

BY-LAW NUMBER 2012-036

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law Number 2010-113 of The Corporation of the City of Kitchener pertaining to Storm Water Charges.)

WHEREAS the Corporation of the City of Kitchener adopted By-law Number 2010-113 with respect to the creation of the Storm Water utility;

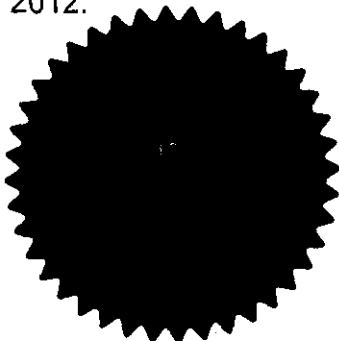
AND WHEREAS By-law Number 2010-113 was amended by By-law Number 2011-153 in June of 2011 to allow for the creation of the Storm Water Charge Credit Policy;

AND WHEREAS the Storm Water Charge Credit Policy has now been created and the Council of the Corporation of the City of Kitchener is desirous of implementing such Storm Water Charge Credit Policy;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

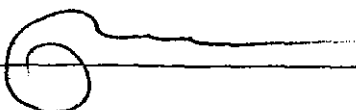
1. Schedule "A" of By-law Number 2010-113 as amended by 2011-153, is hereby deleted in its entirety and replaced with Schedule "A" attached hereto.
2. Schedule "B" of By-law Number 2010-113, as amended by 2011-153, is hereby deleted in its entirety and replaced with Schedule "B" attached hereto; and
3. Schedule "C" of By-law Number 2010-113, as amended by 2011-153 is hereby deleted in its entirety and replaced with Schedule "C" attached hereto.

PASSED at the Council Chambers in the City of Kitchener this 19th day of March, A.D. 2012.





Mayor



Clerk

Stormwater Charges -Schedule 'A' of City By-Law (March 1, 2012)

Type Code	Description	Basis for Charge	Number of Dwelling Units	Monthly Charge per Property	Annual Charge per Property
1	Residential Single Detached Small	Detached homes with building footprint size of 105 m ² or less	1	\$5.84	\$70.08
2	Residential Single Detached Medium	Detached homes with building footprint size between 106-236 m ²	1	\$9.73	\$116.76
3	Residential Single Detached Large	Detached homes with building footprint size of 237 m ² or more	1	\$12.79	\$153.48
4	Residential Townhouse / Semi-Detached	Per dwelling unit	1	\$6.95	\$83.40
5	Residential Condominium	Per dwelling unit	1	\$3.89	\$46.68
6	Multi-Residential (2-5 Units)	Per building	Duplex	\$7.79	\$93.48
			Triplex	\$11.68	\$140.16
			Four-plex	\$15.57	\$186.84
			Five-plex	\$19.47	\$233.64
7	Multi-Residential (>5 Units)	Per property (according to number of dwelling units)	varies	Charge = (# units) × (\$1.95/month) <i>See Note 2</i>	Charge = (# units) × (\$23.40/year) <i>See Note 2</i>
8	Non-Residential Smallest	26 -1,051 m ² of impervious area	n/a	\$18.63	\$223.56
9	Non-Residential Small	1,052 -1,640 m ² of impervious area		\$49.78	\$597.36
10	Non-Residential Medium-Low	1,641 -7,676 m ² of impervious area		\$130.43	\$1,565.16
11	Non-Residential Medium-High	7,677 -16,324 m ² of impervious area		\$380.72	\$4,568.64
12	Non-Residential Large	16,325 -39,034 m ² of impervious area		\$922.74	\$11,072.88
13	Non-Residential Largest	39,035 m ² or greater of impervious area		\$1,980.91	\$23,770.92

Notes:

1. Example: 10-unit apt. = \$19.50/mo (\$234.00/yr).
2. Non-Residential tiers (Billing Codes 8-13) include both Taxable and Tax-Exempt properties.
3. Non-Residential properties with less than 26.0 sq. m. of impervious area are not charged.

Schedule 'B'
(to By-law 2010-113, as amended by 2011-153)

Stormwater Non-Residential and Multi-Residential Credits

(Effective October 1, 2012)

Non-residential and multi-residential (>5 dwelling units) customers (the "Applicant") may qualify for rate credits when the Applicant can demonstrate that the property owned by the Applicant (the "Property") contains impervious areas that are directed to approved, or in accordance with, stormwater quantity and/or quality best management practices ("BMP"). The BMP must provide the City with a cost savings that the City otherwise would incur as part of their efforts to manage stormwater.

B.1 Restrictions

- a) No public or private property shall be eligible to receive credits for any condition or activity unrelated to the reduction of the City's cost of providing stormwater management services, as determined by the Director of Engineering;
- b) Credits will not apply to fees attributable to new development or redevelopment projects;
- c) Any stormwater BMP off site or within a permanent easement maintained by the City shall not be eligible for a credit; and,
- d) Credits shall only be given to the registered owner of the Property.

B.2 Conditions and Requirements

- a) The Applicant shall complete a stormwater credit registration form (the "Form"). The Form may be printed or electronic, and may be submitted with supporting documentation (if required) by mail, fax or over the internet.
- b) A signed Form shall constitute authority for the City to perform limited announced inspections of the Property to determine the eligibility of the on-site stormwater BMPs, and the accuracy of the credit calculation. The inspection shall be limited to stormwater BMPs and other elements described in the registration. The City shall schedule the inspections at a date and time that is mutually acceptable to both parties. The City will offer the Applicant at least one (1) opportunity to reschedule to a mutually agreeable date and time.
- c) Credits will only be applied if requirements in this schedule are met, including but not limited to: completion of ongoing maintenance, guaranteed right-of-entry for inspections and submission of self certification reports, on an annual basis, as at the discretion of the Director of Engineering;
- d) Unless otherwise obligated by law, the City shall limit the use of the Form or other registration documents to activities required to administer stormwater credits;
- e) Credits will be defined as percent (%) reductions to the City's stormwater portion of the utility bill;
- f) One credit for each credit category described in Section B.3 can be applicable to a Property pursuant to the schedule, up to a maximum of 45% of the assessed stormwater rate;

- g) Notwithstanding (f) above, a credit of 85% is applicable where the Property has the following attributes:
 - i. is larger than 30 hectares in size,
 - ii. more than 50% of the property lies in the floodplain; and,
 - iii. has functional stormwater BMP in place as per (h) and (i) below.
- h) Any BMP must comply with all applicable municipal, provincial and federal standards and guidelines;
- i) As long as the BMP is functioning as approved and as demonstrated by self-certification reports and City inspections, the credit will be applied to the stormwater portion of the utility bill. If the approved BMP is not functioning as approved or is terminated for any reason whatsoever, the reduction will be cancelled and the rate will be returned to the baseline calculation. In the circumstance that a BMP is no longer functioning as approved, the Applicant shall reimburse the City the entire amount of the credit received in respect of the Property since the last inspection by the City. Once the credit reduction has been cancelled, a customer may not reapply for a credit for a period of 12 months and only upon the deficiency being rectified as determined by the City inspection;
- j) Credits will be applied retroactively to January 1, 2011 if the Form has been received prior to March 1, 2013, if such Form is approved. The retroactive credit is processed as a one time adjustment to an active customer utility account. If the Applicant took ownership of the Property and established a utility account after January 1, 2011 the credit will only be retroactive to the effective date of the utility account. Previous account holders are not eligible for the credit after moving out. Any Forms received after March 1, 2013, that are approved, will have the credits applied to a future billing cycle after receipt of the Form;
- k) Only stormwater management facilities that serve the Property described on the Form shall be credited toward that Property's bill. The Applicant cannot transfer credit eligibility from the Property to another property owned by the Applicant. Similarly, the credit eligibility of a Property does not transfer from the Applicant to a new owner of the Property, without a separate Form completed on behalf of the new owner of the Property; and
- l) All stormwater control BMPs must be an accepted practice referred to in the applicable City of Kitchener Development Manual at the time of registration, as certified by qualified person. The City may waive this requirement for a stormwater BMP that was installed prior to January 1, 2011, if such facilities are operating effectively and do not threaten or harm the Property, neighbouring property, City facilities or the environment, as determined by City inspections.

B.3 Stormwater Credits

B.3.1 Option 1. Quantity Control Credit

The percentage allocated for this credit is based on the percentage of impervious area that is directed to an approved quantity control BMP.

The maximum credit for this category is 25%.

B.3.2 Option 2. Quality Control Credit

The percentage allocated for this credit is based on the percentage of impervious area that is directed to an approved quality control BMP as well as the degree of treatment the BMP provides based on criteria established by the Ministry of Environment.

B.3.2.1 Enhanced Quality Control

Enhanced quality corresponds to the long term average removal of 80% of total suspended solids. The percentage allocated for this credit is based on the percentage of impervious area directed towards enhanced quality controls.

The maximum credit for this category is 15%.

B.3.2.2 Normal Quality Control

Normal quality corresponds to the long term average removal of 70% of total suspended solids. The percentage allocated for this credit is based on the percentage of impervious area directed towards normal quality controls.

The maximum credit for this category is 10%.

B.3.2.3 Basic Quality Control

Basic quality corresponds to the long term average removal of 60% of total suspended solids. The percentage allocated for this credit is based on the percentage of impervious area directed towards basic quality controls.

In addition to the total suspended solids removal criteria, the Applicant may also be eligible for the basic pollution reduction credit if they have implemented a paved area sweeping program, a salt management plan, or both.

Paved Area Sweeping Program: the following minimum criteria must be satisfied:

- a) Submit a detailed paved area sweeping plan to include definition of areas to be swept, frequency of sweeping (minimum twice per month), debris disposal method, and type of sweeper used.
- b) Provide documentation of plan implementation, such as copies of paid invoices or employee timesheets, or a certification of work accomplished, prepared and signed by an officer of the sweeping company.

Salt Management Plan - the following criteria must be satisfied:

- a) The Property or facility must be accredited through the "Smart About Salt" certification program or have an approved salt management plan that is administered by a contractor with "Smart About Salt" certification.

The maximum credit for this category is 5%.

B.3.3 Option 3. Education Credit

Non-residential customers are eligible to receive the stormwater education credit for educating employees in the areas of flood prevention and pollution reduction if the following criteria are satisfied:

- a) Devote fifteen minutes per quarter (or an hour annually) to educating employees about flood prevention and pollution reduction. Additionally, provide basic stormwater management information to new employees. Organizations will be required to submit programs or agendas to the City for environmental education sessions that will include information concerning number of attendees, time(s), place(s), and topic(s) covered during each session along with confirmation that a 50% employee participation goal was met. Pre and post session surveys are recommended. Topics must rotate on at least an annual basis;
- b) Post stormwater and water quality specific educational information obtained from the City, provincial/federal environmental agencies, or from any other reputable educational resource center in employee frequented areas. Information posted must be clearly visible. Information topics must rotate on at least an annual basis. Copies of posted materials must be provided to the City;
- c) Distribute stormwater and water quality specific literature obtained from the City, provincial/federal environmental agencies, or from any other reputable educational resource center to all employees on a quarterly basis and provide copies to the City with the annual self certification report. Literature topics must rotate on at least an annual basis; and
- d) All materials to be used in presentations must be reviewed and approved by the City before use in this program.

Non-residential customers are eligible to receive the stormwater education credit for educating the City stormwater customer base in the areas of flood prevention and pollution reduction if the following criteria are satisfied:

- a) Disseminate stormwater and water quality specific literature obtained from the City, provincial/federal environmental agencies, or from any other reputable educational resource center to customers on a quarterly basis using high traffic area kiosks, advertised special events, customer mailings, product label advertisements, public service announcements, advertisements, educational curricula, or other mass distribution techniques. Information topics must rotate on at least an annual basis. Copies of disseminated materials must be provided to the City along with estimates of the number of customers reached in each annual self certification report; and
- b) All materials to be used in presentations must be reviewed and approved by the City before use in this program.

Schools, public or private, are eligible to receive the stormwater education credit for educating students and employees in the areas of flood prevention and pollution reduction if the following criteria are satisfied:

- a) Devote two hours per half (four hours annually) to educating one grade level of students (or split between two grade levels) about water quality awareness and protection. Educational institutions will be required to submit programs or agendas to the City for environmental education sessions that will include information concerning number of attendees, time(s), place(s), and topic(s) covered during each session. The City will assist with providing materials for the education program. Pre and post session surveys are recommended. Topics

- must rotate on at least an annual basis, or become part of the curriculum for the same grade level each year;
- b) Devote fifteen minutes per quarter (or an hour annually) to educating employees about water quality awareness and protection. Additionally, provide basic stormwater management information to new employees. Topics must rotate on at least an annual basis;
 - c) Post stormwater and water quality specific educational information obtained from the City, provincial/federal environmental agencies, or from any other reputable educational resource center to student and employees frequented areas. Information posted must be clearly visible. Topics must rotate on at least an annual basis. Provide copies of posted materials to the City;
 - d) Distribute stormwater and water quality specific literature obtained from the City, provincial/federal environmental agencies, or from any other reputable educational resource center to target students and all employees on an annual basis and provide copies to the City with annual self certification report. Topics must rotate on at least an annual basis.

The maximum credit for this category is 5%.

Schedule "C"
(to By-law 2010-113, as amended by 2011-153)

Stormwater Residential Credits

(Effective October 1, 2012)

Residential (<5 dwelling units) customers may qualify for rate credits when the Applicant can demonstrate that the property owned by the Applicant (the "Property") contains impervious areas that are directed to approved, or in accordance with, stormwater quantity and/or quality best management practices ("BMP"). The BMP must provide the City with a cost savings that the City otherwise would incur as part of their efforts to manage stormwater.

B.1 Restrictions

- a) No public or private property shall be eligible to receive credits for any condition or activity unrelated to the reduction of the City's cost of providing stormwater management services, as determined by the Director of Engineering;
- b) Credits will not apply to fees attributable to new development or redevelopment projects;
- c) Any stormwater BMP off site or within a permanent easement maintained by the City shall not be eligible for a credit; and,
- d) Credits shall only be given to the registered owner of the Property.

B.2 Conditions and Requirements

- a) The Applicant shall complete a stormwater credit registration form (the "Form"). The Form may be printed or electronic, and may be submitted with supporting documentation (if required) by mail, fax or over the internet.
- b) A signed Form shall constitute authority for the City to perform limited announced inspections of the Property to determine the eligibility of the on-site stormwater BMPs, and the accuracy of the credit calculation. The inspection shall be limited to stormwater BMPs and other elements described in the registration. The City shall schedule the inspections at a date and time that is mutually acceptable to both parties. The City will offer the Applicant at least one (1) opportunity to reschedule to a mutually agreeable date and time.
- c) Credits will only be applied if requirements in this schedule are met, including but not limited to: completion of ongoing maintenance and guaranteed right-of-entry for inspections, on an annual basis, as at the discretion of the Director of Engineering;
- d) Unless otherwise obligated by law, the City shall limit the use of the Form or other registration documents to activities required to administer stormwater credits;
- e) Credits will be assigned as per section B.3 up to a maximum of 45% assessed stormwater rate;
- f) Credits will be defined as percent (%) reductions to the City's stormwater portion of the utility bill;
- g) Any BMP must comply with all applicable municipal, provincial and federal standards and guidelines;

- h) As long as the BMP is functioning as approved and as demonstrated by City inspections, the credit will be applied to the stormwater portion of the utility bill. If the approved BMP is not functioning as approved or is terminated for any reason whatsoever, the reduction will be cancelled and the rate will be returned to the baseline calculation. In the circumstance that a BMP is no longer functioning as approved, the Applicant shall reimburse the City the entire amount of the credit received in respect of the Property since the last inspection by the City. Once the credit reduction has been cancelled, a customer may not reapply for a credit for a period of 12 months and only upon the deficiency being rectified as determined by the City inspection;
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- j) Only stormwater management facilities that serve the Property described on the Form shall be credited toward that Property's bill. The Applicant cannot transfer credit eligibility from the Property to another property owned by the Applicant. Similarly, the credit eligibility of a Property does not transfer from the Applicant to a new owner of the Property, without a separate Form completed on behalf of the new owner of the Property;
- k) All stormwater quantity control BMPs must be a municipality accepted practice. Accepted stormwater storage practices include:
1. Infiltration galleries
 2. Storage devices (e.g. cisterns, rain barrels)
 3. Landscaping techniques (e.g. rain gardens, depressed areas to collect rainwater)
 4. Combination of first three techniques;

B.3 Residential Quantity Control Credit

The percentage allocated for this credit is based on the storage volumes in Table 1.

TABLE 1: Residential Quantity Control BMP Credit Values

Volume Captured	Examples	Credit
200 – 800 L	<ul style="list-style-type: none"> • 1-4 rain barrels • small cistern 	20%
801 – 3200 L	<ul style="list-style-type: none"> • large cistern • combination of cisterns and rain barrels 	30%
3201 L or more	<ul style="list-style-type: none"> • large cistern • infiltration gallery 	45%