

**The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde**

**By-Law No. 2024-24**

**Being a By-Law to Authorize the Implementation of a Sewage System Maintenance Inspection Program in the Municipality of Dysart et al**

**Whereas**, the malfunctioning of an on-site sewage system can have significant negative impacts on both human health and the environment; and

**Whereas**, Section 7(1)(b.1) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended (the “Act”), authorizes the council of a municipality to pass by-laws establishing and governing sewage system maintenance inspection programs in accordance with Division C, Part 1, Section 1.10.1 of the Building Code Act, 1992 – Ontario Regulation 332/12 as amended (the “Building Code”) hereby referred to as a “discretionary maintenance inspection program”; and

**Whereas**, Section 7(1)(b.2) of the “Act” authorizes the council of a municipality to pass by-laws establishing and governing sewage system maintenance inspection programs in accordance with Division C, Part 1, Section 1.10.2 of the “Building Code” hereby referred to as a “mandatory maintenance inspection program”; and

**Whereas**, Section 7.(1),( c) of the “Act” requires the payment of fees for maintenance inspections; and

**Whereas**, Section 15.10.1 of the “Act” allows an inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection; and

**Whereas**, Section 10.1 of the “Act” prescribes that no person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with the “Act” and “Building Code”; and

**Whereas**, Section 11(2) of the Municipal Act, 2001, as amended, provides the ability for a municipality to pass by-laws relating to the health, safety and well-being of persons and Section 391 regarding fees and charges for the services; and

**Whereas** the intention of the sewage system re-inspection program is to identify and resolve potential hazards associated with sewage system;

**Now therefore** the Council of the Municipality of Dysart et al enacts as follows;

THAT in this By-law,

**1. Short Title**

1.1 This By-law may be cited as the “Septic Maintenance Inspection By-law.”

**2. Definitions**

For the purpose of this by-law;

2.1 “Act” means the Building Code Act, 1992, S.O. as amended

2.2 “Building Code” means Ontario Regulation 332/12 as amended or as a regulation made under Section 34 of the Act which may include a more recent revision or amendment

- 2.6 “Chief Building Official” means Chief Building Official appointed under Section 3 of the Act and having jurisdiction for the enforcement of the Act, the Building Code and this By-law.
- 2.7 “Effluent” means sanitary sewage that has passed through a treatment unit,
- 2.8 “Improved Quality Treatment Unit” means a device that, when designed, installed and operated in accordance with its design specification, provides a specific degree of sanitary sewage treatment to reduce the contaminant load from that of sanitary sewage to a given effluent quality.
- 2.9 “Maintenance inspection” means an inspection conducted under a maintenance inspection program.
- 2.10 “Maintenance inspection program” means a program established under clause 7 (1) (b.1) or subsection 34 (2.2) of the Act.
- 2.11 “Municipality” means the Corporation of the Municipality of Dysart et al or the land within the geographical limit of The Corporation of Municipality of Dysart et al as the contexts requires.
- 2.12 “Owner” means, in respect of the property subject to re-inspection takes place, the registered owner, a lessee and a mortgagee in possession
- 2.13 “Qualified septic tank pumper/hauler” means that the person is qualified to perform this activity as regulated under Section 3.3. of Division C of the Building Code.
- 2.14 “Septic Inspector” means an Inspector appointed under Section 3 of the Act and having jurisdiction for the enforcement of the Act, the Building Code and this By-law.
- 2.15 “Supervisor” means the Sewage System Maintenance Inspection Program Supervisor appointed to manage the Septic Maintenance Program.
- 2.16 “Sewage System” means,
- (a) Class 1 sewage system including a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet, and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
  - (b) Class 2 sewage system also called a greywater system,
  - (c) Class 3 sewage system also called a cesspool,
  - (d) Class 4 sewage system also called a leaching bed system, or
  - (e) Class 5 sewage system which is a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system, where these,
  - (f) have a design capacity of 10,000 litres per day or less,
  - (g) have, in total, a design capacity of 10,000 litres per day or less, where more than one of these are located on a lot or parcel of land, and
  - (h) is located wholly within the boundaries of the lot or parcel of land on which is located near the building or buildings they serve.
- 2.17 “3<sup>rd</sup> Party Inspector” means,
- (a) a private inspector meets the requirements of Section 1.10.1.3., Divisions C of the Building Code.
  - (b) whose BCIN is current and,
  - (c) who has attended the mandatory training session hosted by the Municipality.

### **3. General Regulations**

- 3.1 Except as provided in Section 4 of this by-law, this by-law applies to all properties within 30 metres of a lake.

### **4. Exceptions**

- 4.1 Any Sewage System that was newly installed or fully replaced within the last 5 years in the area where the current inspection program is actively taking place is exempt from the requirements of this By-law.
- (a) Any Property with the intention to complete a new installation within the inspection period must be entirely completed within the inspection period to be considered for an exemption.
- 4.2 Every Improved Quality Treatment Unit that is under a current service agreement and annual inspection and effluent samples are within the specified parameters of the manufacturer is exempt from the requirements of this By-law
- 4.3 Any Sewage System that fully completed the re-inspection requirements under a previous maintenance inspection program before it was repealed, and within 5 years in the area where the current inspection program is actively taking place, is exempt from the requirements of this By-law.

### **5. General Requirements for Operation and Maintenance**

- 5.1 Every Sewage System shall be operated and maintained in accordance with the provisions of the Building Code.

### **6. Septic Maintenance Inspection Program**

- 6.1 The Supervisor shall send initial notice to all Owners affected by the Septic Re-Inspection program and on the initial notice provide at least 30 days' notice of the intention to conduct an inspection. The initial notice shall be sent to the last known address of the Owner utilizing Municipal records. It is the Owner's responsibility to ensure their mailing address is accurate and up to date with the Municipality.
- 6.2 The initial notice shall specify what is required of the Owner to complete prior to the inspection.
- 6.3 The initial notice will give the Owner the opportunity to confirm/ change their inspection date within a given time, however, verification is not mandatory.
- 6.4 Every Owner who is sent a notice identifying the date of inspection shall,
- a) Be available or have a representative available on-site for the specified date and have the septic tank lids and pump chamber lid exposed for inspection,
  - b) Contact the Supervisor with at least 5 business days' notice to arrange for an alternate day for the inspection as described in subsection a). The alternate day shall be prior to September 1<sup>st</sup> of the same calendar year of the initial notice, or
  - c) Contact the Supervisor with at least 5 business days' notice to notify of their intention to complete a 3<sup>rd</sup> Party Inspection in accordance with Section 8 of this By-law, and complete 3<sup>rd</sup> Party inspection prior to September 1<sup>st</sup> of the same calendar year of the initial notice.

- 6.5 Where an inspection is completed in accordance with Section 6.3 a), the Septic Inspector shall verbally provide the Owner with the results of the inspection and will follow up with an inspection report which clearly outlines the results of the inspection and clearly identifies any issues.
- 6.6 Where the Septic Inspector is not able to complete a full inspection as a result of the Owner or representative failing to attend or expose the septic tank and pump chamber lids, a subsequent inspection will be required.
- 6.7 The Supervisor or Septic Inspector shall provide subsequent notice to the Owner, personally, by leaving it in a conspicuous location on the property or mailing a subsequent notice, identifying the failed inspection attempt and also specifying the next scheduled inspection date.
- 6.8 Subsequent notice shall provide a minimum of 7 days' notice of the next scheduled inspection date.
- 6.9 The Owner will be invoiced an inspection fee by the Municipality for each scheduled inspection attempt completed by a Septic Inspector in accordance with Schedule A of this By-law.
- 6.10 Where several failed inspection attempts have taken place, and the property remains non-compliant with the by-law, re-inspection fees may be implemented by the Municipal By-Law Enforcement Department.
- 6.11 Where an Owner fails to pay an invoice within the date specified, the amount shall be added to the applicable property's tax roll.

## **7. Septic Tank Pump Out**

- 7.1 The Supervisor and Septic Inspector will notify owners of when a septic tank must be pumped, both in the initial notice and specifically in the inspection report identified in Section 6.4.
- 7.2 Septic tanks shall be pumped in the following circumstances:
  - a) Septic tank was installed prior to 1980;
  - b) The Municipality does not have record of the septic tank or Sewage System installation;
  - c) A septic tank other than certified concrete, plastic or fiberglass tank is used;
  - d) Where scum and/or sludge occupy 1/3 or greater the working capacity of the settling chamber, or
  - e) Where an issue with the levels in the septic tank or other concerns with the functioning of the tank is determined.
- 7.3 Where a Septic Inspector has determined that a septic tank is required to be pumped, the Owner shall arrange for and complete the pump out by a Qualified septic tank pumper/hauler within 2 weeks of the Septic Inspector providing notice and the Owner shall promptly forward a receipt for the pump out and record of the tanks condition to the Supervisor for review.
- 7.4 Where a pump out is required, the sewage hauler must have access to all tank lids and the contents of the tank must be pumped entirely. The sewage hauler shall provide brief comment on the condition of the tank components visible after pumping, specifically noting any obvious deficiencies. Photos of the pumped tank are recommended.

- 7.5 Where the Supervisor does not receive the required receipt and record of tank condition required by Section 7.3 within 4 weeks of requiring same, a follow up notice may be sent to the Owner each week until adequate information is received. The Owner will be invoiced a fee for each follow up notice in accordance with Schedule A, and where an Owner fails to pay an invoice within the date specified, the amount shall be added to the applicable property's tax roll.

## **8. 3<sup>rd</sup> Party Inspections**

- 8.1 Except as provided in 8.2, the Owner of a property may obtain the services of a private 3<sup>rd</sup> party firm to complete the inspection on the following conditions:
- a) The 3<sup>rd</sup> party inspector meets the requirements of Section 1.10.1.3., Divisions C of the Building Code.
  - b) Third party inspection report shall be in a form approved and supplied by the Supervisor and shall be completed in full;
  - c) The Owner shall submit the completed 3<sup>rd</sup> party inspection form for the Supervisor to review prior to September 1<sup>st</sup> of the year of their initial notice and pay the 3<sup>rd</sup> Party Inspection Review fees to the Municipality as specified in Schedule A.
  - d) The 3<sup>rd</sup> party inspector will complete the inspection to the full extent to the By-Law as explained in the mandatory training session.
  - e) The Supervisor will validate that the criteria of the 3<sup>rd</sup> party inspection has been met and is the approval authority to confirm that inspection requirements have been completed. Failure to complete all of the items contained in a) to c) will result in a failed inspection attempt and the owner shall pay the Failed 3<sup>rd</sup> Party Inspection Attempt fee in accordance with Schedule A.
- 8.2 A 3<sup>rd</sup> Party Inspection may not be used where a Short-Term Rental Inspection is required in accordance with Section 12 of this By-law and the Short Term Rental By-law.

## **9. Enforcement and Penalty Provisions**

- 9.1 This By-law shall be administered and enforced by the Supervisor, the Chief Building Official and Septic Inspectors.
- 9.2 This By-Law outlines a mandatory inspection program. Failure to comply with this by-law will result in further action taken by our By-Law Enforcement Office.
- 9.3 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provision of this By-law and the provisions of the Act as amended, or its regulations, then the provisions of the latter will prevail.
- 9.4 No person shall hinder or obstruct the Supervisor, the Chief Building Official, or a Septic Inspector in the enforcement of this By-law.
- 9.5 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. p. 33 or as may be amended.
- 9.6 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make

an order prohibiting the continuation or repetition of the offence by the person convicted.

## **10. By-Law to be Repealed**

- 10.1 All by-laws or part thereof and resolutions passed prior to this by-law which contradict this by-law, have no force for this by-law's purposes, and are hereby rescinded.

## **11. Shoreline Lake Health Assessment**

- 11.1 Where a Septic Maintenance Inspection is required by this by-law, and where the inspection is carried out by Municipality staff, a full property lake health assessment will be completed. This assessment is for educational purposes only and will not result in any enforcement.
- 11.2 Vacant land properties and properties inspected by approved third party inspectors will not be subject to this added assessment.
- 11.3 Following the Lake Health Assessment, inspectors will provide the property owner(s) or representative with verbal feedback. Owners will also receive a written report, along with any suggestions on how to improve their assessment scores.

## **12. Short-Term Rental Inspections**

- 12.1 Inspections of Short-Term Rental premises will be completed during scheduled Septic Maintenance Inspection as required and outlined by the Short-Term Rental By-Law.

## **13. Ultra Vires**

- 13.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

## **14. Implementation**

- 14.1 This By-law shall come into full force and effect upon the date of passing.

**Read** a first, second and third time, passed, signed and the Corporate Seal attached hereto this 26<sup>th</sup> day of March 2024.

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Murray Fearrey, Mayor

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Mallory Bishop, Clerk

**Schedule "A" to By-law No. 2024-24 of the Municipality of Dysart et al**

**Fees**

Sewage System Maintenance Inspection Fee	\$ 220.00
Partially Complete Return Inspection Fee	\$ 100.00
Inspection Outside Program Schedule	\$ 320.00
Vacant Lot/ No Plumbing Site Confirmation	\$ 100.00
Remedial Action Septic Review	\$ 150.00
Remedial Action Reminder Letter	\$ 25.00
3 <sup>rd</sup> Party Inspection Report Review	\$ 50.00
Failed 3 <sup>rd</sup> Party Inspection Attempt	\$ 50.00