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Appendix 'A'

Bill No.

By-law No.

A By-law to provide for a City of London Sump Pump, Sewage Ejector, and Storm Private Drain Connection Grant Program to owners of semi-detached, detached and duplex residential properties, condominium corporations, and to non-profit housing co-operatives for units used for residential purposes.

WHEREAS section 5 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be exercised by its council by by-law;

AND WHEREAS section 107 of the *Municipal Act, 2001* provides that a municipality may make grants to any person, group or body, including a fund, for any purpose that council considers to be in the interests of the municipality;

AND WHEREAS Council for the City considers it to be in the interests of the municipality to provide grants to certain owners of residential semi-detached dwellings, single detached dwellings and duplex dwellings, to condominium corporations for units used for residential purposes, and to non-profit housing co-operatives, to disconnect the footing tiles from either the sanitary or storm sewer, and install a sump pump system for disposal of weeping tile (foundation drain) water to a suitable outlet other than the sanitary sewer system;

AND WHEREAS the City's Drainage By-law provides in section 5.7 that foundation drain flows from a lot shall be discharged in the manner prescribed in the by-law;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. That a *City of London Sump Pump, Sewage Ejector, and Storm Private Drain Connection Grant Program* ("Program") be established and implemented in accordance with the *City of London Sump Pump, Sewage Ejector, and Storm Private Drain Connection Grant Program Guidelines*, attached as Schedule "A" to this by-law.
2. That the Program is not retroactive and shall not apply to any installations of sump pump systems, disconnections or connections of footing tiles, the installation of a backwater valve, nor the installation of a sewage ejector and holding tank, prior to the coming into force of this by-law.
3. That the issuance of grants under the Program is subject to availability of funds as determined by Council from time to time.
4. That a Reserve Fund be established for the Program.
5. That the short title of this by-law is the "Grants for Sump Pump, Sewage Ejector, and Storm Private Drain Connection By-law".
6. That City Policy 23(4) City of London Sump Pump, Sewage Ejector and Storm Private Drain Connection Subsidy **BE REVOKED**
7. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council , 2009

Anne Marie DeCicco-Best
Mayor

Linda Rowe
Acting City Clerk

First reading -
Second reading -
Third reading -



Schedule "A"

City of London Sump Pump, Sewage Ejector, and Storm Private Drain Connection Grant Program Guidelines

Purpose

To provide a grant to residential home owners, condominium corporations for units used for residential purposes, and to non-profit housing co-operatives, who have experienced sanitary sewer surcharging in their basements and who have installed an approved sump pump system in accordance with this by-law; to provide a grant to owners, condominium corporations for units used for residential purposes, or non-profit housing co-operatives, who are experiencing or are in an area likely to experience basement flooding caused by a surcharged sanitary or storm sewer and who subsequently disconnect the footing tiles from either the sanitary or storm sewer and install a sump pump system for disposal of footing tile water to a suitable outlet other than the sanitary sewer system.

Definitions

"City Engineer" means the General Manager of Environmental and Engineering Services & City Engineer, or designate;

"condominium corporations" means condominium corporations under the *Condominium Act, 1998* for units used for residential purposes;

"non-profit housing co-operatives" means a non-profit housing co-operative under the *Co-operative Corporations Act*

"dwelling unit" has the same meaning as contained in the City's Zoning By-law;

"owner" means an owner in fee simple under the *Land Titles Act, R.S.O. 1990, c. L.5*;

"property" means a separate parcel of land which has been assigned a property identifier under section 141 of the *Land Titles Act, R.S.O. 1990, c. L.5*;

"residential homes" means residential semi-detached dwelling, single detached dwelling and duplex dwelling, as defined in the City's Zoning By-law.

Funding

This Program will be funded in an amount determined by Council in its sole discretion from time to time. Grant commitments will be provided subject to funding availability as determined by Council at its sole discretion from time to time.

Eligible Work

A) For residential homes, upon completion of the installation and subject to funding being available in the yearly budget allocation for this purpose, the City pay to the owner up to 75% of the demonstrated cost established as follows:

- (i) up to a maximum of \$1,875.00 for out-of-pocket expenses to disconnect the footing tiles when they are connected to the main drain inside the basement; or
- (ii) up to a maximum of \$2,650.00 for out-of-pocket expenses to disconnect the footing tiles when they are connected to the main drain outside the basement;
- (iii) up to a maximum of \$575.00 for out-of-pocket expenses when a full port type backwater valve is installed in a residential home that already has an approved sump pump;

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- (iv) up to a maximum of \$1,525.00 for out-of-pocket expenses incurred when, in lieu of a full port type backwater valve being installed with the sump pump, a sewage ejector and holding tank is installed for the disposal of effluent from basement plumbing fixtures;
- (v) up to a maximum of \$3,775.00 for out of pocket expenses incurred by an owner for the construction of a storm private drain connection within the City road allowance or within a City easement where the owner extends the storm P.D.C. onto the property and connects it to a catch basin, pumped footing tile water or both, it being pointed out that this subsidy applies only to the construction of a storm P.D.C. within a City road allowance or within a City easement;
- (v) the owner execute an appropriate liability release document, approved by the Manager of Risk Management and the City Solicitor's Office; and
- (vii) that eligibility for this grant will be based on a demonstrable need for such work, as determined solely by the General Manager of Environmental Services & City Engineer.

B) For condominium corporations, and non-profit housing co-operatives upon completion of the installation and subject to funding being available in the yearly budget allocation for this purpose, the City pay to a condominium corporation, or non-profit housing co-operative up to 75% of the demonstrated cost established as follows:

- (i) up to a maximum of \$2,000.00 for out-of-pocket expenses for an Engineering Report;
- (ii) up to a maximum of \$900.00 (per condominium unit, or non-profit housing co-operative unit) for out-of-pocket expenses for lot grading, sump pump systems, backflow prevention systems, and certification;
- (iii) that any grants provided to condominium corporations or non-profit housing co-operatives will be payable only if the entirety of the Engineering Report is implemented;
- (iv) the City assume no liability whatsoever relating to the work undertaken by the condominium corporation, or non-profit housing co-operative;
- (v) the condominium corporation, or non-profit housing co-operative execute an appropriate liability release document, approved by the Manager of Risk Management and the City Solicitor's Office; and
- (vi) that eligibility for this grant will be based on a demonstrable need for such work, as determined solely by the General Manager of Environmental Services & City Engineer.

Eligibility for Grant

The applicant(s) for the grant must meet the following criteria in order to qualify for the Program:

- must be the owner(s) of the property, a condominium corporation, or a non-profit housing co-operative;
- has not commenced work prior to grant approval;
- there must be no other outstanding debts to the City of London;
- the owner(s), condominium corporation, or non-profit housing co-operative must meet all conditions of this Program.

Approval of all grant applications is also subject to availability of funding at any given time, as determined solely by Council.

Manufacturing businesses or industrial or commercial enterprises are not eligible for this Program.

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Grant Details

Grants will not be available to cover any other associated costs.

The maximum amount of each grant will be determined in each case by the City Engineer, based on the City Engineer's determination of the reasonable cost and scope of the proposed work.

Grant approvals are subject to the availability of funding at any given time, as determined by Council. Grant applications will be processed in chronological order based on the date of receipt of applications.

Grant approvals will be valid for six months and will expire if the work is not completed within that time period (unless extended at the City Engineer's discretion).

Application Procedure

1. The applicant owner(s), condominium corporation, or non-profit housing co-operative will be required to complete an application form provided by the City Engineer.

In addition to the completed application form the applicant owner(s), condominium corporation, or non-profit housing co-operative must provide:

- A minimum of 3 quotes for the work from *bona fide* qualified Contractors, for costs above \$10,000.00, to the City Engineer's satisfaction;
- A minimum of 2 quotes for the work from *bona fide* qualified Contractors, for costs between \$5,000.00 and \$10,000.00, to the City Engineer's satisfaction;
- One quote for the work from *bona fide* qualified Contractors, for costs below \$5,000.00, to the City Engineer's satisfaction;
- The quotes must detail what work is to be done, and separate out costs for each portion of work;
- Such other further information or documentation as may be required by the City Engineer.

Under the discretion of the City Engineer, any work that is started or completed prior to the grant application approval may be deemed ineligible under this Program.

2. City reviews application and supporting documentation and decides whether to approve the grant amount, and determines approximately how much the grant amount will be. City advises applicant in writing of its decision.

3. Applicant or Contractor obtains any necessary permits, including a plumbing permit from the City's Building Division (7th Floor, City Hall, 300 Dufferin Avenue, London, 519-661-4555) prior to work commencing. Failure to obtain a plumbing permit prior to work commencing will result in cancellation of any approved grant amounts.

4. The Contractor must co-ordinate work with the City well in advance. The Contractor is responsible to obtain all utility locates for the work for both private property and City property.

5. The Contractor or the applicant must arrange for an inspection by the City with respect to the plumbing permit. Plumbing permits that have not had an inspection by the City will result in cancellation of any approved grant amounts.

6. Within six months of receiving grant approval, the owner(s), condominium corporation, or non-profit housing co-operative must submit to the City the final paid invoice from the Contractor setting out the amount due and paid for the work. Any owner, condominium corporation, or non-profit housing co-operative submitting an invoice six months after the grant approval will be ineligible for payment of the grant (subject to the discretion of the City Engineer). The City will not provide a grant for an amount greater than the approximate grant amount set out in paragraph 2 above, even where the final invoice is greater than the approximate grant amount.

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7. The City may advance either 75% of the invoice amount submitted by the Contractor, or the amount of the approximate grant amount as set out in paragraph 2 above, whichever is less, to the applicant owner(s), condominium corporation, or non-profit housing co-operative.

Information to Accompany Application

- Complete application form signed by owner(s), condominium corporation, or non-profit housing co-operative;
- A minimum of 3 quotes for the work from *bona fide* qualified Contractors, for costs above \$10,000.00, to the City Engineer's satisfaction. The quotes must detail what work is to be done, and separate out costs for each portion of work.
- A minimum of 2 quotes for the work from *bona fide* qualified Contractors, for costs between \$5,000.00 and \$10,000.00, to the City Engineer's satisfaction. The quotes must detail what work is to be done, and separate out costs for each portion of work.
- One quote for the work from *bona fide* qualified Contractors, for costs below \$5,000.00, to the City Engineer's satisfaction. The quote must detail what work is to be done, and separate out costs for each portion of work.
- Such other further information or documentation as may be required by the City Engineer.

Not Retroactive

The Program will not be retroactive to apply to works started before the commencement of the Program.

Discontinuation of Program

The terms of the Program are subject to change. Council may periodically review the Program Guidelines to determine if the Program should continue, be modified, or cease to issue any new grants. The City may discontinue the Program at any time, without notice.

City Not Liable

In order to qualify for a grant, the owner, condominium corporation, or non-profit housing co-operative agrees that the City shall not be liable for any damages to the owner's property or property for which the condominium corporation, or non-profit housing co-operative is responsible as a result of any of these installations.



Appendix 'B'

Bill No.
2009

By-law No.

A by-law to establish the Sump Pump, Sewage Ejector and Storm PDC Grant Program Reserve Fund

WHEREAS section 9 of the *Municipal Act, 2001* as amended provides that a municipality has all of the rights, powers and privileges of a natural person;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* as amended provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* as amended provides that a municipality may pass by-law respecting; the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection 10(1) (paragraph 7);

AND WHEREAS Council has approved the funding for the Grants for Sump Pump, Sewage Ejector, and Storm Private Drain Connection By-law and directs any surplus funds from the grant program be retained for further grants under this program in a specific reserve.

AND WHEREAS the Council considers the establishment of such Reserve Fund necessary and desirable for the public;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. A reserve fund is hereby established to be known as the "Sump Pump, Sewage Ejector and Storm PDC Grant Program Reserve Fund"
2. The monies standing in the Fund shall be used by The Corporation of the City of London (the "Corporation") to fund the Grant Program for Sump Pump, Sewage Ejector, and Storm Private Drain Connection or other mechanisms or capital works to fund protection from basement flooding, once the balance of the capital project for the current year has been exhausted.
3. The City Treasurer shall deposit into the Fund all funds released from closing the annual capital project for the Grant Program for Sump Pump, Sewage Ejector and Storm Private Drain Connection and the funds shall be retained for the purpose of funding future basement flooding protection.
4. The balance in the Sump Pump, Sewage Ejector and Storm PDC Grant Program Reserve Fund shall not exceed \$500,000, with any excess being transferred to the Sewage Works Reserve Fund.
5. The City Treasurer may invest the monies standing in the Fund in such securities as are permitted under subsection 418(1) of the *Municipal Act, 2001* and in so doing, may consolidate the monies standing in the Fund with other funds that the Corporation may hold from time to time provided that any earnings derived from the monies standing in the Fund shall accrue to and form part of the Fund.
6. Notwithstanding that provision may not be made by the Council in the estimates of the current or any subsequent year for contributions to the Fund, it shall continue and be maintained, and the Council shall always be taken as considering the Fund as necessary so long as this by-law continues in force.



7. This by-law comes into force on the day it is passed.

PASSED in Open Council on _____, 2009.

Anne Marie DeCicco-Best
Mayor

Linda Rowe
Acting City Clerk

First Reading -
Second Reading -
Third Reading -