

THE CORPORATION OF THE TOWNSHIP OF CHAPPLE
(the "Municipality")

BY-LAW NO. 1617

A by-law to establish and implement fees and/or charges (collectively, "Fees") for certain Municipal Services.

WHEREAS the *Municipal Act* provides that municipalities may impose Fees for services or activities provided by it or done by or on behalf of it, and for various other matters.

AND WHEREAS various other statutes also provide similar authority.

AND WHEREAS the Municipality, acting under these authorities, charges Fees for various activities, services, property use, and other matters. These Fees are adjusted from time to time in accordance with the annual budget process, the introduction of new or different services, the evolution of existing processes and services, and otherwise.

NOW THEREFORE the Council of the Municipality ("Council") enacts as follows:

1. **INTERPRETATION**

1.1 **Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letter capitalized, the term is intended to have the meaning set out for it in this paragraph 1.1. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

- (a) "By-law" means this By-law, as it may be amended from time to time, unless another by-law is expressly referenced by name or number. The recitals to, and the Schedules attached to this By-law are considered integral parts of it.
- (b) "Deposit" means a sum paid as an estimate of the final amount that will be payable, to be adjusted after Service is delivered and the final amount accurately determined.
- (c) "Manager" means the Chief Administrative Officer of the Municipality, the Clerk, and/or the General Manager of any department of the Municipality's administration. The term includes any person to whom authority under this By-law is specifically delegated by any of them with respect to the department over which he or she has management authority.
- (d) "Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, including successor legislation.
- (e) "Person" means an individual, association, partnership, syndicate, firm, organization, foundation, trust, estate, governmental authority, corporation, trustee, agent, and/or any other entity, and the heirs, administrators, executors, assigns and other legal representatives of any such person to whom the context may apply according to law.

- (f) “Security Deposit” means an amount paid or pledged as surety that an event will occur or a Service will be delivered, to be refunded when the event occurs or Service is rendered, and to be retained if the event does not occur and/or the Service is not rendered.
- (g) “Service” means any service, activity, product, cost, use of property, facilities, equipment, and/or any thing with respect to which a municipality is authorized by sections 9, 10, 11 or 391 of the *Municipal Act* and/or any other statute and/or otherwise, to impose fees and/or charges.
- (h) “Recovery Cost” means a sum equal to the cost of the Municipality to provide the Service (and which cost shall include, without limitation, all legal/lawyers, engineers/engineering, and planning/planners, Municipal staff time, notice, application, advertising, postage, court, land titles, mileage, material, harmonized sales tax, provincial sales tax, and all other applicable taxes, and any and all other costs and charges), calculated or approved by the Manager. A Recovery Cost may include an amount of up to ten (10%) percent for overhead costs.
- (i) “Treasurer” means the person within the Municipality’s employment who fulfills the role of “treasurer” as set out in the *Municipal Act*.

1.2 **Interpreting this By-law:** The captions, headings and paragraph names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender or number required by the context. The words “include”, “includes”, “including” and “included” are not to be interpreted as restricting or modifying the words or phrases which preceded them. Any reference to any statute and/or provision thereof includes that statute and/or provision as amended or any successor thereto,

1.3 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which balance shall continue to operate in full force and effect.

2. FEES AND CHARGES

2.1 **Schedules:** Fees for the (or certain of the) Services shall be as set out in the following Schedules to this By-law:

- (a) Schedule 1: Animals
- (b) Schedule 2: Building and/or Development Permits
- (c) Schedule 3: Cemeteries
- (d) Schedule 4: Fire, Emergency, and Other Services
- (e) Schedule 5: Landfill
- (f) Schedule 6: Lottery Licensing
- (g) Schedule 7: Municipal Office
- (h) Schedule 8: Property and Certain Related Matters
- (i) Schedule 9: Recreation
- (j) Schedule 10: Roads
- (k) Schedule 11: Tax Sale

- (l) Schedule 12: Transportation Services
- (m) Schedule 13: Utilities/Other

2.2 **Boards and Corporations:** This By-law may not include any or all of the Fees charged by the Municipality's local boards or municipal service boards, or by any corporate entities owned or controlled by the Municipality.

2.3 **Other Fees:** While this By-law attempts to encompass all Fees charged by all departments, there may be Fees authorized by policy or by-law of the Municipality that are not summarized within this By-law.

3. PAYMENTS AND COLLECTIONS

3.1 **Time of Payment:** Payment of the Fees under this By-law may be required in whole or in part by the Manager at any time, including, without limitation, at the time of delivery of the Service, prior to the time of delivery of the Service, or after delivery of the Service upon receipt of an invoice for the relevant Fee.

3.2 **Estimates for Recovery Costs:** Where the Fee payable under this By-law is stipulated as Recovery Cost, the Person who will be required to pay the Fee may request an estimate (which estimate is simply that, an estimate only, and same shall not be taken as being binding on the Municipality) from the Manager as to what the Fee will be. The actual Recovery Cost will be determined after provision of the Service, and the Person who received the Service shall pay the Recovery Cost.

3.3 **Deposits for Recovery Costs:** Every Manager is authorized to require that a Deposit be paid prior to the delivery of the Service in circumstances where the Fee is a Recovery Cost that is not able to be completely and accurately calculated until after the Service has been delivered. Other by-laws of the Municipality may make payment of a Deposit mandatory.

3.4 **Refund or Additional Charge Related to Deposit:** Where a Deposit has been paid under paragraph 3.3 of this By-law, and the actual Recovery Cost is less than the amount of the Deposit, the Person who paid the Deposit is entitled to a refund of the difference between the Deposit paid and the Recovery Cost invoiced, without interest or deduction. Where a Deposit has been paid under paragraph 3.3 of this By-law, and the actual Recovery Cost is more than the amount of the Deposit, the Person who paid the Deposit shall pay to the Municipality the difference between the Deposit paid and the Recovery Cost invoiced. Refunds must be made to the Person who made the original Deposit. Unless otherwise determined by the Municipality, rights to recover Deposit funds are not assignable and/or otherwise transferable in any way.

3.5 **Security Deposits:** Whether shown in the Schedules to this By-law or not, the Manager may require a Security Deposit for surety for the actions of any Person and/or otherwise.

3.6 **Disbursements/Out of Pocket Costs:** Where the Fee payable under this By-law is not stipulated as Recovery Cost, the Fee so stipulated is exclusive of any advertising, notice, postage, court, land titles, mileage, and/or other disbursement, out of pocket, and/or other costs and charges, and in all cases all advertising, notice, postage, court, land titles, mileage, material, and/or other disbursement, out of pocket, and/or other costs and charges, must be paid in addition to the Fee.

- 3.7 **Harmonized Sales Tax, Provincial Sales Tax and Other Applicable Tax:** For some Services, the Municipality is obliged at law to collect, without limitation, harmonized sales tax and/or provincial sales tax. Other taxes may be applicable, or become applicable in the future. The Fees stipulated in the Schedules to this By-law are exclusive of any applicable taxes and in all cases all applicable taxes must be paid in addition to any Fee.
- 3.8 **Late Payment Charges:** Late payment charges shall be added to all or any portion of any Fee imposed by this By-law that are due and payable, at the rate of one point two five percent (1.25%) on the first day of default, and every thirty (30) days thereafter on the Fees amount owing so long as and for such time as the default continues [fifteen per cent per annum (15%)], and such late payment charges shall form part of the Fees owing.
- 3.9 **Dishonoured cheque processing fee:** A dishonoured cheque processing fee of \$35.00, plus any and all other bank costs and charges charged the Municipality, shall be added to any Fee paid by cheque and/or any other form of payment which is returned by any bank or other financial institution for reasons such as, without limitation, insufficient funds being available in the account upon which the cheque was drawn, and such dishonoured cheque processing fee and all other bank costs and charges shall form part of the Fees owing.
- 3.10 **Where fee not collected prior to Service provided:** Where a Fee is not collected prior to any Service being provided, an invoice will be sent by personal service, regular lettermail, facsimile, and/or email or other electronic transmission, and in such case service of such invoice shall be deemed to have been made on:
- (a) the third day after the day of mailing by regular lettermail; or
 - (b) the first day after the day of transmission by facsimile or email.
- 3.11 **Debt:** Amounts payable under this By-law which remain unpaid are a debt due to the Municipality. The Municipality may recover the debt in accordance with law in any manner the Treasurer chooses.
- 3.12 **Addition to Property Taxes:** In accordance with the *Municipal Act* and paragraph 3.11 of this By-law, and without in any way limiting any other rights or remedies the Municipality may have in law or equity, the Treasurer may choose to add any amount owing to the Municipality under this By-law by any Person to the tax roll for any property within the Municipality that is owned, in whole or in part, by the Person upon whom the Fee is imposed. All of the owners of the property to whose tax roll any Fee is added shall be jointly and severally liable and responsible to pay such Fee.
4. **MANAGERIAL RESPONSIBILITY AND OTHER**
- 4.1 **General:** Provided there is no overall impact to the budget in any given year, the Manager is authorized to adjust the Fees in the Schedules to allow for the purchase of portions of full Services for which Fees are charged.

- 4.2 **Conflict:** Where any conflict exists between the Fee set out in the Schedules to this By-law and any other by-law or policy of the Municipality, the Fee set out in the Schedules to this By-law shall prevail.
- 4.3 **Discretion:** Notwithstanding anything contained in this By-law and/or otherwise to the contrary, the Municipality has, and shall have and retain, the sole and unfettered discretion to reduce, waive, and/or compromise, all or part of the Fee provided for herein where the Municipality deems fit to do so.
- 4.4 **Repeals:** By-law no. 1552 is repealed.
- 4.5 **References to Predecessor By-laws:** References in other by-laws of the Municipality to any historically applicable user Fee by-law, including, without limitation, By-laws 1474, 1513, 1525, and/or 1552 are deemed to be references to this By-law.
- 4.6 **Reference:** This By-law may be referred to as the "User Fees By-law".

BY-LAW READ AND FINALLY PASSED this 13th day of December, 2016

The Corporation of the Township of Chapple

per: _____
Peter Van Heyst, Reeve

per: _____
Margaret Johnson, CAO/Clerk-Treasurer