTINUANCE OF SERVICE**

- 3.7.1 The termination of Service Connection or Connections to Private Sewage Collection Systems or Private Drainage Systems shall be capped or plugged to the satisfaction of the Chief Building Official until connection to the Sewer Works or Drainage Works is approved by the Engineer.
- 3.7.2 Once a Sewer Service Connection or a Drainage Service Connection has been installed and put into service, such connection shall not be disconnected from the Sewer Works or Drainage Works without the prior written approval of the Engineer.
- 3.7.3 Where a new or replacement Service Connection is installed, or where the Corporation has Blanked the discharge from an existing Service Connection; no Person other than an Employee or an Agent of the Corporation, so authorized by the Engineer or Chief Building Official, shall remove the Blank so as to recommence or reinstate the Service Connection.
- 3.7.4 Where an existing Service Connection is approved and operating, notwithstanding Subsection 3.7.2, a duly qualified and licensed plumber, when making repairs, may

temporarily Blank the Connection, and upon completion of the repairs, shall immediately reinstate the collection of discharge.

- 3.7.5 If first authorized by the Engineer or Chief Building Official, a duly qualified and licensed plumber may, notwithstanding Subsection 3.7.3, temporarily initiate the collection of Sewage or Drainage water to test and correct any Service Connection installation and upon completion of the test and correction, immediately reinstate the blockage of discharge.
- 3.7.6 Where the Corporation has caused a Service Connection believed to be defective to be Blanked, due to a defective Sewer service, the Service Connection shall not be restored until the Engineer or Chief Building Official has been satisfied that no such defect exists, or that any defect therein has been properly rectified in accordance with Corporate Standards and the requirements established under this By-law.
- 3.7.7 In compliance with Subsection 3.7.2, an Owner of a Building with a Service Connection shall provide written notification to the Corporation when use of the Service Connection is to be discontinued and shall obtain the required permit and pay the required fee as prescribed by Council.
- 3.7.8 Any Owner requiring the discontinuation of a Service Connection for the purpose of demolition, or for other reasons, shall excavate, backfill and reinstate the excavation so that the Service Connection may be properly Blanked and Inspected by the Corporation.
- 3.7.9 Where Building demolition is undertaken, the Owner shall Blank all Service Connections to the satisfaction of the Chief Building Official and before the commencement of demolition work.
- 3.7.10 The Blanking of a Service Connection shall be completed at such location and in such manner as specified by the Chief Building Official, and shall be inspected prior to backfill.
- 3.7.11 Where a Building has been demolished and the property Owner proposes to utilize the existing Service Connection or connections to serve a new Building, the Owner must first obtain the written approval of the Engineer to do so.
- 3.7.12 A disconnected or Blanked Service Connection shall not be reconnected or reinstated without reapplication for the Service Connection in accordance with the Standards of the Corporation and payment of the applicable fees prescribed by the Council.

### **3.8 RESPONSIBILITY OF OWNER**

- 3.8.1 The entire cost of providing, installing, operating, maintaining, repairing, replacing, relocating or renewing any Private Sewer Lateral or Private Sewer Collection System, and any Private Drainage Lateral or private Drainage or Storm Water Management System, and Appurtenances connected thereto including Inspection Tees, shall be the responsibility of and paid for by the Owner.
- 3.8.2 Every Owner shall maintain their Private Sewer Lateral or Private Sewage Collection System and Private Drainage Lateral or Private Drainage or Storm Water Management Systems, including Appurtenances connected thereto, in good working order and condition, and adequately protected from blockage and freezing. Private Sewer Laterals and Private Sewage Collection Systems shall be maintained free from Drainage and Storm Water Inflow and Infiltration.

- 3.8.3 Every Owner whose property abuts or includes a Drainage Ditch of the Drainage Works shall maintain the Drainage Ditch free of debris and obstructions or blockages to Drainage flow.
- 3.8.4 Inspection Tees shall be installed in all Private Sewer Laterals at the expense of the Owner, and shall be maintained in good order and accessible at all times, and free from Drainage water inflow and ground water infiltration.
- 3.8.5
- a) Where a leak occurs from a Private Sewer Lateral, Private Sewage Collection System, Sewage holding tank, septic tank system or any other Private Sewage treatment system, the Owner shall take corrective action to repair the leak, at the Owner's expense.
- b) Where, after seven (7) days' notice by the Corporation requiring that the leak be repaired, the Owner fails to comply with the requirement to repair the leak, the Corporation may repair the leak, and the cost of such repair shall be paid by the Owner, and if not paid, the cost may be added to the tax roll for the property and collected in the same manner as property taxes.
- 3.8.6 The Owner shall indemnify the Corporation for any loss or damage to the Corporation, or to any Person, that may occur in or as a result of any work carried out or actions by the Owner, or an Agent of the Owner, as required under this By-law.
- 3.8.7 Every Owner and occupant shall, at all reasonable times and upon reasonable notice provided by the Corporation, allow and provide access to a Building or Premises including a dwelling, to the Engineer, Chief Building Official or any other Person duly authorized by the Corporation, for the purposes of Inspecting, maintaining, repairing, disconnecting or reinstalling a Sewer Connection or a Drainage Service Connection or for taking corrective action, and/or carrying out work required by this By-law.
- 3.8.8 Every Owner shall be responsible for advising the Corporation, attention to the Director of Corporate Services, of any change in the Sewer Service Connection or Drainage Service Connection application information including changes to the Owner's address and telephone number, and selected method of account payment.
- 3.8.9 Only the Owner may request the discontinuation of Sewer Service Connection or Drainage Service Connection. Such requests shall be made in writing attention to the Director of Corporate Services in a form specified by the Corporation.
- 3.8.10 At the written request of the Owner, and when resources can be made available, and at the discretion of the Engineer; the Inspection of Private Sewage Collection Systems and/or private Drainage or Storm Water management systems, including the preparation of a report on the condition of the systems, may be carried out by the Infrastructure Services Department of the Corporation, on a cost recovery basis.

### **3.9 COMPLIANCE INSPECTIONS AND CORRECTIVE ACTIONS**

- 3.9.1 The Engineer, Chief Building Official or any Person duly authorized by the Corporation, shall be allowed access to a Building or Premises, including a dwelling, at all reasonable times and upon reasonable notice, for the purpose of Inspecting, maintaining, repairing, disconnecting or reinstalling a Sewer Service Connection or a Drainage Service Connection in accordance with the provisions of this By-law.

## **Part IV – Restrictions**

### **4.1 GENERAL RESTRICTIONS**

- 4.1.1 Except as authorized in writing by the Engineer, only Sewage that originated from the Water Works may be discharged to the Sewer Works.
- 4.1.2 No Person shall discharge to the environment within any area under the jurisdiction of the Corporation any Sewage, contaminated or polluted water, except where suitable treatment of the discharge is provided and approved by the Engineer, or the Chief Building Official.
- 4.1.3 No Person shall discharge or deposit, or cause or permit to be discharged or deposited, into or in the Sewer Works, or into or in the Drainage Works, a substance, material or object, which is or may become harmful to the Sewer Works or Drainage Works or the environment.
- 4.1.4 No Person shall conceal, interfere with, construct or maintain anything or cause or permit to be concealed or interfered with or constructed or maintained anything, that has the effect of concealing or interfering with access to a municipal or private Maintenance Hole, Interceptors, Catch Basins or a Sewer Lateral Inspection Tee.
- 4.1.5 No Person, except an employee of or Agent of or contractor engaged by the Corporation, shall uncover, enter, make any connection to or opening into, use, alter or disturb the Sewer Works or Drainage Works without first obtaining the approval of the Engineer.
- 4.1.6 Notwithstanding Subsection 4.1.5, an abutting Owner or his Agent may without approval enter into a Drainage Ditch of the Drainage Works for the purpose of clearing the Ditch of growth or debris, or to clear an obstruction or blockage. Such cleaning or clearing shall not alter the invert of the Ditch.
- 4.1.7 No Person shall remove or tamper with or cause or permit any removal or tampering with, any Maintenance Hole cover, grate, cap, or any other opening into the Sewer Works or Drainage Works without the prior approval of the Engineer.
- 4.1.8 Upon the provision of reasonable notice permitted by the requirement or circumstance, the Engineer may temporarily restrict the use of the Sewer Works or Drainage Works, including the temporary shut-off of water from the Water Works, from time to time as necessary, to carry out Inspections, cleaning, maintenance, repairs, Service Connection, modifications, replacement, relocation, or rehabilitation to any part of the Sewer Works or Drainage Works.

### **4.2 SEWER WORKS USE RESTRICTIONS**

- 4.2.1 Unless permitted to do otherwise under this By-law, no Person within a serviced area shall fail to ensure that Sewage from a Building or Premises is discharged into a Sanitary Sewer of the Sewer Works.
- 4.2.2 No Person, unless specifically authorized by the Engineer in writing, shall cause or permit the entry of Storm Water or Drainage water of any kind into the Sewer Works.
- 4.2.3 Foundation Drainage system sumps shall not be constructed with high water level overflow provisions discharging directly into the Building drain unless otherwise authorized in writing, by the Engineer.

- 4.2.4 No Person shall discharge or deposit, or cause or permit to be discharged or deposited, into or in the Sewer Works, any material which contains more than 100 milligrams per litre of fat, oil, grease, or other matter of animal or vegetable origin.
- 4.2.5 No Person shall discharge or deposit, or cause or permit to be discharged or deposited, into or in the Sewer Works, any material which contains more than 15 milligrams per litre of oil, grease, or tar, or other matter other than animal or vegetable origin.
- 4.2.6 No Person shall install any food or garbage-grinding device, the effluent from which will discharge directly or indirectly into the Sewer Works.
- 4.2.7 The use of the Sewer Works and Sewage discharge characteristics shall conform to the restrictions of the Regional Municipality of Niagara Sewer Use By-law No. 39-2002 as amended from time to time.
- 4.2.8 A Person responsible for:
- a) a discharge to the Sewer Works, which may be considered hazardous to Persons, property or animals;
  - b) a discharge which may be considered detrimental to the efficient operation, or safety of the Sewer Works, or the treatment systems of the Regional Municipality of Niagara, or Personnel thereof;
  - c) a discharge which contravenes the Sewage discharge characteristic restrictions prescribed by the Regional Municipality of Niagara Sewer Use By-law No. 39-2002 as amended;
- shall immediately notify the Corporation and the Regional Municipality of Niagara of such discharge.
- 4.2.9 No Person shall directly or indirectly discharge or deposit, or cause or permit to be discharged or deposited, any type of hauled Sewage or hauled Sewage Sludge into or in the Sewer Works without the prior written approval of the Engineer.

### **4.3 DRAINAGE WORKS USE RESTRICTIONS**

- 4.3.1 Unless permitted to do otherwise under this By-law, no Person shall fail to ensure that Storm Water or Drainage water is discharged into the Drainage Works or into an approved Storm Water management system, or to an approved Drainage Outlet.
- 4.3.2 All multi-unit residential, commercial, recreational, industrial and institutional Buildings and Premises shall be served with storm Sewer or Drainage system, or Storm Water Management systems, separate from the Sewer Works.
- 4.3.3 All Storm Water or Drainage water of any nature or kind, including roof water, surface water, ground water and water from sump pumps or Foundation Drainage systems must either:
- a) be discharged into the Drainage Works of the Corporation,
  - b) be allowed to disburse only upon the lands of the Owner of the Building or lands from which such Storm Water or Drainage water exits,
  - c) be discharged to a private Drainage system or to a private Storm Water management system,

- d) be discharged to a watercourse,
  - e) be discharged to an approved Drainage Outlet, or
  - f) such other place as the Corporation may direct.
- 4.3.4 No Person shall directly or indirectly discharge or deposit, or cause or permit to be discharged or deposited, any Sewage of any kind in or into the Drainage Works.
- 4.3.5 No Person shall directly or indirectly discharge or deposit, or cause or permit the discharge or deposit of matter of any type in or into the Drainage Works, or into any Drainage Service Connection, or into any Ditch or Drain, or into any Stormwater Management system, where:
- a) To do so may cause or result in,
    - i) damage to the Drainage Works;
    - ii) interference with proper operations of the Drainage Works;
    - iii) blockage, obstruction or restriction of Stormwater flows or Drainage flows therein;
    - iv) a hazard to any Person, animal, property, or vegetation;
    - v) impairment of the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
    - vi) the contravention of a certificate of approval or provisional certificate of approval issued under the Ontario Water Resources Act or the Ontario Environmental Protection Act, as amended, with respect to the storm Sewer and/or its discharge;
    - vii) the contravention of the Fisheries Act with respect to the Drainage Works and/or its discharge from the Drainage Works into a water course; or
  - b) The matter has characteristics prohibited by the Regional Municipality of Niagara Sewer Use By-law No. 39-2002 as amended from time to time.

#### **4.4 MAINTENANCE, REPAIR AND ALTERATION OF PRIVATE DRAINS**

- 4.4.1 No Person shall alter, fill, obstruct, block or in any way interfere with a private Drain, including allowing a private Drain to fall into disrepair such that the flow of storm, ground, surface or subsurface water from or to another private land is interfered with to the extent that the Owners, lessees, Operators or occupants of such other private land suffer damages or are inconvenienced.
- 4.4.2 Every Owner, lessee, Operator or occupant of land shall keep in repair any private Drain on land owned or occupied by them. Every Owner, lessee, Operator or occupant of land shall alter, relay or repair any private Drain as may be required by the Engineer.
- 4.4.3 The Engineer may send to, or serve on, the Owner, lessee, Operator or occupant of any land a notice requiring the Owner, lessee, Operator or occupant, or any of them to maintain, repair, alter, relocate, or relay any private Drain, within a specified number of calendar days, as may be required by the Engineer pursuant to Subsections 4.4.1 and

- 4.4.4 If an Owner, lessee, Operator or occupant of any land fails to comply with the Engineer's notice sent or served under Subsection 4.4.3 the Engineer may cause the required work to be done; and the cost of such work shall be paid by the said Owner, lessee, Operator or occupant; and if not paid may be added to the municipal tax roll of the property of which the work was done and collected in like manner and with the same priority as municipal taxes.

#### **4.5 CORRECTION OF OBSTRUCTIONS TO DRAINS**

- 4.5.1 If any Person causes or permits the blockage or obstruction of any Drain or Private Drain, the Engineer may by written notice to, or served on, such Person, require such Person to remove the blockage or obstruction within a specified number of calendar days of receipt of said notice.
- 4.5.2 If a Person fails to remove a blockage or obstruction of a Drain or Private Drain, within the specified number of calendar days, as required by the Engineer's notice; the Engineer may cause the blockage or obstruction to be removed, at the expense of said Person; and if costs are not paid, the costs may be added to the tax roll of the property within which the blockage or obstruction occurred, and collected in like manner and with the same priority as municipal taxes.

#### **4.6 SUPPLY OF SERVICES FOR CONSTRUCTION PURPOSES**

- 4.6.1 Owners, Builders or Contractors requiring Sewage collection and/or Drainage services for construction purposes shall make an application to the Corporation as specified in the Standards of the Corporation and shall furnish all information so required and shall pay to the Corporation the fee prescribed by Council.
- 4.6.2 Owners, builders and contractors shall only be permitted to discharge Sewage to the Sewer Works, and Storm or Drainage water to the Drainage Works, at connection locations and in a manner specified by the Engineer, and as may be altered from time to time by the Engineer.
- 4.6.3 Any Storm Water or surface water or groundwater collected within any excavation, or in any completed basement, shall be drained to a Storm Water Drainage system, Storm Sewer or roadside Ditching, by pumping if gravity Drainage is not possible.
- 4.6.4 No connection shall be made, either directly or indirectly, to the Municipal Sewer Lateral, or to any Maintenance Hole, or Interceptor, or other part of the Sewer Works, until the Building roof is completed, unless otherwise approved in writing by the Engineer.

#### **4.7 THAWING OF FROZEN SERVICE CONNECTIONS**

- 4.7.1 No Person shall undertake the thawing of any Main or Service Connection of the Sewer Works, or Drainage Works, except with the prior approval and under the direction of the Engineer.
- 4.7.2 Thawing of Private Sewer Laterals or Private Drainage Laterals shall only be carried out at the request of the Owner and at the Owner's risk and at the fee prescribed by Council.
- 4.7.3 Thawing of Private Sewage Collection Systems and private Drainage systems may be carried out by the Infrastructure Services Department of the Corporation, at the discretion of the Engineer, at the written request of the Owner, on a cost recovery basis, when resources can be made available.



4.7.4 Thawing operations shall not be undertaken by any Person when in the opinion of the Engineer such action presents an unacceptable hazard.

**4.8 DISCONNECTION OF DRAINAGE CONNECTIONS TO THE SEWER WORKS**

4.8.1 The Owner of any Building or Premises which has a Drain, Storm Water Leaders, Downspouts, Foundation Drains and/or sump pumps connected to the Sewer Works shall, at their own expense, disconnect such Drain, Storm Water leaders, Downspouts, Foundation Drains and sump pumps from the Sewer Works.

4.8.2 Provided that funds are available, as approved through the Corporation's annual budget deliberations, financial assistance to a maximum reimbursement of \$2,500.00 may be considered to assist Owners with the costs of the following repairs to disconnect Drainage connections from, and to reduce Extraneous Flow into, the Sewer Works:

- i) Removal of roof leaders from the Sanitary Sewer.
- ii) Removal of existing sump pump connections from the Sanitary Sewer.
- iii) Repair or replacement of a leaking Private Sewer Laterals.
- iv) Removal of Foundation Drains connections from the Sanitary Sewer.

## **Part V – Multiple Residential, Commercial, Institutional and Industrial Premises**

- 5.1 Council may impose restrictions on the Multiple Residential Dwelling, industrial, commercial, recreational and/or institutional use of the Sewer Works or Drainage Works as may be set out in a resolution adopted by Council from time to time.
- 5.2 Every Maintenance Hole, Interceptor, Catch Basin, device or Appurtenance installed as required by this By-law shall be designed and constructed in accordance with Ontario Provincial Standards, the Standards of the Corporation, and good Engineering practice, to the satisfaction of the Engineer; and shall be constructed and maintained at a location and in a manner prescribed by the Engineer, at the Owner's or Operator's expense.
- 5.3 All necessary Drainage piping, Drains, Catch Basins, Interceptors and connections to the Drainage Works shall be provided to accommodate Storm Drainage from roof and ancillary hard surfaced areas (parking, storage areas, roadways, etc.) from all multiple residential, industrial, recreational, commercial and institutional Premises.
- 5.4 The Owner or Operator of a multiple residential Building or commercial, recreational, institutional, or industrial Premises with one or more connections to the Sewer Works shall install, and maintain in good repair and operating condition, in each connection, a suitable Interceptor to prevent the entry of grease, oil, petroleum products, sand, grit and dirt into the Sewer Works, unless otherwise approved in writing by the Engineer.
- 5.5 When a change in occupancy or use of a Building or Premises may result in the discharge of grease, oil, petroleum products or like substance, the Sewer Service Connection to such Building or Premises shall be provided with an approved grease, oil and petroleum products Interceptor.
- 5.6 All Drainage Service Connections from commercial, recreational, industrial and institutional parking facilities shall be provided with sand, grit, oil and petroleum products Interceptors meeting Ontario Ministry of the Environment standards for Storm Water quality management.
- 5.7 Food preparation areas of every hotel, boarding or eating house, restaurant or bed and breakfast establishment or other similar establishment, shall be connected to a grease Interceptor installed in conformance with the Ontario Building Code, Part 7, and the Standards of the Corporation and so placed as to be easily accessible to open and clean.
- 5.8 The Owner or Operator of a Multiple Residential Dwelling, or commercial, institutional, or industrial Premises with one or more connections to the Sewer Works shall install and maintain in good repair and operating condition, for each connection, a suitable Maintenance Hole of a design and at a location approved by the Engineer; to allow observation, sampling, testing, and measurement of the flow therein.
- 5.9 The Owner or Operator of a Multiple Residential Dwelling, or commercial, institutional or industrial Premises shall connect to and discharge Storm Water and/or Drainage water to the Drainage Works through a Maintenance Hole, of a design and at a location approved by the Engineer, unless otherwise approved in writing by the Engineer.
- 5.10 The Owner or Operator of a Multiple Residential Dwelling, or commercial, recreational, institutional or industrial Premises shall, at the discretion of the Engineer, install devices to monitor discharges to the Sewer Works or Drainage Works to the satisfaction of the Engineer; and if required to make such installation, shall submit regular reports to the Corporation regarding such discharges as specified by the Engineer.
- 5.11 An Owner or Operator required by this By-law to install a Maintenance Hole, or Interceptor or alternative device shall ensure such Maintenance Hole, or Interceptor, or

alternative device is accessible at all times for the purposes of observing, maintaining, cleaning, sampling, testing, and measuring the flow therein.

- 5.12 All Maintenance Holes, Interceptors, Catch Basins, devices or Appurtenances required under this By-law shall be maintained by and at the expense of the Owner or Operator in a continuously efficient and safe operating condition at all times.
- 5.13 Where the Owner or Operator of a Multiple Residential Dwelling, commercial, recreational, institutional or industrial Premises fails to install or maintain any Maintenance Hole, Interceptor, Catch Basin, or alternative device required under this By-law, such installation or maintenance may be done by the Corporation, at the direction of the Engineer, at the expense of the Owner or Operator; and if not paid the costs incurred may be added to the tax roll for the property and collected in like manner and with the same priority as municipal taxes.
- 5.14 Subject to the prior approval of the Ontario Ministry of the Environment, industrial cooling water or unpolluted process waters may be discharged to the Drainage Works or to a Drainage Outlet at a location and in a manner approved by the Engineer.

## **Part VI – Prohibitions, Enforcement and Penalties**

### **6.1 INTERFERENCE WITH THE SEWER WORKS OR DRAINAGE WORKS**

Every Person who:

1. throws, discharges or deposits any substance or material into or in the Sewer Works or Drainage Works, which in any way fouls, obstructs or blocks flows in the Sewer Works or in Drainage Works, or causes or permits the same to be done; or
2. discharges or deposits, or causes or permits to be discharged or deposited, into or in the Sewer Works or Drainage Works a substance which is or may become harmful to a Person; or
3. discharges or deposits, or causes or permits to be discharged or deposited, into or in the Drainage Works a substance which is or may become harmful to the natural environment; or
4. discharges or deposits, or causes or permits to be discharged or deposited, into or in the Sewer Works or Drainage Works, Sewage, Wastewater, liquid or any substance which is prohibited by this By-law or by the Regional Municipality of Niagara's Sewer Use By-law, as amended;

is guilty of an offence and on conviction is liable to a fine in accordance with Section 6.3.

### **6.2 PROHIBITIONS AND OFFENCES**

Every Person who:

1. being a Building or Premises Owner, fails to connect to a Sanitary Sewer constructed within a road Right-of-Way abutting said Owner's property, as required by this By-law; or
2. being an Owner or Operator, fails to control the discharge of Storm Water or Drainage water, as required by Corporation Standards; or
3. without a permit or prior authorization, connects, or causes to be connected, any pipe or Private Lateral to any pipe or Main or Maintenance Hole or other Appurtenance of the Sewer Works or Drainage Works; or
4. fails to obtain an approved Service Connection permit; or
5. fails to construct a Private Sewer Lateral, or Private Drainage Lateral, in conformance with this By-law and Corporation Standards; or
6. fails to construct a Private Sewage Collection System or private Drainage system in conformance with Corporation Standards; or
7. connects a Private Lateral to the Sewer Works or Drainage Works prior to approval and Inspection; or
8. connects a private Drainage system to the Drainage Works prior to approval and Inspection; or
9. connects a Private Sewage Collection System to the Sewer Works prior to approval and Inspection; or
10. fails to inform the Chief Building Official that installation of a Private Sewer Lateral, or Private Drainage Lateral is available for Inspection; or
11. fails to undertake and report the results of specified tests required under this By-law to ensure that the installation of a Service Connection meets standards and specifications, and functions adequately; or

12. having been given appropriate and adequate notice, fails to provide access to a Building or Premises for the purpose of Inspecting, maintaining, repairing, modifying or replacing a Service Connection including Appurtenances thereof; or
13. having been given appropriate and adequate notice, fails to provide access to a Building or Premises for the purposes of Inspecting and ensuring compliance with this By-law and taking corrective action as required, including access to a private Sewer collection system, or to a private Drainage system, and Appurtenances thereof; or
14. willfully hinders or interrupts, or causes to be hindered or interrupted; the Corporation or any of its officers, Agents, workers or contractors, in the exercise of any of the powers or duties conferred by this By-law; or
15. without prior written approval of the Engineer, discharges, or causes or permits to be discharged, to the Sewer Works, any Sewage containing water from a source other than the Water Works; or
16. without prior written approval of the Engineer, discharges or causes or permits to be discharged, either directly or indirectly, Storm Water, ground water or Leachate, or Drainage Water, into or in the Sewer Works; or
17. without the prior written approval of the Engineer, discharges or deposits, or causes to be discharged or deposited, any type of hauled Sewage or hauled Sludge into or in the Sewer Works; or
18. fails to notify the Corporation of a discharge to the Sewer Works or Drainage Works that is in violation of the Sewer Works use or Drainage Works use restrictions of this By-law; or
19. fails to notify the Corporation of a discharge to the Sewer Works or Drainage Works that is or may be hazardous to a Person; or
20. fails to notify the Corporation of a discharge to the Drainage Works that is or may be hazardous to the natural environment; or
21. fails to adequately protect a Service Connection from damage, including from freezing; or
22. fails to provide the as constructed data and location of a Private Lateral to the Engineer; or
23. fails to adequately maintain or repair a Private Lateral; or
24. backfills an excavation or trench created for the installation, repair, relocation or replacement of a Service Connection, or part thereof, prior to Inspection and approval; or
25. fails to maintain a Private Sewage Collection System; or
26. fails to maintain a private Drainage system or private Storm Water management system; or
27. fails to provide written notification to the Engineer that a Service Connection has been disconnected; or
28. Blanks, or causes or permits to be Blanked, any Service Connection without prior approval; or
29. fails to Blank a Service Connection in compliance with this By-law, in the manner specified by the Chief Building Official; or
30. fails to Blank a Municipal Lateral immediately following installation while awaiting approval to connect to the Sewer Works or Drainage Works; or
31. fails to Blank a Service Connection required for the demolition of the Building or facility serviced; or

32. fails to obtain the written permission of the Engineer to reuse a Blanked Service Connection; or
33. fails to provide adequate excavation, backfill and reinstatement of a trench to enable the Blanking of a Service Connection as required under this By-law; or
34. fails to obey or conform to any Sewer Works or Drainage Works use restrictions imposed by Council; or
35. fails to obey or conform to any temporary Sewer Works or Drainage Works use restrictions imposed by the Engineer permitted under this By-law; or
36. fails to install a Maintenance Hole as required by this By-law; or
37. fails to ensure a private Maintenance Hole is readily accessible for use and Inspection at all times; or
38. fails to maintain a private Maintenance Hole required by this By-law in good working order; or
39. fails to install an oil, grease, petroleum product, sand or grit Interceptor as required by this By-law; or
40. fails to maintain and ensure adequate functioning of a grease, oil, petroleum product, sand or grit Interceptor as required by this By-law; or
41. fails to provide maintenance records for any required Interceptor; or
42. fails to ensure an Interceptor is readily accessible for Inspection at all times; or
43. fails to install and maintain a Sewer Backflow Prevention Device as required by this By-law; or
44. has a garbage grinding device installed so as to discharge directly or indirectly to or into the Sewer Works, or to or into the Drainage Works; or
45. being an Owner or Operator, fails to maintain a Ditch or Drain abutting, or contained in his/her lands, free of growth, debris or obstructions or blockages to Drainage flow; or
46. alters a watercourse, Drain or Drainage Ditch that forms part of the Drainage Works, or part of a Municipal Drain, without the prior approval of the Engineer; or
47. fails to comply with an Engineer's notice to remove a blockage or obstruction to any Drain, within the number of calendar days specified in said notice; or
48. being an Owner, lessee, occupant or Operator, fails to comply with an Engineer's notice to Maintain, repair, alter, relocate or relay any private Drain within the number of calendar days specified in said notice; or
49. being an Owner, Operator or contractor or Builder, fails to comply with the direction of the Engineer or Chief Building Official regarding the installation of a temporary Service Connection to the Sewer Works or to the Drainage Works; or
50. excavates, uncovers or enters a Main, Maintenance Hole, Interceptor or other chamber of the Sewer Works or Drainage Works without prior approval of the Engineer; or
51. without authorization, removes or tampers with, or causes or permits any removal or tampering with, any Maintenance Hole cover, grate or any other opening into the Sewer Works or Drainage Works; or
52. undertakes or permits to be undertaken, thawing operations of any Main, section or part or to any Service Connection of the Sewer Works or Drainage Works, without the prior approval of the Engineer; or
53. fails to repair a leak in a Private Sewer Lateral or Private Sewage Collection System within seven (7) calendar days of notice; or

- 54. having been given appropriate and adequate notice, fails to disconnect a Drainage Service Connection from the Sewer Works, within the prescribed number of calendar days; or
- 55. fails to adequately decommission a septic tank, cesspool, or other Private System for the treatment and disposal of Sewage, following connection to the Sewer Works within the prescribed number of calendar days; or
- 56. without prior written approval of the Engineer, had a Foundation Drainage sump with a high water level overflow discharge directly into the Building Drain; or
- 57. destroys, damages, removes, fraudulently alters or in any way injures any Main, Maintenance Hole, Interceptor, Catch Basin, Service Connection, Inspection Tee, Appurtenance or apparatus or thing belonging to the Corporation's Sewer Works or Drainage Works, or causes or permits the same to be done;

is guilty of an offence and upon conviction is liable to a fine in accordance with Section 6.3.

### **6.3 ENFORCEMENT AND PENALTIES**

- 6.3.1 Every Person other than a corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs and continues to occur, to a fine of not more than \$5,000.00 for a first offence and \$10,000.00 for any subsequent offence.
- 6.3.2 Every corporation that contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues to occur, to a fine, of not more than \$25,000.00 for a first offence and \$50,000.00 for any subsequent offence.
- 6.3.3 In this By-law, a subsequent conviction means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law.
- 6.3.4 No Person shall hinder or obstruct an officer, appointed under this by-law or employed to enforce this by-law, from carrying out an Inspection of lands, nor shall any Person obstruct any employee or Agent authorized to carry out work for the City, specified in an Order issued hereunder.
- 6.3.5 The following Officials of the Corporation shall be responsible for the enforcement of this by-law:
  - i) the Extraneous Flow Inspector;
  - ii) the Municipal By-Law Enforcement Officers;
  - iii) the Engineer
  - iv) the Chief Building Official; or
  - v) the Building Inspectors.
- 6.3.6 Every Person who, by act, offence, default, neglect or omission, causes any loss, cost, damage or injury to the Sewer Works or Drainage Works, or any part or Appurtenance thereof, is liable to the Corporation for any and all financial losses and costs incurred as a result of such act, offence, default, neglect or omission.

- 6.3.7 No action or proceeding taken by the Corporation under the provisions of this By-law shall preclude the Corporation from the right and power to exercise any other right or remedy available at law to the Corporation.

## Part VII – General Provisions

- 7.1 Should a Court of competent jurisdiction declare a part or a whole of any provision of this by-law to be invalid, or of no force or effect, the provision is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.
- 7.2 The Schedules attached hereto are and form part of this By-law.

## Part VIII – Enactment

- 8.1 This by-law comes into force and effect on the date of its passing and enactment.

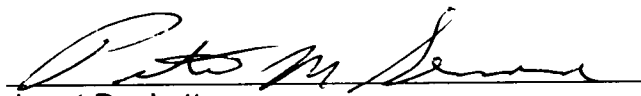
## PART IX – Short Title

- 9.1 This by-law may be known and referred to as the “Sewer and Drainage Works By-law”.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY  
COUNCIL THIS 15<sup>TH</sup> DAY OF DECEMBER, 2008**



Vance M. Badawey  
MAYOR

*for Deputy*  
  
Janet Beckett  
CITY CLERK



## **SCHEDULE "A"**

### **SCHEDULE OF OFFENCES AND SET FINES**