

The Corporation of the Town of Amherstburg

By-law No. 2022-001

To Establish User Fees or Charges for Services, Activities or the Use of Property

Whereas Section 391 of the Municipal Act, 2001 S.O. 2001 as amended, allows municipalities to pass By-laws imposing fees or charges on any class of persons 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 The Municipal Act, 2001 S.O. 2001 grants a municipality power to pass By-laws that impose specific fees for licensing, services, permits and other reasons;

And Whereas Section 7 of the The Building Code Act, 1992 S.O. 1992 authorizes the Council of a municipality to pass By-laws requiring the payment of fees on application for and the issuance of permits and prescribing the amounts thereof;

And Whereas Section 69 of The Planning Act, R.S.O. 1990, as amended, grants the Council of a municipality, by By-law, and a planning board, by resolution, authority to establish a tariff of fees for the processing of applications made in respect of planning matters;

And Whereas Section 446(1) of the Municipal Act, 2001 S.O. 2001 authorizes the municipality under this or any other Act or under By-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

And Whereas, the Council of the Corporation of the Town of Amherstburg wishes to establish and maintain a list of services, activities and the use of property subject to fees or charges and the amount of each fee or charge;

Now Therefore the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. This By-law may be cited as the Town of Amherstburg "User Fees By-law".
2. Schedules 'A'-'H' to this By-law are hereby adopted as prescribing the fees/charges assessed by the Corporation of the Town of Amherstburg, subject to Consumer Price Index (CPI) adjustments under item 7, and shall be in effect from January 1, 2022, except as stated otherwise.
3. Any person who makes an application to, or a request for services of, or enters into an agreement with, or obtains an approval from, the Town, in respect of things or matters set out in this By-law, shall pay to the Treasurer the applicable administrative fees and charges set out in the Schedules to this By-law unless otherwise provided for in this By-law, and such administrative fees and charges are not refundable, unless otherwise provided for in this By-law, and are payable upon the person making such application or requiring services or entering into such agreement or obtaining such approval.
4. That such services and activities will not be provided until payment of the appropriate fee or charge has been received.

5. That payment of any fee or charge in this By-law shall be in Canadian currency.
6. Any fees and charges imposed under this By-law constitute a debt of the person to the Town and may be added by the Treasurer, together with interest, to the tax roll for any real property in the municipality all of the owners of which are responsible for paying such administrative fees and charges to be collected in a like manner as municipal taxes.
7. The fees in Schedules A through H shall be adjusted annually unless prohibited by legislation, without amendment to this By-law, on the 1st of January, except as stated otherwise, in accordance with the applied year over year change in the Consumer Price Index (CPI). Fees, including indexing adjustments, may then be rounded up, as follows:
 - a. Fees up to \$5 per unit rounded up to the nearest \$0.05 (five cents);
 - b. Fees greater than \$5 per unit rounded up to the nearest \$1.00 (one dollar).
8. The user deposit amounts in various schedules and the user rates for water and wastewater (Schedule G), under this By-law are not subject to annual CPI indexing, but are as established under this By-law in accordance with actual cost demands and related strategic plans respectively.
9. All fees and charges will be charged plus applicable taxes, unless otherwise noted.
10. Should any section, subsection, clause or provision of this By-law or its Schedules be declared by a court of competent jurisdiction to be invalid, the said section, subsection, clause or provision shall not affect the validity of this By-law or its Schedules as a whole or any part thereof, other than the part so declared to be invalid.
11. All previous By-laws concerning the fees detailed in Schedules A through H passed by the Town of Amherstburg are hereby repealed.
12. This By-law shall come into force and take effect on January 1, 2022.

Read a first, second and third time this 10th day of January, 2022.

Mayor - Aldo DiCarlo

Interim Clerk – Valerie Critchley