

BY-LAW NUMBER xx-2024

BEING A BY-LAW to authorize the Implementation of a Community Onsite Septic Inspection Program in the Township of Ashfield-Colborne-Wawanosh.

WHEREAS the malfunctioning of an onsite sewage system can have significant negative impacts on both human health and the environment;

AND WHEREAS, the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh enacts as follows:

AND WHEREAS, Section 7(1)(b.1) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended (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 Building Code Act, 1992 — Ontario Regulation 332/12 as amended (the "Building Code") hereby referred to as a "Community Onsite Septic Inspection Program";

AND WHEREAS, Section 7(1)(b.2) 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 1.10.2 of the "Building Code" hereby referred to as a "mandatory maintenance inspection program";

AND WHEREAS, Section 7 (1)(c)(ii) of the "Act" authorizes the council of a municipality to require the payment of fees and prescribing the amounts of the fees for maintenance inspections;

AND WHEREAS, Section 7(1)(c.1) of the "Act" allows for the requirement of the payment of interest and other penalties, including payment of collection cost, when fees are unpaid or are paid after the due date;

AND WHEREAS, Section 7(8.1) allows for the fees established by a municipality to be added to the tax roll and be collected in the same manner as taxes;

AND WHEREAS, Section 15.10.1 of the "Act" allows a Building 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, 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 well-being of persons;

AND WHEREAS, the intention of the "Community Onsite Septic Inspection Program" is to identify and resolve potential hazards associated with malfunctioning sewage systems.

NOW THEREFORE the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh hereby enacts as follows:

THAT in this By-law,

1. SHORT TITLE

1.1 This By-law may be cited as the "Community Onsite Septic Inspection Program" By-law.

2. DEFINITIONS In the By-law:

- 2.1 "Act" means the Building Code Act, 1992, S.O. as amended
- 2.2 "Building Code" means Ontario Regulation 332/12 as amended or as a regulation made under Section 34 of the Act, which may include a more recent revision or amendment.
- 2.3 "Building Inspector" means an Inspector appointed under Section 3 of the Act and having jurisdiction for the enforcement of the Act, the Building Code and this By-law.
- 2.4 "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.
- 2.5 "Community Onsite Septic Inspection Program" means a sewage system maintenance inspection program established under clause 7(1)(b.1) and the subsection 34 (2.1) of the Act.
- 2.6 "Effluent" means sanitary sewage that has passed through a treatment unit.
- 2.7 "Maintenance Inspection" means an inspection conducted under the Community Onsite Septic Inspection Program.
- 2.8 "Officer" means a Building Inspector, Chief Building Official or other person appointed by By-law of the Municipality to enforce the provisions of this By-law.
- 2.9 "Owner" means, in respect of the property subject to re-inspection takes place, the registered owner, a lessee and a mortgagee in possession
- 2.10 "Sewage System" means,
 - (a) Class 1 sewage system including a chemical toilet, and incineration toilet, a recirculation toilet, a self-contained portable toilet and all forms of privy, including a portable privy, and earth pit privy, a pail privy, a privy vault and a composting toilet system;
 - (b) Class 2 sewage system also called a greywater system;
 - (c) Class 3 sewage system also called a cesspool;
 - (d) Class 4 sewage system also called a leaching bed system, or;
 - (e) Class 5 sewage system which is 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;
 - (f) have a design capacity of 10,000 litres per day or less;

- (g) 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;
- (h) are located wholly within the boundaries of the lot or parcel of land on which is located near the building or buildings they serve.
- 2.11 "Significant Drinking Water Threat" has the same meaning as in subsection 2(1) of the Clean Water Act, 2006, S.O. 2006, c.22.
- 2.12 "Municipality" means the Corporation of the Township of Ashfield-Colborne-Wawanosh or the land within the geographical limit of the Corporation of the Township of Ashfield Colborne Wawanosh as the context requires.
- 2.13 "Treatment Unit" means a device that, when designed, installed, and operated in accordance with its design specification, provides a specific degree of sanitary sewage treatment to reduce contaminant load from that of sanitary sewage to a given effluent quality.
- 2.14 Any word or terms not defined in this by-law shall have the same meaning as ascribed in the Act or the Building Code. Terms not defined in the Act or Building Code shall have the same meaning as described in a standard Canadian dictionary.

3. GENERAL REGULATIONS

- 3.1 Except as provided in section 4 of this By-law, the Community Onsite Septic Inspection Program will apply to all properties within the Municipality as identified in Schedule "A" attached to and forming part of this By-law, that utilizes a Sewage System.
- 3.2 Every property shall be subject to Maintenance Inspection within the first phase of the Community Onsite Septic Inspection Program in accordance with the timelines set out set in Schedule "A"; corresponding with the area where their property is located.

4. EXCEPTIONS

- 4.1 Every Sewage System that was installed within 3 years of the commencement of Community Onsite Septic Inspection Program is exempt from requiring a Maintenance Inspection during the initial phase.
- 4.2 Every new Sewage System that is installed on a vacant lot is exempt from requiring a Maintenance Inspection during the Community Onsite Septic Inspection Program cycle in which the system is installed.
- 4.3 Every Treatment Unit that is under a current service agreement and annual Effluent samples are within the specified parameters is exempt from requiring a Maintenance Inspection where,
 - a) The Treatment Unit is under a current service agreement,
 - b) The annual Effluent samples are within the specified parameters of the Building Code.
 - c) The location and design of the Treatment Unit is known and on file with the Municipality,
 - d) The Owner acknowledges that the Treatment Unit continues to be operated the basis on which the construction and use of the Treatment Unit was approved or required under the Act or predecessor legislation, as the case may be, and in accordance with the requirements of the manufacturer of the Treatment Unit, and

e) The Owner submits the above documents annually to the Chief Building Official.

5. GENERAL REQUIREMENTS FOR OPERATION AND MAINTENANCE

- 5.1 Every Sewage System shall be operated and maintained so that,
 - a) The Sewage System or any part of it shall not emit, discharge or deposit sanitary sewage or Effluent onto the surface of the ground;
 - b) Sanitary sewage or Effluent shall not emit, discharge, seep, leak or otherwise escape from the sewage system or any part of it, other than from a place or part of the Sewage System where the system is designed or intended to discharge the sanitary sewage or Effluent, and;
 - c) Except as otherwise permitted by other regulations, sanitary sewage or Effluent shall not emit, discharge, leak or otherwise escape from the sewage system or any part of it into a piped water supply, well water supply, a water course, ground water or surface water.
 - d) Clause 5.1 (a) does not apply to the use of a Sewage System designed and operated such that properly treated effluent is discharged into soil.
- 5.2 No Sewage System utilizing a Treatment Unit, other than a septic tank, shall be operated unless it is operated in accordance with manufacturer's requirements.

6. SCOPE OF INSPECTIONS

- 6.1 Scope of inspection and assessment shall be in accordance with Schedule "C" attached hereto and forming part of this by-law, unless as otherwise required by other regulations and may be amended by the Chief Building Official as necessary.
- 6.2 The Owner of every Sewage System with a tank that undergoes a Maintenance Inspection shall have the tank lid access excavated and readily accessible to the Building Inspector.
- 6.3 The Chief Building Official has the authority to implement this Program and to establish and amend the inspection cycle in Schedule "A" to ensure that the obligations under the Act and Building Code are met with respect to the Community Onsite Septic Inspection Program.
- 6.4 The Chief Building Official, in accordance with the Act and Building Code, is granted the authority to:
 - a) Modify the implementation procedures to clarify to staff and Owner requirements and responsibilities;
 - b) Modify inspection reports to enhance the quality of reporting;
 - c) Update the procedures and forms based on changes to the Building Code, and
 - d) Request Maintenance Inspections of Sewage Systems of properties in the order specified in accordance with Schedule "A".

7. FORMS

7.1 The Chief Building Official is the delegated authority to create, amend and/or adopt for usage, forms (other than those prescribed by the Act or the Code) in Schedule "C" which provide for the collection of specific information in relation to that taken from the permit

application where that information is necessary for the administration and enforcement of the Act and the Code.

8. ENFORCEMENT AND PENALTY PROVISIONS

- 8.1 Council shall appoint a Chief Building Official, Building Inspector and By-law Enforcement Officers as are necessary for purpose of carrying out this By-law.
- 8.2 This By-law is to be read in conjunction with all the Statues referred to in the preamble hereto and in the event that there is a conflict between the provision of this By-law and the provisions of the Act as amended, or its regulations, then the provisions of the latter will prevail.
- 8.3 No Person shall hinder, obstruct, or otherwise interfere with the Chief Building Official, Building Inspector and By-law Enforcement Officers in the exercise of any power conferred or the performance of any duty imposed by this By-law.
- 8.4 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.o. 1990, c.p. 33, as amended.

9. FEES

9.1 Fees for the Maintenance Inspection described in Section 3 shall be in accordance with Schedule "B" attached hereto and forming part of this by-law.

10. BY-LAW TO BE REPEALED

10.1 All By-laws or part thereof and resolutions passed prior to this By-law, which contradict this By-law, have no force for this By-law's purposes, and are hereby repealed.

11. ULTRA VIRES

11.1 In the event of any provision, or portion thereof, of this By-law including all Schedules is found by a Court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portions of such provisions and all other provisions including Schedules shall remain in full force and effect.

12. CODE OF CONDUCT

12.1 All Building Department staff shall adhere to the code of conduct that has been adopted by the Municipality as prescribed by Section 7.1 of the Building Code Act, 1992, S.O., as amended.

13. CONFLICTING LEGISLATION

- 13.1 If there is a conflict between a provision in the Building Code Act and a provision of any other Act, the section that is more restrictive shall prevail.
- 13.2 Whenever any reference is made in this By-law to statue of the Legislature of the Province of Ontario, Such Reference shall be deemed to include all subsequent amendments to suck statue and all subsequent amendments to such stature and all successor legislative to such statute.

14. IMPLEMENTATION

- 14.1 This By-law shall come into full force and effect upon the date of passing.
- 14.2 The Community Onsite Septic Inspection Program shall commence April 1, 2024.

Read a first and second time this XX^{th} day of February 2024.

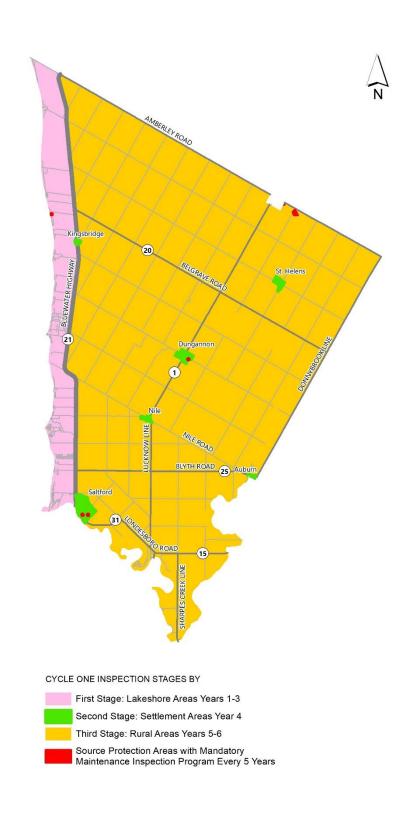
Read a third time and finally passed this XX^{th} day of February 2024.

Mayor, Glen McNeil

Clerk, Florence Witherspoon

BY-LAW NUMBER xx-2024

SCHEDULE "A"





BY-LAW NUMBER xx-2024

SCHEDULE "B"

FEES

The fees shall be as set out in the Township's "Consolidated Fee" By-law, as amended and "Tax Rate" By-law, as amended.



BY-LAW NUMBER xx-2024

SCHEDULE "C"

Community Onsite Septic Inspection Program Procedure Policy

The following may be amended from time to time by the Chief Building Official to improve the delivery of the Community Onsite Septic Inspection Program.

1. Scope

The program will encompass all properties in the Township of Ashfield-Colborne-Wawanosh that are serviced by private on-site Sewage Systems with a daily flow of 10,000L/day or less in accordance with the Ontario Building Code (the "Code"). The initial focus of the program will be to identify private Sewage Systems as being High, Moderate and Low Risk based on their operation and maintenance.

Through implementation of this Policy, maintenance inspection criteria and a reinspection cycle will be established to ensure that each Sewage System is inspected at least once every 6 years.

The following classes of Sewage System will be included:

Class 1 – Privy

Class 2 – Greywater

Class 3 – Cesspool

Class 4 – Septic System

Class 5 - Holding Tank

The program will include the following components:

- a) Document Review to determine the risk associated with each Sewage System
- b) Site Inspections
- c) Compliance Action (if required); and
- d) Documentation and Reporting

Each Sewage System will be classified by a site inspection and by reviewing available documentation for each property. The classification will be as the scale below:

2. Risk Level

High Sewage Systems: Without any record on file; or,

Utilizing steel tanks; or,

Greater than 30 years old; or,

No Maintenance Inspection completed; or,

Replacement of entire system or component of system

is required; or,

No maintenance or service contract is on file with the

Township for a tertiary treatment unit; or,

No sewage hauler agreement is on file with the

Township for a holding tank;

Moderate Sewage Systems: Between 10 and 30 years old; or,

Repairs to Sewage System are recommended; or

Maintenance of Sewage System is required.

Low Sewage Systems: Less than 10 years old; or,

Minor maintenance of Sewage System is recommended.

3. Contacting the Owner

3.1 Upon the commencement of the Community Onsite Septic Inspection Program the owners in the prescribed areas as per Schedule "A" will be contacted using the inspection booking letter in Section 8 of Schedule "C". The letter will be sent via Canada Post to inform them that the area in which their property is located is scheduled to have their septic system(s) inspected.

- 3.2 The Owner will have 20 business days to complete the forms enclosed with the letter and return to the Township. The Owner will be required to contact the township office and schedule an appointment for a maintenance inspection upon receipt of the letter.
- 3.3 If the Owner does not return the forms or contact the Township office, a Building Inspector will visit the property to contact the occupant during Township Office hours and have the forms filled out onsite as well as conduct the septic inspection.
- 3.4 The Township will make available alternative methods of contacting the Township. These may include website, email, digital forms, etc.

4. Collecting of Information

- 4.1 Data collected from the completed information forms returned by Owners will be entered into the Township records and existing records updated in preparation for the scheduled septic inspection.
- 4.2 Data to be collected may include but is not limited to the following:
 - a) Owner contact information
 - b) Owner's Representative contact information
 - c) Location of septic
 - d) Type of septic
 - e) Age of septic
 - f) Information regarding the buildings served by the septic including plumbing fixtures and sleeping accommodations.
 - g) Past records of maintenance of septic system

5. Booking the Maintenance Inspection

- 5.1. Owners are responsible to contact the Township Office to book a maintenance inspection at a time that is convenient to the Owner during Township Office hours. Limited inspection times will be made available for times outside normal office hours.
- 5.2. The Township will make available alternative methods of scheduling inspections. These may include website, email, digital forms, etc.

6. About the Maintenance Inspection

- 6.1. A Township Building Inspector will attend the Property at the agreed inspection time. The Owner or Owner's Representative is also expected to be onsite at the time of inspection.
- 6.2. The Owner is expected to provide the following at the time of inspection:
 - a) Access to all septic and holding tank lids. Buried lid covers must be excavated prior to inspection time.
 - b) Source of water to clean inspection tools.
 - c) Access to high water alarm testing button, if applicable.
- 6.3. The Building Inspector will conduct a visual inspection of the septic system as set out in Section 10 of Schedule "C" and may take samples of effluent if deemed necessary by the Building Inspector.
- 6.4. The Building Inspector will discuss maintenance and best practices for the safe operation of an onsite sewage system, as applicable to the sewage system being inspected.
- 6.5. The Building Inspector will provide applicable literature or direct the Owner to resources for information on maintenance and safe operation on the sewage system.
- 6.6. The Building Inspector will discuss any recommended or required actions and identify required action if the septic system is malfunctioning or not operating as designed.
- 6.7. If a system is in need of recommended or required action, a letter will be sent to the Owner to describe the deficiencies identified by the Building Inspector, and to provide the Owner with the contact information for the Building Inspector in order to obtain further information and to outline their intentions to remedy the deficiencies.
- 6.8. The Owner will also be informed that if they do not respond within a specified timeframe, they may be issued an Order under the Ontario Building Code.
- 6.9. Based on the document review and site inspection an Order to Remedy may immediately be issued by the Building Inspector if there is any evidence of failure of the sewage system.

7. Report to be provided to the Owner

- 7.1. Upon completion of the maintenance inspection the Owner will receive by mail a report on the findings of the septic inspection.
- 7.2. The report may contain, but is not limited to, the following.
 - a) Record of date of inspection and person (s) in attendance.
 - b) Description and locations of septic system and building served.

- c) General condition of the sewage system as found at the time of the inspection.
- d) Recommended actions for the continued safe operation of the sewage system.
- e) Required actions if any component of the septic system is found to be malfunctioning.
- f) Information on how to safely operate and maintain the sewage system.
- 7.3. The Township will make available alternative methods of receiving inspections reports. These may include email, digital copies, etc.
- 7.4. Additional copies of the reports may be requested. Any fees for a copy of the report will be charged in accordance with the Township's Consolidated Fees By-law.

8. Inspection Booking Letter





82133 Council Line, R.R. #5 Goderich, Ontario N7A 3Y2

PHONE: 519-524-4669

FAX: 519-524-1951

E-MAIL: <u>building@acwtownship.ca</u>

Date

Owner
Mailing Address
City, Province
Postal Code
N7A 3T1

RE: Septic Property Location - Septic Inspection Booking and Information Required

As part of the Township of Ashfield-Colborne-Wawanosh' s Community Onsite Septic Inspection program, it is now time for the septic system on your property to be inspected.

Please contact the Township Office within 20 business days of receiving this letter to book your inspection and return the enclosed forms.

It is the responsibility of the Owner to have representative onsite during the septic inspection, to meet with the Building Inspector and provide the following.

- a) Access to all septic and holding tank lids. Buried lid covers must be excavated prior to inspection time.
- b) Source of water to clean inspection tools.
- c) Access to high water alarm testing button

If you have any questions, please contact me at 519-524-4669.

Regards
Inspector's Name
Building Inspector
Township of Ashfield-Colborne-Wawanosh

9. Data Collection

9.1 The following data will be collected as part of the inspection program and will be used to determine the hazard level of the sewage system, the safe operation, proper maintenance, recommended action, required action, and to provide information to determine the future needs of the community:

Septic Identifier	Owner Name	Property Representative		
Property Location	Mailing Address	Name		
Property Roll Number	City, Province	Mailing Address		
Legal Description	Postal Code	City, Province		
Lot Size	Phone Number	Postal Code		
	Email Address	Phone Number		
	Preferred Method of	Email Address		
	Contact \square Mail \square Phone	Preferred Method of		
	□Email □Text □Contact	Contact \square Mail \square Phone		
	Representative	□Email □Text		

Septic Location Questions

- Is the septic system active?
- How old is the septic system?
- What year was it installed?
- Was the septic installed with a Permit? Permit Number
- Is the septic system installed within 15m of a drilled well?
- Is the septic system installed within 30m of a dug well?
- Is the septic system installed within the property boundary?
- Is the septic system installed within the 100-year Erosion Hazard?
- Is the septic system installed within the 25-year Erosion Hazard?
- Is the septic system installed within 15m of a Body of Water?
- Is the septic system installed within a Flood Plain?
- Is the septic system installed within a Gully Hazard?
- Is the septic system installed within a Source Protection Zone?
- Is the septic system installed within 100m of a Municipal Well?

Building Served by the Septic System

- What is the current use of the building(s)?
- What is the size of the building(s) (square feet)?
- How many bedrooms in the building (s) served by the septic system?
- What is the average number of Occupants in the building(s)?
- What and how many plumbing fixtures are installed in the building(s)?

Plumbing Fixtures	0	
Toilets	Number	
Lavatories	Number	
Showers	Number	
Bathtubs	Number	
Bidets	Number	
Urinals	Number	
Kitchen Sinks	Number	
Dishwashers (plumbed separately from		
kitchen sink)	Number	
Laundry Tubs	Number	
Clothes Washer	Number	

Septic System Treatment

- What type of Septic Treatment does your system use? (Conventional Septic Tank with Distribution Field, Holding Tank, Greywater Leaching Pit, Privy, Tertiary Eljen Geotextile Sand Filter, Tertiary Premier Tech Ecoflo Tank Biofilter or Tertiary Makeway Environmental Enviro Septic System)
- Does the septic system have tertiary Treatment?
- Is a current Tertiary Service and Maintenance Agreement on file with the Chief Building Official? *Please provide a copy to the Chief Building Official with maintenance reports.*
- Is a current Holding Tank Sewage Hauler Agreement on file with the Chief Building Official? *Please provide a copy to the Chief Building Official*.
- What is the septic tank or holding tank capacity?
- What material is the tank?
- How old is the septic or holding tank?
- Number of compartments in septic or holding tank?
- Is there an effluent filter installed on the septic tank?
- Is there a pump chamber and sewage pump installed?
- Is there a high-water pump installed?
- What type of distribution is used by your septic system? (leaching chamber/ distribution tile)
- Is there a sand mantle installed?
- Distribution field/sand mantle area (square footage)?
- What is the length of Distribution pipe/leaching chambers?
- What is the capacity of the distribution field (*litres per day*)?
- What is the T time of the imported fill in the distribution field?
- What is the T time of the mantle fill in the distribution field?
- What is the T time of the native soil in the distribution field?
- What is the depth of the water table relative to the existing grade?
- What is the height of the distribution relative to existing grade?
- Last Maintenance Inspection/Tank Pumping?

- 7.2 If not available the Owners may be asked to provide a sketch of the location of their sewage system and building(s) served with dimensions showing offsets to buildings, wells and property lines.
- 7.3 Owners will be asked to provide answers to the best of their knowledge and to contact the Township with any questions.

10. Inspection Form

The following items will be inspected as part of the maintenance inspection.

Inspection Checklist

Checklist item Result Not No Action Action Action Action Action Applicable Required Recommended Required Completed Required Sludge Level (Septic Tank Not Applicable Required Recommended Required Completed Required Scurm Layer (Septic Tank Applicable Required Recommended Required Completed Required Liquid Level (Septic Tank Applicable Required Recommended Required Completed Required Liquid Level (Septic Tank Applicable Required Recommended Required Completed Repuired Recommended Required Repuired Recommended Required Completed Required Recommended Required Completed Required Recommended Required Completed Repuired Recommended Required Required Repuired Repuired Recommended Required Completed Repuired Recommended Required Completed Repuired Recommended Required Recompleted Required Recommended Required Completed Repuired Recommended Required Recompleted Required Recommended Required Completed Recompleted Recommended Required Recompleted Recompleted Recompleted Recompleted Recompleted Recompleted Recompleted Recompleted Required Recompleted Recompleted Required Recompleted Recompleted Required Recompleted Required Required Completed Required Recompleted Required Required Required Completed Required Required Required Required Required Required Required Completed Required Requir	Inspection Checklist						
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11. Records Management and Privacy

11.1 All records relating to any issue pursuant to this policy shall be maintained in in accordance with the Municipality's record retention schedule. Throughout all processes outlined in this policy, all Members of Council and municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Individuals should be aware that certain circumstances may identify them during an investigation.