

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-**

### **A By-Law to Repeal and Replace By-law 2016-206, as amended, being a By-law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in The City of Kawartha Lakes (known as the Consolidated Fees By-law)**

#### **Recitals**

1. By-laws may be passed to establish and require the payment of fees for information, services, activities and use of City property.
2. Section 391 of the Municipal Act 2001, S.O. 2001, as amended, provides for a municipality to pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control.
3. Section 69(1) of the Planning Act R.S.O 1990, c.P.13, as amended, provides that a municipality may establish a tariff of fees for the processing of applications.
4. Section 7 of the Building Code Act, 1992, S.O. 1992, as amended, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters requiring the payment of fees on applications for and on the issuance of permits.
5. Section 398(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to add fees and charges to the tax roll for the property and collect them in the same manner as municipal taxes.
6. This by-law consolidates all fees charged by the municipality into one by-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:** In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

**“City Departments”** means the departments, strategic portfolios, divisions and offices within the Corporation of the City of Kawartha Lakes that provide goods, services and activities to the public on behalf of the municipality;

**“Council” or “City Council”** means the municipal council for the City.

**“Director”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **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 shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Establishment of Fees**

2.01 **Fees:** All fees established and charged by the City are consolidated into one by-law to be known as the “Consolidated Fees By-law”.

2.02 **Establishment of Fees:** No request by any person for the services where fees are charged relating to any administrative process, land, building or structure in the City shall be acknowledged by any City Departments unless and until the person requesting the information has paid or arranged to pay a fee where applicable in the amount prescribed in Schedules A to H attached to and forming part of this by-law.

2.03 **Harmonized Sales Tax:** The fees listed in Schedules A to H to this by-law are subject to the Harmonized Sales Tax (H.S.T.) where applicable. Should the legislation change or subsequent interpretations be released that may change the applicability of these taxes, then staff will immediately undertake to apply the proper tax to the fee.

- 2.04 **Application of Fees:** The City shall apply fees for all materials, services, information and documents as prescribed in Schedules A to H to this by-law.
- 2.05 **Additional Costs:** The fees listed in Schedules A to H to this by-law are in addition to any costs incurred by the City, which costs may be payable in addition to the fees set out in the by-law.
- 2.06 **Annual Adjustment:** The fees established in Schedules A to H to this by-law may be adjusted annually, on January 1, by the Consumer Price Index of April of the current year. The City Treasurer shall determine the annual adjustment by September 1<sup>st</sup> of each year. The fee adjustment shall be rounded up within the nearest one dollar (\$1.00).
- 2.07 **Annual Adjustment Exception:** Where there are instances where the fee is not adjusted annually by the Consumer Price Index, composite index in one year, the cumulative adjustment for the past years may be made in future years, as approved by Council.
- 2.08 **Council Approved Adjustment:** Despite Section 2.06 and 2.07, fees may be adjusted by Council, to recover at a minimum, respective service, administration and capital costs, as well as costs for any other purpose in any amount permitted under applicable law.
- 2.09 **Penalty:** Any portion of a fee that remains unpaid beyond the date fixed for payment shall bear interest at the rate of 1.25% (15% per annum) after thirty (30) days and each month thereafter until such fee is paid in full.

### **Section 3.00: Enforcement and Penalties**

- 3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

### **Section 4.00: Administration and Effective Date**

- 4.01 **Administration of the By-law:** The Director of the City Departments are responsible for administration of the respective department fees as approved in Schedules A to H to this by-law.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.
- 4.03 **Conflict:** Should any of the provisions contained herein conflict with any other by-law, the provisions of this by-law shall be taken as correct.

## **Section 5.00: Repeals**

5.01 **Repeal:** By-law 2016-206 and amending by-laws 2017-041, 2017-081, 2017-153, 2017-203, 2017-208, 2017-215, 2018-023, 2018-043, 2018-134, 2018-191 are repealed.

## **Section 6.00: Short Title**

6.01 **Short Title:** This by-law shall be known as the “Consolidated Fees By-law”.

By-law read a first, second and third time, and finally passed, this 11th day of December, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

### **Index of Schedules**

Schedule A – Administration

Schedule B – Business Licensing

Schedule C – Fire and Emergency Services

Schedule D – Parks, Recreation and Culture

Schedule E – Planning, Development and Engineering

Schedule F – Waste Management

Schedule G – Public Works

Schedule H – Transit



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