



PROVINCE OF QUEBEC
MUNICIPALITY OF BURY
MRC DU HAUT ST-FRANÇOIS

Bylaw number 427-2016
Bylaw regarding the use of drinking water

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1. OBJECTIVES OF THE BY-LAW

This By-law aims to regulate the use of drinking water in order to preserve the quality and quantity of the resource.

2. DEFINITION OF TERMS

« Automatic watering » means any sprinkler connected to the distribution network, automatically operated, including electronic devices or underground.

« Manual watering » refers to spraying with a hose, connected to the distribution network equipped with a release handle, during the period of use. It also includes watering with a container.

« Mechanical watering » means a sprinkling device connected to the distribution network, which must be started and stopped manually without having to be hand-held during the period of use.

« Building » means any structure used or intended to be used to shelter or take in a person, animal or object.

« Meter » or « water meter » refers to a device for measuring water consumption.

« Residence » means any building designed to house human beings, including among others, single-family and multi-family dwellings, apartment buildings and intergenerational housing

« Building » means the land, buildings and improvements.

« Housing » refers to a building, serving or intended to serve as residence for one or more persons, which generally includes sanitary facilities as well as facilities to prepare and eat meals and sleep.

« Lot » means a land identified and limited to a cadastral plan, made and deposited in accordance with the requirements of the Civil Code.

« Municipality » or « City » means the municipality or city of Bury.

« Person » includes the physical and legal persons, partnerships, trusts and cooperatives

« Owner » means in addition to the legal owner, occupant, user, tenant, lessee, leaseholder, dependents or other usufructuary, one does not necessarily exclude the others.

« Distribution Network » or « drinking water distribution network » refers to a line, a set of lines or any facility or equipment used to dispense water for human consumption, also known as « water network ». However is excluded, in the case of a building connected to a distribution network, any internal piping.

« Shut-off valves » means a device installed by the Municipality to the outside of a building, on the service connection, to shut-off the water supply to this building.

« 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 to interrupt the water supply of the building.

3. APPLICATION FIELDS

This By-law sets standards for the use of the water, from the drinking water network in the municipality and applies to the entire territory of the municipality

This By-law is not to limit the use of drinking water for horticultural production activities, which represent all the activities required for the production of vegetables, fruits,

flowers, trees or ornamental shrubs, for commercial or institutional purposes, including soil preparation, planting, maintenance, harvesting, storage and marketing.

4. RESPONSIBILITY OF THE MEASURES

This by-law shall be enforced by the municipality of Bury.

5. GENERAL POWERS OF THE MUNICIPALITY

5.1 Impediment to the execution of tasks

Whoever prevents an employee of the Municipality or any other person in his service to make repairs, readings, verification or causes discomfort, disruption in the exercise of its powers, or damaged in any way whatsoever the network distribution, its devices or accessories, hinders or prevents the operation of the water distribution network, accessories or devices dependent, is liable for damages to any equipment previously mentioned caused by his actions, contravene to this by-law will be liable to the penalties provided by this by-law.

5.2 Right to enter

Employees specifically designated by the Municipality have the right to enter at all reasonable times (the municipalities governed by the Municipal Code of Québec must normally limit visitation between 7 am and 7 pm (art. 492 Cm)), anywhere public or private, in or outside the limits of the municipality and stay there as long as necessary to perform a repair or to see if the clause of this By-law have been observed. Any collaboration required must be given to facilitate their access. These employees must carry and produce, whenever required, an identity document issued by the Municipality. In addition, these employees have access inside buildings and interior shut-off valves.

5.3 Closing the water inlet

Municipal employees authorized to that effect have the right to close the water entrance to make repairs to the distribution network. The Municipality is not responsible for any damage resulting from such interruptions; However, employees must notify by any reasonable means consumers affected, except in emergencies.

5.4 Pressure and water flow

Whatever the type of connection, the Municipality does not guarantee uninterrupted service or a pressure or a predetermined outflow; no one can refuse to pay an account partially or completely because of a lack of water, and this, whatever the cause

If it considers it appropriate, the municipality may require the owner to install a pressure reducer with pressure gauge when it exceeds 550 kPa, which must be maintained in good operating condition. The Municipality is not liable for damage caused by too much or too little pressure.

The Municipality is not responsible for loss or damage caused by an interruption or water supply failure, if the cause is an accident, fire, strike, riot, war or any other cause that she cannot control. In addition, the Municipality may take necessary measures to restrict consumption if water supplies become insufficient. In such cases, the municipality can provide water with preference given to buildings that are priorities before providing private owners connected to the drinking water distribution network.

5.5 Demand plans

The Municipality may require to be provided with a plan or plans of the interior piping of a building or the details of the operation of a device using water from the network of drinking water distribution in the municipality.

6. USE OF INFRASTRUCTURE AND WATER EQUIPMENT

Plumbing Code

The design and execution of all the work on a plumbing system, implemented after the entry into force of this By-law shall conform to the Quebec Construction Code, Chapter III - Plumbing and Security Code Quebec chapter I - Plumbing, latest releases.

Changes to the codes mentioned in the first paragraph, will be part of this By-law after a resolution under section 6 of the Municipal Act.(Loi sur les compétences)

6.2 Air conditioning, refrigeration and compressors

It is forbidden to install any air conditioning or refrigeration system using drinking water. Any such system installed before the coming into force of this By-law has to be replaced before January 1st, 2017 by a system not using drinking water.

Despite the first paragraph of this article, it is permitted to use a system of air conditioning or refrigeration when connected to a water recirculation loop in which regular maintenance is carried out.

It is forbidden to install any compressor using drinking water. All compressor of this type installed before the entry into force of this By-law should be replaced before January 1st, 2017 by a compressor not using drinking water.

Despite the third paragraph of this article, it is permitted to use a compressor when connected to a water recirculation loop in which regular maintenance is performed.

6.3 Use of fire hydrants and valves of the municipal network

Fire hydrants are used only by employees of the Municipality authorized. Anyone else can not open, close, handle or operate a fire hydrant or a valve on the supply line to a fire hydrant without permission of the Municipality.

The opening and closing of the fire hydrants shall be in accordance with the procedure prescribed by the Municipality. A backflow prevention device must be used to eliminate the possibility of backflow or siphon effect.

6.4 Replacing, moving, and disjunction of a service connection

Everyone must notify the person responsible for enforcing this By-law prior to separate, replace or move any branch of service. It must obtain from the Municipality a license, pay excavation and repair of the cut, as well as other expenses incurred by this disjunction, the replacement or displacement that the municipality may establish in a pricing regulation.

The same will apply for connections feeding a sprinkler system.

6.5 Failure of a supply pipe

Every occupant of a building has to notify the person responsible for applying this By-law as soon as he hears a strange noise or see any irregularity on connecting service. Municipality employees can then locate the defect and repair it. If the defect is located on private piping between the shutoff valve and the meter or between the stop valve and the internal stop valve of the building, if there is no meter or if the meter is installed in a room near the street line, the Municipality then notifies the owner to make repairs within 15 days.

6.6 Piping and devices located inside or outside a building

Plumbing in a building or in a facility intended for public usage should be maintained in good working order, security and salubrity.

6.7 Connections

- a) It is forbidden to connect the pipes of a dwelling or a building supplied with water by the municipal drinking water distribution network to another dwelling or building on another lot.

- b) It is forbidden for the owner or occupant of a building, supplied with the water of the distribution network of the municipality, to provide that water to other buildings or to use it otherwise than for the use of the building.
- c) It is forbidden to connect any private distribution system to a municipal drinking water system or plumbing system served by the municipal drinking water distribution network.

6.8 Automatic flushing urinals fitted with a purge tank

It is forbidden to install any automatic flush urinal with a purge tank using drinking water. Any such urinal installed before the entry into force of this By-law should be replaced before January 1st 2017, by a manual flush urinal or presence detector.

7. INTERNAL AND EXTERNAL USE

7.1 Filling tank

Anyone who wants to fill a water tank out of the network of drinking water distribution of the municipality must do so with the approval of the person responsible for applying the By-law and the place designated, accordance with rules prescribed by it, and according to the current price. In addition, a backflow prevention device must be used to eliminate the possibility of backflow or siphoning.

7.2 Manual watering of vegetation

The manual watering of a garden, a vegetable garden, a flower box, a planter, a flowerbed, a tree or a shrub is permitted at all times.

7.3 Lawn watering period

The following days, lawn watering is allowed only from 3 am to 6 am if the water is distributed by automatic sprinkler systems and only between 8 pm to 11 pm, if the water is distributed by mechanical watering system:

- a) Monday for the occupant of a residence whose address ends by 0 or 1
- b) Tuesday for the occupant of a residence whose address ends by 2 or 3
- c) Wednesday for the occupant of a residence whose address ends by 4 or 5
- d) Thursday for the occupant of a residence whose address ends by 6 or 7
- e) Friday for the occupant of a residence whose address ends by 8 or 9

7.4 Periods for watering other plants

The following day, watering hedges, trees, shrubs or other plants is permitted only from 3 am to 6 am, if the water is distributed by automatic sprinkler system and only from 8 pm to 11 pm if water is distributed by a mechanical irrigation system:

- f) Mondays, Wednesdays and Fridays for the occupant of a residence whose address ends in 0, 1, 4, 5, 8 or 9.
- g) Tuesdays, Thursdays and Saturdays for the occupant of a residence whose address ends with 2, 3, 6, or 7

7.5 Automatic watering systems

An automatic watering system must have the following devices:

- a) an automatic humidity sensor or an automatic switch in case of rain, preventing watering cycles when atmospheric precipitation are sufficient or if soil moisture is sufficient;
- b) a backflow device conforms to CSA standard B64.10, to prevent contamination of the drinking water distribution network;

- c) an electric valve intended to be implemented by an electric control device and for automatic control of watering or irrigation cycle;
- d) a handle or a gate valve with manual closing exclusively used in case of breakage, malfunction or for any other case deemed urgent. Handle or gate valve must be accessible from the outside.

However, an automatic sprinkler system installed before the coming into force of this By-law, and compatible with the requirements of this article can be used, but must be upgraded, replaced or decommissioned.

7.6 New lawn and new landscaping

Despite sections 7.3 and 7.4, it is allowed to water every day at the hours set out in sections 7.3 and 7.4, a new lawn, a new trees plantation or shrubs and a new landscaping for a period of 15 days following beginning of the seeding, planting or installation of the grass.

Watering of the lawn, at any time, during the day of the installation.

The owners who water a new lawn, a new tree plantation or shrubs or a new landscaping, during this period must provide the evidence of purchase of the plants, seeds concerned on request of the person responsible of enforcing this By-law.

7.7 Nurseryman and golf courses

Despite sections 7.3 and 7.4, it is allowed to water every day on the hours set out in sections 7.3 and 7.4, when necessary for nurseries and golf courses.

7.8 Water runoff

It is prohibited for any person to use deliberately irrigation equipment so that the water flows in the street or on neighboring properties. However, some tolerance will be given to account for the effects of wind.

7.9 Pool and spa

Filling a pool or spa is prohibited from 6 am to 8 pm. However, it is permitted to use the water distribution system when installing a new pool to maintain the shape of the structure.

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

Washing a vehicle is permitted at all times on the condition of using a bucket or a hose connected to the distribution system, equipped with a release handle held in the hand during the period of use.

Washing driveways, sidewalks, patios or exterior walls of a building is only allowed from April 1st to May 15th each year or during painting, construction, renovation or landscaping justifying cleaning driveways, sidewalks, patios or exterior walls of the building on the condition of using a hose connected to the distribution system, equipped with a release handle held in the hand during period of use.

It is strictly prohibited at all times to use drinking water to melt the snow or ice in auto entrance, land, patios or sidewalks.

7.11 Automatic car wash

Automatic car wash that uses the water distribution network, must be fitted with a functional recovery system, recycling and recirculation of the water used for washing vehicles.

The owner or operator of an automatic car wash has to comply with the first paragraph before January 1st 2017.

7.12 Landscaped ponds

Any set of landscaped ponds, whether or not they include water jets or a waterfall and fountains, including the initial filling and leveling are provided by the distribution network, must be fitted with a functional system which recirculates water. The continuous supply with drinking water is prohibited.

7.13 Water features

Any water feature must be equipped with a trigger system. The continuous supply of drinking water is prohibited.

7.14 Continuous purge

It is forbidden to let the water run unless the person responsible for the application of this By-law explicitly authorizes it, and, in special cases only.

7.15 Agricultural irrigation

It is strictly prohibited to use drinking water for agricultural irrigation, unless a water meter is installed on the supply conduct and that the Municipality has authorized

7.16 Energie source

It is forbidden to use the pressure or flow of the drinking water distribution network as a source of energy or to operate any machine.

7.17 Water ban

The person responsible for applying the By-law may, because of drought, major breakdowns of municipal pipes in the water distribution system and when it is necessary to fill the municipal reservoirs, by public notice, may prohibit in a given area and for a specified period, any person watering lawns, trees and shrubs, or filling swimming pools and washing vehicles or using water outside, for whatever reason. However, this prohibition does not affect manual watering vegetable gardens and edible plants in the ground or in pots, gardens, flowers and other plants.

In cases of new lawns, new tree plantations or shrubs or filling new pools, an authorization can be obtained from the competent authority if climatic conditions or water supplies allow.

8. COSTS, OFFENCES AND PENALTIES

8.1 Restriction

It is forbidden to modify facilities and affect the operation of all devices and accessories supplied or required by the Municipality, contaminating the water of the distribution system or reservoirs, without which offenders are liable to appropriate criminal prosecution.

8.2 Cost of repairs

If the owner requests that the water inlet is rebuilt or replaced with a larger diameter, or installed deeper in the ground, the cost of reconstruction or repair, will be assume by the owner, before the work is undertaken, the estimated cost of such work will be paid at the office of the municipal treasurer. The final actual costs and fees will be adjusted after completion.

8.3 Notice

For every notice or complaint about one or more objects of this By-law, the consumer or his authorized representative may notify verbally or in writing the person responsible for the implementation of this By-law for everything concerning the distribution and supply of water and contact the office of the municipal treasurer in regards to water billing.

8.4 Penalty

Any person who contravenes to a disposition of this By-law commits an offense and is liable:

- a) in the case of a natural person:
 - A fine of \$ 100 to \$ 300 for a first offense;
 - A fine of \$ 300 to \$ 500 for a second offense;
 - A fine of \$ 500 to \$ 1,000 for any subsequent offense
- b) it is a Corporation:
 - A fine of \$ 200 to \$ 600 for a first offense;
 - A fine of \$ 600 \$ to \$ 1 000for a second offense;
 - A fine of \$ 1 000 \$ to \$ 2 000for any subsequent offense.

In all cases, in addition to the fine, the administration fee will be added.

If the infraction continues, the offender will be deemed committing as many offenses that they are days in the duration of the infringement.

The clause in the Criminal Procedure Code will apply in any prosecution under this By-law.

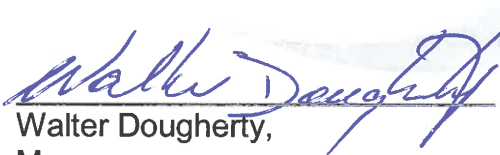
8.5 Issuing a statement of offense

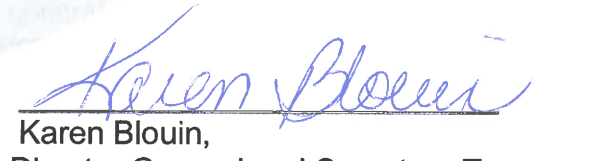
The person responsible for the application of this By-law is authorized to issue a statement of offense relating to any breach of this By-law.

8.6 Order

In case a court of law imposes a sentence for an offense whose purpose is contrary to the norms of this By-law, they may, in addition to the fine and costs set out in section 8.4, may order that such offenses are within the time limit set by the offender and in default to perform within that period, the offense is eliminated by appropriate work done by the Municipality at the expense of the offender.

8.7 The present bylaw comes into force according to the provisions of the law


Walter Dougherty,
Mayor


Karen Blouin,
Director General and Secretary-Treasurer

Notice of motion: September 12th, 2016
Adoption: October 3rd, 2016
Coming into force: November 4th, 2016