

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

