CONSOLIDATED

BY-LAW NO. 640

By-law providing for the supply of water and the levying of a water tax

Warning: This consolidated version of the by-law was prepared for convenience of the reader and has no official value. No warranty is given as to the accuracy of the text. For all legal purposes, the reader should consult the official version of the by-law and each of its amendments.

(B-L 640-1) 1988-01-20
(B-L 640-2) 1988-07-04
(B-L 640-3) 1989-04-05
(B-L 640-4) 1990-01-22
(B-L 640-5) 1990-12-23
(B-L 640-6) 1991-12-24
(B-L 640-7) 1992-12-23
(B-L 640-8) 1993-11-17
(B-L 640-9) 1993-12-23
(B-L 640-10) 1994-05-04
(B-L 640-11) 1994-10-05
(B-L 640-12) 1995-01-04
(B-L 640-13) 1995-12-19
(B-L 640-14) 1998-01-07
(B-L 640-15) 1998-12-30
(B-L 640-16) 1999-07-18
(BEAC-009) 2006-01-01
(B-L 640-17) 2007-01-01
(B-L 640-18) 2007-12-19
(B-L 640-19) 2008-12-17
(B-L 640-20) 2010-01-25
(B-L 640-21) 2010-12-20
(B-L 640-22) 2011-12-19
(B-L 640-23) 2012-12-17
(B-L 640-24) 2014-02-17
(B-L 640-25) 2014-12-16
(B-L 640-26) 2015-12-21
(B-L 640-27) 2016-12-19
(B-L 640-28) 2017-12-18 Repealed
(B-L 640-29) 2018-01-22
(B-L 640-30) 2018-12-19
(B-L 640-31) 2019-12-16
(B-L 640-32) 2020-12-14
(B-L 640-33) 2021-08-23
(B-L 640-34) 2022-01-24
(B-L 640-35) 2022-12-19
(B-L 640-36) 2023-12-21
(B-L 640-37) 2024-12-19
(B-L 640-38) 2026-01-22

Adopted at the Adjourned Meeting of the
Municipal Council held on January 19, 1987.

BY-LAW NO. 640 - Consolidated
By-law providing for the supply of water and the levying of a water tax

At the Adjourned Meeting of the Municipal Council of the City of Beaconsfield, held in the City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on January 19, 1987 at 8:30 P.M.

WERE PRESENT: Her Worship Mayor Patricia M. Rustad, Councillors James Hasegawa, Gauke de Jonge, Frank G. Chamandy, Ernest A. Dahl, Russell Williams and Roy Kemp.

On motion of Councillor Roy Kemp, seconded by Councillor G. de Jonge, it was UNANIMOUSLY RESOLVED AS FOLLOWS:

It is ordained and enacted by By-Law no. 640 entitled: "By-law providing for the supply of water and the levying of a water tax" as follows:

DEFINITIONS

SECTION 1: In this by-law, unless the context requires another meaning,

1.1 "The City" means the City of Beaconsfield;

(By-law 640-30, sec.1 / English version)

1.2 "Council" means the Council of the City of Beaconsfield;

1.3 "Treasurer" means the treasurer of the City of Beaconsfield, or his representative;

(By-law 640-30, sec.3)

1.4 "Officer" means any officer or employee of the City of Beaconsfield charged with duties designated by this by-law";

1.5 "Consumer" means the owner or owners of a property or building or part of a property or building to which water is supplied or available to be supplied from the waterworks of the City of Beaconsfield;

1.6 "Current period" means the period beginning with the date of the most recent reading or estimated reading of the meter;

1.7 "Previous period" means the period between the two (2) most recent readings or estimated readings of the meter;

1.8 "Director of Public Works" means the Director of Public Works or their representative.

(By-law 640-30, sec. 2, 4; By-law 640-33, sec. 1)

1.9 "Communicating water meter" means a measuring device that allows remote reading of water consumption data by electronic transmission.
(B-L 640-38, sec. 1)

1.10 "Non-communicating water meter" means a measuring device for water consumption data that must be read manually.
(B-L 640-38, sec. 1)

SECTION 2: All water supplied to properties or buildings from the waterworks of the City shall be measured by meters owned and supplied by the City and installed on such properties or in such buildings at a cost to the consumer concerned as specified in Section 16. Each such meter shall be placed in a situation satisfactory to the Director of Public Works and accessible for reading and maintenance by the officers of the City and a clear and unobstructed access to such meter shall be maintained at all times by the consumer. The consumer shall be responsible for the protection of the meter against damage, including damage by frost and against theft. However, the consumer shall not be responsible for the protection of outside remote reading receptacles.
(By-law 640-33, sec. 2)

SECTION 3: Any consumer who doubts the accuracy of the meter installed on his property or in his building may request the verification of such meter upon depositing an amount with the treasurer, as provided in the Tariffs By-law in force. The Director of Public Works shall then test the meter by such means as he deems adequate, if necessary by the installation of a new ~~s~~ meter. If the meter is found to be registering within a margin of error of 3%, this deposit shall be retained by the City to defray the expenses of the test. If the meter is found to register with an error of more than 3%, this deposit shall be returned to the consumer and the City shall make an adjustment of the measured quantity as follows:

1) If the meter registers more than the actual quantity, a credit will be given to the consumer based on the difference between the consumer's average historical consumptions and the current bill;
2) If the meter registers less than the actual quantity, the difference between the consumer's average historical consumptions and the current bill will be billed to the consumer;

The report as to the result of the test shall be final and binding on the consumer and on the City.
(By-law 640-10, sec. 1; By-law 640-30, sec. 5; By-law 640-33, sec. 3)

SECTION 4: When a meter is found by an officer to have been damaged, the Director of Public Works shall determine whether it must be replaced or repaired. Such replacement or repair shall be effected by the City at the consumer's expense.
(By-law 640-33, sec. 4)

SECTION 5: When a meter is found defective, or when for any other reason, it is not possible to determine by means of a meter reading what the consumption of water has been during the current period, such consumption shall be estimated to be the same as the consumption recorded by the meter for the previous period.

If the consumption of the previous period is not based on a meter reading, the consumption of the current period will be estimated, prorated by the number of months, with the average of the consumer's actual consumption history, or, if applicable, at the rate indicated in the By-law on tariffs in force.
(By-law 640-33, sec. 5)

SECTION 6: When an officer of the City or any other person authorized by the City cannot gain access to a property or building to read the meter because of the absence of the consumer or for any other reason, an answering card is left on the premises. The consumer must submit the requested information as indicated on the answering card, at the earliest delay possible.

a) If the City has not received a reading of the water meter within 15 days of having made a written request to the consumer, a non-refundable fee indicated in the By-law on tariffs in force shall be charged in addition to the cost of consumption established in accordance with Section 5.

(B-L 640-12, sec. 2; By-law 640-33, sec. 6)

SECTION 6.1 Upon receipt by the owner of a meter found to be defective of a written request from the City to remedy the situation, and should the consumer not comply within one year, a fee indicated in the *By-law on tariffs* in force shall be charged annually in addition to the cost of consumption established in accordance with the provisions of Section 5. Only the fee for the last year billed may be credited once an officer of the City has confirmed the change of the water meter.
(By-law 640-33, sec. 7)

SECTION 7: If a leakage of water occurs on any property between the street line and the meter, the consumer concerned shall be bound to repair such leak within 48 hours after being notified to do so by the Director of Public Works, failing which, the City may repair such leak at the consumer's expense and the Director of Public Works may turn off the supply of water until the necessary repairs have been made by the consumer or the City.
(By-law 640-33, sec. 8)

SECTION 8: REPEALED
(B-L 640-23, sec. 1)

SECTION 9: Any officer, upon presentation of proper identification, may enter at any reasonable time into any house or building or upon any property for the purpose of reading or verifying a water meter or to establish that the

provisions of this by-law are followed. The officer has the right, at his discretion, to modify an existing meter, to remove or repair any defective water meter and to install any new water meter. Any person who refuses access to the premises or who molests any officer in the performance of his duties commits an infraction to the present by-law.

SECTION 10: If a building is to be vacated for the winter months or any portion thereof and no adequate heating is provided, the consumer shall so notify the Director of Public Works at least forty-eight hours before such building is vacated and the Director of Public Works may remove the meter from such building to be stored by the City until the building is again occupied and adequately heated, when it shall be reinstalled upon demand by the consumer. The consumer shall pay the charges mentioned in section 16 for turning the water off and on and removing and reinstalling the meter in such case. The cost of replacing a meter damaged by frost or otherwise in a vacant building when the consumer concerned has not satisfied the Director of Public Works as aforesaid will be recoverable by the City from the consumer.
(By-law 640-33, sec. 10)

SECTION 11: Water meters shall be read once every year for billing purposes
(B-L 640-38, sec. 2)

SECTION 12: For each billing period, every consumer shall pay:

12.1 REPEALED
(B-L 640-20 sec. 1)

12.1.1 For the basic water supply service, an annual service charge of $50.00 per unit of occupation.

(B-L 640-6, sec. 1, B-L 640.19, sec. 1, B-L 640-38, sec. 3)

12.1.2 And for all water supplied through a meter, a tax of $1.8013/ cube meter, after October 1, 2025.

Beaconsfield rate	$0.9975/ c.m.
Agglomeration rate	$0.8038/ c.m.

(B-L 640-20, sec.2; B-L 640-21, sec. 1; B-L 640-22, sec. 1; B-L 640-23, sec. 2; B-L 640-24, sec. 1; B-L 640-25, sec. 1; B-L 640-26, sec. 1; B-L 640-27, sec.1; B-L 640-29, sec.1; B-L 640-30, sec. 6; B-L 640-31, sec. 1; B-L 640-32, sec. 1; B-L 640-33, sec. 1; B-L 640-34, sec. 1, B-L 640-35, sec. 1; B-L 640-36, sec. 1; B-L 640-37, sec. 1, B-L 640-38, sec. 4)

12.2 REPEALED
(B-L 640-11, sec. 2)

12.3 Any consumer who refuses the installation of a communicating water meter shall be required to pay the fee set out in the current tariff by-law, which shall be invoiced to cover the additional costs of manually reading the non-communicating water meter."
(B-L 640-38, sec. 5)

SECTION 13: The water tax rate and service charge referred to in Section 12 are due and payable to the Treasurer in one instalment.

Any instalment not paid by the due date is payable immediately and bears interest at a rate of 10% per year calculated day-to-day from the date on which this instalment has become due. Only the amount of the unpaid instalment is payable for the purpose of calculating the interest on arrears.

A penalty of 0.42% per month up to a maximum of 5% per year, calculated from the day on which the tax became payable, shall also be applied.

(B-L 640-20, sec. 3; B-L 640-21, sec. 2; B-L 640-22, sec. 2;
B-L 640-23, sec. 3; B-L 640-30, sec. 7; By-law 640-33, sec. 11-12)

SECTION 14: REPEALED
(B-L 640-23, sec. 4)

SECTION 15: When a building permit is issued for a new construction, every person, firm or corporation erecting any dwelling or a commercial or industrial unit in the municipality must pay an amount, according to the diameter of the meter, as provided in the Tariffs By-law in force,

This amount includes the supply and installation of such meter, if applicable, the inspection of the water and sewer network connections and the opening of the curb box.

(B-L 640-16, sec. 1; B-L 640-30, sec. 8; By-law 640-33, sec. 13)

SECTION 16; Except in the cases when services are required for maintenance purposes, the tariffs for goods, services or activities concerning supply of water shall be payable to the City by the consumer concerned and as provided in the Tariffs By-law in force.

(B-L 640-10, sec. 3; B-L 640-10, sec. 4; B-L 640-16, sec. 2; B-L 640-30, sec. 9)

SECTION 17: In the case of a newly erected building, the annual service charge shall be pro-rated in respect of any period or less than twelve (12) months that may elapse between the date of installation and December 31 of the year in question.
(By-law 640-33, sec. 14)

SECTION 18: The City shall not be bound to warrant the quantity of water to be supplied from the waterworks, and no person shall be entitled to refuse, on the ground of insufficiency of the supply of water to make any payment under this by-law.

SECTION 19: No person shall leave any tap, valve, pipe, cistern, water-closet or other water outlet open or in a damaged condition or out of order in such manner as to waste any water supplied from the City's waterworks, and the Director of Public Works may cut off the supply of water to the property or building concerned so long as such person remains in default under this section; but such action by the Director of Public Works shall not relieve the consumer concerned from the obligation to make any payment which would be due under this by-law if such supply of water had not been cut off.

Council may, whenever required in the public interest, impose by resolution restrictions on the exterior use of water and this for such period of time as deemed necessary.
(B-L 640-2, sec. 1; By-law 640-33, sec. 15)

SECTION 20: With respect to any property or building or part thereof, the owner shall be liable for payment of all amounts payable to the City under this by- law.

SECTION 21: REPEALED.
(B-L 640-11, sec. 1)

SECTION 22: All amounts payable to the City under this by-law shall be special charges against the properties in respect of which they are payable and shall rank and have the same privileges attached to them and shall be levied and recoverable from the owners of such properties according to the rules and in the manner prescribed for general taxes.

SECTION 23: No person shall supply water from the City's waterworks for use elsewhere than on the property on which the meter measuring such water is installed, or otherwise in contravention of this by-law or with the intention of defrauding the City.

SECTION 24: No person except an officer or other person authorized by the City shall break the seal affixed to any water meter or open or close the curb cock from which water is supplied to any property or building or otherwise interfere with such curb cock.

SECTION 25: No person shall connect to the City's waterworks or to any private water distribution connected thereto, any source of water supply that is not a part of the City's waterworks.

SECTION 26: Any person who damages any part of the water distributing system of the City or who tampers with any meter, hydrant, valve, pipe or fitting connected with the waterworks of the City shall be guilty of an offence under this by-law and liable to the penalties hereinfafter enacted.

SECTION 27: Any person who interferes with or impedes or hampers any officer in the performance of his duty under this by-law shall be guilty of an offence under this by-law and liable to the penalties hereinafter enacted.

SECTION 28: Any person who infringes any provision of this by-law shall be liable to a fine not exceeding $300.00 and the costs for each infraction. If the infraction continues, such continuance shall constitute a separate offence, day by day.

(B-L 640-19, sec. 3)

SECTION 29: By-laws no. 208, 314, 416, 481, 513, 551, 580, 597 and 619 are repealed, but such repeal shall not affect any matter or thing heretofore done under the said by-laws, pending cases or any collection roll made under the said by-laws.

MAYOR **CITY CLERK**