

Proposed Wording for a Bylaw to Amend Bylaw 40M2006, the Water Utility Bylaw

1. Bylaw 40M2006, the Water Utility Bylaw, as amended, is hereby further amended.
2. In section 2(1):
 - (a) the following is added after subsection (a.01) as subsection (a.02):

“(a.02) “Approved Tester” means a Person registered by the Director, Water Services under section 37.2 and who may conduct testing on Cross Connection Control Devices under section 39;”
 - (b) subsection (i) is deleted and the following is substituted:

“(i) “Cross Connection Control Device” means a testable Backflow prevention device that is approved by the Director, Water Services under Part XIV of this Bylaw;”;
 - (c) the following is added to the definition of “Customer” in subsection (j) after the words “any Person,”:

“any Owner,”; and
 - (d) subsections (gg) and (hh) are deleted and the following is substituted:

“(gg) “Tier One Water Managed Site” means a site for which watering is applied through a system approved by the Director, Water Services in accordance with section 20.1 of this Bylaw;

“(hh) “Tier Two Water Managed Site” means a site for which watering is applied through a system approved by the Director, Water Services in accordance with section 20.1 of this Bylaw;”.
3. Sections 37, 38 and 39 are deleted in their entirety and the following is substituted in their place as sections 37, 37.1, 37.2, 38 and 39:

“CONTROLLING CROSS CONNECTIONS

 37. (1) A Person must not connect, cause to be connected, or permit to remain connected to the Water System a Cross Connection that has not been approved by the Director, Water Services.
 - (2) A Person must not test a Cross Connection Control device connected to the City’s Water System unless such Person is registered with the Director, Water Services as an Approved Tester.

AUTHORITY OF THE DIRECTOR

- 37.1 (1) The Director, Water Services may approve the type of Cross Connection Control device required under section 37(1) above in accordance with the Canadian Standards Association (CSA) Standard, *Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers*, B64.10-11/B64.10.1-11 dated November 2011 or as amended.
- (2) Where the Director, Water Services believes, on reasonable and probable grounds, that a Cross Connection exists in contravention of this Bylaw, the Director, Water Services may carry out an inspection:
- (a) upon reasonable notice to the Customer, or
 - (b) without notice to the Customer where the Director believes that there is a situation in which there is imminent danger to public safety or of serious harm to the Water System due to the threat of contamination.
- (3) The Director, Water Services may cut off water service to a parcel or premises, with reasonable notice, where:
- (a) the Customer has refused to allow an inspection under subsection (2) above or has obstructed efforts for such an inspection;
 - (b) after an inspection under subsection (2) has occurred, the Director, Water Services believes, on reasonable grounds, that a Cross Connection exists on the Customer's premises that contravenes this Bylaw;
 - (c) the Customer has failed to have their Cross Connection Control Device tested by an Approved Tester; or
 - (d) the Customer's Cross Connection Control Device failed after testing.
- (4) The Director, Water Services may cut off water service to a Customer with no notice where the Director believes the Customer's Cross Connection poses an imminent danger to public safety or of serious harm to the Water System due to the threat of contamination.

APPROVED TESTER REGISTRY

- 37.2 (1) The Director, Water Services may establish and maintain a registry of Approved Testers who are permitted to conduct testing on Cross Connection Control Devices under this Bylaw.

- (2) In approving or denying a Person for registration, or in removing a Person from the registry as an Approved Tester, the Director, Water Services may:
 - (a) set the qualifications required of a Person in order to be registered;
 - (b) create an application process and renewal process for registration; and
 - (c) establish procedures required of all Approved Testers in submitting testing results.

APPROVED TESTER RESPONSIBILITIES

- 37.3 (1) After testing a Cross Connection Control Device, an Approved Tester must:
 - (a) submit testing reports to the Director, Water Services in the form required by the Director and within the time required by this Bylaw;
 - (b) provide copies of test reports to the Customer whose Cross Connection Control Device was tested within:
 - (i) 5 days of the test where the device was found to be in good working order; or
 - (ii) 2 days where the device was found to not be in good working order; and
 - (c) place and update the testing tag on the Cross Connection Control Device.

CROSS CONNECTION CONTROL DEVICES REQUIRED

- 38. (1) Any Person who newly constructs, reconstructs, or renovates premises, must install a Cross Connection Control Device on the Plumbing System of such premises:
 - (a) in a location on the incoming water service prior to any water use, or
 - (b) in a location approved by the Director, Water Services.
- (2) Subsection (1) above does not apply to dwelling units separately serviced from a City Water Main or On-site Water Main.

- (3) Any Person proposing to use water from the Water System for constructing, altering, or repairing a building, must install a Cross Connection Control Device on the temporary water connection:
 - (a) in a location on the incoming water service prior to any water use, or
 - (b) in a location approved by the Director, Water Services.
- (4) Despite subsection (2), the Director, Water Services may direct any existing Customer to install a Cross Connection on that Customer's Plumbing System, at a location approved by the Director, where such Customer's use of the water system poses a higher risk of contamination.

CUSTOMER MUST TEST AND MAINTAIN CROSS CONNECTION CONTROL DEVICES

- 39. (1) A Customer who is required to have a Cross Connection Control Device under this Bylaw must have such device tested at the Customer's expense by an Approved Tester:
 - (a) at the time a new Cross Connection Control Device is installed and annually afterwards;
 - (b) at any additional frequency required by the Director, Water Services;
 - (c) at the time that a Cross Connection Control Device is relocated, cleaned, repaired or overhauled; and
 - (d) in the case of an irrigation system, at the time the system is turned on at the beginning of each year's irrigation season.
- (2) A Customer must provide the Director, Water Services, in the manner required by the Director, with a copy of any test report resulting from a test conducted on the Customer's Cross Connection Control Device:
 - (a) within 5 days of the test where the Approved Tester discovered that the Cross Connection Control Device is in good working order, or discovered that the device was not in good working order but repairs or replaces and re-tests the device immediately such that it is then in good working order; or
 - (b) within 2 business days where the Approved Tester discovers that the Cross Connection Control Device is not in good working order and did not repair or replace the device immediately.

- (3) Where a Customer's Cross Connection Control Device is not in good working order then such Customer must within 5 business days of the test report being received by the Director, Water Services:
 - (a) repair or replace the device;
 - (b) have an Approved Tester test the repaired or replaced device; and
 - (c) provide the Director, Water Services with a copy of the repaired or replaced device's test report in the manner required by the Director.
 - (4) A Customer must retain test report records for 2 years and make such reports available to the Director, Water Services upon request.
 - (5) A Customer must not remove any testing tag placed by an Approved Tester on a Cross Connection Control Device on the Customer's premises.
 - (6) Where a Customer fails to comply with this Part of the Bylaw the Director, Water Services may, on notice to the Customer, shut off the water service or water services until the situation has been remedied.”.
4. Section 20 is deleted in its entirety, and the following is substituted as sections 20 and 20.1:

“OUTDOOR WATER USE RESTRICTIONS

Declaration of Restrictions

20. (1) In the event that the Director, Water Services believes there is a reason to require reduced Potable Water usage, the Director, Water Services may declare an outdoor water use restriction.
- (2) The declaration of an outdoor water use restriction by the Director, Water Services may apply to:
- (a) the entire City;
 - (b) specific zones or geographic areas of the City; or
 - (c) other specific locations as defined by the Director, Water Services.
- (3) In the event there is reason to declare an outdoor water use restriction, the Director, Water Services may declare such restriction effective immediately.

Notice of Restrictions

- (4) In the event of a declaration of an outdoor water use restriction made pursuant to this section, the Director, Water Services:
- (a) shall determine the risk to the water supply and issue a declaration for the stage necessary to protect the water supply that is either: a Stage One (Low risk to water supply), a Stage Two (Moderate risk to water supply), a Stage Three (High risk to water supply) or a Stage Four (Severe risk to water supply) outdoor water use restriction;
 - (b) shall cause public notice indicating the stage of outdoor water use restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:
 - (i) City of Calgary press release;
 - (ii) notice on The City of Calgary website;
 - (iii) advertising in one or both major daily newspapers in circulation in the City;
 - (iv) circulation of flyers; or
 - (v) signage;
 - (c) may declare different stages of outdoor water use restrictions in different areas;
 - (d) shall, if changing the areas of application or stages of restrictions in any area or lifting a declaration of outdoor water use restrictions, cause a public notice to be given in a manner described in subsection (b); and
 - (e) shall, after determining that the reason or reasons to require reduced water usage has sufficiently abated, declare an end to an outdoor water use restriction and shall cause public notice of such declaration to be given in a manner described in subsection (b).

Prohibition

- (5) When an outdoor water use restriction is in effect, an Owner or Occupier of a parcel or premises must not allow the use of Potable Water supplied through the Water System for any outdoor activity or application prohibited in Schedule "E" to this Bylaw, unless such activity or application is expressly exempted in Schedule "E" under:
- (a) Stage One (Low risk to water supply);

- (b) Stage Two (Moderate risk to water supply);
- (c) Stage Three (High risk to water supply); or
- (d) Stage Four (Severe risk to water supply).

Permitted Activities During Outdoor Water Use Restriction

- (6) Despite Schedule “E”, at any stage of an outdoor water restriction, the use of Potable Water for washing down sidewalks, walkways, driveways, exterior building surfaces or other outdoor surfaces, is permitted where necessary to comply with health and safety requirements.
- (7) In subsection (6) above, “health and safety requirements” means:
 - (a) washing away bodily fluids (such as urine, excrement and vomit) subject to the requirements of the Stormwater Bylaw 37M2005; or
 - (b) washing required by Occupational Health and Safety legislation and regulations.
- (8) The Director, Water Services may designate additional exemptions to prohibited activities in Schedule “E” during an outdoor water use restriction where Schedule “E” provides the Director, Water Services with the authority to do so for a specific activity.

WATER MANAGED SITES PROGRAM

- 20.1 (1) The Director, Water Services is authorized to establish a water managed sites program for Customers that use automatic irrigation systems that meet water efficiency standards including:
 - (a) setting the form and content of applications to the program;
 - (b) establishing standards that must be met for water efficiency including form and types of irrigation auditing, performance reporting, and establishing standards for Tier One and Tier Two Customers;
 - (c) rejecting applicants that do not meet program requirements and issuing certificates to Customers accepted into the program; and
 - (d) establishing policies and procedures implementing the program.
- (2) The Director, Water Services may issue certificates under the water managed sites program accepting a Customer as either:

- (a) a Tier One Water Managed Site; or
- (b) a Tier Two Water Managed Site.

Outdoor Water Use Restrictions – Certificate Holders

- (3) When an outdoor water use restriction is in effect, an Owner or Occupier of a parcel or premises who holds a valid and subsisting certificate as a Tier One or Tier Two Water Managed System may use Potable Water supplied through the Water System in accordance with the requirements in Schedule “E” for either Tier One or Tier Two certificate holders as applicable.”.

5. In Schedule “B” – OFFENCES: SPECIFIED PENALTIES:

- (a) after,

<u>SECTION NUMBER</u>		<u>SPECIFIED PENALTY</u>
“18(1)(c)	Allow spray or stream of Potable Water to run into street or sidewalk or parcel	\$200”

the following is deleted:

<u>SECTION NUMBER</u>		<u>SPECIFIED PENALTY</u>
“20(5)(a)	Outdoor use of water contrary to stage 1 restrictions	\$400
20(5)(b)	Outdoor use of water contrary to stage 2 restrictions	\$600
20(5)(c)	Outdoor use of water contrary to stage 3 restrictions	\$1500
20(5)(d)	Outdoor use of water contrary to stage 4 restrictions	\$3000”

and the following is substituted:

<u>SECTION NUMBER</u>		<u>SPECIFIED PENALTY</u>
“20(5)(a)	Outdoor use of water contrary to Schedule “E” during stage 1 declaration	\$400
20(5)(b)	Outdoor use of water contrary to Schedule “E” during stage 2 declaration	\$600
20(5)(c)	Outdoor use of water contrary to Schedule “E” during stage 3 declaration	\$1500

20(5)(d)	Outdoor use of water contrary to Schedule “E” during stage 4 declaration	\$3000”; and
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(b) after,

<u>SECTION NUMBER</u>		<u>SPECIFIED PENALTY</u>
“36(2)	Allow unauthorized operation of Water Service Valve	\$1500”

the following is deleted under the headings indicated:

<u>SECTION NUMBER</u>		<u>SPECIFIED PENALTY</u>
“37(1)	Unauthorized Cross Connection	\$1500
38(1)	Failure to install Cross Connection Control Device	\$2000
39(3)	Failure to test Cross Connection Control Device	\$1500
39(4)	Fail to retain test records on-site	\$500
39(5)	Fail to file passed Testable Cross Connection Control Device test report within thirty days	\$500
39(6)	Fail to file failed Testable Cross Connection Control Device test report within two days	\$500
39(7)	Fail to replace Testable Cross Connection Control Device within five days	\$1500”

and the following is substituted under the headings indicated:

<u>SECTION NUMBER</u>		<u>SPECIFIED PENALTY</u>
“37(1)	Unauthorized Cross Connection	\$1500
37(2)	Testing Cross Connection Control Device without being registered as an Approved Tester	\$1500
38(1)	Fail to install Cross Connection Control Device	\$2000
38(3)	Fail to install Cross Connection Control Device on a temporary water connection	\$2000

39(1)	Fail to test Cross Connection Control Device	\$1500
39(2)(a)	Fail to provide copy of test report to the Director within 5 days for device found to be in good working order	\$500
39(2)(b)	Fail to provide copy of test report to the Director within 2 business days where device found to be not in good working order	\$1500
39(3)(a)	Fail to repair or replace Cross Connection Device that is not in good working order	\$1500
39(3)(b)	Fail to retest repaired or replaced Cross Connection Device	\$1500
39(3)(c)	Fail to provide the Director with a copy of the test report for a repaired or replaced device	\$500".

6. Schedule “E” – OUTDOOR WATER USE RESTRICTIONS is deleted in its entirety and the following is substituted:

“SCHEDULE “E” – OUTDOOR CITY POTABLE WATER USE RESTRICTIONS

All activities listed in rows 1 – 17 under the first column (column 1) are prohibited during any stage (Stage 1 – 4) of an outdoor water use restriction.

A specific application method for that activity (column 2), by a specific person or entity (column 3), may be exempted from the prohibitions listed in Column 1 during a specific stage of outdoor water use restrictions (as allowed or detailed in columns 4, 5, 6 or 7 as applicable).

	1. Prohibited Activity at Any Stage of Restrictions unless specific Staged Exemption applies	2. Application Method Allowed during Staged Exemption	3. Person or Entity Allowed to use water during Staged Exemption	4. Stage One Exemptions (Low risk to water supply)	5. Stage Two Exemptions (Moderate risk to water supply)	6. Stage Three Exemptions (High risk to water supply)	7. Stage Four Exemptions (Severe risk to water supply)
1.	Watering of lawns	Any method except those listed below	All Customers listed for a specific day and time as set by the Director, Water Services, excepting those entities listed below	Only one day per week to a maximum of 2 hours per day between the hours of 1900h and 1000h (based on a Schedule as determined by the Director, Water Services)	Only one day per week to a maximum of 1 hour per day between the hours of 1900h and 1000h (based on a Schedule as determined by the Director, Water Services)	None (Not Allowed)	None (Not Allowed)
			The City of Calgary	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)

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		Irrigation by a Tier One Water Managed Site	Tier One Certificate holders	Allowed provided that watering programs reduced by 10%	Allowed provided that watering programs reduced by 20%	Allowed provided that watering programs reduced by 30%	None (Not Allowed)
		Irrigation by a Tier Two Water Managed Site	Tier Two Certificate holders	Allowed provided that watering programs reduced by 15%	Allowed provided that watering programs reduced by 25%	Allowed provided that watering programs reduced by 35%	None (Not Allowed)
2.	Watering of gardens, trees and shrubs (lawns excluded)	Irrigation with sprinkler connected to a hose or any irrigation system with automatic shut off	All Customers except those listed below	Only one day per week to a maximum of 2 hours per day between the hours of 1900h and 1000h (based on a Schedule as determined by the Director, Water Services)	Only one day per week to a maximum of 1 hour per day between the hours of 1900h and 1000h (based on a Schedule as determined by the Director, Water Services)	None (Not Allowed)	None (Not Allowed)
			The City of Calgary	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)
			Water Managed Sites Tier One Certificate holders	Allowed provided that watering program reduced by 10%	Allowed provided that watering program reduced by 20%	Allowed provided that watering program reduced by 30%	None (Not Allowed)
			Water Managed Sites Tier Two Certificate holders	Allowed provided that watering	Allowed provided that watering program reduced by 25%	Allowed provided that watering	None (Not Allowed)

	1. Prohibited Activity at Any Stage of Restrictions unless specific Staged Exemption applies	2. Application Method Allowed during Staged Exemption	3. Person or Entity Allowed to use water during Staged Exemption	4. Stage One Exemptions (Low risk to water supply)	5. Stage Two Exemptions (Moderate risk to water supply)	6. Stage Three Exemptions (High risk to water supply)	7. Stage Four Exemptions (Severe risk to water supply)
				program reduced by 15%		program reduced by 35%	
		Spring-loaded type nozzles with automatic shut off connected to a hose	All Customers	Allowed	Allowed	None (Not Allowed)	None (Not Allowed)
		Hand-held container (i.e., watering can, bucket)	All Customers	Allowed	Allowed	Allowed	None (Not Allowed)
3.	Watering of New Grass (sod or seed) <i>New Sod means laid within 21 days</i> <i>New Seed means sown within 45 days</i>	Irrigation with sprinkler connected to a hose or any irrigation system with automatic shut off	All Customers except those listed below	Allowed	Allowed	None (Not Allowed)	None (Not Allowed)
			Tier One Certificate holders – Irrigation by Water Managed Sites	Allowed provided that watering program reduced by 10%	Allowed provided that watering program reduced by 20%	Allowed provided that watering program reduced by 30%	None (Not Allowed)
			Tier Two Certificate holders – Irrigation by Water Managed Sites	Allowed provided that watering program reduced by 15%	Allowed provided that watering program reduced by 25%	Allowed provided that watering program reduced by 35%	None (Not Allowed)
		Spring-loaded type nozzles with automatic shut off connected to a hose or hand-held containers	All Customers	Allowed	Allowed	Allowed	None (Not Allowed)
4.	Watering of new trees and shrubs during	Irrigation with sprinkler connected to a hose or	All Customers except those listed below	Allowed	Allowed	None (Not Allowed)	None (Not Allowed)

	1. Prohibited Activity at Any Stage of Restrictions unless specific Staged Exemption applies	2. Application Method Allowed during Staged Exemption	3. Person or Entity Allowed to use water during Staged Exemption	4. Stage One Exemptions (Low risk to water supply)	5. Stage Two Exemptions (Moderate risk to water supply)	6. Stage Three Exemptions (High risk to water supply)	7. Stage Four Exemptions (Severe risk to water supply)
	establishment period (5 years)	any irrigation system with automatic shut off					
			Water Managed Site Tier One Certificate holders	Allowed	Allowed	Allowed	None (Not Allowed)
			Water Managed Site Tier Two Certificate holders	Allowed	Allowed	Allowed	None (Not Allowed)
		Spring-loaded type nozzles with automatic shut off connected to a hose or hand-held containers	All Customers	Allowed	Allowed	Allowed	None (Not Allowed)
5.	Watering of edible food crops	Irrigation with sprinkler connected to a hose or any irrigation system with automatic shut off	All Customers	Allowed	Allowed	None (Not Allowed)	None (Not Allowed)
		Spring-loaded type nozzles with automatic shut off connected to a hose or hand-held containers	All Customers	Allowed	Allowed	Allowed	Allowed
6.	Watering of plants for commercial sale or donation	Any	Operators of nurseries, garden centers, turf and tree farms, urban farms	Allowed	Allowed	Allowed	Allowed

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			and food growing community organizations				
7.	Testing and auditing of Irrigation systems	Irrigation system with automatic shut off	All Customers	Allowed	Allowed	None (Not Allowed)	None (Not Allowed)
			Tier One and Two Certificate holders and Applicants to the Water Managed Sites Program undergoing irrigation auditing	Allowed	Allowed	Allowed	None (Not Allowed)
8.	Water use on Integrated Pest Management Test Sites	Any	City of Calgary Operations at Pest Management Test Sites	Allowed	Allowed	None (Not Allowed)	None (Not Allowed)
9.	Wash down sidewalks, walkways, and driveways for any reason other than those permitted by section 20(6)	Any	All Customers	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)
10.	Washing exterior building surfaces, including windows	Any	All Customers	Allowed	Allowed	Allowed	None (Not Allowed)
11.	Washing of vehicles outdoors	Any	All Customers	Allowed subject to the Stormwater Bylaw 37M2005	Allowed subject to the Stormwater Bylaw 37M2005	None (Not Allowed)	None (Not Allowed)

	1. Prohibited Activity at Any Stage of Restrictions unless specific Staged Exemption applies	2. Application Method Allowed during Staged Exemption	3. Person or Entity Allowed to use water during Staged Exemption	4. Stage One Exemptions (Low risk to water supply)	5. Stage Two Exemptions (Moderate risk to water supply)	6. Stage Three Exemptions (High risk to water supply)	7. Stage Four Exemptions (Severe risk to water supply)
			Customers required to wash vehicles for environmental or health and safety regulations	Allowed subject to the Stormwater Bylaw 37M2005	Allowed subject to the Stormwater Bylaw 37M2005	Allowed subject to the Stormwater Bylaw 37M2005	Allowed subject to the Stormwater Bylaw 37M2005
12.	Filling of Fountains and other Decorative Features	Any	All Customers	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)	None (Not Allowed)
13.	Filling of outdoor hot tubs, swimming and wading pools	Any	All Customers	Allowed	Allowed	None Not Allowed unless exempted by the Director, Water Services under section 20(8)	None Not Allowed unless exempted by the Director, Water Services under section 20(8)
14.	Water use for construction or renovation purposes	Any	All Customers	Allowed	Allowed	Allowed	None (Not Allowed)
15.	Outdoor snow or ice making	Any	All Customers	Allowed	Allowed	None Not Allowed unless exempted by the Director, Water Services under section 20(8)	None Not Allowed unless exempted by the Director, Water Services under section 20(8)
16.	Watering of livestock	Any	Farm Operators	Allowed	Allowed	Allowed	Allowed

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17.	Essential hydrant and main flushing	Any	The City of Calgary	Allowed	Allowed	Allowed	Allowed
18.	Essential street, bridge and transit infrastructure cleaning and washing	Any	The City of Calgary	Allowed	Allowed	Allowed	Allowed”.

7. This Bylaw comes into force on the day that it is passed.