

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-05

BEING A BY-LAW TO LEVY CERTAIN INTERIM RATES, TAXES AND CHARGES

WHEREAS Section 317 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, provides that the Council of a local municipality, before the adoption of the estimates for the year under Section 290, may pass a by-law levying amounts on the assessment of property in the local municipality rateable for local municipality purposes;

AND WHEREAS the Council of The Corporation of the City of North Bay authorized the by-law to levy certain interim rates, taxes and charges by Resolution No. 2009- 25 on the 19th day of January, 2009;

AND WHEREAS the Council of The Corporation of the City of North Bay deems it appropriate to provide such interim levy on the assessment of property in this municipality.

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

1. In this by-law:
 - (a) "property" shall mean property within the geographic limits of the City of North Bay;
 - (b) "Act" shall mean the *Municipal Act, 2001*, S.O. 2001, C.25, as amended.
 - (c) "Minister" shall mean the Minister of Finance;
 - (d) "Treasurer" shall mean the Treasurer appointed by the Council of The Corporation of the City of North Bay or a person delegated the Treasurer's powers and duties under Section 286(5) of the Act;
 - (e) the commercial property class shall include all commercial office property, shopping centre property and parking lot property, and
 - (f) the industrial property class shall include all large industrial property.
2. The following interim taxes, rates and charges are hereby levied, rated and imposed to be collected on the whole of the rateable properties in the City of North Bay, in the following manner:
 - 2.1 For all properties in Residential, Pipeline, Farmland and Managed Forest property classes there shall be imposed and collected an interim tax levy of:
 - (a) 50% of the total taxes for municipal and school purposes levied in the previous year; or
 - (b) if the Minister prescribes another percentage rate, the rate otherwise prescribed by the Minister.
 - 2.2 For all properties in Multi-Residential, Commercial and Industrial property classes there shall be imposed and collected an interim tax levy of:
 - (a) 50% of the total taxes for municipal and school purposes levied in the previous year; or
 - (b) if the Minister prescribes another percentage rate, the rate otherwise prescribed by the Minister.
3. For the purposes of calculating the total amount of taxes for the previous year under paragraph 2, if any taxes for municipal and school purposes were levied on the property for only part of the previous year because assessment was added to the

collector's roll during the previous year, an amount shall be added equal to the additional taxes that would have been levied on the property if taxes for municipal and school purposes had been levied for the entire year.

4. The provisions of this by-law apply in the event that assessment is added for the current year to the collector's roll after the date this by-law is passed and an interim levy shall be imposed and collected.
5. All taxes levied under this by-law shall be payable into the hands of the Treasurer in accordance with the provisions of this by-law.
6.
 - (a) The said interim tax levy shall become due and payable in one instalment, namely the last working day of the month of February.
 - (b) Notwithstanding Section 6(a), the amounts payable for any taxes due on real property, up to the total of the tax interim levy, the owner of which has elected pre-authorized payments, shall be deemed to be an equal 1/11 (one-eleventh) share of the previous year, to be due on the first day of each month of the year (or the fifteenth day of each month) until the final tax levy is made.
 - (c) Non-payment of the amount due on the dates stated in accordance with this section shall constitute default.
7. The Treasurer is hereby authorized to mail or cause to be mailed to the address or the residence of each person taxed, a notice specifying the amount of taxes payable by such a person pursuant to the provision hereof.
8. The notice to be mailed under this by-law shall contain particulars provided for in this by-law and the information required to be entered in the tax roll under Section 340 of the Act.
9. The aforesaid instalment of real property taxes shall be paid into the Office of the Treasurer, City of North Bay, 200 McIntyre Street E., North Bay, Ontario, on or before the respective due dates hereinbefore set forth or paid into such banks named in Schedule "A" or "B" of the *Bank Act*, Trust Company or Credit Union within the meaning of the *Credit Union or Caisse Populaire Act*, to the credit of the Treasurer of The Corporation of the City of North Bay.
10. The subsequent levy for the current year to be made under the *Municipal Act* shall be reduced by the amount to be raised by the levy imposed by this by-law.
11. The provisions of Section 317 of the *Municipal Act*, as amended, apply to this by-law with necessary modifications.
12. The Treasurer is hereby authorized to accept part payment from time to time on account of any taxes due or to become due and to give a receipt for such part payment, provided that the acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectable in respect of non-payment of any taxes or of any instalment thereof.
13. Where tenants of land owned by the Crown or by which the Crown has an interest, are liable for the payment of taxes, and where any such tenant has been employed either within or outside the City of North Bay, by the same employer for not less than thirty (30) days, such employer shall pay over to the City Treasurer or Deputy-Treasurer for demand out of the wages, salary or other remuneration due to such employee, the amount then payable for taxes under this by-law, and such payment shall relieve the employer from any liability to the employee for the amount so paid.
14. In default of payment of any instalment of real property taxes levied herein, by the required due date for payment thereof, a percentage charge of one and one-quarter percent (1 1/4%) is hereby imposed as a penalty for non-payment of such taxes, or an instalment thereof remaining unpaid on the first day of each calendar month thereafter in which default continues, but not after December 31 of the current year.

15. Nothing in this by-law shall prevent the Treasurer from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.
16. In the event of any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.
17. This by-law shall come into force and take effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 19th DAY OF JANUARY, 2009

READ A SECOND TIME IN OPEN COUNCIL THIS 19th DAY OF JANUARY, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 19th DAY OF JANUARY, 2009.

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MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD