

# Village of Pemberton

## BYLAW No. 844, 2018

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A bylaw to establish a cross connection control program and process  
for the Village of Pemberton.

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**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.

**AND WHEREAS**, the Council has established a bylaw to regulate the Village of Pemberton Waterworks System.

**NOW THEREFORE**, the Council of the Village of Pemberton, in open meeting assembled, ENACTS AS FOLLOWS:

### 1. CITATION

1.1. This Bylaw may be cited for all purposes as Cross Connection Control Bylaw No. 844, 2018.

### 2. DEFINITIONS

In this Bylaw:

*Approved Backflow Prevention Assembly* means a backflow preventer that is designed to be tested and repaired in-line and to meet the design and testing criteria requirements of the CSA standards B64.10.01 most current edition;

*Auxiliary Water Supply* means any water available on or to a premise originating from a source or system, other than that from the Village of Pemberton Waterworks System;

*Backflow* means the flow of water or other liquids, gases or solids from any source, in the reverse direction from normal, as a result of back-siphonage or backpressure, back into the potable private water system or the Village of Pemberton *waterworks system*;

*Backflow Assembly Test Report* means a form provided by or approved for use by the Village to be used when testing backflow assemblies to record all pertinent information and test data;

*Backflow Assembly Tester* means a person holding a valid certificate from a recognized British Columbia approval agency for testing backflow prevention assemblies as approved by the Village of Pemberton;

*Backflow Preventer* means a mechanical apparatus installed in a water system that prevents backflow of contaminants into the potable *waterworks system* and to meet the design and installation criteria requirements of the CAN/CSA standards B64 Series most current editions;

*Building Official* means an individual appointed by Council under the *Building Act*;

*Cross Connection* means any actual or potential physical connection whereby the Village *waterworks system* is connected, directly or indirectly, with any non-potable or unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain, non-potable or contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality which may be capable of imparting a pollutant or contaminant into the public water supply as a result of backflow;

*Cross Connection Control Program Guide* means the Village *Cross Connection Control Program Guide*, Policies, Procedures and Specifications which provide references, guidelines, bulletins and amendments relevant to this bylaw;

CSA is the abbreviation for the Canadian Standards Association;

*Consumer* means a person to whom water is supplied by the Village of Pemberton;

*Disconnect/Disconnection* means the turning off, or a physical separation of the *Consumer Supply Line* from the Village waterworks system;

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

*Inspect* means an on-site review of the water use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating for conformity with the terms and conditions of this bylaw;

*Manager* means the Manager of Operations and Development Services or their designate.

*Non-potable Water* means water that does not meet Health Canada's Guidelines for Canadian Drinking Water Quality and is not destined for human consumption;

*Non-potable Water Systems* means an assembly of pipes, fittings, valves, and appurtenance that collects and is not destined for human consumption;

*Owner* has the same meaning as in the *Community Charter* and in respect of a Strata common property, the Strata Corporation;

*Person* shall, in addition to its ordinary meaning, include a firm or partnership, company or corporation. In addition, throughout this bylaw where the context requires, the singular shall be held to mean and to include the plural and the masculine, the feminine or body corporate;

*Potable Water* means water that meets Health Canada's Guidelines for Canadian Drinking Water Quality and is fit for human consumption;

*Premise/Premises* includes land, buildings and structures;

*Private Water System* means any privately owned pipe and fittings intended for the delivery or distribution of water within a premise or to a property and includes any domestic use,

irrigation system, greenhouse and hydroponics system, and any other use of water supplied by the Village's *waterworks system*;

*Reconnect/Reconnection* means to turn on, or physically connect the *Consumer Supply Line* to the Village's *waterworks system*;

*Service* means the supply of water from the *waterworks system* to any person, firm or corporation and includes all pipes, taps, valves, connections and other things necessary to or used for the purpose of the supply of water;

*Service Connection Point* means the point of physical connection between the *waterworks system* and the *private water system*. Typically the Service Connection Point is at the downstream side of the water meter and/or is located at or near the Owners property line.

*Survey* means a complete formal review of the potable water system(s) located within a building or property to determine the presence of any existing backflow preventers, there installation & condition and/or the existence of cross connections that could pose a health risk to occupants or the Village's *Waterworks system*;

*Used Water* means any potable water which is no longer in the *waterworks system* including potable water that has moved downstream or past the Water Service Connection (water meter) and/or the property line to the private water system;

*Village* means the Village of Pemberton

*Village Official* means the Chief Administrative Officer or their designate.

*Water Operator* means the person appointed by the Chief Administrative Officer to act on behalf of the Village for the purposes of operating the waterworks system.

*Water Service Connection* means a water supply pipe connected to the *waterworks system* and extending to the property line of the *Consumer* for the purpose of conveying water to the *Consumer*. A water service connection shall include a water meter and a shut-off valve and shall be the property of the Village.

*Waterworks system* means the water distribution system owned and operated by the Village.

### **3. WATER SUPPLY AND PRESSURE**

3.1. The Village does not guarantee pressure or continuous supply of water, or accept responsibility at any time for the maintenance of pressure in its water mains or for increases or decreases in pressure. The Village reserves the right at any and all times, without notice, to change operating water pressure and to *shut off* the water supply for the purposes of making repairs, extensions, alterations or improvements, or for any other reason.

3.2. The Village, its officers, employees or agents shall not incur any liability of any kind what so ever by reason of the cessation in whole or in part of water pressure or water supply, or changes in operating pressures, or by reason of the water containing sediments, deposits, or other foreign matter.

- 3.3. Where steam or hot water boilers or other equipment is fed with water by pressure directly from the *waterworks system*, the Village shall not be liable for any injury or damage which may result from such pressure or from lack of such pressure or any injury or damage resulting from the improper installation of a backflow preventer.

#### **4. INSPECTION**

4.1. The Village Official shall be entitled, at its determination to:

- 4.1.1. Access the *private water system* located on private property at all reasonable hours in order to carry out *surveys* of the *premises* to determine the existence of connections or *cross connections* prohibited by this bylaw and as stated in the Village of Pemberton *Cross-Connection Control Program*.
- 4.1.2. Ensure standards are met and satisfied relating to the type of *backflow preventer* and the installation and maintenance of the same as specified by the standards and guidelines identified in the Village *Cross Connection Control Program Guide*.
- 4.1.3. Document the type of *backflow preventer*, the installation and state of maintenance and repair of the same.

#### **5. CONDITION OF SERVICE**

- 5.1. *Service* supplied by the Village to a *Consumer* shall only be provided where, in the opinion of the Village, the *waterworks system* has been effectively protected from any actual or potential *cross connections* existing at or within the *Consumer's private water system*.
- 5.2. No *Consumer* or other *person* shall *turn on* a *water valve* to provide *Service* to the occupants of any newly renovated or constructed or reconstructed *premise(s)* until the *private water system* in such *premise(s)* has been inspected for *Cross Connections and approved* by the *Water Operator* or otherwise satisfies section 5.1 of this bylaw.

#### **6. PREVENTION OF CONTAMINATION**

- 6.1. No *person* shall create a *Cross Connection* by connecting, causing to be connected, or allowing to remain connected to the Village *waterworks system*, any device, piping, fixture, fitting, container, appliance or any other chattel or thing which may under any circumstances allow non-potable water, used water, wastewater or any chemical, liquid, gas or other substance to enter the *waterworks system*.

#### **7. CROSS CONNECTIONS PROHIBITED**

- 7.1. Where any cross connection(s) or condition is found to exist which, in the opinion of the *Water Operator*, may otherwise expose the *waterworks system* to risk of contamination, the *Water Operator* may, at their discretion, take one or more of the following actions:
- 7.1.1. Give notice to the *Consumer* to correct the condition or Cross Connection(s) at the sole expense of the *Consumer* within a specified time period; or

- 7.1.2. *Disconnect / Disconnection of Service* until the condition is corrected.
- 7.2. A Person to whom a notice under section 7.1.1 applies must eliminate or control the condition or *Cross Connection* giving rise to the notice by selecting and installing a *Backflow Preventer*, conforming to the CAN/CSA B64.10 (most current) standards.
- 7.3. Neither the failure to send or deliver a notice, nor the failure to receive a notice, relieves a *Consumer* from the regulations or requirements of this bylaw.
- 7.4. Subject to reconsideration by Council, any *Consumer* to whom *Service* has been *disconnected* pursuant to this bylaw shall not have the *Service reconnected* until all requirements have been met to the satisfaction of the *Water Operator* and the *Consumer* has paid to the Village all costs associated with the *disconnection or reconnection of Service*, and the *Consumer's* default under this section has been remedied.

## **8. TESTING AND MAINTENANCE OF BACKFLOW PREVENTION ASSEMBLIES**

- 8.1. Every *Consumer* shall provide to the Village within thirty (30) days of initial installation, repair or relocation of an approved *backflow prevention assembly* a Village *backflow assembly test report* from a certified *Backflow Assembly Tester* confirming the following:
- 8.1.1. The installation date of the *Approved Backflow Prevention Assembly*;
- 8.1.2. The specific location of the assembly and what *Cross Connection* or hazard it is intended to isolate;
- 8.1.3. The manufacturer, model, size and serial number of the *backflow preventer* installed; and
- 8.1.4. That it is an *approved backflow prevention assembly*, installed correctly and in proper operating condition.
- 8.2. Every *Consumer* must cause to be carried out a test and inspection of all *approved backflow prevention assemblies* located on his or her property, at the sole expense of the *Consumer*, by a person certified as a *Backflow Assembly Tester*, upon installation, after repair and at least once in every consecutive twelve (12) month period thereafter.
- 8.3. Where a *Consumer* fails to have an *approved backflow preventer* tested, the Village may notify the *Consumer* that the *Backflow Preventer* must be tested within a specified time period, in which case the *Consumer* must comply within that time period.
- 8.4. Any *Person* that removes a *Backflow Preventer* from a plumbing system must obtain prior written consent of the *Water Operator*. Prior written consent is not required when a *Backflow Preventer* is removed and immediately replaced with an appropriate *Backflow Preventer* and a *Backflow Assembly Test Report* is provided to the Village.
- 8.5. Where an *Approved Backflow Prevention Assembly* fails to function as designed or does not meet the test criteria set forth by the CAN/CSA B64.10.1 Manual for Maintenance and Field Testing of Backflow Preventers a *Consumer* must repair or

replace the *Backflow Preventer*, retest it and promptly provide the Village with a *Backflow Assemble Test Report*.

## **9. TEMPORARY WATER USE CONNECTION**

- 9.1. Except for emergency fire use, no *Person* shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a fire hydrant, stand pipe or any other temporary water connection:
- 9.1.1. In a manner which, under any circumstances, may allow *used water*, wastewater or any liquid or substance of any kind to enter the Village *waterworks system*;
  - 9.1.2. Without using an *Approved Backflow Prevention Assembly* which has been approved and installed in accordance standards established by Canadian Standard Association.
  - 9.1.3. Without first obtaining a *Hydrant or Temporary Water Use Permit*.
- 9.2. 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 or temporary water connection.

## **10. AUXILIARY AND NON-POTABLE WATER SUPPLIES**

- 10.1. An *Owner* or *Occupant* of a premise that contains or has access to an *Auxiliary Water Supply* or *system* must ensure:
- 10.1.1. Premises isolation of such facility with a *Backflow Preventer* corresponding to the degree of hazard as stipulated in the CSA B64.10.
  - 10.1.2. There shall be no direct connection between a *non-potable water system* and any other *potable water system*.
  - 10.1.3. All piping, exposed standpipes, fittings, valves and outlets for non-potable water systems must be permanently identified by a color or label and in conformance with CSA B128.1/B128.2 Design and installation of non-potable water systems/Maintenance and field testing of non-potable water systems (most current edition).

## **11. COMMERCIAL AND AGRICULTURAL IRRIGATION USE**

- 11.1. Where a *Cross Connection* exists between the Village *waterworks system* and a private water system, in addition to other requirements of this bylaw the *Consumer* must, at the *Consumers* expense:
- 11.1.1. Before operation of the commercial or agriculture irrigation system, cause the *Approved Backflow Prevention Assembly* to be inspected and tested by a *Backflow Assembly Tester*, in accordance with section 8;

- 11.1.2. Before introducing any fertilizers, chemicals or any other substance detrimental to health into an irrigation piping system, install and use an approved reduced pressure principal backflow assembly.

## 12. GENERAL PROVISIONS

- 12.1. In addition to the any other provisions of this bylaw, the *Water Operator* or *Building Official* may at any time order a *Consumer*, at the *Consumers* expense, to conduct a *backflow assembly test*, provide reports and undertake whatever other measures required to prevent the contamination of the potable water system.
- 12.2. Where a time frame is set out in Schedule B of this bylaw for carrying out any action, the Village may extend the time frame for compliance beyond the established time frame on approval by the *Manager*.

## 13. OFFENCE AND PENALTY

- 13.1. This Bylaw may be enforced by the Village Official, a bylaw enforcement officer, or another person designated by the Chief Administrative Officer.
- 13.2. Every person who contravenes any provision of this bylaw, or who causes, permits, suffers or allows any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this Bylaw, commits an offence against this bylaw and upon conviction of an offence, shall be liable to:
  - (a) pay a fine established in the Village of Pemberton Municipal Ticket Utilization Bylaw, as amended from time to time; or
  - (b) if proceedings are brought under the Offence Act, pay a fine and/or penalty of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed.
- 13.3. Each day that a violation exists or is permitted to exist constitutes a separate offence.
- 13.4. Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers are designated to enforce this Bylaw.
- 13.5. Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 2 of Schedule A to this Bylaw designate the offence committed under the Bylaw section numbering appearing in Column 1 opposite the respective words or expression.
- 13.6. Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule A to this bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.

- 13.7. Any disputed tickets may be dealt with by the Chief Administrative Officer, the Corporate Officer or any Bylaw Enforcement Officers.

#### **14. FEES AND COST RECOVERY**

- 14.1 Where a *person* fails to pay the Village's costs as required by this bylaw or where a *person* subject to an order under this bylaw fails to take action required by the order and the Village carries out the work or otherwise fulfills the requirement, the Village may recover its costs from the owner, occupier or person responsible for the work or for payment of the costs, as a debt to the Village. Money owed to the Village under this bylaw is payable upon receipt of an invoice from the Village.
- 14.2 If an amount owing under this bylaw for work done or services provided to land or improvements remains unpaid on December 31<sup>st</sup> of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be collected from the owner of the land or improvements in the same manner and with the same remedies as for property taxes.

#### **15. SCHEDULES**

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

- 15.1 Schedule A attached to this Bylaw form a part of this Bylaw.  
15.2 Schedule B attached to this Bylaw form a part of this Bylaw.

**READ A FIRST TIME** this 2<sup>nd</sup> day of **October, 2018.**

**READ A SECOND TIME** this 2<sup>nd</sup> day of **October, 2018.**

**READ A THIRD TIME** this 2<sup>nd</sup> day of **October, 2018.**

**ADOPTED** this 16<sup>th</sup> day of **October, 2018.**

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

## Schedule A

### Fine Schedule

Description of Offence	Section	Daily Fine
a. Fails to eliminate a <i>Cross Connection</i> or control a <i>Cross Connection</i> by the Installation of a Backflow Preventer upon given notice.	7.2	\$ 500.00
b. Fails to inspect and test an Approved Backflow Prevention Assembly, using a backflow assembly tester, upon installation, after repair and then every consecutive twelve (12) month period thereafter.	8.2	\$ 200.00
c. Where a Person removes a Backflow Preventer from a plumbing system without prior written consent of the Water Operator or Building Official	8.4	\$ 200.00
d. Where an Owner or Occupant Fails to repair and retest an Approved Backflow Preventer in the time period specified in a notice issued by the Village. .	8.5	\$ 200.00
e. Where a Person connects to a fire hydrant, stand pipe or other temporary water connection without using an Approved Backflow Prevention Assembly and without obtaining a hydrant or temporary water use permit.	9.1.2 & 9.1.3	\$ 200.00
f. Where an Owner or Occupant creates a direct connection with a non-potable auxiliary water system without the approval by the Water Operator.	10	\$ 500.00

## Schedule B

### Time Period Schedule

Description	Section	Time Period
1. Installation of a Backflow Preventers		
a. 2 inch and smaller devices		90 days from a notification issued by the Village of Pemberton.
b. 2 inch and larger devices		90 days from a notification issued by the Village of Pemberton
c. Fire Sprinkler System Backflow Preventer		During the next system upgrade or significant piping changes as necessary to the fire sprinkler system
2. Test required of an Approved Backflow Prevention Assembly	8.3	30 days
3. Repair of an Approved Backflow Prevention Assembly	8.5	30 days