

**CANADA
PROVINCE OF QUEBEC
TOWN OF BROME LAKE**

**BY-LAW 580
ON THE USE OF DRINKING WATER (2012)**

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1. REPEAL AND PURPOSE

1.1 Repeal of previous by-law

This by-law repeals by-law 184.

1.2 Purpose of these by-laws

The purpose of these by-laws is to govern the use of drinking water in order to preserve the quality and quantity of the resource.

2. DEFINITION OF TERMS

« Arrosage automatique » - "Automatic sprinkler" means any watering device, connected to the aqueduct, that is operated automatically, including electronic or underground devices.

« Arrosage manuel » - "Manual watering" means watering with a hose, connected to the aqueduct, equipped with a hand-held release closure during the period of use.

« Bâtiment » - "Building" means any structure used or intended to be used to house or receive anyone, animals or things.

« Compteur » - "Meter" or "water meter" refers to a device used to measure water consumption.

« Dispositif d'économie d'eau » - "Water saving device" means a device used to increase the water pressure of a sprinkler without increasing the flow rate.

« Habitation » - "Dwelling" means any building intended to house human beings, including, but not limited to, single-family and multi-family dwellings, apartment buildings and intergenerational dwellings.

« Immeuble » - "Property" means land, buildings and improvements.

« Logement » - "Lodging" means a suite used or intended to be used as a residence for one or more anyone, and usually includes sanitary facilities as well as facilities for preparing and consuming meals, and for sleeping.

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

« Municipalité » ou « Ville » - "Municipality" or "Town" means the Town of Brome Lake.

« Personne » - "Anyone" includes physical and legal persons, partnerships, trusts and cooperatives.

« Propriétaire » - "Owner" means in addition to the owner in title, the occupant, user, lessee, emphyteutic lessee, dependents or any other usufructuary, one not necessarily excluding the others.

« Robinet d'arrêt » - "Shut-off valve" means a device installed by the Municipality outside a building on the service connection, used to interrupt the water supply to that building.

« Tuyauterie intérieure » - "Interior piping" refers to the installation inside a building, starting from the interior shut-off valve.

« Vanne d'arrêt intérieure » - "Interior shut-off valve" means a device installed inside a building and used to interrupt the water supply to that building.

3. SCOPE OF APPLICATION

This by-law sets standards for the use of drinking water from the municipality's drinking water distribution network and applies to the entire territory of the municipality.

The present by-law does not limit the use of drinking water for horticultural production activities, which represent all activities required for the production of vegetables, fruits, flowers, ornamental trees or shrubs, for commercial or institutional purposes, including soil preparation, sowing, maintenance, harvesting, storage and marketing.

4. RESPONSIBILITY FOR IMPLEMENTING MEASURES

Enforcement of this by-law is the responsibility of the municipal inspector

5. GENERAL POWERS OF THE MUNICIPALITY

5.1 Impediment to task performance

Anyone who prevents an employee of the Municipality or anyone else in its service from carrying out repair, reading or verification work, hinders or disturbs him or her in the exercise of his or her powers, or damages in any way whatsoever the aqueduct, its devices or accessories, hinders or prevents the operation of the drinking water distribution system, accessories or devices dependent thereon, is liable for damage to the aforementioned equipment as a result of his or her actions, contravenes the present by-law and renders himself or herself liable to the penalties provided for in the present by-law.

5.2 Entrance fee

Employees specifically designated by the Municipality have the right to enter at any reasonable time, any public or private place, within or outside the limits of the Municipality, and to remain there as long as necessary in order to carry out a repair, perform a reading or ascertain whether the provisions of the present by-law have been observed. All necessary cooperation must be given to facilitate their access. These employees must carry and display, when required, a piece of identification issued by the Municipality. In addition, these employees have access, inside buildings, to internal shut-off valves; in this regard, only they may remove or install seals.

5.3 Closing the water inlet

Authorized municipal employees have the right to shut off the water supply in order to carry out repairs to the distribution system, without the Municipality being liable for any damage resulting from such interruptions; employees must, however, warn affected consumers by any reasonable means, except in cases of emergency.

5.4 Water pressure and flow

Regardless of the type of connection, the Municipality does not guarantee uninterrupted service or a specific pressure or flow rate; anyone may refuse to pay an account in whole or in part because of insufficient water, whatever the cause.

If it deems it appropriate, the Municipality may require the owner to install a pressure reducer with pressure gauge when the pressure exceeds 525 kPa, which must be maintained in good working order. The Municipality is not responsible for damage caused by excessively high or low pressure.

The Municipality is not liable for any loss or damage caused by an interruption or shortage of water supply, whether due to accident, fire, strike, riot, war or any other cause beyond its control. In addition, the Municipality may take the necessary measures to restrict consumption if water supplies become insufficient. In such cases, the Municipality may supply water with preference given to buildings it deems to have priority, before supplying private owners connected to the drinking water distribution network.

5.5 Plans request

The Municipality may require one or more plans of the interior piping of a building or details of the operation of an appliance using water from the Municipality's drinking water distribution system.

6. USE OF WATER INFRASTRUCTURE AND EQUIPMENT

6.1 Plumbing code

The design and execution of all work relating to a plumbing system, carried out on or after the coming into force of the present by-law, must comply with the latest versions of the Quebec Construction Code, Chapter III - Plumbing, and the Quebec Safety Code, Chapter I - Plumbing.

6.2 Air conditioning and refrigeration

As of the coming into force of this by-law, it is prohibited to install any air conditioning or refrigeration system using potable water. Any air conditioning or refrigeration system using potable 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 potable water.

Notwithstanding the first paragraph of this article, a water tower may be used provided that it is the only device technically capable of transferring heat from a water-using process to the atmosphere, and that the maximum volume of potable water used does not exceed 6.4 liters per hour per nominal kilowatt of refrigeration or air conditioning.

6.3 Use of municipal hydrants and valves

Hydrants may only be used by Municipality employees authorized to do so. No other person may open, close, manipulate or operate a hydrant or a valve on a hydrant supply line without the Municipality's authorization.

Hydrants must be opened and closed in accordance with the procedure prescribed by the Municipality. An anti-backflow device must be used to eliminate the possibility of backflow or siphoning.

6.4 Service entrance replacement, relocation and disconnection

Anyone wishing to disconnect, replace or relocate a service connection must notify the person responsible for enforcing the by-law.

It must obtain a permit from the Municipality, pay the cost of excavating and repairing the cut, as well as any other costs incurred by such severance, replacement or relocation.

The same applies to service connections supplying an automatic sprinkler system.

6.5 Defective supply pipe

Any occupant of a building must notify the person responsible for enforcing the by-law as soon as he or she hears an abnormal noise or notices any irregularity in the service connection. Municipal employees will then be able to locate and repair the defect. If the defect is located on the private piping between the shut-off valve and the meter, or between the shut-off valve and the building's interior shut-off valve, if there is no meter or if the meter is installed in a chamber near the street line, the Municipality will notify the owner to make the repairs within 15 days.

6.6 Piping and equipment located inside or outside a building

A plumbing installation in a building or equipment intended for public use must be maintained in good working order and in a safe and healthy condition.

6.7 Connections

- a) It is forbidden to connect the piping of a dwelling or building supplied with water by the municipal drinking water distribution system to another dwelling or building located on another lot.
- b) It is forbidden for the owner or occupant of a dwelling or building supplied with water by the municipal drinking water distribution system to supply this water to other dwellings or buildings or to use it otherwise than for the use of the dwelling or building.

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 do so with the approval of the person in charge of enforcing the by-law and at the location designated by the latter, in accordance with the rules enacted by the latter, according to the tariff in effect. In addition, an anti-backflow device must be used to eliminate the possibility of backflow or siphoning.

7.2 Watering vegetation

Manual watering, using a hose equipped with an automatic shut-off device, of gardens, vegetable patches, flower boxes, window boxes, flowerbeds, trees and shrubs is permitted at all times except during restricted periods.

7.2.1 Watering periods

Watering of lawns, hedges, trees, shrubs or other vegetation using removable sprinklers or porous hoses is permitted only between 8 m. and 11 p.m. on the following days:

- a) a day with an even-numbered date for the occupant of a home with an even-numbered address;

- b) a day with an odd-numbered date for the occupant of a home with an odd-numbered address.

For automatic watering systems, watering is only permitted from 3 a.m. to 6 a.m. on Sundays, Tuesdays and Thursdays.

7.2.2 Automatic watering systems

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

- a) an automatic moisture sensor or rain switch, preventing watering cycles when atmospheric precipitation is sufficient or when soil moisture levels are high enough;
- b) a reduced-pressure backflow preventer to prevent contamination of the drinking water distribution network;
- c) an electric valve to be operated by an electric control device and used for automatic control of the watering or watering cycle. This must be installed downstream of the backflow preventer;
- d) a manually-operated handle or gate valve for use exclusively in the event of breakage, malfunction or any other emergency. The 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 incompatible with the requirements of this section may be used, but must be upgraded, replaced or decommissioned before January 1, 2015.

7.2.3 New lawn and landscaping

Notwithstanding article 7.2.1, new lawns, tree or shrub plantings and landscaping may be watered daily during the hours specified in article 7.2.1 for a period of 15 days following the start of seeding, planting or sod installation.

Lawns planted with sod may be watered at any time during the day of installation.

Owners watering a new lawn, tree or shrub planting or landscaping during this period must produce proof of purchase of the plants or seeds concerned upon request from anyone responsible for enforcing this by-law.

7.2.4 Water runoff

It is forbidden for anyone to deliberately use watering equipment in such a way that the water flows into the street or onto neighbouring properties. However, a certain tolerance will be allowed to take into account the effects of wind.

7.3 Pool and spa

All above-ground and/or in-ground pool filling with water from the municipal aqueduct must take place during the scheduled week for each of the four sectors described in article 7.3.1. The special case of spa filling is governed by article 7.3.2.

7.3.1 Pool

- 1- Sector 1: East of Lakeside and Mont-Echo roads, the week following the first Sunday in May;
- 2- Sector 2: North of Knowlton Road and south of Brome lake and Centre Street, the week following the second Sunday in May;

- 3- Sector 3: South of Knowlton Road and west of Mont-Echo Road;
- 4- Sector 4: North of Centre Road (north of sector 2 boundary), the week following the fourth Sunday in May;
- 5- The sketch of the above-described sectors is more fully detailed and illustrated in Appendix 1 attached to this by-law as an integral part hereof.

Anyone wishing to fill a pool with water from the municipal aqueduct outside the scope of this article must obtain a permit from the municipal inspector. However, once a permit has been issued for the installation of a new pool, aqueduct water may be used during the assembly of a new pool to maintain the shape of the structure.

7.3.2 Spa

Filling a spa is prohibited from 6 a.m. to 8 p.m.

7.4 Washing vehicles, streets, patios or building exterior walls

Vehicles may be washed at any time, provided a wash bucket or hose equipped with an automatic shut-off *and* water-saving device is used.

Washing of patios or exterior walls of a building is permitted only from April 1 to May 15 and from October 1 to October 31 of each year, or during painting, construction, renovation or landscaping work requiring cleaning of driveways, sidewalks, patios or exterior walls of the building.

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

7.5 Car wash

Any automatic car wash that uses water from the aqueduct must be equipped with a functional system for recovering, recycling and recirculating the water used to wash vehicles.

The owner or operator of an automatic car wash must comply with the first paragraph before January 1, 2017.

7.6 Landscaped ponds

All landscaped ponds, with or without water jets, waterfalls and fountains, whose initial filling and levelling is ensured by the aqueduct, must be equipped with a functional system ensuring water recirculation. Continuous drinking water supply is prohibited.

7.7 Water play

All water features must be equipped with an on-call release system. Continuous drinking water supply is prohibited.

7.8 Continuous purging

It is forbidden to leave the water running, unless explicitly authorized by the person in charge of enforcing the present by-law, and then only in certain specific cases.

7.9 Agricultural irrigation

It is strictly forbidden to use drinking water for agricultural irrigation, unless a water meter is installed on the supply pipe and authorized by the Municipality.

7.10 Power source

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

7.11 Watering ban

The General Manager may, by public notice, prohibit anyone from watering lawns, trees and shrubs, filling swimming pools, washing vehicles or using water outdoors, for any reason whatsoever, in a given area and for a specified period, for reasons of drought, major breaks in municipal water mains and when it is necessary to fill municipal reservoirs.

However, this prohibition does not apply to the manual watering of vegetable gardens and edible plants, in the ground or in pots, gardens, flowers and other vegetation.

In the case of new lawns, new tree or shrub plantings or the filling of new swimming pools, authorization may be obtained from the municipal inspector if climatic circumstances or water reserves permit.

8. COSTS, INFRINGEMENTS AND PENALTIES

8.1 Prohibitions

It is forbidden to modify installations, damage seals and interfere with the operation of all devices and accessories supplied or required by the Municipality, contaminate water in the aqueduct or reservoirs and knowingly mislead the Municipality with regard to the quantity of water supplied by the distribution system, failing which offenders will be subject to appropriate criminal prosecution

8.2 Cost of rehabilitation work

If the owner requires that his water inlet be rebuilt or replaced by one larger diameter, or that it be installed deeper in the ground, the cost of such reconstruction or repair will be assumed by the said owner who must, before the work is undertaken, deposit with the Municipality's treasurer's office the estimated amount of the cost of such work. The actual final cost and charges will be adjusted once the work has been completed.

8.3 Reviews

For any notice or complaint concerning one or more of the objects of the present by-law, the consumer or his authorized representative may notify verbally or in writing the person in charge of the application of the by-law for all matters concerning the distribution and supply of water and contact the Municipality's treasurer's office with regard to water billing.

8.4 Penalties

Anyone who contravenes a provision of this by-law commits an offence and is liable:

- a) if an individual:
 - a fine of \$100 to \$300 for a first offence, except in the case of filling a pool, where the maximum fine for a first offence is \$400;
 - a fine of \$300 to \$500\$ for a first offence
 - a fine of \$1,000\$ to \$2,000 for any additional offence.

- b) in the case of a legal entity:
- a fine of \$200 to \$600 for a first offence;
 - a fine of \$600 to \$1,000 for a first repeated offence;
 - a fine of \$1,000 to \$2000 for each additional offence.

In all cases, costs are added to the fine.

If the offence is continuous, the offender will be presumed to commit as many offences as there are days in the duration of the offence.

The provisions of the Code of Penal Procedure apply to any proceedings instituted under the present by-law.

8.5 Issuance of a statement of offence

Anyone responsible for enforcing the present by-law is authorized to issue a statement of offence for any breach of the present by-law.

8.6 Order

In the event that a court passes sentence for an offence contrary to the standards of this by-law, it may, in addition to the fine and costs provided for in article 8.4, order that such offences be eliminated by the offender within the time limit set by the court and that, should the offender fail to comply within the said time limit, the said offence be eliminated by appropriate work carried out by the Municipality at the offender's expense.

9. COMING INTO FORCE

These regulations come into force in accordance with the law.

DONE and ADOPTED at the regular meeting of August 6, 2012.

Gilles Decelles
Mayor

Edwin John Sullivan, B.Sc. LL.B.
Clerk

Follow-up

Notice of motion:	June 4, 2012
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