

**BY-LAW NUMBER 78-2003 OF THE
CORPORATION OF THE TOWN OF ST. MARYS**

Being a By-Law to require the connection of buildings in the Town of St. Marys to main sanitary sewers, where available.

WHEREAS, under the provisions of the Municipal Act, S.O. 2001, c.25, Section 11, By-laws may be passed by municipalities in relation to waste management.

NOW THEREFORE BE IT ENACTED as a by-Law of the Corporation of the Town of St. Marys as follows:

1. In this By-law:

(a) "*available*" means:

i. In the case of existing buildings, no more main sanitary sewer would have to be installed to provide sanitary sewer service to the property line abutting the property of the owner;

ii. For new construction of:

1. one dwelling unit, no more than twenty-five metres of main sanitary sewer would have to be installed to provide sanitary sewer service to the property line abutting the property of the owner,

2. two to four dwelling units, no more than 200 metres of main sanitary sewer would have to be installed to provide sanitary sewer service to the property line abutting the property of the owner closest to any existing main sewer to which the owner shall be required to connect,

3. more than four dwellings, must be connected to the main sewer system, regardless of distance from existing services.

(b) "*building*" means and includes any structure, trailer or other covering used or intended for supporting or sheltering any occupancy use with the land and premises appurtenant thereto which:

i. has a main sanitary sewer available;

- ii. is located on a parcel of land abutting on a public highway or street in which a sewage works is located or a parcel of land not more than one foot from a public highway or street in which a sewage works is located; and
- iii.
 - 1. contains, or is required by any other by-law, regulation or statute to contain eating, or food preparation facilities, or
 - 2. contains or is required by any other by-law, regulation or statute to contain any washing or toilet or cleaning facilities, or
 - 3. is connected, or is required by any other by-law, regulation or statute to be connected to a water supply, or water works, or
 - 4. is connected, or is required by any other by-law, regulation or statute to be connected, or drain to a sewage works, or
 - 5. which is a source of sewage; other than a barn used for agricultural purposes and which contains no sleeping accommodation for persons;

(c) "*connect*" means to install a connection

(d) "*connection*" means a physical link to a sewage works system including the service pipe from the interior face of the outer wall of a building to

- i. the street line where a service line has been installed from the main sanitary sewer to the street line, or
- ii. the main sanitary sewer where a service 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, connection includes separate connection for the different types of sewage;

(e) "*cost*" includes the cost of restoring any property disturbed or damaged in the course of making a connection and the cost of design, if any, materials, labour and supervision of the connection incurred after the date of sending a Notice and includes the amount of expense charged by the Municipality to the owner when the

Municipality makes a connection at the expense of the owner;

(f) "*main sanitary sewer*" means a main sewer for the collection of sewage;

(g) "*main storm sewer*" means a main sewer for the collection of storm water;

(h) "*Notice*" means a written notice given pursuant to the By-law requiring a connection or connections be made;

(i) "*owner*" means the owner of a building and includes the registered owner of, the person shown on the assessment roll as owner of, and the actual owner of a building or any property on which a building is located, and a Notice sent to any one or any combination of these shall be deemed to be properly sent to the "*owner*";

(j) "*sewage*" may also be referred to as waste water and shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, and includes drainage from all sinks, tubs, toilets and washing facilities but does not include storm water;

(k) "*storm water*" shall mean rain water, melted snow or ice and water in the subsoil.

2. All properties fronting on or abutting streets where water and sanitary sewer services have been constructed shall be subject to a charge for such services, as may be from time to time established by Council, regardless of whether such property is connected to the service or services.

3. Unless otherwise provided for herein, every owner of a building shall connect the building to the sewage works of the Municipality.

4. Where there is a main sanitary sewer available to the land on which a building is located, the drains for sewage from the building must be connected to the main sanitary sewer. If the building is not connected, Council shall issue a Notice to the owner of such land in accordance with this by-law.

5. Any Notice hereunder

- a. shall require the owner to make the connection within twelve months of the date of the Notice,
- b. shall advise the owner
 - i. the date on which the twelve month period expires, and
 - ii. that if the owner fails to make the connection as required, the Municipality has the right to make it at the owner's expense and to recover the expense by action or in like manner as municipal taxes, and
 - iii. shall make reference to the within By-law.
- c. shall be mailed by registered mail to his last known address, and shall be deemed to have been delivered ten days after such mailing,
- d. the date on which the twelve month period expires shall be twelve months after the Notice is deemed to be delivered.

6. A Notice hereunder may classify different types of sewage and require that such types be drained through separate connections into specified sewers.

7. If a building is connected only to one sewer and separate sewers for different types of sewage are available, or made available to serve the land upon which the building is located, the Notice hereunder may, if the building or the land upon which the building is located is or may be a source of sewage of more than one classified type, require the owner to connect the building to the sewage works in such manner that the different types of sewage are drained separately into the sewers specified in the Notice.

8. Any connection required to be made by an owner under this By-law shall be made:

- a. no later than the date specified in the Notice, or within such periods of time, if any, as are granted by Council as an extension pursuant to the provisions of this By-Law,
- b. in accordance with the requirements of the Notice and any by-law, regulation or statutes governing such connection; and

9. Upon such connection, the owner shall have ten (10) days to clean, fill, remove or destroy the existing private system of disposal, to the

satisfaction of the Chief Building Official or other such person or body charged with inspection of such systems, failing which the Municipality shall clean, fill, remove or destroy the existing private system of disposal and the costs of doing so shall be recoverable by action or by the said cost being made a lien or charge as municipal taxes upon the land in respect of which the connection was made, and shall be added to the Tax Collector's Roll by the Clerk of the Municipality and shall be collected in the same manner as overdue taxes and shall bear interest from the date the first demand for payment is made at the same rate as overdue taxes

10. If the owner fails to make a connection required by a Notice within the twelve-month period or such extended period permitted hereunder, the Municipality may make the connection at the expense of the owner and for this purpose may enter into and upon the property of the owner.

11. The cost of making such connection shall be recoverable by action or by the said cost being made a lien or charge as municipal taxes upon the land in respect of which the connection was made, and shall be added to the Tax Collector's Roll by the Clerk of the Municipality and shall be collected in the same manner as overdue taxes and shall bear interest from the date the first demand for payment is made at the same rate as overdue taxes.

12. Unless otherwise approved by the Chief Building Official or other such authorized person or body, no sanitary sewer shall pass under any residential building, other than the building or severable dwelling unit it serves, and the entire plumbing system of every building or premises shall be separate from and independent of that of every other building or premises and shall have an independent connection with the public sewer.

13. Extensions:

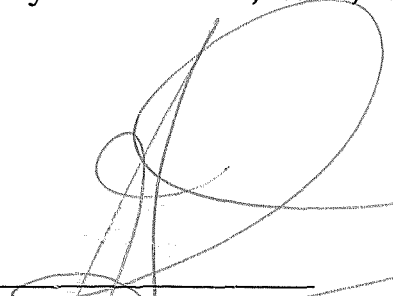
- i. Where a building utilizes its own private system of disposal of sewage which was installed, inspected and authorized for use under the proper permit, Council shall grant an extension of the requirement to connect, such extension not to exceed a period of twelve years from the date of issuance of such permit.
- ii. Where an extension has been granted, and the private sewage disposal system fails, the extension shall be revoked, and the

owner shall connect forthwith. The owner must also comply with all other by-laws, regulations and/or statutes dealing with such failure.

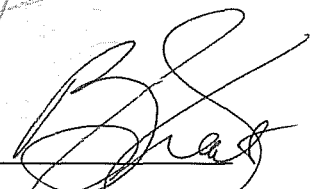
This By-law does not limit the operation of any by-law, regulation or statute regulating or prohibiting the types and contents of waste or other material, which may be drained into a sewer or sewage works.

READ a first and second time the 11th day of November, 2003, A.D.

READ a third time and finally passed this 11th day of November, 2003, A.D.



Jamie Hahn - Mayor



Bruce Grant - C.A.O./Clerk