

**Authority:** Item 3, Public Works Committee Report 23-017 (PW23070)

CM: November 22, 2023 Ward: City Wide

Written approval for this by-law was given by Mayoral Decision MDE-2023 16  
dated December 13, 2023

**Bill No. 234**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-234**

#### **To Repeal and Replace By-law No. 06-026 to Regulate the Installation, Connection and Use of Sewers and Drains in the City of Hamilton**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 4, 5, 6, 7 and 8 of subsection 10(2) authorize by-laws respecting public assets of the municipality, the economic, social and environmental well-being of the City, the safety and well-being of Persons, services that it is authorized to provide, and the protection of Persons and property;

**AND WHEREAS** section 87 of the *Municipal Act, 2001* authorizes the City of Hamilton to enter on land, at reasonable times, to inspect the discharge of any matter into the City's sewage system or into any other sewage system the contents of which ultimately empty into the City's sewage system and authorizes the City to conduct tests and take samples for this purpose;

**AND WHEREAS** section 132 of the *Municipal Act, 2001* provides for the City of Hamilton to authorize an Owner or Occupant of land to enter an adjoining property, at any reasonable time, for repair or alteration purposes, but only to the extent necessary to carry out the repairs or alterations;

**AND WHEREAS** the *Municipal Act, 2001* authorizes the City of Hamilton, amongst other things, to delegate its authority, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

#### **PART 1 – DEFINITIONS**

- 1.1 In addition to and as an alternative to referencing this By-law by its formal numbering, this By-law may also be referred to as the "Sewer and Drain By-Law" for all purposes.
- 1.2 In this By-law, unless the context otherwise requires, the expression:  
  
    **"Applicable Law"** means any statute, law, treaty, rule, code, ordinance, by-law, regulation, permit, interpretation, certificate or order, whether now or hereafter existing, of any governmental authority, including, without limitation, the City or any judgment, decision, decree, injunction, writ, order or like action of any court, arbitrator or other governmental authority, including, without limitation, the City whether now or hereafter existing.

**"Branch Connection"** means any private Sewers connected to a Sewer Lateral - Private Portion and any appurtenances thereof.

**"Building Drain"** means the lowest horizontal piping in a building which conveys Sewage or Stormwater to the Sewer Lateral - Private Portion.

**"Catch Basin"** means a chamber installed to collect surface water from an open area and to trap solids, and any appurtenances thereof.

**"City"** means the City of Hamilton or the geographic area of the City of Hamilton, as the context requires.

**"City Tree"** means a tree located on a City road allowance or on City property.

**"Combined Sewer"** means a Sewer intended to function simultaneously as a Storm Sewer and a Sanitary Sewer.

**"Comprehensive Development Guidelines and Financial Policies Manual"** means the *Comprehensive Development Guidelines and Financial Policies Manual* 2019, as amended or replaced, from time to time.

**"Council"** means the municipal council for the City of Hamilton.

**"Cross Connection"** means where a fixture, appurtenance, Sanitary Building Drain, and/or Sanitary Sewer Lateral that has the potential to discharge Sewage is connected to any Stormwater Building Drain, Storm Sewer Lateral or Storm Sewer.

**"Defect"** means a condition in a Sewer Lateral that is determined by the General Manager of Public Works to result in a Sewer Lateral that is structurally flawed or operationally substandard, and may include, but is not limited to the following: a collapse, misaligned joint, slope problem, sag, dip, damage resulting from the discharge of materials not intended for Sewer disposal and damage resulting from nearby construction.

**"Domestic Sewage"** means the water-carried wastes produced from residential activities and which result from normal human living processes. Without limiting any of the foregoing, Domestic Sewage also includes contaminated water from cooling or condensing systems and air-conditioning systems from residential activities.

**"Foundation Drain"** means a perforated groundwater collection system located at the footing of a building and designed for the purpose of protecting the building.

**"Fees and Charges"** means the fees and charges prescribed by the Water and Wastewater/Storm User Fees and Charges By-law for the City, as amended or replaced from time to time.

**"General Manager of Planning and Economic Development"** means the General Manager of Planning and Economic Development for the City of Hamilton or the person duly authorized or designated to act in their stead, or successor.

**"General Manager of Public Works"** means the General Manager of Public Works for the City of Hamilton or the person duly authorized or designated to act in their stead, or successor.

**"Industrial Sewage"** means all water-carried wastes of the City excluding Domestic Sewage and Uncontaminated Water, and shall include all sewage from any producing, manufacturing, processing, institutional, commercial, agricultural or other operation where the sewage discharged includes significant quantities of wastes of non-human origin. Without limiting any of the foregoing, Industrial Sewage also includes contaminated water from cooling or condensing systems and air-conditioning systems from any of the foregoing operations.

**"Joined Sanitary-Foundation Drain Sewer Lateral"** means a Sewer for the collection and transmission of Sewage and groundwater from a Foundation Drain to a Main Sewer (see Schedule "B").

**"Joint Use Agreement"** means an agreement between the City and the registered legal owners of parcels of land which legally existed prior to the enactment of this By-law, and for clarification, also includes an agreement known as a joint service agreement and an agreement known as a common private drain agreement.

**"Lateral Connection"** means any junction, saddle or other appurtenances required to join a Sewer Lateral – Public Portion to a Main Sewer (see Schedule "A").

**"Main Sewer"** means any Sewer which is owned, operated, maintained, or controlled by the City and to which a Sewer Lateral – Public Portion is connected.

**"Municipal Law Enforcement Officer"** means any Person appointed by the City's Council or by the General Manager of Public Works to administer or enforce this By-law and includes a Person employed by the City whose duties are to enforce this By-law, and also includes, for the purposes of exercising any power of entry under this By-law, a police officer.

**"Occupant"** means:

- (1) Any Person who is in physical possession of a Premises, or
- (2) Any Person who has responsibility for and control over the condition of a Premises or the activities carried thereon, or control over Persons allowed to enter the Premises.

**"Owner"** includes:

- (1) registered owner(s) of the property, lands or building which is subject to this By-law;
- (2) both the owner in trust and the beneficial owner of property, lands or building which is subject to this By-law;
- (3) the person for the time being managing or receiving the rent of the property, lands or building, which is subject to this By-law, whether on the person's own account or as agent or trustee of any other person or who would receive the rent if the property, lands or building was let; or

- (4) a lessee or Occupant of the property, lands or building who manages or controls the condition of the property, lands, or building, which is subject to this By-law.

**“Permit”** means the Sewer permit issued by the City.

**“Permit Holder”** means a Person to whom a Permit has been issued, and includes another Person performing work on behalf of such Person.

**“Person”** includes an individual, association, partnership, corporation, municipality, regional municipality, provincial or federal agency, or an agent or employee of any of those entities.

**“Private Sewage Collection System”** means a privately-owned network of Sewage collection pipes, maintenance holes, interceptors, private Sewage lift stations, holding tanks, pump systems, and appurtenances, servicing two or more buildings, discharging to the Sewage Works.

**“Premises”** means a building or structure or either of them located on a property.

**“Property Line”** means the legal boundary between two parcels of land registered in the Ontario Land Registry office; particularly, the line that distinguishes the public road allowance from any other parcel of land (see Schedule “A”).

**“Sanitary Building Drain”** means a Building Drain that conducts Sewage and connects to a Sanitary Sewer Lateral – Private Portion (see Schedule “A”).

**“Sanitary Sewer”** means a Main Sewer for the collection and transmission of Sewage.

**“Sanitary Sewer Lateral”** means both the Sanitary Sewer Lateral – Private Portion and the Sanitary Sewer Lateral – Public Portion.

**“Sanitary Sewer Lateral – Private Portion”** means a pipe that is connected to a Sanitary Building Drain 1000 mm outside the wall of a building and that conducts Sewage to the Sanitary Sewer Lateral – Public Portion or any other place of disposal (see Schedule “A”).

**“Sanitary Sewer Lateral – Public Portion”** means a pipe that conducts Sewage from a Sanitary Sewer Lateral – Private Portion to a Main Sewer (see Schedule “A”).

**“Sewage”** means Domestic Sewage and/or Industrial Sewage.

**“Sewage Works”** means all Sewers, sewer systems, pumping stations, sewage treatment plants and other works for the collection, acceptance, transmission, treatment and disposal of Sewage and Stormwater.

**“Sewer”** shall mean a pipe or conduit for carrying Sewage and Stormwater, or either of them.

**“Sewer Lateral”** means both the Sanitary Sewer Lateral and the Storm Sewer Lateral.

**“Sewer Lateral – Private Portion”** means both the Sanitary Sewer Lateral – Private Portion and the Storm Sewer Lateral – Private Portion.

**"Sewer Lateral – Public Portion"** means both the Sanitary Sewer Lateral – Public Portion and the Storm Sewer Lateral – Public Portion.

**"Special Service Agreement"** means an agreement between the City and the registered owner of a parcel of land which is entered into in the circumstances described in Part 4 of this By-law and for clarification, also includes an agreement known as a special sewer agreement.

**"Storm Sewer"** means a Main Sewer that conveys Stormwater.

**"Stormwater"** means rain, ground or surface water, drainage from land, water from the melting of snow or ice, and Uncontaminated Water.

**"Stormwater Building Drain"** means a Building Drain that conveys Stormwater to a Storm Sewer Lateral – Private Portion (see Schedule "A").

**"Storm Sewer Lateral"** means the Storm Sewer Lateral – Private Portion and the Storm Sewer Lateral – Public Portion (see Schedule "A").

**"Storm Sewer Lateral – Private Portion"** means a pipe that is connected to a Stormwater Building Drain 1000 mm outside the wall of a building and that conducts Stormwater to the Storm Sewer Lateral- Public Portion. This includes the portion of a drainage system between a Catch Basin and a Storm Sewer Lateral- Public Portion, or another place of disposal (see Schedule "A").

**"Storm Sewer Lateral – Public Portion"** means a Sewer Lateral – Public Portion that conveys Stormwater from a Storm Sewer Lateral – Private Portion to a Storm Sewer (see Schedule "A").

**"Uncontaminated Water"** means water to which no matter has been added as a consequence of its use, or to modify its use, by any Person.

## **PART 2 – INTERPRETATION AND APPLICATION OF BY-LAW**

- 2.1 This By-law applies within the geographic limits of the City of Hamilton and regulates the installation, connection and use of sewers and drains within the entirety of that geographic area.
- 2.2 Despite section 2.1, the General Manager of Public Works may waive the application of all or part of this By-law, if the General Manager of Public Works is satisfied that the matter is adequately regulated through another By-law, statute, or planning approval that meets or exceeds the requirements of this By-law.
- 2.3 Any Person who performs any action under the authority of this By-law, including any Permit, exception, right or privilege granted, issued or exercised pursuant to this By-law, shall do so in accordance with all Applicable Law. In the event that there is a conflict or inconsistency between this By-law and any such Applicable law, such conflict shall be resolved in accordance with the normal principles of statutory interpretation but with the intent, to the extent possible, to resolve all such conflicts in favour of the most stringent and restrictive provisions that will best protect the health and safety of the citizens of the City.

- 2.4 The necessary grammatical changes required to make the provisions of this By-law applicable to corporations, partnerships, trusts, and individuals, male or female, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.
- 2.5 The insertion of headings and the division of this By-law into sections and subsections are for convenience of reference only and shall not affect the interpretation thereof.
- 2.6 Any reference in this By-law to any statutes, regulations, manuals, or By-laws shall be deemed to be a reference:
- (1) In the event of the amendment or restatement of any such statute, regulation, manual or By-law, to such amended or restated statute, regulation, manual or By-law; and,
  - (2) In the event of the repeal and replacement of any such statute, regulation, manual or By-law, to such replacement statute, regulation, manual or By-law.
- 2.7 Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 2.8 If Fees and Charges are applicable to the receipt of any Permit, or to the granting of any exception or any other rights or privileges hereunder, the full payment of such Fees and Charges shall be a necessary prerequisite to the lawful exercise of any such Permits, exceptions, rights or privileges.

### **PART 3 – ADMINISTRATION AND ENFORCEMENT**

- 3.1 The General Manager of Public Works and the General Manager of Planning and Economic Development are responsible for the administration of this By-Law in all areas where the City has jurisdiction and control over Sewage Works.
- 3.2 All Municipal Law Enforcement Officers are authorized to enforce this Bylaw.
- 3.3 Where the General Manager of Public Works is responsible for the administration of a provision of this By-law, the General Manager of Public Works is authorized to delegate the responsibility for the administration of that provision to any employee or agent of the Public Works Department of the City.
- 3.4 Where the General Manager of Planning and Economic Development is responsible for the administration of a provision of this By-law, the General Manager of Planning and Economic Development is authorized to delegate the responsibility for the administration of that provision to any employee or agent of the Planning and Economic Development Department of the City.
- 3.5 The General Manager of Public Works is authorized to take such actions that are necessary to administer and enforce this By-law. Such actions include, but are not limited to:
- (1) Arranging for:

- (a) The assistance or work of City staff, City agents, or the assistance of Police Officers;
    - (b) The making of orders or other requirements and the imposition of conditions as authorized under this By-law;
    - (c) the obtaining of court orders or warrants as may be required;
    - (d) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law as deemed necessary; and
  - (2) prescribing the format and content of any forms or other documents under this By-law.
- 3.6 The General Manager of Public Works, Director, all Managers and all City employees in the Hamilton Water Division of the Public Works Department of the City of Hamilton are appointed as Municipal Law Enforcement Officers for the purposes of the administration and enforcement of this By-law and the applicable sections of the *Municipal Act, 2001*.
- 3.7 The General Manager of Public Works may assign Municipal Law Enforcement Officers appointed under section 3.6, to enforce this By-law and Municipal Law Enforcement Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:
- (1) carry out inspections;
  - (2) make orders or other requirements as authorized under this By-law;
  - (3) issue Permits; and
  - (4) give immediate effect to any orders or other requirements made under this By-law.
- 3.8 The General Manager of Public Works may assign duties or delegate tasks under this By-law to be carried out in the General Manager of Public Work's absence or otherwise.

#### **PART 4 – CONNECTION WHERE LAND NOT DIRECTLY SERVICED**

- 4.1 Where a parcel of land does not abut on a highway or other public right-of-way in which there is a Main Sewer to which such land may readily be drained, but there is a nearby Main Sewer to which the land may be readily drained and for the cost of which such parcel of land has not been specially assessed, such property Owner may make a request to the General Manager of Planning and Economic Development to be connected to such other Main Sewer.
- 4.2 If the General Manager of Planning and Economic Development approves the request for a connection under section 4.1, it shall be a condition of such approval that:
- (1) the property Owner pays the City the fee set forth in the applicable City by-law;
  - (2) the property Owner obtains a Permit; and
  - (3) the connection to the separate properties is supported by a legally enforceable reciprocal easement registered against every property so connected, which reciprocal easement shall also, either expressly or through reference to another registered document, impose reciprocal maintenance obligations between each property Owner satisfactory to the City and which shall include the City as a part for the purpose of:
    - (a) recording the consent of the City to the form and content of the reciprocal maintenance obligations; and

- (b) prohibiting the discharge or amendment of the reciprocal easement without the express consent and approval of the City.

#### **PART 5 – SEWER LATERALS – PRIVATE PORTION AND PUBLIC PORTION**

- 5.1 No Person is to install or permit the installation of any Sewer Lateral for the conveyance of both Sewage and Stormwater, except with the prior written consent of the General Manager of Public Works.
- 5.2 Where only a Combined Sewer is available, a Sanitary Sewer Lateral and a separate Storm Sewer Lateral are to be installed, ensuring that the Storm Sewer Lateral – Public Portion is connected to the Sanitary Sewer Lateral – Public Portion within one metre of the Combined Sewer.
- 5.3 Where a Sanitary Sewer is available, every Person installing a Sanitary Sewer Lateral – Private Portion is responsible:
  - (1) to connect to a Sanitary Sewer Lateral – Public Portion; and
  - (2) to ensure the Sanitary Sewer Lateral – Public Portion meets the requirements of Part 8 of this By-law.
- 5.4 Where a Storm Sewer is available, every Person installing a Storm Sewer Lateral – Private Portion is responsible:
  - (1) to connect to a Storm Sewer Lateral – Public Portion; and
  - (2) to ensure the Storm Sewer Lateral – Public Portion meets the requirements of Part 8 of this By-law.
- 5.5 No Person shall install or permit the installation of a Joined Sanitary-Foundation Drain Sewer Lateral.
- 5.6 Notwithstanding sections 5.1 and 5.5, a Person may repair an existing Joined Sanitary-Foundation Drain Sewer Lateral.
- 5.7 No Person shall do anything to alter, damage or obstruct any part of a Sewer Lateral which is shared with an adjacent property or other Owner nor shall they allow such alterations, damages or obstructions to continue.

#### **Sewer Lateral Cross Connections**

- 5.8 No person is to connect, or permit to be connected, a Sanitary Building Drain or Joined Sanitary-Foundation Drain Sewer Lateral to a Storm Sewer Lateral or Storm Sewer.
- 5.9 No person is to connect or permit to be connected, any fixture or appurtenance that may discharge Sewage to a Stormwater Building Drain or to a Storm Sewer Lateral.
- 5.10 Where the City has reason to suspect that a Cross Connection may exist, the City may require the Owner to, within 30 days of written notice, conduct a dye test inspection of the Sewer Lateral and/or the fixtures or appurtenances connected to the Building Drain. The



City shall provide the dye test and will responsible for the costs to supply and administer the test.

### **Shared Laterals – Residential**

- 5.11 Where land is used for residential purposes, not more than one lot, building or Premises, is to be connected to one Sanitary Sewer Lateral or to one Storm Sewer Lateral unless the General Manager of Public Works concludes that it is necessary and advisable to authorize the exception and has granted prior written consent.
- 5.12 Notwithstanding section 5.11, where the land is used for single family residential purposes, two lots, buildings or Premises may be connected to one existing Sewer Lateral – Public Portion if the connection legally existed prior to the enactment of this Bylaw and each of the following requirements remain continuously satisfied at all times:
- (1) the registered Owners of the lots, buildings, Premises shall maintain, repair and make necessary replacement of the existing Sewer Lateral – Public Portion and the Sewer Lateral – Private Portion; and
  - (2) the connection is supported by a legally enforceable reciprocal easement registered against every property so connected, which reciprocal easement shall also, either expressly or through reference to another registered document, impose reciprocal maintenance obligations between each property Owner satisfactory to the City and which shall include the City as a party for the purpose of:
    - (a) recording the consent of the City to the form and content of the reciprocal maintenance obligations; and
    - (b) prohibiting the discharge or amendment of the reciprocal easement without the express consent and approval of the City.
- 5.13 Notwithstanding section 5.11, all dwellings within a row of attached dwellings may be connected into one Sanitary Sewer Lateral – Public Portion or one Storm Sewer Lateral – Public Portion, or both, if:
- (1) in the case of one shared Sanitary Sewer Lateral – Public Portion, each dwelling, or group of dwellings, has its own separate Sanitary Building Drain connected to a shared Sanitary Sewer Lateral – Private Portion, or,
  - (2) in the case of one shared Storm Sewer Lateral – Public Portion, each dwelling, or group of dwellings, has its own separate Stormwater Building Drain connected to a shared Storm Sewer Lateral – Private Portion, or,
- 5.14 Notwithstanding section 5.11, in all other cases, all dwellings shall remain in the same ownership, and the registered Owner(s) of the dwellings must receive the prior written consent of the City, in the City's sole discretion.
- 5.15 Notwithstanding section 5.11, where the land is used for residential purposes and two or more lots, buildings or premises are already connected to one Sewer Lateral - Public Portion, for which there is no Joint Use Agreement with the City, the City will pay fifty percent (50%) of the cost of the installation of each additional Sewer Lateral - Public Portion required so that no more than one lot, building or premises is connected into one Sewer Lateral - Public Portion.

### **Shared Laterals – Non-Residential**

- 5.16 Where land is used for non-residential purposes, not more than one lot or building or premises is to be connected to one Sewer Lateral, unless the General Manager of Public Works has granted prior written consent.
- 5.17 Notwithstanding section 5.15, where a group of buildings are erected on one parcel of land under one ownership, all units or buildings may be connected into one Sanitary Sewer Lateral – Public Portion or one Storm Sewer Lateral – Public Portion, or both, if:
- (1) in the case of one shared Sanitary Sewer Lateral – Public Portion, each unit or building has its own separate Sanitary Building Drain connected to a shared Sanitary Sewer Lateral – Private Portion located outside the building; and,
  - (2) in the case of one shared Storm Sewer Lateral – Public Portion, each unit or building has its own separate Stormwater Building Drain connected to a shared Storm Sewer Lateral – Private Portion located outside the building; and,
  - (3) all units or buildings remain under the same Owner; and,
  - (4) the registered Owner(s) of all units or buildings receive the prior written consent of the City, in the General Manager of Public Works sole discretion.

### **Subdivided Lots**

- 5.18 Where any lot which is drained into a Main Sewer is subdivided, each subdivided part is to be drained by a Sewer Lateral which is not connected to any other land.

## **PART 6 – PERMIT, BOND AND NOTICE**

### **Sanitary Sewer Laterals, Branch Connections and Lateral Connections**

- 6.1 With the exception of work done by duly authorized employees of the City or by authorized licensed and bonded contractors working on behalf of the City, no Person is to commence any work including, but not limited to constructing, reconstructing, repairing, installing, altering, or connecting, the whole or any part of any:
- (1) Sanitary Sewer Lateral – Private Portion, or any appurtenance thereof, or Branch Connection to a Sanitary Sewer Lateral – Private Portion, without a Permit; or,
  - (2) Sanitary Sewer Lateral – Public Portion, or any appurtenance thereof, or Lateral Connection of a Sanitary Sewer Lateral – Public Portion:
    - (a) without a Permit; and,
    - (b) if required, obtaining a road cut permit from the City.

### **Storm Sewer Laterals, Catch Basins, Branch Connections and Lateral Connections**

- 6.2 With the exception of work done by duly authorized employees of the City or by authorized licensed and bonded contractors working on behalf of the City, no Person is to commence any work including, but not limited to constructing, reconstructing, repairing, installing, altering or connecting, the whole or any part of any:

- (1) Storm Sewer Lateral – Private Portion, or any appurtenance thereof, Catch Basin connected to a Storm Sewer Lateral – Private Portion, or Branch Connection to a Storm Sewer Lateral – Private Portion, without a Permit; or,
  - (2) Storm Sewer Lateral – Public Portion, or any appurtenance thereof, or Lateral Connection of a Storm Sewer Lateral – Public Portion:
    - (a) without a Permit; and,
    - (b) if required, obtaining a road cut permit from the City.
- 6.3 The Permits required under sections 6.1 and 6.2 shall not be issued for any Sewer Lateral – Private Portion or any Sewer Lateral – Public Portion where, in the opinion of the General Manager of Planning and Economic Development, the Sanitary Sewer or Storm Sewer for which the Permit has been applied, has inadequate capacity to permit the additional connection.
- 6.4 Permits under this By-law shall only be issued after the payment of the prescribed fee therefor.
- 6.5 If work requiring a Permit is carried out on private property, the Owner and Occupant shall provide free and clear access for the purpose of inspecting and approving the work.
- 6.6 No Person shall perform or permit others to perform work for which a Permit is required under this By-law without first obtaining a Permit in accordance with this By-law and any other City By-laws.
- 6.7 It is a condition of every Permit that all work shall be performed in accordance with Applicable Law.
- 6.8 It is a condition of every Permit that all work performed under a Permit shall be inspected by the General Manager of Planning and Economic Development before it is put into service.
- 6.9 No Person shall provide false or inaccurate information in an application for a Permit.
- 6.10 No Person is to perform or commence any work of repairing any part of any Sewer Lateral, or appurtenance thereof, until after the Person has notified the General Manager of Public Works. The Owner or its authorized representative shall apply for a Permit by submitting a complete application that includes all of the following:
  - (1) the full name and full address of the Person who is to do the work;
  - (2) where required by the City, the Permit fees as prescribed by Council;
  - (3) four (4) copies of proper plans and specifications; and,
  - (4) and in the case of an industrial or commercial premise a complete analysis of the wastes to be discharged to all Sewer Laterals – Public Portion.
- 6.11 The City may waive the requirement for plans, specifications and analysis described in 6.10(3) and (4), in the City's sole discretion.
- 6.12 A Permit is the property of the City and is not transferable.

- 6.13 The General Manager of Public Works may refuse to issue any Permit if the applicant of the proposed Permit or the Person responsible for carrying out the work is not in compliance with this By-law in respect of the property for which the Permit is sought.
- 6.14 The General Manager of Public Works may refuse to issue a Permit if the work for which the Permit is sought would contravene Applicable Law.
- 6.15 The General Manager of Public Works may issue a Permit after receipt of a completed application including any revised or additional information required by the General Manager of Public Works and the prescribed application fees.
- 6.16 Any Permit issued by the General Manager of Public Works under this By-law may be subject to such conditions as they specify. Such conditions may include but are not limited to:
- (1) providing notice of commencement and completion of work;
  - (2) identifying the contractor or Person carrying out any of the work;
  - (3) obtaining locates for utilities and making all necessary arrangements with respect to any utilities that will be impacted;
  - (4) carrying out all the work at the Permit Holders expense;
  - (5) in the event that the contractor or Person carrying out the work pursuant to (b) above is unsatisfactory to the General Manager of Public Works, substituting an alternative which is satisfactory to the General Manager of Public Works;
  - (6) performing any necessary restoration; and,
  - (7) providing performance security, including but not limited to a letter of credit.
- 6.17 A Permit Holder shall immediately inform the General Manager of Public Works of any change to:
- (1) the information contained in an application for a Permit;
  - (2) the information contained in a Permit that has been issued;
  - (3) the characteristics of the work for which the Permit has been issued;
  - (4) cancellation of the work; or,
  - (5) any matter in relation to the satisfaction of any conditions imposed within a Permit.
- 6.18 The General Manager of Public Works may require one or more of revised or additional information, additional prescribed fees, or a fresh application with respect to a change under section 6.17.
- 6.19 The General Manager of Public Works may:
- (1) alter or revoke the terms and conditions of any Permit after it has been issued; and,
  - (2) add new conditions to any Permit.
- 6.20 A Permit expires on the earlier of:
- (1) if the Permit contains an expiry date, such date;
  - (2) if the Permit does not contain an expiry date, 365 days after the Permit was issued;
  - (3) on the date that the work is completed; or,
  - (4) on the date that the Permit is revoked.

- 6.21 If the work will not be completed before the Permit expires under subsection 6.20, the Permit Holder may apply for an extension of not less than seven (7) days prior to the expiry date.
- 6.22 The General Manager of Public Works may approve an application for an extension having regard for:
- (1) the work to be completed during the extension;
  - (2) the progress of work up until the date of the application;
  - (3) the performance of the Permit Holder up until the date of the application;
  - (4) any potential conflict that may result from the extension with other planned or ongoing activity on, in or under the road; and,
  - (5) the safety and convenience of the public.
- 6.23 A Permit Holder cannot apply for more than one extension and shall make a new application under section 6.10 for any other continuation or resumption of work commenced under an expired Permit.
- 6.24 The General Manager of Public Works may revoke a Permit if, in the General Manager of Public Work's opinion:
- (1) the Permit Holder fails to comply with the conditions of a Permit, or this By-law;
  - (2) the Permit Holder substantially discontinues the work for a period of more than 180 days;
  - (3) the Permit Holder provides false or inaccurate information to the City in connection with the Permit;
  - (4) the Permit Holder or any Person doing work on behalf of the Permit Holder has failed to comply with Applicable Law; or,
  - (5) suspension or revocation is necessary as a result of an emergency.
- 6.25 Notice of the suspension or revocation of a Permit may be given by contacting a Permit Holder in writing, by telephone or by email in accordance with the information provided on the Permit application.

## **PART 7 – STANDARDS FOR PIPE AND FITTINGS**

- 7.1 No Person shall use any pipe, fittings and/or other appurtenances for Sewer Laterals, Branch Connections, or Lateral Connections, unless the pipe, fittings and/or appurtenances meet the standards set by the General Manager of Planning and Economic Development in the City's *Construction and Materials Specification Manual*, as amended, or set by Applicable Law, as the case may be, in respect of works described under this By-Law.
- 7.2 No Person is to install or permit an installation of any Sewer Lateral – Public Portion:
- (1) that in the sole discretion of the General Manager of Planning and Economic Development, is of a capacity that is inadequate; or
  - (2) of a diameter that is less than that of the Building Drain; or
  - (3) of a diameter less than 150 mm.

## **PART 8 – INSTALLATION OF SEWER LATERALS**

- 8.1 Every Person shall ensure that all new Sewer Laterals, or modifications to existing ones, are designed, constructed, and installed with adherence to the City's *Comprehensive Development Guidelines and Financial Policies Manual*.
- 8.2 Every Sewer Lateral is to be designed, constructed and installed in accordance with generally accepted good practice, with all joints completed with suitable materials and in a proper workmanlike manner, finished clean and smooth on both the outside and inside of the pipe, and, at the Property Line, having the top of the pipe at least 2.2 m below the level of the finished surface of the roadway opposite that point, or at such higher elevation only as may be necessitated by the level of the Main Sewer.
- 8.3 Every Lateral Connection is to be constructed with proper "T" or "Y" fittings. Saddles may only be used where approved by the General Manager of Public Works.
- 8.4 The slope of any Sewer Lateral must not be less than one (1) percent grade.
- 8.5 Every Sewer Lateral, throughout its length from the Main Sewer to the building or other place to be drained, is to be laid, as nearly as practicable, in a straight line in a trench at a right angle from the Main Sewer and at a distance of at least 2.5 m from any existing water service pipe that was installed prior to the installation of the Sewer Lateral. The 2.5 m between trenches is to be measured horizontally between the closest parts of the water service pipe and the Sewer Lateral. Only one Storm Sewer Lateral and one Sanitary Sewer Lateral are to be installed in one trench.
- 8.6 Where excavation of bedrock is required for more than twenty-five percent (25%) of the length of the trench in order to install the Sewer Lateral, then the installation of the Sewer Lateral may be permitted, with the prior approval of the General Manager of Public Works, in the same trench as the water service pipe upon all of the following conditions:
- (1) all water service pipes are to be laid 1.6 m below the finished grade with a minimum of 150 mm of granular material being placed under such pipe;
  - (2) in all places, the crown of the Sewer Lateral must be at least 500 mm below the invert of the water service pipe;
  - (3) the Sewer Lateral is to be installed prior to the water service pipe; and,
  - (4) to the satisfaction of the General Manager of Public Works.
- 8.7 Where a Sewer Lateral – Public Portion is installed and backfilled prior to the installation of the Sewer Lateral – Private Portion, the end of the Sewer Lateral – Public Portion at the Property Line is to be:
- (1) tightly sealed with a proper cap;
  - (2) carefully marked so that it can be readily located after the backfill is placed; and,
  - (3) made readily distinguishable by painting the end of the Sanitary Sewer Lateral – Public Portion, which is not connected to the Main Sewer, red.
- 8.8 No Person shall use a Sewer Lateral – Public Portion until:
- (1) the Main Sewer has been accepted by the City and is in operation; and,

- (2) the roof is on the building.
- 8.9 A maintenance access hole is to be constructed by the Owner of the lands at the Owner's cost and expense and in accordance with plans approved by the General Manager of Planning & Economic Development:
- (1) at the junction of the Main Sewer for every Sewer Lateral – Public Portion having a diameter equal to or greater than 300 mm; and,
  - (2) in the case of every Sewer Lateral – Private Portion regardless of size, carrying Industrial Sewage, in compliance with the requirements of the City's Sewer Use By-law No. 14-090, as amended.
- 8.10 The Owner of the lands being serviced by a Sewer Lateral – Public Portion is responsible that no part of the Sewer Lateral – Public Portion, any appurtenance thereof, or Lateral Connection is back filled or hidden from view, until written notice has been given to and the work inspected by the General Manager of Planning & Economic Development.
- 8.11 No Person shall use an existing Sewer Lateral – Public Portion as the outlet for a new Sewer Lateral – Private Portion until it has been determined by a closed-circuit television inspection, that the Sewer Lateral – Public Portion is of adequate size, at a proper depth and grade, connected to the appropriate Main Sewer, and in good condition that is considered acceptable to the General Manager of Planning & Economic Development.
- 8.12 All roadways, shoulders, curbs, sidewalks, sodding and other works disturbed during the installation of a Sewer Lateral – Public Portion or maintenance access hole shall be reinstated to a condition:
- (1) that is at least equal to that existing before it was disturbed; and,
  - (2) that is acceptable to the General Manager of Public Works.

#### **PART 9 – PARKING AREA DRAINAGE**

- 9.1 The Owner of a parking area for vehicles that is not contained within a building shall ensure that such parking area is drained by Catch Basins, Storm Sewer Laterals and/or other appropriate Stormwater drainage systems, in such manner as is approved by the General Manager of Public Works. Refer to *Comprehensive Development Guidelines and Financial Policies Manual*, *Stormwater Management* section for guidance.

#### **PART 10 – DOWNSPOUTS**

- 10.1 Every Owner shall extend all roof water drainage downspouts so that Stormwater flow exits the downspout to a splash pad to prevent erosion, a minimum distance of 0.6 m from the exterior walls of a building.
- 10.2 No Person shall direct or permit the direction of a roof water downspout to grade in such a manner which causes damage from accumulation of Stormwater or any other adverse effect to an adjacent property.

- 10.3 The Owner of any building which has a roof water downspout discharging Stormwater into the Sewer Lateral shall disconnect the downspout from the underground portion at grade and cap the underground portion to prevent the ingress of Stormwater subject to section 10.2.
- 10.4 An Owner may make an application to the General Manager of Public Works for an exemption from the provisions of section 10.1 where compliance would create a hazardous condition or is not technically feasible.
- 10.5 No Person shall direct or connect a roof water downspout to a Foundation Drain.

#### **PART 11 – FOUNDATION DRAINS/SUMP PUMPS**

- 11.1 No Person shall discharge a Foundation Drain or other piping system which collects Stormwater or groundwater to a Sanitary Sewer.
- 11.2 Existing connections of Foundation Drains shall be removed from the Sewage Works unless considered impractical by the General Manager of Public Works, at their sole discretion.
- 11.3 The Foundation Drain flow from a building shall be discharged in one of the following manners:
- (1) via a sump pump to a Storm Sewer by means of a Stormwater Building Drain; or,
  - (2) via a sump pump to the ground surface, provided that the discharge does not create continually wet ground conditions and/or does not create any adverse effect upon adjacent properties or municipal sidewalks or roads; or,
  - (3) via a sump pump to a dry well system, provided that appropriate soil and groundwater testing is completed to establish the suitability of using a dry well system.
- 11.4 Where there exists a Joined Sanitary-Foundation Drain Lateral, the City may provide financial assistance to the Owner, upon written application, for its disconnection from the Sewage Works, subject to budget approval by Council, the availability of funds and the discretion of the General Manager of Public Works.
- 11.5 Where a sump pump is required by the engineering design, it shall be installed within the property's basement in accordance with the *Building Code Act, 1992* and be maintained by the Owner of the property at their expense.

#### **PART 12 – MAINTENANCE, REPAIR AND REPLACEMENT OF SEWER LATERALS**

- 12.1 The Owner of lands drained into any Main Sewer, at the Owner's cost and expense, shall:
- (1) properly maintain and clean any Sewer Lateral – Private Portion and any Sewer Lateral – Public Portion;
  - (2) repair and/or make necessary replacement of any Defect found within any Sewer Lateral – Private Portion; and,



- (3) repair any roadway, shoulder, sidewalk, curb, sodding and any other existing work that is:
  - (a) damaged by reason of any Defect found within any Sewer Lateral – Private Portion; or,
  - (b) disturbed by reason of the maintaining, repairing or replacement of the Sewer Lateral – Private Portion.

12.2 The City, at the City's cost and expense shall:

- (1) repair and/or make necessary replacement of any defect found within any Sewer Lateral – Public Portion; and
- (2) repair any roadway, shoulder, sidewalk, curb, sodding and any other existing work that is:
  - (a) damaged by reason of any Defect found within any Sewer Lateral – Public Portion; or,
  - (b) disturbed by reason of the repairing or replacement of the Sewer Lateral – Public Portion.
- (3) Notwithstanding subsection 12.2(1) and 12.2(2), the Owner shall be responsible, at their own cost and expense, in the following circumstances:
  - (a) where any blockage or Defect in the Sewer Lateral – Public Portion is deemed by the General Manager of Public Works to be a result of negligence by the Owner or Occupant of the lands serviced by the Sewer Lateral – Public Portion; or,
  - (b) where the Owner of the lands serviced by the Sewer Lateral – Public Portion has entered into a Special Service Agreement. In such a situation, the Owner who receives the benefit from such Special Service Agreement shall maintain, repair, and make any necessary replacement of the entire Sewer Lateral until such time as a Sewer Lateral is connected to the Main Sewer abutting the lands.

12.3 In order for the City to repair and replace the Sewer Lateral – Public Portion as set out in section 12.2, the City shall provide Sewer Lateral cleaning and/or investigation services upon request and receiving prior written consent by the Owner or Occupant of the lands who have experienced a loss of Sewer service. In such circumstances, the Owner or Occupant, as applicable, shall pay a fee for the completed Sewer Lateral cleaning and/or investigation services as referenced in the Fees and Charges, should the results indicate that:

- (1) there is no Defect in the Sewer Lateral – Public Portion; or,
- (2) a blockage or Defect in the Sewer Lateral – Public Portion is deemed by the General Manager of Public Works to be a result of the negligence of an Owner or Occupant serviced by the Sewer Lateral – Public Portion.

12.4 In order for the City to repair and replace the Sewer Lateral – Public Portion as set out in section 12.2, the City may also provide Sewer Lateral cleaning and/or investigation services upon the initiative of the City, at their sole discretion, and with the written consent

of the Owner or Occupant prior to commencing the services. Upon the City's initiation, the City shall be responsible for the costs of the Sewer Lateral cleaning and/or investigation services.

12.5 Notwithstanding section 12.3, the Owner or Occupant of the land who has experienced a loss of sewer service may retain a contractor to provide Sewer Lateral cleaning and/or investigation services. The City will reimburse the Owner or Occupant, as applicable, for the costs of such Sewer Lateral cleaning and/or investigation services upon all of the following conditions being fulfilled:

- (1) the Owner or Occupant provides to the City an original invoice from the contractor for the cleaning and/or investigation services;
- (2) the Owner or Occupant provides to the City a closed-circuit television (CCTV) record of the Sewer Lateral which provides a clear unobstructed image of the condition of the Sewer Lateral after the cleaning;
- (3) the Owner or Occupant provides to the City surface locates of all defects identified by the contractor to be in the Sewer Lateral, in a manner and a standard acceptable to the City; and,
- (4) the Sewer Lateral Defects are located on the Sewer Lateral – Public Portion; or there are tree roots from a City Tree in the Sewer Lateral – Private Portion. In cases where tree roots from a City Tree exist in the Sewer Lateral – Private Portion, the City will only reimburse the Owner or Occupant, as applicable, in accordance with section 12.6.

The City's reimbursement of contractor expenses will be no greater than the amounts set out in the Fees and Charges, less the City's administration fee. Equipment purchases, supply purchases, and equipment rental costs are not eligible for reimbursement by the City.

12.6 Notwithstanding section 12.1, where tree roots from a City Tree have entered a Sewer Lateral – Private Portion, the City will reimburse the Owner or Occupant of the lands on which the Sewer Lateral – Private Portion is located, on a one-time basis, for the cost of the permanent repair or replacement of the entire Sewer Lateral – Private Portion, up to a maximum of \$1,500.00. To be eligible for the one-time reimbursement, all of the following conditions must be met:

- (1) permanent repair or replacement of the entire Sewer Lateral – Private Portion must utilize materials and installation methods approved by the General Manager of Public Works;
- (2) the repair or replacement must be completed in accordance with all applicable City standards and any other Applicable Law; and,
- (3) the Sewer Lateral is on residential property.

12.7 In order for the City to repair and replace the Sewer Lateral – Public Portion as set out in section 12.2, it may be necessary to remove driveways landscaping, or vegetation which are located within City property. City staff will restore the property in so far as is practical to its original condition.

### **Entry of Adjoining Property for Maintenance Purposes**

- 12.8 Where a Sewer Lateral – Private Portion is found to cross adjoining lands without an easement, the Owner is authorized to enter the adjoining lands at any reasonable time in accordance with the conditions set out in section 132 of the *Municipal Act, 2001*, for the purpose of making repairs or alterations to their Sewer Lateral – Private Portion provided said access is only to the extent necessary to carry out the repairs or alterations.
- 12.9 Nothing in this By-law in any way relieves the Person purporting to exercise the right of entry conferred herein in accordance with the *Municipal Act, 2001* from any liability for any damage or injury to any Person or property caused by, or arising in any way out of, the exercise of the said right of entry or any activity in relation thereto or from the requirement to obtain any permit or approval or comply with any Applicable Law, by-law, or regulation with respect to the proposed works.

### **Shared Laterals with a Joint Use Agreement**

- 12.10 Shared Sanitary Sewer Laterals with a Joint Use Agreement registered on title against the subject lands shall be maintained in accordance with the terms of the Agreement.

### **Shared Laterals with No Joint Use Agreement**

- 12.11 Shared Sanitary Sewer Laterals with no Joint Use Agreement registered on title against the subject lands are subject to the terms of Part 5 of this By-law.

### **Prevention of Leaks**

- 12.12 No Owner shall permit any leak to occur from a Sanitary Sewer Lateral, Private Sewage Collection System, Sewage holding tank, septic tank, or any other private Sewage treatment system and shall take corrective action to repair any leak.
- 12.13 If City staff, through their operational activities, suspect a Sanitary Sewer Lateral is defective, the Owner shall be required to perform a closed-circuit television (CCTV) inspection to identify any Defects or sources of inflow and infiltration subject to the following conditions:
- (1) the inspection shall meet the most current Lateral Assessment and Certification Program (LACP) standards and be undertaken by a qualified contractor and provided to the City;
  - (2) the General Manager of Public Works will determine whether the Sewer Lateral is in good condition with no Defects; and,
  - (3) Sewer Laterals found to be defective will be repaired or replaced as appropriate as per this By-law, at the Owner's expense.
- 12.14 Every Owner of a Private Sewage Collection System shall:
- (1) properly operate their facilities;
  - (2) promptly resolve any maintenance needs; and,
  - (3) regularly inspect the system to ensure it complies with this By-law.

### **PART 13 – REMOVAL OR DEMOLITION OF BUILDINGS**

- 13.1 Prior to the removal or demolition of a building, the Owner of the building is responsible that every Sewer Lateral – Public Portion is exposed at the Property Line and reasonable notice is given to the General Manager of Public Works so that it may be inspected and the Owner:
- (1) if the Sewer Lateral – Public Portion meets the requirements of this By-law and is in good condition, is responsible for the plugging of that Sewer Lateral – Public Portion at the Property Line such that it is completely sealed from the entry of Stormwater; and,
  - (2) if the Sewer Lateral – Public Portion does not meet the requirements of this By-law and is not in good condition, is responsible:
    - (a) to disconnect that Sewer Lateral – Public Portion at the Main Sewer; and,
    - (b) for the proper plugging of the Lateral Connection of the Main Sewer, and all such work that is required is to be done by an authorized licensed and bonded contractor; and,
  - (3) in respect of the roadways, shoulders, curbs, sidewalks, sodding and other works disturbed during the removal or plugging of the Sewer Lateral – Public Portion, is responsible to reinstate the same to a condition:
    - (a) that is at least equal to that existing before they were disturbed; and,
    - (b) that is acceptable to the General Manager of Public Works.
- 13.2 When a building connected to a Private Sewage Collection System is removed or demolished, the Owner of the building is responsible for plugging the connection to the Private Sewage Collection System such that it is completely sealed from the entry of Stormwater.
- 13.3 No Person shall connect to a plugged Sewer Lateral – Public Portion without an application for a Permit and payment of any applicable fees in accordance with the Fees and Charges.

### **PART 14 – GENERAL PROHIBITIONS**

#### **Obstructing Watercourses**

- 14.1 No Person shall obstruct, allow the obstruction of, or maintain any obstruction in any open or closed drainage facility or natural watercourse.
- 14.2 The City may by a notice in writing, require the Owner of the lands or any other Person, obstructing or allowing the obstruction of or maintaining the obstruction of any drainage facility or natural watercourse, to do within a specified time all such work as the City determines is necessary to remove the obstruction as specified in the said notice, in their sole discretion.

### **Damaging or Obstructing Sewer**

- 14.3 No Person shall do anything likely to damage or obstruct any part of the Sewage Works of the City.

### **Tampering with City Sewage System**

- 14.4 No Person shall tamper with any part of the Sewage Works of the City or trespass into any Main Sewer or other part of the Sewage Works.

## **PART 15 – ADMINISTRATION AND ENFORCEMENT**

### **Entry and Inspections**

- 15.1 A Municipal Law Enforcement Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (1) an order or other requirement made under this By-law;
  - (2) a condition of a Permit; or,
  - (3) an order made under section 431 of the *Municipal Act, 2001*.
- 15.2 A Municipal Law Enforcement Officer, for the purposes of the inspection under section 15.1 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- (1) require the production for inspection of documents or things relevant to the inspection;
  - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (3) require information in writing or otherwise as required by a Municipal Law Enforcement Officer from any Person concerning a matter related to the inspection; and,
  - (4) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 15.3 A Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where the General Manager of Public Works has been prevented or is likely to be prevented from carrying out an inspection under section 15.1.

### **Orders and Remedial Actions**

- 15.4 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Municipal Law Enforcement Officer may make an order pursuant to section 444 of the *Municipal Act, 2001* requiring the Person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the contravening activity.

- 15.5 An order under section 15.4 shall set out:
- (1) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
  - (2) the date or dates by which there must be compliance with the order, which may be of immediate effect should the Municipal Law Enforcement Officer determine that the circumstances warrant.
- 15.6 If an Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Municipal Law Enforcement Officer may make an order pursuant to section 445 of the *Municipal Act, 2001* requiring the Person who has contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of a land on which the contravention occurred to do work to correct the contravention.
- 15.7 An order under section 15.6 shall set out:
- (1) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
  - (2) the work to be completed which may include but is not limited to requiring that prior to performing any work, all necessary Permits or other approvals be applied for and obtained;
  - (3) the date or dates by which the work must be completed; and,
  - (4) notice that if the order is not complied with, then the work may be done at the expense of the Person ordered to do the work.
- 15.8 An order under section 15.5 or 15.7 may be given by contacting a Permit Holder in writing or by email in accordance with the information provided on the Permit application or, if there is no Permit application, by contacting the Person the General Manager of Public Works determines to be responsible for the work Personally or by registered mail at their last known address.
- 15.9 Where a time frame is set out in an order or other document for carrying out any action, an Municipal Law Enforcement Officer may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the Municipal Law Enforcement Officer

## **PART 16 – PENALTY**

### **Fine for Contravention – Individual**

- 16.1 Every Person who contravenes a provision of this By-law and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this By-law, upon conviction, shall be liable to a fine of not less than \$50 and not more than \$50,000 for a first offence and to a fine of not less than \$100 and not more than \$75,000 for any subsequent offence.

### **Fine for Contravention – Corporation**

16.2 Despite section 16.1, if a corporation is convicted of an offence under this By-law, it shall be liable to a fine of not less than \$495 and not more than \$100,000 for a first offence and to a fine of not less than \$1,000 and not more than \$100,000 for any subsequent offence.

### **Fine for Contravention – Continuing Offence – Individual**

16.3 Despite section 16.1 and 16.2, in the case of a continuing offence, every Person who contravenes any of the sections set out in this By-law and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of this By-law, upon conviction, shall be liable to a fine of not less than \$100 and not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

### **Fine for Contravention – Continuing Offence – Corporation**

16.4 Despite section 16.1, 16.2 and 16.3, in the case of a continuing offence, if a corporation is convicted of an offence for any of the sections set out in this By-law, it shall be liable to a fine of not less than \$495 and not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

### **Special Fines**

16.5 In addition to any other fine under sections 16.1, 16.2, 16.3 or 16.4 or a combination of the foregoing, every Person who gains an economic advantage or economic gain from contravening this By-law shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.

## **PART 17 – SCHEDULES**

17.1 Schedule “A” Property Drainage Terminology and Schedule “B” Joined Sanitary-Foundation Drain Later vs. Best Practice, forms part of this By-law.

## **PART 18 – REPEAL, TRANSITION AND ENACTMENT**

18.1 City of Hamilton By-law 06-026, being a by-law to regulate the installation, connection and use of sewers and drains in the City of Hamilton, passed and enacted on February 15, 2006, as amended, and including all amendments, is hereby repealed.

18.2 Every reference to the City’s By-law 06-026 and predating the enactment of this By-law shall be deemed to be a reference to this By-law.

18.3 Despite the repeal of By-law No. 06-026 under section 18.1:

- (1) that By-law shall continue to apply to proceedings in respect of offences that occurred before its repeal; and,
- (2) all approvals issued under that By-law that are in effect at the time of the repeal shall be deemed to be approvals issued under this By-law with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply.

**PART 19 – SHORT TITLE**

19.1 This By-law may be known and referred to as "The Sewer and Drain By-law".

**PART 20 – EFFECTIVE DATE**

20.1 This By-law shall come into force and take effect on December 13, 2023

**PASSED** this 13<sup>th</sup> day of December, 2023.

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A. Horwath  
Mayor

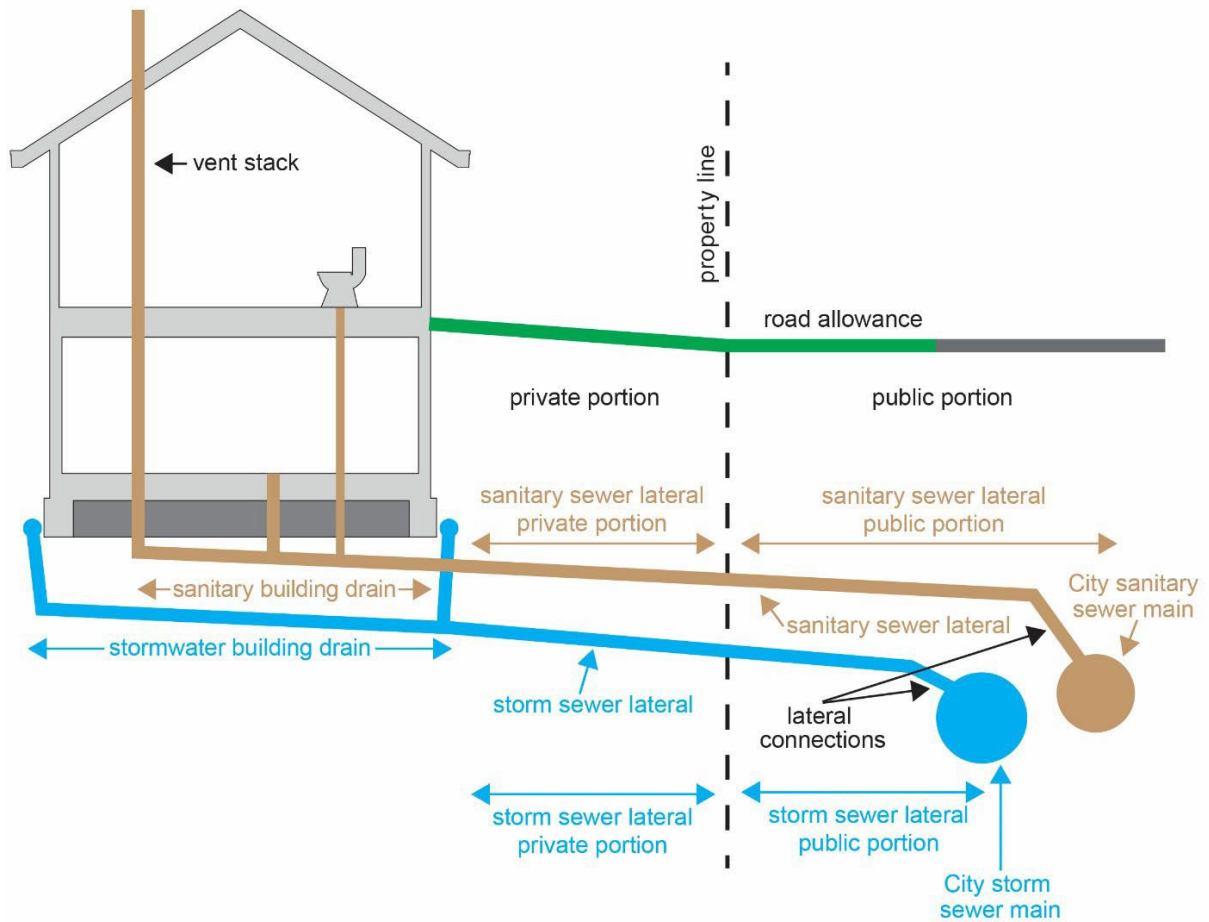
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J. Pilon  
Acting City Clerk



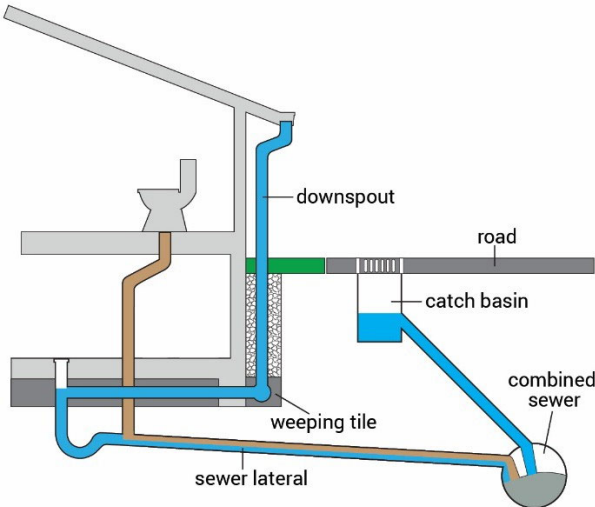
**SCHEDULE "A"**

**Property Drainage Terminology**

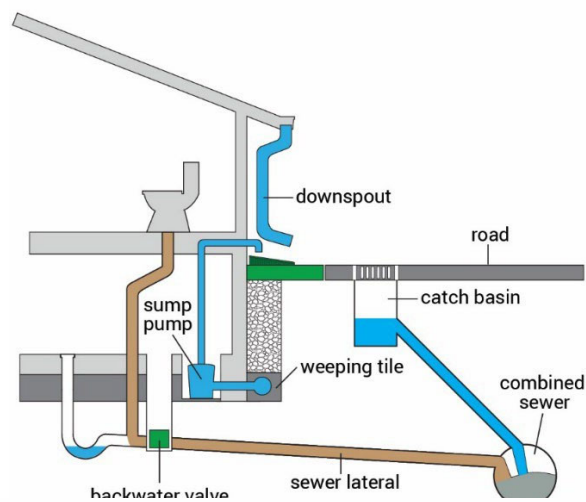


**SCHEDULE "B"**

**Joined Sanitary-Foundation Drain Lateral vs. Best Practice**



This illustrates typical drainage where a Combined Sewer is present, and a Joined Sanitary-Foundation Drain Lateral is in place.



Best Practice recommends that downspouts discharge to the ground surface, and the Foundation Drain should discharge to the ground if the soil conditions permit or connect to the Storm Sewer if available

