The Corporation of the City of Peterborough

By-Law Number 15-165

Being a By-law to require properties located within Intake Protection Zone 1 and which are served by a small scale sewage system to connect to municipal sanitary sewer services where those services are available in an abutting road allowance and where those services are not available to make the small scale sewage system subject to the Mandatory Maintenance Inspection Program

Whereas Policy S-4(1) of the Trent Source Protection Plan requires that the municipality pass a by-law requiring that any properties serviced by sewage systems as defined in Section 1 of O. Reg. 350/06 made under the Building Code Act, 1992 be connected to the municipal sewage collection system where it is feasible to do so;

And Whereas Section 11 of the Municipal Act, 2001, S.O. 2001 c.25, as amended, provides that every Council may pass by-laws and make regulations for the health, safety and welfare of inhabitants of the municipality in matters not specifically provided for by the said act as may be deemed expedient and are not contrary to the law;

And Whereas the Council of the City of Peterborough deems it necessary and expedient to pass a by-law to require properties located within the Intake Protection Zone 1, operating on a small scale sewage system to connect to municipal sanitary sewer services where those services are available, failing which the private sewer system will be subject to the mandatory maintenance inspection program and any costs involved to ensure compliance with its effective operation.

Now Therefore, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1.0 Definitions

In this by-law

a) **Inspection** – means an inspection carried out by a qualified person under the Mandatory Maintenance Inspection Program and **Inspect** or **Re-Inspect** shall have a corresponding meaning.

b) **Health Unit** – means a person qualified to perform the MMIP who is employed by or is an agent of the Peterborough County City Health Unit.

c) **Intake Protection Zone 1** – means the area of land measured 120 metres inland from the water line extending 1000 metres upstream from the point of the municipal drinking water intake.

d) **Mandatory Maintenance Inspection Program** or **MMIP** – means the inspection program specified under the Ontario Building Code (O. Reg. 350/06):

i. conducted every 5 years by the Health Unit; or

ii. for the property located at 1230 Water Street, at the discretion of the Health Unit, conducted annually or every 5 years.
e) **Owner** – means a person, individual, firm, corporation, utility, association or partnership who own property or have an interest in land located within Intake Protection Zone 1 or an area where the Vulnerability Score is 10 and who have an operational Small Scale Sewage System.

f) **Small Scale Sewage System** – means a sceptic system that has a capacity of no more than 10,000 L/day.

g) **Vulnerability Score** – is an assessment describing the potential for contamination of a water source as determined by the Trent Assessment Report, 2011.

2.0 **Small Scale Sewage Systems – Requirements**

2.1 Every Owner shall forthwith connect their Small Scale Sewage System to municipal sanitary sewer services if such services are located in a road allowance which abuts the Owner’s property.

2.2 Every Owner who is not required by Section 2.1 or by Section 3 to connect his/her Small Scale Sewage System to municipal sanitary sewer services shall comply with the Mandatory Maintenance Inspection Program.

2.3 Every Owner whose Small Scale Sewage System fails any aspect of the Mandatory Maintenance Inspection Program shall, as directed by the Health Unit, forthwith carry out any maintenance and/or repair to the satisfaction of the Health Unit.

2.4 Every Owner shall permit the Health Unit to Inspect or Re-inspect the Owner’s Small Scale Sewage System.

2.5 No person shall place or use a portable toilet within Intake Protection Zone 1 unless permission has been obtained from the Health Unit.

3.0 **Special Provisions for Particular Properties**

3.1 Notwithstanding Section 2.1, every Owner of a property abutting the Armour Street or the Dafoe Drive road allowance shall forthwith connect to municipal sanitary sewer services upon the earlier of:

   a) the Owner’s Small Scale Sewage System failing any aspect of the Mandatory Maintenance Inspection Program and, in the opinion of the Health Unit, the Owner’s Small Scale Sewage System was not forthwith repaired in accordance with Article 2.3; or

   b) the City reconstructing its abutting road allowance and installing a lateral connection from the municipal sanitary sewer services to the Owner’s property line.

3.2 Notwithstanding Section 2.1, the Owner of the property located at 1230 Water Street shall forthwith stop using its Small Scale Sewage System if any aspect of it fails any aspect of the MMIP and, in the opinion of the Health Unit, the Owner’s Small Scale Sewage System was not forthwith repaired in accordance with Article 2.3.

3.3 If the Small Scale Sewage System at 1230 Water Street is not forthwith repaired in accordance with Article 3.2, the Owner shall forthwith:

   a) decommission and remove same; or

   b) commence the steps necessary to connect its Small Scale Sewage System to the City’s municipal sanitary sewer services located in the Water Street road allowance.
4.0 Penalties

4.1 Every person who contravenes any requirement of this By-law is guilty of an offence and upon conviction thereof is liable for a penalty or fine for each offence, exclusive of costs as prescribed by the Provincial Offenses Act R.S.O 1990, as amended or any successor legislation in substitution thereof.

5.0 Title

5.1 This By-law may be referred to as the Small Scale Sewage System By-law.

6.0 Effective Date

6.1 This by-law shall come into force and take effect upon the final passing thereof.

By-law read a first, second and third time this 7th day of December, 2015.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) John Kennedy, City Clerk