



# OPERATIONS COMMITTEE AGENDA

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Operations Committee Meeting  
**Monday, May 4, 2015**  
Tom Davies Square

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**COUNCILLOR ROBERT KIRWAN, CHAIR**

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**Evelyn Dutrisac, Vice-Chair**

4:00 p.m. OPERATIONS COMMITTEE MEETING  
COUNCIL CHAMBER

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**DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE  
THEREOF**

## **PRESENTATIONS**

(The Committee will discuss the nature of presentations that will be forthcoming along with approximate dates.)

## **CONSENT AGENDA**

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

## **CORRESPONDENCE FOR INFORMATION ONLY**

- |   |                |
|---|----------------|
| C-1. Report dated April 22, 2015 from the General Manager of Infrastructure Services regarding Winter Control Operations Update for March 2015.<br><b>(FOR INFORMATION ONLY)</b><br><br>(Report provides financial results of the 2015 winter roads operations up to and including the month of March.) | <b>5 - 6</b>   |
| C-2. Report dated April 29, 2015 from the General Manager of Infrastructure Services regarding W/WW 6 Year History of Purchased Services.<br><b>(FOR INFORMATION ONLY)</b><br><br>(Report outlining the past 6 years of Purchases Services)   | <b>7 - 9</b>   |
| C-3. Report dated April 29, 2015 from the General Manager of Infrastructure Services regarding W/WW 5 Year History of Actual to Budget Comparison.<br><b>(FOR INFORMATION ONLY)</b><br><br>(Report showing the Actual to Budget comparisons for the last 5 years)                                       | <b>10 - 11</b> |
| C-4. Report dated April 29, 2015 from the General Manager of Infrastructure Services regarding W/WW 2015 Operating Budget Variance Report.<br><b>(FOR INFORMATION ONLY)</b><br><br>(Report showing the variances in the 2015 budget)  | <b>12 - 15</b> |

## REGULAR AGENDA

### MANAGERS' REPORTS

- R-1. Report dated April 22, 2015 from the General Manager of Growth & Development regarding Downtown Sudbury Patio Pilot Program Update. **16 - 23**  
**(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)**

- Ed Landry, Senior Planner
- Maureen Luoma, Executive Director, Downtown Sudbury Business Improvement Area Association (BIA).
- Jeff MacIntyre, Chair, Downtown Sudbury BIA
- Dennis Gainer, Owner, Peddler's Pub

(The purpose of this report is to discuss the Downtown Sudbury BIA's request to change the status of the full sidewalk patio pilot program to a permanent seasonal program.)

- R-2. Report dated March 24, 2015 from the General Manager of Infrastructure Services regarding Traffic Control - Landry Street at Albert Street, Azilda. **24 - 25**  
**(RECOMMENDATION PREPARED)**

(Roads and Transportation Services received a request to review the existing traffic control at the intersection of Landry Street and Albert Street in Azilda. The report provides information and a recommendation for consideration.)

- R-3. Report dated April 29, 2015 from the General Manager of Infrastructure Services regarding Implementation of Hauled Liquid Waste Tipping Fees. **26 - 71**  
**(FOR INFORMATION ONLY)**

Information on hauled liquid waste tipping fees implementation process

### MOTIONS

4. Speed limit analysis request

As presented by Councillor Montpellier:

WHEREAS speed limit sign postings on Joannette, Bradley, Vermillion lake and Simmons Roads in Chelmsford vary from 50 to 70 kilometres per hour;

AND WHEREAS residents in the area have expressed concerns about the inconsistency of speed limits and excessive speeding on Joannette, Bradley, Vermillion Lake and Simmons Roads;

AND WHEREAS a consistent lowered speed limit along these roadways may help to alleviate the speeding and safety concerns of the area residents;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury directs staff to undertake a review and speed limit analysis along Joannette, Bradley, Vermillion Lake and Simmons Roads this spring, and report their findings to the

Operations Committee at its July 6th, 2015 meeting.

## **ADDENDUM**

### **CIVIC PETITIONS**

### **QUESTION PERIOD AND ANNOUNCEMENTS**

(Following an opportunity for Questions & Announcements, Committee Members will discuss the nature of topics that should be included in the next meeting.)

## **ADJOURNMENT**

**BRIGITTE SOBUSH, DEPUTY CITY CLERK**

## For Information Only

### Winter Control Operations Update for March 2015

Presented To: Operations Committee

Presented: Monday, May 04, 2015

Report Date Wednesday, Apr 22, 2015

Type: Correspondence for Information Only

#### Recommendation

For Information Only

#### Background

Please see attached report.

#### Signed By

**Report Prepared By**

Kelsi Bernier  
Co-ordinator of Finance (Roads)  
*Digitally Signed Apr 22, 15*

**Division Review**

David Shelsted  
Director of Roads & Transportation  
Services  
*Digitally Signed Apr 22, 15*

**Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Apr 28, 15*

**Recommended by the C.A.O.**

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Apr 28, 15*

## Background

This report provides the financial results of the 2015 winter roads operations up to and including the month of March 2015. As depicted in Table 1 below, the result for the month of March is that winter roads operations were on budget. For the first three months of 2015 winter roads operations are approximately \$30,000 under budget. Certain estimates were necessary to account for outstanding invoices.

	Annual Budget	March			2015 YTD		
		Budget	Actual	Variance	Budget	Actual	Variance
Administration & Supervision	2,314,799	391,110	354,686	36,424	1,158,201	1,165,400	(7,199)
Sanding/Salting/Plowing	6,815,161	1,185,828	1,085,925	99,903	4,067,764	4,389,866	(322,102)
Snow Removal	533,798	133,459	119,807	13,652	496,019	402,288	93,731
Sidewalk Maintenance	881,420	132,213	131,840	373	572,923	533,061	39,862
Winter Ditching/Spring Cleanup	1,700,197	431,656	509,345	(77,689)	664,206	557,948	106,258
Misc. Winter Roads Mtce	4,201,750	703,886	776,341	(72,455)	1,939,900	1,820,178	119,722
<b>Totals</b>	<b>16,447,125</b>	<b>2,978,152</b>	<b>2,977,946</b>	<b>206</b>	<b>8,899,013</b>	<b>8,868,741</b>	<b>30,272</b>

## March Winter Control Activities

As shown in Table 2 below, the City received approximately 42 centimetres or 121 percent of the average March snowfall. There were 2 general callouts (city crews and contractors) during the month of March.

The higher than average snow fall in March consisted of many minor snowfalls and two general callouts. As a result, sanding/salting/plowing was under spent by \$100,000. Winter ditching/spring cleanup and miscellaneous winter roads maintenance were overspent by \$77,000 and \$72,000 respectively.

	Jan.	Feb.	Mar.	Apr.	Nov.	Dec.	Total
Normal 30 Year Avg. (cm)	60	52	35	17	30	63	257
2015 Actual (cm)	68	57	42				
% of Actual to Normal	113%	109%	121%	0%	0%	0%	0%

## Summary

In summary, winter roads operations for March 2015 were on budget. For the first three months of 2015, winter roads operations are approximately \$30,000 under budget. As per the Reserve and Reserve Fund policy, any annual over/under expenditures in winter roads operations may be funded/contributed towards the Roads Winter Control Reserve Fund.

## For Information Only

### W/WW 6 Year History of Purchased Services

Presented To: Operations Committee

Presented: Monday, May 04, 2015

Report Date: Wednesday, Apr 29, 2015

Type: Correspondence for Information Only

### Recommendation

For Information Only

### Background

At the January 6, 2015 Finance and Administration Meeting, the Committee requested a 6 year history of spending on Purchased Services. Schedule A is attached for the Committee's information which includes actual and budgeted spending in the category of purchased services. The category has been expanded to include such major items including, but not limited to:

- costs of purchased water and wastewater from Vale
- combined costs of distribution and collection repairs as well as related road and property restoration costs
- annual sampling costs
- sludge haulage contract costs
- recent costs related to utility locates and the Biosolids maintenance contract

There is a column that identifies the 6 year average spending on the categories, except for those that are subject to contractual obligations (purchased water and wastewater from Vale, Biosolids and sludge haulage) as well as the estimated costs for locates in 2015.

The 2015 approved purchased services budget has been added for information purposes.

#### Signed By

##### Report Prepared By

Dion Dumontelle  
Co-ordinator of Finance, Water  
Wastewater  
*Digitally Signed Apr 29, 15*

##### Division Review

Nick Benkovich  
Director of Water/Wastewater Services  
*Digitally Signed Apr 29, 15*

##### Recommended by the Department

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Apr 29, 15*

##### Recommended by the C.A.O.

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Apr 30, 15*







## For Information Only

### W/WW 5 Year History of Actual to Budget Comparison

Presented To: Operations Committee

Presented: Monday, May 04, 2015

Report Date Wednesday, Apr 29, 2015

Type: Correspondence for Information Only

### Recommendation

For Information Only

## Background

At the January 6, 2015 Finance and Administration Meeting, the Committee requested a report outlining the budget and the final year end actual results and variances by category for the last five years.

Attached as Appendix A is a summary of the Water and Wastewater Services year end variances with actual results for 2010 through 2013, projected results for 2014 and the Council approved 2015 Budget. The final 2014 year end variance report will be submitted to Council in June.

#### Signed By

**Report Prepared By**

Dion Dumontelle  
Co-ordinator of Finance, Water  
Wastewater  
*Digitally Signed Apr 29, 15*

**Division Review**

Nick Benkovich  
Director of Water/Wastewater Services  
*Digitally Signed Apr 29, 15*

**Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Apr 29, 15*

**Recommended by the C.A.O.**

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Apr 30, 15*

**APPENDIX A  
CGS WATER WASTEWATER SERVICES  
2010 TO 2014 YEAR END VARIANCE ANALYSIS**

	2010			2011			2012		
	Annual Budget	Actual at December 31	Variance Favourable/ (Unfavourable)	Annual Budget	Actual at December 31	Variance Favourable/ (Unfavourable)	Annual Budget	Actual at December 31	Variance Favourable/ (Unfavourable)
Frontage Charges	\$498,733	\$527,023	\$28,290	\$498,733	\$525,825	\$27,092	\$522,034	\$525,376	\$3,342
Provincial grants and Subsidies		6,750	6,750		0	0		4,080	4,080
User Fees	52,205,385	51,132,535	(1,072,850)	53,647,476	52,657,125	(990,351)	55,184,572	56,572,198	1,387,626
Cont'n From reserve Funds	537,187	609,700	72,513	280,702	187,623	(93,079)	297,467	228,552	(68,915)
Other Revenues	9,600	6,974	(2,626)	9,600	52,973	43,373	9,600	110,501	100,901
Municipal levy ( Fire Protection)	2,883,337	2,883,337	0	2,867,495	2,867,495	0	3,234,001	3,234,001	0
<b>Total Revenues</b>	<b>\$56,134,242</b>	<b>\$55,166,319</b>	<b>(\$967,923)</b>	<b>\$57,304,006</b>	<b>\$56,291,041</b>	<b>(\$1,012,965)</b>	<b>\$59,247,674</b>	<b>\$60,674,708</b>	<b>\$1,427,034</b>
Salaries and Benefits	\$11,530,835	\$11,220,102	\$310,733	\$12,227,366	\$11,469,618	\$757,748	\$12,604,168	\$11,711,619	\$892,549
Materials and Operating Expenses	4,030,664	2,964,987	1,065,677	3,969,535	3,011,105	958,430	4,012,536	3,353,114	659,422
Equipment Expenses		281	(281)		0	0		0	0
Energy Costs	3,411,725	3,350,545	61,180	3,939,277	3,309,911	629,366	4,179,545	3,314,349	865,196
Purchased/Contract Services	6,436,904	6,270,714	166,190	7,127,248	7,085,264	41,984	6,992,733	6,761,636	231,097
Debenture & Insurance Costs	2,096,464	2,145,830	(49,366)	1,800,669	1,642,002	158,667	1,707,232	1,664,920	42,312
Prof Development & Training	83,064	57,362	25,702	73,199	58,719	14,480	73,199	59,471	13,728
Grants- Transfer payments	25,500	4,000	21,500	25,500	4,400	21,100	25,500	3,400	22,100
Prov to Reservers & Capital	20,311,464	20,546,789	(235,325)	22,398,013	22,540,261	(142,248)	23,665,506	23,665,506	0
Internal Recoveries	8,207,622	7,803,277	404,345	5,743,199	5,426,310	316,889	5,987,255	5,722,325	264,930
<b>Total Expenses</b>	<b>\$56,134,242</b>	<b>\$54,363,887</b>	<b>\$1,770,355</b>	<b>\$57,304,006</b>	<b>\$54,547,590</b>	<b>\$2,756,416</b>	<b>\$59,247,674</b>	<b>\$56,256,340</b>	<b>\$2,991,334</b>
<b>Excess(Deficiency) or Revenues over Expenses</b>	<b>\$0</b>	<b>\$802,432</b>	<b>\$802,432</b>	<b>\$0</b>	<b>\$1,743,451</b>	<b>\$1,743,451</b>	<b>\$0</b>	<b>\$4,418,368</b>	<b>\$4,418,368</b>
<b>Water</b>		\$152,303			\$314,046			\$2,263,358	
<b>Waste Water</b>		\$650,129			\$1,429,705			\$2,155,010	

	2013			2014			2015		
	Annual Budget	Actual at December 31	Variance Favourable/ (Unfavourable)	Annual Budget	Projected at December 31	Variance Favourable/ (Unfavourable)	Proposed Budget	Council Option	Approved budget
Frontage Charges	\$522,034	\$527,918	\$5,884	\$522,034	\$522,034	\$0	\$229,938		\$229,938
Provincial grants and Subsidies		0	0		0	0			0
User Fees	58,159,974	58,514,331	354,357	61,455,385	60,640,007	(815,378)	63,644,728	(2,393,000)	61,251,728
Cont'n From reserve Funds	365,418	287,818	(77,600)	264,437	264,437	0	314,303	733,000	1,047,303
Other Revenues	79,600	121,696	42,096	79,600	189,600	110,000	359,600		359,600
Municipal levy ( Fire Protection)	3,234,001	3,234,001	0	3,262,136	3,262,136	0	3,321,002		3,321,002
<b>Total Revenues</b>	<b>\$62,361,027</b>	<b>\$62,685,764</b>	<b>\$324,737</b>	<b>\$65,583,592</b>	<b>\$64,878,214</b>	<b>(\$705,378)</b>	<b>\$67,869,571</b>	<b>(\$1,660,000)</b>	<b>\$66,209,571</b>
Salaries and Benefits	\$13,193,633	\$12,132,275	\$1,061,358	\$13,398,078	\$12,297,195	\$1,100,883	\$13,441,788		\$13,441,788
Materials and Operating Expenses	3,980,362	2,943,697	1,036,665	5,426,048	4,547,651	878,397	5,002,750	(292,000)	4,710,750 *
Equipment Expenses		0	0		0	0			0
Energy Costs	3,933,031	3,852,313	80,718	4,110,128	4,020,666	89,462	4,211,393		4,211,393
Purchased/Contract Services	6,758,350	8,235,208	(1,476,858)	6,945,199	9,652,302	(2,707,103)	9,923,312	(801,000)	9,122,312
Debenture & Insurance Costs	1,749,860	1,796,640	(46,780)	540,337	540,337	0	4,289,574		4,289,574
Prof Development & Training	75,198	45,916	29,282	75,198	67,802	7,396	75,198		75,198
Grants- Transfer payments	25,500	3,600	21,900	25,500	5,000	20,500	5,000		5,000
Prov to Reservers & Capital	25,935,812	25,935,812	0	28,354,528	28,354,528	0	23,972,247	(567,000)	23,405,247
Internal Recoveries	6,709,281	6,283,179	426,102	6,708,576	6,708,576	0	6,948,309		6,948,309
<b>Total Expenses</b>	<b>\$62,361,027</b>	<b>\$61,228,640</b>	<b>\$1,132,387</b>	<b>\$65,583,592</b>	<b>\$66,194,057</b>	<b>-\$610,465</b>	<b>\$67,869,571</b>	<b>(\$1,660,000)</b>	<b>\$66,209,571</b>
<b>Excess(Deficiency) or Revenues over Expenses</b>	<b>\$0</b>	<b>\$1,457,124</b>	<b>\$1,457,124</b>	<b>\$0</b>	<b>(\$1,315,843)</b>	<b>(\$1,315,843)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Water</b>		\$819,148			(\$1,055,843)				
<b>Waste Water</b>		\$637,976			\$260,000				

\* added \$1.265M to materials to account for restatement of insurance, property taxes and communication costs

## For Information Only

### W/WW 2015 Operating Budget Variance Report

Presented To: Operations Committee

Presented: Monday, May 04, 2015

Report Date Wednesday, Apr 29, 2015

Type: Correspondence for Information Only

### Recommendation

For Information Only

## BACKGROUND

Actual revenues and expenditures are being tracked regularly against budgets. At this early point in the year, potential budget variances that may occur are described below. The attached Schedule A contains the March 31 Year to date budget versus actual results as well as the annual budget for expenditures. Actuals include estimated accruals for invoices on hand that have not been processed at the time of this report. As of March 31, the department is \$2.8 million over budget on expenditures largely as a result of the significant winter conditions impacting frozen service & watermain break numbers.

### Revenues

It is too early in the year to project the user fees with accuracy. For 2015, the estimated consumption has been budgeted at 14.2 million cubic metres. Staff will have a better indication of the consumption levels with the June projection report, using information from GSU.

### Expenses

The City establishes budgets for watermain breaks using historical averages and known contractual obligations. The frequency and severity of the breaks are often affected by the weather patterns and the winter of 2014-2015 has resulted in the highest number of breaks during the last 20 years. By the end of March, Water / Wastewater Services had responded to approximately 98 watermain breaks.

Table 1 summarizes the year to date actual and budgeted spending for watermain break repairs. Contracted services related to watermain breaks are over budget by approximately \$1.4 million for the first three months of 2015, while the internal resources were at or below budget, primarily due to the fact that they were redirected to the frozen water crisis.

### Signed By

#### Report Prepared By

Dion Dumontelle  
Co-ordinator of Finance, Water  
Wastewater  
*Digitally Signed Apr 29, 15*

#### Division Review

Nick Benkovich  
Director of Water/Wastewater Services  
*Digitally Signed Apr 29, 15*

#### Recommended by the Department

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Apr 29, 15*

#### Recommended by the C.A.O.

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Apr 30, 15*

**Table 1 – Watermain Break Repairs**

<b>Watermain Repairs</b>	<b>Actual to Mar 31</b>	<b>Budget to Mar 31</b>	<b>YTD Variance</b>	<b>Annual Budget</b>
<b>Salaries and Benefits</b>	\$62,192	\$53,593	(\$8,599)	\$162,897
<b>Materials</b>	\$33,056	\$66,668	\$33,612	\$193,240
<b>Purchased/Contract Services</b>	\$1,847,800	\$407,983	(\$1,439,817)	\$1,096,348
<b>Total</b>	\$1,943,048	\$528,244	(\$1,414,804)	\$1,452,485

Additionally, the department received over 1,500 no water service calls, many of which turned out to be related to frozen services which were handled by external plumbers and other contractors, again, reflecting the unusually severe winter conditions experienced this year. These contractors were supplemental to City staff who were fully engaged in the crisis.

Table 2 summarizes the actual and budgeted spending related to frozen water services. By the end of March, purchased services related to the frozen water services emergency were over budget by approximately \$878,000 and labour was over budget by \$192,000.

**Table 2 – Frozen Water Services**

<b>Frozen Water Services</b>	<b>Actual to Mar 31</b>	<b>Budget to Mar 31</b>	<b>YTD Variance</b>	<b>Annual Budget</b>
<b>Salaries and Benefits</b>	\$200,049	\$7,635	(\$192,414)	\$10,180
<b>Materials</b>	\$20,764	\$0	(\$20,764)	\$0
<b>Purchased/Contract Services</b>	\$888,200	\$10,444	(\$877,756)	\$28,485
<b>Total</b>	\$1,109,013	\$18,079	(\$1,090,934)	\$38,655

Although the primary impacts from the extreme winter conditions relate to water services and watermains, expenditures related to other water and sewer related repairs are over budget by approximately \$290,000. At this time other departments are operating within budgeted amounts and the overall result is an unfavourable variance in expenditures of \$2.8 million.

A number of expenditures related to the frozen water crisis were made under the emergency provisions of the Purchasing By-law. Staff is in the process of quantifying these amounts and will be reporting them to Council at a later date.

Council should also be aware that staff anticipates a substantial amount of follow up work related to the frozen water crisis that will largely be unbudgeted.

## **SUMMARY**

Staff continues to manage and closely monitor Water and Wastewater Services budgets. This has been a

preliminary review of the revenues and expenditures for the first 3 months of 2015, again, based on amounts recorded in the accounts as well as invoices received to date.

With only 3 months of operations, it is too early to provide an accurate year-end projection. A more comprehensive review will take place after the June 2015 month end and Council will be presented with a corporate year-end projection in September. Quarterly variance reports will be prepared for Council throughout 2015.

In accordance with the By-law, any net overexpenditure will be funded from the water and wastewater reserve funds. The water capital financing reserve fund has an uncommitted balance of approximately \$4.5 million and the wastewater capital financing reserve fund balance is approximately \$5.7 million.

**SCHEDULE A**

**Expense Summary  
Water/Waste Water Mtce.  
March 31, 2015 YTD Variance**



	YTD Budget at Mar 31	YTD Actual at Mar 31	Variance Favourable/ (Unfavourable)	Annual Budget
<b>Salaries &amp; Benefits</b>	\$3,071,871	\$3,077,788	(\$5,917)	\$13,441,788
<b>Materials Expenses</b>	843,030	675,480	167,550	4,710,750
<b>Energy Costs</b>	799,406	851,933	(52,527)	4,211,393
<b>Purchased/Contract Services</b>	1,274,801	4,008,561	(2,733,760)	7,021,312
<b>Biosolids</b>	0	0	0	2,101,000
<b>Debenture &amp; Insurance Costs</b>	172,500	172,500	0	4,289,574
<b>Prof Development &amp; Training</b>	18,668	20,900	(2,232)	75,198
<b>Grants - Transfer Payments</b>	805	500	305	5,000
<b>Prov to Reserves &amp; Capital</b>	23,405,157	23,405,157	0	23,405,157
<b>Internal Recoveries</b>	1,628,443	1,797,555	(169,112)	6,948,309
<b>Total Expenses</b>	<u>\$31,214,681</u>	<u>\$34,010,374</u>	<u>(\$2,795,693)</u>	<u>\$66,209,481</u>

**Summary of expenditure variance by activity**

Watermain Break repairs	(\$1,414,804)
Frozen water Services	(\$1,090,934)
All Other ( plants, sewer, compliance etc)	(\$289,955)
<b>Total YTD variance</b>	<u>(\$2,795,693)</u>

## Request for Decision

### Downtown Sudbury Patio Pilot Program Update

Presented To: Operations Committee

Presented: Monday, May 04, 2015

Report Date: Wednesday, Apr 22, 2015

Type: Managers' Reports

#### Recommendation

THAT the City of Greater Sudbury approves the Downtown Sudbury Business Improvement Area Association's request to make the full sidewalk patio pilot program a permanent program;

AND THAT staff be directed to prepare an amendment to By-Law 2011-218 to allow for full sidewalk patios based on the considerations outlined in this report;

AND FURTHER THAT the City implements an incremental fee structure as proposed by the Downtown Sudbury Business Improvement Area Association, and amend By-Law 2011-218 accordingly.

#### Finance Implications

If approved, the City would implement a gradual escalating payment fee structure for these patios with the first year waiving 100% of the fees. Any road occupancy permit fees or building permit fees would continue to be charged.

#### Signed By

##### Report Prepared By

Ed Landry  
Senior Planner  
*Digitally Signed Apr 22, 15*

##### Division Review

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Apr 22, 15*

##### Recommended by the Department

Paul Baskcomb  
General Manager of Growth & Development  
*Digitally Signed Apr 22, 15*

##### Recommended by the C.A.O.

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Apr 29, 15*

#### Background

The *Downtown Master Plan and Action Strategy* defines downtowns as “the historic and symbolic heart of a community, the reflection of a city’s image, pride and prosperity. They are the meeting place for the entire city, where all types of different people come together to celebrate and share common experiences. A healthy, active, successful downtown makes a positive statement about the prosperity of a city, sending a confident message to future residents, businesses and investors.” As expressed through the master plan, the City’s vision for the Downtown is a “renewed and re-energized Downtown that has become a confident advertisement to the world about the city’s rich offer.”

On January 20, 2014 the Downtown Sudbury Business Improvement Area (BIA) and representatives from Peddler’s Pub at 63 Cedar Street presented to Operations Committee and requested that a new type of patio be allowed at this establishment on a pilot basis. The new type of patio, which exists in other municipalities, involves the occupation of the entire sidewalk adjacent to the business establishment and the



construction of a replacement sidewalk around the patio area in the travelled portion of the municipal right-of-way. These replacement sidewalks typically occupy on-street parking spaces. At this meeting, the Operations Committee expressed support for a pilot project at 63 Cedar Street.

Peddler's Pub, Downtown Sudbury BIA and City staff worked together to implement the pilot at 63 Cedar. This involved the establishment of application requirements and the creation of a new application and approval process. This process was modeled after the City of Barrie precedent.

As part of this process, Peddler's Pub was required to submit engineering drawings for the replacement sidewalk and meet various conditions as part of the approval (e.g. patio allowed from May 1<sup>st</sup> to October 15, patio will operate during normal business hours, maintain appropriate levels of insurance, etc). A key element of this process was public consultation. The applicant was required to consult with owners and tenants within a 60 metre radius of the establishment and provide evidence of the consultation to the City. This ensured that neighbours were aware of, and had the opportunity to provide feedback on, the proposal.

The application was approved in May, 2014. The full sidewalk patio at Peddler's Pub officially opened in June, 2014. In a subsequent meeting, on July 7, 2014, the Operations Committee expressed support to include the Townhouse Tavern at 206 Elgin and Frank's Delicatessen at 112 Durham street in the Downtown Patio Pilot Program. Both businesses did not build their respective full sidewalk patios in 2014.

#### **Purpose:**

This report discusses the Downtown Sudbury BIA's request to change the status of the full sidewalk patio program from a pilot to a permanent program. The report also discusses the BIA's request to implement an incremental fee program for the full sidewalk patios.

#### **Discussion:**

On April 9, 2015, the Downtown Sudbury BIA Board passed the following resolution:

#### **"15-11**

**WHEREAS** the extended sidewalk patio 'Pilot Project' was very successful in 2014, generating very positive feedback from the public, businesses and media, including the need for more of this type of patio, including from a number of Downtown Sudbury BIA members;

**AND WHEREAS** this project fits with the philosophy and goals of the Downtown Master Plan ... *to transform the core into an active, safe and diverse destination for people, businesses, not-for-profits, agencies and new investments in all forms*;

**BE IT THEREFORE RESOLVED THAT** the City be requested to eliminate the 'Pilot' designation and to make the extended patio program permanent;

**AND FURTHER THAT** this be done in conjunction with a resolution to aggressively seek better parking solutions in the downtown."

The BIA staff canvassed downtown merchants for their thoughts and suggestions on the full sidewalk patio program. Responses to the member survey were generally very positive. For example, 89% of the 9 respondents viewed the addition of the full sidewalk patio pilot as positive.

#### *Analysis*

## From Pilot to Permanent Program

Existing sidewalk cafés are regulated under By-Law 2011-218 (A By-law of the City of Greater Sudbury to Regulate Road Occupancy Including Road Cuts, Temporary Closures and Sidewalk Cafes). Under this by-law, applicants are required to submit sketches of the proposal and to demonstrate insurance coverage. The By-law also establishes the permitting regime, enforcement, the term of sidewalk cafés (May 1 to September 30), and the collection of fees (via the City's Miscellaneous User Fees By-Law).

City staff supports the concept of the full sidewalk patio subject to the following considerations:

- that applicants for a full sidewalk patio be required to submit a design of the alternate pedestrian walkway. The design shall be prepared, signed and sealed by a professional structural engineer;
- that the alternative pedestrian walkway be at least 2.4 metres in width to allow for regular sidewalk maintenance (e.g. sweeping);
- that full sidewalk patios not be permitted on Elm Street;
- that the term of operations be changed from from "May 1 to September 30" to "May 1 to October 15".

Such an amendment would enjoy the full framework of the existing by-law and would not further burden the City with new regulation (e.g. the creation of a new, separate by-law). Indeed, the proposed amendment would establish a few extra requirements where and when a sidewalk café proposes to occupy the full width of the sidewalk.

The full sidewalk patio pilot program has generated positive reviews and has added to the vitality of the Downtown. The City has not received any complaints with regards to safety, cleanliness, noise, etc, associated with the patio experience in 2014.

The full sidewalk patio program is consistent with the broad goals of the official plan, and with the vision outlined in the *Downtown Master Plan and Action Strategy*.

An amendment to By-law 2011-218 to enable full sidewalk patios is recommended by City staff.

## Fees

The BIA further requested (April 9, 2015 correspondence) that "all fees (except for the Road Occupancy Permit fee) continue to be waived to allow applicants to recoup some of their significant investment and that a gradual escalating payment fee structure be considered thereafter."

Fees associated with By-law 2011-218 (A By-law of the City of Greater Sudbury to Regulate Road Occupancy Including Road Cuts, Temporary Closures and Sidewalk Cafes) include, but are not limited to, the cost of the road occupancy permit (\$36) and the sidewalk lease rate (\$1.50 per m<sup>2</sup> per month). The cost of parking spaces is another fee associated with the full sidewalk patio. For example, the patio at 63 Cedar occupied two parking spaces. The cost of occupying one parking space for road occupancy purposes is \$13/day. The City's revenue for one parking space during the 2015 patio season would be \$1,560 (calculated at \$13/day for 120 days - May 1 to October 15, 2015 - excluding weekends).

The Downtown BIA has suggested a "gradual escalating payment fee structure" be implemented for the full sidewalk patio program. City staff have no objection to this proposal. The City could forego revenues from associated fees and parking from either a business specific perspective, or from a program specific perspective. Staff recommend waiving fees from a business perspective over a four-year period.

Under this proposal, the City would waive all fees in the first year of the business' full sidewalk patio project, save and except any applicable fees associated with CGS Building Services. The City would then waive 75% of the fees in year two, 50% of the fees in year three and 25% of the fees in year four.

**Summary and Recommendation:**

The City should direct staff to amend By-Law 2011-218 to provide for full sidewalk patios, and to implement a gradual fee structure, on the terms set out in this report. Doing so would be consistent with the vision of the Downtown Master Plan and goals of the City's official plan.



DOWNTOWN SUDBURY  
7 CEDAR ST. UNIT 102  
SUDBURY, ON P3E 1A2  
705 674 5115  
www.downtownsudbury.com

Via email

April 10, 2015

Operations Committee  
City of Greater Sudbury

**RE: EXTENDED SIDEWALK PATIO PROJECT**

---

As you are aware, a 'pilot' project for the 'extended sidewalk patio' was undertaken in 2014 with Mr. Dennis Gainer, at Peddlers Pub on Cedar St. This was based on the very successful program operating in Downtown Barrie.

The project was very successful in spite of the cool and wet season last year. Attached you will see comments and feedback received from the general public (through our Downtown Sudbury Facebook page), as well as a summary of feedback received from neighbouring businesses to Peddlers Pub. In addition, there was interest from two (2) additional businesses in 2014 to participate in this project (and approval received from the Operations Committee to extend the 'Pilot' Project to include these two requests). Unfortunately, due to timing and cost they were not able to undertake the project last year – but – at least one will be making application this year.

In addition, to ensure continuity in the aesthetic look of this program, 'Downtown Sudbury' BIA purchased the engineering drawings that were used by Peddlers Pub and will become a standard requirement for future patios.

You will see that comments/feedback has been very positive from both BIA members and the general public, with the hope that there will be more patios this summer:

- the general public ... would love to see more such patios as it creates the 'ambiance' they are looking for in downtown (this feedback has been received through numerous social media postings as well as one-on-one discussions)
- economic impact ... many neighbouring businesses have indicated that their sales increased when the patio opened and that they have gained new customers/walk-in traffic
- Peddlers has indicated that, while slow to start (due to weather), the project was very successful. They in fact received reservations from various groups/businesses that have not been downtown in a long time.

In addition, this project supports the intentions of the Downtown Master Plan– to *'transform the core into an active, safe and diverse destination for people, businesses, non-for-profits, agencies and investments in all forms'*, as well as *creating a destination attraction.*

...2

As a result the Board of Directors of 'Downtown Sudbury' BIA respectfully request that the 'Pilot' be removed from this project and that the Extended Sidewalk Patio Program become permanent, as per the following resolution passed at the April 9<sup>th</sup> meeting of the Board:

**15-11**

**WHEREAS** the extended sidewalk patio 'Pilot Project' was very successful in 2014, generating very positive feedback from the public, businesses and media, including the need for more of this type of patio, including from a number of Downtown Sudbury BIA members;

**AND WHEREAS** this project fits with the philosophy and goals of the Downtown Master Plan ... *to transform the core into an active, safe and diverse destination for people, businesses, not-for-profits, agencies and new investments in all forms*;

**BE IT THEREFORE RESOLVED THAT** the City be requested to eliminate the 'Pilot' designation and to make the extended patio program permanent;

**AND FURTHER THAT** this be done in conjunction with a resolution to aggressively seek better parking solutions in the downtown.

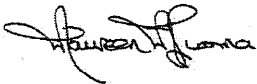
**CARRIED**

We would also request that all fees (except for the Road Occupancy Permit fee) continue to be waived to allow applicants to recoup some of their significant investment and that a gradual escalating payment fee structure be considered thereafter.

'Downtown Sudbury' BIA will continue to work with proponents through their application process, assisting with concerns raised and, as this is a new program, recommending any changes that may be required as it moves forward.

Thank you for your support to this project and your consideration to the request to make the Extended Patio Program permanent.

Yours truly,



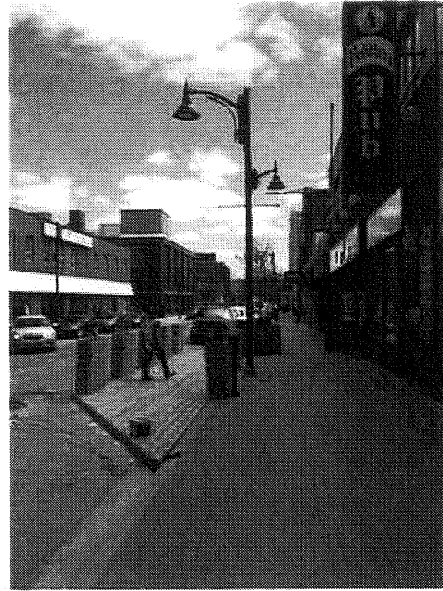
Maureen M. Luoma  
Executive Director

Att.

**FULL EXTENDED PATIO ... 'PILOT' PROJECT 2014  
PEDDLERS PUB (Cedar St.)**

---

**UNDER CONSTRUCTION ...**



**UP & RUNNING ...**





## Member Input

As you may recall the summer of 2014 saw the introduction of a Full Sidewalk Patio courtesy of, Peddler's Pub to the streetscape of Downtown Sudbury. Similar versions of the full sidewalk patio have met with success in other parts of the province and we are hoping to build on that success locally.

Despite setbacks with weather the pilot project with Peddler's Pub gained a foot hold in the Downtown scene with the pub, the public and other establishments now wishing to move forward with similar endeavours in 2015.

At this time we would like to gather some input from Downtown Businesses on their thoughts/suggestions on the Full Sidewalk Patio Project as we embark on the 2015 Full Sidewalk Patio season.

**\* This survey was conducted with 9 businesses in the immediate block/area of the Full Sidewalk Patio and reflects their views**

1. **Would you view the addition of the Full Sidewalk Patio as positive?**

89% - Positive (8)                      11% - Negative (1)

2. **Any concerns/issues about the loss of on-street parking because of the patio?**

44% - No Concerns (4)      56% - Concerns (5)

**Of the responses having a concern with loss of parking the comments were more general in nature then specifically directed at the patio program.**

- \* The loss of parking is bad, but the beautiful patio makes up for that**
- \* Parking Downtown is always terrible**
- \* Parking is a definite concern for us with any space lost compounding the issue**
- \* Parking Downtown is always a source of complaint with customers hence the need for a multi-level parking facility**

3. **Did you experience any changes to maintenance and litter pick-up as a result of the patio?**

100 % - No Issues (9)

4. **Was there any concerns regarding the safety for vehicles and pedestrians because of the patio?**

89% - No Concerns (8)  
11% - No Response (1)

5. **Did you receive any customer feedback regarding the Full Sidewalk Patio?**

56% - No Feedback Received (5)  
11% - Wished we had a patio as well (1)  
22% - Complaints regarding parking (2)  
11% - No Response (1)

6. **Any additional comments you would like to add?**

- \*There should be more full sidewalk patios.**
- \*Great Job**
- \* I Love the vibe of outdoor patios...Great Addition to the Downtown**
- \*Super nice patio, great to meet friends after work**

Presented To:	Operations Committee
Presented:	Monday, May 04, 2015
Report Date	Tuesday, Mar 24, 2015
Type:	Managers' Reports

## Request for Decision

### Traffic Control - Landry Street at Albert Street, Azilda

#### Recommendation

THAT the City of Greater Sudbury change the existing Yield sign facing eastbound traffic on Landry Street at Albert Street to a Stop sign;

AND THAT a by-law be presented to City Council to amend Traffic and Parking By-Law 2010-1 in the City of Greater Sudbury to implement the recommended changes in accordance with the report from the General Manager of Infrastructure Services dated March 24, 2015.

#### Background

The City's Roads and Transportation Services Division received a request to review the traffic control at the intersection of Landry Street and Albert Street in Azilda (see Exhibit 'A').

Landry Street intersects Albert Street forming a "T" intersection. Currently, the intersection is controlled by a Yield sign facing eastbound traffic on Landry Street. A Yield sign is appropriate when the traffic volume is low, sight lines are good and stopping is not always required. At this intersection, sight lines are restricted for eastbound traffic on Landry Street when vehicles are parked in the driveway for 301 Albert Street and by the trees in the northwest corner of the intersection.

In order to improve safety at the intersection, it is recommended that the existing Yield sign be changed to a Stop sign facing eastbound traffic on Landry Street.

#### Signed By

##### Report Prepared By

Dave Kivi  
Co-ordinator of Transportation & Traffic Engineering Services  
*Digitally Signed Mar 24, 15*

##### Division Review

David Shelsted  
Director of Roads & Transportation Services  
*Digitally Signed Mar 24, 15*

##### Recommended by the Department

Tony Cecutti  
General Manager of Infrastructure Services  
*Digitally Signed Mar 24, 15*

##### Recommended by the C.A.O.

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Apr 29, 15*



# EXHIBIT A



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**Subject Intersection**



287

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LANDRY



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ALBERT

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32

Traffic Control
Landry Street at Albert Street
March 12, 2015

## For Information Only

### Implementation of Hauled Liquid Waste Tipping Fees

Presented To: Operations Committee

Presented: Monday, May 04, 2015

Report Date Wednesday, Apr 29, 2015

Type: Managers' Reports

#### Recommendation

For Information Only

#### Finance Implications

The projected revenue from the tipping fees has already been included in the 2015 operating budget.

## Background

### INTRODUCTION

One of the priorities identified in the Water/Wastewater Tactical Plan was to enhance our prevention programs in order to ensure we comply with environmental legislation and protect our environment. Through our Source Control Program we will be able to meet those challenges by using a two step program. The first step is to control and monitor septage receiving and the second step is to administer and enforce the hauled liquid waste process. The program will take the necessary steps to protect the infrastructure system / treatment facilities and the environment. The receiving, handling and cost recovery of the private liquid waste from private properties is outlined in this report.

### BACKGROUND

In January the City of Greater Sudbury's Wastewater Rates By-law 2015-5 was approved by Council. The policies adopted by Council in this By-law direct our staff to ensure that all wastewater costs are fully recovered through wastewater rates. Schedule A-1, Part 5 outlines the "tipping fees" set for the receiving and treatment of septage from septic tanks and septic holding tanks. These fees have been derived after numerous sampling and testing of both types of septage were conducted by City staff.

#### Signed By

**Report Prepared By**

Dave Brouse  
Compliance Supervisor  
*Digitally Signed Apr 29, 15*

**Division Review**

Nick Benkovich  
Director of Water/Wastewater Services  
*Digitally Signed Apr 29, 15*

**Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Apr 30, 15*

**Recommended by the C.A.O.**

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Apr 30, 15*

Following similar practices of other municipalities across Ontario, the tipping fees were calculated in order to ensure full recovery of costs incurred by the City in receiving, treating and releasing the hauled liquid waste into the environment. This program is anticipated to improve the service process of hauling liquid waste, the proper treatment and disposal of the liquid waste, and improve the health of our local environment.

## CURRENT PROCESS

Private septic and holding tanks are currently evacuated by private haulers throughout the City. The raw septage is pumped into a licensed liquid waste truck and payment to perform this service is made by the private property owner directly to the liquid waste hauling company. Liquid waste is then hauled and discharged into 1 Of 3 MOECC approved septage pond sites operated by CGS . Given the limited treatment applied, the liquid waste hauler discharges the collected liquid waste into the CGS site(s) at no additional cost to the hauler/septic system owner.

## NEW PROCESS

The same existing process of evacuating a private septic tank or holding tank will be followed. All septic wastewater will be delivered to the new Receiving Station located at the Sudbury Wastewater Treatment Plant located on Kelly Lake Rd. The existing septage ponds will be closed and decommissioned shortly after the opening of the new receiving station. In keeping with the Water/Wastewater Tactical Plan and ensuring that liquid waste entering our treatment facility complies with environmental legislation and has no negative impact on the environment, all discharges into the receiving station will be measured and monitored.

The costs incurred for the receiving and treatment of this liquid waste will be recovered through tipping fees, ensuring that only the users of this service bear the cost associated with handling their liquid waste. Private haulers and the tipping fee will be collected from the property owner at the same time as the haulers pumping fee. Hauled liquid waste companies will be invoiced on a monthly basis by the CGS in order to collect the outstanding tipping fees. As per the Wastewater Rates By-law 2015-5, receiving and treatment of said liquid waste from septic tanks will be charged \$32/m<sup>3</sup>. Owners of approved liquid waste holding tanks will also be initially charged the same \$32/m<sup>3</sup> tipping fee, but will be eligible for a rebate of \$16/m<sup>3</sup> three or four times a year.

The new process of receiving liquid waste will be reviewed by staff once we have actual recorded volumes of hauled liquid waste received at our facility. The tipping fees involved in this process will be reviewed and analyzed on an annual basis thereafter.

## REBATE PROCESS

Owners of private holding tanks who have paid a licensed hauler to evacuate the waste from their holding tank system may apply for the rebate. Proof of property ownership, proof of a SDHU approved holding tank system, and proof of payment to their licensed hauler will allow property owners to be eligible for the rebate program. Rebate applications will be received by the Water/Wastewater Section throughout the year and rebate payments will be made three of four times a year to the property owner.

## KEY IMPROVEMENTS

- Provides a sustainable funding model
- Higher level of environmental protection
- Public education & outreach initiatives
- Implementation for “Go Live” date set for May 19th, 2015

## DISCUSSION

Property owners serviced by private Sewage systems in the City of Greater Sudbury are responsible for the disposal of their own liquid waste. By having the liquid waste hauler charge the full tipping fee to every septic system owner ensures full cost recovery for the CGS. No errors can be made by haulers mistaking septic tanks for holding tanks, ensuring that a fair cost recovery system exists. Holding tank owners must prove to CGS that their septic system is an approved holding tank prior to receiving the rebate. The rebate system will ensure that holding tank owners will be able to recover the rebate funds in a sufficient time period.

## CONCLUSION & TIMELINES

A public information session was held on April 30th, 2015 and staff has developed a PSA and public information brochures. Liquid waste haulers have also been instrumental in informing and educating their clients of the new tipping fees required under the By-law. Testing of the new receiving station has been ongoing and local hauled liquid waste haulers have been participating in the testing of the new receiving station. It is expected that the new system will come into effect on May 19<sup>th</sup> 2015.

**By-Law 2015-5**

**A By-Law of the City of Greater Sudbury  
to Establish a Water and Wastewater Policy  
and Water and Wastewater Rates and Charges  
in General and for Special Projects**

**Whereas** the Council of the City of Greater Sudbury deems it desirable to establish a Water and Wastewater Policy and water and wastewater rates and charges;

**And Whereas** Council of the City of Greater Sudbury has determined to construct as Special Projects, certain water works, referred to as the Lionel E. Lalonde Centre Water Servicing Project and certain sewer works, known as the South End Sewer Rock Tunnel Project and certain sewer and water works, referred to as the Kingsway Sewer and Water Project, to service and benefit users of those systems;

**And Whereas** the Council is authorized by Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*") to impose a water works rate or a sewer works rate, as the case may be, upon owners or occupants of land who derive or will derive a benefit from the construction of water works or sewer works or sewer and water works as the case may be, sufficient to pay all or such portion of the capital costs of those works as Council deems appropriate;

**And Whereas** the lands to be benefitted and charged with the water works under the Lionel E. Lalonde Centre Water Servicing Project are all lands in a specified Project Area connecting to the system;

**And Whereas** the lands to be benefitted and charged with the sewer works under the South End Sewer Rock Tunnel Project are all lands in a specified Project Area connecting to the system;

**And Whereas** the lands to be benefitted and charged with the sewer and water works under the Kingsway Sewer and Water Project are all lands in a specified Project Area connecting to the system;

**And Whereas** the Municipality has determined that a portion of the capital costs of each such Special Project shall be charged against the lands in the Project Area for that Special Project;

**Now Therefore the Council of the City of Greater Sudbury Hereby Enacts as Follows:**

**Part 1 - Water and Wastewater Policy**

1. The following policies are adopted by the Council of the City of Greater Sudbury as the Water and Waste Water Policy:

- (a) The City shall fully recover water and wastewater costs through water and wastewater rates, with the exception of water costs for fire protection which shall be recovered through the general levy;
- (b) Net water costs shall be financed by both a fixed charge and a variable consumption rate and net wastewater costs shall be recovered through a wastewater rate stated as a percentage of the water bill;
- (c) The City's sustainable capital asset management program shall be continued, for the purpose of financing the renewal of water and wastewater infrastructure systems. The water and wastewater capital allocation for this purpose shall be increased in accordance with the City's

"Financial Plan for Water and Wastewater Services", dated March 1st, 2011, as updated and approved by Council every five years, or more often as required until such time as capital contributions for water and wastewater equal 2% of the water and wastewater infrastructure replacement value;

- (d) Effective on January 1<sup>st</sup> in each year, the Chief Financial Officer / Treasurer shall establish the rates for water and wastewater for that calendar year based on the proposed net budget for the year inclusive, but not limited to, inflation adjustments and increases in sustainable capital asset management as provided in this By-law as well as changes in consumption levels. The Chief Financial Officer / Treasurer shall advise Council of these new rates and the rates set out in this By-law shall be deemed to be amended accordingly effective January 1<sup>st</sup> of that year;
- (e) Any net surplus generated from water services in any year shall be contributed to the existing Capital Financing Reserve Fund - Water and any deficiency in any year shall be funded from the same reserve fund. Any net surplus generated from wastewater services in any year shall be contributed to the existing Capital Financing Reserve Fund - Wastewater, and any deficiency in any year shall be funded from the same reserve fund; and
- (f) The water rates set for Bulk Water filling Station use shall reflect the cost of operating the Bulk Water Filling Station.

- (g) Except as otherwise provided in Subsections 2(1), 2(2), 2(3), 4(1) and Paragraph 4(2)(a), the fees provided for in this By-law shall be automatically adjusted for inflation on January 1st, 2016 and on January 1st in every year thereafter by the Chief Financial Officer / Treasurer in the amount the Chief Financial Officer / Treasurer deems appropriate, based on the greater of 3% and the September Stats Can Consumer Price Index for all items and provided further that the Chief Financial Officer / Treasurer may consider previous Index changes, and previous fee adjustments or no-adjustments in making her or his determination, and the Chief Financial Officer / Treasurer shall inform Council of these annual adjustments, and this By-law shall be deemed to have been amended accordingly.

## **Part II - Water Rates And Charges**

### **Rates and Charge Imposed**

2. The rates and charges set out in this Part are hereby fixed on the owner of each separately assessed parcel of land which is serviced by a watermain, whether or not a connection has been made, and on which one or more buildings or structures are situated. The rates and charges herein set out are hereby fixed as the rates and charges for the work, services and usages set out:

### **Water Consumption Charge - Metered Accounts**

(1) For water consumed, as indicated by meter readings, the water rate shall be determined in accordance with Schedule A.



## Water Consumption Charge - Flat Rate Accounts

- (2) Where no meter is installed in:
- (a) a single family dwelling, a monthly flat rate determined in accordance with Schedule "A" shall be applied;
  - (b) a multiple dwelling building, a monthly flat rate determined in accordance with Schedule "A" shall be applied for each dwelling unit in that multiple dwelling building; or
  - (c) a commercial or industrial building, a monthly flat rate shall be estimated by the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury, acting jointly, based on the metered consumption of similar establishments. Provided however, that on application by the owner, the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury may, in special cases as they deem fit establish a lower monthly flat water rate to be paid.

## Fixed Charge

- (3) In addition to the provisions of subsection 2(1) and 2(2) above, a monthly fixed charge is hereby fixed, based on the size of the water meter, or where there is no water meter, based on the size of the water service connection determined in accordance with Schedule "A":

## Standby Rates

- (4) Where the water supply has been turned off for any reason, the monthly fixed charge as provided for in Subsection 2(3) shall apply, based on the size of the water meter, or where there is no water meter, based on the size of the water service connection.

### Fixed Charge – Exceptions

- (5) No fixed charge shall be applied to:
- (a) a vacant lot, even if such lot is serviced;
  - (b) a property with respect to which an “Order to Prohibit Use or Occupancy” made pursuant to the Building Code Act, 1992, S.O. 1992, c.23, has been issued by the Chief Building Official or his or her authorized designate, during the time that the order is in effect; or
  - (c) a property with respect to which an “Unsafe Order” made pursuant to the Building Code Act, 1992, S.O. 1992, c.23, has been issued by the Chief Building Official or his or her authorized designate, during the time that the order is in effect.

### Water Service Disconnect

(6) Where the City removes the water service connection at the request of the Owner, there shall be an additional charge in an amount as set out in Schedule “A” to this Bylaw for this service.

### Water Service Thawing

(7)(a) Where the City thaws a water service at the request of the Owner, there shall be an additional charge determined in accordance with the rates as set out in Schedule “A” to this By-law for this service.

(7)(b) Where the City installs, removes or provides thawing or other operational or maintenance needs for a bib system related to the private portion of the water services, there shall be an additional charge determined in accordance with the rates as set out in Schedule A for these services.

### Sprinkler System

(8) Where there is a sprinkler connection to a building, there shall be an additional annual charge in an amount as set out in Schedule “A” to this By-law for this service.

### Notification of Pending Water Shut-Off

(9) Where the City, whether directly or through Greater Sudbury Utilities Inc. sends personal notification of a pending water shut-off due to non-payment, there shall be an additional charge for each such notice in an amount determined in accordance with Schedule “A” to this By-law.

### Water Supply Shut-Offs or Turn-On Charges

(10) Where the City directly or through Greater Sudbury Utilities Inc., turns the water supply on or off to a particular property for any reason, there shall be an additional charge for each shut-off or turn-on in an amount determined in accordance with Schedule “A” to this By-law.

### Payment Required to Reinstate Service

(11) Where water to a property has been turned off for non-payment, water shall not be turned on again to that property until all outstanding amounts owing to the City pursuant to this By-law which pertain to that property have been paid.

### Special Rates

(12) Where by Agreement the City agrees to other special rates or charges, such Agreement shall take precedence over the rates or charges set out in this By-law.

### Trip Fee

(13) A fee in the amount set out in Schedule “A” to this By-law shall be imposed for each trip made by a representative of the City of Greater Sudbury or Greater Sudbury

Utilities Inc. to a property, where such appointment has been scheduled with the owner or occupier of that property, whether or not the owner or occupier attends the appointment.

#### Account Adjustment - Damages

(14) In circumstances where the City has determined that a meter, hydrant, valve, curb stop, pipe or other waterworks appliance or appurtenance outside or inside a property has been damaged, the City will adjust the water / wastewater charges for the period during which the charges were affected as a result of the damage, to a maximum period of two years. Charges will be based on consumption levels established after the damage to the meter, hydrant, valve, curb stop, pipe or other waterworks appliance or appurtenance outside or inside the property is remedied, in order that accurate readings can be obtained of the consumption levels. The backcharges billed in this fashion shall be due and payable on the water / wastewater billing date unless alternate payment arrangements acceptable to the City's General Manager of Infrastructure Services or his or her authorized designate are made.

Interest on unpaid amounts shall run from the due date set out on the invoice.

#### Private Sewer Lateral - Repeat Call Outs

(15) A fee determined in accordance with the rate set out in Schedule A to this By-law for call-outs during regular hours or after regular hours, as the case may be, shall be imposed for the second and each subsequent callout in circumstances in which repairs to private sewer laterals are not carried out in accordance with the original assessment made by City staff.

### Operator in Charge

(16) A fee determined in accordance with the rate set out in Schedule A to this By-law shall be imposed when the attendance of an operator in charge is required at a work site to supervise affected water and wastewater infrastructure during regular hours or after regular hours, as the case may be.

### Tapping

(17) A fee determined in accordance with the rate set out in Schedule A to this By-law shall be imposed in circumstances in which City staff are required to install a new water connection on a live watermain during regular hours or after regular hours, as the case may be.

### Valve Turning

(18) A fee determined in accordance with the rate set out in Schedule A to this By-law shall be imposed in circumstances in which City staff are required to turn valves on the watermain during regular hours or after regular hours, as the case may be.

### Fire Flow Testing

(19) A fee determined in accordance with the hourly rate set out in Schedule A to this By-law shall be imposed in circumstances in which City staff are required to perform fire flow testing on private hydrant systems;

### Hydrant Water Use

(20) In circumstances where use of City hydrants has been authorized for purposes other than City use, the user shall be charged:

- (a) a fee determined in accordance with the hourly rate set out in Schedule A to this By-law for the use of City hydrants, the setup and rental of appropriate equipment;

- (b) a consumption fee determined in accordance with the rate per cubic meter of water used; and
- (c) a damage deposit for the use of the equipment, refundable upon return of the equipment in a condition satisfactory to the General Manager of Infrastructure Services, or retained in whole or in part for application against damages. The liability of the user for the equipment shall not be restricted to the amount of the deposit;

#### Account Adjustment – Billing Error

(21) Where a billing error from any cause has resulted in an underbilling or overbilling of water / wastewater charges, the City will adjust the billing for the period affected by the error to a maximum period of 2 years from the date the error is corrected at the rates applicable for that period. Where the amount of the error cannot otherwise be determined, the adjustment shall be based on the water consumption rate established after the error is detected.

#### Application of Adjustment

(22) Any adjustment arising from an overbilling shall be applied to reduce the amount owing on the next and subsequent invoices as necessary or refunded to the customer, if a surplus remains in circumstances where there will be no further invoices to the customer. Any additional charges resulting from an underbilling shall be added to the next following invoice and be due and payable in accordance with the invoice unless alternate payment arrangements acceptable to the City's General Manager of Infrastructure Services or his or her authorized designate are made. Interest on unpaid amounts shall run from the due date of the invoice.

## Water Meter

3. (1) A fee in an amount as set out in Schedule "A" to this By-law for a water meter is hereby fixed on all owners of buildings constructed after the date of passage of this By-law. This fee shall be paid at the time a Building Permit is applied for, and shall entitle the owner to a water meter up to 2 inches in diameter to be provided by the City for use in the building. The meter shall remain the property of the City throughout, and shall not be removed from the building.

(2) A fee based on the meter size and type, shall be payable to replace any lost, damaged or frozen water meter which is less than 20 years old, in an amount as set out on Schedule "A" .

(3) Where a lost, damaged or frozen water meter which is 20 or more years old, a fee equal to 50% of the fee established in Subsection 3(2) shall be paid.

(4) A fee in an amount as set out on Schedule "A" shall be payable to replace any water meter remote.

## **Part III - Wastewater Rates and Charges**

### Wastewater Rates and Charges

4. The rates and charges set out in this Part are hereby fixed on the owner of each separately assessed parcel of land which is connected to a sewer main and on which one or more buildings or structures are situated. Such rates and charges are in addition to the rates and charges in Part II.

The rates and charges hereinafter set forth are hereby fixed as the rates and charges for the work, services and usages described:

### Wastewater Rate

(1) A wastewater rate is hereby levied on all property owners to whom this Part applies, and whose land is connected to both a watermain and a sewermain, in the additional amount equal to the percentage specified in Schedule A of the totals of all charges that would otherwise be payable under Part II, Section 2, Subsections (1), (2) (3) and (4) hereof.

### Wastewater Rate - Special

(2) A wastewater rate is hereby levied on all property owners to whom this Part applies:

- (a) and whose land is connected to a sewermain and is not connected to a watermain, at the flat rate equal to the percentage specified on Schedule A of the amount that would be charged under Part II Subsection 2(2) hereof for the annual consumption of 324 cubic metres of water and under Subsection 2(3) hereof for a 5/8" water service connection; or
- (b) whose land is connected to a sewermain and a watermain, but have little or no water consumption, at a rate to be established by the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services.

### Flat Rate Adjustment

(3) On application by the owner, the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury, jointly, may, in special cases as they deem fit, establish a lower flat wastewater rate to be paid than set out in Subsection 4(2).



## Rebate

(4) On application by an owner who has demonstrated a significant difference between water and wastewater usage for his or her property, the General Manager of Infrastructure Services for the City of Greater Sudbury and the Chief Financial Officer / Treasurer acting jointly, may, in their discretion, authorize the payment of a rebate to the owner to compensate for an overpayment by the Owner of wastewater rates and fix the amount of any such rebate.

## **Part IV - Adjustments - Collection**

### Metered Rate Adjustments

5. (1) Where the Chief Financial Officer/Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury acting jointly and after proper investigation, determine that it would be unduly burdensome or otherwise unreasonable in the circumstances to require payment of the water or wastewater charges determined in accordance with this By-law, they may authorize such adjustment to the water or wastewater charges as they jointly determine to be appropriate in the circumstances.

(2) Upon application in writing by a consumer and provision of satisfactory evidence that plumbing problems have resulted in excess water / wastewater charges, the Chief Financial Officer/Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury or their respective designates, acting jointly may authorize a refund to the consumer on a one time basis of 50 % of the excess water/wastewater charges as determined upon consideration of meter readings and prior usage;

(3) In circumstances in which the General Manager of Infrastructure Services or his or her authorized designate has directed a resident in writing to run water during a specified 'run water' period as a preventative measure against freezing occurring within the City lines or for temporary quality control reasons, the water / wastewater charges

during the 'run water' period shall be adjusted to reflect a charge based on average consumption immediately prior to the 'run water' period. The General Manager of Infrastructure Services or his or her authorized designate may direct a meter reading be taken before and after the 'run water' period to assist in determining the adjustment.

(4) Where a commercial or industrial consumer establishes to the satisfaction of the General Manager of Infrastructure Services that a majority of the water used by that consumer is utilized in the production of a product such as ice, and where that consumer has installed a separate meter which measures the water used in production of the product, the General Manager of Infrastructure Services is authorized to refund to the consumer an amount equal to the waste water charge associated with the volume of water metered for use in the production of the product.

#### Interest on Overdue Accounts

6. The unpaid balance of water and wastewater accounts shall bear interest at the rate specified on Schedule A, calculated daily, from the date the account became overdue.

#### Overdue Amounts

7. Where any water or wastewater rates or part thereof, remains unpaid after the due date, the amount unpaid shall be a debt owing to the City of Greater Sudbury and may be recovered by action or by adding the debt to the tax roll and collecting it in the same manner as municipal taxes, as a Priority Lien.

### Part V

**Waterworks Rates to Recover the Capital Cost of Installing Water Services Necessary to Benefit Users of the Lionel E. Lalonde Centre Water Servicing System, Sewer Works Rates to Recover Part of the Capital Cost of the South End Sewer Rock Tunnel System and Water and Sewer Works Rates to Recover the Capital Cost of Installing Sewer and Water Services Necessary to Benefit Users of the Kingsway Sewer and Water Project**

## Definitions

### **8.** In this Part:

“Apartment Dwelling” means a building containing three or more Dwelling Units where the residential units are connected by an interior corridor or have a common entrance;

“Capital Cost” means the cost of constructing Sewage works or Water works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the works;

“Commercial” means any Non-Residential Development not defined under “Institutional” or “Industrial”;

“Commercial Office Use” means lands, building or structures used or designated for use for a practice of a profession, the carrying on of a business, occupation or conduct of non-profit organization including government;

“Development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 9 of this by-law and includes the redevelopment of land or the redevelopment, expansion, extension or alternation of a use, building or structure;

“Dwelling Unit” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

“Gross Floor Area” means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, or between the centre lines of party walls, of all floors above Grade;

“Industrial” means lands, building or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“Institutional” means lands, buildings or structures used or designed or intended for use by a university, college, school board or hospital for an institutional use as defined by the applicable zoning by-law for the City of Greater Sudbury;

“Multiple Dwelling” means all dwellings other than Single-detached, Semi-detached and Row Dwellings;

"Mixed Use" means means lands, building or structures or portions thereof used, or designed or intended for use:

- (a) in the case of the Kingsway Sewer and Water Project and the South End Sewer Rock Tunnel Project as both Residential and Commercial uses or both Residential and Industrial uses; and
- (b) in the case of the Lionel E. Lalonde Centre Water Servicing Project, as both residential and non-residential uses;

“Municipality” or “City” means the City of Greater Sudbury;

“Non-Residential Use” means lands, buildings or structures of any kind whatsoever used or portions thereof, used, designed or intended to be used for other than a Residential use and includes all Commercial, Industrial and Institutional uses;

“Owner” means the owner of land or a person who has made application for an approval for the Development of land upon which a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate are imposed;

“Project Area” means the land set out in Schedule “B” with respect to the Lionel E. Lalonde Centre Water Servicing Project, the land set out in Schedule “C” with respect to the South End Sewer Rock Tunnel Project and the land set out in Schedule “G” with respect to the Kingsway Sewer and Water Project;

“Redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure, or part thereof, from Residential use to Commercial or Industrial use or from Commercial or Industrial to Residential;

“Residential Uses” means lands, building or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a Single Detached Dwelling, a Semi-Detached Dwelling, a Row or Multiple Dwelling, an Apartment Dwelling, and the residential portion of a mixed-use building or structure;

“Row Dwelling” means a building divided vertically into two or more separate Dwelling Units, with at least 50% of the above-grade area of the main wall(s) on one or two sides of each Dwelling Unit attached to or the same as another Dwelling Unit;

“Semi-Detached Dwelling” means a building divided vertically into two Dwelling Units, each of which has a separate entrance and access to grade;

“Sewer Works” means any works for the collection, production, treatment, storage, supply or distribution of sewer, or any part of any such works constructed as part of the South End Sewer Rock Tunnel Project;

“Sewer Works Rate” means a charge for the capital cost of Sewer Works;

“Single-Detached Dwelling Unit” means a residential building consisting of one Dwelling Unit and not attached to another structure and includes mobile homes;

“Water and Sewer Works” means any works for the collection, production, treatment, storage, supply or distribution of water, and any works for the collection, production, treatment, storage, supply or distribution of sewer or any part of any such works constructed as part of the Kingsway Sewer and Water Project;

“Water and Sewer Works Rate” means a charge for the capital cost of the Water and Sewer Works;

“Water Works” means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works constructed as part of the Lionel E. Lalonde Centre Water Servicing Project; and “Water Works Rate” means a charge for the capital cost of Water Works.

### Rates Imposed

9. (1) Every Owner of land in the Project Area for the Lionel E. Lalonde Centre Water Servicing Project shall pay to the Municipality a Water Works Rate as calculated in this by-law, whenever the Owner’s lands are developed or redeveloped for Residential uses and the Development or Mixed Use Development requires an approval described in 9(4) below and the Owner’s land is connected to the Water Works system.

(2) Every Owner of land in the Project Area for the South End Sewer Rock Tunnel Project shall pay the Municipality a Sewer Works Rate as applicable and as calculated in this by-law, whenever the Owner’s lands are developed or redeveloped for Residential, Commercial or Industrial uses and the Development or Mixed Use Development requires an approval described in 9(4) below and the Owner’s land is connected to the Sewer Works system.

(3) Every Owner of land in the Project Area for the Kingsway Sewer and Water Project shall pay the Municipality a Water and Sewer Works Rate as applicable and as calculated in this by-law, whenever the Owner's lands are developed or redeveloped for Residential, Commercial or Industrial uses and the Development or Mixed Use Development requires an approval described in 9(4) below and the Owner's land is connected to the Water and Sewer Works system.

(4) Subject to subsection 9(5), Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be, shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land within a Project Area where the Development or Mixed Use Development requires:

- (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*;
- (b) the approval of a minor variance under Section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 50 of the *Condominium Act*, *R.S.O. 1990, c. C.26*; or
- (g) the issuing of a permit under the *Building Code Act*, S.O. 1992, c. 23, in relation to a building or structure.

(5) Where no approval described in Subsection 9(4) above is required, the Owner shall pay a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate

as calculated in this By-law when the Owner first connects to the Water Works, Sewer Works or Water and Sewer Works systems, as applicable.

### Rates

**10.** (1) Water Works Rates against land relating to the Lionel E. Lalonde Centre Water Servicing Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule “D”.

(2) Sewer Works Rates against land relating to the South End Sewer Rock Tunnel Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule “E”.

(3) Water and Sewer Works Rates against land relating to the Kingsway Sewer and Water Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule “F”.

### Calculation of Water Works Rates

**11.** The Water Works Rates applicable to land in the Project Area for the Lionel E. Lalonde Centre Water Servicing Project shall be calculated in the case of Residential Development or Redevelopment, or the Residential portion of a Mixed Use Development as the sum of the number of Dwelling Units as set out in Schedule “D”;

### Calculation of Sewer Works Rates

**12.** (1) The Sewer Works Rates applicable to land in the Project Area for the South End Sewer Rock Tunnel Project shall be calculated:

- (a) in the case of Residential Development or Redevelopment as the sum of the number of Dwelling Units as set out in Schedule “E”;



- (b) in the case of Mixed Use Development or Redevelopment as the sum of the number of Dwelling Units for the residential portion plus the fee for the square metre area of the Commercial or Industrial portion as set out in Schedule “E”; or
- (c) for Industrial or Commercial Development or Redevelopment, based on the square metre area as set out in Schedule “E”.

#### Calculation of Water and Sewer Works Rates

**13.** (1)The Water and Sewer Works Rates applicable to land in the Project Area for the Kingsway Sewer and Water Project shall be calculated:

- (a) in the case of Residential Development or Redevelopment as the sum of the number of Dwelling Units as set out in Schedule “F”;
- (b) in the case of Mixed Use Development or Redevelopment as the sum of the number of Dwelling Units for the Residential portion plus the fee for the square metre area of the Commercial or Industrial portion as set out in Schedule “F”; or,
- (c) for Industrial or Commercial Development or Redevelopment, based on the square metre area as set out in Schedule “F”.

#### When Rates Payable

**14.** The Owner of land for which a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate is payable shall pay the applicable rate on the date of issuance of a building permit for the Development of the land, or where no building permit is required, on the date of the connection to the system, as applicable.

#### Applicable Projects

**15.**(1)The capital Water Works for which Water Works Rates shall be charged under this by-law are the Lionel E. Lalonde Centre Water Servicing Project.

(2) The capital Sewer Works for which Sewer Works Rates shall be charged under this By-law are the South End Sewer Rock Tunnel Project.

(3) The capital Water and Sewer Works for which Water and Sewer Works Rates shall be charged under this by-law are the Kingsway Sewer and Water Project.

#### Water Works Rates - Additional Rates

**16.** The Water Works Rates imposed by this By-law shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Water Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Water Works or the supply of the water.

#### Sewer Works Rates - Additional Rates

**17.** The Sewer Works Rates imposed by this By-law shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Sewer Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Sewer Works or right to use the sewer system.

#### Water and Sewer Works Rates - Additional Rates

**18.** The Water and Sewer Works Rates imposed by this By-law shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Water and Sewer Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Water and Sewer Works or the supply of water or right to use the sewer system.

#### No Exemption

**19.** No property is exempt from a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate imposed under this by-law by reason only that it is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c. A-31.

## Reduction

**20.** Where all or part of a Residential or Mixed Use building or structure is demolished or redeveloped, otherwise applicable Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be shall be reduced as follows:

- (a) where a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate has been imposed on the lands under a previous by-law, the reduction shall be equal to the previously imposed Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate, as the case may be;
- (b) where no Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate, as the case may be, has been imposed on the lands under a previous by-law, the reduction shall be calculated as in section 21 below, provided that:
  - (i) the Residential or Mixed Use building or structure was occupied within five years prior to the issuance of a building permit for Redevelopment of the lands; and
  - (ii) in the case where the Residential or Mixed Use building or structure is demolished, a demolition permit has been issued within five years prior to the issuance of a building permit for Redevelopment of the lands.

## Calculation of Reduction

**21.** Where a Residential or Mixed Use building or structure qualifies for a reduction in otherwise applicable Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be, pursuant to Section 20 above, the amount of reduction shall be equivalent to the total of:

- (a) the number of Residential Dwelling Units demolished or redeveloped multiplied by the applicable residential Water Works Rate in Schedule “D”, the applicable Sewer Works Rate in Schedule “E” or the applicable Water and Sewer Works Rate in Schedule “F”, as the case may be for the type of Residential Dwelling Unit demolished or redeveloped; and
- (b) the gross floor area used for Commercial or Industrial uses which has been demolished or redeveloped as the case may be multiplied by the applicable Sewer Works Rate in Schedule “E” or the applicable Water and Sewer Works Rate in Schedule “F”, as the case may be.

#### Maximum Reduction

**22.** A reduction shall not exceed the amount of the Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate as the case may be, that would otherwise be payable, and no reduction is available if the existing land use is exempt under this by-law.

#### No Rates Charged

**23.** Notwithstanding Section 9 above, no Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate as the case may be shall be imposed with respect to developments or portions of developments that result in:

- (a) an interior alteration to an existing building or structure which does not change or intensify the use of land;
- (b) the enlargement of an existing residential Dwelling Unit;

- (c) the creation of one or two additional residential Dwelling Units in an existing single detached dwelling where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing Dwelling Unit;
- (d) the creation of one additional Dwelling Unit in a Semi-detached or Row Dwelling where the total gross floor area of the additional unit does not exceed the gross floor area of the existing Dwelling Unit; or
- (e) the creation of one additional Dwelling Unit any other existing residential building provided the gross floor area of the additional unit does not exceed the smallest existing Dwelling Unit already in the building;

Transfer to Reserves

**24.** (1) Monies received from payment of Water Works Rates for the Lionel E. Lalonde Centre Water Servicing Project under this By-law shall be credited to the Capital Financing Reserve Fund - Water.

(2) Monies received from payment of Sewer Works Rates for the South End Sewer Rock Tunnel Project under this By-law shall be credited to the Capital Financing Reserve Fund - Wastewater.

(3) Monies received from payment of Water and Sewer Works Rates for the Kingsway Sewer and Water Project under this By-law shall be credited to the project while construction of the project is underway and after construction is completed to the Capital Financing Reserve Fund - Water or the Capital Financing Reserve Fund - Wastewater, as determined by the Chief Financial Officer/Treasurer.

### Transfer to Tax Roll

**25.** Where any Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate or part thereof, remains unpaid after the due date, the amount unpaid shall be a debt owing to the Municipality and may be collected by action or by adding same to the tax roll and collected in the same manner as municipal taxes, as a Priority Lien.

### Transfer to Reserve

**26.** (1) Where any unpaid Water Works Rates or part thereof are collected as municipal taxes under section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(1).

(2) Where any unpaid Sewer Works Rates or part thereof are collected as municipal taxes under section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(2).

(3) Where any unpaid Sewer Works Rates or part thereof are collected as municipal taxes under section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(2).

(4) Where any unpaid Water and Sewer Works Rates or part thereof are collected as municipal taxes under Section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(3).

## **Part VI -General**

### Priority Lien Status

**27.** Fees and charges for the supply of water and for the use of sewage system shall have priority lien status under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

## Invalidity

**28.** In the event any provision, or part thereof, of this by-law is found by a Court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

## Schedules

**29.** The following Schedules attached hereto are incorporated into and form a part of this By-law;

- (a) "Schedule "A" – Water Charges, Interest Rate, Water Service Charges and Bulk Water Rates";
- (b) Schedule "A-1" – Rates and Charges – Sewer Use By-law, 2010-188 as amended or replaced;
- (c) Schedule "B" - Project Area - Lionel E. Lalonde Centre Water Servicing Project;
- (d) Schedule "C" - Project Area - South End Sewer Rock Tunnel Project;
- (e) Schedule "D" - Water Works Rates - Lionel E. Lalonde Centre Water Servicing Project;
- (f) Schedule "E" - Sewer Works Rates - South End Sewer Rock Tunnel Project;
- (g) Schedule "F" - Water and Sewer Works Rates - Kingsway Sewer and Water Project; and
- (h) Schedule "G" - Project Area - Kingsway Sewer and Water Project.

**30.(1)** By-law 2013-290 and any amendments thereto are hereby repealed.

(2) The repeal of By-law 2013-290 as amended does not affect any offence committed against the By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Existing Charges Survive

**31.** Any rates and charges as established under By-law 2013-290 as amended which were due and payable under that By-law remain due and payable notwithstanding the repeal of the By-law.

Effective Date

**32.** This By-law shall come into force and take effect upon passage, save and except for Schedule A-1, Part 5, which shall come into effect on March 1<sup>st</sup>, 2015, or such later date on which the City's Septage Receiving Station becomes operational.

**Read And Enacted In Open Council** this 13th day of January, 2015

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk



**Schedule A to By-law 2015-5**

**Water Charges, Interest Rate, Water Service Charges  
and Bulk Water Rates for the 2015 Calendar Year (and until changed)**

Water Consumption Charge – Metered rates – see Subsection 2(1)

The rate shall be \$1.244 per cubic metre.

Water Consumption Charge – Flat Rate Accounts – see Subsection 2(2)

Where no meter is installed in a single family dwelling, or multi residential building a flat rate shall be applied that is equivalent to 21 cubic metres per single family dwelling or each unit in a multi-residential building.

Fixed Charges – see Subsection 2(3)

In addition to the Water Consumption Charges for Metered Rates or Flat Rates the fixed monthly charge based on the size of the water meter, or where there is no water meter, based on the size of the water service connection shall be:

<u>Meter/Service Size In Inches</u>	<u>Monthly Fixed Charge</u>
5/8 inches	\$ 15.71
1 inch	\$ 39.28
1 ½ inches	\$ 78.55
2 inches	\$ 125.68
3 inches	\$ 251.36
4 inches	\$ 392.75
6 inches	\$ 785.50
8 inches	\$ 1,256.80
10 inches	\$ 1,806.65

Wastewater Rate – see Subsection 4(1)

The applicable percentage rate where land is connected to both a watermain and a sewermain for the purposes of Subsection 4(1) is 119.5%

Wastewater Rate – Special – see Paragraph 4(2)(a)

The applicable percentage rate where land is connected to a sewermain but not to a watermain for the purposes of Paragraph 4(2)(a) is 119.5%

Interest Rate – Unpaid balance of Water and Wastewater Accounts – see Section 7  
 The applicable interest rate for unpaid balance of water and wastewater accounts for the purposes of section 7 is the rate established by Greater Sudbury Utilities Inc. for unpaid accounts.

Bulk Water Filling Stations

(fees and charges pursuant to Waterworks By-law 2010-214, as amended or replaced)

Bulk Water rate (see section 5.3(3) of the Waterworks By-law)	\$2.03 per cubic metre
To issue a Prepaid Bulk Water Station Filling card (first time) - (see subsection 5.4(1) of the Waterworks By-law)	\$50 per customer
To issue a replacement Prepaid Bulk Water Station Filling card (see subsection 5.4(1) of the Waterworks By-law)	\$20 per card

Schedule A to By-law 2015-5

Services	Fee in \$	HST	Total in \$	
<b>Water Service Charges</b>				
water service disconnect (each occasion) -see subsection 2(6)	298.00	N.A.	298.00	
thawing of water service at request of Owner -per hour, regular hours rate * -per hour, afterhours rate * For a two person crew -see subsection 2(7)(a)	173.00 262.00		173.00 262.00	
installation, removal of Bib System thawing and other operational or maintenance services related to the private portion of the service -per hour during regular hours * -per hour after hours * -see Subsection 2(7)(b)	86.50 131.00		86.50 131.00	
Sprinkler connection to building Per year – in addition to any other applicable charge -see subsection 2(8)	763.00		763.00	
Private fire hydrant – per year -see Waterworks By-law 2010-214 as amended or replaced - paragraph 5.1(e)	763.00		763.00	
Advice of pending water supply shutoff due to non-payment -see subsection 2(9)	39.00		39.00	
Water supply shut-off -see subsection 2(10)	76.00		76.00	
Trip charge for scheduled appointments with CGS staff or GSU staff payable in addition to other applicable fees -see subsection 2(13)	39.00		39.00	
Water Meter up to 2 inches in diameter -see subsection 3(1)	337.00		337.00	
Replace lost, damaged or frozen water meter, less than 20 years old -see subsection 3(2)				
5/8 inch positive displacement	160.00		N.A.	160.00
1 inch positive displacement	305.00			305.00
1.5 inch positive displacement	578.00	578.00		
2 inch positive displacement	724.00	724.00		
2 inch Tru/Flo	2,185.00	2,185.00		
3 inch turbine	1,101.00	1,101.00		
3 inch Tru/Flo	2,645.00	2,645.00		
4 inch turbine	1,989.00	1,989.00		
4 inch Tru/Flo	4,289.00	4,289.00		
6 inch turbine	3,525.00	3,525.00		
6 inch Tru/Flo	7,980.00	7,980.00		

<b>Service</b>	<b>Fee in \$</b>	<b>HST</b>	<b>Total in \$</b>
Water meter replacement – water meter 20 years or more old – 50% of rates above for meters less than 20 years old -see subsection 3(3)			
Replace water meter remote (cost of water meter remote only) -see subsection 3(4)	37.00	N.A.	37.00
Private sewer lateral Per hour- regular hours rate * Per hour – after regular hours rate * Second and each subsequent callout -see subsection 2(16)	86.50 131.00		86.50 131.00
Operator in charge Per hour – regular hours rate * Per hour – after regular hours rate * -see subsection 2(18)	86.50 131.00		86.50 131.00
Tapping Per hour – regular hours rate * Per hour – after regular hours rate * -see subsection 2(19)	86.50 131.00		86.50 131.00
Valve turning Per hour – regular hours rate * Per hour – after regular hours rate * -see subsection 2(20)	86.50 131.00		86.50 131.00
Fire Flow Testing Per hour – regular hours rate * Per hour – after regular hours rate * -see subsection 2(21)	86.50 131.00		86.50 131.00
Hydrant Water Use -consumption per cubic metre -equipment rental and setup -refundable equipment damage deposit -see subsection 2(22)	2.03 274.00 500.00		2.03 274.00 500.00

\* hourly rates shall be prorated to the nearest half hour on site

**Schedule "A-1" to By-law 2015-5      Page 1 of 4**  
**Charges Under the Sewer Use By-Law 2010-188**  
**as amended or replaced**

**for the 2015 Calendar Year**

**Part 1**

Sewer Use By-law Charges

<b>Application Fee for:</b>	<b>Fee in \$</b>
Overstrength Sewage Discharge Agreement	925
Sanitary Sewer Discharge Agreement	925
Sludge Discharge Agreement	925
Lecheate Discharge Agreement	925
Hauled Liquid Waste Permit	250
Hauled Liquid Waste Permit Renewal Fee	25
Compliance Program	1,050

## Part 2

**Charges Under the Sewer Use By-Law 2010-188 as Amended or Replaced  
for the 2015 Calendar Year**

**Discharge Surcharge Rates**Overstrength Sewage Discharge Agreement:

The surcharge for Overstrength Sewage under an Overstrength Sewage Discharge Agreement shall be calculated in accordance with the following formula:

$$S(dT) = WCC * WWR * V(dT) \left\{ 0.30 \left( \frac{TSS}{350} \right) + 0.15 \left( \frac{BOD}{300} \right) + 0.10 \left( \frac{TPC}{1} \right) + 0.40 \left( \frac{TP}{10} \right) + 0.05 \left( \frac{TKN}{100} \right) \right\}$$

- where
- S(dT) *Wastewater Surcharge* in dollars;
  - WCC *Water Consumption Charge* as provided in Schedule A to By-Law 2010-215;
  - WWR *Wastewater Rate* as provided in schedule A to By-Law 2010-215;
  - V(dT) *Total Volume*, in cubic metres, released during time interval dT;
  - TSS *Average Total Suspended Solids* in milligrams per litre as determined by lab testing during time interval dT;
  - BOD<sub>5</sub> *Average five-day Biochemical Oxygen Demand* in milligrams per litre as determined by lab testing during time interval dT;
  - TPC *Average Total Pheonolic Compounds* in milligrams per litre as determined by lab testing during time interval dT;
  - TP *Average Total Phosphorous* in milligrams per litre as determined by lab testing during time interval dT; and
  - TKN *Average Total Kjeldahl Nitrogen* in milligrams per litre as determined by lab testing during time interval dT.

Note: If any of the quotients given in the above equation are less than or equal to 1.0, then that expression defaults to zero. For instance:

if  $TSS = 200$  such that  $\frac{TSS}{350} = 0.57$  which is less than 1

then  $\frac{TSS}{350}$  is set to 0.

**Charges Under the Sewer Use By-Law 2010-188  
as amended or replaced  
For The 2015 Calendar Year**

**Part 3**

Sanitary Sewer Discharge Agreement – Surcharge

The surcharge payable for the discharge to the sanitary sewer of wastewater originating with water not from the City's water supply system shall be calculated in accordance with the following formula:

$$VWC(dT) = WCC * WWR * V(dT)$$

where	VWC(dT)	<i>Volumetric Wastewater Charge</i> , in dollars, covering the time period (dT) in question;
	WCC	<i>Water Consumption Charge</i> per cubic metre as provided in Schedule A to By-Law 2010-215;
	WWR	<i>Wastewater Rate</i> as provided in schedule A to By-Law 2010-215; and
	V(dT)	Total <i>Volume</i> , in cubic metres, released during the time period (dT) in question.

**Charges Under The Sewer Use By-Law 2010-188  
As amended or replaced**

**Part 4**

Leachate Tipping Fee

The holder of a Hauled Liquid Waste permit who is discharging Leachate in accordance with a Leachate Discharge Agreement shall pay a tipping fee for Leachate determined at the rate of \$25 per cubic meter.

**Part 5**

***Effective March 1<sup>st</sup>, 2015 or such later date on which the City's Septage Receiving Station becomes operational***

Hauled Liquid Waste Tipping Fee

For hauled liquid waste from septic tanks	\$32 per cubic metre
For hauled liquid waste from holding tanks	\$16 per cubic metre

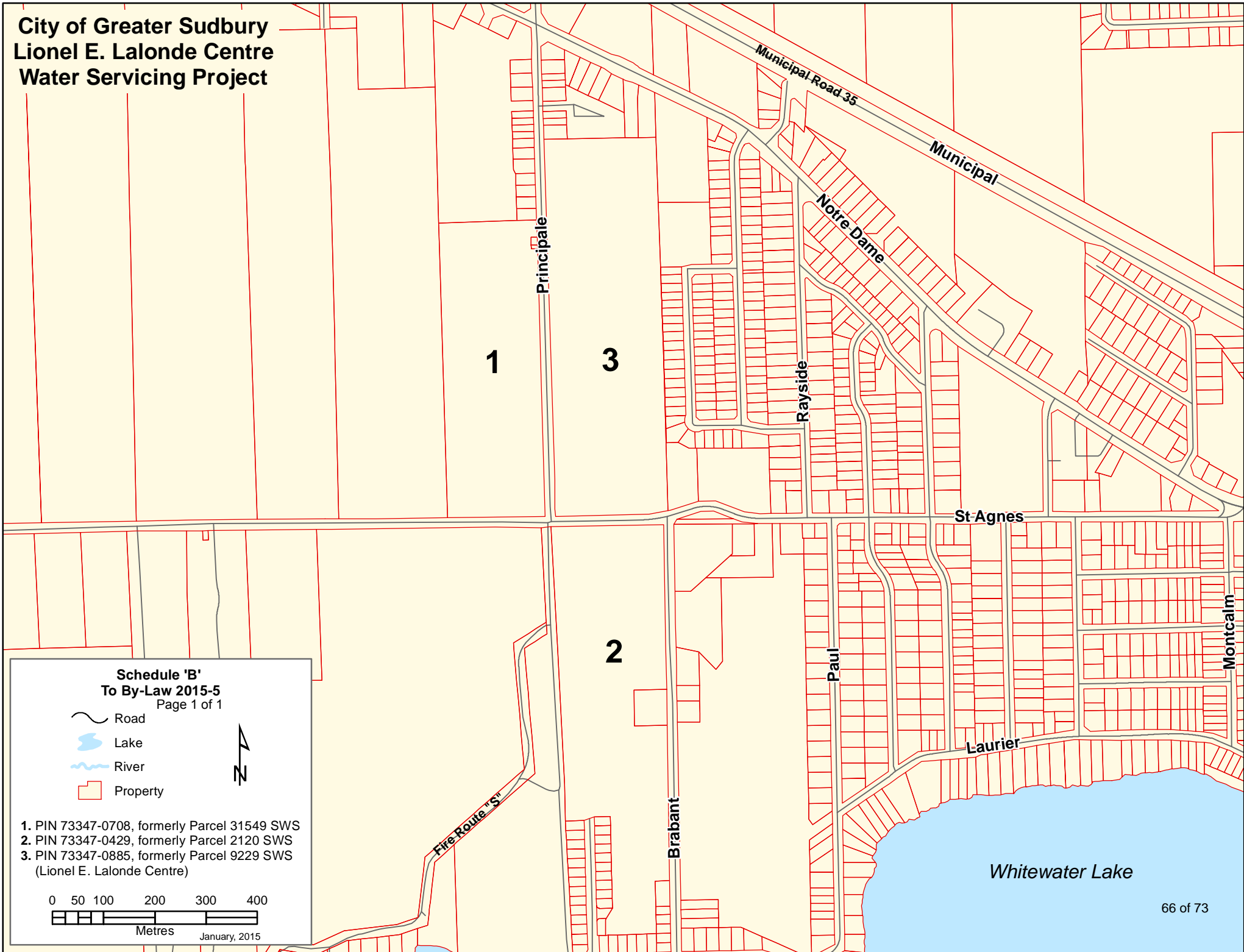


**Project Area – Lionel E. Lalonde Centre Water Servicing Project**

The Project Area consists of the following Parcels of Land and land conveyed from these:

- (1) PIN 73347-0708, formerly Parcel 31549, SWS
- (2) PIN 73347-0429, formerly Parcel 2120, SWS
- (3) PIN 73347-0885, formerly Parcel 9229, SWS (Lionel E. Lalonde Centre)

**City of Greater Sudbury  
Lionel E. Lalonde Centre  
Water Servicing Project**

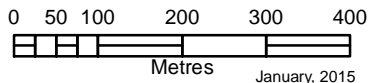


**Schedule 'B'**  
**To By-Law 2015-5**  
Page 1 of 1

- Road
- Lake
- River
- Property



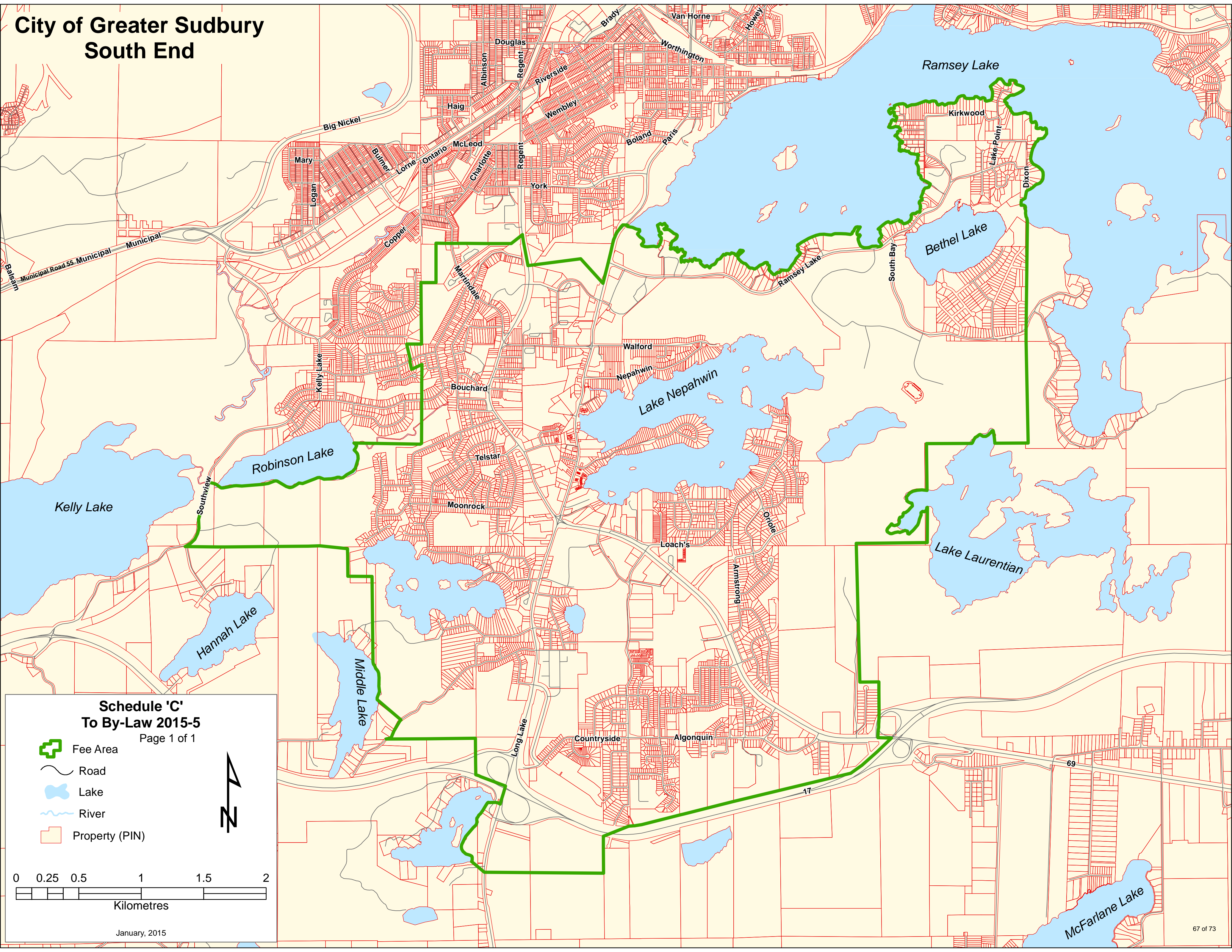
- 1. PIN 73347-0708, formerly Parcel 31549 SWS
- 2. PIN 73347-0429, formerly Parcel 2120 SWS
- 3. PIN 73347-0885, formerly Parcel 9229 SWS  
(Lionel E. Lalonde Centre)



January, 2015



# City of Greater Sudbury South End



**Schedule 'C'  
To By-Law 2015-5**  
Page 1 of 1

- Fee Area
- Road
- Lake
- River
- Property (PIN)

0 0.25 0.5 1 1.5 2  
Kilometres

January, 2015



**Schedule "D"  
to By-law 2015-5**

**Lionel E. Lalonde Centre Water Servicing Project**

Water Works Rates

<u>Service</u>	<u>Rate</u>
Water Works	\$495.00 per residential dwelling unit

**South End Sewer Rock Tunnel Project  
Sewer Rates**





<b>Period</b>		<b>Section 391 Fee</b>		
		<b>Single-detached, Semi-detached, Row dwellings, (per unit)</b>	<b>Multiple Dwellings (per unit)</b>	<b>Commercial / Industrial (per sq. metre)</b>
Years 1-5	Oct 26/06 to Dec 31/11	\$1,175	\$ 704	\$ 4.31
Years 6-10	Jan 1/12 to Dec 31/16	\$1,499	\$ 899	\$ 5.50
Years 11-15	Jan 1/17 to Dec 31/21	\$1,913	\$1,148	\$7.02
Years 16-20	Jan 1/22 to Dec 31/26	\$2,442	\$1,465	\$ 8.96
Years 21-25	Jan 1/27 to Dec 31/31	\$3,116	\$1,869	\$11.43
Years 26-30	Jan 1/32 to Dec 31/36	\$3,977	\$2,386	\$14.59
Years 31-35	Jan 1/37 to Dec 31/41	\$5,076	\$3,045	\$18.62
Years 36-40	Jan 1/42 to Dec 31/46	\$6,479	\$3,886	\$23.76

**Kingsway Sewer And Water Project  
Water and Sewer Works Rates**

Period		Section 391 Fee		
		Single-detached, Semi-detached, Row dwellings, (per unit)	Multiple Dwellings (per unit)	Commercial / Industrial (per sq. metre)
Years 1-5	Nov 1/07 to Dec 31/12	\$2,617	\$1,409	\$ 9.21
Years 6-10	Jan 1/13 to Dec 31/17	\$3,502	\$1,886	\$ 12.32
Years 11-15	Jan 1/18 to Dec 31/22	\$4,687	\$2,524	\$ 16.49
Years 16-20	Jan 1/23 to Dec 31/27	\$6,272	\$3,377	\$ 22.06

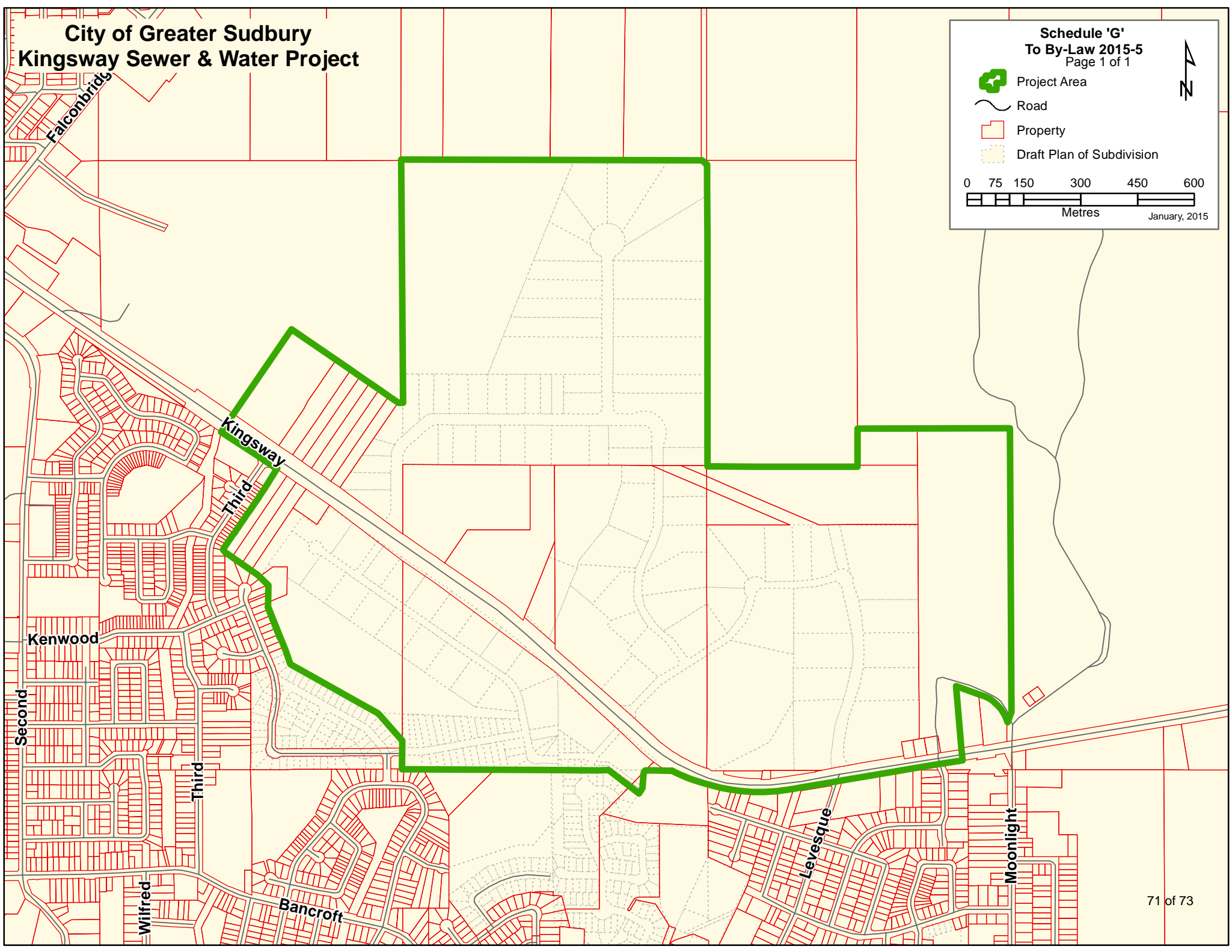
# City of Greater Sudbury Kingsway Sewer & Water Project

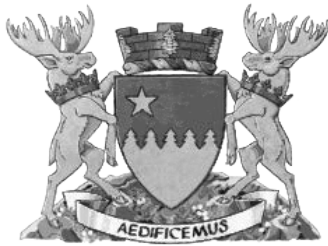
**Schedule 'G'**  
**To By-Law 2015-5**  
Page 1 of 1

-  Project Area
-  Road
-  Property
-  Draft Plan of Subdivision

0 75 150 300 450 600  
Metres

January, 2015





# City of Greater Sudbury Charter

**WHEREAS** Municipalities are governed by the Ontario Municipal Act, 2001;

**AND WHEREAS** the City of Greater Sudbury has established Vision, Mission and Values that give direction to staff and City Councillors;

**AND WHEREAS** City Council and its associated boards are guided by a Code of Ethics, as outlined in Appendix B of the City of Greater Sudbury's Procedure Bylaw, most recently updated in 2011;

**AND WHEREAS** the City of Greater Sudbury official motto is "Come, Let Us Build Together," and was chosen to celebrate our city's diversity and inspire collective effort and inclusion;

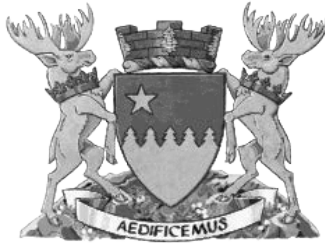
**THEREFORE BE IT RESOLVED THAT** Council for the City of Greater Sudbury approves, adopts and signs the following City of Greater Sudbury Charter to complement these guiding principles:

**As Members of Council, we hereby acknowledge** the privilege to be elected to the City of Greater Sudbury Council for the 2014-2018 term of office. During this time, we pledge to always represent the citizens and to work together always in the interest of the City of Greater Sudbury.

**Accordingly, we commit to:**

- Perform our roles, as defined in the Ontario Municipal Act (2001), the City's bylaws and City policies;
- Act with transparency, openness, accountability and dedication to our citizens, consistent with the City's Vision, Mission and Values and the City official motto;
- Follow the Code of Ethical Conduct for Members of Council, and all City policies that apply to Members of Council;
- Act today in the interest of tomorrow, by being responsible stewards of the City, including its finances, assets, services, public places, and the natural environment;
- Manage the resources in our trust efficiently, prudently, responsibly and to the best of our ability;
- Build a climate of trust, openness and transparency that sets a standard for all the City's goals and objectives;
- Always act with respect for all Council and for all persons who come before us;
- Ensure citizen engagement is encouraged and promoted;
- Advocate for economic development, encouraging innovation, productivity and job creation;
- Inspire cultural growth by promoting sports, film, the arts, music, theatre and architectural excellence;
- Respect our historical and natural heritage by protecting and preserving important buildings, landmarks, landscapes, lakes and water bodies;
- Promote unity through diversity as a characteristic of Greater Sudbury citizenship;
- Become civic and regional leaders by encouraging the sharing of ideas, knowledge and experience;
- Work towards achieving the best possible quality of life and standard of living for all Greater Sudbury residents;





# Charte de la Ville du Grand Sudbury

**ATTENDU QUE** les municipalités sont régies par la Loi de 2001 sur les municipalités (Ontario);

**ATTENDU QUE** la Ville du Grand Sudbury a élaboré une vision, une mission et des valeurs qui guident le personnel et les conseillers municipaux;

**ATTENDU QUE** le Conseil municipal et ses conseils sont guidés par un code d'éthique, comme l'indique l'annexe B du Règlement de procédure de la Ville du Grand Sudbury dont la dernière version date de 2011;

**ATTENDU QUE** la devise officielle de la Ville du Grand Sudbury, « Ensemble, bâtissons notre avenir », a été choisie afin de célébrer la diversité de notre municipalité ainsi que d'inspirer un effort collectif et l'inclusion;

**QU'IL SOIT RÉSOLU QUE** le Conseil de la Ville du Grand Sudbury approuve et adopte la charte suivante de la Ville du Grand Sudbury, qui sert de complément à ces principes directeurs, et qu'il y appose sa signature:

**À titre de membres du Conseil**, nous reconnaissons par la présente le privilège d'être élus au Conseil du Grand Sudbury pour le mandat de 2014-2018. Durant cette période, nous promettons de toujours représenter les citoyens et de travailler ensemble, sans cesse dans l'intérêt de la Ville du Grand Sudbury.

**Par conséquent, nous nous engageons à :**

- assumer nos rôles tels qu'ils sont définis dans la Loi de 2001 sur les municipalités, les règlements et les politiques de la Ville;
- faire preuve de transparence, d'ouverture, de responsabilité et de dévouement envers les citoyens, conformément à la vision, à la mission et aux valeurs ainsi qu'à la devise officielle de la municipalité;
- suivre le Code d'éthique des membres du Conseil et toutes les politiques de la municipalité qui s'appliquent à eux;
- agir aujourd'hui pour demain en étant des intendants responsables de la municipalité, y compris de ses finances, biens, services, endroits publics et du milieu naturel;
- gérer les ressources qui nous sont confiées de façon efficiente, prudente, responsable et de notre mieux;
- créer un climat de confiance, d'ouverture et de transparence qui établit une norme pour tous les objectifs de la municipalité;
- agir sans cesse en respectant tous les membres du Conseil et les gens se présentant devant eux;
- veiller à ce qu'on encourage et favorise l'engagement des citoyens;
- plaider pour le développement économique, à encourager l'innovation, la productivité et la création d'emplois;
- être une source d'inspiration pour la croissance culturelle en faisant la promotion de l'excellence dans les domaines du sport, du cinéma, des arts, de la musique, du théâtre et de l'architecture;
- respecter notre patrimoine historique et naturel en protégeant et en préservant les édifices, les lieux d'intérêt, les paysages, les lacs et les plans d'eau d'importance;
- favoriser l'unité par la diversité en tant que caractéristique de la citoyenneté au Grand Sudbury;
- devenir des chefs de file municipaux et régionaux en favorisant les échanges d'idées, de connaissances et concernant l'expérience;
- viser l'atteinte de la meilleure qualité et du meilleur niveau de vie possible pour tous les résidents du Grand Sudbury.