



Committee Agenda

**Committee Meeting of Council
May 9, 2011
at 7:00 p.m.**

MEETINGS

**FOR THE WEEK OF
MAY 9TH, 2011**

Monday, May 9 2011

7:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor

PUBLIC MEETING

**HELD UNDER THE
MUNICIPAL ACT**

Monday, May 9, 2011

7:00 p.m.

Waste Management User Fees and
Charges

Fire & Emergency Services User
Fees and Charges (including
responses to improper open air
burning)

City Departments' User Fees and
Charges (including sign permits,
field rentals and Marina rentals)

ENGINEERING & WORKS COMMITTEE

Monday, May 9, 2011

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Chairperson: Councillor Vrebosch-Merry

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-2011-02 Report from A. Korell dated March 29, 2011 re Merrick Landfill Tipping Fee increase (E07/2011/MERRI/TIPPING).**

EW-2011-02

Draft recommendation:

- "That a) City Council approve the increase in tipping fees for solid waste from the industrial, commercial and institutional sources to \$75.00 per metric tonne effective June 1, 2011; 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-2011-056

Date: March 29, 2011

Originator: Alan Korell, Managing Dir. of Eng., Env. Services & Works

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 \$75.00 per metric tonne effective June 1, 2011.
 - 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 2010 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 2011 primarily due to higher contractor costs and from increasing costs to manage and treat leachate.

In April 2010, Council increased general solid waste tipping fees from \$68 to \$71 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	\$ 35.00
Sudbury	\$ 63.00
Sault Ste. Marie	\$ 70.00
Peterborough	\$ 90.00
Orillia	\$115.00
Barrie	\$115.00

It is proposed that tipping fees be increased in 2011 from \$71.00 to \$75.00 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 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 \$71.00 to \$75.00 per tonne. If approved the changes would take effect June 1, 2011. A Public Notice and public meeting is required for these changes to be legally made. Public feedback for the proposed changes 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

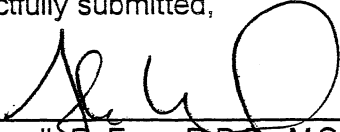
City council can opt not to make any changes to tipping fees and no public meeting would be required.

RECOMMENDED OPTION/FINANCIAL IMPLICATIONS

Option 1 is recommended.

- 1) That City Council approves the increase in tipping fee for solid waste from the industrial, commercial and institutional sources to \$75.00 per metric tonne effective June 1, 2011.
 - 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.
-

Respectfully submitted,



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

I concur in this report and recommendation.



David Linkie
Chief Administrative Officer

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

Copy for: J. Miller
A. Tomek

GENERAL GOVERNMENT COMMITTEE

Monday, May 9, 2011

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

- ▶ **GG-2011-03** **Report from L.M. Scully dated December 9, 2010 re Open Air Burning By-Law and User Fees (C00/2011/BYLAW/OPENAIR).**

- GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).

- GG-2011-09 Motion from Councillor Chirico dated February 22, 2011 re Procedural By-Law Amendment (C00/2011/BYLAW/PROCEDUR).

- ▶ **GG-2011-13** **Report from C.M. Conrad dated March 28, 2011 re User Fees - City Department and North Bay Fire & Emergency Services (C00/2011/BYLAW/USERFEES).**

GG-2011-03

Draft recommendation:

- “That a) the draft by-law attached as Schedule “A” to Report to Council CORP 2010-150 from Lauren M. Scully to regulate Open Air Burning in the City of North Bay be presented to Council for three (3) readings;
- b) By-Law No. 2007-116 being a by-law to authorize user fees for North Bay Fire and Emergency Services be amended to include a fee of \$410 per fire truck for the first hour and \$205 for each additional half hour for a response by the North Bay Fire and Emergency Services Department, to an open air burn without a permit or that is otherwise not in compliance with the by-law as attached as Schedule “B” to Report to Council CORP 2010-150 from Lauren M. Scully.”

**City of North Bay
Report to Council**

Report No.: CORP-2010-150

Date: December 9, 2010

Originator: Lauren M. Scully, Assistant City Solicitor/City Prosecutor

Subject: Open Air Burning By-Law

RECOMMENDATION

1. That Council hold a public meeting on 21 days notice; and
 2. That Council consider a by-law to regulate Open Air Burning in the City of North Bay (attached as "Schedule A" to Report to Council No. CORP-2010-150) and a concomitant amendment to By-Law No. 2007-116(attached as "Schedule B" to Report to Council No. CORP-2010-150), being a by-law to authorize user fees for North Bay Fire and Emergency Services to include a fee of \$410 per fire truck for the first hour and \$205 for each additional half hour for a response by the North Bay Fire and Emergency Services Department to an open air burn without a permit or that is otherwise not in compliance with the by-law.
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BACKGROUND

Section 7.1 of the *Fire Protection and Prevention Act* (the enabling statute of the Fire Code), permits municipalities to pass by-laws regulating fire prevention and regulating the setting of open air fires.

While a permitting system presently exists in North Bay, there is no underlying by-law to regulate open air burning. Many residents even fail to apply for a permit. The North Bay Fire and Emergency Services Department often receives calls of smoke coming from a neighbouring property and must respond by sending a fire truck, especially since it has no notice of the open air fire. The North Bay Fire and Emergency Services Department receives and responds to approximately 100 such calls annually.

Other municipalities in Ontario have responded to this problem by passing open air burning by-laws which regulate open air burns and employ cost-recovery provisions. For example, the City of London's by-law contains a provision that imposes a fee for responding to an open air burn that is carried out without a permit or not in compliance with the permit. This charge constitutes a debt to the City that may be added to the tax roll.

Section 2.6.3.4 of the Fire Code does not permit open air burning unless it is approved by the Fire Department. City of North Bay By-Law No. 2007-116, being a by-law to authorize user fees for North Bay Fire and Emergency Services sets user fees for permits from 2007 to 2010.

The 2010 fees for Residential and Campground Burning Permits (new wording: Recreational Burning Permits) are presently set at \$80 annually and \$20 weekly. The Commercial Site Building Permit (Brush Burn Burning Permit) fees are presently set at \$215 annually, \$115 monthly and \$90 weekly. It is proposed that the following fee structure be recommended beyond 2010 when the User Fee By-Law is reviewed as a whole for setting rates from 2011 to 2014: Recreational Burning Permits be set at \$85 annually and \$25 weekly. The Commercial Site Building Permit (Brush Burn Burning

Permit) be set at \$225 annually, \$120 monthly and \$95 weekly.

The North Bay Fire and Emergency Services Department has been requesting such a by-law. The by-law would allow the North Bay Fire and Emergency Services Department to set enforceable rules and restrictions around open air burning for fire prevention and safety reasons.

With respect to cost-recovery, the Fire Department's rate per fire truck response for other responses under the User Fees by-law is \$410 per fire truck response for the first hour and \$205 for each additional half hour; this follows the current Ministry of Transportation rate. A similar fee for a response to an open air burn without a permit or otherwise not in compliance with the by-law would be consistent with the existing fees regime and allow for cost-recovery to vary according to length of response.

ANALISYS/OPTIONS

Option 1: That Council hold a public meeting on 21 days notice; and

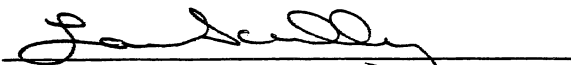
That Council consider a by-law to regulate Open Air Burning in the City of North Bay (attached as "Schedule A" to Report to Council No. CORP-2010-150) and a concomitant amendment to By-Law No. 2007-116(attached as "Schedule B" to Report to Council No. CORP-2010-150), being a by-law to authorize user fees for North Bay Fire and Emergency Services to include a fee of \$410 per fire truck for the first hour and \$205 for each additional half hour for a response by the North Bay Fire and Emergency Services Department to an open air burn without a permit or that is otherwise not in compliance with the by-law

Option 2: That Council not hold a public meeting, and not consider a by-law to regulate Open Air Burning or amend the User Fee By-Law.

RECOMMENDED OPTIONS

1. That Council hold a public meeting on 21 days notice; and
2. That Council consider a by-law to regulate Open Air Burning in the City of North Bay (attached as "Schedule A" to Report to Council No. CORP-2010-150) and a concomitant amendment to By-Law No. 2007-116(attached as "Schedule B" to Report to Council No. CORP-2010-150), being a by-law to authorize user fees for North Bay Fire and Emergency Services to include a fee of \$410 per fire truck for the first hour and \$205 for each additional half hour for a response by the North Bay Fire and Emergency Services Department to an open air burn without a permit or that is otherwise not in compliance with the by-law.

Respectfully submitted,

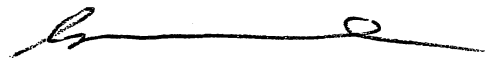


Lauren M. Scully, Assistant City Solicitor/City Prosecutor

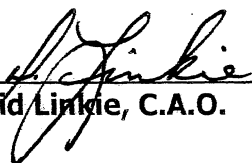
We concur in this report and recommendation.



Michael B. Burke, City Solicitor



Grant Love, Fire Chief



David Linkie, C.A.O.

Personnel designated for continuance: Lauren M. Scully
Assistant City Solicitor/City Prosecutor

Attachments: (2) Draft Open Air Burning By-Law
Draft Amendment to Fire and Emergency Services User Fees as
set out in User Fee By-Law No. 2007-116

LMS/vgh

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**THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2010-XX**

**BEING A BY-LAW TO REGULATE OPEN AIR BURNING
IN THE CITY OF NORTH BAY**

WHEREAS section 7.1(1)(a) and (b) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, empowers Council of the Corporation of the City of North Bay ("Council") to pass by-laws regulating fire prevention, including the prevention of the spreading of fires; regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS section 2.6.3.4 (1) of the *Ontario Fire Code*, O. Reg. 213/07 prohibits open air burning unless approved by the Chief Fire Official or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue;

AND WHEREAS section 10(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25 provides that a municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality (5); the health, safety, and well-being of persons (6); and the protection of persons and property (8).

AND WHEREAS section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25 provides that a municipality may impose fees or charges.

THEREFORE the Council of the Corporation of the City of North Bay enacts the following:

1. DEFINITIONS

In this by-law:

- (a) "Barbeque" includes appliances including a hibachi; a permanent structure designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire pits or camp fires.
- (b) "Brush Burning" or "Brush Burn" means a type of Open Air Burning that includes the burning of clean brush, grass, or vegetation, but does not include the burning of items such as household or commercial waste, tires, plastics, roofing materials, building materials, and other like waste.
- (c) "Chief Fire Official" means an individual so appointed by the Council of the Corporation of the City of North Bay as the Chief of the North Bay Fire and Emergency Services, or a member or members of the fire department designated by the Fire Chief to administer or enforce this by-law.
- (d) "Enforcement Officer" includes the Chief Fire Official, any Fire Prevention Officer, police officer, provincial offences officer, or employee of the City whose duties include the enforcement of this by-law.
- (e) "False Fire Alarm" means an alarm signal where a fire department response, in the opinion of the Chief Fire Official, is not required.
- (f) "Fire Ban" means a period of prohibition, as established by the Chief Fire Official, of any Open Air Burning.
- (g) "Fire Prevention Officer" means an individual appointed by the Chief Fire Official responsible for the enforcement of municipal, provincial, and federal fire prevention by-laws, legislation, and regulations.
- (h) "Nuisance" means excessive smoke, smell, airborne sparks or embers that are likely to disturb others.

Schedule "A"

- (i) "Open Air Burning" or "Open Air Burn" means the burning of any material, including, without limiting the generality of the foregoing, wood, cardboard, brush or garden waste where the flame is not wholly contained and is, thereby, open to the air, but does not include use of a Barbeque.
- (j) "Open Air Fire" means open air burning.
- (k) "Permit" means the permit issued by the Chief Fire Official signifying approval to set a fire and establishing the conditions under which the permit is granted.
- (l) "Person" includes an individual, sole proprietor, a firm, a partnership, a co-partnership, an association, a corporation, and the heirs, executors, administrators, or other legal representatives of a Person.
- (m) "Recreational Burning" or "Recreational Burn" means a type of Open Air Burning that includes the use of chimineas, outdoor fireplaces, fire pits, and other like devices.
- (n) "Rural Zone" means the area marked "Rural Zone" in Schedule "A".
- (o) "Urban Zone" means the area marked "Urban Zone" in Schedule "A".

2. ADMINISTRATION

- 2.1 This by-law shall be administered by the Chief Fire Official.
- 2.2 This by-law shall apply to all lands within the geographical limits of the City of North Bay and to the setting of Open Air Fires on any such land.

3. RURAL BURNING ONLY

- 3.1 No person shall set, maintain, or cause to be set or maintained an Open Air Fire in an Urban Zone, as indicated in the attached "Schedule A" hereto.
- 3.2 No person shall set, maintain, or cause to be set or maintained, an Open Air Fire in a Rural Zone, as indicated in the attached "Schedule A" hereto, unless a Permit has been issued by the Chief Fire Official.
- 3.2 Notwithstanding section 3.1, a special community event that occurs in an Urban Zone may be eligible for a Permit. The issuance of a Permit for a special community event is at the sole discretion of the Chief Fire Official.

4 GENERAL PROVISIONS

- 4.1 No person shall:
 - (a) set, maintain, or cause to be set or maintained, an Open Air Fire in contravention of the *Fire Code*, the *Environmental Protection Act*, R.S.O. 1990 c. E.19 or any other statutory requirements of the Province of Ontario or the Government of Canada;
 - (b) set, maintain, or cause to be set or maintained, an Open Air Fire without a Permit.
 - (c) set, maintain, or cause to be set or maintained, an Open Air Fire during a Fire Ban;
 - (d) set, maintain, or cause to be set or maintained, an Open Air Fire on days where rain, fog, smog, or any other weather condition prevents proper dispersion of smoke;
 - (e) set, maintain, or cause to be set or maintained, an Open Air Fire during high winds or high hazard weather ratings;

Schedule "A"

- (f) set, maintain, or cause to be set or maintained an Open Air Fire if it creates smoke or fire damage to property or injury to persons;
 - (g) set, maintain, or cause to be set or maintained an Open Air Fire if it decreases visibility or creates a hazard on any roadway; or
 - (h) set, maintain, or cause to be set or maintained an Open Air Fire if it creates a Nuisance.
- 4.2 Every person shall:
- (a) notify the North Bay Fire and Emergency Services Dispatch before the commencement and after the completion of an Open Air Fire;
 - (b) have suitable means of extinguishment available while the Open Air Fire is burning;
 - (c) maintain constant supervision and control over the Open Air Fire from the time of the setting of the fire until the fire is totally extinguished; and
 - (d) produce the permit on demand to any person authorized by Section 7.1 to enforce this by-law.
- 4.3 A Recreational Burn:
- (a) shall be confined to an area of no less than fifteen (15) meters from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article, or a distance as determined by a Fire Prevention Officer;
 - (b) shall only burn commercially produced charcoal, briquettes or clean, dry seasoned wood;
 - (c) shall be permitted only between the hours of 1900 (7:00 p.m.) and 2400 (12:00 a.m.);
 - (d) that occurs in a fire pit shall be isolated and surrounded by a non-combustible material such as brick or stone and shall be on top of pea gravel or coarse sand;
 - (e) that occurs in a chiminea or outdoor fireplace shall have a minimum of 18 inches clearance on the loading side and 8 inches clearance on all other sides; and
 - (f) that occurs in a chiminea or outdoor fireplace on a wooden deck shall be situated on shielding that consists of brick or stone on top of sheet metal that extends at least 2 inches outside the brick or stone.
- 4.4 A Brush Burn shall:
- (a) be confined to an area of no less than twenty (20) meters from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article, or a distance as determined by a Fire Prevention Officer;
 - (b) be in piles no greater than 2 meters high and 2 meters in diameter;
 - (c) be limited to the burning of clean brush, grass, or vegetation;
 - (d) not include household or commercial waste, tires, plastics, roofing materials, building materials, and other like waste;
 - (e) be supervised by no less than two persons who shall be present at all times during the Brush Burn; and
 - (f) be permitted only between 1/2 an hour before sunrise and 1/2 an hour after sunset.

5 ISSUANCE OF PERMIT

- 5.1 In issuing a Permit under this Part for Open Air Burning, the Chief Fire Official or Fire Prevention Officer may impose any additional requirements or exempt any conditions under sections 4.2 to 4.4 of this by-law as the Chief Fire Official or Fire Prevention Officer considers necessary in the interest of public safety, or to minimize inconvenience to the general public, or advisable in the circumstances, or to give effect to the objects of this by-law.
- 5.2 An application for a Permit must be completed on the forms provided by the North Bay Fire and Emergency Services.
- 5.3 Where the applicant is not the property owner of the Open Air Burn site, the applicant must obtain the consent of the property owner on the form provided by the North Bay Fire and Emergency Services.
- 5.4 Each completed application for a Permit must be submitted to the North Bay Fire and Emergency Services accompanied by the appropriate fees as set out in the by-Law which authorizes User Fees for the North Bay Fire and Emergency Services.
- 5.5 The permit shall be kept at the site of the Open Air Fire with the permit holder.
- 5.6 A Permit may be refused, revoked or suspended at any time by the Chief Fire Official or his designate.

6 FEES AND CHARGES

- 6.1 The fees set out in Schedule A to the User fee by-law for North Bay and Emergency Service shall apply for permits issued under this by-Law
- 6.2 Where North Bay Fire and Emergency Services responds to or inspects an Open Air Fire that is not in compliance with this bylaw, the fee or charge set out in the North Bay Fire and Emergency Services User Fee by-Law for responding to or inspecting an Open Air Fire may be imposed on the assessed owner of the land on which the Open Air Fire took place.
- 6.3 The fees or charges imposed pursuant to section 6.1 and 6.2 of this by-law constitute a debt of the person to the City. The fees may be added to the tax roll and collected in the same manner as municipal taxes on any property for which the person responsible for the Open Air Fire pays fees.
- 6.4 In order to charge the fees as set out in Section 6.2 of the by-Law, the Chief Fire Official shall certify the following:
 - (a) whether improper open air burning occurred;
 - (b) the time it occurred;
 - (c) the charges imposed therefore;
 - (d) the property on which the improper open air burning occurred; and
 - (e) the Chief Fire Official shall then provide this certificate to the Treasurer who shall issue an invoice to the assessed owner of the property on which the improper open air burning occurred and in the amount as certified by the Chief Fire Official.

7 ENFORCEMENT

- 7.1 Any Enforcement Officer is authorized to enforce this by-law pursuant to the provisions hereof, the *Municipal Act*, 2001, S.O. 2001, c.25, as amended or any successor thereof, and the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor

thereof, and the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, or any successor thereof.

- 7.2 Where any Person who holds a Permit fails or refuses to comply with this by-law; a term or condition to which the Permit is subject; or where an Enforcement Officer has a safety concern; the enforcement officer may immediately suspend or revoke the Permit, and if suspended or revoked, the Permit holder shall immediately take all necessary steps to extinguish the Open Air Fire.
- 7.3 Subject to section 437 of the *Municipal Act*, 2001, which relates to entry into dwelling units, any Enforcement Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
 - (a) this by-law is being complied with;
 - (b) a direction or order of the City made pursuant to the *Municipal Act*, 2001 or any successor thereof or made pursuant to a by-law of the City is being complied with;
 - (c) a condition of a licence issued under a by-law of the City is being complied with; or
 - (d) an order made pursuant to Section 431 of the *Municipal Act*, 2001 which prohibits the continuation of repetition of an offence is being complied with.
- 7.4 Any Enforcement Officer may for the purposes of an inspection:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) acquire information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 7.5 Any Enforcement Officer may undertake inspections pursuant to orders which are made pursuant to Section 438(2) of the *Municipal Act*, 2001.

8 OFFENCES

- 8.1 Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof, or in the *Municipal Act*, 2001, S.O. 2001, c.25, as amended or any successor thereof, or in the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended or any successor thereof.

9. FIRE SERVICES - EXEMPT

- 9.1 The North Bay Fire and Emergency Services shall be exempt from the provisions of this by-law with respect to Open Air Burnings set for the purposes of education and training.

READ A FIRST TIME IN OPEN COUNCIL THIS _____

READ A SECOND TIME IN OPEN COUNCIL THIS _____

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED THIS _____

MAYOR ALLAN MCDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2010-XX

BEING A BY-LAW TO AMEND BY-LAW NO. 2007-116
BEING A BY-LAW TO AUTHORIZE A FEE FOR NORTH BAY FIRE
& EMERGENCY SERVICES ~~RESPONSE TO IMPROPER OPEN AIR BURNING~~

WHEREAS section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25 (as amended), authorizes municipalities and local boards to pass by-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of the municipality or local board and for the use of its property;

AND WHEREAS reference to passing of report/resolution TBD...

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACT AS FOLLOWS:

1. That Schedule "A" to By-Law No. 2007-116 is amended by inserting the following table in the existing "Open Burning Permits" section:

Service	2007	2008	2009	2010
Fire Aparatus Response to Improper Open Air Burning /Open Air Fire	N/A	N/A	N/A	\$410 for 1 st hour/ apparatus \$205 for each additional 1/2 hour

2. That Schedule "A" to By-Law No. 2007-116 is amended by deleting the phrase "Residential/ Campground Burning Permits" and replacing it with the phrase "Recreational Burning Permits" under the "Open Air Burning Permits" section.
3. That Schedule "A" to By-Law No. 2007-116 is amended by deleting the phrase "Commercial Site Burning Permits (per site)" and replacing it with the phrase "Brush Burning Permits (per site)" under the "Open Air Burning Permits" section.

READ A FIRST TIME IN OPEN COUNCIL THIS _____

READ A SECOND TIME IN OPEN COUNCIL THIS _____

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED THIS _____

MAYOR ALLAN MCDONALD

CITY CLERK CATHERINE CONRAD

GG-2011-13

Draft recommendation:

"That Council authorize the City Clerk to amend the user fees charged by the various City Departments (By-Law No. 2011-71) and by the North Bay Fire & Emergency Services Department (By-Law No. 2007-116), effective June 1, 2011 as outlined in Report to Council CORP 2011-54 dated March 28, 2011."

CITY OF NORTH BAY

REPORT TO COUNCIL

Report No. CORP 2011-54

Date: March 28, 2011

Originator: Catherine Conrad

Subject: User Fees – City Departments and North Bay Fire & Emergency Services

RECOMMENDATION

That Council authorize the City Clerk to amend the user fees charged by the various City Departments (By-law No. 2001-71) and by the North Bay Fire & Emergency Services (By-law No. 2007-116) effective June 1, 2011 as outlined in Report No. CORP 2011-54 dated March 28, 2011.

BACKGROUND

The user fees and charges currently being charged by the various City Departments and by the North Bay Fire & Emergency Services were reviewed during the 2011 budget process. In order to allow for long-term financial planning fee increases are recommended for the years 2011, 2012, 2013 and 2014 in accordance with the Schedules attached.

The proposed Schedules have been updated to reflect changes to Departments (e.g. the consolidation of the Clerk's Department with Corporate Support) as well as to delete references to services no longer provided (e.g. birth registrations). In addition, user fees currently being charged that have not been included the previous by-laws (e.g. property status inquiries) have been added.

OPTIONS ANALYSIS

Option # 1: The user fees charged by various City Departments and by the North Bay Fire & Emergency Services be increased as outlined in Report No. CORP 2011-54.

Option # 2: The user fees charged by the various City Departments and by North Bay Fire & Emergency Services not be increased.

RECOMMENDED OPTION

That Council authorize the City Clerk to amend the user fees charged by the various City Departments (By-law No., 2001-71) and by the North Bay Fire & Emergency Services (By-law No. 2007-116) effective June 1, 2011 as outlined in Report No. CORP 2011-54 dated March 28, 2011.

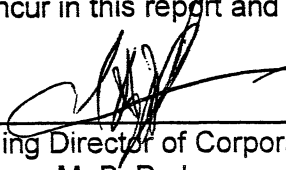
Respectfully submitted,


Catherine Conrad
City Clerk

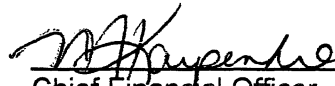
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Attachments – Schedules for existing user fees (City Departments)
Schedule for existing user fees (Fire & Emergency Services)
Schedules for proposed user fees.

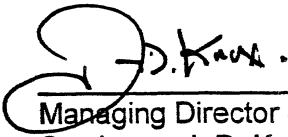
We concur in this report and recommendation.



Managing Director of Corporate
Services - M. B. Burke



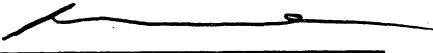
Chief Financial Officer -
Margaret Karpenko



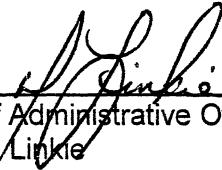
Managing Director of Community
Services - J. D. Knox



Managing Director of Public Works & Services -
A. Korell



Fire Chief -
Grant Love



Chief Administrative Officer -
D. G. Linkie

Personnel designated for continuance: Catherine Conrad, City Clerk
Copy to: M. Karpenko, Chief Financial Officer
M. B. Burke, Managing Director of Corporate Services
J. D. Knox, Managing Director of Community Services
A. Korell, Managing Director of Public Works & Services
G. Love, Fire Chief

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2007-115

**BEING A BY-LAW TO AUTHORIZE USER FEES
FOR CITY DEPARTMENTS**

WHEREAS Section 391 of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes municipalities and local boards to pass by-laws imposing fees or municipalities and local boards to pass by-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of the municipality or the Local board and for the use of its property;

AND WHEREAS Council passed General Government Committee Report No. 2007-06 at its Regular Meeting held Monday, June 25, 2007 to authorize a by-law for user fees charged by various City Departments effective July 1, 2007;

AND WHEREAS Notice of the Public Meeting in the matter user fees charged by various City Departments was given by advertisement in the North Bay Nugget on the 19th day of May, 2007 and the 26th day of May, 2007.

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the user fees charged by various City Departments was held on the 18th day of June, 2007.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY DOES HEREBY ENACT AS FOLLOWS:

1. The fees and charges set out on the attached Schedules are hereby imposed and ratified. Set out as follows:

- Schedule "A" - City Clerk's Department
- Schedule "B" - City Solicitor's Department
- Schedule "C" - Corporate Support Department
- Schedule "D" - Engineering, Environment Service & Works Department
- Schedule "E" - Financial Services Department
- Schedule "F" - Parks, Recreation & Leisure Services (Athletic Fields)
- Schedule "G" - Parks, Recreation & Leisure Services (City Arenas)
- Schedule "H" - Parks, Recreation & Leisure Services (Park Vendors)
- Schedule "I" - Parks, Recreation & Leisure Services (Waterfront Marina Slip Rental Rates)
- Schedule "J" - Planning Services Department

2. All fees and charges set out in this by-law shall be payable prior to the provision of the service unless an agreement in writing is made to the contrary and approved by a municipal official.

3. (a) In the event any fee or charge imposed herein remains unpaid after provision of the service or is otherwise in arrears, such fees or charges may be added to the Tax Roll for any real property in the municipality, the owner of which is responsible for paying the fee or charge and shall be collected in like manner as municipal taxes.

(b) In default of payment of any charge levied herein, by the required due date for the payment thereof, a percentage charge of one and one-quarter per cent (1 1/4 %) is hereby imposed as a penalty for non-payment of such charge thereof, and such penalty shall be added to the charge as aforesaid or any instalment or part thereof remaining unpaid on the first day of each calendar month thereafter in which default continues.

4. Council does hereby delegate to the Managing Director of each Business Unit of The Corporation of the City of North Bay, the authority to administer such fees and charges and approve such forms and procedures as may be required for the efficient administration of the fees and charges.
5. This by-law shall come into force and effect as of July 1, 2007.
6. By-law No. 2001-71, as amended, is hereby repealed as of July 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL THE 25TH DAY OF JUNE, 2007.

READ A SECOND TIME IN OPEN COUNCIL THE 25TH DAY OF JUNE, 2007.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 25TH DAY OF JUNE, 2007.

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD

\\NCLERK\NAS1\0002007\BYLAW\USER\FEES\0007.doc

THIS IS SCHEDULE "A" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the City Clerk's Department shall be as follows:

	2011 June 1 - Dec 31	2012	2013	2014
Commissioning Documents	\$30	\$30	\$30	\$30
* Use of Council Chambers (per day)	\$115	\$115	\$120	\$120
Use of Meeting Rooms (per day)	\$60	\$60	\$65	\$65
Burial Permits	\$35	\$35	\$40	\$40
Burial Permits – After Hours Charge (additional to permit charge)	\$55	\$55	\$60	\$60
Photocopies (per page)	\$0.55	\$0.55	\$0.60	\$0.60
Birth Registrations	\$20	\$20	\$25	\$25
"Home Birth" Affidavits	\$35	\$35	\$40	\$40
Travel Letters	\$35	\$35	\$40	\$40
Expedited Service Requests (additional to registration fee) Plus courier costs	\$20 + courier costs	\$20 + courier costs	\$25 + courier costs	\$25 + courier costs
Application for Exemption from the Noise By-law	\$150	\$175	\$200	\$225
Advertising Costs for applications for exemption from Noise By-law (additional to application fee)	\$500	\$515	\$530	\$545
Application for Liquor Licence Extension	\$105	\$110	\$115	\$120
Application for variance from the Fence By-law	\$205	\$210	\$215	\$220
Advertising for Lane Closures	\$515	\$530	\$545	\$560
Application for Liquor Licence Approval	\$35	\$35	\$40	\$40
Marriage Licenses	\$110	\$125	\$125	\$125

*HST will be applied to fee.

THIS IS SCHEDULE "B" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the City Solicitor's Department shall be as follows:

	2007 July 1 - Dec 31	2008	2009	2010
Commissioning Documents	\$30	\$30	\$30	\$30
Photocopies (per page)	\$0.55	\$0.55	\$0.60	\$0.60
Encroachment Agreement	\$270	\$275	\$280	\$285
Commercial Encroachment Agreement	\$365	\$370	\$375	\$380
Approval Fees	\$55	\$55	\$60	\$60
Site Plan Control Agreements:				
(a) Trout Lake Properties	\$415	\$420	\$425	\$430
(b) Non-Trout Lake Properties	\$675	\$680	\$685	\$690
(c) Amendments to Existing Agreements	\$345	\$350	\$355	\$360
Miscellaneous Agreements	\$205	\$210	\$215	\$220
Tax Registration Search Fee (per file)	\$125	\$130	\$135	\$140
Tax Registration (per file)	\$1,105	\$1,110	\$1,115	\$1,120
Basic Municipal Transaction – Preparation of documents and registration thereof	\$350	\$365	\$380	\$395
Acting for an Agency, Board or Commission:				
(a) Opinion Preparation	\$100/hr	\$115/hr	\$120/hr	\$125/hr
(b) Trial Representation	\$150/hr	\$160/hr	\$170/hr	\$180/hr
(c) Transaction	\$500 min. + hourly rate, where agreed.	\$500 min. + hourly rate, where agreed.	\$500 min. + hourly rate, where agreed.	\$500 min. + hourly rate, where agreed.

THIS IS SCHEDULE "C" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the Corporate Support Department shall be as follows:

	2007 July 1 - Dec 31	2008	2009	2010
Commissioning Documents	\$30	\$30	\$30	\$30
Marriage Licenses	\$110	\$125	\$125	\$125
Photocopies (per page)	\$0.55	\$0.55	\$0.60	\$0.60

ORIGINAL

THIS IS SCHEDULE "D" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the Engineering, Environment Services & Works' Department shall be as follows:

	2007 July 1, - Dec 31	2008	2009	2010
Engineering Review and Approvals Fee (Subdivision Agreement)	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater
Engineering Review and Processing of Service Contracts	3% of the estimated cost of the works (Min. \$50)	3% of the estimated cost of the works (Min. \$50)	3% of the estimated cost of the works (Min. \$50)	3% of the estimated cost of the works (Min. \$50)
20 mm Water Service (Restoration, frost, rock, depth over 2.5m extra)	\$1,700 each	\$1,750 each	\$1,800 each	\$1,855 each
125 mm Sanitary Sewer Service (Restoration, frost, rock, depth over 2.5m extra)	\$1,700 each	\$1,750 each	\$1,800 each	\$1,855 each
Storm Sewer Service (Restoration, frost, rock, depth over 2.5m extra)	\$1,700 each	\$1,750 each	\$1,800 each	\$1,855 each
Culvert – New or Extension 380 mm – 610 mm diameter. Larger diameters quoted individually. Includes granular backfill to max. of 7.0m.	\$105 per metre \$25 per coupling Min. Charge \$205	\$110 per metre \$25 per coupling Min. Charge \$215	\$115 per metre \$25 per coupling Min. Charge \$220	\$120 per metre \$30 per coupling Min. Charge \$225
Concrete Curb & Gutter (Includes removal of existing if required. Restoration extra.)	\$170 per lineal metre Min. charge \$410	\$175 per lineal metre Min. charge \$420	\$180 per lineal metre Min. charge \$430	\$190 per lineal metre Min. charge \$440
Concrete Sidewalk (Includes removal of existing if required. Restoration extra.)	\$120 per lineal metre Min. charge \$410	\$125 per lineal metre Min. charge \$420	\$130 per lineal metre Min. charge \$430	\$135 per lineal metre Min. charge \$440
Interlocking Concrete Pavers	\$80 per sq. m.	\$85 per sq. m.	\$90 per sq. m.	\$95 per sq. m.
Hot Mix Asphalt (per tonne) (Includes cutting and removal as necessary).	Contract cost plus \$25 to nearest \$5	Contract cost plus \$30 to nearest \$5	Contract cost plus \$35 to nearest \$5	Contract cost plus \$40 to nearest \$5
Rock Excavation	\$205 per cubic metre	\$210 per cubic metre	\$215 per cubic metre	\$220 per cubic metre
Fire Hydrant Maintenance (All private hydrants will be required to have City do work.)	\$105 each, Summer \$260 each, Winter	\$110 each, Summer \$270 each, Winter	\$115 each, Summer \$280 each, Winter	\$120 each, Summer \$290 each, Winter
Water Off or Water On (Only one charge if both turns completed within 30 minutes of first turn.)	\$50 reg. hours \$85 after reg. hours	\$55 reg. hours \$90 after reg. hours	\$60 reg. hours \$95 after reg. hours	\$65 reg. hours \$100 after reg. hours

	2007 July 1, - Dec 31	2008	2009	2010
Sewer Rodding (Blockage within entire service length responsibility of owner.)	\$55 reg. hours \$95 after reg. hours	\$60 reg. hours \$100 after reg. hours	\$65 reg. hours \$105 after reg. hours	\$70 reg. hours \$100 after reg. hours
Power Sewer Rodding	\$155 reg. hours \$195 after reg. hours	\$160 reg. hours \$200 after reg. hours	\$165 reg. hours \$205 after reg. hours	\$170 reg. hours \$210 after reg. hours
Camera Inspection of Service	\$165 reg. hours \$205 after reg. hours	\$170 reg. hours \$210 after reg. hours	\$175 reg. hours \$215 after reg. hours	\$180 reg. hours \$220 after reg. hours
Thawing of Water Service (Flat fee for max. of 3 hrs -- successful or not)	\$310 \$210 after reg. hours	\$320 \$215 after reg. hours	\$330 \$220 after reg. hours	\$340 \$230 after reg. hours
Sale of Water	\$55 for 0 to 2000 gallons \$930 for seasonal lump sum	\$60 for 0 to 2000 gallons \$960 for seasonal lump sum	\$65 for 0 to 2000 gallons \$990 for seasonal lump sum	\$70 for 0 to 2000 gallons \$1,020 for seasonal lump sum
Bus Washing (Exterior Wash Only)	\$16	\$17	\$18	\$19

In addition, the Managing Director of Engineering, Environment Services & Works to be authorized to set up a price schedule for larger diameter sewer and water services and other construction work on a sliding scale based upon basic service sizes.

Water services greater than 50 mm and sewer services greater than 200 mm in diameter are actual cost plus 10% based upon quotes from approved contractors.

THIS IS SCHEDULE "E" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the Financial Services Department shall be as follows:

	2007 July 1 - Dec 31	2008	2009	2010
Photocopies (per page)	\$0.55	\$0.55	\$0.60	\$0.60
Returned payment charge (per item)	\$35	\$35	\$40	\$40
Septic System Pump-Out Compliance Certificate (per certificate)	\$30	\$30	\$35	\$35
Tax Account Official Receipt (per account / per year)	\$20	\$20	\$25	\$25
Tax Account Research Fee (per account / per year)	\$20	\$20	\$25	\$25
Tax Status Inquiry Print Out (per print out)	\$7	\$7	\$7	\$7
Tax Certificate (per certificate)	\$55	\$55	\$60	\$60
Tax Extension Agreement Maintenance (per file / per year)	\$60	\$60	\$70	\$70
Water Account Official Receipt (per account / per year)	\$20	\$20	\$25	\$25
Water Account Research Fee (per account / per year)	\$20	\$20	\$25	\$25
Water Account Status Report (per account)	\$15	\$15	\$20	\$20
Water Meters	Cost Price	Cost Price	Cost Price	Cost Price
Water Meters - Administration Fee on sale of meter (% of sale price)	10%	12.5%	12.5%	14%
Water Meter Reading (Final) (per account)	\$25	\$25	\$30	\$30
Water Status Inquiry Print Out (per print out)	\$7	\$7	\$7	\$7
Water to Tax Transfer Administration Fee (per account)	\$35	\$40	\$45	\$50

THIS IS SCHEDULE "F" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the Parks, Recreation and Leisure Services Department for the use of Athletic Fields & Facilities shall be as follows:

	2007 July 1 - Dec 31	2008	2009	2010
Fields/hourly – no lights	\$14.76	\$15.20	\$15.67	\$16.14
Fields/hourly – lights	\$16.13	\$16.61	\$17.11	\$17.62
Tournament/daily	\$101.85	\$104.91	\$108.06	\$111.30
Tournament/daily with beer tent	\$116.70	\$120.20	\$123.81	\$127.52
Special Event (Community Group)	Reg. Rates	Reg. Rates	Reg. Rates	Reg. Rates
Special Event (Corporate Group)	Reg. Rates	Reg. Rates	Reg. Rates	Reg. Rates
Beer Garden in Park Area	\$31.83	\$32.78	\$33.76	\$34.77
Parks/shelter – half day <200 people**	\$24.14	\$24.91	\$25.66	\$26.43
Parks/shelter – half day >200 people**	\$48.39	\$49.84	\$51.34	\$52.88
Parks/shelter – full day < 200 people***	\$48.39	\$49.84	\$51.34	\$52.88
Parks/shelter – full day >200 people***	\$96.24	\$99.13	\$102.10	\$105.16
Buildings – half day**	No Charge	No Charge	No Charge	No Charge
Buildings – full day***	No Charge	No Charge	No Charge	No Charge
(Snow) fencing 500'	\$50.00	\$50.00	\$55.00	\$55.00
Athletic Field Surcharge	\$1 / hour	\$1 / hour	\$1 / hour	\$1 / hour
Hydro (per half day)	\$18.93	\$19.88	\$20.87	\$21.91
Hydro (per full day)	\$37.85	\$39.74	\$41.73	\$43.82

** half day consists of a 4 hour booking or less

*** full day consists of 5 hour booking or more

* GST to be added to the above fees

THIS IS SCHEDULE "G" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – JULY 1, 2007 TO DECEMBER 2007

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$132.28
	Prime Time – Youth	\$118.23
4:00 p.m. to 5 p.m. Week Days	Adult	\$103.77
	Youth	\$98.78
6:00 a.m. to 4:00 p.m. Weekdays	Day Time – Adults	\$61.90
	Day Time – Youth	\$50.65
Midnight to 6:00 a.m.	Reduced – Adults	\$91.38
	Reduced – Youth	\$88.57
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$120.40
	Prime Time – Youth	\$93.95
4:00 p.m. to 5 p.m. Week Days	Adult	\$94.40
	Youth	\$81.12
6:00 a.m. to 4:00 p.m. Weekdays	Day Time – Adults	\$61.90
	Day Time – Youth	\$50.65
Midnight to 6:00 a.m.	Reduced – Adults	\$84.37
	Reduced – Youth	\$70.16
MEETING ROOMS:		
Auditorium (Meeting Room – capacity 300)		\$63.76
Auditorium (Non-Licensed Groups) (Capacity 127-187)		\$182.59
Auditorium (Licensed Groups) (Capacity 127-187)		\$243.44
Boardroom (Capacity 30) – One Hour		\$16.23
Boardroom (Capacity 30) – ½ Day		\$34.72
Summer Floor Rates	Adults	\$41.12
	Youth	\$36.05

Note:
Ice Rates – hourly rates
Meeting Rooms – flat rates.

* GST to be added to the above fees.

THIS IS SCHEDULE "G" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – 2008

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$136.25
	Prime Time - Youth	\$121.78
4:00 p.m. to 5 p.m. Week Days	Adult	\$106.88
	Youth	\$101.74
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$63.76
	Day Time - Youth	\$52.17
Midnight to 6:00 a.m.	Reduced - Adults	\$94.12
	Reduced - Youth	\$91.23
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$124.01
	Prime Time - Youth	\$96.77
4:00 p.m. to 5 p.m. Week Days	Adult	\$97.23
	Youth	\$83.55
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$63.76
	Day Time - Youth	\$52.17
Midnight to 6:00 a.m.	Reduced - Adults	\$86.90
	Reduced - Youth	\$72.26
MEETING ROOMS:		
Auditorium (Meeting Room - capacity 300)		\$65.67
Auditorium (Non-Licensed Groups) (Capacity 127-187)		\$188.07
Auditorium (Licensed Groups) (Capacity 127-187)		\$250.74
Boardroom (Capacity 30) - One Hour		\$16.72
Boardroom (Capacity 30) - 1/2 Day		\$35.76
Summer Floor Rates	Adults	\$42.35
	Youth	\$37.13

Note:
Ice Rates – hourly rates
Meeting Rooms – flat rates.

* GST to be added to the above fees.

THIS IS SCHEDULE "G" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – 2009

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$140.34
	Prime Time - Youth	\$125.43
4:00 p.m. to 5 p.m. Week Days	Adult	\$110.09
	Youth	\$104.79
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$65.67
	Day Time - Youth	\$53.74
Midnight to 6:00 a.m.	Reduced - Adults	\$96.94
	Reduced - Youth	\$93.74
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$127.73
	Prime Time - Youth	\$99.67
4:00 p.m. to 5 p.m. Week Days	Adult	\$100.15
	Youth	\$86.06
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$65.67
	Day Time - Youth	\$53.74
Midnight to 6:00 a.m.	Reduced - Adults	\$89.67
	Reduced - Youth	\$74.43
MEETING ROOMS:		
Auditorium (Meeting Room - capacity 300)		\$67.64
Auditorium (Non-Licensed Groups) (Capacity 127-187)		\$193.71
Auditorium (Licensed Groups) (Capacity 127-187)		\$258.26
Boardroom (Capacity 30) - One Hour		\$17.22
Boardroom (Capacity 30) - 1/2 Day		\$36.83
Summer Floor Rates:	Adults	\$43.62
	Youth	\$38.24

Note:
Ice Rates - hourly rates
Meeting Rooms - flat rates.

* GST to be added to the above fees.

THIS IS SCHEDULE "G" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – 2010

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$144.55
	Prime Time - Youth	\$129.19
4:00 p.m. to 5 p.m. Week Days	Adult	\$113.39
	Youth	\$107.93
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$67.64
	Day Time - Youth	\$55.35
Midnight to 6:00 a.m.	Reduced - Adults	\$99.85
	Reduced - Youth	\$96.55
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$131.56
	Prime Time - Youth	\$102.66
4:00 p.m. to 5 p.m. Week Days	Adult	\$103.15
	Youth	\$88.64
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$67.64
	Day Time - Youth	\$55.35
Midnight to 6:00 a.m.	Reduced - Adults	\$92.20
	Reduced - Youth	\$76.66
MEETING ROOMS:		
Auditorium (Meeting Room - capacity 300)		\$69.67
Auditorium (Non-Licensed Groups) (Capacity 127-187)		\$199.52
Auditorium (Licensed Groups) (Capacity 127-187)		\$266.01
Boardroom (Capacity 30) - One Hour		\$17.74
Boardroom (Capacity 30) - 1/2 Day		\$37.93
Summer Floor Rates	Adults	\$44.93
	Youth	\$39.39

Note:
Ice Rates - hourly rates
Meeting Rooms - flat rates.

* GST to be added to the above fees.

THIS IS SCHEDULE "H" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the Parks, Recreation and Leisure Services Department for Park Vendors shall be as follows:

Vendor Classification	2007 July 1 - Dec 31	2008	2009	2010
<u>Designated Vendor</u> (defined as a vendor who will be granted a designated location for vending. The designated area shall be pre-established and will be decided by a lottery draw process.) Hydro - to be determined (based on hydro increase)	\$1,389.57 per season	\$1,431.26 per season	\$1,474.20 per season	\$1,518.43 per season
<u>Annual Designated Vendor</u> (defined as a vendor who, from time to time may develop a new product or service which requires a specialized designated location, and where the location is available and acceptable for such use.) Hydro - to be determined (based on hydro increase)	\$1,389.57 per season	\$1,431.26 per season	\$1,474.20 per season	\$1,518.43 per season
<u>Transient Vendor</u> (defined as a vendor who wishes to access park areas on an intermittent basis, and who may be mobile. This vendor has no pre-determined location. However, they are restricted to a variety of pre-determined transient locations in park areas which are available on a first come, first served basis.) Hydro - to be determined (based on hydro increase) (option)	\$34.74 per month or \$115.83 per season	\$35.78 per month or \$119.30 per season	\$36.85 per month or \$122.88 per season	\$37.96 per month or \$126.57 per season

* GST to be added to the above fees

THIS IS SCHEDULE "I" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Parks, Recreation and Leisure Services Department** for the use of **Waterfront Marina Slip Rental Rates** shall be as follows:

Description	JULY 1, 2007 – DECEMBER 31, 2007						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$515	\$630	\$730	\$830	\$940	\$1,035	\$1,145
Monthly	\$135	\$155	\$185	\$210	\$235	\$260	\$290
Weekly	\$35	\$40	\$50	\$55	\$65	\$70	\$80

Description	2008						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$535	\$650	\$750	\$855	\$970	\$1,065	\$1,175
Monthly	\$140	\$160	\$190	\$220	\$240	\$270	\$300
Weekly	\$35	\$40	\$50	\$55	\$65	\$70	\$80

Description	2009						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$550	\$670	\$770	\$885	\$1,000	\$1,095	\$1,215
Monthly	\$145	\$165	\$195	\$225	\$250	\$275	\$310
Weekly	\$35	\$40	\$50	\$65	\$70	\$75	\$85

Description	2010						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$565	\$690	\$800	\$910	\$1,030	\$1,130	\$1,250
Monthly	\$145	\$170	\$200	\$230	\$255	\$285	\$315
Weekly	\$35	\$45	\$55	\$65	\$70	\$75	\$85

THIS IS SCHEDULE "J" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the Planning Services Department shall be as follows:

	2007 July 1 - Dec 31	2008	2009	2010
Photocopies (per page)	\$0.55	\$0.55	\$0.60	\$0.60
Legal Inquiries – Zoning By-law	\$60	\$60	\$65	\$65
Legal Inquiries – Site Plan Control Agreement, Subdivision Agreement, Condominium Agreement, North Bay Municipal Heritage Committee Evaluations	\$60	\$60	\$65	\$65
Lane Closure Applications	\$645	\$665	\$685	\$705
Road Closure Applications	\$645	\$665	\$685	\$705
Sign By-law Variance Applications	\$108	\$111	\$115	\$118
Sign Permits	\$60	\$60	\$65	\$65
Miscellaneous Application Approval (e.g. Licensing Letters)	\$60	\$60	\$65	\$65
Applications to demolish, renovate or convert condominium ownership under the <i>Tenant Protection Act</i> (formerly the <i>Rental Housing Act</i>)	\$1,070	\$1,105	\$1,140	\$1,170
Development Proposal Reports	\$595	\$610	\$630	\$645
Documents and Publications (plus G.S.T.)				
Official Plan	\$80	\$85	\$85	\$90
Zoning By-law (full consolidated version)	\$105	\$110	\$110	\$115
Secondary Plans (Airport Heights, Laurentian, Circle Lake, West Ferris)	\$30 each	\$35 each	\$35 each	\$40 each
Watershed Studies (Parks Creek, Lavase River, Chippewa Creek, Jessups Creek)	\$80 each	\$85 each	\$85 each	\$90 each

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2007-116

**BEING A BY-LAW TO AUTHORIZE USER FEES
FOR NORTH BAY FIRE & EMERGENCY SERVICES**

WHEREAS Section 391 of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes municipalities and local boards to pass by-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of the municipality or the Local board and for the use of its property;

AND WHEREAS Council passed General Government Committee Report No. 2007-07 at its Regular Meeting held on 25th day of June, 2007 to authorize a by-law for user fees charged by North Bay Fire & Emergency Services effective July 1, 2007.

AND WHEREAS Notice of the Public Meeting in the matter of fees and charges for inspections or the issuance of permits for fire purposes was given by advertisement in the North Bay Nugget on the 19th day of May, 2007 and the 26th day of May, 2007.

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the fees and charges for inspections or the issuance of permits for fire purposes was held on the 18th day of June, 2007.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY DOES HEREBY ENACT AS FOLLOWS:

1. In this by-law:
 - 1.1 "False Alarm" means an alarm signal where a fire department response, in the opinion of the North Bay Fire Chief, is not required.
 - 1.2 "Non-Resident" means a person who is not a resident of the City of North Bay.
 - 1.3 "Owner" means:
 - (a) for property, the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were it, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with standards for maintenance and occupancy of property;
 - (b) for vehicles, the person registered as owner.
 - 1.4 "Property" means the property defined by the municipal address by the 9-1-1 Dispatch System.
 - 1.5 "Resident" means a natural person whose name is included on the City of North Bay Voters' List, pursuant to the *Municipal Elections Act*, as updated from time to time by the City Clerk, in the absence of evidence satisfactory to the City Solicitor to the contrary.
2. The fees and charges set out on the attached Schedule are hereby imposed and ratified.
3. (a) All fees and charges set out in this by-law for permits and inspection fees, opening burning permits, fire apparatus stand-by and miscellaneous fee shall be payable prior to the provision of the service unless an agreement in writing is made to the contrary and approved by a municipal official.

- (b) All fees and charges set out in this by-law for emergency response shall be due within thirty (30) days of the issue of an invoice from The Corporation of the City of North Bay.
4. (a) In the event any fee or charge imposed herein remains unpaid after provision of the service or is otherwise in arrears, such fees or charges may be added to the Tax Roll for any real property in the municipality, the owner of which is responsible for paying the fee or charge and shall be collected in like manner as municipal taxes.
- (b) In default of payment of any charge levied herein, by the required due date for the payment thereof, a percentage charge of one and one-quarter per cent (1 1/4 %) is hereby imposed as a penalty for non-payment of such charge thereof, and such penalty shall be added to the charge as aforesaid or any instalment or part thereof remaining unpaid on the first day of each calendar month thereafter in which default continues.
5. Council does hereby delegate to the Fire Chief and to the Deputy Fire Chief of The Corporation of the City of North Bay, the authority to administer such fees and charges and approve such forms and procedures as may be required for the efficient administration of the fees and charges.
6. This by-law shall come into force and effect as of July 1, 2007.
7. By-law No. 2006-15 is hereby repealed as of July 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL THE 25TH DAY OF JUNE, 2007.

READ A SECOND TIME IN OPEN COUNCIL THE 25TH DAY OF JUNE, 2007.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 25TH DAY OF JUNE, 2007.

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "A" TO BY-LAW NO. 2007-116 THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by North Bay Fire & Emergency Services shall be as follows:

Service	2007 July 1 - Dec 31	2008	2009	2010
Permits and Inspection Fees				
Permit Inspections: Including residential, commercial, care and treatment facilities, malls/plazas, hotel/motel, real estate transactions, retrofit, industrial, liquor license, trade shows/home shows/ special functions, and any other request for inspection not listed below	\$100 for 1 st hour/inspector plus \$55 per additional hour/inspector	\$105 for 1 st hour/inspector plus \$60 per additional hour/inspector	\$110 for 1 st hour/inspector plus \$65 per additional hour/inspector	\$115 for 1 st hour/inspector plus \$70 per additional hour/inspector
Day Care & Foster Care Homes	\$75	\$75	\$80	\$80
Mobile Food Vendors	\$75	\$75	\$80	\$80
Emergency Response				
False Automatic Monitored Alarms (within a 12 month period)	1 st - No charge 2 nd - \$150 3 rd - \$300 4 th - \$450 Each additional false alarm shall result in an additional charge of \$150 (unlimited)	1 st - No charge 2 nd - \$155 3 rd - \$310 4 th - \$465 Each additional false alarm shall result in an additional charge of \$155 (unlimited)	1 st - No charge 2 nd - \$160 3 rd - \$320 4 th - \$480 Each additional false alarm shall result in an additional charge of \$160 (unlimited)	1 st - No charge 2 nd - \$165 3 rd - \$330 4 th - \$495 Each additional false alarm shall result in an additional charge of \$165 (unlimited)
Vehicles fires; Rescues, Fires Accidents involving MVC for non-residents (MTO rates. Minimum 2 fire vehicles)	1 st hour/ apparatus - \$350 \$175 for each additional ½ hour	Current MTO rate.	Current MTO rate.	Current MTO rate.
Technical Responses: CBRNE/HAZMAT, confined space, hazardous environments, ice/water, snowmobile rescue	\$1,030 for first hour \$515 for each additional ½ hour Plus consumable materials and administrative overhead charge.	\$1,060 for first hour \$530 for each additional ½ hour Plus consumable materials and administrative overhead charge.	\$1,090 for first hour \$545 for each additional ½ hour Plus consumable materials and administrative overhead charge.	\$1,125 for first hour \$560 for each additional ½ hour Plus consumable materials and administrative overhead charge.
Exceptional use items (foam, chemical suits, etc)	Cost of consumable materials plus administrative overhead charge	Cost of consumable materials plus administrative overhead charge	Cost of consumable materials plus administrative overhead charge	Cost of consumable materials plus administrative overhead charge
Non-emergency assistance calls; elevator out of service, etc. (except when assisting another agency). (MTO rates)	\$350 for 1 st hour/ apparatus \$175 for each additional ½ hour	Current MTO rate.	Current MTO rate.	Current MTO rate.

Service	2007 July 1 - Dec 31	2008	2009	2010
Fire Watch: Post Fire Property Security/Safety	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)
Open Burning Permits				
Residential / Campground Burning Permits	Annual - \$75 Weekly - \$15	Annual - \$75 Weekly - \$15	Annual - \$80 Weekly - \$20	Annual - \$80 Weekly - \$20
Commercial Site Burning Permits (per site)	Annual - \$200 Monthly - \$100 Weekly - \$75	Annual - \$205 Monthly - \$105 Weekly - \$80	Annual - \$210 Monthly - \$110 Weekly - \$85	Annual - \$215 Monthly - \$115 Weekly - \$90
Fire Apparatus Stand-by				
Shows, Exhibitions, Demonstrations, Assistance to Other Agencies	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)
Fire Prevention / Education Fees				
Fill in blank Fire Safety Plans	\$25	\$25	\$25	\$25
Fire Safety Plan Review / signature	\$150	\$155	\$160	\$165
Fire Route processing and approval if not on building permit	\$150	\$155	\$160	\$165
Copies of Fire Reports; Information from files; Legal Inquiries; Fire Inspections Reports, etc.	\$75	\$80	\$85	\$90
Training				
Training of outside agencies, public, etc. (incl. fire extinguisher training)	\$80/hr per instructor/ trainer plus expenses	\$85/hr per instructor/ trainer plus expenses	\$90/hr per instructor/ trainer plus expenses	\$95/hr per instructor/ trainer plus expenses

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-

**BEING A BY-LAW TO AUTHORIZE USER FEES
FOR CITY DEPARTMENTS**

WHEREAS Section 391 of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes municipalities and local boards to pass by-laws imposing fees or municipalities and local boards to pass by-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of the municipality or the Local board and for the use of its property;

AND WHEREAS Council passed General Government Committee Report No. 2011-<> at its Regular Meeting held Monday, May 2, 2011 to authorize a by-law for user fees charged by various City Departments effective June 1, 2011;

AND WHEREAS Council passed Community Services Committee Report No. 2011-<> at its Regular Meeting held Monday, May 2, 2011 to authorize a by-law for user fees for the Steve Omischl Sport Complex effective June 1, 2011;

AND WHEREAS Council passed Community Services Committee Report No. 2011-<> at its Regular Meeting held Monday, May 2, 2011 to authorize a by-law for user fees the Waterfront Marina effective June 1, 2011;

AND WHEREAS Notice of the Public Meeting in the matter user fees charged by various City Departments was given by advertisement in the North Bay Nugget on the 2nd day of April, 2011 and the 9th day of April, 2011.

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the user fees charged by various City Departments was held on the 26th day of April, 2011.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY DOES HEREBY ENACT AS FOLLOWS.

1. The fees and charges set out on the attached Schedules are hereby imposed and ratified. Set out as follows:

- Schedule "A" - Building Department
- Schedule "B" - City Clerk's Department
- Schedule "C" - City Solicitor's Department
- Schedule "D" - Engineering, Environment Service & Works Department
- Schedule "E" - Financial Services Department
- Schedule "F" - Parks, Recreation & Leisure Services (Athletic Fields)
- Schedule "G" - Parks, Recreation & Leisure Services (Steve Omischl Sports Field)
- Schedule "H" - Parks, Recreation & Leisure Services (City Arenas)
- Schedule "I" - Parks, Recreation & Leisure Services (Park Vendors)
- Schedule "J" - Parks, Recreation & Leisure Services (Waterfront Marina Slip Rental Rates)
- Schedule "K" - Planning Services Department

2. All fees and charges set out in this by-law shall be payable prior to the provision of the service unless an agreement in writing is made to the contrary and approved by a municipal official.
3. (a) In the event any fee or charge imposed herein remains unpaid after provision of the service or is otherwise in arrears, such fees or charges may be added to the Tax Roll for any real property in the municipality, the owner of which is responsible for paying the fee or charge and shall be collected in like manner as municipal taxes.
(b) In default of payment of any charge levied herein, by the required due date for the payment thereof, a percentage charge of one and one-quarter per cent (1 1/4 %) is hereby imposed as a penalty for non-payment of such charge thereof, and such penalty shall be added to the charge as aforesaid or any instalment or part thereof remaining unpaid on the first day of each calendar month thereafter in which default continues.
4. Council does hereby delegate to the Managing Director of each Business Unit of The Corporation of the City of North Bay, the authority to administer such fees and charges and approve such forms and procedures as may be required for the efficient administration of the fees and charges.
5. This by-law shall come into force and effect as of June 1, 2011.
6. By-law No. 2007-115, as amended, is hereby repealed as of June 1, 2011.

READ A FIRST TIME IN OPEN COUNCIL THE 24TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 24TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 24TH DAY OF MAY, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "A" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Building Department** shall be as follows:

	2011 June 1 – Dec 31	2012	2013	2014
Property Status Inquiries	\$60	\$65	\$70	\$75
* Photocopies (per page)	\$0.60	\$0.60	\$0.60	\$0.60

*HST will be applied to fee

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THIS IS SCHEDULE "B" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the City Clerk's Department shall be as follows:

	2011 June 1 - Dec 31	2012	2013	2014
Commissioning Documents	\$35	\$35	\$40	\$40
* Use of Council Chambers (per day)	\$115	\$115	\$120	\$120
Use of Meeting Rooms (per day)	\$70	\$75	\$80	\$85
Burial Permits	\$40	\$45	\$45	\$50
Burial Permits – After Hours Charge (additional to permit charge)	\$60	\$60	\$60	\$60
* Photocopies (per page)	\$0.60	\$0.60	\$0.60	\$0.60
"Home Birth" Affidavits	\$35	\$35	\$40	\$40
Application for Exemption from the Noise By-law	\$225	\$230	\$230	\$235
Advertising Costs for applications for exemption from Noise By-law (additional to application fee)	\$545	\$560	\$560	\$575
Application for Liquor Licence Extension	\$125	\$130	\$135	\$140
Application for variance from the Fence By-law	\$205	\$210	\$215	\$220
Advertising for Lane Closures	\$515	\$530	\$545	\$560
Application for Liquor Licence Approval	\$35	\$35	\$40	\$40
Marriage Licenses	\$130	\$135	\$140	\$145

*HST will be applied to fee.

THIS IS SCHEDULE "C" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the City Solicitor's Department shall be as follows:

	2011 June 1- Dec 31	2012	2013	2014
Commissioning Documents	\$35	\$35	\$40	\$40
* Photocopies (per page)	\$0.60	\$0.60	\$0.60	\$0.60
** Encroachment Agreement (does not include Registry Office Fees)	\$290	\$295	\$300	\$305
** Commercial Encroachment Agreement (does not include Registry Office Fees)	\$385	\$390	\$395	\$400
Approval Fees	\$65	\$65	\$75	\$75
Miscellaneous Agreements	\$300	\$300	\$300	\$300
Tax Registration Search Fee (per file)	\$145	\$150	\$155	\$160
Tax Registration (per file)	\$1,150	\$1,180	\$1,210	\$1,240
Basic Municipal Transaction – Preparation of documents and registration thereof	\$400	\$425	\$450	\$475
* Acting for an Agency, Board or Commission:				
(a) Opinion Preparation	\$130/hr	\$135/hr	\$140/hr	\$145/hr
(b) Trial Representation	\$190/hr	\$200/hr	\$210/hr	\$220/hr
(c) Transaction	\$600 min. + hourly rate, where agreed	\$600 min. + hourly rate, where agreed.	\$600 min. + hourly rate, where agreed.	\$600 min. + hourly rate, where agreed.

* HST will be applied to fee

** HST applies depending on whether or not the tenant has exclusive use on a long term basis

THIS IS SCHEDULE "D" TO BY-LAW NO. 2011 -<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Engineering, Environment Services & Works' Department** shall be as follows:

	2011 June 1- Dec 31	2012	2013	2014
Property Status Inquiry	\$60	\$65	\$70	\$75
* Photocopies (per page)	\$0.60	\$0.60	\$0.60	\$0.60
Engineering Review and Approvals Fee (Subdivision Agreement)	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater	3% of the estimated cost of the installation of the services or \$1,000, whichever is greater
Engineering Review and Processing of Service Contracts	3% of the estimated cost of the works (Min. \$50 – Max \$250)	3% of the estimated cost of the works (Min. \$50 – Max \$250)	3% of the estimated cost of the works (Min. \$50 – Max \$250)	3% of the estimated cost of the works (Min. \$50 – Max \$250)
* Concrete Curb & Gutter (Includes removal of existing if required. Restoration extra.)	\$195 per lineal metre Min. charge \$465	\$200 per lineal metre Min. charge \$470	\$205 per lineal metre Min. charge \$475	\$210 per lineal metre Min. charge \$480
* Concrete Sidewalk (Includes removal of existing if required. Restoration extra.)	\$140 per lineal metre Min. charge \$465	\$145 per lineal metre Min. charge \$470	\$150 per lineal metre Min. charge \$475	\$155 per lineal metre Min. charge \$480
* Interlocking Concrete Pavers	\$100 per sq. m.	\$105 per sq. m.	\$110 per sq. m.	\$115 per sq. m.
* Hot Mix Asphalt (per tonne) (Includes cutting and removal as necessary)	Contract cost plus \$45 to nearest \$5	Contract cost plus \$50 to nearest \$5	Contract cost plus \$55 to nearest \$5	Contract cost plus \$60 to nearest \$5
* Rock Excavation	Blasting Contract Plus \$225 per cubic metre	Blasting Contract Plus \$230 per cubic metre	Blasting Contract Plus \$235 per cubic metre	Blasting Contract Plus \$240 per cubic metre
* Fire Hydrant Maintenance (All private hydrants will be required to have City do work.)	\$125 each, Summer \$300 each, Winter	\$130 each, Summer \$310 each, Winter	\$135 each, Summer \$320 each, Winter	\$140 each, Summer \$330 each, Winter
* Water Off or Water On (Only one charge if both turns completed within 30 minutes of first turn.)	\$70 reg. hours \$105 after reg. hours	\$75 reg. hours \$110 after reg. hours	\$80 reg. hours \$115 after reg. hours	\$85 reg. hours \$120 after reg. hours
* Sewer Rodding (Blockage within entire service length responsibility of owner.)	\$75 reg. hours \$105 after reg. hours	\$80 reg. hours \$110 after reg. hours	\$85 reg. hours \$115 after reg. hours	\$90 reg. hours \$120 after reg. hours
* Power Sewer Rodding	\$175 reg. hours \$215 after reg. hours	\$180 reg. hours \$220 after reg. hours	\$185 reg. hours \$225 after reg. hours	\$190 reg. hours \$230 after reg. hours
* Camera Inspection of Service	\$185 reg. hours \$225 after reg. hours	\$190 reg. hours \$230 after reg. hours	\$195 reg. hours \$235 after reg. hours	\$200 reg. hours \$240 after reg. hours

* Thawing of Water Service (Flat fee for max. of 3 hrs – successful or not)	\$350 reg. hours \$585 after reg. hours	\$355 reg. hours \$595 after reg. hours	\$360 reg. hours \$605 after reg. hours	\$365 reg. hours \$615 after reg. hours
Sale of Water	\$75 for 0 to 2000 gallons \$1050 for seasonal lump Sum Prior to meter initiation	Metered	Metered	Metered
Septage Waste Receiving	Metered	Metered	Metered	Metered

* HST to be added to fee

DRAFT

THIS IS SCHEDULE "E" TO BY-LAW NO. 2011- <> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Financial Services Department** shall be as follows:

	2011 June 1- Dec 31	2012	2013	2014
* Photocopies (per page)	\$0.60	\$0.60	\$0.60	\$0.60
Returned payment charge (per item)	\$40	\$41	\$42	\$43
Septic System Pump-Out Compliance Certificate (per certificate)	\$35	\$36	\$37	\$38
Tax Account Official Receipt (per account / per year)	\$30	\$31	\$32	\$33
Tax Account Research Fee (per account / per year)	\$30	\$31	\$32	\$33
Tax Status Inquiry Print Out (per print out)	\$7	\$7	\$7	\$7
Tax Certificate (per certificate)	\$60	\$62	\$64	\$66
Tax Extension Agreement Maintenance (per file / per year)	\$70	\$72	\$74	\$76
Water Account Official Receipt (per account / per year)	\$25	\$26	\$27	\$28
* Water Meters	Cost Price	Cost Price	Cost Price	Cost Price
Water Meters – Administration Fee on sale of meter (% of sale price)	14%	17%	20%	23%
Water Meter Reading (Final) (per account)	\$30	\$31	\$32	\$33
Water Status Inquiry Print Out (per print out)	\$7	\$7	\$7	\$7
Water to Tax Transfer Administration Fee (per account)	\$50	\$51	\$53	\$55
Administration Fee on Registration Cost (one time charge per account)	\$30	\$31	\$32	\$33

* HST to be added to fee

THIS IS SCHEDULE "F" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **Athletic Fields & Facilities** (save and except Steve Omischl Sports Complex) shall be as follows:

	2011 June 1 - Dec 31	2012	2013	2014
Fields/hourly – no lights	\$16.62	\$17.12	\$17.63	\$18.16
Fields/hourly – lights	\$18.15	\$18.69	\$19.25	\$19.83
Special Event (Community Group)	Reg. Rates	Reg. Rates	Reg. Rates	Reg. Rates
Special Event (Corporate Group)	Reg. Rates	Reg. Rates	Reg. Rates	Reg. Rates
Beer Garden in Park Area	\$35.81	\$36.88	\$37.99	\$39.13
Parks/shelter – half day <200 people**	\$27.22	\$28.04	\$28.88	\$29.75
Parks/shelter – half day >200 people **	\$54.47	\$56.10	\$57.78	\$59.51
Parks/shelter – full day <200 people ***	\$54.47	\$56.10	\$57.78	\$59.51
Parks/shelter – full day >200 people ***	\$108.31	\$111.56	\$114.91	\$118.36
Buildings – half day **	No Charge	No Charge	No Charge	No Charge
Buildings – full day ***	No Charge	No Charge	No Charge	No Charge
(Snow) fencing 500'	\$56.65	\$58.35	\$60.10	\$61.90
Key Deposit per Key	\$30/key max \$60	\$30/key max \$60	\$30/key max \$60	\$30/key max \$60
Athletic Field Surcharge	\$12/ hour	\$12/ hour	\$12/ hour	\$12 / hour
Hydro (per half day)	\$22.57	\$23.25	\$23.95	\$24.67
Hydro (per full day)	\$45.13	\$46.48	\$47.87	\$49.31

** half day consists of a 4 hour booking or less

*** full day consists of 5 hour booking or more

* HST to be added to the above fees except for Key Deposit

THIS IS SCHEDULE "G" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **Steve Omischl Sports Complex** shall be as follows:

	2011 June 1 - Dec 31
Artificial Turf – No Lights Soccer/Football Athletic Fields	\$50.00/hour
Artificial Turf – Lights Soccer/Football Athletic Fields	\$55.00/hour
Natural Turf Ball Fields and Soccer/Football Athletic Fields – No Lights	\$25.00/hour
Natural Turf Ball Fields and Soccer/Football Athletic Fields – Lights	\$30.00/hour
Athletic Field Surcharge	\$12.00/hour

* HST to be added to the above fees

DRAFT

THIS IS SCHEDULE "H" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – JUNE 1, 2011 TO DECEMBER 2011

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$148.90
	Prime Time - Youth	\$133.09
4:00 p.m. to 5 p.m. Week Days	Non Prime - Adult	\$116.82
	Non Prime - Youth	\$111.19
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$69.68
	Day Time - Youth	\$57.02
Midnight to 6:00 a.m.	Reduced - Adults	\$102.87
	Reduced - Youth	\$99.69
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$135.53
	Prime Time - Youth	\$105.74
4:00 p.m. to 5 p.m. Week Days	Non-Prime - Adult	\$106.27
	Non-Prime - Youth	\$91.32
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$69.68
	Day Time - Youth	\$57.02
Midnight to 6:00 a.m.	Reduced - Adults	\$94.98
	Reduced - Youth	\$78.89
MEETING ROOMS:		
Auditorium (Meeting Room – capacity 300)		\$71.77
Auditorium (Non-Licensed Events) (Capacity 127-187)		\$205.52
Auditorium (Licensed Events) (Capacity 127-187)		\$274.00
Boardroom (Capacity 30) – Three Hours		\$20.15
Boardroom (Capacity 30) – ½ Day		\$43.10
Boardroom (Capacity 30) – Full Day		\$71.77
Boardroom (Capacity 30) – Weekend		\$118.18
Boardroom (Capacity 30) – Weekly		\$177.26
Lounge (Licensed Events Only)		\$112.55
Summer Floor Rates:	Adults	\$56.28
	Youth	\$50.65
BUILDING RENTALS		
Memorial Gardens - Concert		\$2,575.00
Memorial Gardens - Circus		\$2,060.00
Memorial Gardens - Circus Foyer		\$594.83
Memorial Gardens - Parking Lot		\$250.00
Memorial Gardens - Building Rental – Community		\$1,169.65
Memorial Gardens - Building Rental – Private w/o Alcohol		\$1,403.57
Memorial Gardens - Building Rental – Private w/Alcohol		\$1,737.23
West Ferris - Building - Private w/o Alcohol		\$702.98
West Ferris - Building - Private w/Alcohol		\$803.15
West Ferris - Building - Community w/o Alcohol		\$445.48
West Ferris - Building - Community w/Alcohol		\$803.15

Note:
Ice Rates – hourly rates
Meeting Rooms – flat rates.

* HST to be added to the above fees (except youth fees and disabled)

THIS IS SCHEDULE "H" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – 2012

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$153.37
	Prime Time - Youth	\$137.08
4:00 p.m. to 5 p.m. Week Days	Non-Prime - Adults	\$120.32
	Non-Prime - Youth	\$114.53
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$71.77
	Day Time - Youth	\$58.73
Midnight to 6:00 a.m.	Reduced - Adults	\$105.96
	Reduced - Youth	\$102.68
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$139.60
	Prime Time - Youth	\$108.91
4:00 p.m. to 5 p.m. Week Days	Non-Prime - Adult	\$109.46
	Non-Prime - Youth	\$94.06
6:00 a.m. to 4:00 p.m. Weekdays	Day Time - Adults	\$71.77
	Day Time - Youth	\$58.73
Midnight to 6:00 a.m.	Reduced - Adults	\$97.83
	Reduced - Youth	\$81.36
MEETING ROOMS:		
Auditorium (Meeting Room – capacity 300)		\$73.92
Auditorium (Non-Licensed Events) (Capacity 127-187)		\$211.68
Auditorium (Licensed Events) (Capacity 127-187)		\$282.22
Boardroom (Capacity 30) – Three Hours		\$20.75
Boardroom (Capacity 30) – Half Day		\$44.39
Boardroom (Capacity 30) – Full Day		\$73.92
Boardroom (Capacity 30) – Weekend		\$121.73
Boardroom (Capacity 30) – Weekly		\$182.58
Lounge (Licensed Events only)		\$115.92
Summer Floor Rates:	Adults	\$57.97
	Youth	\$52.17
BUILDING RENTALS:		
Memorial Gardens – Concert		\$2,652.25
Memorial Gardens – Circus		\$2,121.80
Memorial Gardens – Circus Foyer		\$612.67
Memorial Gardens – Parking Lot		\$257.50
Memorial Gardens - Building Rental – Community		\$1,204.74
Memorial Gardens - Building Rental – Private w/o Alcohol		\$1,445.68
Memorial Gardens – Building Rental – Private w/ Alcohol		\$1,789.35
West Ferris – Building - Private w/o Alcohol		\$724.06
West Ferris – Building - Private w/Alcohol		\$827.24
West Ferris – Building - Community w/o Alcohol		\$458.84
West Ferris – Building - Community w/Alcohol		\$827.24

Note:

Ice Rates – hourly rates

Meeting Rooms – flat rates.

* HST to be added to the above fees (except youth fees and disabled)

THIS IS SCHEDULE "H" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – 2013

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$157.97
	Prime Time – Youth	\$141.20
4:00 p.m. to 5 p.m. Week Days	Non-Prime Adult	\$123.93
	Non-Prime Youth	\$117.96
6:00 a.m. to 4:00 p.m. Weekdays	Day Time – Adults	\$73.92
	Day Time – Youth	\$60.49
Midnight to 6:00 a.m.	Reduced – Adults	\$109.13
	Reduced – Youth	\$105.76
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$143.78
	Prime Time – Youth	\$112.18
4:00 p.m. to 5 p.m. Week Days	Non-Prime Adult	\$112.74
	Youth	\$96.88
6:00 a.m. to 4:00 p.m. Weekdays	Day Time – Adults	\$73.92
	Day Time – Youth	\$60.49
Midnight to 6:00 a.m.	Reduced – Adults	\$100.76
	Reduced – Youth	\$83.80
MEETING ROOMS:		
Auditorium (Meeting Room – capacity 300)		\$76.14
Auditorium (Non-Licensed Events) (Capacity 127-187)		\$218.03
Auditorium (Licensed Events) (Capacity 127-187)		\$290.69
Boardroom (Capacity 30) – Three Hours		\$21.37
Boardroom (Capacity 30) – ½ Day		\$45.72
Boardroom (Capacity 30) – Full Day		\$76.14
Boardroom (Capacity 30) Weekend		\$125.38
Boardroom (Capacity of 30) Weekly		\$188.06
Lounge (Licensed Events Only)		\$119.40
Summer Floor Rates:	Adults	\$59.71
	Youth	\$53.73
BUILDING RENTALS		
Memorial Gardens – Concert		\$2,731.82
Memorial Gardens – Circus		\$2,185.45
Memorial Gardens – Circus Foyer		\$631.06
Memorial Gardens – Parking Lot		\$265.23
Memorial Gardens – Building Rental – Community		\$1,240.88
Memorial Gardens – Building Rental – Private w/o Alcohol		\$1,489.05
Memorial Gardens – Building Rental – Private w/Alcohol		\$1,843.03
West Ferris – Building - Private w/o Alcohol		\$745.79
West Ferris – Building - Private w/Alcohol		\$852.06
West Ferris – Building - Community w/o Alcohol		\$472.61
West Ferris – Building - Community w/Alcohol		\$852.06

Note:

Ice Rates – hourly rates

Meeting Rooms – flat rates.

* HST to be added to the above fees (except youth fees and disabled)

THIS IS SCHEDULE "H" TO BY-LAW NO. 2011<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

RATES – 2014

MEMORIAL GARDENS		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$162.71
	Prime Time – Youth	\$145.43
4:00 p.m. to 5 p.m. Week Days	Non-Prime Adult	\$127.65
	Non-Prime Youth	\$121.50
6:00 a.m. to 4:00 p.m. Weekdays	Day Time – Adults	\$76.14
	Day Time – Youth	\$62.31
Midnight to 6:00 a.m.	Reduced – Adults	\$112.41
	Reduced – Youth	\$108.93
PETE PALANGIO ARENA & WEST FERRIS COMMUNITY CENTRE		
Ice Rates:		Fee
5:00 p.m. to Midnight & Weekends	Prime Time - Adults	\$148.10
	Prime Time – Youth	\$115.54
4:00 p.m. to 5 p.m. Week Days	Non-Prime Adult	\$116.12
	Youth	\$99.79
6:00 a.m. to 4:00 p.m. Weekdays	Day Time – Adults	\$76.14
	Day Time – Youth	\$62.31
Midnight to 6:00 a.m.	Reduced – Adults	\$103.79
	Reduced – Youth	\$86.31
MEETING ROOMS:		
Auditorium (Meeting Room – capacity 300)		\$78.43
Auditorium (Non-Licensed Events) (Capacity 127-187)		\$224.57
Auditorium (Licensed Events) (Capacity 127-187)		\$299.41
Boardroom (Capacity 30) – Three Hours		\$22.01
Boardroom (Capacity 30) – ½ Day		\$47.09
Boardroom (Capacity 30) – Full Day		\$78.43
Boardroom (Capacity 30) Weekend		\$129.14
Boardroom (Capacity of 30) Weekly		\$193.70
Lounge (Licensed Events Only)		\$122.98
Summer Floor Rates:	Adults	\$61.50
	Youth	\$55.35
BUILDING RENTALS:		
Memorial Gardens – Concert		\$2,813.77
Memorial Gardens – Circus		\$2,251.02
Memorial Gardens – Circus Foyer		\$649.99
Memorial Gardens – Parking Lot		\$273.18
Memorial Gardens – Building Rental – Community		\$1,278.11
Memorial Gardens – Building Rental – Private w/o Alcohol		\$1,533.72
Memorial Gardens – Building Rental – Private w/Alcohol		\$1,898.32
West Ferris – Building - Private w/o Alcohol		\$768.16
West Ferris – Building - Private w/Alcohol		\$877.62
West Ferris – Building - Community w/o Alcohol		\$486.79
West Ferris – Building - Community w/Alcohol		\$877.62

Note:

Ice Rates – hourly rates

Meeting Rooms – flat rates.

* HST to be added to the above fees (except youth fees and disabled)

THIS IS SCHEDULE "H" TO BY-LAW NO. <> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Parks, Recreation and Leisure Services Department** for the use of **City Arenas** shall be as follows:

PROGRAM FEES	2011	2012	2013	2014
Family Skate Admission/Adult	\$3.35	\$3.45	\$3.55	\$3.60
Family Skate Admission/Family	\$6.00	\$6.20	\$6.40	\$6.60
Family Skate Admission/Child	\$1.30	\$1.35	\$1.40	\$1.45
Noon Hour Skate – Memorial Gardens	\$2.35	\$2.40	\$2.45	\$2.50
Tots and Seniors – Memorial Gardens and Pete Palangio	\$1.30	\$1.35	\$1.40	\$1.45
ARENA USER FEES	2011	2012	2013	2014
Additional Flood	\$51.50	\$53.05	\$54.65	\$56.29
Arena – Dressing room – Weekly Fee	\$25.75	\$26.52	\$27.32	\$28.14
Cancellation Fee	\$25.00	\$25.00	\$25.00	\$25.00
Chairs (per chair)	\$1.30	\$1.35	\$1.40	\$1.45
Corkage Fees (per bottle)	\$16.48	\$16.97	\$17.50	\$18.00
Electrical Cable (flat fee)	\$772.50	\$795.68	\$819.55	\$844.14
Electrical Board (flat fee)	\$257.50	\$265.23	\$273.18	\$281.38
Event Hold	\$309.00	\$318.27	\$327.82	\$337.65
Forklift	\$196.27	\$202.15	\$208.22	\$214.47
Garbage	\$236.90	\$244.00	\$251.33	\$258.87
Glass Removal	\$28.43	\$29.28	\$30.16	\$31.06
Capital Reserve Fund (per hour)	\$2.00	\$2.00	\$2.00	\$2.00
Hydro Consumption	\$282.22	\$290.67	\$299.41	\$308.39
Lock Change	\$66.95	\$68.96	\$71.03	\$73.16
Phone Lines	\$133.90	\$137.92	\$142.06	\$146.32
Bench Removal	\$327.54	\$337.37	\$347.49	\$357.91
Risers	\$28.43	\$29.28	\$30.16	\$31.06
Skyjack	\$477.41	\$491.73	\$506.48	\$521.67
Stage Rental (partial)	\$225.11	\$231.86	\$238.82	\$245.98
Stage Rental (partial)	\$371.53	\$382.68	\$394.16	\$405.98
Stage Rental (partial)	\$775.84	\$799.11	\$823.09	\$847.78
Stage Rental (partial)	\$1,002.04	\$1,032.10	\$1,063.06	\$1,094.96
Stage Rental (section)	\$17.49	\$18.01	\$18.56	\$19.11
Stage Rental (section)	\$28.41	\$29.26	\$30.14	\$31.05
Table Tops (per table top)	\$3.30	\$3.40	\$3.50	\$3.60
Tables (per table)	\$1.35	\$1.40	\$1.45	\$1.50
Tickets (each)	\$0.06	\$0.07	\$0.08	\$0.09
Towels (per towel)	\$5.46	\$5.63	\$5.80	\$6.00
Wood Floor	\$1,125.52	\$1,159.29	\$1,194.07	\$1,229.90

* HST to be added to the above fees (except admission fees for children)

THIS IS SCHEDULE "I" TO BY-LAW NO. 2007-115 OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees* charged by the **Parks, Recreation and Leisure Services Department** for **Park Vendors** shall be as follows:

Vendor Classification	2011 June 1- December 31	2012	2013	2014
Annual Designated Vendor (defined as a vendor who, from time to time may develop a new product or service which requires a specialized designated location, and where the location is available and acceptable for such use.) Hydro - to be determined (based on hydro increase)	\$1,563.98	\$1,610.90	\$1,659.23	\$1,709.01
Transient Vendor (defined as a vendor who wishes to access park areas on an intermittent basis, and who may be mobile. This vendor has no pre-determined location. However, they are restricted to a variety of pre-determined transient locations in park areas which are available on a first come, first served basis.) Hydro - to be determined (based on hydro increase)	\$39.09 per month or \$130.37 per season	\$40.26 per month or \$134.28 per season	\$41.47 per month or \$138.31 per season	\$42.71 per month or \$142.46 per season
	\$92.74 based on hydro increase (option)/month	\$95.52 based on hydro increase (option)/month	\$98.39 based on hydro increase (option)/month	\$101.34 based on hydro increase (option)/month
CANADA DAY				
Multi Product Concession: Many types of products (fries, burgers, hotdogs, beverages, ice cream, confectionary items)	\$79.94	\$82.34	\$84.81	\$87.35
Mini Product Concession: Limited to one type of product (hotdog stand, pizza stand, ice cream cart)	\$43.03	\$44.32	\$45.65	\$47.02
SUMMER IN THE PARK				
Food Vendor – Tented Includes one (1) hydro	\$519.00	\$534.57	\$550.61	\$567.13
Food Vendor – Self-Contained Unit Includes one (1) hydro Maximum area of 200 sq. ft. unit; add additional \$22.00 + HST for every additional 10 sq. ft.	\$519.00	\$534.57	\$550.61	\$567.13
Hand Made Product Includes one (1) hydro	\$436.00	\$449.08	\$462.55	\$476.43
Manufactured Product Includes one (1) hydro	\$519.00	\$534.57	\$550.61	\$567.13
Attraction No Tent – Space to be	\$382.00	\$393.46	\$405.26	\$417.42

determined				
Attraction (with tent provided)	\$519.00	\$534.57	\$550.61	\$567.13
Ticket or Lottery Sales Charitable organizations only No Tent – space to be determined	\$272.00	\$280.16	\$288.56	\$297.22
Ticket or Lottery Sales Charitable organizations only with tent provided	\$519.00	\$534.57	\$550.61	\$567.13
Hydro Based on one (1) 110 volt 15 amp, duplex outlet	\$82.00	\$84.46	\$86.99	\$89.60

* HST to be added to the above fees

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THIS IS SCHEDULE "J" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Parks, Recreation and Leisure Services Department** for the use of **Waterfront Marina Slip Rental Rates** shall be as follows:

Description	June 1, 2011 – DECEMBER 31, 2011						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$632.47	\$760.29	\$869.55	\$985.37	\$1,109.94	\$1,213.76	\$1,336.14
Monthly	\$169.70	\$197.02	\$227.62	\$258.22	\$284.44	\$315.03	\$347.82
Weekly	\$52.43	\$59.00	\$66.64	\$74.28	\$81.94	\$88.49	\$97.23

Description	2012						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$651.44	\$783.10	\$895.64	\$1,014.93	\$1,143.24	\$1,250.17	\$1,376.22
Monthly	\$174.79	\$202.93	\$234.45	\$265.97	\$292.97	\$324.48	\$358.26
Weekly	\$54.00	\$60.77	\$68.64	\$76.51	\$84.40	\$91.15	\$100.15

Description	2013						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$670.98	\$806.59	\$922.51	\$1,045.38	\$1,177.54	\$1,287.68	\$1,417.51
Monthly	\$180.03	\$209.02	\$241.48	\$273.95	\$301.76	\$334.21	\$369.01
Weekly	\$55.62	\$62.59	\$70.70	\$78.81	\$86.93	\$93.88	\$103.16

Description	2014						
Boat slip	16'	17'-20'	21'-24'	25'-28'	29'-32'	33'-36'	37'-42'
Season	\$691.11	\$830.79	\$950.19	\$1,076.74	\$1,212.87	\$1,326.31	\$1,460.04
Monthly	\$185.43	\$215.29	\$248.72	\$282.17	\$310.81	\$344.24	\$380.08
Weekly	\$57.29	\$64.47	\$72.82	\$81.17	\$89.54	\$96.70	\$106.26

*HST to be added to the above fees

THIS IS SCHEDULE "J" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Parks, Recreation and Leisure Services Department** for the use of **Marina Extra Fees** shall be as follows:

Marina Extra Fees	2011	2012	2013	2014
Daily rate	\$0.90	\$0.93	\$0.95	\$0.98
Slip Rental per foot	\$0.90	\$0.93	\$0.95	\$0.98
Key Deposit	\$20.00	\$20.00	\$20.00	\$20.00
Pumpout Each	\$17.51	\$18.04	\$18.58	\$19.13
Pumpout Season	\$57.68	\$59.41	\$61.19	\$63.03
Shorepower Daily	\$9.79	\$10.08	\$10.39	\$10.70
Shorepower Weekly	\$13.91	\$14.33	\$14.76	\$15.20
Shorepower Monthly	\$60.00	\$61.80	\$63.65	\$65.56
Shorepower Seasonal	\$175.10	\$180.35	\$185.76	\$191.34
Security Seasonal	\$50.00	\$51.50	\$53.05	\$54.64
Security Monthly	\$20.00	\$20.60	\$21.22	\$21.85
Security Weekly	\$12.00	\$12.36	\$12.73	\$13.11
Security Daily	\$1.00	\$1.03	\$1.06	\$1.09

* HST to be added to the above fees except for Key Deposit

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THIS IS SCHEDULE "K" TO BY-LAW NO. 2011-<> OF THE CORPORATION OF THE CITY OF NORTH BAY.

The user fees charged by the **Planning Services Department** shall be as follows:

	2011 June 1 – Dec 31	2012	2013	2014
Photocopies (per page)	\$0.60	\$0.60	\$0.60	\$0.60
Legal Inquiries – Zoning By-law	\$125	\$125	\$125	\$130
Legal Inquiries – Site Plan Control Agreement, Subdivision Agreement, Condominium Agreement, North Bay Municipal Heritage Committee Evaluations	\$125	\$125	\$125	\$130
Lane Closure Applications	\$800	\$850	\$900	\$930
Road Closure Applications	\$800	\$850	\$900	\$930
Sign By-law Variance Applications	\$750	\$850	\$900	\$930
Sign Permits	\$100	\$105	\$110	\$115
Miscellaneous Application Approval (e.g. Licensing Letters)	\$125	\$125	\$125	\$130
Applications to demolish, renovate or convert condominium ownership under the <i>Tenant Protection Act</i> (formerly the <i>Rental Housing Act</i>)	\$1,205	\$1,240	\$1,275	\$1,315
Development Proposal Reports	\$665	\$685	\$705	\$725
* Official Plan	\$90	\$95	\$95	\$100
* Zoning By-law (full consolidated version)	\$115	\$120	\$120	\$125
* Secondary Plans (Airport Heights, Laurentian, Circle Lake, West Ferris)	\$40 each	\$45 each	\$45 each	\$50 each
* Watershed Studies (Parks Creek, Lavase River, Chippewa Creek, Jessups Creek)	\$90 each	\$95 each	\$95 each	\$100 each
* Sign Permit – Billboard	\$500	\$515	\$530	\$545
Corporate Title Search	\$75	\$75	\$80	\$80

* Documents and Publications are subject to H.S.T.

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-

**BEING A BY-LAW TO AUTHORIZE USER FEES
FOR NORTH BAY FIRE & EMERGENCY SERVICES**

WHEREAS Section 391 of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes municipalities and local boards to pass by-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of the municipality or the Local board and for the use of its property;

AND WHEREAS Council passed General Government Committee Report No. 2011-<> at its Regular Meeting held on 2nd day of May, 2011 to authorize a by-law for user fees charged by North Bay Fire & Emergency Services effective June 1, 2011.

AND WHEREAS Notice of the Public Meeting in the matter of fees and charges for inspections or the issuance of permits for fire purposes was given by advertisement in the North Bay Nugget on the 2nd day of April, 2011 and the 9th day of April, 2011.

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the fees and charges for inspections or the issuance of permits for fire purposes was held on the 26th day of April, 2011.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY DOES HEREBY ENACT AS FOLLOWS:

1. In this by-law:
 - 1.1 "False Alarm" means an alarm signal where a fire department response, in the opinion of the North Bay Fire Chief, is not required.
 - 1.2 "Non-Resident" means a person who is not a resident of the City of North Bay.
 - 1.3 "Owner" means:
 - (a) for property, the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were it, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with standards for maintenance and occupancy of property;
 - (b) for vehicles, the person registered as owner.
 - 1.4 "Property" means the property defined by the municipal address by the 9-1-1 Dispatch System.
 - 1.5 "Resident" means a natural person whose name is included on the City of North Bay Voters' List, pursuant to the *Municipal Elections Act*, as updated from time to time by the City Clerk, in the absence of evidence satisfactory to the City Solicitor to the contrary.
2. The fees and charges set out on the attached Schedule are hereby imposed and ratified.
3. (a) All fees and charges set out in this by-law for permits and inspection fees, opening burning permits, fire apparatus stand-by and miscellaneous fee shall be payable prior to the provision of the service unless an agreement in writing is made to the contrary and approved by a municipal official.

- (b) All fees and charges set out in this by-law for emergency response shall be due within thirty (30) days of the issue of an invoice from The Corporation of the City of North Bay.
4. (a) In the event any fee or charge imposed herein remains unpaid after provision of the service or is otherwise in arrears, such fees or charges may be added to the Tax Roll for any real property in the municipality, the owner of which is responsible for paying the fee or charge and shall be collected in like manner as municipal taxes.
- (b) In default of payment of any charge levied herein, by the required due date for the payment thereof, a percentage charge of one and one-quarter per cent (1 1/4 %) is hereby imposed as a penalty for non-payment of such charge thereof, and such penalty shall be added to the charge as aforesaid or any instalment or part thereof remaining unpaid on the first day of each calendar month thereafter in which default continues.
5. Council does hereby delegate to the Fire Chief and to the Deputy Fire Chief of The Corporation of the City of North Bay, the authority to administer such fees and charges and approve such forms and procedures as may be required for the efficient administration of the fees and charges.
6. This by-law shall come into force and effect as of June, 2011.
7. By-law No. 2007-116 is hereby repealed as of June 1, 2011.

READ A FIRST TIME IN OPEN COUNCIL THE 24TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 24TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 24TH DAY OF MAY, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

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THIS IS SCHEDULE "A" TO BY-LAW NO. 2011 -<> THE CORPORATION OF THE CITY OF NORTH BAY.

Schedule for proposed user fees to be charged by the North Bay Fire & Emergency Services:

Service	2011	2012	2013	2014
Permits and Inspection Fees				
Permit Inspections: Including residential, commercial, care and treatment facilities, malls/plazas, hotel/motel, real estate transactions, retrofit, industrial, liquor license, trade shows/home shows/ special functions, and any other request for inspection not listed below	\$120 for 1 st hour/inspector plus \$85 per additional hour/inspector	\$125 for 1 st hour/inspector plus \$90 per additional hour/inspector	\$130 for 1 st hour/inspector plus \$95 per additional hour/inspector	\$135 for 1 st hour/inspector plus \$100 per additional hour/inspector
Day Care & Foster Care Homes	\$85/hr	\$90/hr	\$95/hr	\$100/hr
Mobile Food Vendors	\$85/hr	\$90/hr	\$95/hr	\$100/hr
Emergency Response				
False Automatic Monitored Alarms (within a 12 month period)	1 st - No charge 2 nd - \$175 3 rd - \$350 4 th - \$525 Each additional false alarm shall result in an additional charge of \$175 (unlimited)	1 st - No charge 2 nd - \$205 3 rd - \$410 4 th - \$615 Each additional false alarm shall result in an additional charge of \$205 (unlimited)	1 st - No charge 2 nd - \$235 3 rd - \$470 4 th - \$705 Each additional false alarm shall result in an additional charge of \$235 (unlimited)	1 st - No charge 2 nd - \$265 3 rd - \$530 4 th - \$795 Each additional false alarm shall result in an additional charge of \$265 (unlimited)
Vehicles fires, Rescues, Fires, Accidents involving MVC for non-residents (MTO rates: Minimum 2 fire vehicles)	1 st hour/ apparatus - \$410 \$205 for each additional ½ hour	Current MTO rate	Current MTO rate	Current MTO rate
Technical Responses: CBRNE/HAZMAT, confined space, hazardous environments, ice/water, snowmobile rescue, Transportation of Dangerous Goods Incident	\$1,150 for first hour \$575 for each additional ½ hour Plus consumable materials and administrative overhead charge.	\$1,180 for first hour \$590 for each additional ½ hour Plus consumable materials and administrative overhead charge.	\$1,210 for first hour \$605 for each additional ½ hour Plus consumable materials and administrative overhead charge.	\$1,240 for first hour \$620 for each additional ½ hour Plus consumable materials and administrative overhead charge.

Exceptional use items (foam, chemical suits, etc)	Cost of consumable materials plus administrative overhead charge	Cost of consumable materials plus administrative overhead charge	Cost of consumable materials plus administrative overhead charge	Cost of consumable materials plus administrative overhead charge
Non-emergency assistance calls; elevator out of service, etc. (except when assisting another agency). (MTO rates)	1 st hour / apparatus – \$410 \$205 for each additional ½ hour	Current MTO rate	Current MTO rate	Current MTO rate
Fire Watch: Post Fire Property Security/Safety	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (1)
Fires on or beside the Railroad, as a result of the Railroad left unattended in tie burning or otherwise, out of control fires, and failure to attempt to extinguish those fires that impinge on private or public properties	Actual costs plus 25% Minimum: Captain (1) and Firefighter (3)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (3)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (3)	Actual costs plus 25% Minimum: Captain (1) and Firefighter (3)
Illegal Burning of Hazardous Materials or Burning regarding Open Air Burning Permits under the Ontario Fire Code	1 st hour / apparatus – \$410 \$205 for each additional ½ hour plus any additional clean up costs	Current MTO rate plus any additional clean up costs	Current MTO rate plus any additional clean up costs	Current MTO rate plus any additional clean up costs
Open Burning Permits (Issued by North Bay Fire & Emergency Services)				
Residential / Campground Burning Permits	Annual – \$80 Weekly – \$20	Annual – \$80 Weekly – \$20	Annual – \$80 Weekly – \$20	Annual – \$80 Weekly – \$20
Commercial Site Burning Permits (per site)	Annual – \$220 Monthly – \$120 Weekly – \$95	Annual – \$225 Monthly – \$125 Weekly – \$100	Annual – \$230 Monthly – \$130 Weekly – \$105	Annual – \$235 Monthly – \$135 Weekly – \$110
Responding to Burning Complaint & Permit Not Found	1 st hour / apparatus – \$410 \$205 for each additional ½ hour	Current MTO rate	Current MTO rate	Current MTO rate
Fire Apparatus Stand-by				
Shows, Exhibitions, Demonstrations, Assistance to Other Agencies	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)	Overtime rate. Minimum per vehicle: Captain (1) and Firefighter (1)
Fire Prevention / Education Fees				
Fire Safety Plan Review / signature	\$170/hr	\$175/hr	\$180/hr	\$185/hr

Fire Route processing and approval if not on building permit	\$170	\$175	\$180	\$185
Copies of Fire Reports, Information from Files, Legal Inquiry, Fire Inspection Reports, et.	\$125	\$125	\$125	\$130
Smoke Alarm/CO Alarm kept and not returned	\$25 Fire Alarm \$50 CO Alarm	\$25 Fire Alarm \$50 CO Alarm	\$25 Fire Alarm \$50 CO Alarm	\$25 Fire Alarm \$50 CO Alarm
Training				
Training of outside Agencies, public, etc (including fire extinguisher training)	\$100/hr per instructor/trainer plus expenses	\$105/hr per instructor/trainer plus expenses	\$110/hr per instructor/trainer plus expenses	\$115/hr per instructor/trainer plus expenses

DRAFT

COMMUNITY SERVICES COMMITTEE

Monday, May 9, 2011

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-2009-27 Amendment to User Fees By-Law for variance to Sign By-Law (C00/2009/ BYLAW/SIGNAGE).**
- CS-2010-21 Official Plan Amendment, Rezoning & Plan of Subdivision applications by Goodridge Planning Solutions on behalf of Jack & Helen Norman - Four Mile Lake Road (D09/D14/ D12/2010/NORMN/FOURMILE).
- CS-2010-24 Report from S. McArthur dated September 14, 2010 re Municipal Heritage Committee - Annual Award Proposal (R01/2010/ NBMHC/GENERAL).
- CS-2011-02 Report from M.B. Burke dated January 6, 2011 re Fire Safety Plan Lock Boxes By-Law (C00/2011/BYLAW/LOCKBOX).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- **CS-2011-07 Plan of Subdivision application by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. - 482 Lakeshore Drive (D12/2011/ 22218/KARLALOV).**
- **CS-2011-08 Report from M.B. Burke / B. Hillier dated February 28, 2011 re Rental Housing Licensing By-Law (C00/2011/BYLAW/ RENTHOUS).**
- **CS-2011-10 Report from S. Kitlar dated March 16, 2011 re User Fees - Steve Omischl Sports Complex (C00/2011/BYLAW/USERFEES).**
- **CS-2011-11 Report from C. Seguin dated March 17, 2011 re User Fees - Waterfront Marina (C00/2011/BYLAW/USERFEES).**

CS-2009-27

Draft recommendation:

"That Council confirm the user fee increase for variances to the Sign By-Law as adopted by Community Services Committee Report No. 2010-06 passed by Council on Monday, March 22, 2010."

INTER OFFICE

Council Secretariat

MEMO

To: Beverley Hillier
From: Catherine Conrad
Subject: Sign By-Law Amendment
Date: 23 March 2010

This is Clause No. 1 of Community Services Committee Report No. 2010-06 which was passed by Council at its Regular Meeting held Monday, March 22, 2010

Clause No. 1:

- "That a) Sign By-Law No. 2006-143 be amended as outlined in Report to Council CSBU 2009-93 and Report to Council CSBU 2010-25;
- b) Sign By-Law No. 2006-143 be amended to include a new section authorizing variances to the by-law as described in Report to Council CSBU 2010-25;
- c) the User Fee By-Law be amended at the next annual update to increase the fee for variances to the Sign By-Law from \$118 (2010) to \$750 (2011) to reflect the new process for Sign By-Law variances as described in Report to Council CSBU 2010-25;
- d) all Billboard Signs erected or altered after the passing of the subject amendment be required to obtain a Building Permit as regulated under the Ontario Building Code;
- e) City Council direct staff to have those Billboard Signs that have been erected illegally and cannot comply with the Sign By-Law that was in force prior to this amendment, removed; and
- f) those signs erected illegally that can comply with the Sign By-Law prior to this amendment will be required to apply for a Sign Permit and pay the new Billboard Sign Permit Fee as provided for in Report to Council CSBU 2009-93."

Catherine Conrad,
City Clerk.

CMC/cjc

Copy to: E. Courville
S. Killins
I.G. Kilgour

**RECEIVED
CITY OF NORTH BAY**

MAR 11 2010

CLERK'S DEPT.

CITY OF NORTH BAY

Report to Council

Report No: CSBU 2010 - 25

Date: March 1, 2010

Originator: Beverley Hillier, Senior Planner
Elizabeth Courville, Zoning Administrator

Subject: Supplemental Report - City of North Bay Billboard Sign Review

Recommendation

1. That the Sign By-law 2006-143 be amended as outlined in Report to Council CSBU 2009-93 and Report to Council CSBU 2010 - 25;
2. That the Sign By-law 2006-143 be amended to include a new section authorizing variances to the By-law as described in Report to Council 2010-25;
3. That the User Fee By-law be amended at the next annual update to increase the fee for variances to the Sign By-law from \$118 (2010) to \$750 (2011) to reflect the new process for Sign By-law variances as described in Report to Council 2010-25;
4. That all Billboard Signs erected or altered after the passing of the subject amendment be required to obtain a Building Permit as regulated under the Ontario Building Code;
5. That City Council direct Staff to have those Billboard Signs that have been erected illegally and cannot comply with the Sign By-law that was in force prior to this amendment to be removed; and
6. That those signs erected illegally that can comply with the Sign By-law prior to this amendment will be required to apply for a Sign Permit and pay the new Billboard Sign Permit Fee as provided for in Report to Council CSBU 2009 - 93.

Background

A Public Meeting was held on December 7, 2009 to review proposed amendments to the City of North Bay Sign By-law 2006-143. In addition, staff held a consultation meeting with billboard sign representatives to review staffs proposed amendments to the Sign By-law. The proposed amendments to the Sign By-law related to Billboard Signs, Fascia Signs, Freestanding Signs and Field Advertising Signs as described in Report to Council CBSU 2009-93, attached as Appendix A and as outlined below.

Analysis / Options

Two industry representatives made presentations at the public meeting before Council and identified the following concerns with the proposed amendments:

- 1) Clarification is required regarding the setback of Billboards from residential zones and park, cemeteries and conservation areas. (see item #5 below)
- 2) Increasing the distance between Billboards from 30m to 300m would be too restrictive and result in no additional Billboards permitted in the City (see item #6 below)

Written comments were received from Ray Delarosbel on behalf of Dash Outdoor Inc. with specific comments regarding the proposed Sign By-law amendment. Mr. Delarosbel's comments and Planning Staffs rational for the proposed change are outlined below;

1. *Section 1.16 Add "Fascia" after the words exterior wall*

Suggested change not incorporated. Fascia Signs are required to be attached to the main exterior wall of the building. The suggested change would permit Fascia Signs to be located on the architectural fascia of a building, thereby allowing signs to be higher than the buildings roof.

2. a) *Section 8.3.1 "Only located on existing sites." Does this mean no additional Billboards will be allowed in the rural area?*

Yes. No new Billboards will be permitted in the rural area.

- b) *Section 8.3.1 "Where those Billboard Sign sites complied with the Sign By-law as it read on December 13, 2009." Does this mean existing Billboard Signs within 150m of parks or residences will be cancelled?*

The By-law has been re-worded since the public meeting before Council to indicate if the Billboard owner can provide a copy of the Sign Permit issued for the Billboard, or can show the Billboard was constructed and met the By-law requirements prior to May 2009, the sign will be issued a permit and be permitted to remain in that location.

3. *Section 8.3.1 (c)(d) Adding in setbacks from property lines and other Billboards.*

This is no longer required as new Billboard locations are no longer permitted in the rural area.

4. *Section 8.4.2 (f) Clarification regarding policy.*

This Section of the By-law has been a consistent regulation in the Sign By-law since its inception.

The policy does not allow a Fascia Sign to extend above the roof of the building.

5. *Section 8.4.6 (c)(d) Setback of Billboard Signs to residential, park, conservation area and cemeteries, clarification regarding "not visible."*

It is agreed the wording requires clarification. The By-law has been amended to delete the sentence regarding visibility from the residential zone or park, cemetery or conservation area. A setback of 30m be required from residential zones, no matter if

visible from a residential zone and a setback of 100m be required from parks, cemeteries and conservation areas, no matter if it is visible.

Where it can be demonstrated the intent of the regulation can be maintained, a variance to the Sign By-law will be considered.

6. *Section 8.4.6 (e) Distance between billboards is 300 metres (984 feet)". The distance is too great and I believe has the effect of prohibition.*

Planning Staff have reviewed the setback required between Billboards in commercial and industrial zones, and are of the opinion the proposed 300m setback remains appropriate for North Bay. Based on our analysis, limited new Billboard sign locations are available within the urban area. This proposed setback is within the median range when compared with other communities (from 100 metres (330 feet) (Kingston) to 500 metres (1640 feet) (Orillia, Cambridge)).

The City of North Bay currently has approximately 125 Billboards; therefore, the City does not prohibit Billboard Signs. Although the new proposed regulations are more restrictive, they still permit the establishment of new limited Billboard sites.

7. *Section 8.4.6 (g) This provision could be problematic where buildings have a "0" setback or limited side yards.*

Agreed. The By-law has been changed to reflect the original wording.

8. *Section 8.4.6 (h)(i) Enforcement of sign condition.*

This section is enforced. Staff upon observing or receiving a complaint about a non-complying sign, formally notifies the sign owner they are non-complying with the By-law. In a majority of circumstances, the non-complying situation is rectified by the sign owner. Where the situation is not rectified, Section 6 of the Sign By-law allows the City to remove such sign at the owner's expense.

9. *Section 8.4.6.1 Need a definition of "animation"*

Animated signs are defined in the Sign By-law. The definition of animated sign has been amended to include the following: "An animated sign does not include a Tri-Vision Sign".

Where an Animated Billboard Sign other than a Tri-Vision Sign is proposed, the Sign By-law may be varied in the event an Animated Sign can be installed in a manner satisfactory to the City of North Bay and other circulated agencies.

10. *Section 8.4.6.2 "Not attached to buildings" Does this mean a big blank wall of a building can not be used for a Billboard?*

Yes. The erection of Billboards on building walls is unsightly and is not permitted in most jurisdictions.

11. *Section 6(i) Proposed size of sign for recreational field advertising sign as shown on Schedule D (3' x 8') wastes 1' x 8' of a standard 4' x 8' sheet.*

The aesthetics of park areas and loading of fences is of primary concern.

12. *Is the proposed \$500 fee for approved permits?*

No. This fee would apply to new Billboard permits received after the date the proposed amendment is adopted by Council

13. *General Comments:*

1. See #6
2. See #5
3. *Are transit shelter billboards; park bench signs etc., part of this By-law? Will the City honour the By-law?*

Transit shelters, park bench signs etc. are not Billboards. These signs do not meet the definition of Billboards in this proposed new By-law or previous Sign By-laws.

4. *Will non-conforming and perhaps non-complying Billboards on public lands and conservation area lands be retired?*

No. These Billboards were erected prior to this proposed amendment and the amendment to the Sign By-law in May 2009. They enjoy a legal non-conforming status.

5. *It should be noted I have identified a few Billboard locations on the permitted streets there is no guarantee all or any of these sites will ever be developed.*

We agree the proposed new By-law does permit Billboard sites where there are currently no Billboards.

14. *Table 1:*

The analysis of potential sign locations is noted.

We agree the new proposed Billboard regulations are much more restrictive than prior to this proposed amendment and the amendment in May 2009 (setbacks to residential, parks and open space). Considering the number of existing Billboard Sites, it is recommended that only a limited number of new Billboard sites should be permitted.

Additionally, in order to further regulate billboard signage in the community, the following changes are proposed to the Freestanding Sign regulations of the Sign By-law.

1. Section 1.17, the Definition of Freestanding Sign should be amended as follows:

“**Freestanding Sign**” means a sign which is supported by one or more columns, uprights or braces in or upon the ground and does not include ground signs.

Freestanding signs shall only advertise the business, goods or services which are available on the property where the sign is located. It is primarily used to advertise goods or services which may or may not be available on the premises.

2. Section 8.4.3(f) should be amended as follows:

f) freestanding signs shall only advertise the business, goods or services which are available on the property where the sign is located. ~~may or may not advertise or identify a product or service available, or a business not conducted on the property where the sign is located.~~

The proposed amending By-law is attached in Appendix B for Council's consideration.

In addition to the above changes, the legal department has requested that the Sign By-law be amended to properly define the sign variance process. By virtue of the *Statutory Powers and Procedures Act* there has to be the opportunity for a hearing. Rather than have Council consider such hearings, it is recommended that the Property Standards Committee receive the delegated powers to hold such a hearing. Pursuant to section 23.1 of the *Municipal Act*, Council has the authority to delegate this decision-making power to a committee.

The recommended procedure for the By-law would be:

1. In the event that an owner wishes to vary the limitation in the Sign By-Law, an application shall be made to the Property Standards Committee through the Zoning Administrator. The Zoning Administrator shall notify all property owners within 122 metres (400 feet) of the requested variance. Planning Staff will prepare a recommendation for the Property Standards Committee.
2. The Property Standards Committee shall hold a public meeting to consider the variance request and make a decision. The notice of the decision shall be given to the applicant and all circulated property owners and any other person that requests to be notified.
3. The applicant or any person who made oral or written submissions to the Property Standards Committee may appeal the decision within 10 days to Council through a letter of appeal to the Zoning Administrator. The Zoning Administrator will forward the letter of appeal and any information considered by the Property Standards Committee to City Council for their consideration. Council may uphold or vary the decision of the Property Standards Committee, or do any act, or make any decision that it might have done had it conducted the hearing itself and the application shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

As a result of the new process for varying the Sign By-law, it is recommended that the user fee associated with requests for variances to the Sign By-law be increased from \$118 (2010) to \$750 (2011). This fee is similar to the application fee for a minor variance to the Committee of Adjustment and is appropriate because of the increased work associated with the new variance process. The user fee for Sign By-law variances is set out in the User Fee

By-law 2007-115. It is recommended that the User Fee By-law be amended during the next annual review to reflect the new proposed Sign By-law variance fee.

Option 1:

1. That the Sign By-law 2006-143 be amended as outlined in Report to Council CSBU 2009-93 and Report to Council CSBU 2010 - 25;
2. That the Sign By-law 2006-143 be amended to include a new section authorizing variances to the By-law as described in Report to Council 2010-25;
3. That the User Fee By-law be amended at the next annual update to increase the fee for variances to the Sign By-law from \$118 (2010) to \$750 (2011) to reflect the new process for Sign By-law variances as described in Report to Council 2010-25;
4. That all Billboard Signs erected or altered after the passing of the subject amendment be required to obtain a Building Permit as regulated under the Ontario Building Code;
5. That City Council direct Staff to have those Billboard Signs that have been erected illegally and cannot comply with the Sign By-law that was in force prior to this amendment to be removed; and
6. That those signs erected illegally that can comply with the Sign By-law prior to this amendment will be required to apply for a Sign Permit and pay the new Billboard Sign Permit Fee as provided for in Report to Council CSBU 2009 - 93.

Option 2:

Do not amend the Sign By-law as amended in May 2009, requiring a 150 metre setback from residential zones and City parks.

Option 3:

Do not amend this Sign By-law As a result of this Sign By-law Review. This would result in rescinding the 150 metre residential/City park setback requirement. This option is not recommended as it would contribute to an increased number of Billboards within the Community, and based on the Study, it appears North Bay is well served by the Billboard Industry.


Recommended Option

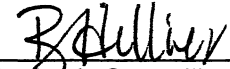
Option 1 is the recommended Option.

This option would increase the distance required between Billboard Signs, and ensure the visual amenities of residential, park, cemeteries and conservation areas are maintained.

Planning Staff have analyzed the proposed changes and are of the opinion the distances and new regulations proposed for Billboard Signs within the City are reasonable and does not preclude new Billboards from being erected.

Respectfully submitted,


Beverley Hillier, MCIP, RPP
Senior Planner


Elizabeth Courville, ACST
Zoning Administrator


Shawn Killins
Chief Building Official

BH/EC/SK/dlb

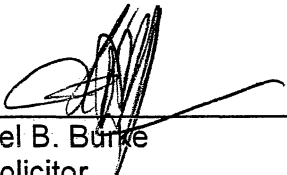
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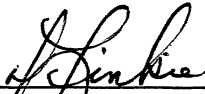
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We concur in this report and recommendation.


Ian G. Kilgour
Manager, Planning Services


Jerry D. Knox
Managing Director, Community Services


Michael B. Burke
City Solicitor


David G. Linkie
Chief Administrative Officer

Personnel designated for continuance:

Beverley Hillier, Senior Planner
Elizabeth Courville, Zoning Administrator

CITY OF NORTH BAY

Report to Council

Report No: CSBU 2009 - 93

Date: November 20, 2009

Originator: Beverley Hillier, Senior Planner
Elizabeth Courville, Zoning Administrator
Shawn Killins, Chief Building Official

Subject: City of North Bay Billboard Sign Review

Recommendation

1. That Report to Council CSBU 2009-93 be received and referred to City Council for a public meeting to be held on Monday, December 7, 2009 at 7:00 p.m.

Background

In February 2006, Planning Services prepared a Report to Council recommending the Sign By-law be amended following a review of the Sign By-law and consultation with the sign industry. Following a public meeting Council approved the new Sign By-law on September 5, 2006. At the public meeting a billboard sign representative objected to the City increasing the distance between signs from 50 feet to 500 feet. Staff had recommended the change "To protect the City's main corridors from becoming too congested with signage" as stated in the Report to Council at that time.

Council was advised by the industry that it had acted reasonably in the past and would do so in the future and the 50 feet standard worked in the past and was adequate and provided flexibility. This position was accepted by Staff and the By-law revised for Council approval.

In May 2009, City Staff prepared a Report to Council CSBU 2009-55 recommending the Sign By-law be amended to increase the distance billboards can be located near parks or residential uses to 500 feet or 150 metres. This amendment was suggested as the local billboard sign industry has become increasingly competitive resulting in a increase in the number of Billboard signs being erected.

The Staff recommendation was amended at City Council to temporarily approve the amendment to the Sign By-law to increase the separation distance from residential zones and parks until a Billboard Sign Study was completed.

Analysis**Billboard Study**

City Staff have completed the Billboard Sign Review which analyzed Billboard Signs throughout the City. As part of the analysis all Billboard Signs were marked with GPS (Global Positioning System), and added as a layer on the City's GIS (Geographic Information System), with a picture of the Billboard and sign ownership recorded. All previous Sign Permits that had been issued for the signs were attached, and the signs were coded by ownership.

Summary

Total Billboard Signs:	125
Signs in the Rural Area:	56
Signs in the Urban Settlement Area:	69
Signs requiring MTO Permit (Highway):	78
Erected with a City Sign Permit:	28
No record of City Sign Permit:	97
Lease Agreement with the City of North Bay:	7
Revenue from Lease Agreements (City):	\$10,000 (annually approx)
Lease Agreement with the NBMCA:	6
Revenue from Lease Agreements (NBMCA):	\$13,000 (annually approx)

Ministry of Transportation

City Staff met with a Ministry of Transportation representative to review Billboard Signs. The MTO has advised that all of the signs located within Ministry jurisdiction have been issued MTO Sign Permits. The MTO requires applicants to identify on their application that they meet all municipal requirements for the erection of the sign, including obtaining a City Sign Permit. As a result of our review with the MTO, it became apparent approximately 99% of the signs that achieved an MTO permit did not receive a Sign Permit from the City of North Bay. The majority of signs without a record of getting a permit are located along Provincial highways.

As a result of this Study, the City of North Bay and MTO have implemented a new application process to ensure a Billboard Sign will not be built until a Sign Permit is issued by the MTO or the City of North Bay.

Billboard Regulation Comparison

In addition to a review of Billboard Signs within the City, a comparison was done between the City's Billboard regulations and a number of other cities including the Greater Sudbury, Timmins, Sault Ste. Marie, Orillia, Ajax, Cambridge, Richmond Hill, Kingston, Pickering, Guelph, Kitchener, Brampton and Windsor. Through the review of other municipal Billboard Sign regulations it is evident that North Bay's Sign By-law is not as restrictive as other areas. Most cities identify specific areas in the City, such as along certain arterial streets or specific sites that Billboards are allowed. A detailed comparison is contained in Appendix A.

In general, where Billboards are allowed, the distance required between Billboard signs varies from 100 metres (330 feet) (Kingston) to 500 metres (1640 feet) (Orillia, Cambridge).

The distance required from Residential Zones and Parks varies from 25 metres (Windsor) to 200 metres (Orillia), with the average restriction being 100 metres (330 feet) from Residential Zones and Parks.

Results

As a result of the Study, it would be appropriate for the City to amend the Billboard Sign regulations within the City of North Bay Sign By-law. It is recommended the definition of Billboard be amended to include Wall Billboard Signs. These are Billboards that are attached to a building and advertise business other than that taking place on premises. This varies from traditional Billboards which are free standing signs. Based on our review, most of the existing Billboard Wall Signs are illegal (with

the exception of those that received a variance to the Sign By-law), and do not meet the Sign By-law regulations and have not obtained a Sign Permit.

It is recommended no new Billboard Wall Signs be permitted and existing illegal Billboard Wall Signs be required to be removed.

The existing definition of Billboard is:

“Billboard” means a ground sign that advertises or identifies a product or service available, or a business not conducted on the property where the sign is located.

It is recommended that Section 1.8, the definition of Billboard, be amended to read:

“Billboard” means a sign, which is free standing or attached to a building, which has copy fastened in such a manner so as to permit its periodic replacement which advertises goods, products, services or facilities that are not present or sold on the property on which the sign is located.

It is also recommended that Section 8.3.1, Billboards in the Rural Zone, be amended as follows:

8.3.1 Billboards

8.3.1 Billboards in Rural Area

Billboards are permitted provided that they are only located on existing approved Billboard Sign sites in the Rural Area. Where a Billboard is permitted, the following regulations shall apply:

- a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
- b) maximum area of billboard sign is 20.5 square metres;
- ~~c) minimum distance billboards located from any residential use in a rural zone where the principal use is residential is restricted to 50 metres;~~
- ~~d) minimum distance between billboards in any rural zone is 50 metres unless contiguous with each other; and~~
- ~~e) maximum of two signs on any property.~~
- c) Illumination and animation of the billboard sign is permitted.
- d) Billboards shall not be attached to buildings in any way or fashion.
- e) A billboard may be double sided
- f) A billboard cannot be attached to another billboard

The amendment to the Rural Area provisions are proposed to limit the number of signs located along Highway entrances into the City. Currently a majority of the Billboards are located in this area,

and it is felt that an increase in the number of Billboards along the entrances to the City will detract from the City's attractiveness.

It is also recommended that Section 8.4.6, Billboards in the Industrial and Commercial Zones, be amended as follows:

8.4.6 Billboard Signs

Billboards are permitted provided that they are located along Main Street West, Algonquin Avenue, McKeown Avenue West, Cassells Street, Fisher Street, McIntyre Street, Lakeshore Drive, Pinewood Park Drive, Trout Lake Road, Booth Road, Birches Road, Goremanville Road, Seymour Street, and Airport Road between Algonquin Avenue and O'Brien Street, within a Commercial or Industrial Zone. Where a Billboard is permitted the following regulations apply:

- a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
- b) maximum area of billboard sign is 20.5 square metres. The sign may be constructed with separate sign faces but must be one structured double sided;
- c) minimum distance billboards located from any residential zone use in a zone where the principal use is residential is restricted to 30 metres (100 feet) from the zone boundary and shall be located in a manner that the Billboard is not visible from the residential zone;
- d) minimum distance billboards located from a Park, Cemetery or Conservation Area is restricted to 100 metres (330 feet) from the property boundary or where it can be demonstrated that the sign is not visible from the Park, Cemetery or Conservation Area;
- e) minimum distance between billboards in any commercial or industrial zone is 30-300 metres (984 feet) in either direction, on either side of the street metres unless contiguous with each other;
- f) maximum of one sign on any commercial or industrial property which may be double sided;
- g) any part of the billboard sign must be setback 3 metres from the front all property lines.
- h) the sign must be kept in good condition and maintained at all times, which includes the messages or the advertisement; and
- i) if the sign is not in use, the face area of the billboard sign must not be left in an untidy state.

8.4.6.1 Illumination and animation of billboard signs is permitted.

8.4.6.2 Billboards shall not be attached to buildings in any way or fashion.

The proposed amendments to the Billboard provisions of the Commercial and Industrial Zone reflect the desired locations of Billboard Signs. Billboards are largely located on Arterial Roads because of traffic counts. The current distance between Billboard signs (30 metres) is similar to permitting 2 to 3 Billboard Signs per city block. Increasing this distance to 300 metres would be similar to permitting 1 Billboard Sign per 2 city blocks. This would not preclude new Billboard Signs from locating within the City, however would prevent too many billboards being erected.

The Fascia Sign regulations of the Sign By-law should also be amended in order to permit some additional signage on the sides of buildings in commercial and industrial zones.

Section 1.16 of the Sign By-law should be amended to reflect the following:

“Fascia Sign” shall mean a sign which is in any manner affixed to any exterior wall of a building or structure, and which does not project from the building or structure wall and does not extend above the parapet, eaves or building facade of the building on which it is located. A fascia sign shall only advertise goods, products, services or facilities that are present or sold in the building on which the sign is located.

The regulations for Fascia Signs in Industrial and Commercial Zones should be amended as follows:

8.4.2 Fascia Signs

8.4.2 Fascia Signs

Fascia Signs are permitted on a maximum of two (2) building faces only provided that:

a) A maximum of 25% of the front of the building’s first storey face is used for signage

a)b) in the case of a corner lot, the maximum area of fascia signs is 25% of the front of the building’s first storey face ~~building face for both front and 25% for the flankage sign~~ side face; ~~The maximum flankage face area sign shall not exceed the sign area of the frontage;~~

c) in the case of an interior lot, the maximum area of fascia sign is ~~30~~25% of the front of the building’s first storey face ~~building face~~ and a maximum area of 6 square metres on the interior side face or rear face;

e)d) maximum projection of .5 metres from building face;

d)e) minimum height is restricted to 2.5 metres from grade to any part of the sign;

e)f) fascia signs must not extend above the eaves of the building;

f) fascia signs are prohibited on public property unless approved by way of an encroachment agreement; and

g) fascia signs must advertise the business or service conducted on the property where the sign is located.

8.4.2.1 Illumination and animation on fascia signs is permitted.

Recreational Field Advertising Signs

The recreational field advertising section of the Sign By-law should be amended to reflect the desire of local sporting groups to advertise in various locations at sports fields. Currently, field advertising signs are exempted from the Sign By-law, provided that they face towards the centre of the playfield. The proposed amendment would permit the signs to face away from the playfield, but also includes a number of new regulations to ensure the aesthetic of the field is maintained and important sight lines are not blocked.

Due to the size of the proposed signs, they will not act as Billboards and will only be permitted where local sporting groups have an agreement with the City of North Bay to advertise in play field areas (ball diamonds, soccer fields etc).

Section 11 (c): Recreational Facility Field Advertising Signs

- (i) Field advertising signs are exempt from By-law regulations provided: ~~that all signs face toward the centre of the playfield.~~
 - i. Signs shall be attached to fencing surrounding the playfield area;
 - ii. Signs shall be designed to reflect the size and location as shown on Schedule D to the Sign By-law;
 - iii. Advertising signs will not be permitted on ball field backstops;
 - iv. The sign shall be located in a manner approved by the Director of Parks, Recreation and Leisure Services; and
 - v. Signs shall only be permitted when advertising is being conducted through an agreement with the City and a local sporting group.

Signs Erected without a Permit

All Billboard Signs that were erected legally will be grandfathered under the new By-Law regulations. Should the Billboard be removed, no new Billboard will be permitted to be erected unless they can meet the new regulations.

A billboard sign will be required to be removed if the Billboard's legality cannot be confirmed either through City of North Bay records or the owner's records. If the sign meets the new standards set out in the Sign By-law, the Billboard owner will be permitted to apply for a Sign Permit to keep the sign.

Billboard Fees

Under the current By-law, the sign permit application fee for a Billboard Sign is \$100. This is a one time fee paid at the time the Sign Permit application is submitted. Through this current review of Billboard Signs, it was determined that the level of effort in processing Billboard Sign applications has increased over the past two years, and will continue to increase with the proposed changes contained in this report. As a result, it has been determined that a more appropriate fee to cover processing costs would be \$500 per sign. This fee would cover postage, a portion of Staff time and

correspondence to interested agencies. The changes proposed to the Billboard regulations of the Sign By-law will require a site inspection by City Staff to ensure the sign will not be visible from residential zones.

The Building Services Department does not currently require Building Permits to be issued for Billboard Signs. As outlined below, the Building Department will now require certain types of signs obtain a Permit. The fee associated with the Building Permit is \$103. It is proposed that where a Building Permit is required, the Building Permit fee be included in the Sign Permit Application fee of \$500.

Building Permit Requirements

The Ontario Building Code 2006, Division B - Part 3, "Section 3.15 Signs" regulates the erection of all signs. "Subsection 3.15.1.2. Exceptions" lists a number of signs that are not subject to the provisions of the Section. Included in this list in Sentence (e) are "incidental signs or other signs subject to municipal approval. In this regard signs are generally exempt from complying with the Code and a Building Permit is not required.

However, the OBC, Division C - Part 1, Section 1.2. "Design and General Review" governs the structures required to be designed and reviewed by an Architect or Professional Engineer. Subsection 1.2.1.1. Sentence (11) & (12) prescribes that a sign structure shall be designed by an Architect or Professional Engineer where it is,

- (a) a ground sign that exceeds 7.5m (24.6 ft) in height;
- (b) a projecting sign that weighs more than 115kg (253.5 lbs);
- (c) a roof sign that has any face that is more than 10 sq. metres (107.6 sq. ft.); and
- (d) a projecting sign attached or fastened in any manner to a parapet wall.

Accordingly, Building Services requires that Building Permits be issued for these types of sign structures. The current fee for a Building Permit for a sign structure is \$103. This fee will be incorporated into the Sign Permit Application fee of \$500.

Consultation with Billboard Industry

Planning Staff held a meeting to consult with the Billboard Sign companies operating in the City. Two of six companies attended the meeting, and one company provided comments in writing. At the meeting the companies offered their opinions regarding the proposed amendment.

Since the meeting, Staff have reviewed the proposed amendments to the Sign By-law and have made some adjustments based on comments received at the meeting. The main changes are as follows:

- reduce the distance from residential zones from 150 metres to 30 metre setback from residential zones and also to ensure that the sign is not visible to the residential zone.
- Reduce the distance from Parks, Cemeteries, and Conservation Areas from 150 metres to 100 metres and ensure that the sign is not visible to those areas.
- the distance between Billboards is increased to 300 metres
- Billboards are only permitted along Main Street West, Algonquin Avenue, McKewon Avenue, Cassells Street, Fisher Street, Lakeshore Drive, Pinewood Park Drive, Booth Road, Trout Lake Road and McIntyre Street. in Commercial and Industrial zones
- No new Billboard sites will be approved in the Rural Area

Planning Staff are of the opinion that these changes are a compromise in regard to comments from the Billboard industry.

Analysis / Options

Option 1:

1. That the Sign By-law 2006-143 be amended as outlined in Report to Council CSBU 2009-93.
2. That all Billboard Signs erected or altered after the passing of the subject amendment be required to obtain a Building Permit as regulated under the Ontario Building Code.
3. That City Council direct staff to have those Billboard Signs that have been erected illegally and cannot comply with the Sign By-law that was in force prior to this amendment to be removed; and
4. That those signs erected illegally that can comply with the Sign By-law prior to this amendment will be required to apply for a Sign Permit and pay the new Billboard Sign permit fee as provided for in Report to Council CSBU 2009-93.

Option 2:

Do not amend the Sign By-law as amended in May 2009, requiring a 150 metre setback from Residential zones and City parks.

Option 3:

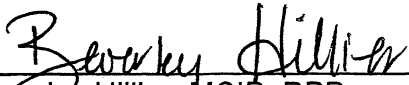
Do not amend this Sign By-law As a result of this Sign By-law Review. This would result in rescinding the 150 metre Residential/City Park setback requirement. This option is not recommended as it would contribute to an increased number of Billboards within the Community, and based on the Study, it appears North Bay is well served by the Billboard Industry.

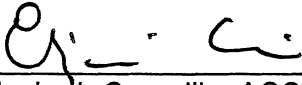
Recommended Option

Option 1 is the recommended Option. This option would increase the distance required between Billboard Signs, and ensure that the visual amenities of residential, park, cemeteries and Conservation Areas are maintained. Planning Staff have analyzed the proposed changes and are of the opinion that the distances and new regulations proposed for Billboard Signs within the City are reasonable and does not preclude new Billboards from being erected.

Although a public meeting is not required under the Municipal Act 2001, City Staff feel it is appropriate to hold a public meeting to ensure that the Billboard Sign companies have an opportunity to speak to Council directly with regards to the proposed changes. Planning and Building Staff have consulted with the sign companies and have forwarded the proposed changes as outlined in this report.

Respectfully submitted,


Beverley Hillier, MCIP, RPP
Senior Planner


Elizabeth Courville, ACST
Zoning Administrator


Shawn Killins
Chief Building Official

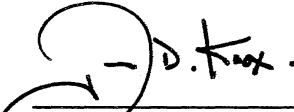
BH/EC/SK/dlb


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attach.

We concur in this report and recommendation.


Ian G. Kilgour
Manager, Planning Services


Jerry D. Knox
Managing Director, Community Services


David G. Linkie
Chief Administrative Officer

Personnel designated for continuance:

Beverley Hillier, Senior Planner
Elizabeth Courville, Zoning Administrator
Shawn Killins, Chief Building Official

CSBU 2009-93

City	Definition	Distance b/w Billboards	Distance from Residential zones	Regulations	Permitted Locations	Building Permit Required?	Fee
City of North Bay		50 metres (Rural) 30 metres (indust/comm.)	50 metres from principle res use (Rural) 30 metres from principle residential use 150 metres (by-law 2009-121)	Permitted in Rural, Commercial and Industrial zoned permit			\$100
City of Greater Sudbury	Not defined. Do not regulate Billboard signs in their Sign By-law.					Yes	
Timmins (Specific Billboard Sign By-law)	A sign related to a business, enterprise or other activity not conducted within the building or upon the property on which the sign is erected	305 m	Not permitted within any Residential Zone		Specific locations permitted listed in the By-law	Yes	Off right of way: \$50 plus \$120 license fee (each year) On right of way – Annual license fee \$1000 (one sided) \$1500 (two sided)
Sault Ste Marie	An outdoor sign that advertises goods, products or services that are not sold or offered on the property where the sign is located and is either single faced or double faced	120m	60m		On privately owned property (except community info signs) Specific areas defined within the by-law No more than 20 downtown		\$10 per \$1000 value
City of Orillia	Any structure, devise or thing (and all parts thereof) located outside of any building which is erected, displayed and maintained by a person engaged in the sale or rental of space thereon to a third party clientele, upon which space there is displayed advertising describing one or more products or services which are not made, produced, assembled, sold or stored on the lot premises upon which the billboard sign is located	500 m	200m		Commercial and Industrial Zones (except C1) Note* Essentially no billboards within City limits b/c of restrictions (no property can meet setback requirements)	Yes	\$60 for the first square meter (1.0 m2) or part thereof and \$10 for each additional square meter or part thereof Renewal \$35 Change of Message Fee \$100
Town of Ajax	A sign to which copy is fastened, posted, painted or projected in such a manner as to permit its periodic replacement and which advertised goods, products, services or facilities that are not available at the location of the sign and/or which directs a person to a location different from that where the sign is located.				Max of 5 signs in the entire town in their existing locations		

CSBU 2009-93

City	Definition	Distance b/w Billboards	Distance from Residential zones	Regulations	Permitted Locations	Building Permit Required?	Fee
City of Cambridge	A third party, non-accessory sign that advertises goods, products, services or facilities that are not available at the location where the sign is situated or that directs persons to a location different from that where the sign is located	500m	100 m (of residential, institutional, agriculture or open space zone)		Not permitted within any public park, conservation area or public open space	Yes	\$81 per \$1000 value (min \$81)
Richmond Hill	A standardized advertising sign symbol or structure erected and maintained by a person, firm, corporation, business, service, commercial or industrial enterprise engaged in the sale of rental space thereon to a clientele, upon which space there is displayed advertising copy describing one or more products or services which are not necessarily made, produced, assembled, sold or stored from the lot or premises upon which the advertisement is displayed				Only 6 existing locations permitted within the town		
Kingston	Off-premise, ground sign which advertises goods, products, services or facilities or directs persons to a different location from that upon which the sign is located	100m			Industrial, agricultural, rural, development and commercial zones		
City of Pickering	Not defined.	250m			Identified Billboard district in By-law	Yes	
City of Guelph	A sign which stands alone supported by uprights, braces, a support structure or the like which is in turn embedded in a foundation, the ground or the like, and includes subdivision, construction site, real estate and municipal election sign, a billboard, a menu board sign and the like.				Only 6 existing locations permitted within the City	Approval from CBO required	\$50 per \$1000 value (min \$50)
City of Kitchener	A sign advertising a business, use, product or idea not located on the same lot as the sign is located,	300m	150m 300m from certain parks listed in the Official Plan.		One per lot.	Yes	\$790
City of Brampton	"Class B ground sign" – shall mean a ground sign on which the message or advertisement refers and related to goods or services not available on the property which the sign is located		100m		On vacant land. Commercial or Industrial.	Yes	\$20 per m ² (min \$150)

City	Definition	Distance b/w Billboards	Distance from Residential zones	Regulations	Permitted Locations	Building Permit Required?	Fee
City of Windsor	<p>A ground or wall sign, which has copy fastened in such a manner so as to permit its periodic replacement, which is owned and maintained by a person engaged in the rental or leasing of the sign face area for advertising goods, products, services or facilities that are not present or sold on the property on which the sign is located</p> <p>*Note regulate Billboard Ground Signs and Billboard Wall signs Was a moratorium before 2000, lifted when by-law was done in 2004</p>	200m	25m		<p>Commercial or Industrial w/ frontage along a street</p> <p>Only permitted along 11 streets and not in special districts</p>	Yes	\$4 per m ² (min \$75)

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-204

BEING A BY-LAW TO AMEND BY-LAW 2006-143 TO RESTRICT AND REGULATE SIGNS AND OTHER ADVERTISING DEVICES, INCLUDING BILLBOARDS AND FASCIA SIGNS WITHIN THE CITY OF NORTH BAY.

WHEREAS Section 99 of the Municipal Act, 2001, subsections 1 to 5, authorizes the Council to pass By-laws regulating signs and other advertising devices;

AND WHEREAS to further this objective Council passed By-law 2006-143 being a By-law to regulate signs and other devices;

AND WHEREAS Council deems it desirable to amend By-law 2006-143 to regulate Billboard signs for the purpose of avoiding traffic hazards, unsightly appearance and maintaining aesthetic and architectural integration of all City streetscapes and abutting properties;

AND WHEREAS Council deems it desirable to pass a By-law regulating Billboard Signs;

AND WHEREAS Notice of the Public Meeting in the matter of the amendment to the Sign By-law was given by way of advertisement in the North Bay Nugget on the 14th day of November, 2009 and on the 21st day of November, 2009;

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the amendment to the Sign By-law was held on the 7th day of December, 2009;

AND WHEREAS Council approved the amendment to the Sign By-law pursuant to Community Services Committee Report No. _____ passed on the ___ day of _____, 20___;

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

1. Section 1.8 is amended by deleting the subsection in its entirety and replacing it with the following:
 - 1.8 "Billboard" means a sign, which is free standing or attached to a building, which has copy fastened in such a manner so as to permit its periodic replacement which advertises goods, products, services or facilities that are not present or sold on the property on which the sign is located.
2. Section 1.16 is amended by deleting the subsection in its entirety and replacing it with the following:
 - 1.16 "Fascia Sign" shall mean a sign which is in any manner affixed to any exterior wall of a building or structure, and which does not project from the building or structure wall and does not extend above the parapet, eaves or building facade of the building on which it is located. A fascia sign shall only advertise goods, products, services or facilities that are present or sold on the building on which the sign is located.
3. Section 8.3.1, Billboards in Rural Areas, is amended by deleting the subsection in its entirety and replacing it with the following:
 - 8.3.1 Billboards in Rural Area

Billboards are permitted provided that they are only located on existing approved Billboard Sign sites in the Rural Area. Where a Billboard is permitted, the following regulations shall apply:

 - a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
 - b) maximum area of billboard sign is 20.5 square metres;
 - c) Illumination and animation of the billboard sign is permitted.
 - d) Billboards shall not be attached to buildings in any way or fashion.

- e) A billboard may be double sided
 - f) A billboard cannot be attached to another billboard
4. Section 8.4.2, Fascia Signs, permitted in the Commercial and Industrial Zones, is amended by deleting the subsection in its entirety and replacing it with the following:

8.4.2 Fascia Signs

Fascia Signs are permitted on a maximum of two (2) building faces only provided that:

- a) A maximum of 25% of the front of the building's first storey face is used for signage
- b) in the case of a corner lot, the maximum area of fascia signs is 25% of the front of the building's first storey face and 25% for the flankage side face;
- c) in the case of an interior lot, the maximum area of fascia sign is 25% of the front of the building's first storey face and a maximum area of 6 square metres on the interior side face or rear face;
- d) maximum projection of .5 metres from building face;
- e) minimum height is restricted to 2.5 metres from grade to any part of the sign;
- f) fascia signs must not extend above the eaves of the building;
- f) fascia signs are prohibited on public property unless approved by way of an encroachment agreement; and
- g) fascia signs must advertise the business or service conducted on the property where the sign is located.

8.4.2.1 Illumination and animation on fascia signs is permitted.

5. Section 8.4.6, Billboard Signs, permitted in the Commercial and Industrial Zones, is amended by deleting the subsection in its entirety and replacing it with the following:

8.4.6 Billboards are permitted provided that they are located along Main Street West, Algonquin Avenue, McKeown Avenue West, Cassells Street, Fisher Street, McIntyre Street, Lakeshore Drive, Pinewood Park Drive, Trout Lake Road, Booth Road, Birches Road, Goremanville Road, Seymour Street, and Airport Road between Algonquin Avenue and O'Brien Street, within a Commercial or Industrial Zone. Where a Billboard is permitted the following regulations apply:

- a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
- b) maximum area of billboard sign is 20.5 square metres. The sign may be double sided;
- c) minimum distance billboards located from any residential zone is restricted to 30 metres (100 feet) from the zone boundary and shall be located in a manner that the Billboard is not visible from the residential zone;
- d) minimum distance billboards located from a Park, Cemetery or Conservation Area is restricted to 100 metres (330 feet) from the property boundary or where it can be demonstrated that the sign is not visible from the Park, Cemetery or Conservation Area;
- e) minimum distance between billboards in any commercial or industrial zone is 300 metres (984 feet) in either direction, on either side of the street;
- f) maximum of one sign on any commercial or industrial property which may be double sided;
- g) any part of the billboard sign must be setback 3 metres from all property lines.
- h) the sign must be kept in good condition and maintained at all times, which includes the messages or the advertisement; and

- i) if the sign is not in use, the face area of the billboard sign must not be left in an untidy state.
 - 8.4.6.1 Illumination and animation of billboard signs is permitted.
 - 8.4.6.2 Billboards shall not be attached to buildings in any way or fashion.
6. Section 11 (c) to By-law 2006-143 is amended by deleting the subsection in its entirety and replacing it with the following:

Recreational Facility Field Advertising Signs

- (i) Field advertising signs are exempt from By-law regulations provided:
 - i. Signs shall be attached to fencing surrounding the playfield area;
 - ii. Signs shall be designed to reflect the size and location as shown on Schedule D to the Sign By-law;
 - iii. Advertising signs will not be permitted on ball field backstops;
 - iv. The sign shall be located in a manner approved by the Director of Parks, Recreation and Leisure Services; and
 - v. Signs shall only be permitted when advertising is being conducted through an agreement with the City and a local sporting group.
- 7. Schedule A to By-law 2006-143 is amended by increasing the required fee for Billboard Signs from \$100 to \$500 per sign.
- 8. Schedule B to By-law 2006-143 shall be amended to include the following statement at the end of Section 2 "The Site Plan shall also identify the location of the sign on the property, including setbacks from all property lines."
- 9. By-law 2006-143 is amended by inserting the attached Schedule A as Schedule D to Sign By-law 2006-143.

READ A FIRST TIME IN OPEN COUNCIL THE __ DAY OF _____ 2009.

READ A SECOND TIME IN OPEN COUNCIL THE __ DAY OF _____ 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS __ DAY OF _____ 2009.

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD

This is Schedule "A"

To By-law No. 2009-204

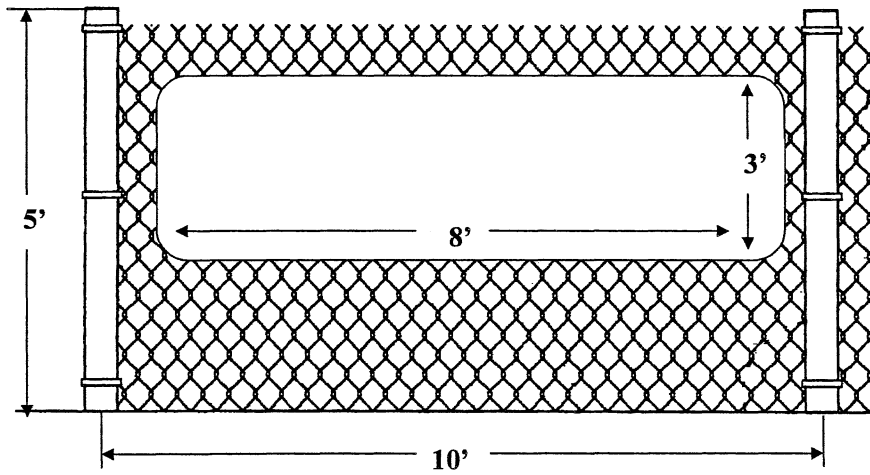
Passed the ___ day of _____ 20__

Mayor, Vic Fedeli

City Clerk, Catherine Conrad

Schedule D to Sign By-law 2006-143

Location and Design of Field Advertising Signs



CS-2011-07

Draft recommendation.

- “That
- a) the proposed Plan of Subdivision (8 Lots, File #48T-11108) by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc., for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, be given Draft Approval subject to the conditions in Appendix “A” to the Planning Report prepared by Steve McArthur dated February 2, 2011; and
 - b) the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication.”

INTER OFFICE

**City of North Bay
Planning Services**

To: Cathy Conrad, City Clerk
From: Steve McArthur - Senior Planner, Current Operations
Subject: Resolution No. 3 - Planning Advisory Committee
Date: February 18, 2011

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Thursday, February 17th, 2011:

Resolution No. 3

"That the Planning Advisory Committee recommend the following to City Council:

- 1) That the proposed Zoning By-law Amendment from a "Residential Second Density (R2)" zone and "Residential Third Density (R3)" zone to a "Residential Third Density Special Zone No.125 (R3 Sp.125)" by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, be approved;
- 2) That the proposed Plan of Subdivision (8 Lots, File #48T-11108) by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, be given Draft Approval subject to the conditions in Appendix "A" to the Planning Report prepared by Steve McArthur dated February 2, 2011; and
- 3) That the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication"



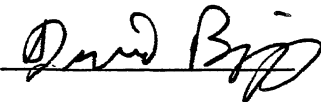
Steve McArthur
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 3

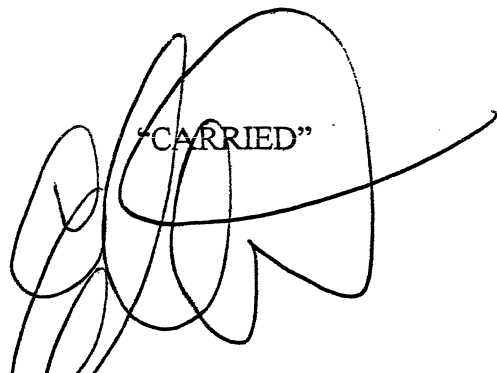
Date: February 17, 2011

Moved By: 

Seconded By: 

“That the Planning Advisory Committee recommend the following to City Council:

- 1) That the proposed Zoning By-law Amendment from a “Residential Second Density (R2)” zone and “Residential Third Density (R3)” zone to a “Residential Third Density Special Zone No.125 (R3 Sp.125)” by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, BE APPROVED;
- 2) That the proposed Plan of Subdivision (8 Lots, File #48T-11108) by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, BE GIVEN DRAFT APPROVAL subject to the conditions in Appendix “A” to the Planning Report prepared by Steve McArthur dated February 2, 2011; and
- 3) That the Owner(s) ENTER INTO A SUBDIVISION AGREEMENT with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication”


Chair

INTER OFFICE

City of North Bay

Planning Services

MEMO

To: Chair and Members, Planning Advisory Committee

From: Steve McArthur, Senior Planner, Current Operation

Subject: Proposed Plan of Subdivision (8 Lots) and Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. – 482 Lakeshore Drive

Date: February 8, 2011

Recommendation

- 1) That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, from a "Residential Second Density (R2)" zone and "Residential Third Density (R3)" zone to a "Residential Third Density Special Zone No.125 (R3 Sp.125)", as shown on Schedule "A" attached hereto, be approved;
- 2) That the proposed Plan of Subdivision (8 Lots, File #48T-11108) by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc. for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, shown as Lots 1 to 8 on Schedule "B" attached hereto, be given Draft Approval subject to the conditions in Appendix "A" to the Planning Report prepared by Steve McArthur dated February 2, 2011; and
- 3) That the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication;

Site

The subject lands are located on the east side of Lakeshore Drive, south of Lovell Avenue (see Schedule "A" attached hereto).

The site has a frontage of approximately 26.6 meters (87.2 feet) along Lakeshore Drive and a total lot area of approximately 0.5674 hectares (1.4 acres). The subject land is surrounded by a mix of residential and commercial properties. To the north of the subject lands are homes located on Lovell Avenue, to the south are homes located off of Lakeshore Drive, Karla Drive, David Court and Ryan Avenue. Surrounding commercial land uses include the Glenwood Motel on Lakeshore Drive, and Shady Maple Villa, a legal non-conforming tourist commercial establishment. Within 100 meters (328 ft) of the subject lands are townhouse condominiums zoned Residential Multiple Second Density (RM2).

Proposal

The Applicant is proposing to create a new residential subdivision containing a total of eight (8) lots on a vacant parcel of land on the east side of Lakeshore Drive, just to the south of Lovell Avenue and at the northern terminus of Karla Drive and Ryan Avenue in the City of North Bay.

The proposed lots would be zoned "Residential Third Density Special Zone No.125 (R3 Sp.125)", and would be occupied by single or semi-detached dwellings on full municipal services. The special component of the proposed "Residential Third Density Special Zone (R3 Sp.125)" would see a reduction in the minimum frontage requirement from required 13.7 meters for a single detached dwelling to 13.3 meters.

Provincial Policy Statement

This proposal has been reviewed in the context of the Provincial Policy Statement 2005 (PPS), the document which provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.3, Settlement Areas, states that *"these areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- i. efficiently use land and resources; and*
- ii. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion."*

The PPS further adds in Section 1.1.3.7 that *"new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs."*

The proposed development will take place within the existing Urban Settlement Area in a designated growth area adjacent to an existing built-up area. The efficient use of infrastructure and public services will be maintained.

All pertinent policies of the PPS have been applied in their entirety, and in my professional opinion the approval of the subject Zoning By-law Amendment and Draft Plan of Subdivision with the associated conditions outlined in Appendix 'A' will result in a development that achieves an appropriate balance of the PPS principles.

Official Plan

The subject lands are designated "Residential" in the City of North Bay's Official Plan.

Section 2.2 of the Official Plan outlines policies regarding Residential Uses in the Urban Area. The residential policies contained in Section 2.2 of the Official plan identify that in *"low density residential areas, the intent of this Plan is to provide for accommodation in relatively small buildings, in dwelling units generally suitable for families with children. In this regard, the dwelling types considered appropriate generally involve low profile buildings having an external access and outdoor privacy area associated with each dwelling unit. The City shall ensure that the amenity of such areas are preserved, and that different types of structures shall be mutually compatible."*

The proposal meets the intent of the residential policies contained within the City's Official Plan.

Zoning By-law No. 28-80

The subject lands are currently zoned "Residential Second Density (R2)" and "Residential Third Density (R3)".

The Residential Second Density (R2) zone permits the following land uses:

- single detached dwelling unit (minimum 15m frontage);
- group home type 1;
- accessory home based business;
- parks, playgrounds and non-profit uses; and
- institutional uses

The Residential Third Density (R3) zone permits the following land uses:

- single detached dwelling unit (minimum 15m frontage);
- duplex dwelling unit (minimum 18m frontage);
- semi-detached dwelling unit (minimum 18m frontage);
- group home Type 1;
- accessory home based business;
- parks, playgrounds and non-profit uses; and
- institutional uses.

The Applicant is proposing to rezone the subject lands to a "Residential Third Density Special No.125 (R3 Sp.125)" as shown on Schedule "A" attached hereto.

The "Residential Third Density Special Zone No.125 (R3 Sp.125)" would permit the following proposed uses:

- single detached dwelling unit (minimum frontage of 13.3m);
- duplex dwelling (minimum 18m frontage);
- semi-detached dwelling (minimum 18m frontage);
- group home Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicant is proposing to create a new residential subdivision containing a total of eight (8) lots located on the east side of Lakeshore Drive, south of Lovell Avenue (see Schedule "A" attached hereto).

Correspondence

This proposal was circulated to property owners within 120 meters (400 feet) of the subject lands, as well as to several municipal departments and external agencies that may have an interest in this matter. In terms of the correspondence received, the Chief Fire Prevention Officer, the Chief Building Official, the Ministry of Transportation, the Director of Parks, Recreation & Leisure Services, the Mayor's Office of Economic Development and North Bay Hydro offered no objections to the proposal.

The North Bay-Mattawa Conservation Authority offered the following comments: *"For your information, the above noted property is in an area that is regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 177/06. This regulation is pursuant to section 28 of the Conservation Authorities Act of Ontario. The portion of the property zoned R3 Sp is subject to flooding from both Parks Creek and Lake Nipissing from the regulatory 1:100 year storm event.*

Flood proofing is required for development on this property. No external openings are permitted below 197.5 meters C.G.D. Prior to undertaking any site alteration activities and/or any construction or renovation work on, the property, the owner(s) is required to obtain a Development Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit from this office. Site alteration activities would include: the placement or removal of fill material of any kind."

The Engineering Department offered the following comments:

- The roadway would have to be constructed conforming to the City's design standards with respect to the urban residential road cross-section. This includes a roadway width of 8.5 m with curb & gutter to be extended from Lovell Avenue to the far end of the development as there is no curb & gutter on Karla Drive.
- The owner must pay to extend municipal water and sewer (storm & sanitary) to the subject lands at his/her sole expense.
- The owner at his/her sole expense must design and install a cul-de-sac at the northern terminus of Ryan Avenue to the satisfaction of the City Engineer
- The owner must submit a storm water management plan to the satisfaction of the City Engineer.

The comments from the North Bay-Mattawa Conservation Authority and the Engineering Department have been provided to the Applicant and his agent. They understand that any expansion of municipal services, including roads, sewers and water lines will be done at the Applicant's sole expense. A full storm water management plan will be submitted prior to final approval of the Plan of Subdivision. The requirements of the North Bay-Mattawa Conservation Authority and the Engineering Department have been included in the appendices to the report.

Circulated property owners from 29 Lovell Avenue, 51 Ryan Avenue, 463 Lakeshore Drive and 7 David Court submitted comments, questions and concerns in writing:

- What is being done about the cash-in-lieu or 5% parkland dedication?
- Concerns regarding where storm water will drain;
- Questions about the homes being rentals, and what landscaping (fencing) would be installed, would all of the trees be removed?
- Lot servicing and potential need to install or upgrade infrastructure;
- The increase of traffic in the neighborhood once Karla Drive is opened.
- If the properties are too small for the current zoning, why try to squeeze these lots in?

With regard to the circulated property owners' comments, Staff offer the following:

The Parks, Recreation & Leisure Services Department is requesting cash-in-lieu of parkland dedication. The proponent will be required to make a financial contribution equal to 5% of the value of the land prior to draft approval.

The proponent must deal with pre and post flows to ensure that storm water is directed away from neighbouring properties and into storm drains and sewers that will be constructed as part of a required storm water management plan. Lot grading plans and storm water plans must be submitted and approved prior to final registration of a Plan of Subdivision.

The proponent is proposing to create 8 lots in an R3 Sp. zoning designation. This means that he, or whomever buys the lot(s), could only build eight (8) single detached dwellings, or four (4) semi-detached dwellings, or a combination thereof.

There is no requirement to fence the lots as part of this application, but home owners and purchasers of the lots may do so over time. This is consistent with the practice in every other subdivision in the City. Tree removal is required as part of the Subdivision work, but there is a requirement on the part of the developer to plant one (1) new tree in the front yard of each lot created to the satisfaction of the Director of Parks, Recreation & Leisure Services.

Most of the inquiries received with regards to this proposal were in reference to the opening of Karla Drive through to Lovell Avenue. The vast majority of circulated property owners were pleased to hear that this street would finally be connected to the rest of the neighbourhood. Traffic flows may increase slightly, but flows in the neighbourhood as a whole should improve with the opening of Karla Drive.

Furthermore, the opening of Karla Drive and the construction of a turn around at the end of Ryan Avenue will result in improved access for municipal services, snow plowing, garbage collection and emergency services vehicles.

The Applicant is approximately 0.4 meters (1.3 feet) short of the required 13.7 meters (45 feet) for a single detached dwelling in a Residential Third Density (R3) zone. The special component of the proposed "Residential Third Density Special Zone (R3 Sp.125)" would recognize this frontage deficiency. If the proponent chooses to build four (4) semi detached dwellings (representing eight units) they would exceed the requirement for frontage.

Summary

The proposed development will take place within the existing Urban Settlement Area, specifically in a designated growth area adjacent to an existing built-up area. The proposed development is in keeping with the existing residential character of the neighbourhood and will result in the logical extension and efficient use of infrastructure and public services.

A majority of the surrounding residential neighbourhood is developed as semi-detached dwellings with 9 meters (30 feet) of frontage. The proposed lot configuration is in keeping with the character of the area. The Owners of the property will be required to meet all setback requirements as set out in the City's Zoning By-law.

All pertinent policies of the PPS have been applied in their entirety, and in my professional opinion the approval of the subject Zoning By-law Amendment and Draft Plan of Subdivision with the associated conditions outlined in Appendix 'A' will result in a development that achieves an appropriate balance of the PPS principles. The proposal is in conformity with the Official Plan and the proposed amendment to the City of North Bay's Zoning By-law No. 28-80 is appropriate.

Respectfully submitted,



Steve McArthur
Senior Planner, Current Operations

SM/EA/dlb

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attach(s).

I concur with this report and recommendations.



Beverley Hillier, MCIP, RPP
Manager, Planning Services

APPENDIX "A" - PLAN OF SUBDIVISION – LOTS 1 TO 8

The City of North Bay's Conditions to Final Approval for registration of the Subdivision File No. 48T-11108, are as follows:

- | No. | Conditions |
|-----|--|
| 1) | That this approval expires five (5) years from the date of approval shown by the "Draft Plan Approval Stamp" on the face of the draft plan. If there is an appeal to the Ontario Municipal Board under section 51 (39) of the Planning Act, the five (5) year expiration period does not begin until the date of the order of the Ontario Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the Planning Act. |
| 2) | That this approval applies to the Draft Subdivision Plan prepared by R. D. Miller, OLS, dated June 22, 2010 including eight (8) residential lots identified as Lots 1 to 8 on the attached Schedule "B". |
| 3) | That prior to signing the Final Plan by the Municipality, the proposed subdivision conforms with the Zoning By-law in effect for the Municipality. |
| 4) | That no removal of trees be undertaken prior to final approval except: within the proposed road allowance; for survey purposes around the boundary of the Draft Approved Lands and for exploratory soils investigations for the purpose of estimating servicing costs. |
| 5) | That any road allowance included in this Draft Plan shall be dedicated as public highways. |
| 6) | That such easements as may be required for utility, water, sanitary and drainage purposes shall be granted to the appropriate authority. |
| 7) | That the owner agrees in writing to satisfy all requirements, financial and otherwise of the City of North Bay concerning provision of roads, installation of services, and drainage. |
| 8) | That the Subdivision Agreement between the owner and the Municipality contain wording acceptable to the City Engineer to ensure that: <ul style="list-style-type: none"><li data-bbox="180 1480 1516 1619">a) The Owner agrees that a Stormwater Management Plan shall be undertaken by the Owner, and the Owner shall hire a professional engineer with respect to the Subdivision describing best management practices and appropriate measures to maintain quality storm runoff, both during and after construction;<li data-bbox="180 1661 1516 1728">b) The Stormwater Management report shall also address any slope stability or any hydrological issues associated with this development; and<li data-bbox="180 1770 1516 1866">c) Any recommendations forthcoming from the Stormwater Management Study shall be incorporated into the final Subdivision site design and implemented to the ongoing satisfaction of, and at no expense to, the Municipality.<li data-bbox="180 1908 1516 1965">d) The Owner agrees to pay a Stormwater Management fee of \$2200.00 per lot as recommended in the Watson Report. |

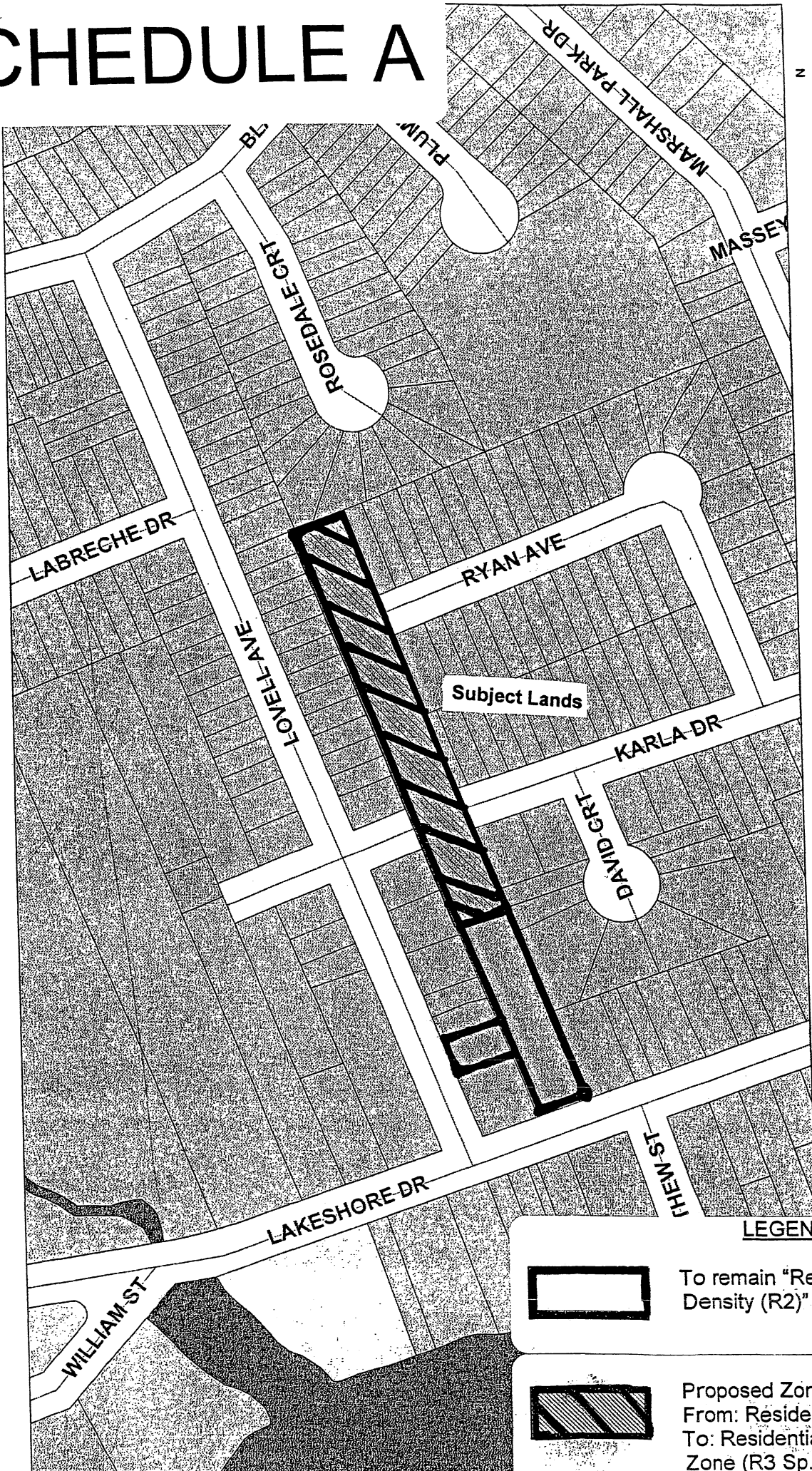
- 9) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, prepared by a qualified engineer, to the satisfaction of, and at no expense to, the City of North Bay.
- 10) That the owner agrees to convey a cash-in-lieu payment of 5% of the value of the land the day before draft approval to the Municipality for park or other public recreational purposes.
- 11) That the Owner agrees to provide locations for centralized mail delivery acceptable to Canada Post Corporation or other alternative systems as may be normally required by Canada Post.
- 12) That the Subdivision Agreement between the Owner and the Municipality be registered by the Municipality against lands to which it applies once the Plan of Subdivision has been registered prior to any encumbrances.
- 13) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 14) The subdivision agreement for the subject subdivision application shall include a statement informing the first purchaser of a lot within the subject Plan of Subdivision that prior to the issuance of a building permit, the purchaser will be required to pay Development Charges.

NOTES:

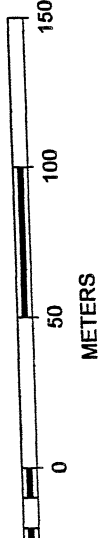
We suggest that you make yourself aware of the following:

- a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
 - b) Section 143(2) allows certain exceptions.
1. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication and telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).
 2. The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with North Bay Hydro Distribution Ltd that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with North Bay Hydro policies and the Ontario Distribution System Code.

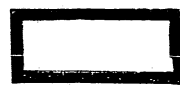
SCHEDULE A



SCALE 1 : 2,540



LEGEND



To remain "Residential Second Density (R2)" zone



Proposed Zoning By-law Amendment
From: Residential Third Density (R3)
To: Residential Third Density Special Zone (R3 Sp.)

CS-2011-08

Draft recommendation.

- “That
- a) Council receive Report to Council CORP 2011-48 dated May 5, 2011 from Michael Burke, being the Supplementary Rental Housing Licensing Report; and
 - b) the City Clerk be directed to schedule a Public Meeting.”

**CITY OF NORTH BAY
REPORT TO COUNCIL**

Report No: CORP 2011-48

Date: May 5th, 2011

Originator: MICHAEL B. BURKE

Subject: Supplementary Rental Housing Licensing Report

RECOMMENDATION

1. That the maximum number of rental bedrooms in a dwelling unit under the Rental Housing Licensing By-law be increased from 4 to 5.
2. That the By-law be made effective January 1, 2012 for the first Licences to be issued from May 1, 2012 to May 1, 2014.
3. That an advertised public meeting be arranged to consider the recommended By-law.
4. That one side only parking be implemented on Paul Street, Oakdale Road, Nancy Street and Sherryl Crescent.
5. That the short form wording schedule, for front yard parking and other zoning by-law parking offences, be adopted to enhance enforcement.

ZONING, FIRE AND BUILDING CODES:

Dwelling Units vs. Boarding House

The attached opinion outlines some of the legal history concerning the regulation of rental accommodations.

A fundamental issue is whether a property is being used as a dwelling unit or a boarding house. If it is used as a dwelling unit, it enjoys significant exemptions from Zoning, Fire and Building Code standards. Often the line between a dwelling unit and a boarding house is blurred or confused, sometimes deliberately in order to avoid the more rigid standards.

By introducing a licensing component, the municipality is able to apply a middle ground of regulation to avoid the all or nothing scenario of the dwelling unit/boarding house issue.

CONSULTATION – See Schedule

A staff team has met with the landlords, residents, and student representatives from the College and University. In addition, we have met with the Legal Clinic, DNSSAB Housing Officers and the Nipissing Housing Corporation Executive Director. This report incorporates the results of all of those meetings. Please see the attached Consultation Schedule. Notice of the formal public meeting will be advertised in the local paper and provided to all who have asked.

Staff has had discussions with municipalities that have or are considering a similar licensing approach to Rental Housing. Municipalities including Oshawa, London and Waterloo have or are in the process of implementing Rental Housing Licensing By-laws. In general, North Bay's experience with respect to the By-law preparation and consultation mirror those of the other communities. It has been identified that although there is a measure of increased enforcement required these communities believe their By-laws are effective and serve an important purpose in maintaining the integrity and character of well established residential neighbourhoods. Most recently, Sudbury has indicated a desire to establish a Rental Housing Licensing By-law.

PARKING

The residents identified several specific parking issues which are being addressed by the Engineering and Public Works Department as to emergency vehicle access and one side only parking restrictions. 1,206 tickets have been issued this season which is comparable to the number last year with similar concentrations of efforts in similar areas.

Overnight parking stats:

2010 - 2011	–	1206 tickets
2009 - 2010	–	719
2008 - 2009	–	707
2007 - 2008	–	1198
2006 - 2007	–	553
2005 - 2006	–	471
2004 - 2005	–	545

As part of the licensing criteria, the applicant will be required to provide a parking plan which will outline the number of parking spaces available and define the specific parking area. As a measure of increased enforcement, Staff are preparing short form wording to issue tickets for parking outside of designated parking areas (i.e. on the front lawn).

Southview and Belleview Crescents were identified by the residents, as problem parking areas, but upon review by Engineering and Public Works, these areas do not appear to have significant parking concerns. However, serious congestion was noted on Paul Street, Oakdale, Nancy and Sherryl Crescent. One side only parking restrictions would be desirable for emergency vehicles, school bus and snow plow access.

POLICE ENFORCEMENT

The Police received 98 noise complaints from September 1, 2010 to March 19, 2011. 7 charges were laid, 48 warnings were issued. On the rest of the complaints, the noise had stopped or there was no sufficient noise to justify a charge.

The Police note that for the broad range of their calls, while there has been an increase in this area, it is not the area of the City which generates the most calls. Police calls are dealt with in a priority sequence and they encourage residents to call police when a noise issue arises.

The Police have recently appointed a Community Relations Officer, Alain Bedard. He has been reviewing strategies from other communities.

The Council does not have the jurisdiction to direct police priorities. The neighbours and landlords have been advised to direct these concerns to the Police Services Board.

FIRE CODE

While the Fire Code notes that rental accommodations for more than 4 persons require the additional precautions, it also provides that these restrictions do not apply to a property being used as a "dwelling unit". The City is proposing to cap the number of rental bedrooms under the Licensing By-law at 5. Each bedroom will be required to meet the building code requirements for a bedroom (size, egress etc.).

The Fire Prevention Office will not make an assessment without a complete inspection of the building. While a building may fit under the retrofit requirements in the Fire Code for boarding, lodging and rooming, it takes a considerable amount of information to be collected to make this determination and this determination would not be made without the input of the City Prosecutor. At part of this process, Fire Prevention would provide best fire safety practices and will not make a determination on the use of the property unless called in for a complaint or request.

DENSITY

Neighbourhoods within the City of North Bay have been designed over time to accommodate a certain level of density. A majority of the area that will be covered by the first phase of the Licensing By-law was designed for low density residential uses. Currently, the dwelling units that would be subject to this Licensing By-law house a varying number of tenants.

Staff are attempting to balance the needs of tenants in finding appropriate and safe rental accommodations, concerns and issues raised by neighbourhood residents and the concerns regarding the By-law by landlords. Based on this balance and a need to control density in this area, Staff is recommending that the maximum number of rental bedrooms allowed be increased from 4 to 5. This will allow transition and ensure control of the density.

ECONOMICS AND THE POTENTIAL FOR DISPLACED TENANTS

The City has no reliable information on whether tenants will be displaced. 7 of the 8 properties inspected recently had only 5 tenants each.

In consultation with the DNSSAB, we understand that in their view, there would be little or no impact on rent or numbers of accommodations from the By-law. Indeed, if prices do settle as a result of not having the artificial income boost from excessive rental housing within one house, then lease prices may in fact settle as well.

BY-LAWS OF GENERAL APPLICATION

The Waste Management By-Law recently saw set fines approved for it. These have been applied over the past winter season with generally favorable results.

A Yard Waste & Grass Cutting By-Law report will be coming forward for tightening the requirements to cut grass and for yard cleanup in order to complement the existing Property Standards By-law provisions.

HUMAN RIGHTS CODE

The Human Rights Commission takes an active interest in housing. It has issued a white paper and unsuccessfully applied to be an intervener in the Oshawa Supreme Court of Canada application. The Commission's position appears to be contrary to the fundamental principles of zoning based on progressive levels of density, wherein the commission would prefer lodging houses to be permitted in all zones.

RESTRICTED AREA PHASE-IN

This By-law is seen as being necessary not just in the short term, but also in the long term. As a result, we would like to ensure maximum time for compliance. We would propose that the By-law be effective as of January 1, 2012, that Licences be issued for a two (2) year period, the first set of Licences being effective from May 1, 2012.

The Council should eventually license the whole City. The restricted area is based on where the most serious density issues already exist given the limited resources available to the City. The phase in program is as follows and as shown on the attached schedule:

Remainder Pinewood/ Cedar Heights: January, 2013

West Ferris: January, 2013

Laurentian/Airport Heights: January, 2014

CBD/Old City: January, 2015

Circle Lake: January, 2016

SELF REGULATION

Another option was raised of registration only. This does not allow the Council to impose conditions such as the number of bedrooms, parking plans or inspections and is not recommended.

There have been discussions concerning facilitating after hours landlord contact. Other private security is not recommended as there is no enforcement mechanism beyond one's own property.

THE INTERIM ENFORCEMENT AND COMPLAINTS

The Building and Fire Department will continue to carry out their inspections. If complaint investigations indicate a boarding house, rather than a dwelling unit, in a residential, low density zone, then charges will proceed if supported by the evidence.

The Zoning By-Law prohibits parking on front lawns. However, in order to effectively enforce such offences, additional short form wordings and set fines are required. Please see the attached short form wording for a number of parking offences under the Zoning By-Law.

Administrative steps are being taken to ease the complaint process to discontinue the need for a complainant to physically attend at City Hall. Complaints will still be verified by enforcement staff.

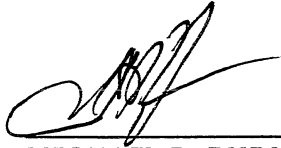
Municipal By-Law enforcement will be expanded to recognize the additional set fine offences using existing resources. Any enforcement beyond those set fine offences is more properly left to the police.

RECOMMENDED OPTION

1. That the maximum number of rental bedrooms in the Licensing By-law be increased from 4 to 5.
2. That the By-law be made effective January 1, 2012 for the first Licences to be issued from May 1, 2012 to May 1, 2014.
3. That an advertised public meeting be arranged to consider the recommended By-law.
4. That one side only parking be implemented on Paul Street, Oakdale Road, Nancy Street and Sherryl Crescent.

5. That the short form wording schedule, for front yard parking and other zoning by-law parking offences, be adopted to enhance enforcement.

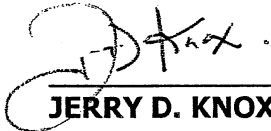
Respectfully submitted,



MICHAEL B. BURKE
City Solicitor, and Managing
Director, Corporate Services

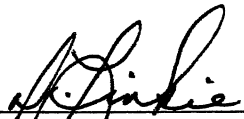
per 

ALAN KORELL
Managing Director Engineering &
Environmental Services & Works



JERRY D. KNOX
Managing Director Community Services

I concur in this report and recommendation



DAVID G. LINKIE
Chief Administrative Officer

Personnel designated for continuance: Michael B. Burke, City Solicitor

Attachments: Schedule "A" – Fire Code Application Opinion Re: Housekeeping Unit v. Lodging
Short form wording Schedule
Good Neighbourhood Housing Consultation Schedule
Phase In Schedule

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SCHEDULE "A"

Subject: Fire code Application opinion re: housekeeping unit vs lodging

We have been asked for our opinion as to whether the exemption for a "dwelling unit" from Part 9 of the Fire Code applies to the requirements for "boarding houses" in Section 9.3.

The first issue to be addressed is whether the premises constitute a dwelling unit. If the exemption applies then there is no need to look at Section 9.3, since it simply does not apply.

A "dwelling unit" is a defined term under the Fire Code:

Dwelling unit means a **suite** operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

The courts have established multi-purpose tests as to what constitutes a "housekeeping unit ... used as a domicile ... usually containing cooking, eating, living, sleeping and sanitary facilities"

This includes looking at how the rent is paid, locks on bedroom doors and whether the residents live as a single cohesive unit, that is whether they eat together, share household duties together or do other things together.

At a civil level, municipalities have had mixed success. Successful decisions have occurred in the following cases: *Windfield Farms v. Death*, the case from Oshawa that went all the way up to the Supreme Court of Canada and *Scozzafava v. St. Catherines (City)*, this case did not deal directly with the issue of rooming, boarding and lodging houses but the municipality was successful in passing an interim control by-law to control increased residential development in an area where single family homes were being turned into multiple unit homes to accommodate tenants. In other cases however, the municipalities were unsuccessful in proving a rooming, boarding and lodging house such as in the cases of *2161907 Ontario Inc. v. The Corporation of the City of St. Catherines* and *Jim Sommerville*; and *Good v. the Corporation of the City of Waterloo*. At a quasi-criminal level where the burden of proof is proof beyond a reasonable doubt, municipalities have again met with mixed success in proving rooming, boarding and lodging houses. There are not a lot of reported decisions in this area but we are aware of two successful cases, namely *Ottawa (City) v. Bentolila* and a case in Sudbury against a Kingston numbered company which was found to be operating a rooming, boarding and lodging house contrary to the Zoning By-Law. An example of an unsuccessful case would be the case of *R. v. Parks* in the City of North Bay. These cases are very "fact specific" and turn on the specific facts and evidence adduced in each particular case.

The legal difficulty is that the first inquiry is whether the individual renters live as a household unit. If they do, it does not matter that "lodging is provided for more than 4 in return for remuneration", since the household unit finding shields by the over-riding exemption of the premises from the boarding houses requirement in section 9.3.

The proposed Rental Housing Licencing By-law avoids this issue by focusing on the issue of how many bedrooms here are in the dwelling unit. This assumes that the premises constitute a dwelling unit. However, the application of the tests of a dwelling unit are still required, since if in fact the premises are not used as a household unit, then both the Fire Code and the Zoning by-law will apply to either prohibit the use under the Zoning By-law, or, if it is a permitted use, impose retrofit requirements.

Exemptions

9.1.2.2

(3) This Part does not apply to a **building** that contains not more than one **dwelling unit** and no other **major occupancy**.

SECTION 9.3 BOARDING, LODGING AND ROOMING HOUSES

9.3.1.1. (1) This Section applies to boarding houses, lodging houses, rooming houses and private rest homes in which residents do not require care or treatment because of age, mental or physical limitations, where

- (a) the **building height** does not exceed 3 **storey's** and the **building area** does not exceed 600 m²,
- (b) lodging is provided for more than four persons in return for remuneration or the provision of services or both, and
- (c) lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

THE CORPORATION OF THE CITY OF NORTH BAY - SET FINES
PART II – PLANNING ACT

Planning Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Early Voluntary Payment Payable Within 7 Days	COLUMN 4 Set Fine
1.	Park vehicle without valid licence plate, contrary to Section 3.2(8)	Section 67(1)	\$65.00	\$75.00
2.	Park vehicle in front yard, contrary to Section 5.1.5.1	Section 67(1)	\$65.00	\$75.00
3.	Park commercial motor vehicle in residential zone, contrary to Section 5.1.6	Section 67(1)	\$65.00	\$75.00
4.	Park motor home with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
5.	Park travel trailer with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
6.	Park boat with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
7.	Park recreational vehicle with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
8.	Park accessory trailer with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
9.	Park snowmobile contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00

Note: The penalty provision for the offence indicated above is Section 67(1) of the Planning Act for charges pursuant to the Zoning By-Law No. 28-80, as amended a certified copy of which has been filed

GOOD NEIGHBOURHOOD HOUSING CONSULTATION SCHEDULE

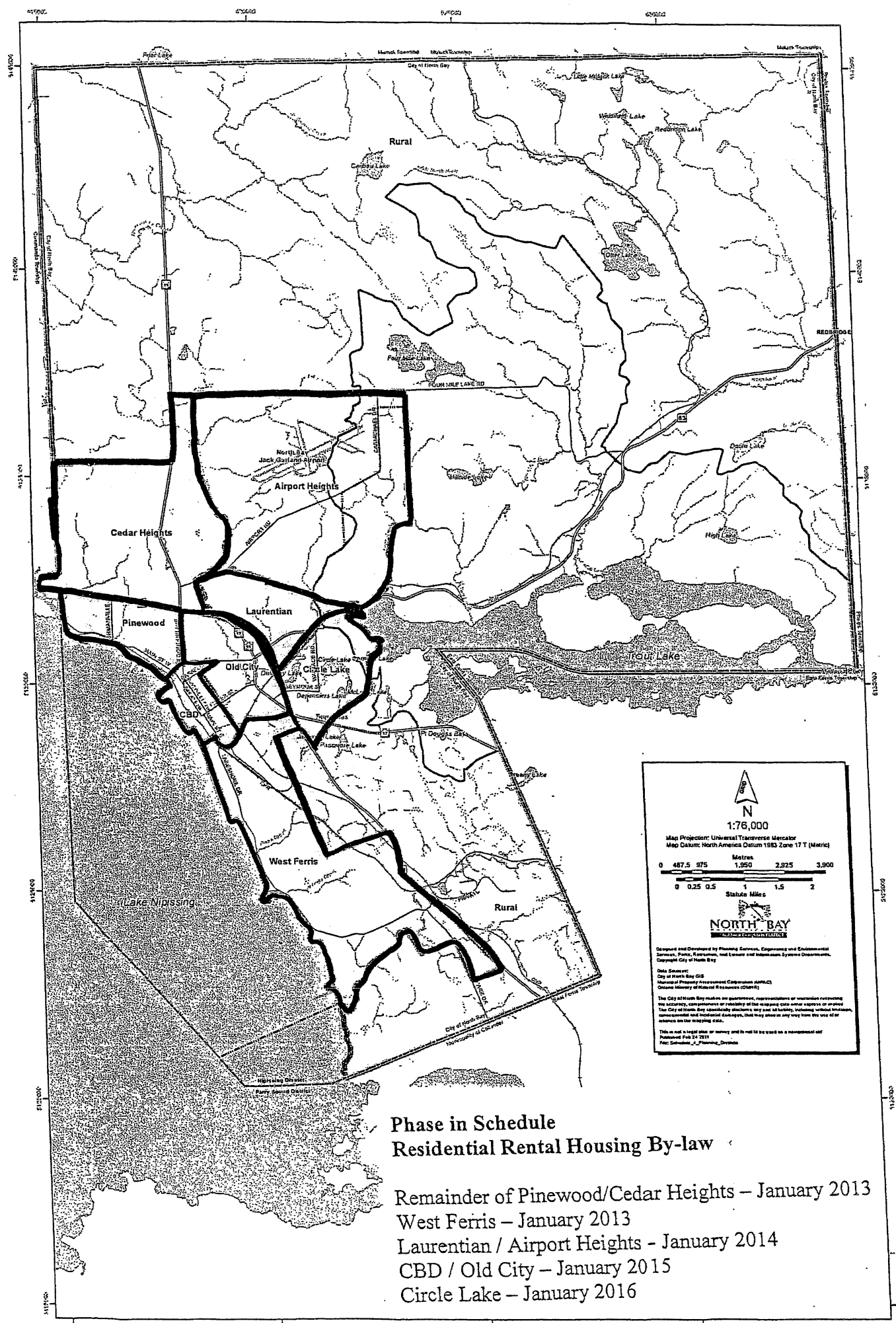
October 9, 2008	Meeting with staff, police and Nipissing University reps (Interdepartmental Committee formed)
October 28, 2008	Interdepartmental Committee Meeting
November 25, 2008	Interdepartmental Committee Meeting (minutes available)
January 6, 2009	Interdepartmental Committee Meeting (minutes available)
May 14, 2009	Information sharing session/public presentation at West Ferris Arena – Dave Linkie, staff, police, fire, legal etc.
July 9, 2009:	Good Neighbourhood Handbook developed and Forwarded to University and College (Handbook available)
August 8, 2009	Interdepartmental Committee Meeting – off campus accommodation registration process developed (available)
September 15, 2009	Town and Gown meeting: Shawn Killins, Bev Hillier, Anthony Koziol, Nipissing University and Canadore College representatives (minutes available)
February 1, 2010	Interdepartmental Committee Meeting
February 10, 2010	Interdepartmental Committee Meeting (minutes available)
February 11, 2010	Fire Prevention flyer developed (available)
August 10, 2010	Dave Linkie meets with new Canadore College President regarding student housing
August 19, 2010	Dave Linkie, members of Council and Senior City Staff meet with the President of Nipissing University and the appointed Chair of the Board of Governors
September 22, 2010	Follow-up meeting with Senior Nipissing University Staff and Senior City Staff identifying housing as a number 1 priority

Good Neighbourhood Housing – Consultation Schedule

November 30, 2010	Meeting with Thibeault Terrace neighbours (8), Dave Linkie and Committee members (minutes available)
December 8, 2010	Interdepartmental Committee Meeting (minutes available)
January 14, 2011	Jerry Knox meets with Casey Phillips, Director Residence and Conference Services to discuss and provide a presentation to students regarding off campus housing
January 17, 2011	Interdepartmental Committee Meeting with representatives from Nipissing University and Canadore College
January 26, 2011	Meeting/information sharing session with landlords (8) from Thibeault Terrace. Note: these 8 landlords identified as a result of complaints received from neighbours this month
January 28, 2011	Shawn Killins and Bev Hillier meet with Martin Holmes, Off Campus Housing Coordinator with Nipissing University to discuss updating handbooks etc. and hold student presentations regarding off campus housing
February 1, 2011	Meeting with Dave Linkie, Committee Members, Shawn Chorney – Canadore, Linda Turcotte – Canadore, Casey Phillips – Nipissing University and Thibeault Terrace home owners (7) (minutes available)
February 8, 2011	Interdepartmental Committee Meeting
February 13, 2011 February 15, 2011 March 1, 2011 March 2, 2011	Off-Campus Housing information presentations (4) conducted on-campus by Shawn Killins, Bev Hillier and Genevieve de Bruyn Residence Life Supervisor, Nipissing University
February 15, 2011	Interdepartmental Committee Meeting
February 22, 2011	Interdepartmental Committee Meeting
February 28, 2011	Report to Council, CSBU #2011-36, Rental Housing Licensing By-law proposal


Good Neighbourhood Housing – Consultation Schedule

March 2, 2011	Interdepartmental Committee Meeting
March 8, 2011	Interdepartmental Committee Meeting
March 9, 2011	Evening meeting with landlords, real estate members in Council Chambers
March 11, 2011	Interdepartmental Committee Meeting
March 14, 2011	CSBU Committee Meeting in Council Chambers regarding Rental Housing Licensing By-Law
March 15, 2011	Interdepartmental Committee Meeting
March 16, 2011	Interdepartmental Committee presentation to neighbours from Thibeault Terrace in Council Chambers
March 18, 2011	Shawn Killins and Bev Hillier meet with DNSSAB
March 21, 2011	Interdepartmental Committee Meeting
March 29, 2011	Interdepartmental Committee Meeting
March 30, 2011	City facilitates neighbourhood and landlords evening meeting in Council Chambers
April 5, 2011	Interdepartmental Committee Meeting
April 19, 2011	Jerry Knox facilitates meeting with landlords and neighbours




**Phase in Schedule
Residential Rental Housing By-law**

- Remainder of Pinewood/Cedar Heights – January 2013
- West Ferris – January 2013
- Laurentian / Airport Heights - January 2014
- CBD / Old City – January 2015
- Circle Lake – January 2016


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Map Projection: Universal Transverse Mercator
 Map Datum: North America Datum 1983 Zone 17 T (Metric)

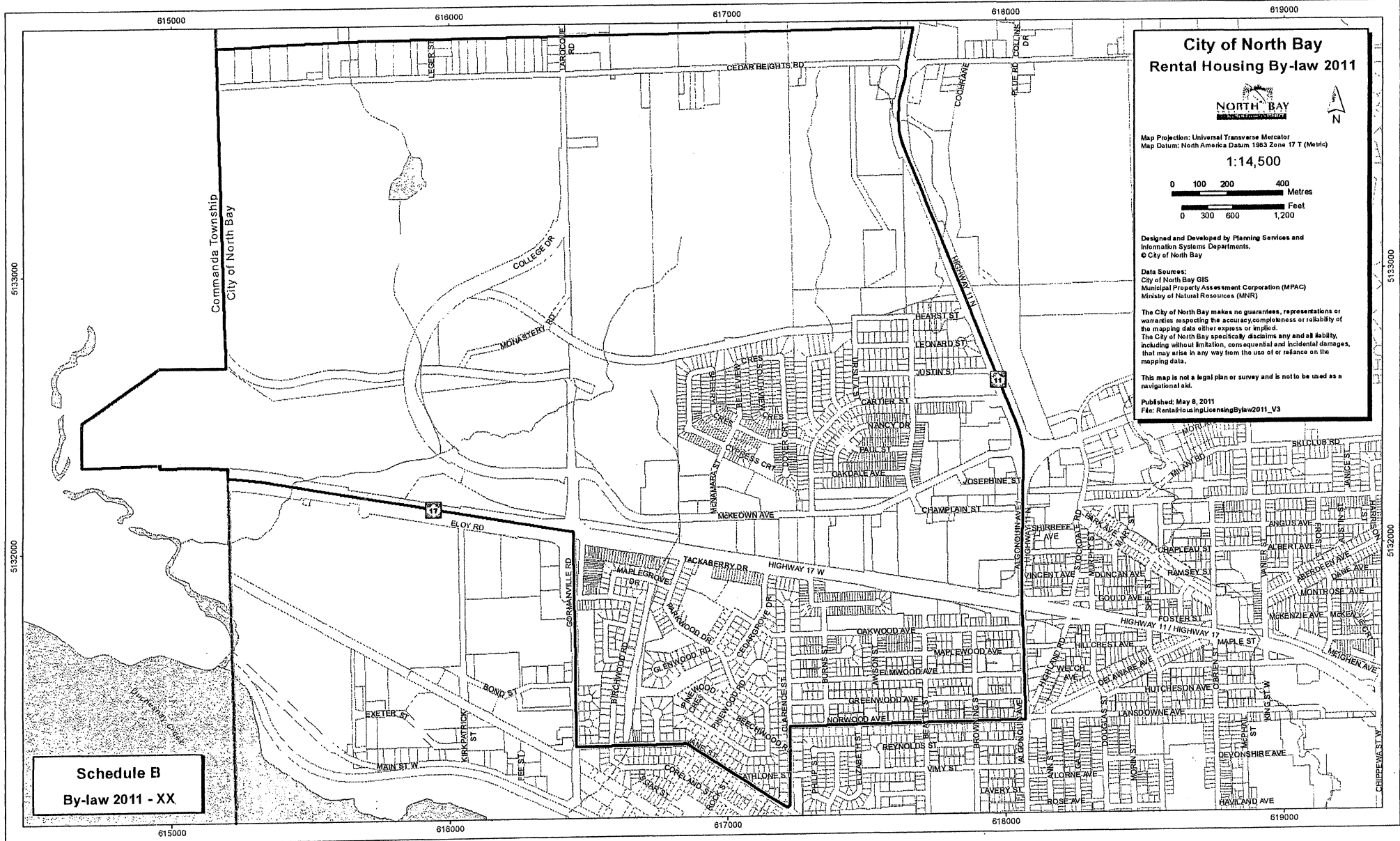
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Statute Miles		0	0.25	0.5	1	1.5	2


NORTH BAY
 OFFICIAL MUNICIPALITY

Prepared and Drawn by Planning Services, Engineering and Environmental Services, Parks, Recreation, and Leisure and Information Systems Divisions, Official City of North Bay
 Date Surveyed:
 City of North Bay GIS
 Municipal Property Assessment Commission (MPAC)
 Ontario Ministry of Municipal Affairs and Housing (OMAH)

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This is not a legal plan or survey and is not to be used as a replacement for Professional Plan 24 2011
 For: Catherine A. Planning Services



City of North Bay
Rental Housing By-law 2011

NORTH BAY
Municipal Corporation

Map Projection: Universal Transverse Mercator
 Map Datum: North America Datum 1983 Zone 17 T (Metric)

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0 100 200 400 Metres
 0 300 600 1,200 Feet

Designed and Developed by Planning Services and
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 Municipal Property Assessment Corporation (MPAC)
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Published: May 8, 2011
 File: RentalHousingLicensingBylaw2011_V3

Schedule B
By-law 2011 - XX

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City of North Bay

Report to Council

Report No: CSBU 2011 - 36

Date: February 28, 2011

Originator: Michael B. Burke, City Solicitor
Beverley Hillier, Manager, Planning Services

Subject: Rental Housing Licensing By-law

RECOMMENDATION

1. That City Council receive Report to Council CSBU 2011- 36 for information purposes; and
2. That Staff prepare a supplemental report and final By-law for Council's consideration subsequent to public consultation as outlined in to Report to Council CSBU 2011 – 36.

BACKGROUND

The City of North Bay has recognized a need within the community to deal with various rental housing issues occurring within the City of North Bay. This comes from a variety of complaints that have been received over many years regarding conflict around, and resolutions to, students and non-student issues in residential neighbourhoods in the City.

Complaints regarding rental housing generally are with respect to neighbourhood nuisance issues such as property standards, noise, parking, waste management, and life safety issues such as the number of tenants, use of rental units and construction within rental units without a permit.

As a result of the complaints received, the City has had preliminary consultation with Nipissing University, Canadore College, staff, students, local residents and landlords. These meetings have set the stage for the development and implementation of a Rental Housing Licensing By-law which will license rental housing within the area shown on Schedule B. Staff has prepared a Draft Rental Housing Licensing By-law (attached as Schedule A).

In summary the By-law will:

- limit the number of tenants per rental unit to four (4);
- apply to single detached, semi-detached and duplex dwelling units;
- will not apply to owner occupied rental units where no more than two (2) bedrooms are rented to tenants;
- as part of the license renewal process annual inspections will be required to ensure the rental units comply with the Ontario Building Code, the Ontario Fire Code, the City's Property Standards By-law, the City's Zoning By-law, the City's Waste Management By-law and the Electrical Safety Code;
- require landlords/owners of rental properties to acquire and renew their license on a yearly basis
- impose an annual licensing fee of \$300 plus an initial ESA inspection fee.; and
- be presented for Council consideration by May 2, 2011 and proposed to be effective on September 1, 2011.

City Staff has done a significant amount of research regarding rental housing issues within other communities. We recognize the need for rental accommodation within the community and have attempted to develop a Rental Housing Licensing By-law that would license rental units, help to ensure safe living accommodations and also balance the character, enjoyment and amenities of existing residential neighbourhoods.

With the completion of the Draft By-law, Staff will be conducting consultation with Nipissing University, Canadore College, local residents and landlords in March 2011. Through this consultation Staff will receive input and comments on the Draft By-law. The By-law will be revised and brought back for Council's consideration together with a supplemental report outlining the comments received. In addition to consultation with stakeholders, a public meeting will be held in front of Council for broad community input on 20 days notice in mid-April 2011. It is anticipated the By-law would be passed by City Council on May 3, 2011 and come in to effect on September 1, 2011. Fire, Building and Planning Services will start conducting inspections in May 2011 for licenses to be issued under the By-law.

OPTIONS ANALYSIS

Option 1:

Do not proceed with the Draft Rental Housing Licensing By-law or associated public consultation.

Option 2:

Consult with the public regarding the Draft Rental Housing Licensing By-law and report back to Council.

RECOMMENDED OPTION

Option 2 is the recommended option.

The Draft Rental Housing Licensing By-law will attempt to regulate rental housing within the area shown on Schedule B. This is being completed based on concerns raised from local residents, landlords, Nipissing University and Canadore College.

Respectfully submitted,



Michael B. Burke
City Solicitor



Beverley Hillier, MCIP, RPP
Manager, Planning Services

MBB/BH/dlb

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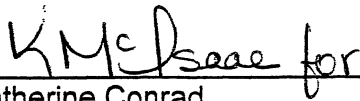
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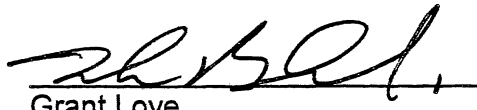
Ron Melnyk
By-law Enforcement Coordinator




Elizabeth Courville, ACST
Zoning Administrator



Catherine Conrad
City Clerk

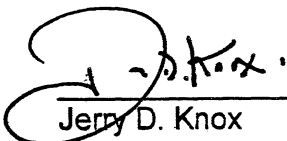


for Grant Love
Fire Chief



Shawn Killins
Chief Building Official

We concur in this report and recommendation.



Jerry D. Knox
Managing Director, Community Services



David G. Linkie
Chief Administrative Officer

Personnel designated for continuance: City Solicitor
Manager, Planning Services
Chief Building Official
Fire Chief
By-law Enforcement Coordinator

THE CORPORATION OF THE CITY OF NORTH BAY

By-law No. 2011-_____

RENTAL HOUSING LICENSING BY-LAW

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THE CORPORATION OF THE CITY OF NORTH BAY

By-law No. 2011-__

BEING A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF RENTAL UNITS IN THE CITY OF NORTH BAY

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001*, provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business;

AND WHEREAS subsection 151(5) of the *Municipal Act, 2001*, provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS the Council for The Corporation of the City of North Bay considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that the certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it.

AND WHEREAS section 444 of the *Municipal Act, 2001*, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that sufficient information has been made available to the public and has held at least one public meeting after due notice of the purpose of informing the public of this By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay passed a resolution on _____, 2011, to approve the adoption of a by-law to provide for the licensing and regulation of Rental Units in the City of North Bay;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE the Council of The Corporation of the City of North Bay enacts as follows:

~~Prohibits~~

~~AND WHEREAS section 41 of the Planning Act, R.S.O. 1990, Chapter 213, as amended~~

~~demands that municipalities regulate the minimum and maximum density of development and~~

~~the number of units in a building in order to meet the needs of the community;~~

1 INTERPRETATION

1.1 For the purposes of this By-law:

“Apartment Building” means a building consisting of four or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls, stairs, elevators, yards or any combination of the above;

“Applicant” means a person applying for a licence under this By-law;

“Bedroom” means a room or area within a Rental Unit used, designed, equipped or intended for sleeping;

“Building” means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, loading dock, staging gallery, wall, excavation, storage tank, gasoline pump, pump island, bleacher, fence, swimming pool, grandstand, tent, awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes is deemed a building;

“By-law Enforcement Coordinator” means the By-law Enforcement Coordinator of the City or a person delegated by him or her for the purposes of this By-law;

“Chief Building Official” means the Chief Building Official as appointed by Council pursuant to the Building Code Act;

“City” means The Corporation of the City of North Bay;

“City Clerk” means the Clerk of The Corporation of the City of North Bay or a person delegated by him or her for the purposes of this By-law.

“Converted Dwelling” means a building which has been altered by the creation of more dwelling units than existed originally, with each dwelling unit having its own sanitary facilities and cooking facilities.

“Council” means the Municipal Council of The Corporation of the City of North Bay;

“Dwelling Unit” means a suite of habitable rooms which:

- i) is in a building;
- ii) is used or intended to be used by one or more persons as a single, independent and separate household unit;
- iii) contains food preparation and sanitary facilities for the exclusive common use of the occupants, and;
- iv) has a means of egress directly to the outside of the building or structure in which it is located, which may be a means of shared egress with another residential unit.

“Fire Chief” means the Chief of North Bay Fire & Emergency Services of the City or a person delegated by him or her for the purposes of this By-law;

“Gross Floor Area” means the sum of all floor areas above grade, except in the case of an apartment building where part of the area of the basement is used for a dwelling unit(s), in which case the said area constitutes part of the gross floor area measured between the internal faces of the exterior walls of the building at the level of each floor, including any part of the building above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building used for mechanical purposes which are an integral part of the building;

“Hearings Officer” means a person or body that has been delegated the power or duty to hold a hearing or provide an opportunity to be heard for the purpose of this By-law;

“Inspectors” means:

- i) a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief;
- ii) Chief Building Official;
- iii) Building Inspectors;
- iv) Property Standards Inspectors;
- v) Zoning Administrator; or
- vi) By-law Enforcement Coordinator and any By-law Enforcement Officers designated by the By-law Enforcement Coordinator.

“Issuer of Licences” means a person appointed by the Council to issue the licences as set out in this By-law;

“Landlord” includes:

- i) each owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

“Licensee” means any person, corporation or partnership licensed under this By-law;

“Lot” means any parcel of land with frontage on a road which is a separate parcel of record or is shown as a whole lot on a registered Plan of Subdivision, including any part of which is subject to an easement or right-of-way. (Section 44, By-law No. 165-80);

“Medical Officer of Health” means the Medical Officer of Health for the North Bay Parry Sound District Health Unit or a person delegated by him or her for the purposes of this By-law;

“Municipality” means the land within the geographic limit of the City of North Bay;

“Owner” includes:

- i) each person owner of a Rental Unit, and
- ii) each person who permits occupancy of a Rental Unit.

“Person” includes:

- i) individuals;
- ii) corporations, and
- iii) partnerships.

“Rent” includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord’s agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit;

“Rental Area” means each Lot as depicted in Schedule “B” of this By-law;

“Rental Property” includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate.

“Rental Unit” means a Building or part of a Building:

- i) consisting of one or more rooms;
- ii) containing toilet and cooking facilities;
- iii) designed for use as a single housekeeping establishment; and
- (iv) used or intended for use as a rented residential premises.

“Tenant” includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit.

“Zoning Administrator” means the Zoning Administrator of the City or a person delegated by him or her for the purposes of this By-law.

2 PROHIBITIONS

- 2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-law.
- 2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.
- 2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.
- 2.4 No person shall operate a Rental Unit while the licence issued under this By-law is under suspension.

3 SCOPE

- 3.1 This By-law applies to the specified geographical area as depicted in Schedule “B” of this By-law for those properties that are zoned for low density residential use, which, for the purpose of this By-law, are: “Residential First Density (R1)”, “Residential Second Density (R2)”, “Residential Third Density (R3), Residential Multiple First Density (RM1), Residential Multiple Second Density (RM2), or have a legal non-conforming

R1, R2, R3, RM1 or RM2 property according to the City's Comprehensive Zoning By-law, no. 28-80, as amended.

3.2 This By-law does not apply to:

3.2.1 a "Housing project" as that term is defined in the *Social Housing Reform Act, 2000*, S.O. 2000, c.27;

3.2.2 an Apartment Building;

3.2.3 a Rental Unit that is occupied by one (1) Tenant, in which no more than one (1) other Bedroom is occupied by a Tenant; or to

3.2.4 a Rental Unit that is occupied by the owner of the Rental Unit as their sole residence and in which no more than two (2) bedrooms are occupied by Tenants.

4 ADMINISTRATION

4.1 The administration of this By-law is assigned to the City Clerk who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:

4.1.1 receive and process all applications for all licences and renewals of licences under this By-law;

4.1.2 issue licences in accordance with the provisions of this By-law;

4.1.3 impose terms and conditions on licences in accordance with this By-law; and,

4.1.4 refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

5 APPLICATION FOR AND RENEWAL OF A LICENCE

5.1 Every application for a licence and renewal licence shall be made to the Issuer of Licences on the forms provided by the Issuer of Licences.

5.2 Without limitation, every application for a licence or a renewal shall include the following information:

5.2.1 the name, municipal address and telephone number of each Landlord;

- 5.2.2 the municipal address and legal description of the Rental Unit;
- 5.2.3 if a Landlord is a corporation, the name, address and telephone number of each director and officer; and shareholder;
- 5.2.4 if a Landlord is a partnership, the name address and telephone number of each partner;
- 5.2.5 the number of bedrooms;
- 5.2.6 a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
- 5.2.7 each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord.
- 5.3 Every person applying for a licence or renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:
- 5.3.1 payment of the prescribed fee as set out in Schedule "A" of this By-law;
- 5.3.2 a copy of the transfer/deed evidencing a Landlord's ownership;
- 5.3.3 if a Landlord is a corporation, a copy of:
- 5.3.3.1 the Landlord's articles of incorporation; and
- 5.3.3.2 a corporate profile report issued by the Ontario Ministry of Consumer and Business Services;
- 5.3.4 a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use;
- 5.3.5 a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Waste Management and Property Standards By-laws;
- 5.3.6 a parking plan that complies with the City's Zoning By-law, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property;

5.3.7 proof of Placement of insurance that:

5.3.7.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;

5.3.7.2 identifies the proposed use as residential rental; and that

5.3.7.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation

5.3.8 a statement from or on behalf of the City's Fire Chief confirming that the Rental Property and its proposed use comply with the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations;

5.3.9 an initial certificate issued by the Electrical Safety Authority (ESA) confirming that the Rental Property and its proposed use comply with the *Electrical Safety Code, O. Reg. 164/99*, and such further certificates as may be required by an Inspector;

5.3.10 a statement from or on behalf of the City's Chief Building Official confirming that the Rental Property and its proposed use comply with the *Building Code Act, 1992* (Ontario) and its regulations;

5.3.11 a statement from or on behalf of the City's Zoning Administrator confirming that the subject property is in conformity and compliance with the City's Zoning By-law, no. 28-80, as amended;

5.3.12 a statement from or on behalf of the By-law Enforcement Coordinator as to any noise by-law convictions during the previous year at this location and comments thereon; and

5.3.13 proof of payment of any fine, fee or property taxes owed to the City by any Landlord respecting any Rental Property; and

5.4 All documents and information required by sections 5.2 and 5.3 must be submitted at the time of the application for or renewal of a licence under this By-law.

- 5.5 The Issuer of Licences may refuse an application for a licence or its renewal where any of the documents required by sections 5.2 and 5.3 of this By-law are incomplete or lacking in any way.
- 5.6 The Issuer of Licences may also refuse to accept an application for a licence where any of the documents required by clause 5.3.3 and by paragraphs 5.3.7, 5.3.8, 5.3.9 and 5.3.10 of this By-law was issued prior to the sixtieth (60th) day preceding the date on which the application is submitted.

6 LICENCE ISSUANCE

- 6.1 Each licence shall include the following:
- 6.1.1 The licence number;
 - 6.1.2 Date the licence was issued and the date it expires;
 - 6.1.3 The municipal address of the Rental Unit;
 - 6.1.4 The name, address and telephone number of each Landlord;
 - 6.1.5 Where a Landlord is a corporation, the name address and telephone number of each director and each officer of the Landlord or of their duly authorized agent; and
 - 6.1.6 Where a Landlord is a partnership, the name, address and telephone number of each partner.
- 6.2 A licence issued under this By-law shall be valid only for the period of time for which it was issued.
- 6.3 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City.
- 6.4 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Property.
- 6.5 No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

- 6.6 The Licensee shall notify the City Clerk of any change in ownership of the Rental Unit or Rental Property within seventy-two (72) hours of the completion of such change in ownership.
- 6.7 Within seventy-two (72) hours of a change in ownership for a Dwelling Unit, the new owner shall provide the following information and documentation to the City Clerk in order to have a licence reissued:
- 6.7.1 the name, municipal address and telephone number of each Landlord;
 - 6.7.2 a copy of the transfer/deed evidencing the new ownership;
 - 6.7.3 proof of Placement of insurance according to section 5.3.7 of this By-law;
 - 6.7.4 a statement by each Landlord certifying no changes have been made to documents submitted according to sections 5.3.4, 5.3.5 and 5.3.6 of this By-law;
 - 6.7.5 a statement by each Landlord certifying the Rental Unit conforms with section 7 of this By-law; and
 - 6.7.6 each Landlord's signature or of any duly authorized Landlord's agent that would bind the Landlord.
- 6.8 Following a change in ownership, a reissued licence under this By-law shall be valid only for the period of time for which it was originally issued.
- 6.9 Following a change in ownership of a Dwelling Unit, no fee shall be required to reissue a licence under this By-law.
- 6.10 All licence fees paid under this By-law are non-refundable.

7 LICENCE CONDITIONS

- 7.1 No Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence.

- 7.1.1 Subject to paragraph 7.1.2, 7.1.3 and 7.1.4 of this By-law, the number of Bedrooms occupied by Tenants in the Rental Unit does not exceed five (5);

7.1.2 No more than 40% of the Rental Unit's Gross Floor Area – Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;

7.1.3 No room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;

7.1.4 No more than 40% of the Gross Floor Area – Residential of the Rental Unit's ground floor may be comprised of Bedrooms;

7.1.5 Each Tenant is a party to a written tenancy agreement with a Landlord;

7.1.6 A Landlord does not directly or indirectly require or cause a Tenant to refuse or consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with this By-law;

7.1.7 A Landlord notifies the Issuer of Licences in writing within two (2) days of any change to any information provided pursuant to section 5 and 6 of this By-law;

7.1.8 A legible copy of the licence is posted and maintained prominently and visibly within one (1) meter of the interior of the Rental Unit's main entrance door;

7.1.9 A Landlord maintains insurance respecting the Rental Unit that:

7.1.9.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;

7.1.9.2 identifies the use as residential rental; and that

7.1.9.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;

7.1.10 The Landlord and the Rental Property comply with all applicable law including:

- 7.1.10.1 the *Health Protection and Promotion Act* (Ontario) and its regulations, as amended;
- 7.1.10.2 the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations, as amended;
- 7.1.10.3 the *Electrical Safety Code, O. Reg. 164/99*, as amended;
- 7.1.10.4 the *Building Code Act, 1992* (Ontario) and its regulations, as amended;
- 7.1.10.5 the City's *Carbon Monoxide Alarm By-law*, as amended;
- 7.1.10.6 the City's *Zoning By-law*, as amended;
- 7.1.10.7 the City's *Property Standards By-law*, as amended; and
- 7.1.10.8 the City's *Waste Management By-law*, as amended.

7.1.11 No fine, administrative penalty or fee is owed to the City by any Landlord;

7.1.12 The Landlord and the Rental Property comply with the maintenance plan submitted pursuant to section 5.3.5 of this By-law; and

7.1.13 No vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan shuttered pursuant to section 5.3.6 of this By-law.

8 POWERS OF THE ISSUER OF LICENCES

- 8.1 The power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the City Clerk.
- 8.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.
- 8.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:
- 8.3.1 the conduct of the Applicant or Licencee, or any partner, officer, director, employee or agent of the Applicant or Licencee, affords reasonable cause to believe that the Applicant or Licencee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
 - 8.3.2 there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licencee contains a false statement;
 - 8.3.3 an Applicant or Licencee is carrying on activities that are in contravention of this By-law; or
 - 8.3.4 an Applicant or Licencee does not meet all of the requirements of this By-law or that the Rental Unit or Rental Property does not comply with the provisions of this By-law.
- 8.4 Notwithstanding any other provision of this By-law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-law.
- 8.5 Where the City Clerk is of the opinion that:
- 8.5.1 an application for a licence or renewal of a licence should be refused;
 - 8.5.2 a reinstatement should not be made;
 - 8.5.3 a licence should be revoked;
 - 8.5.4 a licence should be suspended, or,

8.5.5 a term or condition of a licence should be imposed; the City Clerk shall make that decision.

8.6 Where the City Clerk has made a decision under subsection 8.5, the City Clerk's written notice of that decision shall be given to the Applicant or the Licencee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the address of the corporation's registered head office.

8.7 The written notice to be given under subsection 8.6 shall:

8.7.1 set out the grounds for the decision;

8.7.2 give reasonable particulars of the grounds;

8.7.3 be signed by the City Clerk, and,

8.7.4 state that the Applicant or Licencee is entitled to a hearing by the Hearings Officer if the Applicant or Licencee delivers to the City Clerk, within ten (10) days after the notice in subsection 8.6 is served, and the appeal fee as set out in Schedule "A" of this By-law.

8.8 Where no appeal is registered within the required time period, the decision of the City Clerk shall be final.

8.9 Despite subsection 8.7 where a licence is voluntarily surrendered by the Licencee for revocation, the City Clerk may revoke the licence without notice to the Licencee.

9 HEARINGS BEFORE THE HEARINGS OFFICER

9.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.

9.2 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, except sections 17, 17.1 and 19, applies to all hearings conducted by the Hearings Officer under this By-law.

9.3 When the Applicant or Licencee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearings Officer may proceed with the hearing in his or her absence and the Applicant or Licencee shall not be entitled to any further notice of the proceeding.

- 9.4 At the conclusion of the hearing, the Hearings Officer may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licencee and the Issuer of Licences.
- 9.5 The Hearings Officer may uphold or vary the decision of the Issuer of Licences or make any decision that the Issuer of Licences was entitled to make in the first instance.
- 9.6 The decision of the Hearings Officer is final.
- 9.7 Notwithstanding anything in this By-law to the contrary, where an Applicant or Licencee appeals against or requests a review of a decision concerning a Rental Housing licence, no decision in the appeal or review shall be made unless each Owner of a Lot situated within thirty (30) meters of the Rental Property subject of the appeal or review has been given no fewer than seven (7) days notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

10 ENFORCEMENT

- 10.1 Inspectors, acting under the Fire Chief's, Chief Building Official's, Zoning Administrator's or By-law Enforcement Coordinator's instructions, may enforce this By-law.
- 10.2 Subject to section 437 of the *Municipal Act, 2001*, as to entry of dwelling units, the Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- 10.2.1 this By-law is being complied with;
 - 10.2.2 a direction or order of the City made pursuant to the *Municipal Act, 2001*, or any successor thereof or made pursuant to a By-law of the City is being complied with;
 - 10.2.3 a condition of a licence issued under a by-law of the City is being complied with; or
 - 10.2.4 an order made pursuant to Section 431 of the *Municipal Act, 2001*, which prohibits the continuation or repetition of an offence is being complied with.
- 10.3 An Inspector may for the purpose of an inspection:

- 10.3.1 require the production for inspection of documents or things relevant to the inspection;
- 10.3.2 inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- 10.3.3 acquire information from any person concerning a matter related to the inspection ; and
- 10.3.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test samples or photographs necessary for the purpose of the inspection.
- 10.4 The Inspector may undertake inspections pursuant to orders which are made pursuant to section 438(2) of the *Municipal Act, 2001*.
- 10.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

11 PENALTIES

- 11.1 Any person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, or in the *Municipal Act, 2001, S.O. 2001, c.25* as amended or any successor thereof.
- 11.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.
- 11.3 A person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.
- 11.4 Despite section 11.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.
- 11.5 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

11.5.1 prohibiting the continuation or repetition of the offence by the person convicted; and,

11.5.2 requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

12 ADMINISTRATIVE PENALTIES

12.1 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with this section 12, be liable to pay to the City an administrative penalty in the amount of \$250.

12.2 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to the person.

12.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:

12.3.1 Particulars of the contravention;

12.3.2 The amount of the administrative penalty;

12.3.3 Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and

12.3.4 A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the City.

12.4 No Officer may accept payment of an administrative penalty.

12.5 A person who receives a penalty notice may request a review of the administrative penalty by the Hearings Officer in accordance with this paragraph 12.5.

12.5.1 The person's right to request a review expires on the tenth (10th) day after the penalty notice is given to the person.

12.5.2 The person's right to request that the Hearings Officer extend the time to request a review expires on the twentieth (20th) day after the penalty notice is given to the person at which time the administrative penalty shall be deemed to be affirmed.

12.5.3 The person shall be given seven (7) days notice of the date, time and place of the hearing of a review request under clause 12.5.1 or an extension request under clause 12.5.2.

12.5.4 The Hearings Officer shall not make a determination with respect to a review request under clause 12.5.1 or an extension request under clause 12.5.2 unless the Hearings Officer has given to the Licencee, the Issuer of Licences and the Officer who issued the penalty notice an opportunity to be heard.

12.5.5 The Hearings Officer may affirm the administrative penalty or extend the time to request a review of an administrative penalty.

12.5.6 The Hearings Officer may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearings Officer is satisfied that doing so would maintain the general intent and purpose of this By-law and that

12.5.6.1 there is reason to doubt that the person contravened this By-law;

12.5.6.2 the person took all reasonable steps to prevent the contravention; or that

12.5.6.3 the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

12.5.7 The decision of a Hearings Officer is final and not subject to review including review by any Court.

12.5.8 The Issuer of Licences may at any time cancel, reduce or extend the time for payment of an administrative penalty, including any late payment fee imposed pursuant to Schedule "A" of this By-law..

12.5.9 An administrative penalty that is deemed to be affirmed pursuant to clause 12.5.2 or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to clause 12.5.5

or paragraph 12.6 constitutes a debt to the City of each person to whom or to which the penalty notice was given.

12.5.10 Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to clause 12.5.5 or paragraph 12.6, the City shall refund the amount cancelled or reduced.

12.5.11 Where an administrative penalty is paid within fifteen (15) days after the date that it becomes due and payable, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.

12.5.12 Where an administrative penalty is not paid within fifteen (15) days after the date that it becomes due and payable, each person to whom the penalty notice was given shall pay to the City a late payment administrative fee pursuant to Schedule "A" of this By-law.

13 MISCELLANEOUS

13.1 This by-law may be referred to as the "Residential Rental Housing Licensing By-law".

13.2 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

13.3 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard shall apply.

13.4 This by-law shall come into force and effect on January 1, 2012.

READ A FIRST TIME IN OPEN COUNCIL THE _____ DAY OF _____, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE ___ DAY OF _____, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS DAY OF _____, 2011.

Mayor
Allan McDonald

City Clerk
Catherine Conrad

SCHEDULE "A"
FEEES

Licence Fee for a licence for each Rental Property	\$ 300.00
Licence Renewal Fee for each licence renewed under this By-law	\$ 300.00
Late Payment Fee	\$ 25.00
Appeal Fee	\$50.00

DRAFT

CS-2011-10

Draft recommendation:

“That a) User Fee By-Law No. 2001-71 be amended to include the following new 2011 field rates for the Steve Omischl Sports Complex:

Artificial turf soccer/football athletic fields	\$50/hr Unlit	\$55/hr Lit
Natural turf ball fields and soccer/football athletic fields	\$25/hr Unlit	\$30/hr Lit

Harmonized Sales Tax (HST) of 13% is applicable to these fees; and

b) User Fee By-Law No. 2001-71 be amended to include a Capital Reserve Fee of \$12 per hour plus HST which is applicable to the use of all sport fields.”

City of North Bay

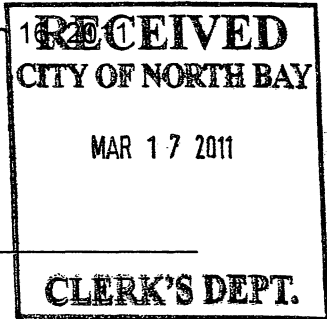
Report to Council

Report No: CSBU 2011- 46

Date: March 16, 2011

Originator: Sharon Kitlar
Manager Recreation and Leisure Services

Subject: User Fee By-law - Steve Omischl Sport Complex User Fees for 2011



RECOMMENDATIONS

- 1) That the City of North Bay Fee By-law be amended to include a new 2011 field rate for the Steve Omischl Sport Complex fields as follows:

Artificial Turf soccer/football athletic fields	\$50/hr Unlit	\$55/hr Lit
Natural Turf Ball Fields and Soccer/football athletic fields	\$25/hr Unlit	\$30/hr Lit

Harmonized Sales Tax (HST) of 13% is applicable to these fees.

- 2) That the City of North Bay Fee By-Law be amended to include a Capital Reserve Fee of \$12 per hour plus HST which is applicable to the use of all sport fields.

BACKGROUND

The Steve Omischl Sport Complex (SOSC) is scheduled to open for play on August 1, 2011; therefore, staff is recommending that the user fee by-law be amended and that the proposed user fees be charged for 2011 as presented in this report. The subject fees were arrived at after consultation with other municipalities, and surveying other communities with respect to fees charged on natural and artificial turf sport fields.

Survey Findings and Recommended Fees

The following charts provide a summary of high vs. low fees from the survey findings. The fees listed from the other municipalities do not include taxes or other fees. A list of all municipalities consulted and surveyed is attached as Appendix 1 to this report.

Artificial Turf Fees

The survey fees listed below do not include HST. The charts display lowest vs. highest user fee range.

Adult Fees	Lowest Fee	Highest Fee
Unlit Field per hour	\$37.79 (Orillia)	\$125 (Burlington)
Lit Field per hour	\$48.68 (Orillia)	\$119.79 (Vaughan)

Youth Fees	Lowest Fee	Highest Fee
Unlit Field per hour	\$26.10 (Orillia)	\$125 (Burlington)
Lit Field per hour	\$31.16 (Mississauga)	\$155 (Burlington)

Recommended User Fees for hourly use of the artificial turf soccer/football fields for adult and youth at the Steve Omischl Sport Complex are:

Artificial Unlit Field per hour	\$50	(+ \$12 CRF + \$8.06 HST = \$70.06 per hour)
Artificial Lit Field per hour	\$55	(+ 12 CRF + \$8.71 HST = \$75.71 per hour)

Note: HST-Harmonized Sales Tax CRF-Capital Reserve Fee
Natural Turf Fields

The survey fees listed below do not include HST. The charts display lowest vs. highest user fee range.

Adult Fees	Lowest Fee	Highest Fee
Unlit Field per hour	\$10 (Niagara Falls)	\$31.90 (Vaughan)
Lit Field per hour	\$20 (Elliott Lake)	\$46.22 (Vaughan)

Youth Fees	Lowest Fee	Highest Fee
Unlit Field per hour	\$5 (Niagara Falls)	\$20.32 (Sarnia)
Lit Field per hour	\$10.94 (Mississauga)	\$31.43 (Sarnia)

Recommended Steve Omischl Sport Complex User Fees for hourly use by adult and youth players of the natural turf ball fields and soccer/football fields are:

Unlit Field per hour \$25 (+ \$12 CRF + \$4.81 HST = \$41.81 per hour)
Lit Field per hour \$30 (+ \$12 CRF + \$5.46 HST = \$47.46 per hour)

Note: HST-Harmonized Sales Tax, CRF-Capital Reserve Fee

Council Resolution No. 2010-468 on June 28, 2010 approved an additional Capital Reserve Charge of \$10 per hour be placed on all field use, excluding any specific agreements signed with user groups exempting them from the payment of Capital Reserve Charges. (See Appendix 2 for resolution and report) This resolution increased the Capital Reserve Charge to \$12 for each hour of use on municipal fields. These funds are saved in a reserve account to offset the construction of the Sport Complex and future capital expenditures:

For comparison purposes, the proposed 2011 fees for use of existing City sports fields by youth and adults are as follows:

Field Unlit \$ 16.62 + \$12 CRF + \$3.72 HST = \$32.34 per hour
Field Lit \$ 18.15 + \$12 CRF + \$3.92 HST = \$34.07 per hour

These fees are contained in the User Fee By-law and report coming before Council in the coming weeks and reflect a 3% increase over 2010 fees.

The 2011 fees recommended for the Steve Omischl Sports Complex are higher than the fees for existing City sport fields. This is justified since these new fields are professionally designed and constructed to current industry and sporting standards.

Future Comprehensive Sport Field User Fee Review

In undertaking the above survey it became apparent that municipalities charge fees in different ways. Philosophies are different regarding how municipalities charge youth fees vs. adult fees. Some charge adults more than youth. Others allocate fees based on quality of field, or a combination of the user (adult vs. youth) and/or field quality (playground vs. sport complex). Others charge per game or per player. As a result it is difficult to directly compare fee to fee. North Bay charges user fees on a per hour basis.

Staff will be undertaking a Comprehensive Sport Field User Fee Review this year. The purpose of the

report is to determine the most fair revenue/cost recovery ratio for sports fields and calculate the appropriate fess. Staff will consult with user groups prior to recommendations being developed for Council's consideration.

Staff will consult with the user groups over the course of the review. The report will be presented to Council as part of the 2012 budget process. This will provide the leagues time to plan for registration fee adjustments (if any) required for the 2012 season.

ANALYSIS / OPTIONS

Option 1 – Approve the recommendations as presented

- 1) That the City of North Bay Fee By-law be amended to include a new 2011 field rate for the Steve Omischl Sport Complex fields as follows:

Artificial Turf soccer/football athletic fields	\$50/hr Unlit	\$55/hr Lit
Natural Turf Ball Fields and Soccer/football athletic fields	\$25/hr Unlit	\$30/hr Lit

Harmonized Sales Tax (HST) of 13% is applicable to these fees.

- 2) That the City of North Bay Fee By-Law be amended to include a Capital Reserve Fee of \$12 per hour plus HST which is applicable to the use of all sport fields.

This option is recommended because it falls within an acceptable range of fees surveyed in other municipalities. The 2011 Steve Omischl Sports Complex 2011 fees will be part of the future Comprehensive Sport Field User Fee Review to be presented to Council during 2012 budget deliberations, only after consultation with user groups.

Option 2 – Approve the recommendation in an amended form

That the City of North Bay Fee By-law reflect existing sport field charges and that these fees be applied to the Steve Omischl Sports Complex.

This is not recommended because existing sport field fees do not recognize that these new fields are professionally designed and constructed to current industry and sporting standards resulting in a better playing experience.

Option 3 – Not approve the recommendation at this time.

That the City of North Bay Fee By-law not be amended to include new fees for the Steve Omischl Sports Complex. This is not recommended as the City would then not be permitted to charge user fees for the new Steve Omischl Sports Complex thereby not realizing any revenue.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

Option 1 – Approve the recommendations as presented

- 1) That the City of North Bay Fee By-law be amended to include a new 2011 field rate for the Steve Omischl Sport Complex fields as follows:

Artificial Turf soccer/football athletic fields	\$50/hr Unlit	\$55/hr Lit
Natural Turf Ball Fields and Soccer/football athletic fields	\$25/hr Unlit	\$30/hr Lit

Harmonized Sales Tax (HST) of 13% is applicable to these fees.

- 2) That the City of North Bay Fee By-Law be amended to include a Capital Reserve Fee of \$12 per hour plus HST which is applicable to the use of all sport fields.



Sharon Kitlar
Manager Recreation and Leisure Services

I concur in this report and recommendation.



Ian Kilgour
Director Parks, Recreation and Leisure Services



Jerry Knox
Managing Director Community Services



Dave Linkie
Chief Administrative Officer

Person designated for continuance: Recreation Coordinator

Attachments: Athletic Fields Municipal Field Fee Survey
Resolution No. 2010-468, CORP 2010-17

Athletic Fields Municipal Fee Survey Summary

Appendix 1

February 2011

CITY	ARTIFICIAL TURF				NATURAL TURF			
	LIT		UNLIT		LIT		UNLIT	
	YOUTH	ADULTS	YOUTH	ADULTS	YOUTH	ADULT	YOUTH	ADULT
Timmins	Na	Na	Na	Na	31	31	16	26
Hamilton	97.98	97.98	88.50	88.50	Na	30	Na	17.86
Huntsville	Na	Na	Na	Na	20	24	20	24
Elliot Lake	Na	Na	Na	Na	17.50	20	17.50	20
Peterborough	Na	Na	Na	Na	18.59	39.81	7.21	28.43
Orillia	31.16	48.68	26.10	37.79	13.76	23.48	8.70	12.60
Sarnia	Na	Na	Na	Na	31.43	31.43	20.32	20.32
Oakville	85	85	85	85	16.67	22.20	5.31	10.84
Vaughan	77.71	119.79	56.42	91.19	21.94	46.22	11.28	31.90
Sudbury	48.23	80.09	30.97	62.83	Na	41.82	Na	24.56
Burlington	155	155	125	125	Na	Na	Na	Na
Niagara Falls	85	115	70	100	20	25	5.00	10.00
Mississauga	51.42	82.05	51.42	82.05	10.94	24.29	4.63	14.66

North Bay Omischl Complex Proposed	55	55	50	50	30	30	25	25
CRF	12	12	12	12	12	12	12	12
HST	8.71	8.71	8.06	8.06	5.46	5.46	4.81	4.81
TOTAL FIELD CHARGE	75.71	75.71	70.06	70.06	47.46	47.46	41.81	41.81

OFFICE OF THE CITY CLERK
CORPORATE SERVICES DIVISION
Direct Line: (705) 474-0626, ext. 2510
Fax Line: (705) 495-4353
E-mail: cathy.conrad@cityofnorthbay.ca

29 June 2010

NMP Golf Construction Inc.
2674 chemin Plamondon, #201
STE-MADELEINE, QC J0H 1S0

Dear Madam or Sir:

This is Resolution No. 2010-468 which was passed by Council at its Regular Meeting held June 28, 2010.

Resolution No. 2010-468:

- 1) North Bay City Council approve proceeding with the construction of the Outdoor Sports Complex with three (3) sports/soccer fields and three (3) ball diamonds and approve a budget of \$11.2 million;
- 2) North Bay City Council approve the award of a contract to NMP Golf Construction Inc. in the amount of \$5,359,207.49 (applicable taxes extra), for Phase V Completion of Fields, which will consist of three (3) sports/soccer fields and three (3) ball diamonds;
- 3) Council authorize the Chief Financial Officer to utilize up to \$530,000 from the obligatory Park Land Reserves and, up to \$150,000 from Development Charges (Parks Reserve) and, up to \$20,000 from the Athletic Fields Capital Reserve and, if necessary, funds from discretionary capital reserves to a maximum of \$500,000 to fund the project up to \$11.2 million;
- 4) on completion of the project, staff file a report with Council summarizing the total cost of the project and funding sources; and
- 5) effective 2011, an additional Capital Reserve Charge of \$10 per hour be placed on all field use, excluding any specific agreements signed with user groups exempting them from the payment of Capital Reserve Charges. This will make the Capital Reserve Charge \$12 per hour."

Please provide me with three (3) copies of the contract, signed and sealed, along with Performance and Payment Bonds, a Certificate of Insurance and a copy of your WSIB. Please note that payments will be held pending receipt of the required documentation and approval by the City Solicitor. We are required to retain two (2) copies of the original contract, therefore if you require more than one (1) copy returned, please send additional originals.

Sincerely,

Catherine Conrad,
City Clerk.

CMC/cjc

- Copy to: Gap Construction Co. Ltd.
- Gateman-Milloy Inc.
- Dol Turf Restoration Ltd.
- J.D. Knox
- M. Karpenko
- J. Manning - unsuccessful tenders attached

CITY OF NORTH BAY
REPORT TO COUNCIL

Report No: CORP 2010 -117

June 23, 2010

Originator: Jim Manning / Laura Boissonneault

Subject: Tender 2010-74 – Lakeshore Drive Outdoor Sports Phase V Completion of Fields and
Associated Appurtenances

RECOMMENDATIONS:

- 1) That North Bay City Council approve proceeding with the construction of the outdoor Sports Complex with three (3) sports/soccer fields and three (3) ball diamonds and approve a budget of \$11.2 million.
- 2) That North Bay City Council approve the award of a contract to NMP Golf Construction Inc. in the amount of \$5,359,207.49 (applicable taxes extra) for Phase V completion of fields, which will consist of three (3) sports/soccer fields and three (3) ball diamonds.
- 3) That Council authorize the Chief Financial Officer to utilize up to \$530,000 from the obligatory Park Land Reserves and, up to \$150,000 from Development Charges (Parks Reserve) and, up to \$20,000 from the Athletic Fields Capital Reserve and, if necessary, funds from discretionary capital reserves to a maximum of \$500,000 to fund the project up to \$11.2 million.
- 4) That on completion of the project, staff file a report with Council summarizing the total cost of the project and funding sources.
- 5) That effective 2011 an additional Capital Reserve Charge of \$10 per hour be placed on all field use, excluding any specific agreements signed with user groups exempting them from the payment of Capital Reserve Charges. This will make the Capital Reserve Charge \$12 per hour.

BACKGROUND:

In report CSBU 2010-45 presented to Council on March 22, 2010 Council was advised the potential costs associated to constructing the new Outdoor Sports Complex, consisting of 3 sports/soccer fields and 3 ball diamonds, could be between \$10.7 and \$11.2 million. With the recent closing of the tenders associated to the Building/Parking lot and the Field Construction, the upper expectation of \$11.2 million is needed.

Council has previously endorsed the following funding agreement:

Approved through BCF Application and 2010 Budget

Federal government contributions	\$3,000,000
Provincial government contributions	3,000,000
Municipal contributions	2,500,000
Community contributions ⁽¹⁾	500,000
Municipal contributions for ineligible costs	800,000
Sub Total	<u>9,800,000</u>

(1)

Concerning the \$500,000 in Community funding, City staff are finalizing an agreement which will be presented to Council in the near Future.

The \$9.8 million Sports Field Complex was approved through the Build Canada Fund and the 2010 Capital Budget process included 3 athletic fields, 1 ball diamond and ancillary services. To provide a more fulsome, complex that will enhance league play as well as support tournaments, Council approved proceeding with the construction of 3 ball fields at a forecasted additional cost of between \$900,000 and \$1.4 million.

In proceeding with this option report CSBU 2010-45 identified the following additional potential sources of funding:

- a) **The Sale of Tweedsmuir Ball Fields:** Recognizing such sale would follow a public process, the anticipated net amount from this sale was \$500,000 however, with a revised plan being brought forward this amount is anticipated to be \$200,000.
- b) **User group Contributions:** Contributions in excess of the original \$500,000 community contribution were anticipated. As an agreement for the \$500,000 is pending, only one other user group has confirmed a commitment to making a contribution.
- c) **Use of Existing Reserves:** Recognizing the construction of the Sports Complex was underway, it was evident the proceeds from the sale of the Tweedsmuir fields and contributions from the various user groups were unlikely to be available. To ensure interim funding, Council endorsed the use of some \$530,000 from the obligatory Parks Land Reserves and an additional \$150,000 from the Parks and Recreation Development Charges Reserve. The intent was any funds from the sale of Tweedsmuir would be used to replenish all or a portion of these reserves.
- d) **Regular Capital:** In the event of a shortfall, 2011 Parks Capital funds could be used to facilitate the completion of this project.

Funding Requirements

To complete the Outdoor Sports Complex inclusive of three athletic/soccer fields, three ball diamonds and the associated amenities, \$11.2 million is required. Below is the funding plan.

Approved through BCF Application and 2010 Budget

Federal government contributions	\$3,000,000
Provincial government contributions	3,000,000
Municipal contributions	2,500,000
Community contributions	500,000
Municipal contributions for ineligible costs	800,000
Subtotal	<u>9,800,000</u>

Approved through CSBU 2010-45

Park Land Reserve	530,000
Development Charges – Parks and Recreation	150,000
Subtotal	<u>680,000</u>

New Approvals through this report

⁽¹⁾ Discretionary Capital Reserve	200,000
⁽²⁾ Capital Reserve Charge (estimate) →	500,000
Athletic Fields Capital Reserve	20,000
Subtotal	<u>720,000</u>
Total Funding available	<u>11,200,000</u>

Notes:

⁽¹⁾ **Discretionary Capital Reserve:** Due to timing and uncertainty of the final settlement of the Tweedsmuir Land Sales the project requires some temporary and possible permanent funding from a discretionary capital reserve. Report CSBU 2010-45 anticipated land sales to be projected around \$500,000. Due to the change in plans the anticipated proceeds are now estimated to be \$200,000. Uncertainties within the finalization of the Tweedsmuir transaction also make it difficult to maintain the prior commitment to replenish all reserve funds. Should any surplus funds from this project exist, they will be directed towards reserves. This will be communicated through Administration's commitment to a full accounting of the project once it is completed.

⁽²⁾ **Capital Reserve Charge (CRF):** Presently a \$2 per hour fee is charged to user groups and is placed in the Field Capital Reserve. The intent of this reserve is to fund repairs and equipment. The balance of this reserve as at December 31, 2009 is \$44,187. Including the new fields, approximately 7700 hours of usable time will be available annually. An additional CRF charge of \$10 to \$15 per hour would generate between \$77,000 and \$115,000 per year. Assuming 12 players per team and two teams using the field, this amounts to between \$.42 and \$.63 per hour per player. Other communities have used this as a means of collecting user group contributions and some fees exceed \$30 per hour. This fee could be implemented in 2011 and carried for a period of 5 to 7 years or until Council decides to revise the charge. In determining the period, capital carrying costs should be taken into consideration. The pending agreement with one user group exempts them from the payment of Capital Reserve Charges. In addition Ultimate Frisbee also is exempt from these charges for Fricker field only. The 7700 hours defined above does not include the use of these two groups.

In the event that any of the above noted funding sources become unavailable, Administration can present alternatives that consider the use of other general reserve funds, the deployment of unspent 2010 capital funds and the dedication of 2011 capital funds.

In conjunction with the 2011 operating budget, Parks and Recreation staff will be reviewing the regular field fee structure and making recommendations with respect to any adjustments.

Tender Results

The scope of work within tender 2010-74 includes the final construction of the fields; consisting of three (3) sports/soccer fields and three (3) ball diamonds and associated appurtenances, which have been designed by the Project Consultant.

The tender was publicly advertised in accordance with the City of North Bay Purchasing Policy. Seventeen (17) tender packages were distributed directly to vendors. Tenders closed on June 18, 2010. Three (3) responsive tenders were received. One tender was deemed non-responsive as it was not received in the required official bid envelope. The tenders were evaluated by the project architect and reviewed by the Purchasing Manager, the Managing Director of Community Services and City Engineering Staff. The results are as follows:

Firm	Price (applicable taxes extra)
NMP Golf Construction	\$5,359,207.49
Gap Construction	\$5,961,096.50
Gateman Milloy	\$6,328,470.85
DOL Turf	Bid non-responsive – not received in official bid envelope

The price is considered fair and reasonable.

ANALYSIS / OPTIONS:

Option 1: Restrict the project to the three Sports/Soccer fields and one ball diamond and work within the \$9.8 million original budget.

This option is not recommended as construction is underway now for the development of the Outdoor Sports Complex and it is only prudent to provide a fulsome complex now.

Option 2: Restrict the project to the three Sports/Soccer fields and two ball diamonds.

Under this option an additional \$700,000 would be required bringing the total budget to \$ 10.5 million.

Option 3: Proceed with the construction of the Outdoor Sports Complex with three Sports Fields, three Ball Diamonds and the associated services.


This option would capitalize on the timely use of resources and provide the community with a complete complex. This option also requires a total budget of 11.2 million.

RECOMMENDED OPTION / FINANCIAL IMPACTS:

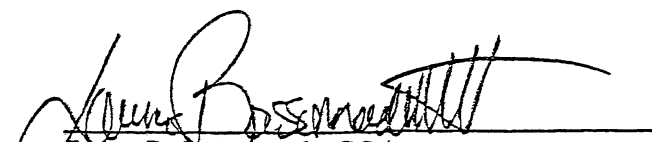
Option 3 is recommended as follows;

- 1) That North Bay City Council approve proceeding with the construction of the outdoor Sports Complex with three (3) sports/soccer fields and three (3) ball diamonds and approve a budget of \$11.2 million.
- 2) That North Bay City Council approve the award of a contract to NMP Golf Construction Inc. in the amount of \$5,359,207.49 (applicable taxes extra) for Phase V completion of fields, which will consist of three (3) sports/soccer fields and three (3) ball diamonds.
- 3) That Council authorize the Chief Financial Officer to utilize up to \$530,000 from the obligatory Park Land Reserves and, up to \$150,000 from Development Charges (Parks Reserve) and, up to \$20,000 from the Athletic Fields Capital Reserve and, if necessary, funds from discretionary capital reserves to a maximum of \$500,000 to fund the project up to \$11.2 million.
- 4) That on completion of the project, staff file a report with Council summarizing the total cost of the project and funding sources.
- 5) That effective 2011 an additional Capital Reserve Charge of \$10 per hour be placed on all field use, excluding any specific agreements signed with user groups exempting them from the payment of Capital Reserve Charges. This will make the Capital Reserve Charge \$12 per hour.

Respectfully submitted,

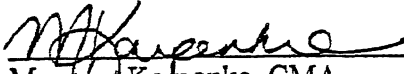


Jim Manning, CPPB
Purchasing Manager

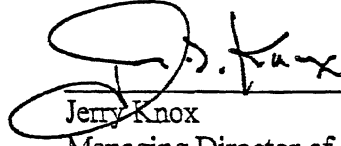


Laura Boissenheault, CGA
Supervisor of Budgets and Financial Reporting

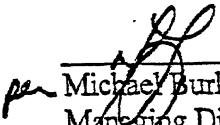
We concur in this report and recommendation.



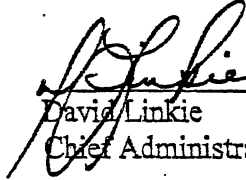
Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



Jerry Knox
Managing Director of Community Services



per Michael Burke
Managing Director of Corporate Services



David Linkie
Chief Administrative Officer

Personnel designated for continuance: Managing Director Community Services

Attachments: Tenders

FinServ\Purch\REC\sportsfield

CS-2011-11

Draft recommendation:

"That a) User Fee By-Law No. 2001-71 be amended to increase Marina rates to provide licensed Security Guard services by the following amounts:

Seasonal tenant	\$50.00
Monthly tenant	\$20.00
Weekly tenant	\$12.00
Daily tenant	\$ 1.00; and

b) User Fee By-Law No. 2001-71 be amended to include a 3% increase to the 2010 established rates."

City of North Bay

Report to Council

Report No: CSBU 2011-43

Date: March 17, 2011

Originator: Cathy Seguin
Manager, Arenas and Facilities

Subject: Waterfront Marina Fees

RECOMMENDATION

- 1) That the City's User Fee By-law be amended to increase Marina rates to provide licensed security guard services by the following amounts:

Seasonal Tenant	\$50.00
Monthly Tenant	\$20.00
Weekly Tenant	\$12.00
Daily Tenant	\$ 1.00

- 2) That the City's User Fee By-law be amended to include a three (3) percent increase to the 2010 established rate.

BACKGROUND

As part of the 2011 budget process, a proposal was submitted for a budget enhancement of \$10,000 to cover the increased cost for licensed security guards at the marina. It was recommended by the Community Services Committee that we eliminate the enhancement and recover the \$10,000 through marina revenues. Therefore, in addition to the annual 3% increase, this proposal is being submitted to include an additional flat fee for the recovery of these increased costs.

New legislation has been enacted by the Ministry of Community Safety and Correctional Services. This new legislation is referenced through the Private Security and Investigative Services Act. The legislation articulates that anyone fulfilling the duties of a security guard must be licensed as a "Private Security Guard". Along with this new legislation, we have seen increased activity and security related issues on the waterfront which has changed the job expectations to include more security related duties.

In order to be licensed, each person must complete an accredited course and write the required exam. Once a candidate has successfully completed their course and exam, they would then be subject to an annual renewal fee that would be paid to the Ministry in order to maintain valid accreditation. Course costs and duration varies, and annual licensing fees would cost a licensee \$80.00.

In order for us to recover the costs of contracted licensed security personnel, we have increased our budget to cover the rate differential between previous staff salaries and the rates charged for

licensed security staff. Through the amended user fees as proposed and based on previous utilization statistics, we would recover the additional costs for licensed security thus creating a balanced operating budget

The evening security operation will be contracted out through the request for quotation process and reviewed on an annual basis.

ANALYSIS / OPTIONS

OPTION #1—Approve the request as presented

- 1) That the City's User Fee By-law be amended to increase Marina rates to provide licensed security guard services by the following amounts:

Seasonal Tenant	\$50.00
Monthly Tenant	\$20.00
Weekly Tenant	\$12.00
Daily Tenant	\$ 1.00

- 2) That the City's User Fee By-law be amended to include a three (3) percent increase to the 2010 established rate.

OPTION # 2—Decline the request

That Council declines the request for the implementation of a security related supplemental fee. By declining the supplemental fee proposed, evening security service could not be provided without creating a budget shortfall.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

The recommendation for Council's consideration would be:

OPTION #1—Approve the request as presented

- 1) That the City's User Fee By-law be amended to increase Marina rates to provide licensed security guard services by the following amounts:

Seasonal Tenant	\$50.00
Monthly Tenant	\$20.00
Weekly Tenant	\$12.00
Daily Tenant	\$ 1.00

- 2) That the City's User Fee By-law be amended to include a three (3) percent increase to the 2010 established rate.

Through the approval of this recommendation the security services will be enhanced and compliant with current legislation.

Financial Implications

Through the implementation of the security supplemental fee and based on previous utilization statistics, we would recover the additional costs for licensed security thus creating a balanced operating budget.

Respectfully submitted,



Cathy Seguin
Manager, Arenas and Facilities

I concur with this report and recommendation.



Ian Kilgour
Director, Parks, Recreation and Leisure Services

I concur with this report and recommendation.



Jerry Knox
Managing Director Community Services



Dave Linkie
Chief Administrative Officer

Person designated for continuance:

Cathy Seguin

Attachments: 2010 Approved Marina Rate Schedule & 2011 Proposed Marina Rate Schedule

Approved 2010 Waterfront Marina Rates

2010 North Bay Waterfront Marina Rates

Boat Slip	16'	17-20'	21-24'	25-28'	29-32'	33-36'	37-42'
Season	\$565.50	\$689.60	\$795.68	\$908.13	\$1,029.07	\$1,129.86	\$1248.68
Month	\$145.34	\$171.86	\$201.57	\$231.28	\$ 256.74	\$ 286.44	\$ 318.27
Weekly	\$ 39.25	\$ 45.62	\$ 53.05	\$ 60.47	\$ 67.90	\$ 74.26	\$ 82.75

Proposed 2011 Waterfront Marina Rates (including security fee)

2011 North Bay Waterfront Marina Rates

Boat Slip	16'	17-20'	21-24'	25-28'	29-32'	33-36'	37-42'
Season	\$632.47	\$760.29	\$869.55	\$985.37	\$1,109.94	\$1,213.76	\$1,336.14
Month	\$169.70	\$197.02	\$227.62	\$258.22	\$ 284.44	\$ 315.03	\$ 347.82
Weekly	\$ 52.43	\$ 59.00	\$ 66.64	\$ 74.28	\$ 81.94	\$ 88.49	\$ 97.23