

CITY OF SURREY



SURREY
CITY OF PARKS

Surrey Waterworks Cross Connection Control By-law, 2007, No. 16335

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CITY OF SURREY
BY-LAW NO. 16335

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

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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 in open meeting assembled enacts as follows:

1. This By-law shall be cited for all purposes as “Surrey Waterworks Cross Connection Control By-law, 2007, No. 16335”.

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 meaning hereinafter assigned to them:

“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*.

“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*.

“BACKFLOW PREVENTION ASSEMBLY” means a *backflow prevention device* designed to be tested and repaired in line, fitted with properly located, tightly closing, resilient seated test cock(s) and tightly closing, resilient seated shutoff valves located at each end of the assembly.

“BACKFLOW PREVENTION DEVICE” means an *acceptable* mechanical *backflow preventer*.

“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.

“CONSTRUCTION SITE” means any *real property* undergoing or about to undergo improvements involving the construction of a building or an addition thereto where the declared or formulated construction costs applied to the building permit exceed \$100,000.00.

"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*.

"COUNCIL" means the *City Council* of the *City*.

“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 contaminates, such that it is possible to enter the *waterworks system* or any *potable water system* due to *backflow*.

“FIRE HYDRANT USE BACKFLOW PREVENTER” means a *backflow prevention assembly* 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 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* or *service connection (temporary)* 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.

"SERVICE CONNECTION (TEMPORARY)" means the connecting pipe between a *water* main and the property line of premises which do not front upon the *water* main from which *service* is provided 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 *backflow prevention assembly* or a *registered air gap*.

"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. In this By-law words importing the male gender include the female gender and either includes neuter and vice-versa and words importing singular number include the plural number and vice versa.

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*.

PART 4 – PREVENTION OF CONTAMINATION OF *POTABLE WATER* FROM *BACKFLOW*

Control of Cross Connection

7. No *person* shall create or allow the continuance of a *cross connection* that is not controlled in an *acceptable* manner without the immediate installation of a *backflow preventer* to adequately eliminate the possibility of *backflow* from the *cross connection*.
8. A *person* that is aware of a contravention of Part 4 of this By-law shall immediately give notice to the *General Manager, Engineering* of the contravention.

Backflow Preventers, General

9. 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 acceptable to the *General Manager, Engineering*.

Premise Isolation

10. Where the usage of *water* or conditions exist within a *real property* such that *premise isolation* is required, either by the *Plumbing Code* or the *standard* or by determination of the *General Manager, Engineering*, the *consumer* shall install *backflow preventers* as *premise isolation* downstream of each *service connection* or *service connection (temporary)* serving the *real property*.
11. When the usage of *water* or conditions within a *real property* has changed such that *premise isolation* is required or a change to the existing *premise isolation* is required,

either by the *Plumbing Code* or the *standard* or by determination of the *General Manager, Engineering*, the consumer shall install *backflow preventers* as *premise isolation* downstream of each *service connection* or *service connection (temporary)* serving the *real property*.

12. Every *construction site* and vacant *real property* supplied with *water* shall require *premise isolation*. The *City* shall not provide *service* to a *construction site* or a vacant *real property* prior to the *acceptable* installation of the *acceptable premise isolation backflow preventers*.
13. The *City* shall discontinue *service* to a *construction site* or vacant *real property* when:
 - (a) there is no *premise isolation*;
 - (b) the *premise isolation backflow preventer* is not field tested in accordance with Section 32(c) of this By-law; or
 - (c) the *premise isolation backflow preventer* fails the field test and is not immediately repaired or replaced and retested so that it passes the field test; or
 - (d) the *test report* is not received and accepted in accordance with Section 44(f) of this By-law.

Connection to the Waterworks

14. No *person*, except an employee of the *City*, shall use *water* from a valve or outlet as part of the *waterworks* or a *City* owned fire hydrant or standpipe for any purpose other than for fire fighting without the connection of a *fire hydrant use backflow preventer* installed by an employee of the *City* for the authorized use as described in Sections 22 and 23 of the Surrey Waterworks Regulation and Charges By-law, 2007, No. 16337.

Real Property Inspection for New Service

15. Where a *person* has applied for *service*, an inspection of the *real property* shall be conducted by a *City Plumbing Inspector*, who shall determine if the provisions of this By-law and the *Plumbing Code* have been met prior to the commencement of *service*.
16. New *service* to a *real property* will be provided only when the *General Manager, Engineering* is satisfied that:
 - (a) any *cross connections* existing on the *real property* are controlled in an *acceptable* manner; and
 - (b) where the usage of *water* within the *real property* is such that *premise isolation* is required as set out in Section 10 of this By-law, the *consumer* has installed *backflow preventers* to address the *premise isolation* requirements.

Consumer Responsible for Control of Cross Connection, Backflow Preventer

17. 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.
18. 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*.
19. The maintenance, field testing, inspection, repair, installation, removal or replacement of a *backflow preventer* shall be at the sole expense of the *consumer*.

Removal of Backflow Prevention Assembly

20. Other than for the required replacement of a *backflow prevention assembly*, once installed, no *person* shall remove a *backflow prevention assembly* from any *potable water* piping system or demolition site without the prior written approval of a *City Plumbing Inspector*. The *consumer* shall make an application to the *City Building Division* regarding such approval and supply all information as required for the removal of a *backflow prevention assembly* as set out in the *standard*.

Access for Inspection

21. 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 incidence involving *backflow* has occurred on a *real property* and that the results of such an incidence 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 incidence is occurring or has occurred.

22. 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*.

23. For the purposes of inspection under Sections 15, 21 and 22 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/supply to piping within the *real property*. The *consumer* shall make all reasonable accommodations to allow, suffer and permit these interruptions.

Discontinuance of Service

24. 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*.

Rectification of Contraventions

25. Upon notice by the *City*, any conditions found on a *real property* that are in contravention of this By-law 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*.

Damages Resulting From Backflow

26. 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*.

Reconnection of Service

27. 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 servicing fees and penalties have been paid.

Damage to or Alteration of Backflow Preventer

28. 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*.

Identification of *Backflow Preventer*

29. No *person* shall alter, damage, destroy, remove, paint, cover, or otherwise render the identification plate or marking of a *backflow prevention device* such that it can no longer be read by the *Certified Tester, City Plumbing Inspector, or the General Manager, Engineering.*
30. In the event that the identification plate or marking of a *backflow prevention assembly* is missing or can no longer be read, the *consumer* shall either:
- (a) replace the backflow prevention assembly in accordance with this By-law; or
 - (b) upon the acceptance of the General Manager, Engineering, attach an *acceptable* identification plate or tag to the backflow prevention assembly in accordance with the *standard.*

In the case of (b), the *consumer* shall apply in writing to the *General Manager, Engineering* for permission to attach the identification plate and shall supply all information that the *General Manager, Engineering* requires concerning the *backflow prevention assembly.*

City Not Liable

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

PART 5 – BACKFLOW PREVENTER TESTING AND INSPECTION

Consumer to Commission Field Test of Backflow Prevention Assembly

32. The *consumer* shall be responsible for the commissioning of any and all field tests performed on a *backflow prevention assembly* and inspections of *registered air gaps* as required by the *City*. A field test shall be conducted on a *backflow prevention assembly*:
- (a) immediately after an internal cleaning, repair, overhaul or relocation;
 - (b) within fourteen (14) days of a new installation and prior to inspection by a *City* Plumbing Inspector;
 - (c) notwithstanding (b), immediately after installation when used as *premise isolation* for a *construction site* or a vacant *real property*;
 - (d) immediately after a replacement;
 - (e) within thirty (30) days of the issue date of a notice issued by the *City* that, for any reason, requires a *backflow prevention assembly* be tested;
 - (f) annually or a more frequent periodic cycle as required by the *City* or as determined in the *standard*; and
 - (g) upon notice by the *General Manager, Engineering*.

Notwithstanding (b) a *fire hydrant use backflow preventer* shall not require a field test be conducted upon installation.

Consumer to Commission Inspection of Registered Air Gap

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

Backflow Prevention Assembly Field Testing

34. All *backflow prevention assembly* field testing and *registered air gap* inspections shall be performed at the sole expense of the *consumer*.
35. Other than for educational purposes within a teaching institution, or having obtained written permission by the *General Manager, Engineering*, no *person* other than the *General Manager, Engineering* or a *Certified Tester* shall perform a field test on a *backflow prevention assembly*.

Test Report

36. No *person*, other than the *General Manager, Engineering* or a *Certified Tester* shall complete and sign a *test report* or affix the tear-off test passed tag portion of a *test report* to a *backflow prevention assembly* or the piping of a *registered air gap*.

Removal of Passed Test/Inspection Tag

37. No *person*, other than a *Certified Tester* or the *General Manager, Engineering* shall remove the tear-off passed test tag portion of a *test report* from a *backflow prevention assembly* or the piping of a *registered air gap*.

Cross Connection Control Tags

38. 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.
39. No *person*, other than those as described in the *standard* shall attach, remove or alter tags issued by the *City* for the purposes of *cross connection* control.

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

40. All Sections of this By-law referring to *Certified Testers* shall apply only to those who are eligible as described in Sections 41 and 42 of this By-law and the *standard*.
41. In order to be eligible to field test or inspect *backflow preventers* and to complete and submit *test reports*, each *Certified Tester* shall be employed by a company holding a

valid *City* business license or if self-employed hold a valid *City* business license on the date that each field test or inspection performed by the *Certified Tester* takes place.

42. Notwithstanding Section 41 of this By-law, a *Certified Tester* who is employed by an organization owning facilities within the *City* and exempted from business license requirements shall be eligible as required in Section 40 of this By-law provided the field testing of *backflow prevention assemblies* and inspection of *registered air gaps* that the *Certified Tester* conducts is confined to the facilities owned by that organization.

Conduct of *Certified Tester*

43. Field testing of *backflow prevention assemblies* and inspection of *registered air gaps* shall be performed in an *acceptable* manner.

Inspection, Field Testing and Reporting

44. Each *Certified Tester* shall:
 - (a) conduct every field test of a *backflow prevention assembly* in accordance with the *standard*;
 - (b) as soon as possible inform the *consumer* of a *backflow prevention assembly* that fails a field test or *registered air gap* that fails inspection and is not immediately repaired and retested or re-inspected;
 - (c) accurately complete a *test report* 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*;
 - (d) report on the *test report* any indications observed by the *Certified Tester* that a *cross connection* is inadequately controlled or the effectiveness of a *backflow preventer* is compromised;
 - (e) sign the *test report* and as soon as possible supply the *consumer* with a copy of the test report;

- (f) where a *backflow preventer* passes the field test or inspection, complete, sign and affix the test passed portion of the *test report* on or adjacent to the *backflow preventer* and ensure that the completed and signed *test report* is submitted to the *City* within fourteen (14) days or, in the case of Section 32(c), within three (3) business days of the initial field test or inspection date;
- (g) where a *backflow preventer* fails the field test or inspection and is not immediately repaired successfully, immediately notify the *consumer* and notify, as described in the *standard*, the *General Manager, Engineering* of a failed *backflow prevention assembly* 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
- (h) pay to the *City* the submission fee as stated in Section 9.18 of Surrey Plumbing By-law, 1981, No. 6569 for each *test report* submitted under Section 44(f) of this By-law within the time as determined by the *General Manager, Engineering*.

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 Sections 43 and 44 of 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 submitted by a *person* that fails to meet the requirements of Sections 35 through 44 of this By-law;
 - (c) is incomplete; or

(d) has not been submitted to the City within the time specified in Section 44(f) of this By-law.

48. The rejection of a *test report* as described in Section 46 of this By-law shall invalidate the field test or inspection of the *backflow preventer* to which the field *test report* applies.

PART 6 – 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 the *City* from all costs, expenses, damages and injuries 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) revoking the *City* business license of a company or refusing to issue *test report* forms or 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) require the immediate installation of the appropriate *backflow preventers* on the *service connection* located on the *City* property at the expense of the *consumer*.
54. The continued cost of testing, repair and maintenance and replacement of any and all *backflow preventers* as described in Section 53(c) of this By-law shall be borne solely by the *consumer*.
55. All costs incurred by the *City* pursuant to Sections 26, 52, 53(c) and 54 of this By-law may be recovered by the *City* in the same manner as unpaid property taxes.
56. Nothing in this By-law limits the *City* from utilizing any other remedy that is otherwise available to the *City* at law.

PART 7 – EFFECTIVE DATE

57. This By-law shall come into effect on the 14th day of May, 2007.

PART 8 – SEVERABILITY

58. 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.

READ A FIRST TIME on the 12th day of March, 2007.

READ A SECOND TIME on the 12th day of March, 2007.

READ A THIRD TIME on the 12th day of March, 2007.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 14th day of May, 2007.

MAYOR

CITY CLERK

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