



***BY-LAW ON THE USE AND SUPPLY OF
POTABLE WATER AND ADMINISTRATION
OF USED WATER (SEWAGE SERVICES).***

NUMBER 1031

2022-04-20
Version 1.3

1. PURPOSE OF THE BY-LAW

The purpose of this By-law is to govern the use of water in order to preserve the quality and quantity of this natural resource.

2. DEFINED TERMS

Apartment building

A building comprising five or more dwelling units which share a common entrance and other essential facilities and services. An apartment building must have at least three stories exclusive of basements or cellars. Within the meaning of this Bylaw, a residential building under condominium ownership in the RC and RD zones of the municipality are treated in the same way as apartment buildings.

Automatic sprinkler

Any watering device, connected to the water supply system and activated automatically, including the electronic or underground instruments.

Building/ Housing

Any structure used or intended to be used to shelter or accommodate persons, animals or things including single and multi-family dwellings, apartment buildings and intergenerational housing.

Connection

System of pipes, valves, fittings and manholes, located outside any building or structure, required to provide aqueduct or sanitary sewer service from the municipal system to within one (1) metre of the building or structure

Consumer

Any property-owner, occupant or tenant using the water in a part or the totality of a dwelling unit or local.

Contractor

Contracted person or company working on behalf of the Town.

Deposit

A sum of money that is given as a total or partial payment guarantee for goods or services or as damages that may be caused to goods belonging to the Town. This sum is payable in all cases prior to the start of work to be carried out and may be confiscated as total or partial payment for the goods, the services or the damages.

Duplex

A building with two independent dwellings, one on top of the other or side by side, and each with its own entrance either by means of separate doors at ground floor level or by means of a common door leading to a vestibule that in turn allows for independent and private access to each of the dwelling units

Dwelling

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

A device installed by the Town outside a building on the water service connection and used to interrupt the building's water supply.

Immovable

Land with its buildings and improvements.

Interior piping

The installation inside a building, starting from the interior shut-off valve.

Interior shut-off valve

A device installed Inside a building that is used to interrupt the building's water supply.

Lot

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

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.

Municipal employee/ Inspector/ Town Officer

A Town employee assigned to functions determined by this By-Law and who is duly authorized by the Town to apply them.

Municipal system

All pipes and accessories belonging to the Town and part of the Town's infrastructure, whether they are for the aqueduct, or sanitary sewer.

Owner/ Proprietor

In addition to the owner in title, the occupant, user, lessee, emphyteutic lessee, the dependents 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.

Town

The Town of Hampstead.

Town property/ Town property line

The total area of a lot, belonging to the Town or in regard to which it benefits from a servitude, in which has been placed a water main, or a sanitary or storm sewer main. Delineation separating Town property from any other land.

Unit

Any building or portion thereof occupied and used, or that may be occupied and used, for a distinct commercial or industrial activity, whether this activity is lucrative or not.

Conversion rate for purposes of the application of this By-Law:

1 cu. meter (M³) = 220 gallons (G) = 1000 litres (L) = 35.3 cu. feet (P³)

3. SCOPE OF APPLICATION

This By-law fixes the standards of use and supply of potable water from the Town's distribution system and applies to the entire territory of the Town.

4. RESPONSIBILITY FOR APPLICATION OF BY-LAW

The following Officers of the Town are jointly responsible for the application of this By-law: the Director of Public Works, the Commander/ Chief of Operations of Public security, the Treasurer, the Director of Urban Planning and Building Inspectors and/or their duly authorized representatives of the said department.

5. GENERAL PROVISIONS AND POWERS OF THE TOWN

5.1 All main buildings shall be connected to the municipal system. All connection and repair requests shall be addressed to the Town Officer on the form provided for this purpose.

5.2 All construction, improvement and maintenance work on the municipal systems, including connections, shall be carried out in accordance with the provincial standards as set by the *Ministère de l'Environnement* and the *Bureau de normalisation du Québec (BNQ)*, the *Code de plomberie du Québec*, and with the Town's specifications regulating such work.

5.3 Duly authorized municipal employees are entitled to shut off the water main to make repairs to the distribution system. The Town 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 The Town 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 Town may take whatever measures are necessary to limit consumption should water reserves become insufficient. In such a case, the Town 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 Regardless of the type of connection, the Town 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.

5.6 When the property-owner does not occupy a dwelling unit, the property-owner and the occupant are jointly and solitarily responsible for carrying out any obligation imposed by this By-law.

5.7 For any work required as a result of this By-law following a written notice from a Town Officer, in the event of a refusal or negligence on the part of a consumer to act within the prescribed timeframe, the Town will take the measures to have carried out the said work and to have provided the required materials at the expense of the consumer.

5.8 The meter, its' connecting and supporting parts as well as all other parts required for installing the said water meter remain the exclusive property of the Town even though they are installed on a private property.

5.9 Any taxes, rates, charges or other fees whatsoever stipulated in this By-law are due and payable by the property-owner.

6. SERVICE CONNECTIONS

6.1 Installation/ Maintenance

6.1.1 All work to install or replace a connection on Town property shall be carried out by municipal employees or a contractor working on behalf of the Town. All connections for semi-detached and row houses shall be separate and distinct. As of the coming into force of this By-law, all pre-existing constructions found to be in non-conformity may be subject to a notice from a Town Officer specifying a limit of time not exceeding 6 months to proceed with the required modifications.

6.1.2 A deposit to install or replace a connection shall be required at the same time as the charges for issuing the permits required by virtue of the municipal regulations regarding a connection by the Town, and prior to carrying out the work. The difference between the Town Officer's estimate and the actual cost of the work shall be reimbursed or invoiced, as the case may be, to the proprietor upon completion of the connection work.

6.1.3 The portion of the connection work located on Town property shall always be carried out before the portion located on private property.

6.1.4 The proprietor shall pay for the installation of any new connection. In addition to the connection charges, the proprietor shall pay the additional costs for repairs to paving, sidewalks, curbs or grassed areas on Town property.

6.1.5 All requests for a connection shall include the appropriate fees and deposits and be accompanied by a scaled plan showing the building to be connected, the municipal system, the connection pipes with their dimensions and their identifications, and any other site information that could be useful such as trees, posts, public utility manholes, etc.

6.1.6 The size of the pipes and the location of the connection shall be approved in advance by the Town Officer and by the Inspector. They may require from the proprietor a plan of the plumbing for the building as well as any details relative to the proper functioning of this connection.

6.1.7 The proprietor shall carry out the excavation, installation of pipes and backfilling of trenches from the Town property line to the building. Backfilling may only be carried out after inspection and approval of the connection by the Town Officer.

6.1.8 Any connection extending onto private land shall be made with a pipe of the same diameter and type and shall conform to the same standards as the pipe used by the Town between the Town property line and the municipal system.

6.1.9 Should a proprietor request that an existing connection be replaced by one that is larger in diameter, he shall assume the costs for removing the existing connection and installing the new connection, both on Town property and on his own property. However, replacing the portion of a connection that has been declared obsolete by the Town Officer on an existing structure located on Town property shall be at the expense of the Town.

6.1.10 Replacing the portion of a connection for a new structure for which the connection has been declared obsolete by the Town Officer shall be at the expense of the proprietor. However, should a camera inspection show a defect on Town property in an existing connection repairs shall be carried out by municipal employees at the expense of the Town.

6.1.11 The cost of installing a connection for a single-family residential building, including semi-detached and row houses, is established in by-law 1010-Tariffs. The cost of installing connections for a multi-unit residential building or institutional building shall be determined by the Town Officer. The Town Officer may solicit bids for carrying out the

work required for a connection including repairs on Town property along the street. The cost of the work, to which will be added administration charges, shall be at the expense of the proprietor.

6.2 Aqueduct

6.2.1 Every connection to the aqueduct must be equipped with a curbstop and a service box, installed on Town property, as close as possible to the Town property line.

6.2.2 The Town shall replace a defective curbstop or service box at its expense, unless it is shown that the defect is due to misuse or excess load or force applied directly to it.

6.2.3 Thawing of an aqueduct connection on private property shall be the responsibility and at the expense of the proprietor.

6.2.4 The proprietor shall carry out, at his expense, the disinfection of all aqueduct connections and mains if necessary. Following the work, the proprietor shall provide the Town Officer with an analysis certificate issued by an accredited laboratory showing that the requirements of the Quebec *Regulation respecting the quality of drinking water (chapter Q-2, r. 40)* have been met. Upon receipt of this document, the Town Officer shall proceed with making the connection operational.

6.2.5 The Town Officer shall notify the proprietor in writing of any defect found on an aqueduct connection located on private property. The proprietor shall be obliged to make the necessary repairs at his expense within five (5) working days and under the supervision of the Inspector. The proprietor must obtain all the permits required for replacing his aqueduct connection prior to commencing work.

6.2.6 If, upon expiration of the delay stated in the notification from the Town Officer the application for a permit has not been made, or the work has not started or has not been carried out diligently, the Town Officer may interrupt the water supply to the private property. The proprietor shall then become liable for the fines specified in this by-law.

6.2.7 The proprietor shall be responsible for any damage caused by a defective aqueduct connection on his property. The Town Officer may immediately suspend the service if he deems there is a danger to safety, health or property.

6.2.8 It is prohibited to leave water running, unless expressly authorized by the person responsible for applying this By-law.

6.2.9 A group of landscaped ponds, irrespective of whether or not they have a water jet or a cascade and fountains, the initial filling and level of which are assured by the water supply system, must be equipped with a functioning water recirculation system. Ornamental waterworks must be equipped with an on-call activation system. Supplying drinking water on a continuous basis is prohibited.

6.2.10 Driveways, sidewalks, streets patios or exterior walls of a building may be washed only when construction, renovation or landscaping work justifies the cleaning or for health and sanitation purposes. A vehicle may be washed at any time provided that a garden hose equipped with an automatic shut-off mechanism is used.

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

6.2.12 No by-pass connections are permitted between the shut-off valve near the edge of the sidewalk and the water meter (EX: automatic sprinkler systems). As of the coming into force of this By-law, all pre-existing constructions found to be in non-conformity may be subject to a notice from a Town Officer specifying a limit of time not exceeding 2 months to proceed with the required modifications.

6.2.13 If a water leak should occur on the property between the shut-off valve near the edge of the sidewalk and the water meter, including the shut-off valve inside the building, the

consumer shall be required to repair the leak within forty-eight hours of having received a notice to the effect issued by an Officer of the Town. Failure to comply with such notice may result in the Town carrying out the work at the consumer's expense.

6.2.14 Only copper, type K (ASTM B 88), soft annealed, shall be accepted for aqueduct connections pipes of a 19, 25, 38 or 50 mm in diameter. Aqueduct connections with a diameter greater than 50 mm shall be ductile iron Class 52 or 350. The minimum diameter of an aqueduct connection shall be 19 mm.

6.3 Sewage draining system

6.3.1 Every owner of an immovable must install a safety device in order to reduce the risks of damages resulting from a dysfunction in the sewage drainage system (i.e. back-up valve) as prescribed by the norms in force per the *Régie du bâtiment du Québec-Construction code (chapter B-1.1, r. 2) Ch.III Plumbing*. Any safety device shall be maintained in good working condition by the owner. Should the owner fail to install such a check-valve or safety device, the municipality shall not be held liable for any damages caused to the immovable or to its contents.

6.3.2 Any sanitary sewer connection to a residential building with 8 or more apartments or to an institutional building must be equipped with a sanitary sewer manhole on private property at the property line. This manhole shall be provided and installed at the expense of the proprietor.

6.3.3 All sewer connections shall be made in a straight line. A manhole must be installed wherever there is a change in direction or a change in slope.

6.3.4 When any work is required on a sewer connection and where the condition of the pipe allows it, the technique of lining may be employed to complete the repair. The lining technique shall only be used with the written agreement of the proprietor. The choice of the lining technique, i.e., structural or semi-structural, shall be determined by the Town Officer.

6.3.5 If the connection unit is rehabilitated, the cost of the work, to which administration charges are added, shall be established by the Town Officer. The proprietor's portion shall be determined according to the length of the connection located on private property compared to the total length.

6.3.6 Inspection of a sewer connection shall be carried out by a plumbing contractor chosen by the proprietor and at his expense. Should the inspection reveal a problem within Town property lines, a closed-circuit camera inspection shall be carried out by the Town.

6.3.7 This inspection shall be carried out upon payment by the proprietor of the deposit established in the Town of Hampstead by-law 1010 concerning tariffs. Should the inspection show that the cause of the blockage is within Town property lines, the Town shall return the deposit; otherwise, it shall keep the deposit.

6.3.8 The Town Officer shall notify the proprietor in writing of any defect found on a sewer connection located on private property. The proprietor shall be obliged to make the necessary repairs at his expense within ten (10) working days and under the supervision of the Inspector. The proprietor must obtain all the permits required for the replacement of his sewer connection before work commences.

6.3.9 If, upon expiration of the delay stated in the notification from the Town Officer, the application for a permit has not been made, or the repair work has not started or has not been carried out diligently, the offending proprietor shall then become liable for the fines specified in this by-law and be required to obtain a new permit.

6.3.10 Sanitary sewer connections shall conform to B181.1, B181.2, B182.1 or B182.2. in line with the CSA (Canadian Standards Association) norms. Piping shall be white colour. The minimum diameter of a sanitary or storm sewer connection shall be 150 mm.

7. AIR CONDITIONING

7.1 No person may install an air conditioning or refrigeration system that uses potable water. Any air conditioning or refrigeration system using potable water installed before the coming into force of this By-law must be replaced by a system that does not use potable water. As of the coming into force of this By-law, all pre-existing constructions found to be in non-conformity may be subject to a notice from a Town Officer specifying a limit of time not exceeding 6 months to proceed with the required modifications.

8. FIRE HYDRANTS

8.1 Use of a fire hydrant without approval in writing from a Town Officer is prohibited.

8.2 The use of fire hydrants may be authorized for construction purposes. A request to use a fire hydrant shall be made in writing on the form provided for this purpose. Such authorization to use a fire hydrant is valid only for a single use of the fire hydrant identified on the permit.

8.3 A request for the use of a fire hydrant shall be made in writing to the Town Officer. This request shall include:

- Full contact details of the applicant.
- The estimated duration of the connection (start and end dates).
- A commitment to sign an agreement with the Town-to pay the required costs should the request be approved.

8.4 Authorization from the Town Officer shall only be granted following an analysis of the impact on the distribution system for drinking water

8.5 Unless specific written authorization has been obtained from a Town Officer, only municipal employees shall manipulate a fire hydrant. Fire hydrants must be opened and closed in accordance with the procedure prescribed by the Town. A backflow prevention device must be used to eliminate the possibility of backflow or back-siphonage.

8.6 A fee of \$300 is payable in advance for the extended use of a specific fire hydrant. Should the fire hydrant or connected equipment be damaged, the consumer shall pay the repair cost.

8.7 For work done when a permit is required (EX: filling a pool, etc.) a fee of \$50 is payable in advance for the short-term use (24 hours or less) of each fire hydrant. Should the fire hydrant or connected equipment be damaged, the consumer shall pay the repair cost.

8.8 The use of fire hydrants for the above purposes is prohibited when there is a danger of freezing as established by the Town Officer.

8.9 Any relocation of a hydrant including a new connection to the main system and the abandonment of the old system, as well as all damages caused and the restoration of the property, shall be charged to the applicant.

8.10 No person or corporation shall obstruct the view of or the access to a fire hydrant nor shall they plant, erect, construct or maintain shrubs, hedges, trees, fences, walls or other

obstruction or piles of snow, dirt or other material within three feet of a fire hydrant. The Town will clear away such obstructions and the cost thereof shall be charged to the person responsible for same.

9. WATER METERS

9.1 Installation/ Maintenance

9.1.1 All consumer dwellings or units in a building are required to be equipped with a water meter, supplied by the Town. ***A ball valve must be installed before the water meter.*** As of the coming into force of this By-law, all pre-existing constructions found to be in non-conformity may be subject to a notice from a Town Officer specifying a limit of time not exceeding 2 months to proceed with the required modifications. For the purposes of this subsection exclusively, an apartment building shall be considered as one dwelling and shall be exempted if the internal distribution system is designed and constructed to the satisfaction of the Town Officer.

(1031-2, Sec. 1, 4/4/2022)

9.1.2 When there is more than one water meter in a building, each one shall be identified as to which part of the building it supplies. Upon the request of the Town Officer, the consumer is required to indicate which section of the building is served by a given meter by its civic address or a detailed plan showing the location of the meter.

9.1.3 If a residential unit or a local is changed to accommodate either more or less apartments or divisions than there are water meters, the consumer shall undertake modifications to the plumbing required to install a meter for each individual dwelling or unit.

9.1.4 Town Officers are entitled to enter at any reasonable time, any public or private place, inside or outside Town 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 Town Officers must be given the necessary cooperation to facilitate such access. Every such Town Officer must have in his or her possession the identification issued by the Town, which they must display on request. Moreover, such Town Officers are entitled to access to the interior of buildings and to interior shut-off valves.

9.1.5 It is the responsibility of the proprietor to ensure that the water meter is installed in a location easily accessible for maintenance and repair. ***The water meter must be installed within four feet (4'-0'') of where the water main pipe enters the building.*** There must be an unobstructed access facing the meter of minimally 18" x 18" with an empty space between it and the wall of minimally 2". For meters imbedded in walls or floors, a trap door must be installed allowing for immediate access.

(1031-1, Sec. 1, 09/13/2021)

9.1.6 The Town reserves itself the right to install water meters and is responsible for the installation, maintenance and reading of the water meters. For each replaced meter, the old meter must be returned before proceeding with the installation of a new meter.

9.1.7 For new constructions, the old meter must be returned immediately after the water main shut off during demolition. During construction, fittings for the future installation of a new water meter must be adapted to the water line, no spacer bars are allowed. The installation of a new water meter must be done prior to the reopening of the water main.

9.1.8 The Town reserves itself the right to accept or refuse the relocation of a water meter. Any consumer requesting the relocation of a water meter must comply with the requirements of this By-law and cover any costs incurred.

9.1.9 Every meter must be installed to the satisfaction of the Town Officer, failing which, the property-owner will be required to relocate the said meter. The Town Officer must then inspect the relocation work and request any further work deemed necessary.

9.1.10 *The water meter must, at all times, be equipped with a seal installed by a Town Officer. Only a Town Officer may break a seal.*

(1031-1, Sec. 2, 09/13/2021), (1031-2, Sec. 2, 4/4/2022)

9.1.11 The Town will determine if a meter needs to be replaced. The Town Officer must request the replacement of any defective meter. He/she may also change a water meter for another with a smaller or larger dimension when it is deemed that the water consumption justifies this action.

9.2 Consumer responsibilities

9.2.1 The consumer must inform the Town when a meter stops working properly.

9.2.2 The consumer is required to protect water meters from freezing and other damage. Failure to comply with this requirement will result in the consumer being held liable for any damages from water leakage or damages to the water meter.

9.2.3 Water meters damaged as a result of freezing or misuse shall be repaired or replaced at the proprietor's expense.

9.3 Verifications

9.3.1 The verification of the recording capacity of a water meter is awarded to an individual or a corporation selected by the Town.

9.3.2 The certificate indicating the results of the verification of the accuracy of the recording capacity of a water meter will be considered as final and binding both for the consumer and the Town.

9.3.3 A water meter having a recording capacity with an error margin of 3% or less is considered to be acceptable and representative of a properly working meter.

10. WATER TARIFICATION

The applicable charges and tariffs related to water tarification are established in By-law 1010_Tariffs as well as in the annual By-Law decreeing and imposing the tax rates to cover the Town's expenses for the year.

11. INFRACTIONS

11.1 Anyone contravening a provision of the present by-law is committing an offence. The following activities, unless they are authorized in writing by the Town, are considered as an infraction under this by-law:

11.1.1 No person may modify the facilities, damage the seals or hinder the operation of any device or accessory furnished or required by the Town

11.1.2 Preventing a municipal employee from accessing a servitude or Town property to install or replace pipes or to carry out work thereon.

11.1.3 Any person who prevents an employee of the Town 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 functions.

11.1.4 To fail to take an appointment for the installation, change, repair or relocation of a meter or other defective apparatus connected directly or indirectly to the aqueduct within the required time limits.

11.1.5 To install an air conditioning or refrigeration unit or a sprinkler system using water from the aqueduct.

11.1.6 To sell or supply water from the aqueduct to others or use it other than for one's own use.

11.1.7 Connecting to the water system before the water meter, including connecting a pipe or an apparatus between the main line and the meter.

11.1.8 Installing an auxiliary pump on the aqueduct connection to increase the flow or the pressure without prior written authorization from the Town Officer.

11.1.9 Having less water meters than the number of consumer dwellings or units in a building, apart from the exception for apartment buildings stipulated in section 9.1.1.

12. FINES & PENALTIES

12.1 Any person who contravenes a provision of this By-law commits an offence and is liable to the following applicable charges, fines and penalties:

a) in the case of a natural person:

> to a fine of not less than \$200 and not more than \$400 for a first offence;

> to a fine of not less than \$400 and not more than \$600 for a second offence;

> to a fine of \$600 and not more than \$1,000 for a subsequent offence.

b) in the case of a legal person:

>to a fine of not less than \$400 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.

12.2 In all cases, costs are in addition to the fine.

12.3 If the offence continues, the offender shall be presumed to have committed as many offences as the number of days the offence persists.

12.4 For a subsequent offense within two years, the said fines will be doubled.

12.5 The provisions of the *Code of Penal Procedure* shall apply to proceedings brought under this By-law.

13. This present By-law hereby **repeals** By-laws **774** and **796**, as well as their amendments, and will come into force according to law.

(s) Jeremy Levi
Jeremy Levi, Mayor

(s) Brinda Permal-Vardin
Brinda Permal-Vardin, Deputy Town Clerk