

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER 094-16**

**A BY-LAW TO REQUIRE OWNERS OF BUILDINGS TO  
CONNECT SUCH BUILDINGS  
TO SEWAGE WORKS IN THE TOWNSHIP OF WELLINGTON NORTH**

**WHEREAS** IT IS DEEMED EXPEDIENT BY THE Township of Wellington North to pass a By-law requiring the owners of all buildings in the municipality within the designated urban boundaries of the former Village of Arthur and the former Town of Mount Forest as defined in the County of Wellington Official Plan, as amended from time to time, to connect such buildings to the public sanitary sewer system and sewage works;

**AND WHEREAS** such By-law may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the By-law in the municipality or in any defined area thereof from the application of the provisions of the By-law requiring the connection of such buildings or such class or classes thereof to the sewage works of the municipality upon payment by the owner to the municipality of such amounts or of amounts computed by such method as may be provided for in the By-law, and the amounts or method of computation provided may be different for owners of different classes of buildings, and the By-law may provide for the manner in which and the period for which the payments may be made:

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY ENACTS AS FOLLOWS:**

**Definitions**

“building” means and includes any building, trailer, or other covering or structure used or intended for supporting or sheltering any use or occupancy with the land and premises appurtenant thereto which:

is located within 50 metres of a main sanitary sewer;

is located on a parcel of land abutting on a public highway, street or municipal easement in which a sewage works is located or a parcel of land not more than 0.30 metres from a public highway, street or municipal easement in which a sewage works is located;

is serviced by an on-site sewage/septic system that is deemed a significant drinking water threat as defined by the Source Protection Plan, as amended from time to time, for the Grand River Source Protection Area and the Saugeen Valley Source Protection Area, is located in a vulnerable well head protection area (WHPA) for a municipal drinking water well where the vulnerability score is 10 as defined in the Source Protection Plans, as amended from time to time, for the Grand River and Saugeen Valley Source Protection Areas and the Clean Water

Act as amended from time to time and is located within 100 metres of a main sanitary sewer, and

- (i) contains, or is required by any other By-law, regular or statute to contain, any sleeping, eating or food preparation facilities;
- (ii) contains or is required by any other By-law, regulation or statute to contain, any washing or toilet or cleaning facilities;
- (iii) is connected, or is required by any other By-law, regulation or statute to be connected, to a water supply, or waterworks;
- (iv) is connected to is required by any other By-law, regulation or statute to be connected, to a drain or sewage works, or
- (v) which is a source of sewage; other than a barn used for agricultural purposes and which contains no sleeping accommodation for persons;

“connect” means to install a connection;

“connection” means a connection to a sewage works system including the service pipe from the interior face of the outer wall of a building to:

the street line where a service line has been installed from the main sanitary sewer to the street line; or

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 connections for the different types of sewage;

“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 charges by the Municipality to the owner when the Municipality makes a connection at the expense of the owner;

“Council” means the Council of The Corporation of the Township of Wellington North;

“main combined sewer” means a main sewer for the collection of both sewage and storm water;

“main sanitary sewer” means a main sewer for the collection of sewage;

“main sewer” means that part of the sewage works of the municipality consisting of the public sewers including their branches;

“main storm sewer” means a main sewer for the collection of storm water;

“Municipality” means The Corporation of the Township of Wellington North;

“Notice” means a notice given pursuant to this By-law requiring a connection to be made;

“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;

“sewage” 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;

“sewage works” shall mean and include any main sewer, main combined sewer, main sanitary sewer or main storm sewer operated and maintained by or on behalf of the Municipality for the acceptance, collection, transmission, or disposal of sewage, and storm water;

“storm sewer” shall mean rain water, melted snow, ice and water in the subsoil or roof and parking lot runoff;

“vulnerable well head protection area” shall mean property or a portion thereof where the vulnerability score for a municipal water supply, as determined by the Source Protection Plan, as amended from time to time, for the Grand River and Saugeen Valley Source Protection Areas, is 10, as defined in the Source Protection Plans, as amended from time to time, for the Grand River and Saugeen Valley Source Protection Areas and the Clean Water Act as amended from time to time;

“significant drinking water threat” shall have the same meaning as the definition under the Clean Water Act;

“wellhead protection area” has the meaning prescribed by the regulations under the Clean Water Act as amended from time to time;

1. Every owner of a building shall connect the building to the sewage works of the Municipality.
- 2.1 Any connection required to be made by an owner under this By-law shall be made:
  - (a) within nine months of the mailing of a Notice to the owner by registered mail to the last known address, requiring the connection to be made, or within such periods of time, if any, as are granted by Council as an extension pursuant to the provisions of this By-law but not later than July 1, 2021, and

- (b) in accordance with the requirements of the Notice and any By-law, regulation or statutes governing such connection.
- 2.2 Any Notice hereunder:
  - (a) shall require the owner to make the connection to the satisfaction of the Municipality;
  - (b) shall advise the owner:
    - (i) the date on which the nine months 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;
  - (c) shall make reference to this By-law; and
  - (d) shall require the owner to decommission any on-site sewage/septic system at the time of connection to the main sanitary sewer to the satisfaction of the Municipality's Chief Building Official.
- 2.3 A Notice hereunder may classify different types of sewage and require that such types be drained through separate connections into specified sewers.
- 2.4 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 on which the building is located, the Notice hereunder may, if the building or the land on 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.
- 2.5 If a building or property on which it is located is being connected to a sewage works for the first time and separate sewers for different types of sewage are available or Council has determined that such separate sewers will be made available in the future, the owner may be required by the Notice to make separate connections for the different types of sewage and if a fee is charged for each connection to a sewer only one connection fee may be charged if separate connections to the same sewer are required by the Notice.
- 2.6 Council shall offer an incentive to the residents of existing homes of 50% of the cost to connect their sump pump to the storm sewer, up to a maximum of \$250.00/connection. To receive the incentive payment, the installation must be complete and in accordance with the Municipality servicing standard and once completed the homeowner must submit a copy of their invoice verifying the cost of the project and payment in full of same.
- 2.7 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.
- 3.1 Where there are a main sanitary sewer and a main storm sewer available in the land to which a building is appurtenant or within 50 metres of such land that is

not located in a vulnerable well head protection area or within 100 m of such land and that is located in a vulnerable well head protection area and accessible by a street or lane:

- (a) the drains for sewage from the building shall be connected to a main sanitary sewer;
  - (b) roof drainage systems of the building shall be discharged to the surface of the ground and not directly connected to a storm or sanitary sewer;
  - (c) the drains for foundation drainage systems including sump pump discharges from a building shall be connected to a main storm sewer; and
  - (d) the drains for storm water shall be connected to the main storm sewer.
- 3.2 Where there is only a main sanitary sewer available in the land on which a building is located, or within 50 metres of such land that is not located in a vulnerable well head protection area or within 100 metres of such land and that is located in a vulnerable well head protection area and accessible by a street or lane, the drains for sewage from the building shall be connected to the main sanitary sewer.
- 3.3 Where there is only a main storm sewer available in the land on which a building is located or within 50 metres of such land that is not located in a vulnerable well head protection area or within 100 metres of such land that is located in a vulnerable well head protection area and accessible by street or lane, the drains for storm water excluding roof drainage systems of the building shall be connected to the main storm sewer. Storm water from foundation drainage including sump pump discharges shall be discharged to a main storm sewer.
- 3.4 Where there is only a main combined sewer available in the land on which a building is located, or within 50 metres of such land that is not located in a vulnerable well head protection area or within 100 metres of such land that is located in a vulnerable well head protection area and accessible by street or lane, the drainage for the building shall be by separate drains for sewage and for storm water including the roof and foundation drainage and each drain shall be connected to the place of disposal at the main combined sewer.
- 4.1 Council may, on the application of an owner to whom Notice has been sent, grant an extension of the period of nine months within which the connection must be made.
- 4.2 An extension, if granted, must not be for a period longer than two years from the end of the nine month period provided by the Notice.
- 4.3 If the first extension is for a period of less than two years one further extension with an expiry date no more than two years from the end of the original nine month period provided by the Notice may be granted by Council and no further extension may be granted.

- 5.1 If the owner fails to make a connection required by a Notice within the nine month period or such extended period permitted hereunder, as Council grants, 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.
- 5.2 The cost of making such connection shall be a lien or charge as municipal taxes upon the land in respect of which the connection was made, 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.
- 6.1 The owner of a building affected by this By-law, where the building is not located in a vulnerable well head protection area, may be exempted from the provisions of Section 1 upon a request for Exemption Application (Form 1) having been received by the Clerk of the Municipality and the owner requesting exemption shall be billed monthly a flat charge equal to 100% of the minimum residential sewage service rate as determined from time to time by the Municipality in lieu of user rates.
- 6.2 The owner of a building affected by this By-law, where the building is located in a vulnerable well head protection area, may be exempted from the provisions of Section 1 upon a request for Exemption Application (Form 1) having been received by the Treasurer of the Municipality and the owner requesting the exemption shall be billed as indicated in Section 6.1 above provided the estimated cost of the main sanitary sewer connection exceeds three (3) times the estimated cost of an advanced on-site sewage/septic system that is sized appropriately for the calculated daily design flow.
7. For an owner to be continued to be entitled to the exemption, the owner must have paid the bills issued under Section 6.1 and 6.2 as they fall due.
8. The owner of a building electing to be exempt under Section 6.1 and 6.2, shall, within twenty-one days of Notice, return to the Clerk of the Municipality a Request for Exemption Application (Form 1), approval by the Ministry of Environment and Climate Change, or the Municipality's Chief Building Official (CBO), or pursuant to applicable Sections of the Environmental Protection Act and its Regulations as amended from time to time and the Ontario Water Resources Act and its Regulations as amended from time to time.
9. When an owner who has been making payments under Sections 6.1; 6.2 and 7 of this By-law connects the building to the sanitary sewage works his charges for sanitary sewage service rates shall be credited with any amount paid under Sections 7 and 8 with respect to the time period after the sanitary sewage connection is made.
10. **PENALTIES, OFFENCES AND ENFORCEMENT**
- 10.1 Subject to subsection 10.2, any person who contravenes a provision of this By-law, and an officer or director of a corporation in the event of a contravention by a corporation, is guilty of an offence and upon conviction is liable to a fine or

penalty as follows:

- (a) for a first offence, a minimum of \$100.00 and a maximum of \$5,000.00;
  - (b) for a second offence, a maximum of \$15,000.00; and
  - (c) for a third or subsequent offence, a maximum of \$30,000.00.
- 10.2 Any person who contravenes any order made under this By-law, or an officer or director of a corporation in the event of a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of \$2,500.00 for each day or part of a day that the offence continues, and despite subsection 10 the total of all the daily fines imposed for an offence is not limited by the maximums listed in subsection 10.
- 10.3 If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
  - (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 10.4 Pursuant to section 441 of the *Municipal Act, 2001* if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, the Municipality may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- 10.5 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.
- 10.6 In accordance with section 441.1 of the *Municipal Act, 2001* any part of a fine owing pursuant to this by-law or a related provincial offence may be added to the tax roll for any property in the Municipality for which all of the Owners are responsible for paying the fine, and collect such fine in the same manner as municipal taxes.

**11. REPEAL**

- 11.1 By-laws 55-09; 18-10 and 91-123 are repealed in their entirety.
- 11.2 Notwithstanding subsection 11.1, the provisions of By-law 55-09; 18-10 and 91-123 will be deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that by-law, and any assessment, rate, charge, tax, fee, liability or penalty outstanding under that by-law may be collected as if that by-law had not been repealed.

**12. EFFECTIVE DATE**

- 12.1 This By-law shall take effect on the date of its final passage by Council.

**READ A FIRST AND SECOND TIME ON THIS 5TH day of DECEMBER 2016.**

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**ANDREW LENNOXMAYOR**

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**KARREN WALLACE, CLERK**

**READ A THIRD TIME AND FINALLY PASSED  
THIS 19TH day of DECEMBER, 2016**

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**ANDREW LENNOXMAYOR**

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**KARREN WALLACE, CLERK**



(Form No. 1)

REQUEST FOR EXEMPTION

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

I/We \_\_\_\_\_

The owners of the property listed below hereby request(s) exemption from the provisions of Section "2" of By-law No. \_\_\_\_\_ of the Municipality for the following reason(s):

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and agree to pay the amounts imposed by By-law from time to time to be entitled to such exemption.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
\*Owner (Signature)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Lot

\_\_\_\_\_  
Registered Plan and  
Assessment Roll No.

\*Where there is more than one owner, all owners must sign.

Where the owner is a corporation, partnership, etc. the positions of the persons signing must be stated and the seal of such corporation, partnership, etc. must be affixed hereto.

For Municipal Use Only

i) MOECC confirms no outstanding requirements with respect to unsatisfactory water supplies

YES \_\_\_\_\_

NO \_\_\_\_\_

\_\_\_\_\_  
Checked By

\_\_\_\_\_  
Date

ii) Director confirms no outstanding requirements under the Building Code Act, Environmental Protection Act, Clean Water Act and/or the Ontario Water Resources Act

YES \_\_\_\_\_

NO \_\_\_\_\_

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Checked By

Date

iii) The above request for exemption from connection was considered by Council at a meeting held on \_\_\_\_\_ . The request was approved/not approved by a vote of \_\_\_\_\_ .

iv) Property owner advised of Council's decision by letter dated \_\_\_\_\_ .