WHEREAS pursuant to subsections 10(1) and 11(1) of the Municipal Act, 2001, S.O. 2001, c.25 (the “Act”) a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS pursuant clause 8 of subsection 11(2) of the Act a municipality may pass by-laws respecting the protection of persons and property;

AND WHEREAS pursuant to clause 6 of subsection 11(3) of the Act a municipality may pass by-laws relating to drainage and flood control;

AND WHEREAS the Council of The Corporation of the City of Markham deems it advisable and in the public interest to provide financial assistance on the terms set out in this By-law as an incentive to encourage property owners to implement Private Plumbing Protection Measures on their property to reduce the risk of basement flooding;

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

1. DEFINITIONS

1.0 In this By-law:

“Backwater Valve” means a Check Valve designed for use in a gravity drainage system;

“Check Valve” means a valve that permits flow in only one direction and prevents a return flow;

“City” means The Corporation of The City of Markham;

“Downspout” means roof runoff collection pipe;

“Property Owner” means a registered owner of Property in the City of Markham;
“Property” means a separate parcel of land in the City of Markham that has been assigned a Property Identifier Number in the land registry system;

“Licensed Plumber” means a plumber licensed with the Ontario College of Trades as a journeyman plumber;

“Lateral” means a Property’s storm or sanitary pipe connection to the municipal Storm Sewer or Sanitary Sewer;

“New Installation” means a Private Plumbing Protection Measure implemented after this By-law comes into effect;

“Private Plumbing Protection Measure” means a measure implemented in a plumbing and drainage system including backwater valves, sump pumps, weeping tile disconnection and lateral relining/repair for the purpose of reducing the risk of basement flooding;

“Retroactive Installation” means a Private Plumbing Protection Measure implemented after April 30, 2017 and before the coming into force of this By-law;

“Sanitary Sewer” means a sewer intended to carry only sanitary and industrial wastewaters from residences, commercial buildings, industries, and institutions, in which storm, surface, and groundwater are not intentionally admitted;

“Storm Sewer” means a municipal sewer intended to carry only storm water, surface runoff from streets and adjacent property, and flow from foundation drains and ditches;

“Weeping Tile” (foundation drain) means a pipe or series of pipes that collect groundwater around the foundation or footing of a structure for protection against hydrostatic pressures and for discharge to an approved point of discharge;

2. APPLICATION OF BY-LAW

2.0 This By-law applies to Property Owners who meet eligibility requirements as set out in Section 3 of this By-law relating to Retroactive Installations or New Installations.

3. ELIGIBILITY REQUIREMENTS

3.0 A Property Owner will be entitled to receive a rebate, in accordance with the provisions of this By-law, if they meet all of the following requirements:

(a) The Property must be located in known flood prone areas, or the Property Owner must demonstrate the existence of flood risk in the area to the satisfaction of the City;
(b) The Property is not the subject of any contraventions, work orders or outstanding municipal requirements;
(c) There are no outstanding municipal fines, arrears of taxes, fees or penalties assessed against the **Property Owner**;
(d) The **Downspouts** on the **Property** must be properly disconnected from the **City** sewer system;
(e) The **Property Owner** has obtained approval of the work from the Environmental Services Department prior to installation;
(f) The **Property Owner** applying for the rebate must provide the necessary information and documentation set out in the rebate application forms and must be otherwise compliant with the program requirements;
(g) The **Property Owner** or their agent has obtained any necessary permits for the **New Installation**;
(h) Any proposed **Private Plumbing Protection Measure** must not be required by the **Building Code Act, 1992**, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof as part of other works;
(i) The **New Installation** must be installed in accordance with the **Building Code Act, 1992**, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof;
(j) The **Property Owner** must execute a release in favour of the **City**, in a form to be provided by the **City**, and
(k) The rebate application must be submitted to the **City** by a date specified by the City.

### 4. REBATE AMOUNTS

4.0 The rebates provided for in this By-law are subject at all times to the availability of funding and may be eliminated by Council through repeal of this By-law at any time without further notice to any affected persons. Nothing in this By-law requires the **City** to provide funding for the rebates set out in this By-law.

4.1 The **City** may grant rebates for each **Private Plumbing Protection Measure** up to the following maximum amounts, for eligible costs only, as described in Section 5 below:

<table>
<thead>
<tr>
<th><strong>Private Plumbing Protection Measure</strong></th>
<th><strong>Maximum Rebate Amount</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Backwater Valve – Indoor Installed on Sanitary Lateral</td>
<td>$1,750</td>
</tr>
<tr>
<td>Backwater Valve – Indoor Installed on Storm Lateral</td>
<td>$1,750</td>
</tr>
<tr>
<td>Backwater Valve – Outdoor Installed on Sanitary Lateral</td>
<td>$2,000</td>
</tr>
<tr>
<td>Backwater Valve – Outdoor Installed on Storm Lateral</td>
<td>$2,000</td>
</tr>
<tr>
<td>Weeping Tile - Disconnected from Sanitary Lateral and Redirect to Storm Lateral by gravity connection</td>
<td>$3,000</td>
</tr>
<tr>
<td>Weeping Tile - Disconnected from Sanitary Lateral and Sump Pump Installation</td>
<td>$5,000</td>
</tr>
<tr>
<td>Lateral Reline/Repair – Storm</td>
<td>$2,500</td>
</tr>
<tr>
<td>Lateral Reline/Repair – Sanitary</td>
<td>$2,500</td>
</tr>
</tbody>
</table>
5. **ELIGIBLE COSTS**

Eligible costs include:

a) Material and labour costs for the implementation of the *Private Plumbing Protection Measure*;

b) Permit fees;

c) Consulting or inspection costs to determine appropriate *Private Plumbing Protection Measures* to be implemented on the *Property*, and

d) Cost of *Downspout* disconnection prior to the installation of a *Backwater Valve* or sump pump.

6. **SHORT TITLE**

This By-law shall be known as the “Private Plumbing Protection Rebates By-law”.

7. **EFFECTIVE DATE**

This By-law shall come into force and effect on the date of enactment and passage.

Read a first, second, and third time and passed on xxxx, 2020.

__________________________________________________________
Kimberley Kitteringham         Frank Scarpitti
City Clerk                    Mayor