

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016**

Item 1, Report No. 40, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 15, 2016.

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#### **WATER BY-LAW UPDATE**

The Committee of the Whole (Working Session) recommends approval of the recommendation contained in the following report of the City Manager and the Director, Environmental Services, dated November 7, 2016:

##### **Recommendation**

The City Manager, and the Director, Environmental Services, in consultation with the Director, By-law & Compliance, Licensing & Permit Services and City Solicitor, recommend:

1. That Council repeal Water By-Law No. 167-73, as amended, and Water Conservation By-law No. 122-2003, as amended, and in their place adopt the new Water By-law, as provided for in this report incorporating the amendments set out in Attachment 1 and subject to wording and a format satisfactory to the City Solicitor; and
2. That staff be directed and authorized to take any other actions necessary to give effect to the new Water By-Law.

##### **Contribution to Sustainability**

The proposed by-law will contribute to the following sustainability goals/actions, through Green Directions Vaughan:

Objective 1.4: To ensure efficient and appropriate use of potable water. The proposed by-law will regulate connections to the City of Vaughan's water distribution system.

Action item 1.4.2: Making better use of captured water for lawn and garden watering. The proposed by-law will regulate the supply and use of water for outdoor watering of lawns, grass, trees, shrubs or gardens and apply penalties upon contravention of the by-law.

##### **Economic Impact**

There is no financial impact as a result of the recommendations of this report beyond those already identified and approved in previous budgets.

##### **Communications Plan**

The communication plan includes working with By-Law and Compliance, Environmental Services staff, Development Engineering and Infrastructure Planning, Planning and Growth Management, Infrastructure Delivery, the Office of the City Solicitor, Fire and Rescue Services, PowerStream, Ministry of the Environment and Climate Change, York Regional Police (C.O.R.R. Unit) to provide background on the updates to the proposed by-law.

##### **Implementation Plan – Communication**

The implementation plan includes communication to the public using our website and operational resources.

The following communications strategies will be implemented, upon Council approval of the proposed water bylaw:

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- updates to the website with relevant information and contact information to be complete by Q2, 2017
- social media messaging around the approval of the Water By-Law

#### **Purpose**

This report describes the need for updating the current Water Bylaw (No. 167-73), amalgamating the Water Conservation By-law (No. 122-2003), and seeks Council's approval for the proposed new Water By-Law.

The proposed new Water By-Law regulates connections to the City of Vaughan's water distribution system, to establish an effective method to measure and charge for water consumption, to prohibit practices and other actions that put the integrity of the water distribution system at risk, to regulate water conservation and to establish a system of recourse and penalties for the purposes of enforcing the By-law.

#### **Background – Analysis and Options**

##### **Vaughan's Current Water By-Law needs to be updated to better align with legislation and City business needs**

Water By-Law 167-73 was passed on December 17, 1973 and last amended on January 16, 1978. Since 1978, legislation and business needs within the City of Vaughan have significantly changed. New technologies, processes and best practices have been implemented to meet the needs of Vaughan's growing population, conservation efforts and legislated requirements. The introduction of legislation and regulations such as the Safe Drinking Water Act, 2002, and associated regulations have detailed the City of Vaughan's (as the owner of a drinking water system) obligation to supply safe, clean drinking water. As stated in the Drinking Water Quality Management System Operational Plan, Element 2 (Quality Management System Policy):

The City is committed to:

- providing safe drinking water to our residents and businesses
- complying with applicable legislation and regulations as related to the provision of safe drinking water
- implementing and continually improving the effectiveness of our Quality Management System

##### **The new Water By-Law is intended to enable the City to recover all revenue from water used by citizens and businesses**

Installation of water meters, investigation of water meter by-passing, gaining access to private property for repairs/inspections and illegal connections (i.e. theft of water from fire hydrants) all impact the City's overall water loss volume. The by-law has been improved to allow the City to reduce the amount of water loss imposing special fines, penalties for offences and by giving the City power to investigate when needed, in a timely manner.

##### **Amalgamating the water conservation by-law will help to keep penalties and offences in line with other water related offences within the proposed Water By-Law.**

With water conservation initiatives now integrated within the proposed Water By-Law, all offences and penalties for contraventions will be consistent with all other parts of the proposed Water By-Law as outlined in Attachment 1 to this report.

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**The changes between the proposed new Water By-Law and the current Water By-Law will allow the City to ensure that all water used will pass through a water meter and effective enforcement measures are in place**

The proposed changes between the current Water By-Law and the proposed Water By-Law are summarized in Attachment 1.

The contravention, failure to comply and obstruction of the proposed Water By-Law will have fixed offences and penalties associated to them. The penalties will serve to protect the City against unapproved water taking, unauthorized connections to the City's water distribution system, water meter by-passing, accessing water meters and obstructions to fire hydrants, water meters, and remote read out units.

Special fines have also been introduced within the proposed Water By-Law to capture penalties for person(s) who gain economic advantage or economic gain from contravening the proposed Water By-Law in amounts equal to the fair market value of the economic advantage or economic gain obtained from the contravention.

**An environmental scan was completed to ensure that the new Water By-Law incorporated best practices from other municipalities**

As part of the review of the current by-law, the Water By-Laws from the following municipalities were used as a comparison and in some cases as guidance, in the development of the proposed Water By-Law:

- Town of Richmond Hill
- Township of King
- City of Markham
- City of Toronto
- City of Cambridge
- Town of Aurora
- Town of East Gwillimbury

### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

This report supports the following priorities set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Invest, renew and manage infrastructure and assets
- Continue to ensure the safety and well-being of citizens

### **Regional Implications**

There are no Regional implications as a result of the proposed Water By-Law

### **Conclusion**

The City's current Water By-Law is significantly outdated. The proposed new Water By-Law will close the gap between old and new practices and will better facilitate the City's abilities as it relates to regulatory and operational obligations. The new proposed by-law will contribute positively to help deter unethical behavior when considering the integrity of the City's water distribution system, and promoting water conservation

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**Attachments**

1. Attachment #1: Water By-Law Comparison Highlights

**Report prepared by:**

Sarah Vella, Project Manager - Water, ext. 6111

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**WATER BY-LAW UPDATE**

**Recommendation**

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**Attachments**

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**Report prepared by:**

Sarah Vella, Project Manager - Water, ext. 6111

Respectfully submitted,

Daniel Kostopoulos  
City Manager

Jennifer Rose  
Director, Environmental Services



### Water By-Laws Update Summary

A thorough and comprehensive analysis was executed over a period of seven months. Through this review staff determined that the extensive changes required are best achieved by repealing the existing Water By-Laws and water conservation by-law and enacting the proposed Water By-Laws.

The table below is a summary of provisions that are out of date or non-existent within the current Water By-Laws. The proposed content has been supplied as an easy comparison and to assist with understanding the need for such updates.

**Table 1:**

Category	Current Water By-Laws (167-73)	Proposed Water By-Laws
<b>General Wording</b>	<ul style="list-style-type: none"> <li>- Several references related to internal governing have been removed</li> <li>- Consistent wording has been implemented throughout the entire proposed Water By-Laws</li> <li>- Removed unnecessary information which did not directly relate to the purpose of the proposed by-law</li> </ul>	
<b>Definitions</b>	Only six (6) definitions offered	
<b>Water Metering</b>	"All water supplied to a property shall be metered"	"All water must pass through a water meter"
<b>Water meter and read out unit accessibility</b>	No reference	"All water meters, water meter readout units must be immediately accessible for repairs, maintenance, change-outs and readings"
<b>Obstruction to water meters and remote read out units</b>	No reference	"No person shall obstruct the remote read out unit such that it can be accessible for repairs, maintenance, change outs and readings"
<b>Water meter by-pass arrangements</b>	No reference	"No person shall install or permit the installation of water meter by-pass arrangements"
<b>Water user rate</b>	<ul style="list-style-type: none"> <li>- All meters shall be read every three months (deleted)</li> <li>- Charges to multiple family dwellings (deleted - no definition for multiple family dwelling)</li> <li>- From time to time council may change the water rate without notice (deleted - notice is provided)</li> <li>- All water accounts to be pre-paid (deleted – does not happen)</li> </ul>	<ol style="list-style-type: none"> <li>1. No PERSON shall obtain water from the City without paying the applicable charge, fees or rates for that water</li> <li>2. The CUSTOMER shall be responsible for all charges, fees, and/or rates for water supplied by the City</li> <li>3. No application for water supply for such premises shall be approved by the City, until such sums and other charges have been paid in full</li> <li>4. Any amounts deemed to be</li> </ol>

		<p>uncollectable may be applied to the tax roll of the property to which the outstanding amounts pertain</p> <p>5. The water rates charged by the City shall be those set out in Schedule "A" to this by-law</p> <p>6. All overdue accounts shall be subject to fees as set out in Schedule "A" to this by-law</p>
<b>Use of fire hydrants</b>	No reference	Limits the use of fire hydrants without an approved application for fire hydrant rental, backflow preventer and hydrant meter
<b>Fire hydrant obstructions</b>	No reference	Must be clearly visible, free of obstructions, and have an unobstructed path from the roadway
<b>Penalties (to also reflect NRW the Municipal Act and potential activities related to water quality/safety)</b>	No reference	Maximum up to \$100,000 for a violation and align with those set out in the Safe Drinking Water Act and the Municipal Act
<b>Offences (to also reflect NRW, the Municipal Act and potential activities related to water quality/safety)</b>	No reference	Contravention and Offences are specified in detail and align with those set out in the Safe Drinking Water Act and the Municipal Act
<b>Powers of Entry, Inspection and Enforcement</b>	No reference	Specified in detail and align with those set out in the Municipal Act
<b>Special Fine</b>	No reference	Every person who gains an economic advantage or economic gain from contravening this by-law shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from contravention
<b>Limitation</b>	No reference	<p>1. Nothing in this by-law shall be construed as to limit anything, which by the provisions of any applicable act, regulation or by-law is otherwise prohibited</p> <p>2. This by-law shall not apply to discharges, activities or matters undertaken by the Region or the City</p>

<b>Severability</b>	No reference	Notwithstanding any section or sections of this by-law, or any parts thereof, may be found by a court of competent jurisdiction to be invalid or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this by-law, or parts thereof, are separate and independent there from and shall continue to be enforceable
<b>Repeal</b>	No reference	By-law 167-73, as amended, is hereby repealed
<b>Short Title</b>	No reference	This by-law shall be known and may be cited as the "Water By-Laws"