

Staff Report

Report To: Operations Committee
Report From: Lara Widdifield, Director of Public Works and Engineering
Meeting Date: June 26, 2025
Report Code: OP-25-027
Subject: Water Management By-law

Recommendations:

THAT in consideration of Staff Report OP-25-027 respecting Water Management By-law, the Operations Committee recommends that City Council approve the recommendations in the report and direct staff to:

1. Bring forward a by-law substantially in the form of the Draft Water Management By-law attached to the report, pending further refinement by Clerk's staff; and
2. Bring forward a by-law to amend the Delegation of Authority By-law to include the delegation of powers outlined in the Water Use By-law to the Director of Public Works and Engineering.

Highlights:

- The Water Meter Replacement project requires access to the inside of private buildings to inspect, retrofit or replace the meters.
- The attached draft by-law includes clauses that consolidate the main points of several existing by-laws and policies, including the watering ban by-law, the water billing policy, and the backflow prevention bylaw.
- The Draft By-law is intended to set the overarching concepts relating to the City's water system; operational detail will be provided in subsequent policies derived from the remaining elements of these by-laws.

- The Draft by-law gives the Director of Public Works and Engineering, the Treasurer and the Fire Chief authority to use their professional discretion for various aspects of the administration of water system-related activities.
- Most non-compliance can be addressed without the need for the issuance of Part I or III Orders, via water service disruption (water shut-off) until compliance is achieved; however, the draft by-law also enshrines the ability to transfer utility arrears to the tax roll.

Strategic Plan Alignment:

[Strategic Plan](#) Priority: This report supports the delivery of Core Service.

One of the most important services a municipality can provide is a potable water system. In order to run that system efficiently and responsibly, a set of rules must be put in place to govern the City's rights toward the operation of the water system as well as set expectations for the use of that system, along with penalties for non-compliance.

Climate and Environmental Implications:

This supports the objectives of the City's Corporate Climate Change Adaptation Plan by creating conditions to minimize health and safety risks.

Previous Report/Authority:

N/A

Background:

The Water Meter Replacement project requires access to the inside of private buildings to inspect, retrofit or replace the meters. As expected, several property owners have already refused to participate in the program for various reasons. A bylaw that provides a mechanism to address non-compliance will be necessary to complete the project.

Although it was additional effort, while drafting a bylaw for the access issue, Staff also took the opportunity to consolidate the existing water-related by-laws, in the spirit of continuous improvement. The draft by-law also includes any additional requirements that were necessary for the safe and efficient management of the water system, such as mandatory connection to the water system and the prohibition on operating curb stops or hydrants.

Analysis:

While the primary need for a by-law adopted by Council is to provide leverage behind requests for access for inspection, repair, and replacement of water meters and appurtenances, the attached draft by-law includes clauses that consolidate the main points of several existing by-laws and policies, including the Watering Ban by-law, the Water Billing policy, and the Backflow Prevention by-law.

The Draft by-law outlines the authority of the Director of Public Works and Engineering, the Treasurer and the Fire Chief to use their professional discretion in the administration of water system-related activities. For example, the spacing of fire hydrants, or the calculation of estimated water consumption in the event that a property's meter could not be relied upon for some reason (i.e. meter tampering, permitted bypass through temporary water connection, or equipment malfunction).

The draft bylaw is silent on the topic of water bill forgiveness. The intention is that the City will cease to accept applications for water bill adjustments at the Staff level, as previously outlined in the water billing policy. The rationale now is that the proper maintenance of internal plumbing and equipment is the responsibility of the property owner, and the City should not be subsidizing the consequences of lack of maintenance or carelessness. Common examples are a toilet, hot water tank or appliance leak, or a hose accidentally left on. In the past, water customers could apply to have the extraneous charges forgiven; however, the City still incurs costs to produce and deliver the water. Going forward, if water has passed through a meter, the property owner will be responsible for the charges.

Regardless of the elimination of the water leak bill adjustment, those who feel justified in their request would still have the option of a deputation to Council for consideration, and Council could decide to direct Staff to adjust the bill if they see fit.

The Draft By-law also addresses the issue of tenant accounts. Because there is no tax roll in tenant accounts onto which the arrears can be transferred, the only mechanism the City has to resolve non-payment in tenant accounts has been to shut off the water; a repugnant practice given the circumstances. This issue disproportionately affects people living in Grey County Housing, as Grey requires tenants to subscribe to utilities in their own name. To avoid this distasteful practice going forward, no new tenant accounts shall be established without being underwritten (i.e. cosigned) by

the property owner. If the tenant account were to go into arrears, the property owner understands that they are ultimately responsible for the charges, and if unpaid, these will be transferred to the tax roll.

Most non-compliance can be addressed without the need for the issuance of Part I Orders (Tickets) or Part III Orders (Court Summons), via water service disruption (water shut-off) until compliance is achieved; however, the draft by-law also enshrines the ability to transfer fees in arrears to the tax roll. Policy FS18 Utility Collection and Billing Policy had already called for certain circumstances where these measures would occur; however, in the interest of simplicity, the draft bylaw consolidates the intent of these clauses and leaves the detailed mechanics of how that actually happens for a subsequent policy or procedure.

Draft Water Use By-law

Attached is the Draft Water Use By-law.

Highlights of this comprehensive draft by-law include:

- A comprehensive recitals section that substantiates the legislative authority and powers enacted in the by-law
- Sets out the short title, purpose and scope
- Definitions
- Delegates authority under the by-law to the Director of Public Works and Engineering or their designate to enter onto property to inspect, repair or replace City Water Meter equipment. This delegation of authority requires an amendment to the [Delegation of Authority By-law](#)
- Gives the Director (with assistance from Utility Billing and/or the Treasurer or their designate) discretionary power to calculate/estimate water bills when necessary
- Allows fees and charges for permits to be updated annually under the Fees and Charges By-law
- Mandatory connection, prohibition of tampering with or operating City equipment
- No cross-connections, non-potable water supplies connected to the Municipal Water System
- If the Director has cause to believe there is a leak or some other violation of the bylaw occurring on the private side, the City has the power to turn off the water supply until the situation is remedied. (This includes failure to provide access for meter inspection or installation/repair)

- No water wastage, the Director can impose water restrictions if needed, and water is not allowed to be retailed by water users.
- Prohibition of use of City hydrants, backflow preventors are required
- Authority to charge fees and obligation to pay fees prior to receiving services
- Water services and meters must be protected from freezing
- Authority to specify size, location and number of connections to a property
- Obligation for property owner to provide free and clear access to water meter upon request
- Right to charge for damage to City equipment due to negligence
- Process for challenging calibration/accuracy of the water meter
- Authority to transfer water charges to the tax roll or shut off water for non-payment if that is not possible. Requirement for property owner to cosign on water accounts for tenants.
- Ability to charge additional administrative fees for non-payment, NSF payments, etc. per Fees and Charges By-law.
- Provides for orders by the Director or Municipal Enforcement Officers
- Includes clauses for recovery of costs and power of entry
- Repeals By-laws No. 2022-003 Backflow Prevention By-law, No. 2018-125 Policy: FS18 Utility Collection and Billing Policy, and No. 1988-106 By-law.

The Draft By-law must still undergo final review by Clerks and Legal; however, it is expected that the final version presented to the Mayor and Clerk for execution will be substantially indistinguishable from the Draft provided herein.

Financial Implications:

This is an effort to reflect current processes in a more official and effective manner. Therefore, there are no expected financial impacts other than the increased ability to collect fees and ensure compliance, reducing effort.

Communication Strategy:

This report will be included in the publication of the agenda and minutes of the Operations Committee and City Council on the City's website.

Consultation:

- Deputy Treasurer
- Utilities Collections Clerk
- City Clerk
- Manager of Legislative Services
- By-law Enforcement Officers
- Manager Water and Wastewater & team
- Chief Building Official & team

Attachments:

1. Draft Water Management By-law 2025-XXX

Recommended by:

Lara Widdifield, Director of Public Works and Engineering

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Lara Widdifield, Director of Public Works and Engineering, at lwiddifield@owensound.ca or 519-376-4440 ext. 1201.