



HAMLET OF ENTERPRISE

BYLAW #2011-06
"WATER, SEWER AND SOLID WASTE SERVICES BYLAW"

Approved: March 9, 2011
Motion: 2011-03-32

HAMLET OF ENTERPRISE

BY-LAW # 2011 - 06

Being a by-law of the Hamlet of Enterprise in the Northwest Territories providing for establishment, operation and maintenance of a water, sewage and solid waste service and for the levying and collection of water, sewage and solid waste service charges by-law pursuant to the *Hamlet's Act*, s.n.w.t., 2003, c-22.

Now Therefore, the Mayor and Council of the Hamlet of Enterprise, at a duly assembled meeting enacts as follows:

1 Short Title

This By-law may be cited as the "**Water, Sewer and Solid Waste Services By-law**".

2 Intention

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.

3 Definitions

- a) "**Camp Facility**" shall mean a facility established for the sole purpose of housing a workforce engaged in a given project.
- b) "**Council**" shall mean the Council of the Hamlet of Enterprise;
- c) "**Cross connection**" shall mean any connection or structural arrangement between a public or a customer's potable water system and any non-potable source or system;
- d) "**Commercial**" means commercial profit making organizations established for the purpose of buying and selling commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses;
- e) "**Customer**" shall mean any person who has entered into an arrangement with the municipality to receive municipal services, or the owner or occupant of a building or land receiving municipal services;

- f) **"Government"** means the Government of Canada, the Government of the Northwest Territories, the Northwest Territories Housing Corporation, the municipality, or any agency of any of them;
- g) **"Industrial"** means any firm, organization, company, partnership, or sole proprietorship, whether incorporated or unincorporated whose primary business is resource exploration or development, manufacturing, fabrication, and marine and air transportation and includes but is not limited to the following premises:
 - i) electrical power plants
 - ii) airport and heliport and associated facilities
 - iii) wharfs, piers and docks and associated facilities
 - iv) dry docks and associated facilities
 - v) administrative, supply and maintenance bases and associated facilities for resource exploration and development;
- h) **"Manager"** means the Senior Administrative Officer of the municipality;
- i) **"Mains"** means a pipe or pipes interconnected to transport water or collect sewage throughout the Hamlet or several premises excluding private service pipes forming part of the municipal system;
- j) **"Municipal System" or "Municipal Service"** means the pipe and accessories owned by the Hamlet, 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;
- k) **"Municipality" or "Hamlet"** shall mean the Municipal Corporation of the Hamlet of Enterprise;
- l) **"Officer"** means a person appointed by resolution of Council as it sees fit and upon such terms as it sees fit to be an officer under this by-law.
- m) **"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;
- n) **"Person"** includes a corporation and the heirs, executors, administrators or other legal representative of a person;
- o) **"Property"** means real property and includes any buildings thereon;
- p) **"Private Service System"** means the pipe and accessories intended to distribute water or collect sewage within private property and connected to the municipal system or main;
- q) **"Public Piped Service"** means water supply or sewage collection provided through the Hamlet's mains and service pipes;
- r) **"Residential and non-profit"** means private home owners, private renters and residential and non-profit establishments such as churches, clubs, associations and hostels;

- s) **“Self-contained unit”** means a unit having separate plumbing, heating, entrance and the like;
- t) **“Service” or “municipal service”** includes trucked service and piped service unless specifically noting one or either trucked or piped service;
- u) **“Service pipe”** means the pipe intended to carry water or collect sewage from the main onto or across private property and includes a private service pipe and a municipal service pipe;
- v) **“System” or “municipal system”** means the municipality’s system to provide water and/or collect sewage and includes the trucked system and piped system unless specifically noting one or either trucked or piped system.
- w) **“To discontinue service”** means the cessation of trucked municipal services and/or turning off of piped municipal services for a building or a property, and may include a final water meter reading;
- x) **“To establish service”** means to become a customer of the municipality by entering into an arrangement to receive municipal services from the municipality;
- y) **“To initiate service”** means the commencement of trucked municipal services and/or the turning on of piped municipal services for a building or a property, and may include an initial water meter reading;
- z) **“To terminate service”** means to terminate the arrangement between the customer and the municipality to receive municipal services from the municipality, to discontinue municipal service, and to disconnect or remove a municipal service pipe in whole or in part;
- aa) **“Trucked service”** means water delivery and/or pump out sewage collection service provided by vehicles by or on behalf of the municipality;
- bb) **“Trucked service building facilities”** means a water storage tank and/or sewage holding tank and related appurtenances installed within a premise to receive trucked services from the municipality.

GENERAL PROVISIONS

4 Authority of Municipality

No persons, except those authorized by council, shall directly or indirectly engage in the provision of municipal services within the boundaries of the municipality.

5 Authority and Duties of Manager

- a) The Manager is authorized and directed to:-
 - i) Supervise, control and administer the provision of municipal services and the municipal services system and do all things necessary to fulfil his responsibilities and duties under this by-law;

- ii) Control all construction, operations and maintenance related to the provision of municipal services;
 - iii) Perform all acts that may be necessary for the efficient management, operation of municipal services;
 - iv) Administer and enforce this by-law.
- b) The Manager may, subject to the approval by resolution of the council:-
- i) Adopt and amend, from time to time, rules and regulations necessary to carry out the provisions of this by-law, and no customer or person shall fail to comply with such rules and regulations;
 - ii) Adopt and amend, from time to time, specifications for private service pipes, meter, trucked services, bleeders, unaccepted waste and other specifications and no customer or person shall fail to comply with such specifications;
 - iii) Adopt and amend, from time to time, service routes and times for provision of trucked services and all such rules, regulations, specifications and schedules shall be available for public inspection during regular business hours at the municipal office;
 - iv) Amend from time to time, the service charges related to the provision of municipal services;
- c) The Manager shall develop an annual written report to council on municipal services. This report shall itemize all revenue sources and disbursements.

6 Financing & Accounting

- a) All costs for the provision of municipal services shall be financed through service charges and fees; as well as loans, grants, subsidies or other funding provided to the Hamlet of Enterprise by the Government of the Northwest Territories or others.
- b) All monies collected for municipal services shall only be used to provide municipal services to customers including operation, maintenance, extension, repair, capital improvement and administration of the municipal system.
- c) All monies collected for the provision of municipal services shall be separately accounted for and disbursed by action of the Council.
- d) The provisions of this by-law shall form a part of any contract for water supply, or supply of sewage services to any consumers. All increases in water and sewer contract rates will be immediately past on to the consumers.

7 Service Area

- a) The municipality shall provide municipal services to premises within the designated service area.
- b) The designated service area shall be the mainland developed areas of the municipality serviceable by existing municipal roads.
- c) Any municipal services, including bulk water supply and sewage disposal, provided by the municipality to or for areas outside the designated service area will only be provided when such services will not impede the provision of municipal services to customers within the designated service area.

8 Description of Services

- a) The municipality shall furnish water supply for the following purposes:-
 - i) Domestic,
 - ii) fire protection,
 - iii) municipal,
 - iv) commercial,
 - v) industrial,
 - vi) bulk sales.
- b) Notwithstanding subsection (a), when in the opinion of the Hamlet the water supply for domestic and fire protection purposes is impaired, the Hamlet may:-
 - i) regulate the use of water supply, or
 - ii) restrict or terminate the supply of water for municipal, commercial or industrial purposes.
- c) The municipality shall make every effort to provide safe, continuous and efficient municipal services. Nevertheless, the municipality shall not be liable for damages, including business losses:-
 - i) caused by the break of any water pipe, or the breach of any ditch;
 - ii) caused by water delivered or sewage collected through the customers' facilities;
 - iii) caused by the interference or cessation of municipal services in connection with the repair, expansion, replacement or proper operation and maintenance of the municipal services system;
 - iv) caused by an increase or decrease in pressure in a water pipe;
 - v) caused by the interference or cessation of trucked services due to adverse weather conditions, road conditions, or vehicle mechanical problems;
 - vi) caused by the water supply containing sediments, deposits or other foreign matter;
or
 - vii) generally for any accident due to the operation of the municipal services system, unless such action has been shown to be directly due to the negligence of the municipality, its employees or its contractors.
- d) Customers requiring special municipal services including continuous and uninterrupted municipal services, constant pressure of water, or particularly clear or pure water shall, at no cost or liability to the municipality, provide such storage, treatment, appurtenances or other means for such special municipal services.
- e) In the event of a sewer back up into a building, it shall be determined where the blockage occurred. The Hamlet shall not be responsible for clean-up costs. Should it be determined that the blockage occurred in the owners/tenants sewage line, they shall be responsible for the clean-up costs.
- f) In case a service pipe passes through an excavation or backfill or through a basement wall, finished or unfinished, or through a retaining wall, the Hamlet will not be responsible for any damage due to displacement, settlement, or other cause connected with the owner's operations, whether such damage occurs during operations or otherwise.

9 Authority to Cease or Restrict Service

- a) Should there be an emergency, municipal services may be restricted or withdrawn without notice.
- b) Services may be restricted or withdrawn for scheduled repairs or alterations to the municipal services system and public notice shall be given to those affected.
- c) In cases of water shortages restrictions upon the use of water may be imposed and public notice shall be given to those affected.
- d) Failure to obey an order issued under subsection (c) is an offence.
- e) Services may be discontinued for any of the following reasons:-
 - i) non-payment of charges or fees levied pursuant to this by-law;
 - ii) failure to provide a deposit, if required;
 - iii) failure to provide free access; or
 - iv) contravention of any other section of this by-law.
- f) When municipal services are discontinued, neither the municipality nor its employees or any municipal officials shall be liable for any costs or damages resulting from the discontinuance.
- g) Where this by-law authorizes municipal services to be discontinued the Manager shall, when it is practical to do so, give notice prior of municipal services being discontinued. Such notice shall indicate the infraction, remedy, and the date that municipal services will be discontinued unless remedy is made. When municipal services are discontinued, municipal services shall not be reinstated until such time as there is no contravention of this by-law and any outstanding service charges and fees, any appropriate reconnection fee specified in Schedule A.

10 Notification

- a) Notice from the Hamlet 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.
- b) Notice to the Hamlet shall be made in writing to the Hamlet, except that a notice of a complaint may be made by telephone or in person.
- c) Public notice must be given to the general public in any one or more of the following ways:
 - i) by inserting the notice at least once in a newspaper circulating in the municipality;
 - ii) by mailing or delivering a copy of the notice to each voter in the municipality;
 - iii) by causing announcements to be made on a radio or television station received in the municipality on at least three separate days; or

- iv) by posting a notice in at least five widely separated and conspicuous places in the municipality.

11 Unauthorized Use

- a) No person shall make use of the municipal services without authorization.
- b) Every person who makes unauthorized use of the municipal services system shall be guilty of an offence under this by-law and a charge shall be levied for the estimated amount of services.

12 Tampering

- a) No person shall tamper or interfere with any part of the municipal services system.
- b) No person shall make an unauthorized connection to or operate any pipe, valve, meter, hydrant, or any other part of the municipal services system.
- c) Any person who damages or causes to be damaged any part of the municipal services system shall be liable for the cost of such damage.

13 Work Done By Municipality

- a) The charge for work done by the municipality 'at cost' shall include the direct and indirect amount expended by the municipality for labour and benefits, materials, equipment rental, contracts, or any other expenditures incurred in doing the work, plus administration charges.
- b) A deposit may be required prior to the commencement of work done 'at cost' by the municipality. The Manager will determine the amount of the deposit based on the estimated cost of the work. Any additional cost shall be paid to the municipality and any surplus shall be refunded.

ESTABLISH AND TERMINATE SERVICE

14 To Establish Service

- a) In order to establish service, every person shall submit an application for service to the Hamlet.
- b) The Manager may require a property owner who rents or leases a property or self-contained unit to a tenant or lessee to apply to establish service.
- c) The application for service shall include the application of appropriate fees, charges or deposit provided for in Schedule "A".

- d) Every customer shall notify the Hamlet of any change in the information provided for in this by-law.

15 Content Of Application For Service

The application for service shall include such particulars as the following:-

- i) Location of the premises.
- ii) Date applicant will be ready for service.
- iii) Type of structure erected or intended to be erected.
- iv) Whether the premises have previously received service.
- v) Name and mailing address to which notices and bills are to be sent.
- vi) Whether the applicant is the owner or tenant of, or agent for the premises.
- vii) Classification of customer and rate schedule to be determined by the Manager or his designate.
- viii) Agreement to abide by and accept all provisions of this by-law.
- ix) Any other information in such detail and form that the Manager deems appropriate.

16 Deposit

As a condition of providing municipal service, the Manager may require a deposit from the applicant provided that:-

- i) The amount of the deposit shall be determined as listed in Schedule "A".
- ii) The deposit shall be refunded after it has been held for twelve consecutive months during which all bills for service have been paid within the time allowed.
- iii) The deposit, less the amount of any unpaid balance due to the municipality, shall be refunded upon discontinuance of service.
- iv) No interest will be paid on the deposit when the deposit is refunded.

17 Temporary Service

- a) In order to establish temporary service for construction or any purpose, the owner shall:-
 - i) submit an application for service stating the expected duration service is required;
 - ii) pay the application for service fee specified in Schedule A and any other appropriate fees; and

- iii) prior to the initiation of service, pay a deposit determined by the Hamlet based on the estimated service charge during the period of temporary service and any additional cost shall be paid to the municipality and any surplus shall be refunded.
- b) The Manager may require an applicant for temporary piped water service to install an approved meter setting and/or meter, and this meter reading shall be used to determine the service charge. Where an approved meter is not in place the quantity of water for the purposes of determining service charges shall be determined by the Manager based on the estimated use of water.
- c) The service rate for temporary service shall be based on the class of the customer.

18 Application To Terminate Service

- a) In order to terminate service, the customer shall submit to the Hamlet a written application stating the date the applicant desires to terminate service and any other information and in such form as may be prescribed by the Manager.
- b) All applications to terminate service must allow a minimum of five working days before the order is to become operative.
- c) The municipality may continue to levy service charges in accordance with this by-law until the municipality terminates service.

RESPONSIBILITIES OF THE CUSTOMER

19 Use Of Water

- a) No customer or person shall wilfully waste water or allow the continuous unattended flow of water without written permission.
- b) No water shall be resold or conveyed beyond property served without a written permission.
- c) Where any unauthorized wastage, continuous flow, or improper use of water occurs, the Hamlet may give notice to the customer to stop such wastage or improper use of water within 96 hours or lesser time as may be specified in the notice.
- d) The customer fails to comply with the notice the Hamlet may discontinue water service.

20 Discharge of Harmful Waste

- a) No customer or person shall discharge or deposit or cause or permit the discharge or deposit into a municipal sewer pipe, private sewer service pipe connection to a municipal sewer pipe, or private sewage tank, matter of any type or at any temperature or in any quantity which may be or become a hazard to persons, animals or property, or which may be or become harmful to any part of the municipal services

system, or which may impair or interfere with the proper operation of any wastewater works or treatment process.

- b) Without limiting the generality of (a) , the Hamlet may prescribe unacceptable waste specifications to restrict or prohibit the discharge or deposition of any matter into a municipal sewer pipe, private sewer service pipe connection to a municipal sewer pipe, or private sewage tank.
- c) No customer or person shall directly or indirectly discharge any trade, industrial or manufacturing waste or any unacceptable waste into a municipal sewer pipe, private connection to a municipal sewer pipe, or private sewage tank without such previous treatment as shall be prescribed by the Hamlet. Such treatment works so prescribed shall be installed and operated by the customer.
- d) Grease, oil, or sand interceptors of sufficient size and approved design shall be installed on the sewer pipes from all hotels, restaurants, laundries, garages and such other places as the Hamlet may direct.
- e) No customer or person shall discharge or deposit or cause or permit the discharge or deposit into a municipal sewer pipe, private sewer service, pipe connection to a municipal sewer pipe or private sewage tank, rainwater or ground water.
- f) Failure to comply with any provisions of this section shall be considered an offence.

21 Inspections

The Manager or any person duly authorized by him, may at all reasonable times enter upon and inspect any building or property connected to water or sewer services to ascertain the manner in which the services are being used in accordance with this by-law. Such person shall, upon request, show proper identification.

The owner and/or occupier of the building or property shall permit the free entry of such persons for inspection and shall afford all reasonable facilities for inspection.

22 Private Facilities

- a) All private facilities, including plumbing, appliances, accessories, service pipes, and water and sewage tanks, shall comply with the most recent national building codes and national plumbing codes and other municipal bylaws; provided always that, where any provisions in such a code conflicts with any provisions of this by-law, this by-law shall prevail.
- b) Every owner shall maintain his private facilities in proper order and free from leakage or wastage at his own expense.
- c) Subject to sections 2.6, g) and 3.4 of this by-law, the Hamlet may discontinue service to any property where unsanitary conditions, defective fixtures, leakage or wastage, or misuse may affect the safe and proper operation of the municipal system.

- d) Subject to subsection (e) municipal services shall not be provided to premises in which the private facilities do not meet the provisions and specifications of this bylaw.

23 Abatement of Noises and Pressure Surges

No apparatus, fitting or fixture shall be connected, allowed to be connected, or operated in a manner which will cause noises, pressure surges or other disturbances which may, in the opinion of the Manager, result in annoyance to other customers, damage to their water systems, or damage to the municipal services system. The Manager may discontinue municipal service to any person contravening the provisions of this section.

WATER AND SEWAGE SERVICE

24 Specifications, Design Approval & Inspection Of Service

- a) No service pipe shall be installed unless it conforms to the service pipe specifications of the municipality.
- b) All work of any kind connected with the installation, maintenance, repair or disconnection of a service pipe shall be under the inspection of the Hamlet.
- c) No service pipe shall be enclosed, covered or backfilled until the work has been inspected and approved by the Hamlet.

25 Ownership of Service Pipes

- a) Every below-ground service pipe on private property shall remain the property of the customer and he shall be responsible for its maintenance.
- b) Every above-ground service pipe, whether on private property or in an easement, from an above-ground main to the building served shall remain the property of the customer and he shall be responsible for its maintenance.
- c) After the completion of construction, the ownership and maintenance of all below-ground service pipes and appurtenances on municipal roads from a below-ground main to the property line or boundary of an easement shall become the property and the responsibility of the municipality, subject however to such charges as are in this by-law made payable by any person.

26 Maintenance, Repair and Thawing of Private Service Pipes

- a) Every customer shall maintain his private service pipes, fittings, meter supports and fixtures in proper order and free from leakage or wastage.

- b) Should a frozen service pipe, leakage or wastage occur, notice may be given to the customer to effect the necessary repairs or replacement within 96 hours or such lesser period as may be specified in the notice.
- c) If the customer fails to comply with such notice within the time specified, the Hamlet may either:-
 - i) have the water service turned off until the repairs or replacement have been done, or
 - ii) in the case of non-metered service, have a meter installed, or
 - iii) have the necessary work done, and any cost incurred may be levied on the customer.
- d) Every owner requesting an investigation into a failure or interruption in service to his premises shall deposit with the municipality the estimated cost of such investigation as determined by the Manager. The municipality shall undertake the investigation and if the municipality's investigation reveals that the municipality is the cause of the failure or interruption in service, then the deposit shall be returned. If the Manager determines that the municipality is not the cause of the failure or interruption in service, the expense incurred by the municipality on an 'at cost' basis shall be levied on the owner but the amount of any deposit shall be set off against that expense.
- e) No person or customer shall use electrical or electrical welding equipment to thaw a water service pipe unless a continuous circuit is maintained and the water meter and all electrical ground wires are disconnected from the water service pipe and the undertaking is authorized by the Manager. The municipality shall not be liable for any damage or injury resulting from the use of electrical welding equipment to thaw a water service pipe.
- f) Failure to comply with any provisions of this section shall be an offence.

27 Removal or Replacement of Facilities

- a) Where an owner has replaced his below ground private service pipe, the municipality will, at his request, replace at no charge, an existing service pipe from the distribution line to the property with a new municipal service pipe equal in size to the old pipe, or in the standard size for the capacity and use of the original installation if the municipal service pipe is leaking or in danger of failure.
- b) Except as provided in (a) and subject to the approval of the Hamlet, anyone desiring the removal, relocation or any other change in the municipal service system, shall bear all costs of such removal, relocation or other change.

28 Size and Number of Pipes

- a) No premises shall be supplied with more than one water and one sewer service line except with the approval of the Hamlet.

- b) The Manager may determine and specify what service lines are required, the location of service lines, and the size of service pipes to be installed for any premise.
- c) Any person desiring a larger service than that approved or existing may install such service pipes provided that such installation is applied for and the appropriate fees are paid to the municipality. The Hamlet may require that any existing service pipes be disconnected or removed and the applicant shall bear all costs.

29 Service to Adjacent Premises

- a) Service shall be constructed only to properties adjacent to a main, unless otherwise authorized
- b) Private service pipes shall not be extended from one lot to another without approval.

30 Water Shut-off Valve

- a) Each water service pipe shall be provided with easily accessible water shut-off valve within the building served located to allow water service to all the building to be turned off while allowing any circulation pump on the water service pipe to operate.
- b) Whenever it is deemed necessary by the Manager he may turn off and have a seal affixed to the water shut off valve in a building. No person shall cause or permit such a seal to be broken or otherwise allow water to be used from the municipal system when water service has been discontinued.
- c) Failure to comply with the provisions of this section is an offence.

31 Correction To Non-Conforming Private Service Pipes

- a) Where in the opinion of the Manager, an existing private service pipe is being operated in contravention of this by-law, including the service pipe specifications, the Manager shall issue an order to the owner of the private service pipe:
 - i) specifying the manner in which the owner is contravening the by-law,
 - ii) directing the owner to comply with the by-law,
 - iii) specifying the actions to be performed by the owner to comply with the bylaw, and
 - iv) notifying the owner of the time and date by which such action is required to be taken.
- b) Failure to comply with an order issued under subsection (a) is an offence.

32 Prevention of Water System Contamination

- a) No customer or person shall connect, cause to be connected, or allow to remain connected, any piping, fitting, container or appliance, in a manner which, under any

circumstances, may allow water, waste water, or any harmful liquid or substances to enter the municipal water system.

- b) If a condition is found to exist which is contrary to (a), the Hamlet may either:-
 - i) discontinue water service, or
 - ii) give notice to the customer to correct the fault within 96 hours, or a specified lesser period, and if the customer fails to comply with such notice, the Hamlet shall proceed to discontinue water service.
- c) Without limiting the generality of (31. a), the Hamlet may allow cross connection control devices to be installed on the customer's piping at the source of potential contamination and/or on the water service pipes, at no cost to the municipality.
- d) Where a severe hazard exists, water service to a customer shall be provided only on the provision that the customer install on his water service pipe a cross connection control an approved device in addition to the cross connection devices installed on the customer's water piping at the source of potential contamination.
- e) Where premises are supplied by two or more water service pipes and these service pipes are interconnected within the premises, the customer shall install and maintain an automatic check valve of a type approved by the Hamlet on all private water service pipes in such location so as to prevent back flow from any private service pipes into the municipal water system.
- f) Where a cross connection control device is required by the Hamlet, that device shall be tested upon installation, and thereafter annually, or more often if required by the Hamlet and by personnel approved by the Hamlet, to demonstrate that the device is in good working condition, at no cost to the municipality. The customer shall submit a report in an approved form, on any or all tests performed on a device within 30 days of a test.
- g) Should a customer fail to have a cross connection control device tested, the Hamlet shall give notice to the customer to have the device tested within 96 hours, or a specified lesser period, and if the customer fails to comply with such notice the Hamlet shall discontinue water service until the device is tested and approved.
- h) Should a test show that a cross connection control device is not in good working condition, notice shall be given to the customer to make repairs or replace the device within 96 hours, or a specified lesser period, and if the customer fails to comply with such notice the Hamlet shall discontinue water service until the private plumbing has been inspected and approved.

33 Bleeding of Water and Bleeders

- a) No customer or person shall cause, permit or allow water to bleed to waste without approval.
- b) The Hamlet may authorize a customer to bleed water in the event of a failure of a freeze protection device or other failure during a period when repairs are not practical and the water service pipe would otherwise be in danger of freezing. Such failure

shall be documented by a certified electrician or plumber in an approved form. The customer shall make repairs and eliminate bleeding as soon as it is practical.

- c) Where the Hamlet authorizes a customer to bleed water, the customer shall install and operate a bleeder as specified in the bleeder specifications of the municipality. The bleeder shall be installed on the building side of water meter and must have a check valve in the water pipe prior to the discharge to the sewer pipe. The bleeder shall be turned off during the summer period when there is no danger of the water service pipe freezing.
- d) The customer shall register a bleeder with the Hamlet and inform the Hamlet when the bleeder has been removed.
- e) Where authority has been given to bleed water, the customer shall be levied a service charge based on the following:
 - i) during the two years, the normal consumption for the customer as determined by the Hamlet.
 - ii) during subsequent periods, the total volume of water consumed.

34 Water Use for Fire Protection

- a) Where water from a metered service is used to fight a fire charges for the appropriate billing period will, at the request of the customer, be adjusted so that the customer does not pay for water so used.

35 Access to Hydrants, Valves and Appurtenances

- a) The Hamlet may discontinue any trucked services to such premises or levy service charges to such premises based on the full cost of any trucked service.

TRUCKED WATER AND SEWAGE SERVICE

36 Scheduled Trucked Services

- a) The frequency of trucked water delivery & sewage collection service provided to specified building types shall be three (2) times per week.
- b) Notwithstanding (a) , more frequent scheduled trucked water delivery and sewage pump out service to buildings if the frequency of trucked service could result in a chronic shortage of water or danger of sewage tank overflowing for the customer.
- c) The municipality shall endeavour to provide scheduled trucked services, weather, roads and vehicle conditions permitting.
- d) Every customer requiring trucked service at a time other than scheduled time for such customer shall be levied an unscheduled trucked service fee specified in Schedule A

in addition to the normal service charge, except when the previous scheduled trucked service was not received through no fault of the customer.

37 Installation of Trucked Service Building Facilities

All trucked service building facilities shall be installed by, and at the cost of the owner and shall remain the property of the owner.

38 Maintenance, Repair and Thawing of Trucked Service Building Facilities

- a) Every customer shall maintain his trucked service building facilities in proper order and free from leakage or wastage.
- b) The municipality may, in the case of an emergency, repair any trucked service building facilities and the cost of such repair work shall be levied to the customer.

39 Specifications, Design Approval and Inspection

- a) No trucked service building facilities shall be installed unless they conform to the requirements in this by-law and the trucked service specifications of the municipality.
- b) The owner shall submit proposed design plans for trucked service building facilities to the Hamlet for review and approval prior to the start of construction.
- c) The tank size must be sufficient to accommodate a maximum of these deliveries/pickups per week. The following shall apply to the size of the holding tanks:
 - i. Residential properties water tank minimum: 2,300 litres.
 - ii. Residential properties sewer tanks minimum: 3,500 litres.
 - iii. All other properties: at the discretion of the Hamlet depending upon the nature of the proposed installation and the anticipated rate of water consumption.
- d) All work of any kind connected with the installation, maintenance, repair, or disconnection of trucked service building facilities shall be under the inspection of the Hamlet.
- e) No trucked service building facilities shall be enclosed or covered until they have been inspected and approved.
- f) All buried tanks shall be anchored to concrete pads or pinned to bedrock to prevent movement or floating to the surface.

40 Correction To Non-Conforming Trucked Service Building Facilities

Upon notice to any customer that his trucked service building facilities fail to meet the requirements of this by-law, including the trucked service specifications of the municipality, the customer shall effect the changes required in the notice within the time period specified in the notice. If the customer fails to comply with the time specified, the Hamlet may discontinue service.

Notice given under this section shall:

- a) specify the manner in which the owner is contravening the by-law, and
- b) direct the owner to comply with the by-law, and
- c) specify the actions to be performed by the owner to comply with the by-law, and
- d) notify the owner of the time and date by which such action is required to be taken.

41 Number of Services

- a) No premises shall be supplied with trucked service to more than one water tank and one sewage tank except with approval.
- b) Trucked service to a separate water tank or sewage tank for a self-contained unit on a premise may be permitted.

42 Access to Trucked Service Building Facilities

The customer shall maintain, at his own expense, unimpeded access to the water fill point and sewage pump out point.

Where the water fill point or sewage pump out point are not accessible, a notice shall be left at the premises indicating the time and reason trucked service could not be provided and the corrective measures required before trucked service will be resumed.

METERS

43 Meter Requirement

- a) An approved water meter shall be installed on every water service pipe, unless otherwise provided under this by-law or unless otherwise authorized.

44 Adjustment for Undetected Leaks

- a) If a meter shows excessive high consumption in comparison to previous readings the Hamlet may notify the customer.
- b) When a previous undetected leak is discovered, and where in the opinion of the Manager the customer could not reasonably have been expected to be aware of such leak, the Manager may adjust the service charge based on the average previous consumption, provided, however, that such leak is repaired within 96 hours of the discovery. No such adjustment shall extend for a period beyond three months prior to

the discovery of the leak, and any refund shall be made only to the person who paid the service charge.

BILLING AND COLLECTING

45 Service Charge

- a) Service charges shall be levied in accordance with the rates specified in Schedule A. The Manager may amend the rates and fees set in Schedule A, from time to time, subject to approval by resolution of Council.
- b) Classifications for purposes of determining the specific rate to be charged are as follows:
 - i) Residential Class includes a single detached dwelling, duplex dwelling, modular home, single wide mobile home, double wide mobile home and duplex mobile home. Residential Class also includes a residential unit in which the consumer of the services is a resident of the unit and registered with the Hamlet as being responsible for the payment of the rates or fees applicable to that unit.
 - ii) Non-Profit Class means non-profit establishments such as churches, clubs, associations and hostels where their facilities are not situated on commercial land or industrial land as designated in the Hamlet Land By-Law and who are responsible for the payment of charges levied for the services provided.
 - iii) Commercial Class means commercial customers who receive services whether for a residence or any other facility and who are responsible for the payment of charges levied for services provided.
 - iv) Industrial Class means industrial customers who receive services whether for a residence or any other facility and who are responsible for the payment of charges levied for services provided.
 - v) Government Class means government customers whether a residence or any other facility and who are responsible for the payment of charges levied for services provided.
- c) Unless otherwise provided for in this by-law service charges shall be calculated:-
 - i) where an approved meter or truck meter is in use, according to the quantity of water indicated by such meter, or
 - ii) where no meter is in use, in accordance with the appropriate type of premises, unit of measurement and quantity of water used in Table 1 for trucked service.
- d) The quantity of water used shall be expressed in metric units of volume.
- e) Service charges shall be due and payable monthly.

- f) Where any service charge or fee is prescribed by the month or any other period, the amount payable for a partial period shall be calculated on a proportional basis, unless otherwise provided for in this by-law.

46 Payment

- a) Bills for service charges, fees and all other penalties and charges levied pursuant to this by-law are due and payable no later than the payment date identified on the bill.
- b) Bills are considered to be paid when the payment is received at the municipal office, or at such other place as may be determined by the Manager and specified on the bill.
- c) Overdue bills shall be subject to the late payment charge specified in Schedule A.
- d) Liability to pay bills shall not be affected by any defect in the form of bill or non-receipt of a bill.

47 Owner Liable To Pay

The owner of a premise receiving municipal services shall be liable for all service charges, fees and all other penalties and charges levied pursuant to this by-law and the municipality may make the balance of any account in arrears over sixty (60) days a charge against the owner.

48 Enforcement of Payment

- a) Enforcement of payment of service charges, fees and all other penalties and charges levied pursuant to this by-law may be by:-
 - i) 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 a Reconnection Fee as specified in Schedule A.
 - ii) action in any court of competent jurisdiction.
 - iii) distress or sale of goods and chattels of the customer in arrears.
- b) Services charges, fees and all other penalties and charges levied pursuant to this by-law shall form a charge on the lands or premises in respect to which municipal services are provided, subject to the same penalties and collectable in the same manner as taxes levied by the municipality in the year which the default occurred.

ENFORCEMENT

49 Offences

Any person or customer who contravenes any provisions or requirements of this bylaw is guilty of an offence and is liable, upon summary conviction to a fine not exceeding:

two thousand dollars (\$ 2,000.00) for an individual;
ten thousand dollars (\$ 10,000.00) for a corporation or;
imprisonment for a period not exceeding six (6) months, in default of payment of a fine.

Pursuant to Section a) of this by-law, an Officer may issue a Summary Offence Ticket Information in a form accepted by the Summary Conviction Procedures Act, to any person who violates any provision of this by-law and such person may, in lieu of prosecution, pay the Hamlet the voluntary penalty per Schedule B, for the offence, prior to the court date specified on the ticket.

Any charges for offences under this section do not preclude any other costs owed to the Hamlet due to contravention or for services provided by the Hamlet within the provisions of this by-law.

PUBLIC HEALTH

- 50 a) If any condition exists which in the opinion of the Manager or contractor requires the department of Health to be notified, such notification shall be done immediately.
- b) Any condition noted under subsection (1) may require the Manager or contractor to discontinue water or sewer services and shall be considered an offence under this bylaw.

ADMINISTRATION

51 Repeal

That Bylaw No. 2007-06 is hereby repealed.

52 Effect

This by-law shall come into force and effect the first day of the month following third (3rd) reading and otherwise meets the requirements *Hamlet's Act*, S.N.W.T. 2003 C-22.

Water, Sewer and Solid Waste
Bylaw No. 2011-06

Read a first time this 7 day of March 2011, A.D.



Mayor



Senior Administrative Officer

Read a second time this 7 day of March 2011, A.D.

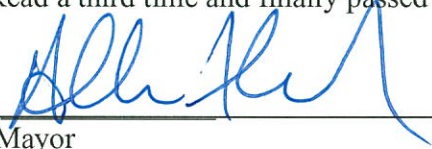


Mayor

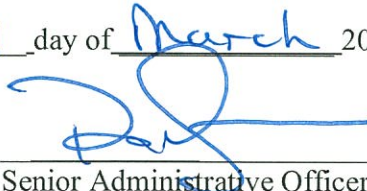


Senior Administrative Officer

Read a third time and finally passed this 9 day of March 2011, A.D.

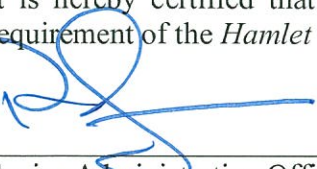


Mayor



Senior Administrative Officer

It is hereby certified that this By-Law No. 2011-06 has been made in accordance with the requirement of the *Hamlet's Act* and the *By-Laws of the Hamlet of Enterprise*.



Senior Administrative Officer



HAMLET OF ENTERPRISE

WATER, SEWAGE AND SOLID WASTE SERVICES BY-LAW

SCHEDULE A

WATER, SEWER AND SOLID WASTE SERVICE RATES

ECONOMIC RATES

1. The economic rate is \$.07968 per litre. Both Sewer and Potable Water (includes delivery and pickup).

RATES PAYABLE

2. (1) Subject to subsection (2) of this schedule the rates payable by customers for municipal services are as follows:

CATEGORY OF CUSTOMER		RATES	
Residential & Non-profit		\$.01330 per litre \$ 0.00781 per litre	Potable Water Sewer Waste
Government		\$.07990 per litre \$ 0.0091 per litre	Potable Water Sewer Waste
Commercial/Industrial	First 10% Balance 90%	\$.07307 per litre \$ 0.009867 per litre	Potable Water
Commercial/Industrial	First 10% Balance 90%	\$.03253 per litre \$ 0.00440 per litre	Sewer Waste
Commercial Solid Waste Pickup		\$25.00 per Container	
Camps		\$.07990 per litre	W & S

For customers receiving partial municipal services, the rates shall be as follows:

SERVICES RECEIVED

Water service only	75% of rates prescribed in subsection (1)
Sewage service only	25% of rates prescribed in subsection (1)

**Water, Sewer and Solid Waste
Bylaw No. 2011-06**

For bulk water supplied and delivered to premises the service charge shall be \$ 0.07990 per litre plus the current call-out fee of \$100.00.

MINIMUM MONTHLY CHARGE

3. The minimum monthly charge for municipal services shall be \$10.00 per month.

FEES AND CHARGES

GENERAL FEES:

Late Payment Charge	2% per Month
Unscheduled Trucked Service Fee	\$100.00

HAMLET OF ENTERPRISE

WATER, SEWAGE AND SOLID WASTE SERVICES BY-LAW

SCHEDULE B

VOLUNTARY FINES

DESCRIPTION	AMOUNT
Improper connection	\$ 200.00
Water wastage	\$ 200.00
Contamination	\$ 200.00
Discharge of harmful matter	\$ 100.00
Failure to abide by order	\$ 200.00
Improper use of water	\$ 200.00
Failure to provide access to water fill or sewage pump out points	\$ 50.00

April 5, 2011

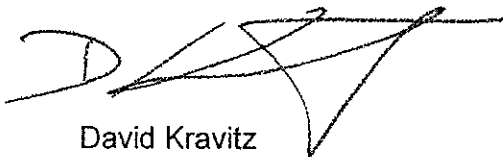
Mr. Peter Groenen
Senior Administrative Officer
Hamlet of Enterprise
526 Robin Rd.
Enterprise NT X0E 0R1

Dear Mr. Groenen,

Re: Bylaw # 2011-06, Water, Sewer and Solid Waste Services By-law

I wish to acknowledge receipt of Bylaw # 2011-06 on behalf of the Minister and in compliance with section 78(2) of the *Hamlets Act*.

Yours sincerely,



David Kravitz
Manager, Community Governance
Municipal and Community Affairs

C. Lorraine Tordiff, Regional Superintendent, South Slave Region, File

