

The Corporation of the City of North Bay

By-Law No. 2014-54

**A By-Law to Regulate the Use of Septic Tanks
Adjacent to Trout Lake
(And to Repeal By-Law No. 203-92)**

Whereas it is deemed desirable to regulate the disposal of sewage in septic tanks for sanitary purposes pursuant to section 10(2)(5) and 10(2)(6) of the *Municipal Act, 2001*, SO 2001, c.25 and pursuant to the *City of North Bay and Township of East Ferris Act, 1992*, c. Pr16;

And Whereas it is deemed desirable to supplement site plan control regulations for all septic systems which may impact Trout Lake;

And Whereas the Council of The Corporation of the City of North Bay deems it is necessary for the health, welfare, and safety of the inhabitants of the City of North Bay to protect the water supply from Trout Lake and to protect the health of the lake from any impact from septic systems adjacent to Trout Lake or its tributaries;

And Whereas Council authorized the enactment of the by-law to regulate the use of septic tanks adjacent to Trout Lake by passing Engineering and Works Committee Report No. 2014-03 at its Regular Meeting on Monday, March 17, 2014;

Now Therefore, The Council of The Corporation of the City of North Bay hereby enacts as follows:

1. Definitions

In this by-law:

- (a) "Managing Director of Engineering, Environmental Services and Works" means the Managing Director of Engineering, Environmental Services and Works of The Corporation of the City of North Bay or his or her designate.
- (b) "Municipal sanitary sewer" means a system of sewers intended to receive sewage which is owned or operated by The Corporation of the City of North Bay.
- (c) "Private sewage disposal system" means any system, method or tank intended for 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.
- (d) "Pump-out" or "pumped out" means the removal of solids and sludge material from the septic tank, vault or cesspool of a private sewage disposal system.
- (e) "Sewage" includes waste of domestic origin which is human body waste, toilet or other bathroom waste, waste from showers and/or tubs, and liquid or waterborne waste from a kitchen or laundry.

2. Disposal of Sewage

- (a) No person shall dispose of sewage on any lot or parcel of record which abuts the shores of Trout Lake or on lands which abut any natural watercourse which leads to Trout Lake as more particularly described on Schedule "A" hereto, except:
 - (i) into a private sewage disposal system approved under the *Environmental Protection Act* or under the *Building Code Act, 1992*; or
 - (ii) into a municipal sanitary sewer.

3. Impacted Property

- (a) Subject to subsection (b) of this section, no person shall own, use or maintain a private sewage disposal system on any lot or parcel of record which fronts on the shore of Trout Lake or which abuts a natural watercourse which leads to Trout Lake, as described on Schedule "A" hereto, unless the septic tank of the private sewage disposal system is pumped out at least once every three (3) years commencing as of January 1, 2014.
- (b) Upon the application of the owner of a seasonal dwelling, the Managing Director of Engineering, Environmental Services and Works may extend the pump-out requirement referred to in section 3(a) for a period of two (2) years upon receipt of satisfactory evidence that the subject lands are occupied for less than twelve (12) weeks per year.

4. Filing Requirement

- (a) The owner of any land subject to this by-law shall file evidence of compliance with the pump-out requirements of section 3 of this by-law, in accordance with the provisions of this section.
- (b) The evidence of compliance shall be in the form of:
 - (i) a completed Proof of Pump-Out – Trout Lake Watershed Form provided by the City of North Bay and completed by the person who conducted the pump-out; or
 - (ii) a true copy of a receipt certifying the pump-out.
- (c) The evidence of compliance shall be filed with the Managing Director of Engineering, Environmental Services and Works through the Customer Service Centre of the City of North Bay:
 - (i) within thirty (30) days of completion of the pump-out; and
 - (ii) in any event, no later than September 30 of every third (3) year, commencing with and calculated after September 1, 2013.

5. Disposal from Private Sewage System

- (a) No person shall dispose of the liquid or solid material pumped out of any private sewage disposal system septic tank, except into a municipal sanitary sewer, and only with the prior written consent of the Managing Director of Engineering, Environmental Services and Works.

- (b) No person shall cause or permit the pump-out of a private sewage disposal system by anyone other than a person holding an Environmental Compliance Approval for a Hauled Sewage Waste Management System issued by the Ministry of the Environment.

6. Entry to Lands Subject to By-Law

- (a) The Managing Director of Engineering, Environmental Services and Works or his authorized agents may enter upon lands subject to this by-law for the purpose of inspecting septic tanks of private sewage disposal systems and taking such measurements, samples and photographs as may be necessary.
- (b) Entry upon lands under this by-law shall only take place between the hours of 6 a.m. to 6 p.m.
- (c) A person entering upon lands under the authority of this by-law shall produce identification upon the request of the occupier of the premises.
- (d) Notwithstanding any other provision of this by-law, a person exercising a power of entry under this by-law shall not enter any room or place actually being used as a dwelling unless:
 - (i) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under s. 158 of the *Provincial Offences Act*, RSO 1990, c. P. 33; or
 - (ii) a warrant is obtained under s. 158 of the *Provincial Offences Act*.

7. Obstruction

- (a) 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.

8. Certificate of Compliance

- (a) The Managing Director of Engineering, Environmental Services and Works shall maintain a register of all persons who have provided satisfactory evidence of the pump-out required under this by-law.
- (b) The owner of any land subject to this by-law, who is in compliance with the pump-out and filing requirements of the by-law, may apply for a Certificate of Compliance and, upon payment of the fee prescribed by the City of North Bay User Fee By-Law No. 2011-123, as amended, or any successor by-law thereto, the Managing Director of Engineering, Environmental Services and Works is hereby authorized to issue a Certificate of Compliance to certify the pump-out of the septic tank in compliance with this by-law.

9. Offences

- (a) Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine, penalty, or order as provided for in the *Provincial Offences Act*.

(b) A person convicted under this by-law is liable to a maximum fine of \$25,000.00.

10. Repeal

(a) That By-Law No. 203-92 is hereby repealed.

11. Effective Date

(a) This by-law shall come into effect upon being passed.

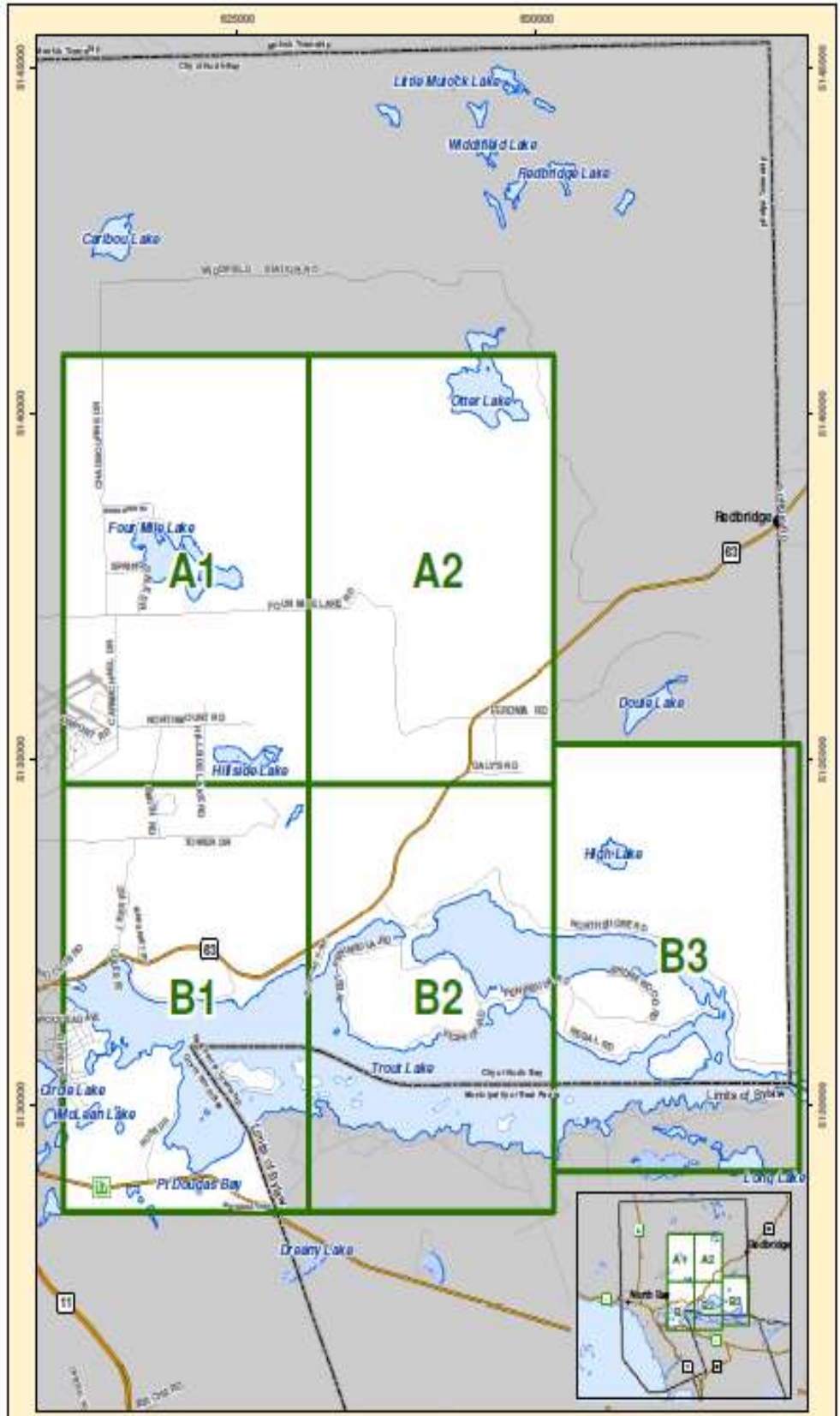
Read a First Time in Open Council this 31st day of March, 2014.

Read a Second Time in Open Council this 31st day of March, 2014.

Read a Third Time and Passed in Open Council this 31st day of March, 2014.

Mayor Allan McDonald

City Clerk Catherine Conrad



Schedule A
BY LAW NO 2014-054
SEPTIC TANK PUMP OUT AREA

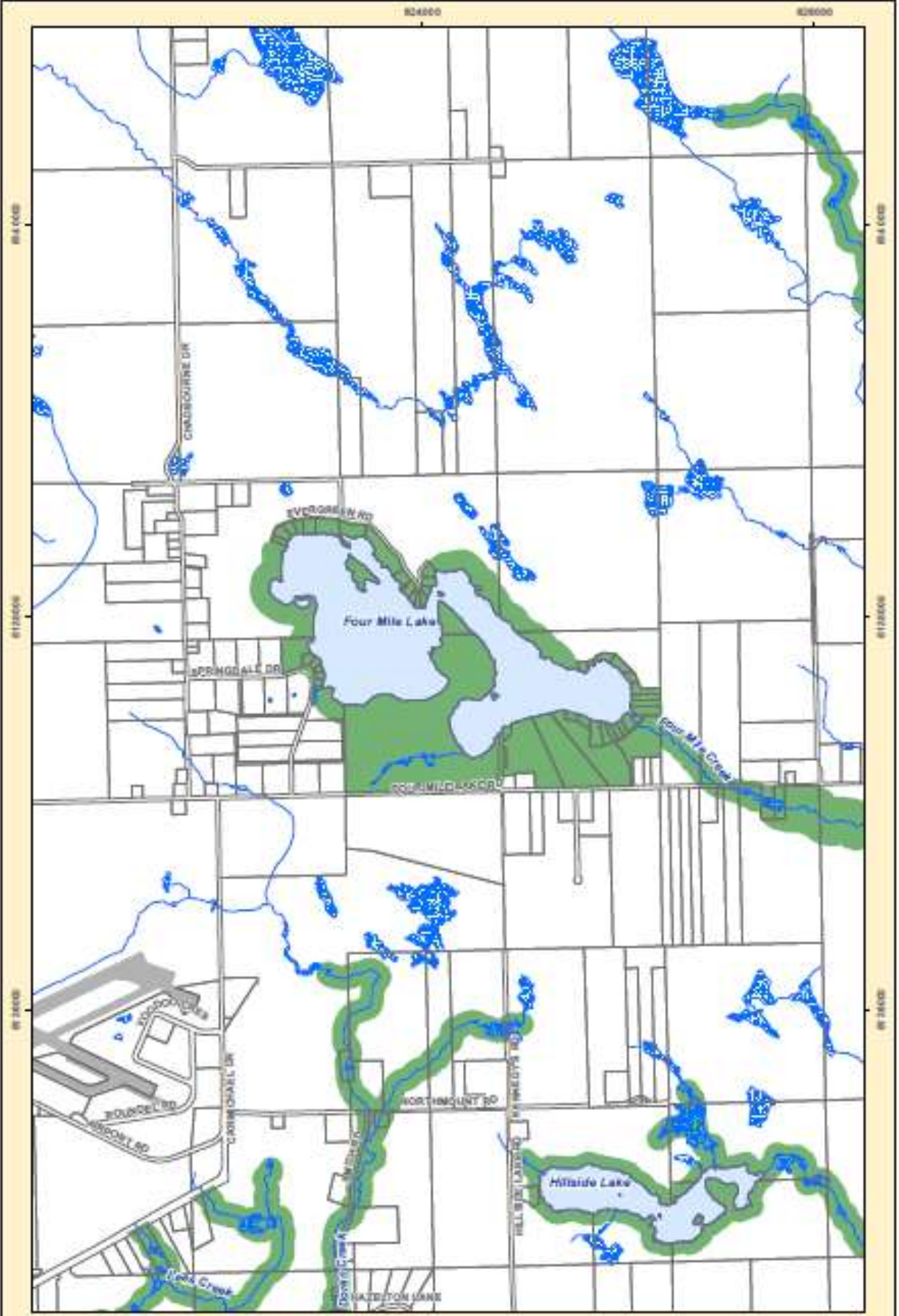
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NORTH BAY
 City of North Bay
 100 Ontario Street, North Bay, ON
 P1A 2S1

0 0.5 1 2
 Kilometers

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Map: A1 Page: 1 of 5

A1	A2
B1	B2

 Septic Tank Pump Out Area

Schedule A

BY LAW NO 2014-054

SEPTIC TANK PUMP OUT AREA

1:22,500

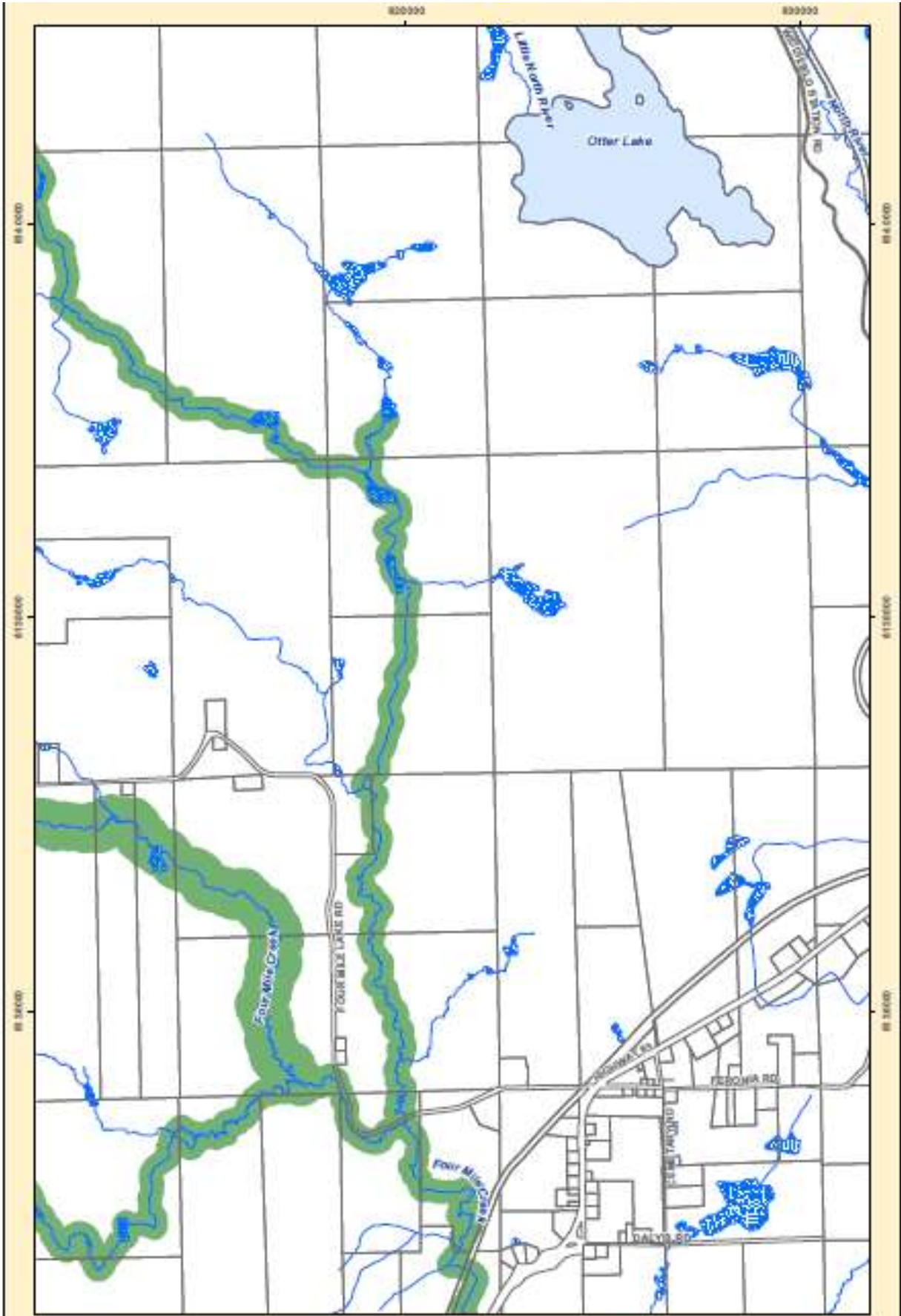
NORTH BAY



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 Feet

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 File: 2014054.dwg



Map: A2 Page: 2 of 5

A1	A2
B1	B2

 Septic Tank Pump Out Area

Schedule A

BY LAW NO 2014-054

SEPTIC TANK PUMP OUT AREA

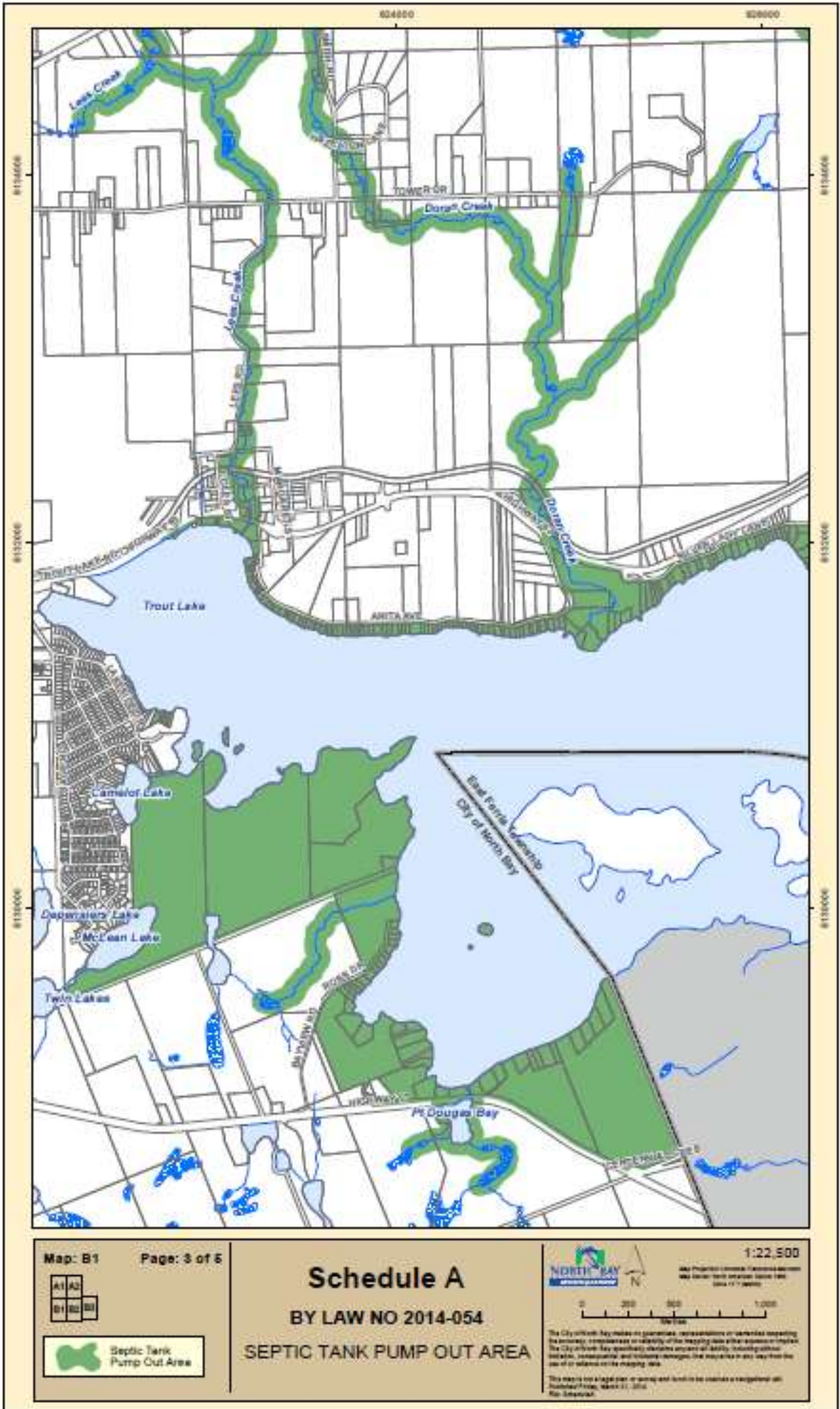
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Map Projection: Universal Transverse Mercator
Map Datum: North American Datum 1983
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By: [Signature]



Map: B1 Page: 3 of 6

A1	A2
B1	B2

 Septic Tank Pump Out Area

Schedule A

BY LAW NO 2014-054

SEPTIC TANK PUMP OUT AREA

1:22,500

Map Prepared by: North Bay Regional Council
Map Date: 2014-05-15
Scale: 1:22,500

 **NORTH BAY**
ONTARIO

0 200 400 600 800 1,000
Metres

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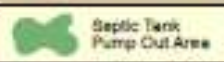
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Map: B2

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A1	A2
B1	B2



Schedule A

BY LAW NO 2014-054

SEPTIC TANK PUMP OUT AREA



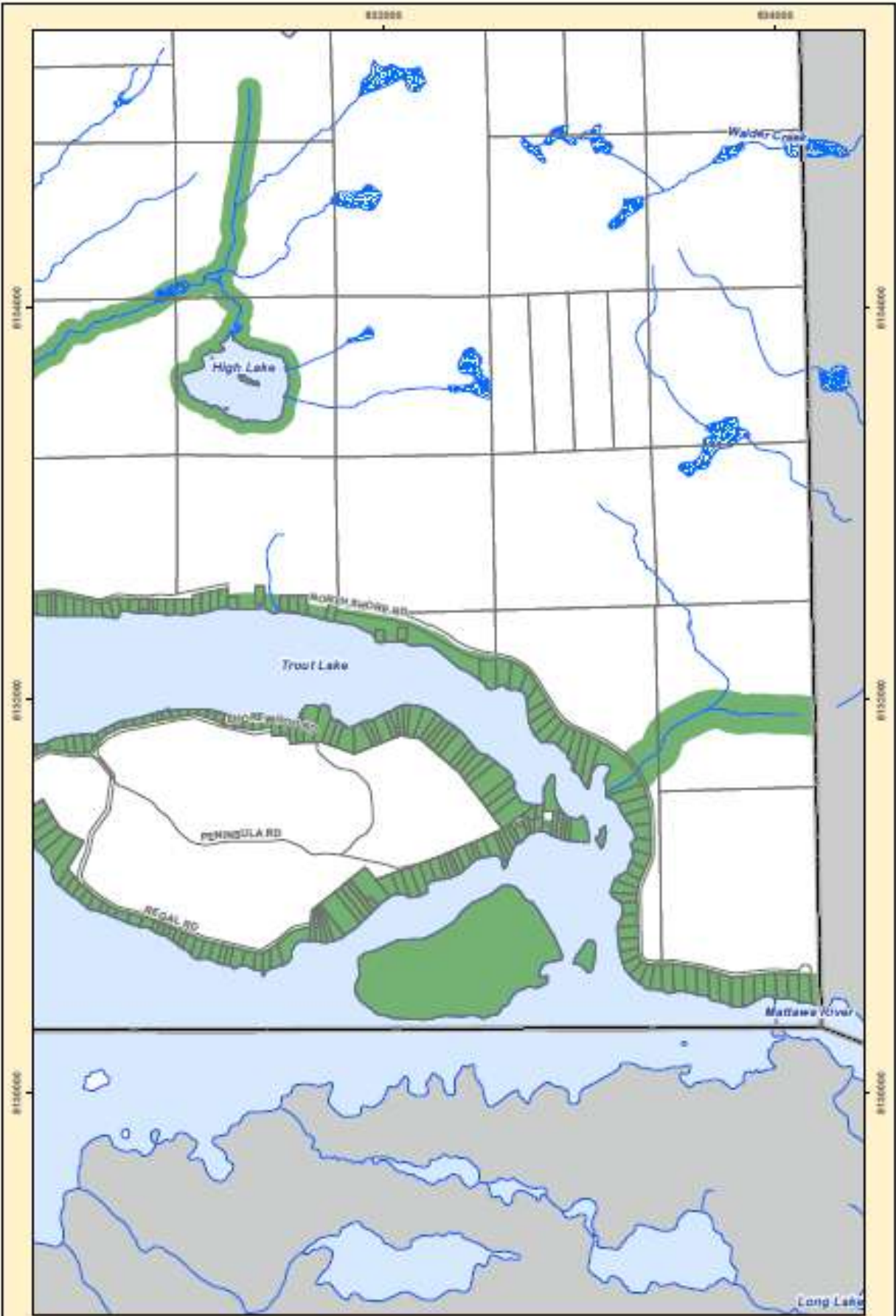
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Map Projection: Universal Transverse Mercator
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Date of Revision: 2014

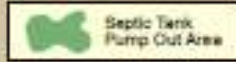


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Produced From: Survey 21-2014
Map: 04/2014



Map: B3 Page: 5 of 5



Schedule A

BY LAW NO 2014-054

SEPTIC TANK PUMP OUT AREA

1:22,500

Map Projection: Universal Transverse Mercator
Map Datum: WGS 84
Map Scale: 1:22,500

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