Agenda – Council – December 13, 2018

Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – November 22, 2018

Item No. 3 Enactment of New Sewer By-law to Replace Sewer By-Law No. 92/2010

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and submitted the following to Council:

1. That a new Sewer By-law (draft by-law attached as Appendix A) effective January 1, 2019, be enacted

2. That a by-law to amend the Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 (draft amending by-law attached as Appendix C) effective January 1, 2019, be enacted

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – November 22, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 22, 2018, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **ENACTMENT OF NEW SEWER BY-LAW TO REPLACE SEWER BY-LAW NO. 92/2010**

Critical Path: **Standing Policy Committee on Water and Waste, Riverbank Management and the Environment - Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
Kas Zurek, P. Eng. Acting Manager of Engineering Services	G. K. Patton, P. Eng., Acting Director, Water and Waste Department	N/A	D. McNeil

EXECUTIVE SUMMARY

The current Sewer By-law No. 92/2010 was enacted by Council on July 21, 2010 and came into effect on January 1, 2011.

Since this time revisions to the Sewer By-law were pursued to ensure consistency with the major revisions made to the Water By-law in 2015. This included changes to definitions, and updating the by-law format to be consistent with The City of Winnipeg Charter and Provincial legislative drafting styles.

Given that revisions to the Sewer By-law were being proposed, an opportunity existed to make changes to better facilitate administration of the by-law. These additional revisions allow the Sewer By-law to incorporate the administrative penalty provisions utilized as part of the Municipal By-law Enforcement Act (MBEA). These revisions also allow for the introduction of cannabis growth and manufacturing industries to the Pollution Prevention Planning Program.

These changes are shown in a new draft Sewer By-law, which is attached to this report as Appendix A. A copy of the current Sewer By-law No. 92/2010 with each of the revisions proposed is highlighted is also attached to this report as Appendix B.

Finally a copy of the required amendments to the Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 to allow it to incorporate the various Sewer By-Law penalties is attached to this report as Appendix C. No new fees or charges in the Sewer By-Law are proposed as part of these amendments.

RECOMMENDATIONS

1. That Council enact a new Sewer By-law (draft by-law attached as Appendix A) effective January 1, 2019.

2. That Council enact a by-law to amend the Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 (draft amending by-law attached as Appendix C) effective January 1, 2019.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Only Council can enact, repeal and amend City By-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

The recommendations allow the Sewer By-law to incorporate the administrative penalty provisions utilized as part of the Municipal By-law Enforcement Act (MBEA), the introduction of cannabis growth and manufacturing industries to be included in the Pollution Prevention Planning Program and facilitate the recovery of costs for damage to infrastructure and cleanup costs associated with a spill of hazardous materials.

HISTORY/DISCUSSION

The current Sewer By-law No. 92/2010 was enacted by Council in 2010 and came into effect January 1, 2011.

On October 28, 2015, Council enacted a new Water By-law No. 107/2015, replacing the previously existing Water Works By-law No. 504/73. The new Water By-law came into effect January 1, 2016 and represented a comprehensive update.

The new draft Sewer By-law has been modified to align with the current Water By-law and more specifically, the changes made to accomplish this were:

- updating the format to be consistent with The City of Winnipeg Charter, Provincial legislative drafting styles;
- adding clarity to enforcement procedures;
- changing the wording of some common definitions to be congruent with those in the Water By-law; and
- amend wording to facilitate administration of the By-law.

The proposed Sewer By-law contains new provisions for the Water and Waste Department to facilitate the recovery of costs for damage to infrastructure and cleanup

costs associated with a spill of hazardous materials. In the past, the City had to rely on the Provincial Government to assist with these cost recoveries because Provincial Legislation has for some time had clear enforcement provisions to recover such costs.

Concurrently with the revision process of Sewer By-law No. 92/2010, the Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 was approved by Council. Shortly thereafter the Water By-law was further updated to allow it to utilize the MBEA structure for administering and collecting penalties related to violations of the By-law. It was decided that as part of the Sewer By-law modifications to align with the Water By-law, that this update to align with the MBEA penalty administration structure should also be included.

The proposed amendments to the Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 will allow the Water and Waste Department to enforce violations of the Sewer By-law with an administrative penalty scheme that is simple and cost-effective. It would allow the Water and Waste Department to issue penalties immediately as a ticket penalty notice, similar to the penalty structure in place with the Parking By-Law No. 86/2016, and other City by-laws. No new fees or charges in the Sewer By-Law are proposed as part of these amendments.

On October 17, 2018, the use of cannabis was legalized. As part of the regulation process of cannabis within the City of Winnipeg, the public service included the necessary clauses and waste discharge requirements for cannabis growth and manufacturing industries within this Sewer By-law revision. This would allow future regulation of the waste streams from these industries as part of the Sewer By-law Pollution Prevention Planning procedures.

Industries related to cannabis growth and manufacturing have been added to the Pollution Prevention Planning sections in the proposed Sewer By-law. A minimum one year notice is required to inform industries that their waste streams will be monitored to conform to the Sewer By-law. With the addition of these industries to the By-law at this time, it will allow for future environmental regulation of cannabis growth and manufacturing within the City to align with the cannabis legalization. There will be no impact on all other existing industries due to the proposed revisions.

Provisions in the proposed Sewer By-law related to construction approvals and licensing of contractors have been aligned to be consistent with those contained in the Water By-law. This modification will cause no changes in the way contractors currently interact with the Water and Waste Department.

FINANCIAL IMPACT

Financial Impact Statement **Date:** October 18, 2018

Project Name:

ENACTMENT OF NEW SEWER BY-LAW TO REPLACE SEWER BY-LAW NO. 92/2010

COMMENTS:

The changes contained in this proposed Sewer By-Law will not result in the need for increasing staffing levels within the Water and Waste Department.

No new fees and charges in the Sewer By-Law are proposed as part of the amendments.

"Original signed by L. Szkwarek, CPA, CGA"

bah
27-Sep-18

Lucy Szkwarek, CPA, CGA
Manager of Finance and Administration

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg Reference: Sustainable Water and Waste Direction Strategy – 04 Wastewater System

SUBMITTED BY

Department: Water and Waste
Division: Engineering Services
Prepared by: Sean Gordon, P. Eng.
Date: October 25, 2018
File No.: S-1047

ATTACHMENTS:

Appendix A – New Sewer By-law Draft

Appendix B – Redlined Sewer By-law No. 92/2010

Appendix C – MBEA By-law Amendment Draft