

The Corporation of the Township of North Huron

By-law No. 44-2024

A by-law to adopt a Cross Border Water and Sanitary Sewer Connection Policy for the Corporation of the Township of North Huron.

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Printing Date: June 18, 2024

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**The Corporation of the Township of North Huron**

**By-law No. 44-2024**

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**Being a by-law to adopt a Cross Border Water and Sanitary Sewer Connection Policy for the Corporation of the Township of North Huron**

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WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that municipal power shall be exercised by by-law;

AND WHEREAS Section 224 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, states it is the role of Council to develop and evaluate the policies and programs of the municipality;

AND WHEREAS pursuant to the provisions of Section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a lower-tier municipality may pass by-laws respecting matters within the sphere of jurisdiction of public utilities;

AND WHEREAS the Corporation of the Township of North Huron currently provides potable water and sanitary sewer services to properties located beyond the boundaries of the Corporation of the Township of North Huron;

AND WHEREAS the Council of the Corporation of the Township of North Huron is desirous of setting out the requirements and considerations for all new cross border water and sanitary sewer connection requests and for addressing existing connections;

AND WHEREAS the Council of the Corporation of the Township of North Huron is desirous of adopting a Cross Border Water and Sanitary Sewer Connection Policy;

NOW THEREFORE the Council of the Corporation of the Township of North Huron ENACTS as follows:

1. That the Cross Border Water and Sanitary Sewer Connection Policy attached hereto as Schedule "A" is hereby adopted and shall form an integral part of this by-law.
2. That By-law No. 52-2014, By-law No. 55-2015, By-law No. 41-2017, By-law No. 99-2018, By-law No. 49-2022 and all previous by-laws in conflict with the provisions of this by-law shall be hereby repealed.
3. That this by-law shall come into force and takes effect on the day of the final passing thereof.

Read a first and second time this 17<sup>th</sup> day of June, 2024.

Read a third time and passed this 17<sup>th</sup> day of June, 2024.

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Paul Heffer, Reeve

CORPORATE SEAL

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Carson Lamb, Clerk

# **Township of North Huron**

  

## **Cross Border Water and Sanitary Sewer Connection Policy**



## 1. Purpose and Scope

- 1.1. The Township of North Huron from time to time receives requests from individual landowners outside of the Township for permission to access sanitary sewer and water services from the Township system. This policy for the purpose of setting out the requirements and considerations for new requests and for addressing existing connections as of the date this policy is adopted by the Township of North Huron.
- 1.2. This policy shall apply to all new and existing cross border water and sanitary sewer connections to the Township of North Huron's Systems.

## 2. Policy Statement

- 2.1. The Township of North Huron is interested in working with landowners outside of the Township to support economic development in the region. The provision of water and sanitary sewer services to properties outside of the municipality is one way the Township can help to facilitate development that creates jobs.
- 2.2. Where development is proposed in an abutting municipality, the Township of North Huron will consider providing water and sanitary sewer services, where feasible, to properties suitably zoned for the proposed uses. The Township of North Huron's requirements for accessing these services are set out in this Policy.

## 3. Submission of Request

- 3.1. All new and existing cross border serviced landowners are required to submit a written request to the Township of North Huron's Director of Public Works and Facilities or his/her designate for permission to access the Township's water and sanitary sewer system.
- 3.2. Written requests are to be accompanied by the following:
  - i. Details of the type of use (i.e. residential, industrial, commercial, institutional).
  - ii. Details of the size of water and sanitary sewer service being requested.
  - iii. Documentation to the satisfaction of the Township giving evidence of the agreement of the municipality in which the property is located, for the installation of infrastructure in their municipality .
  - iv. Evidence of any easements necessary to facilitate the installation of the infrastructure.
  - v. For industrial, commercial and institutional uses, evidence of liability insurance in the amount of \$5,000,000 to the satisfaction of the Township.
  - vi. For residential uses, evidence of liability insurance in the amount of \$2,000,000 to the satisfaction of the Township.

- vii. Details of an engineer licensed in the Province of Ontario who will provide services to the landowner.
  - viii. A connection plan prepared by the landowner's engineer to be reviewed and approved by the Township Engineer.
  - ix. Proof of building permit.
  - x. Security deposit.
  - xi. Plumbing permit.
  - xii. Application fee, if applicable.
- 3.3. All requests must be for both water and sanitary sewer services at a 1:1 ratio.
- 3.4. All requests shall indemnify North Huron, its employees, contractors, servants, agents and elected officials against all actions, suits, claims and demands whatsoever which may arise and for all damages, charges or expenses which may be incurred, sustained or paid by North Huron whatsoever which may arise either directly or indirectly by reason of the applicant being permitted to connect to and obtain services from North Huron's systems.
- 3.5. For requests to maintain an existing water and sanitary sewer connection, the Director of Public Works and Facilities or his or her designate may waive the requirements of Section 3.2, if deemed not to be applicable.

## 4. Review of Request

- 4.1. Once a request and the required documentation is received, it will be reviewed by the Director of Public Works and Facilities, or his or her designate to determine whether the request can be considered. This determination may involve consultation with the Township's Engineer, the Township's Water and Wastewater Operating Authority and/or any other party the Township deems appropriate.

## 5. Determination of Capacity

- 5.1. As part of the review process, consideration will be given to whether there is sufficient capacity in the system to accommodate the request and whether the request complies with other Township by-laws, including the Sewer Use By-law.
- 5.2. Any costs incurred in assessing the capacity and compliance with other Township by-laws will be borne by the landowner.
- 5.3. At all times, North Huron's service needs will take precedence.

## 6. Refusal

6.1. North Huron may refuse any request for services in its sole discretion. Some reasons for refusal may include but are not limited to; (1) insufficient capacity; (2) failure to demonstrate compliance with the Township's Sewer Use By-law, or any other by-law in effect and force at the time; (3) past history with the Landowner; (4) failure to provide the necessary information for the Township to make an informed decision; and/or (5) outstanding by-law violations.

## 7. Infrastructure

7.1. North Huron will install all infrastructure to the Landowner's property line at the cost of the Landowner. The landowner will be responsible for all infrastructure from the property line into the property. The Township's Water and Wastewater Operating Authority must be present when connections are made.

## 8. Repair and Maintenance

8.1. The landowner is responsible for the cost of repair and maintenance of all the infrastructure once installed. The scope and financial allocation of the repairs and maintenance will be in accordance with the Cross Border Water and Sanitary Sewer Services Agreement required to be signed between the landowner and the Township.

## 9. Servicing Agreement and Securities

9.1. Prior to installation of infrastructure, the landowner will:

- i. enter into a Cross Border Water and Sanitary Sewer Services Agreement in a form set out by the Township;
- ii. deposit with the Township the required securities in an amount and form determined by the Township;
- iii. provide proof of any legal easement over any lands which may be required to facilitate a connection;
- iv. provide proof of the existence of any legal agreement authorizing the installation of any infrastructure beyond North Huron's boundaries;
- v. secure any approvals required by the Ministry of the Environment, Conservation and Parks;
- vi. secure the necessary permissions for the inspection, maintenance, repairs, replacements and installation of any new infrastructure for services on public lands or easements beyond North Huron's boundaries;

- vii. obtain the necessary permissions for North Huron and its agents to enter on, over, into and under land for servicing purposes;
- viii. confirm that sanitary sewer services shall be designed and installed to strictly prevent the connection of foundation drains, roof leaders and any other surface or ground water from entering the sanitary sewer services.

9.2. After the installation of infrastructure, the Landowner will:

- i. reimburse the Township within fifteen (15) business days for all costs related to the connection and access to services, including any reasonable costs of the Township of North Huron, including, but not necessarily limited to water meter purchases and installation, and all legal, administration and engineering costs that the Township incurs;
- ii. pay on a continuing and ongoing basis the applicable 'Beyond Township Boundary' water and wastewater fees as outlined in the Township's Fees and Charges By-law;
- iii. permit registration of the Cross Border Water and Sanitary Sewer Services Agreement on title, at the Landowners expense;
- iv. permit any sampling equipment on-site, if applicable; and
- v. permit periodic sewer inspections and maintenance on infrastructure, if necessary.

9.3. In cases of existing connections where the installation has occurred prior to the adoption of this policy, the execution of a Cross Border Water and Sanitary Sewer Services Agreement is still required and will be registered on title at the cost of the landowner. All other requirements as set out in 9.1 and 9.2 of this policy may be waived at the discretion of the Director of Public Works and Facilities, or his or her designate.

## 10. Delegation of Authority

10.1. The Director of Public Works and Facilities is delegated approval authority for connection requests of 2 cubic metres or less of water and 2 cubic metres or less of sanitary sewer services in accordance with this policy

10.2. Connection requests of greater than 2 cubic metres of water and greater than 2 cubic metres of sanitary sewer services require Council approval.

10.3. All provisions set out in this Policy, including the execution of a Cross Border Water and Sanitary Sewer Services Agreement, shall be required regardless of whether the request is approved by the Director of Public Works and Facilities or Council.