

Authority: Item 10, General Issues Committee
Report 11-025 (PW11055)
CM: August 11, 2011

Bill No. 211

CITY OF HAMILTON

BY-LAW NO. 11-211

To Amend By-law No. 04-150, a By-Law to Regulate the Discharge of any Matter into the Sanitary, Combined and Storm Sewer Systems of the City of Hamilton

WHEREAS the Council of the City of Hamilton passed and enacted By-law No. 04-150, known and referred to as the "Sewer Use By-law", which came into force on June 30, 2004;

AND WHEREAS at its meeting of August 11, 2011, the Council of the City of Hamilton did approve of Item 5 of the General Issues Committee Report 11-025 and did thereby authorize the amendments to the Sewer Use By-law contained in this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 04-150 is amended by adding the following definition:

"recreational vehicle" means a vehicle, including a trailer, designed as a living space and which contains a holding tank that stores domestic sewage;

2. Section 1 of By-law No. 04-150 is amended by deleting the definition of "Total PAHs" and replacing it with the following:

"Total PAHs" means the total of all the following polycyclic aromatic hydrocarbons: anthracene, benzo(a)pyrene, benzo(a)anthracene, benzo(e)pyrene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,i)pyrene, dibenzo(a,j)acridine, 7H-dibenzo(c,g)carbazole, dinitropyrene, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene and pyrene, as determined by Standard Methods;

3. Subsection 13(1) of By-law No. 04-150 is deleted and replaced with the following:

To Amend By-law No. 04-150, a By-Law to Regulate the Discharge of any Matter into the Sanitary,
Combined and Storm Sewer Systems of the City of Hamilton

Page 2 of 2

- 13(1) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:
1. on a first conviction, for each day or part of a day on which the offence occurs or continues, to a fine of not more than \$10,000; and
 2. on any subsequent conviction, for each day or part of a day on which the offence occurs or continues, to a fine of not more than \$25,000.
4. Schedule J – Letter of Agreement for Compliance Program to By-law No. 04-150 is amended by deleting items a to h under the first column entitled “Compliance Program Activities” and by replacing those items with the following instruction: “List each proposed compliance program activity”.
5. The second paragraph of Schedule J-1 – Release and Indemnification Form to By-law No. 04-150 is deleted and replaced with the following new paragraph:

AND further (insert XXX) hereby agrees to indemnify, defend and hold harmless the City, its officers, officials, employees, servants and agents, from and against any and all claims, demands, actions, causes of action, interest, costs, damages, expenses, fines, penalties, loss, suits or other proceedings for loss, damage, injury or death which the City suffers or incurs or is liable for by reason of the discharge of such sewage pursuant to the Letter of Agreement, no matter how caused, except to the extent the loss, damage, injury or death is attributable to or caused by the negligence of the City, its officers, officials, employees, servants or agents, or any of them.

6. This by-law shall come into force on the day that it is passed.

PASSED this 11th day of August, 2011.



R. Bratina
Mayor



R. Caterini
City Clerk