

**PROVINCE OF QUEBEC
TOWN OF HAMPSTEAD**

BY-LAW N^o 796

**BY-LAW N^o 796 CONCERNING THE DRINKING
WATER**

WHEREAS Notice of Motion of the present By-law was given at the Council Meeting held on April 2nd, 2012;

WHEREAS all Members of Council have received a copy of By-law N^o 796 and declare to have read it;

ON JUNE 11TH, 2012, THE COUNCIL DECREES AS FOLLOWS:

1. PURPOSES OF THE BY-LAW

The purpose of this By-law is to govern the use of drinking water in order to preserve the quality and quantity of this natural resource.

2. DEFINED TERMS

"Automatic sprinkler" means any watering device, connected to the water supply system and activated automatically, including the electronic or underground instruments.

"Building" means any structure used or intended to be used to shelter or accommodate persons, animals or things.

"Dwelling" means a *suite* used or intended to be used as a residence for one or more persons, and which generally contains sanitary, cooking, eating and sleeping facilities.

"Exterior shut-off valve" means a device installed by the Town outside a building on the water service connection and used to interrupt the building's water supply.

"Housing" means any building intended to house human beings, including single- and multi-family dwellings, apartment buildings and intergenerational housing.

"Immovable" means land with its buildings and improvements.

"Interior piping" means the installation inside a building, starting from the interior shut-off valve.

"Interior shut-off valve" means a device installed Inside a building that is used to interrupt the building's water supply.

Manual watering" means watering by hand-held hose, connected to the water supply system, which hose is equipped with a manually operated locking/release mechanism and is hand-held during the period of use.

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"**Lot**" means the piece of land identified and described on a cadastral plan, made and deposited in accordance with the requirements of the *Civil Code*.

"**Town**" means the Town of Hampstead.

"**Owner**" means, in addition to the owner in title, the occupant, user, lessee, emphyteutic lessee, the dependants of those persons or any other usufructuary, which terms are not necessarily mutually exclusive.

"**Person**" includes natural and legal persons, associations of persons, trusts and cooperatives.

3. SCOPE OF APPLICATION

This By-law fixes the standards of use for water from the Town's drinking water distribution system and applies to the entire territory of the Town.

4. RESPONSIBILITY FOR APPLYING WATER USE MEASURES

The Director of Public Works, the Commander of Public security, the Section Chief Urban Planning and Building Inspections and/or their duly authorized representatives are jointly responsible for applying this By-law.

5. GENERAL POWERS OF THE TOWN

5.1 Interference with the performance of duties

Any person who prevents an employee of the Town or other person in its service from making repairs, from reading a meter or carrying out verification work, or who bothers or interferes with that person in the exercise of his or her powers, or who damages the water distribution system or its equipment or related accessories, who hampers or hinders the functioning of the drinking water distribution system or its accessories or related equipment, is liable for damage caused to the aforementioned equipment due to his or her actions, contravenes this By-law and is liable to the penalties provided for herein.

5.2 Right of entry

The employees specifically designated by the Town are entitled to enter at any reasonable time, any public or private place, inside or outside Town limits and to remain in that place as long as necessary to make repairs, to read a meter or ascertain if the provisions of this By-law have been complied with. The employees must be given the necessary cooperation to facilitate such access. Every such employee must have in his or her possession the identification issued by the Town, which they must display on request. Moreover, such employees are entitled to access to the interior of buildings and to interior shut-off valves. They are the only persons who may remove or apply seals.

5.3 Shutting off the water main

Duly authorized municipal employees are entitled to shut off the water main to make repairs to the distribution system. The Town may not be held liable for any damage caused by any such interruptions in supply. However, except in an emergency, the employees must notify the consumers thus affected by any reasonable means.

5.4 Water pressure and flow

Regardless of the type of connection, the Town does not guarantee uninterrupted service or any specific water pressure or flow. No person may refuse to pay an account in part or in full on the grounds of insufficient water supply, regardless of the cause.

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If it considers it advisable, the Town may require that an owner install a pressure-reducing valve with pressure gauge when water pressure exceeds 525 kPa, which device must be maintained in proper working order. The Town may not be held liable for any damage caused by pressure that is too high or too low.

The Town may not be held liable for any loss or damage caused by an interruption or insufficiency of water supply due to an accident, fire, strike, riot, war or any other cause beyond its control. In addition, the Town may take whatever measures are necessary to limit consumption should water reserves become insufficient. In such a case, the Town may supply water to a number of immovables on such priority basis as it may determine before supplying private owners connected to the drinking water distribution system.

5.5 Request for plans

The Town may require that it be provided with one or more plans of a building's interior piping or with the operational details of any device using water from the Town's drinking water distribution system.

6. USE OF WATER INFRASTRUCTURES AND EQUIPMENT

6.1 Plumbing Code

The design and execution of all work related to a plumbing system carried out after the coming into force of this By-law, must be in conformity with the *Québec Construction Code*, Chapter III — Plumbing and the *Québec Safety Code*, Chapter I — Plumbing, latest versions.

6.2 Air conditioning and refrigeration

As of the coming into force of this By-law, no person may install an air conditioning or refrigeration system that uses drinking water. Any air conditioning or refrigeration system using drinking water installed before the coming into force of this By-law must be replaced before January 1, 2017 by a system that does not use drinking water.

Notwithstanding the first paragraph of this section, a water tower may be used provided that it is the only equipment that technically can transfer heat into the atmosphere from a process using water and provided that the maximum volume of drinking water used does not exceed 6.4 liters per nominal kilowatt hour of refrigeration or air conditioning.

6.3 Use of municipal fire hydrants and valves

Fire hydrants may be used only by employees authorized by the Town for that purpose and people authorized in writing by the Town, the whole according to By-Law no. 774-2 concerning the administration of water and sewer services. Fire hydrants must be opened and closed in accordance with the procedure prescribed by the Town. A backflow prevention device must be used to eliminate the possibility of backflow or back-siphonage.

6.4 Replacement, relocation and disconnection of a service connection

A person who wishes to disconnect or relocate a service pipe must notify the person responsible for applying the By-law before doing so. The person must obtain a permit from the Town, pay the costs of excavation and repairing the cut-off, and all other costs incurred as a result of any such disconnection, replacement or relocation.

The same also applies to connecting water service pipes supplying an automatic sprinkler system.

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6.5 Defective water pipe

An occupant of a building must notify the person responsible for applying the By-law whenever he or she hears an unusual noise or notes any irregularity on the water service pipes. Town employees may then be able to locate the defect and repair it. If the defect is on private piping between the exterior shut-off valve and the meter, or between the exterior shut-off valve and the building's interior shut-off valve, if there is no meter or if the meter is installed in a room close to the street line, the Town shall notify the owner that the repairs must be made within five (5) days.

6.6 Piping and devices located inside or outside a building

Every plumbing system, inside a building or in a facility intended for public use, must be maintained in safe, sanitary and proper working condition.

6.7 Connections

- a) No person may connect the piping of a dwelling or building supplied by the municipal drinking water distribution system to another dwelling or building on another lot.
- b) No owner or occupant of a dwelling or a building supplied by the municipal drinking water distribution system may supply that water to other dwellings or buildings or use it other than for the use of the dwelling or building.

7. INTERIOR AND EXTERIOR USES

7.1 Filling a tank

Any person who wishes to fill a water tank from the Town's drinking water distribution system may do so only with the approval of the person responsible for applying the By-law and at such place as the latter may designate, in accordance with the rules established by the person responsible, and at current rates. In addition, a backflow prevention device must be used to eliminate the possibility of backflow or back-siphonage.

7.2 Pools and spas

Except for the period of May 1st to May 31st of every year, no person may fill a pool between 6:00 a.m. and 8:00 p.m., Notwithstanding the foregoing, water from the water system may be used when a new pool is assembled to maintain the shape of the structure.

7.3 Vehicles, driveways, sidewalks, streets, patios or exterior walls of a building

A vehicle may be washed at any time provided that a wash pail or garden hose equipped with an automatic shut-off mechanism is used.

Driveways, sidewalks, streets patios or exterior walls of a building may be washed only between April 1 to May 15 of every year or when painting construction, renovation or landscaping work justifies the cleaning of driveways, sidewalks, patios or exterior walls of the building and for health and sanitation purposes.

It is strictly prohibited at all times to use drinking water to melt snow or ice on driveways, land, patios or sidewalks.

7.4 Landscaped ponds

A group of landscaped ponds, irrespective of whether or not they have a water jet or a cascade and fountains, the initial filling and level of which are assured by the water supply system, must be equipped with a functioning water recirculation system. Supplying such ponds with drinking water on a continuous basis is prohibited.

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7.5 Ornamental waterworks

Ornamental waterworks must be equipped with an on-call activation system.

Supplying such waterworks with drinking water on a continuous basis is prohibited.

7.6 Continuous purges

It is prohibited to leave water running, unless expressly authorized by the person responsible for applying this By-law, and only in certain specific circumstances such as for maintenance of sports and recreational facilities.

7.7 Energy source

No person may use water pressure or flow from the drinking water distribution system as an energy source to power any machine.

7.8 Restriction on watering

In the event of drought, major breaks in municipal waterworks lines and to fill municipal reservoirs if necessary, the person responsible for applying the By-law may, by public notice, prohibit for any reason, anyone in a given sector, for a specific period, from watering lawns, trees and shrubs, from filling pools, washing vehicles or using water outdoors. Notwithstanding the foregoing, the aforementioned prohibition does not affect the manual watering of vegetable gardens and edible plants in the ground or in pots, or the watering of gardens, flowers and other plants.

8. COSTS, OFFENCES AND PENALTIES

8.1 Prohibitions

No person may modify the facilities, damage the seals or hinder the operation of any device or accessory furnished or required by the Town, contaminate water in the water supply system or reservoirs or knowingly mislead the Town regarding the amount of water supplied by the distribution system. Contravention of this section will result in the appropriate penal prosecutions.

8.2 Modification costs

Should an owner require that his or her water main be rebuilt or replaced by a main greater in diameter, or that the water main be installed more deeply into the ground, the cost of such rebuilding or modification shall be borne by the owner who, prior to commencement of the work, shall deposit the estimated amount for the costs of such work at the office of the treasurer of the Town. The eventual real cost and charges shall be adjusted after completion of the work.

8.3 Notices

For any notice or complaint concerning one or more objects of this By-law, the consumer or his or her authorized representative may, verbally or in writing, notify the person responsible for applying the By-law for all matters concerning water distribution and supply and shall address all such notices or complaints to the office of the treasurer of the Town regarding water use billing.

8.4 Penalties

Any person who contravenes a provision of this By-law commits an offence and is liable:

- a) in the case of a natural person:
 - to a fine of not less than \$100 and not more than \$300 for a first offence;
 - to a fine of not less than \$300 and not more than \$500 for a second offence;
 - to a fine of \$500 and not more than \$1,000 for a subsequent offence.
- b) in the case of a legal person:
 - to a fine of not less than \$200 and not more than \$600 for a first offence;
 - to a fine of not less than \$600 and not more than \$1,000 for a second offence;
 - to a fine of not less than \$1,000 and not more than \$2,000 for each subsequent offence.

In all cases, costs are in addition to the fine.

If the offence continues, the offender shall be presumed to have committed as many offences as the number of days the offence persists.

The provisions of the *Code of Penal Procedure* shall apply to proceedings brought under this By-law.

8.5 Issuance of statements of offence

The person responsible for applying this By-law is authorized to issue statements of offence relating to any contravention of this By-law.

8.6 Order

Should a court pronounce a sentence regarding an offence that is a contravention of the standards set forth in this By-law, it may, in addition to the fine and costs stipulated in section 8.4, order that such offence be terminated and rectified by the offender, within such period as the court may fix, and, should the offender fail to comply within that time limit, the offence may be terminated and rectified by out appropriate work being carried out by the Town at the offender's expense.

9.0 This By-Law comes into force according to the Law.

(s) William Steinberg
Dr William Steinberg, Mayor

(s) Nathalie Lauzière
M^c Nathalie Lauzière, Town Clerk