

**THE CORPORATION OF THE CITY OF BROCKVILLE**  
**By-Law Number 069-2023**

*A By-Law to Establish a Sewer Connection in the City of Brockville  
and to Repeal By-law 46-89*

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WHEREAS the Corporation of the City of Brockville has deemed it expedient to establish a sewer connection By-law in the City of Brockville;

NOW THEREFORE the Council of the Corporation of the City of Brockville enacts as follows:

**1. Definitions**

- a) "City" means the Corporation of the City of Brockville and includes its employees, servants, and agents;
  - b) "Private Structure" means anything constructed or built permanently or temporarily which is outfitted with a sewer connection;
  - c) "Property" means any real property and the buildings or structures it contains;
  - d) "Property Owner" means the registered owner of the lands and premises or authorized agent in lawful control of the property, structure or occupancy and who permits the operation or maintenance of any business;
  - e) "Main Line" means the City's sanitary sewer line that collects private sewer connections from property owner(s). The Main Line is the collection point from private sewer connections and conveys sewage to the Water Pollution Control Centre.
  - f) "Maintenance List" means the method by which sewer connections are prioritized for repair or replacement. Barring critical failures to infrastructure, the list is executed in priority sequence, beginning with the first on the list.
2. The Corporation of the City of Brockville hereby adopts a sewer connection By-law for the initial construction, repairs, and cleaning of sewer connections from the private sewer connection to the City sewer main line.

3. This By-law is proposed to define the areas of responsibility of the owner and the city for initial construction of the connection, ownership of the cleanout fittings and sewer lines, its maintenance and repair and the cleaning of the connection when required.

**(a) Sewer Connections:**

The term "private sewer connection" shall mean the complete section of pipe that carries sewage from private buildings to the City owned Main Line. These connections may be located on private property, on streets, easements or other City owned property. These connections, therefore, are partially on private land and partially on City property, however solely owned by the private property owner. Connections within private structures and on private property, including drains and cleanout fittings are not deemed owned by nor the responsibility of the City.

Where a house structure, deck, porch, landscaping etc. encroach on City property the property owner assumes responsibility for any repair.

**(b) 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 sewer main line to the private structure. Any construction 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. Fees associated with work conducted on City property will be charged directly to the property owner. Construction of the work located on private property will not be carried out by the City.

**(c) 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.

- ii. The property owner authorizes the work in writing and agrees to pay the cost of such work or provide a deposit if required.
- iii. The property owner agrees in writing to hold the City harmless for any damage resulting from the carrying out of such work.

Note that calls for service by City staff during regular business or after hours will be conducted only if an adequate number of staff can be secured for the work. If adequate staff numbers are not available a service call can be conducted when staffing permits.

**(d) Responsibility & Repairs:**

The property owner will be responsible for all costs of clearing blockages where it can be established that the cause of the blockage was related to issues from compromised pipe integrity on private property. The property owner will not be responsible for the cost of clearing blockages where it can be established that the cause of the blockage was related to issues from compromised pipe integrity on City property. If the blockage is due to problems located on both private and City property, costs may be split at City's discretion. The property owner will be responsible for all costs of clearing blockages where it can be established that the cause of the blockage was related to items such as wipes, feminine hygiene products and fats oils and grease.

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 the expertise of the department involved. Where such blockages occur more frequently than three times in any three year period on City property, the City shall place the property on a maintenance list to repair the connection on City property. While the property remains on the maintenance list an annual cleaning will be provided at no cost to the property owner. The homeowner is responsible for contacting the City each year for this service. The City will, to the best of its ability, complete the repair within 3 years of being placed on the maintenance list. This is subject to the quality of pipe and other repairs required on the City maintenance list.

At the time of repair, to prevent any future blockages, the property owner shall be required to replace the connection on

private property at the same time that the City work is completed. If the property owner does not accept the responsibility of replacement at the same time, all future cleanings of sewer laterals, due to blockages, will be at the property owner's expense. The property will also be removed from the maintenance list. The City reserves the right to add a property to the maintenance list at their discretion.

**(e) 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 at the City's discretion. The owner of the property always has the right to hire a qualified private contractor to do such cleaning, especially when time is of the essence and qualified City staff are not available. The City will not be responsible for the cost of private contractors. The property owner is responsible for providing any video evidence from the contractor to verify a blockage was on city property. Verbal or written statements will not be accepted.

The City will not be responsible for costs associated with damages to the property due to blockages incurred on private property, regardless of cause.

In matters not specifically covered by this policy, or where an extreme hardship might be involved, or in other circumstances deemed advisable, the Director of Engineering & Infrastructure may take such action as is thought to be appropriate at the time, notwithstanding that such action may not be in keeping with the provisions of this policy.

**(f) Enforcement:**

This By-law shall be enforced by the Wastewater Systems Supervisor employed by the City of Brockville; or any person appointed by the Wastewater Systems Chief Operator; any staff from Wastewater Systems; or any person appointed by the Director of Engineering & Infrastructure.

**(g) Payments:**

If work for initial construction, repairs, or clearing blockages in sewer connections, as set out in the preceding sections, is charged by invoice to any property owner, and the property owner to whom the invoice was served fails to pay the amount shown on the invoice within thirty days after the request for payment, the Director of Engineering & Infrastructure shall present the statement to the Director of Finance.

The Director of Finance 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.

All fees that may apply to this By-law are non-refundable.

**(h) Enactment:**

THAT this By-law shall come into force and effect on the date of passage;

By-Law Number 46-89 is hereby repealed.

Given Under the Seal of the  
Corporation of the City of Brockville  
and passed this 10<sup>th</sup>, day of October.

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Mayor

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Acting City Clerk