

# **The Corporation of the Town of Essex**

## **By-Law Number 2040**

### **Being a by-law to establish a schedule of miscellaneous fees and charges to be collected by The Corporation of the Town of Essex**

Whereas Section 391 (1) and 391 (1.1) of the Municipal Act, 2001 (as amended by Bill 130) hereinafter "Municipal Act", as amended, authorize a municipality 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 local board; and
- c) for the use of its property including property under its control.

And whereas, Section 398(1) of the Act provides that the fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

And whereas, Section 398(2) of the Act provides that the Treasurer of a municipality may add fees and charges imposed by the municipality to the tax roll for a property in the municipality for which all of the owners are responsible for paying the fees and charges;

And Whereas Section 69 (1) of the Planning Act, R.S.O. 1990, c. P.13, provides the council of a municipality, by by-law, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment in respect of the processing of each type of application provided for in the tariff.

And Whereas Section 7 of the Building Code Act, S.O. 1992 c.23, as amended, permits the Council of a municipality to pass by-laws to require the payment of fees on applications for and on the issuance of permits and prescribing the amounts thereof;

And whereas, the Town of Essex did retain the firm of BMA Management Consulting Inc. to undertake a comprehensive review and user fee study of the miscellaneous fees and charges collected by the Town;

And whereas, the Council of the Town of Essex held a public meeting on May 17, 2021 to seek public input on the proposed miscellaneous fees and charges;

And whereas, the Town now deems it expedient to pass a By-Law to establish miscellaneous fees and charges in accordance with the fees determined through the

comprehensive review by BMA Management Consulting Inc., and any amendments thereto.

Now therefore the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. That By-Law Number 1331 is hereby repealed effective 12:01:00 a.m. July 1, 2021;
2. That the miscellaneous fees and charges for services or fees and charges for services or activities provided by the Town of Essex shall be as set forth in Schedule “A” and Schedule A.1 attached hereto;
3. That the fees and charges shall be adjusted annually, on January 1 in any given year by the Core Consumer Price Index, percentage change over one year ago as published for the third quarter of the prior year;
4. That any portion of a fee or charge that remains unpaid after the date fixed for payment, or thirty (30) days, whichever is less, shall bear interest at the rate of one and on-quarter percent (1-1/4%) per month (fifteen percent (15%) per annum) until such time as the fee or charge is paid in full;
5. That the Town of Essex may use a registered collection agency to collect any unpaid fee or charge, including interest charged pursuant to Section 4 of this By-Law and the collection agency’s fees, as approved by the Town of Essex, shall be added to the unpaid amounts to become the total amount payable to the collection agency; and
6. That this By-Law shall come into force and effect on July 1, 2021 at 12:01:00 a.m.

**Read a first, a second and a third time and finally passed on June 21, 2021.**

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Mayor

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Clerk

