The Corporation of the Town of South Bruce Peninsula

By-Law Number 53-2013

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 as outlined in the Fees By-Law 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.

6. That any by-laws inconsistent with this by-law are hereby rescinded and repealed

Read a first and second time this 21st day of May, 2013.

[Signature]
Mayor

[Signature]
Clerk

Read a third time and finally passed this 21st day of May, 2013.

[Signature]
Mayor

[Signature]
Clerk
Schedule ‘A’ to By-Law Number 53-2013
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
- Zone B
- Zone C
- Zone D
- Zone E
- Zone F
- Zone G
- Zone H
Schedule ‘B’ to By-Law Number 53-2013

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

A public meeting will be hosted 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 inspectors to implement the Septic Re-inspection Program.

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 in alphabetical order.
- 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 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 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 advising who to contact to book an inspection.
- If there are no septic records in the property files, the inspector 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.
- The homeowner is required to provide access to the septic tank lid(s) (i.e. uncovering/uneartthing prior to 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 dependent upon the class of system.
- Review of the property’s septic records
- Identify location of system on property – may require information from the owner
- Surface inspection of bed, tank, greywater pit and/or cesspool
- 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.)
- May require a copy of a contract with a hauled sewage system operator
- May examine site for any evidence of illegal discharge
- Estimate tank volume
- Estimate sludge depth/volume
- Soil sample may be required
- May examine system with appropriate equipment 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**
**Inspection Reports**
- An inspection report will be completed by the inspector on site during the re-inspection.
- This report will be sent to the homeowner.
- The inspector will retain -a 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 not deemed to require remedial action.
- Once any remedial action is complete and the inspection is passed, a certificate will be mailed out to the homeowner.

**Enforcement**
- 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 or inspector will issue an Order to Comply.
- Should the property owner refuse to comply with the requirements of the Septic Re-Inspection Program, enforcement may be taken in accordance with the provisions of the Ontario Building Code and/or through the Provincial Offences Act.

**Deferral of Inspection**
Re-inspection of an existing septic system that has had any component installed and inspected within five years from the year in which the system is to be inspected under the re-inspection program may be deferred until the system is older than five years. Copies of permits and inspection records will be required in order to qualify for the deferral.