



# The Corporation of the Town of Milton

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Report To: Council

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From: Barbara Koopmans, Commissioner, Development Services

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Date: November 2, 2021

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Report No: DS-094-21

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Subject: **Stormwater Management Infrastructure Bylaw**

**Recommendation:** THAT Report DS-094-21 outlining the regulation and use of stormwater infrastructure including conveyance pipes and stormwater management ponds be APPROVED;

**AND FURTHER THAT**, prior to Council consideration of the draft Stormwater Management Infrastructure by-law attached as Appendix A, staff be authorized to make any amendments necessary as recommended by legal counsel.

## EXECUTIVE SUMMARY

The Town of Milton currently does not have a bylaw that regulates the use of stormwater infrastructure, such as stormwater conveyance pipes and stormwater management ponds within the Town. In an effort to remedy this, staff has drafted the Stormwater Management Infrastructure Bylaw, commonly referred to as the 'SWM Bylaw' to ensure that the Town has an effective tool to regulate access to and the use of stormwater management infrastructure.

The purpose of this bylaw is to define stormwater and the Town's infrastructure system, prohibit the release of anything other than stormwater into the Town's stormwater infrastructure, and also to prohibit unauthorized access to any infrastructure, specifically stormwater management ponds.

## REPORT

### Background

Stormwater infrastructure approval and operation is regulated by the Ministry of Environment, Conservation and Parks (MECP) under the Water Resources Act. The Act mandates that owners of SWM infrastructure must operate stormwater infrastructure in a manner that does not negatively impact people or the environment.

## Background

The Town of Milton owns and operates approximately 325km of storm sewer conveyance pipes, 13,500 catch basins, 23 oil grit separators, 5 low impact development infrastructure and 25 stormwater management (SWM) ponds. As owners and operators of this infrastructure the Town must ensure the safe operation of this infrastructure not only for human health and safety but for the protection of the natural environment as well.

The creation of a SWM bylaw to regulate the use of the Town's stormwater infrastructure will ensure the safe operation of these assets and compliance with Provincial Regulations.

## Discussion

Recently, the Town has encountered increased incidences of illegal dumping including disposal of liquids, into our catch basins and ponds. This requires immediate attention from staff, as well as remediation and restoration to ensure public safety and downstream environmental health in accordance with the legislative requirements of the MECP. Additionally, the Town has experienced increased public access to SWM ponds during the winter with the ponds being used as recreational areas/skating surfaces. The Town strictly prohibits the use of SWM ponds as recreational areas and does not promote any recreational activities, including ice skating, on them.

Stormwater management ponds are municipal infrastructure and cannot and should not be designed for recreational purposes. A stormwater management pond is infrastructure built to collect and treat rainfall and surface water runoff, as required by MECP legislation. The ponds are usually found in neighbourhoods, where stormwater can easily be collected and treated.

During rainfall, stormwater flows into the pond and fills the basin of the pond. As the pond fills, dirt, sediment and pollutants settle down to the bottom. When the pond fills to its capacity, the water spills out at a controlled rate to reduce flooding and erosion to local waterways. The pollutants and sediment are left behind in the pond. Aquatic plants in the pond help with treating pollutants and plants around the edges of the pond help to stabilize banks and shade the water. Accordingly, they are purpose-designed infrastructure.

Staff conducted a preliminary review of neighbouring municipalities to determine how other jurisdictions regulated the use of their stormwater infrastructure. It was found that best management practices included a municipal bylaw that primarily regulated stormwater conveyance. Very few municipalities included the governance of all SWM Infrastructure. However, due to the increase in winter recreational activities the Town has been experiencing, staff is of the opinion that the regulation of all SWM infrastructure should be included in the by-law. The Town's legal council is currently reviewing the draft bylaw and any comments will be incorporated into the final version of the bylaw, prior to Council adoption.



## Discussion

The approval of a bylaw that prohibits release of pollutants into the Town's stormwater system and also prohibits recreational activities is intended to act as a deterrent and will aid in reducing these undesirable and unsafe activities. This bylaw will also provide Town bylaw enforcement staff with the ability to fine those unwilling to cease these prohibited activities.

Staff views the approval of the SWM Infrastructure Bylaw as one component to regulate access to and the use of the Town's stormwater system. The other component is public education through the Town's website. The website is being updated regularly and will continue to be updated to educate the public about stormwater management, its purpose and how it is managed. [www.milton.ca/stormwater](http://www.milton.ca/stormwater)

## Financial Impact

The proposed SWM Infrastructure Bylaw outlines penalties that would be charged to persons or corporations who contravene the Bylaw. It also allows for the recovery of any remediation work the Town is required to undertake as a result of contravention of the Bylaw. The Town's User Fee Bylaw will be updated at the next available opportunity to include all fees and penalties outlined through the SWM Infrastructure Bylaw.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO  
Commissioner, Development Services

For questions, please contact: Anita Sparre, C.E.T., Director Phone: Ext. 2514  
Development Engineering  
Rachel Ellerman, C.E.T., E.I.T. Phone: Ext 2572  
Manager, Stormwater

## Attachments

Appendix A - Municipal Stormwater Management By-law

CAO Approval  
Andrew M. Siltala  
Chief Administrative Officer



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## Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

**THE CORPORATION OF THE TOWN OF MILTON**  
**BY-LAW NO. XXX-2021**

BEING A BYLAW TO REGULATE THE USE OF MUNICIPAL STORMWATER INFRASTRUCTURE IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON.

**WHEREAS** pursuant to s. 4, item 4.e of the Table in s. 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the collection of stormwater and other drainage from land is assigned to all upper-tier municipalities non-exclusively;

**AND WHEREAS** pursuant to s. 30(1) of the Ontario Water Resources Act, R.S.O. 1990, c. 0.40, every person that discharges or causes or permits the discharge of any material of any kind into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters is guilty of an offence;

**AND WHEREAS** the Council of the Corporation of the Town of Milton deems it desirable to pass a by-law to regulate the use of municipal stormwater infrastructure in order to:

- Protect the Town's stormwater collection system from undue deterioration, damage and obstruction;
- Protect the public, workers and properties from hazardous materials and dangerous conditions; and,
- Protect the natural environment from deleterious substances.

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Milton hereby enacts as follows:

**Short Title:** Stormwater Management (SWM) Bylaw.

**1. Definitions**

- (a) "appurtenance" means an accessory item that may or may not be essential to be added to a piece of equipment to ensure its proper function;
- (b) "authorized representative of the Town" means any Town of Milton employee or representative designated by the Town to act on behalf of the Town for the purposes of this By-law;
- (c) "catchbasin" means a buried receptacle designed to prevent obstructive material from entering and blocking the sewer and diverts overland water flows into a sewer system
- (d) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

- (e) “connection or drain” means that part or those parts of any pipe or system of pipes leading directly to storm sewage works;
- (f) “discharge” when used alone as a verb, includes add, deposit or emit and, when used alone as a noun, includes addition, deposit or emission;
- (g) “groundwater” means water beneath the earth’s surface accumulating as a result of seepage;
- (h) “Halton Region” means the Regional Municipality of Halton;
- (i) “industrial” shall mean of or pertaining to industry, manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential;
- (j) “inspector” means a person authorized by the Town to carry out observations and inspections as prescribed by this By-law;
- (k) “matter” includes any solid, liquid or gas;
- (l) “MECP” means the Ministry of the Environment, Conservation and Parks;
- (m) “municipal Storm Drainage Facility” means a system provided by the Town for the collection of stormwater run-off from public lands and private lands and includes storm drainage piping, appurtenances, ditches, water courses, stormwater management facilities and ponds;
- (n) “oil grit separator or interceptors or OGS” means an underground device that captures oils and sediments from stormwater runoff and snowmelt;
- (o) “person” means an individual, association, partnership, corporation, municipality or an agent or employee of such a person;
- (p) “Town” means the Corporation of the Town of Milton;
- (q) “Rear Yard Catch Basin” means a buried receptacle designed to prevent obstructive material from entering and blocking the sewer and diverts overland water flows into a sewer system, located within a Town owned easement in the rear yard of a residential property
- (r) “sewage works” means any works owned, operated and maintained by the Town for the collection, transmission, treatment or disposal of stormwater or runoff, including storm sewers, oil grit separators, stormwater management facilities, stormwater conveyance channels, culverts and ditches;
- (s) “spill” means a direct or indirect discharge or deposit to the sewage works or the natural environment which is abnormal in quantity or quality in light of all circumstances of the discharge;

- (t) “storm sewer” means pipes used for the collection and transmission of stormwater, drainage from land or from a watercourse of any combination thereof that is the responsibility of the Town including storm sewers located within the Town’s road allowance or the Town’s property;
- (u) “storm sewer lateral” means the underground storm drainage piping that has been extended from a municipal storm drainage facility to a private property
- (v) “stormwater” means water from rainfall, other natural precipitation, drainage or from the melting of snow or ice;
- (w) “stormwater conveyance channel” means an open channel, swale or ditch designed and built for the conveyance of stormwater
- (x) “stormwater management system” means a stormwater disposal system that has been professionally designed, constructed and maintained such that the rate of run-off from specific blocks of land or lots is controlled to discharge into a municipal storm drainage facility at a reduced flow rate
- (y) “subsurface drainage pipe” means a pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes
- (z) “subsequent conviction” means another or further conviction following an earlier conviction for any offence under the By-law.
- (aa) “SWM” means stormwater management

## **2. Application**

Nothing in this By-law shall be interpreted so as to permit the discharge of anything, which by the provision of any applicable Act, Regulation or Regional by-law is otherwise prohibited.

## **3. General Requirements**

- 3.1 No person shall discharge or cause or permit the discharge or deposit of matter of any type or at any temperature or in any quantity other than stormwater into a storm sewer, stormwater management (SWM) pond, watercourse, municipal sewer connection, storm sewer lateral or private sewer connection to any storm sewer, whether the path of such discharge or deposit is either direct or indirect, which may or could:
- a) Damage a storm sewer or sewage works;
  - b) Interfere with the intended operation of a storm sewer or sewage works;
  - c) Obstruct or restrict a storm sewer or the flow therein;

- d) Result in any hazard or other adverse impact, to any person, animal, property or vegetation;
  - e) Impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other watercourse;
  - f) Contravene or result in the contravention of a certificate of approval, provisional certificate of approval, environmental compliance approval or approval issued under the *Ontario Water Resources Act*, R.S.O. 1990, c. 0.40, or the *Environmental Protection Act* (Ontario), R.S.O. 1990, c. E.19, as amended, with respect to the storm sewer, sewage works and/or the discharge from the storm sewer or sewage works into a watercourse;
  - g) Contravene or result in the contravention of the *Fisheries Act*, R.S.C. 1985, c.F.14, with respect to the storm sewer and sewage works and/or the discharge from the storm sewer and sewage works into a watercourse;
- 3.2 Property owners shall ensure that appropriate and necessary practices are undertaken to prevent prohibited discharges and to prevent discharge of suspended solids (total) as a result of activities on their property; including:
- a) Construction activities that may result in erosion or sediment runoff from the property; and
  - b) Outside storage activities that may result in the mobilization of stored materials as a result of rain or runoff from the property, including sand and granular material storage.
- 3.3 Where installed, all grease, oil and stormwater interceptors, and any other type of stormwater quality control device, shall be maintained by the owner of the water quality control device to ensure its continued efficient operation, and any and all costs for such maintenance shall be the sole responsibility of the owner of the stormwater quality control device.
- 3.4 A person shall be required, upon receipt of notice from the Town, to complete one or more of the following activities as stated in the notice addressing stormwater discharged from a person's site:
- a) a study on stormwater quantity and/or quality;
  - b) modification and/or construction of stormwater facilities;
  - c) adoption and implementation of pollution prevention techniques and measures; and/or
  - d) any other requirement as specified by the Town.



- 3.5 No part of a stormwater sewage works system shall be constructed until all approvals and authorization by the Town and any other approving bodies required (including but not limited to Region of Halton, Conservation Halton, Ministry of the Environment, Conservation and Parks) have been granted.
- 3.6 No person shall carry out any work on Town owned lands without the prior approval of The Town.
- 3.7 No person shall construct or permit the construction of a stormwater sewage works system or a stormwater management system except in accordance with plans approved by the Town and other approving agencies (including but not limited to Region of Halton, Conservation Halton and Ministry of the Environment, Conservation and Parks).
- 3.8 No person shall construct or permit the construction of any structure or landscaping which will impede the flow of stormwater to any Town owned sewage works (including but not limited to catchbasins, storm sewers, rear yard catch basins or SWM ponds).

#### **4. Prohibition of Dilution**

No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of matter into a storm sewer, stormwater management pond, sewage works, storm sewer lateral or municipal or private sewer connection to any storm sewer in circumstances where water has been added from any source to the discharge for the purposes of dilution.

#### **5. Additional Requirements**

##### **5.1 Food Related Grease Interceptors**

- a) Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, which the premises is connected directly, or indirectly to a sanitary sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the Town's storm sewer system.
- b) The owner or operator of a premises as set out in Subsection 5.1 (a) shall install, operate and properly maintain an oil and grease interceptor in any piping system and its premises that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the *Ontario Building Code*.
- c) All interceptors shall be maintained according to the manufacturer's recommendations.

- d) A maintenance schedule and record of maintenance shall be maintained and available for review by the Town for each interceptor installed
- e) The owner or operator of the restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, shall for the operational life of the unit, keep the maintenance documentation, including proof of interceptor clean-out and oil and grease disposal location.

## 5.2 Vehicle Service Oil and Grease Interceptors

- a) Every owner or operator of a motor vehicle service station, repair shop or garage or of an industrial, commercial or institutional premises or any other establishment where motor vehicles are repaired, lubricated or maintained and where the sanitary discharge is directly or indirectly connected to a sewer shall install an oil and grease interceptor designed to prevent motor oil, lubricating grease or any other substance from passing into the drainage piping which is connected directly or indirectly to a storm sewer.
- b) The owner or operator of a premises as set out in subsection 5.2(a) shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer. The oil interceptors shall be installed in compliance with the most current requirements of the *Ontario Building Code*.
- c) All oil and grease interceptors and separators shall be maintained in good working order and according to the manufacturer's recommendations.
- d) A maintenance schedule and record of maintenance shall be maintained and available for review by the Town for each interceptor installed. The owner or operator of a premises as set out in Subsection 5.2(a) shall, for the operational life of the unit, keep the maintenance documentation, including proof of interceptor clean-out and oil and grease disposal location.

## 5.3 Sediment Interceptors

- a) Every owner or operator of a premises from which sediment may directly or indirectly enter a sewer, including but not limited to premises using ramp or area drains and car and vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the drain or sewer.

- c) All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations.
- d) A maintenance schedule and record of maintenance shall, for the operational life of the unit, be maintained and available for review by the Town for each interceptor installed.

## **6.0 Spills**

- a) Spills procedures shall be carried out in accordance with Halton Region By-law 2-03 Wastewater and Ministry of the Environment, Conservation and Parks Spills response protocols, as may be amended from time to time.
- b) all costs incurred by the Town as a result of a discharge caused by such spill shall be borne by the person and/or owner responsible for the spill

## **7.0 Unauthorized Entry to storm sewage works**

Unless specifically authorized by the Town, no person shall enter any storm sewage works, including but not limited to:

- a) Stormwater management facilities (including Mill Pond)
- b) Storm sewers
- c) Catch Basins
- d) Oil Grit Separators
- e) Culverts

Furthermore, any recreational use (including but not limited to skating, swimming, fishing and wading) at any pond is strictly prohibited at all times and may be subject to a penalty or fee.

## **8.0 Temporary Disconnecting and Stopping up of Sewers:**

Where, in the opinion of the Town a person is contravening this By-law, the Town may, upon formal written notice to the person or the owner or occupant of the lands from which the discharge is occurring, order that the land drainage works, private sewer connection or municipal sewer connection to any Town storm sewer carrying the prohibited discharge be temporarily stopped up or disconnected until such time as measures satisfactory to the Town are undertaken by such persons, owners or occupants to eliminate the prohibited discharge and that all expenses incurred for these actions by the Town are reimbursed to the Town by these persons, owners or occupants at the time of reconnection or unstopping of the sewer connections.

## **9.0 Signage**

All stormwater management ponds will have signage as identified as standard drawing E-26 within the Town of Milton's Engineering and Parks Standards

Manual as updated, identifying prohibited uses and emergency information at each pond. Signage will be in general good condition and legible.

## **10.0 Protection from Damage**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the storm sewage works.

## **11.0 Violation Notice**

A Violation Notice may be issued by the Town to a person discharging any matter or substance into any Town storm sewage works in contravention of any condition or provision of this By-law. The Violation Notice will specify the contravention and require the person receiving such notice to comply with all directives stated in the Violation Notice. The person shall respond to the Town in writing no later than the date specified in the Violation Notice for such response.

A Violation Notice and/or a fine may also be issued by the Town to a person entering any Town storm sewage works without prior authorization from the Town in contravention of any condition or provision of this By-law.

11.1 An Order or violation notice under section 11.0 may be served by any of the following means:

- (a) delivered personally;
- (b) posted on the property that is subject to the Order;
- (c) emailed to the last known email address of the person to whom the Order is directed;
- (d) deposited in the mailbox or mail slot of the person to whom the Order is directed;
- (e) sent by prepaid regular mail to the last known address of the person to whom the Order is directed or
- (f) sent by registered mail to the last known address of the person to whom the Order is directed.

The Town reserves the right to take emergency action in the event that the violation is an immediate threat to human life, property or the natural environment. All costs incurred by the Town as a result of emergency action shall be borne by the person and/or owner responsible for the spill.

## **12.0 Penalty**

12.1 Every person other than a corporation who contravenes any provision of this By-law is guilty of an offence and may be subject to a fine of not

more than \$10,000 for a first conviction and \$20,000 for any subsequent conviction.

- 12.2 Every corporation which contravenes any provision of this By-law is guilty of an offence and may be subject to a fine of not more than \$50,000 for a first conviction and \$100,000 for any subsequent conviction.

### **13.0 Enforcement**

This By-law shall be enforced by Municipal Law Enforcement Officers, Police Officers and Town staff as designated by the Town's Manager of Licensing and Enforcement or such equivalent position as may exist at the Town at the time of enforcement.

- 13.1 For the purpose of ensuring compliance with this By-law, a Municipal Law Enforcement Officer, Police Officer or designated Town staff may, at all reasonable times, enter upon and inspect any property to determine whether or not the following are being complied with:

- (a) this By-law;
- (b) a direction or order made under this By-law; or
- (c) a prohibition order made under s. 431 of the Municipal Act, 2001.

#### **13.3**

A Municipal Law Enforcement Officer, Police Officer or designated Town Staff may, for the purpose of enforcing section 7.0 of this by-law

- (d) request that a prohibited activity cease;
- (e) direct a person or persons to leave an area;
- (f) require a person or persons to remove equipment relating to a prohibited activity.

- 13.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer, Police Officer or designated Town staff from carrying out inspections of property to ensure compliance with this By-law.

- 13.3 A Municipal Law Enforcement Officer may make an Order requiring a person, within the time specified in the Order, to:

- (a) discontinue the contravening activity,
- (b) remove and/or dispose of anything that has been deposited, thrown, stored, placed or allowed to accumulate contrary to any provision of this By-law, including without restricting the generality of the forgoing, any fill, waste or litter,; or

- (c) take any other action or do any other work required to correct the contravention.
- 13.4 An Order under section 13.3 shall set out:
- (a) the name(s) of the person or persons, subject to the order
  - (b) reasonable particulars of the contravention adequate to identify the contravention and the location of which the contravention occurred;
  - (c) the work or other action to be completed or action taken, as the case may be; and
  - (d) the date or dates by which the work must be complete or action taken, as the case may be.
- 13.5 An Order under section 13.3 may be served by any of the following means:
- (a) delivered personally;
  - (b) posted on the property that is subject to the Order;
  - (c) emailed to the last known email address of the person to whom the Order is directed;
  - (d) deposited in the mailbox or mail slot of the person to whom the Order is directed;
  - (e) sent by prepaid regular mail to the last known address of the person to whom the Order is directed or
  - (f) sent by registered mail to the last known address of the person to whom the Order is directed.
- 13.6 Where service is effected by:
- (a) regular mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing;
  - (b) registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
  - (c) any other means, it shall be deemed effective on the day the document served was delivered, posted, emailed or deposited; or
- 13.7 Where a person or persons to whom an Order under section 13.3 is served fails to perform the work required by the Order within the time stipulated in the Order or otherwise contravenes the Order, the Town may, without notice to any Owner, cause any work or other action to correct the contravention to be done at each person's expense. Without

limitation, the Town may retain such persons to assist in completing the work as the Town determines appropriate.

- 13.8 Where anything has been deposited, thrown, stored, placed or allowed to accumulate on or within stormwater infrastructure contrary to any provision of this By-law and without previous consent of the Town, the item or items may be removed without notice to any person.
- 13.9 Where the Town undertakes any removal, repair, alteration, corrective action or work pursuant to sections 13.7 and 13.8:
- (a) anything removed may be destroyed or disposed of without notice or compensation to any person;
  - (b) persons named in the Order and any other persons the Town reasonably determines are in contravention of this By-law, shall be jointly and severally responsible for all costs of the Town incurred in the exercise of the powers under sections 13.7 or 13.8, including administrative costs and interest; and
  - (c) said costs, as determined by the Town, shall constitute a charge under section 391 the Municipal Act, 2001, as amended, and may be added to the tax roll of property in the Town held by such persons as are jointly and severally responsible in accordance with subsection 13.7 in the manner provided for under the Act.

**PASSED IN OPEN COUNCIL ON NOVEMBER 15, 2021**

\_\_\_\_\_  
Gordon A. Krantz

Mayor

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Meaghen Reid

Town Clerk