

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 2011-50

A BY-LAW TO AMEND BY-LAW NUMBER 2007-24,  
BEING A BY-LAW TO REGULATE THE SUPPLY OF SAFE AND WHOLESOME  
WATER TO THE CITIZENS IN THE CITY OF PEMBROKE  
(CROSS CONNECTION/BACKFLOW PREVENTION BY-LAW)

WHEREAS Section 130 of the Municipal Act, S.O. 2001, c.25, as amended from time to time, authorizes a municipality to regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 11(1) 4 of the Municipal Act, S.O. 2001, C.25, as amended from time to time, authorizes a municipality to pass by-laws respecting matters relating to public utilities;

AND WHEREAS Section 80(1) of the Municipal Act, S.O. 2001, c.25, as amended from time to time, 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;

AND WHEREAS Section 80(2) of the Municipal Act, S.O. 2001, c.25, as amended from time to time, authorizes the municipality to shut off or reduce the supply of the public utility to the land;

AND WHEREAS Section 80(3) of the Municipal Act, S.O. 2001, c.25 as amended from time to time, 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.

WHEREAS through By-law Number 2007-24, the Municipal Council of the Corporation of the City of Pembroke established a cross connection/backflow prevention procedure and provided for the structure of it in the Corporation of the City of Pembroke;

AND WHEREAS the Municipal Council of the Corporation of the City of Pembroke deems it expedient to amend By-law Number 2007-24;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

1. THAT Part 2. – DEFINITIONS, of By-law 2007-24 be amended by adding thereto the following:

- “Authorized Competent Person” means a person who is authorized by the Manager of Operations or his designate to carry out a function as set out in the Authorized Functions List, Appendix “A” of By-law 2007-24;
- “Installation Guide” means the current installation drawing(s) governing the installation of backflow prevention devices which can be obtained from the Operations Department;
- “RPZ” means a Reduced Pressure Zone Backflow Prevention Device;
- “Selection Guide” means the current Backflow Prevention Device Selection Guide which can be obtained from the Operations Department;

- “Test Report” means a current report form which can be obtained from the Operations Department;

2. THAT Part 2. – DEFINITIONS, of By-law 2007-24 be amended by deleting the following hereto:

- “Installation Guide” means the installation drawing(s) governing the installation of backflow prevention devices as set out in Appendix “D” of this By-Law;
- “Selection Guide” means the Backflow Prevention Device Selection Guide set out as Appendix “C” of this By-Law;
- “Test Report” means a report in the form set out as Appendix “E” of this By-Law;

3. THAT Part 5. – PERSONS PERMITTED TO CARRY OUT WORK of By-law 2007-24 be amended by adding thereto the following:

5.1 Despite Section 5.0 of By-law 2007-24, the Manager of Operations or his designate has the authority to allocate a “Authorized Competent Person” to carry out the functions set out in the Authorized Functions List, being Appendix “A” To the City of Pembroke By-Law 2007-24.

4. THAT Part 7.0 – SELECTION OF BACKFLOW PREVENTION DEVICE, of By-law 2007-24 be deleted and the following substituted therefore:

7.0 (a) If an owner of a building or structure of a type set out in Section 3, subject to Section 3.1 of this By-law, opts to install Reduced Pressure Zone (RPZ) Backflow Prevention Devices, by so doing, the Manager of Operations or his designate will waive the requirement to carry out a survey of each of his or her buildings and structures with respect to all existing cross-connections and all existing and required backflow prevention devices.

7.0 (b) However, if an owner of a building or structure of a type set out in Section 3, subject to Section 3.1 of this By-law, chooses not to install RPZ Backflow Prevention Devices, the owner must then carry out a survey of each of his or her buildings and structures with respect to all existing cross-connections and all existing and required backflow prevention devices; and,

- (i) shall obtain the current Cross Connection/Backflow Prevention Survey, Installation Guide, and Selection Guide from the Operations Department;
- (ii) shall ensure that such survey is carried out on the Cross-Connection/Backflow Prevention Survey Form by a person permitted to do so pursuant to the Authorized Functions List; or by a person designated as a “Authorized Competent Person” by the Manger of Operations or his designate;
- (iii) shall ensure that the completed Cross-Connection/Backflow Prevention Survey Form is provided to the City within 14 days of the survey being conducted;

- (iv) shall be completed no later than the last day of December in the year in which the survey was let, unless otherwise stated by the Manager of Operations or his designate;
- (v) where the owner of a building or structure fails to carry out the said survey, the Manager of Operations or his designate will complete the said survey, with the owner responsible for all associated costs;
- (vi) no costs associated with the survey shall be borne by the City.

5. THAT Section 9.5 (a) – TESTING OF DEVICES, of By-Law 2007-24 be deleted and the following substituted thereof:

- 9.5(a) such device is tested by an approved tester when it is first installed and some annual or “regular” testing/recertification may be required for certain uses and devices at the discretion of the Manager of Operations thereafter, and when it is cleaned, repaired, overhauled or relocated, or when otherwise requested at the discretion of the Manager of Operations; and
- 9.5 (a)(i) If the Manager of Operations deems that testing/recertification is required, the owner shall comply, and obtain the City of Pembroke’s current “Test Report” from the Operations Department.

READ A FIRST AND SECOND TIME THIS FIRST DAY OF NOVEMBER, 2011.

  
 Chief Administrative Officer

  
 Mayor

READ A THIRD TIME AND PASSED THIS FIRST DAY OF NOVEMBER, 2011.

  
 Chief Administrative Officer

  
 Mayor