

***Draft DGG Water and Sewer Rates Act***  
**Executive Summary**

This is a draft Law. The *DGG Water and Rates Sewer Act* sets out the rates for water and sewer trucked services:

- Private residential units will no longer be charged for water and sewer services;
- Public Housing units will be charged a monthly fee based on the number of people living in the unit;
- Churches and clubs will pay a flat rate per month; and
- Businesses and governments will be charged based on how much they use.

Under the draft law, you will need to put a sign out each day that you need trucked services. The truck will only stop at houses with a sign out.

Given that water will now be provided to residents at a flat rate, it will be against the law to waste or sell water. You are also not allowed to dump harmful substances into sewage tanks.

# DÉLĪNĚ GOT'ĪNĚ GOVERNMENT

## WATER AND SEWER RATES ACT

WHEREAS section 9.1.1(g) of the DélĪnĚ Final Self-Government Agreement empowers the DélĪnĚ Got'Īne Government to enact laws with respect to programs, services, and facilities provided by or on behalf of the DGG, including sewers and water distribution,

the DélĪnĚ Got'Īne Government enacts as follows:

### Interpretation

1. This *Act* may be cited as the *Water and Sewer Rates Act*.
2. In this *Act*:

“**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;

“**Customer**” means any person who has entered into an arrangement with the DGG to receive Water and Sewer services, or the owner or occupant of a building or land receiving Water and Sewer services;

“**DFSGA**” means the DélĪnĚ Final Self Government Agreement;

“**DGG**” means the DélĪnĚ Got'ĪnĚ Government, described in the DFSGA and Part 1, Division 2 of the *DGG Government Organization Act*;

“**DKK**” means the DélĪnĚ K'aowədó Kə, the body described in section 3.4.1(b) of the DFSGA and established by Part 1, Division 2 of the *DGG Government Organization Act*;

“**Government**” includes the DGG, Canadian government, and Government of the Northwest Territories and their various departments;

“**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;

**“*Interpretation Act (NWT)*”** means *Interpretation Act* SNWT 2017, c 19, as may be amended from time to time;

**“Non-profit”** means establishments such as churches, clubs, and associations;

**“Officer”** means a person appointed by the DKK to enforce this *Act* and a member of the Royal Canadian Mounted Police;

**“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;

**“Person”** includes a corporation and the heirs, executors, administrators or other legal representative of a person;

**“Property”** means real property and includes any buildings thereon;

**“Public Housing”** means housing units owned and operated by the Northwest Territories Housing Corporation;

**“Residential”** means private home owners and private renters;

**“SDMCLCA”** means the Sahtu Dene and Metis Comprehensive Land Claim Agreement;

**“Service”** or **“Water and Sewer service”** means the DGG’s trucked water and sewage service; and

**“*Summary Convictions Procedures Act*”** means *Summary Convictions Procedures Act* RSNWT 1988,c S-15, as may be amended from time to time.

### **Supply of Water and Sewer Services**

3. The DGG shall provide Water and Sewer services within the Community of Délı̄ne.
4. When in the opinion of the DGG the water supply for domestic or fire protection purposes is impaired, the DGG may:
  - (a) regulate the use of the water supply; or
  - (b) restrict or terminate the supply of water for DGG.
5. The DGG may discontinue Water and Sewer services for the following reasons:
  - (a) non-payment of charges or fees levied pursuant to this *Act*;

- (b) failure to provide free access; or
  - (c) contravention of any other section of this *Act*.
6. When Water and Sewer services are restricted, withdrawn or discontinued, the DGG shall not be liable for any costs or damages resulting from the loss of services.

### **Service Charge**

7. The DGG shall use the following classifications for the purposes of determining the specific rate to be charged:
- (a) **Residential Class** means residential customers;
  - (b) **Public Housing Class** means the public housing units;
  - (c) **Non-Profit Class** means non-profit customers;
  - (d) **Commercial Class** means commercial customers who receive services whether for a residence or any other facility;
  - (e) **Industrial Class** means industrial customers who receive services whether for a residence or any other facility;
  - (f) **Government Class** means government customers whether for a residence or any other facility; and
  - (g) **Camp Class** means a camp facility.
8. Unless otherwise provided in this *Act*, service charges shall be levied as follows:
- (a) Residential Class, Non-Profit Class, and Public Housing Class shall be charged the flat rate prescribed by the DKK by regulation;
  - (b) The Commercial, Industrial, Government, and Camp classes will be charged based on the usage rates prescribed by the DKK by regulation.
9. Service charges shall be due and payable to the DGG monthly.
10. 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 *Act*.

### **Payment**

11. Customers shall pay for all fees and all other penalties and charges levied pursuant to this *Act* no later than the payment date identified on the bill.
12. Bills are considered to be paid when the payment is received at the DGG office, or at such other place as may be determined by the DGG and specified on the bill.
13. The DGG may charge a late payment fee on overdue bills, and the DKK may prescribe such fee by regulation.
14. The DGG may suspend Services to customers whose bills remain unpaid for more than ninety (90) days after the payment date identified on the bill.

### **Use of Water**

15. No one shall willfully waste water or allow the continuous unattended flow of water without written permission from the DGG.
16. No one shall re-sell or convey water beyond the property served without written permission from the DGG.

### **Discharge of Harmful Waste**

17. No customer or person shall discharge or deposit or cause or permit the discharge or deposit into a sewage tank matter of any type or at any temperature or in any quantity:
  - (a) which may be or become a hazard to persons, animals or property;
  - (b) which may be or become harmful to any part of the Water and Sewer system; or
  - (c) which may impair or interfere with the proper operation of any wastewater works or treatment process.
18. No customer or person shall directly or indirectly discharge any trade, industrial or manufacturing waste or any unacceptable waste into a private sewage tank without such previous treatment as may be prescribed by the DGG, and installed and operated by the customer.
19. 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 DGG may direct.

### **Inspections**

20. The DKK may appoint an Inspector who may at all reasonable times and upon reasonable notice 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 *Act*.
21. The owner 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.

#### **Access to Trucked Service Building Facilities**

22. If person requires water or sewer service on a particular day, the person shall place a sign near the water and sewer outlet indicating that services are need.
23. The customer shall maintain, at the customer's own expense, unimpeded access to the water fill point and sewage pump out point.

#### **Offences**

24. Any person who contravenes this *Act*, permits any act or thing to be done in contravention of this *Act*, or who neglects or refrains from doing anything required to be done pursuant to this *Act* commits an offence and shall be liable:
  - (a) to the penalty prescribed by the DKK by regulation; or
  - (b) if no penalty is set out for the offence in the regulations, then to a fine of not more than \$2,000.
25. The DKK may prescribe, by regulation, fines for offences under this *Act*, including different amounts for subsequent offences, early payment discounts, and late payment penalties.
26. Where a person has committed an offence under this *Act*, an Enforcement Officer may warn the person that they have committed an offence and educate the person on the rules in this *Act* instead of issuing a ticket.
27. Where a person aged 17 years or younger has committed an offence, an Enforcement Officer may warn that youth's parent or guardian that the youth has committed an offence in addition to warning and educating the youth.
28. An Enforcement Officer may issue a ticket in the prescribed form to any person who contravenes the provisions of this *Act* and such person may:
  - (a) pay to the DGG the prescribed voluntary penalty for the offence prior to the payment date specified on the ticket; or
  - (b) dispute the ticket by following the procedure set out in the ticket.

29. The DGG may hire a Screening Officer to review ticket disputes and, after reviewing the ticket, the Screening Officer may:
  - (a) cancel the ticket;
  - (b) with the consent of the accused, refer the ticket to any alternative processes established by the DGG which may include alternative sanctions; or
  - (c) issue a notice to the accused with a court date for hearing the dispute.
30. In making a decision under section 29, the Screening Officer may consider factors such as:
  - (a) the seriousness of the offence; and
  - (b) if the accused has previously committed an offence under the *Act*.
31. If a person who has been issued a ticket does not dispute the ticket within the required time, then the ticket will be treated as undisputed and the prescribed penalty amount will be due and owing.
32. Tickets issued under this *Act* shall set out:
  - (a) the particulars of the alleged offence;
  - (b) the amount of the penalty (including any early and late payment options);
  - (c) how to pay the ticket;
  - (d) how to dispute the ticket;
  - (e) the timeframe for disputing the ticket;
  - (f) the option to participate in an alternative process established by the DGG and how to consent to that option;
  - (g) the date the ticket is issued;
  - (h) the name and number of the Enforcement Officer who issued the ticket; and
  - (i) any other information the DKK prescribes by regulation.
33. A ticket shall be deemed to be sufficiently served:
  - (a) if served personally on the accused; or
  - (b) if mailed to or left in a conspicuous place at the address for the owner in the DGG's customer records.

34. If a person aged 17 years or younger is found to be guilty of an offence under this *Act*, then their parent or guardian shall be responsible for any penalties imposed.
35. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than established by this *Act* for each such day or part of a day.
36. For the purposes of this *Act*, the DGG adopts the procedures of the *Summary Convictions Procedures Act* (NWT) when prosecuting offences of this *Act* in NWT Territorial Court.
37. The DKK may, by law, specify that any contravention of this *Act* shall be enforced in a manner other than a prosecution in NWT Territorial Court or as set out in this *Act*.

### **Severability**

38. Should any provision of this *Act* be found to be invalid by a court of competent jurisdiction, whether in whole or in part, or in particular circumstances, the invalid provision shall be severed and the balance of the *Act* shall be maintained in force, or maintained in force for application in other circumstances.

### **Interpretation**

39. The *Interpretation Act* (NWT) applies to this *Act* and the regulations, unless the context or another DGG enactment otherwise requires.
40. Words and expressions used in this *Act* have the same meaning as they have in the DFSGA, unless the context requires otherwise.

### **Repeal**

41. This *Act* hereby repeals and replaces all Charter Community of Délı̄ne Bylaw on the same matter.

### **Amendment**

42. This *Act* may be amended in accordance with DGG Law.

### **Commencement**

43. This *Act* comes into force on the date of its enactment.

### **Conflict**

44. In the event that two or more provisions within the *Act* conflict with one another, the most restrictive provision shall prevail.



45. In the event that the provisions of this *Act* conflict with the provisions of the DFSGA, the provisions of the DFSGA prevail.
46. In the event that the provisions of this *Act* conflict with the provisions of the Déline Got'ine ᖃᚱᚱó, the provisions of the Déline Got'ine ᖃᚱᚱó prevail.
47. In the event that the provisions of the DFSGA conflict with the provisions of the Déline Got'ine ᖃᚱᚱó, the provisions of the DFSGA prevail.
48. In the event that the provisions of the DFSGA conflict with the provisions of the SDMCLCA, the provisions of the SDMCLCA prevail.

**Draft Water and Sewer Rates Regulation**

<i>Water and Sewer Act</i>		
<b>Section</b>	<b>Fee</b>	<b>Fee Amount</b>
	Residential flat rate per month	\$0/month
	Public Housing flat rate per month	
	Up to 2 residents in home	\$40/month
	Up to 4 residents in home	\$50/month
	Up to 6 residents in home	\$60/month
	Over 6 residents in home	\$70/month
	Non-profit flat rate per month	\$40/month
	Commercial rate per litre used	Current rate/litre
	Industrial rate per litre used	Current rate/litre
	Government rate per litre used	Current rate/litre
	Camp rate per litre used	Current rate/litre