

Corporation of the Town of Newmarket

By-law 2019-XX (May 2, 2019)

A By-law to regulate cross connections and backflow prevention in private plumbing systems as required to protect the Town of Newmarket's drinking water system from contamination.

Whereas section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that The Corporation of the Town of Newmarket (the "Town") may pass By-Laws relating to public utilities, including matters affecting water distribution, and for the purposes related to health, safety and well-being of persons;

And whereas subsection 11(1) of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every owner 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, 2002*;

And whereas section 19 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every person who oversees or has decision-making authority over a municipal drinking water system to exercise the level of care diligence and skill that a reasonable prudent person would be expected to exercise in a similar situation and act honestly competently and with integrity with a view to ensuring the protection and safety of the users of the municipal drinking water system;

And whereas Part 7 (Plumbing) of the Building Code (as defined in this By-Law) requires potable water systems to be protected from contamination;

And whereas contamination of the Town's drinking-water system can arise as a result of a backflow incident from a private plumbing system that is attached to the Town's municipal drinking-water system and such contamination of the municipal drinking-water system can have an adverse impact on the health, safety and well-being of the users of the Town's drinking water;

And whereas, the Town desires to put mechanisms in place so as to minimize the potential or discharging of a contaminating substance into the municipal drinking-water system

Now therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. SHORT TITLE

1.(1) This By-Law shall be known as the "Backflow Prevention By-Law."

2. DEFINITIONS

2.(1) The following words as set out in this By-Law shall have the following meanings:

"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;

"Auxiliary Water Supply" means any water source or system, other than the Town's potable water distribution system, that may be available in a building or structure on any property;

“Backflow” means the flowing back of or reversal of the normal direction of the flow of water;

“Backflow Preventer” means a device or a method that prevents backflow in a water distribution system and includes, but is not limited to, a reduced pressure principle assembly, a dual check valve and a double check valve;

“Building” shall have the same meaning as set out in Building Code Act and includes anything constructed or built permanently or temporarily which is provided with a source of potable water;

“Building Code (OBC)” means the regulations, as amended from time to time, made under section 34 of the Building Code Act;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or successor thereto;

“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;

“Cross Connection Control Survey Report” means a report which shall include all cross connections identified, the existing method of protecting those cross connections and corrective measures, recommendations and a date for which each device will be installed on the Town’s prescribed form, as amended from time to time;

“Cross Connection Control Survey Report Fee” means the prescribed fee, if any, as set out in the Town’s Fees and Charges By-law, as amended from time to time;

“CSA Standard” means the document entitled B64.10-17/B64.10.1-17 – ‘Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers’, as well as any other standards documents that are applicable to backflow prevention works, installation, testing and maintenance, published by the Canadian Standards Association, as amended or any successor thereof;

“Director” means the Director of Public Works Services or any person authorized by the aforesaid to act in his/her place;

“Fire Service Main” as defined by the Ontario Building Code means a pipe and its appurtenances that are connected to a source of water and that are located on a property as follows:

- I. Between the source of water and the base of the riser of a water-based fire protection system;
- II. Between the source of water and inlets to foam making systems;
- III. Between the source of water and the base elbow of private hydrants or monitor nozzles;
- IV. As a fire pump suction and discharge piping not within a building; or
- V. Beginning at the inlet side of the check valve on a gravity or pressure tank

“Initial Administration Fee” means a one-time administration fee, as set out in the Town’s Fees and Charges By-law, as amended from time to time, due upon submission of the first Cross Connection Control Survey Report;

“Minor Hazard”; means any type of cross-connection or potential cross-connection that involves a substance that does not affect health but only reduces the aesthetic quality of the water, as defined by the CSA Standard;

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

“Moderate Hazard” means any minor hazard (MH) connection that has a low chance of becoming a severe hazard. The water’s aesthetic qualities have been further reduced

and, under certain conditions, can create a danger to health, as defined by the CSA Standard;

"Multi-residential building" means a residential building that consists of more than five (5) self-contained residential dwelling units, but does not include buildings that only consist of residential single-dwelling units that are solely attached to other residential units on the sidewall (such as semi-detached homes, townhomes or row houses) or single-dwellings that contain basement apartments or annexes;

"Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or successor thereto;

"Municipal Drinking Water System" means municipal drinking water system as defined by Section 2(1) of the *Safe Drinking Water Act* and that is owned and operated by the Town

"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 on such property;

"OWWA" means the Ontario Water Works Association

"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 at law and shall also include any group of persons comprising a society, association or other organization and shall include the plural where the context so requires;

"Plumbing System" means a system for water and wastewater not on the Town's right of ways and waterworks easements, separate from the municipal potable water system as defined in the Building Code;

"Potable Water" means water that is safe for human consumption and that complies with section 10 of the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, as amended or successor thereto;

"Premise Isolation" means the isolation of a property's private plumbing system from the Town's drinking water distribution system by installing a backflow preventer

"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 on the Town's prescribed form, as amended from time to time;

"Preventer Test Report Fee" means the prescribed fee, if any, as set out in the Town's Fees and Charges By-Law, as amended from time to time;

"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;

"Qualified Person" means a person with the qualifications noted in the Authorized Functions List.

"Provincial Watermain Disinfection Procedure" means the most up-to-date version of the Watermain Disinfection Procedure published by the Ministry of the Environment Conservation and Parks, Environmental Assessment and Permissions Division, or its future successor document;

"Residential full flow through fire sprinkler system" means an assembly of pipes and fittings installed in the residential portions of a building containing one or two dwelling units that conveys water from a water service pipe to outlets in the sprinkler system and is fully integrated into the potable water system to ensure a regular flow of water through all parts of the sprinkler system as defined by Part I of the Building Code);

"Severe Hazard" means any type of cross-connection or potential cross-connection that involves water that has additives or substances that, under any concentration, can create a danger to health, as defined by the CSA Standard;

"Town" means The Corporation of the Town of Newmarket;

"Water Meter" means an apparatus at a property/building/structure used to record the amount of water supplied to such property/building/structure by the Town through the municipal water system;

"Water Service Line" means a water line that supplies potable water to the property from the municipal water system.

3. APPLICATION OF BY-LAW AND CROSS CONNECTION PROHIBITION

- 3.(1) This By-Law applies to all existing and proposed industrial, commercial, institutional, multi-residential and mixed use buildings within the Town, except for buildings of residential occupancy within the scope of Part 9 of the Building Code.
- 3.(2) Notwithstanding subsection (1), this By-Law applies to any building where a condition exists, or a condition is created or proposed to be put in place, in a building or structure that is determined by the Director to be hazardous or detrimental to the municipal drinking water system based on the risk of contamination of the municipal drinking water system by such condition.
- 3.(3) Notwithstanding subsection (1), this By-Law applies to any building that has a connection, or where such a connection is proposed or put in place, to the municipal drinking water system and also to any auxiliary water supply, lawn sprinkler or irrigation system (except for residential lawn sprinkler or irrigation systems as defined within the scope OBC Part 9), or fire protection system (except for a residential full flow through fire sprinkler system).
- 3.(4) No person or owner shall connect, cause to be connected, or allow to remain connected to the Town's municipal drinking-water system or any other potable water system any plumbing, piping, fixture, fitting, container, appliance, vehicle, machine or the like in a manner which may under any circumstance allow water, waste water or any other liquid, chemical or substance to enter such municipal drinking-water system or potable water system, except where suitable backflow prevention is provided in compliance with the provisions of this By-Law.
- 3.(5) No person or owner shall connect, cause to be connected, or allow to remain connected any auxiliary water supply or private well to a plumbing system which is supplied by the Town's municipal water system, unless appropriate premise isolation provided.
- 3.(6) In a situation where any requirements of the Ontario Building Code or other By-Law or regulation conflict with the requirements of this By-Law, the requirement that provides the highest amount of premise isolation shall apply.

4. CROSS CONNECTION CONTROL SURVEY REQUIREMENT

- 4.(1) A Cross Connection Control Survey shall be completed by the owner at the owner's expense and submitted along with the Cross Connection Control Survey Report Fee to the Town within the timeframes noted in Schedule "B" of this By-Law for each of the following situations:
 - (a) The Town notifying the owner of an existing building that a survey is required,
 - (b) The survey anniversary date
 - (c) Change of ownership or change of use or as otherwise required by the Town
 - (d) A new connection being made to a building to which this By-Law applies;

- (e) The circumstances or equipment to which a survey applies changes or is modified that alters, or has the potential to alter, the information contained in a most recent Cross Connection Control Survey that has been provided to the Town; or
 - (f) The use or circumstance of a building changing or being modified in a manner that increases, or has the potential to increase, the hazard level for a plumbing system to which the most recent Cross Connection Control Survey applies.
- 4.(2) A Cross Connection Control Survey shall be carried out for each water service line starting from the water meter to all plumbing in each building linked to such meter and shall include any plumbing that by-passes the water meter
 - 4.(3) A Cross Connection Control Survey shall include any fire service main that is connected to the municipal drinking water system.
 - 4.(4) A Cross Connection Control Survey shall indicate if the risk to the municipal drinking water system is a severe, moderate or minor hazard in accordance with the CSA Standard.

5. TEMPORARY WATERMAIN CONNECTIONS

- 5.(1) Where a temporary watermain is connected to the municipal drinking water system, such as during installation of new or replacement watermains, backflow prevention shall be accomplished in accordance with the Provincial Watermain Disinfection Procedure by the person responsible for the temporary watermain
- 5.(2) If a backflow preventer is required pursuant to 5(1), then it shall be installed, tested and certified in accordance with the requirements of this By-Law.
- 5.(3) A building permit shall not be required for temporary watermain connections

6. INSTALLATION OF BACKFLOW PREVENTION DEVICES

- 6.(1) Selection and installation of the backflow prevention device shall be in accordance with acceptable engineering practices, the requirements of Building Code, manufacturer's specification and CSA Standard for premise isolation.
- 6.(2) Every person installing a backflow preventer or causing a backflow preventer to be installed or replaced shall ensure that:
 - (a) such device is installed in a building structure, unless otherwise directed by the Director;
 - (b) all piping between the water meter and such device does not exceed 3 metres is clearly labelled "no connection permitted";
 - (c) A building permit is obtained from the Town prior installation of the backflow preventer except in cases where an exact replacement of an existing backflow preventer is required; and
 - (d) Inspection of the installation of the backflow preventer is carried out in accordance with the requirements of the building permit and the CSA Standard as the case may be.
- 6.(3) The initial compliance implementation date for all required buildings and structures existing at the date of the passing of this By-Law to meet the backflow prevention device installation requirements of this By-Law shall be no later than the dates stipulated in Schedule "B".
- 6.(4) Premise isolation backflow preventers shall be installed at all buildings with plumbing systems that pose a severe or moderate risk regardless of any area or source backflow prevention devices that may be installed within the plumbing system.
- 6.(5) Plumbing systems that pose a minor risk to the municipal drinking water system may be exempt from the requirement to install a backflow preventer, at the sole discretion of the Director, except as specified in Section 6.(6) and Section 6.(7).

- 6.(6) Plumbing systems with existing area or source backflow prevention devices that pose a minor risk to the municipal drinking water system shall have premise backflow preventers installed.
- 6.(7) Plumbing systems that already have premise isolation backflow preventers installed at the time of passage of this by-law shall be subject to this by-law regardless of risk level
- 6.(8) All costs related to installation of backflow preventers shall be at the Owner's expense.
- 6.(9) The backflow preventer shall be owned and maintained by the Owner
- 6.(10) The Director reserves the right to shorten the date(s) identified in 6(2) for a specific property if deemed to be necessary due to risk of contamination of the Town's water system.
- 6.(11) Every Owner who does not comply with notice to install is guilty of offence.

7. PERSONS PERMITTED TO CARRY OUT WORK

- 7.(1) 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.
- 7.(2) In addition to the required qualifications listed in the Authorized Functions List, the persons 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 Town:
 - (a) a Tester's Certificate issued by the Ontario Water Works Association or an approved equivalent which has been issued or renewed within five (5) years prior to date of the submission of a Cross Connection Control Survey Report or a Preventer Test Report; and
 - (b) a current calibration certificate for the test equipment issued within the (12) twelve months prior to the date of submission of a Preventer Test Report.
- 7.(3) No person shall submit to the Town any information that is false or inaccurate.
- 7.(4) The proof of qualifications and test equipment calibration required under Section 8(2) shall be submitted at the same time the Cross Connection Control Surveys and Preventer Test Reports are submitted to the Town
- 7.(5) The Owner shall be responsible for ensuring that the persons selected to perform the work are qualified in accordance with 7(2).

8. TESTING OF BACKFLOW PREVENTERS

- 8.(1) Every owner who has a backflow preventer installed on his or her property shall ensure, at the owner's expense, that:
 - (a) the backflow preventer is maintained in proper working condition;
 - (b) such a device is tested when it is first installed and annually thereafter, , or when requested by the Director, and also when it is cleaned, repaired, overhauled or relocated;
 - (c) notwithstanding (b) any building with premise isolation that has a plumbing system identified as a minor hazard shall have its premise isolation backflow preventer tested every 5 years.
 - (d) when such device is tested, that a Preventer Test Report of such a test is completed;
 - (e) the Preventer Test Report is submitted to the Town within the timeframe specified in Schedule "B" along with the Preventer Test Report Fee;

- (f) in the event that such a device is malfunctioning or otherwise not in proper working order, cause the device to be repaired or replaced; and
- (g) whenever a device is tested, a test tag is affixed to the device.

8.(2) Every qualified person who tests a backflow preventer shall:

- (a) provide a legible Preventer Test Report to the owner of the premises subject to such a test;
- (b) upon completing such test, supply, complete and affix a Preventer Test Tag to the device or immediately adjacent to the device on the piping connected thereto; and
- (c) upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the owner of the building subject to such a test and the Town of such condition.

9. BACKFLOW TEST EQUIPMENT MAINTENANCE

9.(1) Where required by the CSA Standard, all equipment used to test backflow prevention devices shall be verified and/or calibrated for accuracy. Proof of such verification and/or calibration shall be presented to the Town upon request and in conjunction with the submission of Preventer Test Reports.

10. GENERAL PROVISIONS

- 10.(1) Notwithstanding anything this By-Law, the Town may at any time order an owner to conduct tests, provide reports, including a Cross Connection Control Survey Report or a Preventer Test Report, and undertake any other measures required for the prevention of backflow or protection of a cross connection.
- 10.(2) Reports identified in this By-Law shall be submitted to the Public Works Services within timeframe specified in Schedule "B" for the related work, or as otherwise specified by the Director.
- 10.(3) The selection, maintenance, and field testing of backflow prevention devices shall be in accordance with the CSA Standard and the Building Code, or by a professional engineer using the CSA Standard.
- 10.(4) An owner shall obtain, or ensure that it is obtained, a building permit pursuant to the Town's Building By-Law in order to install, modify or perform any corrective action, or to remove a backflow preventer and any related plumbing.
- 10.(5) Where a timeframe is set out in this By-Law for carrying out any action, the Town may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Town.

11. CORRECTIVE ACTIONS ON CROSS CONNECTION CONTROL DEFICIENCIES

- 11.(1) Every owner shall take corrective actions on any deficiencies or to address any recommendations made by a qualified person or identified either on a Cross Connection Control Survey Report or on a Preventer Test Report for his or her property.
- 11.(2) Should a condition be found on a property which is in contravention of this By-Law, the Town may:
 - i) Issue an order to the owner to correct the issue at the owner's expense within a specified time period and if the order is not complied with, the Town may discontinue the supply of water from the municipal drinking water system to the plumbing system, and/or;
 - ii) Without notice to the owner, discontinue the supply of water from the municipal drinking water system to the plumbing system, where the Town, at its sole discretion, has determined that an immediate severe hazard exists that could result in contamination of the municipal drinking water system, and/or;

- iii) Issue any order or require any work to be undertaken as otherwise permitted pursuant to this By-Law.

12.REMOVAL OF BACKFLOW PREVENTION DEVICES PROHIBITED

- 12.(1) No owner of a building in which a backflow preventer is installed shall cause or permit the removal of such device, or part thereof, unless such removal is to immediately replace the device with another device that meets or exceeds the provisions of this By-Law or such removal is due to change of the function of a building or structure into a category to which this By-Law does not apply or that would not require a backflow preventer and such removal is approved by the Director.

13.ADMINISTRATION AND ENFORCEMENT

- 13.(1) The Director shall be responsible and is delegated the power to administer and enforce this By-Law, including prescribing the content of any forms or other documents required under this By-Law from time to time.
- 13.(2) The Director is authorized to delegate responsibilities for the administration and enforcement of this By-Law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

14.POWER OF ENTRY

- 14.(1) The Town may, at any reasonable time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) The provisions of this By-Law;
 - (b) An order issued under this By-Law;
 - (c) Condition of any permit or licence issued under this By-Law; or
 - (d) An order made under section 431 of the Municipal Act.
- 14.(2) For the purposes of an inspection under subsection (1), the person conducting the inspection may:
 - (a) require the production for inspection 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;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) 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.
- 14.(3) The Town may undertake an inspection pursuant to an order issued under section 438 of the Municipal Act.
- 14.(4) Pursuant to Section 435 of the Municipal Act, the Town's power of entry may be exercised by an employee, officer or agent of the Town, or by a member of the York Regional Police Service, as well as by any person under their direction
- 14.(5) When entering a property under this By-Law, the person exercising the power of entry:

- (a) Shall provide identification to any person requesting identification during the course of the entry;
 - (b) May be accompanied by a person or persons under their direction; and
 - (c) Shall not enter or remain in any room or place actually used as a dwelling unless at least one of the conditions set out in section 437 of the Municipal Act is met.
- 14.(6) Under the authority of this By-Law, no person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by the Town carrying out an inspection.
- 14.(7) Where the Director or any Town municipal law enforcement officer is satisfied that a contravention of this By-Law has occurred, such person may 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 discontinue the contravening activity and/or to do work to correct the contravention at the person's expense.
- 14.(8) Whenever this By-Law or an order issued under this By-Law directs or requires any work or thing to be done by any person, in default of it being done by the person directed or required to do it, such work may be done by the Town or its agents at that owner's expense and the Town may recover all costs and expenses incurred through a legal action or by recovering such costs in the same manner as taxes.
- 14.(9) The Town may, in addition to taking any other steps, shut off the water supply to a property or any portion of a property if the Director deems that a threat of contamination exists from such a property that can endanger public health or safety until such time as the threat of contamination is eliminated.
- 14.(10) Service of an order shall be posted at the site of the address of the Owner shown on the most current tax assessment roll or delivered through regular mail to the address of the Owner shown on the most current "Tax Assessment Roll". Where service is made by regular mail, it shall be deemed to have been received by the Owner on the fifth Business Day after the date of mailing.
- 14.(11) No Person shall hinder or obstruct, or attempt to hinder or obstruct an employee, officer, agent or contractor of the Town or other Person so authorized by the Town who is performing a duty or exercising a power under this By-Law pursuant to section 426 of the Municipal Act.
- 14.(12) When the Town has provided advance notice to exercise a power of entry in accordance with the requirements of this By-Law and the Owner or occupier, within the time set out in the Town notice, has not provided access, the Owner will be charged a "missed appointment or service refusal" fee as set out in the Fees and Charges By-Law to compensate the Town for costs incurred in attempting access and for each subsequent attempt.

15. PENALTY PROVISIONS

- 15.(1) Every Person who contravenes a provision of this By-Law, including an order issued under this By-Law is guilty of an offence.
- 15.(2) Any person who is in contravention of any provision of this By-Law, or who fails to comply with an order issued under this By-Law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 15.(3) If any 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.

- 15.(4) Any person who is guilty of an offence under this By-Law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act:
- a) Upon first conviction, the minimum fine shall be Three Hundred Dollars (\$300.00) and the maximum fine shall be Fifty Thousand Dollars (\$50,000.00);
 - b) Upon a second or subsequent conviction for the same offence a fine shall be a minimum of Four Hundred Dollars (\$400.00) and the maximum fine shall be One Hundred Thousand Dollars (\$100,000.00); and
 - c) upon conviction for a continuing offence, the minimum fine shall be One Hundred Dollars (\$100.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).
- 15.(5) For the purposes of this By-Law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-Law.
- 15.(6) For purposes of this By-Law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 15.(7) Where a person is convicted of an offence under this By-Law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

16. PROCEEDS OF FINES

- 16.(1) Pursuant to subsection 433 (1) of the Municipal Act, where a Person has been convicted of any offence under this By-Law, every fine imposed for a contravention of this By-Law belongs to the Town.

17. SPECIAL FINES

- 17.(1) In addition to any other fine, every Person who gains an economic advantage or economic gain from contravening this By-Law, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from such contravention. A special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

18. UNPAID FINES

- 18.(1) Pursuant to Subsection 441.1 of the Municipal Act, 2001, S.O. 2001, c. 25, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as taxes.

19. GENERAL BY-LAW ENFORCEMENT POWERS/ORDERS TO DISCONTINUE ACTIVITY

- 19.(1) Pursuant to section 444 of the Municipal Act, the Town may make an order requiring any Person, who contravened this 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 contravening activity.

20. WORK ORDER

20.(1) Pursuant to section 445 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-Law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

21.OBSTRUCTION

21.(1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law.

22.NOTICE

22.(1) Where an order is issued by the Town, the Person is in receipt of the order on the date it is posted in a conspicuous place at the subject Property. The Person is deemed to be in receipt of the order, if the order is delivered personally or posted by mail five (5) Business Days at the last known address provided to the Town. If no address for the Person has been provided, then the Town will send the notice by mail to the Property address identified on the tax rolls.

23.FEES

23.(1) Any fees and administrative costs associated with this By-Law are non-refundable.

23.(2) All fees and charges pursuant to this By-Law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-Law.

24.SEVERABILITY

24.(1) Notwithstanding that any section, or any part or parts thereof, of this By-Law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that such section, or part or parts thereof shall be deemed to be severable, and all other sections of this By-Law, or parts thereof, are separate and independent there from and enacted as such

25.REPEAL

25.(1) All By-Laws of the Town previously providing for regulating cross connections and backflow prevention in private plumbing systems and related appurtenances are hereby repealed.

26.INTERPRETATION

26.(1) The provisions of Part VI of the Legislation Act, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-Law.

27.EFFECTIVE DATE

27.(1) This By-Law comes into force on the day it is passed.

27.(2) Enacted this xx day of xxxx, 2019.

John Taylor, Mayor

Kiran Saini, Acting Town Clerk