

CITY OF KAMLOOPS

BYLAW NO. 12-71

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PART 1 – CITATION, AMENDMENT, DEFINITIONS, AND INTERPRETATION

The Municipal Council of the City of Kamloops, in an open meeting assembled, enacts as follows:

1.1 Title

This Bylaw may be cited as “Cross Connection Control Bylaw No. 12-71, 2022”.

1.2 Amendment

City of Kamloops Waterworks Bylaw No. 12-31, 1983, as amended, is hereby further amended by repealing section 30, Prevention of Contamination, in its entirety.

1.3 Definitions

In this Bylaw:

“Acceptable” means in accordance with the CCC Program or as accepted by the Utility Services Manager;

“Auxiliary Water Supply” means any water available on or to Real Property that originates from a source or system other than the Waterworks System;

“Backflow” means the flow of water or other liquids, gases, or solids from any source, opposite to the normal direction of flow back into the Waterworks System;

“Backflow Preventer” means a device designed to prevent Backflow that meets the design and installation standards set out in the CCC Program;

“Backflow Prevention Assembly” means a Backflow Preventer that is designed to be tested and repaired in-line and meets the design, installation, and testing standards set out in the CCC Program;

“Building Official” means a Person designated by the City as a building inspector, plumbing inspector, or plan checker, and includes Persons overseeing these positions;

“CCC Program” means the Cross Connection control program and standards developed and implemented by the City to administer and regulate the selection, approval, installation, inspection, testing, and maintenance of Backflow prevention devices, including all policies, procedures, and specifications adopted in association therewith;

“Certified Tester” means a Person holding a valid certificate from the British Columbia Water and Waste Association for the purpose testing and servicing Backflow Prevention Assemblies;

“City” means the City of Kamloops;

“City Officer” includes the Utility Services Manager, a Community Services Officer, a Building Official, including their respective delegates, and any other Person appointed to administer, enforce, or carry out the provisions of this Bylaw;

“Community Services Officer” means a Person appointed as such by the City;

“Council” means the municipal council for the City of Kamloops;

“Contaminant” or “Contamination” means any physical, chemical, biological, radiological, or other substance or matter in water which may render the water Non-Potable;

“Cross Connection” means any temporary, permanent, or potential water connection, whether it be direct or indirect, between the Waterworks System and a source of Non-Potable water or other Contaminant;

“Cross Connection Survey” means a comprehensive review by the City or its authorized agent, of any and all water system(s) or works located in or on Real Property in order to determine the presence and condition of any existing Backflow Preventers, the existence of Cross Connections, and any other condition that could pose a risk to the Waterworks System;

“Customer” means any Person who is the Owner, or agent of the Owner, of any improvement or other facilities that receives Service, and includes any Person who is an occupier of such improvement or other facilities;

“Non-Potable” means water that is not fit for human consumption as specified in the *Drinking Water Protection Act*;

“Owner” means the holder or occupier of Real Property or improvements held in the manner referred to in the definition of “Owner” in the *Community Charter*, and in the case of common property under the *Strata Property Act*, means the strata corporation;

“Person” includes natural persons, corporations, societies, firms, and partnerships, and the agents, personal, and other legal representatives of any of the foregoing to whom the context can apply according to law;

“Potable Water” has the meaning set out in the *Drinking Water Protection Act*;

“Premise Isolation” means the practice of protecting the Waterworks System from Contamination due to Backflow by the installation of one or more Backflow Preventers at an approved location;

“Private Waterworks” means privately owned works and appurtenances intended for the delivery or distribution of water or other liquid;

“Proper Operating Condition” means where a Backflow Preventer is properly installed and functions as designed, all in accordance with the CCC Program;

“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;

“Service” means the supply of water from the Waterworks System to any Person, including all pipes, taps, valves, connections, meters and other appurtenances necessary to or actually used for the purposes of the supply;

“Service Connection Point” means the point of physical connection between the Waterworks System and the Private Waterworks;

“Temporary Water Use Permit” has the meaning ascribed in section 5.1(a) of this Bylaw;

“Test Report” means the form or digital template stipulated by the Utility Services Manager for the purpose of reporting the status, field test results, and other relevant information regarding Backflow Prevention Assemblies;

“Utility Services Manager” means the Utility Services Manager for the City of Kamloops, and shall include their duly appointed assistants and representatives; and

“Waterworks System” means the City’s domestic water supply system and all of its associated works and appurtenances, including all water mains, pipes, and storage facilitation and treatment plants.

1.4 Interpretation

- (a) Words or phrases defined in the *Interpretation Act*, the *Community Charter*, and the *Local Government Act* shall have the same meaning when used in this Bylaw, unless otherwise defined in this Bylaw.
- (b) The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
- (c) Any enactment referred to in this Bylaw is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw referred to herein (as may be cited by short title or otherwise) is a reference to a City bylaw, as amended, revised, consolidated, or replaced from time to time, and any code, standard, or certification referred to herein is a reference to the most recent version or series of such code, standard, or certification.
- (d) If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw, and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

PART 2 – GENERAL PROVISIONS

2.1 Purpose

- (a) The purpose of this Bylaw is to protect the Waterworks System against the possibility of Contamination through Cross Connections and to provide for the installation, inspection, and maintenance of Backflow Preventers and other devices so as to systematically and effectively prevent the introduction of Contaminants into the Waterworks System.

2.2 Applicability of Bylaw

- (a) This Bylaw applies to the Waterworks System and to any Real Property and any improvement or other facility thereon that:
 - (i) is provided with Service;
 - (ii) is under application for Service; or
 - (iii) has had Service temporarily discontinued.

2.3 Role of the Utility Services Manager

- (a) For the purposes of this Bylaw, the Utility Services Manager shall have charge and control of the Waterworks System and the CCC Program, and is authorized to direct the implementation of measures to protect the Waterworks System from Contamination through Cross Connections or otherwise.
- (b) The Utility Services Manager may from time to time:
 - (i) revise the CCC Program in whole or in part, and without limiting the generality of the foregoing, may establish or amend policies, criteria, and forms thereunder; and
 - (ii) in respect of any Real Property and any improvements or other facilities thereon, impose minimum standards that must be met and satisfied relating to the type, location, installation, and maintenance of a Backflow Preventer so as to comply with this Bylaw and the City's CCC Program.

2.4 No City Warranty or Liability

- (a) The City does not warrant or guarantee water pressure or the continuous supply of water.
- (b) The City shall not be liable to any Person for injury or damages which may result from:
 - (i) the installation of Backflow Preventers;
 - (ii) the increase, reduction, interruption, or cessation of water pressure or water supply within a Real Property or any improvement or facility thereon, or the interruption or discontinuance of Service;
 - (iii) an omission to notify a Customer of an inadequately controlled Cross Connection, or to order that inadequately controlled Cross Connection be corrected; or
 - (iv) pressure fluctuation due to thermal expansion.

PART 3 – CROSS CONNECTION PROHIBITED

- 3.1 (a) Except as specifically provided in this Bylaw, no Person shall create or maintain a Cross Connection by connecting, causing to be connected, or allowing to remain connected to the Waterworks System any device, piping, fixture, fitting, container, appliance, or any other chattel or thing which, under any circumstances, may allow Non-Potable water or other Contaminant to enter the Waterworks System.

PART 4 – REGULATIONS

4.1 General Cross Connection Control

- (a) Without limiting any other provision of this Bylaw, Customers shall:
 - (i) control every Cross Connection on a Real Property in an Acceptable manner;

- (ii) ensure that the selection, purchase, installation, operation, maintenance, removal, repair, replacement, testing, and inspection of all Backflow Preventers comply with this Bylaw and the CCC Program; and
 - (iii) maintain every Backflow Preventer in Proper Operating Condition.
- (b) No Person shall damage, destroy, or otherwise render inoperative a Backflow Preventer, nor alter, modify, or otherwise retrofit a Backflow Preventer, in a manner that interferes with the Proper Operating Condition, or otherwise renders the Backflow Preventer non-compliant with this Bylaw or the City's CCC Program.

4.2 Premise Isolation Control

- (a) Customers shall ensure that Premise Isolation is at all times maintained corresponding to the degree of hazard stipulated in, as applicable:
 - (i) the BC Building Code;
 - (ii) the provisions of this Bylaw and the CCC Program; and
 - (iii) any order or direction issued by the Utility Services Manager under this Bylaw.
- (b) Backflow Preventers shall be installed whenever required to maintain Premise Isolation as a condition of all new or additional requests for Service.
- (c) For clarity, under no circumstances may an Auxiliary Water Supply or system be interconnected to the Waterworks System. All piping, exposed standpipes, fittings, valves and outlets for Auxiliary Water Supply and other Non-Potable water systems must be permanently identified by a color and/or label and in conformance with the CCC Program.

4.3 Duty to Notify and Rectify Contraventions

- (a) Any Person who knows or suspects that a Cross Connection may exist or that a Backflow has or may have occurred on, in, or from Real Property, shall immediately give written notice to the Utility Services Manager.
- (b) Any Customer or Certified Tester who knows or suspects that a Backflow Preventer is not in Proper Operating Condition, whether from damage due to freezing, hot water, snow, fire, neglect, or otherwise, shall:
 - (i) immediately give written notice and particulars to the Utility Services Manager; and
 - (ii) in the case of Customers, arrange for the immediate repair or replacement of the Backflow Preventer in compliance with this Bylaw and the CCC Program.
- (c) Upon notice by the City, any condition found on Real Property that is in contravention of this Bylaw or the CCC Program shall be rectified by the Customer in an Acceptable manner and in the time period specified by the City.

4.4 Changes of Use and Changes to Private Waterworks

- (a) In the event of any change in use of Real Property, any change in use of any improvements or other facilities thereon, or any alteration, addition, or removal of any part of Private Waterworks, the Customer shall, within thirty (30) calendar days:
 - (i) provide written notice of said change in use or alteration, addition, or removal, as the case may be; and
 - (ii) install, upgrade, or replace Backflow Preventers to control any changed Cross Connections in compliance with this Bylaw and the City's CCC Program.

4.5 Authorized Removal and Replacement of Backflow Preventers

- (a) No Person shall remove a Backflow Preventer from any Potable Water piping system without the prior written approval of the Utility Services Manager, save and except where:
 - (i) the Backflow Preventer is removed and immediately replaced with a Backflow Preventer that complies with the provisions of this Bylaw and the CCC Program; and
 - (ii) a Test Report is properly submitted to the Utility Services Manager in accordance with this Bylaw.

4.6 Field Testing of Backflow Prevention Assemblies

- (a) A field test of each Backflow Prevention Assembly shall be conducted by a Certified Tester:
 - (i) within Thirty (30) calendar days after initial installation, repair, replacement, or relocation;
 - (ii) within Three (3) calendar days after a Backflow incident;
 - (iii) a least once in every twelve month period;
 - (iv) in the case of irrigation systems, prior to June 30th of each irrigation season; and
 - (v) as otherwise directed by the Utility Services Manager,and all related Test Reports must:
 - (vi) be submitted to the Utility Services Manager together with the fee specified in Schedule "A" within Thirty (30) calendar days of the test date or as otherwise directed by the Utility Services Manager; and
 - (vii) comply with the requirements of the CCC Program.
- (b) Where a Backflow Prevention Assembly has not been tested or a Test Report has not been submitted in accordance with section 4.6(a), the Utility Services Manager may order that it be tested and that a Test Report be submitted within a

period of time specified in the order.

- (c) Where a Backflow Prevention Assembly is not in Proper Operating Condition or does not meet the requirements and criteria of the CCC Program, the Customer must repair and retest it within thirty (30) calendar days or such other period of time directed by the Utility Services Manager.

4.7 Certified Testers and Test Report Requirements

- (a) Certified Testers shall possess a valid Cross Connection Control Tester Certificate from the British Columbia Water and Waste Association, and comply with the City's *Business License and Regulation Bylaw*.
- (b) No Person, other than a Certified Tester, shall conduct a field test of a Backflow Prevention Assembly, or complete or sign a Test Report.
- (c) A Test Report will not be accepted by the City if the Certified Tester is unable to provide proof, within a time specified by the City, that they meet the requirements of this Bylaw.
- (d) Each Certified Tester shall:
 - (i) conduct every field test of a Backflow Prevention Assembly in compliance with this Bylaw and the City's CCC Program;
 - (ii) accurately complete Test Reports with all required information;
 - (iii) where a Backflow Preventer passes the field test, complete, sign, and affix an Acceptable tag on or adjacent to the Backflow Preventer and ensure that the completed and signed Test Report is submitted to the City within the time specified by the City;
 - (iv) where a Backflow Preventer fails the field test and is not repaired successfully on the same day, immediately notify the Customer and notify, as described in the CCC Program, the Utility Services Manager of a failed Backflow Preventer within thirty (30) calendar days of the initial field test; and
 - (v) pay the submission fees set out in Schedule "A" for each Test Report submitted under this Bylaw.
- (e) No Person shall make a false statement in a Test Report.
- (f) No Person shall hinder a Certified Tester from complying with this Bylaw.
- (g) The Utility Services Manager may reject any Test Report that is incomplete, contains false or misleading information, is not prepared or submitted in compliance with this Bylaw or the CCC Program, is not submitted with the appropriate fee, or is received by the City Thirty (30) calendar days or more after the date the field test was conducted.
- (h) The rejection of a Test Report shall invalidate the field test of the Backflow Preventer to which the field Test Report applies.

4.8 Responsibility for Testing and Records

- (a) The Customer is solely responsible for:
 - (i) the commissioning of any and all testing and Test Reports required by this Bylaw;
 - (ii) ensuring that the Certified Tester is properly qualified and certified, and that they properly complete and submit the Test Report in accordance with this Bylaw and the CCC Program; and
 - (iii) maintaining all necessary records on Backflow Preventers, the Cross Connections they control, and copies of Test Reports.

4.9 Cross Connection Surveys

- (a) The Utility Services Manager may direct that a Cross Connection Survey be conducted where:
 - (i) any change in the use of Real Property or improvements or other facilities thereon, or any alteration, addition, or removal of any part of any Private Waterworks might result in a change in the degree of hazard stipulated in the CCC Program; or
 - (ii) the Utility Services Manager has reason to believe that any other condition exists which might pose a risk to the Waterworks System,

PART 5 –TEMPORARY WATER USE PERMITS

5.1 Authority to Issue Temporary Water Use Permits

- (a) Upon receiving payment of the fee specified in Schedule “A”, the Utility Services Manager may issue a Temporary Water Use Permit allowing a Person access to the Waterworks System through the use of a fire hydrant or standpipe on terms and conditions the Utility Services Manager deems Acceptable.

5.2 Requirements and Restrictions

- (a) Except for emergency fire use, no Person may connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container, or appliance to a fire hydrant, without first obtaining a Temporary Water Use Permit.
- (b) All Persons operating under a Temporary Water Use Permit shall ensure that:
 - (i) the terms and conditions of such Temporary Water Use Permit are strictly complied with;
 - (ii) a Backflow Preventer has been installed in accordance with this Bylaw and the CCC Program; and
 - (iii) no used water, Non-Potable water, or any other Contaminant enters the Waterworks System as a result of such connection.

- (c) In addition to any other penalties that may be imposed under this Bylaw or under the Temporary Water Use Permit, any Person who contravenes this Part 5 may be refused access the Waterworks System through the use of a fire hydrant.

PART 6 – CONNECTION, DISCONTINUANCE, AND RECONNECTION OF WATER SERVICE

6.1 Connection of Service

- (a) The City will not approve, connect, maintain, or reconnect Service unless and until the Utility Services Manager is satisfied that the Waterworks System has been effectively protected from Cross Connections in conformance with this Bylaw and the CCC Program.

6.2 Discontinuance of Service

- (a) In the event the Utility Services Manager determines that there is an immediate threat to the public health, or that the Waterworks System is at risk of Contamination or damage due to a Cross Connection or other condition located in or on Real Property, or that the provisions of this Bylaw or the CCC Program are being contravened, the Utility Services Manager may immediately discontinue the Service.

6.3 Service Reconnection

- (a) Prior to the reconnection of any Service that had been discontinued pursuant to this Bylaw, the Customer must pay the disconnection and reconnection fees specified in Schedule “A”, and must demonstrate to the Utility Services Manager that:
 - (i) all provisions of this Bylaw have been complied with;
 - (ii) all outstanding fees and penalties imposed under this Bylaw have been paid; and
 - (iii) all court orders relating to any contravention of this Bylaw, have been satisfied.

PART 7 – CITY ACCESS

7.1 Emergency Access

- (a) In the event the Utility Services Manager has reason to believe that:
 - (i) a condition exists that could pose a risk to the public health or that could cause damage to the Waterworks System due to a Backflow; or
 - (ii) an incident involving Backflow has occurred and that the results of such an incident could pose a risk to the public health or cause damage to the Waterworks System,

the Customer shall at all hours allow, suffer, and permit City Officers to enter the Real Property and any improvements or other facilities thereon, to inspect any and all portions of the Waterworks System and Private Waterworks, including all Service Connection Points and Backflow Preventers, and to take any steps necessary to restore and protect the Waterworks System.

7.2 Non-Emergency Access

- (a) City Officers may, from time to time and with reasonable notice, enter Real Property and any improvements or other facilities thereon, at all reasonable hours in order to inspect any and all portions of the Waterworks System and Private Waterworks, including all Service Connection Points and Backflow Preventers, to:
 - (i) determine whether the provisions of this Bylaw and the City's CCC Program are being met;
 - (ii) determine whether the installation, state of maintenance, and repair of any Backflow Preventer complies with this Bylaw and with the City's CCC Program;
 - (iii) determine the existence of connections or Cross Connections; and/or
 - (iv) determine whether minimum standards are met and satisfied relating to Premise Isolation.

7.3 Service Disruption

- (a) For the purposes of inspection or bringing about compliance with this Bylaw, the Utility Services Manager may cause a temporary interruption of Service. The Customer shall make all reasonable accommodations to allow, suffer, and permit these interruptions.

7.4 No Interference or Obstruction

- (a) A Person must not:
 - (i) obstruct, hinder, or prevent any City Officer in the execution of their duties pursuant to the provisions of this Bylaw; or
 - (ii) refuse or neglect to admit any City Officer into or upon any Real Property or improvements or other facilities thereon, for the purpose of carrying out the provisions of this Bylaw.
- (b) Every Person shall make all reasonable accommodations to allow, suffer, and permit City Officers to carry out the provisions of this Bylaw.

PART 8 – COMPLIANCE ORDERS AND LIABILITY FOR COSTS

8.1 Compliance Orders

- (a) Where the Utility Services Manager determines that any Cross Connection or other condition exists which may expose the Waterworks System to risk of Contamination, they are authorized to take one or more of the following actions:
 - (i) order the Customer to install one or more Acceptable Backflow Preventers so as to protect the Waterworks System and, where applicable, maintain Premise Isolation;
 - (ii) order that the Customer undertake such other maintenance, repairs, replacement, or other works as may be commensurate with the degree of

hazard present;

- (iii) impose a penalty under this Bylaw each day until the Cross Connection or other condition is properly eliminated; and
- (iv) discontinue Service until the Cross Connection or other condition is properly eliminated,

and this does not in any way limit any other provision or any other remedy the City may have under this Bylaw or otherwise at law.

- (b) A Person to whom an order has been issued pursuant to subsection 8.1(a) shall comply with the terms and conditions of the order within the specified period of time and pay the specified fees and fines, failing which, in addition to any other penalties or remedies contained in this Bylaw, the Utility Services Manager may:
 - (i) enter into or onto the Real Property, and any improvements or other facilities thereon, and undertake the work specified in the order at the Customer's expense; and/or
 - (ii) undertake the immediate installation of the appropriate Backflow Preventers at the Customer's expense.
- (c) Failure on the part of the City to issue or deliver a notice or order under this Bylaw, or failure of the Customer to receive such notice or order, shall not excuse the mandatory duty of the Customer to comply with this Bylaw.

8.2 Customer Liable for Damages Resulting From Backflow

- (a) Any and all costs, damages, and losses sustained by the City as a result of an incident involving Backflow that originated from Real Property, or from any improvements or other facilities thereon, or from any Private Waterworks, shall be borne by the Customer and the Customer shall immediately 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 incident. This does not in any way limit any other provision or any other remedy the City may have under this Bylaw or otherwise at law.

8.3 Cost Recovery

- (a) All fees and other costs incurred by the City pursuant to subsection 8.1(b) [*Works Undertaken at Customer's Expense*] and section 8.2 [*Customer Liable for Damages Resulting from Backflow*] may be recovered by the City in the same manner as unpaid property taxes.

PART 9 – ENFORCEMENT, OFFENCES, AND PENALTIES

9.1 Enforcement

- (a) The provisions of this Bylaw may be enforced by any City Officer.

9.2 Offences

- (a) A Person commits an offence and is subject to the penalties imposed by this Bylaw, *Municipal Ticket Information Bylaw No. 43-15*, and the *Offence Act*, if that

Person:

- (i) contravenes a provision of this Bylaw;
 - (ii) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - (iii) neglects or refrains from doing anything required by this Bylaw.
- (b) The maximum fine that may be imposed for a contravention of this Bylaw is ten thousand (\$10,000.00) dollars.
 - (c) Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.
 - (d) Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or regulation.

Schedules

- (a) The following Schedules are attached to and form part of this bylaw:
 - (i) Schedule “A” Cross Connection Fees

READ A FIRST TIME the	20th	day of	September,	2022.
READ A SECOND TIME the	20th	day of	September,	2022.
READ A THIRD TIME the	20th	day of	September,	2022.
ADOPTED this	27th	day of	September,	2022.

ORIGINAL SIGNED BY K. L. CHRISTIAN
MAYOR

ORIGINAL SIGNED BY M. MAZZOTTA
CORPORATE OFFICER

Schedule "A"
Cross Connection Fees

FEE DESCRIPTION	SECTION	AMOUNT
Submission of Test Report	4.6(a)(vi), 4.7(d)(v)	\$10/report
Application for a Temporary Water Use Permit	5.1(a)	\$25 permit only \$20 per day for cart rental fee Plus per cubic meter rate for water in accordance with Waterworks Bylaw 12-31
Disconnection Fee	Various	\$200
Reconnection Fee	6.3(a)	\$200
Undertake work specified in order at Customer's expense	8.1(b)(i)	Hourly rate of equipment and staffing costs of all City staff to attend at site and undertake work, plus all out-of-pocket expenses incurred by the City
Undertake installation of Backflow Preventer at Customer's expense	8.1(b)(ii)	Hourly rate of equipment and staffing costs of all City staff to attend at site and undertake work, plus all out-of-pocket expenses incurred by the City