

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE HULL

MUNICIPALITY OF CHELSEA

MRC DES COLLINES-DE-L'OUTAOUAIS

BY-LAW NUMBER 1189-21

A BY-LAW TO ESTABLISH MEASURES TO PROMOTE THE CONSERVATION OF DRINKING WATER

WHEREAS the Council of the Municipality of Chelsea wishes to promote the rational use of drinking water;

WHEREAS to this end, Council adopted on November 2, 2015, By-law Number 934-15 decreeing the establishment of measures to promote the conservation of drinking water;

WHEREAS it is necessary to repeal and replace this by-law in order to clarify the by-law relating to the conservation of drinking water and to establish a day on which it will be prohibited to use drinking water outdoors, to ensure that the treatment of drinking water can be carried out adequately and meet the demand;

WHEREAS the Municipality may, by by-law, establish rules relating to the conservation of drinking water, in accordance with section 19 of the "Municipal Powers Act";

WHEREAS a notice of motion of this by-law was duly given at the meeting of this Council held on May 4, 2021 and the draft by-law was presented and tabled;

IT IS THEREFORE PROPOSED that the Council of the Municipality of Chelsea enact the following:

CHAPTER 1 - DECLARATORY PROVISIONS

1. The preamble is an integral part of this by-law.
2. By-law Number 934-15 decreeing the establishment of measures to promote the conservation of drinking water is repealed and replaced by the present by-law.

CHAPTER 2 - OBJECTIVES, DEFINITIONS AND SCOPE OF APPLICATION

3. The purpose of this by-law is to regulate the use of drinking water from the municipal system in order to preserve the quality and quantity of the resource, in particular by measures aimed at reducing consumption.
4. In this by-law, the following words and phrases mean:
 - a. Aqueduct: all structures, drinking water pipes, appliances, and devices owned by the Municipality of Chelsea and used to supply drinking water;
 - b. Manual watering: watering by means of a hose with a maximum diameter of 20 mm, connected to the aqueduct, equipped with a hand-held release valve during the period of use;
 - c. Mechanical watering: any form of watering other than hand watering;
 - d. Water connection: a pipe carrying water from the waterworks to the interior of a building;
 - e. Code: Quebec Construction Code, Chapter III - Plumbing and Quebec Safety Code, Chapter I - Plumbing;
 - f. Meter: a device used to measure the consumption of water from the water system system;

- g. Backflow prevention device: a backflow prevention device as defined in the Code;
- h. Potable water: water fit for human consumption from the municipal water system;
- i. Water economizer: a mechanism that allows a device that uses potable water to reduce its normal flow rate;
- j. Immovable: any immovable as defined by law, regardless of its use;
- k. Officer in charge:
 - i. The Director of Planning and Sustainable Development and his/her designates;
 - ii. The Director of the Public Works and Infrastructure Department and designates;
- l. Municipality: refers to the Municipality of Chelsea;
- m. Utilities: includes the municipal water system and the municipal sewer system.

CHAPTER 3 - CONTROL OF WATER CONSUMPTION FROM THE MUNICIPAL AQUEDUCT

- 5. No person shall, at any time and throughout the year:
 - a. hose down a motor vehicle, recreational vehicle, building, structure, or other facility with a hose that is not equipped with an automatic shut-off system;
 - b. hose down or clean a driveway, driveway, sidewalk, public or private roadway, snow bank, or adjacent property;
 - c. use a garden hose that is not from the building for which it is intended;
 - d. use more than one garden hose per building at one time or connect more than one hose nozzle or mechanical sprinkler, except when filling a pool or spa;
 - e. operate watering equipment in such a manner as to cause an accumulation of water in the roadway or on neighbouring properties;
 - f. fill a pool or spa between the hours of 6:00 a.m. and midnight, except for first-time installation of a pool;
 - g. use potable water in contravention of any prohibition, limitation, or suspension referred to in Sections 10 and 11 of this by-law.

Paragraph b. of this section does not apply to the watering of an ice rink or snow structure when it is used for a recreational purpose duly authorized by the municipality.

CHAPTER 4 - CONTROL OF WATER CONSUMPTION FROM THE MUNICIPAL AQUEDUCT DURING THE SUMMER PERIOD

- 6. In addition to section 3, for the period beginning May 1 and ending October 15, no person may:
 - (1) on Monday, by hand or by machine:
 - (a) water a garden, lawn, turf, tree, shrub, or similar vegetation outside a building;
 - b. hose down a motor vehicle, recreational vehicle, building, or structure except in the ordinary course of business;
 - (c) fill a swimming pool or spa with water;
 - (2) mechanically water a garden, lawn, turf, tree, shrub, or other similar vegetation outside a building, except:

- a. on Tuesdays, Thursdays, and Saturdays between the hours of 3:00 a.m. and 5:00 a.m. for buildings with addresses ending in an even number when it is not raining;
- b. Wednesday, Friday and Sunday between the hours of 3:00 a.m. and 5:00 a.m. for buildings with addresses ending in odd numbers when it is not raining.

CHAPTER 5 - EXCEPTIONS

7. Notwithstanding Section 5, subsection f., the filling of a pool or spa is permitted at any time between April 1 and May 15.
8. Notwithstanding Section 5, paragraphs a. and b., the washing of driveways and paved surfaces, sidewalks, patios, or exterior walls of a building with a hose of a maximum diameter of 20 mm is permitted only during painting, construction, renovation, or landscaping work that justifies it or when the presence of residues poses a health problem.
9. Notwithstanding section 6, it is permitted for holders of a certificate of authorization to, mechanically or manually water a newly seeded lawn or any new sod laid on the property for a maximum period of 2 hours per day for 15 days,.

The certificate must be posted in such a manner as to be visible from the public roadway.

10. When a water shortage is anticipated, the administering authority may limit and even prohibit the use of drinking water for outdoor watering, washing of motor vehicles or buildings, and filling of swimming pools or spas for a defined period of time, on all or part of the territory served by the drinking water system.
11. In the event of an emergency, major water main break, or conflagration, or to allow for the filling of reservoirs, the administering authority is authorized to suspend the use of potable water for outdoor watering, washing of motor vehicles or buildings, and filling of swimming pools or spas, in all or part of the territory served by the drinking water system, until the emergency situation is remedied.

CHAPTER 6 - USE OF THE WATER SYSTEM

12. The municipality does not guarantee the quantity or pressure of water supplied by the water system.
13. No person shall refuse to pay an annual special tax for water supply and use due to insufficient pressure, quality or quantity of water supplied.
14. No person whose property is connected to the municipal water system shall supply or sell water to other persons, use water for any purpose other than his or her own personal use, increase the agreed upon water supply without informing the Municipality, or waste water unnecessarily.
15. Unless an authorization is issued by the administering authority, no person shall use water supplied by the municipal water system to supply or fill cisterns, tanks, refrigerators, or other water consuming appliances for construction or transportation purposes, except for municipal employees who use water from previously identified system outlets that must be flushed.

In the event that a permit is issued, the water tank must be filled at the location designated by the administering authority in accordance with the rules set out by the administering authority and in accordance with the applicable rate of use. In addition, a backflow prevention device must be used to eliminate the possibility of backflow or siphoning.

16. No person shall allow water to flow continuously from the aqueduct for outdoor watering, washing of vehicles or buildings, or filling of swimming pools or spas, unless specifically authorized by the officer in charge of this by-law, and only in certain specific cases.
17. No person shall use the pressure or flow of water from the waterworks as a source of power or to operate any machine.

18. No person shall modify the installations, interfere with the operation of all devices and accessories provided or required by the Municipality, or contaminate the water in the aqueduct or reservoirs.

CHAPTER 7 - PIPES AND CONNECTIONS

19. No person shall connect any pipe to the municipal water system without first obtaining a permit authorizing the work.
20. No person shall leave any valve or tap in poor working order or constructed in such a manner that water supplied by the municipal water system is wasted or at risk of being wasted.
21. No change shall be made to any pipe or appliance placed by the Municipality.
22. No person shall turn the water in the municipal water system on or off without the authorization of the administering authority.

CHAPTER 8 - FIRE HYDRANTS

23. Unless a special authorization is issued by the administering authority, it is strictly forbidden for anyone other than duly authorized representatives of the Municipality to use the fire hydrants for any purpose whatsoever.
24. Insofar as the use in question is not likely to compromise fire safety, the administering authority may issue a special authorization to :
 - a contractor undertaking municipal work;
 - a public body undertaking municipal work requiring the use of water, the contractor, the public body, or their subcontractors;
 - an agency or contractor undertaking activities or work for the benefit of the community of Chelsea requiring the use of water;
 - The holder of the authorization must have it in his or her possession when using a fire hydrant and be able to present it to the officer in charge upon request.
25. For the issuance of a permit, the applicant must file a written application indicating the intended use of the hydrant and the period of time during which the applicant intends to use it.

The applicant must pay the applicable fee, if any. The applicant must also file proof that the person who will operate the hydrant is OPA certified.

The application must contain a statement to the effect that the applicant will indemnify the Municipality against any damage or claim arising from the use of the hydrant and that the applicant holds himself/herself responsible for any damage caused to the hydrant during the period of use.

26. The permittee must:
 - use only the fire hydrant designated by the Municipality;
 - notify the Municipality prior to the commencement of the period of use and at the end of the period of use of the hydrant;
 - fully open the hydrant at the time of use with a wrench designed for this purpose and regulate the flow of water through the hydrant by means of a shut-off valve that must be installed on the hydrant;
 - install a backflow prevention device;
 - close the hydrant with a wrench designed for this purpose;
 - Ensure that the hydrant, once closed, has been emptied before putting the plug back on;
 - Ensure the connections are leak-tight so as to avoid any wastage or water spills on the public roadway.

CHAPTER 9 - RESTRAINT AND ACCESS

30. No person shall obstruct any person acting lawfully under this by-law, deceive such person by concealment or misrepresentation, refuse to provide such person with any information or document which he or she is entitled to require or examine, or conceal or destroy any relevant document or property.

31. The administering authority is authorized to visit and examine, between the hours of 7:00 a.m. and 7:00 p.m., all real and personal property and the interior and exterior of any house, building, or structure to ensure compliance with the by-law. Any owner, tenant, or occupant of such property must allow the inspector to enter.

CHAPTER 10 - PENAL PROVISIONS AND PENALTIES

32. The administering authority is responsible for the enforcement of the by-law. The administering authority or its representatives may issue a statement of offence if there are reasonable grounds to believe that a violation of a provision of this by-law has been committed.
33. Any person who contravenes or fails to comply with any of the provisions of this by-law is guilty of an offence and is liable, in addition to the costs of each offence, to a fixed fine of \$1,000.00 if the offender is a natural person, or a fixed fine of \$2,000.00 if the offender is a corporation.

In the case of a repeat offence within two years of conviction for the same offence, the offender is liable, in addition to the costs of each offence, to a fixed fine of \$2,000.00 if the offender is a natural person, or a fixed fine of \$4,000.00 if the offender is a legal person.

Where an offence lasts for more than one day, it shall be counted as a separate offence for each day or fraction of a day that the offence lasts, and such offences may be described in a single charge.

34. Notwithstanding remedies by way of criminal proceedings, the council shall have the right to pursue in the courts of civil jurisdiction any and all civil law remedies that are required to enforce the provisions of this by-law.
35. In accordance with section 26.1 of the *Municipal Jurisdiction Act*, if a person fails to perform the work required of him or her under any provision of this by-law, the Municipality may, in case of emergency, perform the work at the expense of such person.

In accordance with section 96 of the *Municipal Powers Act*, the amount owed to the municipality as a result of its intervention will be considered to be a property tax.

CHAPTER 11 - COMING INTO FORCE

36. This by-law shall come into force after the formalities provided for by law have been completed.

GIVEN at Chelsea, Quebec, this 4th day of the month of May 2021.

John David McFaul
Director General and Secretary-Treasurer

Caryl Green
Mayor

DATE OF NOTICE OF May 4, 2021

DATE OF ADOPTION OF DRAFT
REGULATION:..... May 4, 2021

DATE OF ADOPTION OF REGULATION..... June 1, 2021

RESOLUTION NUMBER:..... ..

DATE DE PUBLICATION OF NOTICE OF COMING
INTO
FORCE :..... ..