

Authority: Public Works and Infrastructure Committee Item 34.7,
adopted as amended, by City of Toronto Council on July 6, 7 and 8, 2010
Enacted by Council: July 8, 2010

CITY OF TORONTO

BY-LAW No. 869-2010

To amend City of Toronto Municipal Code Chapter 851, Water Supply.

WHEREAS Council has the authority to pass this by-law pursuant to subsections 8(1), (2) and (3) and section 259 of the *City of Toronto Act, 2006*, S.O. 2006, Chapter 11, Schedule A (the "*City of Toronto Act, 2006*");

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 851-1 of Chapter 851, Water Supply, is amended by adding the following definition of "AUXILARY WATER SUPPLY":

"AUXILARY WATER SUPPLY — Any water supply on or available to the premises other than the water service connection provided by the City's waterworks."

2. Section 851-1 of Chapter 851, Water Supply, is amended by deleting the definition of STANDARDS AND SPECIFICATIONS and replacing with the following:

"STANDARDS AND SPECIFICATIONS — City of Toronto's standard construction specifications and drawings for sewers and watermains as prescribed by the General Manager, and amended from time to time."

3. Section 851-1 of Chapter 851, Water Supply, is amended by adding the following definition:

"WATERMAIN — The pipes within a water supply distribution system that serves more than one property."

4. Section 851-4B(1) of Chapter 851, Water Supply, is deleted and replaced with the following:

"B. Application for connection.

- (1) All persons who require water to be supplied to a property or a change or alteration to the existing water service connection in relation to a property shall submit an application on the prescribed City form to the General Manager and shall pay to the City:

- (a) At the time of making the application, all applicable fees, charges, deposits and costs, including the cost of the new water meter if one is required; and

- (b) Those applicable fees, charges and costs shall be included in water account bill(s) or invoice(s) by the City for the subject property."

5. Section 851-4B of Chapter 851, Water Supply, is amended by adding the following as § 851-4B(4):

"(4) Any person who requires a water service connection on a temporary basis may make an application for a temporary water service connection in the same manner as a permanent water service connection. The provisions in § 851 applicable to a water service connection shall apply to both temporary and permanent water service connections."

6. Section 851-4C(1) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(1) (a) Upon approval by the General Manager of an application submitted under § 851-4B(1) and compliance with § 851-4D, a water service connection including any mains shall be installed by the City, at the expense of the owner, in accordance with the standards and specifications and at rates, fees, charges and costs prescribed or determined by the City from time to time.

(b) Notwithstanding § 851-4C(1)(a), upon approval by the General Manager of an application submitted under § 851-4B(1) and compliance with § 851-4D, the General Manager may authorize, in writing, an owner to install a water service connection including any mains provided that:

[1] the owner meets one of the following conditions:

[a] the installation of a water service connection is within a new or existing unassumed subdivision; or

[b] the installation of a water service connection is to be constructed in conjunction with the construction of new water main infrastructure related to the owner's project; or

[c] installation of a water service connection is approved by the General Manager within an easement; and

[2] a written agreement between the City and the owner of the property, in respect to the installation, any related work and acceptance of risk by the owner, is first entered into on such terms and conditions as are acceptable to the General Manager and in a form satisfactory to the City Solicitor; and

[3] the installation is wholly at the expense and risk of the owner including payment by the owner to the City of any rates, fees, charges and costs prescribed or determined by the City from time to time or costs otherwise incurred by the City as a result of or related to the installation and inspection of the work; and

[4] the installation is in accordance with the City's standards and specifications and the agreement set out in § 851-4C(1)(b)[2].

- (c) The General Manager is authorized to enter into and execute an agreement provided in § 851-4C(1)(b)[2], unless Council has otherwise delegated responsibility to enter and execute the form of agreement to another City Division Head or official."

7. Section 851-4D(2) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(2) (a) Upon approval by the General Manager of an application for a water service connection submitted under § 851-4B(1), with respect to a property other than a dwelling unit to be serviced by a water service connection not exceeding 25 mm in diameter, the General Manager shall determine:

[1] An estimated cost of providing that water service connection; and

[2] The conditions upon which that water service connection shall be provided,

and the owner shall pay that estimated amount to the City as a deposit, specified in Chapter 441, Fees and Charges, Appendix A - Schedule 2, Water Services, prior to the commencement of the water service connection installation by the City, and comply with those conditions."

8. Section 851-4G of Chapter 851, Water Supply, is deleted and replaced with the following as § 851-4G(1), (2) and (3):

"G. Replacement of existing water service connection.

- (1) If a new water service connection replaces an existing water service connection, the existing water service connection shall be disconnected from the City watermain and the shut-off valve shall be removed, all at the same time as the new water service connection is installed. The owner shall pay all costs associated with the disconnection and the new connection.

- (2) Notwithstanding § 851-4G(1), an owner may apply to the General Manager for the reuse of a municipal water service connection, up to and including 25mm in diameter, for the purposes of servicing a residential dwelling if the municipal water service connection meets, as determined by the General Manager, all of the following criteria:

- (a) The municipal water service connection must meet current City standards and specifications;

- (b) The municipal water service connection must not be a double connection; and
 - (c) The municipal water service connection must have properly functioning curb stops and valves and no record of low pressure.
 - (3) The owner, upon making an application under § 851-4G(2), shall pay to the City any fees, charges and costs as may be prescribed or determined by the City from time to time."
- 9. Section 851-5A(3) of Chapter 851, Water Supply, is deleted and replaced with the following:
 - "(3) Subsection 851-5A(1) and (2) shall not apply where:
 - (a) Water is used by consumers at a property serviced by the City with water on a flat rate payment basis as of the date of the coming into force of this chapter; or
 - (b) The use of unmetered water is otherwise permitted by this chapter."
- 10. Section 851-5S(6) of Chapter 851, Water Supply, is deleted and replaced with the following:
 - "(6) In the event that a water service connection, private water service pipe, water meter, a conduit, a remote readout unit, or a wire are not installed in accordance with § 851-5S(1), (2), (3), (4) and (5), then the owner under that provision shall pay for the water used by that condominium unit in accordance with the water consumption estimated by the CFO for the property based on based on historical average consumption for the same or similar premises until the time that a water service connection, private water service pipe, water meter, conduit, remote readout unit and wire are all installed and functioning properly, all in accordance with the standards and specifications."
- 11. Section 851-6C of Chapter 851, Water Supply, is deleted and replaced with the following:
 - "C. No person, except a person authorized by the General Manager in writing, shall open, or in any way alter or tamper with any water meter or seal or do anything which may interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter."
- 12. Sections 851-8D(4) of Chapter 851, Water Supply, is deleted and replaced with the following:
 - "(4) Unless otherwise required by § 851-8C or § 851-8D, every owner of a new or existing industrial, commercial, or institutional property identified in Schedule 5 of this chapter or of any other new or existing building, structure or property that

contains a hazard resulting in a risk of contamination of the waterworks shall install, at the owner's expense, premise isolation backflow prevention device(s) in accordance with the standards and specifications, and by the installation date identified in Schedule 5 or upon an order under § 851-8D."

- 13.** Section 851-8D(14)(a) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(a) All backflow prevention device surveys shall include:

- [1] Number of service connections with the waterworks;
- [2] Level of hazard for each service connection;
- [3] Number, type and condition of any existing premise isolation backflow prevention devices;
- [4] Recommended and planned corrective measures, if any;
- [5] Schedule of work required for any corrective measures;
- [6] Recommendations for appropriate premise isolation backflow prevention device or devices, if any, all in accordance with CSA - B64 Series Standards; and
- [7] A detailed schematic drawing of the plumbing system that clearly shows the layout of the backflow prevention device with reference to the water meter and meter by-pass, prepared by a person authorized to do surveys under Schedule 6 of § 851."

- 14.** Section 851-8D(16) of Chapter 851, Water Supply, is deleted and replaced with the following:

"(a) Any person installing, repairing, relocating or testing premise isolation backflow prevention devices shall provide to the General Manager, prior to undertaking such task, documentation establishing his or her qualifications, as are required under § 851-8F, to perform such task.

(b) Any person testing premise isolation backflow prevention devices shall ensure that the testing equipment is, at all times, maintained so that it performs within the manufacturer's tolerances and specifications.

(c) The equipment shall be tested, calibrated and certified by the manufacturer, or the manufacturer's representative authorized to do so, to meet the requirements of CSA - B64 Series Standards and shall be maintained in accordance with those standards.

- (d) The testing and calibration required under § 851-8D(16)(b) and (c) shall be done on an on-going basis but in no event shall it be carried out less often than once every 12 months."

15. Section 851-8F of Chapter 851, Water Supply, is deleted and replaced with the following:

"F. Requirements for backflow prevention device testers and installers.

No owner of a property shall permit a person to test, install, replace, maintain, repair, relocate, clean or overhaul a premise isolation backflow prevention device unless that person meets the following requirements:

- (1) (a) The person holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association; or
- (b) The person has completed a Cross Connection Control Specialist (CCCS) course:
- [1] Delivered by a school or institution with the plumbing laboratory certified by the Ontario Water Works Association (OWWA); and
- [2] The instructor teaching the course is certified by OWWA; and
- [3] The course is delivered using the "AWWA Canadian Cross Connection Control Manual," current version; and
- [4] The person passes the CCCS certification test; and
- (2) The person possesses a current calibration certificate as required by § 851-8D(16) for the test equipment to be employed; and
- (3) The person is authorized to perform the specified task as indicated in the Authorized Functions List Table set out in Schedule 6 of this chapter, as amended from time to time."

16. Section 851-9 Construction Water of Chapter 851, Water Supply, is deleted in its entirety.

17. Section 851-13A of Chapter 851, Water Supply, is deleted and replaced with the following as § 851-13A(1), (2) and (3):

- "A. (1) A person may submit an application on the prescribed City form to the General Manager for a temporary supply of water from a fire hydrant for purposes other than authorized Toronto Fire Services personnel or other City personnel, acting in the course of their duties, provided that the

purpose, in the determination of the General Manager, is of general benefit to the City and will not interfere with or impede Toronto Fire Services or City activities and operations.

- (2) The applicant shall pay in advance the amount specified in Chapter 441, Fees and Charges, Appendix A - Schedule 2, Water Services, for a fire hydrant permit.
- (3) The applicant shall pay, in addition to the fire hydrant permit fee set out in § 851-13A(2), for the amount of water consumed in accordance with the amount specified in Chapter 441, Fees and Charges, Appendix A - Schedule 2, Water Services and Chapter 849, Water And Sewage Services And Utility Bill."

18. Section 851-13E of Chapter 851, Water Supply, is deleted and replaced with the following:

"E. The applicant may be required to pay the cost of any necessary repair or replacement of the temporary water meter, valve, backflow prevention device or fire hydrant."

19. Section 851-13F of Chapter 851, Water Supply, is deleted and replaced with the following:

"F. No person shall use or permit the use of any fire hydrant for the supply of water without a fire hydrant permit issued by the General Manager in accordance with § 851-13, other than authorized Toronto Fire Services personnel or other City personnel, acting in the course of their duties."

20. Section 851-19 of Chapter 851, Water Supply, is deleted and replaced with the following:

"§ 851-19. General.

A. Protection from damage.

No person, except a person authorized by the General Manager in writing, shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:

- (1) Any part of the waterworks; or any seal placed thereon, or attached thereto, or
- (2) Any permanent or temporary device installed in or on the waterworks for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the General Manager may deem necessary for the administration of this chapter or the operation or maintenance of the waterworks."

21. Section 851-21C, D and E of Chapter 851, Water Supply, are deleted and replaced with the following:

"C. Fine - for contravention — continuing offence

Despite § 851-21A and B, in the case of a continuing offence, every person who contravenes any of the sections set out in Schedule 4 of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of the sections set out in Schedule 4 of this chapter, upon conviction, shall be liable to a fine of not less than \$100 and not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

D. Fine - for contravention — continuing offence — corporation

Despite § 851-21A, B and C, in the case of a continuing offence, if a corporation is convicted of an offence for any of the sections set out in Schedule 4 of this chapter, it shall be liable to a fine of not less than \$495 and not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

E. Special fine.

In addition to any other fine under § 851-21A, B, C or D or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention."

22. Schedule 1 to of Chapter 851, Water Supply, is amended by deleting the references to § 851-9H(1) and § 851-9J(6).
23. Schedule 5 to of Chapter 851, Water Supply, is deleted and replaced with the following:

**"SCHEDULE 5 TO CHAPTER 851
BACKFLOW PREVENTION DEVICE FOR PREMISE ISOLATION
INSTALLATION DATES BASED ON INDUSTRY SECTOR**

Industry Sector	Hazard Level	Installed By
Aircraft Manufacturing	Severe	December 31, 2008
All Printing Industry (excluding dry digital printing)	Severe	December 31, 2008
Automobile Manufacturing	Severe	December 31, 2008
Beverage Manufacturing	Severe	December 31, 2008
Breweries	Severe	December 31, 2008
Car Washes	Severe	December 31, 2008
Chemical Manufacturing	Severe	December 31, 2008
Cosmetic Product Manufacturing	Severe	December 31, 2008

Industry Sector	Hazard Level	Installed By
Distilleries	Severe	December 31, 2008
Dry Cleaners	Severe	December 31, 2008
Dye & Pigment Manufacturing	Severe	December 31, 2008
Electroplating, Plating, Polishing, Anodizing, & Colouring	Severe	December 31, 2008
Food Processing	Severe	December 31, 2008
Industrial Laundries	Severe	December 31, 2008
Lubricating Oil & Grease Manufacturing	Severe	December 31, 2008
Machine Tool Manufacturing	Severe	December 31, 2008
Machine Tool Operations	Severe	December 31, 2008
Meat Processing & Packaging	Severe	December 31, 2008
Medical Laboratories	Severe	December 31, 2008
Metal Can Manufacturing	Severe	December 31, 2008
Metal Coating, Engraving	Severe	December 31, 2008
Metal Fabrication	Severe	December 31, 2008
Metal Window & Door Manufacturing	Severe	December 31, 2008
Mortuary or Morgue	Severe	December 31, 2008
Nonferrous Metal Manufacturing	Severe	December 31, 2008
Other Metal Container Manufacturing	Severe	December 31, 2008
Paint & Coating Manufacturing	Severe	December 31, 2008
Paper & Pulp Processing Plants	Severe	December 31, 2008
Personal Care Products Manufacturing	Severe	December 31, 2008
Petrochemical Manufacturing	Severe	December 31, 2008
Petroleum Bulk Storage Facilities	Severe	December 31, 2008
Petroleum Refining	Severe	December 31, 2008
Pharmaceutical Manufacturing	Severe	December 31, 2008
Photographic Film Manufacturing	Severe	December 31, 2008
Photographic Plate / Paper Manufacturing	Severe	December 31, 2008
Plastic Manufacturing	Severe	December 31, 2008
Plastic Material & Resin Manufacturing	Severe	December 31, 2008
Printed Circuit Board Manufacturing	Severe	December 31, 2008
Rubber Manufacturing	Severe	December 31, 2008
Soap & Detergent Manufacturing	Severe	December 31, 2008
Textile Manufacturing/ Processing	Severe	December 31, 2008
Veterinary Hospital	Severe	December 31, 2008
Wastewater Treatment Plants & Facilities	Severe	December 31, 2008
Water Treatment Plants	Severe	December 31, 2008

Industry Sector	Hazard Level	Installed By
Agricultural/Landscaping Applications	Severe	March 31, 2009
Allied Services to Manufacturing	Severe	March 31, 2009
Analytical Laboratories	Severe	March 31, 2009
Asphalt Paving Mixture & Block Manufacturing	Severe	March 31, 2009
Autobody Refinishing	Severe	March 31, 2009
Automotive Repairs & Maintenance	Severe	March 31, 2009
Carpet Cleaners	Severe	March 31, 2009
Clinical Laboratories	Severe	March 31, 2009

Industry Sector	Hazard Level	Installed By
Death Care Services	Severe	March 31, 2009
Dental Surgery Facility	Severe	March 31, 2009
Gas Stations	Severe	March 31, 2009
Greenhouses	Severe	March 31, 2009
Hospitals	Severe	March 31, 2009
Milk/Dairy Product Processing	Severe	March 31, 2009
Photo Finishing	Severe	March 31, 2009
Research Buildings & Laboratories	Severe	March 31, 2009
Wineries	Severe	March 31, 2009

Industry Sector	Hazard Level	Installed By
Blood Clinic	Severe	June 30, 2009
Commercial Laundry (without dry cleaning)	Severe	June 30, 2009
Dock & Marine Facility	Severe	June 30, 2009
Exhibition Grounds	Severe	June 30, 2009
Fire Protection Systems with antifreeze, foam injection, and/or other chemical additives	Severe	June 30, 2009
Fire Protection Systems with auxiliary water supply	Severe	June 30, 2009
Irrigation Systems (with chemical addition)	Severe	June 30, 2009
Medical Clinic (surgical)	Severe	June 30, 2009
Motorcycle Repairs & Maintenance	Severe	June 30, 2009
Plant Using Radioactive Materials	Severe	June 30, 2009
Power Generating Facility	Severe	June 30, 2009
Premises Where Access Is Prohibited	Severe	June 30, 2009
Radiator Shop	Severe	June 30, 2009
Recycling Facility	Severe	June 30, 2009
Rendering Facility	Severe	June 30, 2009
Single Residential Dwelling with auxiliary water supply	Severe	June 30, 2009
Slaughter House	Severe	June 30, 2009
Waste/Garbage Transfer Station & Disposal Plant	Severe	June 30, 2009
Wastewater Pumping Stations	Severe	June 30, 2009
Water Filling Station	Severe	June 30, 2009
Water Pumping Stations	Severe	June 30, 2009
Zoo	Severe	June 30, 2009

Industry Sector	Hazard Level	Installed By
Apartment Buildings (five units or more, with shared single-service connection)	Moderate	June 30, 2009
Commercial Premises (excluding dry retail operations)	Moderate	June 30, 2009
Fire Stations	Moderate to Severe	June 30, 2009

Industry Sector	Hazard Level	Installed By
Funeral Homes/Cemetery	Moderate to Severe	June 30, 2009
Golf Courses	Moderate to Severe	June 30, 2009
Hotel & Motel	Moderate	June 30, 2009
Schools (elementary, junior high, senior high)	Moderate	June 30, 2009
Swimming Pools (private with direct connection)	Moderate	June 30, 2009
Swimming Pools (public)	Moderate	June 30, 2009
Technical Institutes	Moderate	June 30, 2009
Universities & Colleges	Moderate	June 30, 2009
Veterinary Clinic	Moderate	June 30, 2009
Industry Sector	Hazard Level	Installed By
Airports	Moderate	December 31, 2009
Animal Shelter	Moderate	December 31, 2009
Auto Dealership	Moderate	December 31, 2009
Campsite	Moderate	December 31, 2009
Commercial Coin Operated Laundry	Moderate	December 31, 2009
Dental Office (Non-surgical)	Moderate	December 31, 2009
Grocery Store	Moderate	December 31, 2009
Hair Salon	Moderate	December 31, 2009
Irrigation System (without chemical addition)	Moderate	December 31, 2009
Kennel	Moderate	December 31, 2009
Marina & Yacht Club (pleasure-boat)	Moderate	December 31, 2009
Medical Clinic (non-surgical)	Moderate	December 31, 2009
Mobile Home Park	Moderate	December 31, 2009
Nursing Home	Moderate	December 31, 2009
Penitentiary	Moderate	December 31, 2009
Restaurant (including bar, coffee shop, food courts, lounge, etc.)	Moderate	December 31, 2009
Sauna & Massage Centre	Moderate	December 31, 2009
Townhouse (five units or more, with shared single-service connection)	Moderate	December 31, 2009
Water Park	Moderate	December 31, 2009
Industrial and Institutional Premises	Moderate to Severe	December 31, 2010
Fuel Dispensing Facility	Moderate	December 31, 2010
Concrete Plants	Severe	December 31, 2010
Multi Residential Buildings (five units or more, with shared single-service connection)"	Moderate	December 31, 2010

24. Schedule 6 to of Chapter 851, Water Supply, is deleted and replaced with the following:

**"SCHEDULE 6 TO CHAPTER 851
AUTHORIZED FUNCTIONS LIST**

Item	Function	Professional Engineer with CCCS Certification	Certified Engineering Technologist with CCCS Certification *	Licensed Master Plumber with contractor's licence and with CCCS Certification	Journeyman Plumber with CCCS Certification †	Apprentice plumber with CCCS Certification ‡	Fire system sprinkler fitter with CCCS Certification	Industrial Millwright with CCCS Certification	Irrigation System Installer with CCCS Certification
1	Carry out cross-connection / backflow prevention device survey	v	v	v	v				
2	Install, relocate, or replace backflow prevention device			v	v	v			
3	Repair backflow prevention device	v	v	v	v	v			
4	Test backflow prevention device	v	v	v	v	v	v	v	
5	Complete Items 1, 2, 3 and 4 in relation to fire protection systems	v	v	v	v	v	v		
6	Complete Items 3 and 4 in relation to lawn sprinkler systems"	v	v	v	v	v			v

v	<i>Authorized to perform function</i>
*	<i>Required to be under the direction of a Professional Engineer</i>
†	<i>Required to be employed by a licensed plumbing contractor</i>
‡	<i>Required to be employed by a licensed plumbing contractor and under the direct supervision of a journeyman plumber or master plumber</i>
CCCS	Cross Connection Control Specialist Note: Please refer to § 851-8F for the criteria for acceptable CCCS

25. This by-law comes into force upon enactment.

ENACTED AND PASSED this 8th day of July, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)