

Staff Report to Council

Engineering and Operations Department

FILE: 11-5225-01/20

REPORT DATE: February 07, 2022

MEETING DATE:

February 15, 2022

TO: Mayor and Council

FROM: Samantha Maki, Director of Engineering and Operations

SUBJECT: **Repeal and Replacement Sanitary Sewer & Storm Drain Bylaw
and Waterworks Bylaw**

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Grant first, second and third readings to Sanitary Sewer & Drainage Bylaw No. 2890, 2021; AND
- B. Grant first, second and third readings to Waterworks Bylaw No. 2891, 2021; OR
- C. Other.

PURPOSE

To present Council with replacements to the Sanitary Sewer & Storm Drain Bylaw No. 2601, 2013 and the Waterworks Bylaw No. 2343, 2007, which clarify ambiguous wording, general responsibilities, conditions for utility connection replacement, and financial requirements. Further housekeeping updates related to definitions, dated language, document organization and formatting were necessary to align with current City Bylaw standards.

☐ Information Report

☒ Decision Report

☐ Direction Report

DISCUSSION

Background:

In recent years, the City has seen an increase in both the number and scale of new projects and associated servicing needs. When a re-development, new building or significant renovation occurs, it requires the assessment of existing water, sanitary and drainage services. The authority within the current two Bylaws is under the control and supervisor of the Director; however, the Bylaws lack clarity and consistency regarding the replacement and re-use of utility services.

For context, the installation of new utility services can be costly, especially in cases where deep services are needed to accommodate in-ground basements or a specific design. Servicing costs, including earthworks, excavation and inspection, can range from approximately \$7k to \$70k per parcel, with an average range of \$8k to \$18k for each individual water, sanitary, or drainage service connection. A summary of service requests over the past four years is outlined below:

Table 1 – Summary of Service Requests				
Year	2018	2019	2020	2021
Service Requests	19	15	16	17

Ambiguity within the Bylaws presented challenges and risks for both the City and homeowner, which prompted a broader review of the two Bylaws and discussions with various departments. Comparison to other municipalities' bylaws was also completed, including the Cities of Maple Ridge, New Westminster, Mission, Delta, Vancouver, Surrey, Burnaby, Richmond, Chilliwack, Abbotsford and the Township of Langley. Although the overall intent of both City Bylaws has not changed, there are sufficient updates to require a repeal and replacement as opposed to an amendment.

Relevant Policy, Bylaw or Legislation:

Sanitary Sewer & Storm Drain Bylaw No. 2601, 2013

Waterworks Bylaw No. 2343, 2007

Bylaw Analysis:

Staff propose changes to the two City Bylaws to reduce associated risks and increase overall clarity. These changes are in line with current City practices requiring the replacement of services that are undersized, in poor condition, over a certain age, or of an unacceptable material type, when triggered by new construction or a significant renovation. Further updates have been added to clearly denote financial responsibility for service connection related costs, and better outline resolution of billing disputes.

In addition to the above technical changes, a large number of wording changes are also proposed throughout both documents to enhance clarity and modernize language. Definitions have been updated to be consistent between both Bylaws.

Summary of Changes Common to Both Bylaws:

A substantial portion of updates were shared between both Bylaws. These include revisions to general language, references, and formatting to bring them in line with current City templates. The updates generally include:

- a) Document structure changes for enhanced clarity, including additions, deletions, re-ordering, re-numbering, and renaming of sections for better readability;
- b) Reference updates to align with other City bylaws, procedures or Provincial/Federal legislation;
- c) Formatting to align with current City templates (italicizing, bolding, capitalization and indenting);
- d) Simplification of Severability and References sections;
- e) Definitions
 - a. Updates to general language
 - b. Changes for consistency between bylaws
 - c. Deletion of items defined in legislation
 - d. Additions for clarity
 - e. Modifications to specific use of words throughout the Bylaws, most notably in the use of Owner, Applicant, Consumer, Connections, Private Systems and parcel to ensure the appropriate contexts.
- f) Updated word choice and language:
 - a. Modernized language
 - b. Alignment of the Connection Application language. Refer to section 14 of the Waterworks Bylaw and section 9 of the Sanitary Sewer & Drainage Bylaw.
 - c. Alignment of the Offences and Penalties language. Refer to section 44 of the Waterworks Bylaw and section 18 of the Sanitary Sewer & Drainage Bylaw.
- g) Financial:
 - a. Updates to align with current billing procedures for charges to secondary registered and unregistered suites. Unregistered suites pay a fee and registered suites pay 40% more than the base charge
 - b. Updates to align with current City rates, fees, and charges
- h) Removal of operational connection and disconnection application forms to:
 - a. Consolidate unnecessary forms
 - b. Streamline the application process
 - c. Allow operational updates without requiring a bylaw amendment

- i) Clarity around how the works are quoted (minimum two quotes, including any City costs) and works completed on City property (City's pre-qualified contractors or by the City). Refer to section 15.1 of the Waterworks Bylaw and sections 13.1 and 13.2 of the Sanitary Sewer & Drainage Bylaw;
- j) Updates and additions as to when new utility connections are required:

Currently, it is only clear when to replace and re-use a sanitary connection. A new sanitary connection is required when a new house or building is constructed or when there is a renovation greater than \$50k that will increase the sanitary demand. A sanitary connection may be re-used at the discretion of the Director and if less than 10 years old.

For consistency and to align with current practice, these requirements have been expanded to include water and drainage as well. Clarity has been provided on the Director's discretion to re-use a utility condition and dependant on the size, material, condition, age and other factors. This aligns with bylaws from the Cities of Vancouver, Richmond, Surrey, Maple Ridge, and New Westminster.

Without this clarity, some developers may be reluctant to replace the services and try to re-use aged services in poor condition or of improper material or size. Refer to section 14.3 and 14.4 of the Waterworks Bylaw and sections 9.3 and 9.4 of the Sanitary Sewer & Drainage Bylaw.

This clarity helps to prevent conflict over bylaw interpretation and reduces exposure to risk with regard to installation costs and limits the potential of costly failures of existing substandard infrastructure.

Summary of Changes Specific to Waterworks:

In addition to the previously outlined general changes, specific updates to the Waterworks Bylaw of note include:

- a) The creation of 'Parts' to help organize the structure of the Bylaw;
- b) Updated media references to include digital forms in section 10.2;
- c) Updates to address design drawing requirements in section 14.1 to better align with the Sanitary Sewer and Drainage Bylaw, which includes information about existing services, new services, buildings, trees, driveways and Minimum Building Elevations (MBEs);
- d) Water meter costs and responsibility in sections 29.1 and 31:

Installation and repair of water meters 50mm or less are currently the City's responsibility, and anything bigger than 50mm are the Owner's responsibility to supply and repair. The reason for stipulation based on size is unclear and most municipalities hold the Owner responsible for costs to install a water meter, regardless of sizing. Language has been updated to clearly denote Owner responsibility for installation costs.

Language has also been changed regarding maintenance and replacement responsibilities. Meters will be the City's responsibility, unless the repair or replacement is due to an act, neglect or carelessness of the Owner. Meter chambers, lids and fixtures will be the Owner's responsibility. This approach aligns with bylaws reviewed from other municipalities. For context, there are approximately 700 water meters within the City and roughly 30 of those are larger than 50mm.

- e) Updates to address water bill dispute resolution in sections 36 and 37;
- f) Updates to address responsibility and charges for leaks in section 38 with new reference to the specific billing period related to the leak. This is intended to prevent large credits for Owners who do not repair leaks promptly.
- g) Removal of duplication in liability wording (Section 8 and 46);
- h) Updates to various attached schedules and drawings to align with current standards and language;

It is understood that future changes are possible with regard to residential water metering and number of permitted connections for large parcels, such as the Airport, but no changes have been implemented at this time. This can be further examined in 2023 and may require an amendment to this Bylaw.

Summary of Changes Specific to Sanitary Sewer & Drainage:

In addition to the previously outlined general changes, specific updates to the Sanitary Sewer & Drainage Bylaw of note include:

- a) Renaming the bylaw "Sanitary Sewer & Drainage Bylaw" from the existing "Sanitary Sewer and Storm Drain Bylaw";
- b) Removal of Index as the bylaw is reasonably short and the index is unnecessary;
- c) The addition of MBE information on design plan submissions (Section 9.1iv);
- d) Addition of section 9.2 allowing the Director to refuse a connection if downstream systems are of insufficient capacity;
- e) Clarity regarding payment of works associated with service disconnection in section 12.1

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☐ Balanced Economic Prosperity ☐ Corporate Excellence
☐ Community Spirit & Wellbeing ☒ Transportation & Infrastructure Initiatives
☐ Not Applicable
-

FINANCIAL IMPLICATIONS

- ☐ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☒ Other

Similar to the current bylaws, the Owner/Applicant would be responsible for the cost of installation of new or replacement service connections and associated meters. It is expected these updates will reduce the City's exposure to risk, as well as, the risk of failure and burden on future Owners.

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Applicants would be informed of these changes/replaced bylaw when applying for works and the website would be updated with the replaced bylaws.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Andrew Ablenas,
Project Manager

Reviewed by:

Samantha Maki,
Director of Engineering & Operations

ATTACHMENT(S):

- A. Sanitary Sewer and Drainage Bylaw No. 2890, 2021
- B. Waterworks Bylaw No. 2891, 2021