

**1. AMENDMENTS TO WATER BY-LAW 2019-74 AND OFF-HOURS LARGE
WATER METER INSTALLATION AND MAINTENANCE FEE**

**MODIFICATIONS DU RÈGLEMENT MUNICIPAL SUR L'EAU N^o 2019-74 ET
FRAIS D'INSTALLATION ET D'ENTRETIEN RELATIFS AUX GRANDS
COMPTEURS D'EAU EN DEHORS DES HEURES DE TRAVAIL
NORMALES**

COMMITTEE RECOMMENDATIONS

That Council approve:

1. Amendments to the Water By-law as described in this report; and
2. An off-hours City large water meter installation and maintenance fee as described in this report.

RECOMMANDATIONS DU COMITÉ

Que le Conseil approuve:

1. les modifications du Règlement municipal sur l'eau, comme décrit dans le présent rapport; et
2. les frais d'installation et d'entretien relatifs aux grands compteurs d'eau en dehors des heures de travail normales, comme décrit dans le présent rapport.

DOCUMENTATION / DOCUMENTATION

1. Deputy City Treasurer's Report, Revenue, Finance Services Department, dated 7 November 2019 (ACS2019-FSD-REV-0004).

Rapport de la trésorière municipale adjointe, Recettes, Direction générale des services des finances, daté le 7 novembre 2019 (ACS2019-FSD-REV-0004).

**STANDING COMMITTEE ON
ENVIRONMENTAL PROTECTION,
WATER AND WASTE MANAGEMENT**

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**COMITÉ PERMANENT DE LA
PROTECTION DE
L'ENVIRONNEMENT, DE L'EAU ET
DE LA GESTION DES DÉCHETS
RAPPORT 7
LE 27 NOVEMBRE 2019**

**REPORT 7
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**Report to
Rapport au:**

**Standing Committee on Environmental Protection, Water and Waste Management
Comité permanent de la protection de l'environnement, de l'eau et de la gestion
des déchets**

19 November 2019 / 19 novembre 2019

**and Council
et au Conseil**

27 November 2019 / 27 novembre 2019

Submitted on November 7, 2019

Soumis le 7 novembre 2019

**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-FSD-REV-0004

**SUBJECT: AMENDMENTS TO WATER BY-LAW 2019-74 AND OFF-HOURS
LARGE WATER METER INSTALLATION AND MAINTENANCE FEE**

**REPORT 7
27 NOVEMBER 2019**

OBJET: MODIFICATIONS DU RÈGLEMENT MUNICIPAL SUR L'EAU N° 2019-74 ET FRAIS D'INSTALLATION ET D'ENTRETIEN RELATIFS AUX GRANDS COMPTEURS D'EAU EN DEHORS DES HEURES DE TRAVAIL NORMALES

REPORT RECOMMENDATIONS

That the Standing Committee on Environmental Protection, Water and Waste Management recommend Council approve:

- 1. Amendments to the Water By-law as described in this report; and**
- 2. An off-hours City large water meter installation and maintenance fee as described in this report.**

RECOMMANDATIONS DU RAPPORT

Que le Comité permanent de la protection de l'environnement, de l'eau et de la gestion des déchets recommande au Conseil d'approuver:

- 1. les modifications du Règlement municipal sur l'eau, comme décrit dans le présent rapport; et**
- 2. les frais d'installation et d'entretien relatifs aux grands compteurs d'eau en dehors des heures de travail normales, comme décrit dans le présent rapport.**

BACKGROUND

In 2003, Council approved the first amalgamated City of Ottawa (City) Water By-law ([ACS2003-TUP-INF-0013](#)). The by-law (2003-500) came into effect on October 1, 2003. In 2013, Council approved updates to the original Water By-law to address the City's on-going role of managing meter maintenance, enhancing requirements to improve system safety, operations, maintenance, and repair and other administrative requirements ([ACS2013-COS-ESD-0013](#)). In 2013, By-law 2003-500 was repealed and replaced with By-law 2013-360. In 2018, Council approved an update to the Water By-law to address the organizational changes of 2016 and other administrative changes

([ACS2018-CSD-REV-0005](#)). By-law 2013-360 was repealed and replaced by 2018-167. In April of 2019, By-law 2018-167 was repealed and replaced by the current By-law 2019-74, which reflects the changes to the new rate structure approved by Council in October 2016 ([ACS2016-CSD-FIN-0008](#)). Following ongoing review of the by-law, staff are recommending administrative amendments to the Water By-law to add more operational rigour and clarity for all users of the by-law.

The *Municipal Act, 2001*, the City's Fiscal Framework and City's User Fee Policy requires the City to fund municipal services that benefit individual and commercial users by charging fees and service charges. These are municipal services that do not benefit the community as a whole and where an individual chooses to use the service or not. The *Municipal Act, 2001*, allows municipalities to set and charge a fee so that the user of the service has responsibility for the costs of those services; thereby reducing the water rate requirement. There is an emerging trend among large property owners to have their large water meters installed or serviced during off-hours, defined as 11 pm to 6 am, in order to minimize the impact of water disruption. Staff are recommending that the City adopt a off-hours City large water meter installation and maintenance fee in order to allow the City to better service its clients.

DISCUSSION

Water By-law Updates

Staff reviewed the existing Water By-law (2019-74) and propose amendments to address administrative changes to provide clarity and reflect current operations.

In preparation for these proposed amendments, staff from Finance Services Department, Public Works and Environmental Services Department and Legal Services, met regularly to complete a comprehensive review of the proposed amendments to the current Water By-law 2019-74. The feedback and considerations obtained from these joint inter-departmental consultations are reflected in the recommendations of this report.

The proposed administrative amendments add more operational rigour and clarity for all users of the by-law. As a result of this review, staff recommend the following specific amendments to the by-law:

1. Clarification of clauses in a manner that allows for enforcement under the *Provincial Offences Act, R.S.O. 1990*:

To allow the City to enforce provisions of the by-law through prosecution proceedings pursuant to the *Provincial Offences Act, R.S.O. 1990*, the provisions must be drafted using clear language that non-adherence to the provision triggers an offence. In cases where the intent of an offence is clear, but the language used may not clearly trigger an offence, staff recommend the following updates:

The current by-law states that all water meters greater than 25 mm or special City water meter sets are installed by the City at the owner's expense unless otherwise directed by the City Treasurer. Staff recommend amending the provision to create an offence for failing to install water meters that are 25 mm or special City water meter sets.

2. Clarification of application of non-consumption fixed charges on water and wastewater services that have not been permanently blanked:

An owner may apply to blank an existing water or wastewater service on property. The process requires that the City remove the existing meter and that the developer blank the service. Live services in the ground that are not blanked risk leaking or incurring damage from excavation, which may result in costs to the City to complete repairs. The current by-law does not address how non-consumption charges under the new rate structure apply to water services where a meter has been removed but the water service has not been blanked. In many cases, it could be several years between the removal of a water meter and the permanent blanking of a live water service. Staff recommend that non-consumption charges continue to apply to water services where the meter has been removed until the water service is permanently blanked.

3. Wastewater charges on a secondary water service on large farm lands:

Under the current by-law, if a property has one wastewater connection to the property, then all other secondary water connections to that property are deemed to be connected to wastewater for the purposes of billing wastewater fees. In cases where a large parcel of property is used for farming, a property may have a secondary water connection for irrigation purposes, which according to the by-law must be charged wastewater fees. This additional cost is deemed prohibitive to farmers doing business. Staff recommend that where a parcel greater than 400 acres is used for farming purposes as defined by MPAC, that a secondary water connection that is not connected to the City's wastewater sewers be exempt from wastewater charges, provided that the secondary water service is greater than 200 meters from the primary water service that is connected to the City's wastewater sewers.

4. Clarifications required for the implementation of the Backflow Prevention Program:

The City launched the [Backflow Prevention Program](#) in 2018. The program requires certain commercial and industrial property owners to install backflow prevention devices in order to ensure that the quality of the City's drinking water is maintained. The City is in the process of implementing backflow requirements on certain properties. Some clarifications to the by-law are required to better implement the program.

A backflow survey needs to be initiated when a change of ownership occurs on properties subject to the Backflow Prevention Program to ensure accurate property contact information is available and to ensure that an updated risk level is reflected based on the property use.

Clarification is also required for fire protection system premise isolation requirements. The criteria for tester certification also need to be consistent with the Canadian Standards Association (CSA) Manual for the Selection and Installation of Backflow Preventers/Maintenance and Field Testing of Backflow Preventers (CSA B64.10) and the Ontario Building Code, which guides the

backflow installation requirements and tester's qualifications. The current by-law has an omission in the allowable testers list, which staff recommend align with the CSA B64.10 standard.

Off-hours City Large Water Meter Installation and Maintenance Fee

The *Municipal Act, 2001*, the City's Fiscal Framework and City's User Fee Policy requires the City to fund municipal services that benefit individual and commercial users by charging fees and service charges. These are municipal services that do not benefit the community as a whole where an individual chooses to use the service or not. The *Municipal Act, 2001*, allows municipalities to set and charge a fee so that the user of the service has responsibility for the costs of those services; thereby reducing the water rate requirement. These fees are subject to a periodic study and review to ensure that they accurately reflect the costs passed on to the user of the service.

The City installs and maintains all large water meters on a regular basis based on a pre-determined maintenance schedule to ensure that all large meters are functioning appropriately, and consumption is being recorded accurately. Maintenance completed by the City on these large meters during regular shift hours is at no cost to the property owner.

Installation and maintenance of water meters may cause a short disruption in water supply. In some cases, large property owners may not want a disruption during regular hours and instead request that maintenance be completed overnight when a disruption would be less impactful to the property owners' operations. Currently the City does not offer off-hours maintenance for larger water meter servicing. Further there is no cost recovery mechanism in place to cover the overtime costs of the two staff members that would be required to complete maintenance during off-hours. Given that the owners of these large properties prefer to keep water service uninterrupted during crucial business hours, the implementation of a fee to recover the City's costs related to off-hours appointments would not only allow the City to serve these clients better but it would maintain the City's objective to regularly service meters.

Staff have completed an analysis of the cost to service large water meters greater than 25 mm during off-hours and this report recommends that Council approve an off-hours

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fee of \$350 per visit. This fee will be reviewed annually through the budget process to ensure that it accurately reflects the costs passed on to the user of the service.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

There are no external consultation implications for this report.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report supports the Term of Council Priorities of Financial Sustainability as well as Governance, Planning and Decision Making.

SUPPORTING DOCUMENTATION

Document 1: Water By-Law and associated schedules on file with the City Clerk.

DISPOSITION

Upon approval of the report by City Council, Revenue Services in conjunction with Legal Services, will place the amending by-law on the agenda of Council with an effective date of December 1, 2019. City staff in applicable departments will implement changes to all related processes, procedures and by-laws, which are required to carry out the report as approved.