

The Corporation of the Township of Algonquin Highlands

By-law No. 2026-41

A By-law to to Implement a Sewage System Maintenance Inspection Program within the Township of Algonquin Highlands.

Whereas

Subsection 5(3) of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by By-Law;

And Whereas

Section 10(2) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides the ability for a municipality to pass By-Laws relating to the health, safety, and well-being of persons;

And Whereas

Section 391 of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, authorizes that a municipality to impose fees or charges for services or activities provided by or on behalf of the municipality, including services associated with the administration and delivery of the Sewage System Maintenance Inspection Program;

And Whereas

Section 7(1)(b.1) of the *Building Code Act*, 1992, S.O. 1992, c.23 (the "Act"), as amended, authorizes the Council of a municipality to pass by-laws establishing and governing sewage system maintenance inspection programs in accordance with Division C, Part 1, Section 1.10.1 of the Ontario Building Code (O. Reg. 163/24), as amended (the "Building Code"), such programs being referred to in this By-Law as a "discretionary maintenance inspection program";

And Whereas

Section 10.1 of the "Act" prescribes that no person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with the "Act" and the "Building Code";

And Whereas

Section 15.10.1 of the "Act" authorizes an inspector, in accordance with a By-Law passed under subsection 7(1) (b.1) and Division C of the Building Code, to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a Sewage System Maintenance Inspection;

And Whereas

Subsection 12(6) of the "Act", as amended, authorizes Principal Authority to register notice of an order in the proper land registry office against the land to which the order applies;

And Whereas

Subsection 16(1) of the "Act", as amended, authorizes an inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the land or building to determine whether the provisions of the Act, the Ontario Building Code, or any applicable law are being complied with;

And Whereas

Subsection 16(2) of the "Act", 1992 provides that an inspector shall not enter a dwelling without the consent of the occupant or under the authority of a warrant issued by a justice

And Whereas

Section 36(1) of the “Act”, provides that a person is guilty of an offence if a person fails to comply with an order, direction or other requirement made under this Act; or contravenes this Act, the regulations or a By-Law passed under section 7;

And Whereas

Sections 36(3) and (4) of the “Act” serves to identify the amount of penalty which may be imposed for a contravention of the “Act”;

And Whereas Section 398.2(2) of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, provides that fees or charges imposed in accordance with this By-Law constitute a debt owed to the municipality for which the Treasurer may add the outstanding fees or charges, including interest on the unpaid balance, to the tax roll for the property owned by the persons responsible for paying the fees and charges, and the amount shall be collected in the same manner as municipal taxes;

And Whereas Section 440 of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended provides that a municipality may enforce the contravention of any municipal bylaw;

And Whereas Section 446 of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, a municipality may enact a By-Law to require that a matter or thing be done and in default, the matter or thing may be done by the municipality at the person’s expense and further that the costs of doing so may be added to the tax roll and collected in the same manner as taxes;

And Whereas the purpose of a Sewage System Maintenance Inspection program is to identify and address hazards from malfunctioning sewage systems, monitor system performance, prevent contamination of groundwater and watercourses, increase property owner awareness of the location and condition of their Sewage System, and promote education on proper operation and maintenance;

And Whereas the Council of the Township of Algonquin Highlands deems it expedient to implement a Sewage System Maintenance Inspection Program,

Now Therefore, the Council of the Corporation of the Township of Algonquin Highlands enacts as follows:

Section 1.Short Title

1.1The short title of this By-Law is the "Sewage Inspection By-Law".

Section 2.Definitions

In this By-Law:

2.1Act: means the Building Code Act, 1992, S.O. 1992, c.23, as amended.

2.2Building: has the same meaning as provided in the Act.

2.3Building Code: means O. Reg. 163/24 as amended or as regulations made under Section 34 of the Act which may include a more recent revision or amendment.

2.4Chief Building Official: means the Chief Building Official (CBO) appointed under Section 3 of the Act and having jurisdiction for the enforcement of the Act, the Building Code, and this By-Law

2.5Costs: means fees, charges, and monetary expenses payable to the Township arising from enforcement or non-compliance with this By-Law, including but not limited to compliance fees, re-inspection fees, administrative surcharges, and applicable interest as established by the Township’s Comprehensive Fees and Charges By-Law.

2.6Council: means the Council of the Corporation of the Township of Algonquin Highlands.

2.7Dwelling unit: means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

2.8 Effluent: means Sanitary Sewage that has passed through a treatment unit.

2.9 Inspector: means an Inspector appointed under Section 3 of the Act and having jurisdiction for the enforcement of this Act, the Building Code and this By-Law.

2.10 Notice: means types of communication associated with scheduling, reports and general information regarding the program, to include regular mail, registered mail, email, telephone or facsimile.

2.11 Person: means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.

2.12 Property Owner: means in respect of the property subject to the maintenance inspection, the registered owner, a lessee, and a mortgagee in possession.

2.13 Third-Party Inspector: means an individual who is qualified by the Ontario Ministry of Municipal Affairs and Housing (MMAH) to issue certificates under the Discretionary Sewage System Maintenance Inspection Program or any other maintenance inspection program approved by the Minister.

2.14 Treatment Unit: means a device that, when designed, installed and operated in accordance with its design specification, provides a specific degree of sanitary sewage treatment to reduce the contaminant load from that of sanitary sewage to a given effluent quality.

2.15 Sewage: including grey water, means any liquid waste, containing human, animal, vegetable or mineral matter in suspension or solution but does not include roof water or runoff.

2.16 Sewage System: means a sewage system as defined under the Building Code Act, 1992, S.O. 1992, c.23, as amended, and the Ontario Building Code (O. Reg. 163/24), and includes any of the following systems having a design capacity of 10,000 litres per day or less, and that are located wholly within the boundaries of the lot or parcel of land on which is situated the building or buildings they serve:

a) Class 1 Sewage System - including a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system;

b) Class 2 Sewage System - a greywater system;

c) Class 3 Sewage System - a cesspool,

d) Class 4 Sewage System - a leaching bed system,

e) Class 5 Sewage System - a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system.

Where more than one of the above systems is located on a lot or parcel of land, the total design capacity of all such systems shall not exceed 10,000 litres per day.

2.17 Unsafe Condition: means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb, or health of any Person on or about the Property.

Section 3. General Provisions

3.1 Every Sewage System shall be operated and maintained in accordance with the applicable provisions of the Building Code, including Section 8.9.

3.2 This By-Law establishes a Sewage System Maintenance Inspection Program that applies to all properties within the Township served by a Sewage System regulated under Part 8 of the Building Code having a design capacity of 10,000 liters per day or less.

3.3 Sewage Systems regulated under Part 8 of the Building Code shall be inspected on a minimum 5-year cyclical basis, commencing with systems 6 years and older.

3.4 Any words or terms not defined in this By-Law shall have the meaning ascribed in the Act or Building Code.

3.5 Whenever any reference is made in this By-Law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

Section 4. Program Administration

4.1 The Chief Building Official may, from time to time, establish administrative procedures, forms, and guidelines necessary for the implementation and administration of this By-Law.

Section 5. Procedures for Inspection

5.1 Sewage System Maintenance Inspections may be conducted by a Township Inspector or by an authorized Third-Party Inspector.

5.2 The inspection season shall normally commence on May 1 and continue through October 31 of each year. Inspections may be conducted outside of this period where weather, site conditions, operational requirements or public health and safety concerns warrant.

5.3 The Township shall provide notice to Property Owners prior to conducting inspections under this By-Law. Failure to receive notice does not invalidate an inspection carried out in accordance with this By-Law.

5.4 For the purpose of carrying out an inspection under this By-Law, an Inspector may enter any land at a reasonable time in accordance with the Act.

5.5 The Property Owner shall permit access to the property and ensure that the Sewage System is safely accessible for inspection, including uncovering and exposing all septic tank, pump chamber and/or holding tank lid(s) prior to the scheduled inspection. The Property Owner is not required to be present during the inspection.

5.6 Where an Inspector attends a property to conduct a scheduled inspection and the Sewage System is not safely accessible or has not been properly prepared for inspection, the inspection shall be cancelled, and a reinspection and/or administrative fee shall be applied in accordance with the Township's Comprehensive Fees and Charges By-Law.

5.7 All inspections shall be conducted in accordance with the requirements of Division C, Part 1, Section 1.10.1 of the Building Code and any inspection standards or procedures established by the Township, from time to time.

5.8 The following classes of Sewage Systems are included within the Sewage System Maintenance Inspection Program established under this By-Law:

- a) Class 1 – Earth Pit Privy (Outhouse)
- b) Class 2 – Greywater
- c) Class 3 – Cesspool
- d) Class 4 – Septic System, consisting of a septic tank and leaching bed
- e) Class 5 – Holding Tank

5.9 Upon completion of an inspection, the Inspector shall provide the Property Owner with a written inspection report outlining the results of the inspection.

5.10 The Township does not warrant or guarantee the condition, operation, or performance of any Sewage System inspected under this By-Law and assumes no liability for any loss, damage, or ongoing maintenance required for any Sewage System, whether inspected or not.

Section 6. Third-Party Inspections

6.1 A Property Owner may, at their own expense, engage a Third-Party Inspector to conduct an inspection of the Sewage System.

6.2 The Property Owner shall remain responsible for all costs associated with any Third-Party Inspections.

6.3 Any Third-Party Inspection shall be conducted in accordance with the standards and reporting requirements established by the Township and the provisions of Division C, Part 1, Section 1.10.1 of the Building Code, as amended.

6.4 A copy of any Third-Party Inspection report shall be submitted forthwith, within 30 days, to the Township in the form and manner required by the Chief Building Official.

6.5 Failure to do so will result in an Order to Comply.

Section 7. Liability for Costs

7.1 Every Person who contravenes this By-Law or fails to comply with an Order or Direction issued under this By-Law shall pay the costs incurred by the Township in enforcing this By-Law and in carrying out any work or inspection required as a result of the contravention, as set out in the Township of Algonquin Highlands Comprehensive Fees and Charges By-Law, as amended and as provided for by Section 446 of the Municipal Act, 2001.

7.2 Where an inspection is required to verify compliance with an Order or Direction issued under this By-Law, the Person to whom the Order or Direction was issued shall pay the reinspection fee for the second and each subsequent inspection as set out in the Township of Algonquin Highlands Comprehensive Fees and Charges By-Law, as amended.

7.3 All costs and fees imposed under this section constitute a debt owing to the Township.

7.4 If any costs or fees remain unpaid, the Township shall add them to the tax roll for the Property to which they relate and collect them in the same manner as municipal taxes, together with any applicable interest or administrative charges as set out under the Township of Algonquin Highlands Comprehensive Fees and Charges By-Law, as amended.

Section 8. Orders

8.1 An Inspector may issue an order where a Sewage System contravenes the Act, the Building Code, or this By-Law.

8.2 No person shall obstruct or remove posted order without authorization contrary to Section 20 of the Act.

8.3 No Person shall Fail to Comply with: a) An order made by an inspector contrary to Section 15.10.1.(2) of the Act.

Section 9. Enforcement

9.1 Upon completion of an inspection, if deficiencies are identified, the inspector may require corrective action within a specified timeframe and may issue an Order under the Act if the deficiencies are not remedied.

9.2 Upon receiving the inspection report, the property owner will be given a reasonable amount of time determined by the Chief Building Official or Inspector to remedy the deficiencies. If no action is taken an Order to Comply will be issued.

9.3 If a Person fails to do a matter or thing, including comply with an order under this By-law, as directed or required by this By-law, the Township may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense.

9.4 Where a Person having been served with an order fails to comply with an order, within the time specified, an Officer, employee or agent may, upon producing appropriate identification, may enter onto the property at a reasonable time and carry out any or all the work required to bring the property into compliance with this By-law.

9.5 An Officer, employee or agent acting on behalf of the Township is not liable to compensate the Owner, occupant, or any other Person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers.

9.6 Any items, articles or materials removed from a property during remedial action conducted by the Township, or an agent of the Township may be immediately disposed of by the Township or the agent of the Township without further notice to the Person.

9.7 Upon completion of the remedial action work necessary for compliance with the order, the Township of Algonquin Highlands shall collect the total amount spent on the remedial action work and such costs, including any administration fee may be added to the tax roll for the property and collected in the same manner as property taxes.

9.8 Should the property owner refuse to comply with the requirements of the Sewage System Maintenance Inspection Program, enforcement may be taken in accordance with the provisions of the Building Code Act, the Ontario Building Code and/or through the Provincial Offences Act.

9.9 Where an on-site sewage system is beyond repair, it may be considered to be an unsafe building, as defined in subsections 15.9(2) and (3) of the Act.

Section 10. Continuing Offence

10.1 For the purpose of this By-Law, each day of a continued offence shall be deemed to be a separate offence.

Section 11. Obstruction

11.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-Law.

Section 12. Penalty Provisions

12.1 Every Person who contravenes any provision of this By-Law is guilty of an offence under Section 36(1)(b) of the Act. Upon conviction, penalties may be imposed as prescribed by Sections 36(3) and (4) of the Act, the Provincial Offences Act or this By-Law.

12.2 In addition to any other remedy the Township may have at law, it shall be entitled to enforce this By-Law in accordance with Section 440 of the Municipal Act, 2001, as amended.

12.3 If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted as provided for by Section 449 of the Municipal Act 2001, as amended.

Section 13. Validity and Severability

13.1 If a court of competent jurisdiction declares any provision or provisions of this By-Law invalid, such provision or provisions are deemed severable, and it is the intention of Council that the remainder of the By-Law remain in full force and effect.

13.2 In the event of a conflict between this By-Law and another Township By-Law, the provision that establishes the higher standard shall prevail to the extent of the conflict.

Section 14. Transitional Rules

14.1 This By-Law shall come into force and effect on the 16th day of April, 2026.

14.2After the date of the passing, By-Law 2023-66 is hereby repealed.

Read a First, Second and Third time and finally passed this 16 day of April, 2026.

Original Signed By

Mayor Liz Danielsen

Original Signed By

Deputy Clerk Sarah Hutson