

The Corporation of the City of Kawartha Lakes

Agenda

Regular Council Meeting

CC2018-04

Tuesday, March 6, 2018

Closed Session Commencing at 1:30 p.m. Open Session Commencing at 2:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham
Councillor Isaac Breadner
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Gord James
Councillor Gerard Jilesen
Councillor Brian S. Junkin
Councillor Rob Macklem
Councillor Mary Ann Martin
Councillor Gord Miller
Councillor Patrick O'Reilly
Councillor John Pollard
Councillor Kathleen Seymour-Fagan
Councillor Heather Stauble
Councillor Stephen Strangway
Councillor Andrew Veale
Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

1. **Call to Order**
2. **Adoption of Closed Session Agenda**
3. **Disclosure of Pecuniary Interest in Closed Session Items**
4. **Closed Session**
 - 4.1 CC2018-04.4.1
**Closed Session Minutes, Regular Council Meeting
February 13, 2018
Municipal Act, 2001 s. 239(2)(f)**
 - 4.2 PUR2018-007
**Tender 2018-01-CT Construction of Concrete Sidewalks, Curbs and
Gutters
Litigation or Potential Litigation
Municipal Act, 2001 s.239(2)(e)
Launa Lewis, Supervisor Financial Services
Corby Purdy, Supervisor/Infrastructure, Design, Construction**
5. **Opening Ceremonies**
 - 5.1 Call Open Session to Order
 - 5.2 O Canada
 - 5.3 Moment of Silent Reflection
 - 5.4 Adoption of Open Session Agenda
6. **Disclosure of Pecuniary Interest**
7. **Notices and Information by Members of Council and Staff**
 - 7.1 Council
 - 7.2 Staff
8. **Matters from Closed Session**

9.	Minutes	
9.1	CC2018-04.8.1	13 - 35
	Regular Council Meeting of February 13, 2018	
	That the Minutes of the February 13, 2018 Regular Council Meeting, be received and adopted.	
10.	Presentations and Deputations	
11.	Consent Matters	
	That all of the proposed resolutions shown in Section 11.1 and 11.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.	
11.1	Reports	
11.1.1	PLAN2018-022	36 - 43
	A by-law to deem Lots 40 and 41, Registered Plan 304, Vacant Land on Centennial Park Road, Geographic Township of Eldon (Kinney) – Planning File D30-2018-005	
	David Harding, Planner II	
	That Report PLAN2018-022, respecting Lots 40 and 41, Registered Plan 304, Geographic Township of Eldon, Kinney – Application D30-2018-005 , be received;	
	That a Deeming By-law respecting Lots 40 and 41, Registered Plan 304, substantially in the form attached as Appendix D to Report PLAN2018-022, be approved and adopted by Council; and	
	That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.	
11.1.2	EA2018-008	44 - 56
	Petition for Drainage Works By the Road Authority (Cameron)	
	Michael Farquhar, Supervisor, Technical Services	

That Report EA2018-008, **Petition for Drainage Works by Road Authority (Cameron)**, be received;

That Council proceeds with the petition submitted by the Road Authority for drainage works and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

That Council appoint RJ Burnside & Associates for this project

That Council instruct RJ Burnside & Associates to combine the Waite petition and the Road Authorities petition into one report as per section 8(4) of the Ontario Drainage Act.

11.1.3

RS2018-007

57 - 63

Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and Legally Described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes

Laura Carnochan, Law Clerk – Realty Services

That Report RS2018-007, Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and Legally Described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes, be received;

That the subject property, being a portion of road allowance adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and legally described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of the road allowance and sale to the adjoining owners, be supported, in principle, in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional agreement of purchase and sale;

That staff be directed to commence the process to stop up and close the said portion of the road allowance;

That any deputation or public input in opposition of the closing, if any, shall be considered, and if appropriate, a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands.

11.1.4

RS2018-008

64 - 70

Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes
Laura Carnochan, Law Clerk – Realty Services

That Report RS2018-008, **Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes**, be received;

That the subject property, being the shoreline road allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes be declared surplus to municipal needs;

That Council support, in principle, the closure of the shoreline road allowance and sale to the adjoining owners in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001 and subject to the parties entering into a conditional agreement of purchase and sale;

That staff be directed to commence the process to stop up and close the said portion of the road allowance;

That any deputation or public input in opposition of the closing, if any, shall be considered, and if appropriate, a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed; and

That the Mayor and Clerk be authorized to execute any documents to facilitate the road closing and conveyance of the lands.

11.1.5

RS2018-009

71 - 76

Acquisition of Land for Road Purposes – Portion of Palestine Road
Laura Carnochan, Law Clerk – Realty Services

That Report RS2018-009, Acquisition of Land for Road Purposes – Portion of Palestine Road, be received;

That the acquisition of Part of the West Half of Lot 15, Concession 4, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10631, being Part of PIN: 63173-0071 (LT) for road purposes, be approved;

That staff be directed to commence the process of obtaining ownership of the required land, for nominal consideration, with all related costs payable by the applicants;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision;

That the Mayor and Clerk be authorized to execute any documents and agreements required to release the municipality's interest in the subject property; and

That the necessary By-law be forwarded to Council for adoption.

11.1.6

WWW2018-006

77 - 136

A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes - Update

Amber Hayter, Supervisor of Water and Wastewater Operations

That Report WWW2018-006, A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes – Update, be received;

That the by-law, A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes, substantially in the form attached as Appendix A and Appendix B-Option 1 to Report WWW2018-006 to be included as Schedule A to the by-law, be approved and adopted by Council; and

That a by-law to repeal By-law 2011-260, A By-law to Govern Water and Wastewater Services in the City of Kawartha Lakes, be brought forward for adoption.

11.1.7

WWW2018-007

137 - 152

Region of Durham and City of Kawartha Lakes Enforcement Responsibility Agreement for Source Water Protection

Kayla Strackholder, Contract Coordinator

That Report WWW2018-007, **Region of Durham and City of Kawartha Lakes Enforcement Responsibility Agreement for Source Water Protection**, in connection with the Mariposa Estates Municipal Drinking Water System, be received;

That the agreement between the Corporation of the City of Kawartha Lakes and the Regional Municipality of Durham for Enforcement Responsibility Agreement attached as Appendix A to Report WWW2018-007, be approved; and

That the Mayor and City Clerk be authorized to execute any documents and agreements required by the approval of this agreement.

11.2 Correspondence

11.2.1 CC2018-04.11.2.1 153 - 153

Memo - Reduction of Speed Limit County Road 8 (Helen Street)

Doug Elmslie, Councillor

That the March 6, 2018 memorandum from Councillor Elmslie regarding **Reduction of Speed Limit County Road 8 (Helen Street)**, be received;

That staff bring forward a by-law to Council to extend the 60 km per hour zone on County Road 8 (Helen Street) westbound from its present limit to Byrnell St.; and

That the eastbound lane on County Road 8 (Helen Street) from Byrnell St. to the 50 km per hour sign in Fenelon Falls also be included within the established 60 km per hour zone.

11.2.2 CC2018-04.11.2.2 154 - 155

Age Friendly Initiative Project Update - Positive Aging Strategy

John Daly, County Clerk

County of Simcoe

That the February 15, 2018 correspondence from John Daly, County Clerk, County of Simcoe regarding **Age Friendly Initiative Project Update - Positive Aging Strategy**, be received.

11.2.3 CC2018-04.11.2.3 156 - 157

White Paper - Building a Seniors Campus

John Daly, County Clerk

County of Simcoe

	That the February 2, 2018 correspondence from John Daly, County Clerk, County of Simcoe, regarding White Paper - Building a Seniors Campus , be received.	
11.2.4	CC2018-04.11.2.4	158 - 159
	Request for Noise By-law Exemption Jarrod Finlay, Technical Services Officer Ministry of Transportation	
	That the February 16, 2018 correspondence from Jarrod Finlay, Technical Services Officer, Ministry of Transportation, regarding Request for Noise By-law Exemption , be received; and	
	That the exemption from the City's Noise By-law 2005-025, as amended, for the construction activities at the intersection of Highway 35 and Highway 7 from June 1, 2018 to October 1, 2018, be approved.	
11.3	Items Extracted from Consent	
12.	Committee of the Whole and Planning Committee Minutes	
12.1	CC2018-04.12.1	160 - 184
	Planning Advisory Committee Meeting of February 14, 2018	
	That the Minutes of the February 14, 2018 Planning Advisory Committee Meeting be received and the recommendations be adopted.	
13.	Petitions	
14.	Other or New Business	
15.	By-Laws	
	That the By-laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.16, be read a first, second and third time, passed, numbered, signed and the corporate seal attached.	
15.1	By-Laws by Consent	
15.1.1	CC2018-04.15.1.1	185 - 188
	A By-law to Amend By-law 2016-206, the Consolidated Fees By-law in the City of Kawartha Lakes (Amendment No. 7)	

15.1.2	CC2018-04.15.1.2	189 - 191
	A By-law to Authorize the Sale of Municipally Owned Property Legally Described as Lot 2, Registered Plan No. 434, in the Geographic Township of Somerville, City of Kawartha Lakes Designated as Parts 1 and 2 on Plan 57R-10556 Being Part of PIN: 63119-0289 (LT)	
15.1.3	CC2018-04.15.1.3	192 - 193
	A By-law to Amend By-law 2012-173, being a By-law to Regulate Parking (Amendment No. 15)	
15.1.4	CC2018-04.15.1.4	194 - 197
	A By-law to Amend By-law 2012-019 and Schedule A of By-law 2012-019, being a By-law under the Building Code Act Respecting Permits and Related Matters (Amendment No. 4)	
15.1.5	CC2018-04.15.1.5	198 - 199
	A By-law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes (C. Bryant)	
15.1.6	CC2018-04.15.1.6	200 - 200
	A By-law to Repeal By-law 2014-128, being a By-law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes (N. Dawkins)	
15.1.7	CC2018-04.15.1.7	201 - 202
	A By-law to Deem Part of a Plan of Subdivision, Previously Registered for Lands within Kawartha Lakes, Not to be a Registered Plan Of Subdivision in Accordance with the Planning Act PIN # 63170-0556 (LT) and PIN # 63170-0557 (LT), Described as Lots 40 and 41, Plan 304, Geographic Township of Eldon, Now City of Kawartha Lakes	
15.1.8	CC2018-04.15.1.8	203 - 204
	A By-law to Amend the Township of Ops Zoning By-law No. 93-30 to Rezone Land within the City of Kawartha Lakes (1144 River Road - 2264768 Ontario Limited)	

15.1.9	CC2018-04.15.1.9	205 - 207
	A By-law to Amend the Township of Manvers Zoning By-law No. 87-06 to Rezone Land within the City of Kawartha Lakes (136 Golf Course Road - 2264768 Ontario Limited)	
15.1.10	CC2018-04.15.1.10	208 - 210
	A By-law to Amend the Township of Mariposa Zoning By-law No. 94-07 to Rezone Land within the City Of Kawartha Lakes (594 Highway 7 - 2264768 Ontario Limited)	
15.1.11	CC2018-04.15.1.11	211 - 213
	A By-law to Amend the Township of Manvers Zoning By-law No. 87-06 to Rezone Land within the City Of Kawartha Lakes (359 St. Mary's Road - 2264768 Ontario Limited)	
15.1.12	CC2018-04.15.1.12	214 - 216
	A By-law to Amend the Township of Manvers Zoning By-law No. 87-06 to Rezone Land within the City Of Kawartha Lakes (63 Lifford Road - 2264768 Ontario Limited)	
15.1.13	CC2018-04.15.1.13	217 - 218
	A By-law to Amend the Township of Ops Zoning By-Law No. 93-30 to Rezone Land within the City of Kawartha Lakes (771 Lilac Road - Popovic)	
15.1.14	CC2018-04.15.1.14	219 - 221
	A By-law To Amend the Town of Lindsay Zoning By-law No. 2000-75 to Rezone Land within the City of Kawartha Lakes (85, 87, 89, 91, 93, 95, 96, 98, 100, 102, 104 and 106 Cook Street – multiple landowners)	
15.1.15	CC2018-04.15.1.15	222 - 224
	A By-law to Amend the Township of Ops Zoning By-law No. 93-30 to Rezone Land within the City of Kawartha Lakes (85, 87, 89, 91, 93, 95, 97, 99, 101, 103, and 105 Cook Street – multiple landowners)	
15.1.16	CC2018-04.15.1.16	225 - 228
	A By-law to Amend the Township of Emily Zoning By-law No. 1996-30 to Rezone Land within the City of Kawartha Lakes (37, 45, 57 and 61 Wispi Shore Road – Cameron, Osmond, Gratz, Devers, and Ashmeade)	

15.2	By-Laws Extracted from Consent	
15.2.1	CC2018-04.15.2.1	229 - 281
	A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes	
16.	Notice of Motion	
17.	Closed Session (If Not Completed Prior to Open Session)	
18.	Matters from Closed Session	
19.	Confirming By-Law	
19.1	CC2018-04.19.1	282 - 282
	A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, March 6, 2018	
20.	Adjournment	

The Corporation of the City of Kawartha Lakes

Minutes

Regular Council Meeting

CC2018-02

Tuesday, February 13, 2018

Closed Session Commencing at 1:00 p.m. Open Session Commencing at 2:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Councillor Isaac Breadner

Councillor Pat Dunn

Councillor Doug Elmslie

Councillor Gord James

Councillor Gerard Jilesen

Councillor Brian S. Junkin

Councillor Rob Macklem

Councillor Mary Ann Martin

Councillor Gord Miller

Councillor Patrick O'Reilly

Councillor John Pollard

Councillor Kathleen Seymour-Fagan

Councillor Heather Stauble

Councillor Stephen Strangway

Councillor Andrew Veale

Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

1. Call to Order

Mayor Letham called the Meeting to order at 1:30 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, G. Miller, P. O'Reilly, J. Pollard, H. Stauble, S. Strangway, A. Veale and E. Yeo were in attendance.

Absent: Councillors M.A. Martin and K. Seymour-Fagan

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk A. Rooth, City Solicitor R. Carlson and Directors C. Marshall, J. Rojas and C. Shanks were also in attendance.

2. Adoption of Closed Session Agenda

CR2018-050

Moved By Councillor Strangway

Seconded By Councillor Elmslie

That the Closed Session agenda be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest in Closed Session Items

There were no declarations of pecuniary interest noted.

4. Closed Session

CR2018-051

Moved By Councillor Miller

Seconded By Councillor Macklem

That Council convene into closed session at 1:30 p.m. in order to consider matters on the Tuesday, February 13, 2018 Closed Session Agenda and that are permitted to be discussed in a session closed to the public pursuant to Section 239(2) of the Municipal Act, S.O. 2001. S.25.

Carried

5. Opening Ceremonies

5.1 Call Open Session to Order

Mayor Letham called the Open Session of the Meeting to order at 2:00 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, G. Miller, P. O'Reilly, J. Pollard, H. Stauble, S. Strangway, A. Veale and E. Yeo were in attendance.

Absent: Councillors M.A. Martin and K. Seymour-Fagan

Early Departure: Councillor Pollard 4:12 p.m.

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk A. Rooth and various other staff members were also in attendance.

5.2 O Canada

The Meeting was opened with the singing of 'O Canada'.

5.3 Moment of Silent Reflection

The Mayor asked those in attendance to observe a Moment of Silent Reflection.

5.4 Adoption of Open Session Agenda

CR2018-055

Moved By Councillor Veale

Seconded By Councillor O'Reilly

That the Agenda for the Open Session of the Regular Council Meeting of Tuesday, February 13, 2018, be adopted as circulated and with the following amendments:

Addition - Minutes

9.2

Drainage Board Meeting of February 1, 2018

Addition - Consent Correspondence

11.2.4

Consolidated Trails By-law 2007-107 Review

Report PRC2018-004, Items 11.1.7 and 15.1.8 on the Agenda

Ross Evans, Kawartha ATV Association (KATVA)

Addition - Confirming By-law

19.1

A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday,
February 13, 2018

Carried

6. Disclosure of Pecuniary Interest

There were no declarations of pecuniary interest noted.

7. Notices and Information by Members of Council and Staff

7.1 Council

Councillor Strangway:

- 2 workshops were held to provide input on the development of a new Five Year Accessibility Plan and were well attended.
- The City is currently seeking nominations for the annual Accessibility Awards in June to recognize individuals and groups in community who have contributed to promoting accessibility.

Councillor Miller:

- Kinmount Winterfest is February 10th and 11th at the Kinmount Fairgrounds.
- Condolences to family and friends of Wilf Dymond who recently passed.

Councillor Macklem:

- Family Fun Day at the Carden Recreation Center is on February 17th.

Councillor Yeo:

- The Coboconk, Norland and Area Chamber of Commerce 2nd Annual Coby-Norland Frostival is on February 17th at the Coboconk Train Station from 12:00 to 4:00 p.m.
- The Pattie House Annual Fishing Derby is February 17th from 7:00 a.m. to 3:00 p.m.
- The Pioneer Baptist Church in Norland is hosting a Community Dinner on February 17th from 5:00 to 6:30 p.m.
- Coboconk Lions Annual Sleigh Ride is February 18th at Balsam Lake Provincial Park from 1:00 to 3:00 p.m.

Councillor Elmslie:

- the annual snowmobile Family Fun Ride is February 17th, culminating at the Burnt River Community Centre with funds going to support breakfast programs at local schools.

Councillor Veale

- Condolences to family and friends of Paul Otter, founder of Woodville Farms who recently passed.

Councillor O'Reilly:

- February 13, 2018 is Canada's Agriculture Day.
- The East Central Farm Show is March 7th and 8th at the Lindsay Exhibition. EC Farm Show Mar 7-8.
- The Academy Theatre presents Beautiful Dreamers February 24th and 25th.
- The 2018 Winter Olympics are currently underway and Canada has numerous medals.
- Snowcross 2018 is February 17th to 18th at the Lindsay Exhibition.
- Everyone is invited to a Family Day event organized by the Hockey Hall of Fame in partnership with the Kawartha Museum and Art Gallery at the Victoria Park Armoury from 11:00 a.m. to 4:00 p.m. He noted that local residents had the opportunity to see the Stanley Cup at the Victoria Park Armoury on January 21st.
- Big Brothers and Big Sisters Bowl for Kids Sake is on February 24th.
- The Annual Brotherhood Dinner is on February 26th at 7:00 p.m. at the Lindsay Legion.
- Condolences to former City Deputy Clerk Sandra Lloyd on her husband's recent passing.
- Boys and Girls Clubs of Kawartha Lakes 3rd Annual Shamrock Sprint is on March 10th.

Mayor Letham:

- February 28th is Rare Disease Day to help raise awareness.

7.2 Staff

8. Matters from Closed Session

Item 4.2

City Solicitor R. Carlson provided information relating to South Pond Farms (1020 Gray Road).

9. Minutes:

9.1 CC2018-02.9.1

Regular Council Meeting of January 30, 2018

9.2 CC2018-02.9.2

Drainage Board Meeting of February 1, 2018

CR2018-056

Moved By Councillor Strangway

Seconded By Councillor Elmslie

That the Minutes of the January 30, 2018 Regular Council Meeting, be received and adopted; and

That the Minutes of the February 1, 2018 Drainage Board Meeting, be received.

Carried

10. Presentations and Deputations

10.1 CC2018-02.10.1

Proposed CKL Local Improvement Loan Program Presentation

Ron Taylor, CAO

Andrew Wallen, General Manager, Kawartha Lakes Community Futures Development Corporation

CAO Taylor provided an overview of the proposed Local Improvement Loan Program, identifying its alignment with the City's goals and objectives.

CR2018-057

Moved By Councillor Yeo

Seconded By Councillor Breadner

That the presentation by Ron Taylor, CAO and Andrew Wallen, General Manager, Kawartha Lakes Community Futures Development Corporation,

regarding **Proposed CKL Local Improvement Loan Program Presentation**, be received.

Carried

10.2 CC2018-02.10.2

Lindsay Transit Master Plan Presentation

Todd Bryant, Manager of Fleet and Transit

Manager Bryant provided an overview of the Lindsay Transit Master Plan.

CR2018-058

Moved By Councillor Strangway

Seconded By Councillor James

That the presentation by Todd Bryant, Manager of Fleet and Transit, regarding **Lindsay Transit Master Plan Presentation**, be received.

Carried

11. Consent Matters

The following items were requested to be extracted from the Consent Agenda:

Item 11.1.2 - Councillor Elmslie

Item 11.1.3 - Councillor Breadner

Item 11.1.4 - Councillor Strangway

Item 11.1.5 - Councillors Macklem and Yeo

Item 11.1.7 - Councillor Junkin

Item 11.1.8 - Councillor Breadner

Item 11.1.12 - Councillor Junkin

Item 11.2.1 - Mayor Letham

Moved By Councillor Miller

Seconded By Councillor O'Reilly

That all of the proposed resolutions shown in Section 11.1 and 11.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered, save and except Items 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.7, 11.1.8, 11.1.12 and 11.2.1.

Carried

11.1 Reports

11.1.1 CAO2018-001

Proposed CKL Local Improvement Loan Program

Ron Taylor, CAO

CR2018-059

That Report CAO2018-001, **Proposed CKL Local Improvement Loan Program**, be received;

That the CAO be authorize to negotiate an agreement with Kawartha Lakes Community Futures Development Corporation for an interest free improvement loan to a maximum of \$500,000 and matched by the City; and

That staff report back to Council on the details of implementing a Community Improvement Plan to incent local non-residential building improvements, inclusive of a supporting CKL Local Improvement Loan Program.

Carried

11.1.6 CS2018-005

Closure of Outstanding 2016 Approved Bobcaygeon Legacy C.H.E.S.T. Fund Projects

Lisa Peimann, Executive Assistant to Community Services

CR2018-060

That Report CS2018-005, **Closure of Outstanding 2016 Approved Bobcaygeon Legacy C.H.E.S.T. Fund Projects**, be received;

That Projects 330251, 330252, 330253, 330354, 330255, 330256, 330257, 330259 and 330260, be closed due to completion; and

That project 330258, Bobcaygeon Lawn Bowling, in the amount of \$540.00, be closed with a surplus and be placed back into the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve Account 3.24320 to be made available for distribution in future grant funding years.

Carried

11.1.9 PUR2018-005

Proposal 2017-37-OP Supply, Installation and Maintenance of Digital Multi-Functional Printing Devices

Ashley Wykes, Buyer

Justin Chevrier, Supervisor Network Services and Client Support

CR2018-061

That Report PUR2018-005, **Proposal 2017-37-OP Supply, Installation and Maintenance of Digital Multi-Functional Printing Devices**, be received;

That DCB Business Systems Inc. O/A OT Group of Belleville, being the highest scoring proponent be selected for award of Proposal 2017-37-OP Supply, Installation and Maintenance of Digital Multi-Functional Printing Devices for a sixty (60) month lease;

That additional agreements entered into for the lease of a printing device be executed according to the Purchasing Management Directive Table of Authority; and

That the Mayor and Clerk be authorized to execute the lease.

Carried

11.1.10 PUR2018-006

Proposal 2017-82-CP Demolition and Removal of Buildings and Structures at Various City Locations

Ashley Wykes, Buyer

Jörg Petersen, Manager Building and Property

CR2018-062

That Report PUR2018-006 Proposal 2017-82-CP Demolition and Removal of Buildings and Structures at Various City Locations be received;

That Jones Group Ltd. of McGregor, being the highest scoring proponent, be selected for the award of Proposal 2017-82-CP Demolition and Removal of Buildings and Structures at Various City Locations for a proposed cost of \$263,380, plus HST;

That the demolition cost of \$263,380 plus \$15,000 contingency for a total of \$278,380 be financed from the General Contingency Reserve (1.32090);

That the Property Development Reserve (1.32035), with a current estimated balance of \$150,000, reimburse the General Contingency Reserve (1.32090) once it has sufficient funds from future sales of land in 2018 and 2019;

That subject to the receipt of the required documents, the Mayor and City Clerk be authorized to execute the agreement to award RFP 2017-82-CP; and

That the Financial Services Division be authorized to issue a purchase order.

Carried

11.1.11 DEV2018-002

**Kawartha Lakes Healthy Environment Plan
Funding Agreement MCIP15346**

Denise Williams, Strategy Management

CR2018-063

That Report DEV2018-002, **Kawartha Lakes Healthy Environment Plan Funding Agreement MCIP15346**, be received;

That the City of Kawartha Lakes develop a Greenhouse Gas Emissions Reduction and Community Energy Plan that will include specific tasks; who will accomplish them and when they will be implemented, estimated costs and an implementation and monitoring strategy; and

That the City of Kawartha Lakes committed and spent \$75,000 from its existing Operating budget in 2016 toward the costs of this initiative; and

THAT the Mayor and Clerk be authorized to execute the Kawartha Lakes Healthy Environment Plan Funding Agreement MCIP15346 attached as appendix A to this report.

Carried

11.1.13 EA2018-006

Revisions to 2018 Gravel Resurfacing Program
Adam Found, Manager of Corporate Assets

CR2018-064

That Report EA2018-006, **Revisions to 2018 Gravel Resurfacing Program**, be received; and

That the revisions to the 2018 Gravel Resurfacing Program (RD1806), as indicated in Appendix A attached to Report EA2018-006, be adopted.

Carried

11.1.14 EA2018-007

Amendment to Clean Water and Wastewater Fund Transfer Payment Agreement

Adam Found, Manager of Corporate Assets

CR2018-065

That Report EA2018-007, **Amendment to Clean Water and Wastewater Fund Transfer Payment Agreement**, be received; and

That the Mayor and City Clerk be authorized to execute the Transfer Payment Agreement amendment attached as Appendix A to Report EA2018-007.

Carried

11.1.15 HH2018-001

Progress on Addressing Homelessness

Hope Lee, Administrator/Manager of Housing

CR2018-066

That Report HH2018-001, Progress on Addressing Homelessness, be received; and

That the City of Kawartha Lakes, in its capacity as Service Manager for both the City of Kawartha Lakes and the County of Haliburton, recommit participation to the 20,000 Homes Campaign under the refocused aim to end chronic homelessness in 20 communities and house 20,000 of Canada's most vulnerable homeless people by July 1, 2020 committing to:

1. Adopting a functional end to chronic homelessness measure defined generally as three or less people experiencing chronic homelessness sustained for at least three consecutive months;
2. Committing to the Campaign's five key activities (as outlined in Attachment A to Report HH2018-001); and
3. Adopting the amended Canadian Observatory on Homelessness Definition of Homelessness as the local definition (as outlined in Attachment B to HH2018-001).

Carried

11.1.16 WM2018-001

2018 Fenelon Landfill Public Review Committee Work Plan

Kerri Snoddy, Waste Technician

CR2018-067

That Report WM2018-001, **2018 Fenelon Landfill Public Review Committee Work Plan**, be received; and

That the 2018 Fenelon Landfill Public Review Committee Work Plan as outlined in Appendix A to Report WM2018-001, be approved.

Carried

11.1.17 MLE2018-001

Coldstream Road Parking By-law Amendment to Establish Prohibited Parking Areas

Aaron Sloan, Manager of Municipal Law Enforcement

CR2018-068

That Report MLE2018-001, **Coldstream Road Parking By-law Amendment to Establish Prohibited Parking Areas**, be received;

That prohibited parking be added to both sides of the roadway starting at Hemlock St. continuing east approximately 440m ending in front of 140 Coldstream Rd.; and

That the necessary By-Law be forwarded to Council for adoption at a future meeting.

Carried

11.2 Correspondence

11.2.2 CC2018-02.11.2.2

Memo -Federal Action on the Conservation of Heritage Properties

William Bateman, Chair

Kawartha Lakes Municipal Heritage Committee

CR2018-069

That the February 5, 2018 memorandum from William Bateman, Chair of the Kawartha Lakes Municipal Heritage Committee regarding **Federal Action on the Conservation of Heritage Properties**, be received.

Carried

11.2.3 CC2018-02.11.2.3

Memo - Preserving Canada's Heritage: The Foundation for Tomorrow

Rob Macklem, Councillor

CR2018-070

Whereas The House of Commons Standing Committee on Environment and Sustainable Development - Report 10 - Preserving Canada's Heritage: The Foundation for Tomorrow makes recommendations regarding the preservation of Canada's heritage;

And Whereas the Kawartha Lakes Municipal Heritage Committee recommends Council support the Standing Committees recommendations contained in Report 10;

Therefore Be It Resolved That the memorandum from Councillor Macklem dated February 13, 2018 be received; and

That Council support the recommendations of the Federal House of Commons Standing Committee on Environment and Sustainable Development contained in Report 10 - Preserving Canada's Heritage: The Foundation for Tomorrow; and

That this motion be sent to the Honorable Catherine McKenna Minister of Environment, Bill Morneau Minister of Finance, and Jamie Schmale MP.

Carried

11.2.4 CC2018-02.11.2.4

Consolidated Trails By-law 2007-107 Review

Report PRC2018-004, Items 11.1.7 and 15.1.8 on the Agenda

Ross Evans, Kawartha ATV Association (KATVA)

CR2018-071

That the February 11, 2018 correspondence from Ross Evans, Kawartha ATV Association (KATVA), regarding **Consolidated Trails By-law 2007-107 Review**, Report PRC2018-004, Items 11.1.7 and 15.1.8 on the Agenda, be received.

Carried

11.3 Items Extracted from Consent

11.1.2 TR2018-001

Lindsay Transit Master Plan

Todd Bryant Manager Fleet and Transit

CR2018-072

Moved By Councillor James

Seconded By Councillor Breadner

That Report TR2018-001, **Lindsay Transit Master Plan**, be received;

That Council approve the recommendations of the draft “The City of Kawartha Lakes Lindsay Transit Master Plan 2018” report as outlined in Appendix A to Report TR2018-001;

That Staff be authorized to place the Master Plan report on the City website for public review; and

That Staff be directed to update the Capital Asset Management Plan based on the recommendations in the Master Plan.

Carried

11.1.3 RS2018-005

Proposed Amendments to Realty Services Policies and Procedures –

Proposed Amendments to By-law 2010-118 and Policy 032-CAO-005

Robyn Carlson, City Solicitor and Acting Manager of Realty Services

CR2018-073

Moved By Councillor Breadner

Seconded By Councillor Yeo

That Report 2018-005, **Proposed Amendments to Realty Services Policies and Procedures – Proposed Amendments to By-law 2010-118 and Policy 032-CAO-005**, be received;

That By-law 2010-118, “ By-Law to Regulate the Acquisition and Disposition of Municipal Real Property in and for the Corporation of the City of Kawartha Lakes, as amended in accordance with Appendix A to Report 2018-005, with the addition of section 7.04, which will read:

"Ultimate Disposition: The Council shall, at a regular meeting, open to the public, consider the ultimate disposition of any Class of real property. Council may

accept any offer, notwithstanding that it might not be the highest offer received, or may determine not to dispose of the property in question at that time”, be approved;

That the policy entitled, Disposal of Real Property Policy, attached as Appendix E to Report 2018-005, be adopted and numbered for inclusion into the City’s Policy Manual, replacing Policy C-204-DEV-001;

That the policy entitled, Land Management, attached as Appendix G to Report 2018-005, be adopted and numbered for inclusion into the City’s Policy Manual, replacing Policy 032-CAO-005;

That By-law 2016-009, A By-law to Provide Authority for the Execution of Certain Documents and Affix the Corporate Seal on Behalf of the City of Kawartha Lakes, as amended to date, be further amended to remove the words "of City Property" from the heading to section 5.03;

That amending by-laws be advanced to Council for adoption, accordingly; and

That Policy C-195-ED-004, Lease of City Owned Agricultural Land, attached as Appendix H to Report 2018-005, be repealed.

Carried

11.1.4 RS2018-006

Proposed By-law to Regulate Encroachments onto City Property

Robyn Carlson, City Solicitor and Acting Manager of Realty Services

Moved By Councillor Strangway

Seconded By Councillor Elmslie

That Report 2018-006, **Proposed By-law to Regulate Encroachments onto City Property**, be received;

That the City Lands Encroachment By-law attached as Appendix A be approved;

That the Consolidated Fees and Charges By-law 2016-206 be amended accordingly; and

That the necessary by-laws be brought forward for adoption.

A recorded vote was requested by Councillor Strangway.

Recorded	For	Against	Absent
Mayor Letham		X	
Councillor Breadner		X	
Councillor Dunn		X	
Councillor Elmslie	X		
Councillor James		X	
Councillor Jilesen		X	
Councillor Junkin		X	
Councillor Macklem	X		
Councillor Martin			X
Councillor Miller	X		
Councillor O'Reilly		X	
Councillor Pollard	X		
Councillor Seymour-Fagan			X
Councillor Stauble	X		
Councillor Strangway	X		
Councillor Veale		X	
Councillor Yeo	X		
Results	7	8	2

Motion Failed

CR2018-074

Moved By Councillor Dunn

Seconded By Councillor James

That Report 2018-006, **Proposed By-law to Regulate Encroachments onto City Property**, be received;

That the City Lands Encroachment By-law attached as Appendix A be approved;

That the policy entitled, Dock Encroachments, attached as Appendix B to Report 2018-006, be adopted and numbered for inclusion in the City's Policy Manual;

That the Consolidated Fees and Charges By-law 2016-206 be amended accordingly; and

That the necessary by-laws be brought forward for adoption.

Carried

The meeting recessed at 3:48 p.m. and reconvened at 3:55 p.m.

11.1.5 CS2018-004

Coboconk Medical Centre Update

Craig Shanks, Director of Community Services

CR2018-075

Moved By Councillor Macklem

Seconded By Councillor Yeo

That Report CS2018-004, **Coboconk Medical Centre Update**, be received; and

That Council direct staff to investigate the cost of erecting a permanent facility for the provision of Medical Services in Coboconk; and

That Council direct staff to investigate the development of a Grant Program for the purposes of supporting the provision of Medical Services throughout the City; and

That current leases for medical practices be renewed on a year to year basis until such time that council has opportunity to consider a possible grant program.

Carried

Councillor Pollard left the Council Chambers at 4:12 p.m. and did not return.

11.1.7 PRC2018-004

Consolidated Trails By-Law 2007-107 Review

Jenn Johnson, Manager, Parks, Recreation and Culture

CR2018-076

Moved By Councillor Junkin

Seconded By Councillor James

That Report PRC2018-004, **Consolidated Trails By-Law 2007-107 Review**, be received, and;

That the Consolidated Trails By-Law 2007-107 Review be referred back to staff for consultation with affected stakeholders and user groups.

A recorded vote was requested by Councillor James.

Recorded	For	Against	Absent
Mayor Letham	X		
Councillor Breadner	X		
Councillor Dunn	X		
Councillor Elmslie	X		
Councillor James	X		
Councillor Jilesen	X		
Councillor Junkin	X		
Councillor Macklem	X		
Councillor Martin			X
Councillor Miller	X		
Councillor O'Reilly	X		
Councillor Pollard			X
Councillor Seymour-Fagan			X
Councillor Stauble	X		
Councillor Strangway	X		
Councillor Veale	X		
Councillor Yeo		X	
Results	13	1	3
			Carried

11.1.8 CORP2018-002

Property Tax Treatment of Vacant Residential Land

Jennifer Stover, Director of Corporate Services

CR2018-077

Moved By Councillor Yeo

Seconded By Councillor Strangway

That Report CORP2018-002, **Property Tax Treatment of Vacant Residential Land**, be received;

That the Ministry of Finance be notified of the City's interest in encouraging the development of vacant residential land that has been draft plan approved through a higher tax rate; and

That upon approval by the Ministry, staff report back to Council with the program specifics and consultation plan.

Carried

11.1.12 DEV2018-003

Ontario Municipal Commuter Cycling (OMCC) Program Grant

Chris Marshall, Director of Development Services

CR2018-078

Moved By Councillor Junkin

Seconded By Councillor Yeo

That Report DEV2018-003, **Ontario Municipal Commuter Cycling (OMCC) Program Grant**, be received.

Carried

CR2018-079

Moved By Councillor Elmslie

Seconded By Councillor Strangway

That the necessary by-law authorizing the execution of an agreement with the Ministry of Transportation be presented to Council for adoption.

Carried

11.2.1 CC2018-02.11.2.1

Memo - Councillor Pollard – Authorizing an Absence in accordance with the Municipal Act

Cathie Ritchie, City Clerk

CR2018-080

Moved By Councillor Elmslie

Seconded By Councillor Junkin

That the February 13, 2018 memorandum from Cathie Ritchie, City Clerk, regarding **Councillor Pollard – Authorizing an Absence in accordance with the Municipal Act**, be received.

Carried

12. Committee of the Whole and Planning Committee Minutes

13. Petitions

14. Other or New Business

15. By-Laws

Items 15.1.7 and 15.1.8 were extracted from the Consent Agenda.

The mover requested the consent of Council to read the by-laws by number only.

CR2018-081

Moved By Councillor James

Seconded By Councillor Veale

That the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.8 be read a first, second and third time, passed, numbered, signed and the corporate seal attached, save and except Items 15.1.7 and 15.1.8.

Carried

15.1 By-Laws by Consent

15.1.1 By-law 2018-014

A By-law to Amend By-law 2018-007, being A By-law to Authorize the Financing of Capital Projects by Debenture with the Royal Bank

15.1.2 By-law 2018-015

A By-law to Amend By-law 2005-328 being A By-law to Establish Speed Limits (Mary Street West, Omemee and Park Street, Bobcaygeon)

15.1.3 By-law 2018-016

A By-law to Assume Springdale Drive, Registered Plan 383 (PIN: 63205-0527(LT) and the corresponding 0.3 metre reserve, Registered Plan 383 (PIN 63205-0535(LT)), Part Lamb Avenue, Registered Plan 383 (PIN: 63205-0530(LT)), and Part Lawson Avenue, Registered Plan 383 (PIN: 63205-0531(LT)), Geographic Township of Ops, The Corporation of the City of Kawartha Lakes

15.1.4 By-law 2018-017

City Lands Encroachment By-Law

15.1.5 By-law 2018-018

A By-law to Authorize the Execution of an Agreement With Her Majesty The Queen in Right of the Province of Ontario as Represented by the Minister of Transportation for the Province of Ontario and the Corporation of the City of Kawartha Lakes - Ontario Municipal Commuter Cycling Program – 2018

15.1.6 By-law 2018-019

A By-law to Amend By-Law 2016-009, being a By-Law to Provide Authority for the Execution of Certain Documents and Affix the Corporate Seal on Behalf of the City of Kawartha Lakes

15.2 By-Laws Extracted from Consent

15.1.7 By-law 2018-020

A By-Law to Regulate the Disposition of Municipal Real Property in and for The Corporation of the City of Kawartha Lakes

Moved By Councillor Elmslie

Seconded By Councillor Junkin

That A By-Law to Regulate the Disposition of Municipal Real Property in and for The Corporation of the City of Kawartha Lakes be read a first and second time.

Carried

Moved By Councillor Yeo

Seconded By Councillor Breadner

That the by-law be amended to add a new Section 7.4 that reads:

"Ultimate Disposition: The Council shall, at a regular meeting, open to the public, consider the ultimate disposition of any Class of real property. Council may accept any offer, notwithstanding that it might not be the highest offer received, or may determine not to dispose of the property in question at that time."

Carried

CR2018-082

Moved By Councillor Macklem

Seconded By Councillor Yeo

That A By-Law to Regulate the Disposition of Municipal Real Property in and for The Corporation of the City of Kawartha Lakes, as amended, be read a third time, passed, numbered, signed and the corporate seal attached.

Carried

15.1.8 CC2018-02.15.1.8

A By-law to Amend By-law 2007-107, being A By-law to Regulate and Govern Trail Uses Along the Victoria Rail Trail Corridor in the City of Kawartha lakes

Note to Minutes: No action was taken on Item 15.1.8 due to the action taken on Item 11.1.7.

16. Notice of Motion

17. Closed Session (If Not Completed Prior to Open Session)

18. Matters from Closed Session

19. Confirming By-Law

19.1 By-law 2018-021

A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, February 13, 2018

CR2018-083

Moved By Councillor Jilesen

Seconded By Councillor Elmslie

That a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, February 13, 2018 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

20. Adjournment

CR2018-084

Moved By Councillor Yeo

Seconded By Councillor Macklem

That the Council Meeting adjourn at 4:43 p.m.

Carried

Read and adopted this 6th day of March 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-022

Date: March 6, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: Ward 4 - Eldon

Subject: A by-law to deem Lots 40 and 41, Registered Plan 304, Vacant Land on Centennial Park Road, geographic Township of Eldon (Kinney) – Planning File D30-2018-005

David Harding, Planner II:

Recommendation:

RESOLVED THAT Report PLAN2018-022, respecting Lots 40 and 41, Registered Plan 304, geographic Township of Eldon, “Kinney – Application D30-2018-005”, be received;

THAT a Deeming By-law respecting Lots 40 and 41, Registered Plan 304, substantially in the form attached as Appendix “D” to Report PLAN2018-022, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Proposal:	The owner has requested Council pass a Deeming By-law to deem Lots 40 and 41, Registered Plan 304, not to be lots within a registered plan of subdivision. See Appendices “A” and “B”.		
Owner:	Mark Kinney		
Official Plan:	“Waterfront” – City of Kawartha Lakes Official Plan		
Zone:	“Rural Residential Type Three (RR3) Zone” – Township of Eldon Zoning By-law Number 94-14		
Site Servicing:	None		
Existing Use:	Vacant Land		
Adjacent Uses:	North:	Commercial/Forest	
	South:	Rural/Forest	
	East & West:	Residential	

Rationale:

The owner is proposing to construct a single detached dwelling that spans both lots, see Appendix “C”. The proposal does not comply with the Zoning By-law as the proposed development crosses a mutual lot line. The lots must be consolidated for the proposed development to proceed.

Adoption and subsequent registration of this Deeming By-law (see Appendix “D”) will consolidate Lots 40 and 41, both of Plan 304, into one larger lot so they cannot be sold separately. The legal description will remain the same: Lots 40 and 41, Plan 304.

Other Alternatives Considered:

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner’s lands.

Financial/Operation Impacts:

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The City’s Strategic Plan outlines Council’s vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the quality of life and healthy environment priorities by creating a property with a larger building envelope to support a proposed residence and on-site servicing, and by reducing the total number of undersized shoreline residential back lots.

Conclusion:

The consolidation of the lands will create one larger lot. As a result, a larger building envelope is available to site a single detached dwelling and its septic system. The deeming by-law will facilitate the issuance of a building permit for the proposed dwelling. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2018-022.pdf

Appendix B – Surveyor's Sketch



Appendix B to
PLAN2018-022.pdf

Appendix C – Applicant Sketch



Appendix C to
PLAN2018-022.pdf

Appendix D – Draft Deeming By-law



Appendix D to
PLAN2018-022.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D30-2018-005

to

REPORT PLAN2018-022

FILE NO: D30-2018-005

Geographic Township of Eldon

Canal Lake

Antiquary Road

Centennial Park Rd

41 40

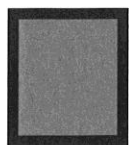
(unopened)

Centennial Park Road

Lot 19

Lot 20

North Portage Road



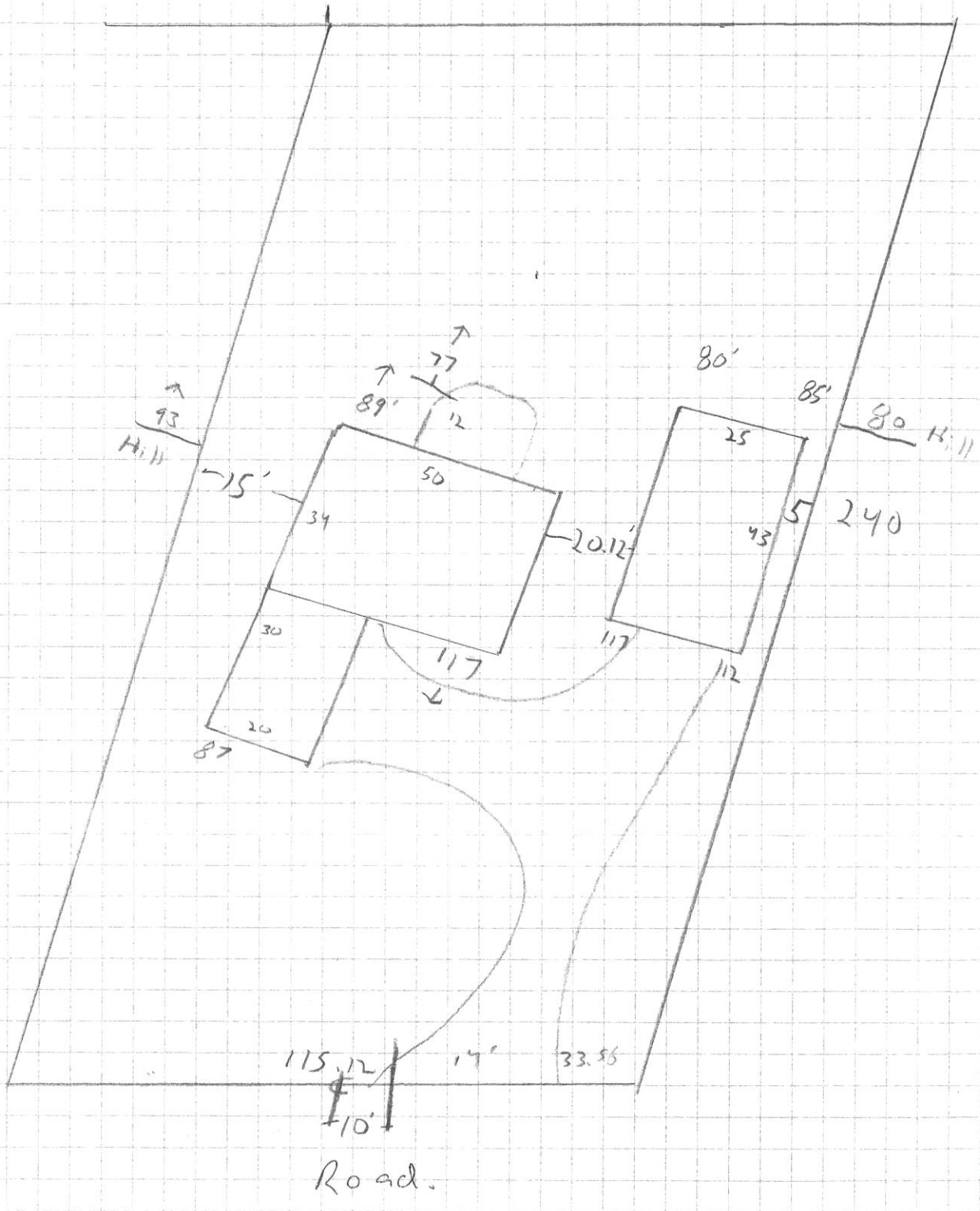
Land Subject to Deeming By-Law
(Lot 40 & Lot 41, Plan 304)

APPENDIX " C "

to

REPORT PLAN2018-022

FILE NO: D30-2018-005



The Corporation of the City of Kawartha Lakes
By-Law 2018 -

to
 REPORT PLAN2018-022
 FILE NO: D30-2018-005

**A By-Law To Deem Part of a Plan of Subdivision,
 Previously Registered For Lands Within Kawartha Lakes,
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act
 PIN # 63170-0556 (LT) and PIN # 63170-0557 (LT), Described As Lots 40 and 41, Plan
 304, Geographic Township Of Eldon, Now City Of Kawartha Lakes**

[File D30-2018-005, Report PLAN 2018-022, respecting Lots 40 and 41, Plan 304,
 Vacant Land on Centennial Park Road – Kinney]

Recitals:

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Details

- 1.01 **Property Affected:** PIN # 63170-0556 (LT) and PIN # 63170-0557 (LT). The Property affected by this By-law is described as Lots 40 and 41, Registered Plan 304, geographic Township of Eldon, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

Section 2:00 General Terms

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of **, 2018.

Andy Letham, Mayor

Cathie Ritchie, Clerk

The Corporation of the City of Kawartha Lakes

Council Report

Report Number EA2018-008

Date: March 6 ,2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: 5

Subject: Petition for Drainage Works By the Road Authority (Cameron)

Michael Farquhar, Supervisor, Technical Services

Recommendation(s):

THAT Report EA2018-008, "Petition for Drainage Works by Road Authority (Cameron) ", be received;

THAT; Council proceeds with the petition submitted by the Road Authority for drainage works and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

THAT Council appoint RJ Burnside & Associates for this project

THAT Council instruct RJ Burnside & Associates to combine the Waite petition and the Road Authorities petition into one report as per section 8(4) of the Ontario Drainage Act.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the February 1, 2018 Drainage Board meeting Staff brought forward a memo (see Appendix A) requesting endorsement for a petition for drainage works by the Road Authority for Cameron Road. This petition is based on the discussions and review with stakeholders regarding the Waite drain petition that were held after Council had appointed RJ Burnside & Associates as the engineer of record. Public Works had brought forward concerns that the water discharged from culverts on Cameron Road between #59 and #61 Cameron Road did not have a protected sufficient outlet. As such a petition was submitted to the Clerk by the Road Authority for drainage works .

This petition was taken to the Drainage Board for endorsement and recommendation to Council, as seen in the resolution below and in the attached minutes as Appendix B.

Moved By J. Oriotis

Seconded By E. Bagshaw

That the memorandum by M. Farquhar, Supervisor of Technical Services-Engineering and Corporate Assets, dated January 25, 2018, regarding a Petition for Municipal Drainage by the Road Authority for Cameron Road, be received;

That the Petition for Drainage Works by Road Authority, for an additional drainage area to branch off the Waite Drain in the area of Cameron Road proceed,

That the City Clerk be instructed to proceed with any notices required under the Drainage Act,

That Council instruct the engineer of record to combine the Waite petition and the Road Authority's petition into one report as per section 8(4) of the Drainage Act; and

That RJ Burnside & Associates be recommended as the Engineer of record for this project

Carried

Rationale:

The reasoning for this petition is to provide for a sufficient outlet for road drainage coming off of CKL Road 34 (Cameron Road). Currently, the road drainage outlets from culverts between #59 and #61 Cameron Road, over a partial easement and outlets on private property where it then makes its way to the watercourse that crosses Cameron Road. This water course is currently being reviewed within the Waite petition.

Due to the timing and proximity of the Waite Drain petition it is advantageous to combine the two reports as per section 8(4) of the Ontario Drainage Act in order to have continuity with the overall drainage area as well as cost perspective for efficiencies by combining the two reports.

Other Alternatives Considered:

Seeking a continuation of an easement with the property owner over #95 Cameron Road from where the existing one stops at the north property line limit of #65 Cameron could be sought, however it is recommend that the City follows through will the petition due to the need to have a sufficient outlet designed and constructed.

Financial/Operation Impacts:

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Section 3.1.7 of the Strategic Plan recognizes the protection of prime agricultural land by including policies in the Official Plan and working with the agricultural community to identify opportunities to support the sector.C05

Consultations:

Drainage Board
Office of the City Clerk

Attachments:



Appendix A.pdf

Appendix A –



Appendix B.pdf

Appendix B-

Department Head: Juan Rojas Director of Engineering and Corporate Assets

Department Head: jrojas@city.kawarthalakes.on.ca



**THE CORPORATION OF THE
CITY OF KAWARTHA LAKES**
12 Peel Street P.O. Box 9000
Lindsay, ON K9V 5R8
Phone: 705-324-9411, Ext. 1156
Fax: 705-324-2982

MEMO

Date: January 25, 2018
To: Drainage Board
From: Mike Farquhar, Supervisor Technical Services – Engineering & Corporate Assets
Re: Petition for Municipal Drainage
By the Road Authority for Cameron Road
CC: Juan Rojas Director of Engineering and Corporate Assets
Paul Herlihey, Municipal Drain Superintendent.

Recommendation:

THAT the Drainage Board receives the memorandum from the Supervisor of Technical Services- Engineering and Corporate Assets dated January 25, 2018, for information in response to the petition for drainage works received: The City of Kawartha Lakes.

THAT the Drainage Board recommends to Council for consideration this petition for a Municipal Drain as prescribed under the Ontario Drainage Act; and

THAT the Drainage Board recommends to Council to instruct the engineer of record to combine the Waite petition and the Road Authority's petition into one report as per section 8(4) of the Ontario Drainage Act

THAT RJ Burnside & Associates be recommended as the Engineering firm of record for this project

Background:

At the September 12, 2017 Council meeting, Council passed resolution CR2017-760 to proceed with the Waite drain petition and to appoint R.J. Burnside & Associates as the Engineering Firm for the project. Burnside began preliminary review of the area requiring drainage based on the Waite petition. This review involved initial site meetings with landowners within the area requiring drainages as well as other agencies. During these consultations Public works expressed interest in protecting a drainage outlet for roadside drainage from Cameron road that outlets between #59 and #61 Cameron road (See attached Appendix A). This Drainage then travels between these two lots to a drainage easement that was established through a plan of subdivision over #6 Westlake Crt and #65 Cameron road and outlets to a watercourse on the south side of #95 Cameron road. This water course then connects to the area under review for a municipal drain as per the Waite petition.

To address this concern it was deemed necessary to petition as the Road Authority for a municipal drain in conjunction with the Waite petition to completely protect for an outlet for the drainage outleting from Cameron Road. It is anticipated that this proposed drain will become a branch drain of the Waite petition. This report also recommends that the existing Waite Petition report and this new petition made by the Road Authority be combined under section 8(4) of the Ontario Drainage Act.

"One report on two or more petitions

(4) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. R.S.O. 1990, c. D.17, s. 8 (4)."

RJ Burnside & associates be recommended as the Engineering firm of record for this petition due to work the firm is already doing in the area for the Waite petition.

Alternatives:

As an alternative option for securing a secured outlet for the drainage coming from Cameron road over #95 Cameron road the City could initiate discussion with the landowner for an easement. A design for the drainage ditch would still have to be done and consultation with agencies. It was decided that appropriate statutory process to follow would be the Drainage Act since it had already been enacted in the immediate vicinity through the Waite petition.

Recommendation for appointment of a Drainage Engineer:

The recommendation would be to put forward to Council the appointment of RJ Burnside & Associates as the Engineering firm of record for this petition

Burnside Engineering

Attachments:



Appendix A.pdf



Appendix B
Petition.pdf

Appendix A



Area in Red represents existing water course

Area in Blue represents existing drainage easement

**Petition for Drainage Works by Road
Authority – Form 2**
Drainage Act, R.S.O. 1990, c. D.17, subs. 4(1)(c)

To: The Council of the Corporation of the City of Kawartha Lakes

Re: Road name and road location (provide description of road or section of road that requires drainage)

Cameron Road also known as CKL 34 requires a protected outlet for drainage for the roadside ditches on Cameron road that outlet within the vicinity of # 61 Cameron road.

I, Juan Rojas, as an individual having jurisdiction over
(Last, first name)

the above road system for the City of Kawartha Lakes

declare that the road described above requires drainage and hereby petition under subsection 4(1)(c) of the *Drainage Act* that this area be drained by means of a drainage works.

Organization

The City of Kawartha Lakes

Position Title

Director of Engineering and Corporate Assets

Signature



Date (yyyy/mm/dd)

2017/12/08

Petitioners become financially responsible as soon as they sign a petition:

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act, R.S.O. 1990, c. D. 17 subs. 8(1).*
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act, R.S.O. 1990, c. D. 17 subs. 10(4).*
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act, R.S.O. 1990, c. D. 17 s. 43.*
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act, R.S.O. 1990, c. D. 17 s. 61.*

The Corporation of the City of Kawartha Lakes
Minutes
Drainage Board Meeting

DB2018-01
Thursday, February 1, 2018
7:00 P.M.
Weldon Room
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Brian Junkin
Councillor Heather Stauble
Ed Bagshaw
Jim Bedard
Robert Bonis
Matt Hollinger
Jim Oriotis

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair R. Bonis called the meeting to order at 6:59 p.m. Drainage Board members E. Bagshaw, J. Bedard, J. Oriotis, Councillor Junkin were in attendance.

Recording Secretary and Deputy Clerk J. Watts, City Clerk C. Ritchie, Drainage Superintendent P. Herlihey, and Engineering Technical Services Supervisor M. Farquhar were also in attendance.

Late Arrivals: M. Hollinger 7:03 p.m.

2. Administrative Business

2.1 Adoption of Agenda

Moved By E. Bagshaw

Seconded By J. Oriotis

That the agenda be adopted as circulated with the following additions:

- Item 5.2, Update on Webster Drain

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes from Previous Meeting

2.3.1 Minutes of the September 25, 2017 Drainage Board Meeting

Moved By J. Oriotis

Seconded By J. Bedard

That the minutes of the Drainage Board meeting held on September 25, 2017, be adopted as circulated.

Carried

3. Deputations

4. New Business

4.1 Petition for Drainage Works by Road Authority

Memorandum Regarding Cameron Road

Mike Farquhar, Supervisor Technical Services - Engineering & Corporate Assets

Mr. Farquhar provided an overview of the Petition for Drainage Works by Road Authority that was received by the Director of Engineering and Corporate Assets, J. Rojas. He identified that a City drainage easement in the area of Cameron Road (Kawartha Lakes Road 34) required a protected outlet for drainage, and could be incorporated into the petition for the Waite Drain under section 8(4) of the Drainage Act. Mr. Farquhar and Mr. Herlihey responded to questions put forth by the members of the Board.

Moved By J. Oriotis

Seconded By E. Bagshaw

That the memorandum by M. Farquhar, Supervisor of Technical Services-Engineering and Corporate Assets, dated January 25, 2018, regarding a Petition for Municipal Drainage by the Road Authority for Cameron Road, be received;

That the Petition for Drainage Works by Road Authority, for an additional drainage area to branch off the Waite Drain in the area of Cameron Road proceed,

That the City Clerk be instructed to proceed with any notices required under the Drainage Act,

That Council instruct the engineer of record to combine the Waite petition and the Road Authority's petition into one report as per section 8(4) of the Drainage Act; and

That RJ Burnside & Associates be recommended as the Engineer of record for this project

Carried

5. Other Business

5.1 Drainage Issues Task Force Update

Verbal Update Regarding Report ED2018-002 on the January 30, 2018 Regular Council Meeting

Mike Farquhar, Supervisor Technical Services - Engineering & Corporate Assets

Mr. Farquhar gave an overview of the Terms of Reference of the newly created Drainage Issues Task Force, including Mission, Objectives, Roles and Responsibility, and Composition. He stated that the Task Force was recommended to Council by the Agricultural Development Advisory Board, and has been appointed to make recommendations for process improvements to Council prior to May 30, 2018. Mr. Farquhar, Mr. Herlihey, Ms. Ritchie, and Mr. Watts responded to questions put forth by the members of the board. Mr. Oriotis identified that he would be willing to serve on the Task Force to fulfill the Terms of Reference requirement for a minimum of one member from the Drainage Board to serve on the Task Force.

Moved By M. Hollinger
Seconded By E. Bagshaw

That Jim Oriotis be appointed to the Drainage Issues Task Force.

Carried

5.2 Update on Webster Drain

Mr. Farquhar gave an overview of the project and advised that Michael Gerrits has been appointed the engineer of record. A Public Session was held at the old Eldon Yard where various interested parties and the Lake Simcoe Conservation Regional Authority were in attendance. To date, no additional petitioners have signed on to the drain at this point. He responded to questions put forth from the members of the Board.

6. Adjournment

Moved By E. Bagshaw
Seconded By M. Hollinger

That the Drainage Board Meeting adjourn at 8:11 p.m.

Carried

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-007

Date: March 6, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 5

Subject: Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and Legally Described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes

Author Name and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendation(s):

That Report RS2018-007, **Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and Legally Described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes**, be received;

That the subject property, being a portion of road allowance adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and legally described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of the road allowance and sale to the adjoining owners, be supported, in principle, in accordance with the provisions of By-law 2018-020, as amended, and the *Municipal Act, 2001*, and subject to the parties entering into a conditional agreement of purchase and sale;

That staff be directed to commence the process to stop up and close the said portion of the road allowance;

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

That any deputation or public input in opposition of the closing, if any, shall be considered, and if appropriate, a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands.

Background:

The Land Management Committee received a request from the owner of 65 Homewood Park Road, legally described as Lot 10, Plan 256, in the Geographic Township of Bexley, City of Kawartha Lakes, to purchase that portion of Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes which is adjacent to their property.

The request was reviewed by the Land Management Committee and it was determined that a number of encroachments were located within the subject road allowance. Therefore, it was the determination of the Land Management Committee that all property owners along the subject road allowance should be contacted to determine if they were also interested in purchasing a portion of the road allowance.

Realty Services has contacted each of the adjoining landowners and confirmed their interest in proceeding with acquiring their respective portions of the subject road allowance.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by newspaper circulation in Kawartha Lakes this Week on the 8th, 15th, and 22nd days of February, 2018.

Appendix A is a map showing the general location of the property, Appendix B is a copy of Reference Plan 57R-10646 which illustrates the portions of road allowance to be conveyed, and Appendix C is an aerial photo of the subject road allowance.

The purpose of this report is to advise Council that the Land Management Committee recommends that the subject land be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portions of the road allowance to the adjoining owners.

Rationale:

The Land Management Committee has concluded that this unopened road allowance is not needed for municipal purposes.

Each interested landowner owns property which borders the portion of the road allowance. As a result, pursuant to the City's By-law to Regulate the Disposition of Municipal Real Property (By-law 2018-020, as amended) that portion of the road allowance can be divided equally and conveyed to the adjoining landowners.

The subject road allowance does not lead to water, it borders private property, and therefore, the stop up, closure and sale would not contravene section 8.00 of By-law 2018-020, as amended.

Other Alternatives Considered:

Council could refuse to close and convey the road allowance. That would be inconsistent with past practice and is not recommended in this circumstance.

Financial/Operation Impacts:

The parties will be asked to enter into a conditional Agreement of Purchase and Sale with a non-refundable \$1,000.00 deposit to cover initial road closing costs. The road allowance would be divided evenly and conveyed directly to the purchasers for nominal consideration, in accordance with the transition provision section 12.02 of By-law 2018-020, being a by-law to regulate the disposition of land. All costs of the transaction, plus a \$1,500.00 fee to cover the City's staff time expenses will be paid for by the purchasers.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The report aligns with the strategic goal of a "vibrant and growing economy" and the strategic enable or "efficient asset management".

Consultations:

Land Management Committee

Attachments:

Appendix A – General Location Map



Appendix A - General
Location Map.pdf

Appendix B – Reference Plan 57R-10646



Appendix B -
Reference Plan 57R-1

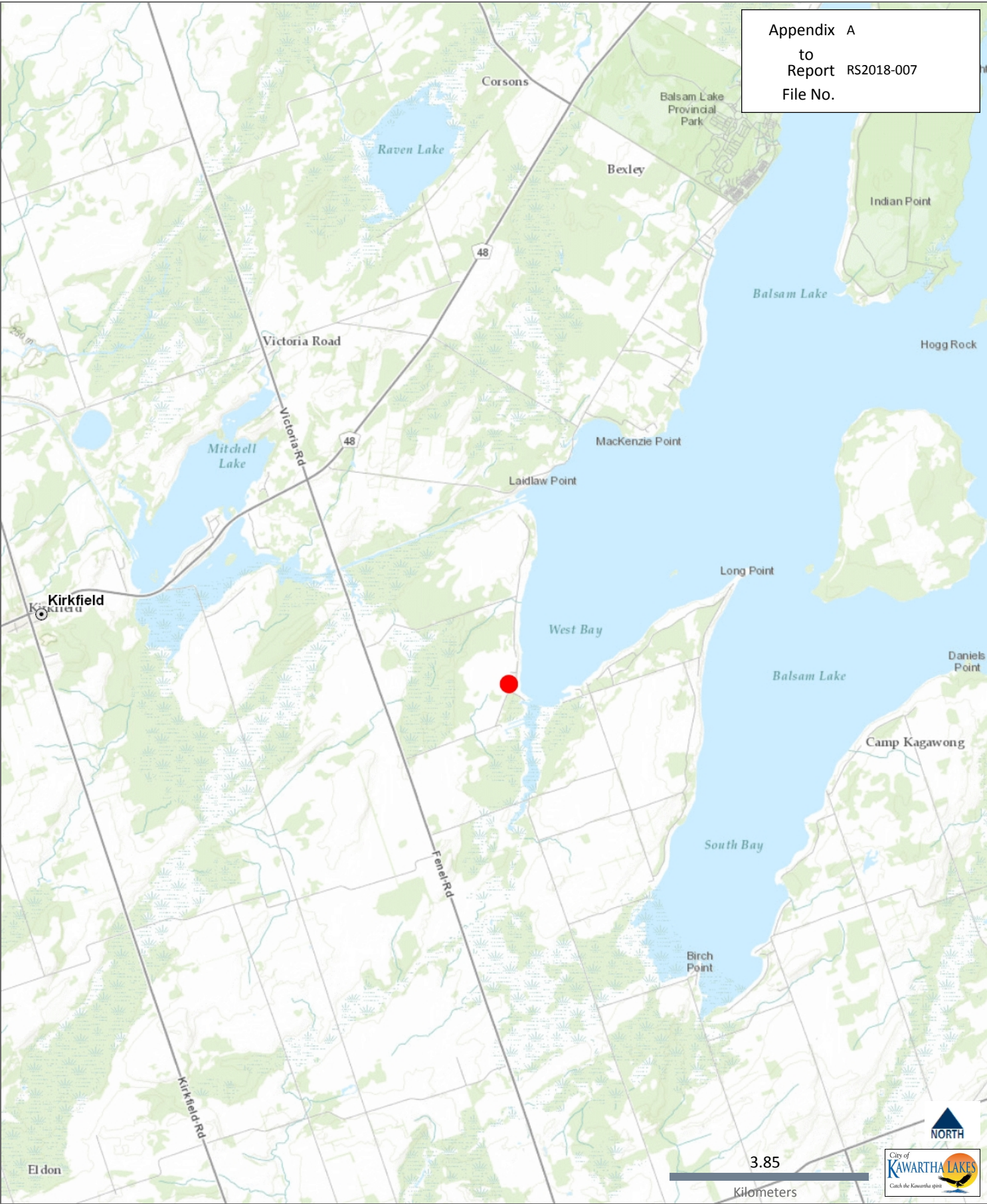
Appendix C – Aerial Photo



Appendix C - Aerial
Photo.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson



Appendix A
to
Report RS2018-007
File No.

Appendix B to Report RS2018-007 File No.

PLAN 57R-10646

RECEIVED AND DEPOSITED

DATE Feb 5/18

JOHN C.G. KEAT
ONTARIO LAND SURVEYOR

DATE February 6, 2018

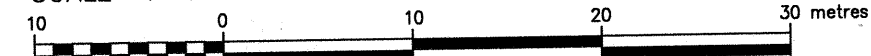
A. Fetherstone
REPRESENTATIVE FOR THE LAND
REGISTRAR FOR THE LAND TITLES
DIVISION OF VICTORIA (No 57)

SCHEDULE

PART	LOT/BLOCK	PLAN	PIN	AREA
1	PART OF BLOCK A	REGISTERED PLAN No. 175	PART OF 63116-0188(LT)	426.8 sq.m.
2				245.6 sq.m.
3				342.2 sq.m.
4				362.1 sq.m.
5	PART OF BLOCKS A AND B			412.5 sq.m.

PLAN OF SURVEY OF PART OF BLOCKS A AND B REGISTERED PLAN No. 175 GEOGRAPHIC TOWNSHIP OF BEXLEY CITY OF KAWARTHA LAKES

SCALE 1 : 400



COE, FISHER, CAMERON

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999902.

FOR BEARING COMPARISONS, A ROTATION OF 1°29'20" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLANS P1, P2, P4 AND ON.

FOR BEARING COMPARISONS, A ROTATION OF 1°23'40" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLANS P5 AND P6.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O. REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	667 062.51	4 935 509.84
ORP (B)	667 102.05	4 935 625.94

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
RPL	DENOTES	ROCK PLUG
902	DENOTES	COE, FISHER, CAMERON, O.L.S.
1428	DENOTES	C.T. STRONGMAN SURVEYING LIMITED
SS	DENOTES	SMITH & SMITH, O.L.S.
N	DENOTES	NOT IDENTIFIABLE
P1	DENOTES	REGISTERED PLAN No. 256
P2	DENOTES	REGISTERED PLAN No. 175
P3	DENOTES	PLAN 57R-10345
P4	DENOTES	SURVEYOR'S REAL PROPERTY REPORT BY WILLIAM R. COE, O.L.S., DATED MARCH 6, 1991 (REF No. B-91-4721)
P5	DENOTES	PLAN 57R-3224
P6	DENOTES	PLAN OF SURVEY BY C.T. STRONGMAN SURVEYING LIMITED, DATED SEPTEMBER 17, 2013 (REF. No. C-5365)
ON	DENOTES	OLD NOTES BY COE, FISHER, CAMERON, O.L.S. (REF No. B-04-7839)
MEAS	DENOTES	MEASURED
SA	DENOTES	SPLIT ANGLE

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O. REG. 525/91.

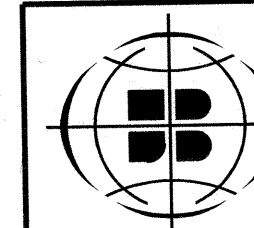
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON NOVEMBER 24th, 2017.

Feb 5/18
DATE

JOHN C.G. KEAT
ONTARIO LAND SURVEYOR



COE FISHER CAMERON
LAND SURVEYORS

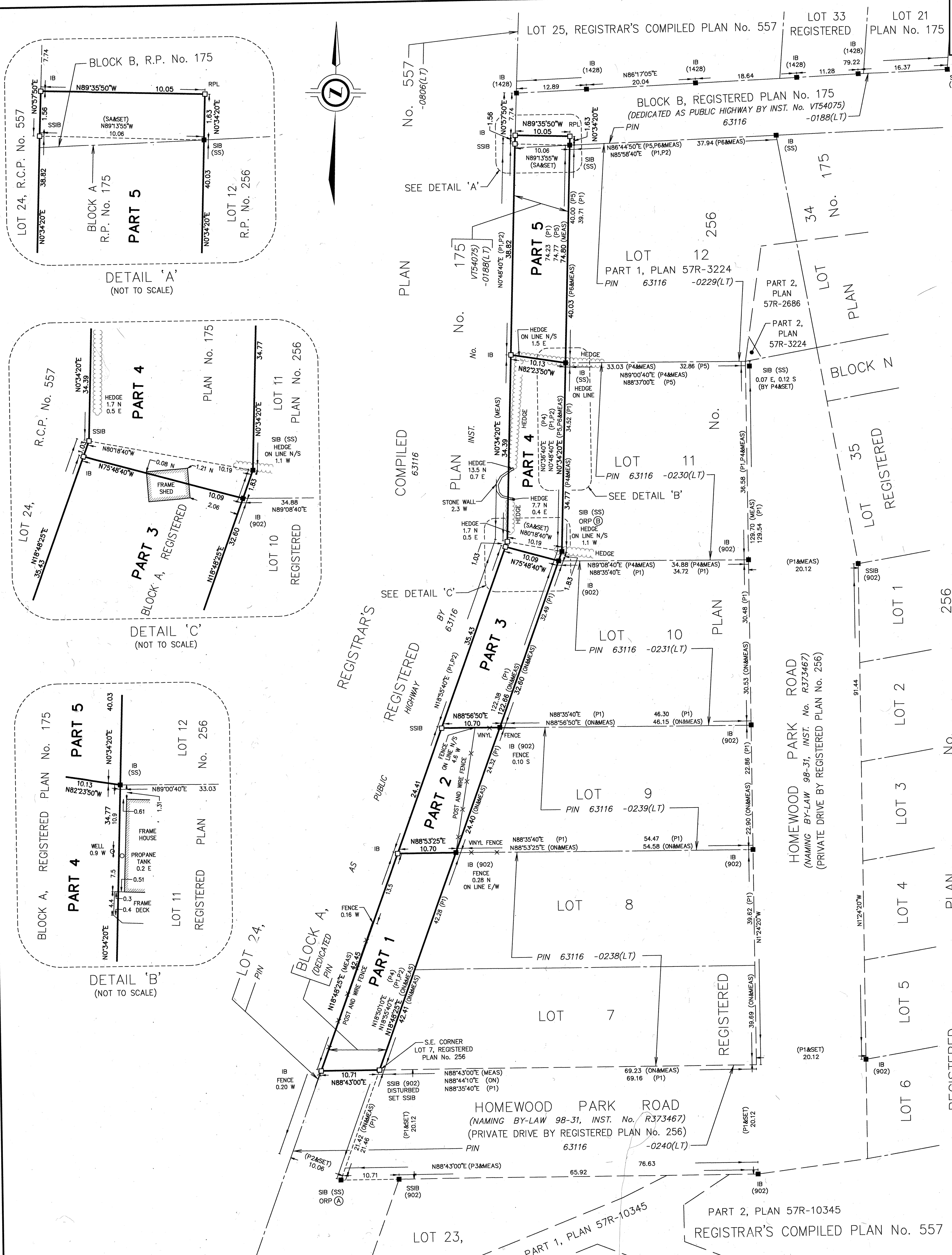
A wholly owned subsidiary of J.D. Barnes Limited

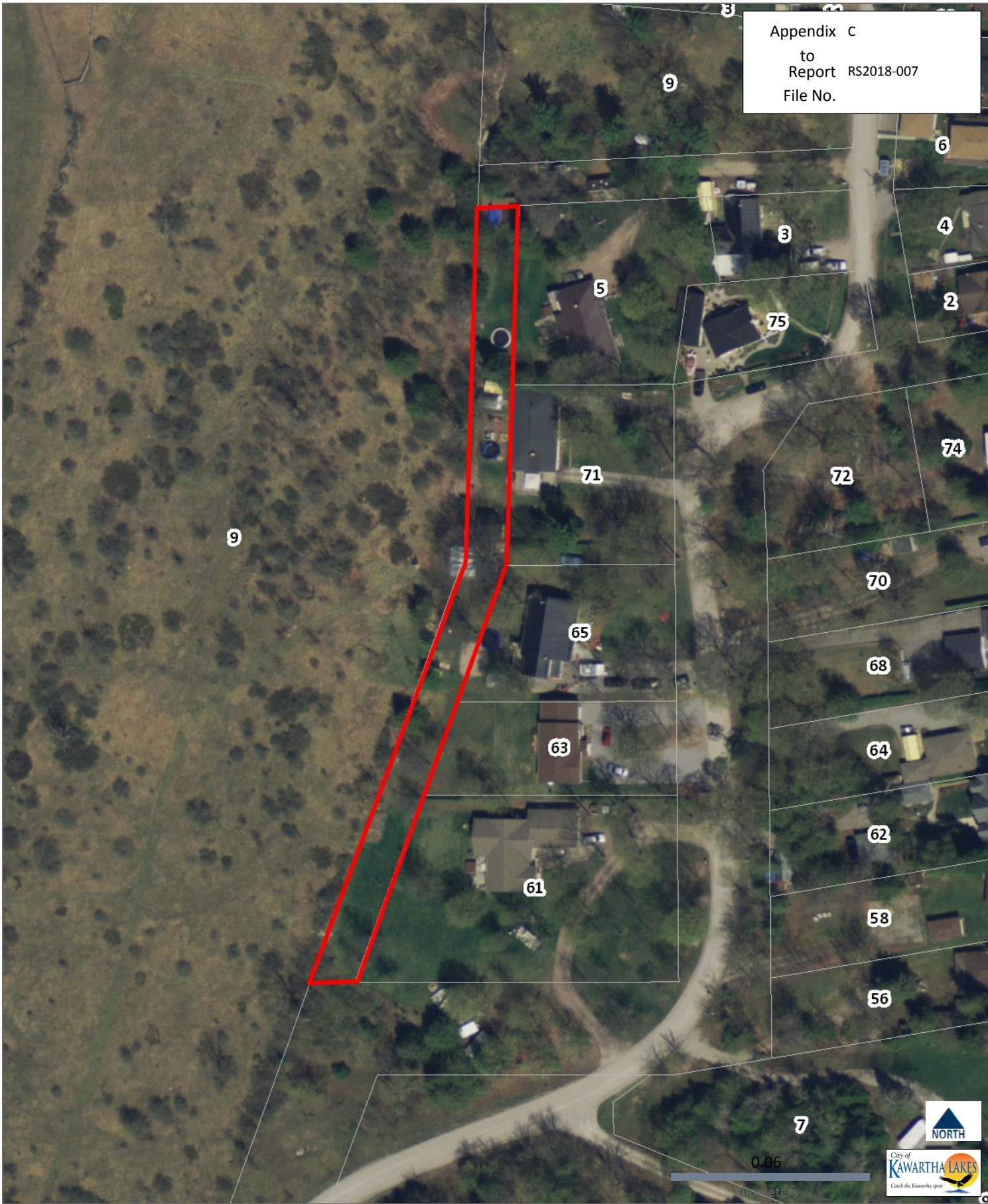
257 KENT STREET WEST, LINDSAY, ON K9V 2Z3

T: (705) 324-4152 F: (705) 324-8406 www.jdbarnes.com

DRAWN BY:	CHECKED BY:	REFERENCE NO.:
DHT	JCGK	17-17-276-00
FILE: G:\17-17-276\00\Drawing\17-17-276-00.dgn	DATED: 01/18/18	

PLOTTED: 2/5/2018





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Date:

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-008

Date: March 6, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 1

Subject: Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes

Author Name and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendation(s):

That Report RS2018-008, **Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes**, be received;

That the subject property, being the shoreline road allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes be declared surplus to municipal needs;

That Council support, in principle, the closure of the shoreline road allowance and sale to the adjoining owners in accordance with the provisions of By-law 2018-020, as amended, and the *Municipal Act, 2001* and subject to the parties entering into a conditional agreement of purchase and sale;

That staff be directed to commence the process to stop up and close the said portion of the road allowance;

That any deputation or public input in opposition of the closing, if any, shall be considered, and if appropriate, a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed; and

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

That the Mayor and Clerk be authorized to execute any documents to facilitate the road closing and conveyance of the lands.

Background:

The Land Management Committee received a request from the owner of 28 Baker Lane, legally described as Part of Lot 32, Concession 4, Part of Lot 32, Concession 5, described as Part 1 on Plan 57R-9055, in the Geographic Township of Dalton, City of Kawartha Lakes, to purchase or lease the portion of shoreline road allowance that is adjacent to their property.

This request was in response to provisional consent being granted for D03-17-001, being an application to sever approximately 197.8 square metres of vacant residential land and consolidate it with the abutting residential lot, being 28 Baker Lane.

One of the conditions of provisional consent D03-17-001 is that the infrastructure (pump house and water line) within the OSRA servicing 28 Baker Lane be addressed to the satisfaction of the Realty Services through the successful completion of one of the two options:

- a. Apply, pay the prescribed fee and obtain a license agreement. The owners shall submit written confirmation from Realty Services that the agreement is in effect.
- b. Apply, pay the prescribed fee and obtain ownership of the original Shore Road Allowance (OSRA) abutting the benefitting consolidated lot. The owners shall submit written confirmation from Realty Services that the transfer of title has occurred.

The Land Management Committee reviewed both options and it was determined that there is no benefit to the subject portion of shoreline road allowance remaining in City ownership, therefore, the Land Management Committee recommended that the property owner be encouraged to proceed with purchasing the subject portion of shoreline road allowance.

As there is a related severance application, being D03-17-002, which also has a condition requiring the infrastructure within the OSRA servicing 26 Baker Lane be addressed through either a license agreement or purchase of the shoreline road allowance, it was recommended that both property owners be engaged to proceed with purchasing their respective portions of shoreline road allowance at the same time, in order to split the costs of the transaction between both parties.

Both property owners have confirmed that they are interested in proceeding with obtaining title to their respective portions of shoreline road allowance.

Public Notice advertising the potential surplus declaration and sale of the subject shoreline road allowance was completed by newspaper circulation in the Kawartha Lakes this Week on the 8th, 15th, and 22nd days of February 2018.

Appendix A is a map showing the general location of the properties, Appendix B is an aerial photo of the subject properties, and Appendix C is a map of the subject properties.

The purpose of this report is to advise Council that the Land Management Committee recommends that the subject lands be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portions of shoreline road allowance.

Rationale:

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own "their" lots right up to the water's edge. In many circumstances, the adjacent private owner has encroached onto this space and utilized it as a lot addition.

Other Alternatives Considered:

Council may decide not to sell the shoreline road allowance and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

Financial/Operation Impacts:

The parties will be asked to enter into a conditional Agreement of Purchase and Sale with a non-refundable \$1,000.00 deposit to cover initial road closing costs. The price for shoreline road allowance properties was established by By-law 2018-020, as amended, and is set at \$20.00 per linear foot of frontage, together with all costs of the transaction plus a \$1,500.00 fee to cover the City's staff time expenses.

The City will gain a one-time payment for its capital asset to be determined based on the frontage according to a survey. This is in keeping with the disposition by-law as it relates to shoreline road allowances.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This report aligns with the strategic goal of a “vibrant and growing economy” and the strategic enabler of “efficient asset management.”

Consultations:

Land Registry Office
Land Management Committee
Planning – Maps

Attachments:

Appendix A – General Location Map



Appendix A - General
Location Map.pdf

Appendix B – Aerial Photo



Appendix B - Aerial
Photo.pdf

Appendix C – Map

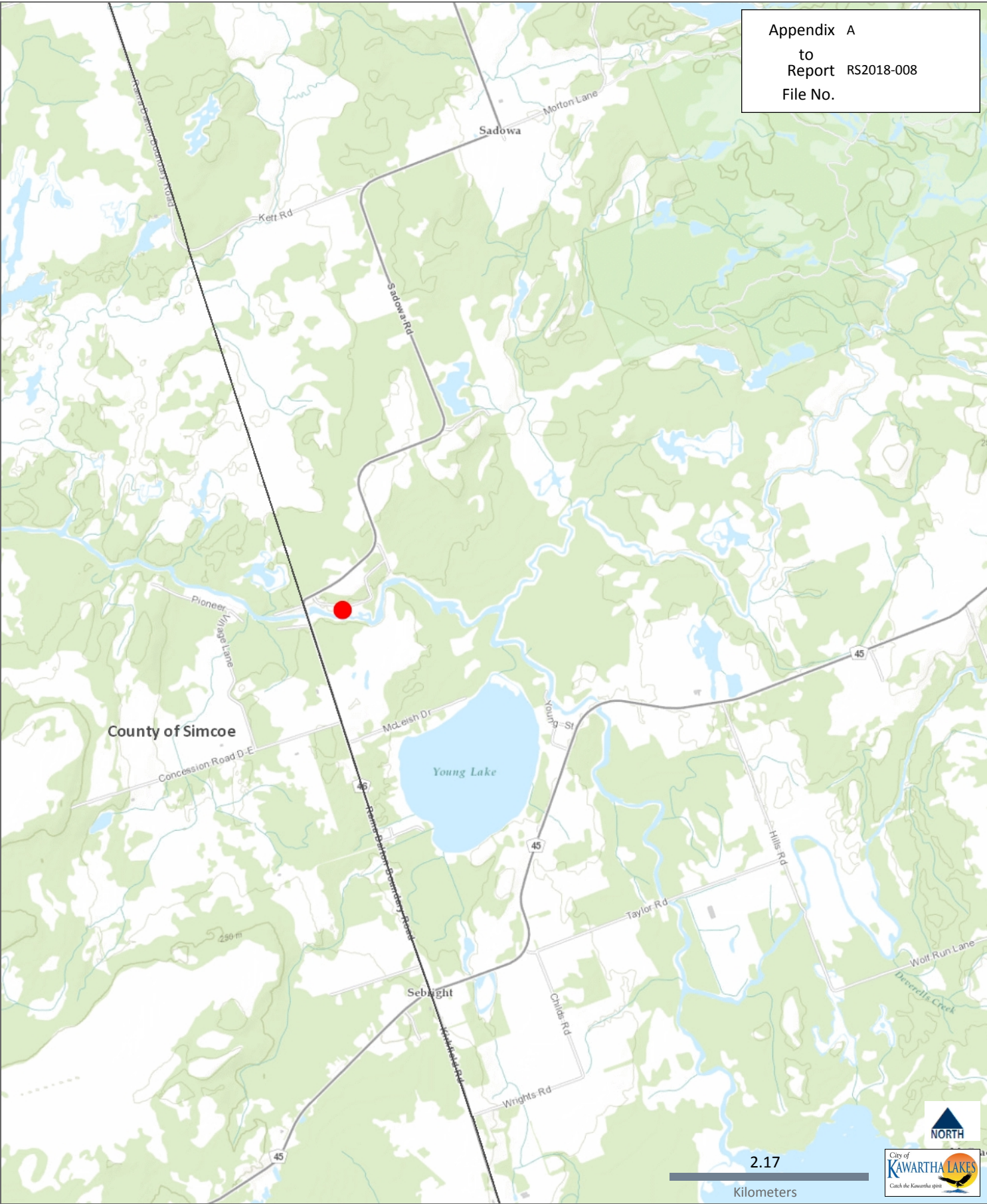


Appendix C -
Map.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

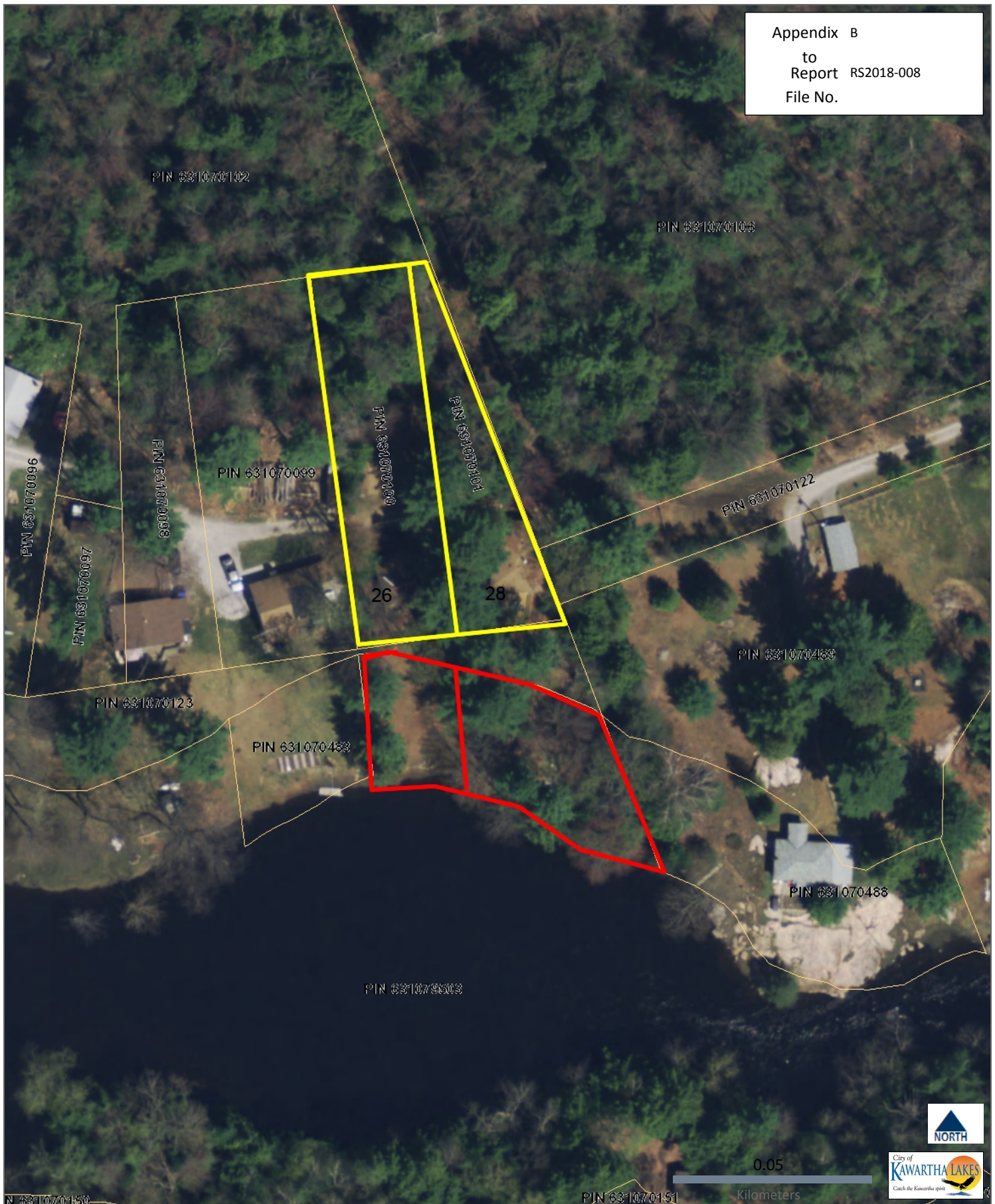
Department File: L06-17-RS030



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Date:



Appendix C
to
Report RS2018-008
File No.



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Date:

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-009

Date: March 6, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 4

Subject: Acquisition of Land for Road Purposes – Portion of Palestine Road

Author Name and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendation(s):

That Report RS2018-009, **Acquisition of Land for Road Purposes – Portion of Palestine Road**, be received;

That the acquisition of Part of the West Half of Lot 15, Concession 4, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10631, being Part of PIN: 63173-0071 (LT) for road purposes be approved;

That staff be directed to commence the process of obtaining ownership of the required land, for nominal consideration, with all related costs payable by the applicants;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision;

That the Mayor and Clerk be authorized to execute any documents and agreements required to release the municipality's interest in the subject property; and

That the necessary By-law be forwarded to Council for adoption.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

In June 2016, an application was received by Realty Services from the owners of the property municipally known as 418 Palestine Road. The applicants advised that their property was subject to a registered municipal interest due to the fact that a portion of Palestine Road was located within the northeast corner of the applicants' property.

It was determined that the only way to correct the issue and release the municipality's interest in the applicants' property would be to have the subject portion of road conveyed to the municipality.

This issue was brought to the Land Management Committee on August 25, 2017 and the Committee had no objections to obtaining title to the subject land at no cost to the municipality and releasing the municipality's interest in the applicants' property following the transfer.

The applicants subsequently had a Reference Plan of Survey completed, at their expense, and have identified the extent of lands to be conveyed to the City.

Appendix A is a general location map, Appendix B is an aerial photo of the subject lands, Appendix C is a copy of Reference Plan 57R-10631.

The purpose of this report is to advise Council that the Land Management Committee recommends that the City proceed with obtaining title to the subject lands and releasing the municipality's interest in the applicants' property.

Rationale:

The Land Management Committee has concluded that the only way the municipality can release its interest in the applicants' property is to first proceed with obtaining title to the necessary land.

The applicants are agreeable to conveying the land at nominal consideration, and to pay all costs associated with the transaction.

Other Alternatives Considered:

Council may decide to not to proceed with obtaining title to the subject lands. That would be inconsistent with past practice and is not recommended in this circumstance.

Financial/Operation Impacts:

The land will be conveyed to the City for nominal consideration, with all associated costs of the transaction payable by the applicants.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendations set out in this Report do not directly support any of the three goals in the Strategic Plan, being:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

However, the recommendations set out in this Report do align with the following Strategic Enabler of “efficient asset management.”

Consultations:

Land Management Committee
Land Registry Office

Attachments:

Appendix A – General Location Map



Appendix A - General
Location Map.pdf

Appendix B – Aerial Photo



Appendix B - Aerial
Photo.pdf

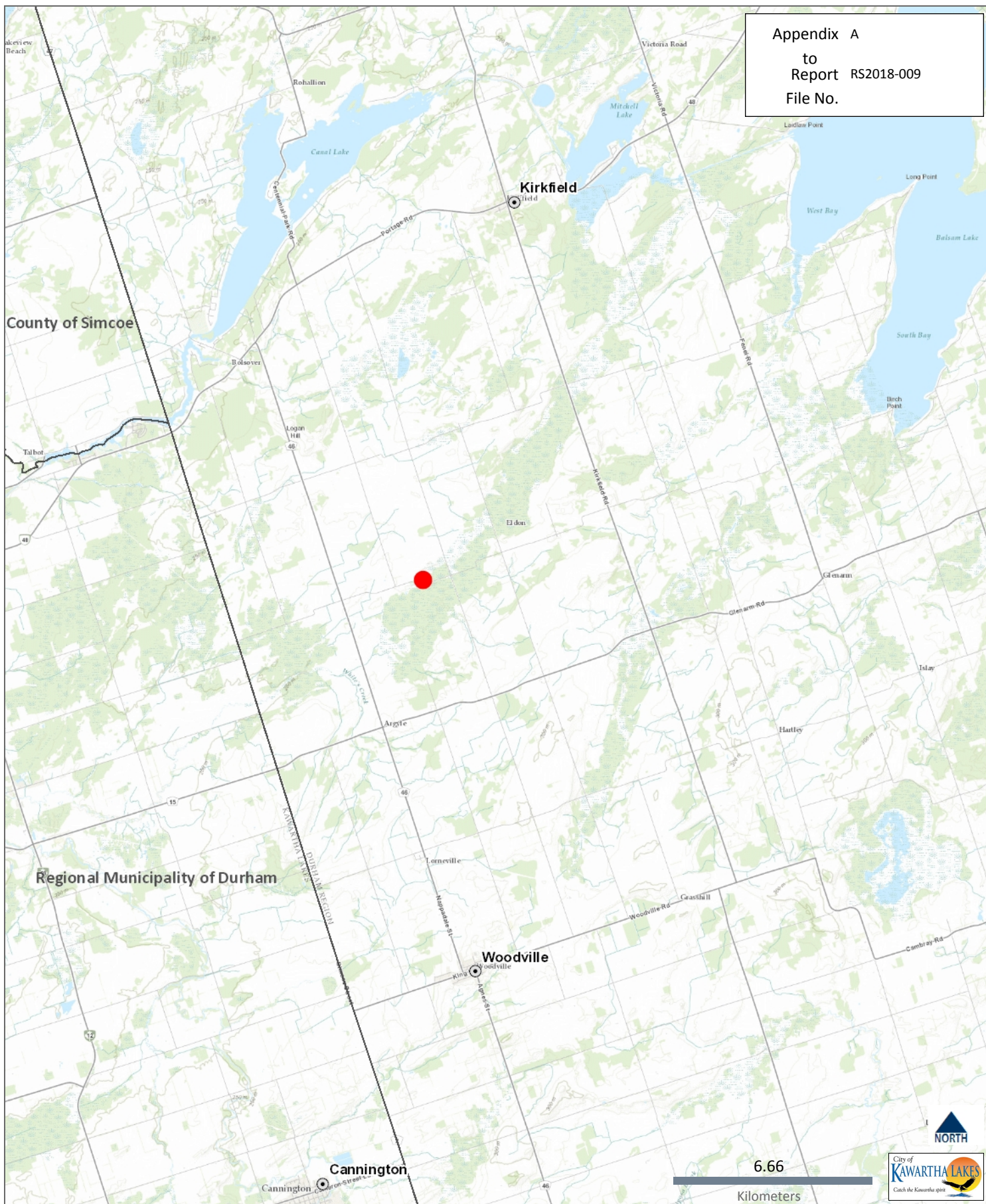
Appendix C – Reference Plan 57R-10631



Appendix C -
Reference Plan 57R-1

Department Head E-Mail: rcarlson@kawarthalakes.ca

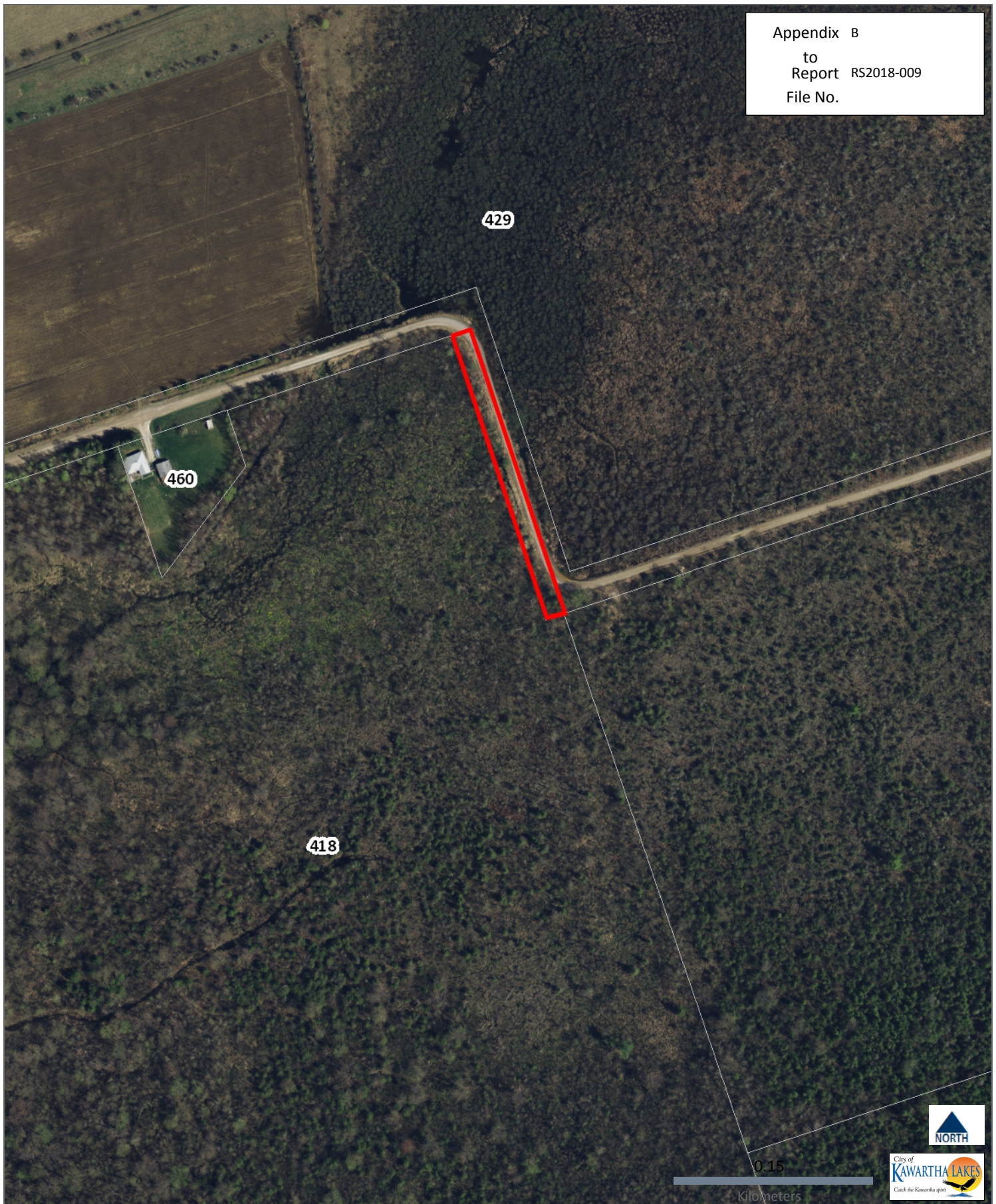
Department Head: Robyn Carlson

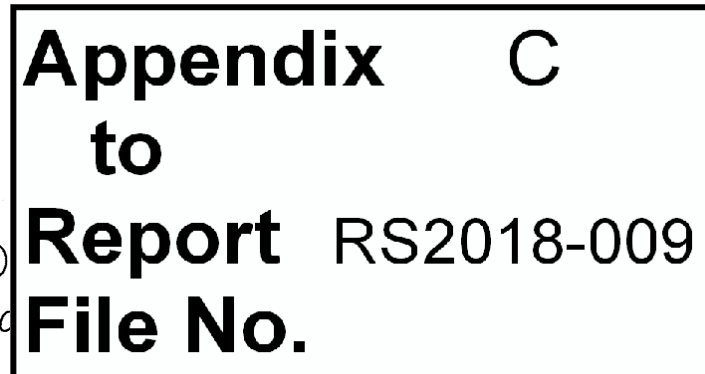


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Date:

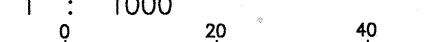




I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.	<div style="text-align: right; font-size: 1.2em; font-weight: bold;">PLAN 57R-10631</div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> RECEIVED AND DEPOSITED <div style="display: flex; justify-content: space-between;"> <div>DATE <u>Dec 15, 2017</u></div> <div>DATE <u>Dec 15, 2017</u></div> </div> <div style="text-align: center; margin-top: 10px;"> <u>"Kevin Oikari"</u> REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF VICTORIA (No 57) </div> </div>
<div style="text-align: center;"> <u>Gerald G. Hickson</u> GERALD G. HICKSON ONTARIO LAND SURVEYOR </div>	

PLAN OF SURVEY OF
**PART OF W 1/2 LOT 15
CONCESSION 4**
GEOGRAPHIC TOWNSHIP OF ELDON
CITY OF KAWARTHA LAKES

SCALE 1 : 1000



20 0 20 40 60 metres

COE, FISHER, CAMERON

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999869.

FOR BEARING COMPARISONS, A ROTATION OF 1°27'05" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN P1.

FOR BEARING COMPARISONS, A ROTATION OF 1°20'25" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN S7R-4992.


LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
902	DENOTES	COE, FISHER, CAMERON, O.L.S.
1108	DENOTES	E.G. GURNETT, O.L.S.
1428	DENOTES	C.T. STRONGMAN, O.L.S.
SS	DENOTES	SMITH & SMITH, O.L.S.
P1	DENOTES	PLAIN 57R-9844
MEAS	DENOTES	MEASURED
WIT	DENOTES	WITNESS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON DECEMBER 8th, 2017.

	COE FISHER CAMERON LAND SURVEYORS		SURVEYING MAPPING GIS
	A wholly owned subsidiary of J.D. Barnes Limited 257 KENT STREET WEST, LINDSAY, ON K9V 2Z3 T: (705) 324-4152 F: (705) 324-8406 www.jdbarnes.com		
DRAWN BY: DHT	CHECKED BY: GCH	REFERENCE NO.: 16-17-966-01	
FILE: G:\16-17-966-01\Drawing\16-17-966-01.dgn		DATED: 12/15/2017	
		PLOTTED: 12/15/17	

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WWW2018-006

Date: March 6, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Subject: A By-law to Regulate Water & Wastewater Services in the City of Kawartha Lakes - Update

Author Name and Title: Amber Hayter, Supervisor of Water & Wastewater Operations

Recommendation(s):

RESOLVED THAT Report WWW2018-006, “A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes – Update”, be received;

THAT the by-law “A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes”, substantially in the form attached as Appendix ‘A’ and Appendix ‘B’-Option 1 to Report WWW2018-006 to be included as Schedule ‘A’ to the by-law, be approved and adopted by Council; and

THAT a by-law to repeal By-Law 2011-260 “A By-Law to Govern Water & Wastewater Services in the City of Kawartha Lakes” be brought forward for adoption.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of January 30, 2018, Council adopted the following resolution:

10.3.27 WWW2018-004

A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes

Amber Hayter, Supervisor Water and Wastewater

Moved By Councillor Breadner

Seconded By Councillor Dunn

That Report WWW2018-004, **A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes**, be received;

That Schedule A to the Draft By-law be amended to revise the Bulk Water Fees to include the Calculated Annual Flat Rate Fee to a 2018 amount of \$4.6789 per cubic meter;

That the by-law entitled A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes, substantially in the form attached as Appendix A to Report WWW2018-004, as amended, be approved and adopted by Council; and

That a by-law to repeal By-Law 2011-260 being A By-law to Govern Water and Wastewater Services in the City of Kawartha Lakes, be brought forward for adoption.

CR2018-046

Moved By Councillor Stauble

Seconded By Councillor Strangway

That the motion be referred to staff to provide additional detail and alternatives for revision of the Bulk Water Fees.

CARRIED

In the draft by-law presented to Council on January 30th, 2018, staff proposed a bulk water rate of \$3.26064/m³ which is a 20% surcharge over the 2018 water consumption rate of \$2.7172/m³. Staff further recommended two phased increases to the surcharge, with 30% surcharge over the consumption rate for 2019 and 40% surcharge over the consumption rate for 2020.

During the Council meeting, Councillor Breadner proposed a motion to increase the Bulk Water Fee to \$4.6789 per cubic meter, which was calculated using the calculated annual flat rate of \$832.86/annum based on an average consumptive usage of 178 m³. This motion failed with the resolution above being passed. This report addresses the resolution passed and is to provide additional details and alternatives for the revision of the Bulk Water Fees.

The original staff report taken to Council January 30th is attached as Appendix 'C' to this report for information regarding the other changes made to the by-law.

Rationale:

As previously mentioned in the report brought to Council on January 30th, it is recognized that most surrounding municipalities charge a higher rate for bulk water than their general consumption rate. The general water user in the City pays both the consumption rate and the fixed rate portions of the adopted water rates. The consumption rate generates revenue collected to support the production of drinking water. Fixed rates generate revenue to fund ongoing maintenance, replacement, renewal and upgrades to infrastructure required to produce and transport safe drinking water.

There are maintenance and infrastructure upgrade costs that are inherent to providing bulk water services. Currently, those using the bulk water stations are not contributing financially to these costs since they are only paying the consumption rate, which funds the cost of producing the water. In 2017, approximately \$3400 was spent specifically on breakdown maintenance costs of the dispensing units at the three bulk locations. It is usual that there are significant annual repair costs to the dispensing stations as the stations are heavily used by the public and commercial operators. These repair costs are borne by the general user as opposed to the specific users of the bulk water stations. It is therefore the intention of this staff report to support a more even distribution of the maintenance costs to the actual users of those systems.

As a result of Councillor Breadner's proposed increase to the bulk water rate to \$4.6789/m³, which is \$1.9617/m³ over the consumption rate, Council referred the report and by-law back to staff for more information in order to support a new increased bulk water rate.

As previously mentioned, as a result of a survey it was determined that the majority of municipalities throughout Ontario were charging a higher rate for bulk water than the general consumption rate. Below is a summary in more detail of bulk water rates from our neighbouring municipalities:

Peterborough Utilities - \$1.00/800 litres (equivalent to \$1.25/m³)
Millbrook - \$2.95/m³ (2018), \$3.55/m³ (2019) and \$4.26/m³ (2020)
Durham Region (Port Perry) - \$3.00/m³

It is important to note that these three municipalities each have one bulk water station as opposed to CKL who has three stations. Therefore it is reasonable that CKL's fee per cubic meter of water is slightly higher in comparison.

To further support the increase in fee the following rationale is provided. The average tanker truck used to haul water has a capacity of approximately 13 cubic meters. With current rates set to the consumption rate of \$2.7172/m³ it costs a commercial hauler approximately \$35.32 to fill their tank. With the first step of the originally proposed increase of 20% or \$0.54344/m³ in the Jan 30th staff report it would cost the hauler an additional \$7.06 per load. However an increase to \$4.6789/m³ would be an additional \$25.50 per load based on a 13 m³ tank capacity. Although there is merit in doing a one time raising of rates staff recommend that this be done in a phased approach (in this case 3 yrs) to ease in the transition similar to the way user rates have been increased.

Of note, the cost to the end user, that being the customer requesting the bulk water, is dependent on the individual haulage rates which include delivery charges. The cost per delivery varies based on travel distance and most companies quote their customers based on each job. It is unlikely that raising the rates over 3 years will cause a significant drop in use of the city's bulk stations as there is a cost to haulers in additional time, fuel and vehicle wear and tear to haul water from an outside municipality into the City. However, staff will continue to monitor annual volumes of water purchased from bulk water stations in order to assess trends in use.

Staff are maintaining a recommendation of a 20% surcharge over the consumption rate for 2018, setting the bulk water rate at \$3.26064/m³ and continue to further recommend the two further increases reflected in Schedule A of the By-law presented in this report as "Appendix B – Option 1".

The proposed rate is within 10% of two neighbouring municipalities (Durham Region and Millbrook), which is where some local water haulers already obtain water from for customers located in the southern area of the City. The increase would help the City generate more revenue necessary to help fund the ongoing maintenance and infrastructure costs, while keeping the City in the competitive market with other municipalities and reducing the risk of haulers going elsewhere to obtain water. The proposed phased increase is a reasonable increase that would have minimal impact on the customers who require the delivery of a secure potable water source.

Other Alternatives Considered:

Council could choose to adopt the new by-law with the exception of raising the Bulk Water fees and leave the fee the same as the Consumption Rate already included in the existing by-law however this would put an uneven financial burden on the general user of the water systems who do not usually use the bulk

water stations. If Council choses this alternative, the alternate resolution would be to remove:

“THAT the by-law “A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes”, substantially in the form attached as Appendix ‘A’ and Appendix ‘B’-Option 1 to Report WWW2018-006 to be included as Schedule ‘A’ to the by-law, be approved and adopted by Council;.

And replace with:

“THAT the by-law “A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes”, substantially in the form attached as Appendix ‘A’ and Appendix ‘B’ – Option 3 to Report WWW2018-006 to be included as Schedule ‘A’ to the by-law, be approved and adopted by Council;”.

Council could also choose to adopt a one time hike in the Bulk Water Fee to \$4.6789/m³ and adopt the By-law substantially in the form as attached as Appendix A and Schedule A to the by-law attached to this report as Appendix ‘B’ – Option 2. If Council choses this alternative, the alternate resolution would be to remove:

“THAT the by-law “A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes”, substantially in the form attached as Appendix ‘A’ and Appendix ‘B’-Option 1 to Report WWW2018-006 to be included as Schedule ‘A’ to the by-law, be approved and adopted by Council;”.

And replace with:

“THAT the by-law “A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes”, substantially in the form attached as Appendix ‘A’ and Appendix ‘B’-Option 2 to Report WWW2018-006 to be included as Schedule ‘A’ to the by-law, be approved and adopted by Council;”.

Financial/Operation Impacts:

Financial impacts related to the proposed new Bulk Water Fee could result in additional annual revenue of approximately \$28,800 based on updated quantities of water sold from the bulk water stations in 2017. Additional revenue was posted to the revenue account for 2017 since report brought to Council January 30th, 2018. This additional revenue would support the ongoing maintenance and upgrades required for both the bulk water dispensing equipment and facility infrastructure required to produce and transport the drinking water.

Financial impacts on the commercial water haulers and private individuals who purchase water, as mentioned above would be approximately \$7.06 more per fill or less based on the volume of the tank being filled. The financial impact to the

average user of the system that fills up several 5 gallon-containers of water at the stations is minimal (approximately \$0.06 per 5 gal container).

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Ensuring that the by-law is kept current with various legislation, guidelines, policies and procedures will further help the City's Goal of A Healthy Environment, specifically protecting and enhancing water quality.

The by-law helps support Enabler 4.3: Environmentally efficient municipal infrastructure with the development of operations and procedures that foster environmentally efficient municipal infrastructure.

Consultations:

Manager, Environmental Services

Attachments:

Appendix A: By-law 2018-XXX "A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes"



Appendix A - Report
WWW2018-006 - 1.pdf



Appendix A - Report
WWW2018-006 - 2.pdf

Appendix B – Option 1: Schedule A to By-law 2018-XXX "A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes"



Appendix B - Option 1
- Report WWW2018-0

Appendix B – Option 2: Schedule A to By-law 2018-XXX "A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes"



Appendix B - Option 2
- Report WWW2018-0

Appendix B – Option 3: Schedule A to By-law 2018-XXX "A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes"



Appendix B - Option 3
- Report WWW2018-0

Appendix C: Report WWW2018-004 "A By-law to Regulate Water & Wastewater Services in the City of Kawartha Lakes" (January 30, 2018)



Appendix C - Report
WWW2018-006.pdf

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

The Corporation of the City of Kawartha Lakes

By-Law 2018-____

A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes

Recitals

1. The *Municipal Act, 2001*, S.O. 2001, c.25 allows municipalities to pass By-laws governing public utilities and permitting the setting of fees and charges related to the supply of water and wastewater services to the public.
2. The *Municipal Act, 2001*, S.O. 2001, c.25, sections 79 and 80, allow a municipality to have reasonable access to buildings and land supplied with water to maintain the system.
3. The *Municipal Act, 2001*, S.O. 2001, c.25, section 83 allows for a municipality to require security be given for payment of the proper fees and charges for the supply of the public utility or for extending the public utility to the land.
4. It is deemed prudent to enact rules and regulations to provide for the management and general maintenance of municipal water and wastewater works and fixing the rates and charges to be paid by owners and occupiers. Also due diligent to ensure an acceptable level of service meeting or exceeding Ontario Provincial Standards, Ministry of the Environment and Climate Change Guidelines and special Conditions and Requirements of the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-____.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“Agent” means a person authorized to act on another’s behalf;

“Applicant” means the owner of the premises for which water or sewage works are being sought or the authorized agent of the owner;

“Automated Meter Reading Program” means the programs or projects as may be adopted by the City, for the supply and installation of water meters and a radio communications network capable for reading, transmitting and collecting water meter readings throughout the City and includes all related equipment, software and hardware;

“Backflow Prevention Device” means a device or system that prevents backflow or back-siphonage into the waterworks and is designed to prevent contamination of the waterworks or water supply;

“Building” means a building or structure as defined in the *Building Code Act*;

“Building Code Act” means the *Building Code Act, 1992, S.O. 1992, C. 23*, as amended and includes the regulations thereunder;

“Building Permit” means a permit issued under the Ontario *Building Code Act*;

“By-Law” means this By-law, as may be amended from time to time. The Recitals to, and the Schedules attached to this By-Law are considered integral parts of it;

“Chief Building Official” (CBO) means the Chief Building Official, appointed pursuant to the *Building Code Act*;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“Connection Charge” means the charge payable when required as a condition of a severance or when a property is connected to a water and/or sanitary sewer service, to finance the installation and connection of a water or sanitary sewer service from the watermain or sewer main to the property line;

“Consolidated Fees By-Law” means By-Law 2017-203 “A By-law to Amend By-law 2016-206, the Consolidated Fees By-law in the City of Kawartha Lakes”, as amended;

“Contractor” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the City to install or maintain mains, service mains, services, hydrants and other appurtenances. When work is undertaken on City owned property the contractor must be approved by the City;

“Council” or “City Council” means the municipal council for the City;

“Cross Connection” means any actual or potential connection between the waterworks and any source of pollution, contamination, or other material or substance that could change the quality of the water in the waterworks. This includes any bypass, jumper connection, removable section of pipe, swivel or changeover device, and any other temporary or permanent connecting arrangement through which backflow can occur. Individual protection would be installed on fixtures or appliances that have the potential of contributing to a cross connection;

“CSA-B64 Series Standards” means the Canadian Standards Association standard for Backflow Preventers and Vacuum Breakers, as amended;

“Delinquent Account” means an account for service issued by the City which remains unpaid after the due date;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Director of Engineering and Corporate Assets” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Dwelling Unit” means a unit that is operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Fire Code” means the Ontario Regulation 213/07 made under Part IV of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4;

“Flat Rate” is the fee charged when there is no meter available to measure consumption for billing purposes and based upon average consumptive usage of 178 m³ annually.

“Frontage” is defined as:

- (a) Where the property is zoned agriculture, the length shall be the frontage of the residential usage portion only;
- (b) Where the property is not zoned for agricultural use, the length shall be the frontage along which the main runs;
- (c) Where a property is serviced on more than one side, the length shall be calculated for the side from which the property is being serviced;

“Frontage Charge” means the charge payable, based upon the frontage of the property, when required a condition of a severance or when a property is connected to a water and/or sanitary sewer service that hasn’t already been levied, to finance the maintenance, replacement and rehabilitation of existing underground infrastructure. Frontage charges are not the same as Development Charges imposed by City by-law, as applicable;

“Guidelines” means and is not limited to the Public Works/Engineering Services Subdivision/Site Plan Development Guidelines and Technical Standards for the City of Kawartha Lakes, and/or Design Guidelines for Drinking Water Systems 2008 by the Ministry of the Environment, and/or Design Guidelines for Sewage Works 2008 by the Ministry of the Environment, as applicable and amended;

“Irrigation Systems” means equipment, which includes sprinkler heads, piping and other components used primarily to apply water to vegetation;

“Inspection” includes:

- (a) An audit;
- (b) Physical, visual or other examination;
- (c) Survey;
- (d) Test; and
- (e) Inquiry;

“Licensed Operator” means for the purposes of this By-Law a person in good standing with the Ontario Water Wastewater Certification Office (OWWCO) and maintains a minimum Class I in Water Treatment, Water Distribution, Water Distribution and Supply, Wastewater Treatment and/or Wastewater Collection. The license held must be applicable to the system for which one is performing the work in.

“Manager of Environmental Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Manager of Revenue and Taxation” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Meter” means the device, which is the property of the City of Kawartha Lakes which measures and records the quantity of water passing through it and is read, serviced, maintained, and supplied by the City;

“Meter Chamber” means a device for the protection of a meter;

“Metered Water Systems” shall include City-owned systems where water is supplied to the customer using a measurement on a consumption meter;

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

“Municipal Property” means any lands/property owned by the City and/or easements, rights-of-way and/or road allowances in favour of the City;

“Municipal Law Enforcement Officer” means a peace officer appointed by Council pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15, for the purpose of enforcing municipal By-laws;

“Occupier” means a person residing on or in a property; a person entitled to the possession of the property if there is no other person residing on or in the property; and a tenant or leaseholder; and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation. An occupier includes an occupant;

“Other Charges” means those charges related to repairs, installations, services rendered, or other expenses, exclusive of charges included in

water rates, frontage charges and sewage service rates, payable by the consumer as provided for in this By-Law or as directed by City Council;

“Owner” means a person that has any right, title, estate, or interest in a property, other than that of only an occupant and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any person with authority or power over or control of that property on behalf of an owner. An owner includes a developer;

“Person” means a natural person, an association, a partnership or a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“Premises” means any house, tenement, building, lot, or part of a lot, or both, in, through, or past which service pipes run;

“Private Hydrants” are situated within the limits of the property owned or occupied by the owner or occupier of the water, and/or installed at such locations to serve as exclusive fire protection for said buildings at such a site complex, i.e., institutions, condominiums, community centers, schools, etc.;

“Private Water Service Pipe” means the pipe, fittings and appurtenances which convey water from the water service connection at property line to a water meter, or to the point where the pipe and fittings connected to the water service connection enters a building or structure if there is no water meter;

“Private Sanitary Sewer Service Pipe” means the pipe, fittings, and appurtenances which convey wastewater from a building or structure to the property line.

“Property” includes but is not limited to both public and private lands, a house, building, structure, lot or any part of a house, building, structure or lot within the City, and is adjacent to water and/or sewage works and may be entitled to a service connection;

“Qualified Person” means a person whom meets the following requirements: is registered with the City’s Cross Connection Control Program; holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association (OWWA); is in possession of a current calibration certificate as required for the testing equipment to be employed; maintains commercial general liability insurance; and is authorized to perform the inspection and testing requirements of the program;

“Remote Readout Unit” means any device that is used to record or transmit, or both, the water consumption reading of a water meter and may be installed at a separate location from the water meter but does not include the water meter register;

“Sanitary Sewer” means the pipe, valves and fitting attached thereto, which transport and collect wastewater from abutting properties and general area;

“Sanitary Sewer Service Pipe” means the pipe and fittings that convey wastewater from the inside of an exterior wall of a structure to a connection on a main;

“Service Box” means the structure that houses the shut off valve;

“Service Connection” means water and/or sanitary sewer service connection;

“Sewage Works” means the works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the *Building Code Act* applies;

“Shut-off Valve” means the valve on or at water service connection owned and used by the City to shut off or turn on the water supply from the waterworks to a property. May also be referred to as curb stop;

“Special Meter Reading” means a reading taken by a person authorized by the City to read a meter for billing purposes at a time other than the normal billing cycle reading;

“Sprinkler System” means a dedicated water service installed to a building complex required by the *Ontario Building Code* or the *Ontario Fire Code* for the exclusive purpose of fire suppression of said structure;

“Streetline” means the boundary of private property which adjoins municipal property;

“Substantially Demolished” means the demolition of more than 50% of the exterior walls of the first story above grade of a building or structure, whether or not it is subsequently replaced;

“Supervisor, Overall Responsible Operator” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Supervisor, Water and Wastewater Operations” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Tenant” means a person that pays consideration to use or occupy land, a building or other property owned by another;

“Temporary Water Service” means:

- (a) A pipe installed from a public waterworks by the City, for a City project, and for a specified temporary period of time; and
- (b) A pipe installed with the permission of the Director for construction purposes;

“Treasurer” means the person within the administration of the City, which fulfills the function of the Treasurer as required by the *Municipal Act, 2001*, S.O. 2001, C.25;

“Valve” means a device for controlling the flow of water through a pipe. A valve on a service connection is also referred to as a stopcock, curb stop or shut-off valve;

“Water” means potable water supplied by the City;

“Water Account” means a record of water consumption and all fees and charges related thereto at and for a property;

“Watermain” means the pipe, valves and fittings attached thereto which transport and distribute water to abutting properties and/or general area;

“Water Service Pipes” means the pipe fittings that convey potable water from a connection a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure;

“Water Works System” includes but is not limited to buildings, structures, plants, equipment, appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the treatment, transmission, distribution and storage of water and includes lands appropriated for that purpose;

“Zone or Area Protection” is provided within a building or area of a building where a cross connection could occur due to installed equipment or work being performed.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Administration

2.01 The Director of Public Works shall oversee:

- (a) The operation and maintenance of the City's water and wastewater systems.

2.02 The Director of Engineering and Corporate Assets shall oversee:

- (a) Development and implementation of standards and specifications governing the design and construction of the City's drinking water and wastewater systems; and
- (b) The service application, review and installation process

2.03 Should emergency conditions arise that imperil the municipal water supply or its distribution, the Director of Public Works has the authority to:

- (a) Take all remedial measures as deemed necessary to protect public health, which may include limiting or stopping the supply of water in any area and restricting the use of water for any specific purpose;
- (b) Expend money and employ workers as needed to restore the City's drinking water system; and
- (c) Report to Council as soon as practical after such measures are taken.

2.04 The Treasurer shall be responsible for:

- (a) Arranging for the installation and repair of fixed water meter reading equipment;
- (b) Administering water meter reading;
- (c) Establishing water and wastewater rates;
- (d) Accounting;
- (e) Billing;
- (f) Collecting fees and charges;
- (g) Issuance of water certificates in conjunction with a final reading of the City meter and a final bill to the owner of the property when a written request has been received and the charge established in the Tariff of Fees By-Law has been paid; and
- (h) Limiting or stopping the supply of water when there has been default of payment in accordance with the City's Water and Wastewater Billing and Collection Policy, or this By-law, as amended from time to time.

Section 3.00: Use and Receipt of Water

3.01 No person shall use, cause or permit water to be used other than in connection with the property to which it is supplied without prior written permission of the City, other than by authorized Kawartha Lakes Fire Services personnel acting in the course of their duties or other City personnel acting in the course of their duties.

3.02 No person shall sell water or otherwise similarly dispose of water without the prior written permission of the City, other than by authorized Kawartha Lakes Fire Service personnel or other City personnel acting in the course of their duties.

- 3.03 No person shall obtain water without paying the applicable charges, fees or rates for that water, except with the prior written approval of the City other than authorized Kawartha Lakes Fire Services personnel or other authorized City personnel acting in the course of their duties.
- 3.04 The City does not guarantee any pre-determined water pressure or flow, or guarantee the water supplied to be free of colour, turbidity, taste or odour at all times.

Section 4.00: Installation and Maintenance of the Distribution and Collection Systems

- 4.01 Any and all work having to do with the supply of water and collection of wastewater, with the laying, repairing, renewing or the taking up of a watermain, sanitary sewer or service pipes on municipal property shall only be carried out where authorized by the officers, agents or servants of the City.
- 4.02 Any persons before proceeding with, or authorizing any construction, that will occur under, across or along any watermain, sanitary sewer or other water or sewage works forming any part of the City's system(s), shall seek approval from the City by providing in writing of their intention to proceed with the same. If, in the opinion of the City, it becomes necessary to support or relocate any watermain, sanitary sewer or other water or sewage works, the cost of such work shall be at the sole expense of the applicant. The City has the authority to supervise and/or direct such works, which shall be at the sole expense of the applicant.
- 4.03 No person, except those authorized by the City, shall:
- (a) Tap-off, interfere or make any connection with a watermain and/or sanitary sewer;
 - (b) Turn off, turn on or interfere in any manner with any watermain valve;
 - (c) Turn off, turn on or interfere in any manner with any service pipe; or
 - (d) Extend any watermain and/or sanitary sewer belonging to or that in the opinion of the City forms part of the City's waterworks and sewage works.
- 4.04 The City shall undertake only the following works on private property:
- (a) Such works as are necessary in connection with City owned meters, or other components of the waterworks system; and
 - (b) Inspection, disinfection, and testing of the installation or repair of private water services, as required by the City.
- 4.05 Where, on an emergency basis, the City assists the owner, at the owner's request, in the repair of a private service on that owner's property, all work performed by the City to assist the owner in that regard shall be performed at the owner's risk and cost. The owner shall have no claim whatsoever against the City for reason of that work.

Section 5.00: Water and Sanitary Sewer Connections and Applications

5.01 New or Changed Connections:

- (a) No person, including the owner or occupier, shall erect or cause to be erected any building, except an ancillary building, on lands serviced by the water and/or sewage works unless the building to be erected is connected to the water and/or sewage works.
- (b) No person, including the owner or occupier, shall connect to the City's water and/or sewage works or make changes or alterations to an existing connection to the City's water and/or sewage works without the written approval of the Director of Engineering and Corporate Assets and in compliance with this By-Law.

5.02 Application for Connection:

- (a) All persons who requires or requests water to be supplied to a property or collection of wastewater or a change or alteration to the existing water or sanitary sewer connection in relation to a property shall submit a Municipal Service Connections Application to the City to determine if services are available to the subject property.
- (b) The Municipal Services Connection Application shall be accompanied by any and all plans as may be required by the City to determine if the application is in accordance with applicable Guidelines and the standards, specifications and requirements of this By-Law. The owner shall be responsible for the completeness and accuracy of the information furnished on the Municipal Services Connection Application and in the plans at the time of making the application.
- (c) No connections shall be made until confirmation has been received from the Engineering and Corporate Assets department, including but not limited to all fees paid.

5.03 Installation of Water and Sanitary Sewer Service Connection(s):

- (a) All work and materials shall conform to the current Guidelines.
- (b) All water and/or sanitary sewer connections within municipal property shall be constructed by an Service Connection Contractor approved by the City.
- (c) The City retains the right to inspect and/or supervise any and/or all work performed on private property that relates to the installation of a connection to a City service pipe, not under the jurisdiction of the *Building Code Act*. This may require the hiring of a Licensed Operator. If in the opinion of the City, the installation is not completed in accordance with all applicable laws, including, but not limited to, the *Building Code Act*, and/or the standards and specifications of this By-law, it shall be made to conform, at the owner's expense.
- (d) In the event that a person connects to the City's water and/or sanitary sewage works, and/or installs a water and/or sanitary sewer service connection in a manner other than provided for in this By-Law, the Director of Engineering and Corporate Assets has the authority to order, at the owner's expense:

- i. Re-excavation of the connection for the purpose of inspection and testing and subsequent reinstallation of the works in compliance with this By-Law; or
 - ii. Disconnection of the service connection, which shall not be reinstalled and/or reconnected without the prior written permission of the appropriate Director and must be within full compliance with the requirements of this By-Law.
- (e) A separate and independent water and sanitary sewer service and water meter shall be required for:
 - i. Each single family dwelling;
 - ii. Each unit of a semi-detached building;
 - iii. Each dwelling unit of a linear row housing building or tenement;
 - iv. Apartment buildings;
 - v. Commercial buildings;
 - vi. Condominium apartment buildings; and
 - vii. Industrial buildings.
- (f) Any exemptions to section 5.03 (e) shall be at the discretion of the Director of Engineering and Corporate Assets and all approvals for exemptions shall be in writing.
- (g) Each and every water service connection shall be equipped with a shut-off valve that shall be located on municipal property or a location authorized in writing by the Director of Engineering and Corporate Assets, such valve(s) shall be the property of the City.
- (h) Each and every water and sanitary sewer service connection shall be installed and connected to the City's watermain and/or sanitary sewer along the frontage of the property unless otherwise authorized in writing by the Director of Engineering and Corporate Assets.
- (i) A separate connection service meter installed for irrigation and/or fire sprinkler systems is not permitted.
- (j) Shut-off valves for all water services, irrigation and/or fire sprinkler systems shall be fully accessible to the City. If shut-off valves are not accessible, the City will undertake relocation work to ensure the valves are accessible. All costs associated with relocation shall be at the owner's expense.

Section 6.00: Private Water and Sanitary Sewer Service Pipes and Private Fire Service Mains

6.01 Installation and Inspection:

- (a) All private water and sanitary sewer service pipes and private fire service mains and their appurtenances shall be installed by the owner, at the owner's expense, in accordance with all applicable law including, but not limited to, the *Building Code Act*, Guidelines and this By-law.
- (b) All private water service pipes and private fire service mains 100 mm in diameter and larger shall be tested and commissioned in accordance with City Guidelines and AWWA standards by a Licensed Operator to the satisfaction of the City.
- (c) No owner shall install a private water or sanitary sewer service pipe or private fire service, or permit a private water service pipe, sanitary sewer service or private fire service main to be installed on that owner's property except where:

- i. The watermain/sanitary sewer to which the connection is to be made is fully completed, tested and accepted by the City for operation;
 - ii. Water/sanitary sewer service connections have been installed to the satisfaction of the City; and
 - iii. The private fire service connections are installed to the satisfaction of the City.
- (d) In the event that a person installs or permits a private water/sanitary sewer service pipe or private fire service main to be installed in a manner contrary to this By-Law, the Chief Building Official has the authority to order the excavation of the installation and/or direct any other action as may be deemed necessary for the purpose of inspection and testing by the City, at the owner's expense.
- (e) If the City determines, after an inspection and testing, that a private water/sanitary sewer service pipe or private fire service main has not been installed in accordance with subsection 6.01 (a) of this By-Law, the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official has the authority to direct the owner to perform the necessary work to ensure full compliance. All works shall be at the expense of the owner and shall be completed within a specified time period.
- (f) Where an owner fails to or refuses to perform the remedial work as directed under subsection 6.01 (e), the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official has the authority to:
 - i. Issue an order to the owner to perform the necessary work, in addition to any requirements as determined by the Chief Building Official, to bring the private water and sanitary sewer service pipe and/or private fire service main, into full compliance with the applicable regulations, Guidelines and this By-Law; and
 - ii. Issue an order to disconnect the private service pipes and/or private fire service main from the water or sewage works.
- (g) Upon a disconnection by the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official under subsection 6.01 (f) ii., the owner shall not reinstall a private water and/or sanitary sewer service pipe or private fire service main or both except:
 - i. Upon the prior written approval of the appropriate Director;
 - ii. Upon the payment of all applicable fees and charges in respect to the disconnection; and
 - iii. When work is in complete compliance with applicable Guidelines and this By-Law.

6.02 **Maintenance and Use:**

- (a) The owner or occupier of a property shall keep all private water/sanitary sewer service pipes and private fire service mains on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times.
- (b) The owner or occupier of a property shall repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer

service pipes or private fire service mains on that property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, as soon as possible once they are made aware of any such leaks or defects or malfunctions, in accordance with all applicable City By-Laws and provincial legislation.

- (c) In the event that an owner or occupier fails to keep all private water/sanitary sewer service pipes and private fire service mains on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times or refuses to repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer service pipes or private fire service mains on that property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, the Director of Public Works is authorized to issue an order to the owner or occupier to do so.
- (d) The owner or occupier shall comply with an order issued under subsection 6.02 (c) no later than forty-eight (48) hours after issuance.
- (e) If an order is issued under subsection 6.02 (a), 6.02 (b) or 6.02 (c), the owner or occupier shall pay the amount specified in the City's Consolidated Fees By-law with respect to any water not registered by the meter or for any water loss, for each day an order of the Director under subsection 6.02 (d) is out of compliance.
- (f) Notwithstanding subsection 6.02 (e), where the owner or occupier can provide, to the satisfaction of the Director of Public Works, an accurate record of actual water loss as a result of the leak, defect or malfunction, the amount payable may be adjusted to be equal to the amount so recorded, to the satisfaction of the Director of Public Works.

6.03 Investigation/Disputes:

- (a) Where an owner or occupier disputes the City's determination of the location of a leak or defect in a service connection, the owner or occupier may apply in writing to the Director of Public Works to request the City to conduct an inspection of the service connection and to perform whatever excavation may be necessary.
- (b) The owner or occupier shall set out, in the application, the basis upon which the owner or occupier disagrees with the City's determination of the location of a leak or defect in a service connection.
- (c) If the Director of Public Works, determines that an inspection by excavation is necessary to determine the location or cause of the leak or defect, the owner or occupier requesting the inspection shall pay to the City the deposit specified in the City's Consolidated Fees By-Law, prior to the commencement of the excavation.
- (d) The deposit shall be in the form of either cash or a certified cheque, or applied to the owner or occupier's utility account, as may be determined by the Director of Public Works.
- (e) If, upon an inspection under subsection 6.03 (a):
 - i. A leak or defect is found by the City on the City's portion of the service connection, the City shall refund the deposit to the owner or occupier;
 - ii. No leak or defect is found by the City on the City's portion of the service connection, the Director of Public Works has the

authority to determine the actual cost of the excavation, restoration and any other services or work performed by the City in relation to the inspection. Payment of those costs shall be the responsibility of the owner or occupier;

- iii. Should the actual cost of the work be greater than the deposit received under 6.03 (d), the owner or occupier shall immediately remit to the City the difference;
- iv. In the event the actual cost of the work is less than the amount of the deposit received under subsection 6.03 (d), the Director of Public Works shall authorize the refund of the difference to the owner or occupier. If the deposit was applied to the owner/occupier's utility account, a credit will be applied to the account.

Section 7.00: Demolitions

7.01 Demolition of a Building:

- (a) An application to disconnect services must be made on the approved form prior to a demolition permit being issued.
- (b) An owner who has received a permit to demolish a property shall notify the City in writing at least seven (7) days in advance of the date on which the water supply to the property is to be terminated, and shall make an appointment with, and provide access to the City to accommodate a final water meter reading, the removal of the water meter and the remote readout unit from the property, turn-off of the water supply at the shut-off valve and to allow for inspection of the plugged sanitary sewer service.
- (c) The owner or an agent of the owner shall be present at the property when the final water meter reading is taken, the water meter is removed, the water supply is turned off and the inspection of the plugged sanitary sewer service is complete.
- (d) The City may require that the services be disconnected and capped at the property line or at the watermain and/or sanitary sewer main, at the expense of the owner.
- (e) The owner shall pay the amounts specified in the Consolidated Fees By-Law, for the turn off of the water supply to the property and shall pay all City costs related to the disconnection of the water service connection from the water and sewage works in accordance with section 5.00 of this By-Law.
- (f) In the event an owner fails to provide access to a property prior to demolition of a building on the property, in accordance with subsection 7.01 (b), the owner shall pay to the City an amount equal to the cost of a new water meter and remote readout unit of the same type and size that was unable to be recovered by the Treasurer from the property in accordance with the amounts specified in the Consolidated Fees By-Law.
- (g) In addition to the amounts payable under subsection 7.01 (f), the owner shall also pay for the amount of water consumption from the last water meter reading date to the date of the disconnection of the water service connection from the waterworks, estimated by the Treasurer in accordance with subsection 10.03 (h).

- (h) Notwithstanding subsections 7.01 (e) and 7.01 (f), if the Treasurer determines that it is not necessary to recover a water meter from a property to be demolished, the Treasurer shall notify the owner in writing.
- (i) Upon receipt of a notice from the Director of Public Works following the inspection required under subsection 7.01 (b), and provided that the water meter has been removed or determined unrecoverable per subsection 7.01 (h), the owner may proceed with the demolition.
- (j) The owner shall be responsible for the payment of the fixed rate charge specified in Schedule "A" to this By-Law.

Section 8.00: Construction Water

8.01 Construction Water for Building:

- (a) For all newly constructed buildings where a Building Permit is issued and municipal water services are available, a construction water charge as per the Consolidated Fees By-law will be charged at the time of Building Permit issuance.
- (b) The water shall be used solely for the construction of the building for which the building permit is issued, which includes normal concrete and masonry work and other minor uses on the subject property and shall not be utilized for compaction or lawn watering purposes.
- (c) The City is authorized to terminate the supply of water to a property where a person has been authorized for construction water use and is found to be using construction water for compaction, lawn watering, use in a model home or where construction water is used to service more than one separately assessed parcel of land or other purpose deemed to be unacceptable by the City.
- (d) The owner shall pay all costs for the installation of any temporary or permanent water service connection of any size and all costs for the disconnection of any temporary water service connection.
- (e) The commencement date shall be the date the construction water is connected by the City and is valid for a three-month period from that date.
- (f) Should construction water be turned on by someone other than the City, the owner will be charged for the construction water from the date of the building permit to the date of the installation and commencement of use of the water meter.
- (g) Once the water meter is installed, the owner shall be charged the current water rates for all water consumption registered on the water meter in place of the construction water rate specified in Schedule "A" of this By-Law.

8.02 Extension of Construction Water Use:

- (a) The owner of a property who is utilizing construction water, who has not installed a properly working water meter within the initial three-month period set out in subsection 8.01, may apply to the Treasurer for an extension of the permit beyond that initial three-month period.
- (b) The extension period set out in subsection 8.02 (a) shall be for no less than three additional months.

- (c) Where the extension of construction water use is applied for and the consumption is not metered, a payment for the supply of water for the full term of the applied-for extension, calculated in accordance with the amounts specified in the Consolidated Fees By-Law, shall be made by the building permit holder at the time the request for the extension is submitted.
- (d) Once the water meter is installed, the owner shall be charged the current water rates for all water consumption registered on the water meter in place of the construction water rate specified in Schedule "A" of this By-Law
- (e) The owner shall be entitled to apply for additional extension periods but must comply with the requirements of subsection 8.01 (a) and (b) with respect to each request for an extension.
- (f) The Treasurer shall shut off the supply of water to a property where an owner who is authorized for the use of construction water under subsections 8.01 (a) and 8.01 (b) has not installed a properly functioning meter and has not requested and/or received an extension for the use of construction water for the property beyond the end of the initial three-month term or any approved extension term.

8.04 Backflow Prevention – Construction Water:

- (a) A backflow prevention device shall be installed in accordance with the current CSA-B64 Series Standards on each and every temporary water service connection to private water service pipes.
- (b) The owner shall pay all costs associated with the supply, installation, replacement or repair, and testing of the backflow prevention device(s).
- (c) If the backflow prevention device is either missing or damaged, the Director of Public Works is authorized to immediately order the shut-off of the water supply to the property until such time that the backflow prevention device is either replaced or repaired.

8.05 Fire Hydrant Used for Construction Water:

- (a) If authorization in writing is granted by the City for the temporary use of a fire hydrant for the supply of construction water, a temporary hydrant meter, valve and backflow prevention device shall be installed on the hydrant.
- (b) The City shall supply, install and seal the temporary hydrant meter, valve and backflow prevention device.
- (c) The owner and/or contractor shall pay the temporary hydrant meter fee as established in the Consolidated Fees By-Law prior to the installation of the temporary hydrant meter. This fee includes supply and install of the temporary hydrant meter, valve and backflow prevention device.
- (d) The owner and/or contractor shall pay for all water supplied from the fire hydrant as per Schedule "A" of this By-Law.
- (e) The owner and/or contractor shall protect the temporary hydrant meter, backflow prevention device and fire hydrant from freezing or any other damage, at all times, to the satisfaction of the City.
- (f) If any loss or damage occurs to the temporary hydrant meter, backflow prevention device, valve or fire hydrant the owner shall immediately notify the City and shall pay all costs associated with the replacement

or repair of the temporary hydrant meter, backflow prevention device or fire hydrant.

Section 9.00: Meter By-pass

- 9.01 No pipe connection shall be made to a water service pipe other than after the outlet side of the water meter, except where a by-pass around the meter has been approved in writing by the City.
- 9.02 An approved water meter by-pass shall be equipped with a shut-off valve that upon notification of its installation by the owner shall be sealed in the closed position by the City.
- 9.03 A properly installed by-pass, including sealed valve around the water meter shall be provided at the expense of the owner or occupier of the premises on which the water meter is located when required by the City.
- 9.04 No person shall break the City's seal on a by-pass valve, without the expressed authorization of the City.
- 9.05 If the owner or occupier fails or refuses to supply the by-pass pipe or valve(s) to the satisfaction of the City, the Director of Public Works has the authority to order the owner or occupier:
- (a) To supply and install a new or replacement water meter by-pass pipe or valve(s);
 - (b) To remove any defective pipe or valve(s) and install new pipe or valve(s); and
 - (c) To repair and maintain the water meter by-pass pipe or valve(s), to the satisfaction of the City, at the owner or occupier's expense
- 9.06 An owner or occupier shall comply with a Director's order made under subsection 9.05 within seven (7) calendar days from issuance of the order.
- 9.07 If an owner or occupier fails to comply with a Director's order made under subsection 9.05 within the time required, the Director may undertake the work, at the owner's or occupier's expense, in accordance with Section 27.00 of this By-Law.
- 9.08 **Water Meter Chamber:** Where a meter chamber is required as determined by the City, the meter chamber shall be provided with a readily accessible remote reader in accordance with the City's current Guidelines.

Section 10.00: All Water Metered

10.01 Provision for Water Meter:

- (a) An owner of a property shall ensure that provision is made in the piping system of all existing, new and renovated buildings for the installation of a water meter of the same diameter as the private water service pipe in accordance with the City Guidelines.

- (b) A water meter shall be located at the point at which water service pipes enter the building unless directed by the City in writing, that another location may be used.
- (c) If a water meter cannot be located as stated in 10.01 (b) and determined by the City, it shall be equipped with a remote reader. The location of the remote reader shall be determined at the sole discretion of the City.
- (d) Additional, private meters or water meters required by this By-Law may only be installed by the owner at the discretion of the City.

10.02 **Notification by Owner:** Upon receipt of an approval from the Chief Building Official (CBO) for the installation of new plumbing or for all new or replacement private water service pipe installations, where a water meter is required to be installed under this By-Law, the owner shall immediately notify the Treasurer when the property is ready for the installation of the water meter.

10.03 **Water to be Metered:**

- (a) All water supplied by the City and consumed on the property shall pass through a meter owned by the City, save and except as stipulated in Section 3.00 and Section 8.00 of this By-Law, for use on the property unless the water in question is authorized by this By-Law to be used for fire protection, and shall be charged for at such rates as attached as Schedule "A", amended from time to time by Council.
- (b) Water meters shall be installed at a time determined by the City and shall be installed, maintained, repaired and disconnected by only employees or agents of the City.
- (c) Every water meter installed on a property shall be inspected and sealed by the City at or about the time of installation.
- (d) For water services not measured by a water meter, the Treasurer shall send a letter to the owner or occupier identifying a timeframe when a water meter will be installed.
- (e) If the property owner or occupier fails to contact the City to confirm the appointment, or to set an alternate date or time within ten (10) business days of the date of the letter, as referenced in subsection 10.03 (b), the Treasurer shall send a further letter by registered mail advising of the water meter installation date.
- (f) If the owner or occupier fails to respond to the letter referenced in subsection 10.03 (d), the Treasurer shall issue a final notice by registered mail stating that if the owner or occupier does not make suitable arrangements within five (5) business days for the installation of a water meter on the property, water services may be terminated with all costs for shut-off and turn-on to be added to the account in accordance with the Consolidated Fees By-Law. The Treasurer has the authority to issue an order under subsection 10.06 (b).
- (g) Water service discontinued as a result of action under subsection 10.03 (e) shall remain turned off until such time as a water meter has been installed and the provisions of this By-Law are complied with in full.
- (h) The water meter shall be prima facie evidence of the quantity of water supplied by the City.

- (i) In the event that a meter is found to not be registering, or is not registering correctly, the Treasurer has the authority to charge for consumption at the average rate for the previous year or, at a reasonable rate to be determined by the Treasurer.

10.04 Supply and Payment for Water Meters:

- (a) The City shall be the sole supplier of all water meters registering consumption of water supplied and billed by the City.
- (b) Strainers and connection fittings including water meter flanges to be attached to the water meter shall be provided by the City when required.
- (c) The City shall retain ownership of all water meters, strainers and connection fittings including the water meter flanges supplied by the City.
- (d) The owner or occupier shall pay the amounts specified in the Consolidated Fees By-Law for the water meter supplied by the City in accordance with subsection 10.04, at the time of Municipal Service Connections Application and/or Building Permit issuance, except where:
 - i. The property is a property to which the City supplies water meters as part of the automated meter reading program and replacement program; and
 - ii. The program exempts such fees and charges.
- (e) No water and sanitary sewer service connection shall be approved by the City until all amounts required to be paid under subsection 10.04 (d) have been received.

10.05 Supply of Water – New Installation:

- (a) No person shall turn on the water supply to a property other than authorized Kawartha Lakes Fire Services personnel or other authorized City personnel acting in the course of their duties or as an authorized agent or contractor of the City expressly acting within the scope of their work or services, until the City has inspected and sealed the water meter installed at the property.
- (b) In the event that water supply to a property has been turned on prior to the City's inspection and sealing of the water meter at the property, the City shall immediately, without notice, terminate the supply of water to the property.

10.06 Refusal to Install:

- (a) Under a universal metering program or automated meter reading program, no owner or occupier shall refuse or obstruct the City in the installation of:
 - i. A water meter and related items; and
 - ii. Automated meter reading equipment.
- (b) In the event that the owner or occupier refuses to allow the City to install a water meter and/or any related items and equipment as required, the Director of Public Works or Treasurer may issue an order to the owner to do so.

- (c) The owner or occupier shall comply with an order issued under subsection 10.06 (b) no later than seven (7) days after issuance.
- (d) If an owner or occupier fails to comply with an order under subsection 10.06 (b), the City may undertake the work at the owner's expense in accordance with subsection 27.04 (a).

10.07 Remote Readout Unit and Remote Readout Unit Wire:

- (a) For each water meter at a property, the City may provide each metered property with a remote readout unit(s) and a wire for each remote readout unit.
- (b) The City shall be the sole supplier of remote readout units and wires to each property.
- (c) Ownership of the remote readout unit(s) and wires shall remain with the City.
- (d) The owner or occupier of a property shall protect the remote readout unit and wire from damage.
- (e) The City shall inspect and connect the new wire or remote readout unit installation, and the owner of the property shall provide access to the City to do so.
- (f) If the wire or the metallic electrical conduit required becomes damaged, the City shall provide and install new wire and conduit at the owner's or occupier's sole expense, as per the Consolidated Fees By-Law.
- (g) If the remote readout unit becomes damaged, the owner or occupier of the property shall pay the full cost to the City for the City to supply and install a new remote readout unit, and any protective device, as specified in the Consolidated Fees By-Law.
- (h) An owner or occupier of the property shall ensure that the remote readout unit is easily accessible to the City, in a location approved by the City, at all times, and at no time shall access to it be obstructed or denied.

10.08 Bulk Water:

- (a) Water obtained from a City owned bulk water fill station shall be metered and bulk water consumption fees as per Schedule "A" to this By-Law shall be paid.
- (b) There shall be no mixing of pesticides or other chemicals deemed to be harmful to bulk potable water by the City on City owned property where there is a bulk water fill station.
- (c) It is the responsibility of the person obtaining water from the bulk water fill station to supply their own connections, hoses, containers, etc. that have been strictly used for potable water.

Section 11.00: Care and Operation of Meter

11.01 Owner's or Occupier's Responsibility:

- (a) The owner or occupier of the premises on which a water meter is to be located shall be responsible for:

- i. Paying the fee for the supply and installation of the water meter and remote reader in accordance with the Consolidated Fees By-Law;
 - ii. Protecting the water meter and remote reader from damage including freezing or destruction;
 - iii. Providing at all time easy access to the water meter and remote reader to the City for the purposes of meter reading, checking, repairing, installation and removal in accordance with subsection 12.02 of this By-Law;
 - iv. Paying the cost to repair or replace a damaged or stolen water meter or remote reader; and
 - v. Paying the cost to change the size of a water meter due to change in water use.
- (b) An owner or occupier shall be responsible for any and all water loss or water discharge that occurs and may be a result of, but not limited to: freezing, hot water, damage from any cause in a private water service pipe, private water system or private fire service main on that owner's property.
 - (c) Thawing of frozen water service pipes shall be the owner's or occupier's responsibility.
 - (d) Charges as a result of replacement of a damaged meter shall be added to a subsequent water/wastewater utility bill.
 - (e) An owner or occupier shall immediately notify the City of any breakage, stoppage or irregularity of performance issues related to the water meter.
 - (f) If a water meter is lost or damaged, the owner or occupier shall immediately notify the City. The City will undertake any repair or removal of a damaged water meter or the installation of a new water meter of a similar size and type or both, all at the expense of the owner or occupier.
 - (g) The City shall not be responsible for any damage to buildings or property in the course of, the installation, maintenance, repair or disconnection of any water meter, provided that the employees or agents of the City in the course of such installation, maintenance, repair or disconnection of any water meter, provided that the employees or agents of the City in the course of such installation, maintenance, repair or disconnection have taken reasonable care.
 - (h) In the case of a property subject to meter installation or replacement under a universal metering program or automated meter reading program, the City may install the water meter, conduit and wire for the remote readout unit and automated meter reading equipment.

11.02 Relocation of Water Meter: No person shall change or permit to be changed, the location of a water meter at a property following installation to the satisfaction of the City, without the prior written consent of the City.

Section 12.00: Water Meter Inspection

12.01 Water Meter Interference:

- (a) No person, except a person authorized by the City shall open, or in any way alter or tamper with any water meter or seal, or undertake any

action(s) that interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter.

- (b) No person shall connect or permit to be connected any pipe or other object to a private water service pipe upstream of a water meter or the by-pass pipe and valves.
- (c) If the City determines that a seal on a by-pass valve or a water meter has been tampered with or is broken, the City may chain or lock the by-pass valve in the closed position and may reseal the water meter at the owner's expense.
- (d) The seals placed upon the meters and by-pass valves shall only be broken by the City in the course of maintaining and operating the meter and the by-pass valves.
- (e) In the event that the seals are discovered to be broken, the City may cause an investigation to be made.

12.02 Access:

- (a) Every owner and occupier shall, at reasonable times and on reasonable notice, permit the City to have free, clear and unobstructed access to a property and to the location where a water meter is to be installed in or on a property or to permit the City to test, read, repair, maintain, alter, disconnect, remove, replace or install a water meter or seal a water meter that has been installed.
- (b) Notwithstanding the generality of subsection 12.02 (a), the location of a water meter shall be made accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (c) When requested by the City, an owner or occupier, shall permanently remove any insulating or other material from, on or around a water meter to provide the City with full, unobstructed access to the water meter.
- (d) Any replacement of the material referenced in subsection 12.02 (c) shall be undertaken by the owner or occupier at the owner's or occupier's sole expense in accordance with applicable Guidelines for water meters and all applicable law, including but not limited to the *Occupational Health and Safety Act*.
- (e) As part of an inspection, the City shall at all times be permitted to take photographs, including digital images, of any water meter, private meter, by-pass pipe and valves, inlet and outlet valves, backflow prevention device, private water system, private water service pipe, private fire service main or water meter chamber.

12.03 Any owner or occupier who fails to report to the City that a meter has been installed, shall be back-charged to the date the occupancy permit was issued, for water consumption and wastewater use (where applicable) and include a fixed rate charged on a prorated basis, to be estimated at the discretion of the Treasurer.

Section 13.00: Meter Reading

13.01 Every owner and occupier shall, at reasonable times and on reasonable notice, permit the City to have free, clear and unobstructed access to that

person's property and to the location where a water meter is installed on that property to permit the City to read the water meter which has been installed.

Section 14.00: Meter Testing On Request of Owners/Occupiers

- 14.01 Any meter shall be removed and tested upon the written request of the owner or occupier to determine if the water meter is over-registering the amount of water consumed at the property.
- 14.02 If the water meter is found to register correctly, slowly or not to exceed three percent (3%) in favour of the City of the actual flow, the person requesting meter removal and testing shall pay the expense of removing and testing the meter.
- 14.03 The minimum charge for testing a meter shall be in accordance with the Consolidated Fees By-Law. If said meter test shows the meter to be registering incorrectly, no charge for testing shall be levied in accordance with the Consolidated Fees By-Law.
- 14.04 Charges incurred under subsection 14.03 shall be added, if required, to the subsequent water/wastewater utility bill.
- 14.05 If a meter, when tested, is found to register in excess of three percent (3%) of the actual flow in favour of the City, a refund shall be made to the owner or occupier in an amount equal to such excess percentage on the invoice for the one (only) quarterly period immediately prior to the testing of said meter.
- 14.06 The City may, at its sole discretion, make periodical inspections or tests of meters on the distribution system and reserves the right to substitute other meters for existing meters, owned by the City.

Section 15.00: Water for Fire Extinction

- 15.01 Where a fire line is provided, no water shall be taken from it except for fire protection purposes and for testing and maintenance as required by the Fire Code.
- 15.02 Fire lines that are not supplied by a separate service shall be connected before the meter to ensure water consumed for fire purposes is not read by the meter. Any new installations will require a separate service for a fire line.
- 15.03 All equipment used for a fire protection system shall be provided with suitable valves and approved by the City. A building permit shall be obtained for any installation.
- 15.04 Stand pipes for fire protection shall be installed in accordance with the *Building Code Act*, with an appropriate Building Permit obtained.

- 15.05 The City may require a compound meter be installed at a property. The meter is to be purchased for the City, and shall be installed and maintained by the City.
- 15.06 All systems shall be approved and installed in accordance with the *Building Code Act*, with a building permit obtained.
- 15.07 The City may require the installation of a Backflow Prevention Device on a fire service line depending on site specific conditions in order to protect the drinking water system. Location of a Backflow Prevention Device will be dependent on potential risk of the property. A building permit shall be obtained for any installations.

Section 16.00: Fire Hydrants

- 16.01 All fire hydrants shall be used for the purpose of providing water for the suppression of fires and the maintenance of the municipal water system.
- 16.02 No person other than, authorized City personnel and Kawartha Lake Fire Services personnel, shall use fire hydrants owned and maintained by the City.
- 16.03 The design, location, installation, repair and maintenance of all fire hydrants within the City's jurisdiction shall be undertaken in accordance with current Guidelines.
- 16.04 The City shall have the authority, through the development process, to secure adequate municipal fire hydrants in accordance with the above-noted Guidelines.
- 16.05 No person or persons shall without lawful authority open or close any fire hydrant or valve, or obstruct the free access to any fire hydrant (i.e ensure a minimum of one meter clearance around the hydrant), curb stop chamber, pipe or valve by placing upon it any building material, rubbish, snow or other obstruction.
- 16.06 The City, at its sole discretion, has the authority to remove any obstruction, to operate fire hydrants or valves, or to repair water lines, and shall not be liable for damages that may result from the replacement or repair.
- 16.07 Private fire hydrants shall be maintained accessible at all times and in good operating condition by and at the expense of the owner.
- 16.08 Water from privately owned hydrants shall not be used for purposes other than fire-fighting and maintenance of water quality unless the purpose is specifically approved by the Director of Public Works .
- 16.09 Private hydrants shall be tested and maintained on an annual basis by a Licensed Operator, at the owner's expense and in accordance with the Fire Code. Annual inspection/testing reports must be submitted to the City.

- 16.10 Where a fire flow test from a municipal fire hydrant is required by a property owner or occupier (i.e., for insurance requirements), and the property owner or occupier has hired a company to perform flow testing, the City shall be on-site during testing to operate fire hydrants and associated valves. A request must be made to the City seven (7) days prior to testing. The fee for this service is as noted in the Consolidated Fees By-Law.

Section 17.00: Water System Cross Connection Control and Backflow Prevention

17.01 Installation:

- (a) No owner or occupier shall connect, cause to be connected or allow to remain connected, any piping fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, wastewater or any harmful liquid, gas, vapour or other substance to enter the waterworks system.
- (b) Where, in the opinion of the City, there is a risk of contamination at a property, the owner or occupier of the property, upon issuance of an order from the Director of Public Works, shall install a backflow prevention device(s) approved by the City for the purpose of achieving premise isolation, regardless of any other protective device that may be installed on the private water system.
- (c) An owner or occupier of any Industrial, Commercial or Institutional buildings, which are deemed to present a moderate to severe hazard (as per Ontario Building Code, O. Reg. 332/12) and are connected to the City's waterworks shall be required to install in the building(s), a backflow prevention device as approved by the City to achieve premise isolation, at the owner or occupier's expense.
- (d) All backflow prevention devices required for premise isolation shall be selected, installed, replaced, maintained and tested by the owner in accordance with this By-Law, the *Building Code Act*, City policies and current CSA-B64 Series Standards.
- (e) Steam boilers or water heaters shall be fitted with a suitable check valve, in accordance with the *Building Code Act*, to prevent accident from collapse or damage, should the pressure in the watermain fail. The City shall not be liable for damages, which may result from pressure failure, no matter the cause of such failure.
- (f) The City, at its discretion may also require the owner or occupier to install zone or area protection as required by current CSA Standard B64 series within a plumbing system.
- (g) Owners or occupiers shall design, construct, install and maintain a premise isolation system for each water service connection and private fire service main so that the system is in compliance with all applicable law, including this By-Law, the *Building Code Act*, City policies and current CSA-B64 Series Standards.
- (h) Any owner, occupier or other person required to install a backflow prevention device shall obtain a building permit for each backflow prevention device to be installed.
- (i) Every owner or occupier required to install a backflow prevention device shall determine the proper device in accordance with CSA-B64

Series Standards and this By-Law, including any temporary backflow prevention device

- (j) Notwithstanding subsection 17.01 (i), where an owner or occupier is required to install a backflow prevention device under this By-Law, the City may direct the owner or occupier to install a specific type of backflow prevention device where the City determines that such specified device is necessary to prevent contamination of the waterworks.
- (k) Every owner or occupier required to install a backflow prevention device shall install the device downstream of the water meter and prior to any tapping, or where circumstances require, in an alternate location authorized by the City.
- (l) Every owner or occupier required to install a backflow prevention device shall ensure that it is in proper working order at all times and that all piping between the water meter and the backflow prevention device is clearly labeled "no connection permitted".
- (m) A backflow prevention device, approved by the City, may be installed with a detector assembly, in lieu of a detector check valve on new systems, with the written approval of the City.
- (n) A water service installed on a premise for fire protection purposes shall be equipped with an approved double check valve or backflow preventer, approved by the City, and shall be maintained in good working order at all times.

17.02 **Inspection:**

- (a) The owner or occupier shall ensure that all backflow prevention devices (BPDs) are inspected and tested in accordance with all policies, guidelines, by-laws and/or standards, including but not limited to the City's Cross Connection Control Program Policy and Directives.
- (b) If an owner or occupier fails to have a BPD tested, in accordance with subsections 17.02 (a), the City may notify the owner or occupier that the BPD shall be tested within ninety-six hours of the owner or occupier receiving that notice.
- (c) If an owner or occupier fails to have a BPD tested within ninety-six (96) hours when requested by the City, the City may shut off the water service until the BPD has been tested and approved pursuant to subsections 17.02 (a) of this Section.
- (d) If a condition is found to exist due to negligence, such as failure to have BPD inspected or tested or failure to maintain the backflow prevention device in good working condition, which in the opinion of the City is contrary to the aforesaid, the Director of Public Works may:
 - i. Shut off the service or services; or
 - ii. Issue an order to the owner or occupier to correct the fault at his or her sole expense within forty-eight (48) hours of receiving the order.
- (e) If the Director of Public Works determines that a contravention of subsection 17.01 (a) may exist at a property, the Director may immediately carry out an inspection and may issue an order or orders to the owner or occupier of the property or any other person who may be required to remedy the contravention.

- (f) Should the owner or occupier fail to comply with such order, the Director of Public Works shall proceed to administer penalties to the owner or occupier pursuant to subsection 25.01 of this By-Law. In the event that it is determined that this condition existed prior to this By-Law coming into effect, the owner or occupier shall remedy it as stated above.
- (g) If a test of a backflow prevention device reveals that the device is not in proper working condition, or is not in conformance with the Guidelines, the owner or occupier shall repair or replace the device within forty eight (48) hours of the performance of the test.

17.03 **Access:**

- (a) The City shall be allowed access, upon reasonable notice, to any premises that are connected to the waterworks system for the purpose of performing an inspection to locate possible cross connections.
- (b) Where access is not provided, a written notice by the City shall be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the City may, at its sole discretion, discontinue the supply of water to the premises until such time as access is provided for such access to occur.
- (c) Every backflow prevention device shall be installed in a location that is readily accessible as determined by the City, for operational, renewal, servicing, and maintenance and inspection purposes.
- (d) The location of the backflow prevention device shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (e) The City may, at reasonable times or in the case of an emergency, at any time, enter a property for the purpose of inspecting or testing a private water service pipe, private water system, a private fire service main, a backflow prevention device.
- (f) Owners and occupiers shall remove any insulating or other material on or adjacent to the private water service pipe, private water system, private fire service main, backflow prevention device so that full access to that pipe, system or devices are available for the testing and inspection purposes.
- (g) All of the removal and any subsequent replacement carried out under subsection 17.03 (f) shall be performed by the owner or occupier at that owner or occupier's expense in accordance with all applicable law including but not limited to *Occupational Health and Safety Act* and its Regulations.
- (h) No person shall obstruct or permit or cause the obstruction of the access to a private water service pipe, private water system, or backflow prevention device, either permanently or temporarily.

17.04 **Surveys:**

- (a) The City may require the owner or occupier of an existing industrial, commercial, institutional building, structure or property or any other property, that has the potential to contaminate the waterworks system, to submit a cross connection survey, to the City, at the owner or

occupier's expense. The survey shall be completed in accordance with City policies and directives.

- (b) If a cross connection survey is required, the owner or occupier shall submit it to the City by the date specified in the City's notification to the owner or occupier of its requirement.
- (c) Where the City has not specified a date by which the cross connection survey must be submitted in the notification to the owner or occupier of the requirement for a survey, the survey shall be submitted to the City within thirty (30) days of the survey being complete.
- (d) Owners or occupiers required to submit a cross connection survey to the City shall update those surveys and submit those updated surveys to the City at a frequency of not less than once every five (5) years from the date of the previous cross connection survey, unless otherwise required by the City for that premise based on the level of hazard determined by the survey, or within thirty (30) days of any increase in the level of hazard as defined under CSA – B64 Series Standards.
- (e) The survey shall be prepared and signed by a Qualified Person.

17.05 Removal:

- (a) No person shall remove or cause or permit to be removed a backflow prevention device after it has been installed unless that removal is:
 - i. Necessary to facilitate the repair of the device and that device is immediately replaced by a temporary device, until the time that the original device is satisfactorily repaired or replaced and tested; or
 - ii. For the purpose of immediately replacing the device with another device that meets or exceeds the requirements of this section; or
 - iii. Warranted due to alterations to the private water system which completely remove the risk of contamination for which the backflow prevention device was required, in which case:
- (b) The owner or occupier shall submit to the City a survey prepared and signed by a Qualified Person attesting to the fact that the device or devices are no longer required; and
- (c) The device shall not be removed until the City approves of the removal, which approval shall be made if the altered system no longer requires the device or devices in accordance with the standard and specifications and the CSA – B64 Series Standards; and
- (d) The cost of obtaining the necessary documentation under this subsection shall be the responsibility of the owner or occupier, or as otherwise authorized by the City.

Section 18.00: Right to Refuse Water Service

18.01 Delinquent Account:

- (a) No application shall be accepted by the City for the supply of water for any premises in respect of which water and/or wastewater rates, rents, or the price of service extension are owed to the City, until the account is paid.

- (b) The City has the right to turn off water supply and/or withhold from any person with a delinquent account with the City, regardless of the reason, until the amount owing is paid, whether such person resides on the premises where the water was used for which there are arrears, or on any other premises where water was supplied.
- (c) The City shall not be held liable for any damages that occur directly or indirectly as a result of a shut-off or turn-on of the water supply. It is the property owner and/or occupier's responsibility to ensure the internal plumbing and appliances are properly maintained at all times, and in the case of cold weather, that lines are drained to prevent damage due to freezing and thawing.

18.02 Water Shut-off Initiated by the City:

- (a) Except in cases of emergency, no person shall turn on or shut off or permit the turn-on or shut-off of the water supply to a property at the shut-off valve without the authorization of the City.
- (b) If the water supply to a property has been shut off by the City, no person shall turn-on or use the water supply or permit the water supply to be turned on or used without the prior written approval of the City.
- (c) The City may shut off the supply of water to a property if:
 - i. The charges, fees or rates imposed by this By-Law or any other By-Law or City By-Law providing for charges, fees or rates in relation to the treatment and supply of water or collection and treatment of wastewater are overdue; or
 - ii. A fine imposed under this By-Law remains unpaid after the time required for payment of the fine has expired; or
 - iii. The owner or occupier has failed to comply with an order of a Director or Treasurer made under this By-Law within the time required for same; or
 - iv. A leak or other fault is found on the private water service pipe or water service connection and is creating or is likely to create an emergency situation, including but not limited to injury to persons or damage to adjacent properties including those of the City, and the City may keep the supply of water to a property shut off until the time that the leak or fault is completely repaired; or
 - v. The City determines that an immediate threat of contamination to any part of the waterworks exists that may endanger public health or safety, for the purposes of preventing, limiting or containing any such threat of contamination; or
 - vi. An emergency or potential emergency exists and an owner or occupier has not provided to the City immediate free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device in accordance with this By-Law, until the time that free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device is provided to the City.
- (d) In the event that water has been shut off for any reason provided in this By-Law or applicable laws, the City shall not be required to restore

the supply of water to a property until all outstanding fines, charges, fees and rates in arrears in relation to the treatment and supply of water and collection and treatment of wastewater have been paid in full, or arrangements satisfactory to the Treasurer are made to pay all outstanding fines, charges, fees and rates in arrears, and all orders of the Director or Treasurer have been complied with.

- (e) With respect to any shut off or subsequent turn on of the water supply to a property under subsection 18.02 (c) or 18.02 (d), the owner or occupier shall pay to the City the amount specified in the Consolidated Fees By-Law, for water shut off or subsequent turn on.
- (f) The City shall, prior to the shut off of a water supply, provide reasonable notice of the shut-off to the owners and occupiers of the land or property by personal service or prepaid mail or by posting the notice on the land or property in a conspicuous place, except in those situations as identified under subsection 18.02 (c).
- (g) The City shall not be liable for damage or loss caused by the stoppage, interruption or reduction of the amount of water supplied to the land or property of any person as a result of an emergency or a breakdown, repair or extension of the waterworks if, in the circumstances, reasonable notice of the City's intention to stop, interrupt or reduce the supply of water is given or with no notice in the event of emergency shut-offs.

Section 19.00: Right to Suspend Supply

- 19.01 During normal maintenance and emergency conditions, the City shall provide as continuous and uninterrupted service as is practical.
- 19.02 Where shutting off portions of the system is deemed necessary by the City, warning of the shut off shall be given where it is practical or possible to reasonably do so. Where necessary, in the opinion of the City, the water may be shut off and kept off for as long as necessary, the City, its servants or agents shall not be held liable for any damage resulting there from, whether or not notice of the shut off was given.
- 19.03 The Director of Public Works has the authority to suspend the use of City owned bulk water fill stations during maintenance and/or emergency conditions.

Section 20.00: Responsibility of Owners and Occupiers

- 20.01 Where a new service has been installed or where the water has been turned off to an existing service, a request to activate the service must be received by the City a minimum of five (5) business days in advance of when the service is required and the request must be made by the property owner or occupier.
- 20.02 Every owner or occupier taking water shall, at their sole expense, keep their service pipe, private hydrant, other appurtenance and all plumbing fixtures connected within his premises, in good condition and sufficiently protected from frost, hot water, blows, and injuries from any or all other cause.

- 20.03 The City shall not be held responsible for any damage arising from the owner's or occupier's failure to comply with 20.02.
- 20.04 The owner or occupier's responsibility shall extend from the service box, at or near the street line limit, into the building.
- 20.05 If a condition is found to exist in subsection 20.02 of this by-law which, in the opinion of the City, results in the loss of water or may be jeopardizing the potability of the water supply, the City may either:
- (a) give notice to the owner or occupier to correct the fault, at the owner's or occupier's sole expense within a specified period, or
 - (b) shut off the water service or services until such time that corrective action, satisfactory to the City, has been taken by the owner or occupier at the owner's or occupier's sole expense.
- 20.06 When any property left vacant, unattended or without heat, where the water supply has not been shut off at the shut off valve by the City, and the property suffers damage to it and its contents from a leaking or burst water pipe, neither the owner nor occupier shall have a claim against the City.
- 20.07 When any property is left vacant, unattended or without heat, it is the owner's or occupier's responsibility to shut off the water supply from within the property and to properly drain the piping/private water service therein. Furthermore, it is the responsibility of the owner or occupier to contact the City to make the necessary arrangements to stop the supply of water to the property.
- 20.08 If the condition is found to exist after the owner or occupier has been notified, the City may, at its sole discretion, enter upon the lands where the service pipes are located, and by its officers, servants or agents effect repair at the owner's or occupier's sole expense.
- 20.09 If the said costs and charges are not paid on demand the City may collect them in the same manner as the water and wastewater rates.
- 20.10 The shut off valve installed upstream of the meter shall not be used by the owner or occupier.
- 20.11 Any person authorized by the City for the purpose of inspection, examination or effecting repairs of meters, fixtures and pipes of every kind used in connection with the supply of water to, or the use of water on such premises shall be allowed, at all reasonable times, and upon reasonable notice given and request made, access to all parts of any premises to which water is supplied, for the said purposes.

Section 21.00: Shut-off and Turn-on by Request

21.01 No person shall turn on or shut off the supply of water to a property at the shut-off valve without the prior written authorization of the City.

21.02 **Water Shut Off:**

- (a) An owner or occupier of a property shall notify the City no less than five (5) business days in advance of the date and time which the owner or occupier requires the City to temporarily or permanently shut off the water supply to a property at the shut-off valve.
- (b) The owner's or occupier's notification shall be in writing if the owner or occupier requires the water supply to the property to be shut off permanently.
- (c) In the event that the property is occupied by tenants, the owner shall also provide the tenants with notice of the water shut off at the same time as the owner notifies the City under subsection 21.02 (a) and 21.02 (b).
- (d) The owner or the occupier's representative shall attend at the property at the time of the appointment to ensure that the City has access to the property, the water meter and the shut off valve.
- (e) In the case of an emergency, as determined by the City, the advance notice requirements in subsection 21.02 do not apply, however; the owner or occupier shall provide the notice as soon as possible in the circumstances.

21.03 Water Turn On:

- (a) An owner or occupier of a property shall notify the City at least five (5) business days in advance of the date on which a supply of water to a property is to be turned on.
- (b) The owner or occupier shall make an appointment with the City so that the City may attend at the property and turn on the water supply.
- (c) The owner or occupier or the owner's representative shall attend at the property at the time of the appointment to ensure the City has access to the property, water meter and the shut off valve.
- (d) Except in the case of an emergency or maintenance being performed on the waterworks by the City, the owner or occupier shall be present at the property when the water is either shut off or turned on by the City.
- (e) The owner or occupier shall have no claim whatsoever against the City by reason of any shut-off's that produce plumbing leaks when water is turned on. It is the property owner's responsibility to ensure the internal plumbing and appliances are properly drained to prevent damage due to freezing and thawing.

Section 22.00: Water Conservation Measures

- 22.01 At the City's discretion, no owner or occupier shall be allowed to use in any manner whatsoever, the water supplied by the City upon streets, lawns, gardens, yards, or grounds of any description, except during those hours set by resolution, policy, or By-Law by the City.
- 22.02 The Director of Public Works shall give reasonable notice, in the circumstances, to the public of the implementation of water conservation measures, the date on which it is to take effect and the conditions of the water conservation measure.
- 22.03 Where the Director of Public Works has declared, lifted or downgraded water conservation measures in accordance with this By-Law, he or she

shall cause notification to be made to the affected property owners by advertisement in various media outlets, including but not limited to local newspapers, other media, posting on the City's website, etc.

22.04 The City has the authority to implement water conservation measures when one or more of the following signs are observed and/or continue:

- (a) Well water levels are starting to drop below seasonal levels;
- (b) Pump running times are longer than normal;
- (c) Dry weather is predicted; and/or
- (d) Water demand is higher than normal.

22.05 Where the Director of Public Works has declared that Phase One measures shall be implemented the following conditions apply:

- (a) A property with an odd-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an odd number;
- (b) A property with an even-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an even number;
- (c) Water of lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation shall only be watered between the hours of:
 - i. Six o'clock (6:00 a.m.) in the morning and nine o'clock (9:00 a.m.) in the morning, or
 - ii. Seven o'clock (7:00 p.m.) in the evening and ten o'clock (10:00 p.m.) in the evening.

22.06 Where the Director of Public Works has declared that Phase Two measures shall be implemented the following conditions apply:

- (a) No persons shall water any lawns, sports fields, grassy areas, golf courses, trees, shrubs, gardens, flowers or other vegetation of any property;
- (b) No washing of motor vehicles;
- (c) No filling or topping up of any swimming pools, wading pools, hot tubs, garden ponds, and fountains and other outdoor water features; and
- (d) No use of outdoor misting systems.

22.07 Notwithstanding subsection 22.05 and 22.06, the Director of Public Works may exempt the following from compliance of Phase One and Phase Two measures:

- (a) Municipal property (as governed by section 22.09)
- (b) The watering of flower beds, gardens, trees or shrubs on any property by hand;
- (c) Commercial facilities that rely on water for their operations (including but not limited to such uses as car washes, commercial garden centres and/or tree and plant nurseries);

- (d) Tee-off areas and putting greens on golf courses, newly sodded or seeded lawns, and newly planted trees, that have been in situ for thirty (30) days or less; and
- (e) The topping of swimming pools to maintain pumping/filtration capability and to comply with health and safety requirements.

22.08 In the event of any emergency, industrial and commercial operations may be required to cut back or to temporarily cease operations during the period required to address the emergency, if in the sole discretion of the City it is advisable to do so in order to ensure public safety in accordance with other applicable City By-Laws.

22.09 **Municipal Property:**

- (a) Where either Phase One or Phase Two measures have been implemented, the flower beds and shrubs on municipal property must be watered (by any method) at reduced levels, as determined by the Director of Public Works.
- (b) Where either Phase One or Phase Two measures have been implemented, sports fields on municipal property may be watered, on a case-by-case basis, as directed by the Director of Public Works.

Section 23:00: Fees, Charges, and Billing, and Responsibility for Payment

23.01 **Frontage and Connection Charges:**

- (a) Frontage charges shall be applied to all properties, including properties that are exempt from taxation, where a property fronts on a watermain and/or sanitary sewer main.
- (b) Frontage charges are calculated based upon the rates adopted by Council included in the Consolidated Fees By-Law.
- (c) Connection charges shall be paid as noted in the Consolidated Fees By-Law, prior to connection works commencing.

23.02 **Costs of Disconnection of Service Connection:**

- (a) In the event that an owner requests a disconnection of a service connection, the City shall determine:
 - i. The cost of providing that disconnection under the amounts specified in the Consolidated Fees By-Law, for that type of service disconnection, as may be established by the City from time to time; and
- (b) The property owner is responsible for all costs for the disconnection as required by the City including but not limited surface restoration, actual disconnection from main.

23.03 **Temporary Hydrant Water Meter Fees:**

- (a) If a person applies for a metered construction water service connection, either temporary or permanent, water shall be metered from the date water is first supplied to the property.

- (b) Water consumption registered on the water meter shall be billed in accordance with current City water rates.
- (c) No monthly construction water rate shall apply provided the water meter remains installed, undamaged, sealed and functioning properly.
- (d) Payment for all construction water shall be due immediately following use.
- (e) The City shall shut off the supply of water to the property if the fees and charges for the construction water are not paid in full when due.
- (f) The City shall not be obligated to turn the water on until the time that the construction water charges have been paid in full.

23.04 **Shut-off and Turn-on by Request Fees:** The owner or occupier shall pay to the City, for any shut off or turn on of the water supply to a property, the amount specified in the Consolidated Fees By-Law.

23.05 **Water and Wastewater Service Charges:**

- (a) A special meter reading charge as identified in the Consolidated Fees By-Law shall be charged to an individual service account when a reading is required for billing purposes at a time other than during the normal billing cycle.
- (b) A new account fee charge shall be charged to an individual service account at the time that the new account is commenced as per the Consolidated Fees By-Law.
- (c) A duplicate bill fee shall be charged as identified in the Consolidated Fees By-Law when a request has been made to provide the account holder with an additional copy of the bill.
- (d) Where an account holder has submitted a post-dated cheque for payment, and has requested the cheque be returned, a fee will be charged for the retrieval and return of the payment as identified in the Consolidated Fees By-Law.
- (e) Where an account holder has erroneously made an electronic payment to an account which is no longer in their name, the first transfer to the correct account will be done upon request at no charge, but when there are subsequent errors of the same nature made a fee will be charged for transferring the payment as identified in the Consolidated Fees By-Law.
- (f) An administration fee will be charged to accounts when the outstanding balance on the water/wastewater account is transferred to the municipal property tax account for the subject property for collection purposes.
- (g) Where a statement of activity on an account has been requested, a fee shall be charged as identified in the Consolidated Fees By-Law.
- (h) Where an invoice or notice is sent by registered mail a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (i) Where a duplicate receipt is requested for a service account, a fee will be charged for each year requested, as identified in the Consolidated Fees By-Law.
- (j) Where a payment has been returned to the City by a financial institution for any reason other than account holder deceased, a

returned payment fee will be charged, as identified in the Consolidated Fees By-Law.

- (k) Where a notice is hand delivered to a property in a collection effort, a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (l) Where a utility certificate is requested to provide the financial status of an account, a fee will be charged for the certificate as outlined in the Consolidated Fees By-Law.
- (m) Where a final notice is required in respect of collection of delinquent accounts, a fee will be charged to the service account, as outlined in the Consolidated Fees By-Law.
- (n) Only one water meter per water service shall be supplied for billing purposes.
- (o) Where a service has been disconnected for failure to pay an outstanding amount or a provision of this By-law has not been complied with, a fee shall be charged, as identified in the Consolidated Fees By-Law.
- (p) Where a service has been disconnected as identified in 23.05 (o) and is to be reconnected a fee will be charged as set out in the Consolidated Fees By-Law.
- (q) The owner or occupier of each separately assessed parcel of land that is connected to a watermain and in which a water meter has been installed shall pay a consumption rate as set forth in Schedule "A" of this By-law. This charge shall commence upon the installation of the meter by the City at the property.
- (r) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing upon installation of the meter by the City at the property.
- (s) The owner or occupier of each separately assessed parcel of land that fronts a watermain and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (t) The owner or occupier of each separately assessed parcel of land that is connected to the sanitary sewer system shall pay a sewer consumption rate based upon water consumption shown through the water meter as set out in Schedule "A" of this By-Law.
- (u) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City and will be connecting to the sanitary sewer system shall pay a fixed rate charge for sewer usage as set forth in Schedule "A" of this By-Law, commencing upon issuance of the meter by the City.
- (v) The owner or occupier of each separately assessed parcel of land that fronts a sanitary sewer main and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for sewer as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (w) The owner or occupier of each separately assessed parcel of land that is connected to a watermain where a water meter has not been

installed shall pay a calculated water flat rate as set out in Schedule "A" of this By-Law.

- (x) The owner or occupier of each separately assessed parcel of land that is connected to the sewer system, and where the water consumption is not measured through a water meter, shall pay a calculated sewer flat rate for sewer charges as set out in Schedule "A" of this By-Law.
- (y) The owner or occupier of each separately assessed parcel of land who receives sewage service but not receive water supply service from the City, shall pay a calculated sewer flat rate as set forth in Schedule "A" to this By-Law.
- (z) The rates set out in Schedule "A" of this By-Law are effective upon passage of this By-law and may be amended from time to time.
- (aa) Where customers are invoiced for more than one flat rate charge per unit, these charges are based upon historical calculations undertaken prior to amalgamation, and will continue until repealed.

23.06 Billing and Payment Requirements:

- (a) The City's Revenue and Taxation Division shall invoice residents on a quarterly basis, or at an alternate frequency as approved by Council, except where otherwise indicated in this By-Law.
- (b) Where necessary, quarterly invoices may be based upon estimates until the next reading may be obtained from the property.
- (c) In the case of payments received by mail, the date the payment is received shall be taken as the date of payment.
- (d) In the event the Treasurer determines that:
 - i. A meter is defective;
 - ii. A meter is not registering the correct amount of water used;
 - iii. The water meter reading has been incorrectly recorded;
 - iv. The person authorized to do so has been unable to obtain a water meter reading;
 - v. No water meter reading has been remitted to the City by the occupant or owner when requested to do so;
 - vi. A meter is unsealed or has an unsealed by-pass valve;
 - vii. A meter has not been installed; or
 - viii. The City implements an estimated reading program.

The Treasurer shall be entitled to estimate the water consumption at a property based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on historical average consumption for the same or similar premises or use as shown by an accurately registering meter at such premises during a similar time period and invoice the owner or occupier accordingly for both water and wastewater use.

- (e) Under special circumstances where it is, in the opinion of the Director of Public Works, expedient to allow or direct an owner or occupier to run water continuously, the Director may authorize such usage and in such cases the City shall adjust the water invoice to conform to the owner or occupier's normal pattern of water usage. This does not include water usage under the Freeze Prevention Program.

- (f) The City has the right to estimate consumption based upon use and water service size during provision of unmetered temporary water service.
- (g) Partial payments on sewer and water accounts that are in arrears shall be applied in each instance to the arrears longest outstanding.
- (h) Notwithstanding any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in a private water system, the owner or occupier shall be liable for the payment of all water fees in relation to any such water.
- (i) In the event that a property has more than one owner or occupier, each owner or occupier shall be jointly and severally liable for payment of the utility account.
- (j) Where a deposit of a tenant has been received by the City, it shall be considered a guarantee that the tenant will observe and obey the rules and regulations of this By-Law and will pay any amounts due to the City.
- (k) Where a tenant has been responsible for the payment of water and wastewater rates, upon vacating the premises, immediate notification shall be given by the owner to the City. Upon receipt of such notice, the meter will be read and the tenant deposit, where applicable, less the amount of the water and/or wastewater account, shall be returned by the City by mail to the tenant.
- (l) Where an amount remains owing on a tenant's account after the application of the deposit, and the final invoice remains unpaid for a period exceeding thirty (30) days, the property owner will be advised of the balance owing, and a request for payment will be made.
- (m) If the balance on a tenant's account remains outstanding for over sixty (60) days, the amount will be transferred to the property taxes for the property where the water and/or wastewater services were provided and collected in the same manner as taxes.
- (n) An administration fee will be added to the water and/or wastewater account prior to an outstanding amount being transferred to the municipal property taxes for the subject property, for collection as identified in the Consolidated Fees By-Law.
- (o) All water and wastewater rates and other charges shall be a lien and charge upon the land of the owner, whether consumed by the owner of the land, or a tenant of the land.

23.07 **Late Payment Charges:** All fees and charges, including water and wastewater service rates, which are in arrears, levied under this section and which are added to the water accounts, shall be subject to a late payment charge, as identified in the Consolidated Fees By-Law.

Section 24.00: High Water Bill Adjustment Appeals Committee

24.01 **High Water Bill Adjustment Appeals Committee:** A High Water Bill Adjustment Appeals Committee is established to hear and rule on appeals against High Water Bill Adjustment decisions.

24.02 **Authority:** The High Water Bill Adjustment Appeals Committee may recommend to Council approval of high water bill adjustments without prejudice or precedent to any other similar matter.

- 24.03 **Composition and Appointment:** The High Water Bill Adjustment Appeals Committee shall be comprised of three members of Council appointment by Council.
- 24.04 **Term:** The Term of the Appointment of the High Water Bill Adjustment Appeals Committee shall be the same as the term of Council.
- 24.05 **Administration:** The High Water Bill Adjustment Appeals Committee shall ensure that a member of City staff is assigned the role of secretary to the Committee with duties and obligations required in accordance with the Municipal Act.
- 24.06 **Governance:** The High Water Bill Adjustment Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council.

Section 25.00: General Provisions

25.01 Access:

- (a) No person shall deny access to the City to a property for any purpose as provided for in this By-Law.
- (b) No person shall deny access to the City to a property where that person has been given reasonable notice by the City, as the case may be, of the intent to exercise a power of entry in accordance with the *Municipal Act, 2001*.
- (c) The City may, in accordance with the requirements of this By-Law, enter upon a property to which water is supplied and wastewater collected by the City:
 - i. To inspect, repair, alter or disconnect the service pipes or wire, machinery, equipment and other works used to supply water and collect wastewater;
 - ii. To read, inspect, install, repair, replace, maintain or alter a water meter;
 - iii. To inspect a backflow prevention device;
 - iv. To determine whether water has been, or is being, unlawfully used; or
 - v. To shut off or reduce the supply of water.
- (d) If an owner or occupier discontinues the use of water at a property or the City lawfully decides to cease supplying water to land or property, the City may enter on the land or property:
 - vi. To shut off the supply of water;
 - vii. To remove any property of the City from the property; or
 - viii. To determine whether water has been, or is being unlawfully used.
- (e) The powers of entry of the City are subject to section 435 to 439, inclusive, of the *Municipal Act, 2001*.

25.02 Inspection:

- (a) Notwithstanding any other provision in this By-Law, an employee, officer or agent of the municipality may enter on a property at any reasonable time for the purpose of carrying out an inspection to

determine compliance with this By-Law or an order or direction issued in accordance with this By-Law.

- (b) For the purposes of any inspection, the City may:
- i. Require the production for inspection of documents or things relevant to the inspection;
 - ii. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iii. Require information from any person concerning a matter related to the inspection; and
 - iv. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (c) No person shall fail or refuse to comply with a request by the City to produce for inspection any document or thing or information relevant to the inspection carried out by the City in accordance with Section 25.02.

25.03 The City may enter upon lands for the purposes of an inspection and the other activities set out in subsection 25.02 (a) or (b) under an order issued under section 438 of the *Municipal Act, 2001*.

- (a) Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the respective Director, shall neglect or refuse to produce or deliver any information or documents or things required by this By-Law.

25.04 Obstruction:

- (a) No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not.
- (b) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty under this By-Law or the administration or enforcement of this By-Law.
- (c) The activities of the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors referred to in subsection 25.04 (b) may include, without limitation, the following:
- i. Entering in or upon, at any reasonable time without a warrant, any land, property or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided under this By-Law and the *Municipal Act, 2001*; or
 - ii. Making such tests or taking such samples as the City deems necessary; or
 - iii. Inspecting or observing any plant, machinery, equipment, work activity or documents; or
 - iv. Reading, repairing, maintaining, altering, disconnecting, removing, replacing, installing or sealing a water meter, remote

readout unit, backflow prevention device or any related item or any or all of the foregoing.

25.05 Protection from Damage:

- (a) No person shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:
 - i. Any part of the water and/or sewage works; or any seal placed thereon, or attached thereto, or
 - ii. Any permanent or temporary device installed in or on the water and/or sewage works for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the City may deem necessary for the administration of this By-Law or the operation or maintenance of the water and/or sewage works.

25.06 Damage to the Waterworks: any owner or person receiving water from the waterworks shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the waterworks or to properly protect water from contamination or any other damage including the cost of investigation, disinfection, repairing or replacing any part of any waterworks damaged or water contaminated thereby.

25.07 Damage to the Sewage Works: any owner or person conveying wastewater to the sewage works shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and By-law 2016-006 "Establish Management and Use of Sewer Works", as amended, and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the sewage works.

25.08 Unauthorized Entry to Water and Sewage Works: Unless specifically authorized by the Director, no person shall enter into any chamber, structure, building or property associated with the water and/or sewage works.

25.09 Offences:

- (a) Every person who contravenes any provision of this By-Law, and every director or officer of a corporation, who knowingly concurs in a contravention by the corporation of any provision of this By-Law is guilty of an offence.
- (b) Any fine imposed under Section 26.00 shall be payable in addition to any fees and charges payable under this By-Law.
- (c) Every person who:
 - i. Willfully hinders or interrupts, or causes or procures to hinder or interrupt the City, or any of its officers, agents or servants, in the exercise of any of the powers conferred by this By-Law; or

- ii. Willfully or negligently lets off or discharges water so that it runs waste or useless out of the waterworks system; or
- iii. Every person found operating or tampering with a shut-off valve in any way may be prosecuted as provided for by this By-Law.
- iv. Without lawful authority willfully opens or closes any hydrant, or obstructs the free access to any hydrant, shutoff valve, chamber, pipe, or hydrant chamber, by placing on it any building material rubbish, or other obstruction; or
- v. Throws or deposits any injurious, or offensive matter into the water or waterworks, or upon ice, if the water is frozen, or in any way fouls the water or commits any willful damage or injury to the waterworks, pipes or water, or encourages the same to be done; or
- vi. Willfully alters any meter placed upon any service pipe or connection therewith, within or upon any building or other place, so as to lessen or alter the amount of water registered; or
- vii. Lays, or causes to be laid, any pipe or main to communicate with any pipe or main of the waterworks, or in any ways obtains or uses the water without the consent of the City; or
- viii. Being a tenant, occupier or inmate of any house, building or other place supplied with water from the waterworks; improperly wastes the water or without the consent of the City, lends, sells or disposes of the water, gives away, or permits it to be taken or carried away, used or applied to the use or benefit of another, or to any use and benefit other than his own or increases the supply of the water agreed for;

Is guilty of an offense, under this By-Law.

- (d) Every owner or occupier who willfully or knowingly impairs or alters a meter, or knowingly causes the same to be altered or impaired, so that the meter indicates less than the amount of water through it, shall be liable to pay the City double the value of the water indicated as having passed through the meter and in cases of non-payment of such expenses and charges, the water supply may be shut off by the City and not turned on again until all such expenses and charges are paid in full to the City and this, without prejudice, to the right of the City to bring action against such person to recover such expenses and charges in any court having competent jurisdiction.
- (e) This By-Law may be enforced by Municipal Law Enforcement Officer, the Treasurer, the Director of Public Works and the Director Engineering and Corporate Assets.

Section 26.00: Enforcement, Offence and Penalties

- 26.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer or any person appointed by Council.
- 26.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended and to any other applicable penalty.

- 26.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25 as amended.
- 26.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25, as amended.
- 26.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 27.00: General Enforcement Powers

- 27.01 **Restraining Order:** If this By-Law is contravened, in addition to any other remedy or penalty imposed by this By-Law, the contravention may be restrained by application by the City under the provisions of section 440 of the *Municipal Act, 2001*.

27.02 **Order to Discontinue Activity:**

- (a) Under the provisions of section 444 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.

27.03 **Work Order:**

- (a) Under the provisions of section 445 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.
- (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.

27.04 **Remedial Action:**

- (a) In accordance with section 446 of the *Municipal Act, 2001*, where any matter or thing is required to be done under this By-Law, in default of it being done by the person directed or required to do so, that matter or thing may be done by the City which shall be at that person's expense and the City may recover the costs incurred for doing such matter or thing from the person directed or required to do it by adding the costs

to the tax roll and collecting them in the same manner as municipal property taxes.

- (b) For the purposes of subsection 27.04 (a), the Director(s) or Treasurer may enter upon the subject property at any reasonable time.

27.05 Document Retention: The owner shall retain any document to be produced for inspection or approval or retained under this By-Law by an owner of a property for a period of seven (7) years.

27.06 Notice:

- (a) Where an order is issued by the Director(s) or Treasurer, the person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three days after being posted by first class prepaid mail to the person at the last known address provided to the Director(s) or Treasurer, or where no address for the person has been provided, by first class prepaid mail to the address for the person identified on the tax rolls.
- (b) The manner of delivery, set out in subsection 27.06 (a), shall be in the discretion of the Director(s).

Section 28.00: Contact Information

28.01 For administering or enforcing the requirements under this By-Law or any other applicable By-Law or By-Law of the City, the City may require an owner of a property provided with a service connection or equipped with a water meter, or an owner of a property where a water meter is to be installed, to provide them with:

- (a) That owner's full name, mailing address and telephone number;
- (b) The full name, mailing address and telephone number of any occupiers of the property; and
- (c) The full name, mailing address and telephone number of a person authorized by the owner to provide the City with access to the water meter or the location where a water meter is to be installed.

28.02 Every owner shall provide the Treasurer with a current contact name and telephone number within twenty-eight (28) days of a change in ownership or occupancy of a property.

Section 28.00: Administration and Effective Date

28.01 Administration of the By-law: The Director of Public Works, Director of Engineering and Corporate Assets and Treasurer is responsible for the administration of this by-law.

28.02 The Treasurer's authority in relation to this By-law is delegated to the Manager of Revenue and Taxation.

28.03 The Director of Public Works' authority in relation to this By-law is delegated to the Manager of Environmental Services and/or the Supervisor of Water and Wastewater Operations.

28.04 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule “B” – Rates/Fees for Septage Disposal as per “A By-Law to Govern Septage Disposal at City of Kawartha Lakes Sewage Works

Standard Septage Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$49.76	\$55.03	\$60.85	\$67.29	\$74.41
Rate per m ³	\$10.94	\$12.09	\$13.37	\$14.79	\$16.35

Holding Tank Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Abattoir Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Leachate

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$6.31	\$6.46	\$6.62	\$6.79	\$6.96
Rate per m ³	\$1.39	\$1.42	\$1.46	\$1.49	\$1.53

- **Registration Fee of \$50.00 for all owners/haulers.**
- **Administration Fee for Septage Hauled from Outside Municipal Boundaries – Flat rate of \$7.00 per tonne.**
- **Environmental Compliance Charge – Flat rate of \$100 per load for Abattoir Waste.**

Appendix # B-Option 1**Schedule "A" - Water and Sewer Rates****2018 Water Rates**Report # WWW 2018-006**Calculated Annual Flat Rate**

\$832.86/annum invoiced quarterly (based on an average consumptive usage of 178 m³ and including Water Fixed Rate)

All Metered Water System Users

Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4"	\$29.10
1"	\$37.86
1.5"	\$48.69
2"	\$78.43
3"	\$297.48
4"	\$378.61
6"	\$567.89
8"	\$784.23

Consumption Rate

Per Cubic Meter \$2.71720

Per Cubic Foot \$0.07694

Bulk Water Fees

Phased in bulk water rates, with annual approved consumption rate plus annual percentage

	2018	2019	2020
Per Cubic Meter	\$3.26064 (20% increase over Consumption Rate)	Consumption Rate + 30%	Consumption Rate + 40%

2018 Sewer Rates**Calculated Annual Flat Rate**

\$591.55/annum invoiced quarterly (based on an average consumptive usage of 178 m³ including Sewer Fixed Rate)

All Metered Sewer System Users

Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4"	\$27.63
1"	\$36.65
1.5"	\$48.52
2"	\$78.15
3"	\$296.42
4"	\$377.27
6"	\$566.36
8"	\$781.43

Consumption Rate

Per Cubic Meter \$1.4606
Per Cubic Foot \$0.0414

Schedule “A” - Water and Sewer Rates**2018 Water Rates****Calculated Annual Flat Rate**

\$832.86/annum invoiced quarterly (based on an average consumptive usage of 178 m³ and including Water Fixed Rate)

All Metered Water System Users

Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4”	\$29.10
1”	\$37.86
1.5”	\$48.69
2”	\$78.43
3”	\$297.48
4”	\$378.61
6”	\$567.89
8”	\$784.23

Consumption Rate

Per Cubic Meter \$2.71720

Per Cubic Foot \$0.07694

Bulk Water Fees

Per Cubic Meter \$4.6789

2018 Sewer Rates**Calculated Annual Flat Rate**

\$591.55/annum invoiced quarterly (based on an average consumptive usage of 178 m³ including Sewer Fixed Rate)

All Metered Sewer System Users

Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4"	\$27.63
1"	\$36.65
1.5"	\$48.52
2"	\$78.15
3"	\$296.42
4"	\$377.27
6"	\$566.36
8"	\$781.43

Consumption Rate

Per Cubic Meter \$1.4606

Per Cubic Foot \$0.0414

Appendix # B-Option 3**Schedule “A” - Water and Sewer Rates₁₀****2018 Water Rates**Report # WWW2018-006**Calculated Annual Flat Rate**

\$832.86/annum invoiced quarterly (based on an average consumptive usage of 178 m³ and including Water Fixed Rate)

All Metered Water System Users

Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4”	\$29.10
1”	\$37.86
1.5”	\$48.69
2”	\$78.43
3”	\$297.48
4”	\$378.61
6”	\$567.89
8”	\$784.23

Consumption Rate

Per Cubic Meter \$2.71720

Per Cubic Foot \$0.07694

2018 Sewer Rates**Calculated Annual Flat Rate**

\$591.55/annum invoiced quarterly (based on an average consumptive usage of 178 m³ including Sewer Fixed Rate)

All Metered Sewer System Users

Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4"	\$27.63
1"	\$36.65
1.5"	\$48.52
2"	\$78.15
3"	\$296.42
4"	\$377.27
6"	\$566.36
8"	\$781.43

Consumption Rate

Per Cubic Meter \$1.4606
Per Cubic Foot \$0.0414

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WWW2018-007

Date: March 06, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 8

Subject: Region of Durham and City of Kawartha Lakes Enforcement Responsibility Agreement for Source Water Protection

Author Name and Title: Kayla Strackholder, Contract Coordinator

Recommendation(s):

RESOLVED THAT Report **WWW2018-007, Region of Durham and City of Kawartha Lakes Enforcement Responsibility Agreement for Source Water Protection**, in Connection with the Mariposa Estates Municipal Drinking Water System, be received;

THAT the agreement between the Corporation of the City of Kawartha Lakes and the Regional Municipality of Durham for Enforcement Responsibility Agreement attached as Appendix A to Report WWW2018-007 be approved; and

THAT the Mayor and City Clerk be authorized to execute any documents and agreements required by the approval of this agreement.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Mariposa Drinking Water System (Mariposa DWS) is designated as a small residential drinking water system pursuant to the *Clean Water Act, 2006*, (the “Act”) which is overseen by the Ministry of Environment and Climate Change (MOECC). The system services the Mariposa Estates subdivision and is located within the southwestern section of the City of Kawartha Lakes (CKL). This system is to not be confused with Mariposa Creek Estates which is a privately operated trailer park within the City. The Mariposa Estates treatment system comprises of two (2) groundwater wells, a small pump house and a treatment facility.

The Source Protection Plan for the Trent Conservation Coalition Source Protection Region was approved by the MOECC effective January 1, 2015. This plan encompasses the majority of Drinking Water Systems within the CKL, including the Mariposa DWS. The plan sets out policies to protect the water sources that supply municipal drinking water systems. These approaches include the development of risk management plans, education and outreach, land use planning and monitoring. This involves identifying vulnerable areas delineated around groundwater wells, described as wellhead protection areas (WHPA). The WHPA for the Mariposa Estates municipal drinking water wells extends into the Regional Municipality of Durham (Durham Region) and significant drinking water threats have been identified within that portion.

The creation of this agreement was a collaborative effort between the City of Kawartha Lakes (the City), Durham Region and the Kawartha Region Conservation Authority (KRCA). The purpose of the agreement is to clarify the roles and responsibilities of all parties involved, to mitigate possible risks to drinking water sources and comply with drinking water source protection policies. Under the Act, it is the responsibility of the drinking water provider to implement the source protection program regardless of municipal boundaries. The proposed Agreement allows the City to assume specific Part IV enforcement activities under the Act for the portion of the WHPA outside the municipal boundary.

The delegation of responsibilities in the Enforcement Responsibility Agreement includes: the Act requirements, responsibilities, costs, insurance, the appointment of Risk Management Officials and Risk Management Inspectors.

Rationale:

Staff recommends that the Mayor and Clerk be authorized to execute the agreement substantially in the form as attached as Appendix A “Mariposa Estates Enforcement Responsibility Agreement” for the Mariposa Estates Drinking Water System. The Agreement is necessary in order to implement Source Protection Plans in this area. Durham Region has already obtained authorization from their Council to enter into an agreement with the City for

delegation of Source Water Protection responsibilities. The Council Report from Durham Region is attached as Appendix B to this report. The proposed agreement has been reviewed and deemed acceptable by the City's Solicitor.

The WHPA that extends from Mariposa estates into Durham Region has been identified to contain significant drinking water threats. Enforcing responsibility between the municipalities ensures the City is complying with source water protection policies to protect the community of Mariposa Estates' water quality and helps to manage risk associated with land use activities. The City currently has a contract with Kawartha Conservation to perform the duties and responsibilities of the Risk Management Official (RMO) for all of the City's municipal drinking water systems. With an executed agreement between CKL and Durham Region, the RMO will be able to exercise their powers to manage potential drinking water threats within the wellhead protection area.

Other Alternatives Considered:

There are no other alternatives in order to maintain compliance with the Act.

Financial/Operation Impacts:

There are no additional financial impacts for the City resulting from execution of this agreement. Any associated costs for enforcement by the Risk Management Official are covered through the Agreement between KRCA and the City and are included in the User Rate Annual Operating Budget. The agreement includes a section on financial requirements and is in accordance with the Act. The agreement clarifies the obligations and responsibilities of each party in regards to indemnity and expenses.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This agreement is consistent with Council's Adopted Strategic Plan in that it contributes to the following goals:

- Goal 2 – An Exceptional Quality of Life; Implementing Source Water Protection Plans helps to support the delivery of safe drinking water that is essential for the quality of life of residents and visitors.
- Goal 3 – A Healthy Environment; Risk management is essential to providing a healthy and a clean environment.

Consultations:

City Solicitor, Legal Services
Director, Public Works
Manager, Environmental Services

Supervisor, Water & Wastewater Operations
The Regional Municipality of Durham
Kawartha Conservation

Attachments:

Appendix A – Mariposa Estates Enforcement Responsibility Agreement



Mariposa Estates-
Enforcement Responsi

Appendix B – The Regional Municipality of Durham - Council Report



The Regional
Municipality of Durham

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

to

ENFORCEMENT RESPONSIBILITY AGREEMENT dated _____ Report # WWW2018-007

B E T W E E N:

THE REGIONAL MUNICIPALITY OF DURHAM
("Durham Region")

- and -

THE CORPORATION OF THE CITY OF KAWARTHA LAKES
("City of Kawartha Lakes")

(collectively, the "Parties")

WHEREAS:

- A. The purpose of the *Clean Water Act, 2006*, S.O. 2006, c.22 (the "Act") is to protect existing and future sources of drinking water in the Province of Ontario.
- B. The Province has designated to municipalities responsibility for enforcement of Part IV of the Act.
- C. Assessment Reports approved by the Province under the Act delineate the Wellhead Protection Areas for City of Kawartha Lakes' wells in Mariposa Estates.
- D. A portion of the Wellhead Protection Area for Mariposa Estates (the "Wellhead Protection Area") extends past the municipal boundary of City of Kawartha Lakes into Durham Region.
- E. City of Kawartha Lakes wishes to assume specific Part IV enforcement activities under the Act for that portion of the Wellhead Protection Area as identified in this Agreement.
- F. Pursuant to section 47 of the Act, municipalities may enter into an agreement to transfer enforcement responsibility under Part IV of the Act for identified activities from the council of one municipality to the other municipality.

The Parties agree:

“Risk Management Plan” or “RMP” means a Risk Management Plan as defined under the Act;

“Source Protection Area” means the Kawartha-Haliburton Source Protection Area, as the context requires, as listed in O.Reg. 284/07, as may be amended from time to time;

“Source Protection Region” or “SPR” means the Trent Conservation Coalition Source Protection Region, as the context requires, established under the Act, as listed in O.Reg. 284/07, as may be amended from time to time;

“Source Protection Authority” means the lead conservation authority or other person or body listed under O.Reg. 284/07, as may be amended from time to time, for the Source Protection Region;

“Source Protection Plan” or “SPP” means the most recent version of the drinking water source protection plan and its policies for the applicable Source Protection Region, approved in accordance with the Act;

“Wellhead Protection Area” or “WHPA” means the area identified in the Assessment Report that is related to a wellhead and within which it is desirable to regulate or monitor Drinking Water Threats and includes areas A-D (E), as applicable;

- WHPA-A: The area within a 100-metre radius from a wellhead, considered the most vulnerable area for groundwater intakes.
- WHPA-B: The area within which the time of travel to the well (within the aquifer) is up to and including 2 years (excluding WHPA-A).
- WHPA-C: The area within which the time of travel to the well (within the aquifer) is up to and including 5 years (excluding WHPA-A and WHPA-B).
- WHPA-D: The area within which the time of travel to the well (within the aquifer) is up to and including 25 years (excluding WHPA-A, WHPA-B, and WHPA-C).
- WHPA-E: This area is only delineated where a well is influenced by surface water (*i.e.*, the well is considered GUDI – groundwater under the direct influence of surface water). WHPA-E is delineated the same way as the IPZ-2 for a surface water intake from the point of interaction between the aquifer and the surface water body. If the point of interaction is not known, the WHPA-E is delineated from the point in the surface water body that is nearest to the well.

2. PART IV ENFORCEMENT POWERS

- c) The City of Kawartha Lakes RMO and RMI will have the same powers of entry to property under the Act within the Mariposa Estates WHPA as Durham Region.
- d) Any procedures, policies, bylaws pertaining to the form or content of RMPs or Risk Assessments that may be created or passed by the City of Kawartha Lakes, under section 55 of the Act or otherwise, shall apply in the Mariposa Estates WHPA and a copy of any such procedures, policies and/or bylaws shall be provided to Durham Region.

3. COORDINATION OF ENFORCEMENT ACTIVITIES

3.1 Risk Management Plans

- a) Where Durham Region receives a notice, application, or other correspondence related to a RMP or the requirement for a RMP that would apply to the Mariposa Estates WHPA, including but not limited to an application under subsection 58(11) of the Act or a notice under section 61 of O.Reg. 287/07, Durham Region shall immediately notify the City of Kawartha Lakes RMO and the applicant and shall refer the notice, correspondence or application to the City of Kawartha Lakes RMO.
- b) Where the City of Kawartha Lakes receives an application for a RMP from a person for the Mariposa Estates WHPA in accordance with subsection 58(11) of the Act, the City of Kawartha Lakes shall notify the Durham Region RMO.
- c) Where a RMP is being agreed to or established under section 58 of the Act, the City of Kawartha Lakes shall provide a draft RMP for review and comment to Durham Region. Durham Region shall provide comments within thirty (30) days of receiving the draft RMP or such other period as may be mutually agreed upon by the parties ("Comment Period") and the City of Kawartha Lakes RMO and Durham Region RMO will work together to address the comments.

3.2 Risk Assessments

- a) The City of Kawartha Lakes shall be responsible for reviewing and assessing Risk Assessments provided for the Mariposa Estates WHPA. The City of Kawartha Lakes shall provide a copy of the risk assessment materials to the other Party's RMO as soon as reasonably possible for review and comment within the Comment Period for each risk assessment.

provide a copy of the application materials for the City of Kawartha Lakes' review and comment.

Durham Region shall not issue a notice under subsection 59(2) of the Act without:

- a) Receiving and incorporating comments from the City of Kawartha Lakes; and
- b) Receiving written notice from the City of Kawartha Lakes RMO that a RMP has been initiated, established or agreed to by City of Kawartha Lakes in accordance with paragraph 59(2)(b) of the Act where section 58 of the Act applies to the activity and the property. City of Kawartha Lakes shall provide comments within thirty (30) days of receiving the application or such other period as may be mutually agreed upon by the Parties.

4. RECORDS AND INFORMATION SHARING

- a) The Parties agree to share all information, data, records and other documentation pertaining to the Mariposa Estates WHPA that may be relevant for the purposes of Part IV of the Act, except where such information sharing is prohibited by law.
- b) The City of Kawartha Lakes shall report on all activities it has taken in the Mariposa Estates WHPA under this Agreement in the annual report submitted to the Source Protection Authority in fulfillment of section 81 of the Act and applicable Source Protection Plan Monitoring Policies.
- c) Subject to section 4(a) the City of Kawartha Lakes shall provide Durham Region with copies of final inspection reports, any approved RMPs and any Risk Assessments. The City of Kawartha Lakes shall copy the Durham Region RMO on its annual report submitted to the Source Protection Authority.
- d) Where Durham Region receives information related to septic system inspections in the Mariposa Estates WHPA, Durham Region shall provide this information to the City of Kawartha Lakes RMO.
- e) The City of Kawartha Lakes will provide Durham Region with notice of any change in the appointed City of Kawartha Lakes RMO within ten (10) days of such appointment. City of Kawartha Lakes' clerk will provide Durham Region with a copy of the City of Kawartha Lakes RMO's Certificate of Appointment bearing the clerk's signature.

or by facsimile transmission shall be deemed to have been received at the time of the delivery or transmission, unless delivered or transmitted on a weekend or holiday, in which case such notice shall be deemed to have been received on the next business day. In the event of an interruption in postal service, notice shall be given by personal delivery or facsimile transmission. The address, contact person and facsimile of the parties under this Agreement, unless otherwise noted are:

- a) to The City of Kawartha Lakes at:

The City of Kawartha Lakes
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8

Attention: Director of Public Works, City of Kawartha Lakes
Facsimile: 705-324-2147

- b) to Durham Region at:

The Regional Municipality of Durham
605 Rossland Road East
Whitby, ON L1N 6A3

Attention: Risk Management Official, Works Department
Facsimile: 905-668-2051

8. INDEMNITY AND INSURANCE

Each Party shall, both during and following the term of this Agreement, defend, indemnify and hold harmless the other Party, its employees and Members of Council, and its successors and assigns, (the "Indemnified Party"), from and against any and all claims of any nature, actions, losses, liabilities, judgements, fines, costs (including legal costs), demands, suits or proceedings which may be brought against or made upon the Indemnified Party and against all losses, liabilities, judgements, claims, suits, demands or expenses which the Indemnified Party may sustain, suffer or be put to resulting from or arising out of the Party's, including its employees and Members of Council, and its successors and assigns, omissions or failure to exercise reasonable care, skill or diligence in in performing responsibilities under this Agreement.

Each Party shall obtain, pay for, maintain continuously in full force and effect during the

10. GENERAL

10.1 Entire Agreement

This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter of this Agreement and supersedes any and all prior agreements, undertakings, negotiations and discussions, whether oral or written, pertaining to the subject matter of this Agreement.

10.2 Headings

The inclusion of headings in this Agreement is for convenience of reference only and shall not affect the construction or interpretation of the Agreement.

10.3 Expenses

Each Party shall be responsible for its own expenses related to the performance of their respective obligations under this Agreement.

10.4 No Assignment

Neither party may assign its rights or responsibilities under this Agreement to any other person without the prior written consent of the other party.

10.5 Further assurances

The Parties covenant and agree that they will at their own expense from time to time and at all times hereafter, make, do, execute and deliver or cause to be made, done, executed and delivered all such further acts, deeds or assurances as may be reasonably required for purposes of implementing the matters contemplated by this Agreement and establishing and protecting the rights, interests and remedies intended to be created as herein described.

10.6 Successors and Assigns

This Agreement is enforceable against the parties, their heirs, executors, administrators, successors and assigns.

This Agreement is effective on the date stated in the introductory clause.

THE REGIONAL MUNICIPALITY OF DURHAM

Authorized by Council by Report

Name: Susan Siopis
Title: Commissioner of Works

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

Name: Andy Letham
Title: Mayor

Name: Cathie Ritchie
Title: Clerk



The Regional Municipality of Durham
To: The Works Committee
From: Commissioner of Works
Report: 2014-W-11
Date: January 8, 2014

SUBJECT:

Decommissioning of Municipal Well No. 1 in Blackstock, in the Township of Scugog, and Approval to Enter Into a Source Water Protection Agreement with the Regional Municipality of York and the City of Kawartha Lakes

RECOMMENDATIONS:

THAT the Works Committee recommend to Regional Council that:

- a) Regional Council pass a resolution stating that the Regional Municipality of Durham intends to decommission Municipal Well No. 1 in Blackstock, in the Township of Scugog, and remove the well from the Trent Conservation Coalition Source Protection Assessment Report as specified under the *Clean Water Act, 2006*;
 - b) A copy of the resolution be sent to the Trent Conservation Coalition (TCC) Source Protection Committee, Kawartha Region Conservation Authority and the Township of Scugog;
 - c) The Commissioner of Works be authorized to negotiate and execute an agreement with the Regional Municipality of York regarding Source Water Protection responsibilities in the Whitchurch-Stouffville Wellhead Protection Area subject to the approval of the Regional Solicitor; and
 - d) The Commissioner of Works be authorized to negotiate and execute an agreement with the City of Kawartha Lakes regarding Source Water Protection responsibilities in the Mariposa Estates Wellhead Protection Area subject to the approval of the Regional Solicitor.
-

REPORT:**1. BACKGROUND**

Blackstock, in the Township of Scugog, has three municipal drinking water supply wells designated Well No. 1, Well No. 7 and Well No. 8 (Well No. 7 is currently not in service). Currently, water is pumped from Well No. 1 and Well No. 8. Well No. 1 is considered to be a standby well, as it does not normally supply water to the distribution system.

Water quality data from Well No. 1 demonstrates an increasing trend for the concentrations of nitrate, sodium and chloride. If this trend continues, nitrate concentrations would exceed the Maximum Acceptable Concentration as per the Ontario Drinking Water Quality Standards by approximately 2023. The nitrate concentrations appear to be a result from the use of local residential sewage systems or agricultural land uses. Sodium concentrations have been variable over the past few years and show a trend that would result in sodium concentrations being consistently greater than 20 mg/L. This value is the threshold at which the Medical Officer of Health is to provide notice of the sodium content of the drinking water to persons with sodium-related diets. The sodium and chloride concentrations appear to result from winter road de-icing operations.

The Trent Conservation Coalition Assessment Report has also identified the nitrate concentrations in Well No. 1 as a drinking water issue. A drinking water issue exists where the concentration of a contaminant at a municipal well may indicate a deterioration of the quality of the water for use as a source of drinking water. Only issues that are the result of anthropogenic activity are considered significant threats under the *Clean Water Act, 2006*.

In order to decommission Well No. 1, Well No. 7 will have to be placed in service to meet demand and ensure adequate supply during emergencies and maintenance activities.

2. CLEAN WATER ACT

The *Clean Water Act, 2006* has a prescribed process for drinking water well decommissioning. This process ensures that public notification is provided and the Wellhead Protection Area (WHPA) is updated in the corresponding Assessment Report.

Decommissioning Well No. 1 needs to be reflected in the Assessment Report and Source Protection Plan (SPP) so that the implementation of source water protection policies is based on current and accurate data. Ontario Regulation 287/07, Section 14 outlines the statutory requirements of a municipality to decommission a well.

14. (1) *Subclause 15 (2) (e) (i) of the Act does not apply to an existing municipal drinking water system if the council of the municipality that owns the system has,*

(a) passed a resolution stating that the municipality intends, within five years after the day the resolution is passed,

(i) to discontinue the use of the drinking water system, and

(ii) to make an application under the Safe Drinking Water Act, 2002 for the revocation of any approval, municipal drinking water licence or drinking water works permit that is applicable to the drinking water system;

(b) published notice of the resolution referred to in clause (a) in one or more newspapers that, in the opinion of the council of the municipality, are of sufficiently general circulation to bring the notice to the attention of the public in the municipality; and

(c) sent a copy of the resolution referred to in clause (a) to the source protection committee for the source protection area. O. Reg. 385/08, s. 12.

3. PROPOSED DECOMMISSIONING PLAN

In the Assessment Report, 66 of the 74 identified properties in Blackstock have significant drinking water threats due to the nitrate concentrations at Well No. 1. When the SPP is approved by the Minister of Environment, each property will require the Regional Municipality of Durham (Durham) to prepare a Risk Management Plan and conduct follow-up inspections to ensure compliance. Decommissioning the well would remove these threats from the Assessment Report and result in fewer property owners requiring Risk Management Plans and private sewage disposal inspections under the Ontario Building Code.

4. INTER-REGIONAL SOURCE WATER PROTECTION AGREEMENTS

4.1 Agreement with the Regional Municipality of York

The Wellhead Protection Area for Stouffville Wells 1-3 extends into the Regional Municipality of Durham (Durham). Four significant drinking water threats have been identified within that portion of the wellhead protection area. Staff are currently reviewing a draft agreement for the Regional Municipality of York (York) in order to implement the source protection program in this area. Under the

Clean Water Act, 2006 it is the responsibility of the drinking water provider to implement the source protection program regardless of municipal boundaries. The proposed agreement envisions that York will be responsible for negotiating and enforcing Risk Management Plans to address existing significant threat activities within the Wellhead Protection Area and will collaborate with Durham's Risk Management Official during this process. Durham staff will accompany York staff during inspections and property visits. Durham's Health Department will be responsible for implementation of the required private sewage system inspections. Durham and the Township of Uxbridge will continue to be the lead on all new development applications as the responsible authority under the *Planning Act*.

4.2 Agreement with City of Kawartha Lakes

The Wellhead Protection Area for the Mariposa Estates municipal drinking water wells extends into Durham and significant drinking water threats have been identified within that portion of the Wellhead Protection Area.

Durham's Health Department will be responsible for implementation of the required private sewage system inspections. Durham and the Township of Scugog will continue to be the lead on all new development applications as the responsible authority under the *Planning Act*. The City of Kawartha Lakes has delegated their Part IV responsibilities to Kawartha Region Conservation Authority, who will also be involved in the negotiations of the agreement to ensure a collaborative approach. Staff will work with the City of Kawartha Lakes and the Kawartha Region Conservation Authority to draft an agreement that ensures the implementation of the source protection program in this area.

5. CONCLUSION

The purpose of the *Clean Water Act, 2006* is to protect existing and future sources of municipal drinking water. The Assessment Report and Source Protection Plan list nitrates in the Blackstock drinking water supply as an issue and significant drinking water threat. Decommissioning Well No. 1 would remove nitrates as a drinking water issue and ensure exemption of 66 of the 74 properties from the requirements of the *Clean Water Act, 2006*. In order to ensure exemption, the Regional Municipality of Durham would be required to adhere to the steps set listed above in Ontario Regulation 287/07. In addition, Inter-Regional Source Water Protection Agreements are required with the Regional Municipality of York and the City of Kawartha Lakes in order to implement source protection plans.

This report has been reviewed by the Legal Department.

Clifford Curtis, P.Eng., MBA
Commissioner of Works

Recommended for Presentation to Committee

G.H. Cubitt, M.S.W.
Chief Administrative Officer

TS10/em/ms



Memorandum

Date: March 6, 2018

To: Council

From: Councillor Elmslie

Cc: Director, Engineering Assets

Re: Reduction of Speed Limit County Road 8 (Helen Street)

Recommendation

That the March 6, 2018 memorandum from Councillor Elmslie regarding **Reduction of Speed Limit County Road 8 (Helen Street)**, be received;

That staff bring forward a by-law to Council to extend the 60 km per hour zone on County Road 8 (Helen Street) westbound from its present limit to Byrnell St.; and

That the eastbound lane on County Road 8 (Helen Street) from Byrnell St. to the 50 km per hour sign in Fenelon Falls also be included within the established 60 km per hour zone.

Rationale

County Road 8 is one of the three main entryways into Fenelon Falls and enjoys high traffic activity including large transport trucks, gravel trucks and loads of armour stone and limestone. Fenelon Falls Secondary School uses the athletic field at the Shiloh Church and it is not unusual to see a number of students walking at the side of the road to and from the athletic field. In addition, there is a busy golf course and a newly built driving range which will increase traffic entering and exiting County Road 8. There is also no sidewalk or path after Redwing St. which makes walking difficult and dangerous.

After consulting with the City of Kawartha Lakes Engineering and Assets Department, it was suggested that a memo go forward to Council recommending staff to create a by-law extending the 60 km per hour zone.



County of Simcoe
Clerk's Department
1110 Highway 26,
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
Toll Free (866) 893-9300
Fax (705) 725-1285
simcoe.ca



February 15, 2018

City Clerk
City of Kawartha Lakes
26 Francis Street
Lindsay, ON K9V 5R8

RECEIVED

FEB 16 2018

OFFICE OF THE CITY CLERK
KAWARTHA LAKES

Attention: City Clerk,

Subject: Age Friendly Initiative Project Update – Positive Aging Strategy

At its meeting of November 28, 2017, Simcoe County Council approved the following recommendation:

“That Item CCW 17-351, dated November 28, 2017 regarding an Age-Friendly Initiative Project Update – Positive Aging Strategy, be received; and

That the County of Simcoe’s Senior’s Strategy entitled “Positive Aging Strategy: Older Adults Strengthening our Communities” substantively in the form attached to the subject item, be endorsed.”

It is requested that this matter be presented to your Council for information.

Thank you for your attention to this matter.

Regards,

John Daly
County Clerk

/ki

Enc.



County of Simcoe
Office of the Warden
1110 Highway 26,
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
Toll Free (866) 893-9300
Fax (705) 725-1285
simcoe.ca

We are pleased to present our Positive Aging Strategy to support regional and municipal governments and businesses in building and strengthening age-friendly communities.

The Age-Friendly Community Initiative is being led by the World Health Organization and endorsed through available funding by the Government of Ontario. Our journey started in 2015 when we embarked on a significant public engagement process. Our efforts generated 3,048 completed Age-Friendly surveys, 12 informant interviews with community leaders, 16 focus groups across our municipalities and 8 public information sessions. This feedback was analyzed by experts in this field and developed into an Age-Friendly Needs Assessment document and ultimately this regional Positive Aging Strategy.

Simcoe County is one of the best places to live in Ontario for residents of all ages. Trends show the percentage of our residents aged 55 and over could jump from 31 per cent today to 41 per cent by 2041. We recognize the importance of this shift in demographics and we have worked with our partners to identify priorities and strategies to ensure that all our residents feel included, respected and have the services and supports to continue living a high quality of life in our region. We are proud of the work and collaborative approach that led to the development of our regional strategy and pleased to present this detailed planning framework and list of recommendations to support our regional and municipal governments and businesses in building and strengthening age-friendly communities here in Simcoe County.

We thank the Ontario Ministry of Seniors Affairs for providing funding support, our Age-Friendly Steering Committee, our municipal partners and our residents for contributing to this vision.

Sincerely,

Gerry Marshall
Warden, County of Simcoe



County of Simcoe
Clerk's Department
1110 Highway 26,
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
Toll Free (866) 893-9300
Fax (705) 725-1285
simcoe.ca



February 2, 2018

City Clerk
City of Kawartha Lakes
26 Francis Street
Lindsay, ON K9V 5R8

RECEIVED

FEB 07 2018

OFFICE OF THE CITY CLERK
KAWARTHA LAKES

Attention: City Clerk

Subject: White Paper – Building a Seniors Campus

At its meeting on November 28, 2017, Simcoe County Council approved the following recommendation:

"That Item CCW 17-359, dated November 28, 2017 regarding a White Paper on Simcoe County's experiences with respect to Building a Seniors Campus, be received; and

That the County of Simcoe's White Paper entitled, "Building a Seniors Campus: A Sustainable Model to Support Positive Aging and Strengthen our Communities" be disseminated to the Province of Ontario, Municipalities responsible for Long Term Care, Not for Profit organizations and any other agencies or associations who have requested information on Simcoe County's Georgian Village experience."

It is requested that this matter be presented to your Council for information.

Thank you for your attention to this matter.

Regards,

John Daly
County Clerk

/ki

Enc.



County of Simcoe
Office of the Chief
Administrative Officer
1110 Highway 26,
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
Toll Free (866) 893-9300
Fax (705) 725-1285
simcoe.ca

In 2013, the County of Simcoe introduced Georgian Village, a state-of-the-art seniors' service campus. Our vision was to develop a cost-effective, revenue-generating facility that offers a variety of community-based services, programs and housing types in one location through a continuum of care model and age-at-home philosophy. Georgian Village became so much more than what we could have ever envisioned and since opening our doors it has gone on to receive numerous awards and accolades on a provincial and national level.

This paper provides an insightful and experiential guide for those who seek information about the future of long term care and seniors' services through an informative review of the Georgian Village process.

Written by Jane Sinclair, General Manager of Health and Emergency Services, who led the development of Georgian Village, this paper defines what success in seniors' care and housing can look like. Georgian Village is unlike any other seniors' care facility in the province and perhaps the country. As a campus, it supports the needs of our aging population, offers sustainable housing through a variety of housing types, cultivates local economic growth, and generates revenue opportunities to offset an inadequate funding system for critical services as long-term care and community support programs.

The challenges facing all long term care and seniors services providers - municipal, not-for-profit or private - are significant. Georgian Village, as an industry model, can serve as a solution.

But don't take my word for it, please take time to read the enclosed paper and come and see Simcoe County's Georgian Village first hand to experience this success in person. We look forward to doing anything we can to help you replicate and even build on this achievement.

Mark Aitken

Chief Administrative Officer,
County of Simcoe



Ministry of Transportation

Provincial Highways Management, Eastern Region

Peterborough Area Office
300 Water Street South Tower 1st Floor
Peterborough Ontario, K9J 3C7
Tel: 705-755-1368

February 16, 2018

City of Kawartha Lakes
P.O Box 9000
26 Francis Street
Lindsay, Ontario
K9V 5R8

**Re: Request for Noise By-law Exemption
Partial Depth Asphalt Removals and Hot Mix Asphalt
Hwy 35 and Hwy 7 Intersection**

The Ministry of Transportation of Ontario (MTO) is requesting for an exemption of Section 3.04 of the Noise Regulation By-Law No. 2005-025 for the following activities listed below during all prohibited times excluding weekends and statutory holidays;

Schedule "B" to By-law 2005-025	
Activity	Prohibited Times
1. Operation of commercial construction equipment in connection with commercial construction (2009-123, effective June 9,2009)	9:00pm to 12 midnight 12 midnight to 7:00am Sundays and Statutory Holidays

1. The Construction activities are expected to include:

- Removal of existing asphalt pavement partial depth
- Hot-Mix Asphalt

2. Location of the construction activities is at the Intersection of Hwy 35 and Hwy 7 in the Geographic Township of OPS in the City Kawartha Lakes as noted in the key map below;



3. The MTO is seeking the exemption for the duration of the contract which will take place for approximately 2 weeks from June 1st 2018 to October 1st 2018.
4. For the Issuance of the noise by-law exemption permit and any concerns with the respect to this application, the applicant contact information is as follows;

Jarrold Finlay
Technical Services Officer
Ministry of Transportation, Eastern Region
300 Water 1st Floor South Tower
Peterborough Ontario, K9J 3C7
Telephone: 705-755-1368
E-mail: Jarrod.Finlay@ontario.ca

Sincerely,



Jarrold Finlay

The Corporation of the City of Kawartha Lakes
Minutes
Planning Advisory Committee Meeting

PC2018-01
Wednesday, February 14, 2018
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Councillor Brian Junkin
Councillor Rob Macklem
Councillor Gord Miller
Councillor Patrick O'Reilly
Councillor Heather Stauble
Councillor Andrew Veale
Mike Barkwell
Debbie Girard

Accessible formats and communication supports are available upon request.

1. CALL TO ORDER AND ADOPTION OF AGENDA

Chair O'Reilly called the meeting to order at 1:00 p.m. Mayor A. Letham, Councillors B. Junkin, R. Macklem, G. Miller, H. Stauble and A. Veale and M. Barkwell and D. Girard were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, Manager of Planning R. Holy, Development Planning Supervisor S. Rea, Supervisor of Development Engineering C. Sisson, Planning Officer - Large Developments I. Walker, Planners II D. Harding, M. LaHay and J. Wong, were also in attendance.

Early Departure: Councillor Miller at 3:39 p.m.

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present.

Moved By Mayor Letham

Seconded By D. Girard

That the agenda for the Wednesday, February 14, 2018 Planning Advisory Committee Meeting be adopted as circulated with the following amendments:

Additions: Deputation

Darryl Tighe, Landmark Associates Limited

Amanda Dougherty, Landmark Associates Limited

Relating to Report PLAN2018-016 (Item 7.6 on the Agenda)

and;

That Item 7.4 be dealt with after Item 7.6 on the Agenda.

Carried

2. DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest noted.

3. PUBLIC MEETING

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

3.1 PLAN2018-006

David Harding, Planner II

An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the majority of the property from Agricultural (A) Zone to an Agricultural Exception (A-*) Zone to prohibit residential use on the proposed retained agricultural land described as Part of Lot 10, Concession 5, Geographic Township of Ops, City of Kawartha Lakes, identified as 1144 River Road (2264768 Ontario Limited)

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. He summarized the application, explaining that this application was a condition of provisional consent. The retained agricultural lands are to be rezoned to prohibit residential use, as the lands to be severed containing the dwelling are deemed surplus to the farm operation as a result of farm consolidation. The application conforms to the Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report. He noted that subsequent to the writing of the report, additional comments were received from the Community Services and Engineering and Corporate Assets Departments, and the Chippewas of Rama First Nation, who had no concerns. Staff are recommending that the application be referred to Council for approval. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Stefan Szczerbak from Planscape Inc. spoke on behalf of the applicant. He stated that he is also representing the property owner (2264768 Ontario Limited) for four other similar applications presented to the committee today (Items 3.2, 3.3, 3.4, and 3.5). All the properties include farmland and the owner does not wish to remain a landlord for the single detached dwelling on each property. He stated that the appropriate conditions have been included in each application, and that these applications would protect agricultural uses on the land. He also noted the conformity to the Official Plan, Provincial Policy Statement and the Growth Plan. He responded to questions from the members of

the committee.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.2 PLAN2018-007

Janet Wong, Planner II

An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a Rural General (A1) Zone to prohibit residential use and on the wetlands from an Open Space (O1) Zone to only permit conservation uses and erosion control works; and, to amend General Provision requirements for two zones on one (1) lot on the proposed retained portion on land described as Part of Lot 3, Concession 13, Geographic Township of Manvers, City of Kawartha Lakes, identified as 136 Golf Course Road (2264768 Ontario Limited)

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Ms. Wong confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. She summarized the application, explaining that due to a provisional consent to sever a dwelling deemed surplus to the farm operation for a farm consolidation, the retained agricultural lands are to be rezoned to prohibit residential use. The balance of the amendment will restrict uses in the wetland and clarify requirements where there are two zones on one lot. The application conforms to the Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Ms. Wong summarized the comments received to date, as detailed in her report, noting that subsequent to the writing of the report additional comments were received from the Community Services Department with no concerns. Staff are recommending that the application be referred to Council for approval. She responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Mr. Szczerbak made himself available for any questions from the Committee.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.3 PLAN2018-008

David Harding, Planner II

An application to amend the Township of Mariposa Zoning By-law 94-07 to change the zone category on the majority of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-*) Zone to prohibit residential use on the proposed retained agricultural land described as Part North Half of Lot 10, Concession 8, Geographic Township of Mariposa, City of Kawartha Lakes, identified as 594 Highway 7 (2264768 Ontario Limited)

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. He summarized the application, explaining that this application was a condition of provisional consent. The retained agricultural lands are to be rezoned to prohibit residential use, as the lands to be severed containing the dwelling are deemed surplus to the farm operation as a result of farm consolidation. The application conforms to the Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report. He noted that subsequent to the writing of the report, additional comments were received from the Community Services and Engineering and Corporate Assets Departments, and the Chippewas of Rama First Nation, who had no concerns. Staff are recommending that the application be referred to Council for approval.

The Chair inquired if the applicant wished to speak to the application.

Mr. Szczerbak made himself available for any questions from the Committee.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.4 PLAN2018-009

Janet Wong, Planner II

An application to amend the Township of Manvers Zoning By-law 87-06 to

change the zone category on the agricultural portion of the property from a Rural General (A1) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 16, Concession 12, Geographic Township of Manvers, City of Kawartha Lakes, identified as 359 St. Mary's Road (2264768 Ontario Limited)

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Ms. Wong confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. She summarized the application, explaining that due to a provisional consent to sever a dwelling deemed surplus to the farm operation for a farm consolidation, the retained agricultural lands are to be rezoned to prohibit residential use. The application conforms to the Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Ms. Wong summarized the comments received to date, as detailed in her report, noting that subsequent to the writing of the report additional comments were received from the Community Services Department with no concerns. Staff are recommending that the application be referred to Council for approval.

The Chair inquired if the applicant wished to speak to the application.

Mr. Szczerbak made himself available for any questions from the Committee.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.5 PLAN2018-010

Janet Wong, Planner II

An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a Rural General (A1) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 11, Concession 10, Geographic Township of Manvers, City of Kawartha Lakes, identified as 63 Lifford Road (2264768 Ontario Limited)

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Ms. Wong confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. She summarized the application, explaining that

due to a provisional consent to sever a dwelling deemed surplus to the farm operation for a farm consolidation, the retained agricultural lands are to be rezoned to prohibit residential use. The application conforms to the Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Ms. Wong summarized the comments received to date, as detailed in her report, noting that subsequent to the writing of the report additional comments were received from the Community Services Department with no concerns. Staff are recommending that the application be referred to Council for approval. She responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Mr. Szczerbak made himself available for any questions from the Committee.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.6 PLAN2018-013

David Harding, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 to change the zone category on a portion of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-*) Zone to permit a woodworking shop and related sales uses on land described as Part of Lots 7 & 8, Concession 13, Geographic Township of Emily, City of Kawartha Lakes, identified as 432 King's Wharf Road (Gingrich)

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. He summarized the application, explaining that it proposes to change the zone category on a portion of the property in order to permit a woodworking shop, and for sales of the shop's product from the property as an on-farm diversified use. Conformity with the Growth Plan and Provincial Policy Statement will be determined upon a full review of the application, and of any future comments. Staff are recommending that the application be referred back to staff for further review and processing until such time as comments have

been received from all circulated agencies and City Departments. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Ann Doiron of Landmark Associates Limited spoke on behalf of the applicant. She stated that the proposed woodworking shop, for production and wholesale sales of cabinetry doors, would be a secondary use on the property. Their review of the application showed that the on farm diversified use would be well below the 2% allowable provincial threshold of land use area. She also noted that a reduction of required parking spaces is appropriate as the woodworking sales would be wholesale, and not retail. She responded to questions from the members of the committee.

The Chair inquired if anyone wished to speak to the application.

Cleon Frey of Homestead Woodcraft spoke to thank the City for considering the application. He stated that a similar zoning application helped him keep his family farm, and therefore supported this application.

No other persons spoke to the application.

3.7 PLAN2018-014

Sherry Rea, Development Planning Supervisor

An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the agricultural portion of the property from an Agricultural (A) Zone to an Agricultural Exception Nine (A-9) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 14, Concession 10, Geographic Township of Ops, City of Kawartha Lakes and identified as 771 Lilac Road (Popovic)

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Ms. Rea confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. She summarized the application, explaining that due to a provisional consent, the retained agricultural lands are to be rezoned to prohibit residential use, while the severed dwelling be deemed surplus to the farm operation as a result of farm consolidation. The application conforms to the

Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Ms. Rea summarized the comments received to date, as detailed in his/her report, noting that subsequent to the writing of the report additional comments with no concern were received from the Community Services and Engineering and Corporate Asset Departments, and receipt of the application was acknowledged by the Chippewas of Rama First Nation. Staff are recommending that the application be referred to Council for approval. She responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Mr. Popovic made himself available to the committee for any questions.

The Chair inquired if anyone wished to speak to the application.

Carla Monk of 676 Lilac Road questioned the applicant if the house and barn on the property would be dismantled or retained. She also asked if the intent was to sell the house.

No other persons spoke to the application.

The public meeting ended at 1:48 p.m.

4. BUSINESS ARISING FROM PUBLIC MEETING

4.1 Item 3.1

PAC2018-001

Moved By Councillor Miller

Seconded By Mayor Letham

That Report PLAN2018-006, respecting Part of Lot 10, Concession 5, geographic Township of Ops, and identified as 1144 River Road, 2264768 Ontario Limited – Application D06-2018-001, be received;

That a Zoning By-law Amendment respecting application D06-2018-001, substantially in the form attached as Appendix D to Report PLAN2018-006, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.2 Item 3.2

PAC2018-002

Moved By Councillor Veale

Seconded By Councillor Macklem

That Report PLAN2018-007, respecting Part of Lot 3, Concession 13, geographic Township of Manvers, and identified as 136 Golf Course Road; Application No. D06-2018-002, be received;

That a Zoning By-law Amendment respecting application D06-2018-002, substantially in the form attached as Appendix D to Report PLAN2018-007, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.3 Item 3.3

PAC2018-003

Moved By Councillor Veale

Seconded By D. Girard

That Report PLAN2018-008, respecting Part North Half of Lot 10, Concession 8, geographic Township of Mariposa, and identified as 594 Highway 7, 2264768 Ontario Limited – Application D06-2018-003, be received;

That a Zoning By-law Amendment respecting application D06-2018-003, substantially in the form attached as Appendix “D” to Report PLAN2018-008, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.4 Item 3.4

PAC2018-004

Moved By Mayor Letham

Seconded By Councillor Stauble

That Report PLAN2018-009, respecting Part of Lot 16, Concession 12, geographic Township of Manvers, and identified as 359 St. Mary's Road; Application No. D06-2018-004, be received;

That a Zoning By-law Amendment respecting application D06-2018-004, substantially in the form attached as Appendix D to Report PLAN2018-009, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.5 Item 3.5

PAC2018-005

Moved By Councillor Junkin

Seconded By Councillor Stauble

That Report PLAN2018-010, respecting Part of Lot 11, Concession 10, geographic Township of Manvers, and identified as 63 Lifford Road; Application No. D06-2018-005, be received;

That a Zoning By-law Amendment respecting application D06-2018-005, substantially in the form attached as Appendix D to Report PLAN2018-010, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.6 Item 3.6

PAC2018-006

Moved By Mayor Letham

Seconded By D. Girard

That Report PLAN2018-013, respecting Lots 7 & 8, Concession 13, geographic Township of Emily, and identified as 432 King's Wharf Road, Gingrich – Application D06-2018-006, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2018-006, be referred back to address any issues raised through the public

consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Carried

4.7 Item 3.7

PAC2018-007

Moved By Councillor Veale

Seconded By Councillor Miller

That Report PLAN2018-014, respecting Part of Lot 14, Concession 10, geographic Township of Ops and identified as 771 Lilac Road; Application No. D06-2018-007, be received;

That a Zoning By-law Amendment respecting Application D06-2018-007, substantially in the form attached as Appendix C to Report PLAN2018-014, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

The committee recessed at 1:53 p.m. and reconvened at 2:01 p.m.

5. DEPUTATIONS

5.1 PC2018-01.5.1

Darryl Tighe, Landmark Associates Limited

Amanda Dougherty, Landmark Associates Limited

Relating to Report PLAN2018-016 (Item 7.6 on the Agenda)

Darryl Tighe of Landmark Associates Limited, spoke on behalf of the applicant. He stated that since the public meeting held in December, they have submitted a revised concept. He noted that the report was submitted to the committee before they could offer their final recommendations, and generally support the draft by-law so long as two provisions can be added. He recommended adding a provision for a reduced landscape buffer, and a provision for recognizing a reduction in the length of the northern parking stalls. And while they agree a holding provision on the site is appropriate, they felt that referring the matter back

to staff would cause additional delays. Mr. Tighe responded to questions from the committee members.

Moved By Councillor Miller

Seconded By Councillor Junkin

That the deputation of Darryl Tighe, Landmark Associates Limited, regarding Report PLAN2018-016 (Item 7.6 on the Agenda), be received.

Carried

6. CORRESPONDENCE

7. CITY OF KAWARTHA LAKES REPORTS

7.1 PLAN2018-001

Sherry Rea, Development Planning Supervisor

Christina Sisson, Supervisor, Development Engineering

Request by Romspen Investment Corporation to enter into a Subdivision Agreement for Phase 1 of Plan of Subdivision 16T-06505, being Part of Blocks W and X, Plan 70, former Village of Bobcaygeon, now City of Kawartha Lakes, Arizona Heights (Lakes Terminal and Warehousing Ltd.)

Ms. Rea gave an overview of the application, locally known as Arizona Heights, as Romspen Investment Corporation (a firm acting as Power of Attorney for the property owner, Lakes Terminal and Warehousing Ltd.). She noted that they have requested to enter into a subdivision agreement for 19 residential lots, with a blocks for storm water management, drainage, and connectivity to future phases. She noted that her report identifies the subdivision's conformity with the Official Plan, Provincial Policy Statement, and the Growth Plan. Also she noted three changes to the City's standard subdivision procedures being a reduction in the securities for reasons noted in her report, a change to make development charges payable upon occupancy, and the receipt of cash-in-lieu of parkland. Staff are recommending the execution of the proposed subdivision agreement. Ms. Rea and Ms. Sisson responded to questions from the members of the committee.

PAC2018-008

Moved By Mayor Letham

Seconded By Councillor Miller

That Report PLAN2018-001, respecting Part of Blocks W and X, Plan 70, former Village of Bobcaygeon, Application No. D05-19-014, Lakes Terminal and Warehousing Ltd. – Arizona Heights, Phase 1 – 16T06505, be received;

That Schedule D Summary of Estimated Costs, in Appendix C to Report PLAN2018-001 shall list 100% of the cost of all works to the satisfaction of the Director of Development Services and the Director of Engineering & Corporate Assets;

That the Subdivision Agreement for File No. D05-19-014 substantially in the form attached as Appendix C to Report PLAN2018-001, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and subsequent Agreement(s) required by the approval of this Agreement.

Carried

7.2 PLAN2018-002

Sherry Rea, Development Planning Supervisor

Application for a Condominium Description Exemption for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street and identified as 23-25 King Street, former Town of Lindsay, now City of Kawartha Lakes (Pyjama Factory Inc.)

Ms. Rea provided an overview of the application, explaining that the applicant, Randy Lebow, Owens Wright, Barristers and Solicitors on behalf of Pyjama Factory Inc. has filed for a Condominium Description Exemption under c.19, s.9(3) and (6) of the Condominium Act, Ontario for the building located at 23-25 King Street, Lindsay. She stated that the former factory building is currently being renovated as a 19 unit building. The application has demonstrated conformity with the Official Plan and Zoning By-law, has been the subject of public consultation, and has undergone a comprehensive municipal review. As such, she stated that staff recommend the application be approved. She responded to questions from the members of the committee.

PAC2018-009

Moved By Councillor Veale

Seconded By Councillor Miller

That Report PLAN2018-002, respecting Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, Application No. D04-17-002, be received;

That the Application for Condominium Description Exemption filed by Randy Lebow, Owens Wright, on behalf of Pyjama Factory Inc. for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

7.3 PLAN2018-011

Mark LaHay, Planner II

Zoning By-law Amendment Application to the Town of Lindsay and Township of Ops Zoning By-law to change the zoning from the Residential Two Special Sixteen (R2-S16) Zone to Residential Two Special Thirty-Five (R2-S35) Zone and to amend the Residential Exception Three (R-3) Zone for lands municipally known as 85, 87, 89, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 & 106 Cook Street, Lindsay/Township of Ops (Greg De Freitas on behalf of multiple landowners – Cook Street)

Mr. LaHay confirmed that a Public Meeting on this matter was held on September 9, 2015 in accordance with the Planning Act. He summarized the application, explaining that it proposes to permit open uncovered raised decks with a maximum height of 3 metres, with reduced rear yard setbacks for multiple landowners in the Trails of the Kawarthas Subdivision. Mr. LaHay also noted that the lot grading plan for the subdivision has now been certified. The application conforms to the Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Staff are recommending that the application be referred to Council for approval. Mr. LaHay and Mr. Holy responded to questions from committee members.

PAC2018-010

Moved By Councillor Veale

Seconded By M. Barkwell

That Report PLAN2018-011, GREG DE FREITAS on behalf of multiple landowners - Cook Street, Application D06-15-014, be received;

That a By-law to implement Zoning By-Law Amendment application D06-15-014 respecting a proposed amendment to the Town of Lindsay and Township of Ops Zoning By-laws for multiple lots on Cook Street, Former Town of Lindsay, and geographic Township of Ops, City of Kawartha Lakes, substantially in the form attached as Appendix “D” and “E” to Report PLAN2018-011, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

7.4 PLAN2018-012

Chris Marshall, Director of Development Services
Planning Approvals Task Force Recommendations Update

Note to Minutes: This item was dealt with after Item 7.6 on the Agenda.

7.5 PLAN2018-015

Mark LaHay, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 to replace the Environmental Protection (EP) Zone across the shoreline of the subject properties with the Rural Residential Type One Exception Four (RR1-4) Zone existing on the balance of 37 Wispi Shore Road and the Rural Residential Type One Exception Five (RR1-5) Zone existing on the balance of 45, 57 & 61 Wispi Shore Road on property legally described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, Geographic Township of Emily, City of Kawartha Lakes (CAMERON, OSMOND, GRATZ, DEVERS & ASHMEADE)

Mr. LaHay confirmed that a Public Meeting on this matter was held on April 5, 2017 in accordance with the Planning Act. He summarized the application, explaining that it proposes to proposing to remove the approximately 30 metre wide Environmental Protection (EP) Zone strip located across the shoreline portion of their properties and replace it with the Rural Residential Type One Exception Zoning existing on the balance of their properties in order to permit

waterfront accessory structures such as boat houses and docks. The application conforms to the Official Plan, Growth Plan and is consistent with the Provincial Policy Statement. Mr. LaHay summarized the comments received to date, as detailed in his report, noting that the Trent Severn Waterway is satisfied with the proposed amendment to the zoning by-law subject to their approval of any TSW application that is required, and Kawartha Conservation will require permits prior to construction. The Mississaugas of Scugog Island noted comments about the protection of wild rice in the area. Staff are recommending that the application be referred to Council for approval. Mr. LaHay and Mr. Holy responded to questions from Committee members.

PAC2018-011**Moved By** Mayor Letham**Seconded By** Councillor Miller

That Report PLAN2018-015, respecting Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, Application D06-17-008, be received;

That a By-law to implement Zoning By-Law Amendment Application D06-17-008 respecting a proposed amendment to the Township of Emily Zoning By-law for property described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, substantially in the form attached as Appendix D to Report PLAN2018-015, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried**7.6 PLAN2018-016**

Ian Walker, Planning Officer - Large Developments

An application to amend the Village of Bobcaygeon Zoning By-law to add a microbrewery as a permitted use and amend the development standards for the property identified as 30 King Street East, Bobcaygeon (Nichol)

Mr. Walker confirmed that a Public Meeting on this matter was held on December 6, 2017 in accordance with the Planning Act. He summarized the application, explaining that it proposes to change the commercial zoning to permit a microbrewery as a permitted use, and to amend some of the development standards for the property subject to this application. Staff are recommending a holding provision being applied on the property until lot grading and drainage concerns have been addressed. Mr. Walker summarized the comments received to date noting that the committee has three options for this application: First, adopt the staff recommendation, second, move forward with a modified recommendation as presented by Mr. Tighe's deputation, or third, refer it back to staff for further consideration. Mr. Walker and Director Marshall responded to questions from Committee members.

PAC2018-012

Moved By Mayor Letham

Seconded By Councillor Junkin

That Report PLAN2018-016, respecting Plan 11, Range 7 Part of Lot 9 East William Street, Former Village of Bobcaygeon, Nichol – Application D06-17-030, be received; and

That the matter be referred back to staff for further review.

Carried

7.4 PLAN2018-012

Chris Marshall, Director of Development Services

Planning Approvals Task Force Recommendations Update

Director Marshall presented an overview of his report. He highlighted department statistics, staffing updates, changes to processes and fees (including significant changes to the preconsultation process), and updates from Kawartha Conservation implementation of improvements. He responded to questions put forward by the members of the committee.

PAC2018-013

Moved By Councillor Veale

Seconded By Councillor Junkin

That Report PLAN2018-012, Planning Approvals Task Force Recommendations Update, be received.

Carried

8. ADJOURNMENT

Moved By Councillor Veale

Seconded By Mayor Letham

That the Planning Advisory Committee Meeting adjourn at 4:18 p.m.

Carried

Recommendations from the February 14, 2018 Planning Advisory Committee Meeting:

PAC2018-001

Moved By Councillor Miller

Seconded By Mayor Letham

That Report PLAN2018-006, respecting Part of Lot 10, Concession 5, geographic Township of Ops, and identified as 1144 River Road, 2264768 Ontario Limited – Application D06-2018-001, be received;

That a Zoning By-law Amendment respecting application D06-2018-001, substantially in the form attached as Appendix D to Report PLAN2018-006, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-002

Moved By Councillor Veale

Seconded By Councillor Macklem

That Report PLAN2018-007, respecting Part of Lot 3, Concession 13, geographic Township of Manvers, and identified as 136 Golf Course Road; Application No. D06-2018-002, be received;

That a Zoning By-law Amendment respecting application D06-2018-002, substantially in the form attached as Appendix D to Report PLAN2018-007, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-003

Moved By Councillor Veale

Seconded By D. Girard

That Report PLAN2018-008, respecting Part North Half of Lot 10, Concession 8, geographic Township of Mariposa, and identified as 594 Highway 7, 2264768 Ontario Limited – Application D06-2018-003, be received;

That a Zoning By-law Amendment respecting application D06-2018-003, substantially in the form attached as Appendix “D” to Report PLAN2018-008, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-004

Moved By Mayor Letham

Seconded By Councillor Stauble

That Report PLAN2018-009, respecting Part of Lot 16, Concession 12, geographic Township of Manvers, and identified as 359 St. Mary’s Road; Application No. D06-2018-004, be received;

That a Zoning By-law Amendment respecting application D06-2018-004, substantially in the form attached as Appendix D to Report PLAN2018-009, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-005

Moved By Councillor Junkin

Seconded By Councillor Stauble

That Report PLAN2018-010, respecting Part of Lot 11, Concession 10, geographic Township of Manvers, and identified as 63 Lifford Road; Application No. D06-2018-005, be received;

That a Zoning By-law Amendment respecting application D06-2018-005, substantially in the form attached as Appendix D to Report PLAN2018-010, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-006

Moved By Mayor Letham

Seconded By D. Girard

That Report PLAN2018-013, respecting Lots 7 & 8, Concession 13, geographic Township of Emily, and identified as 432 King's Wharf Road, Gingrich – Application D06-2018-006, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2018-006, be referred back to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Carried

PAC2018-007

Moved By Councillor Veale

Seconded By Councillor Miller

That Report PLAN2018-014, respecting Part of Lot 14, Concession 10, geographic Township of Ops and identified as 771 Lilac Road; Application No. D06-2018-007, be received;

That a Zoning By-law Amendment respecting Application D06-2018-007, substantially in the form attached as Appendix C to Report PLAN2018-014, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-008

Moved By Mayor Letham

Seconded By Councillor Miller

That Report PLAN2018-001, respecting Part of Blocks W and X, Plan 70, former Village of Bobcaygeon, Application No. D05-19-014, Lakes Terminal and Warehousing Ltd. – Arizona Heights, Phase 1 – 16T06505, be received;

That Schedule D Summary of Estimated Costs, in Appendix C to Report PLAN2018-001 shall list 100% of the cost of all works to the satisfaction of the Director of Development Services and the Director of Engineering & Corporate Assets;

That the Subdivision Agreement for File No. D05-19-014 substantially in the form attached as Appendix C to Report PLAN2018-001, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and subsequent Agreement(s) required by the approval of this Agreement.

Carried

PAC2018-009

Moved By Councillor Veale

Seconded By Councillor Miller

That Report PLAN2018-002, respecting Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, Application No. D04-17-002, be received;

That the Application for Condominium Description Exemption filed by Randy Lebow, Owens Wright, on behalf of Pyjama Factory Inc. for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-010

Moved By Councillor Veale

Seconded By M. Barkwell

That Report PLAN2018-011, GREG DE FREITAS on behalf of multiple landowners - Cook Street, Application D06-15-014, be received;

That a By-law to implement Zoning By-Law Amendment application D06-15-014 respecting a proposed amendment to the Town of Lindsay and Township of Ops Zoning By-laws for multiple lots on Cook Street, Former Town of Lindsay, and geographic Township of Ops, City of Kawartha Lakes, substantially in the form attached as Appendix “D” and “E” to Report PLAN2018-011, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-011

Moved By Mayor Letham

Seconded By Councillor Miller

That Report PLAN2018-015, respecting Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, Application D06-17-008, be received;

That a By-law to implement Zoning By-Law Amendment Application D06-17-008 respecting a proposed amendment to the Township of Emily Zoning By-law for property described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, substantially in the form attached as Appendix D to Report PLAN2018-015, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-012

Moved By Mayor Letham

Seconded By Councillor Junkin

That Report PLAN2018-016, respecting Plan 11, Range 7 Part of Lot 9 East William Street, Former Village of Bobcaygeon, Nichol – Application D06-17-030, be received; and

That the matter be referred back to staff for further review.

Carried

PAC2018-013

Moved By Councillor Veale

Seconded By Councillor Junkin

That Report PLAN2018-012, Planning Approvals Task Force Recommendations Update, be received.

Carried

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Amend By-law 2016-206, the Consolidated Fees By-law in the City of Kawartha Lakes (Amendment No. 7)

Recitals

1. By-law 2016-206, a By-law to establish and require payment of fees for information, services, activities and use of City property in the City of Kawartha Lakes was adopted by Council on November 8, 2016.
2. At the January 30, 2018 Regular Council Meeting, Council approved Resolution CR2018-025 for updates to Fees relating Recreational Programs.
3. At the January 30, 2018 Regular Council Meeting, Council approved Resolution CR2018-019 for updates to Fees relating to Taxi License Fare Rates and Taxicab Surcharge Rates.
4. At the February 13, 2018 Regular Council Meeting, Council approved Resolution CR2018-074 for updates to Fees relating to Encroachment Agreements.
5. This by-law amends By-law 2016-206 to reflect these decisions.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

Definitions:

All defined terms in the amending By-law take their meaning from By-law 2016-206 of the City of Kawartha Lakes.

Section 2.00: Amendment Details

2.01 **Amendment:** Schedule B-1 to By-law 2016-206 – Taxi License Fare Rates is amended by removing:

Taxicab Meter Fare						
Basic Rate – start rate plus per kilometre charge	start rate		\$3.25	\$3.50	\$3.50	By-law 2016-110
	per 100 metres		\$0.23	\$0.24	\$0.25	By-law 2016-110
Senior's Rate – start rate plus per kilometre charge	start rate		\$3.25	\$3.50	\$3.50	By-law 2016-110

	per 100 metres		\$0.21	\$0.22	\$0.25	By-law 2016-110
Taxicab Waiting Rate (if applicable)	per min		\$0.53	\$0.53	\$0.55	By-law 2016-110
	per hour		\$32.00	\$32.00	\$32.00	By-law 2016-110
Limousine Fare						
Limousine	Per hour or part hour		\$100.00	\$100.00	\$100.00	By-law 2016-110
Minimum Charge	per trip		\$200.00	\$200.00	\$200.00	By-law 2016-110
All trips to Pearson International Airport						
Taxicab	per trip		\$200.00	\$200.00	\$200.00	By-law 2016-110
Limousine	per trip		\$275.00	\$275.00	\$275.00	By-law 2016-110
Airport Parking Fees						
Taxicab	per trip		\$10.00	\$10.00	\$10.00	By-law 2016-110
Limousine	per trip		\$20.00	\$20.00	\$20.00	By-law 2016-110

2.02 **Amendment:** Schedule B-2 to By-law 2016-206 – Taxicab Surcharge Rates is deleted in its entirety.

2.03 **Amendment:** Schedule D-3 to By-law 2016-206 – Recreational Programs is amended by removing:

Park Shelter Daily	per day		\$29.75	\$31.25	\$31.75	109 CCS 013
Park Rental Special Event Daily	per day		\$237.75	\$249.75	\$253.75	109 CCS 013

2.04 **Amendment:** Schedule D-3 to By-law 2016-206 – Recreational Programs is amended by adding:

Park Space Event Rental						
Service Description	Unit	Additional Fees	Fee Effective January 1, 2017	Fee Effective March 1, 2017	Fees Effective January 1, 2018	Reference
1-50 Attendees	per day				\$31.75	New
51-150 Attendees	per day				\$95.25	New
151-300 Attendees	per day				\$175.00	New
301-1,000 Attendees	per day				\$256.75	New
Over 1,001 Attendees	per day				\$379.00	New
Park Activity Rental						
Service Description	Unit	Additional Fees	Fee Effective January 1, 2017	Fee Effective Sept 1, 2017	Fees Effective January 1, 2018	Reference
Park Hourly Rate (maximum 4 hours per day)	Per hour				\$19.30	New

2.05 **Amendment:** Schedule A-4 to By-law 2016-206 – Legal, be amended by adding:

Encroachment Agreements						
Service Description	Unit	Additional Fees	Fee Effective January 1, 2017	Fee Effective March 1, 2017	Fees Effective January 1, 2018	Reference
Minor Encroachments (stairs, small portion of a building, sign, etc.)	Annual				\$125.00 (Effective February 13, 2018)	New By-law 2018-017
Dock or Boathouse	Annual				\$150.00 (Effective February 13, 2018)	New By-law 2018-017

Major Encroachments (shed, garage, etc.)	Annual				\$200.00 (Effective February 13, 2018)	New By-law 2018-017
Co-location of equipment on City-owned tower/building	Annual				\$6,000.00 (Effective February 13, 2018)	New By-law 2018-017
Tower	Annual				\$13,000.00 (Effective February 13, 2018)	New By-law 2018-017

2.06 **Amendment:** The Index of Schedules in By-law 2016-206 is amended to reflect updates to schedules within the by-law.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Director of the City Departments are responsible for the administration of the respective department fees as approved in Schedules A to H of By-law 2016-206.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

BY-LAW 2018-

A By-Law to Authorize the Sale Of Municipally Owned Property Legally Described as Lot 2, Registered Plan No. 434, in the Geographic Township of Somerville, City of Kawartha Lakes Designated as Parts 1 and 2 on Plan 57R-10556 Being Part of PIN: 63119-0289 (LT)

Recitals

1. The Subject Land was declared to be surplus to municipal needs by City Council on the 24th day of September, 2013 by the adoption of Report LM2013-009 by CR2013-848.
2. A map of the Subject Land can be found at Schedule "A".
3. Notice of the intention of City Council to pass this by-law was given by notice duly published in the Kawartha Lakes This Week newspaper in the City of Kawartha Lakes on the 22nd and 29th days of September, 2016 and the 6th day of October, 2016, in accordance with the provisions of the *Municipal Act, 2001* and By-law 2010-118, as amended (pursuant to the transition provision section 12.02 of By-law 2018-020).
4. The proposed by-law came before Council for consideration at its regular meeting on the 6th day of March, 2018 at 2:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.
5. The sale of this land was approved by the City Council on the 24th day of September, 2013 by Council Resolution CR2013-848.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

"Council" or "City Council" means the municipal council for the City;

"Mayor" means the Chief Executive Officer of the City.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Sale of Surplus Property

2.01 **Sale:** Lot 2, Registered Plan No. 434, in the Geographic Township of Somerville, City of Kawartha Lakes Designated as Parts 1 and 2 on Plan 57R-10556 Being Part of PIN: 63119-0289 (LT) is hereby authorized to be sold to Catherine and Brian Ervine for Ninety Thousand Five Hundred Dollars (\$90,500.00), plus HST, if applicable, inclusive of all additional costs associated with this transaction.

Section 3.00: Effective Date

3.01 **Effective Date:** This By-law shall come into force and take effect when it has been finally passed by Council.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

SCHEDULE A



The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Amend By-law 2012-173, being A By-law to Regulate Parking (Amendment No. 15)

Recitals

1. Council adopted Resolution CR2018-068 on February 13, 2018 directing amendments to By-law 2012-173, being a By-law to Regulate Parking.
2. An amendment is required to establish prohibited parking areas on Coldstream Road.
3. These changes require an amendment to the original by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

Definitions:

All defined terms in the amending By-law take their meaning from By-law 2012-173 of the City of Kawartha Lakes.

Section 2.00: Amendment Details

- 2.01 **Amendment:** Schedule A – No Parking Zones, to By-law 2012-173 is amended by adding:

Street	Geographic Area	Side	From	To	Time Restrictions
Coldstream Road	Rosedale	Both	Hemlock Street	A point 440 m east, ending in front of 140 Coldstream Road	

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City Of Kawartha Lakes

By-Law 2018-

A By-Law To Amend By-Law 2012-019 And Schedule “A” Of By-Law 2012-019, Being A By-Law Under The Building Code Act Respecting Permits And Related Matters (Amendment #4)

Recitals

1. As a result of Council resolution CR2017-925, amendments are required to By-Law 2012-019 to establish the authorization for applicants to use Section 4.2 of the Building Code Act, and further establish new fee categories for such applications made under the *Building Code Act*, 1992, as amended.
2. Council held a Public Meeting on February 27, 2018 for which notice was given and the proposed by-law amendments were made available to the public.
3. Council has the authority to amend building permit fees and, after considering the public comments received, has approved fees relating to Section 4.2 of the Building Code Act.
4. This By-law amends Section 3.00 Permit Applications and Issuance, Section 4.00 Plans and Specifications and Schedule ‘A’ Table 2 of By-law 2012-019.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions

- 1.01 **Definitions** All defined terms in the amending By-law take their meaning from By-law 2012-019 of the City of Kawartha Lakes.

Section 2.00: Amendment to 2012-019

- 2.01 **Section 3.17:** Insert new Section 3.17 as follows:
 - 3.17 Every application for a building permit under 8(1) which proposes to use a Registered Code Agency, as outlined in Section 4.2 of the Act shall,
 - (a) be accompanied by such information as may be prescribed by the regulation, as well as such information required elsewhere in Section 3.00 of this by-law;
 - (b) be accompanied by the notice required in Subsection 15.14(1) of the Act;
 - (c) clearly outline which functions, as listed in Section 15.15 of the Act, the

Registered Code Agency is appointed to perform with respect to the application; and

- (d) be accompanied by the appropriate fee calculated in accordance with Schedule A.

2.02 **Section 4.08:** Insert new Section 4.08 as follows:

- 4.08 Where an applicant elects to use a Registered Code Agency under Section 4.2 of the Act, the Registered Code Agency shall submit to the Chief Building Official all required documentation, reports, notices, orders, certificates, etc., as required by Section 4.2 of the Act, including but not limited to plans review certificates, change certificates, inspection reports and final certificates.

Section 3.00: Amendment to Schedule “A”

- 3.01 **Schedule “A”:** Schedule “A” Table 2 to By-law 2012-019 is deleted and replaced with Schedule “A” Table 2 attached to and forming part of this By-law.

Section 4.00: Administration and Effective Date

- 4.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this By-law.
- 4.02 **Effective Date:** This By-law shall come into force on the 6th day of March, 2018.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule A – By-law 2018-

Schedule A – By-law 2012-019

Table 2 - Fees Payable for Building Permits

Item	Class of Permit	Fee Payable
1	Building Permit	See Schedule A Table 3
2	Sewage System Permit – under 10,000 litres/day	See Schedule A Table 4
3	Demolition Permit	
	Requiring a Professional Engineer's review as required by OBC	\$300.00
	All others	\$150.00
4	Conditional Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
5	Change of Use Permit	\$200.00
6	Partial Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
7	Site Servicing Permit where application is filed separately from remainder of construction permit – no additional fee if included with construction permit it serves	2.5% of Construction Value
8	Occupancy Permit for Unfinished Building, where occupancy has occurred without an occupancy permit	\$150.00
9	Mandatory Maintenance Inspection Program Inspections , where the inspection does not occur during the annual scheduled time slot for the property	\$125.00
10	Permits for Restricted Access Lots	Twice the otherwise applicable fee pursuant to this By-law
11	Applicant Appointed RCA Permit for which an RCA is appointed for plans review stage only	65% of applicable fee from Schedule A Table 2
12	Applicant Appointed RCA Permit for which an RCA is appointed for inspection stage only	35% of applicable fee from Schedule A Table 2

13	Applicant Appointed RCA Permit for which an RCA is appointed for both plans review stage and inspection stage	25% of applicable fee from Schedule A Table 2
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The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes

Recitals

1. Section 3 of the Building Code Act, 1992, S.O. 1992, c.23 requires the council of every municipality to appoint a Chief Building Official and such inspectors as they are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction.
2. Section 15 of the Police Services Act, R.S.O., 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
3. Council considers it advisable to appoint an individual to serve as both an inspector and municipal law enforcement officer.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Chief Building Official” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Building Inspector:** Cheryl Bryant is appointed as an inspector for the City of Kawartha Lakes in accordance with section 3 of the Building Code Act 1992, S.O. 1992, c.23.
- 2.02 **Municipal Law Enforcement Officer:** Cheryl Bryant is appointed as a Municipal Law Enforcement Officer for the City of Kawartha Lakes in accordance with section 15 of the Police Services Act R.S.O. 1990, c.P.15.
- 2.03 **Reporting Relationship:** Cheryl Bryant shall report to and be under the direction of the Chief Building Official.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Repeal By-law 2014-128, being A By-law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes

Recitals

1. Council adopted By-law 2014-128 on April 8, 2014 to appoint an Inspector and Municipal Law Enforcement Officer.
2. Council deems it appropriate to repeal By-law 2014-128 due to changes in staffing.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“**Council**” or “**City Council**” means the municipal council for the City.

Section 2.00: Repeals

2.01 **Repeal:** By-law 2014-128 is repealed.

Section 3.00: Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN # 63170-0556 (LT) and PIN # 63170-0557 (LT), Described As Lots 40 and 41, Plan 304, Geographic Township Of Eldon, Now City Of Kawartha Lakes

[File D30-2018-005, Report PLAN 2018-022, respecting Lots 40 and 41, Plan 304,
Vacant Land on Centennial Park Road – Kinney]

Recitals:

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Details

- 1.01 **Property Affected:** PIN # 63170-0556 (LT) and PIN # 63170-0557 (LT). The Property affected by this By-law is described as Lots 40 and 41, Registered Plan 304, geographic Township of Eldon, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

Section 2:00 General Terms

2.01 **Force and Effect**: This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of **, 2018.

Andy Letham, Mayor

Cathie Ritchie, Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30 To Rezone Land Within The City Of Kawartha Lakes

[File D06-2018-001, Report PLAN2018-006, respecting Part Lot 10, Concession 5, geographic Township of Ops, identified as 1144 River Road – 2264768 ONTARIO LIMITED]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 10, Concession 5, geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category on a portion of the Property from "Agricultural (A) Zone" to "Agricultural Exception Nine (A-9) Zone" for the land referred to as 'A-9', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of **, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

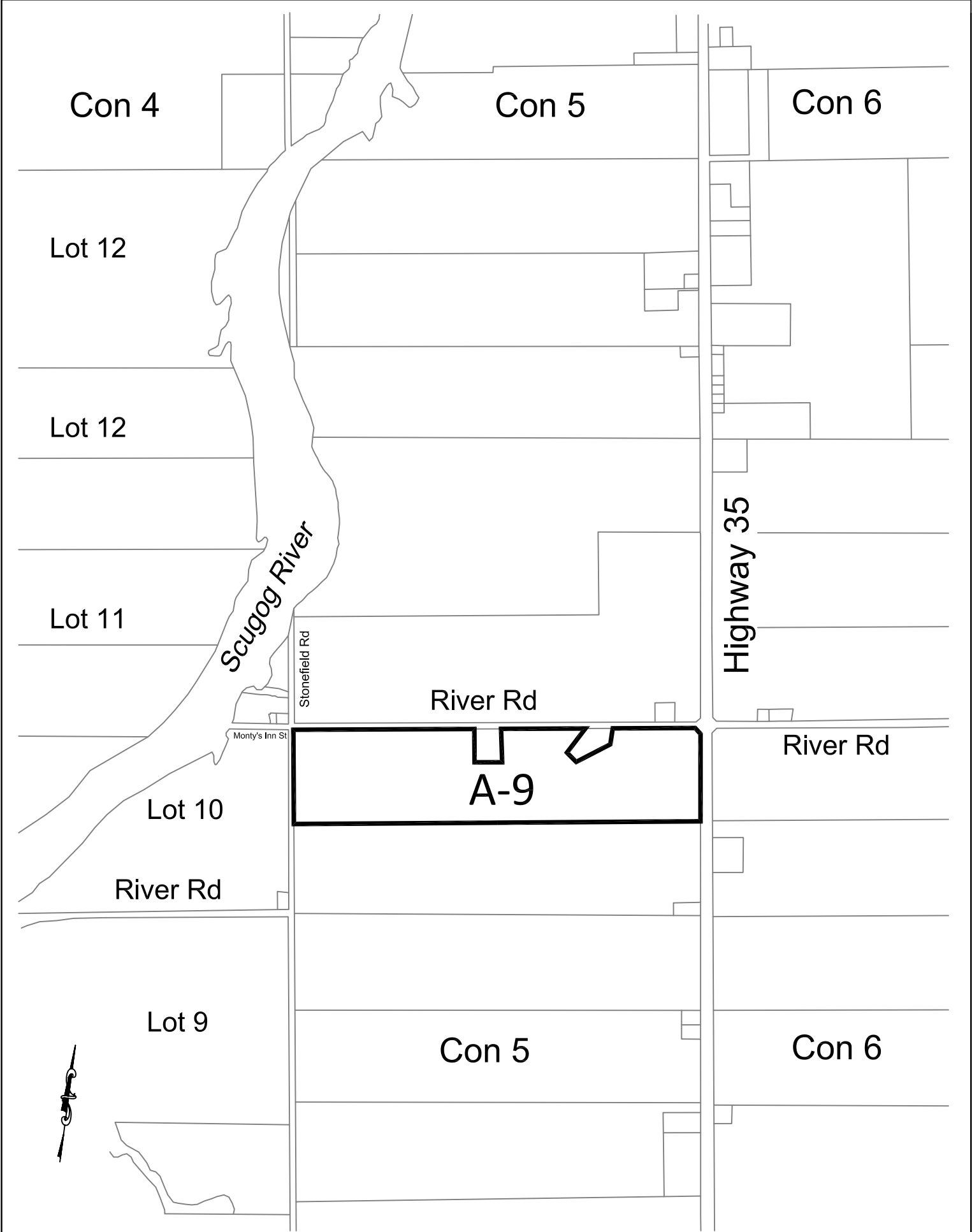
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____ CITY CLERK _____



'Geographic Township of Ops'

The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes

[File D06-2018-002, Report PLAN2018-007, respecting Part Lot 3, Concession 13 former Township of Manvers, identified as 136 Golf Course Road – 2264768 Ontario Limited]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land for:
 - a) the “Rural General (A1) Zone” to prohibit residential use on the agricultural lands;
 - b) the “Open Space (O1) Zone” to restrict the use of the wetland to conservation uses and erosion control works;
 - c) for the two zones to be considered as one (1) lot for lot area; and
 - d) the zone boundary to be considered a lot line for the purposes of the Zoning By-law requirementson the proposed retained portion of the property to fulfill a condition of consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 3, Concession 13, former Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:

“jj. Notwithstanding subsection 10.1, a dwelling and accessory uses thereto are not permitted uses on lands zoned A1-S36.”
- 1.03 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 9.3:

“e. Notwithstanding subsection 9.1, land zoned as O1-S5 shall only be used for conservation uses and flood and erosion control works. For the purposes of the O1-S5 Zone a Conservation Use means a use which preserves, protects or improves any feature of the natural environment through a program of maintenance and management administered by a Conservation Authority, public authority, private group or individual.”

1.04 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 20.16:

“f. Where the A1-S36 and O1-S5 appear together on any schedule to the By-law and share a common boundary, then the combined area of the A1-S36 and O1-S5 zones shall be considered to be one lot and the minimum lot area requirements of the A1 Zone shall apply to the combined area. The zone boundary shall be considered a lot line for the purposes of applying the zone requirements and general provisions of this By-law.”

1.05 **Schedule Amendment:** Schedule ‘A’ to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the “Rural General (A1) Zone” to “Rural General Special 36 (A1-S36) Zone” and from the “Open Space (O1) Zone” to “Open Space Special 5 (O1-S5) Zone”, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

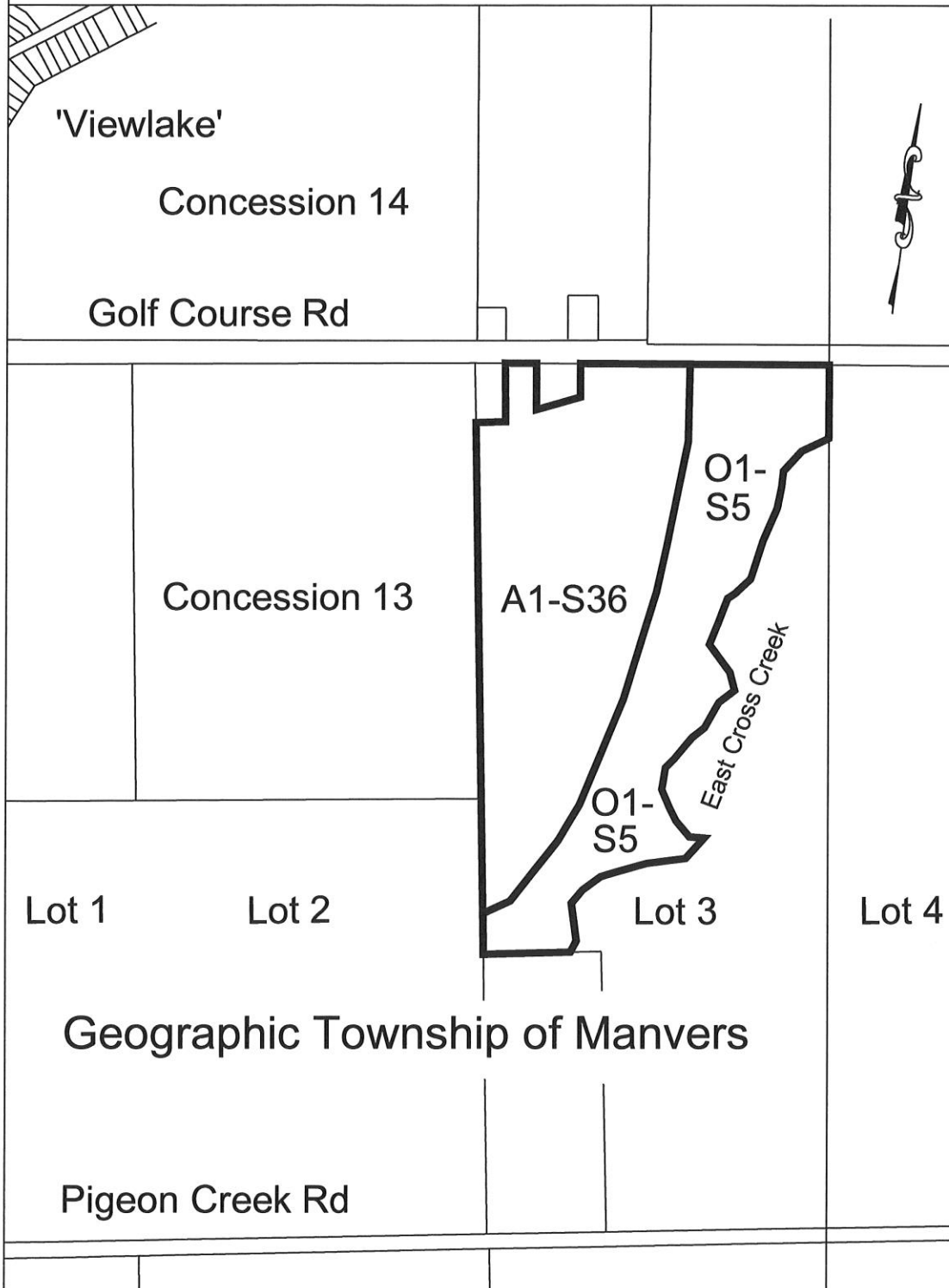
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes

[File D06-2018-003, Report PLAN2018-008, respecting Part North Half of Lot 10, Concession 8, geographic Township of Mariposa, identified as 594 Highway 7 – 2264768 Ontario Limited]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part North Half of Lot 10, Concession 8, 594 Highway 7, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended to add the following section to Section 8.3:
 - “8.3.32 AGRICULTURAL EXCEPTION THIRTY TWO (A1-32) ZONE
 - 8.3.32.1 Notwithstanding subsections 8.1.1.3, 8.1.1.5, and 8.1.1.8, residential uses and accessory uses thereto are not permitted.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category on a portion of the property from “Agricultural (A1) Zone” to “Agricultural Exception Thirty Two (A1-32) Zone”, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

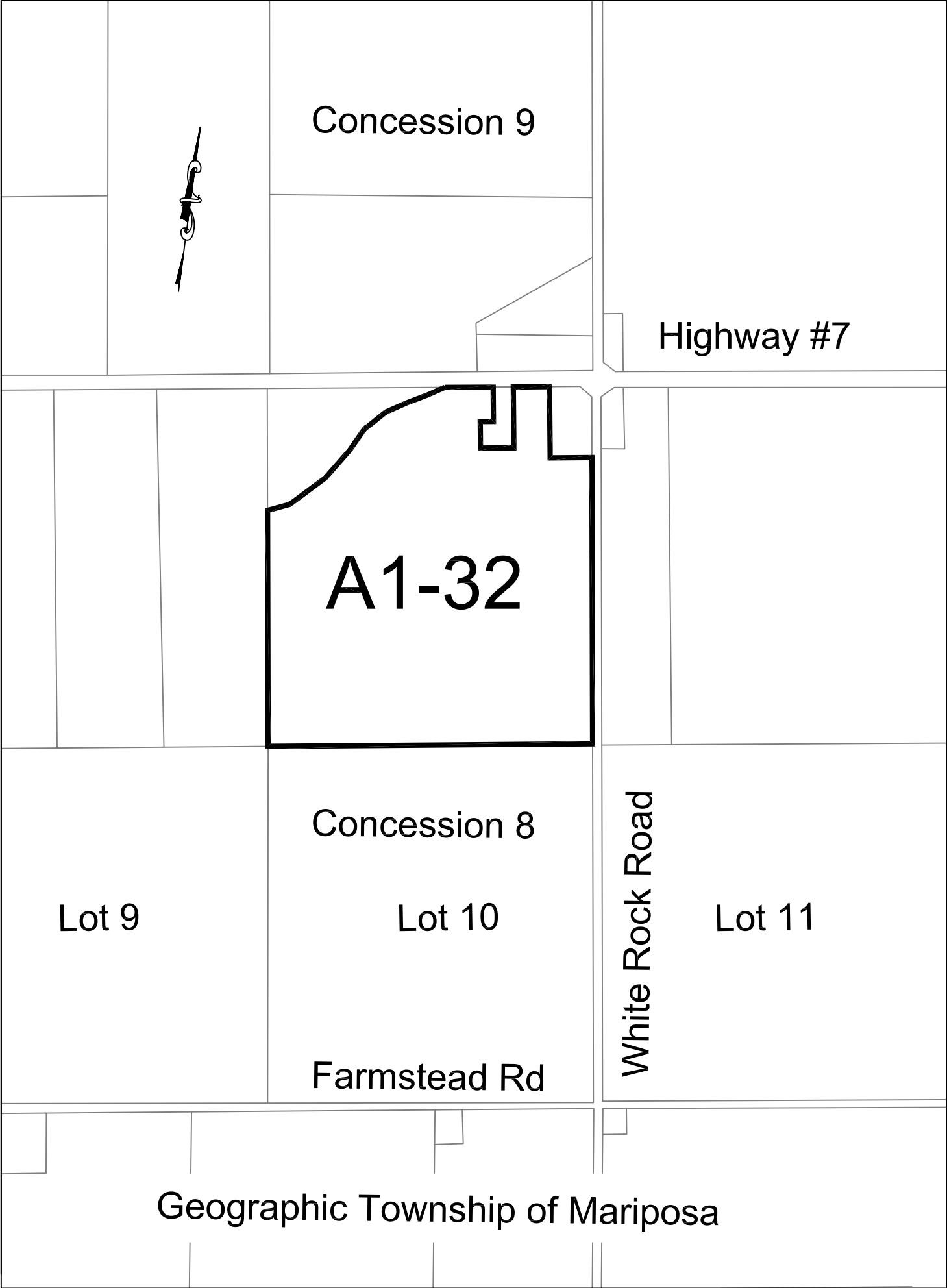
Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED
THIS _____ DAY OF _____ 2018.

MAYOR _____ CITY CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law to Amend the Township of Manvers Zoning By-Law No. 87-06 to Rezone Land within the City Of Kawartha Lakes

[File D06-2018-004, Report PLAN2018-009, respecting Part of Lot 16, Concession 12, geographic Township of Manvers, identified as 359 St. Mary's Road – 2264768 Ontario Limited]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the proposed retained portion of the property to fulfill a condition of consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 16, Concession 12, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:

“hh. Notwithstanding subsection 10.1, a dwelling unit and accessory uses thereto are not permitted uses on lands zoned A1-S34.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the “Rural General (A1) Zone” to “Rural General Special 34 (A1-S34) Zone”, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____

GEOGRAPHIC TOWNSHIP OF MANVERS

Concession 13

Lot 15

Concession 12

A1-S34

Pigeon Creek Rd

Lot 17

St. Mary's Road

Fleetwood Road

Lot 16

Concession 11



The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes

[File D06-2018-005, Report PLAN2018-010, respecting Part of Lot 11, Concession 10, geographic Township of Manvers, identified as 63 Lifford Road, 2264768 Ontario Limited.

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the proposed retained portion of the property to fulfill a condition of consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 11, Concession 10, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:

“hh. Notwithstanding subsection 10.1, a dwelling unit and accessory uses thereto are not permitted uses on lands zoned A1-S34.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the “Rural General (A1) Zone” to “Rural General Special 34 (A1-S34) Zone”, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

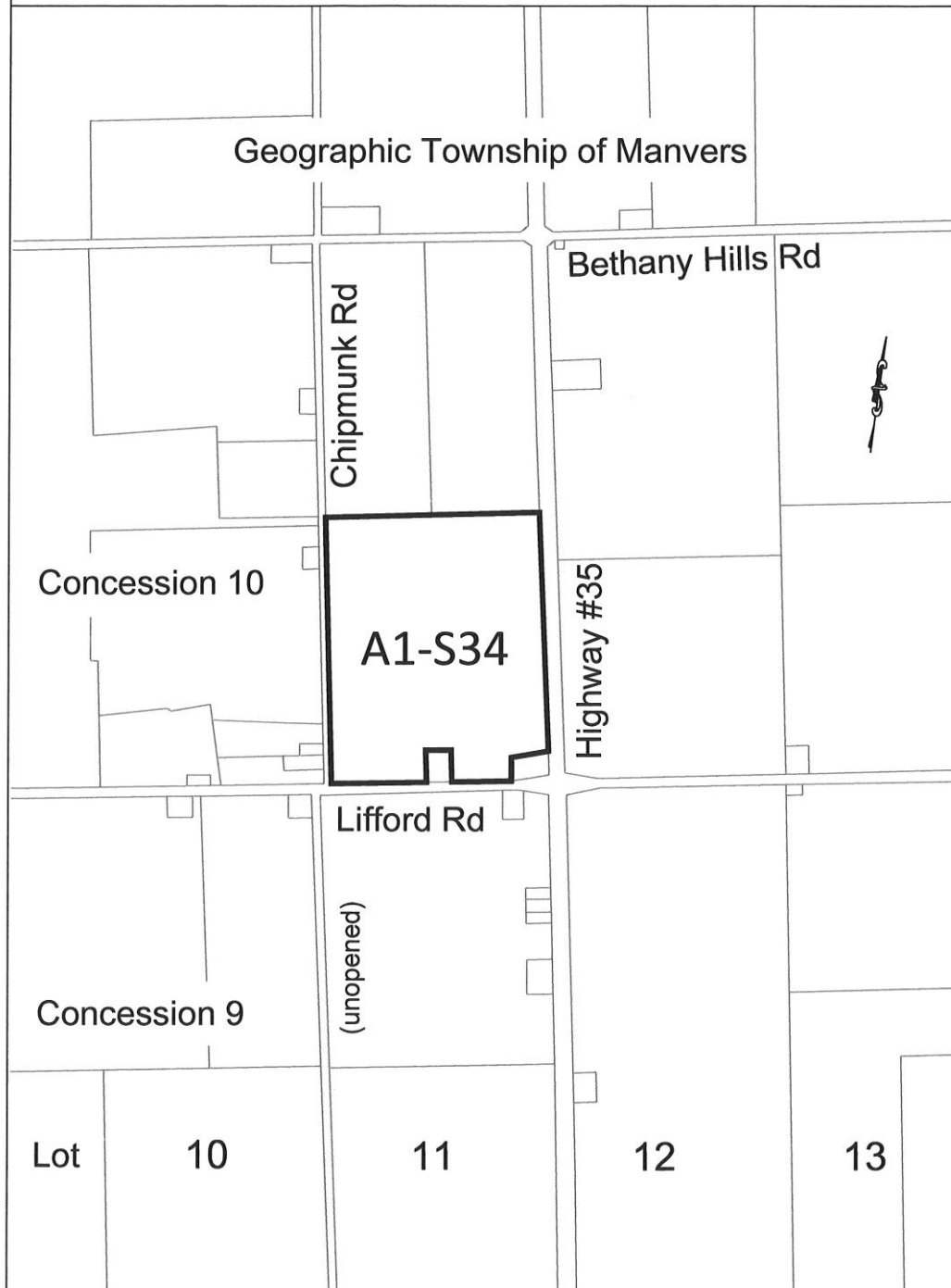
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30 To Rezone Land Within The City Of Kawartha Lakes

[File D06-2018-007, Report PLAN2018-014, respecting Part Lot 14, Concession 10, geographic Township of Ops, identified as 771 Lilac Road – POPOVIC]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 14, Concession 10, geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category on a portion of the property from the "Agricultural (A) Zone" to the "Agricultural Exception Nine (A-9)" Zone for the land referred to as 'A-9', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____ CITY CLERK _____

Geographic Township of Ops

Tracey's Hill Road

Concession 10

Con. 11

Settlers Rd

Lot 14

A-9

Lilac Road

Lot 13

Breezeway Rd



The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75 To Rezone Land Within The City Of Kawartha Lakes

[File D06-15-014, Report PLAN2015-075 and PLAN2018-011, respecting Lots 1-6, and Lots 12-14, Plan 57M-793 and Lots 25-27, Plan 57M-779, former Town of Lindsay, identified as 85, 87, 89, 91, 93, 95, 96, 98, 100, 102, 104 & 106 Cook Street – multiple landowners]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to specific parcels of land to permit the construction of and/or recognize the development of larger open uncovered elevated decks on the lots, within the minimum 7.5 metre rear yard setback on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Lots 1-6, and Lots 12-14, Plan 57M-793 and Lots 25-27, Plan 57M-779, former Town of Lindsay, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by adding Section 7.3.40 as follows:

“7.3.40 R2-S35 Zone

Notwithstanding any other provision of this By-Law to the contrary, on land zoned R2-S35 the following requirements shall apply:

- i. The front yard setback shall be 6.0 metres;
- ii. The maximum lot coverage for all buildings shall be 45%;
- iii. An open uncovered deck equal to or greater than 0.6 m. above average finished grade and not more than 3 m. in height may extend not more

than 4.25 m. into a rear yard setback area and in no case shall have a rear yard setback of less than 3.25 m.

- iv. The zone boundary between the R2-S35 Zone and the R-3 Zone (Township of Ops) does not constitute a lot line boundary for applying applicable zone provisions.”

- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the “Residential Two Special Sixteen (R2-S16) Zone” to the “Residential Two Special Thirty-Five (R2-S35) Zone” for the land referred to as ‘R2-S35’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

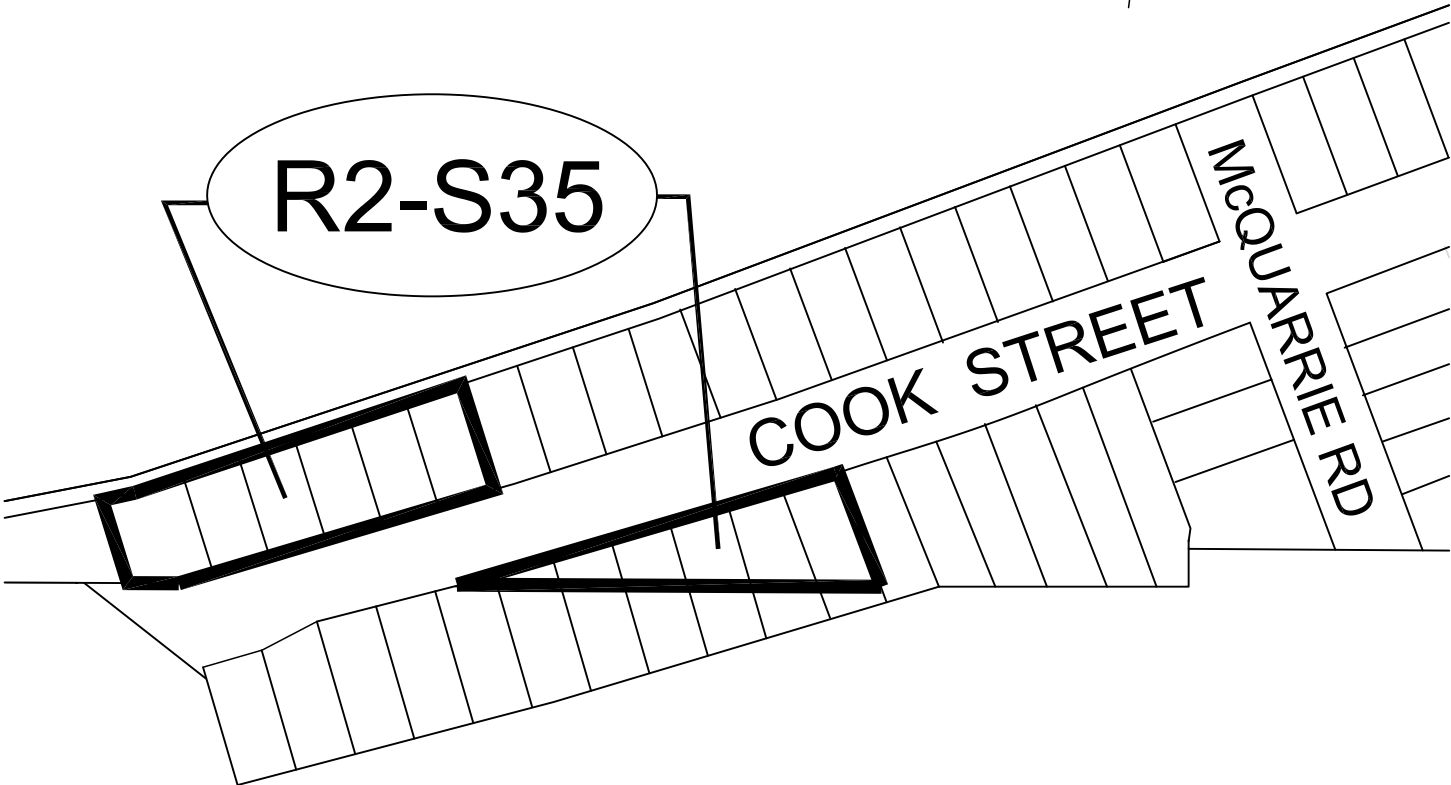
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____ CITY CLERK _____

'Lindsay'



'Geographic Township of Ops'

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30 To Rezone Land Within The City Of Kawartha Lakes

[File D06-15-014, Report PLAN2015-075 and PLAN2018-011, respecting Lots 1-11, Plan 57M-793, geographic Township of Ops, identified as 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, & 105 Cook Street – multiple landowners]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to specific parcels of land to permit the construction of and/or recognize the development of larger open uncovered elevated decks on the lots, within the minimum 7.5 metre rear yard setback on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Lots 1-11, Plan 57M-793, geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended by deleting Section 7.3.3 and replacing it with the following:

“7.3.3 Residential Exception Three (R-3) Zone

Notwithstanding subsection 7.1.1, land zoned R-3 may only be used for a single detached dwelling.

Notwithstanding subsection 7.2, land zoned R-3 shall be subject to the following zone provisions:

Minimum Lot Area	360 sq. m.
Minimum Lot Frontage	12.0 m.
Minimum Front Yard Setback	6.0 m.
Minimum Exterior Side Yard Setback	3.0 m.
Minimum Interior Side Yard Setback	1.25 m.
Minimum Rear Yard Setback	7.5 m.

Maximum Building Height	10.5 m.
Maximum Lot Coverage of all Buildings	45%

An open uncovered deck equal to or greater than 0.6 m. above average finished grade and not more than 3 m. in height may extend not more than 4.25 m. into a rear yard setback and in no case shall have a rear yard setback of less than 3.25 m.

Notwithstanding the minimum setback provisions of the By-law, steps, decks and/or porches, which are not covered or enclosed and less than 0.6 m. from average finished grade, may be permitted in the front, rear, side yard and exterior side yard setback areas, provided they comply with all other provisions of the By-law.

Notwithstanding any other provision of this By-Law to the contrary, the zone boundary between the R-3 Zone and the R2-S35 Zone (Town of Lindsay) does not constitute a lot line boundary for applying applicable zone provisions.

In all other respects, the provisions of the Residential (R) Zone shall apply.”

- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 93-30 of the Township of Ops is further amended for the land referred to as ‘R-3’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

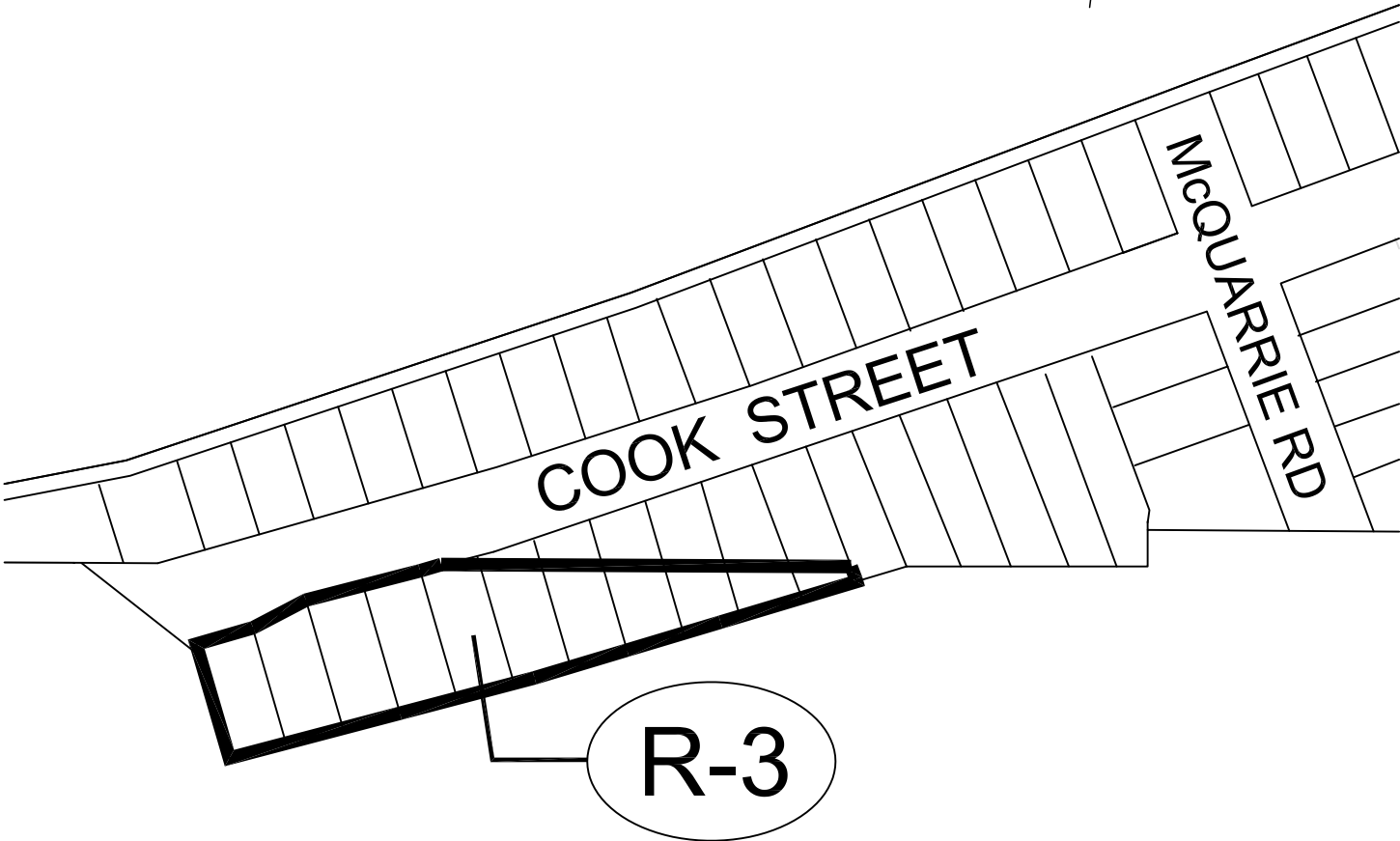
THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____

'Lindsay'



'Geographic Township of Ops'

The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes

[File D06-17-008, Report PLAN2017-017 and PLAN2018-015, respecting Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, identified as 37, 45, 57 and 61 Wispi Shore Road – CAMERON, OSMOND, GRATZ, DEVERS & ASHMEADE]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to remove an approximately 30 metre wide Environmental Protection Zone strip located across the shoreline portion of the properties and replace it with the Rural Residential Type One Exception Zone existing on the balance of the properties in order to permit waterfront accessory structures such as boat houses and docks within a defined area and to allow the balance of the shoreline area to regenerate into a natural vegetation buffer.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes.

1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 10.3:

“10.3.4.2 Notwithstanding article 10.2.1.3 (e), land zoned “RR1-4” shall be subject to the following zone provisions:

a. Land within the minimum water setback shall be subject to the following additional requirements:

- (i) All land within the 30 m minimum water setback shall be maintained as a natural vegetation buffer. Within the natural vegetation buffer no maintenance, including cutting, shall occur to the existing lawn in

order to permit the natural regeneration of vegetation to facilitate ecological succession.

- (ii) Notwithstanding 10.3.4.2 (a)(i) an area comprising a length no greater than 25% of the shoreline lot frontage, and a depth the span of the minimum water setback may be maintained as landscaped open space in order to provide recreational amenity space and access to Pigeon Lake.
- (iii) Existing structures within the minimum water setback, as of the date of passing of this by-law, that are authorized by a Conservation Authority or Parks Canada – Trent Severn Waterway, having jurisdiction, are permitted.
- (iv) Notwithstanding Sections 3.1.5.1 and 3.1.5.2, the erection of a dock parallel to the shoreline, a pump house and a boat house within the landscaped open space area identified within 10.3.4.2(a)(ii) is permitted.
- (v) Notwithstanding any other provisions of this By-law, a boat house, pump house, or docking facility may be erected and used in a yard fronting on a navigable waterway provided that the approval of any other approval authority having jurisdiction within this area has been obtained and further provided the location complies with the required minimum side yard for accessory buildings or structures.”

1.03 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 10.3:

“10.3.5.2 Notwithstanding article 10.2.1.3 (e), land zoned “RR1-5” shall be subject to the following zone provisions:

- a. Land within the minimum water setback shall be subject to the following additional requirements:
 - (i) All land within the minimum 30 m water setback shall be maintained as a natural vegetation buffer. Within the natural vegetation buffer no maintenance, including cutting, shall occur to the existing lawn in order to permit the natural regeneration of vegetation to facilitate ecological succession.
 - (ii) Notwithstanding 10.3.5.2 (a)(i) an area comprising a length no greater than 25% of the shoreline lot frontage, and a depth the span of the minimum water setback may be maintained as landscaped open space in order to provide recreational amenity space and access to Pigeon Lake.
 - (iii) Existing structures within the minimum water setback, as of the date of passing of this by-law, that are authorized by a Conservation Authority or Parks Canada – Trent Severn Waterway, having jurisdiction, are permitted.
 - (iv) Notwithstanding Sections 3.1.5.1 and 3.1.5.2, the erection of a dock parallel to the shoreline, a pump house and a boat house within the

landscaped open space area identified within 10.3.5.2(a)(ii) is permitted.

- (v) Notwithstanding any other provisions of this By-law, a boat house, pump house, or docking facility may be erected and used in a yard fronting on a navigable waterway provided that the approval of any other approval authority having jurisdiction within this area has been obtained and further provided the location complies with the required minimum side yard for accessory buildings or structures.”

- 1.04 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following definition to Part 2:

“NATURAL VEGETATION BUFFER means an area comprised of natural vegetation that shall not be disturbed by human landscape management or horticultural activities save and except for the removal of dead trees, which are in an unsafe condition.”

- 1.05 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category from the “Environmental Protection (EP) Zone” across the shoreline of the subject properties to the “Rural Residential Type One Exception Four (RR1-4) Zone” existing on the balance of 37 Wispi Shore Road and to the “Rural Residential Type One Exception Five (RR1-5) Zone” existing on the balance of 45, 57 & 61 Wispi Shore Road for the land referred to as ‘RR1-4’ and ‘RR1-5’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

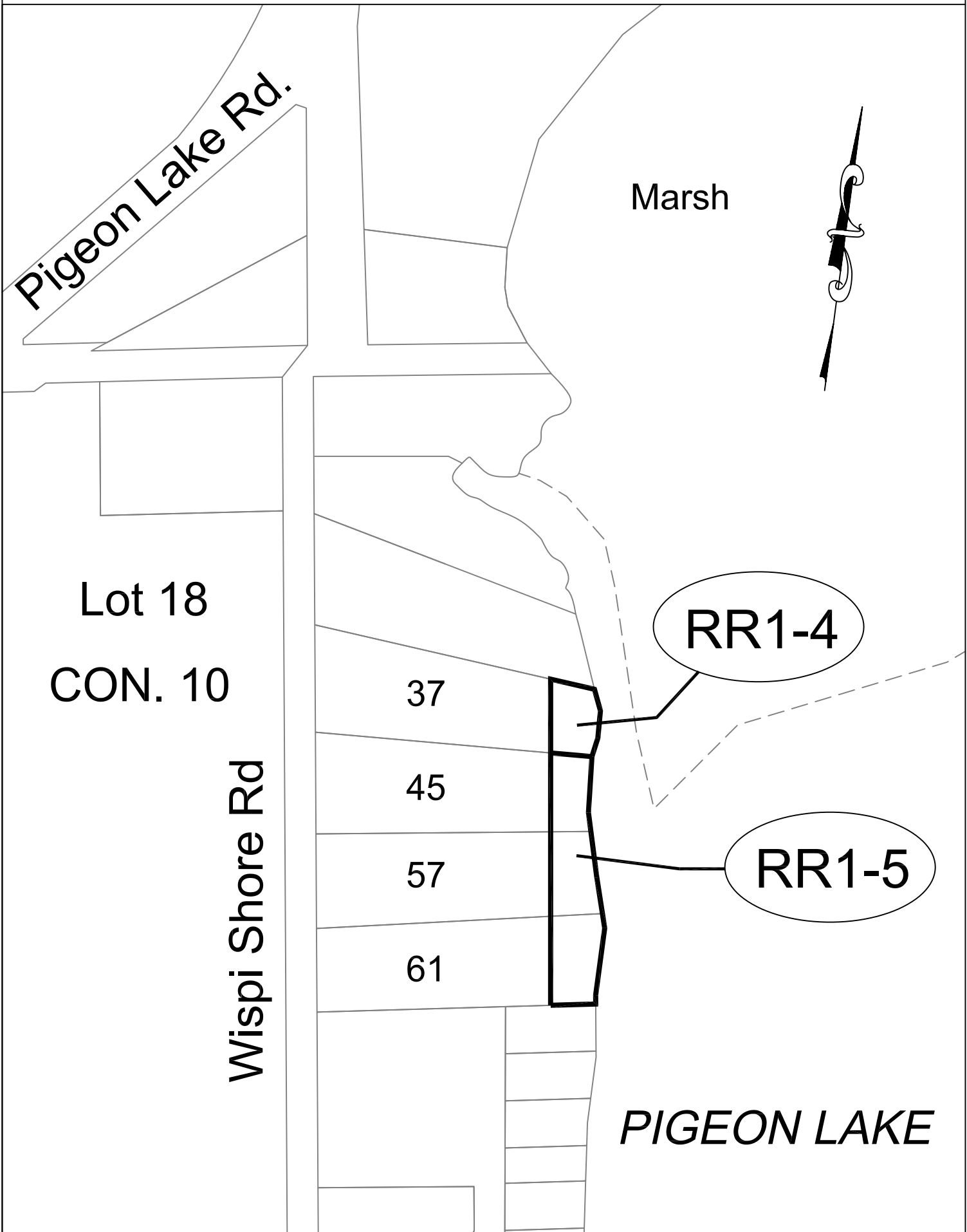
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____



GEOGRAPHIC TOWNSHIP OF EMILY

The Corporation of the City of Kawartha Lakes

By-Law 2018-____

A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes

Recitals

1. The *Municipal Act, 2001*, S.O. 2001, c.25 allows municipalities to pass By-laws governing public utilities and permitting the setting of fees and charges related to the supply of water and wastewater services to the public.
2. The *Municipal Act, 2001*, S.O. 2001, c.25, sections 79 and 80, allow a municipality to have reasonable access to buildings and land supplied with water to maintain the system.
3. The *Municipal Act, 2001*, S.O. 2001, c.25, section 83 allows for a municipality to require security be given for payment of the proper fees and charges for the supply of the public utility or for extending the public utility to the land.
4. It is deemed prudent to enact rules and regulations to provide for the management and general maintenance of municipal water and wastewater works and fixing the rates and charges to be paid by owners and occupiers. Also due diligent to ensure an acceptable level of service meeting or exceeding Ontario Provincial Standards, Ministry of the Environment and Climate Change Guidelines and special Conditions and Requirements of the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-____.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“Agent” means a person authorized to act on another’s behalf;

“Applicant” means the owner of the premises for which water or sewage works are being sought or the authorized agent of the owner;

“Automated Meter Reading Program” means the programs or projects as may be adopted by the City, for the supply and installation of water meters and a radio communications network capable for reading, transmitting and collecting water meter readings throughout the City and includes all related equipment, software and hardware;

“Backflow Prevention Device” means a device or system that prevents backflow or back-siphonage into the waterworks and is designed to prevent contamination of the waterworks or water supply;

“Building” means a building or structure as defined in the *Building Code Act*;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, C. 23, as amended and includes the regulations thereunder;

“Building Permit” means a permit issued under the Ontario *Building Code Act*;

“By-Law” means this By-law, as may be amended from time to time. The Recitals to, and the Schedules attached to this By-Law are considered integral parts of it;

“Chief Building Official” (CBO) means the Chief Building Official, appointed pursuant to the *Building Code Act*;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Connection Charge” means the charge payable when required as a condition of a severance or when a property is connected to a water and/or sanitary sewer service, to finance the installation and connection of a water or sanitary sewer service from the watermain or sewer main to the property line;

“Consolidated Fees By-Law” means By-Law 2017-203 “A By-law to Amend By-law 2016-206, the Consolidated Fees By-law in the City of Kawartha Lakes”, as amended;

“Contractor” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the City to install or maintain mains, service mains, services, hydrants and other appurtenances. When work is undertaken on City owned property the contractor must be approved by the City;

“Council” or “City Council” means the municipal council for the City;

“Cross Connection” means any actual or potential connection between the waterworks and any source of pollution, contamination, or other material or substance that could change the quality of the water in the waterworks. This includes any bypass, jumper connection, removable section of pipe, swivel or changeover device, and any other temporary or permanent connecting arrangement through which backflow can occur. Individual protection would be installed on fixtures or appliances that have the potential of contributing to a cross connection;

“CSA-B64 Series Standards” means the Canadian Standards Association standard for Backflow Preventers and Vacuum Breakers, as amended;

“Delinquent Account” means an account for service issued by the City which remains unpaid after the due date;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Director of Engineering and Corporate Assets” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Dwelling Unit” means a unit that is operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Fire Code” means the Ontario Regulation 213/07 made under Part IV of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4;

“Flat Rate” is the fee charged when there is no meter available to measure consumption for billing purposes and based upon average consumptive usage of 178 m³ annually.

“Frontage” is defined as:

- (a) Where the property is zoned agriculture, the length shall be the frontage of the residential usage portion only;
- (b) Where the property is not zoned for agricultural use, the length shall be the frontage along which the main runs;
- (c) Where a property is serviced on more than one side, the length shall be calculated for the side from which the property is being serviced;

“Frontage Charge” means the charge payable, based upon the frontage of the property, when required a condition of a severance or when a property is connected to a water and/or sanitary sewer service that hasn’t already been levied, to finance the maintenance, replacement and rehabilitation of existing underground infrastructure. Frontage charges are not the same as Development Charges imposed by City by-law, as applicable;

“Guidelines” means and is not limited to the Public Works/Engineering Services Subdivision/Site Plan Development Guidelines and Technical Standards for the City of Kawartha Lakes, and/or Design Guidelines for Drinking Water Systems 2008 by the Ministry of the Environment, and/or Design Guidelines for Sewage Works 2008 by the Ministry of the Environment, as applicable and amended;

“Irrigation Systems” means equipment, which includes sprinkler heads, piping and other components used primarily to apply water to vegetation;

“Inspection” includes:

- (a) An audit;

- (b) Physical, visual or other examination;
- (c) Survey;
- (d) Test; and
- (e) Inquiry;

“Licensed Operator” means for the purposes of this By-Law a person in good standing with the Ontario Water Wastewater Certification Office (OWWCO) and maintains a minimum Class I in Water Treatment, Water Distribution, Water Distribution and Supply, Wastewater Treatment and/or Wastewater Collection. The license held must be applicable to the system for which one is performing the work in.

“Manager of Environmental Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Manager of Revenue and Taxation” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Meter” means the device, which is the property of the City of Kawartha Lakes which measures and records the quantity of water passing through it and is read, serviced, maintained, and supplied by the City;

“Meter Chamber” means a device for the protection of a meter;

“Metered Water Systems” shall include City-owned systems where water is supplied to the customer using a measurement on a consumption meter;

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

“Municipal Property” means any lands/property owned by the City and/or easements, rights-of-way and/or road allowances in favour of the City;

“Municipal Law Enforcement Officer” means a peace officer appointed by Council pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15, for the purpose of enforcing municipal By-laws;

“Occupier” means a person residing on or in a property; a person entitled to the possession of the property if there is no other person residing on or in the property; and a tenant or leaseholder; and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation. An occupier includes an occupant;

“Other Charges” means those charges related to repairs, installations, services rendered, or other expenses, exclusive of charges included in water rates, frontage charges and sewage service rates, payable by the consumer as provided for in this By-Law or as directed by City Council;

“Owner” means a person that has any right, title, estate, or interest in a property, other than that of only an occupant and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any person with authority or power over or control of that property on behalf of an owner. An owner includes a developer;

“Person” means a natural person, an association, a partnership or a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“Premises” means any house, tenement, building, lot, or part of a lot, or both, in, through, or past which service pipes run;

“Private Hydrants” are situated within the limits of the property owned or occupied by the owner or occupier of the water, and/or installed at such locations to serve as exclusive fire protection for said buildings at such a site complex, i.e., institutions, condominiums, community centers, schools, etc.;

“Private Water Service Pipe” means the pipe, fittings and appurtenances which convey water from the water service connection at property line to a water meter, or to the point where the pipe and fittings connected to the water service connection enters a building or structure if there is no water meter;

“Private Sanitary Sewer Service Pipe” means the pipe, fittings, and appurtenances which convey wastewater from a building or structure to the property line.

“Property” includes but is not limited to both public and private lands, a house, building, structure, lot or any part of a house, building, structure or lot within the City, and is adjacent to water and/or sewage works and may be entitled to a service connection;

“Qualified Person” means a person whom meets the following requirements: is registered with the City’s Cross Connection Control Program; holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association (OWWA); is in possession of a current calibration certificate as required for the testing equipment to be employed; maintains commercial general liability insurance; and is authorized to perform the inspection and testing requirements of the program;

“Remote Readout Unit” means any device that is used to record or transmit, or both, the water consumption reading of a water meter and may be installed at a separate location from the water meter but does not include the water meter register;

“Sanitary Sewer” means the pipe, valves and fitting attached thereto, which transport and collect wastewater from abutting properties and general area;

“Sanitary Sewer Service Pipe” means the pipe and fittings that convey wastewater from the inside of an exterior wall of a structure to a connection on a main;

“Service Box” means the structure that houses the shut off valve;

“Service Connection” means water and/or sanitary sewer service connection;

“Sewage Works” means the works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the *Building Code Act* applies;

“Shut-off Valve” means the valve on or at water service connection owned and used by the City to shut off or turn on the water supply from the waterworks to a property. May also be referred to as curb stop;

“Special Meter Reading” means a reading taken by a person authorized by the City to read a meter for billing purposes at a time other than the normal billing cycle reading;

“Sprinkler System” means a dedicated water service installed to a building complex required by the *Ontario Building Code* or the *Ontario Fire Code* for the exclusive purpose of fire suppression of said structure;

“Streetline” means the boundary of private property which adjoins municipal property;

“Substantially Demolished” means the demolition of more than 50% of the exterior walls of the first story above grade of a building or structure, whether or not it is subsequently replaced;

“Supervisor, Overall Responsible Operator” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Supervisor, Water and Wastewater Operations” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Tenant” means a person that pays consideration to use or occupy land, a building or other property owned by another;

“Temporary Water Service” means:

- (a) A pipe installed from a public waterworks by the City, for a City project, and for a specified temporary period of time; and
- (b) A pipe installed with the permission of the Director for construction purposes;

“Treasurer” means the person within the administration of the City, which fulfills the function of the Treasurer as required by the *Municipal Act, 2001*, S.O. 2001, C.25;

“Valve” means a device for controlling the flow of water through a pipe. A valve on a service connection is also referred to as a stopcock, curb stop or shut-off valve;

“Water” means potable water supplied by the City;

“Water Account” means a record of water consumption and all fees and charges related thereto at and for a property;

“Watermain” means the pipe, valves and fittings attached thereto which transport and distribute water to abutting properties and/or general area;

“Water Service Pipes” means the pipe fittings that convey potable water from a connection a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure;

“Water Works System” includes but is not limited to buildings, structures, plants, equipment, appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the treatment, transmission, distribution and storage of water and includes lands appropriated for that purpose;

“Zone or Area Protection” is provided within a building or area of a building where a cross connection could occur due to installed equipment or work being performed.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Administration

2.01 The Director of Public Works shall oversee:

- (a) The operation and maintenance of the City's water and wastewater systems.
- 2.02 The Director of Engineering and Corporate Assets shall oversee:
 - (a) Development and implementation of standards and specifications governing the design and construction of the City's drinking water and wastewater systems; and
 - (b) The service application, review and installation process
- 2.03 Should emergency conditions arise that imperil the municipal water supply or its distribution, the Director of Public Works has the authority to:
 - (a) Take all remedial measures as deemed necessary to protect public health, which may include limiting or stopping the supply of water in any area and restricting the use of water for any specific purpose;
 - (b) Expend money and employ workers as needed to restore the City's drinking water system; and
 - (c) Report to Council as soon as practical after such measures are taken.
- 2.04 The Treasurer shall be responsible for:
 - (a) Arranging for the installation and repair of fixed water meter reading equipment;
 - (b) Administering water meter reading;
 - (c) Establishing water and wastewater rates;
 - (d) Accounting;
 - (e) Billing;
 - (f) Collecting fees and charges;
 - (g) Issuance of water certificates in conjunction with a final reading of the City meter and a final bill to the owner of the property when a written request has been received and the charge established in the Tariff of Fees By-Law has been paid; and
 - (h) Limiting or stopping the supply of water when there has been default of payment in accordance with the City's Water and Wastewater Billing and Collection Policy, or this By-law, as amended from time to time.

Section 3.00: Use and Receipt of Water

- 3.01 No person shall use, cause or permit water to be used other than in connection with the property to which it is supplied without prior written permission of the City, other than by authorized Kawartha Lakes Fire Services personnel acting in the course of their duties or other City personnel acting in the course of their duties.
- 3.02 No person shall sell water or otherwise similarly dispose of water without the prior written permission of the City, other than by authorized Kawartha Lakes Fire Service personnel or other City personnel acting in the course of their duties.
- 3.03 No person shall obtain water without paying the applicable charges, fees or rates for that water, except with the prior written approval of the City

other than authorized Kawartha Lakes Fire Services personnel or other authorized City personnel acting in the course of their duties.

- 3.04 The City does not guarantee any pre-determined water pressure or flow, or guarantee the water supplied to be free of colour, turbidity, taste or odour at all times.

Section 4.00: Installation and Maintenance of the Distribution and Collection Systems

- 4.01 Any and all work having to do with the supply of water and collection of wastewater, with the laying, repairing, renewing or the taking up of a watermain, sanitary sewer or service pipes on municipal property shall only be carried out where authorized by the officers, agents or servants of the City.
- 4.02 Any persons before proceeding with, or authorizing any construction, that will occur under, across or along any watermain, sanitary sewer or other water or sewage works forming any part of the City's system(s), shall seek approval from the City by providing in writing of their intention to proceed with the same. If, in the opinion of the City, it becomes necessary to support or relocate any watermain, sanitary sewer or other water or sewage works, the cost of such work shall be at the sole expense of the applicant. The City has the authority to supervise and/or direct such works, which shall be at the sole expense of the applicant.
- 4.03 No person, except those authorized by the City, shall:
- (a) Tap-off, interfere or make any connection with a watermain and/or sanitary sewer;
 - (b) Turn off, turn on or interfere in any manner with any watermain valve;
 - (c) Turn off, turn on or interfere in any manner with any service pipe; or
 - (d) Extend any watermain and/or sanitary sewer belonging to or that in the opinion of the City forms part of the City's waterworks and sewage works.
- 4.04 The City shall undertake only the following works on private property:
- (a) Such works as are necessary in connection with City owned meters, or other components of the waterworks system; and
 - (b) Inspection, disinfection, and testing of the installation or repair of private water services, as required by the City.
- 4.05 Where, on an emergency basis, the City assists the owner, at the owner's request, in the repair of a private service on that owner's property, all work performed by the City to assist the owner in that regard shall be performed at the owner's risk and cost. The owner shall have no claim whatsoever against the City for reason of that work.

Section 5.00: Water and Sanitary Sewer Connections and Applications

5.01 New or Changed Connections:

- (a) No person, including the owner or occupier, shall erect or cause to be erected any building, except an ancillary building, on lands serviced by the water and/or sewage works unless the building to be erected is connected to the water and/or sewage works.
- (b) No person, including the owner or occupier, shall connect to the City's water and/or sewage works or make changes or alterations to an existing connection to the City's water and/or sewage works without the written approval of the Director of Engineering and Corporate Assets and in compliance with this By-Law.

5.02 Application for Connection:

- (a) All persons who requires or requests water to be supplied to a property or collection of wastewater or a change or alteration to the existing water or sanitary sewer connection in relation to a property shall submit a Municipal Service Connections Application to the City to determine if services are available to the subject property.
- (b) The Municipal Services Connection Application shall be accompanied by any and all plans as may be required by the City to determine if the application is in accordance with applicable Guidelines and the standards, specifications and requirements of this By-Law. The owner shall be responsible for the completeness and accuracy of the information furnished on the Municipal Services Connection Application and in the plans at the time of making the application.
- (c) No connections shall be made until confirmation has been received from the Engineering and Corporate Assets department, including but not limited to all fees paid.

5.03 Installation of Water and Sanitary Sewer Service Connection(s):

- (a) All work and materials shall conform to the current Guidelines.
- (b) All water and/or sanitary sewer connections within municipal property shall be constructed by an Service Connection Contractor approved by the City.
- (c) The City retains the right to inspect and/or supervise any and/or all work performed on private property that relates to the installation of a connection to a City service pipe, not under the jurisdiction of the *Building Code Act*. This may require the hiring of a Licensed Operator. If in the opinion of the City, the installation is not completed in accordance with all applicable laws, including, but not limited to, the *Building Code Act*, and/or the standards and specifications of this By-law, it shall be made to conform, at the owner's expense.
- (d) In the event that a person connects to the City's water and/or sanitary sewage works, and/or installs a water and/or sanitary sewer service connection in a manner other than provided for in this By-Law, the Director of Engineering and Corporate Assets has the authority to order, at the owner's expense:

- i. Re-excavation of the connection for the purpose of inspection and testing and subsequent reinstallation of the works in compliance with this By-Law; or
 - ii. Disconnection of the service connection, which shall not be reinstalled and/or reconnected without the prior written permission of the appropriate Director and must be within full compliance with the requirements of this By-Law.
- (e) A separate and independent water and sanitary sewer service and water meter shall be required for:
 - i. Each single family dwelling;
 - ii. Each unit of a semi-detached building;
 - iii. Each dwelling unit of a linear row housing building or tenement;
 - iv. Apartment buildings;
 - v. Commercial buildings;
 - vi. Condominium apartment buildings; and
 - vii. Industrial buildings.
- (f) Any exemptions to section 5.03 (e) shall be at the discretion of the Director of Engineering and Corporate Assets and all approvals for exemptions shall be in writing.
- (g) Each and every water service connection shall be equipped with a shut-off valve that shall be located on municipal property or a location authorized in writing by the Director of Engineering and Corporate Assets, such valve(s) shall be the property of the City.
- (h) Each and every water and sanitary sewer service connection shall be installed and connected to the City's watermain and/or sanitary sewer along the frontage of the property unless otherwise authorized in writing by the Director of Engineering and Corporate Assets.
- (i) A separate connection service meter installed for irrigation and/or fire sprinkler systems is not permitted.
- (j) Shut-off valves for all water services, irrigation and/or fire sprinkler systems shall be fully accessible to the City. If shut-off valves are not accessible, the City will undertake relocation work to ensure the valves are accessible. All costs associated with relocation shall be at the owner's expense.

Section 6.00: Private Water and Sanitary Sewer Service Pipes and Private Fire Service Mains

6.01 Installation and Inspection:

- (a) All private water and sanitary sewer service pipes and private fire service mains and their appurtenances shall be installed by the owner, at the owner's expense, in accordance with all applicable law including, but not limited to, the *Building Code Act*, Guidelines and this By-law.
- (b) All private water service pipes and private fire service mains 100 mm in diameter and larger shall be tested and commissioned in accordance with City Guidelines and AWWA standards by a Licensed Operator to the satisfaction of the City.
- (c) No owner shall install a private water or sanitary sewer service pipe or private fire service, or permit a private water service pipe, sanitary sewer service or private fire service main to be installed on that owner's property except where:

- i. The watermain/sanitary sewer to which the connection is to be made is fully completed, tested and accepted by the City for operation;
 - ii. Water/sanitary sewer service connections have been installed to the satisfaction of the City; and
 - iii. The private fire service connections are installed to the satisfaction of the City.
- (d) In the event that a person installs or permits a private water/sanitary sewer service pipe or private fire service main to be installed in a manner contrary to this By-Law, the Chief Building Official has the authority to order the excavation of the installation and/or direct any other action as may be deemed necessary for the purpose of inspection and testing by the City, at the owner's expense.
- (e) If the City determines, after an inspection and testing, that a private water/sanitary sewer service pipe or private fire service main has not been installed in accordance with subsection 6.01 (a) of this By-Law, the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official has the authority to direct the owner to perform the necessary work to ensure full compliance. All works shall be at the expense of the owner and shall be completed within a specified time period.
- (f) Where an owner fails to or refuses to perform the remedial work as directed under subsection 6.01 (e), the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official has the authority to:
 - i. Issue an order to the owner to perform the necessary work, in addition to any requirements as determined by the Chief Building Official, to bring the private water and sanitary sewer service pipe and/or private fire service main, into full compliance with the applicable regulations, Guidelines and this By-Law; and
 - ii. Issue an order to disconnect the private service pipes and/or private fire service main from the water or sewage works.
- (g) Upon a disconnection by the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official under subsection 6.01 (f) ii., the owner shall not reinstall a private water and/or sanitary sewer service pipe or private fire service main or both except:
 - i. Upon the prior written approval of the appropriate Director;
 - ii. Upon the payment of all applicable fees and charges in respect to the disconnection; and
 - iii. When work is in complete compliance with applicable Guidelines and this By-Law.

6.02 Maintenance and Use:

- (a) The owner or occupier of a property shall keep all private water/sanitary sewer service pipes and private fire service mains on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times.
- (b) The owner or occupier of a property shall repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer

service pipes or private fire service mains on that property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, as soon as possible once they are made aware of any such leaks or defects or malfunctions, in accordance with all applicable City By-Laws and provincial legislation.

- (c) In the event that an owner or occupier fails to keep all private water/sanitary sewer service pipes and private fire service mains on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times or refuses to repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer service pipes or private fire service mains on that property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, the Director of Public Works is authorized to issue an order to the owner or occupier to do so.
- (d) The owner or occupier shall comply with an order issued under subsection 6.02 (c) no later than forty-eight (48) hours after issuance.
- (e) If an order is issued under subsection 6.02 (a), 6.02 (b) or 6.02 (c), the owner or occupier shall pay the amount specified in the City's Consolidated Fees By-law with respect to any water not registered by the meter or for any water loss, for each day an order of the Director under subsection 6.02 (d) is out of compliance.
- (f) Notwithstanding subsection 6.02 (e), where the owner or occupier can provide, to the satisfaction of the Director of Public Works, an accurate record of actual water loss as a result of the leak, defect or malfunction, the amount payable may be adjusted to be equal to the amount so recorded, to the satisfaction of the Director of Public Works.

6.03 Investigation/Disputes:

- (a) Where an owner or occupier disputes the City's determination of the location of a leak or defect in a service connection, the owner or occupier may apply in writing to the Director of Public Works to request the City to conduct an inspection of the service connection and to perform whatever excavation may be necessary.
- (b) The owner or occupier shall set out, in the application, the basis upon which the owner or occupier disagrees with the City's determination of the location of a leak or defect in a service connection.
- (c) If the Director of Public Works, determines that an inspection by excavation is necessary to determine the location or cause of the leak or defect, the owner or occupier requesting the inspection shall pay to the City the deposit specified in the City's Consolidated Fees By-Law, prior to the commencement of the excavation.
- (d) The deposit shall be in the form of either cash or a certified cheque, or applied to the owner or occupier's utility account, as may be determined by the Director of Public Works.
- (e) If, upon an inspection under subsection 6.03 (a):
 - i. A leak or defect is found by the City on the City's portion of the service connection, the City shall refund the deposit to the owner or occupier;
 - ii. No leak or defect is found by the City on the City's portion of the service connection, the Director of Public Works has the

authority to determine the actual cost of the excavation, restoration and any other services or work performed by the City in relation to the inspection. Payment of those costs shall be the responsibility of the owner or occupier;

- iii. Should the actual cost of the work be greater than the deposit received under 6.03 (d), the owner or occupier shall immediately remit to the City the difference;
- iv. In the event the actual cost of the work is less than the amount of the deposit received under subsection 6.03 (d), the Director of Public Works shall authorize the refund of the difference to the owner or occupier. If the deposit was applied to the owner/occupier's utility account, a credit will be applied to the account.

Section 7.00: Demolitions

7.01 Demolition of a Building:

- (a) An application to disconnect services must be made on the approved form prior to a demolition permit being issued.
- (b) An owner who has received a permit to demolish a property shall notify the City in writing at least seven (7) days in advance of the date on which the water supply to the property is to be terminated, and shall make an appointment with, and provide access to the City to accommodate a final water meter reading, the removal of the water meter and the remote readout unit from the property, turn-off of the water supply at the shut-off valve and to allow for inspection of the plugged sanitary sewer service.
- (c) The owner or an agent of the owner shall be present at the property when the final water meter reading is taken, the water meter is removed, the water supply is turned off and the inspection of the plugged sanitary sewer service is complete.
- (d) The City may require that the services be disconnected and capped at the property line or at the watermain and/or sanitary sewer main, at the expense of the owner.
- (e) The owner shall pay the amounts specified in the Consolidated Fees By-Law, for the turn off of the water supply to the property and shall pay all City costs related to the disconnection of the water service connection from the water and sewage works in accordance with section 5.00 of this By-Law.
- (f) In the event an owner fails to provide access to a property prior to demolition of a building on the property, in accordance with subsection 7.01 (b), the owner shall pay to the City an amount equal to the cost of a new water meter and remote readout unit of the same type and size that was unable to be recovered by the Treasurer from the property in accordance with the amounts specified in the Consolidated Fees By-Law.
- (g) In addition to the amounts payable under subsection 7.01 (f), the owner shall also pay for the amount of water consumption from the last water meter reading date to the date of the disconnection of the water service connection from the waterworks, estimated by the Treasurer in accordance with subsection 10.03 (h).

- (h) Notwithstanding subsections 7.01 (e) and 7.01 (f), if the Treasurer determines that it is not necessary to recover a water meter from a property to be demolished, the Treasurer shall notify the owner in writing.
- (i) Upon receipt of a notice from the Director of Public Works following the inspection required under subsection 7.01 (b), and provided that the water meter has been removed or determined unrecoverable per subsection 7.01 (h), the owner may proceed with the demolition.
- (j) The owner shall be responsible for the payment of the fixed rate charge specified in Schedule "A" to this By-Law.

Section 8.00: Construction Water

8.01 Construction Water for Building:

- (a) For all newly constructed buildings where a Building Permit is issued and municipal water services are available, a construction water charge as per the Consolidated Fees By-law will be charged at the time of Building Permit issuance.
- (b) The water shall be used solely for the construction of the building for which the building permit is issued, which includes normal concrete and masonry work and other minor uses on the subject property and shall not be utilized for compaction or lawn watering purposes.
- (c) The City is authorized to terminate the supply of water to a property where a person has been authorized for construction water use and is found to be using construction water for compaction, lawn watering, use in a model home or where construction water is used to service more than one separately assessed parcel of land or other purpose deemed to be unacceptable by the City.
- (d) The owner shall pay all costs for the installation of any temporary or permanent water service connection of any size and all costs for the disconnection of any temporary water service connection.
- (e) The commencement date shall be the date the construction water is connected by the City and is valid for a three-month period from that date.
- (f) Should construction water be turned on by someone other than the City, the owner will be charged for the construction water from the date of the building permit to the date of the installation and commencement of use of the water meter.
- (g) Once the water meter is installed, the owner shall be charged the current water rates for all water consumption registered on the water meter in place of the construction water rate specified in Schedule "A" of this By-Law.

8.02 Extension of Construction Water Use:

- (a) The owner of a property who is utilizing construction water, who has not installed a properly working water meter within the initial three-month period set out in subsection 8.01, may apply to the Treasurer for an extension of the permit beyond that initial three-month period.
- (b) The extension period set out in subsection 8.02 (a) shall be for no less than three additional months.

- (c) Where the extension of construction water use is applied for and the consumption is not metered, a payment for the supply of water for the full term of the applied-for extension, calculated in accordance with the amounts specified in the Consolidated Fees By-Law, shall be made by the building permit holder at the time the request for the extension is submitted.
- (d) Once the water meter is installed, the owner shall be charged the current water rates for all water consumption registered on the water meter in place of the construction water rate specified in Schedule "A" of this By-Law
- (e) The owner shall be entitled to apply for additional extension periods but must comply with the requirements of subsection 8.01 (a) and (b) with respect to each request for an extension.
- (f) The Treasurer shall shut off the supply of water to a property where an owner who is authorized for the use of construction water under subsections 8.01 (a) and 8.01 (b) has not installed a properly functioning meter and has not requested and/or received an extension for the use of construction water for the property beyond the end of the initial three-month term or any approved extension term.

8.04 Backflow Prevention – Construction Water:

- (a) A backflow prevention device shall be installed in accordance with the current CSA-B64 Series Standards on each and every temporary water service connection to private water service pipes.
- (b) The owner shall pay all costs associated with the supply, installation, replacement or repair, and testing of the backflow prevention device(s).
- (c) If the backflow prevention device is either missing or damaged, the Director of Public Works is authorized to immediately order the shut-off of the water supply to the property until such time that the backflow prevention device is either replaced or repaired.

8.05 Fire Hydrant Used for Construction Water:

- (a) If authorization in writing is granted by the City for the temporary use of a fire hydrant for the supply of construction water, a temporary hydrant meter, valve and backflow prevention device shall be installed on the hydrant.
- (b) The City shall supply, install and seal the temporary hydrant meter, valve and backflow prevention device.
- (c) The owner and/or contractor shall pay the temporary hydrant meter fee as established in the Consolidated Fees By-Law prior to the installation of the temporary hydrant meter. This fee includes supply and install of the temporary hydrant meter, valve and backflow prevention device.
- (d) The owner and/or contractor shall pay for all water supplied from the fire hydrant as per Schedule "A" of this By-Law.
- (e) The owner and/or contractor shall protect the temporary hydrant meter, backflow prevention device and fire hydrant from freezing or any other damage, at all times, to the satisfaction of the City.
- (f) If any loss or damage occurs to the temporary hydrant meter, backflow prevention device, valve or fire hydrant the owner shall immediately notify the City and shall pay all costs associated with the replacement

or repair of the temporary hydrant meter, backflow prevention device or fire hydrant.

Section 9.00: Meter By-pass

- 9.01 No pipe connection shall be made to a water service pipe other than after the outlet side of the water meter, except where a by-pass around the meter has been approved in writing by the City.
- 9.02 An approved water meter by-pass shall be equipped with a shut-off valve that upon notification of its installation by the owner shall be sealed in the closed position by the City.
- 9.03 A properly installed by-pass, including sealed valve around the water meter shall be provided at the expense of the owner or occupier of the premises on which the water meter is located when required by the City.
- 9.04 No person shall break the City's seal on a by-pass valve, without the expressed authorization of the City.
- 9.05 If the owner or occupier fails or refuses to supply the by-pass pipe or valve(s) to the satisfaction of the City, the Director of Public Works has the authority to order the owner or occupier:
 - (a) To supply and install a new or replacement water meter by-pass pipe or valve(s);
 - (b) To remove any defective pipe or valve(s) and install new pipe or valve(s); and
 - (c) To repair and maintain the water meter by-pass pipe or valve(s), to the satisfaction of the City, at the owner or occupier's expense
- 9.06 An owner or occupier shall comply with a Director's order made under subsection 9.05 within seven (7) calendar days from issuance of the order.
- 9.07 If an owner or occupier fails to comply with a Director's order made under subsection 9.05 within the time required, the Director may undertake the work, at the owner's or occupier's expense, in accordance with Section 27.00 of this By-Law.
- 9.08 **Water Meter Chamber:** Where a meter chamber is required as determined by the City, the meter chamber shall be provided with a readily accessible remote reader in accordance with the City's current Guidelines.

Section 10.00: All Water Metered

10.01 Provision for Water Meter:

- (a) An owner of a property shall ensure that provision is made in the piping system of all existing, new and renovated buildings for the installation of a water meter of the same diameter as the private water service pipe in accordance with the City Guidelines.

- (b) A water meter shall be located at the point at which water service pipes enter the building unless directed by the City in writing, that another location may be used.
- (c) If a water meter cannot be located as stated in 10.01 (b) and determined by the City, it shall be equipped with a remote reader. The location of the remote reader shall be determined at the sole discretion of the City.
- (d) Additional, private meters or water meters required by this By-Law may only be installed by the owner at the discretion of the City.

10.02 Notification by Owner: Upon receipt of an approval from the Chief Building Official (CBO) for the installation of new plumbing or for all new or replacement private water service pipe installations, where a water meter is required to be installed under this By-Law, the owner shall immediately notify the Treasurer when the property is ready for the installation of the water meter.

10.03 Water to be Metered:

- (a) All water supplied by the City and consumed on the property shall pass through a meter owned by the City, save and except as stipulated in Section 3.00 and Section 8.00 of this By-Law, for use on the property unless the water in question is authorized by this By-Law to be used for fire protection, and shall be charged for at such rates as attached as Schedule "A", amended from time to time by Council.
- (b) Water meters shall be installed at a time determined by the City and shall be installed, maintained, repaired and disconnected by only employees or agents of the City.
- (c) Every water meter installed on a property shall be inspected and sealed by the City at or about the time of installation.
- (d) For water services not measured by a water meter, the Treasurer shall send a letter to the owner or occupier identifying a timeframe when a water meter will be installed.
- (e) If the property owner or occupier fails to contact the City to confirm the appointment, or to set an alternate date or time within ten (10) business days of the date of the letter, as referenced in subsection 10.03 (b), the Treasurer shall send a further letter by registered mail advising of the water meter installation date.
- (f) If the owner or occupier fails to respond to the letter referenced in subsection 10.03 (d), the Treasurer shall issue a final notice by registered mail stating that if the owner or occupier does not make suitable arrangements within five (5) business days for the installation of a water meter on the property, water services may be terminated with all costs for shut-off and turn-on to be added to the account in accordance with the Consolidated Fees By-Law. The Treasurer has the authority to issue an order under subsection 10.06 (b).
- (g) Water service discontinued as a result of action under subsection 10.03 (e) shall remain turned off until such time as a water meter has been installed and the provisions of this By-Law are complied with in full.
- (h) The water meter shall be prima facie evidence of the quantity of water supplied by the City.

- (i) In the event that a meter is found to not be registering, or is not registering correctly, the Treasurer has the authority to charge for consumption at the average rate for the previous year or, at a reasonable rate to be determined by the Treasurer.

10.04 Supply and Payment for Water Meters:

- (a) The City shall be the sole supplier of all water meters registering consumption of water supplied and billed by the City.
- (b) Strainers and connection fittings including water meter flanges to be attached to the water meter shall be provided by the City when required.
- (c) The City shall retain ownership of all water meters, strainers and connection fittings including the water meter flanges supplied by the City.
- (d) The owner or occupier shall pay the amounts specified in the Consolidated Fees By-Law for the water meter supplied by the City in accordance with subsection 10.04, at the time of Municipal Service Connections Application and/or Building Permit issuance, except where:
 - i. The property is a property to which the City supplies water meters as part of the automated meter reading program and replacement program; and
 - ii. The program exempts such fees and charges.
- (e) No water and sanitary sewer service connection shall be approved by the City until all amounts required to be paid under subsection 10.04 (d) have been received.

10.05 Supply of Water – New Installation:

- (a) No person shall turn on the water supply to a property other than authorized Kawartha Lakes Fire Services personnel or other authorized City personnel acting in the course of their duties or as an authorized agent or contractor of the City expressly acting within the scope of their work or services, until the City has inspected and sealed the water meter installed at the property.
- (b) In the event that water supply to a property has been turned on prior to the City's inspection and sealing of the water meter at the property, the City shall immediately, without notice, terminate the supply of water to the property.

10.06 Refusal to Install:

- (a) Under a universal metering program or automated meter reading program, no owner or occupier shall refuse or obstruct the City in the installation of:
 - i. A water meter and related items; and
 - ii. Automated meter reading equipment.
- (b) In the event that the owner or occupier refuses to allow the City to install a water meter and/or any related items and equipment as required, the Director of Public Works or Treasurer may issue an order to the owner to do so.

- (c) The owner or occupier shall comply with an order issued under subsection 10.06 (b) no later than seven (7) days after issuance.
- (d) If an owner or occupier fails to comply with an order under subsection 10.06 (b), the City may undertake the work at the owner's expense in accordance with subsection 27.04 (a).

10.07 Remote Readout Unit and Remote Readout Unit Wire:

- (a) For each water meter at a property, the City may provide each metered property with a remote readout unit(s) and a wire for each remote readout unit.
- (b) The City shall be the sole supplier of remote readout units and wires to each property.
- (c) Ownership of the remote readout unit(s) and wires shall remain with the City.
- (d) The owner or occupier of a property shall protect the remote readout unit and wire from damage.
- (e) The City shall inspect and connect the new wire or remote readout unit installation, and the owner of the property shall provide access to the City to do so.
- (f) If the wire or the metallic electrical conduit required becomes damaged, the City shall provide and install new wire and conduit at the owner's or occupier's sole expense, as per the Consolidated Fees By-Law.
- (g) If the remote readout unit becomes damaged, the owner or occupier of the property shall pay the full cost to the City for the City to supply and install a new remote readout unit, and any protective device, as specified in the Consolidated Fees By-Law.
- (h) An owner or occupier of the property shall ensure that the remote readout unit is easily accessible to the City, in a location approved by the City, at all times, and at no time shall access to it be obstructed or denied.

10.08 Bulk Water:

- (a) Water obtained from a City owned bulk water fill station shall be metered and bulk water consumption fees as per Schedule "A" to this By-Law shall be paid.
- (b) There shall be no mixing of pesticides or other chemicals deemed to be harmful to bulk potable water by the City on City owned property where there is a bulk water fill station.
- (c) It is the responsibility of the person obtaining water from the bulk water fill station to supply their own connections, hoses, containers, etc. that have been strictly used for potable water.

Section 11.00: Care and Operation of Meter

11.01 Owner's or Occupier's Responsibility:

- (a) The owner or occupier of the premises on which a water meter is to be located shall be responsible for:

- i. Paying the fee for the supply and installation of the water meter and remote reader in accordance with the Consolidated Fees By-Law;
 - ii. Protecting the water meter and remote reader from damage including freezing or destruction;
 - iii. Providing at all time easy access to the water meter and remote reader to the City for the purposes of meter reading, checking, repairing, installation and removal in accordance with subsection 12.02 of this By-Law;
 - iv. Paying the cost to repair or replace a damaged or stolen water meter or remote reader; and
 - v. Paying the cost to change the size of a water meter due to change in water use.
- (b) An owner or occupier shall be responsible for any and all water loss or water discharge that occurs and may be a result of, but not limited to: freezing, hot water, damage from any cause in a private water service pipe, private water system or private fire service main on that owner's property.
 - (c) Thawing of frozen water service pipes shall be the owner's or occupier's responsibility.
 - (d) Charges as a result of replacement of a damaged meter shall be added to a subsequent water/wastewater utility bill.
 - (e) An owner or occupier shall immediately notify the City of any breakage, stoppage or irregularity of performance issues related to the water meter.
 - (f) If a water meter is lost or damaged, the owner or occupier shall immediately notify the City. The City will undertake any repair or removal of a damaged water meter or the installation of a new water meter of a similar size and type or both, all at the expense of the owner or occupier.
 - (g) The City shall not be responsible for any damage to buildings or property in the course of, the installation, maintenance, repair or disconnection of any water meter, provided that the employees or agents of the City in the course of such installation, maintenance, repair or disconnection of any water meter, provided that the employees or agents of the City in the course of such installation, maintenance, repair or disconnection have taken reasonable care.
 - (h) In the case of a property subject to meter installation or replacement under a universal metering program or automated meter reading program, the City may install the water meter, conduit and wire for the remote readout unit and automated meter reading equipment.

11.02 Relocation of Water Meter: No person shall change or permit to be changed, the location of a water meter at a property following installation to the satisfaction of the City, without the prior written consent of the City.

Section 12.00: Water Meter Inspection

12.01 Water Meter Interference:

- (a) No person, except a person authorized by the City shall open, or in any way alter or tamper with any water meter or seal, or undertake any

action(s) that interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter.

- (b) No person shall connect or permit to be connected any pipe or other object to a private water service pipe upstream of a water meter or the by-pass pipe and valves.
- (c) If the City determines that a seal on a by-pass valve or a water meter has been tampered with or is broken, the City may chain or lock the by-pass valve in the closed position and may reseal the water meter at the owner's expense.
- (d) The seals placed upon the meters and by-pass valves shall only be broken by the City in the course of maintaining and operating the meter and the by-pass valves.
- (e) In the event that the seals are discovered to be broken, the City may cause an investigation to be made.

12.02 Access:

- (a) Every owner and occupier shall, at reasonable times and on reasonable notice, permit the City to have free, clear and unobstructed access to a property and to the location where a water meter is to be installed in or on a property or to permit the City to test, read, repair, maintain, alter, disconnect, remove, replace or install a water meter or seal a water meter that has been installed.
- (b) Notwithstanding the generality of subsection 12.02 (a), the location of a water meter shall be made accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (c) When requested by the City, an owner or occupier, shall permanently remove any insulating or other material from, on or around a water meter to provide the City with full, unobstructed access to the water meter.
- (d) Any replacement of the material referenced in subsection 12.02 (c) shall be undertaken by the owner or occupier at the owner's or occupier's sole expense in accordance with applicable Guidelines for water meters and all applicable law, including but not limited to the *Occupational Health and Safety Act*.
- (e) As part of an inspection, the City shall at all times be permitted to take photographs, including digital images, of any water meter, private meter, by-pass pipe and valves, inlet and outlet valves, backflow prevention device, private water system, private water service pipe, private fire service main or water meter chamber.

12.03 Any owner or occupier who fails to report to the City that a meter has been installed, shall be back-charged to the date the occupancy permit was issued, for water consumption and wastewater use (where applicable) and include a fixed rate charged on a prorated basis, to be estimated at the discretion of the Treasurer.

Section 13.00: Meter Reading

13.01 Every owner and occupier shall, at reasonable times and on reasonable notice, permit the City to have free, clear and unobstructed access to that

person's property and to the location where a water meter is installed on that property to permit the City to read the water meter which has been installed.

Section 14.00: Meter Testing On Request of Owners/Occupiers

- 14.01 Any meter shall be removed and tested upon the written request of the owner or occupier to determine if the water meter is over-registering the amount of water consumed at the property.
- 14.02 If the water meter is found to register correctly, slowly or not to exceed three percent (3%) in favour of the City of the actual flow, the person requesting meter removal and testing shall pay the expense of removing and testing the meter.
- 14.03 The minimum charge for testing a meter shall be in accordance with the Consolidated Fees By-Law. If said meter test shows the meter to be registering incorrectly, no charge for testing shall be levied in accordance with the Consolidated Fees By-Law.
- 14.04 Charges incurred under subsection 14.03 shall be added, if required, to the subsequent water/wastewater utility bill.
- 14.05 If a meter, when tested, is found to register in excess of three percent (3%) of the actual flow in favour of the City, a refund shall be made to the owner or occupier in an amount equal to such excess percentage on the invoice for the one (only) quarterly period immediately prior to the testing of said meter.
- 14.06 The City may, at its sole discretion, make periodical inspections or tests of meters on the distribution system and reserves the right to substitute other meters for existing meters, owned by the City.

Section 15.00: Water for Fire Extinction

- 15.01 Where a fire line is provided, no water shall be taken from it except for fire protection purposes and for testing and maintenance as required by the Fire Code.
- 15.02 Fire lines that are not supplied by a separate service shall be connected before the meter to ensure water consumed for fire purposes is not read by the meter. Any new installations will require a separate service for a fire line.
- 15.03 All equipment used for a fire protection system shall be provided with suitable valves and approved by the City. A building permit shall be obtained for any installation.
- 15.04 Stand pipes for fire protection shall be installed in accordance with the *Building Code Act*, with an appropriate Building Permit obtained.

- 15.05 The City may require a compound meter be installed at a property. The meter is to be purchased for the City, and shall be installed and maintained by the City.
- 15.06 All systems shall be approved and installed in accordance with the *Building Code Act*, with a building permit obtained.
- 15.07 The City may require the installation of a Backflow Prevention Device on a fire service line depending on site specific conditions in order to protect the drinking water system. Location of a Backflow Prevention Device will be dependent on potential risk of the property. A building permit shall be obtained for any installations.

Section 16.00: Fire Hydrants

- 16.01 All fire hydrants shall be used for the purpose of providing water for the suppression of fires and the maintenance of the municipal water system.
- 16.02 No person other than, authorized City personnel and Kawartha Lake Fire Services personnel, shall use fire hydrants owned and maintained by the City.
- 16.03 The design, location, installation, repair and maintenance of all fire hydrants within the City's jurisdiction shall be undertaken in accordance with current Guidelines.
- 16.04 The City shall have the authority, through the development process, to secure adequate municipal fire hydrants in accordance with the above-noted Guidelines.
- 16.05 No person or persons shall without lawful authority open or close any fire hydrant or valve, or obstruct the free access to any fire hydrant (i.e ensure a minimum of one meter clearance around the hydrant), curb stop chamber, pipe or valve by placing upon it any building material, rubbish, snow or other obstruction.
- 16.06 The City, at its sole discretion, has the authority to remove any obstruction, to operate fire hydrants or valves, or to repair water lines, and shall not be liable for damages that may result from the replacement or repair.
- 16.07 Private fire hydrants shall be maintained accessible at all times and in good operating condition by and at the expense of the owner.
- 16.08 Water from privately owned hydrants shall not be used for purposes other than fire-fighting and maintenance of water quality unless the purpose is specifically approved by the Director of Public Works .
- 16.09 Private hydrants shall be tested and maintained on an annual basis by a Licensed Operator, at the owner's expense and in accordance with the Fire Code. Annual inspection/testing reports must be submitted to the City.

- 16.10 Where a fire flow test from a municipal fire hydrant is required by a property owner or occupier (i.e., for insurance requirements), and the property owner or occupier has hired a company to perform flow testing, the City shall be on-site during testing to operate fire hydrants and associated valves. A request must be made to the City seven (7) days prior to testing. The fee for this service is as noted in the Consolidated Fees By-Law.

Section 17.00: Water System Cross Connection Control and Backflow Prevention

17.01 Installation:

- (a) No owner or occupier shall connect, cause to be connected or allow to remain connected, any piping fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, wastewater or any harmful liquid, gas, vapour or other substance to enter the waterworks system.
- (b) Where, in the opinion of the City, there is a risk of contamination at a property, the owner or occupier of the property, upon issuance of an order from the Director of Public Works, shall install a backflow prevention device(s) approved by the City for the purpose of achieving premise isolation, regardless of any other protective device that may be installed on the private water system.
- (c) An owner or occupier of any Industrial, Commercial or Institutional buildings, which are deemed to present a moderate to severe hazard (as per Ontario Building Code, O. Reg. 332/12) and are connected to the City's waterworks shall be required to install in the building(s), a backflow prevention device as approved by the City to achieve premise isolation, at the owner or occupier's expense.
- (d) All backflow prevention devices required for premise isolation shall be selected, installed, replaced, maintained and tested by the owner in accordance with this By-Law, the *Building Code Act*, City policies and current CSA-B64 Series Standards.
- (e) Steam boilers or water heaters shall be fitted with a suitable check valve, in accordance with the *Building Code Act*, to prevent accident from collapse or damage, should the pressure in the watermain fail. The City shall not be liable for damages, which may result from pressure failure, no matter the cause of such failure.
- (f) The City, at its discretion may also require the owner or occupier to install zone or area protection as required by current CSA Standard B64 series within a plumbing system.
- (g) Owners or occupiers shall design, construct, install and maintain a premise isolation system for each water service connection and private fire service main so that the system is in compliance with all applicable law, including this By-Law, the *Building Code Act*, City policies and current CSA-B64 Series Standards.
- (h) Any owner, occupier or other person required to install a backflow prevention device shall obtain a building permit for each backflow prevention device to be installed.
- (i) Every owner or occupier required to install a backflow prevention device shall determine the proper device in accordance with CSA-B64

Series Standards and this By-Law, including any temporary backflow prevention device

- (j) Notwithstanding subsection 17.01 (i), where an owner or occupier is required to install a backflow prevention device under this By-Law, the City may direct the owner or occupier to install a specific type of backflow prevention device where the City determines that such specified device is necessary to prevent contamination of the waterworks.
- (k) Every owner or occupier required to install a backflow prevention device shall install the device downstream of the water meter and prior to any tapping, or where circumstances require, in an alternate location authorized by the City.
- (l) Every owner or occupier required to install a backflow prevention device shall ensure that it is in proper working order at all times and that all piping between the water meter and the backflow prevention device is clearly labeled "no connection permitted".
- (m) A backflow prevention device, approved by the City, may be installed with a detector assembly, in lieu of a detector check valve on new systems, with the written approval of the City.
- (n) A water service installed on a premise for fire protection purposes shall be equipped with an approved double check valve or backflow preventer, approved by the City, and shall be maintained in good working order at all times.

17.02 Inspection:

- (a) The owner or occupier shall ensure that all backflow prevention devices (BPDs) are inspected and tested in accordance with all policies, guidelines, by-laws and/or standards, including but not limited to the City's Cross Connection Control Program Policy and Directives.
- (b) If an owner or occupier fails to have a BPD tested, in accordance with subsections 17.02 (a), the City may notify the owner or occupier that the BPD shall be tested within ninety-six hours of the owner or occupier receiving that notice.
- (c) If an owner or occupier fails to have a BPD tested within ninety-six (96) hours when requested by the City, the City may shut off the water service until the BPD has been tested and approved pursuant to subsections 17.02 (a) of this Section.
- (d) If a condition is found to exist due to negligence, such as failure to have BPD inspected or tested or failure to maintain the backflow prevention device in good working condition, which in the opinion of the City is contrary to the aforesaid, the Director of Public Works may:
 - i. Shut off the service or services; or
 - ii. Issue an order to the owner or occupier to correct the fault at his or her sole expense within forty-eight (48) hours of receiving the order.
- (e) If the Director of Public Works determines that a contravention of subsection 17.01 (a) may exist at a property, the Director may immediately carry out an inspection and may issue an order or orders to the owner or occupier of the property or any other person who may be required to remedy the contravention.

- (f) Should the owner or occupier fail to comply with such order, the Director of Public Works shall proceed to administer penalties to the owner or occupier pursuant to subsection 25.01 of this By-Law. In the event that it is determined that this condition existed prior to this By-Law coming into effect, the owner or occupier shall remedy it as stated above.
- (g) If a test of a backflow prevention device reveals that the device is not in proper working condition, or is not in conformance with the Guidelines, the owner or occupier shall repair or replace the device within forty eight (48) hours of the performance of the test.

17.03 Access:

- (a) The City shall be allowed access, upon reasonable notice, to any premises that are connected to the waterworks system for the purpose of performing an inspection to locate possible cross connections.
- (b) Where access is not provided, a written notice by the City shall be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the City may, at its sole discretion, discontinue the supply of water to the premises until such time as access is provided for such access to occur.
- (c) Every backflow prevention device shall be installed in a location that is readily accessible as determined by the City, for operational, renewal, servicing, and maintenance and inspection purposes.
- (d) The location of the backflow prevention device shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (e) The City may, at reasonable times or in the case of an emergency, at any time, enter a property for the purpose of inspecting or testing a private water service pipe, private water system, a private fire service main, a backflow prevention device.
- (f) Owners and occupiers shall remove any insulating or other material on or adjacent to the private water service pipe, private water system, private fire service main, backflow prevention device so that full access to that pipe, system or devices are available for the testing and inspection purposes.
- (g) All of the removal and any subsequent replacement carried out under subsection 17.03 (f) shall be performed by the owner or occupier at that owner or occupier's expense in accordance with all applicable law including but not limited to *Occupational Health and Safety Act* and its Regulations.
- (h) No person shall obstruct or permit or cause the obstruction of the access to a private water service pipe, private water system, or backflow prevention device, either permanently or temporarily.

17.04 Surveys:

- (a) The City may require the owner or occupier of an existing industrial, commercial, institutional building, structure or property or any other property, that has the potential to contaminate the waterworks system, to submit a cross connection survey, to the City, at the owner or

occupier's expense. The survey shall be completed in accordance with City policies and directives.

- (b) If a cross connection survey is required, the owner or occupier shall submit it to the City by the date specified in the City's notification to the owner or occupier of its requirement.
- (c) Where the City has not specified a date by which the cross connection survey must be submitted in the notification to the owner or occupier of the requirement for a survey, the survey shall be submitted to the City within thirty (30) days of the survey being complete.
- (d) Owners or occupiers required to submit a cross connection survey to the City shall update those surveys and submit those updated surveys to the City at a frequency of not less than once every five (5) years from the date of the previous cross connection survey, unless otherwise required by the City for that premise based on the level of hazard determined by the survey, or within thirty (30) days of any increase in the level of hazard as defined under CSA – B64 Series Standards.
- (e) The survey shall be prepared and signed by a Qualified Person.

17.05 Removal:

- (a) No person shall remove or cause or permit to be removed a backflow prevention device after it has been installed unless that removal is:
 - i. Necessary to facilitate the repair of the device and that device is immediately replaced by a temporary device, until the time that the original device is satisfactorily repaired or replaced and tested; or
 - ii. For the purpose of immediately replacing the device with another device that meets or exceeds the requirements of this section; or
 - iii. Warranted due to alterations to the private water system which completely remove the risk of contamination for which the backflow prevention device was required, in which case:
- (b) The owner or occupier shall submit to the City a survey prepared and signed by a Qualified Person attesting to the fact that the device or devices are no longer required; and
- (c) The device shall not be removed until the City approves of the removal, which approval shall be made if the altered system no longer requires the device or devices in accordance with the standard and specifications and the CSA – B64 Series Standards; and
- (d) The cost of obtaining the necessary documentation under this subsection shall be the responsibility of the owner or occupier, or as otherwise authorized by the City.

Section 18.00: Right to Refuse Water Service

18.01 Delinquent Account:

- (a) No application shall be accepted by the City for the supply of water for any premises in respect of which water and/or wastewater rates, rents, or the price of service extension are owed to the City, until the account is paid.

- (b) The City has the right to turn off water supply and/or withhold from any person with a delinquent account with the City, regardless of the reason, until the amount owing is paid, whether such person resides on the premises where the water was used for which there are arrears, or on any other premises where water was supplied.
- (c) The City shall not be held liable for any damages that occur directly or indirectly as a result of a shut-off or turn-on of the water supply. It is the property owner and/or occupier's responsibility to ensure the internal plumbing and appliances are properly maintained at all times, and in the case of cold weather, that lines are drained to prevent damage due to freezing and thawing.

18.02 Water Shut-off Initiated by the City:

- (a) Except in cases of emergency, no person shall turn on or shut off or permit the turn-on or shut-off of the water supply to a property at the shut-off valve without the authorization of the City.
- (b) If the water supply to a property has been shut off by the City, no person shall turn-on or use the water supply or permit the water supply to be turned on or used without the prior written approval of the City.
- (c) The City may shut off the supply of water to a property if:
 - i. The charges, fees or rates imposed by this By-Law or any other By-Law or City By-Law providing for charges, fees or rates in relation to the treatment and supply of water or collection and treatment of wastewater are overdue; or
 - ii. A fine imposed under this By-Law remains unpaid after the time required for payment of the fine has expired; or
 - iii. The owner or occupier has failed to comply with an order of a Director or Treasurer made under this By-Law within the time required for same; or
 - iv. A leak or other fault is found on the private water service pipe or water service connection and is creating or is likely to create an emergency situation, including but not limited to injury to persons or damage to adjacent properties including those of the City, and the City may keep the supply of water to a property shut off until the time that the leak or fault is completely repaired; or
 - v. The City determines that an immediate threat of contamination to any part of the waterworks exists that may endanger public health or safety, for the purposes of preventing, limiting or containing any such threat of contamination; or
 - vi. An emergency or potential emergency exists and an owner or occupier has not provided to the City immediate free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device in accordance with this By-Law, until the time that free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device is provided to the City.
- (d) In the event that water has been shut off for any reason provided in this By-Law or applicable laws, the City shall not be required to restore

the supply of water to a property until all outstanding fines, charges, fees and rates in arrears in relation to the treatment and supply of water and collection and treatment of wastewater have been paid in full, or arrangements satisfactory to the Treasurer are made to pay all outstanding fines, charges, fees and rates in arrears, and all orders of the Director or Treasurer have been complied with.

- (e) With respect to any shut off or subsequent turn on of the water supply to a property under subsection 18.02 (c) or 18.02 (d), the owner or occupier shall pay to the City the amount specified in the Consolidated Fees By-Law, for water shut off or subsequent turn on.
- (f) The City shall, prior to the shut off of a water supply, provide reasonable notice of the shut-off to the owners and occupiers of the land or property by personal service or prepaid mail or by posting the notice on the land or property in a conspicuous place, except in those situations as identified under subsection 18.02 (c).
- (g) The City shall not be liable for damage or loss caused by the stoppage, interruption or reduction of the amount of water supplied to the land or property of any person as a result of an emergency or a breakdown, repair or extension of the waterworks if, in the circumstances, reasonable notice of the City's intention to stop, interrupt or reduce the supply of water is given or with no notice in the event of emergency shut-offs.

Section 19.00: Right to Suspend Supply

- 19.01 During normal maintenance and emergency conditions, the City shall provide as continuous and uninterrupted service as is practical.
- 19.02 Where shutting off portions of the system is deemed necessary by the City, warning of the shut off shall be given where it is practical or possible to reasonably do so. Where necessary, in the opinion of the City, the water may be shut off and kept off for as long as necessary, the City, its servants or agents shall not be held liable for any damage resulting there from, whether or not notice of the shut off was given.
- 19.03 The Director of Public Works has the authority to suspend the use of City owned bulk water fill stations during maintenance and/or emergency conditions.

Section 20.00: Responsibility of Owners and Occupiers

- 20.01 Where a new service has been installed or where the water has been turned off to an existing service, a request to activate the service must be received by the City a minimum of five (5) business days in advance of when the service is required and the request must be made by the property owner or occupier.
- 20.02 Every owner or occupier taking water shall, at their sole expense, keep their service pipe, private hydrant, other appurtenance and all plumbing fixtures connected within his premises, in good condition and sufficiently protected from frost, hot water, blows, and injuries from any or all other cause.

- 20.03 The City shall not be held responsible for any damage arising from the owner's or occupier's failure to comply with 20.02.
- 20.04 The owner or occupier's responsibility shall extend from the service box, at or near the street line limit, into the building.
- 20.05 If a condition is found to exist in subsection 20.02 of this by-law which, in the opinion of the City, results in the loss of water or may be jeopardizing the potability of the water supply, the City may either:
- (a) give notice to the owner or occupier to correct the fault, at the owner's or occupier's sole expense within a specified period, or
 - (b) shut off the water service or services until such time that corrective action, satisfactory to the City, has been taken by the owner or occupier at the owner's or occupier's sole expense.
- 20.06 When any property left vacant, unattended or without heat, where the water supply has not been shut off at the shut off valve by the City, and the property suffers damage to it and its contents from a leaking or burst water pipe, neither the owner nor occupier shall have a claim against the City.
- 20.07 When any property is left vacant, unattended or without heat, it is the owner's or occupier's responsibility to shut off the water supply from within the property and to properly drain the piping/private water service therein. Furthermore, it is the responsibility of the owner or occupier to contact the City to make the necessary arrangements to stop the supply of water to the property.
- 20.08 If the condition is found to exist after the owner or occupier has been notified, the City may, at its sole discretion, enter upon the lands where the service pipes are located, and by its officers, servants or agents effect repair at the owner's or occupier's sole expense.
- 20.09 If the said costs and charges are not paid on demand the City may collect them in the same manner as the water and wastewater rates.
- 20.10 The shut off valve installed upstream of the meter shall not be used by the owner or occupier.
- 20.11 Any person authorized by the City for the purpose of inspection, examination or effecting repairs of meters, fixtures and pipes of every kind used in connection with the supply of water to, or the use of water on such premises shall be allowed, at all reasonable times, and upon reasonable notice given and request made, access to all parts of any premises to which water is supplied, for the said purposes.

Section 21.00: Shut-off and Turn-on by Request

21.01 No person shall turn on or shut off the supply of water to a property at the shut-off valve without the prior written authorization of the City.

21.02 Water Shut Off:

- (a) An owner or occupier of a property shall notify the City no less than five (5) business days in advance of the date and time which the owner or occupier requires the City to temporarily or permanently shut off the water supply to a property at the shut-off valve.
- (b) The owner's or occupier's notification shall be in writing if the owner or occupier requires the water supply to the property to be shut off permanently.
- (c) In the event that the property is occupied by tenants, the owner shall also provide the tenants with notice of the water shut off at the same time as the owner notifies the City under subsection 21.02 (a) and 21.02 (b).
- (d) The owner or the occupier's representative shall attend at the property at the time of the appointment to ensure that the City has access to the property, the water meter and the shut off valve.
- (e) In the case of an emergency, as determined by the City, the advance notice requirements in subsection 21.02 do not apply, however; the owner or occupier shall provide the notice as soon as possible in the circumstances.

21.03 Water Turn On:

- (a) An owner or occupier of a property shall notify the City at least five (5) business days in advance of the date on which a supply of water to a property is to be turned on.
- (b) The owner or occupier shall make an appointment with the City so that the City may attend at the property and turn on the water supply.
- (c) The owner or occupier or the owner's representative shall attend at the property at the time of the appointment to ensure the City has access to the property, water meter and the shut off valve.
- (d) Except in the case of an emergency or maintenance being performed on the waterworks by the City, the owner or occupier shall be present at the property when the water is either shut off or turned on by the City.
- (e) The owner or occupier shall have no claim whatsoever against the City by reason of any shut-off's that produce plumbing leaks when water is turned on. It is the property owner's responsibility to ensure the internal plumbing and appliances are properly drained to prevent damage due to freezing and thawing.

Section 22.00: Water Conservation Measures

- 22.01 At the City's discretion, no owner or occupier shall be allowed to use in any manner whatsoever, the water supplied by the City upon streets, lawns, gardens, yards, or grounds of any description, except during those hours set by resolution, policy, or By-Law by the City.
- 22.02 The Director of Public Works shall give reasonable notice, in the circumstances, to the public of the implementation of water conservation measures, the date on which it is to take effect and the conditions of the water conservation measure.
- 22.03 Where the Director of Public Works has declared, lifted or downgraded water conservation measures in accordance with this By-Law, he or she

shall cause notification to be made to the affected property owners by advertisement in various media outlets, including but not limited to local newspapers, other media, posting on the City's website, etc.

22.04 The City has the authority to implement water conservation measures when one or more of the following signs are observed and/or continue:

- (a) Well water levels are starting to drop below seasonal levels;
- (b) Pump running times are longer than normal;
- (c) Dry weather is predicted; and/or
- (d) Water demand is higher than normal.

22.05 Where the Director of Public Works has declared that Phase One measures shall be implemented the following conditions apply:

- (a) A property with an odd-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an odd number;
- (b) A property with an even-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an even number;
- (c) Water of lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation shall only be watered between the hours of:
 - i. Six o'clock (6:00 a.m.) in the morning and nine o'clock (9:00 a.m.) in the morning, or
 - ii. Seven o'clock (7:00 p.m.) in the evening and ten o'clock (10:00 p.m.) in the evening.

22.06 Where the Director of Public Works has declared that Phase Two measures shall be implemented the following conditions apply:

- (a) No persons shall water any lawns, sports fields, grassy areas, golf courses, trees, shrubs, gardens, flowers or other vegetation of any property;
- (b) No washing of motor vehicles;
- (c) No filling or topping up of any swimming pools, wading pools, hot tubs, garden ponds, and fountains and other outdoor water features; and
- (d) No use of outdoor misting systems.

22.07 Notwithstanding subsection 22.05 and 22.06, the Director of Public Works may exempt the following from compliance of Phase One and Phase Two measures:

- (a) Municipal property (as governed by section 22.09)
- (b) The watering of flower beds, gardens, trees or shrubs on any property by hand;
- (c) Commercial facilities that rely on water for their operations (including but not limited to such uses as car washes, commercial garden centres and/or tree and plant nurseries);

- (d) Tee-off areas and putting greens on golf courses, newly sodded or seeded lawns, and newly planted trees, that have been in situ for thirty (30) days or less; and
- (e) The topping of swimming pools to maintain pumping/filtration capability and to comply with health and safety requirements.

22.08 In the event of any emergency, industrial and commercial operations may be required to cut back or to temporarily cease operations during the period required to address the emergency, if in the sole discretion of the City it is advisable to do so in order to ensure public safety in accordance with other applicable City By-Laws.

22.09 Municipal Property:

- (a) Where either Phase One or Phase Two measures have been implemented, the flower beds and shrubs on municipal property must be watered (by any method) at reduced levels, as determined by the Director of Public Works.
- (b) Where either Phase One or Phase Two measures have been implemented, sports fields on municipal property may be watered, on a case-by-case basis, as directed by the Director of Public Works.

Section 23:00: Fees, Charges, and Billing, and Responsibility for Payment

23.01 Frontage and Connection Charges:

- (a) Frontage charges shall be applied to all properties, including properties that are exempt from taxation, where a property fronts on a watermain and/or sanitary sewer main.
- (b) Frontage charges are calculated based upon the rates adopted by Council included in the Consolidated Fees By-Law.
- (c) Connection charges shall be paid as noted in the Consolidated Fees By-Law, prior to connection works commencing.

23.02 Costs of Disconnection of Service Connection:

- (a) In the event that an owner requests a disconnection of a service connection, the City shall determine:
 - i. The cost of providing that disconnection under the amounts specified in the Consolidated Fees By-Law, for that type of service disconnection, as may be established by the City from time to time; and
- (b) The property owner is responsible for all costs for the disconnection as required by the City including but not limited surface restoration, actual disconnection from main.

23.03 Temporary Hydrant Water Meter Fees:

- (a) If a person applies for a metered construction water service connection, either temporary or permanent, water shall be metered from the date water is first supplied to the property.

- (b) Water consumption registered on the water meter shall be billed in accordance with current City water rates.
- (c) No monthly construction water rate shall apply provided the water meter remains installed, undamaged, sealed and functioning properly.
- (d) Payment for all construction water shall be due immediately following use.
- (e) The City shall shut off the supply of water to the property if the fees and charges for the construction water are not paid in full when due.
- (f) The City shall not be obligated to turn the water on until the time that the construction water charges have been paid in full.

23.04 Shut-off and Turn-on by Request Fees: The owner or occupier shall pay to the City, for any shut off or turn on of the water supply to a property, the amount specified in the Consolidated Fees By-Law.

23.05 Water and Wastewater Service Charges:

- (a) A special meter reading charge as identified in the Consolidated Fees By-Law shall be charged to an individual service account when a reading is required for billing purposes at a time other than during the normal billing cycle.
- (b) A new account fee charge shall be charged to an individual service account at the time that the new account is commenced as per the Consolidated Fees By-Law.
- (c) A duplicate bill fee shall be charged as identified in the Consolidated Fees By-Law when a request has been made to provide the account holder with an additional copy of the bill.
- (d) Where an account holder has submitted a post-dated cheque for payment, and has requested the cheque be returned, a fee will be charged for the retrieval and return of the payment as identified in the Consolidated Fees By-Law.
- (e) Where an account holder has erroneously made an electronic payment to an account which is no longer in their name, the first transfer to the correct account will be done upon request at no charge, but when there are subsequent errors of the same nature made a fee will be charged for transferring the payment as identified in the Consolidated Fees By-Law.
- (f) An administration fee will be charged to accounts when the outstanding balance on the water/wastewater account is transferred to the municipal property tax account for the subject property for collection purposes.
- (g) Where a statement of activity on an account has been requested, a fee shall be charged as identified in the Consolidated Fees By-Law.
- (h) Where an invoice or notice is sent by registered mail a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (i) Where a duplicate receipt is requested for a service account, a fee will be charged for each year requested, as identified in the Consolidated Fees By-Law.
- (j) Where a payment has been returned to the City by a financial institution for any reason other than account holder deceased, a

returned payment fee will be charged, as identified in the Consolidated Fees By-Law.

- (k) Where a notice is hand delivered to a property in a collection effort, a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (l) Where a utility certificate is requested to provide the financial status of an account, a fee will be charged for the certificate as outlined in the Consolidated Fees By-Law.
- (m) Where a final notice is required in respect of collection of delinquent accounts, a fee will be charged to the service account, as outlined in the Consolidated Fees By-Law.
- (n) Only one water meter per water service shall be supplied for billing purposes.
- (o) Where a service has been disconnected for failure to pay an outstanding amount or a provision of this By-law has not been complied with, a fee shall be charged, as identified in the Consolidated Fees By-Law.
- (p) Where a service has been disconnected as identified in 23.05 (o) and is to be reconnected a fee will be charged as set out in the Consolidated Fees By-Law.
- (q) The owner or occupier of each separately assessed parcel of land that is connected to a watermain and in which a water meter has been installed shall pay a consumption rate as set forth in Schedule "A" of this By-law. This charge shall commence upon the installation of the meter by the City at the property.
- (r) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing upon installation of the meter by the City at the property.
- (s) The owner or occupier of each separately assessed parcel of land that fronts a watermain and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (t) The owner or occupier of each separately assessed parcel of land that is connected to the sanitary sewer system shall pay a sewer consumption rate based upon water consumption shown through the water meter as set out in Schedule "A" of this By-Law.
- (u) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City and will be connecting to the sanitary sewer system shall pay a fixed rate charge for sewer usage as set forth in Schedule "A" of this By-Law, commencing upon issuance of the meter by the City.
- (v) The owner or occupier of each separately assessed parcel of land that fronts a sanitary sewer main and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for sewer as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (w) The owner or occupier of each separately assessed parcel of land that is connected to a watermain where a water meter has not been

installed shall pay a calculated water flat rate as set out in Schedule "A" of this By-Law.

- (x) The owner or occupier of each separately assessed parcel of land that is connected to the sewer system, and where the water consumption is not measured through a water meter, shall pay a calculated sewer flat rate for sewer charges as set out in Schedule "A" of this By-Law.
- (y) The owner or occupier of each separately assessed parcel of land who receives sewage service but not receive water supply service from the City, shall pay a calculated sewer flat rate as set forth in Schedule "A" to this By-Law.
- (z) The rates set out in Schedule "A" of this By-Law are effective upon passage of this By-law and may be amended from time to time.
- (aa) Where customers are invoiced for more than one flat rate charge per unit, these charges are based upon historical calculations undertaken prior to amalgamation, and will continue until repealed.

23.06 Billing and Payment Requirements:

- (a) The City's Revenue and Taxation Division shall invoice residents on a quarterly basis, or at an alternate frequency as approved by Council, except where otherwise indicated in this By-Law.
- (b) Where necessary, quarterly invoices may be based upon estimates until the next reading may be obtained from the property.
- (c) In the case of payments received by mail, the date the payment is received shall be taken as the date of payment.
- (d) In the event the Treasurer determines that:
 - i. A meter is defective;
 - ii. A meter is not registering the correct amount of water used;
 - iii. The water meter reading has been incorrectly recorded;
 - iv. The person authorized to do so has been unable to obtain a water meter reading;
 - v. No water meter reading has been remitted to the City by the occupant or owner when requested to do so;
 - vi. A meter is unsealed or has an unsealed by-pass valve;
 - vii. A meter has not been installed; or
 - viii. The City implements an estimated reading program.

The Treasurer shall be entitled to estimate the water consumption at a property based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on historical average consumption for the same or similar premises or use as shown by an accurately registering meter at such premises during a similar time period and invoice the owner or occupier accordingly for both water and wastewater use.

- (e) Under special circumstances where it is, in the opinion of the Director of Public Works, expedient to allow or direct an owner or occupier to run water continuously, the Director may authorize such usage and in such cases the City shall adjust the water invoice to conform to the owner or occupier's normal pattern of water usage. This does not include water usage under the Freeze Prevention Program.

- (f) The City has the right to estimate consumption based upon use and water service size during provision of unmetered temporary water service.
- (g) Partial payments on sewer and water accounts that are in arrears shall be applied in each instance to the arrears longest outstanding.
- (h) Notwithstanding any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in a private water system, the owner or occupier shall be liable for the payment of all water fees in relation to any such water.
- (i) In the event that a property has more than one owner or occupier, each owner or occupier shall be jointly and severally liable for payment of the utility account.
- (j) Where a deposit of a tenant has been received by the City, it shall be considered a guarantee that the tenant will observe and obey the rules and regulations of this By-Law and will pay any amounts due to the City.
- (k) Where a tenant has been responsible for the payment of water and wastewater rates, upon vacating the premises, immediate notification shall be given by the owner to the City. Upon receipt of such notice, the meter will be read and the tenant deposit, where applicable, less the amount of the water and/or wastewater account, shall be returned by the City by mail to the tenant.
- (l) Where an amount remains owing on a tenant's account after the application of the deposit, and the final invoice remains unpaid for a period exceeding thirty (30) days, the property owner will be advised of the balance owing, and a request for payment will be made.
- (m) If the balance on a tenant's account remains outstanding for over sixty (60) days, the amount will be transferred to the property taxes for the property where the water and/or wastewater services were provided and collected in the same manner as taxes.
- (n) An administration fee will be added to the water and/or wastewater account prior to an outstanding amount being transferred to the municipal property taxes for the subject property, for collection as identified in the Consolidated Fees By-Law.
- (o) All water and wastewater rates and other charges shall be a lien and charge upon the land of the owner, whether consumed by the owner of the land, or a tenant of the land.

23.07 Late Payment Charges: All fees and charges, including water and wastewater service rates, which are in arrears, levied under this section and which are added to the water accounts, shall be subject to a late payment charge, as identified in the Consolidated Fees By-Law.

Section 24.00: High Water Bill Adjustment Appeals Committee

24.01 High Water Bill Adjustment Appeals Committee: A High Water Bill Adjustment Appeals Committee is established to hear and rule on appeals against High Water Bill Adjustment decisions.

24.02 Authority: The High Water Bill Adjustment Appeals Committee may recommend to Council approval of high water bill adjustments without prejudice or precedent to any other similar matter.

- 24.03 **Composition and Appointment:** The High Water Bill Adjustment Appeals Committee shall be comprised of three members of Council appointment by Council.
- 24.04 **Term:** The Term of the Appointment of the High Water Bill Adjustment Appeals Committee shall be the same as the term of Council.
- 24.05 **Administration:** The High Water Bill Adjustment Appeals Committee shall ensure that a member of City staff is assigned the role of secretary to the Committee with duties and obligations required in accordance with the Municipal Act.
- 24.06 **Governance:** The High Water Bill Adjustment Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council.

Section 25.00: General Provisions

25.01 Access:

- (a) No person shall deny access to the City to a property for any purpose as provided for in this By-Law.
- (b) No person shall deny access to the City to a property where that person has been given reasonable notice by the City, as the case may be, of the intent to exercise a power of entry in accordance with the *Municipal Act, 2001*.
- (c) The City may, in accordance with the requirements of this By-Law, enter upon a property to which water is supplied and wastewater collected by the City:
 - i. To inspect, repair, alter or disconnect the service pipes or wire, machinery, equipment and other works used to supply water and collect wastewater;
 - ii. To read, inspect, install, repair, replace, maintain or alter a water meter;
 - iii. To inspect a backflow prevention device;
 - iv. To determine whether water has been, or is being, unlawfully used; or
 - v. To shut off or reduce the supply of water.
- (d) If an owner or occupier discontinues the use of water at a property or the City lawfully decides to cease supplying water to land or property, the City may enter on the land or property:
 - vi. To shut off the supply of water;
 - vii. To remove any property of the City from the property; or
 - viii. To determine whether water has been, or is being unlawfully used.
- (e) The powers of entry of the City are subject to section 435 to 439, inclusive, of the *Municipal Act, 2001*.

25.02 Inspection:

- (a) Notwithstanding any other provision in this By-Law, an employee, officer or agent of the municipality may enter on a property at any reasonable time for the purpose of carrying out an inspection to

determine compliance with this By-Law or an order or direction issued in accordance with this By-Law.

- (b) For the purposes of any inspection, the City may:
- i. Require the production for inspection of documents or things relevant to the inspection;
 - ii. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iii. Require information from any person concerning a matter related to the inspection; and
 - iv. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (c) No person shall fail or refuse to comply with a request by the City to produce for inspection any document or thing or information relevant to the inspection carried out by the City in accordance with Section 25.02.

25.03 The City may enter upon lands for the purposes of an inspection and the other activities set out in subsection 25.02 (a) or (b) under an order issued under section 438 of the *Municipal Act, 2001*.

- (a) Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the respective Director, shall neglect or refuse to produce or deliver any information or documents or things required by this By-Law.

25.04 Obstruction:

- (a) No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not.
- (b) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty under this By-Law or the administration or enforcement of this By-Law.
- (c) The activities of the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors referred to in subsection 25.04 (b) may include, without limitation, the following:
- i. Entering in or upon, at any reasonable time without a warrant, any land, property or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided under this By-Law and the *Municipal Act, 2001*; or
 - ii. Making such tests or taking such samples as the City deems necessary; or
 - iii. Inspecting or observing any plant, machinery, equipment, work activity or documents; or
 - iv. Reading, repairing, maintaining, altering, disconnecting, removing, replacing, installing or sealing a water meter, remote

readout unit, backflow prevention device or any related item or any or all of the foregoing.

25.05 Protection from Damage:

- (a) No person shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:
 - i. Any part of the water and/or sewage works; or any seal placed thereon, or attached thereto, or
 - ii. Any permanent or temporary device installed in or on the water and/or sewage works for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the City may deem necessary for the administration of this By-Law or the operation or maintenance of the water and/or sewage works.

25.06 Damage to the Waterworks: any owner or person receiving water from the waterworks shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the waterworks or to properly protect water from contamination or any other damage including the cost of investigation, disinfection, repairing or replacing any part of any waterworks damaged or water contaminated thereby.

25.07 Damage to the Sewage Works: any owner or person conveying wastewater to the sewage works shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and By-law 2016-006 “Establish Management and Use of Sewer Works”, as amended, and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the sewage works.

25.08 Unauthorized Entry to Water and Sewage Works: Unless specifically authorized by the Director, no person shall enter into any chamber, structure, building or property associated with the water and/or sewage works.

25.09 Offences:

- (a) Every person who contravenes any provision of this By-Law, and every director or officer of a corporation, who knowingly concurs in a contravention by the corporation of any provision of this By-Law is guilty of an offence.
- (b) Any fine imposed under Section 26.00 shall be payable in addition to any fees and charges payable under this By-Law.
- (c) Every person who:
 - i. Willfully hinders or interrupts, or causes or procures to hinder or interrupt the City, or any of its officers, agents or servants, in the exercise of any of the powers conferred by this By-Law; or

- ii. Willfully or negligently lets off or discharges water so that it runs waste or uselessly out of the waterworks system; or
- iii. Every person found operating or tampering with a shut-off valve in any way may be prosecuted as provided for by this By-Law.
- iv. Without lawful authority willfully opens or closes any hydrant, or obstructs the free access to any hydrant, shutoff valve, chamber, pipe, or hydrant chamber, by placing on it any building material rubbish, or other obstruction; or
- v. Throws or deposits any injurious, or offensive matter into the water or waterworks, or upon ice, if the water is frozen, or in any way fouls the water or commits any willful damage or injury to the waterworks, pipes or water, or encourages the same to be done; or
- vi. Willfully alters any meter placed upon any service pipe or connection therewith, within or upon any building or other place, so as to lessen or alter the amount of water registered; or
- vii. Lays, or causes to be laid, any pipe or main to communicate with any pipe or main of the waterworks, or in any ways obtains or uses the water without the consent of the City; or
- viii. Being a tenant, occupier or inmate of any house, building or other place supplied with water from the waterworks; improperly wastes the water or without the consent of the City, lends, sells or disposes of the water, gives away, or permits it to be taken or carried away, used or applied to the use or benefit of another, or to any use and benefit other than his own or increases the supply of the water agreed for;

Is guilty of an offense, under this By-Law.

- (d) Every owner or occupier who willfully or knowingly impairs or alters a meter, or knowingly causes the same to be altered or impaired, so that the meter indicates less than the amount of water through it, shall be liable to pay the City double the value of the water indicated as having passed through the meter and in cases of non-payment of such expenses and charges, the water supply may be shut off by the City and not turned on again until all such expenses and charges are paid in full to the City and this, without prejudice, to the right of the City to bring action against such person to recover such expenses and charges in any court having competent jurisdiction.
- (e) This By-Law may be enforced by Municipal Law Enforcement Officer, the Treasurer, the Director of Public Works and the Director Engineering and Corporate Assets.

Section 26.00: Enforcement, Offence and Penalties

26.01 Enforcement: This by-law may be enforced by every municipal law enforcement officer and police officer or any person appointed by Council.

26.02 Offence and Penalty: It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended and to any other applicable penalty.

- 26.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25 as amended.
- 26.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25, as amended.
- 26.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 27.00: General Enforcement Powers

- 27.01 **Restraining Order:** If this By-Law is contravened, in addition to any other remedy or penalty imposed by this By-Law, the contravention may be restrained by application by the City under the provisions of section 440 of the *Municipal Act, 2001*.

27.02 Order to Discontinue Activity:

- (a) Under the provisions of section 444 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.

27.03 Work Order:

- (a) Under the provisions of section 445 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.
- (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.

27.04 Remedial Action:

- (a) In accordance with section 446 of the *Municipal Act, 2001*, where any matter or thing is required to be done under this By-Law, in default of it being done by the person directed or required to do so, that matter or thing may be done by the City which shall be at that person's expense and the City may recover the costs incurred for doing such matter or thing from the person directed or required to do it by adding the costs

to the tax roll and collecting them in the same manner as municipal property taxes.

- (b) For the purposes of subsection 27.04 (a), the Director(s) or Treasurer may enter upon the subject property at any reasonable time.

27.05 Document Retention: The owner shall retain any document to be produced for inspection or approval or retained under this By-Law by an owner of a property for a period of seven (7) years.

27.06 Notice:

- (a) Where an order is issued by the Director(s) or Treasurer, the person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three days after being posted by first class prepaid mail to the person at the last known address provided to the Director(s) or Treasurer, or where no address for the person has been provided, by first class prepaid mail to the address for the person identified on the tax rolls.
- (b) The manner of delivery, set out in subsection 27.06 (a), shall be in the discretion of the Director(s).

Section 28.00: Contact Information

28.01 For administering or enforcing the requirements under this By-Law or any other applicable By-Law or By-Law of the City, the City may require an owner of a property provided with a service connection or equipped with a water meter, or an owner of a property where a water meter is to be installed, to provide them with:

- (a) That owner's full name, mailing address and telephone number;
- (b) The full name, mailing address and telephone number of any occupiers of the property; and
- (c) The full name, mailing address and telephone number of a person authorized by the owner to provide the City with access to the water meter or the location where a water meter is to be installed.

28.02 Every owner shall provide the Treasurer with a current contact name and telephone number within twenty-eight (28) days of a change in ownership or occupancy of a property.

Section 28.00: Administration and Effective Date

28.01 Administration of the By-law: The Director of Public Works, Director of Engineering and Corporate Assets and Treasurer is responsible for the administration of this by-law.

28.02 The Treasurer's authority in relation to this By-law is delegated to the Manager of Revenue and Taxation.

28.03 The Director of Public Works' authority in relation to this By-law is delegated to the Manager of Environmental Services and/or the Supervisor of Water and Wastewater Operations.

28.04 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule “B” – Rates/Fees for Septage Disposal as per “A By-Law to Govern Septage Disposal at City of Kawartha Lakes Sewage Works

Standard Septage Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$49.76	\$55.03	\$60.85	\$67.29	\$74.41
Rate per m ³	\$10.94	\$12.09	\$13.37	\$14.79	\$16.35

Holding Tank Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Abattoir Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Leachate

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$6.31	\$6.46	\$6.62	\$6.79	\$6.96
Rate per m ³	\$1.39	\$1.42	\$1.46	\$1.49	\$1.53

- **Registration Fee of \$50.00 for all owners/haulers.**
- **Administration Fee for Septage Hauled from Outside Municipal Boundaries – Flat rate of \$7.00 per tonne.**
- **Environmental Compliance Charge – Flat rate of \$100 per load for Abattoir Waste.**

Schedule “A” - Water and Sewer Rates

2018 Water Rates

Calculated Annual Flat Rate \$832.86/annum invoiced quarterly (based on an average consumptive usage of 178 m³ and including Water Fixed Rate)

All Metered Water System Users Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4”	\$29.10
1”	\$37.86
1.5”	\$48.69
2”	\$78.43
3”	\$297.48
4”	\$378.61
6”	\$567.89
8”	\$784.23

Consumption Rate

Per Cubic Meter \$2.71720

Per Cubic Foot \$0.07694

Bulk Water Fees

Phased in bulk water rates, with annual approved consumption rate plus annual percentage

	2018	2019	2020
Per Cubic Meter	\$3.26064 (20% increase over Consumption Rate)	Consumption Rate + 30%	Consumption Rate + 40%

2018 Sewer Rates

Calculated Annual Flat Rate

\$591.55/annum invoiced quarterly (based on an average consumptive usage of 178 m³ including Sewer Fixed Rate)

All Metered Sewer System Users

Fixed Rate plus Consumption listed below:

Fixed Rate

Meter Size	Monthly Charge
5/8 – 3/4"	\$27.63
1"	\$36.65
1.5"	\$48.52
2"	\$78.15
3"	\$296.42
4"	\$377.27
6"	\$566.36
8"	\$781.43

Consumption Rate

Per Cubic Meter \$1.4606
Per Cubic Foot \$0.0414

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3”	\$297.48
4”	\$378.61
6”	\$567.89
8”	\$784.23

Consumption Rate

Per Cubic Meter \$2.71720

Per Cubic Foot \$0.07694

Bulk Water Fees

Per Cubic Meter \$4.6789

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Consumption Rate

Per Cubic Meter \$1.4606
Per Cubic Foot \$0.0414

The Corporation of The City of Kawartha Lakes

By-Law 2018-XXX

A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, March 6, 2018

Recitals

1. The Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.
2. The Municipal Act, also provides that the Council's powers must be exercised by by-law.
3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Section 1.00: Confirmation

1.01 The actions of the Council at the following meeting:

Tuesday, March 6, 2018 Regular Council Meeting and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

Section 2.00: General

2.01 This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk