



By-law 18-2022

A By-law to Implement an On-site Sewage System Re-Inspection Program

Whereas section 7(1) of the Building Code Act empowers council of an upper-tier municipality that has entered into an agreement to pass by-laws applicable to the matters for which the upper-tier municipality has jurisdiction for the enforcement of the Act; and

Whereas the County has a long-standing agreement with the local municipalities to administer and enforce the Building Code with respect to sewage systems;

Now Therefore Be It Enacted as a by-law of the Council of the Corporation of the County of Northumberland as follows:

1. Being a by-law to enforce an on-site sewage system re-inspection program in accordance with Schedules "A" and "B" attached hereto and forming part of this by-law.

That By-law 18-2022 be introduced and be deemed to be read a first, second and third time, passed, signed and sealed this 18th day of May, 2022.

R.J. (Bob) Crate, Warden

Nancy MacDonald, Clerk

Schedule "A"

1. CITATION:

- 1.1 This By-law may be cited as the Northumberland County "Septic System Re-inspection By-law."

2. DEFINITIONS:

2.1 In this By-law:

"Act" means the Building Code Act, S.O. 1992, chapter. 23 as amended;

"Building" means

- a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
- b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- c) plumbing not located in a structure,
- d) a *sewage system*, or
- e) structures designated in the Building Code;

"County" means the Corporation of the County of Northumberland

"Effluent" means sanitary sewage that has passed through a *treatment unit*,

"Maintenance inspection" means an inspection conducted under a maintenance inspection program;

"Maintenance inspection program" means a *sewage system* maintenance program established under clause subsection 34(2.2) of the *Act*;

"OBC" means the Ontario Building Code (Ontario Regulation 332/12), as amended;

"Officer" means the Senior Plumbing/ Sewage System Inspector or Plumbing/ Sewage System Inspector appointed by By-law to enforce the provisions of this By-law;

"Owner" means the registered owner of the property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property;

"Permit" means permission or authorization given in writing from the *SI* or the Municipal Chief Building Official to perform work, to change the use of a *building* or part thereof, or to occupy a *building* or part thereof, as regulated by the *Act* and *OBC*;

"Sewage system" means

- a) 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,
- 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 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;
 - i) have a design capacity of 10,000 litres per day or less,
 - ii) 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
 - iii) are located wholly within the boundaries of the lot or parcel of land on which is located near the *building* or *buildings* they serve;

"SI" means the Senior Plumbing and Sewage System Inspector appointed by By-law

"Significant drinking water threat" has the same meaning as in subsection 2(1) of the Clean Water Act, 2006;

"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 the contaminant load from that of sanitary sewage to a given *effluent* quality;

"Vulnerable area" has the same meaning as in subsection 2(1) of the Clean Water Act, 2006;

2.2 Word - term - not defined – meaning

Any word or term not defined in this By-law that is defined in the *Act* or *OBC* shall have the meaning ascribed to it in the *Act* or the *OBC*.

3. INTERPRETATION AND APPLICATION:

- 3.1 In this By-law, the word "shall" is construed as being mandatory and not discretionary.

4. GENERAL REGULATIONS:

4.1 *Mandatory Maintenance Inspection Program*

Applies to all properties located within the *vulnerable area* of a municipal wellhead source protection area identified in the most recent of the following documents as the areas where an activity described or would be deemed as a *significant drinking water threat*:

- a) the assessment report for the source protection area, as initially approved under the Clean Water Act or as most recently approved following any updating under that Act, or
- b) the source protection plan for the source protection area, as initially approved under the Clean Water Act or as most recently approved following any amendments or reviews.

Mapping provided in "Appendix B" is for reference purposes only and may be updated or amended subject to most recent source protection plan.

4.2 *Discretionary Maintenance Inspection Program*

Applies to all properties within the *County* that utilize a *sewage system*. This program is voluntary to any person wishing to have a *maintenance inspection* performed and must be requested by the *owner* of the property.

4.3 *All Treatment units*, other than a septic tank

Applies to all properties within the *County* that utilize a *treatment unit*, other than a septic tank, where an *officer* has been notified or discovered that,

- a) A service agreement is terminated, or
- b) Access for service and maintenance of the *treatment unit* is denied by the person operating the *treatment unit*, or
- c) Samples of *effluent* taken from the system do not meet the required allowances as prescribed by the *OBC*, or
- d) Results of *effluent* samples are not provided as prescribed in the *OBC* or other regulation of the *County*.

4.4 Mandatory and Discretionary Maintenance Inspections

- a) Section 4.1 shall be re-inspected, as regulated, or prescribed under the *Act* and Clean Water Act.
- b) Section 4.2 shall be re-inspected at the discretion of the *SI* at the time of request by the *owner*. Inspection is subject to the availability of an inspector. Mandatory inspections required under the *OBC* take precedence.
- c) Section 4.3 shall be re-inspected for each occurrence of notification of items a), b), c), or d) of that section.

4.5 Other Approvals

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the *County*, member municipalities or from applying for and obtaining any *permit*, license, permission, or approval required by this or any other By-law or regulation of the *County*, member municipalities or any other law in force from time to time.

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 a *sewage system* where the system is designed or intended to discharge the sanitary sewage or *effluent*, and
- c) any sanitary sewage or *effluent* shall not emit, discharge, seep, leak or otherwise escape from the *sewage system* or any part of it into a piped water supply, well water supply, a watercourse, ground water or surface water, except for a *sewage system* designed and operated such that properly treated *effluent* is discharged into soil.

5.2 Manufacture's Requirements:

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. REMEDIATION REQUIREMENTS:

6.1 Repairs to be carried out:

Where repairs or replacement to a malfunctioning *sewage system* are necessary, a *sewage system permit* issued by the *County* may be required. *Sewage system permits* related to the on-site sewage disposal systems are currently set out in the *County Fees and Charges By-law* for the installation of new *sewage systems* and repairs and/or replacements of the malfunctioning systems.

6.2 Timing for replacement or repairs:

Where repairs or replacement of a malfunctioning *sewage system* are necessary, the work shall be completed within 30 days.

Extensions may be requested in writing by the *owner* to the *SI*. The *SI* may grant extensions where immediate threat to the environment or people are not present.

If repairs or replacement are not completed within the 30 days, the *SI* or *officer* may issue an unsafe *building* order to comply to the *owner* in accordance with the *Act*

6.3 Timing for immediate remediation:

Where it is discovered that *effluent* is breaking onto the ground or poses an immediate threat to the environment, or people, the septic tank or *treatment unit* is required:

- a) to have the septic tank or *treatment unit* pumped within 24 hours by a licensed hauler,
- b) to have the outlet capped,
- c) the *owner* is required to enter into a haulers agreement to provide haulage within 36 hrs of being filled. A method to determine the volume of sewage may have to be installed, such as a float or an alarm,
- d) the haulers agreement is to be provided to the *County*,
- e) the *owner* is to provide all copies of hauler receipts to the *County* until the *sewage system* is remedied, and
- f) if the septic tank or *treatment unit* is not pumped and capped within the 24 hours, the *SI* or *officer* may issue an unsafe *building* order to comply to the *owner* in accordance with the *Act*.

7. FEES FOR MANDATORY AND DISCRETIONARY MAINTENANCE INSPECTIONS:

7.1 Fee Calculations:

The *SI* shall determine the required fees for the mandatory and discretionary *maintenance inspections*, calculated in accordance with the *County Fees and Charges by-law*:

- a) A mandatory *maintenance inspection* shall be calculated using the re-inspection fee. If more than two site inspections are required, the *SI* may charge an additional fee, or
- b) A discretionary *maintenance inspection* fee shall be calculated using the file search fee charge plus the re-inspection fee charge. The *SI* may reduce a fee based on the results of the file search plus a site visit. If more than two site visits are required, the *SI* may charge an additional fee, and such fees shall be paid with the exception of:
 - i) fees are waived for those properties utilizing a *treatment unit* provided the *owner* is able to satisfy to the *SI* of current manufacture required maintenance and operation prior to a field assessment or
 - ii) fees are waived for those properties utilizing a Class 1- Sewage System provided the *owner* is able to satisfy to the *SI* of satisfactory operation of the system without any adverse environmental effects.

7.2 Fees Payable:

- a) Fees shall be made payable to Northumberland County,

- b) Fees for mandatory *maintenance inspections* shall become payable by each affected property owner, and payable upon completion of the initial field inspection,
- c) Fees for discretionary *maintenance inspections* shall become payable upon owner request, and prior to a site visit being performed.

7.3 Collection Administration fees:

Fees collected under section 7.2 are subject to additional collection fees as noted in the *County Fees and Charges* by-law to account for additional administration costs associated with its collection and any municipal fees associated with its collection.

8. FORMS:

8.1 Custom Forms:

The *SI* is delegated the authority to create and/ or adopt for usage, forms (other than those prescribed by the *Act* or *OBC*) 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 this By-law, the *Act* and the *OBC*.

9. POWERS OF ENTRY:

9.1 Entry upon land and into *buildings*, Building Code Act:

In accordance with the *Act*, an *officer* may enter upon land and into *buildings* for the purpose of conducting a *maintenance inspection* however this Bylaw does not provide any additional provisions for entry by the *officer* where not permitted by the *Act*.

9.2 Entry upon land, Municipal Act:

In accordance with the Municipal Act 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.

10. ENFORCEMENT AND PENALTY PROVISIONS:

10.1 Council shall appoint an *SI*, and *officers* as are necessary for purpose of carrying out of this By- law,

10.2 Conflict of By-law and *Act*,

In the event that there is a conflict between a provision of this By-law and the provisions of the *Act*, or its regulations, then the provisions of the latter will prevail.

10.3 No person shall hinder:

No person shall hinder or obstruct the *SI*, or *officers* in the enforcement of this by-law,

10.4 Guilty of an offence:

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.

11. CONFLICTING LEGISLATION:

11.1 More restrictive to prevail:

If there is a conflict between a provision in the *Act* and a provision of any other Act, the section that is more restrictive shall prevail.

11.2 Amendments:

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 subsequent amendments to such statute and all successor legislative to such statute.

12. APPENDICES:

Appendices "A" and "B" shall be and are hereby deemed to be a part of this By-law to the same extent and effect as if incorporated herein.

Appendix A - Scope of Inspections

Phase 1:

A phase 1 inspection is a non-intrusive process that aims to establish compliance with the OBC. A follow-up, Phase 2 inspection may be required where the Phase 1 inspection indicated a possible defect or failure of the system.

Goal of Phase 1 Inspection:

Identify any existing defects in the *sewage system* and attempt to identify potential risks that may cause future malfunctions based on a visual inspection.

Phase 1 Inspections may include:

- Review of available *County* or *owner* records of the specific components of the system;
- Review type of occupancy serving the *sewage system* to determine the source and type of sanitary sewage produced;
- Source, location, and type of water supply servicing the property,
- Review of sewage or *effluent* volumes generated and comparing with *County* or *owner* records;
- Determine the use of special devices such as garbage grinders or water softeners;
- General nature of the *sewage system* (class, components, type, layout, etc.);
- Location of sewage system components with respect to well, surface water and other environmental features, where possible;
- Approximate level of ground water (typically by non-destructive measures or estimates based on topography);
- The size, material, and condition of the septic tank, *treatment unit* or Class 5 *sewage system* holding tank;
- The frequency of the septic tank, *treatment unit* or Class 5 *sewage system*, holding tank pump-out and the last time the tank was cleaned, and any indication of sewage system failure, including:
 - evidence of *effluent* backup,
 - signs of hydraulic failure (breakout of *effluent*, wet conditions in the leaching bed area),
 - condition of surface vegetation, or
 - odour evident;
- Documentation of previous *effluent* sampling test results when required;
- *County* or *owner* documentation of regular maintenance for systems utilizing *treatment units* operated in accordance with manufactures specifications;
- Evidence of potential hazards such as, but not limited to:
 - traffic over septic components,

- construction over septic components,
- deep penetrating vegetation in septic components,
- erosion in and around septic components,
- discharge of stormwater or other not designed products diverted over *sewage system* components.
- Evidence of historical regular servicing maintenance such as septic tank or *treatment unit* tank pump out records or current haulage contract records for Class 5 *sewage systems*, holding tanks and may include the *owner* having to complete a pump out at their expense and provide a hauler report recording the condition of the tank or similar as approved by *SI* or *officer*.

Phase 2 Inspections typically includes (where possible)

- A Phase 2 inspection may be conducted when an *officer* determines that the *sewage system* is at risk of malfunction, failure or due to lack of maintenance records following the completion of the Phase 1 inspection.
- A Phase 2 inspection may also be conducted when the *officer* identifies a potential malfunction or failure in the system but cannot readily identify the cause of the failure.

Possible list of matters when undertaking the Phase 2 investigation:

At the owner's expense, a licenced hauler is to pump the septic tank, *treatment unit* or Class 5 sewage system holding tank to determine and provide an inspection report for:

- the depth of the sludge layer and the distance from the top of the sludge layer and outlet tee,
- the thickness of the scum layers,
- the distance between the bottom of the scum/ grease layer and the bottom of the outlet tee,
- the distance between the top of the scum layer and the top of the outlet tee,
- the physical condition of the inlet and outlet, and
- the condition of the effluent filter, if utilized.

At the owner's expense, a licenced installer is to conduct and provide an inspection report, including:

- a leak diagnostic,
- a dye tracing test,
- a cross section of the leaching bed,
- a unified soils sample from a test hole,
- a plan view drawing of the property with all clearance distances determined in accordance with the *OBC*

- where used in the *sewage system*, condition and functionality of distribution boxes, dosing tanks and pumps, controls, and alarms.



Appendix B – Mapping: Properties requiring mandatory re-inspection within wellhead protection areas

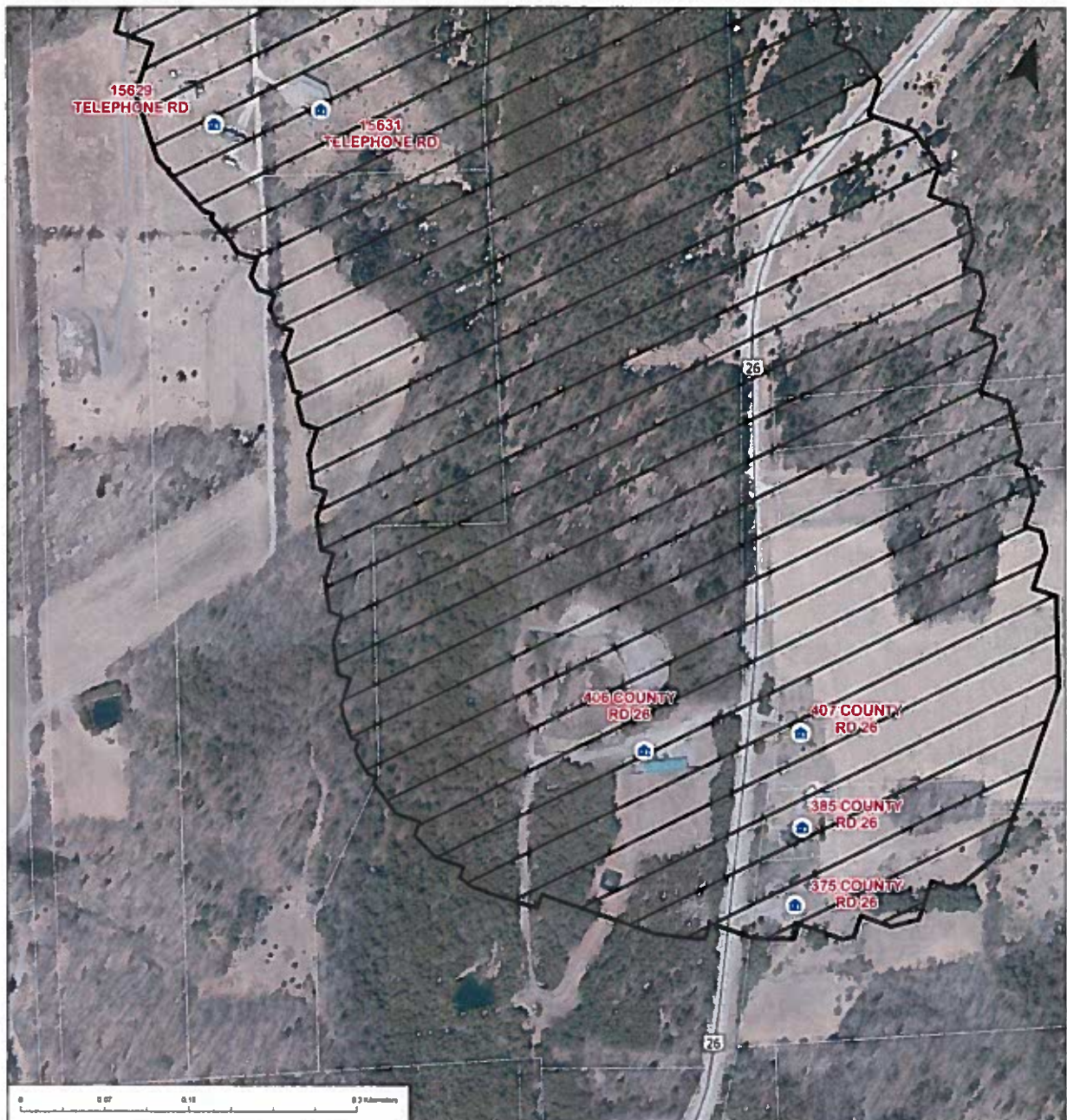


Brighton Wellhead Protection Area

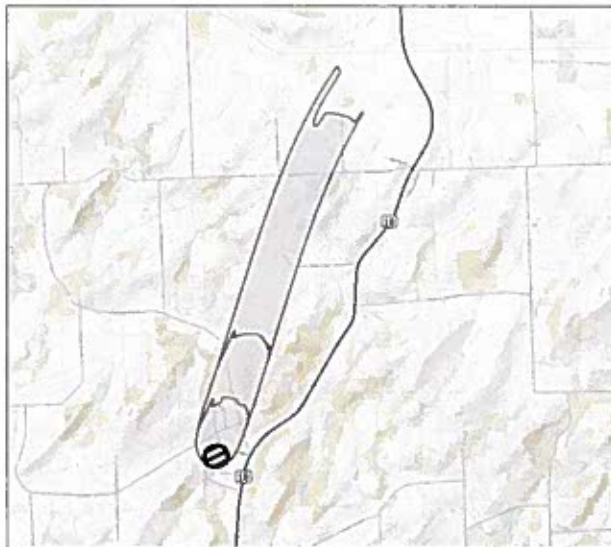


Legend

-  Locations Requiring Sewage System Inspections
-  WHPA septic reinspection area





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Camborne Wellhead Protection Area

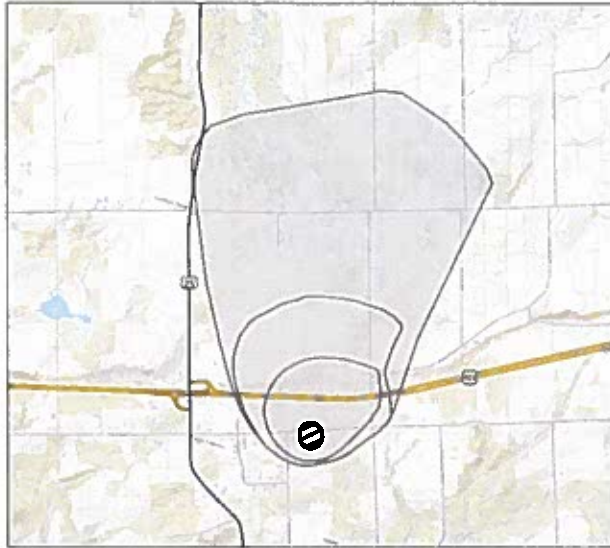


Legend

-  Locations Requiring Sewage System Inspections
-  WHPA septic reinspection area





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Cramahe Wellhead Protection Area



Legend

-  Locations Requiring Sewage System Inspections
-  WHPA septic reinspection area





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Creighton Heights Wellhead Protection Area



Legend

-  Locations Requiring Sewage System Inspections
-  WHPA septic reinspection area



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