

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL



Fingal County Council

Comhairle Contae Fhine Gall



WATER BYE-LAWS 2004

**Bye-Laws for preventing the waste, undue consumption,
misuse or contamination of drinking water supplied by
Fingal County Council 2004**

MADE UNDER

THE LOCAL GOVERNMENT ACT, 1994

Fingal County Council

Bye-Laws for Preventing the Waste, Undue Consumption, Misuse or Contamination of Drinking Water Supplied by Fingal County Council, 2004

Fingal County Council, in exercise of the powers conferred on it by Section 37(1) of the Local Government Act 1994 (No. 8 of 1994) hereby make the following Bye-Laws relating to the management and conservation of drinking water in its administrative area. These byelaws are to prevent the waste, misuse, undue consumption or contamination of the public drinking water supply.

PART 1 PRELIMINARY

Short Title: These Bye-Laws may be cited as Fingal County Council Water Bye-Laws 2004.

Area of Application: These Bye-Laws shall apply to the administrative area of Fingal County Council.

Date of Commencement: ...9th June, 2005...

1.1.1 **Definitions. In these Bye-Laws**

- 1.1.2 **'Approval'** means approval in writing by the Water Services Department, Fingal County Council.
- 1.1.3 **'Authorised Person'** means a person who is authorised in writing by Fingal County Council for the purpose of these Bye-Laws.
- 1.1.4 **'Bulk Water Meter'** means a meter for measuring the total (bulk) volume of water which is being delivered to a development or estate.
- 1.1.5 **'Customer'** means any person or body who is supplied with water by Fingal County Council or its agents or who is applying to the Council or its agents in relation to a water supply.
- 1.1.6 **'Displacement device or equivalent'** means a displacement device fitted in a w.c. cistern to reduce the quantity of water used in a flushing cycle.
- 1.1.7 **'Domestic premises'** means any building or part of a building used by a person as his or her place of private residence (whether as his or her principal place of such residence or not) and includes accommodation provided in such a residence to one or more students to enable them to pursue their studies but does not include any part of a building used for the provision, for the purposes of reward, with a view to profit or otherwise in the course of business, of accommodation, including self catering accommodation, (other than accommodation provided in a place of private residence aforesaid to one or more students for the purposes aforesaid) unless the person to whom the accommodation is so provided uses the accommodation as his or her principal place of private residence.
- 1.1.8 **'Flow Meter'** means a water meter which measures and/or records water flow in a watermain.
- 1.1.9 **'Free Flow Meter'** means a water meter which does not impede or restrict the free flow of water in a watermain.
- 1.1.10 **'Housing Estate'** means an estate consisting of a multiple of buildings primarily provided for residential use, including houses, flats and apartments.
- 1.1.11 **'Long Service'** means a service pipe greater than 100m in length from the connection to the public watermain to the customer's premises.
- 1.1.12 **'Meter'** means a device which measures and/or records the rate of water flow in a watermain.
- 1.1.13 **'Non-Domestic Premises'** means any building or part of a building which is not a domestic premises as defined in these Bye-Laws.
- 1.1.14 **'Occupier'** means the person or persons occupying the premises whether owner, lessee, tenant or any other person having, for the time being, control of the premises.

- 1.1.15 **'Water fit for Human Consumption'** means drinking water or potable water supplied by the Council and complying with the requirements of EU law as incorporated in national legislation.
- 1.1.16 **'Service Pipe'** means so much of any pipe (including a branch pipe) for supplying water from the public watermain to any premises and which is subject to water pressure from that watermain, or would be so subject but for the closing of some valve.
- 1.1.17 **'Stop Tap (Valve & Meter) Box' (or 'Boundary Box')** means an enclosure (usually placed in a footpath) or box, into which devices can be placed to control or measure the water supply entering a premises. It can also be used to identify and verify supply pipe water leakage, to facilitate the service testing of pressure and flow of water, and to monitor water quality.
- 1.1.18 **'Stopvalve or Stopcock'** means a valve, other than a servicing valve, fitted in a customer supply pipe for controlling or stopping at will the flow of water.
- 1.1.19 **'The Council'** means Fingal County Council.
- 1.1.20 **'Water Audit'** means a statement by a competent person or body (acceptable to the Council) and submitted to the Council in respect of an existing non-domestic premises to which a Water Conservation Policy Statement applies. The Council can request this statement annually at the customer's expense. Such statement shall set out details of all water using equipment installed in the premises, the number of staff employed in the premises and an estimate of daily water requirement for the following 3 years. The audit shall identify any leaks or excessive use of water and identify how such leaks or excessive use is to be repaired/reduced.
- 1.1.21 **'Water Conservation Policy Statement'** means a statement by a competent person or body (acceptable to the Council) and submitted to the Council for approval in relation to an existing non-domestic premises where required by the Council. Such statement shall set out details of all water mains supplying the premises; the internal plumbing arrangements; a full list of all water using appliances, with their capacities and consumption rates; and details of any leaks on the premises and how such leaks can be detected and repaired. Details of any water recycling and reuse shall be included in the statement.
- 1.1.22 **'Water Management and Conservation Plan'** means a plan prepared by a competent person or body (acceptable to the Council) that shall be submitted to the Council for approval prior to the commencement of any development that is subject to permission under Planning and Development legislation. The plan shall set out details of how best practice in water conservation shall be applied in respect of the proposed development to include water mains and internal plumbing. The plan shall also set out details of how water wastage, leaks or excessive consumption may be identified and remedied.
- 1.1.23 **'Water Services Department'** means the Department of Fingal County Council responsible for the supply of water to domestic and non-domestic premises.
- 1.1.24 **'WC Suite'** means any suite consisting of a flushing cistern and pan or urinal into which water is discharged.

PART 2 PROTECTION OF WATER SUPPLY

2.1 Obligations applicable to all premises (Domestic and Non-Domestic):

- 2.1.1 Any person or body requiring a new or additional water supply or connection to the Council water distribution network will need to comply with the requirements set out in the Fingal County Council 'Conditions of Connection'.
- 2.1.2 The customer shall ensure that the water distribution system in his/her premises meets the requirements of the Water Services Department and is maintained so as to protect public health, prevent leakage and conserve water.
- 2.1.3 The approval of the Council shall be required prior to the laying of any new watermain and prior to the connection of that watermain or customer supply pipe to the Council's water supply.
- 2.1.3 All materials and fittings used in the provision of a water supply to a domestic or non-domestic premises shall:
 - a) be of an appropriate quality and standard, and
 - b) be suitable for the circumstances in which they are used.

For the purposes of these Bye-Laws, a material is of an appropriate quality or standard only if

- a) it bears an appropriate CE marking in accordance with the Directive;
 - b) it conforms to an appropriate harmonized standard or European technical approval;
 - c) it conforms to an appropriate Irish or British Standard or some other national specification of an EEA State which provides an equivalent level of protection and performance: or
 - d) it conforms to a specification approved by the Water Services Department.
- 2.1.4 All work associated with the provision of a water supply to a domestic or non-domestic premises shall comply with the requirements of these Bye-Laws.
- 2.1.5 Any additional pipe, fitting or apparatus connected to any installation supplied with water by the Council and any alteration to any existing pipe, fitting or apparatus shall be carried out by a competent person in accordance with the requirements of these Bye-Laws. The Water Services Department shall be notified in writing, in advance of any major or significant additions or alterations.
- 2.1.6 The Council shall maintain the portion of any service pipe laid in any road from the watermain pipe to the street control stopvalve/boundary box. The customer shall be responsible for the section of the service pipe which extends from the street control Stopvalve/Boundary box into his/her premises. Renewal of the service pipe from the street control Stopvalve/Boundary Box in through the immediate premises boundary shall only be carried out in accordance with the Council's requirements.
- 2.1.7 All pipes which supply or may supply drinking water shall be flushed to remove debris including excess flux that may have collected in the pipes during installation, renewal or repair. After testing and flushing installations shall be disinfected in accordance with the requirements of the Water Services Department.
- 2.1.8 All water systems shall contain an adequate device or devices to prevent the occurrence of backflow.
- 2.1.9 Any apparatus which would have the effect of rendering drinking water unfit for human consumption, shall not be fitted.

- 2.1.10 The fitting of a pump to the direct water supply from the public mains shall only be undertaken with the consent of and in accordance with the requirements of the Water Services Department.
- 2.1.11 Each premises shall be fitted with a cold water storage facility adequate and appropriate for the use of the premises and in accordance with the Council's requirements. Such facility shall be maintained in accordance with the manufacturer's guidelines or other best practice.
- 2.1.12 Every customer shall ensure that water supplied to his/her premises for drinking purposes shall not deteriorate to such an extent that it is no longer suitable for human consumption.
- 2.1.13 All fire hydrants must be underground, bayonet Lug type and to a specification approved by the Council.
- 2.1.14 Waters of varying degrees of softness, hardness or other characteristics may be received in any particular part of the water supply area. The customer shall ensure that the hot water and the cold water supply installations, in the water distribution in his/hers premises, are suitable for the type of water supplied.
- 2.1.15 Employees or agents of the Council engaged in the provision of water supply services may enter a premises at any reasonable time to inspect the water supply and/or carry out essential works in order to protect public health or at any time in cases where in the opinion of the Council, an emergency exists.
- 2.1.16 The Council may interrupt the water supply of the customer without prior notice for the purpose of protection of public health, inspection, leak detection or any other valid reason. Notwithstanding the foregoing, the Council will use its best endeavours to notify customers in advance in cases where the interruption to supply is likely to exceed 4 hours.
- 2.1.17 The Council may, having regard to the Local Government (Delimitation of Water Supply Disconnection Powers) Act 1995 if appropriate, disconnect the water supply of a customer for any valid reason and, in particular, if in the opinion of the Council, the water supply is a risk to public health.

2.2 Additional obligations applicable to Non-Domestic Premises:

- 2.2.1 Employees or agents of the Council engaged in the provision of water supply services may, at all reasonable times, enter the premises of a customer for the purposes of reading, inspecting, disconnecting or removing the meter(s) and for any other purpose in connection with the supply of water.

PART 3 WATER CONSERVATION

3.1 Obligations applicable to all premises (Domestic and Non-Domestic):

- 3.1.1 Where requested by the Council, no development shall be commenced (except in respect of a new single dwelling or extension to an existing single dwelling) prior to submission to the Council of a Water Management and Conservation Plan and approval by the Council in writing of the said Plan.
- 3.1.2 Each WC suite installed in a newly constructed premises or in a premises converted from another use shall have a maximum flush of 6 litres using a multi flush or a single flush facility.
- 3.1.3 Each new WC suite installed in an existing premises, whether it is an additional WC suite or a replacement for an existing suite, shall have a maximum flush of 6 litres using a multi flush or a single flush facility.
- 3.1.4 Each WC cistern with a volume in excess of 6litres may be fitted with a Displacement Device or equivalent with the objective of achieving water conservation where, in the opinion of the Council, this is feasible.
- 3.1.5 Each new domestic premises shall be fitted with a Stop Tap (Valve and Meter) Box (or Boundary Box).
- 3.1.6 In accordance with the Council's requirements, each new housing estate shall incorporate a Bulk Water Meter within its water mains.
- 3.1.7 A hosepipe (sprinkler or similar fitting) shall not be connected to a draw-off tap or other similar fitting for use either inside or outside any premises during periods of water shortages as defined by the Council or unless approved by the Council.
- 3.1.8 Any unauthorised use of a fire hydrant or use of a water supply laid on solely for fire fighting purposes for any other purpose shall be an offence and the Council may impose a fine for this offence and/or charge for the water used.
- 3.1.9 Plumbing systems and all fittings used in the supply of water shall be of a type which achieve the objective of conserving water.
- 3.1.10 Washing machines, dishwashers and other appliances shall be economic in the use of water and plumbed in a manner that achieves the objective of conserving water and in accordance with the Council's requirements.
- 3.1.11 The Water Services Department may require a meter to be installed on any or all connections for the purpose of managing or conserving water.
- 3.1.12 Any hand held hosepipe used shall be fitted with a self-closing mechanism at the outlet of the hosepipe.
- 3.1.13 Porous hose irrigation systems or soil watering systems using fixed sprinkler heads shall not be used without the written approval of the Council.

3.2 Additional obligations in relation to Non-Domestic Premises:

- 3.2.1 Where requested by the Council, a Water Conservation Policy Statement shall be submitted, within a period not exceeding 3 months from the date of request, for approval to the Council by the occupier of any premises. Failure to submit such a statement shall be an offence. A new statement shall be submitted every 3 years or at such other times as determined by the Council or at any change of use or ownership. The occupier of a premises to which a Water Conservation Policy Statement applies shall carry out a Water Audit at least once every year and shall submit the Audit Report to the Council if so requested. In the interests of water conservation following consultation with the occupier the Council may stipulate a maximum permitted usage of water in a premises and the occupier may only exceed such limit after prior written approval from the Council.
- 3.2.2 Each premises shall be connected to a Flow Meter or shall have its water flow assessed by the Council
- 3.2.3 Automatic flushing cisterns shall be installed in a manner that achieves the objective of conserving water.
- 3.2.4 Free Flow Meters, of a type approved by the Council, shall be installed in all fire mains where deemed necessary by the Council.
- 3.2.5 A hosepipe shall not be used for the purpose of washing vehicles, watering gardens or shrubs or any such purpose except on installations where the use of the hosepipe is essential to the business being carried out and the installation meets the requirements of the Water Services Department.

PART 4 OFFENCES.

- 4.1 A person who contravenes any provision of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1250.00
- 4.2 If the contravention of a provision of these Bye-Laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €125.00 per day.
- 4.3 An authorised person may request any person who appears to be contravening or to have contravened a provision of these Bye-Laws to refrain from such contravention and that person shall comply with the request of the authorised person.
- 4.4 A person who refuses to comply with the request of an authorised person or who obstructs or impedes an authorised person in the exercise of his/her functions under these Bye-Laws shall be guilty of an offence.
- 4.5 Where an authorised person is of the opinion that a person is committing or has committed an offence in relation to the provisions of these Bye-Laws, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence.
- 4.6 Where an offence under these Bye-Laws is committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body or any person who was purporting to act in any such capacity, that officer or person, as well as the body, shall be guilty of the offence.
- 4.7 Where the affairs of a body corporate are managed by its members, Section 4.6 shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.
- 4.8 The Council may issue a person or body corporate that contravenes any provision of these Bye-Laws with a Fixed Payment Notice specifying that if an amount of € 60 is paid within 21 days of the date on which the Notice was issued, the Council shall not proceed with a prosecution. Notice of the fixed payment shall be in the general form of the notice in the First Schedule to these Bye-Laws.

FINGAL COUNTY COUNCIL
WATER BYE-LAWS 2004

**FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 41
OF THE LOCAL GOVERNMENT ACT, 1994
[BYE-LAW NUMBER 4.8]**

NAME OF LOCAL AUTHORITY: _____

TO:
Name: _____
Address: _____

It is alleged that you have contravened the provisions of bye-laws made under Part VIII of the Local Government Act, 1994 entitled
.....
by.....
.....
(in general terms specify nature of contravention) at
.....
on During this period of 21 days beginning on the date of this notice you may pay the sum of €....., accompanied by this notice, at the offices of the local authority named in this notice, located at
.....
.....

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €..... is paid during that period, no prosecution will be instituted at any time in respect of the said alleged offence.

Signed: _____ Date: _____
(Authorised Officer)

IMPORTANT: Payment will be accepted at the offices of the local authority specified above and must be accompanied by this notice. Payment may be made by post. Cheques etc., should be made payable to Fingal County Council.

A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.