

THE CORPORATION OF THE TOWN OF KEARNEY

By-law No. 2025-71

Being a By-law to Establish Fees or Charges for Services and Activities Provided or Done by the Corporation of The Town of Kearney

WHEREAS the Corporation of the Town of Kearney charges various fees for licenses, permits and services offered by the Corporation;

AND WHEREAS Section 8 of the Municipal Act, S.O. 2001 (herein after referred to as the "Act") provides that the powers of a municipality under the Act 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 and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

AND WHEREAS Section 391 of the Act authorizes municipalities to impose 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 WHEREAS Section 398 of the Act provides the Municipality with authority to add unpaid fees and charges, including any interest on the unpaid balance, to the tax roll for any real property within the Municipality owned by the person responsible for paying the fees and charges, and the amount may be collected in the same manner as municipal taxes;

AND WHEREAS Section 7 of the *Building Code Act*, S.O. 1992, Chapter 23, as amended, authorizes a municipal Council of a municipality to pass a By-law requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof;

AND WHEREAS Section 69 (1) of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended, provides that a Municipality may by By-law establish a tariff of fees for the processing of applications made in respect of planning matters;

NOW THEREFORE THE CORPORATION OF THE TOWN OF KEARNEY enacts as follows:

1. **Definitions:**
 - 1.1 "Act" means the *Municipal Act*, S.O. 2001
 - 1.2 "By-law" means this By-law, as amended from time to time.
 - 1.3 "Town" means The Corporation of the Town of Kearney.
 - 1.4 "Council" means the elected Council of the Town.
2. That the fees and charges for various municipal services and activities, including applicable taxes, be established in the Schedules attached hereto and forming part of this By-Law as follows:

Schedule "A" Corporate Services – Clerk's Department

Schedule "B" Corporate Services – Finance Department

Schedule "C" Planning Department

Schedule "D" Facilities / Recreational Programming and Trails

Schedule "E" Public Works

Schedule "F" Transfer Station

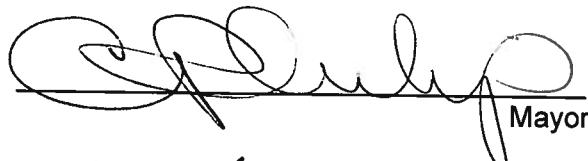
Schedule "G" Fire Department

Schedule "H" Building Department

3. That the attached Schedules may be amended from time to time as deemed expedient by Council and that the complete By-law be reviewed within one year to ensure the appropriateness of the fee structure and every three (3) years thereafter.

4. That with respect to Planning Department fees, the applicant/agent and the owner shall understand, acknowledge, and accept that the Town does not retain as full-time staff professional engineer, planners and solicitors that the Town contracts out private firms for these services. The applicant/agent and/or the owner SHALL be jointly and severally liable for paying to the Town all costs it incurs in processing or reviewing the applications including but not limited to fees for planning, engineering and legal services, together with any Town administration fees. The Town shall notify the applicant/agent and/or owner from time to time of any costs incurred by the Town and the applicant/agent and/or the owner shall have thirty (30) days to pay the Town for those costs after notice is given. In the event that the applicant/agent and/or the owner do not pay those costs within thirty (30) days, the Town has a right to apply any deposit held against those costs and further to cease doing any work on the review of this application until such time as all outstanding costs are paid in full.
5. Notwithstanding that a tariff of fees is prescribed, the Council of the Town may reduce the amount of, or waive the requirement for the payment of a fee at its discretion in cases of hardship where it is determined that the action for which the fee is to be charged will be for the general benefit of the municipality and its ratepayers;
6. Where the provisions of this By-law may conflict with any other By-Laws, this By-Law shall prevail.
7. This By-Law shall be known as the "Fees & Charges By-Law".
8. That By-law 2024-53 is hereby repealed on the date this by-law comes into full force and effect.
9. This By-Law shall come into full force and effect as of January 1st, 2026.

Read a First, Second and Third time and finally passed this 11th day of December, 2025



Mayor



Clerk

SCHEDULE "A"
TO BY-LAW NUMBER 2025-71
CORPORATE SERVICES – CLERK'S DEPARTMENT

| Fee Title | Fee Plus applicable taxes | Fee Basis |
|--|--|---|
| Photocopies Black & White | \$0.30 \$0.35 \$1.00 \$5.00 | Per page 8.5" x 11" Per page 8.5 " x 14" Per page 11" x 17" Per sqft |
| Plotter Community Groups | \$0.10 \$0.15 \$0.50 \$3.00 | Per page 8.5" x 11" Per page 8.5 " x 14" Per page 11" x 17" Per sqft |
| Photocopies Colour | \$0.50 \$0.75 \$2.00 | Per page 8.5" x 11" Per page 8.5" x 14" Per page 11" x 17" |
| Community Groups | \$0.20 \$0.50 \$1.00 | Per page 8.5" x 11" Per page 8.5" x 14" Per page 11" x 17" |
| Faxes – Outgoing | \$2.00 | Per page |
| Faxes – Incoming | \$1.00 | Per page |
| Freedom of Information Request | \$5.00 | Per request as per legislation |
| FOI records search | \$7.50 | Per legislation - –per ¼ hour |
| Lottery License | 3% of prize value | Per OLGC regulations |
| Dog License | \$30.00 \$10.00 \$5.00 | Lifetime Annual Replacement tag |
| Kennel License Each dog tag for Kennel dogs | \$100.00 \$5.00 | Annually |
| Replacement Kennel License | \$50.00 | |
| Annual Trailer / Camper license | \$700.00 | Annually |
| Monthly Trailer/Camper License | \$150 | Per month of licensing season maximum 3 months per season (May – Nov) |
| Marriage License | \$150 | Per License |
| Remove Property Standards Order from Title | \$100.00 | Per application |
| Line Fence Dispute Administration Fee | \$100.00 plus legal fees | Per application |
| Civic Address Signs Replacement Civic Address Sign Replacement Pole Civic Address Install Fee | \$45.00 \$20.00 \$25.00 \$50.00 | New signs with pole Replacement Sign (no pole) |
| Commission Documents | \$5.00/document for non-residents | |

SCHEDULE "B"
TO BY-LAW NUMBER 2025-71
CORPORATE SERVICES – FINANCE DEPARTMENT

| Fee Title | Fee Plus Applicable Taxes | Fee Basis |
|-------------------------|---|--|
| Tax Certificates | \$65.00 | Per roll |
| Returned Items (NSF) | \$45.00 | Per cheque |
| Tax Sale Registrations | \$250.00 \$300.00 \$75.00 \$500.00 | First Notice Fee – plus actual costs Final Notice Fee – plus actual costs Extension Agreement – plus actual costs Public Tender Process – plus actual costs |
| Tax history search | \$30.00 | Per hour |
| Credit Card Service Fee | 2% | On all services aside from Transfer Station fees at the Transfer Stations |

SCHEDULE "C"
TO BY-LAW NUMBER 2025-71
PLANNING DEPARTMENT

Administration fee per application and all costs associated with the application be borne by the applicant for all Planning & Legal Applications

| Fee Title | Fee Plus applicable taxes | Fee Basis |
|---|--|------------------|
| Zoning By-law Amendment | \$750.00: Residential \$1,500.00: Commercial Plus \$1,000: Deposit (each) | |
| Official Plan Amendment | \$1,000.00: Residential \$2,000.00: Commercial Plus \$1,000.00: Deposit (each) | |
| Minor Variance | \$750.00 Plus \$1,000: Deposit each | |
| Consent (Severance) Validation, Foreclosure, Power of Sale | \$400.00 \$50.00 Plus \$1,000.00 Deposit (each) | |
| Agreements – Development, Subdivision, Consent, Condo, User Mtce. and Site Plan | \$500.00 Plus \$1,000.00 Deposit (each) | |
| Plan of Subdivision / Condominium | \$1,500.00 Plus \$1,000.00 Deposit (each) | |
| Road/Shore Road Allowance Closing Application Fee | \$600.00 | |
| Road & Shore Road Allowance Purchase | Appraised value Plus \$1,000.00 Deposit (each) | |
| Deeming By-law | \$500.00 Plus \$1,000.00 Deposit each | |
| Staff Review/Report Fee | \$500.00 | |
| Pre-consultation Report | Residential: \$150.00 Plus Deposit \$2000.00 Commercial: \$200.00 Plus Deposit \$3000.00 Subdivision: \$500.00 Plus Deposit \$4000.00 | |
| Property Information Report | Residential: \$200.00 Commercial: \$400.00 | Per roll |

NOTE:

1. When necessary, the Town of Kearney reserves the right to require a deposit amount for the purpose of retaining professional services (solicitor, engineer, planner) in all applications within this schedule.
2. With respect to Planning Department fees, the applicant and the owner shall understand, acknowledge and accept that the Town of Kearney does not retain as full-time staff, professional engineers, planners and solicitors and that the Town of Kearney contracts out these services.
3. The applicant and the owner **SHALL** be jointly and severally liable for paying to the Town of Kearney all costs incurred in processing or reviewing applications including but not limited to fees for planning, engineering and legal services, together with any Town of Kearney administration fees.
4. The Town of Kearney shall notify the applicant and owner from time to time of any costs incurred by the Town and the applicant and the owner shall have thirty (30) days to pay the Town for those costs after notice given. In the event that the applicant and the owner do not pay those costs within thirty (30) days, the Town has the right to apply the deposit held against those costs and further, to cease work on this application until such time as all outstanding costs are paid in full.

SCHEDULE "D"
TO BY-LAW 2025-71
Facilities / Recreational Programming and Trails

| Fee Title | Fee Plus applicable taxes | Fee Basis |
|---|--|---|
| Gymnasium- Weddings and other large group affairs | \$800 | Includes ½ day before event, event day and ½ day clean up (gym & kitchen) |
| Gymnasium- all other events | \$100 (M – Thur.) \$150 (F,S,S) \$50 | Per 4 hour rental – for all purposes Each additional hour (or part thereof) |
| Gymnasium only – Kearney Taxpayers only | \$25 (Mon-Fri - rental must be during business hours) | Per 1 hour rental (max.3 hours) Recreation only (must be used during office hours) |
| Bar Area / Kitchen | \$100 (M – Thur.) \$150 (F,S,S) \$50.00 | Per 4 hour rental Each additional hour (or part thereof) |
| Security/cleaning deposit | \$250 | Due at time of booking (areas to be cleaned by user or fee will be retained) |
| SOCAN Music Fees | \$31.72 \$63.49 | Without dancing With dancing |
| Seniors Room with Kitchen | \$100 \$25.00 | Per 4 hour event Each additional hour (or part thereof) Per hour (or part thereof) |
| Recreation Programming Fees | | As set by the Committee |
| Additional Amenities | As per Rental Agreement | |

SCHEDULE "E"
TO BY-LAW NUMBER 2025-71
PUBLIC WORKS

| Fee Title | Fee Plus applicable taxes | Fee Basis |
|-------------------------------------|--------------------------------------|--|
| Driveway Culvert Permit Application | \$300.00 \$500.00 | Administration fee – non refundable Deposit – Refund subject to correct install |
| Road Occupancy Permit | \$100 | Per Year |
| Work on Town Property | Letter of Credit for \$10,000.00 | Letter of credit per event to be held pending damage |

SCHEDULE "F"
TO BY-LAW NUMBER 2025-71
TRANSFER STATION

| Fee Title | Fee Plus HST | Fee Basis |
|--------------------------------------|---|--|
| Swipe/Plastic Transfer Station Card | \$10 | Replacement card |
| Additional bags of garbage | \$2 | For each bag over limit |
| UNSORTED BAG of Garbage or Black Bag | \$10 | Additional Fee |
| Small Appliances Large Appliances | \$10 Free \$35 \$10 | Sinks, toilets, etc. Metal and Tagged – Freon removed <u>With Freon</u> - Fridge, freezer, air-conditioner Non-metal and Tagged – Freon removed |
| Furniture | \$2 off Swipe/Plastic Transfer Station Card/small item \$20/large item | Small: umbrella, rug, mat, dining chair, lamp Large: Couch, Love Seat, Chair, Mattress, Box Spring, Kitchen Set, Dining Set |
| Construction Waste | 1.50/cu.ft | |
| Asphalt shingles | \$2.50/cu. ft | |
| Electronics & Tires | Free | |
| Vacation Rental Kit | \$5.00 each or 10 for \$45.00 | |

SCHEDULE "G"
TO BY-LAW NUMBER 2025-71
CLASSES OF PERMITS - FIRE DEPARTMENT

| Fee Title | Fee Plus applicable taxes | Fee Basis |
|--|---|--|
| Fire (Burn) Permit | \$2 \$20 \$50 | Evening campfire (3 days) Incinerator/campfire (per season) Day burn (per day) |
| Green Leaf 911 Sign To identify Solar Photovoltaic Installation | \$15 | Per reflective green leaf sticker |
| <u>False Alarm</u> 1 st False Alarm | No Charge | |
| 2 nd and subsequent false alarms in any 12 month period | \$410 minimum - Current MTO rate per hour per vehicle, plus personnel costs, plus any additional costs to the Town of Kearney | Per Vehicle and staff |
| Open Fire without a permit | \$250 Minimum Plus Current MTO rate per hour per vehicle, plus personnel costs, plus any additional costs to the Town of Kearney | Minimum charge Cost of vehicle, staff |
| Fire Department response fees – <i>Indemnification Technology®</i> | Current MTO rate per hour per vehicle, plus personnel costs, plus any additional costs to the Town of Kearney Should the Insurer pay the coverage to the Property Owner, the Property Owner is liable to remit these funds to the Town or its representative | For each call |
| Fire CALL response to extinguish non-compliant fire | \$410 PLUS Current MTO rate per hour per vehicle, plus personnel costs, plus any additional costs to the Town of Kearney | Per vehicle, Per hour |
| Fire CALL to Ministry of Natural Resources air/ground | All costs associated with extinguishment as per Agreement with MNR | |
| Fire Letter/Report | \$50 | Per Letter/Report |
| Inspection Fees | \$100 \$60/hr \$100 \$50 \$100 | Per Inspection : Single family dwelling with 1 re-inspection (no wood burning appliance) Apartment or multi unit building, per Inspector In-home day care Additional inspections Special Needs home |

| | | |
|---------------------------------------|---|---|
| | \$110/hr \$100 \$75 \$100 \$75/hr | Nursing home inspections (2 persons) Liquor Licence Inspection Follow-up inspections Retail/Commercial facility Restaurant, per Inspector |
| Copy and Release Inspection Report | \$50 | Per Release |

SCHEDULE "H"
TO BY-LAW NUMBER 2025-71
BUILDING DEPARTMENT FEES – AS PER CURRENT BUILDING BY-LAW

