

**BY-LAW NO. 2012-06  
CONCERNING THE USE OF DRINKING WATER**

WHEREAS the Municipality of the Village of Ayer's Cliff must manage the use of drinking water in view of preserving the quality and the quantity of the resource;

WHEREAS a notice of motion was given by Councillor Roger Dumouchel at the regular sitting of Council held March 5<sup>th</sup>, 2012;

WHEREAS a copy of the present by-law was given to each member of Council at the latest two (2) business days prior to the present meeting, and each member present declares having read the content of the by-law and renounces to its reading;

WHEREAS it is mentioned that the aim of this by-law is to regulate the use of the drinking water in view of preserving the quality and the quantity of the resource;

Consequently, it is proposed by Councillor Roger Dumouchel;

Seconded by Councillor Patrick Proulx;

AND DETERMINED that the by-law is and should be adopted, to indicate:

**ARTICLE 1. GOAL OF THE BY-LAW**

The goal of the present by-law is to regulate the use of drinking water in view of preserving the quality and the quantity of the resource.

**ARTICLE 2. DEFINITION OF THE TERMS**

«Automatic watering» refers to every type of watering system, connected to the aqueduct, automatic setting, including electrical and underground systems.

«Manual watering» refers to watering with a hose, connected to the aqueduct, equipped with a hand held shut-off nozzle/handle during the period of use.

«Building» refers to any building used or destined to be used to shelter or receive persons, animals or items.

«Meter» or «water meter» refers to the equipment used to measure the water consumption.

«Dwelling» refers to any building destined the lodge human beings, including among other, single and multi-family dwellings, apartment buildings and inter-generational living.

«Immovable property» refers to the land, the buildings and the improvements.

«Lodging» refers to a suite used for or destined to be used as residence for one or more persons, and which is generally equipped with sanitary appliances, as well as the installation of appliances used for preparing and consuming meals, as well as to sleep.

«Lot» refers to a piece of land identified and delimited on a cadastral plan, done and deposited in conformity with the conditions established in the Civil Code.

«Municipality» or «Town» refers to the Village of Ayer's Cliff.

«Person» includes natural and legal persons, the companies, the trust companies and the cooperatives.

«Owner» refers to, as well as the title owner, the occupant, the user, the renter, the lease holder, the persons in charge or any other usufructuary, one not necessarily excluding the other.

«Shut-off valve» refers to an item installed by the Municipality on the outside of a building on the connection of the utility, used to interrupt the flow of water to the building.

«Interior piping/plumbing» refers to the interior installation of a building, beginning from the inside shut off valve.

«Interior shut-off valve» refers to an item installed on the inside of a building and used to interrupt the flow of water to the building.

### **ARTICLE 3. FIELD OF APPLICATION**

This By-law establishes the standards of usage of drinking water provided by the municipal drinking water distribution system and applies to the entire territory of the Municipality.

The present By-Law is not aimed at limiting the use of drinking water for the purpose of horticultural production including all activities required for the production of vegetables, fruits, flowers or ornamental shrubs, produced for commercial or institutional use, including preparation of the soil, seedlings, maintenance, harvesting, storing and putting into production.

### **ARTICLE 4. RESPONSIBILITY FOR THE APPLICATION OF THE MEASURES**

The application of the present By-law is the responsibility of all peace officers as well as all municipal inspector(s) or employee(s) for the issuance of permits and certificates issued with the purpose of applying any of the By-laws adopted in accordance to the *Loi sur l'aménagement et l'urbanisme*, as well as any person nominated by resolution or by a municipal Council By-law.

### **ARTICLE 5. GENERAL POWERS OF THE MUNICIPALITY**

#### **5.1 Obstruction to the execution of the tasks**

Whoever prevents an employee of the Municipality or any other person under its charge to carry out work needed for the repair, reading or inspection, hampers him/her or disturbs him/her in the execution of his/her powers, or damages in any manner the aqueduct, its equipment or accessories, hinders or prevents the functioning of the drinking water distribution system, of its accessories or equipment necessary for its functioning, is responsible for the damages caused to the afore-mentioned equipment caused by his/her actions, contravenes the present By-law and is liable to fines prescribed by the present By-law.

#### **5.2 Right of access**

The employees specifically designated by the Municipality have the right to enter at any reasonable time, in any public or private area, within or outside the limits of the Municipality and to remain there as long as needed in order to carry out a repair, take a reading or to determine whether the conditions of the present By-law have been respected. All collaboration must be given in order to facilitate their

access. These employees must carry with them and display, when required, a piece of identity issued by the Municipality. As well, these employees have access, within a building, to the interior shut-off valves; in this regard, only they are allowed to remove or install the seals.

### **5.3 Shutting off the water**

The municipal employees authorized to do so have the right to shut off the water in order to carry out repairs to the distribution system without the Municipality being held liable for any damage(s) resulting from these interruptions; the employee(s) must, by whatever reasonable means, contact the consumer in question, except in the event of an emergency.

### **5.4 Water pressure and supply**

Whatever the type of connection, the Municipality does not guarantee an uninterrupted service nor a determined amount of pressure or supply; no one can refuse to pay partially or in full an invoice for reasons of insufficient water pressure, and that, regardless of the cause.

If it deems necessary, the Municipality can insist that the owner installs a pressure reducer with a pressure gauge when it surpasses 525 kPa, which must be kept in good working condition. The Municipality is not responsible for damage(s) caused by too high or too low water pressure.

The Municipality is not responsible for loss or damage caused by an interruption or an insufficient supply of water, if the cause is due to an accident, a fire, a strike, a riot, a war or for any other reason(s) beyond its control. As well, the Municipality can take whatever measures necessary to restrict the consumption if the water reserve becomes too low. In these cases, the Municipality can supply water with preference given to buildings it judges having priority before supplying the private buildings connected to the drinking water supply system.

### **5.5 Request for plans**

The Municipality can request that it be given the interior plumbing plan(s) of a building or details of the operation of an appliance using the municipal drinking water supply system.

## **ARTICLE 6. USE OF THE WATER INFRASTRUCTURES AND EQUIPMENT**

### **6.1 Plumbing code**

The design and execution of any work with regard to a plumbing system, carried out from the beginning of entering into force of the present By-law, must be in conformity with the Quebec Construction Code, chapter III – Plumbing, and with the Quebec Safety Code, chapter I – Plumbing, latest versions.

### **6.2 Air conditioning and refrigeration**

As of the putting into force of this By-law, it is forbidden to install an air conditioning or refrigeration system using drinking water. All air conditioning or refrigeration systems using drinking water installed prior to the putting into force of this By-law must be replaced prior to January 1<sup>st</sup>, 2017 by a system which does not use drinking water.

Notwithstanding the first paragraph of this article, it is permitted to use a water tower in as much as it be the only equipment being able, on the technical design plan, to carry out the transfer, into the atmosphere, of heat emitting from a process

using water and the maximum amount of drinking water used does not exceed 6,4 litres per hour per nominal refrigeration or air conditioning kilowatt.

### **6.3 Use of fire hydrants and valves connected to the municipal system**

Fire hydrants must only be used by the employees of the Municipality authorized to do so. No one else is permitted to open, close, handle or operate a fire hydrant or a valve on the supply system of a fire hydrant without the authorisation of the Municipality.

The opening and closing of a fire hydrant must be carried out in conformity with the procedure prescribed by the Municipality. A back-up valve must be installed in order to prevent the possibility of back-up or seepage.

### **6.4 Replacing, moving and disconnecting a service connection**

Every one must advise the person responsible for the application of the By-law prior to disconnecting, replacing or moving any service connection. He/she must obtain a permit from the Municipality, pay the excavation costs and the costs for repairing the cut, as well as all other costs incurred due to this disconnection, this replacing or this moving.

The same will apply for any service connection(s) supplying an automatic water sprinkler system.

### **6.5 Defect of a water supply pipe**

Any occupant of a building must advise the person responsible for the application of the By-law as soon as he/she hears an unusual sound or is aware of an irregularity whatsoever on the supply connection. The municipal employees will then be in a position to locate and repair the defect. If the defect is located in the private plumbing between the faucet and the meter, or between the faucet and the shut off valve inside the building, if there is no meter or if the meter is installed in a room near the limit of the street, the Municipality will then advise the owner to make the repair within 15 days.

### **6.6 Plumbing or appliances located inside or outside of a building**

A plumbing installation, in a building or in equipment destined for public use, must be well maintained, in good condition and kept clean.

### **6.7 Connections**

- a) It is prohibited to connect plumbing of an apartment or of a building supplied by the municipal distribution system to another apartment or building located on another lot.
- b) It is prohibited, for the owner or the occupant of an apartment or a building supplied by the municipal distribution system, to supply this water to other apartments or buildings or to use it for any other means other than for the use of the apartment or the building.

## **ARTICLE 7. INTERIOR OR EXTERIOR USAGE**

### **7.1 Filling of tank**

Anyone who wishes to fill a water tank from the municipal drinking water distribution system must do so only with the approval of the person in charge of the application of the By-Law and at the location indicated by this designate person, in conformity with the regulation stipulated by him/her, in accordance to

the rate in force. Furthermore, a water backup valve must be used in order to eliminate the possibility of water backup or siphoning.

## **7.2 Water of vegetation**

The manual watering, with the help of a hose equipped with an automatic shutoff handle, of a garden, of a vegetable garden, of a flower box, of a flower pot, of a flower garden, of a tree and of a shrub is permitted at all time.

### **7.2.1 Watering periods**

The watering of lawns, hedges, trees, shrubs and other vegetation distributed by removable sprinklers or by weeping hoses is permitted only from 20 h X 23 h on the following days:

- a) a day when the date is an even number for the occupant of a dwelling where the civic number is an even number;
- b) a day when the date is an odd number for the occupant of a dwelling where the civic number by an odd number.

With regard to automatic watering systems, it is permitted to water only from 3 h to 6 h on Sunday, Tuesday and Thursday.

### **7.2.2 Automatic watering systems**

An automatic watering system must be equipped with the following devices:

- a) an automatic humidity detector or automatic shutoff in case of rain, interrupting the automatic cycle when there is sufficient rainfall or ground humidity;
- b) a low pressure backup valve to prevent any contamination of the drinking water distribution system;
- c) an electric valve able to be operated by an electric start and used for the automatic watering cycle. This item must be installed downstream from the backup valve;
- d) a handle or a faucet valve with a manual shutoff use exclusively in the event of a rupture, irregular operation or any other situation which is considered as urgent. The handle or faucet valve must be accessible from the outside.

However, an automatic watering system, installed prior to the putting into force of this By-Law and non-compliant with the requirements of this article, may be used, but must be brought up-to-date, replaced or disconnected prior to January 1<sup>st</sup>, 2015.

### **7.2.3 New lawn or new landscaping**

Notwithstanding article 7.2.1, it is permitted to water every day at the hours stipulated in article 7.2.1, a new lawn, a new tree or shrubbery plantation and a new landscaping for a period of 15 days following the seeding, planting or installation of grass sod.

Watering of a new grass sod lawn is permitted all day on the day it was laid.

The owners who water a new lawn, a new tree or shrubbery plantation or a new landscaping during this period must produce proof of purchase of the vegetation or of the seeds in question upon request of the person in charge of the application of the present By-Law.

#### **7.2.4 Trickling of water**

It is forbidden for anyone to use watering equipment in such a manner as to cause trickling of water on to the street or on to neighbouring properties. However, a certain tolerance will be accepted in the event of windy conditions.

#### **7.3 Pool and Spa**

It is forbidden to fill a pool between 6 h (6 a.m.) and 20 h. (8 p.m.). However, it is permitted to use water from the aqueduct system during the installation of a new pool in order to maintain the form of the structure.

#### **7.4 Vehicles, driveways, sidewalks, street, patios or exterior walls of a building.**

Washing a vehicle is permitted at all time on condition of using a wash bucket or a hose equipped with an automatic shut off handle.

Washing of driveways, of sidewalks, of patios or exterior walls of a building is only permitted from April 1<sup>st</sup> to May 15<sup>th</sup> of each year or during painting, construction, renovation or landscaping work justifying the need to wash the driveways, the sidewalks, the patios or the exterior walls of a building.

It is strictly forbidden at all time to use drinking water to help melt the snow or ice on driveways, from lots, from patios or from sidewalks.

#### **7.5 Car wash**

Every automatic car wash which uses water from the aqueduct must be equipped with a functional water recuperating, recycling and re-circulating system for the water used for washing vehicles.

The owner or the operator of an automatic car wash must be in conformity with the first paragraph prior to January 1<sup>st</sup>, 2017.

#### **7.6 Ornamental ponds**

Every type of ornamental pond, equipped or not with jets of water or a waterfall, or as well as fountains whose initial filling and establishing of proper water level are reliant on the aqueduct, must be equipped with a functional water re-circulating system. It is forbidden to have a constant supply of drinking water.

#### **7.7 Water fountains**

Every fountain must be equipped with an on demand activation. It is forbidden to have a constant supply of drinking water.

#### **7.8 Continues draining**

It is forbidden to continuously let water run, unless the person responsible for the application of the present By-Law explicitly authorizes it, and this, only in certain particular cases.

#### **7.9 Agricultural irrigation**

It is strictly forbidden to use drinking water for the purpose of agricultural irrigation, unless a water meter is installed on the supply system and it is approved by the Municipality.

## **7.10 Source of energy**

It is forbidden to use the pressure or the supply of drinking water distribution system as source of energy for the functioning of any type of machine.

## **7.11 Watering restriction**

The person in-charge of the application of the By-Law can, in case of drought, a major leak in the municipal aqueduct pipes and when necessary to fill the municipal reservoirs, by public notice, restrict in a specific sector and for a determined period of time, everyone from watering the lawns, the trees and the shrubs, to carry out the filling of pools, as well as to wash vehicles or to use any water outside, regardless of the reason. However, this restriction does not apply to manual watering of vegetable gardens and edible plants, in the ground or in pots, of gardens, flowers and other vegetables.

In the case of new lawns, newly planted trees or shrubs or for filling of a new pool, an authorization may be obtained from the competent authority if the climatic circumstances or the water reserve allows.

# **ARTICLE 8. COSTS, INFRACTIONS AND PENALTIES**

## **8.1 Restrictions**

It is forbidden to modify any installation, to damage the seal and/or to hinder the operation of any device and/or accessory supplied or required by the Municipality, to contaminate the water in the aqueduct or the reservoirs or to knowingly mislead the Municipality with respect to the amount of water supplied by the distribution system, for which any offender may be subject to legal penalties.

## **8.2 Cost of repair work**

If the owner insists that his water entry be reconstructed or replaced by a larger size, or that it be installed deeper in the ground, the cost of this reconstruction or repair will be born by the said owner who must, prior to beginning the work, present to the Secretary Treasurer of the Municipality the estimated cost of this work. The final actual cost will be re-adjusted once the work is finished.

## **8.3 Notice**

For any notice or complaint concerning one or many items of the present By-Law, the consumer or his legal representative may verbally advise or in writing the person in charge of the application of the by-law for anything related to the distribution and supply of water and to contact the office of the Treasurer of the Municipality with regard to the invoicing of the water.

## **8.4 Fines**

Whoever contravenes any condition of the present By-Law is committing an infraction and is liable:

- a) if it is a physical person:
  - a fine of 100 \$ to 300 \$ for a first infraction;
  - a fine of 300 \$ to 500 \$ for a first repeat offence;
  - a fine of 500 \$ to 1 000 \$ for each additional repeat offence
- b) if it is a corporation:
  - a fine of 200 \$ to 600 \$ for a first infraction;
  - a fine of 600 \$ to 1 000 \$ for a first repeat offence;
  - a fine of 1 000 \$ to 2 000 \$ for each additional repeat offence

In every case, fees are added to the fine.

If the infraction is continues, the delinquent is deemed committing as many infractions as per day for the length of the infraction.

The conditions of penal Code procedure will apply for any instituted proceedings in accordance to the present By-Law.

#### **8.5 Issuing a fine**

The person responsible for the application of the present By-Law is authorized to issue a fine relative to any infraction of the present By-Law.

#### **8.6 Ruling**

In the case where a court issues a sentence for an infraction for which the subject matter is contrary to the conditions of the present By-Law, it can, in addition to the fine and fees indicated in article 8.4, order that such infractions be, within its prescribed time period, eliminated by the offender and that, if the offender does not carry out within the said delay period, the said infraction be eliminated by appropriate work carried out by the Municipality at cost of the offender.

### **ARTICLE 9**

The present By-Law replaces By-Law no. 2003-10 concerning the exterior use of drinking water and its amendments.

### **ARTICLE 10**

The present By-Law is put in to force in accordance to the Law.

Signed and adopted by the Municipality of the Village of Ayer's Cliff at the regular sitting of Council held April 2, 2012.

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Ghislaine Poulin-Doherty,  
Director general / Secretary-Treasurer

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Alec van Zuiden,  
Mayor

*Notice of motion: March 5, 2012*  
*Adoption of By-Law: April 2, 2012*  
*Date in force: April 3, 2012*