

THE CORPORATION OF THE COUNTY OF LAMBTON

BY-LAW NO. 26 OF 2008

**“A By-Law to Implement Part 8 of the
Ontario Building Code and to Establish a Tariff of Fees
Regarding Private Sewage System Inspection”**

WHEREAS since June 1, 1993 the County of Lambton has been responsible for the administration of Regulations regarding private sewage treatment systems within all of the County of Lambton;

AND WHEREAS the Council of The Corporation of the County of Lambton adopted the August 14, 1997 motion of the Planning and Development Committee that the County of Lambton, under Section 41 of the Sarnia-Lambton Act, 1989, assume responsibility for administering the septic system approval and enforcement programs under the provisions of the revised Provincial legislation effective the date they come into force;

AND WHEREAS under Section 7 of the Building Code Act, S.O. 1992, Chap. 23, as amended, the County may pass By-Laws providing for inspections, appointing inspectors, for charging and fixing fees, requiring the production of plans, requiring the issuance of permits, and prohibiting the use of sewage systems until they have been inspected and found to conform with the prescribed regulations;

AND WHEREAS the County wishes to update and consolidate its By-Laws regarding these matters;

NOW THEREFORE the Council of The Corporation of the County of Lambton enacts as follows:

1. SHORT TITLE

This By-Law may be cited as the Sewage System Inspection By-Law.

2. DEFINITIONS

The definition of words used in this By-Law shall be as defined in Section 1.-(1) of the Building Code Act, S.O. 1992, c.23, as amended or its successor.

3. APPOINTMENT OF OFFICIALS

3.1 Chief Building Official

The Chief Building Official for the County of Lambton is designated under Section 6.2.-(4) as the Sewage System Inspector with the same powers and duties in relation to sewage systems as does the Chief Building Official in respect of buildings, as appointed by the County of Lambton.

3.2 Inspectors

Each person appointed as an Inspector by the County of Lambton shall be considered an Inspector as defined in the Building Code Act, S.O. 1992, c.23, as amended or its successor. In the absence of the Chief Building Official, each Inspector may act as the Chief Building Official in relation to sewage systems. Each Inspector is also deemed to be an authorized agent of the Chief Building Official.

3.3 Issuing Permits/Collecting Fees

Those persons appointed from time to time as Sewage System Inspectors shall be deemed to be an authorized agent of the Chief Building Official for the purposes of issuing permits and collecting fees.

4. INSPECTION AND USE OF SEPTIC SYSTEMS

4.1 Payment of Fees

No person shall construct, repair, renew or alter a sewage system without first paying the inspection fee set by this By-Law and obtaining a permit to commence or undertake such construction, repair, renewal or alteration from the Chief Building Official or authorized agent, except as exempted by Section 4.5 of this By-Law.

4.2 Use of Sewage System

No person shall use a sewage system until it has been inspected and found to conform to the regulations made under Division B Part 8 of the Ontario Building Code 2006, as amended, or its successor.

4.3 Work on Sewage Systems

No person shall construct, repair, renew or alter a sewage system or cause a sewage system to be constructed, repaired, renewed or altered except in accordance with the Ontario Building Code 2006, as amended, or its successor, until a fee as hereinafter set forth for the inspection of such work has been paid by the owner or his authorized agent and such fees shall be paid to the County of Lambton. The fees for such inspections shall be as set out in Schedule "A".

4.4 Plans Required

A scaled map of the site showing the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors, the location of items listed in Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Ontario Building Code 2006, Division B Part 8, as amended, or its successor, the location of the proposed sewage system, the location of any unsuitable or disturbed or compacted soils and proposed access routes for system maintenance.

4.5 Exceptions

No permit otherwise required herein shall be required for the following:

- a) a repair which is minor in nature (25% of the existing bed);
- b) forcing out a stoppage; or,
- c) for the construction of a Class 1 sewage system.

4.6 Inspection and Notification

Every person who engages in any sewage system project or undertaking or does any sewage system work of any kind whatsoever, shall carry out all phases of the said sewage system

work in accordance with the Part 8 of the Ontario Building Code 2006, amended, or its successors, made under the Ontario Building Code Act and as amended from time to time respecting sewage systems, and shall notify the Sewage System Inspector of the readiness to construct the sewage system, of the substantial completion of the installation of the sewage system before the commencement of backfilling and of the completion of the sewage system.

4.7 Revocation of Permits

The Chief Building Official may revoke a sewage system permit as stipulated under Section 8.-(10) of the Building Code Act, subject to section 25.

5. REFUND

Where an application has been made and a permit issued and paid for, even though the work not proceeded with, no refund of any sewage system fees will be given by the County of Lambton. Similarly, the fees collected for review of an application under the Planning Act shall not be refunded if the application is denied.

6. RECORDS

The Chief Building Official shall keep proper records of all applications received, permits issued, orders issued, inspections and tests made, and shall retain copies of all necessary papers and documents connected with the administration of duties in accordance with department policy and procedure.

7. PENALTY

Pursuant to Section 36, of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, any person who contravenes this By-Law is guilty of an offense and upon conviction is liable to a penalty or fine as set out in the Act.

8. GENDER

All references to the masculine shall, where appropriate, be deemed to include references to the feminine.

9. This By-Law supersedes and replaces By-Law Nos. 30 of 2003, 17 of 2005 and any other corresponding By-Laws of The Corporation of the County of Lambton which, through inadvertence, may not have been repealed.

10. This By-Law comes into force and take effect upon passing hereof.

BY-LAW read a first, second and third time and finally passed this 7th day of May, 2008.

Jim Burns, Warden

Linda Creaghe, Clerk

SCHEDULE "A"

INSPECTION FEES

For the purpose of Section 4 of this By-Law the following inspection fees shall apply:

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| i) | Class 2: A leaching pit system | \$150.00 |
| ii) | Class 3: A cesspool system | \$150.00 |
| iii) | Class 4: A leaching bed system | \$500.00 |
| iv) | Class 4: A septic tank replacement only | \$250.00 |
| v) | Class 4: A leaching bed replacement only | \$250.00 |
| vi) | Class 5: A holding tank system | \$500.00 |
| vii) | Lot reviews for applications made under the Land Use Planning and Protection Act: | |
| | a) Severances (per lot) | \$75.00 |
| | b) Subdivisions and multi-lot (more than three) severances | \$300.00 |
| | c) Minor Variances (per application) | \$75.00 |
| | d) Official Plan Amendments and Rezoning | \$75.00 |