




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Hamilton Water Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	November 13, 2023
SUBJECT/REPORT NO:	Updated Sewer & Drain By-law (PW23070) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dave Alberton (905) 546-2424 Ext.1090
SUBMITTED BY:	Shane McCauley Director, Water and Wastewater Operations Public Works Department
SIGNATURE:	

RECOMMENDATION

That the By-law attached as Appendix "A" to Report PW23070, to Regulate the Installation, Connection and Use of Sewers and Drains in the City of Hamilton (Short Title: "the Sewer & Drain By-law"), which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

The purpose of this report is to recommend the enactment of a new By-law to Regulate the Installation, Connection and Use of Sewers and Drains in the City of Hamilton attached as Appendix "A" to Report PW23070. The new By-law reflects current industry best practices for the installation of sewers and drains. Significant changes from the existing Sewer & Drain By-law are attached as Appendix "B" to Report PW23070.

Alternatives for Consideration: N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The City's Sewer & Drain By-law No. 06-026 was first enacted in 2006 and has received minor amendments over the last 17 years. Most amendments were made each year to update Schedule "A" that outlines the various User Fees and Charges.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed By-law is to be enacted under the authority of the *Municipal Act 2001*.

RELEVANT CONSULTATION

The proposed By-law was written as a joint initiative between Hamilton Water and Legal Services and meets applicable legal requirements for regulatory By-laws including all appropriate provisions for enforcement.

The following City Divisions are key stakeholders each of which had a representative on the Review Team:

- Planning & Economic Development: Building Division
- Planning & Economic Development: Growth Management
- Financial Planning Administration & Policy
- Hamilton Water
- Legal & Risk Management Services

The City held two Public Information Sessions designed as open-house events. They were advertised on the City's website, Social Media platforms, and in local newspapers. The advertisements are attached as Appendix "C" to Report PW23070. Invitations were extended to the Development Liaison Committee and the Hamilton and District Heavy Construction Association. Staff presented to the Development Liaison Committee at the September 11, 2023 meeting. Below is a summary of Public Information Session attendees based on their area of interest:

- Industrial, Commercial, Industrial Facilities – four
- Associations/ Consulting Companies – two
- Residents/ Other – six

A dedicated website and email address were established and made available from June 14 to July 31, 2023, allowing stakeholders to review the current and draft By-laws and submit questions and comments. The website and email address were advertised along with the Public Information Sessions.

Staff reviewed and responded to the emails and questions received. The comments were taken into consideration by the Review Team. A summary of the feedback received through the outreach initiatives is attached as Appendix “D” to Report PW23070.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The current By-law required a full rewrite as the standards, practices and policies governing the management of the Sewer and Drains System have evolved. Gaps and industry best practices were identified and addressed, and administrative changes were made. The significant changes to the By-law are attached as Appendix “B” to Report PW23070.

Hamilton Water led a cross-departmental review to understand the City’s current challenges and limitations within the existing By-Law. Legal & Risk Management Services and Senior Management were also involved to ensure the changes were clearly articulated, legislatively appropriate, and aligned with the City’s broader goals and strategies. The review team consulted with industry professionals and analysed relevant By-laws from six local comparator municipalities, including the City of Toronto, City of London, City of Ottawa, Halton Region, Town of Markham, and City of Brantford.

Major updates and changes include:

1. Administrative changes were made to reorganize content, update definitions, and remove duplication for ease of reading.
2. Replacing Joint Use Agreements with legally enforceable reciprocal easements registered against each connected property. Joint Use Agreements exist solely between property owners and do not transfer in the event of a sale. Replacing these agreements with registered easements ensures continuity of the agreement even if the property owners change.
3. Removed the provision of allowing up to three residential or three non-residential properties to share a single connection to the mainline sewer. Now, each parcel of land must have its own individual sewer connection. This change aligns with common municipal practice and mitigates the risk to shared users in the event of a sewer line failure. Existing shared connections will be permitted to remain in place and new shared connections will only be approved at the discretion of the General Manager of Public Works. Rows of attached dwellings (townhomes) remain exempt from this provision, subject to conditions outlined in the By-Law.
4. Added language specifically defining and prohibiting sewer lateral cross-connections. A property owner will be required to participate in follow-up dye testing performed by the City when CCTV inspection data indicates a possible cross-connection. The City’s Sewer Use Bylaw 14-090, as amended, historically

has contained language prohibiting the discharge of sewage to a storm sewer, however adding this new language regarding cross-connections will strengthen the City's ability to confirm cross-connections and ensure the appropriate repairs are made.

5. Added new language outlining the proper use and connection of foundation drains and sump pumps. The conditions set forth in this section are in alignment with the City's Sewer Use Bylaw 14-090 as amended and relevant Provincial legislation.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW23070 – Sewer & Drain By-Law No. 23-XXX

Appendix "B" to Report PW23070 – Significant Changes to the Sewer and Drain By-law

Appendix "C" to Report PW23070 – Public Information Session Advertisements

Appendix "D" to Report PW23070 – Summary of Feedback Received