



Committee Agenda

**Committee Meeting of Council
May 7, 2012
at 7:00 p.m.**

MEETINGS

**FOR THE WEEK OF
MAY 7TH, 2012**

Monday, May 7, 2012

5:00 p.m.

Special Closed Meeting of Council
Council will adjourn in-camera
for training and educational
purposes
5th Floor Boardroom, City Hall

7:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor

MEETINGS

**HELD UNDER THE
MUNICIPAL ACT**

Monday, May 7, 2012

7:00 p.m.

Proposed increase in Tipping
Fees

MEETINGS

**HELD UNDER THE
DEVELOPMENT CHARGES ACT**

Monday, May 7, 2012

7:00 p.m.

Proposed increase in
Development Charges

MEETINGS

**HELD UNDER THE
BUILDING CODE**

Monday, May 7, 2012

7:00 p.m.

Annual Report on 2011
Building Permit Fees

ENGINEERING & WORKS COMMITTEE

Monday, May 7, 2012

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Chairperson: Councillor Vrebosch

Vice-Chair: Councillor Mayne

Member: Councillor Bain

Ex-Officio: Mayor McDonald

EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/KPWTR/WESTENDR).

►EW 2012-01 **Report from John Severino dated March 26, 2012 re Merrick Landfill Tipping Fee Increase (E07/2012/MERRI/TIPPING).**

EW-2012-01

Recommendation:

- "That a) City Council approve the increase in tipping fees for solid waste from the industrial, commercial and institutional sources to \$78.00 per metric tonne effective June 1, 2012; and
- b) other Waste Management User Fees remain the same and are stated for the public record."

**City of North Bay
Report to Council**

Report No.: EESW-2012-036

Date: March 26, 2012

Originator: John Severino, Manager - Environmental Services

Subject: Merrick Landfill Tipping Fee Increase

File No: F18 – Merrick Landfill Operations

RECOMMENDATION

- 1) That City Council approve the increase in tipping fee for solid waste from the industrial, commercial and institutional sources to \$78.00 per metric tonne effective June 1, 2012.
 - 2) That other Waste Management user fees remain the same and are stated for the public record.
 - 3) That the City Clerk prepare the necessary Waste Management User Fee By-law and hold a public meeting for these changes to take effect as planned.
-

BACKGROUND

Part XII of the Municipal Act (RSO 2001) which came into effect on January 1, 2003 empowers a municipality to establish fees and charges through a by-law for services provided or for use of municipal property. The municipality must establish and maintain a list of fees for public inspection. Fees established for waste pursuant to Ontario Regulation 244/02 are subject to limitations disclosure and process requirements. Pursuant to Ontario Regulation 244/02; fees set for waste management purposes cannot exceed the cost of providing the service; fee by-laws expire in the year following the year that they were passed; at least one public meeting must be held at which time any person who attends has an opportunity to make representation, 21 days notice of the meeting must be given and set out the intention of the municipality to change or alter fees and information must be provided to the public at no cost. This report has been prepared for the purpose of increasing tipping fees for waste management purposes in 2012 as required by the Municipal Act (R.S.O. 2001).

ANALYSIS/OPTIONS

Tipping fee rates for solid waste can be set based on costs for the entire waste management program which includes capital costs to establish the landfill site, capital costs for upgrades and improvements, annual operating costs and can also consider costs for ancillary services such as recycling and waste reduction programs. Landfill costs will increase in 2012 primarily due to higher contractor costs and from increasing costs to manage and treat leachate.

In June 2011, Council increased general solid waste tipping fees from \$71 to \$75 per metric tonne. Tipping fees were originally established in 1990 and have gradually increased over time. The City of North Bay's tipping fees for general solid waste are comparable to other northern and central Ontario's communities as listed below.

Community	2011 General ICI Tipping Fee
Timmins	\$ 65.00 / tonne
Sudbury	\$ 63.00 / tonne
Sault Ste. Marie	\$ 70.00 / tonne
Peterborough	\$ 90.00 / tonne
Orillia	\$120.00 / tonne
Barrie	\$125.00 / tonne

It is proposed that tipping fees be increased in 2012 from \$75.00 to \$78.00 effective June 1st. For every dollar solid waste tipping fees are increased, the City would expect to see an increase in annual revenues of approximately \$30,000. Fee increases are justified when long-term operating, maintenance and capital costs are considered. The City completed Cell 6 expansion in 2011, will be completing the landfill gas capture infrastructure in the spring of 2012 and is in the design phase of implementing a leachate treatment system.

Option 1

City Council can choose to increase tipping as recommended. If approved general tipping fees would rise from \$75.00 to \$78.00 per tonne. If approved the changes would take effect June 1, 2012. A public notice and public meeting is required for the change to be implemented. Public feedback for the proposed change would be received through this process.

Option 2

City Council can opt to set fees at different rates than what is proposed. Public notice and a public meeting would be required for any changes.

Option 3

City Council can opt not to make any changes to tipping fees and no public meeting would be required.

RECOMMENDED OPTION/FINANCIAL IMPLICATIONS

Option 1 is recommended.

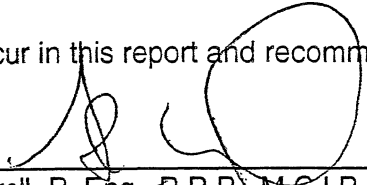
- 1) That City Council approve the increase in tipping fee for solid waste from the industrial, commercial and institutional sources to \$78.00 per metric tonne effective June 1, 2012.
 - 2) That other Waste Management user fees remain the same and are stated for the public record.
 - 3) That the City Clerk prepare the necessary Waste Management User Fee By-law and hold a public meeting for these changes to take effect as planned.
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Respectfully submitted,

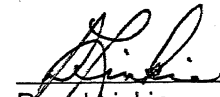


John Severino, P. Eng.
Manager – Environmental Services

We concur in this report and recommendation.



Alan Korell, P. Eng., R.P.P., M.C.I.P.
Managing Director of Engineering,
Environmental Services & Works



David Linkie
Chief Administrative Officer

Personnel designated for continuance: John Severino, P.Eng.

Copy for: J. Miller, Pollution Control Officer
A. Tomek, Waste Management Coordinator

Wpd/engin/1JSB/ejs007 – Merrick Landfill tipping fee increase for 2012 - Council Report EESW-2012-036

GENERAL GOVERNMENT COMMITTEE

Monday, May 7, 2012

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Chairperson: Councillor Chirico
Vice-Chair: Councillor Koziol
Members: Councillors Anthony, Marosis
Ex-Officio: Mayor McDonald

- GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).
- GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).
- ▶ **GG-2011-18 Report from D.G. Linkie dated August 31, 2011 re Power assisted bicycles (T00/2011/TRANS/GENERAL).**
- ▶ **GG-2012-03 Report from Margaret Karpenko dated March 23, 2012 re 2012 Development Charges and 2011 Treasurer's Report (F21/2012/DEVCH/GENERAL).**

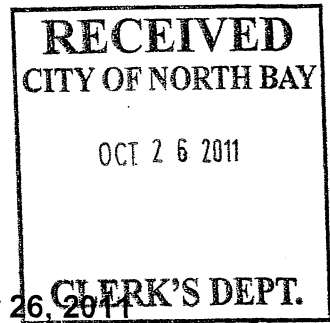
GG-2011-18

Recommendation:

- "That 1) reports from David Linkie dated August 31st and October 26th, 2011 regarding Power Assisted Bicycles (PAB) be noted and filed; and
- 2) a letter be sent to the Minister of Transportation asking that provincial guidelines on regulations be put in place defining "Power Assisted Bicycles/E-Bikes" to address the concerns regarding the popularity of said items and safety concerns of the citizens of the province."

City of North Bay

Report to Council



Report No: CAO 2011- 07

Date: October 26, 2011

Originator: David Linkie
Chief Administrative Officer

Subject: Power Assisted Bicycles (PAB)

File No: C04

RECOMMENDATIONS

- 1) That power assisted bicycles be permitted in all locations where conventional bicycles are permitted pursuant to the Highway Traffic Act and relevant City of North Bay traffic by-laws; and
- 2) That power assisted bicycles be permitted to be used on City and North Bay Mattawa Conservation Authority trails within the City of North Bay in peddle mode only; and
- 3) That appropriate signage be posted along trails advising that power assisted bicycles can only be used in peddle mode on these trails; and
- 4) That trailers designed to be towed behind power assisted bicycles be restricted to no more than 1 metre in width.

BACKGROUND

Report No CAO 2011-07 is a supplemental report to Report No CAO 2011-06 dated August 31, 2011.

Report No CAO 2011-06 briefly described the emergence of power assisted bicycles (PAB's) which are also referred to as ebikes.

The Federal government regulates safety aspects of the fabrication of theses PAB's, the Province of Ontario regulates their use under the Highway Traffic Act, and local municipalities have the authority to regulate where they may or may not be used on public property.

With the recent explosion in the popularity and use of PAB's, many jurisdictions are considering best management practices to integrate these conveyances into communities.

Currently, the treatment has ranged from out-right prohibitions to no restrictions of any form. In Ontario the Province of Ontario has established minimum standards under the Road Safety Act, 2009 and the Ontario Highway Traffic Act.

In my opinion, if operator's of PAB's follow the applicable laws there should be no significant problems on municipal roadways.

Potential conflicts are anticipated on local multi-use trails. These trails, including the Kate Pace Way and the Kinsmen trail are heavily used by pedestrians, conventional cyclists and roller bladers. Certain stretches of these trails contain limited site lines exacerbating the potential for conflicts.

Of concern is the fact that power assisted bicycles can weigh up to 120 kg and travel at speeds up to 32 km/hr (see New and Emerging Vehicles fact sheet appended hereto.)

Injury resulting from a collision between a PAB and a pedestrian or cyclist could be more severe due to increased weights and travel speeds.

OPTIONS / ANALYSIS

Option 1

Allow PAB's to be utilized anywhere a conventional bicycle is used pursuant to applicable Provincial regulation and legislation.

Option 2

Prohibit the use of PAB's anywhere on public property within the City of North Bay.

Option 3

Allow the use of PAB's on municipal roadways but prohibit their use on multi-use trails.

Option 4

Allow the use of PAB's on municipal roadways but only allow their use on multi-use trails in peddle mode.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

Option 4 is the recommended option. This option acknowledges that the use of multi-use trails are intended to provide recreation opportunities that contribute to healthy active living lifestyles.

Operators of PAB's have alternative routes available to get from points of origin to destinations if the purpose of the trip is other than recreational. This option may result in increased enforcement challenges but is seen as a compromise between a full prohibition on area trails or an option that imposes no restriction on the use of PAB's on trails.

A further issue that has come to light is the ability to haul "trailers" behind PAB's. Most

commercially available bicycle trailers are less than 13.6 kg (30 pounds) in weight and 0.90 metres (3 feet) in width.

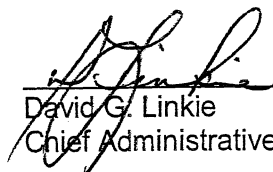
The City has been made aware of an individual who has been observed towing a snow mobile trailer behind a PAB. Towing a trailer of this dimension and weight imposes significant risks to both the operator and members of the public that may come into conflict with the towed trailer.

I would further recommend that a maximum width of one metre be imposed on any towed trailer.

Should Council choose to adopt the recommended option, minor costs will be incurred with respect to the acquisition and installation of signage. There may also be increased enforcement costs.

It should be noted that the recommendations contained in this report are intended to supplement the recommendations contained in Report No CAO 2011-06, not replace them.

Respectfully submitted,



David G. Linkie
Chief Administrative Officer

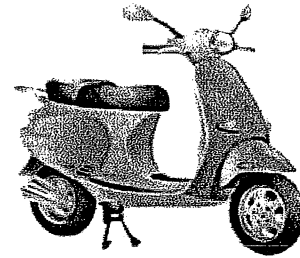
Personnel designated for continuance: D. Linkie CAO

Attachments: New and Emerging Vehicles Fact Sheet

Copy for: Troy Storms, North Bay Mattawa Conservation Authority
Jerry Knox
Alan Korell
Ian Kilgour
Al Williams – Deputy Chief NBPS

New and Emerging Vehicles




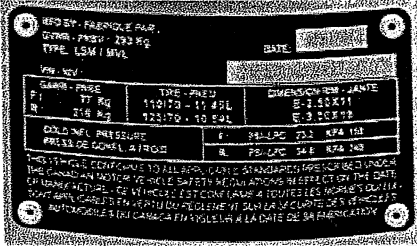
E-bikes, Mopeds and Motor Scooters



This document is intended for information purposes only. While the Ministry of Transportation does its best to ensure that the information provided is current, the Ontario Highway Traffic Act (HTA), as the official version of the law, should be relied on to ensure accuracy.

Link to the HTA: e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h08_e.htm

Common name	E-bike and E-scooter	Moped	Motor Scooter
HTA classification	Power-assisted bicycle, Bicycle	Motor-assisted bicycle	Limited-speed motorcycle (LSM)
Where on the roadway do I drive this vehicle?	As close to the right edge of the roadway as is practicable (similar to a bicycle).	Within a lane marked for motor vehicle traffic. If travelling slower than the normal speed of traffic at that time and place, then must travel as close to the right edge of the roadway as is practicable.	
Roads where operation is prohibited	Controlled access highways* (e.g. 400-series highways), and where municipalities prohibit		
Is this a motor vehicle under the HTA?	No	Yes	Yes
Is this a motor vehicle under the Criminal Code of Canada?	Yes	Yes	Yes
Required to be equipped with pedals?	Yes	Yes	No, not applicable - not manufactured with pedals
Key characteristics	<ul style="list-style-type: none"> • Electric-powered • Maximum power output: 500 W • Maximum speed: 32 km/h • Maximum weight: 120 kg 	<ul style="list-style-type: none"> • Gas-powered • Maximum engine size: 50 cc • Does not attain a speed greater than 50 km/h within 2 km from start • Maximum weight: 55 kg 	<ul style="list-style-type: none"> • Electric- or gas-powered • Maximum engine size: 50 cc • Maximum speed: 70 km/h • Can attain speed of 32 km/h within 1.6 km
Additional characteristics	<ul style="list-style-type: none"> • Independent front and rear wheel braking • May have 2 or 3 wheels • Steering handlebars • Minimum wheel diameter: 350 mm • Minimum tire width: 35 mm • No modifications allowed to increase speed or power • Must have bell, white front light and red rear light 	<ul style="list-style-type: none"> • Independent front and rear wheel braking • Pedals must be operable at all times • Does not have hand or foot-operated clutch <p>Note: regular bicycles with attached gas engines (i.e. moped conversions) are not eligible for registration by the Ministry of Transportation, and therefore cannot be used on public roads.</p>	<ul style="list-style-type: none"> • Independent front and rear wheel braking • Minimum seat height: 650 mm • Minimum wheelbase: 1016 mm • Minimum wheel rim diameter: 250 mm • "Step through" scooter design, and handlebar steering

Minimum operator age	16	16	16
Helmet required?	Bicycle or motorcycle helmet	Motorcycle helmet	Motorcycle helmet
Driver's licence required?	No**	Yes: M1, M2 or M, or Restricted M2 or M with L endorsement	Yes: M1, M2 or M, or Restricted M2 or M with L endorsement
Plates and insurance required?	No	Yes, registration, insurance and moped plate required 	Yes, registration, insurance and limited-speed motorcycle plate required 
Passengers allowed?	Yes, if passenger seat available	No	Yes, if passenger seat available. Passenger must be able to reach foot pegs
Passenger minimum age	16	Not Applicable	None
Passenger helmet required?	Yes, bicycle or motorcycle helmet.	Not Applicable	Yes, motorcycle helmet.
Compliance label	Must have permanent label from manufacturer indicating it conforms to federal definition of a power-assisted bicycle. May be located on steering column. 	Must have permanent label from manufacturer indicating it conforms to federal definition of a limited-speed motorcycle if built after Sep. 1, 1988. May be located on steering column or under seat. 	

* Controlled-access highways include the 400-series highways, provincial highways 69, 6, 24, 35, 58, and specific parts of certain provincial highways. For more details, please see Schedule 1 in Ontario Regulation 630: Vehicles on Controlled-Access Highways.
Link: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900630_e.htm

Additional Notes About E-bikes

Pedals: If the pedals have been removed from an e-bike, it is no longer considered to be an e-bike. Removing the pedals makes it an illegal motor vehicle because it does not conform with the HTA definition of a power-assisted bicycle. Operators run the risk of being ticketed for operating a motor vehicle without registration and insurance. E-bike purchasers who have concerns with the pedal location may wish to consider other models and/or styles of e-bikes.

Driving an e-bike while intoxicated: You do not need a driver's licence to operate an e-bike. However, an e-bike is considered a motor vehicle under the Criminal Code of Canada. Anyone operating an e-bike while intoxicated can be charged for impaired driving under the Criminal Code of Canada. If convicted, the offender would be subject to the Criminal Code penalties, including a fine or jail time, and a driving prohibition.

**** Suspended licences and e-bikes:** If your driver's licence is suspended, you may not be legally allowed to drive an e-bike. If you have been convicted under the Criminal Code of Canada that has resulted in a driving prohibition, you cannot legally operate an e-bike until the prohibition has been lifted. If your driver's licence has been suspended under these or other circumstances, it is recommended that you discuss your situation with a licensed legal practitioner before deciding to operate an e-bike.

For more information about these and other new and emerging vehicles, please see the MTO website:
<http://www.mto.gov.on.ca/english/dandv/vehicle/emerging/index.shtml>

City of North Bay

Report to Council

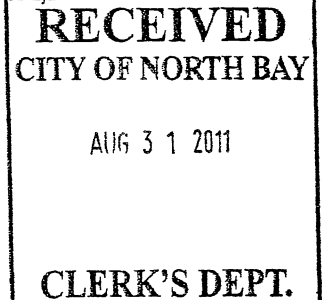
Report No: CAO 2011- 06

Date: August 31, 2011

Originator: David Linkie
Chief Administrative Officer

Subject: Power Assisted Bicycles

File No: C04



RECOMMENDATIONS

- 1) That staff be directed to promote the fact that power-assisted e-bikes are bound by regulations and relevant rules of the road for bicycles under the Highway Traffic Act, with two noted exceptions.
- 2) That a link to the Ministry of Transportation web site regarding frequently asked questions (FAQ's) for e-bikes be provided on the City of North Bay web-site for a period of not less than one year.

BACKGROUND

Municipalities in Ontario, including the City of North Bay have seen a significant increase in the number of power assisted bicycles or "e-bikes" on roads and highways where conventional bicycles are permitted.

These conveyances are seen to be environmentally friendly and a relatively inexpensive means of travel over limited ranges.

With the fairly quick growth in the number of these vehicles the City is experiencing an increase in the number of inquiries and complaints relating to the use of e-bikes.

The Province of Ontario undertook a comprehensive pilot project evaluating the use of power assisted bicycles commenced in 2009. It should be noted that the terms power assisted bicycles, ecco bikes, e-bikes and electric bikes are used inter-changeably.

At the conclusion of the study, best practices guidelines were developed resulting in amendments to the Road Safety Act, 2009 and the publication of Frequently Asked Questions which are appended hereto.

In summary, power assisted bicycles as defined by the Province of Ontario, are permitted on roads and highways where conventional bicycles are allowed with two notable exceptions being

- i) All operators and passengers must be at least 16 years of age; and
- ii) All operators and passengers must wear an approved bicycle or motorcycle helmet.

There are several other requirements that apply which owners / operators are required to adhere to.

OPTIONS / ANALYSIS

Option 1

Council could seek to prohibit the use of power assisted bicycles. As previously stated, this means of transportation is gaining in popularity with many of the units having been legally purchased. These e-bikes provide affordable transportation that is extremely environmentally friendly.

This option is not recommended.

Option 2

With increased popularity of the use of e-bikes, the City is receiving more calls relating to operators not abiding by established rules of the road. On balance there would be a significantly higher incidence of traditional cyclists on non-power assisted bicycles not adhering to these rules. The uniqueness of power assisted bicycles has made them more visible to the traveling public.

Option 2 recommends that City staff inform the public of the regulations and requirements associated with the use of power-assisted bicycles.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

Option 2 is the recommended option being "That staff be directed to promote the fact that power-assisted e-bikes are bound by regulations and relevant rules of the road for bicycles under the Highway Traffic Act, with two noted exceptions and further that a link to the Ministry of Transportation web site regarding frequently asked questions (FAQ's) for e-bikes be provided on the City of North Bay web-site for a period of not less than one year."

There are no significant financial implications with respect to the recommended option.

Respectfully submitted,



David G. Linkie
Chief Administrative Officer


Personnel designated for continuance: S. Bradford, Director Information Systems
Copy for: S. Bradford

Definition of an Electric Bicycle ("e-bike")

1. What is a power-assisted bicycle ("e-bike")?

For use in the Province of Ontario, a power-assisted bicycle, or e-bike, is a bicycle that:

- Has a maximum weight of 120 kg (includes the weight of bike and battery);
- Has wheels with a diameter of at least 350 mm and width of at least 35 mm; and
- Meets the federal definition of a power-assisted bicycle:
 - has steering handlebars and is equipped with pedals,
 - is designed to travel on not more than three wheels in contact with the ground,
 - is capable of being propelled by muscular power,
 - has one or more electric motors that have, singly or in combination, the following characteristics:
 - it has a total continuous power output rating, measured at the shaft of each motor, of 500 W or less,
 - if it is engaged by the use of muscular power, power assistance immediately ceases when the muscular power ceases,
 - if it is engaged by the use of an accelerator controller, power assistance immediately ceases when the brakes are applied, and
 - it is incapable of providing further assistance when the bicycle attains a speed of 32 km/h on level ground,
 - bears a label that is permanently affixed by the manufacturer and appears in a conspicuous location stating, in both official languages, that the vehicle is a power-assisted bicycle as defined federally, and
 - has one of the following safety features,
 - an enabling mechanism to turn the electric motor on and off that is separate from the accelerator controller and fitted in such a manner that it is operable by the driver, or
 - a mechanism that prevents the motor from being engaged before the bicycle attains 3 km/hr.


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2. Why is Ontario placing additional safety equipment requirements on e-bikes? Why is meeting the federal definition alone not sufficient?

On October 3, 2006, the Province of Ontario began a pilot project to evaluate the use of power-assisted bicycles (also known as electric bikes or e-bikes) on roads and highways where conventional bicycles were allowed. The pilot was open to all Ontarians 16 years of age and older and ran for three years. During the pilot, electric bicycles were treated as bicycles and had to follow the same rules of the road as set out in the Highway Traffic Act that applied to cyclists, with two exceptions:


- Operators had to be 16 years of age or older, and
- All operators had to wear an approved bicycle helmet at all times.

During its e-bike pilot evaluation, the province had requested, and received, feedback from various stakeholders including environmental groups, bicycling groups, e-bike retailers, manufacturers, importers, law enforcement, municipalities, safety advocates, and other ministries. The feedback had been, for the most part, encouraging and positive. Based on the results we were confident in proceeding with legislative amendments in Bill 126, the Road Safety Act, 2009 that reflected the pilot's operating requirements. However, many stakeholders and members of the public did share concerns involving the safe integration of e-bikes, and in particular scooter-style e-bikes because of their size, weight and mode of operation. Therefore additional safety feature requirements for e-bikes, based largely on Best Practices issued by the Canadian Council of Motor Transport Administrators, were implemented.

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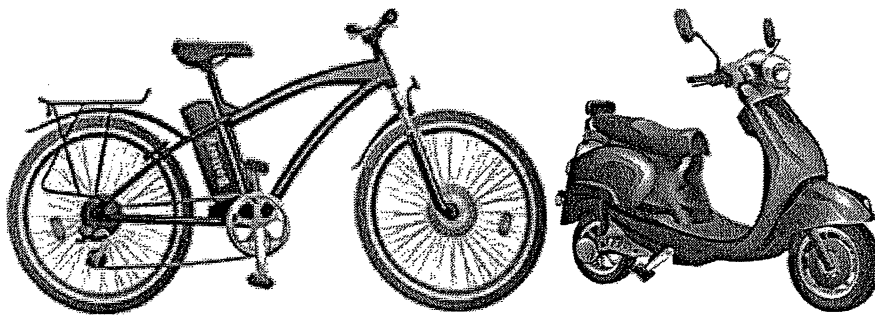
3. Is a power-assisted bicycle the same as an e-bike?

Yes. An e-bike is considered a power-assisted bicycle as long as it meets all the requirements of the Motor Vehicle Safety Act.


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4. Do all e-bikes look like bicycles? I have seen some that look like motor scooters being advertised as e-bikes.

E-bikes may resemble conventional bicycles, or resemble scooters and limited-speed motorcycles.




Effective October 3, 2009, conventional style and scooter-style e-bikes that meet the definition of a power-assisted bicycle, as described above, are permitted on roads and highways where conventional bicycles are currently allowed. They must follow the same rules of the road as set out in the Highway Traffic Act (HTA) that currently apply to cyclists, with some exceptions (see sections on Safety and Equipment Requirements, and Operating Requirements below)

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5. Why did the ministry decide to include scooter-style e-bikes in the definition of "bicycle"?

The current position of Ontario is no different than other Canadian jurisdictions that permit e-bikes on their roads. Ontario adopted the definition of power-assisted bicycle contained in s. 2(1) of the Motor Vehicle Safety Regulations (Canada). Despite the differences in appearance, both scooter-style e-bikes and conventional-style e-bikes that meet the federal definition of a power-assisted bicycle are available in the market.


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Safety and Equipment Requirements

6. What safety requirements are in place for e-bikes? Aren't they, particularly those resembling scooters, heavier than conventional bicycles? Can't they accelerate from a stopped-position much faster?


To operate an e-bike on Ontario's public roads, the following vehicle safety and operator requirements are in place:

- E-bike must not weigh more than 120 kg (includes the weight of bike and battery).
- All operators and passengers must be at least 16 years of age.
- All operators and passengers must wear an approved bicycle or motorcycle helmets.
- All electrical terminals must be completely covered.
- Two independent braking systems consistent with requirements for motorcycles and motor-assisted bicycles (mopeds) that applies force to each wheel and is capable of bringing the e-bike, while being operated at a speed of 30 km/h, to a full stop within 9 metres from the point at which the brakes were applied.
- The minimum wheel width or diameter shall not be less than 35mm/350mm.
- No modifications to the motor to allow it to exceed a power output greater than 500W and a speed greater than 32 km/h.
- The battery and motor must be securely fastened to the vehicle to prevent them from moving while the e-bike is operating.

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7. Am I allowed to modify my e-bike so it can go faster than 32 km/h?

No. Modifying your e-bike for the purposes of increasing its speed beyond 32 km/h will no longer qualify it as an e-bike. Motor-assisted bicycle (moped) and/or limited-speed motorcycle (LSM) requirements such as licensing, registration and insurance may then apply.

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8. My e-bike weighs more than 120 kg. Am I allowed to operate this vehicle in Ontario?

Currently, only e-bikes weighing 120 kg and under are allowed to be operated on Ontario's public roads as e-bikes. A weight greater than 120 kg will no longer qualify as an e-bike. Limited-speed motorcycle (LSM) requirements such as licensing, registration and insurance may then apply.


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Operating Requirements

9. What do I need to operate an e-bike?

To operate an e-bike:


- No driver's licence is required
- No written test is required
- No vehicle registration or plate is required
- No motor vehicle liability insurance is required
- All operators/riders/passengers must be 16 years of age and older.
- All persons operating an e-bike are required to wear an approved bicycle or motorcycle helmet.

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10. Why is there an age restriction?


Even though power-assisted bicycles are treated as bicycles, they are generally heavier, can travel at a maximum speed of 32 km/hr and require additional physical strength to safely manage.

Currently, eight Canadian jurisdictions (British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia, Newfoundland and Labrador and the Yukon Territory) have legalized power-assisted bicycles for public road use and are treating these vehicles as conventional bicycles and not as motor vehicles. Of these eight jurisdictions, four have a minimum age requirement - the requirement is 12 years in Alberta, 14 in Manitoba and 16 in British Columbia and Quebec.

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11. What are the rules for wearing a helmet?

Anyone operating or riding on an e-bike is required to wear an approved bicycle or motorcycle helmet. There are no age exemptions.

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12. On what roads can an e-bike travel?

E-bikes **are** allowed to travel anywhere bicycles are permitted to travel. Any municipal by-law prohibiting bicycles from highways under their jurisdiction also apply to e-bikes. Municipalities may also pass by-laws specific to e-bikes that prohibit them from municipal roads, sidewalks, bike paths, bike trails, and bike lanes under their jurisdiction.

E-bikes, like bicycles, **are not** allowed on controlled-access highways such as 400 series highways, the Queen Elizabeth Way, the Queensway in Ottawa or the Kitchener-Waterloo Expressway, or on municipal roads, including sidewalks where bicycles are banned under municipal by-laws.

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13. If my driver's licence has been suspended, can I legally operate an e-bike?

It depends on the particular circumstances that lead to the licence suspension. If your driver's licence suspension was related to a conviction under the Criminal Code of Canada, you cannot legally operate an e-bike. If your driver's licence has been suspended under these or other circumstances, it is recommended that you discuss your situation with a licensed legal practitioner before deciding to operate an e-bike.

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14. Am I allowed to carry passengers on my e-bike?

Under the Highway Traffic Act, section 178(2), passengers are not allowed on a bicycle designed for one person.

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E-bikes and Limited-Speed Motorcycles (LSM)

15. What are the safety differences between a scooter-style e-bike and a limited-speed motorcycle (LSM)?

A scooter-style e-bike does not have to meet any federal safety standards and can reach a maximum speed of 32 km/h. Limited-speed motorcycles (LSMs) must meet several federal safety standards and can attain a maximum speed of 70 km/h; the maximum speed for a moped is 50 km/h.


Unlike LSM and moped operators, operators of scooter-style e-bikes do not require licensing, insurance and registration.

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16. How can I visually tell the difference between a scooter-style e-bike and an LSM?

E-bikes may resemble conventional bicycles, or resemble scooters and limited-speed motorcycles. However some key visual differences do exist:

- Unlike LSMs, the definition of an e-bike requires that it be equipped with pedals.
- LSMs are required to be registered and plated whereas e-bikes are neither required to be registered or fitted with a licence plate.
- E-bikes are required to bear a label that is permanently affixed by the manufacturer and appears in a conspicuous location stating, in both official languages, that the vehicle is a power-assisted bicycle as defined federally.
- The easiest way to identify if your vehicle is a limited-speed motorcycle is by the label. The label is usually fastened to the steering column or under the seat. Look beside "type of vehicle" and it will say LSM/MVL. All newer models of LSMs and mopeds have a label for ease of identification.
 - If the vehicle was manufactured **on, or after**, September 1, 1988, it must have affixed a compliance label required under the Federal Motor Vehicle Safety Act (Canada) that identifies the motor vehicle as a limited-speed motorcycle.
 - If the vehicle was manufactured **before** September 1, 1988 and does not have a label, you will be able to identify it as a limited-speed motorcycle by the following:
 - Electric or gas powered
 - Maximum speed of 70 km/h
 - Automatic transmission
 - Has a "step through" vehicle design
 - Maximum engine displacement of 50 cubic centimetres or less.

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17. What does an e-bike label say?

Sample label

**THIS VEHICLE IS A POWER
ASSISTED BICYCLE AND
MEETS ALL THE
REQUIREMENTS UNDER
SECTION 2(1) OF THE
CANADA MOTOR VEHICLE
SAFETY REGULATIONS.**

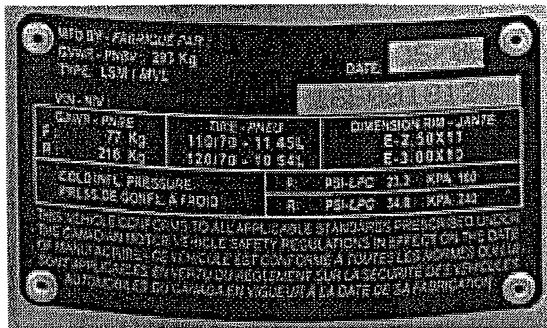
**CE VÉHICULE EST UNE BICYCLETTE
ASSISTÉE ET RECONTRE LA NORME 2(1)
DU RÈGLEMENT SUR LA SÉCURITÉ
DES VÉHICULES AUTOMOBILES DU CANADA.**

Manufacturers of e-bikes must permanently affix a label, in a conspicuous location, stating in both official languages that the vehicle is a power-assisted bicycle as defined in the regulations under the federal Motor Vehicle Safety Act.

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18. What does an LSM compliance label look like?

Sample label



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19. Why are LSM and moped operators required to be licensed but operators of scooter-style e-bikes are not?

For the purposes of the Highway Traffic Act (HTA), e-bikes are considered bicycles and therefore do not require operators to be licensed.

Furthermore, the maximum speed of a limited-speed motorcycle (LSM) is 70 km/h and for a moped is 50 km/h compared to an e-bike, which can reach a maximum speed of only 32 km/h. Primarily because of the higher level of speed that can be reached, the ministry is requiring operators of limited-speed motorcycles and mopeds to participate in the provincial graduated licensing system while operating these motor vehicles, in order to ensure road safety for Ontarians.

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Costs and Batteries


20. How much do e-bikes cost?

E-bikes usually retail for between \$1,000 and \$2,800 in Ontario.

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21. How far can I travel on a single charge of the battery?

On power-assist mode, one charge can provide traveling distance of 20-100 km, depending on the terrain and the model.

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22. How long will the battery last before I have to buy a new one?


The life cycle of the battery is up to 500 charges.

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Enforcement

23. What is the ministry doing to ensure that law enforcement is accurately informed about the e-bike rules of the road and regulations?


The ministry has communicated and advised traffic enforcement officers, through the Ministry of Community Safety and Correctional Services, on the e-bike regulations and relevant rules of the road under the Highway Traffic Act.

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24. If a police officer stopped someone who was drunk while driving an e-bike, how would they be charged? Would this be a Criminal Code offence or an HTA offence?

Drinking and driving a motor vehicle is a Criminal Code offence and charges are laid under the Criminal Code of Canada. Under the Criminal Code, the definition of a "motor vehicle" would include an e-bike and anyone operating an e-bike intoxicated could be charged for impaired driving. If convicted, the offender would be subject to the Criminal Code penalties, including a fine or jail time, and a driving prohibition.

Under the Highway Traffic Act, an e-bike is not classified as a motor vehicle, so penalties for impaired driving under the Act would not apply.

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25. Are the fines for e-bike offences the same as bicycle offences?

Yes. All the set fines established for violating rules of the road and equipment standards that apply to bicyclists apply to drivers of e-bikes.

For example:


Offence	HTA Section - Bicycle*	Set Fine	Court Fee	Victim Fine	Total
Improper lighting	62(17)*	\$ 20.00	\$ 5.00	\$ 10.00	\$ 35.00
Improper brakes	64(2)	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
No bell or defective bell	75(5)	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
Fail to wear proper helmet	104(2.1)*	\$ 60.00	\$ 5.00	\$ 20.00	\$ 85.00
Disobey stop sign, fail to stop	136(1)(a)	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
Red light - fail to stop	144(18)	\$ 150.00	\$ 5.00	\$ 25.00	\$ 180.00
Careless driving	130	\$ 260.00	\$ 5.00	\$ 60.00	\$ 325.00
Fail to yield to pedestrian	140(1)(a)	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
Drive wrong way - one way traffic	153	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
Bicycle - fail to turn out to right when overtaken	148(6)*	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
Cyclist - ride in or along crosswalk	144(29)*	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
Cyclist - fail to stop or to identify self	218(2)*	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00
Ride 2 on a bicycle	178(2)*	\$ 85.00	\$ 5.00	\$ 20.00	\$ 110.00

*HTA offences specific to the operation of bicycles and to bicyclists

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26. If I get stopped by a police officer while riding my e-bike, do I need to show ID?

Under the Highway Traffic Act, section 218, cyclists must stop and identify themselves when required to stop by police for breaking traffic laws. The police officer will ask you for your correct name and address.

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27. Will municipalities be able to pass by-laws to prohibit e-bikes?

Yes. Municipalities have the ability to prohibit where e-bikes may travel and may do so at their own discretion.

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Questions about the E-bike pilot


28. How was the pilot evaluated? What were the outcomes of the e-bike pilot?

During its e-bike pilot evaluation, the province had requested, and received, feedback from various stakeholders including environmental groups, bicycling groups, e-bike retailers, manufacturers, importers, law enforcement, municipalities, safety advocates, and other ministries. The feedback had been, for the most part, encouraging and positive. Based on the results, we were confident in proceeding with legislative amendments in Bill 126, the Road Safety Act, 2009 that reflected the pilot's operating requirements. However, many stakeholders did share concerns involving the safe integration of scooter-style e-bikes because of their size, weight and mode of operation.

Specific stakeholder concerns included the reported ease with which an e-bike's maximum speed can be increased through modifications, the absence of standards/requirements for e-bike electrical components, and heavier e-scooter bikes sharing roads and bicycle paths with pedestrians and cyclists, given that some models are much heavier, wider, and longer than regular bicycles.


The positive feedback and common safety concerns were reinforced through multiple subsequent consultations: the Legislature's Standing Committee on General Government held public hearings on Bill 126 including e-bike items; MTO held consultations with external and inter-ministerial stakeholders in June 2009; and the public were invited to submit comments on potential regulatory e-bike equipment/operating requirements under consideration to address e-bike safety concerns through postings on the Regulatory Registry and the Environmental Bill of Rights Registry.

Therefore, based on MTO's evaluation and substantial consultations, additional safety feature requirements for e-bikes, based on Best Practices issued by the Canadian Council of Motor Transport Administrators, were implemented.

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29. Why are we permitting e-bikes on public roads but not pocket bikes?

E-bikes are powered by an electric motor and muscular power, and have zero emissions. Pocket bikes are small, powerful motorcycles that are gas-powered with the same rate of emissions as larger motorcycles. E-bikes have been legalized for public roads in eight other Canadian jurisdictions and have a record of safety. Pocket bikes, because of their low profile (about two feet in height), their high rate of speed (can reach 70 km/hr), and lower equipment standards are unsafe vehicles to be driven on public roads.

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GG-2012-03

Recommendation:

- "That 1) the Chief Financial Officer be authorized to increase Development Charges rates for 2012 in accordance with indexing adjustments of 1.9%, as outlined in Report to Council CORP 2012-64; and
- 2) the amended 2010 and 2011 Treasurer's Reports be received."

CITY OF NORTH BAY

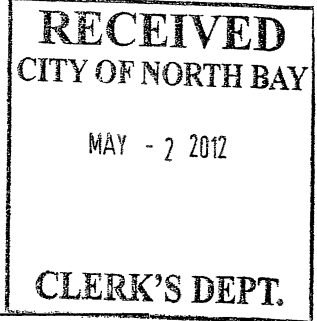
REPORT TO COUNCIL

Report No: CORP 2012 - 64

Date: April 27, 2012

Originator: Al Lang / Margaret Karpenko

Subject: 2012 Development Charges (Supplemental Report)



RECOMMENDATIONS:

1. That the Chief Financial Officer be authorized to increase Development Charges rates for 2012 in accordance with indexing adjustments of 1.9% as outlined in Report No. CORP 2012 - 64.
 2. That the amended 2010 and 2011 Treasurer's Reports be received.
-

BACKGROUND:

The *Development Charges Act, 1997* states that the council of a municipality may by by-law impose Development Charges against land to pay for increased capital costs required due to increased needs for services arising from development of the area to which the by-law applies.

The underlying principle of Development Charges is that growth should pay for capital costs associated with servicing new growth and not place a burden on existing taxpayers. When capital costs associated with new growth are not recovered from Development Charges, the result is higher taxes for existing ratepayers, or, a lower level of service being provided by the City. The City has imposed a Development Charge since the *Development Charges Act* came into effect in 1998.

Before a development charge may be imposed, a background study must be undertaken. Every five years Development Charges are updated in accordance with the *Development Charges Act*. The background study process is a very complex review of the City's potential for growth. Below are some of the key concepts from the Development Charges Act.:

- Forecasts with respect to population, housing, employment and land development is obtained from the Official Plan Review.
- Concept of **historical average level of service** is such that the level of service that existed in the last 10 years establishes the benchmark for planning future capital requirements. This concept therefore establishes the minimum level of service as well as excess capacity. For example, if an average of 500 square feet of library floor space existed for every 1,000 people in the last 10 years, and the population was projected to grow by 500 people, an additional 250 square feet of library floor space would be required to maintain the historical average level of service.
- Concept of **10% discounting** states that the City or taxpayer must pay for at least 10% of the capital costs with the exception of fire protection, policing, road improvements and utilities.
- **Net capital costs** are determined by applying the discounting, allocation of grants and the amount of money held in Development Charge reserves.

The most recent study was undertaken in 2009 and that study set the Development Charges for the years 2010 to 2014. The maximum allowable charge as calculated in the study was \$11,774 for a single/semi detached family dwelling. (Any reference to a Development Charge amount in this report will mean the fee for a single/semi detached family dwelling). In 2009 the Development Charge for a single/semi detached family dwelling was \$4,174. The Council of the day listened to the development community's feedback indicated that an increase to the maximum allowable level was too much of a burden and may considerably slow development. The resolution was to phase in the allowable amount over the five years of the By-law while only achieving 79% of the calculated charge. This resolution therefore was a conscious decision to not use all eligible amounts of growth to fund growth. The By-law therefore has two components to the annual rate changes. The annual phase in allows the City to achieve 79% of the allowable charge over the 5 years and then the annual indexing accounts for inflationary adjustment which would presumably ensure that the Development Charge in 2015 is close or at 79% of the allowable Development Charge at the time the new background study in 2015 comes into effect.

What Projects Benefit From Development Charges?

Over the past years we have funded several projects. Below is a sample list of projects that received development charge revenue:

- Sportsfield Complex – \$150,000
- Pearce & Airport - \$180,000
- Pearce (Francis – Greenhill) – \$100,000
- Street Reconstruction – Main/Seymour - \$50,000

In future years we may use additional Development Charges revenue to fund growth related projects such as:

- Pinewood Park Sewer Extension
- Cedar Heights Standpipe
- Bridge Reconstruction Lakeshore
- Traffic – Transportation Study for 2nd access to Ferris & Construction of same

Council passed Resolution No. 2012 – 234 on April 2, 2012 to refer the Development Charges matter to a public meeting on May 7.

Indexing:

Clause 16 of Development Charges By-Law No. 2009-252 states that “Council may adjust the development charges annually, without amendment to the by-law in accordance with the most recent 12 month change in the Statistics Canada Quarterly “Construction Price Index”.” In a previous Report CORP 2012 – 35, the Chief Financial Officer had recommended an increase of 3.9% being the change in the index. This recommendation reflected the goal of ensuring that growth funds growth while at the same time minimizing the potential spread between the calculated development charge rate and the actual rate.

After the March 8, 2012 annual meeting of the Development Liaison Advisory Committee and subsequent consultations concerning fees, the Chief Financial Officer had heard the concerns of the development community as well as the overall impact to the community from the Provincial and Federal budget process. In efforts to minimize the impact on development within the City as well as to achieve the forecast growth levels within the Official Plan, the Chief Financial Officer is now recommending an indexing of 1.9%. An indexing of 1.9% reflects the general CPI rate and is in line

with what was used within the 2012 budget for the Long Term Capital Funding Policy. As a precaution and to ensure the intent at the time of the writing of the by-law is being maintained, we sought the opinion of our background study consultant concerning the rate of increase. Their opinion was that the Development Charges Act and the intent of the language within the By-law, is such that Council may increase the Development Charge by any percentage up to the indexing change rate (up to 3.9%). A zero percent indexing is not recommended as it would widen the gap between the actual rate and the total eligible rate when the background study is conducted in 2014 to be effective 2015. The rate of 1.9% is deemed to be reasonable and fair as it was used during the 2012 budget process.

A comparison of Development Charges for 2012 after phase in is as follows:

	Single and Semi Detached	Entry-Level Detached & Semi Detached	Multiple	Apartments	Dwellings in Rural Areas	Non-Residential per Square Foot of Gross Floor Area
Rate with 1.9% Indexing	\$7,375	\$6,270	\$6,074	\$3,512	\$3,689	\$2.43
Rate without Indexing	\$7,238	\$6,154	\$5,961	\$3,446	\$3,620	\$2.38
\$ Change	\$137	\$116	\$113	\$66	\$69	\$0.05
Previously Recommended Increase (3.9%)	\$283	\$239	\$232	\$134	\$142	\$0.09

The 2012 rates in Schedule "B" of By-Law No. 2011-116 for 2012 would be changed as follows:

Schedule "B" of By-Law No. 2011-116 2012 Phase - In with 1.9% Indexing					
Detached and Semi Detached	Entry-Level Detached and Semi Detached	Multiple	Apartments	Dwellings in Rural Areas	Non-Residential Per Sq. Ft of Gross Floor Area
\$7,375	\$6,270	\$6,074	\$3,512	\$3,689	\$2.43

The rate charged for the Area – Specific Development Charge for Cedar Heights in Schedule "C" of By-Law No. 2011-116 would be increased by 1.9% to \$1,254 from \$1,231. The complete Schedule "B" and Schedule "C" are attached to this report.

Treasurer's Reports:

The attached amended statement reflects an updated activity for 2010. The amendment reflected an amount of \$21,400 transferred from the Library Reserve for Library purposes as approved in the 2010 budget. This amount was erroneously missed from a previous report.

The Development Charges Reserve Fund had an amended balance of \$1,312,771.32 at January 1, 2011. The amended balance in the Development Charges Reserve Fund as at December 31, 2011 was \$1,739,188.81, being \$21,400 less than previously reported in CORP 2012 – 35.

ANALYSIS / OPTIONS:

Option #1 – Proceed with the indexed rate changes as provided for in the By-law and receive the amended 2010 and 2011 Treasurer's Reports.

Option #2 – Make no amendments to the rates and receive the amended 2010 and 2011 Treasurer's Reports.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS:

Option # 1 is recommended as follows:

- 1. That the Chief Financial Officer be authorized to increase Development Charges rates for 2012 in accordance with indexing adjustments of 1.9% as outlined in Report No. CORP 2012 - 64.**
 - 2. That the amended 2010 and 2011 Treasurer's Reports be received.**
-

Respectfully submitted,



A. Lang, CGA
Director of Financial Services

We concur with this report and recommendations.



Margaret Karpenko, CMA
Chief Financial Officer / Treasurer



David Linkie
Chief Administrative Officer

Personnel designated for continuance: Chief Financial Officer

Attachments: 2010 City Treasurer's Report (Amended (2))
2011 City Treasurer's Report (Amended)
Schedule "B" and "C" to By-Law No. 2011-116

CITY OF NORTH BAY

REPORT TO COUNCIL

Report No: CORP 2012 - 35

Date: March 23, 2012

Originator: Margaret Karpenko

Subject: 2012 Development Charges and 2011 Treasurer's Report

RECOMMENDATIONS:

- 1) That the Chief Financial Officer be authorized to increase development charge rates in accordance with indexing adjustments of 3.9% as outlined in Report No. CORP 2012 - 35; and
 - 2) That the rate increase be presented at a public meeting in accordance with our User Fee Policy; and
 - 3) That the 2011 and amended 2010 Treasurer's Report be received.
-

BACKGROUND:

Indexing:

City Council passed Development Charges By-Law No. 2009-252 on December 14, 2009. Clause 16 sets out the indexing adjustments for charges included in Schedules "B" and "C" as follows:

"The development charges set out in Schedules "B" and "C" to this by-law may be adjusted annually on January 1 each year, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics". The first adjustment may be made on January 1, 2011."

The "Non-Residential Building Construction Price Index" most recent twelve month change was 3.9%. The index used is a composite index of seven metropolitan areas across Canada. This index has consistently been used in prior years' reports to determine any rate adjustments. We recommend that the rates be adjusted by 3.9% for 2012.

The rates in Schedule "B" of By-Law No. 2009-252 would be changed as follows:

Schedule "B" of By-Law No. 2009-252 2011 Phase - In with 3.9% Indexing						
	Detached and Semi-Detached	Entry-Level Detached and Semi-Detached	Multiple	Apartments	Dwellings in Rural Areas	Non-Residential Per Sq. Ft of Gross Floor Area
Rate with Indexing	\$7,521	\$6,393	\$6,193	\$3,580	\$3,762	\$2.47
Rate without indexing	7,238	6,154	5,082	3,446	3,620	2.38
\$ Change	283	239	1,111	134	142	.09

The rate charged for the Area – Specific Development Charge for Cedar Heights in Schedule “C” of By-Law No. 2009-252 would be increased by 3.9% to \$1,280.

Consulting with the Development Community:

Clause 15 of By-Law No. 2009-252 states as follows:

“The City shall consult with the development community each year in the 4th quarter and prepare a report to the Council outlining the development trends of North Bay and surrounding communities”.

On March 8, 2012 the annual meeting of the Development Liaison Advisory Committee (DLAC) took place; this provided an opportunity to consult with the development community. Building permits issued in North Bay in 2011 were generally the same as those issued in 2010. A survey was done with surrounding communities, to determine if they have realized a significant change in the number of building permits issued in 2011. It can be concluded that no significant shift in building activities are occurring as a result of the City implementing, maintaining and indexing its development charges. Concerns were expressed by the developers present at that meeting relating to development charges. The discussion was focused on understanding the process to determine development charges rather than the charge itself. There was the general consensus that no increase would be preferred. No comments were raised with respect to the charges impacting the level of development. Development activity continued to be strong in North Bay in 2011.

2011 BMA Data

Below is some comparative data from the 2011 BMA study. The data represents 2011 Development Charges for the identified Municipalities.

2011 BMA Study						
	Detached and Semi Detached	Entry-Level Detached and Semi Detached	Multiple	Apartments	Dwellings in Rural Areas	Non-Residential Per Sq. Ft of Gross Floor Area
Proposed Rate with Indexing	\$7,521	\$6,393	\$6,193	\$3,580	\$3,762	\$2.47
Sudbury	11,597		7,243	7,243		7.36
Huntsville	18,901		16,676	13,202		3.62
Belleville	7,607		5,286	5,391		3.76

Treasurer’s Statement:

Clause 13. (6) of By-Law No. 2009-252 states as follows:

“The City Treasurer shall, each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing information set out in Section 12 of O.Reg. 82/98.”

The attached statement reflects the activity during 2011. The Development Charges Reserve Fund had a balance of \$1,334,171.32 at January 1, 2011. During 2011 \$478,801.46 was collected from developers in accordance with the Development Charges By-law. Interest of \$27,616.03 was earned on the funds in the year. In 2011 \$80,000 was used to fund growth related projects. The balance in the Development Charges Reserve Fund as at December 31, 2011 was \$1,760,588.81. The 2010 Treasurer's Statement has been amended to reflect only those charges and reserves contained within the Development Charges By-law.

The 2012 Capital Budget includes allowances to use \$500,000 towards growth related City capital projects and \$300,000 for water and sanitary sewer projects. The Long-Term Capital Funding Policies adopted by City Council assume that funding from development charges will be indexed.

ANALYSIS / OPTIONS:

Option #1 – Proceed with the rate changes as authorized in the By-laws and receive the 2011 Treasurer's Report.

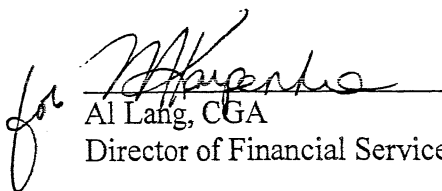
Option #2 - Make no amendments to the rates and receive the 2011 Treasurer's Report.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS:

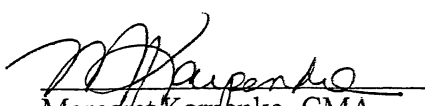
Option # 1 is recommended as follows:

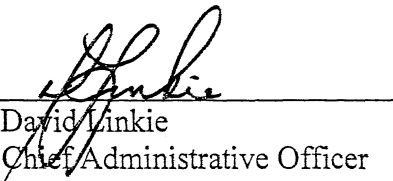
- 1) **That the Chief Financial Officer be authorized to increase development charge rates in accordance with indexing adjustments of 3.9% as outlined in Report No. CORP 2012 - 35; and**
- 2) **That the 2011 and amended 2010 Treasurer's Reports be received.**

Respectfully submitted,


Al Lang, CGA
Director of Financial Services

We concur with this report and recommendations.


Margaret Karpenko, CMA
Chief Financial Officer / Treasurer


David Linkie
Chief Administrative Officer

Personnel designated for continuance: Chief Financial Officer

Attachments: 2011 City Treasurer's Report
2010 City Treasurer's Report Amended

**CITY OF NORTH BAY
DEVELOPMENT CHARGES RESERVE FUND
2011 CITY TREASURER'S REPORT**

SERVICE	BALANCES AT BEGINNING OF YEAR	FEES COLLECTED DURING YEAR	INTEREST EARNED	AUTHORIZED USES		BALANCES AT END OF YEAR
				AMOUNT	DESCRIPTION	
Protection-Fire & Police	\$169,680.01	\$14,507.18	\$3,089.39			\$187,276.58
Roads and Related	\$61,104.65	\$242,273.98	\$2,575.25	\$80,000.00	Pearce Street intersection / traffic signals	\$225,953.88
Transit	\$12,683.12	\$0.00	\$223.75			\$12,906.87
Sanitary Sewer	\$245,448.89	\$0.00	\$4,329.98			\$249,778.87
Water	(\$85,521.73)	\$0.00				(\$85,521.73)
Water & Sanitary Sewer	\$191,479.78	\$147,428.08	\$4,305.14			\$343,213.00
Parks and Recreation	\$108,640.09	\$59,871.00	\$2,255.13			\$170,766.22
Library	\$144,747.21	\$13,194.00	\$2,250.62			\$160,191.83
Administration-Studies	\$230,043.13	\$1,527.22	\$4,073.00			\$235,643.35
Special Impost-Water	\$452.40	\$0.00	\$7.98			\$460.38
Special Impost-San	\$206,882.77	\$0.00	\$3,649.64			\$210,532.41
Stormwater Mgmt	\$48,531.00	\$0.00	\$856.15			\$49,387.15
TOTAL	\$1,334,171.32	\$478,801.46	\$27,616.03	\$80,000.00		\$1,760,588.81
Discounted Services	\$496,113.55				Discounted Services	\$579,508.27
Non-Discounted Services	\$838,057.77				Non-Discounted Services	\$1,181,080.54

Margaret Karpenko
City Treasurer

**CITY OF NORTH BAY
DEVELOPMENT CHARGES RESERVE FUND
2010 CITY TREASURER'S REPORT (Amended)**

SERVICE	BALANCES AT BEGINNING OF YEAR	FEES COLLECTED DURING YEAR	INTEREST EARNED	AUTHORIZED USES		BALANCES AT END OF YEAR
				AMOUNT	DESCRIPTION	
Protection-Fire & Police	\$152,971.64	\$14,624.02	\$2,084.35			\$169,680.01
Roads and Related	\$16,655.77	\$293,698.27	\$750.61	\$250,000.00	Pearce Street - \$200,000; Seymour Street Signals - \$50,000	\$61,104.65
Transit	\$12,247.32	\$280.00	\$155.80			\$12,683.12
Sanitary Sewer	\$237,470.80	\$4,963.00	\$3,015.09			\$245,448.89
Water	(\$90,799.73)	\$5,278.00				(\$85,521.73)
Water & Sanitary Sewer	\$0.00	\$190,178.19	\$1,301.59			\$191,479.78
Parks and Recreation	\$188,734.56	\$68,571.00	\$1,334.53	\$150,000.00	Outdoor Sportsfield Complex - Resolution No. 2010-476	\$108,640.09
Library	\$128,134.14	\$14,835.00	\$1,778.07			\$144,747.21
Administration-Studies	\$221,153.26	\$6,064.02	\$2,825.85			\$230,043.13
Special Impost-Water	\$446.84	\$0.00	\$5.56			\$452.40
Special Impost-San	\$204,341.42	\$0.00	\$2,541.35			\$206,882.77
Stormwater Mgmt	\$47,887.50	\$0.00	\$643.50			\$48,531.00
TOTAL	\$1,119,243.52	\$598,491.50	\$16,436.30	\$400,000.00		\$1,334,171.32
Discounted Services	\$550,269.28				Discounted Services	\$496,113.55
Non-Discounted Services	\$568,974.24				Non-Discounted Services	\$838,057.77

Note: The 2010 Treasurer's report has been amended to remove the Stormwater Management from Development Charges Reserve. Stormwater Management charges are collected under the authority of Council Resolution rather than under the authority of the of the Development Charges by-law

Margaret Karpenko
City Treasurer

March , 2012

COMMUNITY SERVICES COMMITTEE

Monday, May 7, 2012

Page 1

Chairperson: Councillor Lawlor
Vice-Chair: Councillor Mendicino
Member: Councillor Vaillancourt
Ex-Officio: Mayor McDonald

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2011-16 Plan of Subdivision application by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. (Kenalex Development Inc.) - Phase II, Trillium Woods Subdivision (Booth Road) (D12/2011/KENAL/BOOTHRD2).
- **CS-2012-09 Report from Shawn Killins dated March 28, 2012 re Annual Report on 2011 Building Permit Fees (P11/2012/BUILD/GENERAL).**
- CS-2012-10 Rezoning application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada – 449 Laurier Avenue (D14/2012/11681/LAURAVEN).
- CS-2012-11 Rezoning & Official Plan Amendment applications by Brian McLean – north of Highway No. 63 @ Songis Road (D14/2012/MCLEA/SONGISRD).

CS-2012-09

Recommendation:

"That the 2011 Annual Report on Building Permit Fees attached to Report to Council CSBU 2012-40 be noted and filed."

City of North Bay

Report to Council

Report No: CSBU 2012 - 40

Date: March 28, 2012

Originator: Shawn Killins, Chief Building Official

Subject: Annual Report on 2011 Building Permit Fees

RECOMMENDATION

1. Council refers the 2011 Annual Report on Building Permit Fees to the Community Services Committee for a public meeting.

BACKGROUND

Section 7, clause (1)(c) of the Building Code Act permits a Council of a municipality to pass a By-Law "prescribing classes of permits and requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof".

Bill 124, "an Act to improve public safety and to increase efficiency in Building Code enforcement" made significant changes to the Building Code Act, not the least of which was to establish greater accountability for the fees levied for Building Permits. Section 7 of the Act sets out the requirements with respect to calculating fees, the reporting of fees and surplus revenues and the changing of fees.

Section 7(4) of the Act requires an annual report on fees, specifically "every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1)(c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction". Section 7(5) of the Act states that the report must be made available to the public and a public meeting held under the Municipal Act. Financial Services has prepared the 2011 Annual Report on Building Permit Fees. Building Services processed and issued 607 Building Permits in 2011 with a total construction value of \$86,312,439.00. The Building Permit Fee revenues collected amounted to \$899,147.00.

The costs incurred by Building Services to deliver the Ontario Building Code are identified as \$752,744.00. This figure includes the direct costs and indirect costs detailed in the “Notes” section of the report. There are also direct and indirect costs identified in the report as “Other Building Department Related Activities”. These costs are \$88,700 and are associated with administering and enforcing the Property Standards By-Law, the Heat By-Law, the Fence By-Law and the Provincial Offences Act.

The report also notes an excess of Building Permit fee revenues over cost for 2011 in the amount of \$146,403.00. This excess has been transferred to the Building Code Act Reserve. The closing balance, December 31, 2011, in the Building Code Act reserve is \$659,967.00.

During budget discussions in 2011, it was projected that we may experience similar construction starts, values and revenues in 2012. These projections were the result of research conducted with our Planning Department and Economic Development Department, etc. as well as our external partners including the North Bay Home Builders, designers, architects and developers, etc.

It is anticipated that in 2012 Building Services will reach the targeted projections.

Given the projected construction starts, construction values, Building Permit fee revenues and the excess of revenue over costs, it is recommended that Building Permit fees do not increase for the year 2012.

The 2011 Annual Report on Building Permit fees is attached along with a copy of the proposed Fee Schedule for 2012.

Analysis/Options

Option #1

Council refers the 2011 Annual Report on Building Permit Fees to the Community Services Committee for a public meeting.

Option #2

That Council not refer 2011 Annual Report on Building Permit Fees to the Community Services Committee for a public meeting.

Recommended Option

Option #1

That Council refers the 2011 Annual Report on Building Permit Fees to the Community Services Committee for a public meeting.

Respectfully Submitted

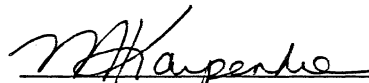


Shawn Killins
Chief Building Official

We concur with this report and recommendation.



Jerry Knox
Managing Director, Community Services



Margaret Karpenko
Chief Financial Officer



Dave Linkie
Chief Administrative Officer

**Corporation of the City of North Bay
2011 Annual Report – Building Permit Fees**

BUILDING PERMIT FEE ACTIVITIES:

Total Building Permit Fee Revenues , collected under By-Law No. 2007-07, for the period January 1st to December 31st, 2011	\$899,147
Costs of Delivering Building Permit Fee Related Activities:	
** Direct Costs	\$492,944
** Indirect Costs	\$259,800
Total Building Permit Fee Related Activity Costs	\$752,744
Excess of Building Permit Fee Activity Revenue over Cost, as at December 31, 2011	\$146,403

BUILDING CODE ACT RESERVE:

Opening balance, January 1st, 2011	\$504,662
Interest earned in 2011	\$8,902
Excess of revenue over cost	\$146,403
Closing balance, December 31st, 2011	\$659,967

OTHER BUILDING DEPARTMENT RELATED ACTIVITIES:

Costs of Delivering Other Building Department Related Activities:	
** Direct Costs	\$88,700
** Indirect Costs	\$0
Total Other Building Department Related Activity Costs	\$88,700
Revenue Generated through Other Building Department Related Activities	\$300

TOTAL COSTS:

** Direct Costs	\$581,644
** Indirect Costs	\$259,800
Total Building Department Costs	\$841,444

NOTES:

**** Direct Costs** include the costs incurred by the **Building Department** in the:
processing of building permit applications; reviewing building plans, conducting inspections; building
related enforcement duties.

**** Indirect Costs** include the costs allocated to the **Building Department** to cover overhead and
support services provided by other City Departments in the:
processing of building permit applications; reviewing building plans, conducting inspections; building
related enforcement duties.

SCHEDULE "A"
BUILDING CLASSIFICATION, CLASSES OF PERMITS AND PERMIT FEES

BUILDING CLASSIFICATION	Permit Fee - 2012
New Construction	
1. Group "A" Assembly Occupancies - Schools, libraries, theatres, churches, restaurants, etc. 2. Group "B" Institutional Occupancies - Hospitals, nursing homes, care homes, etc. 3. Group "D" Business and Personal Services Occupancies - Offices, banks, medical clinics, etc. 4. Group "E" Mercantile Occupancies - Retail stores, supermarkets, department stores, etc. 5. Group "F" Industrial Occupancies - Warehouses, factories etc.	\$11.23 per \$1,000 of construction value. Minimum fee shall be \$765.
6. Group "C" Residential Occupancies - Single family dwellings, semi-detached dwellings, duplexes, apartments, hotels, motels, etc.	\$1.36 per square foot of finished gross floor area
7. Farm Buildings	\$2,732 for buildings up to 10,000 ft ² and \$0.25/ft ² for buildings with a floor area over 10,000 ft ²
Additions, Renovations or Alterations	
8. Group "A", "B", "D", "E" or "F"	\$11.23 per \$1,000 of construction value. Minimum fee shall be \$765.
Additions	
9. Group "C"	\$1.36 per square foot of finished gross floor area Minimum fee shall be \$765.
10. Farm Buildings	\$683 for buildings up to 10,000 ft ² and \$0.25/ft ² for buildings with a floor area over 10,000 ft ²
Renovations/Alterations	
11. Group "C"	\$11.23 per \$1,000 of construction value. Minimum fee shall be \$765
Miscellaneous	
12. Group "C" Residential - Garages, carports, accessory buildings, etc.	\$190.00 flat fee

CLASSES OF PERMITS AND PERMIT FEES

CLASS OF PERMIT	Permit Fee 2012
1. Staged Permits: a) Excavation and Foundation Stage b) Structural and Architectural Stage c) Mechanical and Electrical Stage Permit fees associated with the entire construction project shall be collected prior to the first stage of a staged permit being issued. The permit fee will be collected for each of the three staged permits.	\$218.00
2. Fees for temporary tents and air supported structures	\$109.00
3. Demolition permit	\$109.00
4. Minor amendments to permits	\$109.00
5. Change of Use Permit	\$109.00
6. To authorize partial occupancy of building or occupancy of a partially completed building	\$109.00
7. To construct a fence	\$109.00
8. Blasting permit	\$109.00
9. Transfer of permit	\$109.00
10. Miscellaneous request for inspection under City By-Laws	\$109.00
11. Re-inspections on interior of final inspections where the work is not complete for the requested inspection	\$109.00

Notes:

1. Fees for classes of permit not described or included in this schedule shall be determined by the **Chief Building Official**.
2. The occupancy classification shall be established in accordance with the occupancy definitions of the **Ontario Building Code**.
3. Except as provided in Item 5, the floor area is the sum of the areas of all floors including basement and shall be measured to the outer face of the walls.
4. No deductions shall be made for openings within the floor area; i.e. stairs, elevators, ducts etc.
5. A garage serving only the dwelling unit to which it is attached or built in and an unfinished basement located within a dwelling unit shall not be included in the area calculations.

ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings (due September 2005) .
September 21, 2009	Review, update and consolidation of Noise By-Law (due June 30, 2010) .
March 8, 2010	Comprehensive Long-Term Financial Plan (due April 30, 2010) .
May 3, 2010	Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed.
December 30, 2010	Quarterly report on progress of WSIB appeal, error corrections and cost projections for 2011.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP (due July 2014) .
August 2, 2011	Review of smoking at City facilities and commercial establishment patios.
August 15, 2011	Effectiveness of the Residential Rental Housing By-Law (due May 2013) .