

THE CORPORATION OF THE MUNICIPALITY OF CALLANDER

BY-LAW NO. 2015-1479

Being a by-law to regulate the use of septic tanks adjacent to Lake Nipissing and Callander Bay and its inflowing watercourses described as the Issue Contributing Area (Source Water Protection Plan) and to repeal by-law 2010-1210

WHEREAS, pursuant to Section 10(2) (5) and 10(2) (6) of the *Municipal Act, 2001*, SO. 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 within the Municipality of Callander, for sanitary purposes;

AND WHEREAS it is deemed desirable to supplement site plan control regulations for all septic systems within the Municipality of Callander which may impact Lake Nipissing and Callander Bay;

AND WHEREAS the Ministry of the Environment and Climate Change and the operating and maintenance guidelines of most suppliers of septic systems, suggests that septic systems be pumped out every three (3) to five (5) years depending on their use;

AND WHEREAS the Council of the Corporation of the Municipality of Callander deems it necessary for the health, welfare and safety of the Municipality of Callander to protect the water supply from any impact from septic systems adjacent to the issue contributing area of the Source Water Protection Plan and adjacent to Lake Nipissing;

NOW THEREFORE the Council of The Corporation of the Municipality of Callander hereby enacts as follows:

SECTION 1 – DEFINITIONS

1. 1. In this By-law:

- a) “Chief Administrative Officer” means the Chief Administrative Officer as employed by the Municipality of Callander;
- b) “Chief Building Official” means the Chief Building Official as appointed by Council for the Municipality of Callander;
- c) “Council” means Council for The Corporation of the Municipality of Callander;
- d) “Hauled Sewage System” means a vehicle used for the transportation of sewage (septage) operated by a person or company holding an Environmental Compliance Approval for a Hauled Sewage Waste Management System issued by the Ministry of the Environment and Climate Change.
- e) “Municipality” means The Corporation of the Municipality of Callander;
- f) “MOE” means the Ministry of the Environment and Climate Change;
- g) “NBMCA” means the North Bay Mattawa Conservation Authority;
- h) “Owner” means the registered owner of the property and/or includes a person using or in possession of the property or a trustee acting on behalf of the registered owner or the estate of the registered owner;

- i) "Person" includes a person, owner, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature;
- j) "Private Sewage Disposal System" means any system, method or tank intended for the disposal of sewage including one for which a Certificate of Approval or Use Permit has been issued under the *Environmental Protection Act*, RSO 1990, c, E.19 or other appropriate authority, but does not include sewage systems as defined by O. Reg.332/12 (the "*Building Code*"), Division A, Section 1.4.1.2(1), "sewage system", subsection (a) (toilets and privies), enacted under the Building Code Act, 1992, SO 1992, c.23
- k) "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;
- l) "Seasonal Dwelling" means a building occupied or capable of being occupied as the home, residence or sleeping place of one or more persons for less than ninety (90) days per year;
- m) 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

SECTION 2 – APPLICATION

- 2.1 This By-law shall apply to all land within the geographical limits of the Municipality of Callander as identified in Schedule "A" and Schedule "B" attached to and forming part of this By-law.

SECTION 3 – ADMINISTRATION

- 3.1 The Chief Building Official shall be responsible for the enforcement of this By-law.
- 3.2 The Chief Administrative Officer or authorized designate shall be responsible for administration of this By-law.

SECTION 4– GENERAL PROVISIONS

- 4.1 No person shall dispose of sewage on any lot or parcel of record on any property adjacent to the shore of Lake Nipissing and Callander Bay or on lands which abut any natural watercourse which leads to Callander Bay, except into a private sewage disposal system approved under the *Ontario Building Code Act*, 1992 and the *Environmental Protection Act*.

SECTION 5 – REQUIREMENT FOR PUMP OUT

- 5.1 Subject to Section 5.2 no person shall own, use, or maintain a private sewage disposal system on any lot or parcel of record which abuts the shore of Lake Nipissing or Callander Bay or which abuts a natural watercourse which leads to Callander Bay as shown on Schedules "A" and "B" attached hereto unless the septic tank of such private sewage disposal system is pumped out a least once every three (3) years commencing as of January 1, 2016.
- 5.2 Upon the application by the owner of a seasonal dwelling, the Chief Administrative Officer or an authorized delegate may extend the pump-out requirement referred to in paragraph 5.1 for a period of an additional two years upon receipt of satisfactory evidence that the subject lands are occupied for less than ninety (90) days per year.

- 5.3 Evidence of a pump-out in compliance with this By-law shall be filed by the owner of a private sewage disposal system with the Chief Administrative Officer or authorized designate by January 31 of every third year, commencing with and calculated after January 1, 2016. Evidence shall take the form of a true copy of the receipt certifying the septic system pump out including the full date, location by civic address and notation of person or company conducting the pump out.
- 5.4 No person shall dispose of the liquid or solid material pumped out of any private sewage disposal system septic tank except in a municipal sanitary sewer or an authorized dump site without the prior written consent of the MOE.
- 5.5 No person shall cause or permit the pump-out of a private sewage disposal system by anyone other than a person holding a current and valid Certificate of Approval or Use Permit has been issued under the *Environmental Protection Act*, RSO 1990, c, E 19

SECTION 6 – CERTIFICATE OF COMPLIANCE

- 6.1 If requested by owner or agent, a Certificate of Compliance may be issued upon receipt of evidence satisfactory to the Chief Administrative Officer or authorized designate, of completion of the pump-out required by this by-law. The Chief Administrative Officer or authorized designate, is hereby authorized to issue a Certificate of Compliance under this by-law to the property owner or authorized agent upon payment of a fee as designated in the Municipal Fees By-law.
- 6.2 The Chief Administrative Officer or authorized designate shall maintain a register of all persons who have provided satisfactory evidence of the pump-out required under this By-law.

SECTION 7 – CONFLICT

- 7.1 If a provision of this By-law conflicts with an Act or Regulation or another By-law, the provision that is the most restrictive shall prevail.

SECTION 8 - SEVERABILITY

- 8.1 If any section or sections of the By-law or parts thereof, are found in any court of law to be illegal or beyond the power of the Municipality to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of the By-law shall be deemed to be separate and independent thereof and have been enacted as such.

SECTION 9 – OFFENCES AND ENFORCEMENT

- 9.1 Any person who contravenes any provision of this by-law, may, upon conviction, be guilty of an offence and liable to the penalties provided under the Provincial Offences Act.

SECTION 10 - REPEAL

- 10.1 By-law No. 2010-1210 is hereby repealed.

SECTION 11 – EFFECTIVE DATE

- 11.1 This By-law will come into force on the date of passing.

READ A FIRST TIME THIS 22nd DAY OF DECEMBER, 2015.

READ A SECOND TIME THIS 22nd DAY OF DECEMBER, 2015.

**READ A THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF DECEMBER,
2015.**

MAYOR, HECTOR D. LAVIGNE

CLERK, MAIRGHREAD KNOUGHT