

The Corporation of the City of Kawartha Lakes

Agenda

Committee of the Whole Meeting

COW2019-08

Tuesday, July 16, 2019

Open Session Commencing at 10:00 a.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Deputy Mayor Doug Elmslie

Councillor Ron Ashmore

Councillor Pat Dunn

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.

| | Pages |
|---|--------------|
| 1. Call to Order | |
| 2. Adoption of Agenda | |
| 3. Disclosure of Pecuniary Interest | |
| 4. Deputations | |
| 4.1 COW2019-08.4.1 | 4 - 6 |
| Mandatory Connection By-law Troy Karkoulas | |
| 4.2 COW2019-08.4.2 | 7 - 9 |
| Service on Seasonal Roads Jim Armstrong | |
| 5. Correspondence | |
| 6. Presentations and Reports | |
| 6.1 COW2019-08.5.1 | 10 - 16 |
| Mandatory Connection By-law Presentation Bryan Robinson, Director of Public Works Amber Hayter, Supervisor, Water and Wastewater | |
| 6.1.1 Report WWW2019-010 | 17 - 33 |
| Review of Mandatory Connection By-law 2014-255 Amber Hayter, Supervisor Water and Wastewater Operations | |
| That Report WWW2019-010, Review of Mandatory Connection By-law 2014-255, be received; and | |
| That this recommendation be brought forward for consideration at the August 13, 2019 regular Council meeting. | |
| 6.2 COW2019-08.5.2 | 34 - 42 |
| High Water Bill Adjustment Policy Presentation Jennifer Stover, Director of Corporate Services | |

- 6.2.1 COW2019-08.5.2.1
- High Water Bill Adjustment Policy Review**
Jennifer Stover, Director of Corporate Services
- That** the High Water Bill Adjustment Policy Review, be received.
- 6.3 COW2019-08.5.3 43 - 46
- Seasonal Level of Service Policy Presentation**
Bryan Robinson, Director of Public Works
- 6.3.1 Report RD2019-004 47 - 71
- Seasonal Level of Service Policy Review**
Bryan Robinson, Director of Public Works
- That** Report RD2019-004, **Seasonal Level of Service Policy Review**, be received; and
- That** this recommendation be brought forward to Council for consideration at the August 13, 2019 regular Council meeting.
7. **Closed Session**
8. **Matters from Closed Session**
9. **Adjournment**



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Troy Karkoulas

Address: *

929 Eldon Road

City/Town/Village:

Oakwood

Province: *

ON

Postal Code:

K0M 2M0

Telephone: *

905 718-7858

Email: *

troyonfire@hotmail.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Troy Karkoulas

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

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

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

That By-Law 2014-255 be abolished for residents with a current water or sewage system in place, and for it to only apply to new development, where the cost of establishing or maintaining a system hasn't already occurred.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Troy Karkoulas

Date:

7/10/2019



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you understand how your information will be used and agree to allow the City to use your personal information provided on this form, including any attachments for the purposes of requesting to make a deputation to Committee or Council? *

☒ Yes

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca



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City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Jim Armstrong

Address: *

2 cedar point road

City/Town/Village:

cameron

Province: *

ON

Postal Code:

K0M1G0

Telephone: *

7058879755

Email: *

jimarmstrong@xplornet.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Jim Armstrong

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

Motion concerning service on seasonal roads (unassumed or private roads and regarding limited road service agreements) apparently scheduled for council meeting on Tuesday, July 16.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☐ Yes

☒ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

further investigation of the matter

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Date:

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Do you understand how your information will be used and agree to allow the City to use your personal information provided on this form, including any attachments for the purposes of requesting to make a deputation to Committee or Council? *

☒ Yes

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Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

The Corporation of The City of Kawartha Lakes

Office Consolidation of By-Law 2014-255

Consolidated on January 29, 2019

Passed by Council on September 9, 2014

Amendments:

- | | | |
|--------------------|--------------------|---------------|
| 1) By-law 2017-181 | September 12, 2017 | Sections 2.00 |
| 2) By-law 2019-007 | January 15, 2019 | 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 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.

2019-007 Effective January 15, 2019

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).

2019-007 Effective January 15, 2019

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.

2019-007 Effective January 15, 2019

- 2.04 Section 2.04 to By-law 2014-255 is deleted in its entirety and replaced with the following:

2019-007 Effective January 15, 2019

- 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.

2019-007 Effective January 15, 2019

- 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.

2017-181 Effective September 12, 2017

2019-007 Effective January 15, 2019

- 2.07 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.

2019-007 Effective January 15, 2019

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 a 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 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 9th day of September, 2014.

Ric McGee, Mayor

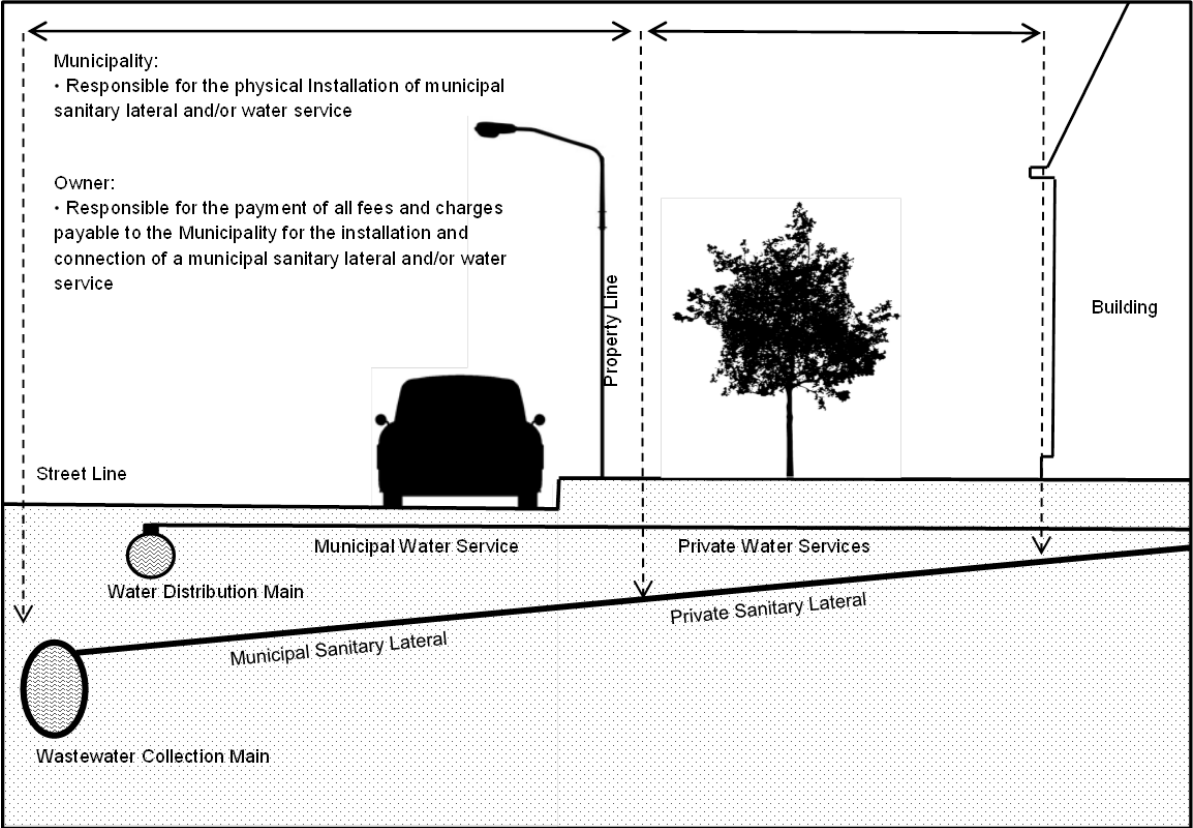
Judy Currins, City Clerk



2014-255 Set
Fines.pdf

Appendix 1 – Connection Diagram

Appendix 1: Connection diagram



The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number WWW2019-010

Date: July 16, 2019

Time: 10:00 a.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Review of Mandatory Connection By-law 2014-255

Description: Council has requested By-Law 2014-255 to come to the Committee of the Whole for review.

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

Recommendation(s):

That Report WWW2019-010, **Review of Mandatory Connection By-law 2014-255**, be received; and

That this recommendation be brought forward for consideration at the August 13, 2019 regular Council meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

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” was adopted by CKL on April 12, 2005. Although this by-law came into effect, it was not actively enforced due to limited resources and restricted powers of enforcement within the by-law wording. A number of the definitions were ambiguous, powers of entry were not included, and the penalties for non-compliance were inadequate. As part of the Lean Six Sigma Black Belt project, the by-law was reviewed in 2014 by staff from multiple departments (Public Works, Engineering and Corporate Assets, Property & Building, Revenue & Taxation and Municipal Law Enforcement) to determine ways in which to improve the overall effectiveness of the by-law and program. A number of informational gaps were identified within. Due to the extent of the proposed improvements, a new by-law was adopted by Council on Sept 9, 2014 to address the identified shortages, 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”, referred to as the “Mandatory Connection By-law”.

There were a large number of properties (approximately 160) identified that qualified for connection to municipal services. Staff were led by the City’s Office of Strategy Management to organize a pilot project in Fenelon Falls to strategically phase in the connection process. The aim was to connect required buildings without putting a strain on the City’s various departments required to administer the program. 36 properties in Fenelon Falls were identified to front municipal watermains and/or sewer mains but were serviced by private water and/or septic systems. 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 25 properties until such time as both water and wastewater services became available to them. The properties conditionally exempted from connection in Fenelon Falls were still benefiting from the service that was available to them (such as increased property values, reduced insurance rates due to fire protection, access to dependable services, and a guaranteed safe drinking water source). Given this, Council decided that although the properties weren’t required to connect at this time they would be required to pay the fixed rate portion of the user rate to help reduce the financial pressures on the current users, aid in offsetting any required increases to the user rates and to support Council’s initiative to make our municipal systems financially sustainable.

Under the direction of Council, a presentation was provided to Council in the Fall of 2018 to deliver an overview of the mandatory connection process, including an update on the pilot project in Fenelon Falls, potential alternatives for addressing

physical connection requirements that are outlined in the by-law, as well as a comparison of CKL's by-law with other "mandatory connection" by-laws from other municipalities across Ontario. The presentation showed evidence that the Mandatory Connection by-law is consistent with those in other municipalities.

As part of the review, alternatives were discussed on how to better implement the program in order to ease the financial burdens placed on the properties that fell within the boundaries of municipal services. It was determined that the most practical solution was to enforce the mandatory connect process with properties only at the time their private infrastructure (drinking water well and/or septic system) fails. The property owner would already be required to make a significant financial investment whether they had to install a new private system or connect to the municipal services available to them. Removing the 18 month timeline also reduced pressures placed on the various City departments administering the process. At the September 25, 2018 Council Meeting, staff were directed to prepare the necessary amendments to the by-law to reflect what was decided:

WWW2018-008

Water Wastewater Service Connection Strategy

David Kerr, Manager, Environmental Services

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

The amended by-law was then submitted back to Council, which was endorsed on January 15, 2019:

WWW2019-003

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

Amber Hayter, Supervisor, Water and Wastewater Operations

CR2019-032

Moved By Deputy Mayor Elmslie
Seconded By Councillor Veale

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

Carried

Another report will be brought to Council prior to the end of Q3 2019 to address the following resolution from the January 15, 2019 Council meeting:

CR2019-033

Moved By Deputy Mayor Elmslie

Seconded By Councillor Richardson

That staff be directed to investigate the financial implications and potential impacts of:

- The City assuming fiscal responsibility for installation of water and sewer infrastructure to property lines for those properties required to connect to City services;
- Options to exempt farm or other properties where compliance with mandatory connection requirements is either unrealistic and/or cost prohibitive;
- Discontinuing fixed rate charges for properties that are unlikely to hook up to City services; and

That staff report back to Council by end of Q3 2019.

Carried

At the Regular Council Meeting of June 18, 2019, the following resolution was passed, to bring forward the Mandatory Connection By-law for Council to review and discuss.

CR2019-399

Moved By Councillor Seymour-Fagan

Seconded By Councillor Yeo

That the Mandatory Connection By-law be brought forward to Council at a July 2019 meeting for review.

Carried

This report addresses that direction.

Rationale:

As part of the presentation in September, 2018 a comparison of other municipalities by-laws within Ontario for the following aspects were reviewed: 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, and it determined that

Kawartha Lakes is in alignment with the other programs, and by extension the 2014 Provincial Policy Statement under the *Planning Act, 1990*.

A number of properties that meet the requirements for connecting to municipal services once their private infrastructure fails have come forward to Council and staff requesting an exemption to the payment of the fixed rate charges, until such time of failure and/or need for replacement of their existing private water supply. Each motion has been unsuccessful to date as all properties within their respective municipal servicing boundaries are supporting the City's water and wastewater infrastructure in a consistent manner. As noted in the background information of this report, the Mandatory Connection by-law has undergone multiple amendments to determine an appropriate way in which the long term viability of the water and wastewater infrastructure for the City of Kawartha Lakes is being considered, while also taking into account the financial implications being presented to residents.

Consideration should be given to the potential harmful impacts to the environment and public health that coincides with properties that have private services. The Earth Sciences Sector of Natural Resources Canada estimates that approximately 20 percent of homes with private wells contain at least one contaminant of concern due to unseen infiltration through such things as improper well seals. Septic treatment systems are an even larger environmental concern as they are quite often installed in less than satisfactory soil conditions and are seldom maintained to federal and provincial guidelines. They are often unable to treat wastewater effluent with the same effectiveness as a municipal wastewater facility, which can lead to bacterial, nitrate and other pollutants contaminating surrounding soils and surface and groundwater resources. A Mandatory Connection By-law helps reduce the risk to the environment and human health by ensuring safe drinking water and effective treatment of wastewater to those residents within servicing boundaries, keeping in line with the City's strategic priority of a Healthy Environment and maintaining water quality.

Mandatory Connection requirements also ensure that any new developments within serviced areas are connected to the municipal infrastructure available to the property, ensuring that capital investments made by CKL can be recovered through user rates collected.

If the by-law remains as it currently is written, this will allow for the continued funding for the operation and maintenance of existing water and wastewater infrastructure and accounts for the municipal services available to property owners. This 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.

Other Alternatives Considered:

At this time Staff does not recommend any alternations to the current By-Law.

Council may wish to have Staff evaluate the impacts of relief to the fixed rate for those not connected to the systems. Staff does not recommend this alternative as it places additional burden on the current water and wastewater users (approx. 13,000 water users, approx. 11,000 wastewater users) to sustain the water and sewer infrastructure, that those properties subject to mandatory connection still benefit from. This will result in increased rates to existing users.

Financial/Operation Impacts:

To date, 133 properties that meet the requirements of the Mandatory Connection By-law have been paying the Fixed Rate portion of the user rate. These properties meet the requirements to connect to municipal services but still maintain private infrastructure. Based on the fees included as Schedule A to By-law 2018-039 "Water and Wastewater Services in the City of Kawartha Lakes" for a 5/8" – 3/4" meter size the 2019 annual fixed rate cost for water service is \$366.72 (or \$30.56 per month) and the sewer service rate is \$354.72 (or \$29.56 per month). This would result in a total annual fee of \$721.44 for properties that fronted both municipal water mains and sewer mains.

In 2017, a small amount of \$3,813.34 was collected in revenue from properties in Fenelon Falls that were part of the pilot project. Following by-law amendments to have all eligible properties pay the fixed rate portion in 2018, \$41,975.53 was collected in revenue. The 2018 revenue collected represents approximately 0.22% of the 2018 Water & Wastewater operating budget of \$18,944,884. Currently \$39,479.85 has been collected for 2019, bringing the total revenue from these properties to \$85,268.70.

The total annual revenue resulting from the recent amendments to the by-law is \$58,381.92 which represents 0.31% of the operating budget. If Council decides to amend the by-law to remove the requirement for properties to pay the fixed rates when they have access to municipal services, these costs will then be placed onto the remaining users. This revenue allows for the reduction of financial pressures on the current users and helps counteract required increases to the user rates in a fair and consistent way for every property that benefits from having access to municipal water and wastewater services.

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 the by-law aids in the sustainability of the municipal drinking water systems and wastewater systems as well as provides excellent, efficient, and safe services for the public of Kawartha Lakes.

Review of Accessibility Implications of Any Development Policy:

N/A

Servicing Implications:

The basis of the report is how essential it is to provide safe drinking water to residents, protect the environment and ensure fiscal sustainability of the City’s drinking water and wastewater systems. By-Law 2014-255 is integral to the success of those goals. For additional clarity, please review the background section of the report.

Consultations:

Manager, Environmental Services

Director of Public Works, Public Works

Senior Accounts Clerk II, Utility Billing

Attachments:

Appendix A – By-Law 2014-255



Appendix A By-law
2014-255.pdf

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

The Corporation of The City of Kawartha Lakes

Office Consolidation of By-Law 2014-255 Report # W2019-010

Consolidated on January 29, 2019

Passed by Council on September 9, 2014

Amendments:

- | | | |
|--------------------|--------------------|---------------|
| 1) By-law 2017-181 | September 12, 2017 | Sections 2.00 |
| 2) By-law 2019-007 | January 15, 2019 | 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 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.

2019-007 Effective January 15, 2019

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).

2019-007 Effective January 15, 2019

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.

2019-007 Effective January 15, 2019

- 2.04 Section 2.04 to By-law 2014-255 is deleted in its entirety and replaced with the following:

2019-007 Effective January 15, 2019

- 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.

2019-007 Effective January 15, 2019

- 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.

2017-181 Effective September 12, 2017

2019-007 Effective January 15, 2019

- 2.07 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.

2019-007 Effective January 15, 2019

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 a 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 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 9th day of September, 2014.

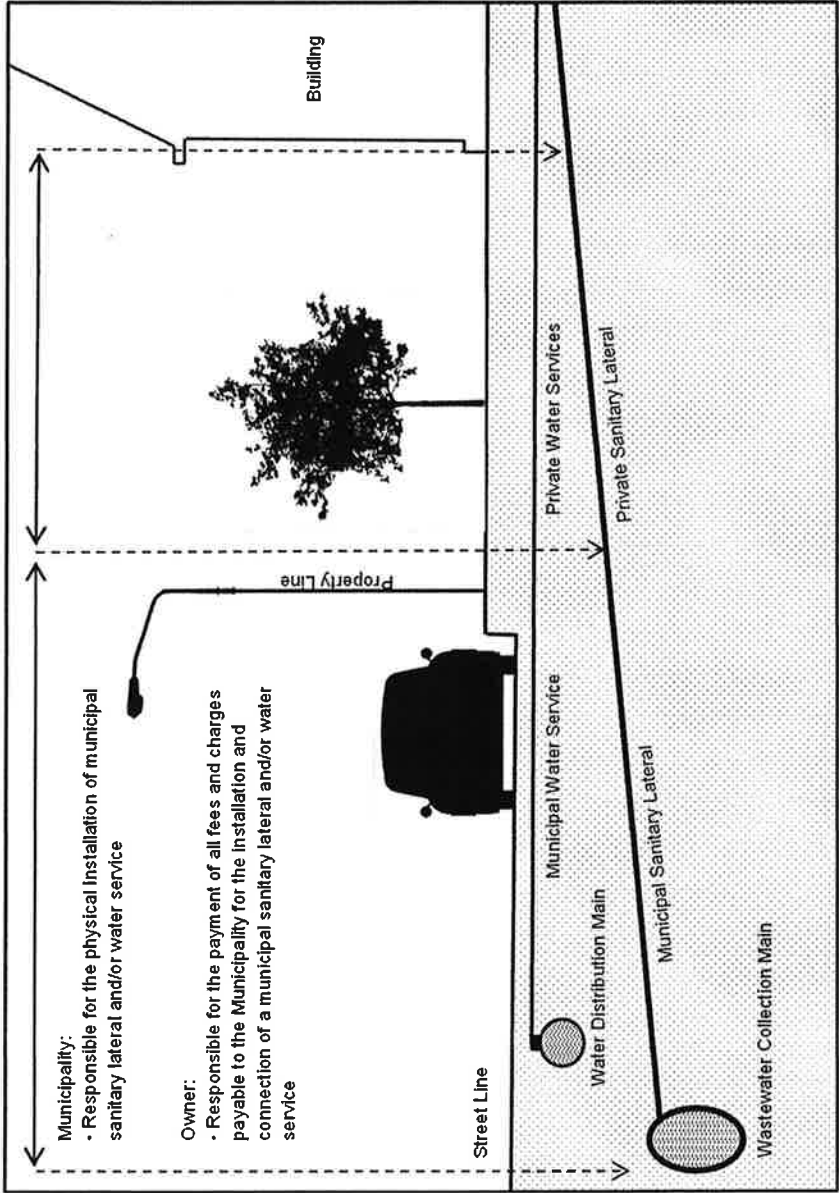
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|------------------|--------------------------|
| Ric McGee, Mayor | Judy Currins, City Clerk |
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2014-255 Set
Fines.pdf

Appendix 1 – Connection Diagram

Appendix 1: Connection diagram





Council Policy

| | |
|--|-----------------------------|
| Council Policy No.: | CP2017-006 |
| Council Policy Name: | High Bill Adjustment Policy |
| Date Approved by Council: | April 18, 2017 |
| Date revision approved by Council: | |
| Related SOP, Management Directive, Council Policy, Forms | |

Policy Statement and Rationale:

This Policy establishes the expectations of Council relating to a high bill inquiry.

Scope:

This policy covers various types of high consumption water and wastewater bills and how to address customer concerns.

Policy:

1.0 Definitions

- 1.1 **“High Bill”** is a bill that is 2 x the normal consumption for the same period in the previous year based upon average daily consumption.
- 1.2 **“Income Producing Residential Property”** means where the property owner registered on title is different than the occupant.
- 1.3 **“Leak”** means an unintentional water loss caused by broken and/or malfunctioning plumbing fixtures and/or pipes within a residence or building. A leak occurs when there is a failure on the plumbing system to do what it was designed to do.
- 1.4 **“Not-for-profit”** means Not-for-profit corporations incorporated under the Ontario Corporations Act as organizations that carry on activities without the purpose of gain for its members and any profits for the corporation.
- 1.5 **“Unoccupied”** means an unoccupied dwelling and/or building is a dwelling and/or building in which occupants are absent from the property for a time period of seventy-two (72) hours or more, due to such matters as vacations or prolonged illness.

- 1.6 **“Vacant”** means regardless of the presence of furnishings, a vacant dwelling and/or building means the occupants have moved out with no intent to return. A newly constructed dwelling and/or building is also considered to be vacant after it is completed and before the occupants move in. A dwelling and/or building is also vacant when the occupants move out and before any new occupant moves in.

2.0 General

- 2.1 A high bill can be a result of:

- A reading error
- A period of increased consumption
- An estimated bill that is higher than the actual consumption
- A catch up bill following one or more estimated bills
- A final meter reading from an existing meter where a new water meter is being installed
- Obvious or hidden leaks
- A malfunctioning water meter
- Installation of a new meter
- Mis-matching of registers and meters

- 2.2 Pipes and infrastructure after a water meter are on private property and is not a municipal responsibility.

- 2.3 Plumbing must be in compliance with government regulations.

- 2.4 By-law 2011-260, Consolidated Water and Wastewater Service, section 10.03(h) provides authority to adjust accounts where the meter is not registering or not registering correctly.

- 2.5 Estimated readings are used where an actual reading cannot be obtained due to:

- Staff availability
- No reading available due to faulty equipment



- 2.6 Estimated readings will not be used when an actual water meter reading is available is higher than a normal reading as it masks potential issues that may not be identified until subsequent bills.
- 2.7 An estimated reading is identified on the bill.
- 2.8 Staff shall assist the customer in identifying the cause of a high bill.
- 2.9 No adjustment to an account will be provided when:

- Water loss due to a leak in an irrigation system
- Water loss is due to theft, vandalism or construction damage as the responsibility to resolve these issues lies with the customer
- A leak was caused by a third party from whom the customer is able to recover their costs
- A dwelling and/or building is Unoccupied and/or Vacant for 72 hours or more
- Costs can be recovered through an insurance claim

3.0 A Reading Error

- 3.1 Occasionally a reading error will occur and result in a higher than normal bill for a customer. When this happens the correct reading shall be entered and the customer will be notified of the adjustment if applicable.
- 3.2 Where the reading error was a prior period resulting in a low bill and then a higher bill in the subsequent billing cycle the customer will be provided the details of the error, and if requested, will be provided an extended period of time to pay the higher bill without late payment charges. Repayments should not extend beyond 6 months.

4.0 Period of Increased Consumption

- 4.1 Reasons for periods of increased consumption include but are not limited to:
- Seasonal Use:
 - Watering of sod, gardening
 - Filling of swimming pools or whirlpools



- Washing vehicles
- Use of irrigation systems
- Building of ice rinks
- Visitors
- Increase in the number of days in the billing period
- Neglect of private property

4.2 These uses do not constitute a reason for an investigation of a high bill.

5.0 Estimated Bill Higher than Actual Consumption

5.1 An account that has been estimated shall be adjusted to reflect actual consumption:

- When the customer provides the City with a meter reading when estimated readings were used for billing purposes; or
- After the water meter and remote reading equipment has been inspected and repaired or replaced in the case of faulty readings and notices have been left for repair.

5.2 If there is no response to the first request to inspect and repair or replace within 90 days estimates will continue.

5.3 If it is determined when the meter is inspected and repaired or replaced, that the meter was malfunctioning, estimates shall remain as billed unless the estimate is not comparable to normal usage for historical billing periods where actual reads were available.

6.0 Catch Up Bill

6.1 When previous bills have been estimated and the subsequent bill is an actual reading no adjustment shall be provided.

6.2 Where the catch up bill is more than two times the normal consumption based on the 5 year average, if requested, an extended period of time to pay the higher bill without late payment charges will be provided. Repayments should not extend beyond 6 months.

7.0 Final Meter Reading from Replaced Water Meter



7.1 Where there is a discrepancy between the outside reader and the water meter and the reading is based upon the Touch Read Technology (TRT) the discrepancy could be a result of communication error between the water meter and the TRT device due to environmental factors.

7.2 Where the difference results in a water bill of more than 2 times difference than the daily average for the previous 5 years, the adjustment calculation used in relation to Section 8.0 will be applied.

8.0 Obvious or Hidden Leaks

8.1 Obvious leaks include but are not limited to:

- Dripping taps
- Water softeners continually cycling
- Toilet tanks

8.2 Hidden leaks include but are not limited to:

- Irrigation systems
- Toilet tanks
- Icemakers
- Water powered sump pumps

8.3 This section does not apply to commercial, industrial, multi-residential (as identified by assessment property classification) and income producing residential properties or leaks as a result of irrigation systems.

8.4 Reasonable effort to locate the leak and initiate repairs must be taken by the customer within 30 calendar days upon notification from the City of increased water usage.

8.5 Notification may include, but is not limited to:

- Water billing with higher than historical average consumption
- A written notice delivered to the owner or occupant
- A courtesy phone call



Council Policy

- 8.6 To qualify for an adjustment water usage must exceed 2 times (200%) the average daily consumption of the similar period from the previous 5 years (not including estimated readings).
- If history is not available for the previous 5 years, available history will be used in the calculation.
 - If no history is available the cubic metres used in the calculation of the flat rate water charges will be used as the average.
- 8.7 The customer must complete the Water Leak Adjustment Request Form and provide sufficient documentation of repairs.
- 8.8 Notification to the City is required within 14 calendar days after the date of the final repair(s).
- 8.9 The customer's account must be in good standing at the time of submission.
- 8.10 The adjustment shall be in the form of a credit applied to the account.
- 8.11 Adjustments shall be issued after repairs have been completed and verification water usage at the location has returned to normal.
- 8.12 Adjustments shall only be made for the bill in question and up to the time a meter reading was obtained verifying the problem has been resolved but not to exceed 30 days from the due date of the bill in question.
- 8.13 Failure to request a review within 60 days of initially being notified of the leak waives the customer's opportunity for an adjustment.
- 8.14 The customer is consenting to the City or its representative the right of access to the property for the purpose of an inspection to determine whether the leak was repaired within the required timeframe.
- 8.15 Customers must pay the average consumption for each month adjusted plus 50% of the amount above the average consumption for water charges.
- 8.16 A maximum of 5 of months will be adjusted.
- 8.17 Wastewater reductions will be calculated in the same manner.
- 9.0 Malfunctioning Water Meter**
- 9.1 If a water meter has been sent for testing and it has been determined the meter has been over registering and exceeding the limits established in By-law 2011-



260 the water bill in question shall be recalculated to reflect the amount of the overcharge or where a recalculation cannot be reasonably made the charge shall be adjusted to reflect the flat rate water and/or sewer charges as defined by By-law.

10.0 Installation of a New Water Meter

- 10.1 Old water meters may not capture consumption due to under or un-registering the consumption and the new water meter will now be accurately measuring the consumption.
- 10.2 No adjustment will be made as the water meter is correctly measuring the water consumed at the property.

11.0 Mismatching of Registers and Water Meters

- 11.1 Water meters and registers are matched when delivered to the City and accounts are set up indicating the unit of measure for billing purposes.
- 11.2 When it has been identified the register attached to the water meter does not match the size of the water meter or the unit of measure is incorrect the situation will be corrected.
- 11.3 Where it has been identified the unit of measure has been recorded incorrectly the situation will be corrected and adjustments made.
- 11.4 If the mismatch results in a credit to the property owner the account will be adjusted back to the date of the installation of the water meter.
- 11.5 If the mismatch is in favour of the municipality an adjustment will be made for the previous 2 year period.

12.0 Unexplained Sudden Large Increase

- 12.1 Occasionally there is increased consumption that cannot be explained. To qualify for an adjustment calculated under Section 8 above, the following is required:
 - Consumption is two or more times greater than the historical daily average consumption for the property
 - Water meter has been tested and found to be measuring water consumption within prescribed standards for accuracy and is otherwise free from defects that could affect the measuring of water consumption; and no other city

activity could have reasonably caused, in the determination of the Director of Public Works or designate, the increase in recorded water consumption.

- The increase in recorded water consumption, in the determination of Director of Public Works or designate cannot reasonably be attributed to an act or omission of the customer, an occupant of the property or a person within the customer's or occupant's control; or a leak or other defect in the private plumbing system of the customer's property.
- The customer shall provide to the City, at the customer's cost, written verification from a licensed plumbing contract, that the private plumbing system of the property is free from leaks or other defects that may affect water consumption and that upon careful inspection of the system there are no other factors that may explain the increased consumption.
- Customer shall provide the City any documentation or other information in the customer's possession or knowledge in respect to the private plumbing system for the subject property, occupants of the subject property and the customer's water consumption during the billing period in question as the City may request.

12.2 City staff may inspect the subject property

12.3 In this situation the cost of the meter inspection will be returned to the customer.

13.0 Payments

13.1 There is no extension of the due date or the time for paying water and/or wastewater bills because of a pending adjustment request.

13.2 Late payment charges will only be adjusted in relation to the adjustment provided for the leak or where readings have been estimated for an extended period of time resulting in a large reconciliation bill.

14.0 Adjustment Cap

14.1 Adjustments for not-for-profits and institutional customers will be capped at \$5,000.

14.2 There is no adjustment cap for residential customers.

14.3 The City will not process leak adjustment where the adjustment amount is calculated to be less than \$50.00.

15.0 Frequency of Adjustments



Council Policy

- 15.1 Property owners are responsible for ensuring there is no repetition of this occurrence. As such, only one leak adjustment per property during the term of the applicant's ownership of the property shall be permitted.

Revision History:

Proposed Date of Review:

| Revision | Date | Description of changes | Requested By |
|----------|--------|------------------------|--------------|
| 0.0 | [Date] | Initial Release | |
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| Council Policy No.: | CP2017-001 |
| Council Policy Name: | Seasonal Level of Service Policy |
| Date Approved by Council: | April 18, 2017 |
| Date revision approved by Council: | |
| Related SOP, Management Directive, Council Policy, Forms | |

Policy Statement and Rationale:

This policy establishes the level of maintenance provided to city owned seasonal roads. The goal of this policy is:

- a) To define the term seasonal/summer road
- b) To establish a maintenance level of service
- c) To outline the criteria for a road to be declared a seasonal/summer road
- d) To establish duration for the level of service

Scope:

This policy shall apply *only* to unassumed city owned roads that have met the criteria to be declared a seasonal/summer road for maintenance.

Definitions

- a) "City" shall mean the Corporation of the City of Kawartha Lakes.
- b) "Council" shall mean the municipal Council of The Corporation of the City of Kawartha Lakes.
- c) "Group" shall mean a road association or a number of property owners.
- d) "Seasonal/Summer Roads" shall mean unassumed roads on which no winter maintenance is performed during the period from November 15 through to April 15.
- e) "Unassumed Road" shall mean roads that are owned by the municipality that are not maintained on a year round basis. This shall include unopened road allowances.

Policy:

Seasonal/Summer Roads

Seasonal/Summer roads are considered to be Class 6 Roads and are not subject to minimum maintenance standards under Ontario Regulation 239/02.



Council Policy

Seasonal/Summer Roads are unassumed roads that have been inspected by the Public Works supervisor and have met the criteria for limited seasonal maintenance.

Criteria

The criteria for a Seasonal/Summer road is attached as Appendix “A”.

Minimum Maintenance

Seasonal/Summer roads shall be maintained on an ‘as needed’ basis at the discretion of the Public Works Supervisor. General Maintenance includes gravel application as determined by the Supervisor and a maximum of two (2) gradings annually.

Seasonal/Summer roads will not be patrolled.

Maintenance Period

All municipal maintenance that applies to seasonal/summer roads will cease November 15 through to April 15.

Road maintenance by individual or group

Any individual or group wishing to conduct maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department one month prior to commencement of work. Work may include, but not be limited to: additional gravel applications; grading; brush/tree removal; culvert installation/repair; drainage improvements. A road occupancy permit issued by the Public Works Department shall be obtained prior to commencement of work.

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property.

Winter use of Seasonal/Summer Roads

Any individual or group wishing to provide winter maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department prior to September 1. Long-term agreements may be negotiated where applicable.

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property because of the actions of private snow removal equipment.

Signage

Roads designated as Seasonal/Summer roads shall be signed by the municipality to indicate the status of the road and the duration of municipal maintenance services.



Council Policy

Revision History:

Proposed Date of Review:

| Revision | Date | Description of changes | Requested By |
|----------|----------------|------------------------|--------------|
| 1.0 | April 18, 2017 | Initial Release | |
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Schedule 'A'

Criteria for Seasonal/Summer Roads

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| Width of travelled road (edge to edge) | Minimum 4.0 metres throughout |
| Depth of gravel base | Minimum 5.0 cm of Granular 'A' throughout |
| Brush and tree overhang | Minimum 5.0 metres overhead clearance and 5.0 metres total horizontal clearance (i.e. 0.5 metres beyond the edge of the road on each side) |
| Turn-a-round location | There must be adequate space and location for a truck/grader to turn-around. Turning templates and specification will be provided upon request. The turn-a-round can be situated on private lands with permission from the land owner. |
| Drainage and culverts | Drainage must be sufficient to adequately manage typical rain events; culverts must be sized correctly and must be (and remain) structurally sound. |

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number RD2019-004

Date: July 16, 2019

Time: 10:00 a.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Seasonal Level of Service Policy Review

Description: Council has requested the Seasonal Level of Service Policy for maintenance of unassumed roads come to the Committee of the Whole for review.

Author and Title: Bryan Robinson, Director of Public Works

Recommendation(s):

That Report RD2019-004, **Seasonal Level of Service Policy Review**, be received; and

That this recommendation be brought forward to Council for consideration at the August 13, 2019 regular Council meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Through 2015-2017 as part of the City's Core Service Review, the Limited Service Agreement (LSA) program was reviewed by Public Works staff in consultation with the Office of Strategy Management.

Staff continues to advise that maintenance on unassumed roads is not legally required. Money expended on these non-obligatory commitments could be redirected to the City's assumed road network. Staff went through an extensive public consultation and reported to Council on several occasions. Residents on unassumed roads who benefit from the program were overwhelmingly in favour of the program and in many cases requested additional services.

With consideration of the information presented, prior Council chose to continue service on unassumed roads.

It is important to note that there is no municipal legal obligation to provide any service to an unassumed road. Council has been provided the legal opinion in the past that states:

“The City is not legally obligated to provide maintenance on either category of road (private or unassumed) and not doing so limits both the maintenance costs and exposure to liability for the City.” (Staples & Swain)

The standard Limited Service Agreement program for unassumed roads included two (2) gradings per year and up to 2 loads of gravel per road at no charge. There is also a provision for an additional load of gravel for every kilometer of road (or portion thereof) over one km in length. In order to qualify for an LSA the road must have met City established minimum standards for limited service and pass an inspection. The roads receiving this service typically did not meet (nor often have the ability to meet) municipal standards with respect to drainage, sight lines, brush clearing, road base and surface condition.

At the Council Meeting of March 21, 2017 two reports were presented – one for Limited Service Agreements on Private Roads, the other for Limited Service Agreements on Unassumed Roads.

For unassumed roads, staff recommended replacing the Limited Service Agreement program with a Seasonal Level of Service policy. This would reduce the amount of administration involved and would allow staff to effectively schedule the work as part of their annual work plan.

During the Council deliberation a concern was raised regarding unassumed roads with LSAs that receive winter control (snowplowing). By replacing the LSA program with the Seasonal Level of Service Policy, the issue of snowplowing was

not clearly addressed. The intent of the recommended policy was to establish a consistent level of service policy for summer maintenance only which will replace the requirement for legal Limited Service Agreements.

Council adopted the following resolution for Unassumed Roads:

CR2017-250

Moved By Councillor Yeo

Seconded By Councillor Strangway

RESOLVED THAT the Director of Public Works forward an amended Seasonal Level of Service Policy including a grandfather clause relating to snow plowing for review; and

THAT the Director of Public Works be authorized to establish the service level for roads that are a combination of unassumed and/or private and/or assumed segments.

CARRIED

Staff responded to this resolution with a report at the April 18, 2017 Council meeting that addressed the winter maintenance concerns and at that meeting, Council resolved:

CR2017-350

Moved By Councillor Miller

Seconded By Councillor Dunn

RESOLVED THAT Report PW2017-004, **Limited Service Agreements - Unassumed Roads**, be received;

THAT the policy entitled Seasonal Level of Service Policy appended to Report PW2017-004 be adopted and numbered for inclusion in the City's Policy Manual;

THAT staff be directed to issue notice to Fulsom Crescent and Mink Alley that winter control services will not be provided after April 30, 2019; and

THAT all existing Limited Service Agreements for Unassumed Roads be cancelled effective April 30, 2017 and service be continued through the Seasonal Level of Service Policy.

CARRIED

CR2017-351

Moved By Councillor Veale

Seconded By Councillor Miller

RESOLVED THAT due to the unique circumstances, that staff be directed to continue winter control only for Antiquary Road.

CARRIED

Staff have been working under this direction since 2017.

At the June 18, 2019 Council meeting, Council resolved:

CR2019-413

Moved By Councillor Yeo

Seconded By Deputy Mayor Elmslie

That the Seasonal Level of Service Policy be brought forward to Council at a July 2019 meeting for review.

Carried

This report addresses this direction.

Rationale:

Through the background review of this Core Service review, it became apparent that the City did not have an accurate record of roads. This includes ownership, assumption and maintenance.

Staff have been working to assemble a Road Maintenance Database which will become an essential tool for both Engineering and Operations. Given the extensive road network in the City, this database will take several years to complete. Once complete, Staff will revisit the list of roads with Council to define the road network and establish Level of Service for each road segment.

The current SLOS program is working well as intended. At this time, Staff are not making any recommendations for alteration to the Policy.

Other Alternatives Considered:

At this time, there are no alternatives recommended by Staff.

Financial/Operation Impacts:

There are no servicing cost implications through receipt of this report. Significant cost implications could occur with amendments to the Policy. Staff recommends that any contemplated changes to this policy be first referred to Staff for a thorough review and report back to Council.

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

The roads maintenance program aligns with the Strategic Enablers of “Efficient Infrastructure & Asset Management” and “Responsible Fiscal Resource Management”.

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Implications:

N/A

Consultations:

Manager of Roads Operations

Attachments:

Appendix A – Report PW2017-004, Limited Service Agreements, Unassumed Roads



PW2017-004 Limited
Service Agreements L

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson, P.Eng.

The Corporation of the City of Kawartha Lakes**Council Report****Report Number PW2017-004**

Date: April 18, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Subject: Limited Service Agreements, Unassumed Roads

Author/Title: Bryan Robinson, Director of Public Works

Signature:

**Recommendation(s):**

RESOLVED THAT Report PW2017-004, **Limited Service Agreements – Unassumed Roads**, be received;

THAT the policy entitled Seasonal Level of Service Policy appended to Report PW2017-004 be adopted and numbered for inclusion in the City's Policy Manual;

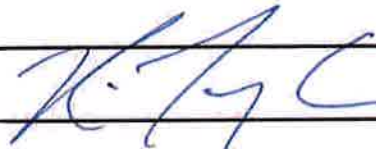
THAT winter control services currently provided without an agreement to the "Antiquary Beach" cottage association and the "Fulsom Crescent & Mink Alley" associations be cancelled effective April 30, 2017; and

THAT all existing Limited Service Agreements for Unassumed Roads be cancelled effective April 30, 2017 and service be continued through the Seasonal Level of Service Policy.

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

As part of the City's Core Service Review, the Limited Service Agreement (LSA) program was reviewed by Public Works staff in consultation with the Office of Strategy Management.

The standard Limited Service Agreement includes two (2) gradings per year and up to 2 loads of gravel per road at no charge. There is also a provision for an additional load of gravel for every kilometer of road (or portion thereof) over one km in length. In order to qualify for an LSA the road must meet City established minimum standards for limited service and pass an inspection. The roads receiving this service typically do not meet (nor often have the ability to meet) municipal standards with respect to drainage, sight lines, brush clearing, road base and surface condition.

At the Council Meeting of March 21, 2017 two reports were presented – one for Limited Service Agreements on Private Roads, the other for Limited Service Agreements on Unassumed Roads.

Council adopted the following resolution regarding Limited Service Agreements on Private Roads:

CR2017-248

Moved By Councillor Elmslie

Seconded By Councillor Miller

RESOLVED THAT the City continue to provide Limited Service Agreements on Private Roads for any existing agreements including any renewals and pending applications;

THAT no new agreements be accepted for Limited Service Agreements on Private Roads; and

THAT staff be directed to include a program for consideration within the 2018 Operating Budget to determine ownership of unknown road segments.

CARRIED

Council elected to continue the Limited Service Agreement for Private Roads which in some cases includes snow plowing.

For unassumed roads, staff recommended replacing the Limited Service Agreement program with a Seasonal Level of Service policy. This would reduce the amount of administration involved and would allow staff to more easily schedule the work as part of their annual work plan.

Through the Council debate a concern was raised regarding unassumed roads with LSAs that receive snowplowing. By replacing the LSA program with the Seasonal Level of Service Policy, the issue of snowplowing was not clearly addressed. The intent of the recommended policy was to establish a consistent level of service policy for summer maintenance only which will replace the requirement for legal Limited Service Agreements.

Council adopted the following resolution for Unassumed Roads :

CR2017-250

Moved By Councillor Yeo

Seconded By Councillor Strangway

RESOLVED THAT the Director of Public Works forward an amended Seasonal Level of Service Policy including a grandfather clause relating to snow plowing for review; and

THAT the Director of Public Works be authorized to establish the service level for roads that are a combination of unassumed and/or private and/or assumed segments.

CARRIED

This report addresses this direction.

Rationale:

The direction from Council was to amend the Seasonal Level of Service Policy to include the grandfathering of winter control services.

As the proposed policy deals specifically with summer seasonal maintenance and there are only three (3) unassumed roads that currently receive winter control services, staff recommends addressing winter control services separately from the policy.

The draft Seasonal Level of Service policy is attached to this report and is recommended for approval. For additional rationale supporting the Seasonal Level of Service policy please see report PW2017-003 attached.

Staff has reviewed all current, expired and pending Limited Service Agreements to review the services being provided. A list of all roads with Limited Service Agreements that receive snowplowing services is attached.

For unassumed roads, none of the legal agreements include winter control service.

However, through field investigation, two (2) of the unassumed roads with LSAs receive winter control without an agreement and one is provided service on a fee-for-service basis. The "Antiquary Road" and "Fulsom Crescent & Mink Alley"

associations currently receive winter service without agreement and the “McGuire Beach Road” association has received winter service on a fee-for-service basis.

McGuire Beach Road has been invoiced for the snowplowing service they received from the City. The association was notified in the fall of 2016 that snowplowing services will no longer be offered starting the 2017/2018 winter season. This is a service the municipality should not be providing as it competes with local business and takes away resources required for municipally assumed roads.

Although Council directed staff to bring an amended policy which includes grandfathering winter control services, staff respectfully recommends discontinuing plowing services on Antiquary Road and Fulsom Crescent & Mink Alley as the service is not identified within the existing Limited Service Agreements. This will provide a consistent approach for winter control service on known unassumed roads.

Other Alternatives Considered:

Alternative 1

Council could choose to provide a notice period to April 30, 2020 for the discontinuation of winter control services for Antiquary Road and Fulsom Crescent & Mink Alley. This alternative is not recommended by staff but could be considered to provide the associations more time to procure alternate service providers. If this is the case, recommendations should be amended as follows:

Remove:

THAT winter control services currently provided without an agreement to the “Antiquary Beach” cottage association and the “Fulsom Crescent & Mink Alley” cottage association be cancelled effective April 30, 2017.

Add:

THAT staff be directed to issue notice to Antiquary Road and Fulsom Crescent & Mink Alley that winter control services will not be provided after April 30, 2020.

Alternative 2

Council could choose to maintain the service for Antiquary Road and Fulsom Crescent & Mink Alley. This alternative is not recommended by staff as it provides an inconsistent level of service. If this is the case, recommendations should be amended as follows:

Remove:

THAT winter control services currently provided without an agreement to the “Antiquary Beach” cottage association and the “Fulsom Crescent & Mink Alley” cottage association be cancelled effective April 30, 2017.

Add:

THAT staff be directed to continue snow plowing services for the areas currently serviced for Antiquary Road and Fulsom Crescent & Mink Alley.

Financial Considerations:

The current process is heavily administrative. Productivity gains and cost avoidance would be realized by the City should the recommended alternative be chosen. By adopting a policy that allocates service to roads that meet a minimum standard, Staff can incorporate this work into their annual work plans and drive efficiencies into our operations. Legal costs to create, review and renew the agreements will also be reduced.

Limited Service Agreements were designed for summer maintenance only and were never intended to include winter control services. If the precedent is set to provide winter control services to unassumed roads the financial impact would be exponential and unaffordable as there are 317 confirmed unassumed road segments in the municipality.

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

The roads maintenance program aligns with the Strategic Enablers of “Efficient Infrastructure & Asset Management” and “Responsible Fiscal Resource Management”.

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Comments:

N/A

Consultations:

Brenda Stonehouse, Strategy and Performance Specialist

Attachments:



Policy - Seasonal PW2017-003 Limited S
Level of Service.docx service Agreements - Ur



LSA Roads -
Snowplowing.pdf



Phone: 705-324-9411 ext. 1143

E-Mail: brobinson@city.kawarthalakes.on.ca

Department Head: Bryan Robinson, Director of Public Works

Department File:



Council Policy

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|--|----------------------------------|
| Council Policy No.: | |
| Council Policy Name: | Seasonal Level of Service Policy |
| Date Approved by Council: | |
| Date revision approved by Council: | |
| Related SOP, Management Directive, Council Policy, Forms | |

Policy Statement and Rationale:

This policy establishes the level of maintenance provided to city owned seasonal roads. The goal of this policy is:

- a) To define the term seasonal/summer road
- b) To establish a maintenance level of service
- c) To outline the criteria for a road to be declared a seasonal/summer road
- d) To establish duration for the level of service

Scope:

This policy shall apply *only* to unassumed city owned roads that have met the criteria to be declared a seasonal/summer road for maintenance.

Definitions

- a) "City" shall mean the Corporation of the City of Kawartha Lakes.
- b) "Council" shall mean the municipal Council of The Corporation of the City of Kawartha Lakes.
- c) "Group" shall mean a road association or a number of property owners.
- d) "Seasonal/Summer Roads" shall mean unassumed roads on which no winter maintenance is performed during the period from November 15 through to April 15.
- e) "Unassumed Road" shall mean roads that are owned by the municipality that are not maintained on a year round basis. This shall include unopened road allowances.



Council Policy

Policy:

Seasonal/Summer Roads

Seasonal/Summer roads are considered to be Class 6 Roads and are not subject to minimum maintenance standards under Ontario Regulation 239/02.

Seasonal/Summer Roads are unassumed roads that have been inspected by the Public Works supervisor and have met the criteria for limited seasonal maintenance.

Criteria

The criteria for a Seasonal/Summer road is attached as Appendix "A".

Minimum Maintenance

Seasonal/Summer roads shall be maintained on an 'as needed' basis at the discretion of the Public Works Supervisor. General Maintenance includes gravel application as determined by the Supervisor and a maximum of two (2) gradings annually.

Seasonal/Summer roads will not be patrolled.

Maintenance Period

All municipal maintenance that applies to seasonal/summer roads will cease November 15 through to April 15.

Road maintenance by individual or group

Any individual or group wishing to conduct maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department one month prior to commencement of work. Work may include, but not be limited to: additional gravel applications; grading; brush/tree removal; culvert installation/repair; drainage improvements. A road occupancy permit issued by the Public Works Department shall be obtained prior to commencement of work.

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property.

Winter use of Seasonal/Summer Roads

Any individual or group wishing to provide winter maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department prior to September 1. Long-term agreements may be negotiated where applicable.



Council Policy

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property because of the actions of private snow removal equipment.

Signage

Roads designated as Seasonal/Summer roads shall be signed by the municipality to indicate the status of the road and the duration of municipal maintenance services.

Revision History:

Proposed Date of Review:

| Revision | Date | Description of changes | Requested By |
|----------|----------------|------------------------|--------------|
| 1.0 | March 21, 2017 | Initial Release | |
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SCHEDULE 'A'

Criteria for Seasonal/Summer Road

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| Width of travelled road (edge to edge) | Minimum 4.0 metres throughout |
| Depth of gravel base | Minimum 5.0 cm of Granual 'A' throughout |
| Brush and tree overhang | Minimum 5.0 metres overhead clearance and 5.0 metres total horizontal clearance (i.e. 0.5 metres beyond the edge of the road on each side) |
| Turn-a-round location | There must be adequate space and location for a truck/grader to turn-around. Turning templates and specification will be provided upon request. The turn-a-round can be situated on private lands with permission from the land owner. |
| Drainage and culverts | Drainage must be sufficient to adequately manage typical rain events; culverts must be sized correctly and must be (and remain) structurally sound. |

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PW2017-003

Date: March 21, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Subject: Limited Service Agreements- Unassumed Roads

Author/Title: Rodney Porter, East Area Maintenance Manager

Signature:



Recommendation(s):

RESOLVED THAT Report PW2017-003, **Limited Service Agreements- Unassumed Roads**, be received;

THAT all existing Limited Service Agreements for unassumed roads be terminated as of April 15, 2017;

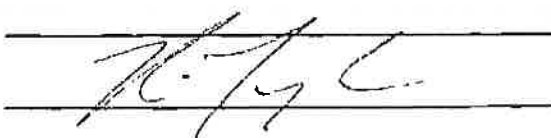
THAT the policy entitled Seasonal Level of Service Policy appended to Report PW2017-003 be adopted and numbered for inclusion in the City's Policy Manual; and

THAT the Director of Public Works be authorized to establish the service level for roads that are a combination of unassumed and/or private and/or assumed segments.


Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:



Background:

As part of the City's Core Service Review, the Limited Service Agreement (LSA) program was reviewed by Public Works staff in consultation with the Office of Strategy Management.

A presentation was made to Council on August 12, 2015 outlining the program and possible options for consideration.

At the Council Meeting of January 26, 2016 Council adopted the following resolution:

**Moved by Councillor Strangway, seconded by Councillor Yeo,
RESOLVED THAT Report PW2016-002, Core Service Review -
Limited Service Agreements for Unassumed and Private Roads,
be received;
THAT staff develop a comprehensive strategy for Unassumed and
Private Roads including a Seasonal Roadway Level of Service policy
for review by Council to be presented prior to the end of 2016;
THAT no new Limited Service Agreement applications be accepted
until completion of the comprehensive strategy;
THAT the City of Kawartha Lakes continue providing service for
Unassumed Roads with Limited Service Agreements in place; and
THAT the City of Kawartha Lakes continue providing service for
Private Roads with Limited Service Agreements in place, until such
time as the comprehensive strategy is reviewed by Council.**
CARRIED CR2016-075

A presentation to provide and update was made on August 9, 2016.

Two Public Information Centres were held to gather feedback on future options for the Limited Service Agreement program. They were held on Wednesday, August 24, 2016 in Fenelon Falls and Saturday, September 24, 2016 in Omemee.

A presentation outlining the feedback received was made on November 29, 2016 which also included further alternatives for consideration.

There are two types of roads the City has entered into Limited Service Agreements for periodic maintenance at municipal expense: Privately owned roads; and Municipal highways exempted from the application of s.44 (i.e. those formed by original road allowances but unopened, or roads that have been dedicated to the City for road purposes which have not been assumed as publicly maintained highways).

The standard LSA service includes 2 gradings/year and up to 2 loads of gravel per road at no charge. There is also a provision for an additional load of gravel

for every kilometer of road (or portion thereof) over one km in length. In some instances winter snow plowing is also included as part of the Limited Service Agreement. In order to qualify for an LSA the road must meet City established minimum standards for limited service and pass an inspection. The roads included in this service are either private roads/laneways or unassumed municipally owned roads and typically do not meet municipal standards with respect to drainage, sight lines, brush clearing, road base and surface condition.

There are currently 35 active agreements on unassumed roads and 9 pending renewal agreements currently pending renewal. The majority of the agreements are in the northern area of the City.

Rationale:

Although the City has no legal obligation to provide maintenance on unassumed roads, there are a number of roads in the municipality that have received service through a Limited Service Agreement.

Through the comprehensive review it was confirmed that the Limited Service Agreement program is administratively heavy and service levels are inconsistent. Some unassumed roads received the benefit of winter maintenance while others did not. In some cases fees for winter service were charged.

Staff recommend the approval of a Seasonal Level of Service Policy (Policy) which will clearly outline a consistent service level for roads that are categorized as Seasonal/Summer roads by meeting the minimum standards identified within the Policy. This new Policy will replace the need for a Limited Service Agreement on unassumed roads that meet the criteria while maintaining service levels.

This Policy provides for gravel and grading at the Public Works Supervisor's discretion and eliminates all winter maintenance. This allows the Supervisor to schedule work within the depot's areas prioritized work plan therefore creating efficiencies.

The new Policy would replace existing Limited Service Agreements on unassumed roads for the 2017 summer season. For the few LSAs that currently include winter control services, discontinuation of existing agreements now would give road associations ample time to arrange for winter control services for the 2017/2018 season.

There are roads currently with a Limited Service Agreement that are a combination of unassumed and/or private and/or assumed segments. The Director of Public Works should be given the authority to establish the most appropriate level of service for these combination roads.

Groups that wish to have their roads assumed by the municipality can do so by following the requirements outlined in the Assumption of Private and Unassumed Roads Policy. Several groups expressed interest in this alternative during the public meetings. Although not a solution for every group, this alternative remains available for those interested.

Other Alternatives Considered:

Option: End LSA Program

Council could choose to terminate all maintenance services on unassumed roads. This is a viable decision for the following reasons:

1. There is no legal obligation to provide such services; and
2. Cancellation of LSAs on unassumed roads would enable additional funds to be allocated to improve open and maintained public roads within the City.

Although this is a viable option, Staff has heard from both Council and those benefitting from the LSAs during the public open houses that there is a desire to provide limited service to unassumed roads. With this recognition, Staff have supported the creation of the recommended Policy which will still provide basic services, but will also help reduce some of the administration costs currently borne by the City under the current practice.

Should Council opt to stop providing service on unassumed roads, the resolution would be "THAT the City of Kawartha Lakes not provide any maintenance on unassumed roads with the exception of roads under Subdivision Agreements."

Option: Status Quo

Council could opt to maintain status quo for unassumed roads. This would maintain the services provided to unassumed roads under existing agreements, with the option of renewal, and the addition of new unassumed roads as applications are approved under the program requirements. This option, being the current practice, is not supported by Staff however was considered as an option within the public meetings. It is being presented as an option for Council's consideration.

The resolution would be: "THAT the City of Kawartha Lakes shall continue to provide service on unassumed roads under the Limited Service Agreement program."

Financial Considerations:

The current process is heavily administrative. Productivity gains and cost avoidance would be realized by the City should the recommended alternative be chosen. By adopting a policy that allocates service to roads that meet a minimum standard, Staff can incorporate this work into their annual work plans

and drive efficiencies into our operations. Legal costs to create, review and renew the agreements will also be reduced.

Eliminating winter control services will provide a consistent level of service and will avoid incremental costs as additional seasonal/summer roads are added to the roads inventory.

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

The roads maintenance program aligns with the Strategic Enablers of "Efficient Infrastructure & Asset Management" and "Responsible Fiscal Resource Management".

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Comments:

N/A

Consultations:

Brenda Stonehouse, Strategy and Performance Specialist

Attachments:



Policy - Seasonal
Level of Service.docx

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E-Mail: rporter@city.kawarthalakes.on.ca

Department Head: Bryan Robinson, Director of Public Works

Department File:



Council Policy

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| Council Policy No.: | |
| Council Policy Name: | Seasonal Level of Service Policy |
| Date Approved by Council: | |
| Date revision approved by Council: | |
| Related SOP, Management Directive, Council Policy, Forms | |

Policy Statement and Rationale:

This policy establishes the level of maintenance provided to city owned seasonal roads. The goal of this policy is:

- a) To define the term seasonal/summer road
- b) To establish a maintenance level of service
- c) To outline the criteria for a road to be declared a seasonal/summer road
- d) To establish duration for the level of service

Scope:

This policy shall apply *only* to unassumed city owned roads that have met the criteria to be declared a seasonal/summer road for maintenance. Roads must be kept at the minimum standard by the group in order to qualify under this policy.

Definitions

- a) "City" shall mean the Corporation of the City of Kawartha Lakes.
- b) "Council" shall mean the municipal Council of The Corporation of the City of Kawartha Lakes.
- c) "Group" shall mean a road association or a number of property owners.
- d) "Seasonal/Summer Roads" shall mean unassumed roads on which no winter maintenance is performed during the period from November 15 through to April 15.
- e) "Unassumed Road" shall mean roads that are owned by the municipality that are not maintained on a year round basis. This shall include unopened road allowances.



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Policy:

Seasonal/Summer Roads

Seasonal/Summer roads are considered to be Class 6 Roads and are not subject to minimum maintenance standards under Ontario Regulation 239/02.

Seasonal/Summer Roads are unassumed roads that have been inspected by the Public Works supervisor and have met the criteria for limited seasonal maintenance.

Criteria

The criteria for a Seasonal/Summer road is attached as Appendix "A". Where a seasonal/summer road fails to meet the criteria upon inspection by City Staff, seasonal services shall be withheld until improvements are performed by the group to bring the road up to the required standard.

Minimum Maintenance

Seasonal/Summer roads shall be maintained on an 'as needed' basis at the discretion of the Public Works Supervisor. General maintenance includes gravel application as determined by the Supervisor and a maximum of two (2) gradings annually.

Seasonal/Summer roads will not be patrolled.

Maintenance Period

All municipal maintenance that applies to seasonal/summer roads will cease November 15 through to April 15.

Road maintenance by individual or group

Any individual or group wishing to conduct maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department thirty (30 days) prior to commencement of work. Work may include, but not be limited to: additional gravel applications; grading; brush/tree removal; culvert installation/repair; drainage improvements. A road occupancy permit issued by the Public Works Department shall be obtained prior to commencement of work.

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property.

Winter use of Seasonal/Summer Roads

Any individual or group wishing to provide winter maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department prior to September 1. Long-term agreements may be negotiated where applicable.



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Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property because of the actions of private snow removal equipment.

Signage

Roads designated as Seasonal/Summer roads shall be signed by the municipality to indicate the status of the road and the duration of municipal maintenance services.

Revision History:

Proposed Date of Review:

| Revision | Date | Description of changes | Requested By |
|----------|----------------|------------------------|--------------|
| 1.0 | March 21, 2017 | Initial Release | |
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APPENDIX 'A'

Criteria for Seasonal/Summer Road

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| Width of travelled road (edge to edge) | Minimum 4.0 metres throughout |
| Depth of gravel base | Minimum 5.0 cm of Granual 'A' throughout |
| Brush and tree overhang | Minimum 5.0 metres overhead clearance and 5.0 metres total horizontal clearance (i.e. 0.5 metres beyond the edge of the road on each side) |
| Turn-a-round location | There must be adequate space and location for a truck/grader to turn-around. Turning templates and specification will be provided upon request. The turn-a-round can utilize private lands with written permission from the land owner. |
| Drainage and culverts | Drainage must be sufficient to adequately manage typical rain events; culverts must be sized correctly and must be (and remain) structurally sound. |

| Road Name | # of Property Owners | Road Type | Agreement Status | Plowing in LSA? |
|------------------------------|-------------------------------------|------------------|-----------------------------|----------------------------|
| Antiquary Road | 66 | Unassumed | Active | No |
| Fulsom Crescent & Mink Alley | 64 | Unassumed | Active | No |
| McGuire Beach Road | 105 | Unassumed | Active | No |