

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WWW2019-003

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

Ward Community Identifier: All

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

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

Recommendation(s):

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

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

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

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

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

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

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

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

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

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

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

Background:

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

Mandatory Connection

Pat Dunn, Councillor

CR2018-233

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

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

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

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

Carried

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

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

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

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

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

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

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

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

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

CR2018-591

Moved By Councillor James

Seconded By Councillor Yeo

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

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

Carried

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

CR2018-592

Moved By Councillor James

Seconded By Councillor Veale

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

Carried

This report addresses that direction.

Rationale:

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

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

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

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

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

Other Alternatives Considered:

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

Financial/Operation Impacts:

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

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

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

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

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

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

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

Servicing Implications:

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

Consultations:

Director of Public Works, Public Works
Manager, Environmental Services

Attachments:

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



Appendix A - By-Law
2014-255 Consolidated

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



Appendix B - Council
Presentation Septemb

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