

**CANADA
PROVINCE DE QUÉBEC
MUNICIPALITÉ RÉGIONALE DU
COMTÉ D'ARGENTEUIL
MUNICIPALITÉ DU CANTON DE WENTWORTH**

BY-LAW, NUMBER 2016-004

**BY-LAW CONCERNING THE ECOLOAN PROGRAM FOR THE
REPLACEMENT OF SEPTIC SYSTEMS AND SEALING OF WELLS**

WHEREAS the Municipality of the Township of Wentworth has found that many septic systems and the sealing of wells on its territory were not complying with the regulations, and it has become necessary to enforce the replacement and upgrading in such circumstances;

WHEREAS the program is for the protection of the environment;

WHEREAS the program aims to meet the obligations and municipal powers imposed by the *“Regulations on the disposal and treatment of wastewater from isolated dwellings”* (Q-2, r. 22) and the *“Regulations on the protection and removal of water”* (Q-2, r 35.2.);

WHEREAS Articles 4, 19 and more specifically section 92 of the Municipal Powers Act (C-47.1) allow the municipality to implement such a program;

WHEREAS a Notice of motion was given at the regular Council meeting of May 2nd, 2016;

THEREFORE it is proposed by Councillor Deborah Wight-Anderson and **RESOLVED** that the By-Law number 2016-004 *“By-Law concerning the EcoLoan Program for the replacement of septic systems and sealing of wells”* be adopted and decreed as follows:

ARTICLE 1 CONTEXT

This present By-Law is given the title "By-Law concerning the EcoLoan Program for the replacement of septic systems and sealing of wells." The preamble is an integral part.

The main objective of this By-Law is to provide the framework for the replacement of non-compliant septic systems and sealing of non-compliant wells. For the owners admitted to the EcoLoan Program, an eco-funding program for grants is available in the form of advances by refundable or non-refundable funds.

ARTICLE 2 APPLICABLE TERRITORY

This Regulation applies to the whole territory of the Municipality.

ARTICLE 3 PARTIAL NULLITY OF THE BY-LAW

In case a part, clause or provision of this By-Law is declared invalid by a recognized court, the validity of all other parties, clauses or provisions cannot be questioned.

ARTICLE 4 PRECEDING RULES FOR THE PROVISIONS

In this By-Law, unless otherwise stated, the text prevails in the titles or any other form of expression.

The rules of this By-Law shall prevail over any inconsistent provision of one or more other planning by-laws of the Municipality of the Township of Wentworth.

ARTICLE 5 REGULATION AND LAWS

None of these rules may have the effect of exempting any person from the application of a Canadian or Quebec Law.

ARTICLE 6 INTERPRETATION OF TEXT AND WORDS

Except for words defined below, all words used in this By-Law keep their usual and common meaning. Also:

- 1) titles included in this By-Law are integral to all legal purposes. In case of contradiction between the actual text and titles, the text prevails.
- 2) the use of the present tense includes the future.
- 3) the singular includes the plural and vice versa.
- 4) the use of the word "shall" means an absolute obligation; the word "may" is permissive.
- 5) the term "person" includes any person or entity.
- 6) the masculine gender includes both sexes, unless the context indicates otherwise.

ARTICLE 7 TERMINOLOGY

In this By-Law, unless the context indicates differently, the term:

- 1) Council

Council of the Municipality of the Township of Wentworth

- 2) Municipality

Municipality of the Township of Wentworth

- 3) Professional

A member of a competent professional organization in the field, as defined in the "*Regulation respecting the disposal and treatment of wastewater from isolated dwellings*" (c. Q-2, r.22) and "*Regulations on the protection and removal of water*" (c. Q-2, r.35.2)

ARTICLE 8 LIABILITY

Any owner of a building located on the territory of the Municipality who desire enrolling in the EcoLoan Program must make an application subject to eligibility as per the procedure laid out in this By-Law.

The goal of the EcoLoan Program is to achieve the replacing or upgrading of the septic system, especially in the case of a septic installation in non-compliance or contamination in the environment. When the mere fact of sealing of the well allows the conformity of the existing water withdrawal or the sealing of the well enables the installation of a system other than the installation of a complete drainage.

Commercial and industrial buildings are excluded from the EcoLoan Program.

ARTICLE 9 CONDITIONS OF OPERATION

The granting of financial assistance in the form of refundable or non-refundable advances to the owner admitted to the program is subject to the availability of funds in the operation of the EcoLoan Program.

ARTICLE 10 TRANSMISSION OF AN APPLICATION

A request for admission to the EcoLoan Program must be sent by the applicant or his authorized representative to the designated officer. It must be signed by the applicant or his authorized representative and be accompanied by the information and documents required.

The program applies only in respect of duly completed and submitted applications no later than October 31 of the current year.

ARTICLE 11 DOCUMENTS AND INFORMATION REQUIRED

Any application for eligibility to the EcoLoan Pprogram shall include information and the following documents:

- 1) the full name and address of the owner or his authorized representative;
 - 2) the cadastral identification, dimensions and superficies of the immovable;
 - 3) a plan and / or a description of the septic system currently in place on the property including information on the type of system, the age of the system, the location of the system and the proximity of streams, lakes and wells;
- OR
- a plan and / or a description of the water intake installation currently in place on the property including information relative to the usage, number of buildings serviced, the location of the system and the locations of the current septic systems.
- 4) Any other documents required by this By-Law;
 - 5) Any other information deemed necessary to assess the application.

ARTICLE 12 ELIGIBILITY CRITERIA

Eligibility to the EcoLoan Program is subject to the following criteria:

- Age and condition of the system currently in place;
- Statement of property tax bill;
- Type of work to be done.

ARTICLE 13 ELIGIBLE AMOUNT

When a file is considered eligible to the EcoLoan Program, the designated officer evaluates the amount eligible for the realization of the replacement work and compliance with the standards of the septic system installation and sealing of the well. The amount eligible cannot exceed \$ 15,000 of which 70% of the costs are admissible to the program.

ARTICLE 14 ELIGIBLE COSTS

Eligible for the EcoLoan Program are all costs related to soil tests, implementation plans for the installation, purchase of the main elements of the septic system or sealing of the well, to complete construction of the septic system or sealing of the well, the labor and fees for the completion of the work and any other task or work deemed essential to the replacement and upgrading of the septic system or sealing of the well.

ARTICLE 15 EVALUATION FOR ELIGIBILITY

At the presentation of an eligibility request for the EcoLoan Program, the designated officer reviews the application and checks whether all the required information and documents have been provided.

If the information and documents required are incomplete or inaccurate, the evaluation for eligibility is suspended until the information and documents required have been provided by the applicant. The application is deemed to have been received on the date of receipt of this information and additional documentation.

When the eligibility application is complete, the designated officer assesses the eligibility according to the evaluation criteria identified in Article 12. An officer also evaluates the eligible costs as identified in Article 14.

ARTICLE 16 PRELIMINARY FINANCIAL AGREEMENT

When the application is deemed eligible to the EcoLoan Program, a preliminary financial agreement is signed between the applicant or his authorized representative and the Municipality. The Council authorizes the General Manager to conclude the said preliminary financial agreement.

The preliminary agreement is the estimated costs eligible for the program, the terms of reimbursement of costs in the form of municipal taxes on a per year basis, the annual amount and the interest rate and any other relevant information.

The preliminary financial agreement authorizes the applicant to proceed with the soil tests and acquiring the installation plans for the septic system or sealing of the well.

ARTICLE 17 SOIL TESTS AND SYSTEM IMPLEMENTATION PLANS

Following the signing of the preliminary financial agreement, the applicant enters into a service agreement with a professional for studies prior to obtaining the certificate of authorization as stipulated in Q-2 r.22 and Q-2 r.35.2

A meeting to start this mandate must be made between the designated officer, the applicant and the professional.

A copy of the results and any documents produced as part of this mandate must be sent to the designated officer.

ARTICLE 18 EVALUATION OF COSTS AND ESTIMATES

Following the design plans of the septic installation or sealing of the well, the applicant obtains an estimate from a recognized service provider in this field for the purchase of the main elements of the septic system or sealing of the well and for its construction and installation. A copy of the estimate shall be sent to the designated officer. The choice of supplier is made by the applicant. The total costs eligible for the EcoLoan Program are evaluated according to the estimate.

ARTICLE 19 REVIEW BY MUNICIPAL COUNCIL

The Municipal Council accepts the applicant's eligibility and costs associated with the project and granting financial aid by adopting a resolution authorizing the General Manager to conclude the EcoLoan Program funding agreement.

In the case of a refusal, the resolution by which the Council took that decision must contain the reason for the refusal and, if applicable, the conditions for the application to be subsequently accepted.

ARTICLE 20 FUNDING AGREEMENT

A funding agreement is signed between the applicant or his authorized representative and the Municipality before issuing the certificate of authorization for the septic system, following the adoption of the resolution granting the financial support and for signing the funding agreement.

This agreement establishes the terms and conditions for the granting of financial assistance to the applicant in accordance with Articles 31 and 32 of this By-Law.

The funding agreement is conditional upon receipt by the applicant or his representative of a certificate of authorization for the septic system or sealing of the well in accordance with the Administration of the planning By-Law number 101 in force and not without the penalties provided for in that By-Law.

ARTICLE 21 PERMIT AND CERTIFICATE OF AUTHORIZATION

A complete application for an authorization certificate must be sent to the official appointed by the applicant or his agent.

The authorization certificate cannot be issued before the signing of the funding agreement.

Before issuing the certificate of authorization, a startup meeting is held between the applicant, service providers and the designated officer to ensure compliance of the work related to the terms of the funding agreement.

The designated officer will then issue the certificate of authorization if the conditions under this By-Law and the applicable planning By-Laws are met.

ARTICLE 22 EXECUTION OF WORK

The work for replacing and upgrading of the septic installation and sealing of the well are the applicant's responsibility.

All provisions of the planning By-Laws for monitoring and compliance inspections must be respected. The professional must certify that the work was completed according to the permit and plans. Upon receipt of the compliance certificate report from the professional, the designated officer must verify that the work was carried out in accordance with planning By-Laws and all applicable provisions.

Following receipt of the compliance report from the said professional, a closing meeting is held to confirm the conformity of the work with respect to planning By-Laws and this By-Law.

The work must be completed within a period of six (6) months from the issuance of the certificate of authorization.

ARTICLE 23 BILLING AND PAYMENT OF WORK

The Municipality is responsible for paying the portion eligible for financial assistance for the work provided for in Articles 17 and 22, in accordance with the funding agreement. These costs are charged directly to the Municipality by the professional and service providers.

ARTICLE 24 OPERATION FUND

An operations fund is created to make available financial resources for the operation of the program.

ARTICLE 25 BORROWING BY-LAW

Funding is made through a borrowing By-Law for the operation of the program on an annual or multi-year basis. The funds are then deposited to the operation of the program fund.

Borrowing By-Laws are subject to the provisions of provincial statutes and regulations.

ARTICLE 26 ADDITIONAL REFUNDABLE LOANS AND FINANCING

Funding for the program can also be made through repayable loans or financing programs available, according to the eligibility for these programs on an annual or multi-year basis. The funds are then deposited to the operation of the program funds.

ARTICLE 27 GRANTS

Grants may be assigned to the operation funds, depending on availability of subsidy programs. In such cases, the terms of the borrowing By-Law and the provisions of the funding agreement must reflect this.

ARTICLE 28 ELIGIBLE FUNDING

The applicant admitted to the program obtains financial assistance corresponding to the proportion of eligible costs under Article 13.

ARTICLE 29 REFUNDABLE LOAN

All financial assistance is granted in the form of a repayable loan under the terms of the funding agreement, unless a portion of the aid comes from a grant.

ARTICLE 30 NON-REFUNDABLE FINANCIAL AID

In the event that a grant is assigned to the operation fund of the program, a portion of the financial aid is granted to the applicant in the form of non-repayable financial assistance awarded to the applicant in proportion to the total amount of grant assigned to the program for a given period on the total amount of funds allocated for the program.

ARTICLE 31 PURPOSE OF THE AGREEMENT

The funding agreement aims to formalize the terms and conditions for the granting of financial assistance under the program in accordance with this By-Law and regulations;

ARTICLE 32 CONTENT OF AGREEMENT

The financial agreement must include in particular:

- the amount established as financial assistance, granted in the form of repayable cash advance to the applicant;
- the amount established as non-repayable financial assistance to the applicant;
- the date and the procedure for funding;
- the interest rate charged to the applicant;
- the terms of reimbursement including payment method, the method of billing, amounts and frequency for repayment;
- default conditions and other administrative arrangements;
- any other information deemed necessary.

ARTICLE 33 METHOD OF REIMBURSEMENT

The repayment of the financial assistance is by the imposition of a compensation provided under the borrowing By-Law which funds the program.

ARTICLE 34 ADMINISTRATION

The administration of this By-Law is entrusted to a person appointed as "designated officer", by resolution of the Council, in accordance with By-Law 101, *By-Law regarding the Administration of the town planning By-Laws*.

Officials appointed to assist or replace the designated officer may be appointed by resolution of the Council. The designated officer and its authorized representatives are therefore the competent authority. In this By-Law, the use of "designated officer" is equivalent to the use of the term "competent authority".

**ARTICLE 35 MANAGEMENT AND SIGNATURE OF FINANCIAL
 AGREEMENTS**

Notwithstanding the preceding article, the Council shall appoint the General Manager of the Municipality to prepare, sign and manage funding agreements in accordance with this By-Law.

If the General Manager is unable to fulfill their responsibilities, they can be replaced by the assistant secretary-treasurer.

ARTICLE 36 AMOUNTS OWED TO THE MUNICIPALITY

Pursuant to section 96 of the Municipal Powers Act (RLRQ v. 47-1), any amount due to the Municipality by the owner of a building, under this By-Law, is treated as a property tax.

ARTICLE 37 LANGUAGE

In case of difference between the French and English versions, the French version prevails.

ARTICLE 38 ENTRY INTO FORCE

The present By-Law enters into force conform with the Law.

**Marcel Harvey
Mayor**

**Natalie Black
General Manager and Secretary
Treasurer**

**Notice of motion :
Adoption of By-Law :
Public notice :**

**May 2nd 2016
June 14th 2016
July 12th 2016**