

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BY-LAW NO. 2019.73

BEING A BY-LAW TO AUTHORIZE THE IMPLEMENTATION OF A
DISCRETIONARY SEWAGE SYSTEM MAINTENANCE INSPECTION
PROGRAM IN THE TOWNSHIP OF RAMARA

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)(ii) of the "Act" authorizes the council of a municipality to require the payment of fees and prescribing the amounts of the fees for maintenance inspections;

AND WHEREAS Section 7(1)(c.1) of the "Act" allows for the requirement of the payment of interest and other penalties, including payment of collection costs, when fees are unpaid or are paid after the due date;

AND WHEREAS Section 7(8.1) allows for the fees established by a municipality to be added to the tax roll and be collected in the same manner as taxes;

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 discretionary 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 Township of Ramara hereby enacts as follows:

THAT in this By-law,

1. SHORT TITLE

1.1 This By-law may be cited as the “Discretionary 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 Building Inspector, Chief Building Official or other person appointed by By-law of the Municipality 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, S.O. 2006, c.22.

2.12 "Municipality" means The Corporation of the Township Of Ramara or the land within the geographical limit of The Corporation of Township of Ramara 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 100 metres of a lake, river, stream or pond as identified in Schedule "A" attached to and forming part of this By-law, that utilize a sewage system.

3.2 Every property shall be subject to septic re-inspection every five years.

4. EXCEPTIONS

- 4.1 Every septic system that was installed within 2 years of the date of commencement of the discretionary septic re-inspection program in the specific area in coordination with Schedule "A" is exempt from requiring re-inspection during the initial five-year term.
- 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,
- a) The treatment unit is under a current service agreement,
 - b) The annual effluent samples are within the specified parameters of the Building Code, and
 - c) The owner submits the above documents annually to the Building Inspector.

5. GENERAL REQUIREMENTS FOR OPERATION AND MAINTENANCE

- 5.1 Every sewage system shall be operated and maintained so that,
- a) the sewage system or any part of it shall not emit, discharge or deposit sanitary sewage or effluent onto the surface of the ground;
 - b) 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;
 - c) 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.
 - d) Clause 5.1(a) 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 certified septage hauler.
- 6.2 Scope of inspection and assessment shall be in accordance with the Re-inspection

Forms created by the Chief Building Official, from time to time, and attached as Schedule B hereto and forming part of this By-law, unless as otherwise required by other regulations and may be amended to conditions and observations as deemed necessary.

7. FORMS

- 7.1 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.

8. ENFORCEMENT AND PENALTY PROVISIONS

- 8.1 Council shall appoint a Chief Building Official, Building Inspectors and Bylaw Enforcement Officers as are necessary for purpose of carrying out this By-law.
- 8.2 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.
- 8.3 No person shall hinder, obstruct or otherwise interfere with the Chief Building Official, Building Inspector and By-law Enforcement Officers in the exercise of any power conferred or the performance of any duty imposed by this By-law.
- 8.4 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, as amended.

9. FEES

- 9.1 Fees for the maintenance inspections described in Section 3 shall be in accordance with Schedule C attached hereto and forming part of this by-law.
- 9.2 Fees for maintenance inspections shall become payable by each affected property owner when applicable and will be added to the tax roll of each benefitting parcel in the year following the delivery of the service.

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 repealed.

11. ULTRA VIRES

11.1 In the event any provision, or portion thereof, of this By-law including all Schedules is found by a Court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portions of such provisions and all other provisions including Schedules shall remain in full force and effect.

12. CODE OF CONDUCT

12.1 All Building Service Department staff shall adhere to the code of conduct that has been adopted by the Municipality as prescribed by Section 7.1 of the Building Code Act, 1992, S.O., as amended.

13. CONFLICTING LEGISLATION

13.1 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.

13.2 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.

14. IMPLEMENTATION

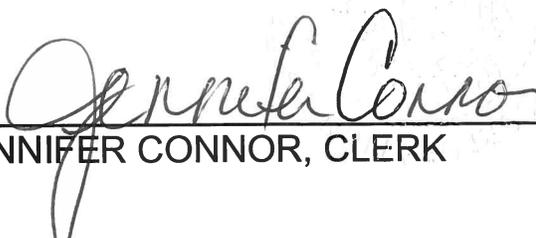
14.1 This By-law shall come into full force and effect upon the date of passing.

14.2 The Discretionary Septic Re-inspection program shall commence January 1, 2020.

BYLAW READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND THE CORPORATE SEAL ATTACHED HERETO THIS 23RD DAY OF SEPTEMBER 2019.

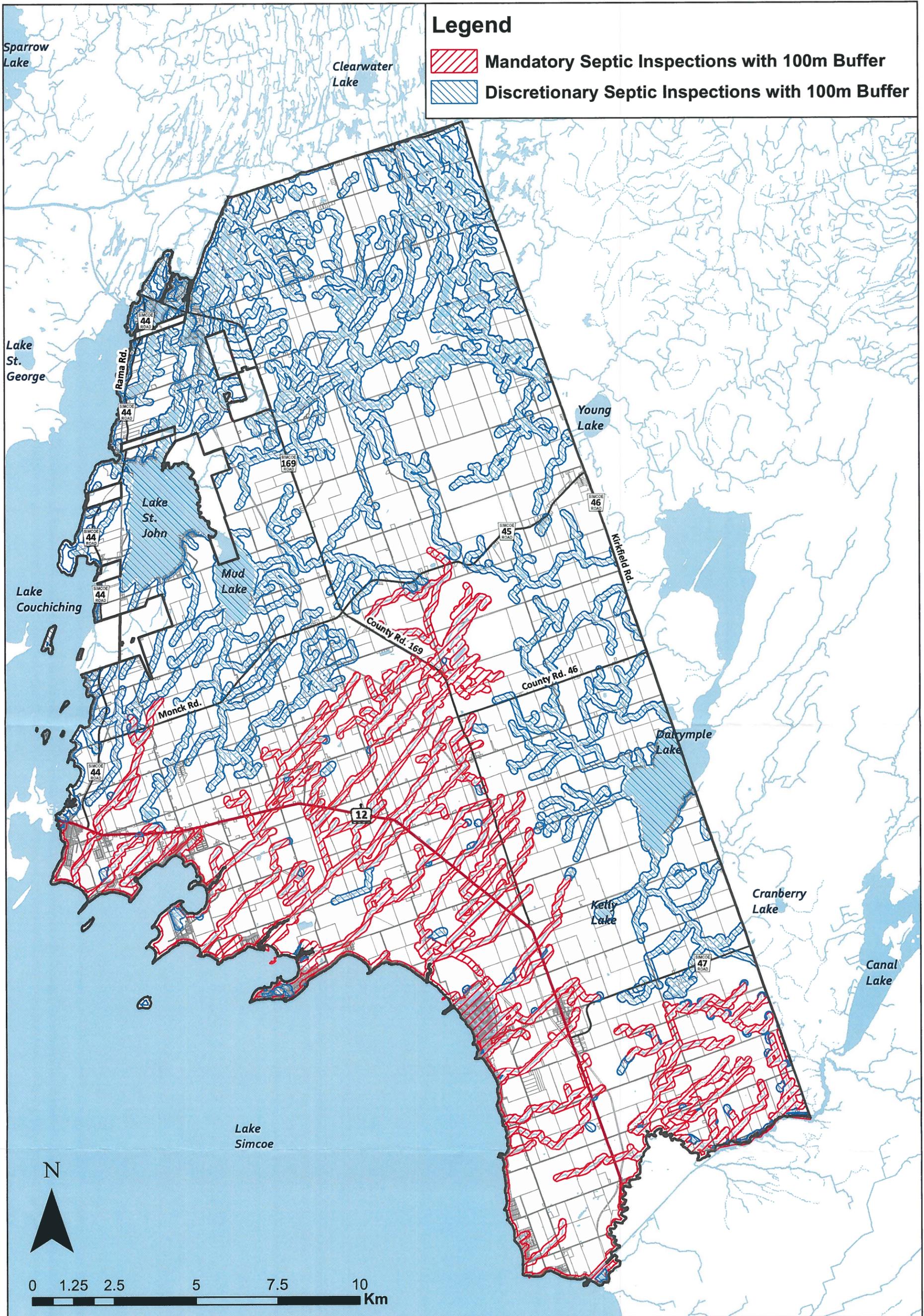


BASIL CLARKE, MAYOR



JENNIFER CONNOR, CLERK

SCHEDULE A



Ramara Septic Inspections



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SCHEDULE B

Scope of Inspections



NAME OF HOME OWNER: _____

ADDRESS OF PROPERTY: _____

DATE OF PUMPING: _____

TANK: CONCRETE: _____ STEEL: _____ PLASTIC: _____

SEPTIC TANK: _____ OR HOLDING TANK: _____

SIZE OF TANK: _____

T'S IN PLACE? YES _____ NO _____

EFFLUENT LEVEL: CORRECT HEIGHT: _____

ABOVE OUTLET: _____

BELOW OUTLET: _____

OVERALL CONDITION OF TANK?

GOOD FAIR POOR

LIDS:

GOOD FAIR POOR

NOTES: _____

PUMPED BY: _____

(NAME OF COMPANY)

NAME OF PUMPER: _____

(PRINT)

(SIGNATURE)

SCHEDULE C

Fees

The fee shall be \$150 per property. Please be advised after 30 days if the invoice is unpaid the fee will be transferred to your property tax account for the following year.