



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2014-72

**A BY-LAW TO REGULATE THE DISCHARGES AND CONNECTIONS
TO THE MUNICIPAL SEWAGE SYSTEM HEREAFTER KNOWN AS
THE SEWER USE BY-LAW**

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws respecting matters concerning public utilities, public assets, environmental well-being, health and safety of persons, and services that a municipality is authorized to provide;

AND WHEREAS approvals are granted to the Township by the Ministry of the Environment under the *Environmental Protection Act* and/or the *Ontario Water Resources Act*;

AND WHEREAS pursuant to subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "Act"), a municipality may pass a by-law for purposes related to the health, safety and well-being of the inhabitants of persons;

AND WHEREAS, the Township desires to protect the health, safety and well-being of the inhabitants of the Township by passing a By-law to put mechanisms in place so as not to permit the discharging of a contaminating substance into the municipal sanitary system for which the Township is responsible;

AND WHEREAS section 80(1) of the *Municipal Act*, as amended, authorizes a municipality, at reasonable times, to enter on land to which it supplies a public utility to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility or to inspect, repair, replace or alter a public utility meter;

AND WHEREAS section 80(2) of the *Municipal Act*, as amended, authorizes a municipality to, for the purposes of s. 80(1), shut off or disconnect the public utility to the land;

AND WHEREAS section 80(3) of the *Municipal Act*, as amended, authorizes the municipality to enter on the land to shut off the supply of the public utility; to remove any property of the municipality or to determine whether the public utility has been or is being unlawfully used, if a customer discontinues the use of a public utility on land or a municipality lawfully decides to cease supplying the public utility to land;

AND WHEREAS section 82(1) of the *Municipal Act*, as amended, states that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to a municipality or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given;

AND WHEREAS section 446 of the *Municipal Act*, as amended, authorizes a municipality through by-law to require, in default of a required matter or thing being done, that the work may be done by the municipality at the expense of the person required to do it and the

costs may be added to the tax rolls and collected in the same manner as taxes.

AND WHEREAS the Council of the Corporation of the Township of King deems it desirable to enact a by-law to:

- a) Maintain and protect the integrity of Township infrastructure;
- b) Control the quality of sewage entering the sewage works; and
- c) Prevent adverse effects to persons, property and the natural environment from discharges to Township infrastructure.

NOW THEREFORE the Council of the Corporation of the Township of King enacts as follows:

1. DEFINITIONS

1.1 In this By-law, the following definitions and interpretations shall govern:

- a) "Building Code" means the *Building Code* as established under the *Building Code Act*, S.O. 1992, c.23, as amended from time to time or successor legislation;
- b) "Corporation" means The Corporation of the Township of King;
- c) "Council" means the council of the Corporation;
- d) "Director" means the Director of Engineering and Public Works of the Corporation or his/her duly authorized representative;
- e) "discharge" when used as a verb, means to add, deposit, emit, release or leak and, when used as a noun, means addition, deposit, emission, release or leak;
- f) "discharger" means a person who is the owner, is in occupation of, or has charge, management or control of a site that discharges to a sewage works, or sewage, storm water, uncontaminated water or other substance or thing to which this bylaw applies;
- g) "groundwater" means subsurface water including water held in soil, pores, cracks or crevices in rocks or as a free standing body beneath the surface;
- h) "industrial" means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from residential;
- i) "inspection chamber" means a vertical structure not less than 1000 mm inside diameter extending from the surface of the ground to the invert of a sewer connection, and closed at the top by a removable cast iron cover (i.e. maintenance access hole);
- j) "inspection fitting" means a vertical structure having an inside diameter not less than the inside diameter of the Corporation sewer connection, extending from the surface of the ground to the invert of the sewer connection, closed at the top by a removable cover and having a factory-made lower section jointed into the sewer connection (i.e. cleanout);
- k) "interceptor" means a device to prevent the discharge of oil, grease, sand, grit or like matter to a sewage works or watercourse;
- l) "land drainage works" includes a drain constructed by any means which is owned by the Corporation and located within the limits of a public road allowance or other public lands or public land interests held for public utility purposes which may or may not connect to a storm sewer, and a drain constructed by any means that connects directly or indirectly to a Corporation or Regional storm sewer or any other drainage works;
- m) "maintenance access hole" means an access point in a private sewer line to a municipal sewage works that allows for the observation, monitoring, sampling, flow

measurement and other related activities of the sewage, storm water, uncontaminated water or other substance therein;

- n) "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this bylaw;
- o) "municipal sewer line" means any conduit, pipe, drain or system of conduits, pipes or drains and appurtenances thereto, which is capable of collecting or conducting sewage and which is located within land owned by the Corporation or within a Regional easement in favour of the municipality or other public lands or public land interests held for sewerage purposes and includes sanitary sewers, storm sewers, channels, ditches, watercourses and foundation drain collectors;
- p) "natural environment" means the air, land and water, or any combination or part thereof;
- q) "person" includes an individual, association, organization, partnership, mortgagee in possession or receiver, municipality or other corporation and includes an agent or employee of any of them;
- r) "private sewer line" means the part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading to or connecting to a municipal sewer line, and may include sanitary, storm sewers, channels, ditches, water courses and foundation drain collectors;
- s) "property" means any land, whether vacant or occupied by a building or structure and includes such building or structure or part of a building or structure, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes a site;
- t) "Region" means The Regional Municipality of York;
- u) "Regional Sewer Use By-law" means By-law No. 2011-56 as enacted by the Council of The Regional Municipality of York, as amended or any successor by-law thereto;
- v) "sanitary sewer" means any part of the sewage works that is intended to collect and convey sewage to a sewage treatment facility;
- w) "sewage" means any liquid containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension, including floating materials, but does not include storm water or uncontaminated water alone;
- x) "sewage works" means all or any part of works or facilities used for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water;
- y) "sewer connection" means that part of any drain leading from the private sewer line and connected to the municipal sewer and located within the limits of the public road allowance, or other public lands or public land interests held for sewerage purposes;
- z) "site" means a property where an Industrial, Commercial or Institutional (ICI) activity takes place that is capable of discharging to a sewage works;
- aa) "spill" means a discharge of any substance to a sewage works or to the natural environment which is abnormal in quantity or quality and which would contravene any of the parameters of the Region of York Sewer-Use By-law;
- bb) "storm sewer" means any part of the sewage works that is intended to collect and convey storm water, uncontaminated water, surface runoff or drainage from land or from a watercourse or any combination thereof;
- cc) "storm water" includes water from rainfall or other precipitation or from the melting of snow or ice;

- dd) "subsequent conviction" means a conviction for an offence where the offence occurs after the date of conviction for an earlier offence under this bylaw or a predecessor by-law;
- ee) "substance" means any physical matter, whether solid, liquid or gas;
- ff) "surcharge agreement" means an agreement made under the Regional Sewer Use By-law;
- gg) "uncontaminated water" includes,
 - i. potable water supplied by the Corporation, ground water or roof water; or
 - ii. Any water that is of a similar quality to potable water from a source other than a municipal water distribution system or a dewatering activity to which no substance has been added intentionally or unintentionally by any person other than the municipality.
- hh) "water course" means any open ditch, depression, pond, lake, or channel, whether natural or artificial, in which storm water flows or is contained either continuously or intermittently;
- ii) "works" means any infrastructure intended to transmit sewage, stormwater, overland flow or surface runoff.

1.2. In this bylaw, any reference to a discharge to a sewage works or land drainage works or any part thereof shall be deemed to include a discharge into a place or thing that typically, or can be reasonably expected to, or does in fact result in a discharge into such sewage works or land drainage works or part thereof.

1.3. Any matters relating to sewer use, sewage and sewage works within the municipal boundaries of the Corporation shall be subject to any applicable provisions, requirements and prohibitions set out under the Regional Sewer Use By-law.

2. DISCHARGE

2.1. No person shall drain or discharge or permit or cause to drain or discharge, either directly or indirectly, into any sewage works any matter except in accordance with the provisions of this By-law.

3. SANITARY SEWERS

3.1. No person shall discharge or cause or permit the discharge of a substance to a sanitary sewer in circumstances where:

3.1.1. To do so may cause or result in:

- i. a health or safety hazard to a person authorized to inspect, operate, maintain, repair or otherwise work on, in or around a sewage works;
- ii. a hazard or other adverse effect to any person, animal, property, vegetation or the natural environment;
- iii. interference with the inspection, operation, maintenance or repair of a sewage works or which may impair or interfere with any sewage treatment process;
- iv. a nuisance or, without limiting the generality of the foregoing, an offensive odour to emanate from the sewage works that is detectable within the vicinity of the sewage works;
- v. damage to a sewage works or any part thereof; or
- vi. an obstruction or restriction to the flow in any sewage works;

3.1.2. The substance is storm water, groundwater, water from drainage of roofs or land or from a water course, or water from the Corporation's waterworks system which

has not been measured through a water meter except in accordance with a surcharge agreement;

3.1.3. To do so is contrary to any restriction on the discharge to sanitary sewers under the Regional Sewer Use By-law;

3.1.4. Without limiting the generality of the foregoing, to do so is contrary to any other by-law, law, act, regulation or code.

4. STORM SEWER

4.1. No person shall discharge or cause or permit the discharge of a substance to a storm sewer or to land drainage works in circumstances where,

4.1.1. the discharge is not storm water or is not uncontaminated water discharged in accordance with this bylaw and Regional Sewer Use By-law;

4.1.2. the discharge is not subject to and approved through a Discharge Permit with the Township;

4.1.3. to do so may cause or result in,

i. interference with the proper operation of a storm sewer or land drainage works;

ii. an obstruction or restriction to a storm sewer or land drainage works or the flow therein;

iii. damage to the storm sewer or land drainage works;

iv. a hazard or other adverse effect to any person, animal, property, vegetation or the natural environment; or

v. impairment of the quality of any water including water in any well, aquifer, lake, river, pond, spring, stream, reservoir or other watercourse;

4.1.4. To do so is contrary to any restriction on the discharge to storm sewers under the Regional Sewer Use By-law;

4.1.5. Without limiting the generality of the foregoing, to do so is contrary to any other by-law, law, act, regulation or code.

5. PROHIBITION OF DILUTION

5.1. No person shall discharge or cause or permit the discharge of a substance into a sewage works in circumstances where water has been added to the discharge for the purposes of dilution such that after dilution the discharge does not contravene Section 3 or Part 4 of this bylaw.

6. NOTIFICATION AND REPORTING

6.1. Any discharger shall comply with Notification and Reporting Requirements prescribed in the Regional Sewer Use By-law as if any discharge into the sewage works under this By-law was into the sewage works as defined in the Regional Sewer Use By-law.

7. SPECIAL AND SURCHARGE AGREEMENTS

7.1. Notwithstanding any other provisions of this By-law, the Corporation may permit otherwise prohibited discharge of treatable sanitary sewage to a sanitary sewer in accordance with the terms of a special agreement and may require additional controls and the payment of extra charges which the Corporation in its sole discretion deems necessary or desirable.

7.2. Nothing in this By-law shall be construed to conflict with the Region's ability to enter into surcharge agreements pertaining to properties under the jurisdiction of the Corporation. Any such agreement shall be governed under the provisions of the Regional Sewer Use By-law and be applicable to any sewage works under this By-law.

7.3. Notwithstanding the above, the Discharger shall notify the Corporation when entering into surcharge agreements with the Region.

8. SPILLS

- 8.1. In the event of a spill to a sewage works, the person with charge, management or control of the substance spilled or the person who caused or permitted the spill shall immediately notify the Corporation, provide any information with respect to the spill which the Corporation advises it requires and complete any work the Corporation may require to mitigate the spill or any damage to the Corporation's infrastructure.
- 8.2. Should the spill be deemed to negatively affect or have a risk of negatively affecting the sewage works of the Region, the person required to give notice under this Part shall also notify the Region, provide any information required by the Region and fulfill any requirements as may be determined by the Region.
- 8.3. The person required to give notice under this Part shall do everything possible to stop and contain the spill, protect the health and safety of the public and adjacent occupants, minimize damage to property, protect the natural environment, mitigate actual and potential impacts, clean-up the spill and remediate and restore the affected area to its condition prior to the spill event.
- 8.4. Within five (5) calendar days after the first occurrence of the spill, the person who gave notice under this Part shall provide a written report on the spill to the Corporation containing information to the best of the person's knowledge including,
 - 8.4.1. location where the spill occurred;
 - 8.4.2. name and phone number of the person who reported the spill and location where such person can be contacted;
 - 8.4.3. date and time of spill;
 - 8.4.4. substance that was spilled;
 - 8.4.5. physical and chemical characteristics of the spilled substance;
 - 8.4.6. volume of the substance spilled;
 - 8.4.7. duration of spill event;
 - 8.4.8. any relevant information regarding the cause of the spill or the circumstances surrounding the spill event;
 - 8.4.9. work completed, in progress and/or to be undertaken to mitigate the spill;
 - 8.4.10. preventative actions being taken to ensure the situation does not occur again; and
 - 8.4.11. any other information the Corporation may indicate it requires in relation to the spill.
- 8.5. If a person to whom this Part applies is not able to provide or otherwise does not provide all of the information required, the person shall take all reasonable steps to ascertain the missing information and provide it immediately to the Corporation.
- 8.6. If a person to whom this Part applies becomes aware that any information provided to the Corporation was inaccurate or is no longer accurate, the person shall immediately notify the Corporation of the inaccuracy and provide corrected information.
- 8.7. The spill reporting requirements set out in this Part are in addition to and do not replace any other reporting obligations imposed upon a person by federal or provincial legislation.

9. INTERCEPTORS

- 9.1. In addition to any provisions, requirements and prohibitions set out in the Regional Use By-law relating to interceptors, which shall apply as if a discharge into a sewage works was into a Regional sewage works, the provisions of this Section shall apply to drainage or discharge of any matter containing grease, oil or grit if not otherwise addressed by the Regional Sewer Use By-law.

9.2. FOOD RELATED GREASE INTERCEPTORS

- 9.2.1. Except for suites of residential occupancy, where a fixture discharges sewage that includes fats, oils or grease and is located in an area where food is cooked, processed or prepared, it shall discharge through a grease interceptor;

- 9.2.2. The interceptor shall be located as close as possible to the fixture it serves and shall be accessible for maintenance and cleaning as per 7.1.6.2 of Ontario Regulation 332/12, as amended;
- 9.2.3. Every grease interceptor shall be sized in accordance with the flow capacity of the pipe connected thereto and shall be installed according to the manufacturer's requirements and Sections 7.2.3, 7.4.3, 7.4.4, 7.4.5, 7.4.7, 7.5.5, 7.5.6, 7.5.8, 8.1.3 and 8.9.3.3 of Ontario Regulation 332/12, as amended;
- 9.2.4. Every grease interceptor shall be maintained and cleaned out at sufficient intervals to ensure that no grease enters into the municipal sewer system in accordance with the Region of York Sewer Use By-Law 2011-56, as amended.

9.3. INTERCEPTORS FOR MOTOR OIL AND LUBRICATING GREASE

- 9.3.1. All service stations, repair shops and garages or any establishment where motor vehicles are repaired, lubricated or maintained shall be provided with an oil interceptor;
- 9.3.2. Establishments which use oily or flammable liquids or have such wastes as a result of an industrial process shall be provided with an engineered oil interceptor;
- 9.3.3. Every oil interceptor shall be sized in accordance with the flow capacity of the pipe connected thereto and shall be installed according to the manufacturer's and/or engineer's requirements and Sections 7.2.3, 7.4.3, 7.4.4, 7.4.5, 7.4.7, 7.5.5, 7.5.6, 7.5.8, 8.1.3 and 8.9.3.3 of Ontario Regulation 332/12, as amended;
- 9.3.4. The oil interceptor shall be fully operational prior to being put into use and the shutting off of the power supply to the interceptor shall cause the valve to close in the fail safe position;
- 9.3.5. Nothing in the foregoing shall preclude the pre-treatment of the sewage discharged to the drainage piping from the oil and grease interceptor.

9.4. INTERCEPTORS FOR SAND AND GRIT

- 9.4.1. Where a fixture discharges sand, grit or similar materials an interceptor designed for the interception of such materials shall be installed as per Section 7.4.4.3 of Ontario Regulation 332/12, as amended;
- 9.4.2. Every sand/grit interceptor shall be sized in accordance with the flow capacity of the pipe connected thereto and shall be installed according to the manufacturer's recommendations and Sections 7.2.3, 7.4.3, 7.4.4, 7.4.5, 7.4.7, 7.5.5, 7.5.6, 7.5.8, 8.1.3 and 8.9.3.3 of Ontario Regulation 332/12, as amended.

9.5. NEUTRALIZING AND DILUTION TANKS

- 9.5.1. Where a fixture or equipment discharges corrosive or acid waste, it shall discharge into a neutralizing or diluting tank that is connected to the sanitary drainage system through a trap or indirect connection;
- 9.5.2. Each neutralizing or diluting tank shall have a method for neutralizing the liquid.
- 9.6. No person shall drain or discharge or permit or cause to drain or discharge either directly or indirectly into any sewer works any matter containing grease, oil or grit unless such matter is first passed through an interceptor providing a result which is satisfactory to the Director with respect to recognized standards for such interceptors.
- 9.7. Interceptors shall be located on the privately owned premises served and shall be maintained in efficient operating condition at all times.
- 9.8. No person shall drain or discharge or permit or cause to drain or discharge either directly or indirectly into any municipal sewer line any sewage from any institutional, industrial, or commercial establishment without installing and maintaining an inspection chamber to the satisfaction of the Director through which all such matter must pass.
- 9.9. No person shall drain or discharge or permit or cause to drain or discharge either directly or indirectly into any municipal sewer line any sewage from any group of residential units

which contain more than eight (8) residential units having a common sewer connection without installing and maintaining an inspection chamber to the satisfaction of the Director through which all such matter must pass.

- 9.10. No person shall drain or discharge or permit or cause to drain or discharge either directly or indirectly into any municipal sewer line any sewage from a building containing between three (3) and eight (8) dwelling units without installing an inspection fitting on the privately owned premises served through which all such matter must pass.
- 9.11. Where an inspection chamber or fitting is required, it shall be located on the private sewer line as close as practicable to the point of discharge to the municipal sewer line and shall be constructed in accordance with the Corporation's standards for such work, as amended from time to time, and be maintained in a safe, clean, and unobstructed condition by the owner of the premises served.
- 9.12. Where storm water is discharged to a watercourse so that the outlet of the private sewer line is accessible for sampling of the effluent, the Director may waive the requirement for an inspection chamber or fitting.
- 9.13. The Director may require the installation of an inspection chamber or fitting where not previously required or the replacement or repair of such an existing chamber or fitting where such an order is necessary for the proper administration of this By-law.

10. SEWER CONNECTIONS

- 10.1. No person shall connect any private sewer line to any sewage works, including any reconnection of an existing sewer line, without making an application to the Corporation in the appropriate form, as established by the Director, paying the requisite fee, as set forth in the Fees and Charges By-law, and obtaining the authorization of the Corporation to complete such connection.
- 10.2. Where any person has submitted the appropriate form and has paid the requisite fee relative to a proposed connection to a private sewer line, provided that the proposed connection satisfies any requirements of this Part and conforms to the provisions of this By-law, the Director shall authorize the connection subject to installation of an inspection chamber or fitting, or such other appurtenances, as may be necessary for the operation and control of the connection in accordance with the provisions of this By-law.
- 10.3. The Director shall not issue an authorization to connect a private sewer line to a sewage works that is not, or will not be, constructed in accordance with the *Building Code*.
- 10.4. For every sewer connection application, the applicant shall provide:
 - 10.4.1. plans and specifications for such work in a form that is satisfactory to the Director;
 - 10.4.2. a deposit that is equal to the estimated cost of the portion of such works that are proposed to be done under the application; and
 - 10.4.3. a deposit that is equal to the estimated cost of a complete video inspection of the connection.
- 10.5. Any person wishing to connect a premise to the Township's Sanitary System shall require permission and shall first obtain a Permit from the Township and shall pay all costs associated with the construction and installation of the connection from the wastewater main to the property line of the premises. The Township shall approve and otherwise determine the size and manner of the connection required and the total cost. Connections shall only be installed by persons employed or authorized by the Township.
- 10.6. All work performed by an applicant on the sewage works shall be in accordance with the Corporation's standards for such work, as amended from time to time.
- 10.7. No person shall connect any private sewer line to a sewage works line unless:
 - 10.7.1. the sewer connection has been inspected by the Corporation and has been installed to the satisfaction of the Corporation in accordance with the authorized application for such connection;

- 10.7.2. inspections are to include but not be limited to a video record of the entire sewer connection from the building to the municipal sewer line, submitted to the Corporation in an approved format;
 - 10.7.3. the sewage works to which the connection is to be made is installed and ready for operation;
 - 10.7.4. backfilling around any building is completed and any structure having a floor level that is below ground level is sufficiently complete so that rain or surface water is substantially precluded from accumulating at such floor level and draining into the sewage works; and
 - 10.7.5. any accumulation of storm water that accrued prior to the connection being made, which might drain into the sewage works, has been pumped from any excavation or floor level.
- 10.8. The Director shall not authorize any application for connection to a sewage works unless the premises to be serviced are located within a duly recognized municipally serviced area or is in accordance with the established policy respecting connections to the municipal system.
- 10.9. Where a private sewer line to be connected to a sewage works is or will pass under any portion of a building, the Director may require the owner to execute an agreement indemnifying the Corporation against all claims for damages which may arise by reason of connection to the sewage works prior to issuance of authorization for the connection.

11. PROTECTION OF SEWAGE WORKS

- 11.1. No person shall alter, damage, tamper with, move, remove, destroy or deface, or cause or permit the altering, damaging, tampering with, moving, removal, destroying or defacing, of any permanent or temporary equipment installed in any part of a sewage works, or installed in or around any maintenance access hole, device or facility with a connection into the maintenance access hole, device or facility.
- 11.2. Any person discharging or causing or permitting the discharge of a substance to the sewage works shall be responsible for ensuring that the discharge complies with the provisions of this bylaw and the Regional Sewer Use By-law and shall be liable for any damage or expense arising out of the failure to properly check and control the discharge, including the cost of repairing or replacing any part of the sewage works damaged thereby and for any damage or injury to any person or property caused by such discharge.
- 11.3. No person shall enter the sewage works unless specifically authorized by the Director in writing.

12. STORM WATER DRAINAGE

- 12.1. Unless otherwise permitted in writing by the Director, a discharger shall discharge storm water at grade away from any building or structure on that discharger's property in such a manner that the storm water will not accumulate at or near the building or structure, and will not adversely affect adjacent properties or create hazardous conditions;
- 12.2. No person shall construct, install or maintain, or cause or permit to be constructed, installed or maintained, drainage from any roof water leader or downspout that conveys storm water from any new or reconstructed buildings directly to a sewer works for the purpose of storm water drainage unless specifically authorized by the Director or his/her agent in writing.

13. INVESTIGATIONS OF BLOCKAGES

- 13.1. Where the owner or an occupant of a premise has requested assistance from the Corporation to investigate or remove a blockage in a sewer line, the owner shall first sign a Sewer Service Agreement, in the form prescribed by the Corporation, before the commencement of any investigation or work. Following the provision of any such services by the Corporation, the owner of the premises requiring assistance will be obligated to pay any required fees within the time period specified by the Corporation.
- 13.2. Where an owner has reason to believe that sewage will not drain from a private sewer line to the sewage works because of a blockage in the municipal sewer line, such person may report the blockage to the Corporation and enter into agreement with the Corporation to have the Corporation's employees or subcontractors investigate and attempt to remove

the blockage. If the blockage is found to be in the private sewer line, or to originate from private property, the Corporation shall charge the cost of investigation and any remedial action that has been undertaken to the owner of the premises.

- 13.3. Where a private sewer line is repeatedly found to be blocked, the owner of the premises shall forthwith undertake such corrective measures as the Director may require and at the owners expense.

14. OFFENCES AND PENALTIES

- 14.1. Every person who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 14.2. If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
- 14.3. If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 14.4. Every person who is guilty of an offence under this By-law shall be subject to the following penalties:
- 14.4.1. upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
 - 14.4.2. Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
 - 14.4.3. Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
 - 14.4.4. Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence may exceed \$100,000.00.
- 14.5 For the purposes of this By-law:
- 14.5.1 "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
 - 14.5.2 an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

15. REBUTTABLE PRESUMPTION

- 15.1. In a prosecution for a contravention of this bylaw, unless rebutted by evidence to the contrary on a balance of probabilities, a person who owns, is in occupation of or who has charge management or control of a property from which a discharge occurs or who has charge, management or control of sewage, storm water, uncontaminated water or other substance regulated by this bylaw shall be presumed to have discharged or caused or permitted a discharge.

16. REMEDIES AND ENFORCEMENT

- 16.1. If charges for investigations or removal of blockages are not paid as and when they become due, the charges will be added to the water bill pursuant to the Municipal Act 2001, Part XIV. Pursuant to Sections 79, 80 and 81 of the *Municipal Act*, S.O. 2001, c. 25, as amended, the supply of water to the premises to which such charges apply may be turned off by the Corporation as for non-payment of water rates and may not be turned on until all charges have been paid, notwithstanding that the ownership of the said premises has changed.

- 16.2. Where the Director requires that any action shall be taken in respect of any private sewer line that discharges into the sewage works or any private sewer line that does not conform to the provisions of this by-law, if such requirement is not complied with within thirty (30) days written notice from the Director, the Director, or his or her designate may enter upon the premises and undertake such installation, repair or replacement and the cost thereof shall be paid by the owner forthwith and may be collected by action or in like manner as municipal taxes as a charge on applicable lands.
- 16.3. Where the Director requires that any action shall be taken in respect of any private sewer line that discharges into the sewage work or any private sewer line that does not conform to the provisions of this by-law, if such requirement is not in compliance within thirty (30) days of written notice from the Director, the Director shall be authorized to stop connection to the municipal sewer line in relation to the private sewer line.

17. POWERS OF ENTRY

- 17.1. The Corporation may enter upon any part of a property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law or any order or direction of the Corporation pursuant to the *Municipal Act*, S.O. 2001, c. 25, as amended. For the purposes of the inspection, the Corporation may:
- 17.1.1. inspect the discharge of any substance into the sewage works;
 - 17.1.2. conduct tests and take samples of the discharge;
 - 17.1.3. inspect the condition of the private sewer connection;
 - 17.1.4. require production and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 17.1.5. require information from any person concerning a matter related to the inspection; and
 - 17.1.6. conduct any other examinations or take photographs necessary for the inspection.
- 17.2. The power of entry may be exercised by an employee, officer or agent of the Corporation.
- 17.3. No person shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by the Corporation carrying out an inspection.
- 17.4. No person shall hinder or obstruct or attempt to hinder or obstruct the Corporation, its employees, officers or agents from carrying out any powers or duties under this bylaw.

18. SEVERABILITY

- 18.1. If any provision of this bylaw or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the bylaw which can be given effect without the invalid provision or application, and to this end the provisions of this bylaw are severable.

19. APPLICABILITY


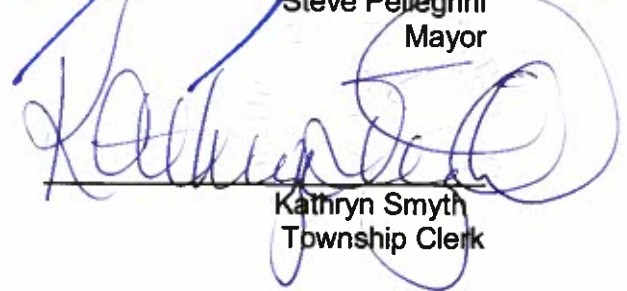
- 19.1. Nothing in this bylaw shall be construed so as to permit anything, which by the provisions of any applicable act, regulation or bylaw is otherwise prohibited.
- 19.2. Nothing in this by-law shall be deemed to be contrary to the Regional Sewer Use By-law.

20. GENERAL

- 20.1. This By-law may be known as the Sewer Use By-law.
- 20.2. By-law 89-171 is hereby repealed.
- 20.3. This By-law shall come into force and effect upon third reading hereof.

READ a FIRST and SECOND time this 23rd day of June, 2014.

READ a THIRD time AND FINALLY PASSED this 23rd day of June, 2014.


Steve Pellegrini
Mayor

Kathryn Smyth
Township Clerk

*(Ref. Engineering and Public Works Dept. Report No.: EPW 2014-32,
C.O.W. June 23/14)*