

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2017 - 18

A BY-LAW TO REGULATE MANAGEMENT OF A SYSTEM
OF SEWER WORKS AND DRAINAGE WORKS IN THE
CITY OF WELLAND

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

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

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

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

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

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

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

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

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

AND WHEREAS Section 96 of the Act provides that despite Section 19, a municipality may for the purpose of preventing damage to Property in the municipality as a result of flooding, exercise its powers under the "drainage and flood control" sphere of jurisdiction in relation to flood control in the municipality, in another municipality or in unorganized territory;

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

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

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

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

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

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

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

SECTION 1 – DEFINITIONS

The following terminology is used throughout the by-law,

- 1.1 Definitions in the Property Standards By-Law (**as amended**) of the City shall be used with respect to matters pertaining to maintenance of properties, buildings and structures which are undefined in this by-law.
- 1.2 Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to building construction which are undefined in this by-law.
- 1.3 "Agent" is a Person authorized by the Corporation to provide services on behalf of the Corporation; or a Person authorized by an Owner to provide services on behalf of the Owner, as applicable.
- 1.4 "Appurtenance" means the apparatus or equipment that is an accessory to the Sewer Works system or to the Drainage Works system, including Municipal Sewer Laterals and their components, or an accessory to Private Laterals, or to Private Sewage Collection Systems, or to a Private Drainage System or Stormwater Management system.
- 1.5 "Backflow" means flow reversal from the intended normal direction of flow.
- 1.6 "Backwater Prevention Device" means a valve or other apparatus, which allows flow in one direction, but prevents flow in the opposite or return direction.
- 1.7 "Blank" or "Blanking" means the temporary or permanent decommissioning of a pipe by means of plugging, capping, or other method approved by the Engineer.
- 1.8 "Building" means,
 - (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
 - (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
 - (c) plumbing not located in a structure,
 - (c.1) a Sewage system, or
 - (d) structures designated in the Building Code;
- 1.9 "Building Drain" means the horizontal piping, including any vertical offset that conducts Sewage to a Building Sewer.

- 1.10 "Building Sewage Drainage System" means an assembly of pipes, fittings, fixtures and appurtenances on a Property that is used to convey Sewage and clear water waste to the Sewer Works.
- 1.11 "Building Sewer" means that part of a Building Sewage Drainage System outside a Building that commences at a point one (1.0) metre from the outer face of the wall of the Building and which connects the Building Sewage Drainage System to a Municipal Sewer Lateral or to an approved place of Sewage Discharge and disposal.
- 1.12 "Catch Basin" or "Catchbasin" means a receptacle installed to collect surface water from an open area, for Drainage into the Drainage Works, and to trap solids by means of a sump within the Catch Basin.
- 1.13 "Chief Building Official" means a Chief Building Official and such inspectors as are appointed by the Corporation necessary for the enforcement of The Building Code Act and any other statutes referred to in this By-law, and all Persons authorized at the direction of the Chief Building Official for the purposes of exercising the power and duties of the Chief Building Official under this By-law.
- 1.14 "Chief Financial Officer" or "Treasurer" means the Chief Financial Officer for the Corporation or any Person or Persons appointed, or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Chief Financial Officer under this By-law.
- 1.15 "Combined Sewer" means a Sewer intended to function simultaneously as a Sanitary Sewer and a Storm Sewer.
- 1.16 "Connect" means to install a Sewer Service Connection or a Drainage Service Connection, including laterals and lateral Appurtenances.
- 1.17 "Consumer" means the occupant of the Property supplied with municipal Sewer collection services or municipal Storm Water Drainage services under the jurisdiction of the Corporation.
- 1.18 "Corporation" means The Corporation of the City of Welland.
- 1.19 "Corporation Standards" or "Standards of the Corporation" means all applicable design manuals, technical standards, drawings, specifications and guidelines of the Infrastructure and Development Services adopted by the Corporation, from time to time, governing the construction, administration, operation, maintenance, repair, replacement and/or rehabilitation of the Water Works, Sewer Works and Drainage Works.
- 1.20 "Cost" means the expenses and Costs of work done, on and for, the Sewer Works or Drainage Works, and in the making, inspecting, maintaining, repairing or replacing of a Service Connection, including, but not limited to:
- a) Permits and approvals,
 - b) Design,
 - c) Materials,
 - d) Labour,
 - e) Restoring any Property disturbed or damaged,
 - f) Supervision and Inspection of any work,
 - g) Studies, evaluations, investigations.
- This also includes the amount of fees and expenses charged by the Corporation to the Owner when the Corporation makes a Service Connection at the expense of the Owner.
- 1.21 "Council" means the Municipal Council of the Corporation of the City of Welland.
- 1.22 "Customer" means any person, owner, firm, business, corporation, institute or identity that enters into a verbal or written contract or agreement with the Corporation to receive Sanitary Sewer collection services, or Storm Water collection services.
- 1.23 "Discharge" means to release or emit Sewage or other waste liquid, or Storm Water or Drainage water.

- 1.24 "Ditch" or "Drainage Ditch" means a constructed open channel designed to convey Storm Water or Drainage Water from time to time; and where constructed as part of a roadway, designed to drain the road sub-base.
- 1.25 "Drain" means a Ditch, swale, channel, water course, pipe, and/or Storm Sewer that collects and carries storm, ground, surface or subsurface water or any of them, or part thereof, either continuously or intermittently, and including Appurtenances such as manholes, Catch Basins, culverts, and Interceptors.
- 1.26 "Drainage" or "Drainage System" means a natural or constructed means of intercepting, collecting and removing Storm Water or surface or subsurface Drainage Water, usually by gravity flow.
- 1.27 "Drainage Water" means water originating from rain, storm or ground sources or from the melting of snow or ice that is drawn off or away from a Building and the lands on which the Building is built to the Drainage Works or to an approved Outlet.
- 1.28 "Drainage Works" means any and all Storm Sewers, buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, Municipal Drainage Laterals, Ditches, Watercourses, and Municipal Drains and Outlets created under the Drainage Act, and related installations and other works of the Corporation, designed for the collection and transmission of Storm Water or Drainage Water; and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use.
- 1.29 "Engineer" means the General Manager of Infrastructure and Development Services/City Engineer, or the Person or Persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Engineer under this By-law; or the Engineer's duly authorized representative, or as the situation or context may require, all Persons authorized at the direction of the Engineer to exercise the powers and duties of the Engineer under this By-law.
- 1.30 "Extraneous Flow" or "Inflow and Infiltration" means the undesirable infiltration of groundwater and/or the undesirable, uncontrolled inflow of Drainage or Storm Water into a Sanitary Sewer Service Connection or into a private Sewer Collection System, or into the Sewer Works.
- 1.31 "Foundation Drain" means Drainage piping installed below the surface of the ground to collect and convey water away from a Building foundation.
- 1.32 "Infrastructure Studies" means any strategic plan governing the management and development of the Sewer Works or Drainage Works approved by and as amended by Council from time to time.
- 1.33 "Inspection" or "Compliance Inspection" means any physical or visual audit or examination, survey, sampling and testing, test or inquiry.
- 1.34 "Interceptor" means a receptacle installed to collect and prevent oil, grease, petroleum products, grit, sand and/or other materials from passing into the Sewer Works or Drainage Works.
- 1.35 "Leachate" means water contaminated by dissolved or suspended materials as a result of percolation through contaminated ground, soil and/or solid waste or industrial waste.
- 1.36 "Main" means any pipe collecting and transmitting Sewage as part of the Sewer Works or Drainage or Storm Water as part of the Drainage Works, under the jurisdiction of the Corporation and/or the Regional Municipality of Niagara, and includes all Appurtenances exclusive of Service Connections.
- 1.37 "Maintenance Hole" means a junction chamber for Mains and for Service Connections of the Sewer Works or Drainage Works or of a Private Sewage Collection System or Private Drainage System, designed to permit access for Inspection and maintenance purposes, and for the taking of Sewage or Storm Water or Drainage Water samples.
- 1.38 "Multiple Dwelling" means a building having three (3) or more residential dwelling units.

- 1.39 "Municipal Drain" means a constructed Watercourse created by by-law of the Corporation under the Drainage Act, R.S.O. 1990 for the purposes of Drainage of lands designated by the establishing by-law.
- 1.40 "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 Building sewer to the Drainage Works.
- 1.41 "Municipal Sewer Lateral" means the pipes and Appurtenances of the Sewer Works located within the Right-of-Way and situated between the Main and the Property line;
- 1.42 "Non-potable water" means water that does not meet Health Canada's Guidelines for Canadian Drinking Water Quality. Non-potable water is not destined for human consumption.
- 1.43 "Non-potable water system" means an assembly of pipes, fittings, valves and appurtenances that collects and distributes non-potable water. A non-potable water system can include storage tanks, pressurization equipment and treatment systems.
- 1.44 "Operator" means a Person or Persons who is the manager and/or administrator or Agent responsible for use, activity or process within a building or facility or Property serviced by the Sewer Works or Drainage Works.
- 1.45 "Outlet" or "Drainage Outlet" means a location at which Storm Water or Drainage Water is Discharged into a Storm Water Management System, Watercourse or natural stream or lake.
- 1.46 "Owner" means the person for the time being managing or receiving the rent of the land or Property in connection with which the word is used whether on the Person's own account or as Agent or trustee of any other Person or who would so receive the rent if such land and Property were let, and shall also include a lessee or occupant of the Property who, under the terms of a lease, is required to repair and maintain the Property in accordance with the standards for the maintenance and occupancy of Property.
- 1.47 "Person" means any individual, firm, corporation, association or partnership.
- 1.48 "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant Property abutting on a Right-of-Way within which a Main or Ditch or Drain is constructed.
- 1.49 "Private Drain" means a Drain located on private Property; a Drain, which is privately owned.
- 1.50 "Private Lateral" means a Building sewer or a Private Drainage Lateral.
- 1.51 "Private Drainage Lateral" means the Drainage pipes and Appurtenances providing a connection to the Drainage Works located between the Property line and one (1.0) metre from the outer face of the Building foundation, or between the Property line and a Private Drainage System.
- 1.52 "Private Drainage System" means a privately owned network of Storm or Drainage Water, Ditches, swales, collection pipes, Maintenance Holes, Interceptors and Catch Basins and Appurtenances, discharging to the Drainage Works or other approved Outlet.
- 1.53 "Private Sewage Collection System" means a privately owned network of Sewage collection pipes, Maintenance Holes, Interceptors and Appurtenances, servicing two or more Buildings, discharging to the Sewer Works.
- 1.54 "Rates" means those Rates, levies, rents or charges for the supply and/or use of municipal water or Sewers so described and itemized in by-laws enacted by the Corporation from time to time.

- 1.55 "Right-of-Way" means lands acquired for or devoted to a public highway, lane or easement in which a Main is located.
- 1.56 "Sanitary Sewer" means a system of pipes, Mains and Appurtenances of the Sewer Works for the collection and transmission of Sewage; and into which Storm Water, Drainage Water and ground water are not intentionally Discharged or admitted.
- 1.57 "Service Connection" means a Municipal Service Lateral and the connected Private Service Lateral and required Appurtenances forming a Discharge connection to either the Sewer Works or the Drainage Works.
- 1.58 "Sewage" or "Wastewater" means any one of or a combination of domestic sanitary Sewage and/or water borne waste, and/or non-domestic sanitary Sewage and/or water borne waste, Discharged from residences, businesses, recreational facilities, institutions or industry.
- 1.59 "Sewer" means a Sanitary Sewer or pipe or Main of the Sewer Works; or a Combined Sewer or pipe or Main of the Sewer Works; or a Storm Sewer or a pipe or Main of the Drainage Works.
- 1.60 "Sewer Service Connection" means the Municipal Sewer Lateral and the connected Building Sewer, or a pipe connection from a Private Sewage Collection System to the Sewer Works.
- 1.61 "Sewer Works" means any and all Buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, Municipal Sewer Laterals, Outlets, and related installations and other works of the Corporation, designed for the collection and transmission of Sewage and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use.
- 1.62 "Storm Sewer" means a Storm Water and/or Drainage water collection and transmittal Main, pipe, Ditch and/or Watercourse or combination thereof, including Appurtenances, forming part of the Drainage Works.
- 1.63 "Storm Water" or "Stormwater" means surface or ground water from rainfall or snowfall or other natural precipitation or from the melting of snow or ice; naturally occurring water collected and carried in the Drainage Works.
- 1.64 "Storm Water Leader" or "Downspout" means a pipe or system of pipes inside or outside a Building that conveys Storm Water from a roof of a Building or structure to an approved place of Discharge.
- 1.65 "Storm Water Management" means Drainage control practices and constructed works implemented to protect Property and natural or constructed Watercourses and receiving waters from Storm Water impacts.
- 1.66 "Watercourse" means an open channel, swale or Ditch constructed as or resulting from the construction of a work in which a flow of Storm Water or Drainage Water occurs either continuously or intermittently, including roadway Ditches, and including naturally occurring depressions, channels or streams Draining into any such open channels, swales or Ditches, whether forming part of or connected to the Corporation's Drainage Works or forming part of a Private Drainage or Stormwater Management System; and including Appurtenances.
- 1.67 "Water Service Connection" means the pipes conveying potable water to a Building or Property from the Water Works or a private source of water.
- 1.68 "Water Works" means any and all buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, municipal water laterals, outlets, and related installation in other works so designed for the distribution of water and includes lands over which an easement or consent has been granted or lands appropriated for such purpose and uses

SECTION 2 – SCOPE

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

SECTION 3 – ADMINISTRATION

3.1 Administrative Responsibilities

- 3.1.1 The Engineer has overall responsibility for the enforcement of this By-law and for administration, operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works in accordance with this By-law and all other applicable legislation.
- 3.1.2 The Chief Building Official is responsible for the enforcement of the Ontario Building Code and the issuance of any plumbing permits or orders related to the construction, maintenance, operation, repair and renovation of any part of the buildings and facilities served by Sewer Works, Drainage Works and Water Works; and for the Inspection of work done under plumbing permits or orders.
- 3.1.3 The following principles shall apply to managing and operating the Sewer Works and the Drainage Works:
 - a) Although best efforts will be made to provide adequate services, the Corporation does not guarantee the collection of Sewage or Drainage water and failure to provide Sewage or Drainage Water collection services shall not be construed as neglect on the part of the Corporation. The Corporation shall at no time be held liable for the inadequacies of such services or for restricting the provision of such services, or for refusing to provide such services.
 - b) Through the effective management of the Sewer Works and the Drainage Works, the Corporation will endeavor to ensure the health and safety of the public, to protect property from damage, to provide pollution prevention and control, and to protect the environment.
 - c) This By-law shall govern and regulate the management and operation of the Sewer Works and the Drainage Works and connections thereto and shall be considered to form an integral part of the service contract between the Corporation and any Owner, Operator or Customer for the provision of such Sewage collection services or Drainage services. Every Owner, Operator or Customer, by applying for and accepting the provision of services from the Corporation, shall be deemed to have expressed his/her consent to be bound by the provisions of this By-law.
- 3.1.4 The Engineer in consultation with the Chief Building Official and staff of the Infrastructure Services and Development Services Department shall establish and periodically update standards, guidelines, and specifications governing the design, construction, operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works.

3.2 General Requirements

- 3.2.1 All necessary Drainage piping, Drains, Catch Basins, Interceptors and connections to the Drainage Works shall, at the discretion of the Engineer, be provided to accommodate Storm Drainage from roof and ancillary hard surfaced areas (parking, storage areas, roadways, etc.) from all multiple residential, industrial, recreational, commercial and institutional Property.

3.2.2 Connection to the Sewer Works or to the Drainage Works shall only be permitted where in the opinion of the Engineer there is sufficient capacity to handle the predicted peak flow resulting from the connection in view of the City's hydraulic level of service, Sewer Works and Drainage Works hydraulic models and current Ontario Ministry of the Environment and Climate Change design standards.

3.3 Responsibility of Owner

3.3.1 The entire Cost of providing, installing, operating, maintaining, repairing, replacing, relocating or renewing any Building Sewer or Private Sewer Collection System, and any Private Drainage Lateral or Private Drainage or Storm Water Management System, and Appurtenances connected shall be the responsibility of and paid for by the Owner.

3.3.2 Every Owner shall maintain their Building Sewer 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.

3.3.3 All Maintenance Holes, Interceptors, Catch Basins, devices or Appurtenances on private Property required under this By-law shall be maintained by and at the expense of the Owner or Operator in a continuously efficient and safe operating condition at all times.

3.3.4 Where the Owner or Operator of a Multiple Residential Dwelling, commercial, recreational, institutional or industrial Property fails to install or maintain any Maintenance Hole, Interceptor, Catch Basin, or alternative device required under this By-law, such installation or maintenance may be done by the Corporation, at the direction of the Engineer, at the expense of the Owner or Operator; and if not paid the Costs incurred may be added to the tax roll for the Property and collected in like manner and with the same priority as municipal taxes.

3.3.5 Once a Sewer Service Connection or a Drainage Service Connection has been installed and put into service, such connection shall not be disconnected from the Sewer Works or Drainage Works without the prior written approval of the Engineer.

3.3.6 Every Owner and Operator shall, at all reasonable times and upon reasonable notice provided by the Corporation, allow and provide access to building or Property to the Engineer, Chief Building Official or any other person duly authorized by the Corporation for the purposes of inspecting, maintaining, repairing, disconnecting or reinstalling a sewer connection or a Drainage service connection or for taking corrective action, and/or carrying out work required by this By-law.

3.3.7 Every Owner shall be responsible for advising the Corporation, to the attention of the Engineer, of any change in the Sewer Service Connection or Drainage service connection application information including changes to the Owner's address and telephone number and selected method of account payment.

3.3.8 Only an Owner may request the disconnection of a Sewer Service Connection or Drainage service connection. Such request shall be made in writing to the attention of the Engineer in a form specified by the Corporation.

3.3.9 Where:

(a) a leak occurs from a building sewer, private sewage collection system, Sewage holding tank, septic tank or any other private Sewage treatment system, the Owner shall take corrective action to repair the leak, at the Owner's expense;

(b) after seven (7) days' notice by the Corporation requiring the leak to be repaired, the Owner fails to comply with the requirements to repair the leak, the Corporation may repair the leak, at the Owner's Cost, and if not paid, the Cost may be added to the tax roll for the Property and collected in the same manner as Property taxes.

3.3.10 Every Owner shall indemnify the Corporation for any loss or damage to the Corporation or to any person that may occur in or as a result of work carried out or actions by the Owner or an Agent of the Owner as required under this By-law.

3.4 Design and Construction

- 3.4.1 New Combined Sewers are prohibited.
- 3.4.2 The design, installation, maintenance and field testing of Non-potable water system Systems shall be in compliance with CSA Standard CSA B128.1-06.
- 3.4.3 Before issuing a building permit, or before approval of the construction of a Drain or modifications to a Drain, or before approval of a connection to a Drain or in anticipation of possible adverse consequences from potential future flooding of the subject or surrounding lands, or potential adverse Drainage Water quality, the Corporation may require, at the request of the Engineer, the Owner to complete one or more of the following:
- a) a study on Storm Water quality and/or quantity;
 - b) modification and/or construction of Storm Water facilities;
 - c) adoption and implementation of pollution prevention techniques and measures;
 - d) adoption of a Storm Water Management plan; or
 - e) any other requirement as specified by the Engineer or Council.
- 3.4.4 No extension of an existing Sewer shall be made unless the annual revenue to be derived from Consumers benefiting from such an extension is at least ten percent (10%) of the total installation Cost of such extension, unless funded under development charges or local improvement provisions, or unless it is in the best interests of the Corporation as determined by Council to make such extension.
- 3.4.5 Notwithstanding Subsection 3.4.4, on the recommendation of the Engineer, Council may consider an application for extension of an existing Sewer by any Owner wishing to have any Property served by the Sewer Works or Drainage Works, provided:
- a) Such Owner agrees to pay all associated Costs of extending a Sanitary Sewer or a Storm Sewer so that it abuts the frontage or flankage of the Property to be served. Where Building development is expected to continue along a Right-of-Way, the extension of the Sanitary Sewer or Storm Sewer shall be across the entire frontage or flankage of the said Property;
 - b) Such Property is located within the serviced area boundaries as defined by the Corporation's Official Plan;
 - c) Any and all relevant governmental approvals are sought and obtained at the expense of such Owner; and without restricting the generality of the foregoing, including the Ontario Ministry of the Environment and Climate Change approval pursuant to the provisions of the Ontario Water Resources Act;
 - d) The Owner makes application for the Service Connection or connections; and for Sewer Service Connections, obtains a plumbing permit from the Corporation; and
 - e) The Owner provides the actual cash, or adequate security in substitution therefore as approved by the Chief Financial Officer, for the entire Cost of extending the Sewer Works and/or Drainage Works; and such cash or other security to be deposited with the Corporation prior to any such work being effected by the Corporation or by the Owner as approved by the Corporation.
- 3.4.6 Owners, builders or contractors requiring Sewage collection and/or Drainage services for construction purposes shall make an application to the Corporation as specified in the Standards and shall furnish all information so required and shall pay to the Corporation the fee prescribed by Council.
- 3.4.7 Owners, builders and contractors shall only be permitted to Discharge Sewage to the Sewer Works, and Storm or Drainage Water to the Drainage Works, at connection locations and in a manner specified by the Engineer, and as may be altered from time to time by the Engineer.

- 3.4.8 Any Storm Water or surface water or groundwater collected within any excavation, or in any completed or partially completed basement, shall be drained to a Storm Water Drainage System, Storm Sewer or roadside Ditch, by pumping if gravity Drainage is not possible.
- 3.4.9 The termination of Service Connection or connections to Private Sewage Collection Systems or Private Drainage Systems shall be capped or plugged to the satisfaction of the Chief Building Official until connection to the Sewer Works or Drainage Works is approved by the Engineer.
- 3.4.10 Where the Corporation has caused a Service Connection believed to be defective to be Blanked, due to a defective Sewer service, the Service Connection shall not be restored until the Engineer or Chief Building Official has been satisfied that no such defect exists, or that any defect therein has been properly rectified in accordance with Corporation Standards and the requirements established under this By-law.
- 3.4.11 Any Owner requiring the discontinuation of a Service Connection for the purpose of demolition, or for other reasons, shall excavate, cap/plug, backfill and reinstate the excavation so that the Service Connection may be properly Blanked and Inspected by the Corporation.
- 3.4.12 Where a Building has been demolished and the Property Owner proposes to utilize the existing Service Connection or connections to serve a new Building, the Owner must first obtain the written approval of the Engineer to do so. Where in the opinion of the engineer, the Service Connection is in unacceptable condition, it shall be replaced or rehabilitated at the owner's expense. All Service Connections are to be inspected and certified by staff trained through a Lateral Assessment and Certification Program (LACP) prior to being returned to service.
- 3.4.13 A disconnected or Blanked Service Connection shall not be reconnected or reinstated without reapplication for the Service Connection in accordance with the Standards of the Corporation and payment of the applicable fees prescribed by the Council in the Fees and Charges By-law 2015-138 as amended .
- 3.4.14 The maintenance and field testing of Non-potable water system systems shall be in compliance with CSA Standard CSA B128.2-06.

SECTION 4 – SANITARY SEWER REGULATIONS

4.1 Connections

- 4.1.1 Every Building within a serviced area as defined by the Official Plan as amended, fronting or flanking on a Sanitary Sewer of the Sewer Works, shall be connected to the Sewer Works; and Sewer service Rates and fees prescribed by Council, in the Fees and Charges By-law 2015-138 as amended, shall apply, despite the Building being serviced by a separate private Sewer system, unless otherwise approved by the Chief Building Official.
- 4.1.2 All Service Connections to the Sewer Works and all replacements to, relocations of, disconnections or removals from the Sewer Works require prior approval through written application and the issuance of a permit by the Corporation.
- 4.1.3 An Owner shall pay all applicable fees and charges for the supply, installation, replacement, relocation, or disconnection of Sanitary Sewer Service Connections as prescribed by Council.
- 4.1.4 Where Sanitary Sewers have been installed within a road Right-of-Way or easement which abuts the Property of an existing Building, the affected Owner shall connect to the completed Sanitary and /or Storm Sewer at his or her expense within twelve (12) months of the date of notice requiring the connection to be made provided to the Owner by the Corporation via registered mail at the Owner's last known address.
- 4.1.5 Unless permitted to do so otherwise under this By-law, no Person within a serviced area shall fail to ensure that Sewage from a Building or Property is Discharged into a Sanitary Sewer of the Sewer Works.

- 4.1.6 If any Property Owner fails to connect to a newly constructed abutting Sanitary Sewer as required by Subsection 4.1.4, the Corporation shall commence billing the Property Owner for Sanitary Sewer services, one (1) month after the required connection was to be made, at the monthly rate established by Council for Sanitary Sewer services through by-law adoption from time to time.
- 4.1.7 Where a direct Service Connection is made to the Sewer Works in compliance with this By-law, any septic tanks, cesspools and similar private Sewage disposal facilities shall be cleaned and filled, or removed or destroyed, within a period ten (10) calendar days after the Service Connection to the Sewer Works, to the satisfaction of the Chief Building Official.
- 4.1.8 Where specific health hazards exist, an Owner shall connect all sanitary facilities within an existing Building to the Sewer Works, in accordance with the Building Code, Part 7, within sixty (60) calendar days of receipt of a registered notice to make such Service Connection from the Corporation and/or from the Medical Officer of Health, to the satisfaction of the Chief Building Official.

4.2 Backwater Prevention

- 4.2.1 An approved Sewage Backwater Prevention Device meeting CSA Standard B181 shall be installed in the sanitary Sewage Discharge plumbing, in advance of the Building Sewer, in all new Buildings with basements or below grade crawl spaces, unless otherwise approved by the Chief Building Official.
- 4.2.2 If in the opinion of the Chief Building Official, in consultation with the Engineer, an existing Building is likely to experience, or has experienced, Sewage backup as the result of a storm event, the Corporation may provide financial assistance to the Owner, upon written application, for the installation of an approved Backwater Prevention Device to a maximum of \$1,000, subject to budget approval by Council and the availability of funds.
- 4.2.3 Backwater Prevention Device shall be of a design approved by the Corporation meeting CSA Standard B181 and installed as prescribed by the Ontario Building Code, Division B, section 7.4.6.4.2(a)(b and in a manner specified by the Chief Building Official.
- 4.2.4 Backwater Prevention Device shall be installed behind clean-out and be readily accessible for Inspection and maintenance.
- 4.2.5 Backwater Prevention Device shall be maintained in good working order and protected, including protection from freezing, by the Owner at his/her expense.

4.3 Disconnection of Drain Connections from Sewage System

- 4.3.1 At the discretion of the Engineer, the Owner of any Building or Property which has a Drain, Storm Water Leaders, Downspouts, Foundation Drains and/or sump pumps connected to the Sewer Works shall disconnect such Drain, Storm Water Leaders, Downspouts, Foundation Drains and sump pumps from the Sewer Works.
- 4.3.2 Provided that funds are available, as approved through the Corporation's annual budget deliberations, financial assistance to a maximum reimbursement of \$4,000.00 may be considered to assist Owners with the Costs of the following repairs to disconnect Drainage connections from, and to reduce Extraneous Flow into, the Sewer Works.:
- a) Removal of roof leaders from the Sanitary Sewer.
 - b) Removal of existing sump pump connections from the Sanitary Sewer.
 - c) Repair or replacement of a leaking Building sewers.
 - d) Removal of Foundation Drain connections from the Sanitary Sewer

Notwithstanding the above, addition financial assistance may be provided, on application to the municipality, for larger-scale disconnection of Inflow and Infiltration into the sewer works at non single-family dwelling locations (Institutional, Commercial and Industrial properties).

SECTION 5 – STORM SEWER REGULATIONS

5.1 Connections

- 5.1.1 All Service Connections to the Drainage Works and all replacements to, relocations of, disconnections or removals from the Drainage Works require prior approval through written application and the issuance of a permit by the Corporation.
- 5.1.2 An Owner shall pay all applicable fees and charges for the supply, installation, replacement, relocation, or disconnection of Drainage Service Connections as prescribed by Council.
- 5.1.3 In order to be granted a permit to connect to a Storm Sewer of the Drainage Works, a Building, Property or facility must be within a Storm Sewer service area as defined by the Official Plan of the Corporation as amended, and at the discretion of the Engineer must have frontage or flankage abutting a Sewer of the Drainage Works.
- 5.1.4 The application and permit referred to in Subsection 5.1.1 shall be in the form as may be prescribed by Council.
- 5.1.5 All multi-unit residential, commercial, recreational, industrial and institutional Buildings and Property shall be served with Storm Sewer or Drainage system, or Storm Water Management systems, separate from the Sewer Work and shall be in accordance with the latest version of the Corporation Standards.

5.2 Discharges to Storm Sewer

- 5.2.1 Unless permitted to do otherwise under this By-law, no Person shall fail to ensure that Storm Water or Drainage water is Discharged into the Drainage Works or into an approved Storm Water Management system, or to an approved Drainage Outlet.
- 5.2.2 All Storm Water or Drainage water of any nature or kind, including roof water, surface water, ground water and water from sump pumps or Foundation Drainage systems must either:
- a) be Discharged into the Drainage Works of the Corporation;
 - b) be allowed to Discharge only upon the lands of the Owner of the Building or lands from which such Storm Water or Drainage water exits;
 - c) not be Discharged and or directed toward surrounding properties;
 - d) be Discharged to a Private Drainage System or to a private Storm Water Management system;
 - e) be Discharged to a Watercourse;
 - f) be Discharged to an approved Drainage Outlet; or
 - g) be Discharged to such other place as the Corporation may direct.
- 5.2.3 Subject to the prior approval of the Ontario Ministry of the Environment and Climate Change and Region of Niagara, industrial cooling water or unpolluted process waters may be Discharged to the Drainage Works or to a Drainage Outlet at a location and in a manner approved by the Engineer.

5.3 Requirements re: Private Drains

- 5.3.1 No Person shall alter, fill, obstruct, block or in any way interfere with a Private Drain, including allowing a Private Drain to fall into disrepair such that the flow of storm, ground, surface or subsurface water from or to another private land is interfered with to the extent that the Owners or Operators of such other private land suffer damages or are inconvenienced.

- 5.3.2 Every Owner or Operator of land shall keep in repair any Private Drain on land owned or occupied by them. Every Owner or Operator of land shall alter, relay or repair any Private Drain as may be required by the Engineer.
- 5.3.3 The Engineer may send to, or serve on, the Owner or Operator of any land a notice requiring the Owner or Operator or any of them to maintain, repair, alter, relocate, or relay any Private Drain, within a specified number of calendar days, as may be required by the Engineer pursuant to Subsections 5.3.2.
- 5.3.4 If an Owner or Operator of any land fails to comply with the Engineer's notice sent or served under Subsection 5.3.3 the Engineer may cause the required work to be done; and the Cost of such work shall be paid by the said Owner or Operator; 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.
- 5.3.5 If any Person causes or permits the blockage or obstruction of any Drain or Private Drain, the Engineer may by written notice to, or served on, such Person, require such Person to remove the blockage or obstruction within a specified number of calendar days of receipt of said notice.
- 5.3.6 If a Person fails to remove a blockage or obstruction of a Drain or Private Drain, within the specified number of calendar days, as required by the Engineer's notice; the Engineer may cause the blockage or obstruction to be removed, at the expense of said Person; and if Costs are not paid, the Costs may be added to the tax roll of the Property within which the blockage or obstruction occurred, and collected In like manner and with the same priority as municipal taxes.

SECTION 6 – INTERCEPTORS AND MAINTENANCE ACCESS POINTS

6.1 Interceptors

- 6.1.1 Every Owner or operator of a restaurant or other industrial, commercial or institutional Property where food is cooked, processed or prepared shall have or install, operate, and properly maintain a food related oil and grease Interceptor in any piping system that connects directly or indirectly to the sewer works in accordance with the requirements of CSA B481 as amended from time to time.
- 6.1.2 All Drainage Service Connections from commercial, recreational, industrial and institutional parking facilities shall be provided with sand, grit, oil and petroleum products Interceptors meeting Ontario Ministry of the Environment and Climate Change standards for Storm Water quality management.
- 6.1.3 Every owner or Operator of a motor vehicle service station, repair shop or garage or of an industrial, commercial or institutional Property or any other establishment where motor vehicles are repaired, lubricated or maintained shall have or install, operate and properly maintain an Interceptor designed to prevent motor oil, lubricating grease, fuels or other material associated with a motor vehicle from passing into any piping system that connects directly or indirectly to the sewer works.
- 6.1.4 Every owner or Operator of a Property from which sediment may directly or indirectly enter a Sanitary Sewer, Storm Sewer and/or the natural environment including but not limited to vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the Sanitary Sewer, Storm Sewer, and/or the environment.
- 6.1.5 Every owner or Operator of a dental practice shall install and maintain a dental waste amalgam separator and comply with the Dentistry Act, 1991, S.O. 1991, C.24 and the regulations made thereunder, as amended from time to time, for the management and disposal of amalgam waste.
- 6.1.6 Any Interceptor described in Sections 6.1.1, 6.1.2, 6.1.3 and 6.1.4 shall be installed in compliance with the most current requirements of the applicable building code and CAN/CSA B481 Series 12. Interceptors shall be maintained by the owner, at the owner's expense, in good working order. The owner is required to produce a maintenance schedule and maintenance records for the preceding eighteen (18) months upon request of the Engineer. Maintenance requirements and cleaning frequency shall be posted at the

site in a conspicuous location in proximity to the Interceptor. The Engineer shall have the right to enter upon the Property at any time to inspect the operation and maintenance of the Interceptor.

6.2 Maintenance Access Points

- 6.2.1 The owner or Operator of commercial, institutional, or industrial Property, with one or more connections to a Sewage 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. Where installation of a manhole is not possible an alternative device or facility may be substituted with the approval of the Engineer.
- 6.2.2 Every manhole or alternative device or facility shall be located on the Property of the owner or Operator of the Property, as close to the Property line as possible, unless otherwise approved by the Engineer.
- 6.2.3 Every manhole, device or facility installed as required by Section 6.2.1 of the by-law shall be designed and constructed in accordance with good engineering practice and the requirements of the Engineer, and shall be constructed and maintained by the owner or Operator of the Property.
- 6.2.4 The owner or Operator of commercial, institutional, or industrial Property shall at all times ensure that every manhole, device or facility installed as required by this by-law is at all times accessible for the purpose of observing, sampling and measuring the flow of Sewage therein.
- 6.2.5 The owner or Operator of commercial, institutional, or industrial Property shall provide written notification of the installation of maintenance access points and their location or the upgrading of existing maintenance access points, for each connection to the Sewage works at the site of a Discharger, for the purpose of monitoring or sampling Discharges.
- 6.2.6 Maintenance access points shall be maintained and constructed at the expense of the Discharger.

SECTION 7 – RESTRICTIONS

7.1 General Restrictions

- 7.1.1 Except as authorized in writing by the Engineer, only Sewage that originated from the Water Works may be Discharged to the Sewer Works.
- 7.1.2 No Person shall Discharge to the environment within any area under the jurisdiction of the Corporation any sanitary Sewage, contaminated or polluted water, except where suitable treatment of the Discharge is provided and approved by the Engineer, or the Chief Building Official.
- 7.1.3 No Person shall Discharge or deposit, or cause or permit to be Discharged or deposited, into or in the Sewer Works, or into or in the Drainage Works, a substance, material or object, which is or may become harmful to the Sewer Works or Drainage Works or the environment.
- 7.1.4 No Person shall conceal, interfere with, construct or maintain anything or cause or permit to be concealed or interfered with or constructed or maintained anything, that has the effect of concealing or interfering with access to a municipal or private Maintenance Hole, Interceptors, Catch Basins or a sewer lateral inspection tee.
- 7.1.5 No Person, except an employee of or Agent of or contractor engaged by the Corporation, shall uncover, enter, make any connection to or opening into, use, alter or disturb the Sewer Works or Drainage Works without first obtaining the approval of the Engineer.
- 7.1.6 Subsection 7.1.5 notwithstanding, an abutting Owner or his Agent may without approval enter into a Drainage Ditch of the Drainage Works for the purpose of clearing the Ditch of

growth or debris, or to clear an obstruction or blockage. Such cleaning or clearing shall not alter the invert of the Ditch.

- 7.1.7 No Person shall remove or tamper with or cause or permit any removal or tampering with, any Maintenance Hole cover, grate, cap, or any other opening into the Sewer Works or Drainage Works without the prior approval of the Engineer.
- 7.1.8 Upon the provision of reasonable notice permitted by the requirement or circumstance, the Engineer may temporarily restrict the use of the Sewer Works or Drainage Works, including the temporary shut-off of water from the Water Works, from time to time as necessary, to carry inspections, cleaning, maintenance, repairs, Service Connection, modifications, replacement, relocation, or rehabilitation to any part of the Sewer Works or Drainage Works.

7.2 Sewer Works Use Restrictions

- 7.2.1 Unless permitted to do otherwise under this By-law, no Person within a serviced area shall fail to ensure that Sewage from a building or Property is Discharged into a Sanitary Sewer of the Sewer Works.
- 7.2.2 No Person, unless specifically authorized by the Engineer in writing, shall cause or permit the entry of Storm Water or Drainage water of any kind into the Sewer Works.
- 7.2.3 The Foundation Drain system sumps shall not be constructed with high water level overflow provisions discharging directly into the Building Drain unless otherwise authorized in writing, by the Engineer.
- 7.2.4 The use of the Sewer Works and Sewage Discharge characteristics shall conform to the restrictions of the Regional Municipality of Niagara Sewer Use By-law No. 27-2014, as amended from time to time.
- 7.2.5 A Person responsible for:
- a) a Discharge to the Sewer Works, which may be considered hazardous to Persons, Property or animals;
 - b) a Discharge which may be considered detrimental to the efficient operation, or safety of the Sewer Works, or the treatment systems of the Regional Municipality of Niagara, or personnel thereof;
 - c) a Discharge which contravenes the Sewage Discharge characteristic restrictions prescribed by the Regional Municipality of Niagara Sewer Use By-law No. 27-2014 as amended;

shall immediately notify the Corporation, the Regional Municipality of Niagara and the Ontario Ministry of the Environment and Climate Change of such Discharge.

- 7.2.6 No Person shall directly or indirectly Discharge or deposit, or cause or permit to be Discharged or deposited, any type of hauled Sewage or hauled Sewage sludge into or in the Sewer Works without the prior written approval of the Engineer.

7.3 Drainage Works Use Restrictions

- 7.3.1 Unless permitted to do otherwise under this By-law, no Person shall fail to ensure that Storm Water or Drainage water is Discharged into the Drainage Works or into an approved Storm Water Management system, or to an approved Drainage outlet.
- 7.3.2 All multi-unit residential, commercial, recreational, industrial and institutional Buildings and Properties shall be served with Storm Sewer or Drainage System, or Storm Water Management systems, separated from the Sewer Works.
- 7.3.3 No Person shall directly or indirectly Discharge or deposit, or cause or permit to be Discharged or deposited, any Sewage of any kind in or into the Drainage Works.
- 7.3.4 No Person shall directly or indirectly Discharge or deposit, or cause or permit the Discharge or deposit of matter of any type in or into the Drainage Works, or into any Drainage Service Connection, or into any Ditch or Drain, or into any stormwater management system, where:

- a) To do so may cause or result in,
 - i) damage to the Drainage Works;
 - ii) interference with proper operations of the Drainage Works;
 - iii) blockage, obstruction or restriction of stormwater flows or Drainage flows therein;
 - iv) a hazard to any Person, animal, Property, or vegetation;
 - v) impairment of the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or Watercourse;
 - vi) the contravention of a certificate of approval or provisional certificate of approval issued under the Ontario Water Resources Act or the Ontario Environmental Protection Act, as amended, with respect to the Storm Sewer and/or its Discharge;
 - vii) the contravention of the Fisheries Act with respect to the Drainage Works and/or its discharge from the Drainage Works into a water course; or
- b) The matter has characteristics prohibited by the Regional Municipality of Niagara Sewer Use By-law No. 39-2002 as amended from time to time.

7.4 Orders

- 7.4.1 Where a Person fails to comply with any provision of this By-law, the Engineer may make an Order directing the Person, within seven (7) calendar days of the issuance of an Emergency Order and fourteen (14) calendar days of the issuance of a Regular Order, to take such steps as are necessary to comply as outlined in the Order. If the Person fails to comply with the Emergency Order within seven (7) calendar days or a Regular Order within fourteen (14) calendar days, the Engineer may cause such work as necessary to be done at the Person's expense; and if not paid, the Costs may be added to the tax roll for the Property and collected in like manner and with the same priority as municipal taxes.
- 7.4.2 a) Orders served by the Engineer under Section 7.4.1 shall be served personally or by registered mail to the last known address of the Owner and to any other Person to be served.
- b) If an Order is served by registered mail, the service shall be deemed to have been made on the 5th day after the date of mailing.

SECTION 8 – PROHIBITIONS, ENFORCEMENTS AND PENALTIES

8.1 Interference with the Sewer Works or Drainage Works

Every Person who:

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

is guilty of an offence and on conviction is liable to a fine in accordance with Section 8.3.

8.2 Prohibitions and Offences

Every Person who:

1. being a Building or Property Owner, fails to connect to a Sanitary Sewer constructed within a road Right-of-Way abutting said Owner's Property, as required by this By-law; or
2. being an Owner or Operator, fails to control the Discharge of Storm Water or Drainage Water, as required by Corporation Standards; or
3. without a permit or prior authorization, connects, or causes to be connected, any pipe or Private Lateral to any pipe or main or Maintenance Hole or other Appurtenance of the Sewer Works or Drainage Works; or
4. fails to obtain an approved Service Connection permit ;
5. fails to construct a building sewer, or Private Drainage Lateral, in conformance with this By-law; or
6. fails to construct a private Sewage collection system or Private Drainage System in conformance with Corporation Standards; or
7. connects a Private Lateral to the Sewer Works or Drainage Works prior to approval and Inspection; or
8. connects a Private Drainage System to the Drainage Works prior to approval and Inspection; or
9. connects a Private Sewage Collection System to the Sewer Works prior to approval and Inspection; or
10. fails to inform the Chief Building Official that installation of a building Sewer, or Private Drainage Lateral is available for Inspection; or
11. fails to undertake and report the results of specified tests required under this By-law to ensure that the installation of a Service Connection meets standards and specifications, and functions adequately; or
12. having been given appropriate and adequate notice, fails to provide access to a building or Property for the purpose of inspecting, maintaining, repairing, modifying or replacing a Service Connection including Appurtenances thereof; or
13. having been given appropriate and adequate notice, fails to provide access to a building or Property for the purposes of inspecting and ensuring compliance with this By-law and taking corrective action as required, including access to a private Sewer collection system, or to a Private Drainage System, and Appurtenances thereof; or
14. willfully hinders or interrupts, or causes to be hindered or interrupted; the Corporation or any of its Officers, Agents, Workers or Contractors, in the exercise of any of the powers or duties conferred by this By-law; or
15. without prior written approval of the Engineer, Discharges, or causes or permits to be Discharged, to the Sewer Works, any Sewage containing water from a source other than the Water Works; or
16. without prior written approval of the Engineer, Discharges or causes or permits to be Discharged, either directly or indirectly, storm water, ground water or Leachate, or Drainage water, into or in the Sewer Works; or
17. without the prior written approval of the Engineer, Discharges or deposits, or causes to be Discharged or deposited, any type of hauled Sewage or hauled sludge into or in the Sewer Works; or
18. fails to notify the Corporation of a Discharge to the Sewer Works or Drainage Works that is in violation of the Sewer Works use or Drainage Works use restrictions of this By-law; or
19. fails to notify the Corporation of a Discharge to the Sewer Works or Drainage Works that is or may be hazardous to a Person; or

20. fails to notify the Corporation of a Discharge to the Drainage Works that is or may be hazardous to the natural environment; or
21. fails to adequately protect a Service Connection from damage, including from freezing; or
22. fails to provide the "as built" data and location of a Private Lateral to the Engineer; or
23. fails to adequately maintain or repair a Private Lateral; or
24. backfills an excavation or trench created for the installation, repair, relocation or replacement of a Service Connection, or part thereof, prior to Inspection and approval; or
25. fails to maintain a private Sewage collection system; or
26. fails to maintain a Private Drainage System or private Storm Water Management system; or
27. fails to provide written notification to the Engineer that a Service Connection has been disconnected; or
28. Blanks or caps, or causes or permits to be Blanked or capped, any Service Connection without prior approval; or
29. fails to cap or Blank a Service Connection in compliance with this By-law, in the manner specified by the Chief Building Official; or
30. fails to cap or Blank a municipal lateral immediately following installation while awaiting approval to Connect to the Sewer Works or Drainage Works; or
31. fails to cap or Blank a Service Connection required for the demolition of the Building or facility serviced; or
32. fails to obtain the written permission of the Engineer to reuse a capped or Blanked Service Connection; or
33. fails to provide adequate excavation, backfill and reinstatement of a trench to enable the Blanking or capping of a Service Connection as required under this By-law; or
34. fails to obey or conform to any Sewer Works or Drainage Works use restrictions imposed by Council; or
35. fails to obey or conform to any temporary Sewer Works or Drainage Works use restrictions imposed by the Engineer permitted under this By-law; or
36. fails to install a Maintenance Hole as required by this By-law; or
37. fails to ensure a private Maintenance Hole is readily accessible for use and Inspection at all times; or
38. fails to maintain a private Maintenance Hole is required by this By-law in good working order; or
39. fails to install an oil, grease, petroleum product, sand or grit Interceptor as required by this By-law; or
40. fails to maintain and ensure adequate functioning of a grease, oil, petroleum product, sand or grit Interceptor as required by this By-law; or
41. fails to provide maintenance records for any required Interceptor; or
42. fails to ensure an Interceptor is readily accessible for Inspection at all times; or
43. fails to install and maintain a Sewer backflow prevention device as required by this By-law; or
44. being an Owner or Operator, fails to maintain a private Ditch or Drain abutting, or contained in his/her lands, free of growth, debris or obstructions or blockages to Drainage flow; or
45. alters a Watercourse, Drain or Drainage Ditch that forms part of the Drainage Works, or part of a Municipal Drain, without the prior approval of the Engineer; or
46. fails to comply with an Engineer's notice to remove a blockage or obstruction to any Drain, within the number of calendar days specified in said notice; or

47. being an Owner, Lessee, Occupant or Operator, fails to comply with an Engineer's notice to maintain, repair, alter, relocate or relay any Private Drain within the number of calendar days specified in said notice; or
48. being an Owner, Operator or Contractor or Builder, fails to comply with the direction of the Engineer or Chief Building Official regarding the installation of a temporary Service Connection to the Sewer Works or to the Drainage Works; or
49. excavates, uncovers or enters a main, Maintenance Hole, Interceptor or other chamber of the Sewer Works or Drainage Works without prior approval of the Engineer; or
50. without authorization, removes or tampers with, or causes or permits any removal or tampering with, any Maintenance Hole cover, grate or any other opening into the Sewer Works or Drainage Works; or
51. undertakes or permits to be undertaken, thawing operations of any main, section or part or to any Service Connection of the Sewer Works or Drainage Works, without the prior approval of the Engineer; or
52. fails to repair a leak in a Building Sewer or private Sewage collection system within seven (7) calendar days of notice; or
53. having been given appropriate and adequate notice, fails to disconnect a Drainage Service Connection from the Sewer Works, within the prescribed number of calendar days; or
54. fails to adequately decommission a septic tank, cesspool, or other private system for the treatment and disposal of Sewage, following connection to the Sewer Works within the prescribed number of calendar days; or
55. without prior written approval of the Engineer, had a Foundation Drainage sump with a high water level overflow Discharge directly into the Building Drain; or
56. destroys, damages, removes, fraudulently alters or in any way injures any main, Maintenance Hole, Interceptor, Catch Basin, Service Connection, Inspection tee, Appurtenance or apparatus or thing belonging to the Corporation's Sewer Works or Drainage Works, or causes or permits the same to be done; or
57. fails to comply with or is in breach of any provision of this By-Law;

is guilty of an offence and upon conviction is liable to a fine in accordance with Section 8.3.

8.3 Penalties

- 8.3.1 Every Person other than a Corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs and continues to occur, to a fine of not more than \$5,000.00 for a first offence and \$10,000.00 for any subsequent offence.
- 8.3.2 Every Corporation that contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues to occur, to a fine, of not more than \$25,000.00 for a first offence and \$50,000.00 for any subsequent offence.
- 8.3.3 In this By-law, a subsequent conviction means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law.
- 8.3.4 No Person shall hinder or obstruct an officer, appointed under this by-law or employed to enforce this by-law, from carrying out an Inspection of lands, nor shall any Person obstruct any employee or Agent authorized to carry out work for the City, specified in an Order issued hereunder.
- 8.3.5 As appointed by Council, this By-law shall be enforced by the following Officials of the Corporation as appropriate:
 - (i) the Municipal By-Law Enforcement Officers;
 - (ii) the Chief Building Official; or
 - (iii) the Building Inspectors.

8.3.6 Every Person who, by act, offence, default, neglect or omission; occasions any loss, cost, damage or injury to the Sewer Works, or Drainage Works, or any part or Appurtenance thereof, is liable to the Corporation for any and all financial losses and Costs incurred as a result.

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

SECTION 9 – GENERAL PROVISIONS

9.1 This by-law shall be not be interpreted to permit anything which by the provision of any applicable federal or provincial act or regulation is prohibited.

9.2 Where there is a conflict between the provisions of this by-law and the provisions of a federal or provincial act or regulation, the provisions of the applicable act or regulation are to prevail.

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

9.4 Where there is a conflict between the provisions of this by-law and Regional Municipality of Niagara Sewer Use By-law 27-2014, as amended, the provision that is the most restrictive shall prevail.

9.5 All Schedules attached hereto are and form part of this By-law.

9.6 a) Any notice issued by the Engineer pursuant to this By-law shall be served personally or by registered mail to the last known address of the Owner of the land and to any other Person to be served.

b) If notice is served by registered mail, the service shall be deemed to have been made on the 5th day after the date of mailing.

SECTION 10 – REPEAL AND ENACTMENT

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


SECTION 11 – SHORT TITLE

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

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 7TH
DAY OF MARCH, 2017.



Mayor



City Clerk

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2017- 18

Sewer and Drainage Works Regulations

(Part I Provincial Offences Act)

SCHEDULE A

OFFENCES AND SET FINES

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Foul, obstruct or block flows in the Sewer Works or Drainage Works	8.1(a)	\$500
2	Deposit or discharge into the Sewer Works or Drainage Works a substance harmful to a person	8.1(b)	\$500
3	Deposit or discharge into the Drainage Works a substance harmful to the natural environment	8.1(c)	\$500
4	Deposit or discharge into the Sewer Works or Drainage Works a prohibited substance	8.1(d)	\$500
5	Fail to connect to an abutting sanitary sewermain	8.2(1)	\$500
6	Fail to provide a storm water or drainage discharge control in compliance with Corporation Standards	8.2(2)	\$500
7	Unauthorized connection to the Sewer Works or Drainage Works	8.2(3)	\$500
8	Fail to obtain a service connection permit	8.2(4)	\$400
9	Fail to construct a private sewage collection system in accordance with the By-law	8.2(5)	\$400
10	Fail to construct a private drainage system in conformance with Corporation Standards	8.2(6)	\$200
11	Connect a private lateral to the Sewer Works or Drainage Works without prior inspection and approval	8.2(7)	\$300
12	Connect a drainage system to the Sewer Works or Drainage Works without prior inspection and approval	8.2(8)	\$300
13	Connect a private sewage system to the Drainage Works prior to inspection and approval	8.2(9)	\$300
14	Fail to inform that a private lateral was available for inspection	8.2(10)	\$300
15	Fail to undertake and report the results of required specified tests	8.2(11)	\$300
16	Fail to provide access for inspecting, maintaining, repairing, modifying or replacing a service connection	8.2(12)	\$300
17	Fail to provide access for inspection to ensure compliance with the By-law	8.2(13)	\$300
18	Hinder a Corporation Officer or Agent in the exercise of a power or duty under the By-law	8.2(14)	\$300
19	Without authority discharge sewage to the Sewer Works not originating from the Water Works	8.2(15)	\$200
20	Without authorization discharge storm, drainage or ground water or leachate to the Sewer Works	8.2(16)	\$400
21	Without authorization discharge hauled sewage or sludge to the Sewer Works	8.2(17)	\$500
22	Fail to notify the Corporation of a discharge that is in violation of the By-law	8.2(18)	\$200
23	Fail to notify the Corporation of a discharge that is or may be hazardous to a person	8.2(19)	\$300
24	Fail to notify the Corporation of a discharge that is or may be hazardous to the natural environment	8.2(20)	\$200
25	Fail to protect a service connection	8.2(21)	\$200
26	Fail to provide the constructed data and location information for a private lateral	8.2(22)	\$100
27	Fail to maintain a private lateral	8.2(23)	\$200
28	Backfill a service connection trench without prior inspection and approval	8.2(24)	\$200
29	Fail to maintain a private sewage collection system	8.2(25)	\$300
30	Fail to maintain a private drainage system or storm water management system	8.2(26)	\$200
31	Fail to provide written notification that a service connection has been disconnected	8.2(27)	\$200
32	Without approval, cap a service connection	8.2(28)	\$400
33	Fail to cap a service connection in conformance with this By-law	8.2(29)	\$200
34	Fail to cap a municipal lateral while awaiting approval to connect	8.2(30)	\$100

Item	Short Form Wording	Provision Creating or Defining offence	Set Fine
35	Fail to cap a service connection required for the demolition of a building	8.2(31)	\$300
36	Fail to obtain permission to reuse a capped service connection	8.2(32)	\$300
37	Fail to provide excavation, backfill and reinstatement to enable capping of a service connection	8.2(33)	\$200
38	Fail to obey Sewer Works or Drainage Works use restrictions imposed by the Council	8.2(34)	\$300
39	Fail to obey any temporary Sewer Works or Drainage Works use restrictions imposed by the Engineer	8.2(35)	\$200
40	Fail to install a maintenance hole as specified by the By-law	8.2(36)	\$300
41	Fail to ensure a private maintenance hole was accessible	8.2(37)	\$100
42	Fail to maintain a private maintenance hole	8.2(38)	\$100
43	Fail to install an interceptor as required by the By-law	8.2(39)	\$300
44	Fail to maintain an interceptor	8.2(40)	\$200
45	Fail to provide maintenance records for an interceptor	8.2(41)	\$100
46	Fail to ensure an interceptor was readily accessible for inspection	8.2(42)	\$100
47	Fail to install a backflow prevention device as required by the By-law	8.2(43)	\$100
48	Fail to maintain a private ditch	8.2(44)	\$100
49	Without prior approval, alter a water course or drainage ditch of the Drainage Works	8.2(45)	\$300
50	Without prior approval, alter a water course or drainage ditch of the Municipal Drain	8.2(46)	\$500
51	Fail to comply with the Engineer's notice to remove a blockage or obstruction to a drain within the notice period	8.2(47)	\$500
52	Fail to comply with the Engineer's notice to complete work on a private drain within the notice period	8.2(48)	\$300
53	Fail to comply with the direction of the Engineer or Chief Building Official regarding the installation of a temporary service connection	8.2(49)	\$200
54	Without prior approval, excavate, uncover or enter a main or maintenance hole or chamber	8.2(50)	\$200
55	Without authorization remove or tamper with a maintenance hole cover or other grate or opening	8.2(51)	\$100
56	Without prior approval, undertake thawing operations	8.2(52)	\$300
57	Fail to repair a leak in a private sewer lateral or private sewage collection system within the notice period	8.2(53)	\$300
58	Fail to disconnect a drainage service connection from the Sewer Works within the notice period	8.2(54)	\$500
59	Fail to adequately decommission a septic tank, cesspool or private sewage disposal facility	8.2(55)	\$500
60	Without approval, have a sump with a high water level discharge connection into the building drain	8.2(56)	\$300
61	Cause damage to the Sewer Works or Drainage Works	8.2(57)	\$500

Note: The general penalty provision for the offences listed above is section 8.3 of By-law 2017-18, a certified copy of which has been filed.