

Significant Changes to the Sewer and Drain By-law

By-law Section	Change Type	Change detail	Notes/Comments
Intro (pg.1)	Revise	Updated clauses to most current legal texts	Standard legal
Part 1 - Definitions:	Add	Applicable Law Comprehensive Development Guidelines and Financial Policies Manual Cross Connection Fees and Charges Permit Permit Holder Person Premises Property	New term referenced in bylaw
	Remove	General Manager of Finance and Corporate Services Road Sewage Treatment Plant	No longer referenced in Bylaw
	Revise	Several other remaining definitions	Definitions updated for clarity/context
Part 2 - Interpretation and Application of By-law	Add Revise	Updated legal terms	Updated to reflect current standardized language for the interpretation and application of any City of Hamilton By-law
Part 3 - Administration and Enforcement	Add Revise	General updates to 3.1-3.4 for clarity Added sections 3.5-3.8	Additional clauses required to allow for the proper enforcement of By-Law Previous iteration did not contain sufficient legal backing to enforce via the Municipal Act
Part 4 - Connection Where Land Not Directly Serviced	Revise	Changed requirement from a "Special Service Agreement" to a "...a legally enforceable reciprocal easement registered against every property so connected"	Proper legal process: a registered easement automatically transfers in the sale of a property, a SSA does not transfer so reliably/easily. Changes have been made throughout the bylaw to replace Joint Use Agreements and Special Service Agreements with legally enforceable reciprocal easements
	Revise	General updates to 5.1-5.6 for clarity	No substantial content change

Part 5 - Sewer Laterals - Private Portion and Public Portion	Add	5.7 -5.10	Protection for persons with shared sewer lateral services without a recorded Joint Use Agreement and the explicit prohibition of Cross Connections of any kind
	Revise	5.11-5.13 - Shared Laterals Residential	One parcel, one lateral approach. Removed the permission going forward to connect to 3 separate parcels of land to the same sewer lateral. 5.12 allows for shared residential lateral connections that existed prior to this by-law update (2023)
	Revise	5.14-5.15 - Shared Laterals Non-Residential	
	Revise	5.16 - Subdivided Lots	Each subdivided portion requires its own lateral unless the GM PW authorizes a written exception
	Remove	Throughout section	All notwithstanding clauses permitting multiple parcels to connect to one lateral. Any exceptions to this are required to be authorized in writing by the GM PW or GM P&ED
Part 6 - Permit, Bond and Notice	Revise	Entire section wording (no substantial content change)	Removed specific bonding/insurance language, updated structure of this section to refer to standardized bonding/insurance requirements to do work for the City of Hamilton
Part 7 - Standards for Pipe Fittings	Revise	Minor updates to references	No content change
Part 8 - Installation of Sewer Laterals	Revise	Minor updates to references	No content change
Part 9 - Parking Area Drainage	Add	9.2	Added reference to <i>Comprehensive Development Guidelines and Financial Policies Manual</i>
Part 10 - Downspouts	Revise	Minor updates to references	Removed "recommendations" as they are not permitted in by-law structure. By-law must refer back to a governance/Applicable Law
Part 11 - Foundation Drains/Sump Pumps		Minor updates to references	No content change

Part 12 - Maintenance, Repair, and Replacement of Sewer Laterals			
	Add	12.8 - Entry of Adjoining Property for Maintenance Purposes 12.9 - Shared Laterals with a Joint Use Agreement 12.10 - Shared Laterals without a Joint Use Agreement 12.11, 12.12 - Prevention of Leaks 12.13 - Private Sewage Collection System responsibilities	Permitted under Municipal Act, language and reference included in this by-law Define legal responsibilities of each party Define legal responsibilities of each party New New
Part 13 - Removal or Demolition of Buildings	Revise	Minor updates to references	No content change
Part 14 - Administration and Enforcement	No change	14.1-14.3 are from the Miscellaneous Prohibitions (13) in previous by-law	No content change
	Add	14.4 - 14.6 - Entry and Inspections 14.7 - 14.11 - Orders and Remedial Actions	As found in the Municipal Act, defines the ability to enforce the by-law which was missing in the previous by-law
Part 15 - Schedules	Add	Images to support definition terms	Might be moved down a section to allow Penalties to follow Part 14 Administration & Enforcement
Part 16 - Penalty	Add	Outlines penalties and fines for offenses	As found in Municipal Act, supports the administration and enforcement
Part 17 - Repeal, Transition, and Enactment	-	Standard transitional language	
Schedule A	Remove	Schedule A (Schedule of Fees and Charges) from existing By-Law 06-026	This schedule and the Waterworks By-law Schedule of Fees & Charges have been moved to a consolidated 'Fees & Charges By-law'. Allows schedules to be updated each year without having to repeal and update the parent by-laws each time
	Add	Schedule A	Schedule A in the new by-law will be the supporting images/graphics which will be a visual aid to assist in understanding some definition terms
Schedule B	Remove	Schedule B (Performance Bond) from existing By-Law 06-026	Outdated and irrelevant form. Bonding is covered by standard conditions in Part 6, no additional form required