

COPY

CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 4- 2011

A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE RECOVERY OF MUNICIPAL COSTS

WHEREAS sections 9, 10, 11 and 391 of the *Municipal Act*, S.O. 2001, c. 25 authorize municipalities to impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS s. 10 of O. Reg. 584/06 under the *Municipal Act* permits municipalities to recover their reasonable costs for issuing permits for works in municipal highways;

AND WHEREAS various undertakings proposed in the Township of East Garafraxa require review by and/or consultation with the Township;

AND WHEREAS where staff resources are not sufficient to undertake such review and/or consultation properly, the Township is required to engage outside consultants to assist in that review and/or consultation;

AND WHEREAS the Council of the Township has deemed it appropriate to recover the reasonable costs of such review and/or consultation from the proponents of the subject undertakings;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF East Garafraxa ENACTS AS FOLLOWS:

1. In this by-law,

“Township” means the Corporation of the Township of East Garafraxa;

“Municipal Consultation” means consultation required under s. 18 of O. Reg. 359/09 under the *Environmental Protection Act*;

“renewable energy project” has the same meaning as in the *Green Energy Act*, 2009, S.O. 2009, c. 12, Sched. A;

2. The Township hereby establishes the fees set out in Schedule “A” to this By-law.
3. No request for any service or activity described in Schedule “A” shall be processed or provided by the Township, unless and until the person requesting the service, activity or use of Township property has paid the applicable Administration Fee and provided the required Deposit for Professional Fees in the amounts prescribed in Schedule “A”.
4. No person shall be permitted to locate works in a municipal right of way without a permit issued by the Township pursuant to this by-law. Any such permit may, at the Township’s discretion, include conditions, including a requirement to enter into a right of way permit agreement with the Township.

5. Administrative Fees and Deposits for Professional Fees shall be paid to the Township in cash or by certified cheque.
6. The Administrative Fees listed in Schedule "A" are required for the purposes of the administrative processing of requests by the Township, including the use of office equipment and staff time.
7. The Administrative Fees listed in Schedule "A" are not intended to be sufficient to cover the costs of consultation with a solicitor, professional engineer, planning consultant, surveyor or other outside professionals. Should Township staff determine that consultation with outside professionals is required in a particular instance, the cost of such consultation shall be paid from the Deposit for Professional Fees set out in Schedule "A". All deductions from the Deposit for Professional Fees will be invoiced to the proponent who shall be required to replenish the Deposit for Professional Fees to the listed amount, failing which the Township will not continue the review or processing of the request. On completion of the undertaking, any remaining portion of the Deposit for Professional Fees shall be returned to the proponent without interest.
8. The fees listed in Schedule "A" shall be subject to Harmonized Sales Tax where applicable.
9. Should any part of this By-law, including any part of Schedule "A", be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of the Township what such invalid part of the By-law shall be severable and that the remainder of this By-law, including the remainder of Schedule "A", as applicable, shall continue to operate and to be in force and effect.
10. This by-law shall come into effect on the date of passing hereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 11TH DAY OF JANUARY, 2011

BY-LAW READ A THIRD TIME AND PASSED THIS 11TH DAY OF JANUARY, 2011

HEAD OF COUNCIL

CLERK

SCHEDULE "A"

Item	Request	Administrative Fee	Deposit for Professional Fees
1	Issuance of permit for location of works in Township right of way, including inspection of works and inspection post-construction remediation	\$ 750.	\$ 10,000.
2	Preparation of right of way permit agreement	\$ 750.	\$ 20,000.
3	Municipal consultation for renewable energy project	\$5,000.	\$ 20,000.