THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

BY-LAW NO. 2010-34

A By-law to regulate the pump-out of septic tanks on properties located within 300 metres of Wasi Lake.

WHEREAS, pursuant to Section 10(2) of the Municipal Act, S.O. 2001, c. 25, a single-tier municipality may pass by-laws for the environmental well-being of the municipality, and the health, safety and well-being of persons;

AND WHEREAS it is deemed desirable and in the best interests of the municipality and its inhabitants to regulate the disposal of sewage in septic tanks and the maintenance of private sewage disposal systems on properties located within 300 metres of Wasi Lake;

AND WHEREAS studies have been done on Wasi Lake concluding that the lake must be protected to prevent further deterioration;

AND WHEREAS it is deemed desirable to supplement site plan control regulations for all septic systems which may impact Wasi Lake;

AND WHEREAS the Council of the Corporation of the Township of Chisholm deems it necessary for the health, welfare and safety of the Township of Chisholm, and other area municipalities that may be affected, to protect the water supply from any impact from septic systems adjacent to Wasi Lake;

AND WHEREAS it is deemed desirable to inspect and to charge a fee for the inspection of septic tank systems, and other private sewage disposal systems as may be necessary.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM HEREBY ENACTS AS FOLLOWS:

1.   Definitions in this By-law:

   (a)   "Hauled Sewage System" means a vehicle used for the transportation of sewage (septage) operated by a person or company to whom a Waste Management System Certificate of Approval for the hauling of sewage (septage) under the Environmental Protection Act has been issued and remains valid.

   (b)   "Municipal Law Enforcement Officer" means the person designated by the Township of Chisholm to enforce this by-law.

   (c)   "Private sewage disposal system" means any system, method or tank intended for the disposal of sewage including one for which a permit has been issued under the Ontario Building Code or a Certificate of Approval issued under the Ontario Water Resources Act or other appropriate authority and except Class I (outhouses, portable toilets) and Class 5 (holding tank) systems as defined under the Ontario Building Code.

   (d)   "Pump-out" or "pumped-out" means the removal of solids, sludge and scum material from the septic tank, holding tank or cesspool of a private sewage disposal system by a hauled sewage system.

   (e)   "Sewage" includes:

      (i)   waste of domestic origin which is human body waste, toilet or bathroom waste, waste from other showers and tubs, liquid or water borne culinary and sink waste or laundry waste and

      (ii)   such other waste as is suitable for treatment in a sewage system regulated under Part 8 of the Ontario Building Code.

2. No person shall dispose of sewage on any lot or parcel of record located within 300 metres of the shore of Wasi Lake, as shown on the plan attached as Schedule A, except into a private sewage disposal system approved under the Ontario Building Code, the Ontario Water Resources Act, or the Health Promotion and Protection Act,

3. No person shall operate, use, or maintain a private sewage disposal system on any lot or parcel of record which fronts on the shore of Wasi Lake, as shown on Schedules B, C, D or E, attached to and forming part of this by-law, unless the septic tank of such private sewage disposal system is pumped out at least once every five years commencing as of June 1, 2010.

4. Evidence of a pump-out in compliance with this by-law shall be filed by the owner of the private sewage disposal system with the Township of Chisholm Municipal Office every fifth year commencing with and calculated after June 1, 2010.

5. No person shall dispose of the liquid or solid material pumped out of any private sewage disposal system other than in accordance with applicable legislation.

6. No person shall cause or permit the pump-out of a private sewage disposal system by anyone other than a person or company to which a Waste Management System Certificate of Approval for the hauling of sewage (septage) under the Environmental Protection Act has been issued and remains valid.

7. (a) The Municipal Law Enforcement Officer, who has authority under Section 15 of the Police Services Act, R.S.O. 1990, chapter P.15, may enter upon lands subject to this by-law for the purpose of inspecting septic tanks of private sewage disposal systems and taking such measurements, samples and photographs as may be necessary.

   (b) Entry upon lands under this by-law shall only take place between the hours of 8 a.m. and 6 p.m.

   (c) Persons entering upon lands under this by-law shall produce appropriate identification upon the request of the occupier of the premises.

   (d) There shall be no entry of dwellings without the consent of the occupier.

8. (a) The Township of Chisholm Municipal Office shall maintain a register of all property owners subject to the provisions of this by-law.

   (b) The owner of any land subject to this by-law shall deliver by mail or fax to the Township of Chisholm Municipal Office a true copy of a receipt certifying pump-out of a septic system within fourteen (14) days of completion of the pump-out.

   (c) Failure to provide proof of pump-out of a septic system, as per Section 8(b) above, will result in a letter from the Municipal Office requesting that they provide a copy of a receipt within fourteen days of the date of the letter.

9. Every person who otherwise contravenes any provision of this by-law is guilty of an offence; is liable to a fine not exceeding $5,000 (exclusive of costs) which shall be recoverable under the Provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33, Section 61.

10. This by-law shall come into force and effect as of the date of its passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 22nd DAY OF JUNE, 2010

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Mayor, Leo Jobin

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Clerk-Treasurer, Linda M. Ringler