



City of  
**Peterborough**

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**To:** Members of the Committee of the Whole

**From:** W.H. Jackson, Director of Utility Services

**Meeting Date:** November 6, 2017

**Subject:** Report USEC17-026  
Stormwater Protection Fee and Sewage Rate By-Law

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## Purpose

A report to present details of the Stormwater Protection Fee with recommendations to update the existing Sewage Rate By-Law and Sewage Discharge By-Law.

## Recommendations

That Council approve the recommendations outlined in Report USEC17-026, dated November 6, 2017 of the Director of Utility Services as follows:

- a) That Council receive the presentation on the matter of the Stormwater Protection Fee;
- b) That By-Laws 93-18 and 83-46 be repealed and replaced with a By-law To Establish and Implement the Collection of a Sanitary Sewer Surcharge and Stormwater Protection Fee appended as Appendix A to Report USEC17-026;
- c) That Council approve a Stormwater Sewage Rate of \$0.054 per square metre of Effective Runoff Area for 2018;
- d) That By-law 15-076 be repealed and replaced with a By-law to Appoint Provincial Offences Officers appended as Appendix B to Report USEC17-026;
- e) That By-law 15-075, which regulates the discharge of sewage and land drainage in the City, be repealed and replaced with a By-law to Regulate the Discharge of Sewage and Land Drainage appended as Appendix C to Report USEC17-026;

## Budget and Financial Implications

For each property in the City, an Effective Runoff Area is calculated. This calculation combines the different stormwater runoff potential from the hard and soft surfaces of that property into a single unit area. The Effective Runoff Area is then multiplied by a Stormwater Sewage Rate to generate the Stormwater Protection Fee for the property.

The Stormwater Sewage Rate is based on the annual budget dedicated to Stormwater Protection divided by the total City wide Effective Runoff Area. In 2018, the Stormwater Sewage Rate is calculated at \$0.054 per square metre of the calculated Effective Runoff Area.

## Background

Council, at its meeting of February 13, 2017, in considering Report USEC-17-001, approved the following with respect to the Stormwater Protection Fee:

- a) That the presentation from XCG on the Water Resource Protection Funding Feasibility Study be received;
- b) That Council endorse the Stormwater Quality Management Master Plan as detailed in Appendices 1 and 2 of Report USDIR15-003, dated September 28, 2015, the Summary of which is included as Appendix A in Report USEC17-001;
- c) That related to a dedicated stormwater protection Fee:
  - ii) Council recognize the need to, over time, increase the annual stormwater funding allocation by an additional \$6.2M, subject to annual budget discussions; and
  - iii) In the first year, being 2018, an additional amount up to \$620,000 be included in the "All Inclusive" budget, subject to budget discussions and final budget approval;
  - iv) Storm water protection Fee charges to individual properties based on the Variable Rate Option which considers the impervious surface associated with the property; and
  - iv) Incentive programs including subsidies and stormwater credit programs that allow property owners to reduce their runoff and possibly receive credit for doing so;

This report presents details of the proposed Stormwater Protection Fee (the "Fee") program. It includes the details of a refined Fee calculation and the Fee structure for

2018 in addition to the proposed By-Laws required to implement the Fee. The proposed Sewage Rate By-Law includes both Stormwater and Sanitary related Fees. Policy and procedural documents will also be created for the Fee program.

## **Discussion**

### **1.0 Overview**

The Fee previously endorsed by Council is based on a property's total area, and the fraction of impervious and pervious surface within that area. Impervious surfaces are typically driveways, rooftops, and walkways. Pervious surfaces include grassed areas (lawns), gardens, treed areas, farm fields, and other natural areas.

In 2018, the Fee will be applied as a separate line item on the final tax bill. In subsequent years the Fee will be divided between the interim and final tax bill.

By creation of this Fee, stormwater will receive greater recognition by the community and will encourage property owners to respect this resource. A dedicated revenue stream for stormwater management will ensure that funding for existing and future infrastructure requirements is open and transparent to residents. Residents will better understand their impact on urban stormwater management systems and their ability to make positive changes through on-site stormwater reductions. This Fee program will also meet the proposed changes in the Places to Grow Act which requires a municipality to generate sufficient revenue to recover the full cost of providing and maintaining stormwater systems.

### **2.0 Fee Structure**

The Fee relates directly to the potential volume of runoff a property generates. For each individual property, the fee is based on both hard landscapes (impervious) or soft landscapes (pervious). Soft landscapes such as grass, fields and gardens also produce runoff into our infrastructure but drastically less than a hard landscape such as driveways, parking lots and rooftops. The Fee accounts for the difference in runoff generated on hard and soft landscapes.

Soft landscape areas such as farm lands or golf courses can be major contributors of nitrates, phosphates and pesticides, which degrade the water quality in our waterways. These areas can also produce significant runoff due to a lack of vegetation, or being artificially drained. The water quality from residential lawn runoff can also be poor due to over application of fertilizers and pet waste.

The Fee for each property is calculated by multiplying that property's Effective Runoff Area (ERA) by the Stormwater Sewage Rate (SSR). The ERA converts a property's total impervious (hard) and pervious (soft) areas to a single number, giving more weight to impervious surfaces.

The SSR is based on the annual budget dedicated to Stormwater Protection, divided by the total City wide ERA. The SSR for 2018 is set at \$0.054 per square metre of ERA. This value is set and will vary depending on the City's need for the fiscal year. Council will approve changes to this rate through annual budget discussions.

The impervious areas are measured directly from aerial photography acquired every 2 to 3 years. Changes to impervious areas will not be manually adjusted between aerial photography updates with the exception of major changes to the landscape or through an approved appeal.

## **2.1 Exemptions and Fee Caps**

To limit the financial burden to property types who are now tax exempt, a cap on the Fee payable by these properties is proposed. The Fee cap will become more prominent in future years as funding requirements increase.

Conservation authority lands and managed forest properties are proposed to be exempt from paying a Fee. Lands owned by the City that are used for tax exempt municipal purposes, are also exempt because a Fee levied on the City would simply be paid for through existing taxes creating unnecessary administrative effort.

The exempt conservation authority lands are environmentally protected areas; primarily wetlands, and does not include their main office on Milroy Drive. The exempt Managed forest properties are those defined by the Ministry of Natural Resources and Forestry. Both of these property types provide a substantial benefit in the management of stormwater and are vital for maintaining the hydrologic cycle. The benefit of these lands related to stormwater management is acknowledged through a Fee exemption. Property owners may need to notify staff of their managed forest designation to ensure this is reflected in their Fee.

A cap on the annual Fee for the following property types (as identified by their MPAC property code) is proposed:

- Post secondary educational institutions;
- Elementary and secondary school institutions;
- Other educational institutions;
- Hospitals; and
- Places of worship.

These property types have previously paid little or no taxes because of their exemptions under the Assessment Act. They are however not exempt from other fees and charges levied by a Municipality for a service it is providing such as water, sanitary, and now stormwater. Many of these properties, in fact, do contribute significant volumes of stormwater runoff to the system. In 2018, a Fee cap of \$2,000 is proposed. This cap will benefit five of the City's largest properties through a reduced Fee. The cap would become more prominent in future years if funding for Stormwater Protection increases.

Staff will review the cap annually and make recommendations to either increase or decrease its' value depending on the financial circumstances.

Completely exempting these properties is not considered prudent, as they are major contributors of stormwater runoff and an exemption would eliminate any incentives to implement stormwater controls. This approach adheres to the guiding principles identified during the City's public consultation process, ensuring fairness and transparency, while limiting financial stresses.

## **2.2 Credit Program**

A credit program will provide a reduction in the Fee for a specific property to account for measures taken to manage stormwater runoff. The credit program is available to all commercial, industrial, institutional and multi-residential properties. A credit of up to 50% would be available with this program. Credits would be applied to the actual Fee calculated and not the capped value.

Through significant research and consultation with other Municipalities, staff selected to offer subsidies to Single Family Residential property at this time in lieu of credits. The credit incentive for a property in the single family residential category is not likely to entice owners to construct and implement Best Management Practices that help manage stormwater in the City. Assuming an average annual Fee of \$13.71<sup>1</sup>, the maximum annual credit would be \$6.86. To maximize the benefit for residential property owners, a subsidy program, as outlined in Section 2.3 is proposed instead.

The credit program is designed to recognize existing and proposed properties with legislated stormwater controls on their site, and to promote further management of stormwater on an individual site. The ultimate goal is to encourage private stormwater infrastructure that reduces the negative impacts on municipal infrastructure and our waterways. The stormwater credit program may also consider stormwater offsets from one property to another.

Credits will be available under three categories; peak flow control, quality control, and volume control. Each category has a maximum achievable credit; the total of all credits shall not exceed 50%.

Staff will develop a policy document detailing the requirements to receive credits and to ensure the credits are fair and successful. Fee credits will remain in effect for a period of not more than 5 years, at which time the property owner will need to renew their application indicating any changes. There will be a requirement for annual maintenance reports to be submitted to staff to ensure the facilities are kept in good working order. Failure to comply with the maintenance requirements could result in the elimination of a credit.

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<sup>1</sup> Calculated based on average imperviousness fee for single family residential property in contrast to mean assessment fee of \$14.89 in Draft 2018 Budget document.

## **2.3 Subsidies**

The Stormwater Improvement Subsidy Program is available to all properties, including single family residential homes. The subsidy will cover a portion, or all of the costs to implement various best management practice actions such as rain barrels, cisterns, rain gardens, bio-retention cells, permeable pavement, green roofs, infiltration trenches, and other features designed to reduce stormwater runoff or improve water quality. The program will be an extension of the existing “Rethink the Rain” educational initiative, which promotes best management practices on individual properties.

The subsidy program would be subject to available funding, from revenue generated by the Fee program. The subsidy program will be implemented in 2019, with policy and guidance documents expected in mid to late 2018.

Through surveys with Municipalities who have implemented subsidy and credit programs, the subsidy program has had far larger uptake over a credit program for residential properties. A subsidy provides more financial incentive which will result in more stormwater control on individual lots.

In the City, almost 84% of all hard landscape surfaces are on private property. The subsidy program will encourage more owners of these properties to implement stormwater management controls resulting in significant cost saving to the City by reducing the need for large downstream stormwater infrastructure.

## **2.4 Appeals**

The Fee program includes an appeal process designed for processing errors and discrepancies, and to provide a means of settling disputes. The process is designed to address concerns in a consistent and transparent manner. Staff anticipates a large volume of enquiries in the first year, until property owners become accustomed to the Fee and the public education campaign takes hold. Although every attempt has been made to ensure accuracy in the database, the property owner will need to review their property and apply for changes through the appeal application.

Various forms and guidance documents will be made available to property owners on the website and staff will assist all owners with their inquiries.

## **3.0 Fee Analysis**

A detailed Fee analysis was undertaken by staff to identify issues with the Fee structure and to assess the potential impact on different property groups and owners. Through this procedure, staff has recommended various Fee caps and exemptions as described previously.

The following provides a brief financial highlight for the four most common property types. These four property categories make up 78% of the total Fee amount, the remaining 22% comes from a wide range of categories including; multi-residential, farms, places of worship and condominiums.

**Single Family Residential:**

- The average lot size of a Single Family Residential property is 0.069 hectares (ha) or 0.17 acres. Single Family Residential Properties with an average lot size less than 0.069ha provide 27% of the 2018 total Fee amount. The properties above 0.069 ha provide 16% of the 2018 total Fee amount.
- The average annual Fee for all Single Family Residential properties is \$13.71<sup>2</sup>.

**Commercial:**

- Properties having a primarily commercial use will provide 17% of the 2018 total Fee amount.
- The average annual Fee for a Commercial property in 2018 would be \$146.64.

**Industrial:**

- Properties having a primarily industrial use will provide 12% of the 2018 total Fee amount.
- The average annual for an Industrial property in 2018 would be \$355.51.

**Institutional:**

- Properties having a primarily institutional use will provide 6% of the 2018 total Fee amount. Due to the Fee cap of \$2,000 in place for most of these properties, their financial contribution has been reduced substantially.
- The average annual Fee for an institutional property in 2018 would be \$533.03.

**3.2 Credit Impact**

It is anticipated that the credit program will have a significant uptake in year one for properties with existing stormwater management controls on their site. On average, properties that can receive a credit will be eligible for a total credit of 30% where they have implemented the minimum required stormwater management controls.

It is difficult to predict if the financial incentive of a Fee credit is sufficient enough for some owners to implement stormwater controls where they presently do not exist. A study undertaken by Freeman Associates on behalf of the Credit Valley Conservation Authority indicated that most small commercial property owners would expect to receive their return on investment in three years or less. Larger companies may be willing to wait up to 7-8 years before seeing a return on investment.

The credits will also recognize and benefit the efforts of those required to implement stormwater controls as part of a development or redevelopment. Overtime, if the Fee's increase, credits and subsidies will become a viable option to more property owners.

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<sup>2</sup> Calculated based on average imperviousness fee for single family residential property in contrast to mean assessment fee of \$14.89 in Draft 2018 Budget document

## 4.0 Fee Implementation Strategy

ROLL NUMBER 090.999.99999.0000.0		GROUP CODE	
MORTGAGE COMPANY		MORTGAGE NUMBER	
OWNERS NAME & ADDRESS JOHN DOE 123 MAIN ST PETERBOROUGH ON K9H 1V5		PROPERTY ADDRESS & LEGAL DESCRIPTION 123 MAIN ST TOWN/PLAN 1 PT LOT 1 PT LOT 2 S CHLT E GEO AMM12 27298.00SF 230.41FR	
ASSESSMENT		MUNICIPAL	
TAXABLE CTN RTEP	771,385 4,824,835	PERSONAL USES Municipal	2,298,530 1,215,364
SUB-TOTALS		MUNICIPAL LEVY	
		73,937.77	
		EDUCATION LEVY	
		27,327.76	
SPECIAL CHARGES/CREDITS		SUMMARY	
TYPE	AMOUNT	TAX LEVY SUB-TOTAL (MUNICIPAL + EDUCATION)	101,265.53
BIA	2,239.27	SPECIAL CHARGES/CREDITS	2,239.27
		2007 TAX CAP ADJUSTMENT	19.99
		FINAL 2007 TAXES	103,524.77
		LESS INTERIM BILLING	49,490.10
		PAST DUE-CREDIT AS OF (June 28, 2007)	0.00
TOTAL		TOTAL AMOUNT DUE	
2,239.27		54,064.61	
INSTALLMENT 1		INSTALLMENT 2	
DUE DATE	TAX AMOUNT	DUE DATE	TAX AMOUNT
JUL 31, 2007	27,032.00	SEP 28, 2007	27,032.61

The Fee will be added to the June 2018 final tax bill. The tax mail out will include an additional insert explaining the new Fee, its purpose and guidance to obtain additional information. It is anticipated that there will be a large influx of questions and concerns from property owners and staff will ensure there are adequate resources to respond.

The Fee will be included in the “Special Charges” portion of a tax bill, identified in Box E, as shown here on a typical tax bill.

## 4.2 Public Outreach Plan

The public outreach plan has begun in the form of the “Rethink the Rain” program. The goal of this program is to create a better understanding of stormwater and encourage property owners to implement methods to control stormwater runoff on their own property. The program includes:

- Distribution of information pamphlets and informational banners at public events/ areas;
- An informational video distributed through social media and on the City’s website;
- Creation of website content intended to explain stormwater and provide additional resources for property owners;
- A “Rain Gain Challenge” contest where residents can log on to a website and map what they are doing to control stormwater runoff on their property;
- Sharing of stormwater related information on Twitter; and
- Various other forms of media, including recorded messages on the City’s hold line, an informational slide on City Hall televisions and a brief discussion of the program on CHEX News.

The outreach strategy will continue into 2018 and beyond, and will be expanded as necessary.

Beginning late 2017/early 2018, after adoption of the Sewage Rate By-Law, staff will implement a public education program related to the Fee program which will first appear on the summer 2018 tax bill. The public education program will consist of the following:

- Website material explaining the new Fee, why it is being implemented, how it is calculated, what credits or subsidies are available, answers to frequently asked questions, and contact information;



- Creation of an informational video explaining how the Fee is calculated;
- Creation of a website application that will allow property owners to enter their address to view a photo of their property and impervious area, and an estimated calculation of their Fee;
- Development of applicable forms and applications for appeals, subsidies or credits, along with applicable guidance documents. The intention being that property owners may apply for, or appeal, their Fee prior to it being added to the final 2018 tax bill;
- Distribution of media releases related to the upcoming Fee, including attending media interviews as necessary;
- Purchasing Facebook advertising space directed at Peterborough residents advising them of the upcoming Fee. The ad would most likely contain the Fee information video; and
- Training of staff, Council members and other community groups so they can inform, explain and answer questions related to the Fee program and provide assistance with credit or subsidy applications.

## **5.0 Sanitary Sewer Surcharge**

To ensure consistency between the sanitary sewage surcharge and stormwater protection Fee, a single By-law (Sewage Rate By-law) has been created, consolidating By-laws 93-18 and 83-46. No revisions have been incorporated that would result in a change to the Sanitary Sewer Surcharge for any property in the City

## **6.0 Provincial Offences Officers By-Law**

By-law 15-076 is being repealed and replaced with a new By-law to appoint an additional Provincial Offences Officer for the purpose of enforcing the provisions of By-law 15-075 being a By-law to Regulate the Discharge of Sewage and Land Drainage, By-law 05-105, being a By-law to Regulate the Discharge of Water Obtained from a Private Waterworks System, and to enforce the provisions of the Sewage Rate By-law. No other additions or changes are being proposed, the body of the revised By-law is provided in Appendix B of this report.

## **7.0 Sewage and Land Drainage Discharge By-law**

By-law 15-075 is being repealed and replaced with a new By-law for the purpose of updating the wording and definitions for consistency with the Sewage Rate By-law. The Sewage Rate By-law incorporates wording that is consistent with the Municipal Act, specifically as it relates to defining sewage. To avoid confusion and ensure consistency with the Municipal Act, there was a need to update applicable wording and definitions in the Sewage and Land Drainage By-law. No other additions or changes are being proposed, the revised By-law is included in Appendix C, and a table summarizing the changes is included in Appendix D.

## Summary

Based on community consultation completed to date, the Peterborough community understands the importance of maintaining and improving the storm drainage infrastructure in the City. The importance of the system to the community stems largely from the concern about risk of flooding and the potential effects of climate change. Many members of the community are aware that stormwater management helps to protect local waterways, the natural environment and the source of our drinking water. The importance of this dedicated funding for the stormwater system is to protect public health and safety and the natural environment. Community consultation conducted has highlighted the community's concern about the flooding experienced in the summers of 2002 and 2004 and minor storm events in subsequent years causing damages. The impact of these events and the potential for it to happen again remains a significant issue for Peterborough residents. Furthermore, there is wider recognition in the community about the impact that stormwater can have on pollution of local creeks, the Otonabee River and Little Lake.

The Fee program ensures the City meets its obligations under Provincial legislation that stipulates minimum maintenance requirements, and that each municipality should develop a sustainability plan and watershed management plans for stormwater. Without a stormwater financing plan in place the City will fail to fund the legislated requirements for stormwater infrastructure. Every effort is being made to create a transparent and fair system that will include significant educational material and resources accessible for all property owners.

Submitted by,

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Attachments:

Appendix A: Sewage Rate By-Law

Appendix B: Provincial Offences Officer By-Law

Appendix C: Sewage and Land Drainage Discharge By-Law

Appendix D: Sewage and Land Drainage Updated Definitions



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## **The Corporation of the City of Peterborough**

### **By-Law Number 17-XXX**

Being a By-law to establish and implement the collection of a Sanitary Sewer Surcharge and a Stormwater Protection Fee in the City of Peterborough

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## Recitals

- A. Sections 9, 10 and 11 of the **Municipal Act, 2001** (the “Act”) , S.O. 2001, c. 25, authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the municipality;
- B. Section 9(1) of the Act provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;
- C. Section 391 of the Act authorizes a municipality to impose Fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality’s property, including property under its control;
- D. The Corporation of the City of Peterborough operates, maintains and improves a sewage system for the benefit of all persons in the City, thus the Council for the City of Peterborough has decided to establish and collect a Sanitary Sewer Surcharge and Stormwater Protection Fee from persons who use and benefit from, the sanitary sewage system and stormwater sewage system;

Now the Council of the Corporation of the City of Peterborough hereby enacts the following:

### Section 1 – Definitions

#### 1.1 In this By-Law:

- a. **Appeal** – means, as the context requires:
  - i. an Appeal made and filed, in first instance with the Director in accordance with the Appeal process established under **Section 4 and 6** of this By-law, whereby an Owner challenges his/her or Sanitary Sewer Surcharge or Stormwater Protection Fee.
- b. **Billing Error** – means an error in the preparation of the Stormwater Protection Fee, resulting in an undercharge or overcharge caused by a clerical, administrative, or factual error, including transposition of figures, a typographical error or similar errors.
- c. **Best Management Practice** – means a measure taken on an individual property to reduce the impact of stormwater on the Stormwater Sewage System by reducing the peak flow and/or volume of runoff and/or improving water quality.

- d. **Capital Improvements** – means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually or properly accounted for as a capital asset.
- e. **City** – means the Corporation of the City of Peterborough.
- f. **Council** – means the municipal council for the City
- g. **Director** – means the Director of Utility Services or his/her designate.
- h. **Effective Runoff Area**– means a mathematical multiplier that is used in the determination of the Stormwater Protection Fee.
- i. **Impervious Area** – means the area on a property, covered by buildings, driveways, walkways, roads, patios, decks and other things that do not allow for, or significantly limit, the passage of water into the underlying soil.
- j. **Lifecycle Cost** – means the long-term operating and capital improvement cost for maintaining all aspects of the sewage system, including capital improvements, and operations inclusive of all items of cost usually or properly chargeable to an account and where applicable, the interest amounts payable on debentures to be issued for the works.
- k. **MOECC** – means the Ministry of the Environment and Climate Change, or any successor provincial ministry thereto.
- l. **Occupant** – means any lessee, tenant, the agent of a lessee, or any person in possession of a premise.
- m. **Owner** – means:
  - i. any person or corporation that is the registered owner of the land or any agent, executor, administrator or guardian of the foregoing;
  - ii. a person entitled to a limited estate in land; or
  - iii. a trustee in whom land is vested; or
  - iv. an Occupant.
- n. **Person** – includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust and a natural person in his or her capacity as a trustee, executor, administrator, or other legal representative.

- o. Pervious Area** – means the area on a property that allow for the passage of water vertically into the underlying soil. For the purposes of this By-Law, the pervious area will be the total property area, minus the Impervious area.
- p. Public Utilities Commission or PUC** – means the Peterborough Utilities Commission as duly constituted pursuant to the laws of the Province of Ontario.
- q. Reserve Fund** – means a separate account provided for in the annual estimates for the purpose of holding revenues payable to the City and designated for specific municipal purposes.
- r. Sanitary Sewage** – means wastewater including human, commercial and industrial waste, septic waste and grey-water and any other matter that is intended to be conveyed to a wastewater treatment facility.
- s. Sanitary Sewage System** – means any part of the Sewage System that is intended to convey Sewage to a wastewater treatment facility.
- t. Sanitary Sewer Surcharge** – means a charge or Fee applied to users of the Sanitary Sewage System to fund the Lifecycle Cost of the Sanitary Sewage System.
- u. Sewage** – means storm water and other drainage from land, and commercial wastes and industrial wastes that are disposed of in a Sewage System.
- v. Sewage System** – means any works for the collection, transmission, treatment or disposal of Sewage or any part of such works.
- w. Stormwater Protection Fee** – means a Fee applied to all properties in the City of Peterborough to fund the Lifecycle Cost of the City's Stormwater Sewage System.
- x. Stormwater Sewage System** – means storm sewers, ditches, culverts, catch basins, treatment units, outfalls, dikes, dams, watercourses and any other part of the City's stormwater system that collects and/or conveys one or more of: surface water, rain water, melted snow, melted ice, and uncontaminated water.
- y. Use** – means being connected to and/or benefiting from the Sewage System.
- z. Water Rate** – means a charge that is imposed by the City or by the PUC for the provision of water and water works.

## **Section 2 – General**

- 2.1** This By-Law functions in conjunction with By-Law 15-075, being a by-law which regulates the discharge of Sewage and land drainage in the City.

2.2 This By-Law may be known as the “Sewage Rate By-Law”.

### **Section 3 – Sanitary Sewage Surcharge**

- 3.1 Every Owner who uses the Sanitary Sewage System, shall pay the Sanitary Sewer Surcharge as set-out herein.
- 3.2 This By-law establishes the Sanitary Sewer Surcharge as an amount equal to a percentage of the Water Rate charged or chargeable in respect of all lands in the City of Peterborough. The annual amount of the Sanitary Sewer Surcharge shall be established annually through the City’s budget process.
- 3.3 The Sanitary Sewer Surcharge shall be imposed upon Owners who use the Sanitary Sewage Systems, and shall be charged to all such properties as a percentage of the Water Rate set by the PUC.
- 3.4 Every owner that is not supplied with water from the PUC but who uses the Sanitary Sewage System shall be charged a percentage, *as per Section 3.2*, of the Flat Rate Service Water Rate set by the PUC.
- 3.5 Because the Sanitary Sewer Surcharge is based on the PUC’s Water Rate, it is a user charge and no property is exempt from the Sanitary Sewer Surcharge by reason only that the property is exempt from taxation under the **Assessment Act**, R.S.O. 1990.
- 3.6 This By-law authorizes the PUC to bill and collect the Sanitary Sewer Surcharge in conjunction with billing the Water Rate in accordance with its ordinary and usual billing and collection practices. Without limiting the generality of the following, the PUC may refund such charges billed due to administrative errors.
- 3.7 The Sanitary Sewer Surcharge collected by the PUC shall be trust monies held for the benefit of the City and shall be payable to the City on the first day of each month, with any interest actually accrued thereon. The PUC shall account for these monies and the City's auditor shall report on the activities and position of these monies and the status of the reserve fund as required.
- 3.8 The Sanitary Sewer Surcharge received by the City shall be placed into a Wastewater Reserve Fund (the “Fund”) and be subject to the requirements of Section 293 of the Act for the purpose of paying for the Lifecycle Costs of the Sanitary Sewage System subject to the provision that the borrowing of any of the money from the Fund for other purposes shall be authorized by by-law.
- 3.9 An Owner who discharges less than eighty percent (80%) of his/her total water consumption into the Sanitary Sewage System may Appeal his/her Sanitary Sewer Surcharge to the Director. The Director may confirm or vary the amount of the Sanitary Sewer Surcharge.



- 3.10 When collecting the Sanitary Sewer Surcharge the PUC shall, when applicable, assess and collect a penalty for late payment. The penalty for late payment shall be equal to the penalty prescribed by the PUC for the late payment of the Water Rate. Council has adopted such penalty as its prescription for late payment and nothing in this provision shall be deemed or interpreted as a divesting of Council's power to prescribe a different penalty for late payment of the Sanitary Sewer Surcharge. The Sanitary Sewer Surcharge is, at the City's discretion, a:
- a. lien and charge upon the Owner's land; or
  - b. debt which may be collected by action by the City.
- 3.11 If an Owner fails to pay the Sanitary Sewer Surcharge and, if the rate or any part thereof remains unpaid after the due date, the amount unpaid may be collected by distress upon the goods and chattels of such Owner by the City Treasurer, upon notice to him or her of the amount due, the person by whom it is due, and the land upon which the lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable.

#### **Section 4 – Sanitary Sewer Surcharge Appeals**

- 4.1 An Owner may submit a Sanitary Sewer Surcharge Appeal under the following categories:

<b>Basis for Appeal</b>	<b>Category</b>	<b>Explanation</b>
Not connected to Sanitary System	Sanitary Sewage Connection	The Owner is not connected to the Sanitary Sewage System.
Inaccurate Sanitary Sewer Surcharge	Billing Error	The charge has been incorrectly determined due to mathematical or administrative error.
	Discharge Volume	The property discharges less than 80% of its total water consumption.

- 4.2 Filing an Appeal does not remove an Owner's requirement to pay the Sanitary Sewer Surcharge by the date required on the Owner's PUC bill.
- 4.3 The Director shall review all Appeals in accordance with the processes and procedures identified herein, and shall have the authority to confirm, adjust, or eliminate the Sanitary Sewer Surcharge.
- a. The Director shall afford the appellant the opportunity to make representations on any aspect of the Appeal before making their decision.

- b. For the purposes of disposing of each Appeal, since all customers and users of the Sanitary Sewage System have some water usage which does not discharge into the Sanitary Sewage System, then the Sanitary Sewer Surcharge for all Owners or occupants of land who successfully appeal their Sewage Rate, the established Sewer Rate shall be adjusted by the following formula:

$$\text{Adjusted Rate} = \text{Sewage Rate (\%)} \times (1.25 \times [\text{Volume of Sewage Discharged} / \text{Volume of Water Consumed}])$$

All such accounts shall be subject to a minimum charge based on a consumption of 45 cubic metres per monthly billing period.

- c. Any reduction in the Sanitary Sewer Surcharge awarded to Owners of land as a result of a successful Appeal, shall take retroactive effect from the date on which the Appeal was filed, and shall apply only to the account in question and to the property in question while the ownership remains with that person in whose name the appeal was filed.
  - d. Successful Appeals will be awarded in the form of an alternate Sanitary Sewer Surcharge rate applied to the bills issued in accordance with **Section 3.6**, or in the form of a rebate paid by the City. The type of award issued will be the sole discretion of the Committee.
- 4.4 If the Director requires further information or revisions to an Appeal application, the appellant will be contacted within 30 business days after receipt of the application, subject to the volume of requests received by the City.
- 4.5 The Director shall administer the Appeal process, and may prescribe all forms and documents necessary to implement and administer the Appeal process. The Director retains the discretion to amend same from time to time.

## **Section 5 – Stormwater Protection Fee**

- 5.1 A “Stormwater Protection Fee” is payable by all Owners within the City in accordance with Sections 9, 10, and 11 and Part XII of the Municipal Act, 2001, S.O. 2001. The Stormwater Protection Fee is a user charge and no property shall be exempt from the Stormwater Protection Fee by reason only that it is exempt from taxation under the **Assessment Act**, R.S.O. 1990 c. A.31, except those properties that are identified as exempt in **Section 11.2**. The Stormwater Protection Fee shall be imposed on all properties whether or not it drains directly into a Sewage System.
- 5.2 The Stormwater Protection Fee received by the City shall be placed into the Fund and be subject to the requirements of Section 293 of the Act, and used for

paying the Lifecycle Cost of the Stormwater Sewage System, subject to the provision that the borrowing of any of the money from the Fund for other purposes shall be authorized by by-law.

- 5.3 The Stormwater Protection Fee for all properties in the City will be based on the Effective Runoff Area determined using the following equation:
- a.  $\text{Effective Runoff Area} = (0.9 \times \text{Impervious Area}) + (0.05 \times \text{Pervious Area})$ 
    - i. The Effective Runoff Area will be multiplied by the Stormwater Sewage Rate to determine an individual property's Stormwater Protection Fee.
    - ii. The Stormwater Sewage Rate will be determined in accordance with the City's annual budget requirements and confirmed annually by Council.
- 5.4 Council may, from time to time, deem it necessary to increase the Stormwater Sewage Rate to an amount over and above that included in the City's annual budget as may be necessary to ensure the City meets its obligations under current and future provincial legislation, including but not limited to, the **Environment Protection Act**, R.S.O. 1990, c. E.19, **Ontario Water Resources Act**, R.S.O. 1990, c. O.40, **Water Opportunities Act, 2010**, S.O. 2010, c. 19, Sched. 1, and the **Places to Grow Act, 2005**, S.O. 2005, c. 13, all of which may be amended from time to time.
- 5.5 A property's Impervious Area will be determined using the best available data to the City, and may be amended from time to time at the discretion of the Director. Owners may appeal the Impervious Area determination in accordance with **Section 6** of this by-law.
- 5.6 A property's Pervious Area will be determined as the total property area indicated on the City's parcel database, minus the Impervious Area determined in accordance with **Section 5.5** of this By-law.
- 5.7 The Stormwater Protection Fee for a condominium will be:
- a. divided equally amongst the number of units; or
  - b. if the condominium is a common elements condominium, charged to the condominium corporation directly.

## **Section 6 – Stormwater Protection Fee Appeals**

- 6.1 An Owner may submit a Stormwater Protection Fee Appeal under the following categories:

Basis for Appeal	Category	Explanation
Property is not Subject to Stormwater Protection Fee	Legal Exemption	The Owner is exempt from Municipal Fees and charges in accordance with applicable Provincial or Federal Law, or specific provisions in this By-law.
Inaccurate Stormwater Protection Fee Charge	Billing Error	The Fee calculation has been incorrectly determined due to mathematical or administrative error
	Impervious/Pervious Area	The impervious or pervious area determined for a property is not accurate
	Parcel Area	The total parcel area of a property is not accurate
	Property Code	The property has been assigned an incorrect property code by the Municipal Property Assessment Corporation ("MPAC")

- 6.2 Filing an Appeal does not remove an Owner's requirement to pay the Stormwater Protection Fee by the date required on the Owner's tax bill.
- 6.3 The Director shall review all Appeals in accordance with the processes and procedures identified herein, and shall have the authority to confirm, adjust, or eliminate the Stormwater Protection Fee.
- a. The Director shall afford the appellant the opportunity to make representations on any aspect of the Appeal before making their decision.
  - b. Where an Appeal is made regarding the Impervious Area of a property, the Director shall have the authority to grant the Appeal and adjust the Stormwater Protection Fee accordingly.
  - c. It is hereby deemed that the reduction in the Stormwater Protection Fee awarded to Owners or occupants of land as a result of their appealing their Stormwater Protection Fee, shall take effect in accordance with **Section 6.4**, and shall apply only to the account in question and to the property in question while the ownership remains with that person in whose name the appeal was filed.
- 6.4 Adjustments to the Stormwater Protection Fee, made as a result of a successful Appeal, will take effect in accordance with the following schedule:
- a. Complete applications for an Appeal must be filed between May 1 and August 31 of the current year. If an Appeal is successful, an adjustment will be reflected on the next interim tax bill the following year as a reduced Fee, equivalent to the amount over charged for the year in which the application was approved. The Owner will not be eligible for reduced Fees

or a refund as a result of a revised Stormwater Protection Fee for years previous to the year in which the Appeal was filed.

- b. Applications for an Appeal received after August 31 in any year will not be processed until after May 1 of the following year.
- 6.6 If the Director requires further information or revisions to an Appeal application, the appellant will be contacted within 30 business days after receipt of the application, subject to the volume of requests received by the City. Appeal decisions will be made prior to December 31 of the year in which the application is received.
- 6.7 The Director shall administer the Appeal process, and may prescribe all forms and documents necessary to implement and administer the Appeal process. The Director retains the discretion to amend same from time to time.

## **Section 7 – Stormwater Protection Fee Amendments**

- 7.1 The Stormwater Protection Fee may be revised in any of the following:
- a. An annual adjustment to the Stormwater Sewage Rate;
  - b. An adjustment to the dimensions of the Owner's property by MPAC, the City or through a survey submitted by the Owner. The City's database used to calculate the Stormwater Protection Fee will be updated in accordance with the City's usual and ordinary practices, and any changes to the Stormwater Protection Fee will be reflected in the next calendar year after each update;
  - c. A comprehensive update to the City's impervious area database as may occur from time to time;
  - d. An administrative adjustment made by the Director based on new information he or she has received;
  - e. A successful Appeal;
  - f. A successful application for a Stormwater Protection Fee credit in accordance with **Section 9** of this By-Law.

## **Section 8 – Fee Payment**

- 8.1 In accordance with Section 398 of the Act the Stormwater Protection Fee may be added to the tax roll of the property to which the Stormwater Protection Fee applies and shall then be collected in the same manner as municipal taxes.

- 8.2 The Stormwater Protection Fee shall be included on the property's property tax bill and identified as a user Fee. The annual Fee will be divided equally between the interim tax bill and the final tax bill. In 2018 only, the entire Stormwater Protection Fee will be payable with the final tax bill.
- 8.3 The Stormwater Protection Fee shall be payable upon receipt of the property tax billing, and every Owner shall make payment before the tax billing due dates.

## Section 9 – Stormwater Protection Fee Credits

- 9.1 The Stormwater Protection Fee may be reduced when the Director is satisfied that the primary use of the property is for industrial, commercial, institutional or multi-residential purposes, by way of a credit program designed to:
- a. recognize existing and future legislated requirements for stormwater controls; and
  - b. provide incentives for Owners to implement Best Management Practices and other forms of stormwater management that reduce the volume and peak flow of stormwater, improve water quality and increase the recharge of groundwater.
- 9.2 An Owner may apply for a Stormwater Protection Fee credit by making an application to the Director. The maximum credit available is 50%, and the Director shall consider the following criteria:

Stormwater Control Type	Minimum Criteria	Stormwater Protection Fee Reduction
<b>Peak Flow Control</b>	The facility(s) is controlling the peak flow of stormwater leaving the property to the standards specified in the City's Engineering Design Standards in effect at the time the facility was constructed.	Maximum of 30%
<b>Quality Control</b>	The facility is designed to remove a <u>minimum</u> of 70% of the Total Suspended Solids from 90% of the long term average annual volume of runoff leaving the property. Facilities designed for quality control must adhere to the City's Engineering Design Standards in effect at the time the facility was constructed.	Maximum of 20%
<b>Volume Control and Groundwater Recharge</b>	The property includes facilities that are designed to infiltrate a volume equivalent to the first 15 millimeters of rain that falls on all impervious surfaces or as may be prescribed for the City's geographical area in applicable MOECC guidelines in effect at the time of application.	Maximum of 20%

- 9.3 The City may vary the Stormwater Protection Fee credit from time to time for specified stormwater controls identified in **Section 9.2**. The City may, with the approval of Council, suspend or discontinue the program.
- 9.4 The Director, may increase the available credit amounts for properties that have exceeded the criteria specified **Section 9.2**, and where the Director is satisfied that there will be cost savings to the City's operation and management of its Stormwater Sewage System.
- 9.5 The City may, at any reasonable time, enter upon the lands subject to a credit application, to inspect, document or measure any features applicable to calculating the Stormwater Protection Fee. An Owner who refuses to permit entry onto the subject property will lose all Stormwater Protection Fee credits.
- 9.6 The Stormwater Protection Fee credit shall remain in effect for a period of not more than five years from the date of approval, or as specified at the time of approval. Upon expiration of the Stormwater Protection Fee credit, the property Owner must submit a renewal application. Renewal applications must be submitted to the Director. Failure to submit a renewal application will result in the cancellation of the Stormwater Protection Fee credit. Renewal applications must be filed a minimum of six months prior to expiration and it is each Owner's responsibility to meet the filing deadline. Failure to submit the renewal application prior to the deadline may result in the cancellation of the Stormwater Protection Fee credit.
- 9.7 The Stormwater Protection Fee credit may be cancelled, suspended or reduced under the following circumstances, failure:
- a. to meet the terms and conditions under which the Stormwater Protection Fee credit was approved;
  - b. to maintain a stormwater management practice in accordance with the approved stormwater management plan, environmental compliance approval or conditions of approval under which the Stormwater Protection Fee credit was approved;
  - c. to complete and submit the required monitoring documentation, inspection reports and maintenance or rehabilitation documentation as may be required under the conditions of approval for a Stormwater Protection Fee credit;
  - d. to submit accurate information;
  - e. to submit a complete Stormwater Protection Fee credit renewal application.

- 9.8 The Director shall implement and administer the credit program, and may prescribe all forms and documents necessary to implement and administer the credit program. The Director retains the discretion to amend same from time to time.
- 9.9 Credit applications that are received prior to August 31 of a given year, if approved, will be added to the interim tax bill in the following year. Applications received after August 31 and before December 31 of a given year will be added to the final tax bill in the following year.

## **Section 10 – Stormwater Improvement Subsidy Program**

- 10.1 The City may, on occasion, offer a subsidy program to subsidize all, or part of the cost to install a Stormwater Management Facility or Best Management Practice on any property where the facility or practice will result in a decrease to any of the following; stormwater volume, peak flow, stormwater pollutants, provided the Director is satisfied that there will be cost savings to the City's operation and management of its Stormwater Sewage System.
- 10.2 The Director shall implement and administer the subsidy program, and may prescribe all forms and documents necessary to implement and administer the subsidy program. The Director retains the discretion to amend same from time to time.
- 10.3 The City may, at any reasonable time, enter upon the lands subject to a subsidy application, to inspect, document or measure any features applicable to the subsidy application. An Owner who refuses to permit entry onto the subject property will lose the subsidy.

## **Section 11 – Stormwater Protection Fee Subsidies**

- 11.1 Section 107 of the Act authorizes the City to provide a Stormwater Protection Fee Subsidy by way of a grant.
- 11.2 The following property types, as identified by their MPAC property codes, are exempt from the Stormwater Protection Fee:
- a. Conservation Authority Lands
  - b. Managed Forest Properties
- 11.3 The City has determined that the following property types, as identified by their MPAC property codes, shall be eligible to receive a cap on their FEE. The cap will be determined annually based on the approved budget for the Stormwater Protection Fee, the capped properties include:
- a. Post secondary education – university, community college, etc.



- b. School – elementary or secondary, including private
  - c. Other educational institutions
  - d. Hospital, private or public
  - e. Place of Worship – with a clergy residence
  - f. Place of worship – without a clergy residence
- 11.4 Subject to Sections 106 and 107 of the Act, the Director may elect to subsidize all or a portion of the Stormwater Protection Fee, for a specific property not identified in Sections 11.2 and 11.3 of this By-law, provided:
- a. that the Director is satisfied the property provides a benefit to the Stormwater Sewage System,
  - b. the Owner has successfully appealed the Fee in accordance with **Section 6** of this By-law, or
  - c. a properties assigned MPAC property code is incorrect; or
  - d. Council has authorized a Stormwater Protection Fee subsidy.

## **Section 12 – Repeal and Effective Date**

- 12.1 By-laws 83-46 and 93-18 are hereby repealed on the date this by-law comes into effect.
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- 12.2 This By-law comes into effect on the date it receives third reading.

By-law read a first, second and third time this \_\_\_\_ day of \_\_\_\_\_ 2017

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

## Appendix B



City of  
Peterborough

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### The Corporation of the City of Peterborough

#### By-Law Number 17-XXX

Being a By-law to appoint Provincial Offences Officers

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**Whereas** the Corporation of the City of Peterborough has enacted By-law 17-XXX being a by-law to regulate the discharge of sewage and land drainage in the City of Peterborough; By-law 05-105 being a by-law to regulate the discharge of water obtained from a private water works system into the City of Peterborough sewer system and to charge a rate therefore to regulate the use of the sewage systems for the City of Peterborough; and By-Law 17-XXX, a by-law to establish and implement the collection of a Sanitary Sewer Surcharge and a Stormwater Protection Fee in the City of Peterborough.

**And Whereas** it is deemed appropriate to appoint Provincial Offences Officers to enforce the said by-laws:

**Now Therefore the Corporation of the City Of Peterborough by the Council thereof hereby enacts as follows:**

1. That Kent Keeling, Barry Campbell, Jeremy Campbell and Ian Boland be and they are hereby appointed as Provincial Offences Officers for the purpose of enforcing By-law 17-XXX, a by-law to regulate the discharge of sewage and land drainage in the City of Peterborough area; By-law 05-105, a by-law to regulate the discharge of water obtained from a private waterworks system into the City of Peterborough sewer system; and By-Law 17-XXX, a by-law to establish and implement the collection of a Sanitary Sewer Surcharge and a Stormwater Protection Fee in the City of Peterborough
2. That by-law 15-076 be repealed.

By-law read a first, second and third time this \_\_\_\_ day of \_\_\_\_\_ 2017

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

## Appendix C



City of  
Peterborough

### The Corporation of the City of Peterborough

#### By-Law Number 15-075

Being a By-law to regulate the discharge of Sewage and land drainage in the City of Peterborough

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

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## Appendix C

### Section 1 – Definitions

#### 1.1 In this By-law:

- a. **Acute hazardous waste chemical** – means a material which is an acute hazardous waste chemical within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- b. **Authorized representative** – means:
  - i. a principal executive officer of at least the level of vice president if the owner or operator is a corporation; or
  - ii. a general partner or proprietor if the owner or operator is a partnership, or proprietorship, respectively; or
  - iii. a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the Sewage discharge originates.
- c. **Biochemical oxygen demand (BOD)** – means the five-day BOD which is the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand).
- d. **Biosolids** – means stabilized organic solid material recovered from the wastewater treatment process.
- e. **Blowdown** – means the discharge of re-circulating non-contact cooling water for the purpose of discharging materials contained in the water, the further build-up of which would cause concentrations in amounts exceeding limits established by best engineering practices.
- f. **City** – means The Corporation of the City of Peterborough.
- g. **Combined sewer** – means a sewer intended to function simultaneously as a stormwater sewer and a sanitary sewer.
- h. **Combustible liquids** – means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended.

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- i. **Commercial waste chemical** – means a material which is a commercial waste chemical within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- j. **Composite sample** – means a volume of Sewage, stormwater, uncontaminated water, or effluent made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling period.
- k. **Connection** – means that part or those parts of any drain or system of drains leading directly to a Sewage system.
- l. **Director** – means the Director, Utility Services Department, City of Peterborough, or his/her duly authorized representative.
- m. **Fuels** – means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel.
- n. **Grab sample** – means a volume of Sewage, stormwater, uncontaminated water, or effluent of at least 100 millilitres which is collected over a period not exceeding fifteen minutes.
- o. **Hauled Sewage** – means waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a Sewage holding tank within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- p. **Hauled waste** – means any industrial waste which is transported to and deposited into any location in the Sewage system, excluding hauled Sewage.
- q. **Hazardous industrial waste** – means a material which is a hazardous industrial waste within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- r. **Hazardous waste chemical** – means a material which is a hazardous waste chemical within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- s. **ignitable waste** – means a material which is an ignitable waste within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- t. **Industrial** – means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential.
- u. **Industrial process area** – means any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with

## Appendix C

any raw material, intermediate product, finished product, by-product, or waste product.

- v. **Inspector** – means a person authorized by the City of Peterborough to carry out observations and inspections and to take samples as prescribed by this By-law.
- w. **Monitoring manhole** – means an access point in a private sewer connection to allow for observation, sampling and flow measurement of the Sewage, uncontaminated water or stormwater therein.
- x. **Manager of Environmental Protection Division** – means the Manager of Environmental Protection Division, Utility Services Department, City of Peterborough, or his/her duly authorized representative.
- y. **Matter** – means any solid, liquid or gas.
- z. **Municipality** – means the City of Peterborough or its designated representative.
- aa. **NAICS code** – means North American Industrial Classification System code contained in either the NAICS Canada Manual published by Statistic Canada (1997).
- bb. **Non-contact cooling water** – means water which is used to reduce temperature for the purpose of cooling and which does not come into direct contact with any raw material, intermediate product other than heat, or finished product.
- cc. **Once-through cooling water** – means non-contact cooling water that has been circulated once through the cooling device.
- dd. **Owner/Operator** – means the owner or operator of any facility or activity subject to the provisions of this By-law.
- ee. **Pathological waste** – means a material which is a pathological waste within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario) or any material which may be designated in writing by the Chief Medical Officer of Health (Ontario).
- ff. **PCB** – means any mono-chlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them.
- gg. **PCB waste** - means a PCB waste within the meaning of Ontario Regulation 362 made under the *Environmental Protection Act* (Ontario).
- hh. **Person** – means an individual, association, partnership, corporation, municipality, provincial or federal agency, or an agent or employee thereof.
- ii. **Pesticides** – means a pesticide regulated under the *Pesticides Act* (Ontario)

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- jj. **pH** – means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution.
- kk. **Phenolic compounds** – means those hydroxy derivatives of benzene, or its condensed nuclei.
- ll. **Reactive waste** – means a material which is a reactive waste within the meaning of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- mm. **Sanitary Sewage** – means wastewater including human, commercial and industrial waste, septic waste and grey-water and any other matter that is intended to be conveyed to a wastewater treatment facility.
- nn. **Sanitary sewer system** – means any part of the Sewage system that is intended to convey Sewage to a wastewater treatment facility.
- oo. **Sanitary sewer** – means a sewer for the collection and transmission of sanitary Sewage.
- pp. **Severely toxic material** – means any material listed in Schedule 3 of Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario).
- qq. **Sewage** - means stormwater and other drainage from land, and commercial wastes and industrial wastes that are disposed of in a Sewage system.
- rr. **Sewage system** – means any works for the collection, transmission, treatment or disposal of Sewage or any part of such works.
- ss. **Sewer** - means a pipe, conduit, drain, open channel, ditch, culverts, catch basins, treatment units, outfalls, dikes, dams, and any other part of the City's infrastructure designed to collect and convey, Sewage.
- tt. **Subject pollutant** – means any parameter listed in Table 1 of Schedule H of this bylaw, or any other element, material or compound designated by the Director.
- uu. **Solvent extractable matter (SEM) of animal or vegetable origin** – means grease and oil as determined by one of Methods 5520 in Standard Methods.
- vv. **Solvent extractable matter (SEM) of mineral or synthetic origin** – means grease and oil as determined by one of Methods 5520 in Standard Methods.
- ww. **Spill** – means a direct or indirect discharge into the Sewage system, stormwater sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge.

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- xx. Standard Methods** – means a procedure set out in Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation, latest edition.
- yy. Stormwater Sewer**– means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse or any combination thereof.
- zz. Stormwater** – means water from rainfall or other natural precipitation, melted snow, melted ice, and uncontaminated water.
- aaa. Stormwater Sewage system** – means stormwater sewers, ditches, culverts, catch basins, treatment units, outfalls, dikes, dams, watercourses and any other part of the City’s stormwater system that collects and/or conveys one or more of: surface water, rain water, melted snow, melted ice, and uncontaminated water.
- bbb. Subsequent conviction** – means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law or any predecessor by-law which regulated the discharge of Sewage and land drainage in the City of Peterborough.
- ccc. Total Kjeldahl Nitrogen (TKN)** – means the sum of the organic nitrogen and ammonia nitrogen.
- ddd. Total Suspended Solids (TSS)** – means solid matter in or on a liquid which matter is removable by filtering and dried at 103-105°C as determined by Method 2540 in Standard Methods.
- eee. Uncontaminated water** – means any water, including water from a public water works, to which no matter has been added as a consequence of its use, or to modify its use, by any person.
- fff. Waste disposal site leachate** – means leachate from any waste disposal site.
- ggg. Waste radioactive materials** – means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may by regulation designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy.
- hhh. Watercourse** – means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently.
- iii. Waters** – means a well, lake, river, pond, spring, stream, reservoir, artificial watercourse, intermittent watercourse, groundwater or other water or watercourse.



## Appendix C

### Section 2 – Discharge to Sanitary and Combined sewers

- 2.1. No person shall discharge or deposit or cause or permit the discharge or deposit of matter of a kind listed below into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer:
- 2.1.1 Matter of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to a Sewage system employee, or which may be or may become harmful to a Sewage system, or which may cause the Sewage system effluent to contravene any requirement by or under the *Ontario Water Resources Act* or the *Environmental Protection Act* (Ontario) as amended from time to time, or any regulation made thereunder from time to time; or which may cause the biosolids from Sewage system to fail to meet the criteria relating to contaminants for spreading of Non-Agricultural Source Material as regulated under the “Nutrient Management Act”, or any regulation made thereunder as amended from time to time; unless the person has been advised in writing by the operator of the Sewage treatment system that the biosolids from the Sewage treatment system will never be used on agricultural lands, or which may interfere with the proper operation of a Sewage system, or which may impair or interfere with any Sewage treatment process, or which is or may result in a hazard to any person, animal, property or vegetation; and
- 2.1.2 Without limiting the generality of the foregoing, any of the following:
- a. Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, animal guts or tissues, paunch manure, and whole blood.
  - b. Sewage that may cause an offensive odour to emanate from a Sewage system, and without limiting the generality of the foregoing, Sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines, ammonia and other nitrogen compounds, trichloroethylene, ketones sulphur dioxide and other sulphur compounds, formaldehyde, chlorine, bromine, or pyridine, in such quantity as may cause a nuisance or an offensive odour.
  - c. Except in the case of discharge into a combined sewer, stormwater, water from drainage of roofs, or land, water from a watercourse, or uncontaminated water.
  - d. Water, other than stormwater, that has originated from a source separate from the water distribution system of the municipality.

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- e. Sewage or uncontaminated water at a temperature greater than 60 degrees Celsius is prohibited.
- f. Sewage having a pH less than 6.0 or greater than 11.5 is prohibited.
- g. Sewage which consists of two or more separate liquid layers.
- h. Sewage containing dyes or colouring materials which pass through a Sewage system and discolour the Sewage system effluent.
- i. The following materials or Sewage containing any of the following in any amount:
  - Fuels
  - PCBs
  - Pesticides
  - Severely Toxic Material
  - Waste Radioactive Materials
- j. The following materials or Sewage containing any of the following in any amount are prohibited:
  - Hauled Sewage
  - Hauled Waste
  - Waste Disposal Site Leachate
- k. The following wastes in any amount are prohibited:
  - Acute Hazardous Waste
  - Chemicals
  - Combustible Liquid
  - Hazardous Industrial Waste
  - Hazardous Waste Chemical
  - Ignitable Waste
  - Pathological Waste
  - PCB Waste
  - Reactive Waste
- l. Sewage containing a concentration in excess of the limits set forth in Table 1 of Schedule 'H'.

2.2 In determining whether the limit with respect to any matter described in sub-section 2.1 is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met and of any stormwater sewer discharges to a combined sewer shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit cannot be attained by dilution.

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- 2.3 Sub-clauses 2.1.2.b. and 2.1.2.j do not prevent the discharge of human waste provided such discharge of human waste is into an approved private branch drain or connection to a sanitary sewer or combined sewer.
- 2.4 Sub-clause 2.1.2.d. does not prevent the discharge of:
- a. water taken in an amount greater than 50,000 litres per day from a separate source when the owner or operator of the premises has a Permit To Take Water issued by the Ontario Ministry of the Environment and Climate Change and a copy of such permit has been provided to the municipality; or
  - b. water taken in an amount less than 50,000 litres per day from a separate source when the owner or operator of the premises has provided the municipality with the following information:
    - i. address of premises where the water is being used;
    - ii. location of the water source; and
    - iii. amount of water being taken,provided that the discharge to the sanitary sewer or combined sewer shall be subject to an agreement with the municipality in the form as Schedule 'D' to this By-law, or in another form approved by the Director.
- 2.5 Sub-clause 2.1.2.i. does not prevent the discharge of waste radioactive materials, where all of the following conditions are met:
- a. the waste radioactive materials are being discharged under a valid and current license issued by the Canadian Nuclear Safety Commission or its successor;
  - b. a copy of the license has been provided to the Director; and
  - c. the person has written approval from the Director permitting such discharge.
- 2.6 Sub-clause 2.1.2.k. does not prevent the discharge of PCBs when:
- a. the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
  - b. the discharge contains a concentration of less than 5 micrograms per litre of PCBs.

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- 2.7 Sub-clause 2.1.2.j. does not prevent the discharge of waste disposal site leachate when:
- a. the person has prior written approval from the Director which permits the discharge or deposit of the waste disposal site leachate to the Sewage system, in accordance with the guidelines adopted by the City from time to time;
  - b. in the case where a Environmental Compliance Approval or order has been issued which includes a provision for the disposal of waste disposal site leachate to the Sewage system, a copy of the Environmental Compliance Approval or order is provided to the Director; and
  - c. where the person is claiming an exemption, the person has received written notice from the Director that the conditions of the exemption are being met.
- 2.8 Sub-clause 2.1.2.j. does not prevent the discharge of hauled Sewage when:
- a. the carrier of the hauled Sewage operating as a waste management system has Environmental Activity and Sector Registry issued under the Environmental Protection Act (Ontario) or is exempt from the requirement to have a certificate or provisional certificate of approval;
  - b. the carrier has written approval from the municipality and a copy of the most recent certificate of approval or provisional certificate and any amendment is provided to the Director; and
  - c. the carrier meets all conditions for discharge that are or may be set forth, by the municipality, in the Hauled Wastewater Policy as amended from time to time.
- 2.9 Sub-clause 2.1.2.j. does not prevent the discharge of hauled waste when:
- a. the carrier of the hauled waste operating as a waste management system has Environmental Activity and Sector Registry issued under the *Environmental Protection Act* or is exempt from the requirement to have a certificate or provisional certificate of approval;
  - b. the carrier has written approval from the municipality and a copy of the most recent certificate of approval or provisional certificate and any amendment is provided to the Director;
  - c. hauled waste meets the conditions set out in Clauses 23(3)(c) and 25(5)(b) of Ontario Regulation 347, as amended from time to time; and

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- d. the carrier meets all conditions for discharge that are or may be set forth, by the municipality, in the Hauled Wastewater Policy as amended from time to time.
- 2.10 Sub-clause 2.1.2.k. does not prevent the discharge of pathological waste that has been decontaminated prior to discharge when:
- a. the owner or operator of the premises has a Environmental Compliance Approval from the Ontario Ministry of the Environment and Climate Change which expressly allows the discharge or written approval from the Director of the Ontario Ministry of the Environment and Climate Change which expressly authorizes the discharge from the premises;
  - b. the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
  - c. a copy of the Environmental Compliance Approval or written authorization referred to in clause 2.10.a has been provided to the municipality.
- 2.11 Sub-clause 2.1.2.d. does not prevent the temporary discharge to any sanitary sewer or combined sewer of uncontaminated water from foundation drains or weeping tiles collected by an existing sump pump system or an existing gravity system, which otherwise discharges to the surface of the ground, for a period of time acceptable to the Director, provided that the discharge to the sanitary sewer or combined sewer shall be subject to an agreement with the Municipality in the form of Schedule 'G', or in another form approved by the Director.

### **Section 3 – Discharge to Stormwater Sewers**

- 3.1 No person shall discharge or cause or permit the discharge or deposit of matter of a kind listed below into or in land drainage works, private branch drains or connections to any stormwater sewer:
- 3.1.1 Matter of any type or at any temperature or in any quantity which may:
- a. damage a stormwater sewer;
  - b. interfere with the proper operation of a stormwater sewer;
  - c. obstruct a stormwater sewer or the flow therein;
  - d. result in a hazard or other adverse impact to any person, animal, property or vegetation;
  - e. impair the quality of the water in any waters; or

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- f. result in the contravention of an approval, requirement, direction or other order under the Ontario Water Resources Act or the Environmental Protection Act (Ontario), as amended from time to time, with respect to the stormwater sewer or its discharge; is prohibited.

### 3.1.2 Without limiting the generality of the foregoing, any of the following:

- a. water at a temperature greater than 40° Celsius;
- b. water having a pH less than 6.0 or greater than 9.5;
- c. water containing dyes or colouring materials which would require a dilution in excess of 4 parts of distilled water to 1 part of such water to produce a mixture the colour of which is not distinguishable from that of distilled water;
- d. water containing solvent extractable matter of animal or vegetable origin or of mineral or synthetic origin which causes a visible film, sheen or discolouration on the water surface;
- e. water having 200 per 100 millilitres Fecal coliforms;
- f. water containing a concentration in excess of the limits set forth in Table 2 of Schedule 'H';
- g. the following matter in any amount:
  - Sanitary Sewage
  - Once-through cooling water
  - Blowdown
- h. the following materials in any amount:
  - Automotive or Machine Oils and Greases Fuels
  - Hauled Waste
  - Paints and Organic Solvents PCBs
  - Pesticides
  - Severely Toxic Material
  - Waste Disposal Site Leachate
  - Waste Radioactive Materials
- i. the following hazardous wastes in any amount:
  - Acute Hazardous Waste Chemicals
  - Hazardous Industrial Waste
  - Hazardous Waste Chemicals
  - Ignitable Waste
  - Pathological Waste
  - PCB Waste
  - Reactive Waste

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- 3.2 Sub-clause 3.1.2.g. does not prevent the discharge of Once-through cooling water or Blowdown when:
- a. the Once-through cooling water or Blowdown is being discharged pursuant to a Environmental Compliance Approval or order relating to the premises under the Environmental Protection Act (Ontario) or the Ontario Water Resources Act which expressly allows the discharge; or
  - b. the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
  - c. a copy of the Environmental Compliance Approval or order referred to in sub-clause 3.2.a. has been provided to the municipality.
- 3.3 The provisions of sub-clause 3.1.2. apply only to:
- a. the discharge or deposit of stormwater runoff from industrial process areas to a stormwater sewer; and
  - b. to any stormwater discharge to a stormwater sewer to which the matter prohibited by sub-section 3.1 has been added for the purpose of disposing of the matter.
- 3.4 The provisions of sub-clauses 3.1.2.c., 3.1.2.d., 3.1.2.e. and 3.1.2.f. do not prevent the discharge of stormwater runoff from industrial process areas to a stormwater sewer when:
- a. the owner or operator of the premises has a Environmental Compliance Approval or order relating to the premises under the Environmental Protection Act (Ontario) or the Ontario Water Resources Act which expressly allows the discharge and a copy of the Environmental Compliance Approval or order has been provided to the municipality; or
  - b. the owner or operator of the premises has written approval from the Municipality for a Best Management Practices Plan (BMP) which has been prepared in accordance with Schedule 'A'.
- 3.5 A person may be required, by written notice from the Municipality to perform or undertake one or more of the following activities addressing stormwater quality from the person's property:
- a. a study on stormwater quality and/or quantity;
  - b. modification and/or construction of stormwater facilities;
  - c. development and implementation of a best management plan;

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- d. adoption and implementation of pollution prevention techniques and measures; or
- e. any other activity set out in the notice.

### **Section 4 – Connection**

#### **4.1 No person shall:**

- 4.1.1 Erect or cause or permit to be erected any new building unless the new building is connected to the sanitary sewer or combined sewer for sanitary or combined sewer for sanitary drainage purposes, save and except an accessory building not required by the Building Code Act, 1992, S.O. 1992 or other applicable law to contain plumbing or a Sewage system.
- 4.1.2 Construct, install, maintain or cause or permit to be constructed, installed or maintained, whether installed prior to the date of the passing of this article or any of its predecessors, a direct or indirect connection to the sanitary sewer connection which would permit anything other than domestic and industrial Sewage to discharge into the sanitary sewer connection.
- 4.1.3 Sub-clause 4.1.1. shall not apply to the City so as to limit the City from erecting or causing or permitting the erection of Class 1 or Class 4 Sewage systems, as defined by the Building Code Act, 1992, S.O. 1992, on City property designated as open space or public park lands.
- 4.1.4 Where no City sanitary sewer exists adjacent to a property, the Director may exempt such property from the application of sub-clause 4.1.1., provided that the property contains no more than one single-family dwelling and the new building is connected to a septic system or holding system, to contain the Sewage, installed and maintained in compliance with all applicable legislation, regulations and by-laws.

#### **4.2 In the event that a sewer connection is installed or operated in contravention of any provision of this by-law as a whole, the Director may, until such time as the violations are rectified, order the temporary disconnection of such sewer connection. During any disconnection in accordance with this section, no person shall use or cause or permit the use of such a connection.**

#### **4.3 The Director shall not order such temporary disconnection unless the Director has first mailed to the property owner and occupant, if any, a registered letter specifying the nature of the violation or violations of this article and indicating the intention of the Director to order temporary disconnection of the sewer 30 days after the date of mailing, unless the Director is satisfied that the violation or violations set out in the notice will be rectified within that time. The cost of the disconnection and reconnection shall be borne by the property owner and shall be payable to the City before any reconnection is made.**



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- 4.4. Any person desiring a sewer connection shall apply for a permit for such connection on forms supplied by the City and accompanied by such plans as may be required and pay a Fee for the permit. The owner of the property to be served, or the owner's agent, shall sign the permit, and the owner shall be responsible for the completeness and accuracy of the information furnished on such permits and plans.
- 4.5 Sewer connections on public or private property:
- 4.5.1 A sewer connection on public property between the sewer main and private property shall be installed:
- a. By the City at the expense of the owner on conditions and rates determined from time to time by the City; or
  - b. With the prior written consent of the Director, by the owner of the property, at the property owner's expense under a contract, agreement, or undertaking satisfactory to the Director, in compliance with the City of Peterborough's Engineering Design Standards, as it may be amended from time to time; or
  - c. If required by the Director, subject to the execution of an agreement between the owner and the City setting out such terms and conditions as the Director may determine are appropriate, and the Director shall have the authority to execute any such agreement.
- 4.5.2 Sewer connections on private property shall be installed by the owner pursuant to a building permit having been issued for such purpose by the Chief Building Official of the City and in compliance with the Ontario Building Code, as it may be amended from time to time.
- 4.5.3 No direct connection or indirect interconnection between the private stormwater drainage system and the private sanitary drainage system is permitted.
- 4.5.4 Where a sewer connection on public property between the sewer main and private property is installed by the owner of the private property pursuant to sub-clause 4.5.1.b., the owner of the private property shall pay for the cost of an inspection, the amount of which shall be determined by the City from time to time.
- 4.5.5 An owner may request the City to conduct an inspection by means of an excavation or closed circuit television inspection of any existing municipal sewer connection deemed by the Director to be eligible for such an inspection. In the event the City Inspector determines that an inspection is appropriate, the owner shall deposit a sum of money with the City, in an amount determined by the City to represent the cost of the inspection.

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- 4.6 In the event that any person constructs a municipal sewer connection in a manner other than provided for in this section, the City may order the re-excavation of the connection for the purpose of inspection and testing and, if necessary, reconstruction of the work, and the Director may have these works performed at the expense of the owner or disconnect the sewer connection, in which case it shall not be reconnected except with the approval of the City.
- 4.7 Where a catch basin has been installed on private property to drain stormwater from a driveway which slopes towards any structure located on the property, the catch basin shall be connected to the City stormwater sewer where such is available, and the installation shall include:
- 4.7.1 A flap gate backwater valve installed directly downstream of the private catch basin, so that no stormwater may back up from the City stormwater sewer into the private catch basin; and
- 4.7.2 Possible relief structures or retention processes should be predicted such that the stormwater which has collected in the catch basin while the above flap gate backwater valve has closed will not result in local flooding.
- 4.8 Flap gate backwater valve and sump pumps required pursuant to any clause of this article as a whole shall be installed and maintained by the owner or operator of the premises at his or her expense.
- 4.9 Inflow and infiltration of stormwater into sanitary sewer system:
- In this section:
- a. "Directly" shall mean by any physical connection or series of connections that discharges the flow into the sanitary sewer system and for the greater clarity includes any downspout, rainwater leader, catch basin connection lead, and foundation drain lead on private property, that permit stormwater to inflow the sanitary sewer system.
- b. "Indirectly" shall mean in any manner whatsoever whereby stormwater enters the , and for the greater clarity includes any situation where open joints, crack or holes in an underground sanitary sewer system on private property permit stormwater to infiltrate the sanitary sewer system.
- 4.9.1 The owner of any property which has one (1) or more downspout(s) discharging stormwater, either directly or indirectly, into the sanitary sewer connection shall disconnect the down-pipe from the sanitary sewer system and shall conduct the stormwater away from the building in such a manner that the stormwater will not accumulate at or near the building and will not adversely affect adjacent properties. Sanitary sewer openings must be closed in an Ontario Building Code approved manner.

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- 4.9.2 The owner of any property which has one (1) or more rainwater leader(s) discharging stormwater, either directly or indirectly, into the sanitary sewer connection shall disconnect the down-pipe from the sanitary sewer system and shall conduct the stormwater away from the building in such a manner that the stormwater will not accumulate at or near the building and will not adversely affect adjacent properties. Sanitary sewer openings must be closed in an Ontario Building Code approved manner.
- 4.9.3 The owner of any property which has one (1) or more catch basin(s) discharging stormwater, either directly or indirectly, into the sanitary sewer connection shall disconnect the connection pipe from the underground portions and shall conduct the stormwater to near by stormwater systems in such a manner that the stormwater will not accumulate at or near the building and will not adversely affect adjacent properties.
- 4.9.4 The owner of any property which has one (1) or more foundation drain connection(s) discharging, either directly or indirectly, into the sanitary sewer connection shall disconnect the foundation drain connection and shall complete a new connection to the municipal stormwater network in such a manner that the stormwater will not accumulate at or near the building and will not adversely affect adjacent properties.
- 4.9.5 For the purpose of sub-clauses 4.9.1 to 4.9.4 inclusive, the work shall be performed in compliance with the Ontario Building Code, and the City of Peterborough's Engineering Design Standards, to the satisfaction of the Director and the Chief Building Official.
- 4.9.6 Alternative solutions are allowed provided that they meet the City's satisfaction as determined by the Director and/or the Chief Building Official.
- 4.9.7 The requirements set out in subsection 4.9 shall be constructed, installed, operated, and maintained by the owner or operator of the premises, at his or her sole expense.
- 4.9.8 An owner may complete 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. The terms of sub-clause 13.5.4. shall apply to any such investigation.
- 4.9.9 If, as a result of the inspection pursuant to sub-clause 4.9.8., the City's Inspector determines that the inflow of stormwater into the sanitary sewer system occurs solely as a result of a structural problem in the City's portion of the connection, the provisions of sub-clause 4.9.1. and/or 4.9.2. and/or 4.9.3. and/or 4.9.4. will not apply to the owner with respect to the premises in relation to which the inspection was performed and the deposit will be refunded.

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4.9.10 If, as a result of the inspection pursuant to sub-clause 4.9.8., the City's Inspector determines that the infiltration of stormwater into the sanitary sewer system occurs as a result of structural problems in both the City's portion of the connection and the owner's portion of the connection, the provisions of sub-clauses 4.9.1. and/or 4.9.2. and/or 4.9.3. and/or 4.9.4. will not apply to the owner with respect to the premises in relation to which the inspection was performed, and the deposit will be refunded if the owner completes repairs to the owner's portion of the connection to correct deficiencies in that portion of the connection identified in the inspection.

4.9.11 An owner may make an application to the Director for an exemption from the provisions of subsection 4.9, and the Director may permit a connection that does not comply with subsection 4.9 where there is no practical alternate means of drainage available, and compliance with subsection 4.9 is not feasible.

### 4.10 Groundwater drainage system:

4.10.1 The groundwater drainage system set out in subsection 4.10 shall be installed and maintained by the owner or operator of the premises, at his or her sole expense.

4.10.2 No owner of industrial, commercial or institutional premises shall do anything which may increase design peak flow rates of stormwater or impair the quality of stormwater discharged to a stormwater sewer.

4.10.3 The direct connection of any new private stormwater sewer connection to the municipal sanitary sewer is prohibited for any new or reconstructed residential, industrial, commercial or institutional buildings.

4.10.4 An owner may make an application to the Director for an exemption from the provisions of sub-clause 4.10.3., and the Director may permit a connection that does not comply with sub-clause 4.10.3. where there is no practical alternate means of drainage available, and compliance with sub-clause 4.10.3. is not feasible.

4.10.5 Before considering a request for an approval pursuant to sub-clause 4.10.3. the owner or operator of multi-unit residential, industrial, commercial or institutional premises shall be required to submit to the Director for approval a stormwater management report identifying the stormwater quantity and quality control measures being proposed for the site.

### 4.11 Stormwater drainage:

4.11.1 No person shall construct, install or maintain, or cause or permit to be constructed, installed or maintained, drainage from any roof water leader

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or downspout that conveys stormwater from any new or reconstructed residential, industrial, commercial or institutional buildings directly or indirectly to a sanitary sewer system for the purpose of stormwater drainage. Stormwater shall be discharged at grade away from the building in such a manner that the stormwater will not accumulate at or near the building and will not adversely affect adjacent properties.

4.11.2 Where compliance with sub-clause 4.11.1. compromises or creates a hazardous situation and where there is no practical alternate means of drainage systems available, an application may be made to the City for an exemption from the provisions of sub-clause 4.11.1.

### Section 5 – Reports

- 5.1 Notwithstanding Sections 2, 3 and 4, the owner or operator of any industrial premises or class of industrial premises listed in Schedule 'B' shall not discharge or deposit or cause or permit the discharge or deposit of Sewage into or in land drainage works, private branch drains or connections to any sanitary sewer, combined sewer or stormwater sewer.
- 5.2 Subsection 5.1 does not apply with respect to any industrial premises for which a current Waste Survey Report, prepared in accordance with subsections 5.3 and 5.4, has been filed with the Director.
- 5.3 The Waste Survey Report shall contain the following information and shall be signed by an authorized representative of the owner or operator:
  - a. name and address of the premises and names of its owner and operator;
  - b. description of process operations, including waste discharge rates and contaminant concentrations, hours of operation and North American Industrial Classification System Codes (NAICS);
  - c. schematic process diagram indicating waste discharge points and waste descriptions;
  - d. the generator registration number, if any, assigned with respect to the premises under Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario); and
  - e. the waste class, hazardous waste number, primary and secondary characteristics and analytical data and the name of the laboratory if any, furnished to the Ontario Ministry of the Environment and Climate Change under Ontario Regulation 347, as amended from time to time, made under the *Environmental Protection Act* (Ontario) relating to any material discharged into or in land drainage works, private branch drains or connections to any sanitary, combined or, stormwater sewer.

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- 5.4 The Waste Survey Report shall be in the form attached as Schedule 'B1'. At the discretion of the Director an industrial premises may be allowed to submit the Waste Survey Report Short Form attached as Schedule 'B2' to meet the requirement of subsection 5.2.
- 5.5 Where a change occurs in the information required under sub-clause 5.3.a. contained in a Waste Survey Report, the owner or operator of the premises shall submit the new information within 30 days of the change.
- 5.6 Where a change occurs in any information required under any of sub-clauses 5.3.b. to 5.3.e. inclusive described in a Waste Survey Report, the owner or operator of the premises shall not discharge or deposit or cause or permit the discharge or deposit of Sewage into or in land drainage works, private branch drains or connections to any sanitary sewer, combined sewer or stormwater sewer, after 60 days after the change occurs unless a new Waste Survey Report has been submitted setting out the change.

## **Section 6 – Agreements**

- 6.1 Subject to subsections 6.2 and 6.3, the discharge or deposit of Sewage that would otherwise be prohibited by this By-law may be permitted into or in any connection to any sanitary sewer or combined sewer to an extent fixed by agreement with the Municipality under such conditions with respect to payment of additional Sewage service rates or otherwise as may be necessary to compensate for any additional costs of operation, repair and maintenance of the Sewage system.
- 6.2
  - a. An Industrial Waste Surcharge Agreement can only be made for discharge of the following parameters in Sewage: suspended solids, biochemical oxygen demand, phenolic compounds.
  - b. The agreement shall be in the form as Schedule 'C', or in another form approved by the Director, and, upon a recommendation from the Director, the municipality is authorized to execute such agreements under authority of this By-law.
- 6.3
  - a. A Sanitary Discharge Agreement shall be made for the discharge of Sewage which contains water that has originated from a source separate from the municipal water supply system.
  - b. This agreement shall be in the form as Schedule 'D' and, upon a recommendation from the Director, the municipality is authorized to execute such agreements under the authority of By-law 05-105.
- 6.4 No person who has entered into an agreement with the municipality shall be prosecuted under Section 2 of this By-law for the discharge or deposit of any matter specified in the agreement and in compliance with the agreement during

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the period within which, the agreement is applicable and so long as the agreement is being fully complied with.

### **Section 7 – Compliance Program**

- 7.1 A compliance program may be issued as set out in subsections 7.2 to 7.5 inclusive for the discharge of a non-complying effluent during the period of planning, design, construction or installation of facilities to eliminate the non-compliance.
- 7.2 The owner or operator of industrial premises may submit to the Director a compliance program to prevent or to reduce and control the discharge or deposit of matter into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer from the premises.
- 7.3 The owner or operator of industrial premises may submit to the Director a compliance program to prevent or to reduce and control the discharge or deposit of uncontaminated water or stormwater or eliminate the discharge or deposit of matter into or in land drainage works, private branch drains or connections to any stormwater sewer from the premises.
- 7.4 The Director may issue an approval for a compliance program to the person who submitted the program.
- 7.5 Every compliance program shall be for a specified length of time during which the facilities are to be installed and shall be specific as to the remedial actions to be implemented, the dates of commencement and completion, and the materials or other characteristics of the matter, uncontaminated water or stormwater to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program.
- 7.6 The compliance program shall be in the form of Schedule 'E', or in another form approved by the Director, and upon recommendation of Director, the municipality is authorized to execute such compliance programs under the authority of this By-law.
- 7.7 A person to whom a compliance program has been issued shall submit a compliance program progress report to the municipality's Manager of Environmental Protection Division within 14 days after the scheduled completion date for each activity listed in the compliance program.
- 7.8 The compliance program progress report shall be in the form of Schedule 'F', or in another form approved by the Director.
- 7.9 A person to whom a compliance program has been issued shall not be prosecuted under Sections 2, 3 or 4 of this By-law for the discharge or deposit of any matter specified in the compliance program and in compliance with the

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compliance program during the period within which the compliance program is applicable and so long as the person complies fully with the compliance program.

### **Section 8 – Sampling and Analyses**

- 8.1 When a sample is required for the purpose of determining the characteristics or contents of the Sewage, uncontaminated water or stormwater to which reference is made in this By-law,
- a. One sample alone is sufficient and, without limiting the generality of the foregoing, the sample may be a grab sample or a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device in accordance with approved sampling methods as adopted by the City from time to time.
  - b. All tests, measurements and analyses of Sewage, uncontaminated water or stormwater required by the By-law shall be carried out in accordance with the procedures, modified or unmodified, as described in Standard Methods or analytical methods adopted and approved by the Manager of Environmental Protection Division.
  - c. For each one of the following metals: aluminium, antimony, arsenic, bismuth, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, selenium, silver, tin, titanium, vanadium, zirconium and zinc whose concentration is limited in Tables 1 and 2 of Schedule 'H', the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

### **Section 9 – Spills**

- 9.1 Every person who discharges or deposits or causes or permits the discharge of Sewage into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the municipality responsible for operating the Sewage system and receiving the discharge or deposit.
- 9.2 Every person who discharges or deposits or causes or permits the discharge or deposit of uncontaminated water or stormwater into or in land drainage works, private branch drains or connections to any stormwater sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the City responsible for managing the land drainage works or stormwater sewer.
- 9.3 Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed in sub-clauses 2.1.2.i. or 2.1.2.k. into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer shall, forthwith notify the City responsible for operating the Sewage system and receiving the discharge or deposit.



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- 9.4 Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed sub-clauses 3.1.2.g. or 3.1.2.h into or in land drainage works, private branch drains or connections to any stormwater sewer shall forthwith notify the municipality managing the land drainage works or stormwater sewer.
- 9.5 For any of the discharges or deposits in subsections 9.1, 9.2., 9.3. and 9.4, for which the person is required to forthwith notify the municipality, the notification shall include the following information:
- a. name of the person and the address of the location of spill;
  - b. name of person reporting the spill and telephone number where that person can be reached;
  - c. time of the spill;
  - d. type and volume of material discharged and any associated hazards; and
  - e. corrective actions being taken to control the spill.
- 9.6 Within five days following a discharge or deposit to which subsection 9.5 applies, the person shall submit to the City a detailed written report describing the cause of the spill and the actions taken or to be taken to prevent a recurrence.

### **Section 10 – Pollution Prevention Planning**

- 10.1 The Director may require the owner or operator of industrial, commercial and/or institutional premises with one or more connections to a Sewage system to prepare a pollution prevention plan and submit to the Director a plan summary with respect to the premises within 90 days of written notification.
- 10.1.1 For the purpose of Section 10, a plan refers to a pollution prevention plan as prepared in accordance with this subsection 10.3.
- 10.1.2 For the purpose of Section 10, a plan summary refers to a summary of the pollution prevention plan as prepared in accordance with subsection 10.4
- 10.2 Two years after a plan summary is approved the Director may require the owner or operator to revise and update the pollution prevention plan and the plan summary.
- 10.3 Each plan shall be in the form designated by the Director for that purpose from time-to-time.
- 10.3.1 In addition to any other matter or requirement designated by the City, and notwithstanding subsection 10.3.2., each plan shall include the following:

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- a. A description of the processes at the premises which use or produce subject pollutants.
- b. A description of those processes at the premises, which are to be the subject of pollution prevention planning.
- c. A list of the subject pollutants present at the premises at any stage of the operations of the premises.
- d. A description setting out the types, quantities and concentrations of all subject pollutants discharged, directly or indirectly, to a sewer.
- e. A description of current waste reduction, recycling, waste treatment and pollution prevention activities with respect to sewer discharges at the premises.
- f. A description of pollution prevention options for subject pollutants and sewer discharge and an evaluation of those options.
- g. A list of possible three- and six-year targets to reduce or eliminate the discharge of subject pollutants to the City's sewers.
- h. A declaration from an authorized person that the content of the plan is, to the best of that person's knowledge, true, accurate and complete.

10.3.2 The City may designate a different form for the plan with respect to any class of industrial, commercial or institutional premises.

10.4 The plan summary shall be in the form designated by the Director for that purpose from time to time.

10.4.1 In addition to any other matter or requirement designated by the Director, and notwithstanding subsection 10.4.2., each plan summary shall include the following:

- a. A description of the processes at the premises which use or produce subject pollutants.
- b. A description of those processes at the premises, which are to be the subject of pollution prevention planning.
- c. A list of the subject pollutants present at the premises at any stage of the operations of the premises.
- d. A declaration from an authorized person that the content of the plan summary is, to the best of that person's knowledge, true, accurate and complete.

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- 10.4.2 The Director may designate a different form for the plan summary with respect to any class of industrial, commercial or institutional premises.
- 10.5 In the event that an Owner/Operator submitting a plan summary is not sent written notice from the Director that its plan summary has not been approved by the Director within 90 days of the Owner/Operator delivering the plan summary to the Director, the plan summary shall be deemed to have been approved by the Director.
- 10.6 Where an Owner/Operator receives notice from the Director that its plan summary has not been approved, the premises shall have 90 days to amend and resubmit its plan summary to the Director for approval in accordance with this bylaw.
- 10.7 In the event that a plan summary, which has been re-submitted to the Director in accordance with subsection 10.6. continues to fail to comply with the requirements of this bylaw, the Director shall so notify the Owner/Operator, and the premises shall be deemed to be in contravention of subsection 10.1 of this bylaw and shall continue to be in contravention of this bylaw until such time as the Director approves of an amended plan summary resubmitted by the premises, in accordance with this bylaw.
- 10.8 A copy of the pollution prevention plan and plan summary shall be kept at all times at the premises in respect to which it was prepared and shall be available for inspection by the Director at any time.

## **Section 11 – General**

- 11.1 The owner or operator of industrial, commercial and/or institutional premises with one or more connections to a Sewage system shall install and maintain in good repair in each connection a suitable monitoring manhole or other monitoring point approved by the City to allow observation and sampling of Sewage, uncontaminated water or stormwater and measurement of the flow of Sewage, uncontaminated water or stormwater therein, provided that where installation of a monitoring manhole is not possible, an alternative device or facility may be substituted with the written approval of the Director.
- 11.2 The monitoring manhole or alternate device shall be located on the property of the owner or operator of the premises, unless the Director has given written approval for a different location.
- 11.3 Every monitoring manhole, device or facility installed as required by subsection 11.2 shall be designed and constructed in accordance with good engineering practice and the requirements of the municipality, and shall be constructed and maintained by the owner or operator of the premises at his/her expense.

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- 11.4 The owner or operator of industrial premises shall at all times ensure that every monitoring manhole, device or facility installed as required by subsection 11.2 is at all times accessible for purposes of observing and sampling the Sewage, uncontaminated water or stormwater, and measuring the flow of Sewage, uncontaminated water or stormwater therein.
- 11.5 The municipality may require the owner or operator of industrial premises to install and maintain devices to monitor Sewage, uncontaminated water or stormwater discharges and to submit regular reports regarding the discharges to the municipality.
- 11.6 For the purpose of the administration of this By-law, an inspector may, for the purpose of carrying out observations and inspections, enter in or upon any land or premises, except land or premises being used as a dwelling, at any time without a warrant, and may take such tests and samples as are necessary for the purposes of the inspection.
- 11.7 No person shall prevent, hinder, obstruct or interfere in any way with the Director or an inspector, bearing proper credential and identification, from:
- a. entering in or upon any land or premises except land or premises being used as a dwelling house, at any reasonable time;
  - b. making such tests or taking such samples as he/she deems necessary; or
  - c. inspecting or observing any plant, machinery, equipment, work or activity for the purposes of administering or enforcing this By-law.
- 11.8 No person shall break, alter, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:
- a. any part of a Sewage system; or
  - b. any permanent or temporary device installed in a Sewage system for the purpose of measuring, sampling and testing of Sewage, uncontaminated water or stormwater.
- 11.9 a. The agreement contemplated by Section 6 may be terminated by the City on 30 days written notice if the discharge of any matter covered by such agreement is causing a contravention of subsection 2.1.
- b. The compliance program contemplated by Section 6 may be terminated by the City on 30 days written notice if the discharge or deposit of matter, uncontaminated water or stormwater covered by such compliance program is causing a contravention of subsection 2.1 or 3.1.
- 11.10 The agreement contemplated by Section 6 and the compliance program contemplated by Section 7 may be terminated by the City by written notice at any

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time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, or waters.

- 11.11 Unauthorized Entry to Sewage system: Unless specifically authorized by the Director, no person shall enter any Sewage system.
- 11.12 No person shall install or operate within the City, any garbage shredding or grinding device for industrial, commercial, institutional or multi-residential purposes, the effluent from which will discharge directly or indirectly into the Sewage system without fully complying with the conditions set out in this By-law.
- 11.13 Every owner or operator of a premises from which dental waste amalgam may be discharged, which waste may directly or indirectly enter a sewer, shall install, operate and properly maintain dental waste amalgam separator(s) in accordance with Ontario Regulation 196/03 made under the Dentistry Act.
- 11.14 All interceptors or traps for the removal oil, grease and solids must be maintained by the owner, at the owner's expense, in good working order. The owner shall produce maintenance records for the preceding eighteen month period upon request by the municipality. The municipality shall have the right to enter upon the premises at any time to inspect the operation and maintenance of an interceptor.

## **Section 12 – Offences**

- 12.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$10,000, for a first offence and \$25,000, for any subsequent conviction.
- 12.2 Every corporation which contravenes any provision of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$50,000, for a first offence and \$100,000, for any subsequent conviction.
- 12.3 In this By-law, subsequent conviction means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law.

## **Section 13 – Repeal and Effective Date**

- 13.1 By-law 05-104 "To regulate the discharge of Sewage and land drainage in the City of Peterborough Area" is hereby repealed on the date this By-law comes into effect.
- 13.2 Notwithstanding subsection 13.1, any agreement entered into by the municipality or a program approval issued by the Director pursuant to the provisions of By-law 05-104 as amended, provided that such agreement was in effect immediately

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prior to the passage of this By-law and further provided that the owner or operator was not in breach of such agreement, remains in effect in accordance with its terms and conditions.

13.3 This By-law comes into effect on the date it receives third reading.

### **Section 14 – Short Title**

14.1 This By-law may be referred to as the “Sewer Use By-law”.

By-law read a first, second and third time this \_\_\_\_ day of \_\_\_\_\_ 2017

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

## Appendix D

Proposed for 17-XXX	Sewer Rate	15-075
<b>Sewer</b> - means a pipe, conduit, drain, open channel, ditch, culverts, catch basins, treatment units, outfalls, dikes, dams, and any other part of the City's infrastructure designed to collect and convey, sewage.		<b>Sewer</b> – means a pipe, conduit, drain, open channel, ditch or watercourse for the collection and transmission of sewage, sewage and stormwater, or stormwater.
<b>Sewage</b> - means storm water and other drainage from land, and commercial wastes and industrial wastes that are disposed of in a Sewage System.	<b>Sewage</b> – means storm water and other drainage from land, and commercial wastes and industrial wastes that are disposed of in a Sewage System.	NA
<b>Sewage System</b> – means any works for the collection, transmission, treatment or disposal of Sewage or any part of such works.	<b>Sewage System</b> – means any works for the collection, transmission, treatment or disposal of Sewage or any part of such works.	NA
<b>Sanitary Sewer</b> – means a sewer for the collection and transmission of sanitary sewage.		<b>Sanitary sewer</b> – means a sewer for the collection and transmission of domestic and industrial sewage or any combination thereof.
<b>Sanitary Sewage</b> – means wastewater including human, commercial and industrial waste, septic waste and grey-water and any other matter that is intended to be conveyed to a wastewater treatment facility.	<b>Sanitary Sewage</b> – means wastewater including human, commercial and industrial waste, septic waste and grey-water and any other matter that is intended to be conveyed to a wastewater treatment facility.	<b>Sewage</b> – means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or in suspension except uncontaminated water.
<b>Sanitary Sewage System</b> – means any part of the Sewage System that is intended to convey Sewage to a wastewater treatment facility.	<b>Sanitary Sewage System</b> – means any part of the Sewage System that is intended to convey Sewage to a wastewater treatment facility.	<b>Sewage works</b> – means any works for the collection transmission treatment or disposal of sewage or any part of such works.
<b>Stormwater Sewer</b> – means a sewer for the collection and transmission of uncontaminated water, stormwater,		<b>Storm sewer</b> – means a sewer for the collection and transmission of uncontaminated water, stormwater,

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Proposed for 17-XXX	Sewer Rate	15-075
drainage from land or from a watercourse or any combination thereof.		drainage from land or from a watercourse or any combination thereof.
<b>Stormwater</b> – means water from rainfall or other natural precipitation, melted snow, melted ice, and uncontaminated water.		<b>Stormwater</b> – means water from rainfall or other natural precipitation or from the melting of snow or ice.
<b>Stormwater Sewage System</b> – means storm sewers, ditches, culverts, catch basins, treatment units, outfalls, dikes, dams, watercourses and any other part of the City’s stormwater system that collects and/or conveys one or more of: surface water, rain water, melted snow, melted ice, and uncontaminated water.	<b>Stormwater Sewage System</b> – means storm sewers, ditches, culverts, catch basins, treatment units, outfalls, dikes, dams, watercourses and any other part of the City’s stormwater system that collects and/or conveys one or more of: surface water, rain water, melted snow, melted ice, and uncontaminated water.	NA
<b>Combined sewer</b> – means a sewer intended to function simultaneously as a stormwater sewer and a sanitary sewer.		<b>Combined sewer</b> – means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer.