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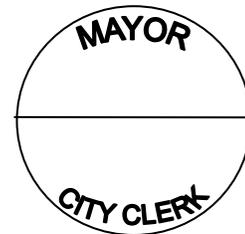
BY-LAW BEAC-070

BY-LAW ON THE USE OF DRINKING WATER

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(BEAC-070-1) 2013-06-17

(BEAC-070-2) 2018-03-26



PROVINCE OF QUÉBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-070

BY-LAW ON THE USE OF DRINKING WATER

At the ordinary meeting of the Council of the City of Beaconsfield, held in the Council Chamber, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, April 30, 2012, at 8 p.m.

WERE PRESENT: His Honour the Mayor David Pollock, Councillors Karin Essen, Wade Staddon, Pierre Demers and Rhonda Massad

ABSENT: Councillor Michael Montagano

On motion of Councillor W. Staddon, seconded by Councillor R. Baird and UNANIMOUSLY RESOLVED:

WHEREAS the Ministry of Municipal Affairs, Regions and Land Occupancy, responsible for the "Stratégie québécoise d'économie d'eau potable" (Quebec strategy for drinking water conservation), has asked municipalities to adopt a by-law on the use of drinking water;

WHEREAS the notice of motion of the current by-law was given at the ordinary Council meeting held on Monday, March 19, 2012;

THE COUNCIL OF THE CITY OF BEACONSFIELD ENACTS THE FOLLOWING:

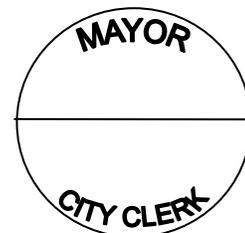


TABLE OF CONTENTS

1. BY-LAW OBJECTIVES.....4

2. DEFINITION OF TERMS.....4

3. SCOPE OF APPLICATION4

4. RESPONSIBILITY FOR THE APPLICATION OF MEASURES5

5. MUNICIPAL POWERS5

 5.1 Prevention of the performance of duties 5

 5.2 Access to property..... 5

 5.3 Turning off the water supply 5

 5.4 Water pressure and flow 5

 5.5 Request for drawings 6

6. USE OF THE WATER SUPPLY INFRASTRUCTURE AND EQUIPMENT.....6

 6.1 Plumbing Code..... 6

 6.2 Air conditioning and cooling 6

 6.3 Use of fire hydrants and water main valves in the municipal system6

 6.4 Replacement, relocation or disconnection of a service connection6

 6.5 Defect in a supply pipe 6

 6.6 Piping and equipment inside and outside a building..... 6

 6.7 Hook-ups 7

7. INDOOR AND OUTDOOR USES.....7

 7.1 Tank filling 7

 7.2 Lawn and garden watering 7

 7.2.1 Watering times..... 7

 7.2.2 Automatic watering systems..... 7

 7.2.3 New lawn and new landscaping 8

 7.2.4 Surface drainage 8

 7.3 Vehicles, driveways, sidewalks, streets, patios and exterior walls of a building 8

 7.4 Carwash 8

 7.5 Water features..... 8

 7.6 Fountain..... 8

 7.7 Continuous draining 8

 7.8 Energy source 8

 7.9 Watering ban 9

8. COSTS, OFFENCES AND PENALTIES9

 8.1 Prohibitions..... 9

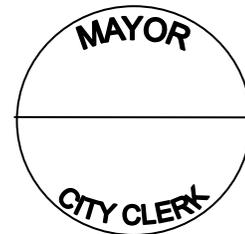
 8.2 Notices..... 9

 8.3 Penalties 9

 8.4 Issuing of a statement of offence 9

 8.5 Order 9

9. COMING INTO FORCE.....10



SECTION 1. BY-LAW OBJECTIVES

The objective of the current by-law is to control the use of drinking water in order to preserve the quality and the quantity of this resource.

SECTION 2. DEFINITION OF TERMS

“Automatic watering system” means any watering device, connected to the water supply, that starts automatically, including electronic or underground devices.

“Manual watering” means watering with a hose connected to the water supply, fitted with a nozzle shut-off valve and held in the hand during the period of use.

“Building” means any structure used or intended to be used to shelter or house people, animals or goods.

“Meter” or “water meter” means a device that measures water consumption.

“Dwelling” means any building intended to house human beings, including single- and multi-family residential buildings, apartment buildings and intergenerational housing.

“Property” means the land, the buildings and the improvements made.

“Dwelling unit” means a unit or suite of rooms used or intended to be used as a home for one or more persons, and usually including cooking, eating, sleeping and sanitation facilities.

“Lot” means an area of land identified and delineated on a cadastral plan, drawn and submitted in compliance with the requirements of the Civil Code.

“Municipality” or “City” means the Municipality of, or the City of, Beaconsfield.

“Person” includes natural persons, legal entities, partnerships, trusts and cooperatives.

“Owner” means, in addition to the legitimate owner, the occupant, the user, the renter, the emphyteutic lessee, any dependant or any other usufructuary, with one not necessarily excluding the other(s).

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

“Indoor piping” means the piping installed inside a building, starting at the indoor valve.

“Indoor valve” means a device installed inside a building that serves to interrupt the water supply to this building.

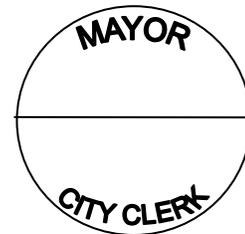
SECTION 3. SCOPE OF APPLICATION

This by-law sets the standards for the use of drinking water coming from the Municipality’s drinking water distribution system, and applies to the entire municipal territory.

However, the surfaces of public sports fields are not subject to this by-law. Public sports fields include, but are not limited to, soccer, baseball and football fields, as well as lawn-bowling greens.

(BEAC-070-1, sec. 1)

The current by-law is not intended to limit the use of drinking water for horticultural production operations that represent any and all operations for the production of vegetables, fruits, flowers, ornamental trees and shrubs, for commercial or institutional purposes, including ground preparation, seeding, maintenance, harvesting, storage and marketing.



SECTION 4. RESPONSIBILITY FOR THE APPLICATION OF MEASURES

Application of the present by-law is the responsibility of the Urban Planning and Municipal Patrol Department and the Public Works Department of the City of Beaconsfield under the title of the officer in charge.

Any employee of the Urban Planning and Municipal Patrol Department and of the Public Works Department of the City of Beaconsfield, and any employee of the Service de Sécurité incendie de Montréal (fire safety department) and of the City of Montreal Police Service, is considered as an assistant to the Director of the Urban Planning and Municipal Patrol Department of the City of Beaconsfield.

Council may, by resolution, appoint other natural persons or legal entities, in addition to those mentioned in the present section, for the application of the current by-law.

SECTION 5. MUNICIPAL POWERS

5.1 Prevention of the performance of duties

Anyone who prevents an employee of the Municipality or any other person in its service from performing repair work, readings or inspections, interferes with or disturbs him in the exercising of his powers, or damages in any way the water supply system, its associated devices or equipment, or hampers or prevents the operations of the drinking water distribution system, or is responsible for damaging the previously mentioned installations and equipment through his actions, is in contravention of the current by-law and becomes liable for the penalties listed herein.

5.2 Access to property

Employees specifically designated by the Municipality have the right to enter a property, at any reasonable hour, 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 must have with them, or display whenever required, a piece of identification issued by the Municipality. Moreover, these employees have access to the indoor valves inside the building; only these employees may remove or attach the seals.

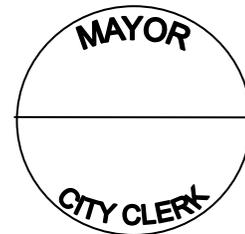
5.3 Turning off the water supply

The municipal employees so authorized have the right to shut off the water supply to carry out repairs to the water distribution system without the Municipality being held responsible for any damage caused by these interruptions; the employees must however make every reasonable effort to warn the consumers affected, except in the case of an emergency.

5.4 Water pressure and flow

The municipality does not guarantee uninterrupted service or a set pressure or flow rate, whatever the type of connection. No-one may refuse to pay their account, in part or in whole, because of an insufficient supply of water, whatever the cause.

Should the Municipality deem it opportune, it may require the owner to install a manometer pressure regulator when the pressure exceeds 525 kPa, 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 measures necessary 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 distribution system.

5.5 Request for drawings

The Municipality may request drawings of the indoor piping inside a building or operating details of an appliance or piece of equipment using water from the Municipality's drinking water distribution system.

SECTION 6. USE OF THE WATER SUPPLY INFRASTRUCTURE AND EQUIPMENT

6.1 Plumbing Code

The design and execution of any work associated with a plumbing system, carried out as of the date of the coming into force of the current by-law, must comply with the latest versions of the Quebec Building Code, Chapter III — Plumbing, and the Quebec Safety Code, Chapter I — Plumbing.

6.2 Air conditioning and cooling

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.

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

Fire hydrants are for use only by municipal employees authorized for that purpose. No-one else may turn on, turn off, manipulate or operate a fire hydrant or a water main valve on a supply pipe to a fire hydrant without first obtaining written authorization from the Municipality.

Turning fire hydrants on and off must be done in compliance with the procedure set out by the Municipality. A backflow prevention device must be used to eliminate the possibility of any backflow or siphoning.

6.4 Replacement, relocation or disconnection of a service connection

Before any service connection is disconnected, relocated or replaced, the person responsible for applying the by-law must be notified. A permit must be obtained from the Municipality, and the applicant must pay all costs associated with the work.

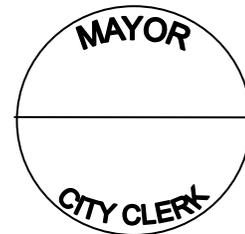
The same applies to a service connection for an automatic sprinkler system.

6.5 Defect in a 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, he must notify the person responsible for applying the by-law. In a case where the defect is on private piping, the Municipality then notifies the owner to make the repair.

6.6 Piping and equipment inside and outside 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.

SECTION 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 the approval of the person responsible for the application of the by-law, and fill the tank at the location designated by this person, in compliance with the rules prescribed by him, 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 a fitted with an automatic shut-off device, is permitted at all times.

7.2.1 Watering times

The watering of lawns, hedges, trees, shrubs and other planting by means of oscillating water sprinklers or soaker hoses is permitted between the hours of 9 pm and midnight only, on the following days:

- a) on days when the date is an even number, for an occupant of a dwelling of which the civic address is an even number;
- b) on days when the date is an uneven number, for an occupant of a dwelling of which the civic address is an uneven number.

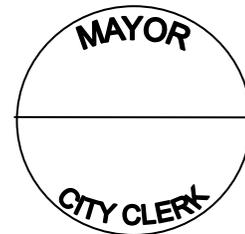
For automatic watering systems, watering is permitted from 3 am to 6 am on Sundays, Tuesdays and Thursdays only.

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, 2015.



7.2.3 New lawns and new landscaping

Notwithstanding Section 7.2.1, watering of a new lawn, newly planted trees or shrubs and new landscaping is permitted every day at the times prescribed in Section 7.2.1, for a period of 15 days from the time of seeding, laying of turf strips or planting.

Watering of a lawn laid with turf strips is permitted at all times during the day on which it is installed.

7.2.4 Surface drainage

It is prohibited 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 Vehicles, driveways, sidewalks, streets, patios and 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.

7.4 Carwash

Any automatic car wash that uses water from the municipal water supply must be equipped with a functioning recuperation, recycling and recirculation system for the water used to wash vehicles.

The owner or operator of an automatic car wash must be in compliance with the preceding paragraph by January 1, 2017.

7.5 Water features

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

7.6 Fountain

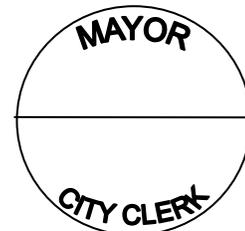
A fountain must be equipped with a manually activated release system. A continuous stream of drinking water to feed the fountain is prohibited

7.7 Continuous draining

Allowing water to run continuously is prohibited, unless the person responsible for the application of the current by-law explicitly authorizes it, and only in certain specific cases.

7.8 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.



7.9 Watering ban

The person responsible for the application of the current by-law may, due to drought conditions or a major break in the municipal water supply pipes, 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 appropriate authority if weather conditions or water stocks so allow.

SECTION 8. COSTS, OFFENCES AND PENALTIES

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 mislead the Municipality about the quantity of water supplied by the distribution system; offenders run the risk of prosecution accordingly.

(BEAC-070-2, sec. 1)

8.2 Notices

For any notice or complaint concerning one or more items in the current by-law, the consumer or his authorized representative may notify, verbally or in writing, the person responsible for the application of the by-law for any issue to do with water distribution and supply, and should contact the Treasurer's Office for any issue regarding the billing for water.

8.3 Penalties

8.3.1 Anyone contravening section 8.1 of the current by-law is committing an offence and is liable:

- a) if it involves a natural person:
- to a fine of \$1,000 for a first offence;
 - to a fine of \$1,500 for a second offence;
 - to a fine of \$2,000 for a subsequent offence.

- b) if it involves a legal entity:
- to a fine of \$2,000 for a first offence;
 - to a fine of \$3,000 for a second offence;
 - to a fine of \$4,000 for a subsequent offence.

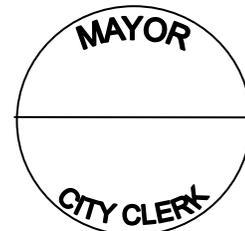
8.3.2 Anyone contravening a provision in the current by-law, except for section 8.1, is committing an offence and is liable:

- a) if it involves a natural person:
- to a fine of \$100 to \$300 for a first offence;
 - to a fine of \$300 to \$500 for a second offence;
 - to a fine of \$500 to \$1,000 for a subsequent offence.

- b) if it involves a legal entity:
- to a fine of \$200 to \$600 for a first offence;
 - to a fine of \$600 to \$1,000 for a second offence;
 - to a fine of \$1,000 to \$2,000 for a subsequent offence.

8.3.3 In all cases, costs will be added to the fines provided in sections 8.3.1 and 8.3.2.

Should the offence continue, the offender will be presumed to have committed as many offences as there are days for the duration of this offence.



The provisions in the Code of Penal Procedure apply throughout the court proceedings in virtue of the current by-law."

(BEAC-070-2, sec. 2)

8.4 Issuing of a statement of offence

The person responsible for the application of the current by-law is authorized to issue a statement of offence for any offence in contravention of the current by-law.

8.5 Order

In a case where a court pronounces a sentence for an offence, the object of which is contrary to the standards in the current by-law, it may, in addition to the fine and the costs mentioned in Section 8.4, order that such offences be, within a time limit it sets, extinguished by the offender and that, should the offender not execute said order within the time limit set, said offence be extinguished by appropriate work executed by the Municipality to the offender's cost.

SECTION 9. COMING INTO FORCE

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

MAYOR

CITY CLERK