

Corporation of the Township of  
**Algonquin Highlands**  
**By-Law 2014-39**

BEING A BY-LAW TO REGULATE AND PROVIDE FOR THE DISPOSAL OF HAULED  
SEWAGE AT THE MCCLINTOCK LAGOON

**WHEREAS** pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a Township may pass by-laws regarding matters within spheres of jurisdiction;

**AND WHEREAS** Council deems it is desirable to regulate the use of the Township's septage lagoon for the disposal for hauled sewage;

**AND WHEREAS** pursuant to section 391 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, Council may pass by-laws regarding fees and charges;

**AND WHEREAS** Council deems it advisable and in the best interest of the Municipality to increase tipping fees for the disposal of hauled sewage in the McClintock Lagoon;

**NOW THEREFORE** the Council of the Township of Algonquin Highlands hereby enacts as follows:

**1.0 TITLE**

- 1.1 This By-law shall be known and may be cited as the "Township of Algonquin Highlands Hauled Sewage By-law".

**2.0 DEFINITIONS**

2.1 In this By-law:

- (a) "**Hauled sewage**" means sewage which is removed from a cesspool, septic tank system, privy vault or privy pit, chemical toilet, portable toilet, or sewage holding tank;
- (b) "**Hauler**" means a person who transports or causes or permits the transport of hauled sewage and includes an employee of the person;
- (c) "**Lagoon**" means the McClintock Lagoon located at 1068 Wes Clarke Trail;
- (d) "**Township**" means the Corporation of the Township of Algonquin Highlands and its authorized representatives.

**3.0 REGULATIONS & PROCEDURES**

- 3.1 To govern the manner in which the McClintock Lagoon is used, the Township has established a **Hauled Sewage Program**, the procedures and regulations of which are attached hereto as Schedule "A".
- 3.2 The Township may propose amendments to the Hauled Sewage Program procedures and regulations initially adopted as Schedule "A" to this By-law from time to time, and upon their adoption by By-law as amendments to Schedule "A" of this By-law, shall thereafter be binding upon all users of the McClintock Lagoon.
- 3.3 In accordance with the Hauled Sewage Program, attached hereto as Schedule "A", each hauler who wishes to discharge into the McClintock Lagoon shall register and be approved by the Township each calendar year. To register, a hauler shall complete and submit to the Township a **Hauler Registration Application**, which is attached hereto as Schedule "B".

**4.0 FEES & PENALTIES**

- 4.1 A tipping fee shall be charged for each load of hauled sewage discharged at the McClintock Lagoon.
- 4.2 The tipping fee shall be calculated as follows:
- (a) For the period of May 15 or when half-load restrictions are lifted, whichever is earlier to November 15: The tipping fee for each load shall be calculated based on \$100 per 1000 imperial gallons multiplied by 85 percent of the vehicle's full tank capacity.
  - (b) For the period of November 16 to May 14 or when half-load restrictions are lifted, whichever is earlier: The tipping fee for each load shall be calculated based on \$100 per 1000 imperial gallons multiplied by the volume discharged.

- 4.3 The fee for replacement of cardlock access cards shall be \$50.00 each.
- 4.4 The Township shall invoice each hauler monthly. Payment is due upon receipt.
- 4.5 All claims against disputed items must be made within thirty (30) days of the invoice date.
- 4.6 Interest of 1.25 percent (15 percent per year) will apply on all amounts owing after thirty (30) days past the invoice date.
- 4.7 In addition to section 4.6, the following penalties shall apply to accounts overdue after sixty (60) days:
- (a) The Township will suspend access to the McClintock Lagoon;
  - (b) Access will only be permitted upon full payment of amounts owed including current charges and interest; and
  - (c) Such accounts may also be filed for collection. Any costs incurred, including but not limited to collection fees, legal fees and court costs will be borne by the hauler.
- 4.8 Accounts that have been suspended twice in a twenty-four (24) month period will automatically be deemed a "cash customer" and re-application for credit status will be considered after a twenty-four (24) month waiting period.
- 4.9 A charge of \$35.00 shall be applied for cheques not honoured by the bank, i.e. NSF.
- 4.10 Penalties for violations of the Hauled Sewage Program are as set out in Schedule "A".

## 5.0 DEFINITIONS AND INTERPRETATIONS

- 5.1 For the purposes of this By-law, the definitions and interpretations given in this By-law shall govern. In this By-law, 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words used in the masculine gender include the feminine.

## 6.0 SCHEDULES

- 6.1 The following Schedules attached hereto shall form a part of this By-law:
- Schedule "A" – Township of Algonquin Highlands Hauled Sewage Program
  - Schedule "B" – Hauled Sewage Program Hauler Registration Application

## 7.0 HEADINGS NOT PART OF BY-LAW

- 7.1 The headings in the body of this By-law form no part of the By-law but are inserted for convenience of reference only.

## 8.0 TERMS SEVERABLE

- 8.1 The Terms and provisions of this By-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of this By-law shall continue to be in full force and effect.

## 9.0 BY-LAWS AMENDED

- 9.1 By-law 2012-54 is hereby repealed.

## 10.0 EFFECTIVE DATE

- 10.1 This By-law shall come into force and effect on the date of passing.

**READ** a First, Second and Third time and finally passed this 19<sup>th</sup> day of June 2014.

Seal

  
Deputy Reeve, Elizabeth Danielson

  
Clerk, Dawn Newhook

**Schedule 'A' to Bylaw 2014-39**  
**TOWNSHIP OF ALGONQUIN HIGHLANDS**  
**HAULED SEWAGE PROGRAM**

Effective June 19, 2014

**1.0 PURPOSE**

As a service to Township of Algonquin Highlands residents and businesses, the Township operates a Hauled Sewage Program to accept hauled sewage at the McClintock Lagoon, located at 1068 Wes Clarke Trail, in the geographic Township of McClintock.

The Township of Algonquin Highlands has developed this Hauled Sewage Program (the Program), under the authority of the Township of Algonquin Highlands Hauled Sewage Bylaw, to establish regulations for the discharge of hauled sewage into the McClintock Lagoon. This document establishes the procedures, terms and conditions applicable to participation in the Hauled Sewage Program.

This document:

1. Establishes registration requirements and procedures for haulers.
2. Classifies the type of hauled sewage that may be discharged at the McClintock Lagoon.
3. Establishes discharge and documentation procedures.
4. Specifies hauler responsibilities and the conditions for participation in this Program.
5. Stipulates the consequences for violations of this Program.

**2.0 DEFINITIONS**

For the purposes of this document, the following terms are defined as follows:

**“discharge”** includes add, deposit, emit, release or leak;

**“Hauled Sewage By-law”** means the Township of Algonquin Highlands Hauled Sewage Bylaw 2014-39, as amended or replaced from time to time;

**“hauled sewage”** means sewage which is removed from a cesspool, septic tank, privy vault or privy pit, chemical toilet, portable toilet, or a sewage holding tank and transported for discharge, but does not include hauled waste;

**“hauled waste”** means liquid industrial waste (as this term is defined by Reg. 347) that is transported for discharge and that must be transported with a manifest in accordance with Reg. 347;

**“hauled wastewater”** includes hauled sewage and hauled waste;

**“hauler”** means a person who transports or causes or permits the transport of hauled sewage and includes an employee of the person;

**“prohibited wastewater”** means one or more types of wastewater described in section 5.0 of this document;

**“Reg. 347”** means the General – Waste Management regulation (R.R.O. 1990, Reg. 347) under the *Ontario Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended;

**“Township”** means the Corporation of the Township of Algonquin Highlands and its authorized representatives, or the geographic area of the Township of Algonquin Highlands, as the context may require.

**3.0 REGISTRATION**

**3.1 Registration Requirement**

Every hauler wishing to dispose of hauled sewage at the McClintock Lagoon must be registered in the Hauled Sewage Program with the Township in accordance with this document. **Annual renewal is required in order to maintain registration.** Only validly registered haulers will be permitted to use the lagoon. **There is no fee for registration.**

### 3.2 Registration Application Process

- (a) In order to register with the Hauled Sewage Program, a hauler must submit a completed and signed **Hauler Registration Application** to the Township of Algonquin Highlands, along with all required supporting documentation. Incomplete registration applications will be returned to the applicant.
- (b) Note that any information submitted to the Township may be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, 2001 (MFIPPA)*. Haulers must clearly indicate if any information submitted to the Township of Algonquin Highlands is considered to be confidential, proprietary or otherwise exempt from disclosure under MFIPPA and provide reasons to support its non-disclosure.

### 3.3 Acceptance or Rejection of Registration

- (a) The Township is not and shall not be obligated to approve any particular application nor to give reasons for refusing to approve an application.
- (b) The Township may, at any time, require independent verification of the capacity of any vehicle.
- (c) If all required information is provided and is satisfactory to the Township in its sole discretion, the hauler will be registered in the Hauled Sewage Program.
- (d) The Township may impose and amend specific terms, conditions or restrictions on particular haulers as deemed necessary or appropriate by the Township in its sole discretion, whether at the time of registration or thereafter.
- (e) Upon approval of registration in the Hauled Sewage Program, the Township will issue an access permit and one or more cardlock access cards to the hauler.
- (f) The Township may, in its sole discretion, limit the number of haulers registered in the Hauled Sewage Program.

### 3.4 Annual Renewal of Registration

- (a) Registration is valid until the end of each calendar year. Haulers registered in the Hauled Sewage Program must renew their registration **by December 31** in order to maintain continuous registration for the next year without lapse or loss of discharge privileges. Any registration not renewed by this date will be automatically cancelled by the Township.
- (b) To renew a registration, a hauler must complete and submit a new Hauler Registration Application to the Township. Renewal applications will be accepted by the Township beginning September 1 of the preceding year. **There is no fee for renewal.**
- (c) The Township of Algonquin Highlands is not obligated to renew any registration.

### 3.5 Cancellation of Registration

#### (a) By the Hauler

A hauler may cancel their registration with the Hauled Sewage Program by notifying the Township in writing.

#### (b) By the Township

The Township may cancel a hauler's registration in accordance with the sanctions for violations established in section 9.0.

A hauler whose registration has been cancelled will no longer be entitled to participate in the Hauled Sewage Program or have access to the McClintock Lagoon.

### **3.6 Access Cards**

- (a) One access card will be issued for each vehicle listed in the Hauler Registration Application.
- (b) No person shall use an access card except in conjunction with the vehicle for which it was issued.
- (c) Haulers shall notify the Township of any fleet vehicles acquired after registration. Additional access cards will be issued for and assigned to new vehicles.
- (d) Lost or stolen access cards are to be immediately reported to the Township Operations Manager.
- (e) Replacement access cards will be available for a fee, as set in Section 4.0 of the Township of Algonquin Highlands Hauled Sewage Bylaw.

## **4.0 ACCESS AND USE OF FACILITY**

### **4.1 Cardlock System**

- (a) No person shall, at any time, enter the McClintock Lagoon facility except through the control gate installed for such purpose.
- (b) The control gate is equipped with an electronic cardlock system. No person shall enter the McClintock Lagoon facility without first inserting his/her access card into the card reader and waiting for the gate to open.
- (b) No person shall, at any time, damage, strike, destroy or disable a card reader, an access gate or any other equipment or installations at the McClintock Lagoon.
- (c) In the event of a malfunction in the electronic cardlock system, the hauler shall immediately notify the Operations Manager.

### **4.2 Discharge**

- (a) No person shall leave, deposit, dump or discharge hauled sewage except in accordance with section 4.2(b).
- (b) Hauled sewage shall be discharged into the McClintock Lagoon only through the receiving port on the screening (trash) tank.

### **4.3 Sampling**

Haulers are required to provide a sample of the hauled sewage prior to discharging, upon request by the Township. The sample is to be collected in the container provided by Township staff. The Township will determine, at its sole discretion, whether and how many samples will be collected for analysis from each hauler in any given year.

### **4.4 Inspection**

Township staff, at their discretion, may reject a load if there are reasonable grounds to suspect that the source of the hauled sewage does not comply with section 5.0 of this document.

## **5.0 PROHIBITED WASTEWATER**

The following types of hauled wastewater are not permitted to be discharged at the McClintock Lagoon:

- Hauled waste;
- Hauled sewage from outside of the Township of Algonquin Highlands boundaries.

## **6.0 DOCUMENTATION & REPORTING PROCEDURES**

### **6.1 Lagoon Usage Reports**

Haulers must complete and submit to the Township a monthly Lagoon Usage Report. On this form, haulers must list each location from which the hauled sewage was collected, the date collected, whether

the generator is a residence or business, the resident's or business owner's name and telephone number, the amount of hauled sewage collected, and whether it is from a holding tank or septic system.

## **6.2 Submission Deadline**

Completed Lagoon Usage Reports must be submitted to the Township within 7 calendar days of the end of each month. Reports may be faxed, e-mailed or hand-delivered to the Operations Manager.

## **6.3 Generator Verification**

Township staff may contact the generators listed on the Lagoon Usage Report to verify the source of the hauled sewage.

## **6.4 Incomplete or False Lagoon Usage Reports**

Failure to complete Lagoon Usage Reports or recording false information on a Lagoon Usage Report may result in permit suspension, revocation and/or penalties as indicated under section 9.0.

# **7.0 ADDITIONAL HAULER RESPONSIBILITIES**

## **7.1 Insurance**

Each hauler is solely responsible for the contents of its vehicles and for any impact a load of hauled sewage may have on the McClintock Lagoon or its operating processes, or to property or the environment. Haulers shall meet the insurance requirements as set out in Schedule "B" of the Township of Algonquin Highlands Hauled Sewage Bylaw.

## **7.2 Liability**

Haulers are liable to the Township of Algonquin Highlands for any damage or disruption caused by a hauler or its activities to the McClintock Lagoon, its operating processes, the Township of Algonquin Highlands or third party's property, or to the natural environment.

## **7.3 Workplace Safety and Insurance Board (WSIB)**

Haulers must meet the WSIB requirements as set out in Schedule "B" of the Township of Algonquin Highlands Hauled Sewage Bylaw.

## **7.4 Regulatory Approvals**

Haulers must have all necessary regulatory approvals in place in order to participate in the Hauled Sewage Program, and must comply with all applicable regulatory approvals, statutes, regulations, by-laws, policies and guidelines, whether federal, provincial or municipal.

# **8.0 FEES**

Haulers will be charged a fee for each load of hauled sewage discharged to the McClintock Lagoon as per the fees set in Section 4.0 of the Township of Algonquin Highlands Hauled Sewage Bylaw.

# **9.0 PENALTIES**

## **9.1 Violations Resulting in Immediate Registration Cancellation**

The following violations will result in immediate cancellation of a hauler's registration:

- Providing false or misleading information to Township staff.
- Obstructing Township staff.
- Any violation of the Hauled Sewage Program procedures or regulations or any willful act resulting in damage to the McClintock Lagoon or associated structures.

**9.2 Violations Resulting in Progressive Sanctions**

(a) With the exception of section 9.1, violations of this Program will result in progressive sanctions as follows:

<b>Violation No. (in past 2 years)</b>	<b>Sanction</b>
First	Issuance of a Letter of Violation
Second	Three month registration suspension
Third	Twelve month registration suspension
Subsequent	Indefinite registration suspension or registration cancellation, at the discretion of the Township

- (b) The Township reserves the right to extend any registration suspension beyond the term of the suspension for any continuing Program violation until the violation has been corrected or remedied to the satisfaction of the Township.
- (c) The number of violations against a hauler will be determined based on the identity of the hauler, not the identity of the driver or the number of trucks operated by the hauler. For example, if two employees each violate the Program procedures or regulations, this will result in the application of two sanctions against the hauler company.
- (d) In the event that the Township of Algonquin Highlands imposes an indefinite registration suspension on a hauler, the Township may, in its sole discretion, decide the length of the suspension, and may set any requirements or preconditions it deems appropriate for the lifting of the suspension.

**9.3 Penalties for Overdue Payment on Accounts**

Penalties for non-payment and overdue accounts are as set out in the Township of Algonquin Highlands Hauled Sewage Bylaw.

**10.0 CHANGES TO PROCEDURES OR SUSPENSION OF PROGRAM**

**10.1 Lagoon Closures**

The Township may temporarily or permanently close the lagoon at any time for reasons related to lagoon operations and maintenance, capacity, or ensuring the Township’s regulatory compliance with applicable laws, without prior notice to haulers. It is the responsibility of the hauler to make lawful alternate disposal arrangements.

**10.2 Amendments to the Program**

The Township may amend the Hauled Sewage Program procedures and regulations at any time without advance notice to haulers.

**10.3 Loss of Business**

A hauler acknowledges that in consideration of the acceptance or renewal of its registration that the Township will not be responsible in whole or in part for any cost, loss, charges or expenses suffered or incurred by a hauler as a result of changes to this Program, cancellation of a registration or the temporary or permanent cessation of all or part of the Hauled Sewage Program established by this document.

**CONTACT INFORMATION**

For all inquiries and correspondence about the Hauled Sewage Program and to obtain a Hauler Registration Application, contact:

**Mike Thomas, Operations Manager**

Township of Algonquin Highlands

1123 North Shore Rd.

Algonquin Highlands, ON K0M 1J1

Tel: 705-489-2379

Fax: 705-489-3491

Email: [mthomas@algonquinhighlands.ca](mailto:mthomas@algonquinhighlands.ca)





**Schedule 'B' to Bylaw 2014-39**  
**Township of Algonquin Highlands**  
**Hauled Sewage Program**  
**HAULER REGISTRATION APPLICATION**

Application for:    Registration    Renewal

*Please print.*

<b>A. Applicant Information</b>	
Business Name: <input style="width: 90%;" type="text"/>	Primary Contact: <input style="width: 90%;" type="text"/>
Mailing Address: <input style="width: 100%;" type="text"/>	
Phone: <input style="width: 350px;" type="text"/>	Fax: <input style="width: 350px;" type="text"/>
Type of Business: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation	

<b>B. Regulatory Approvals</b>		
List all applicable certificates of approval, environmental compliance approvals, registration numbers, etc. related to wastewater hauling activities held by the applicant, <u>and attach a copy of each.</u>		
Issuing Authority	Approval Type	Approval Number

<b>C. Fleet</b>			
List details of all vehicles that will be used by the applicant for hauling sewage.			
Vehicle Make	Vehicle Model	License Plate	Capacity

<b>D. Drivers</b>	
List details of all drivers authorized to haul sewage on the behalf of the applicant. (Use additional paper if required.)	
Driver Names	Driver's License No.

## E. Insurance

All applicants must obtain, maintain, pay for and provide evidence of insurance coverage as described below with insurance companies licensed to transact business in the Province of Ontario.

All insurance coverage must be maintained continuously while the applicant is registered with the Township of Algonquin Highlands Hauled Sewage Program.

The policies must be endorsed to provide the Township of Algonquin Highlands with no less than 30 days written notice in advance of any cancellation, change or amendment restricting coverage.

The required insurance policies are as follows:

### 1. Commercial General Liability Insurance

Commercial General Liability insurance shall include as an Additional Insured, the Corporation of the Township of Algonquin Highlands, with inclusive per occurrence limits for bodily and personal injury, death and damage to property including loss of use thereof.

Limits Required: \$2,000,000 per occurrence/\$5,000,000 Annual Aggregate

### 2. Automobile Liability Insurance

Automobile Liability Insurance in respect of licensed vehicles shall have limits of not less than \$2,000,000 inclusive per occurrence for bodily injury, death and damage to property. Coverage shall be in the form of a Standard owner's form automobile policy providing third party liability and accident benefits insurance and covering licensed vehicles owned and/or leased or operated by or on behalf of the applicant.

### 3. Sudden and Accidental Pollution/Environmental Impairment Liability

The applicant is **not required** to provide evidence of a Sudden and Accidental Pollution extension or separate Environmental Impairment Liability Policy **at this time**. However by signing this agreement, the applicant acknowledges that this requirement may be imposed by the Township at a future date.

*Attach a Certificate of Insurance, describing all of the above insurance to this application.*

## F. Workplace Safety and Insurance Board (WSIB)

The applicant must be in good standing with the Workplace Safety and Insurance Board and shall furnish the Township of Algonquin Highlands with satisfactory evidence, in the form of a valid WSIB Clearance Certificate, with submission of this application and at any other time while the applicant is registered with the Hauled Sewage Program upon request. **If the applicant is a Sole Proprietor, an Independent Operators Ruling is required.** The WSIB Ruling is to be submitted to the Township with this Application.

The applicant shall maintain its WSIB Insurance or pay such assessments as will protect the applicant and the Township of Algonquin Highlands from claims under the *Workplace Safety and Insurance Act* and from any other claims for damage from personal injury, including death, and from claims for property damage which may arise from the applicant's hauling activities.

Where the applicant is not providing a Workplace Safety and Insurance Board Clearance Certificate, Employers Liability insurance in the amount of \$5,000,000 is required. Evidence of this coverage is to be included on the Certificate of Insurance.

*Attach a copy of WSIB Clearance Certificate and/or Independent Operators Ruling, or evidence of employers liability insurance to this application.*

## G. Indemnification

The applicant shall indemnify and hold harmless the Township of Algonquin Highlands, its council members, officers, directors, partners, agents and employees from and against all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the Township of Algonquin Highlands and against all losses, liabilities, judgments, claims, suits, demands or expenses which the Township of Algonquin Highlands may sustain, suffer or be put to, including any legal costs, resulting from or arising out of any act or omission by the applicant, its agents or employees relating to the transport, discharge or disposal of hauled sewage at or to the McClintock Lagoon.

## H. Acknowledgement and Signature

I/we hereby agree to abide by the terms and conditions of the Hauled Sewage Program, including those contained in this Hauler Registration Application, and represents and warrants that all information provided to the Township of Algonquin Highlands in this application is true and accurate, and agrees to notify the Township of Algonquin Highlands immediately of any change in any of the information provided to the Township of Algonquin Highlands.

In addition, I/we hereby apply for credit for the purpose of discharging hauled sewage in the Township of Algonquin Highlands McClintock Lagoon. I/we agree and authorize the Township of Algonquin Highlands to obtain any credit information required for the purpose of credit approval. The terms of credit are listed below:

- Invoices are issued monthly.
- Payment is due upon receipt. Make cheques payable to the Township of Algonquin Highlands.
- All claims against disputed items must be made within thirty (30) days of the invoice date.
- Interest of 1.25% per month (15% per year) will apply on all amounts owing after thirty (30) days past the invoice date.
- In addition, for accounts overdue by 60 days,
  - The Township will suspend access to the McClintock Lagoon;
  - Access will only be permitted upon full payment of amounts owed including current charges and interest; and
  - Such accounts may also be filed for collection. Any costs incurred, including but not limited to, collection fees, legal fees and court costs, will be borne by the applicant.
- Accounts that have been suspended twice in a 24 month period will automatically be deemed a “cash customer” and re-application for credit status will be considered after a 24 month waiting period.
- A charge of \$35.00 shall be applied for cheques not honoured by the bank, i.e. NSF.

*I/we have read and understand all of the terms of this application.*

\_\_\_\_\_  
Signature (I have authority to bind the applicant)

\_\_\_\_\_  
Dated (YYYY/MM/DD)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

Please send completed application form and required documents to:

Township of Algonquin Highlands  
1123 North Shore Rd.  
Algonquin Highlands, ON K0M 1J1  
Attention: Operations Manager

*Personal information on this form is collect by the Township of Algonquin Highlands under the authority of The Municipal Act, 2001, c.25, as amended and any by-laws passed pursuant to it, and for the purpose of administering this credit application and for no other purpose. Applicants are advised that information collected in this form may be required to be disclosed under the Municipal Freedom of Information and Protection of Privacy Act. Questions should be directed to the Clerk at 1123 North Shore Rd., Algonquin Highlands, ON K0M 1J1.*