



# Staff Report

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## Operations

**Report To:** Council Meeting  
**Meeting Date:** May 8, 2023  
**Report Number:** CSOPS.23.027  
**Title:** Update to Cross Connection and Backflow Prevention By-Law 2013-31  
**Prepared by:** Shawn Carey, Director of Operations

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### A. Recommendations

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THAT Council receive Staff Report CSOPS.23.027, entitled "Update to the Cross Connection and Backflow Prevention By-Law 2013-31";

AND THAT Council directs Staff to schedule a Public Meeting on May 30, 2023, to consider the proposed updates to the Cross Connection and Backflow Prevention By-Law 2013-31.

### B. Overview

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Staff are aiming to include the use of Administrative Monetary Penalties (AMPs) to assist with compliance efforts in the protection of the Town's water supply and therefore an amendment to [By-Law 2013-31](#) being a by-law to regulate cross connection and backflow prevention on plumbing systems is required. Staff are seeking Council direction to hold a Public Meeting to solicit input on the addition of AMPs to this by-law.

### C. Background

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The Town's Backflow Prevention and Cross Connection Control Program minimizes the potential for contamination of the Town's drinking water supply. The program involves identifying cross connections between potable and non-potable sources, ensuring that these connections are removed or that protective devices are installed to prevent the contamination of the Town's drinking water supply.

The Cross Connection and Backflow Prevention By-Law 2013-31 came into effect on July 15, 2013, so that the Town can enforce the requirements of the program. The By-Law requires that all Industrial, Commercial, Institutional (ICI) and Multi-Unit Residential property owners have the following services performed by a qualified contractor in order to comply:

- Cross Connection Survey;
- Backflow Prevention Device Installation and Testing;
- Approved Qualified Contractor Registry; and,

- Building Permit Requirement.

For further details on the Town's Backflow Prevention and Cross Connection Control Program please refer to the [town's website](#).

## **D. Analysis**

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Staff are seeking to amend the Cross Connection and Backflow Prevention By-Law 2013-31 to include the use of AMPs. AMPs are an effective and efficient tool to further assist in protecting the Town's drinking water supply by imposing penalties, providing further deterrents, and helping to ensure compliance.

The By-law to Establish a Comprehensive System of Administrative Monetary Penalties for the Town of The Blue Mountains (AMP By-law) is a robust system of administering and imposing AMPs. AMPs are means to impose penalties on offenders without having to pursue the timely, complex and more serious Provincial Offences process. Provincial Offences still apply to the By-law but no person can be charged with an Offence under the Provincial Offences Act for a contravention dealt with under the AMP By-law.

The AMP regime establishes a robust hearing system which includes a Screening Officer who reviews penalties issued under the AMP system and a formal Hearing Officer program.

Hearing Officers are not employees of the Town or Councillors, they are independent adjudicators who hear appeals and objections to penalties under the AMP and the decisions of Screening Officers. This is a quasi-judicial tribunal with independent members who are paid a per-diem by the Town for their service in this role.

Schedule A of the proposed amendment to By-law 2013-31 (Attachment 2) shows the infractions and proposed penalty. Staff feel that the fine structure as proposed represents a reasonable deterrent to the relevant conduct without being punitive. An amendment to the AMP By-law to include reference to the Cross Connection and Backflow Prevention By-Law is also required and will be addressed under a separate Staff Report.

### **Next Steps**

Staff are recommending a Public Meeting be held on May 30, 2023, including a follow up Staff Report for Council, to a future Committee of the Whole meeting.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

## **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

## **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

## **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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The addition of AMPs to this By-Law will aid in achieving compliance and reduce the risk to the operation, maintenance, and quality of the Town's drinking water system.

## **G. Financial Impacts**

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Revenue generated (less expenditures) from the use of AMPs will be used to offset the user fees.

## **H. In Consultation With**

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Ruth Prince, Director of Finance & IT Services

Corrina Giles, Town Clerk

Allison Kershaw, Manager of Water and Wastewater

Debbie Young, Interim Manager of Bylaw & Licensing

Wayne DeWitt, Supervisor, By-Law Services

Scott Hill, Water Supervisor

Meg Boyd, Water & Wastewater Compliance & Efficiency Coordinator

Brian O'Reilly, Water Meter & Backflow Prevention Technician

## **I. Public Engagement**

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The topic of this Staff Report will be the subject of a Public Meeting in accordance with the following schedule:

- May 8, 2023, Council –considered by Council
- May 9, 2023, Public Meeting Notice posted on Town Website
- May 11 & May 18, 2023, Public Meeting advertised in the Collingwood Connection;
- May 30, 2023, Public Meeting
- June 6, 2023, Committee of the Whole – Follow-up report to the Public Meeting, attaching comments received in response to the Public Meeting
- June 19, 2023, Council – recommendation from Committee of the Whole considered by Council, and related By-law.

Any comments regarding this report should be submitted to Shawn Carey, Director of Operations [directorops@thebluemountains.ca](mailto:directorops@thebluemountains.ca).

## **J. Attached**

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1. Notice of Public Meeting
2. Draft By-Law Amendment

Respectfully submitted,

Shawn Carey  
Director of Operations

For more information, please contact:  
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**Report Approval Details**

Document Title:	CSOPS.23.027 Update to Cross Connection and Backflow Prevention By-Law 2013-31.docx
Attachments:	- Attachment 1 Notice of Public Meeting.pdf - Attachment 2 Draft By-Law Amendment.pdf
Final Approval Date:	Apr 27, 2023

This report and all of its attachments were approved and signed as outlined below:

**Shawn Carey - Apr 27, 2023 - 4:35 PM**