

CITY OF NANAIMO

BYLAW NO. 7391

A BYLAW TO AUTHORIZE AN USER RATES AUTO DEBIT PLAN

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WHEREAS pursuant to Section 194(2)(d) of the *Community Charter*, Council may, by bylaw, establish terms and conditions for the payment of a fee, including discounts, interest and penalties;

AND WHEREAS the Council of the City of Nanaimo deems it desirable as part of a user rates fees collection scheme established in accordance with this Bylaw, and for the convenience of ratepayers, to implement a user rates auto debit plan for the ratepayers of the City of Nanaimo;

THEREFORE the Council of the City of Nanaimo in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “USER RATES AUTO DEBIT PLAN BYLAW 2024, NO. 7391”

2. Definitions

In this Bylaw:

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|--------------|---|
| “CITY”       | means the City of Nanaimo.  |
| “COLLECTOR”  | means the person duly appointed as such from time to time by Council and includes any person appointed or designated by the Collector to act on their behalf. |
| “COUNCIL”    | means the duly elected Council of the City of Nanaimo.  |
| “RATEPAYER”  | means any person or corporation who is or may be liable to the City of Nanaimo for payment of user rates.   |
| “USER RATES” | means the water, sewer and garbage charges.   |

3. User Rates Fees Collection Scheme

3.1 Any *ratepayer* may apply to the *Collector* to pay for user rates fees on the terms and conditions set out in this Bylaw.

3.1.1 the *ratepayer* must complete and submit to the *Collector* an application in the form set out by the *Collector* for each property being enrolled in the plan;

3.1.2 the User Rates account must be up-to-date, or at a credit balance, before the *ratepayer* can enroll in the plan if the next withdrawal date is less than ten (10) business days away;

- 3.1.3 full payment of outstanding user rates charges will be withdrawn on the due date as outlined on the Statement of User Rates;
- 3.1.4 the ratepayer must designate the user rates account for which payments are to be made.
- 3.2 If the *ratepayer* chooses to pay user rates fees in accordance with this Bylaw, a form shall be executed which authorizes deductions from the *ratepayer's* account at a financial institution to the credit of the *City*, and the form left on file with the *Collector*.

#### 4. General Provision

- 4.1 The *Collector* is authorized on the *City's* behalf to enter into an agreement with a *ratepayer* in the terms required under Section 3 of this Bylaw, as applicable.
- 4.2 The *Collector* may cancel a *ratepayer's* participation in an installment plan after two (2) payments fail to be honoured in a twelve (12) month period.
- 4.3 Any dishonoured and returned user rates payments will be charged back to the user rates account, together with the applicable lost discount and will be subject to a service fee in accordance with the *Fees & Charges Bylaw*.
- 4.4 A participating *ratepayer* may give notice in writing ten (10) business days prior to the payment date to discontinue participation in user rates auto debit plan or to make any other changes such as banking information.
- 4.5 It is the *ratepayer's* responsibility to review their Statement of User Rates. In the event the *ratepayer* believes there is an error or omission to the user rates fees the *ratepayer* must contact the *Collector* at least ten (10) business days prior to the withdrawal date if they would like to request that the payment be stopped.
- 4.6 Participation in the auto debit plan shall continue until terminated by either party in writing.
- 4.7 It is the ratepayer's responsibility to ensure that correct information is provided to the City for the purposes of processing payments.
- 4.8 Nothing in this Bylaw supersedes the provision of the *Local Government Act* or the *Community Charter*.

5. Severability

If any section, subsection, or paragraph of this Bylaw is found invalid by a decision of a Court of competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

PASSED FIRST READING: 2024-OCT-21  
PASSED SECOND READING: 2024-OCT-21  
PASSED THIRD READING: 2024-OCT-21  
ADOPTED: 2024-NOV-04

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L.E. KROG

MAYOR

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N. VRACAR

DEPUTY CORPORATE  
OFFICER