

THE CORPORATION OF THE TOWN OF RICHMOND HILL

BY-LAW NO. 125-14

A By-law to regulate Backflow Prevention and Cross Connection Control in order to Protect Water Quality in the Town of Richmond Hill and to Repeal Section 21 (Protection From Contamination) of By-law No. 94-11

WHEREAS pursuant to subsections 11(3) and (11) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "*Municipal Act*"), the Corporation of the Town of Richmond Hill (the "Town") has the responsibility for the distribution of water within the Town;

AND WHEREAS Section 11 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended (the "SWDA"), requires every owner and operator of a municipal drinking water system to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the Safe Drinking Water Act;

AND WHEREAS pursuant to subsection 20(1) of the SWDA, it is an offence to cause or permit anything to enter a drinking-water system if it could result in, a drinking-water health hazard, a contravention of a prescribed standard or the interference with the normal operation of the system;

AND WHEREAS Part 7 of the *building code* requires potable water systems to be protected from contamination;

AND WHEREAS pursuant to subsection 11(2) of the *Municipal Act* a municipality may pass a By-law for purposes related to the health, safety and well-being of the inhabitants of persons;

AND WHEREAS contamination of the Town drinking-water supply can arise as a result of a backflow incident from a private plumbing system which is attached to the Town's municipal drinking-water system;

AND WHEREAS the contamination of the municipal drinking-water system can have an adverse impact on the health, safety and well-being of the users of the Town's drinking water;

AND WHEREAS the Town desires to protect the health, safety and well-being of the inhabitants of the Town by passing a By-law to put mechanisms in place prevent the discharging of a contaminating substance into the municipal drinking-water system for which the Town is responsible;

AND WHEREAS section 80(1) of the *Municipal Act*, as amended, authorizes a municipality, at reasonable times, to enter on 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 or to inspect, repair, replace or alter a public utility meter;

AND WHEREAS section 80(2) of the *Municipal Act*, as amended, authorizes a municipality to, for the purposes of section 80(1), shut off or reduce the supply of the public utility to the land;

AND WHEREAS section 80(3) of the *Municipal Act*, as amended, authorizes the municipality to enter on the land to shut off the supply of the public utility; to remove any property of the municipality or to determine whether the public utility has been or is being unlawfully used, if a customer discontinues the use of a public utility on land or a municipality lawfully decides to cease supplying the public utility to land;

AND WHEREAS section 82(1) of the *Municipal Act*, as amended, states that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to a municipality or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given;

AND WHEREAS section 446 of the *Municipal Act*, as amended, authorizes a municipality through By-law to require, in default of a required matter or thing being done, that the work may be done by the municipality at the expense of the person required to do it and the costs may be added to the tax rolls and collected in the same manner as taxes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS THE FOLLOWING:

1. DEFINITIONS

In this By-law the following words shall have the following meanings:

- (a) "Authorized Functions List" means the list of functions and the persons with the required qualifications authorized to carry out such functions as set out in the *CSA Standard*;
- (b) "auxiliary water supply" means any water source or system, other than the Town's *municipal drinking-water system*, that may be available in a *building* or *structure* on any property;
- (c) "AWWA" means the American Water Works Association;
- (d) "backflow" means the flowing back of or reversal of the normal direction of flow of water;
- (e) "Backflow Preventer Test Report" means an inspection and testing report of a *backflow preventer* containing the make, model, serial number, size, type, installation date, location and installation address and the test results. Such report must contain information related to the qualified person and be completed on the Town's prescribed form, as amended from time to time;
- (f) "backflow prevention device" or "backflow preventer" shall have the same meaning as "backflow preventer" as set out in the *building code*;
- (g) "backflow prevention officer" means the individual(s) appointed by the *Director of Public Works* to administer and enforce this By-law as an enforcement officer;
- (h) "back siphonage" means *backflow* caused by negative pressure in the *municipal drinking-water system*;
- (i) "building" shall have the same meaning as set out in the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;
- (j) "building code" means the *O.Reg 332/12 – Building Code, as amended*, passed pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;
- (k) "cross connection" means any actual or potential connection between a *potable water* system and any source of pollution or contamination and includes any by-pass, jumper connection, removable section of pipe, swivel or changeover device and any other temporary or permanent connecting arrangement through which *backflow* may occur;
- (l) "Cross Connection Control Survey Report" means a report in the Town's prescribed form, as amended from time to time, which shall include all *cross connections* identified, existing method of protecting those *cross connections* and corrective measures, recommendations and a date for which each device will be installed;
- (m) "CSA Standard" means the document entitled "National Standard of Canada-CAN/CSA-B64.10-11/ B64.10.1-11 -Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices-Plumbing Products or Materials-A National Standard of Canada", as amended from time to time, published in 1997 by the Canadian Standards Association or any successor thereof;
- (n) "Director of Public Works" shall mean the person designated as the Director of Public Works for the Town or their designate;
- (o) "minor hazard" means any *cross-connection* or potential *cross-connection* that constitutes only a nuisance, with no possibility of any health hazard, and which is identified as a minor hazard connection by the *CSA Standards*;

- (p) "moderate hazard" means any *minor hazard* that has a low probability of becoming a *severe hazard* and under certain conditions can create a danger to health; and which is identified as a moderate hazard connection by the *CSA Standards*;
- (q) "municipal drinking-water system" shall have the same meaning as found in the SWDA;
- (r) "Order to Comply" is an order issued pursuant to subsection 12(2) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any order issued pursuant to the *Municipal Act*;
- (s) "owner" means any person, firm or corporation having control over property to which this By-law applies and includes the owner registered on the title of the property and any occupant of any *building* or *structure* located on such property;
- (t) "person" includes any individual, Corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neuter gender wherever the context so requires;
- (u) "plumbing system" means a system for water and/or wastewater not on the Town's right of ways and easements, which is separate from the *municipal drinking-water system*;
- (v) "potable water" means water that is safe for human consumption and that complies with section 10 of the *SDWA*;
- (w) "premise isolation" means isolation of the water located within a *building* or *structure* from the Town's *municipal drinking-water system*;
- (x) "Preventer Test Tag" means a tag containing the make, model, serial number, size, type, location, installation date and address as well as test history of a *backflow preventer*, as prescribed by the Town, as amended from time to time;
- (y) "qualified person" means the backflow prevention tester permitted to carry out the work who satisfies all of the requirements in accordance with this By-law and qualifies to carry out such work under the *Authorized Functions List* as per *CSA Standard*.
- (z) "severe hazard" means any *cross-connection* or potential *cross-connection* involving any substance that could be a danger to health under any concentration and which is identified as a severe hazard connection by the *CSA Standard*;
- (aa) "source isolation" means isolation of the water located within or having flowed through a source or potential source of contamination within a *building* or *structure* including a device, machine, water system or the like, from any *potable water* system;
- (bb) "structure" means anything constructed or built permanently or temporarily which is provided with a source of potable water;
- (cc) "Tariff of Fees By-law" means the By-law to authorize fees or charges for certain services within the Town of Richmond Hill. By-law 115-13, as amended
- (dd) "Town" means The Corporation of the Town of Richmond Hill and includes its employees, servants and agents;
- (ee) "water meter" means the water meter installed within a premise to record the amount of water supplied to such premise by the Town through the *municipal drinking-water system*;
- (ff) "zone isolation" means the isolation of the water located within an area of a *building* or *structure* from any *potable water* system located within such *building* or *structure*.

2. APPLICATION OF BY-LAW

- (a) This By-law applies to all properties within the Town, except *buildings* or *structures* of residential occupancy where each dwelling unit is individually serviced from the *municipal drinking-water system* only through a single connection less than 50 mm diameter.
- (b) In addition to and notwithstanding Section 2(a) of this By-law, this By-law applies where a condition exists in any *building* or *structure* that may be hazardous or detrimental to the *municipal drinking water system*.
- (c) In addition to and not withstanding Section 2(a) of this By-law, this By-law applies to plumbing in residential occupancies having connections to the *municipal drinking water system* and any *auxiliary water supply*, private well, lawn sprinkler or irrigation system, or fire protection system (except for a residential full flow through fire sprinkler system).

3. FEES

- (a) Any fees and administrative costs associated with the By-law are non-refundable and are indicated in the Town's *Tariff of Fees By-law*, as amended.
- (b) Receipt of application does not indicate compliance to the requirements of this By-law.

4. GENERAL PROVISIONS

- (a) Every *owner* in respect of property upon which a *backflow prevention device* is installed shall ensure that such device is in good repair at all times and in compliance with this By-law.
- (b) In addition to any other provisions of this By-law, the Town may at any time require an *owner* to conduct tests, provide reports and undertake any other measures required for the prevention of *backflow* or protection of a *cross connection*.
- (c) Where a time frame is prescribed in this By-law, the Town may at its sole discretion extend the time for compliance provided such extension is reasonably required and is acceptable to the Town.
- (d) All *Cross Connection Control Survey Reports* and *Backflow Preventer Test Reports* are to be submitted to The Town of Richmond Hills - Public Works – Water & Wastewater Section.
- (e) Table 1 Authorized Functions List of CSA B64.10-11/ B64.10.1-11, as amended, shall be a part of this By-law.

5. PROHIBITION OF CROSS CONNECTIONS - OWNER'S RESPONSIBILITY

- (a) No *person* or *owner* shall connect, cause to be connected, or allow to remain connected to the Town's *municipal drinking-water system* or any other *potable water system* any plumbing, piping, fixture, fitting, container, appliance, vehicle, machine or the like in a manner which may under any circumstance allow water, waste water or any other liquid, chemical or substance to enter such *municipal drinking-water system* or *potable water system*, except in compliance with the provisions of this Bylaw.
- (b) Every *owner* in respect of property to which this Bylaw applies shall ensure that a *backflow prevention device* is installed in respect of *premise isolation* in every *building* or *structure* supplied by a *municipal drinking-water system*.
- (c) No *person* or *owner* shall connect, cause to be connected, or allow to remain connected any *auxiliary water supply* or private well to a plumbing system which is supplied by the Town's *municipal drinking-water system*, without a *backflow prevention device* as approved by the *Director of Public Works*, and except in compliance with the provisions of this Bylaw.
- (d) *Premise isolation* shall be required where an *auxiliary water supply* exists.

- (e) No *cross connection* or modifications to an existing *cross-connection* shall be made between *municipal drinking-water system* or *potable water system* and any other private plumbing except where a building permit has been applied for under the *building code* and approved by the Town.

6. PERSONS PERMITTED TO CARRY OUT WORK

- (a) Only those *qualified persons* with the required qualifications listed in the *Authorized Functions List* in CAN/CSA- B64.10-11/ B64.10.1-11 as amended from time to time, shall carry out the corresponding functions set out therein.
- (b) In addition to required qualifications listed in *Authorized Functions List*, the *qualified persons* listed who are permitted to perform works, shall also have and submit proof of the following qualifications in a form satisfactory to the *Director of Public Works*:
 - i) A valid current Tester's Certificate issued by AWWA or approved equivalent;
 - ii) A current calibration certificate for the test equipment issued within a year to date of submission of a *Backflow Preventer Test Report*; and,
 - iii) Valid WSIB clearances and proof of insurance liability.
- (c) No *qualified person* listed on the *Authorized Functions List* shall carry out any of the corresponding authorized functions unless the *person* has provided proof of qualifications to the satisfaction of the *Director of Public Works*.

7. APPLICATION OF CSA STANDARD

- (a) Except as otherwise set out in this By-law, the selection, maintenance and field testing of *backflow preventers* shall be in accordance with the *CSA Standard* and the *building code*, as amended from time to time.
- (b) Wherever the *CSA Standard* and this By-law are in conflict, the provisions of this By-law shall prevail where the *CSA Standard* is not incorporated as a part of the *building code*.
- (c) Where a *source isolation backflow prevention device* has been previously installed by the manufacturer of equipment, the *cross connection* is required to be reviewed by a *qualified person* to determine if the *backflow prevention device* meets the selection specifications to the satisfaction of the Town. These *cross connections* are to be clearly indicated on the *Cross Connection Control Survey Report*.

8. CROSS CONNECTION CONTROL SURVEY REQUIREMENT

- (a) Every *owner* in respect of property to which this By-law applies shall cause a *Cross Connection Control Survey* to be undertaken at the *owner's* expense. The *Cross Connection Control Survey* shall be carried out starting at the water meter to all plumbing in each *building* or *structure*. A *Cross Connection Control Survey* shall be completed at a frequency of:
 - i) Every five (5) years from the date of the first survey requested;
 - ii) Upon change of operation or use of the property, zoning change, change of *owner*, change of tenant, or as otherwise required by the Town;

The *owner* shall ensure that the survey conducted is carried out on the prescribed *Cross Connection Control Survey Report* form and shall be undertaken and completed by a *qualified person*; and the *owner* shall ensure that the completed and legible *Cross Connection Control Survey Report* is provided to satisfaction of the *Director of Public Works* within fourteen (14) days of the survey being conducted.

- (b) *Backflow prevention devices*, whether for *premise isolation*, *source isolation* or *zone isolation*, shall be determined pursuant to the *building code* and the *CSA Standard* by a *qualified person*. These *cross connections* shall be clearly identified on the *Cross Connection Control Survey Report* completed by a *qualified person* in accordance with this By-law.

- (c) When a new *cross connection* to the *municipal drinking-water system* is made, the *owner* shall complete and submit a *Cross Connection Control Survey Report* in accordance with this By-law prior to the plumbing being put into use.
- (d) Where a modification to plumbing, equipment or a process has been made after the submission of a *Cross Connection Control Survey Report* as required by this By-law, the *owner* shall complete and resubmit a new *Cross Connection Control Survey Report* to the Town prior to the modified plumbing being put into use.
- (e) No *person* shall submit or cause to be submitted a *Cross Connection Control Survey Report* to the Town that contains inaccurate or false information.

9. TOWN ACCESS FOR INSPECTION FOR CROSS CONNECTIONS

- (a) Any person authorized by the Town shall be permitted access, within twenty-four (24) hours of providing notice, to any premises that are connected to the *municipal drinking-water system* for the purpose of performing inspections to verify compliance with this By-law.
- (b) Where in the opinion of the Town, a risk of possible contamination of the *municipal drinking-water system* exists, any person authorized by the Town shall be permitted immediate access in accordance with section 16 of this By-law to any premises that are connected to the *municipal drinking-water system*. In such instances, the Town may require a routine *cross connection* inspection of the premises to be performed by a *qualified person* to the satisfaction of the *Director of Public Works*. Should an unsafe and/or undocumented *cross connection* be found during said inspection, the cost of the inspection shall become the responsibility of the *owner*.
- (c) Upon failure to comply with this Section, an *Order to Comply* by the Town may be issued, prescribing the time frame within which access must be provided or work carried out. If access is not provided or work carried out within the prescribed time frame, the *Director of Public Works* may order the supply of water from the *municipal drinking-water system* to the *plumbing system* to be discontinued until such time as access is provided and work is carried out, in addition to and notwithstanding any other powers pursuant to this By-law.

10. ORDER TO CORRECT CROSS CONNECTION

- (a) Should a condition be found to exist on a property which is contrary to this By-law, the Town at its sole discretion may:
 - i) Issue an *Order to Comply* to the *owner* to correct the fault at their expense within a specified time period and if the order is not complied with, the Town may discontinue the supply of water from the *municipal drinking water system* to the *plumbing system*; and/or,
 - ii) Without notice to the *owner*, discontinue the supply of water from the *municipal drinking water system* to the *plumbing system*, where the Town, at its discretion, has determined that an immediate *severe hazard* exists that could result in contamination of the *municipal drinking water system*; and/or,
 - iii) Issue any order or require any work be undertaken as otherwise permitted pursuant to this By-law.

11. SELECTION OF BACKFLOW PREVENTION DEVICES

- (a) Every *owner* in respect of property to which this By-law applies shall ensure that *backflow prevention devices* are installed for *premise isolation*, *zone isolation*, and *source isolation* in every *building* where a supply of water from the *municipal drinking water system* or other *potable water* exists pursuant to the provisions of this By-law.
- (b) *Backflow prevention devices* for *premise isolation*, *zone isolation*, or *source isolation* shall be determined:
 - i) by using the *CSA Standard* and/or the *building code*; or,
 - ii) when the type of *cross connection* is not identified in the *CSA Standard* or in the *Building Code*, by a professional engineer using the *CSA Standard*.

- (c) Notwithstanding Section 11(b), the Town in its sole discretion may require or permit particular *backflow prevention device(s)* or form of protection be used in respect of any *cross connection*, including *premise isolation*, *zone isolation*, or *source isolation*.

12. INSTALLATION OF BACKFLOW PREVENTION DEVICES

- (a) Every *qualified person* installing a *backflow preventer* or causing a *backflow preventer* to be installed or replaced shall ensure that:
 - i) such device is installed in accordance with acceptable engineering practices, the requirements of the *building code*, manufacturer's specifications, this By-law and the *CSA Standard*, as amended from time to time;
 - ii) such device is installed in a *building*;
 - iii) such device is located in such a manner so that, in the event of *backflow*, the device prevents contamination of the *municipal drinking-water system*; and,
 - iv) a building permit has been applied for and approved by the Town.
- (b) 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.
- (c) Once the *Cross Connection Control Survey* is conducted and determined that a *backflow prevention device(s)* is required, the installation of a *backflow prevention device(s)* shall occur within the timeframes outlined below, depending upon the degree of hazard:

Degree of Hazard	Compliance Date
<i>Severe hazard</i>	No later than thirty (30) calendar days from the date of identification of the hazard as severe.
<i>Moderate hazard</i>	No later than ninety (90) calendar days from the date of identification of the hazard as moderate.
<i>Minor hazard</i>	No later than ninety (90) calendar days from the date of identification of the hazard as minor.

13. BACKFLOW TEST EQUIPMENT MAINTENANCE

- (a) Where required by the *CSA Standard*, as amended from time to time, all equipment used to test *backflow prevention devices* shall be verified and/or calibrated for accuracy annually by a *qualified person*.
- (b) Proof of such verification and/or annual calibration shall be presented to the Town upon request, and in conjunction with the submission of *Backflow Preventer Test Report*.

14. TESTING OF BACKFLOW PREVENTERS

- (a) Every *owner* who has a *backflow preventer* installed on his or her property shall ensure that:
 - i) such device is tested by a *qualified person* when it is first installed and annually thereafter or when requested by the Town, and also when it is cleaned, repaired, overhauled or relocated;
 - ii) the *Backflow Preventer Test Report* is submitted to the *Director of Public Works* within fourteen (14) days of the test being conducted;
 - iii) in the event that such *backflow preventer* is malfunctioning or otherwise not in proper working order, cause the device to be repaired or replaced forthwith by a *qualified person*; and,
 - iv) when a *backflow prevention device* is tested, the *qualified person* shall ensure that a *Preventer Test Tag* is affixed to the device.
- (b) testing methods set out in section 6 of the *CSA Standard* and test procedures established by the *AWWA* for testing *backflow preventers* shall be employed.

- (c) Corrective actions on deficiencies identified either on the *Cross Connection Control Survey Report* or on the *Backflow Preventer Test Reports* shall be completed and reported to the *Director of Public Works* within (14) days.
- (d) Every *qualified person* who tests a *backflow preventer* shall:
 - i) carry out such testing in accordance with this By-law and the *CSA Standard*;
 - ii) within fourteen (14) days of carrying out such test, provide a legible *Backflow Preventer Test Report* to the *Director of Public Works* in respect of such test;
 - iii) upon completing such test, complete and affix a *Preventer Test Tag* to the device or immediately adjacent to the device on the piping connected thereto; and
 - iv) upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the *owner* and the Town of such condition.
- (e) No *person* shall submit a *Backflow Preventer Test Report* to the Town that contains inaccurate or false information.

15. REMOVAL OF BACKFLOW PREVENTION DEVICES PROHIBITED

No *owner* of a *building* or *structure* in which a *backflow preventer* is installed shall cause or permit the removal of such device or part thereof unless such removal is to replace the device with another device that meets or exceeds the provisions of this By-law. A building permit from the Town is required to be completed in order to remove, replace or install any *Backflow Preventer*.

16. ADMINISTRATION AND ENFORCEMENT

- (a) The *Director Public Works* shall be responsible for the administration and enforcement of this By-law, including prescribing the content of any forms or other documents required under this By-law from time to time and the appointment of *backflow prevention officers*.
- (b) The *backflow prevention officer* shall act in capacity of enforcement officer for the purposes of enforcing this By-law.
- (c) Powers of Entry:

The *backflow prevention officer* or any authorized person may enter on a premises at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- i) The provisions of this By-law;
- ii) An *Order to Comply* issued under this By-law; or
- iii) An order issued by a provincial judge or justice of the peace pursuant to the *Municipal Act*.

Where an inspection is conducted, the person authorized to conduct the inspection may:

- i) Require the production for inspection of documents or things relevant to the inspection;
- ii) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- iii) Require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; and
- iv) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of the York Regional Police force, as well as by any person under his or her direction, in accordance with the *Municipal Act*.

- (d) Where the requirements of this By-law are not met or a condition exists on any property that may allow contamination of the *municipal drinking-water system*, the backflow prevention officer may issue and serve an *Order to Comply* on the *owner* requiring the *owner* to comply with the requirements of the By-law and to eliminate the condition which may allow contamination and in so doing may prescribe the time period for compliance with such *Order to Comply*; the work to be completed which may include but is not limited to:
- i) a legible *Cross Connection Control Survey Report* be completed and submitted to the Town;
 - ii) taking corrective actions on deficiencies identified either on *Cross Connection Control Survey Report* or on *Backflow Preventer Test Report* for his or her property;
 - iii) a *Backflow Preventer* be tested annually;
 - iv) a legible *Backflow Preventer Test Report* be completed and submitted to the Town;
 - v) a *Preventer Test Tag* be applied to a *Backflow Preventer*;
 - vi) a building permit be applied for and obtained prior to installation, replacement or removal of a *Backflow Preventer*;
 - vii) a *Backflow Preventer* be installed;
 - viii) a *Backflow Preventer* be repaired;
 - ix) a *Backflow Preventer* be replaced;
- (e) If a condition exists on a property which may, in the opinion of the *Director of Public Works* or a person authorized by the *Director of Public Works*, result in the risk of contamination of the *municipal drinking-water system*, in addition to issuing any *Order to Comply* and notwithstanding any other powers provided for in this By-law, the *Director Public Works* may immediately and without notice shut off the water supply from the *municipal drinking-water system* to the property or any portion thereof until the condition is eliminated to the satisfaction of the Town.
- (f) Service of an *Order to Comply* shall be hand delivered to the property or delivered through prepaid registered mail to the address of the *owner* as shown on the tax roll. Where service is made by registered mail, it shall be deemed to have been received by the *owner* on the seventh day after the date of mailing.
- (g) Wherever this By-law directs or requires any work or thing to be done, in default of it being done by the *person* directed to do it, such work may be done by the Town or its agents at the expense of the person and the Town may recover all expenses incurred in doing the work by action or by adding the costs to the tax roll and collecting them in the same manner as taxes. Unpaid outstanding court fines will also be added to the tax roll and be collected in the same manner as taxes, in accordance with the *Municipal Act* and the *Tariff of Fees By-law*.
- (h) In addition to any other provision of this By-law, the Town may at any time issue an *Order to Comply* to an *owner* to conduct tests, provide reports and undertake any other measures required in respect of a *cross connection* and the prevention of *backflow*.
- (i) No *person* shall hinder or obstruct, or attempt to hinder or obstruct, an authorized person who is performing a duty or exercising a power under this By-law .

17. PENALTY PROVISIONS

- (a) Every *person* who contravenes a provision of this By-law, including an *Order to Comply* issued under this By-law, is guilty of an offence.
- (b) If any provision of this By-law and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

- (c) If an *Order to Comply* has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- (d) Every *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - i) Upon first conviction, to a fine of not less than \$300.00 and not more than \$50,000.00;
 - ii) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$500.00 and not more than \$100,000.00
 - iii) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$200.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.
- (e) Pursuant to the provisions of subsection 433 (1) of the *Municipal Act*, where a *person* has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the Town.
- (f) Pursuant to subsection 441.1 of the *Municipal Act*, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to subsection 351 (1) of the *Municipal Act*, the Treasurer of the Town, or agent may seize the following to recover the taxes and costs of seizure, subject to the exemptions provided for in subsections 351 (3) and (4) of the *Municipal Act*:
 - i) The personal property belonging to or in the possession of the person fined;
 - ii) The interest of the person fined in any personal property including such person's right to the possession of any personal property under a contract for purchase or a contract to which the person fined becomes the owner of the property upon performance of any condition;
 - iii) The personal property on the land and any interest therein as described in this By-law of the owner of the land, even if the owner's name does not appear on the tax roll; and/or;
 - iv) Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.

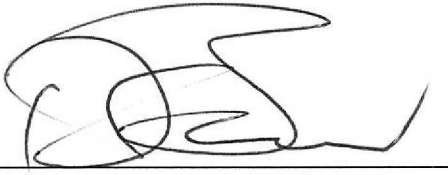
18. SEVERABILITY

- (a) If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in full force and effect.

19. ADMINISTRATIVE

- (a) Nothing in this By-law shall be so construed as to permit anything, which by the provisions of any applicable act, regulation or By-law is otherwise prohibited.
- (b) This By-law shall not apply to discharges, activities or matters undertaken by the Town.
- (c) Section 21 (Protection From Contamination) of By-law Number 94-11 is hereby repealed.
- (d) This By-law shall come into force and effect upon third reading hereof.

PASSED THIS 22nd DAY OF SEPTEMBER, 2014.

A handwritten signature in black ink, appearing to be 'Dave Barrow', written over a horizontal line.

Mayor

Dave Barrow
Mayor

A handwritten signature in black ink, appearing to be 'Dawn McKay', written over a horizontal line.

Town Clerk

