



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2020 – 058

BY-LAW TO MAKE CERTAIN REGULATIONS FOR SANITARY AND STORMWATER SERVICES AND TO REQUIRE THE CONNECTION OF BUILDINGS TO THE AFORESAID SERVICES

WHEREAS Section 11(2)6. of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (the "*Municipal Act, 2001*"), allows municipalities to pass By-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 11(3)4. of the *Municipal Act, 2001* allows municipalities to pass By-laws respecting public utilities;

AND WHEREAS section 9(1) of the *Municipal Act, 2001* provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 80(1) of the *Municipal Act, 2001* states that a municipality may, at reasonable times, enter on land to which it supplies a public utility, (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or (b) to inspect, install, repair, replace or alter a public utility meter;

AND WHEREAS Section 80(3) of the *Municipal Act, 2001* states that, if a customer discontinues the use of a public utility on land or a municipality lawfully decides to cease supplying the public utility to land, the municipality may enter on the land: (a) to shut off the supply of the public utility; (b) to remove any property of the municipality; or (c) to determine whether the public utility has been or is being unlawfully used;

AND WHEREAS Section 81(1) of the *Municipal Act, 2001* states that a municipality may shut off the supply of a public utility by the municipality to land if fees or charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue;

AND WHEREAS Section 81(3) of the *Municipal Act, 2001* states that despite subsections 81(1) and 81(2), a municipality shall provide reasonable notice of the proposed shut-off

to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place;

AND WHEREAS Section 81(4) of the *Municipal Act, 2001* states that a municipality may recover all fees and charges payable despite shutting off the supply of the public utility;

AND WHEREAS Section 82(1) of the *Municipal Act, 2001* states that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to a municipality or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given;

AND WHEREAS Section 83 of the *Municipal Act, 2001* states that, without limiting sections 9, 10 and 11, a municipality may, as a condition of supplying or continuing to supply a public utility, require reasonable security be given for the payment of fees and charges for the supply of the public utility or for extending the public utility to land;

AND WHEREAS Section 398(2) of the *Municipal Act, 2001* states that the treasurer of a local municipality may add fees and charges imposed by the municipality to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes: (1) in the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied; and (2) in all other cases, any property for which all of the owners are responsible for paying the fees and charges.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. Citation

- 1.1. This By-law shall be known as the "Sanitary and Stormwater Services By-law" of The Corporation of the City of Waterloo.
- 1.2. Should any By-law refer to the City's, or a department of the City's, "Sewage and Stormwater Services By-law" or "Sewage and Stormwater By-law", the aforesaid By-laws, in using any of the aforementioned terms, shall be interpreted to mean this By-law, regardless of any definition to the contrary contained within that by-law.
- 1.3. For detailed sewer use and discharge information, reference the current Regional Municipality of Waterloo By-law for sewer use that governs and regulates the discharge of water and wastewater into the sanitary and stormwater systems in the Regional Municipality of Waterloo. If any conflict arises between this By-law and the Regional By-law, the more restrictive By-law shall apply.

1.4. Discharges to storm and sanitary sewers must not exceed the applicable effluent criteria established in the RMOW's aforesaid By-Law. In the absence of applicable standards in the RMOW's By-Law, maximum chemical concentrations will be determined by the City's Director of City Utilities in consideration of relevant provincial standards and guidelines established under the *Environmental Protection Act* and/or *Ontario Water Resources Act*.

2. Definitions

2.1. In this By-law:

"Blockage" means any partial or full obstruction of a Sanitary Sewer, Storm Sewer or Service Pipe due to non-sewage related matter. Includes, but not limited to, tree roots, oil/grease, silt/gravel/dirt, construction debris, other debris;

"Building" has the same meaning as in the Building Code Act, 1992, S.O. 1992 c.23, as amended;

"Chief Financial Officer (CFO) and Treasurer" means the Chief Financial Officer (CFO) and Treasurer of the City, or his or her designate;

"Chronic Problem" means where there is consistent or repeated Blockage of the Service Pipe and that the aforesaid Blockage is caused, either directly or indirectly, by a Customer;

"City" means The Corporation of the City of Waterloo and includes its employees, servants and agents;

"Clean Out" means the maintenance access to the Service Pipe between the Building and the Sewer; can be on the City property or the private property;

"Council" means the Council of the City;

"Customer" means any Owner, occupant, lessee, tenant or any other person purchasing or receiving Sanitary or Stormwater Services from the City;

"Director of City Utilities" means the Director of City Utilities of the City, or his or her designate;

"Director of Engineering Services" means the Director of Engineering Services of the City, or his or her designate;

"Fees and Charges By-law" means the current schedule of fees, rates or other charges as established by a By-law enacted pursuant to section 391 of the *Municipal Act, 2001*, as may be amended from time to time;

"Foundation Drain" means a pipe around a foundation for the collection of groundwater. Includes weeping tiles, cellar drains, sump pumps, sump pits and other such conveyances of groundwater;

"Municipal Service" means the portion of the Sanitary or Stormwater Service Pipe that is on the City side of the Property Line and connects into the corresponding Sewer;

"Owner" means an owner of a Building and/or of land(s), and/or their agent/designate;

"Private Service" means the portion of the Sanitary or Stormwater Service Pipe that is on the private side of the Property Line, running from the Property Line to the Building or to a Private Stormwater Management System;

"Private Stormwater Management System" means a Stormwater Management System owned, operated and maintained by a person other than the City;

"Property Line" means the line, demarcation or boundary between private property and City property;

"Sanitary Sewer" means any Sewer in the City that is owned and under the jurisdiction of a municipality which receives or is intended to receive Sewage, including all or any part of facilities for the collection, storage and conveyance of Sewage provided by the City;

"Sanitary System" means the Sanitary Sewer and Municipal Service;

"Services" means the Sanitary Municipal Service and the Stormwater Municipal Service supplied by the City;

"Service Pipe" means the full length of a conduit for conveying Sewage and/or Stormwater from private property to the corresponding Sewer; a Service Pipe is dually owned, as a portion of it is located on City Property and a portion is located on private property;

"Sewage" includes residential, commercial and industrial liquid wastes discharged to the Sanitary System;

"Sewer" means the Sanitary Sewer and the Storm Sewer;

"Site Plan Agreement" means an agreement the Owner is required to enter with the City as a condition of the Site Plan Approval;

"Storm Sewer" means any Sewer in the City that is owned and under the jurisdiction of a municipality which receives or is intended to receive Stormwater, including all or any part of facilities, constructed or natural, for the collection, storage, conveyance, treatment or disposal of Stormwater provided by the City;

"Stormwater" means surface and rainwater, including melted snow and ice or other natural precipitation, and uncontaminated groundwater discharged to the Stormwater System from foundation drains;

"Stormwater Management System" means a Stormwater Best Management Practice that has been professionally designed, constructed and maintained to provide water quantity and/or quality control prior to being discharged to the receiving system (Storm Sewer or receiving water course);

"Stormwater System" means all or any part of facilities for the acceptance, collection, storage, conveyance, treatment of Stormwater provided by the City;

"Street" has the same meaning as "highway" as defined in the *Municipal Act, 2001*.

3. City Property

- 3.1. All pipes, wire, machinery equipment and other works used to supply the Municipal Services shall remain the property of the City. All pipes, wire, machinery equipment and other works added by the Owner to the Private Services are the sole responsibility of the Owner.
- 3.2. Property of the City which is used for and/or in connection with the supply of the Services to Buildings and/or land is exempt from seizure:
 - 3.2.1. Against the Owner or occupant of the land and/or Building under the *Execution Act*, R.S.O. 1990, c. E.24; and,
 - 3.2.2. Against a person with a leasehold interest in the land and/or Building for overdue rent.
- 3.3. An Owner may be held liable for damages to City property caused by the Owner as a result of carelessness or negligence on the Owner's part or on the part of any person or entity acting for or on behalf of the Owner.

- 3.4. No person shall carry out any work on City owned lands without the prior written approval of the City, such as, but not limited to, a Road Occupancy Permit.

4. Service Outside of Municipality

- 4.1. The City shall not supply Services to anyone outside of the boundaries of the City, unless it is approved by Council.

5. Application for the Services

- 5.1. All Owners shall make a written application (the "Application") to the City for the provision of the Municipal Services before the Municipal Services are extended from the Sewer to the Property Line.
- 5.2. There shall be one application per property. Each property will be permitted to have one Sanitary Municipal Service. Connection to the storm sewer is not permitted, unless deemed otherwise by the City; up to one Stormwater Municipal Service may be permitted. Properties are not permitted to share Municipal Services; only one Private Service is permitted to connect to one Municipal Service.
- 5.3. For new construction and reconstruction, all Sanitary Municipal Services shall be separate from Stormwater Municipal Services; Stormwater Municipal Services may only be permitted as deemed necessary. Combined Municipal Services are not permitted and where existing, shall be separated.
- 5.4. The Application must include:
 - 5.4.1. The desired location and size of the Service Pipe required;
 - 5.4.2. The use or class of occupancy of the Building;
 - 5.4.3. A plan of the Building showing the interior piping and Private Services connecting to the Municipal Services; and,
 - 5.4.4. Any other information which shall aid the City in providing adequate Municipal Services.
- 5.5. The minimum diameter of Service Pipe shall comply with the City of Waterloo's Engineering Manual.
- 5.6. The City, at any time may, among other things:

- 5.6.1. Determine the size and locations of the Municipal Services;
 - 5.6.2. Limit the number of Buildings to be supplied by a single service connection; and,
 - 5.6.3. Refuse to allow the Municipal Services if it considers the Municipal Services to be detrimental to existing Municipal Services or to the broader interests and operations of the City.
- 5.7. The City may deny any incomplete and/or misinformation given on the Application. In the event The City approves installation of Municipal Services that result in inadequacy and/or improper installation, due to the lack of information and/or misinformation provided on the Application, the City will not be responsible to provide any remedies.
- 5.8. By applying for the Municipal Services from the City, the Owner shall comply with all applicable laws, By-laws, rules, Regulations and requirements relating to Sewage and Stormwater and the Services provided by the City.
- 5.9. No person shall construct or permit the construction of a Stormwater Management System on non-residential, commercial or institutional land except in accordance with the City of Waterloo Engineering Manual.

6. Installation of the Services

- 6.1. Upon approval of the Application, Municipal Services are permitted to be installed at cost to the Owner of the land on which the Municipal Services are being installed, including all labour, materials and other costs incurred by the City as a result of installing the Municipal Services. The City does not install Private Services.
- 6.2. In order for the Applicant to be permitted to complete servicing works in the Municipal right-of-way in the City of Waterloo, the Applicant must provide and/or demonstrate the following:
- 6.2.1. The Applicant must provide proof of recent experience in the successful completion of servicing works in a Municipal right-of-way including but not limited to water, storm and sanitary service installation. The Applicant must submit three (3) representative projects completed in the last five (5) years with references from municipalities where work was completed;
 - 6.2.2. The Applicant shall apply for a Road Occupancy Permit a minimum of seven (7) days prior to commencement of the activity. The

Applicant is required to have Five (5) million dollars in comprehensive insurance as part of the Road Occupancy Permit application; and,

- 6.2.3. The Applicant must provide, as part of the Road Occupancy Permit, a traffic control plan in accordance with Ontario Traffic Manual Book 7 – Temporary Conditions, for any work within the Municipal right-of-way;
 - 6.2.4. The Applicant must demonstrate in a reasonable time, where the land has been interfered with, how these lands will be restored, and must be to the satisfaction of the City's Director of Transportation at the sole cost of the Owner/Applicant.
 - 6.2.5. The Applicant shall demonstrate working knowledge of applicable City standards, Region of Waterloo and Area Design Guideline and Supplemental Specifications for Municipal Services (DGSSMS) and Ontario Provincial Standards (OPSD) specifications.
- 6.3. Stormwater Management Systems shall be constructed in accordance with the requirements of all applicable legislative requirements and any City of Waterloo standards will be subject to inspection by the City.

7. Connection to the Services

- 7.1. Subject to Section 7.3, every Owner shall ensure that their Building(s) and/or Stormwater Management Systems are connected to the appropriate Municipal Service where available (Sanitary Service shall be connected to the Sanitary Sewer and Stormwater Service shall be connected to the Storm Sewer).
- 7.2. No person shall uncover, make any connections with or opening into, use, alter or disturb any Municipal Service or Sewer or appurtenance thereof without first obtaining permission in writing from the City.
- 7.3. Foundation Drains of Buildings constructed before July 6, 1981 shall be permitted to discharge Stormwater into the Sanitary Sewer. Foundation Drains of Buildings constructed after July 6, 1981 shall not be permitted to discharge Stormwater into the Sanitary Sewer. Roof drains, eaves troughs, sump pits and all drains which collect Stormwater shall not discharge into the Sanitary Sewer, except as provided in this paragraph..

- 7.4. If a Building has two (2) connections to the Sanitary Sewer, such as when a Foundation Drain exists, the City may require an Owner to connect or reconnect their Building's Private Services in a manner acceptable to the City and may also require a connection or reconnection to the Storm Sewer.
- 7.5. No existing Private Service that is connected to Municipal Service shall be used for a connection to a new building unless it has first been inspected and tested by the Owner and found to comply with all applicable requirements as accepted or required by the City.

8. Maintenance and Repair of the Services

- 8.1. An Owner shall maintain the Service Pipes in a state of good repair and shall be responsible for all Blockages of the Service Pipe, unless such Blockage is caused by the City.
- 8.2. All Clean Outs and maintenance holes must be accessible to the City at all times.
- 8.3. Where a blockage of the Service Pipe is caused by tree roots, the City shall make reasonable efforts to determine which tree's roots are causing the blockage. If the tree which is causing the Blockage is located on private property, the Owner of the property with the Blockage shall be liable for any costs involved in clearing the Blockage of the Service Pipe.
- 8.4. Where the City determines that a Chronic Problem exists, the relevant Customer shall be liable for any costs involved in clearing the Blockage of the Service Pipe.
- 8.5. If an Owner fails to maintain, repair and/or unclog a Service Pipe, as required by this By-law, the City may maintain, repair and/or unclog the Service Pipe at the Owner's expense and the cost of so doing may be recovered by the City in a like manner as Municipal taxes.
- 8.6. Subject to Section 8.5, the City may shut off or reduce the supply of water to the land and/or Building where the Owner and/or Customer denies or otherwise prohibits access to maintain, repair and/or unclog a Service Pipe.
- 8.7. The City may charge a fee to the Owner, pursuant to the Fees and Charges By-law, for denying or otherwise prohibiting access to a Service Pipe, which would represent the reasonable costs incurred by the City. The City may add this fee to the tax roll for the relevant property and collect the fee in the same manner as Municipal taxes.

- 8.8. Where the Private Service is constructed of bituminous fibre pipe and has been installed by the City, the City will cease to replace such Private Services after December 31, 2021, but notwithstanding, grants discretion to the Directors of City Utilities and/or Engineering Services to replace bituminous fibre Private Services at the City's cost, in the event evidence has been provided that indicates prior commitment was given by the City.

9. Stormwater Management Systems on Private Land

- 9.1. Every owner of private property on which Private Stormwater Management Systems are located, shall:
- 9.1.1. Not carry out any activity which, in the opinion of the City, could reasonably be expected to impair the effective functioning of the Stormwater Management System;
 - 9.1.2. Ensure all on-site Stormwater Management Systems are maintained, subject to the Site Plan Agreement, where applicable;
 - 9.1.3. For greater certainty and without limiting the generality of the foregoing, the maintenance of the Stormwater Management System in good working order will require cleaning catch basins, oil/grit separators, pipelines and rehabilitation or replacement of any defective part of the system; and
 - 9.1.4. At all times and at the owner's expense, keep such Stormwater Management Systems functioning effectively, including undertaking refurbishment and reconstruction thereof if, in the opinion of the City, it should be reconstructed or refurbished.

10. Discharge to the Services

- 10.1. No person shall discharge any gaseous, liquid or solid matter into any Service Pipe, Sewer or watercourse, except in accordance with the current Regional Municipality of Waterloo By-law for sewer use that governs and regulates the discharge of water and wastewater into the sanitary and storm systems in the Regional Municipality of Waterloo.

11. Replacement of the Services

- 11.1. The City will only replace the Municipal Services from the Sewer to the Property Line. Any Private Service replacement needed on private property is the sole responsibility of the Owner of the Property.

12. Changes to the Services

12.1. Any Owner desiring a change in the location, arrangement or size of Municipal Services shall pay to the City all costs incurred for making such a change.

13. Disconnection of the Services

13.1. No person shall disconnect, except for the purpose of repair, any Private Service conveying Sewage or Stormwater without first notifying the City in writing.

14. Manner of Invoicing

14.1. Fees and charges for the Services shall be set by Council from time to time in the Fees and Charges By-law.

14.2. Fees and charges shall be invoiced in the same manner as the City's water and sanitary sewer charges and shall be itemized on the same invoice being issued under the Supply of Water By-law and the Stormwater Utility and Credit Program By-law.

14.3. Fees and charges for the Services shall be payable upon receipt of the invoice and every Customer in receipt of such invoice shall ensure payment of such invoice on or before the due date noted upon the invoice.

14.4. Interest shall be added after the due date for each subsequent bill issued with unpaid carry forward and charged at a rate of one and a half percent (1.5%).

14.5. In the case of payments received by mail, the date payment is received shall be taken as the date of payment.

14.6. If fees or charges are not paid after twenty one (21) days to the City by the Customer in accordance with the provisions of this By-law, the City may add the outstanding fees or charges to the tax roll for the relevant property and collect the fees or charges in the same manner as municipal taxes.

14.7. If, after twenty one (21) days past the due date, fees or charges are still not paid, the Chief Financial Officer and Treasurer may advise the Customer that unless the fees or charges are paid within seven (7) days, the City may shut off the supply of water to the lands or Buildings upon which the fees or charges are due, and in the event the supply of water is turned off, it shall not be turned on again until such time as all arrears are paid together with

the fees, charges and costs incurred on behalf of the City for turning the supply of water off and on. The aforesaid fees, charges and costs for turning the supply of water off and on shall be at the rates outlined in the Fees and Charges By-law.

14.8. Partial payments on sewer and water accounts that are in arrears shall be applied in each instance to the arrears longest outstanding.

14.9. The City may establish an administrative policy in relation to the collection of sewage and stormwater receivables. If any conflict arises between this By-law and any City policy, the By-law shall supersede the policy.

15. Sewer Services Rebate

15.1. A sewer services rebate shall be provided to all businesses which uses water for processing, refrigeration, cooling, etc. and where the aforesaid water is not being expelled into the Services.

15.2. A business seeking to benefit from the sewer services rebate must first apply to the City.

16. Billing Errors

16.1. Where billing errors have resulted in over-billing, the Customer shall be credited with the amount erroneously billed for the relevant period, but not exceeding two (2) years.

16.2. Where billing errors have resulted in under-billing, the Customer shall be charged the amount erroneously not billed for a period not exceeding two (2) years.

17. Offence and Penalties

17.1. Every person who contravenes any of the provisions of this By-law is guilty of an offence pursuant to Section 425 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended, and pursuant to Section 429, all contraventions of this By-law are designated as continuing offences.

17.2. Every person who is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.

17.3. In addition to the fine amounts set out in subsection 17.2 for each day or part of a day that an offence continues, the minimum fine shall be Five

Hundred Dollars (\$500.00) and a maximum fine shall not exceed Ten Thousand Dollars (\$10,000) per day or part of a day.

18. Severability

18.1. If a Court of competent jurisdiction should declare any section or part of any section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in full force and effect.

19. Repeal and Effective Date

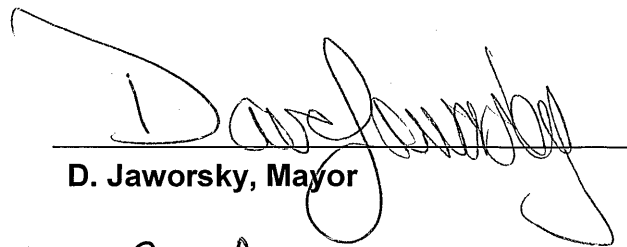
19.1. By-law 2013-114 of The Corporation of the City of Waterloo, as well as all By-laws amending same and policies in relation to same or parts thereof, are hereby repealed.

19.2. Notwithstanding paragraph 19.1 above, By-law No. 2013-114 is deemed to continue enforce and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that By-law and any assessment, rate, charge, tax, fee, liability, fine or penalty outstanding under By-law 2013-114 may be collected as if such By-law had not been repealed.

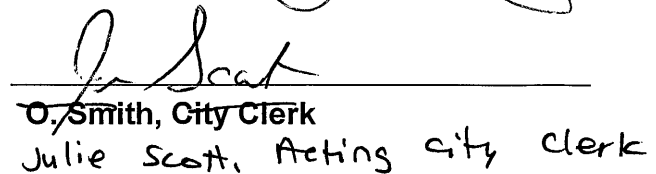
20. This By-law shall come into force and effect on the date of its final passing.

Enacted this 21st day of Sept, 2020.

Approval	Date	Print Name	Initials
[Dept./Div.]			
Legal			
Finance			



D. Jaworsky, Mayor



O. Smith, City Clerk
 Julie Scott, Acting City Clerk

Enterprise Personal Tools

Search

Enterprise Council Committees and By... By-Laws Approval of By-laws IPPW



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General	Specific	Audit	Categories	Classifications	Ratings	References
Security Clearance	Versions	WebDAV				

1 Approval of Bylaws | 2 Financial Review | Agreements | By-Laws | Civic Address (Non-street file) | Common



Approval - Division/Department:

Division/Department Approval Date:

Approval - Legal:

Legal Approval Date:

Approval - Finance:

Finance Approval Date: