

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 80-2004

**Being a by-law regulating the use of public and private sewer systems
in the Town of Kingsville**

WHEREAS Section 11(1)4 of the *Municipal Act*, S.O. 2001, c. 25 authorizes council to pass a by-law respecting public utilities including sewage systems;

AS WHEREAS this authority includes the power to regulate the installation and connection of sewers and the discharge of water and wastes into sewage works system;

AND WHEREAS Council has the authority to require owners of buildings to connect said buildings to the sewage works for the Town of Kingsville;

AND WHEREAS it is deemed expedient by the Council of The Corporation of the Town of Kingsville to pass a by-law to regulate the use of public and private sewer systems, the discharge of water and waste into the sewage works system and requiring owners of buildings to the sewage works in the Town of Kingsville.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. In this by-law:

- (a) "Building" means
 - (i) a structure occupying an area greater than ten square meters consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
 - (ii) a structure occupying an area of ten square meters or less that contains plumbing, including the plumbing appurtenant thereto;
 - (iii) plumbing not located in a structure, a sewage system; or
 - (iv) structures designated in the Building Code;
- (b) "Building sewer" shall mean that the part of the drainage piping outside a building or structure that connects a building drain to the sewer service connection;
- (c) "Chief Building Official" means a Chief Building Official appointed by by-law by council;
- (d) "Connections" means the connection of a building sewer to a sewage works systems including the service pipe from the interior face of the outer wall of the building to:
 - (i) the street property line where a sewer service connection has been installed from the main sanitary sewer to the street line, or
 - (ii) the main sanitary sewer where a sewer connection line has not been so installed, and if the property on which the building is located is the source of different types of sewage which are required to be delivered separately to the sewage works connections includes separate connections for the different types of sewage;
- (e) "Council" means the Council of The Corporation of the Town of Kingsville;
- (f) "Inspectors" means an Inspector appointed by Council of the Town;

- (g) "Main combined sewer" shall mean a sewer which carries sewage and collects storm water;
- (h) "Main sanitary sewer" shall mean a sewer which carries sewage, to which storm, surface and ground waters are not admitted;
- (i) "Main storm sewer" shall mean a sewage works for the collection of storm water;
- (j) "Notice" means a notice given pursuant to this by law requiring a connection to be made;
- (k) "Owner" means the owner of a building and includes the registered owner of, the person shown on the assignment roll as owner of, and the actual owner of a building or any property on which a building is located;
- (l) "Sewage" shall mean sanitary sewage or storm sewage;
- (m) "Sanitary sewage" means liquid or water borne waste
 - (i) of industrial or commercial origin; or
 - (ii) a domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;
- (n) "Storm sewage" means the water that is discharged from a surface as a result of rainfall, snow melt or snowfall;
- (o) "Sewage work" shall mean and include any main combined sewer, main sanitary sewer or main storm sewer, including their branches, operated and maintained by or on behalf of the Town for their acceptance, collection, transmission, or disposal of sewage;
- (p) "Sewer service connection" shall mean the extension from any main sewer to the property line and is owned and controlled by the Town;
- (q) "Town" means the Corporation of the Town of Kingsville

PUBLIC AND PRIVATE SEWER SYSTEMS

2. JURISDICTION

- (a) At the time of connection, repairs or alteration, the Inspector shall inspect all building sewers and shall not permit any illegal connections to be made to the sewage works as set out in this by-law;
- (b) After the installation of the building sewer, the owner shall be responsible for the satisfactory operation, cleaning, repairs, replacement and maintenance of the building sewer;
- (c) The sewer service connection shall be the responsibility of the Town;

3. APPLICATION FOR PERMIT

No person shall connect or make any connection to a sewer service connection without first having obtained a permit from the Chief Building Official:

- (a) Applications shall be made, in writing, to the Chief Building Official on the form prescribed.
- (b) Upon receipt of a properly completed application, the Chief Building Official shall issue a permit for the connection, unless the proposed works will contravene this by-law or any other applicable law.
- (c) The fee to be paid to the Town shall be as per the Town's Fees by-law, as amended from time to time.

4. REGULATIONS FOR BUILDING SEWER AND SEWER SERVICE CONNECTIONS

No connection shall be made to the sewage works except as follows:

- (a) Each building must have a separate building sewer, except with the written approval of the Chief Building Official;
- (b) All connections to the sewage works shall be as per the Town's Development Manual and the Ontario Building Code, as amended from time to time;
- (c) No connections shall be made until a permit has been issued in accordance with by-law, and no said connection shall be made except with the approval of the Chief Building Official;
- (d) Where no sewer service connections exists, all labour and materials necessary for the installation for the sewer service connections shall be paid for by the owner. The owner shall make an application in writing to the Town on the prescribed form. A deposit in the amount specified in the Town's Fee by-law, as amended from time to time, shall accompany the applications. The balance of payment, if any, shall be invoiced upon completion
- (e)
 - (i) Nothing in this section shall relieve the owner from the obligation of maintaining a building sewer in accordance with the provisions of this by-law;
 - (ii) A clean-out shall be installed in every building drain in compliance with the Ontario Building Code, O. Reg. 403/97, as amended;
 - (iii) Upon connection to the sewage works any septic tanks, cesspools and similar private sewage disposal facilities shall be pumped out and filled with sand, removed or destroyed;
- (f) No person shall even cause or permit the discharge of any storm water into the main sanitary sewer;
- (g) The building sewer shall be connected to the building at an elevation below the foundation footing where existing grade will permit. No building sewer shall be laid parallel to within three (3) feet of any bearing walls. The building sewer shall be laid at sufficient depth to afford protection from frost and at uniform grade in straight alignment wherever possible;
- (h) All excavations required for the installation of a building sewer shall be by open trench unless otherwise approved by the Chief Building Official. All pipes shall be installed and inspected according to Ontario Building Code specifications;
- (i) All excavation for a 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 distributed in the course of works shall be restored by the owner or his authorized representative, in a manner satisfactory to the town;
- (j) The applicant for a connection permit give at least twenty four (24) hours' notice to the Building Department when the building sewer is ready for inspection.

CONNECT BUILDING TO SEWAGE WORKS

5. Every owner of a building shall connect the building to the sewage works of the Town.

6. (1) Any connection required to be made by as owner under this by-law shall be made within twelve(12) months of notice or within such periods of time, if any, as are granted by the Chief Building Official as an extension pursuant to provisions of this by-law;

- (a) The Chief Building Official may, on the applications of an owner to whom notice has been sent, grant an extension of the period of twelve(12) months within which the connection must be made;
- (b) An extension, if granted, must not be for a period longer than two (2) years from the end of the twelve-month period provided by the notice;
- (c) If the first extension is for a period less the one (1) year, one further extension with an expiry date not more than two (2) years from the end of the original twelve-month period provided by the notice may be granted by the Chief Building Official and no further extension may be granted.

(2) Any Notice hereunder:

- (a) shall require the owners to make the connection;
- (b) shall advise the owner:
 - (i) of the date on which the twelve-month period expires; and,
 - (ii) that if the owner fails to make the connection as required, the Towns has the right to make said connection at the owner's expenses and to recover the expenses by court action or in like manner as municipal taxes; and,
- (c) shall make reference to this by-law;
- (d) Notwithstanding the foregoing, any notice hereunder shall not serve to limit the time specified in an order of the Chief Building Official to remedy an unsafe building;

(3) If a building is connected to a main combined sewer and a separate sanitary sewer and a main storm sewer are made available to serve the land on which the building is located, the building shall be connected to the sewage works in the manner such that the different types of sewage are drained separately into the sewage works upon notice.

GENERAL

7.

- (a) No person shall maliciously, willingly or negligently break, damage, destroy, deface, or tamper with any structure, appurtenance, or equipment which is part of a sewage works.
- (b) An inspector and other duly authorized employees of the Town, bearing the proper credentials and identifications, shall be permitted to enter upon all properties in the Town for the purpose of inspections, observations, measurements, sampling, and testing in accordance with the provisions of this by-law.
- (c) This by-law does not limit the operation of any by-law, regulation or statute regulating or prohibiting the types of content of waste or other material which may be drained into a sewer or sewage works.

PENALTIES

8.

- (a) Every person who contravene any provision of this by-law is guilty of an offence and shall be liable to be fine in the amount to be determined pursuant to the Provincial Offences Act, R.S.O. 1999, c. P.33, and every such fine is recoverable under the provincial act;
- (b) If any court of components jurisdiction finds that any of the provisions of this by-law are ultra vires the jurisdiction of Council; or are invalid for any reason, such provision shall be deemed to be servable and shall

not invalidate any other provisions of the by-law which shall remain in full force and effect;

(c) If any building sewer or any connections to a sewer service connections or sewage works 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 time specified by the Chief Building Official or Inspector. If the owner fails to repair such work, the Town may repair the work which shall include 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.

9. This by law shall come into full force and effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 27th DAY OF SEPTEMBER, 2004.

READ A THIRD TIME AND FINALLY PASSED THIS 27th DAY OF SEPTEMBER, 2004.

MAYOR, Nelson Santos

CLERK, Linda Burling