

# **The Corporation of the City of Kawartha Lakes**

## **Agenda**

### **Regular Council Meeting**

**CC2019-01**

**Tuesday, January 15, 2019**

**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 Ron Ashmore**

**Councillor Pat Dunn**

**Councillor Doug Elmslie**

**Councillor Patrick O'Reilly**

**Councillor Tracy Richardson**

**Councillor Kathleen Seymour-Fagan**

**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 CC2019-01.4.1  
**Closed Session Minutes, Regular Council Meeting of December 11, 2018**  
**Municipal Act, 2001 s.239(2)(b)**
  - 4.2 CORP2019-003  
**Bargaining Mandate - Professional Firefighters**  
**Labour Relations or Employee Negotiations**  
**Municipal Act, 2001 s.239(2)(d)**  
Liana Patterson, Manager, Human Resources
  - 4.3 ED2019-002  
**Re-appointment of Municipal Heritage Committee Members**  
**Personal Matters About Identifiable Individuals**  
**Municipal Act, 2001 s.239(2)(b)**  
Debra Soule, Economic Development Officer - Arts, Culture and Heritage
  - 4.4 EA2019-001  
**Appointments to Development Charges Task Force**  
**Personal Matters About Identifiable Individuals**  
**Municipal Act, 2001 s. 239(2)(b)**  
Adam Found, Manager of Corporate Assets
  - 4.5 CLK2019-001  
**Appointment of Municipal Livestock Predation Investigators and Valuers**  
**Personal Matters About Identifiable Individuals**  
**Municipal Act, 2001 s.239(2)(b)**  
Joel Watts, Deputy Clerk
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. **Council Minutes** 15 - 38
  - Regular Council Meeting Minutes - December 11, 2018**
  - Special Council Meeting Minutes - December 13, 2018**
  - That the Minutes of the December 11, 2018 Regular Council Meeting and the December 13, 2018 Special Council Meeting, be received and adopted.**
- 10. **Committee of the Whole Minutes**
- 11. **Planning Advisory Committee Minutes**
- 12. **Deputations**
- 13. **Presentations**
  - 13.1 CC2019-01.13.1
    - Memorandum of Understanding (MOU) between the City of Kawartha Lakes and the Boys and Girls Clubs of Kawartha Lakes/Boys and Girls Clubs of Kawartha Lakes Foundation**
    - (Report CAO2019-001, Item 14.1.1 on the Agenda)**
    - Ron Taylor, Chief Administrative Officer
    - Scott Robertson, Executive Director, Boys and Girls Clubs of Kawartha Lakes
    - Dave Blackburn, President and Risk Management, Executive and Governance Committee

## 14. Consent Matters

That all of the proposed resolutions shown in Section 14.1 and 14.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

### 14.1 Reports

#### 14.1.1 CAO2019-001

39 - 49

**Memorandum of Understanding (MOU) between the City of Kawartha Lakes and the Boys and Girls Clubs of Kawartha Lakes/Boys and Girls Clubs of Kawartha Lakes Foundation**

Ron Taylor, Chief Administrative Officer

That Report CAO2019-001, **Memorandum of Understanding (MOU) between the City of Kawartha Lakes and the Boys and Girls Clubs of Kawartha Lakes / Boys and Girls Clubs of Kawartha Lakes Foundation**, be received;

That the 2019 Memorandum of Understanding (MOU), as outlined in Appendix A to Report CAO2019-001, be approved; and

That the Mayor and Clerk be authorized to execute the 2019 Memorandum of Understanding (MOU) between the City of Kawartha Lakes and the Boys and Girls Clubs of Kawartha Lakes / Boys and Girls Clubs of Kawartha Lakes Foundation.

#### 14.1.2 CAO2019-002

50 - 68

**Private Recreational Cannabis Retail Storefronts**

Ron Taylor, Chief Administrative Officer

Alix Scarr, Senior Licensing Officer

That Report CAO2019-002, **Private Recreational Cannabis Retail Storefronts**, be received; and

That the City of Kawartha Lakes opt-in to allow Private Recreational Cannabis Retail Storefronts to operate in the City of Kawartha Lakes.

#### 14.1.3 CLK2019-002

69 - 73

**2018 Municipal Election Accessibility Report**

Cathie Ritchie, City Clerk

That Report CLK 2018-002, **2018 Municipal Election Accessibility Report**, be received.



- 14.1.4 CORP2019-001 74 - 76
- High Bill Adjustment – 88 Mary Street West, Lindsay**  
Linda Liotti, Manager, Revenue and Taxation
- That** Report CORP2019-001, **High Bill Adjustment – 88 Mary Street West, Lindsay**, be received;
- That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$12,402.09, plus waive penalty and interest from the date of the meeting, to the account at 88 Mary Street West, Lindsay as a one-time exemption; and
- That** Staff review the policy with consideration to limiting consecutive estimate readings on utility accounts to two billing cycles.
- 14.1.5 CORP2019-002 77 - 79
- High Bill Adjustment – 4071 County Rd 121, Kinmount**  
Linda Liotti, Manager, Revenue and Taxation
- That** Report CORP2019-002, **High Bill Adjustment – 4071 County Rd 121, Kinmount**, be received; and
- That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$1,067.49, plus waive penalty and interest from the date of this meeting, to the account at 4071 County Rd 121, Kinmount as a one-time exemption.
- 14.1.6 PUR2019-001 80 - 83
- 2018-98-CP Environmental Assessment for Second Fenelon Falls Area Crossing**  
Linda Lee, Buyer  
Martin Sadowski, Senior Engineering Technician
- That** Report PUR2019-001, **2018-98-CP – Environmental Assessment for Second Fenelon Falls Area Crossing**, be received;
- That** Dillion Consulting be selected for the award of 2018-98-CP Environmental Assessment for Second Fenelon Falls Area Crossing for the total quoted amount of \$228,369.00 plus HST;
- That** subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and
- That** the Procurement Division be authorized to issue a Purchase Order.

14.1.7	ED2019-001	84 - 87
	<p><b>Proposed Designation of 41 Melbourne St. W, Lindsay, under Part IV of the Ontario Heritage Act as a Property of Cultural Heritage Value and Interest</b></p> <p>Debra Soule, Economic Development Officer – Arts, Culture and Heritage</p> <p><b>That</b> Report ED2019-001, <b>Proposed Designation of 41 Melbourne St. W, Lindsay under Part IV of the Ontario Heritage Act as a Property of Cultural Heritage Value and Interest</b>, be received;</p> <p><b>That</b> Council endorse the Municipal Heritage Committee’s recommendation to designate 41 Melbourne St. W. in Lindsay under Part IV of the Ontario Heritage Act as being of cultural heritage value and interest;</p> <p><b>That</b> staff be authorized to proceed to designate the subject property under Part IV of the Ontario Heritage Act, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and</p> <p><b>That</b> the designating by-law be presented to Council for its consideration after the notification process has been completed.</p>	
14.1.8	EA2019-002	88 - 96
	<p><b>Revised Terms of Reference for Development Charges Task Force</b></p> <p>Adam Found, Manager of Corporate Assets</p> <p><b>That</b> Report EA2019-002, <b>Revised Terms of Reference for Development Charges Task Force</b>, be received; and</p> <p><b>That</b> the revised terms of reference, attached as Appendix A to Report EA2019-002, be adopted for the Development Charges Task Force.</p>	
14.1.9	WWW2019-001	97 - 113
	<p><b>Lindsay Water Pollution Control Plant Provincial Officer’s Order Number 1-JX6KE</b></p> <p>Amber Hayter, Supervisor, Water and Wastewater Operations</p> <p><b>That</b> Report WWW2019-001, <b>Lindsay Water Pollution Control Plant Provincial Officer’s Order Number 1-JX6KE</b>, be received.</p>	

**Agreement for the Kinmount Water System**

Kayla Strackholder, Contract Coordinator

**That** Report WWW2019-002, **Agreement for the Kinmount Water System**, be received;

**That** the agreement between the Corporation of the City of Kawartha Lakes, Trent Lakes and Minden Hills for Cross Boundary Agreement, attached as Appendix A to Report WWW2019-002, be approved; and

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

**Amendments to By-law 2014-255, Requirement to Connect to Municipal Services**

Amber Hayter, Supervisor, Water and Wastewater Operations

**That** Report WWW2019-003, **Amendments to By-law 2014-255, Requirement to Connect to Municipal Services**, be received; and

**That** Section 2.01 of By-law 2014-255 be amended to read: "Subject to section 2.02 herein the owner of any Building as defined herein where such service or services have capacity, shall be responsible for the physical installation of a private sanitary lateral and/or private water service at the Owners expense and shall be responsible for the payment of all fees and charges payable to the Municipality for the installation and connection of a municipal sanitary lateral and/or water service in accordance with the provisions of this By-law and any and all by-laws governing connections to municipal drinking water systems and wastewater collection systems upon failure and/or the need for replacement of their existing private water supply and/or sewage/septic disposal system(s). For further explanation refer to Appendix 1: Connection Diagram."; and

**That** Section 2.02 of By-law 2014-255 be amended to read: "Subject to section 2.01, in the event that water and/or wastewater services become available after the date of passage of this By-law, persons described in section 2.01 shall connect their premises directly to the services in accordance with section 2.01 upon failure of their water and/or sewage/septic disposal system(s)."; and

**That** Section 2.03 by By-Law 2014-255 be amended to read: "Notwithstanding sections 2.01 and 2.02, in the event that:

2. the non-municipal source of potable water for a premises described in Section 2.01 or 2.02 is or may be contaminated or otherwise unsuitable for drinking water as determined by the Medical Officer of Health under the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, as amended; or
3. the private sanitary sewage septic system servicing a premises described in Section 2.01 or 2.02 is or may contravene the Environmental Protection Act, R.S.O 1990, c.E.19 or the Building Code Act, 1992, S.O. 1992, c.23; then

the owner of the premises shall connect the premises to the services immediately.

**That** Section 2.04 of By-law 2014-255 be amended to read: “Any connection required to be made by an owner under this by-law shall be made as soon as reasonably possible following the failure of the existing private water and/or sewage/septic disposal system(s).”; and

**That** Section 2.05 of By-law 2014-255 be amended to read: “Any appeals or requests for exemptions from sections 2.01, 2.02, 2.03 and 2.04 of this By-law shall be forwarded to the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee as per Section 24.00 of By-law 2018-039 “A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes”, as amended”; and

**That** Section 2.06 of By-law 2014-255 be amended to read: “Subject to section 2.01, 2.02 or 2.03 of this By-law any Owner of a Building on land that meet the requirements to connect to the municipal water and/or wastewater services shall be billed the Fixed Rate charges for water and/or wastewater as per the provisions of the By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes (By-law 2018-039, as amended) and the consolidated fees By-law 2018-234, as amended following three (3) months of the mailing of a notice to the Owner shown on the current tax roll.”; and

**That** Section 4.01 of By-law 2014-255 be amended to read: “If the Owner fails to make a connection required by the conditions set out in this By-law, the City may make the connection at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with section 435 to 439 inclusive of the Municipal Act, 2001. Failure to connect within a reasonable time from failure shall constitute an offence.”; and

**That** the necessary amending By-law be brought forward for adoption.

**High Water Bill Appeals Committee Terms of Reference Amendment**

Amber Hayter, Supervisor, Water and Wastewater Operations

**That** Report WWW2019-004, **High Water Bill Appeals Committee Terms of Reference Amendment**, be received;

**That** the title of Section 24.00 of By-law 2018-039 be amended to read: "Section 24.00: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee";

**That** Section 24.01 of By-law 2018-039 be amended to read: "**High Water Bill Adjustment and Mandatory Service Connection Appeals Committee:** A High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is established to hear and rule on appeals pertaining to high water bill adjustments and the requirement for mandatory service connection (required by Sections 2.01, 2.02 and 2.03 of By-law 2014-255, as amended).";

**That** Section 24.02 of By-law 2018-039 be amended to read: "**Authority:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee may recommend to Council approval of high water bill adjustments or exemptions from mandatory service connections without prejudice or precedent to any other similar matter.";

**That** Section 24.03 of By-law 2018-039 be amended to read: "**Composition and Appointment:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be comprised of three members of Council appointed by Council.";

**That** Section 24.04 of By-law 2018-039 be amended to read: "**Term:** The Term of the Appointment of the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be the same as the term of Council.";

**That** Section 24.05 of By-law 2018-039 be amended to read: "**Administration:** The High Water Bill Adjustment and Mandatory Service Connection 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.";

**That** Section 24.06 of By-law 2018-039 be amended to read: "**Governance:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council. With respect to Mandatory Service Connection

appeals, appeals/exemptions to requirements of Sections 2.01, 2.02 and 2.03 of By-law 2014-255 “A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes” (as amended), shall be considered by the Committee.”;

**That** the proposed terms of reference for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee, as outlined in Appendix C to Report WWW2019-004 be approved; and

**That** the necessary amending By-law be brought forward for adoption.

14.2 Correspondence

14.2.1 CC2019-01.14.2.1 221 - 221

**Private Recreational Cannabis Retail Storefronts**  
**Report CAO2019-002, Item 14.1.2 on the Agenda**  
Lindsay and District Chamber of Commerce  
Bob Armstrong, President

**That** the December 17, 2018 correspondence from Bob Armstrong, President of the Lindsay and District Chamber of Commerce, regarding **Private Recreational Cannabis Retail Storefronts**, Report CAO2019-002, Item 14.1.2 on the Agenda, be received.

14.2.2 CC2019-01.14.2.2 222 - 222

**Private Recreational Cannabis Retail Storefronts**  
**Report CAO2019-002, Item 14.1.2 on the Agenda**  
Cannapiece Corporation  
John Mutton, President and Chief Executive Officer

**That** the December 10, 2018 e-mail correspondence from John Mutton, President and CEO of Cannapiece Corporation, regarding **Private Recreational Cannabis Retail Storefronts**, Report CAO2019-002, Item 14.1.2 on the Agenda, be received.

14.2.3 CC2019-01.14.2.3 223 - 224

**Private Recreational Cannabis Retail Storefronts**  
**Report CAO2019-002, Item 14.1.2 on the Agenda**  
Haliburton, Kawartha, Pine Ridge District Health Unit  
Lisa Kaldeway, Health Promoter

**That** the December 10, 2018 correspondence from Lisa Kaldeway, Health Promoter for the Haliburton, Kawartha, Pine Ridge District Health Unit, regarding **Private Recreational Cannabis Retail Storefronts**, Report CAO2019-002, Item 14.1.2 on the Agenda, be received.

14.2.4 CC2019-01.14.2.4 225 - 227

**Private Recreational Cannabis Retail Storefronts**  
**Report CAO2019-002, Item 14.1.2 on the Agenda**  
Lindbrook Developments Inc.  
Wally Ciastko, President

**That** the December 10, 2018 correspondence from Wally Ciastko, President of Lindbrook Developments Inc., regarding **Private Recreational Cannabis Retail Storefronts**, Report CAO2019-002, Item 14.1.2 on the Agenda, be received.

14.2.5 CC2019-01.14.2.5 228 - 228

**City of Kawartha Lakes Police Service Student Engagement**  
Brian Button

**That** the correspondence from Brian Button, regarding **City of Kawartha Lakes Police Service Student Engagement**, be received and forwarded to the City of Kawartha Lakes Police Services Board.

14.2.6 CC2019-01.14.2.6 229 - 231

**Memo - Speeding in School Pick-up and Drop-off Zones**  
Pat Dunn, Councillor

**That** the memo from Councillor Pat Dunn dated January 15, 2019 and entitled, **Speeding in School Pick-up and Drop-off Zones**, be received;

**That** staff be directed to review the feasibility of reducing the speed limit from 80km/hr to 60km/hr between Snug Harbour Road and the Central East Correctional Facility on City Road 36 during school bus pick-up and drop-off times; and

**That** staff report back to Council no later than the end of the first quarter of 2019.

14.2.7 CC2019-01.14.2.7 232 - 232

**Memo - Support for Canada's Energy Sector**  
Ron Ashmore, Councillor

**That** the memo from Councillor Ron Ashmore dated January 7, 2019 and entitled, **Support for Canada's Energy Sector**, be received;

**That**, as completing critical pipeline infrastructure is vital to the whole country economically and environmentally, the Council of the City of Kawartha Lakes fully support the completion of these pipelines and the employment and tax revenue that it will give our country; and

**That** this resolution be circulated to the Prime Minister of Canada, Provincial Premiers and the Association of Municipalities of Ontario.

14.3 Items Extracted from Consent

15. **Petitions**

16. **Other or New Business**

17. **By-Laws**

**That** the By-Laws shown in Section 15.1 of the Agenda, namely: Items 17.1.1 to and including 17.1.11 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

17.1 By-Laws by Consent

17.1.1 CC2019-01.17.1.1 233 - 235

**A By-law to Authorize Borrowing from Time to Time to Meet Current Expenditures During the Fiscal Year ending December 31, 2019 in the City of Kawartha Lakes**

17.1.2 CC2019-01.17.1.2 236 - 237

**A By-law to Appoint a Member of Council to the City of Kawartha Lakes Committee of Adjustment for 2019 and to Repeal By-law 2018-004**

17.1.3 CC2019-01.17.1.3 238 - 239

**A By-law to Repeal By-law 2010-100, as Amended, being A By-Law to Establish a Municipal Service Board to be Known as Kawartha Lakes Municipal Airport Board to Govern, Control, Operate and Manage the City's Provision of a Municipal Airport in the City of Kawartha Lakes**



17.1.4	CC2019-01.17.1.4	240 - 241
	<b>A By-law to Repeal By-law 2012-172, as Amended, being A By-Law to Provide Authority for Certain Officials to Sign and Execute Various Documents on Behalf of the Kawartha Lakes Airport Board</b>	
17.1.5	CC2019-01.17.1.5	242 - 244
	<b>A By-Law to Stop Up and Close Part of the Original Shore Road Allowance referenced as Talbot Street on Plan 15, Part of the west half of Lot 27, Concession 2, in the Geographic Township of Eldon, City of Kawartha Lakes, Designated as Part 2 on Plan 57R-9489 and Part 1 on 57R-10673, and to Authorize the Sale of the Land to the Abutting Owners</b>	
17.1.6	CC2019-01.17.1.6	245 - 247
	<b>A By-Law to Stop Up and Close Part of the Shore Road Allowance Along the Gull River, in the Geographic Township of Somerville, City of Kawartha Lakes, Designated as Part 1 on Plan 57R-10667, and to Authorize the Sale of the Land to the Abutting Owners</b>	
17.1.7	CC2019-01.17.1.7	248 - 250
	<b>A By-law to Amend By-law 2014-255, being Mandatory Connection By-Law</b>	
17.1.8	CC2019-01.17.1.8	251 - 253
	<b>A By-law to Amend By-law 2018-039, being A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes</b>	
17.1.9	CC2019-01.17.1.9	254 - 257
	<b>A By-law to Designate the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls in the City of Kawartha Lakes as Being of Cultural Heritage Value and Interest</b>	
17.1.10	CC2019-01.17.1.10	258 - 261
	<b>A By-law to Designate 910 Hartley Road, Woodville, City of Kawartha Lakes as being of Cultural Heritage Value and Interest (Palestine Community Hall)</b>	
17.2	By-Laws Extracted from Consent	
18.	Notice of Motion	

- 19. Closed Session (If Not Completed Prior to Open Session)
- 20. Matters from Closed Session
- 21. Confirming By-Law
  - 21.1 CC2019-01.21.1 262 - 262  
A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, January 15, 2019
- 22. Adjournment

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Regular Council Meeting**

**CC2018-22**  
**Tuesday, December 11, 2018**  
**Open Session Commencing at 2:00 p.m.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Mayor Andy Letham**  
**Councillor Ron Ashmore**  
**Councillor Pat Dunn**  
**Councillor Doug Elmslie**  
**Councillor Patrick O'Reilly**  
**Councillor Tracy Richardson**  
**Councillor Kathleen Seymour-Fagan**  
**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 2:00 p.m. Councillors R. Ashmore, P. Dunn, D. Elmslie, P. O'Reilly, T. Richardson, K. Seymour-Fagan, A. Veale and E. Yeo were in attendance.

CAO R. Taylor, Deputy Clerk A. Rooth, Administrative Assistance S. O'Connell and various staff members were also in attendance.

**2. Opening Ceremonies**

**2.1 Call Open Session to Order**

**2.2 O Canada**

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

**2.3 Moment of Silent Reflection**

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

**2.4 Adoption of Open Session Agenda**

**CR2018-643**

**Moved By** Councillor Veale

**Seconded By** Councillor Richardson

**That** the Agenda for the Open Session of the Regular Council Meeting of Tuesday, December 11, 2018, be adopted as circulated.

**Carried**

**3. Disclosure of Pecuniary Interest**

There were no declarations of pecuniary interest noted.

**4. Notices and Information by Members of Council and Staff**

Councillor O'Reilly made the following announcements:

- Farmers' Market Christmas Show will be held at the Victoria Park Armoury on December 15th from 9:30 a.m. to 3:00 p.m.;
- Twas the Art Before Christmas Exhibit and Sale will be held at the Lindsay Gallery from December 11th to December 15th from 10:00 a.m. to 4:00 p.m.;
- An Open House will be held by Craft Development Corporation at the Fenelon Township Community Centre on December 12th from 6:00 p.m. to 9:00 p.m. regarding the development of the property located across from the Airport; and

- A Spotlight on Agriculture Event will be held on March 23, 2019 at the Lindsay Fairgrounds to celebrate agricultural excellence and achievements across the City of Kawartha Lakes.

Councillor Veale made the following announcements:

- The Little Britain Santa Claus Parade will be held on December 14th;
- The Woodville Santa Claus Parade will be held on December 15th, with public skating to follow; and
- Breakfast with Santa will be held in Woodville on December 23rd.

Mayor Letham advised that United Nations UNite Campaign runs from November 25th to December 10th to mark 16 days of activism to end gender-based violence and is a time to galvanize action to end violence against women and girls everywhere.

Mayor Letham provided an overview of a meeting that he had with Premier Doug Ford at Queen's Park on December 10th. Mayor Letham noted that the meeting was very positive and that Premier Ford committed to a follow up meeting in the future.

## **5. Minutes**

### **5.1 CC2018-22.7.1**

#### **Special Council Information Meeting Minutes of November 13, 2018**

### **5.2 CC2018-22.7.2**

#### **Special Council Meeting Minutes of November 13, 2018**

### **5.3 CC2018-22.7.3**

#### **Inaugural Council Meeting Minutes of December 3, 2018**

#### **CR2018-644**

**Moved By** Councillor Ashmore

**Seconded By** Councillor Elmslie

**That** the Minutes of the November 13, 2018 Special Council Information Meeting, the November 13, 2018 Special Council Meeting and the December 3, 2018 Inaugural Council Meeting, be received and adopted.

**Carried**

## **6. Committee of the Whole Minutes**

## **7. Planning Committee Minutes**

## **8. Presentations**

8.1 Presentation on Retail Cannabis Sales

Ron Taylor, CAO

Alix Scarr, Senior Licensing Officer

Ron Taylor, CAO, introduced Alix Scarr, Senior Licensing Officer, and they provided a general overview on the legalization of retail cannabis sales and the role that the municipality will hold in the process.

**CR2018-645**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Yeo

**That** the presentation by Ron Taylor, CAO, and Alix Scarr, Senior Licensing Officer, regarding the retail sale of cannabis, be received.

**Carried**

9. **Deputations**

10. **Consent Matters**

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

Councillor Elmslie Item 10.1.2

Councillor Ashmore Item 10.1.4

Mayor Letham Item 10.1.8

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Elmslie

**That** all of the proposed resolutions shown in Section 10.1 and 10.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

**Carried**

10.1 Reports

10.1.1 CAO2018-007

**Council Policy Updates**

Ron Taylor, Chief Administrative Officer

**CR2018-646**

**That** Report CAO2018-007, **Council Policies - Updates**, be received;

**That** the policy entitled Council Expense Policy, attached as Appendix B to Report CAO2018-007, be adopted and numbered for inclusion in the City's Policy Manual, replacing all predecessor versions;

**That** the policy entitled Council Committee, Board and Task Force Policy, attached as Appendix D to Report CAO2018-007, be adopted and numbered for inclusion in the City's Policy Manual, replacing Policy 028 CAO 002 Non-Legislated Committees of Council;

**That** the policy entitled Code of Conduct and Ethics – Members of Committees, Boards & Task Forces, attached as Appendix E to Report CAO2018-007, be adopted and numbered for inclusion in the City's Policy Manual;

**That** the following Council policies be rescinded:

- Policy 037-CAO-006 – Artifacts
- Policy 038-CAO-023 – Archives Program
- Policy 101 CAO 018 - Sale of Municipal History Books
- Policy 131-CAO-023 - Definitions for Policies relating to Electronic Records and Information Technology Assets
- Policy 139-CAO-031 – Management of E-mail Records

**Carried**

#### 10.1.3 MAYOR2018-001

##### **Councillor Appointments**

Mayor Andy Letham

##### **CR2018-647**

**That** Report MAYOR 2018-001, **Council Appointments**, be received;

**That** the following appointments begin December 11, 2018 and continue for the entire term of Council ending December 2022, with a mid-term review of appointments in 2020;

Legislated Committee/Board	Councillor(s) Appointed
Kawartha Lakes Accessibility Advisory Committee	Councillor Veale
Drainage Board	Councillor Veale Councillor Ashmore
Kawartha Lakes Municipal Heritage Committee	Councillor Ashmore

Kawartha Lakes Haliburton Housing Corporation Board	Councillor Elmslie Councillor Dunn
Planning Advisory Committee	Mayor Letham Councillor Seymour-Fagan Councillor Veale Councillor O'Reilly
Fenelon Landfill Public Review Committee	Councillor Elmslie
Lindsay Ops Landfill Public Review Committee	Councillor Dunn
Municipal By-Law Appeals Committee	Councillor Yeo Councillor Dunn Councillor Ashmore
Public Library Board	Councillor Veale
Victoria Manor Committee of Management	Councillor Seymour-Fagan Councillor Elmslie Councillor O'Reilly
Lindsay Downtown Business Improvement Area Board	Councillor O'Reilly Councillor Dunn

Non-Legislated Advisory Committees and Boards	Councillor(s) Appointed
Agriculture Development Advisory Committee	Councillor Veale
Bobcaygeon Legacy C.H.E.S.T Fund Grant Committee	Councillor Seymour-Fagan
Lindsay Legacy C.H.E.S.T Fund Grant Committee	Councillor Dunn Councillor O'Reilly
Kawartha Lakes Environmental Advisory Committee	Councillor Richardson
Kawartha Lakes Cemetery Board	Councillor Yeo



Fenelon Falls Museum Board	Councillor Elmslie
Fenelon Falls Powerlinks Committee	Councillor Elmslie
Joint Social and Housing Services Advisory Committee	Councillor Elmslie Councillor Dunn Councillor O'Reilly
Kinmount Committee for Planning and Economic Development	Mayor Letham Councillor Seymour-Fagan
Lindsay Nayoro Twinning Committee	Mayor Letham Councillor O'Reilly
Kawartha Lakes Parks Advisory Committee	Mayor Letham Councillor Seymour-Fagan Councillor Richardson
Transit Advisory Committee	Councillor O'Reilly Councillor Richardson
Wilson Estate Advisory Committee	Mayor Letham Councillor Dunn Councillor O'Reilly
Kawartha Lakes Airport Advisory Committee	Councillor Dunn
High Water Bill/ Mandatory Connections Appeals Committee	Councillor Yeo Councillor Dunn Councillor Ashmore
Downtown Revitalization Advisory Committee	Mayor Letham
Kawartha Lakes Waste Management Advisory Committee	Councillor Yeo Councilor Veale Councillor Ashmore

Agencies	Councillor(s) Appointed
Ganaraska Region Conservation Authority Board	Councillor Richardson

Kawartha Region Conservation Authority Board	Mayor Letham Councillor Seymour-Fagan Councillor Dunn
Otonabee Region Conservation Authority Board	Councillor Richardson
Lake Simcoe Conservation Authority Board	Councillor Yeo
Haliburton, Kawartha, Pine Ridge District Health Unit Board	Councillor Elmslie Councillor Richardson
Kawartha Lakes Community Health Care Initiative	Councillor Veale
Kawartha Lakes Police Service Board	Mayor Letham Councillor O'Reilly
Ross Memorial Hospital Board	Councillor Ashmore
Community Policing Advisory Committee (OPP)	Councillor Seymour-Fagan Councillor Elmslie Councillor Ashmore

**That** the following appointments begin December 11, 2018 and continue for 1 year until December 11, 2019;

Legislated Committee/Board	Councillor(s) Appointed
Committee of Adjustment	Councillor Yeo
Fenelon Cemetery Board	Councillor Elmslie

**Carried**

#### 10.1.5 CS2018-017

#### **Bobcaygeon Legacy C.H.E.S.T. Fund 2019 Allocation**

LeAnn Donnelly

#### **CR2018-648**

**That** Report CS2018-017, **Bobcaygeon Legacy C.H.E.S.T. Fund 2019 Allocation**, be received;

**That** total funding in the amount of \$87,026.00 be provided, with the allocation to come from the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve (3.24320), for the projects as approved by the Bobcaygeon Legacy C.H.E.S.T. Fund Grant Committee at its meeting of November 1, 2018 as follows:

Bobcaygeon Skating Club	\$ 2,068.00
Ontario Open Fiddle and Step	\$ 2531.00
Bobcaygeon Music Council	\$ 9,000.00
Bobcaygeon Canada Day Committee	\$13,274.00
Bobcaygeon Horticultural Society	\$ 2,500.00
Impact 32 – Beautify Our Bobcaygeon	\$12,105.00
Bobcaygeon Curling Club	\$ 4,000.00
Bobcaygeon Minor Baseball	\$ 2,190.00
Bobcaygeon Splash Pad Enhancement	\$ 7,500.00
Boyd Heritage Museum	\$ 8,000.00
Kawartha Settlers Village	\$11,858.00
Royal Canadian Legion Branch 239	\$12,000.00

**That** \$7,788.86 (10% of interest earned) be retained in the principle of the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve (3.24320) for inflationary growth of the fund; and

**That** the estimated balance of \$68,412.94 not distributed through the 2019 allocation be made available for funding disbursement in a future year.

**Carried**

10.1.6 CS2018-018

**Lindsay Legacy C.H.E.S.T. Fund 2019 Allocation**

LeAnn Donnelly, Executive Assistant, Community Services

**CR2018-649**

**That** Report CS2018-018, **Lindsay Legacy C.H.E.S.T. Fund 2019 Allocation**, be received;

**That** total funding in the amount of \$288,375.45 be provided for the projects as approved by the Lindsay Legacy C.H.E.S.T. Fund Grant Committee at its meeting of November 14, 2018, with the allocation to come from the Lindsay Legacy C.H.E.S.T. Fund Reserve (3.24310), as follows:

Kawartha Art Gallery	\$ 24,748.24
A Place Called Home	\$ 60,656.35
United Way for the City of Kawartha Lakes	\$ 27,400.00
The Rotary Club of Lindsay	\$ 69,264.00
Royal Canadian Legion Br. 67	\$ 29,000.00
Lindsay Lynx Hockey Association	\$ 25,000.00
Proud Canadian Citizens Committee (sponsor Optimist Club)	\$ 52,306.86

**That** the total amount of \$230,074.82 of interested earned in 2018 be disbursed in 2019 without retaining a percentage for inflationary growth due to the limited funds for distribution in 2019;

**That** \$40,000.00 from the cancelled project by Community Care Foundation be made available for funding disbursement in 2019; and

**That** the estimated balance of \$19,832.59 not distributed through the 2018 allocation be made available for funding disbursement in 2019.

**Carried**

10.1.7 HS2018-004

**Kawartha Lakes Health Care Initiative Return of Service Incentive Repayment**

Rod Sutherland, Director, Human Services

**CR2018-650**

**That** Report HS2018-004, **Kawartha Lakes Health Care Initiative: Return of Service Incentive Repayment**, be received;

**That** Kawartha Lakes Health Care Initiative retain the repaid Doctor recruitment incentive of \$17,650.24 for the sole purpose of supporting upcoming recruitment incentives prior to further Doctor Recruitment Reserve funding being requested from the City; and

**That** any future reimbursements of Doctor recruitment incentives to the Kawartha Lakes Health Care Initiative resulting from a cancelled Return of Service Agreement be retained by the Kawartha Lakes Health Care Initiative for the sole purpose of supporting future recruitment incentives.

**Carried**

10.1.9 EA2018-016

**Redirection for Development Charges Reserve Reconciliation**

Adam Found, Manager of Corporate Assets

**CR2018-651**

**That** Report EA2018-016, **Redirection for Development Charges Reserve Reconciliation**, be received; and

**That** the 2009-2016 development charges reserve reconciliation referred to by Council Resolution CR2016-894 be expanded to include the 2017-2018 period and be prepared as part of the 2019 DC study and by-law update.

**Carried**

10.1.10 WWW2018-011

**Drinking Water Quality Management System Review and Endorsement**

Julie Henry, Quality Management and Policy Coordinator

**CR2018-652**

**That** Report WWW2018-011, **Drinking Water Quality Management System Review and Endorsement**, be received;

**That** the City of Kawartha Lakes Water and Wastewater Quality Management System be endorsed by Council in order to maintain accreditation as an Operating Authority;

**That** the City of Kawartha Lakes Quality Management System Policy statements be adopted;

**That** the Ontario Clean Water Agency Quality Management System be endorsed by Council in order maintain accreditation as an Operating Authority; and

**That** the Ontario Clean Water Agency Quality Management System Policy statements be adopted.

**Carried**

10.2 Correspondence

10.2.1 CC2018-22.10.2.1

**Drainage Area of the Sandringham Municipal Drain**

Dale McFeeters

**CR2018-653**

**That** the November 16, 2018 correspondence from Dale McFeeters, regarding the Sandringham Municipal Drain, be received.

**Carried**

10.3 Items Extracted from Consent

10.1.2 CAO2018-006

**Committees Update and Terms of Reference**

Ron Taylor, Chief Administrative Officer

**CR2018-654**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Yeo

**That** Report CAO2018-006, **Committees/Boards Terms of Reference**, be received;

**That** the proposed terms of reference for various legislated and non-legislated Committees and Boards of Council, as outlined in Appendix B and C to Report CAO2018-006, save and except Appendices C2 being the Bobcaygeon Legacy C.H.E.S.T. Fund Grant Committee, C3 being the Lindsay Legacy C.H.E.S.T.

Fund Grant Committee, and C6 being the Fenelon Falls Museum Board, be approved, and replace all predecessor versions of terms of reference; and

**That** staff bring forward to Council any necessary amendments to by-laws, where required, to implement Council legislated and non-legislated Committees and Boards.

**Carried**

**CR2018-655**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Seymour-Fagan

**That** the composition for the Fenelon Falls Museum Board, Appendix C6 to Report CAO2018-006, be amended to:

1. Increase the maximum number of members from 4 to 9.
2. Increase the maximum number of Public members from 3 to 8.
3. Increase the minimum number of Committee members from 3 to 5; and

**That** the proposed terms of reference for the Fenelon Falls Museum Board be approved, as amended, and replace all predecessor versions of terms of reference.

**Carried**

**CR2018-656**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Veale

**That** the composition for the Bobcaygeon Legacy C.H.E.S.T. Fund Grant Committee, Appendix C2 to Report CAO2018-006, be amended to:

1. Increase the minimum number of Committee members from 5 to 6; and

**That** the proposed terms of reference for the Bobcaygeon Legacy C.H.E.S.T. Fund Grant Committee be approved, as amended, and replace all predecessor versions of terms of reference.

**Carried**

**CR2018-657**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Ashmore

**That** the composition for the Lindsay Legacy C.H.E.S.T. Fund Grant Committee, Appendix C3 to Report CAO2018-006, be amended to:

1. Increase the maximum number of members from 5 to 7.
2. Increase the maximum number of Public members from 3 to 5.
3. Increase the minimum number of Committee members from 3 to 5; and

**That** the proposed terms of reference for the Lindsay Legacy C.H.E.S.T. Fund Grant Committee be approved, as amended, and replace all predecessor versions of terms of reference.

**Carried**

10.1.4 RS2018-030

**Proposed 2019 Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)**

Laura Carnochan, Law Clerk

**CR2018-658**

**Moved By** Councillor Ashmore

**Seconded By** Councillor O'Reilly

**That** Report RS2018-030, **Proposed 2019 Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)**, be received;

**That** the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix B on behalf of the Corporation of the City of Kawartha Lakes, being a Lease Agreement with Dunsford Community Centre Inc. for the purpose of leasing space for the Dunsford Library for a one year term.

**Carried**

**CR2018-659**

**Moved By** Councillor Ashmore

**Seconded By** Councillor O'Reilly

**That** the Library Board be requested to consider extended hours of operation for the Dunsford Library; and

**That** on the subsequent renewal of the Lease Agreement for the Dunsford Library that the Library Board also be requested to consider a longer term for the Agreement.

**Carried**

10.1.8 EA2018-015



**Proposed 2019 Early-Start Capital Projects**

Adam Found, Manager of Corporate Assets

**CR2018-660**

**Moved By** Councillor Yeo

**Seconded By** Councillor Elmslie

**That** Report EA2018-015, **Proposed 2019 Early-Start Capital Projects**, be received; and

**That** the capital projects identified in Appendix A to Report EA2018-015 be approved and included in the 2019 Tax-Supported Capital Budget or 2019 Water-Wastewater Capital Budget, whichever budget is appropriate.

**Carried**

**11. Petitions**

**12. Other or New Business**

**13. Adoption of Closed Session Agenda**

**CR2018-661**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Veale

**That** the Closed Session agenda be adopted as circulated.

**Carried**

The meeting was recessed at 2:58 p.m. and reconvened at 3:04 p.m.

**14. Disclosure of Pecuniary Interest in Closed Session Items**

There were no declarations of pecuniary interest noted.

**15. Closed Session**

**CR2018-662**

**Moved By** Councillor Veale

**Seconded By** Councillor Seymour-Fagan

**That** Council convene into closed session at 3:05 p.m. in order to consider matters on the Tuesday, December 11, 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**

**16. Matters from Closed Session**

Item 15.2

**CR2018-672**

**Moved By** Councillor Yeo

**Seconded By** Councillor Veale

**That** the following members of the public be appointed to the Kawartha Lakes Accessibility Advisory Committee each for a two (2) year term ending December 31,2020:

- Scott Howard
- Crystal Morrissey
- Norman Price
- Ken Van Den Oetelaar

**Carried**

Item 15.3

**CR2018-673**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Seymour-Fagan

**That** the following members of the public be appointed to the Planning Advisory Committee for the term of Council 2018-2022:

- Mike Barkwell
- Tammy Smith
- Jason Willock

**Carried**

Item 15.4

**CR2018-674**

**Moved By** Councillor Yeo

**Seconded By** Councillor Richardson

**That** the following members of the public be appointed to the Committee of Adjustment for the term of Council 2018-2022:

- Lloyd Robertson
- David Marsh
- Andre O'Bumsawin
- Sandra Richardson
- Steve Strathdee

**Carried**

Item 15.5

**CR2018-675**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Veale

**That** the following members of the public be appointed to the Municipal Heritage Committee for the term of Council 2018-2022:

- Rob Macklem
- Ann Adare

**Carried**

Item 15.6

**CR2018-676**

**Moved By** Councillor Veale

**Seconded By** Councillor Elmslie

**That** the following members of the public be appointed to the Kawartha Lakes Public Library Board for the term of Council 2018-2022:

- Roger Clements
- Susan Ferguson
- Shannon Hayes
- Jamie Morris
- Shirley Norman
- Gail O'Neill Jackson
- Dyan Wallace
- Pat Warren

**Carried**

Item 15.7

**CR2018-677**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Yeo

**That** the following member of the public be appointed to the Public Review Committee for the Fenelon Falls Landfill for a two (2) year term ending December 31, 2020:

- Robert Coleman

**Carried**

Item 15.8

**CR2018-678**

**Moved By** Councillor Dunn

**Seconded By** Councillor Richardson

**That** the following members of the public be appointed to the Public Review for the Lindsay Ops Landfill for a two (2) year term ending December 31, 2020:

- Barry Hodgson
- Chris Appleton
- Larry Scrivens
- Lloyd Robertson
- William McLaren
- Karen Buckley

**Carried**

**17. By-Laws**

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

**CR2018-679**

**Moved By** Councillor Yeo

**Seconded By** Councillor Dunn

**That** the By-Laws shown in Section 17.1 of the Agenda, namely: Items 17.1.1 to and including 17.1.15 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

**Carried**

**17.1 By-Laws by Consent**

**17.1.1 By-law 2018-233**

**A By-law to Levy Interim Taxes for 2019 in the City of Kawartha Lakes**

**17.1.2 By-law 2018-234**

**A By-Law to Repeal and Replace By-law 2016-206, as amended, being 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 (known as the Consolidated Fees By-law)**

17.1.3 By-law 2018-235

**A By-law to Repeal and Replace By-law 2007-008, as Amended, being a By-law to Establish and Govern The City of Kawartha Lakes Accessibility Advisory Committee.**

17.1.4 By-law 2018-236

**By-law to Repeal and Replace City of Kawartha Lakes By-law 2006-193, Being a By-law to Provide for the Composition of and Appointment to the City of Kawartha Lakes Public Library Board**

17.1.5 By-law 2018-237

**A By-law to Repeal and Replace By-law 2015-054, being a By-law to Establish The City of Kawartha Lakes Drainage Board.**

17.1.6 By-law 2018-238

**A By-law to Levy the Cost of Maintenance Works Undertaken on the Rich Municipal Drain in the City of Kawartha Lakes**

17.1.7 By-law 2018-239

**A By-Law to Amend Bylaw Mariposa 1981-33 and to Provide for the Levying of Costs Resulting from Maintenance of the Rich Drain.**

17.1.8 By-law 2018-240

**A By-law to Levy the Cost of Maintenance Works Undertaken on the Kime Municipal Drain in the City of Kawartha Lakes**

17.1.9 By-law 2018-241

**A By-law to Levy the Cost of Maintenance Works Undertaken on the Hall Municipal Drain in the City of Kawartha Lakes**

17.1.10 By-law 2018-242

**A By-Law to Amend Bylaw Ops 1975-1309 and to Provide for the Levying of Costs Resulting from Maintenance of the Ops Drain 1.**

17.1.11 By-law 2018-243

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Weatherbee, Alyssa)**

17.1.12 By-law 2018-244

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Smith, Joshua)**

17.1.13 By-law 2018-245

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (McDonnell, Brett)**

17.1.14 By-law 2018-246

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Found, Joseph)**

17.1.15 By-law 2018-247

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Larkin, Scott)**

17.2 By-Laws Extracted from Consent

**18. Notice of Motion**

**19. Confirming By-Law**

19.1 CC2018-22.19.1

**A By-Law to Confirm the Proceedings of a Regular Council Meeting of Council, Tuesday, December 11, 2018**

**CR2018-680**

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, December 11, 2018 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

**Carried**

**20. Adjournment**

**CR2018-681**

**Moved By** Councillor Yeo

**Seconded By** Councillor Dunn

**That** the Council Meeting adjourn at 3:13 p.m.

**Carried**

**Read and adopted this 15 day of January, 2019.**

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Andy Letham, Mayor

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Ann Rooth, City Clerk

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Special Council Meeting**

**CC2018-23**  
**Thursday, December 13, 2018**  
**Open Session Commencing at 1:00 p.m.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Mayor Andy Letham**  
**Councillor Ron Ashmore**  
**Councillor Pat Dunn**  
**Councillor Doug Elmslie**  
**Councillor Patrick O'Reilly**  
**Councillor Tracy Richardson**  
**Councillor Kathleen Seymour-Fagan**  
**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 1:00 p.m. Councillors R. Ashmore, D. Elmslie, P. O'Reilly, T. Richardson, K. Seymour-Fagan, A. Veale and E. Yeo were in attendance.

Late Arrival: Councillor P. Dunn 1:34 p.m.

CAO R. Taylor and Deputy Clerk A. Rooth were also in attendance.

**2. Adoption of Agenda**

**CR2018-682**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Richardson

**That** the Agenda for the Open Session of the Special Council Meeting of Thursday, December 13, 2018, be adopted as circulated.

**Carried**

**3. Disclosure of Pecuniary Interest**

There were no declarations of pecuniary interest noted.

**4. Deputations**

**5. Presentations**

**5.1 CC2018-23.5.1**

**2019 Proposed Budget and Business Plan Overview**

Jennifer Stover, Director of Corporate Services

Director Stover presented an overview of the 2019 Proposed Budget and Business Plan.

**CR2018-683**

**Moved By** Councillor Yeo

**Seconded By** Councillor Elmslie

**That** the presentation by Jennifer Stover, Director of Corporate Services, regarding the 2019 Proposed Budget and Business Plan Overview, be received.

**Carried**

**CR2018-684**

**Moved By** Councillor Ashmore

**Seconded By** Councillor O'Reilly

**That** the 2019 Proposed Budget and Business Plan be received for public information.

**Carried**

**6. Reports**

**7. Closed Session**

**8. Matters from Closed Session**

**9. Confirming By-Law**

By-law 2018-249

**CR2018-685**

**Moved By** Councillor Yeo

**Seconded By** Councillor Richardson

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

**Carried**

**10. Adjournment**

**CR2018-686**

**Moved By** Councillor Dunn

**Seconded By** Councillor O'Reilly

**That** the Council Meeting adjourn at 2:01 p.m.

**Carried**

**Read and adopted this 15th day of January, 2019.**

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Andy Letham, Mayor

---

Ann Rooth, Deputy Clerk

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CAO2019-001**

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**Date:** January 15, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** n/a

**Title:** Memorandum of Understanding (MOU) between the City of Kawartha Lakes and the Boys and Girls Clubs of Kawartha Lakes / Boys and Girls Clubs of Kawartha Lakes Foundation

**Author and Title:** Ron Taylor, Chief Administrative Officer

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### **Recommendation(s):**

**That** Report CAO2019-001, **Memorandum of Understanding (MOU) between the City of Kawartha Lakes and the Boys and Girls Clubs of Kawartha Lakes / Boys and Girls Clubs of Kawartha Lakes Foundation**, be received;

**THAT** the 2019 Memorandum of Understanding (MOU) as outlined in Appendix A to Report CAO2019-001 be approved; and

**THAT** the Mayor and Clerk be authorized to execute the 2019 Memorandum of Understanding (MOU) between the City of Kawartha Lakes and the Boys and Girls Clubs of Kawartha Lakes / Boys and Girls Clubs of Kawartha Lakes Foundation.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

In 2017, the Boys and Girls Club of Kawartha Lakes approached the City and requested consideration for the establishment of a partnership Memorandum of Understanding (MOU) between the two parties. At that time, the City was developing and entering into similar MOU's with other lead community partners (Fleming College and the City's Library Board). The Club felt that an MOU would assist in outlining and celebrating the ongoing partnership enjoyed between them and the City.

The Club was concurrently updating their Strategic Plan (2018-2021), so detailed discussions respecting the MOU form and content occurred throughout 2018.

On Monday October 29, 2018, the Club's Board reviewed and approved the draft MOU (provided in Appendix A to this report). It is recommended that City Council approve the draft MOU.

## **Rationale:**

Both the City and the Boys and Girls Club deliver needed child care, recreation, and human/health services to youth and citizens of the City of Kawartha Lakes.

Both parties enjoy a longstanding and positive partnership in delivering these programs and services.

City and the Boys and Girls Club staff have met on several occasions to develop the recommended agreement (MOU) to formalize this partnership, and frame future program opportunities and collaboration. This MOU aligns with the strategic plans of both organizations.

The Boys & Girls Clubs of Kawartha Lakes is a registered non-profit charitable organization devoted to serving and strengthening children, youth and families throughout the City of Kawartha Lakes and Peterborough. The Club is a key strategic partner located in Kawartha Lakes, and formalizing a collaboration agreement between them and the City will benefit both organizations greatly.

## **Other Alternatives Considered:**

City Council could decide not to enter into the MOU; however, that is not recommended as the Boys and Girls Clubs of Kawartha Lakes is a key strategic partner to deliver on various City priorities, and is a key economic development asset in the community.

## **Financial/Operation Impacts:**

There are no financial implications associated with this report. In fact, there may be opportunities to benefit from each other's ability to access different streams of funding on projects of shared interest and maximize resources through collaboration.

As outlined in Section 4.1 of the proposed MOU, "Nothing within this Agreement shall obligate either party financially to any specific objective or initiative. Anything requiring such support will require a separate agreement and/or a report to the appropriate body."

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

Executing the proposed MOU will establish collaboration projects directly aligned with Council's strategic goals, namely:

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

Many of Council's stated priorities within the Plan will be completed with the assistance and support of the Boys and Girls Clubs of Kawartha Lakes / Boys and Girls Clubs of Kawartha Lakes Foundation.

## **Consultations:**

Chief Administrative Officer  
Director, Human Services  
Director, Community Services  
Executive Director, Boys and Girls Club of Kawartha Lakes

## **Attachments:**

Appendix A – Memorandum of Understanding between The Corporation of the City of Kawartha Lakes and Boys and Girls Clubs of Kawartha Lakes / Boys and Girls Clubs of Kawartha Lakes Foundation



MOU City - Boys and  
Girls Club.docx

**Department Head E-Mail:** rtaylor@kawarthalakes.ca

**Department Head:** Ron Taylor, CAO

**Department File:** C11

THIS MEMORANDUM OF UNDERSTANDING made in triplicate this \_\_\_\_ day of \_\_\_\_\_, 2019

BETWEEN:

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES** (the “CITY”)

And

**BOYS AND GIRLS CLUBS OF KAWARTHA LAKES/BOYS AND GIRLS CLUBS OF KAWARTHA LAKES FOUNDATION** (the “CLUB”)

**RECITALS:**

The CITY and the CLUB have a desire to formally recognize and build upon the successful relationship between the two parties in order to foster strategic priorities of mutual interest in an effective manner.

**Strategic Priorities**

The CITY has established strategic priorities for 2016 - 2019 and wishes to accomplish some of those priorities through joint strategic initiatives with partners, including the CLUB.

Attached as Appendix “A” is a copy of the City’s Strategic Plan (2016-2019).

The CLUB has established a Strategic Plan (2018 – 2021) and wishes to advance some of the priorities identified in their Plan through joint strategic initiatives with the CITY and other partners.

Attached as Appendix “B” is a copy of the Club’s Strategic Plan (2018 – 2021)

This Memorandum of Understanding has been developed between both parties to document the shared intent of the CITY and the CLUB to develop an active and supportive relationship within which the respective organizations can advance their strategic priorities of mutual interest including child/youth leadership, economic prosperity, and physical, intellectual and emotional well-being of young people for the benefit of both organizations and the larger community.

THIS **AGREEMENT IS ENTERED** for good and valuable consideration, the receipt and sufficiency of which are acknowledged.

#### ARTICLE 1.0: Interpretation of this AGREEMENT

- 1.01 **Definitions:** Wherever a term set out below appears in text of this AGREEMENT in capital letters, the term shall have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this AGREEMENT in regular case, it shall be deemed to have the meaning ordinarily attributed to it in the English language.
- (a) **AGREEMENT** means this memorandum of understanding, including its recitals and schedules, as amended from time to time.
- (B) **CITY** means The Corporation of the City of Kawartha Lakes, a municipal corporation duly incorporation pursuant to the laws of the Province of Ontario. Where the context permits, the term also includes the CITY's servants, employees, agents and delegated officials.
- (c) **CLUB** means Boys and Girls Clubs of Kawartha Lakes and Boys and Girls Clubs of Kawartha Lakes Foundation. Where the context permits, the terms also include the CLUB employees, agendas and delegated officials.
- 1.02 **Construing this AGREEMENT:** The captions, article and section names and numbers appearing in this AGREEMENT are for convenience of reference only and have no effect on its interpretation. All of this AGREEMENT creating obligations on either party will be construed as covenants. This AGREEMENT is to be read with all changes of gender or number required by the context. The terms "include", "includes" and "including" are to read as not limiting the generality of the words or phrases that precede them.

#### ARTICLE 2.00 Framework Policy Statements

- 2.01 **Policy Framework:** The partners will seek strategic opportunities to engage the relevant departments of the CITY and of the CLUB in projects, activities and initiatives which advance specific objectives and aspirations of the partners as outlined in the Recitals of the AGREEMENT.

Underpinning these specific program AGREEMENTS will be a spirit of partnership for mutual success manifested through:



- Open and frequent ongoing communication between the partners.
- A commitment to recognize and address issues and opportunities as they arise.
- Mutual support for the respective missions of both organizations including other relationships and initiatives necessary to their fulfillment.
- Sound financial management and accounting processes.
- Marketing initiatives by both parties.
- Funding gained from joint proposals to third parties.

2.02 **Agreement Description:** For recognition purposes, the strategic relationship described by this AGREEMENT shall be identified as: The CLUB and CITY of Kawartha Lakes Collaborative Partnership.

2.03 **Collaboration:** Opportunities for collaboration will include projects and initiatives in the areas of:

- \* Quality child care for families throughout the CITY.
- \* Sports and recreation programs for children, youth and their families.
- \* Provision of Children/Youth Mental Health supports.
- \* Provision of services that mitigate the effects of family poverty.
- \* Prevention/early intervention child, youth and family support programs.
- \* Social development of children, youth and their families including special needs populations.
- \* Public transportation of residents.
- \* Economic development efforts in the tourism sector of our economy.
- \* Activities offered through the Warehouse Youth Hub partnership.
- \* Activities on CLUB sites that are accessible to the general public.

Other opportunities for cooperation and mutual support will be pursued and may include:

- Standing Committees/Advisory Committee/Board representation
- Facilities sharing
- Community events
- Funding applications
- Advocacy efforts

2.04 **Documentation:** All specific initiatives resulting from this strategic framework shall be documented in separate AGREEMENTs in the event financial commitments, including substantial staff time, are involved.

**2.05 CLUB Responsibilities:** The CLUB shall:

- \* Build and maintain a constructive understanding of the strategic priorities and services of the CITY.
- \* Identify and act upon opportunities to work productively and cooperatively on projects of mutual benefit.
- \* Within prevailing resource limitations, provide appropriate nominees for seats on selected community advisory boards and ad hoc task groups.
- \* Advocate and support the City in grant and funding opportunities which are deemed to advance and support the intentions of the AGREEMENT.

**2.06 CITY Responsibilities:** The CITY shall:

- \* Wherever possible, provide representation for the CLUB on various CITY Committees that are of interest to CLUB families and child/youth issues in general.
- \* Build an understanding of the strategic priorities of the CLUB.
- \* Identify and act upon opportunities to work productively and cooperatively on projects of mutual benefit.
- \* Consider opportunities to engage staff and members of the CLUB in programs, activities or initiatives of mutual interest.
- \* Provide CITY staff participation on CLUB advisory boards or task groups.
- \* Advocate and support the CLUB in grant and funding opportunities that are deemed to advance and support the intentions of the AGREEMENT.

**ARTICLE 3.0: Reporting/Contracts**

**3.01 Responsibility:** The CLUB Executive Director and the CITY'S Chief Administrative Officer will jointly oversee the overall strategic relationship to meet the objectives of the AGREEMENTs that flow from it.

**3.02 Delegation:** The Executive Director and the Chief Administrative Officer may delegate other contacts for the purposes of specific programs, activities or initiatives that flow from this AGREEMENT.

- 3.03 **Review:** This agreement shall be reviewed once every two years by both parties commencing two years from the date of it coming into force. A Progress Report shall be prepared and presented to the governing bodies of the partner organizations at least once during each term of City Council.

ARTICLE 4.0: Funding

- 4.01 **Funding:** Nothing within this AGREEMENT shall obligate either party financially to any specific objective or initiative. Anything requiring such support will require a separate AGREEMENT and/or a report to the appropriate body.

ARTICLE 5.0: Miscellaneous

- 5.01 **Notice:** The Notice provisions of Section 5.10 apply to this AGREEMENT.
- 5.02 **Successors:** The rights and liabilities of the parties shall ensure the benefits of and be binding upon the parties and their respective successors and approved assignees.
- 5.03: **Entire AGREEMENT:** This agreement and any AGREEMENTs executed from time to time under Section 2 of this AGREEMENT constitute the entire agreement between the parties as it relates to this Framework Partnership AGREEMENT.
- 5.04 **Partial Invalidity:** If any article, section, subsection, paragraph, clause or sub clause or any of the words contained in this AGREEMENT shall be held wholly or partially illegal, invalid or unenforceable by any court or competent jurisdiction, the CITY and the CLUB agree that the remainder of this AGREEMENT shall not be affected by the judicial holding, but shall remain in full notwithstanding any statute to the contrary.
- 5.05 **Relationship to Parties:** Nothing in the AGREEMENT shall create any legal or special relationship between the parties. It is specifically agreed that neither party is a partner, joint venture, agent or trustee of the other.
- 5.06 **Amendments:** No supplement, amendment or waiver of or under this AGREEMENT (part from amendments to notice provisions of Section 6.01) shall be binding unless executed in writing by the party to be bound. No waiver by the party of any provision of the AGREEMENT shall be deemed to be a waiver of any other provision unless otherwise expressly provided.

- 5.07 **Governing Law:** This AGREEMENT shall be construed in accordance with a governed by the laws of the Province of Ontario
- 5.08 **Freedom of Information:** The CLUB and CITY acknowledges that this AGREEMENT is a public document
- 5.09 **Independent Legal Advice:** The CLUB AND CITY acknowledge that it has either received or waived the benefit of its own legal advice with respect to the execution of this AGREEMENT.
- 5.10 **Notice:** This AGREEMENT shall remain in force until cancelled by either party or amended by mutual consent of both parties.

Notice to withdraw or formally amend this AGREEMENT may be initiated by either party by providing sixty days written notice to the other party at the following address:

TO THE CITY:      City of Kawartha Lakes  
                         ATT: Chief Administrative Officer  
                         26 Francis Street  
                         Lindsay, Ontario K9V 5R8

TO THE CLUB:      Boys and Girls Clubs of Kawartha Lakes  
                         ATT: Executive Director  
                         107 Lindsay Street South  
                         Lindsay, Ontario K9V 2M5

**To WITNESS**, the undersigned affixed their corporate seals attested by the hands of our properly authorized officers. By so executing this document, the officers warrant and certify that the corporations for which they are signing are in good standing and duly incorporated and organized under the laws of the jurisdiction in which they are incorporated, and that the officers are authorized and empowered to bind the corporation(s) to the terms of this AGREEMENT by their signatures.

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

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MAYOR

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CLERK

Having the Authority to Bind the Corporation

**BOYS AND GIRLS CLUBS OF KAWARTHA LAKES**

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PRESIDENT, BOARD OF DIRECTORS

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EXECUTIVE DIRECTOR

Having Authority to Bind the Corporation

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CAO2019-002**

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**Date:** January 15, 2019

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Private Recreational Cannabis Retail Storefronts

**Author and Title:** Ron Taylor, CAO  
Alix Scarr, Senior Licensing Officer

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### **Recommendation(s):**

**That** Report CAO2019-002, **Private Recreational Cannabis Retail Storefronts**, be received; and

**That** the City of Kawartha Lakes opt-in to allow Private Recreational Cannabis Retail Storefronts to operate in the City of Kawartha Lakes.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

It is expected that the first 25 Private Recreational Cannabis Retail Storefronts in Ontario will open on April 1, 2019. The Alcohol and Gaming Commission of Ontario (AGCO) has developed and will enforce a comprehensive licensing and regulation program for the private sale of recreational cannabis. Municipalities must provide notice of Councils decision to opt-in or opt-out of private recreational cannabis retail storefronts in their municipalities to the AGCO by January 22, 2019.

## **Rationale:**

Bill C-45, *The Cannabis Act*, legalized cannabis in Canada as of October 17, 2018. The federal government regulates the production of cannabis and provincial governments are responsible for setting regulations regarding sale and distribution of recreational cannabis.

In Ontario, the AGCO has developed a licensing process for private cannabis retailers that largely excludes the municipality but includes many components that will ensure that private recreational cannabis retail storefronts operate in a manner that will encourage safe use of cannabis products and operate in a manner in which not to encourage consumption by youth under the age of 19. Additional regulations for private recreational cannabis retail storefronts include:

- Stores must be 150 meters from any private or public elementary or secondary school
  - o A radius distance will be measured from The property line, if the school is the primary or only occupant of a building or the boundary of any space occupied by the school within the building, if the school is not the primary or only occupant of a building;
- Stores must be stand alone, meaning they standalone; that cannot be a part of a store or added to stores that sell other products, including pharmacies and stores selling alcohol;
- Persons must be 19 years of age or older to enter the stores;
- Stores are only permitted to sell legally sourced cannabis and cannabis accessories;
- Stores are only permitted to operate between 9am and 11pm;
- Cannabis, cannabis packaging, or cannabis accessories must not be displayed in a way that may be seen by a young person

In addition to the above, there are specific operating requirements including mandatory staff training, strict security requirements, as well as screening requirements of any persons wishing to operate or be employed by a private recreational cannabis store.

Staff has participated in numerous conversations with the AGCO and are satisfied that the AGCO licensing requirements, if diligently enforced, will be effective in ensuring private cannabis sales are done in a manner that will minimise social harm.

Staff has also been monitoring correspondence received from members of the public, business associations, as well as other agencies and organizations. The majority of responses have been in favour of permitting private recreational cannabis stores in the City.

### **Other Alternatives Considered:**

Council has the option to opt-out of Private Recreational Cannabis Retail Storefronts, however opting out is not recommended by staff. Prohibiting private recreational cannabis retail storefronts in the City will restrict resident's access to legal, recreational cannabis in the City which may have the unintended consequence of supporting the illegal market. Moreover, should private recreational cannabis retail storefronts not be permitted in the City, residents wishing to purchase legal recreational cannabis will be restricted to doing so in other municipalities where storefronts are permitted or through the provincial governments Ontario Cannabis Store website. Opting out will only serve to restrict purchasing options for consumers of legal recreational cannabis, not eliminate its presence in the City.

Should Council wish to opt-out of Private Recreational Cannabis Retail Storefronts in the City, the following resolution should be passed:

**That** Report CAO2019-002, **Private Recreational Cannabis Retail Storefronts**, be received; and

**That** the City of Kawartha Lakes opt-out of Private Recreational Cannabis Retail Storefronts from operating in the City of Kawartha Lakes.

**That** staff be directed to provide notice of Councils decision to opt-out of Private Recreational Cannabis Retail Storefronts to the Alcohol and Gaming Commission of Ontario on or before January 22, 2019.

### **Financial/Operation Impacts:**

The Province has announced that it will provide \$40 million over two years to municipalities across Ontario to offset costs incurred by cannabis legalization. The Province will provide a first payment of \$15 million to all municipalities in



January 2019. Of this, approximately \$100,000 has been allocated to the City of Kawartha Lakes.

Only municipalities that opt-in to cannabis retail stores will receive funds out of a second \$15 million budget allocated to municipalities. The remaining \$10 million of the municipal funding has been earmarked to address costs arising from unforeseen circumstances related to cannabis legalization however the details of how these funds will be allocated have not yet been announced.

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

Permitting Private Recreational Cannabis Retail Storefronts in the City aligns with Goal 1 of the 2016-2019 Strategic Plan and will contribute towards building a vibrant and growing economy.

### **Consultations:**

N/A

### **Attachments:**

Appendix A – Legalization of Recreational Cannabis Presentation



Cannabis  
Presentation Decemb

**Department Head E-Mail:** [rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)

**Department Head:** Ron Taylor

**Department File:**

# Legalization of Recreational Cannabis

## Private Recreational Cannabis Retail Storefronts

December 11, 2018



# History of Cannabis Legalization

**April 13, 2017**

Federal Bill C-45, otherwise known as the Cannabis Act, was introduced in the House of Commons

**June 19, 2018**

The Cannabis Act was passed

**October 17, 2018**

Cannabis is legalized across Canada

# Role of the Federal Government

The federal Cannabis Act outlines rules and regulations for the production, distribution, sale, and possession of cannabis and establishes the overarching legislative framework for cannabis in Canada.

# Federal Legislative Framework

Supply Chain Oversight and Regulation	Youth Access Restrictions	Adult Access
<ul style="list-style-type: none"><li>• <b>Federal licensing</b> for the production, cultivation, and processing of cannabis</li><li>• <b>Provinces and territories authorized to distribute and sell cannabis</b>, subject to federal conditions</li><li>• <b>Federal regulation of cannabis for medical purposes</b> would continue</li></ul>	<ul style="list-style-type: none"><li>• <b>Minimum age of 18</b></li><li>• Not an offence for youth to possess five grams or less of cannabis</li></ul>	<ul style="list-style-type: none"><li>• <b>30 gram adult public possession limit</b> of legal dried cannabis</li><li>• <b>Adults can grow up to 4 cannabis plants</b> per residence for personal use</li></ul>

# Role of the Provincial Government

Provinces and territories have been given the ability to set their own rules with respect to the sale, distribution, purchase, possession, transportation, cultivation, and consumption of cannabis.

# Provincial Legislative Framework

Sale of Recreational Cannabis	Youth Access Restrictions	Consumption of Cannabis
<ul style="list-style-type: none"><li>• Currently <b>Cannabis is only available through the Ontario Cannabis Store</b></li><li>• Sets <b>provincial licensing requirements for forthcoming</b> private recreational cannabis retail storefronts</li><li>• <b>Opt-in/opt-out</b> options for municipalities</li></ul>	<ul style="list-style-type: none"><li>• <b>Minimum age of 19</b> to purchase recreational cannabis from the Ontario Cannabis Store or in (future) private recreational cannabis retail storefronts</li><li>• It is an <b>offence for any youth under the age of 19 to buy, use, possess and grow cannabis</b> in Ontario</li></ul>	<ul style="list-style-type: none"><li>• <b>Designate areas for consumption and prohibit consumption in other areas</b></li><li>• Permitted areas include private residences, and controlled areas</li><li>• Restricted areas include schools, hospitals, parks with playgrounds</li><li>• Guided by the <i>Smoke Free Ontario Act</i></li></ul>

# Sale of Cannabis in Ontario

- The sale of legal cannabis is presently controlled by the provincially run Ontario Cannabis Store
- Consumers may purchase the product exclusively online through the Ontario Cannabis Store
- Product is delivered to the purchaser via Canada Post



# Private Recreational Cannabis Retail Storefronts

- The first private recreational cannabis retail storefronts will open in Ontario on April 1, 2019
- The Alcohol and Gaming Commission of Ontario (AGCO) will begin accepting applications for Private Recreational Cannabis Storefront licences on December 17, 2019
- Retail cannabis storefronts must be 150 metres from any school (public, private, elementary, secondary, etc.)
- Retail cannabis stores and staff will be licensed, regulated, and inspected by the AGCO

# Private Recreational Cannabis Retail Storefronts

- Private recreational cannabis retail storefront operators will be required to purchase all product from the Ontario Cannabis Store to ensure the safety of the product being consumed by the public
- Stores will be required to meet specific requirements for signage, display, security measures, hours of service, etc.
- There are also restrictions on the number of stores one entity can own

# Provincial Licensing Framework

- Retailers will not be permitted to allow anyone under the age of 19 to enter their stores
- Specific instances in which applicants will be denied a licence, including cannabis-related criminal offences
- A prohibition on the issuance of a licence to any individual or organization who has an association with organized crime
- Individuals or entities applying for an operator licence must demonstrate tax compliance status to show that they are in good standing with the government
- A requirement for all private recreational cannabis retail storefronts to be stand-alone stores only
- Individuals with a store authorization, cannabis retail managers and all retail employees will be required to complete the approved training to ensure that any individual who works in the cannabis retail market is trained in the responsible sale of cannabis

# Municipal Authority

- Municipalities cannot create specific zoning or municipal licensing by-laws restricting, regulating, or prohibiting private recreational cannabis retail storefronts
- Recreational cannabis retail storefronts will be permitted where retail stores are permitted under the applicable zoning by-law
- Municipalities will have input on applications for private recreational cannabis retail storefronts in our community through the 15 day public consultation period
- Staff will monitor the AGCO website daily and implement an internal consultation process and provide comment on applications to the AGCO
- Public consultations on recreational cannabis retail storefronts will be coordinated by the AGCO

# Law Enforcement

- *The Cannabis Act, 2017* allows officers and other persons designated by the Attorney General to enforce the Act
  - Removal of persons from premises
  - Interim Closure Order
  - Barring of Entry
  - Seizure of product and proceeds
- Provincial and local police and the AGCO are the primary enforcement agencies of the *Cannabis Act* and any other cannabis related offences

# Opt-in or Opt-out?

- The Province has set a deadline of January 22, 2019 for municipalities to opt-in or opt-out of having private recreational cannabis retail storefronts located in their municipalities
- If the City opts-in to private recreational cannabis retail storefronts
  - The City will receive a minimum of \$10,000 provincial funding to offset costs of enforcement and other effects of legalization
  - If Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the province would provide 50% of the surplus to municipalities that have opted-in
  - The city can not opt out at a later date

# Opt-in or Opt-out?

- If the City opts-out of private recreational cannabis retail storefronts,
  - The City will receive \$5000 in provincial funding to offset costs of enforcement and other effects of legalization
  - The City can opt-in at a later date but will not be eligible for any excise duty surplus pay-outs
  - Legal cannabis will still be available and present in the City via the OCS, personal growing, and from private recreational cannabis retail storefronts in neighbouring municipalities

# Next Steps

- Staff will bring forward a report for the January 15, 2019 Council meeting with further background information and options
- Staff will continue to monitor information and program details as made available by the Province



# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CLK2019-002**

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**Date:** January 15, 2019

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** 2018 Municipal Election Accessibility Report

**Description:** *Municipal Elections Act Section 12.1(3)*

**Author and Title:** Cathie Ritchie, City Clerk

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### **Recommendation(s):**

**That** Report CKL 2018-02, 2018 Municipal Election Accessibility Report, be received.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The municipal election is to be conducted in a manner that shall ensure that candidates and electors with disabilities have full and equal access to all election information and services, including the designated voting area at municipal facilities. The election shall be conducted in a manner that ensures that persons with disabilities are able to vote independently and privately with access to voting assistance if required.

## **Legislation**

The Municipal Election Act, (MEA), Section 12.1 (1) places responsibility on the Clerk to have regard to the needs of the electors and candidates with disabilities. Accessible Customer Service Standards must be followed when conducting a municipal election.

Section 12.1 (2) of the MEA requires that the clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election.

Section 12.1 (3) of the MEA requires that within ninety (90) days of voting day the Clerk who is responsible for conducting the election shall make public a report regarding the identification, removal and prevention of barriers that affect elector and candidates with disabilities.

In April 2018 Council adopted a 2018 Municipal Election Accessibility Plan. This Plan was used in the 2018 Municipal Election in conjunction with the City's current Accessibility Policy, Plan and IASR Standards.

City Council approved the change to the method of vote for the 2018 Municipal and School Board Election. City Council determined that internet and telephone voting would be utilized as the sole methods of vote for the entire voting period of this election. This decision greatly enhanced the overall accessibility of the election, as it allowed electors to cast their electronic ballot using a telephone, smartphone, tablet, or laptop anytime from Friday, October 12, 2018 to 8:00 p.m. Tuesday, October 23, 2018.

## **Rationale:**

The focus of the 2018 Municipal Election Accessibility Report is to evaluate the accessibility of the electoral services offered to all electors and candidates in the 2018 Municipal Election. This report outlines the actions taken regarding the identification, removal, and prevention of barriers that affected electors and candidates with disabilities and how these actions impacted their voting experience.

## **Planning**

In preparation for the 2018 Municipal Election, staff reviewed the relevant legislation and implemented a number of initiatives to ensure compliance. The Clerk prepared an accessibility plan including a feedback form and site accessibility checklist regarding the identification, removal, and prevention of barriers that affect electors and candidates with disabilities. The draft plan was provided to the City's Accessibility Advisory Committee to receive feedback. There were no additional recommendations provided. Council adopted the plan on April 24, 2018 and made the plan available to the public prior to the commencement of voting by posting it on the City's website and providing a copy to all candidates.

## **Technology**

The Clerk's staff worked in collaboration with the electronic voting system service provider, Dominion Voting Solutions Inc., to evaluate the system and ensure that it was fully secure and accessible for persons with disabilities.

Electors with disabilities had the option to use the system's built-in accessibility features to enlarge the font size, adjust the colour contrast, and have the security text read aloud. As well, they could use their personal assistive technologies to interact with the electronic voting system anywhere and a demo of the electronic voting system was available on the election page of City's website.

Additionally, the website was compliant with WCAG 2.0 Level A guidelines. It allowed for personal assistive technologies to be utilized with the website and for users to adjust the website font within the browser's functionality to aid them in reading the information.

## **Assistance and Help Centres**

Voting Help Centres were setup throughout the City as an additional service to those who did not have access to the voting technology or required additional voting assistance. Locations were chosen by assessing the ease of access, available connectivity, adequate hours of operation and staffing compliment.

Assessment of space audits utilizing the Site Accessibility Checklist was conducted by Election Staff with the assistance of the Accessibility Officer and Building and Property staff utilizing the Site Accessibility Checklist. Kiosks and public access computers were available for online voting at Election Help Centres located within Public Libraries, Municipal Service Centres and City Hall during normal hours of operation.

In addition, City Hall was open the two Saturdays from 9:00am to 1:00pm prior to Election Day and until 8:00pm October 22nd and 23rd. All Municipal Service Centres and the Lindsay Library were open until 8:00pm October 22<sup>nd</sup> and 23<sup>rd</sup>. During the election voting period, 12 long-term care/retirement homes were

attended for voting purposes. On voting day they were re-visited along with Ross Memorial Hospital palliative care to ensure all residents had the opportunity to vote.

The City received testimony through social media from persons impacted directly or indirectly with a disability, stating that telephone and internet voting provided them with the ability to cast their ballot from home. Further, that voting may not have been possible due to restrictions in mobility or lack of transportation. Voting from home allowed increased rights of privacy to electors with disabilities who may find voting at traditional paper based voting locations more difficult.

### **Voters' List**

Access to the voters' list was available electronically through the city website by accessing VoterLookUp and then through VoterView. Electors could check to see if they were on the voters list, submit prescribed forms for additions, deletions or corrections. Municipal Service Centres and City Hall provided assistance through the helpline and in person. Specific to candidates, the VoterView Candidate Access Portal granted candidates the access to download the Voters' List electronically.

### **Communication and Access to Information**

The City's election website was designed to be both informative and accessible. All information for voters, candidates, and third parties was placed in distinct sections on the website and they were directed to access all documents and forms through the website in an effort to promote accessibility and transparency. The information available online used clear and simple language and was continuously updated to reflect the most recent election developments and information.

Election information was communicated through various channels and alternate formats in addition to the city website including emails, social media, radio, billboard, mail inserts and newspapers. Voter Information Letters were mailed out to eligible electors on the Voters' List. Several electors who did not receive the Voter Information Letter were able to be added to the voters list and receive their letters electronically. Election information sessions were hosted by Clerk's Services staff in an accessible location for all voters, candidates, media, and third parties wishing to attend. A session was livestreamed and available for persons unable to attend the session in-person. For election-related inquiries, all residents were able to call the election helpline, Clerk's Services directly or email to the election help desk.

### **Conclusion**

The Clerk's Services and Election Team ensured that electors who required accessibility services were provided with the best opportunity to vote as

independently as possible in the 2018 Municipal Election. Council's adopted 2018 Municipal Election Accessibility Plan was fully implemented and adhered to.

**Future Considerations**

The City of Kawartha Lakes Clerk's Division will continue to learn, develop, and adjust our approaches in order to meet the needs of persons with disabilities. The review of accessibility issues and initiatives and addressing barrier prevention and removal is an ongoing practice.

**Other Alternatives Considered:**

NA

**Financial/Operation Impacts:**

There are no financial considerations at this time.

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

Removing barriers and improving accessibility to services supports the principles of the Strategic Plan.

Meeting the strategic priority to enhance access to community services.

**Consultations:**

City Clerk's Division  
Municipal Election Staff  
Building and Property Staff  
Accessibility Officer  
Kawartha Lakes Accessibility Advisory Committee  
Municipal Service Centre Staff  
Library Staff

**Attachments:**

None

**Department Head E-Mail:** rtaylor@kawarthalakes.ca

**Department Head:** Ron Taylor, CAO

**Department File:**

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CORP2019-001**

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**Date:** January 15, 2019  
**Time:** 1:00pm.  
**Place:** Council Chambers

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**Ward Community Identifier: 7**

**Title:** High Bill Adjustment – 88 Mary Street West, Lindsay

**Author and Title:** Linda Liotti, Manager, Revenue and Taxation

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### **Recommendation(s):**

**That** Report CORP2019-001, **High Bill Adjustment – 88 Mary Street West, Lindsay**, be received;

**That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$12,402.09, plus waive penalty and interest from the date of the meeting, to the account at 88 Mary Street West, Lindsay as a one-time exemption; and

**That** Staff review the policy with consideration to limiting consecutive estimate readings on utility accounts to two billing cycles.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of May 22, 2018, Council adopted the following resolution:

### **CR2018-340**

**That** Report CORP2018-009, **High Water Bill Adjustment Appeals Committee**, be received; and

**That** Councillor James, Councillor Veale and Councillor Breadner be appointed to the High Water Bill Adjustment Appeals Committee, in accordance with By-law 2018-039, for the remainder of this term of Council;

**That** the Terms of Reference for the Committee be amended to include both High Water Bill Adjustment and Mandatory Connection Appeals; and

**That** the necessary by-law amendments and revised terms of reference be brought forward to Council.

This report addresses the outcome of the High Water Bill Adjustment Appeals Committee meeting.

## **Rationale:**

The High Water Bill Adjustment Appeals Committee held a meeting on September 18, 2018 to hear the concerns of the owner of 88 Mary Street West, Lindsay. This property is a multi-tenanted residential dwelling unit.

In a typical billing cycle (+/- 90 days) this address consumes 250 to 300 cubic metres of water. During the period of November 2016 to May 2018, water meter reads were estimated as repeated attempts to gain access to the property were unsuccessful. In August 2018, access to the property was granted where an actual reading of the meter was recorded. This resulted in an abnormally high consumption read as this reading was capturing the variance between the estimates and previous 18 months of water consumption.

Section 6 of the High Water Bill Adjustment Policy references “catch up bills” where previous bills have been estimated and the subsequent bill is an actual reading. In this situation, the policy recommends that no adjustments shall be provided, however the property owner can be granted an extension up to six months to pay the bill.

The Committee received the deputation of the owner and recommended that a credit be applied to the account, using the same methodology that would be applied had the issue been an obvious or hidden leak (Section 8).

The credit is calculated as 50% of the consumption billed that was above the average consumption. Specific to this property, the credit would be equal to 2,968.57 cubic metres, or \$12,402.09. It is important to note that the High Bill Adjustment Policy does not provide for relief to income producing properties.

The Committee also made the recommendation that staff review the policy with consideration to limiting consecutive estimate readings on utility accounts to two billing cycles.

### **Other Alternatives Considered:**

If Council wishes to uphold the High Water Bill Adjustment Policy, and not provide relief, then the following resolution should be passed:

That Council deny the request for financial relief of the high water bill incurred at 88 Mary Street West, Lindsay for the billing period from December 2017 to February 2018.

### **Financial/Operation Impacts:**

The Water and Wastewater rates are established to recover the cost of producing and delivering safe drinking water to property owners, and the collection and treatment of wastewater.

Providing relief to residents for high water bills results in the City incurring a cost for which there isn't a direct revenue for recovery. This cost is then borne by the remaining user rate contributors throughout the City.

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

Strategic Enabler – Responsible Fiscal Resource

### **Consultations:**

Property Owner  
Director, Public Works  
High Water Bill Appeal Committee

**Department Head E-Mail:** [jstover@kawarthalakes.ca](mailto:jstover@kawarthalakes.ca)

**Department Head:** Jennifer Stover



# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CORP2019-002**

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**Date:** January 15, 2019  
**Time:** 1:00 pm  
**Place:** Council Chambers

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**Ward Community Identifier:** 2

**Title:** High Bill Adjustment – 4071 County Rd 121, Kinmount

**Author and Title:** Linda Liotti, Manager, Revenue and Taxation

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### **Recommendation(s):**

**That** Report CORP2019-002, **High Bill Adjustment – 4071 County Rd 121, Kinmount**, be received; and

**That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$1,067.49, plus waive penalty and interest from the date of this meeting, to the account at 4071 County Rd 121, Kinmount as a one-time exemption.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of May 22, 2018, Council adopted the following resolution:

### **CR2018-340**

**That** Report CORP2018-009, **High Water Bill Adjustment Appeals Committee**, be received; and

**That** Councillor James, Councillor Veale and Councillor Breadner be appointed to the High Water Bill Adjustment Appeals Committee, in accordance with By-law 2018-039, for the remainder of this term of Council;

**That** the Terms of Reference for the Committee be amended to include both High Water Bill Adjustment and Mandatory Connection Appeals; and

**That** the necessary by-law amendments and revised terms of reference be brought forward to Council.

This report addresses the outcome of the High Water Bill Adjustment Appeals Committee meeting.

## **Rationale:**

The High Water Bill Adjustment Appeals Committee held a meeting on September 18, 2018 to hear the concerns of the owner of 4071 County Rd 121, Kinmount. This property is a vacant commercial building.

The property was purchased in 2015 and has remained vacant with zero to minimal (.10 cubic metres) water usage in each billing cycle. From the owners account, abnormally high water usage for the December 2017 to February 2018 period resulted from a burst water line after the meter connection. The property owner discovered the water leak after their return from holidays. A repair was completed by a plumber. Staff subsequently attended the property to move the water meter to a heated portion of the basement.

Section 8 of the High Water Bill Adjustment Policy provides one-time relief for obvious or hidden leaks, however, Section 8.3 states that the policy does not apply to commercial properties.

The Committee received the deputation of the owner and recommended that a credit be applied to the account, using the same methodology that would be applied had this not been a commercial property.

The credit is calculated as 50% of the consumption billed for the above noted period, namely, December 2017 to February 2018. Specific to this property, the credit would be equal to 392.90 cubic metres, or \$1,067.59. It is important to note that the High Bill Adjustment Policy does not provide for relief to commercial properties.

### **Other Alternatives Considered:**

If Council wishes to uphold the High Water Bill Adjustment Policy, and not provide relief, then the following resolution should be passed:

That Council deny the request for financial relief of the high water bill incurred at 4071 County Rd 121, Kinmount for the billing period from December 2017 to February 2018.

### **Financial/Operation Impacts:**

The Water and Wastewater rates are established to recover the cost of producing and delivering safe drinking water to property owners, and the collection and treatment of wastewater.

Providing relief to residents for high water bills results in the City incurring a cost for which there isn't a direct revenue for recovery. This cost is then borne by the remaining user rate contributors throughout the City.

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

Strategic Enabler – Responsible Fiscal Resource

### **Consultations:**

Property Owner  
Director, Public Works  
High Water Bill Appeal Committee

**Department Head E-Mail:** [jstover@kawarthlakes.ca](mailto:jstover@kawarthlakes.ca)

**Department Head:** Jennifer Stover

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PUR2019-001**

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**Date:** January 15, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 3

**Title:** 2018-98-CP Environmental Assessment for Second  
Fenelon Falls Area Crossing

**Author and Title:** Linda Lee, Buyer  
Martin Sadowski, Senior Engineering Technician

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### **Recommendation(s):**

**That** Report PUR2019-001, 2018-98-CP – Environmental Assessment for Second Fenelon Falls Area Crossing, be received;

**That** Dillion Consulting be selected for the award of 2018-98-CP Environmental Assessment for Second Fenelon Falls Area Crossing for the total quoted amount of \$228,369.00 plus HST.

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and

**That** the Procurement Division be authorized to issue a Purchase Order

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

In 2012 the City of Kawartha Lakes completed a Transportation Master Plan. CKL 121 was identified as the main corridor that passes through Fenelon Falls. The corridor includes Lindsay Street, Colborne Street, and Short Street. The CKL 121 corridor was identified as requiring review due to current operating and development pressures.

In 2016, to address the deficiencies affecting this corridor, the City of Kawartha Lakes retained Ainley & Associates Limited to conduct a Corridor Study to identify deficient areas and select preferred solution(s) within this corridor.

As part of the Corridor Study two (2) Public Information Centre meetings were held. The main key issue identified at both PICs was the need for a second River Crossing/By-pass Road.

Council report ENG2016-019 identified that a separate EA to address crossing capacity of the existing bridge be conducted prior to 2023.

Council approved budget to conduct an Environmental Assessment for a Second Fenelon Falls Area Crossing in 2018.

The City of Kawartha Lakes requested proposals from qualified engineering firms to complete an Environmental Assessment and prepare a preliminary design for a second crossing/bridge in the Fenelon Falls area.

The Request for Proposal (RFP) 2018-98-CP Environmental Assessment for Second Fenelon Falls Area Crossing was released and advertised in accordance with the Purchasing Policy.

The RFP closed on Thursday November 8, 2018 and was opened in presence of Councilor Pat O'Reilly and Linda Lee, Buyer.

Proposals were received from the following:

Company
Dillon Consulting
McIntosh Perry Consulting Engineers Ltd.
EXP Services Inc.

Submissions were carefully reviewed and evaluated by the evaluation committee by consensus to the criteria described in the RFP, and Dillon Consulting was found to be the highest scoring proponent.

### **Rationale:**

Staff recommends that Dillon Consulting be awarded 2018-98-CP Environmental Assessment for Second Fenelon Falls Area Crossing as the highest scoring proponent.

### **Other Alternatives Considered:**

No other alternative is being considered as the competitive procurement processes were followed and the scope of work cannot be changed. So, the highest scoring proponent is being recommended.

### **Financial/Operation Impacts:**

Funds were approved in the 2018 Capital Budget as indicated in the table below.

Capital Project Number	Project Budget	Other Committed Funds	Capital Project balance	Purchase Amount (excl. HST)	Contingency 10%	HST Payable	Total Amount	Project Balance
983180105	\$260,000	\$1,008	\$258,992	\$228,369	\$22,837	\$4,421	\$255,627	\$3,365

Upon completion of the work, any remaining surplus or deficit will be dealt with through the Capital Close Report presented to Council by the Treasury Division of Corporate Services, in accordance with the Capital Close Policy.

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

This project relates to Goal 1 by maintaining the City's existing infrastructure.

- Goal 1 – A Vibrant and Growing Economy

**Consultations:**

Senior Engineering Technician  
Supervisor – Cost Accounting

**Department Head E-Mail:** [jrojas@kawarthalakes.ca](mailto:jrojas@kawarthalakes.ca)

**Department Head:** Juan Rojas, director of Engineering and Corporate Assets

**Department File:** 2018-98-CP

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number ED2019-001**

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**Date:** January 15, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 7

**Title:** Proposed Designation of 41 Melbourne St. W, Lindsay, under Part IV of the *Ontario Heritage Act* as a Property of Cultural Heritage Value and Interest

**Author and Title:** D. Soule, Economic Development Officer – Arts, Culture and Heritage

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### **Recommendations:**

**That** Report ED2019-001, **Proposed Designation of 41 Melbourne St. W, Lindsay under Part IV of the Ontario Heritage Act as a Property of Cultural Heritage Value and Interest**, be received;

**That** Council endorse the Municipal Heritage Committee's recommendation to designate 41 Melbourne St. W. in Lindsay under Part IV of the Ontario Heritage Act as being of cultural heritage value and interest;

**That** staff be authorized to proceed to designate the subject property under Part IV of the Ontario Heritage Act, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

**That** the designating by-law be presented to Council for its consideration after the notification process has been completed.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_



## **Background:**

Members of the Municipal Heritage Committee have collected and reviewed information pertaining to the property known as 41 Melbourne St. W, Lindsay.

On December 6, 2018 the Municipal Heritage Committee adopted the following resolution:

**That** the Municipal Heritage Committee recommend that 41 Melbourne Street W. in Lindsay be considered for designation as a heritage site due to its architectural value: and

**That** staff forward a report outlining the recommended designation to Council for their consideration.

**KLMHC2018-054 Carried**

This report has been prepared to address the direction pertaining to 41 Melbourne St. W, in Lindsay.

On December 6, 2018 the Committee provided staff with an evaluation of the property to confirm that they have visited the site and have recorded the justification for the proposed heritage designation. The site evaluation was completed as per the requirements of the Ontario *Heritage Act*.

Section 29 of the *Ontario Heritage Act* provides that upon consultation with its Municipal Heritage Committee and serving Notice of Intention to Designate pursuant to the Act, the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of historic or architectural value or interest. The Municipal Heritage Committee is satisfied with the information that it has received and collected for the subject property and the Committee supports designation of the subject property under Part IV of the *Ontario Heritage Act*.

## **Rationale:**

Section 29, Part IV of the *Ontario Heritage Act* identifies the following criteria for determining the cultural heritage value of a property and its merit as a designated property:

Architectural Design or Physical Value:

- The structure represents a rare, unique or representative example of an architectural style, expression, and material or construction method.

Historical Significance:

- The structure reflects the work of an architect, artist, builder, designer or theorist who is significant to the community.

- The structure has direct association with an event, activity, person, institution or organization that is significant to a community.
- The structure yields information that contributes to understanding a community or culture.
- Contextual Value:
  - The structure defines, maintains or supports the character of an area.
  - The structure is physically, functionally, visually or historically linked to its surroundings.
  - The structure is a landmark.

**Bonus Attributes:**

- The structure holds architectural integrity.
- The structure and the surrounding site are in good condition.

The property at 41 Melbourne St. W, in Lindsay qualifies for Municipal Heritage designation under the following Ontario Heritage Act designation criteria:

The property at 41 Melbourne St. W, in Lindsay is being recommended for designation on the basis of its architectural value. The home is a fine example of the Queen Anne Revival architectural style constructed during the late 1800s. Property attributes of note that are to be conserved include the decorative bargeboard trim along the gable of the roof on the front façade, the turret located on the northeast side of the building and the stained glass in the window located on the northeast elevation of the property.

**Other Alternatives Considered:**

No other alternatives were considered.

**Financial/Operation Impacts:**

There will be advertising costs associated with this application which are covered by the Municipal Heritage Committee's budget.

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

Designation of this property under Part IV of the *Ontario Heritage Act* will enable the fulfillment of the municipality's Strategic Goals including an Exceptional Quality of Life and a Vibrant and Growing Economy.

**Consultations:**

Municipal Heritage Committee members

**Attachments:**

None

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number EA2019-002**

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**Date:** January 15<sup>th</sup>, 2018

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Revised Terms of Reference for Development Charges Task Force

**Description:** This report presents Council with revised terms of reference for the Development Charges Task Force.

**Author and Title:** Adam Found, Manager of Corporate Assets

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### **Recommendation(s):**

**That** Report EA2019-002, **Revised Terms of Reference for Development Charges Task Force**, be received;

**That** the revised terms of reference, attached as Appendix A to Report EA2019-002, be adopted for the Development Charges Task Force.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of May 22<sup>nd</sup>, 2018, Council adopted the following resolution:

CR2018-338

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** Report EA2018-013, **Terms of Reference for Development Charges Task Force**, be received;

**That** the terms of reference be amended to include a review of the commercial rate for development charges, including comparison with other comparable municipalities with a report back to Council on the results of the review and options to decrease commercial development charges;

**That** the terms of reference, attached as Appendix A to Report EA2018-013, as amended, be adopted as the basis for a Development Charges Task Force;

**That** public notice be provided in accordance with applicable policy to solicit applications from qualified persons for appointment to the Development Charges Task Force; and

**That** a set of recommended appointments to the Development Charges Task Force be prepared in accordance with applicable policy and presented to Council to finalize establishment of this committee.

**Carried**

This report addresses the second paragraph of this direction along with the need for additional revisions to the terms of reference for the Development Charges Task Force driven by other factors.

## **Rationale:**

In accordance with the second paragraph of CR2018-338, staff has revised the terms of reference for the Development Charges Task Force to require the task force to specifically review commercial development charges as directed by Council. The terms of reference have also been revised to reflect the new Council committee / task force template, new Council Committee, Board and Task Force Policy and a reduction to minimum task force membership. The minimum membership reduction is necessitated by the City receiving fewer task force applications than originally expected. The revised terms of reference are attached hereto as Appendix A.

Based on the revised terms of reference, a confidential report (EA2019-001) is being presented to Council through the closed session on January 15<sup>th</sup>, 2019 to recommend appointments to the Development Charges Task Force. The task force is expected to operate during Q1-Q3, 2019, where staff is targeting the new development charges by-law to take effect on or before January 1<sup>st</sup>, 2020.

### **Other Alternatives Considered:**

As the revised terms of reference align with current Council direction, no other alternatives are being considered at this time.

### **Financial/Operation Impacts:**

As task force membership is on a voluntary basis and staff liaison and other support costs are already budgeted, the Development Charges Task Force has no added financial impact on the City.

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

N/A

### **Consultations:**

Mayor  
CAO  
City Clerk  
Director of Engineering and Corporate Assets

### **Attachments:**

Appendix A: Development Charges Task Force Terms of Reference



Terms of Reference  
for Development Cha

**Department Head E-Mail:** [jrojas@kawarthalakes.ca](mailto:jrojas@kawarthalakes.ca)

**Department Head:** Juan Rojas, Director Engineering and Corporate Assets

## **Terms of Reference**

**Name:** Development Charges Task Force

**Date Established by Council:** January 15<sup>th</sup>, 2019

**Task Force Completion/Reporting Date:** As per term of appointment

### **Mission:**

The Development Charges Task Force is established to provide advice and recommendations to Staff regarding the formulation of a development charges by-law to replace By-Law 2015-224 (A By-law to impose Development Charges in the City of Kawartha Lakes).

### **Roles and Responsibilities:**

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Task Force Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Task Force as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Task Force will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Task Force business in keeping with the Task Force's Terms of Reference and established Policies.

**Activities:**

The following represent the general activities of the Task Force:

- a) To make recommendations to Staff on strategy, policies and various issues to achieve Council's strategic priorities relating to the Task Force's established scope of work as defined in the Terms of Reference.
- b) Provide advice and recommendations to Staff regarding the formulation of a development charges by-law to replace By-Law 2015-224, including the supporting background study, and make final recommendations to staff prior to finalization of the background study by the City for public review.
- c) Conduct a specific review of commercial development charges, inclusive of a comparison of the City to comparable Ontario municipalities.
- d) Through public meetings, facilitate a forum providing Council, staff, stakeholders and the general public an opportunity to make representations regarding the formulation of a development charges by-law to replace By-Law 2015-224, including the supporting background study.
- e) Disseminate relevant information regarding the Task Force's work to interested stakeholders and other parties as may be appropriate.
- f) Other – as recommended and approved by Council.

**Composition:**

The Task Force shall be comprised of a maximum of 7 members consisting of up to 6 members representing various stakeholders and the general public and 1 Council representative, all of whom have full authority to debate and vote. The Task Force shall consist of a minimum of 4 members.

Among the appointed membership, there shall be a minimum of:

- 1 member of City Council
- 1 representative from among local development or business associations based in the City of Kawartha Lakes
- 1 representative from among active local developers, builders or business owners based in the City of Kawartha Lakes



- 1 representative from among the general public resident in the City of Kawartha Lakes

Task Force members will be appointed by Council in accordance with established policy.

All appointed voting members may be represented at meetings by a designated alternate (if applicable). A designated alternate must be formally designated by an appointed member in writing to the Task Force to represent them. Designated alternates must be approved by the Task Force and are subject to all of the requirements and criteria set out in the Terms of Reference.

### **Appointment of Officers:**

The Task Force shall, at its first meeting, elect from its membership a Chair, and Vice-Chair. Engineering and Corporate Assets staff shall serve as Recording Secretary. It is acknowledged that there are no per diems for any Task Force positions and it is acknowledged that none of the above positions shall be paid for their services. All Task Force members are considered volunteer positions.

### **Term of Appointment:**

The Task Force is to make final recommendations to Staff prior to finalization of the background study by the City for public review. Members of the Task Force are appointed until the background study is officially made publicly available by the City in accordance with Section 10(4) of the Development Charges Act, with the intention that the new development charges by-law takes effect on or before January 1<sup>st</sup>, 2020.

### **Resources:**

The Engineering and Corporate Assets Department will provide support in the form of advice, day-to-day liaison with the City and information sharing.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Task Force Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office. Members of staff expected to

attend Task Force Meetings as required include the Manager of Corporate Assets, Chief Building Official and City Treasurer.

**Timing of Meetings:**

Meetings will be held on a set day and time as may be determined by the Task Force or at the call of the Chair.

**Location of Meetings:**

The location of the meetings will be set by the Task Force and must be held in an accessible City facility.

**Meetings:**

The Task Force shall hold a minimum of 4 meetings during its term. The Chair, through the liaison department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Task Force and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Task Force. No meeting shall proceed without quorum.

**Procedures:**

Procedures for the formal business meetings of the Task Force shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

**Closed Meetings:**

The Task Force may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of the meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Task Force elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison and visiting members of Council, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the Municipal Act. Prior to the commencement of closed session, a resolution shall be passed stating the general nature of the matter to be discussed and what section of the Municipal Act applies.

### **Agendas and Minutes:**

A copy of the Agenda shall be provided to the City Clerk's Office at the same time it is provided to Task Force Members. The City Clerk's Office will distribute the agenda to Council members as per established procedures.

Minutes of all formal business meetings and notes from working meetings of the Task Force shall be forwarded to the liaison department, and to the City Clerk's Office, not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the liaison department at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Recording Secretary shall ensure that all Task Force Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

### **Reports:**

The Task Force's final recommendations to Staff will be brought forward for Council's information through a report to Council by the liaison department.

It will be the responsibility of the Task Force Chair to provide a memo to the liaison department identifying the Task Force's final recommendations for preparation of the report.

### **Purchasing Policy:**

This Task Force has no purchasing or procurement responsibilities.

### **Insurance:**

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Task Force and its members. The applicable insurance policies extend to Task Force members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Task Force must provide, via the liaison department, an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Task Force members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario (“WSIB”) and are responsible for their own medical, disability or health insurance coverage.

### **Expulsion of Member:**

Any member of the Task Force who misses three consecutive formal business meetings, without being excused by the Task Force, may be removed from the Task Force in accordance with adopted policy.

Any member of the Task Force may be removed from the Task Force at the discretion of Council for reasons including, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Task Force Members; disrupting the work of the Task Force; or other legal issues. The process for expulsion of a Task Force member is outlined in the City’s **Council Committee, Board and Task Force Policy**.

### **Terms of Reference:**

The Recording Secretary shall ensure that a current Terms of Reference for the Task Force has been provided to the City Clerk’s Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Task Force at any time. Any changes proposed to these Terms of Reference by the Task Force shall be recommended to Council via the liaison department through a report to Council.

**At the discretion of Council the Task Force may be dissolved by resolution of Council.**

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number WWW2019-001

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**Date:** January 15, 2019

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Lindsay Water Pollution Control Plant Provincial Officer's Order Number 1-JX6KE

**Description:** Lindsay Water Pollution Control Plant Provincial Officer's Order

**Author and Title:** Amber Hayter, Supervisor, Water/ Wastewater Operations

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### Recommendation(s):

**That** Report WWW2019-001, "Lindsay Water Pollution Control Plant Provincial Officer's Order Number 1-JX6KE", be received.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of November 23, 2004 Council adopted the following resolution directing staff to forward all Provincial Officer's Orders from the Ministry of the Environment, Conservation and Parks (MECP), regarding water systems to Council:

### **CARRIED UNANIMOUSLY CR2004-1263**

**THAT staff be directed to bring forward to Council, upon reception, any and all Provincial Orders regarding water systems.**

Although the recent Provincial Officer's Order received is not specifically a drinking water system it is a wastewater system and therefore consistent with this resolution. This report provides an overview to Council of the recent Provincial Officer's Report and Order received by the City. As well, this report provides Council with an update of the pro-active steps that staff members have taken to ensure compliance prior to receiving the Order and continued actions staff members are taking to ensure effective plant operations. The full Provincial Officer's Report and Order is appended as Appendix A. The following provides a summary of the order:

On December 6, 2018, The Corporation of the City of Kawartha Lakes received Provincial Officer's Order Number 1-JX6KE for the Lindsay Water Pollution Control Plant (WPCP), operated by Ontario Clean Water Agency. The Provincial Officer's Report identified a series of events that lead to the non-compliance and the following is a summary of the issues the Ministry of the Environment, Conservation and Parks (MECP) identified in their Report:

On August 4, 2017 the MECP's Provincial Officer requested that City/Operating Authority increase the reporting frequency as required by the Environmental Compliance Approval (ECA) for the Lindsay WPCP, for the Total Ammonia Nitrogen (TAN). The frequency was increased from every six (6) months to every month. OCWA and the City complied with this request.

On October 13, 2017 an exceedance was reported to the MECP for the TAN concentrations during the 2017 non-freezing period (May to September).

On June 13, 2018 an exceedance was reported to the MECP for the TAN concentrations during the month of May. The following day the MECP requested that OCWA prepare an action plan to mitigate further TAN exceedance.

On June 18, 2018 OCWA responded with "A new jet aerator was purchased in February 2018 with an expected arrival of July 20, 2018.

This will be added to the current aerators present. We have purchased four new aerator motors (one for each type in use) as spares are kept on site. A crane has been scheduled for aerator repair or replacement and the aerator process needs to be shut down to access the aerators by boat. This process takes several hours to remove and install one. This shut down also exacerbates the low DO (dissolved oxygen) conditions and the process takes up to two weeks to fully recover." MECP was satisfied with these actions.

On July 19, 2018 an exceedance was reported to the MECP for the TAN concentrations during the month of June.

On August 8, 2018 a conference call was held with City staff, OCWA, MECP Environmental Assessment & Permissions Branch and the Drinking Water and Environmental Compliance Division. The TAN limits were discussed as part of the renewal process for the ECA for the facility.

On August 15, 2018 an exceedance was reported to the MECP for the TAN concentrations during the month of July.

On September 14, 2018 an exceedance was reported to the MECP for the TAN concentrations and the Total Suspended Solids (TSS) during the month of August.

On September 25, 2018 OCWA reported to the MECP that the new jet aerator has been installed. This installation was behind the anticipated delivery and installation date due to manufacturer delays.

On October 12, 2018 an exceedance was reported to the MECP for the TAN concentrations during the 2018 non-freezing period (May to September). This reporting is an additional report based on a summary of the results received from May to September, which had to all be reported individually as identified above.

On October 18, 2018 the MECP's Environmental Assessment and Permissions Branch issued a new ECA that stipulated the monthly reporting concentration limits.

On October 25, 2018 the MECP completed a site inspection of the Lindsay WPCP. The inspector had concerns with the accumulation of vegetation growth in the Aeration Tank, thus impacting the treatment process.

On November 13, 2017 an exceedance was reported to the MECP for the monthly TAN concentrations during October.

The MECP Technical Support Branch, Surface Water Specialist commented the following regarding the elevated levels of TAN in the Scugog River. "TAN released into the environment will convert to nitrite and then nitrate. After phosphorous, nitrate is an important nutrient that affects the primary productivity and algal biomass of freshwater lake and rivers. Nutrient levels are strongly related to the aesthetic appearance of a water body and are correlated to decreases in water transparency resulting from an increase in algal biomass. Increased biomass may result in long-term decreases in oxygen concentrations with consequences for fish habitat."

The Provincial Officer ordered that the City retain the services of a Qualified Person to prepare an action plan to address the TAN and TSS exceedances occurring at the Lindsay WPCP. The Ministry has requested the non-compliance issues be addressed to comply with the ECA requirements.

### **Rationale:**

On December 12, 2018 the City requested a Director's Review from the Ministry of the Provincial Officer's Order and a copy of this letter is appended as Appendix B. A review was requested on the basis that the City has already taken steps to address the exceedances of the effluent criteria and had already retained the services of a Qualified Person to address the TAN and TSS exceedance, in addition to an overall review of the system including capacity and future needs.

In the response to the letter, a meeting was held on December 20, 2018 between the City, OCWA and MECP to discuss the status of the order. During the meeting, City representatives and OCWA clarified the initiatives taken to rectify the non-compliance issues and opened the lines of communication. The City has committed to action by securing financing through capital approval and by hiring a firm to complete a detailed design for upgrades and improvements to the Lindsay WPCP. These upgrades include a new aeration cell to improve effluent criteria well into the future. The design process takes a significant amount of time due to the technical nature of the project. This planning process is critical to ensuring the City's assets are designed to consider future growth for long-term investment and sustainability. To improve aeration in the interim the City installed a new type of aerator (jet) on September 25, 2018. There is a second jet aerator to be installed early in 2019 as part of the 2019 capital budget. OCWA has already seen improvement in water quality with the current aerator that was installed in 2018.

The outcome from the meeting was that the City in conjunction with OCWA are to prepare and submit an action plan which details how the TAN exceedances at the Lindsay WPCP will be addressed on a short term basis. The plan will state recommendations from a qualified person to address the exceedances and must be completed by January 31, 2018.



On December 19, 2018 the ministry provided a status that the Provincial Officer's Order will remain "Stayed" or "on hold" until the Ministry has received and reviewed the action plan to be submitted on or before January 31, 2019. A copy of the Ministry's Stay Notice and Extension of Time for Review letter for the Provincial Officer Order #1-JX6KE is appended as Appendix C.

### **Other Alternatives Considered:**

No other alternatives may be considered outside of the stipulated requirements within the Provincial Officer's Order, and any future direction provided by MECP as a result of the review, in order to comply with applicable legislation to reduce liability to the City.

### **Financial/Operation Impacts:**

Capital budgets have been approved by Council for the detailed design of upcoming upgrades to the facility and the purchase of another jet aerator in 2019.

At this time, it is unknown if there will be any additional costs for hiring a Qualified Person to prepare the required action plan, or if there will be any additional requirements from the MECP for short term solutions.

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

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

- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment.

These goals are reflected by our efforts to provide safe drinking water that is essential for the quality of life of residents and visitors. We will continue to work with OCWA and the Ministry to ensure compliance with the Safe Drinking Water Act and associated regulations.

### **Consultations:**

Chief Administrative Officer  
Director, Public Works  
Manager, Environmental Services  
City Solicitor

## Attachments:

Appendix A– Lindsay Water Pollution and Control Plant Provincial Officer's Order Number 1-JX6KE



Provincial Officer's  
Order Number 1-JX6KI

Appendix B–Letter Request for Director's Review of the Ministry's Provincial Officer's Order # 1-JX6KE



Letter to Request  
Review of the Provinc

Appendix C–Stay Notice and Extension of Time for Review Provincial Officer Order #1-JX6KE



Stay Notice and  
Extension of Time for

**Department Head E-Mail:** brobinson@kawarthalakes.ca  
**Department Head:** Bryan Robinson

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement, de la Protection  
de la nature et des Parcs



## Provincial Officer's Report

Order Number  
1-JX6KE

**To:**  
KAWARTHA LAKES, CITY OF  
12 PEEL St  
LINDSAY ON K9V 5R8  
Canada

**Site:**  
48 LAGOON RD,  
LINDSAY, K9V 4R3,  
Canada

### Observations

This Order is being issued pursuant to my authority under section 16.1, 16.2 and subsection 104(2) of the Ontario Water Resources Act.

For the purpose of this Order, the following terms shall have the meanings described below:

"ECA" means Environmental Compliance Approval issued under Part II.1 of the Environmental Protection Act;

"EPA" means Environmental Protection Act, R.S.O.1990, C. E32

"MECP" means the Ministry of the Environment, Conservation and Parks.

"OWRA" means the Ontario Water Resources Act, R.S.O.1990, C. O.40

"OCWA" means the Ontario Clean Water Agency which is the operating authority for the Sewage Works.

"Orderee or CKL" means the City of Kawartha Lakes.

"Qualified Person" means a person who holds a license limited license or temporary licence under the Professional Engineers Act and has experience in the design and operation of a Sewage Works.

"Sewage Works" means the Lindsay Water Pollution Control Plant.

"TAN" means Total Ammonia Nitrogen.

### DESCRIPTION OF THE ORDEREE AND THE SITE

The Lindsay Water Pollution Control Plant is located at the Site and is owned by the City of Kawartha Lakes. This Sewage Works is subject to the Ontario Water Resources Act, Environmental Protection Act and the regulations made thereunder. The Sewage Works discharges continuously to the Scugog River which is west and adjacent to the Site.

## EVENTS LEADING UP TO THIS ORDER

On August 4, 2017, the Ministry of the Environment, Conservation and Parks, Provincial Officer Viktoria Light requested that, OCWA for the site implement an increased reporting frequency and to report all Total Ammonia Nitrogen (TAN) test results to the Water Supervisor on a monthly basis instead of every six (6) months as required by ECA No. 6145-AJDQ9K. OCWA agreed to the increased frequency of reporting and complied with the request.

On October 13, 2017, OCWA reported to MECP a TAN exceedance of 3.88 mg/L for the 2017 non-freezing period (May-Sept). The limit for TAN is 1.5mg/L as set out in ECA No. 6145-AJDQ9K. This exceedance was reported verbally to the Peterborough District Office on October 13, 2017 and in writing on October 19, 2017.

On June 13, 2018, OCWA reported to MECP an average monthly TAN concentration of 3.9 mg/L as well as a TAN loading concentration of 48.8 kg/day in the month of May. This exceedance was reported verbally to the Peterborough District Office on June 13, 2018 and in writing on June 19, 2018.

On June 14, 2018, the MECP formally requested via email that the operating authority, OCWA prepare an action plan to mitigate further TAN exceedances. OCWA responded via email on June 18, 2018 stating the following "A new jet aerator was purchased in February 2018 with an expected arrival date of July 20 2018. This will be added to the current aerators present. We have purchased four new aerator motors (one for each type in use) as spares kept on site. A crane has to be scheduled for aerator repair or replacement and the aeration process needs to be shut down to access the aerators by boat. This process takes several hours to remove and install one. This shut down also exacerbates the low DO conditions and the process takes up to two weeks to fully recover." The Ministry was satisfied with these actions. It was anticipated that this work would be performed shortly after the delivery date.

On July 19, 2018, OCWA reported to MECP an average monthly TAN concentration of 11.6 mg/L as well as a TAN loading concentration of 107 kg/day in the month of June. This exceedance was reported verbally to the Peterborough District Office on July 19, 2018 and in writing on July 26, 2018.

On August 8, 2018 a conference call was held with OCWA, CKL, MECP Environmental Assessment & Permissions Branch and the MECP Drinking Water and Environmental Compliance Division. The ongoing TAN issues were discussed and all parties agreed that the ECA should be amended to reflect monthly TAN concentration limits and reporting frequency.

On August 15, 2018, OCWA reported to MECP an average monthly TAN concentration of 10.9 mg/L as well as a TAN loading concentration of 96.2 kg/day in the month of July. This exceedance was reported verbally to the Peterborough District Office on August 15, 2018 and in writing on August 21, 2018.

On September 14, 2018, OCWA reported to MECP an average monthly TAN concentration of 7.0 mg/L as well as a TAN loading concentration of 63.8 kg/day in the month of August. The limit set out in ECA No. 6145-AJDQ9K (11.0 mg/L) for Total Suspended Solids (TSS) was also exceeded in August with a concentration of 15.5 mg/L in August. These exceedances were reported verbally to the Peterborough District Office on September 14, 2018 and in writing on September 21, 2018.

On September 25, 2018, OCWA reported to MECP that the new jet aerator has been installed. This installation was considerably behind the anticipated delivery and installation date.

On October 12, 2018, OCWA reported to MECP a TAN exceedance of 8.5 mg/L for the 2018 non-freezing period (May-Sept). The limit for TAN is 1.5mg/L as set out in ECA No. 6145-AJDQ9K. The TAN loading concentration limit (32.3 mg/L) was also exceeded in the 2018 non-freezing period (May-Sept) with a concentration of 83.4 kg/day. This exceedance was reported verbally to the Peterborough District Office on October 12, 2018 and in writing on October 21, 2018.

On October 18, 2018 the MECP - Environmental Assessment & Permissions Branch issued the Approved ECA No. 7748-AYRL8C to CKL and OCWA with the monthly reporting limits.

On October 25, 2018, Provincial Officer Brad Jackson completed an on Site physical inspection of the Lindsay WPCP. During the inspection, it was noted that a significant amount of vegetation had grown and accumulated in the center of the Aeration Tank. The vegetation appeared to be causing a considerable impact on the overall function of the aeration tank. Concerns about the vegetation and its overall affect on the process were discussed with OCWA.

On November 13, 2018, OCWA reported to MECP an average monthly TAN concentration of 3.66 mg/L when the limit is 3.0 mg/L. This exceedance was reported verbally to the Peterborough District Office on November 13, 2018 and in writing on November 16, 2018.

The MECP Technical Support Branch - Surface Water Specialist stated the following with regards to elevated levels of TAN in the Scugog River. "TAN released into the environment will convert to nitrite and then nitrate. After phosphorus, nitrate is an important nutrient that affects the primary productivity and algal biomass of freshwater lakes and rivers. Nutrient levels are strongly related to the aesthetic appearance of a water body and are correlated to decreases in water transparency resulting from an increase in algal

biomass. Increased biomass may result in long-term decreases in oxygen concentrations with consequences for fish habitat."

This Order is issued to the City of Kawartha Lakes.

I reasonably believe that the City of Kawartha Lakes has contravened the provisions, terms and conditions noted below in the Suspected Violations(s)/Offence(s) section. The nature of the contraventions is briefly described above. I reasonably believe that the requirements in this order are in the public interest.

I also believe that it is necessary for the purposes of the EPA to provide for the protection and conservation of the natural environment.

**Offence(s)**

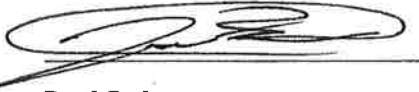
**Suspected Violation(s)/Offence(s)**

**Act – Regulation – Section**

**Description**

OWRA 53(1)

53(1) Subject to section 47.3 of the Environmental Protection Act, no person shall use, operate, establish, alter, extend or replace new or existing sewage works except under and in accordance with an environmental compliance approval. 2010, c.16, Sched. 7, s. 3 (9).



**Brad Jackson**  
**Provincial Officer**  
**Badge Number: 1886**

## Provincial Officer's Order

Order Number  
1-JX6KE

Environmental Protection Act, R.S.O. 1990, c.E 19 (EPA)  
Nutrient Management Act, R.S.O. 2002, c.4 (NMA)  
Ontario Water Resources Act, R.S.O. 1990, c.O. 40 (OWRA)  
Pesticides Act, R.S.O. 1990, c. P11 (PA)  
Safe Drinking Water Act, S.O. 2002, c.32 (SDWA)

**To:** KAWARTHA LAKES, CITY OF  
12 PEEL St  
LINDSAY ON K9V 5R8  
Canada

**Site:** WW LINDSAY WPCP  
48 LAGOON RD,  
LINDSAY, K9V 4R3,  
Canada

### Work Ordered

Work Ordered Pursuant to my authority under Section 16.1, 16.2, and subsection 104(2) under the OWRA, I order you to do the following:

1. By December 20, 2018, the City of Kawartha Lakes shall retain the services of a Qualified Person to prepare an action plan to address the TAN and TSS exceedances and the non-compliance issues with ECA No. 6145-AJDQ9K dated June 5, 2017 and ECA No. 7748-AYRL8C dated October 18, 2018.

2. By December 21, 2018, the Company shall submit to the undersigned Provincial Officer written confirmation from the Qualified Person that he/she has:

- (a). received a copy of the Order,
- (b). been retained to carry out the work specified in Work Item No. 3; and
- (c). the experience and qualifications to carry out the work.

3. By December 21, 2018, the City of Kawartha Lakes shall direct the Qualified Person to prepare the action plan including recommendations outlined in the work ordered section 1 to the undersigned Provincial Officer.

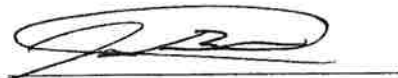
4. By February 15, 2019, the City of Kawartha Lakes shall submit the action plan prepared by the Qualified Person to the MECP undersigned Provincial Officer.

A. While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place.

B. While the Order is in effect, report in writing, to the District or Area Office, any significant changes of operation, emission, ownership, tenancy or other legal status of the facility or operation.

This Order is being issued for the reasons set out in the annexed Provincial Officer's Report which forms part of the Order.

Issued at The City of Kawartha Lakes this 06/12/2018 (dd/mm/yyyy)



Brad Jackson  
Badge Number: 1886  
Peterborough District

## APPEAL/REVIEW INFORMATION

### REQUEST FOR REVIEW

You may request that this order be reviewed by the Director. Your request must be made in writing (or orally with written confirmation) within seven days of service of this order and sent by mail or fax to the Director at the address below. In the written request or written confirmation you must,

- specify the portions of this order that you wish to be reviewed;
- include any submissions to be considered by the Director with respect to issuance of the order to you or any other person and within respect to the contents of the order;
- apply for a stay of this order, if necessary; and provide an address for service by one of the following means:
  1. Mail
  2. Fax

The Director may confirm, alter or revoke this order. If this order is revoked by the Director, you will be notified in writing. If this order is confirmed or amended by order of the Director, the Director's order will be served upon you. The Director's order will include instructions for requiring a hearing before the Environmental Review Tribunal.

### DEEMED CONFIRMATION OF THIS ORDER

If you do not receive oral or written notice of the Director's decision within seven days of receipt of your request, this order is deemed to be confirmed by order of the Director and deemed to be served upon you.

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of the confirming order deemed to have been made by the Director, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice must state the portions of the order for which a hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing. Unless stayed by the Environmental Review Tribunal, the order is effective from the date of service.

Written notice requiring a hearing must be served personally or by mail upon:

The Secretary  
Environmental Review Tribunal  
655 Bay Street, 15th Floor  
Toronto, ON M5G 1E5

and

Director (Provincial Officer Orders)  
Ministry of the Environment, Conservation and Parks  
Robinson Pl South Tower 300 Water St Peterborough, ON K9J 8M5  
Fax: (705) 755-4321

Where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal by

Tel: (416) 212-6349

Fax: (416) 326-5370

[www.ert.gov.on.ca](http://www.ert.gov.on.ca)

### FOR YOUR INFORMATION

- Unless stayed by the Director of the Environmental Review Tribunal, this order is effective from the date of service. Non-compliance with the requirements of this order constitutes an offence.
- The requirements of this order are minimum requirements only and do not relieve you from complying with the following:
  - Any applicable federal legislation;
  - Any applicable provincial requirements that are not addressed in the order; and
  - Any applicable municipal law.
- The requirements of this order are severable. If any requirement of this order or the application of any requirement to any circumstances is held invalid, the application of such requirement to other circumstances and the remainder of the order are not affected.
- Further orders may be issued in accordance with the legislation as circumstances require.
- The procedures to request a review by the Director and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference.





to



Report # WWW2019-001

The Corporation of the  
**City of Kawartha Lakes**  
*Public Works – Environmental Services*  
12 Peel Street  
P.O. Box 9000  
Lindsay, Ontario K9V 5R8  
Tel: 705-324-9411 ext. 1118  
Toll Free: 1-888-822-2225  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

David Kerr, P. Geo, Manager of Environmental Services

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Ministry of the Environment, Conservation and Parks  
Robinson Pl. South Tower,  
300 Water St.  
Peterborough ON  
K9J 8M5

Attn: Director (Provincial Officer Orders) via FAX 705 755-4321

Re: Request for Director's Review of Provincial Officers Order # 1-JX6KE for 48 Lagoon Rd, Lindsay dated Dec. 6, 2018

This letter is in response to the above Provincial Officers Order received by the City of Kawartha Lakes (City) and acknowledged on December 6, 2018. The City reviewed the order in detail and is requesting a Director's review as provisioned for in the order.

A review is requested on the grounds that the Work currently being ordered by the Ministry has already been started by the City prior to the order being issued. The City has shown commitment and action through their hiring of a firm to do the detailed design and in their approved capital financing plan. These actions confirm the City's intention to put the necessary upgrades in place that will ensure effective and compliant effluent criteria for the Lindsay Water Pollution Control Plant (WPCP) well into the future. We respect the Ministry's authority and role in overall governance and approvals of the WPCP however we question the need for an order to achieve the actions already started by the City. The actions were initiated well before the order was issued. In lieu of the fact that the City is progressing well in advancing this project we request the Ministry review and consider rescinding the order.

The City has already acknowledged that the treatment of the aeration cell at the WPCP is underperforming. This is also one of the main reasons that the City embarked on completing a class EA for the WPCP upgrades. The Ministry and the City worked well throughout this EA process to ensure that the recommendations in the EA study would satisfy long term regulatory compliance and effective treatment.

After the EA was completed and the environmental Study Report was finalized in January 2015 the City immediately commenced financial planning for the necessary work. This work is part of the City's Capital Infrastructure Plan. CIMA+, a professional engineering firm was retained by the City through a public procurement process earlier



The Corporation of the  
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*Public Works – Environmental Services*  
12 Peel Street  
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David Kerr, P. Geo, Manager of Environmental Services

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this year. The firm is currently in the midst of designing major infrastructure upgrades including a new aeration cell which will improve the Total Ammonia Nitrogen (TAN levels) and TSS (Total Suspended Solids) treatment. The design work is comprehensive and involves drawing on a broad range of Engineering and technical expertise. This process does take a significant amount of time and planning to ensure the upgrades are completed properly in sequence and will function well into the future.

Separate from the planned facility upgrades, the City commissioned installation of a new jet aerator on September 25<sup>th</sup> to improve interim performance of the aeration cell and help reduce TAN levels. The City has budgeted to purchase and install a second jet aerator in early 2019. The City understands from the operating authority the current Jet aerator is already improving the treatment and this is reflected in the ongoing sample results indicating that TAN has dropped consistently below 1 mg/l for November 2018 which we will provide to your office. The new jet aerators will provide a short term benefit until the new aeration basin is constructed.

The City has provided backup data along with this letter indicating

- chronological list of past events
- project plan
- proof a qualified firm has been retained for detailed design and tendering for Phase 1 WPCP upgrades (new aeration system plus other operational issues and deficiencies). The firm was formally retained on July 24, 2018
- proof of Interim purchase of jet pumps

We hope your office will find that this letter and supporting documentation provides sufficient re-assurance that the City is taking short term and long term steps to address the TAN and TSS levels at the Lindsay WPCP. With that we are respectfully requesting the order be rescinded.

If you have any further questions or require more information please contact me at 705 324-9411 ext. 1118 or Amber Hayter at ext. 1120.





The Corporation of the  
**City of Kawartha Lakes**  
*Public Works – Environmental Services*  
12 Peel Street  
P.O. Box 9000  
Lindsay, Ontario K9V 5R8  
Tel: 705-324-9411 ext. 1118  
Toll Free: 1-888-822-2225  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

David Kerr, P. Geo, Manager of Environmental Services

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Sincerely,

A handwritten signature in black ink, appearing to read "DK", is written over a light blue horizontal line.

David Kerr, P. Geo  
Manager of Environmental Services  
705-324-9411 Ext. 1118  
[dkerr@kawarthalakes.ca](mailto:dkerr@kawarthalakes.ca)

C.c. Brad Jackson Provincial Officer MECP  
Ron Taylor, CAO  
Bryan Robinson, Director of Public Works  
Juan Rojas, Director of Engineering and Corporate Assets  
Corby Purdy, Supervisor, Infrastructure, Design and Construction  
Nafiur Rahman, Senior Engineering Tech.  
Amber Hayter, Supervisor, Water and Wastewater Operations  
Brent Martin, Senior Operations Manager, OCWA

### **Schedule of Events – Lindsay WPCP Upgrades Design (Phase – I)**

- November 15, 2017: Internal meeting between Engineering and Public Works to confirm project scope;
- Feb 9, 2018: Issued RFP 2018-04-CP Engineering Services, Detailed Design and Contract Preparation for Lindsay Water Pollution Control Plant Upgrade and Expansion (For Ultimate Build Out);
- Feb 21, 2018: Phone call to Vicki Mitchell (MOECC Regional EA Coordinator) for clarification on ESR;
- Feb 23, 2018: Email to Vicki Mitchell (MOECC);
- Feb 23, 2018: Email with comments received from Vicki Mitchell (MOECC);
- March 01, 2018: Email response to Vicki Mitchell (MOECC) and request for further information;
- March 01, 2018: Emailed to Hitesh Vaja (MOECC Approval Engineer) to confirm Vicki's suggestion;
- March 02, 2018: Follow-up email to Hitesh Vaja (MOECC);
- March 2, 2018: Cancelled RFP 2018-04-CP due to EA study was insufficient for Ultimate Design;
- March 13, 2018: Follow-up email and phone call to Hitesh Vaja (MOECC);
- March 27, 2018: Voice message received from Hitesh Vaja (MOECC);
- April 04, 2018: Email and phone call to Hitesh Vaja (MOECC) to confirm the design approach as suggested by Vicki Mitchell (MOECC); Hitesh was agreed with the approach;
- April 13, 2018: Re-issued RFP 2018-57-CP Engineering Services, Detailed Design and Contract Preparation for Lindsay Water Pollution Control Plant Upgrade and Expansion – Phase I;
- May 24, 2018: RFP 2018-57-CP closed;
- July 17, 2018: Council approval for award of RFP 2018-57-CP to Cima+;
- August 8, 2018: Execution of MEA Agreement and issue of PO to Cima+;
- August 29, 2018: Project kick-off meeting;
- June 30, 2019: Expected Tender submission.

to

Report # WW2019-001

**Ministry of the  
Environment,  
Conservation and Parks**  
Eastern Region  
Peterborough District Office  
300 Water Street  
2<sup>nd</sup> Floor, South Tower  
Peterborough ON K9J 3C7  
Phone: 705.755.4300  
or 800.558.0595

**Ministère de l'Environnement,  
de la Protection de la nature  
et des Parcs**  
Région de l'Est  
Bureau du district de Peterborough  
300, rue Water  
2<sup>e</sup> étage, Tour Sud  
Peterborough (Ontario) K9J 3C7  
Tél: 705 755-4300  
ou 800 558-0595



December 19, 2018

The City of Kawartha Lakes  
12 Peel Street, Lindsay, Ontario  
K9V 5R8

Attention: David Kerr, Manager of Environmental Services

Site: Lindsay Water Pollution Control Plant

RE: **Request for Review - Stay Notice and Extension of Time for Review  
(Provincial Officer Order #1-JX6KE)**

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I have received the request for review dated December 13, 2018 pertaining to Provincial Officer Order No. 1-JX6KE ("Provincial Officer's Order") dated December 6, 2018.

Pursuant to the Director's authority under s. 16.4 (10) of the Ontario Water Resources Act (OWRA), I hereby stay the Provincial Officer's Order to allow additional time for me to make a decision under s. 16.4 (5) of the OWRA as to whether the Provincial Officer's Order should be confirmed, altered, amended or revoked.

Note that until a written response to your Request for Review is served on you, the above identified requirements of the Provincial Officer's Order are not in effect.

If you have any questions please contact me at 705-755-4307 or via email at david.bradley@ontario.ca.

Regards,

David Bradley  
Director – OWRA 16.4 (10)  
Peterborough District Office  
Drinking Water and Environmental Compliance Division  
Ministry of Environment, Conservation and Parks  
Phone: (705) 755-4307

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number WWW2019-002**

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**Date:** January 15, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier: 2**

**Title:** Agreement for the Kinmount Water System

**Description:** Cross Boundary Agreement for Source Water Protection of the Kinmount Water Treatment System Intake Protection Zone

**Author and Title:** Kayla Strackholder, Contract Coordinator

---

### **Recommendation(s):**

**That** Report WWW2019-002 Agreement for the Kinmount Water System be received;

**THAT** the agreement between the Corporation of the City of Kawartha Lakes, Trent Lakes and Minden Hills for Cross Boundary Agreement attached as Appendix A to Report WWW2019-002 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 Kinmount Drinking Water System (Kinmount 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 the Environment Conservation and Parks (MECP). The system is located within the northern region of the City of Kawartha Lakes (CKL), and services many residents and businesses in the village of Kinmount. The system obtains source water from an intake within the Burnt River.

The Source Protection Plan for the Trent Conservation Coalition Source Protection Region was approved by the MECP effective January 1, 2015. This plan encompasses the majority of Drinking Water Systems within the CKL, including the Kinmount 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 the vulnerable area around source water intakes, described as Intake Protection zones (IPZ's). The IPZ for the Kinmount DWS extends into the Township of Minden Hills (Minden Hills) and the Municipality of Trent Lakes (Trent Lakes). A map showing this sensitive area or IPZ is included in Schedule A of the attached Agreement.

The creation of this Agreement was a collaborative effort between the City of Kawartha Lakes (the City), Kawartha Region Conservation Authority (KRCA), Otonabee Region Conservation Authority (ORCA), Trent Lakes and Minden Hills. Both ORCA and KRCA were involved as advisors since they provide source protection services to Trent Lakes and CKL respectively. The purpose of the Agreement is to clarify the roles and responsibilities of the three municipalities surrounding the Kinmount IPZ. The Agreement mitigates any potential risks to the drinking water source and complies with drinking water source protection policies. Under the Act, it is the responsibility of the drinking water provider (i.e. CKL) to implement the source protection program regardless of municipal boundaries. The proposed Agreement ensures the City is able to provide input to specific Part IV enforcement activities under the Act, such as developing and reviewing various existing and proposed land use activities for the portion of the IPZ outside CKL's municipal boundary.

## **Rationale:**

Staff recommends that the Mayor and Clerk be authorized to execute the Agreement substantially in the form as attached as Appendix A “Cross Boundary Agreement” for the Kinmount Drinking Water System. The Agreement is necessary in order to implement Source Protection Plans within the Kinmount IPZ to help ensure residents utilizing the Kinmount Drinking Water System are receiving safe and reliable drinking water. Minden Hills and Trent Lakes have obtained authorization from their respective councils on December 13, 2018 and

January 8, 2019 to enter into an agreement with the City for delegation of Source Water Protection responsibilities. The proposed Agreement as attached has also been reviewed and deemed acceptable by CKL's Solicitor.

The IPZ from the Kinmount DWS has been identified to contain potential drinking water threats and there may be future proposed land activities that could create a significant or potential threat. This Agreement helps to manage the risk of contamination to the Kinmount DWS by clarifying responsibilities and ensuring clear communication between the municipalities. Having an agreement in place reflects that the City is being proactive by taking the necessary steps to comply with source water protection legislation to manage risks 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. The neighboring municipalities will work with Kawartha Conservation to manage the potential drinking water threats to ensure the source water quality is clean and safe.

### **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; Source Protection and risk management are essential to providing a healthy and clean environment.

### **Consultations:**

City Solicitor, Legal Services



Insurance & Risk Management Officer  
Director, Public Works  
Manager, Environmental Services  
Supervisor, Water & Wastewater Operations  
The Municipality of Trent Lakes  
Township of Minden Hills  
Kawartha Conservation  
Otonabee Region Conservation Authority

### **Attachments:**

Appendix A – Proposed Draft Cross Boundary Agreement for Source Water  
Protection of the Kinmount Drinking Water System



Cross Boundary  
Agreement for Source

**Department Head E-Mail:** [brobinson@kawarthalakes.ca](mailto:brobinson@kawarthalakes.ca)

**Department Head:** Bryan Robinson

**AGREEMENT** start date: February 1, 2019

**B E T W E E N:**

**THE CORPORATION OF THE MUNICIPALITY OF TRENT LAKES**  
(“Trent Lakes”)

- and -

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**  
(“City of Kawartha Lakes”)

- and -

**THE TOWNSHIP OF MINDEN HILLS**  
(“Minden Hills”)

(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 Intake Protection Zone the Kinmount Municipal Surface Water System, which is owned by the City of Kawartha Lakes.
- D. A portion of the Intake Protection Zone for the community of Kinmount Municipal Surface Water System extends past the municipal boundary of City of Kawartha Lakes into the Municipality of Trent Lakes. The balance of the Intake Protection Zone for the community of Kinmount Municipal Surface Water system extends past the municipal boundary of the City of Kawartha Lakes and into the Township of Minden Hills.
- E. The Risk Management Official for the City of Kawartha Lakes is responsible for the enforcement of Part IV of the Act for those areas of the Kinmount IPZ located within the City of Kawartha Lakes.

- F. The Risk Management Official for the Township of Minden Hills is responsible for the enforcement of Part IV of the Act for those areas of the Kinmount IPZ located within the Township of Minden Hills.
- G. The Risk Management Official for the Municipality of Trent Lakes is responsible for enforcing Part IV of the Act for those areas of the Kinmount IPZ located within the Municipality of Trent Lakes.

The Parties agree to:

- a) Immediately notify the other Parties upon receiving a notice, application or other correspondence related to activity subject to Part IV of the Act for any property located in the Kinmount IPZ for their review and comment.
- b) Where a Party receives notice, application or other correspondence related to activity subject to section 59 under Part IV of the Act for any property located in the Kinmount IPZ, they shall provide for information purposes the section 59 notice to the other parties within thirty (30) days of receipt or such other period as may be mutually agreed upon by the parties ("Comment Period").
- c) Where a Party receives notice, application or other correspondence related to activity subject to section 58 under Part IV of the Act for any property located in the Kinmount IPZ, they shall provide comments within thirty (30) days of receipt or such other period as may be mutually agreed upon by the parties ("Comment Period").
- d) No Party shall agree to or establish an RMP for the Kinmount IPZ without having observed the Comment Period or otherwise received comments from the Parties.
- e) The Parties shall work together to address the comments received from other Parties in response to Part IV matters for the Kinmount IPZ.

## **2. DEFINITIONS**

**"Agreement"** means this sharing of enforcement responsibility agreement as the same may be amended from time to time;

**"Assessment Report"** means the most current version of the Assessment Report for the applicable Source Protection Area, approved in accordance with the Act;

**"City of Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes acting as a body corporate;

**“Drinking Water Threat”** means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations to the Act as a drinking water threat;

**“Intake Protection Zone (IPZ)”** means the area identified in the approved Assessment Report and Source Protection Plan that is related to an intake for municipal residential drinking water and within which it is desirable to regulate or monitor Drinking Water Threats, and includes IPZ-1, IPZ-2, and IPZ-3;

**“Kinmount IPZ”** means the IPZ associated with the Kinmount Municipal Drinking Water System including those areas located within the boundaries of the City of Kawartha Lakes, Minden Hills, and Trent Lakes which are identified as depicted in the attached figure under Schedule ‘A’ of this Agreement;

**“O.Reg. 284/07”** means Ontario Regulation 284/07 – Source Protection Areas and Regions made under the Act, as may be amended from time to time;

**“O.Reg. 287/07”** means Ontario Regulation 287/07 - General made under the Act, as may be amended from time to time;

**“Minden Hills”** means The Corporation of the Township of Minden Hills acting as a body corporate and, where the context requires, includes its Council members, employees, successors and assigns;

**“Risk Assessment”** means an assessment of risks under section 60 of the Act, prepared in accordance with the regulations to the Act and the rules of the Act;

**“Risk Management Inspector”** or **“RMI”** means a Risk Management Inspector appointed by the Parties pursuant to Part IV of the Act;

**“Risk Management Official” or “RMO”** means a Risk Management Official appointed by the Parties pursuant to Part IV of the Act;

**“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;

**“The Act”** means the most recent version of the “Ontario Clean Water Act”; and

**“Trent Lakes”** means The Corporation of the Municipality of Trent Lakes acting as a body corporate and, where the context requires, includes its Council members, employees, successors and assigns.

## **2.1 Costs of Work Done**

All Parties agree that there are no application fees at this time other than those specified in the Agreement. Should application fees become introduced in the future, the fees would have to be identified and agreed to by all parties involved and included as a Schedule to this Agreement.

## **2.2 Communication**

All Parties shall provide to the City of Kawartha Lakes’ RMO a copy of any communication or notice provided to a property owner and/or occupant wholly or partially within the Kinmount IPZ, related to Part IV activity(ies).

### **3. RECORDS AND INFORMATION SHARING**

- a) The Parties agree to share all information, data, records and other documentation pertaining to the Kinmount IPZ 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 provide Minden Hills and Trent Lakes with copies of final inspection reports, any approved RMPs and any Risk Assessments relating to properties within those respective jurisdictions. Minden Hills and Trent Lakes shall provide copies of final inspection reports, any approved RMPs and any Risk Assessments to the City of Kawartha Lakes. The City of Kawartha Lakes' RMO shall copy the Minden Hills's RMO and the Trent Lakes' RMO on its annual report submitted to the Source Protection Authority. Minden Hills and Trent Lakes RMO's shall copy City of Kawartha Lakes on their annual report submitted to the Source Protection Authority
- c) Where Minden Hills or Trent Lakes receives information related to septic system inspections within the Kinmount IPZ, Minden Hills or Trent Lakes shall provide this information to the City of Kawartha Lakes' RMO.
- d) Each Party will provide to the other Parties notice of any change in their appointed RMO within ten (10) days of such appointment.

### **4. EDUCATION, OUTREACH and INCENTIVE PROGRAMS**

- a) The City of Kawartha Lakes shall extend all applicable education and outreach policies and programs to the eligible properties within the Kinmount IPZ.

### **5. TERM, TERMINATION AND AMENDMENT**

#### **5.1 Term**

This Agreement comes into effect on the date stated in the introductory clause and will continue in effect unless terminated by all 3 Parties in accordance with this Agreement. In the event that only one Party terminates the Agreement, the Agreement will remain in force for the remaining parties involved.

## **5.2 Termination**

This Agreement may be terminated by either Party for convenience where the terminating Party provides the other Party with at least ninety (90) days' prior written notice of its intent to terminate. In the event that only one Party terminates the Agreement, the Agreement will remain in force for the remaining parties involved.

## **5.3 Effect of Termination**

Upon the effective date of termination by either Minden Hills and/or Trent Lakes the respective municipality will assume all responsibility under Part IV of the Act, and associated regulations, for the Kinmount IPZ within their municipal jurisdiction.

## **5.4 Amendment**

This Agreement may be amended by mutual consent of the Parties. No amendment to this Agreement shall be effective unless in writing and signed by all Parties.

## **6. NOTICE**

Notice under this Agreement shall be in writing and sent by personal delivery, facsimile transmission or by registered mail. Notices by registered mail shall be deemed to have been received on the fourth business day after the date of mailing. Notices by personal delivery 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, to:

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

The Municipality of Trent Lakes  
760 County Road 36

Trent Lakes ON K0M 1A0

Attention: Director of Corporate Services/Clerk, Trent Lakes  
Facsimile: 705-738-3801

The Township of Minden Hills  
7 Milne Street, P.O. Box 359  
Minden, Ontario K0M 2K0

Attention: Risk Management Official, Planning Department  
Facsimile: 705-286-6005

## **7. INDEMNITY AND INSURANCE**

Each Party shall, both during and following the term of this Agreement, defend, indemnify and hold harmless the other Parties, their employees and Members of Council, and their successors and assigns, (the "Indemnified Parties"), 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 Parties, or any one of them, and against all losses, liabilities, judgements, claims, suits, demands or expenses which the Indemnified Parties 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 performing responsibilities under this Agreement.

Each Party shall obtain, pay for, maintain continuously in full force and effect during the term of this Agreement the following insurance coverage taken out with insurance companies licensed to transact business in the Province of Ontario:

Commercial General Liability insurance, naming the other Parties as additional insured on the policy, with limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property and shall be maintained continuously from the date of execution of this Agreement. Should this policy contain a general aggregate, the minimum acceptable aggregate shall be not less than Ten Million Dollars (\$10,000,000.00). The Commercial General Liability insurance shall include cross-liability and severability of interest clauses, non-owned automobile liability and standard contractual liability; and



Errors and Omissions Liability insurance with limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per claim; and

Automobile Liability insurance (Standard OAP1 Automobile Policy) subject to a limit of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property for all licensed motor vehicles owned and or leased or operated by or on behalf of the Party.

Within 10 days of the execution of this Agreement and upon the placement, renewal, amendment, or extension of all or any part of the insurance, the Parties shall promptly provide each other with a Certificate of Insurance as evidence of the above noted coverage. All policies shall be with insurers licensed to underwrite insurance in the Province of Ontario. All policies shall be endorsed to provide the other Party with not less than thirty (30) days prior written notice of any cancellation, change or amendment restricting coverage.

## **8. CORPORATE CAPACITY**

The parties each make the following representations to the other:

- a) The Party is a municipal corporation and has the full power and authority to enter into this Agreement and any documents arising from this Agreement; and
- b) All necessary action has been taken by the Party to authorize the execution and delivery of this Agreement.

## **9. GENERAL**

### **9.1 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.

## **9.2 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.

## **9.3 Expenses**

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

## **9.4 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.

## **9.5 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.

## **9.6 Successors and Assigns**

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

## **9.7 Governing Law**

This Agreement is governed by the laws of Ontario and the applicable laws of Canada.

## **9.8 Severability**

Any provision of this Agreement held to be invalid, illegal or unenforceable is ineffective to the extent of such invalidity, illegality or unenforceability without affecting the validity, legality or enforceability of the remaining provisions of this Agreement.

## **9.9 Municipal Freedom of Information and Protection of Privacy Act**

- a) This Agreement shall be subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 ("MFIPPA"), as may be amended from time to time, or any successor provincial legislation that applies to municipalities and governs access to public information and the protection of personal information and privacy.
- b) The Parties acknowledge that the information collected, used or disclosed under this Agreement is subject to MFIPPA and all applicable federal or provincial legislation, regulations and standards relating to the collection, use and disclosure of information.

## **9.10 Number and Gender**

Wherever appropriate within this Agreement, words used in the singular shall be considered to include the plural, and words used in the plural shall be considered to include the singular. The masculine gender, where appearing in this Agreement shall be deemed to include the feminine gender and vice versa.

## **9.11 Copies**

Copies of this Agreement will be treated as originals.

*The remainder of this page is left intentionally blank.*

This Agreement is effective February 1, 2019.

Authorized by Council by Council  
Resolution Number:

\_\_\_\_\_

**The Township of Minden Hills**

\_\_\_\_\_  
Name: Brent Devolin  
Title: Mayor

\_\_\_\_\_  
Name: Dawn Newhook  
Title: Clerk

**The Corporation of the City Of  
Kawartha Lakes**

\_\_\_\_\_

\_\_\_\_\_  
Name: Andy Letham  
Title: Mayor

\_\_\_\_\_  
Name: Cathie Ritchie  
Title: Clerk

**The Municipality of Trent Lakes**

\_\_\_\_\_

\_\_\_\_\_  
Name: Janet Clarkson  
Title: Mayor

\_\_\_\_\_  
Name: Kari Stevenson  
Title: Clerk

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number WWW2019-003**

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**Date:** January 15, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Amendments to By-law 2014-255, Requirement to Connect to Municipal Services

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

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### **Recommendation(s):**

**That** Report WWW2019-003, **Amendments to By-law 2014-255, Requirement to Connect to Municipal Services**, be received; and

**That** Section 2.01 of By-law 2014-255 be amended to read: "Subject to section 2.02 herein the owner of any Building as defined herein where such service or services have capacity, shall be responsible for the physical installation of a private sanitary lateral and/or private water service at the Owners expense and shall be responsible for the payment of all fees and charges payable to the Municipality for the installation and connection of a municipal sanitary lateral and/or water service in accordance with the provisions of this By-law and any and all by-laws governing connections to municipal drinking water systems and wastewater collection systems upon failure and/or the need for replacement of their existing private water supply and/or sewage/septic disposal system(s). For further explanation refer to Appendix 1: Connection Diagram."; and

**That** Section 2.02 of By-law 2014-255 be amended to read: "Subject to section 2.01, in the event that water and/or wastewater services become available after the date of passage of this By-law, persons described in section 2.01 shall connect their premises directly to the services in accordance with section 2.01 upon failure of their water and/or sewage/septic disposal system(s)."; and

**That** Section 2.03 by By-Law 2014-255 be amended to read: " Notwithstanding sections 2.01 and 2.02, in the event that:

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

- i. the non-municipal source of potable water for a premises described in Section 2.01 or 2.02 is or may be contaminated or otherwise unsuitable for drinking water as determined by the Medical Officer of Health under the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, as amended; or
- ii. the private sanitary sewage septic system servicing a premises described in Section 2.01 or 2.02 is or may contravene the Environmental Protection Act, R.S.O. 1990, c.E.19 or the Building Code Act, 1992, S.O. 1992, c.23; then

the owner of the premises shall connect the premises to the services immediately.

**That** Section 2.04 of By-law 2014-255 be amended to read: “Any connection required to be made by an owner under this by-law shall be made as soon as reasonably possible following the failure of the existing private water and/or sewage/septic disposal system(s).”; and

**That** Section 2.05 of By-law 2014-255 be amended to read: “Any appeals or requests for exemptions from sections 2.01, 2.02, 2.03 and 2.04 of this By-law shall be forwarded to the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee as per Section 24.00 of By-law 2018-039 “A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes”, as amended”; and

**That** Section 2.06 of By-law 2014-255 be amended to read: “Subject to section 2.01, 2.02 or 2.03 of this By-law any Owner of a Building on land that meet the requirements to connect to the municipal water and/or wastewater services shall be billed the Fixed Rate charges for water and/or wastewater as per the provisions of the By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes (By-law 2018-039, as amended) and the consolidated fees By-law 2018-234, as amended following three (3) months of the mailing of a notice to the Owner shown on the current tax roll.”; and

**That** Section 4.01 of By-law 2014-255 be amended to read: “If the Owner fails to make a connection required by the conditions set out in this By-law, the City may make the connection at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with section 435 to 439 inclusive of the Municipal Act, 2001. Failure to connect within a reasonable time from failure shall constitute an offence.”; and

**That** the necessary amending By-law be brought forward for adoption.

## **Background:**

At the Council Meeting of April 24, 2018, Council adopted the following resolution:

### **Mandatory Connection**

Pat Dunn, Councillor

#### **CR2018-233**

**That** the memo from Councillor Dunn entitled “Mandatory Connection” dated April 24, 2018 be received;

**That** Staff be directed to review the impact and results of implementation of Resolution CR2017-643 and report their findings to Council;

**That** Staff be directed to provide a report updating Council on the results of the Pilot Project for Mandatory Connections in Fenelon Falls and a review of alternatives for addressing physical connection requirements outlined in By-Law 2014-255; and

**That** Staff report to Council no later than the end of Q3, 2018.

### **Carried**

In response to this resolution staff did a presentation to Council on September 18, 2018 (attached as Appendix B to this report), to provide an overview of the mandatory connection process, an update on the pilot project in Fenelon Falls and provide possible alternatives for addressing physical connection requirements that are outlined in By-law 2014-255. The presentation also included a comparison of CKL’s by-law with by-laws from other municipalities across Ontario.

Initially, as part of the pilot project in Fenelon Falls there were 36 properties identified to be serviced by private water and/or septic systems and which fronted municipal watermains and/or sewer mains. Eleven (11) properties were removed due to restrictions on wastewater capacity at that time, leaving 25 properties to form the pilot group. During the course of the pilot, Council conditionally exempted 22 of the eligible properties until such time as both water and wastewater services became available. Only two properties complied with the requirements and one is currently with Municipal Law Enforcement due to non-compliance.

Recognizing that those properties conditionally exempted from connection in Fenelon Falls were still benefitting from the service that was available to them, Council decided that although they weren’t required to connect at this time they would be required to pay the Fixed Rate portion of the user rate. In the fall of 2017, with the intent of being fair and consistent a recommendation was brought

forward to Council to amend the by-law to charge the Fixed Rate to ALL properties that meet the requirements of By-law 2014-255. This is consistent with the resolution passed for the group of properties in Fenelon Falls, as they were all benefitting in some way for the service as well. Council agreed with the recommendation and the amendment allowed the Water & Wastewater Division to collect revenue to help reduce the financial pressures on the current users, help offset any required increase to the user rates and aid in supporting Council's initiative to make our municipal systems financially sustainable.

During the presentation, Council was also provided an overview of similar by-laws from other municipalities throughout Ontario. The comparison of by-laws looked at such things as: timing of connection, stipulated connection distances, inclusion of requirements to decommission/disconnect old private systems, Power of Entry clauses, fines, hardship clauses, loan programs, and associated fees. It is evident that the City of Kawartha Lake's By-law is consistent with those in other municipalities.

As requested by Council to review other alternatives for addressing the physical connection requirements of the By-law, staff presented three different options.

The following alternatives were reviewed and presented to Council for consideration:

- **Option 1** – Continue to implement the By-law as written and provide notices to the remaining properties to connect with current timing of 18 months from the date of the Notice provided.
- **Option 2** – Amend current By-law to require property owners who meet the requirements of mandatory connection to connect to available water and/or wastewater services upon failure of their private infrastructure (private well or septic system). This option would still see those properties continue to pay the Fixed Rate as per the current by-law.
- **Option 3** – Amend current By-law to extend timeframe to connect following notification from the current 18 months to 36 months, allowing property owners more time to come into compliance and prepare for connection costs.

Based on the information provided in the presentation, and a staff recommendation to proceed with Option 2 a follow up report went to Council on September 25, 2018, whereby Council adopted the following resolution:

**CR2018-591**

**Moved By** Councillor James

**Seconded By** Councillor Yeo

**That Report WWW2018-008, Water Wastewater Service Connection Strategy**, be received; and



**That** staff be directed to prepare the necessary amendments to By-Law 2014-255, A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes, to require property owners who meet requirements of mandatory connection process to connect to available municipal water and/or wastewater services upon failure of their private infrastructure.

**Carried**

Council also adopted the following resolution at the Council meeting of September 25, 2018. Although, this resolution is addressed in Council report WWW2018-012, the amendments to By-law 2014-255 as required will be included in this report with the other required amendments to the by-law.

**CR2018-592**

**Moved By** Councillor James

**Seconded By** Councillor Veale

**That** a revised Terms of Reference for the High Water Bills Appeal Committee, to include Mandatory Connection Appeals, be brought forward to Council by end of Q1 2019.

**Carried**

This report addresses that direction.

**Rationale:**

The review of the Fenelon Falls pilot to enforce the requirement to connect to municipal services, there was a 92% exemption rate. This is an indication that the program as is, is not as effective as it could be. Staff believes amending the by-law to require qualifying properties to connect to available municipal water and/or wastewater services when their private infrastructure (private wells or septic systems) fails would be the most efficient way to increase the overall effectiveness and compliance with the by-law requirements moving forward.

This amendment would be the most beneficial for residents that meet the criteria to connect to municipal services as well as City staff in the following ways:

- One of the largest concerns by residents of the eligible properties is the financial pressure associated with the process to connect. The requirement to connect at time of private system failure makes the most logical sense because the property owner will already be required to make a financial investment whether it is towards a new private system or connecting to the municipal services available to them;

- The CKL would still collect the Fixed Rate portion of the user fees from qualifying properties to ensure that each property is contributing towards the base costs associated with the maintenance and replacement of the existing infrastructure, significantly aiding the financial sustainability of the systems within CKL; and
- Time and resource pressures on departments from Engineering, Water & Wastewater, Building and Municipal Law Enforcement will be reduced, as there would be no need for continuation of providing connection notices to qualifying properties.

Endorsing the proposed amendments to the sections within the by-law as listed in the recommendations above, would help achieve the listed benefits for both residents of the eligible properties and City staff. Although there are a few challenges with this recommendation including ensuring that property owners are conforming with the by-law when their private system does fail, this option has the least financial impact on residents and is manageable with current departmental resources without effecting other day-to-day obligations.

### **Other Alternatives Considered:**

No other alternatives are being considered at this time. Council has passed resolutions requesting Staff present the proposed amendments to the By-law. Should Council decides not to accept the proposed amendment, staff will continue implementation of the connection process as currently written within the By-law.

### **Financial/Operation Impacts:**

There are no financial impacts resulting from this amendment to the By-law. Operationally, the amendment will reduce current impacts on City departments, by eliminating the notification process and an 18-month compliance timeline. Time of compliance will be unique for each property and will span over a number of years.

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

The recommendation to Council is consistent with the Council Adopted Strategic Plan in several ways:

Goal 1 “Vibrant and Growing Economy” – will be met through the proper servicing and collection of appropriate user fees to fund the maintenance, capacity and growth of the municipal water and wastewater systems.

Goal 3 “Healthy Environment” - will be met through community preparedness by ensuring that the necessary funds are secured in order to sustain water and wastewater infrastructure necessary to protect and prevent any adverse impacts towards the environment.

Enabler 3 “Municipal Service Excellence” – E3.3 Service Excellence – E3.3.1 – Review and adopt best municipal practices (and continue to review operational efficiencies using lean methodology).

This Report is also in line with the City’s values, specifically continuous improvement and excellence, as this amendment will aid in sustainability of the municipal drinking water systems and wastewater systems as well as provide excellent, efficient, and safe services for the public of Kawartha Lakes.

### **Servicing Implications:**

The recommendations contained within this report will enable continued funding for the maintenance of existing water and wastewater infrastructure and accounts for the municipal services available to property owners. This recommendation is consistent with the 2014 Provincial Policy Statement under the *Planning Act, 1990*. The Policy highlights the preference for municipal water and wastewater services for servicing settlement areas while emphasizing the efficient use and optimization of existing municipal services.

### **Consultations:**

Director of Public Works, Public Works  
Manager, Environmental Services

### **Attachments:**

Appendix A - By-law 2014-255 Consolidated Mandatory Connection to Water and Wastewater Systems By-law – Amended Tracked Changes



Appendix A - By-Law  
2014-255 Consolidate

## Appendix B – Council Presentation from September 18, 2018 “Water Wastewater Service Connection Strategy”



Appendix B - Council  
Presentation Septemb

**Department Head E-Mail:** [brobinson@kawarthalakes.ca](mailto:brobinson@kawarthalakes.ca)

**Department Head:** Bryan Robinson

**The Corporation of The City of Kawartha Lakes**

**Office Consolidation of By-Law 2014-255**

Consolidated on September 20, 2017

Passed by Council on September 9, 2014

**Amendments:**

- 1) By-law 2017-181    September 12, 2017    Sections 2.00

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

**The Corporation of the City of Kawartha Lakes**

**By-Law 2014-255**

**A By-Law To Require Owners of Buildings To Connect Such  
Buildings To Drinking Water Systems and/or Wastewater  
Collection Systems in The City of Kawartha Lakes**

**Recitals**

1. Council authorizes the passage of a mandatory connection by-law through resolution number CR2014-853.
2. The Municipal Act, 2001, S.O. 2001, c.25, as amended (the "Municipal Act, 2001") sections 8 and 10 provide authority to municipalities to pass by-laws regarding public utilities, including water and wastewater services, and mandatory connection thereto.
3. Section 425 of the Municipal Act, 2001 provides the authority for a municipality to create an offence for failure to comply with a by-law. Section 426 of the Municipal Act, 2001 provides for the offence of obstruction. Section 429 provides the authority for the municipality to create a system of fines.
4. Pursuant to section 445 (1) of the Municipal Act 2001, if a municipality is satisfied that a contravention of a by-law of the municipality has occurred, the municipality may make an order requiring the person who contravened the by-law to do work to correct the contravention. Section 446 of the Municipal Act, 2001 provides the authority for a municipality to create a by-law that allows the municipality to enter and conduct work where the owner fails to do so, and to recover the costs in the same manner as property taxes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2014-255.

## **Section 1.00: Definitions and Interpretation**

### **1.01 Definitions:** In this by-law,

**“appurtenances”** means the apparatus or equipment that is an accessory to the drinking water system and/or wastewater collection system including municipal sanitary laterals and/or water services and their components; or an accessory to private sanitary laterals; or to private water services and/or sewage collection systems.

**“Building”** means and includes but is not limited to any building, trailer, or other covering or structure with a water supply which is located on a parcel of land abutting a public highway or street or right of way in front of which a water distribution main and/or wastewater collection main is located or a parcel of land not more than one foot from a public highway or street in which a water distribution main and/or wastewater collection main is located, and

- i. Contains, or is required by this or any other by-law, regulation or statute to contain, any sleeping, eating or food preparation facilities, or
- ii. Contains or is required by this or any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities, or
- iii. Is connected, or is required by this or any other by-law, regulation or statute to be connected, to a water supply or drinking water system, or
- iv. Is connected or is required by this or any other by-law, regulation or statute to be connected, to a drain or wastewater collection system or
- v. Which is a source of sewage

Other than a barn used for agricultural purposes and which contains no sleeping accommodation for humans.

**“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;

**“Connect” (or “connected”, or “connecting” or “connects, or “connections”)** means to install a sanitary sewer lateral and/or water service including associated appurtenances.

**“Cost”** includes but is not limited to the cost of restoring any property disturbed or damaged in the course of making a connection and the cost of design, if any, materials, labour and supervision of the connection incurred after the date of sending a notice and includes the amount of

expense charged by the City to the owner when the municipality makes a connection at the expense of the owner.

**"Council" or "City Council"** means the municipal council for the City.

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

**"Drinking Water System"** means any works for the production, treatment, storage, supply and distribution of water, or any part of such works, according to the Safe Drinking Water Act, 2002, but does not include plumbing to which the Building Code Act, 1992 applies.

**"Municipal Sanitary Lateral"** means the pipes and appurtenances of a municipal sewer system located within the right-of-way and situated between the wastewater collection main and the property line; or up to but not including the inspection tee.

**"Municipal Law Enforcement Officer"** is the person duly appointed within the City's administration to enforce the by-laws of the City.

**"Municipal Water Service"** means the portion of the water service from the water distribution main to the property line or up to and including the curb stop.

**"Notice"** means a notice given pursuant to this by-law requiring a connection to be made.

**"Owner"** means the registered owner of a lot or parcel of land on which a building is located.

**"Private Sanitary Lateral"** means the portion of the sanitary sewer lateral from the building to the property line or up to and including the inspection tee.

**"Private Water Service"** means the portion of the water service from the building to the property line or up to and not including the curb stop.

**"Wastewater Collection System"** means any works for the collection, pumping, storage, or any part of such works, but does not include plumbing to which the Building Code Act, 1992 applies.

**"Wastewater Collection Main"** means a collection and transmittal pipe or main of the wastewater collection system excluding municipal and/or private sanitary laterals.

**"Water Distribution Main"** means any transmittal pipe or main of the drinking water system excluding municipal and/or private water services.

#### 1.02 Interpretation Rules:

- (a) The Appendix attached to this by-law forms part of the by-law.

- (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.
- (c) In this by-law, municipal water or wastewater service shall be deemed to be available if the City would be obliged to supply such service or services on request under section 86 (1) of the Municipal Act, 2001.

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: Mandatory Connection**

2.01 Subject to section 2.02 herein the owner of any ~~building~~ Building as defined herein where such on land in which there is located a municipal water distribution main or wastewater collection main and such service or services have capacity, shall be responsible for the physical installation of a private sanitary lateral and/or private water service at the Owners expense and shall be responsible for the payment of all fees and charges payable to the Municipality for the installation and connection of a municipal sanitary lateral and/or water service in accordance with the provisions of this by-law and any and all by-laws governing connections to municipal drinking water systems and wastewater collection systems upon failure and/or need for replacement of their existing private water supply and/or sewage/septic disposal system(s). For further explanation refer to Appendix1: Connection Diagram.

2.02 Subject to section 2.01, in the event that water and/or wastewater services become available after the date of passage of this by-law, persons described in section 2.01 shall connect their premises directly to the services in accordance with section 2.01 ~~within eighteen (18) months of such services being available for public use~~ upon failure of their private water and/or sewage/septic disposal system(s).

2.03 Notwithstanding sections 2.01 and 2.02, in the event that:

- i. the ~~non-municipal~~ source of potable water for a premises described in ~~s~~Section 2.01 or 2.02 is or may be contaminated or otherwise unsuitable for drinking water as determined by the Medical Officer of Health under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended; or
- ii. the private sanitary sewage septic system servicing a premises described in Sections 2.01 or 2.02 is or may contravene the Environmental Protection Act, R.S.O. 1990, c. E.19 or the Building Code Act, 1992, S.O. 1992, c.23,; then



the owner of the premises shall connect the premises to the services immediately ~~upon such conditions ceasing to exist.~~

- 2.04 Any connection required to be made by an owner under this by-law shall be made ~~with eighteen (18) months of the mailing of a notice to the owner shown on the current tax roll, by the Director, by registered mail as soon as reasonably possible following the failure of the existing private water and/or sewage/septic disposal system(s).~~
- 2.05 ~~Any appeals or requests for exemptions from sections 2.01, 2.02, and 2.03 and 2.04 of this By-law shall be forwarded to the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee as per Section 24.00 of By-law 2018-039 "A By-Law to Regulate Water and Wastewater Service in the City of Kawartha Lakes", as amended.~~
- 2.05 ~~Any Notice sent by the Director shall:~~
- ~~a) require the Owner to make the connection; and/or~~
  - ~~b) require the Owner to decommission the old system; and~~
  - ~~c) advise the Owner of the date on which the connection is to be made and/or the decommissioning of the old system is to occur; and~~
  - ~~d) advise the Owner that, if the Owner fails to make the connection as required, the City has the right to make it at the Owner's expense; and~~
  - ~~e) make reference to this by-law.~~
- 2.06 Subject to section 2.01, 2.02 or 2.03 of this by-law any Owner of a building on land that meets the requirements to connect to the municipal water and/or wastewater services shall be billed the Fixed Rate ~~and Capital Levy~~ charges for water and/or wastewater as per the provisions of ~~the By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes (By-Law 2018-039, as amended) By-law-20118-260-039, as amended and~~ the consolidated fees By-Law 2018-23416-206, as amended following three (3) months of the mailing of a notice to the Owner shown on the current tax roll.

~~2017-181 Effective September 12, 2017~~

### **Section 3.00: Decommissioning and Disconnection of Private Services**

- 3.01 **Private Well and/or Water Supply Disconnection:** Upon connection to the municipal drinking water system and upon obtaining a building permit under the Building Code Act to do so, all plumbing from private wells shall be disconnected from the building and maintained in accordance with O. Reg. 903, as amended, to the Ontario Water Resources Act, R.S.O. 1990, c. O.40.
- 3.02 **Failure to Disconnect Private Well and/or Water Supply:** In the event that a private well is to be disconnected from the building at the time the new municipal drinking water supply is connected, the City has the right to enter the property and inspect and perform works to ensure the plumbing for the private well or water supply is disconnected and decommissioned

at the Owner's expense in accordance with sections 435 to 439 inclusive, and section 446 of the Municipal Act, 2001, as amended.

- 3.03 **Septic and/or Sewage Disposal System Disconnection:** All septic systems or any other sewage disposal system upon obtaining a permit under the Building Code Act to do so, shall be decommissioned after connection to the municipal wastewater collection system at the Owner's expense.
- 3.04 **Failure to Disconnect Septic and/or Sewage Disposal System:** In the event that a septic and/or sewage disposal system is not decommissioned in accordance with this by-law, the City has the right to enter the property and inspect and perform works to decommissioned private septic and/or sewage disposal systems at the Owner's expense in accordance with sections 435 to 439 inclusive, and section 446 of the Municipal Act, 2001, as amended.

#### **Section 4.00: Failure to Connect**

- 4.01 If the Owner fails to make a connection required by the conditions set out in this by-law ~~Notice within the eighteen (18) month period~~, the City may make the connection at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with sections 435 to 439 inclusive of the Municipal Act, 2001. Failure to connect within a reasonable time from failure by the date set out in the ~~Notice shall constitute an offence.~~
- 4.02 If the Owner fails to decommission in accordance with this by-law, the City may undertake the works at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with sections 435 to 439 inclusive of the Municipal Act, 2001. Failure of the Owner to decommission the private well and/or water supply by the date set out in the Notice shall constitute an offence.
- 4.03 The City may, at any reasonable time, enter land and/or building in accordance with section 436 of the Municipal Act, 2001 for the purpose of carrying out an inspection in accordance with this by-law, at the Owner's expense.
- 4.04 All persons exercising power of entry to carry out works under this by-law shall be accompanied by an employee or agent of the City and show identification as required by section 435 of the Municipal Act, 2001.
- 4.05 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 4.06 The cost of work undertaken by the City in accordance with this by-law shall be added to the tax roll for the property by the Treasurer and be collected in the same manner as municipal taxes or in like manner, in accordance with the Municipal Act, 2001, sections 398 (2), 446 (3) and(5).

## **Section 5.00: Orders, Enforcement and Penalties**

- 5.01 **Authority:** All authority pursuant to section 445 (1) of the Municipal Act, 2001 to issue Orders requiring persons who have contravened this by-law shall be and is hereby delegated to a Municipal law Enforcement Officer. Any and all authority delegated under this section may only be exercised in accordance with section 445 of the Municipal Act, 2001.
- 5.02 **Offence:** Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O.1990, Chapter P.33, as amended.
- 5.03 **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, as amended.
- 5.04 **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, as amended.
- 5.05 **Enforcement:** This by-law may be enforced by Municipal Law Enforcement Officers and police officers.

## **Section 6.00: Administration and Effective Date**

- 6.01 **Administration of the By-law:** The Director is responsible for the administration of this by-law.
- 6.02 **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 9<sup>th</sup> day of September, 2014.

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Ric McGee, Mayor

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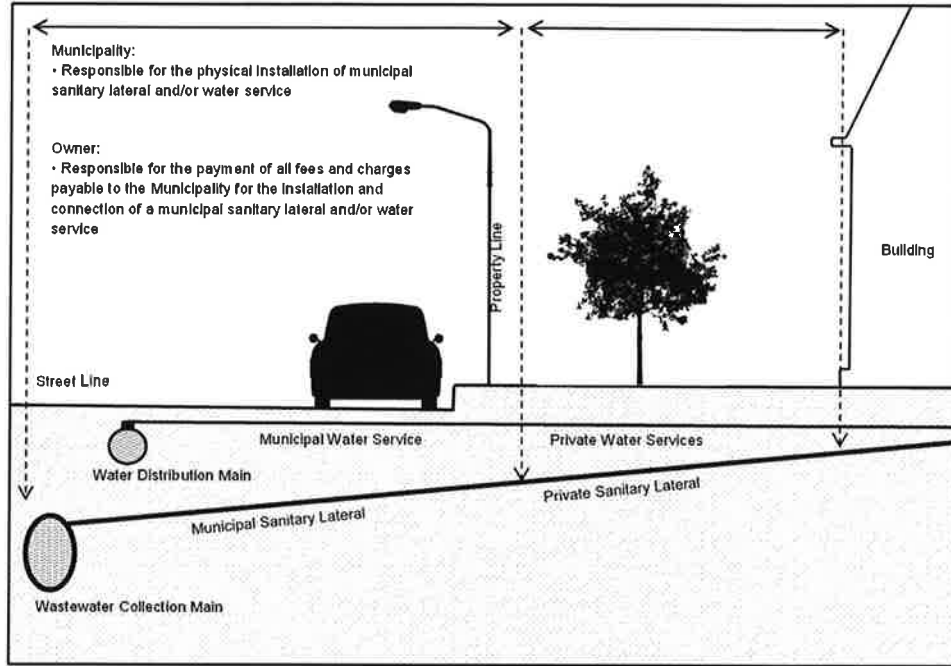
Judy Currins, City Clerk



2014-255 Set  
Fines.pdf

## Appendix 1 – Connection Diagram

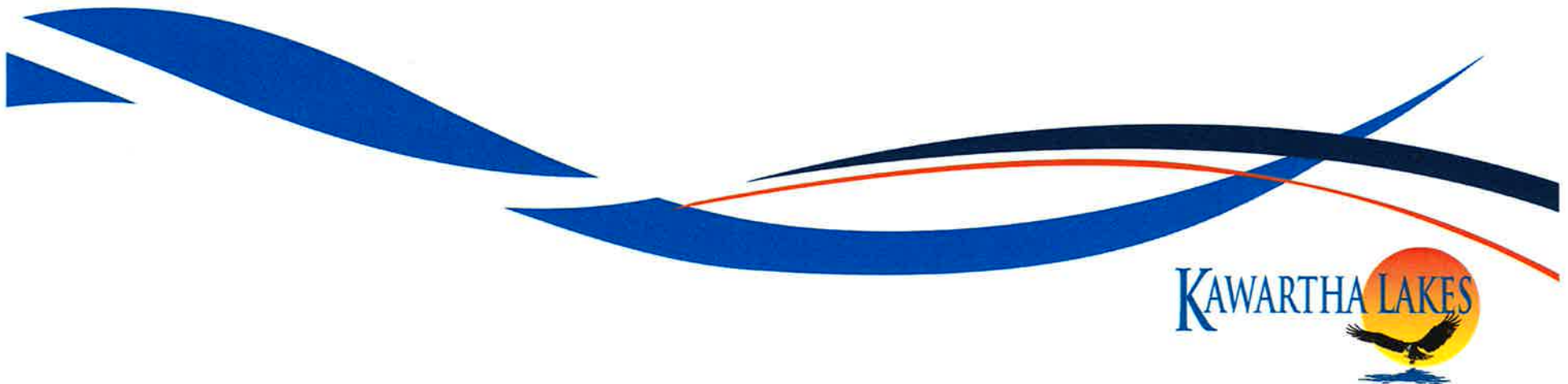
Appendix 1: Connection diagram



# Water Wastewater Service Connection Strategy

Water and Wastewater Division

September 18<sup>th</sup>, 2018



# Presentation Overview

1. History of Mandatory Connection By-law
2. Black Belt Project/By-law Amendments
  - i. Fenelon Falls Pilot Project/Exemptions
  - ii. Recent amendment By-law 2014-255
3. Comparison of by-law with other municipalities in Ontario
4. Moving Forward
5. Staff Recommendation
6. Questions



# Original Mandatory Connection By-law

- City of Kawartha Lakes endorsed first mandatory connection by-law on April 12, 2005 known as By-law 2005-75 “A By-law to Require Owners of Buildings to Connect such Buildings to Water Works and Wastewater Works in the City of Kawartha Lakes”
- General intent of by-law was to ensure property owners in CKL connected to municipal services as they became available

# Lean Six Sigma Black Belt Project

- In 2014 Bylaw 2005-75 was reviewed by multiple departments and a number of deficiencies were determined
- As there were too many deficiencies, a new by-law was created to address concerns
  - By-Law 2014-255 “A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems And/Or Wastewater Collection Systems in the City of Kawartha Lakes”
- Need for phased in approach for implementation



# Pilot Project in Fenelon Falls

- At the beginning of the pilot project there were 36 properties that qualified for connection to either water, wastewater or both municipal services
- 11 were removed from the pilot due to restrictions on wastewater capacity at the time
- To date:
  - 22 of the 25 properties have received a conditional exemptions to connect at this time by Council
  - 2 properties connected
  - 1 property is currently with by-law enforcement due to non-compliance

# Exempted Properties

- Properties in Fenelon Falls were conditionally exempted on the premise that both water & wastewater services were not available at this time
- Will be required to connect once wastewater is available to help reduce cost for installation
- Are still required to pay the monthly fixed rate portion of the Water Rates

# Benefits of being connected to Municipal Water/Wastewater Services

Properties adjacent to but not connected to existing water and/or wastewater infrastructure are still benefitting from the services being available to them with:

- Increased property values
- Properties within areas that are fire rated receive reduce insurance premiums
- Municipally serviced properties through source protection legislation are less susceptible to risk from contamination, drought, and well interference from nearby development(s)
- Reserved capacity for property to connect at any time to municipal services
- Guaranteed safe drinking water source



# Recent Amendment

- Based on benefitting factors Council directed the By-law be amended in Sept 2017 to charge those properties that meet the requirements for mandatory connection the annual fixed rate costs after 3 months notice
- Amended by-law enables recovery of an approximate \$60,000 per year in additional revenue (based on 2018 rates)
- This revenue will help cover basic costs for maintenance and replacement of existing infrastructure

## Mandatory Connection By-law Comparison

Municipality and related by-law	Timing of Connection	Stipulated connection distance	Decommissioning of old systems included?	Can city enter onto private property and connect building at owners expense?
CKL By-Law 2014-255	18 months	Parcel of land within 1 ft. of Hwy/St. in which a w/ww main is located	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Stratford By-law 28	6 months	Building must be within 300 feet from property line	Not referenced	Not referenced
West Grey By-law 25-2015	12 months	Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer,	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Township of King By-law 2010-38	Only for sewage – 12 months from time of notice to connect and decommission previous system(s)	Not specific – just if sanitary main fronts property	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Muskoka By-law 2017-16	24 months but if resident can show system installed within 10 yrs of notification and working, granted additional 10 yrs Must connect ASAP to both services if one service fails though	A building on land abutting any street, alley, or right of way in which there is located a municipal watermain or sanitary sewer and such services are presently available	Included. 435-439 and 446 of Municipal Act	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
City of Cambridge By-law 6-13	Given 36 months to connect	No specific distance. Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer,	Not referenced. States when connection to municipal service is made, the owner must stop using their previous system in favour of new one. No decommissioning required	Yes and added to tax roll as lien. Municipal Act S. 398 (2)

## Mandatory Connection By-law Comparison Continued

Municipality and related by-law	Fines listed in by-law	Hardship clause	Loan program	Is resident charged Fixed rate fees?
CKL By-Law 2014-255	Max fine of \$100,000.00 and set out under Provincial Offences Act (POA)	Not referenced	Credit Granting Policy (CP2017-004) over 10 years if amount > \$1000	Given 3 month notice before fixed rate fee applied to account. No consumption charges until connection made
Stratford By-law 28	\$2000.00 per day not in compliance	Utility Board in place to review and exempt commercial operation when connecting can bankrupt them	Not referenced	Properties are not exempt from capital contribution towards extending lines
West Grey By-law 25-2015	Will be fined unspecified amount in accordance with POA	Not referenced	Not referenced	Water and Sewage Capital and Financing Charge Rates are applied to every building on property that has access to w/ww lines
Township of King By-law 2010-38	Will be fined unspecified amount in accordance with POA	Not referenced	15 year payback period put on tax roll as lien 349(3) of MA  Resident allowed to pay the \$18790.00 over a 4 equal payments within 36 months. If not fully paid, then 1.25% monthly interest and amount put on tax roll.	Not referenced
Muskoka By-law 2017-16	Max fine of \$50,000.00 and set out under Provincial Offences Act (POA)	Must provide >2 quotes. If cost >\$30,000 then exemption can be given to connect	10 year period to pay back. Loan amount cannot exceed cost of connection.	No reference
City of Cambridge By-law 6-13	Not less than \$50,000.00 but not more than \$100,000.00 and set out under Provincial Offences Act (POA)	Commissioner of Transportation and PW can decide to allow the resident the use of a septic tank system if it is determined the connection to works cannot be made available due to capacity limitations	Council can decide to grant a loan for connection cost. Max 5 years to repay plus interest rate (% not referenced) plus an additional 2% of loan added onto total amount.	After 36 months, if owner hasn't connected their property they are charged the fixed/flat rate of a connection and municipal sewage service per month regardless of water usage

[www.KawarthaLakes.ca](http://www.KawarthaLakes.ca)



# Moving Forward – Option 1

- **Option 1:** Continue to implement by-law as written with remaining properties in Kawartha Lakes being provided notification for connection.
  - ~ 25 - 30 properties per group
- Property owners will be given 18 months to connect as well as disconnect/decommission existing private services

## Moving Forward – Option 2

- **Option 2:** Amend current By-law to require property owners who meet the requirements of mandatory connection to connect to available municipal water and/or wastewater services upon failure of their private infrastructure (private well or septic)
- Property Owner's would continue to pay Fixed Rate as per current by-law



## Moving Forward – Option 3

- **Option 3:** Amend current by-law to extend timeframe to connect following notification from the current 18 months to 36 months
- This will allow property owners more time to come into compliance and allow more time to prepare for connection costs

# Staff Recommendation

- Staff will be recommending **Option 2** in a report to Council on September 25, 2018
- Staff are recommending that the by-law be amended to require property owners who are subject to mandatory connection, connect at such time as their private infrastructure fails
- This has the least financial impact on residents and also alleviates pressures on departmental resources

# Questions?





# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number WWW2019-004

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**Date:** January 15, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** High Water Bill Appeals Committee Terms of Reference Amendment

**Description:** An amendment to the High Water Bills Committee Terms of Reference to include Mandatory Service Connection Appeals

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

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### Recommendation(s):

**That** Report WWW2019-004, **High Water Bill Appeals Committee Terms of Reference Amendment**, be received;

**That** the title of Section 24.00 of By-law 2018-039 be amended to read: "Section 24.00: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee";

**That** Section 24.01 of By-law 2018-039 be amended to read: "**High Water Bill Adjustment and Mandatory Service Connection Appeals Committee:** A High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is established to hear and rule on appeals pertaining to high water bill adjustments and the requirement for mandatory service connection (required by Sections 2.01, 2.02 and 2.03 of By-law 2014-255, as amended).";

**That** Section 24.02 of By-law 2018-039 be amended to read: "**Authority:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee may recommend to Council approval of high water bill adjustments or exemptions from mandatory service connections without prejudice or precedent to any other similar matter.";

**That** Section 24.03 of By-law 2018-039 be amended to read: "**Composition and Appointment:** The High Water Bill Adjustment and Mandatory Service

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

Connection Appeals Committee shall be comprised of three members of Council appointed by Council.”;

**That** Section 24.04 of By-law 2018-039 be amended to read: “**Term:** The Term of the Appointment of the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be the same as the term of Council.”;

**That** Section 24.05 of By-law 2018-039 be amended to read: “**Administration:** The High Water Bill Adjustment and Mandatory Service Connection 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.”;

**That** Section 24.06 of By-law 2018-039 be amended to read: “**Governance:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be governed by the City’s Procedural Water and Wastewater By-Law as amended from time to time by Council. With respect to Mandatory Service Connection appeals, appeals/exemptions to requirements of Sections 2.01, 2.02 and 2.03 of By-law 2014-255 “A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes” (as amended), shall be considered by the Committee.”;

**That** the proposed terms of reference for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee, as outlined in Appendix C to Report WWW2019-004 be approved; and

**That** the necessary amending By-law be brought forward for adoption.

## **Background:**

At the Council Meeting of May 22, 2018 Council adopted the following resolution:

### 11.1.11 CORP2018-009

#### **High Water Bill Adjustment Appeals Committee**

Jennifer Stover, Director of Corporate Services

#### **CR2018-340**

**Moved By** Councillor James

**Seconded By** Councillor Yeo

**That** Report CORP2018-009, **High Water Bill Adjustment Appeals Committee**, be received; and

**That** Councillor James, Councillor Veale and Councillor Breadner be appointed to the High Water Bill Adjustment Appeals Committee, in accordance with By-law 2018-039, for the remainder of this term of Council;

**That** the Terms of Reference for the Committee be amended to include both High Water Bill Adjustment and Mandatory Connection Appeals; and

**That** the necessary by-law amendments and revised terms of reference be brought forward to Council.

**Carried**

Further to that, at the Council Meeting of September 25, 2018 Council adopted the following resolution:

#### **CR2018-592**

**Moved By** Councillor James

**Seconded By** Councillor Veale

**That** a revised Terms of Reference for the High Water Bills Appeal Committee, to include Mandatory Connection Appeals, be brought forward to Council by end of Q1 2019.

**Carried**

Prior to making amendments to the terms of reference for the High Water Bill Adjustment Appeals Committee, staff provided a report to Council on September 25, 2018 with an overview of the Mandatory Connection process, an update on the pilot project in Fenelon Falls and recommendations on possible alternative for addressing the physical connection requirements outlined in By-law 2014-255

moving forward. The outcome of the recommendations made at this Council meeting may have had an impact to the amendments of the terms of reference for the Appeals Committee which is the reason the terms of reference were not amended prior to that meeting.

Currently, there is no formal appeal or exemption process for the requirements set out under By-law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes". Any request for connection exemption are brought forward to Council through a staff report as they are submitted by individual property owner's, and Council makes a decision based on the information provided. There are no formal criteria or a committee that reviews any of the requests prior to a report being sent to Council.

This report addresses the resolution from Council to amend the terms of reference for the "High Water Bills Adjustment Appeals Committee". The committee will be re-named the "High Water Bill Adjustment and Mandatory Service Connection Appeals Committee" in order to capture the revised responsibilities.

### **Rationale:**

Council requested the terms of reference for the High Water Bill Appeals Committee be amended to include appeals or request for exemptions for the physical connection requirements set out in Sections 2.01, 2.02 and 2.03 of By-law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes". The amendments to the By-laws and management directive will outline a formal process that can be followed.

The amendments to Section 24.00 of By-law 2018-039 are included in the recommendations above and a tracked changes version of By-law 2018-039 is attached as Appendix A.

The proposed Terms of Reference for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is attached as Appendix C.

Management Directive MD2018-013 was approved on March 6, 2018. This directive establishes a management framework for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee. This management directive has been updated, attached as Appendix B, to incorporate the revised terms of reference.

A recommendation to make amendments to By-law 2014-255, to incorporate the exemption/appeals process in order to be consistent with the terms of reference being updated in By-law 2018-039 and the management directive is included in



Report WWW2019-003 for Council adoption on January 15, 2019 as well. Other amendments to By-law 2014-255 are being recommended in response to other Council resolutions, but makes sense to keep all amendments to the same by-law in one report.

### **Other Alternatives Considered:**

As the Committee does not have the authority to approve relief, Council could opt to disband the Committee and have any/all high water bill adjustment and mandatory service connection appeals be heard directly to Council.

### **Financial/Operation Impacts:**

As the high water bill adjustments are limited to one per property, the financial implications of providing relief are minimal relative to the total water wastewater revenue.

Since the committee only reviews requests for exemptions to the physical connection requirements, as set out in sections 2.01, 2.02 and 2.03 of By-law 2014-255, the applicable Fixed Rates will still be collected for each property as required. This revenue collected through the Fixed Rate supports the operations and maintenance of the infrastructure that is installed to benefit each property.

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

Goal 1 “Vibrant and Growing Economy” – will be met through the proper servicing and collection of appropriate user fees to fund the maintenance, capacity and growth of the municipal water and wastewater systems.

Strategic Enabler – Responsible Fiscal Resource

### **Consultations:**

Director, Public Works  
Director, Corporate Services  
Manager, Environmental Services

### **Attachments:**

Appendix A – By-law 2018-039 “A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes” – Amended Tracked Changes



Appendix A -  
2018-039 Bylaw to Re

## Appendix B – MD2018-013 High Water Bill Adjustment Appeals Committee Management Directive – Amended Tracked Changes



Appendix B -  
MD2018-013 High Wat

## Appendix C – Terms of Reference – High Water Bill Adjustment and Mandatory Service Connection Appeals Committee



Appendix C - High  
Water Bill Adjustment

**Department Head E-Mail:** [brobinson@kawarthalakes.ca](mailto:brobinson@kawarthalakes.ca)

**Department Head:** Bryan Robinson

**The Corporation of the City of Kawartha Lakes****By-Law 2018-039**Report # W2019-004**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 2018-039**

**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 m<sup>3</sup> 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 and Mandatory Service Connection Appeals Committee**

**24.01 High Water Bill Adjustment and Mandatory Service Connection Appeals Committee:** A High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is established to hear and rule on appeals pertaining to against hHigh wWater bBill aAdjustments and the requirement for mMandatory sService cConnections (required by Sections 2.01, 2.02, and 2.0 By-law 2014-255, as amended)-decisions.



- 24.02 **Authority:** The High Water Bill Adjustment [and Mandatory Service Connection](#) Appeals Committee may recommend to Council approval of high water bill adjustments [or exemptions from mandatory service connections](#) without prejudice or precedent to any other similar matter.
- 24.03 **Composition and Appointment:** The High Water Bill Adjustment [and Mandatory Service Connection](#) 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 [and Mandatory Service Connection](#) Appeals Committee shall be the same as the term of Council.
- 24.05 **Administration:** The High Water Bill Adjustment [and Mandatory Service Connection](#) 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 [and Mandatory Service Connection Appeals](#) Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council. [With respect to Mandatory Service Connection appeals, appeals/exemptions to requirements of Sections 2.01, 2.02 or 2.03 of By-law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes" \(as amended\), shall be considered by the Committee.](#)

## **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 6<sup>th</sup> day of March, 2018.

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Andy Letham, Mayor



2018-039Schedule%2  
0A%20-%20Option%2

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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 <sup>3</sup>	\$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 <sup>3</sup>	\$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 <sup>3</sup>	\$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 <sup>3</sup>	\$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.**





## Management Directive

Management Directive No.:	MD2018-013
Management Directive Name:	High Water Bill Adjustment <u>and Mandatory Service Connection</u> Appeals Committee Management Directive
Date Approved by CAO or Designated Person:	March 6, 2018
Date revision approved by CAO or Designated Person:	
Related SOP, Management Directive, Council Policy, Forms	CP2017-006 High Bill Adjustment Policy

### Directive Statement and Rationale:

To establish a management framework for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee.

### Scope:

Applies to all members of the City of Kawartha Lakes High Water Bill Adjustment and Mandatory Service Connection Appeals Committee. This policy shall not be taken to alter the terms or any Collective Agreement.

### Management Directive:

#### Meeting Frequency and Purpose:

- Meetings will occur once per quarter.
- The purpose of the meeting will be:
  - To provide a venue for property owner's to appeal for relief on their water/wastewater bill beyond the High Water Bill Policy;
  - To provide a venue for property owner's to appeal the requirements for connection to municipal water and wastewater infrastructure as per By-Law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes, as amended; and
  - For staff to update the Committee on any water/wastewater matters.

#### Property Owner Responsibility:

- The property owner shall notify the City, in writing, that they wish to have their water/wastewater bill, or the servicing requirements as outlined in By-Law 2014-255 (as amended) reviewed by the Committee.



## Management Directive

- The property owner may make a written deputation or verbal deputation to the Committee with supporting documentation justifying the reason for the appeal.
- It is the responsibility of the property owner to maintain their account in good standing at all times.
- Interest will continue to accrue on any outstanding balances.
- Property owner's may only make one high water bill appeal per property.
- Property owners may only make one mandatory service connection appeal per property.

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### Kawartha Lakes Staff Responsibility:

- The Director of Corporate Services, or designate, will be responsible for all matters relating to high water/wastewater appeals.
- The Director of Public Works, or designate, will be responsible for all matters relating to mandatory service connection appeals.
- Corporate Services will be responsible for providing a secretary for the meeting.

### Meeting Process:

- Staff will notify the property owner of the meeting date and advise them of the process, including their obligation to maintain their account in good standing.
- Agenda for the meeting will be available the Wednesday prior to the meeting.
- Property Owner's will have the opportunity to make a deputation at the meeting.
- Staff will provide the Committee with a report for each appeal providing an explanation of the matter from staff perspective.
- The Committee has the authority to deny a request for relief and/or exemption.
- The Committee may make a recommendation to Council to provide relief and/or an exemption.
- In recommending relief of a high water/wastewater bill, the Committee shall refer to the High Bill Adjustment Policy for guidance.
- The amount of relief recommended by the Committee shall not exceed the level of relief that would otherwise be provided under the High Bill Adjustment Policy.
- In recommending relief/exemption of a mandatory service connection, the Committee shall refer to By-Law 2014-255 as amended, being "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes" for guidance.



## Management Directive

### Notification of Decision:

- Staff will notify the property owner of the Committee and/or Council's decision.
- In the event that relief is provided, a credit will applied to the account.
- The credit will also include the interest that accrued on the amount of the relief only.

### Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	Mar. 6, 2018	Initial Release	

## **Terms of Reference**

### **Name: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee**

Date Established by Council: March 6, 2018

#### **Mission:**

The Committee is responsible for hearing and ruling on appeals pertaining to a High Water Bill Adjustment and the Mandatory Requirement for Service Connection (required by Sections 2.01, 2.02 and 2.03 of the Mandatory Connection By-law, as amended) decisions and making recommendations to Council for relief or exemption.

#### **Roles and Responsibilities:**

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Committee/Board Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Committee/Board as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Committee/Board will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer

for any activities relating to Committee/Board business in keeping with the Committee's Terms of Reference and established Policies.

**Activities:**

The following represent the general activities of the Committee:

- (a) receive deputations from property owners who are dissatisfied with the resolution of their complaint through the High Bill Adjustment Policy CP2017-006;
- (b) receive deputations from property owners with respect to the physical mandatory service connection requirements described in sections 2.01, 2.02 and 2.03 of the Mandatory Connection By-law;
- (c) the Committee has the authority to deny a request for relief or exemption;

The Committee may make recommendations to Council on the following matters, for which Council retains the decision-making role:

- (d) relief of a high bill, referencing the High Bill Adjustment Policy for guidance, without prejudice or precedent to any other similar matter;
- (e) the amount of relief recommended by the Committee shall not exceed the level of relief that would otherwise be provided under the above noted policy.
- (f) exemptions from the physical mandatory service connection requirements as described in section 2.01, 2.02 and 2.03 of the Mandatory Connection By-law, as amended.

**Composition:**

The Committee of Management shall be comprised of three (3) members, consisting of solely Council representatives. Committee members will be appointed by Council in accordance with established policy.

**Term of Appointment:**

Members will be appointed for the term of Council.

**Resources:**

The Director of Corporate Services, or designate, will be responsible for all matters relating to high bill appeals.

The Director of Public Works, or designate, will be responsible for all matters relating to mandatory service connection appeals/exemptions.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Committee/Board Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Committee/Board has been provided to the City Clerk's Office and is posted on the City website.

**Timing of Meetings:**

The Chair, through the liaison department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Committee/Board. No meeting shall proceed without quorum. The Director of Corporate Services, or designate, will coordinate the timing of the meeting with the Committee members.

**Location of Meetings:**

The location of the meetings will be set by the Committee and must be held in an accessible City facility.

**Meetings:**

Meetings will be held once per quarter.

**Procedures:**

Procedures for the formal business meetings of the Committee shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

**Agendas and Minutes:**

The Recording Secretary, or designate, will prepare the agenda. The agenda and any accompanying reports will be available a minimum three (3) business days prior to the meeting.

Minutes of all meetings of the Committee shall be taken by the Recording Secretary.

**Reports:**

Recommendations of the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee are to be forwarded to Council, through the liaison department, in a formal written report on the City report template.

**Purchasing Policy:**

This Committee has no purchasing or procurement responsibilities.

**Insurance:**

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Committee and its members. The applicable insurance policies extend to Committee members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Committee must provide, via the liaison department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Committee members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB") and are responsible for their own medical, disability or health insurance coverage.

**Expulsion of Member:**

Any member of the Committee who misses three consecutive formal business meetings, without being excused by the Committee, may be removed from the Committee in accordance with adopted policy.

Any member of the Committee may be removed from the Committee at the discretion of Council for reasons including, but not limited to, the member being

in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Council Members; disrupting the work of the Committee; or other legal issues.

**Terms of Reference:**

The Recording Secretary shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk's Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the liaison department through a report to Council.

**At the discretion of Council the Committee/Board may be dissolved by resolution of Council.**



December 17<sup>th</sup>, 2018

City of Kawartha Lakes  
26 Francis Street,  
Lindsay, ON, K9V 5R8  
Attention: Mr. Ron Taylor, CAO

Dear Mr. Taylor,

The Lindsay + District Chamber of Commerce would like to provide this letter in support of the City of Kawartha Lakes opting-in to allow private recreational cannabis retail stores in our municipality. Our organization represents over 330 businesses in Lindsay and the surrounding area.

Opting-in would mean jobs for retailers, rent for landlords, and encourage customers to "shop local". Well-placed retail locations could service tourists and cottagers that buy their alcohol and food here. In more urban centers like Lindsay, Fenelon and Bobcaygeon we would have the opportunity to make sure the retail locations fit within the historical designation guidelines for storefronts complimenting the rest of our commercial businesses.

The Province will provide a minimum of \$10,000 to offset costs of enforcement and other effects of legalization, which would mean extra funding for our police force. It would provide the opportunity for additional funds from the Province for communities that opt-in, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the province would provide 50% of the surplus to municipalities that have opted-in.

This could also be an opportunity to support area farmers to grow new cash crops. Our municipality's name implies Green. Kawartha Lakes: Environment. Nature. We have Fleming College focused on environmental topics. Our biggest business segment is agricultural production. Cannabis and hemp are plant-based businesses. Perhaps Kawartha Lakes could be known as a base for licensed production as well. The Chamber could be an active partner with the City of Kawartha Lakes economic development to research and vet opportunities for producers as well as retail.

The Chamber could partner in the new **GREEN ECONOMY** that could dovetail with Fleming programs and education, private environmental businesses and even develop an entirely new cannabis tourism i.e. cannabis friendly cottage rentals where cottagers could safely consume.

In summary the Lindsay + District Chamber of Commerce supports the City of Kawartha Lakes to opt-in as this is good commerce, meaning more jobs, buildings and more infrastructure funding for our community.

Sincerely,



Bob Armstrong  
President

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**YOUR CHAMBER BOARD**

**Bob Armstrong, President | Marlene Morrison Nicholls, Past President | Liz Parker, Treasurer**  
**Nicki Dedes | Charlie McDonald | Katelyn Lockwood | Matthew Maddox | Brett Goodwin**  
**Scott Howard | Roderick Bennis | Kattie Hornshaw-Phillips**

## Ron Taylor

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**From:** Cathie Ritchie  
**Sent:** Monday, December 10, 2018 10:24 AM  
**To:** Andy Letham; Ron Taylor; Aaron Sloan; Alix Scarr  
**Subject:** FW: Correspondence for the Council Agenda

**From:** John Mutton [<mailto:jmutton@municipalsolutions.ca>]  
**Sent:** Friday, December 07, 2018 4:09 PM  
**Subject:** Correspondence for the Council Agenda

Mayor and Members of Council,

On behalf of Cannapiece Corporation, the industry leader in health and regulatory compliance in the cannabis sector, we would respectfully ask Council to refer our zoning/licensing bylaw request to staff if Council chooses to "opt in" to recreational cannabis sales in your municipality.

Based on our expertise across North America, we would like to offer the following suggested wording to ensure that the recreational cannabis dispensaries have the highest compliance level, both for health and security of the patients/clients and the public.

We would request that "Preference be given to those recreational cannabis dispensaries that have a Health Canada approved medicinal cannabis health clinic with a medical practitioner on site"

Best Regards,

--

John Mutton | President and Chief Executive Officer

**Municipal Solutions - Energy and Infrastructure**

Cell: 905-441-0791

Municipal Solutions Energy and Infrastructure, LLC

USA | Canada

[www.municipalsolutions.ca](http://www.municipalsolutions.ca)

# Cannabis Retail Outlet Considerations for Municipalities

Monday December 10, 2018

On October 17, 2018, the Ontario Government passed legislation that privatized the cannabis retail model. The newly enacted *Cannabis License Act, 2018* sets the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator of cannabis retail outlets, and the Ontario Cannabis Retail Corporation (OCRC) as the exclusive wholesaler and online retailer of cannabis in Ontario.<sup>1</sup> The first retail stores are to be operational beginning in April, 2019. In the interim, the public can purchase cannabis from OCRC's online store. Retail applications to the AGCO will be received starting December 17, 2018.

Municipalities must declare by January 22, 2019 whether they will opt-out of privatized retail outlets in their communities. To opt-out, municipal councils must provide a notice of resolution to opt-out to the Registrar no later than January 22, 2019. Opting out is a one-time option for municipalities, however, those that choose to opt-out may opt-in at a later date.<sup>1</sup> If a council does not opt-out, cannabis retail outlets will be permitted.

The recently released Ontario Regulation 468/18 made under the *Cannabis Licence Act, 2018* governs private cannabis retail in Ontario and sets out requirements regarding retail store authorizations and operations. For example, minimum distances between a retailer and a school has been set at 150 metres and hours of operation are between 09:00 and 23:00. The Ontario government indicated that municipalities are prohibited from using licensing or land-use by-laws to control the placement or number of cannabis retail outlets. Municipalities are also prohibited from passing a by-law providing for a licensing system for cannabis retailers.

The Government of Ontario's response to the federal government's legalization of cannabis is a phased approach and information is still emerging. The decision to introduce retail outlets into your municipality may be difficult, particularly in the absence of a complete understanding of community impacts of allowing stores within a municipality. We encourage municipal councils to seek input from their community on local concerns and to include considerations from a public health perspective in their deliberations on the issue.

## Is your Municipal Council considering OPTING IN to cannabis retail outlets?

You may want to consider the following:

### ***The physical availability of a legal substance matters.***

Research shows that increased availability and exposure of substances, such as alcohol and tobacco, increases related harms; for example:

- High retail outlet density can contribute to increased consumption and harms.<sup>2</sup>
- Retail outlet proximity to sensitive use spaces increases normalization among sensitive populations.<sup>3,4</sup>
- Retail outlet proximity to other substance retail outlets shows increased number of traumas.<sup>3</sup>
- Longer retail hours significantly increase consumption and related harms.<sup>2</sup>

Municipalities are prohibited from using licensing or land-use by-laws to control the placement or number of cannabis retail outlets. Association of Municipalities of Ontario has recommended that municipalities that opt in develop a [Municipal Cannabis Policy Statement](#) that can outline community concerns and considerations for retail, providing direction for municipal staff input to the AGCO on a retail store site during the 15 day review period. Considerations could include suggested distance requirements between cannabis retail outlets and other youth serving facilities; the number of outlets in a neighbourhood; and proximity to other sensitive use spaces (e.g. facilities with mental health and addiction services).

### ***The Government of Ontario has committed \$40 million to help with cannabis legalization implementation, with some conditions.***

The bulk of provincial funding for municipalities is tied to not opting out. The Ontario Government has committed \$40 million over two years to help municipalities with implementation costs, with all municipalities receiving at a minimum \$10,000. A municipality that opts in would be eligible to receive additional funds through the Ontario Cannabis Legalization Implementation Fund (OCLIF). Furthermore, if Ontario's portion of the federal excise taxes exceed \$100 million in the first two years, the province will provide 50% of the surplus only to municipalities that have not opted out.<sup>1,5,6</sup>

## Is your Municipal Council considering **OPTING OUT** of cannabis retail outlets?

You may want to consider the following:

### ***A central tenant of the Cannabis Act is the curtailing of the illegal cannabis market.***

Opting out may not decrease cannabis use and its impact on the community, rather it could maintain the demand on the illegal market. Some consumers will access cannabis through legal sources, however, in the absence of retail outlets, the demand for the illegal cannabis market will remain.

### ***The retail system provides access to regulated and controlled cannabis products.***

Some marginalized groups may not be able to access regulated products (e.g., individuals without a physical address, a credit card or access to transportation). These marginalized groups could be pushed to utilize the illegal cannabis market, creating a demand for the illegal market; as well as putting them at risk of unregulated products and the risks associated with these products (e.g. unknown potency and lacing with other substances).

### ***The Government of Ontario has committed \$40 million to help with cannabis legalization implementation, with some conditions.***

Municipalities will incur costs associated with cannabis legalization regardless of the presence of retail storefronts in their communities. The Ontario Government has committed \$40 million over two years to help municipalities with implementation costs. If opting out of the retail model, communities will receive a minimum \$10,000 (on a per household basis) to help with associated costs, however, they will not be eligible to access additional funds through the OCLIF. Furthermore, if Ontario's portion of the federal excise taxes on recreational cannabis over the first two years of legalization exceeds \$100 million, the province will provide 50% of the surplus only to municipalities that have not opted out by January 22<sup>nd</sup>, 2019.<sup>1,5,6</sup>

### ***Opting out may allow municipalities time to fully understand the regulations and funding prior to committing to retail outlets.***

Opting out now may allow time for further clarification of municipal roles and responsibilities as information emerges and to prepare for the edibles market. It is unknown if municipalities will receive additional funding if they choose to opt-out now and decide later to host retail storefronts in their communities.



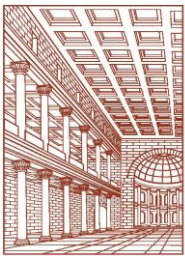
**For more information, please contact the Health Unit at 1-866-888-4577**

Lisa Kaldeway – ext. 2207

Catherine MacDonald – ext. 2401

#### References

1. Moving Forward with Cannabis Retailing: Technical Briefing September 27, 2018. [Internet]. Ontario: Ontario Government; 2018. Available from <https://www.amo.on.ca/AMO-PDFs/Cannabis/Cannabis-Technical-Briefing-Deck-Sept-27-2018-pdf.aspx>
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3. Alcohol policy review: opportunities for Ontario municipalities. [Internet] Developed for Wellington-Dufferin Guelph Health Unit, Durham Region Health Department and Thunder Bay District; 2018. Available from <http://opha.on.ca/getmedia/4e8f860f-6e34-4036-9fa6-a1311a35852e/Alcohol-Policy-Review-Full-Report-Final.pdf.aspx>
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5. Backgrounder: Cannabis Statute Law Amendment Act, 2018. [Internet]. Ontario Newsroom; Ministry of the Attorney General; September 27, 2018. Available from <https://news.ontario.ca/mag/en/2018/09/cannabis-statute-law-amendment-act-2018.html>
6. Letter from Ministry of Finance to Association of Municipalities of Ontario, November 20, 2018. [Internet]. Available from <https://www.amo.on.ca/AMO-PDFs/Letters/2018/2018-11-20-Ministers-Letter-to-AMO-Municipal-Canna.aspx>



LINDBROOK  
DEVELOPMENTS  
INC.

December 10, 2018

The Mayor and Members of Council  
City of Kawartha Lakes

RE: Kent Street Village, 449 Kent Street West, Lindsay, Ontario  
Private Cannabis Stores

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Lindbrook Developments Inc. is the owner of the retail plaza located at 449 Kent Street West, operating as Kent Street Village (a.k.a. – the LCBO Plaza).

We just read with interest the presentation material on recreational cannabis outlets contained in the Agenda Package for the upcoming council meeting on December 11, 2018. From the information presented in the “Municipal Authority” section, it was stated that there will be no specific zoning created for cannabis stores and that they will be permitted **“where retail stores are permitted”**.

Based on that statement we are of the understanding that the “cannabis use” will be permitted under all sub sets of “retail” as defined in the Lindsay zoning by-laws as; “Retail Establishment”, “Retail Establishment, Convenience”, and “Convenience Retail Establishment”. Those definitions are attached for your reference.

We strongly discourage determining that cannabis stores be permitted in only properties that contain the “retail establishment” designation since doing so would only permit cannabis stores to operate in the Central Commercial District (ie. Downtown), Lindsay Square Mall and Whitney Town Centre.

Furthermore, the incoming Lindsay Secondary Plan proposes that all properties along the Kent Street West corridor (from Angeline Street as the eastern boundary to Highway 35 as the western boundary), currently zoned General Commercial, Local Commercial, Neighbourhood Commercial, Shopping Centre Commercial and Special Purpose Commercial shall be re-designated as a single designation of “Commercial”.

Kent Street Village currently has a General Commercial designation under the existing Official Plan, which permits a variety of specialized retail uses including “Convenience Retail Establishments”, a liquor store and a beer store.

We currently have a signed commitment from a substantial cannabis operator (from Western Canada) to operate a store from premises in our property which commitment is conditional upon the following:

Suite 201, 50 McIntosh Drive, Markham, Ontario, L3R 9T3  
Tel. 416.907.7554 Fax. 416.907.7488 E-mail. [wraciastko@powersproperty.com](mailto:wraciastko@powersproperty.com)



1. The City of Kawartha Lakes “opting in” to the retail sale of cannabis products by private retail operators;
2. The Operator securing an operating license from the Alcohol and Gaming Commission of Ontario; and,
3. The sale of cannabis products being a permitted “use” under the Kent Street Village current zoning.

Based on the foregoing, we strongly urge Planning Staff and Council permit cannabis stores to operate in all properties containing all the sub sets of retail as set out in the existing Lindsay zoning by-laws

Sincerely,



Wally Ciastko

President  
LindBrook Developments Inc.

## **In place Lindsay Zoning By-Law**

**4.31 CONVENIENCE RETAIL ESTABLISHMENT** a retail establishment which deals primarily with food and other goods required by residents of the area to meet their day to day household needs.

**4.78 GARDEN AND NURSERY SALES AND SUPPLY ESTABLISHMENT** means a building or part of a building, and land adjacent thereto for growing or displaying of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation which is sold to the public at retail, and shall also include the sale of such goods, products and equipment as are normally associated with gardening or landscaping.

**4.160 RETAIL ESTABLISHMENT** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

**4.161 RETAIL ESTABLISHMENT, CONVENIENCE** means a small scale retail establishment which deals primarily in a variety of perishable and non-perishable goods of a convenience nature required to meet the day-to-day needs of the local inhabitants of surrounding residential area.

## **Lindsay Secondary Plan**

### **31.2.3.2.4. Commercial**

31.2.3.2.4.1. Areas identified as Commercial in Schedule "F-1" represent service commercial areas, retail stores, and shopping centres outside of the Downtown area. The predominant use of land permitted in the Commercial land use designation shall include retail establishments and commercial uses such as convenience retail, retail stores, food stores, professional offices, personal and professional services, service commercial, automobile service stations, vehicles sales and service, public garages, motels, hotels, eating establishments, home furnishing establishments, automated teller/banking machines, building supply centres, and other similar uses.

To City of Kawartha Lakes Mayor and Council,

I am writing this letter to formally request that the City of Kawartha Lakes Police Service be recognized by Council for their noble efforts in engaging and educating students on the intricacies of policing. As a current graduate student in the Advanced Law Enforcement & Investigations program at Durham College, I can formally attest to the lack of practical opportunities that students have in gaining actual experience within a law enforcement setting.

The City of Kawartha Lakes Police Service was one of the few police services that were willing to take a chance and accept co-op students for placement opportunities. Choosing to make a selfless commitment in helping educate a younger generation speaks volumes to the altruistic nature of the officers and management that work for your City. After having the privilege of spending twelve full shifts with the officers on A-Platoon, I can honestly state that it was one of the greatest experiences of my life. The professionalism of the police officers was nothing short of outstanding and they each took great care in ensuring that I was rightly educated on proper police procedure.

Throughout the past two months that I have spent with the City of Kawartha Lakes Police Service, I have been a party to a diverse range of emergencies and saw firsthand the care that each officer took in effectively processing the scenarios before them. Moreover, the officers chose to actively engage me with the policing process and were always willing to provide the rationale for their operations when asked. Even after dealing with hysterical and hostile members of the community, the officers have an almost superhuman ability to compartmentalize the situation and immediately answer any questions that I may have had. This is a trait that clearly exemplifies the overall quality of training your officers are receiving and it is something that I hope to master as I further my own career ambitions.

Ultimately, I feel that this co-op placement has made me a better person and also taught me how I could become a better police officer in the future. It is my hope that you will accept this letter and forward a corresponding motion that will formally award or recognize the City of Kawartha Lakes Police Service for their commitment to helping the students of today that will become the police officers of tomorrow.

Sincerely,

  
Brian Button





## Council Memorandum

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Date: January 15, 2019

To: City of Kawartha Lakes Council

From: Pat Dunn, Councillor Ward 5

Re: Speeding in school pick-up and drop-off zones

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### Recommendation

**That** the memo from Councillor Pat Dunn dated January 15, 2019 and entitled “Speeding in school pick-up and drop-off zones” be received;

**That** staff be directed to review the feasibility of reducing the speed limit from 80km/hr to 60km/hr between Snug Harbour Road and the Central East Correctional Facility on City Road 36 during school bus pick-up and drop-off times; and

**That** staff report back to Council no later than the end of the first quarter of 2019.

### Rationale

Recently residents have raised numerous safety concerns regarding the speed of traffic during pick-up and drop-off periods at school bus stops located along highways throughout the City of Kawartha Lakes.

One of the many areas where this is an issue is the stretch of road between Snug Harbour and the Central East Correctional Facility along City Road 36. On this stretch of road there are 16 public school bus stops where children are picked up and dropped off on the side of the road.

With safety top of mind, I would like staff to investigate the feasibility of reducing the speed limit along this stretch of road during pick-up and drop-off times. Pending the results of their study prepare the necessary by-law to implement the speed reduction to be reviewed by Council. To ensure we have the necessary signage to communicate the reduction, staff should include the availability and cost of required signage as part of



their investigation and report back to Council. An example of signage used in other areas can be seen in Attachment 1.

If feasible and pursued by Council, the speed reduction between Snug Harbour and the Central East Correctional Facility could be used as part of a pilot project and serve as a model for future speed reductions along school bus routes in other areas of the municipality.

Attachment 1:



speed reduced when  
flashing sign.jpg





## Council Memorandum

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Date: January 7, 2019

To: Council

From: Ron Ashmore, Councillor Ward 6

Re: Support for Canada's Energy Sector

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### Recommendation

That City of Kawartha Lakes Council fully support the men and women and their families in our energy sector across the country.

### Rationale

The Canadian energy sector is a vital employer in the country in all provinces and territories. The energy sector provides \$7 Billion in tax revenue for Canadians which helps pay for transfer payments, health care, education and infrastructure as well as a multitude of essential government programs.

At present Canada imports 800 000 barrels of oil per day from foreign nations. Most of Canada's oil is exported by rail which can be dangerous as proven by the Lac-Magentic accident in Quebec.

**Therefore** be it resolved that completing critical pipeline infrastructure is vital to the whole country economically and environmentally.

**Thereby** we the Council of City of Kawartha Lakes fully support the completion of these pipelines and the employment and tax revenue that it will give our country.

Cc:

Rt. Hon Prime Minister of Canada

Provincial Premiers

Association of Municipalities of Ontario

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-TBD**

### **A By-law to Authorize Borrowing from Time to Time to Meet Current Expenditures During the Fiscal Year ending December 31, 2019 in the City of Kawartha Lakes**

#### **Recitals**

1. The *Municipal Act* provides authority for a Council by by-law to authorize the Head of Council and the Treasurer to borrow from time to time, by way of promissory note any sums as the Council considers necessary to meet, until taxes are collected and other revenues received, the current expenditures of the Corporation for the year.
2. The total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Corporation, except with the approval of the Ontario Municipal Board, is limited by Section 407 of the *Municipal Act, 2001*.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-TBD.**

#### **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;

**"Current Year"** means 2019.

**“Treasurer”** means the person within the administration of the City who fulfills the function of the Treasurer as required by the *Municipal Act*.

##### **1.02 Interpretation Rules:**

(a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(b) References to items in the plural include the singular, as applicable.

- (c) 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: Authorization**

### **2.01 Authorization**

The Head of Council and the Treasurer are authorized to borrow from time to time by way of promissory note during the Current Year, the sums necessary to meet, until the taxes are collected, the current expenditures of the City, and the other amounts that are set out in Subsection 407(1) of the *Municipal Act, 2001*.

### **2.02 Lender**

The lender from whom amounts may be borrowed under authority of this By-law shall be the Royal Bank of Canada and any other lenders as named from time to time by resolution of Council.

### **2.03 Amount Borrowed**

The total amount which may be borrowed at any one time under this By-law together with the total of any similar borrowings that have not been repaid, shall not exceed those limits established by the appropriate Provincial Ministries from time to time, and any borrowing limitations shall be temporarily calculated upon the estimated revenues of the City as set forth in the estimates adopted for the 2019 fiscal year until the estimates are adopted from the Current Year.

### **2.04 When Borrowing**

The Treasurer shall, at the time when any amount is borrowed under this By-law, ensure that the lender is or has been furnished with a certified copy of this By-law a certified copy of the resolution mentioned in Section 2.02 determining the lender, if applicable, and a statement showing the nature and amount of the estimated revenues for the Current Year not yet collected and also showing the total of any other amounts borrowed from any and all sources under authority of Section 407 of the *Municipal Act, 2001* that have not been repaid.

## 2.05 **Where Estimates Not Yet Adopted**

- (a) If the estimates for the Current Year have not been adopted at the time an amount is borrowed under this By-law, the total borrowings, as set out in Section 2.03 of this By-law, shall be calculated for the time being upon the estimated revenues of the City as set forth in the estimates adopted for the next preceding year, less all revenues for and on account of the Current Year.
- (b) If the estimates for the Current Year have not been adopted at the time an amount is borrowed under this By-law, the statement furnished under Section 2.04 shall show the nature and amount of the estimated revenues of the City as set forth in the estimates adopted for the next preceding year and the nature and amount of the revenues received for and on account of the Current Year.

## 2.06 **Security Interest**

All or any sums borrowed under this By-law shall, with interest thereon, be a charge upon the whole of the revenue of the City for the Current Year and for any preceding years as and when those revenues are received, provided that the charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

## 2.07 **Payment on Debt**

The Treasurer is authorized and directed to apply in payment of all or any sums borrowed under this By-law, together with interest, all or any of the monies collected or received, either on account or, or realized in respect of, the taxes levied for the Current Year and preceding years or from any other source, which may lawfully be applied for those purposes.

## 2.08 **Promissory Notes**

Promissory notes made under Section 2.01 shall be sealed with the seal of the City and signed by the Head of Council and Treasurer.

## **Section 3.00: Administration and Effective Date**

3.01 **Administration** The Treasurer shall be 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 15<sup>th</sup> day of January, 2019.

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Andy Letham, Mayor

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Cathie Richie, City Clerk



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-law to Appoint a Member of Council to the City of Kawartha Lakes Committee of Adjustment for 2019 and to Repeal By-law 2018-004**

#### **Recitals**

1. The Planning Act, R.S.O. 1990 Chapter P. 13, Subsection 44(1), as amended, provides that Council may by By-law constitute and appoint a Committee of Adjustment and pursuant to Subsection 44(3) that members who are members of a municipal council shall be appointed annually.
2. City of Kawartha Lakes By-law 2015-008 constituted the City of Kawartha Lakes Committee of Adjustment and delegated responsibilities to that Committee and an appointed official.
3. Council adopted Resolution CR2018-647 giving direction to appoint Councillor Yeo to the Committee of Adjustment from December 11, 2018 to December 11, 2019.
4. By-law 2018-004 appointed a Member of Council to the City of Kawartha Lakes Committee of Adjustment for 2018 and may now be repealed as the term of that appointment has expired.
5. Council considers it advisable to appoint a member of Council to the Committee of Adjustment from December 11, 2018 to December 11, 2019.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-      .**

#### **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;

##### **1.02 Interpretation Rules:**

- (a) 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: Appointment of Committee Member**

- 2.01 The following member of Council is hereby appointed to the Committee of Adjustment for the period of from December 11, 2018 to December 11, 2019: Councillor Emmett Yeo

## **Section 3.00: Effective Date**

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

## **Section 4.00: Repeals**

- 4.01 **Repeal:** By-law 2018-004 is repealed.

By-law read a first, second and third time, and finally passed, this 15<sup>th</sup> day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-law to Repeal By-law 2010-100, as Amended, being A By-Law to Establish a Municipal Service Board to be Known as “Kawartha Lakes Municipal Airport Board” to Govern, Control, Operate and Manage the City’s Provision of a Municipal Airport in the City of Kawartha Lakes**

#### **Recitals**

1. Council adopted By-law 2010-100 on May 25, 2010 to establish a Municipal Service Board to be known as “Kawartha Lakes Municipal Airport Board” to govern, control, operate and manage the City’s provision of a Municipal Airport in the City of Kawartha Lakes
2. The governance structure for the Kawartha Lake Municipal Airport has been reviewed and the Board is being discontinued. Council has opted to establish a Kawartha Lakes Airport Advisory Committee to provide recommendation to the Airport Manager and Council
3. Council deems it appropriate to repeal By-law 2010-100, as amended due to this change in governance structure.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-      .**

#### **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.

##### **1.02 Interpretation Rules:**

- (a) 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.

#### **Section 2.00: Repeals**

- 2.01 **Repeal:** By-law 2010-100 and amending by-laws 2011-130, 2012-171, 2013-075, 2015-083 and 2015-128 are repealed.

### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of this By-law:** The Director of Engineering and Corporate Assets 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 15<sup>th</sup> day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-law to Repeal By-law 2012-172, as Amended, being A By-Law to Provide Authority for Certain Officials to Sign and Execute Various Documents on Behalf of the Kawartha Lakes Airport Board**

#### **Recitals**

1. Council adopted By-law 2012-172 on June 26, 2012 to provide authority for certain officials to sign and execute various documents on behalf of the Kawartha Lakes Airport Board.
2. The governance structure for the Kawartha Lake Municipal Airport has been reviewed and the Board has been discontinued. Council has opted to establish a Kawartha Lakes Airport Advisory Committee to provide recommendation to the Airport Manager and Council
3. Council deems it appropriate to repeal By-law 2010-172, as amended, due to this change in governance structure.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-      .**

#### **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.

##### **1.02 Interpretation Rules:**

- (a) 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.

#### **Section 2.00: Repeals**

- 2.01 **Repeal:** By-law 2012-172 and amending by-law 2015-129 are repealed.

### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of this By-law:** The Director of Engineering and Corporate Assets 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 15<sup>th</sup> day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-Law to Stop Up and Close Part of the Original Shore Road Allowance referenced as Talbot Street on Plan 15, Part of the west half of Lot 27, Concession 2, in the Geographic Township of Eldon, City of Kawartha Lakes, Designated as Part 2 on Plan 57R-9489 and Part 1 on 57R-10673, and to Authorize the Sale of the Land to the Abutting Owners**

#### **Recitals**

1. Pursuant to the *Municipal Act, 2001*, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;
2. The land described in Schedule “A” attached forms part of the original shore road allowance identified as Talbot St. and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close that part of the original shore road allowance identified as Talbot St. described in Schedule “A” attached to this by-law and to authorize the sale of the land to the abutting owner.
4. Notice of intention of City Council to pass this by-law was given by ad notice duly published in the Kawartha Lakes This Week newspaper in the City of Kawartha Lakes on the 6<sup>th</sup>, 13<sup>th</sup>, and 20<sup>th</sup> days of December, 2018, in accordance with the provisions of the Municipal Act, 2001 and By-law 2018-020, as amended.
5. The proposed by-law came before Council for consideration at its regular meeting on the 15<sup>th</sup> day of January, 2019 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.
6. The sale of this land was approved by City Council on the 5<sup>th</sup> day of April, 2016 by the adoption of Report RS2016-003 by CR2016-293.

**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;

**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: Shoreline Road Closure and Sale**

**2.01 Closure and Sale:** That part of the original shore road allowance described in Schedule "A" attached to this by-law has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting owner for \$20.00 per linear foot of water frontage, being the sum of Five Thousand One Hundred Forty-Two Dollars and Twenty Cents (\$5,142.20) plus HST, if applicable, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction.

**Section 3.00: Effective Date**

**3.01 Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 14<sup>th</sup> day of August, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A**

### **Description of Land to be Stopped Up, Closed and Conveyed to the Abutting Owner**

Part of the Original Shore Road Allowance referenced as Talbot Street on Plan 15, Part of the west half of Lot 27, Concession 2, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 2 on Plan 57R-9489 and Part 1 on Plan 57R-10673.



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-Law to Stop Up and Close Part of the Shore Road Allowance Along the Gull River, in the Geographic Township of Somerville, City of Kawartha Lakes, Designated as Part 1 on Plan 57R-10667, and to Authorize the Sale of the Land to the Abutting Owners**

#### **Recitals**

1. Pursuant to the *Municipal Act, 2001*, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;
2. The land described in Schedule “A” attached forms part of the original shore road allowance along the Gull River and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close that part of the original shore road allowance along the Gull River described in Schedule “A” attached to this by-law and to authorize the sale of the land to the abutting owner.
4. Notice of intention of City Council to pass this by-law was given by ad notice duly published in the Kawartha Lakes This Week newspaper in the City of Kawartha Lakes on the 8<sup>th</sup>, 15<sup>th</sup>, and 22<sup>nd</sup> days of November, 2018, in accordance with the provisions of the *Municipal Act, 2001* and By-law 2018-020, as amended.
5. The proposed by-law came before Council for consideration at its regular meeting on the 15<sup>th</sup> day of January, 2019 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.
6. The sale of this land was approved by City Council on the 4<sup>th</sup> day of October, 2016 by the adoption of Report RS2016-006 by CR2016-851.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019- .**

#### **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;

**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: Shoreline Road Closure and Sale**

**2.01 Closure and Sale:** That part of the original shore road allowance described in Schedule “A” attached to this by-law has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting owner for \$20.00 per linear foot of water frontage, being the sum of One Thousand Four Hundred Ninety Dollars and Sixteen Cents (\$1,490.16) plus HST, if applicable, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction.

**Section 3.00: Effective Date**

**3.01 Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 15<sup>th</sup> day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A**

### **Description of Land to be Stopped Up, Closed and Conveyed to the Abutting Owner**

Part of the Shore Road Allowance Along the Gull River, in the Geographic Township of Somerville, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10667

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-law to Amend By-law 2014-255, being Mandatory Connection By-Law**

The full title of the By-Law being amended is A By-Law to Require Owners of Buildings to Connect Such Building to Drinking Water Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes, referred to as the “Mandatory Connection By-Law”.

#### **Recitals**

1. Council adopted Resolution CR2018-591 on September 25, 2018 directing amendments to By-law 2014-255.
2. An amendment is required to change the timing requirements for property owners to connect to municipal water and/or wastewater systems.
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 2019-      .**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:**

All defined terms in the amending By-law take their meaning from By-law 2014-255 of the City of Kawartha Lakes.

##### **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.

#### **Section 2.00: Amendment Details**

- 2.01 **Amendment:** Section 2.01 to By-law 2014-255 is deleted in its entirety and replaced with the following:

**Section 2.01:** Subject to section 2.02 herein the owner of any Building as defined herein where such service or services have capacity, shall be responsible for the physical installation of a private sanitary lateral and/or private water service at the Owners expense and shall be responsible for the payment of all fees and charges payable to the Municipality for the installation and connection of a municipal sanitary lateral and/or water service in accordance with the provisions of this By-law and any and all by-

laws governing connections to municipal drinking water systems and wastewater collection systems upon failure and/or need for replacement of their existing private water supply and/or sewage/septic disposal system(s). For further explanation refer to Appendix 1: Connection Diagram.

- 2.02 **Amendment:** Section 2.02 to By-law 2014-255 is deleted in its entirety and replaced with the following:

**Section 2.02:** Subject to section 2.01, in the event that water and/or wastewater services become available after the date of passage of this by-law, persons described in section 2.01 shall connect their premises directly to the services in accordance with section 2.01 upon failure of their private water and/or sewage/septic disposal system(s).

- 2.03 **Amendment:** Section 2.03 to By-law 2014-255 is deleted in its entirety and replaced with the following:

**Section 2.03:** Notwithstanding sections 2.01 and 2.02, in the event that:

- i. the non-municipal source of potable water for a premises described in Section 2.01 or 2.02 is or may be contaminated or otherwise unsuitable for drinking water as determined by the Medical Officer of Health under the Health Protection and Promotion Act, R.S.O 1990, C.H.7, as amended; or
- ii. the private sanitary sewage septic system servicing a premises described in Section 2.01 or 2.02 is or may contravene the Environmental Protection Act, R.S.O. 1990, c.E.19 or the Building Code Act, 1992, S.O. 1992, c. 23; then

the owner of the premises shall connect the premises to the services immediately.

- 2.04 **Amendment:** Section 2.04 to By-law 2014-255 is deleted in its entirety and replaced with the following:

**Section 2.04:** Any connection required to be made by an owner under this by-law shall be made as soon as reasonably possible following the failure of the existing private water and/or sewage/septic disposal system(s).

- 2.05 **Amendment:** Section 2.05 to By-law 2014-255 is deleted in its entirety and replaced with the following:

**Section 2.05:** Any appeals or requests for exemptions from sections 2.01, 2.02, 2.03 and 2.04 of this By-law shall be forwarded to the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee as per Section 24.00 of By-law 2018-039 “A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes”, as amended.

- 2.06 **Amendment:** Section 2.06 to By-law 2014-255 is deleted in its entirety and replaced with the following:

**Section 2.06:** Subject to section 2.01, 2.02 or 2.03 of this by-law any Owner of a building on land that meet the requirements to connect to the municipal water and/or wastewater services shall be billed the Fixed Rate charges for water and/or wastewater as per the provisions of the By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes (By-law 2018-039, as amended) and the consolidated fees By-law 2018-234, as amended following three (3) month of the mailing of a notice to the Owner shown on the current tax roll.

- 2.07 **Amendment:** Section 4.01 to By-law 2014-255 is deleted in its entirety and replaced with the following:

**Section 4.01:** If the Owner fails to make a connection required by the conditions set out in this By-law, the City may make the connection at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with section 435 to 439 inclusive of the Municipal Act, 2001. Failure to connect within a reasonable time from failure shall constitute an offence.

### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Director 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 15th day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-law to Amend By-law 2018-039, being A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes**

#### **Recitals**

1. Council adopted Resolution CR2018-592 on September 25, 2018 directing amendments to By-law 2018-039.
2. An amendment is required to update the terms of reference to the High Water Bill Adjustment Appeals Committee to include Mandatory Service Connections Appeals.
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 2019-      .**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:**

All defined terms in the amending By-law take their meaning from By-law 2018-039 of the City of Kawartha Lakes.

##### **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.

#### **Section 2.00: Amendment Details**

- 2.01 **Amendment:** Section 24.00 to By-law 2018-039 is deleted in its entirety and replaced with the following:

**Section 24.00: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee**

- 2.02 **Amendment:** Section 24.01 to By-law 2018-039 is deleted in its entirety and replaced with the following:

**Section 24.01: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee:** A High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is established to hear and rule on appeals pertaining to high water bill adjustments and the

requirement for mandatory service connections (required by Section 2.01, 2.02 and 2.03 of By-law 2014-255, as amended).

- 2.03 **Amendment:** Section 24.02 to By-law 2018-039 is deleted in its entirety and replaced with the following:

**Section 24.02: Authority:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee may recommend to Council approval of high water bill adjustments or exemptions from mandatory service connections without prejudice or precedent to any other similar matter.

- 2.04 **Amendment:** Section 24.03 to By-law 2018-039 is deleted in its entirety and replaced with the following:

**Section 24.03: Composition and Appointment:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be comprised of three members of Council appointed by Council.

- 2.05 **Amendment:** Section 24.04 to By-law 2018-039 is deleted in its entirety and replaced with the following:

**Section 24.04: Term:** The Term of the Appointment of the High Water Bill Adjustment and Mandatory service Connection Appeals Committee shall be the same as the term of Council.

- 2.06 **Amendment:** Section 24.05 to By-law 2018-039 is deleted in its entirety and replaced with the following:

**Section 24.05: Administration:** The High Water Bill Adjustment and Mandatory Service Connection 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.

- 2.07 **Amendment:** Section 24.06 to By-law 2018-039 is deleted in its entirety and replaced with the following:

**Section 24.06: Governance:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council. With respect to Mandatory Service Connection appeals, appeals/exemptions to requirements of Section 2.01, 2.02 and 2.03 of By-law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes" (as amended), shall be considered by the Committee.



### **Section 3.00: Administration and Effective Date**

3.01 **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.

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 15<sup>th</sup> day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-\_\_\_\_**

### **A By-law to Designate the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls in the City of Kawartha Lakes**

A By-law to Designate the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

#### **Recitals**

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.
2. Notice of Intention to Designate, the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls, City of Kawartha Lakes, described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Reasons for Designation are set forth in Schedule A.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_\_\_.**

#### **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;

**“Director of Development 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.

**"Property"** means property as set out in Section 2.01.

## 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: Designation

- 2.01 The Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls, City of Kawartha Lakes is designated as being of architectural and historic interest and value, described further in Schedule A. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the Municipal Heritage Committee.
- 2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.
- 2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

## Section 3.00: Enforcement, Offence and Penalties

- 3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 3.02 **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 and to any other applicable penalty.

## Section 4.00: Administration and Effective Date

- 4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 4.02 **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 15th day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A to By-law 2019-**

Being a By-law to designate the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls in the City of Kawartha Lakes, as being of cultural heritage value and interest.

### **Description of Property**

910 Hartley Road, Woodville, City of Kawartha Lakes

Legal Description:

PT E1/2 LT 24 CON 1 SOMERVILLE PT 1, 57R3472; CITY OF KAWARTHA LAKES

PIN: 63118-0415 (LT)

### **REASON FOR DESIGNATION**

Architectural Design or Physical Value:

The two storey log home is an excellent example of a traditional log cabin within the region that is extraordinarily well-preserved and thoughtfully restored. Many interior fixtures, furnishings and tools that were used to construct the cabin still remain here.

Historical Value:

The property also has historical significance, having served as the base for the logging camp that sent white pine down the Burnt River for export, and was also home to some of the earliest settlers in Somerville Township. The building stands as a time capsule of early farm life and generations of the Graham family. The cabin was built by Robert Graham in 1860, and has been inhabited by successive generations of the Graham family.

Attributes to be Conserved:

The original log walls visible on portions of the exterior and the interior of the building, the original windows and doors and the interior wood plank flooring, ceiling beams, stairs and rails should be conserved.

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-\_\_\_\_**

### **A By-law to Designate 910 Hartley Road, Woodville, City of Kawartha Lakes as being of Cultural Heritage Value and Interest**

A By-law to Designate 910 Hartley Road, Woodville, otherwise known as the Palestine Community Hall, City of Kawartha Lakes as being of Cultural Heritage Value and Interest.

#### **Recitals**

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.
2. Notice of Intention to Designate 910 Hartley Road, Woodville, City of Kawartha Lakes, described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Reasons for Designation are set forth in Schedule A.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_.**

#### **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;

**“Director of Development 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.

**"Property"** means property as set out in Section 2.01.

##### **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: Designation**

- 2.01 910 Hartley Road, Woodville, City of Kawartha Lakes, otherwise known as the Palestine Community Hall, is designated as being of historic interest and value, described further in Schedule A. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the Municipal Heritage Committee.
- 2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.
- 2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

## **Section 3.00: Enforcement, Offence and Penalties**

- 3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 3.02 **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 and to any other applicable penalty.

## **Section 4.00: Administration and Effective Date**

- 4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 4.02 **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 15 day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



## **Schedule A to By-law 2019-**

Being a By-law to designate 910 Hartley Road, Woodville, City of Kawartha Lakes, otherwise known as the Palestine Community Hall, as being of cultural heritage value and interest.

### **Description of Property**

910 Hartley Road, Woodville, City of Kawartha Lakes

Legal Description:

PT LT 15 CON 10 ELDON AS IN VT93528; KAWARTHA LAKES

PIN: 63175-0085 (LT)

### **REASON FOR DESIGNATION**

Historical Significance:

This building is the second brick one-room schoolhouse on this site, constructed in 1900, to replace the white brick schoolhouse built by William McKenzie in 1877 that was destroyed by fire in 1900. The first school house on this site was a log building that was used until 1876.

Contextual Value:

This building is a landmark for the community as both the original school house for the region and as a community hall where local events and celebrations have been held by surrounding family for generations. When the school closed in 1964, it served as the Palestine Community Hall, supporting the local cultural traditions and celebrations of families in this area.

Attributes To Be Conserved:

The façade characteristics visible from the street that distinguish the building as the local former school house should be preserved. This includes the original roofline and roof-mounted belfry with bell, the front façade of the building with its central front entrance and transom windows, the triptych style arched upper window and the original windows with decorative glass transoms in the front façade of the building.

# **The Corporation of the City of Kawartha Lakes**

## **By-law 2019-XXX**

### **A By-Law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, January 15, 2019**

#### **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 2019-XXX.**

#### **Section 1.00: Confirmation**

- 1.01 The actions of the Council at the following meeting:

#### **Tuesday, January 15, 2019, Open Session, 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 15<sup>th</sup> day of January 15, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk