

The Corporation of The Township of Adjala-Tosorontio

By-law No. 21-XX

A By-law to establish fees and charges to be collected by the Corporation of the Township of Adjala-Tosorontio and to repeal By-law 20-07

Whereas pursuant to Section 9 of the Municipal Act, 2001, S.O. 2001, c25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas pursuant to Section 8(1) of the Municipal Act, 2001, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues; and

Whereas Section 391 of the Municipal Act, 2001, provides that a Municipality may pass by-laws imposing fees and/or charges for services or activities provided or done by or on behalf of it; for costs 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; and

Whereas By-laws imposing such fees and charges are authorized by the *Municipal Act, 2001*, and various other statutes; and

Whereas pursuant to section 69(1) of the *Planning Act*, R.S.O. 1990, c. P.13, provides that a Municipality may establish a tariff of fees for the processing of applications made in respect of planning matters; and

Whereas it is deemed necessary to pass such a by-law and update the fee and charges to be collected by the Corporation of the Township of Adjala-Tosorontio; and

Now Therefore the Council of The Corporation of The Township of Adjala-Tosorontio enacts as follows:

1. That this by-law shall be cited as the "Fees and Charges By-law"
2. That Council hereby establish the fees and charges as set out in Schedule "A" attached hereto and forming part of this By-law, and any person requesting or applying for the services list in Schedule "A" shall be pay the fees listed for that service or approval.
3. Despite the provisions of Section 2, Council in its discretion, upon application to it, may waive or reduce the fees set out in Schedule "A" for any person, on a one time or on a continuing basis.
4. Notwithstanding Section 3, the Fire Chief at his/her/their discretion may also waive or reduce fees set out under Emergency Services.
5. That the fees and charges as listed in the schedule attached hereto and forming part of this by-law will be subject to tax where applicable in addition to the fees listed in the attached schedule.

6. Where a deposit is required under this By-law for services rendered by the Municipality, and actual costs exceed the deposited amount, such costs shall be deemed to be fees owing under this By-law and Section 5 of this By-law shall pertain to such outstanding costs.
7. If for any reason fees and charges owing under this By-law, except for those listed under Emergency Services remain unpaid after 30 days, same shall bear interest at the rate of 1.25% per month until paid in full.
8. If a property owner who is charged a fee or charge under this By-law fails to pay the fee or charge within ninety days of receipt of an invoice, the Corporation may add the fee or charge, including interest, to the tax roll for any real property in the Township of Adjala–Tosorontio registered in the name of the owner and collect the fee or charge, including interest, in like manner as municipal taxes.
9. A fee or charge imposed upon a person under this By-law, including any interest charges and costs of collection, constitutes a debt of the person to the Corporation.
10. Security deposits shall be collected when services rendered and will be reimbursed upon compliance of the agreement unless specified otherwise.
11. That where this By-law established a fee and charge for a fee that also exists in another By-law that predates the effective date of this By-law, the fee and charge in this By-law shall be the applicable fee and charge and the other by-law is hereby effectively amended.
12. Should any part of this By-law, including any part of the Schedule, be determined by a Court of competent jurisdiction to be invalid or of no force and effect, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the provision or part of the Schedule so declared to be invalid.
13. By-law 20-07 is hereby repealed.

That the provisions of this By-law shall take full force and effect with the passing hereof;

That notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 14th day of April, 2021.

Floyd Pinto, Mayor

Dianne Gould-Brown, Clerk