

**Authority:** Item 5, General Issues  
Committee Report 16-017  
(PW11056(i))  
CM: July 8, 2016

**Bill No. 207**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-**

#### **To replace the Program Guidelines to the Water and Wastewater Infrastructure Support Community Improvement Plan**

**WHEREAS** Council enacted a By-law to Adopt the Water and Wastewater Infrastructure Support Community Improvement Plan (CIP), as Schedule "A" to By-law No. 13-080;

**AND WHEREAS** the Program Guidelines for the Water and Wastewater Infrastructure Support CIP were attached as Appendix "1" to the CIP (Schedule "A");

**AND WHEREAS** a formal amendment to the Community Improvement Plan is not required to replace the Program Guidelines;

**NOW THEREFORE** the Council of the City of Hamilton enact as follows:

1. Appendix '1' to Schedule "A" - Water and Wastewater Infrastructure Support Community Improvement Plan, approved March 27, 2013 is deleted and replaced by the Residential Protective Plumbing (3P) Guidelines as shown in Appendix '1' attached to and forming part of this By-law.
2. This By-law comes into force on the day it is passed.

**PASSED** this 8<sup>th</sup> day of July, 2016

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L. Ferguson  
Mayor

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R. Caterini  
City Clerk

## Residential Protective Plumbing (3P) Guidelines

### 1. Program Purpose

- 1.1. To make it possible for each Residential Property within the City of Hamilton to have a backwater valve (BWV) installed in order to help prevent basement flooding.
- 1.2. Through this 3P Program both a grant and a loan are being made available to property owners as outlined in these guidelines.

### 2. Definitions

- 2.1. Basement Flooding – Means basement flooding caused by a sewer backup (surcharge) during a storm event.
- 2.2. BWV – Means a backwater valve approved for installation under the Ontario Building Code.
- 2.3. 3P Program – Means the City of Hamilton’s Residential Protective Plumbing Program.
- 2.4. Residential Property – Means a single detached dwelling, semi-detached dwelling or a townhouse used for residential purposes and located within the City of Hamilton.

### 3. Eligibility

- 3.1. Only Residential Properties connected to the City of Hamilton municipal sewer system are eligible for the 3P Program.
- 3.2. This 3P Program is meant to help property owners protect their Residential Property from basement flooding due to sewer surcharge during storm events. Only Residential Properties with a basement are eligible to participate. Townhouse or multi-unit dwelling Residential Properties are only eligible for the 3P Program where a BWV is a requirement of the Building Code.
- 3.3. Only the registered owner of the property shall be eligible for the grant and must be the registered owner at both the time of application for 3P Program approval as well as at the time the works were completed and the application for reimbursement is submitted.
- 3.4. Residential Properties built after January 1, 2012 are not eligible for participation in this 3P Program as they are required to have a BWV installed at the time of construction.

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- 3.5. Each eligible property will have access to a one time funding for each eligible work as outlined in section 4.
- 3.6. All municipal property taxes for the property must be current at the time the grant or loan is made.

### 4. Eligible Works

- 4.1. Works which are eligible for the grant under this 3P Program are limited to the following:
  - a. An assessment of the Residential Properties' risk of basement flooding in a format required by the General Manager of Public Works;
  - b. The installation of 1 (one) BWV including restoration to prefinished conditions;
  - c. Disconnection of up to 5 downspouts; and
  - d. Installation of a NEW sump pump and pit in conjunction with a new BWV.
- 4.2. Items that are not eligible for the grant under this 3P Program include the following:
  - a. Replacement BWV's;
  - b. Replacement sump pumps or pits; and
  - c. Restoration of finished areas such as carpet, tiles, drywall, driveways, landscaping, etc.

### 5. Grant Values For Work Completed by Pre-Qualified Contractors

- 5.1. The City will compile and maintain a list of contractors that it has pre-qualified as able to perform the above described work at prices established through the pre-qualification process and which price falls within the set grant value established for the 3P Program work. The total grant amount shall not exceed \$2,000 per property (excluding the cost of the building permit which is separate).

The City pre-qualified contractors are the ONLY contractors who are approved to complete work in this section. In order to be eligible for

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reimbursement for work completed as described in this section, property owners must ensure that the work has been done by one of the contractors on the City's pre-qualified list of contractors.

- 5.2. The grant value provided for the installation of a backwater valve may vary depending on which contractor the property owner selects and the price established for that contractor through the pre-qualification process; but shall not exceed the amount posted on the City's website for that contractor.
- 5.3. The grant value for an assessment where no backwater valve is installed shall be \$300.00.
- 5.4. The grant value for the disconnection of downspouts shall be \$40 per each downspout disconnected to the maximum of 5 downspouts.
- 5.5. Where a new sump pump and pit are being installed in conjunction with a BWV the total grant amount shall not exceed \$2,000 per property (excluding the cost of the building permit which is separate).
- 5.6. If a video is being supplied that was or will be paid for under the Sewer Lateral Management Program (SLMP), then 50% the amount paid for the video under the SLMP program shall be deducted from the contractor's cost and subsequent grant.
- 5.7. The overall maximum grant for all eligible works on any one eligible property not to exceed \$2,000.00.

### **6. Grant Values For Work Completed by The Property Owner or A Licensed Contractor not Pre-Qualified by the City**

- 6.1. It is recognized that in some situations property owners may wish to install a BWV themselves or they may have a contractor who is already doing work on their drainage system or sewer lateral.
- 6.2. Where a property owner wishes to undertake the installation of a BWV on their own, or where they wish to have a contractor perform the work who has not been pre-qualified by the City; the property owner shall be eligible for a \$500 grant only, provided; that a permit was obtained and the BWV passed inspection.
- 6.3. Where a property owner is undertaking the work themselves they are not required to submit an assessment or a CCTV inspection. If the work is being completed by a contractor they must be licensed in the

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City of Hamilton to perform such work, and an assessment and CCTV inspection is required.

- 6.4. If a video is being supplied that was or will be paid for under the Sewer Lateral Management Program (SLMP), then 50% the amount paid for the video under the SLMP program shall be deducted from the contractor's cost and subsequent grant.

### **7. Permitting**

- 7.1. All work shall be carried out in accordance with the City's building permitting and inspection requirements.
- 7.2. Where required, for each property being considered under the program, the cost of 1 (one) building permit shall be reimbursed in addition to the grant amount.

### **8. Verifying Eligibility of the Property for the 3P Grant**

- 8.1. The property owner shall contact Hamilton Water at 905-546-4426 to verify their eligibility and receive a confirmation number.
- 8.2. The confirmation number is valid for a period of 6 (six) months after which time it will expire unless the work has been completed and the appropriate documentation has been received by the City. Once the confirmation number has expired the property owner needs to call in to the City to obtain a new confirmation number.
- 8.3. The property owner will be able to access all of the 3P Program details and necessary forms from the City's Website ([www.hamilton.ca/3P](http://www.hamilton.ca/3P)), or may have them mailed to them upon request.

### **9. Completing the Work**

- 9.1. The property owner may choose to have the work completed in accordance with sections 5 or 6 of these guidelines.
- 9.2. Where the work is being completed by a contractor, the contractor shall complete an assessment and review it with the property owner in the form identified by the City. The assessment will outline the potential for flooding as it relates to the property, the risks and benefits of the property owner undertaking the work and will outline the costs of the work (including those not covered by the 3P Program). Only if the property owner decides to proceed with the installation of a backwater

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valve, will it become necessary for the contractor to obtain a building permit from the City's Building Division.

- 9.3. Once the work has been completed (any necessary building permits having been obtained) and all necessary City inspections have taken place, the contractor shall provide the property owner with the following original documentation:
  - a. A completed assessment in the form as required under the 3P Program including any supporting documentation;
  - b. The CCTV inspection (DVD);
  - c. The original building permit and receipt; and
  - d. A final itemized invoice for the completed work that separates work performed under the 3P Program from any additional work that the property owner may have requested that falls outside of the 3P Program. Note: Any additional work that the property owner agrees to complete outside of the 3P Program is at the property owner's own expense and is not eligible for reimbursement under the 3P Program.
- 9.4. The property owner will review, sign and submit the above documentation along with the Request for Reimbursement form which can be obtained from the City's website ([www.hamilton.ca/3P](http://www.hamilton.ca/3P)) or may be requested by calling 905-546-4426.
- 9.5. Once received the City will review the documentation for completeness. Any documentation that is incomplete will be returned to the property owner for completion and resubmission. Completed requests that meet the requirements of the 3P Program will be processed and property owners should receive their grant within 6 weeks.

### **10. Other Requirements/Specifications:**

- 10.1. The General Manager of Public Works may at his/her discretion require additional inspection and such other alterations to ensure that work undertaken is acceptable for reimbursement under the 3P Program.
- 10.2. The General Manager of Public Works may at his/her discretion make amendments to any of the administrative aspects of the 3P Program at any time, without notice.

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- 10.3. 3P Program availability is subject to funding as approved by Hamilton City Council and may be discontinued at any time and for any reason without notice.
- 10.4. In order to qualify for a grant or loan, the property owner agrees that the City shall not be liable for any damages to the property owner's property as a result of a BWV or any other eligible works being installed.
- 10.5. The property owner or contractor must co-ordinate work with the City well in advance. The property owner or contractor is responsible to obtain all utility locates for the work for both private and City property (where necessary).

### **11.3P Program Loan Details**

- 11.1. Loans may be available to cover all applicable estimated costs (as approved and determined by the General Manager of Public Works) for the installation of a new sump pump and pit when installed in conjunction with a backwater valve. Loans will not be available to cover any other associated costs (e.g. it will not cover the costs of repaving of an entire driveway, restoration of landscaped yards, or any other such costs that are deemed by the General Manager to be unnecessary for the installation of protective plumbing measures).
- 11.2. The loan, if approved, will only be paid to the registered property owner upon receipt of invoices for completed work and inspection of the completed work by City staff under the associated permits.
- 11.3. Any work that is commenced or completed, prior to the loan application approval, will be ineligible under this Program (unless waived at the General Manager's discretion).
- 11.4. The amount of each loan will not exceed \$2,000.
- 11.5. The loan amount, plus interest, will be transferred to the tax roll for the owner's Residential Property as a special charge for up to a ten (10) year period. The yearly loan amount, plus applicable interest, will be repayable on the final tax installment due dates. Loans will be noted on the next tax roll and will show on a Treasurer's Certificate as a special charge.
- 11.6. The City may exercise any other authority it has to ensure repayment of the loan.

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- 11.7. Loan approvals are subject to the availability of funding, at any given time, as determined by Council. Loan applications will be processed in chronological order based on the date of receipt of applications.
- 11.8. Loan approvals will be valid for six (6) months and will expire if the work is not completed within that time period (unless extended at the General Manager's discretion).

### **Repayment of the Loan:**

- 11.9. Repayments of the loan, plus interest, will be made through taxes, as set out in the Commitment Letter signed by the owner(s). Full repayment (including interest) can be made at any time, with no penalty to the owner. At the discretion of the City, the loan may be transferable to a new property owner provided that the new property owner agrees in writing to the terms and conditions of the loan. In the event of default in loan repayment over thirty (30) days, or in the event of sale of the property, the outstanding balance (including principal and interest) may be immediately payable. A further penalty of 15% per annum will be applied against any unpaid balance on taxes applied at 1.25% per month applied the first day past due.

### **Loan Application and Procedures**

- 11.10. The property owner(s) is required to complete an application form provided by the Public Works Department (Hamilton Water Division). Every person who is registered on title as an owner of the property is required to sign the application.
- 11.11. In addition to the completed application form, the property owner(s) must provide such other further information or documentation as may be required by the General Manager.
- 11.12. The City reviews the application and supporting documentation, decides whether to approve the loan amount, and determines the loan amount. The City will advise the property owner(s) in writing, of its decision and provide a Commitment Letter for the property owner(s) to complete.
- 11.13. The property owner(s) must complete and sign the Commitment Letter, forwarding the original copy to the Finance and Administration – Hamilton Water Division, 77 James Street North, Fourth Floor, Hamilton, ON, L8R 3M8.



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- 11.14. The property owner or contractor must obtain any necessary building permits prior to the commencement of work. Failure to obtain required building permits prior to commencement of work, and having a related inspection completed, will result in cancellation of any approved loan amounts.
- 11.15. The property owner or contractor must co-ordinate work with the City well in advance. The property owner or contractor is responsible to obtain all utility locates for the work for both private and City property (where necessary).
- 11.16. The property owner or contractor must arrange for an inspection by the City with respect to the installation of a backwater valve, or new sump pump and pit installation replacement. If work is not inspected by the City, any approved loan amounts will be cancelled.
- 11.17. Within six (6) months of receiving loan approval, the property owner(s) must submit to the City the final invoice from the contractor setting out the amount due for the work and invoices for materials and equipment related to the protective plumbing measures performed. Any property owner submitting an invoice more than six (6) months after the loan approval will be ineligible for payment of the loan. The City will not provide a loan for an amount greater than the approximate loan amount set out in Paragraph 11.4 above, even where the final invoice is greater than the approximate loan amount.
- 11.18. The City may advance either the invoice amount submitted by the contractor or the amount of the approximate loan amount, as set out in Paragraph 11.4 above, whichever is less, to the property owner(s).