

The Corporation of the Township of Whitewater Region

By-Law # No. 13-05-617

Being a By-Law regulating the use of public sewage works and/or public water works and the discharge of waters and wastes into the public sewage works; and the requirement for owners of certain classes of building within the Township of Whitewater Region to connect such buildings to the public sewage works and/or the public waterworks.

WHEREAS pursuant to Subsection 11 (3) paragraph 4 of the Municipal Act, 2001, SO. 2001, c. 25, as amended ("The Act"), a municipality may pass by-laws respecting matters within the public utilities sphere;

AND WHEREAS public utilities as defined in the Act includes a system that is used to provide sewage collection and treatment for the public;

AND WHEREAS Council of the Corporation of the Township of Whitewater Region deem it expedient and desirable to enact a by-law to regulate the discharge of waters and wastes into the public sewage works and the requiring of owners of certain classes of building within the Corporation of the Township of Whitewater Region to connect such buildings to the public sewage works and/or the public waterworks;

THEREFORE, Council of the Corporation of the Township of Whitewater Region enacts as follows:

1. Definitions in This By-Law:

- a) "BUILDING" shall mean any structure used or intended for supporting or sheltering any use or occupancy with the land and premises appurtenant thereto.
- b) "BUILDING SEWER" shall mean that part of the drainage piping outside a building or structure that connects a building drain to the sewer service connection and that commences at the outer face of the wall of the building or other structure and terminates at the property line.
- c) "CORPORATION" shall mean the Corporation of the Township of Whitewater Region.
- d) "COUNCIL" shall mean the Council of the Corporation of the Township of Whitewater Region.
- e) "COMPLIANCE OFFICER" shall mean a person authorized by the Corporation to carry out observations and inspections and take samples of plumbing and sewage works as prescribed in this by-law.
- f) "OPERATOR" shall mean the operator of the sewage works and/or waterworks employed by the Corporation.
- g) "PERSON" shall mean and include any individual firm, company, association, partnership, or group, and wherever the singular is used herein it shall also be construed as including the plural.
- h) "PUBLIC SEWER" shall mean that section of the sewer considered to be the main sewer and in which all owners of abutting properties have equal rights and is owned and controlled by the Corporation.
- i) "SANITARY SEWER" shall mean a sewer for the collection and transmission of domestic, or industrial sewage or any combination thereof.

- j) "SEWAGE" shall mean any liquid waste containing animal, vegetable, chemical or mineral matter in solution or in suspension, but does not include stormwater or uncontaminated water.
- k) "SEWAGE WORKS" shall mean any works for the collection, transmission, treatment or disposal of sewage, stormwater or uncontaminated water, including a combined sewer, sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act applies.
- l) "SEWER" shall mean a pipe, conduit, drain, open channel, ditch or watercourse for the collection and transmission of sewage, stormwater, or uncontaminated water, or any combination thereof.
- m) "SEWER SERVICE CONNECTION" shall mean the extension from the building sewer to the public sewer
- n) "STORM SEWER" shall mean a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse or any combination thereof.
- o) "STORMWATER" shall mean rain water, melted snow or ice and water in the subsoil.
- p) "WATERWORKS" shall mean and include any water main operated and maintained by or on behalf of the Corporation for the distribution of water.

2. Authority:

a) The rules and regulations set out in this by-law shall govern and regulate the operation of any system or sewage works owned by the Corporation and shall be considered to form part of the agreement between the Corporation and the owner or occupant of any building within the Corporation of the Township of Whitewater Region for provision of sewer service to such building and every such owner or occupant by requesting and receiving sewer service from the Corporation shall be deemed to have expressed his/her consent to be bound by the said rules and regulations.

b) A Compliance Officer, Operator or other duly authorized employees of the Corporation appointed by the Council of the Corporation can observe, inspect, test and take samples, from time-to-time, of an existing or a newly constructed buildings plumbing, building sewer(s) leaving the building to the property line, and the connection of the building sewer(s) to the sewer service connection; and further, will not permit any non-compliant connection(s) to be made to the public sewer.

3. The owner of an existing or newly constructed building within the Corporation of the Township of Whitewater Region shall connect the said building to the sewage works and/or waterworks, upon where the said sewage works and/or waterworks is or becomes available, within 30 days upon receiving written notice by registered mail to his/her last known address from the Corporation requiring the connection to be made.

4. A notice sent under Section 3 of this by-law shall advise the owner that if he/she fails to make the sewer and/or water connection as required, the Corporation has the authority to make the said connection(s) at the owners expense and to recover that expense by action or in like manner as municipal taxes.

5. Where a notice is sent under Section 3 of this by-law resulting in a connection made to the sewage works and done so in compliance with this by-law, any existing septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned, filled, removed and/or destroyed within a period of one (1) year following the connection date and will be done so at the expense of the owner.

6. Where a notice is sent under Section 3 of this by-law resulting in a connection made to the waterworks and done so in compliance with this by-law, any existing plumbing works, connections, possible cross-connections or the potential for back-siphonage with a groundwater or surface water source within or outside of the building shall be terminated and/or disconnected from the water service and will be done so at the expense of the owner. Any groundwater wells shall be decommissioned in accordance with MOE guidelines.

7. Where a notice is sent under Section 3 of this by-law:

a) any drain or building sewer for sewage from the building shall be connected to the sanitary sewer.

b) any drain or building sewer for stormwater from the building including surface water, groundwater, uncontaminated water, rain run-off, foundation drain or other subsurface drainage including unpolluted cooling water shall be discharged, connected, or directed to the storm sewer

c) any water service shall be connected to the waterworks.

8. The cost, including all labour and materials, for the installation of the building sewer(s) and the sewer service connection(s) to the sewage works shall be assumed by the owner.

9. The cost, including all labour and materials, for the installation of a water service from the building to the property line shall be assumed by the owner.

10. The cost, including all labour and materials, for a water service connection from the property line to the water main shall be assumed by the Corporation.

11. Following construction and installation of the building sewer(s) leaving the building and the sewer service connection to the public sewer, the owner shall be responsible for the operation, cleaning, repairing, replacement and maintenance of the connection(s) from the sewer main to the building.

12. Following construction and installation of the water service leaving the building and the water service connection to the public waterworks, the owner shall be responsible for the operation, repairing, replacement and maintenance of the connection from the property line to the building.

13. Notwithstanding Section 7 of this bylaw where there is only a sanitary sewer available and no other sewer in the form of a pipe, conduit, drain, open channel, ditch or watercourse for the collection and transmission of stormwater from the building including surface water, groundwater, uncontaminated water, rain run-off, eaves trough drain, sump pump or foundation drain or any other subsurface drainage or any combination thereof the owner is not permitted to discharge, connect or direct the said stormwater or uncontaminated water to the sanitary sewer.

14. The Compliance Inspector, Operator or other duly authorized employees of the Corporation bearing the proper identification and credentials shall be permitted to enter upon all properties for the purposes of observation, inspection, testing and sampling in accordance with the provisions of this by-law.

15. If any existing or newly constructed building sewer made by an owner or his/her authorized representative discharges, connects or directs sewage or stormwater in contravention to the provisions of this by-law, the owner shall at his/her own expense, repair or correct such defective, non-compliant work or materials within thirty (30) days upon receipt of a written notice from the Compliance Inspector or the Corporation and, if the owner fails to repair or correct the said contraventions to this by-law, the Corporation may repair or correct the work, including the authorization to enter upon the

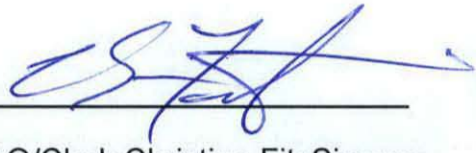
lands, and the cost of such repairs shall be recovered by action or in like manner as municipal taxes.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 13-05-617 are hereby repealed.

Passed this 15th day of May, 2013.



Mayor Jim Labow



CAO/Clerk Christine FitzSimons