

## MUNICIPALITY OF LEAMINGTON

### **BY-LAW 566-05** **(Consolidated)**

Being a by-law requiring the installation of sewer connections for certain properties.

WHEREAS the Municipal Act, 2001, (herein "Act") provides a lower tier municipality may pass By-Laws respecting matters within the sphere of public utilities;

AND WHEREAS Section 130 of the Act authorizes Council to pass a by-law to regulate matters related to the health, safety and well-being of the inhabitants of the Municipality;

AND WHEREAS the Municipality wishes to pass a By-Law resulting owners of buildings or any class of buildings in the Municipality to connect the said buildings to sewage works of the Municipality within a certain specified period of time.

NOW THEREFORE the Corporation of the Municipality of Leamington enacts as follows:

1. In this By-Law

- (a) "Owner" shall mean the registered owner or owners of property according to the records of the Land Registry Office for Windsor and Essex County.
- (b) "Combined storm water and sanitary sewer" shall mean the sewer which carries both storm water and sewage.
- (c) "Municipality" shall mean The Corporation of the Municipality of Leamington.
- (d) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (e) "Sewage" shall mean a combination of the water carried waste from residences, business buildings, institutions and industrial establishments.
- (f) "Sewage works" shall include sanitary sewer, storm water sewer and combined storm water and sanitary sewer.
- (g) "Storm water sewer" shall mean a sewer which carries storm water.

2. No person shall make any connection into the sewage works of the municipality without first having obtained a permit from the Municipality.

3. The fee to be paid for the permit shall be in accordance with the then existing fees by-law of the Municipality.

4. All costs incurred in connecting to the sewage works of the Municipality shall be at the expense of the Owner.

5. All connections made to the sewage works of the Municipality shall be under the supervision of the Engineer of the Municipality or his designate.

(Amended as per By-law 27-26)

5.1 Any existing septic tank or holding tank must be removed or decommissioned as part of the permissible sewer connection works.

6. The Owner of any building or class of building situate within the Municipality and abutting on any street, alley or right-of-way in which there is situate any sewage works owned by the Municipality shall be required to connect to the sewage works of the Municipality within twelve months after the Municipality has sent notice to the Owner by registered mail.

7. If an Owner of a building affected by this by-law fails to make a connection required by the by-law within twelve months of the date the Municipality sent notice in accordance with Section 6, the Municipality may do all work necessary to install the connection at the expense of the owner and for this purpose may enter in and upon the property of the Owner in accordance with Part XIV of the Act, as amended from time to time.

(Amended as per By-law 223-12)

~~8. A notice sent in accordance with paragraph 6 hereof shall advise the owner that if the owner fails to make the connection as required the Municipality has the right to make the connection at the Owners expense and to recover the expense by action or by adding the costs to the tax rolls and collecting them in the same manner as taxes.~~

8. A notice sent in accordance with paragraph 6 hereof shall advise the owner that if the owner fails to make the connection as required the Municipality has the right to make the connection at the Owner's expense and to recover the expense by action or by adding the costs to the tax rolls and collecting them in the same manner as taxes. Further, the notice shall advise that the Municipality shall begin application of a sewer surcharge on the water billing beginning the period following delivery of the said notice.

9. On the application of the Owner the Council of the Municipality may grant an extension of not more than two years from the end of the twelve month period provided for in paragraph 6 hereof but no more than two extensions may be granted in respect of any building.

10. No Owner shall fail to connect to the sewage works after receiving notice served in accordance with Section 6 of this by-law.

11. Every person who contravenes the provisions of this by-law is guilty of an offence and is liable on conviction thereof to a penalty as set out in the Provincial Offences Act RSO 1990 Chapter P. 33, as amended, for each offence exclusive of costs which penalty and costs shall be recoverable under the provisions of the Provincial Offences Act.

12. This by-law comes into effect upon its enactment.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS 10<sup>th</sup> DAY  
OF JANUARY, 2005.**

  
JOHN ADAMS, Mayor

  
BRIAN R. SWEET, Clerk

**MUNICIPALITY OF LEAMINGTON**

*PART 1 Provincial Offences Act*

**By-law # 566-05**

**By-law requiring the installation of sewer connections for certain properties**

ITEM	<b>COLUMN 1</b> Short Form Wording	<b>COLUMN 2</b> Offense Creating Provision	<b>COLUMN 3</b> Set Fine (includes costs)
1	Connect to sewage works without a permit	Section 2	\$250.00
2	Failure to connect to sewage works	Section 10	\$250.00

Penalty Provision for the offences indicated above is Section 11 of By-law No. 566-05 a certified copy of which has been filed.