

CORPORATION OF THE TOWN OF AMHERSTBURG BY-LAW 2022-077

By-Law to amend By-Law 2016-007 (Being a By-law to prohibit, regulate and inspect the discharge of sewage into the municipal sewage system in the Town of Amherstburg)

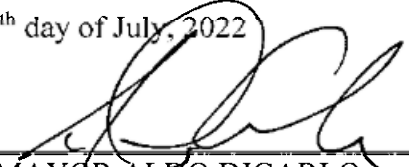
**WHEREAS** Section 129 of the Municipal Act, 2001, as amended, provides that the councils of local municipalities may pass by-laws for regulating or prohibiting with respect to noise;

**NOW THEREFORE** THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS;

1. That the definition of "Enforcement Officer" include;  
  
"Municipal Law Enforcement Officer, By-Law Enforcement Officer, Police Officer or other law enforcement officer as appointed by Council"
2. That a definition of "Backflow" include;  
  
"is the undesired reversal of water flow against the normal direction"
3. That a definition of "Backflow Prevention Device" include;  
  
"is a mechanical device that prevents backflow and is sometimes called a backflow preventer"
4. That a definition of "Chief Building Official" include;  
  
"means the Chief Building Official as appointed under By-law by the Town"
5. That a definition of "Cross connection" include;  
  
"is a connection between the municipal water system and any source of contamination"
6. That section 2.3 of By-law 2016-07 is hereby deleted and the following is substituted for it;  
  
"The Director of Engineering and Public Works, his or her designates and all Enforcement Officers appointed by the Town are authorized to enforce this by-law"
7. That section 10.1 of By-law 2016-07 is hereby deleted and the following is substituted for it;  
  
"This By-law shall be administered and enforced by the Director of Engineering and Public Works and his/her designates"
8. That section 3.6 be added to By-law 2016-07;  
  
"No person shall leave an uncapped backflow preventer unless it is under test as authorized by the Chief Building Official"

1. That all other provisions of By-Law 2016-007 remain in full force and effect.

Read a first, second and third time and finally passed this 11<sup>th</sup> day of July, 2022



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MAYOR ALDO DICARLO



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CLERK, VALERIE CRITCHLEY

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**  
**BY-LAW NO. 2016-07**

**Being a By-law to prohibit, regulate and inspect the discharge of sewage  
into the municipal sewage system in the Town of Amherstburg.**

**WHEREAS** Section 11(3)(4) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended (the "Act"), authorizes a local municipality to pass bylaws regulating public utilities;

**AND WHEREAS** pursuant to Section 87 of the *Municipal Act*, 2001, S.O. 2001, c.25, a municipality may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests and take samples for this purpose;

**AND WHEREAS** Section 425 of the Act authorizes the Town of Amherstburg to pass by-laws providing that a person who contravenes a by-law of the Town of Amherstburg is guilty of an offence

**NOW THEREFORE** the Council of the Town of Amherstburg enacts as follows:

**SHORT TITLE**  
**SEWER USE BY-LAW**

**Part 1**  
**DEFINITIONS**

In this By-law:

**"average water usage"** shall mean the total volume of water used over a given period of time as determined by taking water meter readings, subtracting the previous reading from the most recent, summing the differences, and dividing by the number of days between the two meter readings;

**"Backflow"** is the undesired reversal of water flow against the normal direction;(amended **B/L 2022-077, Jul 11/22**)

**"Backflow Prevention Device"** is a mechanical device that prevents backflow and is sometimes called a backflow preventer;(amended **B/L 2022-077, Jul 11/22**)

**"biochemical oxygen demand"** means the 5 day biochemical oxygen demand as determined by Standard Methods;

**"Chief Building Official"** means the Chief Building Official as appointed under By-law by the Town;(amended **B/L 2022-077, Jul 11/22**)

**"combined sewer"** means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

**"composite sample"** means a sample which is composed of a series of grab samples taken at intervals during the sampling period;

**"Corporation"** means the Corporation of the Town of Amherstburg;

**"Cross connection"** is a connection between the municipal water system and any source of contamination;(amended **B/L 2022-077, Jul 11/22**)

**"cyanide"** means total cyanide as determined by Methods in Standard Methods;

**"Director of Engineering and Public Works"** means the Director of Engineering and Public Works of the Corporation or his/her designate;

**"Enforcement Officer"** means (amended **B/L 2022-077, Jul 11/22**)

(a) any representative of the Municipality appointed by the Director of Engineering and Public Works for the purposes of enforcing this by-law;

(b) **Municipal Law Enforcement Officer, By-Law Enforcement Officer, Police Officer** or other law enforcement officer as appointed by Council

**"fuels"** means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other

**"hailed waste"** means any liquid industrial waste (as this term is defined in O. Reg. 347) that is transported with a manifest in accordance with O. Reg. 347.;

**"ignitable waste"** has the same meaning as defined in O. Reg. 347, of the *Environmental Protection Act (Ontario)*;

**"industrial"** shall mean of or pertaining to industry, manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential;

**"industrial process area"** means any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with any raw material, intermediate product, finished product, by-product, or waste product;

**"kjeldahl nitrogen"** means organic nitrogen as determined by one of the Methods in Standard Methods;

**"landfill leachate"** means the liquid containing dissolved or suspended contaminants that emanates from solid waste or garbage that is produced by water percolating through solid waste or garbage or by liquid in the solid waste or garbage;

**"matter"** includes any solid, liquid or gas;

**"Municipality"** means the Corporation of the Town of Amherstburg or its designated representatives;

**"owner"** or **"operator"** means the owner or operator of any facility or activity subject to the provisions of this by-law;

**"PCB"** means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;

**"person"** includes an individual, association partnership, Corporation, Municipality, Provincial or Federal Agency, or an agent or employee thereof;

**"pesticides"** means a pesticide regulated under the Pesticides Act;

**"pH"** means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;

**"phenolic compounds"** means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by one of the Methods in Standard Methods;

**"phosphorus"** means total phosphorus as determined by both Methods in Standard Methods;

**"sanitary sewer"** means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage, or any combination thereof;

**"sewage"** means any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, except uncontaminated water;

**"sewage works"** means any works for the collection, transmission, treatment or disposal of sewage, or any part of such works;

**"solvent extractable matter"** means grease and oil as determined by one of the Methods listed in Standard Methods;

**"Standard Methods"** means a procedure set out in Standard Methods for the Examination of Water and Wastewater, published jointly by the American Water Works Association and Water Environment Federation, current at the date of testing, or a procedure published by the Ontario Ministry of the Environment as a standard method or the equivalent of a Standard Method;

**"storm sewer"** means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof;

**"storm water"** means water from rainfall or other natural precipitation or from the melting of snow or ice;

**"suspended solids"** means solid matter in or on a liquid which matter is removable by filtering and dried at 103-105° Celsius as determined by a Method in Standard Methods;

**"Town"** shall mean the Corporation of the Town of Amherstburg;

**"uncontaminated water"** means water to which no matter has been added as a consequence of its use, or to modify its use, by any person;

**"waste radioactive materials"** means any waste materials exhibiting the property of spontaneous disintegration of atomic nuclei usually with the emission of penetrating radiation or particles;

**"watercourse"** means a river or stream channel, or an artificial channel or ditch constructed as or resulting from the construction of municipal work in which a flow of storm water occurs either continuously or intermittently; road ditches and other natural depressions or watercourses draining into any such open channel or ditch, whether connected to a storm sewer or not.

## **Part 2 AUTHORITY**

- 2.1 The Director of Engineering and Public Works may act on behalf of the Municipality for the purposes of this by-law.
- 2.2 The Director of Engineering and Public Works may prescribe the form and content of any approval, authorization, permit, form, policy, procedure or other document in relation to the administration of this by-law and may amend or revise the form and content of such approvals, authorizations, agreements, permits, forms, policies, procedures or documents from time to time. The Director of Engineering and Public Works may issue and execute any approval, authorization or permit under this by-law as well as any amendments thereto or revocations thereof, on behalf of the Municipality.
- 2.3 The Director of Engineering and Public Works, his or her designates and all Enforcement Officers appointed by the Town are authorized to enforce this by-law.(amended B/L 2022-077, Jul 11/22)

## **Part 3 DISCHARGE TO SANITARY SEWERS AND COMBINED SEWERS**

- 3.1 No person shall discharge or deposit, or cause or permit the discharge or deposit, of matter of a kind listed below into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer:
  - a) Matter of any type, or at any temperature, or in any quantity which may be or may become a health or safety hazard to a sewage works employee, or which may be or may become harmful to a sewage works, or which may cause the sewage works effluent to contravene any requirement by or under the *Ontario Water Resources Act* or the *Environmental Protection Act (Ontario)*, 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 Ontario's *Guidelines for Sewage Sludge Utilization on Agricultural Lands* (as revised March, 1996) unless the person has been advised in writing by the Director of Engineering and Public Works that the sludge from the sewage treatment works will never be used on agricultural lands, or which may interfere with the proper operation of a sewage works, or which may impair or interfere with any sewage treatment process, or which is or may result in a hazard to any person, animal, property or vegetation; or
  - b) Without limiting the generality of the foregoing, any of the following:

- i. Solid or viscous substances in quantities, or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, oil, grease, unground garbage, animals or parts thereof, paunch manure, and whole blood;
- ii. 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 disulfide, other reduced sulphur compounds, amines or ammonia in such quantity that may cause an offensive odour;
- iii. Except in the case of discharge into a combined sewer, storm water, water from drainage of roofs or land, water from a water course or uncontaminated water;
- iv. Water other than storm water that has originated from a source separate from the water distribution system of the Municipality;
- v. Sewage or uncontaminated water at a temperature greater than 65° Celsius;
- vi. Sewage having a pH less than 5.5 or greater than 10.5;
- vii. Sewage containing more than 120 milligrams per litre of solvent extractable matter, generally referred to as oil or grease;
- viii. Sewage in which the biochemical oxygen demand exceeds 300 milligrams per litre;
- ix. Sewage containing more than 350 milligrams per litre of suspended solids;
- x. Sewage containing more than 30 milligrams per litre of phosphorus;
- xi. Sewage containing more than 100 milligrams per litre of kjeldahl nitrogen;
- xii. Sewage containing more than 1 milligrams per litre of phenolic compounds;
- xiii. Sewage which consists of two or more separate liquid layers;
- xiv. Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;
- xv. Sewage containing any of the following in excess of the indicated concentrations in Column II if the average water usage is equal to or less than 500,000 litres per day; and in excess of the concentrations in Column III if the average water usage is greater than 500,000 litres per day respectively set out opposite:

Column I			Column II	Column III
Aluminum	expressed as	Al	50.0 mg/L	50.0 mg/L
Arsenic	expressed as	As	1.0 mg/L	1.0 mg/L
Antimony	expressed as	Sb	5.0 mg/L	1.0 mg/L
Barium	expressed as	Ba	5.0 mg/L	1.0 mg/L
Bismuth	expressed as	Bi	5.0 mg/L	1.0 mg/L
Cadmium	expressed as	Cd	2.0 mg/L	0.5 mg/L
Chloride	expressed as	Cl	1500.0 mg/L	1500.0 mg/L

Column I			Column II	Column III
Chromium	expressed as	Cr	5.0 mg/L	1.0 mg/L
Cobalt	expressed as	Co	5.0 mg/L	1.0 mg/L
Copper	expressed as	Cu	5.0 mg/L	1.0 mg/L
Cyanide	expressed as	HCN	2.0 mg/L	1.0 mg/L
Fluoride	expressed as	F	10.0 mg/L	3.0 mg/L
Lead	expressed as	Pb	5.0 mg/L	1.0 mg/L
Manganese	expressed as	Mn	5.0 mg/L	3.0 mg/L
Molybdenum		Mo	5.0 mg/L	3.0 mg/L
Mercury	expressed as	Hg	0.1 mg/L	0.03 mg/L
Nickel	expressed as	Ni	5.0 mg/L	1.0 mg/L
Phenol			1.0 mg/L	0.3 mg/L
Selenium	expressed as	Se	5.0 mg/L	1.0 mg/L
Silver	expressed as	Ag	5.0 mg/L	1.0 mg/L
Sulphate	expressed as	SO <sub>4</sub>	1500.0 mg/L	1500.0 mg/L
Tin	expressed as	Sn	5.0 mg/L	1.0 mg/L
Titanium	expressed as	Ti	5.0 mg/L	1.0 mg/L
Vanadium	expressed as	V	5.0 mg/L	1.0 mg/L
Zinc	expressed as	Zn	5.0 mg/L	1.0 mg/L

- xvi. Any of the wastes or contaminants, other than those contained in the above Clause xv. and listed in Schedules 1, 2 and 3 of Ontario Regulation 347, made under the *Environmental Protection Act (Ontario)*, having a concentration greater than 200 times the respective Method Detection Limit for each waste or contaminant as listed in Schedule I of the Ontario Ministry of Environment's Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater, January 1999, as amended from time to time;
- xvii. Waste radioactive materials excepting those being discharged in accordance with a license from the Atomic Energy Control Board and a copy of the license has been provided to the Municipality;
- xviii. The following materials or sewage containing any of the following in any amount:
  - Fuels
  - Ignitable waste
  - PCBs
  - Pesticides
- xix. The following materials or sewage containing any of the following:
  - Hauled sewage, except where:
    - 1. The hauler of the hauled sewage is an operator of a waste management system operating under and in accordance with a valid Environmental Compliance Approval under the *Environmental Protection Act (Ontario)* allowing the operation or is exempt from the

requirement to have an Environmental Compliance Approval;

2. A copy of the most recent Environmental Compliance Approval and any amendment is provided to the Municipality;
3. The hauler has received prior written approval from the Municipality to discharge the hauled sewage into the sewage works; and
4. The hauler meets all conditions for discharge that are or may be required from time to time by the Municipality;

Hauled waste, except where:

1. The hauler of the hauled waste is an operator of a waste management system operating under and in accordance with a valid Environmental Compliance Approval under the *Environmental Protection Act (Ontario)* allowing the operation or is exempt from the requirement to have an Environmental Compliance Approval;
2. A copy of the most recent Environmental Compliance Approval and any amendment is provided to the Municipality;
3. The hauler has received prior written approval from the Municipality to discharge the hauled waste into the sewage works; and
4. The hauler meets all conditions for discharge that are or may be required from time to time by the Municipality;

Landfill leachate, except where:

1. The discharge is proceeding in accordance with a valid Environmental Compliance Approval under the *Environmental Protection Act (Ontario)* or the *Ontario Water Resources Act* which includes a provision for the disposal of leachate to the sewage works;
2. A Copy of the current Environmental Compliance Approval under the *Environmental Protection Act (Ontario)* or the *Ontario Water Resources Act* and any amendment thereto is provided to the Municipality or, where the discharger is claiming an exemption pursuant to a regulation, the discharger has demonstrated to the satisfaction of the Municipality that the conditions of the exemption are being met;
3. The discharger has received prior written approval from the Municipality to discharge the waste disposal site leachate into the sewage works; and
4. The discharge otherwise complies with this By-law.

3.2 In determining whether the limit with respect to any matter prescribed in Section 3.1 is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met and of any storm discharges to a combined sewer shall be disregarded for the purpose of calculating whether the limit has been met so that compliance of the limit cannot be attained by dilution.

3.3 No person shall discharge, or cause or permit the discharge of any substance that exceeds the respective concentrations listed in subsection 3.1 (b)(xv.) of this part into the sewage works, except where:

- a) The discharge is proceeding under and carried out in accordance with and only to the extent expressly permitted by all terms and conditions of an Extra Strength Surcharge Agreement which has been previously authorized or approved in writing by the Municipality; or



- b) The discharge is hauled sewage, hauled waste or landfill leachate and is proceeding under and carried out in accordance with the By-law.
- 3.4 The Municipality, in its sole discretion, may approve any discharge described in Section 3.3, on such terms and conditions as it may deem appropriate, including terms and conditions in respect to protecting the sewage works and other infrastructure, compensating the Municipality for costs related to the operation or repair of the sewage works, treatment or monitoring of the discharge and facilitating administration of the approval.
- 3.5 For the purpose of this part, the Municipality may require a person to provide the Municipality with plans, specifications, reports, studies, data, analytical results, documentation or other information to the satisfaction of the Director of Engineering and Public Works that would enable the Municipality to assess whether or not an actual or potential discharge may or could contravene Part 3 of this by-law.
- 3.6 No person shall leave an uncapped backflow preventer unless it is under test as authorized by the Chief Building Official.(amended B/L 2022-077, Jul 11/22)

Part 4

DISCHARGE TO STORM SEWERS

- 4.1 No person shall discharge or deposit, or cause or permit the discharge or deposit, of matter of a kind listed below into or in land drainage works, private branch drains or connection to any storm sewer:
- a) Matter of any type, or at any temperature, or in any quantity which may:
    - i. interfere with the proper orientation of a storm sewer;
    - ii. obstruct a storm sewer or the flow therein;
    - iii. result in a hazard to any person, animal, property or vegetation;
    - iv. impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or water course; or
    - v. result in the contravention of an approval, requirement, direction or other order, under the *Ontario Water Resources Act*, or the *Environmental Protection Act (Ontario)*with respect to the storm sewer or its discharge; and
  - b) Without limiting the generality of the foregoing, any of the following:
    - i. water at a temperature greater than 40° Celsius;
    - ii. water having a pH less than 6.0 or greater than 9.0;
    - iii. water containing more than 15 milligrams per litre of biochemical oxygen demand;
    - iv. water containing more than 15 milligrams per litre of suspended solids;
    - v. water containing dye or a colouring material which discolours the water;
    - vi. water containing more than 15 milligrams per litre of solvent extractable matter;
    - vii. water containing any of the materials set out in Column I in excess of the concentration respectively set out opposite each material in Column II.

Column I			Column II
Aluminum	expressed as	Al	5.0 mg/L
Ammonia (Unionized)	expressed as	NH3	0.2 mg/L
Arsenic	expressed as	As	0.5 mg/L
Barium	expressed as	Ba	0.5 mg/L

Column I			Column II
	expressed as		
Cadmium	expressed as	Cd	0.1 mg/L
Chlorine	expressed as	Cl <sup>2</sup>	1.0 mg/L
Chromium	expressed as	Cr	1.0 mg/L
Copper	expressed as	Cu	1.0 mg/L
Cyanide	expressed as	HCN	0.1 mg/L
Fecal Coliform			100.0 colonies/100mL
Fluoride	expressed as	F	1.0 mg/L
Iron	expressed as	Fe	5.0 mg/L
Lead	expressed as	Pb	1.0 mg/L
Manganese	expressed as	Mn	1.0 mg/L
Mercury	expressed as	Hg	0.001 mg/L
Nickel	expressed as	Ni	1.0 mg/L
Phenol			0.2 mg/L
Phosphorus	expressed as	P	1.0 mg/L
Selenium	expressed as	Se	1.0 mg/L
Silver	expressed as	Ag	1.0 mg/L
Sulphate	expressed as	SO <sub>4</sub>	150.0 mg/L
Tin	expressed as	Sn	1.0 mg/L
Zinc	expressed as	Zn	1.0 mg/L

viii. Any of the wastes or contaminants listed in Schedules 1, 2 and 3 of Ontario Regulation 347, made under the *Environmental Protection Act (Ontario)*, having a concentration greater than 10 times the respective Method of Detection Limit of each waste or contaminant listed in Schedule I of the Ontario Ministry of the Environment's Protocol for the Sampling and Analysis of Industrial/Municipal Waste Water, January 1999, as amended from time to time.

- 4.2 The provisions of clauses 4.1 (b) (iii.), (iv.), (v.), and (vi). do not apply to prevent the discharge of storm water run-off from industrial process areas to a storm sewer when the owner or operator of the premises has a certificate of approval, or order relating to the premises under the *Environmental Protection Act (Ontario)*, or the *Ontario Water Resources Act* which expressly allows the discharge, and a copy of the certificate of approval or order has been proved to the Municipality.

## Part 5 EXTRA STRENGTH SURCHARGE AGREEMENT

- 5.1 The Municipality, in its sole discretion, may enter into an Extra Strength Surcharge Agreement in accordance with this part with a discharger to permit the discharge of sewage into the sanitary sewage works that would otherwise be prohibited by subsection 3.1 (b) (xv.) of this By-law, to the

extent permitted by the Extra Strength Surcharge Agreement, as outlined in Schedule A.

- 5.2 An Extra Strength Surcharge Agreement referred to in Section 5.1 may only be made with respect to the following parameters in sewage: biochemical oxygen demand, total kjeldahl nitrogen, total phosphorus, total suspended solids, or any combination thereof.
- 5.3 The Municipality may include whatever terms and conditions it deems appropriate in an Extra Strength Surcharge Agreement, including but not limited to terms and conditions in respect of protecting the sewage works and other infrastructure, verifying the average concentration of any parameter permitted by Section 5.2, verifying volumes of a discharge, to refine a surcharge fee based on a flow differential, facilitating the administration of the Extra Strength Surcharge Agreement and compensation to the Municipality for the additional costs related to an Extra Strength Surcharge Agreement and associated discharges, including costs related to administering the agreement and costs related to additional inspection, monitoring, sampling and analysis and treatment of the discharge and related to operation and repair of the sewage works.
- 5.4 An Extra Strength Surcharge Agreement shall not be assignable or transferrable by the discharger without the express written approval of the Municipality.
- 5.5 Any Extra Strength Surcharge Agreement that was executed by the Municipality before the day this By-law is enacted and has not expired will continue to remain in force unless the agreement is terminated by the Municipality in accordance with Section 5.6 of this By-law or by the discharger in accordance with the appropriate provisions of the Extra Strength Surcharge Agreement
- 5.6 The Municipality may terminate an Extra Strength Surcharge Agreement by giving written notice to the discharger:
  - a) at any time and for any reason whatsoever regardless of the state of compliance with the Extra Strength Surcharge Agreement upon a minimum of 90 calendar days written notice to the discharger;
  - b) at any time where, in the opinion of the Municipality, there is an immediate threat or danger to any person, animal, property or vegetation, in which case the termination shall be effective immediately upon receipt of the written notice of termination;
  - c) at any time where, in the opinion of the Municipality, a discharge in accordance with the agreement causes or may cause an adverse effect to the sewage works, in which case the termination shall be effective immediately upon receipt of written notice of termination; or
  - d) as may be further provided for in an Extra Strength Surcharge Agreement.

## **Part 6 SAMPLING AND ANALYSIS**

- 6.1 The Municipality may enter on land, at reasonable times to inspect the discharge of any matter in to the sewage works and may conduct tests and take samples for this purpose.
- 6.2 Where a sample is required for the purpose of determining the characteristics or contents of the sewage, uncontaminated water or storm water to which reference is made in this by-law:
  - a) one sample alone is sufficient and, without limiting the generality of the foregoing, the sample may be a grab sample or a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device;
  - b) except as otherwise specifically provided in this by-law, all tests, measurements, analyses and examinations of sewage,

uncontaminated water and storm water, shall be carried out in accordance with Standard Methods; and

- c) for each of the metals listed in Section 3.1 the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

## **Part 7 SELF-MONITORING**

- 7.1 Every person discharging a substance to a sewage works shall complete any monitoring or sampling of any discharge to the sewage works as may be required by the Municipality and provide the results of such monitoring to the Municipality in the form specified by the Municipality.
- 7.2 The obligations set out in or arising out of Section 7.1 shall be completed at the expense of the person discharging a substance to the sewage works.

## **Part 8 SPILLS**

In addition and notwithstanding any other obligations imposed by law:

- 8.1 Every person who discharges or deposits, or causes or permits the discharge or deposit, of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the Director of Engineering and Public Works .
- 8.2 Every person who discharges or deposits, or causes or permits the discharge or deposit, of uncontaminated water or storm water into or in land drainage works, private branch drains or connections to any storm sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the Director of Engineering and Public Works .
- 8.3 For any of the discharges in Section 8.1 and 8.2, for which the person is required to forthwith notify the Director of Engineering and Public Works, the notification shall include the following information:
  - a) Name of the company and the address of location of spill;
  - b) Name of the person reporting the spill and telephone number where that person can be reached;
  - c) Time of the spill;
  - d) Type and volume of material discharged and any associated hazards;
  - e) Corrective actions being taken to control the spill.
- 8.4 Within five days following a discharge, to which Section 3 applies, the person shall submit to the Director of Engineering and Public Works and the Ministry of the Environment and Climate Change a detailed written report describing the cause of the spill and the action taken or to be taken to prevent reoccurrence.

## **Part 9 GENERAL**

- 9.1 The owner or operator of industrial premises, with one or more connections to a sewage works, shall install and maintain in good repair, in each connection, a suitable manhole to allow observation and sampling of the sewage and measurement of the flow of sewage therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the written approval of the Director of Engineering and Public Works.

- 9.2 The manhole or alternate device shall be located on the property of the owner or operator of the premises, unless the Director of Engineering and Public Works has given written approval for a different location.
- 9.3 Every manhole, device or facility installed, as required by Section 9.1, shall be designed and constructed in accordance with good engineering practice and the requirements of the Town, and shall be constructed and maintained by the owner or operator of the premises at its expense.
- 9.4 The owner or operator of commercial or industrial premises shall at all times ensure that every manhole, device or facility installed, as required by section 9.1, is at all times accessible for purposes of observing and sampling the sewage and measuring the flow of sewage therein.
- 9.5 The Director of Engineering and Public Works may require the owner or operator of industrial premises to install and maintain devices to monitor sewage discharges and to submit regular reports regarding the discharges to the Town.
- 9.6 No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing 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 sewage.

## **Part 10 ENFORCEMENT**

- 10.1 This By-law shall be administered and enforced by the Director of Engineering and Public Works and his/her designates. (amended B/L 2022-077, Jul 11/22)
- 10.2 The Municipality may enter upon any part of a property at any reasonable time, to inspect the discharge of any substance into the sewage works and may conduct tests and take samples of the discharge.
- 10.3 Enforcement Officers may enter upon any part of a property at any reasonable time, to carry out inspection in order to determine compliance with and/or enforce:
- a) this By-law;
  - b) an Extra Strength Surcharge Agreement; or
  - c) any other approval issued by the Municipality under Parts 3 or 4 of this by-law to permit the discharge of any substance that would otherwise be prohibited by this by-law.
- 10.4 For the purpose of an inspection to determine compliance with this by-law or to otherwise enforce this by-law an Enforcement Officer 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, 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) 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 reasonable inquiries concerning a matter related to the inspection, orally or in writing;
  - 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;
  - i) inspect the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse; and
  - j) inspect chemical storage areas and spill containment facilities and requesting Material Data Safety Sheets for materials stored or used on the premises.
- 10.5 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 carrying out an inspection.
- 10.6 No person shall hinder or obstruct or attempt to hinder or obstruct the Municipality, its Enforcement Officers, employees or agents from carrying out any powers or duties under this by-law.

## **Part 11 OFFENCES**

- 11.1 Every person, other than a Corporation, who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable for every day or part thereof, upon which such offence occurs or continues, to a fine of not more than \$10,000.00 for a first offence and \$25,000.00 for any subsequent conviction.
- 11.2 Every Corporation which contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable for every day or part thereof, upon which such offence occurs or continues, to a fine of not more than \$50,000.00 for a first offence and \$100,000.00 for any subsequent conviction.
- 11.3 In this by-law, subsequent conviction means a conviction for an offence which occurs after the date of conviction for an earlier offence under this by-law.

## **Part 12 SEVERABILITY**

Should any paragraph, clause or provision of the By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part of thereof, other than the part which was declared to be invalid.

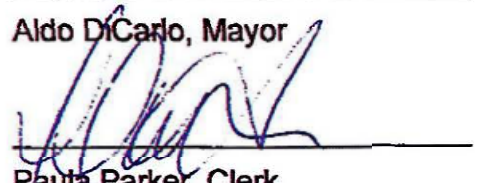
## **Part 13 REPEAL**

That the Town of Amherstburg By-law No. 2005-28, being a by-law to regulate the use of sewers in the Town of Amherstburg is hereby repealed. This by-law shall come into force and take effect on the date of final passage thereof.

Read a first, second and third time and finally passed this 25th day of January, 2016.

A handwritten signature in black ink, appearing to read 'Aldo DiCarlo', written over a horizontal line.

Aldo DiCarlo, Mayor

A handwritten signature in blue ink, appearing to read 'Paula Parker', written over a horizontal line.

Paula Parker, Clerk