Agenda – Council – May 6, 2020

Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – April 23, 2020

Item No. 2 Amendments to Sewer By-Law No. 106/2018

STANDING COMMITTEE RECOMMENDATION:

On April 28, 2020, 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 By-law be enacted (draft attached as Appendix A) which amends the Sewer By-law No. 106/2018 to clarify the responsibility of property owners for installation and maintenance of private sewer service pipes.

2. 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 – April 23, 2020

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 28, 2020, 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 April 23, 2020, 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: AMENDMENTS TO SEWER BY-LAW NO. 106/2018

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

AUTHORIZATION

Author	Department Head	CFO	CAO
G. K. Patton, P. Eng., Manager of Engineering Services	M. L. Geer, CPA, CA, Director, Water and Waste Department	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

The current Sewer By-law No. 106/2018 (the "By-law") was enacted by Council on December 13, 2018 and came into effect on January 1, 2019.

After the By-law came into effect, it became evident that certain clauses regarding the installation and maintenance of private sewer service pipes (PSSPs) had been unintentionally modified, creating ambiguity as to the property owner's responsibilities. Amendments to the By-law have been proposed to revert and align these specific PSSPs clauses with the previous Sewer By-law No. 92/2010 and are attached to this report as Appendix A.

RECOMMENDATIONS

1. That Council enacts a By-law (draft attached as Appendix A) which amends the Sewer By-law No. 106/2018 to clarify the responsibility of property owners for installation and maintenance of private sewer service pipes.

2. 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

By-laws amendments require Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

The amendments contained in the proposed By-law will not result in the need for increasing staffing levels within the Water and Waste Department.

HISTORY/DISCUSSION

The current Sewer By-law No. 106/2018 was enacted by Council on December 13, 2018 and came into effect on January 1, 2019. This was part of a comprehensive update to the Sewer By-law. This update focused on changes to ensure consistency with the major revisions made to the Water By-law No. 107/2015.

After the current By-law came into effect and had been utilized by staff in the Water and Waste Department, it became evident that certain clauses regarding the maintenance and installation of private sewer service pipes (PSSPs) were unintentionally modified, creating ambiguity as to property owner responsibilities.

The current wording in Sewer By-law No. 106/2018 does not make the following conditions explicitly clear:

- The property owner bears full responsibility for maintaining the entirety of a PSSP from its source to its connection to the wastewater or land drainage system (typically at a sewer or land drainage main).
- The property owner bears full responsibility for maintaining the entirety of a PSSP regardless of whether or not the PSSP is a conforming or non-conforming connection.
- The property owner's responsibility for PSSPs is subject to the City, under specific conditions, taking responsibility for repairing wastewater sewer blockages under the street that are due to structural failures in PSSPs.
- All other maintenance of PSSPs from its source to the connection to the wastewater or land drainage systems is the property owner's responsibility.
- The property owner's responsibilities for installation and maintenance of PSSPs as stated above are to apply to both wastewater PSSPs and/or land drainage PSSPs connected to a property.

These arrangements had been in place prior to 2018 under Sewer By-law No. 92/2010 and no changes were intended when the By-law was redrafted in 2018. All communication with property owners prior to and following the enactment of the By-law has been consistent with the continuation of this arrangement.

FINANCIAL IMPACT

Financial Impact Statement **Date:** February 18, 2020

Project Name:

AMENDMENTS TO SEWER BY-LAW NO. 106/2018

COMMENTS:

The amendments contained in the proposed Sewer By-law will not result in changes to staffing or operating costs within the Water and Waste Department.

"Original signed by L. Szkwarek, CPA, CGA"
Lucy Szkwarek, CPA, CGA
Manager Finance and Administration

CONSULTATION

This Report has been prepared in consultation with:

Legal Services Department (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

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

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Water and Waste
Division: Engineering Services
Prepared by: S. Gordon, P. Eng.
Date: February 19, 2020
File No.: S-1187

ATTACHMENTS:
Appendix A – Draft Amending By-law

APPENDIX A – Draft Amending By-law

THE CITY OF WINNIPEG

BY-LAW NO. /2020

A By-law of THE CITY OF WINNIPEG to clarify responsibility for the installation and maintenance of private sewer service pipes in the Sewer By-law

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

Sewer By-law amended
1 The Sewer By-law No. 106/2018 is amended by this By-law.

Subsection 8(1) of Sewer By-law replaced
2 Subsection 8(1) of the Sewer By-law No. 106/2018 is replaced with the following:

8(1) *The owner of any property that will discharge wastewater to the wastewater system or land drainage to the land drainage system is responsible for the installation of all private sewer service pipes, including connections and related components, required to facilitate the discharge of wastewater or land drainage to the wastewater system or land drainage system.*

Subsection 9(1) of Sewer By-law replaced
3 Subsection 9(1) of the Sewer By-law No. 106/2018 is replaced with the following:

9(1) *Subject to section 30 and section 41, the owner of any property that discharges wastewater to the wastewater system or land drainage to the land drainage system through a conforming or non-conforming private sewer service pipe must ensure that the entirety of the private sewer service pipe is in an operable condition and is in compliance with this By-law.*

Subsection 9(2) of Sewer By-law repealed
4 Subsection 9(2) of the Sewer By-law No. 106/2018 is repealed.

Subsection 9(4) of Sewer By-law replaced
5 Subsection 9(4) of the Sewer By-law No. 106/2018 is replaced with the following:

9(4) *Where a single private sewer service pipe discharges wastewater or land drainage from more than one property, the obligation imposed by this section applies equally to the owners of all properties from which wastewater or land drainage is discharged.*

DRAFT

DONE AND PASSED this day of , 2020.

Mayor

City Clerk

Approved as to Content:

Director of Water and Waste

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor

DRAFT