



## THE CORPORATION OF THE TOWN OF GODERICH

### BY-LAW NO. 114 OF 2023

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#### BEING A BY-LAW TO AMEND BY-LAW 64 OF 2002, BEING A BY-LAW TO REGULATE BACKFLOW PREVENTION AND CROSS CONNECTION PROGRAM IN ORDER TO PROTECT WATER QUALITY WITHIN THE TOWN OF GODERICH

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**WHEREAS** the Corporation of the Town of Goderich deems it necessary to regulate the Town's drinking water distribution system and prevent cross contamination in the water system thereby ensuring a safe and sustainable water supply to all residents, businesses and visitors;

**AND WHEREAS** it is the responsibility of the Corporation of the Town of Goderich to protect its residents and other users of the Town's drinking water distribution system from deleterious and harmful contaminants that may enter the water distribution system through cross-connections and backflow;

**AND WHEREAS** pursuant to subsections 11(1) 4 and 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, a municipality may pass By-Laws respecting matters relating to public utilities and for purposes related to health, safety, and well-being of the inhabitants of persons;

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

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

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

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

**AND WHEREAS** the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, places a Standard of Care on the Owner of the municipal drinking water distribution system;

**AND WHEREAS** pursuant to subsection 20(1) of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, it is an offence to cause or permit anything to enter a drinking water distribution 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 *Ontario Regulation 332/12: Building Code* requires potable water systems to be protected from contamination;

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

**AND WHEREAS** subsection 80(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, 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 meter;

**AND WHEREAS** subsection 80(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes the municipality to, for the purposes of subsection 80(1), shut off or reduce the supply of the public utility to the land;

**AND WHEREAS** subsection 80(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, 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, 2001*, S.O. 2001, c. 25, 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 130 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to regulate matters for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:**

1. DEFINITIONS:

“Accredited Organization” means a governing body that certifies individuals in the field of backflow prevention, including but not limited to, the Ontario Water Works Association (OWWA), the American Water Works Association (AWWA), and the American Society of Sanitary Engineering (ASSE);

“Area Isolation” shall mean protection provided for a section of a piping system with potable and non-potable connections (that may or may not be considered cross connections) downstream of a backflow prevention device;

“ASSE” means the American Society of Sanitary Engineering;

“Authorized Functions List” means the list of functions and the persons authorized to carry out such functions as set out in the *CSA Standard*;

“Authorized Person” means a person who is authorized to carry out a function as set out in the Authorized Functions List of the *CSA Standard*;

“Auxiliary Water Supply” shall mean any water source or system other than the Town’s direct water supply that may be available in a building or on any property, including any recycled water or cistern;

“AWWA” means the American Water Works Association;

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

“Backflow Prevention Device” means a device that prevents backflow in a water system and includes a reduced pressure principle assembly, dual check valve, double check valve and the like (same meaning as set out in *O. Reg 332/12: Building Code*);

"Backflow Prevention Device Test Report" means an inspection and testing report of a backflow prevention device containing the make, model, serial number, size, type, installation date, location and installation address and the test results. Such report must contain information related to the certified tester and be completed and submitted to the Town of Goderich Building Department;

"Backflow Prevention Test Tag" or "Test Tag" means a tag issued by the Town of Goderich containing the make, model, serial number, size, type, location, installation date and address, the previous test history of the backflow preventer, as well as indication that the backflow prevention device is in working order as indicated through the test report;

"Back Siphonage" means backflow caused by negative pressure in the municipal drinking water distribution system;

"Building" shall have the same meaning as set out in the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and shall include a sprinkler system;

"Building Code Act" means *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

"Building Code" means *Ontario Regulation 332/12: Building Code*, as amended, passed pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

"Building Services Manager/Chief Building Official" means a chief building official appointed for the Corporation of the Town of Goderich or their designate;

"Certified Tester" or "Tester" shall mean a person who is a certified backflow prevention device tester who has successfully completed a cross connection course in backflow prevention device testing at an accredited school or school as defined in the *CSA Standard: CAN/CSA- B64.10-11/ B64.10.1-11*, as amended, and is currently certified (current tester's certificate);

"Corporation" means the Corporation of the Town of Goderich and includes persons, its employees, servants and agents;

"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" or "Survey" means a complete review of the potable water system or systems located within a building to determine the presence of any existing backflow prevention systems and/or cross connections, corrective measures, recommendations and a date for which each device will be installed;

"Cross Connection Survey Form" shall mean a report, in a form prescribed by the Town of Goderich, that includes existing backflow prevention devices, cross connections discovered, corrective measures, recommendations and date for which each device will be installed. Survey forms must be completed and submitted to the Town of Goderich Building Department;

"CSA Standard" means the document entitled *National Standard of Canada- CAN/CSAB64.10-11/ B64.10.1-11 -Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices-Plumbing Products or Materials-A National Standard of Canada*, published in 1997 by the Canadian Standards Association or any successor thereof;

"Director of Community Services, Infrastructure and Operations" shall mean the person designated as the Director of Community Services, Infrastructure and Operations for the Town or their designate;

“Good Repair” means (a) free from health hazard; (b) free from fire hazard; (c) in good working order; (d) not in poor condition by reason of deterioration, neglect, damage, or defacement; (e) able to perform its intended function; and, (f) protected from freezing;

“Individual Protection” shall mean protection provided at the connection of a fixture or appliance;

"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*;

"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*;

“Municipality” or “Town” means the Corporation of the Town of Goderich and includes persons, its employees, servants and agents;

"Municipal Drinking Water Distribution System" of “Goderich Drinking Water System” shall have the same meaning as found in the *Safe Drinking Water Act, 2002*; refers to the large municipal water treatment system located at 100 Cove Road, Goderich, providing a potable water supply to the residents and businesses of the Corporation of the Town of Goderich. The Goderich Drinking Water System is owned by the Corporation of the Town of Goderich and operated by the Operating Authority;

“Officer” shall mean an employee of the Town of Goderich appointed for the purpose of administering and enforcing the *Building Code Act* and this By-Law;

“Operating Authority” means the organization and its employees who are responsible for operational control of the drinking water distribution system on behalf of the Town of Goderich;

"Order to Comply" is an order issued pursuant to subsection 12(2) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any order issued pursuant to the *Municipal Act*;

"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;

“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 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;

"Plumbing System" means a system for water and/or wastewater not on the Town's right of ways and easements, which is separate from the municipal drinking water distribution system;

"Potable Water" means water that is safe for human consumption and that complies with section 10 of the *Safe Drinking Water Act, 2002*;

"Premise Isolation" means isolation of the water supply that is provided at the entrance to a building or facility from the municipal drinking-water supply;

“Property” or “Premise” means land with or without buildings;

“Public Utility” shall mean the water service supplied from the municipal drinking water distribution system for the purpose of this By-Law;

"Qualified Person" means the backflow prevention tester certified by an accredited organization and permitted to carry out the work who satisfies all the requirements in accordance with this By-Law and qualifies to carry out such work under the *CSA Standard* and *Building Code Act*;

"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*;

"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;

"Structure" means anything constructed or built permanently or temporarily which is provided with a source of potable water;

"Testable" means the ability to conduct tests to determine if a device is functioning properly;

"Water Meter" means the water meter installed within a premise to record the amount of water supplied to such premise by the Town through the municipal drinking water distribution system;

"Zone Isolation" means the protection provided for sections of a piping system within a building or facility with no potable connections downstream of a backflow prevention device.

## 2. APPLICATION OF BY-LAW

- a) This By-Law applies to all premises that are connected to the municipal drinking water distribution system within the Town of Goderich as regulated by the *Ontario Building Code* containing the *Building Code Act* and its Regulation; and,
- b) This By-Law applies to all properties within the Town of Goderich serviced from the municipal drinking water distribution system only through a single connection more than 50 mm in diameter; or,
- c) Any occupancy that is identified as a moderate or severe hazard (Schedule A and Schedule B) is required to have a backflow prevention device installed and inspected on an annual basis; or,
- d) In addition to and notwithstanding Section 2(b) and 2(c), this By-Law applies where a condition exists in any building or structure that may be hazardous or detrimental to the municipal drinking water distribution system, regardless of connection diameter, as determined by an Officer, Building Services Manager/Chief Building Official or the Director of Community Services, Infrastructure and Operations; such examples may include but are not limited to irrigation systems, solar heating systems, fire sprinkler systems and swimming pools with a direct connection.

## 3. GENERAL PROVISIONS:

- a) A testable backflow prevention device is installed at a location downstream of the water meter or such location as to the satisfaction of the Building Services Manager/Chief Building Official, and/or Director of Community Services, Infrastructure and Operations, or their delegates.
- b) Such device is installed in accordance with acceptable engineering practices, the requirements of the *Building Code*, this By-Law, and the *CSA Standard*.
- c) Installation of a backflow prevention device requires a plumbing permit and inspections, as required by the *Ontario Building Code*.

- d) Every owner in respect of property upon which a backflow prevention device is installed shall ensure that such device is in good repair at all times and in compliance with this By-Law.
- e) In addition to any other provisions of this By-Law, the Town may at any time require an owner to conduct tests, provide reports and undertake any other measures required for the prevention of backflow or protection of a cross connection.
- f) Where a time frame is prescribed in this By-Law, the Town may at its sole discretion extend the time for compliance provided such extension is reasonably required and is acceptable to the Town.
- g) All Backflow Prevention Device Test Reports are to be submitted to the Town of Goderich Building Department.

4. PROHIBITIONS AND RESTRICTIONS:

- a) No person or owner shall connect, cause to be connected, or allow to remain connected to the Town's municipal drinking water distribution 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 untreated water, waste water, any source of pollution or any other liquid, chemical or substance to enter such municipal drinking water distribution system or potable water system, except in compliance with the provisions of this By-Law.
- b) Every owner in respect of property to which this By-Law applies shall ensure that a backflow prevention device is installed in respect of premise isolation in every building or structure supplied by a municipal drinking water distribution system.
- c) No person or owner shall connect, cause to be connected, or allow to remain connected any auxiliary water supply or private well to a plumbing system which is supplied by the Town's municipal drinking water distribution system, without a backflow prevention device as approved by the Building Services Manager/Chief Building Official, and/or Director of Community Services, Infrastructure and Operations, and except in compliance with the provisions of this By-Law.
- d) No cross connection or modifications to an existing cross connection shall be made between municipal drinking water distribution system or potable water system and any other private plumbing except where a building permit has been applied for under the *Building Code* and approved by the Town.
- e) No person shall repair, damage, remove, inspect, tamper with, or connect to any of the Town's drinking water distribution system utility without receiving authorization from the Town of Goderich and/or the Town's Operating Authority.
- f) Any person who tampers with, alters, obstructs, removes, neglects, interferes with, or damages the Town's drinking water distribution system shall, in addition to any other penalty allowed by law, be held liable for the cost of repair to the equipment of the Operating Authority.
- g) 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:
  - (i) to facilitate the repair of the device and such device is replaced immediately after such repair is carried out;
  - (ii) to replace the device with another device that meets or exceeds the provisions of the By-Law;

5. PERSONS PERMITTED TO CARRY OUT WORK

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

6. APPLICATION OF CSA STANDARD

- a) Except as otherwise set out in this By-Law, the selection, maintenance, and field testing of backflow preventers shall be in accordance with the *CSA Standard*, this By-Law and the *Building Code*, as amended from time to time.
- b) Wherever the *CSA Standard* and this By-Law are in conflict, the provisions of this By-Law shall prevail where the *CSA Standard* is not incorporated as a part of the *Building Code*.
- c) Where a source isolation backflow prevention device has been previously installed by the manufacturer of equipment, the cross connection is required to be reviewed by a certified tester to determine if the backflow prevention device meets the selection specifications to the satisfaction of the Town of Goderich.

7. REQUIRED CROSS CONNECTION CONTROL SURVEYS

- a) Upon inspection and/or notification of an Officer, Building Services Manager/Chief Building Official, Director of Community Services, Infrastructure and Operations, or when otherwise ordered by the Town of Goderich, every owner of a building of a type set out in Section 2 shall:
  - i. cause to be carried a Cross Connection Control Survey, at the owner's expense, of each of his or her buildings and structures to determine the presence of any existing backflow prevention systems, and/or any cross connections, corrective measures, recommendations, and a date for which each device will be installed;
  - ii. ensure each Cross Connection Control Survey is carried out by a person permitted to do so pursuant to the Authorized Functions List;
  - iii. ensure that the Cross Connection Survey Form is complete and includes the current tester's certificate number; and,

- iv. ensure that the completed Cross Connection Survey Form is submitted to the Town of Goderich Building Department within the specified time period.
- b) A Cross Connection Survey Form shall be completed:
- i. every five (5) years from the date of the first Cross Connection Control Survey requested; and/or,
  - ii. upon inspection by an Officer, the Building Services Manager/Chief Building Official or when otherwise ordered by the Town of Goderich; and/or
  - iii. upon change of use, change of machinery, fixtures, or alteration of the piping; and/or,
  - iv. construction of a new building type as set out in Section 2.

#### 8. TOWN ACCESS FOR INSPECTION OF CROSS CONNECTIONS

- a) Any person authorized by the Town of Goderich shall be permitted access, within twenty-four (24) hours of providing notice, to any premises that are connected to the municipal drinking water distribution system for the purpose of performing inspections to verify compliance with this By-Law.
- b) Where in the opinion of the Town of Goderich, a risk of possible contamination of the municipal drinking water distribution system exists, any person authorized by the Town shall be permitted immediate access in accordance with Section 14 of this By-Law to any premises that are connected to the municipal drinking water distribution system. In such instances, the Town of Goderich may require a routine cross-connection inspection of the premises to be performed by a qualified person to the satisfaction of the Building Services Manager/Chief Building Official and/or Director of Community Services, Infrastructure and Operations. Should an unsafe and/or undocumented cross connection be found during said inspection, the cost of the inspection shall become the responsibility of the owner.
- c) Upon failure to comply with this Section, an Order to Comply by the Town of Goderich may be issued, prescribing the time frame within which access must be provided or work carried out. If access is not provided or work carried out within the prescribed time frame, the Building Services Manager/Chief Building Official and/or Director of Community Services, Infrastructure and Operations may order the supply of water from the municipal drinking water distribution system to the plumbing system to be discontinued until such time as access is provided and work is carried out, in addition to and notwithstanding any other powers pursuant to this By-Law.

#### 9. ORDER TO CORRECT CROSS CONNECTION

- a) Should a condition be found to exist on a property which is contrary to this By-Law, the Town of Goderich at its sole discretion may:
  - i) Issue an Order to Comply to the owner to correct the fault at their expense within a specified time period and if the order is not complied with, the Town of Goderich 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 distribution system to the plumbing system, where the Town of Goderich, at its discretion, has determined that an immediate 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.

10. SELECTION OF BACKFLOW PREVENTION DEVICES

- a) Every owner in respect of property to which this By-Law applies shall ensure that backflow prevention devices are installed for premise isolation, zone isolation, and source isolation in every building where a supply of water from the municipal drinking water system or other potable water exists pursuant to the provisions of this By-Law.
- b) Backflow prevention devices for premise isolation, zone isolation, or source isolation shall be determined:
  - i) by using the *CSA Standard* and/or the *Building Code*; or,
  - ii) when the type of cross connection is not identified in the *CSA Standard* or in the *Building Code*, by a professional engineer using the *CSA Standard*.
- c) Notwithstanding Section 9(b), the Town of Goderich in its sole discretion may require or permit particular backflow prevention device(s) or form of protection be used in respect of any cross connection, including premise isolation, zone isolation, or source isolation.

11. INSTALLATION OF BACKFLOW PREVENTION DEVICES

- a) Every certified tester installing a backflow prevention device or causing a backflow prevention device 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, facility or structure;
  - iii) such device is located in such a manner so that, in the event of backflow, the device prevents contamination of the municipal drinking water distribution system and any other potable water system;
  - iv) a building permit has been applied for and approved by the Town of Goderich;
  - v) where such a device is installed in respect of 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 upstream of the water meter and such location is to the satisfaction of an Officer and/or the Building Services Manager/Chief Building Official;
  - vi) where such a device is installed in respect of premise isolation, all piping between the water meter and such device is clearly labeled "no connection permitted"; and,
  - vii) where such device is installed in respect of individual, area, or zone isolation, all piping between the point of contamination or potential contamination, and the point at which the device is located is labeled "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 an Officer and/or Building Services Manager/Chief Building Official 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 on the degree of hazard. A hazard level has

been identified for each industry sector, outlined in Schedule A. Similarly, a hazard level has been identified for various point of use cross-connections in Schedule B.

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

12. BACKFLOW TEST EQUIPMENT MAINTENANCE

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

13. TESTING OF BACKFLOW PREVENTERS

- a) Every owner who has a testable backflow prevention device installed on his or her property shall ensure that:
  - i) such device is tested by a certified tester when it is first installed and annually thereafter or when requested by the Town of Goderich, and also when it is cleaned, repaired, overhauled or relocated;
  - ii) the Backflow Prevention Device Test Report is submitted to the Town of Goderich Building Department within fourteen (14) days of the test being conducted;
  - iii) if such backflow prevention device is malfunctioning or otherwise not in proper working order, the device is to be repaired or replaced forthwith by a certified tester; and,
  - iv) when a backflow prevention device is tested, the certified tester shall ensure that a Preventer Test Tag is affixed to the device.
- b) Testing methods set out in section 6 of the *CSA Standard* and test procedures established by the AWWA for testing backflow preventers shall be employed.
- c) Corrective actions on deficiencies identified on the Backflow Prevention Device Test Report shall be completed and reported to the Building Services Manager/Chief Building Official within fourteen (14) days.
- d) Every certified tester who tests a backflow prevention device shall:
  - i) carry out such testing in accordance with this By-Law and the *CSA Standard*;
  - ii) within fourteen (14) days of carrying out such test, provide a legible Backflow Prevention Device Test Report to the Town of Goderich Building Department in respect of such test;

iii) upon completing such test, complete and affix the Preventer Test Tag to the device or immediately adjacent to the device on the piping connected thereto; and,

iv) upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the owner and the Town of Goderich Building Department of such condition.

- e) No person shall submit a Backflow Prevention Device Test Report to the Town of Goderich Building Department that contains inaccurate or false information.
- f) Backflow preventers for moderate and severe hazards are required to be tested annually.

#### 14. FIRE PROTECTION SYSTEMS

- a) Potable water connections to fire protection systems (standpipe and sprinkler systems) shall be protected against backflow in accordance with the *CSA Standard* and the *Building Code*.

#### 15. REMOVAL OF BACKFLOW PREVENTION DEVICES

- a) No owner of a building or structure in which a backflow prevention device 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.
- b) A plumbing permit from the Town of Goderich Building Department is required to be completed in order to install any backflow preventer.
- c) If a backflow prevention device is malfunctioning or otherwise not in proper working order, the device is to be repaired or replaced forthwith by a certified tester. Additionally, the removal and replacement of the backflow prevention device is to be noted on the annual Backflow Prevention Device Test Report, as well as written notification is required to the Town of Goderich Building Department.

#### 16. ADMINISTRATION AND ENFORCEMENT:

- a) The Building Services Manager/Chief Building Official, with the assistance of the Director of Community Services, Infrastructure and Operations, 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.
- b) The Municipal Enforcement Officer(s) shall act in capacity as enforcement officers for the purposes of enforcing this By-Law, at the direction of the Director of Community Services, Infrastructure and Operations.
- c) Any fees associated with this By-Law will be reflected in the Town of Goderich Fee By-Law
- d) Powers of Entry:

The Building Services Manager/Chief Building Official or any authorized person may enter on a premises at any reasonable time for the purpose of carrying out an inspection to determine whether the following are being complied with:

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

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

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

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

- e) Where the requirements of this By-Law are not met or a condition exists on any property that may allow contamination of the municipal drinking water distribution system, the Building Services Manager/Chief Building Official will first issue a notice to the owner of the property indicating the requirements of the By-Law. If action has not been taken, the Building Services Manager/Chief Building Official will serve an Order to Comply on the owner requiring the owner to comply with the requirements of the By-Law and to eliminate the condition which may allow contamination and in so doing may prescribe the time period for compliance with such Order to Comply; the work to be completed which may include but is not limited to:
  - i) a legible Backflow Prevention Device Test Report to be completed and submitted to the Town of Goderich Building Department;
  - ii) taking corrective actions on deficiencies identified on the Backflow Prevention Device Test Report for the property;
  - iii) a backflow prevention device to be tested annually;
  - iv) a Backflow Prevention Test Tag be applied to the backflow preventer device;
  - v) a plumbing permit be applied for and obtained prior to installation, of a backflow preventer;
  - vi) a backflow prevention device be installed;
  - vii) a backflow prevention device be repaired;
  - viii) a backflow prevention device be replaced;
- f) If a condition exists on a property which may, in the opinion of the Director of Community Services, Infrastructure and Operations or a person authorized by the Director of Community Services, Infrastructure and Operations, result in the risk of contamination of the municipal drinking water distribution system, in addition to issuing any Order to Comply and notwithstanding any other powers provided for in this By-Law, the Director of Community Services, Infrastructure and Operations may immediately and without notice shut off the water supply from the municipal drinking water distribution system to the property or any portion thereof until the condition is eliminated to the satisfaction of the Town of Goderich.
- g) Service of an Order to Comply shall be hand delivered to the property or delivered through prepaid registered mail to the address of the owner as shown on the tax roll.

Where service is made by registered mail, it shall be deemed to have been received by the owner on the seventh day after the date of mailing.

- h) Wherever this By-Law directs or requires any work or thing to be done, in default of it being done by the person directed to do it, such work may be done by the Town of Goderich or its agents at the expense of the person and the Town may recover all expenses incurred in doing the work by action.
- i) In addition to any other provision of this By-Law, the Town of Goderich may at any time issue an Order to Comply to an owner to conduct tests, provide reports and undertake any other measures required in respect of a cross connection and the prevention of backflow.
- j) No person shall hinder or obstruct, or attempt to hinder or obstruct, an authorized person who is performing a duty or exercising a power under this By-Law.

#### 17. PENALTY PROVISIONS

- a) Every person who contravenes any provision of this By-Law is guilty of an offence and is liable to a fine and other penalties imposed pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P-33, as amended.
- b) If any provision of this By-Law and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- c) If an Order to Comply has been issued under this By-Law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- d) Every person who is guilty of an offence under this By-Law shall be subject to the following penalties:
  - i) upon first conviction, to a fine of not less than \$300.00 and not more than \$50,000.00;
  - ii) upon a second or subsequent conviction for the same offence, to a fine of not less than \$500.00 and not more than \$100,000.00;
  - iii) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$200.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.
- e) The court in which the conviction has been entered, and any other court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted, pursuant to the *Municipal Act*, S.O. 2001, c. 25, section 442.
- f) Pursuant to the provisions of subsection 433 (1) of the *Municipal Act*, where a person has been convicted of any offence under this By-Law, every fine imposed for a contravention of this By-Law belongs to the Town.
- g) Pursuant to subsection 441.1 of the *Municipal Act*, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to subsection 351 (1) of the *Municipal Act*, the Treasurer of the Town of Goderich, 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 possession of the person fined;
- ii) the interest of the person fined in any personal property including such person's right to the possession of any personal property under a contract for purchase or a contract to which the person fined becomes the owner of the property upon performance of any condition;
- iii) the personal property on the land and any interest therein as described in this By-Law of the owner of the land, even if the owner's name does not appear on the tax roll; and/or,
- iv) any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.

18. SEVERABILITY

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

19. ENACTMENT:

That this By-Law shall come into force and effect on the day of its final passing.

That the Mayor and Clerk are hereby authorized to execute and affix the Corporate Seal.

20. SHORT TITLE:

This By-Law may be referred to as the "Backflow Prevention By-Law".

21. That By-Law 64 of 2022 be hereby amended.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16<sup>th</sup> DAY OF OCTOBER, 2023.**

  
MAYOR, Trevor Bazinet

  
CLERK, Andrea Fisher

## SCHEDULE A

### BACKFLOW PREVENTION DEVICE FOR PREMISE ISOLATION BASED ON INDUSTRY SECTOR

<b>Industry Sector</b>	<b>Hazard Level</b>
Agricultural/Landscaping Applications	Severe
Aircraft Manufacturing	Severe
Airports	Moderate
All Printing Industry (excluding dry digital printing)	Severe
Allied Services to Manufacturing	Severe
Analytical Laboratories	Severe
Animal Shelter	Moderate
Asphalt Paving Mixture and Block Manufacturing	Severe
Auto Dealership	Moderate
Autobody Refinishing	Severe
Automobile Manufacturing	Severe
Automotive Repairs and Maintenance	Severe
Beverage Manufacturing	Severe
Breweries	Severe
Blood Clinic	Severe
Campsite	Moderate
Car Washes	Severe
Carpet Cleaners	Severe
Chemical Manufacturing	Severe
Cideries	Severe
Clinical Laboratories	Severe
Commercial Coin Operated Laundry	Moderate
Commercial Laundry (without dry cleaning)	Severe
Commercial Buildings (Less than 4 stories or less than 600 square meters)	Minor to Moderate
Commercial Buildings (Four stories or more or exceeding 600 square meters)	Moderate
Concrete Plants	Severe
Cosmetic Product Manufacturing	Severe
Death Care Services	Severe
Dental Office (non-surgical)	Moderate
Dental Surgery Facility	Severe
Distilleries	Severe
Dock and Marine Facility	Severe
Dry Cleaners	Severe
Dye and Pigment Manufacturing	Severe
Electroplating, Plating, Polishing, Anodizing and Colouring	Severe
Fire Protection Systems (with antifreeze, foam injection, and/or other chemical additives)	Severe
Fire Protection Systems (with auxiliary water supply)	Severe
Fire Stations	Moderate to Severe
Food Processing	Severe
Fuel Dispensing Facility (gas bar)	Moderate
Funeral Homes/Cemetery	Moderate to Severe
Gas Stations with Automotive Repairs	Severe
Golf Courses	Moderate to Severe

Greenhouses	Severe
Grocery Store	Moderate
Hair Salon	Moderate
Hospitals	Severe
Hotel and Motel	Moderate
Industrial and Institutional Premises	Moderate to Severe
Industrial Laundries	Severe
Irrigation Systems (with chemical addition)	Severe
Irrigation System (without chemical addition)	Moderate
Kennel	Moderate
Lubricating Oil and Grease Manufacturing	Severe
Machine Tool Manufacturing	Severe
Machine Tool Operations	Severe
Marina and Yacht Club (pleasure-boat)	Moderate
Meat Processing and Packaging	Severe
Medical Clinic (non-surgical)	Moderate
Medical Clinic (surgical)	Severe
Medical Laboratories	Severe
Metal Can Manufacturing	Severe
Metal Coating, Engraving	Severe
Metal Fabrication	Moderate to Severe
Metal Window and Door Manufacturing	Severe
Milk/Dairy Product Processing	Severe
Mobile Home Park	Moderate
Mortuary or Morgue	Severe
Motorcycle Repairs and Maintenance	Severe
Nonferrous Metal Manufacturing	Severe
Nursing Home	Moderate
Other Metal Container Manufacturing	Severe
Paint and Coating Manufacturing	Severe
Paper and Pulp Processing Plants	Severe
Penitentiary	Moderate
Personal Care Products Manufacturing	Severe
Petrochemical Manufacturing	Severe
Petroleum Bulk Storage Facilities	Severe
Petroleum Refining	Severe
Pharmaceutical Manufacturing	Severe
Photo Finishing	Severe
Photographic Film Manufacturing	Severe
Photographic Plate/Paper Manufacturing	Severe
Plant Using Radioactive Materials	Severe
Plastic Manufacturing	Severe
Plastic Material and Resin Manufacturing	Severe
Power Generating Facility	Severe
Premises Where Access Is Prohibited	Severe
Printed Circuit Board Manufacturing	Severe
Radiator Shop	Severe
Recycling Facility	Severe
Rendering Facility	Severe
Research Buildings and Laboratories	Severe
Residential Buildings (Four stories or more or exceeding 600 square meters; excluding individual single-family dwellings serviced with an individual water service and water meter)	Moderate
Restaurant (including bar, coffee shop, food courts, lounge, etc.)	Moderate
Rubber Manufacturing	Severe
Sauna and Massage Centre	Moderate
Schools (elementary, junior high, senior high)	Moderate
Single Residential Dwelling (with auxiliary water supply)	Severe
Slaughter House	Severe

Soap and Detergent Manufacturing	Severe
Swimming Pools (private with direct connection)	Moderate
Swimming Pools (public)	Moderate
Technical Institutes	Moderate
Textile Manufacturing/ Processing	Severe
Universities and Colleges	Moderate
Veterinary Clinic	Moderate
Veterinary Hospital	Severe
Waste/Garbage Transfer Station and Disposal Plant	Severe
Wastewater Pumping Stations	Severe
Wastewater Treatment Plants and Facilities	Severe
Water Filling Stations	Severe
Water Park (including splash pads)	Moderate
Water Pumping Stations	Severe
Water Treatment Plants	Severe
Wineries	Severe
Zoo	Severe

### SCHEDULE B

#### DEGREE OF HAZARD BASED ON POINT OF USE CROSS CONNECTIONS CANADIAN STANDARDS ASSOCIATION (CSA) B64.10-11

<b>Source of Pollution or Contamination</b>	<b>Degree of Hazard</b>
Agricultural chemical (sprayer)	Severe
Air compressor oil cooler	Moderate
Animal watering	Moderate
Aspirator (non-toxic)	Moderate
Aspirator (toxic)	Severe
Autoclave	Severe
Autopsy and mortuary equipment	Severe
Auxiliary water supply	Severe
Baptistery	Moderate
Basin	Moderate
Bathtub (all)	Moderate
Bedpan washer	Severe
Beverage dispensing equipment (no carbonator)	Minor
Beverage dispensing equipment (with carbonator)	Moderate
Bidet	Moderate to Severe
Bottle washer	Moderate to Severe
Bread making equipment	Minor to Moderate
Canopy washers	Severe
Carwash	Severe
Chemical feed tank	Severe
Chiller tank (closed, no chemicals)	Moderate to Severe
Chiller tank (open or with chemicals)	Severe
Chlorinator	Severe
Clothes washer (residential)	Moderate
Condensate tank	Severe
Condensate tank (top feed)	Moderate
Cooking kettle (for food only)	Minor
Cooling condenser, AC unit (solenoid downstream)	Severe
Cooling condenser, AC unit (solenoid upstream)	Minor
Cooling tower	Severe
Cuspidor	Severe
De-aerator (bottom feed)	Severe
De-aerator (top feed)	Moderate
Degreasing equipment	Severe
Dental delivery system (water supply)	Minor
Dental vacuum pump	Severe

Detergent dispenser	Severe
Dipper well in ice cream parlour or restaurant	Moderate
Dish rinse unit with flex hose	Moderate
Dishwasher (commercial)	Moderate
Dishwasher (residential)	Moderate
Distiller	Minor
Dockside marine facility	Severe
Emergency eyewash/shower station	Eyewash/shower to be installed upstream
Flexible shower head with hose	Minor to Severe
Floor drain with flushing rim	Severe
Flush tank	Moderate
Flushing equipment device	Severe
Flushometer	Severe
Fountain, ornamental	Moderate to Severe
Fountain, ornamental (chemicals added)	Severe
Fume hood	Severe
Garbage can washer	Severe
Garbage disposal unit	Severe
Heat exchanger	Minor to Severe
(see Annex F and Clause 5.10 of CSA B64.10-11)	
Hose connection (other than residential)	Moderate to Severe
Hose connection (residential)	Minor to Moderate
Hospital (active treatment area)	Severe
Hospital (non-treatment area)	Moderate
Hot tub or spa	Moderate
Hot water systems	Minor
(all types – direct heating of water supply)	
(see Annex F and Clause 5.10 of CSA B64.10-11)	
Humidifier	Moderate
Humidifier with sump (chemicals added)	Severe
Hydrotherapy bath	Moderate
Ice machine for commercial restaurant	Moderate to Severe
Ice making equipment for sports arena	Severe
Industrial fluid system	Severe
Irrigation system (chemicals injected)	Severe
Irrigation system (no chemicals injected)	Moderate
Lab bench equipment (non-toxic)	Minor
Lab bench equipment (toxic)	Severe
Lab faucet	Moderate to Severe
Laboratory	Severe
Laundry machine	Moderate
Lavatory	Moderate
Lethal substance	Severe
Livestock equipment	Severe
Mixing tee with steam and water	Moderate
Mortuary or morgue	Severe
Non-potable water	Severe
Optician or ophthalmology equipment	Minor to Moderate
Pedicure chair	Moderate to Severe
Photo lab sink	Severe
Pipette washer	Severe
Piping to chemical dispensers	Minor to Severe
Plating tank	Severe
Potato peeler	Moderate
Poultry barn	Severe
Pressure washer (no aspirator)	Minor
Pressure washer (with aspirator)	Severe
Private fire hydrants	Moderate
Private water source	Severe
Pump primer line (non-toxic)	Moderate

Pump primer line (toxic)	Severe
Radiator flushing equipment	Severe
Restricted area	Severe
Residential reverse osmosis equipment	Minor
Reverse osmosis equipment with backwashing	Moderate
Reverse osmosis equipment with chemical cleaning	Severe
Serrated faucets	Severe
Sewage ejectors	Severe
Sewage pump	Severe
Shampoo sinks	Moderate
Sizing vats	Severe
Solar hot water systems (residential - no chemicals added) (see Annex F and Clause 5.10 of CSA B64.10-11)	Minor to Moderate
Solar hot water systems (residential – relatively harmless heat transfer fluid) (see Annex F and Clause 5.10 of CSA B64.10-11)	Minor to Moderate
Solar hot water systems (residential – toxic heat transfer fluid) (see Annex F and Clause 5.10 of CSA B64.10-11)	Severe
Solar hot water systems (commercial – single wall heat exchangers) (see Annex F and Clause 5.10 of CSA B64.10-11)	Moderate to Severe
Solar hot water systems (all types – double walled heat exchangers) (see Annex F and Clause 5.10 of CSA B64.10-11)	Minor
Solar hot water systems (make-up water connection to the heat transfer fluid piping loop) (see Annex F and Clause 5.10 of CSA B64.10-11)	Minor to Severe
Solution tanks	Severe
Spa or hot tub	Moderate
Specimen tank	Severe
Steam boiler	Severe
Steam cleaner	Moderate
Steam generator	Moderate
Steam table	Minor to Moderate
Sterilizer (condensate cooling only)	Moderate
Sterilizer (connection into chamber)	Severe
Still	Minor
Swimming pool (direct connection)	Moderate
Swimming pool (other than residential)	Moderate
Swimming pool (residential)	Minor
Swimming pool makeup tank	Moderate
Teeth cleaning equipment (veterinary type)	Moderate
Trap primer	Severe
Vending machine with no carbonators	Minor
Wash rack	Severe
Wash tanks (non-toxic)	Moderate
Wash tanks (toxic)	Severe
Water closet (flushometer type)	Moderate
Water closet (tank type)	Moderate
Water hauling equipment (see Annex C of CSA B64.10-11)	Severe
Water softener (residential)	Minor
Water softener drain (residential)	Moderate
Wok table (for cooking) with submerged inlet	Moderate
X-ray equipment	Severe