

The Corporation of the City Of North Bay

By-Law No. 2015-129

**Being a By-Law to Establish 2016 Rates or Charges for
the Supply of Water and Wastewater Distribution
for Domestic, Commercial and Manufacturing Use**

Whereas the Water Filtration Charge 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 Notice of the Public Meeting in the matter of proposed amendments to existing water and Wastewater Rates was given by advertisement in the North Bay Nugget on the 24th and day of October, 2015 and the 31st day of October, 2015;

And Whereas a Public Meeting under the *Municipal Act* in the matter of the proposed amendments to the existing Water Rates and Wastewater Rates was held on the 23rd day of November, 2015;

And Whereas the Council of The Corporation of the City of North Bay passed General Government Committee Report No. 2015-23 at its Regular Meeting held on the 30th day of November, 2015;

Now Therefore, the Council of The Corporation of the City of North Bay hereby enacts as follows:

Short Title:

1. This By-Law may be cited as the "Water and Wastewater Rates and Charges By-Law".

Definitions:

2. For the purpose of this By-Law:

"Chief Financial Officer" means the Chief Financial Officer/Treasurer or his/her authorized representative.

"City" means The Corporation of the City of North Bay.

"City Engineer" means the Managing Director of Engineering, Environmental Services and Public Works or his/her authorized representative.

"Consumer" means any person who receives water from the City.

"Excess Water" means more than five (5) times the three (3) monthly average consumption.

"Fixed Rate" means the portion of the water bill that is due and payable even if water is not consumed and includes the monthly charge per meter.

"ICI" means Industrial, Commercial, and Institutional uses as established by the City's Comprehensive Zoning By-Law No. 2015-30 or any successor by-law ;

"Multi-Residential" means a building containing three (3) or more dwelling units with one water connection.

"Municipal Water Services" means the pipe and fittings that convey water from a connection on a main or private main to the meter location.

“Occupant” means any owner, lessee, tenant, agent of an owner, lessee or tenant, or any person in possession of any Premises.

“Owner” means any person who is the registered owner of a Premises or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, an attorney(s) acting pursuant to a General Power of Attorney or Continuing Power of Attorney for Property, a committee of the estate of a mentally incompetent person which is an owner of a Premises, an executor of an estate which includes a Premises, or an administrator or guardian who has responsibility for a Premises on behalf on an owner.

“Premises” means any house, tenement, building, church, lot or part of a lot in, through or past which water service runs.

“Property” means land and Premises or any portion thereof which is supplied with water by the City.

“Residential” means a building with one or two dwelling units and one water connection.

“Tax Roll” means a roll prepared by the treasurer of a local municipality each year based on the last returned assessment roll for the year, for the purposes of collecting taxes on each separately assessed property in the municipality.

“Unadjusted Three Month Consumption Period” means any three months of consistent water consumption without adjustments upward or downward as authorized in this by-law.

“Unduly Burdensome” means a significant financial hardship to the property owner substantiated by evidentiary requirements as determined by the Chief Financial Officer and City Engineer or designate;

“Volumetric Charge” means the portion of the water bill that is based on the Volumetric Rate.

“Volumetric Rate” means the rate per cubic meter of water consumed.

“Wastewater Operating Reserve Fund” means Reserve Fund 99577R, a reserve fund to absorb operating surplus and deficits resulting from wastewater operations to ensure these operations are not absorbed by the taxpayers.

“Wastewater Charge” means the total wastewater bill based on the Wastewater Rate.

“Wastewater Rate” means a rate based on the percentage of wastewater as an expression of water billed.

“Water Filtration Charge” means the water meter size charge to recover the principal and interest costs associated with the City’s water treatment plant.

“Water Operating Reserve Fund” means Reserve Fund #99576, a reserve fund to absorb operating surplus and deficit resulting from water operations to ensure these operations are not absorbed by the taxpayers.

“Water Rate” means a combined fixed and volumetric rate based on water meter size.

“Water and Wastewater Charge” means the total water and wastewater bill based on the Water Rate, Wastewater Rate, Volumetric Rate and Water Filtration Charge.

“Water Service Agreement” means an agreement between an applicant and the City for services.

Part I – Policy

3. The City shall fully recover water and wastewater costs through Water and Wastewater Rates and, in particular:
 - a. Rates shall be calculated on the basis of 60% fixed / 40% volumetric cost recovery model;
 - b. any net surplus generated from water services in any year shall be contributed to the existing Water Operating Reserve Fund and any deficiency in any year shall be funded from the same reserve fund;
 - c. any net surplus generated from wastewater services in any year shall be contributed to the existing Wastewater Operating Reserve Fund and any deficiency in any year shall be funded from the same reserve fund;
 - d. net water costs shall be financed by both a Fixed Charge and a Volumetric Rate;
 - e. net wastewater costs shall be recovered through a Wastewater Rate stated as a percentage of the water bill; and
 - f. All revenue generated by the Water Filtration Charge shall be applied to the long-term financing principal and interest costs associated with the water treatment plant.

Part II – Rates & Charges

Rates and Charges:

4. The monthly rates and charges set out below shall apply to the Owner of each separately assessed parcel of land which is serviced by a water main:
 - a. a Fixed Rate for supply of water for domestic or household use as set out in Schedule “A” of this By-Law; and
 - b. a Volumetric Rate as determined by the water consumption measured by the water meter in any given month, at the rates identified in Schedule “A”;
 - c. a Water Filtration Charge calculated on a water meter size basis in accordance with Schedule “A”; and
 - d. a Wastewater Rate as set out in Schedule “A”.
5. Notwithstanding the provisions of section 4 of this By-Law, where no meter is installed, subsections 4(a) and 4(b) shall not apply and instead the following rates and charges shall apply to the Property Owner:
 - a. a Residential property authorized by the City for flat billing will continue to be billed the flat bill in effect as at August 30th, 2015 and adjusted annually by the annual water and wastewater budget increase; and
 - b. a Residential property whereby the Property Owner has refused to have a water meter installed in the Premises shall be billed equal to three times the flat rate charged to the account as at August 30th, 2015 and adjusted annually by the annual water and wastewater budget increase.
6. For Residential uses where there is a connection to a sewer main only, and not to a water main, the property Owner shall be charged a Wastewater Rate at a flat rate equal to the rate in effect as of 2014 and adjusted annually by the annual water and wastewater budget increase.
7. For ICI and Multi-Residential uses where there is a connection to a sewer main

only, and not to a water main, the Property Owner shall be charged a Wastewater Rate calculated and determined by the City Engineer.

Part II – Administration - Adjustments – Collection

Administration

8. All properties supplied with Municipal Water Services shall be liable to the City for such services.
9. The City shall only accept an application for a supply of water from the Property Owner or 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 Premises and for all charges and costs of the City applicable to the supply of water to such Premises.
10. The Chief Financial Officer may accept a direction by way of application from a Property Owner that notice of the account shall be given to a tenant of the Consumer to be in full satisfaction of notice to Consumer.
11. Where by agreement the City agrees to other special rates or charges, such agreement shall take precedence over the rates or charges set out in this By-Law.
12. 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. \$1.00 per \$1,000.00 value of construction up to the first \$500,000.00 value; and,
 - b. \$0.25 per \$1,000.00 value of construction for the remaining value of construction or part thereof.
 - c. 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.

Adjustments

13. Where the Chief Financial Officer and the City Engineer acting jointly and after proper investigation, determine that it would be Unduly Burdensome in the circumstances to require payment of the Water and Wastewater Charges determined in accordance with this By-law, they may authorize such adjustment, on a one time basis only, to the Water and Wastewater Charges as they jointly determine to be appropriate in the circumstances.
14. Upon application in writing by a Consumer and provision of satisfactory evidence that plumbing problems have resulted in Excess Water and Wastewater Charges the Chief Financial Officer and the City Engineer, acting jointly may authorize a refund to the Consumer on a one time basis of 50% of the Excess Water and Wastewater Charges as determined upon consideration of meter readings and prior usage;
15. In circumstances in which the City Engineer has directed a resident in writing to run water and a Water Service Agreement has been entered into, the Water and Wastewater Charges during the 'run water' period shall be adjusted to reflect a charge equal to an average Unadjusted Three Month Consumption Period;
16. Where a commercial or industrial Consumer establishes to the satisfaction of the City Engineer that a majority of the water used by that Consumer is utilized in the production of a product such as ice, and where that Consumer has

installed a separate meter which measures the water used in production of the product, the City Engineer is authorized to refund to the Consumer an amount equal to the Wastewater Charge associated with the volume of water metered for use in the production of the product.

17. Where a user establishes to the satisfaction of the City Engineer that a majority of the water used by that Consumer is utilized in a way that would have no impact on the wastewater collection or treatment system, and where that Consumer has installed a separate meter which measures the water used, the City Engineer is authorized to refund to the Consumer an amount equal to the Wastewater Charge associated with the volume of water metered for use in the production of the product.
18. Where a billing error from any cause has resulted in an under billing or over billing of Water and/or Wastewater Charges, the Chief Financial Officer may adjust the billing for the period affected by the error to a maximum period of two (2) years from the date the error is corrected at the rates applicable for that period. Where the amount of the error cannot otherwise be determined, the adjustment shall be based on the water consumption rate established after the error is detected.
19. Any adjustment arising from an over billing shall be applied to reduce the amount owing on the next and subsequent water and wastewater billings as necessary or refunded to the Consumer. Any additional charges resulting from an under billing shall be added to the next water and wastewater billing and be due and payable in accordance with the billing unless alternate payment arrangements acceptable to the Chief Financial Officer are made. Interest on unpaid amounts shall run from the due date of the invoice.
20. 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 pro-rated accordingly.

Collection

21. The Chief Financial Officer is hereby authorized to accept amounts payable under this By-Law into such bank named in Schedule "A" or "B" of the Bank Act, Trust Company or Credit Union with the meaning of the Credit Union or Caisse Populaire Act, to the credit of the City or North Bay, at City Hall Customer Service Centre or via Pre Authorized Payment.
22. The Chief Financial Officer shall cause ten days' notice to be given to the Consumer of the due date:
 - a. of each metered account monthly; and
 - b. of each pre-authorized budget billing changes, on an a semi-annual basis.
23. Notice under section 22 is sufficiently given if it is delivered personally or by regular mail addressed to the Consumer at the latest address for the Consumer appearing on City records. Where the notice is delivered by regular mail addressed to the Consumer at the latest address for the Consumer appearing on City records, the notice shall be deemed to have been received on the fifth day after it was mailed unless the Consumer establishes that the Consumer did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice.
24. The Chief Financial Officer shall charge an associated fee as specified in Schedule "E" of the City's User Fee By-Law No. 2015-23, as amended, to any accounts for which payment was tendered by cheque where such cheque is not honoured by the financial institution named on such cheque, is returned as NSF (Not Sufficient Funds) or failed pre-authorized payments.
25. All water accounts, wastewater 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 per cent (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.

26. The Clerk shall, upon notice from the Chief Financial Officer of the amount due and the person by whom it is due and of the Property 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 Tax Roll and collect them in the same manner as taxes.
27. The Chief Financial Officer shall charge an associated fee as specified in Schedule "E" of the City's User Fee By-Law No. 2015-23, as amended, to any accounts for which unpaid amounts are entered upon the Tax Roll.
28. The City Engineer may shut off the supply of water to a Premises if fees or charges payable by the Owners or Occupants of the Premises are overdue where those fees and charges relate to water supply and water use under this By-Law.
29. Prior to shutting off water supply for non-payment of fees or charges, the City shall provide notice of the proposed shut-off to the Owner and occupants of land in the manner outlined in City of North Bay Water Supply By-Law 2015-97.
30. Where water to a Premises has been turned off for non-payment, water shall not be turned on again to the Premises until all outstanding amounts owing to the City pursuant to this By-law which pertain to that property have been paid.
31. Water and Sanitary Rates and Charges By-Law No. 2015-88 is repealed effective December 31st, 2015.
32. This By-Law shall become effective January 1st, 2016

Read a First Time in Open Council this 14th Day of December, 2015.

Read a Second Time in Open Council this 14th Day of December, 2015.

Read a Third Time in Open Council and Enacted and Passed this 14th Day of December, 2015.

Mayor Allan McDonald

City Clerk Catherine Conrad

