



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 27/2019

A By-law for the control of Sewage and Stormwater Discharge  
to the Municipal Sewers and Lands in the City of Thunder Bay.

Recitals

1. (a) Section 8 of the *Municipal Act*, 2001, S.O. 2001, chapter 25, as amended (the “Act”) provides that the powers of a municipality under any Act 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.
- (b) Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act.
- (c) Section 10 of the Act provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting: social and environmental well-being of the municipality; health, safety and well-being of persons; services and things that the municipality considers necessary or desirable for the public; and protection of persons and property;
- (d) Section 11 of the Act provides authority for a municipality to pass by-laws respecting sanitary and stormwater sewage systems.
- (e) Section 391 of the Act provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;
- (f) Section 425 of the Act provides authority for a municipality to create offences.
- (g) Section 429 of the Act provides authority for a municipality to establish a system of fines or offences under a by-law of a municipality passed under the Act.
- (h) Section 436 of the Act authorizes a municipality to pass by-laws providing that the municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order, or licence.
- (i) Section 444 of the Act provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct a contravention.

(j) Council of The Corporation of the City of Thunder Bay has determined it necessary and expedient to regulate and control the Sewage Discharge and Stormwater Drainage into Municipal Sewers and Land Drainage Works in the City of Thunder Bay.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

## SECTION 1 - DEFINITIONS

1. In this By-law:

- (a) **“Acute Hazardous Waste Chemical”** has the same meaning as in Ontario Regulation 347;
- (b) **“Biochemical Oxygen Demand”** means 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) as determined by the appropriate procedure in Standard Methods;
- (c) **“Biomedical Waste”** means human anatomical waste, untreated microbiological waste, waste sharps and untreated blood and body fluids known to contain viruses and agents listed in “Risk Group 4” as defined in “Laboratory Biosafety Guidelines” published by Health Canada, 1996 as amended;
- (d) **“Blowdown”** means water that is Discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would impair the operation of the system;
- (e) **“Building Code”** means O. Reg. 332/12 made pursuant to the *Ontario Building Code Act*, 1992 S.O. 1992, c. 23, as amended;
- (f) **“CAN/CSA B481”** means grease interceptors standard which specifies material, design and construction requirements for manufactured grease interceptors intended to separate and collect organic fats, oils and greases from water as amended;
- (g) **“Chief Building Official”** means a Chief Building Official appointed or constituted under the *Ontario Building Code Act*, 1992 or his/her authorized representative;
- (h) **“City”** means The Corporation of the City of Thunder Bay;

- (i) **“City Engineer”** means the Director of Engineering and Operations Division of the City’s Infrastructure and Operations Department or their authorized representative;
- (j) **“City’s Engineering and Development Standards”** means the City’s current specifications for Systems, Engineering Design Criteria, Standard Drawings, Standard Construction Specifications and Drawings, as approved by the City and as may be amended or any other document as required by legislation;
- (k) **“Combined Sewer”** means a Sewer intended to function simultaneously as a Storm Sewer and a Sanitary Sewer;
- (l) **“Composite Sample”** means a volume of Sewage, Stormwater or Uncontaminated Water made up of three or more Grab Samples that have been combined automatically or manually and taken at regular intervals during the sampling periods;
- (m) **“Customer”** means any Person who receives water, or Sewer or Stormwater or Land Drainage services from the City and may include the Owner or occupant of the Premise;
- (n) **“Cyanide (Total)”** means cyanide as determined by the appropriate procedure in Standard Methods;
- (o) **“De Minimis”** means a dose of radiation to an individual of .05 millisieverts per year; regardless of the quantity of the material or how it is used or managed;
- (p) **“Discharge”** when used as a verb, includes add, deposit, emit, release or leak and, when used as a noun, includes addition, deposit, emission, release or leak, the words Discharge, Discharged and Discharges shall have the corresponding meanings;
- (q) **“Discharger”** means a Person who is the Owner, is in occupation of, or has charge, management and control of a site that Discharges to a Sewage Works, Sewage, Stormwater, Uncontaminated Water or any other Matter to which this By-law applies;
- (r) **“Enforcement Officer”** means any Person duly authorized by the City to enforce the provisions of this By-law;
- (s) **“Environmental Protection Act”** means the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended;
- (t) **“Food Waste Grinding Devices”** means a device used for the purposes of macerating or grinding garbage and/or food wastes;

- (u) **“Foundation Drain”** means a perforated pipe installed beneath the foundation of a building or structure for the purpose of collecting flows from groundwater infiltration and conveying the flows to a sump pump or gravity drainage system for disposal on the surface of the ground or a private service connection or drainage system for disposal in a municipal Sewer;
- (v) **“Fuels”** means alcohol, gasoline, naphtha, diesel fuel, fuel oil, or any other ignitable substance intended for use as a fuel;
- (w) **“Grab Sample”** is a sample being taken at one particular time and place;
- (x) **“Hauled Sewage”** means waste removed from a Sewage system including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a Sewage holding tank or any other Sewage system of a type regulated under Part VIII of the *Environmental Protection Act*;
- (y) **“Hauled Liquid Materials”** means any Sewage, Leachate or Liquid Industrial Waste which is transported to and deposited into the Sewage Works;
- (z) **“Hauler”** means a Person who transports or permits or causes the transport of Hauled Liquid Materials and includes the Owner or an employee of the Person;
- (aa) **“Hazardous Industrial Waste”** has the same meaning as in *Ontario Regulation 347*;
- (bb) **“Hazardous Waste Chemical”** has the same meaning as in *Ontario Regulation 347*;
- (cc) **“Ignitable Waste”** has the same meaning as in *Ontario Regulation 347*;
- (dd) **“Industrial”** means activities pertaining to industry, manufacturing, commerce, trade, business, or institutions, as distinguished from domestic or residential;
- (ee) **“Interceptor”** means a receptacle that is designed and installed to prevent food related Oil and Grease, vehicle and equipment service Oil and Grease, sediment, sand or other matter from passing into the Sewage Works;
- (ff) **“Kjeldahl Nitrogen”** means organic nitrogen as determined by the appropriate procedure in Standard Methods;
- (gg) **“Land Drainage Works”** means works of any sort for the drainage of land, which is owned by the City, including drainage channels for receiving water in its natural flow on lands, roads and works diverting or damming the same to prevent its overflow onto any other lands, as well as drainage channels for the conveyance of Stormwater from any land;

- (hh) **“Leachate”** means the liquid containing dissolved or suspended contaminant which emanate from solid or garbage waste and is produced by water percolating through waste or by liquid in waste;
- (ii) **“Liquid Industrial Waste”** has the same meaning as in *Ontario Regulation 347*;
- (jj) **“Matter”** includes any solid, liquid or gas;
- (kk) **“Ministry of Environment”** means the Ontario government agency responsible for the protection of the environment;
- (ll) **“Nutrients”** means any combination of Total Phosphorus and Total Kjeldahl Nitrogen and used to determine Discharge concentration limits, Over Strength Discharge Agreements and fees;
- (mm) **“Oil and Grease”** means water containing Solvent Extractable Matter of animal or vegetable origin or of mineral or synthetic origin;
- (nn) **“Once-Through Cooling Water”** means water which is used to reduce temperature for the purpose of cooling which does not come into direct contact with any material or product other than heat that has been circulated once through the cooling device;
- (oo) **“Ontario Regulation 347”** means *Ontario Regulation 347 RRO 1990 General – Waste Management* as amended;
- (pp) **“Ontario Water Resources Act”** means the *Ontario Water Resources Act, R.S.O. 1990 c. O.40* as amended;
- (qq) **“Operating Authority”** means the Division of the City’s Infrastructure and Operations Department responsible for the Sewage Works;
- (rr) **“Owner” or “Operator”** means the Person having charge, management and control of any facility or activity subject to the provisions of this By-law or any Person who is the registered owner of property or any agent thereof, a Person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent Person who is an owner of property, an executor of an estate which includes property, or an administrator or guardian who has responsibility for property on behalf of an owner. The words “Owns”, “Owned”, “Owning” and “Ownership” shall have corresponding meanings;
- (ss) **“Pathological Waste”** has the same meaning as in *Ontario Regulation 347* or any material which may be designated in writing by the Chief Medical Officer of Health;

- (tt) **“Polychlorinated Biphenyls (PCB)”** means any mono-chlorinated or polychlorinated biphenyl or any mixture of these or mixture that contains one or more of them;
- (uu) **“Polychlorinated Biphenyls (PCB) Waste”** has the same meaning as in *Ontario Regulation 362*, R.R.O. 1990 Waste Management **Polychlorinated Biphenyls (PCB)**”, as amended;
- (vv) **“Person”** includes an individual, association, partnership, corporation, municipality, provincial or federal agency, or an agent or employee of such a Person;
- (ww) **“Pesticides”** has the same meaning as in *The Pesticides Act*, R.S.O. 1990, c. P-11, as amended;
- (xx) **“Pharmaceuticals”** means a drug or medicine that is prepared or dispensed in pharmacies and used in medical treatment;
- (yy) **“Phenolic Compounds”** means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by the appropriate procedure in Standard Methods;
- (zz) **“Phosphorus”** means total Phosphorus as determined by the appropriate procedure in Standard Methods;
- (aaa) **“Premise”** or premises, means a building, structure, land or lot, or any part of a building, structure, land or lot within the City, which has a unique municipal address;
- (bbb) **“Pretreatment”** means treatment processes or devices, including Stormwater treatment systems, designed to remove sufficient Matter before Discharge to the Sewage Works to enable compliance of this By-law. Pretreatment processes or devices prevent, dilute, neutralize, reduce and control the Discharge or deposit of Matter from the Dischargers Premises into the Sewage Works;
- (ccc) **“Reactive Waste”** has the same meaning as in *Ontario Regulation 347*;
- (ddd) **“Sanitary Sewer”** means a Sewer for the collection and transmission of domestic, commercial, institutional and Industrial Sewage or any combination thereof;
- (eee) **“Severely Toxic Waste”** has the same meaning as in *Ontario Regulation 347*;
- (fff) **“Sewage”** means any liquid waste containing organic, inorganic, animal, vegetable, chemical or mineral Matter in solution or in suspension, but does not include Stormwater or Uncontaminated Water;

- (ggg) **“Sewage Works”** means any works owned by the City for the collection, transmission, treatment or disposal of Sewage, Stormwater or Uncontaminated Water and includes Sanitary Sewers, Combined Sewers, Storm Sewers and Land Drainage Works and their appurtenances but does not include plumbing or other works to which the Building Code applies;
- (hhh) **“Sewer”** means a pipe, conduit, drain, open channel or ditch for the collection and transmission of Sewage, Stormwater or Uncontaminated Water or any combination thereof;
- (iii) **“Solvent Extractable Matter”** of animal, vegetable, mineral or synthetic origin” means Oil and Grease as determined by the appropriate procedure in Standard Methods;
- (jjj) **“Standard Methods”** means a procedure or method set out in “Standard Methods for the Examination of Water and Wastewater” as amended, published jointly by the American Public Health Association, American Water Works Association and Water Environment Federation, recent or latest edition or approval in writing by the Operating Authority;
- (kkk) **“Storm Sewer”** means a Sewer for the collection and transmission of Uncontaminated Water, Stormwater, drainage from land, roads or from a watercourse or any combination thereof excluding any portion of a Combined Sewer Works;
- (lll) **“Stormwater”** means water from rainfall or other natural precipitation or from the melting of snow or ice;
- (mmm) **“Suspended Solids”** means insoluble Matter in liquid that is removable by filtration, as determined by the appropriate procedure described in Standard Methods;
- (nnn) **“Uncontaminated Water”** means water to which no Matter has been added as a consequence of its use, with a level of quality which is typical of potable water supplied by the City;
- (ooo) **“Waste Disposal Site Leachate”** means the liquid containing dissolved or suspended contaminants which emanates from solid waste at the Waste Disposal Site and is produced by water percolating through waste or by liquid in waste;
- (ppp) **“Waste Radioactive Materials”** means substances defined in the federal Nuclear *Safety and Control Act* and the regulations passed thereunder, as amended;
- (qqq) **“Waste Transportation System”** means those facilities, equipment and operations that are involved in transporting waste beyond the boundaries of a site or from site to site; and

- (rrr) **“Watercourse”** means an open channel, ditch or depression, either natural or artificial, in which flow of water occurs either continuously or intermittently.

## **SECTION 2 - DISCHARGES TO SANITARY AND COMBINED SEWERS**

- 2.1 (a) No Person shall permit, cause, or Discharge, any Matter which may be or may become:
- (i) a health or safety hazard to a Person;
  - (ii) harmful to the Sewage Works;
  - (iii) a contravention under the *Ontario Water Resources Act* or the *Environmental Protection Act*;
  - (iv) a hazard to any Person, animal, property or environment;
  - (v) an obstruction, restriction, impairment, interference or cause damage to any of the Sewage Works;
  - (vi) or which may cause the sludge from Sewage Works to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands under guidelines for the utilization of biosolids and other wastes, issued by the Ontario Government unless the Person has been advised in writing by the Operating Authority that the sludge from the Sewage Works will never be used on agricultural lands; and
- (b) No Person shall permit, cause, or Discharge, any of the following Matter:
- (vii) Solid or viscous substances in quantities or of such size as to be capable of causing interference with the flow or partial obstruction to the flow in a Sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, grain, feathers, tar, plastics, wood, unground or ground garbage or food waste, animal guts or tissues, paunch manure, and whole blood;
  - (viii) Sewage that may cause an offensive odour to emanate from a Sewage Works, and without limiting the generality of the foregoing, Sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity that may cause an offensive odour;
  - (ix) Except in the case of Discharge into a Combined Sewer, Stormwater, water from drainage of roofs or land, Foundation Drains, water from a watercourse or Uncontaminated Water;



- (x) Sewage or water other than Stormwater that has originated from a source separate from the water distribution system of the City unless the Owner or Operator has entered into a Discharge agreement as prescribed by the Operating Authority and the Discharge is in accordance to this By-law and complies fully with the terms and conditions of the agreement ;
- (xi) Sewage or Uncontaminated Water at a temperature greater than 65 degrees Celsius;
- (xii) Sewage having a pH less than 5.5 or greater than 10.5;
- (xiii) Sewage containing more than 15 milligrams per litre of Oil and Grease of mineral or synthetic origin;
- (xiv) Sewage containing more than 150 milligrams per litre of Oil and Grease of animal or vegetable origin;
- (xv) Sewage in which the Biochemical Oxygen Demand exceeds 300 milligrams per litre;
- (xvi) Sewage containing more than 350 milligrams per litre of Suspended Solids (total);
- (xvii) Sewage containing more than 10 milligrams per litre of Phosphorus (total);
- (xviii) Sewage containing more than 100 milligrams per litre of Kjeldahl Nitrogen (total);
- (xix) Sewage containing more than 1 milligram per litre of Phenolic Compounds;
- (xx) Sewage which consists of two or more separate liquid layers;
- (xxi) Sewage containing dyes or colouring materials which pass through a Sewage Works and discolour the Sewage;
- (xxii) Discharging any waste material from any Food Waste Grinding Device from entering the Sewage Works;
- (xxiii) Sewage containing any of the following in excess of the indicated concentrations;

1500 milligrams/litre

Chlorides (total) expressed as Cl.

Sulphates (total) expressed as SO<sub>4</sub>.

50 milligrams/litre

Aluminum (total) expressed as Al.

Iron (total) expressed as Fe.

10 milligrams/litre

Fluorides (total) expressed as F.

5 milligrams/litre

Antimony (total) expressed as Sb.

Bismuth (total) expressed as Bi.

Chromium (total) expressed as Cr.

Cobalt (total) expressed as Co.

Lead (total) expressed as Pb.

Manganese (total) expressed as Mn.

Molybdenum (total) expressed as Mo.

Selenium (total) expressed as Se.

Silver (total) expressed as Ag.

Tin (total) expressed as Sn.

Titanium (total) expressed as Ti.

Vanadium(total) expressed as V.

3 milligrams/litre

Copper (total) expressed as Cu.

Nickel (total) expressed as Ni.

Zinc (total) expressed as Zn.

2 milligrams/litre

Cyanide (total) expressed as CN.

1 milligram/litre

Arsenic (total) expressed as As.

Cadmium (total) expressed as Cd.

0.1 milligrams/litre

Mercury (total) expressed as Hg.

(xxiv) The following Matter containing any of the following in any amount;

Fuels.

Polychlorinated Biphenyls (PCB).

Pesticides.

Pharmaceuticals .

Severely Toxic Waste.

Waste Radioactive Materials.

(xxv) The following materials or Sewage containing any of the following in any amount;

Hauled Sewage.

Waste Disposal Site Leachate.

(xxvi) The following hazardous wastes in any amount;

Acute Hazardous Waste Chemicals.

Biomedical Wastes.

Hazardous Industrial Wastes.

Hazardous Waste Chemicals.

Ignitable Wastes.

Pathological Wastes.

Polychlorinated Biphenyls (PCB).

Reactive Wastes.

2.2 No Person shall permit or cause the Discharge or deposit of Sewage directly or indirectly into a Sanitary Sewer or Combined Sewer where water, Stormwater, chemical, agent or additive has been added to the Discharge for the purposes of dilution to achieve compliance to this By-law.

2.3 Subsection 2.1 (b)(x) does not apply to 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 Ministry of the Environment and a copy of such permit has been provided to the Operating Authority. The Owner or Operator of the Premises has entered into a Discharge agreement as prescribed by the Operating Authority. The Discharge is in accordance to this By-law, fully complies with the terms and conditions of the agreement and has provided the Operating Authority with the following:

(i) Address of Premises where the water is being used;

(ii) Location of the water source;

(iii) Volume of water being Discharged; and

(iv) Information on the Discharge that would enable the Operating Authority to assess whether the Discharge is in accordance to this By-law.

(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 entered into a Discharge agreement as prescribed by the Operating Authority, the Discharge is in accordance to this By-law, fully complies to the terms and conditions of the agreement and has provided the Operating Authority with the following:

- (i) Address of Premises where the water is being used;
- (ii) Location of the water source;
- (iii) Volume of water being Discharged; and
- (iv) Information on the Discharge that would enable the Operating Authority to assess whether the Discharge is in accordance to this By-law.

2.4 Subsection 2.1 (b)(xxiv) does not apply to prevent the Discharge of De Minimus waste or the Discharge of Waste Radioactive Materials where they are being Discharged in accordance with a licence issued by the Atomic Energy Control Board and a copy of the licence has been provided to the Operating Authority.

2.5 Subsection 2.1 (b)(xxv) does not apply to prevent the Discharge of Waste Disposal Site Leachate when:

- (a) the Waste Disposal Site Leachate is being Discharged pursuant to a certificate of approval, environmental compliance approval or order relating to the Premises under the Environmental Protection Act or the Ontario Water Resources Act which expressly allows the Discharge and a copy of the approval or order has been provided to the Operating Authority; and
- (b) the Owner or Operator of the Premises has a Discharge agreement in a form prescribed by and the Discharge is in accordance to this By-law and complies fully with the terms and conditions of the agreement.

2.6 Subsection 2.1 (b) (xxv) does not apply to prevent the Discharge of Sewage or Hauled Sewage when:

- (a) the Hauler of the Hauled Sewage has a Waste Transportation System operating under a license issued under Part VIII of *the Environmental Protection Act*;
- (b) the Hauler has a valid Hauled Sewage management agreement in a form prescribed by the Operating Authority to Discharge Hauled Sewage and the Discharge is in accordance to this By-law and complies fully with the terms and conditions of the agreement;
- (c) Hauled Sewage is being Discharged from a recreational vehicle at an approved location; and
- (d) The Hauler, Owner or Operator has a Discharge agreement in a form prescribed by the Operating Authority and the Discharge is in accordance to this By-law and complies fully with the terms and conditions of the agreement.

2.7 Subsection 2.1 (b) (xxvi) does not apply to prevent the Discharge of Biomedical Waste that has been decontaminated prior to Discharge when:

- (e) the Biomedical Waste has been Discharged in accordance with the Ontario Ministry of Environment Guideline C-4 entitled “The Management of Biomedical Waste in Ontario”, as amended; and
- (f) any human blood and body fluids known to contain viruses and agents in listed “Risk Group 4” as defined in “Laboratory Biosafety Guidelines” published by Health and Welfare Canada, as amended, are decontaminated prior to discharge.

2.8 No Person shall install, replace, operate, or otherwise use any devices used for the purposes of macerating or grinding garbage and/or food wastes at a Premise from which the effluent could Discharge into the Sewage Works.

### **SECTION 3 - DISCHARGES TO STORM SEWERS AND LAND DRAINAGE WORKS**

3.1 No Person shall permit, cause or Discharge Matter to Storm Sewers or the Land Drainage Works. It is prohibited to add any Matter of any type at any time to Storm Sewers or Land Drainage Works and, in particular:

- (a) Matter of any type, at any temperature, in any quantity which may:
  - (i) interfere with the proper operation of a Storm Sewer or Land Drainage Works;
  - (ii) obstruct or restrict or damage a Storm Sewer, or Land Drainage Works or the flow therein;
  - (iii) result in a hazard to any Person, animal, property or the environment;
  - (iv) impair the quality of the water in any well, aquifer, lake, river, pond, spring, stream, reservoir or other water or Watercourse;
  - (v) result in an offence or the contravention of an approval, requirement, direction or other order under the Ontario Water Resources Act, the Environmental Protection Act or the Fisheries Act; and
  - (vi) be non-compliant with a development agreement, Building Code or the City’s Engineering and Development Standards.
- (b) No Person shall permit, cause or Discharge the following kind of Matter:
  - (i) water at a temperature greater than 40 degrees Celsius;
  - (ii) water having a pH less than 6.0 or greater than 10.0;
  - (iii) water containing more than 15 milligrams per litre of Suspended Solids (total);

- (iv) water containing material which discolours the water;
- (v) water containing Oil and Grease or water which causes a visible film, sheen or two or more separate layers;
- (vi) water containing any of the following in excess of the indicated concentrations:

200 micrograms/litre

Chromium (total) expressed as Cr.

50 micrograms/litre

Lead (total) expressed as Pb.

Nickel (total) expressed as Ni.

Zinc (total) expressed as Zn.

10 micrograms/litre

Copper (total) expressed as Cu.

1 microgram/litre

Cadmium (total) expressed as Cd.

Mercury expressed as Hg.

200 organisms per 100 millilitres

Fecal coliforms.

- (vii) the following Matter in any amount:

Blowdown.

Combustible Liquids.

Floating Debris.

Fuels.

Hauled Liquid Materials.

Oils and Greases.

Once-through cooling water.

Paints and Organic Solvents.

Polychlorinated Biphenyls (PCB).

Pesticides and Herbicides.

Severely Toxic Waste.

Sewage.

Waste Disposal Site Leachate.

Waste Radioactive Materials.

Water from Dewatering Activities.

- (viii) the following hazardous wastes in any amount:

Acute Hazardous Waste Chemicals.  
Hazardous Industrial Wastes.  
Hazardous Waste Chemicals.  
Ignitable Wastes.  
Pathological Wastes.  
Polychlorinated Biphenyls (PCB) Wastes.  
Reactive Wastes

- 3.2 The provisions of Subsection 3.1 (b) apply only to,
- (a) the Discharge of Stormwater runoff to a Storm Sewer or Land Drainage Works; and
  - (b) any Stormwater or Land Drainage Works Discharge to which the Matter prohibited by Subsection 3.1 has been added for the purpose of disposing of the Matter or due to activities or storage of materials on their Premises which result in runoff that is non-compliant to this By-law.
- 3.3 The provisions of Subsections 3.1 (b) (iii), (iv), (v) and (vi) do not apply to prevent the Discharge of Stormwater runoff to a Storm Sewer or Land Drainage Works when:
- (a) the Owner or Operator of the Premises has a certificate of approval, environmental certificate approval or order relating to the Premises under the Environmental Protection Act or the Ontario Water Resources Act which expressly allows the Discharge and a copy of the certificate of approval, environmental certificate approval or order has been provided to the Operating Authority; and
  - (b) the Owner or Operator of the Premises has written approval from the Operating Authority which expressly authorizes the Discharge from the Premises.
- 3.4 Subsection 3.1 (b) (vii) does not apply to 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 certificate of approval, environmental certificate approval or order relating to the Premises under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the Discharge and copy of the certificate of approval, environmental certificate approval or order has been provided to the Operating Authority; and
  - (b) the Owner or Operator of the Premises has written approval from the Operating Authority which expressly authorizes the Discharge from the Premises.

- 3.5 No person shall permit, cause or install a direct connection from any roof leader, eaves trough, down spout, Foundation Drain or sump pump to the Land Drainage Works. The Owner or Operator of the Premise must not Discharge no further than to their property line.
- 3.6 No Person shall permit, cause or Discharge directly or indirectly into a Storm Sewer or Land Drainage Works where water has been added to the Discharge for the purposes of dilution to achieve compliance to this By-law.
- 3.7 The provisions of Subsection 6.6 apply to the Discharge of swimming pools and hot tubs.

#### **SECTION 4 - OVER STRENGTH DISCHARGE AGREEMENTS**

- 4.1 The Discharge of Sewage that would otherwise be prohibited under this By-law may be allowed pursuant to a Discharge agreement in a form prescribed by the Operating Authority under such terms and conditions as may be indicated. A Discharge agreement may be entered into for Discharge of the following Matter within parameters established in Section 2.1(b): Total Suspended Solids, Biochemical Oxygen Demand, and Nutrients (Total Phosphorus and Total Kjeldahl Nitrogen):
- (a) At the discretion of the Operating Authority, a Discharge agreement of otherwise prohibited Matter shall be in a form prescribed by the Operating Authority
- 4.2 The Operating Authority may authorize a temporary sanitary sewer use and over strength discharge agreement (for a mutually agreed upon time) with a Discharger to permit exceedances. The Discharge agreement will be in a form prescribed by the Operating Authority to temporarily Discharge Sewage and must comply fully with the terms and conditions as may be imposed within the Discharge agreement and the Discharge is in accordance to this By-law. A one-time administrative compliance program fee and a Discharge agreement fee will be applied in addition to any applicable disposal fee as set out in the schedule of fees in the user fee By-law which shall remain the responsibility of the Owner or Operator who requires a Discharge Agreement. over strength charges will apply for any one or more of the following parameters as listed below, where Sewage is Discharged to a Sanitary or Combined Sewer:
- (a) Biochemical Oxygen Demand
  - (b) Nutrients (Total Phosphorus and Total Kjeldahl Nitrogen)
  - (c) Total Suspended Solids



4.3 An annual fee and over strength Discharge agreement fee will be applied to Sewage wastes that exceed the limits set out in Subsection 2.1 b (xv), (xvi), (xvii) and (xviii). The over strength Discharge agreement fee will be billed monthly or a period mutually agreed upon by the Operating Authority and Discharger and determined by the following calculation:

$$C = QR_i$$

$$R_i = R_n \left[ (f_s) \frac{(S_i - S_n)}{S_n} + (f_B) \frac{(B_i - B_n)}{B_n} + (f_p) \frac{(P_i - P_n)}{P_n} \right]$$

C = Over Strength discharge fee in dollars

Q = total flow of Sewage Discharged during the billing period in cubic metres

R<sub>i</sub> = excess cost of treatment per cubic metres in dollars

R<sub>n</sub> = operating cost of sewage treatment plant in dollars per cubic metre (based on the last three year average)

f<sub>s</sub> = cost allocation factor for Total Suspended Solids (TSS) = 0.33

f<sub>B</sub> = cost allocation factor for Biochemical Oxygen Demand (BOD) = 0.33

f<sub>p</sub> = cost allocation factor for Total Phosphorus (TP) = 0.33

S<sub>i</sub> = measured average TSS concentration in mg/l of Sewage Discharged per billing period

B<sub>i</sub> = measured average BOD concentration in mg/l of Sewage Discharged per billing period

P<sub>i</sub> = measured average TP concentration in mg/l of Sewage Discharged per billing period

S<sub>n</sub> = By-law limit for TSS

B<sub>n</sub> = By-law limit for BOD

P<sub>n</sub> = By-law limit for TP

4.4 The Operating Authority can apply a pollution prevention control plan fee to Dischargers who do not make an attempt to reduce their over strength concentrations. The charges for pollution prevention control plan fees are set out in the schedule of fees in the user fee By-law and shall remain the responsibility of the Owner or Operator who requires an over strength Discharge agreement.

4.5 If the Owner or Operator enters into a Discharge agreement, the agreement may be terminated at any time by the Operating Authority upon providing the Owner or

Operator with written notice to this effect at least 30 days before termination of the agreement is to take effect.

- 4.6 Any non-compliance with the terms and conditions of the agreement or to this By-law shall constitute default and will result in an immediate termination of the agreement and any continuing Discharge shall be considered to be non-compliant with the terms of this By-law.
- 4.7 The Discharge agreement may be terminated with immediate effect by the Operating Authority by written notice provide at any time where there is an imminent threat or danger to any Person, the Sewage Works, property, animal life, or environment.
- 4.8 If there is a change in the Owner or Operator of the Premise or there is a change in contact information, name of company, company location or the manner of Discharge, the Person who entered into the agreement shall notify the Operating Authority in writing, within 10 calendar days of the occurrence.

## **SECTION 5 - SAMPLING AND ANALYSIS**

- 5.1 Where 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 the sample may be a Grab Sample or a Composite Sample which may contain additives for its preservation and may be collected manually or by using an automatic sampling device;
  - (b) Except as otherwise expressly provided in this By-law, all tests, measurements, analyses and examinations of Sewage, Uncontaminated Water and Stormwater, shall be carried out in accordance with Standard Methods;
  - (c) Where appropriate, the Operating Authority may require that, the analysis for each one of the following Matter whose concentrations limits are listed in Sections 2.1(b) and 3.1(b) be performed at an accredited lab. The analysis of metals shall be for the quantity of total metal, which includes all metal both dissolved and particulate metal; and
  - (d) Costs for collecting, testing, analyzing, measuring or examining samples shall be at the expense of the Owner and Operator of the Premises.

## **SECTION 6 - SPILLS**

- 6.1 In the event of a spill to the Sewage Works, the Person responsible or the Person having the charge, management and control of the spill shall immediately notify the Operating Authority and provide any information with regard to the spill that may be requested.
- 6.2 The Person having the charge, management and control of the spill shall provide a detailed report to the Operating Authority, within five business days after the spill containing the following information:
- (a) name and Owner of the Premise;
  - (b) the address of the location of spill;
  - (c) name of the Person reporting the spill, the Person in charge of the spill, the Person responsible for the spill and telephone number where they can be reached;
  - (d) date, time and duration of the spill;
  - (e) description of material, chemical composition and volume of material Discharged and any associated hazards;
  - (f) corrective actions taken to mitigate the spill; and
  - (g) preventative actions taken to ensure a similar spill does not occur again.
- 6.3 The Person responsible for the spill and the Person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue so as to restore the affected area to its condition prior to the spill.
- 6.4 The Person responsible for the spill or the Person having the charge, management and control of the spill shall also notify other government agencies, including federal and provincial as required and appropriate for the material and circumstances of the spill.
- 6.5 All costs incurred by the Operating Authority as a result of such spill or Discharge shall be borne jointly by the Person responsible for the spill and the Owner of the Premise.
- 6.6 No Person shall permit or cause the Discharge from swimming pools, or hot tub unless the Discharge has been neutralized, disinfected, and flows directly into a Storm Sewer or Land Drainage Works. These flows shall not go onto adjoining property, cause public health and safety risks, damage property, impair the environment or interfere with the proper operation of the Storm Sewer or Land Drainage Works. If the Discharge is transported away it must be done by a licenced waste Hauler, be neutralized and disinfected, before being Discharged at an approved location.

## **SECTION 7 – MONITORING, INSPECTIONS, AND ACCESS**

- 7.1 For the purpose of the administration of this By-law, a Person appointed by the City may, upon production of identification, enter any Premises on which the City supplies Sewage, Stormwater or Land Drainage Works services, to inspect, observe, investigate, install metering equipment, conduct tests, measure the flow of Sewage, Stormwater or Uncontaminated Water to any Sewer Works and to collect any sample as required.
- 7.2 No Person shall prevent, hinder, obstruct or interfere in any way the access to Premises or entry to land to investigate or determine compliance with this By-law, an order, or condition to any Discharge agreement.
- 7.3 No Person shall break, damage, destroy, deface, obstruct or tamper or permit or cause the breaking, damaging, destroying, defacing, obstruction or tampering with:
- (a) any part of a Sewage Works; or
  - (b) any permanent or temporary device installed in a Sewage Works for the purpose of measuring, sampling and testing of.
- 7.4 The Owner or Operator of Industrial Premises with one or more connections to a Sewage Works shall:
- (a) Install and maintain in good repair in each connection a manhole or suitable monitoring access point to allow for observation, sampling and flow measurement;
  - (b) have the monitoring access point located on the Premise, be constructed in accordance to the Building Code, the City's Engineering and Development Standards and shall be constructed and maintained at the Owners expense;
  - (c) at all times ensure that every manhole, device or Pretreatment facility be accessible for the purposes of observing, measuring flow, and sampling; and
  - (d) submit reports as requested to the Operating Authority regarding the Discharges to the Sewer, Stormwater or Land Drainage Works.

## **SECTION 8 – HAULED LIQUID MATERIALS**

### **HAULED LIQUID MATERIALS**

No Person shall permit, cause or Discharge Hauled Sewage, Liquid Industrial Waste or Leachate to the Sanitary Sewer unless:

- 8.1 The Hauler operating as a waste transportation system has a certificate of approval, environmental compliance approval or a provisional certificate of approval or is exempt from the requirement to have a certificate or environmental compliance approval or provisional certificate of approval under the *Environmental Protection Act*;
- (a) A copy of the most recent certificate of approval or environmental compliance approval, or provisional certificate and any amendments are provided to the Operating Authority;
  - (b) The Hauler meets all terms and conditions for Discharge as set out in a “Hauled Sewage management agreement” that is or may be set by the Operating Authority with respect to the Hauled Sewage; and
  - (c) Hauled Sewage meet the conditions set out in Section 2.1 of this By-law as amended.
- 8.2 No Person shall permit, cause or Discharge any Hauled Liquid Materials at a location other than a location approved by the Operating Authority.
- 8.3 The Hauler of the Hauled Liquid Material must abide by the terms and conditions set out in the Hauled Sewage management agreement or if determined a Discharge Agreement in a form prescribed by the Operating Authority and submit prior to disposal a hauled waste tracking form or form prescribed by the Operating Authority signed by the Hauler, deposited in an approved location and a sample has been provided.
- 8.4 An annual prescribed Agreement fee will be applied in addition to a disposal fee. over strength Discharge fees will be applied to Hauled Liquid Materials which exceed the limits established in this By-law.
- 8.5 Only Sewage of human origin, non-hazardous Liquid Industrial Waste, Leachate, grey water, Uncontaminated Water and Stormwater origin will be accepted as per requirements of the Operating Authority and this By-law.
- 8.6 Any non-compliance issues with the terms and conditions of the agreement will result in an immediate termination of the agreement and any Discharge shall be considered to be non-compliant to this By-law.

## **SECTION 9 – INTERCEPTORS AND DEVICES**

### **FOOD RELATED OIL AND GREASE INTERCEPTORS**

- 9.1 Every Discharger whose site is, or contains, a restaurant or other Industrial Premises where food is cooked, processed or prepared shall take all necessary measures to ensure that Oil and Grease are prevented from discharging to:
- (a) a Sanitary Sewer in excess of the limits in Section 2.1 of this By-law; and
  - (b) a Storm Sewer or Land Drainage Works.
- 9.2 A Discharger to whom this Section applies shall install, operate, and properly maintain, in accordance with the requirements of this Section, an Oil and Grease Interceptor in any piping system at its site that connects directly or indirectly to the Sewage Works.
- 9.3 The installation and operation of each Oil and Grease Interceptor shall:
- (a) be in compliance with the most current requirements of the Building Code;
  - (b) be in accordance with the requirements of the Canadian Standards Association national standard CAN/CSA B481;
  - (c) be maintained in accordance with the manufacturers guidance and recommendations;
  - (d) be inspected to ensure performance is maintained and to ensure the surface oil, grease and sediment levels do not exceed the recommended level; and
  - (e) have the maintenance requirements posted at the site in a conspicuous location in proximity to the Oil and Grease Interceptor.
- 9.4 The Discharger must keep documentation of proof of Interceptor clean-out and Oil Grease disposal at the site for a minimum of two years and shall ensure all Oil and Grease Interceptors are maintained in good working order. The Discharger must provide the maintenance schedule and record of maintenance for each Oil and Grease Interceptor to an Enforcement Officer upon request and, upon request, a copy shall be provided to an Enforcement Officer in the manner and format requested at no charge to the Operating Authority.
- 9.5 Where a Discharger fails to adequately maintain the Oil and Grease Interceptor to the satisfaction of the Operating Authority, the Operating Authority may require that an alarmed monitoring device or such other device as may be prescribed by the Operating Authority to be installed, at the expense of the Discharger, in accordance with specifications of CAN/CSA B481.
- 9.6 No Discharger shall permit, cause or Discharge of an emulsifier to the Sewage Works through an interceptor.

9.7 No Discharger shall permit or cause the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through an Interceptor.

### **VEHICLE AND EQUIPMENT SERVICE OIL AND GREASE INTERCEPTORS**

9.8 Every Discharger whose site is, or contains, a vehicle or equipment service station, repair shop, garage or other Industrial Premises where motor vehicles are repaired, lubricated, washed or maintained shall take all necessary measures to ensure that Oil and Grease are prevented from discharging to:

- (a) a Sanitary Sewer in excess of the limits as set out in Section 2.1 of this By-law; and
- (b) Storm Sewer or Land Drainage Works.

9.9 A Discharger to whom this Section applies shall install, operate and properly maintain, in accordance with the requirements of this Section, an Oil and Grease Interceptor in any piping system at its site that connects directly or indirectly to the Sewage Works.

9.10 The installation and operation of each Oil and Grease Interceptor shall:

- (a) be in compliance with the most current requirements of the Building Code;
- (b) be maintained as recommended by the Canadian Petroleum Products Institute (CPPI);
- (c) be maintained in accordance with the manufacturer's guidance and recommendations;
- (d) be inspected to ensure performance is maintained and to ensure the surface oil, grease and sediment levels do not exceed the recommended level; and
- (e) have the maintenance requirements posted at the site in a conspicuous location in proximity to the Oil and Grease Interceptor.

9.11 The Discharger must keep documentation of proof of Interceptor clean-out and Oil and Grease disposal at the site for a minimum of two years and shall ensure all Oil and Grease Interceptors are maintained in good working order. The Discharger must provide the maintenance schedule and record of maintenance for each Oil and Grease Interceptor to an Enforcement Officer upon request and, upon request, a copy shall be provided to an Enforcement Officer in the manner and format requested at no charge to the Operating Authority.

9.12 Where a Discharger fails to adequately maintain the Oil and Grease Interceptor to the satisfaction of the Operating Authority, the Operating Authority may require that an alarmed monitoring device or such other device as may be prescribed by the Operating Authority to be installed at the expense of the Discharger.

- 9.13 No Discharger shall permit, cause, or Discharge an emulsifier to a Sewage Works through an interceptor.
- 9.14 No Discharger shall permit, cause, or Discharge the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through an Interceptor.

### **SEDIMENT INTERCEPTORS**

- 9.15 Every Discharger whose site may Discharge Stormwater to the Sewage, Stormwater or Land Drainage Works where there exists a sediment Interceptor including but not limited to sites using catch basins, ramp or area drains, vehicle wash establishments, bio retention structures, debris barriers, ponds and oil grit separators or any other Stormwater treatment system shall take all the necessary measures to ensure that sediments are prevented from discharging to:
- (a) Sanitary Sewer in excess of the limits as set out in Section 2.1 of this By-law; and,
  - (b) Storm Sewer or Land Drainage Works in excess of the limits as set out in Section 3 of this By-law.
- 9.16 A Discharger to whom this Section applies shall install, operate and properly maintain, in accordance with the requirements of this Section, a sediment Interceptor in any piping system at its site that connects directly or indirectly to the Sewage or Land Drainage Works.
- 9.17 The Discharger shall ensure that all sediment Interceptors are maintained in good working order, including the requirements that every sediment Interceptor shall:
- (a) be installed in compliance with the most current requirements of the Building Code;
  - (b) be in accordance with the most current requirements of the City's Engineering and Design Standards and the Ministry of Environment guidelines for the Design of Sewer Works or for Stormwater Management Planning as amended when applicable;
  - (c) be maintained in accordance with the manufacturer's guidance and recommendations;
  - (d) be inspected to ensure performance is maintained and to ensure the sediment levels do not exceed the manufacturer's recommended level.
- 9.18 The Discharger must keep documentation of proof of Interceptor clean-out and sediment disposal at the site for a minimum of two years and shall ensure all sediment Interceptors are maintained in good working order. The Discharger must provide the maintenance



schedule and record of maintenance for each sediment Interceptor to an Enforcement Officer upon request and, upon request, a copy shall be provided to an Enforcement Officer in the manner and format requested at no charge to the Operating Authority.

- 9.19 Improperly maintained sediment Interceptors will be considered non-compliant to this By-law.

### **DENTAL WASTE AMALGAM SEPARATORS**

- 9.20 Every Owner or Operator whose site is, or contains, a dental waste amalgam separator shall take all the necessary measures to ensure that the separator is prevented from Discharging to:

- (a) a Sanitary Sewer in excess of the limits in Section 2.1 of this By-law; and
- (b) a Storm Sewer or Land Drainage Works.

- 9.21 A Discharger to whom this Section applies shall install, operate and properly maintain, in accordance with the requirements of this Section, a dental amalgam separator in any piping system at its site that connects directly or indirectly to the Sewage Works.

- 9.22 The installation and operation of each dental amalgam separator shall,

- (a) be in compliance with the most current requirements of the Building Code;
- (b) be in accordance to the *Dentistry Act*; and certified ISCO 11143 Dental Equipment: Amalgam Separators;
- (c) be maintained in accordance with the manufacturer's guidance and recommendations;
- (d) be inspected to ensure performance is maintained and to ensure the removal efficiency meets the manufacturer's recommended level; and
- (e) have the maintenance requirements posted at the site in a conspicuous location in proximity to the separator.

- 9.23 The Discharger shall ensure all amalgam separators are maintained in good working order. The Discharger must provide the maintenance schedule and record of maintenance for each amalgam separator to an Enforcement Officer upon request and, upon request, a copy shall be provided to an Enforcement Officer in the manner and format requested at no charge to the Operating Authority, and must keep documentation of proof of separator clean-out and amalgam disposal at the site for a minimum of two years.

- 9.24 Improperly maintained dental waste amalgam separators will be considered non-compliant to this By-law.

### **FOOD WASTE GRINDING DEVICES**

- 9.25 No Person shall install, repair, replace or operate any Food Waste Grinding Device within the City from which the effluent from that device will Discharge into the Sewage Works.
- 9.26 Any Food Grinding Devices that are in operation and Discharges to the Sewage Works will be non-compliant to this By-law and must be removed.
- 9.27 Any costs associated with the removal shall be at the expense of the Owner or Operator of the Premise.
- 9.28 In the event that accumulations of solid wastes are detected in a Sewer and such accumulations are being caused by the Food Grinding Device the Sewer will be cleaned at the expense of the Owner or Operator of the Premise.

### **PRETREATMENT FACILITIES AND DEVICES**

- 9.29 Where required by the Operating Authority to satisfy the provisions of this By-law, the Owner or Operator shall install on the Premises, and prior to the sampling point, a Sewage or Stormwater Pretreatment facility or device.
- 9.30 The Owner or Operator shall ensure that the design, operation and maintenance of the Pretreatment facility or device have been approved by a Professional Engineer to achieve the treatment objectives in accordance to the manufacturer's recommendations.
- 9.31 The Owner or Operator shall install, operate and maintain the Pretreatment facility or device in accordance to the manufacturer's recommendations and any other rules and regulations applicable to the facility or device.
- 9.32 The Owner or Operator shall ensure that any waste products from the Pretreatment facility or device are disposed of in accordance to the applicable rules and regulations.
- 9.33 A maintenance schedule must be posted in a conspicuous place and maintenance records made be kept for at least 2 years and made available to the Enforcement Officer upon request and, upon request, a copy shall be provided to an Enforcement Officer in the manner and format requested at no charge to the Operating Authority.
- 9.34 Improperly maintained Pretreatment Facilities and Devices will be considered non-compliant to this By-law.

- 9.35 No Discharger shall permit, cause, or Discharge an emulsifier to a Sewage Works through a Pretreatment Facility or Device.
- 9.36 No Discharger shall permit, cause, or Discharge the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through a Pretreatment Facility or Device.

## **SECTION 10 - ENFORCEMENT**

- 10.1 An Enforcement Officer or Person authorized by the Operating Authority may:
- (a) access, or require any Person being inspected to provide access, to any drain pipe, maintenance access hole, catch-basin or other Discharge point connecting, directly or indirectly, to the Sewage Works, Storm Sewer or Land Drainage Works whether owned privately or by the City including by making or requiring necessary excavations;
  - (b) require that anything be operated, used or set in motion under conditions specified by an Enforcement Officer;
  - (c) inspect, sample, collect, test or measure any substance, thing, parameter or Discharge, and install, test, use, read and maintain any equipment or device for such purpose;
  - (d) make and record observations, such as by taking photographs, notes, video recordings and sound recordings;
  - (e) require any Person to respond to inquiries, whether orally or in writing, concerning any issues related to an inspection under this By-law;
  - (f) require any Person to produce for inspection any documents or things relevant to the inspection;
  - (g) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (h) do such other things that are reasonably necessary for an Enforcement Officer to effectively carry out the inspection.
- 10.2 A demand by an Enforcement Officer or Person authorized by the Operating Authority to respond to inquiries under this By-law may be made by telephone, letter or e-mail and such demand shall be deemed to be made in the course of an inspection.

- 10.3 No Person shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by an Enforcement Officer or Person authorized by the Operating Authority carrying out an inspection, or knowingly provides false information or willingly withholds information for any requirement under this By-law.
- 10.4 No Person shall hinder or obstruct or attempt to hinder or obstruct the City, its Enforcement Officers, employees or agents of the Operating Authority from carrying out any powers or duties under this By-law.
- 10.5 Any Person who contravenes any provision of this By-law is subject to having their Sewer or water service discontinued.
- 10.6 Where it is determined that an immediate threat exists that may endanger public health and safety, the environment or the Sewage Works the Operating Authority may authorize the discontinuance of the Sewer or water service to the Premise without any prior notice.
- 10.7 In addition to any penalty or remedies available pursuant to this By-law, any Person who violates any provisions of this By-law shall remain liable for all damages occasioned by their actions or non-action.
- 10.8 The provisions of this By-law may be enforced by any Person authorized for this purpose including, but not limited, to an Enforcement Officer, Chief Building Official, the Operating Authority, City Engineer or any of their authorized representatives.
- 10.9 Where the City becomes aware of any existing circumstances that may be contrary to this By-law, any officials noted in Subsection 10.7 may, in their sole discretion, cause an order to be issued to the Customer, Owner or occupant of the Premise where the non-compliance exists, requiring them to rectify the problem within a specified time period.
- 10.10 No particular action or proceedings for enforcement of this By-law shall preclude the City from the right and power to exercise any other right or remedy prescribed in this By-law or that may be available elsewhere.

## **SECTION 11 – OFFENCES AND PENALTIES**

- 11.1 Any Person who contravenes any provision of this By-law is guilty of an offence and each offence is designated as a continuing offence.
- 11.2 Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-law is guilty of an offence.
- 11.3 Any Person other than a corporation, who is found guilty of an offence under this By-law, is, upon conviction, liable to a fine of not less than \$250 and not more than \$100,000.
- 11.4 Where a corporation is found guilty of an offence under this By-law, upon conviction, it shall be liable to a fine of not less than \$500 and not more than \$100,000.

- 11.5 Despite 11.3, every Person other than a corporation, who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-law, upon conviction, shall be liable to a fine of not less than \$500 and not more than \$10,000 for each day or part day that the offence continues and the total of all the daily fines for the offence shall not be limited to \$100,000.
- 11.6 Despite 11.4, if a corporation contravenes any provision of this By-law, it shall be liable to a fine of not less than \$500 and not more than \$10,000 for each day or part day that the offence continues and the total of all the daily fines for the offence shall not be limited to \$100,000.
- 11.7 In addition to any other fine, every Person, and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any provision of this By-law, who gains an economic advantage or economic gain from contravening this By-law, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from such contravention. A special fine may exceed \$100,000.
- 11.8 In addition to any other remedy and to any penalty imposed by this By-law, any court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the Person.
- 11.9 Any fine imposed under this Section shall be payable in addition to any fees, charges and costs payable under this By-law.
12. By-law 373-1992 and Chapter 1052, Sewer – Discharge, of the City of Thunder Bay Municipal Code is hereby repealed.
13. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 24th day of June, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

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Mayor

John Hannam

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City Clerk