

CITY OF SURREY



Surrey Waterworks Cross Connection Control By-law, 2013, No. 17988

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CITY OF SURREY
BY-LAW NO. 17988

A By-law to protect *water* supplied by the *City* from
contamination due to *cross connections*.

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As amended by: 19450, 12/18/17

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF
SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT
WARRANT THAT THE INFORMATION CONTAINED IN THIS
CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF
THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT
IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

PART 1 - CITATION

WHEREAS pursuant to its powers under the Community Charter, S.B.C. 2003, c. 26 the City of Surrey has established a self-liquidating utility for *water* distribution to supply *water* to the inhabitants of the *City* and adjacent localities;

AND WHEREAS provisions are required to protect the *water* from contamination resulting from *backflow* through *cross connections* within the *waterworks system* and within *real property* by the use of *backflow preventers*; and

AND WHEREAS it is desirable that *cross connections* be controlled by regulation.

THEREFORE the City Council of the City of Surrey, enacts as follows:

1. This By-law shall be cited for all purposes as "Surrey Waterworks Cross Connection Control By-law, 2013, No. 17988"

PART 2 - DEFINITIONS

2. In the construction and for the purposes of this By-law, unless the context otherwise requires, the following words and terms shall have the following meanings:

"ACCEPTABLE" means in accordance with the *standard* or as accepted by the *General Manager, Engineering*.

"AIR GAP" means an *acceptable* piping arrangement designed to be a *backflow preventer* and as defined by the *Plumbing Code*.

"AREA ISOLATION" means protection of the *waterworks* from *backflow* provided by the isolation of a water piping system or systems of a building, unit, area or parcel or within a *real property* where the *real property* has a greater degree of hazard than would be *acceptable* using existing or proposed *premise isolation* measures.

"BACKFLOW" means a flowing back or reversal of the normal direction of flow.

"BACKFLOW PREVENTER" means an *acceptable* device or method that is designed to prevent *backflow*.

"CERTIFIED TESTER" means a *person* who is certified to inspect and field test *backflow preventers* by an *acceptable person*.

"CITY" means the City of Surrey.

"CONSUMER" means any *person* who is the *owner*, or agent of the *owner*, of any premises to which *water* is supplied or made available from any of the *works* and shall include any *person* who is the occupier of such premises and any *person* who is a user of *water* supplied to any premises or by any *service* from the *works*.

"CROSS CONNECTION" means any actual or potential physical connection between the *waterworks system* or any *potable water system* connected to the *waterworks system* and any auxiliary water source or pipe, vessel, machine or other source that may contain a non-potable fluid or other contaminants, such that it is possible to enter the *waterworks system* or any *potable water system* due to *backflow*.

"CROSS CONNECTION SURVEY" means the process to determine if *cross connection* exists in consumer's water system and recommend a method or *backflow preventer* to prevent *backflow*.

"FIRE HYDRANT USE BACKFLOW PREVENTER" means a *testable backflow prevention device* that is owned by the *City* and connected to the *waterworks* for permitted or operational short-term *water* usages at changing locations.

"GENERAL MANAGER, ENGINEERING" means the General Manager, Engineering for the *City* and shall include his or her duly appointed assistants and representatives.

"OWNER" means an owner of a *parcel of real property* including:

- (a) the registered owner of an estate in fee simple;
- (b) the tenant for life under a registered life estate;
- (c) the registered holder of the last registered agreement for sale; and
- (d) the holder or occupier of land held in the manner referred to in the definition of "Owner" in the Schedule to the Community Charter, S.B.C. 2003, c.26 as amended from time to time.

"PARCEL" means any lot, block, or other area in which *real property* is held or into which *real property* is subdivided.

"PERSON" shall, when necessary, mean and include natural persons of either sex, associations, corporations, bodies politic, co-partnerships whether acting by themselves or by a servant, agent, or employee and the heirs, executors, administrators and assigns or other legal representatives of such person to whom the context can apply according to law.

"PLUMBING CODE" means the Plumbing Services provisions of the British Columbia Building Code enacted pursuant to Section 692 of the Local Government Act, R.S.B.C., 1996, c.323 and as may be amended or replaced from time to time.

"POTABLE WATER" means any water safe for human consumption as defined by the British Columbia Drinking Water Protection Act, S.B.C. 2001, c.9 and Regulation and as may be amended or replaced from time to time.

"PREMISE ISOLATION" means the practice of protecting the *waterworks* from contamination due to *backflow* by the installation of one or more *backflow preventers* immediately downstream of the *service connection* on the connecting pipe conveying *water* on a *real property* and upstream of the first outlet or connecting *water* pipe.

"REAL PROPERTY" means land, with or without improvements so affixed to the land as to make them in fact and in law a part of it.

"REGISTERED AIR GAP" means an *air gap* that is identified by the *General Manager, Engineering* or by definition in the *standard*.

"SERVICE" means the supply of *water* from the *works* to any *person*, including all pipes, taps, valves, connections, meters and other appurtenances necessary to or actually used for the purpose of the supply.

"SERVICE CONNECTION" means the connecting pipe and appurtenances between any *water* main and the property line of the premises served and shall include the necessary *City* valves and meters.

"STANDARD" means the document issued by the *General Manager, Engineering* and titled 'City of Surrey Cross Connection Control Standards & Specifications' as may be amended or replaced from time to time.

"TEST REPORT" means the currently approved form owned by the *City* and issued by the *General Manager, Engineering* for the purpose of reporting the status, field test and inspection results, and other relevant information regarding a *testable backflow prevention device* or a *registered air gap*.

"TESTABLE BACKFLOW PREVENTION DEVICE" means a *backflow preventer* designed to be tested and repaired in line, fitted with properly located, tightly closing, resilient seated test cocks and tightly closing, resilient seated shutoff valves located at each end of the assembly.

"WATER" means water supplied by the *City*.

"WATERWORKS" or "WORKS" means the *waterworks system* of the *City of Surrey*.

"WATERWORKS SYSTEM" means all *waterworks* and all appurtenances thereto, including *water* mains, *service connections*, pumping stations, wells, *water* storage facilitation and treatment plants, and owned, controlled, maintained and operated by the *City* or by agreement between the *City* and others.

PART 3 – GENERAL PROVISIONS

3. The *General Manager, Engineering* may from time to time amend the *standard* in whole or in part and may without limiting the generality of the foregoing establish or amend policies and criteria.

4. Nothing in this By-law will relieve or exempt a *person* from the requirements of any other by-laws of the *City* or any other applicable laws, regulations or enactments.

Applicability of By-law

5. This By-law shall have reference and apply to all the *waterworks system* and any *real property* that:
 - (a) is provided with *service*;
 - (b) is under application for *service*; or
 - (c) has had *service* temporarily discontinued.

Role of the *General Manager, Engineering*

6. For the purposes of this By-law the *General Manager, Engineering* shall have charge and control of the *waterworks system* and the authorization to direct the implementation of measures to protect the *waterworks system* and existing systems supplied with *water* and those systems that have applied for *service* from contamination through *cross connections*.

City Not Liable

7. The *City* shall not be liable to any *person* for injury or damages, or for reduction or loss of *water* pressure which may result from:
 - (a) the installation of *backflow preventers*;
 - (b) the interruption of *water* pressure or supply within a *real property* or the interruption or discontinuance of *service* to a *real property*;
 - (c) an omission to notify a *consumer* to correct an inadequately controlled *cross connection*; or
 - (d) pressure fluctuation due to thermal expansion.

PART 4 - RESPONSIBILITIES OF THE CONSUMER

Consumer Responsible for Control of Cross Connection, Backflow Preventer

8. The *consumer* shall control every *cross connection* on a *real property* in an *acceptable* manner and shall maintain every *backflow preventer* in good working order.
9. When it becomes known or suspected that a *backflow preventer* is not in good working order, whether from inspection or field test results or other indications, the *consumer* shall arrange for the immediate repair or replacement of the *backflow preventer*.
10. The purchase, installation, operation, maintenance, field testing, field inspection, repair, installation, removal or replacement of a *backflow preventer* including the meter as part of the detector type *backflow preventer* and of *registered air gaps* shall be at the sole expense of the *consumer*.

Change of Use

11. The *consumer* shall notify the *General Manager, Engineering*, of any change of use of the premises, facilities, or alteration, addition or removal of any part of the private water distribution system, its appurtenance and fixtures. The *consumer* shall install, upgrade, replace or remove *backflow preventers* to control the changed *cross connections* in compliance with this By-law and the *standard*.

Testing and Test Report

12. The *consumer* shall be responsible to:
 - (a) retain a *Certified Tester* to carry out the field test of testable backflow prevention device and inspection of *registered air gaps*;
 - (b) ensure that the *Certified Tester* has submitted the *test report*, *acceptable* to the City, within the time specified in this By-law; and
 - (c) maintain all necessary records on *backflow preventers*, the *cross connections* they control, and copies of *test reports*.

Access for Inspection

13. In the event that the *General Manager, Engineering* has reason to believe that:
 - (a) a condition exists within a *real property* that could be a danger to the public health or that may cause physical damage to the *waterworks* due to *backflow*, whether within the *real property* or through transmission by the *waterworks*; or
 - (b) an incident involving *backflow* has occurred on a *real property* and that the results of such an incident could cause damage to the *waterworks* or pose a risk to the public health,

the *consumer* shall, at all hours, allow, suffer and permit the *General Manager, Engineering* to enter the *real property* to inspect all *backflow preventers*, piping, connections, fixtures and other apparatus to determine if such a condition exists or incident is occurring or has occurred.

14. The *General Manager, Engineering* may from time to time and with notice enter the *real property* at all reasonable hours for inspection of any and all existing *cross connections* and *backflow preventers* and any records thereof. The *consumer* shall make all reasonable accommodations for such an inspection under notice by the *General Manager, Engineering*.
15. For the purposes of inspection of this By-law, the *City Plumbing Inspector* or the *General Manager, Engineering* may cause the momentary interruption to either the *service* to the *real property* or the *water* pressure or supply to piping within the *real property*. The *consumer* shall make all reasonable accommodations to allow, suffer and permit these interruptions.

Rectification of Contraventions

16. Upon notice by the *City*, any condition found on a *real property* that is in contravention of this By-law, the *standard* or the *Plumbing Code* shall be rectified by the *consumer* to the acceptance of the *General Manager, Engineering*. All such rectifications shall be solely at the expense of the *consumer*. The *consumer* shall complete all rectifications within a time period specified by the *General Manager, Engineering*.

Backflow Notification

17. The *consumer* shall immediately notify the *General Manager, Engineering* if there is any reason to believe that *backflow* has or may have occurred on or from a *real property*, including any *backflow* in or from a private *water* distribution system, its appurtenance and fixtures, that are connected to the *City's waterworks system*.

Damages Resulting From Backflow

18. Any and all costs, damages or losses sustained by the *City* as a result of an incident involving *backflow* originating from a *real property* of a *consumer* shall be borne by the *consumer*, and the *consumer* shall indemnify and hold harmless the *City*, its agents, employees and officers from and against any and all claims, demands, losses, costs, damages, actions, suits or proceedings arising out of the *backflow*.

Thermal Expansion

19. The *consumer* is responsible for the installation of pressure or air release devices to prevent pressure fluctuation within the private *water* distribution system due to thermal expansion.

PART5 – PREVENTION OF CONTAMINATION OF POTABLE WATER FROM BACKFLOW

Control of Cross Connection

20. No *person* shall create a *cross connection* that is not controlled in an *acceptable* manner without the immediate installation of a *backflow preventer*.
21. Any *consumer* who is aware of a *cross connection* that is contaminating or has the potential to contaminate the *waterworks* system shall immediately give notice to the *General Manager, Engineering*.

Backflow Preventers, General

22. The selection, installation, removal, replacement, repair, maintenance, field testing and inspection of *backflow preventers* shall comply with this By-law, the *standard* and the *Plumbing Code* or be otherwise *acceptable* to the *General Manager, Engineering*.

Backflow Preventers Requirements, New Construction

23. *Backflow preventers shall be installed on each of the domestic, fire and irrigation service connections for premise isolation and all on internal cross connections for any newly constructed facilities as mandated by the BC Building Code, CSA B64.10, this By-law and the standard.*

Backflow Preventers Requirements, Retrofitting of Existing Facilities

24. *Backflow preventers shall be installed on each of the domestic, fire and irrigation service connections for premise isolation, regardless of whether the service connections form part of the retrofitting, whenever improvements, alterations or replacements are made to a building on a parcel where the value of the construction of the improvement, alteration or replacement is equal to or exceeds \$400,000, including applicable taxes, as estimated by the Chief Building Inspector of the City, or whenever an additional service connection is requested. .*
25. *Backflow preventers shall be installed on each of the domestic, fire and irrigation service connections for premise isolation or backflow preventers shall be provided through area isolation,, regardless of whether the service connections form part of the retrofitting, whenever improvements, alterations or replacements are made to a building on a parcel where the value of the construction of the improvement, alteration or replacement exceeds \$10,000 but is less than \$400,000, including applicable taxes, as estimated by the Chief Building Inspector of the City.*
26. *Backflow preventers shall be installed on each of the domestic, fire and irrigation service connections for premise isolation, regardless of whether the service connections form part of the retrofitting, whenever a new service connection is installed or one or more of the existing service connections is upgraded. New service or upgraded service to a real property will be provided only when the General Manager, Engineering is satisfied that the consumer has installed backflow preventers to address the premise isolation requirements to all existing and new service connections.*
27. *Backflow preventers shall be installed to isolate internal cross connections where retrofitting is made to that portion of the plumbing system as part of the plumbing permit process.*

Backflow Preventers Requirements, Existing Facilities

28. Cross Connection Surveys of existing facilities may be conducted by the *City* of existing institutional, commercial, industrial zoned, and multi-family residential properties.
29. The *consumer* shall be required to install *backflow preventers* for *premise isolation* of domestic, fire and irrigation *service connections* following the conduct of Cross Connection Survey. The *consumer* shall be required to install new *backflow preventers*, and correct deficiencies of existing *backflow preventers* for *premise isolation*, as described by the report of the Cross Connection Survey, within the time specified in the notice to the *consumer* from the *City*.
30. It is the sole responsibility of the *consumer* to install *backflow preventers* for internal isolation and to rectify *cross connections* or deficiencies whenever notified of a potential harmful circumstance that could represent a health threat to the *potable water* distribution system within a private property.

Cross Connections Without Plumbing Permits

31. The *City* may issue a notice to the *consumer* requesting a Cross Connection Survey be conducted by qualified *persons* acceptable to the *City*, or by a professional engineer, at the expense of the *consumer* upon receipt of report of deficiency to a *cross connection* that had not been inspected and passed as part of the plumbing permit process. The report of the Cross Connection Survey shall be completed and submitted to the *City* within ten days of receipt of the notice from the *City*. The *City* may shut down the *service* to the *real property* if the report is not submitted to the *City*.
32. The *consumer* shall be required to install new *backflow preventers* and correct any deficiencies to isolate all *cross connections* that are identified in the Cross Connection Survey and are not previously inspected by *City's* Plumbing Inspectors.

Backflow Preventers Requirements, Backflow Incident

33. The *General Manager, Engineering* may issue a notice to the *consumer* requesting a Cross Connection Survey be conducted by qualified *persons* acceptable to the *City*, or by a professional engineer, at the expense of the *consumer* following a *backflow incident*. The *consumer* shall be required to install *backflow preventers* as *premise isolation* at all *service connections* and *cross connections* causing the *backflow incident*.

Removal of *Backflow Preventer*

34. Other than for the required replacement of a *testable backflow prevention device*, once installed, no *person* shall remove a backflow preventer from any *potable water* piping system without the prior written approval of a *City Plumbing Inspector*.

Damage to or Alteration of *Backflow Preventer*

35. No *person* shall damage, destroy, or otherwise render inoperative a *backflow preventer*. No *person* shall alter, modify, or otherwise retrofit a *backflow preventer* such that the *backflow preventer* no longer meets the requirements of the *Plumbing Code* or the *standard*.

PART 6 – DISCONTINUANCE OF A WATER SERVICE

Discontinuance of *Service*

36. In the event that the *General Manager, Engineering* has determined that there is an immediate threat to the public health or that the *waterworks* is at risk of contamination or damage due to a *cross connection* located on a *real property*, the *General Manager, Engineering* may immediately discontinue *service* to the *real property*.

Reconnection of *Service*

37. Prior to the reconnection of any *service* that had been shut off by order of the *General Manager, Engineering* due to a *cross connection* related incident, the *consumer* shall demonstrate to the *General Manager, Engineering* that:
- (a) all provisions of this By-law have been complied with; and
 - (b) all outstanding fees and penalties have been paid to the *City*.

PART 7 – BACKFLOW PREVENTER TESTING AND INSPECTION

Consumer to Commission Field Test of Testable Backflow Prevention Device

38. The *consumer* shall be responsible for the commissioning of any and all field tests performed on a testable backflow prevention device and inspections of *registered air gaps*. A field test shall be conducted by a *certified tester* on a *testable backflow prevention device* and a *test report* shall be submitted to the *General Manager, Engineering*:
- (a) within three (3) days after a *backflow* incident;
 - (b) within fourteen (14) days of a new installation and prior to inspection by a *City Plumbing Inspector* or the *General Manager, Engineering*;
 - (c) in the case of a *fire hydrant use backflow preventer*, annually, but shall not require a field test to be conducted upon installation;
 - (d) within fourteen (14) days after a replacement of a *backflow preventer*;
 - (e) within the time specified in a notice issued by the *City* that, for any reason, requires a testable backflow prevention device be tested;
 - (f) annually or a more frequent periodic cycle as required by the *City* or as determined in the *standard*;
 - (g) in the case of a double check valve assembly providing isolation for irrigation system of single family dwellings, upon installation, but shall not require a field test annually; and
 - (h) upon notice by the *General Manager, Engineering*.

Consumer to Commission Inspection of Registered Air Gap

39. An inspection shall be conducted by a *certified tester* on a *registered air gap*:
- (a) within thirty (30) days of the issue date of a notice to the *consumer* issued by the *City* that, for any reason, requires a *registered air gap* to be inspected; and
 - (b) annually or more frequently if required by the *General Manager, Engineering* or as determined in the *standard*.

Eligibility of *Certified Tester* to Field Test, Inspect and Report

40. All *Certified Testers* shall possess a valid BCWWA Cross Connection Control Tester Certificate showing a certificate number and comply with the business licensing requirements as described in the Surrey Business License By-law, 1999, No. 13680.

***Testable Backflow Prevention Device* Field Testing**

41. No *person*, other than a *Certified Tester*, shall conduct a field test to a *testable backflow prevention device* or inspection of the piping of *registered air gap*, complete or sign a *test report*.
42. A *test report* will not be accepted by the *City* if the *Certified Tester* is unable to provide proof, within a time specified by the *City*, that he or she is a BCWWA Cross Connection Control Tester and that the certificate has not expired prior to the date of conducting the field test.

Inspection, Field Testing and Reporting

43. Each *Certified Tester* shall:
 - (a) conduct every field test of a testable backflow preventer device in accordance with the *standard*;
 - (b) accurately complete a *test report*, either on line or written test report in paper format, with all required information regarding the inspection and field test results of the *backflow preventer*, the *cross connection* it controls and all other information requirements indicated on the *test report*;
 - (c) where a *backflow preventer* passes the field test or inspection, complete, sign and affix the test passed tag on or adjacent to the *backflow preventer* and ensure that the completed and signed *test report* is submitted to the *City* within the time specified by the *City*;
 - (d) where a *backflow preventer* fails the field test or inspection and is not repaired successfully on the same day, immediately notify the *consumer* and notify, as described in the *standard*, the *General Manager, Engineering* of a failed testable backflow preventer device or *registered air gap* within three (3) business days of the initial field test or inspection date of the failing condition of the *backflow preventer*; and

- (e) pay the *City* the submission fee as stated in *Surrey Fee-Setting By-law, 2001, No. 14577* for each *test report* submitted under this By-law.

Cross Connection Control Tags

- 44. The *City* may from time to time issue tags as described in the *standard* to be installed on or adjacent to *backflow preventers* or equipment supplied with *backflow preventers* for the purpose of acceptance, identification and other purposes.

False Information

- 45. No *person* shall make a false statement in a *test report* prepared pursuant to this By-law.

Interference

- 46. No *person* shall hinder a *Certified Tester* from complying with this By-law.

Rejection of Test Report

- 47. The *General Manager, Engineering* may reject any *test report* submitted to the *City* that:
 - (a) contains false or misleading information;
 - (b) is completed and signed by a *person* other than a *Certified Tester*;
 - (c) is incomplete;
 - (d) has not been submitted to the *City* within the time specified in this By-law or the *standard*;
 - (e) is received by the *City* 90 calendar days or more after the date the field test was conducted; or
 - (f) is not conducted in accordance to this By-law and the *standard*.

48. The rejection of a *test report* as described in this By-law shall invalidate the field test or inspection of the *backflow preventer* to which the field *test report* applies.

PART 8 – OFFENCES AND PENALTIES

Offences

49. Every *person* who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act, or who violates any of the provisions of this By-law, shall be deemed to be guilty of an infraction and liable to the penalties imposed in this By-law.

Penalties

50. Every *person* who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention of this By-law, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this By-law is liable, on summary conviction, to a fine of not less than the sum of One Hundred Dollars (\$100.00), but not exceeding the sum of Ten Thousand Dollars (\$10,000.00).
51. Where there is an offence that continues for more than one day, separate fines may be issued for each day or part thereof in respect of which the offence occurs or continues.
52. Any *person* who contravenes any provision of this By-law is liable to the *City* for and must indemnify and hold harmless the *City*, its agents, employees and officers from and against any and all claims, demands, losses, costs, damages, actions, suits or proceedings resulting from the contravention. This does not in any way limit any other provision or any other remedy the *City* may have under this By-law or otherwise at law.
53. The *City* may enforce compliance with the stipulations within this By-law or non-payment of fines by:
- (a) refusing to accept *test reports* from a *person*; and/or
 - (b) refusing to accept the validity of *test reports* submitted by a *Certified Tester*; and/or

- (c) requiring the immediate installation of the appropriate *backflow preventers* on the *service connection* located on the *City* property at the expense of the *consumer*.
54. All costs incurred by the *City* pursuant to Sections 18, 52 and 53(c) of this By-law may be recovered by the *City* in the same manner as unpaid property taxes.
55. Nothing in this By-law limits the *City* from utilizing any other remedy that is otherwise available to the *City* at law.

PART 9 – EFFECTIVE DATE

56. This By-law shall come into effect on the 1st day of September, 2013.

PART 10 – SEVERABILITY

57. Each provision of this By-law is severable from each other provision, and, if any provision is determined to be void or unenforceable in whole or in part, this determination shall not be deemed to affect or impair the validity of any other provision, unless a Court determines otherwise.

PART 11 – REPEAL

58. Surrey Waterworks Cross Connection Control By-law, 2007, No. 16335 and amendments thereto are hereby repealed.

PASSED FIRST READING on the 22nd day of July, 2013.

PASSED SECOND READING on the 22nd day of July, 2013.

PASSED THIRD READING on the 22nd day of July, 2013.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 29th day of July, 2013.

MAYOR

CITY CLERK

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