



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1018**

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES, TO PROVIDE FOR THE REPAIR AND MAINTENANCE OF THE WATER SUPPLY AND SEWAGE LINES FROM THE TOWN MAINS TO THE CUSTOMERS' BUILDING AND PROVIDE ASSISTANCE TO CUSTOMERS, PASSED PURSUANT TO SECTION 70, OF THE CITIES, TOWNS AND VILLAGES ACT S.N.W.T. 2013, c.22

WHEREAS, the Council of the Corporation of the Town of Fort Smith, in the Northwest Territories, deems it to be in the public interest to provide for the repair and maintenance of water and sewer service pipes from the Town's Mains to customer's building footprint and provide assistance to customers.

NOW THEREFORE, the Municipal Council of the Corporation of the Town of Fort Smith, at a duly assembled meeting enacts as follows:

SHORT TITLE

PART 1: That this By-law may be cited as the Residential Services Interruption Insurance Bylaw.

INTENTION

PART 2: That 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 singular.

DEFINITIONS

PART 3: In this By-law, unless the context otherwise requires:

- (a) "Town" shall mean the Town of Fort Smith;
- (b) "Council" shall mean the council of the Town of Fort Smith;
- (c) "Customer" means any person who has entered into an arrangement with the Town of Fort Smith to receive municipal services to a residential building;
- (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 Town of Fort Smith 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 Town of Fort Smith, either within a municipal road or



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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 Town’s mains and service pipes;
- (k) “S.A.O.” shall mean the senior Administrative Officer or his designate; and
- (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.

GENERAL PROVISIONS

PART 4:

Scope

- (1) Council shall establish a program which would assist in defraying the cost of repairing service connection failures which occur between the Town’s main lines and the building envelope of the serviced, residential building.
- (2) This bylaw only applies to service pipe repairs and excavation and backfill related to the work.
- (3) 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.
- (4) Customers, who comply with the provisions and requirement of this By-law, shall be entitled to assistance for service failures between the customer’s building envelope and the Town mains.
- (5) All customers are responsible to determine the cause and location of the service interruption. If the failure is inside the building, i.e., with in 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 Town main, the customer must notify Town Hall. The customer will receive a claim registration number. The claim registration number is required for a claim to be considered but it is not a confirmation of eligibility.
- (6) Should the claim be deemed eligible the Town will action repairs forthwith. The Town has absolute discretion on the repairs made, the costs, and the selection of the repair contractor. Once a claim is deemed eligible, a deductible, as specified in this By-law, in the form of cash or a certified cheque is required for the claim to proceed.



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- (7) 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 Town's contribution. The deductible must be paid prior to the commencement of work.
- (8) 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 Town for the full costs of investigation and repair.
- (9) Where it is determined by the Town that the Town is the cause of the failure or interruption in service, then the deductible shall be returned.
- (10) At the discretion of the Senior Administrative Officer or his designate, the Scope may include the installation of freeze protection devices which, in the view of the Town, may prevent an eligible failure from occurring.
- (11) Customers may apply to the S.A.O. to be exempted from the provisions of this By-law. A customer who 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 Town for this assistance program.
- (12) If an exemption is granted for a property pursuant to the provisions of paragraph (11), 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 Town for this assistance program.
 - (c) Assistance provided by the Town 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 proportion 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
- (13) This bylaw does not apply to multiple residential developments in excess of 2 units.
- (14) 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 Town, 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 notifying the Town of the failure.

Tariffs

- (1) All users of the public piped service system shall be charged for the service interruption insurance as per the Consolidated Rates and Fees Bylaw.
- (2) Part 4 (11) provides for exemption from the provisions of the insurance program.



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Financing and Accounting

- (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 Town by the Government of the Northwest Territories or others.
- (2) All monies collected shall only be used to provide assistance to customers.
- (3) All monies collected for the provision of assistance shall be separately accounted for and disbursed by the creation of a reserve account for this purpose.

Notification

- (1) Notice from the Town 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.
- (2) Notice to the Town may be made by telephone or in person.

Work Done by The Town

- (1) The charge for work done by the Town or others will be calculated using Town's current charge rates and shall include the direct and indirect amount expended by the Town for wages and benefits, housing subsidy, support, facilities and equipment, materials, equipment rental, contracts, administration charges, and any other expenditures incurred in doing the work.
- (2) Where the S.A.O. requires a deposit, based on the estimated cost of work, it is to be paid by the applicant prior to the commencement of work done "at cost" by the Town, any additional cost shall be paid to the Town and any surplus shall be refunded to the applicant.

Customer's Portion

- (1) Customer's are required to pay to the Town all costs up to and including the first one thousand (\$1000.00) dollars, and any and all costs over fifteen thousand (\$15,000) dollars.

Payments

- (1) Bills for service charges, fees and all other penalties and charges levied pursuant to this by-law are due and payable no later than twenty-one (21) days after the date of mailing.
- (2) Bills are considered to be paid when the payment is received at Town Hall, or at such other place as may be determined by the S.A.O. and specified on the bill.



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- (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 Town Hall.
- (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

Where payment is in default over sixty (60) days, the owner shall be liable for all service charges and other charges specified in the Schedules for water supply or the use of the sewage system levied pursuant to this by-law with respect to the property, and the Town 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

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

- (1) Enforcement of payment of service charges, fees and all other penalties and charges levied pursuant to this 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 Town's costs;
 - (b) action in any Court of competent jurisdiction; or
 - (c) distress or sale of goods and chattels of the customer in arrears.
- (2) Service charges, fees and other charges levied pursuant to this by-law that have not been paid by the end of the fiscal year in which they have been levied shall be charges 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

- (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.
- (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.



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ADMINISTRATION

PART 5: Separability

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.

Effect

This by-law shall come into force and effect on receiving third and final reading and otherwise meets the requirements of sections 57 and 58 of the *Cities, Towns and Villages Act, R.S.N.W.T. 2013 c. C-22*.

READ A FIRST TIME THIS 17th DAY OF August, 2021 A.D.

READ A SECOND TIME THIS 17th DAY OF August, 2021 A.D.

READ A THIRD TIME THIS 21st DAY OF September, 2021 A.D.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.


SENIOR ADMINISTRATIVE OFFICER



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SCHEDULE A TO BY-LAW NO. 1018

TARIFFS

All users of the public piped service system shall be charged for the service interruption insurance except as provided for in the bylaw.

1. Charges for service interruption insurance shall be determined on the basis of the number of "EQUIVALENT RESIDENTIAL UNITS" (ERU). One ERU is determined as follows:

Residential:

Single family home/apartment unit (per two bathrooms or portion thereof)

Group Homes (per 5 residents)

2. The charge for coverage provided by the Service Interruption program will be set in the Consolidated Rates and Fees Bylaw, and will apply to service connection repairs undertaken on behalf of subscribing customers.