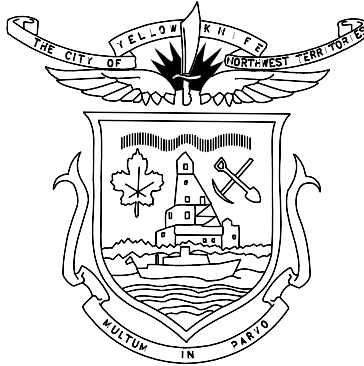


THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



CONSOLIDATION OF SERVICE CONNECTION FAILURE ASSISTANCE BY-LAW NO. 3607

Adopted February 24, 1992

AS AMENDED BY

By-law No. 3727 – November 8, 1993

By-law No. 3785 – September 12, 1994

By-law No. 3802 – January 23, 1995

Fees and Charges By-law No. 4436, as amended

**(This Consolidation is prepared for convenience only.
For accurate reference, please consult the City
Clerk's Office, City of Yellowknife)**

**CITY OF YELLOWKNIFE
BY-LAW NO. 3607**

**Preamble
amended by By-law No. 3802 Jan 23/95**

A BY-LAW OF THE CITY OF YELLOWKNIFE to provide for the repair and maintenance of the water supply and sewage lines from the City Mains to the customer's building, and provide assistance to customers;

PURSUANT TO Sections 84 and 94 of The Cities, Towns and Villages Act, R.S.N.W.T. 1988 c. C-8.

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

PART 1 INTERPRETATION

SHORT TITLE

101. This By-law may be cited as the Service Connection Failure Assistance By-law.

INTENTION

102. In this By-law unless a contrary intention appears, words importing the masculine gender include females, and words in the singular include the plural and words in the plural include the singular.

DEFINITIONS

103. In this By-Law, unless the context otherwise requires:

- (a) "City" shall mean the City of Yellowknife;
- (b) "Council" shall mean the council of the City of Yellowknife;
- (c) "Customer" means any person who has entered into an arrangement with the City to receive municipal services;
- (d) "Lot lines" or "Property lines" means the separating lines or limits identified by the location of the legal survey pins;
- (e) "Mains" means a pipe or pipes interconnected to transport water or collect sewage throughout the City or several premises excluding private service pipes forming part of the municipal system;

- (f) "Municipal System" or "Municipal Service" means the pipe and accessories owned by the City, either within a municipal road or easement, to provide water or collect sewage from private property or premises and includes the trucked system and piped system unless specifically noting one of either trucked or piped system;
- (g) "Owner" or "Property Owner" means any person who is the registered owner of a property, or any person who is in lawful possession or occupation of buildings situated thereon;
- (h) "Person" includes a corporation and the heirs, executors, administrators or other legal representative of a person;
- (i) "Property" means real property and includes any buildings thereon;
- (j) "Public Piped Service" means water supply or sewage collection provided through the City's mains and service pipes;
- (k) "S.A.O." shall mean the Senior Administrative Officer or his designate;
- (l) "Service Pipe" means the pipe intended to carry water or collect sewage from or to the main onto or across private property and includes a private service pipe and a municipal service pipe;

PART 2 GENERAL PROVISIONS

Scope

Section 201.(1)(2)
amended by By-law No. 3802 Jan 23/95

201. (1) Customers, who comply with the provisions and requirements of this By-Law, shall be entitled to assistance for service pipe failures between the customer's building foundation and the City mains.
- (2) Customers shall not be entitled to assistance for failures as a result of negligence of the customer.
- (3) Customers shall not be entitled to assistance, if the customer does not comply with the provisions or requirements of this By-Law.

Section 201.(4)
amended by By-law No. 3727 Nov 8/93

- (4) At the discretion of the Senior Administrative Officer or his designate, the Scope may include the installation of freeze protection devices which, in view of the City, may prevent an eligible failure from occurring.

Section 201.(5)(6)
amended by By-law No. 3802 Jan 23/95

- (5) Customers may apply to the S.A.O. to be exempted from the provisions of this By-law. A customer which has been granted such exemption would not be entitled to assistance provided pursuant to this By-law, and would not be subject to the charges levied by the City for this assistance programme.
- (6) If an exemption is granted for a property pursuant to the provisions of paragraph (5), entitlements pursuant to the provisions of this By-law may be reinstated for the exempted property as follows:
 - a) a request to be reinstated must be made in writing, to the S.A.O.
 - b) the property be subject to charges levied by the City for this assistance programme.
 - c) assistance provided by the City would be phased in over a five (5) year period from the date of the request to be reinstated. The property would be entitled to the following proportional assistance:

in the first year- 20% of full entitlement
in the second year- 40% of full entitlement
in the third year- 60% of full entitlement
in the fourth year- 80% of full entitlement
as of the fifth year- full entitlement

Financing and Accounting

202. (1) All costs for the provision of assistance shall be financed through service charges and fees; as well as loans; grants, subsidies or other funding provided to the City by the Government of the Northwest Territories or others.
202. (2) All monies collected shall only be used to provide assistance to customers.
202. (3) All monies collected for the provision of assistance shall be separately accounted for and disbursed.

Notification

203. (1) Notice from the City to a customer or owner for amount of bill due, contravention of any provision or requirement of this by-law, or for any other reasons, shall be in writing to the last known address of the customer or owner.
203. (2) Notice to the City may be made by telephone or in person.

Claim Registration

- 204. (1) Customers must provide notification to the City of the failure prior to performance of any remedial work and will, at the time of notification, be issued a claim registration number.
- 204. (2) A registration number is required for a claim to be considered but is not a confirmation of eligibility.

Work Done by City

Section 209 (1)
as amended by By-law No. 4436, as amended

- 209. (1) The charge for work done by the City or others will be calculated on a cost for service basis as defined and otherwise set out in the Fees and Charges By-law or any successor by-law.
- 209. (2) Where the S.A.O. requires a deposit, based on the estimated cost of work, to be paid by the applicant prior to the commencement of work done "at cost" by the City, any additional cost shall be paid to the City and any surplus shall be refunded to the applicant.

Customer's Portion

Section 210(1)
as amended by By-law No. 4436, as amended

- 210. (1) Customer's are required to pay to the City customer portion of payment for work as set out in the Fees and Charges By-law or any successor by-law.

Section 210 (2)(3)
deleted by By-law 3785 Sept 12/95

Payments

Section 211(1)
as amended by By-law No. 4436, as amended

- 211. (1) Bills for service charges, fees and all other penalties and charges levied pursuant to the Fees and Charges By-law or any successor by-law are due and payable no later than twenty one (21) days after the date of mailing.
- 211. (2) Bills are considered to be paid when the payment is received at City Hall, or at such other place as may be determined by the S.A.O. and specified on the bill.
- 211. (3) Overdue bills shall be subject to the Late Payment Charge equal to one and eight tenths percent (1.8%) of the unpaid balance on the first day of default and one and eight tenths percent (1.8%) of the unpaid balance of the account on the first day of each calendar month thereafter until sums due under this by-law in respect of the interest and charges

shall have been paid. Payments are considered received when they are physically received at City Hall.

211. (4) Liability to pay bills shall not be affected by any defect in the form of bill or non-receipt of a bill.

Owner Liability

Section 212 **as amended by By-law No. 4436, as amended**

212. Where payment is in default over sixty (60) days, the owner shall be liable for all service charges and other charges for water supply or the use of the sewage system levied pursuant to the Fees and Charges By-law or any successor by-law with respect to that property, and the City may make the balance of any account, in respect of which payment is in default over sixty (60) days, a charge against the owner of the property.

Adjustment for Charges for Partial Period

213. Where any service charges or fees are prescribed by the month or for any other period, the amount payable for a partial period shall be calculated by the S.A.O. on a proportional basis, unless otherwise provided in this by-law.

Enforcement of Payments

Section 214 **as amended by By-law No. 4436, as amended**

214. (1) Enforcement of payment of service charges, fees and all other penalties and charges levied pursuant to the Fees and Charges By-law or any successor by-law may be by:
- (a) discontinuance of municipal services after sixty (60) days from the date of mailing of the bill, in respect of which payment is in default, plus the imposition of fees to recover the City's costs;
 - (b) action in any Court of competent jurisdiction; or
 - (c) distress or sale of goods and chattels of the customer in arrears.

Section 215 **as amended by By-law No. 4436, as amended**

215. (2) Service charges, fees and other charges levied pursuant to the Fees and Charges By-law or any successor by-law that have not been paid by the end of the fiscal year in which they have been levied shall be charged against the lands or premises in respect of which the charges are levied, subject to the same penalties and collectable in the same manner as arrears of property taxes.

Public Health

216. (1) If any condition exists which in the opinion of the S.A.O. or contractor requires the department of Health to be notified, such notification shall be done immediately.
216. (2) Any condition noted under subsection (1) may require the S.A.O. or contractor to discontinue work and shall be considered an offence under this by-law.

PART 3 ADMINISTRATION

Separability

301. The provisions of this by-law are separable and invalidity of any part of this by-law shall not affect the rest of the by-law.

Repeals

302. By-law No. 3562 is hereby repealed.

Effect

303. This by-law shall come into force and effect on receiving third reading and otherwise meets the requirements of sections 57 and 58 of the *Cities, Towns and Villages Act*, R.S.N.W.T. 1988 c. C-8.