

**BY-LAW 001-2018
AMENDMENT TO BY-LAW 301
POTABLE WATER**

- WHEREAS** all municipalities have to adopt a by-law on use for potable water in order to reach the objectives that the Strategy of Quebec economy of drinking water is to reduce the intake by 20% of drinking water per person the whole of Quebec and to reduce the total of broken water lines in the system at a maximum of 20% of distributed water;
- WHEREAS** it is the interest of the municipality to establish mechanisms to assure the citizens have an appropriate supply of drinking water and to allow to reach the objectives of the Strategy of Quebec of economy of drinking water;
- WHEREAS** a notice of motion was given at the regular session of May 2 2018 by Councillor Debra Greenshields;
- THEREFORE** it is moved by Debra Greenshields and unanimously accepted that the by-law 001-2018 be adopted;

1. OBJECTIVES OF THE BY-LAW

The present by-law has as objective to supervise the use of drinking water in order to preserve the quality and quantity of resources.

2. DEFINITION OF TERMS

« Automatic sprinkling » indicated any apparatus of sprinkling, linked up with the aqueduct, operated automatically, including the electronic or underground apparatuses.

« Fees » any cost of repairs or damages occurred.

« Manual sprinkling » indicates sprinkling with hoses linked up with the aqueduct, equipped with a hand held nozzle during the period of use.

« Meter » or « water meter » indicated an apparatus serving for measuring the consumption of water.

« House » means any building intended to lodge human beings, understanding, between others, single family houses and multifamily houses, buildings with accommodation.

« Building » indicates the ground, buildings and improvements.

« Accommodation » indicates a suite serving or intended to serve of residence of one or several persons, and which included in general sanitations as well as installations to prepare and use meals as well as to sleep.

« Lot » indicates land identified and delimited on a plan of land register, made and deposited in accordance with requirements of the Civil Code.

« Municipality » indicates the **Municipality of Portage-du-Fort**.

« Person » every natural person or morality, association or society, as well as every heir, successor-heir or other lawful representative.

« Owner » indicates, in addition to the legitimate owner, the occupant, the user, the renter, or tenant.

« Shut-off valve » indicates a device, installed by the Municipality outside a building on the service connection that serves to interrupt the water supply to this building.

« Internal piping » indicates the piping installed inside a building, starting at the indoor valve.

« Indoor valve » indicates an implement installed inside a building and serving for interrupting the water supply to this building.

3. SCOPE OF APPLICATION

This by-law sets the regulations for the use of drinking water from the municipal distribution system and applies to the entire territory of the Municipality.

The current by-law is not intended to limit the use of drinking water for horticultural production which represent any and all the activities requested for the production of vegetables, fruits, flowers, trees or or ornamental bushes, for commercial or institutional aims, consisting of the preparation of the soil, seedling, maintenance, the crop, storage and marketing.

4. ENFORCEMENT RESPONSIBILITIES

The application of this regulation is the responsibility of the Municipality of Portage-du-Fort.

5. GENERAL AUTHORITY OF THE MUNICIPALITY

5.1 Prevention of the performance of duties

Whoever prevents an employee of the Municipality or another person in his service from conducting repair work, readings or inspections, who disrupts or bothers such employee in exercising his authority or who damages in any way the waterworks system, equipment or components, interferes with or disrupts the operation of the drinking water distribution system, related components of equipment, damages the aforementioned equipment as a result of their actions is in violation of this by-law and is liable to the penalties prescribed in this by-law.

5.2 Access Rights

Employees specifically designated by the Municipality have the right to enter a property, at any reasonable hours, in order to carry out repairs, take a reading or determine whether or not the provisions of the current by-law have been respected. They must receive all the collaboration needed to provide them access. These employees have to have on them and display, when they are requested there, an identification document issued by the Municipality. Moreover, these employees have access to the indoor valves inside the building; only these employees may remove or attach the shut-off valve.

5.3 Turning off the water supply

The authorized municipal employees have the right to close the shut off valve in the network of distribution without the Municipality being responsible for any damage resulting from these breaks; the employees must however have to inform, by every reasonable effort to warn the consumers affected, except in the case of an emergency.

Only the water technician has the authority to shut off or turn on the water valve. Failure to fill in a request will result in a penalty, starting at \$100.00.

5.4 Water pressure and flow

Whatever type of connection, the Municipality does not guarantee continuous service or a pre-determined pressure or flow rate; no one can refuse to pay their account in part or in full for reasons of insufficient water supply, despite the cause.

Should the Municipality deem it opportune, it may require the owner to install a manometer pressure regulator when the pressure exceeds 525kPa (76 psi), and this regulator must be maintained in good operating condition. The Municipality is not responsible for any damage caused by pressure that is too low or too high.

The Municipality is not responsible for any loss or damage resulting from an interruption in supply, or insufficient supply of water, if the cause is an accident, a fire, a strike, a riot, a war or by any other cause over which it has no control. Moreover, the Municipality may take the necessary measure to restrict water consumption if stocks become insufficient. In such cases, the Municipality may provide water, with preference given to buildings it considers priorities before making provision to private owners connected to the drinking water system.

Nobody can use water provided by the local network of aqueduct to feed or fill reservoirs, refrigerators or other apparatuses using water, for working needs of building or for transport, except for local employees who use the water of ends of networks (beforehand identified) which must be purged.

5.5 Request for plans

The Municipality may request one or more interior plumbing plans for buildings, or request details on the operation of devices that use water from the municipal drinking water distribution system.

6. USE OF FACILITIES AND EQUIPMENT OF WATER

6.1 Code of plumbing

The design and execution of all work on a plumbing system, implemented after the entry into force of this by-law, must comply with the latest versions of the Québec Building Code, Chapter III – Plumbing, and Québec Safety Code, Chapter I – Plumbing.

6.2 Air conditioning, cooling and compressors

As of the date of the coming into force of the current by-law, the installation of any type of air conditioning or cooling system that uses drinking water is prohibited. Any air conditioning or cooling system that uses drinking water and that was installed prior to the coming into force of this by-law must be replaced before January 1, 2017, by a system that does not use drinking water.

Despite the first paragraph of this article, it is permitted to use air conditioning or cooling systems when connect to a water recirculation loop on which routine maintenance is performed.

As of the date of the coming into force of the current by-law, the installation of any type of compressors that use drinking water is prohibited. Any compressors using drinking water and that was installed prior to the coming into force of this by-law, must be replaced, before January 1, 2017, by a system that does not use drinking water.

Despite the third paragraph of this article, compressors equipped with a water recirculation loop are allowed, providing they are regularly maintained.

6.3 Use of fire hydrants and water main valves in the municipal system

Only municipal employees authorized to do so can use fire hydrants. Anyone else cannot open, close, handle or operate a fire hydrant or a valve on the supply line to a hydrant without first obtaining permission from the Municipality.

The opening and closing of fire hydrants shall be in accordance with NFPA standards.

6.4 Replacement, relocation, and disconnection of a service connection

Before any service connection is disconnected, relocated or replaced, the municipality must be notified. A permit must be obtained from the Municipality, and the applicant must pay all costs associated with the work.

The same applies to a service connection for an automatic sprinkler system.

6.5 Defect in supply pipe

As soon as an occupant of a building becomes aware of any unusual noise, or of any sort of irregularity in the service connection for the water supply, they must immediately notify the Municipality. In a case where the defect is on a private piping, located between the shut off

valve and the meter, or between the shut off valve and the building, if there is no meter, the Municipality then notified the owner to make the repair within 15 days.

6.6 Piping and equipment located inside and outside of a building

A plumbing installation, in a building or in a facility intended for public use, must be maintained in good condition in terms of operation, safety and cleanliness.

6.7 Hook-ups

- a) Hooking up the piping from a dwelling unit or a building supplied with water from the municipal drinking water distribution system to another dwelling unit or building located on another lot is prohibited.
- b) An owner or occupant of a dwelling unit or a building supplied with water from the municipal drinking water distribution system is prohibited from providing this water to other dwelling units or buildings, or from drawing off water other than for use in the dwelling unit or building.
- c) It is prohibited to install any private system to the municipal drinking water distribution system or a plumbing system served by the municipal water distribution system.
- d) Despite the last two paragraphs of this article, it is possible for any owner of a building to provide water to other buildings on the same lot, such as a shed or a garage. A permit must be obtained from the Municipality, and the applicant must pay all costs associated with the work.

6.8 Automatic flush urinals equipped with a purge tank, connections

The installation of auto-flush urinals equipped with a purge tank that uses drinking water is prohibited. All auto-flush urinals equipped with a purge tank that uses drinking water installed prior to the coming into force of this by-law must be replaced prior to January 1, 2017, with a manual flush of a motion detector flush unit.

7. INDOOR AND OUTDOOR USE

7.1 Tank filling

Anyone wishing to fill a water tank from the Municipality's drinking water distribution system must first obtain approval from the Municipality. The tank is to be filled from a location designated by the municipality, and in compliance with the rules prescribed by the municipality and according to the tariff in effect. Moreover, a backflow prevention device must be used to eliminate any possibility of backflow or siphoning.

7.2 Lawn and garden watering

Manual watering of a garden, a vegetable plot, a flower box, a planter, a flowerbed, a tree or a shrub, using a hose fitted with an automatic shut-off device, is permitted at all times except on Mondays, by a hand held device (nozzle).

7.2.1 Watering timetable

The watering of lawns, hedges, trees, shrubs and other plants by hands-free sprinkling is permitted between the hours of 8pm and 11pm only, on the following days:

- a) for an occupant of a dwelling of which the civic address is an even number on every Tuesdays, Thursdays and Saturdays;
- b) for an occupant of a dwelling of which the civic address is an uneven number on every Wednesdays, Fridays and Sundays.
- c) No watering of any kind is permitted on Mondays.

For automatic watering systems, watering from 3am to 6am on Sundays, Tuesdays and Thursdays only.

7.2.2 Automatic Watering Systems

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

- a) an automatic humidity sensor or an automatic shut-off device in case of rain, to suspend watering operations when precipitation suffices or when the humidity level in the soil is sufficient;
- b) a reduced pressure backflow prevention device to prevent any contamination of the drinking water distribution system;
- c) a wheel handle or gate valve for manual shut-off exclusively for breaks, poor functioning or any other urgent situation. The handle or gate valve must be accessible from outside.

However, an automatic watering system, installed prior to the coming into force of this by-law and incompatible with the requirements of this section, may be used, but must be upgraded, replaced or removed from service before January 1, 2017.

7.2.3 New lawn and new development

Notwithstanding article 7.2 and 7.2.1, it is permitted to water every day at the hours in the article 7.2.1, a new lawn, newly planted trees or shrubs or new environmental development for a period of 15 days according to the beginning of jobs of sowing, planting or installation of turf in places upon approval of from the Municipality.

In the case of the installation of turf strips, watering is permitted at all times during the first day of installation.

The owners who water a new lawn, a new planting of trees or bushes or a new environmental development during this period have to produce the proof of purchase of vegetables or seeds concerned at the request of a person responsible for the application of the present by-law.

7.2.4 Surface drainage

It is forbidden for anyone to deliberately use a watering device in such a way that the water runs onto the street or onto neighbouring properties. However, a certain amount of tolerance is granted to take into account wind effect.

7.3 Pool and Spa

The filling of a swimming pool is forbidden from 6am to 8pm. Nevertheless, it is allowed, after approval by the municipality, to use the water of the aqueduct on the occasion of the assembling of a new swimming pool to support the form of structure with the observation of the date and times stipulated in article 7.2.1.

It is forbidden to fill swimming pools or spas on Mondays, in a manual or mechanical manner.

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

The washing of vehicles is permitted at all times on condition that a bucket or a hose fitted with an automatic shut-off device is used.

The washing of driveways, sidewalks, patios and exterior walls of a building is permitted from April 1 to May 15 each year only, or during painting, construction, renovation or landscaping work that justifies the cleaning of driveways, cars, sidewalks, patios and exterior walls of a building.

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

In spite of the last paragraph of this article do not apply to the local watering of the ice rink when this one is used at the entertaining end, following the approval of the Municipality.

7.5 Carwash

All car washes that use water from the municipal water distribution system must be equipped with a functioning recuperation, recycling and recirculation system for the water used to wash vehicles.

The owner or operator of a car wash must be in compliance with the preceding paragraph by January 1, 2017 or a meter will be installed and the tariff in effect will apply.

It is strictly forbidden to use drinking water constantly for washing vehicles, unless a water meter is installed on the behaviour of supply and the Municipality allows it.

7.6 Landscape basins, fountains, waterfalls

Any water features or ponds, whether or not they include fountains or waterfalls, that are filled initially and then refilled from the municipal water distribution system, must be equipped with a functioning system to recirculate the water. A continuous stream of drinking water to feed the features is prohibited.

7.7 Water Games

Any water games must be provided with an activated release system (launching on call system). A continuous stream of drinking water to feed the feature is prohibited.

7.8 Continuous draining

Allowing water to run continuously is prohibited, except if the person has an application of the present by-law that allows it expressly, and in certain cases individuals only and to be approved by the Mayor or Director General.

7.9 Agricultural irrigation

It is strictly forbidden to use drinking water for agricultural irrigation, unless a water meter is installed on the supply line and the Municipality has authorized it. The water tariff in effect will apply.

7.10 Energy Source

Using the water pressure or flow from the drinking water distribution system as an energy source or to run a machine of any sort is prohibited.

7.11 Watering Ban

The municipality may, due to drought conditions, a major break in the municipal water supply pipes or equipment, by means of a public notice, prohibit any person from watering a lawn, tree or shrub, filling a swimming pool, washing a car or using water outdoors, for whatever reason, in a given sector and for a given period of time. However, this prohibition does not apply to the manual watering of vegetable plots or plants grown for food, in the ground and in pots, gardens, flowers and other planting.

In the case of new lawns, newly planted trees and shrubs and the filling of new swimming pools, authorization may be obtained from the Mayor or Director General if weather conditions or water supply are favorable.

8. COSTS, VIOLATIONS AND FINES

8.1 Prohibitions

It is prohibited to modify installations, damage seals or impair the functioning of any devices or accessories provided or required by the Municipality, to contaminate the water in the water supply system or reservoirs or to knowingly mislead the Municipality about the quantity of water supplied by the distribution system; offenders run the risk of prosecution accordingly.

8.2 Cost of retrofit work

If an owner request that their water main be rebuilt or replaced with a larger diameter unit, or requires a deeper installation into the ground, the cost of such work shall be paid by the said owner, who is required, prior to commencement of work, to obtain a permit and deposit the estimated amount following the Municipality's approval. The actual final cost and fees will be adjusted upon completion of the work.

8.3 Notices

For any notice or complaint concerning one or more items in the current by-law, the consumer or his authorized representative may notify in writing or by email, the municipality for any issue to do with water distribution and supply, and should contact the municipality for any issued regarding the billing of water.

8.4 Fines

Anyone contravening a provision in the current by-law is committing an offence and is liable:

- a) in the case of an individual (natural person) :
 - A fine of \$100 for a first offense;
 - A fine for \$300 for a second offense;
 - A fine of \$500 for a subsequent offense.

- b) In the case of a corporate entity :
 - A fine of \$200 for a first offense;
 - A fine of \$600 for a second offense;
 - A fine of \$1,000 for a subsequent offense.

In all cases, fees are added to the fine. In the case of a continuous offense, the violator is deemed to commit a violation for as many days as the violation is actually committed.

The provisions in the Code of Penal Procedure apply for all legal actions taken under the current by-law.

8.5 Issuance of statements of offence

The person responsible for the implementation of this by-law is authorized to issue a statement of offence relating to any violation of the current by-law.

8.6 Order

Where a court issues a sentence for an offence for which the object is contrary to the standards of this by-law, the court may, in addition to the fine and the fees stated in article 8.4, order that such an offence be, in the timeframe it sets, eliminated by the faulty party and that, if the violator complies within the set timeframe, the offence may be rescinded by the conduct of appropriate work by the municipality and charged to the violator.

9. COMING INTO FORCE

This by-law shall come into force according to the law.

DATE D'ENTRÉE EN VIGUEUR :

Lynne Cameron
Mairesse

Lisa Dagenais
Directrice Générale

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