

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 66 - 2023

Being a by-law to impose fees and charges by The Corporation of the Town of Kingsville

WHEREAS section 391 of the *Municipal Act, 2001*, S.O. c. 25 (the "Act") authorizes a municipality 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;

and the costs included in a fee or charge may include costs incurred by a municipality related to administration, enforcement and the establishment, acquisition and replacement of capital assets.

AND WHEREAS subsection 398(1) of the Act provides that such fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality.

AND WHEREAS subsection 398(2) of the Act provides that the treasurer of a municipality may add fees and charges imposed by the municipality to the tax roll for any property for which all of the owners are responsible for paying the fees and charges and collect them in the same manner as municipal taxes.

AND WHEREAS subsection 69(1) of the *Planning Act*, R.S.O. 1990 c. P.13 provides that the council of a municipality, by by-law may establish fees for the processing of applications made in respect of planning matters (the "Application"), which fees shall be designed to meet only the anticipated cost to the municipality in respect of the processing the Application.

AND WHEREAS the Town deems it advisable to repeal By-law 3-2022 on the effective date of this by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

Definitions

1. In this By-law, the following words shall have the corresponding meaning:

"Damage Deposit" means a fee or charge paid to the Town to meet all or a portion of the cost and expenses of remediating or repairing any damage to Town property or infrastructure, including, but not limited to roads, sidewalks, curbing or paved boulevards, water or sewage works, caused as a result of the use of such property or infrastructure or as a result of the carrying on of construction or demolition or other works on adjacent property.

"Rental Deposit" means the fee or charge paid to the Town as partial payment toward the rental of Town owned facilities.

"Security Deposit" means a fee or charge paid to the Town to guarantee the due performance of certain obligations owing to the Town that the Town may draw upon in the event that such obligations are not performed in order to complete all outstanding works or matters and pay the costs and expenses incurred.

Fees and Charges

2. The fee or charges as provided for in Schedule "A" attached hereto and forming part of this By-law shall be imposed and charged for the services, activities and use of property as indicated in said Schedule "A".

Facility Rentals

3. All facility rental fees are due at time of booking. Fees are refundable if cancelled more than 60 days in advance of the scheduled event. For clarity, the Town will honour the rental rates in effect when payment is received.

Damage Deposits

4. Damage Deposits as provided for in Schedule "B" attached hereto and forming part of this By-law shall be imposed and charged as indicated in said Schedule "B".
5. Following the use of the property or infrastructure or the completion of the construction or demolition in respect of which an Damage Deposit has been paid and, upon request of the person who paid the Damage Deposit to the Town, the Damage Deposit, less any costs and expenses of remediating or repairing any damage to Town property or infrastructure, shall be refunded by the Town.

Cleaning/Damage Deposit

6. The Applicant understands and agrees that the Cleaning/Damage Deposit and the Facility Deposit shall be held and shall be returned to the payee within thirty (30) days after the expiration of the Permit if the Facility is in satisfactory condition and free from damage, normal wear and tear expected.

Security Deposits

7. Security Deposits as provided for in Schedule "C" attached hereto and forming part of this By-law shall be imposed and charged as indicated in said Schedule "C".
8. Upon the performance of all obligations owing to the Town for which a Security Deposit has been paid and, upon request of the person who paid the Security Deposit to the Town, the Security Deposit, less any costs and expenses of completing any works or matters not performed, shall be refunded by the Town.

Unclaimed Deposits

9. Where an Damage Deposit and/or a Security Deposit has been paid to the Town and remains unclaimed for a period of seven years, the Treasurer of the Town may transfer to the general funds of the Town, any such Damage Deposit and/or Security Deposit against which no claim has been made, free of and from any and all claims whatsoever.

Reduced Fee or No Fee

10. Non-profit and Charitable organizations or groups are eligible for the "Non-profit / Charity" rates identified in Schedule A, where applicable.

Non-Profit / Charity rates will 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.
- iii. Instructional programs or services.

The application of such rates is subject to managerial approval.

11. Historically, the following persons were identified to receive seasonal ramp passes at no charge. This will continue for the life of the individual originally identified. Each year the individual must present government issued identified to the Manager of Financial Services who will record the individual's name, address, and birth date.

- Baldwin, Neil
- Balkwill, Gary
- Branch, Jim
- Clemente, Manual
- Hodgkins, Leslie
- Lacy, Eugene
- Mallott, Jim
- Miinch, Craig
- Pretli, Andy
- Woodall, N

12. Organizations under contract for use of sports fields or ice time shall have access to meeting rooms at no cost, subject to availability and managerial approval. These groups will be expected to set up and take down tables and chairs as required.

Uncollectable Issued Fees or Charges

13. If a property owner who is charged a fee under this by-law fails to pay the fee within ninety (90) days of the invoice date, the Corporation may add the fee, including interest and administration fees to the tax roll for any real property in the Town of Kingsville, registered in the name of the owner and collect the fee, including interest, in like manner as municipal taxes.

Repeal

14. By-law 6-2023 is hereby repealed effective January 1, 2024.
15. This by-law shall come into force on January 1, 2024.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th DAY OF NOVEMBER, 2023.

MAYOR, Dennis Rogers

DEPUTY CLERK, Angela Toole