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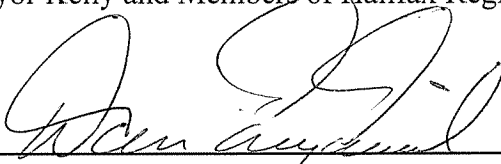


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Halifax Regional Council
May 25, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: May 17, 2004

SUBJECT: **By-Law B-501 - Respecting Building Service Connections**

ORIGIN

Halifax Regional Council, December 9, 2003. Item 10.3.1(ii).

RECOMMENDATION

It is recommended that Regional Council approve in principle an amendment to By-law B-500 Respecting Building Service Connections (as shown in the attachment) and have staff arrange for its formal introduction via a Notice of Motion.

BACKGROUND

According to By-law B-500, Building Service Connections, every building owner is responsible for the design, construction, and maintenance of the building service connection from the municipal sewer to the building it serves. A building service connection is a piping system that conveys sewage, liquid waste, stormwater or surface water runoff from a property to a municipal sewer.

At the December 9th, 2003 Regional Council session, Councillor Mosher requested a recommendation report relative to the interpretation of the by-law. Councillor Mosher explained that there is confusion regarding the work that is the responsibility of HRM to conduct and pay versus the work that is the responsibility of the residents, for residential buildings with less than three dwelling units.

The proposed amendment is intended to provide clarification regarding the wording of the by-law and the responsibilities of both property owners and HRM in the maintenance of service connections.

DISCUSSION

When advised of the request, staff reviewed both the existing by-law and its corresponding policy and procedures document. It was felt that, by incorporating some of the detail from the (internal) procedures manual into an amended by-law, residents would have a better understanding about their responsibilities with respect to maintaining service connections. Below is a further explanation of the responsibilities of property owners and the municipality.

Generally speaking, there are two problems or obstructions which can occur in service connections; those that are structural in nature, and those that are non-structural. Structural obstructions are problems such as broken, sheared, sagged or collapsed pipe. Non-structural obstructions are those which are deposited into the system (from the building) and cause a clog or blockage. The more confusing aspects of the existing by-law have been how to determine which type of obstruction has occurred, and who is responsible to rectify the situation.

When a sewer problem is identified by the building owner, s/he is responsible to secure the services of a licensed plumber to carry out an initial investigation (as per Section 3 (a) in the attachment). Depending on the outcome of the investigation, the Municipality will reimburse the owner for the cost of the preliminary investigation, up to \$250 plus HST.

In the case of structural problems, the by-law stipulates that, if the damage is located in the portion of the service connection on private property (i.e. from the building to the property line) the owner of the building is responsible for any costs associated with its repair. The Municipality is responsible for the maintenance and costs for structural problems that occur on municipally-owned property (i.e.

from the property line to the main sewer in the street.) At times, structural problems can be caused by the penetration of roots of a tree. In the case of a municipally-owned tree, HRM will absorb all costs **from the main sewer to the building**. (This issue is addressed in Section 3, (4) of the attached proposed by-law).

In the case of a non-structural obstruction or blockage, the owner of the building is responsible to clear the obstruction, including replacing the pipe if necessary, **from the building to the main sewer in the street**. This is to address the case of an inappropriate object (e.g. a diaper, toy etc.) being deposited into the system from the building - the obvious conclusion being that the obstruction was caused by the occupants of the building, even though the damage to the service connection may not occur until beyond the property line.

Staff believes that the attached by-law amendment more clearly explains this division of responsibilities to the public, and recommends that Regional Council approve the amendment in principle, in order to prepare for the Public Hearing process.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

BY-LAW RATIONALIZATION COMMITTEE

The recommended amendment has been reviewed and approved by the By-Law Rationalization Committee, the Director of Public Works and Transportation and the Director of Legal Services.

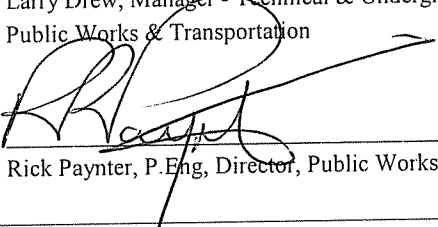
ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Appendix A: Proposed By-Law B-501, Respecting Building Service Connections

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:	Liz Kingston, Coordinator, Public Works & Transportation	490-4862
	Larry Drew, Manager - Technical & Underground Services, Public Works & Transportation	490-4944
Report Approved by:	 Rick Paynter, P.Eng, Director, Public Works & Transportation	490-4855

APPENDIX A

HALIFAX REGIONAL MUNICIPALITY

BY-LAW B-501

RESPECTING BUILDING SERVICE CONNECTIONS BY-LAW

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-Law B-500, the Building Service Connections By-law be amended as follows:

1. Section 3 of said By-Law 500 is repealed and the following substituted therefore:

3 (1) Every building service connection shall be designed and constructed at the expense of the owner of the property served by the connection, whether on privately owned property or not.

(2) If a service connection serving a residential building having less than three dwelling units is obstructed, the following procedure shall be followed in removing the obstruction:

(a) The owner of building is responsible for the initial investigation and clearing of the obstruction. The owner shall secure the services of a licensed plumber to identify the cause and the location of the obstruction and take all measures to remove the obstruction before requesting assistance from the municipality. The expenses of the plumber and any necessary video services shall be borne by the owner.

(b) If the obstruction is located in the portion of the service connection on private property, the owner of the building is responsible for all the costs of removal of the obstruction, including the expenses of any contractor to excavate and replace the pipe if necessary. The owner shall obtain any permits required by municipal by-laws before commencing any excavation.

(c) If the obstruction is located in the portion of the service connection on municipal property, and the plumber is unable to remove it pursuant to clause (a), the owner shall submit to the Municipality a written report from the plumber and a video tape identifying the location and probable cause of the obstruction; and on the receipt of the report and video tape, the Municipality shall investigate the obstruction and if it is determined by the Municipality that the cause of the obstruction was

i non-structural, the Municipality shall advise the owner of its determination and the owner shall be responsible for clearing

the obstruction, including replacing the pipe, if necessary; or

- ii if the obstruction is caused by a broken, sheared, sagged or collapsed pipe or some other structural problem, the Municipality will rectify the deficiency at its expense and reimburse the owner for the cost of plumbing and video services in an amount not exceeding \$250,00, including HST.

(3) If a service connection serving a residential building having three or more dwelling units or a commercial, institutional or industrial building is obstructed, the owner of the building shall be responsible for the removal of the obstruction, including replacing the pipe, if necessary, and for all costs and expense associated therewith, including the costs of plumbing and video services. The owner shall obtain any permits required by municipal by-laws before commencing any excavation.

(4) Notwithstanding any other provisions of this Section, if it is determined that an obstruction in the service connection was caused by the penetration of roots from a municipal tree, the Municipality will

- (a) absorb all costs for the removal of the obstruction; and
- (b) reimburse the property owner for any costs incurred for the investigation, including the costs of plumbing and video services, up to a maximum of \$250.00 including HST.