

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2016-019

A By-law to provide for the Regulation of Water Supply (Water Works By-law) in the City of Cornwall and repeal by-law 024-1987

Whereas under section 11 of the *Municipal Act, 2004*, a municipality may pass by-laws respecting matters with the sphere of jurisdiction of Public Utilities, and Public Utilities includes a system that is used to provide water services for the public; and

Whereas Section 9(1) of the *Municipal Act, 2004*, provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to entrance their ability to respond to municipal issues.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

Short Title: Water Works By-law

1. DEFINITIONS OF TERMS:

“Authorized Functions List” – the list of functions and persons authorized to carry out such functions as set out in Appendix B”.

“Authorized Tester” means persons described in the Authorized functions list permitted to carry out any of the corresponding authorized functions that has registered with the Corporation, provided all requested documentation to the Corporation, paid the applicable fee and received a Corporation registration number.

“Auxiliary Water Supply” means, when applied to any premises, any water supply on or available to the premise other than the primary potable water supply for the premises.

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

“Backflow Preventer” means the device to prevent the reverse flow of fluids or chemicals into the waterworks system which may contaminate the waterworks system.

“Building” shall mean a structure supplied with water by the Corporation .

“Building Code” means the building code, made under the Building Code Act, 1992, S.O. 1992, c.23 as amended from time to time.

“City” means the geographical area of the City of Cornwall or Municipal Corporation as the context requires.

“Corporation” means the “Corporation” of the City of Cornwall.

“Cross-Connection” shall mean any actual or potential connection between a potable water supply and any source of pollution or contamination that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the waterworks distribution system and include swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

“Cross-Connection Control Survey” is an inspection of a building to identify any internal plumbing cross-connections that may require backflow prevention devices. Survey may only be conducted by an authorized OWWA accredited tester as identified in appendix B.

“CSA Standard” means the document entitled B64.10-11/B64.10.1-11, Selection and Installation of Backflow Preventers/Maintenance and Field Testing of Backflow Preventers published by the Canadian Standards Association amended from time to time.

“External Use of Water” shall mean the use of water for any purpose outside the walls of any building .

“Fire Protection System” means any system within a building or structure used for the suppression of fire, including but not limited to any system consisting of a water sprinkler system or dry foam, or similar system described in the CSA Standards;

“Manager” means the “General Manager of Infrastructure and Municipal Works” for the City of Cornwall and for the purposes of exercising any of the powers of duties of the Manager under this Bylaw, shall include any employee designated by the said Manager to exercise any such powers or duties.

“Meter” means a device which is the property of the Corporation for measuring the flow and quantity of water.

“Meter Chamber” means a “device” for the protection of a meter.

“Minor Hazard” is any cross-connection or potential cross-connection that constitutes only a nuisance, with no possibility of any health hazards to the public. Examples include potential back siphoning or back pressure from low-rise apartment buildings, low risk commercial premises, residential

homes.

“Moderate Hazard” is any cross-connection or potential cross-connection that has the probability of becoming a severe hazard. Examples include potential back siphoning or back pressure from high rise apartment buildings, commercial premises, irrigation systems, schools.

“Owner” shall include any person, firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.

“Potable Water” water that is safe for human consumption.

“Premises” shall mean any house, tenement, building, lot, or part of a lot, or both, in which water service pipes run, through, or past.

“Premise Isolation” means isolation of the building or structure water supply from the Corporation’s water supply by means of a backflow prevention device.

“Private Main” shall mean a pipe connected to a main and installed on private property and from which more than one service and/or hydrant lateral are connected.

“Private Water Service Pipe” means that part of the “service pipe” from the property line to the premises served.

“Property” means both public and private lands, buildings, structures, boats, vehicles, railway cars, or mobile homes which are located in the city and which may be entitled to a service connection.

“Remote Readout Unit” shall mean the device installed at a separate location from the water meter and used to record the consumption reading of the meter.

“Severe Hazard” is any cross-connection or potential cross-connection involving any substances that could be a danger to health. Examples include potential back siphoning or back pressure from chemical plants, food processing plants, hospitals, mortuaries or morgues.

“Shut-Off Valve” shall mean the valve on the water service or private main owned and used by the Corporation to shut off or turn on the water supply from the Corporation’s waterworks distribution system to any premises.

“Structure” means anything constructed or built permanently or temporarily which is provided with a source of potable water.

“Test Report” means a test report consists of a detail test performed annually by a Certified Backflow Prevention Device Tester that identifies whether the backflow prevention device is functioning properly. .

“Test Tag” means a tag acceptable to the Corporation containing information related to the make, model, serial number, size, type, location, purpose, installation address and test history of a backflow prevention device.

“Untreated Water” means any water not subject to the requirements of the Safe Drinking Water Act, and/or water that is not under the direct control of the water purveyor.

“Water” shall mean potable water supplied by the Corporation.

“Water distribution system” means the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduit, intake, outlets, underground pipelines and installations, and other works designed for transmission, distribution and storage of potable water by the Corporation, and includes lands occupied for such purposes and uses.

“Water meter” means a device or mechanism which is owned by the Corporation for the purpose of measurement the flow or quantity, or both, of water.

“Watermain” means the pipe owned by the Corporation which distributes water to abutting properties and the general area.

“Water Service Connection” means that part of a service pipe or an unmetered fire line on public property from the watermain to the property line.

2. **WATER RATES AND CHARGES:**

2.1 The water rates and charges hereto annexed and marked as Schedules to this bylaw are hereby adopted and are incorporated in this bylaw and shall have the same force and effect as if contained in the main body thereof.

2.2 Non-Metered Rate:

2.2.1 The owner of each separately assessed parcel of land which is connected to a watermain and where the service connection has been turned on at the property line, but where no water meter has been installed, shall pay a flat rate as set out in Schedule “A”, and in all cases shall be subject to a minimum rate as set out in Schedule “A”.

2.3 Metered Rate:

2.3.1 The owner of each separately assessed parcel of land which is connected to a watermain and in which a water meter has been installed shall pay a metered rate as set forth in Schedule "A", and in all cases, shall be subject to a minimum rate as set out in Schedule "A". At the discretion of the manager the non-metered rate may be applied.

2.4 Water Supply Turn-On:

2.4.1 All applications for turning on, and turning off, the supply of water to any premises, shall be made in writing and upon the prescribed form, at the City of Cornwall Finance Office.

2.4.2 Every person making an application for turning on the supply of water shall, at the time of application, pay the prescribed fee in advance. No water supply shall be turned on until such payment has been made.

2.4.3 Where the water supply to any premises has been turned off because of non-payment of the rates and charges levied or for any other reason pursuant to this by-law, the water supply shall not be turned on again until all rates and charges due in respect of the water supply have been paid, and any other additional expenses incurred as a result of turning on or off the water supply have been paid.

2.4.4 A water supply turn-on fee shall be charged as set out in Schedule "A" in each of the following:

- a) Where the water supply is provided to the property; or
- b) After a shut-off greater than 30 days duration, then a new turn-on fee shall be paid as provided in Schedule "A";

2.5 Water Supply Turn Off:

2.5.1 Every person requesting that the supply of water to his or her premises be turned off shall give notice in writing upon the authorized form at the City of Cornwall Finance Office.

3. **WATER METERS**

3.1 All water which is required to be metered and used on premises within the City of Cornwall, except water used for firefighting purposes, or water authorized by the Manager for construction or other purposes or the matter in question is authorized by this by-law for unmetered use, shall pass through

the water meter supplied by the Corporation for use upon such premises, and in addition to whatever other remedies the Corporation may have by law in respect to infringement of this by-law, the Corporation may, upon ascertaining that water has been used which has not passed through the water meter of such premises, forthwith, without notice, shut off and stop the supply of water.

3.2 The Corporation reserves the right to install a water meter on any service inside all serviced buildings, including residential, at any time and thereafter may charge meter rates for water consumed as read on the meter register. Should access not be made available for the installation of the water meter the Corporation reserves the right to shut off the water supply.

3.3 The Corporation requires that all water services provided for all buildings which are to be used for Industrial, Commercial or Institutional purposes be metered.

3.4 All water meters shall be owned and remain the property of the Corporation.

3.5 The owner shall be responsible for installation of the supplied water meter according to the installation specifications provided by the Corporation. Final installation shall be approved by the Corporation. The maintenance, repair, reading, and disconnection of any water meter shall be conducted by authorized employees or agents of the Corporation.

3.6 The Corporation shall not be responsible for any damage to buildings or properties occasioned by, or in the course of installation, maintenance, repair, reading or disconnection of any water meter, provided that reasonable care has been taken by the employees or agents of the Corporation in the course of such installation, maintenance, repair, reading or disconnection.

3.7 The register of the water meter shall be prima facia evidence of the quantity of water supplied.

3.8 Where a fire line is provided, no water shall be taken except for fire protection purposes or for the testing of the fire protection system.

3.9 Every owner shall be liable for the safety and care of the water meter placed on his or her property, and will be charged for all damage thereto, whether occasioned by frost, hot water, blows or injury from any cause, and for the loss of the water meter if the same be removed from his or her premises without the consent of the Corporation whether stolen or otherwise, and the cost of every such water meter, or of repairing or replacing the same,

shall be payable to the Corporation on demand and collect such cost according to law, and until paid, such cost shall remain a lien on such property and may also be collected in the like manner as taxes.

3.10 Water meters shall be located at the point at which water service pipes enters a building unless the Manager directs in writing, that another location be used. There shall be ample clearance from walls and other obstacles to allow the installation of a meter without changes being made to the service pipe.

3.11 Every water meter shall be installed in a manner readily accessible to employees and agents of the Corporation.

3.12 Where a meter chamber is required, as determined by the Manager, the meter chamber shall be provided with a remote reader and shall be constructed and maintained by the owner in a manner satisfactory to the Manager and shall be accessible to the employees or agents of the Corporation.

3.13 The size and make of water meters to be installed shall be established by the Manager and shall be based on either consumption estimates provided by the owner or, where no estimates provided by the owner or the estimates provided by the owner are, in the opinion of the Manager, inappropriate, on the consumption estimates of the Manager.

3.14 No pipe connection shall be made to a water service pipe other than after the outlet side of water meter, except that a properly valved and sealed by-pass around the water meter shall be permitted. Fire supply lines which are not supplied by a separate service shall be connected before the meter.

3.15 Where the owner of a premises requests a service main of a diameter of 3.84 cm.(1.5 inches) or larger and where a water meter is required, he or she shall provide a water meter by-pass to the specification of the Manager. This by-pass shall be a type which can be sealed in a closed position by an employee or authorized agent of the Corporation.

3.16 No person other than an employee or authorized agent of the Corporation shall alter, damage, interfere with or remove the seal of a bypass or remove any water meter.

3.17 An Owner shall immediately notify the Manager of any breakage, stoppage or irregularity in a water meter.

3.18 The Corporation may estimate the quantity of water used by the owner since the date of the last accurate water meter reading or the last satisfactory estimate of consumption and bill the owner accordingly under circumstances where:

- a) the water meter is broken, stopped or irregular;
- b) the water meter has been incorrectly read;
- c) the water meter reading has been incorrectly recorded;
- d) the seal has been tampered with;

3.19 Where the quantity of water used by an Owner has been estimated pursuant to Sub-section 3.18, the Corporation at the time of the first accurate meter reading, subsequent to such estimate, shall have a new estimate of the quantity of water used by the Owner, prior to the time of the first accurate water meter reading aforesaid and an adjustment with the Owner shall be made accordingly.

3.20 Under the circumstances, where it is in the opinion of the Manager, expedient to allow or direct an owner to run water continuously, the Manager may authorize such usage and in such cases the Corporation's Finance Department shall adjust the owner's billing to conform to the owner's normal pattern of water use.

3.21 Any water meter will be removed and tested upon request of the owner. If it is found to register correctly, low, or not to exceed 3% in favour of the Corporation, the expense of removing and testing the meter must be paid by the person requesting that such water meter be removed and tested.

3.22 Where for any reason the consumption of water on property has not been recorded, or where in the opinion of the Corporation, the consumption of water has been wrongly recorded, the Manager shall estimate the quantity of water consumed and the owner shall be liable to pay the rate applicable to the consumption on the basis of such estimate.

3.23 The Corporation will not supply, install, inspect or read private water meters, nor will the Corporation bill consumption on private water meters. Water supply pipes to private meters must be connected to the owner's plumbing after the Corporation's water meter.

3.24 Any leaks that may develop at the water meter or its couplings must be

reported immediately to the Corporation. The Corporation is not liable for damages caused by such leaks.

3.25 If, in the opinion of the Manager, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the water meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Manager may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the water meter. If, upon notification, the owner does not comply with the Manager's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the water meter and the Corporation shall not be held responsible for any damages to the owner's property arising from such work.

4. INSTALLATION OF SERVICE PIPES:

4.1 No person shall install, lay, repair, renew or take up a water service or make connections to any watermain on Corporation property or on Corporation road allowances without applicable permits issued by the Corporation.

4.2 All work shall be done consistent with existing policies and practices.

- i) Every Water Service Connection is to be laid in a straight line and at a right angle to the watermain, as near as practicable.
- ii) Where the applicant for a Water Service Connection indicates in his or her application a desired location for the Water Service Connection, the Water Service Connection will be located as indicated providing the proposed location is approved by the Manager.
- iii) Where the applicant for a Water Service Connection does not indicate in his application a desired location for the Water Service Connection, the Water Service Connection will be located as determined by the Manager and if the applicant subsequently requires a relocation of the Water Service Connection, such relocation will be at the expense of the applicant.
- iv) Unless otherwise directed by the Manager all Water Service Connections shall be laid;
 - a. at a depth of two metres (2 m) below the surface of the soil surrounding the trench in which the pipes are laid or below the certified

road grade where the pipes are laid on a road allowance;

b. at a distance of more than fifty centimetres (50 cm) from any other pipe, conduit or drain.

v) Unless otherwise directed by the Manager, all Private Water Service Pipes shall be of the same size as the Water Service Connections laid by the Manager or authorized to be laid by a sub-division agreement.

4.3 Municipal Water Service Connections to property line shall not be installed in, over or across the property of another owner unless a registered easement is obtained by the applicant for such a location and such arrangement is approved by the Manager.

4.4 Upon payment of the service connection charge, the Owner shall be responsible for all excavation, backfilling and restoration associated with the trench into which the service pipe is installed. All work shall be subject to approval by the Manager or his agent. Upon preparation of an approved trench for the Water Service Connection, the Corporation shall tap the watermain, supply and install the corporation stop, the service piping from the watermain to a point at or near the property line and supply and install the curb stop and post. The Owner shall be responsible for the installation of the Private Water Service joining the Water Service Connection.

4.5 A separate and independent Water Service Connection shall be required for:

- i) single family dwellings;
- ii) each dwelling unit of a semi-detached building;
- iii) each dwelling unit of a linear row housing building or house cluster, more than two buildings on one lot, if these dwellings face a road and can be severed;
- iv) any other case where one of the above is created by severances or proposed to be created by severance.

4.6 One Water Service Connection of proper size from the watermain to property line and a private distribution system shall be provided for;

- i) apartment buildings,
- ii) commercial buildings,
- iii) condominiums,
- iv) industrial buildings,

- v) row housing clusters
- vi) institutional buildings

4.7 A Water Service Connection installed on premises for fire protection services shall be equipped with a backflow prevention device at the owners expense. See Section 8.

4.8 No supply of water shall be provided from the watermain unless the Water Service Connection is correctly installed according to Corporation standards and provisions specified herein.

5. **FIRE HYDRANTS:**

5.1 No person shall operate a fire hydrant except;

- i) an authorized employee or agent of the Corporation;
- ii) with the exception of water utilized for fire protection or flushing maintenance, all water taken from hydrants shall be through utilization of an appropriate backflow prevention device and metered.

5.2 Unmetered water from privately owned hydrants shall not be taken for other than fire fighting purposes.

6. **SERVICE CONDITIONS:**

6.1 Where the Water Service Connection is provided for fire protection purposes, no water shall be taken except for the following purposes;

- i) fire protection; or
- ii) for the testing of the system.

6.2 No work having to do with the supply of water or with the laying, repairing, renewing or the taking up of a watermain or Water Service Connection shall be done under or upon the streets except by permit or agreement.

6.3 No person except those authorized by the Corporation shall;

- i) tap off or make any connection with a watermain, or
- ii) turn off or on any watermain valve, or
- iii) turn off or on or interfere in any manner with any Water Service

Connection.

iv) turn off or on any fire hydrant owned by the Corporation

6.4 Where the Manager detects any waste of water on any premises due to a leaky valve, a defective or improper pipe or defective or improper fixtures or negligence by the owner, the Manager shall notify the owner of the premises of the repairs, alterations or direction needed to correct the waste of water.

i) Where the repairs, alterations or direction required by the Manager are not made within seven calendar days following such notification, the Manager is authorized to turn off the supply of water to the premises either by closing the shut off valve or by detaching the service pipe from the main.

ii) Where the condition of any pipe or fixture is such that it causes a waste of water or damage to any property, the Manager is authorized to turn off the supply of water to the premises without notice either by closing the shut off valve or by detaching the service pipe from the main.

iii) Where the water supply had been turned off pursuant to subsection 6.4.i or 6.4.ii herein, it shall not be turned on again until the repairs or alterations have been made, the condition of all pipes and fixtures is satisfactory, and all payments pursuant to Section 2 have been made.

iv) The Corporation shall not be responsible for any damages incurred to any property as a result of turning off the water supply to any premises pursuant to subsection 6.4.i) or 6.4.ii) herein.

6.5 The Corporation does not guarantee any determined water pressure or flow rate nor does it guarantee the water supplied to be free of colour and/or turbidity at all times. Water quality shall meet standards as prescribed by applicable regulations.

6.6 During normal maintenance and emergency conditions, the Corporation shall provide as continuous and uninterrupted service as practical and where shutting off portions of the system is necessary, warning of the shut off will be given where possible, but where necessary in the opinion of the Manager, the water may be shut off and kept off as long as is necessary, and the Corporation, its agents or servants, shall not be liable for any damage resulting therefrom whether or not notice of the shut off has been given. When so requested in an emergency situation by the Manager or his or her representative, every water consumer shall limit or discontinue the use of water as requested.

6.7 No water operated syphons or water driven motors are to be used with water supplied by the Corporation. Any existing installations of this type are to be removed within twelve (12) months notice in writing.

6.8 The Corporation may supervise and inspect any or all work done on private property with regard to a Water Service Connection with a service pipe, water meter or other related appurtenances associated with the supply of water.

6.9 The Manager shall, in every case, approve the Water Service Connection required, the size of the pipe to be used in supplying water to any premises and the location in the street in which such pipes shall be laid.

6.10 Where a water meter is required, no person shall install a pipe that is smaller than that approved, between the main and the water meter without the consent of the Manager.

6.11 Any person who requests a service larger than that which exists to his or her premises may be supplied with a larger service at the discretion of the Manager, subject to payment of the cost thereof, and provided that such larger service will not adversely affect the water supply and distribution system. Every connection in such premises shall be detached from the existing service and attached to the new service forthwith.

6.12 Where any departure from the prescribed procedures is permitted in order to accommodate the needs of a water user, the water user shall be charged with the expenses of making the change.

6.13 Every isolation valve shall be placed immediately inside the outer wall of the premises being supplied with water.

6.14 The owner of every premises shall be responsible for turning off the isolation valve where damage could occur as a result of the premises being vacant.

6.15 No connection for water supply, other than a fire protection system, shall be made to a fire protection piping system.

6.16 Notwithstanding subsection 6.15, the normal supply line may be connected to a fire protection piping system on the street side of the fire protection line when so approved by the Manager. In such a case, a shut off valve shall be installed on the other line at the property line or at a distance

from the building it serves approved by the Manager.

6.17 Any and all defects to the water service extension, private main and meter pits shall be repaired by the owner of the property being serviced. Should the Corporation become aware of any such defect, and upon written notification to the owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the Manager may deem necessary, then the Corporation may turn off the water supply to the property. If the Corporation is ordered to restore the water supply, then the Corporation may repair the defective Water Service Connection and charge the cost to the owner and collect such cost according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The Corporation shall not be held responsible for the cost of restoration.

6.18 No person, other than persons authorized by the Manager for that purpose shall be permitted to operate the shut-off valve to any premises.

6.19 All shut-off valves must be left clear and accessible at all times so that the water in the Water Service Connection and private mains may be turned off or on as may be found necessary by the Manager.

6.20 All water service extensions to and including the water meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss shall be determined by the Manager, shall be paid by the owner upon demand by the Corporation and the Corporation shall not be held responsible for any damages arising from such leakage.

6.21 When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner or occupant may apply in writing to the Corporation to have the shut-off valve turned off to stop water supply. The valve will be turned on only at the owner's request in the owner's presence. The owner shall pay for this service at the rate as indicated in Schedule "A".

6.22 When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or the occupant shall not make a claim against the Corporation. Should the Manager become aware of such leaking or burst pipes, the Manager shall turn off the shut-off valve, and the

water supply shall not be turned on until the Manager, in his/her discretion, shall consider it advisable.

6.23 Every owner and occupant of a premises supplied with water from the Corporation's water supply shall grant access at all times between the hours of 08:00 a.m. and 04:30 p.m., Monday to Friday inclusive, to employees and authorized agents of the Corporation for the purpose of water meter reading, installing, inspecting, altering and repairing water lines, water meters, fixtures or appurtenances. Failure to allow such access following reasonable requests for same may result in the water supply to the premises being turned off without notice.

7. CONDITIONING, HEATING, COOLING, HEAT PUMPS:

7.1 No person shall install any air conditioning, refrigeration, heating equipment or any other equipment which requires the use of Corporation water without the approval of the Manager.

7.2 No person shall allow the once through use of water for the purpose of cooling, with the exception of makeup water for recirculation systems and boiler blow downs. Bypasses will be permitted for emergency uses.

7.3 Heat pumps which use municipal water supply shall not be permitted.

8. CROSS-CONNECTION CONTROL

8.1 Application of By-law

8.1.1 This section of the water works by-law applies to all new and existing industrial, commercial, institutional and multi-residential buildings and structures, except buildings of residential occupancies as described in Part 9 of the Building Code Act as amended from time to time.

8.1.2 In addition to and notwithstanding section 8.1.1 of this bylaw, this bylaw applies where a condition exists in any building or structure that may be hazardous or detrimental to the potable water supply as determined by the Corporation.

8.2 Cross-Connection Prohibited

8.2.1 No person or owner shall connect, cause to be connected, or allow to remain connected to the Corporation's water distribution system any piping, fixture, fitting, container or appliance, in a manner which under any

circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the water distribution system.

8.2.2 In addition to section 8.2.1 and in accordance with all other provisions of this bylaw, every owner of property to which this bylaw applies shall ensure that a backflow prevention device is installed in respect of premise isolation in every building or structure where a Corporation water supply exists.

8.2.3 No person or owner shall connect, cause to be connected, or allow to remain connected to the Corporation's water distribution system any Auxiliary water supply without written approval from the Corporation.

8.2.4 Where there is a Fire Protection System within a building or structure, the owner of the property shall ensure that such building or structure is protected against backflow in accordance with the CSA Standard, provincial, and federal legislation.

8.3 Persons Permitted To Carry Out Work

8.3.1 Only persons described in the Authorized Functions List shall carry out any of the authorized functions set out on the authorized functions list.

8.3.2 No persons described in the Authorized Functions List shall carry out any of the corresponding authorized functions unless the person has registered with the Corporation, provided all requested documentation to the Corporation, paid the applicable fee and received a Corporation registration number.

8.3.3 The registration with the Corporation referred to in subsection 8.3.2 is an annual requirement.

8.3.4 No person shall submit any documentation to the Corporation as part of the registration process that contains inaccurate or false information.

8.4 Application of CSA Standard

8.4.1 Except as otherwise set out in this sub-section the installation, maintenance and field testing of backflow prevention devices shall be in accordance with the CSA Standard.

8.4.2 In the Event of a Conflict between the CSA Standard and this Section, this section of the bylaw shall prevail.

8.5 Selection of Backflow devices

8.5.1 Every owner of a property, to which is described in sub section 8.1, shall every five years, and upon change of ownership, and upon property zoning change or as otherwise required by the Corporation, cause to have a Cross-Connection Control Survey carried out for each property.

8.5.2 Cross-Connection Control Survey's shall be carried out by a person permitted to do so set out by the Authorized Function List.

8.5.3 Every owner shall ensure that every backflow prevention device required for premise isolation on their property is a testable device and:

- i) Is the proper device to be used as determined by the CSA Standard's Selection Guide; or
- ii) When the type of cross-connection is not identified in the Selection Guide, that the Corporation shall determine which device shall be used.

8.5.4 Despite Section 8.5.3 of this Bylaw, the Corporation may permit an existing backflow prevention device as long as the safety of the water supply is maintained to the satisfaction of the Corporation in its sole discretion.

8.6 Installation of Backflow Prevention Devices

8.6.1 Every person who installs, replaces, relocates or repairs a backflow prevention device shall ensure that:

8.6.1.1 Such a device is installed in accordance with manufacturer specifications and the requirements of the CSA Standard.

8.6.1.2 Such device is located in such a manner so that in the event of backflow, the device prevents contamination of the Corporation's water supply and any other potable water systems.

8.6.2 Every owner of a property upon which a backflow prevention device is installed, shall ensure that such device is in proper working order at all times.

8.7 Testing of Devices

8.7.1 Every owner shall who has a backflow prevention device located on his or her property shall ensure:

8.7.1.1 That such device is tested by a qualified person when it is first installed and annually thereafter or when requested by the Corporation and also when it is cleaned, repaired, overhauled, replaced, or relocated.

8.7.1.2 That a test report is provided to the Corporation within 14 days of the test being conducted.

8.7.1.3 In the event that such device is malfunctioning or otherwise not in proper working order, the device is immediately repaired or replaced.

8.7.1.4 In the event that the water supply cannot be shut down in order to facilitate annual testing, a bypass shall be installed around the device with a suitable backflow prevention device installed on the by-pass to allow for annual testing of both devices.

8.7.2 Every person who tests a backflow prevention device shall:

8.7.2.1 Carry out testing in accordance with this section, the CSA Standard, and all applicable legislation.

8.7.2.2 Provide a legible Test Report to the Corporation, in respect to such test, within 14 days of completing said test.

8.7.2.3 Upon finding that a device is malfunctioning or otherwise not in working order, immediately notify the owner of the property and the Corporation of such condition.

8.8 Inspection & Access to Property

8.8.1 The Corporation may at any reasonable time, and upon reasonable notice given have access to inspect all parts of every building or premises to which any water service is supplied for the purpose of inspecting for compliance with this by-law.

8.8.2 When Carrying out an inspection pursuant to section 8.8.1, the Corporation may:

a) Require the production of any documents or things relevant to the inspection;

b) Inspect and remove documents or things relevant to the inspection the purpose of making copies or extracts;

c) Require information from any person concerning a matter related to the inspection; and

d) Make examinations or take tests, samples, photographs necessary for the purpose of the inspection.

8.8.3 Whenever the Corporation exercises a power of entry pursuant to section 8.8.1, the Corporation shall not enter a premise unless: The consent of the occupier and or owner is first obtained, ensuring the occupier and or owner is first advised that entry may be denied.

8.8.4 Where an owner does not comply with any provision of this bylaw, the Corporation may:

8.8.4.1 Order the owner to comply with the bylaw requirements and in doing so, shall provide reasonable particulars of the owner's non-compliance and prescribe the time period for compliance with such order;

8.8.4.2 Shut off water supply to the property or any portion thereof until such a time as all provisions of this bylaw are met.

8.9 General Provisions

8.9.1 In addition to any other provisions of this By-law, the Corporation may at any time order an owner to conduct tests, provide reports and undertake any other measures required for the prevention of backflow or protection of a cross-connection.

8.9.2 No person shall submit any documentation to the Corporation that contains inaccurate or false information.

8.9.3 All costs associated with installing, testing, maintaining, relocating, replacing, removing, and any other work related to Cross-Connection Control devices shall be at the expense of the owner.

9. PROHIBITIONS

9.1 No person shall:

a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;

- b) wilfully let off or discharge water so that the water runs waste or useless out of the works;
- c) being an owner, tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, improperly waste the water or, without the consent of the Corporation, lend, sell or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his own or increase the supply of water agreed for;
- d) without lawful authority willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber of pipe by placing on it any building material, rubbish or other obstruction;
- e) throw or deposit any injurious or offensive matter into the water or waterworks, or upon the source water ice if the water is frozen, or in any way foul the water or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done;
- f) wilfully alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered; or
- g) lay, or cause to be laid, any pipe or main to connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Corporation.
- h) use water in contravention with the regulations.

10. **ENFORCEMENT**

10.1 Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

10.2 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, and such order shall be in addition to any other penalty imposed on the person convicted.

10.3 Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks

plant, machinery, fitting or appurtenance thereof is liable to the Corporation therefore.

10.4 Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, lamp, lustre, water service pipe, conduit, wire, rod or water fitting belonging to the Corporation or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to fine, to the use of the Corporation, and for any expenses of repairing or replacing the water meter, lamp, lustre, water service pipe, conduit, wire, rod or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

10.5 Every person who wilfully removes, destroys, damages, fraudulently alters or in any way injures any water service pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the Corporation is guilty of an offence and on conviction is liable to a fine, to the use of the Corporation and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

11. **PREVIOUS BY-LAW REPEALED**

11.1 By-law #024-1987 of the City of Cornwall, and all amendments thereto, are hereby repealed.


12. **SHORT TITLE**

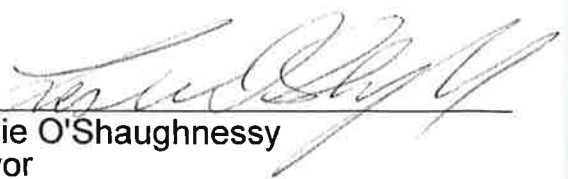
12.1 The short title of the by-law shall be the Water Works By-Law.

13. **EFFECTIVE DATE**

13.1 This by-law comes into force and effect on the day it is passed.

Read, signed and sealed in Open Council this 25th day of January, 2015.


Helen Finn
City Clerk


Leslie O'Shaughnessy
Mayor



Appendix A

Authorized Functions List

The Corporation of the City Of Cornwall

Item	Function	Professional Engineer with Tester's License	Certified Engineering Technologist with Tester License	Licensed Master Plumber with Contractor's and Tester License	Licensed Corporation Staff with Tester's License ²	Fire System Sprinkler Fitter with Tester's License	Lawn Irrigation System Installer with Tester's License
A	Perform Cross-Connection Survey	X	X	X			
B	Install, Relocate, or Replace backflow prevention device			X			
C	Repair of backflow prevention device	X	X	X	X		
D	Test backflow prevention device ³	X	X	X	X	X	X
E	Item A,B,C and D above in relation to fire protection systems			X		X	
F	Item B,C and D above in relation to lawn sprinkler systems			X			X

¹ Required to be employed by a licensed plumbing contractor.

² Water Distribution Operator or In-house maintenance staff are permitted to perform repairs if they have a tester's license.

³ Anyone with a tester license as per CAN/CSA-B64.10, as amended, is permitted