

**RESORT MUNICIPALITY OF WHISTLER
CROSS CONNECTION CONTROL BYLAW NO. 2233, 2019**

**A BYLAW TO PROTECT PUBLIC HEALTH BY CONTROLLING CROSS CONNECTIONS OF THE
POTABLE WATER SUPPLY SYSTEM WITHIN THE RESORT MUNICIPALITY OF WHISTLER**

WHEREAS pursuant to its powers under the *Community Charter*, S.B.C. 2003, chapter 26, the Resort Municipality of Whistler has established a water supply system;

AND WHEREAS provincial legislation requires water suppliers to ensure that provisions are in place for the elimination and prevention of contamination between their potable water and any non-potable sources;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1.0 : TITLE

1.1 This Bylaw may be cited for all purposes as “Cross Connection Control Bylaw No. 2233, 2019”.

2.0 : GENERAL DEFINITIONS AND INTERPRETATION

2.1 In this Bylaw, the following terms shall have the following meanings:

“Approved Backflow Prevention Assembly” means a Backflow Preventer that is designed to be tested and repaired in-line and to meet the design, installation and testing criteria requirements of the CSA B64 series and CSA B64.10 “Selection and Installation of Backflow Preventers” (most current editions);

“Authorized Agent” includes any Person representing the Municipality by written consent for the furtherance of the purpose of this this Bylaw;

“Backflow” means the flow of water or other liquids, gases or solids from any source, opposite to the normal direction of flow, as a result of back-siphonage or backpressure, back into the potable Private Water System or the Water Supply System;

“Backflow Assembly Test Report” means a form, physical or electronic, provided by or approved for use by the Municipality or Authorized Agent to be used when testing an Approved Backflow Prevention Assembly to record all pertinent information and test data;

“Backflow Assembly Tester” means a person holding a current backflow assembly tester certificate from the BC Water and Waste Association and approved by the Municipality or Authorized Agent;

“Backflow Preventer” means a mechanical apparatus installed in a water system that prevents Backflow of contaminants in the potable Private Water System or the Water Supply System;

“Bylaw Notice” has the meaning ascribed in the *Local Government Bylaw Notice Enforcement Act*, as amended from time to time;

“Consumer” means any Person who is the Owner, or agent of the Owner, of any Premises or Facility to which water is supplied or made available from any of the Water Supply System and includes any

person who is the occupier of such Premises or Facility and any person who is a user of water supplied to any Premises or Facility or by any Service from the Water Supply System;;

“Contaminant” means any physical, chemical, biological, radiological, or other substance or matter in water which may render the water non-potable;

“Cross Connection” means any temporary, permanent or potential water connection, whether it be direct or indirect, between the Potable Water Supply System and a source of non-potable water, contamination or pollution;

“CSA” means the Canadian Standards Association;

“Curb Stop” means a Turn Off valve on the Water Supply System at or near a property line and is used to control flow to the Consumer’s Premises or Facility;

“Discontinue” means to terminate the arrangement between the Municipality and the Consumer for the supply of water and to Turn Off the service pipe, disconnect, or remove it;

“Facility” or “Facilities” means something that is built, installed, or provided to serve a particular purpose, as may exist when there are different business types located within one Premise;

“Hydrant or Temporary Use Permit” means a permit issued by the Municipality for any Person requesting water from a fire hydrant, stand pipe, or temporary water connection for purposes other than emergency fire protection;

“Municipal” or “Municipality” means the Resort Municipality of Whistler (RMOW);

“Owner” means has the same meaning as ascribed in the *Community Charter*, as amended from time to time, and in relation to common property under the *Strata Property Act*, as amended from time to time, means the strata corporation;

“Person” means and shall include not only a natural person but also a corporation, firm or partnership, and the personal or other legal representative of a Person;

“Potable Water” means water that is fit for human consumption without further treatment as defined in the *Drinking Water Protection Act* and regulations, as amended from time to time;

“Premise Isolation” means the prevention of Backflow into the Water Supply System by the installation of one or more Approved Backflow Prevention Assemblies where a water Service enters a Premises, Facility or building;

“Premises” means a parcel, lot, or other distinguishable unit of real property, including all of the Facilities thereon;

“Private Water System” means any privately owned pipe and fittings intended for the delivery or distribution of potable water within a Premises or Facility;

“Proper Operating Condition” means where a Backflow Preventer functions as designed and, in the case of an Approved Backflow Prevention Assembly, also meets the test criteria set forth by CAN/CSA Standard B64.10.1 “Maintenance and Field Testing of Backflow Preventers” (most current edition);

“Service” means the supply of water from the Water Supply System to any Person and includes all pipes, taps, valves, connections and other things necessary to supply water;

“Turn Off” or “Turned Off” means to stop the flow of water by closing a Municipal owned valve or Curb Stop or by any other means approved by the Municipality;

“Turn On” or “Turned On” means to start the flow of water by opening a Municipal owned valve or Curb Stop or by any other means approved by the Municipality;

“Water Supply System” means the potable water distribution system and includes all connections, pipes, pumps, reservoirs, connections and other things necessary to or used to supply water.

3.0 PURPOSE

3.1 The purpose of this Bylaw is to protect the Municipal Potable Water supply from the possibility of Contamination by removing or isolating real or potential sources of Contamination that may Backflow into the Water Supply System.

4.0 : CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

4.1 No person shall create a Cross Connection by connecting, causing to be connected, or allowing to remain connected to the Water Supply System any device, piping, fixture, fitting, container, appliance or any other chattel or thing which, under any circumstances that may allow a Contaminant to enter the Water Supply System.

4.2 If the Municipality or Authorized Agent determines that the configuration of any water connection creates a risk of Contamination to the Potable Water supply, he or she may require the Consumer, at their sole expense, to install or cause to be installed an Approved Backflow Prevention Assembly on the Private Water System where the Service enters the Premises or Facility, as the case may be, or in another location approved by the Municipality.

4.3 A person who creates an illegal Cross Connection shall be liable for all costs associated with the work undertaken by the Municipality or its agent to restore the Water Supply System.

4.4 Any and all costs, damages or losses sustained by the Municipality as a result of a Backflow event involving a Contaminant originating from a Premises or Facility shall be borne by the Consumer.

5.0 WATER SUPPLY AND PRESSURE

5.1 The Municipality may, without notice, Turn Off the water supply for the purposes of making repairs, extensions, alterations or improvements, or for any other reason.

5.2 The Municipality may, without notice, change the operating water pressure for the purposes of making repairs, extensions, alterations or improvements, or for any other reason.

5.3 The Municipality does not:

- a) warrant or guarantee water pressure or the continuous supply of water; or
- b) accept responsibility at any time for the maintenance of pressure in its Water Supply System or for increases or decreases in pressure.

5.4 Service supplied by the Municipality to a Consumer shall only be provided where the Water Supply System has been effectively protected from any actual or potential Cross Connections existing at or within the Consumer's Private Water System in compliance with this Bylaw.

5.5 Any Consumer whose Service has been Turned Off pursuant to this Bylaw shall not have the Service from the Water Supply System Turned On until all requirements of the Municipality have been met and the Consumer has paid to the Municipality all costs associated with the Turn Off/Turn On of Service.

6.0 CONSUMER RESPONSIBILITIES

6.1 The Consumer shall control every Cross Connection on a Premises or Facility, as the case may be, in accordance with the CAN/CSA Standard B64 series (most current edition) and shall maintain every Backflow Preventer on such Premises or Facility in Proper Operating Condition.

6.2 Where there is a visible or other indication that an Approved Backflow Prevention Assembly is malfunctioning or not in Proper Operating Condition, it is the responsibility of the Consumer to immediately notify the Municipality, and further, to stop using the Private Water System until the Approved Backflow Prevention Assembly is repaired or replaced and confirmed to be in Proper Operating Condition. This includes but is not limited to damage by: freezing, hot water, snow, fire or otherwise due to neglect.

6.3 The Consumer shall provide Premise Isolation where required by CAN/CSA Standard B64.10 "Selection and Installation of Backflow Preventers" (most current edition).

6.4 The purchase, installation, operation, maintenance, field testing, field inspection, repair, removal or replacement of a Backflow Preventer used to protect the Water Supply System from a Premises or Facility shall be at the sole expense of the Consumer. The Consumer shall be responsible for ensuring that a tester/installer/inspector is certified by the BC Water and Waste Association and that the certification is not expired.

6.5 The Consumer shall notify the Municipality of any change of use of the Premises or Facility, or alteration, addition or removal of any part of the Private Water System including its appurtenance and fixtures. The Consumer shall install, upgrade, replace or remove Backflow Preventers to control the changed Cross Connections in compliance with this Bylaw and the CAN/CSA Standard B64 series (most current edition);

6.6 Failure of the Municipality or Authorized Agent to send notice(s), or failure of the Consumer or other responsible party to receive notice(s), shall not excuse the mandatory duty of the Consumer or other responsible party to comply with this Bylaw and all other applicable Bylaws.

7.0 TESTING, MAINTENANCE AND REMOVAL OF BACKFLOW PREVENTERS

- 7.1 A Cross Connection inspection shall be completed subsequent to any change of use of the Premises or Facility, rezoning of the property, alteration, addition or removal of any part of the Private Water System including its appurtenance and fixtures that may change the degree of hazard as established by CAN/CSA Standard B64.10 "Selection and Installation of Backflow Preventers" (most current edition), or as required by the Municipality.
- 7.2 Where a Cross Connection inspection is required for a Premises or Facility, the inspection and report shall only be completed by a person with a valid cross connection control inspector certificate from the BC Water and Waste Association.
- 7.3 Approved Backflow Prevention Assemblies are required to be inspected and tested by a Backflow Assembly Tester upon installation, repair, replacement or relocation and at least once in every twelve (12) month period or more often if required by the Municipality. A Backflow Assembly Test Report must be completed by the Backflow Assembly Tester and submitted to the Municipality or Authorized Agent within thirty (30) days of testing for each Approved Backflow Prevention Assembly. All Backflow Assembly Test Reports shall confirm the following:
- 7.3.1 the installation/repair/replacement/relocation and test date of the Approved Backflow Prevention Assembly;
 - 7.3.2 the specific location of the Approved Backflow Prevention Assembly and what Cross Connection or hazard it is intended to isolate;
 - 7.3.3 the manufacturer, model, size and serial number of the Approved Backflow Prevention Assembly installed;
 - 7.3.4 the contact information for the Consumer or other party responsible for testing and maintenance of the Approved Backflow Prevention Assembly;
 - 7.3.5 that it is an Approved Backflow Prevention Assembly, selected and installed correctly in compliance with CAN/CSA Standard B64.10 "Selection and Installation of Backflow Preventers" (most current edition) and is in Proper Operating Condition.
- 7.4 No Person shall remove an Approved Backflow Prevention Assembly unless prior written consent is obtained from the Municipality. Prior written consent is not required when an Approved Backflow Prevention Assembly is removed and immediately replaced with an equivalent Approved Backflow Prevention Assembly and details are submitted to the Municipality or Authorized Agent on a Backflow Assembly Test Report.

8.0 TEMPORARY WATER USE CONNECTION

- 8.1 In the event of any conflict between this Bylaw and Bylaw No. 1826, 20017, the provisions of this Bylaw shall prevail.
- 8.2 Except for emergency fire use, no Person shall temporarily connect, cause to be connected, or allow to remain connected any appliance hosing, piping, fixture, fitting, container to a fire hydrant:
- 8.2.1 Without first obtaining a Hydrant or Temporary Use Permit;

- 8.2.2 Without using an Approved Backflow Prevention Assembly that is in Proper Operating Condition; and
- 8.2.3 In a manner which, under any circumstances, may allow a Contaminant to enter the Water Supply System.

8.3 In addition to any other penalties that may be applicable under this Bylaw, any Person who contravenes this section may be refused access to Service through the use of a fire hydrant.

9.0 ENFORCEMENT

9.1 Pursuant to Section 16 of the *Community Charter*, as a condition of Service to the Premises, the officers, employees or Authorized Agents of the Municipality are authorized to enter on property subject to this Bylaw to:

- 9.1.1 Access the Private Water System located on private property at all reasonable hours in order to carry out inspections and surveys of the Premises to determine the existence of cross connections that contravene this Bylaw;
- 9.1.2 Inspect the type of Backflow Preventer, the installation and state of maintenance and repair of same.

9.2 Where a Consumer fails to have an Approved Backflow Prevention Assembly installed, repaired or replaced when it is known or suspected that an Approved Backflow Prevention Assembly is required or is not in Proper Operating Condition, whether from inspection or field test results or other indications, the Municipality or Authorized Agent may notify the Consumer that an Approved Backflow Prevention Assembly must be installed, repaired or replaced within thirty (30) days of notification or other specified time agreed to by the Municipality. If, at the end of the thirty (30) days following notification or other specified time agreed to by the Municipality, an Approved Backflow Prevention Assembly has not been installed, repaired or replaced, tested, and confirmed to be in Proper Operating Condition, the Municipality shall, at their discretion, take one or more of the following actions:

- 9.2.1 Issue a Bylaw Notice to the Consumer, each day until an Approved Backflow Prevention Assembly has been installed, repaired or replaced and confirmed to be in Proper Operating Condition;
- 9.2.2 Turn Off or Discontinue service until an Approved Backflow Prevention Assembly has been installed, repaired or replaced and confirmed to be in Proper Operating Condition.

9.3 Where a Consumer fails to have an Approved Backflow Prevention Assembly tested, the Municipality or Authorized Agent may notify the Consumer that the Approved Backflow Prevention Assembly must be tested within thirty (30) days of notification or other specified time agreed to by the Municipality. If, at the end of the thirty (30) days following notification or other specified time agreed to by the Municipality, the Approved Backflow Prevention Assembly has not been tested, the Municipality shall, at their discretion, take one or more of the following actions:

- 9.3.1 Issue a Bylaw Notice to the Consumer, each day until the Approved Backflow Prevention Assembly has been tested and confirmed to be in Proper Operating Condition;
- 9.3.2 Turn Off or Discontinue service until the Approved Backflow Prevention Assembly has been tested and confirmed to be in Proper Operating Condition.

9.4 The Municipality or Authorized Agent may reject any Backflow Assembly Test Report that contains false information, is completed and signed by a person other than a Backflow Assembly Tester, is incomplete, has not been submitted to the Municipality within the time specified by this Bylaw, or is not conducted in accordance with this Bylaw or CAN/CSA Standard B64.10.1 “Maintenance and Field Testing of Backflow Preventers” (most current edition). In the event that a Backflow Assembly Test Report is rejected by the Municipality or Authorized Agent, the Approved Backflow Prevention Assembly will be deemed to have not been tested.

9.5 Every person who violates or fails to comply with a provision of this Bylaw, or an order, direction or notice given under this Bylaw, commits an offence and is liable on summary conviction to a fine per the “Bylaw Notice Enforcement Amendment Bylaw No. 2235, 2019”.

9.6 Each day during which an offence under this Bylaw continues is a new and separate offence.

10.0 SEVERABILITY

10.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Given FIRST, SECOND and THIRD READINGS this 13th day of August, 2019.

ADOPTED by Council on this 3rd day of September, 2019.

Signed Original on File

Jack Crompton
Mayor

Signed Original on File

Alba Banman
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of the “Cross Connection Control Bylaw No. 2233, 2019”.

Alba Banman,
Municipal Clerk