

Drainage By-law

WM – 4 – Consolidated April 18, 2011

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**OFFICE CONSOLIDATION
INCLUDING AMENDMENT WM-4-11012 (April 18, 2011)**

DRAINAGE

By-law WM-4

A by-law to regulate
CONNECTIONS TO THE PUBLIC SEWAGE WORKS

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The Municipal Council of The Corporation of the City of London enacts as follows:

SHORT TITLE DRAINAGE BY-LAW

Part 1 DEFINITIONS

1.1 Definitions

In this by-law:

“**Building sewer**” means the outlet pipe for a private drainage or plumbing system which conducts effluent to a private drain connection;

“**Chief Building Official**” means the person appointed by Council pursuant to the Building Code Act or any employee of the City who acts at the direction of the Chief Building Official in the enforcement of this by-law.

“**City**” means The Corporation of the City of London;

“**City Engineer**” means the person appointed by the Council to the position of City Engineer, and any employee of the City who acts at the direction of the City Engineer in the enforcement of this by-law;

“**Clean out**” means a device that has a removable cap and is incorporated into a drain pipe to permit the insertion of steel sewer rod pipe cleaning apparatus;

“**Development**” means the construction, erection or planning of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;

“**Dry well**” means a system to accommodate the dispersal of storm water, which has been designed and constructed under the supervision of a professional engineer;

“**Duplex dwelling**” means the whole of a dwelling other than a converted dwelling that is divided horizontally into two separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule;

“**Owner**” includes a mortgagee, lessee, tenant, occupant, 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, an executor, an administrator and a guardian;

“**Private drain connection**” or “**P.D.C.**” means that portion of the City sewage works which joins a building sewer to a City sewer and which is upon lands that are either owned by the City or subject to a sewer easement in favour of the City;

“**Public sewage works**” means all sewers, sewage systems, sewage pumping stations, sewage treatment plants and other works of the City of the collection, acceptance, transmission, treatment and disposal of storm water sewage and sanitary sewage;

“**Sanitary sewage**” includes human and industrial waste, and septic waste, but does not include storm water;

“**Sanitary sewer**” means apart of the public sewage works for the transmission of sanitary sewage;

“**Storm water sewage**” includes surface and rain water, melted snow and ice, swimming pool drain water, water carried in underground drains, foundation drain flows and ground water;

“**Storm water retention system**” means a system to control the rate at which storm water is emptied into the sewage works which has been designed and constructed under the supervision of a professional engineer;

“**Storm sewer**” means a sewer, open channel, ditch or depression, the purpose of which is to carry storm water sewage;

“**Semi-detached dwelling**” means one of a pair of two attached single dwellings with a common masonry wall dividing the pair of single dwellings vertically, each of which has an independent entrance either directly from the outside or through a common vestibule;

“**Single-detached dwelling**” means a single dwelling which is free standing, separate and detached from other main buildings or main structures including a split level dwelling but does not include a mobile home.

Part 2 General

2.1 Administration of By-law

This by-law shall be administered jointly by the City Engineer and the Chief Building Official.

2.2 Decision to be final

All decisions made by the City Engineer and/or the Chief Building Official with respect to any requirements set out in this by-law shall be final and binding.

2.3 Entry onto private property

For the administration of this by-law, the City Engineer and/or the Chief Building Official may, upon production of identification, enter onto any land or premises to observe, inspect and to collect any samples as required.

2.4 Entry into dwelling

Except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*, for the purposes of enforcing this by-law, no person shall enter any place or room actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

Part 3 PRIVATE DRAIN CONNECTION

3.1 Owner responsibilities

An owner is responsible for the condition and maintenance of each private drain connection serving property under their ownership.

3.2 All work upon a private drain connection serving single detached, semi-detached or duplex dwelling shall be done exclusively by the City Engineer at the request and expense of the owner, other than:

- (i) plunging and rodding,
- (ii) the installation of new drains not installed in conjunction with main sewer installation; and
- (iii) installation of a PDC liner by cured-in-place pipe (CIPP) method.

3.3 No plunging or rodding shall be carried out upon a private drain connection except from a private property by:

- (i) a qualified drainage contractor, drain layer or mater plumber licensed by the city;
- (ii) the owner of a detached dwelling, or
- (iii) forces under the direction of the City Engineer.

3.4 Repealed

3.5 Connection requirements

No person shall join or permit to be joined a building sewer to a private drain connection:

- (i) until a Drainage Permit has been obtained from the Chief Building Official and;
- (ii) until an inspection by City employees has been carried out to confirm all work performed is in conformity to all applicable statutes, by-laws and regulations, and;
- (iii) until all payments required by this by-law have been paid.

3.6 Private drain connections serving dwelling units

(a) If a single detached dwelling or a semi-detached dwelling is served by a sanitary sewer, such dwelling shall have an individual building sewer and private drain connection.

(b) This section does not apply to existing residential dwelling units which share a private drain connection.

**Part 4
DISCHARGES INTO PUBLIC SEWAGE WORKS**

4.1 Prohibited discharges - sanitary sewers

No person shall permit storm water sewage from their property to be discharged into a sanitary sewer.

4.1.1 Prohibited discharges – sanitary sewers – ground source heat pump

No person shall permit water discharged from a ground source heat pump system located on their property to be discharged into a sanitary sewer.

4.2 Prohibited discharges - storm sewers

No person shall permit sanitary sewage from their property to be discharged into a storm sewer.

4.2.1 Prohibited discharges – storm sewers – ground source heat pump

No person shall permit water discharged from a ground source heat pump system located on their property to be discharged into a storm sewer.

4.3 Prohibited discharges - alteration to prevent

No person shall refuse to alter, relay or repair every plumbing or drain system upon their lands to ensure that:

- (i) no storm water sewage from their property is discharged into a sanitary sewer, and;
- (ii) no sanitary sewage is discharged into a storm sewer.

4.4 Plumbing system to be sealed

No person shall undertake modifications to a plumbing system which require a permit for the purpose of preventing the entry of sanitary sewage or storm water sewage or storm water sewage from the sewage works into the plumbing system, unless the building sewer serving the plumbing system is sealed against the entry of all foundation drain water.

Part 5 DEVELOPMENT REQUIREMENTS

5.1 Undertaking development

(a) Every person shall provide for the discharge of storm water sewage into a storm sewer for all development other than single detached, semi-detached or duplex dwelling units.

(b) For single-detached, semi-detached or duplex dwelling units, every person shall provide for the discharge of storm water sewage in accordance with sections 5.2 to 5.15 of this by-law.

5.2 Alternative methods of storm water management

Where in the opinion of the City Engineer:

- (i) no storm sewer is accessible, or
- (ii) no accessible storm sewer has the capacity to accept additional flow,

the person undertaking development shall provide a dry well or storm water retention system which is certified by a Professional Engineer to the satisfaction of the City Engineer.

5.3 Development requiring site plan approval

For all new Site Plan approvals:

- (i) existing connections of foundation drains shall be removed from the sanitary sewers unless considered impractical by the City Engineer;
- (ii) no new connections of foundation drains shall be allowed to the sanitary sewer.

5.4 Gravity connections

No gravity connections of foundation drains will be allowed to the storm sewer system unless the system has the capacity to provide for such connections.

5.5 New plans of subdivision

No person shall create a lot that does not have a storm sewer adjacent to it and, in subdivisions where the subdivision agreement has been approved by Council after December 31, 1995, no person shall create a lot that does not have a storm private drain connection, except where a geotechnical engineer certifies that foundation drains are not required.

5.6 Discharge of foundation drain flows

Every person shall discharge all foundation drain flows from a lot in accordance with the regulations of this by-law.

5.7 Requirements for foundation drain flows

The foundation drain flows from a lot shall be discharged in the following manner:

- (i) via a sump pump to the ground surface, provided that the discharge to the ground surface does not create continually wet ground conditions and/or does not create any adverse effect upon municipal sidewalks and roads or upon adjacent properties; or
- (ii) via a sump pump to a storm sewer; or
- (iii) via a sump pump to a dry well system, provided that appropriate soil and ground water testing is completed to establish the suitability of using a dry well system, and that the dry well system is designed and certified by a qualified Ontario Professional Engineer; or
- (iv) by gravity water flow to the storm sewer, if capacity, as determined by the City Engineer, exists in the storm sewer; and

- (v) in subdivisions where the subdivision agreements are approved by Council after December 31, 1995, notwithstanding the requirements of clauses 5.7(i) to (iv) inclusive, sump pump discharges shall be connected to storm building sewers which shall be connected to storm private drain connections.

except in cases where a recommendation is made by a geotechnical engineer on a site specific basis that foundation drains are not required due to the nature of the soils.

5.8 Regulations when sump pumps are discharged to ground surface

For all new subdivisions where the subdivision agreement is approved by Council after December 31, 1995, no sump pumps shall be permitted to discharge to ground and in all other cases, where the developer elects to utilize a sump pump to discharge foundation drain flows to the ground surface, the following regulations shall apply:

- (i) if a problem related to a lot, caused by the discharge of the sump pump to the ground surface occurs prior to the City's assumption of the street fronting that lot, the developer will be required to redirect the sump pump discharge to the storm sewer via a storm private drain connection at no cost to the City;
- (ii) prior to the assumption of a street by the City, the developer will be required to engage a geotechnical engineer to certify that the soil and ground water conditions on any vacant lot or lots are such that a direct connection to a storm sewer will not be required. If such certification cannot be provided, the developer shall be required to install a storm private drain connection to serve each affected lot, at no cost to the City;
- (iii) prior to the assumption of a street by the City, should the discharge of a sump pump on any lot adjacent to a vacant lot be required, because of unsuitable or unfavourable soil and ground water conditions, to be connected directly to the storm sewer, the developer shall install storm private drain connections to all vacant lots as directed by the City Engineer, at no cost to the City.

5.9 Roof water downspouts

No person shall direct or connect a roof water downspout to the storm private drain connection.

5.10 Roof water downspouts - no discharge to sideyard - damage adjoining property

No person shall direct a roof water downspout towards a side yard in such a manner so as to cause damage or any other adverse affect to adjoining property.

5.11 Roof water downspouts - no connection to foundation drains

No person shall connect a roof water downspout to the foundation drains.

5.12 Roof water downspouts - discharge distance from exterior walls

Every person shall extend all roof water downspout so that the water flow exits the downspout a minimum distant of 0.7 metre from the exterior walls of a building.

5.13 Lot grading security

Except for single and semi-detached dwellings in an unassumed subdivision, a lot grading security shall be provided prior to the issuance of a building permit in the form of cash or irrevocable letter of credit of \$2,000.00 to ensure that the lot grading and sump pump discharges are carried out in accordance with the certified lot grading plans; and the security may be released within one year after receipt of the final lot grading certificate, provided there is no adverse impact on the City road allowance, as determined to the satisfaction of the Commissioner of Environmental Services & City Engineer.

5.14 Roof over walkouts

No person shall connect a floor drain from a below grade walkout to a sanitary sewer system unless there is a roof covering the entire area of the walkout.

5.15 Storm private drain connections

For every residential lot that is created after April 22, 1997 or infill development which comes forward by variance through the Committee of Adjustment, where a storm sewer exists or where in the opinion of the Commissioner of Environmental Services and City Engineer it can be extended, every person shall provide a storm private drain connection to serve the lot, and sump pump discharges from the lot shall be connected to the storm building sewer, which shall be connected to the storm private drain connection, except as approved otherwise by the Commissioner of Environmental Services and City Engineer.

Part 6 DEMOLITION

6.1 Building sewer to be sealed

Upon demolition of a building, no person shall permit a building sewer to be connected by a private drain connection to a sanitary sewer unless the building sewer and the plumbing system which it serves are completely sealed from the entry of storm water.

6.2 Private drain connection to be sealed

No person shall demolish any building until each private drain connection serving the property has been completely sealed at the property line from the entry of storm water.

Part 7 CHARGES FOR SERVICES PROVIDED

7.1 Deleted by By-law WM-4-08009 March 3, 2008

7.2.1 Services provided by the City Engineer – repair, replacement, installation – single detached, semi-detached, duplex dwellings - Charge

The fees and charges as set out in the applicable fees and charges by-law are imposed on owners of single detached, semi-detached or duplex dwelling, for the following services or activities provided by the City Engineer:

New pdc installation or existing pdc replacement – construction of sewer - sanitary

(i) the installation or replacement of a sanitary sewer private drain connection to the property line in conjunction with a City construction project that involves the construction of a sanitary sewer main;

New pdc installation or existing pdc replacement – construction of sewer - storm

(ii) the installation or replacement of a storm sewer private drain connection to the property line in conjunction with a City construction project that involves the construction of a storm sewer main;

New pdc installation or existing pdc replacement – excavation

(iii) the installation or replacement of an existing sanitary sewer private drain connection in conjunction with a City construction project with excavation below the road structure where the sanitary sewer private drain connection is within the excavated area, but does not involve construction of a sanitary sewer main; or the installation or replacement of an existing storm sewer private drain connection in conjunction with a City construction project with excavation below the road structure where the storm sewer private drain connection is within the excavated area, but does not involve construction of a storm sewer main, and

Repair or replace existing pdc– no construction

(iv) the repair or replacement of an existing private drain connection in which subsections 7.2.1 (i) through (iii) do not apply.

7.2.2 Services provided by the City Engineer – repair, replacement, installation – property other than detached, semi-detached, duplex dwellings - Charge

The fees and charges as set out in the applicable fees and charges by-law are imposed on owners of property that is not single detached, semi-detached or duplex dwelling, for the following services or activities provided by the City Engineer:

New pdc installation or existing pdc replacement – construction of sewer - sanitary

(i) the installation or replacement of a sanitary sewer private drain connection to the property line in conjunction with a City construction project that involves the construction of a sanitary sewer main;

New pdc installation or existing pdc replacement – construction of sewer - storm

(ii) the installation or replacement of a storm sewer private drain connection to the property line in conjunction with a City construction project that involves the construction of a storm sewer main; and

New pdc installation or existing pdc replacement – excavation

(iii) the installation or replacement of an existing sanitary sewer private drain connection in conjunction with a City construction project with excavation below the road structure where the sanitary sewer private drain connection is within the excavated area, but does not involve construction of a sanitary sewer main; or the installation or replacement of an existing storm sewer private drain connection in conjunction with a City construction project with excavation below the road structure where the storm sewer private drain connection is within the excavated area, but does not involve construction of a storm sewer main.

7.3 Charges - applicable taxes

All charges quoted in this Part of the by-law are exclusive of applicable taxes which are payable by the owner in addition to the charges for services rendered.

7.4 Repealed

7.5 Payment due upon completion of work

The cost of installation, replacement or repair as described in Sections 7.2.1 and 7.2.2 of this by-law shall be due and payable in advance of the commencement of the work as a fee or charge under Part XII of the *Municipal Act, 2001*, as amended. At the property owner's option the fee may be added to the property owner's tax roll over a 10 year period with the addition of an appropriate financing charge as determined by the City Treasurer, under the authority of subsection 398(2) of the *Municipal Act, 2001*, as amended.

7.6 Separation of mutual private drain

Where a mutual private drain connection serves two facilities where at least one facility is a single detached, semi-detached or duplex dwelling and separation of the mutual private drain is desired, the works shall be completed by the City at the flat rate charge for single detached, semi-detached or duplex dwellings for each new service installed.

7.7 Work undertaken by City limited

- (a) Subject to subsection 7.7(b), the City Engineer shall not undertake:
- (i) the repair or replacement of a private drain connection serving a property that is not single detached, semi-detached or duplex dwelling; or
 - (ii) the installation of new private drain connection for any property.

The responsibility and costs for such works in this subsection shall be borne by the property owner.

- (b) Despite subsection 7.7(a), the City Engineer may undertake the following for any property, for the applicable fee:

- (i) the installation of a new private drain connection , or the repair or replacement of a private drain connection, where the work is done in conjunction with City main sewer construction project or applicable City construction project under authority of the *Municipal Act, 2001*.

7.8 Warranty

Notwithstanding any provision of this by-law, where it is demonstrated by the owner through rodding, in accordance with the City's requirements and to the City's satisfaction, that there is a failure in his/her private drain connection which has been installed, replaced or repaired by the City, due to faulty workmanship or materials within twenty years of the date of the last installation, repair, or replacement;

- (i) there shall be no charge for any work done by the City to correct the faulty workmanship or materials, and:
- (ii) the owner shall be eligible for payment by the City of his/her expenses for the plunging or rodding of a private drain connection upon presentation of invoices to the City, which, in the opinion of the City Engineer properly reflect the cost of such work.

**Part 8
MISCELLANEOUS**

8.1 Failure to comply

- (a) Where any sanitary sewage or storm water sewage is discharged from a lot in contravention of this by-law, the owner shall forthwith perform all necessary work to comply with the requirements of this by-law;
- (b) Where any building sewer or private drain connection is required to be sealed under this by-law, the owner shall forthwith perform all necessary work to comply with the requirements of this by-law; and
- (c) Where any building sewer, private drain connection, plumbing system or drainage system is required to be altered, relayed or repaired under this by-law, the owner shall forthwith perform all necessary work to comply with the requirements of this by-law.

8.1.1 Where a person who is required to perform all necessary work to comply with the requirements of this by-law fails or neglects to comply with the requirements within 30 days after notice in writing of it, the matter or thing may be done at the direction of the City Engineer at the expense of the person required to carry out such work. The City may recover the expense incurred in doing such work by court action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

8.2 Offences

- (a) Every person who contravenes this by-law is guilty of an offence and upon conviction is liable to any penalty as provided by the *Provincial Offences Act*.
- (b) The court, in which a conviction has been entered, or any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other shall be in addition to any other penalty imposed or the person convicted.

8.3 Repeal of previous by-law

By-law No. W-1274-196, and all amendments thereto are hereby repealed.

8.4 Commencement

This by-law comes into force on the day it is passed.

PASSED in Open Council on the 20th day of September, 1993.

T.C. Gosnell
Mayor

K. W. Sadler
City Clerk