

Water Wastewater Mandatory Connection By-law

Water and Wastewater Division

July 16, 2019



Presentation Overview

1. History of Mandatory Connection By-law
2. Comparison of by-law with other municipalities in Ontario
3. Benefits of Mandatory Connection By-law
4. Impacts if By-law Rescinded
5. Questions

Mandatory Connection By-law History

- CKL endorsed first mandatory connection by-law in April 2005
- Intent of by-law is to:
 - ensure connection to municipal services
 - capital and operating sustainability
 - ensures residents are receiving safe water
 - environmental protection

Lean Six Sigma Black Belt Project

- In 2014, By-law 2005-75 was reviewed by various departments with a number of deficiencies identified
- A new by-law was created and passed in 2014 to address concerns
 - By-law 2014-255 “A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes”
- Implementation was planned on a phased-in approach with an initial pilot group

Fenelon Falls Pilot Summary

- Pilot started with 36 properties subject to mandatory connection requirements
- 11 properties removed from pilot due to restrictions on wastewater capacity at the time
- 22 out of 25 properties received conditional exemption by Council to connect until such time as wastewater services available, but required to pay fixed rate portion of user rates
- 2 properties connected
- 1 remained out of compliance with by-law

Subsequent By-law Amendments

September 2017

- By-law amended to charge those properties that meet the requirements for mandatory connection the annual fixed rate costs for the service(s) available to them after 3 months notice.
- Revenue to help cover basic costs for maintenance and replacement of existing infrastructure

December 2018

- Timing for physical connection requirements amended from 18 months after receiving Director's Notice to upon failure of existing private infrastructure (private well and/or septic system)

Mandatory Connection Properties

| Water/Wastewater System | Number of Properties |
|---------------------------|----------------------------------|
| Lindsay Water/Sewer | 19 – Water, 1 – Sewer, 10 – Both |
| Oakwood Water* | 3 |
| Birch Point Water | 3 |
| Bobcaygeon Water/Sewer | 3 – Water, 2 – Sewer, 8 – Both |
| Canadiana Shores Water | 14 |
| Coboconk Sewer | 3 |
| Fenelon Falls Water/Sewer | 21 – Water, 6 – Both |
| King's Bay Water/Sewer | 2 - Both |
| Kinmount Water | 10 |
| Norland Water | 2 |

Mandatory Connection Properties

| Water/Wastewater System | Number of Properties |
|-------------------------|----------------------|
| Omemee Water/Sewer | 21 – Sewer, 2 - Both |
| Sonya Water | 2 |
| Southview Water | 2 |
| Total | 134 |

Municipal By-law Comparison

| Municipality and related by-law | Timing of Connection | Stipulated connection distance | Decommissioning/Disconnection of old systems included? | Can city enter onto private property and connect building at owners expense? |
|---------------------------------|---|--|--|--|
| CKL By-Law 2014-255 | Upon failure of existing private infrastructure | Side yard property line within 1 ft. of end of water or sewer main located within roadway | Yes, owner must decommission/disconnect previous services at their own expense as they connect to municipal services | Yes and added to tax roll as lien. Municipal Act S. 398 (2) |
| Stratford By-law 28 | 6 months | Building must be within 300 feet from property line | Not referenced | Not referenced |
| West Grey By-law 25-2015 | 12 months | Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer, | Yes, owner must decommission previous services at their own expense as they connect to municipal services | Yes and added to tax roll as lien. Municipal Act S. 398 (2) |
| Township of King By-law 2010-38 | Only for sewage – 12 months from time of notice to connect and decommission previous system(s) | Not specific – just if sanitary main fronts property | Yes, owner must decommission previous services at their own expense as they connect to municipal services | Yes and added to tax roll as lien. Municipal Act S. 398 (2) |
| Muskoka By-law 2017-16 | 24 months but if resident can show system installed within 10 yrs of notification and working, granted additional 10 yrs Must connect ASAP to both services if one service fails though | A building on land abutting any street, alley, or right of way in which there is located a municipal watermain or sanitary sewer and such services are presently available | Included. 435-439 and 446 of Municipal Act | Yes and added to tax roll as lien. Municipal Act S. 398 (2) |
| City of Cambridge By-law 6-13 | Given 36 months to connect | No specific distance. Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer, | Not referenced. States when connection to municipal service is made, the owner must stop using their previous system in favour of new one. No decommissioning required | Yes and added to tax roll as lien. Municipal Act S. 398 (2) |

Municipal By-law Comparison

| Municipality and related by-law | Fines listed in by-law | Hardship clause | Loan program | Is resident charged Fixed rate fees? |
|---------------------------------|--|---|---|---|
| CKL By-Law 2014-255 | Max fine of \$100,000.00 and set out under Provincial Offences Act (POA) | Not referenced | Credit Granting Policy (CP2017-004) over 10 years if amount > \$1000 | Given 3 month notice before fixed rate fee applied to account. No consumption charges until connection made |
| Stratford By-law 28 | \$2000.00 per day not in compliance | Utility Board in place to review and exempt commercial operation when connecting can bankrupt them | Not referenced | Properties are not exempt from capital contribution towards extending lines |
| West Grey By-law 25-2015 | Will be fined unspecified amount in accordance with POA | Not referenced | Not referenced | Water and Sewage Capital and Financing Charge Rates are applied to every building on property that has access to w/ww lines |
| Township of King By-law 2010-38 | Will be fined unspecified amount in accordance with POA | Not referenced | 15 year payback period put on tax roll as lien 349(3) of MA Resident allowed to pay the \$18790.00 over a 4 equal payments within 36 months. If not fully paid, then 1.25% monthly interest and amount put on tax roll. | Not referenced |
| Muskoka By-law 2017-16 | Max fine of \$50,000.00 and set out under Provincial Offences Act (POA) | Must provide >2 quotes. If cost >\$30,000 then exemption can be given to connect | 10 year period to pay back. Loan amount cannot exceed cost of connection. | No reference |
| City of Cambridge By-law 6-13 | Not less than \$50,000.00 but not more than \$100,000.00 and set out under Provincial Offences Act (POA) | Commissioner of Transportation and PW can decide to allow the resident the use of a septic tank system if it is determined the connection to works cannot be made available due to capacity limitations | Council can decide to grant a loan for connection cost. Max 5 years to repay plus interest rate (% not referenced) plus an additional 2% of loan added onto total amount. | After 36 months, if owner hasn't connected their property they are charged the fixed/flat rate of a connection and municipal sewage service per month regardless of water usage |

Benefits of Mandatory Connection By-law

- Ensures long term viability of water and wastewater infrastructure
- Ensures new development within serviced areas is connected to municipal infrastructure available to the property, ensuring capital investment recovered through user rates collected.
- In line with the 2014 Provincial Policy Statement under the *Planning Act, 1990* for development
- Ensures residents are provided safe drinking water
- Reinforces City's strategic priority of A Healthy Environment and Protecting Water Quality

Benefits of being connected to Municipal Water/Wastewater Services

Properties adjacent to but not connected to existing water and/or wastewater infrastructure are still benefitting from the services being available to them with:

- Increase property values
- Properties within areas that are fire rated receive reduced insurance premiums
- Municipally serviced properties through source protection legislation are less susceptible to risk from contamination, drought, and well interference from nearby development(s)
- Reserved capacity for property to connect at any time to municipal services
- Guaranteed safe drinking water source

Potential Impacts if By-law Rescinded

- Loss of revenue from fixed rate, increased pressures on existing users, approx. \$58,000/year
- Inability to force new development in serviced areas to connect, resulting in ineffective development
- Introduction of potential Transport Pathways in Source Water Protection vulnerable areas.
- Potential impacts to environment and health of residents
- Properties currently connected to municipal services could choose to disconnect and use private services

Questions

