

THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number 46-89

By-law to Establish a Sewer Connection Policy For The City of Brockville and to Rescind By-law 206-81

WHEREAS the Corporation of the City of Brockville has deemed it expedient to establish a sewer connection policy for the City of Brockville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. The Corporation of the City of Brockville hereby adopts a sewer connection policy for the initial construction, periodic maintenance, and periodic cleaning of sewer connections for the City main to the main building.
2. In this By-Law it is proposed to define the areas of responsibility of the owner and the City for initial construction of the connection, its maintenance and repair and the cleaning of the connection when required.

(a) Sewer Connections:

The term "private sewer connection" shall mean the pipe that carries sewage from private buildings located on private property to the municipally owned sewer main located on streets, easements or other City owned property. These connections, therefore, are partially on private land and partially on City property.

(a) Construction of Private Sewer Connections:

The property owner is responsible for all costs associated with the initial construction of the entire sewer connection from the City's main to the building. The construction of the work on City streets or City property will be carried out by the municipality or its agent or by others where specific authorization to do so has been granted. The construction of that portion of the work located on private property will not be carried out by the City.

(a) Maintenance and Repairs of Private Sewer Connection:

The City will accept the responsibility and costs involved to do maintenance work and replacement work of private sewer connections located on City property. The building owner shall be responsible for all costs involving the above, on private property.

The decision to replace or repair a private sewer connection on City property will rest entirely on the judgement of the City. This judgement will be derived using records on hand, investigations and expertise of the department involved.

(a) Cleaning of Private Sewer Connections:

The City to the best of its ability, will provide a service to clean private sewer connections at the owner's cost provided that:

- i) Adequate and proper cleanout facilities are provided within the building or elsewhere on the owner's lands, accessible to permit cleaning of the pipe with the City's equipment
- i) The owner or occupant authorizes the work in writing and agrees to pay the cost of such work or provide a deposit if required.
- i) The owner agrees in writing to hold the City harmless for any damage resulting from the carrying out of such work.

(a) Trees on City Property:

The owner of private land will not be responsible for the cost of clearing blockages where it can be established that the cause of the blockage was due to the roots of trees growing on City property, provided that where such blockages occur more frequently than three times in any three year period, the City shall be required to repair the connection on City property to prevent the entrance of roots, and the private building owner shall be required to do the same on private property. If the building owner does not accept this responsibility of replacement at this time, all future cleaning of the laterals, due to roots of a City tree, will be at his/her expense. Where tree roots are the cause of the blockage, it shall nevertheless be the policy of the City to maintain the tree and to have a root-tight sewer connection provided, rather than the indiscriminate cutting of trees to eliminate this problem. If, however, it is deemed to be in the best interest of the City, the City Engineer may authorize the removal of the tree.

(a) Exceptions:

The program of cleaning private sewer connections is primarily directed towards small residential and commercial buildings and they shall receive priority in most cases. although the City shall endeavor to provide the service to all the property owners, the city may abstain from cleaning private sewer connections in some circumstances. The owner of the building always has the right to hire a private contractor to do such cleaning, especially when time is of essence and City Forces cannot schedule to the homeowners demands.

In matters not specifically covered by this policy, or where an extreme hardship might be involved, or where substantial damage to property may occur, or in other circumstances deemed advisable, the City Engineer may take such action as it thought to be appropriate at the time, notwithstanding that such action may not be in keeping with the provisions of this policy.

(a) Payments:

If work for clearing blockages in sewer connections, as set out in the preceding sections, is charged by invoice to any property owner, and the person to whom the invoice was served fails to pay the amount shown on the invoice within thirty days after the request for payment, the City Engineer shall present the statement to City Treasurer.

The City Treasurer upon ensuring that the invoice is proper, shall cause the amount of the invoice to be placed on the collectors roll against the land concerned, and it shall be collected in the same manner as taxes under the Assessment Act, subject to an appeal to the Assessment Review Court in the same manner as for taxes, under Section 325 of the Municipal Act, R.S.O., 1980, 302 as amended.

(a) By-Law Number 206-81 is hereby repealed.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 28th day of February, A.D., 1989

[S. J. Clark]
MAYOR

[Marilyn Smith]
CLERK, PRO TEMPORE