

APPENDIX “A”

Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To the Amend the City of Toronto Municipal Code, Chapter 681

WHEREAS Council may pass by-laws with respect to any service or thing provided or done by or on behalf of the City pursuant to section 8 of the *City of Toronto Act, 2006*;

WHEREAS City may enter upon land, at reasonable times, for the purpose of inspecting the discharge of any matter into the sewage system of the City and inspect and conduct tests and take samples for such purpose in accordance with sections 70, 375, 376, 377, 378 and 379 of the *City of Toronto Act, 2006*; and

WHEREAS City may enter upon land for the purpose of maintaining and repairing its public utilities in accordance with sections 70 and 72 of the *City of Toronto Act, 2006*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 681, Sewer, of the City of Toronto Municipal Code is amended as follows:

- A. By deleting the term “Commissioner” throughout and replacing it with the term “General Manager”
- B. By deleting, in §681-1., the definition of “COMMISSIONER”
- C. By adding the following section as §681-1.1:

“§ 681-1.1. Administration

- A. The administration of this Chapter shall be under the jurisdiction of the General Manager.
- B. The General Manager shall be authorized to prescribe any City form under this Chapter and to amend or revise such forms from time to time.”
- D. By adding the following to §681-6:

- “E. Where a person has entered into an agreement with the City in respect to the discharge or deposit of sewage,
- (a) such person shall notify the General Manager in writing, within no more than ten (10) days of the occurrence, of:
 - (i) any change in ownership of the property upon or from which the discharge of sewage is occurring;
 - (ii) in the case where such party is a lessee or licensee of the property upon or from which the discharge of sewage is occurring, the termination of such lease or licence;
 - (iii) in the case where a corporation is a party to such an agreement, any change in control or majority ownership of such corporation;
 - (iv) in the case where a partnership is a party to such an agreement, any change in the partnership status or partners;
 - (v) any change in the manner of discharge or deposit of the sewage by such person;
 - (b) In the event that a person fails to provide written notice as required by §681-6 E.(a), such agreement with the City shall terminate on the eleventh (11th) day following such occurrence.

F. An agreement with the City in respect to the discharge or deposit of sewage shall not be assignable or in any way transferable to any other person without the express written authorization of the City.

G. Prior to the execution of the agreement with the City in respect to the discharge or deposit of sewage, where the party is a corporation, such party shall deliver to the City a true copy of its letters of incorporation, letters patent or similar instrument of incorporation and any amendments to such instruments of incorporation and, within ten (10) days of the occurrence of same, shall deliver to the City a true copy of any change in status or name of such corporation since the date of execution of the agreement.”

E. By deleting § 681-8. A. and replacing it with:

“A. Except as otherwise specifically provided in this Chapter, all tests, measurements, analyses and examinations of sewage, uncontaminated water and stormwater, shall be carried out in accordance with Standard Methods;”

F. By deleting § 681-11 A.(1) and replacing it with the following:

- “(1) Erect or cause or permit to be erected any new building unless the new building is connected to the sanitary sewer or combined sewer for sanitary drainage purposes, save and except an accessory building not required by the *Building Code Act, 1992, S.O. 1992* or other applicable law to contain plumbing or a sewage system; and”

G. By adding the following to §681-11 A.:

- “(3) §681-11 A.(1) shall not apply to the City so as to limit the City from erecting or causing or permitting the erection of Class 1 or Class 4 sewage systems, as defined by the *Building Code Act, 1992, S.O. 1992*, on City property designated as open space or public park lands.
- (4) where no City sanitary sewer exists adjacent to a property, the General Manager may exempt such property from the application of §681-11 A.(1) provided that the property contains no more than one single family dwelling and the new building is connected to a septic system or holding system, to contain the sewage, installed and maintained in compliance with all applicable legislation, regulations and by-laws.

H. By adding the following section as §681-13.1.

“§ 681-13.1 Powers and Authority of the General Manager or Inspector

A. Power of Entry

The General Manager may, in accordance with the requirements of this Chapter, enter upon a property to which sewage services or sewage works are supplied by the City:

- (1) To install, inspect, maintain, repair, alter, replace or disconnect a sewer, municipal sewer connection, subsurface drainage pipe or other sewage works;
- (2) To shut off or reduce the supply of sewage services or sewage works provided by the City.
- (3) The powers of entry of the General Manager may be exercised by an employee, officer or agent of the City.

B. Inspection

- (1) The General Manager or an Inspector may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this Chapter or an order or direction of the City or General Manager or an Inspector issued in accordance with this Chapter.

- (2) For the purposes of any inspection, the General Manager or an Inspector may,
 - (a) Require the production for inspection of documents or things relevant to the inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information from any person concerning a matter related to the inspection; and
 - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) No person shall fail or refuse to comply with a request by the General Manager or an Inspector to produce for inspection any document or thing or information relevant to the inspection carried out by the General Manager or Inspector in accordance with §861-13.1. A. or §861-13.1.B.
- (4) The City, General Manager or an Inspector may enter upon lands for the purposes of an inspection and the other activities set out in §861-13.1.B pursuant to an order issued in accordance with section 378 of the *City of Toronto Act*, 2006. Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the General Manager or an Inspector, shall neglect or refuse to produce or deliver any information or documents or things required by this by-law.

C. Obstruction

- (1) No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not.
- (2) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the General Manager, an Inspector or any City personnel, or agents in the exercise of an activity, power or performance of a duty under this Chapter or in the administration or enforcement of this Chapter. The activities may include, without limitation, the following:
 - (a) Entering in or upon, at any reasonable time without a warrant, any land, property or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided

in accordance with this Chapter and the *City of Toronto Act, 2006*;
or

- (b) Making such tests or taking such samples as the General Manager deems necessary; or
- (c) Inspecting or observing any plant, machinery, equipment, work, activity or documents; or
- (d) Repairing, maintaining, altering, disconnecting, removing, replacing, or installing sewage works or any related item.

D. Limitations on Power of Entry

The powers of entry of the City, General Manager and Inspector are subject to sections 375 to 379, inclusive, of the *City of Toronto Act, 2006*.”

- I. By deleting § 681-10 F., § 681-10 G., § 681-10 H. and § 681-10 I. and adding the following section as §681-13.2.

“§681-13.2 General Prohibitions and Liability for damage.

A. Protection from damage.

No person shall uncover, make any connection with, or opening into, break, alter, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:

- (1) Any part of a sewage works; or
- (2) Any permanent or temporary device installed in any part of the sewage works for the purposes of flow measuring, sampling and testing of sewage, uncontaminated water or storm water.

B. Damage to the sewage works.

Any person discharging sewage, uncontaminated water or storm water to the municipal sewage works shall be responsible for ensuring that such sewage, uncontaminated water or storm water conforms at all times to the provisions of this article and shall be liable for any damage or expense arising out of his or her failure to properly check and control such discharge, including the cost of investigation, repairing or replacing any part of any municipal sewage works damaged thereby and for any damages or injury to any person or property caused by such discharge.”

C. Unauthorized entry to sewage works.

Unless specifically authorized by the General Manager, no person shall enter any sewage works.”

J. By deleting § 681-10 J. and replacing it with the following:

“§ 681-10 F. Dental waste amalgam separator.

(1) Every owner or operator of a premises from which dental amalgam may be discharged, which waste may directly or indirectly enter a sewer, shall install, operate and properly maintain dental amalgam separator(s) in any piping system at its premises that connects directly or indirectly to a sewer by no later than January 1, 2002, except where the sole dental-related practice at the premises consists of one or more of the following specialties or type of practice:

- (a) Orthodontics and dentofacial orthopaedics;
- (b) Oral and maxillofacial surgery;
- (c) Oral medicine and pathology;
- (d) Periodontics; or
- (e) A dental practice consisting solely of visits by a mobile dental practitioner who prevents any dental amalgam from being released directly or indirectly to the sewage works.

(2) Notwithstanding Subsection F. (1), any person operating a business from which dental waste amalgam is or will be discharged directly or indirectly to a sewer, at premises which are constructed or substantially renovated on or after the date that this article comes into force, shall install, operate and properly maintain dental waste amalgam separator(s) in any piping system which is connected directly or indirectly to a sewer.

(3) Notwithstanding compliance with Subsection F, all persons operating or carrying on the business of a dental practice shall comply with § 681-2.A (4) of this Article.”

2. This by-law comes into force upon enactment.

ENACTED AND PASSED this day of , A.D. 2007.

DAVID R. MILLER,

Mayor

(Corporate Seal)

ULLI S. WATKISS,

City Clerk