

Attachment “C” –Summary of Markham’s Backflow Prevention By-law Update

The Markham’s Backflow Prevention Bylaw updates have been proposed through addition of new provisions for accommodation of the Program requirements, modification of existing provisions for consistence with the Program requirements, and improvement of existing provisions for reflecting the Program requirements. Through those updates, the Bylaw provisions have been clarified and improved. Meanwhile, all program requirements have been fully authorized and supported by the Bylaw. The Bylaw updates are summarized below in three areas:

A. Addition of new Bylaw provisions for accommodation of the Program requirements:

- 1) “Information Request Form Requirement” Section and Definition of “Information Request Form” have been added. Based on requested information on the Form such as: property owner, primary contact, tenants and business activity, the Town is easy to rank the property’s hazard level and reach responsible contact if needed.
- 2) “Corrective Actions on Cross Connection Control Deficiencies” Section and “Device Upgrade Implementation Report” have been added. This addition is to ensure corrective actions taken by the property owner to address cross connection control deficiencies identified through “5 year cycle” survey or annual testing.
- 3) “Removal of backflow Prevention Devices Prohibited” Section is added to address issues with regard to removal of backflow prevention devices without the Town’s approval.
- 4) In Section 13 “Administration and Enforcement”, appointment of Provincial Offences Officers, “Power of Entry” and “Obstruct Inspector” provision are included to enhance our administration and enforcement of the program. With this revision, applicable property owners will better understand their requirements for compliance with the By-law.
- 5) “Penalty” Section has been added to clarify enforcement policy pertaining to the By-law.
- 6) “Fees” Section has been added to support newly proposed “Backflow Prevention Compliance Processing Fee” resulting from non-compliance of property owners with the By-law and future administrative fees related to Backflow Prevention Program staff may propose to Council.

The collection of a Waterworks administrative fee (“Backflow Prevention Compliance Processing Fee”) in the amount of \$210 per “Order to Comply” is intended to detour customers from non-compliance. This Fee will apply to those property owners who do not comply with the Bylaw within a reasonable timeframe indicated on the Notices received from the Town through registered mail and the Town has to issue an “Order to Comply” for compliance with the By-law.

B. Modification of existing Bylaw provisions for consistence with the Program requirements:

- 1) The survey frequency has been changed from “3-year Cycle” to “5-year cycle”. The “5-year cycle” frequency is being practiced by the majority of municipalities. This change

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intends to mitigate financial impact on property owners with consistent business activity and building use functions as well as reduce administrative impact on the Town.

- 2) Persons permitted to carry out cross connection control work have been modified from “with required qualifications” to “with required qualifications plus registered with the Town”. This revision is to support the Town’s “qualified person” registration program for assisting property owners in hiring qualified persons to carry out cross connection control work.
- 3) Four Schedules (“B” “C” “D” and “E”) have been deleted from the By-law. Those schedules are Town’s prescribed survey and testing forms. They have been updated for several times and will be updated more frequently than the By-law. Detachment of those forms can avoid customer’s use of obsolete forms. As well future form updates will not need to go through a formal By-law update process.

C. Improvement of existing Bylaw provisions for reflecting the Program requirements:

- 1) In Section 1 “Definitions”, some definitions have been improved to align with the Program requirements; such as: “Cross Connection Control Survey Report”, “Preventer Test Report” and “Preventer Test Tag” as well as “Qualified Person”.
- 2) Section 3 “Prohibition of Cross Connections – Owner’s responsibility” has been improved to reflect our “Full Program” requirement.
- 3) In Section 7 “Cross Connection Control Survey Requirement”, selection of backflow preventer and type of premise isolation are specified.
- 4) In Section 12 “Maintenance of Fire Service Mains”, “Private fire hydrant” maintenance requirement has been clarified. A property owner not only shall carry out annual inspection and maintenance, but also shall submit associated reports to Town’s Fire & Emergency Department and retain those documents on site for two-year period of time.
- 5) In Section 13 “Administration and Enforcement”, the Town’s authority for issuing an Order on compliance with the By-law has been clarified and the scope of the Order is listed.