

BY-LAW NUMBER 4921

AMENDED BY:

B/L 6566	May 20, 1980
B/L 7463	February 21, 1983
B/L 8081	December 17, 1984
B/L 8107	January 14, 1985
B/L 8842	January 26, 1987
B/L 9277	January 25, 1988
B/L 12775	December 16, 1996
B/L 226-1999	August 16, 1999
B/L 85-2004	March 22, 2004
B/L 151-2006	August 21, 2006
B/L 106-2008	June 17, 2008
B/L 103-2011	June 7, 2011
B/L 156-2014	September 8, 2014

OFFICE CONSOLIDATION

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BY-LAW NUMBER 4921

A BY-LAW TO REPEAL BY-LAW NUMBER 2504 AND TO ENACT IN ITS PLACE AND STEAD A NEW BY-LAW FOR SERVICING OF PRIVATE SEWER CONNECTIONS TO CORRECT AMBIGUITIES IN SCHEDULE "A" TO SAID BY-LAW 2504

Passed the 23rd day of September, 1974.

WHEREAS the Council of The Corporation of the City of Windsor did, on the 27th day of May, 1963, enact By-law Number 2504 establishing a policy for servicing sewer connections in the City of Windsor as set forth in a Schedule "A" to the said by-law, which schedule contains a "Sewer Connection Servicing Policy" (hereinafter referred to as the "Policy");

AND WHEREAS there is contained in the said Policy, Articles 2 and 8 (a) which read as follows:

"2. TIME LIMIT

The City will endeavour to render service immediately or as soon as possible. Under normal circumstances, the servicing personnel will attend upon the premises within twenty -four hours of receipt of the request at the Department of Public Works."

"8. COSTS

- (a) The City will assume the cost of clearing a blockage caused by tree roots providing the connection is not over one hundred (100) feet in length. When the cause of the blockage appears to be partially tree roots and partially some other foreign article, the cause will be deemed to be tree roots."

AND WHEREAS, as the said Policy has been interpreted, The Corporation of the City of Windsor has not assumed liability for any cost of clearing a blockage in a private sewer connection cause by tree roots, if it becomes necessary (in the clearing of the blockage) to make an excavation in any highway or on private property;

AND WHEREAS said Articles 2 and 8 (a) of the said Policy make no reference to the technique or method which may be employed in clearing a blockage to a private sewer connection which is caused by tree roots;

AND WHEREAS the Council of The Corporation of the City of Windsor wishes to confirm and establish that the liability of the Corporation to pay any part of the cost of clearing a blockage caused by tree roots is limited to the application and use of electric eel equipment and it is not intended in any way to provide for the making of excavations, either on a highway or on private property;

THEREFORE, the Council of The Corporation of the City of Windsor enacts as follows:

1. That the Policy for servicing private sewer connections in the City of Windsor, as set forth in Schedule "A" hereunto annexed, be and the same is hereby approved and adopted.
2. That By-law Number 2504, enacted on the 27th day of May, 1963, be and it is hereby repealed.
3. That this by-law and everything herein contained shall come into force and take effect on the day of the final passing thereof.

(signed) FRANKWANSBROUGH
Mayor

(S E A L)

(signed) J.B. ADAMAC
Clerk

First Reading September 23, 1974
Second Reading September 23, 1974
Third Reading September 23, 1974

SCHEDULE " A" CITY OF WINDSOR
SEWER CONNECTION SERVICING & REPLACEMENT
POLICY

DEFINITIONS

Actual Cost of Replacement- means the costs paid by the City to a third party to replace a sewer connection for an Owner.

Complete Sewer Replacement – includes a private drain connection, extending from the municipal sewer to 3 feet (1.0 metres) within the dwelling, and may also include a private drain connection from a septic system to the municipal sewer system. A complete Sewer replacement does not include a repair to an existing connection.

Development – for the purposes of this bylaw, development shall mean works done under a Local Improvement project, a Capital Works project undertaken by the City of Windsor, road and/or sewer rehabilitation project undertaken by the City of Windsor, works done under a servicing and/or development agreement with the City or similar actions taken by the City of Windsor to provide a property with an acceptable sanitary private drain connection on the public right-of-way.

Good Standing – the property owner(s) tax account payments are up-to-date, there are no outstanding fees and the tax account is not subject to any form of sanction, suspension or payment plans.

Owner's Cost of Replacement -means the actual cost of replacement less the City's contribution.

Partial Sewer Replacement – includes a private sewer connection from a dwelling to a known private drain connection on the right-of-way, at the lot line provided by the City under a Local Improvement or other development and is deemed suitable by the City Engineer or designate for use. A partial Sewer replacement includes connecting existing septic systems to a private drain connection provided for such purpose. A partial Sewer Replacement does not include a repair to an existing connection.

Private Sewer Connection –"Private sewer connection" is that part of a sewer system which connects private property to a municipal sewer system and includes the following: the tee or tap into the municipal sewer, the entire pipe from the municipal sewer to 3 feet (1.0 metres) inside the building, the cleanout tee fitting, the riser, and the cap / cover or sampling manhole with frame and cover.

Prime Rate- means the prime rate established by the City Treasurer from time to time.

Registration Costs- means cost of registering any agreements required herein.

Servicing Personnel- means City representative.

Sewer Replacement Rebate – applies to residential properties ONLY having a maximum of 2 units, and does not include vacant land, commercial, industrial, institutional or combined use buildings.

Unserviceable – a connection is deemed unserviceable for any of the following reasons;

- (i) three service calls within a 24-month period;
- (ii) lack of proper cleanout
- (iii) if the CITY ENGINEER, OR CHIEF BUILDING OFFICIAL OR THEIR DESIGNATE, and the owner mutually agree that the connection is inadequate due to age, size, or physical condition thereof;
- (iv) if the connection leads to a septic system and a corresponding public sewer is available;
- (v) if the equipment of the servicing personnel becomes broken or lodged within the private drain connection.

User Fee Schedule – As approved by Windsor City Council, a schedule of fees and charges, forming part of By-law 392-2002, *The Fees and Charges By-law*, as amended from time to time.

PART A- SEWER CONNECTIONSERVICING

1. PROCEDURE

All requests shall be made directly to City Engineer or designate by either (a) personal visit; (b) letter, or e-mail; or (c) telephone. No consideration will be given to requests for assistance by the City unless the foregoing requirements have been fully met.

2. TIME LIMIT

The City will endeavour to render service immediately or as soon as possible. Under normal circumstances, the servicing personnel will attend upon the premises within twenty-four hours of receipt of the request being received by City Engineer or designate.

3. AGREEMENT

The applicant shall sign the agreement form, presented on the premises by the servicing personnel, binding the applicant to the terms of the policy and guaranteeing any payments therein required.

4. CLEAN-OUT

The applicant or occupant shall direct the servicing personnel to the clean-out. The clean-out must be accessible and suitable for the employment of the equipment used by the servicing personnel.

5. UNSERVICEABLE CONNECTION

In the event that the connection is unserviceable,

- (a) The servicing personnel will so advise the occupant, indicating the specific deficiency which prevents servicing.
- (b) The applicant will thereupon indicate on the form,
 - (i) If the applicant desires the City to arrange for correction of the deficiency at the expense of the applicant, or
 - (ii) If the applicant will arrange for correction of the deficiency by the applicant.
- (c) The servicing personnel will advise the City Engineer or designate of the deficiency. Upon such confirmation, the connection will be ineligible for further or future servicing by the City. (Under certain conditions repair may be mandatory by law).
Deleted & replaced B/L 106-2008, June 17, 2008
- (d) When the deficiency is corrected by either (b)(i) or (ii) above, the applicant shall notify the City of the correction, and the **Chief Building Official** AND City Engineer or designate will declare the connection "Serviceable" and it will again be eligible for servicing as before. **Deleted & replaced B/L 106-2008, June 17, 2008**
- (e) This "Sewer Connection Servicing & Replacement Policy" is applicable only where the applicant's statement of account with the City is in Good Standing.

6. ACKNOWLEDGMENT

Upon completion of the servicing, the servicing personnel will present the report to the applicant or occupant who shall sign same verifying the services rendered and nature of blockage found.

7. COSTS

- (a) The City will assume the cost of clearing a blockage caused by tree roots providing the connection is not over one hundred (100) feet in length. When the cause of the blockage appears to be partially by tree roots, private drain connections that are collapsed or partially some other foreign article, the cause will be deemed to be tree roots. Furthermore, this will be extended to replacement of connections from decommissioned septic tanks from the house/building to the appropriate main sewer.
- (b) The applicant will assume the cost of clearing a blockage occasioned by any cause other than tree roots, such cost being set out in the City's Schedule of Fees, as updated from time to time.

- (c) In the event that a connection is found to be unserviceable as in 5 (c) above, the applicant shall pay the inspection fee then current. Future service under the provisions of 5 (d) will be subject to the provisions of (a) or (b) above.

PART B – SEWER CONNECTION REPLACEMENT POLICY

1. REPLACEMENT

The City will provide a sewer replacement rebate for a complete sewer replacement calculated as follows:

1. Where there is a fronting Public Sewer that can be used in a complete sewer replacement, the City will provide a rebate **being the lesser** of the following:
 - (i) The amount set out in the City's User Fee Schedule. It is the intention of this provision that the City's Schedule of Fees will be the relevant rate,
 - (ii) Fifty Per Cent (50%) of the total cost of the complete replacement,
 - (iii) The unit cost (being the total cost divided by the total length) multiplied by the length of the replacement on the public highway.
- 1A. Despite the provisions of section 1, where there is a fronting Public Sewer that can be used in a complete sewer replacement, the City will provide a sewer replacement rebate of 50% under the following conditions:
 - (i) The road is a collector or arterial road or scenic drive; **or**
 - (ii) The municipal sewer is equal to or greater than 18 feet deep measured at the nearest manhole; **and**
 - (iii) The drain connection cannot be opened by eeling, has been serviced 3 times within a 2-year period or is deemed not eligible for service by the City of Windsor; **and**
 - (iv) The subsidy is only for residential properties having a maximum of two (2) units (single family home, duplex or semi-detached dwellings only); **and**
 - (v) The applicant must confirm that the property is their principal residence. This subsidy is applicable to replacements/ application after June 1, 2013 that meet the above conditions.
- 1B. Notwithstanding the conditions outlined in Part B, Section 1A, a rebate may be granted at that discretion of the City Engineer or designate

Added B/L 165-2014, September 8, 2014

2. Where there is no fronting Public Sewer that can be used in a complete sewer replacement for the property being serviced and the City, in its discretion, determines it is not in its interest to build a fronting sewer under the local improvement provisions of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, the rebate will be **the greater** of one of the following amounts:

- (a) the dollar value calculated from the following formula:

$$\text{City Grant} = \text{AC} - [\text{CC} + \text{ELIP}]$$

AC = The actual cost to replace the complete private sewer connection from the dwelling to the municipal sewer

CC = The calculated cost to replace the private sewer connection to the centre line of the abutting right-of-way

ELIP = The current Equivalent Local Improvement Charge for the Property being serviced, calculated by applying the Local Improvement Frontage Charge, set by Council from time to time, for the year the private sewer connection is being replaced, and/or an equivalent Sewerage Fee having been made for the service being applied for;

OR

- (b) The amount as set by Council for Sewer Replacement Rebate.

These calculations to be based on field measurements. The depth of the assumed fronting public sewer is to be established by the depth of the servicing sewer, and the cost to be established by current prices.

3. A sewer replacement rebate is not available, if a sewer connection was constructed to the property line under a local improvement project, or other development within the previous 20 years.
4. Where a complete sewer replacement or a partial sewer replacement is undertaken by the City on behalf of the owner, the Owner shall pay to the City the Owner's cost of replacement in accordance with Part B Section 5 (i) or (ii).
5. Before any work is done, the Owner shall agree to pay the Owner's cost of replacement by either:
 - (i) Paying in full within 30 days of the date of the invoice, the amount specified as the Owner's cost of replacement shown on the invoice sent to the Owner by the City, or
 - (ii) Paying in full by way of 5 equal annual installments the Owner's cost of replacement plus interest calculated at the rate of prime rate plus 1% established as of the date the sewer connection replacement cost is determined by the City, to be calculated annually in advance, plus registration costs, hereinafter called the Owner's amortized cost of replacement.
6. In the event that the Owner elects to pay the Owner's amortized cost of replacement as per Part B Section 5 (ii), then the Owner shall enter into an agreement with the City confirming:
 - (i) The Owner's election to pay the Owners amortized cost of replacement.
 - (ii) The Owner's authorization to the City to add the Owners amortized cost of replacement to the Owner's property taxes, and to collect the same as property taxes.
 - (iii) The Owner's agreement to pay the Owner's amortized cost of replacement as part of the Owner's property taxes.
 - (iv) The Owner's agreement that the Owner's amortized cost of replacement constitutes a lien against the Owner's real property until such time as the Owner's amortized cost of replacement has been paid in full.
 - (v) That this agreement may be registered against the title of the Owner's property."
7. Subject to the provisions of this By-law, as amended, the Chief Administrative Officer and the City Clerk are hereby authorized and directed to execute, from time to time, agreements with the Owners for the payment, by the Owners to the City, of the costs to replace the sewer connections to properties in Windsor.
8. The Owner may provide a complete sewer replacement and still be entitled to a sewer replacement rebate as follows:
 - (i) The sewer replacement rebate payable to an Owner shall be payable after providing evidence of a paid invoice from a Contractor working from a permit issued under By-law 25-2010 for the complete sewer replacement and a request by the Owner for reimbursement.