

**Authority:** Item 5, Public Works Committee  
Report 19-004 (PW19023)  
CM: March 27, 2019  
Ward: City Wide

**Bill No. 057**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend By-law No. 10-103 Respecting the Prevention of Backflow into the Water Distribution System of the City of Hamilton**

**WHEREAS** on May 12, 2010, the Council of the City of Hamilton passed By-law No. 10-103, known and referred to as the “Backflow Prevention By-law”;

**AND WHEREAS** on March 27, 2019 the Council of the City of Hamilton approved Item 5 of Public Works Committee Report 19-004 to amend By-law No. 10-103 to remove defined terms not used in the body of the By-law, update departmental and regulatory references, remove the requirement of detector meters on Fire Protection Systems, update references to survey forms and installation requirements where Backflow Prevention Devices are installed for Premise Isolation, and clarify that offences under the By-law are continuing.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Section 1 definition of “Building Code” is amended by deleting the words “O. Reg. 350/06” from the first line and replacing it with “O. Reg. 332/12”.
2. Section 1 definition of “MOE” of By-law No. 10-103 is deleted.
3. Sections 1, 3.5.2, 7.3.2, 7.33, 7.5 and Schedule A of By-law No.10-103 are amended by replacing the wording “Self Assessed Cross Connection Survey Form” with “Self-Assessed Survey”.
4. Subsection 3.4 of By-law No. 10-103 is deleted and replaced with the following new subsection 3.4:
  - 3.4 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, and in doing so the Backflow Prevention Device

shall be either a double check valve assembly or a reduced pressure principle device.

5. Subsection 3.5.3 of By-law No. 10-103 is deleted and replaced with the following new subsection 3.5.3:

3.5.3. The degree of hazard on the Property is not High or Severe and the Property is not one which requires Premise Isolation under the Building Code.

6. Subsection 6.3 of By-law No. 10-103 is amended by deleting the words "Environment & Sustainable Infrastructure Division" from the second and third line of the subsection and replacing it with "Hamilton Water Division".

7. By-law No. 10-103 is amended by adding the following new subsection 6.26 immediately after subsection 6.25:

6.26 Every person who contravenes any provision of this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.

8. Subsection 9.1 of By-law No. 10-103 is amended by adding the following new subsections 9.1.6.1 and 9.1.6.2 immediately after subsection 9.1.6:

9.1.6.1 Despite subsection 9.1.6, for all hazards other than a High or Severe Hazard, a Property Owner may apply to the General Manager to have such device installed where the water service enters the Building or Structure, and the General Manager may approve the installation of the device in a location acceptable to the General Manager, provided the following conditions are met:

- (a) A property inspection by the General Manager, which includes a water shut off, confirms no Cross Connection between the property line and premise Backflow Prevention Device;
- (b) The Owner pays all fees and charges associated with the application, inspection and water shut off; and,
- (c) The Owner signs an agreement with terms and conditions acceptable to the General Manager on an annual basis.

9.1.6.2 In the event of failure or refusal to comply with any of the conditions set out in subsection 9.1.6.1 or the terms and

conditions in the agreement signed pursuant to section 9.1.6.1(c), the Owner shall comply with requirements set out in section 9.1.6.

9. Schedule A of By-law No. 10-103 is amended by adding the following immediately below the text "For the purposes of Schedule A":

All test kits used for testing Backflow Prevention Devices require a valid calibration certificate to be submitted to the City of Hamilton annually.

10. This By-law comes into force as of the day it is passed.

**PASSED** this 27<sup>th</sup> day of March, 2019.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk