

**THE CORPORATION OF
THE TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 2758-94

**A BY-LAW TO REGULATE SANITARY AND
STORM DRAINAGE IN THE TOWN OF NIAGARA-
ON-THE-LAKE.**

THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

PART I INTERPRETATION

General

- 101.01** **"Building Drain"** means sanitary "building drain" or "storm building drain".
- "Sanitary building drain" means a building drain that conducts sewage and connects to the sanitary building sewer.
 - "Storm building drain" means a building drain that conveys storm sewage to a storm building sewer.
- 101.02** **"Building Sewer"** means "sanitary building sewer" or storm building sewer".
- **"Sanitary building sewer"** means a pipe that is connected to a sanitary building drain 1 m (3 feet 3 inches) outside a wall of a building and that conducts sewage to a public sewer or private sewage disposal system.
 - **"Storm building sewer"** means a building sewer that conveys storm sewage to a place of disposal and commences 1 m (3 feet 3 inches) from the building.
- 101.03** **"Catch Basin"** means a structure installed to collect surface water from an open area and to trap solids; the solids are trapped by means of the sump within the catch basin which has the minimum depth of 0.3 metres below the outlet pipe.

- 101.04** **"Combined Sewer"** means a sewer intended to function mainly as a sanitary sewer and with an ancillary function as a storm sewer.
- 101.05** **"Director"** means the head of the Public Works Department for the Town of Niagara-on-the-Lake and shall include his designate.
- 101.06** **"Drainage System"** means an assembly of pipes, fittings, fixtures, and appurtenances on the property that is used to convey sewage and clear water waste to a main sewer or private sewage disposal system, and includes a private sewer but does not include subsoil drainage piping or piping that carries storm sewage from areas that are not part of a building (See sanitary drainage system and storm drainage system).
- 101.07** **"Foundation Drain"** means a drain that is installed below the surface of the ground to collect and convey water from the foundation of a building.
- 101.08** **"Hard Surface Area"** means without limiting the generality of the foregoing, an area which has been surfaced with gravel, concrete pavement, asphalt pavement, emulsified asphalt surface treatment, concrete or brick paving stones, or other similar materials.
- 101.09** **"Interceptor"** means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into drainage piping.
- 101.10** **"Manhole"** means a concrete junction chamber which is a minimum of 1.2 metres in diameter with a removable cover to allow access to the sewer for inspection and maintenance.
- 101.11** **"Municipal Corporation"** means the Corporation of the Town of Niagara-on-the-Lake.
- 101.12** **"Owner"** means any person, firm or Corporation having control over any portion of any sewer, sewage works, building drain, building sewer, private drain, combined sewer, rainwater leader,

downspout, catch basin, drainage piping, foundation drain, interceptor, sanitary sewer, storm drainage or storm sewer.

101.13 **"Private Drain Connection"** means that part of the drainage system which connects a building sewer to a main sewer and is situated within the limits of the regional or area municipal road allowance or easement (whether registered, prescriptive or other) and "sanitary private drain connection" means a private drain connection to carry sewage but no rain or surface water; and "storm water private drain connection" means a private drain connection to carry rain, ground or surface water and uncontaminated water but no sewage or other waste.

101.14 **"Rain Water Leader" or "Leader"** means a pipe that is installed to carry storm water from a roof to a storm building drain or sewer or other place for disposal.

101.15 **"Regional Corporation"** means The Regional Municipality of Niagara.

101.16 **"Regional Sewer or Regional Sewage Works or Regional Storm Sewer"** means respectively a sewer, sewage works, or storm sewer, under the control of the Regional Corporation.

101.17 **"Sanitary Sewer"** means a sewer that conducts sewage.

101.18 **"Sewage"** means sanitary sewage or storm sewage.

- **"Sanitary sewage"** means liquid or water borne waste (a) of industrial or commercial origin, or (b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- **"Storm sewage"** means water that is discharged from a surface as a result of rainfall, snow melt or snowfall.

101.19 **"Sewage Works"** includes all sewers, sewer systems, sewage pumping stations, water pollution control plants and all other works for the collection, acceptance, transmission, treatment or disposal of sewage.

- 101.20** "Sewer" includes the sanitary, combined or storm sewer on a regional or area municipal road allowance or easement (whether registered or prescriptive or other).
- 101.21** "Storm Drainage Piping" means all the connected piping that conveys storm water to a place of disposal and includes the storm building drain, storm building sewer, rain water leader and area drain installed to collect surface water from the area of a building and the piping that drains water from a swimming pool or from water cooled air conditioning equipment, but does not include (a) a main storm sewer, (b) an area drain, or (c) a subsoil drainage pipe.
- 101.22** "Storm Sewer" means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse.
- 101.23** "Storm Water" means water from rainfall or other natural precipitation or from the melting of snow or ice, and such ground and surface water.
- 101.24** "Water Pollution Control Plant" shall mean any arrangement of devices and structures used for treating sewage.
- 101.25** "Watercourse" means an open channel or ditch in which a flow of storm water occurs either continuously or intermittently, including other natural depressions or watercourses draining into any such open channel or ditch whether connected to a storm sewer or not.

PART II DRAINAGE PIPING CONSTRUCTION

General Standards and Procedure for Sewer Works

- 201.01** All plumbing and drainage piping installations or alterations on private property are subject to the provisions of the Ontario Building Code.

- 201.02** No contractor or owner shall undertake any excavation, pipe installation or connection to an existing municipal sewer located within a road allowance or on a municipal easement, unless with the express permission of the Director and directly under the supervision of the Director. Should the contractor be permitted to carry out drainage piping work within a road allowance, no work shall commence until such time as a clearance from the Worker's Compensation Board stating that the contractor is in good standing, together with liability insurance. A municipal permit, including the deposit for restoration and inspection, must be deposited with the Municipal Corporation to the satisfaction of the Director.
- 201.03** Where trenching or excavation will be undertaken for drainage piping, such work shall be in compliance with The Occupational Health and Safety Act.
- 201.04** All residential, commercial, industrial and institutional buildings shall be serviced with separated storm and sanitary drainage systems even though the Municipal Collection System is a combined system. The separate drainage piping shall be continued from the building directly to the main sewer.
- 201.05** The construction of new combined sewers is expressly prohibited.
- 201.06** Storm and sanitary private drain connections to the municipal main sewer(s) shall be made by the Municipal Public Works Department, or by the Contractor working directly under the supervision and inspection of the Public Works Department in accordance with current municipal standards.
- 201.07** The installation of storm and sanitary building sewers in a common trench will only be permitted where both the storm and sanitary building sewer are installed at the same elevation, or where approved by the Plumbing Inspector and installed in

accordance with the Ontario Building Code and sound construction practice.

- 201.08** It shall be the responsibility of the person installing the sewer to make connection to the correct sewerage system (sanitary and storm) in accordance with the provisions of this by-law.

Verification of the type of private drain connection at the property line can be obtained from the Director of Planning and Development Services.

- 201.09** Construction of the building sewer shall not be commenced until the main sewer is operative and the private drain connection has been installed by the Municipal Corporation or its contractor to the property line.

- 201.10** Where building demolition is undertaken, the owner shall block off the existing building sewers at the property (street) line or main, as determined by the Director, by means of suitable capping before commencement of demolition work.

- 201.11** Any underground drainage pipe or sewer pipe encountered during excavation or earth boring shall be reported to the Plumbing Inspector or Director.

- 201.12** A building sewer must not cross a lot or property line without a registered agreement or easement.

Town Services and Fees

- 202.01** The installation fee for new private drain connections, the replacement of drainage piping between the main sewer and the property (street) line, and the cleaning of drainage piping shall be in accordance with the schedule of fees and installation regulation as the Council of the Municipal Corporation may from time to time determine.

- 202.02** The Public Works Department will provide a service of cleaning blocked private drain connections and building sewers upon the request of the property owner. Such applications must be made

to the Public Works Department and such service shall be provided in accordance with adopted regulations, policies and procedures and as the Council may from time to time determine.

- 202.03** The Municipal Corporation reserves the right to refuse the service of cleaning private drain connections and building sewers where such piping has been subjected to continuous blockage over a period of years, and the property owner has been notified in writing that the private drains and building sewers are inadequate and must be replaced in their entirety and the property owner has failed to undertake such replacement.

Sanitary Drainage Piping and Connections to Sewer Mains

- 203.01** A separate sanitary building sewer and a separate sanitary private drain connection shall be provided for each building. For the purpose of this by-law, a "building" also includes one-half of a semi-detached dwelling or a single unit of a street townhouse.
- The Town may accept alternative connections when deemed appropriate.
- 203.02** The direct connection and discharge of roof water into the municipal sanitary or combined sewer system is expressly prohibited.
- 203.03** Any storm water collected within the excavation or in the completed basement of a building under construction shall be drained, or pumped if gravity drainage cannot be obtained, to the storm sewer or roadside ditch. The termination of a sanitary private drain connection or sanitary building sewer must be sealed with an approved cap.

- 203.04** Where sanitary sewers have been installed on a street and abut existing residential dwellings and other buildings, the property owners shall connect to the completed sanitary sewer within a 12-month period from the date of public notice inserted in the local paper, or notification by letter from the Director of Planning and Development Services.
- 203.05** Where specific health hazards exist with an existing private sewage disposal system, the property owner shall connect all sanitary facilities within an existing building, upon receipt of registered notice from the Director of Planning and Development Services and/or the Medical Officer of Health.
- 203.06** Where a building connected to a private sewage disposal system is subsequently connected to the municipal sewage system, the septic tank or cesspool shall be pumped and the effluent removed and the tank or cesspool filled with clean fill within 10 days of the connection to the sanitary sewer.
- 203.07** The sizing of building sewers shall be in accordance with the Plumbing Regulations under The Ontario Building Code, or such Ontario Regulations as may from time to time apply.
- 203.08** All commercial, industrial and institutional buildings shall be provided with an approved grease and oil interceptor where there is or is likely to be discharged into the municipal sewage system any oil or grease contrary to the Regional Corporation Sewer By-law No. 3308-83 or the latest revision thereof. Such an interceptor shall be of adequate size, be so located as to be readily accessible for inspection and cleaning, and shall be kept in proper working order by the owner or operator of the establishment.

- 203.09** The owner of commercial or industrial premises with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable manhole at the property (street) line to allow observation, sampling and measurement of the flow of sewage therein. Where the installation of a manhole is not possible, an alternative device or facility may be substituted with the approval of the Director.
- 203.10** Every manhole device or facility installed as required by Section 203.09 shall be designed and constructed in accordance with good engineering practice and the requirements of the Municipal Corporation, and shall be constructed and maintained on the lands of the owner or occupant of the premises at the owner's expense.
- 203.11** The owner of commercial or industrial premises shall at all times ensure that every manhole, device or facility installed as required by Section 203.09 of this By-law, is accessible for the purpose of observing, sampling, and measuring the flow of sewage therein.
- 203.12** Where the sanitary sewer is used contrary to the Regional Corporation Sewer By-law 3308-83 or this by-law, the Director may at any time, subject to written notice, disconnect or cause to be disconnected, any building sewer or private drain connection from a municipal sewer or any sewer system tributary thereto, and no sewer so disconnected shall be subsequently reconnected, except with the written consent of the Director.
- 203.13** No person shall remove or tamper with any manhole cover or any other opening into any municipal sewage works without the express approval of the Director.
- 203.14** No person shall discharge or permit to be discharged into any sewer or sewer system, any matter or quantity of matters which may be harmful to or may become harmful to such sewage works, or which may interfere with their proper operation, or

which may impair or interfere with any sewage treatment process, or which may obstruct or may tend to obstruct any sewer, or which may be or may become a hazard to persons, property or animals, or which without limiting the generality of the foregoing, may be contrary to or prohibited by the Regional Corporation Sewer Use By-law No. 3308-83, as amended from time to time.

203.15 The elevation of the basement floor in a building and the building drain shall have consideration for the depth of the private drain connection available at the property line and the building in accordance with slopes or fall required under the Ontario Building Code or such Ontario Regulations as may from time to time apply.

203.16 Where the municipal sanitary sewer system and the private drain connections thereto are not at sufficient depth to permit a gravity connection at the depth proposed for the basement construction, the owner shall install and maintain suitable sewage ejectors at his own cost.

203.17 The drainage of foundation drains or weeping tile systems around any building foundations draining into the sanitary or combined sewer systems are prohibited, with the exception of those connections constructed or approved prior to the passage of any by-law restricting such connections.

203.18 When an existing building is being substantially renovated, or an existing building is demolished and the property owner proposes to utilize the existing sanitary drainage piping to serve a new building, the owner or his building contractor must secure the approval of the Director of Planning and Development Services to so do. Approval for the continuing use of the drainage piping will be subject to an inspection to ensure that the piping is in satisfactory condition and that it will properly serve the new

building during its lifetime. The use of existing rain water leader or foundation drain connections to the sanitary or combined sewer is prohibited unless otherwise approved by the Director.

203.19 Where a municipal sanitary sewer system is not available, the provision of sanitary facilities by means of a septic tank or similar type of disposal unit shall be subject to the applicable statutes and by-laws, and will be subject to the approval of the Niagara Regional Health Unit.

203.20 If a municipal sanitary sewer is not available, the Council of the Municipal Corporation, may, at its discretion, require the construction of a sanitary sewer along the street from a point three (3) metres inside the prolongation of the property boundary to the closest available public sanitary sewer at the owner's expense before authorizing issuance of a building permit.

203.21 The Owner of a building shall be responsible for maintaining the building sewer on his property and for assuring the proper functioning of the said sewers. Further, the owner shall not permit, cause or make improper discharges of any sewage other than to a properly functioning and approved sanitary sewer.

Storm Drainage Connections

204.01 All the necessary storm drainage piping must be provided to accommodate roof water for all buildings and no person shall construct or permit to be constructed or maintain or permit to be maintained, a rain water leader that discharges below the ground or at a point not directed away from the foundation wall of a building, unless otherwise approved by the Director of Planning and Development Services.

- 204.02** No person shall construct or permit to be constructed a foundation drain that discharges below the ground or at a point not directed away from the foundation wall of a building unless otherwise approved by the Director of Planning and Development Services.
- 204.03** All storm drainage piping and foundation drains connected to a storm sewer or approved prior to the passage of this By-law shall not be subject to the provisions of Sections 204.01 and 204.02.
- 204.04** All the necessary storm water drainage piping and storm water private drain connections must be provided to accommodate storm water drainage from hard surfaced areas (parking, roadways, etc.) ancillary to all industrial, commercial, institutional and multiple housing dwellings to an existing storm sewer, unless otherwise approved by the Director.
- 204.05** If a municipal storm sewer is not available, the Council of the Municipal Corporation may, at its discretion, require the construction of a storm sewer along the street from a point three (3) metres inside the prolongation of the property boundary to the closest available outlet at the owner's cost before authorizing the issuance of a building permit.
- 204.06** All drainage schemes and drainage system construction shall be constructed in accordance with the Ontario Provincial Standards (O.P.S.) and current Municipal Standard.
- 204.07** Where the storm drainage system must be connected to an existing municipal storm sewer, or ditch, the Director may require that the connection shall be controlled to prevent surcharging within the combined sewer or ditch. In the event that such controls are required, a design must be prepared by a Professional Engineer, registered with The Association of Professional Engineers of the Province of Ontario, indicating the

methods of controlling the flow and indicating that adequate area exists on site to provide storage of the excess storm drainage.

204.08 A lot drainage plan in duplicate shall be submitted with each application for a building permit for all buildings, unless in the opinion of the Director of Planning and Development Services, such construction will not create a drainage problem on the lands being constructed on, and/or abutting properties. The drainage plan shall indicate the proposed drainage scheme including existing and finished grade elevations, size and location of drainage structures and piping, if required, to ensure proper discharge of storm water. The owner shall ensure that construction shall conform to the approved lot drainage plan.

204.09 All new developments will collect all storm water runoff, including foundation drains, on their property and channel flow to an adequate outlet as approved by the Director.

PART III USE OF SEWERS

Regional and Provincial Provisions

301.01 The use of sewers shall conform to the Regional Corporation Sewer Use By-law No. 3308-83 as amended from time to time.

301.02 This By-law shall not prohibit the discharge of sewage expressly permitted by an agreement, between the person and the Ontario Ministry of the Environment, existing at the time this By-law comes into force.

Notification of Detrimental Discharge

301.03 A person, firm or Corporation responsible for any discharge to a sewage system which may be considered hazardous to persons, property or animals, or any discharge which may be considered detrimental to the efficient operation, or safety of the treatment systems of the municipality or personnel, shall immediately notify the Municipal Corporation.

- 301.04** All costs incurred by the Municipal Corporation as a result of such detrimental discharge specified in Section 301.03 shall be borne by the responsible person, firm or Corporation.

PART IV OFFENSES AND PENALTIES

Subject to Provincial Offenses Act

- 401.01** Any fine imposed or offence created by this by-law is subject to the provisions of the Provincial Offenses Act.

Penalties for Non-Compliance

- 402.01** Any person who contravenes any of the provisions of the sections or subsections of this by-law set out in Column 1 of Schedule A of this by-law and wishes to make a voluntary payment pursuant to the by-law, may pay the amount set out in Column 2 of the said schedule, such amount to be payable in lawful money of Canada, and all such penalties are exclusive of costs.
- 402.02** Any person who contravenes any of the provisions of this by-law for which a penalty for the contravention thereof has not otherwise been provided, is liable upon conviction thereof to a fine not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000) for the first conviction, and not less than one thousand dollars (\$1,000) and not more than three thousand dollars (\$3,000) for the second offence.

PART V APPLICATION, ADMINISTRATION AND ENFORCEMENT

Enforcement

- 501.01** This by-law shall be enforced by the Director and the Director of Planning and Development and by any officer appointed for the enforcing or carrying out of the provisions of this by-law.

- 501.02** The Director and Director of Planning and Development, or his designate, pursuant to applicable legislation shall have the right, at all reasonable times, to enter any premises for purposes of inspecting and making tests to ascertain if the provisions of this by-law are being complied with.

Application of By-law

- 502.01** Nothing in this by-law shall be construed as to purport to permit anything which by the provisions of any applicable Act or Regulation is prohibited.
- 502.02** It is declared that if any section, subsection, schedule or part thereof of this by-law be declared by a court of law to be bad, illegal or ultra vires, such part or parts thereof are declared to be separate and independent and enacted as such.

Administration

- 503.01** Unless otherwise specified, the owner shall be responsible for carrying out the provisions of this by-law.

Schedules Adopted

- 504.01** The schedules referred to in this by-law shall form part of this by-law, and each entry in a column of such a schedule shall be read in conjunction with the entry or entries across there from and not otherwise.

Former By-laws Repealed

- 505.01** The following by-laws are hereby repealed:
- NIL
- and any other by-law that is found to be inconsistent with this by-law is hereby repealed in whole or in part on the passing of this by-law.

By-law Effective Date

506.1 The provisions of this by-law shall take effect on
May 9th, 1994.

READ A FIRST, SECOND AND THIRD TIME THIS 9TH DAY OF MAY, 1994.


LORD MAYOR MICHAEL M. DIETSCH


TOWN CLERK R. G. HOWSE

SCHEDULE "A"

TO BY-LAW 2758-94

Voluntary Payment of Penalty

<u>Column 1</u>	<u>Column 2</u>
Section	Amount
203.17	\$150.00
204.01	\$100.00
204.02	\$100.00
301.03	\$150.00