

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-60

Being a by-law to require owners of buildings to connect such buildings to sewage works in the Town of Amherstburg

WHEREAS pursuant to the provisions of Section 222 of the Municipal Act, R.S.O. 1990, chapter M.45, as amended, Councils may pass by-laws requiring owners of buildings or any class or classes of buildings in the municipality or in any defined area thereof to connect the said buildings to the sewage works of the municipality;

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

AND WHEREAS it is deemed expedient by the Town of Amherstburg (the "Municipality") to pass a by-law requiring the owners of all buildings in the municipality to connect such buildings to the sewage works;

NOW THEREFORE THE COUNCIL OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:

1. In this by-law:

(a) "**building**" means and includes any building, trailer, or other covering or structure used or intended for supporting or sheltering any use or occupancy with the land and premises appurtenant thereto which:

(i) is located within 150 metres of a main sanitary sewer, or

(ii) is located on a parcel of land abutting on a public highway or street in which a sewage works is located or a parcel of land not more than one foot from a public highway in which a sewage works is located, and

(iii) 1. contains or is required by any other by-law, regulation or statute to contain any sleeping, eating or food preparation facilities, or
2. contains or is required by any other by-law, regulation or statute to contain any washing or toilet or cleaning facilities, or
3. is connected or is required by any other by-law, regulation or statute to be connected to a water supply or water works, or
4. which is a source of sewage

other than a barn used for agricultural purposes and which contains no sleeping accommodation for persons;

(b) "**connect**" means to install a connection;

(c) "**connection**" means a connection to a sewage works system including the service pipe from the interior face of the outer wall of a building to

(i) the street line where a service line has been installed from the main sanitary sewer to the street line, or

(ii) the main sanitary sewer where a service line has not been so installed,

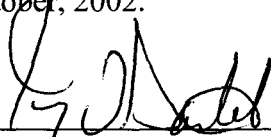
and if the property on which the building is located is the source of different types of sewage which are required to be delivered separately to the sewage works, connection includes separate connections for the different types of sewage;

- (d) “cost” includes the cost of restoring any property disturbed or damaged in the course of making a connection and the cost of design, if any, materials, labour and supervision of the connection incurred after the date of sending a Notice and includes the amount of expense charged by the Municipality to the owner when the Municipality makes a connection at the expense of the owner;
 - (e) “main combined sewer” means a main sewer for the collection of both sewage and storm water;
 - (f) “main sanitary sewer” means a main sewer for the collection of sewage;
 - (g) “main sewer” means that part of the sewage works of the municipality consisting of the public sewers including their branches;
 - (h) “main storm sewer” means a main sewer for the collection of storm water;
 - (i) “Notice” means a notice given pursuant to this by-law requiring a connection to be made;
 - (j) “owner” means the owner of a building and includes the registered owner of, the person shown on the assessment roll as owner of, and the actual owner of a building or any property on which a building is located;
 - (k) “sewage” shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, and includes drainage from all sinks, tubs, toilets and washing facilities but does not include storm water;
 - (l) “sewage works” shall mean and include any main sewer, main combined sewer, main sanitary sewer or main storm sewer operated and maintained by or on behalf of the Municipality for the acceptance, collection, transmission, or disposal of sewage and storm water;
 - (m) “storm sewer” shall mean rain water, melted snow or ice and water in the subsoil.
2. Every owner of a building shall connect the building to the sewage works of the Municipality.
3. (1) Any connection required to be made by an owner under this by-law shall be made
- (a) within nine months of the mailing of a Notice to the owner by registered mail to his last known address requiring the connection to be made, or within such periods of time, if any, as are granted by Council as an extension pursuant to the provisions of this by-law, and
 - (b) in accordance with the requirements of the Notice and any by-law, regulation or statutes governing such connection.
- (2) Any notice hereunder
- (a) shall require the owner to make the connection,
 - (b) shall advise the owner

- (i) the date on which the nine month period expires, and
 - (ii) that is the owner fails to make the connection as required, the Municipality has the right to make it at the owner's expense and to recover the expense by action or in like manner as municipal taxes, and
 - (c) shall make reference to this by-law.
- (3) A Notice hereunder may classify different types of sewage and require that such types be drained through separate connections into specified sewers,
 - (4) If a building is connected only to one sewer and separate sewers for different types of sewage are available, or made available to serve the land on which the building is located, the Notice hereunder may, if the building or the land on which the building is located is or may be a source of sewage of more than one classified type, require the owner to connect the building to the sewage works in such manner that the different types of sewage are drained separately into the sewers specified in the Notice.
 - (5) If a building or the property on which it is located is being connected to a sewage works for the first time and separate sewers for different types of sewage are available or Council has determined that such separate sewers will be made available in the future, the owner may be required by the Notice to make separate connections for the different types of sewage and if a fee is charged for each connection to a sewer only one connection fee may be charged if separate connections to the same sewer are required by the Notice.
 - (6) This by-law does not limit the operation of any by-law, regulation or statute regulating or prohibiting the types and contents of waste or other material, which may be drained into a sewer or sewage works.
4. (1) Where there is a main sanitary sewer and a main storm sewer available in the land to which a building is appurtenant, or within 150 metres of such land and accessible by a street or lane,
 - (i) the drains for sewage from the building shall be connected to a main sanitary sewer, and
 - (ii) the drains for storm water including the roof, sump pump and foundation drainage systems of the building shall be connected to the main sewer.
 - (2) Where there is only a main sanitary sewer available in the land on which a building is located, or within 150 metres of such land and accessible by a street or lane, the drains for sewage from the building shall be connected to the main sanitary sewer.
 - (3) Where there is only a main storm sewer available in the land on which a building is located, or within 150 metres of such land and accessible by a street or lane, the drains for storm water including the roof and foundation drainage systems of the building shall be connected to the main storm sewer.
 - (4) Where there is only a main combined sewer available in the land on which a building is located, or within 150 metres of such land and accessible by a street or lane, the drainage for the building shall be by separate drains for sewage and for storm water including the foundation drainage, and each drain shall be connected to the place of disposal at the main combined sewer.

5. (1) Council may, on the application of an owner to whom Notice has been sent, grant an extension of the period of nine months within which the connection must be made.
- (2) An extension, if granted, must not be for a period longer than two years from the end of the nine month period provided by the Notice.
- (3) If the first extension is for a period of less than one year, one further extension with an expiry date not more than two years from the end of the original nine month period provided by the Notice may be granted by Council and no further extension be granted.
6. (1) If the owner fails to make a connection required by a Notice within the nine month period or such extended period permitted hereunder, as Council grants, the Municipality may make the connection at the expense of the owner and for this purpose may enter into and upon the property of the owner.
- (2) The cost of making such connection shall be a lien or charge as municipal taxes upon the land in respect of which the connection was made, shall be added to the Collector's Roll by the Clerk of the Municipality and shall be collected in the same manner as overdue taxes.
7. The owner of a building affected by this by-law may be exempted from the provisions of section 2 upon a Request for Exemption Application (Form 1) having been received by the Treasurer of the Municipality and the owner requesting exemption shall be billed (bi-monthly/quarterly) a flat charge equal to 100% of the minimum residential sewage service rate as determined from time to time by the Municipality in lieu of user rates.
8. For an owner to be continued to be entitled to the exemption he must pay bills issued under section 7 as they fall due.
9. The owner of a building electing to be exempted under section 7 shall, within twenty-one days of Notice return to the Treasurer of the Municipality a Request for Exemption Application (Form 1).
10. Notwithstanding the provisions of section 7, no exemption will be granted which is at variance with any written requirement, order or approval by a Medical Officer of Health or Public Health Inspector or pursuant to Part VII of the Environmental Protection Act, R.S.O. 1990 Chapter p. 31.
11. When an owner who has been making payments under sections 7 and 8 of this by-law, connects the building to the water works, his charges for water service rates shall be credited with any amount paid under sections 7 and 8 with respect to the time period after the connection is made.
12. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine not exceeding two thousand dollars and every such fine shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter p 33 as amended.
13. This by-law comes into force and effect on the date of the final passing thereof.

Read a first and second time this 28th day of October, 2002.


MAYOR


CLERK

Read a third time and finally passed this 28 day of OCTOBER, 2002


MAYOR


CLERK

FORM 1 TO BY-LAW NO. 2002-60

REQUEST FOR EXEMPTION
THE CORPORATION OF THE TOWN OF AMHERSTBURG

I/we _____
the owners of the property listed below hereby request exemption from the provisions of Section 2
of By-law No. _____ of the Municipality for the following reason(s):

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

DATED this _____ day of _____, 20__.

OWNER (Signature)

STREET ADDRESS

LOT - REGISTERED PLAN & ROLL NO.

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

STREET ADDRESS

LOT - REGISTERED PLAN & ROLL NO.

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

For Municipal Use Only:

(i) MOH confirms no outstanding requirements with respect to unsatisfactory water supplies.

Checked by: _____ Date: _____

(ii) Director confirms no outstanding requirements under Part VII Environmental Protection Act.

Checked by: _____ Date: _____

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

(iv) Property owner advised of Council's decision by letter dated _____.