

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2013-178

BEING A BY-LAW TO IMPOSE SANITARY SEWAGE CONNECTION RATES AND TO PRESCRIBE THE AMOUNT OF SUCH RATES FOR THE LAKESHORE DRIVE/PINEWOOD PARK DRIVE SANITARY SEWAGE EXTENSION.

WHEREAS the *Municipal Act, S.O. 2001, c.25*, Section 9 provides that a municipality has the capacity, right, powers and privileges of a natural person for the purposes of exercising its authority under this Act;

AND WHEREAS the *Municipal Act, S.O. 2001, c.25*, Section 8 provides that the powers of a municipality under the *Act* shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS the *Municipal Act, S.O. 2001, c.25*, Section 10 provides that a single tier municipality may pass by-laws respecting matters within their spheres of jurisdiction set out therein, *inter alia*; public utilities;

AND WHEREAS subsection 326 (1) of the *Municipal Act, S.O. 2001, c.25* authorizes the Council of a local municipality, in authorizing the installation of special services, to pass a by-law to:

- (a) identify a special service;
- (b) determine which of the costs, including capital costs, debenture charges, charges for depreciation or a reserve fund of the municipality are related to that special service;
- (c) designate the area of the municipality in which the residents and property owners receive or will receive an additional benefit from the special service that is not received or will not be received in other areas of the municipality;
- (d) determine the portion and setting out the method of determining the portion of the costs determined which represent the additional costs to the municipality for providing the additional benefit in the area designated in clause (c);
- (e) determine whether all or a specified portion of the additional costs determined in clause (d) shall be raised under subsection 326(4) of the Act.

AND WHEREAS subsection 326(4) of the *Municipal Act, S.O. 2001, c.25* authorizes the Council of a local municipality, in authorizing the installation of special services, to levy a special local municipal levy under Section 312 on the rateable property in the area designated in clause (1)(c) of Section 326 to raise the costs as determined in clause 1(e) of Section 326 thereby imposing a Sanitary Sewer Connection Rate upon owners and occupants of land who derive or will or may derive a benefit therefrom sufficient to pay all or such portion of the Capital Costs of the works as the by-law may specify;

AND WHEREAS by Resolution No. 2013-440 passed on July 29th, Council authorized a by-law to impose the sanitary sewage connection rates;

AND WHEREAS notice of the intention to impose Sanitary Sewage Connection Rates has been mailed to registered owners in the Designated Area attached hereto as Schedule "A";

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

1 In this By-Law:

- (a) "City" means the Corporation of the City of North Bay;

- (b) "Capital Cost" means the cost of constructing sanitary sewage works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on debentures to be issued for the works and the imputed interest costs determined under subsection 326(1) of the Act;
- (c) "Sanitary Sewage Works" means all sewers, sewage systems, sewage pumping stations, sewage treatment plants and other works for the collection, acceptance, transmission, treatment and disposal of liquid-borne wastes;
- (d) "Sanitary Sewage Connection Rate" means a charge for the costs, including capital costs, debenture charges, charges for depreciation or a reserve fund of the municipality that are related to the sanitary sewage works and additional costs to the municipality for providing the additional benefit in the area designated for the special service;
- (e) "Designated Area" means the area outlined in Schedule "A" attached hereto and forming part of this by-law.

2 The Sanitary Sewage Connection Rate shall be calculated as determined in Schedule "B" attached to and forming part of this by-law;

3 A Sanitary Sewage Connection Rate is imposed when the owner of the subject lands agrees in writing to connect to the sewermain, which sum is to be payable on or before such connection.

4 The connection cost shall be adjusted for inflation based upon the City's bank prime lending rate plus 1%, compounded annually, commencing January 1, 2014;

5 Any owner who elects in writing to pay the said Sanitary Sewage Connection Rate over a period of time shall pay the cost over a term not to exceed ten (10) years at an interest rate of the City's bank prime lending rate plus 1%, compounding annually.

6 The City Engineer shall acquire and make available such plans, profiles and specifications and furnish such information as may be necessary for the making of the connection to the sewermain.

7 The Sanitary Sewage Works shall be carried out and executed in a good and workmanlike manner according to the directions and orders of the City Engineer.

8 Owners in the designated area may connect to the sewermain for a payment in cash of the Sanitary Sewage Connection Rate imposed in Schedule "B".

9 (a) The Chief Financial Officer shall take all such steps as are necessary to impose the rates set out herein, to determine the applicable rates for each property, to create a special Sanitary Sewage Connection Rate collectors roll therefor, and the decision of the Chief Financial Officer shall be final and binding.

(b) The Chief Financial Officer shall act in good faith and may make such adjustments as may be required having regard to what is just and equitable.

(c) The Clerk, shall upon notice from the City Treasurer of the amount due and the person by whom it is due and of the lands upon which the Sanitary Sewage Connection Rate applies, enter any such unpaid amounts as referred to in Section 9(a) upon the collector's roll and collect them in the same manner as taxes.

(d) All Sanitary Sewage Connection Rates referred to in Section 9(c) shall be subject to a percentage charge payable by the property owner as a penalty

for non-payment of any part thereof of one and one-quarter percent (1.25%) on the first day of the calendar month immediately following the due date and on the first day of each calendar month thereafter in which default continues.

10 For the purpose of clarification, no exemptions from the Sanitary Sewage Connection Rate shall be permitted solely because of tax exempt status under the Assessment Act.

11 This by-law shall come into force and effect on the date of passing.

READ A FIRST TIME IN OPEN COUNCIL THIS 3RD DAY OF SEPTEMBER, 2013.

READ A SECOND TIME IN OPEN COUNCIL THIS 3RD DAY OF SEPTEMBER, 2013.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 3RD DAY OF SEPTEMBER, 2013.

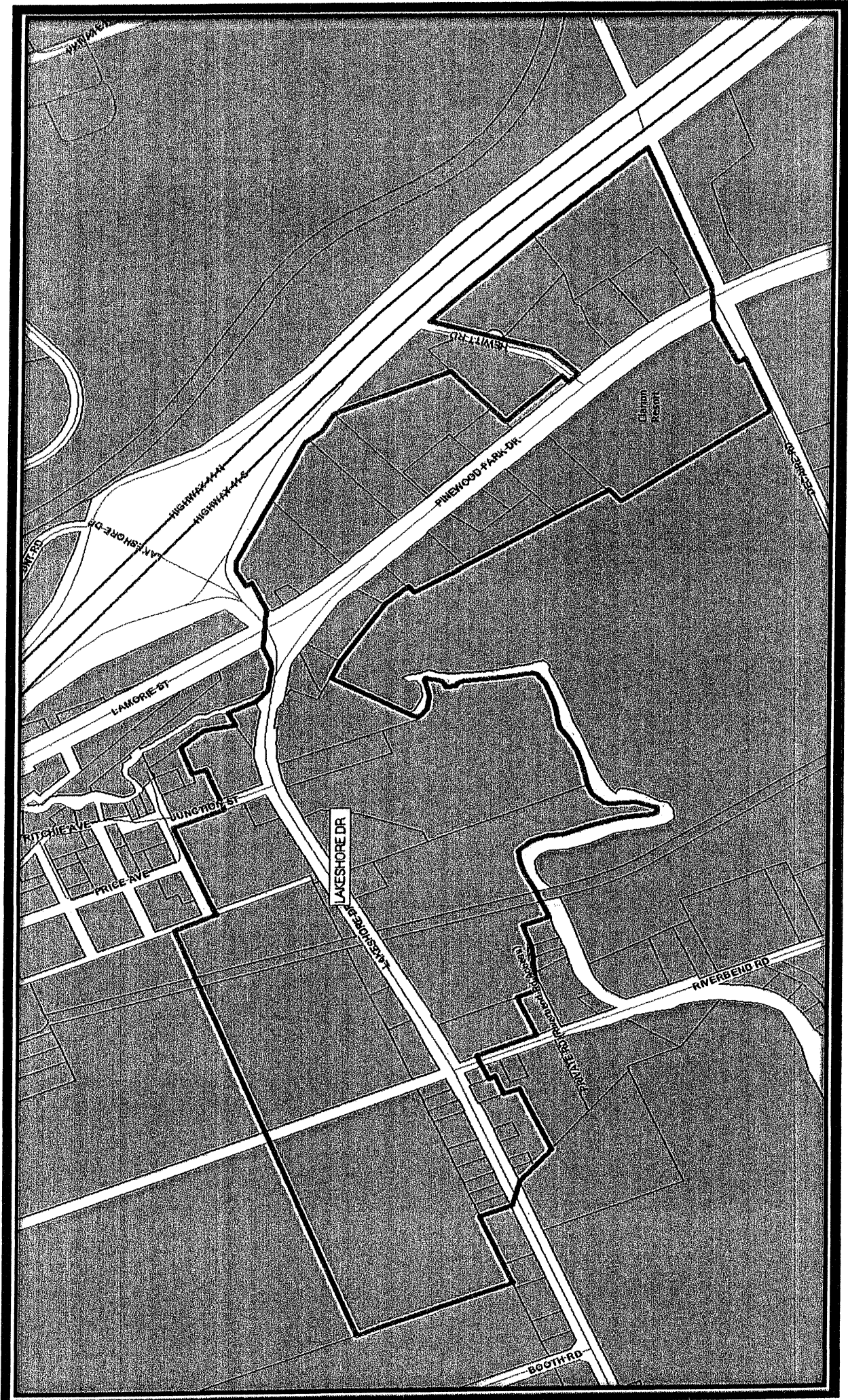
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MAYOR ALLAN McDONALD

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CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "A" TO BY-LAW NO. 2013-178 OF THE CORPORATION OF THE CITY OF NORTH BAY



THIS IS SCHEDULE "B" TO BY-LAW NO. 2013-178 OF THE CORPORATION OF THE CITY OF NORTH BAY

LAKESHORE DRIVE/PINEWOOD PARK DRIVE SANITARY SEWER COST DISTRIBUTION

Roll Number	Area (Acres)	Frontage (m)	Residential - \$5,000 per property Commercial-Vacant Land \$10,500 per Acre
4844-040-063-40000	0.29	24.38	\$5,000.00
4844-040-063-39800	0.29	22.78	\$5,000.00
4844-040-063-39600	0.30	22.86	\$5,000.00
4844-040-063-41400	0.15	18.30	\$5,000.00
4844-040-063-39400	0.39	30.48	\$5,000.00
4844-040-063-41200	1.80	89.96	\$5,000.00
4844-040-063-39000	0.50	38.85	\$5,000.00
4844-040-063-38800	0.73	56.37	\$5,000.00
4844-040-063-41000	0.22	27.40	\$5,000.00
4844-040-063-38600	0.30	22.89	\$5,000.00
4844-040-063-38200	0.28	23.00	\$5,000.00
4844-040-063-38400	0.28	22.91	\$5,000.00
4844-040-063-40800	0.41	22.91	\$5,000.00
4844-040-063-34400	1.18	106.81	\$5,000.00
4844-040-063-40600	0.20	56.53	\$5,000.00
4844-040-063-35000	2.62	79.30	\$5,000.00
4844-040-063-34600	8.67	185.89	\$5,000.00
4844-040-063-34200	0.41	73.15	\$5,000.00
4844-040-063-34000	0.40	88.59	\$5,000.00
4844-040-063-33600	0.31	121.20	\$5,000.00
4844-040-063-33800	12.90	71.94	\$135,450.00
4844-040-063-33400	0.76	53.18	\$5,000.00
4844-040-063-24200	6.39	117.44	\$5,000.00
4844-040-063-32600	3.57	127.46	\$5,000.00
4844-040-063-24400	0.34	51.00	\$5,000.00
4844-040-063-32450	2.03	45.80	\$5,000.00
4844-040-063-32400	19.12	58.78	\$200,760.00
4844-040-063-32000	3.81	71.84	\$5,001.00
4844-040-063-31800	0.23	56.22	\$2,415.00
4844-040-063-32000	0.80	80.35	\$8,400.00
4844-040-063-31400	0.74	18.44	\$5,000.00
4844-040-063-29200	0.25	31.85	\$5,000.00
4844-040-063-29400	4.37	126.02	\$45,885.00
4844-040-063-29700	1.97	121.92	\$20,685.00
4844-040-063-29800	0.76	60.96	\$5,000.00
4844-040-063-29060	5.77	121.92	\$60,585.00
4844-040-063-29040	3.24	61.40	\$34,020.00
4844-040-063-30100	1.95	85.04	\$20,475.00
4844-040-063-30000	2.82	56.60	\$29,610.00
4844-040-063-30200	0.95	60.96	\$9,975.00
4844-040-063-28800	1.54	103.33	\$16,170.00
4844-040-063-30400	0.77	173.36	\$8,085.00
4844-040-063-29000	6.44	20.12	\$67,620.00
4844-040-063-28600	1.01	80.37	\$10,605.00
4844-040-063-30600	3.00	91.44	\$31,500.00
4844-040-063-30800	20.00	145.43	\$210,000.00
4844-040-063-28500	0.47	125.76	\$5,000.00
4844-040-063-28200	3.55	72.55	\$37,275.00
4844-040-063-28000	1.84	70.00	\$19,320.00
4844-040-063-28010	12.15	125.00	\$127,575.00
4844-040-063-23050	2.80	65.00	\$5,000.00
4844-040-063-28140	4.66	-	\$48,930.00
4844-040-063-25200	25.00	-	\$262,500.00
4844-040-063-25400	25.00	-	\$262,500.00
TOTAL	200.73	3,686.04	\$1,825,341.00