

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2023-90

A BY-LAW TO CONSOLIDATE FEES AND CHARGES AND TO ESTABLISH USER FEES AND CHARGES FOR SERVICES, ACTIVITIES OR THE USE OF PROPERTY WITHIN THE TOWNSHIP OF WEST LINCOLN

WHEREAS the Municipal Act, 2001 requires that all fees and charges be established by by-law as of January 1, 2003;

WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that despite any Act, a municipality may 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 and for the use of its property, including property under its control;

AND WHEREAS Section 69 (1) of the Planning Act R.S.O. 1990, c. P. 13, as amended, provides that a municipality may establish a tariff of fees for the processing of applications;

AND WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, as amended, authorizes a municipal Council to pass by-laws concerning the issuance of permits and related matters requiring the payment of fees on applications for and on the issuance of permits;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enact a Consolidated User Fees and Charges By-law establishing and requiring the payment of fees for information, services, activities and use of Township property;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. The fees and charges as set out in Schedule "A" attached hereto and forming part of this By-law, are hereby established and adopted by the Council of the Township of West Lincoln.
2. This By-law shall be known as the "Consolidated User Fees and Charges By-law".
3. The fees and charges as listed in Schedule "A" to this By-law are inclusive of Harmonized Sales Tax (HST), where indicated.
4. All fees and charges applicable under this by-law shall be payable in advance of services being rendered, except for:
 - a. Emergency services.
 - b. Actions taken by the Township to rectify failures or by-law infractions on the part of a resident, in which case, the fee payable will be in arrears and invoiced after the service or activity is provided.
 - c. Instances where the timing and conditions for payment is prescribed in agreements or contracts approved by Council.
5. In the event that any information, service, activity or use of Township property is requested by a person, and a fee or charge for such information, service, activity or use of Township property has not been specifically provided for in Schedule "A", a fee or charge shall be calculated by Township staff to appropriately recover Township costs and shall be incorporated into this By-law as soon as is practicable.

6. That payment of any fee or charge in this By-law shall be in Canadian currency.
7. All fees owing to the Township that are unpaid are considered a debt to the Township and, together with all interest and penalties accrued thereupon, may be collected by the Township by action, or may be collected by the Township on its behalf, or may be added to the property tax roll and collected in like manner as taxes.
8. The user fees and charges that comprise this By-law may not be waived upon request under any circumstances, in either full or in part, unless required or allowed by external government legislation.
9. The Treasurer is authorized to carry out the administration of this By-law, including but not limited to the enforcement thereof, the collection activity and for initiating such legal action as may be considered appropriate.
10. Should any part of this By-law, including any part of a Schedule attached hereto, be determined by a court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of this By-law shall be severable from this By-law and that the remainder of this By-law, including the remainder of each Schedule, as applicable, shall continue to operate and be in force.
11. That, By-laws 2022-84 and 2010-21, be and are hereby repealed.
12. That, this By-law come into force and take effect on January 1, 2024.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
11th DAY OF DECEMBER, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK