

**THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

**BY-LAW #2018-49**

**Being a By-law to Implement a Mandatory Sewage  
Re-Inspection Program**

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**WHEREAS** the regulatory power to enter on private property is given under Section 15.9 (1) "Inspection of an Unsafe Building" in the Ontario Building Code Act (OBCA), 1992, S.O. 1992, c. 23, as amended (the "Act").

**AND WHEREAS** sewage systems are included in the criteria to determine whether a building is unsafe pursuant to Section 15.9(3) of the Act.

**AND WHEREAS** Section 15.10.1 of the Act allows an inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection;

**AND WHEREAS** in accordance with section 436(1) of the Municipal Act, 2001, S.O. 2001, an officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with;

**AND WHEREAS** the authority for sewage system maintenance inspections are under the provisions of the Section 15.10.1 of the Act;

**AND WHEREAS** Section 7(1) (b.1) of the Act, authorizes the council of a municipality to pass by-laws establishing and governing sewage system maintenance inspection programs in accordance with Division C, Part 1, Section 1.10.1 of the Act — Ontario Regulation 332/12 as amended (the "Building Code") hereby referred to as a "Mandatory Sewage Re-Inspection Program";

**AND WHEREAS** Section 10.1 of the Act prescribes that no person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with the Act and the Building Code;

**AND WHEREAS** Section 10(2) of the Municipal Act, 2001, as amended, provides the ability for a municipality to pass by-laws relating to the health, safety and wellbeing of persons and Section 391 authorizes a municipality to impose fees and charges for the services provided by it;

**AND WHEREAS** the intention of a sewage system re-inspection program is to identify and resolve hazards associated with malfunctioning sewage systems;

**AND WHEREAS** the long-term goal of this program is to monitor sewage systems and prevent contamination to groundwater, watercourses, etc., to increase property owner awareness of the location and condition of their sewage systems; and to increase education on the proper operation and maintenance of sewage system(s);

**AND WHEREAS** the Township of Central Frontenac deems it expedient to implement a Mandatory Sewage Re-Inspection Program within the municipality;

**AND WHEREAS** the Township has entered into an agreement with the Rideau Valley Conservation Authority, through its Mississippi-Rideau Valley Septic System Office (the "MRSSO") to deliver the Mandatory Sewage Re-Inspection Program on behalf of the municipality;

**NOW THEREFORE**, the Township of Central Frontenac enacts as follows:

1. THAT Council authorize the Building and By-law Enforcement Officers or their designate to implement a Mandatory Sewage Re-inspection Program in the Township of Central Frontenac.
2. THAT a sewage system re-inspection fee be invoiced by the Township and payable by each affected property owner. If not paid by December 31<sup>st</sup> during the year of inspection, the Township will add the cost of the sewage system inspection fee to the property owner's tax bill. This fee will be collected in the same manner as the municipal property taxes.
3. THAT the areas of the Township scheduled for re-inspection be established on Schedule "A" attached hereto and forming part of this by-law.
4. THAT the terms and conditions of the Mandatory Septic Re-inspection Program be established on Schedule "B" attached hereto and forming a part of this by-law.
5. THAT the Rideau Valley Conservation Authority, through its Mississippi-Rideau Valley Septic System Office (the "MRSSO") be hereby appointed by the Township to deliver the Mandatory Sewage Re-Inspection Program on behalf of the Township in accordance with this By-law and the terms of any agreement between the MRSSO and the Township.
6. THAT any by-laws inconsistent with this by-law are hereby rescinded and repealed.
7. THAT this by-law shall come into full force and effect upon the final passing hereof.

Read a first, second, third time and passed this 9<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk - Administrator

**THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

**SCHEDULE "A" TO BY-LAW #2018-49**

As the program is rolled out, properties located on the following sensitive lakes will be the first to be re-inspected;

**Sensitive Lakes:**

Crow Lake

Eagle Lake

Hungry Lake

Sharbot Lake – west basin

Silver Lake

Notwithstanding the aforementioned, the program will then be expanded to include all 'Head Water' lakes, hamlets, and eventually all properties within Central Frontenac.

**THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

**SCHEDULE "B" TO BY-LAW #2018-49**

**TERMS AND CONDITIONS  
OF THE SEPTIC SYSTEM RE-INSPECTION PROGRAM**

**1. DEFINITIONS**

For the purpose of this by-law;

- 1.1. "Act" means the Building Code Act, 1992, S.O. as amended.
- 1.2. "Building" has the same meaning as provided for in the Act.
- 1.3. "Building Code" means Ontario Regulation 332/12 as amended or as regulations made under Section 34 of the Act which may include a more recent revision or amendment.
- 1.4. "Building Inspector" means an Inspector appointed under Section 3 of the Act and having jurisdiction for the enforcement of this Act, the Building Code and this By-law.
- 1.5. "Chief Building Official" means the Chief Building Official appointed under Section 3 of the Act and having jurisdiction for the enforcement of the Act, the Building Code and this By-law. A Chief Building Official is deemed to also be a Building Inspector in accordance with the Act.
- 1.6. "Officer" means a By-law Enforcement Officer, Building Inspector, Chief Building Official or other person appointed by by-law to enforce provisions of this by-law.
- 1.7. "Property owner" includes, in respect of the property subject to the re-inspection, the registered owner, a lessee and a mortgagee in possession.
- 1.8. "Township" means The Corporation of the Township of Central Frontenac.
- 1.9. "Sewage System" means,
  - 1.9.1. Class 1 sewage system including a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
  - 1.9.2. Class 2 sewage system also called a greywater system, 1.9.3. Class 3 sewage system also called a cesspool,
  - 1.9.4. Class 4 sewage system also called a leaching bed system or septic system, or
  - 1.9.5. Class 5 sewage system which is a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system, where these,
    - have a design capacity of 10,000 litres per day or less,
    - have, in total, a design capacity of 10,000 litres per day or less, where more than one of these are located on a lot or parcel of land, and;
    - are located wholly within the boundaries of the lot or parcel of land on which is located near the building or buildings they serve.
- 1.10. Any word or terms not defined in this By-law shall have the meaning as ascribed in the Act or Building Code. Terms not defined in the Act or Building Code shall have the same meaning as described in a standard Canadian dictionary.

1.11. Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

## **2. ADMINISTRATION OF THE PROGRAM**

2.1. A letter will be sent out to the ratepayers of the Township of Central Frontenac that will inform them of:

- 2.1.1. The importance of the program;
- 2.1.2. The scope of work that will be completed;
- 2.1.3. Follow up options for those sewage systems that exhibit deficiencies;
- 2.1.4. Any other information deemed appropriate by the Township and/or Rideau Valley

## **3. INSPECTOR**

3.1. The Township will retain the Rideau Valley Conservation Authority through its Mississippi-Rideau Septic System Office to implement the Mandatory Septic Re-inspection Program and qualified employees of the Mississippi-Rideau Septic System Office shall be appointed by the Township of Central Frontenac as Building Inspectors (Sewage Systems) in accordance with Section 3 of the Act and such inspectors shall have jurisdiction for the enforcement of the Act, the Building Code and this By-law.

## **4. PROPERTIES TO BE INSPECTED**

- 4.1. Certain geographical areas within the Township will be inspected by year in accordance with Schedule "A" of this By-law.
- 4.2. All sewage systems in the Township of Central Frontenac are subject to the Mandatory Septic Re-inspection Program.
- 4.3. A letter will be sent by Rideau Valley Conservation Authority to the property owner in the targeted area for them to call the consultant and book an inspection.
- 4.4. The property owner (or designate at least 18 years old) is required to be present during the inspection.

## **5. PROPERTY SELECTION**

- 5.1. Participants in the program are chosen based on the following criteria:
  - a) Properties that either have a septic permit that is 30 years old or greater or does not have permit information, has not been re-inspected in the past, and is not undeveloped.
  - b) Properties that have a septic permit that is between 10 and 30 years and has not been inspected in the past.
  - c) Properties that are due for re-inspection after ten (10) years.

A septic system with registered complaints against it will have already been dealt with outside of the re-inspection program.

## **INSPECTION SCHEDULE**

The program will conduct inspections from May to September, however inspections may be conducted between April and November each year, with weather permitting.

The program will strive to complete 300 inspections per year, with a 10 year re-inspection timeframe. The focus will be to complete inspections on the five sensitive lakes within the first phase identified in Schedule "A" of the program. This figure

does not take into account the number of properties that will undergo inspections unrelated to this program but does include enforcement and follow-up

## **6. CERTIFICATE AS ALTERNATE TO MAINTENANCE INSPECTION BY THE TOWNSHIP**

6.1. The Township may accept third party certification as an alternative to conducting an inspection provided the requesting owner notifies the Township or its designate in advance and in writing that they have retained a third party for this purpose within specified times;

6.2. A third party certification may be accepted provided such certification is presented on the prescribed forms attached as Appendix "A" to this Schedule "B" and in accordance with the Act and Division C, Part 1, Section 1.10.1.3 of the Ontario Building Code; and,

6.3. Any individual undertaking third party certification shall be qualified for such assessment and shall not have any conflicts of interest as identified under the Act or Ontario Building Code.

## **7. INSPECTION FEE**

7.1. An inspection fee of \$ 100.00 will be invoiced to each property owner after completion of their inspection. If this fee is not paid by December 31<sup>st</sup> in the year of inspection, it will be added to their tax bill and collected in the same manner as taxes.

## **8. PROCEDURES FOR A RE-INSPECTION**

8.1. The inspector will review and determine the sewage systems in the proposed zone stated for inspections.

8.2. A letter will be sent to the property owner advising who to contact to book an inspection.

8.3. If there are no sewage system records in the property files, the inspector will require the property owner to provide a diagram or sewage system records to the inspector prior to performing the inspection. A letter will be sent to the owner to notify them that these documents are required.

8.4. The property owner is required to provide access to the septic tank lid(s) (i.e. uncovering/unearthing prior to the inspection).

8.5. As per Part 8 of the Ontario Building Code the following classes of sewage systems will be part of the Mandatory Septic Re-inspection Program:

- 8.5.1. Class 1- Privy
- 8.5.2. Class 2- Greywater
- 8.5.3. Class 3- Cesspool
- 8.5.4. Class 4- Septic System
- 8.5.5. Class 5- Holding Tank

8.6. The inspector will complete the following steps as part of the inspection process depending on the Class of system:

1. Review of the property's sewage system records;
2. Identify the location of the system on the property — this may require additional information from the owner;
3. Conduct a surface inspection of bed, tank, greywater pit and/or cesspool;

4. Examine the inside of the tank (estimate age of tank, size of tank, condition of tank, if there's a divider, if there are risers and filters in it etc.);
5. The inspector may require a copy of a contract with a hauled sewage system operator;
6. The inspector may examine site for any evidence of illegal discharge;
7. Estimate tank volume;
8. Estimate sludge depth/volume;
9. Request a copy of a date stamped receipt of tank pump out, if required.
10. The inspector may examine the sewage system with appropriate equipment to find any signs of malfunction.
11. The list above is not exhaustive and should other equipment be required the inspector will make provision to obtain the equipment necessary to complete the required tasks to assess the sewage system.

## **9. INSPECTION REPORTS**

- 9.1. An inspection report will be completed by the inspector on site during the re-inspection.
- 9.2. This report will be provided to the property owner. The inspector will retain a copy for Township records.
- 9.3. The inspection report will inform the property owner that their system is either in need of remedial action or that there is no indication of an unsafe system.
- 9.4. If the system is in need of remedial action, a remedial action letter will describe the visual deficiencies observed by the inspector.
- 9.5. It will inform the property owner as to who they should contact for further information regarding their intentions to remedy the deficiencies.
- 9.6. The property owner will also be informed that if they do not respond within a specified time frame, they may be issued an Order to Comply.

## **10. CERTIFICATE TO OWNER**

- 10.1. A certificate that is an approved document by the Ministry of Municipal Affairs and Housing will only be provided to property owners whose system is not deemed to require remedial action.
- 10.2. Once any remedial action is completed to the satisfaction of the Township and the system is re-inspected and has passed, a certificate will be provided to the property owner.

## **11. ENFORCEMENT**

- 11.0 The authority to deliver and enforce this program resides with the *Building Code Act, 1992*.
- 11.1. Every property owner who fails to comply with the requirements of the Mandatory Septic Re-Inspection Program, is guilty of an offence.

## **12. FINANCIAL ASSISTANCE**

- 12.1. Repairs and replacement of systems under this program are the responsibility of the property owner.
- 12.2. Funding may be available from organizations such as:
  - Frontenac County or City of Kingston
  - Canadian Mortgage and Housing Corporation
  - Rideau Valley Clean Water Program
- 12.3. As a last resort, funding assistance may be available through the Township for qualified low income property owners.

APPENDIX "A"  
OF  
SCHEDULE "B"

APPENDIX "A"  
OF  
SCHEDULE "B"

Certificate

Person Signing Certificate:

(Name, Address, Business telephone number, Building Code Identification Number, if applicable)

Certificate

Mandatory Sewage Re-Inspection Program

(pursuant to Article 1.10.2.5 of Division C of the Building Code)

Certificate Number:

Date Certificate Issued:

Address of Property on which Sewage System is Located: (hereinafter called the "Property")

Owner of Property on which Sewage System is Located:

Certificate issued to (name and address of Principal Authority):

Certification

I certify that:

- (a) I am a person described in Sentence 1.10.13. (3) of Division C of the *Building Code*.
- (b) I have conducted an inspection of the sewage system located at the Property.
- (c) I am satisfied on reasonable grounds that the sewage system located on the Property is in compliance with the requirements of Section 8.9 of Division B of the *Building Code*.

Certificate issued by:

Name: \_\_\_\_\_

Complete as applicable:

- BCIN \_\_\_\_\_
- I am the holder of a licence, a certificate of practice or a temporary licence under the *Architects Act*.
- I am a person who holds a licence or a temporary licence under the *Professional Engineers Act*.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This certificate is approved by the Minister of Municipal Affairs and Housing under the *Building Code Act 1992*. (Personal information contained in this form and schedules is collected under the authority of clause 34(2.2) (d) of the *Building Code Act 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) Chief Building Official of the municipality to which this application is being made, or b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made or c) Director, Building and Development Branch or Municipal Affairs and Housing 777 Bay St., 2<sup>nd</sup> Floor, Toronto, M5G 2E5 (416) 585-6565.



APPENDIX "B"  
OF  
SCHEDULE "B"



# Certificate of Completion

For the use and operation of an on-site sewage disposal system in accordance with the **Sewage System Permit**.  
This certifies that the on-site sewage system conforms to the Ontario Building Code and Ontario Regulation 330/06 as amended by Ontario Regulation 137/07

<b>Sewage System Permit Number</b>		<b>Issued to</b>	
<b>Legal Description</b>	Lot	Concession	Sub Lot
Municipal Address		Registered/Reference Plan	
Township:			

**Details Pertaining to System**     new installation     replacement     alteration/repair

a) Type of System: Class     sewage system     trench     filter media     SBT     area bed     other

b)  New     Existing septic/holding/pre-treatment tank with a working capacity of \_\_\_\_\_ litres constructed of  
 concrete     fibreglass     plastic

c)  Trench\*     Filter Media    Leaching bed of total \_\_\_\_\_ metres of [ \_\_\_\_\_ (mm) diameter pipe, or \_\_\_\_\_ chambers]  
laid in \_\_\_\_\_ runs at \_\_\_\_\_ metres and fed by  gravity     pump     siphon

d) Shallow Buried Trench\*    metres of \_\_\_\_\_ millimetre diameter distribution pipe laid in \_\_\_\_\_ runs at \_\_\_\_\_ metres

e) Area Bed:\*    Stone m<sup>2</sup>    Sand \_\_\_\_\_ m<sup>2</sup>    Pipe \_\_\_\_\_ metres fed by  gravity     pump

f) Effluent Filter: Manufacturer \_\_\_\_\_ Model \_\_\_\_\_

g) Sewage Treatment Unit(s):\* Manufacturer \_\_\_\_\_ Model \_\_\_\_\_

h) Maintenance Contract:\* \_\_\_\_\_ Expiry Date\* \_\_\_\_\_

i) Other \_\_\_\_\_

\*contract must be reviewed with service provider

**Certificate Issued By:**

Director of Regulations \_\_\_\_\_ Date Issued \_\_\_\_\_  
Mississippi Rideau Septic System Office