



**CORPORATION OF THE CITY OF KINGSTON**

**Ontario**

**BY-LAW NO. 2008-192**

**A BY-LAW TO PROVIDE FOR THE REGULATION OF WASTE WATER SERVICES AND  
DISCHARGES TO MUNICIPAL SEWERS FOR THE CITY OF KINGSTON**

***PASSED: November 4, 2008***

**As Amended By By-Law No:**

**By-Law 2012-40    February 7, 2012**

**By-Law 2013-105    May 21, 2013**

**(Office Consolidation)**  
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***WHEREAS** the Council is authorized by section 10 as well as sections 78 to 93 of the Municipal Act, 2001 as amended, to pass by-laws for services that the municipality considered necessary or desirable for the public which includes public utility services including but are not limited to prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of municipal sewage.*

**NOW THEREFORE**, the Council of The Corporation of the City of Kingston hereby enacts as follows:

- Short Title: Sewer Use By-law
- Part 1: Definitions
- Part 2: Waste Water Services
- Part 3: Operation and Maintenance
- Part 4: Control of Waste Discharges
- Part 5: Discharge to Storm Sewers
- Part 6: Prohibition of Dilution
- Part 7: Reports
- Part 8: Extra Strength Surcharge Agreements
- Part 9: Compliance Program
- Part 10: Sampling and Analysis
- Part 11: Spills
- Part 12: Garbage Grinders
- Part 13: Grease/Sediment Interceptors
- Part 14: Inspection & Access
- Part 15: Prohibitions
- Part 16: Enforcement
- Part 17: Offences

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Part 1:	Definitions
Part 2:	Waste Water Services
Part 3	Operation and Maintenance
Part 4:	Control of Waste Discharges
Part 5:	Discharge to Storm Sewers
Part 6	Prohibition of Dilution
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Part12	Garbage Grinders
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Part 14	Inspection & Access
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## Part I – Definitions

“**acute hazardous waste chemical**” means acute hazardous waste chemicals within the meaning of O.Reg.347, as amended from time to time, made under the *Environmental Protection Act*, R.S.O. 1990 c.E. 19 (EPA);

“**appurtenance**” means an accessory that forms part of a system.

“**biochemical oxygen demand (BOD)**” means the 5-day BOD which is the determination of the molecular oxygen utilized during a 5-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand);

“**biosolids**” means organic solid material recovered from the wastewater treatment process;

“**blowdown**” means water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would impair the operation of the system;

“**building**” means a structure connected to the sanitary sewer including the plumbing appurtenant thereto;

“**Building Code**” means the Building Code for the Province of Ontario as prescribed in accordance with the *Building Code Act, 1992*.

“**chemical oxygen demand (COD)**” means the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant;

“**City**” means The Corporation of the City of Kingston or its Operating Authority, Utilities Kingston;

“**combined sewer**” means a municipal sewer or portion thereof designed to function simultaneously as a storm sewer and as a sanitary sewer and its appurtenances;

“**combustible liquid**” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;

“**composite sample**” means a volume of sewage, storm water, uncontaminated water or effluent made up of 3 or more grab samples that have been combined automatically or manually at approximately equal time or volume intervals over a sampling period;

“**cross connection**” means any temporary or permanent connection between a sanitary sewer and a storm sewer;

“**Extra Strength Surcharge Agreement**” means an agreement between the City and a person entered into in accordance with the provisions of Part 8 of this By-law;

(By-law 2008-192; By-Law 2013-105)

“**flushing**” means the procedure of using pressurized water to clean a sewer;

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**"fuel"** means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any ignitable substance intended for use as a fuel;

**"foundation drain"** means a pipe or series of pipes that collect groundwater around the foundation or footing of a building for protection against hydrostatic pressure;

**"grab sample"** means a volume of the flow being sampled taken at one particular time and place;

**"groundwater"** means water beneath the earth's surface accumulating as a result of seepage;

**"hailed sewage"** means waste, other than industrial waste, removed from a sewage works or sewage system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank;

**"hailed waste"** means any industrial waste, other than hauled sewage, which is transported to and deposited into any location in the sewage works excluding hauled sewage;

**"hazardous industrial waste"** means hazardous industrial waste within the meaning of O.Reg.347, as amended from time to time, made under the *Environmental Protection Act*, R.S.O. 1990 c.E. 19 (EPA);

**"hazardous waste chemicals"** means hazardous waste chemicals within the meaning of O.Reg.347, as amended from time to time, made under the *Environmental Protection Act*, R.S.O. 1990 c.E. 19 (EPA);

**"ignitable waste"** means:

- i) a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96e1), the Pensky-Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method,
- ii) a solid and that is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger,
- iii) an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, as amended, or
- iv) an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, as amended;

**"industrial"** means of or pertaining to manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;

**"industry"** means any Owner or operator of industrial or commercial premises from which there is a discharge of any matter directly or indirectly into a City sanitary sewer, combined sewer or storm sewer;

**"inspection"** means an audit; physical, visual or other examination; survey; test; or inquiry.

**"interceptors"** sometimes referred to as grease/sediment traps means a device designed to separate and retain oil, grease, fatty substances as well as sediments from discharged wastewater.

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**"land"** means all real property, including buildings or any part of any building and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land and in the case of utility service providers and the City of Kingston, all buildings or any part of any building erected or placed upon, in, over, under or affixed to land but shall not include machinery whether fixed or not, nor the foundation on which it rests, works structures other than buildings, substructures, poles, towers, lines, nor any of the things exempted from taxation, nor to any easement or the right use or occupation or other interest in land not owned by utility service providers or the city of Kingston.

(By-Law 2008-192; By-Law 2013-105)

**"maintenance access hole"** means an access point in a private sewer connection to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein;

**"matter"** includes any solid, liquid or gas;

**"municipal easement"** means an easement in favour of the City of Kingston;

**"Municipal Right of Way"** means any street, lane, road and public highway or right of way owned by the City;

**"Municipal Technical Standards"** means the minimum standards prescribed by the City for construction of sewage works, sewer laterals, and any appurtenances thereto, within the City.

**"occupant"** means any lessee, tenant, Owner, the agent of a lessee, tenant or Owner or any person in possession of a premise;

**"Operating Authority"** shall mean Utilities Kingston (1425445 Ontario Limited);

**"Open Loop System"** means a system that is heated or cooled using potable water that discharges into the City's sewage works

**"Owner"** shall mean any person, including a corporation, who is the registered Owner of the property under consideration including a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian. The obligations of the Owner under this by-law may not be transferred to a party which is not an Owner;

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

**"PCBs"** means any mono-chlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;

**"permit holder"** means the person to whom a Sewer Connection/Alteration Permit or Storm Water Exemption Permit has been issued;

**"person"** means an individual, association, partnership, corporation, municipality, provincial or federal agency, or an agent or employee thereof;

**"pesticide"** means a pesticide as defined and regulated under the Pesticides Act , R.S.O. 1990, c.P. (PA);

**"subdivision"** shall mean a plan approved by the City that clearly outlines all details that are required to develop a parcel of land into a subdivision with individual parcels;

(By-Law 2008-192; By-Law 2013-105)

**"reactive waste"** means a substance that:

- i) is normally unstable and readily undergoes violent changes without detonating,
- ii) reacts violently with water,
- iii) forms potentially explosive mixtures with water,
- iv) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
- v) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
- vi) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
- vii) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure, or
- viii) is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended;

**"rodding"** means a manual procedure for clearing obstructions from sewer laterals.

**"roof drain"** means a drain that conveys, storm water, rainwater and snowmelt from a roof to a storm sewer lateral;

**"sanitary sewer"** means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage or any combination thereof owned and operated by the City;

**"severely toxic waste"** means any contaminant listed in Schedule 3 of O.Reg.347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E. 19 (EPA);

**"sewer"** means a pipe, conduit, drain, open channel, or ditch for the collection and transmission of sewage, storm water and / or uncontaminated water or any combination thereof;

**"sewer connection/alteration permit"** shall mean approval by the City of Kingston authorizing the permit holder to connect to the sewage works in accordance with the terms and conditions set out in the permit;

**"sewer lateral"** means a pipe or other form of conduit and its appurtenances used to transport sewage from a building to the City's sanitary sewer located in a Municipal Right of Way;

**"sewer lateral stub"** means that portion of a sewer lateral from the sanitary sewer to the limit of a Municipal Right of Way.

**"sewage"** means any liquid, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension and includes things that float but does not include uncontaminated water;

**"sewage works"** means any works owned by the City for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water, including a combined sewer, sanitary sewer or storm sewer and its appurtenances, but does not include plumbing or other works to which the Building Code Act, 1992 as amended applies;

**"site plan"** shall mean a graphical plan of a proposed development illustrating all the features of the development including dwellings, commercial establishments, roads, and other public or private infrastructure that has been approved by the City pursuant to the Planning Act;

**"spill"** means a direct or indirect discharge or deposit to the sewage works, storm sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge or deposit;

**"Standard Methods"** means a procedure or method set out in Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, latest edition;

**"Standard Terms and Conditions of Service"** means the terms and conditions under which the City provides sewer services to a building as published by Utilities Kingston.

**"storm sewer"** means a municipal sewer for the collection and transmission of uncontaminated water, storm water, surface run off from streets and adjacent lands or flow from foundations drains or any combination thereof;

**"storm water"** means water from rainfall or other natural precipitation or from the melting of snow or ice;

**"Storm Water Exemption Permit"** means approval by the Operating Authority authorizing the permit holder to temporarily discharge storm water to a combined sewer in accordance with the terms and conditions set out in the permit;

**"storm sewer lateral"** means a pipe or other form of conduit and its appurtenances used to transport storm water from a building or land to the City's storm sewer or sanitary sewer located in a Municipal Right of Way;

**"storm sewer lateral stub"** means that portion of a storm sewer lateral from the sanitary sewer or storm sewer to the limit of a Municipal Right of Way.

**"structural defect"** means when used in connection with a sewer lateral a collapsed, cracked, broken or missing pipe, or offset joints caused by settling.

**"subsequent conviction"** means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law;



**"total PAHs"** means the total of all the polycyclic aromatic hydrocarbons listed under Canada Ontario Agreement Tier I and Tier II Substances Lists,

**"uncontaminated water"** means potable water as supplied by the City that has not had any matter added to it after it has been supplied and any water having quality which meets or exceeds the requirements of the table "Limits for Storm Sewer Discharge" attached as Schedule "B";

**"waste radioactive prescribed substances"** means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy; and

**"watercourse"** means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently.

## **Part 2 – Waste Water Services**

### **2.1 Water/Sewer Connection/Alteration Permit**

The Owner shall obtain a Water/Sewer Connection/Alteration Permit prior to the installation, repair, renewal, removal, plugging, capping or disconnection of a sewer lateral or a sewer except where such a sewer connection has been specifically provided for and approved through the City's Subdivision or Site Plan Approval process or City sewage works rehabilitation project.

### **2.2 Requirements for permit**

Applicants for a Water/Sewer Connection/Alteration Permit shall complete and submit the appropriate forms, provide the required drawings and information, and pay the stipulated fees or charges to the satisfaction of the Operating Authority. The installation or disconnection of a sewer lateral or a sewer shall not commence until a Water/Sewer Connection/Alteration Permit is issued and all required payments have been received.

### **2.3 Process for a permit**

Water/Sewer Connection/Alteration Permit forms shall be available from the Operating Authority and are to be submitted to the Operating Authority along with any plans or drawings detailing the proposed connection, any other supporting information and required fees as stipulated in the Miscellaneous Charges and Appliance Rental Rates By-law. The Operating Authority shall review the proposed alteration/connection proposed and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the sewage works. Any conditions imposed will be identified in writing forming part of the approved permit and said conditions shall be complied with.

### **2.4 Sewer Connection**

Except as may otherwise be approved by the Operating Authority, no person shall connect a building to the sewage works until all required permits have been issued and all required inspection fees, cut permit costs, and other related costs have been paid in full.

### **2.5 Sewer Charges – Owner to pay**

Charges for the use of sewer services as well as any work or services performed by the Operating Authority will be determined by the Operating Authority as indicated in the Miscellaneous Charges and Appliance Rental Rates By-law as amended from time to time and will be paid by the Owner.

### **2.6 Extensions and connections**

Extensions of and connections to the sewage works shall only be permitted where they conform to the Official Plan of the City.

### **2.7 Capital works**

New sewer laterals and sewage works made in association with a capital works project of the City shall be subject to the entire permit requirements of this by-law and to the charges and fees set out in applicable by-laws

### **2.8 Sewer lateral stub replacements**

As part of a sanitary sewer rehabilitation project the City shall renew sewer lateral stubs on public property at its expense and to its specifications when:

- a) piping is deemed by the Operating Authority to be beyond repair and
- b) replace the sewer lateral stub with a pipe of the same diameter.

Replacement piping shall conform to the specifications of the City. If an Owner requests a larger pipe size, the Owner shall pay the difference in material and labour costs.

### **2.9 Installation - City specifications**

All sanitary sewer pipes and sewer laterals located within City property shall be constructed according to the City's standards. All sewer laterals located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent the City's specifications shall be applied and shall prevail.

### **2.10 Installation inspection - by City**

All sewers and appurtenances installed, including those required by a City Subdivision, Site Plan or Development Agreement must be approved by the City or by persons authorized by the City.

### **2.11 Installation - access for inspection**

The City and persons authorized by the City for inspection shall be, at all times, entitled to enter upon any lands or any buildings for the purposes of examining pipes, connections and fixtures which are used in connection with the sewer service pipe and/or sewer lateral.

### **2.12 Installation - notification**

Prior to backfilling a trench containing a sewer lateral or storm sewer lateral notification to the City shall be provided.

**2.13 Disconnection of service - temporary**

When an Owner temporarily discontinues the use of a sewer lateral to a building, the Owner shall pay to the City a charge as indicated in the Miscellaneous Charges and Appliance Rental Rates By-law where applicable.

**2.14 Disconnection of service - permanent**

When an owner permanently discontinues the use of a sewer lateral to a building or buildings the sewer lateral must be disconnected at the sanitary sewer and removed at the Owner's expense. All work must be inspected by the Operating Authority and the Owner shall pay for such inspection as required in the Miscellaneous Charges and Appliance Rental Rates By-law .

**2.15 Multiple sewer laterals - prohibited**

Only one sewer lateral per lot shall be permitted to connect to the sanitary sewer. In situations where a shared sewer lateral would result from a division of land the shared sewer lateral shall be eliminated and a separate sewer lateral from each lot to the sanitary sewer shall be installed at the Owner's expense. Notwithstanding the forgoing, where separate sewer laterals for each lot is impractical, the Owner shall create reciprocal easements for maintenance purposes over each lot.

**2.16 Cross Connections – prohibited**

No owner, occupant or person shall use or cause to be used or permit a cross connection to occur.

**2.17 Connections – capacity**

Connection of a building to a sewer is only permissible where in the sole opinion of the Operating Authority there is sufficient capacity in the sewage works for handling sewage from the building.

**Part 3 – Operation and Maintenance**

**3.1 Maintenance of sewer lateral stub - City**

The sewer lateral stub shall be maintained by the City at the City's expense. If flushing or rodding of a sewer lateral is required to remove an obstruction caused solely by a structural defect in the sewer lateral stub, the City shall be solely responsible for the cost of removing the obstruction.

**3.2 Maintenance of sewer lateral – Owner**

Every Owner of a property to which sewer service is provided shall be responsible for the maintenance, repair, and replacement of the sewer lateral from the building to the property line. Any and all structural defects of a sewer lateral shall be repaired by the Owner of the property being serviced. Should the City become aware of any such structural defect, and upon written notification to the Owner, the said structural defect is not repaired within thirty (30) days of the date of the notification or within such time as the Operating Authority may deem necessary, then the City may turn off the municipal water supply to the property. If the City is ordered to restore the water supply, then the City may repair the structural defect in the sewer lateral pipe at the Owners expense. In so doing the City of Kingston shall only reinstate the property to a safe condition and all final restoration shall be the Owners responsibility. The City of Kingston shall not be held responsible for any damages to the Owners property arising from such work such as damage to root systems or other landscaping features located along the sewer lateral. If flushing or rodding of a sewer lateral is required to remove an obstruction located anywhere between the building and

the sewer lateral stub, the Owner or occupier shall be solely responsible for the cost of removing the obstruction.

### **3.3 Conditions on sewer services**

The City agrees to use reasonable diligence in providing a regular and uninterrupted sewer service, but does not guarantee a constant service and is not liable for damages to an Owner or Occupant caused by the breaking of any sewer, sewer lateral or a blockage of a sewer or sewer lateral.. Where planned work on the sanitary sewer system is contemplated the Operating Authority will make reasonable effort to provide two (2) days notice, delivered to the lands affected, of the intention to disrupt or terminate service, save and except for emergency shut downs.

### **3.4 Unauthorized operation or interference – offence**

No person, other than persons authorized by the Operating Authority for that purpose shall remove, tamper with or in any way interfere with any sanitary sewer or sewer lateral stub or appurtenances in the sanitary sewer system , nor tap off or make any connection to a sanitary sewer.

### **3.5 Work on the system**

The Operating Authority shall perform all work having to do with the City's sanitary sewer system and with the installation, repair, renewal, or removal of the City's in-service sewer collection system. The Operating Authority may delegate to any person the authority to perform work on the sanitary sewer system, on conditions acceptable to the Operating Authority.

### **3.6 Shut off- repair**

The City shall have the right at any time and without notice to shut off the supply of municipal water to any building if, in the opinion of the Operating Authority, the sewer lateral located on the property is not being properly maintained, develops a significant leak, is structural defective or permits significant infiltration or in any way compromises the integrity of the City's sewage system, and not to restore the water service until such condition has been rectified to the satisfaction of the Operating Authority.

### **3.7 Damage to sanitary sewer system – offence**

No person shall break, damage, destroy, deface or tamper with, or cause or permit the breaking, damaging, destroying, defacing or tampering with any part of the sewage works.

### **3.8 Discharge to the Sewers**

No person shall discharge sewage into the City's sewage works except in accordance with this By-law.

### **3.9 Unauthorized discharge sanitary sewer - offence**

No person shall discharge or permit to be discharged anything other than sewage into a sanitary sewer.

### **3.10 Unauthorized discharge combined sewer – offence**

No person shall discharge or permit to be discharged anything other than sewage into a combined sewer.

### **3.11 Connections Prohibited - offence**

No person shall permit the connection of a roof leader or foundation drain to a sanitary sewer or combined sewer

### **3.12 Discharge exemption**

The Operating Authority in its absolute discretion is authorized to consider an exception to Sections 3.9, 3.10 and/or 3.11 subject to the following:

- a) The Owner shall obtain a Storm Water Exception Permit in a addition to any other permits or approvals prior to the installation of any sewer or storm sewer lateral to a combined sewer.
- b) Applicants for a Storm Water Exception Permit shall complete and submit the appropriate forms, provide the required plans, drawings and information detailing the proposed connection and pay any required fees as stipulated in the Miscellaneous Charges and Appliance Rental Rates By-law. The installation of a sewer or storm sewer lateral to a combined sewer shall not commence until a Storm Water Exception Permit is issued by the Operating Authority.
- c) Storm Water Exception Permit forms shall be available from the Operating Authority and are to be submitted to the Operating Authority. The Operating Authority shall review the proposed exception and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the sewage works. Any conditions imposed will be identified in writing forming part of the approved permit and said conditions shall be complied with.
- d) Any exception is to be expressly authorized in writing;
- e) Any exception shall not be permitted for construction purposes i.e. dewatering;
- f) Any exception is in accordance with such guidelines as may be prescribed by the Operating Authority;
- g) Any exception will require the owner to design and construct a permanent storm sewer lateral that provides for a temporary connection to the combined sewer and that this lateral shall be disconnected from the combined sewer and connected to any future storm sewer that is constructed to service the land in question at the Owners expense;
- h) Where a storm sewer has been constructed and is available for connection and Owner fails to disconnect the storm water from the combined sewer and discharge it to the storm sewer, it shall be considered an offence under Sections 3.9, 3.10 and/or 3.11 of this by-law.;
- i) Any exception may require the execution of agreements, the payment of sewage service rates, the metering of discharges in a manner acceptable to the Operating Authority and may provide for an annual certificate of calibration of such metering by a qualified professional upon request by the Operating Authority; and
- j) The owner provides a copy of a valid Permit to Take Water in respect of the taking of water that is being discharged or deposited where such a Permit to Take Water is required by the Ontario Water Resources Act, R.S.O. 1990,c.O.14, as amended.

### **3.13 Owner – notice to perform**

An owner or operator of an industrial, commercial, institutional or multi-residential building may be required, by written notice from the Operating Authority, to complete or perform one or more of the following activities addressing the discharge of storm water or sewage from the Owners land or building:

- a) to complete a study on storm water or sewage quality and / or quantity;
- b) to develop and implement a best management practice plan;

- c) to install and maintain a pre-treatment facility or holding tank on the premises so that the effluent will be reduced accordingly for any building discharging or proposing to discharge into the municipal sewage works effluent exceeding the strength, nature, quantity or quality parameters;
- d) to design, construct and maintain at his or her expense the pre-treatment facility or holding tank in accordance with good engineering practice and the requirements of the City, and shall be constructed and maintained by the owner or occupant of the building or land at his or her expense.
- e) to install and maintain at the owners or occupants expense, devices to monitor sewage, uncontaminated water or storm water discharges and to submit to the Operating Authority regular reports regarding the quantity and quality of discharges to the sewage works.

### **3.14 Owner – damage prevention**

Every owner or operator of a commercial, industrial, or institutional premises from which large objects and/or material may directly or indirectly enter a sewer shall install and maintain a screen or grate device with openings no larger than 6.0 mm to prevent objects and/or materials from entering the sewer and possibly obstruct or restrict the flow in the sewage works or damage equipment at pumping stations and treatment facilities. Records of annual cleaning and maintenance of all such devices are to be retained by the Owner on site for review by the Operating Authority.

## **Part 4 – Control of Waste Discharges**

### **4.1 Deposit or discharge of sewage - prohibited**

No person shall cause or permit the deposit or discharge of sewage into a sanitary sewer, combined sewer or sewer lateral in circumstances where to do so may cause or result in:

- a. a health or safety hazard to a person authorized to inspect, operate, maintain, repair or otherwise work on a sewage works;
- b. an offence under the *Ontario Water Resources Act* or the *Environmental Protection Act*, as amended from time to time, or any regulation made thereunder from time to time;
- c. bio solids from the sewage works to which either sewage discharges, directly or indirectly, to fail to meet the objectives and criteria set out in the Ministry of the Environment publication entitled "Guidelines for the Utilization of Bio solids and Other Wastes on Agricultural Land" dated March 1996, as amended from time to time;
- d. interference with the proper operation or maintenance of a sewage works, or which may impair or interfere with any treatment process;
- e. a hazard to any person, animal, property or vegetation;
- f. an offensive odour to emanate from the sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
- g. damage to the sewage works; or
- h. an obstruction or restriction to the flow in the sewage works.

#### **4.2 Characteristics of Sewage - prohibited**

No person shall cause or permit the deposit or permit the discharge of sewage into a sanitary sewer, combined sewer or sewer lateral in circumstances where the sewage has one or more of the following characteristics:

- a) a pH less than 6.0 or greater than 10.5;
- b) two or more separate liquid layers; or
- c) a temperature greater than 60 degrees Celsius.

#### **4.3 Sewage contains**

No person shall cause or permit the deposit or permit the discharge of sewage into a sanitary sewer, combined sewer or sewer lateral in circumstances where the sewage contains:

- a) acute hazardous waste chemicals;
- b) combustible liquid;
- c) dyes or colouring materials that pass through a sewage works and discolour the sewage works effluent;
- d) fuel;
- e) hauled sewage, except where:
  - 1. the carrier of the hauled sewage is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the *Environmental Protection Act* or is exempt from the requirement to have a certificate or provisional certificate of approval;
  - 2. a copy of the most recent certificate or provisional certificate and any amendment is provided to the City;
  - 3. the carrier meets all the conditions for discharge that are or may be required from time to time with respect to the haulage of sewage by the City; and
  - 4. the discharge location is at the Cataraqui Bay Waste Water Treatment Plant Receiving Station or other location specifically authorized in writing by the Operating Authority.

(By-Law 2008-192; By-Law 2013-105)

f) hauled waste, except where:

- 1. the carrier of the hauled waste is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the *Environmental Protection Act* or is exempt from the requirement to have a certificate or provisional certificate of approval;
- 2. a copy of the most recent certificate or provisional certificate and any amendment is provided to the City; and
- 3. hauled waste meets the conditions set out in clauses 23(3)(c) and 25(5)(b) of O.Reg 347, R.R.O. 1990, as amended from time to time;

4. the carrier meets all conditions for discharge that are or may be required by the City from time to time with respect to the haulage of waste. and
5. the discharge location is at the Cataraqui Bay Waste Water Treatment Plant Receiving Station or other location specifically authorized in writing by the Operating Authority.

(By-Law 2008-192; By-Law 2013-105)

g) hazardous industrial waste;

h) hazardous waste chemicals;

i) ignitable waste;

j) pathological waste;

k) PCBs, except where:

1. the person has a certificate of approval for a mobile site or PCB mobile waste disposal system issued under the Environmental Protection Act or where the person is claiming an exemption under a regulation, the person has demonstrated to the City that the conditions of the exemption are met;
2. a copy of the most recent certificate or provisional certificate and any amendment is provided to the City; and
3. the person has written approval from the Operating Authority that the person has met a condition for an exemption under the regulations in relation to their discharge of PCBs to the sewage works:

l) pesticides;

m) reactive waste;

n) severely toxic waste;

o) waste radioactive prescribed substances, except where:

1. the waste radioactive prescribed substances are being discharged under a valid and current licence issued by the Atomic Energy Control Board or its successor; and
2. a copy of the licence has been provided to the City;

p) ground water remediation except where:

1. the person has written approval from the Operating Authority authorizing the discharge or deposit of the treated contaminated groundwater to the sewage works, in accordance with guidelines adopted by the City from time to time; and
2. a certificate of approval, provisional certificate of approval or order has been issued which includes a provision for the disposal of treated contaminated groundwater to a sewage works, a copy of the certificate of approval, provisional certificate of approval or order is provided to the City, or where the person is claiming an exemption pursuant to a regulation, the person has received written



notice from the Operating Authority that the conditions of the exemption are being met; or

(By-Law 2008-192; By-Law 2013-105)

#### **4.4 Sewage Concentration - prohibited**

No person shall cause or permit the deposit or permit the discharge of sewage into a sanitary sewer, combined sewer or sewer lateral in circumstances where the sewage contains a concentration, expressed in milligrams per litre, which exceeds any one or more of the limits in the table "Limits for Sanitary & Combined Sewers Discharge" attached as Schedule "A".

#### **4.5 Termination of Privileges - notice**

The Operating Authority may terminate at its sole discretion privileges granted under Sections 4.3 (e), (f), (k), (o), and (p) at any time under circumstances deemed reasonable and the termination will be effective within 30 days of a written notice of termination.

#### **4.6 Termination of Privileges - emergency**

The Operating Authority may terminate privileges granted under Sections 4.3.(e), (f), (k), (o), and (p) by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, waters or the sewage works and the termination will be effective immediately.

#### **4.7 Extra Strength Surcharge Agreement**

The provisions of subsection 4.4 do not apply to those parameters allowed by an Extra Strength Surcharge Agreement where the discharge is in accordance with an Extra Strength Surcharge Agreement or expressly authorized in writing by the Operating Authority in accordance with this by-law prior to the discharge.

### **Part 5 – Discharges To Storm Sewers**

#### **5.1 Deposit or Discharge of Sewage - prohibited**

No person shall, whether directly or indirectly, discharge or deposit or cause or permit the discharge or deposit into or in any storm sewer or storm sewer lateral matter of any type which may:

- a) interfere with the proper operation of a storm sewer;
- b) obstruct or restrict a storm sewer or the flow therein;
- c) damage the storm sewer;
- d) result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- e) impair or is likely to impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- f) contravene or result in the contravention of a certificate or provisional certificate of approval or order issued under the Ontario Water Resources Act or the Environmental Protection Act with respect to the storm sewer and or its discharge;

- g) have one or more of the following characteristics:
  - 1. two or more separate layers;
  - 2. a pH less than 6.0 or greater than 9.5;
  - 3. a visible film, sheen or discoloration; or
  - 4. a temperature greater than 40 degrees Celsius.
- h) contain one or more of the following:
  - 1. acute hazardous waste chemicals;
  - 2. blowdown;
  - 3. combustible liquids;
  - 4. floating debris;
  - 5. fuel;
  - 6. hauled sewage;
  - 7. hauled waste;
  - 8. hazardous industrial waste;
  - 9. hazardous waste chemicals;
  - 10. ignitable waste;
  - 11. pathological waste;
  - 12. PCBs;
  - 13. pesticides;
  - 14. reactive waste;
  - 15. severely toxic waste;
  - 16. sewage;
  - 17. waste radioactive prescribed substances;
  - 18. waste disposal site leachate;
  - 19. a substance from raw materials, intermediate or final materials, used or produced in, through or from an industrial process; or
  - 20. a substance used in the operation or maintenance of an industrial site.
- (i) contain E. coli colonies in excess of 100 per 100mL;
- (j) contain a concentration, expressed in mg/L, in excess of any one or more of the limits in the table entitled "Limits for Storm Sewer Discharge" attached hereto as Schedule "B".

## **Part 6 – Prohibition Of Dilution**

### **6.1 Dilution - offence**

No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, combined sewer, storm sewer, sewer lateral or storm sewer lateral in circumstances where water has been added to the discharge for the purposes of dilution to achieve compliance with this By-law.

## **Part 7 – Reports**

### **7.1 Requirement for report – short version**

Every Owner or occupant of an industrial, commercial or institutional premise shall complete and submit to the Operating Authority a "Short Version of the Discharger Information Report" prior to any discharge of sewage, storm water, cooling water or uncontaminated water to a sewage works. Short version of the Discharger Information Report forms shall be available from the Operating Authority and are to be submitted to the Operating Authority along with any other supporting information and required fees as stipulated in the Miscellaneous Charges and Appliance Rental Rates By-law. The Operating Authority shall review the proposed Discharger Information Report and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the sewage works. Any conditions imposed will be identified in writing forming part of the approved permit and said conditions shall be complied with.

### **7.2 Requirement for report - long version**

The Operating Authority, at its sole discretion, may require the Owner or occupant of an industrial, commercial or institutional premises to complete and submit a "Complete Discharger Information Report" prior to any discharge of sewage, storm water, cooling water or uncontaminated water to a sewage works, where in the sole discretion of the Operating Authority, discharge from the premises may have a significant impact on the sewage works. Complete Discharger Information Report forms shall be available from the Operating Authority and are to be submitted to the Operating Authority along with any other supporting information and required fees as stipulated in the Miscellaneous Charges and Appliance Rental Rates By-law. The Operating Authority shall review the proposed Complete Discharger Information Report and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the sewage works. Any conditions imposed will be identified in writing forming part of the approved permit and said conditions shall be complied with.

### **7.3 Requirement to report - a change**

An Owner or occupant of an industrial, commercial or institutional premises who is discharging or depositing sewage, storm water, cooling water or uncontaminated water to a sewage works shall provide written notice of any change in the information in the reports required under Sections 7.1 or 7.2 and such notice shall include details of the nature of the change of the discharge and its potential effect on the municipal sewage works into which it is being discharged or deposited.

## **Part 8 – Extra-Strength Surcharge Agreements**

### **8.1 Sewage service - rates**

Subject to sections 8.2 through 8.10 the discharge or deposit of sewage that would otherwise be prohibited by this By-law may be permitted into or in any connection to any sanitary sewer or combined sewer in accordance with an Extra Strength Surcharge Agreement under such conditions, including payment of additional sewage service rates or other charges as may be deemed necessary by the Operating Authority to compensate for any additional costs of operation, repair, and maintenance of the sewage works.

### **8.2 Allowable Parameters**

An Extra Strength Surcharge Agreement may only be made for discharge of the following treatable parameters in sewage: suspended solids, biochemical oxygen demand, total kjeldahl nitrogen and total phosphorus.

(By-law 2008-192; By-law 2012-40)

### **8.3 Allowable Parameters - calculation**

Biochemical oxygen demand, total suspended solids and total phosphorus concentrations shall be determined as follows:

- a) No less than two composite samples shall be collected in accordance with section 10.6 of this By-law by Operating Authority staff or, upon written approval from the Operating Authority, by an alternate person.
- b) Laboratory analysis of the collected samples shall be done in accordance with section 10.6 of this By-law.
- c) The average concentration of all composite samples taken over the specified two (2) month period will be used in calculating the surcharge; or, by any other method as approved in writing by the Operating Authority.
- d) Data supplied by the Owner or occupant of the industrial, commercial or institutional premises named in the Extra Strength Surcharge Agreement, where the sampling and analytical methods meet the protocol stated or referenced in Section 10 of this By-law.

### **8.4 Surcharge rates**

Extra strength surcharge rates shall be those established in Schedule C to this By-law or in the Miscellaneous Charges and Appliance Rental Rates By-law as amended from time to time.

### **8.5 Extra strength surcharge agreement**

An Extra Strength Surcharge Agreement shall be generally in the form designated by the Operating Authority from time to time and the Operating Authority is hereby authorised to execute such agreement on behalf of the City under authority of this By-law. The Operating Authority may terminate an Extra Strength Surcharge Agreement at any time in the event that the industry fails or neglects to carry out the conditions of the approved Agreement and the termination will be effective within 30 days of a written notice of termination. An Extra Strength Surcharge Agreement may be terminated by the Operating Authority by written notice at any time where there is an emergency situation or immediate threat or danger to any

person, property, plant or animal life, waters or the sewage works and the termination will be effective immediately.

### **8.6 Deemed Compliant**

A person who has entered into an Extra Strength Surcharge Agreement shall be deemed not to have contravened the provisions of Section 4 of this By-law with respect to those parameters specified in the agreement provided that all of the terms and conditions of the Extra Strength Surcharge Agreement are complied with, but in all other respects, this By-law shall continue to apply to the person's waste.

### **8.7 Sewage Service rates - lien**

In accordance with subsection 221(27) of the Municipal Act, the sewage service rate and the extra strength sewage surcharge rate imposed under this Section is a lien and charge upon the land against which it is assessed and if any Owner and/or occupant of the land fails to pay the said rate on or before the due date, the amount unpaid may be collected by distress upon the goods and chattels of such Owner and/or occupant, or by action in any competent court and shall be charged against the property and collectable in the same way, as nearly as may be, as municipal taxes are collectable.

## **Part 9 – Compliance Program**

### **9.1 Non compliance period**

An Owner may submit to the Operating Authority a proposed Compliance Program as set out in Section 9.2 through 9.10 for the discharge of a non-complying effluent during the period of investigation, planning, design, construction or installation of facilities to eliminate the non-compliance, only if, in the opinion of the Operating Authority, there are no other options to eliminate the non-complying discharge.

### **9.2 Proposed compliance program**

An Owner may submit to the Operating Authority a proposed Compliance Program to prevent or to reduce and control the discharge or deposit of sewage, storm water or uncontaminated water into a sewer lateral, storm sewer lateral, sanitary sewer, combined sewer or storm sewer from the premises.

### **9.3 Compliance program - approval**

Upon receipt of a proposed Compliance Program the Operating Authority may issue written approval for such Compliance Program in accordance with guidelines adopted by the Operating Authority as amended from time to time. Every approved Compliance Program shall be for a specified length of time during which the facilities are to be installed and shall be specific as to the remedial actions to be implemented, the dates of commencement and completion, and the materials or other characteristics of the sewage, uncontaminated water or storm water to which it relates.

### **9.4 Compliance program – progress report**

An Owner to whom an approved Compliance Program has been issued shall submit to the Operating Authority a Compliance Program progress report within 14 days after the scheduled completion date for each activity listed in the approved Compliance Program.

### **9.5 Deemed Compliant**

An Owner to whom an approved Compliance Program has been issued shall be deemed not to have contravened the provisions of Sections 4 or 5 above for the discharge or deposit of any matter specified in

the approved Compliance Program during the period within which the approved Compliance Program is in effect and provided the approved Compliance Program is being fully complied with.

#### **9.6 Sewage Service – rates**

The Operating Authority may levy an extra strength sewage service rate as described in Section 8 for non-complying wastes specified in the approved Compliance Program during the period within which the approved Compliance Program is applicable.

#### **9.7 Self Monitoring - provisions**

The Operating Authority may require the person to self-monitor for such parameters as specified in the approved Compliance Program for the duration in which the approved Compliance Program is applicable.

#### **9.8 Self Monitoring - costs**

All costs associated with self monitoring shall be the responsibility of the person to whom the approved Compliance Program is issued.

#### **9.9 Compliance Programs - termination**

The Operating Authority may terminate a Compliance Program at any time in the event that the person issued approval for the Compliance Program fails or neglects to carry out or diligently pursue the activities required of it under its approved Compliance Program, and the termination will be effective within 30 days of a written notice of termination whereupon the Owner will be deemed to be in contravention of Sections 4 and/or 5 of this By-law.

#### **9.10 Compliance Programs - emergency**

An approved Compliance Program may be terminated by the Operating Authority by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, waters or the sewage works, and the termination will be effective immediately.

### **Part 10 – Sampling and Analysis**

#### **10.1 Access for Sampling - required**

The Owner or occupant of industrial, commercial or institutional premises with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable maintenance access hole to allow observation, sampling and measurement of the flow of sewage, uncontaminated water or storm water therein, provided that where installation of a maintenance access hole is not possible, an alternative device or facility may be substituted with the written approval of the Operating Authority.

#### **10.2 Access for Sampling - location**

The maintenance access hole or alternative device shall be located on the property of the premises, as close to the property line as possible, unless the Operating Authority has issued written approval for an alternate location.

#### **10.3 Access for Sampling - standards**

Each maintenance access hole, device or facility installed as required by subsection 10.1 shall be designed and constructed in accordance with good engineering practice and the requirements of the municipal

standard, as established by the City from time to time, and shall be constructed and maintained by the Owner or occupant of the premises at his expense.

#### **10.4 Access - unrestricted**

The Owner or occupant of the commercial, institutional or industrial premises shall at all times ensure that every maintenance access hole, alternative device or facility installed as required by subsection 10.1 is accessible to the Operating Authority for purposes of maintaining, observing, sampling and flow measurement of the sewage, uncontaminated water or storm water therein.

#### **10.5 Sampling – standards**

The sampling and analysis required by this By-law shall be carried out in accordance with the procedures, modified or unmodified, as described in Standard Methods or the "Guidance Document for the Sampling and Analysis of Wastewater for the 1999 Model Sewer Use By-law", or the current United States Environmental Protection Agency methods.

#### **10.6 Compliance Programs - emergency**

Compliance or non-compliance with this By-law may be determined by the analysis of a grab sample or a composite sample done in accordance with Standard Methods and may contain additives for its preservation and may be collected manually or by using an automatic sampling device.

### **Part 11 – Spills**

#### **11.1 Notification**

In the event of a spill to a sewage works, the person responsible and/or the person having the charge, management and control of the spill shall immediately notify the Ontario Spills Action Centre, the City and the Operating Authority and provide the following information:

- a. Company name and address and location of the spill;
- b. Date, time and duration of the spill event;
- c. Complete description of the spill, including type and volume of material discharged and any associated hazards as would be outlined on a material safety data sheet;
- d. A copy of the MSDS for the spilled material if available;
- e. Details of clean up actions that have been initiated including actions taken to prevent the material from leaving the property, and the name(s) of any contractors that may be on site assisting with clean up.
- f. If spilled material is being vacuumed or captured by another method, the destination of the captured material
- g. Agencies notified of the spill and corresponding notification times;
- h. Name and phone number of the person reporting the spill and location where that person can be reached;
- i. Name and phone number of the person in charge of cleaning up the spill and location where that person can be reached.

### **11.2 Reporting - requirement**

The person reporting the spill shall provide a written report containing the above information with respect to the spill to be received by the Operating Authority within 5 days after the spill. The written report shall also include the following:

- a. Detailed description of clean-up procedures on or off the property including dates, times and a list of the names of any contracted assistance utilised during the clean up;
- b. Weather conditions at the time of the spill and clean-up;
- c. Corrective actions to prevent a similar occurrence in the future.

### **11.3 Corrective Action**

The person responsible for the spill and / or the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue and restore the affected area to its condition prior to the spill.

### **11.4 Costs**

All costs incurred by the City as a result of such discharge shall be borne by the person responsible for the spill.

## **Part 12 – Garbage Grinders**

### **12.1 Garbage Grinders - prohibited**

No person shall install any garbage-grinding device for industrial, institutional, commercial or residential purposes, the effluent from which will discharge directly or indirectly into the sewage works.

### **12.2 Garbage Grinders Replacement - prohibited**

No person shall replace any existing garbage grinding devices for industrial, commercial or residential purposes installed prior to the passage of this by-law.

### **12.3 Garbage Grinders – non-conforming**

Garbage grinding devices installed prior to the passing of this by-law for industrial, commercial or residential purposes, the effluent from which will discharge directly or indirectly into the sewage works can remain in operation under the following conditions:

- a. The Owner or occupant of the garbage grinding device has a permit issued by the Plumbing Inspector of the City of Kingston at the time the garbage grinding device was originally installed, if a permit was required at the time of original installation;
- b. The quantity of waste to be processed does not have an adverse effect on the sewage works;
- c. In the event that accumulations of solid wastes are detected in a sewer and such accumulations are being caused by the operation of a garbage grinding device:
  1. The sewer shall be cleaned at the expense of the Owner of the establishment or residence operating the garbage grinder; and
  2. The Owner of the garbage grinder shall be required to make such improvements to the operation or maintenance of the garbage grinder as the City deems necessary in order to



prevent further accumulations;

3. The Owner of the garbage grinder may be required by the Operating Authority to discontinue the use of the garbage grinder.

## **Part 13 – Grease/Sediment Interceptors**

### **13.1 Interceptors for oil and grease - required**

Every Owner or occupant of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, which premises is connected directly or indirectly to a sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sewer and, without limiting its generality, shall install, operate and properly maintain a grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer.

### **13.2 Interceptors for oil and lubricating grease - required**

Every Owner or occupant of a commercial, industrial or institutional premises at which floor drains of a service garage are connected directly or indirectly to a sewer shall install and maintain an oil interceptor designed to prevent motor oil and lubricating grease from passing into drainage piping which is connected directly or indirectly to a sewer.

### **13.3 Interceptors for sediment - required**

Every Owner or occupant of a commercial, industrial or institutional premises from which sediment may directly or indirectly enter a sewer, including, but not limited to premises using ramp drains or area drains, and car and vehicle washing establishments shall take all necessary measures to ensure that such sediment is prevented from entering the sewer.

(By-Law 2008-192; By-Law 2013-105)

### **13.4 Interceptors – maintenance and inspection required**

Every grease interceptor and sediment interceptor shall be installed, operated and maintained in accordance with the manufacturer's instructions, and shall be inspected and cleaned frequently to ensure that it is operating effectively.

(By-Law 2008-192; By-Law 2013-105)

### **13.5 Interceptors – records required**

Owners or occupants of premises having grease or sediment interceptors shall keep a record of interceptor maintenance including the date(s) on which cleaning / maintenance occurred, the person or contractor responsible, and the method and destination of waste disposal, and upon request these records shall be made available to the City.

(By-Law 2008-192; By-Law 2013-105)

## **Part 14 – Inspection and access to property**

### **14.1 Inspection powers**

The Operating Authority or any person designated by it as inspector for purposes of this by-law may, at reasonable times enter onto any land on which the City supplies sewer services for the following purposes:

- a) to inspect, repair, alter, or disconnect the sewer lateral or storm sewer lateral, machinery, equipment and other works used to supply sewer services to the building or land;
- b) to inspect, install, repair, replace or alter any related metering equipment;
- c) to inspect the discharge of any matter into the sewage system of the City or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests, measure flow and take samples for this purpose; or
- d) to investigate or determine if this by-law, an order, or condition to any permit or agreement is being complied with.

#### **14.2 Reduce supply of water**

For the purpose of carrying out an installation, inspection, repair, disconnection or other work the City may shut off or reduce the supply of water to any building or land.

#### **14.3 Access to dwellings**

An inspector shall not enter a place being used as a dwelling unless:

- a) the consent of the occupier is first obtained, ensuring the occupier is first advised that entry may be denied and in such circumstance, entry can only occur thereafter under authority of a warrant;
- b) a warrant under section 158 of the Provincial Offences Act is obtained;
- c) the delay necessary to obtain a warrant or the consent of the occupier would result in the immediate danger to the health or safety of any person; or
- d) the entry is for the purpose of section 4.1 and the notice provisions of this by-law have been complied with.

#### **14.4 Entry on land – notice requirements**

Whenever an inspector exercises a power of entry pursuant to this By-law, the inspector shall:

- a) provide reasonable notice of the proposed entry to the occupier of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place for three consecutive days prior to entry;
- b) where the proposed entry is an inspection to determine compliance with this By-law the inspector must provide reasonable notice by means of personal service only;
- c) in so far as is practicable, restore the land to its original condition where any damage is caused by the inspection; and
- d) provide compensation for any damage caused and not remedied.

#### **14.5 City expenses**

All costs incurred by the City to perform work required by this by-law shall be charged to the Owner of the property where such work is performed and shall be collected according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The City shall not be held responsible for the cost of restoration.

#### **14.6 Access – industrial-commercial property**

The Operating Authority or any person designated by it as inspector for purposes of this by-law may upon production of his or her identification enter any industrial or commercial building or land on which the City supplies sewer services for the following purposes:

- a) to inspect, repair, alter, or disconnect the sewer lateral or storm sewer lateral, machinery, equipment and other works used to supply sewer services to the building or land;
- b) to inspect, install, repair, replace or alter any related metering equipment;
- c) to inspect the discharge of any matter into the sewage system of the City or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests, measure flow and take samples for this purpose; or
- d) to investigate or determine if this by-law, an order, or condition to any permit or agreement is being complied with.

### **Part 15 – Damage to Sewage Works**

#### **15.1 Liability for Damage – Failure to Comply with By-Law**

**Any person discharging matter, sewage, uncontaminated water, or storm water to the municipal sewage works shall be responsible for ensuring that such matter, sewage, uncontaminated water, or storm water conforms at all times to the provisions of this by-law, and shall be liable for any damage or expense arising out of any failure to properly check and control such discharge, including the cost of investigating, repairing, cleaning or replacing any part of any municipal sewage works damaged thereby.**

#### **15.2 Liability for Damage – Meters**

**Every person who damages or causes or permits to be damaged any meter, sewer lateral, conduit, wire, rod or fitting belonging to the City or impairs or causes or permits the same to be altered or impaired, so that the meter indicates less than the actual amount of the material that passes through it, shall be liable for any damage or expense arising out of any such damage, including the cost of investigating, repairing, cleaning or replacing any part of any municipal sewage works damaged thereby.**

## **Part 16 – Application, Administration and Enforcement**

### **16.1 Application**

This By-law shall apply to all sewers, including combined, sanitary and storm sewers, sewage works, and any connections thereto which directly or indirectly enter into such sewers or sewage works, which are publicly or privately owned or operated and are located within the boundaries of the City.

### **16.2 Exception**

*This By-law does not apply to the discharge of any matter or sewage, in an emergency, as determined by and approved by the Medical Officer of Health in the exercise of their authority under the Health Protection and Promotion Act, R.S.O. 1990. c.H.7, as amended.*

### **16.3 Administration and Enforcement**

*This By-law shall be administered and enforced by the Operating Authority and any Municipal By-Law Enforcement Officers of the City appointed for this purpose.*

*(By-Law 2008-192; By-Law 2013-105)*

## **Part 17- Offence and Penalty Provisions**

### **17.1 Prohibitions under this By-Law**

No person shall:

- a) contravene any provision of this By-law or agreement or any order or notice issued pursuant to this By-law;
- b) hinder or interrupt, or cause or procure to be hindered or interrupted, the corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-law.
- c) Discharge or permit to be discharged anything other than sewage into a sanitary sewer;
- d) Discharge or permit to be discharged anything other than sewage into a combined sewer;
- e) Deposit or discharge any injurious or offensive matter into the sewage that is not in compliance with this By-law or objects or material that will impede or obstruct the collection or flow of sewage in the sewers; or
- f) Alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered.

## **17.2 Designation – Continuing Offence**

Every person who contravenes any provision of Part 4, Part 5, or Part 6 of this By-law is guilty of an offence, and all such offences are designated as continuing amended from time to time.

## **17.3 Penalty – Continuing Offence**

Every person who is convicted of an offence under any provision of Part 4, Part 5, or Part 6 of this by-law is liable, for each day or part of a day that offence continues, to a fine of not more than \$10,000.00 per day, as provided for in subsection 429(3) of the Municipal Act, 2001 as amended from time to time.

## **17.4 Penalty – Person**

Despite subsection 17.2 and 17.3 every person who contravenes any provision of any other section of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.00 for a first offence and \$25,000.00 for any subsequent offence, as provided for in subsection 429(2) (c) of the Municipal Act, 2001 as amended from time to time

## **17.5 Penalty – Corporation**

Despite subsection 17.2, 17.3 and 17.4, every corporation that contravenes any other section of this By-law and every officer or director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.00 for a first offence and \$100,000.00 for any subsequent offence, as provided for in subsections 425(3) and 429(2) (a) of the Municipal Act, 2001 as amended from time to time.

## **17.6 Prohibition Order**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence, and such order shall be in addition to any other penalty imposed on the person convicted.

(By-law 2008-192; By-law 2013-105)

## **18 - Validity**

In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be determined to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

(By-law 2008-192; By-law 2013-105)

## **19 - Commencement**

This By-Law shall come into force and take effect on the date of its passing.

(By-law 2008-192; By-law 2013-105)

## SCHEDULE A

### Limits for Sanitary and Combined Sewer Discharge

Parameter	limit (mg/l)
BOD	300
1,1,2,2 - Tetrachloroethane	0.9
1,2 - Dichlorobenzene	0.05
1,4 - Dichlorobenzene	0.08
Aldrin / Dieldrin	0.0002
Aluminum	50
Antimony	5
Arsenic (total)	1
Benzene	0.01
Cadmium (total)	0.2
Chloroform	0.04
Chromium (total)	0.5
Cis- 1,2 dichloroethylene	0.4
Cobalt (total)	5
Copper (total)	2
Cyanide	2
Ethylbenzene	0.06
Fluoride	10
Formaldehyde	0.4
Hexachlorobenzene	0.0001
Lead (total)	1
Manganese	5
Mercury	0.1
Methyl Ethyl Ketone	8
Methylene chloride	0.21
Molybdenum (total)	5
Nickel (total)	2
Nonylphenol ethoxylates	0.2
Nonylphenols	0.02
Oil and Grease (animal and veg.)	150
Oil and Grease (mineral and synthetic)	15
PCB's	0.001
Phenolics	1
Selenium (total)	1
Silver (total)	5
Styrene	0.04
Sulphates	1500
Sulphides	2
Tetrachloroethylene	0.5
Tin	5
Titanium	5
TKN	100
Toluene	0.016
Total PAH's	0.005
TP	10
Trans- 1,3 - dechloropropylene	0.14
Trichloroethylene	0.07
TSS	350
Vinyl Chloride	0.04
Xylenes (Total)	0.94
Zinc (total)	2

## SCHEDULE B

### Limits for Storm Sewer Discharge

Parameter	limit (mg/l)
BOD	15
1,1,2,2 - Tetrachloroethane	0.017
1,2 - Dichlorobenzene	0.005
1,4 - Dichlorobenzene	0.008
Aldrin / Dieldrin	0.00008
Arsenic (total)	0.02
Benzene	0.002
Cadmium (total)	0.008
Chloroform	0.002
Chromium (total)	0.08
Cis- 1,2 dichloroethylene	0.006
Copper (total)	0.04
Cyanide	0.02
Ethylbenzene	0.002
Hexachlorobenzene	0.00004
Lead (total)	0.12
Manganese	0.05
Mercury	0.0004
Methylene chloride	0.006
Nickel (total)	0.08
Nonylphenol ethoxylates	0.01
Nonylphenols	0.001
PCB's	0.0004
Phenolics	0.008
Selenium (total)	0.02
Silver (total)	0.12
Tetrachloroethylene	0.004
Toluene	0.002
Total PAH's	0.002
TP	0.4
Trans- 1,3 - dechloropropylene	0.006
Trichloroethylene	0.007
TSS	15
Xylenes (Total)	0.004
Zinc (total)	0.04

**Schedule C – Extra Strength Sewer Surcharge Fee Structure**

1. The following fees are applicable to Extra Strength Surcharge Agreements as permitted under Part 8 of the Sewer Use By-law. The rates are derived from operating and maintenance costs at the waste water treatment facilities and pollutant removal efficiencies.

<b>Surcharge Parameter</b>	<b>Surcharge (\$/kg exceeding by-law limit)</b>
Biochemical Oxygen Demand (BOD)	\$0.50
Total Suspended Solids (TSS)	\$0.40
Total Phosphorus (TP)	\$6.00
Total Kjeldahl Nitrogen (TKN)	\$4.00

Sampling and Analytical fee .....\$200.00/sample

2. Notwithstanding Clause 1) of Schedule C, the following fees are applicable to any Extra Strength Surcharge Agreements as permitted by Section 8 of the Sewer Use By-law for the following use:

- a) Primary Manufacturing - Food Processing

“Primary Manufacturing - Food Processing” means the use of lands, buildings or structures where dairy products, food products and agricultural products, including meat and poultry products, are altered, washed, cleaned, dusted, waxed, or otherwise processed, prepared or packaged for human consumption but are not consumed on the premises and from which such products are shipped to a wholesale or retail outlet. A Food Processing Plant shall not include an abattoir.

<b>Surcharge Parameter</b>	<b>Surcharge (\$/kg exceeding by-law limit)</b>
Biochemical Oxygen Demand (BOD)	\$0.075
Total Suspended Solids (TSS)	\$0.06
Total Phosphorus (TP)	\$0.90
Total Kjeldahl Nitrogen (TKN)	\$0.60

Sampling and Analytical fee .....\$200.00/sample”

(By-law 2008-192; By-law 2012-40)