

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 97-43

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 Corporation of the Municipality of the Township of Essa provides sewage service to the Municipality by means of sewage works operated by the Municipality under contract with the Ontario Clean Water Agency;

AND WHEREAS the Ontario Water Resources Act, being Chapter O.40 of the Revised Statutes of Ontario, 1990, as amended, provides (inter-alia) that, subject to the approval of the Lieutenant Governor in Council, the Minister of Municipal Affairs and Housing may make regulations regulating and controlling the location, construction, repair, renewal or alteration of plumbing, and the material to be used in the construction thereof, and requiring Municipalities to carry out such inspections with respect to plumbing as may be prescribed;

AND WHEREAS the said Act provides (inter-alia) where a Municipality undertakes, under the regulations made under the Act to inspect plumbing, the Municipality may pass By-laws providing for such inspections and for appointing one or more inspectors for such purpose; for charging fees for such inspections and fixing the amounts of such fees; for requiring the production of plans of plumbing that is to be constructed, and for charging fees for the inspection and approval of such plans and fixing the amount of such fees, and for the issuing of permits;

AND WHEREAS Part 7 (Plumbing) of the Ontario Building Code (the "Plumbing Code") made pursuant to the Building Code Act, 1992, Chapter 23, requires every Municipality to carry out such inspections;

AND WHEREAS the Municipal Act being Chapter M.45, Revised Statutes of Ontario, 1990, 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 the said Act 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 the Council of the Municipality 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 Council of the Municipality enacts as follows:

DEFINITIONS:

1. In this By-law:

- (a) AGENCY means the Ontario Clean Water Agency or any person operating and maintaining the Municipal Sewer System on the Township's behalf.
- (b) BUILDING SEWER, means that part of the drainage piping outside a building or other structure, that connects a building drain to the main sewer and that commences at a point 1 m (3 ft. 3 in.) from the outer face of the wall of the building or other structure and terminates at the sewer main.

- (c) CLERK means the Clerk of the Municipality.
- (d) C.B.O. means the Chief Building Official of the Municipality or his designate, as appointed by Council of the Municipality from time to time.
- (e) OPERATOR means the operator of the Municipal Sewage Works.
- (f) PERSON means and includes 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.
- (g) PUBLIC SEWER means that section of the sewer considered to be the main sewer that conducts sewage and which is owned and controlled by the Municipality.
- (h) SANITARY SEWER means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (i) SEWAGE does not include storm, surface and ground water.
- (j) SEWAGE WORKS means all facilities for collecting, pumping, treating and disposing of sewage.
- (k) SEWER means a pipe or conduit for carrying sewage.
- (l) SEWER CONNECTION means the pipe or conduit connecting any building or private property to a sewer main which is part of the Municipal system.
- (m) TOWNSHIP means the Corporation of the Township of Essa or any person delegated by Council to act on its behalf.

2. JURISDICTION

- (a) The person or persons appointed by Council of the Municipality shall inspect the installation of all building sewers from the building to the property line, and the connection of the building sewer to the sewer service connection, and further, shall 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 building to the sewer main, including the section from the property line to the sewer main.
- (c) 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 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 Municipality's sewer service connection or the public sewer without first having obtained a permit from the Township and such permit shall be called "Sewer Service Connection Permit", as follows:

- (a) Application shall be made, in writing, on the form prescribed, 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 Township shall issue a permit for the connection to be made by delivering a copy of the application and of the permit to the C.B.O. and the Operator of the Sewage Works and the applicant.
- (c) Unless a different period is provided for on the permit, every permit shall expire three (3) months after it is issued.

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 fifty dollars (\$50.00) 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 directly or indirectly to the public sewer, except as follows:

- (a) Each dwelling must have a separate building sewer, except with the written approval of the Township where one building stands at the rear of another, or on an interior lot, and no private sewer or building sewer is available, nor can be constructed to the rear building through an adjoining alley, courtyard or driveway, in which case the building sewer from the front building may be extended to the rear building.
- (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 a 4-inch (100 mm) minimum diameter and made of pipe certified under the Plumbing Code for use as sewage pipe.
- (d) Connections to multi-residential or commercial shall be of a size determined by the Township.
- (e) All connections to be approved by the C.B.O. as water-tight.
- (f) No connection shall be made to a Municipal 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 completed except after the approval of the C.B.O.

- i) All labour and material necessary for the connection of a sewer service connection, from the main sewer to the property line, shall be supplied and paid for by the owner of the structure 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 property line, including restoration to any disturbed portion of the Township's road allowance, 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 C.B.O. or a person designated by him, subject to the Municipality's approval.
 - ii) All labour and material necessary for the connection of the building sewer from the property 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 Municipality's street, public sewer, watermain, storm sewer or other utilities or property.
 - iii) The owner of any building may request the Municipality to install the necessary building sewer at the time the sewer service connection for the same building is being installed, and the C.B.O. 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. Should the said person not pay the Municipality within twenty (20) days of the request for payment, the Municipality may add interest at the rate of 1½% per month or add the costs to the property taxes pursuant to the Municipal Act.
 - 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 the Plumbing Code.
- (g) 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 and filled, removed or destroyed within a period of ten (10) days after the connection has been made to the public sewer system.
- (h) 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 Township.

- (i) The building sewer from the building to the Township'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 any bearing wall 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.
- (j) All excavations required for the installation of a building sewer shall be by open trench unless otherwise approved by the C.B.O. All pipes shall be installed according to the Plumbing Code and no back-fill shall be placed until the work has been inspected to ensure compliance. All connections and joints shall be gas-tight and water-tight and all joints shall be made with approved joining materials.
- (k) All sewer service connections into the public sewer shall be made at a "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) 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 C.B.O. Where the public sewer is greater than twelve (12) 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 C.B.O. shall be used for the connection.
- (l) 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.
- (m) The applicant for the sewer service connection permit shall give at least 48 hours notice to the C.B.O. when the building sewer is ready for inspection and connection to the sewer service. The connection shall be made under the supervision of the C.B.O. or his representative.
- (n) 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.

6. GENERAL

- (a) No person shall maliciously, wilfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is a part of the Municipality's sewage system.
- (b) The C.B.O. and other duly authorized employees of the Township or the Agency 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.

7. 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 five thousand dollars (\$5,000.00) for each offence, exclusive of costs, which penalty shall be recoverable under the provisions of the Provincial Offences 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 C.B.O. or Township 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.

8. SEVERABILITY


It is the declared intention of the Council of the Township that any section or part of a section of this By-law which may subsequently be held to be invalid shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.


9. ENACTMENT

This By-law shall be in full force and effect on the day of third reading and final passing thereof.

READ A FIRST AND SECOND TIME on this the 6th day of August, 1997.

READ A THIRD TIME AND FINALLY PASSED on this the 6th day of August, 1997.


Charlie Pridham - Mayor


Brenda Sigouin - Clerk Administrator