

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-235

BEING A BY-LAW TO ESTABLISH RATES OR CHARGES FOR THE SUPPLY OF WATER AND SANITARY SEWER BY THE CITY OF NORTH BAY FOR DOMESTIC, COMMERCIAL AND MANUFACTURING USE, AND INCLUDING OTHER RELATED MATTERS (AND TO REPEAL BY-LAW NO. 2008-248)

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 by General Government Committee Report No. 2009-09 passed by Council at its Regular Meeting held on the 14th day of December, 2009, Council directed that all water rates be raised by 6.9%, and that the sanitary sewer charge remain at 106% of the water charges;

AND WHEREAS Notice of the Public Meeting in the matter of proposed amendments to existing water and sanitary sewer rates was given by advertisement in the North Bay Nugget on the 14th day of November, 2009 and on the 21st day of November, 2009;

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the proposed amendments to the existing water rates and sanitary sewer rates was held on the 7th day of December, 2009;

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

DEFINITIONS:

1. 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;
 - e) "Retirement Home/Residence" shall mean a building designated for residents thereof in which lodging is supplied with meals, homecare, nursing, medical, or similar care and treatment if required. A Retirement Home/Residence may contain independent and separate housekeeping units which include culinary facilities, provided that these units are ancillary to the main facility from which the residents receive service.
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 amount payable by a consumer for the supply of water for household or domestic use be less than the sum of \$17.30.
 - 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 \$24.12.

- c)
 - (i) A basic fixed rate of \$4.17 per residential dwelling unit and/or commercial/industrial account shall be added to all metered accounts.
 - (ii) For the purposes of determining water charges, a Retirement Home/Residence will be considered one dwelling unit and, therefore, charged one basic fixed rate of \$4.17 in addition to the metered charges.
 - 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 \$24.12 per month.
 - e)
 - (i) A Water Filtration Capital Surcharge, being calculated based on 10.0% of the gross water component of flat rate water accounts shall be implemented effective January 1, 2010;
 - (ii) A Water Filtration Capital Surcharge, being calculated based on 10.0% of the gross water component of metered water accounts, except the portion that applies to consumption over 50,000 gallons shall be implemented effective January 1, 2010.
 - f) The revenue generated by the Water Filtration Surcharge shall 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 to 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 proportionately.
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) \$1.00 per \$1,000.00 value of construction up to the first \$500,000.00 value; and,
 - ii) \$0.25 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 buildings 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 debit 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 tri-annual 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. A sanitary sewer rate is hereby imposed upon the owners or occupants of lands which are supplied with sewage service.
10. The sanitary sewer rate imposed by Section 9 shall be a charge on the water bill charged or chargeable in respect of such lands and shall be computed as one hundred and six per centum (106%) of the annual water rates or charges charged or chargeable in respect of such land where such lands are used for other than commercial and industrial purposes and not less than one hundred and six per centum (106%) of the annual water rates or charges charged or chargeable in respect of such lands where such lands are used for commercial or industrial purposes.
11. The Treasurer shall charge an associated fee as specified in the City's User Fee By-Law No. 2007-115, as amended, 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.
12. All water accounts, sanitary sewer 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 calendar month immediately following the due date and on the first day of each calendar month thereafter in which default continues.
13. 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 and collect them in the same manner as taxes.
14. Water and Sanitary Rates and Charges By-Law No. 2008-248 is hereby repealed.
15. This By-Law shall become effective from January 1, 2010.

READ FIRST TIME IN OPEN COUNCIL THIS 14th DAY OF DECEMBER, 2009.

READ A SECOND TIME IN OPEN COUNCIL THIS 14th DAY OF DECEMBER, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 14th DAY OF DECEMBER, 2009.

"original signature on file"
MAYOR VIC FEDELI

"original signature on file"
CITY CLERK CATHERINE CONRAD

THIS SCHEDULE "A" TO BY-LAW NO. 2009-235 OF THE CORPORATION OF THE CITY OF NORTH BAY

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	\$ 12.57
(ii)	Bath, with or without shower	3.27
	Each additional bath, with or without shower	1.47
(iii)	Shower stall	3.27
	Each Additional shower stall	1.47
(iv)	Toilet and urinal	3.27
	Each additional toilet or urinal	1.47
(v)	Washbasin or sink	1.47
	Each additional washbasin or sink	.75
(vi)	Automatic washing machine or laundry outlet (used for domestic or household purposes)	3.27
(vii)	Hose outlet or lawn or garden sprinkler	3.27
(viii)	Heating unit (steam or hot water)	3.27
(ix)	Swimming pool, sauna, hot tubs spas	3.27

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	\$ 28.88
(ii)	Bank	24.12
(iii)	Barber Shop	28.88
(iv)	Billiard Room	24.12
(v)	Bowling Alley	24.12
(vi)	Candy Manufacturer	28.88
(vii)	Car Wash	86.59
(viii)	Church	24.12
(ix)	Confectionary Shop	24.12
(x)	Curling Rink	28.88
(xi)	Dental Office	28.88
(xii)	Display Fountain	28.88
(xiii)	Dry Cleaning Shop	28.88
(xiv)	Greenhouse	28.88
(xv)	Hairdressing Shop	28.88
(xvi)	Heating Plant (steam or hot water boiler) for public, educational, institutional, commercial, industrial or manufacturing property	24.12
(xvii)	Hotel	72.15
(xviii)	Laundry or Laundromat	86.59

(xix)	Market	28.88
(xx)	Motel – for each separate unit	4.03
(xxi)	Photography Shop	28.88
(xxii)	Printing Shop	28.88
(xxiii)	Private Club	24.12
(xxiv)	Professional Office (except dental office)	24.12
(xxv)	Public, education, institutional, commercial, industrial, manufacturing property	36.14
(xxvi)	Public Garage	28.88
(xxvii)	Public Hall	27.08
(xxviii)	Restaurant	36.14
(xxix)	Sauna or Steam Bath (public)	28.88
(xxx)	Skating Rink (public or commercial outdoor)	24.12
(xxxi)	Stable (public)	28.88
(xxxii)	Store – Wholesale or retail store or place of business not specifically listing in this Schedule	24.12
(xxxiii)	Swimming Pools (public)	36.14
(xxxiv)	Theatre	28.88
(xxxv)	Tourist Cabins (open for use throughout the year)	
	a) for the first tourist cabin (with bath or shower)	4.03
	b) for each additional tourist cabin (with bath or shower)	2.76
	c) for the first tourist cabin (without bath or shower)	3.27
	d) for each additional tourist cabin (without bath or shower)	2.21
(xxxvi)	Tourist Cabins (not open for use throughout the year)	
	a) for each tourist cabin	5.79
(xxxvii)	Warehouse	24.12
(xxxviii)	Circus, Carnival, Slide Show or Menagerie	
	a) daily rate	24.12

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	3.82
b)	For the second 50,000 gallons there shall be payable per 1,000 gallons	3.49
c)	For the third 50,000 gallons there shall be payable per 1,000 gallons	2.92