



Council Report

Report Number:	WWW2021-002
Meeting Date:	November 16, 2021
Title:	Repeal and Replace By-law 2018-039 "By-law to Regulate Water and Wastewater Services"
Description:	Repeal and Replace By-law 2018-039 a "By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes"
Author and Title:	Amber Hayter, Manager, Water & Wastewater

Recommendation(s):

That Report WWW2021-002, **Repeal and Replace By-law 2018-039 "By-law to Regulate Water and Wastewater Services"**, be received; and

That the By-law "A By-Law to Repeal and Replace By-law 2018-039, Being a By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes", substantially in the form attached as Appendix 'A' to Report WWW2021-002, be approved and adopted by Council.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of January 30, 2018 Council adopted the following resolution:

10.3.27 WWW2018-004

A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes

Amber Hayter, Supervisor Water and Wastewater

Moved By Councillor Breadner

Seconded By Councillor Dunn

That Report WWW2018-004, **A By-Law to Regulate Water & Wastewater Services in the City of Kawartha Lakes**, be received;

That Schedule A to the Draft By-law be amended to revise the Bulk Water Fees to include the Calculated Annual Flat Rate Fee to a 2018 amount of \$4.6789 per cubic meter;

That the by-law entitled A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes, substantially in the form attached as Appendix A to Report WWW2018-004, as amended, be approved and adopted by Council; and

That a by-law to repeal By-Law 2011-260 being A By-law to Govern Water and Wastewater Services in the City of Kawartha Lakes, be brought forward for adoption.

CR2018-046

Moved By Councillor Stauble

Seconded By Councillor Strangway

That the motion be referred to staff to provide additional detail and alternatives for revision of the Bulk Water Fees.

CARRIED

A subsequent report was brought forward to the Council Meeting of March 6, 2018 and the following was adopted:

15.2.1 By-law 2018-039

A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes

CR2018-115

Moved By Councillor Stauble

Seconded By Councillor O'Reilly

That a By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes, be read a first and second time.

Carried

CR2018-116

Moved By Councillor Strangway

Seconded By Councillor Dunn

That a By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes be amended inserting a revised Schedule A - Water and Sewer Rates (Option 4 Appendix B to Report WWW2018-006).

Carried

CR2018-117

Moved By Councillor Pollard

Seconded By Councillor Seymour-Fagan

That a by-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes as amended, be read a third time, passed, numbered, signed and the corporate seal attached.

Carried

By-law 2018-039 is a By-law that regulates the water and wastewater services within the City of Kawartha Lakes. Aside from a number of minor amendments and consolidations, no comprehensive review of the by-law had been completed since 2011. In 2018 a comprehensive review was undertaken and with the adoption of a new By-law, By-law 2018-039 "A By-law to Govern Water & Wastewater Services in the City of Kawartha Lakes". Since 2018, By-Law 2018-039 has not gone through a comprehensive review. There have been few minor amendments and consolidations mostly related to the annual setting of water and sewer rates.

The By-law describes both an owner's (occupier) and the City's responsibility surrounding the operation, installation, maintenance, use and payment for municipal water and wastewater services. The By-law also identifies the processes to be followed, for example how to connect to the system.

The By-law also includes the water and sewer rates, which are set annually at the time of budget adoption and also includes the rates for septage disposal as per By-law 2016-219 "A By-law to Govern Septage Disposal at City of Kawartha Lakes Sewage Works".

Although the majority of the content of the By-law remains unchanged, there are a few administrative changes, policies, procedures, and organizational changes that need to be further clarified or reflected within the by-law. Given the By-law has already had a number of amendments and consolidations it was recommended to repeal and replace the existing By-law with a new one.

This report addresses this direction along with the required updates included in the by-law.

Rationale:

Considering the number of amendments and consolidations the By-law has already had, and the number of small changes required during this amendment a new By-law is being brought forward for adoption.

The key amendments proposed to the By-law are as follows:

Section 1.00 Definitions and Interpretation

- Added definition for "Additional Residential Unit" consistent to the definition included in the City's zoning By-law(s).
- Changes to definition for "Backflow Prevention Device" to be consistent with definition in Water System Cross-Connection Control Management Directive.
- Updated definition of "Dwelling Unit" to be consistent with the City's zoning By-law(s).
- Removal of "Manager of Environmental Services" and addition of "Manager of Water & Wastewater" due to organizational changes.
- Addition of NFPA 291 definition.

Section 5.00 Water and Sanitary Sewer Connections and Applications

- Added section 5.03 (f) to indicate that a separate and independent water and sanitary sewer service and water meter is required for commercial buildings, condominium apartment buildings and industrial buildings, but gives the Director of Engineering and Corporate Assets and Director of Public Works the authority to exempt requirement on a case-by-case basis.
- Addition of Section 5.03 (g) to exempt Additional Residential Units from requiring independent water and sanitary sewer services and water meter, to be consistent with provincial policies and to clarify that they are required to connect

into the municipal services through the primary residential unit if they are connected.

Section 7.00 Demolitions

- This section was updated to include that the City may require owners to disconnect and cap water and/or sanitary sewer services at the main(s) if the property is left vacant for more than twenty-four (24) months after a demolition. This would be at the sole expense of an owner. Until such time as the services are disconnected and capped the owner will still be responsible for payment of the Fixed Rate for water and sewer, whichever is applicable. Once services are completely disconnected and the property remains vacant, no fees will be charged to the owner, which is consistent with the approach in the Mandatory Connection By-law. At the time of re-development the owner will be required to install new services at their cost.
- Disconnecting services properly when not in use, helps to reduce sources of inflow/infiltration into sanitary sewer systems. Infiltration and inflow into the system can result in increased operations costs, as well as reduce available system capacity, as the wastewater treatment plant is treating unnecessary additional water. Unused water services, can be the source of service leaks also resulting in increased operational costs, and is considered a non-revenue water loss. By ensuring that these services are properly decommissioned, it can help ensure that there are no unnecessary costs associated with operating and maintaining the systems.

Section 16.00 Fire Hydrants

- Inclusion of specific requirements for painting of private fire hydrants, and reference to the National Fire Protection Association guideline for water flow testing and marking of private hydrants.

Section 22.00 Water Conservation Measures

- Include "Equipment failure, treatment/storage capacity limitations operational/capital maintenance activities" as a condition the City can consider when implementing water conservation measures. Operational and/or capital activities that are either emergency in nature or planned often require water conservation measures to be observed by residents in order to ensure that water demand is managed and water supply is available for essential uses.

Section 23.01 Frontage and Connection Charges

- Section was updated to clarify which properties are charged a frontage charge and when they are charged.

All other amendments being proposed are administrative in nature that do not change the intent of the By-law section. A copy of the “tracked changes” version of By-law 2018-039 is attached to this report as Appendix B.

Other Alternatives Considered:

Council could choose not to approve the new By-law, however it would remain outdated and may not accurately reflect current policies and procedures.

Alignment to Strategic Priorities

This By-law and the suggested amendments align with both the Healthy Environment and Good Government strategic priorities. The By-law will ensure we can continue to protect our municipal water and wastewater systems and ensure they meet provincial standards. The amendments to the By-law are also in line with the Good Government priority in that these amendments align the by-law with policies and processes put in place.

Financial/Operation Impacts:

There are no financial or operational impacts as result of the amendments to this existing By-law.

Consultations:

Director of Public Works

Director of Engineering and Corporate Assets

Manager, Revenue and Taxation

Senior Accounts Clerk II – Utility

Senior Engineering Technician – Development Engineering

Supervisor, Development Engineering

Manager, Municipal Law Enforcement

Chief Building Official

Attachments:

Appendix A – By-law 2021-XXX “A By-law to Repeal and Replace By-law 2018-039, Being a By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes”



Appendix A -
By-law 2021-XXX Repeal and Replace By-law 2018-039

Appendix B – By-law 2018-039 “By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes” – tracked changes version



Appendix B -
By-law 2018-039 By-

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson