

THE CORPORATION OF THE TOWN OF KEARNEY

By-law No. 2023- 64

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

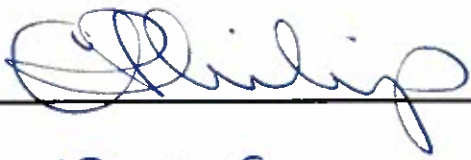
Schedule "G" Fire Department

Schedule "H" Building Department

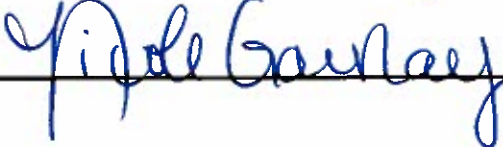
3. That the attached Schedules may be amended from time to time as deemed expedient by Council and that the complete By-law be reviewed within one year to ensure the appropriateness of the fee structure and every three (3) years thereafter.

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 engineers, 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 2023-48 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, 2024.

Read a First, Second and Third time and finally passed this 14th of December, 2023



Mayor



Clerk

SCHEDULE "A"
TO BY-LAW NUMBER 2023-64
CORPORATE SERVICES – CLERK'S DEPARTMENT

Fee Title	Fee Plus applicable taxes	Fee Basis
Photocopies Black & White	\$0.30 \$0.35 \$1.00	Per page 8.5" x 11" Per page 8.5 " x 14" Per page 11" x 17"
Community Groups	\$0.10 \$0.15 \$0.50	Per page 8.5" x 11" Per page 8.5 " x 14" Per page 11" x 17"
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
Copy of Zoning By-law	\$50.00	Per copy
Copy of Official Plan	\$50.00	Per copy
Maps **	\$5.00	8.5 x 11 colour print of property
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 OLG regulations
Dog License	\$12.00 \$15.00 \$20.00 \$5.00	First dog Second dog Each additional Replacement tag
Kennel License	\$100.00	Annually
Each dog tag for Kennel dogs	\$5.00	
Replacement Kennel License	\$50.00	
Dog redemption from impound		
First Offence	\$ 50.00	
Second Offence	\$ 75.00	
Third offence	\$100.00	
Each subsequent offence	\$100.00	
Trailer / Camper license	\$700.00	Per Year commencing after 30 days have elapsed
Marriage License	\$125.00	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	\$45.00	New signs with pole
Replacement Civic Address Sign	\$20.00	Replacement Sign (no pole)
Tender Documents	\$50.00	Per tender package

** Map could include zoning, lakes, roads, road names, contours, tributaries, lots and concession

SCHEDULE "B"
TO BY-LAW NUMBER 2023-64
CORPORATE SERVICES – FINANCE DEPARTMENT

Fee Title	Fee Plus Applicable Taxes	Fee Basis
Tax Certificates	\$50.00	Per property
Returned Items (NSF)	\$45.00	Per cheque
Tax Registrations	\$1,500.00	Per Property
Tax history search	\$30.00	Per hour
Credit Card Transaction Fee	2% of value	Per item

SCHEDULE "C"
TO BY-LAW NUMBER 2023-64
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 \$1,000: Deposit (each)	
Official Plan Amendment	\$1,000.00: Residential \$2,000.00: Commercial \$1,000.00: Deposit (each)	
Minor Variance	\$750.00	
Consent (Severance) Validation, Foreclosure, Power of Sale	\$400.00 \$50.00 \$1,000.00 Deposit (each)	
Agreements – Development, Subdivision, Consent, Condo, User Mtce. and Site Plan	\$500.00 \$1,000.00 Deposit (each)	
Plan of Subdivision / Condominium	\$1,500.00 \$1,000.00 Deposit (each)	
Road/Shore Road Allowance Closing Application Fee Road & Shore Road Allowance Purchase	\$600.00 Appraised value \$1,000.00 Deposit (each)	
Deeming By-law	\$500.00 \$1,000.00 Deposit	
Staff Review/Report Fee	\$500.00	
Pre-consultation Report Fee	Residential: \$150.00 Fee Deposit \$2000.00 Commercial: \$200 Fee Deposit - \$3000.00	
Official Plan, Zoning, Building, Subdivision Compliance Report	\$100.00: Residential \$200.00: Commercial	

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 planning matters.
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 2023-64
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)
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	At booking (areas to be cleaned by user or fee will be retained)
Set Up Fee	\$50	Tables & Chairs
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)
Exercises Classes: Calendar Month Fee Drop-In Class Rate	\$40/Calendar Month \$10/Class	As recommended by the Committee
Additional Amenities	As per Rental Agreement	

SCHEDULE "E"
TO BY-LAW NUMBER 2023-64
PUBLIC WORKS

Fee Title	Fee Plus applicable taxes	Fee Basis
Sign Permit	\$80.00	Per Year
Portable (A Frame) sign permit	\$25.00	Per Year
Mobile Sign Permit	\$75.00	Per year
Driveway Culvert Permit Application	\$300.00 \$500.00	Administration fee – non refundable Deposit – Refund subject to correct install
Driveway Paving Permit Application	\$300.00 \$500.00	Administration fee – non refundable Deposit – Refund subject to correct install
Pavement Cut for Development Purposes (cables, pipes, etc.)	\$300.00 \$500.00	Administration fee – non refundable Deposit – Refund subject to correct install
Entrance way permit for concrete curb cut	\$300.00 \$500.00	Administration fee – non refundable Deposit – Refund subject to correct install (on top of Driveway Application fee and deposit)
Road Occupancy Permit	\$80.00	Per Year
Work on Town Property	Letter of Credit for \$10,000.00	Letter of credit per event to be held pending damage
Oversize/overweight permit • Application	\$200.00	Per application Plus Cost Recovery

SCHEDULE "F"
TO BY-LAW NUMBER 2023-64
TRANSFER STATION

Fee Title	Fee Plus HST	Fee Basis
Punch Transfer Station Card	\$25	Replacement card
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	\$20	Additional Fee
Small Appliances	\$10	Sinks, toilets, etc.
Large Appliances	Free	Metal and Tagged – Freon removed
	\$35	<u>With</u> Freon - Fridge, freezer, air-conditioner
	\$10	Non-metal and Tagged – Freon removed
Furniture	\$10/small item	Small: umbrella, rug, mat, dining chair, lamp
	\$20/large item	Large: Couch, Love Seat, Chair, Mattress, Box Spring, Kitchen Set, Dining Set
Burnable brush or building material (NO Logs Or Stumps)	\$100	<u>Fee based on \$1.50/sq.ft.</u>
	\$150	<u>Pick-up</u> 8' box or 4'x8' trailer
	\$294	<u>Single Axle</u> trailer
		<u>Tandem Axle</u> trailer
Construction Waste	\$10.00	<u>Per Single Item:</u> Window, Countertop, Insulation, Drywall, Plumbing Fixture, Styrofoam
	\$50	<u>Pick-up</u> 8' box or 4'x8' trailer
	\$150	<u>Single Axle</u> trailer
	\$294	<u>Tandem Axle</u> trailer
Asphalt shingles	\$2.50/cu. ft	Per small container/amount
	\$180	Pick-up truck 8' box or 4' x 8' trailer
	\$250	Single-axle Trailer
	\$490	Tandem-axle Trailer
Electronics & Tires	Free	
Non-Compliance with respect to Town Pick-up	\$100.00	Per offence

SCHEDULE "G"
TO BY-LAW NUMBER 2023-64
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	Per Vehicle and staff
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	
Open Fire without a permit	\$250 Minimum <u>Plus</u> 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 \$110/hr	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 Nursing home inspections (2 persons)

	\$100	Liquor Licence Inspection
	\$75	Follow-up inspections
	\$100	Retail/Commercial facility
	\$75/hr	Restaurant, per Inspector
Copy and Release Inspection Report	\$50	Per Release

SCHEDULE "H"
TO BY-LAW NUMBER 2023-64
BUILDING DEPARTMENT FEES – AS PER CURRENT BUILDING BY-LAW