



Staff Report

Operations – Water & Wastewater Services

Report To: Council Meeting
Meeting Date: May 8, 2023
Report Number: CSOPS.23.021
Title: Update to Regulation of Water Supply By-Law 2008-02
Prepared by: Shawn Carey, Director of Operations

A. Recommendations

THAT Council receive Staff Report CSOPS.23.021, entitled “Update to Regulation of Water Supply By-Law 2008-02”;

AND THAT Council directs Staff to schedule a Public Meeting on May 30, 2023, to consider the proposed updates to the Regulation of Water Supply By-Law 2008-02.

B. Overview

Staff are aiming to include the use of Administrative Monetary Penalties (AMPs) to assist with compliance efforts in the regulation of the Town’s water supply. Minor house-keeping amendments are also required and therefore an amendment to By-Law 2008-02 being a by-law to provide for the Regulation of the Water Supply in the Town of The Blue Mountains is required. Staff are seeking Council direction to hold a Public Meeting to solicit input on the addition of AMPs to this by-law.

C. Background

In general, the By-law 2008-02 serves to protect the Town’s drinking water supply and distribution system by regulating: water use restrictions (e.g. lawn watering); connections to the system; water rates and charges including metering; and, operation of the system.

The following two amendments to [By-law 2008-02](#) have occurred:

- [By-law 2008-90](#) Amendment required to change the time requirements for connection of a building to the Town’s Water System to be consistent with all other connection by-laws;

[By-law 2013-48](#) Amendment required to include a rate and charge for unconnected lots to be consistent with all other by-laws.

D. Analysis

Staff are seeking to update the Regulation of Water Supply By-Law 2008-02 to include the use of AMPs and to address minor house-keeping edits. AMPs are an effective and efficient tool to further assist in protecting the Town's drinking water supply by imposing penalties, providing further deterrents, and helping to ensure compliance.

The By-law to Establish a Comprehensive System of Administrative Monetary Penalties for the Town of The Blue Mountains (AMP By-law) is a robust system of administering and imposing AMPs. AMPs are means to impose penalties on offenders without having to pursue the timely, complex and more serious Provincial Offences process. Provincial Offences still apply to the By-law but no person can be charged with an Offence under the Provincial Offences Act for a contravention dealt with under the AMP By-law.

The AMP regime establishes a robust hearing system which includes a Screening Officer who reviews penalties issued under the AMP system and a formal Hearing Officer program.

Hearing Officers are not employees of the Town or Councilors, they are independent adjudicators who hear appeals and objections to penalties under the AMP and the decisions of Screening Officers. This is a quasi-judicial tribunal with independent members who are paid a per-diem by the Town for their service in this role.

Proposed Updates

Schedule A of the proposed update to By-law 2008-02 (Attachment 2) shows the infractions and proposed penalty. Staff feel that the fine structure as proposed represents a reasonable deterrent to the relevant conduct without being punitive. An amendment to the AMP By-law to include reference to, and formally designate, the Regulation of Water Supply By-Law is also required and will be addressed under a separate Staff Report.

In addition to the inclusion of AMPs, staff are also recommending the following additional updates to the By-law:

Part 1 - Definition

- Definition of Director – change to “Director of Operations”

Part 5 – Water Services

- Section 5.01 to include “on behalf of private landowner”

Part 8 – Use of Water Restriction

- Section 8.03 to remove the requirement for a written warning for the first instance of a property owner using water during a restricted/prohibited time.

In updating the Regulation of Water Supply By-law, staff propose that Council repeal By-law 2008-02 and associated by-law amendments (2008-90 and 2013-48) and replace it with a new By-law that encompasses the current By-law 2008-02, as amended, and the proposed revisions as noted in this staff report.

Next Steps

Staff are recommending a Public Meeting be held on May 30, 2023, including a follow up Staff Report for Council to a future Committee of the Whole meeting.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

The addition of AMPs to this By-Law will aid in achieving compliance and reduce the risk to the operation, maintenance and quality of the Town's drinking water system.

G. Financial Impacts

Revenue generated (after expenses) from the use of AMPs will be used to offset the user fees.

H. In Consultation With

Ruth Prince, Director of Finance & IT Services

Corrina Giles, Town Clerk

Allison Kershaw, Manager of Water and Wastewater

Debbie Young, Interim Manager of Bylaw & Licensing

Wayne DeWitt, Supervisor, By-Law Services

Scott Hill, Water Supervisor

Meg Boyd, Water & Wastewater Compliance & Efficiency Coordinator

I. Public Engagement

The topic of this Staff Report will be the subject of a Public Meeting in accordance with the following schedule:

- May 8, 2023, Council –considered by Council
- May 9, 2023, Public Meeting Notice posted on Town Website
- May 11 & May 18, 2023, Public Meeting advertised in the Collingwood Connection;
- May 30, 2023, Public Meeting
- June 6, 2023, Committee of the Whole – Follow up report to the Public Meeting, attaching comments received in response to the Public Meeting;
- June 19, 2023, Council – recommendation from Committee of the Whole considered by Council, and related By-law.

Any comments regarding this report should be submitted to Shawn Carey, Director of Operations directorops@thebluemountains.ca .

J. Attached

1. Notice of Public Meeting
2. Draft By-Law

Respectfully submitted,

Shawn Carey
Director Operations

For more information, please contact:
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Report Approval Details

Document Title:	CSOPS.23.021 Update to Regulation of Water Supply By-Law 2008-02.docx
Attachments:	- Attachment 1 Notice of Public Meeting.pdf - Attachment 2 Draft By-Law Amendment.pdf
Final Approval Date:	Apr 28, 2023

This report and all of its attachments were approved and signed as outlined below:

Shawn Carey - Apr 28, 2023 - 1:09 PM