

By-Law 2016-006

**A By-Law To Establish The Management and Use of the Sewer Works
in The City of Kawartha Lakes**

Recitals

1. Section 425 of The Municipal Act, 2001 provides the authority for a municipality to create an offence for failure to comply with a by-law. Section 429 provides the authority for the municipality to create a system of fines.
2. Pursuant to section 445 (1) of the Municipal Act, 2001, S.O 2001, C.25 if a municipality is satisfied that a contravention of a by-law of the municipality has occurred, the municipality may make an order requiring the person who contravened the by-law to do work to correct the contravention. Section 446 of the Municipal Act, 2001 provides the authority for a municipality to create a by-law that allows the municipality to enter and conduct work where the owner fails to do so, and to recover the costs in the same manner as property taxes.
3. Pursuant to section 11 of the Municipal Act, 2001, S.O 2001, C. 25, municipal council may pass by-laws respecting sanitary and storm sewage systems.
4. Municipalities are empowered under Section 87 of the Municipal Act, 2001, S.O 2001, C. 25 to regulate the discharge of any matter into a municipal sewer system.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-006.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“agent” means a person authorized by the City to provide services on behalf of the City;

“appurtenance” means the apparatus or equipment that is an accessory to the Sewer 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;

“backflow” means flow reversal from the intended normal direction of flow;

“backflow prevention device” means a valve or other apparatus, which allows flow in one direction, but prevents flow in the opposite or return direction;

“blank or blanking” means the temporary or permanent decommissioning of a pipe by means of plugging, capping or other method approved by the Director;

"Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of matter as determined in accordance with Standard Methods;

"Bio solids" means stabilized municipal sewage sludge as recovered from the City's wastewater treatment plants;

“building” means any building or structure as defined in the Building Code Act;

“building drain” means the inside piping, including any vertical offset that conducts sewage to an external building sewer;

“catch basin” means a receptacle installed to collect surface water from an open area, for drainage into the drainage works;

“Chief Building Official” (CBO) means a Chief Building Official and such inspectors as are appointed by the City 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;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“City Standards” means all applicable design manuals, technical standards, drawings, specifications governing the construction, administration, operations, maintenance, repair, replacement and/or rehabilitation of the Sewer Works

“connect” (or “connected” or “connecting” or “connects” or “connection”) means to install a sewer service connection or a drainage service connection, including laterals and lateral appurtenances;

“contractor” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner of the City;

"cooling water" means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product or finished product;

“Council” or “City Council” means the municipal council for the City;

“Director of Engineering and Assets” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“discharge” means to release or emit sewage or other waste liquid, or storm water or drainage water;

“discharger” means an individual, association, partnership, corporation, municipality, or an agent or employee thereof, who is depositing sewage into the Sewer Works System;

“ditch” (or “drainage ditch”) means a constructed open channel designed to direct storm water or drainage water; and where constructed as part of a roadway, designed to drain the road sub-base;

“domestic wastewater” means sanitary sewage generated from toilets, sinks, bathtubs, showers and other fixtures through the course of normal human residential activities;

“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;

“drainage works” means any and all storm sewers, equipment, and associated municipal appurtenances, and structures designed for the collection and transmission of storm or drainage water; and includes lands over which an easement or consent has been granted or lands appropriated for such purposes or use;

“extraneous flow” (or “inflow and infiltrations”) means the infiltration of groundwater and/or undesirable, uncontrolled inflow of drainage or storm water into the Sewer Works System.

“foundation drain” means a drainage piping installed below the surface of the ground to collect and transmit water away from a building foundation.

“frontage” is defined as:

- i) where the property is zoned for agriculture, the length shall be the frontage of the residential usage portion only
- ii) where the property is not zoned for agricultural use, the length shall be the frontage along which the main runs

- iii) where a property is serviced on more than one side, the length shall be calculated for the side from which the property is being serviced.

"Hauled Sewage" means wastewater or septage removed from a wastewater system, septic tank system, a cesspool, a privy vault or privy pit, a chemical toilet, a portable toilet or a sewage holding tank that is transported to a sewer works for disposal;

"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;

"interceptor" means a receptacle installed to collect and prevent oil, grease, petroleum products, grit, sand and/or other materials from passing to the Sewer Works;

"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;

"maintenance hole" or "manhole" means a junction chamber for mains and for service connections of the Sewer Works or of a private sewage collection system or private drainage system, designed to permit access for inspection and maintenance purposes;

"multiple residential dwelling" (or" multiple residence" or "multiple residential premises") means a building or premises having six (6) or more living units or suites, or apartments;

"municipal drain" means a constructed watercourse created by by-law of the City under the Drainage Act for the purposes of drainage of lands designated by the establishing this by-law;

"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;

"Municipal Law Enforcement Officer" means an officer appointed by Council pursuant to section 15 of the Police Services Act, R.S.O 1990, c. P.15, for the purpose of enforcing municipal by-laws.

"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;

"non-domestic wastes" means any liquid, solid or gaseous substance or combination thereof, other than sanitary sewage, resulting from any industrial, commercial or institutional process;

"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;

"owner" means any person or persons who, or any firm, business, corporation or institute that is a 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;

"pathological waste" means pathological waste within the meaning of O.Reg.347, as amended from time to time, made under The Environmental Protection Act, R.S.O. 1990 c. E.19, as amended;

"PCB waste" means a PCB waste within the meaning of O. Reg.362, as amended, made under the Environmental Protection Act, R.S.O. 1990 c. E.19, as amended;

"person" means any individual, firm, corporation, partnership, Owner, lessee, customers, occupant or Operator.

"pesticide" means a pesticide or herbicide regulated under the Pesticides Act, R.S.O. 1990, c. P.11, as amended;

"private drainage lateral" means the drainage pipes and appurtenances providing a connection to the Drainage Works located between the property line and the outer face of the building foundation; or between the property line and a private drainage system.

"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.

"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.

"right-of-way" means lands acquired for or devoted to a public highway, lane or easement in which a main is located or proposed.

“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, surface and ground waters are not intentionally discharged or admitted.

“septage” means partially treated sludge stored in a septic tank, cesspool or other treatment facility.

“service connections” means municipal service laterals and the connected private service laterals and required appurtenances forming discharge connections to either the Sanitary Sewer Works or the Drainage Works.

“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’ including the unintentional and/or unauthorized inflow or infiltration of storm water or drainage water.

“sewage hauler” means a company with a valid Certificate of Approval (C of A) for a Waste Management System issued under Part V of the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended, from the Ontario Ministry of the Environment;

“sewer” means a sanitary sewer or pipe or main of the Sanitary Sewer Works; or a storm sewer or a pipe or main of the Drainage Works for the collection of transmitted of sewage;

“sewer service connection” means the municipal sewer lateral and the connected private sewer lateral; or pipe connection from a private sewage collection system to the Sewer Works;

“Sewer Works” means any works from buildings, structures, equipment, appurtenances, devices, conduits, underground pipelines, municipal sewer laterals, outlets, and related installations and other works of the City, 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. Includes both sanitary sewers and drainage works (storm sewers);

“sludge” means sewage of high concentration; a heavy, thick deposit, sediment or mass’ the precipitate from a sewage or septic tank.

“spill” means a direct or indirect discharge or deposit to the sewer works or the natural environment which is abnormal in quality or quantity in light of all the circumstances of the discharge;

“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.

“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 to the Drainage Works.

“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.

“swale” means a vegetated open channel designed to control the transport, treatment and storage of storm water or drainage water.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Sewer Use Works Restrictions and Limits

2.01 Sanitary Sewer Use Works Restrictions and Limits

- 2.02** No person shall or permit another person to conceal, interfere with, or construct 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, cover, grate, cap or any other opening into the Sanitary Sewer Works, without previous approval of the Director of Public Works.
- 2.03** No person except an employee of, or Agent of, or contractor engaged by the City shall uncover, enter, or make any connection to or opening into, use, alter or disturb the Sanitary Sewer Works without first obtaining the approval of the Director of Public Works.
- 2.04** No person shall add or cause or permit the addition of water or any other material from any source to sewage for the sole purposes of dilution to achieve compliance with this by-law.
- 2.05** Unless previously approved by the Director of Public Works, no person shall discharge or deposit or cause or permit the discharge or deposit into any sanitary

sewer, any matter or quantity of matter which may be harmful or may become harmful to the Sanitary Sewer Works.

The following are not permitted:

- i. Sewage containing pesticides, herbicides and fungicides;
- ii. Sewage containing dyes or colouring materials which pass through a sewer works and discolour the sewer works effluent;
- iii. Sewage at a temperature in excess of 60 degrees Celsius;
- iv. Flammable, combustible, ignitable or explosive matter including but not limited to, gasoline, benzene, naphtha, fuel, oil, acetone or other solvents;
- v. Any quantity of matter capable of obstructing the flow, interfering with the proper operation of any part of the sanitary sewer works including but not limited to: ashes, cinders, sand, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood or cellulose;
- vi. Sewage containing pathological waste, except that which is de-contaminated prior to discharge or is otherwise approved by the Director of Public Works;
- vii. Sewage having a pH less than 6 or greater than 11 or which due to its nature or content becomes less than 6 or greater than 11 within a sanitary sewer works;
- viii. Sewage containing animal waste and/or animal parts;
- ix. Radioactive waste;
- x. Storm water, ground water or water from the following, including but not limited to: cooling water, roof drainage or water from building foundations, storm water leaders, downspouts sump pumps, watercourses or dewatering;
- xi. Sewage containing any of the following matter in excess of the concentrations indicated in the following Table 1:

Table 1 – Limits for Sanitary Sewer Works

Parameters	Limits mg/L
Biochemical oxygen demand	300
Suspended Solids, Total	350
Cyanide, Total	1.0
Fluoride	10
Phenolic, 4AAP	1.0
Phosphorus, Total	10
Keldahl Nitrogen, Total	50
Oil & Grease – Animal & Vegetable	150
Oil & Grease – Mineral & Synthetic	15
Aluminium, Total	50
Antimony, Total	5
Arsenic, Total	1.0
Cadmium, Total	0.7
Chromium, Total	2.8
Cobalt, Total	5
Copper, Total	2
Lead, Total	1
Manganese, Total	5
Mercury, Total	0.01
Molybdenum, Total	5
Nickel, Total	2
Selenium, Total	1
Silver, Total	0.4
Tin, Total	5
Titanium, Total	5
Zinc, Total	2
Chloroform	0.04
1,4 Dichlorobenzene	0.08
Cis-1,2-dichloroethylene	0.05
Trans-1,3-dichloropropylene	0.14
3,3'-dichlorobenzidine	0.002
Methylene chloride	0.09
1,1,2,2-Tetrachloroethane	0.06
Tetrachloroethylene	0.05
Trichloroethylene	0.05
Benzene	0.01
Toluene	0.02
Ethylbenzene	0.06
Xylene Total	0.3
PCBs	0.004

2.06 Drainage Works Use and Restrictions

2.07 Unless previously approved by the Director of Engineering and Assets, no person shall discharge storm water or drainage water into the Drainage Works with the following exceptions:

- i. The discharge is uncontaminated cooling water or storm water or uncontaminated water;
- ii. The discharge does not interfere with the proper operation of the Drainage Works;
- iii. The discharge does not obstruct or restrict a storm sewer or the flow therein;
- iv. The discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- v. The discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water;

2.08 All storm water or drainage water of any kind, including roof water, surface water, ground water and water from sump pumps or foundation drainage systems must either:

- i. be discharged into the Drainage Works of the City,
- ii. be allowed to disburse only upon lands of the Owner of the building or lands from which such storm water or drainage water exists,
- iii. be discharged to a private drainage system or to a private stormwater management system,
- iv. be discharged to a watercourse,
- v. be discharged to an approved drainage outlet, or such other place as the City may direct.

2.09 Items with any of the following are not permitted:

- i. visible film, sheen or discolouration;
- ii. two or more separate layers;
- iii. floating debris;
- iv. a pH less than 6.0 or greater than 9.5;
- v. a temperature greater than 40 degrees Celsius: and/or;

- vi. blowdown water;
 - vii. combustible liquids;
 - viii. human waste;
 - ix. sewage;
 - x. hauled sewage;
 - xi. hauled waste;
 - xii. hazardous waste
- 2.10 No person shall add or cause or permit the addition of water or any other material from any source to sewage for the sole purposes of dilution to achieve compliance with this by-law.
- 2.11 Storm Water containing any of the following matter in excess of the concentrations indicated in the following Table are not allowed:

Table 2 - Limits for Drainage Works (Storm Sewers)

Parameter	Limit (mg/L)
Biochemical oxygen demand	15
Suspended Solids, Total	15
Cyanide, Total	0.02
Phenolic (4AAP)	0.008
Phosphorus, Total	0.4
Arsenic, Total	0.02
Cadmium Total	0.008
Chromium Total	0.08
Chromium (hexavalent)	0.04
Copper, Total	0.04
Lead, Total	0.12
Manganese, Total	0.05
Mercury, Total	0.0004
Nickel, Total	0.08
Selenium, Total	0.02
Silver, Total	0.12
Zinc, Total	0.04
1,2-dichlorobenzene	0.0056
1,4 Dichlorobenzene	0.0068
Cis-1,2-dichloroethylene	0.0056
Trans-1,3-dichloropropylene	0.0056
Methylene chloride	0.0052
1,1,2,2-Tetrachloroethane	0.017
Tetrachloroethylene	0.0044
Trichloroethylene	0.0076
Chloroform	0.002

Benzene	0.002
Ethylbenzene	0.002
Toluene	0.002
Xylene, Total	0.0044
Di-n-butyl phthalate	0.015
Bis (2-ethylhexyl) phthalate	0.0088
Nonylphenols	0.001
Nonylphenol ethoxylates	0.01
Aldrin/dieldrin	0.00008
Chlordane	0.04
DDT	0.00004
Hexachlorobenzene	0.00004
Mirex	0.04
PCBs	0.0004
3,3'-dichlorobenzidine	0.0008
Hexachlorocyclohexane	0.04
Pentachlorophenol	0.002
Total PAHs	0.002

Section 3.00: Pollution Control

- 3.01 The responsible Director may, by notice in writing, require an ICI (Industrial, Commercial, Institutional), discharger to pre-treat its storm water and/or sanitary sewage prior to discharge to the Sewer Works, so as to ensure compliance with this by-law;
- 3.02 Any person responsible for a spill to or who caused or permitted a spill to any Sewer Works which may be considered hazardous, detrimental to the natural environment or the efficient operation, or safety of City treatment systems or personnel shall immediately notify the City with the following information:
- i. date and time of spill, location where spill occurred;
 - ii. name and phone number of person who reported the spill and where they can be contacted;
 - iii. materials spilled; characteristics of materials spilled;

- iv. work completed and/or still in progress in the mitigation of the spill;
 - v. preventive actions being taken to ensure the spill does not occur again;
and
 - vi. when the time and date of the spill was reported to the Ontario Ministry of the Environment and Climate Change
- 3.03 All costs, including legal costs incurred by the City as a result of such a spill including cleanup and all other related costs shall be borne by the responsible person.
- 3.04 Every owner or operator in charge of a facility such as:
- i. a restaurant or other industrial, institutional or commercial (ICI) building where food is cooked, processed or prepared;
 - ii. motor vehicle/mechanical shop which generates oil and grease;
 - iii. other facilities which generate sediment and/or have a ramp drain or area drain;
- shall install and maintain, at the owners expense, appropriate interceptors and other appurtenances, as approved by the appropriate Director to prevent such sediment from entering the Sanitary Sewer Works.

Section 4.00: Hauled Sewage

- 4.01 Sewage Haulers shall not deposit any hauled septage to a City facility that contains any substance or material that exceeds the limits specified in this by-law except in respect of BOD, Suspended Solids and Phosphorus.
- 4.02 Hauled Septage is exempt from Discharge Agreements.
- 4.03 A copy of the Sewage Hauler's currently applicable approval, must be provided to the City. Haulers shall only discharge sewage to City facilities in compliance with the Sewer Works Environmental Compliance Approval.
- 4.04 Prior to depositing any hauled sewage to a City facility, the sewage hauler, or its respective employee or agent, shall complete, in a legible manner, a "Septage Manifest" for septage waste and/or a "Vac Truck Form" for non septage-type waste as provided by the Director of Public Works.
- 4.05 The Director of Public Works may refuse to accept any hauled sewage if, in his/her opinion, the City facility does not at that time have the capacity to treat that sewage or if any provisions of this section are not met and may revoke immediately any approvals if the requirements of this by-law, or any policies or procedures implementing this by-law are not met.

- 4.06 The Director of Public Works may require sampling and testing of hauled sewage at the expense of the sewage hauler or sewage generator, as he/she deems necessary.

Section 5.00: Discharge Agreements

- 5.01 A person may cause or permit the discharge of the following types of matter into the Sewer Works, under the conditions prescribed in this section provided that the person enters into an agreement with the City.
- 5.02 Types of matter that include the following treatable parameters in sewage found in Table 1:
- i. suspended solids;
 - ii. biochemical oxygen demand;
 - iii. phenolics (4AAP);
 - iv. total oil and grease;
 - v. total phosphorous;
 - vi. total kjeldahl nitrogen
- 5.03 The Agreement referred to in Section 5.01 must be written and approved by the Director of Public Works prior to any discharge. The agreement may include an additional surcharge fee where sewage exceeds the specific parameters set out in this by-law. The surcharge fee is to compensate for additional cost of operation, repair and maintenance of the Sewer Works and treatment of sanitary sewage.
- 5.04 The Director of Public Works may terminate, by written notice at any time, any agreement where:
- i. The discharger fails to comply with any terms and conditions of the agreement or contravenes other provisions of this by-law
 - ii. The Director of Public Works has determined there is an emergency situation of immediate threat or danger to any person, property, plant or animal life or waters; or
 - iii. The Director of Public Works believes the discharge may affect the proper operation of the receiving sewage system.
 - iv. The Director of Public Works believes the discharge may affect the proper operation of the receiving sewage system.

Section 6.00: Sanitary Sewer and Drainage Service Connections

- 6.01 All persons who require a collection of wastewater or a change or alteration to the existing sewer service connection in relation to a property shall submit a Serviceability Application to the City in a minimum of ten (10) business days to determine if subject property is serviceable. The Serviceability Application shall be accompanied by any and all plans as may be required.
- 6.02 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 Director of Engineering and Assets.
- 6.03 Sump pumps shall connect to and discharge to the Drainage Works at a location and in a manner approved by the Director of Engineering and Assets.
- 6.04 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 to the satisfaction of the Director of Engineering and Assets.
- 6.05 The installation of sanitary sewer service connections and drainage service connections and appurtenances shall be inspected and approved by the City before backfilling commences.
- 6.06 Drainage service connections shall consist of an approved connection to the Drainage Works compatible with both the storm sewermain and the municipal drainage lateral pipe, a municipal drainage lateral to the property line, and a private drainage lateral to the building foundation and associated appurtenances.
- 6.07 Where discharge of storm drainage is made to a watercourse, the Owner shall construct the outlet to ensure that erosion or the blockage of the watercourse shall not occur. The invert elevation of the storm drainage outlet shall be established to eliminate submerging of the outlet during high water flows within the watercourse.
- 6.08 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 City's Site Grading Procedure.
- 6.09 Before the approval of the construction of a drain or modification 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 City may require the Owner to complete one or more of the following matters, upon receipt of notice from the Director of Engineering and Assets:

- i. a study on storm water quality and/ or quantity;
 - ii. modification and/or construction of storm water facilities;
 - iii. adoption and implementation of pollution prevention techniques and measures;
 - iv. adoption of a storm water management plan; or
 - v. any other requirement as specified by the appropriate Director or Council.
- 6.10 An approved back water valve 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 specified by the Chief Building Official.
- 6.11 Back water valve prevention devices shall be of a design approved by the City and installed as prescribed by the Ontario Building Code and in a manner specified by the Chief Building Officer.
- 6.12 Back water valve prevention devices shall be installed and maintained by the Owner at his/her expense and shall be readily accessible for inspection and maintenance.

Section 7.00: Maintenance, Repair and Alteration of Private Drains

- 7.01 All private sewer service pipes and appurtenances shall be installed by the owner, at the owner's expense in accordance with all applicable law including, but not limited to, the Building Code Act, 1992. S.O 1992, c.23 and this By-law.
- 7.02 Every Owner, Lessee, Operator or Occupant of land shall keep in repair any private drain on land owned or occupied by them.
- 7.03 The Director of Engineering and Assets 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.
- 7.04 If an Owner, Lessee, Operator or Occupant of any land fails to comply with the notice sent or served by the Director of Engineering and Assets, said Director 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.
- 7.05 **Thawing of Frozen Services**

- 7.06 No person shall undertake the thawing of any main or service connection of the Sewer Works, except with the prior approval and under the direction of the appropriate Director. City Standards and procedures in effect at the time of the occurrence shall be followed.
- 7.07 Thawing of private sewer lateral 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 through the by-law.
- 7.08 **Responsibility of Owner**
- 7.09 The entire cost of providing, installing, operating, maintaining, and repairing and 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, and maintenance access points, shall be the responsibility of and paid for by the Owner.
- 7.10 An 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.
- 7.11 An 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.
- 7.12 Maintenance access holes 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.
- 7.13 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 City, at the direction of the appropriate Director, 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.
- 7.14 Should a leakage occur from a private sewer lateral or private sewage collection system, or from a sewage holding tank, or from a septic tank system or any other private sewage treatment system, the Owner shall be bound to take corrective action and to complete repairs of the said leakage, at the Owner's expense, within ten (10) calendar days after such leak has been detected.

- 7.15 The Owner shall indemnify the City for any loss or damage to the City, 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.
- 7.16 **Commencement or Discontinuance of Service**
- 7.17 The termination of service connection or connections to private sewage collection systems or private drainage systems requires these systems to be capped, plugged or completely disconnected from the sewer main to the satisfaction of the Director of Public Works.
- 7.18 Once a sanitary sewer service connection or a drainage service connection has been installed and put into service, such connections shall not be disconnected from the Sewer Works unless approved by the City.
- 7.19 Where a new or replacement service connection is installed, or where the City has blocked off or capped the discharge from an existing service connection; no person other than an Employee or an Agent of the City, so authorized by the appropriate Director or Chief Building Official, shall remove the blockage or capping so as to recommence or reinstate the service connection.
- 7.20 Where an existing service connection is approved and operating, a duly qualified and licensed plumber, when making repairs, may temporarily block off the collection of discharge, and upon completion of the repairs, shall immediately reinstate the collection of discharge.
- 7.21 If first authorized by the responsible Director a duly qualified and licensed plumber may, temporarily initiate the collection of sewage or drainage water to test and correct any service connection installation and upon completion of the test and collection, immediately reinstate the blockage of discharge.
- 7.22 The Owner of any building or premises which has a drain, storm water leaders, downspouts, foundation drains and/or sump pumps connected into the Sewer Works of the City shall at their expense disconnect such appurtenances from the City's Sewer Works within ninety (90) calendar days after the City has sent notice to the Owner by registered mail, to the Owner's last known address, to make such disconnection.
- 7.23 Where in the opinion of the appropriate Director a person is contravening the provisions of this By-law, the Director may, upon written notice to the person or the owner or occupant of the lands from which the discharge is occurring, order the land drainage works, sewer connection or City Sewer connection to any Sewer Works carrying the prohibited discharge to be stopped up or disconnected.
- 7.24 No land drainage works, sewer connection or City sewer connection so disconnected shall be reconnected until such time as measures to eliminate the prohibited charge are undertaken and deemed satisfactory by the appropriate

Director. All expenses incurred by the City for these actions shall be reimbursed to the City by these persons, owners or occupants at the time of re-connection or unstopping of the sewer connections.

- 7.25 All costs incurred by the City as a result of a hazardous or non-complying discharge shall be borne by the responsible Owner or person; if not paid, the costs may be added to the property tax roll of that Owner and collected in the same manner and with the same priority as municipal taxes.

Section 8.00: Compliance Inspections and Corrective Actions

- 8.01 Any costs incurred by the City in conducting inspections and subsequent reporting or in effecting any corrective action, shall be payable to the City by such Owner, Operator or Customer; and if not paid, the costs shall be added to the tax roll for the property and collected in the same manner and with the same priority as municipal taxes.
- 8.02 Should any Owner or Operator or Customer of a service connection refuse entry to any authorized officer, inspector, employee or Agent of the City for the purposes of any compliance inspection, maintenance, repair, disconnection or reinstallation and/or other corrective action, the City may, at its sole discretion exercised by the appropriate Director(s) administer a fine for non-compliance.
- 8.03 The Owner or Operator of commercial, institutional, or industrial premises, with one or more connections to a sewer works shall install and maintain in good repair in each connection, a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of the sewage therein. Unless approved by the appropriate Director, access will be located on the property of the Owner or Operator of the premises and as close to the property line as possible. Where installation of an access point is not possible, an alternative device or facility may be substituted with the approval of the appropriate Director.
- 8.04 Unless specifically authorized by the appropriate Director, no person shall enter into any chamber, structure, building or property associated with the municipal Sewer Works.

Section 9.00: Sampling and Analytical Requirements

- 9.01 The appropriate Director may require the owner or occupant of commercial, institutional, or industrial premises to:
- i. Collect and analyze samples of sewage discharges;
 - ii. Install devices to monitor sewage discharges;
 - iii. Submit regular reports regarding the discharges.

- 9.02 All measurements, tests, and analysis of the characteristics of the sewage and wastes to which reference is made in this by-law, shall be carried out at the maintenance access point, or approved alternate device or facility, required pursuant to this by-law or upon suitable samples taken there from.
- 9.03 All sampling and analyses required by this by-law shall be in accordance with methods as approved by the appropriate Director.
- 9.04 Non-compliance may be determined by the analysis of any sample. The City must be notified of any non-compliant sampling result.

Section 10.00: Prohibitions, Enforcement and Penalties

- 10.01 Every person other than a corporation who contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs and continues to a fine, exclusive of costs, to the use of the City, of not more than \$5,000.00 for a first offence and \$10,000.00 for any subsequent conviction.
- 10.02 Every corporation which contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine, exclusive of costs, to the use of the City, of not more than \$25,000.00 for a first offence and \$50,000.00 for any subsequent conviction.
- 10.03 The conviction of a person for the contravention or breach of any provision of this by-law shall not block prosecution against the same person for any subsequent or continued contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.
- 10.04 Any person found to be in contravention of any applicable provision of this by-law, may be issued a notice of such violation. Every such person may within seventy-two (72) hours of the time when such notice was issued, pay the set fine or fines for, and in full satisfaction of, such violation, at the City Municipal Service Centre.
- 10.05 The failure of such person to pay the said set fine or fines, subjects him or her to the penalties hereinbefore provided for the violation of the provisions of this Schedule; and at the sole discretion of the City, on the provision of seven (7) calendar days notice.
- 10.06 Unpaid set fines may, following a thirty (30) calendar day period, at the sole discretion of the City, be added to the person's municipal taxes, and shall be collected in like manner and with the same priority as fees or charges for sewer services.

10.07 The set fines shall come into force and effect upon receipt of the Judge's Order, under the Provincial Offences Act, R.S.O. 1990, from the Ministry of the Attorney General.

10.08 Enforcement

10.09 This by-law may be enforced by every municipal law enforcement officer, the Chief Building Official and every Building Inspector.

10.10 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted, in accordance with the provisions of the Municipal Act, 2001, S.O 2001,c.25 and the Provincial Offences Act, R.S.O, 1990, both as amended.

10.11 Every person who, by act, offence, default, neglect or omission; occasions any, cost, damage or injury to the Sewer Works, or any part or appurtenance thereof, is liable to the City for any and all financial losses and costs incurred as a result.

10.12 Unpaid charges for financial losses and costs invoiced and unpaid costs invoiced for work carried out under this by-law, shall following a ninety (90) calendar day period, at the sole discretion of the City charge for sewer services; or alternatively, at the sole discretion of the City, such charges and costs may be added to the municipal tax roll of the property upon which or from which the financial losses and costs occurred, and collected in like manner and with the same priority as municipal taxes.

10.13 No action or proceeding under the provisions of this by-law shall preclude the City from the right and power to exercise any other right or remedy available to the City.

Section 11.00: Administration and Effective Date

11.01 Administration of the Bylaw

11.02 The Director of Public Works is responsible for the operation of the City's Sanitary Sewer Works and all aspects related to the enforcement of the Sanitary Sewer Works.

11.03 The Director of Engineering and Assets is responsible for the City's Drainage Works and all aspects related to the enforcement of the Drainage Works System.

11.04 The Director of Public Works and the Director of Engineering and Assets are responsible for the administration of this by-law.

11.05 This By-law shall come into force on the date it is passed.

By-law read a first, second and third time, and finally passed this 12th day of January, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk



2016-006 Set
Fines.pdf

