



**EXTRACT of Minutes of the regular meeting of the Council of the Town of Hudson held at the Community Centre on June 3<sup>rd</sup>, 2013 during which the following by-law was adopted:**

## **BY-LAW N° 631**

### **CONCERNING THE USE OF DRINKING WATER PRODUCED BY THE MUNICIPAL WATER SYSTEM**

WHEREAS the Town's by-laws concerning the use of drinking water are outdated and no longer meet its needs and concerns;

WHEREAS water is a limited, collective resource and everyone should use it in a responsible and reasonable way;

WHEREAS water shortages occur more frequently, causing a risk for water supply and therefore public security;

WHEREAS during summer heat waves, water usage causes additional pressure on our infrastructures;

WHEREAS the Municipal Council wishes to protect its drinking water resources and ensure their sustainable development;

WHEREAS Notice of Motion was duly given at the regular meeting of May 6<sup>th</sup>, 2013;

WHEREAS the requirements of Article 356 of the *Cities and Towns Act* have been met and that all council members declare having read By-Law No 631 and relinquish its reading;

THEREFORE it is **moved** by Councillor Robert Spencer, **seconded** by Councillor Diane Piacente and unanimously resolved that By-Law N° 631 be hereby adopted and decreed as follows:

**1. Purpose:**

The purpose of this by-law is the management of the water supplied by the municipal water system. It mainly governs the restrictions on use in order to promote the proper administration of potable water from an environmental perspective.

**2. Responsibility:**

The owner, tenant or principal occupant of the building where an offense is committed is the one to which the fine will be issued and will answer any charge for an offense under this by-law.

**3. Definitions:**

The following words, terms and expressions in this by-law have the meaning and application attributed to them by this section.

**3.1 Automated Watering**

Any programmable underground watering system with above-ground sprinkler must be equipped with the following devices:

- An automatic humidity sensor or an automatic shut off device which, in case of rain, will suspend watering operations when atmospheric precipitation suffices;
- A reduced-pressure anti backflow valve to prevent any contamination of the potable water distribution network;
- An electrically driven valve intended to be switched on by an automated electric device and used for the automatic control of the watering or watering cycle. It must be installed downstream of the anti backflow valve.
- A lever or a gate valve for manual shut off for use exclusively in case of breakage, malfunction or for any other urgent situation. This lever or gate valve must be accessible from outside

**3.2 Manual Watering**

Watering using a watering can or a hand-held hose fitted with a trigger nozzle or other self-closing nozzle, continuously held by the person who uses it.

**3.3 Mechanical Watering**

Any above ground watering system that does not require the continued involvement of the person who uses it and once activated, continuously operates itself manually or by constant flow. This system may be fitted with a timer or be programmable. (ex.: hose, an apparatus such as a sprinkler, rotating sprinkler, etc.)



- 3.4 Watering Can**  
Portable container with one or two handles and a long narrow neck usually ending with a perforated head, used for watering plants.
- 3.5 Potable Water**  
Water suitable for human consumption provided by the municipal water system network or from a public water system.
- 3.6 Seeding**  
Lawn establishment or repair by using a mixture of at least two varieties of herbaceous plants. It may be seeding or hydro seeding, but not sod.
- 3.7 Dwelling**  
Any building, business, industry, institution, public building, lot or vacant land.
- 3.8 Ornamental Installation**  
Any outdoor decorative installation, including a fountain, a pump, a waterfall, a stream or a pond.
- 3.9 Drip Irrigation**  
Watering made by means of a perforated hose. This system can be equipped with a timer or be programmable.
- 3.10 Underground Irrigation**  
Underground water supply system by means of perforated or porous buried pipelines, programmable or not, automatic or mechanical.
- 3.11 Automatic Shut off Nozzle**  
Hand-held device with a release locking mechanism which is fitted at the end of a hose, for example, a spray gun.
- 3.12 Wash-a-thon**  
Any non-commercial funding activity designed to wash vehicles.
- 3.13 New Vegetation**  
Any vegetation which has been planted, sowed or placed in water by a person, notably for growing purposes, within a fourteen (14) day period or less (twenty one days for a seeded lawn).
- 3.14 Lawn**  
Grass or herbaceous plants covering the ground, less than thirty centimetres in length. The lawn may have resulted from hydro seeding or not, grown naturally or may have been constituted from sod.
- 3.15 Swimming Pool**  
An indoor or outdoor reservoir with a depth of 0.91 m or more that can be filled with water and designed for swimming or bathing. For the purposes of this by-law, a whirlpool or spa is not considered a swimming pool.
- 3.16 Pump**  
Mechanical device used to collect raw water, particularly from: groundwater, surface water from a river, a lake or other, a recovery system for rainwater, runoff or grey water. For the purposes of this by-law, a pump is used to supply a parallel water supply system.
- 3.17 Wells**  
Vertical cylindrical cavity developed by mechanical means and intended to collect underground water. The wells may be residential, industrial, commercial or institutional, excluding municipal wells used for the production of potable water.
- 3.18 Water System Network**  
The Town's water system network.
- 3.19 Parallel Water Supply System**  
Mechanized system or not, but most often using a pump to collect raw water, particularly from: groundwater, surface water from a river, a lake or other, a recovery system for rainwater, runoff or grey water or treated waste waters.  
Water from a parallel water supply system does not come from the municipal water system or raw water feeding a Town filtration plant.  
A parallel water supply system is registered with the Town and bears an approved sign.



**3.20 Sod**

Slab or rolled grass, cultivated by agricultural producers and intended to be used to establish a lawn. The slabs consist of grass and soil and are less than twenty centimetres thick. Sod is not produced by seeding or hydro seeding done by individuals.

**3.21 Excessive Water Usage**

Waste or excessive and unjustified use of potable water supplied by the water system network, for example, and without being limited to:

- The use of the Town's potable water to melt snow or ice.
- Letting the Town's potable water run or trickle.
- Continuously supplying an ornamental installation with the Town's drinking water, unless the latter is designed and equipped with a functioning closed circuit water recirculation system.
- Washing of a parking lot, driveway or patio, excluding the use of a pressure washer.
- Watering the lawn or other plants when it rains or when the soil moisture content exceeds 80% as determined by a hydrometer.

**3.22 Existing Vegetation**

Any vegetation which has been planted, sowed or placed in water by a person, notably for growing purposes, for more than fourteen days (twenty one days for a seeded lawn)

**3.23 Town**

The Town of Hudson.

**4. Permitted Watering Times**

**4.1 Existing Lawn**

It is prohibited to use water from the municipal water system for the purpose of watering lawns during the period covering May 1<sup>st</sup> to October 1<sup>st</sup> of each year, with the exception of the following days and times

	<b>Even civic numbers</b>	<b>Odd civic numbers</b>
<b>Mechanical watering system</b>	Tuesday and Friday Between 8 p.m. and 11 p.m.	Monday and Thursday Between 8 p.m. and 11 p.m.
<b>Automated watering system</b>	Tuesday and Friday Between 2 a.m. and 5 a.m.	Monday and Thursday Between 2 a.m. and 5 a.m.
<b>Mechanical watering system</b> (for non-residential properties in commercial zones)	Tuesday and Friday Between 8 a.m. and 11 a.m.	Monday and Thursday Between 8 a.m. and 11 a.m.

**4.2 Vegetable and Flower Gardens**

The use of water from the municipal water system for the watering of vegetable and flower gardens is permissible every day providing this watering is done manually or by drip irrigation.

**5. New Lawn**

Watering may start at the time of the sod installation. Once the installation is complete, the above schedule must be followed.

Exceptionally and upon obtaining a permit issued by the designated officer, a homeowner who installs a new lawn may proceed to the watering of said lawn between 8 p.m. and 11 p.m. using an automated or mechanical watering system, for a period of fifteen (15) consecutive days following the seeding or the laying of sod. No permit will be issued between July 1<sup>st</sup> and August 31<sup>st</sup>.

Said permit will be displayed at all times in public view, and this, during the prescribed period.

The permit is free of charge.

The application for such a permit must be made at least seventy-two (72) hours in advance.

**5.1 Municipal Sewage Connection Repairs:**

A homeowner must first obtain a watering permit, which is free, to lay sod or sow grass to repair an area of land damaged by the excavation work done when connecting to the municipal sewer system. No permit will be issued between July 1<sup>st</sup> and August 31<sup>st</sup>.



Thus, once an owner has obtained a permit from the officer having jurisdiction, mechanical or automated watering systems may operate between 8 pm and 11 pm for the next eight (8) consecutive days, the first day being the day of the seeding or laying of sod. The area being watered can only be that which is being repaired following excavation work.

The said watering permit must be displayed in public view, at all times, during the prescribed period. This permit is free.

## **6. Watering Means**

It is prohibited to use simultaneously more than one tap connection per building, except in the case provided for in Article 5.

## **7. Prohibited Uses**

### **Waste and Excessive Use**

It is prohibited to waste or make excessive use of potable water. To this end, it is prohibited, without being limited to:

- 7.1** Using this water as an energy source.
- 7.2** Making an excessive use of drinking water, such as :
  - 7.2.1** Using the Town's potable water to melt snow or ice.
  - 7.2.2** Letting the Town's potable water run or trickle.
  - 7.2.3** Continuously supplying an ornamental installation with the Town's potable water, unless the latter is designed and equipped with a closed circuit functioning water recirculation system.
  - 7.2.4** Washing a parking area, driveway or patio, excluding the use of a pressure washer.
  - 7.2.5** Watering the lawn or other plants when it rains or when the soil moisture content exceeds 80% as determined by a hydrometer
- 7.3** Watering plants when it is raining. Without limiting to the generality of the foregoing, constitutes an offense for excessive watering the fact of watering a lawn, a flower bed or a vegetable garden while the observed climatic conditions in the course of the last days ensure that this watering will bring no benefit whatsoever to the lawn or plants so watered.

## **8. Watering of Certain Assets and Specific Uses:**

### **8.1 Washing of Buildings or Motorised Vehicles:**

- 8.1.1** Any non-commercial and outdoor washing, notably that of buildings or motorised vehicles, is allowed at all times. Washing must be done using a hand-held hose fitted with a spray wand or trigger nozzle or other self-closing nozzle and the water must be strictly used for washing purposes.
- 8.1.2** The washing of a parking lot, a driveway or a patio with the intent of applying a protective coating is permitted, once a year, within twenty-four hours before the application of the coating, once a permit has been issued.

### **8.2 Wash-a-thon:**

- 8.2.1** The holding of a wash-a-thon is authorized once a permit has been issued and all the following conditions are met:
  - Washing is done using a hand-held hose fitted with a spray wand or a trigger nozzle or other self-closing nozzle.
  - The duration of the wash-a-thon is one day only.
  - Washing is done between 9 a.m. and 4 p.m.
  - If there is a water shortage, no permit will be granted.

### **8.3 Construction Site and Building Demolition:**

- 8.3.1** It is permitted to water the concrete used for the construction of a foundation, of a slab, a border, a parking lot or other similar structures to allow the curing thereof. It is permitted to spray for dust control purposes. This watering must be done using a hose fitted with a self-closing nozzle which shall be used for this purpose only.
- 8.3.2** The use of potable water for the cleaning of vehicles and equipment as well as for the cleaning of streets and access roads is an offense under this by-law.
- 8.3.3** When a building is being demolished, watering will be permitted to avoid harmful effects such as dust and contaminants in the air, etc.

### **8.4 Outdoor Rinks:**

The use of potable water for the set up and maintenance of a non-commercial outdoor rink is permitted at any time provided that the provisions of this by-law are met.



## **8.5 Swimming Pools:**

**8.5.1** The complete filling of a swimming pool is permitted with the use of one hose only.

**8.5.2** Pool owners will be assessed a water conservation tax of \$100 per annum.

## **8.6 Treatment of Vegetation with biopesticides (for example : Nematodes):**

Anyone who chooses a biopesticide treatment, such as a nematodes application to restore a weed and pest infested lawn must first obtain, upon proof of infestation, a watering permit for this purpose and provide the following information and documents:

- Proof of purchase of a recently approved product.
- The name and address of the owner of the residence.
- The expected time and date of treatment.
- If the application is made by a professional, his full contact details.

The conditions of the permit will be determined according to the recommendations of the product used.

The watering permit must be displayed in public view at all times during the prescribed period. This permit is free of charge.

## **8.7 Golf Courses:**

The use of potable water is prohibited for watering lawns of golf courses.

## **8.8 Use of Potable Water by the Town:**

**8.8.1** The use of potable water by the Town and its employees in the course of their duties does not require any watering or water usage permit.

**8.8.2** The Town may use potable water for water games or for filling public swimming pools or for any other use it deems appropriate.

## **9. Use of Fire Hydrants and Municipal Waterworks Valves**

### **9.1 Fire Hydrants:**

It is prohibited to manipulate or use a fire hydrant connected to the municipal water system network, except by the Town employees in the performance of their duties.

### **9.2 Water System Network:**

It is prohibited to handle or use a stop valve or other device connected to the water system network, except by the Town employees in the performance of their duties.

## **10. Parallel Water Supply System:**

### **10.1 Registration of a parallel water supply system:**

Any person whose property is served by both the Town's water system network and a parallel water supply system can use the latter for watering or conduct of either or restricted activities prohibited under the provisions of this by-law, if the following conditions are met:

**10.1.1** The owner of said building must comply with the provisions of the Law on the Quality of the Environment (L.R.Q C Q-2) and its regulations, including the Regulation on underground water catchment (c. Q-2, r.6 6), as well as any other applicable municipal by-law.

**10.1.2** The building must be registered in the Town register kept for this purpose, once a Town employee has verified on-site that the system complies with the provisions of this by-law.

**10.1.3** The parallel water supply system is in no way connected to the Town's water system network supplying the building's pipe works.

## **11. Ban on Outdoor Water Use:**

### **11.1 Restrictions on Watering:**

The use of potable water can be partially or totally prohibited for the purposes provided in this by-law following the adoption of a resolution by Council or upon a written order by one or the other of the following persons, namely the Mayor, the Director General, the Assistant Director General or the Director of Technical Services in the following situations:

- Drought;
- Breakage or repair to a water main or any other component of the waterworks network system;
- Predicted water shortage;
- Whenever the population's health or safety is at risk or when serious damage to the Town's equipment can occur.

In the cases referred to in this section, no person may use potable water for the purposes mentioned in this by-law or in accordance with the banning notice.





## **11.2 Water Ban Posting:**

The ban imposed by the Town Council, the Mayor, the Director General, the Assistant Director General, or the Director of Technical Services, as the case may be, must be disclosed by a written notice. This notice will be posted at the following locations:

- Town Hall
- Technical Services and Urban Planning Department building
- Community Centre
- The Town's web site
- Any other means of communication of the notice can also be retained.

## **11.3 Council Resolution in the Case of Ban:**

When a ban is decreed by the Mayor, the Director General, the Assistant Director General or the Director of Technical Services, it must be sanctioned by Council resolution at the first Council meeting following the ban.

## **11.4 Lifting of the Ban:**

Any ban decreed in accordance with this section may be waived by the Mayor, the Director General, the Assistant Director General or the Director of Technical Services and must be sanctioned by Council resolution at the first Council meeting following the lifting of the ban.

## **12. Enforcement:**

**12.1** Enforcement of the present by-law is the responsibility of the Director of Technical Services, the Director of Urban Planning and the Community Patrol.

**12.2** Any person responsible for the application of this by-law shall be authorized to visit and inspect, at any reasonable time, any building, any property, the exterior of any house, building or structure to ensure that the present by-law is enforced.

**12.3** The employees specifically designated by the Town are entitled to enter at any given and reasonable time, any public or private place, within or outside the Town's boundaries and to remain there for as long as deemed necessary to make repairs, to read a meter or ascertain if the provisions of this by-law have been complied with. The said employees must be given the necessary cooperation to facilitate such access.

**12.4** The authorized municipal employees are entitled to shut off the water main to make repairs to the distribution system without the Town being made liable for any damage resulting from any such interruptions. However, except in the case of an emergency, the Town must notify all affected residents, by any reasonable means.

## **13. Infractions, Fines and Proceedings:**

Any person who contravenes any provision of this by-law, or tolerates or permits any such violation, is guilty of an offense and is liable to the following fine, in addition to the fees:

### **13.1 For a First Offense:**

A minimum of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) and a maximum of ONE THOUSAND DOLLARS (\$1,000.00) if the offender is a physical person or a maximum of TWO THOUSAND DOLLARS (\$2,000.00) if the offender is a moral person;

### **13.2 For a Subsequent Infraction:**

A minimum of FIVE HUNDRED DOLLARS (\$500.00) and a maximum of TWO THOUSAND DOLLARS (\$2,000.00) if the offender is a physical person or a maximum of FOUR THOUSAND DOLLARS (\$4,000.00) if the offender is a moral person. "

## **14. Enforcement:**

In general, Council authorizes any peace officer as well as all persons responsible for the application of this by-law to issue any ticket and to undertake legal proceedings against anyone who intervenes with this regulation.

## **15. By-Law N° 446 and its amendments are hereby repealed.**



# Hudson

**BY-LAW N° 631**

**Use of drinking water**

Adopted on 2013/06/03 – Published on 2013/06/13

**16 Coming into Force:**

The present by-law comes into force according to the Law.

BL631

**CARRIED**

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G. Michael Elliott  
Mayor

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Diane Duhaime  
Assistant Town Clerk

***HUDSON, this 3<sup>d</sup> day of July Two Thousand Thirteen***