

Authority: Public Works and Infrastructure Committee Item 34.7,  
adopted as amended, by City of Toronto Council on July 6, 7 and 8, 2010  
Enacted by Council: July 8, 2010

## **CITY OF TORONTO**

### **BY-LAW No. 868-2010**

#### **To amend City of Toronto Municipal Code Chapter 681, Sewers.**

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*"); and

WHEREAS § 169-26B of the City of Toronto Municipal Code Chapter 169, Officials, City provides that the City Solicitor, in consultation with the City Clerk, may submit bills directly to City council to make technical amendments to the Municipal Code and other by-laws to correct technical errors;

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

1. Section 681-1 of Chapter 681, Sewers, is amended by deleting the definition of "COOLING WATER".
2. Section 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."
3. Section 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."
4. 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".
5. Section 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."

6. Section 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"

7. Section 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."

8. Section 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."

9. Section 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**

<b>Parameter</b>	<b>Limit (mg/L)</b>	<b>Parameter</b>	<b>Limit (mg/L)</b>
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) <sup>1</sup>	150	Cis-1,2-dichloroethylene	4
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) <sup>2</sup>	1.4
Chromium (hexavalent)	2	Di-n-butyl phthalate	0.08

<b>Parameter</b>	<b>Limit (mg/L)</b>	<b>Parameter</b>	<b>Limit (mg/L)</b>
Chromium (total)	4	Bis (2-ethylhexyl) phthalate	0.012
Cobalt (total)	5	Nonylphenols	0.02
Copper (total)	2	Nonylphenol ethoxylates <sup>2</sup>	0.2
Lead (total)	1	Aldrin/dieldrin	0.0002
Manganese (total)	5	Chlordane	0.1
Mercury (total)	0.01	DDT <sup>2</sup>	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 <sup>2</sup>	0.005
Footnote 1: the noted parameter is calculated			
Footnote 2: the noted parameters have calculated totals"			

10. Section 681-4J 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**

<b>Parameter</b>	<b>Limit (mg/L)</b>	<b>Parameter</b>	<b>Limit (mg/L)</b>
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
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) <sup>3</sup>	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 <sup>3</sup>	0.01
Mercury (total)	0.0004	Aldrin/dieldrin	0.00008
Nickel (total)	0.08	Chlordane	0.04
Selenium (total)	0.02	DDT <sup>3</sup>	0.00004
Silver (total)	0.12	Hexachlorobenzene	0.00004
Zinc (total)	0.04	Mirex	0.04
Benzene	0.002	PCBs	0.0004

<b>Parameter</b>	<b>Limit (mg/L)</b>	<b>Parameter</b>	<b>Limit (mg/L)</b>
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 <sup>3</sup>	0.002

Footnote 3: the noted parameters are calculated totals"

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

"(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."

- 12.** Section 681-11D of Chapter 681, Sewers, is amended by adding the following as § 681-11D(3), (4) and (5):

"(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 150 mm 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."

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

- "(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)."

- 14.** Section 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 § 681-11G(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 one of the following conditions:
- [1] The installation of a sewer service connection is within a new or existing unassumed subdivision; or
- [2] 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; or

[3] 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."

**15.** Section 681-11O of Chapter 681, Sewers, is deleted and replaced with the following as § 681-11O(1), (2) and (3):

- "(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) 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."

**16.** Section 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."

- 17.** Section 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."
- 18.** Section 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."
- 19.** Section 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."
- 20.** Section 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."
- 21.** Section 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.
- 22.** Section 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."
- 23.** Section 681-11U of Chapter 681, Sewers, is amended by adding the words "private residential" in front of "salt water swimming pool" in each instance.



24. Section 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."

25. Section 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."

26. 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."

27. 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*."
- 28.** Section 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."

- 29.** This by-law comes into force upon enactment.

ENACTED AND PASSED this 8th day of July, A.D. 2010.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)