

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 9 – 2017

---

### ***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-laws 25-2015 and 10-2016, and all amendments thereto.

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

### **Definitions**

1. “Expense Deposit” means a fee or charge paid to the Town to meet all or a portion of the cost of those costs and expenses incurred by the Town or paid by the Town to a third party as a result of an Application.
2. “Indemnity 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.
3. “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**

4. Subject to section 12 of this By-law, 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".

#### **Expense Deposits**

5. Expense 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".
6. Upon the disposition of an Application in respect of which an Expense Deposit has been paid and, upon request of the person who paid the Expense Deposit to the Town, the Expense Deposit, less those costs and expenses incurred by the Town or paid by the Town to a third party shall be refunded by the Town.

#### **Indemnity Deposits**

7. Indemnity 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. Following the use of the property or infrastructure or the completion of the construction or demolition in respect of which an Indemnity Deposit has been paid and, upon request of the person who paid the Indemnity Deposit to the Town, the Indemnity Deposit, less any costs and expenses of remediating or repairing any damage to Town property or infrastructure, shall be refunded by the Town.

#### **Security Deposits**

9. Security Deposits as provided for in Schedule "D" attached hereto and forming part of this By-law shall be imposed and charged as indicated in said Schedule "D".
10. 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**

11. Where an Expense Deposit, an Indemnity 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 Expense Deposit, Indemnity 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**

12. Those persons and organizations identified in Column III of Schedule "E" attached hereto and forming part of this By-law shall be subject to the corresponding reduced fee or no fee identified in Column II for the use of those facilities identified in Column I.
13. Subject to availability, organizations under Column III are permitted one free weekend (prime time) facility rental per calendar year, to a maximum of a one day rental.
14. Column III organizations are not permitted to transfer entitlements under Schedule "E" to any other group, organization, entity or individual and

such bookings must be used by the organization for a purpose benefiting the organization or the community at large.

**Repeal**

15. By-laws 25-2015 and 10-2016 and all amendments thereto are hereby repealed.
16. This by-law shall come into force upon third reading and being finally passed.

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 23<sup>rd</sup> day of January, 2017.**

---

**MAYOR, Nelson Santos**

---

**CLERK, Jennifer Astrologo**