

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

BY-LAW NUMBER 2004-17

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

WHEREAS The Corporation of the Township of Central Manitoulin (the "Municipality") has authorized the establishment, construction, maintenance and operation of a sewage works system to provide a sewage service in the Hamlet of Mindemoya, a portion of the Municipality; AND

WHEREAS Section 44 of the Ontario Water Resources Act, being Chapter 361 of the Revised Statutes of Ontario, 1990, as amended, or any revisions thereof provides (inter-alia) that, subject to the approval of the Lieutenant Governor in Council, The Ministry of the Environment and Energy may make regulations regulating and controlling the construction, repair, renewal or alteration of plumbing, and the material to be used in the construction of, and the location of drains, pipes, traps and other works and appliances 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 pursuant to provisions of Section 222 of the Municipal Act RSO 1990 Chapter M45, the Council of the Township of Central Manitoulin provides this by-law 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 Township of Central Manitoulin deems it expedient and desirable to make certain rules and regulations for the operation of the said sewage works system; AND

WHEREAS Ontario Regulation No. 815/84 made pursuant to the said Section 44, requires every Municipality to carry out such inspections as are prescribed by that Regulation.

WHEREAS Section 46 of the said Act provides (inter-alia) and where a municipality undertakes, under the regulations made under Section 44 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 issuing permits, all as more particularly set out in said Section 46: AND

WHEREAS paragraph 81 of Section 210 of the Municipal Act, Chapter 302, R.S.O. 1990 as amended 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, cess pools, 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 Corporation of the Township of Central Manitoulin 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 CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN HEREBY ENACTS AS FOLLOWS:

1. In this by-law:

- (a) **MUNICIPALITY** and **CORPORATION** shall mean the Corporation of the Township of Central Manitoulin
- (b) **COUNCIL** Shall mean the Municipal Council of the Township of Central Manitoulin

2. DEFINITIONS IN THIS BY-LAW

SEWAGE WORKS shall mean the works and equipment under the jurisdiction of the Ministry for the collecting, pumping, treating and disposing of sewage.

SEWAGE shall mean a combination of 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 Municipality.

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 Municipal Sewage Works employed by the Municipality or Municipal Agencies.

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

SHALL is mandatory, **MAY** is permissive.

CLERK shall mean the Clerk of the Corporation of the Township of Central Manitoulin.

BY-LAW ENFORCEMENT OFFICER shall mean and include the Superintendent of the Sewage and Water Works of the Municipality, as appointed by the Council of the Municipality from time to time.

PREMISES shall mean the property being supplied with a sewer service connection and includes the portion of a multiple occupancy premises separately supplied.

2. Jurisdiction

The Council shall appoint a By-Law Enforcement Officer to be known as the Superintendent of Municipal Works of the Township of Central Manitoulin whose duties shall be:

- (a) To enforce provisions of this by-law
- (b) To perform such other duties as may be designated by the said Council.
- (c) The Superintendent shall hold office during the pleasure of Council.
- (d) The Superintendent 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.

- (e) After construction and installation of the building sewer from the building and 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.
- (f) 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 the applicable substantial completion of the works on the street 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.
- (g) The rules and regulations set out in this by-law shall govern and regulate the operation of any system of sewer 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 Municipal sewer service connections without first having obtained a permit from the Clerk and such permit shall be called the "Sewer Service Connection Permit", as follows:

- (a) Application shall be made in writing, to the Clerk on the form prescribed (Schedule "A") 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 Ten Dollars (\$10.00) 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 to the Municipal public sewer, except as follows:

- (a) Each dwelling must have a separate building sewer, except with written approval of the Superintendent (Inspector) of Sewage Works and further except where one building stands at the rear of another or on 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. A maintenance charge may be levied at the discretion of the municipality for each building connected to the single service.
- (b) An inspection tee shall be installed in the building sewer at the street line if one does not already exist.

- (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 polyvinyl chloride (PVC), or as revised by Ontario Water Resources, Regulation 815/84.
 - ii) All connections to be approved water-tight.
- (d) 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 made except by the approval of the Municipality.
- (e)
 - i) In the event that a sewer service connection does not exist then 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. 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 the 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 Municipality's approval.

The Superintendent shall determine the size of the pipes and fittings to be connected to a sewer, but no service shall be less than 125 mm nominal diameter, and he shall also determine the position in the street where the services may be connected to any sewer.
 - 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 Municipality's public sewer, water main 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 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.
- (f) 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 another approved clean-out shall be provided. Every clean-out shall comply with the Regulation 815/84 made under the Ontario Water Resources Act, R.S.O. 1980.
- (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, filled, removed or destroyed within a period of thirty (30) days after the connection has been made to the public sewer system unless exempt by the Municipality.
- (h) No person shall cause or permit the discharge of any storm water, including surface water, ground water, rain run-off, foundation drain or other subsurface drainage including any unpolluted cooling water or unpolluted industrial process water into the Sewage Works of the Municipality.

- (i) 1. The building sewer from the building to the Municipality'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 one (1) meter of any bearing wall. The building sewer shall be laid with a minimum 2.4 meter cover to afford protection from frost and at uniform grade and in straight alignment, wherever possible.
- 2. Where the overburden over a rock base is less than 2.4 meters an application may be obtained from the Council for approval of an installation shallower than 2.4 meters in accordance with Schedule "B" of this by-law "Application for Exemption from Minimum Cover of Building Sewer Service Connection".
- (j) 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 Municipal specifications and no backfill shall be placed until the work has been inspected in compliance with regulation 815/84. All connections and joints shall be gas-tight and water-tight.
- (k) All connections of the sewer service connections into the public sewer shall be made at the test fitting, if such fitting is available at a suitable location. If the public sewer is 300 mm in diameter or less, and no properly located test fitting 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 300 mm in diameter, and no properly located test fitting 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.
- (l) 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.
- (m) All excavations for building sewer installation 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.
- (n) 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. Use of Public Sewer

- (a) No person shall cause or permit the discharge of any stormwater, rain runoff, foundation drain or other surface drainage including any unpolluted cooling water or unpolluted industrial process water into the Sewage Works of the Municipality.
- (b) No person shall cause or permit the discharge of any material except domestic waste, including washroom wastes and grey water from washing machines, dishwashers, sinks and showers to the public sewer.

The discharge of toxic substances such as gasoline, paint, varsol etc. to the sewage works of the Municipality is not permitted.

7. General

- (a) No person shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of the Municipality's sewage system.

- (b) The Superintendent (Inspector) and other duly authorized employees of the Municipality or their Agent 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.

8. 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 by the Ministry of Labour.

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 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 an 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 under Province of Ontario Regulation 815/84 written under The Ontario Water Resources Act, R.S.O.1990 as amended, respecting plumbing.

All applications for registration shall be made to the Clerk-Treasurer.

Registration shall not be accepted by the Clerk-Treasurer until the prescribed fees have been paid to the Municipality.

9. Penalties

- (a) Any person found guilty of an offense under the provisions of this by-law shall be subject to a penalty of an amount not exceeding three hundred dollars (\$300.00) for each offense, exclusive of costs, to be recoverable under the provisions of the Provincial Offenses Act.
- (b) If the house, building or properties used for human occupancy, employment, recreation or other purposes are not connected to the system on or before the date stipulated under Item No. 10, a penalty of an amount of three dollars (\$3.00) shall be paid for each day the building, property, etc. is not connected to the system, unless the owner is exempted under Item No. 10 of this by-Law exclusive of cost as stated in paragraph (a) above.
- (c) 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 notice from the Engineer, Superintendent, 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 paid by the owner. If any moneys owed to the Municipality for any reason named under any and all of the above mentioned paragraphs, (a) and (b) are not paid within sixty (60) days of notice, all outstanding costs shall be added to the tax roll for the property and collected in the same manner as other municipal taxes.

10. Time for Connection

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, lanes or right-of-way in which there is now or will be located a public sanitary sewer installed under the Municipality's current Sewage Works Program, is herein required at his expense to install

suitable toilet facilities therein, and to connect such facilities directly with the Municipality's sewer service connection in accordance with provisions of this by-law, within six (6) months from the commencement date for connections, of which the Owner will be notified in writing, by Registered MAIL, unless exemption is given in writing by the Clerk.

This provision applies whether an existing septic tank system, Cesspool or similar private sewage disposal facility are in effect at the time of the commencement date for connection. (See Item 5 (g) of this by-law.) Temporary systems installed prior to the commencement date will not be exempt.

READ A FIRST AND 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. 2004-17 which was passed by Central Manitoulin Township Council at its meeting on May 13, 2004.

Ruth Frawley, Clerk.

**APPLICATION FOR SEWER SERVICE CONNECTION
AND AGREEMENT**

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

AND

(Name of Owner of Lot)

(Mailing Address)

(Address of Lot Application; is being applied for)

FOR PROVISION OF SEWAGE SERVICE:

1. I, the undersigned, (hereinafter called the Owner) do hereby request the Township of Central Manitoulin (hereinafter called the Municipality) to make necessary connections and provide sewage service at the premises above if a sewer connection is not now present, or if a sewer connection is present, I request that I be allowed to connect my building services connection to the sewer connection, and I undertake and agree to be bound by the rules and regulations and general conditions as stated herein and in By-Law No. 2004-17 (if applicable) and as may be established from time to time by the Municipality.
2. This agreement shall not be binding upon the Municipality until accepted by it through its proper officers, and shall not be modified or affected by any promise, agreement or representation, by any agent or employee of the Municipality, unless incorporated in writing into this agreement before such acceptance.
3. If the Owner or his tenant vacates the above listed premises without the owner notifying the Municipality, the Owner is liable for all subsequent accounts until a new consumer is registered at the vacated location. It is the Owner's responsibility to notify the Municipality in writing when he or his tenant vacates the premises where he was registered for sewage service.
4. The Owner agrees that on request of the Municipality at its discretion, he will make a deposit to be held by the Municipality without interest as a guarantee that the owner will fulfill all the terms of this agreement.
5. The Owner will provide all plumbing on the premises and all sewer lines connecting the premises with the point of connection with the Municipal Sanitary Sewer and maintain the same in efficient condition with proper devices.

SCHEDULE 'A' TO BY-LAW NO. 2004-17

6. The rates charged for sewage service are subject to change at any time on receipt of notice from the Municipality.
7. This agreement shall continue in force from year to year until terminated by a notice in writing, given by either party heretofore at least one month before the end of the term or any term thereafter.
8. The Owner agrees no to make any changes in or additions to his plumbing or connecting sewer line after the same has been installed by the Owner and inspected by the Municipality except with the written consent of the Municipality.
9. It is agreed that the signatures of the parties hereto shall be binding upon their successors or assigns, and that the vacating of the premises herein named shall not release the Owner from his agreement, except at the option, and written consent of the Municipality.
10. The Owner; agrees that if his application for exemption from the minimum 2.4 meter cover is approved the service connection will be installed in strict accordance with the appropriate clause as stated in Schedule 'B' of this By-Law.
11. Unless otherwise stated in this By-Law the Owner may place his building sewer in common trench with his private water service in accordance with the attached drawing to this Schedule known as "Standard Bedding for Service Connections".
12. The Owner agrees to make such repairs as may be designed by the Superintendent from time to time to his building sewer, service connection or his plumbing that may eliminate leaks.
13. This sewer connection is provided for the discharge of domestic waste only, i.e. washroom wastes and grey water from washing machines, dishwashers, sinks and showers. The discharge of materials such as gasoline, paint, varsol, and other toxic substances is not allowed as they may disrupt the treatment process. If toxic substances are discharged to the sewer the Owner may be charged under this By-Law.
14. No person shall cause or permit the discharge of any stormwater, rain run off, foundation drain or other subsurface drainage including any unpolluted cooling water or unpolluted industrial process water into the Sewage works of the Municipality. i.e. No sump pumps, sump holes, weeping tile, foundation drains or water leaders from eavestroughs may be connected to the sanitary sewer. Any person found guilty of the above may be charged under this By-Law.

SCHEDULE 'A' TO BY-LAW NO. 2004-17

SIGNED BY:
(Owner)

*Application for exemption from minimum 2.4 meter cover

.....
(Owner)

.....
(Superintendent)

.....
(Clerk-Treasurer)

.....
(witness)

Date:

*The Owner may apply for an exemption from installing his building sewer at the minimum 2.4m cover in accordance with Schedule 'B' of this By-Law.

**APPLICATION FOR EXEMPTION
FROM MINIMUM 2.4m COVER
OF BUILDING SEWER SERVICE CONNECTION**

AGREEMENT

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

AND

(Owner of Lot)

(mailing address)

(Address of Lot Application being made for)

FOR PROVISION OF AN EXEMPTION FROM MINIMUM 2.4m COVER

1. I, the undersigned (hereinafter called the Owner) do hereby request from the Township of Central Manitoulin (hereinafter called The Municipality) an exemption from my building sewer services being within the minimum 2.4m cover specified in By-Law No. 2004-17.
2. I wish to install my building sewer service at _____ cover for the following reasons:
.....
.....
.....
.....
.....
.....
.....
3. If exemption is granted I hereby agree to install my building sewer as detailed on the attached drawing to this Schedule including the installation of an additional test fitting if required.
4. I hereby acknowledge and agree that as a result of this exemption that if either my building sewer or the Municipal service connection becomes frozen or damaged as a result of this exemption full cost for repair will be borne by me the Owner.

SIGNED BY:
(Owner)

DATE:

ACCEPTED FOR THE TOWNSHIP OF CENTRAL MANITOULIN

.....
(superintendent)

.....
(Clerk)

.....
(date)