

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to establish fees and charges for various services and to repeal by-law 6949/95/21

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides a municipality may pass by-laws imposing fees or charges on any class or persons; and

Whereas subsection 391(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended allows municipalities to adopt By-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control; and

Whereas the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended provides a municipality may pass by-laws imposing fees and charges; and

Whereas the *Cemeteries Act (Revised), R.S.O. 1990, c. C.4*, as amended, provides a municipality may pass by-laws imposing fees and charges; and

Whereas the *Planning Act, R.S.O. 1990, c. P.13*, as amended, provides a municipality may pass by-laws imposing tariffs, fees and charges; and

Whereas at its meeting of December 13, 2022 the Council of The Corporation of the City of Port Colborne approved the recommendation of Corporate Services Finance Division Report No. 2022-244, Subject: 2023 Proposed Fees and User Charges.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the fees and charges, outlined in Appendices "A to R" attached hereto and forming part of this by-law, be enacted.
2. Unless otherwise identified, that staff be delegated authority to set the price for goods purchased for resale (including insurance for activities held within City facilities). Provided that the price is higher than the cost to purchase the goods.
3. That staff be approved to waive any fee up to \$2,000 on compassionate grounds or when related to a charity or related fundraiser. This waiver shall be applied only once per event.
4. That staff be given delegated authority to set advertising and rental rates not specified in Appendices "A to R" and for sponsorships less than \$50,000.
5. That if a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law, and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.
6. That should this by-law conflict with any other by-law or resolution of Council, or any staff report approved by Council, in relation to fees and charges imposed under the *Municipal Act, Planning Act, Building Code Act* or any other act, this by-law shall take precedence, unless specifically stated to the contrary.
4. That By-law No. 6949/95/21 is hereby repealed.
5. That this by-law come into force and take effect on the day of passing.

Enacted and passed this 13 day of December, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk