

# ORIGINAL

## THE CORPORATION OF THE TOWN OF INNISFIL

### BY-LAW NO. 080-22

#### **A By-law of the Corporation of the Town of Innisfil to enact rules and regulations regarding backflow prevention systems.**

**WHEREAS** Section 9 of the Municipal Act, R.S.O. 2001, S.O. 2001, as amended (“The Municipal Act, 2001”), provides that a municipality has the Capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

**WHEREAS** Section 10 of Municipal Act, 2001, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

**WHEREAS** Section 11 (4) of the Municipal Act, 2001, S.O. 2001, provides that a single-tier municipality may pass By-laws respecting matters within the spheres of jurisdiction set out therein including, public utilities; and

**WHEREAS** Section 80 (1) of the Municipal Act, 2001, S.O. 2001, provides that a municipality may enter onto land to which it supplies a public utility

- (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or
- (b) to inspect, install, repair, replace or alter a public utility meter; and

**WHEREAS** Section 11 and 19 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** Part 7 of the *Ontario Building Code*, as amended from time to time, authorizes a municipality to regulate the connection of individual water services to a municipal potable water system; and

**WHEREAS** InnServices Utilities Inc. is deemed to be the “water purveyor” as defined in subsection 1.4.1.2 (1) (b) of the *Ontario Building Code*;

**WHEREAS** Subsection 7.6.1.3 (5) of the *Ontario Building Code* states that “where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation shall be according to the water purveyor’s requirements.”; and

**WHEREAS** Subsections 81 (1) and (2) of the *Municipal Act* authorize a municipality to shut off the supply of a public utility to land if fees or charges payable by the Owners or Occupants of the land for the supply of the public utility are overdue, upon providing reasonable notice of the proposed shut off to the Owners and Occupants; and

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**WHEREAS** subsection 82 (1) of the *Municipal Act* provides that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplies 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 is given; and

**WHEREAS** subsection 91 (9) of the *Municipal Act* authorizes a municipality to enter upon land to repair and maintain its public utilities; and

**WHEREAS** subsection 391 (1) of the *Municipal Act* states that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided or done by or on behalf of it; and

**WHEREAS** subsection 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing a Person who contravenes it is guilty of an offence and subsection 429 (1) authorizes the establishment of a system of fines for offences under a by-law of the municipality; and

**WHEREAS** section 436 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law, direction or order of the municipality is being complied with; and

**WHEREAS** section 444 of the *Municipal Act* authorizes a municipality to make an Order requiring the Person who contravened a by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the activity and any Person who contravenes such Order is guilty of an offence;

**WHEREAS** section 445 authorizes a municipality to make an Order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to do the work to correct the contravention.

**NOW THEREFORE**, the Council of the Town of Innisfil enacts as follows:

**Section 1.0 – Definitions**

1.1 For the purposes of this By-law, the following terms shall have the corresponding meanings;

**Agricultural** - shall mean the use of land or water, building or structures for the purpose of the growing of field crops, flower gardening, berry crops, tree crops, nurseries, aviaries, apiaries or farms for the grazing, breeding, raising, boarding or training of livestock or fish, or any other similar uses carried on in the field of general agriculture and including the sale of such produce, crops, fish or livestock on the same lot;

**Applicant** – means any Person who makes an application under this By-law;

**Authorized Functions List** – means the list of functions and the persons with the required qualifications authorized to carry out such functions as set out as Schedule "A" of this By-law;

**AWWA Standards** – means the standards adopted by the American Water Works Association, amended from time to time;

**Backflow** – means the flowing back or reversal of the normal direction of flow of water;

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**Backflow Preventer or Backflow Prevention Device** – means a device or method that prevents backflow in a water distribution system;

**Backflow Prevention Program** – means a program that may be established by InnServices and the Town to assist in the administration of this By-law.

**Building** – means a structure as defined by the Building Code Act, 1992, S.O. 1992, c.23, as amended;

**Building Code** – means the regulations governing standards for construction and demolition of buildings made under the *Building Code Act*, S.O. 1992, c.23 as amended;

**Commercial** – means lands, buildings or structures that is deemed by the Town to be used for the sale or provisions of goods and services to the general public which does not include *Industrial* and not excluding *residential* usage;

**Continuing Offence** – means a Person can be charged with a separate offence for each day on which the offence was committed or continued;

**Council** – means the council of the Town of Innisfil;

**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 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;

**Cross-connection Control Specialist** - means an individual who is recognized as such, shall have completed and passed an Ontario Water Works Association endorsed Cross Connection Control Specialist Course or equivalent at an accredited school or college and shall have a current certificate issued by the accrediting association; **CSA** – means the Canadian Standards Association;

**CSA Standard** – means the document(s) entitled CAN/CSA B64.10/B64.10.1 Manual Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers; as amended from time to time;

**Customer** – means the Owner or Occupier of a property which is serviced by and connected to the Water Distribution System;

**Drinking Water** – means water intended for human consumption as defined by subsection 2 (1) of the Safe Drinking Water Act, 2002, c.32, as amended;

**Industrial** – means lands, buildings or structures that is deemed by the Town to be used for assembling, fabricating, manufacturing, production, processing, repairing, supplying, storing or selling of Industrial goods and materials to the general public which does not include Commercial and not excluding additional residential usage;

**InnServices** – means InnServices Utilities Inc., a corporation established by the Town of Innisfil under O.Reg. 599/06 and is the Owner of the Municipal Drinking Water System and Operating Authority for the purposes of this by-law;

**Institutional** – means a facility operated for public purposes, such as schools, universities, medical facilities, museums, prisons, government offices and military bases.

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**Minor Hazard** - means any type of cross-connection or potential cross-connection that involves a substance that constitutes only a nuisance and that results in a reduction in only the aesthetic qualities of water as defined in the CSA Standard, as amended

**Mixed Use Building** - means residential properties including single family homes where there is business activity in addition to the property being a home;

**Moderate Hazard** – means any minor hazard connection that has a low probability of becoming a severe hazard. This category includes, but not limited to, connections involving water where the aesthetic qualities of the water have been reduced and, under certain conditions, can create a danger to public health as defined by the CSA Standard, as amended.

**Multi-Residential Building** – means lands, buildings or structures that are used for residential purposes and have four or more self contained units;

**Municipal Drinking Water System** – means InnServices' system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water, and that includes:

- i) Anything used for the collection, production, treatment, storage, supply or distribution of water;
- ii) Anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system; and
- iii) A well or intake that serves as the source or entry point of raw water supply for the system.

**Municipality** – means the Corporation of the Town of Innisfil and includes its employees, servants and agents;

**Occupier or Occupant** – means any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.

**Officer** – means an employee of the Town or InnServices, or a person or persons appointed by the Town or InnServices to enforce Town by-laws, and includes Community Standards Officers of the Town.

**Ontario Drinking Water Quality Standards** – means Ontario Regulation 169/03 under Safe Drinking Water Act, 2002, S.O. 2000, c.32, as amended or any successor thereto;

**Operating Authority** – means, in respect of a drinking water system, the person or entity that is given responsibility by the owner for the operation, management, maintenance or alteration of the system

**Order** – includes a Notice, Work Order, Order to Comply, and Order to Discontinue issued by the Town or InnServices;

**Owner** – means any person or corporation that is the registered owner of land or any agent thereof; a person entitled to a limited estate in land; a trustee in whom land is vested; a committee of the estate of a mentally incompetent person; an executor, an administrator or a guardian;

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**Person** – means and 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 the plural wherein the context requires; and includes the owner registered on the title of the property to which this By-law applies and any occupant of any building or structure located on such property;

**Potable Water** – means water that is fit for human consumption;

**Premise Isolation** – means isolation provided at the entrance to a building, structure, or property from the Municipal Drinking Water System;

**Private Fire Service Main** – means pipes, fittings and appurtenances that convey water from the Water Service Connection for the purpose of fire protection or suppression only to all points in a fire protection or suppression system;

**Private Water System** – means an assembly of pipes, fittings, valves, equipment, and appurtenances owned by an Owner of Property that convey water from the private water service pipe to water supply outlets, fixtures, plumbing appliances, devices and appurtenances and all other points downstream of the water meter;

**Property** – means one house, one building, one structure, one lot or block on a plan of subdivision or one parcel of land within the Town which has a unique municipal address and is adjacent to the waterworks system.

**Property Line** – means the boundary of a Property abutting a Road Allowance;

**Provincial Authority** – means the Ministry of Environment, Conservation and Parks, or its successor.

**Qualified Person** – means a person whom meets the following requirements:

- i. The person is registered with the Backflow Prevention Program's "Prequalification Program"; and
- ii. The person holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association (OWWA) or equivalent as approved by InnServices Utilities Inc.; and
- iii. The person possesses a current calibration certificate as required under the "Prequalification Program" for the testing equipment to be employed; and
- iv. The person is authorized to perform the specified task as indicated in the "Authorized Functions List" as set out in Appendix "A" of this By-law, as amended from time to time;

**Safe Drinking Water Act** – means the *Safe Drinking Water Act*, S.O. 2002, c.32, as amended or any successor thereto;

**Severe Hazard** – means any type of cross-connection or potential cross-connection that has additives or substance that, under any concentration, can create a danger to health as defined by the CSA Standard, as amended;

**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 include a device, machine, water system or the like, from any potable water system;

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**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.;

**Test Tag** - means a tag containing the make, model, serial number, size, type, location, installation date, address as well as history of a backflow preventer, tester's information (certificate/licence #, name or business name), testing device used and its calibration date. This tag shall be completed and updated annually by a qualified person;

**Town** – means the municipality of the Town of Innisfil or InnServices Utilities Inc. or the geographic area of the Town of Innisfil as the context requires;

**Water** – means Drinking Water;

**Water and Wastewater Rates By-law** – means the Town By-law No. 006-21, being a by-law to approve rates for water services and wastewater services provided by InnServices Utilities Inc. to Customers in the Town of Innisfil and others, as may be amended from time to time;

**Water Distribution System** – means the municipal drinking water system which is owned and operated by InnServices licensed pursuant to the *Safe Drinking Water Act*, S.O. 2002, c.32, as amended;

**Waterworks System or “Waterworks”** – means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of such works, but does not include plumbing to which the Building Code Act, 1992 applies;

**Well** – means an excavation or structure created in the ground by digging, driving, boring, or drilling to access groundwater;

**Work or Works** – means all construction, alteration, inspection, operation and maintenance activities related to the Waterworks System.

**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.

## **Section 2.0 – Application of By-law**

2.1 This By-law shall apply to

- a) Every Person using or drawing Water from the Water Distribution System;
- b) The Owner or Occupier of every property upon which Water is used, unless the Water being used is not supplied by the Water Distribution System; and
- c) All properties with a connection to the Water Distribution System whether metered or not, and whether the connection is permanent or temporary.

## **Section 3.0 – Administration of By-law**

3.1 InnServices shall be responsible for the operation and maintenance of the Town of Innisfil's Water Distribution System in accordance with all applicable laws including but not limited to the Ontario *Safe Water Drinking Act*.

3.2 InnServices shall be authorized to inspect all Backflow Preventers located and installed on private property.

## **Section 4.0 – General**

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- 4.1 No Person, shall connect, cause to be connected, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow, untreated water, waste water, any source of pollution or any other liquid, chemical or substance to enter the Water Distribution System.
- 4.2 Only those persons listed in the Authorized Functions List (see Schedule A) shall carry out the corresponding functions set out in such list.
- 4.3 Where required by the Ontario Building Code as amended and CSA B64.10.1 as amended, all equipment used to test Backflow Preventers shall be verified or calibrated for accuracy.
- 4.4 Subject to the requirements of Section 15 of this By-law, the Town or InnServices shall be allowed access, with reasonable notice, to any premises that are connected to the Water Distribution System for the purpose of performing inspections to locate possible cross connections. The Town or InnServices may require a routine Cross Connection inspection of the premises (at the Owner's expense) to be performed by an approved company or person as described in the authorized functions list (see Schedule A).
- 4.5 Where the access to land, building or premises is not provided, a written notice by the Town or InnServices may be issued providing the time frame to allow access. If access is not provided within this time frame, the Town or InnServices may, at their discretion, shut off the supply of water to the premises until such time as the access is provided.

**Section 5.0 – Premise Isolation**

- 5.1 Where, in the opinion of the Town or InnServices, a risk of possible contamination of the water distribution system exists, a Person, on notice from the Town or InnServices, shall install Premise Isolation in addition to any other source of protection devices on the premise.
- 5.2 Premise Isolation shall be installed:
  - (a) in Buildings of high or severe hazard in accordance with Premise Isolation requirements as stated in the Building Code Part 7 Plumbing;
  - (b) on all industrial, commercial, institutional, agricultural, mixed use building or multi-residential buildings; and
  - (c) as specified by the Town or InnServices.

**Section 6.0 – Cross Connection Survey**

- 6.1 A Cross-connection survey of the plumbing system of all existing Industrial, Commercial, Institutional, Agricultural, Mixed Use and Multi-Residential buildings and structures, except buildings of residential occupancies within the scope of Part 9 of the Ontario Building Code shall be completed by approved personnel as described in the authorized functions list (see Schedule A) at the Owners expense.
- 6.2 The Cross-connection survey shall be completed along with the report and sent to InnServices within 30 days of the date of the request. The Cross-connection survey

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report shall include existing Backflow Prevention Devices, Cross-connections discovered, corrective measures, recommendations and a schedule of work to be completed.

- 6.3 A Cross-connection survey shall be completed at a frequency of:
- a) every 5 years from the date of the first survey that was requested and completed; and
  - b) upon change of ownership or change of use or as otherwise required by the Town.
- 6.4 Upon identification of Severe Hazard, the qualified person as prescribed in the Authorized Function List and/or owner, within 24 hours shall notify the Town in writing.

**Section 7.0 – Application of Standards and Selection of Methods**

- 7.1 Except as otherwise set out in this By-law, the method of Cross-connection control or selection and installation, maintenance, and field testing of Backflow Prevention Devices shall be in accordance with the Ontario Building Code as amended, manufacturer's specifications and CSA Standard as amended.
- 7.2 Where a Backflow Preventer has been previously installed by the manufacturer of equipment, the cross connection is required to be reviewed by qualified person as prescribed in the Authorized Functions List to determine if the Backflow Preventer meets the selection specifications. These cross connections are to be clearly indicated on the cross-connection survey.

**Section 8.0 - Installation of Backflow Preventers**

- 8.1 Every Person installing a Backflow Preventer shall ensure that:
- a) such device is installed in accordance with acceptable engineering practices and the requirements of the Building Code, this By-law, Town of Innisfil Engineering Design Standards and Specifications (as amended from time to time), and the CSA Standard;
  - b) such device is located in such manner that in the event of a backflow the device prevents contamination of the municipal drinking water system;
  - c) where such device is installed in respect to Premise Isolation, such device is located within a maximum of 3.0 metres downstream of the water meter, except where circumstances require the device to be installed in an alternative location and such location is to the satisfaction of the InnServices;
  - d) where such device is installed in respect to premise isolation, all piping between the water meter and such device shall have no connections and is clearly and permanently labelled "no connections permitted" unless otherwise directed by InnServices; and
  - e) where such device is installed in respect to source or zone isolation, all piping between the point of potential contamination and the point at which the device is located is clearly and permanently labelled "non-potable water" and no new connection shall be permitted unless authorized by InnServices.
- 8.2 Every owner of property upon which a Backflow Preventer is installed shall ensure that such device is maintained in proper working order at all times.
- 8.3 Where it is the opinion of the Town or InnServices, a risk of possible contamination of the municipal drinking water system exists, an owner on notice from the Town or

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InnServices, shall install Premise Isolation in addition to any other source of protection devices on the premise.

**Section 9.0 - Maintenance and field-testing of cross connection control methods**

- 9.1 Every Person who tests a Backflow Preventer shall carry out such testing in strict accordance with this By-law and the CSA Standard.
- 9.2 Where required by the Ontario Building Code as amended and CSA B64.10.1 as amended, all Backflow Prevention Devices shall be inspected and tested at the expense of the Person to demonstrate that the device is in good working condition.
- 9.3 Every Person who tests a Backflow Preventer shall:
- a) be a qualified person, in addition to meeting the requirements listed on the Authorized Functions List in Schedule "A" of this By-law
  - b) within 14 days of carrying out such a test, provide a legible and complete Test Report to InnServices;
  - c) upon completing such test, complete and affix a standard InnServices cross connection control Test Tag to the Backflow Preventer or immediately adjacent to the device on the piping connected thereto;
  - d) upon finding that such device is malfunction or otherwise not maintained in proper working order, immediately notify the Owner of the property and InnServices in writing of such condition and the person shall make repairs or replace the device within 5 days with an equivalent type of Backflow Preventer, and InnServices is notified; and
  - e) If a Person does not make the appropriate repairs or replace the defective device within the 5 days, the Town or InnServices may issue an order or may shut the water service or services off.
- 9.4 Every Owner who has a Backflow Preventer located on their property shall ensure that:
- a) such device is tested by a Cross-connection Control Specialist when it is first installed and **annually** thereafter and/or upon the request by the Town or InnServices and also when it is cleaned, repaired, overhauled, or relocated;
  - b) when such device is tested that a Test Report is provided to InnServices within 14 days; and
  - c) in the event that such device is malfunctioning or otherwise not in proper working order, the device is immediately repaired or replaced with an equivalent type of Backflow Preventer; and InnServices is notified.
- 9.5 If a Person fails to have a Backflow Prevention Device tested, the Town or InnServices may notify the person that the Backflow Prevention Device must be tested within a specified time.
- 9.6 If a Person fails to have a Backflow Prevention Device tested within the specified time of the notice, when requested by the Town or InnServices, the Town or InnServices may shut off the water service or water services until the Backflow Prevention Device has been tested and approved as required by Section 9.2 of this By-law.
- 9.7 Failure to comply with Sections 9.1 to 9.6 may result in penalties as described in Section 16.

**Section 10.0 - Backflow Test Equipment Maintenance**

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- 10.1 Where required by CSA Standard, as amended, all equipment used to test Backflow Preventers shall be verified and/or calibrated for accuracy annually.
- 10.2 Proof of such verification and/or calibration shall be presented to the Town upon request.

**Section 11.0 – No Removal of Backflow Prevention Devices**

- 11.1 No Person shall remove a Backflow Prevention Device or part thereof after it has been installed, and no owner of a building or structure in which a backflow prevention device is installed shall cause or permit the removal of such device, unless such removal is:
- a) to facilitate the repair of the device and such device is replaced immediately after such repair is carried out;
  - b) to replace the device with another device that meets or exceeds the provisions of this By-law;
  - c) a result of the cross connection to which the Backflow Preventer was isolating has been permanently removed; or
  - d) To facilitate the disconnection of the private service from the municipal drinking water system in accordance with the written approval from InnServices,
- 11.2 Whenever a Backflow Preventer required under this By-law has been permanently removed or the type of device has been changed, the owner of the property must notify InnServices, in writing immediately of such change.

**Section 12.0 – Permitted Qualified Persons and Authorized Functions**

- 12.1 Only those Qualified Persons with the required qualifications described on the Authorized Functions List (see Schedule "A") shall carry out the corresponding functions set out in such list.
- 12.2 InnServices may administer a registration program for Qualified Persons listed in the Authorized Functions List in Schedule "A" ("Prequalification Program").
- 12.3 No Qualified Person listed on the Authorized Functions List (see Schedule "A") shall carry out any of the corresponding authorized functions unless the Qualified Person has registered with the Town, provided all requested documentation to the Town, paid the applicable fee and received a Town registration number..
- 12.4 No Qualified Person shall submit any documentation to the InnServices as part of the registration process that contains inaccurate or false information.
- 12.5 The registration with InnServices referred to in subsection 12.3 is an annual requirement.
- 12.6 InnServices or the Town may suspend or revoke a Qualified Person's designation within the Backflow Prevention Program.

**Section 13.0 – Maintenance of Fire Service Mains & Temporary Connections**

- 13.1 No Person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a Town 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.

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- 13.2 No connection for water supply, other than a fire protection system, shall be made to a fire protection piping system.
- 13.3 Any connection made to a fire protection piping system must include a check valve Backflow Preventor that is testable.
- 13.4 All private fire hydrants are the responsibility of the property owner and must be installed and maintained according to:
- a) Town of Innisfil Engineering Design Standards and Specifications; as amended from time to time;
  - b) The Ontario Fire Code as amended;
  - c) The Building Code as amended; and
  - d) NFPA 24 – Installation of Private Fire Service Mains and Their Appurtenances as amended.

**Section 14.0 – Implementation and Compliance**

- 14.1 Installation of Backflow Preventers shall occur within the timeframes below, for the degree of hazard:

Degree of Hazard	Compliance Date
Severe	No later than 30 calendar days from the date of identification of the hazard as severe
Moderate and Minor	No later than 90 days from the date of identification of the hazard as moderate or minor

- 14.2 Cross Connection Surveys as required in Section 6 of this By-law shall be submitted to InnServices within 60 calendar days of request of survey.

**Section 15.0 – Enforcement Entry and Inspections**

- 15.1 The Town shall, from time to time, appoint Officers for the purpose of administering and enforcing this by-law.
- 15.2 The Town may enter onto land at any reasonable time in accordance with sections 435, 436 and 437 of the *Municipal Act, 2001*, to carry out any inspection reasonably required to ensure compliance with this By-law or an order made under this By-law.
- 15.3 No Person shall prevent, hinder, obstruct or interfere in any way with the Town or any of its Officers from;
- a) entering in or upon any land or premise, except land or premises being used as a dwelling house, at any reasonable time without a warrant;
  - b) inspecting or observing any plant, machinery, equipment, work activity or documents, for the purpose of determining whether there is compliance with this By-law.
- 15.4 For the purposes of an inspection under section 15.2, an Officer may:

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- a) Require, for inspection, the production of documents or things relevant to the inspection;
  - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
  - c) Require information from any other Person concerning a matter related to the inspection;
  - d) Be accompanied by such person as the Officer determines is necessary if such person or persons possess(es) special or expert knowledge related to the purpose of the inspection; and
  - e) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 15.5 InnServices shall be entitled, at all reasonable times in accordance with Section 15.2 of this By-law, to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection with the water service pipe or main.
- 15.6 The Operating Authority, including any duly authorized employee, may, in the case of an emergency which may imperil the supply or quality of water, shut off the Water Distribution System and take such remedial action as may be necessary. Such remedial action may include limiting or shutting off the supply of water in any area or restricting the use of water for any specific purpose.
- 15.7 When the Operating Authority, including any duly authorized employee, deems it necessary to limit or shut off the Water Distribution System due to an emergency situation, neither InnServices nor the Town shall not be liable for damages incurred due to such action. Reasonable efforts will be made by InnServices to notify the affected owners.

**Section 16.0 – Orders and Offences**

- 16.1 An Officer who finds a contravention of this By-Law may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 444 or 445 of the Municipal Act, 2001.
- 16.2 The order may be served personally on the Person to whom it is directed or by registered mail to the last known address of that Person, in which case it shall be deemed to have been given on the third day after it is mailed.
- 16.3 If there is evidence that the Occupant of the land is not the registered property Owner, the notice shall be served on both the registered property Owner and the Occupant of the land.
- 16.4 If the address of the registered property Owner is unknown, the Town is unable to effect service on the registered property Owner or Occupant of the land under subsection 14. 2 or the delay necessary to give an order would result in circumstances that endanger the health or safety of any person or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place upon land or near the property shall be deemed to be sufficient notice to the registered property Owner or the Occupant of the land.

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- 16.5 If an order has been issued 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.
- 16.6 If an order has been issued and the order has not been complied with, the Town may shut off the water service or services to which the order relates.
- 16.7 Every Person other than a corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for any subsequent conviction exclusive of costs, and such fine is recoverable under *the Provincial Offences Act, R.S.O. 1990*, as amended.
- 16.8 Every corporation which contravenes any provision of any section of this By-law and is guilty of an offence and upon conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction exclusive of costs, and such fine is recoverable under *the Provincial Offences Act, R.S.O. 1990*, as amended.
- 16.9 In this By-law "subsequent conviction" means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law.
- 16.10 Where a Person contravenes any provision of the By-law, such Person shall be responsible for all costs incurred by the Town directly related to the contravention.
- 16.11 Where any Person contravenes any provision of this By-law, the Town may direct such Person to comply with this By-law within a specified time.
- 16.12 Every Person so directed shall comply with such direction without delay and within the time specified, calculated from the day of such direction.
- 16.13 Where a Person does not comply with a direction given pursuant to subsection 10.1 of this By-law, the Town may carry out that which was required to be done or cause it to be performed or carried out at that Person's expense to ensure this By-law is complied with. The Town may recover any related expense incurred by requesting that the Town Treasurer include such expense to the tax roll of any property owned by the Person pursuant to the provisions of sections 398 and 446 of the *Municipal Act, 2001*.
- 16.14 Each day that a breach of this By-law continues shall constitute a separate offence.

**Section 17.0 - Limitation**

- 17.1 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.

**Section 18.0 – Miscellaneous**

- 18.1 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

to By-law 080-22

- 18.2 If any provision of this By-law is inconsistent with the Building Code Act, Municipal Act, Safe Drinking Water Act, or any other Act, the provisions of the applicable Act shall prevail.
- 18.3 Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind. Where the context permits, words importing the masculine gender, also include female as well as male.
- 18.4 That this By-law may be cited as the "Backflow Prevention By-Law".

Passed this 22<sup>nd</sup> day of June 2022



Lynn Dollin,

Mayor



Lee Parkin,

Clerk

## SCHEDULE "A"

Town of Innisfil By-law 080-22

### AUTHORIZED FUNCTIONS LIST

ITEM	FUNCTION	Professional Engineer with Tester's Licence	* Certified Engineering Technologist with Tester's Licence	Licensed Master Plumber with Contractor and Tester's Licence	** Journeyman Plumber with Tester's Licence	*** Apprentice Plumber with Tester's Licence	Fire System Sprinkler Fitter with a Tester's Licence	Lawn Irrigation System Installer with Tester's Licence
1	Carry out Cross Connection Survey	✓	✓	✓	✓			
2	Install, Relocate or Replace Backflow Prevention Device			✓	✓	✓		
3	Repair of Backflow Prevention Device	✓	✓	✓	✓	✓		
4	Test Backflow Prevention Device	✓	✓	✓	✓	✓		
5	Items 1, 2, 3 & 4 above in Respect of Fire Protection Systems	✓	✓	✓	✓	✓	✓	
6	Items 3 & 4 above in Respect of Lawn Sprinkler Systems, except single dwelling unit	✓	✓	✓	✓	✓		✓

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

\*\* Required to be employed by a Licensed Plumbing Contractor.

\*\*\* Required to be employed by a Licensed Plumbing Contractor and under the direct supervision of a Journeyman Plumber or MasterPlumber.