

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to repeal and replace Chapter 660 of The City of Kitchener Municipal Code with respect to Plumbing and Drainage).

WHEREAS it is deemed expedient to exercise the powers conferred on Council by *Municipal Act, 2001*, S.O. 2001, c.25 and the *Building Code Act, 1992*, S.O. 1992, c. 23;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

Article 1 - Definitions

660.1.1

In this By-law any term not defined herein shall have the meaning set out in the Building Code Act or the Building Code unless a contrary intention is apparent or such definition would be inconsistent with the context of this by-law.

660.1.2

“Building Code” means Ontario Regulation 163/24 (Building Code) under the *Building Code Act, 1992*, S.O. 1992, c. 23 and shall include any successor regulation.

660.1.3

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23.

660.1.4

“Chief Building Official” means the Chief Building Official of the City.

660.1.5

“City” means The Corporation of the City of Kitchener.

660.1.6

“Council” means Council of the City.

660.1.7

“Director” means the Director, Sanitary and Stormwater Utilities for the City.

660.1.8

“Manager” shall mean the City’s Manager of Maintenance and Operations (Sanitary and Stormwater), and a delegate or representative of the Manager. For the purpose of Article 6 (Maintenance and Repair), “Manager” shall also include a contractor hired by the City to perform work required by this By-law.

660.1.9

“Officer” means the Chief Building Official, the City’s Director, Sanitary and Stormwater Utilities, and shall include any employee of the City under the direction of or delegate of such individuals.

660.1.10

“Occupant” shall have the definition set out in section 15.1 of the Building Code Act.

660.1.11

“Owner” shall have the definition set out in section 15.1 of the Building Code Act and shall also include a “building owner” as defined by the Building Code Act.

660.1.12

“Plumbing” has the meaning that it has in the *Building Code Act*.

Article 2 – Connections to Sewers

660.2.1

Every person connecting or disconnecting from a public sanitary sewer or making any changes to a private sewage disposal system, shall obtain a building permit prior to commencing such work.

660.2.2

Every Owner shall ensure that every building in which plumbing fixtures are installed shall have a connection to a public sanitary sewer or a private sewage disposal system.

660.2.3

No person shall construct and no Owner shall permit construction or allow to remain any private sewage disposal system except under authority of a building permit.

660.2.4

Every Owner shall ensure that no private sewage disposal system shall be allowed to exist on lands abutting a street which has sewage facilities where a public sanitary sewer is accessible within 45.72 metres (150 feet) measured from any point on the property line abutting such street to the closest portion of any building served by the private sewage disposal system.

660.2.5

Where the Chief Building Official or the Director is satisfied upon due examination of a building that connection may be had within 45.72 metres (150 feet) to the sewers of the City, the Owner, at the Owner's expense, must arrange for connection to the sewer within thirty days of receiving a written notice to do so.

660.2.6

Where one building is separate and located to the rear of another building on an interior lot and no other sewer connection is available, a building permit shall be obtained to extend the plumbing system of the building at the front to the rear building and the whole considered as one building sewer.

660.2.7

Every Owner shall ensure that old building sewers are only used in connection with new buildings or new plumbing under authority of a building permit when they are found on examination and test by the Chief Building Official to conform in all respects to the requirements covering new sewers as prescribed by the Building Code and in the regulations made pursuant to the *Ontario Water Resources Act* R.S.O. 1990, c. O. 40 and the requirements of this By-law.

660.2.8

A relocation of a building shall be considered a re-erection of such building and the plumbing system therein shall be subject to the provisions of the Building Code and to regulations made pursuant to the *Ontario Water Resources Act* R.S.O. 1990, c. O. 40 and the requirements of this By-law. A building permit is required for the plumbing system when any building is relocated.

660.2.9

No person shall connect or cause to be connected the plumbing system of any building, lot, premises, or establishment otherwise than with that portion of the public sanitary sewer system intended for it as shown by the records in the office of the Director.

660.2.10

Unless otherwise approved by the Chief Building Official, every Owner shall ensure that no sanitary sewer passes under any building other than the building it serves and the entire sanitary sewer system of every building or premises shall be separate from and independent of that of every other building or premises and shall have an independent connection with a public sanitary sewer.

Article 3 – Interceptors

660.3.1

Every Owner and occupant shall ensure that oil or grease interceptors are cleaned as frequently as necessary to prevent the buildup of grease and additionally shall be cleaned no less than once every six months.

660.3.2

Every Owner and occupant shall ensure that a sand or grit interceptor has a capacity sufficient to retain the grit and sand reaching the interceptor during any ten hour period.

Article 4 – Subsoil Drainage

660.4.1

No person shall cause or permit the discharge of any storm water including surface water, ground water, rain runoff, subsoil drainage from footings or foundation walls, water from open excavations or other surface or subsurface drainage into the sanitary sewer system of the City.

660.4.2

No person shall connect to the sanitary sewer system of the City any agricultural tile or weeping tile placed to provide subsoil drainage for footings or foundation walls.

Article 5 – Storm Sewers, Storm Drains, and Rainwater Leaders

660.5.1

Unless otherwise approved by the Chief Building Official, every Owner shall ensure that no storm sewer passes under any building other than the building it serves and the entire storm drainage system of every building or premises shall be separate from and independent of that of every other building or premises and shall have an independent connection with a public storm sewer.

660.5.2

Special cases, such as a terrace or a semi-detached residential building, shall be referred to the Chief Building Official who shall decide whether a separate storm sewer system shall be installed or otherwise.

660.5.3

Where one building is separated from and located to the rear of another building on an interior lot and no other storm sewer connection is available, the consent of the Chief Building Official and a building permit shall be obtained to extend the drainage system of the building at the front to the rear building and the whole considered as one building storm drain.

660.5.4

No Owner or Occupant shall use an old building storm sewer in connection with new buildings unless under authority of a building permit where they are found on examination and test by the Chief Building Official to conform in all respects with this By-law.

Article 6 - Maintenance and Repair

660.6.1

Every Owner shall keep in good repair and be responsible for all maintenance and repair costs pertaining to the lateral sanitary sewer, water connection, or storm drain connection on their own property up to the road allowance, or other property or easement, owned by the City.

660.6.2

Every Owner shall also be responsible for and shall remove blockages caused by objects and any other matter or liquid placed in the sewer or drain of the Owner's property by occupants or users of the lateral sanitary sewer or storm drain connection including the portion within the road allowance, or other property or easement, of the City. Any blockage on City property shall only be cleared by a licensed plumber.

660.6.3

Except for the blockages referred to in section 660.6.2, the City will be responsible for maintenance and repair costs for the portion of lateral sanitary sewer or storm drain connections within road allowances, or other property or easements, of the City.

660.6.4

Regardless of the location of the tree from which the roots originate from, where there is a defect in a lateral sanitary sewer, or storm drain connection pipe which results in root intrusion causing a blockage, it is the Owner of the land where the defect in the pipe is located that is responsible to repair the connection at their cost.

660.6.5

When an Owner or Occupant effects or causes any repair to any lateral sanitary sewer, water connection, or storm drain, or any removal of a sanitary sewer or storm drain blockage as required in this Article, all costs associated with such repair or blockage removal shall be at the cost of the Owner and any damage caused by such repair or blockage removal on property of the City shall also be at the expense of the Owner or Occupant. In the event the City should undertake any work on private property, the Owner of the land where the work was performed is responsible to reimburse the City in accordance with annual user fees approved by Council from time to time.

660.6.6

The Manager is hereby authorized to execute agreements approved by the City Solicitor with the owners of lands and premises for the purpose of cleaning, flushing, and repairing clogged sewers and drains as required by this By-law. The Manager shall make the usual probes and examination to determine the location and cause of any sewer or drain blockage under this By-law.

Article 7 – Repair at Owner’s Expense

660.7.1

Where a person is directed or required to do a thing pursuant to this By-law, including without limitation the repair or unclogging of a person’s sewer or drain, and fails to do such thing, the matter or thing may be done by the Manager at the person’s expense.

660.7.2

For the purposes of this Article, the City including its agents, representatives, and contractors, may enter upon land at any reasonable time.

660.7.3

The Owner shall pay all applicable fees and charges for the above repairs as may be prescribed by Council from time to time. Such fees and charges constitute a debt of the Owner to the municipality and the City may recover the costs of doing a matter or thing under this By-law from the person directed or required to do it by action or by adding such fees and charges, to the tax roll for the property to which the service was supplied and may collect them in the same manner as municipal taxes.

Article 8 – Inspection Powers

660.8.1

In addition to any inspection authority contained in the Building Code Act, an Officer and any agent or representative of the City may enter on land at any reasonable time for the purpose of:

- (a) carrying out an inspection to determine whether this By-law is being complied with;
- (b) inspecting the discharge of any matter into the sewage system of the City 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
- (c) inspecting the discharge of any matter into a land drainage system of any person and may conduct tests and remove samples for this purpose.

660.8.2

For the purposes of an inspection pursuant to this By-law, an Officer, or any agent or representative of the City may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.

660.8.3

The ability of an officer, agent, or representative of the City to make examinations or take tests shall include the ability to inspect underground services including by use of closed circuit television cameras on private property to determine compliance with this By-law.

660.8.4

Notwithstanding sections 660.8.1, 660.8.2, and 660.8.3, inspections of a room or place actually being used as a dwelling unit shall comply with the applicable requirements of the *Municipal Act, 2001* and/or section 16 of the Building Code Act.

Article 9 - Enforcement

660.9.1

Every person, other than a corporation, who contravenes any provision of this By-law or fails to comply with a requirement thereof and every director or officer of a corporation who concurs in such contravention or failure to comply is guilty of an offence and is liable, upon conviction, to a fine of not more than fifty thousand dollars (\$50,000) for a first offence and to a fine of not more than one hundred thousand dollars (\$100,000) for each subsequent offence.

660.9.2

If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is five hundred thousand dollars (\$500,000) for a first offence and one million, five hundred thousand dollars (\$1,500,000) for a subsequent offence and not as provided in section 660.9.1.

660.9.3

The fines amounts set out in this Article are exclusive of costs and are recoverable under the Provincial Offences Act, R.S.O., 1990, c. P.33.

Article 10 - Administration

660.10.1

This By-law shall be known as the "Plumbing and Drainage By-law".

660.10.2

It is hereby declared that each and every of the foregoing sections of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

660.10.3

By-law 87-320, section 1 of by-law 88-191, section 5 of by-law 88-228, by-law 93-141, sections 16-26 of by-law 95-168, sections 8-10 of by-law 97-140, sections 15-22 of by-law 2001-224, section 3 of by-law 2007-166, and sections 24-25 of by-law 2011-047 and the contents of the previous Chapter 660 are hereby repealed.

660.10.4

The Clerk of the City is hereby directed to make this By-law a part of The City of Kitchener Municipal Code by adding it to the Concordance and arranging and numbering it as Chapter 660 so as to fit within the scheme of the Code.

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2025.

Mayor

Clerk