

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2004-33**

**BEING A BY-LAW TO ESTABLISH RATES OR CHARGES FOR THE SUPPLY OF WATER BY THE CITY OF NORTH BAY FOR DOMESTIC, COMMERCIAL AND MANUFACTURING USE, AND INCLUDING OTHER RELATED MATTERS**

**WHEREAS** the Water Filtration Surcharge implemented effective July 1, 2003, has been calculated based on the requirement to fund a net City share for the Water Filtration Plant;

**AND WHEREAS** the Water Filtration Surcharge has been calculated based on financing the City's share over a twenty year (20) term through the Ontario Municipal Economic Infrastructure Financing Authority assuming annual debt service costs of \$660,000;

**AND WHEREAS** Council adopted General Government Committee Report No. 2003-14 at its meeting held June 16, 2003;

**AND WHEREAS** General Government Committee Report No. 2003-14 authorized a water treatment surcharge be added to all components of metered water accounts and flat rate water accounts;

**AND WHEREAS** Notice of the Public Meeting in the matter of proposed by-law to levy a water filtration surcharge was given as required by Ontario Regulation 244/02 made under the *Municipal Act, 2001* (S.O., 2001, c.25) by advertisement in the North Bay Nugget on the 31<sup>st</sup> day of May, 2003;

**AND WHEREAS** by Resolution No. 2004-91 passed by Council at its Regular Meeting held on the 9<sup>th</sup> day of February, 2004, Council directed that all water rates be raised by 10% and that the charge being calculated based on the gross water component of water account be decreased from 20% to 18.2%;

**AND WHEREAS** Notice of the Public Meeting in the matter of proposed amendments to existing water and sewer rates was given as required by Ontario Regulation 244/02 made under the *Municipal Act, 2001* (S.O., 2001, c.25) by advertisement in the North Bay Nugget on the 7<sup>th</sup> day of February, 2004 and on the 14<sup>th</sup> day of February, 2004;

**AND WHEREAS** a Public Meeting under the *Municipal Act* in the matter of the proposed amendments to the existing water rates was held on the 1<sup>st</sup> day of March, 2004.

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

**DEFINITIONS:**

- I. For the purpose of this By-Law:
  - a) "City" shall mean The Corporation of the City of North Bay;
  - b) "Consumer" shall mean the owner of any property or portion thereof situated in the City of North Bay;
  - c) "Dwelling Unit" shall mean a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment;

- d) "Property" shall mean land and premises or any portion thereof which is supplied with water by the City.
2. The monthly rates or charges for the supply of water by the City of domestic, commercial and manufacturing use are hereby established in accordance with the rates or charges set forth in Schedule "A" attached to and forming part of this By-Law.
3.
  - a) The monthly rates or charges payable by a consumer for the supply of water for domestic or household use are hereby established on the basis of and in accordance with the applicable rates hereinafter set forth, but, in no case shall the total minimum monthly payable by a consumer for the supply of water for household or domestic use be less than the sum of \$11.04.
  - b) Subject as herein provided, where the consumption of water is measured by a water meter, the total monthly payable by a consumer for the supply of water for commercial, industrial or manufacturing use shall be in accordance with the applicable rates or charges set forth in Schedule "A" hereof. In no case shall the total combined monthly amount payable, as foresaid, be less than the sum of \$15.38.
  - c) A basic fixed rate of \$2.66 per residential dwelling unit or commercial/ industrial account shall be added to all metered accounts.
  - d) Where the consumption of water is not measured by a water meter, the total monthly amount payable by a consumer for the supply of water for commercial, industrial or manufacturing use shall be in accordance with the applicable minimum rates or charges hereinafter set forth in Schedule "A", and in no case shall be less than \$15.38.
  - e)
    - (i) a Water Filtration Capital Surcharge, being calculated based on 18.2% of the gross water component of flat rate water accounts be implemented effective March 1, 2004;
    - (ii) a Water Filtration Capital Surcharge, being calculated based on 18.2% of the gross water component of metered water accounts, except the portion that applies to consumption over 50,000 gallons be implemented effective March 1, 2004.
  - f) The revenue generated by the Water Filtration Surcharge be applied to the Water Filtration Plan Capital Account, to pay expenses as they are incurred, until the project is completed and long-term financing incurred and received.
4. The City shall only accept an application for a supply of water from the property owner or an agent thereof and the property owner shall be liable to the City for the payment of all rates in respect of water supplied to the property and for all charges and costs of the City applicable of the supply of water to such property.
5. In those cases where a property is not supplied with water for the full month, the minimum applicable monthly rates or charges payable by the consumer shall be reduced proportionally.
6.
  - a) Water meters may be installed by the City in any commercial, industrial and manufacturing properties.
  - b) Water meters may be installed by the City in any residential buildings having more than two dwelling units.

7. There shall be a fee payable at the time of the issuance of a Building Permit for the supply and usage of water for construction purposes. The fee shall be based on the value of construction as set forth on the Building Permit Application as follows:
  - a)
    - i) \$0.50 per \$1,000.00 value of construction up to the first \$500,000.00 value; and,
    - ii) \$0.10 per \$1,000.00 value of construction for the remaining value of construction or part thereof.
  - b) The following types of construction shall be exempt from the construction water charges:
    - i) Construction outside of serviced areas;
    - ii) Renovations to residential units; and,
    - iii) Renovations and additions to all building which pay water charges on a metered rate.
  
8.
  - a) Accounts for the rates or charges for the supply of water by flat rate shall be payable by the consumer every four months with payment due in the month following each such period.
  - b) The Treasurer may accept payments on the due date, via direct credit from the Bank or Trust Company account of a customer in good standing, where such customer has previously authorized cheques for the purpose of payment of the said water accounts.
  - c) The Treasurer shall cause at least ten days notice to be given to the consumer of the due date:
    - i) of each flat rate account, on a quarterly basis;
    - ii) of each metered account, on not less than a quarterly basis; and,
    - iii) of each pre-authorized chequing account, on an annual basis.
  - d) The Treasurer may accept a direction from a consumer that notice of the account shall be given to a tenant of the consumer to be in full satisfaction of notice to consumer.
  
9. The Treasurer shall charge an associated fee as specified in the City's User Fee By-law No. 2001-71 to any accounts for which payment was tendered by cheque where such cheque is not honoured by the Bank or Trust Company named on such cheque.
  
10. All water accounts and special fees shall be subject to a percentage charge payable by the consumer as a penalty for non-payment of water accounts or any part thereof of one and one-quarter percent (1.25%) on the first day of the second calendar month immediately following the due date and on the first date of each calendar month thereafter in which default continues.
  
11. The Clerk shall upon notice from the City Treasurer of the amount due and the person by whom it is due and of the lands upon which any work was done or furnished the supply of water, enter any such unpaid amounts as fixed by Schedule "A" attached hereto for such service or work upon the Collector's Roll.
  
12. By-Law No. 2003-24 of The Corporation of the City of North Bay is hereby repealed.

13. This By-Law shall become effective from March 1, 2004.

READ FIRST TIME IN OPEN COUNCIL THIS 8<sup>TH</sup> DAY OF MARCH, 2004.

READ A SECOND TIME IN OPEN COUNCIL THIS 8<sup>TH</sup> DAY OF MARCH, 2004.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 8<sup>TH</sup> DAY OF MARCH, 2004.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK

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**THIS SCHEDULE "A" TO BY-LAW NO. 2004-33 OF THE CORPORATION OF THE CITY OF NORTH BAY**

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1. Monthly rates payable for the supply of water for domestic or household use where the consumption of water is not measured by a water meter:

(i)	Each separate dwelling unit	\$ 8.02
(ii)	Bath, with or without shower	2.09
	Each additional bath, with or without shower	.94
(iii)	Shower stall	2.09
	Each Additional shower stall	.94
(iv)	Toilet and urinal	2.09
	Each additional toilet or urinal	.94
(v)	Washbasin or sink	.94
	Each additional washbasin or sink	.48
(vi)	Automatic washing machine or laundry outlet (used for domestic or household purposes)	2.09
(vii)	Hose outlet or lawn or garden sprinkler	2.09
(viii)	Heating unit (steam or hot water)	2.09
(ix)	Swimming pool, sauna, hot tubs spas	2.09

2. Monthly rates payable for the supply of water for commercial, industrial or manufacturing use where the consumption of water cannot be measured by water meter:

(i)	Bakery	\$ 18.42
(ii)	Bank	15.38
(iii)	Barber Shop	18.42
(iv)	Billiard Room	15.38
(v)	Bowling Alley	15.38
(vi)	Candy Manufacturer	18.42
(vii)	Car Wash	55.23
(viii)	Church	15.38
(ix)	Confectionary Shop	15.38
(x)	Curling Rink	18.42
(xi)	Dental Office	18.42
(xii)	Display Fountain	18.42
(xiii)	Dry Cleaning Shop	18.42
(xiv)	Greenhouse	18.42
(xv)	Hairdressing Shop	18.42
(xvi)	Heating Plant (steam or hot water boiler) for public, educational, institutional, commercial, industrial or manufacturing property	15.38
(xvii)	Hotel	46.02
(xviii)	Laundry or Laundromat	55.23

(xix)	Market	18.42
(xx)	Motel – for each separate unit	2.57
(xxi)	Photography Shop	18.42
(xxii)	Printing Shop	18.42
(xxiii)	Private Club	15.38
(xxiv)	Professional Office (except dental office)	15.38
(xxv)	Public, education, institutional, commercial, industrial, manufacturing property	23.05
(xxvi)	Public Garage	18.42
(xxvii)	Public Hall	17.27
(xxviii)	Restaurant	23.05
(xxix)	Sauna or Steam Bath (public)	18.42
(xxx)	Skating Rink (public or commercial outdoor)	15.38
(xxxi)	Stable (public)	18.42
(xxxii)	Store – Wholesale or retail store or place of business not specifically listing in this Schedule	15.38
(xxxiii)	Swimming Pools (public)	23.05
(xxxiv)	Theatre	18.42
(xxxv)	Tourist Cabins (open for use throughout the year)	
	a) for the first tourist cabin (with bath or shower)	2.57
	b) for each additional tourist cabin (with bath or shower)	1.76
	c) for the first tourist cabin (without bath or shower)	2.09
	d) for each additional tourist cabin (without bath or shower)	1.41
(xxxvi)	Tourist Cabins (not open for use throughout the year)	
	a) for each tourist cabin	3.70
(xxxvii)	Warehouse	15.38
(xxxviii)	Circus, Carnival, Slide Show or Menagerie	
	a) daily rate	15.38

3. Water rates payable for the supply of water to properties where consumption of water is measured by a water meter:

a)	For the first 50,000 gallons there shall be payable per 1,000 gallons	2.43
b)	For the second 50,000 gallons there shall be payable per 1,000 gallons	2.23
c)	For the third 50,000 gallons there shall be payable per 1,000 gallons	1.86