

**Board of Health Manual
Public Health Sudbury & Districts**

By-Law

Category

Board of Health By-Laws

Section

By-laws

Subject

By-law 01-98

Number

G-I-50

Approved By

Board of Health

Original Date

March 26, 1998

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June 21, 2018

Review Date

November 18, 2021

Being a By-law of the Board of Health for the Sudbury and District Health Unit Respecting Construction, Demolition, Change of Use Permits, Inspections, and Fees Related to Sewage Systems.

WHEREAS the Board of Health for the Sudbury and District Health Unit is responsible for the enforcement of the provisions of the *Building Code Act* and Regulations related to sewage systems;

AND WHEREAS the Board of Health is empowered pursuant to Section 7 of the *Building Code Act* to make by-laws respecting sewage systems;

NOW THEREFORE the Board of Health for Sudbury and District Health Unit hereby enacts as follows:

Short Title

This by-law may be cited as “the Sewage System By-law”.

Definitions

In this By-law,

- a) **“Act”** means the *Building Code Act, 1992*, and *attendant O. Reg. 332/12* including amendments thereto.
- b) **“applicant”** means the owner of a building or property who applies for a permit or land use planning report or any person authorized in writing by the owner to apply on the owner’s behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- c) **“as constructed plans”** means as constructed plans as defined in the Building Code.
- d) **“Board of Health”** means the Board of Health for the Sudbury and District Health Unit.
- e) **“building(s)”** means a building as defined in Section 1(1) of the Building Code.
- f) **“Building Code”** means the regulations made under Section 34 of the Act.
- g) **“Notice of Substantial Completion”** relates to the day on which a sewage system has been completed and is ready for a final inspection before backfilling.
- h) **“sewage system inspector”** means an inspector appointed by the Board of Health under Section 3(2) of the Act.
- i) **“permit”** means written permission or written authorization from the Chief Building Officer to perform work regulated by the Act, this By-law, and the Building Code.
- j) **“permit holder”** means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act, the Building Code and this By-law.
- k) **“plumbing”** means plumbing as defined in Section 1(1) of the Act.
- l) **“renovation”** means the extension, alteration or repair of an existing building or sewage system or the change in use or part of the use of an existing building or sewage system.
- m) **“repair requiring permit”** means the replacement of a treatment unit or the replacement or alteration of materials in a leaching bed or any component contained therein.
- n) **“sewage system”** means sewage system as defined in Section 1(1) of the Act.
- o) **“sewage system permit”** means a building permit as defined in Section 8(1) of the Act for the purposes of this By-law.

Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

Classes of Permits

Classes of permits required for the construction, demolition or change of use of a sewage system or for the renovation of an existing building or sewage system are set forth in Schedule "A" attached hereto and forming part of this By-law.

Permit Applications

To obtain a permit, an applicant shall file an application in writing by completing the form(s) prescribed and available from the Chief Building Inspector and satisfy the following:

- 1) Where application is made for a sewage system permit under subsection 8(1) of the Act, the application shall:
 - a) identify and describe in detail the work, use and occupancy to be covered by the permit for which application is made;
 - b) identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
 - c) include complete plans and specifications as described in this By-law for the work to be covered by the permit and show the occupancy of all parts of the building;
 - d) include the legal description, municipal address and where appropriate the unit number of the land on which the work is to be done;
 - e) be accompanied by the required fees as calculated with Schedule "A";
 - f) state the name, address and telephone number of the owner, and if the owner is not the applicant, the applicant's name, address and telephone number and the signed statement of the owner consenting to the application;
 - g) where applicable, state the name, address and telephone number of the architect, engineer or other designer, and the constructor or person hired to carry out the construction or demolition;
 - h) where any person named in clause (g) requires a license under the Act or Building Code, include the number and date of issuance of the license and the name of the qualified person supervising the work to be covered by the permit;
 - i) when Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgement of the owner that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the sewage system;
 - j) when Section 2.3 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, undertaking to provide a general review of the construction or demolition of the sewage system;

- k) include the applicant's registration number where the applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan Act*;
 - l) include, as the Chief Building Inspector deems necessary, proof of the zoning and permitted uses applicable to the land on which the work is to be done; and
 - m) be signed by the applicant who shall certify as to the truth of the contents of the application.
- 2) Where application is made for the demolition of a sewage system under subsection 8(1) of the Act, the application shall:
- a) contain the information and other requirements provided in subsection 4(1), and;
 - b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of the appropriate utilities and for the removal and disposal of the sewage system components.
- 3) Where application is made for a renovation to an existing building under the Act and Building Code, the application shall:
- a) contain the information and other requirements provided in subsection 4(1), and;
 - b) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code, including floor plans, and detailed information respecting the existing sewage disposal system and prior permits.
- 4) Inspections will be carried out on properties that are identified under the mandatory maintenance inspection program according to section 1.10.2 of Division C, Part 1 of the Ontario Building Code and a fee will be charged as noted in Schedule "A".
- 5) Where compliance with all the requirements for a permit application is unnecessary or unreasonable, the Chief Building Inspector may, in cases where he or she deems appropriate, authorize deletion of one or more of the requirements provided the intent and purpose of this By-law is maintained.
- 6) Where an application for a permit remains incomplete or inactive for six (6) months after it is made, the application may be deemed by the Chief Building Inspector to have been abandoned and notice thereof shall be given to the applicant.

Plans, Specifications, Documents and Information

- 1) Every applicant shall furnish sufficient plans, specifications, documents and other information to enable the Chief Building Inspector to determine whether the proposed construction, demolition, change of use or occupancy conforms to the Act, the Building Code and any other applicable law including, without limiting the generality of the foregoing:
- a) zoning approval from the applicable Planning Authority;

- b) plans that are legible and drawn to scale on paper, cloth or other suitable and durable material;
- c) documents submitted that are legible;
- d) if applicable, Conservation Authority or Ministry of Natural Resources approval.

Site plans submitted should be referenced to a current survey certified by a registered Ontario Land Surveyor and a copy of the survey shall be filed with the Chief Building Inspector, if deemed necessary.

Site Plans shall show:

- a) lot size and dimensions of the property;
- b) setbacks from existing and proposed buildings to the property boundaries and to each other;
- c) setbacks from existing and proposed wells, including wells on adjacent properties;
- d) setbacks from property boundaries, lakes, rivers, streams, reservoirs, ponds and water drainage courses;
- e) the location of any unsuitable, disturbed or compacted areas;
- f) proposed access routes for system maintenance and proposed parking areas;
- g) culverts, drainage patterns and swales;
- h) existing and proposed utility corridors, whether above or below grade;
- i) existing right-of-ways, easements and crown reserves;
- j) the legal description of the property, and if available, the municipal address.

Specifications submitted shall be based on a site specific evaluation of the property and soils and shall include:

- a) depth of existing soils to bedrock;
- b) depth of soils to groundwater table;
- c) soil properties including soil percolation test results and/or soil permeability as determined by a grain size analysis utilizing the Unified Soil Classification System;
- d) soil conditions, including the potential for flooding;
- e) soil profiles as determined by test pits excavated in the area of the proposed leaching bed;
- f) where the applicant is proposing a raised or partially raised leaching bed, specifications on the amount of fill required, the dimensions of the area to be filled and the soil properties as noted in subsection 3(c);

- g) detailed specifications on the type of sewage system proposed, the size of the sewage system proposed and detailed design drawings;
- h) where deemed necessary by the Chief Building Inspector, a site plan shall include contour mapping, existing and finished ground elevations;
- i) an application for a Class 5 system shall be accompanied by evidence that confirms that the proposal is in compliance with the Building Code.

Equivalents

- 1) Where an application for a permit or for authorization to make a material change to a plan, specifications, document or other information on the basis of which a permit was issued, contains an equivalent material, system or system design for which authorization under Section 9 of the Act is requested, the following information shall be provided:
 - a) a description of the proposed material, system or system design for which authorization is requested;
 - b) any applicable provisions of the Building Code, and;
 - c) evidence that the proposed material, system or system design will provide the level of performance required by the Building Code.
 - d) the Chief Building Inspector reserves the right to have any application requiring authorization under Section 9 of the Act referred to the Building Materials Evaluation Commission for review.

Revisions to Permit

- 1) After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing to the Chief Building Inspector together with the details of such change which is not to be made without his or her written authorization;
- 2) The fees for revising a permit, reviewing new plans and repeating inspections shall be set out in Schedule "A" of this By-law.

Notice Requirements

- 1) Notices required by Section 10.2 (1) of the Building Code shall be given by the permit holder to the Director at least 5 business days in advance of the stages of construction specified therein.
- 2) A notice pursuant to clause (1) of this By-law is not effective until written or oral notice is actually received by the Chief Building Inspector, the sewage system inspector or designate.
- 3) Notice required upon completion of the sewage system Section 11 (4)a of the Building Code shall be in writing in a form designated by the Chief Building Inspector. The completion form shall be given to the Chief Building Inspector at least 10 days in advance of the intended use of the sewage system.

- 4) Where the applicant files a completion form with the Chief Building Inspector, the form shall:
 - a) indicate that the sewage system was backfilled, graded and seeded or sodded in accordance with the Building Code;
 - b) indicate the date on which the work was completed;
 - c) where the applicant has retained an architect or professional engineer, or both, to carry out the general review of the construction of the sewage system, contain the written opinion of the architect or engineer that the completed work conforms to the Building Code;
 - d) be signed by the applicant who shall certify the truth of the contents of the information contained within the completion form;
 - e) where information is received by the Chief Building Inspector as required by this section, the Chief Building Inspector may, upon the signed recommendations of a sewage system inspector, deem that the requirements of the Building Code have been satisfied, without having an inspection conducted to verify the information;
 - f) the Chief Building Inspector may require that a set of as constructed plans of the sewage system or any part of the sewage system be submitted by the applicant.

OR

- g) A site inspection must be carried out by the sewage inspector to verify that the requirements of 4 (a) have been carried out.

Transfer of Permits

- 1) If the registered owner of the land to which the permit applies changes, the permit is transferable only upon the new owner completing a permit application, to the requirements of Section 4 of this By-law. The new owner shall then be the permit holder for the purposes of the Act and the Building Code and assume all responsibilities for compliance with the permit documents.
- 2) The fee for transferring a permit shall be set out in Schedule "A".

Refunds

- 1) No refund of fees shall be made once a site inspection for a permit or a land use evaluation has been carried out.
- 2) All requests for withdrawal of an application shall be in writing by the applicant.

Revocation

- 1) The Chief Building Inspector may revoke a permit subject to Section 8(10) of the Act or for an "N.S.F. Cheque" that was issued as payment of fees and notice thereof shall be given to the applicant.

Fees

- 1) The payment of fees for a permit or maintenance inspection shall be set out in Schedule “A” and are due and payable upon submission of an application or completion of inspection.
- 2) No permit shall be issued until the fees therefore have been paid in full.

Forms

The Chief Building Inspector shall be responsible for the development and maintenance of forms required for the sewage system program. Classifications of forms shall be set out in Schedule “B” of this By-law.

Offence/Penalty

- 1) Every person who contravenes any provision of this By-law is guilty of an offence.
- 2) Every person who is convicted of an offence is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, cP.33.

Policies and Procedures

- 1) The Board of Health for Sudbury and District Health Unit shall from time to time establish policies and procedures related to sewage program activities as are appropriate.

Validity

Should any section, subsection, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

That this By-law shall come into force and take effect on the 6th day of April 1998.
Read and passed in open meeting this 26th of March 1998

Revised and passed by the Board of Health, Sudbury & District Health Unit this 27th day of May 1999.
Reviewed and passed by the Board of Health, Sudbury & District Health Unit this 25th day of May 2000.
Reviewed and passed by the Board of Health, Sudbury & District Health Unit this 22nd day of February 2001.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 19th day of February 2004.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 17th day of June 2004.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 15th day of November 2007.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 14th day of May 2009.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 20th day of January 2011.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 16th day of February 2012.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 20th day of February 2014.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 18th day of June 2015.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 16th day of February 2017.
Revised and passed by the Board of Health, Sudbury & District Health Unit this 15th day of February 2018.

SCHEDULE "A" TO BY-LAW 01-98

Cost Per Permit and Record

1) Sewage System Permits:	
a) Class 2 Sewage System (Leaching Pit)	\$400.00
b) Class 2 Sewage System (more than 4 sites)	\$1,600.00
(plus \$100 for each lot over 4)	\$100.00
c) Class 3 Sewage System (Cesspool)	\$400.00
d) Class 4 Sewage System (Septic Tank and Leaching Bed)	\$900.00
e) Class 4 Sewage System (Leaching Bed Only)	\$550.00
f) Class 4 Sewage System (Tank Only)	\$350.00
g) Class 5 Sewage System (Holding Tank)	\$900.00
2) Sewage System Permits: Re-Inspection	\$250.00
3) Renovation Permit	\$300.00
4) Demolition Permit	\$300.00
5) Revisions to Permit (Inspection Required)	\$400.00
6) Transfer of Permit to New Owner	\$100.00
7) Extraordinary Travel Costs by Air, Water, etc.	Full Cost Recovery

Other Fees

Mandatory Maintenance Inspection	\$175.00
File Search	\$300.00
Consent Applications	\$250.00/lot
Minor Variance/Zoning Applications	\$250.00
Copy of Record	\$80.00
Other Government Agencies	\$250.00

SCHEDULE "B" TO BY-LAW 01-98

Forms for Sewage Systems

- 1) Sewage System Permits:
 - a) Application Form for a Sewage System Permit
 - b) Inspection Reports
 - c) Form Letters and Orders
 - d) Completion Notice Re: Readiness for Use of a Sewage System

- 2) Mandatory Maintenance Inspections
 - a) Inspection Reports