

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW 2009-12

BEING A BY-LAW TO IDENTIFY WATER & SEWER SERVICE AREAS FOR THE MUNICIPALITY OF POWASSAN AND TO REGULATE THE USE OF SUCH WORKS

WHEREAS the Corporation of the Municipality of Powassan (“the municipality”) owns and operates a water and sanitary sewer works in the Municipality of Powassan and lateral connections thereto that service distinct areas of the municipality; and

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11., provides that a municipality may pass By-laws with respect to public utilities and for the health, safety and well-being of persons; and

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 80., provides that a municipality may, at reasonable times, enter onto 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, install, repair, replace or alter a public utility meter; and

WHEREAS the Municipal Act S.O. 2001, Chapter 25 Section 86 provides the municipality may, and has, deemed it mandatory for the owners of property in the service areas to connect to the sewer and water services;

WHEREAS Section 10 (2)6 of the *Municipal Act, 2001* authorizes the Municipality to regulate matters relating to the health, safety and well being of the inhabitants of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN HEREBY ENACTS AS FOLLOWS:

1. Service Areas of Municipality
 - 1.1 That the services areas outlined herein as Schedule “A” forming part of this By-law are to define the water and sewer systems within the Municipality of Powassan:

2. Definitions

- “Backwater Valve”** shall mean a check valve designed for use in a gravity drainage system.
- “Building”** shall mean any building as defined in the *Building Code Act*, S.O. 1992 as amended wherein a potable supply of water and/or a water closet is required by law or intended to be used.
- “Check Valve”** shall mean a device to prevent the flow of water from a private residence back into a municipal system.
- “Connection”** shall mean a connection to a water works system or sanitary sewer works system including service pipes from the interior face of the outer wall of the building.
- “Cooling Water”** shall mean water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with process materials and that has been circulated through the cooling device, but does not include blowdown water.
- “Hauled Domestic Sewage”** shall mean domestic sewage that is transported in a tank truck for treatment or disposal.
- “Industrial Waste”** shall mean or pertain to water that is a product of an enterprise or activity involving industrial or manufacturing processes or operations.
- “Notice”** shall mean a notice given pursuant to the provisions of this By-law requiring a connection or disconnection to be made.
- “Sanitary Sewer Works”** shall mean the sewage lagoons, sewer mains, lateral connections to a private property line and all appurtenances.
- “Storm Water”** shall mean rainwater runoff, water runoff from roofs, flow from foundation drains, snow melt, and surface runoff.

“Water Works” shall mean all water treatment facilities, water mains and lateral connections to a private property line and all appurtenances.

“Uncontaminated Water” shall mean water supplied by the sanitary sewer works or water works or any other water to which no matter has been added as a consequence of its use.

3. Authorization of Works

That the Municipality is authorized by this By-law to install all sanitary sewer works and water works in the Service Areas.

4. Connection Required

4.1 That every owner of a building within the service areas shall, at the discretion of the Public Works Superintendent and Council connect to the water works and/or sanitary sewage works by making an application on the prescribed form attached hereto as Schedule “B” and forming part of this By-law.

4.2 That each property is required to have an individual sewer lateral connection and lateral connection from the sewer main and water main to the property line.

4.3 That no person shall divide the sewer lateral connection and/or lateral connection to service more than one lot.

4.4 That buildings existing in the Powassan Service Area as of the passing of this by-law shall connect to the Powassan Works no later than December 31, 2009 or at discretion of the Public Works Superintendent or Council.

4.5 That an application fee is payable at the time of submission of an application for connection in accordance with the Municipality of Powassan’s Fees & Charges By-law.

4.6 That in the construction of a service connection, the applicant shall be responsible for all costs with respect to this connection. An estimate by the Public Works Superintendent shall be submitted at the time of application. Additional materials and supplies must be paid prior to final service connection.

4.7 That no connection shall be made to a water works system or sewage works system until a permit has been issued for connection in accordance with this By-law.

5. Installation Inspections

- 5.1 That all excavations required for the installation of connections to water or sewage works shall be by open trench unless otherwise approved, and no backfill shall be placed until the work has been inspected in compliance with the *Building Code Act*.
- 5.2 That an applicant for connection shall give at least seven (7) days written notice to the Building Department when the sewer or water service is ready for inspection and connection, and the connection shall be made under the supervision of the Building Inspector or Public Works Superintendent or his/her designate.

6. Connections Concurrent

- 6.1 That connections to sanitary sewer works and water works shall occur at the same time where both services are available.

7. Grease Trap

- 7.1 That each property owner shall ensure that all connections to buildings containing commercial and industrial uses include a “grease trap” unless exempted by Municipality depending on nature of business.
- 7.2 That each property owner shall ensure that grease traps are maintained and inspected on an annual basis, at a minimum. Each property owner shall submit written documentation concerning such maintenance and inspection, satisfactory to the Municipality, shall be supplied within 15 days upon demand in writing by the Municipality.

8. Cost and Liability

- 8.1 That property owners shall assume all cost and liability for making the connection from the property line to buildings thereon

9. Rates for Water & Sewer Works

- 9.1 That the owners of each property required to be connected to a municipal sewage works and/or water works system shall pay the rate as determined annually by Municipality By-law, including capital improvements.

9.2 That the rates for maintenance and operation of the sewage works and water works systems are the responsibility of the owner of lands required to be connected to a water or sewage works system and are liable for payment of the rates so fixed commencing with the date of connection.

10. Disconnection of Existing Septic Systems

10.1 That property owners shall disconnect and cease use of existing septic systems upon the connection of buildings thereon to the Sewage Works. **Septic facilities shall be decommissioned** in accordance with the *Building Code Act* and its regulations which may include or require the existing septic tank located on the property to be removed or filled in with gravel, earth or sand at the property owners expense.

11. Wells

11.1 That existing wells may continue to be used provided that there is no cross connection with the municipal water supply, subject to subsection 12.2 herein.

11.2 That whereupon the Municipality determines that the use or existence of a well may be dangerous to the health and well being of the property owner or other persons, the Municipality may, in writing, require the owner to, at owners cost, decommission the well or require the property owner to install a back flow preventer with expansion tank on the municipal water supply service and shall be responsible for all testing and maintenance of such device until such time as pump removal has occurred.

11.3 That whereupon a property owner no longer wishes to use such well or the Municipality has required the decommissioning of a well pursuant to subsection (2), such decommissioning shall be completed in accordance with the *Ontario Water Resources Act*, R.S.O. 1990 and Regulation 903, both as amended from time to time.

12. Sanitary Sewers

12.1 That no person shall discharge or cause or permit to be discharged into the sewage works any:

- (a) industrial/commercial waste
- (b) hauled domestic sewage; and/or
- (c) cooling water, storm water or uncontaminated water.

- (d) storm water including surface water, rain run off, foundation drain, or other subsurface drainage.

12.2 That no person shall deposit in any sewer, opening or receptacle connected with the sewer work systems any matter or thing except feces, urine and the necessary closet paper and domestic liquid waste.

12.3 That no person shall discharge or cause or permit to be discharged into sewage works a substance that may result in one of the following conditions:

- (a) a health or safety hazard to a sewage works person authorized to operate, maintain, repair or otherwise works on sewage works;
- (b) a breach of the Ontario Water Resources Act or the Environmental Protection Act as amended from time to time, or any regulation made there under from time to time;
- (c) biosolids from a sewage works to which either sewage discharge, directly or indirectly, fail to meet the objective and criteria as set out in the Ministry of the Environment publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes in/on Agricultural Land" dated March 1996, as amended from time to time;
- (d) an obstruction or restriction to the flow of the sanitary sewer;
- (e) an offensive odor to emanate from the sanitary sewer or sewage works;
- (f) damage to the sanitary sewer works infrastructure;
- (g) interference with the operation or maintenance at a sewage works.

12.4 That no person shall connect sump pumps, down spouts or any other drainage works, that collects storm water or groundwater, to the sanitary sewer work systems.

13. Water Supply

13.1 That in the event of a system breakdown or at the discretion of the Public Works Superintendent or his designate any or all use of water from the Municipal owned water systems may be regulated.

14. Fire Hydrants

14.1 That no person, save and except an employee of the Municipality of Powassan, shall open or cause to be opened a fire hydrant forming part of a municipal water works system.

15. Offences

15.1 That no person shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of a water works or sewer works system.

16. Offences and Penalties

16.1 That any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction thereof, is liable to a fine provided for in the *Provincial Offences Act* as per Schedule "C" of this by-law.

16.2 That each calendar day on which such a contravention occurs is a separate offence.

16.3 Upon second conviction of an offense the penalties shall double.

16.4 That any costs associated with the clean up of any convicted offense shall be the responsibility of the Offender.

17. Connection/Disconnection by the Municipality

17.1. Where a property owner has:

- (a) Failed to connect as required by this by-law; or
- (b) Failed to disconnect as required by this by-law,

the municipality may enter onto property and into buildings, including dwellings, for the purpose of making any such connection and/or disconnection required under this by-law and the cost of such connection and/or disconnection shall be at the expense of the owner of the property.

17.2 That the cost of making connections/disconnections by the Municipality shall be recoverable, and the Treasurer of the Municipality shall add said costs to the Collector's Roll which shall be collected in the same manner as overdue taxes and shall bear interest from the date when the first demand payment is made at the same rate as overdue taxes.

17.3 Persons conducting inspections and/or in the course of enforcing the provisions of this by-law may enter onto land and into buildings and such entry shall comply with the requirements set

out in the Municipal Act., 2001, specifically but without limitation, sections 435 through 438 inclusive.

17.4 For the purposes of “reasonable notice: set out in the aforementioned provisions, seven (7) days shall be the minimum amount of time required for notice.

17.5 In the conduct of inspections, the Municipality may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, samples or photographs necessary for the purposes of the inspection.

18. Decommissioning of a Well by the Municipality

18.1 That whereupon a property owner has failed to decommission a well as required in a notice given under the authority of Section 13.2 herein, the municipality and its agents may enter on to the property to decommission such well and the costs of such decommissioning shall be paid by the property owner or the costs shall be recovered in the same manner as overdue taxes.

19. Enforcement

19.1 That this By-law shall be enforced by the Municipal Law Enforcement Officer(s) appointed by the Municipality of Powassan.

20. Severability

20.1 That all sections of this By-law shall be deemed to be separate and independent and the validity of any section or provision hereof shall not effect the remaining sections.

21. Effect

21.1 That this By-law shall come into force and take effect upon the date of its passing thereof.

22. Repeal

22.1 That By-law no. 608 respecting the Management and Regulation of Water Works, be and is hereby repealed.

Adopted May 5, 2009.

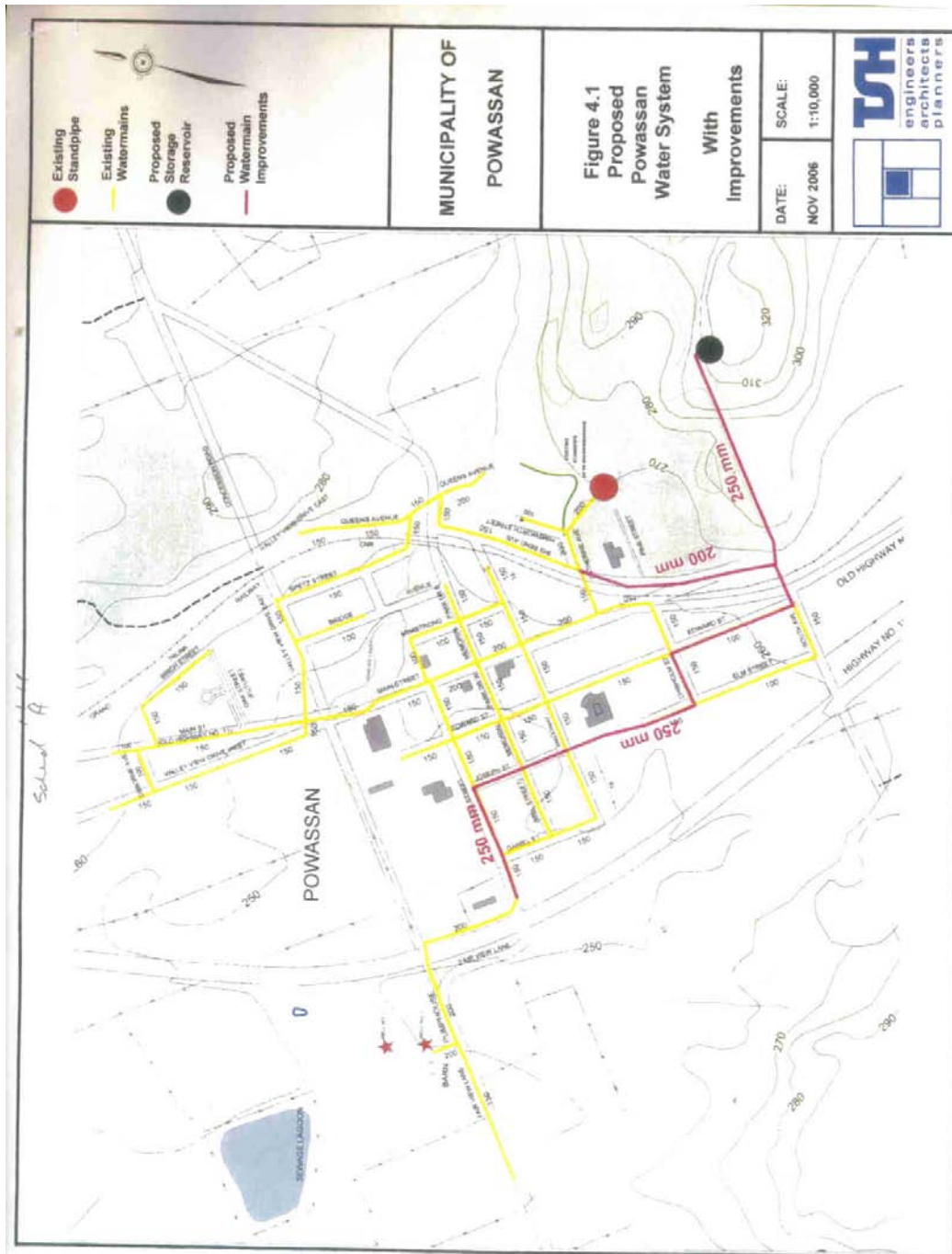
Mayor

CAO-Clerk

SCHEDULE "A" TO BY-LAW NO. 2009-12

MUNICIPALITY OF POWASSAN

Application for Connection to Water & Sewer System



SCHEDULE "B" TO BY-LAW NO. 2009-12

MUNICIPALITY OF POWASSAN

Application for Connection to Water & Sewer System

NAME:		
MAILING ADDRESS:		
CIVIC ADDRESS:		
TELEPHONE NO.:		
LOT NO.	PLAN/CONC. NO.	ROLL NO.
APPLICATION FEE: \$		RECEIPT NO.:

Municipal Water/Sewer System:

Closet Intersection: _____

Purpose: New Home

Existing Home

New Lot Creation

Municipal Services:

WATER

SEWER

RESIDENTIAL

COMMERCIAL

I, the undersigned, hereby make application to the Municipality of Powassan for the provision of the above-noted municipal services to be supplied at the address and the premises described above and agree to pay for such municipal services as bills are rendered.

I hereby also covenant and agree that neither I nor my executors, administrators, successors or assigns will make any claim or demand whatsoever against the Corporation of the Municipality of Powassan by reason of damage from any flooding occasioned by any overcharging of the said water and sewer or private drain connection. It is also expressly agreed that I will not permit roof water, weeping tile drain water or any stormwater of any nature to be carried into the sanitary sewer in accordance with Municipality of Powassan By-laws.

OWNER'S SIGNATURE

DATE

APPROVAL OF APPLICATION
Public Works Superintendent

SCHEDULE “C” TO BY-LAW NO. 2009-12

**MUNICIPALITY OF POWASSAN
Offences and Penalties**

Offences	By-law Section	Fine/Penalty
connection prior to a permit being issued.	4.7	300.00
Failing to ensure that all connections to buildings containing commercial and industrial uses include a “grease trap.	7.1	300.00
Failure to ensure that grease traps are maintained and inspected on an annual basis, and/or submit written documentation concerning such maintenance and inspection, satisfactory to the Municipality.	7.2	300.00
Connection of sump pumps, down spouts or any other drainage works, that collects storm water or groundwater, to the sanitary sewer work systems.	10.1	300.00
Discharge of any storm water including surface water, ground water, rain run off, foundation drain or other sub-surface drainage including any unpolluted cooling water or unpolluted industrial/commercial process water into sewage works systems.	10.2	300.00
Failure to disconnect and/or cease use of existing septic systems upon the connection of buildings thereon to the Sewage Works.	11.1	300.00
Failure to decommission the well or to install a back flow preventer with expansion tank on the municipal water supply service and testing and maintaining such device until such time as pump removal has occurred	12.1	300.00
Discharging or permitting to be discharged into the sewage works any industrial/commercial waste.	13.1 (a)	500.00
Discharging or permitting to be discharged into the sewage works any hauled domestic sewage.	13.1(b)	500.00
Discharging or permitting to be discharged into the sewage works any cooling water, storm water or uncontaminated water	13.1(c)	500.00
Discharging of substance into the sewage works causing a health or safety hazard to a sewage works person authorized to operate, maintain, repair or otherwise works on sewage works;	13.3 (a)	500.00

Discharging of substance into the sewage works causing a breach of the Ontario Water Resources Act or the Environmental Protection Act as amended from time to time, or any regulation made there under from time to time;	13.3 (b)	500.00
Discharging of substance into the sewage works causing biosolids from a sewage works to which either sewage discharge, directly or indirectly, fail to meet the objective and criteria as set out in the Ministry of the Environment publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes in/on Agricultural Land" dated March 1996, as amended from time to time;	13.3 (c)	500.00
Discharging of substance into the sewage works causing an obstruction or restriction to the flow of the sanitary sewer;	13.3 (d)	500.00
Discharging of substance into the sewage works causing an offensive odor to emanate from the sanitary sewer or sewage works;	13.3 (e)	500.00
Discharging of substance into the sewage works causing damage to the sanitary sewer works infrastructure;	13.3 (f)	500.00
Discharging of substance into the sewage works causing interference with the operation or maintenance at a sewage works.	13.3 (g)	500.00
Person, other than municipal employee opening or causing to be opened a fire hydrant forming part of a municipal water works system.	15.1	500.00
Willfully or negligently breaking, damaging, destroying, defacing or tampering with any structure, appurtenance or equipment which is part of a water works or sewer works system.	16.1	500.00

NOTE:

1. The owner/offender shall be responsible for all associated costs with the clean up of any convicted offense.
2. Upon second conviction of an offence the penalty / fine(s) shall double.