

January 17, 2016

Report To: Mayor & Council

From: Doug Brown, Manager of Operations & Facilities

SUBJECT: Endorsement of the Sewer System Management By-law (Final Draft)

Up-dating of the “sewer system management by-law” has been in the works for several years. An extensive review of the existing Town’s by-laws related to both the sanitary sewer system and the storm sewer system was conducted. Also Town staff researched and investigated how communities managed their sewer systems (sanitary & storm).

Further to our review of the final revision of the draft sanitary sewer by-law at the January 6, 2016, please find attached the administration report (c/w final draft copy of the Sewer System Management By-Law) prepared by Douglas Herr, Environmental and Facilities Superintendent outlining all pertinent revisions on how the Town proposes to manage the sewer systems going forward.

The O & F executive committee recommends that the final draft of the sewer system management by-law be forwarded to Council for review and adoption.

Respectfully submitted,
Operations & Facilities Division



Doug Brown, P. Eng.
Operations & Facilities Manager

<p>Council approval of this report will ensure the final draft revision of the sewer system management by-law is adopted and endorsed by Council.</p>
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Memo

To: Doug Brown, P. Eng.
Manager of Operation & Facilities

From: Doug Herr,
Supt. Environmental & Facilities

CC:

Date: Friday January 15, 2016

Re: "Sewer System Management By-law (FINAL)"

Find attached the Sewer System Management By-law (FINAL). Two items remained for further discussion during a previous O. & F. Committee meeting. They are as follows:

4. Minimum monthly charge – providing and maintaining – service lateral – who payable by – Part 3.9: The minimum monthly charge for providing and maintaining a service lateral and private drain connection to a property is applicable for every customer serviced by the Town. In instances when the occupant of a premise terminates his account with the Town, subsequent minimum monthly charges shall be rendered to the owner of the premises until such time as a new occupant applies to the Town.
7. Warranty – Part 10.5: Town to warranty work, whether new installation, replacement or repairs on the service lateral for a period of twenty (20) years.

On Wednesday January 6, 2016 at the O. & F. Committee meeting the committee recommended that the two items, Item 4 and 7 be amended as follows:

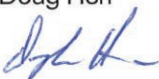
Item 4: Removed in its entirety from the by-law.

Item 7: Amended to reflect a 30 year warranty instead of 20 as proposed.

These amendments have been made to the Sewer system Management By-law.

If you have any questions regarding the above feel free to contact the undersigned.

Doug Herr





FINAL

**Sewer System
Management By-law
No. XX/16**

Town of Fort Frances

By-law No. XX/XX

A by-law to provide for the
REGULATION OF THE SEWER SYSTEM IN THE
TOWN OF FORT FRANCES

Municipal Act, 2001, R.S.O. 2001, c. 25, Subsections 10(1) and 10(2): the Ontario Water Resources Act, R.S.O. 1990, c. 40, Sections 30(1), 44, 92: and the Environmental Protection Act Sections 2, 14(2) and Regulation 309.

WHEREAS on XXXX XX, XXXX Council approved a recommendation from the Operations and Facilities Executive Committee to enact this by-law.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances
HEREBY ENACTS AS FOLLOWS:

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Illustration of Sewage System.

SHORT TITLE
SEWER BY-LAW

Part 1
DEFINITIONS

Definitions in this by-law:

1.1 Authorized Representative of the Owner or Operator – defined

“authorized representative of the owner or operator” shall mean;

- a) In the case of the owner or operator is a corporation, a person having signing authority to bind the corporation: or
- b) In the case of the owner or operator being a partner or proprietorship, a participating partner having signing authority to bind the partnership or the person being the proprietor, respectively: or
- c) A duly authorized representative of the individual designated above if such representative is responsible for facilities from which the sewage discharge originates.

1.2 Application – defined

“application” shall mean a contract, expressed or implied, for any of the customary services provided or supplied by, or in conjunction with this the Sewer System Management By-law.

1.3 Building – defined

“building” shall mean any building, structure or premises, whether for principal use or accessory use as defined in Sections 1.4 and 1.5.

1.4 Building, Principal Use – defined

“building, principal use” shall mean any building in which is carried on the principal purpose for which the property is used and shall include a barn or silo used in conjunction with a farm.

1.5 Building, Ancillary/Accessory Use – defined

“building, ancillary/accessory use” shall mean any building or structure, which is incidental, subordinate and exclusively devoted to and located on the same property as the principal use building.

1.6 Building Drain – defined

“building drain” shall mean the lowest horizontal piping, including any vertical offset, that conducts sewage, clear water waste or storm water by gravity to a building sewer.

1.7 Building Sewer – defined

“building sewer” shall mean the portion of a sewer service pipe from the property line to the location one (1) metre outside of the exterior wall of a structure, i.e. an extension of a service lateral.

1.8 Chief Building Official – defined

“chief building official” shall mean the person appointed by Council pursuant to the Building Code Act or any employee of the Town who acts at the direction of the Chief Building Official in the enforcement of this by-law.

1.9 Clean out – defined

“clean out” shall mean a device that has a removable cap and is incorporated into a drainpipe to permit the insertion of a steel sewer rod pipe cleaning apparatus.

1.10 Combined Sewer – defined

“combined sewer” shall mean a sewer intended to function simultaneously as a storm sewer and a sanitary sewer.

1.11 Connection Inspection – defined

“connection inspection” shall mean an examination and/or evaluation of a connection performed by visual, closed circuit television or other means to ensure conformity to all applicable statutes, by-laws and regulations.

1.12 Construction – defined

“construction” shall include new construction, reconstruction, improvements, extension, alteration, replacement and repairs.

1.13 Contractor – defined

“contractor” shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Town to install or maintain mains, service mains, lateral lines, services, hydrants and other appurtenances.

1.14 Corporation – defined

“corporation” shall mean the Corporation of the Town of Fort Frances, its officers or employees.

1.15 Customer – defined

“customer” shall mean any person who enters into a verbal or written contract with the Town to take sewage or to receive sewage related services from the Town.

1.16 Dampproofing – defined

“dampproofing” is a process that involves using a coating on the exterior side of a structure to stop the transference or wicking of ground moisture through a basement/foundation wall. Dampproofing is not intended to keep all water and moisture out, but rather its goal is to retard moisture infiltration and slow water penetration.

1.17 Deposit – defined

“deposit” means the payment in lawful tender of Canada in advance of the work or service to be rendered by the Town of Fort Frances.

1.18 Developer – defined

“developer” shall mean the owner or party specifically named or identified as the developer in a Development Agreement or in a Subdivision Agreement.

1.19 Development – defined

“development” shall mean the construction, erection or planning of one or more buildings or structures on land or the making of an addition or alteration to a building or structure or a subdivision of land into lots that has the effect of increasing the size or usability thereof, and includes the laying out and establishment of a commercial parking lot.

1.20 Duplex Dwelling – defined

“duplex dwelling” shall mean the whole of a dwelling other than a converted dwelling that is divided horizontally/vertically into two separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

1.21 Engineer – defined

“Engineer” shall mean the Town’s Engineer or any person acting by his or her authority for the Town of Fort Frances.

1.22 Home Industry/Occupation – defined

“home industry/occupation” shall mean any occupation accessory to, and carried on by at the occupant of, a single-detached dwelling and for which a municipal business license is required.

1.23 Inspector – defined

“inspector” shall mean any person authorized by the Engineer to act on his or her behalf for purposes of inspection.

1.24 ICI – defined

“ICI” shall mean Industrial, Commercial and Institutional.

1.25 Land – defined

“land” shall mean the land in the Town of Fort Frances and includes any estate, term, easement, right or interest in, to, over or affecting land.

1.26 Main – defined

“main” shall mean every sewer pipe, except lateral services and portions of private mains as herein defined, installed on the public road allowance or on any other land to which the Town has the legal interest through title or registered easements.

1.27 Municipal Address – defined

“municipal address” shall mean the combination of the number assigned and name of the street on which a property is located and to identify a building or buildings on a particular property within the Town of Fort Frances.

1.28 Municipality – defined

“municipality” shall mean The Corporation of the Town of Fort Frances.

1.29 Occupant – defined

“occupant” shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of or occupier of a property.

1.30 Owner – defined

“owner” shall mean any person who or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a legal guardian.

1.31 Person – defined

“person” shall mean an individual, association, partnership, corporation, municipality, provincial or federal agency or agent or employee thereof and includes an occupant or owner.

1.32 Plumbing Code – defined

“plumbing code” shall mean the regulations respecting plumbing from time to time in force under Part 7 of *Ontario Regulation 350/06, the Ontario Building Code*, or any Regulation passed in amendment thereof or substitution therefore.

1.33 Plumbing System – defined

“plumbing system” shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately within private property.

1.34 Premises – defined

“premises” means property (land or real estate) conveyed by a deed. Where the context so requires, “premises” shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which sewer service pipes run.

1.35 Private Drain Connection (PDC) – defined

“private drain connection (PDC)” shall mean that portion of the Town sewage works which joins a building sewer to a service lateral and which is upon lands that are either owned by the Town or subject to an easement registered in the Land Registrar’s Office in favour of the Town.

1.36 Private Main – defined

“private main” shall mean a pipe connected to a main and installed on private property and from which more than one service is connected.

1.37 Property – defined

“property” means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, accessory buildings, outbuildings, fences and erections thereon whether heretofore or hereafter erected and included vacant property.

1.38 Property Owner – defined

“property owner” shall mean the property owner as shown on the last revised assessment roll of the Corporation of the Town of Fort Frances.

1.39 Public Sewage Works – defined

“public sewage works” shall mean any works for the collection, transmission, treatment and disposal of storm water and sanitary sewage or any part of such works but does not include plumbing to which the latest edition of the Building Code Act applies.

1.40 Sanitary Sewage – defined

“sanitary sewage” shall mean human and industrial waste and septic waste but does not include storm water.

1.41 Sanitary Sewer – defined

“sanitary sewer” shall mean any part of the public sewage works for the collection, transmission, treatment or disposal of domestic, commercial, institutional and industrial sewage or any combination thereof.

1.42 Schedule of Fees – defined

“schedule of fees” shall mean the schedule of user fees as amended from time to time and adopted by by-law passed by Council for the Town of Fort Frances.

1.43 Semi-detached Dwelling – defined

“semi-detached dwelling” shall mean one of a pair of two attached single dwellings with a common masonry wall dividing the pair of single dwellings vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.

1.44 Septage – defined

“septage” shall mean all matter, liquid and solid that is pumped out of septic tanks and holding tanks. Such tanks may be used in residential, commercial or industrial properties, which are not connected to the Town’s sewerage system. Where septage is transported by truck for disposal at a Hauled Liquid Waste Facility, it shall be considered Hauled Liquid Waste.

1.45 Serviceability – defined

“serviceability” shall mean the capability of a component, pipe, and sewer to perform the function for which it was intended.

1.46 Service Lateral – defined

“service lateral” shall mean the portion of a sewer service pipe from a main to the property line.

1.47 Sewer Service – defined

“sewer service” shall include both sanitary sewer and storm sewer services.

1.48 Sewage Works – defined

“sewage works” shall mean all sewers, sewage systems, sewage pumping stations, sewage treatment plants and other works of the Town of Fort Frances. The collection, acceptance, transmission, treatment and disposal of liquid-borne wastes of storm water sewage and sanitary sewage.

1.49 Single-detached Dwelling – defined

“single-detached dwelling” shall mean a single dwelling used for human habitation, which is free standing, separate and detached from other main buildings or main structures including a split level dwelling but does not include a mobile home.

1.50 Storm Sewer – defined

“storm sewer” shall mean a sewer, open channel, ditch or depression for the purpose of which is to carry storm water and the collection and transmission of the uncontaminated water, storm water and drainage from land or from a watercourse or any combination thereof.

1.51 Storm Water – defined

“storm water” shall mean water from rainfall or other natural precipitation or from the melting of snow or ice, swimming pool drain water, water carried in underground drains, foundation drain flows and ground water but does not include sanitary sewage or septage.

1.52 Storm Water Retention System – defined

“storm water retention system” shall mean a system, which has been designed and constructed under the supervision of a professional engineer to control the rate at which storm water is emptied into the sewage works.

1.53 Sub Divider – defined

“sub divider” shall mean the owner or party specifically named or identified as a sub-divider in a Subdivision Agreement.

1.54 Termination of Service – defined

“termination of service” shall mean the discontinuation of use of a sewer service to supply the transmission and disposal from a premise, either on a permanent or temporary basis.

1.55 Town – defined

“Town” shall mean The Corporation of the Town of Fort Frances.

1.56 Waterproofing – defined

“waterproofing” is designed to stop water infiltration through a structure. Waterproofing materials have the ability to bridge cracks that develop over time due to their elastic, flexible nature and the thickness of the applied coating. Waterproofing materials also are designed to withstand hydrostatic pressures against the waterproofed surface.

Part 2
ADMINISTRATION – GENERAL PURPOSE

2.1 Administration of By-law

This by-law shall be administered by both the Engineer and the Chief Building Official.

2.2 Application – payment prior to installation

An application for sewer service, sanitary and/or storm from the Town shall be completed on the standard forms provided by the Town and any required deposit shall be paid to the Town by the owner or their authorized agent before any work is commenced on the installation of the sewer service.

2.3 Application – existing service – connection – inspection

Where an existing service is required to be connected (private drain connection) to any property, such service(s) is to be inspected by the Town. The owner or their authorized agent shall make appropriate application to the Town.

2.4 Application – termination of service – building demolition – permanent/temporary

In the event of the demolition of any building or buildings on a premise serviced with a sewer service, the appropriate application is to be made to the Town for termination of such sewer service. The service shall be terminated

- a) where the existing sewer service will not or cannot be used or where no building requiring a sewer service is planned, the service is to be permanently terminated.
- b) where the existing sewer service will or can be used, or where a building requiring a sewer service is planned for construction within a specific period of time, the service is to be temporarily terminated.

If in the opinion of the Engineer, circumstances exist where it is not reasonable or practical to permanently terminate the service, it shall be terminated temporarily.

2.5 Application – each property

Separate applications are required for each property serviced.

2.6 Blockage – tree roots - liability

Where a sewer service blockage is caused by tree roots and the tree is located on Town property, the Town may assume liability for costs involved in clearing such blockage. Where the tree is located on private property and causes the blockage of a sewer service then the Owner of the property shall be liable for all of the cost involved in clearing the blockage. The Engineer shall be the sole judge of the location of the problem and as to whether or not the Owner is to be charged with any of the cost.

2.7 Cost of service – owner

The entire cost of the sewer service from the main to the property line shall be borne by the Owner of the premises.

2.8 Cost – deposit – User Fee By-law

The costs and deposits referred to in Sections 2.2 and 2.7 are payable in the amounts provided in the Town's User Fee By-law in effect at the date of the application.

2.9 Cost of termination/connection inspection – owner

The costs associated with the termination of services, whether permanent or temporary and for connection inspections shall be borne by the Owner of the premises. The cost of locating the private drain connection for reconnection is the responsibility of the Owner.

2.10 Decision to be final

All decisions made by the Engineer or the Chief Building Official with respect to any requirements set out in this by-law shall be final and binding.

2.11 Development – agreement

In case of land development where the land will be serviced with municipal sewer, the developer shall enter into an agreement with the Town. Plans and specifications will be prepared by a professional engineer, licensed with the province of Ontario and approved by the Engineer prior to any work commencing.

2.12 Development – property – servicing requirements – costs

In case of land development, whether under agreement or not and there is no municipal sewer (sanitary or storm) fronting the property, the developer shall extend the municipal sewer completely across the frontage being developed. All costs associated with the installation of the municipal services shall be the responsibility of the developer.

2.13 Discontinuance of service – payment

The Owner shall notify the Town immediately when the use of a sewer service for the collection of sewage from the premises is no longer required. The Town shall decide whether the service is to be terminated on a permanent or temporary basis for the charges provided in this by-law unless prior application for sewer service is received.

2.14 Entry onto private property

For the purpose of the administration of this by-law, the Engineer, any consultant engaged by the Corporation of the Town of Fort Frances and directed by the Engineer, and any person appointed by the Council to carry out inspection in respect of discharges prohibited or regulated by this by-law and directed by the Engineer may, upon production of identification enter in or upon land or premises, except land or premises being used as a dwelling unit, at any time without a warrant and carry out such inspections and take such tests and samples as are necessary for the purpose of the inspections.

2.15 Entry into dwelling – exception

Except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for the purposes of enforcing this by-law, no person shall enter any place or room actually used as a dwelling without requesting and obtaining the consent of the occupier (being at least 18 years of age), first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

2.16 Frozen service – thawing – application

Thawing of a frozen sewer service between the building and main may be carried out by the Town's Public Works personnel providing that application for such is made on the Town's standard forms. The property Owners will be charged per hour (one hour minimum charge) for the appropriate equipment and manpower as established in the Town's User Fee By-law.

2.17 Maintenance responsibility – owner – building sewer

The maintenance, renewal or removal of that portion of the building sewer between the property line and the premises shall be the responsibility of the Owner.

2.18 Maintenance responsibility – owner – service lateral – charges

The Owner is responsible for the condition and maintenance of the service lateral servicing property under their ownership. All work upon such lateral shall be done exclusively by the Town at the request and expense of the Owner.

2.19 Maintenance responsibility – service lateral – building sewer – charges

When authorized by the property Owner the Town will perform maintenance work with respect to cleaning of the service lateral and/or building sewer only. The Owner or Authorized representative of the Owner shall give the Town written authorization to perform such work by executing the appropriate Work Requisition form. The charge for maintenance services shall be determined as follows:

- a) A minimum service charge as outlined in the current Town's User Fee By-law will be charged to the Owner for maintenance services.
- b) Where it is determined by the Town that the location of the obstruction is on the Owner's property all charges incurred, less the minimum service charge shall be paid by the Owner.
- c) Where it is determined by the Town that the location of the obstruction is on the Town's property. This only applies to normal service laterals, property line to main (normally approximately ten (10) metres or thirty-three (33) feet) and not those made under special agreement with the Town. The Town may assume all costs for maintenance services to clear the blockage, except for the minimum service charge.
- d) Where it is discovered that the service obstruction is the direct result of a person(s) discharging or depositing items, i.e. female hygiene products, paper towels, etc. other than those deemed normal every day usage, regardless of the location of the obstruction (Owner's or Town's property), the Owner shall be responsible for the costs of the work done to clear the obstruction.

2.20 Ownership change – notice

Upon change in ownership of premises supplied with a sewer service by the Town, the new Owner shall notify the Town of the change.

2.21 One service – per premises

Except as stated herein, in no case shall piping of one building be connected to the piping of another. Pursuant to Ontario Building Code, Article 7.1.5.4, sentences (1), No premises shall be provided with more than one sewer service, except that where a principle use building is serviced, and ancillary/accessory building may be serviced by the same sewer service provided that:

- a) both building are on the same property,
- b) the services are registered on title to the lands with the local authority,
- c) a formal agreement is reached with all interested parties and,
- d) permission is granted by the Engineer.

2.22 Purchasing of property – arrears outstanding

It shall be the responsibility of any person purchasing property to which, sewer is supplied by the Town, to cause a search to be made of records for utility arrears outstanding against the property prior to completion of purchase and to obtain from the Town a certificate of such arrears.

2.23 Private Drain Connection – requirements

No person shall join or permit to be joined a building sewer to a service lateral:

- a) until an application, under section 2.3 is filed with the Town and:

- b) until an inspection by the Town employees has been carried out to confirm all work performed is in conformity to all applicable statutes, by-laws and regulations, and;
- c) until a television inspection has been carried out by Town employees to verify its serviceability and been deemed to be adequate for use and an approved connection can be made; [Note: where the connection is not approved for use the Owner shall renew the service lateral, as described in Section 6.8 of this by-law]; and
- d) until all payments required by this by-law have been paid.

2.24 Private drain connections – serving dwelling units

If a single detached dwelling or a semi-detached dwelling is served by a sanitary sewage service lateral, such dwelling shall have an individual building sewer and private drain connection.

This section does not apply to existing residential dwelling units, which share a private drain connection.

2.25 Purchasing of property – serviced with sewer service – future development – payment

It shall be the responsibility of any person purchasing property to which sewer service is supplied by the Town for future development, to cause a search of records for the service information prior to completion of purchase. Where properties are serviced as such, the person purchasing such property shall be required to make application for such sewer service and make payment as outlined in the Town's User Fee by-law in effect at the time.

2.26 Random Inspection – Vacancies – Town

Once property owners of vacant unit(s) listed under sections 2.28 & 2.29 complete a credit adjustment form or report, the Town may conduct random inspections of these unit(s) to ensure that they are vacant and are not using sewer services. If the Town becomes aware that a vacant unit(s) is occupied or the property owner is using sewer services in a vacant unit(s), the property owner shall be charged with an offence under this by-law and the applicable fees for sewer services will be charged back to the date the credit adjustment form or report became effective.

2.27 Sewer rate – single tenant – responsibility

Where a building is used or occupied by a tenant in a residential zone whose application for a supply of sewer services to such building is accepted by the Town, the owner of the premises shall be liable to the Town for the payment of all rates in respect of sewer services supplied to the building.

2.28 Sewer rate – multiple tenants – responsibility

Where a building is used or occupied by:

- a) an owner and one or more tenants: or
- b) two or more tenants each residing in separate dwelling units,

In a residential zone, it is the responsibility of the owner to make application for sewer service to such building and the owner shall be liable to the Town for the payment of all rates in respect of sewer supplied to such building.

2.29 Sewer rate – ICI – responsibility

Where a building is used or occupied by an owner and/or tenant in an ICI zone and a sanitary or storm sewer service is supplied, the Town shall accept an application for sewer service to such building from the owner and the owner shall be liable to the Town for the payment of all rates in respect of the sewer service supplied to such building.

2.30 Sewer Fees or Charges – Unoccupied or Vacant Residential Properties

A residential property owner may qualify for an adjustment to applicable fees for sewer services, if the water curb stop valve is placed in the "off" position in accordance with the terms and conditions outlined in the current Water System Management By-law 06/03, as amended and the sewer is not in use. Also the property owner is required to complete a credit adjustment form in accordance with timelines and guidelines as established by the Town of Fort Frances Utilities Department.

2.31 Sewer Fees or Charges – Unoccupied or Vacant Multi-residential Unit(s)

A multi-residential property owner with unoccupied or vacant multi-residential unit(s) may qualify for an adjustment to applicable fees for sewer services, if the property owner completes a credit adjustment form in accordance with timelines and guidelines as established by the Town of Fort Frances Utilities Department.

2.32 Sewer Fees or Charges – Unoccupied or Vacant Mobile Home Trailer(s)

This clause addresses mobile home trailer(s) located within a mobile home trailer park, exclusive of Recreational Vehicle (RV) campgrounds. A mobile home trailer park property owner with vacant trailer(s) may qualify for an adjustment to applicable fees for sewer services,

if the property owner completes a credit adjustment to applicable fees for sewer services and, if the property owner completes a credit adjustment report in accordance with timelines and guidelines as established by the Town of Fort Frances Utilities Department.

2.33 Sewer Usage – Vacant Multi-residential Unit(s) or Vacant Mobile Trailer(s)

Under no circumstances will applicable fees for sewer services be adjusted where vacant multi-residential unit(s) or vacant mobile home trailer(s) listed under clauses 2.31 or 2.32 are either:

- a) using water, and/or
- b) bleeding water in order to prevent their water service line from freezing.

Part 3
SEWER RATES AND CHARGES

3.1 Application for sewer service

Before the initial supply of a sewer service, private drain connection or any subsequent reconnection to any premises in the Town, the owner shall make application for the same, and the owner shall be governed by the requirements of this by-law.

3.2 Application – termination of service

Before the termination of a sewer service, whether temporary or permanent, the owner shall make application for the same on the appropriate forms and the owner shall be governed by the requirements of this by-law.

3.3 Billing – flat rate

Customers shall be billed bi-monthly for sewer services at the rates outlined in accordance with the current Town's User Fee by-law.

3.4 Billing – metered customers

Customers shall be billed bi-monthly for sewer at the rates outlined in accordance with the current Town's User Fee By-law.

3.5 Collection - charge

When it has been necessary for a "notice of disconnection" to be delivered as set out in Section 3.9 of this part of the by-law, a collection charge shall be applied to the outstanding account. Where two (2) consecutive billings have resulted in the need for such notice of disconnection to be delivered as described herein, then a collection charge shall be applied for each occurrence. The rates for collection charges are outlined in the current Town of Fort Frances Collections Policy.

3.6 Cost – outstanding - completion

The applicant shall pay the remaining portion of the actual cost of installation within thirty (30) days from the date of billing for such installation.

3.7 Deposit – prior to installation

A deposit, as set out in the current Town's User Fee by-law, shall be made prior to installation of the service.

3.8 Frozen service – thawing charge

Costs of the thawing of frozen sewer service lateral, private drain connections or building sewer service are set forth in accordance with the current Town's User Fee by-law.

3.9 Non-payment – water turn off – lien

If the customer at any premises omits, neglects or refuses to pay any bills rendered, whether for sewer service installations, meter, service charges or any other monies to which the Town may be entitled in respect of sewer services to such premises, such charges shall remain as a lien on the property where they have been incurred by the owner of the property and may be collected in accordance with the procedures permitted by Section 398(2) of the *Municipal Act, 2001*.

3.10 Notice of arrears – outstanding account – late payment charge

When an account is not paid by the due date stated on the bill, a late payment charge, as outlined in accordance with the Town's Collection Policy will be assessed to the account. On second billing, with one full bi-monthly in arrears, a notice of arrears will be served reminding the customer of the outstanding account and advising of further action.

3.11 Notice of arrears – served

The notice of arrears shall be served personally (hand delivered) or by "Registered Mail" to the premises or the last known property owner to which the service had been supplied.

3.12 Notice of disconnection

On third billing, with two full bi-monthly billings in arrears should the account remain unpaid, a water disconnection notice will be issued. The Engineer will deliver or cause to be delivered to the serviced address, advising the customer that unless payment is received, in full within ten (10) days the water supply will be discontinued.

3.13 Reconnection – charge – non-payment

Where it has been necessary to discontinue service as a result of “non-payment”, a reconnection charge as shown in current Town’s User Fee by-law will be levied against the delinquent account, in addition to the applicable collection charge.

3.14 Service installation charges

The Engineer, upon application for such sewer service shall prepare an estimate of the service installation costs.

3.15 Unpaid bills - interest

Unpaid bills, after thirty (30) days, shall have a 1.25 per cent interest charge added per month and each month thereafter until paid in full.

Part 4
DEPOSITS

4.1 Deposit – security for payment

Whenever an application is made to the Town for a private drain connection, the Town will require the customer to make a deposit of such a sum of money, as it may consider advisable or as specified within this by-law. Each such deposit shall be security for payment for all services required in respect to which the deposit was made. In the case of discontinuance of service the customer is to notify the Town in writing. All requests will be in writing on the applicable forms for services required.

4.2 Deposit – applied as payment

Where a deposit has been made pursuant to Section 4.1 of this by-law, and the private drain connection supplied to the customer has not been paid for on demand as may be provided by the Town’s by-laws and regulations, then the deposit, or as much of it as shall be necessary, shall be applied in payment for such service and said service shall be discontinued until further monies have been paid to the Town sufficient to again bring up the deposit to the amount required.

Part 5
SEWER SYSTEM – OPERATION – USE

5.1 Authority – Town

The Town in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all sewer works, plant and equipment within its boundaries serving the Town and to establish whether the terms upon which municipalities or persons outside its boundaries may be allowed to connect to the said sewer works as consumers and to establish the rates to be charged for use by such consumers.

5.2 Cleanout – existing

Where cleanouts exist on the property line the property owner shall keep them in good repair and free from leaks, damage and disrepair.

5.3 Connection to sewers – every building – having plumbing fixtures

Every building in which plumbing fixtures are installed shall have a connection to a public sewer or private sewage disposal system by the most direct line from the building to the public sewer unless approved otherwise by the Engineer.

5.4 Manholes

No person except the Engineer or person authorized by the Engineer shall be permitted to interfere with the operation of the sewer system manholes.

5.5 Sanitary sewer – location – restricted

Unless otherwise approved by the Chief Building Official no sanitary sewer shall pass under any residential building other than the building 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 a public sewer.

5.6 Private system – limitations

No person shall construct or maintain any private system of disposal of excremental matter or sewage except upon permission by the Engineer. Application for permission shall be accompanied by a detailed description of the system and its location on the premises.

5.7 Private system – where prohibited

No private system of disposal of sewage shall be allowed to exist on lands abutting streets which have sewage facilities or upon those premises which, by reason of their situation, may connect to existing sewers where a public sewer exists and all such private systems of disposal are hereby declared as a nuisance within the meaning of the *Health Protection and Promotion Act*.

5.8 Private system – discontinuance

Where the Chief Building Official or the Engineer is satisfied upon due examination of a building that the connection to the sewers of the municipality is disconnected, the same must be made within thirty (30) days after written notice thereof has been given to the lessee, owner or occupant of such premises and the existing private system of disposal shall be cleaned, filled, removed or destroyed within a period of ten (10) days after the connection has been made to the sewerage system.

5.9 Operation or interference – unauthorized – offence

No person except the Engineer shall open or close any manhole, or valves within the sewer system, remove, tamper with or in any way interfere with any operation of valves or structures within the sewer works collection system.

5.10 Pipes – maintained

All persons supplied with a sewer service by the Town shall keep pipes, private drain connections, valves, fixtures and other appurtenances on their property of premises in good repair.

Part 6

SEWER SERVICE CONSTRUCTION

6.1 Connection to main – prior application

The installation of the service lateral will not be scheduled or commenced in any way until the customer has met the requirements of this by-law.

6.2 Installation – access for inspection

The Town or persons authorized by the Town for inspection shall at all times, be entitled to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection of the sewer service pipe and/or service main.

6.3 Installation – alteration – approval by Town

For any new service lateral or private main installation or alteration of existing service lateral or private main, the owner must apply for approval from the Town.

6.4 Installation – by Town – by Contractor

All sewer services between the sewer main and the property line shall be installed by the Town or by contractors engaged by the Town for the purposes of such installation or as specified in new land development projects where agreement with the Town and the developer or sub-divider to complete such work.

6.5 Installation – Inspection by Town

The Town must inspect all sewage works and appurtenances installed including those required under a Subdivision or Development Agreement. The charge for inspection is to be at an hourly wage charge plus a vehicle or as specified in the Subdivision or Development Agreement.

6.6 Installation to Town specifications – Ontario Building Code requirements – Building Permit

All sewage works and private mains located within the Town limits shall be inspected by and constructed according to Town specifications as approved by the Engineer from time to time. All sewage work plans and private mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good engineering practices and shall be approved by the Chief Building Official prior to backfilling. Where the Ontario Building Code is silent the Town's specifications shall be applied and shall prevail. All such private mains and building services located on private property require a building permit for installation.

6.7 Maintenance of service lateral – Town

The Town of Fort Frances at its expense shall maintain the service lateral.

6.8 Renewal of service lateral – Building Permit – Town – Owner

Upon issuance of a building permit for new construction, reconstruction or as determined necessary by the Chief Building Official or Engineer, the Town shall renew service lateral on public property at the Owner's expense if in the opinion of the Engineer one of the following exists:

- a) piping beyond repair (structurally); or
- b) existing pipe material is of substandard material; or
- c) serviceability is deemed unacceptable.

Replacement piping shall conform to the specifications of the Town and shall be the same size as existing or the minimum size as specified in the Ontario Building Code. If the owner requests a larger size, the owner shall pay the difference in material costs. The Owner shall make application as per Section 2.2 of this by-law.

6.9 Responsibility for frozen pipes – Town – Owner

Thawing out frozen service laterals shall be the Town's responsibility. Thawing out frozen building service and private mains shall be the Owner's responsibility. Where any employee of the Town assists the Owner in the thawing of frozen pipes in the Owner's property, all such work will be at the Owner's expense as outlined in accordance with the current Town's User Fee By-law. The Owner shall have no claim against the Town by reason of such work.

6.10 Responsibility for Manhole Maintenance – Town – Private

Any manhole situated within the road allowance is the property of the Town and shall be maintained by the Town. Manholes privately owned and paid for by any persons, other than the Town shall be maintained by qualified persons or the Town through a written agreement.

6.11 Termination of sewer service – building demolition – permanent/temporary

In the event of the demolition of any building or buildings on a premise serviced with sewer, the appropriate application is to be made to the Town and the existing sewer service is to be terminated as follows:

- a) where a sewer service pipe is to be permanently terminated, the service pipe is to be disconnected at the sewer main, the sewer service is to be plugged and the existing cleanout is to be removed from the property line. This work shall be carried out by the Town at the expense of the Owner.
- b) where the sewer service pipe is to be temporarily terminated, the Owner or Authorized Representative of the Owner or their Contractor shall dig at the property line, expose and plug the service with an appropriate plug/cap.

Should the Owner or Authorized Representative of the Owner or their Contractor damage any portion of the Town's infrastructure while performing this work he/she must notify the Town immediately. The repair/replacement of the infrastructure shall be completed by the Town at the expense of the Owner.

6.12 Termination (temporary)/connection of service – inspection

Where a sewer service connection (private drain connection) is required to be temporarily terminated or connected to a premise, such service shall be dug by the Owner or Authorized Representative of the Owner or their Contractor at the property line and the sewer service inspected. The Town shall require forty-eight (48) hours notice prior to any work being done.

Temporary termination:

The Engineer shall inspect the termination of such service to ensure that all particulars outlined in Section 6.11 of this by-law are met.

Connection of service:

The service shall be inspected in accordance with Section 2.23 of this by-law.

Connections to existing services are to be inspected by the Town prior to backfilling at the applicable inspection rates as set forth in the current Town's User Fee by-law.

If the service does not meet present standards or by-law requirements or is in a poor state of repair, the Owner shall make application for a new service as described in Section 2.2 of this by-law.

The owner/applicant shall be liable for all the costs of locating the sewer service connection upon application for reconnection.

Part 7

PROHIBITIONS AND DISCHARGES TO PUBLIC SEWAGE WORKS

7.1 Prohibited discharges – sanitary sewer

No person shall permit storm water sewage, surface or subsurface drainage from his or her property to be discharged into a sanitary sewer.

7.2 Prohibited discharges – sanitary sewer – ground surface heat pump

No person shall permit water discharged from a ground source heat pump system located on his or her property to discharge into a sanitary sewer.

7.3 Prohibited discharges – storm sewers

No person shall permit sanitary sewage from his or her property to be discharged into a storm sewer.

7.4 Prohibited discharges – storm sewers – ground source heat pump

No person shall permit water from a ground source heat pump system located on his or her property to be discharged into a storm sewer.

7.5 Prohibited discharges – sanitary sewer – storm sewer – general

No person shall permit the discharge or deposit or cause or permit the discharge or deposit of matter of any kind into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer:

- a) matter of any type at any temperature or in any quantity, which may be or may become a health or safety hazard to a sewage works employee, or which may become harmful to sewage works, or which may cause the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act (Ontario), or which may cause the sludge from sewage works to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands under Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands (as revised from time to time) unless the person has been advised in writing by the operator of the sewage treatment works will never be used on agricultural lands, or which may interfere with the proper operation of a sewage works, or which is or may result in a hazard to any person, animal, property or vegetation and;
- b) without limiting the generality of the foregoing, any of the following:
 - i. solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to bones, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal guts, female hygiene products, paper towels or tissues, paunch manure, and whole blood
 - ii. sewage that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity that may cause an offensive odour
 - iii. except in the case of discharge into a combined sewer, stormwater, water from drainage of roofs or of land, water from a watercourse or uncontaminated water
 - iv. water other than stormwater that has originated from a source separate from the water distribution system of the municipality

7.6 Prohibited discharges – roof water/ground water – sanitary sewer

No person shall permit the drainage of building roof water into the sanitary sewer. Any system of drainage works, including foundation weeping tile sump pump discharge, or building roof water into the sanitary sewer is prohibited. The Corporation may enter any property at reasonable times as may be arranged with the property owner, occupant or their representative, as outlined in Sections 2.14 & 2.15 to determine the system of drainage works for drainage of building roof water or foundation weeping tile sump pump discharge into the sanitary sewer:

- a) In the event the Corporation is denied, prevented or is refused access to any property for the purposes of this by-law, written notice shall be hand delivered or sent by prepaid registered mail to the property owner directing that if the Corporation is not allowed to make its determination within forty-eight hours of the delivery of the notice, any and all sewer and water services to the property shall be discontinued until such determination is permitted. Sewer and water services shall not be reinstated until these costs, including prepayment of costs of reinstatement of services, have been paid in full together with the Corporation completing its determination.
- b) Where the Corporation determines that any property is draining building roof water and/or ground water from a foundation weeping tile sump pump system and discharging it into the sanitary sewer or has a system of drainage works for draining of building roof water into the sanitary sewer; The Corporation shall send by registered mail to the property owner, notice to reconstruct the drainage system to cease and desist drainage of building roof water into the sanitary sewer:
 - (i) The property owner may make application, within six months of the date of the notice, for an extension of not more than one year from the end of the notice.
- c) In the event the property owner has failed to reconstruct the drainage system to cease and desist drainage of building roof water and/or foundation

weeping tile sump pump discharge into the sanitary sewer as per the notice, the Corporation may, without further notice;

- (i) Seek prosecution for contravention of the by-law, and/or,
 - (ii) Discontinue any and all sewer and water services to the property until such reconstruction is completed. Sewer and water services shall not be reinstated until these costs, including prepayment of costs of reinstatement of service have been paid in full together with the completion of the reconstruction works.
- d) Corporation costs for discontinuance of sewer and water services, if unpaid by the property owner within ten (10) days of billing shall be added to the Collector's Roll of the Corporation and collected in the same manner as taxes in accordance with the Town's Collection Policy.

The above clauses shall not apply where pre-existing (prior to August 12, 1985) weeping tile connections only are connected to a sanitary sewer service except in the event of demolition and reconstruction of a building whereupon the above clauses shall be in affect.

7.7 Prohibited discharges – alterations to prevent

No person shall refuse to alter, relay or repair every plumbing or drain system upon his or her lands to ensure that:

- a) no storm water sewage from their property is discharged into a sanitary sewer and;
- b) no sanitary sewage is discharged into a storm sewer.

7.8 Plumbing systems to be sealed

In the case where a property owner wishes to undertake new construction, addition, partial or whole demolition, alteration or renewal of foundation dampproofing or waterproofing or other works as determined by the Chief Building Official or Engineer, a building permit is to be obtained by the property owner or authorized agent and the building sewer servicing the plumbing system must be sealed against the entry of all foundation drain water.

Part 8
DEVELOPMENT REQUIREMENTS STORM SEWER

8.1 Undertaking a development

Every person shall provide for the discharge of storm water sewage into a storm sewer for all developments other than single-detached, semi-detached or duplex dwelling units. For single-detached semi-detached or duplex dwelling units, every person shall provide for the discharge of storm water sewage in accordance with Sections 8.2 to 8.12.

8.2 Alternate methods of storm water management

Where in the opinion of the Engineer there is no storm sewer accessible or the accessible storm sewer does not have the capacity to accept additional flow. The person undertaking the development shall provide a dry well or storm water retention system, which is certified by a Professional Engineer to the satisfaction of the Engineer.

- a) Where, as determined by the Engineer, there is an acceptable storm sewer abutting the property at an acceptable elevation, the owner may direct the discharge from the weeping tile sump pump to a properly installed connection. The Town of Fort Frances Operations & Facilities Division at the expense of the property owner will complete the installation of the required service from the storm sewer main to the property line. The applicable forms are to be completed before arrangements for the installation is made. The rates for the installation of this service are as provided in the current Town's User Fee by-law.
- b) Where as determined by the Engineer, there is no acceptable storm sewer or open ditch abutting the property, the property owner may make application annually for permission to direct the discharge from the weeping tile sump pump to the sanitary sewer between October 15 and March 31 each year. Approval by the Engineer, of the application is required before any connection to the sanitary sewer is made. The property owner shall terminate the connection of the discharge from the weeping tile sump pump to the sanitary sewer and redirect the discharge to the outdoors by March 31 or as directed by the Engineer.

In special circumstances, the Engineer may grant permission to a property owner to deviate from the foregoing required timelines.

No property owner shall permit the discharge from the weeping tile sump pump to the surface of any municipal roads during winter months.

8.3 Development requiring site plan approval

For all new site plan approvals, all existing connections of foundation drains (weeping tile) shall be removed and no new connection of foundation drains shall be allowed to the sanitary sewer system unless approved by the Engineer.

8.4 Discharge of foundation drain (weeping tile) flows

Every person shall discharge all foundation drain (weeping tile) flows from a building in accordance with this by-law.

8.5 Gravity connections

No gravity connection of foundation drains (weeping tile) will be allowed to the storm sewer system unless the system has the capacity to provide for such connections and is approved by the Engineer.

8.6 New plans of subdivision

Where ever possible no person shall create a lot that does not have a storm sewer adjacent to it and, in subdivisions where the subdivision agreement has been approved by Council no person shall create a lot that does not have a storm private drain connection, except where a geotechnical engineer certifies that foundation drains (weeping tile) are not required.

8.7 When sump pumps are discharged to ground surface

For all new subdivisions, where the subdivision agreement is approved by Council where ever possible sump pumps shall discharge foundation drain (weeping tile) flows into a storm sewer. Where a sump pump discharges foundation drain (weeping tile) flows to the ground surface, the following shall apply:

- a) if a problem related to a lot, caused by the discharge of the sump pump to the ground surface occurs prior to the Town's assumption of the street fronting that lot, the developer will be required to redirect the sump pump discharge to the storm sewer via a storm private drain connection at no cost to the Town;
- b) prior to the assumption of a street by the Town, the developer will be required to engage a geotechnical engineer to certify that the soil and ground water conditions on any vacant lot or lots are such that a direct connection to a storm sewer will not be required. If such certification cannot be provided, the developer shall be required to install a storm private drain connection to serve each affected lot, at no cost to the Town;
- c) prior to the assumption of a street by the Town, should the discharge of a sump pump on any lot adjacent to a vacant lot be required, because of unsuitable or unfavourable soil and ground water conditions, to be connected directly to the storm sewer, the developer shall install storm private drain connections to all vacant lots as directed by the Engineer, at no cost to the Town.

8.8 Requirements for foundation drain (weeping tile) flows

The foundation drain (weeping tile) flows from a building shall be discharged in the following manner:

- a) via a sump pump to the ground surface, provided that the discharge to the ground surface does not create continually wet ground conditions and/or do not create any adverse effect upon municipal sidewalks and roads or upon adjacent properties; or
- b) via a sump pump to a storm sewer; or
- c) via a sump pump to a dry well system, provided that appropriate soil testing is completed to establish the suitability of using a dry well system, and that the dry well system is designed and certified by a qualified Ontario Professional Engineer; or
- d) by gravity water flow to the storm sewer, if capacity and availability, as determined by the Engineer, exists in the storm sewer; and
- e) in subdivisions where the subdivision agreements are approved by Council, notwithstanding the requirements of clauses 8.8 (a) to (d) inclusive, sump pump discharges shall be connected to storm building sewers, which shall be connected to storm private drain connections.

Except in cases where a recommendation is made by a geotechnical engineer, on a site-specific basis that foundation drains are not required due to the nature of the soils.

8.9 Roof water downspouts

No person shall connect a roof water downspout to the sanitary private drain connection.

8.10 Roof water downspouts – no discharge to side yard – damage to adjoining property

No person shall direct a roof water downspout towards a side yard in such a manner as to cause damage or any other adverse affect to adjoining property.

8.11 Roof water downspouts – no connection to foundation drains

No person shall connect a roof water downspout to the foundation drains.

8.12 Roof water downspouts – discharge distance from exterior walls

Every person shall extend all roof water downspout so that the water flow discharges from the downspout a minimum distance of 1.22m (4') from the exterior walls of a building.

8.13 Storm private drain connections

For every residential lot that is created or infill development which comes forward by variance through the Committee of Adjustment, where a storm sewer exists or where in the opinion of the Engineer it can be extended, every person shall provide a storm private drain connection to serve the building, and sump pump discharges from the building shall be connected to the storm building sewer, which shall be connected to the storm private drain connection, except as approved otherwise by the Engineer.

8.14 Weeping tile discharge (temporary)

No person shall redirect weeping tile discharge into the sanitary sewer system unless approved by the Engineer and the appropriate forms are completed. This will allow the occupant to temporarily redirect the weeping tile discharge from the outdoors to the sanitary sewer system between October 15 and March 31.

Part 9
COMMERCIAL, INSTITUTIONS & INDUSTRIAL PREMISES

9.1 Billing

All billing shall be accordance with the current Town's User Fee by-law.

9.2 Charge – lien on land – collected as taxes

Any charge based on the rates set out in the current Town's User Fee by-law imposed upon any owner or occupant of land has priority lien status and may be added to the tax roll against the property in respect of which the sewer service was supplied.

- a) if any charge or any part thereof remains unpaid after its due date, the Tax Administrator, upon notice to the owner or occupant of the amount due, the person by whom it is due, shall add the same to the tax roll.
- b) if an amount is added to the tax roll in respect of a property under this section, that amount, including interest;
 - (i) may be collected in the same manner as taxes on the property;
 - (ii) may be recovered with costs as a debt due to the municipality from the assessed owner of the property at the time the charge was added to the tax roll and from any subsequent owner of the property or any part of it;
 - (iii) is a special lien on the property in the same manner as taxes under subsection 349(3) of the Municipal Act, 2001; and
 - (iv) may include cancellation price under Part XI of the Municipal Act, 2001 in the same manner, as are taxes on the property.

9.3 Default of duty – expense recovery by Town

Where the owner or occupant of commercial, institutional or industrial premises does not install or maintain each manhole device or facility required under this by-law, such installation or maintain each manhole device or facility required under this by-law, such installation or maintenance may be done at the direction of the Engineer at the expense of the owner or occupant and the Municipality may recover the costs incurred in doing such work by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

9.4 Grease, oil, sand and dirt interceptors and screening devices

The Engineer may require the owner or occupant of commercial, institutional or industrial premises with one or more connections to the public sewage works to install and maintain in good repair in each connection, a suitable device to prevent the entry of grease, oil, sand and dirt into the public sewage works.

9.5 Manhole – accessible at all times

A person required to install a manhole, device or facility shall ensure such manhole, device or facility is accessible at all times for the purposes of observing, sampling and measuring the flow of sewage therein.

9.6 Manhole – alternative installed and maintained

The Engineer may require the owner or occupant of commercial, institutional or industrial premises with one or more connections to the public sewage works to install and maintain in good repair in each connection a suitable manhole having a diameter of not less than 1.2 metres to allow observation, sampling and measurement of the flow therein. Provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the approval of the Engineer.

9.7 Manhole – failure to install and maintain – prohibited

No person shall fail to install or maintain in good repair a manhole, device or facility that meets the standards of this by-law upon being required to do so by the Engineer.

9.8 Manhole – other design construction and maintenance

Every manhole, device or facility installed as required by this by-law shall be designed and constructed in accordance with good engineering practice to the satisfaction of the Engineer and shall be constructed and maintained on the land of the owner or occupant of the premises, at the owner's expense.

9.9 Monitoring devices – reporting requirements

The owner or occupant of commercial, institutional or industrial premises shall, at the discretion of the Engineer, install devices to monitor discharges, and if required to do such installation, shall submit regular reports regarding such discharges to the Engineer.

9.10 Monitoring devices – failure to provide reports

No person shall fail to install a device to monitor discharges or fail to submit regular reports regarding such discharges when required to do so by the Engineer.

9.11 Screening devices installed and maintained

No person shall fail to install or maintain a suitable device to prevent the entry of grease, oil, sand and dirt into the public sewage upon being required to do so by the Engineer.

Part 10
CHARGES FOR SERVICES PROVIDED

10.1 Rates/charges – applicable taxes

All rates/charges outlined in the current Town's User Fee by-law are exclusive of applicable taxes which are payable by the owner in addition to the charges for services rendered.

10.2 Payment due upon completion of work

The cost of installation, replacement or repair as described within this by-law shall be due and payable in advance of the commencement of the work as a fee or charge under Part XII of the Municipal Act, 2001 as amended. At the property owner's request the fee may be added to the property owner's tax roll over a ten (10) year period with the addition of an appropriate financing charge as determined by the Town's Treasurer, under the authority of subsection 398 (2) of the Municipal Act, 2001, as amended.

10.3 Separation of mutual service lateral/building sewer

Where a mutual service lateral/building sewer serves two or more properties where at least one facility is a single detached, semi-detached or duplex dwelling and separation of the mutual service lateral is desired, the installation of the new sewer service shall be completed by the Town at the expense of the Owner as outlined in the Town's User Fee By-law.

10.4 Services provided by the Engineer – repair, replacement, installation – single detached, semi-detached, duplex dwellings - charge

The fees and charges as set out in the Town's User Fee by-law are imposed on owners of single detached, semi-detached or duplex dwelling for the following services or activities provided by the Engineer.

- a) New service lateral – construction of sewer – sanitary: The installation of a new sanitary sewer lateral in conjunction with a Town construction project that involves the construction of a sanitary sewer main;
- b) New service lateral – construction of sewer – storm: The installation of a new storm sewer lateral in conjunction with a Town construction project that involves the construction of a storm sewer main;
- c) Existing service lateral – replacement – construction of sewer – sanitary: The replacement of an existing sanitary sewer lateral to the property line in conjunction with a Town construction project that involves the construction of a sanitary sewer main;
- d) Existing service lateral – replacement – construction of sewer – storm: The replacement of an existing storm sewer service lateral to the property line in conjunction with a Town construction project that involves the construction of a storm sewer main;
- e) Repair or replace existing service lateral – excavation: The repair or replacement of an existing service lateral in conjunction with a Town construction project with excavation below the road structure where the service lateral is within the excavated area but that does not involve the construction of a sewer main; and
- f) Repair or replace existing service lateral – no construction: The repair or replacement of an existing service lateral do not apply.

10.5 Warranty

Notwithstanding any provision of this by-law, where it is demonstrated by the owner through a closed circuit television inspection, in accordance with the Town's requirements and to the Town's satisfaction, that there is a failure in his/her service lateral which has been installed, replaced or repaired by the Town, due to faulty workmanship or materials within thirty (30) years of the date of the last installation, repair or replacement. There shall be no charge for any work done by the Town to correct the faulty workmanship or materials.

10.6 Work undertaken by the Town - limited

Subject to 10.4, the Engineer shall not undertake:

- a) the repair or replacement of a private drain connection serving a property that is not single detached, semi-detached or a duplex dwelling: or
- b) the installation of new private drain connection for any property
- c) the responsibility and costs for such works in this subsection shall be borne by the property owner.
- d) Despite 10.6 (a) the Engineer may undertake the following for any property for the applicable fee:
 - (i) the repair or replacement of a private drain connection where the work is done in conjunction with Town main sewer construction project or applicable Town construction project under authority of the Municipal Act, 2001: and
 - (ii) the installation of a new private drain connection if the work is done in conjunction with Town main sewer construction project under authority of the Municipal Act, 2001.

Part 11
MISCELLANEOUS

11.1 Failure to comply

The following shall apply;

- a) where sanitary sewage or storm water sewage is discharged from a building in contravention of the by-law, the owner shall forthwith perform all necessary work to comply with the requirements of this by-law;
- b) where any building sewer or private drain connection is required to be sealed under this by-law, the owner shall forthwith perform all necessary work to comply with the requirements of this by-law; and
- c) where any building sewer, private drain connection, plumbing system or drainage system is required to be altered, relayed or repaired under this by-law, the owner shall forthwith perform all necessary work to comply with the requirements of this by-law.

11.2 Offences

Every person who contravenes this by-law is guilty of an offence.

Part 12
ENFORCEMENT AND PENALTIES

12.1 Administration – enforcement – for contravention

The provisions of this by-law are to be enforced by both the Chief Building Official and/or the By-Law Enforcement Officers, as Council for the Town of Fort Frances appoints them from time to time.

12.2 Penalty for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a penalty as provided in the *Provincial Offences Act*.

12.3 Fines for contravention

Any person other than a corporation who contravenes any section of this by-law is guilty of an offence and upon conviction is liable for a fine of not more \$5,000.00 for a first offence and not more than \$25,000.00 for each subsequent offence.

12.4 Fines for contravention – corporation

Notwithstanding any other provision of this by-law, a corporation upon conviction of a contravention of this by-law is liable for a fine of not more than \$50,000.00 for a first offence and not more than \$100,000.00 for each of any subsequent offences.

12.5 Contravention – repetition – prohibited – by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by

the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Part 13

REPEALING

- 13.1 By-law – previous – repealed
- By-laws No.6/92, 27/85, 62/88 and all amendments thereto are hereby repealed.

Part 14

EFFECTIVE DATE

- 14.1 By-law effective date
- This by-law comes into force and effect on XXXX/XX/XXXX

Part 14
APPENDIX

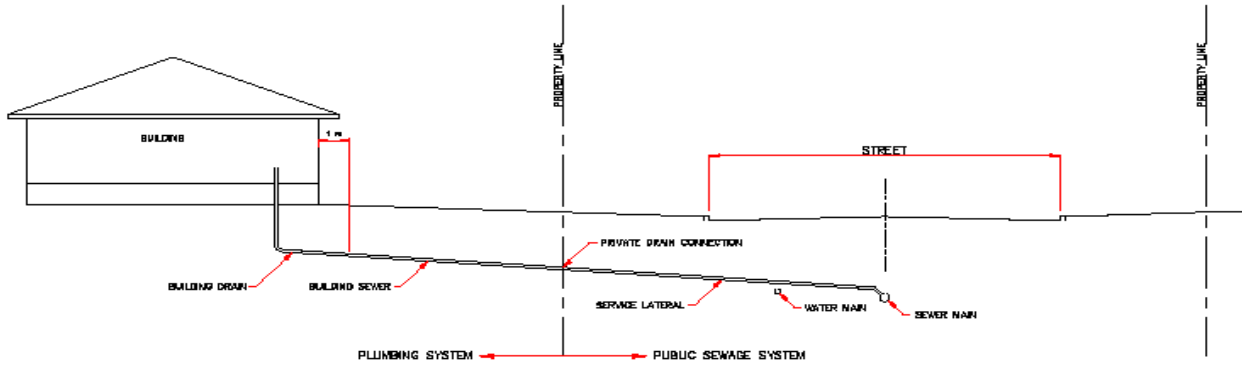


ILLUSTRATION OF SEWAGE SYSTEM