

THE CORPORATION OF THE TOWN OF MONO

**BYLAW NUMBER –2014 - 36**

BEING A BYLAW TO ENACT RULES AND REGULATIONS FOR THE MAINTENANCE, OPERATION, EXPANSION AND USE OF MUNICIPAL WASTEWATER SYSTEMS IN THE TOWN OF MONO AND TO SET OUT WASTEWATER SERVICE RATES CHARGED BY THE CORPORATION OF THE TOWN OF MONO.

WHEREAS, The Municipal Act, 2001, S.O. 2001, c. 25 distributes powers to the Municipality, which powers provide that the municipality may regulate and provide for services relating to sewage, which is defined to include wastewater and stormwater and other drainage from land and commercial and industrial wastes that are disposed of in a sewage system;

AND WHEREAS the Corporation of the Town of Mono has constructed and/or assumed ownership of wastewater system in the municipality to accept wastewater from owners within the Town of Mono;

AND WHEREAS Section 391 of the Municipal Act, S.O., 2001 provides for the passing of bylaws imposing fees or charges on any class of persons; for services or activities provided or done by or on behalf of the Municipality;

AND WHEREAS Section 398 of the Municipal Act, S.O. 2001 provides that fees and charges imposed by a Municipality may be added to the tax roll for the following property in the local Municipality and collected in the same manner as Municipal taxes;

THE COUNCIL of the Corporation of the Town of Mono deems it expedient and desirable to make certain rules and regulations for the operation, maintenance and use of the wastewater system.

**1. DEFINITIONS IN THIS BYLAW**

- 1.01 "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in biochemical oxidation of organic and inorganic matter in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per litre;
- 1.02 "*Chief Building Official*" means the Chief Building Official of the County of Dufferin or his or her designate.
- 1.03 "*Consumer*" means, as the context requires, the owner or occupant of a premises which discharges wastewater to the Municipal Wastewater System, as the case may be, and the person to whom invoices are sent for discharge of wastewater from a premises.
- 1.04 "*Council*" means the Municipal Council of The Corporation of the Town of Mono.
- 1.05 "*DNAPLs*" means a dense, non-aqueous phase liquid, which is any chemical contaminant denser than water, not otherwise defined herein;
- 1.06 "*Director of Public Works*" means the Director of Public Works of The Municipality of the Town of Mono.
- 1.07 "*Discharge*" includes the acts of failing to prevent escape, emitting, and releasing;
- 1.08 "*Dwelling*" means a building occupied or capable of being occupied as the home or residence of one or more persons. This definition includes any accessory apartment constructed therein.

- 1.09 “*Flow Monitor*” means a device to measure the volume of Wastewater discharged to a Sanitary Sewer;
- 1.10 “*Inspector*” means any person duly authorized by the Municipality to perform inspections under this bylaw.
- 1.11 “*Meter*” means the water meter supplied and owned by the Town to measure the quantity of water used by the Customer;
- 1.12 “*Municipal Wastewater System*” means all Sanitary Sewers, sewage systems, sewage pumping stations, sewage treatment plants and other works for the collection, acceptance, transmission, treatment and disposal of Wastewater which are assumed, owned and maintained by the Town, the limits of which are defined by the boundary between the Town’s right-of-way and adjoining private property.
- 1.13 “*Municipality*” means The Corporation of the Town of Mono.
- 1.14 “*Operator*” means any person duly authorized by the Municipality to perform maintenance and/or operate the Municipal Wastewater System.
- 1.15 “*Owner*” means the registered owner of a Premises which discharges Wastewater to the Municipal Wastewater System.
- 1.16 “*PCB*” means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;
- 1.17 “*Person*” means an individual, association, partnership, corporation, municipality, provincial or federal agency, or an agent or employee thereof;
- 1.18 “*Pesticides*” means a pesticide regulated under the Ontario *Pesticides Act*;
- 1.19 “*pH*” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per litre of solution;
- 1.20 “*Phenolic Compounds*” means any hydroxy derivative of benzene, or its condensed nuclei;
- 1.21 “*Private Drain Connection or PDC*” means the service pipe which connects the building sewer to the Municipal Wastewater Works;
- 1.22 “*Premises*” means the property being supplied or to be supplied with water and includes a portion of a multiple occupancy premises which is supplied separately;
- 1.23 “*Private Wastewater System*” means the pipes and fixtures used for the purpose of conveying Wastewater from any Premises in the Municipality to the limit of the Municipal Water System;
- 1.24 “*Sanitary Sewer*” means a pipe or other conveyance feature which receives or is intended to receive Wastewater;
- 1.25 “*Severely Toxic Contaminant*” means any material listed in Schedule 3 of Ontario Regulation 347 made under the *Environmental Protection Act* (Ontario);
- 1.26 “*Suspended Solids*” means undissolved or insoluble total suspended matter which is borne by a liquid or contained in Waste;
- 1.27 “*Treasurer*” means the Treasurer of the Municipality.
- 1.28 “*Waste*” means all manner of liquids and liquid-borne matter, except

uncontaminated water;

- 1.29 “*Wastewater*” means sanitary sewage including human, commercial and industrial Waste, septic Waste and greywater and such other matter or substances as is specified by regulations made under clause 75(1)(j) of the *Ontario Water Resources Act* but does not include stormwater or groundwater;
- 1.30 “*Wastewater Service*” means the acceptance, collection, transmission, storage, treatment and disposal of Wastewater, or any one or more of them, as well as any related services; and
- 1.31 “*Waste Radioactive Materials*” means any Waste material exhibiting the property of spontaneous disintegration of atomic nuclei usually with the emission of penetrating radiation or particles.

## **2. GENERAL PROVISIONS**

- 2.01 This Bylaw shall apply only in the portion(s) of the Municipality described in Schedule “B” hereto.
- 2.02 This by-law shall be administered and enforced by the Treasurer and the Director of Public Works, or their delegates.
- 2.03 The Chief Building Official shall have the following duties under this bylaw:
  - a) to enforce the provisions of this bylaw relating to Private Wastewater Systems;
  - b) to supervise and inspect all construction related to Private Wastewater Systems;
  - c) to perform other duties as designated by Council.
- 2.04 For the purpose of the administration of this bylaw, an Inspector may, upon production of identification enter in or upon any land or Premises, except for any place or room actually used as a dwelling, at any time without a warrant and carry out such inspections or tests and take such samples as may be necessary for the purposes of inspection, and access such plumbing and/or PDCs by way of excavation, or such other means as the Inspector may deem expedient, on those lands or Premises as is necessary for the purposes of inspection.
- 2.05 Except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, an Inspector shall not enter any place or room actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
- 2.06 The rules and regulations set out in this bylaw shall be considered to form part of the contract for Discharge and acceptance of Wastewater between the Municipality and each Consumer; and every such Consumer, by Discharging Wastewater to the Municipal Wastewater System, shall be deemed to have consented to be bound by the provisions of this bylaw.

## **3. LIABILITY**

- 3.01 The Municipality does not guarantee a constant Wastewater Service and shall not be liable for any damages resulting from the Wastewater Service being shut off for any reason, including but not limited to mechanical failure, electrical failure, repairs or expansion of the system.

- 3.02 The Municipality retains the right to shut off any portion of the Municipal Wastewater System without prior notice, for as long a time as the Municipality may deem necessary, for the purpose of repairing or expanding the Municipal Wastewater System or any portion thereof.
- 3.03 The Municipality's maintenance responsibilities shall be limited to the Municipal Wastewater System. The Municipality shall not be responsible for blockages in any PDC. If the location of a blockage is unknown prior to excavation, and if the Municipality or its forces excavates and/or investigates and determines that the source of any problem is located within a PDC or other private property, then the Municipality's expenses in undertaking such excavation and/or investigation shall be paid by the Owner of such PDC or other private property.

#### **4. USE OF THE MUNICIPAL WASTEWATER SYSTEM**

- 4.01 No Person shall Discharge Waste, other than into a Sanitary Sewer.
- 4.02 No Person shall Discharge uncontaminated water, including, but not limited to, stormwater or groundwater, into a Sanitary Sewer.
- 4.03 No Person shall Discharge or deposit or cause or permit the Discharge or deposit of matter of a kind listed below into or in land drainage works, private branch drains or any Sanitary Sewer:
- 4.03.1 matter of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to a sewage works employee, or which may be or may become harmful to a sewage works, or which may cause the sewage works effluent to contravene any requirement by or under the Ontario *Water Resources Act* or the Ontario *Environmental Protection Act*, or which may interfere with the proper operation of a sewage works, or which may impair or interfere with any sewage treatment process, or which is or may result in a hazard to any Person, animal, property or vegetation
- 4.03.2 matter of any type which has been Discharged or deposited by way of a garburator; and;
- 4.03.3 without limiting the generality of the foregoing, any of the following:
- a) DNAPL's
  - b) fuels;
  - c) PCBs;
  - d) Pesticides;
  - e) Waste which is at a temperature in excess of fifty-five (55) degrees Celsius, or one hundred thirty-one (131) degrees Fahrenheit;
  - f) Waste which contains more than 100 milligrams per litre of fat, oil, grease or other matter of animal or vegetable origin;
  - g) Waste which contains more than 15 milligrams per litre of oil, grease, tar, or other matter of other than animal or vegetable origin;
  - h) Waste which has a pH lower than 5.5 or greater than 9.5 or which due to its nature or content, becomes less than 5.5 or greater than 9.5 during transmission to a sewage treatment plant;

- i) solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal guts or tissues, paunch manure, and whole blood;
- j) Waste that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, Waste containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity that may cause an offensive odour;
- k) Water that has originated from a source separate from the water distribution system of the municipality;
- l) Waste which has a five day B.O.D. exceeding 300 milligrams per litre;
- m) Waste which contains more than 350 milligrams per litre of Suspended Solids;
- n) Waste which consists of two or more separate liquid layers;
- o) Waste containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;
- p) Severely Toxic Contaminants;
- q) Waste Radioactive Materials; and
- r) Waste which contains a concentration of:
  - 1. aluminum, expressed as Al, in excess of 50 milligrams per litre;
  - 2. ammonia, expressed as N, in excess of 50 milligrams per litre;
  - 3. Antimony, expressed as Sb, in excess of 5 milligrams per litre;
  - 4. arsenic, expressed as As, in excess of 1 milligram per litre;
  - 5. barium, expressed as Ba, in excess of 5 milligrams per litre;
  - 6. beryllium, expressed as Be, in excess of 5 milligrams per litre;
  - 7. Bismuth, expressed as Bi, in excess of 5 milligrams per litre;
  - 8. cadmium, expressed as Cd, in excess of 1 milligrams per litre;
  - 9. chloride, expressed as Cl, in excess of 1,500 milligram per litre;
  - 10. chromium, expressed as Cr, in excess of 5 milligrams per litre;
  - 11. cobalt, expressed as Co, in excess of 5 milligrams per litre;
  - 12. copper, expressed as Cu, in excess of 3 milligrams per litre;
  - 13. cyanide, expressed as CN, in excess of 2 milligrams per litre;
  - 14. fluoride, expressed as F, in excess of 10 milligrams per litre;
  - 15. iron, expressed as Fe, in excess of 50 milligrams per litre;
  - 16. lead, expressed as Pb, in excess of 5 milligrams per litre;

17. manganese, expressed as Mn, in excess of 5 milligrams per litre;
18. mercury, expressed as Hg, in excess of 0.1 milligrams per litre;
19. molybdenum, expressed as Mo, in excess of 5 milligrams per litre;
20. nickel, expressed as Ni, in excess of 3 milligrams per litre;
21. Nonylphenol, in excess of 0.02 milligrams per litre;
22. Nonylphenol Ethoxylate, in excess of 0.2 milligrams per litre.
23. Phenolic Compounds, in excess of 1.0 milligrams per litre;
24. phosphorus, expressed as P, in excess of 10 milligrams per litre;
25. selenium, expressed as Se, in excess of 5 milligrams per litre;
26. silver, expressed as Ag, in excess of 2 milligrams per litre;
27. sulphates, expressed as SO<sub>4</sub>, in excess of 1,500 milligrams per litre;
28. sulphides, expressed as S, in excess of 2 milligrams per litre;
29. tin, expressed as Sn, in excess of 5 milligrams per litre;
30. titanium, expressed as Ti, in excess of 5 milligrams per litre;
31. vanadium, expressed as V, in excess of 5 milligrams per litre;
32. zinc, expressed as Zn, in excess of 3 milligrams per litre;

4.04 In determining whether the limit with respect to any matter prescribed in section 4.03.3(r) is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met shall be disregarded for the purposes of calculating whether the limit has been.

4.05 No person shall Discharge Waste to the Municipal Wastewater System without first acknowledging his or her obligations to the Municipality. The Consumer shall attend, prior to his or her use of the Municipal Wastewater System, at the office of the Municipality to provide billing information and, as may be required, a security deposit.

4.06 The Municipality may, at any time, in its absolute discretion restrict the Discharge of Waste to the Municipal Wastewater System.

## **5. SPILLS**

5.01 Every Person who Discharges or deposits or causes or permits the Discharge or deposit of Waste into or in a connection to any Storm Sewer shall forthwith notify the Municipality of such Discharge.

5.02 Every Person who Discharges or deposits or causes or permits the Discharge or deposit of any of the items listed in section 4.03 into a Sanitary Sewer or any other component of the Municipal Wastewater System shall forthwith notify the Municipality of such Discharge.

**6. ENFORCEMENT AND PENALTIES**

- 6.01 Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$5,000 for the first offence and \$10,000 for any subsequent offence.

**7. WASTEWATER FEES AND CHARGES**

- 7.01 A Wastewater service rate is hereby imposed upon Consumers Discharging Waste to the Municipal Wastewater Works. Such Wastewater service rate is used to pay for operational improvements, repair, and maintenance of the Municipal Wastewater System, which may include a charge for depreciation, deferred maintenance and a reserve fund for any such purpose.
- 7.02 The Wastewater service rate shall be charged against each Consumer as set out in Schedule "A" of this bylaw. Invoices for Wastewater service may be combined with invoices for water service or such other Municipal services as the Treasurer sees fit.
- 7.03 Payment of all Wastewater service rates imposed by the Municipality shall be the sole responsibility of the Owner of the Premises.
- 7.04 Unless an Owner requests otherwise in writing, the Municipality shall direct all invoices for charges under this bylaw to the Owner's most recent address on file with the Municipality. Each Owner shall be obligated to notify the Municipality forthwith of any change of mailing address.
- 7.05 Charges shall be due as billed. Any charges not paid within 21 days of the date of the invoice for the same shall be deemed to be in default. A penalty for non-payment of any charge, or any portion thereof shall be imposed in the amount of 1.25% (15% annually) on the first day of default and on the first day of each calendar month thereafter in which the default continues.
- 7.06 All payments received by the Municipality shall be applied to the earliest unpaid charge for the Owner or Premises.
- 7.07 Customers in default shall be sent an overdue notice as a reminder of the outstanding account.
- 7.08 Accounts in default for 90 days or more shall have the default amount added to the property tax roll and the default amount collected in the same manner as property taxes, under the authority of the Municipal Act, S.O. 2001.
- 7.09 Service charges as set out in Schedule "A" of this bylaw shall be paid for connecting, shutting off or turning on any Wastewater service. Such service charges shall be paid by the Consumer requesting or requiring the service.
- 7.10 Requests to connect to the Municipal Wastewater System shall be made in writing to the Municipality and shall be dealt with by the Municipality on a case by case basis. Any approved request to connect shall require the payment of a connection fee as well as a capital reserve contribution, in amounts to be determined by the Municipality.

**8. BYLAW REVIEW**

- 8.01 This bylaw shall be reviewed from time to time in order to ensure the financial integrity of the waterworks system of the Municipality.

9. **EFFECTIVE DATE**

9.01 This bylaw shall come into effect on the day it is passed.

10. **SHORT NAME**

10.01 This Bylaw may be referred to as the "Wastewater Bylaw".

BYLAW GIVEN THE NECESSARY READING AND PASSED IN OPEN COUNCIL  
THIS 9<sup>TH</sup> DAY OF SEPTEMBER, 2014

  
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MAYOR

  
\_\_\_\_\_  
CLERK

## **SCHEDULE "A" TO BYLAW NUMBER 2014 - 36**

### **SCHEDULE "A"**

#### **WASTEWATER CHARGES**

- 1.** The Wastewater Fixed Charge shall be \$91.34 per month. This rate shall be indexed by the Treasurer as of January 1<sup>st</sup> of each year in accordance with the Consumer Price Index as determined by statistics Canada.
- 2.** In addition to the charges in Section 1 of this Schedule, a flat rate of (\$5) per month per household connected to the Municipal Wastewater System shall apply to cover maintenance costs.
- 3.** The fee for inspecting and/or testing a Private Wastewater System, prior to backfilling, shall be fifty dollars (\$50) per site visit.
- 4.** The fee for transfer of an account or starting a new account shall be twenty-five dollars (\$25).
- 5.** The fee for interim or final readings shall be twenty-five dollars (\$25) for each reading.
- 6.** The fee for a dishonoured cheque shall be twenty-five dollars (\$25).
- 7.** The fee for a certificate of the Treasurer concerning the status of a premises' or Owner's account shall be twenty-five dollars (\$25) per certificate.
- 8.** The Municipality reserves the right to negotiate all Wastewater service fees charges with any commercial or industrial Consumer or any other person whose Wastewater Discharge differs or is expected to differ from that of an ordinary residential consumer.
- 9.** When determining the amount of security deposit to be paid by a Consumer, a reasonable security for the payment of Wastewater charges may be deemed to be the equivalent of three months estimated or actual billing, whichever is greater.

## **SCHEDULE "B"**

### **DESCRIPTION OF LANDS**

Part of West Halves of Lots 1 and 2, Concession 2, East of Hurontario Street in the Geographic Township of Mono, County of Dufferin and more particularly described as Parts 1, 2 and 3 on Plan 7R 5978, subject to an easement as in Instrument No. DC 21399, as set out in PIN No. 34020-1017 [LT]