



STAFF REPORT ACTION REQUIRED

Amendments to the Municipal Code Chapters: 851 – Water Supply; 681 – Sewers; and 849 – Water and Sewage Services and Utility Bill

Date:	June 2, 2010
To:	Public Works and Infrastructure Committee
From:	General Manager, Toronto Water
Wards:	All
Reference Number:	P:\2010\Cluster B\TW\pw10020

SUMMARY

The purpose of this report is to amend various sections of the Toronto Municipal Code Chapter 851 (Water Supply By-law), Chapter 681 (Sewers By-law) and Chapter 849 (Water and Sewage Services and Utility Bill).

Amendments to Chapter 851 include various clarifications and administrative changes through the introduction or revision of definitions, approval requirements, fine provisions and Schedule items, clarification of the temporary water meter supply provisions and process, introduction of the reuse of residential water and sewer connections and authorization of owner-conducted works under certain circumstances, deletion of construction water provisions, revision of hydrant permitting process and changes to backflow prevention device provisions.

Amendments to Chapter 681 include various clarifications and administrative changes through the introduction or revision of definitions, clarification of private swimming pool provisions, approval requirements and table items, introduction of the reuse of residential water and sewer connections and authorization of owner-conducted works under certain circumstances, revisions to stormwater drainage provisions and the introduction of fine and general enforcement power provisions provided under the *City of Toronto Act, 2006* to be consistent with those found in Chapter 851.

Amendments to Chapter 849 clarify and revise § 849-31.A to address the provisions of § 849-31.E.

RECOMMENDATIONS

The General Manager of Toronto Water recommends that:

1. Municipal Code Chapter 851 – Water Supply be amended in accordance with the draft amending By-law attached as “Attachment A” to this Report;
2. Municipal Code Chapter 681 – Sewers be amended in accordance with the draft amending By-law attached as “Attachment B” to this Report;
3. Municipal Code Chapter 849 – Chapter 849, Water and Sewage Services and Utility Bill be amended in accordance with the draft amending document attached as “Attachment C” to this Report;
4. Authority be granted to the City Solicitor to submit any bills required to enact the amendments to Municipal Code Chapters 851 – Water Supply, 681 – Sewers and Chapter 849, Water and Sewage Services and Utility Bill, proposed in Appendices A, B and C of this Report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and General Manager, Toronto Water; and
5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The proposed re-use of recently replaced water service and sewer connections that meet current City of Toronto standards and specifications, requires an inspection and condition assessment performed by City staff, which will be fully cost recovered. This represents no net change to Toronto Water’s approved 2010 Operating Budget.

With regards to the proposed elimination of unmetered Construction Water, the amendments will require water used for construction purposes to be metered so that actual usage is charged to the applicant. This is a more equitable arrangement for the applicant, as under the current formula the applicant is charged at a rate which may, in some cases, considerably exceed actual water consumption. Metered usage provides a more accurate measure of consumption.

Charging for water consumed for construction purposes after the expiry of a construction water permit, on the basis of the method of calculation set out in § 849-31E of Chapter 849, wherein the CFO is authorized to estimate the water consumption at a property, may require downward adjustment in amounts previously invoiced by the City for this period. As these adjustments will require a calculation on a case by case basis, the total financial impact cannot be determined at this time. However, the net financial impact of these

adjustments, by way of reduced revenues, will be incorporated in the forthcoming Toronto Water 2011 Operating Budget Submission.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Water Supply By-law

City Council first approved the harmonized Toronto Water Supply By-law at its meeting on October 22 and 23, 2007. A copy of the Council Decision Document can be found at: <http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-10-22-cc13-dd.pdf>

On December 1, 2, and 3, 2008, City Council adopted Amendments to the Water Supply By-law. A copy of the Council Decision Document can be found at: <http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-12-01-cc27-dd.pdf>

Sewer By-law

City Council first approved the new Toronto Sewers By-law (the "By-law") at its meeting on June 7, 8 and 9, 2000. A copy of the Council Decision Document can be found at: <http://www.toronto.ca/legdocs/2000/agendas/council/cc/cc000607/cofa.pdf>

On June 22, 2007, Council adopted Amendments to the Sewers By-law. A copy of the Council Decision Document can be found at: <http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-06-19-cc10-dd.pdf>

On June 23 and 24, 2008, City Council adopted Amendments to the Sewers By-law. A copy of the Council Decision Document can be found at: <http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-06-23-cc22-dd.pdf>

ISSUE BACKGROUND

Municipal Code Chapter 851 – Water Supply (the "Water Supply By-law"), was enacted January 1, 2008 to harmonize the existing water supply by-laws of the former municipalities, following amalgamation. It refined existing roles and responsibilities and established new guidelines to help better protect the drinking water system, including a new premise isolation backflow prevention program. Since the time of enactment, staff have identified certain enhancements, and amendments or clarifications to improve the implementation and effectiveness of the Water Supply By-law.

Municipal Code Chapter 681 – Sewers (the "Sewers By-law"), was enacted in July 2000 to harmonize the existing sewers by-laws following the amalgamation of the former municipalities. It provided a two-year phase-in period for facilities to meet the proposed

new limits. The key objectives of the Sewers By-law were to help facilities identify ways of reducing and/or eliminating pollutants at the source, continuously improve the quality of biosolids and protect water quality. Toronto Water staff review the Sewers By-law annually to identify areas of enhancement, improvement or clarification.

Municipal Code Chapter 849 - Water and Sewage Services and Utility Bill (the “Water and Sewage Services and Utility Bill”) requires clarification/revision to § 849-31.A as it does not reflect that the provisions of § 849-31.E address properties with and without meters.

The following summarizes the areas of the By-laws requiring modification:

- New or revised definitions;
- Revisions of Tables and Schedules to meet current standards and requirements;
- Creation of consistency between the Water Supply and Sewers By-laws in respect to owner-performed connection provisions;
- Re-use of recently replaced residential water and sewer connections;
- Requirement for sewer service inspection on work performed by the proponent;
- Removal of the Construction Water clause;
- Changes to Fire Hydrant Permits requirements; and
- Addition and modification of enforcement provisions to better align the Water Supply and Sewers By-laws.

COMMENTS

Attachments A, B and C to this report set out the proposed amendments to the Water Supply By-Law, Sewers By-Law, and Water and Sewage Services and Utility Bill, respectively.

A summary of the most significant proposed amendments and the justification is provided in the following.

Water Supply By-Law and Sewers By-Law - Clarifications

New definitions will be added and several current definitions will be revised to provide clarity for terms referenced in the respective By-laws. The language of certain clauses will also be modified to avoid potential ambiguity and Schedules and Tables will be revised to be consistent with current standards and requirements.

Water Supply By-Law and Sewers By-Law – Owner Performed Connections

The Sewers By-Law currently provides that, in certain circumstances, an owner of a property can undertake a sewer connection installation. The circumstances and process for an owner undertaking the installation work has been clarified under the new amendments. To make the Water Supply By-Law and Sewers By-Law consistent, similar provisions have been added to the Water By-law. These amendments allow the City,

under certain circumstances, to take advantage of opportunities to coordinate construction and lessen roadway disruptions when the owner undertakes the work.

Water Supply By-Law and Sewers By-Law - Re-use of Recently Replaced Residential Connections

The existing By-laws state that if a building is demolished or substantially demolished the existing water service and sewer connections shall be disconnected and a new connection installed. The intent was to protect homebuyers from receiving a new property with old, deteriorating water service and sewer connections. However, given that in some instances recently installed water and sewer connections may exist such as those installed under the current Sewer Infrastructure Renewal and Lead Water Services Replacement Programs, it is appropriate that these existing connections be reused and not replaced where they are in good condition and meet the City's standards and requirements.

New sections will be added to both By-laws to allow the re-use of newer, well functioning water and sewer service connections providing they meet current City of Toronto standards and specifications and other conditions for reuse.

Construction Water

The Water By-law currently requires applicants to pay a deposit of \$1.00/m²/month of building area for un-metered construction water. The City's construction water rate was established at a level to ensure that the City did not lose revenue given the unmetered nature of the water supply and, for those who used substantially less water, it acted as an encouragement to install a meter as soon as possible. Under the current formula the applicant is charged at a rate which may, in some cases, considerably exceed actual water consumption. Metered usage provides a more accurate measure of consumption. For some applicants, installation of a meter is not feasible until much later on in the construction schedule due to site and scheduling constraints. As a result some large developments incur water charges in the hundreds of thousands of dollars, when actual consumption may not be at the level upon which the construction water rate is set.

Further, some owners have failed to properly extend construction water permits, as required by the Water Supply By-law, and pay for water consumed after the expiration of the construction water permit. As a result, the provisions of § 849-31.E of Chapter 849 would apply in respect to properties consuming water without a meter as required by the Water Supply By-Law. In the circumstances, clarification of § 849-31.A of Chapter 849 is recommended to facilitate addressing this issue. § 849-31.E of Chapter 849 provides, in the event the CFO determines that a meter has not been installed or has been removed, the CFO shall be entitled to estimate the water consumption at a property based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on historical average consumption for the same or similar premises or use as shown by an accurately registering meter at such premises during a similar time period.

The application of § 849-31.E of Chapter 849 would be the appropriate mechanism for addressing these disputes with owners over non-payment of construction water consumption during the period from the expiration of the construction water permit to the date the property was properly metered.

The construction water provisions have also created a significant administrative burden in the calculation of the charge, the additional follow-up required to maintain the account and negotiate extension periods and return of deposits.

In the circumstances, after a rigorous review of the entire construction water program, it is considered more appropriate to require metering of water used for the purpose of construction so that the actual water consumption amounts are paid by consumers and that the Construction Water section in the Water Supply By-Law be deleted completely. The temporary use of meters is currently available under temporary water connection provisions in the Water Supply By-law.

Water Supply By-Law - Fire Hydrant Permits

The existing clause allows a person to apply for a temporary supply of water from a fire hydrant. This section will be changed to prevent long term, repetitive use of fire hydrant water where a temporary metered connection is the most appropriate solution. The provision has been clarified to provide that fire hydrant permits will only be provided where the usage is of general benefit to the City and will not interfere or impede Toronto Fire Services or other City activities or operations.

Sewers By-Law - Enforcement Provisions

New clauses for access, information, fine and general enforcement provisions will be added to the Sewers By-law to be consistent with the Water Supply By-Law fine and general enforcement provisions which are based on the expanded powers provided by the City of Toronto Act, 2006.

Water and Sewage Services and Utility Bill - Clarification

Municipal Code Chapter 849 (Water and Sewage Services and Utility Bill) requires clarification/revision to § 849-31.A as it does not clearly reflect that the provisions of § 849-31.E address properties with and without meters.

Legal Services has been consulted in the preparation of this Report.

CONTACT

Lee Anne Jones, P. Eng.
Manager, Capital Programming and
Facility Asset Planning
Water Infrastructure Management
Toronto Water
Tel.: (416) 338-2840
Fax: (416) 338-2828
E-mail: ljones@toronto.ca

Michael D'Andrea, P.Eng.
Director,
Water Infrastructure Management
Toronto Water
Tel.: (416) 397-4631
Fax: (416) 338-2828
E-mail: mdandre@toronto.ca

SIGNATURE

Lou Di Gironimo
General Manager
Toronto Water

ATTACHMENTS

Attachment A – List of Proposed Municipal Code Chapter 851 Amendments
Attachment B – List of Proposed Municipal Code Chapter 681 Amendments
Attachment C – List of Proposed Municipal Code Chapter 849 Amendments

ATTACHMENT A

Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To amend Municipal Code Chapter 851, Water Supply By-Law.

WHEREAS Council has the authority to pass this by-law pursuant to subsections 8(1), (2) and (3) and section 259 of the *City of Toronto Act, 2006*, S.O. 2006, Chapter 11, Schedule A (the “City of Toronto Act, 2006”);

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

§ 851-1 of Chapter 851, Water Supply, is amended by adding the following definition of "AUXILARY WATER SUPPLY":

"AUXILARY WATER SUPPLY — Any water supply on or available to the premises other than the water service connection provided by the City’s waterworks."

§ 851-1 of Chapter 851, Water Supply, is amended by deleting the definition of STANDARDS AND SPECIFICATIONS and replacing with the following:

"STANDARDS AND SPECIFICATIONS — City of Toronto’s standard construction specifications and drawings for sewers and watermain as prescribed by the General Manager, and amended from time to time."

§ 851-1 of Chapter 851, Water Supply, is amended by adding the following definition:

"WATERMAIN — The pipes within a water supply distribution system that serves more than one property."

§ 851-4B(1) of Chapter 851, Water Supply, is deleted and replaced with the following:

"B. Application for connection.

- (1) All persons who require water to be supplied to a property or a change or alteration to the existing water service connection in relation to a property shall submit an application on the prescribed City form to the General Manager and shall pay to the City:
 - (a) At the time of making the application, all applicable fees, charges, deposits and costs, including the cost of the new water meter if one is required; and
 - (b) Those applicable fees, charges and costs shall be included in water account bill(s) or invoice(s) by the City for the subject property."

§ 851-4.B of Chapter 851, Water Supply, is amended by adding the following as § 851-4.B.(4):

- "(4) Any person who requires a water service connection on a temporary basis may make an application for a temporary water service connection in the same manner as a permanent water service connection. The provisions in § 851 applicable to a water service connection shall apply to both temporary and permanent water service connections."

§ 851-4C(1) of Chapter 851, Water Supply, is deleted and replaced with the following:

- "(1) (a) Upon approval by the General Manager of an application submitted under § 851-4B(1) and compliance with § 851-4D, a water service connection including any mains shall be installed by the City, at the expense of the owner, in accordance with the standards and specifications and at rates, fees, charges and costs prescribed or determined by the City from time to time.
- (b) Notwithstanding § 851-4C(1)(a), upon approval by the General Manager of an application submitted under § 851-4B(1) and compliance with § 851-4D, the General Manager may authorize, in writing, an owner to install a water service connection including any mains provided that:
- (i) the owner meets all of the following criteria:
 - a. the installation of a water service connection is within a new or existing unassumed subdivision;
 - b. the installation of a water service connection is to be constructed in conjunction with the construction of new water main infrastructure related to the owner's project; and
 - c. the installation of a water service connection is approved by the General Manager within an easement; and
 - (ii) a written agreement between the City and the owner of the property, in respect to the installation, any related work and acceptance of risk by the

owner, is first entered into on such terms and conditions as are acceptable to the General Manager and in a form satisfactory to the City Solicitor; and

- (iii) the installation is wholly at the expense and risk of the owner including payment by the owner to the City of any rates, fees, charges and costs prescribed or determined by the City from time to time or costs otherwise incurred by the City as a result of or related to the installation and inspection of the work; and
- (iv) the installation is in accordance with the City's standards and specifications and the agreement set out in § 851-4C(1)(b)(ii).

- (c) The General Manager is authorized to enter into and execute an agreement provided in § 851-4C(1)(b)(ii), unless Council has otherwise delegated responsibility to enter and execute the form of agreement to another City Division Head or official."

§ 851-4D(2) of Chapter 851, Water Supply, is deleted and replaced with the following:

- "(2) (a) Upon approval by the General Manager of an application for a water service connection submitted under § 851-4B(1), with respect to a property other than a dwelling unit to be serviced by a water service connection not exceeding 25 mm in diameter, the General Manager shall determine:

- [1] An estimated cost of providing that water service connection; and

- [2] The conditions upon which that water service connection shall be provided,

and the owner shall pay that estimated amount to the City as a deposit, specified in Chapter 441, Fees and Charges, Appendix A - Schedule 2, Water Services, prior to the commencement of the water service connection installation by the City, and comply with those conditions."

§ 851-4G of Chapter 851, Water Supply, is deleted and replaced with the following as § 851-4G(1), (2) and (3):

“G.Replacement of existing water service connection.

- (1) If a new water service connection replaces an existing water service connection, the existing water service connection shall be disconnected from the City watermain and the shut-off valve shall be removed, all at the same time as the new water service connection is installed. The owner shall pay all costs associated with the disconnection and the new connection.
- (2) Notwithstanding § 851-4G(1), an owner may apply to the General Manager for the reuse of a municipal water service connection, up to and including 25mm in diameter, for the purposes of servicing a residential dwelling if the

municipal water service connection meets, as determined by the General Manager, all of the following criteria:

- (a) The municipal water service connection must meet current City standards and specifications;
 - (b) The municipal water service connection must not be a double connection; and
 - (c) The municipal water service connection must have properly functioning curb stops and valves and no record of low pressure.
- (3) The owner, upon making an application under § 851-4G (2), shall pay to the City any fees, charges and costs as may be prescribed or determined by the City from time to time."

§ 851-5A(3) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(3) Subsection 851-5A(1) and (2) shall not apply where:

- (a) Water is used by consumers at a property serviced by the City with water on a flat rate payment basis as of the date of the coming into force of this chapter; or
- (b) The use of unmetered water is otherwise permitted by this chapter."

§ 851-5S(6) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(6) In the event that a water service connection, private water service pipe, water meter, a conduit, a remote readout unit, or a wire are not installed in accordance with § 851-5S(1), (2), (3), (4) and (5), then the owner under that provision shall pay for the water used by that condominium unit in accordance with the water consumption estimated by the CFO for the property based on based on historical average consumption for the same or similar premises until the time that a water service connection, private water service pipe, water meter, conduit, remote readout unit and wire are all installed and functioning properly, all in accordance with the standards and specifications."

§ 851-6C of Chapter 851, Water Supply, is deleted and replaced with the following:

"C. No person, except a person authorized by the General Manager in writing, shall open, or in any way alter or tamper with any water meter or seal or do anything which may interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter."

§ 851-8D(4) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(4) Unless otherwise required by § 851-8C or § 851-8D, every owner of a new or existing industrial, commercial, or institutional property identified in Schedule 5 of this chapter or of any other new or existing building, structure or property that contains a hazard resulting in a risk of contamination of the waterworks shall install, at the owner's expense, premise isolation backflow prevention device(s) in accordance with the standards and specifications, and by the installation date identified in Schedule 5 or upon an order under § 851-8D."

§ 851-8D(14)(a) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(14)(a) All backflow prevention device surveys shall include:

- [1] Number of service connections with the waterworks;
- [2] Level of hazard for each service connection;
- [3] Number, type and condition of any existing premise isolation backflow prevention devices;
- [4] Recommended and planned corrective measures, if any;
- [5] Schedule of work required for any corrective measures;
- [6] Recommendations for appropriate premise isolation backflow prevention device or devices, if any, all in accordance with CSA - B64 Series Standards; and
- [7] A detailed schematic drawing of the plumbing system that clearly shows the layout of the backflow prevention device with reference to the water meter and meter by-pass, prepared by a person authorized to do surveys under Schedule 6 of § 851"

§ 851-8D(16) of Chapter 851, Water Supply, is deleted and replaced with the following:

- "(16) (a) Any person installing, repairing, relocating or testing premise isolation backflow prevention devices shall provide to the General Manager, prior to undertaking such task, documentation establishing his or her qualifications, as are required under § 851-8F, to perform such task.
- (b) Any person testing premise isolation backflow prevention devices shall ensure that the testing equipment is, at all times, maintained so that it performs within the manufacturer's tolerances and specifications.
- (c) The equipment shall be tested, calibrated and certified by the manufacturer, or the manufacturer's representative authorized to do so, to meet the requirements of CSA - B64 Series Standards and shall be maintained in accordance with those standards.

- (d) The testing and calibration required under § 851-8D(16)(b) and (c) shall be done on an on-going basis but in no event shall it be carried out less often than once every 12 months."

§ 851-8F of Chapter 851, Water Supply, is deleted and replaced with the following:

"F. Requirements for backflow prevention device testers and installers.

- (1) No owner of a property shall permit a person to test, install, replace, maintain, repair, relocate, clean or overhaul a premise isolation backflow prevention device unless that person meets the following requirements:
 - (a) The person holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association; or
 - (b) The person has completed a Cross Connection Control Specialist (CCCS) course:
 - [1] Delivered by a school or institution with the plumbing laboratory certified by the Ontario Water Works Association (OWWA); and
 - [2] The instructor teaching the course is certified by OWWA; and
 - [3] The course is delivered using the "AWWA Canadian Cross Connection Control Manual," current version; and
 - [4] The person passes the CCCS certification test; and
- (2) The person possesses a current calibration certificate as required by § 851-8D(16) for the test equipment to be employed; and
- (3) The person is authorized to perform the specified task as indicated in the Authorized Functions List Table set out in Schedule 6 of this chapter, as amended from time to time."

§ 851-9. Construction Water of Chapter 851, Water Supply, is deleted in its entirety.

§ 851-13.A of Chapter 851, Water Supply, is deleted and replaced with the following as § 851-13.A. (1), (2) and (3):

- "A.(1) A person may submit an application on the prescribed City form to the General Manager for a temporary supply of water from a fire hydrant for purposes other than authorized Toronto Fire Services personnel or other City personnel, acting in the course of their duties, provided that the purpose, in the determination of the General Manager, is of general benefit to the City and will not interfere with or impede Toronto Fire Services or City activities and operations.

- (2) The applicant shall pay in advance the amount specified in Chapter 441, Fees and Charges, Appendix A - Schedule 2, Water Services, for a fire hydrant permit.
- (3) The applicant shall pay, in addition to the fire hydrant permit fee set out in § 851-13.A.(2), for the amount of water consumed in accordance with the amount specified in Chapter 441, Fees and Charges, Appendix A - Schedule 2, Water Services and Chapter 849, Water And Sewage Services And Utility Bill."

§ 851-13.E of Chapter 851, Water Supply, is deleted and replaced with the following:

- "E. The applicant may be required to pay the cost of any necessary repair or replacement of the temporary water meter, valve, backflow prevention device or fire hydrant."

§ 851-13.F of Chapter 851, Water Supply, is deleted and replaced with the following:

- "F. No person shall use or permit the use of any fire hydrant for the supply of water without a fire hydrant permit issued by the General Manager in accordance with § 851-13, other than authorized Toronto Fire Services personnel or other City personnel, acting in the course of their duties."

§ 851-19 of Chapter 851, Water Supply, is deleted and replaced with the following:

"§ 851-19. General.

A. Protection from damage.

No person, except a person authorized by the General Manager in writing, shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:

- (1) Any part of the waterworks; or any seal placed thereon, or attached thereto, or
- (2) Any permanent or temporary device installed in or on the waterworks for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the General Manager may deem necessary for the administration of this chapter or the operation or maintenance of the waterworks."

§ 851-21C, D and E of Chapter 851, Water Supply, are deleted and replaced with the following:

- "C. Fine - for contravention — continuing offence

Despite § 851-21A and B, in the case of a continuing offence, every person who contravenes any of the sections set out in Schedule 4 of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of the sections set out in Schedule 4 of this chapter, upon conviction, shall be liable to a fine of not less than \$100 and not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

D. Fine - for contravention — continuing offence — corporation

Despite § 851-21A, B and C, in the case of a continuing offence, if a corporation is convicted of an offence for any of the sections set out in Schedule 4 of this chapter, it shall be liable to a fine of not less than \$495 and not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

E. Special fine.

In addition to any other fine under § 851-21A, B, C or D or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention."

Schedule 1 to of Chapter 851, Water Supply, is amended by deleting the references to § 851-9H(1) and § 851-9J(6).

Schedule 5 to of Chapter 851, Water Supply, is deleted and replaced with the following:

**"SCHEDULE 5 TO CHAPTER 851
BACKFLOW PREVENTION DEVICE FOR PREMISE ISOLATION
INSTALLATION DATES BASED ON INDUSTRY SECTOR**

[

Industry Sector	Hazard Level	Installed By
Aircraft Manufacturing	Severe	December 31, 2008
All Printing Industry (excluding dry digital printing)	Severe	December 31, 2008
Automobile Manufacturing	Severe	December 31, 2008
Beverage Manufacturing	Severe	December 31, 2008
Breweries	Severe	December 31, 2008
Car Washes	Severe	December 31, 2008
Chemical Manufacturing	Severe	December 31, 2008

Industry Sector	Hazard Level	Installed By
Cosmetic Product Manufacturing	Severe	December 31, 2008
Distilleries	Severe	December 31, 2008
Dry Cleaners	Severe	December 31, 2008
Dye & Pigment Manufacturing	Severe	December 31, 2008
Electroplating, Plating, Polishing, Anodizing, & Colouring	Severe	December 31, 2008
Food Processing	Severe	December 31, 2008
Industrial Laundries	Severe	December 31, 2008
Lubricating Oil & Grease Manufacturing	Severe	December 31, 2008
Machine Tool Manufacturing	Severe	December 31, 2008
Machine Tool Operations	Severe	December 31, 2008
Meat Processing & Packaging	Severe	December 31, 2008
Medical Laboratories	Severe	December 31, 2008
Metal Can Manufacturing	Severe	December 31, 2008
Metal Coating, Engraving	Severe	December 31, 2008
Metal Fabrication	Severe	December 31, 2008
Metal Window & Door Manufacturing	Severe	December 31, 2008
Mortuary or Morgue	Severe	December 31, 2008
Nonferrous Metal Manufacturing	Severe	December 31, 2008
Other Metal Container Manufacturing	Severe	December 31, 2008
Paint & Coating Manufacturing	Severe	December 31, 2008
Paper & Pulp Processing Plants	Severe	December 31, 2008
Personal Care Products Manufacturing	Severe	December 31, 2008
Petrochemical Manufacturing	Severe	December 31, 2008
Petroleum Bulk Storage Facilities	Severe	December 31, 2008
Petroleum Refining	Severe	December 31, 2008
Pharmaceutical Manufacturing	Severe	December 31, 2008
Photographic Film Manufacturing	Severe	December 31, 2008
Photographic Plate / Paper Manufacturing	Severe	December 31, 2008
Plastic Manufacturing	Severe	December 31, 2008
Plastic Material & Resin Manufacturing	Severe	December 31, 2008
Printed Circuit Board Manufacturing	Severe	December 31, 2008
Rubber Manufacturing	Severe	December 31, 2008
Soap & Detergent Manufacturing	Severe	December 31, 2008
Textile Manufacturing/ Processing	Severe	December 31, 2008

Industry Sector	Hazard Level	Installed By
Veterinary Hospital	Severe	December 31, 2008
Wastewater Treatment Plants & Facilities	Severe	December 31, 2008
Water Treatment Plants	Severe	December 31, 2008

Industry Sector	Hazard Level	Installed By
Agricultural/Landscaping Applications	Severe	March 31, 2009
Allied Services to Manufacturing	Severe	March 31, 2009
Analytical Laboratories	Severe	March 31, 2009
Asphalt Paving Mixture & Block Manufacturing	Severe	March 31, 2009
Autobody Refinishing	Severe	March 31, 2009
Automotive Repairs & Maintenance	Severe	March 31, 2009
Carpet Cleaners	Severe	March 31, 2009
Clinical Laboratories	Severe	March 31, 2009
Death Care Services	Severe	March 31, 2009
Dental Surgery Facility	Severe	March 31, 2009
Gas Stations	Severe	March 31, 2009
Greenhouses	Severe	March 31, 2009
Hospitals	Severe	March 31, 2009
Milk/Dairy Product Processing	Severe	March 31, 2009
Photo Finishing	Severe	March 31, 2009
Research Buildings & Laboratories	Severe	March 31, 2009
Wineries	Severe	March 31, 2009

Industry Sector	Hazard Level	Installed By
Blood Clinic	Severe	June 30, 2009
Commercial Laundry (without dry cleaning)	Severe	June 30, 2009
Dock & Marine Facility	Severe	June 30, 2009
Exhibition Grounds	Severe	June 30, 2009
Fire Protection Systems with antifreeze, foam injection, and/or other chemical additives	Severe	June 30, 2009
Fire Protection Systems with auxiliary water supply	Severe	June 30, 2009
Irrigation Systems (with chemical addition)	Severe	June 30, 2009

Medical Clinic (surgical)	Severe	June 30, 2009
Motorcycle Repairs & Maintenance	Severe	June 30, 2009
Plant Using Radioactive Materials	Severe	June 30, 2009
Power Generating Facility	Severe	June 30, 2009
Premises Where Access Is Prohibited	Severe	June 30, 2009
Radiator Shop	Severe	June 30, 2009
Recycling Facility	Severe	June 30, 2009
Rendering Facility	Severe	June 30, 2009
Single Residential Dwelling with auxiliary water supply	Severe	June 30, 2009
Slaughter House	Severe	June 30, 2009
Waste/Garbage Transfer Station & Disposal Plant	Severe	June 30, 2009
Wastewater Pumping Stations	Severe	June 30, 2009
Water Filling Station	Severe	June 30, 2009
Water Pumping Stations	Severe	June 30, 2009
Zoo	Severe	June 30, 2009

Industry Sector	Hazard Level	Installed By
Apartment Buildings (five units or more, with shared single-service connection)	Moderate	June 30, 2009
Commercial Premises (excluding dry retail operations)	Moderate	June 30, 2009
Fire Stations	Moderate to Severe	June 30, 2009
Funeral Homes/Cemetery	Moderate to Severe	June 30, 2009
Golf Courses	Moderate to Severe	June 30, 2009
Hotel & Motel	Moderate	June 30, 2009
Schools (elementary, junior high, senior high)	Moderate	June 30, 2009
Swimming Pools (private with direct connection)	Moderate	June 30, 2009
Swimming Pools (public)	Moderate	June 30, 2009
Technical Institutes	Moderate	June 30, 2009
Universities & Colleges	Moderate	June 30, 2009
Veterinary Clinic	Moderate	June 30, 2009

Industry Sector	Hazard Level	Installed By
Airports	Moderate	December 31, 2009
Animal Shelter	Moderate	December 31, 2009
Auto Dealership	Moderate	December 31, 2009
Campsite	Moderate	December 31, 2009
Commercial Coin Operated Laundry	Moderate	December 31, 2009
Dental Office (Non-surgical)	Moderate	December 31, 2009
Grocery Store	Moderate	December 31, 2009
Hair Salon	Moderate	December 31, 2009
Irrigation System (without chemical addition)	Moderate	December 31, 2009
Kennel	Moderate	December 31, 2009
Marina & Yacht Club (pleasure-boat)	Moderate	December 31, 2009
Medical Clinic (non-surgical)	Moderate	December 31, 2009
Mobile Home Park	Moderate	December 31, 2009
Nursing Home	Moderate	December 31, 2009
Penitentiary	Moderate	December 31, 2009
Restaurant (including bar, coffee shop, food courts, lounge, etc.)	Moderate	December 31, 2009
Sauna & Massage Centre	Moderate	December 31, 2009
Townhouse (five units or more, with shared single-service connection)	Moderate	December 31, 2009
Water Park	Moderate	December 31, 2009
Industrial and Institutional Premises	Moderate to Severe	December 31, 2010
Fuel Dispensing Facility	Moderate	December 31, 2010
Concrete Plants	Severe	December 31, 2010
Multi Residential Buildings (five units or more, with shared single-service connection)"	Moderate	December 31, 2010

Schedule 6 to of Chapter 851, Water Supply, is deleted and replaced with the following:

**"SCHEDULE 6 TO CHAPTER 851
AUTHORIZED FUNCTIONS LIST**

Item	Function	Professional Engineer with CCCS Certification	Certified Engineering Technologist with CCCS Certification *	Licensed Master Plumber with contractor's licence and with CCCS Certification	Journeyman Plumber with CCCS Certification †	Apprentice plumber with CCCS Certification ‡	Fire system sprinkler fitter with CCCS Certification	Industrial Millwright with CCCS Certification	Irrigation System Installer with CCCS Certification
1	Carry out cross-connection / backflow prevention device survey	v	v	v	v				
2	Install, relocate, or replace backflow prevention device			v	v	v			
3	Repair backflow prevention device	v	v	v	v	v			
4	Test backflow prevention device	v	v	v	v	v	v	v	
5	Complete Items 1, 2, 3 and 4 in relation to fire protection systems	v	v	v	v	v	v		
6	Complete Items 3 and 4 in relation to lawn sprinkler systems	v	v	v	v	v			v

v	<i>Authorized to perform function</i>
*	<i>Required to be under the direction of a Professional Engineer</i>
†	<i>Required to be employed by a licensed plumbing contractor</i>
‡	<i>Required to be employed by a licensed plumbing contractor and under the direct supervision of a journeyman plumber or master plumber</i>
CCCS	Cross Connection Control Specialist Note: Please refer to § 851-8F for the criteria for acceptable CCCS

"

ENACTED AND PASSED this day of July, 2010.

Mayor

City Clerk

ATTACHMENT B

Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To amend Municipal Code Chapter 681, Sewers By-Law.

WHEREAS Council has the authority to pass this by-law pursuant to subsections 8(1), (2) and (3) and section 259 of the *City of Toronto Act, 2006*, S.O. 2006, Chapter 11, Schedule A (the “City of Toronto Act, 2006”);

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

§ 681-1 of Chapter 681, Sewers, is amended by deleting the definition of "COOLING WATER".

“§ 681-1 of Chapter 681, Sewers, is amended by deleting the definition of "INDUSTRY" and replacing it with the following:

"INDUSTRY – Any owner or operator of premises which carry on operations or activities of an industrial, commercial, non-profit or institutional nature or purpose and from which there is a discharge of any matter directly or indirectly into a City sanitary sewer, combined sewer or storm sewer.”

§ 681-1 of Chapter 681, Sewers, is amended by adding the following definition of "STANDARDS AND SPECIFICATIONS":

"STANDARDS AND SPECIFICATIONS — City of Toronto’s standard construction specifications and drawings for sewers and watermains as prescribed by the General Manager, and amended from time to time."

Chapter 681 is amended by deleting each reference to "City of Toronto Water and Wastewater Services Standard Construction Specifications and Drawings for Sewers and Watermains" and replacing it with "Standards and Specifications".

§ 681-1 of Chapter 681, Sewers, is amended by adding the following definition of "TOTAL PAHs":

"TOTAL PAHs – The calculated total of all the polycyclic aromatic hydrocarbons listed under Canada Ontario Agreement Tier I and II Substances Lists, i.e., anthracene, benzo(a)pyrene, benzo(a)anthracene, benzo(e)pyrene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,i)pyrene, dibenzo(a,j)acridine, 7Hdibenzo(c,g)carbazole, dinitropyrene, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene, and pyrene."

§ 681-1 of Chapter 681, Sewers, is amended by adding the following definition of "UNCONTAMINATED WATER":

"UNCONTAMINATED WATER – Water with a level of quality which is typical of potable water normally supplied by the City or whose quality does not exceed the values in Table 2 – Limits for Storm Sewer Discharge of this article, in § 681-4."

§ 681-1 of Chapter 681, Sewers, is amended by adding the following definition of "WASTEWATER":

"WASTEWATER – Any liquid waste containing animal, vegetable, mineral or chemical matter in solution or in suspension but does not include storm water or uncontaminated water."

§ 681-1 of Chapter 681, Sewers, is amended by adding the following definition of "XYLENES":

"XYLENES – The total calculated sum of meta- and para xylene and ortho xylene."

§ 681-2 of Chapter 681, Sewers, is amended by deleting the existing Table 1 — Limits for Sanitary and Combined Sewers Discharge at the end of the section and replacing it with the following:

"Table 1 — Limits for Sanitary and Combined Sewers Discharge

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
Biochemical oxygen demand	300	Benzene	0.01
Cyanide (total)	2	Chloroform	0.04
Fluoride	10	1,2-dichlorobenzene	0.05
Total Kjeldahl Nitrogen	100	1,4-dichlorobenzene	0.08
Oil and grease — animal and vegetable (non-mineral) ¹	150	Cis-1,2-dichloroethylene	4

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
Oil and grease — mineral and synthetic	15	Trans-1,3-dichloropropylene	0.14
Phenolics (4AAP)	1.0	Ethyl benzene	0.16
Phosphorus (total)	10	Methylene chloride	2
Suspended solids (total)	350	1,1,2,2-tetrachloroethane	1.4
Aluminum (total)	50	Tetrachloroethylene	1
Antimony (total)	5	Toluene	0.016
Arsenic (total)	1	Trichloroethylene	0.4
Cadmium (total)	0.7	Xylenes (total) ²	1.4
Chromium (hexavalent)	2	Di-n-butyl phthalate	0.08
Chromium (total)	4	Bis (2-ethylhexyl) phthalate	0.012
Cobalt (total)	5	Nonylphenols	0.02
Copper (total)	2	Nonylphenol ethoxylates ²	0.2
Lead (total)	1	Aldrin/dieldrin	0.0002
Manganese (total)	5	Chlordane	0.1
Mercury (total)	0.01	DDT ²	0.0001
Molybdenum (total)	5	Hexachlorobenzene	0.0001
Nickel (total)	2	Mirex	0.1
Selenium (total)	1	PCBs	0.001
Silver (total)	5	3,3'-dichlorobenzidine	0.002
Tin (total)	5	Hexachlorocyclohexane	0.1
Titanium (total)	5	Pentachlorophenol	0.005
Zinc (total)	2	Total PAHs ²	0.005

Footnote 1: the noted parameter is calculated

Footnote 2: the noted parameters have calculated totals"

§ 681-4.J. of Chapter 681, Sewers, is amended by deleting the existing Table 2 — Limits for Storm Sewer Discharge and replacing it with the following:

"Table 2 — Limits for Storm Sewer Discharge

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
Biochemical oxygen demand	15	Trans-1,3-dichloropropylene	0.0056
Cyanide (total)	0.02	Ethyl benzene	0.002
Phenolics (4AAP)	0.008	Methylene chloride	0.0052

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
Phosphorus (total)	0.4	1,1,2,2-tetrachloroethane	0.017
Suspended solids (total)	15	Tetrachloroethylene	0.0044
Arsenic (total)	0.02	Toluene	0.002
Cadmium (total)	0.008	Trichloroethylene	0.0076
Chromium (total)	0.08	Xylenes (total) ³	0.0044
Chromium (hexavalent)	0.04	Di-n-butyl phthalate	0.015
Copper (total)	0.04	Bis (2-ethylhexyl) phthalate	0.0088
Lead (total)	0.12	Nonylphenols	0.001
Manganese (total)	0.05	Nonylphenol ethoxylates ³	0.01
Mercury (total)	0.0004	Aldrin/dieldrin	0.00008
Nickel (total)	0.08	Chlordane	0.04
Selenium (total)	0.02	DDT ³	0.00004
Silver (total)	0.12	Hexachlorobenzene	0.00004
Zinc (total)	0.04	Mirex	0.04
Benzene	0.002	PCBs	0.0004
Chloroform	0.002	3,3'-dichlorobenzidine	0.0008
1,2-dichlorobenzene	0.0056	Hexachlorocyclohexane	0.04
1,4-dichlorobenzene	0.0068	Pentachlorophenol	0.002
Cis-1,2-dichloroethylene	0.0056	Total PAHs ³	0.002

Footnote 3: the noted parameters are calculated totals"

§ 681-11B of Chapter 681, Sewers, is deleted and replaced with the following as § 681-11B(1) and (2):

"B.(1) No sewer connection shall be constructed on any road allowance, easement, or other public land, except by the City or, where authorized in writing by the General Manager, under a written agreement satisfactory to the General Manager.

(2) The owner of the property seeking the sewer connection shall make an application in accordance with § 681-11C shall be responsible for the cost of the sewer connection."

§ 681-11D of Chapter 681, Sewers, is amended by adding the following as § 681-11D(3) and (4):

“(3) Notwithstanding § 681-11D(1), an owner may apply to the General Manager for the reuse of a municipal sewer connection, up to and including 150mm in diameter, for the purposes of servicing a residential dwelling if municipal sewer connection meets, as determined by the General Manager, all of the following requirements:

- (a) The municipal sewer connection must meet current City standards and specifications;
 - (b) The municipal sewer connection must not be a double connection;
 - (c) The municipal sewer connection must not have record of history of sewer back-ups in respect to properties serviced by that municipal sewer connection; and
 - (d) The municipal sewer connection is free of structural and operational defects.
- (4) For the purposes of § 681-11D(3)(d), the City will carry out a closed circuit television sewer inspection along the entire municipal portion of the sewer connection, the results of which must indicate that the sewer connection is free of structural and operational defects.
 - (5) The owner, upon making an application under § 681-11D(3), shall pay to the City any fees, charges and costs as may be prescribed or determined by the City from time to time."

§ 681-11G of Chapter 681, Sewers, is deleted and replaced with the following as § 681-11G(1), (2) and (3):

- "G.(1) Any person who requires or desires a new sewer connection to be supplied to a property or a change or alteration to the existing sewer connection in relation to a property shall submit an application for such connection, change or alteration on the prescribed City form to the General Manager accompanied by such investigational studies, reports, drainage plans, grading plans, engineering plans and other detailed documentation and information as may be required by the General Manager to determine if the application is in accordance with the standards and specifications and the requirements of this chapter.
- (2) The applicant shall pay to the City, at the time of making the application, all applicable fees, charges, deposits and costs, including the cost for disconnection of the existing sewer connection and for the new sewer connection, if one is required.
- (3) The owner of the property, or the owner's agent, shall sign the application, and the owner shall be responsible for the completeness and accuracy of the information furnished on such application and in the supporting documentation to be provided in accordance with § 681-11G(1)."

§ 681-11H of Chapter 681, Sewers, is deleted in its entirety and replaced with the following as § 681-11H(1), (2) and (3):

"H. Sewer connections on public or private property.

- (1) Upon approval by the General Manager of an application submitted under § 681-11G, a sewer connection on public property between the sewer main and private property shall be installed by the City, at the expense of the owner of the property obtaining the sewer connection, in accordance with the standards and specifications and upon such conditions, rates, fees, charges and costs as may be prescribed or determined by the City from time to time.
- (2) Notwithstanding § 681-H11(1), upon approval by the General Manager of an application submitted under § 681-11G, the General Manager may authorize, in writing, the property owner seeking the sewer connection to install the sewer connection provided that:
 - (a) The owner meets all of the following criteria:
 - i. The installation of a sewer service connection is within a new or existing unassumed subdivision;
 - ii. The installation of a sewer service connection is to be constructed in conjunction with the construction of new sewage works related to the owners project; and
 - iii. The installation of a sewer service connection is approved by the General Manager within an easement; and
 - (b) A written agreement between the City and the owner of the property, in respect to the installation, any related work and acceptance of risk by the owner, is first entered into on such terms and conditions as are acceptable to the General Manager and in a form satisfactory to the City Solicitor; and
 - (c) The installation is wholly at the expense and risk of the owner including payment by the owner to the City of any rates, fees, charges and costs prescribed or determined by the City from time to time or costs otherwise incurred by the City as a result of or related to the installation and inspection of the work; and
 - (d) The installation is in accordance with the City's standards and specifications, the agreement set out in § 681-H11(2)(b) and under a building permit having been issued for such purpose by the Chief Building Official of the City.
- (3) The General Manager is authorized to enter into and execute an agreement provided in § 681-11H(2)(b), unless Council has otherwise delegated responsibility to enter and execute the form of agreement to another City Division Head or official."

§ 681-11O of Chapter 681, Sewers, is deleted and replaced with the following as § 681-11O(1) and (2):

- “O. (1) Where a catch basin or similar drainage collection system has been installed or is proposed to be installed on private property to drain storm water from a driveway sloped downwards towards any residential building located on the property, the storm water from the drainage collection system shall be discharged at grade away from the building in such a manner that the storm water will not accumulate at or near the building and will not adversely affect adjacent properties.
- (2) An owner may make an application to the General Manager for an exemption from the provisions of § 681-11O(1) where compliance with that provision would create a hazardous condition or is not technically feasible.
- (3) Where an owner makes an application to the General Manager for an exemption from the provisions of § 681-11O(1) under § 681-11O(2) the catch basin or similar drainage collection system installed or is proposed to be installed shall not be connected to the City storm sewer unless, as determined by the General Manager:
- (a) Compliance with § 681-11O(1) would create a hazardous condition or is not technically feasible; and
 - (b) The owner of the property has made an application in accordance with § 681-11G for a storm sewer connection in the manner and on the forms prescribed by the General Manager; and
 - (c) The driveway sloped downwards towards a residential building is lawfully permitted; and
 - (d) A storm sewer is existing immediately adjacent to the subject property and has capacity to handle any additional storm water flow resulting from the connection; and
 - (e) The storm sewer connection shall have no detrimental effects to the storm drainage system, either as a whole or in part; and
 - (f) A flap gate backwater valve is installed upstream of the public portion of the sewer connection at the streetline, so that no storm water may back up from the City storm sewer into the private catch basin; and
 - (g) A sump pump, located in the overflow sump, to discharge any storm water which has collected in the catch basin while the above flap gate backwater valve has closed to prevent a backup of storm water; and
 - (h) The sump pump and any required storage system is appropriately sized to drain the collection area to prevent flooding into the building; and
 - (i) A written agreement between the City and the owner of the property, with terms and conditions in respect to the installation, any related work and acceptance of risk by the owner as are acceptable to the General Manager and in a form satisfactory to the City Solicitor, is first entered into; and

- (j) The installation is wholly at the expense and risk of the owner including payment by the owner to the City of any rates, fees, charges and costs prescribed or determined by the City from time to time or costs otherwise incurred by the City as a result of or related to the installation and inspection of the work."

§ 681-11Q(3) of Chapter 681, Sewers, is deleted and replaced with the following:

- "(3) An owner may request the General Manager to conduct an inspection by means of an excavation or closed circuit television inspection to determine the source of inflow or infiltration into the sanitary sewer system. Upon such request, the owner shall pay to the City any fees, charges and costs as may be prescribed or determined by the City from time to time including, without limitation, any closed circuit television inspection fee."

§ 681-11S(1) of Chapter 681, Sewers, deleted and replaced with the following:

- "(1) An owner shall discharge storm water, unless a connection to a combined or storm sewer is otherwise permitted, or authorized by the General Manager in writing, under this section or § 681-11O, at grade away from any building or structure on that owner's property in such a manner that the storm water will not accumulate at or near the building or structure and will not adversely affect adjacent properties or create a hazardous condition."

§ 681-11S(2) of Chapter 681, Sewers, is deleted and replaced with the following:

- "(2) No person shall construct, install or maintain, or cause or permit to be constructed, installed or maintained, drainage from any roof water leader or downspout that conveys storm water from any new or reconstructed residential, industrial, commercial or institutional buildings directly or indirectly to a sanitary, combined or storm sewer connection for the purpose of storm water drainage."

§ 681-11S(6) of Chapter 681, Sewers, is deleted and replaced with the following:

- "(6) An owner may make an application to the General Manager for an exemption from the provisions of § 681-11S (2), § 681-11S(3), § 681-11S(4) or § 681-11S(5) where, in the case of § 681-11S(2), compliance with that provision would create a hazardous condition; and where, in the case of § 681-11S(3), § 681-11S(4) or § 681-11S(5), the disconnection of downspouts, in respect to a property, would create a hazardous condition or is not technically feasible."

§ 681-11S of Chapter 681, Sewers, is amended by adding the following as § 681-11S(7):

- "(7) Where an owner makes an application for an exemption under § 681-11S(6), the owner shall supply such plans, photographs and other documentation as

the General Manager may request and, in each case, the determination of an exemption shall be in the General Manager's sole discretion."

§ 681-11T (1), (2) and (3) of Chapter 681, Sewers, are amended by adding the words "private residential" in front of "swimming pool" in each instance.

§ 681-11T of Chapter 681, Sewers, is amended by adding the following as § 681-11T (4):

"(4) For the purposes of § 681-11T, "private residential" means a swimming pool serving five or fewer single-family residences."

§ 681-11U of Chapter 681, Sewers, is amended by adding the words "private residential" in front of "salt water swimming pool" in each instance.

§ 681-11U of Chapter 681, Sewers, is amended by adding the following as § 681-11U (2):

"(2) For the purposes of § 681-11U, "private residential" means a salt water swimming pool serving five or fewer single-family residences."

§ 681-11V of Chapter 681, Sewers, is deleted and replaced with the following as § 681-11V(1) and (2):

"V. Notwithstanding § 681-11T or U:

- (1) Rainwater resting on a tarp which covers a swimming pool or hot tub/spa or wading pool may be discharged to a storm sewer, subject to § 681-4 of this article.
- (2) Any water or wastewater including rainwater resting on a tarp which covers a swimming pool shall not be discharged to or near a ravine such that it flows to a ravine in a manner that may cause or causes the erosion or instability of the valley or ravine wall or slope or causes injury or destruction of trees and vegetation."

Chapter 681, Sewers, is amended by adding, as § 681-12.1, the following:

"§ 681-12.1 Contact information.

A. For administering or enforcing the requirements under this chapter or any other applicable chapter or by-law of the City, the General Manager may require an owner of a property provided with to be provided with sewer services or to which sewer works are supplied or to be supplied, to provide them with:

- (1) That owner's full name and telephone number;

- (2) The full name and telephone number of any occupiers of the property; and
 - (3) The full name and telephone number of a person authorized by the owner to provide the General Manager with access to the sewer services or works or the location where sewer services or sewer works are to be supplied.
- B. Every owner shall provide the General Manager with a current contact name and telephone number within 28 days of a change in ownership or occupancy of a property."

Chapter 681, Sewers, is amended by adding, as § 681-12.2, the following:

"§ 681-12.2 Access.

- A. No person shall deny access to the General Manager to a property for any purpose as provided for in this chapter.
- B. No person shall deny access to the General Manager to a property where that person has been given reasonable notice by the General Manager of the intent to exercise a power of entry in accordance with the *City of Toronto Act, 2006*.
- C. The General Manager may, in accordance with the requirements of this chapter, enter upon a property to which sewer services or sewer works are used or supplied by the City:
 - (1) To inspect, repair, alter or disconnect the sewer pipe(s), valve(s), machinery, equipment and other works and appurtenances used to supply the sewer services or sewer works;
 - (2) To inspect, install, repair, replace, maintain or alter the sewer services or sewer works; or
 - (3) To shut off or reduce the supply of sewer services.
- D. If an owner discontinues the use of sewer services at a property or the General Manager lawfully decides to cease supplying sewer services to a land or property, the General Manager may enter on the land or property:
 - (1) To shut off or discontinue the use or supply of sewer services by that land or property;
 - (2) To remove any property of the City from the property; or
 - (3) To determine whether sewer services have been, or are being, unlawfully used.
- E. The powers of entry of the City and General Manager are subject to sections 375 to 379, inclusive, of the *City of Toronto Act, 2006*."

§ 681-14 of Chapter 681, Sewers, is deleted and replaced with the following § 681-14, § 681-14.1, § 681-14.2, § 681-14.3, § 681-14.4 and § 681-14.5:

"§ 681-14. Offences.

- A. Every person who contravenes any provision of this chapter, and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any provision of this chapter, is guilty of an offence.
- B. Any fine imposed under § 681-14.1 shall be payable in addition to any fees and charges payable under this chapter, Chapter 849 and Chapter 441, as applicable.

§ 681-14.1 Penalties.

- A. Fine — for contravention – person, director, officer.

(1) Every person who contravenes a provision of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this chapter, upon conviction, shall be liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$75,000 for any subsequent offence.

(2) Despite § 681-14.1.A(1), every person who contravenes any of the provisions of § 681-2, 681-3 or 681-4 of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of those sections, upon conviction, shall be liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for any subsequent offence.

- B. Fine - for contravention — corporation

Despite § 681-14.1A, if a corporation is convicted of an offence under this chapter, it shall be liable to a fine of not more than \$100,000 for a first offence and to a fine of not more than \$100,000 for any subsequent offence.

- C. Fine - for contravention — continuing offence

Despite § 681-14.1A and B, in the case of a continuing offence, every person who contravenes any of the sections in this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of the sections in this chapter, upon conviction, shall be liable to a fine of not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

- D. Fine - for contravention — continuing offence — corporation

Despite § 681-14.1A, B and C, in the case of a continuing offence, if a corporation is convicted of an offence for any of the sections in this chapter, it shall be liable to a fine of not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

- E. Special fine.

In addition to any other fine under § 681-14.1A, B, C or D or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.

§ 681-14.2. General enforcement powers.

A. Restraining order.

If this chapter is contravened, in addition to any other remedy or penalty imposed by this chapter, the contravention may be restrained by application by the City under the provisions of section 380 of the *City of Toronto Act, 2006*.

B. Order to discontinue activity.

(1) Under the provisions of section 384 of the *City of Toronto Act, 2006*, the General Manager may order any person who has contravened this chapter or who has caused or permitted the contravention of this chapter or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.

(2) Any person who contravenes an order under § 681-14.2B(1) is guilty of an offence.

C. Work order.

(1) Under the provisions of section 385 of the *City of Toronto Act, 2006*, the General Manager may order any person who has contravened this chapter or who has caused or permitted the contravention of this chapter or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.

(2) Any person who contravenes an order under § 681-14.2C(1) is guilty of an offence.

D. Remedial action.

(1) In accordance with section 386 of the *City of Toronto Act, 2006*, where any matter or thing is required to be done under this chapter, in default of it being done by the person directed or required to do so, that matter or thing may be done by the City which shall be at that person's expense and the City may recover the costs incurred for doing such matter or thing from the person directed or required to do it by adding the costs to the tax roll and collecting them in the same manner as municipal property taxes.

(2) For the purposes of § 681-14.2D(1), the General Manager may enter upon the subject property at any reasonable time.

§ 681-14.3 Document retention.

- A. Any document required to be produced for inspection or approval or retained under this chapter by an owner of a property shall be retained by the owner for a period of seven years.

§ 681-14.4 Notice.

- A. Where an order is issued by the General Manager, the person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three days after being posted by first class prepaid mail to the person at the last known address provided to the General Manager or, where no address for the person has been provided to the General Manager, by first class prepaid mail to the address for the person identified on the tax rolls.
- B. The manner of delivery, set out in § 681-14.4A, shall be in the discretion of the General Manager.

§ 681-14.5 Severability.

Despite that any section or sections of this chapter, or any part or parts thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Council to enact, that section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this chapter, or parts thereof, are separate and independent therefrom and enacted as such."

ENACTED AND PASSED this day of July, 2010.

Mayor

City Clerk

ATTACHMENT C

Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To amend Municipal Code Chapter 849, Water Supply By-Law.

WHEREAS Council has the authority to pass this by-law pursuant to subsections 8(1), (2) and (3) and section 259 of the *City of Toronto Act, 2006*, S.O. 2006, Chapter 11, Schedule A (the “City of Toronto Act, 2006”);

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

§ 849-31.A. of Chapter 849, Water and Sewage Services and Utility Bill, is deleted and replaced with the following:

"A. This section only applies to properties with meters, except in the case of § 849-31E in respect to a property in which a meter has not been installed or has been removed."

ENACTED AND PASSED this day of July, 2010.

Mayor

City Clerk