

APPENDIX J1

BY-LAW NO. 74-13

MUNICIPALITY OF DYSART ET AL

BY-LAW NO. 74-13

A BY-LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF;

WHEREAS the Ministry of the Environment proposes to provide sewage service to the Corporation of the by means of sewage works to be constructed or acquired and operated by the Ministry of the Environment;

AND WHEREAS Section 62 of The Ontario Water Resources Act, being Chapter 332 of the Revised Statutes of Ontario, 1970, as amended, provides (inter-alia) that, subject to the approval of the Lieutenant Governor in Council, the Ministry of the Environment may make regulations regulating and controlling the construction, repair, renewal or alteration of plumbing, the material to be used in the construction of, and the location of drains, pipes, traps and other works and appliances that form part of or are connected with the plumbing in any building or structure, and may require municipalities to carry out such inspections with respect to plumbing as may be prescribed;

AND WHEREAS Ontario Regulations No. 647 made pursuant to the said Section 62, requires every municipality to carry out such inspections as are prescribed by that Regulation;

AND WHEREAS Section 64 of the said Act provides (inter-alia) and where a municipality undertakes, under the regulations made under Section 62 to inspect plumbing, the municipality may pass by-laws for charging fees for the inspections of plumbing and fixing the amount of such fees for requiring the production of plans, for charging fees for the inspection and approval of plans and fixing the amount of such fees, and for the issuing of permits, all as more particularly set out in the said Section 64;

AND WHEREAS paragraph 71 of Section 354 of The Municipal Act being Chapter 284, Revised Statutes of Ontario, 1970, as amended, provides that by-laws may be passed by the Councils of local municipalities for making any other regulations for sewage or drainage that may be deemed necessary for sanitary purposes.

AND WHEREAS paragraph 75 of the said Section 354 provides that by-laws may be passed by the councils of local municipalities for charging a fee for the inspection of plumbing, sewers, septic tanks, cesspools, water closets, earth closets, privies and privy vaults where, under this or any other Act, approval or a certificate of compliance or such inspection is required;

AND WHEREAS Section 362(a) of The Municipal Act provides that by-laws may be passed by the Councils of local municipalities requiring owners of buildings or any class of buildings in the municipality, or in any defined area thereof, to connect the said buildings to the sewage works of the municipality within a certain specified period of time;

AND WHEREAS the council of the municipal corporation of the Municipality of Dysart et al deems it expedient and desirable to enact a by-law to regulate disposal of sewage and other wastes within the said Municipality.

NOW THEREFORE, the municipal corporation of the Municipality of Dysart et al ENACTS AS FOLLOWS:

1.. DEFINITIONS IN THIS BY-LAW

SEWAGE WORKS, shall mean all facilities for collecting, pumping, treating and disposing of sewage.

MUNICIPALITY shall mean the Corporation of the

SUPERINTENDENT (Inspector), shall mean the Superintendent (Inspector) of plumbing and sewage works of the Municipality as appointed by council of the Municipality from time to time.

SEWAGE shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWER shall mean a pipe or conduit for carrying sewage.

PUBLIC SEWER, shall mean that section of the sewer considered to be the main sewer and in which all owners of abutting properties have equal rights and is owned and controlled by the Ministry of the Environment.

SANITARY SEWER, shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

BUILDING SEWER, shall mean that part of the drainage piping outside a building or structure, that connects a building drain to the sewer service connection and that commences at a point three feet from the outer face of the wall of the building or other structure and terminates at the property line.

SEWER SERVICE CONNECTION, shall mean the extension from the building sewer to the public sewer or other place of disposal.

OPERATOR, shall mean the operator of the Ministry Sewage Works employed by the Ministry of the Environment.

PERSON, shall mean and include any individual firm, company, association, partnership, society, incorporated company, or group, and wherever the singular is used herein it shall also be construed as including the plural.

SHALL is mandatory, MAY is permissive.

CLERK shall mean the Clerk of the Corporation of the

MINISTRY, shall mean the Ministry of the Environment.

2.

JURISDICTION

- (a) The person or persons appointed by Council of the Municipality will inspect the installation of all building sewers from the building to the street line, and the connection of the building sewer to the sewer service connection, and further, will not permit any illegal connections to be made to the public sewer as set out in this by-Law.
- (b) After construction and installation of the building sewer from the building and the sewer service connection to the public sewer, the owner shall be responsible for the satisfactory operation, cleaning, repairing, replacement and maintenance of the connection from the property line to the building.
- (c) The provisions of this by-law with respect to construction of sewer service connections from public sewer to street line shall not apply for one year after the date of substantial completion of the works as established by the Certificate of Substantial Completion where the connections from the public sewer to the street line are made at the time the public sewers are constructed and installed on the road allowance.
- (d) The rules and regulations set out in this by-law shall govern and regulate the operation of any system of sewage works owned by the Municipality and shall be considered to form a part of the agreement between the Municipality and the owner or occupant of any building in the Municipality for provision of sewage service to such building and every such owner or occupant by applying for and receiving sewage service from the Municipality shall be deemed to have expressed his consent to be bound by the said rules and regulations.

3.

APPLICATIONS FOR PERMITS

No person shall make any connection into the Ministry's sewer service connection without first having obtained a permit from the Clerk and such permit shall be called "Sewer Service Connection Permit", as follows:-

- (a) Application shall be made, in writing, to the Clerk on the form prescribed in quadruplicate, which application shall contain the name of the owner of the lot, the present state of construction (if a new building), a plan in duplicate of the lot showing the point at the street line at which the connection is to be made, the date for the proposed work to be done, the type of waste to be disposed from the sewer and the name of the contractor undertaking the work.
- (b) Upon receipt of a properly completed application from the owner, or his authorized representative, the Clerk shall issue a permit for the connection to be made by delivering a copy to the Superintendent (Inspector) and the Operator of the Sewage Works.

4.

#### PERMIT FEES

The following fees are to be paid for a Sewer Service Connection permit at the time the permit is issued.

- (a) The fee to be paid to the Municipality shall be two (\$2.00) dollars and shall accompany the application for the provision of sewage service to each premise as a fee for inspection of the newly-installed building sewer and connection to the sewer service connection.

5.

#### BUILDING SEWERS AND CONNECTIONS

No connection shall be made to the Ministry's public sewer, except as follows:-

- (a) Each dwelling must have a separate building sewer, except with the written approval of the Superintendent (Inspector) of Sewage Works and further except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (b) An inspection tee shall be installed in the building sewer at the street line.
- (c) All connections from the public sewer or the sewer service connection to the building shall be of the following materials:--
  - i) From the street line to the building shall be vitrified clay pipe or asbestos-cement pipe of a 4 - inch minimum diameter sewage pipe; or polyvinyl chloride and acrylonitrile-butadiene-styrene pipe made to Canadian Standards Association Standard B181.2 and B181.1 respectively; or as revised by Ontario Water Resources, Regulation 647.

- ii) All connections to be approved water-tight.
- (d) No connection shall be made to a Ministry public sewer or sewer service connection until a permit has been issued for a sewer service connection in accordance with this by-law and no said connection shall be made except by the approval of the Municipality and the Ministry of the Environment.
- (e)
  - i) All labour and material necessary for the connection of a sewer service connection, from the main sewer to the street line, shall be supplied and paid for by the owner of the dwelling which is to be provided with sewage service where no such sewer service connection exists. All labour and materials necessary for the said connection, from the main sewer to the street line, shall be paid for in advance of the installation by a lump sum charge as set out by the Municipality where the Municipality is requested by the property owner to provide the necessary work and material for said connection. Upon payment the property owner shall be entitled to such installation by the Superintendent or a person designated by him, subject to the Ministry's approval.
  - ii) All labour and material necessary for the connection of the building sewer from the street line internally, shall be supplied and paid for by the owner, and the owner shall indemnify the Municipality for any loss or damage that may occur in the said construction to any third person or to the ministry's public sewer, watermain or storm sewer.
  - iii) The owner of any building may request the Superintendent to install the necessary building sewer at the time the sewer service connection for the same building is being installed, and the Superintendent may, if he deems it expedient, install such building sewer upon the owner prepaying to the Municipality the estimated cost of installation of such building sewer.
  - iv) In the event the actual cost of the installation of such building sewer exceeds the amount prepaid to the Municipality, the person applying for such installation shall forthwith, after the completion of such installation, pay to the Municipality the balance of such cost.
  - v) Nothing in this section shall relieve the owner from the obligation of maintaining such building sewer in accordance with the provisions of this by-law.

vi) A clean-out shall be installed in the building drain as near as practical to the inner face of the wall through which the drain passes or other approved clean-out shall be provided. Every clean-out shall comply with Regulation 647 made under The Ontario Water Resources Act, R.S.O. 1970.

(f) A connection shall be made to the public sewer system in compliance with this by-law, and any Septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned, filled, removed or destroyed within a period of ten (10) days after the connection has been made to the public sewer system.

(g) No person shall cause or permit the discharge of any storm water, including surface water, groundwater, rain runoff, foundation drain or other subsurface drainage including any unpolluted cooling water or unpolluted industrial process water into the Sewage Works of the Ministry.

(h) The building sewer from the building to the Ministry's sewer service connection shall be connected to the building at an elevation below the foundation footings where existing grade will permit. No building sewer shall be laid parallel to within three (3) feet of any bearing wall. The building sewer shall be laid at sufficient depth to afford protection from frost and at uniform grade and in straight alignment, wherever possible.

(i) All excavations required for the installation of a building sewer shall be by open trench unless otherwise approved by the Superintendent or Inspector. All pipe shall be installed according to Ministry specifications and no back fill shall be placed until the work has been inspected in compliance with Regulation 647. All connections and joints shall be gas-tight and water-tight and all joints in vitrified clay pipe or between such pipe and metals shall be made with approved joining materials.

(j) All connections of the sewer service connections into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" branch is available an approved fitting shall be installed in the public sewer at the location specified by the Superintendent or Inspector. Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" branch is available, a neat hole shall be cut into the public sewer to receive the sewer service connection, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree fitting shall be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The

invert of the sewer service connection at the point of connection shall be at springline or at a higher elevation. A smooth, neat joint shall be made, and the connection made secure and water-tight. Special fittings approved by the Superintendent or Inspector shall be used for the connection.

- (k) The applicant for the sewer service connection permit shall give at least 48 hours notice to the Inspector when the building sewer is ready for inspection and connection to the sewer service connection. The connection shall be made under the supervision of the Superintendent, Inspector or his representative.
- (l) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard, Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality.
- (m) Only 45 degree elbows or bends shall be used in the building sewer where an elbow is required and in no event shall a 90-degree angle be permitted.

6.

GENERAL

- (a) No person shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is a part of the Ministry's sewage system.
- (b) The Superintendent (or Inspector) and other duly authorized employees of the Municipality or the Ministry of the Environment bearing the proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this by-law.
- (c) Where an owner wishes to install his own plumbing, or lay his own sewer or drain, the word "owner" shall be substituted for the word "plumber" or "drainlayer" throughout this by-law, and all such work shall be in accordance with this by-law.

7.

REGISTRATION

In order to safeguard life, health and property, every person, firm or corporation engaged in or working at a business of plumbing or sewer or drain laying must submit evidence that he is qualified and shall provide proof that he is so certified

Any person who assumes responsible charge and direction of other persons in the installation of plumbing, drainage or sewers and who employs, whether for gain, or otherwise, a person not registered as provided herein to perform and install plumbing, drainage or sewers, shall be guilty of a contravention of this by-law and shall be subject to the penalties hereinafter imposed.

It is provided, however, that the provisions of this by-law pertaining to registering shall not apply to anyone who is employed as or acting as a maintenance man while working on the piping belonging to the person by whom he is employed, or to any employee of any public service, commission, or corporation while such employee is engaged in the business of the employer on the employer's premises. Provided, further, that the provisions of the by-law pertaining to registration shall not apply to an owner who may install plumbing on his own premises in which he is actually residing at the time, provided he abides by all rules and regulations pertaining to plumbing under Province of Ontario Regulation 647 written under The Ontario Water Resources Act, R.S.O. 1970, as amended, respecting plumbing.

All applications for registration shall be made to the Superintendent (or Inspector).

Registration shall not be accepted by the Clerk until the application for same has been approved by the Superintendent (or Inspector) and the prescribed fees paid to the Municipality.

8.

PENALTIES

- (a) Any person found guilty of an offence under the provisions of this by-law shall be subject to a penalty of an amount not exceeding three hundred (\$300.00) dollars for each offence, exclusive of costs, to be recoverable under the provisions of the Summary Convictions Act.
- (b) If any building sewer or any connection to a sewer service connection or public sewer is made by an owner or his authorized representative, contrary to the provisions of this by-law, the owner shall repair such defective work or material within ten (10) days after receipt of a notice from the Engineer, Superintendent (or Inspector) or Municipality requiring him to do so and, if the owner fails to repair such work, the Municipality may repair the work, including the right to enter upon the lands, and the cost of such repairs shall be added to the tax roll for the property and collected in the same manner as other municipal taxes.

9.

TIME FOR CONNECTIONS

The owner of any houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Municipality and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the Ministry of the Environment, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the Ministry's sewer service connection in accordance with the provisions of this by-law within nine (9) months of the date the public sewer is in operation, unless exempted in writing by the Engineer, or the Superintendent or the Municipality.

READ a first and second time on the \_\_\_\_\_ day of  
\_\_\_\_\_, 1974.

*RT*  
READ a third time and finally passed on the 13th  
days of June, 1974.  
*RT*

REeve

CLERK

*Hayne B Head*