



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO.: 2012-55

**BY-LAW ON THE USE OF DRINKING WATER
(QUEBEC STRATEGY FOR DRINKING WATER
CONSERVATION)**

Amendment

2012-55-1 and 2012-55-2

NOTICE

This consolidation has not been officially adopted by the Municipal Council. It has been compiled on September 9, 2022 in order to facilitate the reading of the texts. The official text is to be found in the text of the original by-law and each of its amendments.

ADOPTION PROCEDURE

Notice of motion: April 2, 2012
Adoption of by-law: June 11, 2012
Publication: June 20, 2012
Coming into force: June 20, 2012

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:**1. PURPOSE 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.

The standards contained herein are to be respected in addition to those established by the City of Montréal's *By-law concerning Certain Uses of Drinking Water on Urban Agglomeration Territory* (RCG 13-011). In the event of a conflict between the text of the present by-law and By-law RCG 13-011, the text of the latter shall prevail.

2. DEFINITIONS

"Automatic sprinkler" means any watering device, connected to the water supply system and activated automatically, including electronic or underground instruments.

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

"Dwelling unit" 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" means a device installed by the Municipality outside a building on the water service connection and used to interrupt the building's water supply.

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

"Property" means land with its buildings and improvements.

"Interior piping" means the installations inside a building, starting from the interior shut-off valve.

"Interior shut-off valve" means a device installed inside a building that is used to interrupt the building's water supply.

"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" 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" or "water meter" means a device used to measure water consumption.

"Municipality" or "Town" means the Town of Kirkland and its duly authorized representatives.

"Owner" 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" includes natural and legal persons, associations of persons, trusts and cooperatives.

3. SCOPE OF APPLICATION

This by-law sets the standards for the use of drinking 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 horticultural and food service 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.

4. RESPONSIBILITY FOR APPLYING WATER USE MEASURES

Enforcement of the present by-law is the responsibility of the Urban Planning Department, of Public Security and of the Public Works Department of the Municipality.

Any employee of one or other of these departments is authorized to pursue offenders under this by-law.

The council may, by resolution, appoint other persons, in addition to those mentioned in the present article, for application of this by-law.

5. GENERAL POWERS OF THE MUNICIPALITY

5.1. 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.

5.2. Right of entry

The employees specifically designated by the Municipality are entitled to enter at any reasonable time, any public or private place, inside 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. In addition, said employees also have access, inside a building, to interior shut-off valves, in this respect, they alone may remove or apply seals.

5.3. Shutting off the water supply

Duly authorized municipal employees are entitled to shut off the water main to make repairs to the distribution system and the Municipality may not be held liable for any damage caused by any such interruptions in supply. However, except in an emergency, the Municipality 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.

If it considers it advisable, the Municipality may require that an owner install a pressure-reducing valve with pressure gauge when water pressure exceeds 550kPa, which device must be maintained in good working order. The Municipality may not be held liable for any damage caused by pressure that is too high or too low.

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 buildings it considers as priorities 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 INFRASTRUCTURE 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 Quebec Safety Code, Chapter I — Plumbing, latest versions.

Amendments made to the codes mentioned in the first paragraph shall be integrated into the present by-law upon the adoption of a resolution to that effect as per section 6 of the *Municipal Powers Act*.

6.2 Air conditioning, refrigeration and compressors

It is forbidden to install any water-cooled air conditioning system, refrigeration system or compressor which uses the water from the municipal distribution network. Any such system or compressor installed before the coming into effect of this subsection shall be replaced before January 1st, 2018, by a system or compressor that does not use drinking water.

The prohibition contemplated in the first paragraph does not apply to a device used solely for emergency purposes or a device that is connected to a recirculation loop or a system that allows for water recovery for re-use in industrial processes. A recirculation loop must serve to prevent the continuous use of water from the municipal drinking water network. Any device use must be compliant with the *By-law concerning Certain Uses of Drinking Water on Urban Agglomeration Territory* (RCG 13-011) and specifically section 7 thereof.

6.3 Use of municipal fire hydrants and water main 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 written 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 Replacement, relocation and disconnection of a service connection

A person who wishes to disconnect or relocate a service pipe must notify the Municipality before doing so. The person must obtain a permit from the Municipality, pay the costs of excavation and repairing the cut-off, and all other costs incurred as a result of any such disconnection, replacement or relocation.

The same also applies to connecting water service pipes supplying an automatic sprinkler system.

6.5 Defect in a supply pipe

An occupant of a building must notify the Municipality whenever he or she hears an unusual noise or notes any irregularity on the water service connections. Municipality employees may then be able to locate the defect and repair it. If the defect is on private piping between the exterior shut-off valve and the meter, or between the exterior shut-off valve and the building's interior shut-off valve, if there is no meter or if the meter is installed in a room close to the street line, the Municipality shall notify the owner that the repairs must be made within 15 days.

6.6 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 safe, sanitary and proper working condition.

6.7 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.
- c) It is forbidden to connect any private system to a municipal drinking water distribution network or a plumbing system which is fed by a municipal drinking water distribution network.

6.8 Urinals

It is forbidden to install automatic flush urinals with purge tanks which use drinking water.

All non-compliant urinals installed before the coming into effect of the present subsection must be replaced by urinals with a manual flush or a presence detector before January 1st, 2018, as per section 9 of the City of Montreal's by-law RCG 13-011.

6.9 Service valve

It is forbidden for any person, other than a representative of the Municipality, to open, close or otherwise operate a service valve except with the written authorization of the Municipality.

6.10 Malfunctioning condition

It is forbidden to damage or leave in a malfunctioning condition any water pipe, pool, irrigation system, faucet, valve, toilet, hot water tank, refrigeration unit, kettle, bathtub or other similar appliance or receptacle, or to operate or allow any person to operate any such appliance or receptacle in such a way that wastes the water supplied by the aqueduct system.

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 Municipality and at such place as the latter may designate, in accordance with the rules it establishes, and at applicable 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 flower gardens, vegetable gardens, flower boxes, planters, borders, trees and shrubs, 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 the hours of 6 p.m. and 10 a.m.

7.2.2 Automatic sprinkler systems

An 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) 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 automatic sprinkler system, installed before the coming into force of this by-law that is incompatible with the requirements of this section may be used, but it must be upgraded, replaced or removed from service before January 1, 2015.

- d) 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.

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 and at any time, for a period of 15 days after the commencement of the seeding, planting or laying of sod.

Owners who water a new lawn, newly planted trees or shrubs, or new landscaping during the aforementioned period must, on request by the Municipality, produce evidence of purchase of the vegetable plants or seeds concerned.

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 neighbouring property.

7.3 Outdoor washing

Outdoor washing of vehicles, driveways, sidewalks, patios, exterior walls or others is permitted at any time provided that a wash pail or garden hose equipped with an automatic shut-off mechanism is used.

It is strictly prohibited at all times to use drinking water to melt snow or ice.

7.4 Car-wash

Any automated car-wash that uses the water supply system must be equipped with a functional system to recover, recycle and recirculate the water 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

Any landscaped ponds, irrespective of whether or not they have a water jet or a cascade and fountains, of which the initial filling and leveling are assured by the water supply system, must be equipped with a functioning water recirculation system. Supplying such ponds with drinking water on a continuous basis is prohibited.

7.6 Ornamental waterworks

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

7.7 Continuous purges

It is prohibited to leave water running, unless expressly authorized by the Municipality, and only in certain specific circumstances.

7.8 Energy source

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

7.9 Restriction on watering

The Municipality may, in the event of drought, major breaks in municipal waterworks lines or whenever it is necessary to fill municipal reservoirs, by public notice, prohibit anyone in a given sector and for a specific period, from watering lawns, trees and shrubs, from filling pools, washing vehicles or using water outdoors for whatever reason. However, said 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 Municipality may authorize watering, weather conditions or water reserves permitting.

7.10 Pools and spas

The filling of a pool or spa is forbidden between 6 a.m. and 8 p.m. notwithstanding the foregoing, water from the municipal drinking water distribution network may be used to fill a new pool when it is first assembled in order to maintain the shape of the structure.

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 main be rebuilt or replaced by a main greater in diameter, or that the water main 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 stipulations of this by-law, the consumer or his or her authorized representative may, verbally or in writing, notify the Municipality for all matters concerning water distribution and supply and shall address all notices or complaints regarding water use billing to the office of the treasurer of the Municipality.

8.4 Penalties

Any person who contravenes subsection 6.3 of this by-law commits an offence and is liable:

- a) natural person: to a fine of \$500 to \$2,000;
- b) legal person: to a fine of \$2,000 to \$4,000.

Any person who contravenes any other provision of this by-law commits an offence and is liable:

- a) For a first offence:
 - Natural person: to a fine of \$100 to \$1,000
 - Legal person: to a fine of \$100 to \$2,000
- b) For a subsequent offence:
 - Natural person: to a fine of \$200 to \$2,000
 - Legal person: to a fine of \$200 to \$4,000

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

Any employee referred to in section 4 of 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 appropriate work being carried out by the Municipality at the offender's expense.

9. COMING INTO FORCE

The present by-law shall come into force according to law.

Mayor

Town Clerk