



## STAFF REPORT

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**Department/Function:** Public Works

**Chair:** Councillor Jim Crawford

**Meeting Date:** October 12, 2016

**Report No.:** PW-2016-85

**Report Title:** Water System Backflow Prevention  
By-law

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### **RECOMMENDATION:**

That report PW-2016-85 regarding water system backflow prevention and cross-connection control draft by-law be received;

And that staff present the draft by-law and any proposed amendments to the next Council meeting.

### **INTRODUCTION/BACKGROUND:**

Attached to this report is a draft cross connection and backflow prevention by-law. Report PW-2016-64 recommended that a draft by-law be brought forward to the October 12 Committee of All Council meeting. That recommendation was ratified by Council.

### **ANALYSIS:**

The following paragraph was included in the earlier report:

"It is proposed that the by-law for Tay will require new construction to be provided with backflow protection and address our seasonal water system (and the adjacent properties on First Avenue). In the case, of new construction this provides a low cost introduction of a best practice. In the case of the seasonal water system, this addresses a large risk. Following implementation of the proposed by-law staff will propose revisions to expand the by-law to the next risks to be addressed."

The draft by-law addresses the items noted above.

**SUSTAINABILITY PLAN:**

This report recommendation is consistent with the Township's Sustainability Plan items related to public health and provision services

**FINANCIAL/BUDGET IMPACT:**

There is no direct financial impact associated with this report. However, there will be additional staff effort, both office and field, to facilitate implementation.

**CONCLUSION:**

Tay is overdue for a backflow prevention and cross-connection control by-law and should implement one promptly. The draft by-law addresses new construction and major renovations and also addresses the seasonal water system in Grandview Beach and Paradise Point.

Date Prepared: October 4, 2016

Prepared and Recommended by:

Peter Dance, P. Eng.  
Director of Public Works

Reviewed by:

Date: October 5, 2016

Robert Lamb  
C.A.O.

Attachment – Draft By-law 2016-76

**CORPORATION OF THE TOWNSHIP OF TAY**

**BY-LAW NUMBER 2016-76**

**Being a By-law of The Corporation of the Township  
of Tay to regulate Drinking Water Protection:  
Backflow Prevention and Cross Connection Control.**

**WHEREAS** Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act 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 80 (1) of the Municipal Act 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** the Council of the Corporation of the Township of Tay deems it advisable to provide a by-law which sets out or amends the conditions on which potable water service shall be protected for from cross connection and backflow conditions;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWNSHIP OF TAY ENACTS AND BE IT ENACTED AS FOLLOWS;**

**1.0 DEFINITIONS:**

- a) **"Director"** means the Director of Public Works or designate.
- b) **"Municipality"** means the Corporation of the Township of Tay.
- c) **"Backflow"** means the flowing back of or reversal of the normal direction of flow of water.
- d) **"Backflow Prevention Device"** means a device that prevents backflow, as defined in the Ontario Building Code.
- e) **"Building"** shall have the same meaning as set out in the Building Code Act.
- f) **"Township"** means The Corporation of the Township of Tay and includes its employees, servants and agents.
- g) **"Cross Connection"** means any actual or potential connection between a potable water supply or system (including the municipal drinking water system) and any source of pollution or contamination and includes any by-pass, jumper connection, removable section of pipe, or changeover device and any other temporary or permanent connection arrangement through which backflow may occur.

- h) **“Plumbing System”** means a system for water and wastewater not on Township right of ways and easements, as defined in the Ontario Building Code.
- i) **“Potable Water”** means water that is safe for human consumption.
- j) **“Premise”** means any real property and the buildings it contains.
- k) **“Premise Isolation”** means isolation of the water located within a building or structure from the municipal drinking water system.
- l) **“Structure”** means anything constructed or built permanently or temporarily which is provided with a source of potable water.
- m) **“Grandview Beach and Paradise Point area”** means all premises in the Grandview Beach and Paradise Point area of the Township, and, is more specifically defined as 108 to 300 First Avenue, 130 to 150 Grandview Road and all of Earldom Boulevard, Gloucester Grove, Oriole Street, Grove Street, Yeoger Drive, Grandview Beach Lane, Beach Drive, Waterside Drive, Patterson Boulevard, Silver Birch Crescent, Paradise Avenue, Evergreen Avenue, Woodlands Avenue, Dignard Avenue, Poplar Avenue and Kingfisher Avenue.

## 2.0 PROTECTION FROM CONTAMINATION AND BACKFLOW

- a) No person, shall connect, cause to be connected, or allow to remain connected to a plumbing system which is connected to the municipal drinking water system any piping, fixture, fitting, container, appliance, machine or the like, in a manner which may under any circumstances, allow any liquid including but not limited to water, untreated or otherwise, wastewater, or any source of pollution or any other liquid, chemical, gas or other substance to enter the municipal potable drinking water system.
- b) The Municipality shall be allowed access, with reasonable notice, to any premise that is connected to the municipal water distribution system for the purpose of inspection to locate possible cross connections and to inspect backflow prevention devices.
- c) Where access is not provided, a written notice may be issued by the Municipality noting the time period required for allowed access. If access is not provided within this time period the Municipality may turn off the water to that premise until access is allowed.
- d) Where, in the opinion of the Municipality, a risk of possible contamination exists to the water distribution system a person(s) on notice by the Municipality shall install a premise isolation device (as per the Ontario Building Code) in the building, and install a premise isolation device on all other supplies to the plumbing system, and in addition to any other source protection devices on the premise.
- e) When a backflow prevention device is required it shall be installed within three meters of the entry of the municipal water service to a structure.
- f) No person shall remove or cause to be removed a backflow prevention device or part thereof after it has been installed, and no owner of a building or structure in which a backflow prevention device is installed

shall cause or permit the removal of such device, unless for repair or replacement.

- g) Notwithstanding clause f), above, a backflow prevention device may be removed to allow for immediate replacement or repair.

### **3.0 BACKFLOW PREVENTION DEVICES REQUIRED**

- a) In addition to the requirements of Part 2.0, backflow prevention devices are required for premises with connections to the Township's drinking water system that fall within the groups as identified in clauses b), c), d) and, e) below.
- b) All premises that have had a backflow protection device installed in the past.
- c) All premises that currently have a backflow protection device installed.
- d) All premises that are subject to a Building Permit for construction of a new structure, major renovation, or, plumbing upgrade; to be determined at the sole discretion of the Chief Building Official.
- e) All premises in the Grandview Beach and Paradise Point area for which there is more than one water supply to the structure.

### **4.0 GRANDVIEW BEACH AND PARADISE POINT AREA**

- a) Premises which are adjacent to Georgian Bay, have a well, or, are identified in an inventory of properties with wells shall have backflow devices installed or complete a declaration that there is only one water supply to the plumbing system by May 12, 2017.
- b) The form of the declaration for clause a) above shall be at the discretion of the Director of Public Works.
- c) All premises shall be subject to inspection, with reasonable notice, for confirmation of plumbing connections and confirmation of well status.

### **5.0 COMPLIANCE**

- a) A Compliance Notice may be issued by the Municipality if an immediate cross connection risk to the potable water distribution system is suspected.
- b) Failure to comply with the Compliance Notice may result in the disconnection of the water service until the immediate risk is removed by premise isolation or other permanent means acceptable to the Municipality.

### **6.0 INSTALLATION AND RETESTING**

- a) Except as otherwise set out in this By-law, the installation, maintenance, and field testing of backflow prevention devices shall be in accordance with the Ontario Building Code.
- b) Installation and maintenance of backflow prevention devices shall be at the cost of the premise owner.
- c) Where testable devices required, testing of backflow prevention devices are to be carried out annually.

- d) Test reports shall be retained by the owner of the premise for a period of five years' and be made available for inspection by the Municipality upon request.

## **7.0 PENALTIES**

- a) Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- b) Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25, as amended.
- c) For the purpose of continuous offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- d) Despite section 14.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all daily fines for the offence is not limited to \$100,000.
- e) For the purpose of multiple offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- f) Despite section 14.5 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- g) Every person who fails to comply with a notice made under this By-law is guilty of an offence.
- h) It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.
- i) Any person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.

- j) Every person who contravenes any section of this by-law under a Part 1 ticket, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- k) Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

**8.0 OBSTRUCTION**

- a) In accordance with the provisions of the Municipal Act S.O. 2001, c.25, as amended, Section 426(1), no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an officer, employee of the Township of Tay and/or agent in the lawful exercise or power or duty under this by-law.

**9.0 GENERAL**

- a) This By-law shall be known as a by-law to regulate drinking water protection: backflow prevention and cross connection control.
- b) Every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

**10.0 ENACTMENT**

That this by-law shall take force and take effect immediately upon the final passage thereof.

**THE CORPORATION OF THE TOWNSHIP OF TAY**

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**MAYOR**

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**CLERK**

**CORPORATION OF THE TOWNSHIP OF TAY  
PART 1 PROVINCIAL OFFENCES ACT  
By-law 2016-76:  
Drinking Water Protection**

<b>ITEM</b>	<b>Column 1 Short Word Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1	<b>Cause or allow connection to water distribution system in manner which may allow pollution</b>	<b>2.0 (a)</b>	<b>\$1000.00</b>
2	<b>Cause or permit the removal of backflow prevention device unless for repair or replacement</b>	<b>2.0 (f)</b>	<b>\$1000.00</b>
3	<b>Failure to have backflow device installed or complete a declaration by deadline</b>	<b>4.0 (a)</b>	<b>\$500.00</b>
4	<b>Obstructing an officer or agent</b>	<b>8.0 (a)</b>	<b>\$300.00</b>

Note: The penalty provision(s) for the offences indicated above is Section 7 of By-Law 2016-76 a certified Copy of which has been filed.