

BY-LAW NO.135-08

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-law of the Corporation of the City of Cambridge for licensing, regulating and governing Backflow Prevention Device Testers.

WHEREAS pursuant to the *Municipal Act*, 2001, S.O. 2001, c. 25 Section 150, the Council of a local municipality may pass By-laws to license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS the City deems it desirable to license, regulate, and govern Backflow Prevention Device Testers.

AND WHEREAS public notice was given and a public meeting was held at which time any person who attended was given an opportunity to make representation with respect to the matters herein.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE enacts as follows:

1. SHORT TITLE

This By-law may be known as the “Backflow Prevention Device Testers License By-law”.

2. PURPOSE OF LICENSE

The City hereby exercises its licensing powers including imposing conditions on Backflow Prevention Device Installers for the purposes of:

- (a) Health and Safety; and
- (b) Consumer Protection

3. EXPLANATION

The reason for licensing Backflow Prevention Device Testers is to ensure that only qualified persons test backflow prevention device so as to prevent contamination of the potable water supply.

4. DEFINITIONS

“backflow prevention device” means a device that prevents backflow;

“Chief Building Official” means a chief building official appointed or constituted under sections 3 or 4 of the Ontario *BUILDING CODE Act*;

“City” means the Corporation of the City of Cambridge;

“License” means a current valid license issued under the provisions of this By-law and “licensed” shall have a corresponding meaning;

5. APPLICATION FOR BACKFLOW DEVICE TESTER LICENSE

(a) Every application for a Backflow Prevention Device Tester License shall be accompanied by the following:

- (i). Information relative to the applicant’s knowledge of the provisions of all codes and standards relating to the testing of backflow prevention devices
- (ii). A copy of the applicant’s certificate from an accredited organization as a Certified Backflow Prevention Device Tester
- (iii). A current verification report from a calibration lab demonstrating that the applicant’s testing equipment has been tested and is functioning properly
- (iv). Proof of current liability insurance coverage, and
- (v). Prescribed fee as set out in the Building and Enforcement Services Division Rates Schedule

6. APPLICATION FOR BACKFLOW PREVENTION DEVICE TESTER

(a) Every applicant for a Backflow Prevention Device Tester’s license shall

- (i). have a regular place of business;
- (ii). include the mailing address of the business premises; and
- (iii). have a Backflow Prevention Device Tester license or employ a licensed Backflow Prevention Device Tester.

(b) The licensed Backflow Prevention Device Tester shall, in writing, notify the City within 5 days of their termination of employment.

7. LICENCES

- (a) Backflow prevention device testing shall be tested only by a Licensed Backflow Prevention Device Tester.
- (b) The License issued to a Backflow Prevention Device Tester does not entitle the holder of such License to perform any plumbing work within a building.
- (c) No person shall perform backflow prevention device testing without a current valid Backflow Prevention Device Tester License.
- (d) No person shall advertise as a Backflow Prevention Device Tester without a current valid License.
- (e) Every License shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December, in the year in which it is issued.
- (f) Applications to renew a License from the previous year must be received no later than January 31st of the following year.
- (g) Every application for a License under this By-law shall be made in writing on the application form approved by the Chief Building Official.
- (h) All current original Licenses issued under this By-law shall be kept prominently displayed at all times in the Backflow Prevention Device Tester's place of business.
- (i) No License issued under this By-law is transferable.
- (j) No person shall apply for a License for any other person.
- (k) Every application for a License shall be subject to review and approval by the City.
- (l) Every person issued a License shall carry a copy of the current license while engaged in backflow prevention device testing.
- (m) Every person engaged in backflow prevention device testing shall produce his or her license to engage in such testing on demand for inspection by the Chief Building Official or his/her designate.
- (n) No person shall advertise or promote or carry on a business except under the name stated on the License.
- (o) Any License may be refused or suspended or revoked by City Council for:

- (i). contravention of this By-law;
 - (ii). contravention of the Building Code Act or Regulations; or
 - (iii). upon the grounds that the conduct of any person, including the officers, directors,
 - (iv). employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.
8. Records of applications and results of each applicant shall be kept on file in the office of the Chief Building Official.
9. Neither the granting of a building permit, nor the approval of plans and specifications, nor inspection made by a Building Inspector or Cross Connection Control Officer shall in any way relieve the Backflow Prevention Device Tester from full responsibility for carrying out the work authorized thereby in strict accordance with the provisions of this By-law and the Regulations made pursuant to the Ontario *Building Code Act*.
10. Every person or corporation who contravenes any provision of this By-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and is liable, upon conviction, to a penalty as provided for by the Provincial Offences Act.
11. In the event that any section of this By-law, including any section or part of any of the schedules is declared by a court of competent jurisdiction to be ultra-vires, the remaining parts shall remain valid and binding and shall be read as if the offending section has been struck out.
12. This By-law comes into force and effect on the day it is enacted and passed.

READ A FIRST, SECOND AND THIRD TIME.

ENACTED AND PASSED, THIS 15th DAY OF SEPTEMBER, 2008.

MAYOR

CLERK