



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Hamilton Water Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	November 13, 2023
SUBJECT/REPORT NO:	Updated Water Works By-law (PW23071) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dave Alberton (905) 546-2424 Ext. 1090
SUBMITTED BY:	Shane McCauley Director, Water and Wastewater Operations Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the By-law attached as Appendix “A” to Report PW23071, to Regulate the Management, Distribution, and Maintenance of the Water Works System of the City of Hamilton (Short Title: “Water Works By-law”) which has been prepared in a form satisfactory to the City Solicitor, be enacted; and,
- (b) Upon enactment of the By-law that staff be directed to apply to the Ministry of the Attorney General for approval of set fines for offences under the By-law.

EXECUTIVE SUMMARY

The purpose of this report is to recommend the enactment of a new By-law to Regulate the Management, Distribution and Maintenance of the Water Works System, attached as Appendix “A” to Report PW23071. The existing By-law (R84-026) is 39 years old and required a full rewrite. The new By-law includes the addition of a Resource Manual as a supporting document attached as Appendix “B” to Report PW23071, a Set Fines Schedule attached as Appendix “C” to Report PW23071 allowing the City of Hamilton (City) to issue tickets and impose fines, and several significant changes which are attached as Appendix “D” to Report PW23071.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: By-law enforcement officers within Hamilton Water will be able to issue fines per the Set Fines Schedule attached as Appendix “C” to Report PW23071.

HISTORICAL BACKGROUND

The City’s By-law R84-026, enacted in 1984, has only received minor amendments over the last 39 years. Most of those amendments were to update the User Fees and Charges each year until 2021 when the By-law was amended to create a separate Water and Wastewater/Storm Fees and Charges By-law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed By-law is to be enacted under the authority of the *Municipal Act, 2001*.

RELEVANT CONSULTATION

The proposed By-law was written as a joint initiative between Hamilton Water and Legal Services and meets applicable legal requirements for regulatory By-laws including all appropriate provisions for enforcement.

The following City Divisions are key stakeholders, each of which had a representative on the Review Team:

- Planning & Economic Development - Building Division
- Planning & Economic Development - Growth Management
- Corporate Services - Financial Planning Administration & Policy
- Public Works - Hamilton Water
- Corporate Services - Legal & Risk Management Services

The City held two Public Information Sessions, designed as open-house events. They were advertised on the City's website, Social Media platforms, and local newspapers. The advertisements are attached as Appendix “E” to Report PW23071. Invitations were extended to the Development Liaison Committee and the Hamilton and District Heavy Construction Association. Staff presented to the Development Liaison Committee at its September 11, 2023 meeting. Below is a summary of Public Information Session attendees based on their area of interest:

- Industrial, Commercial, Industrial Facilities – four (4)

- Associations/Consulting Companies – two (2)
- Residents/Other – six (6)

A dedicated website and email address were established and made available from June 14 to July 31, 2023, allowing stakeholders to review the current and draft By-laws and submit questions and comments. The website and email address were advertised along with the Public Information Sessions.

Staff reviewed and responded to the two (2) emails and questions received. The comments were taken into consideration by the Review Team. A summary of the feedback received through the outreach initiatives is attached as Appendix “F” to Report PW23071.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The current By-law required a full rewrite as the standards, practices and policies governing the management of the Water Works System have evolved. Gaps and industry best practices were identified and addressed, administrative changes were implemented, and a Resource Manual and a Set Fines Schedule were created resulting in significant changes to the By-law which are attached as Appendix “D” to Report PW23071.

1. A thorough review of the existing By-law was completed to identify gaps and industry best practices by consulting with or reviewing the by-laws and set fines schedules of the following Municipalities:
 - City of Kingston
 - City of Ottawa
 - City of Toronto
 - City of London
 - City of Sudbury
 - Halton Region
2. Administrative changes were made to reorganize content, updated definitions, and remove duplication for ease of reading.
3. A Resource Manual attached as Appendix “B” to Report PW23071 was created to improve overall readability, understanding of the By-law, and allow for updates to administrative requirements, when necessary.
4. The existing By-law did not include short wording for enforcement including issuing tickets and fines. A Set Fines Schedule attached as Appendix “C” to Report PW23071 was created so that existing staff can issue fines to those that refuse to comply with the By-law requirements.

ALTERNATIVES FOR CONSIDERATION – N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW23071 – Water Works By-law No. 23-XXX

Appendix “B” to Report PW23071 – Water Works By-law Resource Manual

Appendix “C” to Report PW23071 – Set Fines Schedule to By-law No. 23-XXX

Appendix “D” to Report PW23071 – Significant Changes

Appendix “E” to Report PW23071 – Public Information Session Advertisements

Appendix “F” to Report PW23071 – Summary of Feedback Received