

PROVINCE OF QUÉBEC  
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2974

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BY-LAW CONCERNING THE USE OF  
DRINKING WATER

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*In force on June 10, 2024*

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL,  
451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUÉBEC, ON TUESDAY, JUNE 4, 2024, AT 7:00 P.M.

PRESENT: Councillors C. Homan, T. Stainforth and K. Thorstad-Cullen, as well as  
Councillors P. Bissonnette, C. Cousineau, B. Cowan, E. Stork and B.  
Tremblay forming quorum under the chairmanship of Mayor Tim Thomas

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE  
FOLLOWING:

**BY-LAW NUMBER: PC-2974**

RESOLUTION NUMBER: 2024-270

PROPOSED BY COUNCILLOR STAINFORTH

SECONDED BY COUNCILLOR STORK

AND RESOLVED BY MAJORITY:

**WHEREAS** the powers conferred to municipalities under sections 369 and 411 of the Cities and Towns Act (chapter C-19);

**WHEREAS** the powers conferred to municipalities under sections 1 and 19 of the Municipal Powers Act (chapter C-47.1);

**WHEREAS** the City of Pointe-Claire, as part of its approach to a socially and environmentally responsible transition, is committed to regulatory measures aligned with this vision in order to reduce its ecological footprint;

**WHEREAS** the *ministère des Affaires municipales et de l'Habitation* has developed the *Stratégie québécoise d'économie d'eau potable* and that the present by-law meets certain objectives of this strategy;

**WHEREAS** a notice of motion was given, and a draft by-law was filed on May 7, 2024.

**CONSEQUENTLY, THE MUNICIPAL COUNCIL ENACTS AS FOLLOWS:**

**PURPOSE OF THE BY-LAW**

1. 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.

**DEFINITIONS**

2. Unless the context indicates otherwise, the following words and expressions signify:

"Automatic watering" means any watering appliance connected to the distribution network and operated automatically, including electronic or underground devices (e.g. outdoor sprinklers).

"Manual watering" means watering with a hose, connected to the distribution network, fitted with a hand-held release closure during the period of use. It also includes watering with a container.

"Mechanical sprinkler" means any watering appliance, connected to the distribution network, that must be switched on and off manually without having to be hand-held during the period of use.

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

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

"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.

"Engineer" means the Director of the City's Engineering Department or their authorized representative.

"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.

"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.

"Municipality" or "City" means the Municipality of or the City of Pointe-Claire and its duly authorized representatives.

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

"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.

"Distribution system" or "Drinking water distribution system" means a pipe, a set of pipes or any installation or equipment used to distribute water intended for human consumption, also known as an "aqueduct system". However, in the case of a building connected to a distribution network, any indoor piping is excluded.

"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.

"Treasurer" means the City Treasurer or their authorized representative.

"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.

## **SCOPE OF APPLICATION**

3. 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 municipal purposes (work carried out by or under contract to the municipality), 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.

## **RESPONSIBILITY FOR APPLYING WATER USE MEASURES**

4. Enforcement of the present by-law is the responsibility of the Planning, Engineering, Inspection – Public Security and Public Works Departments of the Municipality.

Any employee of any of these departments is authorized to take legal action against anyone contravening the present by-law. Any employee may visit and examine any immovable, including the interior or exterior of buildings, to ascertain whether the present by-law is being complied with, and the owners of such buildings are required to allow such persons to enter.

The Municipal Council may, by resolution, appoint other persons, in addition to those mentioned in the present section, for application of the present by-law.

## **GENERAL POWERS OF THE MUNICIPALITY**

### **Interference with the performance of duties**

5. 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 the present by-law and is liable to the penalties provided for herein.

### **Right of entry**

6. 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.

### **Shutting off the water supply**

7. 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 cases of emergency, employees must notify affected consumers by any reasonable means.

The Treasurer or Engineer may refuse to turn on the water, or may turn off the water, to any house, building or other place where water is consumed without being measured by a meter, or where they have reason to believe that the meter has been tampered with, or where access has been refused or obstructed to the officers of the Municipality in the performance of their duties, or in respect of which any sum provided for in the present by-law is legally due to the Municipality by the consumer.

### **Water pressure and flow**

8. 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.

## **Request for plans**

9. 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.

## **USE OF WATER INFRASTRUCTURE AND EQUIPMENT**

### **Plumbing Code**

10. 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.

### **Air conditioning, refrigeration, and compressors**

11. It is prohibited to install any air conditioning or refrigeration system that uses drinking water. Any such system installed before the coming into force of the present by-law must be replaced before January 1, 2027, by a system that does not use drinking water.

It is prohibited to install any compressor that uses drinking water. Any such compressor installed before the coming into force of the present by-law must be replaced before January 1, 2027, by a compressor that does not use drinking water.

### **Use of municipal fire hydrants and water main valves**

12. 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.

Water supplied by means of a fire line must be used solely for fire protection and not to meet domestic or other demand. Consequently, connection to fire lines for purposes other than fire protection is prohibited. In addition, when required by the Municipality's Engineer, the consumer must indicate in writing the reason for using the water supplied by the fire line.

### **Replacement, relocation, and disconnection of a service connection**

13. 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.

### **Defect in a supply pipe**

- 14.** An occupant of a building must notify the Municipality whenever they hear an unusual noise or note 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.

### **Piping and devices located inside or outside a building**

- 15.** Every plumbing system, inside a building or in a facility intended for public use, must be maintained in safe, sanitary, and proper working condition.

### **Connections**

- 16.** It is prohibited:

- a) To 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) For the owner or the occupant of a dwelling or a building supplied by the municipal drinking water distribution system, to supply that water to other dwellings or buildings or use it other than for the use of the dwelling or building.
- c) 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.
- d) Within the limits of the Municipality, to operate a private water distribution system either to sell water to others or for personal consumption. Any existing private water distribution system is hereby declared illegal. It is prohibited to supply water from the Municipality's system to any other house or building.
- e) To use water in a manner prohibited by the present by-law, or with intent to defraud the Municipality. Side connections, garden hoses outlets or any other water outlet between the stop valve and the meter are hereby declared illegal.
- f) For any person, with the exception of authorized City officials, to open or close the stop valve and fire hydrants.

If there is a request for a new or additional water connection, or to replace an old connection, on City property, the consumer will be required to sign a deposit sheet, which summarizes the City's regulations regarding this type of work and will be required to make a deposit covering the estimated value of the work as determined by the Engineer. Deposits will be considered as estimates only and will be subject to final adjustment based on the actual cost of the work. In the case of an industrial or institutional building or commercial complex, the applicant must submit mechanical drawings and a monthly consumption estimate with the application. The Engineer must approve all such drawings, prior to the work, and will determine the size of the meter. The Engineer's decision on meter type and size is final.

### **Automatic flush urinals fitted with a drainage tank**

17. It is forbidden to install any automatic flush urinal with a drainage tank that uses drinking water. Any urinal of this type installed before the coming into force of the present by-law must be replaced before January 1, 2027, by a urinal with a manual flush or presence detector.

### **INTERIOR AND EXTERIOR USES**

#### **Filling tank**

18. 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.

#### **Watering of vegetation**

19. Manual watering of flower gardens, vegetable gardens, flower boxes, planters, borders, trees, and shrubs is permitted at any time when it is not raining.

#### **Watering periods for lawns, hedges, trees, shrubs, and other vegetation**

20. Watering of lawns, hedges, trees, shrubs, or other vegetation is permitted strictly:

- a. from 3 a.m. to 6 a.m. if water is supplied by automatic watering systems;
- b. from 6 a.m. to 9 a.m. and from 8 p.m. to 11 p.m. if water is supplied by mechanical sprinklers.

And this, exclusively on the following days:

- 1) day on which the date is an even number for the occupant of a building whose address is an even number;
- 2) day on which the date is an odd number for the occupant of a building whose address is an odd number.

#### **Automatic sprinkler systems**

21. 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 backflow prevention device that meets CSA B64.10 standards to prevent contamination of the drinking water distribution system;
- c) an electric valve to be operated by an electric control device for automatic control of the watering or watering cycle.

- 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 automatic sprinkler system, installed before the coming into force of the present by-law that is incompatible with the requirements of this section must be upgraded no later than January 1, 2027.

### **New lawns and new landscaping**

- 22.** Notwithstanding Section 20, new lawns, tree or shrub plantings and new landscaping may be watered daily during the hours specified in Section 20 for a period of 15 days following the start of seeding, planting or laying of sod.

Watering of sodded lawns is permitted at any time during the day the sod is laid.

Owners watering a new lawn, tree or shrub planting or new landscaping during this period will be required to produce proof of purchase of the plants or seeds concerned upon request by the Municipality.

### **Nurseries and golf courses**

- 23.** Notwithstanding Section 20, watering is permitted every day for nurseries and golf courses.

### **Water run-off**

- 24.** No person may intentionally use watering equipment in such a manner that water runs into the street or onto neighbouring property.

### **Pools and spas**

- 25.** The filling of a pool or a spa is permitted at any time from April 1 to May 31 of each year. Outside this period, it is prohibited from 6 a.m. to 8 p.m. However, it is permitted to use water from the distribution network when assembling a new pool to maintain the shape of the structure.

### **Vehicles, driveways, sidewalks, streets, patios or exterior walls of a building**

- 26.** Washing of vehicles is permitted at all times, provided that a wash bucket or hose, connected to the distribution system and equipped with a hand-held release closure, is used during the period of use.

Washing of driveways, sidewalks, patios or exterior walls of a building is permitted only from April 1 to May 31 of each year, or during painting, construction, renovation or landscaping work warranting the cleaning of driveways, sidewalks, patios or exterior walls of the building, on condition that a hose, connected to the distribution system, equipped with a hand-held release closure is used during the period of use.

It is strictly forbidden at any time to use drinking water to melt snow or ice on driveways, lots, patios or sidewalks.



**Car wash**

- 27.** Any automatic car wash that uses water from the distribution network must be equipped with a functional system for recovering, recycling, and recirculating the water used to wash vehicles.  
The owner or operator of an automatic car wash must comply with the first paragraph before January 1, 2027.

**Landscaped ponds**

- 28.** Any landscaped pond, with or without water jets, waterfalls or fountains, whose initial filling and levelling is provided by the water distribution network, must be equipped with a functional system ensuring water recirculation. Supplying such ponds with drinking water on a continuous basis is prohibited.

**Water play modules**

- 29.** All water play modules must be equipped with an on-call activation system. Supplying such modules with drinking water on a continuous basis is prohibited.

**Continuous purges**

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

**Agricultural irrigation**

- 31.** It is strictly prohibited to use drinking water for agricultural irrigation, unless a water meter is installed on the supply pipe and authorized by the Municipality.

**Energy source**

- 32.** It is prohibited to use the pressure or flow of the drinking water distribution system as an energy source or to power any machine, except in the event of a power failure.

**Restriction on watering**

- 33.** The Municipality may, for reasons of drought, major breaks in municipal water mains and when it is necessary to fill municipal reservoirs, prohibit any person in a given area and for a specified period from watering lawns, trees and shrubs, filling swimming pools, washing vehicles or using water outdoors, for any reason whatsoever. However, this prohibition does not apply to the manual watering of vegetable gardens and edible plants, in the ground or in pots, gardens, flowers and other vegetation.

In the case of new lawns, new trees or shrub plantings, or the filling of new swimming pools, authorization may be obtained from the Municipality, if climatic circumstances or water reserves permit.

## **COSTS, OFFENCES AND PENALTIES**

### **Prohibitions**

- 34.** It is prohibited to modify the installations and to interfere with the operation of all devices and accessories supplied or required by the Municipality, or to contaminate the water in the distribution network or reservoirs, failing which offenders will be liable to appropriate penal prosecution.

The City does not guarantee the quantity or pressure of the water supplied, and no consumer may refuse, on the grounds of insufficient quantity or pressure of the water, to pay any of the sums provided for in the municipal by-laws in force, as the case may be. In addition, the City is not liable for any damage suffered by consumers as a result of interruption of water service due to an emergency or accident.

No consumer shall damage or leave in poor working condition any water pipe, faucet, valve, toilet, hot water tank, refrigeration unit, kettle, bathtub or other similar appliance or receptacle, or use or allow to be used by any person in such a manner that water supplied by the aqueduct is wasted or improperly consumed. Increased water consumption resulting from a defective plumbing system or undue consumption will be invoiced and will not constitute grounds for contesting the water tax.

### **Cost of repair works**

- 35.** If the owner requires their water supply connexion to be reconstructed or installed deeper in the ground, the cost of such reconstruction or repair shall be assumed by the owner who shall, before the work is carried out, deposit with the office of the treasurer of the Municipality the estimated amount of the cost of such work. The real final cost and charges will be adjusted once the work has been completed.

### **Notices**

- 36.** For any notice or complaint concerning one or more stipulations of the present by-law, the consumer or their 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.

### **Penalties**

- 37.** Any person who contravenes Sections 16 and 34 of the present by-law commits an offence and is liable:

- a) In the case of a natural person:
  - To a fine of \$ 1,000 for a first offence;
  - To a fine of \$ 1,500 for a second offence;
  - To a fine of \$ 2,000 for each subsequent offence.
  
- b) In the case of a legal person:
  - To a fine of \$ 2,000 for a first offence;
  - To a fine of \$ 3,000 for a second offence;
  - To a fine of \$ 4,000 for each subsequent offence.

In all cases, administration costs are added to the fine.

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

The provisions of the *Code of Penal Procedure* apply to any proceedings instituted under the present by-law.

**38.** Any person who contravenes any provision of the present by-law, with the exception of an offence under sections 16 and 34, commits an offence and is liable:

a) In the case of a natural person:

- To a fine of \$ 100 à \$ 300 for a first offence;
- To a fine of \$ 300 to \$ 500 for a second offence;
- To a fine of \$ 500 to \$ 1,000 for each subsequent offence.

b) In the case of a legal person:

- To a fine of \$ 1,000 to \$ 2,000 for a first offence;
- To a fine of \$ 2,000 to \$ 3,000 for a second offence;
- To a fine of \$ 3,000 to \$ 4,000 for each subsequent offence.

In all cases, administration costs are added to the fine.

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

The provisions of the *Code of Penal Procedure* apply to any proceedings instituted under the present by-law.

**Issuance of statements of offence**

**39.** Any employee referred to in Section 4 of the present by-Law is authorized to issue statements of offence relating to any contravention of this by-law.

**Order**

**40.** 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 sections 37 and 38, 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.

**FINAL PROVISIONS**

**41.** The present by-law shall come into force in accordance with the law.

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Tim Thomas, Mayor

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Caroline Thibault, City Clerk