

PRIMER: How Can Municipal Governments Protect Freshwater?



In Canada, there are five different levels of government: Indigenous, Federal, Provincial, Regional and Municipal. All of these levels of government have different powers and responsibilities when it comes to protecting freshwater.

We know that it can be confusing to keep track of who does what. With municipal elections coming up this fall in BC, Manitoba, the Northwest Territories, Ontario, PEI and the Yukon, we wanted to help you get a better handle on what municipal governments can do to protect freshwater. We can all do a better job of holding governments accountable when we know what is within their power!



WHERE DOES THE POWER COME FROM?

How governments in Canada derive power is a complicated and contested issue -- there are whole classes in law school dedicated to the topic! We won't wade into the more philosophical issues in this primer. Instead, we'll try to keep it simple by focussing on how it works in practice.

All regional and local governments are given powers to make decisions and rules by provincial governments. Those powers are given through legislation. In BC, [the Local Government Act](#) and the [Community Charter](#) are the two key pieces of legislation that give municipalities authority to make rules and decisions. In Ontario, it is the [Municipal Act](#). Every province has an act like these.

These pieces of legislation lay out things like how municipal elections should happen, how a municipal government should be organized, how municipalities are funded, what kinds of decisions they can make, and how they can assert authority. Bylaws are the main tool that municipalities use to regulate activities--that is, set out what can and what cannot happen within their boundaries. But there are other ways that municipalities can encourage and dissuade activities as well.

WHAT KIND OF STUFF CAN MUNICIPALITIES REGULATE?

Local governments can make rules about a number of things that happen within their boundaries -- but not everything! Although it changes slightly from province to province, municipalities can typically regulate activities related to:

- Land use and development;
- Local infrastructure;
- Drinking water and sewage services;
- Other activities--e.g. activities related to parkspace, trees or the natural environment; taxation; public safety and nuisances; business activities, etc.



It's important to note that local governments cannot pass rules that violate provincial or federal legislation. They also have to adhere to provincial and federal legislation when conducting local operations. For example, until 2013, the federal Fisheries Act required that “[n]o person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat” (the current federal government is working to restore this provision). Assuming the revised Fisheries Act is passed by the Senate, this means that it would once again be illegal for municipalities to approve developments that destroy fish habitat.

SO, HOW CAN MUNICIPALITIES PROTECT FRESHWATER?

1. Bylaws.



Municipalities can create bylaws around activities that affect freshwater health. Since a huge area of influence for local governments is around land use and development, an easy win for municipal governments to advance freshwater health is green infrastructure. Municipalities can create green infrastructure plans that set out a strategic vision for a green city, then create rules that put the plan into action. For example -- they may require that new developments do not generate more stormwater runoff than pre-development conditions, or that stormwater is infiltrated back into the ground. They can create a variety of [green bylaws](#) -- for example, land-use bylaws (called “zoning”) that prohibit new developments and preserve natural spaces.

2. Funding.



Many municipalities oversee the provision of water and wastewater services. But, leaky drinking water pipes in cities across the country have been found to waste [billions](#) of litres of potable water each year and outdated sewage systems have resulted in [trillions](#) of litres of untreated sewage being released into lakes and rivers around the country. Funding infrastructure upgrades are crucial to advancing freshwater health. Municipalities can fund projects with existing revenue, or they can secure new funding streams. For example, the federal government recently announced [\\$2B of funding](#) for local governments to help mitigate climate-related events. Municipalities can also look to funding structures such as stormwater or drainage fees, which are increasingly being [adopted](#) in cities in North America and around the world.

3. Programs.



Municipalities can develop programs that incentivize residents to take actions that improve freshwater health. For example, they can develop programs that give a tax break or credit to residents who install rain gardens or greywater reuse systems on their properties. Many municipalities are responsible for providing drinking water to constituents. Conservation-oriented rate structures are a way to encourage residents to use water more efficiently. Water meters have also [been shown](#) to reduce water use by 10-40%. Cities can also make freshwater data open and accessible to the public—for example, posting real-time public [notifications](#) of sewage overflows to public water bodies.

4. Showing Leadership.



Municipalities can be leaders by showing their symbolic and substantive support for freshwater health. They could do this by adopting a resolution in council that freshwater health is a priority for the city, or that every resident has the right to drinkable, swimmable and fishable waters. They can develop a Memorandum of Understanding with a local Indigenous community that outlines an intention to work together to advance freshwater health. They can develop a local freshwater strategy. They can hire a watershed coordinator or support staff. They can convene partners and stakeholders to advance collaborative watershed governance. They can launch education and outreach campaigns to encourage residents to connect with their watersheds or conserve water.

5. Advocacy.



An important thing to remember is that, just because a matter may technically be out of municipality's jurisdiction, they can still [advocate](#) to higher levels of government for support or better tools to affect change in that area! For example, municipalities frequently appeal to the provincial and federal governments for more funding and tools to build affordable housing. They can do the same thing when it comes to advancing protections for freshwater. Check out our report [Water Sustainability and the City](#), where we included a number of things municipalities in BC can ask for from the province to increase their ability to protect local freshwater.

