

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NO. 2001-68

Being a by-law to provide for backflow prevention.

WHEREAS Section 13 of the Public Utilities Act, R.S.O. 1990, chapter P.52 authorizes the Municipal Corporation to pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the Building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practicing of frauds upon the corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender is guilty of an offence;

AND WHEREAS Section 326 of the Municipal Act, R.S.O., 1990, c.M.45 provides that where a council has the authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the corporation may recover the expense incurred in doing it by action, or the same be recovered in like manner as municipal taxes;

AND WHEREAS the Council of the Town is of the opinion that Backflow prevention and regulation of the connection of individual water services to the Town Potable Water supply system is required to protect the inhabitants and water consumers of the Town from any hazardous or detrimental infiltration of the Town Potable Water supply system;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Tecumseh hereby enacts as follows:

SECTION 1 - DEFINITIONS

1.1 For the purposes of this by-law the following terms and definitions shall apply:

"ASSE" means the American Society of Sanitary Engineering;

"AWWA" means the American Water Works Association;

"Authorized Functions List" means the list of functions and the persons, authorities or agencies authorized to carry out such functions as set out in Appendix "A" to this by-law;

"Auxiliary Water Supply" means any water source or system, other than the municipal potable water supply for the Town that may be available in any Building or Structure or any property location. The auxiliary water may include water from another purveyor's public water supply or from any natural source, such as a well, lake, spring, river, stream, or harbour; auxiliary water may also include used waters or industrial fluids.

"Backflow" means the flowing back or reversal of the normal direction of flow;

"Backflow Prevention Device" means an approved Canadian Standard Association (C.S.A.) device that is designed to prevent Backflow;

"Building" shall have the same meaning as set out in the Building Code Act 1992 S.O. c.23, as amended or any successors thereof;

"Building Code Act" means the Building Code Act, 1992, S.O. c.23,

"Building Code" means the Ontario Building Code, Ontario Regulation 403/97 as amended or any successors thereof;

"Council" means the Municipal Council for the Corporation of the Town of Tecumseh;

"Cross-Connection" means any actual or potential connection between a Potable Water supply or system and any source of pollution or contamination and includes any bypass, jumper connection, removable section of pipe, swivel or change over device, container, appliance, vehicle, machine, and any other temporary or permanent connecting arrangement through which Backflow may occur;

"Cross-Connection Survey" means a report in the form set out as Appendix "A" of this by-law;

"CSA Standard" means the document entitle CSA-B64.10-01 Manual for the Selection and installation of Backflow Prevention Devices; and CSA-B64.10.1-01 Manual for the Maintenance and Field Testing of Backflow Prevention Devices or any successor thereof;

"Individual Protection" means isolation of the water located within or having flowed through a source, or potential source of contamination, on land or within a Building or Structure on such land, including an appliance, device, equipment, fixture, machine, water system or the like from any Potable Water system;

"Owner" means any person, partnership, syndicate, cooperative, association, firm or corporation who is registered on the title of real property located within the geographic boundaries of the Town and includes any occupant of any Building or Structure found on such real property;

"Potable Water" means water that is safe for human consumption;

"Premise Isolation" means isolation of the water located on land, or within a Building or Structure on such land, from the municipal Potable Water supply;

"Structure" means anything constructed or built or in the process of being constructed or built, permanently or temporarily, which is provided with a source of Potable Water;

"Tester" means any person firm or agency licensed or otherwise approved by the Town to undertake testing of Backflow Prevention Devices with the geographical limits of the Town and who meets the qualifications specified in the CSA Standard for "Certified Backflow Prevention Device Testers";

"Test Report" means a report in the form set out as Appendix "B" of this by-law;

"Test Tag" means a tag in the form set out as Appendix "C" of this by-law;

"Town" means the restructured and amalgamated municipality known as The Corporation of the Town of Tecumseh created by a Province of Ontario Order made under the Municipal Act R.S.O. 1990, c.M.45 subsection 25.2(6)(B) and dated November 19, 1997 and being composed of the former municipalities known as the Village of St. Clair Beach, the Township of Sandwich South and the Town of Tecumseh.

"Water Meter" means the municipal water meter located in front of or on land or within a Building or Structure on such land and which measures and records the amount of water supplied to such land, Building or Structure by the Town municipal water system; and

"Water Works" means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of such works owned by the Town, but does not include plumbing or other works to which the Building Code applies.

"Zone Isolation" means the isolation of any non-municipal water located within an area of land or within a Building or Structure on such land from any municipal Potable Water system located on such area of land or within a Building or Structure on such land.

SECTION 2 - GENERAL

- 2.1 This by-law may be cited as the "Backflow Prevention By-law" for the Town.
- 2.2 This by-law applies to all lands, Buildings and Structures connected to the Town Water Works, including multi-residential Buildings and Structures but saving and excepting residential occupancies without an Auxiliary Water Supply within the scope of Part 9 of the Building Code.
- 2.3 In addition to and notwithstanding Section 2.2 above, this by-law shall apply within the Town where a condition exists on any land or within any Building or Structure on such land, that may be hazardous or detrimental to the Water Works.
- 2.4 No person or Owner shall connect, cause to be connected, or allow to remain to be connected to the Water Works, any piping, fixture, container, appliance, vehicle, machine or the like, in a manner which may under any circumstances allow water, waste water or any liquid, chemical or substance to enter such Water Works except in compliance with the provisions of this by-law.
- 2.5 Every Owner shall ensure that a Backflow Prevention Device is installed with respect to premise isolation, individual protection and zone isolation on such land and in every Building or Structure on such land that is supplied Potable Water from the Water Works.
- 2.6 Under no condition shall any person or Owner connect, cause to be connected, or allow to remain connected to the Water Works any Auxiliary Water Supply.
- 2.7 Wherever the CSA Standard and this by-law are in conflict, the provisions of this by-law shall prevail.

SECTION 3 - BACKFLOW PREVENTION DEVICES

- 3.1 Every Owner of land, Buildings and Structures connected to the Water Works, shall ensure that any Backflow Prevention Device is installed, maintained and field-testing in accordance with all of the requirements of the CSA Standard and this by-law.
- 3.2 Every Owner of land, Buildings and Structures upon which a Backflow Prevention Device is installed shall ensure that such device is in proper working order at all times.
- 3.3 Every person installing a Backflow Prevention Device shall ensure that:
 - a) such device is installed on every water service connection that supplies the land and or Buildings or Structures with Potable Water;
 - b) such device is located in such a manner so that in the event of a Backflow, the device prevents infiltration into and/or contamination of the Water Works ;
 - c) where such device is installed in respect of premise isolation all piping between the Water Meter and such device is clearly labeled " no connection permitted";
 - d) where such device is installed in respect of individual protection or zone isolation, all piping between the point of contamination and the point at which the device is located is labeled "non-Potable Water"; and
 - e) that all non-Potable Water piping is identified by markings that are permanent, distinct and easily recognized as per CGSB Standard CAN/CGSB-24.3 as from time to time amended.

- 3.4 Where a Backflow Prevention Device, for the purpose of individual protection, has been installed by the manufacturer of equipment using Potable Water for the operating of said equipment, the cross-connection is required to be reviewed by a qualified tester to determine if the Backflow Prevention Device has been compromised in any way by the installation of such equipment, piping, relocation or removal of Backflow Prevention Device and/or repair and maintenance of said device or equipment.

SECTION 4 - TESTING AND SURVEYS

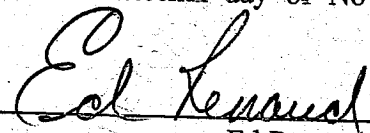
- 4.1 Every Owner of land, Buildings and Structures connected to the Water Works, shall cause to be carried out a cross-connection survey of all existing cross-connections and all Backflow Prevention Devices every three (3) years annually or as otherwise required by the Town and:
- a) shall ensure that such survey is carried out on the Cross-Connection Survey Form by a qualified tester, and
 - b) shall ensure that the completed Cross-Connection Survey Form is provided to the Town within 30 days after receipt of the survey form.
- 4.2 Every Owner of land, Buildings and Structures connected to the Water Works who has a Backflow Prevention Device installed shall ensure that:
- a) such device is tested by a tester when it is first installed and annually thereafter or, when requested by the Town and also when it is cleaned, repaired, overhauled or relocated;
 - b) when such device is tested, that a Test Report of such test is provided to the Town within 14 days of the test being conducted; and
 - c) in the event that such device is malfunctioning or otherwise not in proper working order, immediately notify the owner and the Town of such condition.
- 4.3 Every tester of a Backflow Prevention Device shall carry out such testing in accordance with this by-law and the C.S.A. Standard.
- 4.4 In addition to the testing methods set out in the CSA Standard, test procedures established by the ASSE or AWWA for testing Backflow Prevention Devices may be employed.
- 4.5 Notwithstanding section 3.1.3.1 of the CSA Standard, every tester of a Backflow Prevention Device shall enter the result of such test on a Test Report, Appendix "B" to this by-law.
- 4.6 Every tester of a Backflow Prevention Device shall:
- a) within 14 days of carrying out such test provide a legible Test Report to the Town in respect of such test;
 - b) upon completing such test, complete and affix a Test Tag, Appendix "C" to this by-law, to the device or immediately adjacent to the device on the piping connected thereto; and
 - c) upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the Owner of the subject land, Buildings and Structures and the Town of such condition.

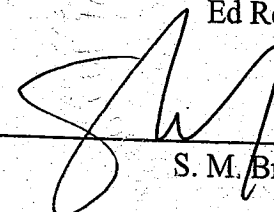
SECTION 5 - ADMINISTRATIVE AND ENFORCEMENT

- 5.1 This by-law shall be administered and enforced by the Director of Water for the Town or such other person as the Council of the Town designates.

- 5.2 The Town may designate one or more employees or engage the services of one or more persons, firms or agencies who are qualified testers to undertake the testing of Backflow Prevention Devices and to inspect and enforce compliance with the provisions of this by-law. For these purposes, said qualified employees, authorized persons, firms or agencies shall have free and unencumbered access at all reasonable time and from time to time upon reasonable notice being given to enter upon all portions of land, including surface and sub-surface areas, and all parts of every Building or Structure and other premises to which potable water is supplied.
- 5.3 Where the Town finds that a condition exists contrary to subsection 2.4 of this By-law on any lands or within any Buildings or Structures that may allow contamination of the Water Works or the contamination of a Potable Water system, the Town may:
- issue an Order of Compliance to the owner to eliminate such condition and in doing so may prescribe the time period for compliance with such Order; or
 - may cause such remedial works to be undertaken to prevent such condition or detrimental infiltration of the Water Works and or any other Potable Water system or take such other action as is deemed necessary for the protection of the inhabitants and to any other consumers of the Potable Water supply of the Town; or
 - Shut off the water supply to the subject lands, Buildings or Structures or any portion thereof until such condition is eliminated.
- 5.4 The cost of any works undertaken by the Town or its agents to remove any such condition may be recover in accordance with Section 326 of the Municipal Act, R.S.O., 1990, c.M.45.
- 5.5 In addition to any other provision of this by-law, the Town may at any time order the Owner of land, Buildings and Structures connected to the Water Works an to engage the services of a qualified tester to conduct tests, provide reports and undertake any other measures required for the prevention of Backflow or protection of cross-connection.
- 5.6 Every Owner of land, Buildings and Structures who connects to the Water Works after the enactment of this by-law shall immediately comply with the provisions of this by-law.
- 5.8 Every Owner of land, Buildings and Structures who is connected to the Water Works prior to the enactment of this by-law shall comply with all the provisions of this by-law within 90 days of receipt of notice from the Town
- 5.9 Any by-laws inconsistent with this by-law be and the same are hereby repealed.
- 5.10 Every person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to a fine of not more than Two Thousand Dollars (\$2,000.00) exclusive of costs for each day of offence and such penalty and costs shall be recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33 as amended.
- 5.11 Should any section, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.

READ a first, second and third time and finally passed this thirteenth day of November, 2001.


Ed Renaud, Mayor


S. M. Brophey, Clerk