

TOWN OF IQALUIT

BY-LAW No. 200

A by-law of the Town of Iqaluit to provide for the establishment, operation, maintenance and alteration of a water supply and sewage system and for the levying and collecting of water and sewage service charges, pursuant to Sections 79 to 85, 90 to 95, and 170 of the Cities, Towns and Villages Act, 1987(1)C.14.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF IQALUIT, in a duly assembled meeting, enacts as follows:

PART 1 INTERPRETATION

101. Short Title

This by-law may be cited as the Water and Sewage Services By-law.

102. Interpretation

In this by-law, unless the content otherwise requires,

- (a) "approved" means approved by the Manager;
- (b) "commercial customer" includes commercial profit making organizations principally engaged in the sale, or processing of goods or the provision of services including customers of retail stores, offices, hotels, and motels and excludes industrial and residential customers;
- (c) "council" means the Council of the Town;
- (d) "customer" means any person who has entered into an arrangement with the Town to receive municipal services;
- (e) "government customer" includes the Government of Canada, the Government of the Northwest Territories, the Northwest Territories Housing Corporation, the Town, or any agency of any of them;
- (f) "industrial customer" includes 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 customers of 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) construction and work camps,
 - (vi) administrative, supply and maintenance bases and associated facilities for resource exploration and development;
- (g) "mains" means a pipe used to transport water or sewage to or from the Town or several premises excluding service pipes forming part of the municipal system;
- (h) "manager" means the Senior Administrative Officer of the Town;
- (i) "municipal service pipe" means the pipe and accessories owned by the Town, either within a municipal road or easement, intended to carry water or collect sewage from a main to private property;
- (j) "non-profit customer" includes non-profit organizations such as churches, clubs, associations and hostels;
- (k) "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;
- (l) "person" includes a corporation and the heirs, executors, administrators or other legal representative of a person;
- (m) "piped service" means water supply and/or sewage collection provided through the Town's mains and service pipes;
- (n) "premises" means real property and includes any buildings thereon;
- (o) "private service pipe" means the pipe and accessories intended to distribute water or collect sewage within private property and connected to the municipal service pipe or main;
- (p) "residential customer" includes customers for a place of residence including customers of private homes and rental accommodation;
- (q) "schedule" means a schedule attached to and forming part of this by-law, except as otherwise provided;
- (r) "self-contained unit" means a unit having separate plumbing, heating, entrance, and the like;

- (s) "service" or "municipal services" includes trucked service and piped service unless specifically noting one of either trucked or piped service;
- (t) "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;
- (u) "system" or "municipal system" means the Town's system to provide water and/or collect sewage and includes the trucked system and piped system unless specifically noting one of either trucked or piped system;
- (v) "to discontinue service" means to stop providing trucked water service and/or to turn off piped water service for a building or a property;
- (w) "to establish service" means to become a customer of the Town by entering into an arrangement to receive municipal services from the Town;
- (x) "to initiate service" means to start providing trucked service and/or turning on piped service for a building or a property, and may include an initial water meter reading;
- (y) "to terminate service" means to terminate the arrangement between the customer and the Town to receive municipal services from the Town and may include to discontinue service, to disconnect or remove a municipal service pipe in whole or in part, and a final water meter reading;
- (z) "Town" means the Town of Iqaluit;
- (aa) "trucked service" means water delivery and/or pumpout and collection service provided by vehicles by or on behalf of the Town; and
- (ab) "trucked service building facilities" means a water storage tank and/or sewage holding tank and related accessories installed within a premises to receive trucked service from the Town.

PART 2 GENERAL PROVISIONS

201. Authority to Provide Municipal Services

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

202. Authority and Duties of Manager

(1) The Manager is authorized and directed to

- (a) supervise, control and administer the provision of municipal services and the municipal system and do all things necessary to fulfil his responsibilities and duties under this by-law;
- (b) control all construction, operations and maintenance related to the provision of municipal services;
- (c) perform all acts that may be necessary for the efficient management, operation and protection of the municipal system; and
- (d) administer and enforce this by-law.

(2) The Manager may, subject to subsection (4), prescribe

- (a) orders, and
- (b) specifications for
 - (i) Private Service Pipes,
 - (ii) Meters,
 - (iii) Bleeders,
 - (iv) Sewage Discharge,
 - (v) Trucked Service, and
 - (vi) and other specifications

necessary to carry out the provisions of this by-law and no person or customer shall fail to comply with such rules, regulation and specifications.

(3) The Manager may, subject (4), prescribe forms for

- (a) Application for Service,
 - (b) Termination of Service,
 - (c) Application for Service Connection,
 - (d) Application to Install or Repair Service Pipes on Municipal Roadway,
 - (e) Application to Install and Operate a Water Bleeder,
- and any other forms necessary to carry out the provisions of this by-law.

- (4) All rules, regulations, specifications and forms prescribed by the Manager shall be subject to the approval by resolution of council and shall be available for public inspection during regular business hours at the Municipal Office.

203. Financing and Accounting

- (1) All costs for the provision of municipal services shall be financed through service charges, fees, loans, and grants, subsidies or other funding provided to the Town by the Government of the Northwest Territories or others.
- (2) 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.
- (3) All monies collected for the provision of municipal services shall be separately accounted for and disbursed by action of the council.

204. Service Area

- (1) The Town shall provide municipal services to premises within the designated service area described in Schedule D.
- (2) Municipal services, including bulk water supply and sewage disposal, provided by the Town 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.

205. Description of Services

- (1) The Town shall furnish water supply for domestic, fire protection, municipal, and industrial purposes.
- (2) Notwithstanding subsection (1), when in the opinion of the Manager the water supply for domestic and fire protection purposes is impaired, the Manager may
 - (a) regulate the use of water supply; or
 - (b) restrict or terminate the supply of water for municipal or industrial purposes.

- (3) The Town shall make every effort to provide safe, continuous and efficient municipal services; nevertheless, the Town shall not be liable for damages, including business losses,
- (a) caused by the break of any water pipe, sewer pipe, or the breach of any ditch;
 - (b) caused by water delivered or sewage collected through the owner's or customer's facilities;
 - (c) caused by the interference or cessation of municipal services in connection with the repair, expansion, replacement, or proper operation and maintenance of the municipal system;
 - (d) caused by any increase or decrease in pressure in a water pipe;
 - (e) caused by the interference or cessation of trucked service due to adverse weather conditions, road conditions, or vehicle mechanical problems;
 - (f) caused by the water supply containing sediments, deposits or other foreign matter; or
 - (g) generally for any accident due to the operation of the municipal system, unless such action has been shown to be directly due to the negligence of the Town or its employees.
- (4) Every person or customer 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 Town, provide such storage, treatment or other means for such special municipal services.

206. Authority to Cease or Restrict Service

- (1) The Manager may without notice cease or restrict municipal services to any customer or part of the Town should he decide an emergency makes such action necessary.
- (2) The Manager may in a non-emergency situation, including scheduled repairs or alteration to the municipal system, cease or restrict municipal services to any customer or part of the Town provided the Manager shall, when it is practical to do so, provide public notice of such intended cessation or restriction of municipal services to all affected customers.

- (3) When the Manager deems that a water shortage warrants, the Manager may impose, change or revoke restrictions upon the use of water, including restrictions to certain uses of water, to uses at specified times or days, to a specified class of customer, or parts of the Town, provided the Manager shall provide public notice of such intended restrictions and it shall be an offence for anyone to contravene such restrictions.
- (4) The Manager may discontinue service for any of the following reasons:
 - (a) failure to establish services;
 - (b) fraud in establishing service;
 - (c) non-payment of charges or fees levied pursuant to this by-law;
 - (d) failure to provide a deposit, if required;
 - (e) failure to provide free access; or
 - (f) contravention of any other section of this by-law.
- (5) When service is discontinued, neither the Town nor its employees or any municipal officials shall be liable for any costs or damages resulting from the discontinuance of service.
- (6) Where this by-law authorizes service to be discontinued, the Manager shall, when it is practical to do so, give notice prior to service being discontinued. Such notice shall indicate the infraction, remedy, and the date that service will be discontinued unless remedy is made. When service is discontinued, service 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 Disconnection Fee and Reconnection Fee specified in Schedule C, and a Reinstatement of Service Fee specified in Schedule C are paid to the Town.

207. 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.
- (2) Notice to the Town shall be made in writing to the Municipal Office, except that notice of complaint may be made by telephone or in person.

208. Tampering

- (1) No person or customer shall tamper or interfere with the any part of the municipal system, except as authorized by the Manager.
- (2) No person or customer shall connect to or operate any pipe, valve, meter, hydrant, or any other part of the municipal system, except as authorized by the Manager.
- (3) Any person or customer who damages or causes to be damaged any part of the municipal system shall be liable for the cost of such damage.

209. Work Done by Town

- (1) The charge for work done by the Town "at cost" shall include the direct and indirect amount expended by the Town for labour and benefits, housing subsidy, support facilities and equipment, materials, equipment rental, contracts, or any other expenditures incurred in doing the work, plus administration charges.
- (2) The Manager may require a deposit to be paid by the applicant prior to the commencement of work done "at cost" by the Town. The Manager will determine the amount of the deposit based on the estimated cost to do the work. Any additional cost shall be paid to the Town and any surplus shall be refunded.

PART 3 ESTABLISH AND TERMINATE SERVICE

301. To Establish Service

- (1) Subject to subsection (2) and (3), every person requiring to establish service, shall submit to the Manager an Application for Service form and the appropriate fees specified in Schedule C.
- (2) Where premises are occupied by a tenant or lessee, the Manager may require that the Application for Service be submitted by the owner of the premises.
- (3) Where a person is receiving municipal services as of March 31, 1989, an Application for Service shall be submitted to the Manager by March 31, 1990, and no Application for Service Fee is payable provided that a completed Application for Service shall be submitted to the Manager by March 31, 1990.

302. Content of Application for Service

The Application for Service shall include such particulars as the following:

- (a) location of the premises,
- (b) date applicant will be ready for service,
- (c) type of structure erected or intended to be erected,
- (d) whether the premises have previously received service,
- (e) name and mailing address to which notices and bills are to be sent,
- (f) whether the applicant is the owner or tenant of, or agent for the premises,
- (g) category of customer and rate requested,
- (h) agreement to abide by and accept all the provisions of this by-law, and
- (i) any other information in such detail and form the Manager deems appropriate.

303. Deposit

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

- (a) the amount of the deposit shall be determined by the Manager based on the expected service charge for a 90 day period;
- (b) 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 limit allowed;
- (c) the deposit, less the amount of any unpaid balance due to the Town, shall be refunded upon discontinuance of service; and
- (d) no interest will be paid on the deposit when the deposit is refunded.

304. Temporary Service

- (1) Subject to subsection (2), every person requiring to establish temporary service for construction or any other purpose shall
 - (a) submit an Application for Service to the Manager stating the expected duration service is requested;
 - (b) pay the Application for Service Fee specified in Schedule C and any other appropriate fees; and

- (c) prior to the initiation of service, pay a deposit determined by the Manager based on the estimated service charge during the period of temporary service and any additional cost shall be paid to the Town and any surplus shall be refunded.
- (2) The Manager may require that the Application for Service be submitted by the owner of the premises.
- (3) 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 his estimate of water use.
- (4) The service rate for temporary service shall be based on the category of the customer.

305. Application to Terminate Service

- (1) In order to terminate service, the customer shall submit to the Manager 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.
- (2) All applications to terminate service must allow a minimum of five working days prior to the order is to become operative.
- (3) The Town may continue to levy service charges in accordance with this by-law until the Town terminates service.

PART 4 RESPONSIBILITIES OF THE CUSTOMER

401. Use of Water

- (1) No person or customer shall wilfully waste water or allow the continuous unattended flow of water without the written permission of the Manager.
- (2) No person or customer shall resell or convey water beyond the property served without the written permission from the Manager.

- (3) Where any unauthorized wastage, continuous flow, or improper use of water occurs, the Manager may give notice to the customer to stop such wastage or improper use of water within ninety six (96) hours or lesser time as may be specified in the notice. If the customer fails to comply with the notice the Manager may discontinue service.

402. Prevention of Contamination

No person or customer shall do anything that may allow water, sewage, or any harmful matter to enter the municipal water system. The Manager may discontinue service to any customer contravening the provisions of this section.

403. Prevention of Discharge of Harmful Matter

- (1) No person or customer shall discharge or deposit or cause or permit the discharge or deposit into a municipal sewer pipe, private sewer service 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.
- (2) Without limiting the generality of (1), the Manager may prescribe Sewage Discharge Specifications to restrict or prohibit the discharge or deposit of any matter into a municipal sewer pipe, private sewer service pipe, or private sewage tank.
- (3) No person or customer shall directly or indirectly discharge any trade, industrial or manufacturing waste or any unacceptable waste into a municipal sewer pipe, private sewer service pipe, or private sewage tank without such previous treatment as shall be prescribed by the Manager. Such treatment works so prescribed shall be installed and operated by the customer.
- (4) Grease, oil, or sand interceptors of sufficient size and approved design shall be installed on the building sewer pipes from every hotel, restaurant, laundry, garage and such other places as the Manager may direct.
- (5) No person or customer shall discharge or deposit or cause or permit the discharge or deposit of, rainwater or groundwater into a municipal sewer pipe, private sewer service pipe, or private sewage tank.

404. Inspection

An authorized agent or employee of the Town, who presents, of so requested, proper identification,

- (a) shall be admitted to premises during normal working hours, and
- (b) may inspect any part of the premises, expose and perform tests on any piping, fixtures or appliances being the property of the owner, the occupant or the Town, to determine whether the by-law is being complied with.

405. Private Facilities

- (1) 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; provided always that, where any provisions in such a Code conflicts with any provisions of this by-law, this by-law shall prevail.
- (2) Municipal services shall not be provided to premises in which the private facilities do not meet the requirements of this by-law; except that municipal services may be provided during construction of unfinished buildings.
- (3) Every owner or customer shall maintain his private facilities in proper order and free from leakage or wastage at his own expense. The Manager may discontinue service to any premises where unsanitary conditions, defective fixtures, leakage or wastage, or misuse may affect the safe and proper operation of the municipal services system.

406. 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 persons or customers, damage to their water systems, or damage to the municipal services system. The Manager may discontinue service to any customer contravening the provisions of this section.

PART 5 PIPED WATER AND SEWAGE SERVICE

501. Installation of Service Pipes

- (1) Every service pipe from the main to and within a premises shall be installed by, and at the cost of, the owner of the property.
- (2) Every service pipe connection to the main shall be done only by the Town or its agent.
- (3) The cost of the service pipe connection to the main shall be levied on the owner of the property served, in accordance with the Service Pipe Connection Fee specified in Schedule C.
- (4) Every owner requiring
 - (a) a service pipe to be connected to the main,
 - (b) to install a service pipe
 - (i) on a road, or
 - (ii) within an easement,shall submit to the Manager an application in such form as may be prescribed by the Manager.
- (5) Where an application is made under subsection (4), no work shall commence until the application has been approved by the Manager and, if appropriate, the Service Pipe Connection Fee specified in Schedule C has been paid.

502. Specifications, Design Approval and Inspection of Service Pipes

- (1) No service pipe shall be installed except in accordance with this by-law and the Service Pipe Specifications of the Town.
- (2) Design plans for service pipes shall be
 - (a) certified by a Professional Engineer,
 - (b) submitted to the Manager, and
 - (c) approvedprior to the commencement of construction.
- (3) Two sets of "as built" plans shall be provided to the Manager within sixty (60) days of completion of service pipes.

- (4) No service pipe shall be enclosed, covered or backfilled until the work has been inspected and approved by the Manager.
- (5) All installation, maintenance, repair and disconnection work on service pipes shall be subject to the inspection and approval of the Manager.

503. Ownership of Service Pipes

- (1) Every below ground service pipe on private property shall remain the property of the owner and he shall be responsible for its maintenance.
- (2) 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 owner and he shall be responsible for its maintenance.
- (3) After completion of construction, the ownership and maintenance of all below ground service pipes and accessories 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 Town, subject however to such charges as are in this by-law made payable by any person.

504. Maintenance of Private Service Pipes

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

505. Repair of Private Service Pipes

- (1) Should a frozen service pipe, leakage or wastage occur, the Manager may give notice to the owner to effect the necessary repairs or replacement within ninety six (96) hours or such lesser period as may be specified in the notice.
- (2) If the owner fails to comply with such notice within the time specified, the Manager may either
 - (a) have the water service pipe turned off until the repairs or replacement have been done; or
 - (b) in the case of unmetered service, have a meter installed; or
 - (c) have the necessary work done, and any cost incurred may be levied on the owner.

506. Investigation of Service Pipe

Every owner requesting an investigation into a failure or interruption in service to his premises shall deposit with the Town the estimated cost of such investigation determined by the Manager. The Town shall undertake the investigation and if the Town's investigation reveals that the Town is the cause of the failure or interruption in service, then the deposit shall be returned. If the Manager determines that the Town is not the cause of the failure or interruption in service, the expense incurred by the Town on an "at cost" basis in accordance with section 210 shall be levied on the owner but the amount of any deposit shall be set off against that expense.

507. Thawing Service Pipes with Electrical Equipment

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 Town shall not be liable for any damage or injury resulting from the use electrical or electrical welding equipment to thaw a water service pipe.

508. Removal or Replacement of Facilities

- (1) Subject to subsection (2), all costs of any approved removal, relocation or any other change in the municipal system, requested by an owner, shall be payable by the owner making the request.
- (2) Where an owner has replaced his below ground private service pipe and requests the replacement of the municipal service pipe, the Manager may authorize the installation of a replacement municipal service pipe equal in size to, or in the standard size for the capacity and use of, the original installation, at no cost to the owner, if the Manager is satisfied that the municipal service pipe is leaking or in danger of failure.

509. Size and Number of Service Pipes

- (1) Subject to subsection (3), no premises shall be supplied with more than one water service, including a water supply pipe and a recirculation pipe, and one sewer service pipe.
- (2) Subject to subsection (3), a separate water service pipe and a separate sewer service pipe shall be installed for each premise adjacent to a main.

(3) The Manager may determine, specify and approve

- (a) the number,
- (b) the nature,
- (c) the size, and
- (d) the location

of service pipes to be installed for any premise.

510. Service to Adjacent Premises

- (1) Service pipes shall be constructed only to properties adjacent to a main, unless the Manager authorizes otherwise.
- (2) Private service pipes shall not be extended from one lot to another without the approval of the Manager.

511. Alteration to Service Pipes on Municipal Roadway

Every owner requiring to alter or repair existing service pipes on the municipal roadway shall make application to the Manager in such form as may be prescribed by the Manager and pay all costs to restore the municipal roadway.

512. Water Shut Off Valve

- (1) Each water service pipe shall be provided with an easily accessible, sealable water shut off valve on the premises served, so located within the building plumbing system to allow water service to all of the building to be turned off while allowing any circulation pump on the water service pipe to operate.
- (2) Where service is to be discontinued pursuant to this by-law, the Manager or other authorized agent of the Town may discontinue service by turning off and affixing a seal to the water shut off valve on the premises to which service is to be discontinued.
- (3) Where a seal has been affixed in accordance with subsection (2), no person, other than the Manager or other authorized agent of the Town, shall cause or allow the seal to be broken without the prior written approval of the Manager.

513. Correction to Non-Conforming Private Service Pipes

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 of the Town, the Manager shall issue an order to the owner of the private service pipe

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

514. Prevention of Water System Contamination

- (1) No person or customer 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 substance to enter the municipal water system.
- (2) If a condition is found to exist which in the opinion of the Manager is contrary to subsection (1), the Manager may either
 - (a) discontinue service; or
 - (b) issue an order to correct the fault within ninety six (96) hours, or as specified lesser period, and if the customer fails to comply with such notice, the Manager shall proceed to discontinue service.
- (3) Without limiting the generality of subsection (1), the Manager may allow cross connection control devices to be installed on the water piping at the source of potential contamination and/or on the water service pipes, at no cost to the Town.
- (4) Where in the opinion of the Manager, 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 device approved by the Manager in addition to the cross control connection devices installed on the customer's water piping at the source of potential contamination.

- (5) 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 Manager on all private water service pipes in such location so as to prevent backflow from any private service pipes into the municipal water system.
- (6) Where a cross connection control device is required by the Manager, that device shall be tested upon installation, and thereafter annually, or more often if required by the Manager, by personnel approved by the Manager, to demonstrate that the device is in good working condition, at no cost to the Town. The customer shall submit a report in a form approved by the Manager, on any or all tests performed on a device within thirty (30) days of a test.
- (7) Should a customer fail to have a cross connection control device tested, the Manager shall issue an order to the customer to have the device tested within ninety six (96) hours, or a specified lesser period, and if the customer fails to comply with such notice the Manager shall discontinue service until the device is tested and approved by the Manager.
- (8) Should a test show that a cross connection control device is not in good working condition, the Manager shall issue an order to the customer to make repairs or replace the device within ninety six (96) hours, or a specified lesser period, and if the customer fails to comply with such notice the Manager shall discontinue service until the private plumbing has been inspected and approved by the Manager.

515. Bleeding of Water and Bleeders

- (1) No person or customer shall cause, permit or allow water to bleed to waste without the written authority of the Manager.
- (2) No person or customer shall install or operate a bleeder except in accordance with this by-law.
- (3) Where a certified electrician or plumber certifies in writing that a water service pipe is in danger of freezing owing to the failure of a freeze protection device or other equipment, during a period when immediate repairs are not practical, the Manager may authorize the customer in writing to bleed water, provided always that the customer shall effect the repairs as soon as is practical.
- (4) The Manager may authorize a customer to bleed water where a service pipe installed prior to April 1, 1989 would otherwise be in danger of freezing.

- (5) Where the use of a bleeder is authorized, 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.
- (6) The customer shall register a bleeder with the Manager and inform the Manager when the bleeder has been removed.
- (7) Where the Manager authorizes a customer to bleed water and registers the customer's bleeder, the customer shall be levied a service charge based on the following:
 - (a) during the first year, the normal water consumption for the customer as determined by the Manager;
 - (b) during the second year, the normal water consumption for the customer as determined by the Manager plus an additional bleeder quantity specified in Table 2 of Schedule B; and
 - (c) during subsequent periods, the actual water consumption at the economic rate.
- (8) The Manager shall maintain a register of each authorized bleeder.

516. Water Use for Fire Protection

- (1) Where water is supplied or made available for the purpose of fighting fires, no person shall use such water, or cause or allow such water to be used for any purpose other than fighting a fire.
- (2) Where water supplied or made available for the purpose of fighting fires, is used for purposes other than fighting a fire, the customer at the premises to which the water was supplied shall be charged for the cost of the water estimated by the Manager to have been used other than fighting a fire.
- (3) 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.
- (4) No person or customer shall allow a continuous flow of water from the municipal piped water system during a fire or fire alarm, except for the purpose of extinguishing a fire.

- (5) No person shall use water from a fire hydrant on the municipal system for any purpose other than to fight a fire, without the permission of the Manager.

517. Access to Hydrants, Valves and Accessories

No person shall in any manner obstruct or impede the free access to any main, fire hydrant, valve or other accessories on the municipal system.

518. Mandatory Connection to New Piped System

- (1) Every owner shall connect his premises to piped water and/or sewer mains installed abutting his premises within three years of the time the Manager certifies that the mains are operational and issues an order to connect to the mains.
- (2) The Manager shall notify every owner that has not connected to the mains six (6) months before the end of the three year period.
- (3) After such a three year period, the Manager may discontinue trucked water service to such premises or levy service charges to such premises based on the full cost of any trucked service.

PART 6 TRUCKED WATER AND SEWAGE SERVICE

601. Scheduled Trucked Service

- (1) The Manager shall establish scheduled times for the provision of trucked service to each customer or part of the Town.
- (2) The Town shall endeavour to provide scheduled trucked service, weather, roads, and vehicle conditions permitting.
- (3) Every customer requesting trucked service at a time other than the normal working hours shall be levied an Unscheduled Trucked Service Fee specified in Schedule C, in addition to the normal service charge, except when the previous scheduled trucked service was not received through no fault of the customer.

602. 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.

603. Maintenance, Repair and Thawing of Trucked Service Building Facilities

- (1) Every owner shall maintain his trucked service building facilities in proper order and free from leakage or wastage.
- (2) The Town may in the case of an emergency, repair any trucked service building facilities and the cost of such repair work shall be levied on the owner.

604. Specifications, Design Approval and Inspection of Trucked Service Building Facilities

- (1) No trucked service building facilities shall be installed except in accordance with this by-law and the Trucked Service Specifications of the Town.
- (2) Design plans for trucked service building facilities shall be
 - (a) certified by a Professional Engineer, except for design plans for a single family dwelling,
 - (b) submitted to the Manager, and
 - (c) approvedprior to the commencement of construction.
- (3) Two sets of "as built" plans shall be provided to the Manager within sixty (60) days of completion, of trucked service building facilities.
- (4) No trucked service building facilities shall be enclosed, covered or backfilled until the work has been inspected and approved by the Manager.
- (5) All installation, maintenance, repair and disconnection work on trucked service building facilities shall be subject to the inspection and approval of the Manager.

605. Correction to Non-Conforming Trucked Service Building Facilities

Where in the opinion of the Manager, existing trucked service building facilities are being operated in contravention of this by-law, including the Trucked Service Specifications of the Town, the Manager shall issue an order to the owner of the trucked service building facilities

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

606. Number of Trucked Service Building Facilities

- (1) No premises shall be supplied with trucked service to more than one water tank and one sewage tank except with the approval of the Manager.
- (2) The Manager may allow trucked service to a separate water tank or sewage tank for self-contained units on premises.

607. Access to Trucked Service Building Facilities

- (1) The customer shall maintain, at his own expense, unimpeded access to the water fill point and sewage pumpout point, including the removal of ice, snow, mud, vehicles, pets and yard material.
- (2) Where the water fill point or sewage pumpout point are not accessible, the Manager shall cause a notice to 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.

PART 7 METERS

701. Meter Requirement

Subject to this by-law, an approved water meter with an approved remote reading device, shall be installed on every water service pipe, unless otherwise authorized by the Manager.

702. Supply and Installation of Meters by the Owner

- (1) The owner shall supply and install meters, remote reading

devices and accessories for water service pipes greater than 25 millimetre (one inch) in diameter.

- (2) The location and the design of meters, remote reading devices and accessories shall be in accordance with the Meter Specifications of the Town and shall be approved by the Manager.
- (3) Every meter, remote reading device, and accessories installed by an owner in accordance with this section shall become the property of the Town, which shall, subject to section 708, be responsible for its maintenance.
- (4) Nothing in this section shall be construed as to relieve the owner or customer of the obligation to pay any charges or fees required by this bylaw.
- (5) Notwithstanding subsection (1), the Town shall supply and install meters, remote reading devices and accessories for all water service pipes installed prior to April 1, 1989.

703. Supply and Installation of Meters by the Town

The Town shall supply and install meters and remote reading devices for water service pipes 25 millimetre (one inch) or less in diameter and the owner shall be levied a Meter Installation Fee specified in Schedule C.

704. Supply and Installation of Meter Setting by the Owner

- (1) Every owner, regardless of the size of the water service pipe, shall supply and install a horizontal meter setting and control valves immediately ahead of and after the meter setting.
- (2) The location and design of the meter setting and control valves shall be in accordance with the Meter Specifications of the Town and shall be approved by the Manager.
- (3) The meter setting and control valves shall be positioned as close as is practical to the point where the private water service pipe enters the building and positioned for easy access to read, repair, test or replace a meter.

705. Supply and Installation of Wiring for Remote Reading Device by Owner

For new construction, every owner, regardless of the size of the water service pipe, shall supply and install wiring for a remote

reading device, for each meter to be installed, in accordance with the Meter Specifications of the Town and approved by the Manager.

706. Supply, Installation and Sealing of Meter Bypass

- (1) The owner shall supply and install a meter bypass with a sealable control valve for all water service pipes
 - (a) having a diameter greater than 50 millimetres (two inches),
 - (b) of any size, where the owner requires continuous service during the testing, repairing or replacing of meters.
- (2) The Manager may cause a seal to be affixed to any meter bypass control valve.
- (3) Where a seal has been affixed in accordance with subsection (2), no person or customer shall break the seal without the prior written approval of the Manager.
- (4) Where the customer or occupant of premises where a seal has been affixed in accordance with subsection (2), determines that the seal has been broken, he shall notify the Manager as soon as is practical.
- (5) Where a seal affixed in accordance with subsection (2) is broken, the customer shall be levied a charge for the quantity of water which the Manager estimates has been used.

707. Number of Meters

- (1) The Manager shall determine the number of meters that shall be installed for any premises.
- (2) Subject to subsection (1), where two or more water service pipes, excluding water recirculation service pipes, supply a premise or where water service pipes are interconnected, a meter shall be installed on each water service pipe.
- (3) Subject to subsection (1), single-family dwellings and single unit buildings including apartment, commercial, institutional and industrial buildings, shall have a single meter installed in each building.
- (4) Subject to subsection (1), multiple housing units side by side shall have a meter installed for each unit.

- (5) Subject to subsection (1), commercial or industrial buildings containing (with) multiple side by side units shall have one meter per unit, and all such meters for the building shall be banked at one location where the service pipe enters the building.

708. Meter Protection

- (1) Where meters are located on private property, the customer shall protect the meter, meter setting, control valves, meter wire, remote reading device, and accessories from loss or damage from frost and any other causes within his control.
- (2) The customer shall pay all costs incurred by the Town to replace a lost meter or to repair damage to any meter, meter wire, remote reading devices, or accessory caused by frost or any other causes within the control of the customer.

709. Meter Readings

- (1) Meters shall be read at intervals determined by the Manager provided that, where practical, meters shall be read at least every three months.
- (2) Where a meter is not or can not be read for the current billing period, the Manager shall estimate the water consumption for the purpose of establishing a service charge provided that the water consumption and account are reconciled when a meter reading is obtained.

710. Special Meter Readings

Where a customer requests a special meter reading that does not involve the termination of service, a Meter Reading Fee specified in Schedule C shall be levied on the customer.

711. Meter Seal

- (1) The Manager may cause a seal to be affixed to any meter.
- (2) Where a meter seal has been affixed in accordance with subsection (1), no person or customer shall cause, permit or allow such a seal to be broken without the prior written approval of the Manager.

- (3) Every person or customer who determines that a meter seal affixed in accordance with subsection (1) has been broken shall notify the Manager as soon as is practical.
- (4) Where a meter seal affixed in accordance with subsection (1) has been broken, the customer shall be levied a charge for the quantity of water which the Manager estimates has been used.

712. Meter Testing

- (1) The Manager may cause any authorized meter to be tested.
- (2) Where a customer makes written request for a meter test and pays the Meter Test Fee specified in Schedule C, the Manager shall cause the meter to be tested.
- (3) Where the inaccuracy of a meter tested is 2 percent or greater,
 - (a) the amount of any Meter Test Fee paid shall be refunded to the customer,
 - (b) the Manager shall estimate the amount of water for which the customer has been overcharged or undercharged for a period not exceeding six months prior to the date of testing,
 - (c) the municipal services account of the customer shall be adjusted in accordance with paragraph (b) and the rates prescribed in Schedule A, provided always that no refund shall be made other than to the customer whose account was overcharged.

713. Meter Malfunction

If a meter fails to register or to properly indicate the flow of water, the customer shall be liable to pay for the quantity of water which the Manager estimates has been used.

714. Adjustment for Undetected Leaks

- (1) If a meter shows excessive high consumption in comparison to previous readings, the Manager may notify the customer.
- (2) Where an 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 ninety six (96) hours of the discovery, no such adjustment to the customer's account shall extend for a period beyond three (3) months prior to the discovery of the leak, and provided always that no refund shall be made other than to the customer whose account was charged.

715. Access to Property for Meter Reading

- (1) Employees of the Town and their authorized agents shall be admitted to premises during normal working hours in order to inspect, test, repair, or read an authorized meter or remote reading device upon such premises. Such employees or authorized agents shall, upon request, show proper identification.
- (2) If access to a meter or remote reading device cannot be obtained, the Manager shall cause a notice to be left at the premises indicating the corrective measure required and the time and date by which the corrective measures must be carried out.
- (3) Where after two successive attempts to access a meter or remote reading device by the employees of the Town or their authorized agents,
 - (a) a Meter Reading Fee shall be levied for each subsequent unsuccessful attempt to read the meter or remote reading device,
 - (b) the Manager may discontinue service to the premises.

PART 8 BILLING AND COLLECTING

801. Service Charges

- (1) Subject to subsection (2), services charges shall be levied in accordance with the rates specified in Schedule A for various categories of customers and service.
- (2) The service charge for municipal services provided to the premises in Column 1 in Schedule D shall be levied on the person listed in Column 2 opposite, at the rate specified in Column 3 opposite, and where no approved meter is in use, on the basis of the type of premises or quantity of water specified in Column 4 opposite.

- (3) Unless otherwise provided for in this by-law, service charges shall be calculated
 - (a) where an approved meter or truck meter is in use, according to the quantity of water indicated by such meter; or
 - (b) where an approved meter or truck meter is not in use, in accordance with the appropriate type of premises, unit of measurement, and quantity of water use per month specified in Table 1 for trucked service and Table 2 for piped service of Schedule B.
- (4) Service charges shall be due and payable monthly.
- (5) The bill for service charges shall state the amount of any rate subsidy provided by the Government of the Northwest Territories, the net amount payable, and the date payment is due and payable.
- (6) Notwithstanding (3), until the Town installs a meter on a water service pipe as specified in section 702(5), the service charge for a piped serviced residence shall be calculated in accordance with fifty percent (50 %) of the quantity of water use specified for a residence in Table 2 of Schedule B.

802. Payment

- (1) Bills for service charges, fees and all other penalties and charges levied pursuant to this by-law are due and payable not later than twenty one (21) days after the date of mailing.
- (2) 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.
- (3) Overdue bills shall be subject to the Late Payment Charge specified in Schedule C.
- (4) Liability to pay bills shall not be affected by any defect in the form of bill or non-receipt of a bill.

803. Owner Liable to Pay

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 that 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.

804. Enforcement of Payment

- (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 a Reinstatement Fee as specified in Schedule C;
 - (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 specified in the Schedules for water supply or the use of the sewage system 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 Town in the year in which the default occurred.

805. Economic Rate

The economic rate per litre for the provision of municipal services shall be determined by the Town based on the blended average cost incurred by the Town to provide trucked and piped water and sewage services to customers.

806. Industrial Use of Water

Where, in the opinion of the Manager, water is used for industrial process, the service charge shall be determined at the economic rate.

807. Changes in Use, Occupancy or Property Served

The customer shall notify the Manager in writing of any change in the use, occupancy, site served, or any other matter which may affect the service charges and fees payable under this by-law.

808. 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 Manager on a proportional basis, unless otherwise provided in this by-law.

PART 9 ENFORCEMENT

901. Application of By-law to Service Contract

The provisions of this by-law shall be considered to form part of every contract for municipal services and every person making use of the municipal services of the Town shall be considered as having expressly consented to be bound thereby.

902. Offences

Any person or customer who contravenes any provision or requirement of this by-law is guilty of an offence and, upon summary conviction, is liable to a fine of not more than Five Hundred (\$500.00) Dollars and, in addition, to a fine of not more than One Hundred (\$100.00) Dollars for every day the offence continues; and in default of payment to imprisonment for a term not exceeding thirty (30) days.

PART 10 ADMINISTRATION

1001. 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.

1002. Repeal

By-law No. 100 is hereby repealed.

1003. Effective Date of By-law

This by-law shall come into force and effect from April 1, 1989.

TOWN OF IQALUIT
WATER AND SEWAGE SERVICES BY-LAW

SCHEDULE A

CHARGES FOR WATER SUPPLY AND THE USE OF THE SEWAGE SYSTEM

MUNICIPAL SERVICE RATES

- (1) Subject to subsection (2), the rates payable by customers for municipal services are as follows:

CATEGORY OF CUSTOMER		RATE	
Residential and Non-Profit	0.0035	\$ 0.002	per litre
Commercial		\$ 0.004	per litre
Government	BY-LAW 417	\$ 0.0075	per litre
Industrial	0.01	\$ 0.0075	per litre

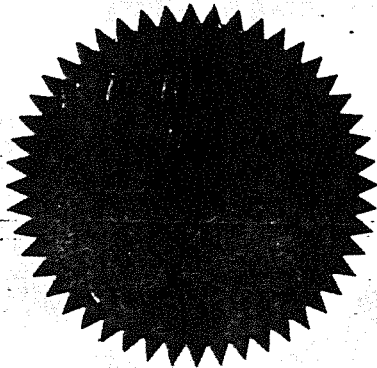
- (2) The minimum monthly charge for municipal services shall be ~~\$10.00~~ per month.

30.00

Read a First Time this 23rd day of March, A.D. 1989.

Read a Second Time this 23rd day of March, A.D. 1989.

Read a Third Time this 29th day of March, A.D. 1989.



[Signature]
MAYOR

[Signature]
SENIOR ADMINISTRATIVE OFFICER

TOWN OF IQALUIT
WATER AND SEWAGE SERVICES BY-LAW
SCHEDULE B
UNMETERED QUANTITY OF WATER USE

TABLE 1. UNMETERED PREMISES RECEIVING UNMETERED TRUCKED WATER SERVICE

TYPE OF PREMISES	UNIT OF MEASUREMENT	QUANTITY WATER USE (Litres per Month)
Residence		
Single family	per residence	9,000
Row Housing	per residence	9,000
Apartment	per unit	7,000
Air Terminal Building	per washroom	10,000
Business - retail	per washroom	10,000
Church	per washroom	10,000
Club or Organization	per washroom	10,000
Hospital/Nursing Station	per washroom	10,000
Hostel	per washroom	10,000
Office	per washroom	10,000
RCMP Station/Office	per washroom	10,000
Restaurant	per washroom	10,000
School	per washroom	10,000
Hotel/Motel	per room without bath	7,500
Hotel/Motel	per room with bath	10,000
Hotel/Motel	per room with kitchenette	12,000
Laundromat	per laundry machine	30,000

WHERE:

"Per washroom" means per separate washroom or, where a washroom contains two or more toilets or urinals, for every two toilets or urinals.

TOWN OF IQALUIT
WATER AND SEWAGE SERVICES BY-LAW
SCHEDULE B
UNMETERED QUANTITY OF WATER USE

TABLE 2. UNMETERED PREMISES RECEIVING UNMETERED PIPED WATER SERVICE

TYPE OF PREMISES	UNIT OF MEASUREMENT	QUANTITY OF WATER USE (Litres per Month)
Residence		
Single family	per residence	37,500
Row-housing	per unit	37,500
Apartment	per unit	30,000
Church	per washroom	25,000
Club or Organization	per washroom	25,000
Hostel	per washroom	25,000
Business - retail	per washroom	25,000
Office	per washroom	25,000
RCMP Station/Office	per washroom	25,000
Air Terminal Building	per washroom	25,000
Hospital/Nursing Station	per washroom	25,000
Hotel/Motel	per room without bath	18,750
Hotel/Motel	per room with bath	25,000
Hotel/Motel	per room with kitchenette	30,000
School	per washroom	25,000
Restaurant	per washroom	25,000
Laundromat	per laundry machine	30,000
Bleeder	each	20,000

WHERE:

"Per washroom" means per separate washroom or, where a washroom contains two or more toilets or urinals, for every two toilets or urinals.

TOWN OR IQALUIT
WATER AND SEWAGE SERVICES BY-LAW
SCHEDULE C

CHARGES FOR WATER SUPPLY AND USE OF
THE SEWAGE SYSTEM - FEES

General Fees

Application for Service Fee	\$25.00
Reinstatement of Service Fee	\$25.00
Late Payment Charge	18 percent (1.5%) per month

Trucked Service Fees

Unscheduled Trucked Service Fee	\$100.00
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Piped Service Fees

Meter Installation Fee	
25 mm (one inch) service pipe	\$250.00
Other	"At Cost"
Meter Test Fee	\$100.00
Meter Reading Fee	\$ 25.00
Service Pipe Installation Fee	"At Cost"
Service Pipe Connection Fee	"At Cost"
Disconnection Fee	"At Cost"
Reconnection Fee	"At Cost"

WHERE:

"At Cost" is as specified in section 210 of the Water and Sewage Services By-law.

TOWN OF IQALUIT
WATER AND SEWAGE SERVICES BY-LAW
SCHEDULE D

PERSON LIABLE TO PAY, RATE, AND UNMETERED QUANTITY OF WATER USE

COLUMN 1 (Description of Premises)	COLUMN 2 (Person or Organization Liable to Pay)	COLUMN 3 (Applicable Rate)	COLUMN 4 (Type of Premises or Quantity of Water Use (Litres Per Month)
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TOWN OF IQALUIT
WATER AND SEWAGE SERVICES BY-LAW
SCHEDULE E

DESIGNATED SERVICE AREA

- (1) The designated service area shall include the developed area of the Town of Iqaluit including Apex.