



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2014-73

A BY-LAW TO REGULATE AND CONTROL CONNECTIONS TO AND THE USE OF WATER PROVIDED BY THE TOWNSHIP OF KING DRINKING WATER SYSTEMS HEREAFTER KNOWN AS THE WATER USE BY-LAW

WHEREAS pursuant to subsections 11(1) and 11 (3) of the Municipal Act, the Corporation of the Township of King (the "Township") has the responsibility for the distribution of water within the Township;

AND WHEREAS a Drinking Water Works Permit (DWWP) has been issued under Section 40 of the Safe Drinking Water Act for the Ansnorveldt, Schomberg, Nobleton and King City Drinking Water Systems (DWS). These permits provide authority to the Township for the installation and required maintenance/upkeep of the relevant drinking water infrastructure;

AND WHEREAS a Municipal Drinking Water License has been issued under Section 44 of the Safe Drinking Water Act for the Ansnorveldt, Schomberg, Nobleton and King City DWS. These licenses provide authority and direction to the Township for the operation of the four DWS;

AND WHEREAS Section 11 of the Safe Drinking Water Act, 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 Safe Drinking Water Act, 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 Ontario Building Code requires potable water systems to be protected from contamination;

AND WHEREAS pursuant to subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "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 Township's drinking-water supply can arise as a result of a backflow incident from a private plumbing system which is attached to the Township'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 Township's drinking water;

AND WHEREAS, the Township desires to protect the health, safety and well-being of the inhabitants of the Township by passing a By-law to put mechanisms in place so as not to permit the discharging of a contaminating substance into the municipal drinking-water system for which the Township 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 s. 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 Township of King enacts as follows:

1) DEFINITIONS

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

- (a) "ASSE" means the American Society of Sanitary Engineering;
- (b) "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 Schedule "A" of this By-Law;
- (c) "auxiliary water supply" means any water source or system, other than the Township's drinking water, that may be available in a building or structure on any property;
- (d) "AWWA" means the American Water Works Association;
- (e) "backflow" means the flowing back of or reversal of the normal direction of flow of water;
- (f) "backflow prevention device" means a device that prevents backflow and includes a reduced pressure principle assembly, dual check valve, double check valve and the like;
- (g) "back siphonage" means a backflow caused by negative pressure in the municipal water distribution system;
- (h) "building" shall have the same meaning as set out in the *Building Code Act 1992*, S.O. 1992, c. 23, as amended, (the "Building Code")
- (i) "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;

- (j) "*Cross Connection Control Survey Report*" means a report 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 on the Township's prescribed form, as amended from time to time;
- (k) "*CSA Standard*" means the document entitled National Standard of Canada-CAN/CSA-B64.10 and Amendments-Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices-Plumbing Products or Materials-A National Standard of Canada published in 1997 by the Canadian Standards Association or any successor thereof;
- (l) "*Device Upgrade Implementation Report*" means a report which shall record all work done by a property owner for taking corrective actions on those deficiencies identified either on the Cross Connection Control Survey Report or on the Preventer Test reports for his or her property. This report shall be completed on Township of King's prescribed form, as amended from time to time;
- (m) "*Director of Engineering and Public Works*" shall mean the person designated as the Director of Engineering and Public Works for the Township or their designate;
- (n) "*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;
- (o) "*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;
- (p) "*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;
- (q) "*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;
- (r) "*plumbing system*" means a system for water and wastewater not on the Township's right of ways and easements, separate from the municipal drinking water system as defined in the Ontario Building Code; as amended;
- (s) "*potable water*" means water that is safe for human consumption and that complies with section 10 of the *Safe Drinking Water Act*;
- (t) "*premise isolation*" means isolation of all the water located within an entire building, structure or property from the Township's water supply at the point where the municipal water supply first enters into the building, structure or property;
- (u) "*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. The report must also contain information related to the qualified person. This report should be completed on the Township's prescribed form, as amended from time to time;
- (v) "*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 Township, as amended from time to time;
- (w) "*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;

- (x) "*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;
- (y) "*structure*" means anything constructed or built permanently or temporarily which is provided with a source of potable water;
- (z) "*Township*" means The Corporation of the Township of King and includes its employees, servants and agents;
- (aa) "*water meter*" means the water meter installed within a premise to record the amount of water supplied to such premise by the Township through the municipal drinking-water system, and all meter reading equipment;
- (bb) "*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 Township connected to the Municipal Drinking Water System.
- (b) Buildings or structures of residential occupancy where each dwelling unit is individually serviced from the municipal drinking-water system through a single connection less than 50 mm diameter are exempted from the provisions of section 4 related to cross-connection control & Backflow prevention unless otherwise regulated in the By-law.
- (c) In addition to and notwithstanding Section 2(b) 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.
- (d) In addition to and notwithstanding Section 2(b) 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, lawn sprinkler or irrigation system, or fire protection system (except for a residential full flow through fire sprinkler system), a solar domestic hot water supply, cross connection or any other potential cross-connection.

3) GENERAL PROVISIONS

3.1) CONNECTION TO THE MUNICIPAL DRINKING WATER SYSTEM

- (a) Any person wishing to connect a premises to the Township's Drinking Water System shall require permission and shall first obtain a Permit first from the Township and shall pay all costs associated with the construction and installation of the connection from the water main to the property line of the premises, and The Township shall approve and otherwise determine the size and manner of the connection required and the total cost. Connections shall only be installed by persons employed or authorized by the Township.
- (b) All water supplied to a property shall be metered; the location of the meter and the read-out must be accessible. The meter shall be supplied by the Township and the owner shall pay for the cost of supplying and installing the meter. The meter shall remain the property of the Township.
- (c) Where a property to be serviced is vacant or otherwise undeveloped the owner shall submit sufficient information to the Township to determine the appropriate service pipe size. In the event the service provided is not adequate when the lot is further developed any necessary works shall be conducted at the owner's cost and subject to Township approval.
- (d) All water supplied to construction projects and development sites shall be metered and the use of such water charged back to the owner.
- (e) No persons shall be permitted to open or tamper with any water meter, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter. The Township without any notice may shut off the water from such building or premises if tampering is suspected or has been determined.
- (f) A meter shall be installed and inspected by the municipality before the water shall be turned on and supplied to the property.

- (g) Where a meter cannot conveniently be placed inside a building, the meter for such premises shall be placed in a meter chamber, the location and construction of which are approved by the Township.
- (h) The property line valve (curb stop) shall be located on Township property.
- (i) No person shall cover-up, obstruct, alter, move or access the property line valve.
- (j) For a property of Industrial, Commercial or Institutional use the meter location is required in property line chamber, unless otherwise approved by the Township
- (k) There shall be levied on all premises supplied with water by the Township a water service user rate for the operation and maintenance of the waterworks system and may include a charge for depreciation, deferred maintenance or a reserve fund for any such purpose. The Council shall determine the water service rate from time to time by resolution or by-law of the Council, and method and time of payment of such rates.
- (l) In case of mechanical or electrical failure, making repairs, or construction new work in connection with the Waterworks Systems, any person duly authorized by the Township for the purpose, may shut off the water from any consumer, without notice and keep it shut off as long as may be necessary and the Township shall not be liable for any damage resulting therefrom.
- (m) Any person duly authorized by the Township, upon presentation of identification, shall at all times be given free access to every property to which water is supplied by the Township, for the purpose of inspection of meters, fixtures, pipes and appliances of every description used in connection with the supply of water to, or the use of water on such property.
- (n) All persons shall maintain private water services in a good state of repair and free from any leaks.
- (o) Any person wishing to discontinue the use of water supplied by the Township, or moving to another premise must give notice thereof to the Treasurer of the Township of King. Failure to give such notice will result in the water rates or a charge being continued until such notice is given or the water is turned off. All such monies shall constitute a charge against the property and no such water shall be supplied to such property until they are paid.
- (p) Any such person wishing to have the supply of water to premises turned off, or turned on, shall pay the applicable fee.
- (q) No person, except persons authorized in writing by the Township, shall turn on or turn off any water valve or fire hydrant on the Township Waterworks Distribution Systems.
- (r) When any person taking a supply of water from the Township fails to comply with any of the provisions of this by-law in any respect, the Township may, without notice to such person, turn off the water and the water shall not be turned on again until all the provisions of this by-law are complied with and shall pay the applicable fee.
- (s) Failure to pay water rates or charges as and when they become due shall be deemed to be failure to comply with the provisions of this by-law.

3.2) WATER USE RESRICTIONS

- (a) No person shall use water supplied by the Township of King for the watering of plants, shrubs, trees, flowers, vegetables, grass or any use other than for strictly domestic purpose within the premises supplied with water except at such time as specified in 3.2.
- (b) All owners, tenants and Lessees of properties within the Township of King with odd numbered street addresses shall be permitted to water between the hours of 6:00 am- 9:00 am or 7:00 pm- 9:00 pm on an odd numbered day of the month.
- (c) All owner, tenants and Lessees of properties within the Township of King with even numbered street addresses shall be permitted to water between the hours of 6:00 am-9:00 am or 6:00 pm- 7:00 pm on an even numbered day of the month.
- (d) Any further restrictions deemed necessary to protect the water supply or as may be required by the Region of York By-law

4) CROSS-CONNECTION CONTROL & BACKFLOW PREVENTION**4.1) GENERAL PROVISIONS**

- (a) Every owner of property upon which a backflow prevention device is installed shall ensure that such device is in good repair at all times.
- (b) In addition to any other provisions of this By-law, the Township may at any time order 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 Township may extend the time for compliance provided such extension is reasonably required and is acceptable to the Township.
- (d) All Cross Connection Control Survey Reports and Preventer Test Reports are to be submitted to The Township of King- Engineering and Public Works- Building Division
- (e) Schedule "A" shall form part of this By-law.

4.2) 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 Township'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 where suitable backflow prevention is provided.
- (b) 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 Township's municipal drinking-water system.
- (c) In all cases, premise isolation shall be required where an auxiliary water supply exists.
- (d) No connection shall be made between a potable water system supplied with water from a drinking water system and any other potable water system without the consent of the Township.

4.3) PERSONS PERMITTED TO CARRY OUT WORK

- (a) Only those persons with the required qualifications listed in the Authorized Functions List attached as Schedule "A" shall carry out the corresponding functions set out therein.
- (b) In addition to required qualifications listed in Schedule "A", the persons listed in the Authorized Functions List attached as Schedule "A" who are permitted to perform the Cross Connection Control Surveys or testing of backflow preventers shall also have and submit proof of the following qualifications in a form satisfactory to the Township:
 - i) A Tester's Certificate issued by AWWA or approved equivalent which has been issued or renewed within five years prior to date of the submission of the Cross Connection Control Survey or Preventer Test Report; and
 - ii) A current calibration certificate for the test equipment issued within the twelve months prior to date of submission of a *Preventer Test Report*.
- (c) No 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 Township.

4.4) APPLICATION OF CSA STANDARD

- (a) Except as otherwise set out in this By-law, the installation, maintenance and field resting of *backflow preventers* required pursuant to this By-law shall be undertaken in accordance with the current *CSA Standard*

- (b) Wherever the *CSA Standard* and this By-law are in conflict, the provisions of this By-law shall prevail

4.5) CROSS CONNECTION CONTROL SURVEY REQUIREMENT

- (a) Every owner of a building or structure to which this By-law applies shall cause a Cross Connection Control Survey to be undertaken at the owner's expenses. The Cross Connection Control Survey shall be carried out on 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 or as otherwise required by the Township;

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

- (b) Every owner shall ensure that every backflow prevention device required for premise isolation on his or her property is a testable device and is the proper device to be used pursuant to Section 7(c) of this By-law.
- (c) Backflow Prevention devices whether it is for premise isolation, source isolation or zone isolation shall be determined by using the Ontario Building Code and the CSA Standard.
- (d) Where a source isolation backflow preventer has been installed by the manufacturer of the equipment, the owner is required to have the cross connection reviewed by a qualified person pursuant to the Authorized Functions List to determine if the backflow preventer complies with the requirements of the Ontario Building Code and the CSA Standard. These cross connections shall be clearly identified on the Cross Connection Control Survey Report.
- (e) When a new connection to the municipal drinking-water system is made, the owner shall complete and submit a survey prior to the plumbing being put into use.
- (f) Where a modification to plumbing, equipment or a process has been made after the submission of a survey as required by this by-law, the owner shall complete and resubmit a new survey to the Township prior to the modified plumbing being put into use.
- (g) No person shall submit a Cross Connection Control Survey report to the Township that contains inaccurate or false information.

4.6) TOWNSHIP ACCESS FOR INSPECTION FOR CROSS CONNECTIONS

- (a) The Township 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 Township, a risk of possible contamination of the municipal drinking water system exists; the Township shall be permitted immediate access to any premises that are connected to the municipal drinking water system. In such instances, the Township may require a routine cross connection inspection of the premises to be performed by an approved company or person as described in the Authorized Functions List (see Schedule "A"). 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 permit access as prescribed in Sections 8(a) or 8(b), a written notice by the Township may be issued, prescribing the time frame within which access must be provided. If access is not provided within the prescribed time frame, the Township may order the supply of water from the municipal drinking water system to the plumbing system on the premises to be discontinued until such time as access is provided..

4.7) SELECTION OF BACKFLOW PREVENTION DEVICES

- (a) Every owner of a building or structure to which this By-law applies shall ensure that backflow prevention device(s) are installed for property isolation, source isolation, zone and area isolation in every building where a Township water supply or other potable water exists pursuant to the provisions of this by-law.
- (b) Backflow prevention devices for premise, source or zone 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 4.6(b), the Township may require or permit particular backflow prevention device(s) or form of protection be used in respect of any cross connection, including premise, zone, area and individual protection.
- (d) Notwithstanding Section 4.6(b) of this by-law, where the manufacturer of equipment has installed a backflow prevention device, the cross connection is required to be reviewed to determine if the backflow prevention device meets the requirements of the CSA Standard. These cross connections are to be indicated on the Cross Connection Control Survey Form when a Survey is required.
- (e) Every owner shall ensure that every backflow prevention device required for premise isolation on their property is a testable device and is the proper device to be used pursuant to section 4.6(b) of this by-law.

4.7. INSTALLATION OF BACKFLOW PREVENTION DEVICES

- (a) Every 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;
 - 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 water purveyor and any other potable water system;
 - iv) where such device is installed in respect of premise isolation, such device is located upstream of the water meter and such location is to the satisfaction of the Township, except where circumstances require the device to be installed downstream of the water meter such device shall be located within a maximum of 3.0 meters downstream of the water meter or in accordance with applicable *CSA standard*.
 - v) where such device is installed in respect of premise isolation, all piping between the water meter and such device is clearly labelled "no connection permitted"; and,
 - vi) where such device is installed in respect of premise, source or zone isolation, all piping between the point of contamination or potential contamination and the point at which the device is located is labelled "non-potable water".
- (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 Township has conducted an inspection 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
Severe	Immediately from the date of identification of the hazard as severe.
Moderate	No later than ninety (30) calendar days from the date of identification of the hazard as moderate.

Minor

No later than ninety (90) calendar days from the date of identification of the hazard as minor.

4.8. BACKFLOW TEST EQUIPMENT MAINTENANCE

- (a) Where required by CSA Standard B64.10.1 as amended; all equipment used to test backflow prevention devices shall be verified and/or calibrated for accuracy.
- (b) Proof of such verification and/or calibration shall be presented to the Township upon request, and in conjunction with the submission of backflow prevention devices Test Reports.

4.9. 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 pursuant to the Authorized Functions List when it is first installed and annually thereafter or when requested by the Township, and also when it is cleaned, repaired, overhauled or relocated; and
 - ii) when such device is tested, that a Preventer Test Report of such test is completed by a qualified person pursuant to the Authorized Functions List; on the Township's prescribed form as amended from time to time; and
 - iii) the Preventer Test Report is submitted to the Township within fourteen (14) days of the test being conducted; and
 - iv) in the event that such device is malfunctioning or otherwise not in proper working order, cause the device to be repaired or replaced forthwith by a qualified person pursuant to the Authorized Functions List; and
 - v) Whenever a device is tested, the tester shall ensure that a test tag is affixed to the device.
- (b) Every qualified person who tests a backflow preventer shall carry out such testing in accordance with this By-law and the CSA Standard.
- (c) In addition to the testing methods set out in section 6 of the CSA Standard, test procedures established by the ASSE or AWWA for testing backflow preventers may be employed.
- (d) Every qualified person who tests a backflow preventer shall:
 - i) Within fourteen (14) days of carrying out such test, provide a legible Preventer Test Report to the Township in respect of such test;
 - ii) 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
 - iii) Upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the owner of the premises and the Township of such condition.
- (e) No person shall submit a Preventer Test Report to the Township that contains inaccurate or false information.

4.10. CORRECTIVE ACTIONS ON CROSS CONNECTION CONTROL DEFICIENCIES

- (a) Every owner of a building or structure to which this By-law applies shall take corrective actions on those deficiencies identified either on the Cross Connection Control Survey report or on the Preventer Test Reports for his or her property;
- (b) Upon the implementation of those corrective actions, complete the Device Upgrade Implementation Report as prescribed by the Township and submit a legible copy of this completed report to the Township within fourteen (14) days of the implementation being conducted.

4.11. REMOVAL OF BACKFLOW PREVENTION DEVICES PROHIBITED

- (a) 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, or such

removal due to change of building functions. A building permit from the Township is required to be completed in order to remove a Backflow Preventer.

4.12. MAINTENANCE OF FIRE SERVICE MAINS

- (a) No person shall connect, cause to be connected, or allow to remain connected, any plumbing, fixture, fitting, container or appliance to a Township owned, or private fire hydrant in a manner which, under any circumstances may allow water, wastewater or any liquid or substance of any kind to enter the municipal drinking water system.
- (b) With the exception of water used for firefighting and municipally approved maintenance or operations, any other use of a Township owned, or private fire hydrant for water supply is prohibited without first acquiring a Hydrant Use Permit.
- (c) Hydrant Use Permit holders shall abide by the requirements as set out in the permit.
- (d) Any hydrant situated within the road allowance is the property of the Township and shall be maintained by the Township. Permits will be required for any non-fire use.
- (e) All private hydrants are the responsibility of the property owner and must be installed and maintained according to:
 - i) Township of King's Standards as amended from time to time;
 - ii) The Ontario Fire Code as amended;
 - iii) The Ontario Building Code as amended; and
 - iv) NFPA 24 - Installation of Private Fire Service Mains and Their Appurtenances, as amended.
- (f) Where a private fire hydrant or yard hydrant is connected to a fire service main that is supplied by the municipal drinking-water system, the owner shall cause the hydrant to be inspected annually as required by section 6.6.5.1 of the Ontario Fire Code (as amended).
- (g) An owner of property on which a private fire hydrant or yard hydrant is installed shall submit annual inspection reports for each hydrant. The reports shall be completed on an approved form from the municipality and be submitted to the The TOWNSHIP OF KING'S FIRE AND EMERGENCY SERVICES. The report will confirm proper function of the fire hydrant and detail all maintenance, repairs and upgrades during the reporting period.
- (h) The TOWNSHIP OF KING'S FIRE AND EMERGENCY SERVICES, Chief Fire Official or designate will review the submitted report and if there are deficiencies shall issue a Notice to correct those deficiencies. These deficiencies must be corrected within thirty (30) days of receipt of notification.
- (i) It is the responsibility of the owner of the property on which a private fire hydrant or yard hydrant is installed, to ensure all written records of tests and corrective measures are kept for two years after they are completed, and the records shall be available upon request to the TOWNSHIP OF KING'S FIRE AND EMERGENCY SERVICES
- (j) All annual inspection reports for private fire hydrants or yard hydrants are to be submitted to:

TOWNSHIP OF KING
FIRE and EMERGENCY SERVICES
2075 King Rd
King City, On L7B 1A1
ATTENTION: FIRE CHIEF

4.13. ADMINISTRATION AND ENFORCEMENT

- (a) The Director of Engineering & 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.
- (b) The Director of Engineering & Public Works has the authority to appoint employees of the Township to act in capacity of Provincial Offences Officers for the purposes of enforcing this By-law and such an appointment can also be rescinded by the Director of Engineering and

Public Works.

(c) Powers of Entry (authorized under sections 435, 436 and 438 of the *Municipal Act*):

The Township may enter on a lot 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 issued under this by-law; or
- iii) An order made under section 431 of the *Municipal Act*

Where an inspection is conducted by the Township, the person conducting 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 Township may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.

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

(d) Where the requirements of this By-law are not met or a condition exists on any property that may allow contamination of the Township's municipal drinking-water system or Township's water supply or the contamination of any other potable water system on such property, including any residential building or structure, the Township may issue and serve an Order to Comply on the owner of the property 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; the work to be completed which may include but is not limited to:

- i) A legible Information Request Form be completed and submitted to the Township;
- ii) A legible Cross Connection Control Survey report be completed and submitted to the Township;
- iii) taking corrective actions on deficiencies identified either on Cross Connection Control Survey report or on Preventer Test reports for his or her property;
- iv) a Backflow Preventer be tested annually;
- v) a legible Preventer Test Report be completed and submitted to the Township;
- vi) a Preventer Test Tag be applied to a Backflow Preventer;
- vii) a Building Permit be applied for and obtained prior to installation, replacement or removal of a Backflow Preventer;
- viii) a Backflow Preventer be installed;
- ix) a Backflow Preventer be repaired;
- x) a Backflow Preventer be replaced;

- xi) authorized functions on Schedule "A" be completed by a qualified person pursuant to the Schedule "A";
- (e) If a condition exists on a property which may result in the contamination of the Township's municipal drinking-water system or the Township's water supply, the Township may, in addition to issuing an Order to Comply, shut off the water supply to the property or any portion thereof until the condition is eliminated to the satisfaction of the Township.
- (f) Service of an Order to Comply shall be hand delivered or delivered through prepaid registered mail to the address of the owner shown on the most current "Tax Assessment 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 Township or its agents at the expense of the person. The Township shall charge the cost of any such work undertaken to the owner of the premises.
- (h) In addition to any other provision of this By-law, the Township may at any time issue an Order to Comply to an owner to conduct tests, provide reports and undertake any other measures required for the elimination of a cross connection and the prevention of backflow.
- (i) No person shall hinder or obstruct, or attempt to hinder or obstruct, a Provincial Offences Officer or other person so authorized who is performing a duty or exercising a power under this By-law pursuant to section 426 of the Municipal Act.

5.0. PENALTY PROVISIONS

- (a) Every person who contravenes any of the provisions of this By-law including an Order to Comply is guilty of an offence and upon conviction is liable to a maximum fine as established pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- (b) Every person who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- (c) 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.
- (d) If an order 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.
- (e) 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 \$100.00 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 \$400.00 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 \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.
- (f) For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- (g) For purposes of this By-law, an offence is a second or subsequent offence if the act giving rises to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- (h) 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 Township.

- (i) Pursuant to subsection 441 (3) 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 Township, 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.

6.0. 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.

7.0 REPEAL

- 1. **THAT** by-law number 75-43 is hereby repealed.

READ a FIRST and SECOND time this 23rd day of June, 2014.

READ a THIRD time AND FINALLY PASSED this 23rd day of June, 2014.

Steve Pellegrini
Mayor

Kathryn Smyth
Township Clerk

SCHEDULE "A"
BY-LAW NO.: 2014-73
AUTHORIZED FUNCTIONS LIST

Item	Authorized Function	Professional Engineer with Tester's Certificate	*Certified Engineering Technologist with Tester's Certificate	Licensed Master Plumber with Contractor's License and Tester's Certificate	**Journeyman Plumber with Tester's Certificate	***Apprentice Plumber with Tester's Certificate	Licensed Master Sprinkler and Fire Protection Installer with Tester's Certificate	**Journeyman Sprinkler and Fire Protection Installer with Tester's Certificate	****Apprentice Sprinkler and Fire Protection Installer with Tester's Certificate	Certified Water Operator with Tester's Certificate
1	Carry out Cross Connection Survey	YES	YES	YES	YES	YES	NO	NO	NO	NO
2	Install, Relocate or Replace Backflow Prevention Device	NO	NO	YES	YES	YES	NO	NO	NO	NO
3	Repair of Backflow Prevention Device	YES	YES	YES	YES	YES	NO	NO	NO	NO
4	Test Backflow Prevention Device	YES	YES	YES	YES	YES	NO	NO	NO	NO
5	Items 1, 2, 3, & 4 above in respect of Fire Protection Systems	YES	YES	YES	YES	YES	YES	YES	YES	NO
6	Items 3 & 4 above in respect of Lawn Sprinkler Systems	YES	YES	YES	YES	YES	NO	NO	NO	NO
7	Items 2, 3 & 4 above in respect to the Municipal Water System	YES	YES	YES	YES	YES	NO	NO	NO	YES

*Required to be under the direction of a Professional Engineer.

** Required to be under the direction of a Licensed Master except if working in-house.

***Required to be under the direct supervision of a Journeyman plumber (in-house) or a Licensed Master Plumber.

****Required to be under the direct supervision of a sprinkler and fire protection installer Journeyman plumber or a Licensed Master sprinkler and fire protection installer.

For the purposes of Schedule "A":

Tester's Certificate means OWWA Cross Connection Control Specialist Certificate or an ASSE Cross Connection Control/Backflow Certificate or equivalent acceptable to the Township

