

Corporation of the Township of South Frontenac

**A By-Law to Establish Fees and Charges Collected by The Corporation of the
Township of South Frontenac**

By-Law Number 2024-59



**SOUTH
FRONTENAC**

Short Title: "The Fees and Charges By-law"

Consolidation Of Amendments

Subject	Amending By-Law	Effective Date

The By-law numbers highlighted in this consolidation refer to the By-laws that amended the principal By-Law (By-law 2024-59).

Original copies are obtainable upon request from the Clerk's Department.

By-Law Number 2024-59

A By-Law to Establish Fees and Charges to be Collected by The Corporation of the Township of South Frontenac

Whereas subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

Whereas section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

Whereas section 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

Whereas section 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1);

Whereas section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- (a) for services and activities provided or done by or on behalf of it;
- (b) for costs payable by it for services and 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;

Whereas subsection 391(2) of the *Municipal Act, 2001* provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time;

Whereas subsection 391(3) of the *Municipal Act, 2001* provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

Whereas subsection 391(4) of the *Municipal Act, 2001* provides that a fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property;

Whereas subsection 391(5) of the *Municipal Act, 2001* provides that, in the event of a conflict between a fee or charge by-law and the *Municipal Act, 2001*, or any other act or regulation made under any other act, the by-law prevails;

Whereas fees and charges listed in the Schedules attached hereto may be administered and calculated in accordance with other Township by-laws or provincial legislation or both, including but not limited to:

- (i) animal services by-laws;
- (ii) business licensing by-laws;
- (iii) fire prevention and suppression by-laws;
- (iv) parking by-laws;
- (v) lottery licensing by-laws
- (vi) the Building Code Act, 1992, its regulations and by-laws passed under the Act or its regulations;
- (vii) the Funeral, Burial and Cremation Services Act, 2002, its regulations and by-laws passed under the Act or its regulations; and

(viii) subsection 69(1) of the Planning Act, R.S.O. 1990, c. P.13;

Whereas it is deemed expedient to pass this By-law;


Therefore Be It Resolved That the Council of the Corporation of the Township of South Frontenac hereby enacts as follows:

1. Council hereby establishes the fees and charges as set out in the schedules to this By-law for The Corporation of the Township of South Frontenac (South Frontenac). The fees and charges will be subject to Harmonized Sales Tax (HST) and Retail Sales Tax (RST), where applicable.
2.
 - a) Unless otherwise stipulated, the fees and charges shall be adjusted annually, on January 1 by the Consumer Price Index of the third quarter of the prior year .
 - b) In those instances where the fee is not adjusted by the Consumer Price Index in one year, the cumulative adjustment for past years may be made in future years, as approved by Council.
 - c) Despite paragraph 2(a), fees and charges may be adjusted, as approved by council, to recover at a minimum, respective service, administration and capital costs, as well as costs for any other purpose in any amount permitted under applicable law.
3. Payment is received at the time of the transaction for which the fee or charge is imposed, or upon the due date specified in the terms of a contract signed by the Township or an invoice issued by the Township.
4. Unless otherwise stipulated, any portion of a fee or charge that remains unpaid beyond the date fixed for payment may bear interest at the rate of 1.25% (15% per annum) after thirty (30) days and each month thereafter until such fee or charge is paid in full.
5. The Township may use a collection agency to collect any unpaid fee or charge, including interest charged pursuant to section 4 and the collection agency's fees, as approved by the Township, shall be added to the unpaid amounts to become the total amount payable to the collection agency.
6. The Treasurer shall add unpaid fees and charges imposed by the municipality to the tax roll associated with the property in the Township of South Frontenac and collect them in the same manner as municipal taxes:
 - a) In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
 - b) In all other cases, any property for which all of the owners are responsible for paying the fees and charges.
7. Where this By-law established a fee and charge for a fee that also exists in another by-law that predates the effective date of this by-law, the fee and charge in this By-law shall be the applicable fee and charge and the other by-law is hereby effectively amended.
8. In the event that By-law 2024-59, as amended, is repealed and re-enacted or amended in its entirety, it shall be assigned the same by-law number, due to the fact this by-law is mentioned in several other related by-laws.
9. Should any part of this By-law, including any part of any schedule, be determined by a court of competent jurisdiction to be invalid or of no force and effect, it is council's intention that such invalid part of this by-law shall be severable and that the remainder of this by-law including the remainder of the impugned schedule, as applicable, shall continue to operate and to be in force and effect.
10. This By-law shall come into force and take effect on the date of its passage.

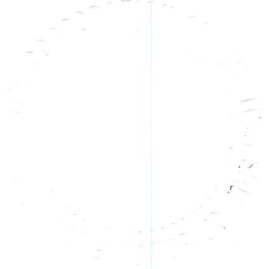
Given First and Second Readings: Tuesday, September 3, 2024

Given Third Reading and Passed: Tuesday, September 3, 2024

James Thompson, Clerk



Ron Vandewal, Mayor



Schedule A of By-law 2024-59
Corporate Services Fees and Charges
(Treasury Department)

Description	Amount	Effective Date

Schedule B of By-law 2024-59

Corporate Services Fees and Charges

(Clerk's Department, Office of the Chief Administrative Officer and
Human Resources Department)

Description	Amount	Effective Date

Schedule C of By-law 2024-59

Development Services

Description	Amount	Effective Date

Schedule D of By-law 2024-59

Fire & Emergency Services

Description	Amount	Effective Date

Schedule E of By-law 2024-59

Public Services

Description	Amount	Effective Date