

## Comprehensive Study of Fees and Charges



# The Corporation of the Town of Essex

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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***INTRODUCTION***

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Introduction—User Fee Review***

The Town of Essex has engaged BMA Management Consulting Inc to perform a comprehensive study of a variety of fees charged by the Town for the services it provides to the public. The last detailed review was performed in 2012.

The purpose of this study is to ensure that the fees charged represent the true cost of providing various services within the Town of Essex and that the Town's fee structure is comparable to other municipalities in the County of Essex and other municipalities of equal size.

Establishing fees in various departments also requires consideration of the legislative and regulatory framework upon which fees can be established. In each section of the report, the pertinent requirements under the *Planning Act*, *Building Code Act*, *Municipal Act* and the *Funeral, Burial and Cremation Services Act* have been included.

The review includes user fees in the following areas:

- ***Building***
- ***Planning***
- ***By-law Enforcement***
- ***Finance and Business Services***
- ***Legislative Services***
- ***Information Technology/GIS***
- ***Cemeteries***
- ***Water, Wastewater and Public Works***

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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The study included the following key steps:

- Review of budgeted and actual revenues and expenditures;
- Review of direct, indirect and corporate costs - Analyze the direct, indirect, administrative costs, capital costs;
- Review of existing user fee policies;
- Process mapping to support fee calculations to ensure that fees are defensible, working with staff from each department to review and document steps involved in each work process associated with a fee;
- Activity based costing to ensure fees are set to recover the costs associated with service provision;
- Review cost allocation methodologies to ensure alignment with leading practice research;
- Calculate fees in compliance with all relevant legislative and regulatory requirements;
- Benchmark fees, fee structures and reserve policies to ensure that the Town remains competitive and has considered alternative policies and fee structures; and
- Identify areas where new fees are recommended.

The following provides the ***recommended Guiding Principles*** for the establishment of Town fees:

### **Guiding Principle #1: Service Efficiencies**

- Fees for service will be set to reflect the efficient cost level of carrying out the service.

### **Guiding Principle #2: Fairness and Equity**

- The Town will distribute the cost of providing the service by charging a fee to applicants who receive direct benefit.
- Full cost of service will include direct and indirect costs, overhead and charges for the use of capital assets used to provide the service.

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***Town of Essex—Comprehensive Study of Fees & Charges***

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***BUILDING PERMIT FEES***

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Introduction—Building Permit Fees***

The last comprehensive review of building permit fees was undertaken in 2013. As processes and complexity of permits have changed since 2013, it is an appropriate time to undertake a comprehensive analysis of the building permit fees.

The review includes an analysis of the cost of services and the development of process maps for building permit applications, including all administrative activities, plans examination and inspections services. The scope of the undertaking consists of ensuring that the fees ultimately established are in compliance with the legislation and that they are fair, reasonable and proportionate to the actual cost of the service. In addition, a comparison of fees to other municipalities was included for the purposes of ensuring that the recommended fees are competitive and to provide financial context related to fee adjustments.

### ***Legislative and Regulatory Requirements—Building Code Act***

To pay for the costs of providing *Building Code* services, municipalities are permitted to charge fees for processing building permit applications. The *Building Code Act (the Act)* requires that permit fees not exceed “the anticipated reasonable costs to administer and enforce the *Building Code* during building construction.” In addition, municipalities are required to prepare annual reports that record the amount of fees received and the costs incurred in administering the process.



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Ontario Regulation 305/03 is the associated regulation arising from the *Building Code Statute Law Amendment Act, 2002*. The regulation provides details on the contents of the annual report and the public requirements for the imposition or change in fees. It specifies that annual reports must record both the direct and indirect costs of reviewing applications and conducting building inspections. In this regard:

- Direct costs include the costs of reviewing building permit applications and inspecting buildings; and,
- Indirect costs include the support and overhead costs of administering and enforcing the process.

Annual reports must also include the balance of any building permit reserve funds that municipalities may have. The regulation also sets out the requirements for a public meeting process that must accompany the setting of fees, including:

- Holding at least one public meeting;
- Providing 21 days notice of the public meeting; and,
- Providing in the notice an estimate of the costs of providing *Building Code* services, the amount of new fees, and the rationale for the new fees.



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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Process—Analysis of Building Permit Fees***

The work accomplished in the analysis of the proposed fees for service involved the following key steps:

- ***Departmental Staff Interviews:*** Interviews were held with the CBO to review the work processes involved in each fee recoverable service and the development of work process templates for staff to complete. Discussion was also held to identify of areas where services are provided for which there is no fee and where new fees should be established.
- ***Process Mapping:*** Process maps were developed based on information provided by staff. Utilization of time estimates is a reasonable and defensible approach, especially since these estimates were developed by experienced staff members who understand service levels and processes unique to the Town of Essex. The following process was used to develop the process maps:
  - Estimates were prepared based on average times for providing service. Extremely difficult or abnormally simple projects are excluded from the analysis
  - Estimates provided by staff were reviewed and approved by the CBO.
- ***Estimate Average Productive Hours:*** The average productive hours available were calculated for staff involved in the review process (deducting vacation time, holidays, average sick time, training from total hours). The productive hours were used to determine the productive hourly rate for each employee involved in the application process.
- ***Financial Model:*** A financial model was developed to calculate fees.
- ***Operating Costs:*** Data was collected based on the 2020 Operating Budget to identify the direct and indirect costs. All direct and indirect costs were entered into a model to calculate fees.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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- ***Fee Calculation:*** The full cost of providing service for each application type was established by applying an activity based costing methodology.
- ***Fee Comparison:*** A benchmarking analysis of the proposed fees in other surrounding municipalities was undertaken to ensure that the cost of service in Essex continues to be competitive and to further test for reasonableness. However, the following issues should be noted regarding the use of comparative analysis in setting fees:
  - A comparative analysis does not provide adequate or objective information of the relationship of a municipality's costs to its fees. Therefore, comparative surveys do not help make cost-based decisions.
  - Each municipality and its fees are different, with different objectives in terms of full cost recovery of the services provided.
  - The same "fee" with the same name may include more or less steps or sub-activities. Municipalities provide varying levels of service and have varying levels of costs associated with providing services such as staffing levels, salary levels, the inclusion of indirect overhead costs, etc.
  - Because each municipality is different, it is recommended that the information contained in the comparative analysis of fees be used as a secondary decision-making tool, rather than a tool for establishing an acceptable price point for services.

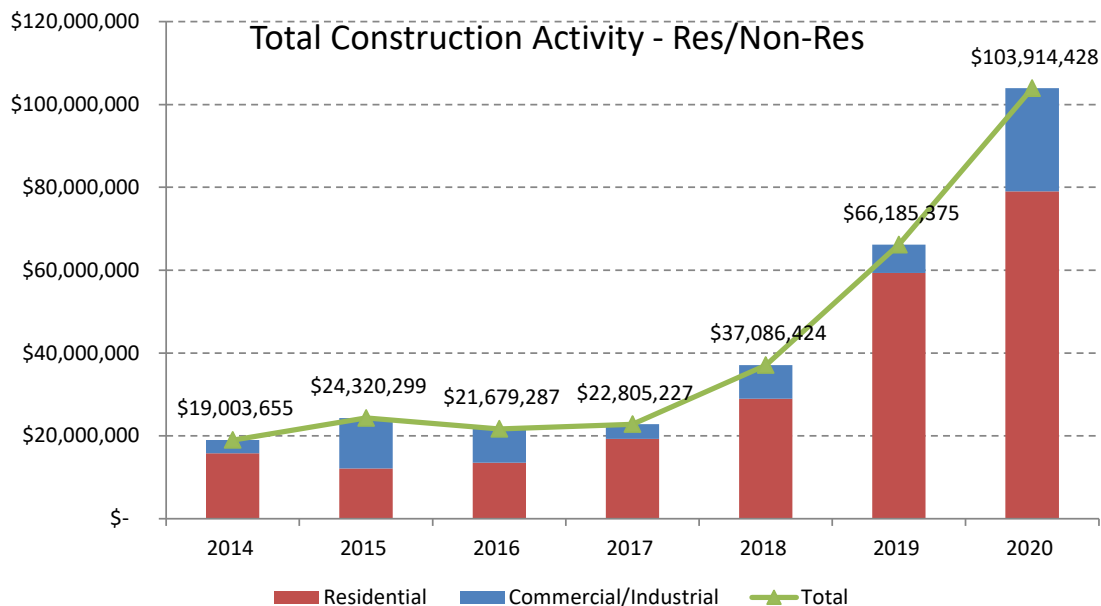
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### ***Building Construction Activity***

- The following graph reflects the volatility of construction activity in the Town of Essex from 2014-2020. As shown on the graph, construction activity varies annually from a low of \$19 million in 2014 to a high of \$103.9 million in 2020.



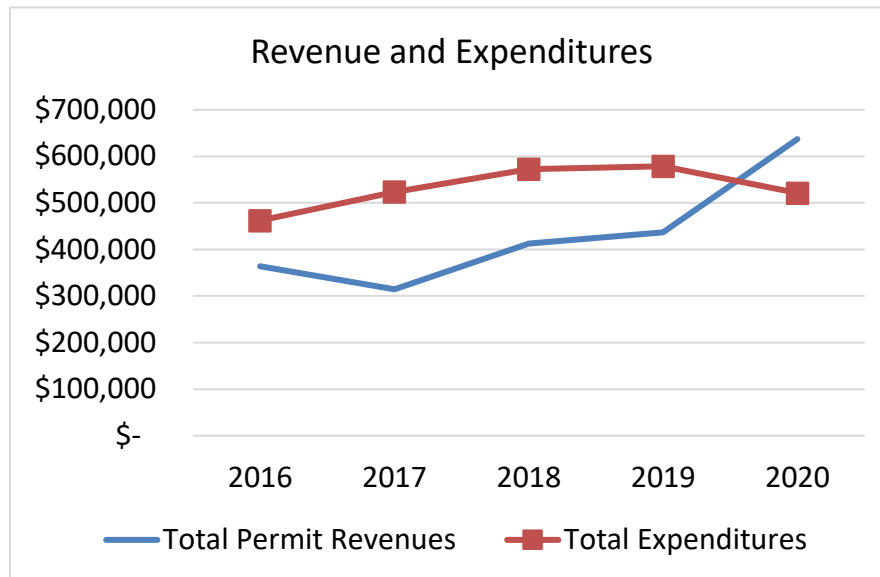
- As illustrated above, construction activity has trended upward since 2016 and have shown significant increases in the last three years.
- Optimally, a matching of revenues and expenditures, on an annual basis, ensures that the cost of service is fully recovered from the associated fee revenues but, to balance the revenues and expenditures on an annual basis is difficult without the availability of reserves.
- Given that building operations do not have sufficient elasticity to adjust operating expenditures to immediately coincide with the fluctuations in building activity, a municipal leading practice is to establish a dedicated building permit contingency reserve fund. This is in fact in place in the Town of Essex, however, as will be shown at the end of 2019, the building reserve has a deficit of \$278,000.

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## *Town of Essex—Comprehensive Study of Fees & Charges*

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### *Building Revenue Versus Expenditures—Historical Analysis*



	2016	2017	2018	2019	2020
Total Permit Revenues	\$ 363,563	\$ 314,709	\$ 412,718	\$ 436,600	\$ 637,250
Total Expenditures	\$ 461,721	\$ 523,460	\$ 572,496	\$ 578,598	\$ 520,828
Revenue as a % of Expenditures	79%	60%	72%	75%	122%

- As shown above, the revenues vary from year to year based on activity levels. Revenue as a percentage of expenditures has ranged from 60%-122%, typically below the full cost of service recovery from fees.
- While economic development arguments can be made to support lower permit fees, from a practical perspective, building permit fees account for a small portion of the overall cost of construction and therefore is not a significant location sensitive factor.
- The analysis in this report is intended to bring the Town's targeted revenue recovery to 100%.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Analysis of the Cost of Service—Building***

The following table reflects the 2021 budgeted cost of services related to building permit fee processing, plans review and inspections.

	<b>2021 Budget</b>	<b>% of Total</b>
Salaries and Wages	\$ 334,142	57.3%
Total Purchase of Goods and Services	\$ 92,032	15.8%
Total Corporate Costs	\$ 124,552	21.4%
E-Permitting	\$ 32,250	5.5%
<b>Total Expenditures</b>	<b>\$ 582,975</b>	<b>100.0%</b>

The base budget for 2021 related to the provision of Building Standards services is \$582,975. The Town of Essex budget includes all direct, indirect and corporate cost allocations. (Note the Chief Building Official salary does not reflect the percentage of time spent in by-law enforcement).

As illustrated above, 57.3% of the budget is related to salaries and wages. The Act allows for including anticipated costs when determining the full cost of providing building services. Anticipated costs can include the cost of additional resources to deal with increased permit volumes. A detailed analysis was prepared to determine resource requirements based on 2016 -2020 activity levels.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Fee Structure—Process Mapping***

- Residential new construction tends to be more consistent in terms of the level of effort required to undertake the plans examination and inspection processes and is more aligned with the size of the house rather than the cost of construction. A process map was developed for a typical application in Essex to form the basis for the new recommended fee structure.
- The rate calculations based on the process mapping exercise was calculated to recover 100% of the cost of building operations (excluding the existing reserve deficit). In years where surpluses are achieved, these funds will be transferred to the Reserve to offset the existing deficit.

## Town of Essex—Comprehensive Study of Fees & Charges

### Resource Requirements to Meet Activity Levels

Permit Categories	2020 total permits	2016-2020 average	Avg hours per application	Total hours 2020 Activity	Total Hours 5 year avg
Single Family Residence	129	73	17	2,225	1,256
Single Family Residence-Septic	14	15	6	81	86
Multiple Residential	1	1	266	266	266
Addition/Sunrooms	25	26	4	108	113
Garages/Carports	30	24	2	60	48
Decks/Porches	22	23	1	22	23
Fences/Pools	73	59	1	73	59
Demolition	9	13	2	18	26
House Raising	1	8	4	4	30
Pole Barns	38	32	12	456	389
Commercial/Industrial	7	4	97	679	349
Miscellaneous	17	33	5	85	167
Shed	14	17	1	14	17
Roof	14	12	1	14	12
Sign	28	22	1	28	22
Green Houses/Winery	2	1	70	140	70
Renovations	15	22	9	135	200
Add./Renovation-ICI	13	15	9	117	135
Plumbing only	3	2	2	6	5
<b>Total</b>	<b>455</b>	<b>403</b>	<b>510</b>	<b>4,531</b>	<b>3,273</b>
<b>Productive Hours</b>				<b>2,788</b>	<b>2,788</b>
<b>Shortfall Hours</b>				<b>(1,743)</b>	<b>(485)</b>

- The process maps prepared by staff were used to determine the number of hours related to the issuance of a permit and required inspections for each type of permit. This was then compared to the total available productive hours (deducting vacation time, sick time, training time, general administration) to determine the adequacy of resources.
- As illustrated above, in 2020 there is a shortfall of approximately 1,743 hours which indicates if construction activity continues at the current levels, additional resources may be required to address increases in activity levels. Over the past five years, the average shortfall in person hours was approximately 485 hours.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Building Permit Contingency Reserve***

	2015	2016	2017	2018	2019
<b>Building Contingency Reserve</b>					
Opening Balance	(\$266,739)	(\$239,307)	(\$270,081)	(\$293,074)	(\$319,098)
Contribution from Operating	\$77,469	\$77,469	\$77,469	\$77,469	\$47,314
Contribution to Operating	(\$47,191)	(\$106,253)	(\$98,457)	(\$98,827)	
Interest Earnings	(\$2,845)	(\$1,990)	(\$2,005)	(\$4,667)	(\$6,634)
Ending Balance	(\$239,307)	(\$270,081)	(\$293,074)	(\$319,098)	(\$278,418)

- The table above reflects the balance in the Building Permit Contingency Reserve Fund over the past five years. Reserves are required to manage the risk associated with an economic downturn; spread the impact of market fluctuations across an economic cycle; avoids fluctuations in fees and is available to fund one-time capital requirements. Without reserve funds, a sustained shortfall would need to be funded from fee increases or property taxes.
- While there is a responsibility on behalf of the Building Department to demonstrate their willingness to reduce operating costs during economic downturns, any short-term decisions to reduce the staffing levels must also consider the costs/benefits in the mid to longer term when development rebounds. Without a dedicated reserve fund, economic downturns could not only result in budgetary pressures but also the loss of competent, difficult-to-replace, qualified staff. Should activity levels decline over an extended period of time, it is prudent to review the existing staffing levels to mitigate taxpayer subsidy.
- Consistently, the approach is for municipalities to transfer surplus revenues to the Building Permit Contingency Reserve Fund in peak years to offset years where activity is low. In some municipalities, a budgeted transfer to the Reserve and a target maximum reserve balance or range is established to provide a source of funding when activity is low.
- The practice of funding shortfalls from taxes results in taxpayers having to pay for a service to which there is a direct beneficiary.
- Typically, municipalities have established a target range for the reserve of 100%-200% of operating costs. Currently, the Town's has a negative reserve balance. Over the past 5 years, revenues are only recovering approximately 81% of the expenditures and has resulted in a reserve deficit position of \$278,418. In years where revenues exceed expenditures, these surpluses will be used to reduce the deficit in the reserve.



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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Building Permit Indemnity Deposits***

- A leading practice is to establish a refundable deposit for all construction permits. The Town's by-law includes a provision to collect an indemnity deposit and charge for re-inspections however there is no clear description of when this should take place.
- Workloads and/or the cost of service are increased when an applicant books an inspection prematurely or when the inspector arrives at the site and the construction was not ready or substantially not ready for that stage of inspection. There are also situations where, due to the quality of the work, multiple re-inspections are required. These re-inspection costs should be charged against the indemnity deposit and not subsidized by the industry or taxpayers.
- Also, Essex has a large number of open building permits without a final inspection. The backlog has been created in part due to the process which relies on the applicant to contact the Town when a final inspection is required. This results in indemnity deposits remaining on the Town's accounts which is administratively burdensome.
- In line with leading practices, it is recommended to incorporate in the building by-law that after the final inspection has been successfully completed, a request for refund of the remaining deposit may be submitted, provided the request is received within one year of the date of permit issuance.

### ***Building Permit Fees***

The table on the next page is a comparison of existing fees and proposed fees based on the analysis for full cost recovery of building permit fees. As shown in the schedule, there are a number of services provided by Building Services where there is currently no fee and new fees have been established for these services.

## Town of Essex—Comprehensive Study of Fees & Charges

### Building Permit Fees Existing and Recommended

Class A & B - Assembly and Institutional	Existing Fees	Proposed Fees
Assembly & Institutional (per square foot)	\$10/\$1,000 construction value	\$ 1.70
Class C - Residential	Existing Fees	Proposed Fees
All finished floors (per square foot)	\$ 0.90	\$ 1.14
Unfinished floors (per square foot)	\$ 0.90	\$ 1.14
Decks, porch, shed (per permit)	\$0.32 per square foot	\$ 96.00
Accessory structures (per square foot)	\$ 0.25	\$ 0.32
House moving (each)	\$ 600.00	\$ 600.00
Fence (flat fee)	\$ 60.00	\$ 64.00
Above ground pool (flat fee)	\$ 60.00	\$ 64.00
Inground pool (flat fee)	\$ 60.00	\$ 128.00
Renovations (per square foot)	\$ 0.59	\$ 0.75
Class D & E - Office & Mercantile	Existing Fees	Proposed Fees
Office and Mercantile (per square foot)	\$ 0.80	\$ 1.01
Renovations/tenant improvement (per square foot)	\$ 0.44	\$ 0.56
Class F - Industrial	Existing Fees	Proposed Fees
Industrial Office area (per square foot)	\$ 0.80	\$ 1.01
Industrial Plant area (per square foot)	\$ 0.57	\$ 0.72
Renovations (per square foot)	\$ 0.44	\$ 0.56
Agricultural	Existing Fees	Proposed Fees
Pole barns (per square foot)	\$ 0.20	\$ 0.25
Accessory Agricultural (per square foot)	\$ 0.24	\$ 0.30
Greenhouses (per square foot)	\$0.20 per square foot plus \$0.08 on balance	\$0.25 per square foot plus \$0.1 on balance
Farm Building Renovation (per square foot)		\$ 0.25
Plumbing	Existing Fees	Proposed Fees
New Construction	\$600/unit	\$684/unit
Plumbing Renovations	\$150/unit	\$15/fixture, with a minimum of \$64
Backwater valve		\$96/unit
Storm/Sanitary Sewer Inspection		\$96/unit
On Site Sewage Systems	Existing Fees	Proposed Fees
Sewage Septic System - Class 4 systems	\$ 700.00	\$ 772.00
Tertiary System		\$ 850.00
Septic Repairs - To Existing System		\$ 388.00
Septic Inspections		\$ 96.00
Reviews and Assessments		\$ 96.00

## Town of Essex—Comprehensive Study of Fees & Charges

### Building Permit Fees Existing and Recommended

Demolitions		Existing Fees	Proposed Fees
Residential - (per Square foot)		\$0.25 per sq. foot	\$0.32 per sq. foot, minimum \$128
Non - Residential - (per Square foot)			\$0.42 per sq. foot, minimum \$128
General Building Fees		Existing Fees	Proposed Fees
Lawyers letters			\$ 64.00
911 signs		\$ 30.00	\$ 64.00
Change of use permit		\$0.25 per sq. foot	\$64 + \$64/hour over one hour
Tents			\$ 96.00
Revised Plan Review			Minimum \$192 + \$64/hour over 3 hours
Transfer of permit - Residential		\$ 50.00	\$ 64.00
Transfer of permit - Non-Residential		\$ 100.00	\$ 128.00
Inspection fee - incomplete not ready for inspection			\$ 64.00
Inspections for Ontario Renovate Program			\$ 128.00
Construction Started without a Permit			150% of the permit fee
Construction Finished without a Permit			200% the permit fee
Solar Panel	Residential		\$ 64.00
	Non-Residential		\$ 128.00
Certificates			
Building/Zoning		\$ 40.00	\$ 64.00
Public Works		\$ 40.00	\$ 64.00
Part 8 (Septic)		\$ 40.00	\$ 64.00
Occupancy Permit		\$ 40.00	\$ 64.00
Miscellaneous Inspection Fees			
Miscellaneous Inspection Fees not listed above		\$ 50.00	\$ 96.00
LCBO Report & Occupant Load Calculations		\$ 100.00	\$ 128.00
Re-inspection	inspection booked, but work incomplete	\$ 60.00	\$ 128.00
Indemnity Deposits		Existing Fees	Proposed Fees
Residential/ Agriculture	new, addition, demolition	\$ 1,000.00	\$ 1,000.00
	driveway approach		\$ 1,000.00
	accessory, pools, renovation	\$ 500.00	\$ 500.00
	agricultural structure	\$ 250.00	\$ 250.00
	mobile homes	\$ 250.00	\$ 250.00
Commercial/ Industrial	new, addition, demolition	\$ 1,500.00	\$ 1,500.00
	sign, renovations	\$ 500.00	\$ 500.00
Minimum permit fee	for all projects not specifically listed above	\$10.00 per \$1,000 construction cost or minimum \$100	Minimum \$128
Building permit fees for all projects not specifically noted above			\$12.50 per \$1,000 construction

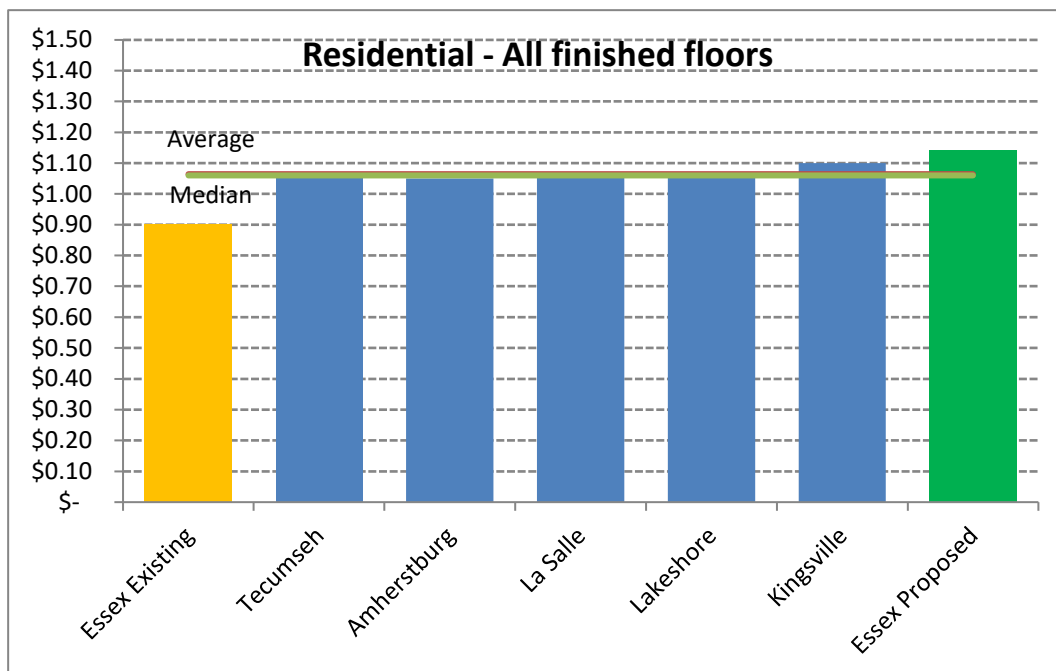
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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Building Peer Fee Municipal Comparison***

The following provides a cross section of municipalities that were included in the peer comparison of fees. The focus was on southwestern municipalities.



As illustrated above, the proposed fees in Essex are slightly above the survey average.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Building Permit Fee—Summary***

The *Ontario Building Code (OBC)* is the provincial regulation that sets the uniform and minimum standards required to be adhered to in the construction of buildings and structures. The main purpose of the *Building Code* is to protect public health, safety and general welfare as it relates to the construction and occupancy of building and structures. Municipalities are responsible for the enforcement of the *OBC* through designated officials. Municipalities recover some/all of the cost of service through building permit fees from those who are the direct beneficiary of the service; the applicant.

The recommended building permit fees will continue to be competitive with surrounding municipalities. It should be noted that building permit fees are one-time in nature and comprise a small percentage of the overall cost of construction compared with annual property taxes.

An indemnity deposit is taken as security for the cost of re-inspections when an applicant is not ready for an inspection or a previous inspection did not pass. Keeping track of long standing deposits is administratively burdensome. In line with leading practices, it is recommended to incorporate in the building by-law that after the final inspection has been successfully completed, a request for refund of the remaining deposit may be submitted, provided the request is received within one year of the date of permit issuance.

It is recommended that annual inflationary increases be applied to all building permit fees to ensure that fees keep pace with expenditure increases.

Based on projected activity levels, the projected revenues will move to full cost recovery.

***PLANNING FEES***

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Legislative and Regulatory Requirements—Planning Act***

Section 69 of the *Planning Act*, allows municipalities to impose fees through by-law for the purposes of processing planning applications. In determining the associated fees, the *Act* requires that:

“The Council of a municipality, by by-law, and a planning board, by resolution, 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 or land division committee constituted by the Council of the Municipality or to the planning board in respect of the processing of each type of application provided for in the tariff.”

As stated above, the Planning Act stipulates that fees be designed “to meet only the anticipated cost.” In setting the fees, direct costs, support function costs directly related to the service provided and general overhead indirect costs related to the service provided have been included in the fee calculation.

### ***General Comments on Fee Structure and Proposed Fees***

The following general comments relate to the recommended fees, consistent with existing fee setting practices in the Town of Essex:

- The *Planning Act* allows the Town to establish fees for planning services as long as the fees do not exceed the full cost of service provided. The recommended planning and growth management fees are based on the principles of full cost recovery. The revenue shortfall that would result from imposing less than full cost recovery would be funded from reserves, if available, or general taxes.
- For applications of special complexity (e.g. major), a higher fee rate is often charged. There are also reduced fee rates for minor applications where the processing cost is less than the typical application.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Process—Analysis of Planning Fees***

The work accomplished in the analysis of the proposed fees for service involved the following key steps:

- ***Departmental Staff Interviews:*** Interviews were held with staff to discuss processes involved in each fee recoverable service and the development of work process templates for staff to complete.
- ***Process Mapping:*** Data was collected for each application type, including, time estimates and volume of activity. Process maps were developed for each fee based on information provided by staff. Utilization of time estimates is a reasonable and defensible approach, especially since these estimates were developed by experienced staff members who understand service levels and processes unique to the Town of Essex. The following process was used to develop the process maps:
  - Estimates were prepared based on representative of average times for providing service. Extremely difficult or abnormally simple projects are excluded from the analysis.
  - Estimates provided by staff were reviewed and approved by the Planner.
  - Estimates were also reviewed by the participating divisions.
- ***Estimate Average Productive Hours:*** The average productive hours available were calculated for staff involved in the review process (deducting vacation time, holidays, average sick time, training from total hours). The productive hours were used to determine the productive hourly rate for each employee involved in the application process.
- ***Operating Costs:*** Data was collected based on the 2020 Operating Budget to identify the indirect and direct costs. All direct and indirect costs were entered into a model to calculate fees.
- ***Fee Calculation:*** The full cost of providing service for each application type was established by applying an activity based costing methodology.



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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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- ***Fee Comparison:*** A benchmarking analysis of the proposed fees in other municipalities was undertaken to ensure that the cost of service in Essex continues to be competitive and to further test for reasonableness. However, the following issues should be noted regarding the use of comparative analysis in setting fees:
  - A comparative analysis does not provide adequate or objective information of the relationship of a municipality's costs to its fees. Therefore, comparative surveys do not help make cost-based decisions.
  - Each municipality and its fees are different, with different objectives in terms of full cost recovery of the services provided as it relates to the general or public benefit that might result from the processing of applications in terms of assessment and employment growth.
  - The same "fee" with the same name may include more or less steps sub-activities. Further, some municipalities charge one fee regardless of whether it is a minor or major application, others charge different fees but the definition of major and minor may vary. To the extent that is possible, "apples to apples" comparisons have been provided by assuming a prototype application (e.g. subdivision application with 25, 50 units).
  - Municipalities provide varying levels of service and have varying levels of costs associated with providing services such as staffing levels, salary levels, the inclusion of indirect overhead costs, etc.
  - Because each municipality is different, it is recommended that the information contained in the comparative analysis of fees be used as a secondary decision-making tool, rather than a tool for establishing an acceptable price point for services.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Description of Major Application Fees***

The following provides a brief overview of the main areas where application fees are charged.

#### ***Official Plan Amendment (OPA)***

The Official Plan is a broad policy document which sets out the Town's long range planning objectives. All development that proceeds in the Town must conform to the policies of the Official Plan. In some cases, a development application requires an amendment to the Plan prior to it being approved. If a proposal to develop land does not comply with the Official Plan and/or land use designation applied to those lands, an OPA application may be made.

#### ***Zoning By-law Amendment***

The land uses provided for in the Official Plan are generalized. The accompanying Zoning By-law prescribes the precise numerical figures and land use permissions, and is the key regulatory instrument used to implement the Official Plan. Under the *Planning Act*, Council may pass a 'holding' zoning by-law that places an "H" symbol over the zoning and sets out the conditions that must be met before the "H" symbol is removed and the land can be developed.

The zoning amendment process can be lengthy and can vary in complexity. As such, the Town has a minor/routine application fee and a major/complex fee to reflect the level of effort required to complete the review process. Over the past 5 years, there were 23 zoning applications submitted. The future level of activity for routine and complex zoning applications is expected to continue similar to existing activity levels.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Site Plan Control***

Site Plan Control is an important means of providing for development which is well designed, functional and compatible. Site Plan Control is the process that regulates various activities on the site of an actual development including building location, design and massing of buildings, building site and access, landscaping, parking, drainage, lighting, pedestrian and vehicular access and other features or engineering of the development. The Town's fee distinguishes between minor and major applications, consistent with the underlying staff review required to process the application.

Over the past 5 years, there were 24 site plan applications. This level of activity is expected to continue.

### ***Subdivision/Condominium***

The process for subdividing land is lengthy and involves considerable Town resources and comprehensive public consultation. The actual length of any one review is highly dependent on the nature of the subdivision or condominium being processed.

The application fee takes into consideration the size of the development by including a base plus a per unit charge. The recommended fee structure also introduces a tiered step down per unit fee structure to recognize economies of scale for large projects. This is consistent with the practice in a number of peer municipalities.

Most subdivision applications include a rezoning application. The calculated fee takes into consideration the duplication of effort in processing a zoning application.

Over the past 5 years, there was one subdivision application.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Part Lot Control***

The *Planning Act* permits municipalities to pass by-laws to exempt lots within a plan of subdivision from part-lot control so that further subdivision can take place. Part-lot control may be used for existing plans of subdivision where it is necessary to re-align lot boundaries to clarify or grant title, require specific servicing requirements as a condition of approval such as a road widening or to further control internal development on a lot.

Part lot control fee consists of a minor and a major fee to reflect the level of effort required on each application.

Over the past 5 years, there were 7 part lot control applications. The forecast assumes approximately the same level of annual applications.

### ***Land Consent and Minor Variance Approvals***

A Committee of Adjustment is responsible for approving applications for minor variance and consent. Often a proposed development will require that one or more development standards established in the Zoning By-law be waived to allow the development to proceed. In such cases an approval for variance must be received. An application can vary in complexity and as such the fee schedule reflects a complex minor variance fee and a lower routine minor variance fee.

Over the past 5 years, there were 148 number of land consent applications. The Town received 132 annual minor variances over the past 5 years.

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## *Town of Essex—Comprehensive Study of Fees & Charges*

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### *Planning Application Activity and Revenues*

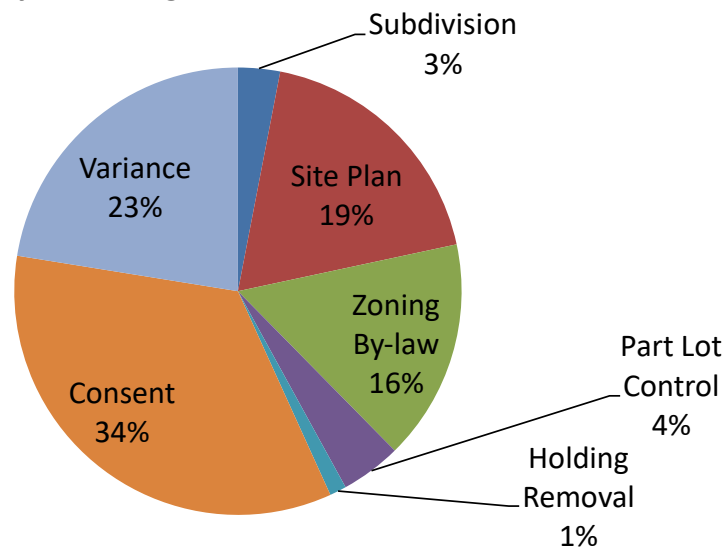
The following table reflects the number of applications within each major type of planning application:

Yearly Amount	2018	2019
Subdivision	\$ -	\$ 5,000
Site Plan	\$ 17,750	\$ 12,880
Zoning By-law	\$ 12,220	\$ 14,120
Part Lot Control	\$ -	\$ 7,200
Holding Removal	\$ 1,000	\$ 1,000
Consent	\$ 28,250	\$ 28,250
Variance	\$ 19,850	\$ 17,150
Excluding Deposit	\$ 79,070	\$ 85,600

Number of Applications	2018	2019
Subdivision	-	1
Site Plan	8	5
Zoning By-law	7	8
Part Lot Control	-	4
Holding Removal	1	1
Consent	31	32
Variance	26	22
Excluding Deposits	73	73

**2 year average Revenues (2018-19)**



## Town of Essex—Comprehensive Study of Fees & Charges

### Planning Fees Existing and Recommended

Type of Application	Existing Fees	Deposit Required	Proposed Fees	Proposed Deposits Required
Official Plan Amendment	\$ 6,400		\$ 6,400	To be determined at time application
Zoning By-Law Amendment - Major (Note 1)	\$ 2,580		\$ 3,300	
Zoning By-Law Amendment - Minor (Note 1)	\$ 1,900		\$ 2,500	
Holding Removal	\$ 1,000		\$ 1,200	
Temporary Use By-Law	\$ 2,000		\$ 2,500	
Site Plan Control	\$ 2,800		\$ 2,900	
Site Plan Amendment - Major (Note 1)	\$ 2,500		\$ 2,500	To be determined at time application
Site Plan Amendment - Minor (Note 1)	\$ 1,850		\$ 2,000	
Plan of Subdivision and Condominium	\$ 5,000	\$ 10,000	\$ 6,600	\$ 10,000
Part Lot Control Exemption By-Law - Major (Note 1)	\$ 1,800		\$ 1,700	
Part Lot Control Exemption By-Law - Minor (Note 1)	\$ 1,800		\$ 1,300	
Committee of Adjustment Applications:				
Consent to Sever	\$ 1,200		\$ 1,400	
Complex Minor Variances (Note 1)	\$ 900		\$ 1,200	
Minor Variances (Note 1)	\$ 900		\$ 900	
Consent to Sever and Variance (applications submitted together)	\$ 1,750		\$ 2,200	
Change of Consent Conditions - Minor Request	N/A		\$ 250	
Change of Consent Conditions - Major Request	N/A		\$ 400	
Deferred Committee of Adjustment Application	N/A		\$ 110	
Certificate of Validation	N/A		\$ 120	
Development Agreements:				
Plan of Subdivision and Condominium (Note 2)	\$ 8,000	\$ 5,000	N/A	
Site Plan Control (Note 3)	\$ 2,500	\$ 5,000	N/A	
All Other Developments	\$ 4,500	\$ 5,000	\$ 2,800	To be determined at time application
Sign By-Law Amendment	\$ 500		\$ 720	
Note 1 - The determination of whether an application constitutes a Minor or Major Application will be made by the Town of Essex				
Note 2 - Subdivision and Condominium Agreement fee now included in the Subdivision and Condominium application fee				
Note 3 - Site Plan Agreement fee now included in the Site Plan application fee				

Based on activity levels over the past two years, the proposed fees would generate an additional \$13,000 in revenues.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Planning Fee Municipal Comparisons***

A fee comparison was made of several neighbouring and mid-large size municipalities. The fees for two-tier municipalities includes both the local and the regional fees. As mentioned earlier in the report, every municipality has unique processes and therefore fees are not always directly comparable. Further, the comparison of fees does not take into account any service level differences that may exist in terms of, for example, the time taken to process an application or the level of customer service provided to the applicant. Municipalities may also have different levels of cost recovery which will impact the fee for service.

For some fees, municipalities may have a flat fee or a base fee plus a per unit fee (e.g. Plan of Subdivision and Site Plan). In these cases, scenarios were developed to provide a more accurate reflection of the actual cost to the applicant using a typical type of planning application.

It should be noted that a number of municipalities are currently reviewing fees to reflect:

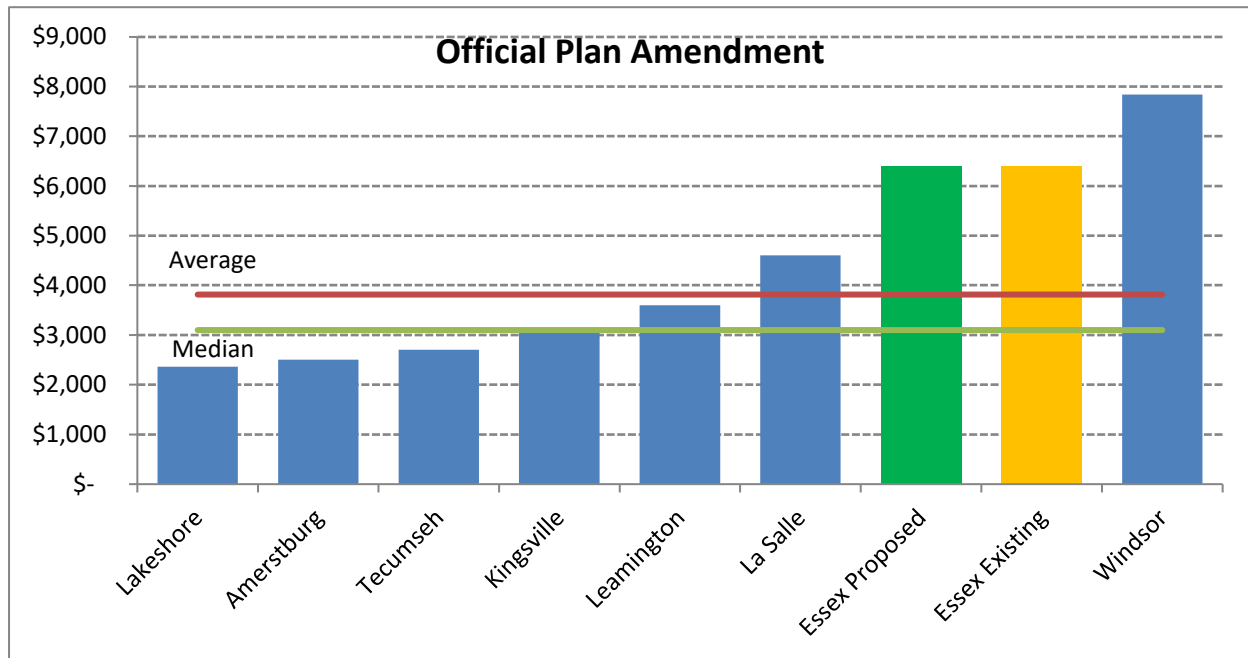
- A movement toward full cost recovery principles and a desire to reduce the level of tax subsidy required related to planning and growth projects.
- Changes in the complexity of the applications being processed. Similar to the Town of Essex, a number of municipalities are now seeing more complex applications involving infill, renovation and redevelopment which take more staff time to review and process application as well as enhanced public consultation requirements.

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## *Town of Essex—Comprehensive Study of Fees & Charges*

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### *Official Plan Amendment—Municipal Fee Comparisons*



Note: The fees for two-tier municipalities includes both the local and the regional fees.

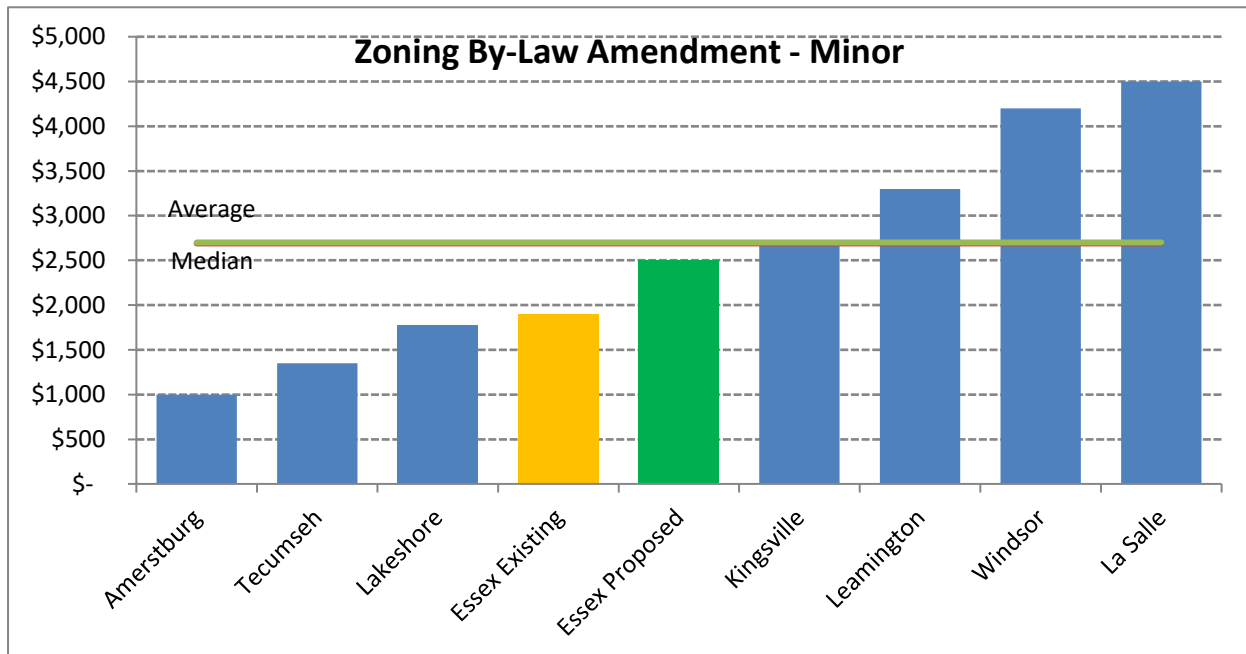
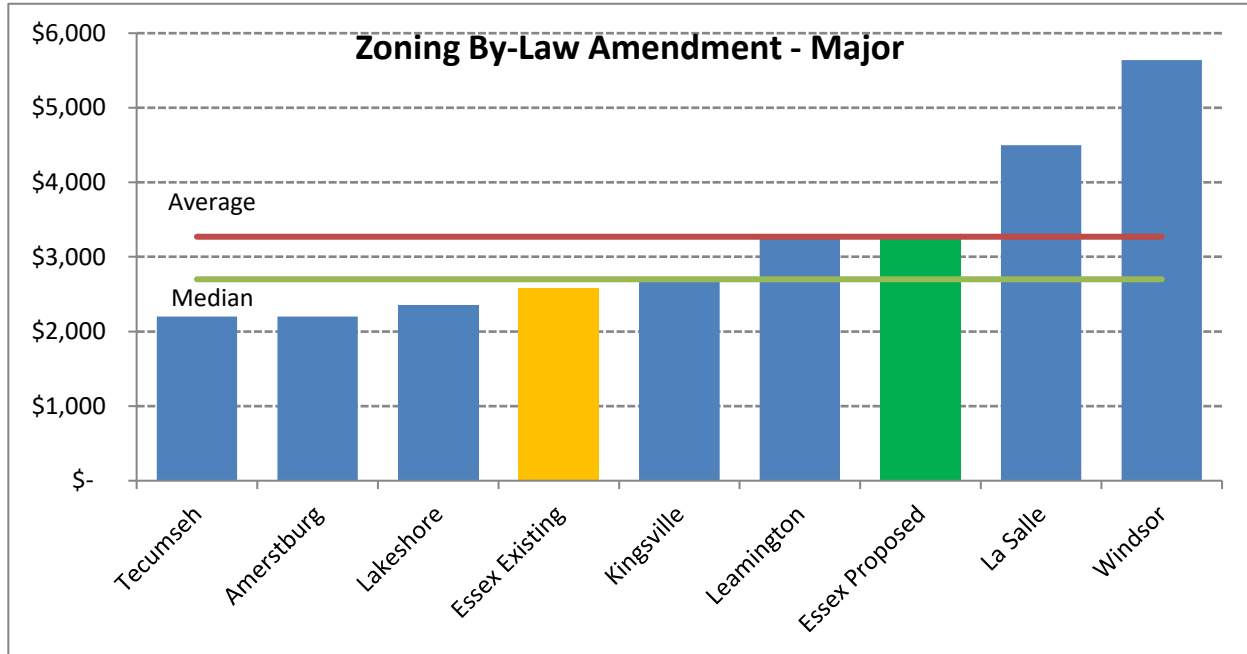


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## Town of Essex—Comprehensive Study of Fees & Charges

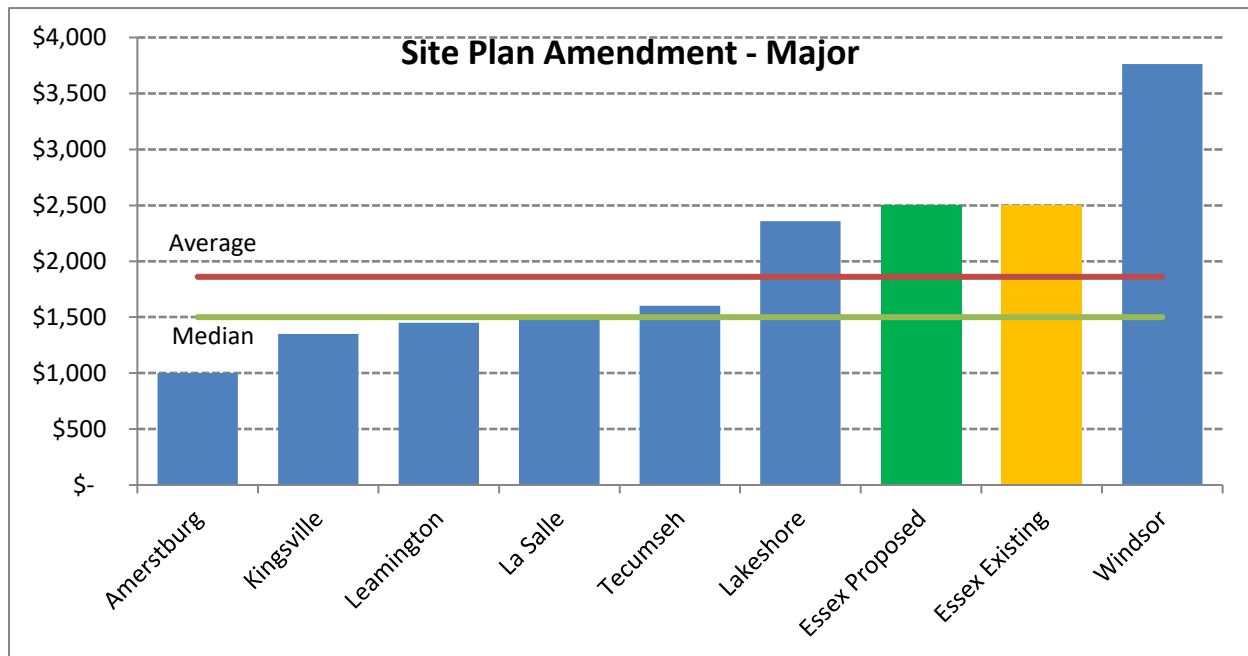
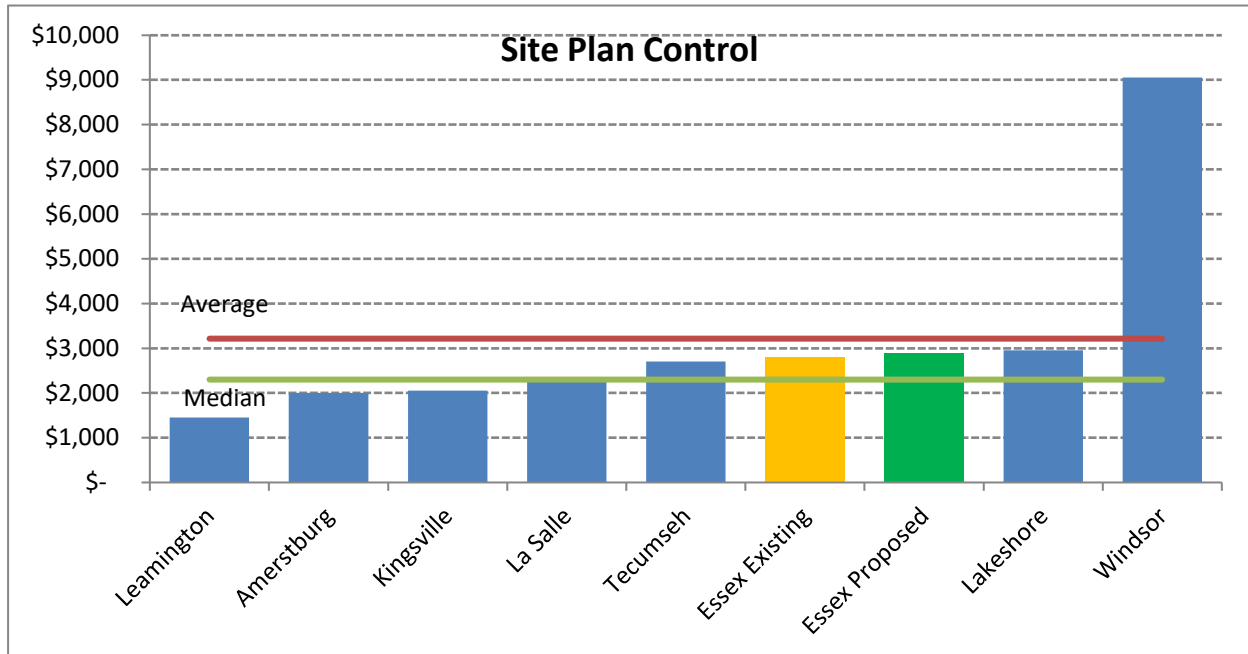
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### Zoning Amendment—Municipal Fee Comparisons



## Town of Essex—Comprehensive Study of Fees & Charges

### Site Plan Application —Municipal Fee Comparisons

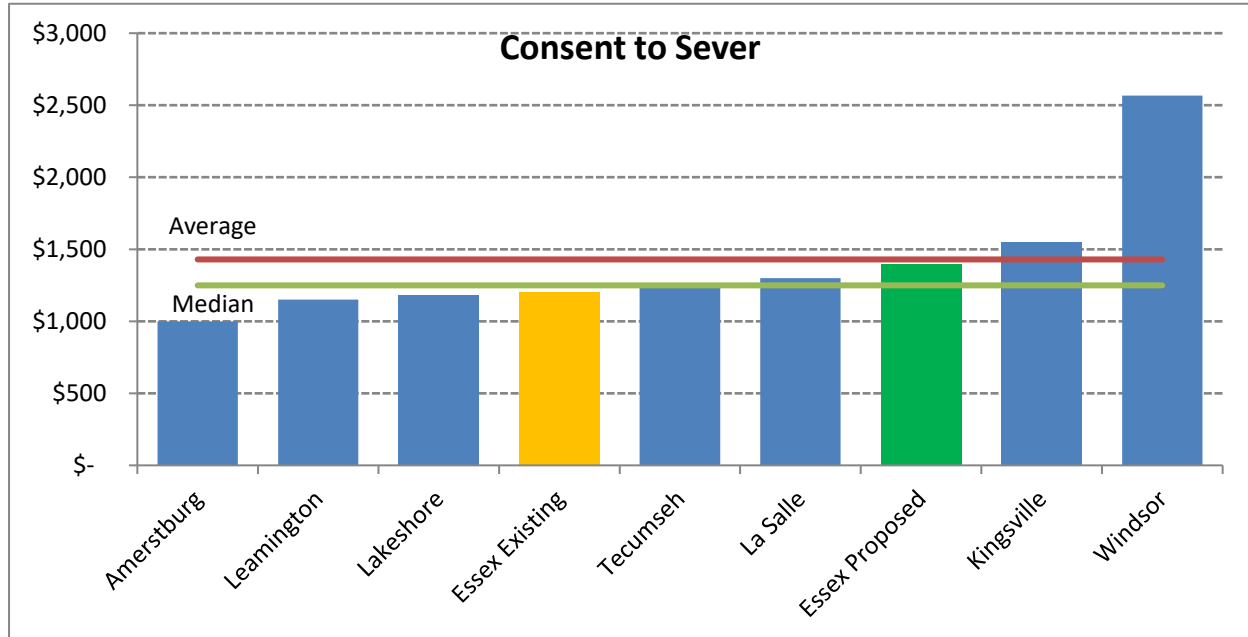


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## ***Town of Essex—Comprehensive Study of Fees & Charges***

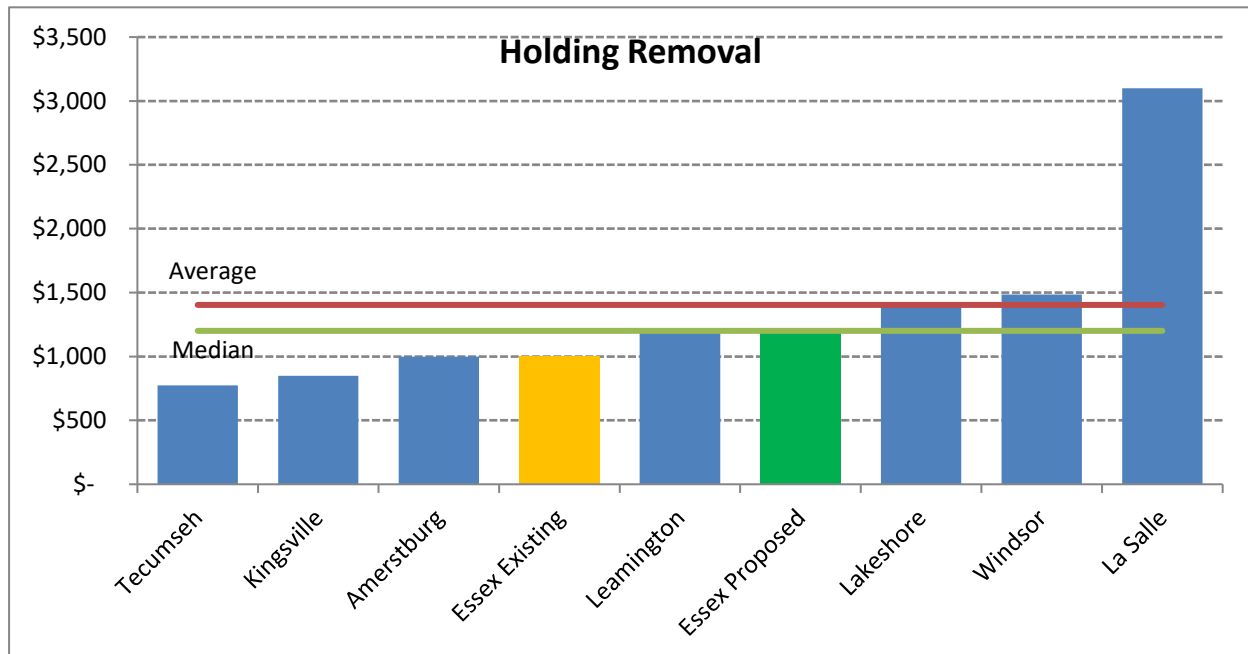
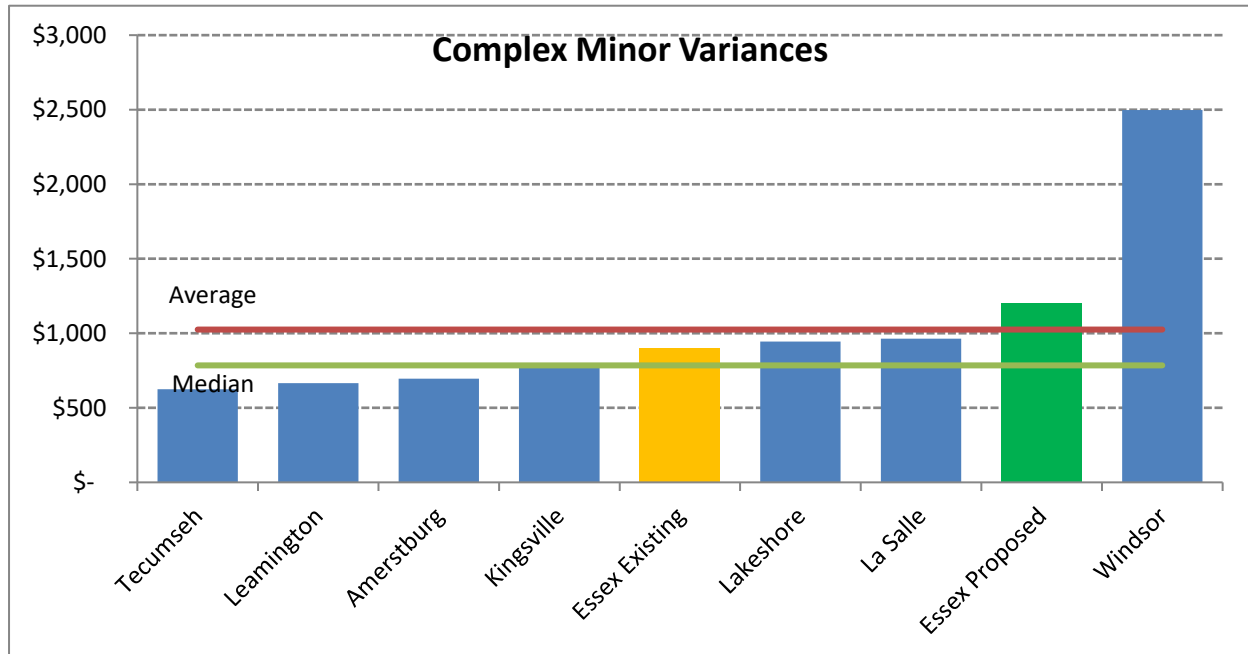
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### ***Consent Application—Municipal Fee Comparisons***



## Town of Essex—Comprehensive Study of Fees & Charges

### Minor Variance Fee Comparison—Municipal Fee Comparisons



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***Town of Essex—Comprehensive Study of Fees & Charges***

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***OTHER USER FEES***

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***By-law Enforcement Legislation***

- Section 446(1) of the Municipal Act, 2001, S.O. 2001 authorizes the municipality under this or any other Act or under By-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter shall be done at the person's expense.
- Provincial legislation gives municipal councils the authority to pass by-laws on a variety of subjects and enforce them, as appropriate, through inspection and issuing compliance orders. When a person fails to obey the compliance order, the municipality may remedy the violation directly and recover its costs.
- Administrative penalties are a civil mechanism for promoting compliance with municipal by-laws. Administrative penalties are imposed through administrative processes (rather than fines imposed in quasi-criminal court processes).
- A municipality may establish a system of administrative penalties to help the municipality in promoting compliance with its by-laws. The municipality 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 a by-law of the municipality passed under the Act.
- It is up to the municipality to decide the by-laws for which to impose administrative penalties and to decide the amount of an administrative penalty that a person would be required to pay. However, the amount of an administrative penalty cannot be punitive in nature and cannot exceed the amount reasonably required to promote compliance with a by-law.
- An unpaid administrative penalty can be added to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty and can be collected in the same manner as taxes.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***By-law Enforcement Findings***

Based on full cost recovery, the following proposed fees are recommended:

<b>Description</b>	<b>Existing Fees</b>	<b>Proposed Fees</b>
Clean Yard By-law Order - Town Work/Clean up/Cut	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Snow Clearing By-law Order - Town Work	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Weed Control Act Order - Town Work	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Property Standards Order - Town Work	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Application for Noise Exemption	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Administrative Fee for second infraction and any other additional infractions of the above noted charges within a twelve month period on the same property		\$ 123.00

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Fees and Charges—Legislation***

Section 391(1) of the Municipal Act stipulates that a municipality or local board may impose a fee or charge on persons: for services or activities provided or done by or on its behalf; for costs payable by it for services or activities provided or done by or on behalf of municipalities or local boards; and for the use of its property including property under its control.

Fees and charges can be used to pay for service administration and enforcement costs as well as the cost of acquiring or replacing capital assets (Section 391(3)). They can also include capital costs associated with a deferred benefit (Section 391 (2)). Services for which fees are charged can be either mandatory or discretionary (Section 391(4)).

### ***Process—Analysis of Fees***

- ***Departmental Staff Interviews:*** Interviews were held with staff to review the work processes involved in each fee recoverable service. Discussion was also held to identify of areas where services are provided for which there is no fee and where new fees should be established.
- ***Process Mapping:*** Process maps were developed based on information provided by staff to estimate average times for providing service.
- ***Estimate Average Productive Hours:*** The average productive hours available were calculated for staff involved in the review process (deducting vacation time, holidays, average sick time, training from an employees total available hours). The productive hours available for conducting fee related services were used to determine a fully burdened hourly rate for each employee involved in the activity.
- ***Operating Costs:*** Data was collected based on the 2020 Operating Budget to identify the direct and indirect costs. All direct and indirect costs were entered into a model to calculate fees.



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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Key Findings and Observations***

***Finance***—Annual Finance fees generate approximately \$29,000 per year.

- The vast majority of the revenues (91%) are attributed to Tax Certificate or Statement per Section 352(1) of the Municipal Act).
- Based on process mapping of the work required to prepare a Tax Certificate, the existing fee is very close to the actual cost of service, with a recommended increase in the fee of less than 0.5%. The recommended fee is \$75 for 2021. This is consistent with the fee in a number of peer comparator municipalities including Leamington, Lakeshore, Amherstburg, Kingsville and Lasalle.
- Tax receipts is the second largest revenue generated in Finance fees and the recommended fee increase is approximately 2% to reflect the full cost of service.
- In total, the recommended fee increases in Finance is marginal.

***Legislative (Clerks)***—Annual fees generate approximately \$18,100 per year.

- The majority of the revenues (49%) are attributed to Marriage Certificates. The existing fee is \$140.44, with a recommended fee increase to \$150 based on an analysis of the direct and indirect costs and the time required to complete the preparation of the certificate.
- Lottery Licences are required for charitable gaming, including bingos, raffles and break open tickets. Charitable organizations are regulated by licencing policies and the terms and conditions of the licences. Bingo licences is based on 2% of the prizes for bingo. This generates approximately \$6,900 (38%) of the licensing revenues. The maximum fee that can be charged is 3%. A number of peer municipal comparators are charging the maximum fee of 3% including Leamington, Lakeshore, Amherstburg, Kingsville and Lasalle. While an increase to 3% is possible, charitable organizations offer programs for poverty relief, advancement of education and other charitable purposes for the community. No change to the lottery license fee is recommended at this time.
- Administrative Oaths—A new fee is recommended for administering oaths for residents

***Business or other Trade Licensing***—This fee generates approximately \$1,500 a year and is for transient trade or vendor license. An increase of less than 1% is recommended.

## Town of Essex—Comprehensive Study of Fees & Charges

### Finance, Legislative and Business Licensing Existing and Recommended Fees

Description of Fee or Charge	Unit	Fee or Charge	Proposed Fee or Charge
<b>Finance</b>			
Tax Certificate or Statement per Section 352(1) of the Municipal Act	Each	\$ 74.67	\$ 75.00
Payment Dishonoured or Returned as Non-Sufficient Funds	Each	\$ 28.18	\$ 35.00
Tax Certificate or Statement Rush (required within 3 business days) per Section 352(1) of the <i>Municipal Act, 2001</i>	Each	\$ 146.17	\$ 150.00
Tax Receipt/Account Information/Duplicate/Reprint	Per property	\$ 10.80	\$ 11.00
Refund of Credit on Account	Each	\$ 26.95	\$ 27.00
Misposting of Payment	Each	\$ 27.00	\$ 27.00
Accounts Receivable - Invoices outstanding over 30 days	Per month	1.25%	1.25%
Financing Administration	Per property	\$ 107.82	\$ 110.00
Research (for Tax, Accounting for Financial Information more than 3 years)	Per property	\$ 53.92	\$ 55.00
Photocopy (letter, legal, 11 x 17)	Each	\$ 0.44	\$ 0.45
<b>Legislative Services (Clerk)</b>			
Lottery Licences:			
Bingo	Percentage of prizes	2% of prizes for bingo	2% of prizes for bingo
Raffle	Percentage of prizes	2% of prizes for raffle	2% of prizes for raffle
Break Open Ticket	Percentage of prizes	2% of prizes for break open ticket	2% of prizes for break open ticket
Marriage Licence	Each	\$ 140.44	\$ 150.00
Burial Permit	Each	\$ 16.84	\$ 17.00
Administering Oaths or Declarations - Resident	Each	No charge	\$ 14.00
Administering Oaths or Declarations - Non-Resident	Each	\$ 11.23	\$ 28.00
<b>Business or other Trade Licensing</b>			
Transient Trader or Vendor's Licence	Per unit	\$ 337.12	\$ 340.00

## *Town of Essex—Comprehensive Study of Fees & Charges*

### *GIS User Fees Existing and Recommended*

Description of Fee or Charge	Unit	Fee or Charge	Proposed Fee or Charge
<b>Geographic Information System</b>			
Standard Map Products:			
1) 8.5 x 11 inches selected area specified by customer (colour)	Each	\$ 2.23	\$ 2.25
2) 8.5 x 11 inches selected area specified by customer (black and white)	Each	\$ 1.16	\$ 1.25
3) 11 x 17 inches selected are specified by customer (colour)	Each	\$ 3.38	\$ 3.75
4) 11 x 17 inches selected area specified by customer (black and white)	Each	\$ 2.23	\$ 2.25
5) 11 x 17 inches digital aerial photography (colour)	Each	\$ 8.90	\$ 9.50
Standard Products - Wide Format:			
1) Selected area or digital file (black and white) - maximum 42 inches wide	Per square foot	\$ 2.75	\$ 2.80
2) Selected area or digital file (colour) - maximum 42 inches wide (per square foot)	Per square foot	\$ 3.38	\$ 3.75
3) Selected area specified by customer with aerial photography -	Per square foot	\$ 4.55	\$ 5.00
Wide Format Scans:			
Size 22 x 34 inches or 24 x 36	Per scan	\$ 5.08	\$ 5.25
Size 34 x 44 inches or 36 x 48	Per scan	\$ 6.04	\$ 6.25
Other:			
Custom mapping	Per hour	\$ 61.74	\$ 70.00
Drawing format printing	Per square foot	\$ 0.53	\$ 0.55
Compact Disk (CD)/Digital Video Disk (DVD)	Per burn	\$ 11.23	\$ 12.00

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Fire User Fees***

#### ***Legislation/Regulations***

Municipal Act, 2001, ONTARIO REGULATION 244/02, *Amended to O. Reg. 584/06*, FEES AND CHARGES

Section 13 (1) reflects the conditions for police or fire purposes and applies to the power of a municipality or local board under Part XII of the Act to impose fees or charges for inspections or the issuance of permits for ***fire purposes***. O. Reg. 244/02, s. 13 (1). Section (2) states that the amount of the fees or charges for inspections and the issuance of permits for police or fire purposes shall not exceed the cost of providing the fire inspection and permit system.

#### ***Existing User Fees***

- Currently, there are limited fees related to the services provided by the Fire Department. These are restricted to a fee for a fire report, inspection report (not requiring an inspection) and a certificate.
- From 2018-2020, there were 37 property file searches undertaken and 7 fire incident reports where a fee was charged.

#### ***Recommended Approach for Establishing Fire User Fees***

- User fees should be encouraged if they have the potential to improve public fire/life safety.
- User fees should not be considered if they have the potential to jeopardize fire/life safety or for programs that directly contribute to public safety .
- There are a number of traditional or generally accepted service fees including administration fees such as letters and/or copies of reports requested by or for lawyers, insurance companies or real estate brokers. Other typical fees include inspections where requested or required by a person making a profit from the use of premises, property or equipment such as; the sale or purchase of properties such as approval for liquor licences and Propane Storage Facilities.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***False Alarms***

- Every fire alarm that is activated and that results in Fire Services being notified to respond requires a response. If an alarm system is present in a building (other than a private single family dwelling), the property owner has legal requirements for testing and maintenance.
- A goal of establishing a fee for false alarms is to reduce and eliminate false alarms. False alarms are recognized as a safety risk to firefighters and responding emergency personnel, an unnecessary inconvenience and a toll on the taxpayers where no fee is charged.
- A false alarm user fee is used to modify behavior of those responsible for the maintenance of these alarm systems. Poorly maintained systems result in unnecessary false alarms and thus a corresponding emergency response from Fire Services. Utilization of fees is designed such that the building owner should be more inclined to keep the alarm system operational and well maintained to avoid an alarm fee as a result of an unnecessary false alarm, which in turn leads to cost avoidance.
- Fees charged for false alarms are usually charged when an alarm is “preventable”. In addition most municipalities allow a variable number of false alarms to occur without penalty. The recommendation in this report is for a charge after three occurrences in a calendar year.
- Institution of a fee system for false alarms after a defined limit is a leading practice in Ontario. The recommendation is to use the MTO rates and to charge for false alarms after three occurrences in a calendar year per truck. The MTO rate is currently \$477 per hour per vehicle.
- A fee for false alarms exists in a number of peer municipalities including, but not limited to, Leamington, Lasalle, Lakeshore and Amherstburg.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Inspections***

- Inspection requests should be charged a fee designed to recover costs associated with providing the service when it benefits a specific individual and/or organization, rather than our community as a whole. ( i.e.: property sales transactions, liquor licences, Provincial licencing/accreditation, etc.). New fees have been recommended for LCBO licensing inspections and Risk and Safety Management Plans (MSMP) for Propane Storage Facilities.

### ***Re-Inspections***

- A user fee for re-inspections is proposed. A fee would be charged to building owners when re-inspections are required for outstanding violations which are not initially complied with on the noted compliance date. It is recommended that a fee be charged on the second re-inspection and any inspection thereafter. This user fee would promote more timely compliance with Fire Service requirements by imposing an automatic fee for re-inspections when in non-compliance with a Fire Code or other municipally legislated Fire Service requirement after efforts have been made to assist the property owner to become compliant.

### ***Fire Extinguisher Training***

- From 2018-2020, there were 8 fire extinguisher training sessions.
- It is recommended that an approved fee be established for groups up to 20 persons, and an additional fee per person thereafter to recover the cost of service.

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Fire User Fees Existing and Recommended***

The following provides the proposed fees for the Fire Department based on the cost of service:

Description	Existing Fee		Charge	
Fire Fees				
Fire Property Certificate	\$	56.14	\$	75.00
Fire Property Incident Report		N/A	\$	75.00
Fire Property Inspection Report (no inspection required)	\$	56.14	\$	75.00
Business Inspection requiring inspection letter		N/A	\$	125.00
LCBO Licensing Inspection		N/A	\$	125.00
Risk & Safety Management Plans (RSMP) Licensing Inspections (Propane facility)		N/A	\$	125.00
Follow up on inspection on all properties after 1st re-inspection (2nd follow up)		N/A	\$	125.00
3rd and subsequent re-inspection		N/A	\$	125.00
False Alarms (After 3 occurrences in a calendar year)		N/A	Current MTO Rates	
Fire extinguisher training (up to 20 persons)		N/A	\$	190.00
Fire extinguisher training (over 20 persons)		N/A	Additional \$5/per person	

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Cemetery User Fees***

#### ***Legislation/Regulations***

- The *Funeral, Burial and Cremation Services Act (FBCSA)*, 2002, O. Reg. 30/11 requires that every operator of a cemetery provide a price list of all the supplies and services prior to entering into a contract for the purchase of interment rights and internment of any human remains.
- Many processes specific to the sale of interment rights, memorial installations and cemetery services are regulated by this Act.
- Cemeteries are a perpetual responsibility. **Care and Maintenance Funds** have been mandated by Provincial Legislation since 1955 in an effort to ensure that funds are available in perpetuity to maintain cemeteries once they are deemed to be full. Unfortunately, in many cases, Cemetery Care and Maintenance Funds are inadequate. This reality exists for several reasons. It is most likely that any cemetery established before 1955 has inadequate funds. Before 1955, cemeteries were not required to collect an annual care and maintenance fee from lot owners.
- In accordance FBCSA and O. Reg. 30/11 and 184/12 there is a prescribed amount or percentage of the purchase price of all interment and scattering rights sold, transferred, assigned or permitted; and a prescribed amount for monuments and markers to contribute into a Care and Maintenance Fund. The purchase of lots requires that 40% of the prescribed be transferred to a care and maintenance fund and for niche sales 15% of the prescribed fee be transferred. Interest earned from the Care and Maintenance Fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.
- Monument care and maintenance is prescribed by section 30 of the *Cemeteries Act*.



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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Existing User Fees and Operating Environment***

- Since amalgamation in 1999, the Town of Essex has assumed responsibility for the care and maintenance of thirteen (13) cemeteries. Of these 13 cemeteries, only one, Colchester Memorial is actively able to offer plots/lots for sale.
- The following provides a summary of the 2020 Cemetery Operating Budget. The budgeted expenditures are primarily for contracted services for grave service openings and custodial services. Total gross budgeted expenditures was \$131,092 in 2020, with budgeted revenues of \$74,444. The total net levy in 2020 was \$56,648.

<b>Cemeteries</b>	<b>2020 Budget</b>
<b>Expenditures</b>	
Grave Opening Services	\$ 33,019
Custodial Services - Cemeteries	\$ 82,562
Contributions to Reserve Funds	\$ 9,880
Other Expenses	\$ 5,631
<b>Total Expenses</b>	<b>\$ 131,092</b>
<b>Revenues</b>	
Burial Permits	\$ 3,632
Cemetery Lot Sales	\$ 22,000
Grave Opening Charges	\$ 40,725
Lot Transfer Charges	\$ 346
Headstone Care and Maintenance	\$ 741
Revenue Contribution from Reserve Funds	\$ 7,000
<b>Total Revenues</b>	<b>\$ 74,444</b>
<b>Net Levy</b>	<b>\$ 56,648</b>

- Maintenance and operations of cemeteries is provided by an outside contracted service. The contract for ground maintenance has increased from \$80,000 in March 2020 to \$88,573 (approximately 10% increase) in March 2021. External contract costs for interments has not increased.

## ***Town of Essex—Comprehensive Study of Fees & Charges***

### ***Cemetery - Municipal Fee Comparisons***

- Cemetery Services continues to review comparative price points with other local cemetery operations. It is important for Cemetery Services to be within an appreciable range of price with other local cemetery providers to provide reasonable cost effectiveness to the community and be competitive in product and service delivery.
- There are a number of factors impacting the fees including the types of services available, the level of activity and the underlying cost of service.
- The following table summarizes peer municipal fees for cemetery services:

	Single Lot Grave	Single Lot Grave (Range)	Niche	Niche (Range)	Adult Interments	Adult Interments (Range)	Cremation Interments	Cremation Interments (Range)	Niche Interments
Bracebridge	\$ 848		\$ 1,938	\$1,688-\$2,187	\$ 636		\$ 318		\$ 132
Arnprior	\$ 1,225		\$ 1,877	\$1,567-\$2,187	\$ 745		\$ 375		\$ 175
Lincoln	\$ 2,250		\$ 1,896	\$1,692-\$2,100	\$ 1,350		\$ 624		\$ 311
Hanover	\$ 830		\$ 1,673	\$1,540-\$1,805	\$ 900		\$ 450		\$ 310
Lambton Shores	\$ 1,200				\$ 1,000				
Windsor	\$ 1,414	\$943-\$1,885			\$ 1,292		\$ 445		
Kingsville	\$ 750				\$ 805	\$725-\$885	\$ 388	\$300-\$475	
Leamington	\$ 1,000								
Dysart	\$ 950								
Average	\$ 1,163		\$ 1,846		\$ 961		\$ 433		\$ 232
Essex	\$ 1,061		\$ 1,927		\$ 1,004		\$ 858		\$ 300
<b>Essex Proposed</b>	<b>\$ 1,168</b>		<b>\$ 1,966</b>		<b>\$ 1,024</b>		<b>\$ 875</b>		<b>\$ 306</b>

- A number of municipalities have a range in prices to reflect services, locations and premiums.
- Note, reflected in the table above are the non-residential fees. In a number of municipalities there is also a non-residential fee, which is a practice in Essex and this is recommended to continue. By charging non-residential fees, the impact to the general levy is reduced.

## *Town of Essex—Comprehensive Study of Fees & Charges*

### *Cemetery User Fees Existing and Recommended*

The fees recommended reflect a 10% increase in the care and maintenance fees to correspond to the increase in contract prices. Interments fees have been increased by 2%, as have other ancillary fees.

Description	2020	2021
<b>Sales</b>		
Lot Sales - Resident		
Burial Rights	\$ 636.95	\$ 700.65
Perpetual Care	\$ 424.64	\$ 467.10
Total	\$ 1,061.59	\$ 1,167.75
Lot Sales - Non-Resident		
Burial Rights	\$ 955.19	\$ 1,050.71
Perpetual Care	\$ 636.80	\$ 700.48
Total	\$ 1,591.99	\$ 1,751.19
Niche (Columbarium) - Resident		
Burial Rights	\$ 1,638.62	\$ 1,671.39
Perpetual Care	\$ 289.17	\$ 294.95
Total	\$ 1,927.79	\$ 1,966.35
Niche (Columbarium) - Non-Resident		
Burial Rights	\$ 2,048.32	\$ 2,089.24
Perpetual Care	\$ 361.47	\$ 368.69
Total	\$ 2,409.79	\$ 2,457.93
<b>Interments</b>		
Casket	\$ 1,003.51	\$ 1,023.58
Cremated Remains	\$ 858.30	\$ 875.47
Infants	\$ 536.61	\$ 537.63
Niche	\$ 300.00	\$ 306.00
Assisted Services <sup>1</sup>		
Adult or Child	\$ 1,300.00	\$ 1,300.00
Cremated Remains	\$ 500.00	\$ 500.00
Receipt of Irregular Burial Site	\$ 650.00	\$ 650.00
Lots purchased prior to January 1, 1955 where no previous care and maintenance has been paid -		
Resident	\$ 425.23	\$ 467.75
Non-Resident	\$ 639.12	\$ 700.48

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Cemetery User Fees—Existing and Recommended Cont'd***

Description	2020	2021
<b>Marker/Monument Care and Maintenance <sup>2</sup></b>		
Flat Marker less than 173 square inches	\$ -	\$ -
Flat Marker greater than 173 square inches	\$ 50.00	\$ 50.00
Upright Monument up to 4 feet in height/width	\$ 100.00	\$ 100.00
Upright Monument greater than 4 feet in height/width	\$ 200.00	\$ 200.00
<b>Other Services</b>		
Headstone Moving	\$ 498.39	\$ 508.36
Lot Transfer	\$ 152.95	\$ 156.01
<sup>1</sup> Maximum in accordance with O. Reg. 184/12 under the <i>Funeral, Burial and Cremation Services Act, 2002</i>		
<sup>2</sup> Maximum under the <i>Funeral, Burial and Cremation Services Act, 2002</i>		

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Other Fees***

- There are a number of areas in the water/wastewater operations where services are provided with no fee charged.
- Based on leading practice research, municipalities attempt to recover the full cost of service from user fees in water and wastewater operations such as water shut offs, frozen meter repair, wastewater inspections.
- An analysis of the cost of service was undertaken, taking into consideration staff time, equipment usage and materials.

### ***Other Fees—Existing and Recommended***

Description	Existing Fee	Charge
<b>Water/Wastewater</b>		
Water Shutoff Regular Hours	N/A \$	130.00
After Hours Water Shut Off	N/A \$	260.00
Frozen Meter Repair	N/A \$	180.00
Water Meters Missed Appointment	N/A \$	50.00
Wastewater Inspection	N/A \$	130.00
<b>Public Works</b>		
Entrance Permits	\$ 168.61	\$ 200.00
Driveway Apron Improvements (per address)	\$ 56.14	N/A
<b>Other Miscellaneous Fees</b>		
Tile Drainage Loan Inspection (per Inspection)	\$ 112.37	\$ 130.00
Telecommunications Agreement	\$ 2,472.74	\$ 2,522.19

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***Town of Essex—Comprehensive Study of Fees & Charges***

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***Appendix A—Summary of Fees***

## Town of Essex—Comprehensive Study of Fees & Charges

### Building Permit Fees

Class A & B - Assembly and Institutional	Existing Fees	Proposed Fees
Assembly & Institutional (per square foot)	\$10/\$1,000 construction value	\$ 1.70
Class C - Residential	Existing Fees	Proposed Fees
All finished floors (per square foot)	\$ 0.90	\$ 1.14
Unfinished floors (per square foot)	\$ 0.90	\$ 1.14
Decks, porch, shed (per permit)	\$0.32 per square foot	\$ 96.00
Accessory structures (per square foot)	\$ 0.25	\$ 0.32
House moving (each)	\$ 600.00	\$ 600.00
Fence (flat fee)	\$ 60.00	\$ 64.00
Above ground pool (flat fee)	\$ 60.00	\$ 64.00
Inground pool (flat fee)	\$ 60.00	\$ 128.00
Renovations (per square foot)	\$ 0.59	\$ 0.75
Class D & E - Office & Mercantile	Existing Fees	Proposed Fees
Office and Mercantile (per square foot)	\$ 0.80	\$ 1.01
Renovations/tenant improvement (per square foot)	\$ 0.44	\$ 0.56
Class F - Industrial	Existing Fees	Proposed Fees
Industrial Office area (per square foot)	\$ 0.80	\$ 1.01
Industrial Plant area (per square foot)	\$ 0.57	\$ 0.72
Renovations (per square foot)	\$ 0.44	\$ 0.56
Agricultural	Existing Fees	Proposed Fees
Pole barns (per square foot)	\$ 0.20	\$ 0.25
Accessory Agricultural (per square foot)	\$ 0.24	\$ 0.30
Greenhouses (per square foot)	\$0.20 per square foot plus \$0.08 on balance	\$0.25 per square foot plus \$0.1 on balance
Farm Building Renovation (per square foot)		\$ 0.25
Plumbing	Existing Fees	Proposed Fees
New Construction	\$600/unit	\$684/unit
Plumbing Renovations	\$150/unit	\$15/fixture, with a minimum of \$64
Backwater valve		\$96/unit
Storm/Sanitary Sewer Inspection		\$96/unit
On Site Sewage Systems	Existing Fees	Proposed Fees
Sewage Septic System - Class 4 systems	\$ 700.00	\$ 772.00
Tertiary System		\$ 850.00
Septic Repairs - To Existing System		\$ 388.00
Septic Inspections		\$ 96.00
Reviews and Assessments		\$ 96.00

## Town of Essex—Comprehensive Study of Fees & Charges

### Building Permit Fees

Demolitions		Existing Fees	Proposed Fees
Residential - (per Square foot)		\$0.25 per sq. foot	\$0.32 per sq. foot, minimum \$128
Non - Residential - (per Square foot)			\$0.42 per sq. foot, minimum \$128
General Building Fees		Existing Fees	Proposed Fees
Lawyers letters			\$ 64.00
911 signs		\$ 30.00	\$ 64.00
Change of use permit		\$0.25 per sq. foot	\$64 + \$64/hour over one hour
Tents			\$ 96.00
Revised Plan Review			Minimum \$192 + \$64/hour over 3 hours
Transfer of permit - Residential		\$ 50.00	\$ 64.00
Transfer of permit - Non-Residential		\$ 100.00	\$ 128.00
Inspection fee - incomplete not ready for inspection			\$ 64.00
Inspections for Ontario Renovate Program			\$ 128.00
Construction Started without a Permit			150% of the permit fee
Construction Finished without a Permit			200% the permit fee
Solar Panel	Residential		\$ 64.00
	Non-Residential		\$ 128.00
Certificates			
Building/Zoning		\$ 40.00	\$ 64.00
Public Works		\$ 40.00	\$ 64.00
Part 8 (Septic)		\$ 40.00	\$ 64.00
Occupancy Permit		\$ 40.00	\$ 64.00
Miscellaneous Inspection Fees			
Miscellaneous Inspection Fees not listed above		\$ 50.00	\$ 96.00
LCBO Report & Occupant Load Calculations		\$ 100.00	\$ 128.00
Re-inspection	inspection booked, but work incomplete	\$ 60.00	\$ 128.00
Indemnity Deposits		Existing Fees	Proposed Fees
Residential/ Agriculture	new, addition, demolition	\$ 1,000.00	\$ 1,000.00
	driveway approach		\$ 1,000.00
	accessory, pools, renovation	\$ 500.00	\$ 500.00
	agricultural structure	\$ 250.00	\$ 250.00
	mobile homes	\$ 250.00	\$ 250.00
Commercial/ Industrial	new, addition, demolition	\$ 1,500.00	\$ 1,500.00
	sign, renovations	\$ 500.00	\$ 500.00
Minimum permit fee	for all projects not specifically listed above	\$10.00 per \$1,000 construction cost or minimum \$100	Minimum \$128
Building permit fees for all projects not specifically noted above			\$12.50 per \$1,000 construction



## Town of Essex—Comprehensive Study of Fees & Charges

### Planning Fees

Type of Application	Existing Fees	Deposit Required	Proposed Fees	Proposed Deposits Required
Official Plan Amendment	\$ 6,400		\$ 6,400	To be determined at time application
Zoning By-Law Amendment - Major (Note 1)	\$ 2,580		\$ 3,300	
Zoning By-Law Amendment - Minor (Note 1)	\$ 1,900		\$ 2,500	
Holding Removal	\$ 1,000		\$ 1,200	
Temporary Use By-Law	\$ 2,000		\$ 2,500	
Site Plan Control	\$ 2,800		\$ 2,900	
Site Plan Amendment - Major (Note 1)	\$ 2,500		\$ 2,500	To be determined at time application
Site Plan Amendment - Minor (Note 1)	\$ 1,850		\$ 2,000	
Plan of Subdivision and Condominium	\$ 5,000	\$ 10,000	\$ 6,600	\$ 10,000
Part Lot Control Exemption By-Law - Major (Note 1)	\$ 1,800		\$ 1,700	
Part Lot Control Exemption By-Law - Minor (Note 1)	\$ 1,800		\$ 1,300	
Committee of Adjustment Applications:				
Consent to Sever	\$ 1,200		\$ 1,400	
Complex Minor Variances (Note 1)	\$ 900		\$ 1,200	
Minor Variances (Note 1)	\$ 900		\$ 900	
Consent to Sever and Variance (applications submitted	\$ 1,750		\$ 2,200	
Change of Consent Conditions - Minor Request	N/A		\$ 250	
Change of Consent Conditions - Major Request	N/A		\$ 400	
Deferred Committee of Adjustment Application	N/A		\$ 110	
Certificate of Validation	N/A		\$ 120	
Development Agreements:				
Plan of Subdivision and Condominium (Note 2)	\$ 8,000	\$ 5,000	N/A	
Site Plan Control (Note 3)	\$ 2,500	\$ 5,000	N/A	
All Other Developments	\$ 4,500	\$ 5,000	\$ 2,800	To be determined at time application
Sign By-Law Amendment	\$ 500		\$ 720	
Note 1 - The determination of whether an application constitutes a Minor or Major Application will be made by the				
Note 2 - Subdivision and Condominium Agreement fee now included in the Subdivision and Condominium application				
Note 3 - Site Plan Agreement fee now included in the Site Plan application fee				

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***By-Law Enforcement***

<b>Description</b>	<b>Existing Fees</b>	<b>Proposed Fees</b>
Clean Yard By-law Order - Town Work/Clean up/Cut	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Snow Clearing By-law Order - Town Work	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Weed Control Act Order - Town Work	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Property Standards Order - Town Work	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Application for Noise Exemption	\$54/hr + 20% Admin Fee	\$123/hr, minimum \$123
Administrative Fee for second infraction and any other additional infractions of the above noted charges within a twelve month period on the same property		\$ 123.00

## Town of Essex—Comprehensive Study of Fees & Charges

### Finance, Legislative and Business Licensing Existing and Recommended Fees

Description of Fee or Charge	Unit	Fee or Charge	Proposed Fee or Charge
<b>Finance</b>			
Tax Certificate or Statement per Section 352(1) of the Municipal Act	Each	\$ 74.67	\$ 75.00
Payment Dishonoured or Returned as Non-Sufficient Funds	Each	\$ 28.18	\$ 35.00
Tax Certificate or Statement Rush (required within 3 business days) per Section 352(1) of the <i>Municipal Act, 2001</i>	Each	\$ 146.17	\$ 150.00
Tax Receipt/Account Information/Duplicate/Reprint	Per property	\$ 10.80	\$ 11.00
Refund of Credit on Account	Each	\$ 26.95	\$ 27.00
Misposting of Payment	Each	\$ 27.00	\$ 27.00
Accounts Receivable - Invoices outstanding over 30 days	Per month	1.25%	1.25%
Financing Administration	Per property	\$ 107.82	\$ 110.00
Research (for Tax, Accounting for Financial Information more than 3 years)	Per property	\$ 53.92	\$ 55.00
Photocopy (letter, legal, 11 x 17)	Each	\$ 0.44	\$ 0.45
<b>Legislative Services (Clerk)</b>			
Lottery Licences:			
Bingo	Percentage of prizes	2% of prizes for bingo	2% of prizes for bingo
Raffle	Percentage of prizes	2% of prizes for raffle	2% of prizes for raffle
Break Open Ticket	Percentage of prizes	2% of prizes for break open ticket	2% of prizes for break open ticket
Marriage Licence	Each	\$ 140.44	\$ 150.00
Burial Permit	Each	\$ 16.84	\$ 17.00
Administering Oaths or Declarations - Resident	Each	No charge	\$ 14.00
Administering Oaths or Declarations - Non-Resident	Each	\$ 11.23	\$ 28.00
<b>Business or other Trade Licensing</b>			
Transient Trader or Vendor's Licence	Per unit	\$ 337.12	\$ 340.00

## ***Town of Essex—Comprehensive Study of Fees & Charges***

### ***GIS Existing and Recommended Fees***

Description of Fee or Charge	Unit	Fee or Charge	Proposed Fee or Charge
<b>Geographic Information System</b>			
Standard Map Products:			
1) 8.5 x 11 inches selected area specified by customer (colour)	Each	\$ 2.23	\$ 2.25
2) 8.5 x 11 inches selected area specified by customer (black and white)	Each	\$ 1.16	\$ 1.25
3) 11 x 17 inches selected are specified by customer (colour)	Each	\$ 3.38	\$ 3.75
4) 11 x 17 inches selected area specified by customer (black and white)	Each	\$ 2.23	\$ 2.25
5) 11 x 17 inches digital aerial photography (colour)	Each	\$ 8.90	\$ 9.50
Standard Products - Wide Format:			
1) Selected area or digital file (black and white) - maximum 42 inches wide	Per square foot	\$ 2.75	\$ 2.80
2) Selected area or digital file (colour) - maximum 42 inches wide (per square foot)	Per square foot	\$ 3.38	\$ 3.75
3) Selected area specified by customer with aerial photography -	Per square foot	\$ 4.55	\$ 5.00
Wide Format Scans:			
Size 22 x 34 inches or 24 x 36	Per scan	\$ 5.08	\$ 5.25
Size 34 x 44 inches or 36 x 48	Per scan	\$ 6.04	\$ 6.25
Other:			
Custom mapping	Per hour	\$ 61.74	\$ 70.00
Drawing format printing	Per square foot	\$ 0.53	\$ 0.55
Compact Disk (CD)/Digital Video Disk (DVD)	Per burn	\$ 11.23	\$ 12.00

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## ***Town of Essex—Comprehensive Study of Fees & Charges***

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### ***Fire Existing and Recommended Fees***

Description	Existing Fee		Charge	
Fire Fees				
Fire Property Certificate	\$	56.14	\$	75.00
Fire Property Incident Report		N/A	\$	75.00
Fire Property Inspection Report (no inspection required)	\$	56.14	\$	75.00
Business Inspection requiring inspection letter		N/A	\$	125.00
LCBO Licensing Inspection		N/A	\$	125.00
Risk & Safety Management Plans (RSMP) Licensing Inspections (Propane facility)		N/A	\$	125.00
Follow up on inspection on all properties after 1st re-inspection (2nd follow up)		N/A	\$	125.00
3rd and subsequent re-inspection		N/A	\$	125.00
False Alarms (After 3 occurrences in a calendar year)		N/A	Current MTO Rates	
Fire extinguisher training (up to 20 persons)		N/A	\$	190.00
Fire extinguisher training (over 20 persons)		N/A	Additional \$5/per person	

## Town of Essex—Comprehensive Study of Fees & Charges

### Cemetery Existing and Recommended Fees

Description	2020	2021
<b>Sales</b>		
Lot Sales - Resident		
Burial Rights	\$ 636.95	\$ 700.65
Perpetual Care	\$ 424.64	\$ 467.10
Total	\$ 1,061.59	\$ 1,167.75
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Burial Rights	\$ 955.19	\$ 1,050.71
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Assisted Services <sup>1</sup>		
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Cremated Remains	\$ 500.00	\$ 500.00
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Resident	\$ 425.23	\$ 467.75
Non-Resident	\$ 639.12	\$ 700.48

## Town of Essex—Comprehensive Study of Fees & Charges

### Cemetery Existing and Recommended Fees Cont'd

Description	2020	2021
<b>Marker/Monument Care and Maintenance <sup>2</sup></b>		
Flat Marker less than 173 square inches	\$ -	\$ -
Flat Marker greater than 173 square inches	\$ 50.00	\$ 50.00
Upright Monument up to 4 feet in height/width	\$ 100.00	\$ 100.00
Upright Monument greater than 4 feet in height/width	\$ 200.00	\$ 200.00
<b>Other Services</b>		
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Lot Transfer	\$ 152.95	\$ 156.01
<sup>1</sup> Maximum in accordance with O. Reg. 184/12 under the <i>Funeral, Burial and Cremation Services Act, 2002</i>		
<sup>2</sup> Maximum under the <i>Funeral, Burial and Cremation Services Act, 2002</i>		

### Other Fees

Description	Existing Fee	Charge
<b>Water/Wastewater</b>		
Water Shutoff Regular Hours	N/A	\$ 130.00
After Hours Water Shut Off	N/A	\$ 260.00
Frozen Meter Repair	N/A	\$ 180.00
Water Meters Missed Appointment	N/A	\$ 50.00
Wastewater Inspection	N/A	\$ 130.00
<b>Public Works</b>		
Entrance Permits	\$ 168.61	\$ 200.00
Driveway Apron Improvements (per address)	\$ 56.14	N/A
<b>Other Miscellaneous Fees</b>		
Tile Drainage Loan Inspection (per Inspection)	\$ 112.37	\$ 130.00
Telecommunications Agreement	\$ 2,472.74	\$ 2,522.19