

REPEALED BY THE SEWER BY-LAW NO. 92/2010
January 1, 2011

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CONSOLIDATION UPDATE: DECEMBER 16, 2009

BY-LAW NO. 7070/97

A By-law of THE CITY OF WINNIPEG to revise and consolidate certain By-laws relating to the Wastewater System and Land Drainage Works; the fixing of sewer rates and the billing and collection thereof.

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CONSOLIDATION UPDATE: DECEMBER 16, 2009

THE CITY OF WINNIPEG

SEWER BY-LAW
NO. 7070/97

A By-law of THE CITY OF WINNIPEG to revise and consolidate certain By-laws relating to the Wastewater System and Land Drainage Works; the Fixing of Sewer Rates and the Billing and Collection thereof.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

PART 1
SHORT TITLE

1. **Short Title** - This By-law may be cited as the "**Sewer By-law**".

PART 2
DEFINITIONS

2. **Definitions** - Unless the context otherwise requires, whenever used in this By-law,

"American Water Works Association" (AWWA) means a not-for-profit scientific and educational association dedicated to drinking water issues, presently headquartered at 6666 West Quincy Avenue, Denver, Colorado, 80235.

"applied volume" means the calculated amount of water not discharged to the wastewater system as determined by metering.

added 208/2007

"average wastewater" means wastewater of the same nature, quality, and degree of pollution as the Sewer Utility shall have determined to be the influent to its treatment facilities, after making tests of the usual and appropriate kind for such determination. Unless otherwise determined by the Sewer Utility, average wastewater shall be the average of the previous five years.

"biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20°C. BOD is expressed in milligrams per litre (mg/L). The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

"body of water" means any ditch, brook, creek, stream, river, lake, pond, stormwater retention basin, waterway, watercourse, canal, or other flowing or standing water.

"Canadian Standards Association" (CSA) means a Canadian, independent, national, international, and not-for-profit organization involved in standards development and the application of these standards through product certification, quality registration, and information products such as seminars and guidelines. CSA's focus is on improving public safety and helping manufacturers become more competitive in global markets. CSA was created by a federal government charter in 1919. CSA is that organization, or any successor organization, presently headquartered at 178 Rexdale Blvd., Etobicoke, Ontario, M9W 1R3.

"City" means The City of Winnipeg.
amended 116/2003

"combined sewer" means any sewer which is intended by design to carry both wastewater and land drainage.

"combustible gas meter" means an instrument capable of determining a lower explosive limit.

"common sewer" means any sewer of any description vested in or under the control of The City of Winnipeg but does not include interceptor sewers.

"Council" means the Council of The City of Winnipeg.

"Director" means the Director of the Water and Waste Department of the City and his or her delegates.
added 8162/2002

"flash point" means, in respect of a liquid, the lowest temperature during a closed cup test at which the liquid gives off vapour in such a concentration that when the vapour combines with air near the surface of the liquid a flammable mixture is formed.

"flood plain" means any property subject to ponding or submergence by overland flow or elevated levels in any body of water including areas below the flood protection level elevations shown on the Interim Flood Risk Maps for The City of Winnipeg.

"full day of operation" means any 24 hour period, or a part thereof, that includes from start of production to completion of cleanup, during which a discharge to the City sewer can occur. A discharge may be continuous or intermittent.

"hazardous waste" means any substance or group of substances so designated by the regulations or conforming to criteria set out in regulations under *The Dangerous Goods Handling And Transportation Act* (Chapter D12 in the Continuing Consolidation of the Statutes of Manitoba).

"interceptor" means a receptacle that is installed to prevent natural and synthetic or petroleum oil and grease, sand, or other materials from passing into a drainage system.

"interceptor sewer" means a sewer constructed solely to carry wastewater from common sewers to the treatment plants and to which owners of abutting properties have no right of connection unless special approval is formally granted in writing by the Sewer Utility.

"Interim Flood Risk Maps" means maps of The City of Winnipeg which were designated on February 15, 1980, pursuant to the Canada-Manitoba Flood Damage Reduction Agreements and, including any additions or amendments made thereto.

"land drainage" means storm, surface, overflow, subsurface, seepage water, or other drainage from land, but does not include wastewater.

"land drainage sewer" means a sewer that carries land drainage.

"land drainage works" means collectively, any private or public property involved in the conveyance, control, and disposal of land drainage. It may include, but not be limited to drains, ditches, swales, land drainage sewers, manholes, catch basins, stormwater retention basins, pumping wells, pump stations, control weirs, and overflow structures.

"Lot Grading By-law" means The City of Winnipeg Lot Grading By-law as amended from time to time.

"lower explosive limit" (LEL) means the lowest concentration of vapour or gas in air that will explode or burn when ignited.

"Manual of Temporary Traffic Control" means the Manual of Temporary Traffic Control in Work Areas on City Streets as amended from time to time and adopted by Council.

"natural oil and grease" means fats, waxes, oils, and other relatively non-volatile substances from animal and vegetable sources. Natural oil and grease concentration is expressed in milligrams per litre (mg/L), and is determined as oil and grease in accordance with procedures contained in Standard Methods.

"normal wastewater" means wastewater which has: (1) a five day biochemical oxygen demand of 300 milligrams per litre, and (2) which contains 350 milligrams per litre total suspended solids, but which does not contain restricted materials prohibited without licence in Section 25.

"Ordinary High Water Mark" (O.H.W.M.) means the normal water level of any body of water within the City as determined in accordance with generally accepted survey practices.

"overstrength wastewater" means any wastewater which has characteristics that exceed those characteristics defined in Section 25 of this By-law.

"owner" has the same meaning as in *The City of Winnipeg Charter*.
amended 8162/2002

"person" has the same meaning as in *The City of Winnipeg Charter*.
amended 8162/2002

"Ph" means the logarithm, to the base 10, of the reciprocal of the hydrogen ion concentration (moles per litre). pH describes quantitatively the acidity or basicity of a solution. pH shall be determined by one of the procedures outlined in Standard Methods.

"premises" means any land or building or both or any part thereof.

"private wastewater outfall" means any sewer, excepting a land drainage sewer, which does not connect to the wastewater system of The City of Winnipeg.

"private land drainage outfall" means any land drainage sewer which does not connect to the land drainage works of The City of Winnipeg.

"private wastewater disposal system" means a system for wastewater treatment or disposal or both, including, but not limited to, septic tanks and disposal fields or pumpout tanks.

"properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food or other manufacturing process that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in a sewer, with no particle greater than 15mm in any dimension.

"pumping well" means any chamber, manhole, or other structure used for the installation of portable or temporary pumping equipment.

"quarter" as a measure of time means three calendar months, or a period of time between two meter reading dates, and may commence on any day of any month.

"septic waste" means wastewater from septic tanks or pumpout tanks which may have a higher BOD or total suspended solids than average wastewater.

"sewer" means a pipe or conduit that by design carries wastewater or land drainage, or both, and shall include common sewer, land drainage sewer, sewer connection, interceptor sewer, combined sewer, storm relief sewer, and wastewater sewer.

"sewer connection" means any underground piping system that by design conveys wastewater, land drainage, rainwater, or other waste from any premises to a common sewer or interceptor sewer.

"Sewer Utility" means the system works, plants, equipment and service for the collection, transport, treatment and disposal of wastewater, and when applicable shall extend to and include the Director.

amended 8162/2002

"special sewer connection" means a sewer connection installed by an applicant, that is totally private, and whose installation, repair, maintenance, and abandonment is the responsibility of the applicant.

"street" has the same meaning as in *The City of Winnipeg Charter*.

amended 8162/2002

"Streets By-law" means The City of Winnipeg Streets By-law as amended from time to time.

"Standard Methods" means the analytical and examination procedures set forth in the current edition of Standard Methods for the Examination of Water and Wastewater as published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. When Standard Methods does not contain an applicable test or analysis, or where more than one procedure is given in Standard Methods, the method used shall be as required by the Sewer Utility.

"storm relief sewer" means a sewer constructed to provide relief capacity to existing land drainage, wastewater, or combined sewers when such sewers are loaded beyond their capacity.

"street" means any public highway, lane, square, subway, bridge, wharf, thoroughfare or way or any part thereof.

"surcharge" means the additional charge assessed over and above the uniform sewer service rate due to overstrength wastewater having characteristics which exceed any or all of the characteristics of normal wastewater.

"synthetic or petroleum oil and grease" means waxes, oils, and other relatively non-volatile organic substances from petroleum sources. Synthetic or petroleum oil and grease concentration is expressed in milligrams per litre (mg/L), and is determined in accordance with procedures contained in Standard Methods.

"total purgeable hydrocarbons" means the sum of all volatile hydrocarbon compounds with carbon numbers up to C₁₀, and includes the volatile aromatics. Total purgeable hydrocarbons concentration is expressed in milligrams per litre (mg/L), and is determined by purge and trap gas chromatography or a method approved by the Sewer Utility.

"total semivolatile hydrocarbons" means the sum of all hydrocarbons with a carbon number from C₁₁ to C₂₀. Total semivolatile hydrocarbons concentration is expressed in milligrams per litre (mg/L), and is determined by gas chromatography.

"total suspended solids" (TSS) means materials that either float on the surface or are suspended in water or wastewater. Total suspended solids concentration is expressed in milligrams per litre (mg/L), and is determined as set forth in Standard Methods.

"wastewater" means the spent water of a community from the standpoint of source. Wastewater may be a combination of liquid and water carried wastes from residences, commercial buildings, cooling plants, swimming pools, industrial plants, and institutions, together with any groundwater and any land drainage that may be present.

"wastewater sewer" means a sewer that carries wastewater.

"wastewater system" means collectively, all of the property involved in the operation of a sewer utility. It includes land, structures, equipment, and processes required to collect, carry away, and treat wastewater and dispose of the effluent.

"weeping tiles" means a system installed for collecting or conveying subsurface or seepage water around a building.

PART 3 GENERAL

3. Administration

amended 116/2003

- (1) The Director and his or her delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and for those purposes have the powers of a designated employee under *The City of Winnipeg Charter*.¹
- (2) The Director may authorize persons to enter onto private property to inspect, install, maintain, repair, replace, alter or remove any public service works or other works used or intended to be used by the City to provide services to the public or to ensure or secure the proper and safe drainage of land or the proper and safe flow of a watercourse or waterway in the city.

added 116/2003

4. Control of Sewers

The *Sewer Utility* shall have the regulatory control of the *wastewater system* and the *land drainage works* in the *City* including, but not limited to, the approval of the design and construction of any *sewer, sewer connection*, and appurtenances, and shall regulate the building and repairs of same and all matters in connection with the *wastewater system* and the *land drainage works* in the *City*.

5. *repealed 8162/2002*

6. Separate Sewer Areas

The *City* may establish separate sewer areas. Within separate sewer areas, no *land drainage* shall be directed into any *wastewater sewer* by any *person*.

7. Use of Land Drainage or Wastewater

No *person* shall withdraw or use *land drainage* from *land drainage works*, including, but not limited to, stormwater retention basins and drains, or *wastewater* from the *wastewater system*, all under the jurisdiction of the *City*, without the approval of the *Sewer Utility*.

8. Record Search

- (a) Upon application, in a form provided by the Sewer Utility, and payment of the fee listed in Schedule "A", the Sewer Utility shall conduct a search of its records and provide advice in respect of specific properties regarding recorded By-law infractions, spills, outstanding inspections, and other details, including account histories, as may be allowed by City by-law;
- (b) Upon application, in a form provided by the Sewer Utility, and payment of the fee listed in Schedule "A", the Sewer Utility shall provide confirmation of final water and sewer account balances for law firms handling the sale of a property."

amended 60/2008

9. Issuance of Permits and Licences

No permit or licence shall be issued under this By-law except where:

- (1) the application has been approved by the *Sewer Utility*, and
- (2) the applicant has paid the appropriate fee for each application, permit, or licence as listed in Schedule "A".

**PART 4
CONSTRUCTION AND APPROVAL**

10. Approval

No *person* shall establish, enlarge, alter, or construct any *sewer, sewer connection, or land drainage works* within the *City*, whether on public or private property, without first submitting plans and specifications acceptable to the *Sewer Utility* for the proposed construction and securing the appropriate permit or licence from the *Sewer Utility*.

11. Buildings and Property to be Connected to Wastewater Sewer or Land Drainage Sewer

- (1) For any building and/or land used or designed for human habitation, employment, or recreation, or any building used for commercial or industrial purposes:

- (a) Wherein wastewater is generated, shall be connected to the wastewater sewer where available. If no wastewater sewer is available, wastewater shall be disposed of in a private wastewater disposal system in compliance with Provincial statutes and regulations.

amended 159/2009

- (b) Land drainage shall be managed on site and discharged to a *land drainage sewer* where available or other *land drainage works* in a manner satisfactory to the *Sewer Utility*.

and all work to make, or incidental to, such connections including maintenance and repair shall be done at the owner's expense in the manner and according to the standards set out herein and acceptable to the *Sewer Utility*.

- (2) If a person having been duly required to connect any *premises* with a *common sewer* or to make any repairs, reconstruction, or replacement of an existing *sewer connection*, neglects or refuses to do so, the *Sewer Utility* may make such connection, repairs, reconstruction, or replacement. The cost thereof, when certified by the *Sewer Utility*, if not paid, shall be added to the taxes on the said property and collected as other municipal taxes of the *City*.

- (3) The *owner* of any building served by a *private wastewater outfall* connecting to a *body of water* shall, at the owner's expense, block the outfall to the satisfaction of the *Sewer Utility* and connect the building to the *wastewater system* of the *City*, or where in the opinion of the *Sewer Utility* it is not practicable to connect the building with the *City's wastewater system*, install a *private wastewater disposal system* in compliance with Provincial statutes and regulations.

amended 159/2009

- (4) *repealed 159/2009 (effective January 1, 2010)*

12. **Interconnection**

The interconnection of any public or private *wastewater sewer* and *land drainage sewer* or the interconnection of the *wastewater system* with any public or private *land drainage works* is prohibited unless a Wastewater Discharge Licence is secured from the *Sewer Utility* in accordance with Part 10 herein.

13. New Sewer Connections

- (1) No new *sewer connection* or *special sewer connection* shall be constructed either under the City *street* or under private property without first obtaining a Services Permit from the *Sewer Utility*.
- (2) Application for Services Permit
 - (a) Supporting Documents - the application for a Services Permit shall be supplemented by any plans, specifications, or other information reasonably required by the *Sewer Utility* to ensure compatibility with the Sewer Utility's *wastewater system* or *land drainage works*.
 - (b) Where a property that has never been charged an assessment for the construction of a *sewer* (except where the *sewer* was provided as the condition of a subdivision or other agreement) is connected to a *common sewer* within the *City*, a charge representing a contribution towards the *wastewater system* shall be made against the property in the amount and manner as directed in Subsection 13(8).
 - (c) An application fee, as listed in Schedule "A", shall be payable at the time the application is made.
- (3) Restrictions on Sewer Connections to the Wastewater System
 - (a) Unless otherwise approved by the *Sewer Utility*, a single *sewer connection* to the *wastewater sewer* shall be provided for each new detached building.
 - (b) The owners of multiple unit buildings, multiple buildings on one property, multiple storey/multiple family buildings, or detached dwellings serviced by one *sewer connection* to the *common sewer* shall be jointly responsible for the operation, maintenance, repair, and abandonment of the *sewer connection*.
 - (c) No building shall be erected or built over a *sewer connection*, nor shall a *sewer connection* be installed under a building, unless approved by the *Sewer Utility*.
- (4) Prohibitions - No *sewer connection* or above ground connection including pipes, hoses, trenches, or pumps shall be made to a manhole, catch basin, catch basin lead pipe, *common sewer*, *interceptor sewer*, or *storm relief sewer* unless approved by the *Sewer Utility*.

- (5) Agreement to Indemnify City - Any *person* who receives a Services Permit under this part shall hold the *City* harmless against loss or damage from overflow of water or *wastewater* backup from the *sewer* or other cause.
- (6) Services Permit for Sewer Connections May be Revoked - All permissions given to connect with a *sewer* shall be upon the express condition that the *Sewer Utility* may at any time revoke and annul the same and the *person* making such connections or their successors in interest shall have no claim against the *City* for damages in consequence of such permission being revoked or annulled.
- (7) Cost of Installation and Maintenance
 - (a) The *Owner* of the *premises* serviced is responsible for the cost of installation and maintenance, including replacement, of every *sewer* from the *premises* to the *common sewer*.
 - (b) Upon application to the *City*, an *owner* may receive financial assistance from the *City* for the repair or renewal costs of a *wastewater sewer* under the *City street*, in accordance with the provisions of Schedule "B".
amended 179/2004
- (8) Special Sewer Connections - Upon application by the *owner*, the *Sewer Utility* may approve a *special sewer connection* for properties not serviced by a fronting *common sewer* and may permit connection to an adjacent *wastewater sewer* or *interceptor sewer*, provided that the *owner* pre-pay the full cost equivalent to the current local improvement rate of installing a *sewer* over the actual frontage of the owner's property or such portion thereof as determined by the *Sewer Utility*. Upon written request by the *owner*, the *City* may amortize such obligations over a term of not less than 10 years, with interest, as in the case of an ordinary local improvement.

Where a *special sewer connection* is approved by the *Sewer Utility* or where connection to an *interceptor sewer* is approved by the *Sewer Utility*:

- (a) the *City* shall not be responsible for paying any cost of installing, maintaining, repairing, or abandoning the said *special sewer connection*. Such maintenance and repair costs shall be excluded from the financial assistance program outlined in Subsection 13(7);
- (b) the *owner* of any *premises* with a *special sewer connection* shall indemnify the *City* against any damage, loss, or expense incurred by the *City* as a result of the construction, existence, or abandonment of the *special sewer connection*;

- (c) the *owner* shall pay the annual sewer maintenance assessment as approved by *Council* from time to time, once the *special sewer connection* is connected to the *wastewater sewer* or *interceptor sewer*;
- (d) if and when the *City* plans for or constructs a *wastewater sewer* fronting such property, whether as a local improvement or otherwise, upon notification by the *Sewer Utility*, the *owner* shall pay the cost of and shall abandon the *special sewer connection* in accordance with Section 21 and connect to the *wastewater sewer* fronting on the property within 18 months of such notification. The *Sewer Utility* may grant extensions to the disconnection schedule specified herein, but the *owner* shall make the disconnection and properly abandon the existing *sewer connection* within 12 months of written notification by the *Sewer Utility*;

14. **Inspection Permits**

No connection, abandonment, repair, alteration, or re-connection shall be made to the underground portion of a *sewer connection* either under the *City street* or on private property without first applying for and obtaining an Inspection Permit for a *sewer connection* or abandonment of a *sewer connection* and having paid the appropriate fee as listed in Schedule "A".

15. **Regulations on Construction**

Any *sewer connection* shall be constructed and repaired in accordance with the conditions of this By-law and shall be subject to the inspection and approval of the *Sewer Utility*.

16. **Sewer Contractor's Licence**

- (1) Licence Required - Connections, abandonments, repairs, additions, deletions, or alterations to the *wastewater system* or to *land drainage works* or to a *sewer connection*, other than plumbing repairs undertaken on the property by an *owner*, may be performed only by the *Sewer Utility* or by a *person* holding a valid Sewer Contractor's Licence issued by the *Sewer Utility*.

- (2) Licence Requirements - To obtain or renew a Sewer Contractor's Licence, a *person* is required to submit an application to the *Sewer Utility*. An application for renewal shall be submitted at least four (4) weeks before the expiry date of the existing licence. The Sewer Contractor's Licence may be issued only after the applicant has demonstrated the capability to satisfactorily perform the work of Subsection (1) of this Section, subject to the Sewer Utility's requirements and subject to the liability insurance requirements stipulated on the application form, being met.
- (3) Licence Fee - No Sewer Contractor's Licence shall be issued by the *Sewer Utility* until the applicant has paid the fee as shown in Schedule "A".
- (4) Licence Declaration - At the time of application for a Sewer Contractor's Licence, a declaration shall be signed by the applicant accepting complete responsibility for the replacement and restoration of the *street* to a condition satisfactory to the *Sewer Utility* following work done on a *sewer* or *land drainage works*. Conformance is required in all respects to the specifications, rules, regulations, and By-laws of The City of Winnipeg and to any applicable statute of The Province of Manitoba.
- (5) Liability Insurance - Every *person* to whom a Sewer Contractor's Licence is issued under this By-law shall maintain on file with the City's Corporate Risk Manager a certified copy of general liability insurance in an amount of not less than two million (\$2,000,000.00) dollars, such policy shall name The City of Winnipeg as an additional insured and have a cross liability clause.
amended 8162/2002; 202/2007
- (6) Indemnification - Every *person* to whom a Sewer Contractor's Licence is issued under this By-law shall indemnify and save harmless The City of Winnipeg from and against all accidents, suits, and damages of whatsoever nature consequent thereupon for or by reason of any opening in any street by the licensed contractor, employee, or agents for installing, repairing, altering, or disconnecting a *sewer connection*, or for any other purpose or object whatsoever.
- (7) Sewer Utility May Rescind Licence - The *Sewer Utility* may rescind any Sewer Contractor's Licence issued if it deems that the *person* is not satisfactorily performing the work or is not satisfactorily complying with the requirement of this By-law or if the insurance requirements are not being met.
- (8) Expiry of Licence - Every Sewer Contractor's Licence issued under the provisions of this By-law shall remain in force, until the first day of January next succeeding the issue thereof unless it is rescinded.

17. **Specifications**

The installation of and the repair of every *common sewer* and every *sewer connection* shall be completed in a manner acceptable to the *Sewer Utility*, in conformance with the requirements of the latest edition of The City of Winnipeg Standard Construction Specifications as approved by the Commissioner of Works and Operations, and shall be in accordance with the following criteria and regulations:

- (1) type of pipe - for all construction, only approved types of pipe shall be used;
- (2) sizing of connections - the size of the *sewer connection* in the *street* and in the property necessary to adequately serve the *premises* shall be approved by the *Sewer Utility* and no *person* shall install a *sewer connection* smaller than the size so approved, but in all cases the minimum size permitted will be 150mm;
- (3) grades - unless otherwise approved by the *Sewer Utility*, the minimum grade of fall for a *sewer connection* shall be 1% for all approved plastic pipe and 2% for all other approved pipe;
- (4) junctions - junctions shall be installed in a manner acceptable to the *Sewer Utility*;
- (5) depth - A wastewater *sewer connection* shall be not less than 1.8 metres below grade at the building line nor less than 2.1 metres below grade at the property line.

18. **Inspection of Sewers and Abandonments of Sewers**

Construction or repair of any *sewer*, or abandonment of any *sewer* within the street right-of-way or on private property, shall be inspected and approved by the *Sewer Utility* before backfilling.

Every deficiency noted shall be remedied by the contractor and thereafter be re-inspected before backfilling may be commenced.

The contractor must notify the *Sewer Utility* in the morning for inspections required in the afternoon or in the afternoon of the previous day for inspections required in the morning. For inspections after regular working hours, including weekends and holidays, an additional fee as listed in Schedule "A" will be assessed.

19. **Abandonment of Sewer Connections**

An *owner* or agent when taking out a permit to demolish or move a building, or when removing a *special sewer connection*, or when subdividing land containing more than one building, or when a side-by-side dwelling lot split is undertaken, shall first have any *sewer connection* abandoned pursuant to Section 21, or shall make a deposit as listed in Schedule "A" if a *sewer connection* is to be re-used as outlined in Section 20. If such *sewer connection* is not re-used within 18 months, it shall be abandoned by the *owner*. The deposit shall be returned to the *owner* when the *sewer connection* is subsequently re-used or abandoned by the *owner* to the satisfaction of the *Sewer Utility*. If the *owner* fails to comply with this requirement, the *Sewer Utility* shall have the right to undertake the work and the cost shall be deducted from the deposit; if the deposit does not cover the total cost, the cost will be added to the taxes and collected in the same manner as ordinary municipal taxes.

Where a *sewer connection* is no longer in use, the *Sewer Utility* may order the *owner* to properly block the *sewer connection* in accordance with Section 21. If the *sewer connection* is not blocked within 18 months, the *Sewer Utility* shall have the right to undertake the work and shall charge the cost of the work to the *owner*. Where there is a default in payment, the cost will be added to the taxes and be collected in the same manner as municipal taxes.

A fee for the Inspection Permit for the abandonment of a *sewer connection*, as listed in Schedule "A", shall be paid at the time the permit is obtained.

In the case of a subdivision of a property containing more than one building or an existing side-by-side dwelling on a single lot, the *Sewer Utility* may rely on an agreement made between the owners for the maintenance and future abandonment of a single wastewater *sewer connection*, as an alternate to installing a separate wastewater *sewer connection* to each *premises* provided that such agreement shall constitute a registerable interest in land.

20. **Re-use of Sewer Connections**

No *person* shall re-use an existing *sewer connection* without obtaining a Services Permit for a *sewer connection* and having paid the appropriate fee as listed in Schedule "A". The *Sewer Utility* shall not issue a Services Permit unless the *owner*, at no expense to the *Sewer Utility* can demonstrate to the satisfaction of the *Sewer Utility* that the *sewer connection* is structurally sound and conforms in all respects to the requirements of a new *sewer connection*.

21. **Abandoned Sewer Connection to be Blocked**

When a *sewer connection* or *special sewer connection* is abandoned, the *owner* or the owner's agent shall effectively block the *sewer connection* or *special sewer connection* to the satisfaction of the *Sewer Utility* at a point within 1 metre of the *common sewer* or as specified by the *Sewer Utility*.

22. **Damage of Sewers**

No *person* shall damage a *sewer* or accessory or appurtenance thereto or any equipment used in conjunction therewith.

23. **Equalizing Cost of New Sewer Connections Where a Sewer is Not in Middle of Street**

When an application is made by an *owner* of any property for a new *sewer connection* to a *sewer* that is not in the middle of the *street*, the *owner* shall construct the *sewer connection* and in the case of a *sewer connection* on the side of the *street* nearest to the *sewer*, the *owner* shall pay to the *City* at the time of making application for the required permit, an amount equal to the distance in metres that the *sewer* is off centre multiplied by the rate listed in Schedule "A", and in the case of a *sewer connection* on the other side of the *street*, the *City* shall pay to the *owner* when the *sewer connection* has been satisfactorily completed, a sum equal to the distance in metres that the *sewer* is off centre multiplied by the equalization rate listed in Schedule "A".

A *sewer connection* for *land drainage* shall not be subject to an equalization charge nor a credit.

Equalization credits or charges shall not apply to property that was previously serviced and to which equalization credit or charges were made.

24. **Plumbing Improvements**

The *City* may direct plumbing or other sanitary improvements to be made in any building or property in accordance with provisions of *The City of Winnipeg Charter*. If a *person*, having been duly required to make such an improvement neglects or refuses to do so, the *Sewer Utility* may make such improvement. The cost thereof when certified by the *Sewer Utility*, if not paid, shall be added to the taxes on the said property and collected as other municipal taxes of the *City*.

amended 116/2003

PART 5
CONTROL OF DISCHARGE TO SEWERS

25. Restricted Materials

Except as approved by licence under Part 7 and Part 12, no *person* shall discharge or cause to be discharged into any *sewer* in the *City* any *wastewater* which has characteristics as follows:

- (1) *biochemical oxygen demand* (BOD) concentration greater than 300 mg/L;
- (2) *total suspended solids* (TSS) concentration greater than 350 mg/L;
- (3) *synthetic or petroleum oil and grease* concentration greater than 100 mg/L, determined at any time;
- (4) temperature greater than 61°C;
- (5) *pH* less than 5.5 or greater than 11.0;
amended 220/2007 (effective January 1, 2008)
- (6) total metals concentration greater than:
 - (a) 50.0 mg/L for aluminium
 - (b) 1.0 mg/L for arsenic
 - (c) 0.5 mg/L for cadmium
 - (d) 5.0 mg/L for chromium
 - (e) 5.0 mg/L for copper
 - (f) 2.0 mg/L for lead
 - (g) 0.1 mg/L for mercury
 - (h) 5.0 mg/L for nickel
 - (i) 5.0 mg/L for silver
 - (j) 5.0 mg/L for zinc
- (7) total sulphide concentration greater than 10.0 mg/L;
- (8) free cyanide concentration greater than 2.0 mg/L., or total cyanide concentration greater than 10.0 mg/L;
- (9) contains any solids which will not pass a 6.0 mm screen;
- (10) any viscid liquid;

- (11) contains a flammable liquid or gas which:
 - (a) will cause a *lower explosive limit* (LEL) reading to exceed 10 percent (10%) of the LEL on a *combustible gas meter* at any point in the sewer system, or
 - (b) has a *flash point* closed cup (c.c.) less than 61°C, or
 - (c) has a *total purgeable hydrocarbons* concentration greater than 10 mg/L, or
 - (d) has a *total semivolatile hydrocarbons* concentration greater than 100 mg/L, or
 - (e) has a benzene concentration greater than 0.5 mg/L.
- (12) contains solid matter, other than *properly shredded garbage* from a garbage disposal unit operated by motor or motors having a combined rating not greater than 0.40 KW;
- (13) contains toxic, carcinogenic, or poisonous substances, or substances which may combine with other waste to cause toxic, flammable, explosive, or poisonous substances to be liberated;
- (14) contains any noxious or malodorous substances capable of creating a public nuisance;
- (15) contains radioactive materials, except as may be permitted under the *Atomic Energy Control Act (Canada)*;
- (16) contains substances which may interfere with the operation of the *wastewater* system of the *City*;
- (17) any *hazardous waste*;
- (18) any material or substance prohibited by the *Sewer Utility*;
- (19) contains a flammable solid;
- (20) contains an explosive solid, liquid, or gas;

26. Interceptors for Grease, Oil, and Sand

- (1) An *interceptor* for grease, acceptable to the *Sewer Utility*, shall be installed by the *owner* in all kitchen sink and dishwasher waste pipes found in hotels, restaurants, and institutional and commercial buildings, unless otherwise determined by the *Sewer Utility*.
- (2) An *interceptor* for oil and sand shall be provided by the *owner* on the waste outlet from all mechanical service garages, motor vehicle wash floors, or similar establishments and industrial discharges, unless otherwise determined by the *Sewer Utility*.
- (3) An *interceptor* shall meet the following specifications:
 - (a) shall be so designed that they will not become air bound;
 - (b) shall be so located as to be readily accessible for cleaning;
 - (c) shall be of sufficient volume to intercept *natural oil and grease, synthetic or petroleum oil and grease*, gasoline, or sand likely to flow into it under peak flow conditions;
 - (d) an *interceptor* for sand for mechanical service garages, vehicle parking areas, and vehicle wash floors shall have a volume sufficient to retain sand or grit during any 10 hour period, but in no case shall have a volume less than 0.56 cubic metres, measured below the invert of the overflow;
 - (e) shall be water tight, constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, made of substantial construction, and equipped with easily removable covers which when bolted in place shall be gas and water tight; and
 - (f) shall be designed to support occupancy floor load.
- (4) An *interceptor* shall be maintained by the *owner*, at the owner's expense, in good working order. The *owner* is required to produce maintenance records for the preceding twelve (12) month period on request by the *Sewer Utility*. The *Sewer Utility* shall have the right to enter upon the *premises* at any time to inspect the operation and maintenance of an *interceptor*.

27. **Sampling of Wastewater for Biochemical Oxygen Demand and Total Suspended Solids Analyses**

Sampling will be conducted on a proportional basis for a *full day of operation* or as deemed appropriate by the *Sewer Utility*.

28. **Weeping Tiles**

The connection of *weeping tiles* to discharge to any *sewer* is prohibited for new construction.

No *sewer connection* may be altered or constructed such that there is a connection of *weeping tiles* to any *wastewater sewer*, other than a temporary connection approved by the *Sewer Utility*.

Where a sump pit and pump are required to be installed, no *person* shall discharge or cause to be discharged into any *wastewater sewer* flows from *weeping tiles* without a Land Drainage Discharge Licence.

Upon receipt of an application in writing, identifying that the location of the sump pump discharge piping presents a hazard and that there are no alternative external locations available for the sump pump discharge, the *Sewer Utility* may issue a Land Drainage Discharge Licence to permit temporary discharge from weeping tiles into any *wastewater sewer*, subject to payment of the appropriate fee as listed in Schedule "A" and any conditions outlined in the licence.

29. **Rainwater Downspouts**

The connection of rainwater downspouts to discharge to any *sewer* is prohibited for new construction unless approved by the *Sewer Utility*.

30. **Flow Restrictions**

The *Sewer Utility* may impose a flow restriction limit to control maximum discharge rates to any *sewer* or *body of water*. The construction or alteration of a device to restrict flow shall be approved by the *Sewer Utility*. The *owner*, at no expense to the *City*, shall construct, alter, and maintain the device in good working order. The *Sewer Utility* shall have the right to enter upon the *premises* in accordance with Section 5, to inspect the operation of the device to restrict flow.

31. Catch Basins

All catch basins on private property shall be maintained by the *owner*, at the owner's expense, in good working order. The *Sewer Utility* shall have the right to enter upon the *premises* at any time to inspect the operation and maintenance of such catch basins.

PART 6 SEWER RATES

32. Rates and Charges

To provide the funds for the maintenance and operation of the *wastewater system*, the *Sewer Utility* shall apply sewer rate and sewer service charges as determined by *Council* and as listed in Schedule "A". The sewer rates shall be applied to all water supplied to *premises*, and charges rendered in respect of such *premises* whether the water is purchased from the *City* or otherwise obtained, unless otherwise determined within this By-law.

33. Deposits

The *City* may charge a deposit as required within this By-law. No interest shall accrue or be paid on such deposit.

34. Metering

(1) For establishing the volume of effluent discharged to the *City's wastewater system*, the *City* supplied and owned water meter shall be used. Where a *person* requests testing of the *City* water meter, a meter test fee will be charged as shown in Schedule "A". If the meter test results show that the water meter was over registering outside of the current specifications of the *American Water Works Association*, the meter test fee will be waived.

(1.1) A property using a *City*-owned meter is subject to a daily basic service charge determined by the Director under section 14 of the Water Works By-law.
added 86/2009

(2) Where privately owned meters are installed, such as water meters for wells or effluent meters, the meters shall:

(a) be of a type acceptable by the *Sewer Utility*;

- (b) be supplied, installed, and maintained in proper working order at the owner's expense;
- (c) on an annual basis, or as required by the *Sewer Utility*, the *owner* at his/her own expense shall provide certification satisfactory to the *Sewer Utility* that the meter is accurate for the purpose intended; and
- (d) be subject to a daily basic service charge determined by the Director under section 14 of the Water Works By-law.
amended 86/2009

35. *repealed 86/2009*

36. **Estimated Billing**

Where a meter is found not in use, or out of proper working order, or has the seal broken, or the scheduled reading is not obtained, or where no meter is installed, the *Sewer Utility* shall estimate the consumption of water used or effluent discharged for any period. The estimate shall be based on the amount of water consumed, or effluent discharged, for any period during the time the meter was working, or from any other information or source available, and such estimate shall be the basis for billing.

37. **Billing Period**

The *Sewer Utility* may set the billing period to monthly, bi-monthly, quarterly, or other, and may bill for intervening periods.

38. **Accounts Payable at City Offices**

All payments of sewer rates, charges and other services may be made at one of the City's designated agents, if paid no later than the due date on the bill.

amended 7881/2001

(1) Overdue Accounts

Overdue payments must be made at the *Sewer Utility* office designated on the bill. Overdue accounts may be subject to interest charges as outlined in Schedule "A" – Interest on Overdue Accounts.

added 7881/2001

39. Transfer of Indebtedness

Where a *person* has terminated the sewer service contract at a *premises* and is reapplying for sewer service at a different location within the *City*, any indebtedness or credits shall be transferred, as though there had been no change in *premises*. The *Sewer Utility* may transfer to the sewer account of a person's principal residence any indebtedness incurred for sewer service at another *premises*.

40. Remedies for Default in Payment

Where there is a default in payment of any rates, charges, or penalties, provided under this By-law, the *City* may enforce payment by shutting off the supply of water or sewer service or by suit at law before any court of competent jurisdiction or by distress and sale of the goods and chattels of the occupant of the property in which such water or sewer service is consumed or used or of any goods and chattels in his/her possession wherever the same be found within the *City*. Such distress and sale to be levied and made in the same manner, so far as may be, as a distress and sale by law upon a tenant for rent, and all such rates and penalties until paid shall be a lien on such property. In the case of rates, penalties, and charges for sewer service rendered in connection with the *Sewer Utility*, the same may be added to the taxes on such property and collected in the same manner as ordinary municipal rates.

41. Collection

The *Sewer Utility* may forward overdue accounts to a private collection agency for collection.

42. Adjustment of Sewer Charges

- (1) Where the Sewer Utility or where any occupant or owner considers the sewer rate allotment based on consumption under Section 32 inequitable, the Sewer Utility may adjust the charges. The requirements governing the adjustment of sewer charges are as follows:
 - (a) the applicant for the adjustment pays an application and annual renewal fee as shown in Schedule "A", which fees shall be credited to the account of the applicant upon approval;
 - (b) the total applied volume of water used by the owner or occupant at each location or plant is in excess of 1,000 kilolitres;

- (c) the adjustment applied for is in excess of 1,000 kilolitres of applied volume of water consumed each year at each location.
 - (d) if required by the Sewer Utility a private meter, other than any water meter installed and maintained by the Sewer Utility, will be provided and maintained by the owner at his or her cost;
 - (e) water consumed is not discharged into the wastewater system of the City or land drainage works or into a body of water;
 - (f) the effluent from the property, before being discharged into a body of water, or into land drainage works, is sufficiently treated to the requirements of the Sewer Utility and licensed under Part 10 of this By-law.
- (2) Sewer charges will apply to the first 1,000 kilolitres of applied volume at each location;
 - (3) When a private meter is not registering or is not in proper working order for a period exceeding four (4) months, the sewer adjustment will be discontinued.
 - (4) When a sewer adjustment has been discontinued, as a result of a non working meter, reinstatement will occur when the Sewer Utility has been notified in writing that the privately owned meter has been repaired, and the installation has been inspected and approved by the Sewer Utility.
 - (5) No adjustment shall be made where the wastewater system is available fronting the property and where the premises is not connected to the sewer.
 - (6) Where any owner or occupant has applied for an adjustment under this Section and subsequently becomes ineligible by reason of not meeting any one of the requirements of this Section, the adjustment may not be granted and the application not renewed.
 - (7) The sewer adjustment credit will be calculated annually and may be applied directly to the owner's or occupant's sewer services account.

amended 208/2007

42.1 Large Volume Sewer Discount Adjustment

Any person may receive a large volume sewer discount adjustment as listed in Schedule "A" subject to meeting all of the following criteria:

- (1) the owner or occupant uses over the base amount shown on Schedule "A" in sewer services (uniform sewer rate and/or overstrength wastewater surcharge) in a calendar year; and
- (2) the owner or occupant makes application on a yearly basis by December 31 following the calendar year in which the discount is being requested; and
amended 7945/2001
- (3) sales outside of the City must account for at least twenty-five (25%) percent of the owner's or occupant's sales on a calendar year basis. The owner or occupant, at their own expense and to the satisfaction of the Sewer Utility, must provide an audited statement of sales outside of the City and total sales on a calendar year basis, as verified by an independent accounting professional, authorized to provide such opinions in the Province of Manitoba; and
- (4) the nature of business or undertaking of the owner or occupant is limited to the manufacture, fabrication, assembly or processing of goods and materials at premises located within the City; and
- (5) an owner or occupant is not in default under the Sewer By-law or the Water Works By-law.

The Sewer Utility may credit the discount annually. A discount credit will be applied directly to the owner's or occupant's sewer services account.

added 7640/2000

43. **Exemption from Sewer Charges**

Sewer charges are not assessed where:

- (1) water is drawn from a well or river in accordance with Provincial licence, there is no water interconnection or potential interconnection to the water supply of the *City*, and there is no means of access to the *wastewater system* of the *City*, or
- (2) water is drawn from the water supply of the *City* and there is no *sewer connection* and no means of access to the *wastewater system* of the *City*.

PART 7 OVERSTRENGTH WASTEWATERS

44. Licence Required

No *person* shall discharge or cause to be discharged or have the potential to discharge into any City *sewer*, a *wastewater* with characteristics described in Section 25 without an Overstrength Wastewater Discharge Licence. Having been granted an Overstrength Wastewater Discharge Licence, no *person* shall discharge into any *sewer* a *wastewater* with characteristics or volume in excess of the limits set out in such licence.

45. Application Required

Any *person* requiring an Overstrength Wastewater Discharge Licence shall make application in writing to the *Sewer Utility*.

46. Requirements for Licence

The *Sewer Utility* may issue an Overstrength Wastewater Discharge Licence to a *person* for the discharge of *overstrength wastewater* to the *wastewater system* in the *City*, but no such licence shall be granted until:

- (1) such applicant shall have given the chemical and physical analyses, quantity, and rate of discharge of *overstrength wastewater* to be discharged and shall provide any other detailed information which may be required, including all pertinent information relating to water and wastewater plumbing, sources of waste, and plans and specifications for pre-treatment, before discharging; and,
- (2) the *Sewer Utility*, by sampling and testing of the wastewater discharge or by other methods, has been assured that the requirements of this By-law have been satisfied; and,
- (3) a licence fee and/or an annual renewal fee, as listed in Schedule "A", has been paid. All Overstrength Wastewater Discharge Licences are issued for a maximum of one calendar year and are renewable annually on January 1st;
amended 247/2006
- (4) the *Sewer Utility* may require a *person* making application for an Overstrength Wastewater Discharge Licence to provide at his/her own expense such treatment as may be necessary to change the characteristics of the *wastewater* and/or the flow of the discharge to a level acceptable to the *Sewer Utility* before any such licence shall be granted;

- (5) where preliminary treatment facilities are installed for the modification of a *wastewater*, they shall be maintained in an effective operating condition by the applicant at his/her own expense to the satisfaction of the *Sewer Utility*;
- (6) the applicant for an Overstrength Wastewater Discharge Licence may be required to install a suitable control manhole to facilitate observation, sampling, and measurement of the *wastewater*. Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans and specifications approved by the *Sewer Utility*. The manhole shall be installed by the applicant or *person* served at his/her own expense and shall be maintained by him/her so as to be safe and accessible to the *Sewer Utility* at all times;
- (7) in the event that no special manhole is required, the control manhole shall be considered to be the nearest downstream manhole in the *sewer* to the point at which the *sewer connection* of the *person* enters the *sewer*;

47. **Metering**

Any *person* required to have an Overstrength Wastewater Discharge Licence under Section 44, unless otherwise approved by the *Sewer Utility*, shall supply and install a wastewater meter satisfactory to the *Sewer Utility* and shall discharge all *wastewater* through such meter. The *owner* shall maintain the meter in accordance with Section 34.

Where the *owner* has not supplied a wastewater meter or where a meter is found to be inaccurate, the *Sewer Utility* shall estimate the quantity discharged to the *sewer* in accordance with Section 36 and shall use this estimate in computing the applicable charges.

The quantity discharged, as estimated by the *Sewer Utility*, shall not be less than the water supplied from all sources.

48. **Monitoring Effluent**

The *Sewer Utility* may require a *person* to analyze or install approved monitoring equipment to determine the character or characteristics of the *wastewater* discharged by the *person*. The results of such analyses or monitoring shall be submitted periodically to the *Sewer Utility* at such intervals as may be specified.

49. Method of Analysis

All measurements, tests, analyses, and characterization of *wastewater* or water to which reference is made in this By-law, shall be determined in accordance with Standard Methods or other methods approved by the *Sewer Utility* and shall be determined on samples taken at the control manhole or other location approved by the *Sewer Utility*.

50. Surcharges

A person discharging sewerage wastewater shall pay an additional overstrength charge over and above the uniform sewer rates where such wastewater has a biochemical oxygen demand (BOD) greater than 300 mg/L and/or contains more than 350 mg/L total suspended solids. Any additional sums so charged in addition to the said uniform sewer rates shall be termed a *surcharge* and shall be determined as hereinafter set out:

amended 10/2009 – effective January 1, 2010

- (1) the amount of the *surcharge* to any *person* shall be based on the characteristics of the *wastewater* and the number of kilolitres of *wastewater* discharged into the City *wastewater system*;
- (2) the *Sewer Utility* may within three (3) months of the date of application for Overstrength Wastewater Discharge License under Section 44, make such analyses and measurements as may be appropriate in order to ascertain the *biochemical oxygen demand* and *total suspended solids* of the *wastewater* discharged and to determine whether such *wastewater* contains any concentration of any other substance or characteristics prohibited under this By-law;
- (3) the *surcharge* payable by the *person* discharging the *overstrength wastewater* shall be computed assuming that all of the *wastewater* discharged is as found by such analyses;
- (4) the *Sewer Utility* may thereafter, at any time, perform further analyses on the *wastewater* being so discharged and gather samples of the *wastewater* over such period as the *Sewer Utility* may determine, or may analyze samples submitted by the person;

- (5) if a *person* has installed treatment equipment, or for any other reason is of the opinion that the nature of the *overstrength wastewater* normally discharged has a change in concentration from prior analyses and provides evidence satisfactory to the *Sewer Utility*, a written request may be made to the *Sewer Utility* to perform new analyses. Anyone requesting new analyses shall pay to the *Sewer Utility* an amount which represents the actual costs to the *Sewer Utility* for performing the analyses. New analyses shall be based on at least a *full day of operation*. If the *Sewer Utility* determines that such analyses were made when the *wastewater* was discharged during normal operations, the results of the latest analyses shall be used in computing the surcharge for wastewater discharged.

amended 24/2007

51. **Calculation of Surcharge**

The *total suspended solids* surcharge rate and the *biochemical oxygen demand* surcharge rate are listed in Schedule A.

These rates are determined annually by Council, based on the recommendation of the Water and Waste Department.

amended 7726/2000

52. **Payment of Surcharges**

- (1) Upon receipt of an invoice from the *Sewer Utility*, the licensee shall make payment within twenty-five (25) days of the invoice date.
- (2) Invoices are not required where the *Sewer Utility* has determined that the *surcharge* will not be applicable because the *wastewater* discharged does not exceed *normal wastewater* in concentration of BOD and *total suspended solids* or in cases where the billing would, in the opinion of the *Sewer Utility*, be fifty dollars (\$50.00) or less. The *Sewer Utility* may set the billing period to monthly, bi-monthly, quarterly, or other, but in all other respects the procedure shall be the same.

53. **Termination of Licence**

In the event that a licence holder does not meet the requirements of any Overstrength Wastewater Discharge Licence granted, the licence shall be subject to suspension or cancellation at any time by the *Sewer Utility*.

PART 8 FLOOD CONTROL

54. Authority

The *Sewer Utility* is the authority having jurisdiction over maintenance and operation of all permanent flood pumping stations, gates, and gate chambers within the *City*. The *Sewer Utility* is also the authority having jurisdiction over auxiliary pumping and for closures of all openings between the *wastewater system* of the *City* and any *body of water* and between any *land drainage works* and any *body of water* during periods of high water levels, as required.

55. Entry and Emergencies

In accordance with *The City of Winnipeg Charter* in an emergency that affects the health or safety of persons or affects property, the Director may enter premises without notice for the purposes of:

- (i) inspecting any sewer apparatus or other thing connected therewith;
- (ii) blocking any sewer;
- (iii) maintaining any sewer blockage apparatus;
- (iv) removing any sewer blockage apparatus. ²

amended 8162/2002

PART 9 PRIVATE WASTEWATER DISPOSAL SYSTEMS

amended 8162/2002
Repealed 159/2009 (effective January 1, 2010)

**PART 10
WASTEWATER
AND LAND DRAINAGE DISCHARGES**

63. Prohibition

- (1) Wastewater - No *person*, directly or indirectly, shall discharge or drain, or cause to discharge or drain any *wastewater* into any *body of water* or upon the frozen surface of any *body of water* or into *land drainage works* within the *City* without a Wastewater Discharge Licence from the *Sewer Utility*.
- (2) Land Drainage - No *person*, directly or indirectly, shall discharge or drain, or cause to discharge or drain any *land drainage* into any *body of water* or upon the frozen surface of any *body of water* or into any *wastewater sewer* or *private land drainage outfall* within the *City* without a Land Drainage Discharge Licence from the *Sewer Utility*.

64. Wastewater or Land Drainage Discharge Licence

The *Sewer Utility* may, subject to a licence fee and an annual renewal fee as shown in Schedule "A", issue a Wastewater Discharge Licence or Land Drainage Discharge Licence as required by Section 63, but no such licence shall be given until:

- (1) an application in writing is made to the *Sewer Utility*; and
- (2) detailed plans, specifications, volumes, rates of flow, and chemical and physical analyses of the *wastewater* or *land drainage* to be so discharged, drained, left, or deposited, are submitted to the *Sewer Utility*; and
- (3) the application has been approved.

65. Suspension or Cancellation of Licence

In the event that a licence holder does not meet the requirements of a Wastewater Discharge Licence or Land Drainage Discharge Licence granted, the licence shall be subject to suspension or cancellation at any time by the *Sewer Utility*.

66. Sewer Utility May Issue Directives

The *Sewer Utility* may issue directives as may be necessary to prevent the pollution of any *body of water* within the *City*. Such directives may require any *person* who is, in the opinion of the *Sewer Utility*, polluting any *body of water* within the *City*, or discharging or draining *wastewater* or *hazardous waste* into any *body of water* or upon the frozen surface of any *body of water* or into *land drainage works* within the *City* to abate, control, discontinue, or stop such polluting and/or discharging, and/or to design and construct facilities to prevent such discharges.

PART 11
CONTROL OF DISCHARGES FROM WELLS AND RIVERS

67. Prohibition

Except as provided in Section 68 herein, no *person* shall discharge any well water and/or river water either directly or indirectly into a *sewer* within the *City*, or maintain any hose, pipe, or other connection by which water from a well or river may be discharged into a *sewer* within the *City*.

68. Wastewater Discharge Licence

The *Sewer Utility* may, subject to a licence fee and an annual renewal fee as shown in Schedule "A", issue a Wastewater Discharge Licence to a *person* for any manufacturing, industrial, or business concern, or to a *person* for any private or multiple dwelling to discharge well and/or river water into a *sewer* within the *City*, but no Wastewater Discharge Licence shall be given until:

- (1) the *person* shall have made an application in writing for permission to discharge well water or river water into a *sewer* within the *City*; and
- (2) the applicant shall have installed at his/her expense a meter of such type as may be approved by the *Sewer Utility* for metering the water taken from a well or river; and
- (3) the *Sewer Utility* has inspected the connections between a well or river and a water meter, and is satisfied that no tap, opening, or potential for a tap or opening in any pipe exists between a meter and a well or river by means of which a well or river water might be by-passed into a *sewer* around a water meter.

If, in the opinion of the *Sewer Utility*, the installation of a meter is not necessary, or not feasible, or not technically possible in any individual case, the *Sewer Utility* may permit the discharge of well or river water into a *sewer*, subject to payment of sewer rates in connection with the discharge of well or river water into the *sewer* as provided for in Part 6.

PART 12 WASTEWATER DISPOSAL VEHICLES

69. Prohibition

No *person* shall discharge, or cause to be discharged any material, including *wastewater*, from a vehicle into the City *wastewater system* without a Wastewater Disposal Vehicle Licence for each vehicle used. A copy of such licence shall be available for inspection on demand by the *Sewer Utility*.

70. Application for Licence

Any *person* requiring a Wastewater Disposal Vehicle Licence under Section 69 shall make application to the *Sewer Utility* on such form prescribed by the *Sewer Utility*, on an annual basis, subject to a licence fee and/or an annual renewal fee as listed in Schedule "A".

amended 247/2006

71. Conditions

Any *person* discharging or causing to be discharged *wastewater* into the City *wastewater system* shall comply with the following:

- (1) only residential wastewater from a *private wastewater disposal system* may be discharged to the City *wastewater system*, unless other materials are specifically noted on the Wastewater Disposal Vehicle Licence; and
- (2) with the exception of *biochemical oxygen demand* and *total suspended solids* levels for *septic waste*, all *wastewater* shall comply to the limits specified in Section 25; and
- (3) only discharge points designated by the *Sewer Utility* may be used; and
- (4) the vehicle operator shall ensure no *wastewater* is deposited on the ground at the discharge point; and

- (5) the vehicle contents shall be subject to sampling and analysis by the *Sewer Utility* at a discharge point at any time.

72. Control of Discharge

Any Sewer Utility employee shall have the authority to prohibit or discontinue a discharge from a vehicle into a discharge point. Such order shall be based on the employee's reasonable belief that a discharge may be in violation of the By-Law.

73. Disposal Fee

A *person* discharging *wastewater* at a discharge point shall pay a disposal fee per load as listed in Schedule "A". Accounting and billing of each load will be accomplished by use of an electronic reading device or by other means deemed appropriate by the *Sewer Utility*.

73.1 Hauled Wastewater Disposal Fee (household wastewater and food service establishment wastewater exempted)

- (1) In this section,

"household wastewater" means greywater and toilet waste discharged by

- (a) appliances such as dishwashers and washing machines; and
- (b) plumbing fixtures such as toilets, urinals, bidets, sinks, showers and bathtubs.

It does not include greywater or toilet waste that has been mixed with other wastewater in a holding tank or septic tank.

"food service establishment" means any place, other than a dwelling unit, where food is manufactured or prepared. Food service establishments include bakeries, restaurants, cafeterias, catering operations, retail food stores, hotels, commissaries, canteens, and temporary food service operations.

- (2) In addition to a fee payable by a person discharging wastewater under section 73, the generator of hauled wastewater must pay a volumetric fee set out in Schedule A for wastewater that is not household wastewater or wastewater from a food service establishment.

- (3) For greater certainty, the fee referred to in subsection (2) applies to all wastewater except household wastewater and wastewater from a food service establishment that has been kept separated from other wastewater until it enters the wastewater disposal vehicle.

amended 10/2009 – effective January 1, 2010

74. Payment of Disposal Fee

Fees shall be payable on a monthly basis and shall be collected by the *Sewer Utility* or designate. Failure to pay fees within 30 days of the issuance of the invoice will result in the automatic cancellation of the Wastewater Disposal Vehicle Licence.

75. Wastewater Hauler Load Ticket

A Wastewater Hauler Load Ticket, in a form provided by the *Sewer Utility*, to identify the hauler, the generator of the *wastewater*, and the contents of the load, shall be completed and submitted prior to discharge of each load. If *wastewater* is generated from a source other than residential, generator certification is required.

76. Termination of Licence

In the event that a licence holder does not meet the requirements of any Wastewater Disposal Vehicle Licence granted, the licence shall be subject to suspension or cancellation at any time by the *Sewer Utility*.

77. Private Recreational Vehicles Exempted

Operators of private recreational vehicles are exempt from requiring a Wastewater Disposal Licence as provided herein, but all *wastewater* from such vehicles may only be discharged to the City *wastewater system* at locations designated by the *Sewer Utility*.

**PART 13
ENFORCEMENT, PENALTIES, AND APPEALS**

78. Enforcement

Any order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.³

amended 8162/2002

78.1 Address for Service

Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:

- (i) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and
- (ii) if the person to be served is the occupant of real property, the street address for that property.

added 8162/2002

79. Costs

Where any *person* discharges any liquid, solid, or gaseous matter into the *wastewater system*, which, in the opinion of the *Sewer Utility*, interferes with the operation of the *wastewater system* and results in damages, and upon failure of such *person* to remedy the condition, the *Sewer Utility* may undertake such remedial work as deemed necessary and may charge the cost of the work and/or damages to such *person*. Where there is a default in payment, the *City* may recover the expense thereof with costs by action, or may levy such expense against the property of the *person* respecting which the remedial work was done and recover the expense in the same manner as taxes in arrears.

80. Offences and Penalties

Any person who:

- (a) hinders or interrupts, or causes or procures to be hindered or interrupted the Sewer Utility or its servants, agents, contractors, workmen or any of them, in the exercise of powers and authorities granted herein as to the wastewater system, or land drainage works or any part thereof; or
- (b) destroys, damages, or interferes with the operation of any part of the wastewater system or land drainage works, introduces into the wastewater system or land drainage works any thing or matter that causes, or is likely to cause, damage thereto; or
- (c) contravenes or disobeys or refuses or neglects to obey any provision of this By-law for which no other penalty is herein provided;

is guilty of an offence and is liable on summary conviction to the following penalties which shall not exceed \$50,000.00:

- (i) for a first offence, to a fine of not less than \$1,000.00;
- (ii) for a second offence, to a fine of not less than \$2,500.00;
- (iii) for a third offence, to a fine of not less than \$5,000.00.
amended 8162/2002

80.1. Notwithstanding the penalties prescribed in section 80, an individual may also be liable on summary conviction to imprisonment for a term not exceeding six (6) months or to both a fine specified herein and imprisonment.
added 8162/2002

80.2. Where an offence occurs under this By-law and continues for more than one day, the person is guilty of a separate offence for each day the offence continues.
added 8162/2002

81. **Appeals**

In addition to any appeals under section 62 hereof, any person who is aggrieved by an order or decision made pursuant to this By-law that is subject to an appeal under *The City of Winnipeg Charter* may in accordance with *The City of Winnipeg Charter* file an appeal with the City Clerk's Office, subject to the payment of the appropriate fee as listed in Schedule "A", which appeal shall be heard by the Standing Policy Committee on Public Works and every decision of the Standing Policy Committee on Public Works shall be final and binding.⁴

amended 8162/2002; 172/2005

PART 14 REPEALS AND SEVERABILITY

82. **Repeals**

All By-laws and By-law amendments passed prior hereto by The City of Winnipeg and still in force, relating to the regulation of the *Sewer Utility*, shall hereinafter cease to have effect and without limiting the generality of this Section, By-law 5058/88 and amendments thereto made from time to time, are hereby repealed.

83. **Severability**

If any provision of this By-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of this By-law shall not be invalidated.

84. **Schedules**

Schedules "A" and "B" hereto are hereby declared to be and to form part of this By-law.

85. **Effective Date**

This By-law shall come into force and take effect January 1, 1998.

DONE AND PASSED in Council assembled, this 24th day of July, 1997.

1 [See sections 180-181 and sections 183-188 of The City of Winnipeg Charter for information about some of the key powers given to designated employees.](#)

2 [See sections 180-183 of The City of Winnipeg Charter for information about inspections.](#)

3 [See sections 184 to 188 and sections 116 and 117 of The City of Winnipeg Charter for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)

4 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)

SCHEDULE "A"

amended 7122/97; 7330/98; 7527/99; 7640/2000; 7726/2000; 7881/2001; 165/2003; 176/2004; 208/2005; 247/2006; 44/2007; 95/2007; 60/2008; 175/2008; 10/2009 – effective January 1, 2010

This is Schedule "A" to By-law No. 7070/97 of The City of Winnipeg.

The fees and charges payable under the provisions of Sewer By-law 7070/97 are as follows:

1. Record Search Fee - Section 8

- | | | |
|-------|---|-----------------|
| (i) | Environmental record search not including account histories (per address) <i>amended 158/2009</i> | \$ 100.00 + GST |
| (ii) | Record search account history only (per account) | |
| | (a) up to 6 most recent years | \$ 67.00 + GST |
| | (b) every additional year <i>amended 95/2007; 202/2007; 175/2008</i> | \$ 80.00 + GST |
| (iii) | Property Account Balance Confirmation for Law Firms <i>added 60/2008</i> | \$ 10.00 + GST |
| (iv) | Cross-connections and backflow prevention Record search <i>amended 158/2009</i> | \$ 110.00 + GST |

2. Application for New Sewer Connection or Re-use of Existing Sewer Connection - Section 13

- | | | |
|------|---|-----------|
| (i) | Single family residential | \$ 31.00 |
| (ii) | Other than single family residential <i>amended 208/2005; 247/2006; 175/2008; 158/2009</i> | \$ 175.00 |

3. Inspection Permit for Sewer Connection or Abandonment of Sewer Connection - Section 14

- | | | |
|-------|--|-----------|
| (i) | Single Family Residential | \$ 70.00 |
| (ii) | Other than single family residential | \$ 125.00 |
| (iii) | Extra charge for after regular working hours including weekends and holidays | \$ 167.00 |
| (iv) | Re-inspection during regular working hours <i>amended 7527/99; 202/2007; 175/2008; 158/2009</i> | \$ 31.00 |

4. Sewer Contractor's Licence - Section 16

- | | | |
|------|----------------------------------|-----------|
| (i) | Initial year or part thereof | \$ 300.00 |
| (ii) | Annual renewal | \$ 176.00 |
| | <i>amended 7527/99; 202/2007</i> | |

5. Abandonment of Sewer Connections- Sections 19 and 21

- | | |
|---------------------------------|------------|
| Abandonment of sewer connection | |
| - Deposit | \$1,250.00 |

6. Off Centre Sewers - Section 23

- | | |
|---|----------|
| Equalization rate for off centre sewers | |
| per metre | \$ 91.00 |

7. Land Drainage Discharge Licence - Sections 28 and 64

- | | | |
|------|---|-----------|
| (i) | Licence Fee | \$ 175.00 |
| (ii) | Annual Renewal Fee | \$ 105.00 |
| | <i>amended 247/2006; 202/2007; 175/2008; 158/2009</i> | |

8. Sewer Rate - Section 32

- | | |
|-----------------|---|
| Per cubic metre | \$ 1.91 |
| | <i>amended 44/2007; 202/2007; 175/2008; 86/2009; 142/2009 (effective January 1, 2010)</i> |

9. Meter Test Fee - Section 34

- | | | |
|---------------------|-------------------------|-----------------|
| Meter Size (inches) | | |
| (i) | 5/8 – 3/4 | \$ 79.00 + GST |
| (ii) | 1 and larger | \$ 200.00 + GST |
| | <i>amended 202/2007</i> | |

10. Sewer Adjustment Fee - Section 42

- | | | |
|-------|--|-----------------|
| (i) | Initial application fee – non-refundable | \$ 200.00 + GST |
| (ii) | Annual renewal and inspection fee | \$ 145.00 + GST |
| (iii) | <i>deleted 208/2007</i> | |
| | <i>amended 208/2005; 247/2006</i> | |

11. Overstrength Wastewater Discharge Licence - Section 46(3)

| | | |
|------|-----------------------------------|-----------|
| (i) | Licence Fee | \$ 130.00 |
| (ii) | Annual Renewal Fee | \$ 70.00 |
| | <i>amended 247/2006; 202/2007</i> | |

12. Overstrength Wastewater Surcharge Rates - Section 51

| | | |
|------|--|------------|
| (i) | Total Suspended Solids surcharge rate (in excess of 350 mg/L for sewered wastewater) (in excess of 5,500 mg/L for hauled wastewater): | \$ 0.73/Kg |
| | <i>amended 208/2005; 247/2006</i> | |
| (ii) | Biochemical Oxygen Demand surcharge rate (in excess of 300 mg/L for sewered wastewater) (in excess of 2,400 mg/L for hauled wastewater): | \$ 1.12/Kg |
| | <i>amended 208/2005; 247/2006</i> | |

13. Private Wastewater Disposal System Permit - Section 57

repealed 159/2009 (effective January 1, 2010)

14. Appeals - Sections 62 and 81

\$ 250.00

amended 175/2008

15. Wastewater Discharge Licence - Sections 64 and 68

| | | |
|------|---|-----------|
| (i) | Licence Fee | \$ 125.00 |
| (ii) | Annual Renewal Fee | \$ 70.00 |
| | <i>amended 247/2006; 202/2007; 175/2008</i> | |

16. Wastewater Disposal Vehicle Licence - Section 70

| | | |
|------|---|-----------|
| (i) | Licence Fee | \$ 125.00 |
| (ii) | Annual Renewal Fee | \$ 70.00 |
| | <i>amended 247/2006; 202/2007; 175/2008</i> | |

17. Disposal Fee - per load - Section 73

\$ 2.51/kL

amended 7527/99; 247/2006

17.1 Hauled Wastewater Disposal Fee (Section 73.1)

\$ 7.15/kL

added 10/2009 – effective January 1, 2010

18. Large Volume Sewer Discount Adjustment - Section 42.1

Thirty (30%) percent discount on the total dollar value of sewer services (uniform sewer rate and/or overstrength wastewater surcharge) in a calendar year over and above the first one hundred thousand (\$100,000.00) dollars of billed services, (the "base amount").

added 7640/2000

19. Interest on Overdue Accounts

Interest Charge

1.5% per month

added 7881/2001

20.

repealed 86/2009

SCHEDULE "B"
amended 8/2008
(Effective February 1, 2008)

This is Schedule "B" to By-law No. 7070/97 of The City of Winnipeg.

In accordance with Subsection 13(7) of this by-law, the City shall bear that portion of the reasonable costs of repair or replacement of a wastewater sewer for all properties, as approved by the Sewer Utility and subject to the following:

- (1) The City's financial contribution shall only apply to repairs determined by the Sewer Utility to require excavation of the wastewater sewer within the public street.
- (2) No financial contribution shall be made by the City for the purpose of cleaning or other maintenance work which may be required to restore a wastewater sewer to use after blockage.
- (3) To be eligible for financial assistance, an owner shall notify the Sewer Utility prior to excavation of the wastewater sewer and shall:
 - (a) provide, where possible, a maintenance history of the wastewater sewer with dates and costs to the satisfaction of the Sewer Utility; and
 - (b) undertake, at his/her own expense, an additional attempt to liberate the wastewater sewer, without excavation, if so requested by the Sewer Utility; and
 - (c) undertake, at his/her own expense, a sewer video inspection showing the current condition of the wastewater sewer piping, if so requested by the Sewer Utility; and
 - (d) provide access, at reasonable times, to the property for inspection.
- (4) Payment may be authorized by the Sewer Utility only when:
 - (a) the blockage in the wastewater sewer cannot be liberated satisfactorily by auguring from within the property, or
 - (b) there have been at least four occurrences of the need for the cleaning of the wastewater sewer two of such cleanings having been done within the nine month period immediately preceding an application under subsection 13(7) of this By-law as evidenced by receipts to be provided.

"WHOM TO CONTACT" GUIDE

As defined in Part 2 of this By-law, the Sewer Utility is operated by The City of Winnipeg's Water and Waste Department. The office of the Sewer Utility is identified as the office of the Director of the Water and Waste Department.

Any person requiring assistance is requested to contact the Water and Waste Department's Customer Services Division at 986-5858 for information concerning this By-law.