
BEING A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO REGULATE LAND ADMINISTRATION IN THE TOWN OF INUVIK

WHEREAS the Town is authorized to purchase, sell, lease, or otherwise acquire and dispose of real property;

AND WHEREAS the Cities, Towns and Villages Act requires the Town to adopt a Land Administration By-law to provide for policy and procedures relating to the acquisition, holding and disposal of real property;

NOW THEREFORE the Council of the Municipal Corporation of the Town of Inuvik, in regular session, duly assembled, hereby enacts as follows:

TITLE

1. This By-law may be cited as “The Land Administration By-law”.

DEFINITIONS

2. In this By-law:

- (a) “Acquisition of Land” means the purchase, lease or other means of acquiring land;
- (b) “Town” means the Municipal Corporation of the Town of Inuvik which is represented by the Senior Administrative Officer or their designate, except when decisions of Council are required;
- (c) “Council” means the Council of the of the Municipal Corporation of the Town of Inuvik;
- (d) “Developed Land” means land in which the necessary municipal infrastructure has been placed to allow improvements to be built or installed thereon;
- (e) “Development Costs” means the Town’s direct and indirect costs of developing a lot or another specific area of land for disposition to the public, and which may include:
 - (i) land acquisition;
 - (ii) fees for appraisal, legal services, surveying, planning and engineering designs and project management;
 - (iii) land excavation and filling;
 - (iv) roads, lanes, parking areas, curbs, sidewalks, walkways, boulevards and all necessary appurtenances to Town standards
 - (v) water, sanitary and storm sewer systems, including service connections and all necessary appurtenances to Town standards;
 - (vi) electrical transmission systems, including all necessary appurtenances;
 - (vii) parks and recreational improvements;
 - (viii) financing charges including interest; and.
 - (ix) natural gas;

and which may be increased or reduced by up to 25% for site-specific factors. The amounts of capital grants or contributions from the Government of the Northwest Territories for the development of the land shall be deducted from the Town’s costs in determining Development Costs.

- (f) “Disposal of Land” means the sale, lease or other means of disposing of land but does not include any activities otherwise exempted by this by-law
- (g) “Granular Material” means any Natural Resource defined as sand, black dirt, rock and clay.

- (h) "Land" means real property or an interest therein, other than an easement or restrictive covenant;
- (i) "Lot" means a specific area of land, the boundaries of which are:
 - (j) shown on a plan registered at the NWT Land Titles Office; or
 - (ii) described in a certificate of title registered at the NWT Land Titles Office;
- (i) "Market Value" means the value of land based on the amount that a willing buyer would pay to a willing seller. This value shall be determined by a professionally qualified land appraiser or by public tender;
- (k) "Minister" means the Minister of Municipal and Community Affairs;
- (l) "Municipal Infrastructure" means those facilities or amenities normally put in place on developed or undeveloped lands to allow improvements to be built or install and which may include all or one of the following:
 - (i) roads, lanes, parking areas, curbs, sidewalks, walkways, boulevards and all necessary appurtenances;
 - (ii) water, sanitary and storm sewer systems, including service connections and all necessary appurtenances;
 - (iii) electrical transmission systems, including all necessary appurtenances;
 - (iv) parks and recreational improvements;
 - (v) land required for, or in connection with, any of the facilities described in 2 (k) of this by-law, or any other facilities deemed to be required by Council;
 - (vi) natural gas;
- (m) "Off-site Levy" means a surcharge levied by the Town pursuant to section 8 against the purchaser of land from the Town or against a tenant leasing land from the Town;
- (n) "Quarry" means any work or undertaking in which granular materials are removed from the ground or the land by any method, and includes all ways, works, machinery, plant, buildings and premises belonging to or used in connection with the quarry;
- (o) "Site-specific Factors" means factors which may be used, where applicable, in adding to or subtracting from the cost of developed land and which may consist of:
 - (i) the size of the parcel;
 - (ii) the site conditions;
 - (iii) the desirability of location;
 - (iv) the existing adjacent land uses; and
 - (v) the land's zoning.
- (p) "Town Standard" means any Standard approved and/or used by the Town for the purpose of Development. These standards may include, but are not limited to standards for roads, sidewalks, parks, and recreational improvements, water and sewer infrastructure, landscaping, curbing, gutters, etc.
- (q) "Undeveloped Land" means land which does not have the municipal infrastructure necessary to use land for its intended purpose.

APPLICATION

- 3. (a) Except as expressly provided herein or otherwise authorized by the Minister, this by-law will apply to all acquisitions, sales, leases, or other dispositions of land by the Town.
- (b) This by-law shall not apply to month-to-month tenancies or leases having terms of less than three (3) years.
- (c) This by-law shall not apply to assignments of existing leases of Town lands.

- (d) Neither the Town nor any authorized representative of the Town shall make or enter into any offer, agreement or other arrangement for the purchase, sale, lease or other disposition of land except in accordance with this by-law.
- (e) This by-law shall not apply to easement agreements for the purpose of public utility uses and structures as defined in the zoning by-law or for the purpose of site servicing.

REQUEST FOR LAND WITHIN THE MUNICIPAL BOUNDARY

A request for acquisition of land shall:

- a) Be made using the form specified by the Town, as amended from time to time; and
- b) Include such information necessary or appropriate to consider the request, including but not limited to a sketch delineating the area to be acquired and any development proposal.

ACQUISITION BY THE TOWN

- (a) The Town shall acquire Head Leases or Title, as applicable, on all Commissioner's or Crown Land required for municipal purposes.
- (b) The Town may acquire fee simple or leasehold interest in any real property which is required for municipal purposes.
- (c) The acquisition of land by purchase, lease or other means from another party by the Town shall be authorized by by-law.
- (d) A by-law for the purchase or lease of land shall include the legal description of the land to be acquired, or, in the case of a lease of unsurveyed lands, a description of the parcel and sketch sufficient to identify the property to be leased.
- (e) The Town may acquire real property by expropriation pursuant to the provision of the *Expropriation Act* and *Community Planning and Development Act*, and through the tax recovery process in accordance with the *Property Assessment and Taxation Act*.
- (f) The acquisition of real property shall be by by-law in accordance with this By-law and the *Cities Towns and Villages Act*.
- (g) Council may amend any terms of agreement for the sale, lease or other disposition of land by resolution except the legal description of the land affected, which may be amended only by by-law.

DISPOSAL BY THE TOWN

- (a) The Town may dispose of fee simple or leasehold interest in any real property where the land is not required for municipal purposes, and where the intended land use is in accordance with the Town's General Plan, and Zoning By-law, or any other relevant by-laws, plans and studies. Where applicable, adjacent property owners (i.e. those sharing common property lines) may be given first refusal to lease or purchase such lands.
- (b) Where land is to be offered for sale, lease or other disposition without a specific intended purchaser or lessee, the by-law authorizing the sale, lease or other disposition of the land shall:
 - i. include a legal description of the land;
 - ii. state whether the land shall be offered for sale, lease or other disposal by ballot draw, public tender, call for development proposal or, in the case of land which has been previously advertised unsuccessfully, on a first come first serve basis; and
 - iii. specify the form of agreement to be used if applicable; and state the minimum acceptable purchase price or lease payment if applicable.
- (c) The disposal of fee simple or leasehold interest in any real property shall be in accordance with this By-law and the *Cities, Towns and Villages Act*.

- (d) Prior to the Town authorizing the sale or lease of property to a business, corporation or society, the society must provide proof of being in good standing in accordance with the provisions of the *N.W.T. Societies Act* or other relevant *Act*, by-law or policy.
- (e) Where the Town disposes real property to a tax-exempt institution, another order of government or a non-profit organization, the Town may require the purchaser or lessee to enter into an agreement which gives the Town the right of first refusal to reacquire the land and any improvements placed thereon should the purchaser or lessee cease to operate or no longer require the property for its intended purpose.
- (f) Real property disposals by the Town will be subject to the terms and conditions of a Purchase or Lease Agreement.
- (g) Real property may be leased where it is not available in fee simple title to the Town, or where there is benefit to the Town in retaining real property for public purposes.
- (h) All lease agreements shall incorporate clauses relative to remediation of potential environmental damage, including the requirements for remediation, at the lessee's expense, and the lessee shall be required to deposit security with the Town in the form of a bond or irrevocable letter of credit to the noted remediation requirements.
- (i) Disposition of land in fee simple or leasehold interest shall be authorized by by-law. Subject to provisions of this By-law, all land disposal by-laws shall state the method by which land shall be disposed of, pursuant to this By-law.
- (j) Where land is to be sold, leased or otherwise disposed of to a specific intended purchaser or lessee, the by-law authorizing the sale, lease or other disposition of the land shall:
 - (i) include a legal description of the land or, in the case of a lease of unsurveyed lands, a description of the parcel and a sketch sufficient to identify the property to be leased; and
 - (ii) specify the form of agreement to be used if applicable.

4. Council shall not authorize the lease, sale or other disposition of lands owned by the Town unless:

- (a) it has been established that the Town has legal title to the interest to be conveyed in the land;
- (b) an inspection of the lands has been conducted to determine:
 - (i) whether the lands are occupied;
 - (ii) if there are any improvements on the land which do not belong to the Town;
 - (iii) if there are any easements affecting the land; and
 - (iv) whether any other circumstances exist which may prevent or delay the proposed disposal of the land.

OFF-SITE LEVIES

5. The Town may levy charges against land being developed, whether by the Town or by a private developer, to pay for all or part of the capital costs of any municipal infrastructure which is located outside the boundaries of the land being developed, but which is of direct (but not exclusive) benefit to the land being developed, including, but not limited to:

- (a) new or expanded facilities for the storage, transmission, treatment or supply of water;
- (b) new or expanded facilities for the transmission, treatment or disposal of sewage;

- (c) new or expanded storm sewer drainage facilities;
 - (d) new or expanded roadways and sidewalks; and
 - (e) land required for, or in connection with, any of the facilities described in 7 (a), 7 (b), 7 (c) and 7 (d).
6. The Town may designate by by-law areas of the Town in which off-site levies shall be levied. The amount of the off-site levy may be a fixed amount payable for each lot or may be an amount per unit based on some measurable criteria such as frontage, area or fair market value of a lot.
 7. In determining the amount to be raised by off-site levies for municipal infrastructure, the Town shall deduct the amount of any capital grants received from the territorial or federal governments for completion of any portion of the municipal infrastructure for which the off-site levy is being made.
 8. Off-site levies shall be paid in full before a development permit is issued for any improvement on a parcel of land that is subject to off-site levies.
 9. All off-site levy revenues shall be deposited in a separate account to be used for the purpose for which the levy was made.

ESTABLISHING THE PRICE OF LAND

10. The price of previously developed land to be disposed of by the Town shall be:
 - (a) the greater of the fair market value (including improvements) or the replacement cost of the land and improvements; or
 - (b) at a price determined by assessed value of land (including improvements) plus a percentage factor, determined by Council, which would be designated to approximate (a) above.
11. The price of newly developed land to be disposed of by the Town shall be calculated based on development costs, off-site levies and the allowance, if any, to be added or subtracted for site-specific factors AND upon due consideration of the market value (including off-site levies) of the land.
12. All development costs and off-site levies for newly developed land shall be recovered unless the Town is unable to dispose of the land within a reasonable period of time, as determined by Council and an application to the Minister to sell land below cost, is approved.
13. The annual lease rate for land leased by the Town shall:
 - (i) not burden other rate payers; and
 - (ii) not exceed the value of capital requirements as determined by fair market value or the replacement cost of the land and improvements; and
 - (iii) in any event, not exceed 10% of the price of the lot.
 - (iv) Notwithstanding Section 7 (a), Council may, at its sole discretion, dispose of land below the appraised value or development costs where it is deemed to support economic development or re-vitalization of a neighbourhood.

TERMS AND CONDITIONS OF LAND DISPOSAL BY THE TOWN

14. Except as expressly provided herein, before disposing of any particular parcel of land, the Town shall conduct a ballot draw, public tender, or call for development proposal in accordance with this by-law offering the property for sale, lease or other disposition, as the case may be. If no offers are received for the purchase of the property as a result of the ballot draw, public tender or call for development proposal, or, if in the opinion of Council, the price offered or other conditions of any offer received are unacceptable, the Town may dispose of the land by any means, including on a first come first serve basis, subject always to the terms of this by-law.
15. The provision of Section 16 shall not apply to the disposal of land:
 - (a) to the Federal Government or the Territorial Government;
 - (b) to be used for the installation of electric power, telephone or other communication utilities, if the utility company is a Crown corporation or government regulated monopoly;

- (c) to be consolidated with adjoining land when the land being disposed of does not comply with the minimum lot size requirements as the Town's Zoning By-law;
 - (d) to a person or persons with a leasehold interest who wish to purchase the freehold interest in the same land;
 - (e) to an assignment of an existing lease; or
 - (f) disposing of land to a specific intended purchaser or ~~leasee~~ lessee.
16. Purchasers of single residential lots from the Town shall have priority over those acquiring more than one lot, except when lots are required by:
- (a) the Federal Government or Territorial Government;
 - (b) Housing NWT; or
 - (c) the Canada Mortgage and Housing Corporation.
17. All offers to the Town and all agreements or other arrangements with the Town for the purchase of Town land shall be in writing and in a format which is acceptable to the Town. Any application for the purchase of Town land shall indicate the applicant's proposed use of the land and, in the case of vacant land, the improvements to be constructed or placed by the applicant on the land.
18. A person leasing land from the Town shall be required to enter into a lease substantially in the form as approved by Council
19. If a private developer wishes to purchase undeveloped land from the Town and to build or install municipal infrastructure to develop the land, then, before approving the disposal to the private developer, the Town shall:
- (a) have first obtained a cost estimate establishing that the private developer will be able to develop and sell lots at a lower cost than the price the Town would be required to charge under this policy;
 - (b) require the developer to provide a letter from a financial institution confirming that the developer has sufficient financial resources to complete the development of the subject land;
 - (c) require the developer to enter into an agreement with the Town requiring the developer to dispose of vacant land by way of ballot draw, tender or proposal call, unless a building has been constructed or installed on the land and the building is sold with the land;
 - (d) specify by agreement with the developer any requirements for the development of the land pursuant to Section 37 of the Planning Act, R.S.N.W.T. 1988, c. P-7, including any restrictions on the use of the lands;
 - (e) transfer title to the developer, subject to a caveat to ensure compliance with subsections 22 (c) and 22 (d) if applicable; and
 - (f) require that the development of the municipal infrastructure be completed within a reasonable period of time to ensure an adequate supply of serviced land is maintained in the Town.

PUBLIC NOTICE OF THE DISPOSAL OF TOWN OWNED LAND

20. Before disposing of any land to the public, the Town shall provide public notice either:
- (a) by advertising the availability of the land in two consecutive issues of a newspaper having circulation in the town; or,
 - (b) by posting a notice in six prominent places within the municipal boundaries of the town; and
 - (c) on the Town's website.
21. Each advertisement or notice shall include:
- (a) a sketch, drawn to scale, identifying the size and location of the land;
 - (b) the legal description, if any;
 - (c) the minimum purchase price acceptable, if applicable;
 - (d) the process by which the disposal of land shall occur; and
 - (e) the location and time at which applicants for the land may participate in the process; and
 - (f) results of inspection by the Town as outlined in Section 6 (b) of this by-law.

22. Subject to section 26, land which has been advertised or posted but not sold, leased or otherwise disposed of in response to such advertisement or notice may thereafter be disposed of on a first come first serve basis without further advertisement or notice.
23. The Town shall readvertise or post a new notice advising of the availability of land in accordance with section 23 before disposing of that land:
 - (a) if that land has been rezoned or subdivided since it was first advertised or posted as available for disposition, even if the subdivision or rezoning was at the request of a specific person;
 - (b) if an application was made for the acquisition of the land but was withdrawn by the applicant after acceptance by the Town; or
 - (c) if any Lease or Agreement for Sale granted in response to the first advertisement or notice is terminated before the construction of any improvements on the land.

LAND SALE CATALOGUE

24. A catalogue of all land which has been approved by disposal by Town By-law shall be maintained. The information in the catalogue shall include:
- (a) a sketch, drawn to scale, identifying the size and location of the land;
 - (b) the full legal description, if any;
 - (c) the price of the land;
 - (d) conditions of disposal; and
 - (e) a record of pending disposals.
25. The catalogue shall be open for inspection by the public at the Town Office during normal business hours.

QUARRY MANAGEMENT

26. (a) The Town shall manage quarries in accordance with the statutes of the Governments of the Northwest Territories and Canada.
- (b) The acquisition and disposal of land for quarry purposes shall be subject to the requirements of this by-law.
- (d) Subject to authorization by by-law, the Town may apply for quarry permits and land use permits from senior governments for quarry purposes, and issue quarry permits to other parties.
- (e) Any agreement executed by the Town to lease or sell land for quarry purposes shall require the purchaser or lessee from the Town to restore the land at his or her own expense in accordance with the policies and guidelines established by the Government of the Northwest Territories and any other requirements of the Town.
- (f) Before executing a lease agreement or transfer for quarry lands, the Town shall require the lessee or purchaser to deliver and deposit security with the Town to ensure complete restoration of the site. The terms and amount of this security shall be determined by Council. This security shall consist of cash or an Irrevocable Letter of Credit issued by a Chartered Bank or a Surety Company.

BY-LAW ADMINISTRATION

27. Council may by resolution adopt standard forms of agreement for the acquisition or disposal of land and may authorize administration to make such minor amendments to any such standard form agreement as may be necessary to adapt the agreement to the requirements of any particular transaction.

28. All agreements for the acquisition or disposition of land made pursuant to this by-law shall be substantially in the form as approved by Council..
29. The fees, procedures and agreements required for the administration of this by-law shall be as determined from time to time by resolution of Council.

REPEALS

30. The following by-law is hereby repealed: 95-1369.


EFFECT


This by-law comes into effect on the date of its final passing, subject to the approval of the Minister of Municipal and Community Affairs.

READ A FIRST TIME THIS 9th DAY OF August, 2023.

READ A SECOND TIME THIS 9th DAY OF August, 2023.

READ A THIRD TIME AND FINALLY PASSED WITH THE CONSENT OF MEMBERS PRESENT THIS 13th DAY OF September, 2023.


MAYOR


SENIOR ADMINISTRATIVE OFFICER