

NO: R015

COUNCIL DATE: January 24, 2011

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **January 20, 2011**

FROM: **General Manager, Engineering** FILE: **3900-20(2932)**

SUBJECT: **Amendments to Surrey Sanitary Sewer Regulations and Charges By-law, 2008, No. 16611**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Approve amendments, as documented in Appendix II to this report, to the Surrey Sanitary Sewer Regulations and Charges By-law, 2008, No. 16611; and
2. Authorize the City Clerk to bring forward the related amendment By-law for the required readings.

INTENT

The purpose of this report is to obtain Council approval to bring forward for the required readings by-law amendments to the Surrey Sanitary Sewer Regulations and Charges By-law, 2008, No. 16611.

BACKGROUND

The Surrey Sanitary Sewer Regulations and Charges By-law, 2008, No. 16611 (the "By-law") regulates extensions, connections, and use of the City's sanitary sewerage system and imposes connection charges, inspection fees, user rates and maintenance charges for the use of the City sanitary sewer system.

DISCUSSION

The By-law needs to be amended to address some housekeeping changes as well as some policy-related changes.

Housekeeping Amendments:

The housekeeping amendments are changes to the By-law that address minor inconsistencies that have been identified during the process of administering the By-law since it was adopted in 2008. These amendments are listed and described in Appendix I.

Policy-related Amendments:

Policy-related amendments are more substantive than housekeeping amendments since they introduce new provisions or fee amendments in the By-law. These are summarized in the following sections of this report.

The following amendments are necessary to ensure that sewer charges are collected in an equitable manner across all users. These amendments in the By-law are also being incorporated in a complementary manner in the Water By-law No. 16337. These Water By-law amendments are addressed in a separate report to Council.

Part 6, Section 109 – User Charges

At the request of a property owner, the City will turn off the water supply to a lot at the property line. There have been situations where once the water connection has been turned off by the City, the water connection is turned on again without authorization from the City and consumption has resumed without the City being aware. In some of these circumstances, the property owner has refused to pay for the water consumption that occurred after the City had turned the water connection off. The By-law is proposed to be amended to make it clear that the property owner is responsible to pay for all water and sewer charges relative to the actual water that is delivered from the City water system and consumed on a lot even during periods when the water connection is recorded by the City as being temporarily turned off. It is noted that metered Sewer charges are based on the metered volume of water delivered to a property.

Part 6, Section 104.1 – User Charges

Currently the By-law requires a “sewer usage” down payment from the developer in advance of a service connection being approved for any new multi-family residential development. The down payment covers the cost of sewer service during construction and initial occupancy of the development prior to the formation of the strata. Staff has found that the down payment required by the By-law is too large and results in a credit being provided to the strata in almost all cases. The proposed By-law amendments reduce the “sewer usage” down payment by approximately one-half to \$45.00/unit.

Legal Review

Legal Services Division staff has reviewed the proposed By-law amendments and has no concerns.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve amendments, as documented in Appendix II to this report, to the Surrey Sanitary Sewer Regulations and Charges By-law, 2008, No. 16611; and
- Authorize the City Clerk to bring forward the related amendment By-law for the required readings.

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General Manager, Engineering

JLU/brb

Appendix I - Proposed Housekeeping Amendments
Appendix II - Proposed amendments to Surrey Sanitary Sewer Regulations and Charges
By-law, 2008, No. 16611

APPENDIX I
Proposed Housekeeping Amendments

Proposed Change	Issue	Resolution
<p>Part 3 – General Provisions:</p> <p>1. Add a new Section 14.1 stating that holding tanks are not allowed within the Fraser Sewerage Area (FSA) and the City will not permit a service connection to a lot with a holding tank.</p> <p>Part 5 – Service Connections:</p> <p>1. Subsection – Eligibility for Service Connection: Add a new Section 29.1 stating that a parcel is not considered to have a fronting main where that main is a force main or a siphon. A fronting main is required to provide a service connection to a lot.</p> <p>2. Subsection – Building Sanitary Sewer: Add the definition of the word “building sewer maintenance” to Section 61.</p>	<p>The City does not support holding tanks because of the high cost of maintaining them and the risk to the environment when maintenance plans are not followed.</p> <p>The Subdivision & Development Control By-law prohibits holding tanks; however, not all development applications (i.e., building permits) are regulated by the Subdivision & Development By-law.</p> <p>Due to the operating function of force mains and siphons, service connections are not permitted to these systems.</p> <p>Existing City Policy regarding this issue only applies to properties located outside the Fraser Sewerage Area – typically in agricultural areas.</p> <p>Owners are not fully aware of their responsibilities when it comes to maintaining the building sewer located on private property.</p>	<p>Add text stating that holding tanks are not allowed to be installed on properties located within the serviceable areas of Surrey (Fraser Sewerage Area).</p> <p>Add text stating that force mains and siphons do not qualify as fronting mains.</p> <p>Add wording to define “building sewer maintenance” responsibilities.</p>

Proposed Change	Issue	Resolution
<p>3. Subsection – Building Sanitary Sewer: For consistency with the change to Section 61, add wording to Section 63 regarding the Owner’s maintenance responsibilities related to times when the City may enter the parcel to make repairs.</p>	<p>The By-law does not specifically state that the Owner is responsible to repair or replace the building sanitary sewer.</p>	<p>Add the words, “fails to repair or replace a building sanitary sewer”, as a condition when the City may enter the parcel to undertake repairs and/or replacements at the Owner’s expense.</p>
<p>4. Subsection – Industrial, Commercial and Institutional Inordinate Discharges: change Section 70(b) from “7.5 litres/second” to “7.5 litres/parcel.”</p>	<p>Vacuum sewer flow rates are expressed as litres/parcel in any 15 second interval.</p>	<p>Correct the way in which the peak flow discharge of vacuum sewers is stated in the By-law.</p>
<p>5. Subsection – Discontinuation and Re-instatement of Service: Replace Sections 80 and 81 to state the requirements when discontinuing a service connection on both a temporary and permanent basis.</p>	<p>Existing Sections 80 and 81 do not state the requirement for notification and approval when discontinuing use of a service connection. The City needs to know the status of all service connections.</p>	<p>Add the additional requirements for Owners to provide written notification to the City and receive City approval before discontinuing use of service connections. This change is consistent with the wording found in the Water By-law.</p>
<p>6. Subsection – Discontinuation and Re-instatement of Service: Add a new Section 84.1 regarding groundwater infiltration.</p>	<p>Groundwater is not allowed to enter the City system. It presents an additional load to the City’s system and increases pumping and treatment costs unnecessarily.</p>	<p>Should groundwater be found to enter a building sewer, the Owner is responsible to correct the problem.</p>
<p>Schedule “C” Charges:</p> <p>1. Add wording to clarify that connection charges established by separate by-law or agreement (Local Area Service, latecomer agreement) shall take precedence over the City’s normal connection charges.</p>	<p>The current wording in the By-law is not entirely clear that connection charges established under separate by-laws or agreements take precedence over the City’s normal connection charges.</p>	<p>Add wording to this By-law clarifying the hierarchy of connection charges.</p>

Proposed Amendments to Surrey Sanitary Sewer Regulation and Charges By-law, 2008, No. 16611 (the "By-law")

That the By-law be further amended as follows:

1. By adding a new Section 14.1 immediately following existing Section 14 as follows:
 - 14.1. Holding tanks are not allowed on any *parcel* within the Fraser Sewerage Area, and the *City* will not permit a *service connection* to a *parcel* that contains a holding tank.
2. By adding a new Section 29.1 immediately following existing Section 29 as follows:
 - 29.1. For the purposes of Section 29, a *parcel* will not be considered to be fronting on the *sanitary sewerage system* where the *sanitary sewerage system* in question is a force main or a siphon.
3. By deleting the period after the word "*parcel*" in Section 61 and by adding the following new wording after the word "*parcel*":

in accordance with the provisions and requirements of this By-law. Maintenance of the *building sanitary sewer* shall include, but is not limited to, the repair and/or replacement of any portion of the *building sanitary sewer* that is not in proper working condition or that allows for the discharge of any *storm water* or the infiltration of any *groundwater* into the *sanitary sewerage system*.
4. By inserting the words "or fails to repair or replace a *building sanitary sewer* that does not meet the maintenance requirements of this By-law" immediately after the existing phrase "*building sanitary sewer*" in Section 63.
5. By deleting the phrase "7.5 litres/second" from Section 70(b) and replacing it with the phrase "7.5 litres/*parcel*".
6. By deleting Section 80 in its entirety and replacing it with the following new Section 80:
 80. In the event that a building or structure is removed from a *parcel*, or is destroyed or is damaged to the extent that it can no longer be put to any legally permitted use, the *owner* shall notify the *City* in writing of the need to discontinue use of the *service connection*. Upon receipt of written approval from the *City*, the *owner* shall, at the *owner's* expense, effectively cap the downstream side of the *building sanitary sewer* a minimum of 2 metres or the depth of the inspection chamber from the property line. This condition must remain for the interim period during which the *service connection* is not in use.
7. By deleting Section 81 in its entirety and replacing it with the following new Section 81:

81. In the circumstances described in Section 80, if the *owner's* intention is to not ever use the *service connection*, the *owner* shall notify the *City* in writing of that intention. Upon receipt of written approval from the *City*, the *owner* shall, at the *owner's* expense, effectively have the inspection chamber removed, and the *service connection* capped at the inspection chamber and grouted at the main and connection interface location.
8. By adding a new Section 84.1 immediately following existing Section 84 as follows:
- 84.1. Where *groundwater* is found to be discharging into the *building sanitary sewer* of a *parcel*, the *owner* of the *parcel* shall be responsible for all costs to correct the cause of the *groundwater* discharge, repair the *building sanitary sewer* and reinstate the area to its previous state.
9. By adding a new Section 104.1 immediately following existing Section 104 as follows:
- 104.1. For all new construction of residential strata buildings to which a new *service connection* is made during a year, a prepaid *user charge* will be payable at the time of building permit application in the amount of the *user charge* established in Schedule "C" for each strata unit proposed to be constructed. The prepaid *user charge* will be nonrefundable and applied as a credit to the strata property's metered utility account.
10. By adding a new sentence to the end of existing Section 109 as follows:
- Despite the payment of fees for water shut-off and reinstatement, the *owner* shall pay the applicable *user charges* based on the quantity of water as measured by the water meter for the *real property* during the time the water service was to be suspended.
11. By deleting the words "that charge shall take precedent over the aforementioned *connection char*" from Section 1.02 of Schedule "C" and replacing them with the words "that charge shall take precedence over the *connection charges* set out in Section 1.01".
12. By adding a new Section 3.0 to Schedule "C" immediately following existing Section 2.0 as follows:

3.0 PREPAID NEW RESIDENTIAL STRATA CONSTRUCTION:

3.01 For each strata unit to be constructed \$ 45.00/unit