

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW NO. 2017-101

**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 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 10(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

WHEREAS the intention of the sewage system re-inspection program is to identify and resolve potential hazards associated with malfunctioning sewage system.

NOW THEREFORE the Council of the Corporation of the United Townships of Dysart et al hereby enacts as follows:

THAT in this By-law,

1. SHORT TITLE

1.1 This By-law may be cited as the "Septic Re-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 regulations made under Section 34 of the Act which may include a more recent revision or amendment.
- 2.3 “Building Inspector” means an Inspector appointed under Section 3 of the Act and having jurisdiction for the enforcement of this Act, the Building Code and this By-law.
- 2.4 “Chief Building Official” means the 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. A Chief Building Official is deemed to also be a Building Inspector in accordance with the Act.
- 2.5 “Effluent” means sanitary sewage that has passed through a treatment unit.
- 2.6 “Maintenance inspection” means an inspection conducted under a maintenance inspection program.
- 2.7 “Maintenance inspection program” means a program established under clause 7 (1) (b.1) or subsection 34 (2.2) of the Act.
- 2.8 “Officer” means a By-law Enforcement Officer, Building Inspector, Chief Building Official or other person appointed by By-law to enforce the provisions of this By-law.
- 2.9 “Owner” means, in respect of the property subject to re-inspection takes place, the registered owner, a lessee and a mortgagee in possession
- 2.10 “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) are located wholly within the boundaries of the lot or parcel of land on which is located near the building or buildings they serve.
- 2.11 Significant drinking water threat has the same meaning as in subsection 2 (1) of the Clean Water Act, 2006.
- 2.12 “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.

2.13 "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.

2.14 Any word or terms not defined in this By-law shall have the meaning as ascribed in the Act or Building Code. Terms not defined in the Act or Building Code shall have the same meaning as described in a standard Canadian dictionary

3. GENERAL REGULATIONS

3.1 Except as provided in Section 4 of this By-law, the septic re-inspection program will apply to all properties within 30 metres of a lake, as identified in Schedule "A" attached to and forming part of this By-law, that utilize a sewage system.

3.2 Every property owner shall complete the septic re-inspection in accordance with the timelines set out set in Schedule "A"; corresponding with the area their property is located.

4. EXCEPTIONS

4.1 Every septic system that was installed within 5 years of the date of commencement of the septic re-inspection program in the specific area in coordination with Schedule "A" is exempt from requiring re-inspection.

4.2 Every Treatment Unit that is under a current service agreement and annual effluent samples are within the specified parameters is exempt from requiring re-inspection where,

- i) The treatment unit is under a current service agreement,
- ii) The annual effluent samples are within the specified parameters of the Building Code, and
- iii) The owner submits the above documents to the Building Inspector.

5. GENERAL REQUIREMENTS FOR OPERATION AND MAINTENANCE

5.1 Every sewage system shall be operated and maintained so that,

- i) the sewage system or any part of it shall not emit, discharge or deposit sanitary sewage or effluent onto the surface of the ground;
- ii) sanitary sewage or effluent shall not emit, discharge, seep, leak or otherwise escape from the sewage system or any part of it, other than from a place or part of a sewage system where the system is designed or intended to discharge the sanitary sewage or effluent, and;
- iii) except as otherwise permitted by other regulations, a sanitary sewage or effluent shall not emit, discharge, seep, leak or otherwise escape from the sewage system or any part of it into a piped water supply, well water supply, a watercourse, ground water or surface water.
- iv) Clause (iii) does not apply to the use of a sewage system designed and operated such that properly treated effluent is discharged into soil.

- 5.2 No sewage system utilizing a treatment unit, other than a septic tank, shall be operated unless it is operated in accordance with manufacturer's requirements.

6. SCOPE OF INSPECTIONS

- 6.1 The owner of every septic tank that undergoes a re-inspection shall have the tank pumped by a certified septage hauler for the purpose of inspection of the condition of the tank by the third party certifier.
- 6.2 Scope of inspection and assessment shall be in accordance with the Reinspection Forms created by the Chief Building Official.

7. CERTIFICATE AS ALTERNATIVE TO MAINTENANCE INSPECTION BY THE MUNICIPALITY

- 7.1 The municipality may accept third party certification as an alternative to conducting an inspection.
- 7.2 Individuals undertaking third party certification shall be qualified for such assessment and shall not have any conflicts of interest as identified under the Act.
- 7.3 The owner shall submit the completed third party inspection form to the Building Inspector within the timelines specified in Schedule "A"; corresponding with the area their property is located.
- 7.4 Notwithstanding the utilization of a third party certificate, a field inspection may be conducted by the municipality to confirm the satisfactory review of the field evaluation by the third party individual. Should an issue be discovered during the review by the Municipality, any fees incurred by the Municipality for the field review will be the responsibility of the owner and shall be billed in accordance with the Municipality's Fees By-law.

8. FORMS

- 8.1 The Chief Building Official is the delegated authority to create and/or adopt for usage, forms (other than those prescribed by the Act or Code) which provide for the collection of specific information in relation to that taken from the permit application where that information is necessary for the administration and enforcement of the Act and the Code.

9. ENFORCEMENT AND PENALTY PROVISIONS

- 9.1 Council shall appoint a Chief Building Official, Building Inspectors and Bylaw Enforcement Officers as are necessary for purpose of carrying out this By-law.
- 9.2 This By-law is to be read in conjunction with all the Statues 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.
- 9.3 No person shall hinder or obstruct the Chief Building Official, Building Inspector and By-law Enforcement Officers in the enforcement of this Bylaw.

9.4 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.

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. ULTRA VIRES

11.1 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 be nevertheless remain valid and binding.

12 CONFLICTING LEGISLATION

12.1 If there is a conflict between a provision in the Building Code Act and a provision of any other Act, the section that is more restrictive shall prevail.

12.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all subsequent amendments to such statute and all successor legislative to such statute.

13 IMPLEMENTATION

13.1 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 18th day of December, 2017.

MAYOR: Murray Fearrey

CLERK: Cheryl Coulson

SCHEDULE "A" to Septic Re-inspection By-law



Area #1 to commence 2018 and completed by end of 2019 (2 yrs).
Lakes include:

- Kennisis Lake
- Little Kennisis Lake
- Paddys Bay

Area #3 to commence 2023 and complete by end of 2024 (2 yrs). Lakes include:

- Haliburton Lake
- Percy Lake
- Oblong Lake
- Eagle Lake
- Moose Lake
- West Lake
- Basshaunt Lake
- Bushwolf Lake

Area #5 to commence 2028 and complete by end of 2030 (3 yrs). Lakes include:

- Grace Lake
- Farquhar Lake
- Allen Lake
- Big Barnum Lake
- East Lake
- Straggle Lake
- Little Straggle Lake
- Charlie George Lake
- Kennaway Lake
- Benoir Lake
- Elephant Lake

Area #2 to commence 2020 and completed by end of 2022 (3 yrs). Lakes include:

- Redstone Lake	- Lipsy Lake
- Little Redstone Lake	- Bat Lake
- Bitter Lake	- Pivot Lake
- Burdock Lake	- Silverlynn Lake
- Tedious Lake	- Guilford Lake
- Coleman Lake	- Pine Lake
- Green Lake	- Cranberry Lake

Area #4 to commence 2025 and complete by end of 2027 (3 yrs). Lakes include:

- Drag Lake	- Haas Lake (Paradise)	- Hurricane Lake
- Spruce Lake	- Blue Hawk Lake	- Head Lake
- South Portage Lake	- Loon Lake	- Grass Lake
- Long Lake	- Wenona Lake	- Kashagawigamog Lake
- Miskwabi Lake	- Barnum Lake	- Black Lake
- Negaunee Lake		

