



## THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 2025-063

### **A by-law to respect the prevention of backflow into the Town of Orangeville municipal drinking water system**

**Whereas** the Corporation of the Town of Orangeville (the 'Town') operates the Municipal Drinking Water System pursuant to the Ontario Safe Drinking Water Act, 2002, S.O. 2002, c. 32 and its associated regulations; and

**Whereas** section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the Town may pass By-Laws relating to public utilities, including matters affecting water distribution, and for purposes related to health, safety and well-being of persons; and

**Whereas** subsection 11.1 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every Owner of a Municipal Drinking Water System to ensure that all water provided by the system meets the prescribed drinking water quality standards and that the Drinking Water System is operated in compliance with the Act and its associated regulations; and

**Whereas** section 19 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every person who oversees or has decision-making authority over a Municipal Drinking Water system to exercise the level of care, due diligence, and skill that a reasonably prudent person would exercise in a similar situation and act honestly, competently, and with integrity, with a view to ensuring the protection and safety of the users of the Municipal Drinking Water System; and

**Whereas** Part 7 (Plumbing) of the Building Code (as defined in this By-Law) requires Potable Water systems to be protected from contamination; and

**Whereas** contamination of the Town's Drinking Water System can arise as a result of a backflow incident from a private plumbing system or equipment that is attached to the Town's Municipal Drinking Water System and such contamination of the Municipal Drinking Water System can have an adverse impact on the health, safety and well-being of the users of the Town's Drinking Water; and

**Whereas** the Town desires to put mechanisms in place to minimize the potential discharge of a contaminating substance into the Municipal Drinking Water System; and

**Whereas** pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the Town has the authority to enter onto private property to inspect, test, and enforce compliance with municipal By-Laws relating to the protection, maintenance and operation of the Municipal Drinking Water System, including connections to private property;

Now therefore, the Council of the Corporation of the Town of Orangeville enacts as follows:

## **1. Short Title**

This By-law shall be known as the "Backflow Prevention By-law".

## **2. Definitions and Interpretations**

### **2.1. For the purposes of this By-law:**

**"Applicant"** means a Person who applies for or requests a service;

**"Auxiliary Water Supply"** means any water supply, on or available to the Property, other than the Potable Water that is supplied by the Town;

**"Backflow"** means the flowing back or reversal of the normal direction of flow into the Municipal Drinking Water System;

**"Backflow Preventer"** means a device, as defined by the Ontario Building Code, that prevents Backflow to the Municipal Drinking Water System;

**"Backflow Preventer Test and Inspection Report"** means a document, as prescribed by the Town, containing the make, model, serial number, size, type, installation date, location and installation address of a Backflow Preventer, as well as the name(s) of the Qualified Person(s) who performed the test, and the test results;

**"Backflow Preventer Test Tag"** means a tag or label that is affixed to a Backflow Preventer, indicating that the Backflow Preventer has been tested, and includes information such as the test date, the name of the tester, and the test results.

**"Building"** shall have the same meaning as set out in the Building Code Act, 1992, S.O. 1992, C. 23;

**"By-law Enforcement Officer"** means any person employed to enforce Town of Orangeville by-laws or their designate;

**"Certificate of Compliance"** means an official document issued by a relevant authority or governing body, confirming that a property, project, or activity complies with specific laws, regulations, codes, and/or standards;

**"Cross Connection"** means any actual or potential connection between a potable water system and any source of potential pollution or contamination including but not limited to any by-pass, jumper connection, removable section of pipe, swivel or changeover device and any other temporary or permanent connecting arrangement through which Backflow may occur;

**"Cross Connection Survey"** means an investigation of a Drinking Water System or of Plumbing to determine the presence or absence of any existing or potential Cross Connections and to evaluate the need for a Backflow Preventer;

**"Cross Connection Survey Report"** means a report completed by a Qualified Person on a form as approved by the Town, containing the details and findings of a Cross Connection Survey;

**"CSA Standards"** means the Canadian Standards Association (CSA) International Standards B64.10, Manual for the Selection and Installation of Backflow Preventers, as amended and B64.10.1, Manual for the Maintenance and Field Testing of Backflow Preventers, as amended or equivalent standards as published by the CSA;

**"Drinking Water"** has the same meaning as provided for by the Safe Drinking Water Act, 2002, as amended;

**"Drinking Water System"** means a system of works, excluding plumbing, that is established for the purpose of providing users of the system with Drinking Water and that includes:

- a) Anything used for the collection, production, treatment, storage, supply, or distribution of water;
- b) Anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system; and
- c) A well or intake that serves as the source or entry point of raw water supply for the system;

**"Emergency"** means an urgent situation or condition that, in the opinion of the Town, poses an immediate threat or Severe Hazard to the Municipal Drinking Water System, requiring immediate action to prevent contamination, damage, or disruption to the system;

**"General Manager"** means, General Manager, Infrastructure Services for the Town of Orangeville or GMIS;

**"Land"** means any real Property situated in the Town of Orangeville which includes buildings and structures;

**"Low-Risk Land"** means Property:

- a) that contains no buildings other than residential buildings of three or fewer stories in building height and having a building square footage area not exceeding 600 m<sup>2</sup>; and
- b) that is not subject to any condition or circumstance which, in the opinion of the Town, may be hazardous or detrimental to the Municipal Drinking Water System;

**"Minor Hazard"** means any type of Cross Connection or potential Cross Connection that involves a substance that constitutes only a nuisance and that results, or could result, in a reduction in only the aesthetic qualities of the water. This category includes those connections listed as minor hazards in the CSA Standards and any other connections as determined from time to time by the Town;

**"Moderate Hazard"** means any type of Cross Connection or potential Cross Connection that has a low probability of becoming a severe hazard. This category includes, but is not limited to, connections involving water where the aesthetic qualities of water have been, or could be, reduced and/or under certain conditions, can create a danger to health. This category includes those connections listed as moderate hazards in the CSA Standards and any other connections as determined from time to time by the Town;

**"Municipal Drinking Water System"** means the Drinking Water System, or part of a Drinking Water System, owned by the Town, as defined by the Safe Drinking Water Act, 2002;

**"Non-Potable Water"** means water that is not safe for human consumption and does not meet the

standards for drinking water quality as prescribed in the Safe Drinking Water Act, 2002, S.O. 2002, c. 32, and its associated regulations;

**“Officer”** means a police officer, municipal law enforcement officer, or any other person appointed by by-law to enforce the provisions of this By-law;

**“Owner”** means a person that has control over a property and includes the owner registered on the title of the Property and any occupant of any building or structure located on such Property;

**“Parcel of Land”** means a lot or block within a registered plan of subdivision, or any other defined unit of land as legally recognized for the purposes of ownership or use;

**“Person”** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

**“Plumbing”** means a system of works:

- a) that comprise a “water system” for the purposes of the definition of “plumbing” in subsection 1 (1) of the Building Code Act, 1992, other than equipment installed in plumbing to treat water; and
- b) that is connected to a Drinking Water System.

**“Potable Water”** means water that is safe for human consumption and that complies with section 10 of the Safe Drinking Water Act, 2002, S.O. 2002, c. 32;

**“Premise Isolation”** means Backflow protection provided at the entrance to a building or Property;

**“Property”** includes a house, building, structure, land, lot or any part of a house, building, structure, land or lot which receives Potable Water supplied by the Town;

**“Qualified Person”** means a person who:

- a) holds approved qualifications as set out in the Authorized Function List;
- b) is a journeyman plumber, or a registered apprentice working under the direction of a journeyman plumber, as required by the Trades Qualification Act of Ontario;
- c) possesses a Cross Connection Specialist certificate, and a Backflow Prevention Tester certificate; and
- d) meets any additional requirements noted in the Safe Drinking Water Act, 2002.

**“Service Connection”** means the connection between the Municipal Drinking Water System and the plumbing or water system of the property being served, including any associated pipes, fittings, and meters, as applicable;

**“Severe Hazard”** means any type of Cross Connection or potential Cross Connection involving water that has additives or substances that, under any concentration, can create a danger to health. This category includes those connections listed as severe hazards in the CSA Standards and any other connections as determined from time to time by the Town;

**“Source Isolation”** means the separation or isolation of water within, or having flowed through, a source or potential source of contamination, from any Potable Water system, including devices, machinery, or systems located on land;

**"Town"** means the Corporation of the Town of Orangeville, including its Municipal By-law Enforcement Officers and its designated representatives;

**"Water Meter"** means a device supplied and owned by the Town that measures the flow and quantity of Drinking Water that passes through it;

**"Water Service Line"** means a water line that supplies Potable Water to the Property from the Municipal Drinking Water System;

**"Zone Isolation"** means isolation of the water located on land, from any Potable Water system located on such Land;

### **3. Applications of By-law and Cross Connection Prohibition**

- 3.1. This By-Law applies to all existing and proposed industrial, commercial, institutional, multi-residential (as defined by the Ontario Building Code) and mixed-use buildings within the Town, except for buildings of residential occupancy within the scope of Part 9 of the Building Code.
- 3.2. Notwithstanding subsection 3.1, this By-Law applies to any building where a condition exists, or a condition is created or proposed to be put in place, in a building or structure that is determined by the General Manager, Infrastructure Services or their designate to be hazardous or detrimental to the Municipal Drinking Water System based on the risk of contamination of the Municipal Drinking Water System by such condition.
- 3.3. Notwithstanding subsection 3.1, this By-Law applies to any building that has a connection to, or where such a connection is proposed or established, to the Municipal Drinking Water System, as well to any auxiliary water supply, lawn sprinkler or irrigation system (except for residential lawn sprinkler or irrigation systems as defined within the scope OBC Part 9), or fire protection system (except for a residential full flow through fire sprinkler system).
- 3.4. Notwithstanding subsection 3.1, this By-Law applies to any building that has been identified as having a **backflow** event.
- 3.5. No person or Owner shall connect, cause to be connected, or allow to remain connected to the Town's Municipal Drinking Water System or any other Potable Water system, any Plumbing, piping, fixture, fitting, container, appliance, vehicle, machine or the like, in a manner which may under any circumstance allow water, waste water or any other liquid, chemical or substance to enter such Municipal Drinking Water System or Potable Water system, except where suitable Backflow prevention is provided in compliance with the provisions of this By-Law.
- 3.6. No person or Owner shall connect, cause to be connected, or allow to remain connected any auxiliary water supply or private well to a Plumbing system which is supplied by the Town's Municipal Drinking Water System, unless appropriate premise isolation is provided.
- 3.7. In a situation where any requirements of the Ontario Building Code or other By-Law or regulation conflict with the requirements of this By-Law, the requirement that provides the highest amount of Premise Isolation shall apply.

### **4. Administration and Enforcement**

- 4.1. Subject to the terms of the Municipal Act, the Town may enter on a Property at any reasonable times for the purpose of carrying out an inspection to determine whether the following are being complied with:
  - a) The provisions of this By-law;

- b) A notice or order issued under this By-law; or
- c) An order of the court made pursuant to the Municipal Act.

4.2. Where an inspection is conducted by the Town, the Town representative conducting the inspection may require the following:

- a) Documents relevant to the inspection;
- b) Inspect and remove documents relevant to the inspection for the purpose of making copies for the Town's records;
- c) Information from any person concerning a matter related to the inspection;
- d) Examine, conduct tests, and collect samples or photographs necessary for the purposes of the inspection; and
- e) Undertake an inspection pursuant to an order issued under section 438 of the Municipal Act.

4.3. Where the requirements of this By-law are not met or a condition exists on any Property that may allow contamination of the Municipal Drinking Water System, then the Town may:

- a) Issue and serve an order to the Owner requiring compliance with the requirements of this By-law and to eliminate the condition which may allow contamination. Said order may prescribe the period for compliance with such order; and state the work required. Work required may include but is not limited to:
  - Completion of a Cross Connection Survey Report
  - Completion of a Backflow Preventer Test and Inspection Report
  - Corrective action taken on any deficiencies identified in either reports
  - Installation, repair, and/or replacement of a Backflow Preventer
  - Require a Backflow Preventer to be tested annually
  - A Backflow Preventer Test Tag be installed on Backflow Preventer
- b) If a condition exists on a property that the Town determines to be a Minor or Moderate Hazard, the Town may, at the discretion of the General Manager, Infrastructure Services or their designate, shut off the water supply to the Property or any portion thereof until the condition is eliminated to the satisfaction of the Town. In the case of a condition that the Town determines to be an Emergency or Severe Hazard, the water supply may be immediately shut off without notice to the Property or any portion thereof until the condition is eliminated to the satisfaction of the Town.

- 4.4. Where this bylaw directs or requires any work to be done, in default of it being done by the person directed to do it, such work may be completed by the Town or its agents at the expense of the Owner. The Town may recover all expenses incurred in doing the work by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.
- 4.5. In addition to any other provision of this By-law, the Town may at any time issue an order to an Owner to conduct tests, provide reports and undertake any other measure required for the elimination of a Cross Connection and the prevention of Backflow.
- 4.6. No Person shall hinder, obstruct, or attempt to hinder or obstruct the Town or other Person so authorized who is performing a duty or exercising a power under this bylaw. No Person shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by the Town carrying out an inspection, except in accordance with the Municipal Act.
- 4.7. No Person shall provide any false or misleading information to the Town, its agents or contractors in the exercise of an activity, power or performance of a duty or administrative function under this By-law, including but not limited to any information provided or submitted on or with any application or in respect to any inspection or enforcement of this By-law.

## **5. Application of CSA Standards**

- 5.1. The selection, installation, maintenance, and field testing of Backflow Preventer Devices pursuant to this By-Law shall be performed in accordance with the current CSA Standards.
- 5.2. Wherever the CSA Standards or any other laws or bylaws and this bylaw are in conflict, the more stringent provisions shall prevail.

## **6. Backflow Prevention**

- 6.1. No Person shall directly or indirectly connect, permit, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container, appliance, or equipment to the Municipal Drinking Water System, or any other connection which may under any circumstance allow any substance other than Potable Water to enter the Municipal Drinking Water System, except in compliance with the provisions of this By-law.
- 6.2. No Person shall directly or indirectly connect, permit, cause to be connected, or allow to remain connected, a private water supply well, a non-municipal water supply well or any other source of Non-Potable Water to the Municipal Drinking Water System.

6.3. Notwithstanding subsection (2), the Town may permit the connection of new water supply wells to its Municipal Drinking Water System, provided that such connections comply with all applicable regulations, standards, and approvals, including those set out in the Safe Drinking Water Act, 2002, and any associated regulations.

## 7. Backflow Preventer Device

7.1. The appropriate model of Backflow Preventer Device shall be selected by a Qualified Person in accordance with:

- a) the CSA Standards; or
- b) when the type of Cross Connection is not identified in the CSA Standards, by a Qualified Person having regard for the principles for backflow prevention contained in the CSA Standards.

7.2. Every Owner shall, at the Owner's expense, ensure the completion of an initial Backflow Preventer Test and Inspection Report in respect of the Owner's Land within three (3) years of the date when this By-law comes into effect or within the time limit specified by the Town in a notice delivered to the Owner.

7.3. Notwithstanding subsection 7(1), the Town may dictate that a particular type of Backflow Preventer Device be used in respect of any Cross Connection.

7.4. Every Qualified Person installing a Backflow Preventer Device shall ensure that:

- a) such device is installed in accordance with acceptable engineering practices and the requirements of the Building Code Act, the CSA Standards, and this By-law;
- b) such device is installed in such a way as to prevent freezing of the device;
- c) such device is located in such a manner that, in the event of Backflow event or potential, the device prevents contamination of the Municipal Drinking Water System and any other Drinking Water System;
- d) where such device is installed in respect of Source Isolation or Zone Isolation, all piping between the point of contamination or potential contamination and the point at which the device is located is labelled "Non-Potable Water";
- e) where such device is installed in respect of Premises Isolation, such device is located downstream of the Water Meter, no closer than specified in the Town Engineering Standards; and
- f) where such device is installed in respect of Premises Isolation, all piping between the Water Meter and such device is clearly labelled "No Connection Permitted".

7.5. Every Owner of Land upon which is installed a Backflow Preventer Device shall ensure that such device is always maintained in good repair.

7.6. Every Owner of Land upon which is installed a Backflow Preventer Device, the proper functioning of which is capable of being tested, shall ensure that:

- a) the device is tested by a Qualified Person when it is first installed and annually thereafter, within thirty (30) days of the anniversary date of such installation, or as required by the CSA Standards, or earlier if requested by the Town, and when the device is cleaned, repaired, overhauled or relocated;
- b) for each test of a Backflow Preventer, a Backflow Preventer Test and Inspection Report of such test is submitted to the Town within fourteen (14) days after testing; and
- c) for the initial test and each subsequent test, a Backflow Preventer Test and Inspection Report of such test is retained on the premises for inspection by Town representative for a period of not less than five (5) years from the date of the test.

7.7. Every Qualified Person who tests a Backflow Preventer Device shall, upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the Owner of the device and the Town by submitting the Backflow Preventer Test and Inspection Report to each of them and contacting each of them by telephone, whereupon the Owner shall immediately notify the Town in writing and by telephone of the Owner's response to the reported malfunction.

7.8. When testing demonstrates that a Backflow Preventer Device is malfunctioning or otherwise not in proper working order, the Owner of the device shall ensure that the device is repaired or replaced in accordance with the recommendations of a Qualified Person as needed within the time limit specified by the Town.

7.9. All equipment used to test Backflow Preventer Devices shall be verified or calibrated for accuracy, as required by the CSA Standards and the Building Code Act.

7.10. Where a Backflow Preventer Device is required pursuant to this By-law, no Person shall remove, or cause or permit the removal of the Backflow Preventer Device or any part thereof after it has been installed unless:

- a) the removed device is immediately replaced with a device that meets or exceeds the requirements of this By-law; and
- b) the water supply is turned off for as long as the device is removed.

## **8. Backflow Test Equipment Maintenance**

8.1. Where required by the CSA Standard, all equipment used to test backflow preventer devices shall be verified and/or calibrated for accuracy. Proof of such verification and/or calibration shall be presented to the Town upon request and in conjunction with the submission of Backflow Preventer Test and Inspection Report.

## **9. Cross Connection Survey**

- 9.1. Every Owner of a Moderate Hazard or Severe Hazard Property, or when requested by the GMIS, shall, at the Owner's expense, ensure that:
- a) A Cross Connection Survey is undertaken by a Qualified Person, whenever required by this By-law;
  - b) A Cross Connection Survey Report is completed and submitted to the satisfaction of the Town in respect of such Cross Connection Survey; and
  - c) The completed Cross Connection Survey Report is submitted to the Town within fourteen (14) days after the survey is carried out.
- 9.2. Every Owner shall, at the Owner's expense, ensure the completion of an initial Cross Connection Survey in respect of the Owner's Land within three (3) years of the date when this By-law comes into effect or within the time limit specified by the Town in a notice delivered to the Owner.
- 9.3. Where a Moderate Hazard or Severe Hazard is present, the Owner shall, at the Owner's expense, ensure the completion of a subsequent Cross Connection Survey in respect of the Moderate Hazard or Severe Hazard within every three (3) years of the previous Cross Connection Survey or at such greater frequency as required by the Town.
- 9.4. Where there is a change or ownership or change of use or as required by the Town.
- 9.5. Where either a Moderate Hazard or Minor Hazard is present, the Owner shall, at the Owner's expense, ensure the completion of a subsequent Cross Connection Survey in respect of the Moderate Hazard or Minor Hazard within every five (5) years of the previous Cross Connection Survey or at such greater frequency as required by the Town.
- 9.6. Every Owner shall notify the Town within fourteen (14) days of any change in circumstances that would create or revive a pre-existing Minor Hazard, Moderate Hazard, or Severe Hazard.
- 9.7. In every year after an initial Cross Connection Survey except for years in which a follow-up Cross Connection Survey is completed, the Owner shall submit to the Town a Certificate of Compliance within fourteen (14) days of the anniversary date of the last Cross Connection Survey.

## **10. General Provisions**

- 10.1. Notwithstanding anything in this By-Law, the Town may at any time order an Owner to conduct tests, provide reports, including a Cross Connection Control Survey Report or a Backflow Preventer Test and Inspection Report, and undertake any other measures required for the prevention of Backflow or protection of a Cross Connection.

- 10.2. Reports identified in this By-Law shall be submitted to the Town within the timeframe specified for the related work, or as otherwise specified by the General Manager or their designate.
- 10.3. The selection, maintenance, and field testing of Backflow Preventer Devices shall be in accordance with the CSA Standard and the Building Code, or by a professional engineer using the CSA Standard.
- 10.4. An Owner shall obtain, or ensure that it is obtained, a building permit pursuant to the Ontario Building Code in order to install, modify or perform any corrective action, or to remove a Backflow Preventer and any related Plumbing.
- 10.5. Where a timeframe is set out in this By-Law for carrying out any action, the Town may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Town.

## **11. Corrective Actions on Cross Connection Control Deficiencies**

- 11.1. Every Owner shall take corrective actions on any deficiencies or to address any recommendations made by a Qualified Person as identified in either a Cross Connection Control Survey Report or on a Backflow Preventer Test and Inspection Report for their property.
- 11.2. Should a condition be found on a property which is in contravention of this By-Law, the Town may:
  - a) Issue an order to the Owner to correct the issue at the Owner's expense within a specified time period and if the order is not complied with, the Town may discontinue the supply of water from the Municipal Drinking Water System to the Plumbing system, and/or;
  - b) Without notice to the Owner, discontinue the supply of water from the Municipal Drinking Water System to the Plumbing System, where the Town, at its sole discretion, has determined that an immediate Severe Hazard exists that could result in contamination of the Municipal Drinking Water System, and/or;
  - c) Issue any order or require any work to be undertaken as otherwise permitted pursuant to this By-Law.

## **12. Removal of Backflow Preventer Device Prohibited**

- 12.1. No Owner of a Building in which a Backflow Preventer is installed shall cause or permit the removal of such device, or part thereof, unless such removal is to immediately replace the device with another device that meets or exceeds the provisions of this By-Law or such removal is due to change of the function of a Building or structure into a category to which this By-Law does not apply or that would not require a Backflow Preventer and such removal is approved by the General Manager, Infrastructure Services.

### **13. Damage to Municipal Drinking Water System**

13.1. Any Person who receives water from the Municipal Drinking Water System and creates an illegal Cross Connection shall be liable for all costs associated with related work undertaken by the Town or its agents. Such costs may include, but are not limited to, the cost of investigation, disinfection, repairing or replacing any part of the system, to restore the Municipal Drinking Water System.

### **14. Isolation of Hazard**

14.1. Every Owner shall, at the Owner's expense, ensure that a Backflow Preventer Device is installed whenever required by this By-law:

- a) Where, at the sole discretion of the Town, a risk of contamination to the Municipal Drinking Water System exists, an Owner upon receiving notice from the Town, shall follow the direction contained in the notice and ensure the installation of the required number and type of Backflow Preventer Devices; and/or
- b) Where either a Severe Hazard or a Moderate Hazard is identified, a minimum of two of the following shall be required: Source Isolation, Zone Isolation or Premise Isolation.

### **15. Persons Authorized to Carry Out Work**

15.1. No Person shall carry out, and no Owner shall cause or permit any Person to carry out on the Owner's Land, any function pursuant to this By-law set out, unless such Person is a Qualified Person.

15.2. Any Person who carries out work outlined shall produce, upon request by the Town, applicable current credentials to establish the Person's qualifications to carry out such work.

### **16. Enforcement and Penalty Provisions**

16.1. The enforcement of this By-law shall be conducted by an Officer.

16.2. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law or an Order issued pursuant to this By law is complied with.

16.3. Every person who contravenes any provision of this By-law, including failing to comply with an Order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and the Municipal Act, as amended.

16.4. Any person who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the Municipal Act, as amended, to the following:

- a) on a first offence, to a fine not more than \$50,000.00; and
- b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00; and
- c) in the case of a continuing offence, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000.00 per day for every day in contravention and the total of all daily fines for the offence is not limited to \$100,000.00.

16.5. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

16.6. Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

16.7. If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

16.8. Sections 6, 12, 15.1, 16.3 and 16.5, inclusive of all subsections thereunder, of this bylaw are hereby designated as parts of this bylaw to which the Administrative Penalties System By-law applies.

16.9. Any person who contravenes any designated provisions of this bylaw shall, upon issuance of a penalty notice in accordance with the Administrative Penalties System By-law, be liable to pay an administrative penalty and any administrative fees.

## **17. Orders**

17.1. If an Officer has reasonable grounds to believe that a contravention of this By-law has not been complied with, the Officer may make an Order requiring the person who contravened this bylaw or who caused or permitted the contravention to occur to:

- a) discontinue the contravening activity; and/or
- b) do work or take action to correct the contravention.

17.2. An Order under Section 4. shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention;
- b) the location of the premise on which the contravention occurred; and
- c) either:
  - in the case of an Order under Section 4., the date by which there must be compliance with the Order; or
  - in the case of an Order under Section 4., the action to be done and the date by which the action must be done.

17.3. An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:

- a) the person the Officer believes contravened this By-law; and
- b) such other persons affected by the Order as the Officer making the Order determines.

17.4. An Order may be posted on site.

17.5. An Order sent by ordinary mail, shall be deemed to have been served on the seventh (7<sup>th</sup>) day after the date of mailing, or if sent by registered mail, shall be deemed to have been served on the fifth (5<sup>th</sup>) day after the date of mailing, or on the date of personal service, or on the date of email transmission.

17.6. An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

## **18. Effective Date**

This by-law shall come into effect upon approval by the Council, subject to section 284.11 of the Municipal Act.

**Read three times and finally passed this 27<sup>th</sup> day of October, 2025.**



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Lisa Post, Mayor



Raylene Martell, Town Clerk