

# ORIGINAL

## THE CORPORATION OF THE TOWN OF INNISFIL

### BY-LAW NO. 016-26

#### A By-law of the Corporation of the Town of Innisfil to regulate and establish an On-site Sewage Maintenance Inspection Program

#### SEPTIC RE-INSPECTION PROGRAM BY-LAW

Whereas Subsection 34(2.2) of the *Building Code Act, 1992, S.O. 1992, c. 23*, provides that the Lieutenant Governor in Council may make regulations establishing and governing programs to enforce standards in relation to sewage systems, including regulations; and

Whereas Subsection 15.10.1(1) of the *Building Code Act, 1992, S.O. 1992, c. 23*, authorizes an inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection; and

Whereas Subsection 15.10.1(2) of the *Building Code Act, 1992, S.O. 1992, c. 23*, authorizes an inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such as specified in the order; and

Whereas Subsection 10.1 of the *Building Code Act, 1992, S.O. 1992, c. 23*, provides that no person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with this Act and the building code; and

Whereas Section 391 of the *Municipal Act, 2001*, provides that a municipality may pass bylaws imposing fees or charges on persons for services or activities provided or done by or on behalf of it; and

Whereas Section 398(2) of the *Municipal Act, 2001*, states that a municipality may add fees and charges imposed by the municipality to the tax roll for the property, for which all of the owners are responsible for paying the fees and charges, and collect them in the same manner as municipal taxes; and

Whereas Section 446 of the *Municipal Act, 2001*, provides that a municipality may take remedial action, enter upon land, recover costs, and add costs to the tax roll, including interest.

Now Therefore the Council of the Corporation of the Town of Innisfil enacts the following:

#### 1. Short Title

This By-law shall be cited as the "Septic Re-inspection Program By-law".

#### 2. Definitions

- 2.1 **Advanced Treatment Unit** means a specific type of Class 4 sewage system with a BMEC and/or BNQ certification, designed to provide a higher level of treatment to reduce the contaminant load. Mandated by the building code, advanced treatment units require a

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specific type of annual service critical for the proper functioning of the system. This annual service is not the same as a tank pump out.

- 2.2 **Building Code** means the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, and any regulations made under that Act.
- 2.3 **Chief Building Official** means the person appointed by council, or authorized delegate, for the enforcement of the building code.
- 2.4 **Effluent** means sanitary sewage that has passed through a treatment unit.
- 2.5 **Fees and Charges By-law** means the Town of Innisfil's by-law imposing fees and charges for services, as amended.
- 2.6 **Inspector** means an appointed official of the Town, or authorized delegate, or any other person designated by Council as responsible for the enforcement of the building code, or this By-law.
- 2.7 **Maintenance Agreement** means an active contract from a company licensed for the specialized servicing of an advanced treatment unit. This is not a tank pump out contract or receipt.
- 2.8 **Maintenance Inspection, Maintenance Inspection Program** means the sewage system maintenance program, and associated inspections, established under the building code.
- 2.9 **Major Deficiency** means any circumstance with an on-site sewage system that may impair the safe treatment of sanitary sewage or may pose an immediate risk to public health or the surrounding environment.
- 2.10 **Minor Deficiency** means any circumstance with an on-site sewage system that may directly or indirectly prevent its proper functioning.
- 2.11 **Order** means mandatory instruction such as an Order to Comply or any other order as prescribed in the building code, placed on the property and property owner requiring action by a stated compliance date.
- 2.12 **Owner** means the registered property title holder, corporation, property manager, landlord, tenant, or occupant over the age of eighteen (18) years.
- 2.13 **Person** means any individual over the age of eighteen (18) years.
- 2.14 **Property** means land and all structures contained within its boundaries.
- 2.15 **Pump Out, Pump Out Receipt** means the removal of accumulated sewage from inside a septic tank by an authorized sewage hauler. Proof of a pump out is an invoice, report or receipt from the hauler company, and does not act as a maintenance agreement.
- 2.16 **Sanitary Sewage** means waterborne waste, including human waste, food waste, and wastewater collected through pipes transported to the sewage system.
- 2.17 **Septic Re-inspection Program, On-site Sewage Maintenance Program** is mandated by the *Building Code Act, 1992*, subsection 34(2.2) requiring municipalities to conduct

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inspections of septic systems every five years that are located within areas outlined in the *South Georgian Bay Lake Simcoe Source Protection Plan (as amended and the Ontario Building Code as amended)*.

**2.18 Sewage System** means a private on-site sewage disposal system approved by the Town.

**2.19 Town** means the Corporation of the Town of Innisfil.

### 3. General Provisions

**3.1** This By-law applies to all properties in the geographic area of the municipality of the **Town** of Innisfil within regulated/ vulnerable areas (Phases):

- a) Phase 1 – properties located within 100 m of the Lake Simcoe shoreline;
- b) Phase 2 – properties located within 100 m of a municipal wellhead; and
- c) Phase 3 – properties located within 100 m from a river, stream, lake, or pond contained within the Lake Simcoe watershed; and
- d) All other areas specified by the **building code**, as amended.

**3.2** An **owner** or **occupant** of a **property** shall:

- (a) comply with all standards prescribed in this By-law and the **building code**;
- (b) comply with an **order** made under this Bylaw; and
- (c) ensure that compliance with the By-law is carried out in a manner that avoids conditions dangerous to the **owner, occupants** or visitors to the **property**.

**3.3** Every **person** shall operate and maintain a **sewage system** in accordance with the manufacturer's requirements.

**3.4** No **person** shall engage in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems unless the **person** has the qualifications and is registered in accordance with the **building code**.

**3.5** Every owner of an **advanced treatment unit** must enter into a **maintenance agreement** with a licensed professional and must conduct annual maintenance in accordance with manufacturer's requirements.

**3.6** Every owner of an **advanced treatment unit** must submit to the **Town** a copy of a **maintenance agreement** dated within the last 12 months of the **maintenance inspection** year, before October 1<sup>st</sup> of the **maintenance inspection** year.

**3.7** All **owners** who are not permanent residents of the **Town** are requested to provide the **Town** with emergency contact information (telephone number equipped with voice-mail, and email address) to allow for notice of emergency conditions such as a **sewage system** failure. Non-compliance with this provision only, does not constitute an offence.

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#### 4. Requirements for Operation and Maintenance

Every **sewage system** shall be operated and maintained so that:

- 4.1 The **sewage system**, or any part of it, shall not emit, discharge or deposit **sanitary sewage** or **effluent** onto the surface of the ground.
- 4.2 **Sanitary sewage** or **effluent** shall not emit, discharge, seep, leak or otherwise escape from the **sewage system**, or any part of it, other than from a place or part of the **sewage system** where the **system** is designed or intended to discharge the **sanitary sewage** or **effluent**.
- 4.3 **Sanitary sewage** or **effluent** shall not emit, discharge, seep, leak or otherwise escape from the **sewage system**, or any part of it, into a piped water supply, well water supply, a watercourse, groundwater, or surface water.
- 4.4 Only a **sewage system** specifically designed for a leaching bed may discharge property treated **effluent** into soil.
- 4.5 The **sewage system** shall be kept free from **minor** and **major deficiencies** that may contravene the function of the **system** from working as intended.
- 4.6 The operation and maintenance of the **system** is in accordance with the **building code**.

#### 5. Minor Deficiencies

**Minor deficiencies** include, but are not limited to:

- 5.1 Driving through or parking on the **sewage system**, or part of it.
- 5.2 The construction of an above ground pool or hard surface structures on top of the **sewage system** or part of it.
- 5.3 Patios or weighted objects on top of the **sewage system**.
- 5.4 Fire pits dug into the leaching bed.
- 5.5 Cultivation of plants, any kind of trees, shrubs or excessive vegetation on top of or within the allowed perimeter of the **sewage system**.
- 5.6 Drainage of sump pumps, downspouts and the like near the **sewage system** or part of it.
- 5.7 Damaged access lids.
- 5.8 Any circumstance related to the **sewage system** that may directly or indirectly contravene its proper functioning.

#### 6. Major Deficiencies

**Major deficiencies** include, but are not limited to:

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- 6.1 Structurally inadequate **sewage system** or faulty for the purpose for which it is used.
- 6.2 Back up of **sewage** or **effluent** into any building.
- 6.3 Leaking **sewage system**.
- 6.4 Black/brown water pooling or soft, spongy ground over septic bed area, visible **effluent** on ground surface.
- 6.5 Exposed distribution piping.
- 6.6 Structures on top of **sewage system**.
- 6.7 Strong smell of **sewage**.
- 6.8 Where a **maintenance inspection** report indicates effluent test results outside the manufacturer's specifications.
- 6.9 Any circumstance where the **sewage system** has been altered outside municipally approved or manufacturer's specifications.
- 6.10 Any circumstance related to the **sewage system** that may pose an immediate risk to public health or safety or the surrounding environment.

7. **Sewage Maintenance Program / Septic Re-Inspection Program**

- 7.1 The **Town** shall conduct **sewage system maintenance inspections** every five years for **systems** located within regulated areas as outlined in this By-law's General Provisions section.
- 7.2 After an acceptable notice of completion inspection of a newly installed, repaired, or replaced **sewage system, maintenance inspections (septic re-inspections)** shall occur on a five-year cycle.
- 7.3 The **Town** shall send an initial notice letter or email to the tax roll address on file for all **owners** whose properties fall within the regulated areas due for inspection that year. It is the **owner's** responsibility to ensure their mailing address is accurate and up to date, including an email address.
- 7.4 The notice shall be sent at least 15 days in advance of the intention to conduct a **maintenance inspection**. The **owner** may request a different or specific inspection date, within the regular working hours of the **inspector**.
- 7.5 Where a notice has been sent, the **owner** must provide access to the **property** for the **inspector** to conduct a **maintenance inspection**. Failure to grant access will result in the charge of the inspection fee and a **maintenance inspection** will be re-scheduled periodically, or at a minimum of once per year, until the **maintenance inspection** is completed.

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- 7.6 The notice shall state the regulations under which the program is mandated, what to expect during the inspection, the inspection fee further to the **Town's Fees and Charges By-law**, and the **Town** contact information.
- 7.7 Where there are no **sewage system** records in the **Town's** files, the **inspector** may request the **owner** to provide a diagram, site plan, or other septic records.
- 7.8 Upon completion of the inspection, the **inspector** shall leave a hard copy of the inspection report in a conspicuous location on the **property**. If an email address has been provided, a copy of the report will also be emailed. The inspection report also acts as the invoice.
- 7.9 If an **inspector** deems the **sewage system** to be in contravention of this By-law or the **building code**, the inspection report will indicate remediation actions to be taken by the **owner** with a compliance date, and **inspector** contact information.
- 7.10 Where **minor** or **major deficiencies** are identified during the inspection, a subsequent inspection (s) shall be conducted, and additional fees may be applicable.

## 8. Fees

- 8.1 The applicable inspection fee shall be as set out in the **Town's Fees and Charges By-law** in effect at the time the inspection is conducted.
- 8.2 The applicable fee will be stated in the (e)mailed notice letter and in the on-site inspection report, which serves as the invoice.
- 8.3 A re-inspection fee may be applicable if an **inspector** makes more than two site visits regarding the same deficiency, or in response to an **owner's** request.
- 8.4 An inspection fee may be applied where several failed inspection attempts have taken place by the end of September of the year the inspection is due.
- 8.5 The inspection fee may be waived for **owners of advanced treatment units** provided a satisfactory **maintenance agreement**, current within the last 12 months, is submitted to the **Town** before October 1<sup>st</sup> of the year the inspection is conducted.
- 8.6 Fees not paid by the end of October of the year the inspection is conducted, will be applied to the property tax roll account.

## 9. Enforcement

- 9.1 The **chief building official** and any **inspectors** have the authority to administer and enforce this By-law and the applicable provisions of the **building code**.
- 9.2 An **inspector** has the power to enter upon any land at any reasonable time without a warrant for the purpose of conducting a **maintenance inspection** to determine whether the **sewage system** conforms with the standards in this By-law, or to determine whether an **order** has been complied with.

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- 9.3 An **inspector** may require submission of drawings or information relevant to the property, may alone or in conjunction with a person of expert knowledge, make examinations or take tests, samples or photographs necessary to the purposes of the inspection, or order the **owner** to submit at the **owner's** expense such tests and samples as are specified in an **order**.
- 9.4 An employee or agent of the **Town** may enter a **property** at any reasonable time without a warrant for the purposes of causing the **sewage system** to be repaired in accordance with an **order**.
- 9.5 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, the **chief building official** or an **inspector** exercising a power or performing a duty under this By-law.

## 10. Orders

- 10.1 If access to the **property** is denied, either explicitly, or by the **inspector's** inability to enter the **property** after several failed attempts, an **order** may be placed on the **owner**.
- 10.2 If the **inspector's** report indicates a deficiency requiring remediation and that remediation does not occur by the compliance date stated on the inspection report, then the **inspector** may issue an **order**.
- 10.3 An **inspector** who finds a contravention of the **building code** may make an **order** directing compliance with the **building code** and may require the **order** to be carried within such time as specified in the **order**.
- 10.4 If upon inspection an **inspector** is satisfied there is an immediate danger to the health or safety of any person or the environment, the **chief building official** may make an **order** requiring remedial repairs to be carried out immediately to terminate the danger.
- 10.5 An **order** may be put on the registered title to the **property**, as deemed necessary by the **chief building official**.

## 11. Registration of an Order

- 11.1 An **order** may be registered in the land registry office on title to the **property** to which it applies and, upon such registration, any person acquiring any interest in the **property** after the registration of the **order**, shall be deemed to have been served with the **order** on the day on which the **order** was served.
- 11.2 Where an **inspector** determines there is compliance under this By-law with an **order** issued and registered on the title to a **property**, the **order** shall be discharged from the title.

## 12. Appeal of an Order

- 12.1 An **owner** or **occupant** who has been served with an order and who is not satisfied with the terms or conditions of the **order** may appeal to the **chief building official** who may review, amend or rescind an order made by an **inspector**.

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- 12.2** A **person** who considers themselves aggrieved by an **order** made by the **chief building official** may appeal the **order** to the Superior Court of Justice within 20 days after the **order** is made.

**13. Power of the Town to Repair**

- 13.1** If the **owner** or **occupant** of a **property** fails to comply with an **order**, the **Town** may cause the **sewage system** to be repaired in accordance with such **order**.
- 13.2** The **Town** or a person acting on its behalf is not liable to compensate the **owner, occupant** or any other **person** by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers.
- 13.3** Upon completion of the work necessary for compliance with the **order** the **Town** shall have a lien on the **property** for the amount spent on the repair and the amount may be added to the tax roll for the **property** and collected in the same manner as **property taxes**.
- 13.4** Where the **Town** incurs the cost of remediation, all direct labour and service costs, as well as an additional percentage as a cost recovery fee, will be charged in accordance with the **Town's Fees and Charges By-law**.

**14. Offences and Penalties**

- 14.1** No **person** shall operate or maintain a **sewage system** or permit a **sewage system** to be operated or maintained except in accordance with the **building code**.
- 14.2** Any **person** who fails to comply with an **order** under this By-law is guilty of an offence.
- 14.3** A **person** convicted of an offence under this By-law is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.
- 14.4** A corporation convicted of an offence may be liable for a maximum penalty of \$500,000 for a first offence, and \$1,500,000 for a subsequent offence.

**15. Severance, Conflict**

- 15.1** If a court of competent jurisdiction declares to be invalid, unenforceable, illegal or beyond the powers of **council** to enact, any provisions or parts of any provision of this By-law, it is the intention of **council** in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.
- 15.2** Where a provision of this By-law conflicts with the provision of another by-law, Act or regulation in force within the **Town**, the provision that establishes the higher standard to protect the health and safety of persons prevails.
- 15.3** Any reference to a statute, regulation, by-law or other legislation or statutory instrument in this By-law shall include such statute, regulation, by-law or other legislation or provision

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thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

**16. Effective Date**

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

**Passed this 25<sup>th</sup> day of February, 2026.**



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**Lynn Dollin, Mayor**



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**Jennifer Marshall, Clerk**