A By-Law to Implement a Sewage System Re-inspection Program

WHEREAS the regulatory power to trespass on private property is given under Section 15.9 (1) "Inspection of an Unsafe Building" in the Ontario Building Code Act (OBCA);

AND WHEREAS Section 15.10.1 of the Building Code Act allows an inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection;

AND WHEREAS the authority for sewage system maintenance inspections are under the provisions of the Section 15.10.1 of the Ontario Building Code Act (OBCA);

AND WHEREAS the intention of the sewage system re-inspection program is to identify and resolve hazards associated with malfunctioning sewage systems;

AND WHEREAS the long-term goal of this program is to achieve a way in which the Town may monitor sewage systems and prevent contamination to groundwater, watercourses, etc. and to increase owner awareness of the location and condition of their sewage system; and to increase education on the proper operation and maintenance of septic system(s);

AND WHEREAS the Council of the Town of South Bruce Peninsula deems it expedient to implement a sewage system re-inspection program in the Town of South Bruce Peninsula

NOW THEREFORE the Council of the Town of South Bruce Peninsula enacts as follows:

1. That the Building Department be authorized by the Council of the Town of South Bruce Peninsula to implement a sewage system re-inspection program in the Town of South Bruce Peninsula.

2. That a Sewage System Re-inspection fee of $100.00 be payable by each affected property owner. If not paid, the Town will add the cost of the sewage system inspection fee to the property owner’s tax bill. This fee will be collected in the same manner as the municipal property taxes.

3. That the geographic areas of the Town scheduled for re-inspection be established on Schedule “A” attached hereto and forming a part of this By-law.

4. That the terms and conditions of the re-inspection program be established on Schedule “B” attached hereto and forming a part of this By-law.
5. **That** this By-law shall come into full force and effect upon the final passing hereof.

READ a FIRST and SECOND time this 3rd day of **APRIL**, 2012.

READ a THIRD time and FINALLY PASSED this day of **APRIL**, 2012.
THE TOWN OF SOUTH BRUCE PENINSULA

SCHEDULE ‘A’ TO BY-LAW NUMBER 48-2012

Location of lands affected by the Sewage System Re-Inspection Program
SCHEDULE 'A'
Town of South Bruce Peninsula
Septic Re-Inspection Program
"Discretionary Zones"

Legend
- Zone A - 2012
- Zone B - 2012
- Zone C - 2013
- Zone D - 2013
- Zone E - 2014
- Zone F - 2014
- Zone G - 2015
- Zone H - 2015

Date: February, 2012
Terms and Conditions of the Sewage System Re-Inspection Program:

Administration of the Program
A letter will be sent out to the residents of the Town of South Bruce Peninsula that will inform them of:
- The potential value of the program
- The scope of work that will be completed
- Follow up options for those systems that exhibit deficiencies
- Information regarding the public meeting that will be hosted

The Building Department will host a public meeting regarding the septic re-inspection program. This will be an information session for the public that will answer any questions that they may have. An ad will be placed in the Wiarton Echo for two weeks and the Owen Sound Sun Times for two weeks (once a week). It will be posted on the Town website as well. If time permits it may also be noted in the tax bill inserts.

Inspector
The Town will hire two part-time septic re-inspection inspectors as per the Hiring Procedure Policy C.1.1. The septic re-inspection inspector’s will work from 8:30am-4:30pm. The septic re-inspection inspectors will work from April 1 until November 30. These employees will be on a contract basis until December 31, 2015.

Who gets inspected?
- The Mandatory Program will be the main focus once approved by the Province.
- Prior to Provincial approval, the Town will focus on the Discretionary Program.
- Certain geographical areas will be inspected as outlined in Schedule A.
- The focus of the program will be to inspect those properties deemed high risk first then move on to moderate/low risk rated systems.
- This is not limiting inspector’s to inspect high risk systems only.
- If the septic system is less than seven (7) years old and documentation and confirmation of maintenance is available, no re-inspection will be required.
- If someone calls in to book an inspection and they are not classified high risk, the inspector will still perform the inspection.
- A letter will be sent to the home owner in the targeted area for them to call in and book an inspection.
- Someone at least 18 years old will need to be present unless permission is given when completing the inspection.

The following are definitions for the different risk stages.

High Risk: No Record of approved sewage system or greater than 20 years old, complaints received by our office, no use permit on file or no septic permit issued.
Moderate Risk: Approved sewage system between 10 and 20 years old.

Low Risk: Approved Sewage system is less than 10 years old.

Cost
As determined by Council, an inspection fee of $100.00 will be invoiced to each property owner after completion of their inspection. If this fee is not paid within 90 days, it will be added to their tax bill.

Activities in a Re-inspection
- The septic inspector will review and determine high risk systems in the proposed zone stated for inspections.
- A letter will be sent to the homeowner asking them to contact the Municipality and book the inspection.
- If there are no septic records in the property files, the Town will require the property owner to provide a diagram or septic records to the inspector prior to performing the inspection. A letter will be sent to the owner to notify them that these documents are required.
- If the tank has not been pumped within the last five years, the homeowner may need to have the tank pumped.
- It will be the responsibility of the homeowner to open the tank lid and have it exposed for the inspection.

As per Part 8 of the Ontario Building Code the following classes of systems will be part of the septic re-inspection program.
- Class 1- Privy
- Class 2- Greywater
- Class 3- Cesspool
- Class 4- Septic System
- Class 5- Holding Tank

The inspector will complete the following steps as part of the inspection process.
- Review of the property’s septic records
- Identify location of system on property – may require information from the owner
- Surface inspection of bed & tank
- Examine inside of tank (estimate age of tank, size of tank, condition of tank, if there’s a divider, if there are risers and filters in it etc.) It will be up to the property owner to remove the tank lid and provide access to the tank
- Estimate tank volume
- Estimate sludge depth/volume
- Soil sample may be required
- May examine runs with the portable snake to find any signs of malfunctions
- Dye test may be used on the bed
- Copy of date stamped receipt of tank pump out may be required
Inspection Reports
- An inspection report will be completed by the inspector on site during the re-inspection.
- This report will be done on a two-copy (sensitized form) that will enable the inspector to either leave a copy on site or mail a copy to the homeowner.
- The inspector will then retain the other copy for the Municipality’s records.
- The inspection report will inform the owner that their system is either in need of remedial action or that there is no indication of an unsafe system.
- If the system is in need of remedial action, the letter will describe the visual deficiencies observed by the inspector.
- It will inform the property owner as to who they should contact for further information regarding their intentions to remedy the deficiencies.
- The owner will also be informed that if they do not respond within a specified time frame, they may be issued an Order to Comply.

Certificate to Homeowner
- A certificate that is an approved document by the Ministry of Municipal Affairs and Housing will only be mailed out to property owners whose system is in compliance with Part 8 of the Ontario Building Code.
- Once any remedial action is complete and the inspection is passed, a certificate will be mailed out to the homeowner.

Enforcement of Repairs
- Upon receiving the inspection report, the homeowner will be given a reasonable amount of time determined by the Chief Building Official or Inspector to remedy the deficiencies.
- If no action is taken the Chief Building Official will issue an Order to Comply.