By-Law Number 14-012
of
The Regional Municipality of Waterloo

A By-law to Amend By-law Number 1-90, Being a By-law to Prohibit, Regulate and Control the Discharge of Waters and Wastes into Bodies of Water within the Regional Area or into the Regional Sanitary Trunk Sewers, Trunk Sewer System, or Sewage Treatment Works and all Tributary Sewer Systems and to Regulate and Control Extensions, Alterations or Enlargement to the Sewer System of any Area Municipality

Whereas
The Council of the Regional Municipality of Waterloo enacts as follows:

1. Section 1 of By-law 1-90 is hereby amended by adding the following subsections:
   (t.1) “multi-residential” means a building or property that has three or more self-contained residential units;
   (u.1) “municipal service” means that part of the wastewater service from the Regional sewer up to the property line;
   (ff.1) “private service” means that part of the wastewater service from the property line to the building or buildings discharging the sewage, storm water or other wastewater;
   (gg.1) “Regional sewer” includes any combined sewer, sanitary sewer, sewage works, storm sewer, wastewater treatment plant, pumping station, and any incidental valves, access chambers and other works, that is owned or under the jurisdiction of the municipality;
   (gg.2) “Regional standards” means “Region of Waterloo and Area Municipal Design Guidelines and Supplemental Specifications for Municipal Services”, or any successor guidelines thereto;
   (kk.1) “sewer rate” means the unit price for the discharge of effluent into the Regional sewer as determined from time to time by the Council for the municipality;
   (vv) “wastewater service” means the permanent pipe, equipment and devices that carry sewage, storm water or other wastewater from a building or buildings upon a private property or a property not owned by the municipality to the Regional sewer;

2. Section 5 of By-law 1-90 is hereby deleted and replaced with the following:
   5(1) Except as permitted in this By-law, no person shall, and no owner or person who occupies or has possession of a property shall cause or permit a person to make, alter or remove a permanent or temporary connection to a Regional sewer without the written approval of the Commissioner.
5(2) An owner of a property may apply to the municipality for a permanent or temporary connection to a Regional sewer and the Commissioner may grant such an application if the Commissioner is satisfied that there is sufficient capacity in the Regional sewer to serve the property.

5(3) Any application made pursuant to subsection (2) of this section shall include:

(a) the class of occupancy of the property;
(b) the estimated quantity and quality of effluent to be discharged from the property, supported by effluent quantity calculations and effluent quality tests as required, if the connection is for, in whole or in part, a commercial, industrial, institutional or multi-residential purpose;
(c) a plan of the building or buildings showing the interior piping up to the property line if the connection is for, in whole or in part, a commercial, industrial, institutional or multi-residential purpose;
(d) any other information that the Commissioner requires to determine if there is sufficient capacity in the Regional sewer to serve the property and ascertain the effects of discharge on the Regional sewer; and
(e) any fee as prescribed by Council.

5(4) The Commissioner may impose terms and conditions upon any connection, which the Commissioner deems necessary in order to ensure the proper operation of the Regional sewer and the owner of the property that received the connection, and any subsequent owners of the property thereafter, shall comply with all such terms and conditions.

5(5) Where the Commissioner is satisfied that there is sufficient capacity in the Regional sewer to serve the property and the intended quality of effluent, the Commissioner shall determine the estimated cost for the municipality to install the municipal service, if applicable, and the Commissioner shall require that the applicant provide security for this estimate, plus 25 per cent of the estimate for any contingency, in a form satisfactory to the Commissioner, before the connection is commenced.

5(6) The estimate in subsection (5) of this section may include the cost of labour, site supervision, machinery and parts of the municipality, and any contractor to be retained by the municipality, to complete the installation of the municipal service.

5(7) When the installation of the municipal service is complete, the Commissioner shall establish the exact cost thereof, and the Commissioner shall either refund any excess monies from the security to the applicant or require that the applicant pay any outstanding balance, as the case may be.

5(8) Notwithstanding subsections (5) and (6) of this section, the Commissioner may allow the owner of the property to install the municipal service by using the owner’s own contractor provided that the owner meets all of the terms and conditions imposed by the Commissioner.

5(9) The Commissioner shall determine the location of the municipal service based on the criteria of using the shortest and most convenient location for the municipality.

5(10) The applicant shall install the private service at its own cost.

5(11) No private service shall be less than 100 millimeters in diameter.
5(12) The applicant shall ensure that the private service is:
(a) installed by a licensed plumber;
(b) two metres or more below ground level; and
(c) properly connected to the municipal service in accordance with Regional Standards.

5(13) The Commissioner may allow the discharge of effluent from the applicant’s property into the Regional sewer after:

(1) all of the conditions pursuant to this section have been fully satisfied; and
(2) the applicant has paid all applicable fees or satisfied all applicable conditions that have been imposed by any fees and charges by-law of the municipality specifically in relation to the property.

5(14) This Part shall apply with necessary modification if any owner of a property that is connected to the Regional sewer wishes to alter the location or size of its municipal service.

5(15) Where a property is subject to a plan of subdivision and the municipality is to assume any wastewater collection system pursuant to the Planning Act, or any successor legislation thereto, then any connection to the Regional sewer shall be carried out in accordance with Regional Standards and this section shall not apply.

5(16) Without limiting any other fees and charges that may be imposed pursuant to this or any other by-law, the sewer fee for each property that is connected to a Regional sewer shall be based on the sewer rate multiplied by the amount of water consumed for the property during the applicable period.

5(17) For the purposes of subsection (16) of this section, where the water supplied to a property is not from a municipal water distribution system or is not metered then the quantity of water consumed for the property shall be estimated by the Commissioner based on the average consumption of water for properties of equivalent size, characteristics and occupancy during the prior applicable time period.

5(18) Every owner of a property that is connected to a Regional sewer shall pay the municipality the sewer fee as determined pursuant to this section as well as any other fees and charges in relation thereto.

5(19) Every owner of a property, and every person who occupies or has possession of a property, that is connected to a Regional sewer shall ensure that the private service is maintained in a good state of repair at all times.

5(20) Every owner of a property, and every person who occupies or has possession of a property, that is connected to a Regional sewer shall immediately notify the Commissioner of any suspected infiltration or damage to the private service.

5(21) Every owner of a property that is connected to a Regional sewer shall notify the Treasurer 72 hours before the owner transfers ownership of the property so that the Region can issue a final bill for the owner, if applicable.

5(22) For greater certainty, this section shall not apply where an area municipality connects any local combined sewer, sanitary sewer, sewage works or storm sewer to a Regional sewer pursuant to sections 2 or 3 of this By-law.
3. Section 13 of By-law 1-90 is hereby amended by adding the following subsections:

(10) The Commissioner shall have all necessary authority to request that the treasurer of the area municipality add any outstanding fees and charges owing pursuant to this By-law to the tax roll to the property that was connected to the Regional sewer and collect them in the same manner as municipal taxes.

(11) The Commissioner may cause the reduction or shut off of the supply of water from a water distribution system that is owned or under the jurisdiction of the municipality on 14 calendar days notice if any outstanding fees and charges owing pursuant to this By-law have not been paid in full after the due date shown on the invoice. Any notice required pursuant to this subsection shall be served by personal service or by prepaid mail or by posting the notice on the property in a conspicuous location.

(12) If the Commissioner is satisfied that a contravention of this By-law has occurred, the Commissioner may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.

(13) An order under subsection (12) of this section shall set out,
(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
(b) the work to be done and the date by which the work must be done.

(14) An order under subsection (12) of this section may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.

(15) The Commissioner may, in default of it being done by the person directed or required to do it pursuant to an order under subsection (12) of this section, have the matter or thing done at the person’s expense.

(16) For the purposes of subsection (15) this section, the Commissioner may enter upon land at any reasonable time.

(17) The Commissioner may recover the costs of doing a matter or thing under subsection (12) of this section from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

(18) The costs include interest as prescribed by Council calculated for the period commencing on the day the Commissioner incurs the costs and ending on the day the costs, including the interest, are paid in full.

(19) The Commissioner is authorized to do all things necessary or proper to administer this By-law.

(20) The Commissioner shall have all necessary authority to prescribe any forms that are required for the purposes of this By-law.
(21) The Commissioner may delegate any administrative function pursuant to this By-law to an employee or agent of the municipality.

(22) All remedies pursuant to this By-law are cumulative.

(23) If any section or sections of this By-law or parts of it are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts of it shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.

(24) The provisions of this By-law shall apply as necessary if there is any conflict with the by-laws of The Corporation of the Township of North Dumfries or The Corporation of the Township of Wellesley, as assumed by the Region, concerning the collection of sewage and other effluent in the respective municipalities.

4. This By-law comes into force and effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 19th day of March, A.D., 2014.

Regional Clerk

Regional Chair