

**INCORPORATED HAMLET OF TUKTOYAKTUK
BY-LAW # 313/07**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE HAMLET OF TUKTOYAKTUK IN THE NORTHWEST TERRITORIES TO PROVIDE THE ESTABLISHMENT, LEVY AND COLLECTION OF CHARGES FOR WATER AND SEWAGE SERVICES, PURSUANT TO THE PROVISION OF THE HAMLET'S ACT, S.N.W.T., 2003, c22, S. 4 AND S. 72 (h).

WHEREAS , the Hamlet of Tuktoyaktuk provides municipal services for the supply of potable water and the collection and disposal of sewage,

WHEREAS, the Government of the Northwest Territories provides certain subsidy payments respecting water and sewage services,

WHEREAS, it is desirable to rescind By-Laws 211/96 and 308/07.

NOW, THEREFORE, the Council of the Hamlet of Tuktoyaktuk, at a duly assembled meeting, enacts as follows:

SHORT TITLE

1. This By-Law may be cited as the **“Water and Sewage Rates By-Law.”**

INTERPRETATION

2. In this by-law:

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|-----------------------|---|
| (a) “Commercial User” | means a user principally engaged in the business of the sale of retail goods and services, but does not include industrial users; |
| (b) “Council” | means the Council of the Hamlet; |
| (c) “Economic Rate” | means the economic rate for municipal services as specified in Schedule “A” |
| (d) “Government User” | means the Government of Canada, the Government of the Northwest Territories, Crown Corporation, the Northwest Territories Housing and Power Corporations, the Hamlet, and any agencies of the above mentioned government bodies which use municipal services; |
| (e) “Hamlet” | means the Hamlet of Tuktoyaktuk in the Northwest Territories; |
| (f) “Industrial User” | means a user principally engaged in the business of resource exploration, development or processing, manufacturing or |

processing products, marine, air or long distance land transportation, but does not include commercial or government users;

- (g) "Municipal Services" includes the supply of potable water and the removal and disposal of sewage by, or on behalf of the Hamlet;
- (h) "Non-Profit User" means a user that is a non-profit society, association or other like non-profit organization, but does not include government, commercial or industrial users;
- (i) "Premises" means the real property owned, used or occupied by a user;
- (j) "Residential User" means a user who owns or occupies residential premises;
- (k) "SAO" means the Senior Administrative Officer of the Hamlet;
- (l) "Schedule" means a schedule attached to and forming part of this by-law;
- (m) "Subsidized Rate" means a subsidized rate for municipal services as specified in Schedule "A";
- (n) "Subsidy" means a subsidy provided to the Hamlet by the Government of the Northwest Territories under the Water and Sewage Services Subsidy Program;
- (o) "Truck Meter" means a Water meter used to measure the amount of water supplied to premises from a delivery vehicle;
- (p) "User" means any government, industrial, commercial, non-profit or residential user of municipal services.

MUNICIPAL SERVICE RATES

3. Charges for Municipal services shall be levied in accordance with this by-law and at the rates specified in Schedule "A".
4. For the purpose of the calculations referred to in qualities of water shall be expressed in metric units of volume.
5. In no case shall the rate charged for municipal services exceed the economic rate.
6. All charges for municipal services are due and payable not later than thirty days after the date of the mailing of the invoice setting out the amount owing.
7. Charges for municipal services are considered to have been paid when the payment has been received at the office of the Hamlet or at any other such place designated from time to time by Council and shown on the face of the invoice.

8. In default of payment of charges for municipal services, the Hamlet may:
 - (a) recover the amount due and payable by action in any court of competent jurisdiction against the person or organization liable to pay the charges;
 - (b) subject to Section 10, after 90 days from the date of mailing of the invoice, in respect of which payment is in default, discontinue water service to the premises.
9. Before the discontinuance of water service to any premises pursuant to Section 9, the SAO shall ensure that reasonable efforts are made to serve written notice on the occupier of such premises as to the reason for the discontinuance of service, the date when the service is to be discontinued, what action may be taken to avoid discontinuance of service and where potable water is otherwise obtainable.
10. On receipt by the SAO of a written request for discontinuance of water services from the occupier of any premises, the water services to such premises shall be discontinued and a notice of discontinuance shall be sent to the occupant and to the owner of the premises, indicating the date of the discontinuance and the conditions for reinstatement of service.
11. No industrial user may obtain water from any water source within the municipal boundaries or discharge sewage with the said boundaries without first having obtained a valid municipal service agreement as defined in Schedule "C".
12. Municipal Services provided by or on behalf of the Hamlet to industrial users as named in Schedule "D" shall be charged at the economic rate.


REPEAL

13. By-Law # 211/96 and 308/07 are hereby repealed.

Read a First Time this 5TH day of DECEMBER, 2007.

Read a Second Time this 5TH day of DECEMBER, 2007.

Read a Third and Final time this 16TH day of JANUARY, 2008.



MAYOR, Mervin Gruben

I hereby certify that this bylaw has been made in accordance with the requirements of the *Hamlets Act* and the bylaws of the Hamlet of Tuktoyaktuk.



Tom Matus
SENIOR ADMINISTRATIVE OFFICER

**INCORPORATED HAMLET OF TUKTOYAKTUK
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SCHEDULE "A"

CHARGES FOR WATER SUPPLY AND USE OF THE SEWAGE SYSTEM

MUNICIPAL SERVICES RATES

1. ECONOMIC RATE

The Economic Rate is \$.0365 per litre.

2. RATES PAYABLE

- (1) The rates payable by all customers for municipal services shall be the Economic Rate specified in Section 1, except as provided by subsections (2), (3) and (4).
- (2) Subsidized rates for municipal services are payable as follows:

<u>CATEGORY OF CUSTOMER</u>	<u>RATES</u>
Residential and Non-Profit	\$.0034 per litre
Commercial	\$.0320 per litre

- (3) For customers receiving partial municipal services, this will be viewed on a case by case basis; the rates shall be as follows:

<u>SERVICE RECEIVED</u>	<u>RATES</u>
Water Service Only	60% of rate prescribed in subsection (1) and (2)
Sewage Service Only (Originating Outside Municipal Boundaries)	\$ 500.00 per truck load

- (4) For bulk water supply not supplied or delivered to premises the service charge shall be \$.037 per litre.

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SCHEDULE "B"

LISTING OF THOSE ENTITLED TO ONLY BULK WATER SUPPLY

CANDIAN COAST GUARD
E. GRUBEN'S TRANSPORT LTD.
HORIZON NORTH
NORTHERN TRANSPORTATON CO. LTD.

**INCORPORATED HAMLET OF TUKTOYAKTUK
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SCHEDULE "C"

THIS AGREEMENT, date _____, _____

BETWEEN The Incorporated Hamlet of Tuktoyaktuk herein after referred to as the "Hamlet", of the First Part.

- and -

Operating within the Municipal boundary of Tuktoyaktuk, herein referred to as the "Industry", of the second Part.

Provides for the Municipal Services within the Incorporated Hamlet of Tuktoyaktuk by other than the Hamlet employees or contractors.

The parties hereto mutually agree as follows:

1. For the purpose of this agreement, Municipal Services shall be defined as follows:
 - (a) The pick-up of water from Municipal water supply systems by the industry or their contractors, and;
 - (b) The disposal of sewage either by pump-out or wet bag by the Industry or their contractor in the sewage disposal system maintained by the Hamlet.
2. The equipment used by the industry or their contactors must comply with the following specifications or requirements.
 - (a) The tanks on trucks used to transport water from the Municipal Water System to the Industry properties must comply with health regulations of the Northwest Territories.
 - (b) Trucks used must not exceed 15,909 litres if it is a tandem truck or 25,000 litres if it is a tanker truck, without the prior approval of the Hamlet Council.
3. The industrial bulk users shall pay the Hamlet Council the rates for bulk water supply as prescribed in Schedule "A".
4. The Industry may if so wish, tender out their Municipal Services contract to a licensed operator within the Hamlet of Tuktoyaktuk. If contracted out, the contractor must comply with the equipment specifications and requirement as stated within this agreement.

5. If at any time, the Hamlet is faced with the increased costs directly related to the volumes used by the Industry, they, as a prime user may be assessed additional charges or be required to share in capital construction costs.
6. The Industry shall at all times indemnify and save harmless the Hamlet from and against all actions, claims, demands, costs and damages whatsoever that may be brought, made or sustained against servants or workmen arising out of or connected with the work performed under this agreement.
7. This agreement may be amended or re-negotiated by mutual consent upon thirty (30) days notice in writing by either party.
8. This agreement may be terminated by mutual consent upon thirty (30) days notice in writing by either party.

This agreement shall be for a period of _____ commencing

_____, _____ and ending

_____, _____.

Mayor

Senior Administrative Officer

**INCORPORATED HAMLET OF TUKTOYAKTUK
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SCHEDULE "D"

The following industrial users shall be charged at the economic rate for municipal services provided by or on behalf of the Hamlet:

INDUSTRIAL PREMISES

Northern Transportation Company Ltd.

INDUSTRIAL WORK CAMP

E. Gruben's Transport Ltd.
Horizon North
Canadian Coast Guard