

**BY-LAW No. 2017-056
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD**



BEING A BY-LAW TO PROVIDE FOR THE PREVENTION OF BACKFLOW
AND CROSS CONNECTION CONTROL TO THE WATER SUPPLY OF THE
TOWN OF COLLINGWOOD

WHEREAS Section 8 of the Municipal Act, 2001, as amended ("the Municipal Act, 2001"), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, 2001, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

WHEREAS Section 11 of the Safe Drinking Water Act, 2002, requires that municipalities ensure that their respective drinking water system meets prescribed drinking water standards to the point where the system is connected to a users plumbing system;

AND WHEREAS Section 80 (1) of the Municipal Act, 2001, provides that a municipality may enter onto land to which it supplies a public utility to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility;

AND WHEREAS under Section 130 of the Municipal Act, 2001, a municipality may regulate matters not specifically provided for by the Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 7.6.2 of Ontario Regulation 332/12; Building Code provides that Connections to potable water systems shall be designed and installed so that non-potable water or substances that may render the water non-potable cannot enter the system;

AND WHEREAS Council of the Town of Collingwood enacted and passed By-law No. 2016-066, a By-law to regulate the water supply in the Town of Collingwood;

AND WHEREAS Council deems it expedient to regulate the prevention of backflow and cross connection control to the Town of Collingwood's water supply;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1.0 SHORT TITLE

1.1 This By-law may be cited as the "Backflow Prevention By-law".

2.0 Definitions

2.1 For the purpose of this By-law the following Terms shall have the following meanings:

"Adjacent" shall mean contained within the same room, situated within three (3.0) meters of the water meter.

"Auxiliary Water" shall mean any water source or system, other than the Town of Collingwood's drinking water system, available in any building or on any premise.

"Backflow" shall mean any unwanted flow of used or non-potable water or substance from any domestic, industrial or institutional piping system into the potable water distribution system.

"Backflow Prevention Device" shall mean a device that prevents backflow.

"Building" shall mean any structure supplied with water by the Town of Collingwood.

“Bypass” shall mean any pipe or connection that would allow water, not to completely pass through the backflow prevention device.

“Cross Connection” shall mean any actual or potential connection between any part of a potable water system and any source of pollution or contamination.

“Cross Connection Survey” shall mean a report which must include existing backflow prevention devices, cross connections discovered, corrective measures and recommendations on the standard Town of Collingwood Cross Connection Survey Form.

“CSA Standard” shall mean document B64.10-11/B64.10.1-11 - Selection and Installation of Backflow Preventers/Maintenance and Field Testing of Backflow Preventers, as amended from time to time.

“Multi-residential” shall mean any premise with four or more self contained residential units on one premise.

“Officer” shall mean a Municipal Law Enforcement Officer or Building Inspector appointed by the Corporation of the Town of Collingwood, Backflow Prevention Officer or Police Officer,.

“Owner” shall mean any person who or any firm or corporation that is the registered Owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.

“Potable Water” shall mean water that is fit for human consumption.

“Premise” shall mean any house, tenement, building, lot, or part of a lot, or both, in through or past which water service pipes run.

“Premise Isolation” shall mean isolation of the water located within a building from the municipal water system.

“Qualified Contractor” shall mean an accredited contractor who meets the requirements of the Town, as well as the CSA Standard, and is authorized to perform work within the Town of Collingwood.

“Testable Device” shall mean a backflow preventer device with test cocks.

“Test Report” shall mean a standard Town of Collingwood Cross Connection Control Testing and Inspection Report, as amended from time to time.

“Test Tag” shall mean a standard Town of Collingwood Cross Connection and Backflow Prevention Test Tag, displayed on or directly adjacent to the backflow prevention Assembly, as a record of testing, as amended from time to time.

“Town” shall mean The Corporation of the Town of Collingwood.

“Town of Collingwood Water Department” shall mean the department within the Town that is specific to water supply and distribution.

3.0 By-law Application

3.1 This By-law shall apply to all existing and future industrial, commercial, institutional, irrigation systems, fire protection systems, multi-residential buildings, as well as residential premises where auxiliary water is available.

3.2 In addition to Section 3.1, this By-law shall apply to any premise or building where a condition is found that may be a hazard to the water distribution system.

4.0 Contamination Protection

4.1 No person shall connect, cause to be connected, or allow to remain connected to the waterworks distribution system, any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, wastewater, non-potable water, or any other liquid, chemical or substance to enter the waterworks distribution system. The means for the protection against contamination shall be in accordance with the requirements of the Building Code Act, CSA Standard and the Safe Water Drinking Act, as amended from time to time. Where a risk of possible

contamination of the water distribution system exists Premise Isolation shall be installed as per the Premise Hazard classification and as determined by a site survey.

5.0 Installation Standards

5.1 Backflow Prevention Devices, when required by the Town, shall be installed in accordance with the Ontario Building Code and CSA Standard, as amended from time to time.

5.2 Backflow Prevention Devices shall be installed to the required heights and clearances as set forth in the CSA Standard.

5.3 Building permits are required for installation and alterations to Backflow Prevention Devices.

5.4 Building permits are not required to test or make repairs to a Backflow Prevention Device.

6.0 Installation – Connections and Bypasses

6.1 Backflow prevention assemblies for the purpose of Premise Isolation shall be installed at the point where the water service enters the building directly downstream and adjacent to the water meter and installed in a location readily assessable with adequate space to facilitate maintenance and testing as per the CSA Standard.

6.2 Any Backflow Prevention Device that is not able to be installed downstream and directly adjacent to the water meter due to building restrictions, the Town may allow, at its discretion, the installation of the device in another location.

6.3 All backflow preventers shall be installed horizontal, unless vertical installation is specified by the manufacturer.

6.4 No connections shall be made before the premise isolation backflow preventer assembly.

6.5 All pipe work prior to the premise isolation backflow preventer shall be permanently and clearly labeled “no connections permitted”.

6.6 Bypasses around backflow preventers or vacuum breakers shall be prohibited except where an equivalent backflow preventer is installed on the bypass.

7.0 Installation of Additional Device(s) on Service

7.1 Notwithstanding Sections 4.0, 12.0 and 15.0 of this By-law, where a risk of possible contamination of the waterworks distribution system exists in the opinion of the Officer or an approved authority, an Owner shall, on notice from the Officer, install on his/her water service pipe, a backflow prevention device in accordance with the Ontario Building Code and approved by the Town, in addition to any backflow prevention devices installed in the customer’s water system at the source of potential contamination.

8.0 Installation / Repair - Qualified Persons

8.1 Qualified persons are Qualified Contractor(s) only those specified in the Authorized Function List, attached as Appendix A to this By-law, amended from time to time, and who is on the Qualified Contractor Registry is able to conduct the functions, carry out cross connection surveys, install, relocate, replace, repair or test a backflow prevention device..

8.2 Qualified persons, shall complete and pass an approved Cross Connection Control course, and provide annually to the Town proof of certification in good standing.

8.3 Qualified persons are required to follow the requirements of the CSA Standard, as well as the provisions of this By-law. Failure to do so in the opinion of the Town will result in:

- a) the removal of that person(s) from the Qualified Contractor Registry for a period of six (6) months; or
- b) at the discretion of the Town, permanent removal from the Qualified Contractor Registry.

9.0 Inspection and Testing – Owner Responsibilities

9.1 Backflow prevention devices shall be installed, inspected and tested at the expense of the Owner.

- 9.2 Backflow prevention devices are required to be tested by a Qualified Contractor annually, upon installation, after making repairs or more often if required by the Town.
- 9.3 The Owner shall submit a Town of Collingwood cross connection control testing and inspection report from the Qualified Contractor for approval by the Manager of Environmental Services or their designate for any or all tests performed on a backflow prevention device within fourteen (14) days of a test.
- 9.4 A Town of Collingwood Cross Connection and Backflow Prevention Test Tag shall be displayed on or directly adjacent to the backflow prevention device on which the tester shall clearly record the address of the premises, the location, type, manufacturer, serial number, the size of the device, the test date, the testers name, the tester's business name, the tester's OWWA certificate number and signature.
- 10.0 Failure to Test Device – Notification – Water Shut- off**
- 10.1 If an Owner fails to have a cross connection control device tested, the Officer may notify the customer that the cross connection control device must be tested within fourteen (14) days of the Owner receiving the notice. If the Owner fails to have the device tested within the time allowed, the Officer may shut off the water service or services until the cross connection control device has been tested and approved as required by Section 9.0 of this By-law as per the Safe Drinking Water Act.
- 11.0 Repair – Replacement by Owner**
- 11.1 When the results of a test referred to in Section 9.0 of this By-law, show that a cross connection control device is not in good working condition, the Owner shall at his/her cost make repairs or replace the device within fourteen (14) days.
- 11.2 If an Owner fails to repair or replace the cross connection control device within the time allowed, the Officer may shut off the water service until such repair or replacement has been made.
- 12.0 Inspection of Cross Connections – Access**
- 12.1 Any person authorized by the Town for the purpose of inspection for compliance with the By-law has free access, at all reasonable times upon reasonable notice given to the Owner. Such access shall include access to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting for cross connections within the property.
- 12.2 Where permission to access is not provided by the Owner as per section 12.1, written notice by the Town will be issued requesting access be provided within fourteen (14) days of the date of the notice. If access is not provided within this time frame, the Town may, at its discretion, shut off the supply of water to the premises until such time as the access is provided.
- 13.0 Cross Connection Survey – Paid by Owner**
- 13.1 A site survey shall be conducted at the Owner's expense by a qualified person as determined by the requirements of the Qualified Contractor Registry.
- 13.2 The Cross Connection Survey shall encompass the entire premise where potable water is available, including any buildings on the premise where potable and auxiliary water systems are present.
- 13.3 A cross Connection Survey is required to be performed and submitted to the Town: every 5 years, when there is a change to the internal plumbing system, a premise change of use, or as required by the Town.
- 14.0 Order to Install Control Device**
- 14.1 If a condition is found to exist which is contrary to Section 4.0 of this By-law, the Building Code Act or the Safe Drinking Water Act, the Officer may issue such order(s) to the Owner as may be required to obtain compliance with Section 4.0 of this By-law
- 15.0 Failure to Install Control Device – Water Supply Shut-off**
- 15.1 If the Owner to whom the Officer has issued an order fails to comply within the timeframe provided, the Officer, at his/her discretion, Without prior notice, shut off the supply of water to the premise, until the order has been complied with.

16.0 Removal of Device

16.1 No person shall without the permission of the Town, remove any installed cross connection control or backflow prevention devices, unless to immediately replace with another device to meet or exceed the provisions of this By-law.

17.0 Enforcement

17.1 This By-law shall be enforced by an Officer.

17.2 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended and/or the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

17.3 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

17.4 Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is liable to the Town therefore.

17.5 Every person who willfully removes, destroys, damages, fraudulently alters or in any way injures any backflow prevention device, is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

18.0 Severability

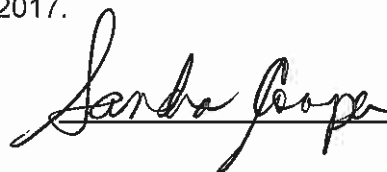
18.1 Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

19.0 Repeal - Enactment

19.1 That Section 8 of By-law No. 2016-066 titled Cross Connections and Backflow Prevention be hereby repealed upon this By-law coming into effect.

19.2 This By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

ENACTED AND PASSED this 21st day of August, 2017.


MAYOR


CLERK

By-law No. 2017-056 - Appendix A
Authorized Function List

Item	Function	Professional Engineer with OWWA Tester's Certificate	*Certified Engineering Technologist with OWWA Tester's Certificate	Licensed Master Plumber with Contractor's License and OWWA Tester's Certificate	** Journeyman Plumber with OWWA Tester's Certificate	*** Apprentice Plumber with OWWA Tester's Certificate	Fire System Sprinkler Fitter with OWWA Tester's Certificate	Lawn Irrigation System Installer with OWWA Tester's Certificate	Municipal Water Department Staff with OWWA Tester's Certificate
1	Carry out Cross Connection Survey	X	X	X	X				
2	Install, Relocate or Replace Backflow Prevention Device			X	X	X			
3	Repair of Backflow Prevention Device	X	X	X	X	X			
4	Test Backflow Prevention Device	X	X	X	X	X			
5	Items 1, 2, 3 & 4 above in respect of Fire Protection Systems	X	X	X	X	X	X		
6	Items 3 & 4 above in respect of Lawn Irrigation Systems	X	X	X	X	X		X	
7	Items 2, 3 & 4 above in respect to the Municipal Water System	X	X	X	X	X			X

* Required to be under the direction of a professional engineer

** Required to be employed by a licensed plumbing contractor

*** Required to be employed by a licensed plumbing contractor and under the direct supervision of a journeyman plumber or master plumber.