

BY-LAW #90

THE WINDSOR UTILITIES COMMISSION

CROSS CONNECTION AND BACK-FLOW PREVENTION BY-LAW

WHEREAS The Windsor Utilities Commission was created by the *City of Windsor Act 1936*, and pursuant to Section 195 of the *Municipal Act, 2001*, S.O. 2001, c. 25, is deemed to be a municipal service board established under the *Municipal Act, 2001*;

AND WHEREAS The Windsor Utilities Commission controls, manages, and maintains the water works distribution system serving the City of Windsor and environs;

AND WHEREAS The Windsor Utilities Commission deems it expedient to enact this By-law to more effectively prevent contamination of drinking water in its distribution system;

THEREFORE The Windsor Utilities Commission enacts as follows:

(1) **DEFINITIONS:**

In this By-law and in the Schedules attached to this By-law, unless the context otherwise requires, the following words shall have the following meanings:

- 1.1 **“Approved Authority”** means any officer, contractor, agent, or employee of the Commission, acting on behalf of the Commission.
- 1.2 **“Building”** shall have the same meaning as set out in the *Building Code Act*.
- 1.3 **“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c.23 and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore;
- 1.4 **“CSA B64.10-07/B64.10.1-07”** means the Canadian Standards Association standard regarding the “Selection and Installation of Backflow Preventers/ Maintenance and Field Testing of Backflow Preventers” as amended from time to time or any successor thereof.
- 1.5 **“Commission”** means The Windsor Utilities Commission.
- 1.6 **“Consumer”** means any Owner, tenant, or occupant of property, which is connected to and receives or is capable of receiving water from the Water Works Distribution System.
- 1.7 **“Cross Connection”** means any temporary, permanent, or potential water connection that may allow backflow of contaminates, pollutants, infectious agents, other material or substance that might impair the quality of water in the Water Works Distribution System and includes but is not limited to swivel or changeover devices,

removable sections, jumper connections, and bypass arrangements.

- 1.8 **“Cross Connection Control Device”** means any device or devices used from time to time to control water flow in connection with a Cross Connection, including a back-flow prevention device, and which is capable of being tested pursuant to CSA B64.10-07/B64.10.1-07.
- 1.9 **“Engineer”** means the Chief Operating Officer for the Commission or any person authorized by the Commission to represent the Chief Operating Officer.
- 1.10 **“Owner”** means the registered or equitable owner of, and includes any person or mortgagee in possession of, any Premises.
- 1.11 **“Premises”** means any house, tenement, Building, lot, or parts of a lot, or both, in, through, or past which water service pipes run which are connected to the Water Works Distribution System.
- 1.12 **“Tester”** means a person who is a certified tester of a Cross Connection Control Device holding the qualifications as set out in CSA B64.10-07/B64.10.1-07.
- 1.13 **“Water Permit”** means a permit issued by the Commission in respect to the water service for any premises connected to the Water Works Distribution System.
- 1.14 **“Water Works Distribution System”** means the water mains and appurtenances, the works, and the equipment under the jurisdiction of the Commission for the supply or distribution of Water or any part of such system.

(2) **CROSS CONNECTIONS AND BACKFLOW PREVENTION:**

- 2.1 No Consumer or other person shall connect, cause to be connected, or allow to remain connected to the Water Works Distribution System, directly or indirectly, any piping, fixture, fitting, container, vehicle, device, appliance, or the like, in a manner which under any circumstances, may allow water, waste, or any other liquid, chemical, foreign or deleterious substance to enter the Water Works Distribution System.
- 2.2 This Bylaw shall not apply to:
 - (a) Firefighters as defined under the Fire Protection and Prevention Act, lawfully carrying out fire protection services as set out under the Fire Protection and Prevention Act, or
 - (b) Such devices which draw water from a municipally owned fire hydrant approved and given a Hydrant Use Permit as set out under Bylaw 88.

- 2.3 Where a risk of possible contamination of the Water Works Distribution System exists in the opinion of the Commission or an Approved Authority, a Consumer or other person shall, on notice from the Commission or Approved Authority, install and put into service a Cross Connection Control Device approved by the Commission or Approved Authority.
- 2.4 Cross Connection Control Devices shall be installed, maintained and tested by the Owner in accordance with CSA Standard B64.10-07/B64.10.1-07, the Building Code Act, and the terms and conditions of any Water Permit issued in respect to the device.
- 2.5 All Cross Connection Control Devices shall be inspected and tested at the expense of the Consumer or other person upon installation, and thereafter annually, or more often if required by the Commission or Approved Authority, by a Tester to demonstrate that the device is in good working condition. The Consumer or other person shall arrange and cause such testing to be conducted by a Tester, shall submit a report to the Commission on a form approved by the Engineer on every test performed on a Cross Connection Control Device within seven (7) days of the test, and shall cause a record card to be prominently and continuously displayed on or adjacent to the Cross Connection Control Device on which the Tester shall have recorded the address of the Premises, the location, type, manufacturer, serial number and size of the device, the date of the most recent test, the Tester's initials, the Tester's name and the name of the Tester's employer (if applicable), contact information for the Tester, and the Tester's license number.
- 2.6 When the results of a test referred to in Section 2.4 of this By-law indicate that a Cross Connection Control Device is not in good working condition, the Consumer or other person shall make repairs or replace the device within three (3) days, and within three (3) days thereafter deliver to the Commission a report of a Tester, as described in Section 2.4, confirming that the Cross Connection Control Device is in good working condition.
- 2.7 The Commission or Approved Authority may order the Consumer or other person to install zone or area protection within the plumbing system of the Premises as required by CSA Standard B64.10-07/B64.10.1-07 and in accordance with the Building Code Act.
- 2.8 No person shall remove a Cross Connection Control Device installed when required by provincial legislation shall not be removed, even if the applicable provincial regulation is rescinded, without prior written consent of the Engineer.
- 2.9 The Approved Authority shall be allowed access onto and into any lands or Premises that are connected to the Water Works Distribution System for the purpose of performing an inspection relating to this By-law:
- a) without prior notice if the Engineer has determined that an emergency condition or situation relating to the Water Distribution System exists or may reasonably

arise in connection with which immediate access relating to the lands or Premises is desirable; and

- b) in all other circumstances upon at least 48 hours notice from the Approved Authority.

2.10 On the occurrence of any of the following events in respect to any Premises, namely:

- a) the Consumer or other person to whom the Commission or Approved Authority has issued an order has failed to comply with that order; or
- b) access was not provided by the Consumer or other person to the Approved Authority when required by the Approved Authority; or
- c) a Consumer or other person has failed to have a Cross Connection Device tested or a report of a Tester delivered as and when required under this By-law,

the Commission, at its discretion, may in respect to the Premises:

- i. shut off the water service or services without further notice if the Engineer has determined that an emergency condition or situation relating to the Water Distribution System exists or may reasonably arise in connection with the Premises; or
- ii. in all other circumstances, deliver a final notice to the Consumer or other person to correct or comply with a prior order or notice or requirement at the expense of the Consumer or other person within a specified time period and, if the notice is not complied with, shut off the water service or services in respect of the Premises without any further notice.

(3) **REMOVAL OF BACKFLOW PREVENTION DEVICES PROHIBITED**

3.1 No person shall remove or otherwise modify or tamper or render ineffective, or cause or permit the removal, modification, tampering, or rendering ineffective of, a Cross Control Connection Device or part thereof after it has been installed, except for a removal in respect of which the person has delivered to the Engineer a written notice at least 2 clear days prior to removal of the device with particulars of the device location and a copy of the most recent report by a Tester pertaining to the device, and such removal is thereafter carried out:

- a) To facilitate the swift repair of the device, and such device is swiftly repaired and thereupon replaced immediately after such repair is carried out; or
- b) In conjunction with the replacement of the device with another device that meets or exceeds the provisions of this By-law and the Building Code Act .

(4) **ORDER, FORMS, NOTICE**

- 4.1 The Commission or Approved Authority may issue such order or orders to a Consumer or other person as the Commission or Approved Authority may deem necessary or appropriate to seek or obtain compliance with this By-law.
- 4.2 The General Manager may devise and require use of forms which the General Manager deems appropriate from time to time for use in connection with the implementation and enforcement of this By-law.
- 4.3 Any order or notice given pursuant to this By-law shall be deemed to have been received by a Consumer or other person to whom the order or notice is addressed on the occurrence of the earliest of:
- a) personal delivery of the order or notice;
 - b) 24 hours after posting by the Approved Authority of the order or notice conspicuously on the subject lands or Premises; or
 - c) the third day [excluding only Saturdays, Sundays, and Statutory Holidays] following mailing of the order or notice by prepaid registered mail to the last known address of the person on the records of the Commission, or on the records of any other governmental body or agency.

(5) **REGULATIONS; PENALTIES FOR OFFENSES; CHARGES:**

- 5.1 Every person who hinders or obstructs an Approved Authority lawfully carrying out the enforcement of this By-law is guilty of an offence under this By-law.
- 5.2 Each day and each part day of an offence under this By-law shall constitute a separate offence.
- 5.3
- a) Every person who, or corporation which, contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for each offence to a minimum fine of \$500.00 and a maximum fine of \$100,000.00;
 - b) Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-law is guilty of an offence and upon conviction is liable for each offence to a minimum fine of \$500.00 and maximum fine of \$100,000.00;
 - c) Every person who, or corporation which, fails to obey an order given by the Commission or an Approved Authority pursuant to this By-law is guilty of an offence and upon conviction is liable for each offence to a minimum fine of

\$500.00 and a maximum fine of \$100,000.00; and

- d) Any director or officer of a corporation who knowingly concurs in the failure of the corporation to obey an order given by the Commission or an Approved Authority pursuant to this By-law is guilty of an offence and upon conviction is liable for each offence to a minimum fine of \$500.00 and maximum fine of \$100,000.00.

(6) **REPEAL AND ENACTMENT**

- 6.1 Except as provided by Section 6.2 hereof, By-law 82 is repealed.
- 6.2 The provisions of By-law 82 shall continue to apply to any Premises or persons in respect of which enforcement action has commenced under that By-law prior to the final passing of this By-law until such enforcement action has been fully and finally concluded.
- 6.3 This By-law shall come into force and take effect on the day of final passing thereof.

Chair

Corporate Secretary

Read a first time 11th day of December 2008.

Read a second time and provisionally passed 11th day of December 2008.

Read a third time and finally passed 11th day of December 2008.