

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BYLAW #2010-62

**A BY-LAW TO REGULATE THE TOWN OF
WASAGA BEACH WASTE WATER UTILITY, AND TO
REPEAL PREVIOUS WASTE WATER UTILITY REGULATING BY-LAWS**

WHEREAS Sections 10 and 11(3), of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting matters within their jurisdiction which includes public utilities and waste management spheres;

AND WHEREAS it is necessary and proper to regulate such matters as outlined below in order to secure for the inhabitants of the Municipality an adequate system of wastewater in accordance with the power described in the *Municipal Act, 2001*, S.O. 2001, c.25 as amended;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, c. 25, Section 80 and section 87 as amended allows a municipality to enter on land to which it supplies a public utility to inspect, repair, alter or disconnect certain works, conduct tests and take samples;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, c. 25, Section 81, as amended, allows a municipality to shut off the supply of a public utility on account of overdue payments;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 425(1), as amended, authorizes a municipality to pass a By-Law to establish that a person who contravenes a By-Law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, is guilty of an offence;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, c. 25, Section 429, as amended, authorizes a municipality to establish a system of fines for offences under a By-Law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach passed By-Law #81-17, being a By-Law to enact rules and regulations for the maintenance and operation of a waste water system in the Town of Wasaga Beach and amendments thereto;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach passed By-Law #2004-77, being a By-Law to require the connection of all buildings to the municipal water sewer system;

AND WHEREAS Council deems it necessary to make substantive changes to the by-laws regulating the waste water utility of the Corporation of the Town of Wasaga Beach to ensure the inhabitants of the Town of Wasaga Beach continue to receive a waste water collection system that is efficient and effective and meets the requirements of the Provincial Government;

AND WHEREAS Council deems it necessary to consolidate certain by-laws affecting the waste water utility;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

PART I

DEFINITIONS:

1. For the purpose of this By-Law the following words shall have the meaning given herein:

“Act” shall be taken to mean the Municipal Act, 2001, S.O. 2001, c25, as amended from time to time.

“Available sanitary sewer main” when used to describe a property shall mean any property within the Town of Wasaga Beach which has access to a sewer main upon or under land abutting such property.

“Building Department” means the Building Division of the Planning and Development Department of the Corporation of the Town of Wasaga Beach.

“Change of use” shall mean a new use for an existing building, structure or premises or part thereof.

“Chief Building Official” shall mean the Chief Building Official for the Town of Wasaga Beach or his/her designate.

“Clerk” shall mean the Clerk of the Corporation of the Town of Wasaga Beach or his/her designate.

“Commercial” shall mean the use of land, building or structure for the purpose of buying and selling commodities, supplying of services, or the provision of accommodation, as distinguished from uses such as “industrial use” or assembling of goods, warehousing, transport terminals, construction and other similar uses.

“Consumer” shall mean the owner, occupant, or any other person, that occupies property that is used for commercial, industrial or residential dwelling purposes that is discharging sewage.

“Council” shall mean the Council of the Corporation of the Town of Wasaga Beach.

“Director” shall mean the Director of Public Works for the Corporation of the Town of Wasaga Beach or his/her designate.

“domestic use” shall mean the use of water for residential, commercial, industrial or institutional uses, but does not include the wholesale or retail sale of water.

“Enforcement Officer” shall mean any one or more of a Police Officer, Municipal Law Enforcement Officer and the Director of Public Works for the Corporation of the Town of Wasaga Beach, and “officer” shall have the same meaning.

“industrial use” shall mean:

- a) The use of land, building, or structure for the manufacturing, processing, fabricating of, assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses; or
- b) The use of land, building, or structure for one or more of the following operations:
 - i) the carrying on of any process of manufacture whether or not a finished article results therefrom;
 - ii) the dismantling and separating into parts of any article, machinery, or vehicle;
 - iii) the breaking up of any articles, goods, machinery, or vehicles;
 - iv) the treatment of waste materials;
 - v) the processing of sand, gravel, clay, turf, soil, rock, stone, or similar substances, but not the extraction thereof; and
 - vi) the repairing and servicing of all vehicles, machinery and buildings and may include:
 - the storage of goods in connection with or resulting from any of the above operations;
 - the provision of amenities for Persons engaged in such operations;
 - the sale of goods resulting from such operations; and
 - any work of administration or accounting in connection with the undertaking.

“institutional use” shall mean:

- a) The use of land, building, or structure for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor and outdoor recreation facilities, community centres, public hospitals; libraries established under the Public Libraries Act, R.S.O. 1990, cP.44;
- b) The use of land, building, or structure for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools and nursery schools; or
- c) The use of land, building, or structure designed, adapted or used for medical, surgical, charitable or other treatment or care of persons, or for detaining persons for correctional, disciplinary or other purpose, and shall include a children’s home, a home for the aged or the infirm, a monastery, nunnery, or religious retreat, a jail, reformatory or training school, and all other such uses.

“minimal effort and expense” shall mean less than 2.0 hours of staff time and shall not include the use of heavy equipment or excavations.

“multiple family dwelling” shall mean one or more habitable rooms designed or intended for use by more than one individual or family as an independent and separate housekeeping establishment containing separate kitchen and sanitary facilities for each individual or family.

“multiple offence” shall mean an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-Law.

“municipal use” shall mean the use of any building or structure, or any and all lands that have been or hereafter may be set apart, designated, dedicated or established by Council as public parkland or municipal facility for enjoyment by the public, public library, YMCA or any operation that is owned or made available by lease agreement or otherwise to the Town.

“municipality” shall mean the Corporation of the Town of Wasaga Beach and includes, where the context permits, its duly authorized officers, contractors, employees and agents.

“occupant” shall mean a person occupying a place or dwelling;

“Officer of a Corporation” shall mean a member of a Board of Directors of a for-profit or non-profit corporation.

“owner” shall mean the person or persons who owns the property and includes, a developer, firm, corporation, contractor, or responsible individual in charge of the property at any given time.

“overstrength waste” shall mean waste that exceeds the “Wastewater Source Control” guidelines issued by the Federation of Canadian Municipalities and National Research Council.

“person” shall include a corporation and the heirs, executors, administrators or other legal representatives of an owner.

“sanitary sewer lateral cleanout” shall mean an inspection tee/clean-out installed on the sanitary sewer lateral at the property line.

“sanitary sewer lateral” shall mean a pipe that conveys waste water from a building, or other use of a property or any part thereof to the sanitary sewer main and commences from the face of the building and terminates at the sanitary sewer main.

“sanitary sewer main” means a pipe located in the road allowance in front, to the side or to the rear of a property that conveys waste water from a sanitary sewer lateral located at the property line to the sewage treatment plant.

“sewage” shall mean the composite of water and water-carried wastes originating from any property belonging to a consumer as are or as are required to be deposited into the waste water utility and shall have the same meaning as waste water.

“sewer surcharge rate” shall mean those fees or charges for the operation, repair and maintenance of the waste water utility established by the municipality, and may include a base rate and a rate based on consumption of water, and such charges for depreciation, deferred maintenance or establishment of a reserve fund, and recovery of other related costs, all as prescribed by the municipality.

“single family dwelling” shall mean one or more habitable rooms designed or intended for use by an individual or family as an independent and separate housekeeping establishment in which one kitchen and sanitary facilities are provided for the exclusive use of such individual or family.

“Treasurer” shall mean the Treasurer of the Corporation of the Town of Wasaga Beach or his/her designate.

“Town” shall mean the Corporation of the Town of Wasaga Beach

“use” shall mean the purpose for which the building, structure or premises or part thereof is used, occupied or intended to be used or designed to be used or occupied and in the case of multiple uses, shall mean the primary use as determined by the Director,

“waste water” shall mean the composite of water and water-carried wastes originating from any property belonging to a consumer as are or as are required to be deposited into the waste water utility and shall have the same meaning as sewage.

“waste water service” shall mean the whole or any part of the equipment or service provided by which waste water is deposited by a consumer into the waste water utility.

“waste water utility” shall mean any public works for the collection, transmission, treatment or disposal of wastewater, or any part of any such works within the municipality.

“waste water service” shall mean a pipe that conveys sewage from a building, structure or premises to a sewage main and shall have the same meaning as “sanitary sewer lateral”.

“water” shall mean water drawn, treated and provided by the Corporation of the Town of Wasaga Beach.

“water service rate” means those fees or charges for the operation, repair and maintenance of the water works utility established by the municipality, and may include a base rate and a rate based on consumption of water, and such charges for depreciation, deferred maintenance, establishment of a reserve fund, and recovery of other related costs, all as prescribed by the municipality.

“water works employee” shall mean an employee of the Corporation of the Town of Wasaga Beach whose duties include the operation and maintenance of the water works utility and/or the waste water works utility.

“works” shall mean land, buildings, structures, plant, machinery, equipment, devices, conduits, intakes, outfalls or outlets and other works used or designed for the collection, treatment or disposition of sewage or the production, treatment, storage or distribution of water.

PART II**GENERAL PROVISIONS:**

- 1.1 Every owner of property which has an available sanitary sewer main, shall connect a sanitary sewer lateral to a sanitary sewer main in the manner prescribed in this By-Law within one (1) year of being issued a building permit, or for existing commercial, residential, institutional or other uses capable or likely to generate waste water, within one (1) year from the date of passage of this By-Law. In the absence of evidence to the contrary, a letter from the Director indicating that a property has available service shall, for the purposes of this By-Law, constitute proof of such availability.
2. The municipality shall manage, maintain and operate the waste water utility heretofore and hereafter established and constructed in the municipality in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, and the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, and this By-Law, all as amended.
3. The municipality agrees to use diligence in providing a regular uninterrupted supply of waste water collection services for domestic, industrial, institutional, and commercial use, but will not be liable in damages to the owner of property serviced by the waste water utility or to any other person by reason of any failure in respect thereto.
4. The municipality shall not be liable to the owner of property serviced by the waste water utility or any other person for damages by reason of failure to supply waste water collection for any reason whatsoever. The municipality will, however, exercise reasonable diligence and make such repairs as may be necessary, and do such acts as within its powers to restore services, and shall at all reasonable times for such purpose, have the right to enter upon the lands of the owners; provided that if the municipality by reason of its entry onto private property, occasions any damage to the said property, then such damage shall be reasonably repaired in a proper manner forthwith, at the municipality's expense.
5. Notwithstanding anything herein stated, there shall be no obligation on the part of the municipality to service any lands within the municipality that are not presently serviced with the waste water utility. The municipality reserves the right to determine what areas and when such areas will be serviced with the waste water utility.
6. The rules and regulations set out in this By-Law shall govern and regulate the operation of any waste water utility owned by the municipality or operating within the municipality and shall be considered to form a part of the agreement between the municipality for provision of waste water service to each building and every such person by applying for and receiving waste water service from the municipality shall be deemed to have expressed his/her consent to be bound by the said rules and regulations.

PART III

ENTRY ON LANDS, BUILDING, ETC.

7. The Municipality may, with the consent of the Director and subject to the requirement of section 435 and the limitations set out in section 437 of the act, enter lands, buildings and premises of any user, at reasonable times, more specifically;
 - a) enter on their land, buildings or common passage and install, construct and maintain pipes, wires, equipment, machinery and other works;
 - b) enter on land to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility;
 - c) enter on land to inspect, install, repair, replace or alter a public utility meter;
 - d) enter on land to inspect the discharge of any matter into the sewage system of the municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests and take samples for this purpose;
 - e) enter on land to shut off the supply of the public utility; or to determine whether the public utility has been or is being unlawfully used; remove any property of the municipality;
 - f) to enter pursuant to sec 436 of the Act;
 - g) enter on land to inspect the discharge of any matter into a land drainage system of any person and may conduct tests and remove samples for this purpose;
 - h) with reasonable notice, where required by the Act, enter a dwelling pursuant to section 437, 438 or section 439 of the Act, notwithstanding that where the Act states:

“437e) the delay necessary to obtain an order under section 438, to obtain a warrant under section 439 or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person,” the municipality may enter a dwelling.

PART 1V

CONNECTION TO A SANITARY SEWER MAIN

8. No person shall make a waste water or any other connection to a sanitary sewer main without first obtaining permission, in writing, from the municipality. The connection of a new waste water service, or replacing, or upgrading of an existing waste water service to one of the municipality’s sanitary sewer mains shall be made by a water works employee or authorized agent of the municipality, in accordance with the following:

- a) The Director shall endeavor, where possible, to install a sanitary sewer lateral from the sanitary sewer main to the property line where directed by the customer when the sanitary sewer main is being installed. However, in every case the Director shall have the right to determine the nature of the service connection required and the position and location in which such waste water service and other equipment and appliances shall be installed.
 - b) In the event that there is no sanitary sewer lateral from the sanitary sewer main to the property line, it shall be the property owner's responsibility and cost to install the lateral. However, in every case the Director shall have the right to determine the nature of the service connection required and the position and location in which such waste water service and other equipment and appliances shall be installed.
 - c) Each building which is or will be discharging sewage on any property shall have a separate waste water service connection including a separate sanitary sewer lateral clean out for the inspection and maintenance of the sanitary sewer lateral.
 - d) The size of a sanitary sewer lateral required for a single family dwelling shall be a minimum of 10.16 cm inside diameter.
 - e) The size of a sanitary sewer lateral required for multiple family, single family condominium, commercial, institutional or industrial uses shall be determined by the owner's engineer and be subject to the approval of the Director, provided however, that in no case shall such sanitary sewer lateral be less than a minimum of 15.24 cm inside diameter.
 - f) Where any variation from standard practice is permitted by the Director, any additional expense incurred by reason of such variation shall be borne and paid by the person applying for the waste water service.
9. The responsibility for repairing a broken or damaged waste water service, from the sanitary sewer main to the property line (exclusive of the sanitary sewer lateral clean out), shall rest with the municipality.
 10. The responsibility for repairing a broken or damaged waste water service, from the property line into the building (inclusive of the sanitary sewer lateral clean out) shall rest with the owner of the property.
 11. The owner of the property shall repair a broken or damaged waste water service within fourteen (14) days of becoming aware of a break or damage to the service or within another time frame as required or approved by the Director. Failure to do so shall result in the water being shut off to the property by the municipality until such repairs are carried out to the satisfaction of the Director.

PART V**CONNECTION TO A SANITARY SEWER LATERAL**

12.1 No person shall make a connection to a sanitary sewer lateral, except as follows:

- a) An application for a sanitary sewer lateral connection shall be made in writing to the Chief Building Official, through the Building Department, as provided for in Section 13 and 14 of this By-Law, and be approved prior to any work being commenced, including excavation.
- b) All excavations required for the installation of a sanitary sewer lateral on public property shall be carried out by open trench unless otherwise approved by the Director or in the case of private property, the Chief Building Official. All pipes shall be installed according to municipal engineering standards and no back fill shall be placed until the work on public property has been inspected and is deemed by the Director in compliance with this By-Law or on private property has been inspected by the Chief Building Official.
- c) The sanitary sewer lateral shall be separated from all other services, such as buried cables and the water service laterals, in accordance with the Ontario Building Code.
- d) The sanitary sewer lateral shall be laid upon a 150mm sand bedding or stone, at the discretion of the Building Department. The sanitary sewer lateral shall be covered with another 150mm of sand prior to compaction and back filling.
- e) The person applying for a sanitary sewer lateral connection shall give at least forty-eight (48) hours notice to the Building Department when the sanitary sewer lateral will be ready for inspection and connection to the waste water utility. The connection shall be made under the supervision of the Building Department. Weekends and holidays shall not to be included in calculating the 48hrs.
- f) No Person shall back fill a sanitary sewer lateral until it has been inspected and approved by the Building Department for back filling. Every sanitary sewer lateral connection shall be inspected by the Building Department prior to back filling.
- g) All excavations for a sanitary sewer lateral connection shall comply with the *Occupational Health and Safety Act* R.S.O. 1990, c.0.1, as amended, and all Regulations made pursuant thereto, including but not limited to O.Reg. 213/91 as amended (ie. "Construction Projects"). If the Ministry of Labour determines that compliance with the aforesaid *Act* and *Regulations* has not been demonstrated, inspection of the sanitary sewer lateral will not be carried out until compliance is confirmed by the Ministry of Labour for the municipality, ensuring that it is safe for the Building Department to carry out its inspection duties.
- h) It is the owner's obligation to ensure the work site is maintained in a safe condition and the work site meets all applicable safety requirements.

12.2 If, in the opinion of the Ministry of Labour for the municipality, the work site is deemed unsafe, the inspection will be deferred until the site is deemed by said Ministry to be safe.

PART VI**MAINTENANCE AND MANAGEMENT PROVISIONS**

13. Every person who wishes to repair, install or move a sanitary sewer lateral shall make application in writing to the Director and the Chief Building Official.
14. The municipality is not obligated to provide a water service or waste water service until a waste water connection permit has been issued.
15. The sanitary sewer lateral, from the sanitary sewer main to the property line (exclusive of the sanitary sewer later clean out) shall be maintained by and at the expense of the municipality.
16. The sanitary sewer lateral from the property line into the building (inclusive of the sanitary sewer later clean out) shall be maintained by and at the expense of the property owner.
17. No person shall repair, remove, tamper with or connect to any sanitary sewer main or permit or cause to permit same, without applying for a Road Occupation Permit and receiving written approval of the Director.
18. Every person shall maintain or keep his/her waste water service and other appurtenances, from the property line into the building in good working order and repair, free from leaks and blockages.
19. No person shall discharge or deposit or cause or permit the discharge of any waste of any kind into public or private drains that lead to the waste water utility or the waste water utility directly that may have an adverse environmental affect, subject to the exceptions noted in part VIII, below.
20. No person other than a water works employee or licensed plumber shall access a sanitary sewer lateral clean-out for maintenance purposes.
21. No person shall damage or allow damage to any waste water utility.
22. No person shall obstruct free access to any sanitary sewer lateral clean out or permit or cause to permit same, by placing any fence, plant, material, earth, concrete, pavement or other obstructive matter on it.
23. No person shall impair access to any part of the waste water utility, and no person shall excavate, or pave or otherwise hard surface a driveway, on private or public property or permit to or cause to permit same, without first obtaining a waste water service locate from a water works employee or authorized agent of the municipality.
24. Any person who tampers with, alters, obstructs, removes, neglects, interferes with, or damages any waste water works utility equipment shall, in addition to any other penalty allowed by law, be held liable for the cost of repair to or the replacement of the equipment or permit or cause to permit same, of the water works utility.

PART VII

REQUEST FOR SERVICE CALL

25. Every owner or consumer, subject to section 26, upon discovery of a blocked sewer shall forthwith cause a licensed plumber to be hired to determine the cause of the blockage.
26. If the owner reasonably believes that the blockage may be on municipal property, then as an alternative to the requirement of Section 25 of this by-law, they may call the Public Works Department or the answering service and request a service call.
27. The owner will not be charged to determine the cause of the blockage unless it is subsequently determined that the blockage is on property belonging to the owner, in which case the owner shall be assessed a fee of \$200.00, or as subsequently adjusted by the fees and charges By-law.
28. If the blockage can be easily removed immediately following detection with minimal effort and expense, even though it is on private property, it shall be removed by a water works employee without charge.
29. There shall be no charge for removal of a blockage in the portion of the sanitary sewer lateral that is on the municipality's property.

PART VIII

DISPOSAL OR DISCHARGE OF WASTE WATER

30. No person shall discharge or deposit or cause or permit the discharge or deposit of any matter or substance of a kind listed below in any manner into the waste water utility without the written consent of Council:
 - a) Matter of any type or at any temperature in any quantity which may be or may become a health or safety hazard to a waste water employee, or which may be or may become harmful to the waste water utility, or which may cause the waste water utility effluent to contravene any requirement by, or under the Ontario Water Resources Act R.S.O. 1990 c.0.40, as amended or the Environmental Protection Act R.S.O. 1990 c.E.19 as amended, or which may cause the sludge from sewage works to fail to meet the criteria relating to contaminants for spreading sludge on agricultural lands under Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands (as revised January 1986) unless the person has been advised in writing by the operator of the waste water utility the sludge from the waste water utility will not be used on agricultural lands, or will not interfere with the proper operation of a waste water works, or will not impair or interfere with any sewage treatment process, or which is, or will not result in a hazard to any person, property or vegetation and;
31. Section 30 does not apply to prevent the discharge of waste disposal site leachate when:

- a) The waste disposal site leachate is being discharged in conformance to a certificate of approval or order relating to the premises under the Environmental Protection Act R.S.O. 1990 c. E.19 as amended or the Ontario Water Resources Act R.S.O. 1990 c.0.40 as amended which expressly authorizes the discharge;
 - b) The owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
 - c) A copy of the certificate of approval or written authorization referred to in clause 31 (a) has been provided to the municipality
32. Section 30 does not apply to prevent the discharge of hauled sewage when:
- d) The carrier of the hauled sewage is a waste transportation system under a license issued under Part VII of the Environmental Protection Act R.S.O. 1990 c. E.19 as amended;
 - e) The carrier has written approval from the municipality which includes a specified time and location for the discharge; and
 - f) The discharge occurs at the approved time, location, and in conformance with the said license or approval.

PART IX

AGREEMENTS

- 33. The discharge or deposit of sewage that would otherwise be prohibited by this By-law may be permitted into, or in any connection to any sanitary sewer or other part of the waste water utility to an extent fixed by agreement with the Municipality under such conditions with respect to payment of additional sewage rates or otherwise as may be necessary to compensate for any additional costs of operating and maintaining the sewage works.
- 34. Agreements to discharge overstrength waste to the sanitary sewer main or other part of the waste water utility will only be considered by the Municipality where pretreatment of such waste either due to quality or quantity is not deemed necessary by the municipality.
- 35. An agreement can only be made for the discharge of suspended solids, biochemical oxygen demand and phosphorus.
- 36. Any person permitted by the municipality to discharge overstrength waste shall sign an agreement and shall at all times comply with the provisions set out in said agreement.
- 37. A person who has entered into an agreement with the municipality shall not be prosecuted pursuant to this by-law by reason, only that said discharge is not in conformance to other sections of the by-law, providing the discharge and all other conditions of the agreement have been and continue be in accordance with agreement for the discharge or deposit of sewage.

PART X

SPILLS

38. Every person who discharges or deposits or causes or permits the discharge or deposit of waste water in a location other than a waste water utility is required to forthwith notify the Public Works Department.
39. Such notification shall include the following information:
 - g) Name of the person or company and the address of the location of the spill
 - h) Name of the person reporting the spill and the telephone number where that person can be reached
 - i) Time of the spill
 - j) Type and volume of material discharged and any associated hazards;
 - k) Corrective actions being taken to control the spill; and
 - l) Confirmation that the Ministry of Environment has been notified, if required.

PART XI

WASTE WATER RATES AND FEES

40. Every person shall hire a contractor acceptable to the Director to install a sanitary sewer lateral from the property line to a building or other structure. The cost of installing each new sanitary sewer lateral, or replacing, or upgrading an existing sanitary sewer lateral from the sanitary sewer main into the building shall be borne by the owner of the property on which the installation, replacement or upgrade occurs. A road occupancy permit must be obtained prior to any work being initiated on any municipal rights-of-way and all applicable fees shall be paid by the owner.
41. The prices, rates or charges for the discharge of waste water to a waste water utility, and any other costs or charges, for management, maintenance, installation or otherwise, in connection with or for supplying and collecting and treating same, (hereinafter called the "rates"), shall be determined from time to time by the municipality and may be varied from time to time, subject to the approval of Council.
42. No person shall discharge waste water to the waste water utility without paying all rates including the rates chargeable for the supply of water under By-Law 2009-23, as amended or replaced from time to time, and the rates chargeable for the discharge of wastewater, as described in Schedule "A". attached hereto and forming part hereof.
43. (a) Where any account for the installation of a waste water service, for repairs, fittings and apparatus, for inspection or for any other service, matter or thing incurred and payable under the provisions of this By-Law in respect of any building or premises, is overdue and unpaid for more than thirty days after the date on which such account is due and payable, the Treasurer may cause a notice in writing to be sent by prepaid mail addressed to the consumer to whom it was furnished and to the owner of such building or premises, at their last known address according to the last revised assessment rolls of the municipality, notifying them that unless such account is paid within ten days after the date of the notice, the supply of water to such building or premises will be shut off

and withheld, and if such account is not paid within the aforementioned period, the Treasurer shall advise the Director of such failure, who shall cause the supply of water to be shut off and withheld in accordance with the terms of the said notice.

- (b) Where any account for fees, rates, or other charges under the provisions of this By-Law in respect of any commercial, industrial, institutional or residential building or dwelling is overdue and unpaid for more than thirty days after the date on which such account is due and payable, the Treasurer shall cause a notice in writing to be sent by prepaid mail addressed to the consumer and to the owner of such building or dwelling, at his/her last known address according to the last revised assessment rolls of the municipality, notifying them that unless such account is paid within ten days after the date of the notice, the supply of water to such building or premises will be shut off and withheld, and if such account is not paid within the aforementioned period, the Treasurer shall advise the Director of such failure, who shall cause the supply of water to be shut off and withheld in accordance with the terms of the said notice.
- (c) The amounts payable under the terms of this By-Law to the municipality by a consumer for any commercial, industrial, institutional or residential building or dwelling is the responsibility of the consumer. The amount payable for all fees, rates, and charges established hereunder is a lien and charge upon the estate to interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of the person's estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands, and collectible by the municipality in the same manner and to the same extent as municipal taxes upon land.
- (d) The Clerk of the municipality shall, upon notice to him or her of the amount due and of the person by whom it is due and of the lands upon which a lien is claimed, enter the amount upon the collector's roll and the collector shall proceed to collect the amount from the goods and chattels and the estate or interest in the lands of the person liable in the same way, or as nearly as may be, as municipal taxes are collected.
- (e) The municipality may also itself distraint the goods and chattels of the person liable to pay for the amount due for any wastewater service supplied to the person.
- (f) In the event that the municipality shuts off the supply of water, all fees, rates and penalties then in default are, nevertheless, recoverable and payable.
- (g) Where the supply of water cannot be shut off without shutting off the supply to other consumers who are not in default, the supply of water shall not be shut off, but the rents, rates and charges shall be, nevertheless recoverable.

PART XII

ENFORCEMENT

- 44. A Police Officer, Municipal Law Enforcement Officer and the Director of Public Works as designated by the Council of the Town of Wasaga Beach are hereby vested with the authority to enforce this By-Law.

PART XIII

PENALTY PROVISIONS

45. (1) Any person who fails to comply with any requirement or provisions of this By-law or causes any other person to fail to comply with any requirement or provision of this By-law, is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, 2001 S.O. 2001, c.25, as amended.
- 45 (2) Any director or officer of a corporation who knowingly concurs in the contravention of any provisions of this By-law is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, 2001, S.O.2001,c.25 as amended.
- 45.1(a) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
- (b) Any person who contravenes section 45.1(a) shall, upon conviction, be liable to a minimum fine of \$500 dollars, to a maximum of \$100,000 dollars, or as permitted by the Act.
- (c) Any person who contravenes section 1.1(GENERAL PROVISIONS) shall, upon conviction, be liable to a fine of \$25,000 for the first offence.

SYSTEM OF FINES

- 45.2.1 For the purpose of establishing a system of fines, as set out in subsection 429(2) of the Act, sections 45.4, 45.5, & 45.6 apply a system of fines.

REQUIRED EQUIPMENT (CONNECTION) OFFENCES

- 45.3 Where an offence of failure to connect to an available sewer main, pursuant to section 1.1 (GENERAL PROVISIONS), continues for more than one day without said connection being made, the second day shall be considered an additional offense and shall also then be considered a continuing offense from that day forward, and each day of contravention shall be a minimum fine of \$100 dollars per day to a maximum fine of \$100.00 dollars, or as otherwise permitted by the Act.

REQUIRED EQUIPMENT (OTHER) – OFFENCES

- 45.4 Except as provided for in 45.1(c) or 45.3 above, the following applies;
- a) where the offence of failure to properly install, operate, or maintain specific equipment required by the By-law occurs and is;
- i) uninterrupted
 - ii) pertains to one connection or pipe that attaches or leads directly or indirectly to a “sewer works”, and
 - iii) continues for more than one day,

it shall be deemed to be a continuing offence, and the minimum fine for each day of failure to properly install/operate or maintain required equipment shall be \$100.00 dollars per day, to a maximum fine of \$100,000 dollars or as permitted by the Act.

- b) where the offence of failure to properly install, operate, or maintain specific equipment;
 - i) interrupted or intermittent during the period, or
 - ii) occurs at multiple locations on the property, or
 - iii) has multiple connections or pipes that attach or lead directly or indirectly to a “sewer works”, or
 - iv) resumes use after being instructed by the Director or other authorized municipal employee to cease use of the interceptor.

each event, location, connection or pipe or failure to comply with instructions, shall be considered multiple offences, and each offence of failure to properly install, operate or maintain required equipment shall be \$100 dollars each, per day, to a maximum fine of \$100,000 dollars or as permitted by the Act.

PROHIBITED DISCHARGE – OFFENCES

- 45.5 a) where the offence of prohibited discharge occurs and is;

- i) uninterrupted, and
- ii) from one connection or pipe, and
- iii) at one fixed location, and
- iv) continues for more than one (1) hour

it shall be deemed to be a continuing offence, and the minimum fine for each hour of prohibited discharge shall be \$300.00 dollars per hour, to a maximum of \$100,000 dollars, or as otherwise permitted by the Act.

- b) where the offence of prohibited discharge occurs and is;

- i) interrupted or intermittent during the period, or
- ii) emanates from multiple connections or pipes, or
- iii) occurs at multiple locations on the property, or
- iv) resumes after being instructed by the Manager or any authorized person, to cease discharging,

each event, location, connection or pipe, or failure to comply with instructions shall be considered multiple offences and each offence shall have minimum fine of \$300 dollars each, per day to a maximum of \$100,000 dollars, or as otherwise permitted by the Act.

REPORTING/MONITORING OFFENCES

- 45.5 a) where the offence of failure to comply with reporting or monitoring requirements occurs, and is;
- i) ongoing, uninterrupted, and
 - ii) in relation to one specific requirement of the By-law to report or a report requested by the Manager, and
 - iii) pertains to one fixed location, and
 - iv) continues for more than one day, it shall be deemed to be a continuing offence, and the minimum fine for
 - v) each day of failure to comply with reporting or monitoring requirements shall be \$100.00 dollars per day to a maximum of \$100,000 dollars, or as permitted by the Act.
- b) where the offence of failure to comply with reporting or monitoring requirements occurs, and is;
- i) for more than one specific requirement of the By-law to report or the more than one report requested by the Manger, or
 - ii) pertains to more than one connection or pipe on the same specific property, or
 - iii) pertains to multiple locations on the same specific property, or
 - iv) in relation to multiple events on a specific property that occur on the same day but which are interrupted or intermittent,

each event, report or monitoring required or requested, connection or pipe, location shall be considered multiple offence and each offence shall have a minimum fine of \$100.00 dollars each, per day to a maximum of \$100,000 dollars, or as otherwise permitted by the Act.

MULTIPLE CONVICTIONS

- 45.7 Where a person or corporation has been previously convicted for the same offence under this By-law, the minimum fine for each subsequent offence shall be;
- a) second offence – minimum fine shall be \$1,000 dollars per conviction, except where a second conviction for a Section 1.1(GENERAL PROVISIONS) Offence, the minimum fine shall be \$50,000 dollars.
 - b) third and subsequent offences – minimum fine shall be \$5,000 dollars per conviction, except where a third and subsequent convictions for a Section 1.1 (GENERAL PROVISIONS) Offence, the minimum fine shall be \$100,000 dollars per offence.

SPECIAL FINES

- 45.8 Where any person or corporation has contravened this By-law and has gained any economic advantage as a result, then, in addition to the regular fines imposed, a special fine may be imposed to eliminate or reduce any economic advantage, as set out in section 429 of the Act.

45.9 a) Any person who contravenes an order made by the municipality under section 445(1) of the Municipal Act is guilty of an offence pursuant to the Municipal Act.

b) Where a person is required by a By-law of the municipality or an order to follow directions contained in the order, and the person is in default, the municipality may enter upon land at any reasonable time for the purpose of correcting the default and all costs shall be at the person's expense.

PART XIV

46. Schedule "A", attached hereto shall form part of this By-Law.

PART XV

VALIDITY AND SEVERABILITY

47. Every provision of this By-Law is declared to be severable from the remainder of the By-Law, and if any provisions of this By-Law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

PART XVI

REPEAL

48. By-Law #81-17, as amended, By-law #2004-77, and all previous By-laws inconsistent with this by-law as it relates to the regulation of the Town of Wasaga Beach's Waste Water Utility, are hereby repealed, effective as of the date of the passage of this By-Law.

PART XVII

EFFECTIVE DATE

49. This By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF JUNE, 2010.

Cal Patterson, Mayor

Twyla Nicholson, Clerk