
**POTABLE WATER USE BY-LAW OF THE
CITY OF CÔTE SAINT-LUC**

At a Regular Monthly Meeting of the City of Côte Saint-Luc, held at the City Hall at 5801 Cavendish Boulevard on December 10, 2012, at which were present:

Mayor Anthony Housefather, B.C.L., L.L.B., M.B.A.

Councillor Dida Berku, B.C.L.

Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Sam Goldbloom, B.A.

Councillor Ruth Kovac, B.A.

Councillor Allan J. Levine, B.Sc., M.A., DPLI

Councillor Glenn J. Nashen

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager

Ms. Nadia DiFuria, Associate City Manager

M^e Jonathan Shecter, City Clerk

IT IS ENACTED AND ORDAINED as By-Law 2397 entitled "POTABLE WATER USE BY-LAW OF THE CITY OF CÔTE SAINT LUC" 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" (*Arrosage automatique*) means any watering device, connected to the water supply system and activated automatically, including the electronic or underground instruments.

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

"Dwelling" (*Logement*) 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" (*Robinet d'arrêt*) means a device installed by the Municipality outside a building on the water service connection and used to interrupt the building's water supply.

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

"Immovable" (*Immeuble*) means land with its buildings and improvements.

"Interior piping" (*Tuyauterie intérieure*) means the installation inside a building, starting from the interior shut-off valve.

"Interior shut-off valve" (*Vanne d'arrêt intérieure*) means a device installed inside a building that is used to interrupt the building's water supply.

"Lot" (*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*.

"Manual watering" (*Arrosage manuel*) 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.

"Meter" (*Compteur*) or "water meter" means a device used to measure water consumption.

"Municipality" (*Municipalité*) or "City" means the Municipality of Côte Saint-Luc or the City of Côte Saint-Luc.

"Owner" (*Propriétaire*) 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" (*Personne*) includes natural and legal persons, associations of persons, trusts and cooperatives.

3. SCOPE OF APPLICATION

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

This By-law does not restrict the use of drinking water for horticulture activities namely the activities required for the production of vegetables, fruit, flowers, trees or ornamental shrubs, for commercial or institutional purposes, including soil preparation, seeding and planting, maintenance, harvesting, warehousing and marketing.

This By-law also does not restrict the use of drinking water for all Municipal operations.

4. RESPONSIBILITY FOR APPLYING WATER USE MEASURES

The Directors of Public Safety and Urban Development are jointly responsible for applying this By-law.

5. GENERAL POWERS OF THE MUNICIPALITY

5.1 Right of entry

The employees specifically designated by the Municipality are entitled to enter at any reasonable time, any public or private place, inside or outside Municipality 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 Municipality, which they must display on request. Moreover, such employees are entitled access to the interior of buildings and to interior shut-off valves. They are the only persons who may remove or apply seals.

5.2 Interference with the performance of duties

Any person who prevents an employee of the Municipality 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.

5.3 Shutting off the water main

Duly authorized municipal employees are entitled to shut off the service line valve to make repairs to the distribution system. The Municipality 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 Municipality 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.

The Municipality 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 Municipality may take whatever measures are necessary to limit consumption should water reserves become insufficient. In such a case, the Municipality 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 Municipality 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 Municipality'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 January 1, 2013, no person may install an air conditioning or refrigeration system that uses drinking water.

Notwithstanding the first paragraph of this section, a water tower may be used.

6.3 Use of municipal fire hydrants and valves

Fire hydrants may be used only by employees authorized by the Municipality for that purpose. No other person may open, close, manipulate or operate a fire hydrant or valve on a hydrant supply line without the Municipality's authorization.

Fire hydrants must be opened and closed in accordance with the procedure prescribed by the Municipality. A backflow prevention device must be used to eliminate the possibility of backflow or back-siphonage.

6.4 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 a safe, sanitary and proper working condition.

6.5 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 municipality'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 Watering of vegetation

Manual watering using a hose equipped with an automatic shut-off device, of a flower garden, vegetable garden, flower-box, planter, border, a tree and a shrub is permissible at all times.

7.2.1 Watering periods

The watering of lawns, hedges, trees, or other vegetable plants by portable sprinklers or by porous hoses is permitted only between 6:00 p.m. and 11:00 p.m.

Watering by in-ground automatic sprinkler systems is permitted only between 1:00 a.m. and 7:00 a.m.

Duration of watering by automatic or portable sprinklers or by porous hoses must never exceed forty-five (45) minutes within the permitted periods stipulated in the present article.

7.2.2 Automatic sprinkler systems

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

- a) an automatic humidity detector and/or an automatic rain gauge with an off-switch in the event of rain to prevent watering cycles when atmospheric precipitation suffices or when soil is sufficiently moist;
- b) a reduced-pressure backflow prevention device to protect the drinking water distribution system against contamination;
- c) an electric valve to be activated by an electric control mechanism for automatic sprinkler control or sprinkler cycle control. It must be installed downstream from the backflow prevention device; and
- d) a handle or gate valve with manual closing used exclusively in the event of breakage, malfunction or for any other situation considered an emergency. The handle or gate valve must be accessible from the exterior.

Notwithstanding the foregoing, an in-ground automatic sprinkler system, installed prior to January 1, 2013 that is incompatible with the requirements of this section may continue to be used.

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 outside the days and times stipulated in section 7.2.1, for a period of 15 days after the commencement of the seeding, planting or laying of sod.

The watering of a lawn laid with sod is permitted any time during the day the sod was laid.

Owners who water a new lawn, newly planted trees or shrubs, or new landscaping during the aforementioned period must produce evidence of purchase of the vegetable plants or seeds concerned on request by a person responsible for applying this By-law.

7.2.4 Water run-off

No person may intentionally use watering equipment in such a manner that water runs into the street or onto a neighbouring property. Notwithstanding the foregoing, there will be some tolerance afforded to take the effect of wind into consideration.

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 once per week (Sunday to Saturday) and for no more than thirty (30) minutes in duration or when painting construction, renovation or landscaping work justifies the cleaning of driveways, sidewalks, patios or exterior walls of the building.

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

7.4 Car-wash

Any automated car-wash that uses the water supply system must be equipped with a functional water recovery, recycling and recirculation system used in washing vehicles.

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

7.5 Landscaped ponds

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

Notwithstanding the foregoing, landscaped ponds, installed prior to January 1, 2013 that are incompatible with the requirements of this section may continue to be used.

7.6 Ornamental waterworks

Ornamental waterworks must be equipped with an on-call activation system. Connecting such waterworks to a drinking water source on a continuous basis is prohibited.

Notwithstanding the foregoing, ornamental waterworks, installed prior to January 1, 2013 that are incompatible with the requirements of this section may continue to be used.

7.7 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.

7.8 Agricultural Irrigation

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

7.9 Energy source

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

7.10 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.

In the case of new lawns, newly planted trees or shrubs or the filling of new pools, the authority of competent jurisdiction may authorize watering, weather conditions or water reserves permitting.

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 Municipality, contaminate water in the water supply system or reservoirs or knowingly mislead the Municipality 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 line be rebuilt or replaced by one greater in diameter, or that the water line 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 Municipality. 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 Municipality regarding water use billing.

8.4 Penalties

Any person who contravenes any 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 each 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 the appropriate work being carried out by the Municipality at the offender's expense.

9. Effect of the by-law

The present bylaw comes into force in accordance with the law.

(s) Anthony Housefather

**ANTHONY HOUSEFATHER
MAYOR**

(s) Jonathan Shecter

**JONATHAN SHECTER
CITY CLERK**

CERTIFIED TRUE COPY

**JONATHAN SHECTER
CITY CLERK**



**PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW No. 2397

**POTABLE WATER USE BYLAW OF THE CITY OF
CÔTE SAINT LUC**

ADOPTED ON: December 10, 2012

IN FORCE ON: December 19, 2012

CERTIFIED TRUE COPY