



**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR  
BYLAW No. 57 of 2018**

**A BY-LAW TO PROVIDE REGULATION FOR THE MANDATORY CONNECTION TO THE  
WATER AND SEWER SYSTEMS FOR ST. CLAIR TOWNSHIP**

**WHEREAS** under section 11 of the Municipal Act 2001 a municipality may pass by-laws respecting matters regarding health, safety and well-being of persons and services and things that the municipality is authorized to provide as necessary or desirable to the public;

**AND WHEREAS** under section 11 of the Municipal Act 2001 a municipality may pass by-laws respecting matters within the sphere of jurisdiction of waste management, public utilities, and drainage and flood control, except storm sewers;

**NOW THEREFORE THE COUNCIL OF THE COPORPATION OF THE  
TOWNSHIP OF ST. CLAIR ENACTS AS FOLLOWS:**

**Table of Contents**

<b>Part 1 – Definitions .....</b>	<b>1</b>
<b>Part 2 – Mandatory Connection - Water .....</b>	<b>1</b>
2.1 Requirements.....	1
2.2 Exceptions.....	2
<b>Part 3 – Mandatory Connection – Sanitary Sewer .....</b>	<b>2</b>
3.1 Requirements.....	2
3.2 Exceptions.....	2
<b>Part 4 - Prohibitions.....</b>	<b>2</b>
4.1 Prohibitions under this by-law.....	2
<b>Part 5 - Enforcement.....</b>	<b>3</b>
5.1 Fine - for contravention.....	3
5.2 Offence - additional .....	3
<b>Part 6 - General .....</b>	<b>3</b>
6.1 Applicable Laws .....	3
6.2 Short Title.....	3
6.3 Effective Date.....	3

# Part 1 – Definitions

In this by-law:

“**building**” means a structure supplied with water and sewer by the Township of St. Clair.

“**Building Code Act**” means the Building Code Act, 1992, S.O. 1992, c.23, as amended from time to time.

“**building sewer**” means part of the drainage piping outside a building or structure, that connects a building drain to the sewer lateral connection and that commences three feet from the outer face of the wall of the building or other structure.

“**contractor**” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the Owner or the Municipality to install or maintain watermains, water services, hydrants and other appurtenances.

“**land**” means all real property, including buildings or any part of any building and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land and in the case of utility service providers and the Township of St. Clair, all buildings or any part of any building erected or placed upon, in, over, under or affixed to land but shall not include machinery whether fixed or not, nor the foundation on which it rests, works structures other than buildings, substructures, poles, towers, lines, nor any of the things exempted from taxation, nor to any easement or the right, use or occupation or other interest in land not owned by utility service providers or the Township of St. Clair.

“**Municipal Act**” means the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time.

“**Municipality**” means the Township of St. Clair.

“**Owner**” means any person, including a corporation, who is the registered Owner of the premises under consideration including a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

“**person**” means an individual, association, partnership, corporation, municipality, Provincial or Federal agency, or any agent or employee thereof.

“**premises**” means any house, tenement, building, lot, or part of a lot, or both, in through, or past which water service pipes run.

“**Provincial Offences Act**” means the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended from time to time.

“**service**” means the piping between the plumbing and the water main or sewer main and includes the trench in which such piping lies;

“**sewer lateral connection**” means the extension from the building sewer to the public sewer main or other place of disposal

“**sewer main**” means a sewer or drainage system owned and operated by the Municipality and maintained as a public sewer or drain;

“**water**” means potable water supplied by the Municipality to Customers.

“**water main**” means every water pipe, except water services and portions of private watermains as herein defined, owned and operated by the Municipality.

“**water service pipe**” means the portion of a water service pipe from the property line to the water meter location, or for a fire service to the inside of the exterior wall of a structure, i.e. an extension of a water service stub.

## Part 2 – Mandatory Connection - Water

### 2.1 Requirements

Every owner of any dwelling, house, shop, office or other building, situate on land which abut a water main shall, at their own expense, construct and maintain a service therefrom and connect the same with the water main in accordance with the regulations and policies of the Municipality. The said owner shall construct the service within six months of substantial completion of the water main by the Municipality or within six months of the effective date of this bylaw, whichever is the earliest date.

## 2.2 Exceptions

The following properties are exempt from the mandatory connection requirement:

- i. From connection to water line, properties that are not in the service area;
- ii. From connection to the water line, in whole or in part, for commercial operations that undue financial hardship will result from the mandatory connection requirement because of the excessive amount of water required for a commercial process or for other reasons as determined by the Director of Public Works.
- iii. From connection to water line, for water lines that existed prior to the passing of this Bylaw.

Where a property is exempt from the mandatory connection requirement of this bylaw and the property is not connected to the water system, there shall be no metered or flat rate water charge applied to the property.

Where a property is exempt from the mandatory connection requirement of this bylaw, the property is not exempt from any capital contribution required towards the cost of extending a water main.

# Part 3 – Mandatory Connection – Sanitary Sewer

## 3.1 Requirements

Every owner of any dwelling, house, shop, office or other building, situate on land which abut a sewer main shall, at their own expense, construct and maintain a service therefrom and connect the same with the sewer main in accordance with the regulations and policies of the Corporation. The said owner shall construct the service within six months of substantial completion of the sewer main by the Municipality or within six months of the effective date of this bylaw, whichever is the earliest date.

## 3.2 Exceptions

The following properties are exempt from the mandatory connection requirement:

- i. From connection to sewer main, properties that are not in the service area;

Where a property is exempt from the mandatory connection requirement of this bylaw and the property is not connected to the sewer system, there shall be no metered or flat rate sewer charge applied to the property.

Where a property is exempt from the mandatory connection requirement of this bylaw, the property is not exempt from any capital contribution required towards the cost of extending a sewer main.

# Part 4 - Prohibitions

## 4.1 Prohibitions under this by-law

No person shall:

- a) contravene any provision of this by-law or any order or notice issued pursuant to this by-law;
- b) hinder or interrupt, or cause or procure to be hindered or interrupted, the Municipality or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;

# Part 5 - Enforcement

## 5.1 Fine - for contravention

Any person who contravenes any provision of this by-law or fails to connect is guilty of an offence and liable, on summary of conviction, to a fine of \$1,000 for each service not connected if required as identified in Schedule "A" attached hereto and making up part of this bylaw.

## 5.2 Offence - additional

The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under this bylaw.

# Part 6 - General

## 6.1 Applicable Laws

All work and materials performed on the water distribution system and sewer system shall comply with all applicable federal, provincial and municipal laws, by-laws, acts, regulations, statutes, health and safety policies and procedures, as amended.

## 6.2 Short Title


The short title of this by-law shall be the St. Clair Township Water and Sewer Mandatory Connection By-Law.

## 6.3 Effective Date

This by-law shall come into force and effect on the date of the final passing thereof.

Read a FIRST, SECOND AND THIRD time and finally PASSED on October 9, 2018.

  
Clerk Jeff Baranek

  
Mayor Steve Arnold



**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR**

**PART 1 Provincial Offences Act**

**By-law 57 of 2018 Water and Sewer Mandatory Connection Bylaw**

**Schedule "A"**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
1	Failure to connect to local water main	Section 2.1	\$1000
2	Failure to connect to local sewer main	Section 3.1	\$1000

**Note:** The penalty provision for the offences indicated above is Section 5.1 of Bylaw 57 of 2018, a certified copy of which has been filed.

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33.