THE CITY OF WINNIPEG

BY-LAW NO. 111/2009

A By-law of THE CITY OF WINNIPEG to implement a credit program for dual flush toilets in single family residences.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the Residential Toilet Replacement Credit Program By-law.

Definitions

2 In this By-law

"account" means an account of rates, and fees imposed under the Water Works By-law for, and payments made by, a particular customer;

"approved depot" means a location designated by the Director for depositing toilets for recycling under clause 4(e);

"approved dual flush toilet" means a dual flush toilet of a make and model approved by the Director under clause 5(3)(e);

"customer" means a customer as defined in the Water Works By-law;

"residential unit" means all or part of a building that has been designed for or is being used as a residence by an individual or a single family.

Credit to be applied

3(1) Despite the rates and fees imposed by the Water Works By-law and so long as funding for this purpose is available in any given year, the Director must apply a credit in the amount of $60.00 to the account in respect of a residential unit of any customer who meets the qualifications set out in section 4. The Director shall use funding approved by Council for this purpose.

3(2) The Director must apply the credit referred to in subsection (1) as applications are received and must stop applying the credit as soon as the funding approved by Council for this purpose in any year has been expended.

3(3) Where a customer qualifies for a credit under section 4 but no credit can be applied to his or her account because the funding approved by Council for this purpose in any year has been expended, the Director may consider the customer's application to have been made for any subsequent year in which Council provides funding for this program. In order to have the credit applied to his or her account in the subsequent year, however, the customer must continue to qualify under section 4 in that year.

3(4) Even if a customer qualifies for multiple credits, the Director must not apply more than two credits referred to in section 3 to any single account in one year.

Qualifications

4 A customer qualifies for the credit referred to in section 3 if the customer:

(a) has an account in his or her name for the residential unit he or she owns or rents;

(b) is not in arrears on the account;

(c) provides a proof of purchase demonstrating that he or she has purchased an approved dual flush toilet on or after October 16, 2009;

(d) has installed the approved dual flush toilet in the residential unit referred to in clause (a);

(e) provides evidence acceptable to the designated employee that he or she has deposited a used toilet for recycling at an approved depot;

(f) agrees to provide actual meter readings on a quarterly basis for 12 months following the installation of the approved dual flush toilet; and

(g) no later than December 31 of any year in which Council has provided funding for the program submits an application form which includes evidence of compliance with these requirements and other information reasonably required by the designated employee for the purposes of administering this program.

Powers of designated employees

5(1) The Director and any employee of the City of Winnipeg to whom he or she delegates all or part of his authority under this By-law may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a designated employee under *The City of Winnipeg Charter*.

5(2) The authority in subsection (1) includes the authority to take actions to determine the truth of statements made by applicants for the credit referred to in section 3. These actions include, after providing reasonable notice, entering residential units in order to determine if an approved dual flush toilet was installed.

5(3) The authority given to the Director in subsection (1) includes the authority to take actions to administer this By-law including:

(a) appointing employees of the City of Winnipeg to administer and enforce this By-law and, for these purposes, delegating to them some or all of the powers and authority given to the Director;

(b) determining the form of an application for the program;

(c) determining the ways in which an application form for the program may be validly submitted;

(d) determining what constitutes sufficient evidence that the qualifications in section 4 have been met;

(e) determining a list of approved dual flush toilets on the basis of sustainable water savings and customer satisfaction with flushing performance;

(f) designating approved depots.

Appeals

6(1) An appeal against an order to remedy a contravention of this By-law or a decision made by a designated employee that is subject to an appeal under *The City of Winnipeg Charter* may be made to a hearing body consisting of:

(a) the Chief Administrative Officer of the City;

(b) the Deputy Chief Administrative Officer/Chief Financial Officer of the City;

(c) the Deputy Chief Administrative Officers of the City;

or their delegates.

6(2) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body referred to in subsection (1) and the Deputy Chief Administrative Officer/Chief Financial Officer of the City or his or her designate shall be the vice-chairperson.

6(3) The hearing body referred to in subsection (1) shall sit in panels of three members selected by the chairperson.

6(4) Sections 51(10) and 51(11) of the Procedure By-law apply to appeals heard under this section and the hearing body may adopt other rules of practice and procedure.

Coming into effect

7 This By-law comes into effect on October 16, 2009.

DONE AND PASSED, this day of , 2009.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director, Water and Waste Department

Approved as to form:

_____
For Acting City Solicitor/Manager of