



Date: February 13, 2023
To: Mayor and Council
Author: Margaret Schroeder, Manager of Financial Services
RE: 2023 Fees and Charges By-Law Amendments
Report No.: FS-2023-04

RECOMMENDED ACTION

1. That **By-law 6-2023** being a by-law to impose fees and charges be taken and having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

In accordance with section 391 of the Municipal Act, 2001 (the "Act"), the municipality is authorized to pass by-laws imposing fees or charges on persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control

Each year, Administration reviews the fees charged for various services and activities to ensure they remain appropriate.

DISCUSSION

The proposed changes to the existing Fees and Charges By-law 3-2022 are outlined in the attachments to this report. Any changes to the wording of the by-law, fee amounts or fee descriptions have been highlighted. Details on the more significant amendments are discussed below:

Cemetery Services

Administration is proposing the removal of the fee for 'Infant cemetery plots' as there is no longer any infant size specific plots available in Kingsville's cemeteries.

Fire Services

After the implementation and expansion of the Fire Inspection fees in 2022 the Fire department is proposing a few amendments to their fees based on Ontario Fire Code requirements, building size and occupancy, and the time required to complete the inspection.

Licenses

Administration is proposing the elimination of the sale of Rabbit hunting licenses. The Town is not required to issue this license and has not dedicated any resources to its enforcement in the past. The total revenue generated from the sale of rabbit hunting licenses is typically less than \$200 per year.

Parks and Recreation Services

Facility Rentals - Non-Profit /Charity Rates

The current Fees and Charges By-law, includes Schedule D, which lists a number of community groups and individuals which are eligible for reduced or no fees at various Municipal facilities.

In the past, both Council and Administration have expressed concerns regarding the fairness of this approach. Under the current system, any group not listed on Schedule D must pay full rates or apply for rental fee waivers through the Town's Community Grant Program.

At the February 14, 2022 Meeting of Council, Council approved the following motion;

That administration review the Kingsville Community Grant Fund Policy and Fees By-law Schedule D (Reduced or No Fee) to streamline the town policy with respect to groups using our facilities and further to streamline regularly occurring grant applicants with already existing budget line items (i.e. Horticultural Society); And Further to consider the feasibility of applicants offering programming to be included in the Parks and Recreation programming budget (i.e. Cedar Island Yacht Club, Arts Society of Kingsville, Kingsville Essex Associated Band) and That a Report with recommendations be brought to this Council for consideration prior to the 2024 grant application deadline.

In response to this motion, Administration is proposing the following;

- 1) The elimination of Schedule D (effective January 1, 2024)
- 2) The introduction of Non-Profit / Charity Rates which apply to all qualifying organizations.
- 3) Removing 'fee-waiver' requests from the Kingsville Community Grant Program (effective January 1, 2024)

Further amendments to the Kingsville Community Grant Program will be discussed at the Committee of the Whole meeting on February 21 2023.

The proposed Non-Profit / Charity Rates are significantly lower than the standard rates which would apply to private rentals. In developing these fees, Administration considered the cost of providing the service (i.e. cleaning) while recognizing the limited financial resources of most local non-profit / charity groups.

The Non-profit / Charity rates would apply to;

- i. Registered Charities in good standing with CRA.
- ii. An organization or group operating for the purpose of poverty relief, social welfare, civic improvements, or to provide recreational or cultural opportunities to the general public.

Administration recognizes that the proposed changes could have a significant impact on some community groups. To ease this transition, the elimination of Schedule D and the changes to the Kingsville Community Grant Fund would be effective, January 1st, 2024.

Other Facility Rental Fee Changes

Administration reviewed its facility rental fees to ensure they consider staff costs associated with facility preparation, cleanup and other expectations based on customer feedback, and to ensure fees are appropriate.

Based on that review, Administration is recommending the following;

- **Chairs and Table – Set up Fees.** In many cases, staff are asked to set up tables and chairs with specific lay-outs. This service requires significant staff time. Administration is proposing an optional, chair and table set up fee to reduce the demand for this service or recover a portion of the staff's time when it is requested. Any renters willing to set up their own table and chairs can avoid this fee.
- **Wedding Rental Fee.** Administration has proposed the introduction of a new fee specific for wedding rentals at both the Grovedale Arts & Culture Centre and the Lakeside Park Pavilion. In most cases, wedding renters are booking the facilities for Friday, Saturday and Sunday to set up decorations, host a reception and cleanup. The new fees provide for the rental of the facility from noon Friday to Sunday at 8pm.

- **Cancellations.** Administration is recommending to increase the cancellation period from 30 to 60 days. This change will improve staff's ability to rent the space to other users in the event of a cancellation and to better align the cancellation period with the staff scheduling requirements set out in the Collective Agreements.
- **Fee Payment.** Currently, a 50% deposit is required at the time of booking for the Grovedale and Lakeside Park Pavilion. Administration is proposing to require full payment, for all facilities, at the time of booking. These fees will be refundable if the rental is cancelled more than 60 days in advance. This will reduce collection efforts and provide additional assurances that bookings will be honoured.
- **Park Use Fee.** There has been increased demand for private events at Town parks. This service not only then impedes public use of the space but also requires staff to prepare, monitor and clean up the space after the event. The proposed Fee would only be used when small parts of a park are being requested. Administration is also proposing the introduction of a fee for fencing to accommodate need to section off a portion of a park to cover costs associated with set up and take down of fencing. In keeping with delegation of authority, any proposed use of an entire park would require Council approvals.
- **Park Access Permit.** Increasingly, residents adjacent to parks have requested access through a park as to access portions of their property to undertake work or improvements on their house or property. In the past, requests have been granted. Administration is proposing to formalize this through the introduction of an Access Permit and fee to ensure access is limited, and to cover any damages to park lands that may be incurred through the access provision.

Carnegie Facility

Administration is proposing to remove all short-term rental rates for the Carnegie building. The upper floor of this facility is leased to the Arts Society of Kingsville and houses private artwork which would be at risk of irreplaceable damage if there was a mishap during a private rental event. The lower level is currently rented to the BIA.

Baseball / Soccer – Tournament Rates

Administration is proposing to introduce a new fee for weekend tournament rates that will allow user groups to rent the baseball and/or soccer fields from Friday 5pm to Sunday 8pm to ensure all fields are available for tournament, and allow administration and Parks and Recreation staff to support and maintain fields accordingly.

Pickleball and Tennis Court Rentals

Currently, Pickleball and Tennis players can access the courts through their membership in a related Association or through individual passes. Based on feedback received from users interested in participating in both pickleball and tennis,

Administration is proposing to add a new 'season pass' which will allow users to access both Pickleball and/or Tennis courts interchangeably in Kingsville and Cottam. With the introduction of this fee, new key/coin boxes will be installed on the courts in Cottam which will standardize access to courts in both Kingsville and Cottam.

Administration has also proposed changes to the fee schedule to cover potential rentals based on the number of courts the user requests with a goal of ensuring as many courts as possible are available for public use while keeping with agreements with user groups

Planning Services

As part of a strategy to reduce the cost of Planning Services on the general tax levy, Administration is proposing fee increases based on the amount of time required to process an application, provincially regulated timelines, the complexity of the application, and comparative rates in neighboring municipalities for similar services.

Building Fees

The Building Department is amending a number of their fees to keep pace with inflationary and other cost pressures.

Conditional Permit Agreement

Administration is proposing to significantly increase in the Conditional Permit Agreement fee from \$250.00 to \$1,000.00. The first permit of this nature was issued in 2022 since the creation of the fee in 2015 and during the review process, Administration noted that the work and time involved warranted an increase to the fee. The amount is still less than what other jurisdictions charge for conditional permits. The fee increase may not represent full cost recovery therefore Administration will bring forward adjustments in the future if necessary.

Part 3 – Assembly/Residential/Commercial/Institutional & industrial/Part 9 other than Residential

This fee is applicable to construction permits for the above mentioned buildings. Currently, there is a two tier rate system based on construction values. The recommendation is to increase the rate from \$13.00 to \$13.75 per \$1,000 of construction, and remove the reduced rate on construction values over \$2 million. The reduced rate for construction values over \$2 million does not provide for full cost recovery based on the work required. A survey of the neighbouring municipal building fees revealed that no others have a threshold for these fees. If the threshold is removed the fees charged for these structures will remain lower compared to the majority of neighbouring municipalities.

Alternative Solution Application Fee

Administration is recommending a new fee to recover the cost of staff time spent to review an application by a builder, developer or designer for an alternative solution to the Ontario Building Code. Alternative solutions are a legislated process that must be reviewed by the Chief Building Official. This new fee is to approximate full cost recovery of the CBO's time to review the alternative solution.

Special Research Request Fee

Administration is recommending a new fee to respond to requests to provide special/specific information that benefits specific individuals and/or organizations, not the community as a whole. This new fee is based on full cost recovery. A typical example is when a real estate agent asks for a property file review of closed permits to assist in making a real estate sale between private parties.

Copying/Scanning/Printing

Administration is recommending a new fee to copy/scan/print maps and drawings upon request from the resident. At times, maps and drawing can be quite large and therefore take more time and use of special equipment. This new fee is based on full cost recovery.

Permit Finalization Letter

Administration is recommending a new fee for the recovery for Staff time spent to issue a final letter. The Ontario Building Code Act does not require the Chief Building Official to issue a letter confirming that a building permit has been finalized. The Town does, however, receive such requests arising out of real estate transactions. The fee represents full cost recovery of the time required to review a permit file to confirm that all legislated requirements have been met and that the permit may be closed.

Transit

Fees are set by the South Essex Community Council (SECC) organization for this public transit service. Administration is proposing to remove this section as the SECC will set and publish the rates.

Water Sewer Services

New Water Service Connections

Administration is recommending the elimination of in-house water service installations. Most builders prefer hiring one contractor to install all site services, including water, sanitary, and storm. Property owners and builders will be provided

with a list of vetted contractors and be expected to coordinate service installations directly. However, only a certified water operator can tap into municipal water mains. As such, Infrastructure and Engineering is proposing a \$500.00 inspection and tapping fee to recover labour and equipment costs.

Raising/Lower Curb Box/Meter Pits

These services are performed very infrequently, and Environmental Service Staff have provided the courtesy free of charge when requested. Administration is recommending that these charges be removed from the current By-law and officially offered to any resident free of charge.

Water Main Commissioning

The Safe Drinking Water Act requires certified and trained water operators to inspect and commission all new water main installations throughout the municipality. Historically, developers have been billed for this service on a time and material basis, which is often difficult to track and subsequently receive payment. Administration has reviewed historical costs and is proposing a \$1,500.00 fee for commissioning new water mains that will be paid preconstruction.

FINANCIAL CONSIDERATIONS

With the exception of Building and Water Department revenue, any revenue generated from user fees will reduce the amount of revenue required from general taxation, and therefore reduce pressure on the property tax rate.

ENVIRONMENTAL CONSIDERATIONS

None

CONSULTATIONS

All departments were consulted for input on revisions to the Town's fees and charges by-laws.

Notice that this by-law being considered by Council has been given to the public pursuant to the Town's Notice Policy and the proposed amendments were available for viewing on the Town website.

PREPARED BY:

Margaret Schroeder

Margaret Schroeder, CPA, CGA
Manager of Financial Services

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Ry McLeod', with a long horizontal flourish extending to the right.

Ryan McLeod, CPA, CA
Director of Financial & IT Services