

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005 - 75

A BY-LAW TO REQUIRE OWNERS OF BUILDINGS TO CONNECT SUCH BUILDINGS TO WATER WORKS AND WASTEWATER WORKS IN THE CITY OF KAWARTHA LAKES

Recitals

1. Council authorized the passage of a mandatory connection by-law through resolution number CR2003-343.
2. The *Municipal Act, 2001, S.O. c.25*, Section 11 provides authority to municipalities to pass by-laws respecting matters dealing with public utilities.
3. Water and wastewater services fall within the sphere of public utilities.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-75.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- (a) **“Building”** means and includes but is not limited to any Building, trailer, or other covering or structure with a pressurized water supply which:
- i. is located within 50 metres of a water main or wastewater main; or
 - ii. is located on a parcel of land abutting on a public highway or street in which a water works or wastewater main is located or a parcel of land not more than one foot from a public highway or street in which a water works or wastewater works is located, and
 1. contains, or is required by any other by-law, regulation or statute to contain, any sleeping, eating or food preparation facilities, or
 2. contains or is required by any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities, or
 3. is connected, or is required by any other by-law, regulation or statute to be connected, to a water supply, or water works or wastewater works, or
 4. is connected or is required by any other by-law, regulation or statutes to be connected, to a drain or sewage works, or
 5. which is a source of sewage;
- other than a barn used for agricultural purposes and which contains no sleeping accommodation for persons.
- (b) **“By-law”** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
- (c) **“City”** means The Corporation of the City of Kawartha Lakes.
- (d) **“Clerk”** means the person within the administration of the City which fulfils the function of the City Clerk as required by the *Municipal Act 2001, S. O., c.25*.
- (e) **“Council”** means the elected municipal council for the City.
- (f) **“Connect”** means to install a connection.
- (g) **“Connection”** means a connection to a water works system or a wastewater works system including but not limited to the service pipe from the interior face of the outer wall of a Building or from the water meter if one is installed inside the Building, including any valves, stopcocks and water meters to
 - i. the street line where a service line has been installed from the watermain to the street line, or

- ii. the watermain where a service line has not been so installed, or
 - iii. the street line where a service line has been installed from the sewermain to the street line, or
 - iv. the sewermain where a service line has not been so installed.
- (h) **“Cost”** includes but is not limited to the cost of restoring any property disturbed or damaged in the course of making a connection and the cost of design, if any, materials, labour and supervision of the connection incurred after the date of sending a Notice and includes the amount of expense charged by the City to the Owner when the Municipality makes a connection at the expense of the Owner.
- (i) **“Director”** means the Director of Public Works of the City or his/her designate.
- (j) A **“Municipal Law Enforcement Officer”** is a person duly appointed within the City’s administration to enforce the by-laws of the City, and includes the Licensing Officer.
- (k) **“Notice”** means a notice given pursuant to this By-law requiring a connection to be made;
- (l) **“Owner”** means the Owner of a Building and includes the registered Owner of, the person shown on the assessment roll as Owner of, and the actual Owner of a Building or any property on which a Building is located.
- (m) **“Wastewater works”** means any wastewater main provided by or for the City for the purpose of supplying wastewater service in the City.
- (n) **“Water works”** means any watermain provided by or for the City for the purpose of supplying water in the City.

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or the current S. O. edition. References to by-laws are references to the municipal by-laws with force of law in the City.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Article 2.00: Mandatory Connection

2.01 **Waterworks:** Every Owner of a Building shall connect the Building to the Water Works.

2.02 **Wastewater works:** Every Owner of a Building shall connect the Building to the Wastewater Works.

Article 3.00: Timing of Mandatory Connection and Notice Provisions
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3.01 **Timing:** Any Connection required to be made by an Owner under this By-law shall be made within nine (9) months of the mailing of a Notice to the Owner, by the Director, by registered mail to his last known address requiring the Connection to be made, or within such periods of time, if any, as are granted by Council as an extension pursuant to the provisions of this By-law, and in accordance with the requirements of the Notice and any By-law, regulation or statutes governing such Connection.

- 3.02 **Notice Requirements:** Any Notice sent by the Director shall:
- a) require the Owner to make the Connection,
 - b) advise the Owner
 - i) the date on which the nine (9) month period expires; and
 - ii) that if the Owner fails to make the Connection as required, the City has the right to make it at the Owner's expense and to recover the expense by action or in a like manner as municipal taxes.
 - c) make reference to this By-law.

Article 4.00: Extensions

- 4.01 **Application:** Council may, on the application of an Owner to whom Notice has been sent, grant an extension of the period of nine (9) months within which the Connection shall be made.
- 4.02 **Length of Extension:** An extension, if granted, shall not be for a period longer than two (2) years from the end of the nine (9) month period provided by the Notice.
- 4.03 **Further Extension:** If the first extension is for a period of less than two years one further extension with an expiry date not more than two years from the end of the original nine (9) month period provided by the Notice may be granted by Council and no further extension shall be granted.

Article 5.00: Failure to Connect

- 5.01 **Owner Fails to Connect:** If the Owner fails to make a Connection required by a Notice within the nine (9) month period or such extended period permitted, as Council grants, the City may make the Connection at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner. Failure of the Owner to connect shall constitute an offence.
- 5.02 **Cost:** The cost of making such connection referred to in 5.01 shall be added to the tax roll for the property by the Treasurer and be collected in the same manner as municipal taxes, in accordance with *The Municipal Act, 2001*, Section 398(2).

Article 6.00: Exemptions

- 6.01 This By-law shall not apply to Owners along a pipeline route where the pipeline is located in a rural area.
- 6.02 An Owner of property along a pipeline route may request to the Director, in writing, to be connected to the Water Works or Wastewater Works. The Director shall have absolute unfettered discretion to deal with a request to connect to the pipeline route.

Article 7.00: Offence and Fines

- 7.01 **Offence:** Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine recoverable under the *Provincial Offences Act, R. S. O. 1990 c.P.33* as amended.
- 7.02 **Enforcement:** This By-law may be enforced by Municipal Law Enforcement Officers and the Director.
- 7.03 **Administration of the By-law:** Unless otherwise indicated in this By-law, the administration of this By-law is assigned to the Director, who may delegate the performance of any of the functions under this By-law from time to time as occasion requires.

Article 8.00: Repeal of Prior Historic By-Laws; Effective Date

8.01 **Repeal:** The following by-laws are repealed

Municipality	By-law Number
Township of Emily	1992-27
Township of Mariposa	91-28
Village of Omemee	1990-20
Village of Woodville	1989-7
Township of Somerville	1993-16
Township of Manvers	1993-15

8.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time this 12th day of April 2005.

Mayor

Clerk