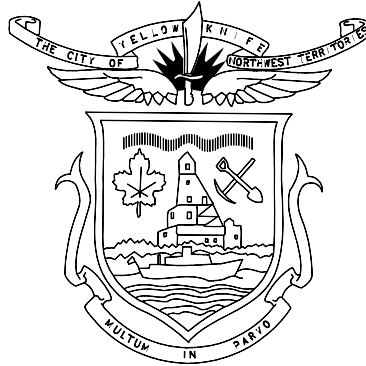


THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



SERVICE CONNECTION FAILURE ASSISTANCE BY-LAW NO. 4664

Adopted February 27, 2012

**CITY OF YELLOWKNIFE
BY-LAW NO. 4664**

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 58 and 70 of *the Cities, Towns and Villages Act*, S.N.W.T. 2003, c-22;

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. (1) This By-law may be cited as the Service Connection Failure Assistance By-law.

INTENTION

102. (1) 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. (1) 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

- 201. (1) Council shall establish a program which would assist in defraying the cost of repairing service connection failures which occur between the City's main lines and the building envelope of the serviced building.
- 201. (2) The owner or occupant must comply with any provisions and/or requirements of the "Service Connection Failure Assistance Program" (SCFAP) in order to qualify for assistance or compensation for repairs to the municipal system as described in the SCFAP.
- 201. (3) A municipal services customer of the City of Yellowknife who has a properly installed freeze protection service and provides for its proper operation and maintenance in accordance with the provisions of this By-law, and has water and sewer pipes and connections in accordance with the applicable By-laws and codes, is entitled to assistance for the repair cost of a service pipe failure between the customer's building foundation and the City mains.

- (a) "Foundation" or "Foundation Walls" means the outer surface of the foundation, foundation wall, footings, posts or supports or where there is no wall-type foundation, the vertical plane of the building wall where the water or sewer service connects with the building. The "Foundation" also incorporates any entrance way considered permanent in nature and cannot be readily removed and that formed part of the original foundation of the structure. This does not apply to any additions or secondary concrete pours attached to the original foundation.
201. (4) The City has absolute discretion over costs and selection of the repair contractor.
201. (5) The customer is responsible for repair costs up to the amount actually incurred or the Deductible, whichever is less and for all amounts above the City's Contribution. The Deductible must be paid prior to the commencement of work.
201. (6) All customers pay a fee on their monthly water bills to cover the costs of this program. Customers have the option of opting out of the program subject to approval of the S. A. O. Approval of the S. A. O. is required to reinstate coverage; however, the amount of coverage provided by the City would be phased in over a 5 year period from the date of the request to be reinstated and be based on the City's Contribution.
201. (7) 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 program.
201. (8) If an exemption is granted for a property pursuant to the provisions of paragraph (6), 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 program.
 - 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

- 201. (9) The SCFAP only deals with the service pipe repairs and excavation and backfill related to the work.
- 201. (10) 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.
- 201. (11) Costs associated with the repair of lawns, driveways, foundation walls, buildings, personal property, retaining walls, decks, trees, walkways, fences, plants and other losses, expenses or damages are outside the program and are to be borne by the customer.
- 201. (12) All customers are responsible to determine the cause and location of the service interruption. If the failure is inside the building, i.e., within the foundation walls, the customer must arrange and pay for the repairs. If it is determined that the failure is between the foundation wall and the City main, the customer must notify the Water and Sewer Division. Once this is done, the customer must fill out a Service Failure Notification and Claim Registration Form and a Coverage Agreement. A deductible as specified in the Fees and Charges By-law in the form of cash or certified cheque is required after completing these forms.
- 201. (13) Where it is determined by the City that the City is the cause of the failure or interruption in service, then the deductible shall be returned.
- 201. (14) Should the investigation and repairs cost less than the deductible, the remainder shall be returned to the customer.
- 201. (15) If the cause of the failure is directly attributable to the customer's negligence or contravention of any by-law or regulations then the customer is liable to the City for the full costs of investigation and repair.
- 201. (16) Subject to the above, any repair work previously paid for by the customer which is directly related to a service failure covered by the program, as determined by the City, is also recoverable under the program. Receipts are required for previously paid work. The work must have been carried out within one year prior to the date of completion of the Service Connection Failure Form previously referred to.

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

- 205. (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 and the Water and Sewer Services By-law or any successor by-law.
- 205. (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

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

Payments

207. (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.
207. (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.
207. (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.
207. (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

208. 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

209. 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

210. (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.
210. (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

211. (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.
211. (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. 3607 is hereby repealed.

Effect

303. This by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First time this 27 day of FEBRUARY, A.D. 2012.


MAYOR


CITY ADMINISTRATOR

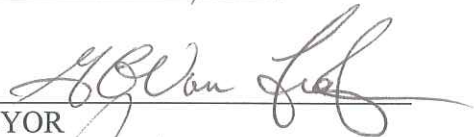
READ a Second time this 27 day of FEBRUARY, A.D. 2012.


MAYOR


CITY ADMINISTRATOR

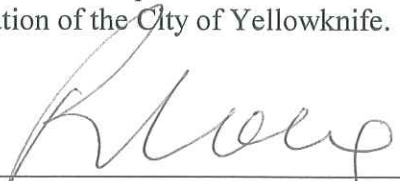
The unanimous consent of all members voting in attendance having been obtained.

READ a Third time and Finally Passed this 27 day of FEBRUARY, A.D. 2012.


MAYOR


CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.


CITY ADMINISTRATOR

