

DUBLIN CITY COUNCIL

BYE-LAWS FOR THE MANAGEMENT OF WATER SERVICES AND THE CONSERVATION OF DRINKING WATER 2003

Dublin City 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.

PART 1 PRELIMINARY

Short Title: These Bye-Laws may be cited as Dublin City Council Water Bye-laws 2003.

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

Date of Commencement: 1st January, 2004

1.1 Definitions. In these Bye-Laws

- 1.1.1 **'Approval'** means approval in writing by the Water Division, Dublin City Council.
- 1.1.2 **'Authorised Person'** means a person who is authorised in writing by Dublin City Council for the purpose of these Bye-Laws.
- 1.1.3 **'Bulk Water Meter'** means a meter for measuring the total (bulk) volume of water which is being delivered to a development or estate.
- 1.1.4 **'Customer'** means any person or body who is supplied with water by Dublin City Council or its agents or who is applying to the Council or its agents in relation to a water supply.
- 1.1.5 **'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.
- 1.1.6 **'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.
- 1.1.7 **'Flow Meter'** means a water meter which measures and/or records the rate of water flow in a watermain.
- 1.1.8 **'Free Flow Meter'** means a water meter which does not impede or restrict the free flow of water in a watermain.
- 1.1.9 **'Housing Estate'** means an estate consisting of a multiple of buildings primarily provided for residential use, including houses, flats and apartments to which water is being or will be supplied by Dublin City Council or its agents.
- 1.1.10 **'Meter'** means a device which measures and/or records the rate of water flow in a watermain.

- 1.1.11 **'Non-Domestic Premises'** means any building or part of a building which is not a domestic premises as defined in these Bye-Laws and to which water is being or will be supplied by Dublin City Council or its agents.
- 1.1.12 **'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.
- 1.1.13 **'Polluter pays principle'** means the principle used for allocating costs of pollution prevention and control measures to encourage rational use of scarce environmental resources.
- 1.1.14 **Potable Water** means drinking water supplied by the Council and complying with the requirements of EU law as incorporated in national legislation.
- 1.1.15 **'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.
- 1.1.16 **Stop Tap (Valve & Meter) 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.
- 1.1.17 **'Stopvalve or Stopcock'** means a valve, other than a servicing valve, fitted in a pipeline for controlling or stopping at will the flow of water.
- 1.1.18 **'The Council'** means Dublin City Council.
- 1.1.19 **'Water Audit'** means an annual 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. 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 next 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.
- 1.1.20 **'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 which uses in excess of 5000 litres of water per day. 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.
- 1.1.21 **'Water Division'** means the Division of Dublin City Council responsible for the supply of water to domestic and non-domestic premises.
- 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, as Sanitary Authority, for approval prior to the commencement of any development that is subject to permission under Planning and Development legislation (other than a new single dwelling or extension to an existing dwelling). 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 **"WC Suite"** means any suite consisting of a flushing cistern and pan or urinal into which water is discharged.

PART 2 CONNECTION TO A WATER SUPPLY.

- 2.1 The approval of the Council shall be required prior to the laying of any new watermain and prior to the connection of that watermain to the Council's water supply.
- 2.2 In relation to the provision of a water supply to a domestic or non-domestic premises, every water fitting shall be of an appropriate quality and standard, be suitable for the circumstances in which it is in use and be in conformity with an appropriate Irish Standard (I.S.), a British Standard (B.S.) or an equivalent standard of a Member State of the European Economic Area (EEA), a harmonised European Standard (EN) or a European Technical Approval (ETA).
- 2.3 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.
- 2.4 Any person or body requiring a new or additional water supply shall first contact the Water Division to ascertain if a watermain is in place from which a water supply may be available.
- 2.5 Where the laying on of a new supply has been approved by the Water Division, that Division shall at the expense of the customer carry out the appropriate connections provided that the Council has been paid in advance all amounts due, including the amount due for the water connection; any deposit required for the supply of water and the discharge of waste water; and any contributions due under the Planning and Development Acts.
- 2.6 The Water Division shall be responsible, at the customer's expense, for laying the service pipe from the watermain to the boundary of the premises to be served and for the excavation and reinstatement of the road or street. It shall also be responsible, at the applicant's expense, for the provision and insertion in the watermain of the ferrule and branch pipe; the provision, laying and jointing of the piping; the provision of the street control stopvalve or valve and cover; and the fixing of the meter and cover (when such are required).
- 2.7 All pipes, fittings and plumbing works associated with the supply and connection of water to a domestic or non-domestic premises (and which subsequently shall be concealed or buried underground), shall be left uncovered in a safe manner for inspection by an authorised person.
- 2.8 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 Division shall be notified in writing in advance of such additions or alterations (other than a repair).
- 2.9 The Council shall maintain the portion of any service pipe laid in any road or street in charge of the Council from the watermain pipe to a point 225 mm from where the pipe enters private property. The responsibility for the maintenance of the service pipe beyond this point shall be the responsibility of the owner/occupier of the premises.
- 2.10 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 are suitable for the type of water supplied.
- 2.11 The Water Division may require a meter to be installed on all or any connections for the purpose of managing or conserving water.

PART 3 GENERAL CONDITIONS RELATING TO THE SUPPLY OF WATER.

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

- 3.1.1 The customer shall ensure that the water distribution system in his/her premises meets the requirements of these Bye-Laws and is maintained so as to protect public health, prevent leakage and conserve water.
- 3.1.2 In relation to the provision of a water supply to a domestic or non-domestic premises, every water fitting shall be of an appropriate quality and standard, be suitable for the circumstances in which it is in use and be in conformity with an appropriate Irish Standard (I.S.), a British Standard (B.S.) or an equivalent standard of a Member State of the European Economic Area (EEA), a harmonised European Standard (EN) or a European Technical Approval (ETA).
- 3.1.3 Materials or substances which cause or are likely to cause contamination of water shall not be used in the construction or installation of any apparatus, pipe or water fitting which receives or conveys potable water.
- 3.1.4 All pipes which supply or may supply potable 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 Division.
- 3.1.5 All water systems shall contain an adequate device or devices to prevent the occurrence of backflow.
- 3.1.6 A person shall not install any apparatus for softening water except in pursuance of an agreement in writing with the Water Division. Where the use of such apparatus is permitted consumers shall ensure that the apparatus is correctly installed and that the pipes, fittings and apparatus are suitable for the reception of the softened water. Water that has been softened on site shall only be used for drinking purposes when that softened water is potable.
- 3.1.7 Any apparatus which would have the effect of rendering potable water unfit for human consumption, shall not be fitted.
- 3.1.8 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 Division.
- 3.1.9 All underground fire hydrants must be to a specification approved by the Council.
- 3.1.10 Every customer shall ensure that water supplied to his/her premises for potable purposes shall not deteriorate to such an extent that it is no longer suitable for potable purposes.
- 3.1.11 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.
- 3.1.12 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.
- 3.1.13 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.

- 3.1.14 The Water Division shall arrange to carry out a Pressure and Flow test at the customer's street control stopcock, following an application by the customer and payment of the required fee. Should the test results indicate that adequate pressure and flow of water is not available at the stopcock due to the Council's distribution system, the fee shall be refunded and the Council shall renew the supply from the main to the stopcock and reinstate the surrounding area at the Council's expense.
- 3.1.15 The customer shall be responsible for that section of the service pipe which extends from the street control stopcock into his/her premises. Renewal of the service pipe from the street control stopcock in through the immediate premises boundary shall only be carried out by the Water Division, which shall carry out such work on application and payment of the required fee by the customer.
- 3.1.16 Each premises shall be fitted with a cold water storage facility adequate and appropriate for the use of the premises. Such facility shall be maintained in accordance with the manufacturer's guidelines or other best practice.

3.2 **Additional Conditions applicable to Non-Domestic Premises:**

- 3.2.1 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.
- 3.2.2 The Council may disconnect the water supply of a customer, for any of the following reasons:
- 3.2.2.1 If the customer fails to pay to the Council the charges due for the supply of water or the discharge of waste water,
 - 3.2.2.2 If the customer breaches any of the terms or conditions under which the water is supplied
 - 3.2.2.3 If in the opinion of the Council, the water supply constitutes a risk to public health
 - 3.2.2.4 For any other valid reason.
- 3.2.3 The Council shall, if it deems appropriate, enter into a contractual arrangement for the supply of water to any or all of its non-domestic customers. It shall, in any event, provide non-domestic customers with a charter of service, which shall set out the Council's commitment and responsibility in providing a water supply and the terms and conditions under which the water supply is being provided to the customer.
- 3.2.4 If, in the opinion of the Council, the nature of the customer's water demand is such that it is likely to produce what the Council determines to be a significant impact upon a water treatment works, distribution system or other customers, the Council may require the customer to enter into a contractual arrangement to have capacity assigned at the said works for the purpose of treating water on behalf of the customer or to require the customer to restrict maximum inflow and install adequate storage, at the customer's expense, on the customer's premises or elsewhere.
- 3.2.5 The Council shall supply water to non-domestic premises on such terms and conditions as may be determined by the Council. In particular, charges for the on-going supply of water and the discharge of waste water in respect of non-domestic premises shall have regard to the *polluter pays* principle and be on the basis that the Council shall recover the full cost of the provision of these services in accordance with Central Government policy.
- 3.2.6 Large withdrawals of water from the watermains for serving cooling plants

or other operations shall not be permitted without the written approval of the Council. The Council shall determine the limits which define a large withdrawal of water.

- 3.2.7 The customer may apply for termination of the water supply by giving seven days notice to the Council. The customer shall be liable for the costs incurred for the consumption of water and the discharge of waste water up to the date of disconnection and for the disconnection charge.
- 3.2.8 Where a Pressure and Flow test is undertaken as provided for in these Bye-Laws, a meter shall be installed at the customer's expense.

Meters for measuring the supply of water to non-domestic premises

- 3.2.9 The Council may install a meter in any premises for the purpose of measuring the quantity of water supplied to the premises. Each meter shall, with its appurtenances, be supplied by the Council and shall be rented by the customer from the Council at such standard rent or charge as may be from time to time fixed by the Council and the Council shall decide the size and type of such meter and the point in the service pipe where it shall be placed.
 - 3.2.10 A customer shall have a right to have a meter installed in his/her/its premises by the Council for the purpose of measuring water consumption on the terms and conditions set out in these Bye-Laws.
 - 3.2.11 Where a meter is not installed, the Council may levy a flat-rate charge in consideration of the water provided, based on estimated consumption.
 - 3.2.12 At the request of a customer, the Council shall test the accuracy of a meter to ascertain if it is within the prescribed range of accuracy specified for such meter. When the quantity of water registered by the meter at normal flows is not more than 3% above or below the actual quantity passed through the meter, the meter shall be deemed to be accurate unless alternative parameters have been agreed in writing by the Council. If it is outside the specified range the customer's account shall be increased or reduced accordingly. Otherwise the recording of meters and other apparatus shall be deemed conclusive. When tests prove that meters and other apparatus are operating satisfactorily the customer shall be required to pay all outstanding charges including the cost of any test carried out by the Council.
 - 3.2.13 Only persons authorised by the Council shall read the meter(s) and only persons authorised by the Council shall repair, connect, remove or work on any equipment belonging to the Council and associated with the recording of the water supply
 - 3.2.14 In the event of unauthorised interference, whether by the customer or otherwise, whereby water has been consumed without being properly metered, the Council reserves the right to estimate the unrecorded consumption and include the charge for same in the customer's account
- 3.3 Charges for the Supply of Water to Non-Domestic Premises.**
- 3.3.1 Prior to being connected to the water supply, the customer shall complete, or have completed by an agent, the appropriate Application Form and pay to the Council the appropriate connection fee; any contribution due under the Planning and Development Acts; and a deposit of such amount as the Council considers reasonable. This deposit shall be refunded by the Council if/when the customer vacates the premises and has discharged all his/her/its liabilities to the Council for the supply of water and the discharge of waste water in relation to the premises.

- 3.3.2 The Council shall periodically issue an invoice to the customer which shall include a charge for the metered supply of water and for the discharge of waste water, together with the rental charge for the meter. In premises where a meter has not been installed, invoices shall be based on a charge determined by the Council based on the estimated supply of water and discharge of waste water. This charge shall be in addition to any charge applicable in respect of a licence issued for the discharge of waste water under the Water Pollution Acts 1977 and 1990, as amended.
- 3.3.3 All invoices shall be sent to the billing address shown on the appropriate Application Form completed by the customer or his/her/its agent (or any other address subsequently notified to the Council by the customer or his/her/its agent).
- 3.3.4 All charges shall be paid in full by the due date specified in the invoice. The Council may charge interest at the prevailing rate for each month or part of a month on all amounts which remain unpaid after the due date specified in the invoice until payment is made.
- 3.3.5 It shall be the responsibility of the applicant to notify the City Council of any change in contact details.
- 3.3.6 Where a customer has not paid in full by the due date the amount specified in the invoice, the Council may serve a notice on the customer stating that it may disconnect the water supply to the premises. The notice shall be served at the billing address notified to the Council or at the premises to which the notice applies. If the invoice remains unpaid seven days after the service of such a notice, the Council may disconnect the water supply to the premises without further notice. The customer shall continue to be responsible for all unpaid amounts together with the disconnection charge and any future reconnection charges.

PART 4 WATER CONSERVATION

4.1 Obligations in relation to Domestic Premises.

- 4.1.1 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, as the Sanitary Authority, of a *Water Management and Conservation Plan* and approval by the Council, as the Sanitary Authority, in writing of the said Plan.
- 4.1.2 Each WC suite installed in a newly constructed domestic premises or in a domestic premises converted from another use shall have a maximum flush of 6 litres using a multi flush or a single flush facility.
- 4.1.3 Each WC suite installed in an existing domestic 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.
- 4.1.4 Each new domestic premises shall be fitted with a Stop Tap (Valve and Meter) Box.
- 4.1.5 Each new housing estate shall incorporate a Bulk Water Meter within its water mains.
- 4.1.6 Each WC cistern shall 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.
- 4.1.7 A hosepipe shall not be connected to a draw-off tap or other similar fitting for use either inside or outside any premises during periods of drought as defined by the Council or unless approved by the Council.
- 4.1.8 Any unauthorised use of a fire hydrant shall be an offence and the Council may charge for the water used.
- 4.1.9 A customer shall not use a water supply laid on for fire fighting purposes for any other purpose without the written approval of the Water Division.
- 4.1.10 Plumbing systems and all fittings used in the supply of water shall be of a type which achieve the objective of conserving water.
- 4.1.11 Washing machines, dishwashers and other appliances shall be plumbed in a manner which achieves the objective of conserving water.

4.2 Obligations in relation to Non-Domestic Premises:

- 4.2.1 No development shall be commenced prior to submission to the Council, as the Sanitary Authority, of a *Water Management and Conservation Plan* and approval by the Council, as the Sanitary Authority, in writing of the said Plan.
- 4.2.2 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 system.
- 4.2.3 Each 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 system.
- 4.2.4 The maximum permitted use of water in a premises shall be an average of 5,000 litres per day, or such other quantity as may be determined from time to time by the Council. The occupier of a premises which uses in excess of that amount of water per day shall be required to obtain the written approval

of the Council in advance for the use of the excess volume.

- 4.2.5 A *Water Conservation Policy Statement* shall be submitted for approval to the Council by the occupier of any premises which uses in excess of 5,000 litres per day, or such other quantity as may be determined from time to time by the Council. Failure to submit such a Statement within nine months of these Bye-Laws coming into effect 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.
- 4.2.6 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 for approval. Failure to submit such an Audit within the time specified by the Council shall be an offence.
- 4.2.7 Each premises shall be connected to a Flow Meter or shall have its water flow assessed by the Council
- 4.2.8 Automatic flushing cisterns shall be installed in a manner that achieves the objective of conserving water.
- 4.2.9 Free Flow Meters shall be installed in all fire mains.
- 4.2.10 Every WC cistern shall 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.
- 4.2.11 A hosepipe shall not be used during periods of drought as defined by the Council 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 Division.
- 4.2.12 Any hand held hosepipe used shall be fitted with a self-closing mechanism at the outlet of the hosepipe.
- 4.2.13 Porous hose irrigation systems or soil watering systems using fixed sprinkler heads shall not be used without the written approval of the Council
- 4.2.14 Any unauthorised use of a hydrant shall be an offence and the Council may charge for the water used.
- 4.2.15 A customer shall not use a water supply laid on for fire fighting purposes for any other purpose without the written approval of the Water Division.
- 4.2.16 Plumbing systems and all fittings used in the supply of water shall be of a type which achieve the objective of conserving water.
- 4.2.17 Washing machines, dishwashers and other appliances shall be plumbed in a manner which achieves the objective of conserving water.

PART 5 OFFENCES.

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 Where the affairs of a body corporate are managed by its members, Section 5.6 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.
- 5.8 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 €30, or such higher amount as may be prescribed, is paid within 21 days of the date on which the Notice was issued, the Council shall not proceed with a prosecution.