

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

BY-LAW NUMBER 2004-16

BEING A BY-LAW TO REQUIRE OWNERS OF BUILDINGS TO CONNECT SUCH BUILDINGS TO THE WATER WORKS AND SEWAGE WORKS SYSTEM IN A SECTION OF THE TOWNSHIP OF CENTRAL MANITOULIN.

WHEREAS pursuant to the provisions of Section 222 of The Municipal Act R.S.O. 1990, as amended, Councils may pass by-laws requiring owners of buildings or any class or classes of buildings in the municipality or in any defined area thereof to connect the said buildings to the Water works and Sewage works system of the Municipality; AND

WHEREAS such by-laws may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the by-law, in the municipality or in any defined area thereof, from the application of the provisions of the by-law requiring the connection of such buildings or such class or classes thereof, to the water works and sewage works system of the municipality, upon payment by the owner to the municipality of such amounts or of amounts computed by such method as may be provided for in the by-law, and the amounts or method of computation provided may be different for owners of different classes of buildings, and the by-law may provide for the manner in which and the period for which the payments may be made; AND

WHEREAS it is deemed expedient by the Council of the Township of Central Manitoulin to pass a by-law requiring owners of all buildings within the project area to connect such buildings to the water and sewer works;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN HEREBY ENACTS AS FOLLOWS:

1. In this By-Law

- (a) 'building' means and includes any building, trailer, or other covering or structure with a pressurized water supply which:
 - i) is located within 60 meters of a watermain, or
 - ii) is located on a parcel of land abutting on a public highway or street in which a water works is located or a parcel of land not more than one foot from a public highway or street in which a water works is located, and
 - iii)
 - 1. contains, or is required by any other by-law, regulation or statute to contain any sleeping , eating or food preparation facilities, or
 - 2. contains or is required by any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities, or
 - 3. is connected, or is required by any other by-law, regulation or statute to be connected, to a water supply, or water works, or
 - 4. is connected or is required by any other by-law, regulation or statute to be connected, to a drain or sewage works, or
 - 5. which is a source of sewage; other than a barn used for agricultural purposes and which contains no sleeping accommodation for persons;
- (b) 'connect' means to install a connection;
- (c) 'connection means a connection to a water works and sewage works system including the service pipe from the interior face of the outer wall of a building to
 - i) the street line where a service line has been installed from the water and sewer main to the street line, or
 - ii) the water and sewer main where a service line has not been so installed;

- (d) 'costs' includes the cost of restoring any property disturbed or damaged in the course of making a connection and the cost of design, if any, materials, labour and supervision of the connection incurred after the date of sending a notice and includes the amount of expense charged by the municipality to the owner when the municipality makes a connection at the expense of the owner;
 - (e) 'notice' means a notice given pursuant to this by-law requiring a connection to be made;
 - (f) 'owner' means the owner of a building and includes the registered owner of, the person shown on the assessment roll as owner of, and the actual owner of a building or any property on which a building is located;
 - (g) 'water works and sewage works' means any water and sewer main provided by or for the municipality for the purpose of supplying a water works and sewage works in the municipality.
2. Every owner of a building shall connect the building to the water works and sewage works system.
3. (1) Any connection required to be made by an owner under this by-law shall be made
- (a) within nine months of the mailing of a notice to the owner by registered mail to his last known address requiring the connection to be made, or within such periods of time, if any, as are granted by Council as an extension pursuant to the provisions of this by-law, and
 - (b) in accordance with the requirements of the notice and any by-law, regulation or statutes governing such connection.
- (2) Any notice thereunder
- (a) shall require the owner to make the connection,
 - (b) shall advise the owner
 - i) the date on which the nine month period expires, and
 - ii) that if the owner fails to make the connection as required, the municipality has the right to make it at the owner's expense and to recover the expense by action or in like manner as municipal taxes, and
 - (c) shall make reference to this by-law.
4. (1) Council may, on the application of an owner to whom notice has been sent, grant an extension of the period of nine months within which the connection must be made, provided that the reasons for such request for extension indicate that it is physically impossible to make the connection within the 9 month time period.
- (2) An extension, if granted, will be for a period of time to be established at the discretion of council and/or its representative.
5. (1) If the owner fails to make a connection required by a notice within the nine month period or such extended period permitted thereunder, as Council grants, the municipality may make the connection at the expense of the owner and for this purpose may enter into and upon the property of the owner.
- (2) The cost of making such connection shall be a lien or charge as municipal taxes upon the land in respect of which the connection was made, shall be added to the Collector's Roll by the Clerk of the Municipality and shall be collected in the same manner as overdue taxes and shall bear interest from the date of the first demand for payment is made at the same rate as overdue taxes.
6. The owner of a building affected by this by-law, which said building is located more than 60 meters from the water/sewer main curb stop, may be exempted from the provisions of section 2 upon request for Exemption Application having been received by the Treasurer of the municipality.

7. An owner will continue to be entitled to the exemption from mandatory connection to the system provided that, at the time of the filing of the exemption application an existing water supply and septic tank tile bed system is in satisfactory condition as guaranteed by the owner on the exemption application.
8. The owner of a building electing to be exempted under section 6, shall, within twenty-one days of notice return to the Treasurer of the municipality a Request for Exemption Application.
9. (a) Notwithstanding the provisions of section 6, no exemption will be granted which is at variance with any written requirement, order or approval by a Medical Officer of Health or Public Health Inspector or pursuant to Part VII of the Environmental Protection Act.

(b) In the event of the failure of the existing water supply and/or septic tank tile bed system, connection to the municipal water/sewer system will immediately become mandatory.
10. Every person who contravenes any provisions of this by-law is guilty of an offense and upon conviction is liable to a fine not exceeding two thousand dollars and every such fine shall be recoverable under the Provincial Offenses Act, as amended.
11. This by-law comes into force and effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF MAY, 2004

Reeve

Clerk

I, Ruth Frawley, Clerk of the Township of Central Manitoulin, hereby certify that the foregoing is a true copy of By-Law No. 2004-16 which was finally passed by Central Manitoulin Township Council at its meeting on May 13, 2004.

Ruth Frawley, Clerk.

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN
REQUEST FOR EXEMPTION

I _____ / _____ WE
_____ the owner(s) of the property listed below hereby request(s) exemption from the provisions
of Section "2" of By-Law No. 95-ws2 of the Municipality for the following reason(s) :

and agree to pay the amounts imposed by By-Law No. 95-ws2 from time to time to be entitled to
such exemption.

DATED this _____ day of _____, 19_____.

* Owner (Signature)

* Owner (Signature)

Street Address

Lot, Registered Plan and Assessment
Roll Number

*** Where there is more than one owner, all owners must sign.**

Where the owner is a corporation, partnership, etc. the positions of the persons signing must be
stated and the seal of such corporation, partnership, etc. must be affixed hereto.

For Municipal Purposes Only

i) MOH confirms no outstanding requirements with respect to unsatisfactory water supplies.

Yes []

No []

checked by

Date

ii) Director Confirms no outstanding requirements under Part VII Environmental Protection Act

Yes []

No []

checked by

Date

iii) The above request for exemption from connection was considered by Council at a meeting
held on _____. The request was approved / not approved by a vote of
_____.

iv) Property owner advised of Council's decision by letter dated _____.