

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /19

Being a by-law to establish user fees and service charges for the Corporation of Haldimand County and to repeal By- law 1986/18

WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001 c.25, as amended, provides that a municipality may pass by-laws imposing fees or charges for services or activities provided, for costs payable for services or activities provided or done by or on behalf of the municipality and for use of its property including property under its control;

WHEREAS Section 151 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, states that a municipality may provide for a system of licenses with respect to business and may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of the system of licenses established by the municipality;

WHEREAS the *Planning Act*, R.S.O 1990, c.P.13, as amended, and the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, provide municipalities with authority to impose various fees and charges;

WHEREAS Development Charges, Water and Wastewater user fees, and certain license fees, namely Hunting and Lottery Licenses fees, are regulated under separate by-laws;

AND WHEREAS the Council of The Corporation of Haldimand County deems it expedient to enact a by-law establishing and requiring the payment of fees for information, services, activities and use of County property,

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT** the fees and charges as set out in Schedule "A" through "R" attached hereto and forming part of this by-law are hereby established and adopted by the Council of the Corporation of Haldimand County;
2. **THAT** unless otherwise prescribed, no request by any person for any information, service, activity or use of County property described in Schedules "A" through "R" will be processed or provided by an County Official, unless and until the person requesting the information, service, activity or use of County property has paid the applicable fee or charge in the prescribed amount as set out in Schedules "A" through "R" to the County;
3. **THAT** in the event that any information, service, activity or use of County property is requested by a person, and a fee or charge for such information, service activity or use of County property has not been specifically provided for in Schedules "A" through "Q" hereto, a fee or charge shall be calculated by County staff utilizing the formula described in Schedule "R", attached hereto and forming part of this by-

law, and such fee or charge shall be deemed to be a fee or charge otherwise established and adopted by Council and shall be deemed to be included in Schedules "A" through "Q";

4. **THAT** in the event that any information, service, activity/use/destruction of County property is obtained or incurred by a person, and a fee or charge for such information, service, activity or use of County property has not been specifically provided for in Schedules "A" through "Q" hereto, a fee or charge shall be calculated by County staff utilizing the formula described in Schedule "R", attached hereto and forming part of this by-law, and such fee or charge shall be deemed to be a fee or charge otherwise established and adopted by Council and shall be deemed to be included in Schedules "A" through "Q".
5. **THAT** unless otherwise prescribed, the fees and charges established by this by-law shall be payable to The Corporation of Haldimand County by cash, money order, certified cheque or debit card when due.
6. **THAT** where any payment is received on account, the payment will first be applied against late payment charges owing according to the length of time the charges have been owing, with charges imposed earlier being discharged before charges imposed later. The payment will then be applied against the total amount owing according to the length of time they have been owing, with amounts imposed earlier being discharged before amounts imposed later.
7. **THAT** a percentage of one and one-quarter percent (1¼%) shall be imposed as a penalty for non-payment of fees and charges remaining unpaid on the first day following the last day for payment of such fees and charges and thereafter, an additional charge of one and one-quarter percent (1¼%) shall be imposed and shall be added to any remaining fees and charges remaining unpaid on the first day of such calendar month in which the default continues until a new by-law is established.
8. **THAT** Council delegate the authority to the Treasurer to adjust penalty/interest applied above under the following conditions: (i) if the County has applied said penalty/interest in error, at the sole discretion for the County, 100% of the penalty/interest applied will be removed; or (ii) if the County, at its sole discretion, was negligent or contributed in part to the application of the penalty/interest in error, 50% of the penalty/interest will be removed. All further adjustments to penalty/interest require specific Council approval or an appeal to the applicable Provincial court.
9. **THAT** Council delegate the authority to the Treasurer to write off small unpaid balances under \$10 as the Treasurer deems appropriate.
10. **THAT** in the event any part of this by-law, including any part of Schedules "A" through "R", is determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the by-law shall be severable and that the remainder of this by-law including the remainder of Schedules "A" through "R", as applicable, shall continue to operate and to be in force and effect.

11. **THAT** in the event that another by-law of The Corporation of Haldimand County establishes a fee or charge that is not referenced by this by-law and that is not inconsistent with this by-law, the fee or charge established by that or another by-law shall be deemed to be included in Schedules "A" through "R" attached hereto.
12. **THAT** this by-law shall be know as the "User Fees and Service Charges By-law".
13. **THAT** this by-law shall take precedence over any by-law with which it is inconsistent.
14. **THAT** By-law No. 1986/18 and any amendments thereto are hereby repealed in their entirety effective January 1, 2020 unless otherwise noted.
15. **THAT** this by-law shall be effective January 1, 2020.

READ a first and second time this 4th day of November, 2019.

READ a third time and finally passed this 4th day of November, 2019.

MAYOR

CLERK