

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 07-47

A BY-LAW TO REGULATE THE USE OF SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTE INTO THE SEWER SYSTEM.

WHEREAS Pursuant to the Municipal Act, 2001, as amended, upper tier and lower tier municipalities have jurisdiction for systems to provide sewage services;

AND WHEREAS Pursuant to the said Municipal Act, 2001, a municipality may pass a by-law prohibiting or regulating the discharge of any matter into a sewage system;

AND WHEREAS Pursuant to the said Municipal Act, 2001, a municipality may pass by-laws imposing fees or charges for, among other things, services or activities provided or done by or on behalf of the municipality, and for the use of the municipality's property;

AND WHEREAS various recommendations have been made by the Director of Public Works and adopted by Town Council for the better regulation of sewerage and drainage;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY ENACTS AS FOLLOWS.

Part I

1. Section I – DEFINITIONS

1.1 In this By-law:

- a. "Building Drain" means the piping of gravity drainage piping in or adjacent to a building or other structure that receives the discharge and conveys it to the building sewer, and includes offsets.
- b. "Building Sewer" means that part of a drainage system outside a building that commences at a point 0.9 metres from the outer face of the wall of the building which connects the building drain to a public sewer or place of disposal of sewage, and terminates at the property line.
- c. "Catch Basin" means a drain installed to collect surface water from an open area and to trap solids; the solids shall be trapped by means of the sump within the drain which has the minimum depth of 0.3 metres below the outlet pipe.
- d. "Director of Public Works" means the head of public works for the Town of Lincoln and shall include his designate.
- e. "Drainage Piping" means all piping that conveys sanitary sewage to a place of disposal including the building drain, the building sewer, soil pipe, soil stack and waste pipe, but not a main sewer, or piping in a water pollution control plant.
- f. "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.

- g. "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.
- h. "interceptor" means a receptacle to prevent oil, grease, sand or other materials from passing into drainage piping.
- i. "Manhole" means a concrete junction chamber which is a minimum of 1.2 metres in diameter with a removable cast iron cover to allow access to the sewer for inspection and maintenance.
- j. "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 roadway, road allowance or easement (whether registered, prescriptive or other) and
  - (i) "sanitary private drain connection" means a private drain connection to carry sewage, but no rain or surface water; and
  - (ii) "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.
- k. "Rain Water Leader" or "Downspout" means a pipe inside or outside a building that conveys storm water from the roof of a building to a place for disposal.
- l. "Regional Corporation" means the Regional Municipality of Niagara.
- m. "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.
- n. "Sanitary Sewer" means a sewer for the collection and transmission of sewage and to which storm and surface waters are not intentionally admitted.
- o. "Sewage" shall mean any one or combination of sanitary sewage or non-domestic or water borne wastes from residences, businesses, institutions or industries, together with such ground, surface and storm water which may be present.
- p. "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.
- q. "Sewer" includes the sanitary, or storm sewer on a regional or area municipal roadway, road allowance or easement (whether registered or prescriptive or other).
- r. "Storm Drainage Piping" means all the connected piping that conveys storm water to a place of disposal.
- s. "Storm Sewer" means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse.
- t. "Storm Water" means water from rainfall or other natural precipitation or from the melting of snow or ice.
- u. "Water Pollution Control Plant" shall mean any arrangement of devices and structures used for treating sewage.

- v. "Watercourse" means an open channel or ditch constructed as or resulting from the construction of a municipal work in which a flow of storm water occurs either continuously or intermittently, including road ditches and including other natural depressions or watercourses draining into any such open channel or ditch whether connected to a storm sewer or not.

2. Section II – APPLICATION OF BY-LAW

- 2.1 Nothing in this By-law shall be construed as purporting to permit anything which by the provision of any applicable Provincial Act or Regulation is prohibited, and where there is a conflict in this respect between the provisions of the applicable Act or Regulation and the provisions of this By-law, the provisions of the applicable Act or Regulation are to prevail.

3. Section III – PERMITS, TOWN SERVICES, ETC.

- 3.1 All plumbing and drainage installations or alterations on private property are subject to the provisions of the Ontario Building Code, as amended.
- 3.2 No contractor, owner or person shall undertake any excavation, pipe installation or connection to an existing municipal sewer located within a road allowance or on a Town easement, without the express prior permission of the Director of Public Works and directly under the supervision of the Director or designate. Should the contractor be permitted to carry out work within a road allowance, no work shall commence until such time as an application for a utility installation permit has been approved and all conditions subject to the application have been fulfilled.
- 3.3 Storm and sanitary private drain connections to the municipal main sewer(s) shall only be made under the direct supervision and inspection of the Director of Public Works, or designate in accordance with current Town standards.
- 3.4 The charges for clearing of drainage piping shall be in accordance with the Fees and Charges By-law as Town Council may from time to time determine.
- a. The Public Works Department will provide a service of cleaning blocked private drains and building sewers upon the request of the property owner. A request for cleaning of a blocked sewer must be signed by the property owner and such service shall be provided in accordance with standards and charges as the Council may from time to time determine.
- b. The property owner shall pay all charges for the sewer clearing if the blockage is found on private property or if the blockage is located on Town property and is a result of discharge from the building.
- c. The Town reserves the right to refuse the service of cleaning private drains 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/or building sewers are inadequate and the property owner has failed to undertake such replacement.
- 3.5 Every person installing a sewer shall make connection to the correct sewage system (sanitary and storm) in accordance with all applicable sections of this By-law.
- 3.6 Where building demolition is undertaken, the owner shall block off the existing building sewers at such locations as designated on the demolition permit to the satisfaction of the Director of Public Works, or designate before commencement of demolition work.

- 3.7 The Director of Public Works or designate 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.
- 3.8 Any underground drainage pipe or sewer pipe encountered during excavation or earth boring shall be reported to the Plumbing Inspector or Director of Public Works, or designate.
4. Section IV – SANITARY DRAINAGE PIPING AND CONNECTIONS TO SEWER MAIN
- 4.1 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. Building sewers will not be permitted to cross private property to connect into the municipal private drain connection.
- 4.2 The direct connection and discharge of roof water into the municipal sanitary sewer system is expressly prohibited.
- 4.3 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.
- 4.4 The sizing of building sewers shall be in accordance with the Plumbing Regulations or such Ontario Regulations as may from time to time apply.
- 4.5 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 Use By-law No. 39-2002 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.
- 4.6 The owner or occupant 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 to allow observation, sampling and measurement of the flow of sewage therein.
- a. Every manhole device or facility installed as required by Paragraph 6 Section IV of Part I of this By-law shall be designed and constructed in accordance with the requirements and standards of the Town of Lincoln and shall be constructed and maintained on the lands of the owner or occupant of the premises at their expense.
- b. The owner or occupant of commercial or industrial premises shall at all times ensure that every manhole installed as required by Paragraph 6 Section IV of Part I of this By-law and is accessible for the purpose of observing, sampling and measuring the flow of sewage therein.
- 4.7 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 of Public Works or his designate.

- 4.8 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 without limiting the generality of the foregoing, or may be contrary to or prohibited by the Regional Corporation Sewer Use By-law No. 39-2002, as amended from time to time. Where effluent discharged to the sanitary or storm sewer system does not meet By-law requirements, and then the person discharging the sewage shall forthwith provide preliminary treatment or take such other measures as may be necessary to improve effluent quality to within By-law limits.
- 4.9 Where the municipality's 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 or contractor shall install at his own cost, suitable sewage ejectors to the satisfaction of the Director of Public Works or designate.
- 4.10 The drainage of foundation drains or weeping tile systems around all building foundations shall be prohibited from draining into the sanitary sewer systems with the exception of those connections constructed or approved prior to the passage of this By-law.
- 4.11 When existing buildings have been demolished and the property owner proposes to utilize the existing sanitary private drain connection to serve the new building, the owner or his building contractor must secure the approval of the Director of Public Works 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 has an invert elevation to meet the requirements of the Ontario Building Code to drain the proposed building and to determine if the diameter meets the Town's specifications. Should the existing private drain connection not meet the conditions for reuse, a new private drain connection shall be installed by the property owner at the property owner's expense.
- 4.12 If a municipal sanitary sewer is not available, Town Council may at its discretion, require the construction of a sanitary sewer from the property to the closest available outlet at the owner's expense before authorizing issuance of a building permit.
- 4.13 The Owner of a building shall be responsible to maintain the building sewer on his property and assure the proper functioning of the said sewer. Further, the owner shall not permit, cause or make improper discharges of any sewage other than through a properly functioning and approved sanitary sewer.

## 5. Section V – STORM DRAINAGE AND CONNECTIONS

- 5.1 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:
- (a) below the ground
  - (b) at a point not directed away from the foundation wall of a building, unless otherwise approved by the Director of Public Works, or his designate.

- 5.2 No person shall construct or permit to be constructed a foundation drain that discharges:
- (a) below the ground
  - (b) at a point not directed away from the foundation wall of a building, unless approved by the Director of Public Works, or his designate.
- 5.3 All 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 Paragraph 5.2.
- 5.4 All the necessary storm drainage piping, drains and connections must be provided to accommodate storm water drainage from ancillary hard surfaced areas (parking, roadways, etc.) from all industrial, commercial, institutional and multiple housing dwellings to an existing storm sewer, unless otherwise approved by the Director of Public Works, or designate.
- 5.5 If a municipal storm sewer is not available, Town Council may, at its discretion, require the construction of a storm sewer from the property to the closest available outlet at the owner's cost before authorizing issuance of a building permit.
- 5.6 Drainage schemes and drainage system construction shall conform to current Town of Lincoln standards.
- 5.7 Where a storm drainage system is to be connected to an existing municipal sewer or ditch, the Director of Public Works or designate may require that the connection be controlled to prevent surcharging within the sewer or ditch. In the event that such controls are required, a design and drawings to the satisfaction of the Director of Public Works must be prepared indicating the methods of controlling the flow and indicating that adequate area exists on site to provide storage of the excess storm drainage.
- 5.8 A lot drainage plan shall be submitted with each application for a building permit for all buildings. 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.

6. Section VI – USE OF SEWERS

- 6.1 The use of sewers shall conform to the Regional Corporation Sewer Use By-law No. 39-2002, as amended from time to time.
- 6.2 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.
- 6.3 A person 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 Corporation of the Town of Lincoln.
- (a) All costs incurred by the Corporation of the Town of Lincoln as a result of such discharge shall be borne by the responsible person.

6.4 Upon becoming aware of any contravention of this by-law, the Director of Public Works or designate may at any time thereafter and without notice disconnect or cause to be disconnected, any building sewer 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 of Public Works or designate.

7. SECTION VII – INTERPRETATION AND APPLICATION

7.1 In this By-law, unless the contrary intention appears, words imparting the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males.

7.2 In this By-law, the word "shall" is construed as being mandatory and not discretionary.

7.3 Where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

7.4 Nothing in this By-law shall be interpreted in such a manner to exempt any person from complying with any requirement or applicable law that may be in force from time to time in the Town or from observing or complying with the requirements of any applicable Federal, Provincial or Municipal legislation.

7.5 The provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of public health and safety and convenience. Whenever the requirements of this By-law are at variance with requirements of any other By-law or the requirements of any other law or regulation, the most restrictive requirements or the higher standards shall apply.

7.6 If any term of this By-law or the application thereof shall to any extent be invalid or unenforceable, the remainder of this By-law or the application of such term to circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

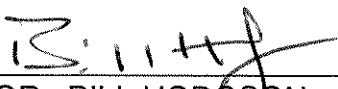
8. SECTION VIII – PENALTIES AND ENFORCEMENT

8.1 Every Person who contravenes any provision of the By-law is guilty of an offence and is liable upon conviction to a fine recoverable under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

9. SECTION IX - ENACTMENT

9.1 This By-law shall come into force and take effect upon its final passing.

BY-LAW read a FIRST time this 4th day of June, 2007  
BY-LAW read a SECOND time this 4th day of June, 2007  
BY-LAW read a THIRD time and FINALLY PASSED this 4th day of June, 2007

  
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MAYOR: BILL HODGSON

  
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CLERK: WILLIAM KOLASA