



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 8, 2022

From: Mike Cain, Bylaw Services Manager

Bylaw No: 247.01

Subject: **Amendments to Water Regulations Bylaw No. 274, 2021**

RECOMMENDATION

THAT Council adopt “City of West Kelowna Water Regulations Amendment Bylaw No. 274.01, 2022”.

BACKGROUND

The majority of properties in the City of West Kelowna (“City”) have water meters placed inside their residential dwellings. Historically, this was a common practice in West Kelowna and some other jurisdictions. Unfortunately, having water meters placed inside a building can create difficulties when access is required for water meters that either fail (non-transmitting) or provide inaccurate readings (i.e. zero consumption). When either of these scenarios occur, the result is a loss of revenue to the City until the meter can be repaired or replaced.

Access to repair or replace water meters has been an issue for the City for many years for various reasons, whether it is simply due to scheduling issues or because parcel owners refuse to allow the City access inside their dwelling. The result is a growing loss of revenue to the City with limited options for compliance such as fines, or the ability to accurately charge parcel owners by using an estimated consumption based on past history. Both of these options use significant City resources and requires coordination amongst various departments including (but not limited to) Bylaw, Public Works, Finance and Administration. To date, these options also have failed in achieving the desired objective and the result is a loss to the City at the expense of the taxpayers who provide access and pay their fair share for water.

The Water Regulation Bylaw No. 274 (the “Bylaw”) states,

7.10 A parcel owner **must, at all reasonable times**, provide adequate, convenient, and unobstructed access to the City for installing, inspecting, repairing, maintaining, replacing and reading the Water Meter.
[Emphasis added]

After the quarterly water meter read is complete, the City sends a letter from Public Works notifying the parcel owner that the City has identified a problem with their meter and asks them to schedule an appointment for repairing or replacing the meter at the City's expense within 10 working days. If that letter is ignored, the City sends follow-up letters that escalate to a 3rd letter being hand-delivered by a Bylaw Officer indicating that a Municipal Ticket Utilization Information ("MTI") Bylaw ticket or Bylaw Offence Notice ("BON") Bylaw ticket will be issued. Currently, there are over 50 owners that have been issued a 3rd letter and are currently refusing to provide access. That number does not include the parcel owners who have only been issued a 1st or 2nd letter.

The City does have legislative authority through the *Community Charter* as well as its own Water Regulation Bylaw to take a more aggressive approach to achieving access; for example section 32 of the *Community Charter* provides a municipality the authority to enter into a dwelling provided it provides the requisite notice. Even more punitive, section 15 of the Water Regulation Bylaw allows the City to turn off a parcel owner's water service for failing to comply with the requirements of the Bylaw until the default is remedied. The City deems these two options to be overly harsh and has not utilized these legislative tools for the purpose of securing access to water meters in the past, nor is it the City's intention to do so in the future. Rather, the City proposes an amendment to the Water Regulation Bylaw such that when a parcel owner refuses to comply with the Bylaw by allowing the City reasonable access to their inside water meter, the City may, at the parcel owner's expense, install a new water meter in a water meter pit. These charges will be billed on their utility bill and if unpaid at the end of the year, these charges will transfer to the property tax account to accrue interest and penalties accordingly. Copies of the updated sample letters from Public Works are attached.

DISCUSSION

Having water meters located inside buildings is no longer considered a best practice and many jurisdictions have implemented bylaws requiring water meters to be placed outside during the development of new construction. Outside water meters are generally located in water meter pits at, or near the property line within a municipality's statutory right of way so that access is available as necessary without permission of the parcel owner.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
January 25, 2022	It was moved and seconded THAT Council give first, second and third reading to City of West Kelowna Water Regulation Amendment Bylaw No. 274.01, 2022. <u>CARRIED UNANIMOUSLY</u>	C041/22

Alternate Motion:

THAT Council postpone the adoption of City of West Kelowna Water Regulations Amendment Bylaw No. 247.01, 2022.

Should Council wish to postpone adoption, it is requested Council provide further direction.

REVIEWED BY

Brad Savoury, Director of Legal Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Warren Everton, Director of Financial Services/CFO/Acting CAO

Powerpoint: Yes ☐ No ☒

Attachment:

1. Water Regulation Bylaw Amendment 274.01

CITY OF WEST KELOWNA

BYLAW NO. 274.01

A BYLAW TO AMEND THE WATER REGULATION BYLAW

WHEREAS the Council of the City of West Kelowna desires to amend the Water Regulation Bylaw;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. **Title**

This Bylaw may be cited as the “CITY OF WEST KELOWNA WATER REGULATIONS AMENDMENT BYLAW NO. 274.01, 2022.”

2. **Amendments**

“City of West Kelowna Water Regulation Bylaw No. 274, 2021” is hereby amended as follows:

2.1 By deleting section 7.4 in its entirety and replacing it with the following 7.4

7.4 The City will supply, at the owner’s expense, a Residential Water Meter up to 1 inch in size, for installation by the owner for all new construction and building upgrades; a parcel owner is responsible for the supply and installation of the Water Meter Setting and/or Water Meter Pit as determined by the City.

2.2 By deleting Section 7.6 in its entirety and replacing it with the following 7.6

7.6 Water Meters that are located in a building shall be as close as possible to the entrance point of the Private Water Service unless otherwise approved by the City.

2.3 By deleting Section 7.7 in its entirety and replacing it with the following 7.7

7.7 All new residential construction must house the water meter in a water meter pit unless otherwise approved by the City. The location of the water meter will be determined by the City. This section shall apply to all building permits approved after the date of adoption of Amending Bylaw No. 247.01

2.4 By deleting Section 7.10 in its entirety and replacing it with the following 7.10

A parcel owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the City for installing, inspecting, repairing, maintaining, replacing and reading the Water Meter.

Where a water meter is located inside a building and the parcel owner fails to provide adequate, convenient, and unobstructed access to the City where the City has provided reasonable notice, the City may install a new water meter in a water meter pit at the parcel owners' expense.

2.5 By Deleting Section 7.12 in its entirety and replacing it with the following 7.12

7.12 If a water meter is damaged, has failed or is deemed inoperable:

- a) A residential parcel owner shall be responsible for the cost of the repair or replacement of a water meter if it is damaged.
- b) Industrial, Commercial, Institutional, Agricultural or Multi-family parcel owners shall be responsible for the cost of the repair or replacement of a water meter if it is damaged, has failed, or is deemed inoperable.
- c) Failure to repair or replace a defective water meter will result in the City installing a new water meter in a water meter pit at the parcel owner's expense, and/or any other enforcement action the City deems necessary.

READ A FIRST, SECOND AND THIRD TIME THIS 25TH DAY OF JANUARY, 2022

ADOPTED

MAYOR

CORPORATE OFFICER